

1 **WATCHTOWER BIBLE AND TRACT**  
2 **SOCIETY OF NEW YORK, INC.**

3 **LEGAL DEPARTMENT**

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10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

12 JOHN DORMAN, INDIVIDUALLY, AND )  
13 JOEL GAMBOA, INDIVIDUALLY )

14 Plaintiffs, )

15 vs. )

16 DEFENDANT DOE 1 LA JOLLA CHURCH, )  
17 DEFENDANT DOE 2 LINDA VISTA )  
18 CHURCH, AND DEFENDANT DOE 3 )  
19 SUPERVISORY ORGANIZATION, )  
20 DEFENDANT DOE 4, PERPETRATOR, )  
21 AND DOES 5 THROUGH 100, INCLUSIVE )

22 Defendants. )

Case No.: 37-2010-00092450-CU-PO-CTL

**DEFENDANT WATCHTOWER'S**  
**NOTICE OF MOTION AND MOTION**  
**FOR SUMMARY JUDGMENT OR IN**  
**THE ALTERNATIVE SUMMARY**  
**ADJUDICATION**

~~JUDGE: STEVEN R. DENTON~~

DEPT.: C-73

DATE: December 16, 2011

TIME: 10:30 a.m.

TRIAL DATE: January 27, 2012

23 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

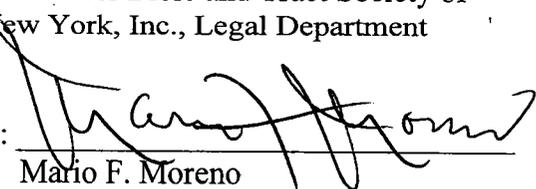
24 **PLEASE TAKE NOTICE** that on December 16, 2011, at 10:30 a.m. or as soon  
25 thereafter as the matter may be heard in Department 73 of the above-titled court located at 330  
West Broadway, San Diego, CA 92101, DEFENDANT DOE 3, SUPERVISORY  
ORGANIZATION, will move and hereby moves the court, to grant their Motion for Summary

1 Judgment or in the Alternative Summary Adjudication against Plaintiffs John Dorman and Joel  
2 Gamboa. The summary judgment is based on this Notice of Motion and Motion for Summary  
3 Judgment or in the Alternative Summary Adjudication, the attached Memorandum of Points and  
4 Authorities, the Separate Statement of Undisputed Facts, the records and papers on file herein,  
5 and upon other such documentary evidence and argument that may be presented at the hearing of  
6 this motion.

7 **PLEASE TAKE FURTHER NOTICE THAT** an appearance by parties or counsel is  
8 necessary on the date and time set forth above. A tentative ruling can be obtained by calling  
9 (619) 691-4721 or by accessing the court's website at <http://www.sdcourt.ca.gov/>.

10 DATED: September 21, 2011

11 Watchtower Bible and Tract Society of  
12 New York, Inc., Legal Department

13 By: 

14 Mario F. Moreno  
15 Associate General Counsel  
16 100 Watchtower Drive  
17 Patterson, NY 12563-9204  
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20 Supervisory Organization  
21  
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24  
25

**PROOF OF SERVICE**  
**DORMAN et al. v. DOE 1, LA JOLLA CHURCH et al.**  
**Case No. 37-2010-00092450-CU-PO-CTL**

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO:

I work in the County of Putnam, State of New York. I am over the age of 18 and am not a party to the within action; my business address is 100 Watchtower Drive, Patterson, NY 12563.

On September 23<sup>rd</sup>, 2011, I served the following document(s) described as **MOTION AND MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION, MEMORANDUM OF POINTS AND AUTHORITIES, AND SEPARATE STATEMENT OF UNDISPUTED FACTS** on all interested parties to this action as follows:

By placing  the original  a true copy thereof enclosed in sealed envelopes addressed as follows: **PLEASE SEE ATTACHED SERVICE LIST.**

**BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with Watchtower Legal Department's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Patterson, New York, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposition for mailing in affidavit.

**BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to \_\_\_\_\_ for delivery to the above address(es).

**BY FAX:** I caused the above-referenced document to be transmitted via facsimile from Fax No. (845) 306-0709 to Fax No. \_\_\_\_\_ directed to \_\_\_\_\_. The facsimile machine I used complies with Rule 2003(3) and no error was reported by the machine.

**BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the addressee(s).

[State] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

[Federal] I declare that I am employed in the office of a member of the bar of \_\_\_\_\_ this court at whose direction the service was made.

Executed on September 23, 2011 at San Diego, California.

  
James R. Defibaugh

1 **SERVICE LIST**  
2 **DORMAN, et al. v. DOE 1, LA JOLLA CHURCH, et al.**  
3 **Case No. 37-2010-00092450-CU-PO-CTL**

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1 **WATCHTOWER BIBLE AND TRACT**  
2 **SOCIETY OF NEW YORK, INC.**  
3 **LEGAL DEPARTMENT**

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10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

12 JOHN DORMAN, INDIVIDUALLY, AND )  
13 JOEL GAMBOA, INDIVIDUALLY )

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14 Plaintiffs, )

15 vs. )

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17 DEFENDANT DOE 2 LINDA VISTA )  
18 CHURCH, AND DEFENDANT DOE 3 )  
19 SUPERVISORY ORGANIZATION, )  
20 DEFENDANT DOE 4, PERPETRATOR, )  
21 AND DOES 5 THROUGH 100, INCLUSIVE )

22 Defendants. )

23 **MEMORANDUM OF POINTS AND**  
24 **AUTHORITIES IN SUPPORT OF**  
25 **DEFENDANT WATCHTOWER'S**  
**MOTION FOR SUMMARY JUDGMENT**  
**OR IN THE ALTERNATIVE SUMMARY**  
**ADJUDICATION**

JUDGE: STEVEN R. DENTON  
DEPT.: C-73  
DATE: December 16, 2011  
TIME: 10:30 a.m.

TRIAL DATE: January 27, 2012

19 Defendant DOE 3 SUPERVISORY ORGANIZATION (hereinafter "Watchtower"),<sup>1</sup> by  
20 and through its attorney of record, submits this Memorandum of Points and Authorities in  
21 Support of Watchtower's Motion for Summary Judgment.

22  
23  
24  
25 <sup>1</sup> This appearance is *not* made on behalf of the unnamed Defendant Doe 4 Perpetrator in the Complaint. Further, this appearance is not made on behalf of Defendant DOE 1 La Jolla Church, or Defendant DOE 2 Linda Vista Church.

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1 There is no predetermined amount of hours a publisher is required to spend in the public  
2 ministry to qualify as a publisher. (UMF No. 5). Individuals spend as much time in the public  
3 ministry as their heart motivates them to do so. (UMF No. 6). Similarly, there is no requirement  
4 for publishers to place certain amounts of literature. (UMF No. 7).

5 Before an individual, whether a man, woman, or child, is recognized as an unbaptized  
6 publisher, two congregation Elders briefly meet with that person (and their parents in the case of  
7 a minor) to determine whether the individual believes the Bible is the inspired Word of God,  
8 whether the person knows basic Bible teachings, whether their life is in harmony with the Bible's  
9 prohibitions against immorality, drunkenness, and drug abuse, and whether they want to be one  
10 of Jehovah's Witnesses. (UMF No. 8). Thereafter, the two Elders determine whether the  
11 individual can be recognized as an unbaptized publisher in the congregation. (UMF No. 8).  
12 However, this procedure for becoming an unbaptized publisher did not come into existence until  
13 it was announced in the November 15, 1988, issue of *The Watchtower*. (UMF No. 9). Prior to  
14 November 15, 1988, the individual who studied the Bible with an interested person made the  
15 decision as to when the interested person would be invited to accompany the congregation in the  
16 field ministry as an approved associate of Jehovah's Witnesses. (UMF No. 9).

17  
18 There is no application form to fill out to become an unbaptized publisher. (UMF  
19 No. 10). Neither Watchtower nor the U.S. branch offices of Jehovah's Witnesses review or  
20 approve whether an individual can be recognized as a baptized or unbaptized publisher, nor do  
21 Watchtower or the U.S. branch offices of Jehovah's Witnesses maintain a list of baptized or  
22 unbaptized publishers in a given congregation. (UMF No. 11). Likewise, prior to November 15,  
23 1988, neither Watchtower nor the U.S. branch offices of Jehovah's Witnesses reviewed or  
24  
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1 approved whether an individual could be an approved associate of Jehovah's Witnesses, and  
2 neither did they maintain list of approved associates in a given congregation. (UMF No. 11).

3 After a person turns in his or her first field service report to the Elders, an announcement  
4 is made during one of the weekday congregation meetings stating that so-and-so is a new  
5 unbaptized publisher in the congregation. (UMF No. 12). The procedure to announce a new  
6 unbaptized publisher to the congregation did not come into existence until it was announced in  
7 the November 15, 1988, issue of *The Watchtower*, and prior to that date there was no  
8 announcement made when an individual became an approved associate. (UMF No. 12).

9 Before an individual can serve as an Elder, Ministerial Servant, and/or Regular or  
10 Auxiliary Pioneer, they must be a baptized publisher. (UMF No. 13) Most baptized publishers  
11 do not serve in an appointed position as Elders, Ministerial Servants, and/or Regular Pioneers.  
12 (UMF No. 13). Also, since the number of Watchtower corporate members range from 30 to 100  
13 at any given time, and historically have been elders who live and serve at the U.S. branch offices  
14 of Jehovah's Witnesses in New York, most Jehovah's Witnesses are not corporate members of  
15 Watchtower. (UMF No. 14).

16 There is no paid clergy class in congregations of Jehovah's Witnesses. (UMF No. 15).  
17 Rather, each congregation is supervised by a group of men, normally three or more, who are  
18 referred to as "Elders." (UMF No. 16). These Elders take the lead in teaching, providing  
19 pastoral care, and organizing the congregations. Most elders are also husbands and fathers, and  
20 most are secularly employed to support their families. These men are unpaid volunteers and they  
21 do not wear any priestly garb or special identifying clothing. (UMF No. 17).

22 Each congregation of Jehovah's Witnesses, including the Linda Vista Spanish  
23 Congregation and the La Jolla Spanish Congregation, has its own individual group of Elders  
24  
25

1 known as a "body of elders" for its separate congregation. (UMF No. 18). Each congregation  
2 body of elders has three different Elders who serve in three different positions known as  
3 "Coordinator of the Body of Elders" (formerly known as "Presiding Overseer"), "Secretary," and  
4 "Service Overseer." (UMF No. 19). The Coordinator of the Body of Elders serves as the  
5 chairman at meetings of the body of elders and generally coordinates congregation activities.  
6 (UMF No. 20). The Secretary maintains field service reports (record of individual's field service  
7 activity) and other congregation records. (UMF No. 21). The Service Overseer monitors the  
8 public ministry of the congregation as a whole, which is sometimes also referred to as "field  
9 ministry." (UMF No. 22). These three Elders (Coordinator of the Body of Elders, Secretary,  
10 and Service Overseer) constitute a "Congregation Service Committee" to care for some matters  
11 on behalf of the body of elders, such as the composition and location of Congregation Book  
12 Studies, and any communications with Watchtower, the U.S. branch offices, and with other  
13 congregations. (UMF No. 23).

14  
15 Other Elders on the body of elders serve as a Theocratic Ministry School Overseer, a  
16 *Watchtower* Study Conductor, and Congregation Book Study Overseers. (UMF No. 24). The  
17 Theocratic Ministry School Overseer is responsible for organizing and instructing a weekly  
18 midweek meeting entitled the Theocratic Ministry School. (UMF No. 25). The *Watchtower*  
19 Study Conductor organizes and oversees weekly one-hour meeting that takes place on the  
20 weekends (usually Sunday) during which an article from the *Watchtower* magazine is  
21 considered. (UMF No. 26). Both of these meetings are held at the Kingdom Hall and open to all  
22 members of the congregation and the public. (UMF No. 27). During the 1970's and through the  
23 1990's, Congregation Book Study Overseers organized and oversaw a second weekly one-hour  
24 meeting of separate small groups that would meet in the private homes of some of the  
25

1 congregation members to study a Bible-based publication published by Jehovah's Witnesses.  
2 (UMF No. 28).

3 Each congregation also has "Ministerial Servants" who assist the Elders to care for the  
4 practical needs of the congregation. (UMF No. 29). The responsibilities of Ministerial Servants  
5 include handling the congregation literature, congregation accounts, congregation territory for  
6 the public ministry, microphones and sound equipment, serving as attendants during  
7 congregation meetings at the Kingdom Hall, and maintaining the physical appearance and  
8 cleanliness of the Kingdom Hall. (UMF No. 30).

9 Congregations also have "Regular Pioneers," who can be men, women, or minors who  
10 are active in the public ministry. (UMF No. 31). During the 1970's through the 1990's, Regular  
11 Pioneers had to average 100 hours per month in the public ministry and later 90 hours per month.  
12 Beginning in 1976, Auxiliary Pioneers had a 60 hours per month average. Currently, Regular  
13 Pioneers have to average 70 hours per month in the public ministry and Auxiliary Pioneers have  
14 to average 50 hours per month. (UMF No. 32).

15  
16 Elders, Ministerial Servants, and Regular and Auxiliary Pioneers are all volunteers and  
17 none of them are paid for their service nor do they receive any reimbursement for their  
18 transportation, living, or meal expenses. (UMF No. 33). Neither Watchtower, the U.S. branch  
19 offices of Jehovah's Witnesses, nor any congregations of Jehovah's Witnesses have any paid  
20 employees, and as previously noted, there is no paid clergy class. (UMF No. 34).

21 At least twice a year, the body of elders of a congregation meet together to review the  
22 qualifications of the men in the congregation who might qualify to be recommended as an Elder  
23 or Ministerial Servant. (UMF No. 35). Elders are recommended from among the Ministerial  
24 Servants in the congregation and must meet the spiritual qualifications found at 1 Timothy, 3:1-7  
25

1 and Titus 1:5-9. (UMF No. 36). Ministerial Servants are recommended from other male  
2 members of the congregation who are not serving as an Elder or Ministerial Servant and who  
3 meet the spiritual qualifications found at 1 Timothy 3:8-10, 12, 13. (UMF No. 37). A "Regular  
4 Pioneer" or "Auxiliary Pioneer" on the other hand, is a position that any congregation member  
5 can apply for by filling out an application and turning it in to the Congregation Service  
6 Committee. (UMF No. 38). The Congregation Service Committee reviews the application to  
7 determine, among other factors, whether the individual meets the moral requirements and is  
8 likely to meet the monthly time requirements to serve as a Regular Pioneer or Auxiliary Pioneer.  
9 (UMF No. 39).

10 During the 1970's through the 1990's, the local congregation Elders' recommendations  
11 of Elders, Ministerial Servants, and Regular Pioneers had to be approved by the Service  
12 Department at the U.S. branch offices of Jehovah's Witnesses in New York before they could be  
13 appointed. (UMF No. 40). However, Auxiliary Pioneers were approved by the local  
14 Congregation Service Committee without any review or approval by the Service Department at  
15 the U.S. branch offices. (UMF No. 40). During the 1970's through the 1990's, all appointments  
16 of Elders, Ministerial Servants, and Regular Pioneers in the United States were communicated by  
17 the Service Department to congregations through Watchtower. (UMF No. 41). After the local  
18 congregation body of elders received the approval from Watchtower for an appointment, an  
19 announcement was made to the congregation during one of the regularly scheduled weekday  
20 meetings stating that the individual was appointed to serve as an Elder, Ministerial Servant, or  
21 Regular Pioneer. (UMF No. 42). A similar announcement was made after a publisher was  
22 approved as an Auxiliary Pioneer by the local Congregation Service Committee. (UMF No. 42).  
23  
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1                   ***Plaintiff John Dorman's Claim***

2           Plaintiff John Dorman (hereinafter "Dorman"), born on September 7, 1977, was  
3 sexually abused by Gonzalo Campos on two different dates within a twelve-month period  
4 when he was in first or second grade. (UMF No. 43). Dorman's abuse therefore took place  
5 roughly from 1983 to 1984 when Dorman was approximately 7 to 8 years old and while both  
6 he and Campos were associated with the Linda Vista Spanish Congregation. (UMF No. 43).

7           Dorman's first abuse took place when Campos took him on a landscaping job and  
8 touched him inappropriately while traveling inside of Campos's van to and from the  
9 worksite. (UMF No. 44). Dorman's second abuse was within twelve months when Campos  
10 abused him on the way to a different landscaping jobsite. (UMF No. 45). Dorman was also  
11 abused by Campos later that same day at a home where Campos's mother worked as a  
12 housecleaner. (UMF No. 45). In the spring of 1994, when he was 16 years old, Dorman first  
13 disclosed his abuse by Campos to his parents who thereafter contacted elders in the Linda  
14 Vista Spanish Congregation about the alleged abuse. (UMF No. 46).

15                   ***Plaintiff Joel Gamboa's Claim***

16           Plaintiff Joel Gamboa (hereinafter "Gamboa"), born on December 31, 1980, was  
17 sexually abused repeatedly by Campos from the time he was 8 or 9 until he was 14, which  
18 would roughly be from 1988 to 1994. (UMF No. 58). This sexual abuse took place during  
19 Bible study with Campos, after Campos picked him up from school, on Campos's  
20 landscaping jobs, and at Campos's home. (UMF No. 59). In 1995, when Gamboa was about  
21 14 years old, he first disclosed his abuse by Campos when an elder from the Linda Vista  
22 Spanish Congregation called to ask him about it. (UMF No. 60). Subsequently, Gamboa  
23 told his mother, his kids' mother, and his current girlfriend. (UMF No. 61).  
24  
25

1 Further, Gamboa has always known that he was abused by Campos, and there was  
2 never a period of time when he blocked it out. (UMF No. 62). Gamboa did not file this  
3 action until May 20, 2010, when he was 29 years old. (UMF No. 63).

4 ***Defendant Gonzalo Campos***

5 Defendant Campos was born on January 10, 1963, and began to associate with the  
6 Linda Vista Spanish Congregation in about 1978 or 1980, when he was 16 or 17 years old.  
7 (UMF No. 47). As a teenager, Campos studied the Bible with Jehovah's Witnesses in the  
8 Linda Vista Spanish Congregation where he attended meetings along with his mother, and he  
9 was eventually invited by the publisher who studied the Bible with him to accompany the  
10 congregation in the field ministry as an approved associate of Jehovah's Witnesses. (UMF  
11 No. 48). Campos was later baptized as one of Jehovah's Witnesses in 1980, at age 17, and he  
12 continued as a baptized publisher in the Linda Vista Spanish Congregation. (UMF No. 49).

13  
14 By 1986 the Linda Vista Spanish Congregation had grown larger in number and a  
15 separate congregation known as the La Jolla Spanish Congregation was formed in November  
16 1986 as an offshoot of the Linda Vista Spanish Congregation. (UMF No. 50). At that same  
17 time, Campos ceased his association with the Linda Vista Spanish Congregation and he  
18 began to associate with the newly formed La Jolla Spanish Congregation because he lived  
19 closer to this new congregation so it was more convenient. (UMF No. 51). When Campos  
20 began associating with the La Jolla Spanish Congregation, he was still only a baptized  
21 publisher (i.e., congregation member) and he had never served as an Elder, Ministerial  
22 Servant, or Regular or Auxiliary Pioneer while he was associated with the Linda Vista  
23 Spanish Congregation. (UMF Nos. 52, 53). It was not until December 22, 1988, when  
24 Campos was a member of the La Jolla Spanish Congregation that he was first appointed to  
25

1 serve as a Ministerial Servant in the La Jolla Spanish Congregation. (UMF No. 53).  
2 Subsequently, on June 23, 1993, Campos was appointed to serve as an Elder with the La  
3 Jolla Spanish Congregation. (UMF Nos. 52, 54). He was never appointed to serve as an  
4 Elder in the Linda Vista Spanish Congregation, or in any other congregation of Jehovah's  
5 Witnesses, prior to that date. (UMF No. 54).

6 In January 1994, the La Jolla Spanish Congregation changed its name to Playa Pacifica  
7 Spanish Congregation, and Campos continued to serve as an Elder there until he was  
8 disfellowshipped, or expelled from the congregation, on June 9, 1995. (UMF No. 55). At no  
9 time did Campos ever serve as a Regular Pioneer in the Linda Vista Spanish Congregation or  
10 in any other congregation of Jehovah's Witnesses, nor did Campos ever serve as an Auxiliary  
11 Pioneer while associated with the Linda Vista Spanish Congregation. (UMF No. 56).  
12 Furthermore, at no time was Campos ever a member or employee of Watchtower. (UMF  
13 No. 57)  
14

### 15 SUMMARY JUDGMENT STANDARD

16 Defendants moving for summary judgment bear the burden of showing that a cause of  
17 action has no merit because plaintiff cannot establish an element of the claim or because  
18 defendants have a complete defense. If the defendants make this showing, the burden then  
19 shifts to the plaintiff opposing the summary judgment motion to establish that a triable issue  
20 of fact exists. *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 768, 107 Cal.Rptr.2d  
21 617; Code Civ. Proc., § 437c, subds. (a), (p)(2).

22 A party moving for summary judgment must support that motion "by affidavits,  
23 declarations, admissions, answers to interrogatories, depositions, and matters of which  
24 judicial notice shall or may be taken." Code Civ. Proc., § 437c, subd. (b)(1). Supporting  
25

1 affidavits or declarations “shall be made by any person on personal knowledge, shall set forth  
2 admissible evidence, and shall show affirmatively that the affiant is competent to testify to  
3 the matters stated in the affidavits or declarations.” *Id.* at subd. (d).

#### 4 ARGUMENT

5 **I. Summary judgment against Dorman is appropriate because Defendant Campos**  
6 **was not an employee or agent of Defendant Watchtower at the time of the alleged**  
7 **abuse.**

8 **A. Watchtower is not responsible for Campos’ sexual abuse of Dorman since**  
9 **Campos was only a rank-and-file congregation member at the time of the**  
10 **alleged abuse.**

11 The Restatement states that, “As a general rule one has no duty to control the conduct  
12 of another, and no duty to warn those who may be endangered by such conduct. [Citations.]  
13 A duty may arise, however, where ‘(a) a special relation exists between the actor and the  
14 third person which imposes a duty upon the actor to control the third person’s conduct, or  
15 (b) a special relation exists between the actor and the other which gives the other a right to  
16 protection.’ Rest.2d Torts, § 315; [citations].” *Peterson v. San Francisco Community College*  
17 *Dist.* (1984) 36 Cal.3d 799, 806, 205 Cal.Rptr. 842. “This rule derives from the common  
18 law’s distinction between misfeasance and nonfeasance, and its reluctance to impose liability  
19 for the latter. [Citation.]” *Tarasoff v. Regents of University of California* (1976) 17 Cal.3d  
20 425, 435, fn. 5, 131 Cal.Rptr.2d 14, 551 P.2d 334.

21 Plaintiff Dorman (born on September 7, 1977) claims that between 1983 and 1984,  
22 when he was in the first or second grade, Campos abused him on two different days. (UMF  
23 No. 43). At that time, Campos was a rank-and-file congregation member of the Linda Vista  
24 Spanish Congregation, and he was never a member or employee of Watchtower. (UMF Nos.  
25 49-57). It was not until December 22, 1988 (in the La Jolla Spanish Congregation), four  
years after his abuse of Dorman that Campos was appointed as a Ministerial Servant. (UMF

1 No. 53). Therefore, summary judgment in favor of Watchtower is appropriate because it  
2 cannot be held liable for the general negligence or negligent supervision, appointment,  
3 selection, hiring or retention claims since he was only a rank-and-file congregation member  
4 of the Linda Vista Spanish Congregation at the time of Dorman's abuse. Campos was not a  
5 member, agent, employee, or servant of Watchtower. Even if the court finds that Campos, a  
6 rank-and-file congregation member, is an agent of the congregation, since Watchtower does  
7 not review or approve rank-and-file congregation members, Campos would still not be an  
8 agent of Defendant Watchtower. (UMF No. 10-11).

9  
10 Furthermore, Dorman's alleged abuse did not take place during any Watchtower  
11 related activities or on Watchtower property. (UMF Nos. 43-45). Rather, it occurred when  
12 Campos took Dorman on his secular landscaping jobs or to where Campos' mother worked  
13 as a housecleaner. (UMF Nos. 44-45). Therefore, even if the Court were concerned that  
14 potential agency could exist between Campos and Watchtower by virtue of Campos being a  
15 rank-and-file Linda Vista Spanish congregation member, summary judgment should still be  
16 granted to Defendant Watchtower since Dorman's alleged abuse did not occur during any  
17 Watchtower activity or on Watchtower property.

18 **B. Watchtower did not have an agency relationship with Campos simply by**  
19 **virtue of his being a congregation member at the time of Dorman's alleged**  
20 **abuse.**

21 Whether or not a local congregation member is an agent of Watchtower, the national  
22 church entity of Jehovah's Witnesses, has not been decided in California. But this issue has  
23 been decided by a Florida Appellate Court in *Gillet v. Watchtower Bible & Tract Society of*  
24 *Pennsylvania, Inc.* (Fl. Ct. App. 2005) 913 So.2d 618. In *Gillet*, a plaintiff sued a Miami  
25 Congregation of Jehovah's Witnesses (the Miami Congregation), and several national  
corporations used by Jehovah's Witnesses, including Watchtower, for injuries resulting from

1 a vehicle-pedestrian accident. *Id.* at 619. At the time of the accident, the plaintiff and the  
2 responsible driver were both members of the Miami Congregation and had just finished  
3 meeting at the plaintiff's home in advance of engaging in the field ministry. As they were  
4 leaving the home, the responsible driver backed out of the plaintiff's driveway and accidentally  
5 struck the plaintiff, who was walking behind the car, causing her to fall into the road where  
6 she was hit by a second vehicle. *Id.*

7 Plaintiff claimed that the responsible driver was an agent of the Miami Congregation by  
8 virtue of her being a congregation member and the fact that the responsible driver was about  
9 to engage in the field ministry. *Id.* The Florida Court of Appeals noted that when the  
10 congregation member performed field ministry, "she did so not as the agent of any church  
11 entity, but, as she stated, '[for] Jehovah God' and as part of a well-established, long-  
12 recognized religious practice." *Id.* at 620.

13  
14 In this case, there is less of a connection between Campos and Watchtower than there  
15 was in the *Gillet* case. The simple fact that Campos was a member of the Linda Vista  
16 Spanish Congregation at the time of Dorman's abuse does not make Campos an agent of  
17 Watchtower.

18 **C. Summary judgment against Plaintiff Dorman is also appropriate because**  
19 **volunteer organizations, including churches, do not have a legal duty to protect**  
20 **their members from abuse by one another.**

21 Several courts have addressed and rejected attempts to impose duties on Watchtower to  
22 protect rank-and-file congregation members from one another. In *Meyer v. Lindala* (Minn.  
23 Ct. App. 2004) 675 N.W.2d. 635, the plaintiffs Meyer and Doe, their parents, and the  
24 respondent Derek Lindala and his parents were all members of the Annandale Congregation  
25 of Jehovah's Witnesses. *Id.* at 637. Meyer alleged that Lindala had abused her in various  
locations, including Lindala's home. *Id.* at 638. Doe alleged that she too had been abused on

1 one occasion in the basement of Lindala's parents' home. *Id.* At the time, Lindala was a  
2 rank-and-file congregation member and did not hold an appointed position within the  
3 congregation. The plaintiffs claimed that the Annandale Congregation and Watchtower  
4 owed them a legal duty of care because they were allegedly on notice that Lindala had  
5 previously abused another minor.

6 The Minnesota Court of Appeals noted that "an affirmative duty to act only arises when  
7 a special relationship exists between the parties." *Id.* at 639. "The fact that an actor realizes  
8 or should realize that action on his part is necessary for another's aid or protection does not  
9 of itself impose upon him a duty to take such action ... unless a special relationship exists ...  
10 between the actor and the other which gives the other the right to protection." (alteration in  
11 original) (quotation omitted).

12 Further, the court held that a special relationship exists where one party has "custody of  
13 another under circumstances that deprive the other of normal opportunities for self-  
14 protection." *Meyer*, 675 N.W.2d. at 639. "Typically, the plaintiff is in some respect  
15 particularly vulnerable and dependent on the defendant, who in turn holds considerable  
16 power over the plaintiff's welfare." *Id.* at 639-40 (citation omitted).

17 The facts in *Meyer* did not support a special relationship with the plaintiffs. Neither the  
18 Annandale Congregation nor Watchtower had "custody or control over Meyer and Doe at the  
19 time of the alleged misconduct. The incidents of sexual misconduct took place at Lindala's  
20 residence, on a snowmobile, and in an automobile. Meyer and Doe do not argue that the  
21 misconduct took place during Annandale Congregation functions or on Annandale  
22 Congregation property." *Id.* at 640.  
23  
24  
25

1 In this case, Dorman claims that he and Campos were both associated with the Linda  
2 Vista Spanish Congregation when Dorman's abuse occurred. (UMF No. 43). Like the  
3 perpetrator Lindala in *Meyer*, Campos was a rank-and-file member of the Linda Vista  
4 Spanish Congregation, and he did not hold an appointed position as an Elder, Ministerial  
5 Servant, or Regular or Auxiliary Pioneer at the time of the abuse, and he was not an  
6 employee or agent of Watchtower. (UMF Nos. 49-52) Further, the abuse was not related to  
7 any Watchtower activity and it did not occur on any congregation property. (UMF Nos. 44,  
8 45). Therefore, even assuming the elders in the Linda Vista Spanish Congregation were  
9 aware of the danger posed by Campos in 1983, which is disputed, "mere knowledge coupled  
10 with power is insufficient to impose a duty." *Meyer*, 675 N.W.2d at 640.

11 Summary judgment should be entered in favor of Defendant Watchtower and against  
12 Plaintiff Dorman because no "special relationship" existed between them and thus,  
13 Watchtower owed him no legal duty, at the time of his alleged abuse.  
14

15 **D. The *Juarez v. Boy Scouts of America* decision does not support Plaintiff**  
16 **Dorman's claims of general negligence or negligent failure to warn, train, or**  
**educate, against Defendant Watchtower.**

17 One of the recent landmark negligence decisions in California that Plaintiff Dorman  
18 relies upon is *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377, 97 Cal.Rptr.2d  
19 12. In *Juarez*, the plaintiff, Mario R. Juarez, alleged that in 1990, while a member of Boy  
20 Scout Troup 255, he was repeatedly sexually molested by Jorge Francisco Paz (Paz), a  
21 scoutmaster of the troop. *Id.* at 384, 97 Cal.Rptr. at 16-17. According to Juarez, "the  
22 molestations occurred in 1990 when he was between 12 and 13 years old. The sexual acts  
23 were committed during officially sanctioned scouting events, such as overnight camping trips,  
24 and at Paz's home." *Id.* at 385, 97 Cal.Rptr. at 17. Juarez revealed the allegations in 1993 and  
25

1 Paz was criminally prosecuted and ultimately sentenced to 14 years in prison on the basis of a  
2 negotiated plea deal. *Id.*

3 The court of appeals affirmed the trial court's decision to grant summary judgment  
4 against all of Juarez's causes of actions except one. "The only viable cause of action is  
5 premised on the theory that the Scouts failed to take reasonable measures to protect Juarez  
6 from sexual molestation by Paz." *Id.* The court went through a seven-part balancing test, based  
7 on *Rowland v. Christian* (1968) 69 Cal.2d 108, 70 Cal.Rptr. 97, to determine that the Scouts  
8 had a duty to the Plaintiff and that duty was breached with respect to Plaintiff Juarez.

9 In this case, Campos' alleged sexual abuse of Dorman does not involve someone in an  
10 appointed position equivalent to a "Scoutmaster." Campos was simply a rank-and-file  
11 congregation member in the Linda Vista Spanish Congregation, not an Elder, Ministerial  
12 Servant, or Regular or Auxiliary Pioneer. (UMF Nos. 49-52). Furthermore, Campos was not  
13 an employee or member of Watchtower. (UMF No. 57). A key fact in *Juarez* is also that the  
14 abuse took place during scouting events such as overnight camping trips. In this case, the  
15 alleged abuse of Dorman by Campos did not take place during Watchtower activities or events.  
16 (UMF Nos. 44, 45).

17  
18 Since *Juarez* does not support Dorman's general negligence claim against  
19 Watchtower, Defendant Watchtower's motion for summary judgment should be granted with  
20 regards to Plaintiff Dorman.

21 **E. Watchtower did not ratify Campos' sexual abuse and harassment of Dorman**  
22 **because he was not Watchtower's agent or employee and the abuse or**  
23 **harassment did not take place on Watchtower property or during Watchtower**  
24 **activity.**

24 Plaintiff Dorman may argue that Watchtower is vicariously liable for his abuse by  
25 Defendant Campos. To support this argument, Dorman may rely on the theory of

1 ratification. “The theory of ratification is generally applied where an employer fails to  
2 investigate or respond to charges that an employee committed an intentional tort, such as  
3 assault or battery.” *Baptist v. Robinson*, (2006) 143 Cal.App.4th 151, 170. Evidence of  
4 ratification may also include an employer’s failure to discharge an agent or employee despite  
5 knowledge of his unfitness. *McChristian v. Popkin* (1946) 75 Cal.App.2d 249, 256.

6 Dorman also relies on cases such as *Murillo v. Rite Stuff Foods, Inc.* (1998) 65  
7 Cal.App.4th 833 to show that “[a] principal is liable when it ratifies an originally  
8 unauthorized tort.” *Id.* at 852. In *Murillo*, the plaintiff alleged that her immediate  
9 supervisor, Efren Atilano (Atilano), touched her inappropriately and made crude sexual  
10 propositions and lewd remarks to her. *Id.* at 839. The plaintiff reported her supervisor’s  
11 conduct to the plant manager, Jose Orlando Tobar (Tobar), but no action was taken to  
12 investigate or remedy the situation. *Id.* Instead, the plaintiff was suspended and then  
13 terminated.

14  
15 In reinstating her vicarious liability claim, the Court of Appeals noted that an employer  
16 cannot be held liable for sexual harassment under the doctrine of respondeat superior. *Id.* at  
17 852. However, the court allowed a ratification claim, noting that the failure to discharge an  
18 agent or employee may be evidence of ratification. *Id.* at 852. ““If the employer, after  
19 knowing of or an opportunity to learn of the agent’s misconduct, continues the wrongdoer in  
20 service, the employer may become an abettor and may make himself liable in punitive  
21 damages.”” *Id.* (internal citation omitted).

22  
23 In the Second Amended Complaint, paragraphs 9 through 9.3, Plaintiffs claim that the  
24 Church Defendants, including Watchtower, retained Campos in a position of authority at the  
25 time of his alleged abuse. However, with respect to Plaintiff Dorman, the facts do not bear

1 this out. As set forth above, Campos was a rank-and-file member of the Linda Vista Spanish  
2 Congregation and not in appointed position as an Elder, Ministerial Servant, or Regular or  
3 Auxiliary Pioneer, at the time he allegedly abused Plaintiff Dorman in 1983 to 1984. (UMF  
4 Nos. 46-52). Further, the alleged abuse of Plaintiff Dorman by Defendant Campos did not  
5 take place during congregation activities or events. (UMF Nos. 43-45).

6 The ratification theory relies on an employer/employee relationship, such as that  
7 between the plaintiff and her supervisor in *Murillo*, or at the very least a principal/agent  
8 relationship in order to be applicable. *Murillo*, 65 Cal.App.4th at 852. Therefore, since  
9 Watchtower did not have an employer/employee or a principal/agent relationship with  
10 Campos, a rank-and-file congregation member during Dorman's alleged abuse by Campos,  
11 and because Campos' abuse of Dorman took place outside of any congregation activities and  
12 outside of congregation property, the ratification argument cannot be used to save Plaintiff  
13 Dorman's claims from summary judgment.

14  
15 In addition, Dorman did not even report his abuse until 1994, or about 10 years after he  
16 as abused by Campos. After Dorman reported his abuse by Campos, the Elders in the Playa  
17 Pacifica Spanish Congregation investigated, deleted Campos as an Elder, and  
18 disfellowshipped him in 1995.

19  
20 **II. Summary judgment should be granted against Plaintiff Gamboa because the  
statute of limitations has lapsed on his claims.**

21 The California Code of Civil Procedure, Section 340.1 governs the statute of limitations  
22 for an action for recovery of damages suffered as a result of childhood sexual abuse. Cal.  
23 Code Civ. Proc. § 340.1 (2011). Although it has been modified many times, the issue in  
24 front of this Court is whether Plaintiff Gamboa timely filed his claims under the most recent  
25 version of the statute that has been in effect since January 1, 2003.

1 In applicable part, the statute reads, "In an action for recovery of damages suffered as a  
2 result of childhood sexual abuse, the time for commencement of the action shall be within  
3 eight years of the date that the plaintiff attains the age of majority or within three years of the  
4 date the plaintiff discovers or reasonably should have discovered the psychological injury or  
5 illness occurring after the age of majority, whichever period expires later." *Id.* Thus, a  
6 plaintiff must bring an action prior to his 26th birth date, or within three years of the date of  
7 the discovery, or the date that plaintiff should have discovered, psychological injury or  
8 illness stemming from the sexual abuse.

9 Questions concerning whether an action is barred by the applicable statute of  
10 limitations are typically questions of fact. *Jolly v. Eli Lilly & Co.* (1988) 44 Cal.3d 1103,  
11 1112, 245 Cal.Rptr. 658. But when "the relevant facts are not in dispute, the application of  
12 the statute of limitations may be decided as a question of law." *International Engine Parts,*  
13 *Inc. v. Feddersen & Co.* (1995) 9 Cal.4th 606, 611-612, 38 Cal.Rptr.2d 150.

14  
15 In this case, Gamboa was born on December 31, 1980, and this action was originally  
16 filed on May 20, 2010, well after his 26th birthday. (UMF Nos. 58, 63). Thus, the issue is  
17 whether he filed his lawsuit "within three years of the date that [he] discovers or reasonably  
18 should have discovered" his psychological injuries or illnesses. Cal. Code Civ. Proc. § 340.1.

19 In his deposition testimony, Gamboa alleges that he was abused by Campos from the  
20 time he was 8 or 9 until he was 14. (UMF No. 58). He first spoke about the abuse in 1995,  
21 when an elder from the Linda Vista Spanish Congregation called him. (UMF No. 60). Later  
22 he told his mother, his kids' mother, and his current girlfriend. (UMF No. 61).  
23  
24  
25

1 When he was asked, “have you always recalled that this abuse took place to you? In  
2 other words, there’s not a period of time where you blocked it out and you didn’t know what  
3 happened?” Gamboa answered, “No, I’ve always known.” (UMF No. 62).

4 Since Gamboa’s claim has been filed after his 26th birthday, he must be able to point to  
5 something or an event when he “discovered” the psychological impact of the alleged abuse in  
6 order to extend the statute of limitation under Section 340.1. However, Gamboa cannot do so  
7 because he has testified that he has “always known about the abuse” and he never blocked it  
8 out, and that he told others about the abuse freely since he was 14 or 15 in 1995. (UMF  
9 Nos. 60-62).

10 Since Gamboa cannot point to anything to show that his claim was filed “within three  
11 years of the date that [he] discovers or reasonably should have discovered the psychological  
12 injury or illness,” his claim is time barred by the statute of limitations.

13  
14 **III. Summary judgment should be granted against Plaintiffs’ fiduciary duty/  
confidential relationship causes of action.**

15 In the event that summary judgment is not granted against Plaintiff Gamboa for the  
16 reasons set forth above, the court should still grant summary judgment on the his cause of  
17 action for breach of a fiduciary duty or a confidential relationship. There is no precedent  
18 under California case law to determine that a national church entity such as Watchtower can  
19 form a confidential relationship with a minor who is associated with, but not yet a baptized  
20 member of, a local congregation.

21  
22 In *Richelle L.*, the Court of Appeal went to great lengths to explain the nature of a cause  
23 of action for breach of fiduciary duty brought against a priest and the Archdiocese. *Richelle*  
24 *L. v. Roman Catholic Archbishop* (2003) 106 Cal.App.4th 257, 265, 130 Cal.Rptr.2d 601.  
25 The Court explained: “[T]echnically, a fiduciary relationship is a recognized legal

1 relationship such as guardian and ward, trustee and beneficiary, principal and agent, or  
2 attorney and client.” *Id.* at 271. There is no recognized fiduciary relationship between a  
3 local congregation and unbaptized minors who associate with the congregation, let alone  
4 between a national church organization like Watchtower and an unbaptized minor who is not  
5 yet a congregation member or member of Watchtower.

6 A “confidential relationship,” on the other hand, refers to an unequal relationship  
7 between parties in which one surrenders to the other some degree of control because of the  
8 trust and confidence which he reposes in the other.” *Id.* at 272 n.6. However, “[a]  
9 *confidential relationship cannot be imposed on an individual, but must be voluntarily*  
10 *accepted.” Id.* (emphasis added). The *Richelle L.* court concluded that the priest may form a  
11 confidential relationship with his parishioner (which the court determined did not exist), but  
12 never addressed the question of whether the Archdiocese, i.e., the church itself, had formed a  
13 fiduciary or confidential relationship with the plaintiff. *Id.* at 282.

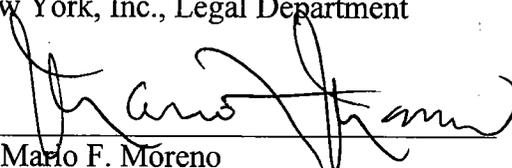
14 By definition, a “confidential relationship” must be made between “individuals,” not  
15 between individuals and national church entities. The issue is not whether Dorman or  
16 Gamboa had a confidential relationship with Campos, but rather whether Dorman or Gamboa  
17 had a “confidential relationship” with Watchtower. Since neither Dorman nor Gamboa could  
18 “repose” their confidence in Watchtower, a national church entity, and this national church  
19 entity cannot “voluntarily accept” his confidence, summary judgment should be granted  
20 against the Plaintiffs on this cause of action.  
21

## 22 CONCLUSION

23 For the reasons set forth above, this Court should grant Watchtower’s Motion For  
24 Summary Judgment, or Summary Adjudication, as to Plaintiffs Dorman and Gamboa.  
25

1 DATED: September 21, 2011

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3 New York, Inc., Legal Department

4 By: 

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10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

12 **JOHN DORMAN, INDIVIDUALLY, AND**  
13 **JOEL GAMBOA, INDIVIDUALLY**

14 Plaintiffs,

15 vs.

16 **DEFENDANT DOE 1 LA JOLLA CHURCH,**  
17 **DEFENDANT DOE 2 LINDA VISTA**  
18 **CHURCH, AND DEFENDANT DOE 3**  
19 **SUPERVISORY ORGANIZATION,**  
20 **DEFENDANT DOE 4, PERPETRATOR,**  
21 **AND DOES 5 THROUGH 100, INCLUSIVE**

22 Defendants.

Case No.: 37-2010-00092450-CU-PO-CTL

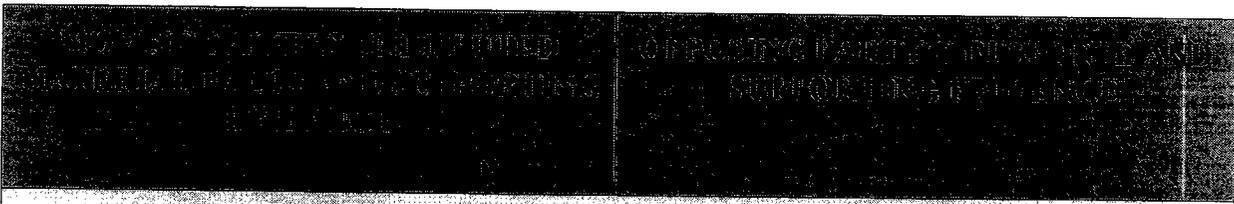
**DEFENDANT WATCHTOWER'S  
SEPARATE STATEMENT OF  
UNDISPUTED FACTS IN SUPPORT OF  
ITS MOTION FOR SUMMARY  
JUDGMENT OR IN THE ALTERNATIVE  
SUMMARY ADJUDICATION**

JUDGE: STEVEN R. DENTON  
DEPT.: C-73  
DATE: December 16, 2011  
TIME: 10:30 a.m.

TRIAL DATE: January 27, 2012

23 Defendant DOE 3 SUPERVISORY ORGANIZATION (HEREINAFTER  
24 "Watchtower"), by and through its attorney of record, offers the following Separate  
25 Statement of Undisputed Facts in Support of its Motion for Summary Judgment or in the  
Alternative Summary Adjudication Pursuant to Code of Civil Procedure § 437(c) and

1 California Rules of Court, Rule 3.1350(d), with respect to all of the causes of action in the  
 2 First Amended Complaint filed by Plaintiffs John Dorman and Joel Gamboa:



3  
 4  
 5  
 6 **Issue 1: AS TO PLAINTIFF DORMAN'S CAUSES OF ACTION, SUMMARY**  
 7 **JUDGMENT IS PROPER BECAUSE DEFENDANT CAMPOS WAS NOT**  
 8 **AN AGENT OR EMPLOYEE OF DEFENDANT WACHTOWER AT THE**  
 9 **TIME OF THE ALLEGED ABUSE OF DORMAN.**

<p>10 1. All congregations of Jehovah's Witnesses      11 are composed of individuals and families      12 who gather together to worship in buildings      called "Kingdom Halls."  <i>Affidavit of Allen Shuster, ¶ 5 (Exhibit 1).</i></p>	<p>1. . . . .</p>
<p>13 2. A rank-and-file member of the      14 congregation is called a "publisher." There      15 are baptized and unbaptized publishers, but      16 only baptized publishers are considered to be      Jehovah's Witnesses or congregation      17 members.  <i>Deposition of Dennis Palmer, p. 49, Ins. 15-      22 (Exhibit 2); Deposition of Jesus Montijo,      p. 14, Ins. 20-24 (Exhibit 3); Affidavit of      18 Allen Shuster, ¶ 6 (Exhibit 1).</i></p>	<p>2. . . . .</p>
<p>19 3. Jehovah's Witnesses do not practice infant      20 baptism, so their youth are not typically      21 baptized until they are of a sufficient age to      make their own determination about their      22 religious beliefs, usually not until their      teenage years, but there is no age      requirement for baptism.  <i>Affidavit of Allen Shuster, ¶ 7 (Exhibit 1).</i></p>	<p>3. . . . .</p>
<p>23 4. Some unbaptized publishers may be as      24 young as five or six years old.  <i>Affidavit of Allen Shuster, ¶ 8 (Exhibit 1).</i></p>	<p>4. . . . .</p>
<p>25 5. There is no predetermined amount of      hours a publisher is required to spend in the</p>	<p>5. . . . .</p>

1	public ministry to qualify as a publisher. <i>Deposition of Justino Diaz</i> , p. 10, lns. 11-22 (Exhibit 4); <i>Affidavit of Allen Shuster</i> , ¶ 9 (Exhibit 1).	
2		
3	6. Individuals spend as much time in the public ministry as their heart motivates them to do so. <i>Affidavit of Allen Shuster</i> , ¶ 10 (Exhibit 1).	6.
4		
5	7. There is no requirement for publishers to place certain amounts of literature. <i>Affidavit of Allen Shuster</i> , ¶ 11 (Exhibit 1).	7.
6		
7	8. Before an individual, whether a man, woman, or child, can qualify to share in the field ministry with the congregation as an unbaptized publisher, two congregation Elders briefly meet with that person (and their parents in the case of a minor) to determine whether the individual believes the Bible is the inspired Word of God, whether the person knows basic Bible teachings, whether their life is in harmony with the Bible's prohibitions against immorality, drunkenness, and drug abuse, and whether they want to be one of Jehovah's Witnesses. Thereafter, the two Elders who meet with the individual determine whether the individual qualifies to be recognized as an unbaptized publisher in the congregation. <i>Affidavit of Allen Shuster</i> , ¶ 12 (Exhibit 1).	8.
8		
9		
10		
11		
12		
13		
14		
15		
16		
17	9. However, this procedure for becoming an unbaptized publisher did not come into existence until it was announced in the November 15, 1988, issue of <i>The Watchtower</i> . Prior to November 15, 1988, the individual publisher who studied the Bible with an interested person made the decision as to when that interested person could be invited to accompany the congregation in the field ministry as an approved associate of Jehovah's Witnesses. <i>Affidavit of Allen Shuster</i> , ¶ 13 (Exhibit 1).	9.
18		
19		
20		
21		
22		
23		
24	10. There is no application form to fill out to become an unbaptized publisher. <i>Affidavit of Allen Shuster</i> , ¶ 14 (Exhibit 1).	10.
25		

<p>1 11. Neither Watchtower nor the U.S. branch  2 offices of Jehovah's Witnesses review or  3 approve whether an individual can be  4 recognized as an unbaptized or baptized  5 publisher, nor do Watchtower or the U.S.  6 branch offices of Jehovah's Witnesses  7 maintain a list of unbaptized or baptized  8 publishers in a given congregation.  9 Likewise, prior to November 15, 1988,  10 neither Watchtower nor the U.S. branch  11 offices of Jehovah's Witnesses reviewed or  12 approved whether an individual could be an  13 approved associate of Jehovah's Witnesses,  14 and neither did they maintain a list of  15 approved associates in a given congregation.  16 <i>Affidavit of Allen Shuster, ¶ 15 (Exhibit 1).</i></p>	<p>11.</p>
<p>17 12. After the person turns in his or her first  18 field service report to the Elders, an  19 announcement is made during one of the  20 weekday congregation meetings that so-and-  21 so is a new unbaptized publisher in the  22 congregation. The procedure to announce a  23 new unbaptized publisher to the congregation  24 did not come into existence until it was  25 announced in the November 15, 1988, issue  of <i>The Watchtower</i>, and prior to that date  there was no announcement made when an  individual became an approved associate.  <i>Affidavit of Allen Shuster, ¶ 16 (Exhibit 1).</i></p>	<p>12.</p>
<p>13. Before an individual can serve as an  Elder, Ministerial Servant, and/or Regular or  Auxiliary Pioneer, they must be a baptized  publisher. Most baptized publishers do not  serve in an appointed position as Elders,  Ministerial Servants, and/or Regular  Pioneers.  <i>Affidavit of Allen Shuster, ¶ 17 (Exhibit 1).</i></p>	<p>13.</p>
<p>14. Since the number of Watchtower  corporate members range from 30 to 100 at  any given time, and historically have been  Elders who live and serve at the U.S. branch  offices of Jehovah's Witnesses in New York,  most Jehovah's Witnesses are not corporate  members of Watchtower.  <i>Affidavit of Danny Bland, ¶ 6 (Exhibit 5).</i></p>	<p>14.</p>

1	15. There is no paid clergy class in congregations of Jehovah's Witnesses.	15.
2	<i>Affidavit of Allen Shuster, ¶ 18 (Exhibit 1).</i>	
3	16. Each congregation is supervised by a group of men, normally three or more, who are referred to as "Elders."	16.
4	<i>Affidavit of Allen Shuster, ¶ 19 (Exhibit 1).</i>	
5	17. These Elders take the lead in teaching, providing pastoral care, and organizing the congregations. Most Elders are also husbands and fathers, and most are secularly employed to support their families. These men are unpaid volunteers and they do not wear any priestly garb or special identifying clothing.	17.
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9	<i>Affidavit of Allen Shuster, ¶ 20 (Exhibit 1).</i>	
10	18. Each congregation of Jehovah's Witnesses, including the Linda Vista Spanish Congregation and the La Jolla Spanish Congregation (now called Playa Pacifica Spanish Congregation), has its own individual group of Elders known as a "body of elders" for its separate congregation.	18.
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14	<i>Affidavit of Allen Shuster, ¶ 21 (Exhibit 1).</i>	
15	19. Each congregation has three different Elders who serve in their separate positions known as "Coordinator of the Body of Elders" (previously called "Presiding Overseer"), "Secretary," and "Service Overseer."	19.
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17		
18	<i>Affidavit of Allen Shuster, ¶ 22 (Exhibit 1).</i>	
19	20. The "Coordinator of the Body of Elders" serves as the chairman at meetings of the Elders and generally coordinates congregation activities.	20.
20		
21	<i>Affidavit of Allen Shuster, ¶ 23 (Exhibit 1).</i>	
22	21. The Secretary maintains field service reports (record of individual's field service activity) and other congregation records.	21.
23		
24	<i>Affidavit of Allen Shuster, ¶ 24 (Exhibit 1).</i>	
25	22. The Service Overseer monitors the public ministry of the congregation as a whole, which is sometimes also referred to as "field	22.

<p>1 ministry” or “field service.”  <i>Deposition of Dennis Palmer</i>, p. 46, lns. 4-12  2 (Exhibit 2); <i>Affidavit of Allen Shuster</i>, ¶ 25  3 (Exhibit 1).</p>	
<p>3 23. These three Elders (Coordinator of the  4 Body of Elders, Secretary, and Service  5 Overseer) constitute a “Congregation Service  6 Committee” to care for some matters on  7 behalf of the body of elders, such as the  8 composition and location of Congregation  9 Book Studies, and communications with  10 Watchtower, the U.S. branch offices of  11 Jehovah’s Witnesses, and other  12 congregations.  13 <i>Affidavit of Allen Shuster</i>, ¶ 26 (Exhibit 1).</p>	23.
<p>14 24. Other Elders in the congregation serve as  15 a Theocratic Ministry School Overseer and a  16 <i>Watchtower</i> Study Conductor. During the  17 1970’s through the 1990’s other Elders also  18 served as Congregation Book Study  19 Overseers.  20 <i>Affidavit of Allen Shuster</i>, ¶ 27 (Exhibit 1).</p>	24.
<p>21 25. The Theocratic Ministry School Overseer  22 is responsible for organizing and instructing  23 a weekly midweek meeting entitled the  24 Theocratic Ministry School.  25 <i>Affidavit of Allen Shuster</i>, ¶ 28 (Exhibit 1).</p>	25.
<p>26 26. The <i>Watchtower</i> Study Conductor  27 organizes and oversees a weekly one-hour  28 meeting that takes place on the weekends  29 (usually Sunday) during which an article  30 from the <i>Watchtower</i> magazine is  31 considered.  32 <i>Affidavit of Allen Shuster</i>, ¶ 29 (Exhibit 1).</p>	26.
<p>33 27. Both the Theocratic Ministry School and  34 the <i>Watchtower</i> Study meetings are held at  35 the Kingdom Hall and are open to all  36 congregation members and to the public.  37 <i>Affidavit of Allen Shuster</i>, ¶ 30 (Exhibit 1).</p>	27.
<p>38 28. During the 1970’s through the 1990’s,  39 Congregation Book Study Overseers  40 organized and oversaw a second weekly one-  41 hour meeting of separate small groups that  42 generally met in the private homes of some</p>	28.

1	of the congregation members to study a Bible-based publication published by Jehovah's Witnesses.	
2	<i>Affidavit of Allen Shuster, ¶ 31 (Exhibit 1).</i>	
3	29. Each congregation also has "Ministerial Servants" who are appointed to assist the Elders to care for the practical needs of the congregations.	29.
4		
5	<i>Affidavit of Allen Shuster, ¶ 32 (Exhibit 1).</i>	
6	30. The responsibilities of Ministerial Servants include handling the congregation literature, congregation accounts, and congregation territory for the public ministry, caring for microphone and sound equipment during meetings, serving as attendants during congregation meetings, and maintaining the physical appearance and cleanliness of the Kingdom Hall.	30.
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10		
11	<i>Affidavit of Allen Shuster, ¶ 33 (Exhibit 1).</i>	
12	31. Congregations also have "Regular Pioneers," who can be men, women, or children who are active in the public ministry.	31.
13		
14	<i>Affidavit of Allen Shuster, ¶ 34 (Exhibit 1).</i>	
15	32. During the 1970's through the 1990's, Regular Pioneers had to average 100 hours per month in the public ministry and later 90 hours a month. Beginning in 1976, Auxiliary Pioneers had a 60 hour per month average. Currently, Regular Pioneers have to average 70 hours per month in the public ministry and Auxiliary Pioneers have to average 50 hours per month.	32.
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20	<i>Deposition of Juan Guardado, p. 19, lns. 10-20 (Exhibit 6); Affidavit of Allen Shuster, ¶ 35 (Exhibit 1).</i>	
21		
22	33. Elders, Ministerial Servants, and Regular and Auxiliary Pioneers are all volunteers and none of them are paid for their service nor do they receive any reimbursement for their transportation, living, or meal expenses.	33.
23		
24	<i>Affidavit of Allen Shuster, ¶ 36 (Exhibit 1).</i>	
25	34. Neither Watchtower, the U.S. branch offices of Jehovah's Witnesses, nor any	34.

1	congregations of Jehovah's Witnesses have any paid employees, and as previously noted, there is no paid clergy class.	
2	<i>Affidavit of Allen Shuster, ¶ 37 (Exhibit 1).</i>	
3	35. At least twice a year, the body of elders of a congregation meets together to review the qualifications of the men in the congregation who might qualify to serve as an Elder or Ministerial Servant.	35.
4		
5	<i>Affidavit of Allen Shuster, ¶ 38 (Exhibit 1).</i>	
6	36. Elders are recommended from among the Ministerial Servants in the congregation and must meet the spiritual qualifications found at 1 Timothy 3:1-7 and Titus 1:5-9.	36.
7		
8	<i>Deposition of Ramon Preciado, p. 22, ln. 20 to p. 23, ln. 11 (Exhibit 7); Deposition of Jesus Montijo, p. 20, lns. 21-22 (Exhibit 3); Affidavit of Allen Shuster, ¶ 39 (Exhibit 1).</i>	
9		
10	37. Ministerial Servants are recommended from other male members of the congregation who are not serving as an Elder or Ministerial Servant and who meet the spiritual qualifications found at 1 Timothy 3:8-10, 12, 13.	37.
11		
12	<i>Deposition of Jesus Montijo, p. 20, lns. 11-17 (Exhibit 3); Affidavit of Allen Shuster, ¶ 40 (Exhibit 1).</i>	
13		
14	38. A "Regular Pioneer," or "Auxiliary Pioneer" on the other hand, is a position that any congregation member can apply for by filling out an application and turning it into the Congregation Service Committee.	38.
15		
16	<i>Affidavit of Allen Shuster, ¶ 41 (Exhibit 1).</i>	
17	39. The Congregation Service Committee reviews the application to determine, among other factors, whether the individual meet the spiritual and moral requirements and is likely to meet the monthly time requirement to serve as a Regular or Auxiliary Pioneer.	39.
18		
19	<i>Affidavit of Allen Shuster, ¶ 42 (Exhibit 1).</i>	
20	40. During the 1970's through the 1990's, the local congregation Elders' recommendations of Elders, Ministerial Servants, and Regular Pioneers had to be	40.
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1 approved by the Service Department at the  
2 U.S. branch offices of Jehovah's Witnesses  
3 in New York before they could be appointed.  
4 However, Auxiliary Pioneers were approved  
5 by the local Congregation Service  
6 Committee without any review or approval  
7 by the Service Department at the U.S. branch  
8 offices.

9 *Depositions of Ramon Preciado*, p. 21, ln. 8  
10 to p. 22, ln. 2; p. 24 lns. 4-16 (Exhibit 1);  
11 *Jesus Montijo*, p. 20, lns. 2-10 (Exhibit 3);  
12 *Affidavit of Allen Shuster*, ¶ 43 (Exhibit 1).

13 41. During the 1970's through the 1990's, all  
14 appointments of Elders, Ministerial Servants,  
15 and Regular Pioneers in the United States  
16 were communicated by the Service  
17 Department to congregations through  
18 Watchtower.

19 *Affidavit of Allen Shuster*, ¶ 44 (Exhibit 1).

20 42. After the local congregation body of  
21 elders received the approval from  
22 Watchtower for an appointment, an  
23 announcement was made to the congregation  
24 during one of the regularly scheduled  
25 weekday meetings that the individual was  
appointed to serve as an Elder, Ministerial  
Servant, or Regular Pioneer. A similar  
announcement was made after a publisher  
was approved as an Auxiliary Pioneer by the  
local Congregation Service Committee.  
*Deposition of Ramon Preciado*, p. 24, ln. 4 to  
p. 25 ln. 6 (Exhibit 7); *Affidavit of Allen  
Shuster*, ¶ 45 (Exhibit 1).

43. John Dorman, born on September 7,  
1977, was abused by Gonzalo Campos on  
two different dates within a twelve-month  
period when he was in first or second grade,  
or roughly from 1983 to 1984 when he was  
approximately 7 to 8 years old, and while  
both were associated with the Linda Vista  
Spanish Congregation.

*Deposition of John Dorman*, p. 8, lns. 2-3; p.  
34, ln. 25 to p. 35, lns. 23; p. 38, lns. 11-14  
(Exhibit 8); *Deposition of Gonzalo Campos*,  
p. 44, ln. 16 to p. 45, ln. 6; p. 53 lns. 7-19

41.

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43.

<p>1 (Exhibit 9); Second Amended Complaint, ¶ 5.</p>	
<p>2 44. Dorman stated that on the first date he 3 was abused, Campos took him on a 4 landscaping job and touched him 5 inappropriately while in Campos's van on the 6 way to and from the worksite. 7 <i>Deposition of John Dorman</i>, p. 34, ln. 25 to 8 p. 37, ln. 13 (Exhibit 8).</p>	<p>44.</p>
<p>6 45. The second date he was abused was 7 within twelve months when Campos abused 8 him on the way to a different landscaping 9 jobsite, and later that same day at a home 10 where Campos's mother worked as a 11 housecleaner. 12 <i>Deposition of John Dorman</i>, p. 38, ln. 5 to p. 13 40, ln. 24 (Exhibit 8).</p>	<p>45.</p>
<p>11 46. At age 16, Dorman first told his parents 12 that he had been abused by Campos in the 13 spring of 1994, and Dorman's parents 14 thereafter contacted Elders in the Linda Vista 15 Spanish Congregation about the alleged 16 abuse. 17 <i>Deposition of John Dorman</i>, p. 50, ln. 4 to p. 18 52, ln. 11 (Exhibit 8).</p>	<p>46.</p>
<p>15 47. Defendant Campos was born on January 16 10, 1963, and began to associate with the 17 Linda Vista Spanish Congregation in about 18 1979 or 1980, when he was 16 or 17 years 19 old. 20 <i>Deposition of Gonzalo Campos</i>, p. 12, lns. 21 23-24; p. 13, lns. 9-19; p. 15, lns. 1-3, 18-20 22 (Exhibit 9); <i>Affidavit of Ramon Preciado</i>, ¶ 3 23 (Exhibit 7).</p>	<p>47.</p>
<p>21 48. As a teenager, Campos studied the Bible 22 with Jehovah's Witnesses in the Linda Vista 23 Spanish Congregation where he attended 24 meetings along with his mother, and he was 25 eventually invited by the publisher who studied the Bible with him to accompany the congregation in the field ministry as an approved associate of Jehovah's Witnesses. <i>Deposition of Gonzalo Campos</i>, p. 15, lns. 1- 20 (Exhibit 9); p. 16, lns. 9-22; <i>Affidavit of</i></p>	<p>48.</p>

<p>1 <i>Ramon Preciado</i>, ¶ 4 (Exhibit 10).</p>	
<p>2 49. Campos was later baptized as one of 3 Jehovah's Witnesses in 1980, at age 17, and 4 he continued to attend meetings as a baptized 5 publisher with the Linda Vista Spanish 6 Congregation. <i>Deposition of Gonzalo Campos</i>, p. 15, ln. 25 7 to p. 16, ln. 22 (Exhibit 9); <i>Affidavit of</i> 8 <i>Ramon Preciado</i>, ¶ 5 (Exhibit 10); <i>Affidavit</i> 9 <i>of Allen Shuster</i>, ¶ 7 (Exhibit 1).</p>	<p>49.</p>
<p>10 50. By 1986 the Linda Vista Spanish 11 Congregation had grown larger in number 12 and a separate congregation known as the La 13 Jolla Spanish Congregation was formed in 14 November 1986 as an offshoot of the Linda 15 Vista Spanish Congregation. 16 <i>Deposition of Dennis Palmer</i>, p. 44, ln. 20, to 17 p. 45, ln. 16; p. 47 lns. 2-7 (Exhibit 2); 18 <i>Deposition of Gonzalo Campos</i>, p. 19, ln. 21 19 to p. 20 ln. 3 (Exhibit 9); <i>Affidavit of Ramon</i> 20 <i>Preciado</i>, ¶ 6 (Exhibit 10).</p>	<p>50.</p>
<p>21 51. When the La Jolla Spanish Congregation 22 was formed, Campos ceased his association 23 with the Linda Vista Spanish Congregation 24 and began to associate with the newly formed 25 La Jolla Spanish Congregation because he lived closer to this new congregation so it was more convenient. <i>Deposition of Dennis Palmer</i>, p. 49, lns. 1-8 (Exhibit 2); <i>Deposition of Gonzalo Campos</i>, p. 18, ln. 21 to p. 20 ln. 15 (Exhibit 9); <i>Affidavit of Ramon Preciado</i>, ¶ 7 (Exhibit 10).</p>	<p>51.</p>
<p>52. When Campos first began his association with the La Jolla Spanish Congregation, Campos was still only a baptized publisher (i.e., congregation member) and he was never a Ministerial Servant, Elder, or Regular or Auxiliary Pioneer while he was associated with the Linda Vista Spanish Congregation. <i>Deposition of Gonzalo Campos</i>, p. 16, ln. 23 to p. 17, ln. 10; p. 17, lns. 19-23, p. 20, lns. 16-22 (Exhibit 9); <i>Affidavit of Ralph</i> <i>Schaefer</i>, ¶ 4 (Exhibit 11); <i>Affidavit of</i> <i>Ramon Preciado</i>, ¶ 8 (Exhibit 10); <i>Affidavit</i></p>	<p>52.</p>

<p>of <i>Allen Shuster</i>, ¶¶ 46, 47 (Exhibit 1).</p>	
<p>53. It was not until December 22, 1988, when Campos was a member of the La Jolla Spanish Congregation, that he was first appointed to serve as a Ministerial Servant in the La Jolla Spanish Congregation, and he was never appointed as a Ministerial Servant in the Linda Vista Spanish Congregation, or in any other congregation of Jehovah's Witnesses, prior to that date.</p> <p><i>Deposition of Gonzalo Campos</i>, p. 32, ln. 19 to p. 33 ln. 9; p. 92, lns. 11-12 (Exhibit 9); <i>Affidavit of Allen Shuster</i>, ¶ 46 (Exhibit 1); <i>Affidavit of Ramon Preciado</i>, ¶ 9 (Exhibit 10).</p>	<p>53.</p>
<p>54. Subsequently, on June 23, 1993, Campos was appointed to serve as an Elder in the La Jolla Spanish Congregation, and he was never appointed to serve as an Elder in the Linda Vista Spanish Congregation, or in any other congregation of Jehovah's Witnesses, prior to that date.</p> <p><i>Deposition of Gonzalo Campos</i>, p. 33, ln. 21 to p. 34 ln. 8 (Exhibit 9); <i>Affidavit of Allen Shuster</i>, ¶ 47 (Exhibit 1).</p>	<p>54.</p>
<p>55. In January 1994, the La Jolla Spanish Congregation changed its name to Playa Pacifica Spanish Congregation and Gonzalo Campos continued to serve as an Elder there until he was disfellowshipped, or expelled from the congregation, on June 9, 1995.</p> <p><i>Deposition of Gonzalo Campos</i>, p. 19, lns. 4-9; p. 66, ln. 16 to p. 67, ln. 7 (Exhibit 9); <i>Affidavit of Kevin Phillips</i>, ¶¶ 2, 4 (Exhibit 12).</p>	<p>55.</p>
<p>56. At no time did Gonzalo Campos ever serve as a Regular Pioneer in the Linda Vista Spanish Congregation or in any other congregation of Jehovah's Witnesses, nor did Campos ever serve as an Auxiliary Pioneer while associated with the Linda Vista Spanish Congregation.</p> <p><i>Deposition of Ramon Preciado</i>, p. 17, lns. 19-24 (Exhibit 7); <i>Deposition of Arturo Jemio</i>, p. 7 ln. 10, to p. 8, ln. 1; p. 20, lns. 19-</p>	<p>56.</p>

<p>1 23 (Exhibit 13); <i>Deposition of Dennis Palmer</i>, p. 51, lns. 9-15 (Exhibit 2);  2 <i>Deposition of Gonzalo Campos</i>, p. 16, ln. 23  3 to p. 17 ln. 10; p. 17, lns. 19-23; p. 92, lns.  4 11-12 (Exhibit 9); <i>Affidavit of Ralph Schaefer</i>, ¶ 4 (Exhibit 11); <i>Affidavit of Ramon Preciado</i>, ¶ 8 (Exhibit 10).</p>	
<p>5 57. At no time was Campos ever a member  6 or employee of Watchtower.  <i>Affidavit of Danny Bland</i>, ¶¶ 4, 5 (Exhibit 5).</p>	57.

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**Issue 2: AS TO PLAINTIFF GAMBOA'S CAUSES OF ACTION, SUMMARY JUDGMENT IS PROPER BECAUSE IT IS BARRED BY THE STATUTE OF LIMITATIONS SET FORTH IN CALIFORNIA CODE OF CIVIL PROCEDURE § 340.1.**

<p>58. Joel Gamboa (hereinafter "Gamboa"), born on December 31, 1980, was sexually abused repeatedly by Campos from the time he was 8 or 9 until he was 14, which would roughly be from 1988 to 1994.</p> <p><i>Deposition of Joel Gamboa</i>, p. 7, lns. 23, 24; p. 35, lns. 10-23 (Exhibit 14); <i>Deposition of Gonzalo Campos</i>, p. 46, lns. 16-19; p. 78 lns. 6-19 (Exhibit 9); Second Amended Complaint, ¶ 5.2.</p>	<p>58.</p>
<p>59. This sexual abuse would take place while Campos conducted a Bible study with Gamboa, after Campos picked him up from school, on Campos's landscaping jobs, and at Campos's home.</p> <p><i>Deposition of Joel Gamboa</i>, p. 27, ln. 4 to p. 30, ln. 25; p. 35, lns. 10-17 (Exhibit 14); <i>Gonzalo Campos</i>, p. 48, lns. 6-15 (Exhibit 9).</p>	<p>59.</p>
<p>60. In 1995, Gamboa was 14 years old, he first disclosed the abuse by Campos when an Elder from the Linda Vista Spanish Congregation called him to ask him about it.</p> <p><i>Deposition of Joel Gamboa</i>, p. 35, lns. 24 to p. 37, ln. 10 (Exhibit 14).</p>	<p>60.</p>
<p>61. Subsequently, Gamboa told his mother, his kids' mother, and his current girlfriend.</p> <p><i>Deposition of Joel Gamboa</i>, p. 35, ln. 24 to p. 36, ln. 2 (Exhibit 14).</p>	<p>61.</p>
<p>62. When he was asked, "have you always recalled that this abuse took place to you? In other words, there's not a period of time where you blocked it out and you didn't know what happened?" Gamboa answered, "No, I've always known."</p> <p><i>Deposition of Joel Gamboa</i>, p. 39, lns. 1-4 (Exhibit 14).</p>	<p>62.</p>

1 63. Gamboa filed this action on May 20,  
2010, when he was 29 years old.

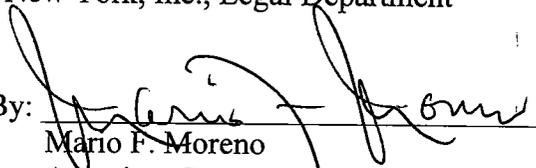
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2 *Complaint*, file stamped May 20, 2010.

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DATED: September 21, 2011

Watchtower Bible and Tract Society of  
New York, Inc., Legal Department

By: 

Mario F. Moreno  
Associate General Counsel  
100 Watchtower Drive  
Patterson, NY 12563-9204  
(845) 306-1000

Attorney for Defendant Doe 3,  
Supervisory Organization

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1 **WATCHTOWER BIBLE AND TRACT**  
2 **SOCIETY OF NEW YORK, INC.**  
3 **LEGAL DEPARTMENT**

3 Mario F. Moreno  
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4 Patterson, NY 12563-9204  
5 Telephone: (845) 306-1000  
5 Facsimile: (845) 306-0709

6 Attorney for Watchtower Bible and Tract  
7 Society of New York, Inc. (sued as "Defendant  
7 Doe 3, Supervisory Organization")

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO**

10 JOHN DORMAN, INDIVIDUALLY, AND )  
11 JOEL GAMBOA, INDIVIDUALLY )

12 Plaintiffs, )

14 vs. )

16 DEFENDANT DOE 1 LA JOLLA CHURCH, )  
17 DEFENDANT DOE 2 LINDA VISTA )  
17 CHURCH AND DEFENDANT DOE 3 )  
18 SUPERVISORY ORGANIZATION, )  
18 DEFENDANT DOE 4, PERPETRATOR, )  
19 AND DOES 5 THROUGH 100, INCLUSIVE )

20 Defendants. )

Case No.: 37-2010-00092450-CU-PO-CTL

12 **DEFENDANT WATCHTOWER'S**  
13 **LODGMET OF EXHIBITS IN**  
14 **SUPPORT OF SEPARATE STATEMENT**  
15 **OF FACTS SUPPORTING MOTION FOR**  
16 **SUMMARY JUDGMENT OR IN THE**  
17 **ALTERNATIVE SUMMARY**  
18 **ADJUDICATION**

17 JUDGE: STEVEN R. DENTON  
18 DEPT.: C-73  
19 DATE: December 16, 2011  
20 TIME: 10:30 a.m.

21 TRIAL DATE: January 27, 2012

22 Counsel of record for DEFENDANT DOE 3 SUPERVISORY ORGANIZATION, upon  
23 his oath deposes and states that if he was called as a witness in this matter he would truthfully  
24 testify as follows:  
25

1 1. That he is attorney of record for DEFENDANT DOE 3 SUPERVISORY  
2 ORGANIZATION and that he has personally read and prepared the attached Lodgment of  
3 Exhibits in support of this defendant's motion for summary judgment; and

4 2. That each deposition transcript excerpt attached as an exhibit to the lodgment is a true  
5 and correct copy of the certified transcript of the depositions taken in this case.

6 This is a true and correct statement.

7 DATED: September \_\_, 2011

**WATCHTOWER BIBLE AND TRACT  
8 SOCIETY OF NEW YORK, INC.  
9 LEGAL DEPARTMENT**

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Mario F. Moreno  
12 Attorney for Defendant Watchtower Bible and  
13 Tract Society of New York, Inc.  
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**LODGMET OF EXHIBITS**

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<b><u>EXHIBIT</u></b>	<b><u>TAB</u></b>
<i>Affidavit of Allen Shuster .....</i>	<i>1</i>
<i>Depositions of Dennis Palmer .....</i>	<i>2</i>
<i>Deposition of Jesus Montijo.....</i>	<i>3</i>
<i>Deposition of Justino Diaz.....</i>	<i>4</i>
<i>Affidavit of Danny Bland .....</i>	<i>5</i>
<i>Deposition of Juan Guardado.....</i>	<i>6</i>
<i>Deposition of Ramon Preciado .....</i>	<i>7</i>
<i>Deposition of John Dorman.....</i>	<i>8</i>
<i>Deposition of Gonzalo Campos .....</i>	<i>9</i>
<i>Affidavit of Ramon Preciado.....</i>	<i>10</i>
<i>Affidavit of Ralph Schaefer .....</i>	<i>11</i>
<i>Affidavit of Kevin Phillips .....</i>	<i>12</i>
<i>Deposition of Arturo Jemio.....</i>	<i>13</i>
<i>Deposition of Joel Gamboa .....</i>	<i>14</i>

# **Exhibit '1'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

1 **WATCHTOWER BIBLE AND TRACT**  
2 **SOCIETY OF NEW YORK, INC.**  
3 **LEGAL DEPARTMENT**

3 Mario F. Moreno  
4 100 Watchtower Drive  
4 Patterson, NY 12563-9204  
5 Telephone: (845) 306-1000  
5 Facsimile: (845) 306-0709

6 Attorney for Defendant Doe 3, Supervisory Organization

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO**

10 JOHN DORMAN, Individually, and JOEL  
11 GAMBOA, Individually,

12 Plaintiffs,

13 v.

14 DEFENDANT DOE 1, La Jolla Church,  
15 DEFENDANT DOE 2, Linda Vista Church,  
16 and DEFENDANT DOE 3, Supervisory  
17 Organization, DEFENDANT DOE 4,  
18 Perpetrator, and DOES 5 through 100,  
19 inclusive,

20 Defendants.

Case No.: 37-2010-00092450-CU-PO-CTL

**AFFIDAVIT OF ALLEN SHUSTER**

21 I, Allen Shuster, after being duly sworn, depose and state that if called to testify in this  
22 matter I would competently testify as follows:

23 1. I am over 21 years of age, of sound mind, and competent to make this Affidavit.

24 I have personal knowledge of the matters contained herein, and they are all true and correct.

25 2. I reside in Patterson, New York, and have served as an elder in the faith of  
26 Jehovah's Witnesses since about 1979.  
27  
28



1           10.    Individuals spend as much time in the public ministry as their heart motivates  
2 them to do so.

3           11.    There is no requirement for publishers to place certain amounts of literature.

4           12.    Before an individual, whether a man, woman, or child, is recognized as an  
5 unbaptized publisher, two congregation Elders briefly meet with that person (and their parents  
6 in the case of a minor) to determine whether the individual believes the Bible is the inspired  
7 Word of God, whether the person knows basic Bible teachings, whether their life is in harmony  
8 with the Bible's prohibitions against immorality, drunkenness, and drug abuse, and whether they  
9 want to be one of Jehovah's Witnesses. Thereafter, the two Elders who meet with the individual  
10 determine whether the individual qualifies to be recognized as an unbaptized publisher in the  
11 congregation.  
12

13           13.    However, this procedure for becoming an unbaptized publisher did not come into  
14 existence until it was announced in the November 15, 1988, issue of *The Watchtower*. Prior to  
15 the publishing of *The Watchtower* of November 15, 1988, the individual publisher who studied  
16 the Bible with an interested person made the decision as to when that interested person could be  
17 invited to accompany the congregation in the field ministry as an approved associate of  
18 Jehovah's Witnesses.  
19

20           14.    There is no application form to fill out to become an unbaptized publisher.  
21

22           15.    Neither Watchtower nor the U.S. branch offices of Jehovah's Witnesses review  
23 or approve whether an individual is recognized as an unbaptized or baptized publisher, nor do  
24 Watchtower or the U.S. branch offices of Jehovah's Witnesses maintain a list of unbaptized or  
25 baptized publishers in a given congregation. Likewise, prior to November 15, 1988, neither  
26 Watchtower nor the U.S. branch offices of Jehovah's Witnesses reviewed or approved whether  
27

1 an individual could be an approved associate of Jehovah's Witnesses, and neither did they  
2 maintain a list of approved associates in a given congregation.

3 16. After the person turns in his or her first field service report to the Elders, an  
4 announcement is made during one of the weekday congregation meetings that so-and-so is a  
5 new unbaptized publisher in the congregation. The procedure to announce a new unbaptized  
6 publisher to the congregation did not come into existence until it was announced in the  
7 November 15, 1988, issue of *The Watchtower*. Prior to that date there was no announcement  
8 made when an individual became an approved associate.  
9

10 17. Before an individual can serve as an Elder, Ministerial Servant, and/or Regular or  
11 Auxiliary Pioneer, they must be a baptized publisher. Most baptized publishers do not serve in  
12 an appointed position as Elders, Ministerial Servants, and/or Regular Pioneers.  
13

14 18. There is no paid clergy class at Watchtower, the U.S. branch offices of Jehovah's  
15 Witnesses, or in congregations of Jehovah's Witnesses.

16 19. Each congregation is supervised by a group of men, in many cases three or more,  
17 who are referred to as "Elders."  
18

19 20. These Elders take the lead in teaching, providing pastoral care, and organizing  
20 the congregations. Most Elders are also husbands and fathers, and most are secularly employed  
21 to support their families. These men are unpaid volunteers and they do not wear any priestly  
22 garb or special identifying clothing.

23 21. Each congregation of Jehovah's Witnesses, including the Linda Vista Spanish  
24 Congregation and the La Jolla Spanish Congregation (now called Playa Pacifica Spanish  
25 Congregation), has its own individual group of Elders known as a "body of elders" for their  
26 separate congregation.  
27  
28

1           22. Each congregation has three different Elders serving in three separate positions  
2 known as "Coordinator of the Body of Elders" (previously called "Presiding Overseer"),  
3 "Secretary," and "Service Overseer."

4           23. The "Coordinator of the Body of Elders" serves as the chairman at meetings of  
5 the Elders and directly coordinates certain congregation activities in behalf of the elders.

6           24. The Secretary maintains field service reports (record of individual's field service  
7 activity) and other congregation records.

8           25. The Service Overseer monitors the public ministry of congregation members as a  
9 whole, which is sometimes also referred to as "field ministry" or "field service."

10           26. These three Elders (Coordinator of the Body of Elders, Secretary, and Service  
11 Overseer) constitute a "Congregation Service Committee" to care for some matters on behalf of  
12 the body of elders, such as the composition and location of Congregation Book Studies, and  
13 communications with Watchtower, the U.S. branch offices of Jehovah's Witnesses, and other  
14 congregations.  
15

16           27. Other Elders in the congregation serve as a Theocratic Ministry School Overseer  
17 and a *Watchtower* Study Conductor. During the 1970's through the 1990's other Elders also  
18 served as Congregation Book Study Overseers.  
19

20           28. The Theocratic Ministry School Overseer is responsible for organizing and  
21 instructing a weekly midweek meeting entitled the Theocratic Ministry School.  
22

23           29. The *Watchtower* Study Conductor organizes and oversees a weekly one-hour  
24 meeting that takes place on the weekends (usually Sunday) during which an article from the  
25 *Watchtower* magazine is considered.  
26

27           30. Both the Theocratic Ministry School and the *Watchtower* Study meetings are  
28 held at the Kingdom Hall and are open to all congregation members and to the public.

1           31.     During the 1970's through the 1990's the Congregation Book Study Overseers  
2 organized and oversaw a second weekly one-hour meeting of separate small groups that  
3 generally met in the private homes of some of the congregation members to study a Bible-based  
4 publication published by Jehovah's Witnesses.

5           32.     Each congregation also has "Ministerial Servants" who are appointed to assist the  
6 Elders to care for the practical needs of the congregations.

7  
8           33.     The responsibilities of Ministerial Servants include handling the congregation  
9 literature, congregation accounts, and congregation territory for the public ministry, caring for  
10 microphone and sound equipment during meetings, serving as attendants during congregation  
11 meetings, and maintaining the physical appearance and cleanliness of the Kingdom Hall.

12           34.     Congregations also have "Regular Pioneers" and "Auxiliary Pioneers" who can  
13 be men, women, or young people who are active in the public ministry.

14  
15           35.     During the 1970's through the 1990's, Regular Pioneers had to average 100  
16 hours per month in the public ministry and then later had to average 90 hours a month.  
17 Beginning in 1976, Auxiliary Pioneers had a 60 hours per month average. Currently, Regular  
18 Pioneers have to average 70 hours per month in the public ministry and Auxiliary Pioneers have  
19 to average 50 hours per month.

20  
21           36.     Those who serve in the capacity of Elders, Ministerial Servants, and Regular or  
22 Auxiliary Pioneers are all volunteers and none of them are paid for their service nor do they  
23 receive any reimbursement for their transportation, living, or meal expenses.

24           37.     Neither Watchtower, the U.S. branch offices of Jehovah's Witnesses, nor any  
25 congregations of Jehovah's Witnesses have any paid employees, and as previously noted, there  
26 is no paid clergy class.  
27  
28

## APPOINTMENTS OF ELDERS, MINISTERIAL SERVANTS, AND PIONEERS

1  
2 38. At least twice a year, the body of elders of a congregation meets together to  
3 review the qualifications of the men in the congregation who might qualify to serve as an Elder  
4 or Ministerial Servant.

5 39. Elders are recommended from among the Ministerial Servants in the  
6 congregation and must meet the spiritual qualifications found at 1 Timothy 3:1-7 and Titus 1:5-  
7  
8 9.

9 40. Ministerial Servants are recommended from other male members of the  
10 congregation who are not serving as an Elder or Ministerial Servant and who meet the spiritual  
11 qualifications found at 1 Timothy 3:8-10, 12, 13.

12 41. A "Regular Pioneer" or "Auxiliary Pioneer," on the other hand, is a position that  
13 any congregation member can apply for by filling out an application and turning it in to the  
14 Congregation Service Committee.

15 42. The Congregation Service Committee reviews the application to determine,  
16 among other factors, whether the individual meets the spiritual and moral requirements and is  
17 likely to meet the monthly time requirement to serve as a Regular or Auxiliary Pioneer.  
18

19 43. During the 1970's through the 1990's, the local congregation Elders'  
20 recommendations of Elders, Ministerial Servants, and Regular Pioneers had to be approved by  
21 the Service Department at the U.S. branch offices of Jehovah's Witnesses in New York before  
22 they could be appointed. However, Auxiliary Pioneers were approved by the local  
23 Congregation Service Committee without any review or approval by the Service Department at  
24 the U.S. branch offices.  
25  
26  
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1           44.     During the 1970's through the 1990's, all appointments of Elders, Ministerial  
2 Servants, and Regular Pioneers in the United States were communicated by the Service  
3 Department to congregations through Watchtower.

4           45.     After the local congregation body of elders received the approval from  
5 Watchtower for an appointment, an announcement was made to the congregation during one of  
6 the regularly scheduled weekday meetings that the individual was appointed to serve as an  
7 Elder, Ministerial Servant, or Regular Pioneer. A similar announcement is made after a  
8 publisher is approved as an Auxiliary Pioneer by the local Congregation Service Committee.  
9

10          46.     Based on my review of the records of the Service Department of the U.S. branch  
11 offices of Jehovah's Witnesses, which approves appointments of Elders and Ministerial  
12 Servants, it was not until December 22, 1988, that Gonzalo Campos was first appointed to serve  
13 as a Ministerial Servant in the La Jolla Spanish Congregation of Jehovah's Witnesses, San  
14 Diego, California. Gonzalo Campos was never appointed to serve as a Ministerial Servant in  
15 the Linda Vista Spanish Congregation, or in any other congregation of Jehovah's Witnesses,  
16 prior to that date.  
17

18          47.     Based on my review of the records of the Service Department of the U.S. branch  
19 offices of Jehovah's Witnesses, which approves appointments of Elders and Ministerial  
20 Servants, it was not until June 23, 1993, that Gonzalo Campos was appointed to serve as an  
21 Elder in the La Jolla Spanish Congregation of Jehovah's Witnesses, San Diego, California.  
22 Gonzalo Campos was never appointed to serve as an elder in the Linda Vista, Spanish  
23 Congregation, or in any other congregation of Jehovah's Witnesses, prior to that date.  
24  
25  
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1 SIGNED this the 21 day of September, 2011.

2 I declare under penalty of perjury under the laws of the State of New York that the foregoing is  
3 true and correct to the best of my information, belief, and knowledge.

4 Allen Shuster

Allen Shuster

5 STATE OF NEW YORK )

6 ) ss.:

7 COUNTY OF PUTNAM )

8 SUBSCRIBED AND SWORN TO BEFORE ME on the 21<sup>st</sup> day of September, 2011, to  
9 certify which witness my hand and official seal.

Mark J. Bloedorn

Notary Public, State of New York

11 **MARK J. BLOEDORN**  
12 Notary Public, State of New York  
13 No. 01BL6124975  
14 Qualified in Kings County  
15 Commission Expires 04/04/20 13

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# **Exhibit '2'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

JOHN DORMAN, )  
individually, and JOEL )  
GAMBOA, individually, )  
 )  
Plaintiffs, )  
 )  
vs. ) Case Number  
 ) 37-2010-00092450-CU-PO-CTL  
DEFENDANT DOE 1, LaJOLLA )  
CHURCH; DEFENDANT DOE 2, )  
LINDA VISTA CHURCH; )  
DEFENDANT DOE 3, )  
SUPERVISORY ORGANIZATION;) )  
DEFENDANT DOE 4, )  
PERPETRATOR; and DOES 5 )  
through 100, )  
 )  
Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF DENNIS PALMER, called on  
behalf of the Plaintiffs, at 12555 High Bluff  
Drive, Suite 260, San Diego, California, on  
Monday, February 7, 2011, commencing at 10:12  
a.m., before Judy Runes, California CSR No.  
5874.

1 Q Had he been reinstated at that time?

2 A Yes.

3 Q I'd requested you to bring documents with you  
4 today, if you had any.

5 A I don't have any documents.

6 Q Okay. Then I don't have much more.

7 A Okay.

8 Q All right.

9 You said that the La Jolla congregation was  
10 formed, you thought, in 1987?

11 A I believe so.

12 Q Was that just the Spanish congregation was  
13 formed in 1987?

14 A Yes.

15 Q So there had been an English congregation  
16 prior to that?

17 A Yes.

18 (Exhibit 1 identified.)

19 BY MR. STOREY:

20 Q All right. I'm going to show you a document.  
21 It's written in Spanish. Can you read Spanish?

22 A I can, yes.

23 Okay.

24 Q Just a couple of quick questions. In the  
25 first paragraph, it says that the Linda Vista

1 congregation -- or at least reading between the lines --  
2 the Linda Vista congregation was a parent congregation  
3 of the La Jolla congregation; is that correct?

4 A Yes.

5 Q What does that mean?

6 A It means the new -- the members of the new  
7 congregation would have been taken from the parent  
8 congregation. So we -- basically, we split one  
9 congregation and formed two.

10 Q Okay. So Linda Vista congregation is just  
11 growing, so they decided to create a second  
12 congregation?

13 A Exactly. We just outgrew our space.

14 Q Okay. Now, was there another parent  
15 congregation, or just Linda Vista?

16 A No. In this case, it was only Linda Vista.

17 Q About halfway down, there's a heading that  
18 says "Conductor de la Atalaya."

19 A Uh-huh.

20 Q What does that mean?

21 A Each -- in our case, each Sunday, a portion of  
22 our meeting is a consideration of an article in the  
23 Watchtower magazine. And "Atalaya" in Spanish is "The  
24 Watchtower" in English. So it's -- it's a study  
25 conductor.

1 Q Okay. So you led the discussion on the  
2 article?

3 A I led the discussion, exactly.

4 Q Now, under -- just to the side of that, there  
5 are two headings: "Superintendente De Servicio." What  
6 was that position?

7 A Okay. That's the service overseer. And we  
8 consider -- the field service overseer. So he is -- he  
9 is in charge -- the field service overseer is in charge  
10 of organizing the field service meetings and organizing  
11 the territory that will be worked in the field service  
12 operation.

13 Q So the coordinator we spoke about earlier  
14 would be underneath --

15 A Underneath, yes.

16 Q -- this person?

17 A Yes. That's correct.

18 Q Okay. Now, below that, "Superintendente de la  
19 Escuela," what was that?

20 A Okay. Now, we do have a mid-week meeting.  
21 And part of the mid-week meeting is -- is the theocratic  
22 ministry school, and it's a preparation, of sorts, for  
23 the field service. So it's -- it's for public speaking  
24 and -- and for conducting studies. So there's also an  
25 overseer for that, for that part of our meeting, and he

1 has to organize that meeting every week.

2 Q Okay. Now, can you make out in the top right  
3 hand, or not, the date stamp there?

4 A It looks like "November 29, 1986."

5 Q Is that approximately when the La Jolla  
6 congregation was created?

7 A Yes. It must have been.

8 Q Okay. Following the creation of the La Jolla  
9 congregation, was there any continued relationship  
10 between the Linda Vista congregation and the La Jolla  
11 congregation?

12 A Not very much. No, being -- being an  
13 independent congregation, they would handle their own  
14 affairs.

15 Q Okay. So there was -- was there carryover in  
16 terms of attendance? Would members attend both  
17 services?

18 A Not usually. The reason we -- when we -- when  
19 we choose which individuals would go to a new  
20 congregation, we would try to choose by location.  
21 People who live closer to that area would be assigned to  
22 the new congregation. And in our case, that's what we  
23 did. And so there wasn't very much crossover.

24 Usually -- usually those people -- in my  
25 recollection, those people attended the new

1 Q Okay. When the La Jolla congregation was  
2 created, is it your understanding that Gonzalo Campos  
3 was assigned to the La Jolla congregation?

4 A Yes.

5 Q And following that, do you have any  
6 recollection of him ever being present at Linda Vista  
7 congregation events?

8 A No. No, I don't believe he did.

9 MR. STOREY: Okay. I don't have anything  
10 further for you today.

11 MR. McCABE: I have a few questions. I'd like  
12 to clarify a few things.

13 EXAMINATION

14 BY MR. McCABE:

15 Q Mr. Palmer, do you know how many Jehovah's  
16 Witnesses there are worldwide?

17 A Approximately 7 million.

18 Q Okay. Are they all publishers?

19 A Yes, those are only the publishers.

20 Q So a publisher in Jehovah's Witnesses might be  
21 like a parishioner in another religious group?

22 A Yes. Rough correspondence, yes.

23 Q Now, I notice in this document that we've been  
24 talking about --

25 MR. McCABE: Are you going to mark it at all?

1 reason?

2 A No, I had no knowledge of any judicial  
3 committees in Linda Vista regarding Gonzalo.

4 Q Would there have been a judicial committee  
5 while you were an elder in Linda Vista congregation,  
6 without your being aware of it, involving  
7 Gonzalo Campos?

8 A No.

9 Q Okay. Do you know whether or not  
10 Gonzalo Campos ever served as a ministerial servant in  
11 the Linda Vista congregation of Jehovah's Witnesses?

12 A Yeah, I know he did not.

13 Q He did not?

14 A No.

15 Q What about as a regular pioneer?

16 A No, I don't believe so.

17 Q Okay. You mentioned that when you were in  
18 Playa Pacifica or the La Jolla Spanish congregation,  
19 that Gonzalo Campos had some kind of restrictions?

20 A Yes.

21 Q What are those restrictions? What were those  
22 restrictions in his case?

23 A Well, he couldn't participate in any of the  
24 congregational activities. He was restricted from  
25 commenting or participating in any aspects of the

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ERRATA SHEET

CORRECTIONS

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DECLARATION UNDER PENALTY OF PERJURY

I, DENNIS PALMER, declare under penalty of perjury that the foregoing is my deposition under oath;

And are the questions asked of me and my answers thereto;

And that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I subscribe my name this date: \_\_\_\_\_

\_\_\_\_\_  
DENNIS PALMER

## 1 REPORTER'S CERTIFICATION

2  
3 I, Judy Runes, CSR No. 5874, certify:

4 That the foregoing transcript of DENNIS PALMER  
5 was taken before me at the time and place therein set  
6 forth, at which time the witness was placed under oath  
7 by me;

8 That the testimony and all objections made at  
9 the time of the deposition were recorded  
10 stenographically by me and thereafter transcribed;

11 That the foregoing transcript is a true record  
12 of the testimony and of all objections made at the time  
13 of the deposition;

14 That dismantling this transcript will void the  
15 court reporter's official certification of this  
16 transcript.

17 I further certify that I am neither counsel  
18 for nor related to any party to said action, nor in any  
19 way interested in the outcome thereof.

20 In witness thereof, I have subscribed my name  
21 this day: February 22, 2011.

22  
23 

24 \_\_\_\_\_  
25 Judy Runes, CSR No. 5874

# **Exhibit '3'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

John Dorman, Individually,  
and Joel Gamboa,  
Individually,

Plaintiffs,

vs.

CASE NO. 37-2010-00092450-  
CU-PO-CTL

Defendant Doe 1, La Jolla  
Church; Defendant Doe 2,  
Linda Vista Church;  
Defendant Doe 3, Supervisory  
Organization; Defendant  
Doe 4, Perpetrator; and  
Does 5 through 100,

Defendants.

~~~~~

DEPOSITION OF

JESUS MONTIJO

February 9, 2011

10:08 a.m.

12555 High Bluff Drive  
Suite 260  
San Diego, California

Cinthia M. Marumoto, RPR, CSR No. 5197

1 Q. Did you do that by yourself or in groups?

2 A. We would go out in a group.

3 Q. And how many people would be in that group?

4 A. Gosh, I don't remember that.

5 Q. Did you ever do field service with Gonzalo  
6 Campos?

7 A. Yes.

8 Q. How frequently?

9 A. Because there were a few of us -- it wasn't  
10 always the same -- we would go out with different ones.

11 Q. Would you say that you went with Gonzalo Campos  
12 to do field service on several occasions?

13 A. Could be.

14 Q. Would you say that you knew Gonzalo Campos  
15 well?

16 A. Well, as far as the congregation, yes.

17 Q. Did you ever see Gonzalo Campos do anything  
18 that you thought was inappropriate?

19 A. No.

20 Q. If I were to say that a person was a publisher,  
21 what does that mean?

22 A. Publisher?

23 Q. Yes.

24 A. Member of the congregation.

25 Q. Every member of the congregation is a

1 Brooklyn office -- or branch.

2 Q. So the elders make a recommendation as to who  
3 can be a ministerial servant?

4 A. Yes.

5 Q. And is that recommendation presented to the  
6 Watchtower Society?

7 A. Yes.

8 Q. And the Watchtower Society has the final say as  
9 to whether a person can become a ministerial servant?

10 A. As far as I knew, yes.

11 Q. Are there certain requirements as to who can be  
12 a ministerial servant?

13 A. Yes.

14 Q. What are those requirements?

15 A. Well, they're noted in the Bible.

16 Q. In Timothy?

17 A. Yes, Timothy.

18 Q. If I were to say a person was an elder, what  
19 does that mean?

20 A. That he is the one that leads the congregation.

21 Q. How does someone become an elder?

22 A. Same way: There are requisites in Timothy.

23 Q. Does a person apply to become an elder?

24 A. No.

25 Q. Is he selected by the existing group of elders?

CERTIFICATE OF READER-INTERPRETER

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I, \_\_\_\_\_,  
whose address is \_\_\_\_\_,  
a person who speaks the language of the deponent;  
namely, Spanish, do hereby certify that on the \_\_\_\_\_  
day of \_\_\_\_\_ 2011, I did translate the  
foregoing deposition from the English language into the  
Spanish language, reading same to the deponent in  
his/her native tongue, to the best of my ability;

That all corrections and changes requested by  
the deponent were made and initialed by the deponent;

That upon completion of said reading, the  
deponent did confirm to me that he/she had understood  
the reading.

\_\_\_\_\_  
READER-INTERPRETER

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DECLARATION UNDER PENALTY OF PERJURY

I, JESUS MONTIJO, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken February 9, 2011; that I have made such corrections as appear noted herein, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2011,  
at \_\_\_\_\_, California.

\_\_\_\_\_  
JESUS MONTIJO

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REPORTER'S CERTIFICATION

I, Cinthia M. Marumoto, Registered Professional Reporter, Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 16th day of February 2011.

\_\_\_\_\_  
Cinthia M. Marumoto, RPR, CSR No. 5197

# **Exhibit '4'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

JOHN DORMAN, )  
individually, and JOEL )  
GAMBOA, individually, )  
 )  
Plaintiffs, )  
 )  
vs. ) Case Number  
 ) 37-2010-00092450-CU-PO-CTL  
DEFENDANT DOE 1, LaJOLLA )  
CHURCH; DEFENDANT DOE 2, )  
LINDA VISTA CHURCH; )  
DEFENDANT DOE 3, )  
SUPERVISORY ORGANIZATION; )  
DEFENDANT DOE 4, )  
PERPETRATOR; and DOES 5 )  
through 100, )  
 )  
Defendants. )  
\_\_\_\_\_ )

INTERPRETED DEPOSITION OF JUSTINO DIAZ,  
called on behalf of the Plaintiffs, at 12555  
High Bluff Drive, Suite 260, San Diego,  
California, on Tuesday, February 8, 2011,  
commencing at 10:14 a.m., before Judy Runes,  
California CSR No. 5874.

1 children within the congregation?

2 A No. The parents are the ones that are in  
3 charge of giving studies to their children.

4 Q If the parents are somehow incapable, will the  
5 congregation assign someone to take up that role?

6 A Yes, but the parents would have to be present.

7 MR. MORENO: I'm sorry.

8 MR. STOREY: Let's go off the record.

9 (Off the record.)

10 BY MR. STOREY:

11 Q If I were to say that a person was a  
12 publisher, what would that mean to you?

13 A Publisher would be a person who attends the  
14 meetings.

15 Q Does a publisher have any other  
16 responsibilities?

17 A A publisher, the word itself says it, he would  
18 publish the message of the Bible.

19 Q So would a publisher be required to do field  
20 service?

21 A Not forced to do it. He wants to do it, he  
22 can preach, yes.

23 Q Are there requirements for becoming a  
24 publisher?

25 A He studies the Bible.



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ERRATA SHEET

CORRECTIONS

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DECLARATION UNDER PENALTY OF PERJURY

I, JUSTINO DIAZ, declare under penalty of perjury that the foregoing is my deposition under oath;

And are the questions asked of me and my answers thereto;

And that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I subscribe my name this date: \_\_\_\_\_

\_\_\_\_\_  
JUSTINO DIAZ

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REPORTER'S CERTIFICATION

I, Judy Runes, CSR No. 5874, certify:

That the foregoing transcript of JUSTINO DIAZ was taken before me at the time and place therein set forth, at which time the witness was placed under oath by me;

That the testimony and all objections made at the time of the deposition were recorded stenographically by me and thereafter transcribed;

That the foregoing transcript is a true record of the testimony and of all objections made at the time of the deposition;

That dismantling this transcript will void the court reporter's official certification of this transcript.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

In witness thereof, I have subscribed my name this day: February 22, 2011.



Judy Runes, CSR No. 5874

# **Exhibit '5'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

1 **WATCHTOWER BIBLE AND TRACT**  
2 **SOCIETY OF NEW YORK, INC.**  
3 **LEGAL DEPARTMENT**

3 Mario F. Moreno  
4 100 Watchtower Drive  
4 Patterson, NY 12563-9204  
5 Telephone: (845) 306-1000  
5 Facsimile: (845) 306-0709

6 Attorney for Defendant Doe 3, Supervisory Organization

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO**

10 JOHN DORMAN, Individually, and JOEL  
11 GAMBOA, Individually,

11 Plaintiffs,

12 v.

13 DEFENDANT DOE 1, Linda Vista Church,  
14 DEFENDANT DOE 2, Linda Vista Church,  
15 and DEFENDANT DOE 3, Supervisory  
16 Organization, DEFENDANT DOE 4,  
16 Perpetrator, and DOES 5 through 100,  
17 inclusive,

18 Defendants.

Case No.: 37-2010-00092450-CU-PO-CTL

**AFFIDAVIT OF DANNY L. BLAND**

19 I, Danny L. Bland, after being duly sworn, deposes and states that if called to testify in  
20 this matter I would competently testify as follows:

21 1. I am over 21 years of age, of sound mind, and competent to make this Affidavit.

22 I have personal knowledge of the matters contained herein, and they are all true and correct.

23 2. I reside in Brooklyn, New York, and have served as an Elder in the faith of  
24 Jehovah's Witnesses since about 1962.

25 3. On September 16, 1967, I began serving at the U.S. branch offices of Jehovah's  
26 Witnesses in New York, and I have served in the Treasurer's Office of the U.S. branch offices  
27  
28

1 since January 1973, providing accounting and financial services for corporations of Jehovah's  
2 Witnesses, including Watchtower Bible and Tract Society of New York, Inc. (hereinafter  
3 "Watchtower").

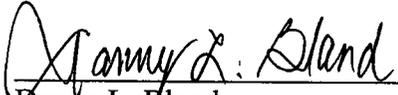
4 4. As part of my work in the Treasurer's Office, I help to maintain custody of or  
5 have access to the lists of names and addresses of all members, officers and directors, and other  
6 personnel records of Watchtower, and I know that Watchtower had no employees from the  
7 1970's to the present.

8  
9 5. I have thoroughly searched Watchtower's records maintained by the Treasurer's  
10 Office and those records show that Gonzalo Campos has never been an employee, member,  
11 officer, or director of Watchtower.

12 6. Furthermore, since the number of Watchtower corporate members range from 30  
13 to 100 at any given time, and historically have been Elders who live and serve at the U.S. branch  
14 offices of Jehovah's Witnesses in New York, most Jehovah's Witnesses are not corporate  
15 members of Watchtower.

16  
17 SIGNED this 19<sup>th</sup> day of September, 2011.

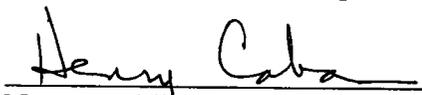
18 I declare under penalty of perjury under the laws of the State of New York that the foregoing is  
19 true and correct to the best of my information, belief, and knowledge.

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21 \_\_\_\_\_  
22 Danny L. Bland

21 STATE OF NEW YORK )  
22 ) ss.:  
23 COUNTY OF KINGS )

24 SUBSCRIBED AND SWORN TO BEFORE ME on the 19<sup>th</sup> day of September, 2011, to certify  
25 which witness my hand and official seal.

26 **HENRY CABAN**  
27 Notary Public, State of New York  
28 No. 01CA6003803  
Qualified in Kings County  
Commission Expires March 9, 2014

25   
26 \_\_\_\_\_  
27 Notary Public, State of New York

# **Exhibit '6'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

JOHN DORMAN, )  
individually, and JOEL )  
GAMBOA, individually, )  
 )  
Plaintiffs, )  
 )  
vs. ) Case Number  
 ) 37-2010-00092450-CU-PO-CTL  
DEFENDANT DOE 1, LaJOLLA )  
CHURCH; DEFENDANT DOE 2, )  
LINDA VISTA CHURCH; )  
DEFENDANT DOE 3, )  
SUPERVISORY ORGANIZATION; )  
DEFENDANT DOE 4, )  
PERPETRATOR; and DOES 5 )  
through 100, )  
 )  
Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF JUAN GUARDADO, called on  
behalf of the Plaintiffs, at 12555 High Bluff  
Drive, Suite 260, San Diego, California, on  
Tuesday, February 8, 2011, commencing at 12:54  
p.m., before Judy Runes, California CSR No.  
5874.

1 A No, that's -- that's locally.

2 Q Does a person who is a publisher have any  
3 responsibilities within the congregation?

4 A Responsibilities? No. Responsibilities? No.  
5 If I understand your question.

6 Q Are publishers required to do field service?

7 A Required? Once you become a publisher, you're  
8 expected to -- to -- to go door-to-door because  
9 that's -- that's why you asked to be a publisher.

10 Q Okay. If I were to say a person was a  
11 pioneer, what would that mean?

12 A A pioneer is a publisher member of the  
13 congregation who goes door-to-door or talks to people  
14 about the Bible, when I started back then, 90 hours --  
15 well, 60 hours or 90 hours.

16 Q So an auxiliary pioneer would be required for  
17 60 hours?

18 A He or she would do 60 hours, yeah. Yes.

19 Q And then what would a regular pioneer do?

20 A He would preach for 90 hours, back then.

21 Q Are there specific requirements if someone  
22 wants to be a pioneer?

23 A Auxiliary pioneering, you need to be baptized.  
24 And to be a regular pioneer, you need to be baptized for  
25 at least six months. And the same qualifications to

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ERRATA SHEET  
CORRECTIONS

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DECLARATION UNDER PENALTY OF PERJURY

I, JUAN GUARDADO, declare under penalty of perjury that the foregoing is my deposition under oath;

And are the questions asked of me and my answers thereto;

And that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I subscribe my name this date: \_\_\_\_\_.

\_\_\_\_\_  
JUAN GUARDADO

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REPORTER'S CERTIFICATION

I, Judy Runes, CSR No. 5874, certify:

That the foregoing transcript of JUAN GUARDADO was taken before me at the time and place therein set forth, at which time the witness was placed under oath by me;

That the testimony and all objections made at the time of the deposition were recorded stenographically by me and thereafter transcribed;

That the foregoing transcript is a true record of the testimony and of all objections made at the time of the deposition;

That dismantling this transcript will void the court reporter's official certification of this transcript.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

In witness thereof, I have subscribed my name this day: February 22, 2011.

*Judy Runes*

Judy Runes, CSR No. 5874

# **Exhibit '7'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

John Dorman, Individually,  
and Joel Gamboa,  
Individually,

Plaintiffs,

vs.

CASE NO. 37-2010-00092450-  
CU-PO-CTL

Defendant Doe 1, La Jolla  
Church; Defendant Doe 2,  
Linda Vista Church;  
Defendant Doe 3, Supervisory  
Organization; Defendant  
Doe 4, Perpetrator; and  
Does 5 through 100,

Defendants.

~~~~~

DEPOSITION OF  
RAMON PRECIADO

February 9, 2011

11:33 a.m.

12555 High Bluff Drive  
Suite 260  
San Diego, California

Cinthia M. Marumoto, RPR, CSR No. 5197

1 Q. To the best of your knowledge, was Gonzalo  
2 Campos a publisher?

3 A. Yes.

4 Q. Do you know if Gonzalo Campos was ever --

5 A. Let me go back. What dates are you talking  
6 about? When he became a publisher when?

7 Q. Do you know if he was a publisher when you met  
8 him in 1979 or 1980?

9 A. I don't think so, no.

10 Q. Do you know if he became a publisher before you  
11 left the Linda Vista Spanish congregation?

12 A. Yes. Yeah, before he came, yes.

13 Q. Do you know if he was a publisher in 1981?

14 A. No.

15 Q. Do you know specifically when he became a  
16 publisher?

17 A. More or less, like, in '83 -- '82 or '83,  
18 somewhere in there -- or maybe '84.

19 Q. Do you know if Gonzalo Campos was ever an  
20 auxiliary pioneer?

21 A. When, again? Because it takes time.

22 Q. During your period of time at the Linda Vista  
23 Spanish congregation --

24 A. No.

25 Q. Do you know if he ever was?

1 Q. Just long enough for the elders to get a sense  
2 of the person's qualifications and moral character?

3 A. Right.

4 Q. And do the elders have the final say on who  
5 becomes a ministerial servant?

6 A. Well, I'll say God has the final say, but yeah,  
7 the elders communicate to the person.

8 Q. Okay. Do the elders have to get the approval  
9 of the Watchtower before a person can become a  
10 ministerial servant?

11 A. Yes.

12 Q. Okay. So if the elders believe someone is  
13 qualified and a good candidate to be a ministerial  
14 servant, will they make a recommendation to the  
15 Watchtower?

16 A. Yes.

17 Q. And then the Watchtower has the final say?

18 A. Yeah, they're approved, but it's still -- the  
19 elders can decide. They can decide to go ahead and --

20 (Cell phone interruption)

21 THE REPORTER: "They can go ahead and..." what?  
22 I'm sorry.

23 THE WITNESS: And give the notice to the person  
24 or ask the person if they want to accept it or not. Or  
25 if we see something bad -- the elders -- they will not

1 tell the person. They return the letter back to the  
2 Society, to the Watchtower.

3 BY MR. STOREY:

4 Q. Okay. If a person who is a ministerial  
5 servant -- let me start over.

6 Does a person who is a ministerial servant have  
7 to continue to live up to those good morals?

8 A. Yes.

9 Q. And if a person who is a ministerial servant  
10 does something immoral, can he lose his position?

11 A. Yes.

12 Q. Okay. And who decides if a person who is a  
13 ministerial servant should keep or lose his position?

14 A. A judicial committee.

15 Q. Okay. If a person is a ministerial servant, and  
16 does something immoral, can the body of elders remove  
17 him or do they have to go and ask permission of the  
18 Watchtower?

19 A. The elder would remove him.

20 Q. If I were to say that a person was an elder,  
21 what would that mean?

22 A. It's someone that is, after being a ministerial  
23 servant and show considerable progress, and they can be  
24 recommended by the other elders to become an elder.

25 Q. What are the requirements that must be

1 satisfied before a person can become an elder?

2 A. The same in 1 Timothy 3. One applies for them  
3 and even more.

4 Q. Now, if a person is not -- I'll start over, the  
5 question.

6 Are elders chosen from amongst the ministerial  
7 servants?

8 A. Yes.

9 Q. Can elder -- can a person be appointed an elder  
10 if they are not a ministerial servant?

11 A. No.

12 Q. Who makes the decision about who becomes an  
13 elder?

14 A. The body of elders.

15 Q. And does a ministerial servant apply to become  
16 an elder?

17 A. No.

18 Q. Is he chosen by the body of elders?

19 A. Yes.

20 Q. And once the person is chosen -- or what's the  
21 process that goes into a person being chosen to become  
22 an elder?

23 A. Well, after being of serve -- and sometimes it  
24 takes years for the person to show good standing  
25 position -- you know, in the congregation. And the

1 elders ask him if he wants to serve as an elder -- have  
2 the privilege of service. And then he accepts it or  
3 not.

4 Q. Okay. Does the body of elders have to get the  
5 permission of the Watchtower to appoint a ministerial  
6 servant as an elder?

7 A. Have permission -- in which way?

8 Q. Does the body of elders make a recommendation  
9 to the Watchtower that they think someone is ready to  
10 become an elder?

11 A. Yes.

12 Q. And does the Watchtower have to approve that  
13 recommendation before the person can be assigned as an  
14 elder?

15 A. Yeah, if the Watchtower approves the  
16 recommendation or rejects the recommendation.

17 (Mr. Moreno exits the deposition room)

18 BY MR. STOREY:

19 Q. Is there any kind of public ceremony or  
20 announcement when someone becomes an elder?

21 A. Yes, in a meeting, after he accepts -- the  
22 person accepts the privilege -- then they make an  
23 announcement: "Such-and-such person is an elder now."

24 (Mr. Moreno enters the deposition room)

25 BY MR. STOREY:

1 Q. Is there any kind of a similar public statement  
2 when a person becomes a ministerial servant?

3 A. Yes.

4 Q. So there would be an announcement to the  
5 congregation?

6 A. Yes.

7 Q. If -- does an elder have to continue to exhibit  
8 good morals?

9 A. Yes.

10 Q. And if he fails to exhibit good morals, can he  
11 lose his position?

12 A. Yes.

13 Q. And who makes the decision as to whether that  
14 elder can keep his position or lose it?

15 A. The judicial committee.

16 Q. When you were with the Linda Vista Spanish  
17 congregation, were you ever a ministerial servant?

18 A. Yes.

19 Q. When did you become a ministerial servant in  
20 the Linda Vista Spanish congregation?

21 A. 1981.

22 Q. Did you ever become an elder in the Linda Vista  
23 Spanish congregation?

24 A. Yes.

25 Q. And when did you become an elder?

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DECLARATION UNDER PENALTY OF PERJURY

I, RAMON PRECIADO, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken February 9, 2011; that I have made such corrections as appear noted herein, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2011,  
at \_\_\_\_\_, California.

\_\_\_\_\_  
RAMON PRECIADO

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REPORTER'S CERTIFICATION

I, Cinthia M. Marumoto, Registered Professional Reporter, Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 16th day of February 2011.

---

Cinthia M. Marumoto, RPR, CSR No. 5197

# **Exhibit '8'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

- - -

JOHN DORMAN, individually; and )  
JOEL GAMBOA, individually, )

Plaintiffs, )

vs. )

CASE NO. 37-2010-00092450  
-CU-PO-CTL

DEFENDANT DOE 1, LA JOLLA CHURCH; )  
DEFENDANT DOE 2, LINDA VISTA )  
CHURCH; DEFENDANT DOE 3, )  
SUPERVISORY ORGANIZATION; )  
DEFENDANT DOE 4, PERPETRATOR; and )  
DOES 5 through 100, )

Defendants. )

DEPOSITION OF

JOHN DORMAN

SAN DIEGO, CALIFORNIA

FEBRUARY 2, 2011

ATKINSON-BAKER, INC.  
COURT REPORTERS  
1-800-288-3376  
www.depo.com

REPORTED BY: RUTH N. VALDIVIA, CSR NO. 11752, RPR

FILE NO.: A50121F

1 A. Would have been in Mexico, Chiox, Sinaloa.

2 Q. What's your date of birth?

3 A. September 7th, 1977.

4 Q. And where were you born?

5 A. San Diego, California.

6 Q. And do you have a California driver's license?

7 A. No, sir.

8 Q. Have you ever had a California driver's license?

9 A. No, sir.

10 Q. Do you have an Oregon license?

11 A. No.

12 Q. Do you have a license in any state or country to

13 drive an automobile?

14 A. No, sir.

15 Q. Do you have a social security card?

16 A. Yes.

17 Q. Do you know the Social Security number?

18 A. Yes.

19 Q. What is it?

20 A. 564-53-5047.

21 Q. What's your present residence address?

22 A. 5001 Pacific Boulevard.

23 Q. And where is that located?

24 A. Albany, Oregon.

25 Oh, I'm sorry, No. 32; Albany, Oregon 97321.

1 Calls for expert opinion.

2 THE WITNESS: I don't have an answer for that.

3 BY MR. McCABE:

4 Q. Did you ever consider yourself as one of Jehovah's  
5 Witnesses?

6 A. Yes.

7 Q. Until what age?

8 A. Till '93.

9 Q. "'93."

10 Remind me what year you were sent to Mexico.

11 A. '93, February.

12 Q. I take it your grandmother isn't a Jehovah  
13 Witness.

14 A. No.

15 Q. Do you have any religious affiliation now?

16 A. No.

17 Q. Have you ever attended other religious services  
18 other than Jehovah's Witnesses?

19 A. Occasionally with my ex-wife.

20 Q. What church was that?

21 A. Catholic.

22 Q. But since your divorce from her, you haven't  
23 attended any religious services?

24 A. No.

25 Q. Tell me about the first time that Gonzalo Campos

1 abused you.

2 Do you remember how old you were?

3 A. No, I do not.

4 Q. Do you remember where it took place?

5 A. Yes.

6 Q. Where?

7 A. In his van.

8 Q. What kind of van did he have?

9 A. Cargo, no windows on the side or nothing.

10 Q. Do you remember how old you were?

11 A. I was?

12 Q. Yes.

13 A. I'd be speculating.

14 Q. Were you older than five?

15 A. Yes.

16 Q. Older than six?

17 A. I really can't remember if I was in the first or  
18 second grade.

19 Q. Okay. But somewhere in the time period between  
20 first and second grade --

21 A. Yes.

22 Q. -- is when he first abused you?

23 A. Yes.

24 Q. On that first occasion, what did he do to you?

25 A. Had me sit in the middle of the van and played

1 with my buttocks.

2 Q. He played with you?

3 A. Put his hand on the back of my pants and squeezed  
4 my butt cheeks as he was driving down the road. I don't  
5 know, squeezed or fondled, whichever you want.

6 Q. Did he do anything else on that occasion?

7 A. No.

8 Q. Did you tell anybody that that had happened?

9 A. No.

10 Q. Did he tell you not to tell?

11 A. Yes.

12 Q. What did he tell you?

13 A. That we were special friends.

14 Q. At this time, how long had you known Gonzalo  
15 Campos?

16 A. I would be speculating.

17 Q. Do you have any memory at all of knowing him prior  
18 to this?

19 A. Yes.

20 Q. Did he attend the same congregation as your  
21 mother?

22 A. I would be speculating.

23 Q. So did anything else occur on this first occasion  
24 on this abuse other than the fondling?

25 A. No.

1 Q. When is the next time that he did something  
2 sexually inappropriate to you?

3 A. Would have been on the way home.

4 Q. The same day?

5 A. Yeah.

6 Q. And what did he do then?

7 A. Same thing. After we were done mowing the yard,  
8 he had to take me home.

9 Q. Whose yard did you mow?

10 A. I would be speculating. A client of his.

11 Q. So you were with him when he was on his work  
12 project?

13 A. Um-hum.

14 Q. And on the second occasion, did he do anything  
15 else to you other than fondle you?

16 A. No.

17 Q. Did you tell anyone about this?

18 A. No.

19 MR. KINSLOW: Objection. Vague and ambiguous as  
20 to time. Move to strike the answer. Also invades  
21 attorney-client privilege.

22 BY MR. McCABE:

23 Q. I don't want to know anything that you told your  
24 lawyer. I can't know that and don't want to know that.

25 A. Okay.

1 Q. But at the time that this happened, around that  
2 period, the next day or the next week, did you tell anybody  
3 that this happened?

4 A. No.

5 Q. When is the next time Gonzalo Campos abused you?

6 A. As far as the time frame?

7 Q. Yes, sir.

8 A. I don't have one.

9 Q. Was it the same month as the first two?

10 A. I'd be speculating.

11 Q. Same year as the first two occasions?

12 A. Yes.

13 Q. Same time?

14 A. Twelve-month period.

15 Q. Twelve-month period he abused you again?

16 A. (Witness nods.)

17 Q. Where did this abuse take place?

18 A. On the way to the jobsite.

19 Q. Was that some kind of gardening job?

20 A. Yes.

21 Q. What did he do on this occasion?

22 A. On the way there, same thing, fondled my rear end.

23 Q. Did he do anything else?

24 A. Then after we were done working, we went over to a  
25 place that his mom was cleaning.

1 Q. She was a house cleaner?

2 A. Yes, she was, I'm assuming, yeah.

3 Q. And what happened there?

4 A. Well, upstairs, when we went to get dressed into  
5 our shorts, he performed oral sex on me in the upstairs  
6 bathroom.

7 Q. So he orally copulated you in the bathroom  
8 upstairs?

9 A. Yes.

10 Q. Do you recall how old you were?

11 A. No.

12 Q. But it was within a year of this --

13 A. Yes.

14 Q. -- first incident when you were either in first or  
15 second grade?

16 A. Yes.

17 Q. Did anything else happen that day?

18 A. Yes.

19 Q. What happened?

20 A. Well, while we were in the pool, he came up behind  
21 me and was touching me under my clothes under my shorts.

22 Q. What did he do when he touched you under your  
23 shorts?

24 A. He fondled my genitalia and penis area as well as  
25 my rear end, my buttocks.

1 Q. Did he penetrate you?

2 A. No.

3 Q. Anything else happen on that occasion in the pool?

4 A. In the pool, no.

5 Q. After the pool --

6 A. Yes.

7 Q. -- anything else happen?

8 A. Yes.

9 Q. What happened?

10 A. At the -- in the shower.

11 Q. What happened in the shower?

12 A. We were both naked, and I was sitting on his lap.

13 Now, at that time I can't recall if he penetrated me or not

14 in the shower, but I know that I was sitting on his lap for

15 some reason or another.

16 Q. Did he, sometime during that day, penetrate you?

17 A. Like I said, I'm not -- I can't recall.

18 Q. Okay.

19 A. All I know -- all I can remember is I was sitting

20 on his lap in the shower. And it wasn't a bathtub either,

21 it was a stand-up shower.

22 Q. Did anything else happen that day?

23 A. On the way home, same thing, fondled my rear end

24 on the way home.

25 Q. And that day or ensuing weeks, did you tell your

1 Q. But after that occasion?

2 A. That was the final time that I spoke to him, to my  
3 knowledge.

4 Q. When is the first time you told anybody else about  
5 this abuse?

6 A. Well, I told my -- like, there was actually abuse  
7 or that I was having the images?

8 Q. That you had the abuse.

9 A. That would have been my -- that would have been my  
10 mom and dad.

11 Q. And what year did you tell them?

12 A. About '93, spring break.

13 Q. How old were you then?

14 A. Sixteen.

15 Q. How did your parents respond when you told them?

16 A. Everybody broke down crying.

17 Q. And did you tell anybody else after your parents  
18 in this time period?

19 A. No. Oh, well, there was the -- no, actually my  
20 mother -- no.

21 Q. Do you know if your mother told anybody?

22 A. Yes.

23 Q. Who did she tell?

24 A. She called the local congregation there, and I'm  
25 speculating on this, but I think it was the Linda Vista

1 congregation because of who she told me she talked to.

2 Q. Who did she tell you she talked to at Linda Vista?

3 A. Rodriguez or Ramirez.

4 Q. Someone named Rodriguez or Ramirez?

5 A. Rowdon maybe? I know it was the father of another  
6 boy.

7 Q. Did she tell you about that conversation?

8 A. Yes, slightly, never too many details but --

9 Q. What did she tell you?

10 A. More like I overheard her talking to my father.

11 Q. What did you overhear?

12 A. Basically that nothing could be done about it,  
13 that it happened, that the church was aware of it, and that  
14 there's nothing that could be done, that the statute of  
15 limitations both civilly and legally had run out, that he  
16 had already been disfellowshipped, chastised,  
17 excommunicated.

18 Q. And you heard all that by listening to your  
19 parents conversing about the matter?

20 A. Yes. Well, my mother was on the phone to the  
21 brothers. She was relaying messages to my father. She was  
22 pacing up and down the hall.

23 Q. You were present in the same room with your mother  
24 on the phone?

25 A. Yes.

1 Q. Do you recall when this conversation took place?

2 A. Spring break maybe or possibly after spring break,  
3 after spring break in May or April of '94.

4 Actually, I need to change that from '93 to '94.  
5 That would have been the first time that I told them about  
6 it, spring break of '94, not '93.

7 Q. That would have been March, April 1994?

8 A. Yes, '94, though.

9 And that's when she would have called down here  
10 too. So I'd like to change that on the previous page back  
11 to '94.

12 Q. Okay. I think we're on the same page now.

13 A. Okay.

14 Q. Prior to that, you hadn't told anybody about the  
15 abuse?

16 A. Not about the abuse, no. About the images in my  
17 head, yes.

18 Q. Okay. Who did you tell about the images?

19 A. Just talked to the girlfriend that I was having  
20 touchy, feely moments with.

21 Q. But other than that girlfriend, did you tell  
22 anybody else about the images you were having?

23 A. No.

24 Q. So would it be fair to say the next conversation  
25 you had about this abuse would be spring of 1994 with your

DECLARATION

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I hereby declare I am the deponent in the within matter; that I have read the foregoing proceedings and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, at \_\_\_\_\_, California.

\_\_\_\_\_  
JOHN DORMAN

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STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

**AUTHENTIC COPY**  
**The original certified E-Transcript**  
**file was electronically signed**  
**using RealLegal technology.**

I, RUTH N. VALDIVIA, a Certified Shorthand Reporter,  
do hereby certify:

That prior to being examined, the witness in the  
foregoing proceedings was by me duly sworn to testify to the  
truth, whole truth, and nothing but the truth;

That said proceedings were taken before me at the  
time and place hereby set forth and were taken down by me  
in shorthand and thereafter transcribed into typewriting  
under my direction and supervision.

I further certify that I am neither counsel for, nor  
related to, any party to said proceedings, nor in anyway  
interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my  
name.

Dated: February 15, 2011

-----  
RUTH N. VALDIVIA  
CSR No. 11752, RPR

# **Exhibit '9'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

John Dorman, Individually, and )  
Joel Gamboa, Individually, )  
Plaintiffs, )

CASE NUMBER: 37-2010-000  
92450-CU-PO-CTL

v.

Defendant Doe 1, La Jolla )  
Church; Defendant Doe 2, Linda )  
Vista Church; Defendant Doe 3, )  
Supervisory Organization; )  
Defendant Doe 4, Perpetrator, )  
and Does 5 through 100, )  
Inclusive, )  
Defendants. )

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DEPOSITION OF  
GONZALO CAMPOS

ZONA RIO, TIJUANA B.C., MEXICO

SEPTEMBER 2, 2011

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
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REPORTED BY: GLORIA D. MAZON, CSR NO. 9356

FILE NO.: A507DA0

1	Q	Is that here in Tijuana?	11:32:06
2	A	No. It's in San Diego.	11:32:09
3	Q	Do you live there now?	11:32:10
4	A	No, not anymore.	11:32:13
5	Q	Where do you live now?	11:32:15
6	A	I am temporarily in Tijuana.	11:32:21
7	Q	Where are you going to live permanently?	11:32:25
8	A	In Mexico.	11:32:28
9	Q	Where in Mexico?	11:32:30
10	A	In Hidalgo.	11:32:33
11	Q	Is that a state in Mexico?	11:32:35
12	A	Yes.	11:32:38
13	Q	What City?	11:32:39
14	A	Pachuca, Hidalgo.	11:32:44
15	Q	Do you have an address in Pachuca, Hidalgo?	11:32:46
16	A	No.	11:32:51
17	Q	When are you planning on moving there?	11:32:52
18	A	In the next weeks.	11:32:58
19	Q	Mr. Campos, what's your place of birth?	11:33:02
20	A	In Mexico city.	11:33:13
21	Q	What year?	11:33:15
22	A	In 1963.	11:33:15
23	Q	What was the date of your birth?	11:33:19
24	A	January 10, 1963.	11:33:26
25	Q	How much education have you completed?	11:33:29



1 Q Okay. What congregation of Jehovah's Witnesses 11:37:09  
2 did you start associating with? 11:37:13  
3 A In Linda Vista. 11:37:22  
4 Q And did you have a bible study conducted with 11:37:24  
5 you, by someone in the congregation? 11:37:29  
6 A Yes. 11:37:35  
7 Q Who was the person who studied with you? 11:37:36  
8 A Sister Celia started. 11:37:45  
9 And after that, another brother. 11:37:55  
10 Q And what was his name? 11:37:56  
11 A Ramon. 11:37:59  
12 Q Ramon? 11:38:02  
13 Do you know his last name? 11:38:03  
14 A Yes; Preciado. 11:38:09  
15 Q Did you study with anyone else, other than with 11:38:10  
16 Ramon Preciado? 11:38:12  
17 A No. 11:38:18  
18 Q When did you start attending meetings of the 11:38:20  
19 Linda Vista Congregation? 11:38:22  
20 A After I moved to the United States. 11:38:31  
21 Q Had you been associated with Jehovah's 11:38:36  
22 Witnesses of Mexico, before you moved to the 11:38:38  
23 United States? 11:38:48  
24 A No. 11:38:48  
25 Q Did you become baptized as a Jehovah's Witness? 11:39:00

1 A Yes. 11:39:07

2 Q In what year? 11:39:08

3 A In 1980. 11:39:11

4 Q And you were about 17 years old then? 11:39:15

5 A Yes. 11:39:18

6 Q And you were still associated with the Linda 11:39:19

7 Vista Congregation at that time? 11:39:22

8 A Yes. 11:39:32

9 Q And prior to becoming a baptized member of the 11:39:33

10 congregation, did you attend the preaching work that's 11:39:38

11 done by Jehovah's Witnesses? 11:39:40

12 A Yes. 11:39:59

13 Q And what age were you, when you started 11:40:00

14 participating in preaching? 11:40:03

15 A After having been baptized too. 11:40:16

16 Q So you weren't a publisher in the congregation, 11:40:19

17 before you were baptized? 11:40:21

18 A Yes. 11:40:26

19 Q For how long before your baptism, were you a 11:40:27

20 publisher in the congregation? 11:40:31

21 A I don't remember if it was about six months or 11:40:40

22 a year. 11:40:44

23 Q After your baptism as one of the Jehovah's 11:40:47

24 Witnesses in the Linda Vista Congregation, did you ever 11:40:50

25 serve as a ministerial servant? 11:40:53



1           A     A pushlisher is a person who preaches           11:43:06  
2 home-to-home the good news, and he is authorized to           11:43:10  
3 preach this good news from door-to-door.           11:43:17  
4           Q     Can I have a second.           11:43:24  
5                     And who authorizes you to preach from           11:43:40  
6 door-to-door, when you're a publisher of the good news in           11:43:42  
7 the Kingdom of --           11:43:45  
8           A     The elders of the congregation and the           11:44:03  
9 president of services -- I'm not sure. Service overseer.           11:44:07  
10           Q     Okay. And are all members of the congregation,           11:44:24  
11 authorized to preach the good news of the Kingdom?           11:44:27  
12                     MR. STOREY: Objection. Vague and ambiguous.           11:44:38  
13 BY MR. MCCABE:           11:44:41  
14           Q     If you understand the question, you may answer           11:44:41  
15 it.           11:44:42  
16           A     Yes.           11:44:45  
17           Q     Did there come a time, when you left the Linda           11:44:49  
18 Vista Congregation and began associating with another           11:44:53  
19 congregation?           11:44:57  
20           A     No.           11:45:10  
21           Q     So your entire life in the -- as one of           11:45:10  
22 Jehovah's Witnesses, you spent in the Linda Vista           11:45:13  
23 Congregation?           11:45:16  
24           A     No.           11:45:23  
25           Q     What other congregations did you associate           11:45:24

1 with? 11:45:27

2 A With the La Jolla Congregation. 11:45:35

3 And also, with Playa Pacifica. 11:45:39

4 Q Is the La Jolla Congregation, the Playa 11:45:43

5 Pacifica Congregation, the same congregation? 11:45:46

6 A Yes, it's the same. 11:45:57

7 Q So La Jolla Congregation changed the name to 11:45:58

8 Playa Pacifica, at some point in time? 11:46:01

9 A Yes. 11:46:08

10 Q Do you know what year it is, that you began 11:46:10

11 associating with the La Jolla Congregation? 11:46:13

12 A No. 11:46:24

13 Q Do you know how long you were in the Linda 11:46:27

14 Vista Congregation, before you began associating with the 11:46:29

15 La Jolla congregation? 11:46:32

16 A I'm not sure, if it was 10 years or more. I 11:46:52

17 don't remember. 11:46:55

18 Q Did you begin associating with the La Jolla 11:46:56

19 Congregation when it was first formed? 11:47:00

20 A Yes. 11:47:11

21 Q Okay. And if I told you, that the date that 11:47:12

22 the La Jolla congregation and Spanish was formed was 11:47:17

23 1986, would you have any reason to dispute that or doubt 11:47:20

24 that? 11:47:23

25 A No. 11:47:39

1 Q So does 1986 sound about right, when you moved 11:47:40  
2 from Linda Vista to La Jolla Congregation? 11:47:43  
3 A Yes. 11:47:58  
4 Q And when you started attending meetings at the 11:48:00  
5 La Jolla Congregation, what was the reason for your 11:48:04  
6 changing from Linda Vista to La Jolla Congregation? 11:48:09  
7 A Because the Linda Vista Congregation was -- it 11:48:51  
8 had a lot of publishers and they started to divide up and 11:48:59  
9 it was more convenient for me to go to La Jolla, because 11:49:05  
10 that's where I lived or that's where I was; that was what 11:49:18  
11 pertained to me. 11:49:22  
12 Q So you lived closer to the La Jolla 11:49:25  
13 Congregation, than you did to Linda Vista. 11:49:27  
14 Is that why you moved to that congregation? 11:49:30  
15 A Yes. 11:49:40  
16 Q And when you started associating at the La 11:49:42  
17 Jolla Congregation, were you an elder? 11:49:44  
18 A No. 11:49:52  
19 Q Were you a ministerial Servant? 11:49:53  
20 A No. 11:50:02  
21 Q Were you a regular or auxiliary pioneer? 11:50:02  
22 A No. 11:50:09  
23 Q Prior to your moving to La the Jolla 11:50:10  
24 Congregation, did there come a time when you lived in the 11:50:11  
25 home with Arturo Jemio? 11:50:15

1 designations that had to do with preaching at schools. 12:13:30

2 Q And the school you're talking about, is the 12:13:37  
3 Theocratic Ministry School? 12:13:39

4 A Yes. 12:13:45

5 Q And is that a school that's conducted within 12:13:46  
6 the meetings of Jehovah's Witnesses? 12:13:49

7 A Yes. 12:13:58

8 Q Okay. And why did you want to be a ministerial 12:13:59  
9 servant? 12:14:03

10 A To be able to help more in the congregation, 12:14:24  
11 and to be able to help in that capacity as a ministerial 12:14:25  
12 servant. 12:14:31

13 Q When you say "help," what do you mean? Who 12:14:32  
14 would you help? 12:14:34

15 A To help the brothers there in the -- that are 12:14:57  
16 there in the congregation, to help all of the publishers 12:15:01  
17 and the elders in as far as the designations or 12:15:04  
18 appointments. 12:15:12

19 Q Do you know, when you were appointed as a 12:15:15  
20 ministerial servant in the La Jolla Congregation? 12:15:18

21 A I don't remember. 12:15:30

22 Q What was it? The first year, that you started 12:15:31  
23 attending meetings in the congregation there? 12:15:33

24 A Maybe. I don't remember. 12:15:44

25 Q Okay. If I told you, that I had records that 12:15:45

1 indicated that you were appointed as a ministerial 12:15:48  
2 servant on December 22, 1988, would you have any reason 12:15:50  
3 to dispute that or doubt that that was the date you were 12:15:54  
4 appointed? 12:15:57  
5 A No. 12:16:22  
6 Q And so, does that sound about right to you 12:16:23  
7 after you had been in the congregation, the La Jolla 12:16:26  
8 Congregation two years, you were a ministerial servant? 12:16:28  
9 A Yes. 12:16:40  
10 Q Now, is a ministerial servant, kind of a 12:16:40  
11 stepping stone or an intermediate step to becoming an 12:16:44  
12 elder in the congregation? 12:16:49  
13 A Yes. 12:17:04  
14 Q What kind of things does a ministerial servant 12:17:05  
15 do, in a congregation toward those services? 12:17:08  
16 A There are various jobs that one can help the 12:18:06  
17 elders with, such as there in the congregation; such as 12:18:15  
18 cleaning and helping to take members of the group out 12:18:21  
19 for -- into the field. 12:18:29  
20 And others that I don't remember. 12:18:33  
21 Q Did you eventually get appointed to be an 12:18:40  
22 elder, in the La Jolla or Playa Pacifica Congregation? 12:18:43  
23 A Yes. 12:19:00  
24 Q Do you remember what year that was? 12:19:01  
25 A No. 12:19:04

1 Q If I told you it was about five years after -- 12:19:06  
2 four-and-half years after you had been appointed to 12:19:08  
3 ministerial servant, would that sound about right to 12:19:11  
4 you? 12:19:14  
5 A Yes. 12:19:22  
6 Q So if I told you, you were appointed June 23, 12:19:23  
7 1993, would that sound about right to you? 12:19:27  
8 A Yes. 12:19:37  
9 Q Okay. Did you want to become an elder when you 12:19:38  
10 were attending the La Jolla Congregation? 12:19:42  
11 A Yes. 12:19:49  
12 Q Why? 12:19:57  
13 A Yes. I wanted to, because I wanted to serve in 12:20:26  
14 the congregation and to help as an elder with the 12:20:30  
15 different jobs that are assigned to elders, such as 12:20:38  
16 public speaking, representing the congregation and other 12:20:41  
17 designations. 12:20:53  
18 Q When you were appointed an elder in 1993, what 12:20:53  
19 was your relationship like with God? 12:20:59  
20 A It was not good. 12:21:11  
21 Q Okay. Why did you want to be an elder? 12:21:13  
22 A To be able to help in the congregation. 12:21:26  
23 Q Now, when you were appointed a ministerial 12:21:36  
24 servant, before they made the announcement -- do they 12:21:39  
25 make an announcement to the congregation, telling 12:21:42

1 ministerial servant, that is even more of a requirement, 12:48:54  
2 if there's a problem that they need to let the elders 12:48:56  
3 know and get it taken care of? 12:49:00  
4 A Yes. 12:49:17  
5 Q Now, any time that you were a ministerial 12:49:18  
6 servant, did you come forward and tell the elders that 12:49:21  
7 you had had this problem with Arturo Jemio? 12:49:25  
8 A No. 12:49:44  
9 Q And during the time that you were a ministerial 12:49:44  
10 servant, did you have sexual contact with Joel Gamboa? 12:49:47  
11 A Yes. 12:49:59  
12 Q Did you ever come forward to the elders and 12:49:59  
13 tell them about this problem that you were having? This 12:50:02  
14 serious sin? 12:50:05  
15 A No. 12:50:06  
16 Q And prior to your becoming a ministerial 12:50:10  
17 servant, did have you some sexual contact with John 12:50:14  
18 Dorman? 12:50:18  
19 A Yes. 12:50:28  
20 Q Was that while you were at the Linda Vista 12:50:28  
21 Congregation? 12:50:32  
22 A Yes. 12:50:33  
23 Q Do you know how old John Dorman was, when you 12:50:33  
24 had sexual contact with him? 12:50:36  
25 A No. 12:50:43

1 Q Do you know how old you were? 12:50:44

2 A No, I don't remember. 12:50:52

3 Q Were you a lot older than he was? 12:50:54

4 A Yes. 12:50:56

5 Q Was he a little boy? 12:50:56

6 A Yes. 12:51:02

7 Q So he wasn't an adult? 12:51:02

8 A No. 12:51:04

9 Q But you were an adult? 12:51:05

10 A Yes. 12:51:07

11 Q Did you consider this sexual contact with John  
12 Dorman to be a serious sin? 12:51:08  
12:51:11

13 A Yes. 12:51:17

14 Q When the elders talked to you about being a  
15 ministerial servant, did you tell them about this serious  
16 sin that you had in the past with John Dorman? 12:51:18  
12:51:22  
12:51:26

17 A No. 12:51:34

18 Q In fact, you later became an elder, didn't  
19 you? 12:51:36  
12:51:40

20 A Yes. 12:51:43

21 Q All right. 12:51:44

22 And while you were an elder, would you have  
23 appointed a ministerial servant that had your background  
24 of child abuse and child molestation, if you knew about  
25 it? 12:51:44  
12:51:47  
12:51:53  
12:51:56

1           A     No. 12:52:15

2           Q     In fact, this is about why the elders talk to 12:52:15

3           you before they make an announcement that you're a 12:52:18

4           ministerial servant, to find out if there's any things 12:52:21

5           like that, that would prevent you from legitimately 12:52:24

6           serving as a ministerial servant. 12:52:28

7                     Isn't that true? 12:52:30

8           A     Yes. 12:52:42

9           Q     Now, when you were a ministerial servant and 12:52:43

10          having sexual contact with Joel Gamboa, did you tell the 12:52:46

11          elders about that? 12:52:51

12          A     No. 12:52:59

13          Q     Was your activity with Joel Gamboa a serious 12:53:00

14          sin? 12:53:09

15          A     Yes. 12:53:09

16          Q     How old was Joel Gamboa when you had sexual 12:53:10

17          contact the first time? 12:53:15

18          A     I'm not sure if he was eight or nine. I'm not 12:53:23

19          sure. 12:53:27

20          Q     How old were you? 12:53:27

21          A     I don't remember. But I was already an 12:53:32

22          adult. 12:53:35

23          Q     And that was a serious sin, correct? 12:53:36

24          A     Yes. 12:53:40

25          Q     And that was a serious sin, in the eyes of the 12:53:41

1 BY MR. MCCABE: 12:55:34

2 Q And you were aware that were you concealing 12:55:34

3 this information, that the elders had a right to know. 12:55:39

4 Is that true? 12:55:44

5 A Yes. 12:55:51

6 Q Now, I want to talk about Joel Gamboa. 12:55:54

7 Did you have bible study with him? 12:56:01

8 A Yes. 12:56:08

9 Q How did you happen to come to study the bible 12:56:09

10 with Joel Gamboa? Were you appointed to do that by the 12:56:12

11 elders? 12:56:16

12 A No. 12:56:26

13 Q How did it come about? 12:56:27

14 A His mother asked me, if I could provide him 12:56:31

15 with studies. 12:56:34

16 Q Okay. Did he -- was his mother married at the 12:56:35

17 time? 12:56:40

18 A No. 12:56:42

19 Q How many people were you studying the bible 12:56:44

20 with at that time? 12:56:47

21 A I don't remember. 12:56:56

22 Q Was it more than Joel Gamboa? 12:56:58

23 A Yes, I think so. 12:57:05

24 Q Were they children? 12:57:06

25 A No. 12:57:09

1 congregation formed. 13:05:03

2 And I don't remember if they had been in Linda 13:05:06

3 Vista, or if I just remember that they were there when it 13:05:11

4 started. 13:05:17

5 Q When what congregation started? 13:05:17

6 A In La Jolla. 13:05:20

7 Q Do you remember when you had sexual activity, 13:05:23

8 with John Dorman? 13:05:26

9 Was it in the Linda Vista Congregation? Or 13:05:28

10 when you were in the La Jolla congregation? 13:05:30

11 A In La Jolla. 13:05:39

12 Q If I told you, that John Dorman testified that 13:05:42

13 he was in the Linda Vista Congregation when you had 13:05:46

14 sexual contact with him, would that change your thinking, 13:05:49

15 as to when you had sexual contact with John Dorman? 13:05:52

16 A Yes. 13:06:09

17 Q So where did it happen? When he was in Linda 13:06:10

18 Vista or when he was in La Jolla? 13:06:14

19 A In Linda Vista. 13:06:23

20 Q And were you a ministerial servant or an elder, 13:06:26

21 when you had sexual contact with John Dorman? 13:06:30

22 A I don't remember. 13:06:42

23 Q Okay. When you were confronted by the elders, 13:06:43

24 about this accusation from John Dorman, did you tell them 13:06:48

25 it had already been handled by a judicial committee? 13:06:53



1 incidents of your molesting the child sexually? 13:42:48

2 A Yes. 13:43:07

3 Q Did you tell the judicial committee the 13:43:08  
4 details? Or did you just tell them that you were guilty 13:43:12  
5 and you admitted your guilt? 13:43:21

6 A I gave them the details and admitted my 13:43:35  
7 culpability; my guilt. 13:43:39

8 Q Okay. 13:43:42

9 What happened to you personally, after you were 13:43:43  
10 expelled from the congregation? 13:43:45

11 A It was devastating for me, because of my 13:44:17  
12 relationship with the Jehovah's Witnesses for having 13:44:20  
13 brought to them such reprehensible behavior. 13:44:23

14 What was very devastating to me for bringing 13:44:51  
15 bad -- 13:44:58

16 THE INTERPRETER: He says "apropri --" 13:45:05

17 COURT REPORTER: Ms. Interpreter, can you 13:45:05  
18 please speak louder; thank you. 13:45:05

19 MR. MCCABE: "Reproach?" 13:45:07

20 THE WITNESS: -- reproach, not just to the 13:45:09  
21 congregation, but to Jehovah himself; God. 13:45:11

22 And that was very devastating for having 13:45:17  
23 brought reproach to Jehovah's -- to the organization, to 13:45:41  
24 the brothers and the people that were involved. 13:45:45

25 And for causing the separation, my separation 13:45:52

1                   The time is 2:06 p.m.                   14:06:16

2                   (Break.)                   14:09:14

3                   THE VIDEOGRAPHER: We're back on the record.                   14:09:15

4                   The time is 2:09 p.m.                   14:09:16

5 BY MR. MCCABE:                   14:09:21

6                   Q       Mr. Campos, some time ago, I took the                   14:09:21

7 deposition of Joel Gamboa.                   14:09:24

8                   And during the course of his deposition, I'll                   14:09:28

9 represent to you, that he told me that you sexually                   14:09:30

10 abused him for a period of six years, from the time he                   14:09:35

11 was eight years old until he moved to Phoenix, Arizona,                   14:09:40

12 when he was 14 years of age.                   14:09:43

13                   Did you sexually molest Joel Gamboa for a                   14:09:46

14 period of six years?                   14:09:49

15                   A       Yes.                   14:10:26

16                   Q       And he also told me, that you sexually abused                   14:10:29

17 him sometimes two, three times a week.                   14:10:34

18                   Is that true?                   14:10:37

19                   A       Yes.                   14:10:46

20                   MR. MCCABE: I think that's all I have --                   14:10:55

21 actually, I do have one more question.                   14:10:55

22                   Did you tell the judicial committee, that                   14:11:13

23 that's what you did over that period of time for six                   14:11:16

24 years, you abused Joel Gamboa two, three times a week?                   14:11:19

25                   A       No.                   14:11:35



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STATE OF \_\_\_\_\_ )

SS.

COUNTY OF \_\_\_\_\_ )

I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, at \_\_\_\_\_,  
City State

\_\_\_\_\_  
GONZALO CAMPOS

CERTIFICATE OF READER-INTERPRETER

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I, \_\_\_\_\_,  
whose address is \_\_\_\_\_

\_\_\_\_\_ a person who speaks the language of the witness;  
namely, \_\_\_\_\_, do hereby certify that  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

I did translate the foregoing deposition from the  
\_\_\_\_\_ language into the \_\_\_\_\_  
language reading same to the witness in his/her  
native tongue, to the best of my ability;

That all corrections and changes requested  
by the witness were made and initialed by the  
witness;

That upon completion of said reading, the  
witness did confirm to me that he/she had  
understood the reading.

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Interpreter-Reader

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REPORTER'S CERTIFICATE

I, GLORIA D. MAZON, CSR No. 9356, Certified  
Shorthand Reporter, certify;

That the foregoing proceedings were taken before me  
at the time and place therein set forth, at which time  
the witness was put under oath by me;

That the testimony of the witness, the questions  
propounded, and all objections and statements made at the  
time of the examination were recorded stenographically by  
me and were thereafter transcribed;

That the foregoing is a true and correct transcript  
of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the laws  
of California that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

-----

GLORIA D. MAZON C.S.R. No. 9356

# **Exhibit '10'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

1 **LAW OFFICE OF ROCKY K. COPLEY**

2 Rocky K. Copley (SBN 101628)

3 225 Broadway, Suite 2100

4 San Diego, CA 92101

5 Telephone: (619) 232-3131

6 Facsimile: (619) 232-1690

7 Attorney for Defendant Doe 2 Linda Vista Church

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

JOHN DORMAN, Individually, and JOEL  
GAMBOA, Individually,

Plaintiffs,

v.

DEFENDANT DOE 1, La Jolla Church,  
DEFENDANT DOE 2, Linda Vista Church,  
and DEFENDANT DOE 3, Supervisory  
Organization, DEFENDANT DOE 4,  
Perpetrator, and DOES 5 through 100,  
inclusive,

Defendants.

Case No.: 37-2010-00092450-CU-PO-CTL

**AFFIDAVIT OF RAMON PRECIADO**

I, Ramon Preciado, after being duly sworn, depose and state that if called to testify I would do so as follows:

1. I am over 21 years of age, of sound mind, and competent to make this Affidavit.

I have personal knowledge of the matters contained herein, and they are all true and correct.

2. I was a member of the Linda Vista Spanish Congregation of Jehovah's Witnesses (hereinafter "Linda Vista Spanish Congregation"), from 1974 to 1986, and served as a Ministerial Servant from about 1981 until about the end of 1984 or beginning of 1985 when I was appointed as an Elder in that same congregation.

1           3.     I met Gonzalo Campos (hereinafter "Campos") when he was a teenager and he  
2 first began to associate with the Linda Vista Spanish Congregation in about 1979 or 1980, along  
3 with his mother.

4           4.     I studied the Bible with Campos when he was teenager attending meetings at the  
5 Linda Vista Spanish Congregation with his mother, and eventually I invited him to accompany  
6 the Linda Vista Spanish Congregation in the field ministry as an approved associate of  
7 Jehovah's Witnesses.  
8

9           5.     I am aware that Campos was later baptized as one of Jehovah's Witnesses in  
10 1980, and he continued to attend meetings as a baptized publisher with the Linda Vista Spanish  
11 Congregation.

12           6.     I am aware that by 1986 the Linda Vista Spanish Congregation had grown larger  
13 in number and the La Jolla Spanish Congregation was formed in November 1986 as an offshoot  
14 of the Linda Vista Spanish Congregation.  
15

16           7.     I am aware that when the La Jolla Spanish Congregation was formed, my family,  
17 Campos and his mother, and other former members of the Linda Vista Spanish Congregation  
18 who lived closer to the La Jolla Spanish Congregation's territory began to associate with the  
19 newly formed congregation because it was more convenient.

20           8.     I am aware that Campos never served as a Ministerial Servant, Elder, or Regular  
21 Pioneer while he was associated with the Linda Vista Spanish Congregation, so he was still a  
22 baptized publisher when he began associating with the newly formed La Jolla Spanish  
23 Congregation in late 1986.  
24

25           9.     I am aware that Campos was eventually appointed as a Ministerial Servant in the  
26 La Jolla Spanish Congregation on December 22, 1988, while I was serving as an Elder in that  
27 same congregation.  
28

1 10. I am aware that the La Jolla Spanish Congregation, now known as the Playa  
2 Pacifica Spanish Congregation, is made up of individuals and families who regularly share  
3 together to worship at the Kingdom Hall of Jehovah's Witnesses located at 4243 Ingraham  
4 Street, San Diego, California.

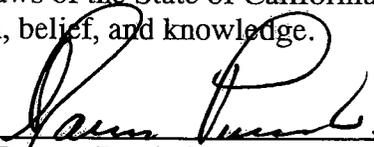
5 11. I am aware that at times members of the Playa Pacifica Spanish Congregation  
6 served as regular pioneers, but I am also aware that Gonzalo Campos never did so.

7  
8 12. I am aware that Campos was eventually appointed as an Elder in the Playa  
9 Pacifica Spanish Congregation in 1993.

10 13. I have been an elder in four congregations including Linda Vista Spanish, La  
11 Jolla Spanish and Playa Pacifica Spanish congregations and I am aware that nearly all of the  
12 elders in these congregations were married and most had children.

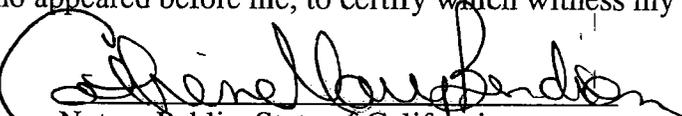
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14 SIGNED this the 22 day of September, 2011.

15  
16 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
17 true and correct to the best of my information, belief, and knowledge.

18  
19   
Ramon Preciado

20 STATE OF CALIFORNIA )  
21 ) ss.:  
22 COUNTY OF SAN DIEGO )

23 SUBSCRIBED AND SWORN TO BEFORE ME, Catherine Mary Bendixen, a Notary Public,  
24 on the 22 day of September, 2011, by Ramon Preciado, proved to me on the basis of  
25 satisfactory evidence to be the person who appeared before me, to certify which witness my  
26 hand and official seal.

27   
28 Notary Public, State of California



# **Exhibit '11'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

1 **THE McCABE LAW FIRM, APC**

2 James M. McCabe SBN 51040

3 4817 Santa Monica Avenue

4 San Diego, CA 92107

5 Telephone: (619) 224-2848

6 Facsimile: (619) 224-0089

7 Attorney for Church Defendants

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO

10 JOHN DORMAN, Individually, and JOEL  
11 GAMBOA, Individually,

12 Plaintiffs,

13 v.

14 DEFENDANT DOE 1, Linda Vista Church,  
15 DEFENDANT DOE 2, Linda Vista Church,  
16 and DEFENDANT DOE 3, Supervisory  
17 Organization, DEFENDANT DOE 4,  
18 Perpetrator, and DOES 5 through 100,  
19 inclusive,

20 Defendants.

Case No.: 37-2010-00092450-CU-PO-CTL

**AFFIDAVIT OF RALPH SCHAEFER**

21 Ralph Schaefer, being duly sworn, deposes and states that if called to testify in this  
22 matter I would competently testify as follows:

23 1. I am a member of the Worldwide Order of Special Full-Time Servants of Jehovah's  
24 Witnesses since December 31, 1959.

25 2. Since August 1, 1970, I have served in the Service Department at the U.S. Branch  
26 Offices of Jehovah's Witnesses in Patterson, New York. I provide spiritual assistance to  
27 congregation elders who call or write the Service Department for help. Prior to March 2001, the  
28 spiritual assistance provided by the Service Department, along with the appointment of elders,  
was communicated to congregations of Jehovah's Witnesses through the Watchtower Bible and  
Tract Society of New York, Inc. Since March 2001, this has been communicated through the

1 Christian Congregation of Jehovah's Witnesses.

2 3. As part of my work in the Service Department, I have custody, control and access to  
3 the records of all those Jehovah's Witnesses who have ever served as "regular pioneers."

4 4. I have thoroughly searched these records maintained by the Service Department and  
5 those records show that Gonzalo Campos never served as a regular pioneer in any congregation  
6 of Jehovah's Witnesses.

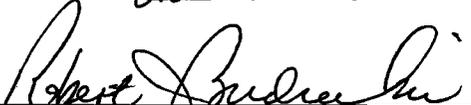
7 This is a true and correct statement signed under the penalty of perjury.

8 DATED: May 20, 2011

9  
10   
Ralph Schaefer

11  
12 STATE OF NEW YORK )  
13 ) ss.:  
14 COUNTY OF PUTNAM )

15 SUBSCRIBED AND SWORN TO BEFORE ME on the 20<sup>th</sup> day of May, 2011, to certify  
16 which witness my hand and official seal.

17   
Notary Public, State of New York

18 **ROBERT J. BUDRECKI**  
Notary Public, State Of New York  
No. 01BU6003185  
Qualified In Putnam County  
Commission Expires 02/23/20 14

# **Exhibit '12'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

1 **THE McCABE LAW FIRM, APC**

2 James M. McCabe SBN 51040

3 4817 Santa Monica Avenue

4 San Diego, CA 92107

5 Telephone: (619) 224-2848

6 Facsimile: (619) 224-0089

7 Attorney for Defendant Doe 1, La Jolla Church

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

JOHN DORMAN, Individually, and JOEL  
GAMBOA, Individually,

Plaintiffs,

v.

DEFENDANT DOE 1, La Jolla Church,  
DEFENDANT DOE 2, Linda Vista Church,  
and DEFENDANT DOE 3, Supervisory  
Organization, DEFENDANT DOE 4,  
Perpetrator, and DOES 5 through 100,  
inclusive,

Defendants.

Case No.: 37-2010-00092450-CU-PO-CTL

**AFFIDAVIT OF KEVIN PHILLIPS**

I, Kevin Phillips, after being duly sworn, depose and state that if called to testify I would do so as follows:

1. I am over 21 years of age, of sound mind, and competent to make this Affidavit.

I have personal knowledge of the matters contained herein, and they are all true and correct.

2. I have been a member of the Poway Spanish Congregation of Jehovah's Witnesses, in San Diego, California, since 1997. Prior to associating with the Poway Spanish Congregation, from 1988 to 1997 I was a member of the La Jolla Spanish Congregation, which changed its name to Playa Pacifica Spanish Congregation in January 1994.

1 3. I served as an Elder in the Playa Pacifica Spanish Congregation of Jehovah's  
2 Witnesses in San Diego, California, from December 1994 to 1997.

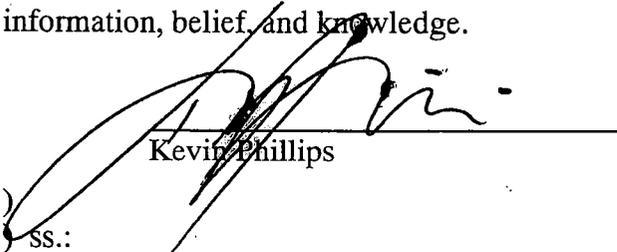
3 4. I served as one of the Elders on the Playa Pacifica Spanish Congregation judicial  
4 committee that on June 9, 1995, disfellowshipped Gonzalo Campos from the congregation.

5 5. I am aware that the Playa Pacifica Spanish Congregation was and is a made up of  
6 individuals and families who are members of the congregation, although a few members served  
7 as regular pioneers, ministerial servants, and elders.

8 6. I am aware that the Playa Pacifica Spanish Congregation met and continues to  
9 meet at the Kingdom Hall of Jehovah's Witnesses at 4243 Ingraham Street, San Diego,  
10 California.

11  
12 SIGNED this the 22<sup>nd</sup> day of September, 2011.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
14 true and correct to the best of my information, belief, and knowledge.

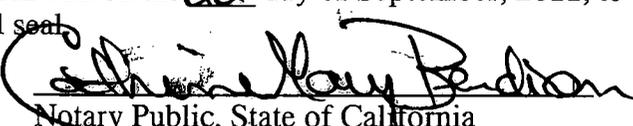
15  
16   
Kevin Phillips

17 STATE OF CALIFORNIA )

ss.:

18 COUNTY OF SAN DIEGO )

19 SUBSCRIBED AND SWORN TO BEFORE ME on the 22<sup>nd</sup> day of September, 2011, to  
20 certify which witness my hand and official seal.

21   
Notary Public, State of California



JURAT

State of California     )  
  )  
County of San Diego    )

Subscribed and sworn to (or affirmed) before me, **CATHERINE MARY BENDIXEN**, a Notary Public, on this 22<sup>ND</sup> day of September, 2011, by Kevin James Phillips, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Catherine Mary Bendixen



# **Exhibit '13'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

JOHN DORMAN,	)	
individually, and JOEL	)	
GAMBOA, individually,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case Number
	)	37-2010-00092450-CU-PO-CTL
DEFENDANT DOE 1, LaJOLLA	)	
CHURCH; DEFENDANT DOE 2,	)	
LINDA VISTA CHURCH;	)	
DEFENDANT DOE 3,	)	
SUPERVISORY ORGANIZATION;	)	
DEFENDANT DOE 4,	)	
PERPETRATOR; and DOES 5	)	
through 100,	)	
	)	
Defendants.	)	
<hr style="width: 50%; margin-left: 0;"/>		

DEPOSITION OF ARTURO JEMIO, called on  
behalf of the Plaintiffs, at 12555 High Bluff  
Drive, Suite 260, San Diego, California, on  
Monday, February 7, 2011, commencing at 1:01  
p.m., before Judy Runes, California CSR No.  
5874.

1 Q Okay. And did you review any documents?

2 A No.

3 Q Okay. When did you speak with your mother?

4 A About a week ago.

5 Q Okay. And what was that conversation about?

6 A Just trying to see if she can jog up my memory  
7 about some stuff that happened regarding that issue.

8 Q Okay. What's your date of birth?

9 A November 24, 1969.

10 Q And are you Jehovah's Witness?

11 A Yes, I am.

12 Q And were you Jehovah's Witness in  
13 approximately 1980?

14 A Approximately, yes.

15 Q Okay.

16 A Yeah.

17 Q You were?

18 A Uh-huh.

19 Q Okay. And at that time, were you a member of  
20 a particular congregation?

21 A Yes.

22 Q What congregation?

23 A Linda Vista.

24 Q And how long did you continue to attend  
25 Linda Vista congregation?

1 A Till about 1989.

2 Q I'm going to show you a document. It's in  
3 Spanish. Can you read Spanish?

4 A Yes, I can.

5 Q Okay.

6 MR. STOREY: Same one we used in the last one.  
7 (Exhibit 1 identified.)

8 BY MR. STOREY:

9 Q Do you see your name on that page?

10 A Yes, I do.

11 Q Okay. And the statement before that roughly  
12 says "Names of Regular Precursors"; is that correct?

13 A "Pioneers."

14 Q "Pioneers." Okay.

15 And when did you become a -- were you a  
16 regular pioneer?

17 Were you a regular pioneer?

18 A Yes, I was.

19 Q With Linda Vista congregation?

20 A Yes, I was.

21 Q And what does that entail?

22 A Doing 90 hours of field service per month,  
23 back then.

24 Q That was all I had for that.

25 A What's that?

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ERRATA SHEET

CORRECTIONS

PG	LN	Now Reads	Should Read	Reason
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DECLARATION UNDER PENALTY OF PERJURY

I, ARTURO JEMIO, declare under penalty of perjury that the foregoing is my deposition under oath;

And are the questions asked of me and my answers thereto;

And that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I subscribe my name this date: \_\_\_\_\_

ARTURO JEMIO

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REPORTER'S CERTIFICATION

I, Judy Runes, CSR No. 5874, certify:

That the foregoing transcript of ARTURO JEMIO was taken before me at the time and place therein set forth, at which time the witness was placed under oath by me;

That the testimony and all objections made at the time of the deposition were recorded stenographically by me and thereafter transcribed;

That the foregoing transcript is a true record of the testimony and of all objections made at the time of the deposition;

That dismantling this transcript will void the court reporter's official certification of this transcript.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

In witness thereof, I have subscribed my name this day: February 22, 2011.



Judy Runes, CSR No. 5874

# **Exhibit '14'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Motion for Summary Judgment

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

- - -

JOHN DORMAN, individually; and )  
JOEL GAMBOA, individually, )  
 )  
Plaintiffs, )  
 )  
vs. ) CASE NO. 37-2010-00092450  
 ) -CU-PO-CTL  
DEFENDANT DOE 1, LA JOLLA CHURCH;) )  
DEFENDANT DOE 2, LINDA VISTA ) )  
CHURCH; DEFENDANT DOE 3, ) )  
SUPERVISORY ORGANIZATION; ) )  
DEFENDANT DOE 4, PERPETRATOR; and) )  
DOES 5 through 100, ) )  
 ) )  
Defendants. ) )  
-----) )

DEPOSITION OF

JOEL GAMBOA

SAN DIEGO, CALIFORNIA

FEBRUARY 3, 2011

ATKINSON-BAKER, INC.  
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REPORTED BY: RUTH N. VALDIVIA, CSR NO. 11752, RPR

FILE NO.: A501227

1 are from you today and try not to ask you any tricky  
2 questions. But if you feel that I do, please ask me to  
3 restate it. I'll be glad to do so.

4 If you do answer my questions, though, I'll assume  
5 that you understood the question. Would that be fair?

6 A. Yes.

7 Q. Okay. And any time you want to take a break, just  
8 let me know. Isn't an endurance test. Any time you need to  
9 take a break, just let me know, we'll be glad to do that.

10 Because of the nature of the lawsuit, I'm going to  
11 ask you some questions that I don't want to ask you, but I  
12 need to ask you because of the nature of the lawsuit. And  
13 I'm sure there's questions you'd prefer not to answer, but  
14 we need to go through that.

15 And if at any time during those questions you want  
16 to take a break, feel free to do so at any time. Okay?

17 A. Okay.

18 Q. Have you ever used any other names other than Joel  
19 Gamboa?

20 A. No.

21 Q. What's your place of birth?

22 A. San Diego, California.

23 Q. What's your date of birth?

24 A. 12/31/80.

25 Q. Do you have a California driver's license?

1 A. Yes.

2 Q. I'm going to get into the area that I don't want  
3 to get into but we need to.

4 When is the first time that Gonzalo Campos did  
5 anything sexually to you, any type of abuse?

6 A. During Bible study.

7 Q. In Bible study.

8 Do you recall how old you were?

9 A. Eight or nine.

10 Q. What did he do on the first occasion?

11 A. He touched my genitals.

12 Q. And this was in your home?

13 A. Yes.

14 Q. Did he do anything else on that first occasion?

15 A. No.

16 Q. And where -- was it under your clothing or were  
17 you unclothed?

18 A. Under my clothing.

19 Q. How long did it last?

20 A. He would do it while we were doing the prayer.  
21 It's like three minutes, two to three minutes.

22 Q. Do you recall the first occasion that this  
23 happened specifically?

24 A. Not -- not specifically, no.

25 Q. It's just kind of a general recollection, that's

1 what he would do?

2 A. Yes.

3 Q. How many times did he do that while he was doing  
4 prayer?

5 A. Every time he would give us Bible study, which is  
6 once a week.

7 Q. "Once a week."

8 And did you say "give us Bible study"? Was it  
9 more than --

10 A. No. I meant me and him.

11 Q. You and him?

12 A. Yes.

13 Q. Okay. Thank you.

14 Did there come a point in time when his sexual  
15 abuse of you escalated to more than just fondling during  
16 prayer?

17 A. Yes.

18 Q. When did that first take place?

19 A. He would come pick me up from school.

20 Q. And where were you going to school at the time?

21 A. Kit Carson Elementary.

22 Q. "Kit Carson."

23 What would happen then when he'd pick you up from  
24 school?

25 A. He just picked me up and just took me to like

1 parking lots, took me to his home.

2 Q. Do you recall the first occasion he took you to  
3 his home?

4 A. I don't.

5 Q. How about the first occasion he took you to a  
6 parking lot?

7 A. I don't recall.

8 Q. What kind of vehicle did he have?

9 A. I know he had a grey Nissan Sentra, or silver.  
10 And he drove a van.

11 Q. What did Gonzalo Campos do for a living, do you  
12 know?

13 A. I think he did like landscaping, gardener.

14 Q. Was the van kind of like a work van?

15 A. I don't recall.

16 Q. When you were sexually abused, would he pick you  
17 up with the Nissan or the van or would it be either one?

18 A. Either one.

19 Q. What happened when he would take you to a parking  
20 lot?

21 A. He would take his pants off and mine and just  
22 fondle me, and then he fondled himself.

23 Q. Anything else in the parking lot?

24 A. He would have oral sex on me.

25 Q. He'd performed it on you?

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A. Yes.

Q. Did he make you perform it on him?

A. No.

Q. And do you recall anything else taking place when you were taken to a parking lot?

A. He would try -- he put his finger in my anal and tried to penetrate me.

Q. With his penis?

A. Yes.

Q. Would this be in the daytime?

A. Yes.

Q. Do you recall specifically where in the parking lot that he took you to?

A. Yes.

Q. Which one?

A. It was a parking lot by Tio Leo's Restaurant, the Fashion Valley mall.

Q. Where is the Tio Leo's located, do you know?

A. I know it's going down Linda Vista Road, like going towards Old Town and it's to the right. I think, of Balboa. I'm not sure what it is.

Q. Balboa and Moreno?

A. Yeah.

Q. Moreno Boulevard?

A. Yeah, Moreno Boulevard, that's what it is.

1 Q. And how often would he pick you up from school?

2 A. Like once or twice a week.

3 Q. And every time he'd pick you up from school he  
4 would abuse you in some form sexually?

5 A. Yes.

6 Q. During any of the abuse in the parking lot, did  
7 you ever suffer any physical injury or have any bleeding  
8 episodes or anything like that?

9 A. Not that I recall.

10 Q. What about, do you recall the first time he took  
11 you to his home?

12 A. I don't recall, no.

13 Q. How many times did he take you to his home?

14 A. Like twice.

15 Q. "Twice."

16 Where did he live, do you recall?

17 A. In Clairmont.

18 Q. What happened the first time he took you to his  
19 home?

20 A. He tried to penetrate me again on his bed and kind  
21 of hugged me like -- like side to side.

22 Q. Anything else on this first occasion at his home?

23 A. Just oral. Oral -- he had sex on me also.

24 Q. He would performed oral sex on you?

25 A. Yes, he would.

1 Q. En Canto also?

2 A. Yes.

3 Q. When did you stop attending meetings as a Jehovah  
4 Witness?

5 A. At the age of 16.

6 Q. Did anything traumatic happen when you were age 16  
7 that caused you to stop, or you just kind of drifted away,  
8 stopped?

9 A. Just lost faith.

10 Q. Now, was that when you were living in Phoenix?

11 A. Yes.

12 Q. I just have a couple more questions on the  
13 sensitive area that I don't want to go into it.

14 But the second home visit that he took you to his  
15 home in Clairemont, what happened on that occasion?

16 A. Same routine, trying to penetrate me, put his  
17 finger in my anal. He penetrated me, tried to penetrate me.

18 Q. And you've said that several times, tried to  
19 penetrate you. Could you tell me what you mean by that?

20 A. With his penis.

21 Q. And he was unable to do so?

22 A. Yeah.

23 Q. Was he ever successful in doing that?

24 A. No.

25 Q. While you were living in San Diego, did you ever

1 A. I don't recall.

2 Q. Do you know what congregation he attended?

3 A. I know it was La Jolla.

4 Q. La Jolla Spanish?

5 A. Yes.

6 Q. Did Gonzalo speak and understand English?

7 A. Yes.

8 Q. When he spoke to you, what language would he use?

9 A. English.

10 Q. Did you ever go with him on any of his jobs, his

11 landscaping jobs?

12 A. Yes.

13 Q. How many times did you do that?

14 A. I think one or two times.

15 Q. Would he sexually abuse you on those occasions

16 too?

17 A. Yes.

18 Q. So basically, if I understand your testimony

19 correctly, he abused you one or two times a week for almost

20 six years?

21 A. Yes.

22 Q. Between the period of time of 8 and 9 to age 14?

23 A. Yes.

24 Q. When did you first tell someone about this abuse?

25 A. I told the brothers that called me, the first

1 phone call; my mother, my kids' mother, and my current  
2 girlfriend.

3 Q. You mentioned the brothers called you. When was  
4 that?

5 A. In '95.

6 Q. And do you know who called you?

7 A. The only name that sticks out to me is Brother  
8 Gene Case.

9 Q. "Gene Case."

10 Do you know what position Gene Case had with  
11 Jehovah Witnesses?

12 A. He was an elder.

13 Q. Do you know what congregation?

14 A. The Linda Vista congregation.

15 Q. Was he an elder there when you were attending  
16 meetings?

17 A. Yes.

18 Q. Do you recall anybody else that was involved in  
19 that phone conversation with you in 1995 besides Gene Case?

20 A. I don't recall, but I know there were others. I  
21 could hear voices, and it was like on a speaker phone when  
22 they called me.

23 Q. Did they call you?

24 A. They called my mother first.

25 Q. Okay. And did they ask you questions in that

1 phone conversation?

2 A. They asked me if this was true, and I told them  
3 yes.

4 Q. Did they ask you for details like I have today?

5 A. No.

6 Q. They just asked you if you were sexually abused by  
7 Gonzalo Campos?

8 A. Yes.

9 Q. And what did you tell them?

10 A. Yes.

11 Q. Do you know Kevin Phillips? Does that name a ring  
12 a bell to you?

13 A. No.

14 Q. Could he have been a person on the telephone that  
15 day?

16 A. I don't recall.

17 Q. How about also on that telephone call Florentino  
18 Garcia?

19 A. No.

20 Q. How about Eduardo Chavez?

21 A. No.

22 Q. Do you know Florentino Garcia?

23 A. No.

24 Q. Do you know Eduardo Chavez?

25 A. No.

1 Q. Jesus Martinez?

2 A. No.

3 Q. During that phone conversation, was it your  
4 understanding you were talking to elders of the La Jolla  
5 congregation of Jehovah Witnesses?

6 A. If I knew they were -- no, I didn't know. Gene  
7 Case I knew.

8 Q. So you didn't know who the other persons were?

9 A. No.

10 Q. What did they tell you after you told them that  
11 you had been abused?

12 A. Nothing. They just said, "Can I speak to your  
13 mom?"

14 And I said "Sure."

15 Q. And how old were you at the time?

16 A. I was 14.

17 Q. So it was just after you moved to Phoenix?

18 A. Not right after 'cause I -- I was between 14, 15.  
19 Yeah, 14 still. But it was '95, and my birthday is not till  
20 December 31st, so I was still 14.

21 Q. So it was some time in the year 1995?

22 A. Yes.

23 Q. Have you ever told your primary care doctor about  
24 this abuse?

25 A. No.

1 Q. Have you always recalled that this abuse took  
2 place to you? In other words, there's not a period of time  
3 where you blocked it out and didn't know what happened?

4 A. No, I've always known.

5 Q. Do you currently use alcohol?

6 A. Sometimes, yeah.

7 Q. How would you describe your use of alcohol, what  
8 do you drink?

9 A. Beer.

10 Q. Anything else?

11 A. No.

12 Q. How frequently do you drink beer?

13 A. Just sporting events, family events.

14 Q. Ever had a problem with drinking alcohol?

15 A. No.

16 Q. How about recreational drugs, did you use  
17 recreational drugs in the past?

18 A. In the past, yes.

19 Q. Currently?

20 A. No.

21 Q. What did you use in the past?

22 A. Marijuana.

23 Q. Anything besides marijuana?

24 A. I've done cocaine.

25 Q. How often would you say you've done cocaine?

1           A.    Not a whole lot.  Like spreads like parties, stuff  
2           like that, not like abuse or --

3           Q.    Sporadic use if it was available?

4           A.    Yes.

5           Q.    How long a time period did you use marijuana?

6           A.    Like a year.

7           Q.    How old were you?

8           A.    Seventeen, 18.

9           Q.    And you stopped using it after that year?

10          A.    Yes.

11          Q.    When did you voluntarily become sexually active?

12          A.    You mean like a partner?

13          Q.    Yes.

14          A.    When I was 18.

15          Q.    Is that a female partner?

16          A.    Yes.

17          Q.    Have you had any voluntary homosexual partners?

18          A.    No.

19          Q.    How many sexual partners have you voluntarily had  
20          in your life?

21          A.    Like nine or ten.

22          Q.    I know I asked you a little bit about this, but  
23          did you suffer any sexual abuse from anybody else besides  
24          Gonzalo Campos?

25          A.    No.

1 A. No.

2 Q. After that first phone call, did anybody from  
3 La Jolla Spanish ever call you back?

4 A. No.

5 Q. Can you tell me what you've experienced as a  
6 result of the abuse that you've suffered at the hands of  
7 Gonzalo Campos? How do you feel about it today?

8 A. Depressed, insecure, I don't trust anybody, low  
9 self-esteem.

10 Q. Have you ever had suicidal thoughts?

11 A. No.

12 Q. Does it affect your relationship with women?

13 A. No.

14 Q. How about with your children?

15 A. I'm just really overprotective of them.

16 Q. Have you thought about getting counseling for  
17 depression and your feelings of low self-esteem?

18 A. No.

19 Q. Do you have any intention of getting counseling,  
20 for that in the future?

21 A. I hope so.

22 Q. Is anything stopping you from getting it now?

23 A. No. I guess I'm afraid to talk to somebody.

24 Q. Yeah.

25 Sir, do you think you were ever attending the same

DECLARATION

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I hereby declare I am the deponent in the within matter; that I have read the foregoing proceedings and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, at \_\_\_\_\_, California.

JOEL GAMBOA

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STATE OF CALIFORNIA )

) ss

COUNTY OF SAN DIEGO )

I, RUTH N. VALDIVIA, a Certified Shorthand Reporter,  
do hereby certify:

That prior to being examined, the witness in the  
foregoing proceedings was by me duly sworn to testify to the  
truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the  
time and place therein set forth and were taken down by me  
in shorthand and thereafter transcribed into typewriting  
under my direction and supervision.

I further certify that I am neither counsel for, nor  
related to, any party to said proceedings, nor in anyway  
interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my  
name.

\_\_\_\_\_  
RUTH N. VALDIVIA  
CSR No. 11752, RPR

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using Reall legal technology

1 **WATCHTOWER BIBLE AND TRACT**  
2 **SOCIETY OF NEW YORK, INC.**  
3 **LEGAL DEPARTMENT**

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5 100 Watchtower Drive  
6 Patterson, NY 12563-9204  
7 Telephone: (845) 306-1000  
8 Facsimile: (845) 306-0709

9 Attorney for Watchtower Bible and Tract  
10 Society of New York, Inc. (sued as "Defendant  
11 Doe 3, Supervisory Organization")

12 **SUPERIOR COURT OF CALIFORNIA**  
13 **COUNTY OF SAN DIEGO**

14 JOHN DORMAN, INDIVIDUALLY, AND )  
15 JOEL GAMBOA, INDIVIDUALLY )

16 Plaintiffs, )

17 vs. )

18 DEFENDANT DOE 1 LA JOLLA CHURCH, )  
19 DEFENDANT DOE 2 LINDA VISTA )  
20 CHURCH AND DEFENDANT DOE 3 )  
21 SUPERVISORY ORGANIZATION, )  
22 DEFENDANT DOE 4, PERPETRATOR, )  
23 AND DOES 5 THROUGH 100, INCLUSIVE )

24 Defendants. )

Case No.: 37-2010-00092450-CU-PO-CTL

**DEFENDANT WATCHTOWER'S  
LODGMET OF FOREIGN CASES IN  
SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT OR IN THE ALTERNATIVE  
SUMMARY ADJUDICATION**

JUDGE: STEVEN R. DENTON  
DEPT.: C-73  
DATE: December 16, 2011  
TIME: 10:30 a.m.

TRIAL DATE: January 27, 2012

25 **FOREIGN CASE**

**TAB**

26 *Gillet v. Watchtower Bible and Tract Society of Pennsylvania, Inc.*  
27 (Fl. Ct. App. 2005) 913 So.2d 618.....1  
28 *Meyer v. Lindala* (Minn. Ct. App. 2004) 675 N.W.2d 635 .....2

# **Exhibit '1'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Lodgment of Foreign Cases  
In support of Motion for Summary  
Judgment

913 So.2d 618, 30 Fla. L. Weekly D1221  
(Cite as: 913 So.2d 618)

District Court of Appeal of Florida,  
Third District.  
Hilda and John GILLET, Appellants,

v.

WATCHTOWER BIBLE & TRACT SOCIETY OF  
PENNSYLVANIA, INC., Watchtower Bible & Tract  
Society of New York, Inc., Watchtower Bible &  
Tract Society of Florida, Inc., The West North Miami  
Congregation of Jehovah's Witnesses, Inc., Francois  
JN Denis and Maria Nunes, Appellees.

No. 3D02-817.  
May 11, 2005.

Rehearing and Rehearing En Banc Denied Nov. 9,  
2005.

**Background:** Pedestrian and her husband brought action against church, publisher of Bible-based materials, holder of copyright to materials, fellow church member, and driver, alleging negligence, vicarious liability, and loss of consortium arising from accident in which member backed into pedestrian, knocking pedestrian into driver's path in roadway, while member was leaving church field service meeting at pedestrian's home on way to door-to-door canvassing and proselytizing. The Circuit Court, Miami-Dade County, Jon I. Gordon, J., granted summary judgment in favor of church entities. Pedestrian and husband appealed.

**Holding:** On rehearing, the District Court of Appeal, Wells, J., held that member was not acting as actual agent of church entities at time of accident, thus precluding vicarious liability on agency theory.

Affirmed.

Green, J., dissented and filed opinion.

West Headnotes

[1] **Principal and Agent 308** 24

308 Principal and Agent  
308I The Relation  
308I(A) Creation and Existence  
308k24 k. Questions for Jury. Most Cited

Cases

Ordinarily, the existence of an agency relationship is a question of fact to be resolved by the fact-finder, but when a party bearing burden of proof on issue fails to produce any supportive evidence, or when the evidence is so univocal that reasonable persons could reach but one conclusion, a question that is ordinarily one of fact becomes a question of law to be determined by the court.

[2] **Principal and Agent 308** 1

308 Principal and Agent  
308I The Relation  
308I(A) Creation and Existence  
308k1 k. Nature of the Relation in General.  
Most Cited Cases

Essential elements of actual agency relationship are (1) acknowledgement by principal that agent will act for him, (2) agent's acceptance of undertaking, and (3) control by principal over actions of agent.

[3] **Automobiles 48A** 197(1)

48A Automobiles  
48AV Injuries from Operation, or Use of Highway  
48AV(A) Nature and Grounds of Liability  
48Ak183 Persons Liable  
48Ak197 Persons Other Than Owners or Operators in General  
48Ak197(1) k. In General. Most Cited Cases

**Religious Societies 332** 30

332 Religious Societies  
332k30 k. Torts. Most Cited Cases

Church member was not acting as an actual agent of church, publisher of Bible-based materials, or holder of copyright to materials when member struck pedestrian with motor vehicle while member was leaving church field service meeting at pedes-

913 So.2d 618, 30 Fla. L. Weekly D1221  
(Cite as: 913 So.2d 618)

trian's home on way to engage in door-to-door canvassing and proselytizing, and thus, church, publisher, and holder could not be held vicariously liable for member's alleged negligence; when member performed field service, she did so "[for] Jehovah God" and as part of a well-established, long-recognized religious practice, constraints imposed by church defendants on use of publications, at most, demanded obedience to religious dogma, discipline, and authority, and no church defendant instructed on, advised on, or controlled means by which member was to get to place of field service.

\*619 Shutts & Bowen, Francis A. Zacherl, III, and Colleen A. Hoey, Miami, for appellants.

Adorno & Yoss, Jack R. Reiter, Gregory A. Victor, and Natalie J. Carlos, Miami, for appellees Watchtower Bible & Tract Society of Pennsylvania, Watchtower Bible & Tract Society of New York, Inc., Watchtower Bible & Tract Society of Florida, Inc., and The West North Miami Congregation of Jehovah's Witnesses, Inc. Watchtower Bible and Tract Society of New York, Inc., Legal Department, Mario F. Moreno, Patterson, N.Y., for appellee Watchtower Bible & Tract Society of New York, Inc.

Before GREEN, RAMIREZ <sup>FN\*</sup> and WELLS, JJ.

FN\* Judge Ramirez did not participate in oral argument.

#### ON MOTIONS FOR REHEARING, AND CERTIFICATION

WELLS, J.

We grant the Appellants' Motion for Rehearing and deny Appellants' Motion for Certification. We withdraw the opinion issued on Dec. 8, 2004, and substitute the following opinion in its place.

On November 23, 1996, Maria Nunes attended a field service meeting of the members of The West North Miami Congregation of Jehovah's Witnesses, Inc. (the Miami Congregation) at the home of Hilda and John Gillet. During that meeting, the members prepared for that day's field service which, as usual, consisted of door-to-door canvassing and pamphleteering.

After the meeting ended, the members got into

their cars to travel to the areas where they would engage in these activities. When Nunes, who was parked in the Gillets' driveway, backed out, she knocked Hilda Gillet into the roadway and where she was struck by an oncoming car.

The Gillets subsequently filed suit against Watchtower Bible & Tract Society of New York, Inc., the entity that publishes Bible based materials such as *Awake!* and *The Watchtower*; Watchtower Bible & Tract Society of Pennsylvania, the entity that holds the copyright to the materials published by Watchtower of New York; The West North Miami Congregation at which Nunes worshipped; Nunes; and the driver of the other car that struck her, alleging negligence, vicarious liability, and loss of consortium. The three Watchtower defendants moved for summary judgment claiming that they could not be held vicariously liable as a matter of law \*620 for Nunes' negligence since Nunes was neither their employee nor their agent at the time of the accident and that inquiry into this issue would entangle the court in the interpretation of religious teachings, doctrines, and internal policies in violation of the First Amendment. Because we agree that no agency relationship has been demonstrated, we affirm the summary judgment entered in the Watchtower defendants' favor.

[1] "Ordinarily the existence of an agency relationship is a question of fact to be resolved by the factfinder." *Eberhardy v. General Motors Corp.*, 404 F.Supp. 826, 830 (M.D.Fla.1975). "When, however, a party bearing the burden of proof on an issue, fails to produce any supportive evidence, or when (as here) all of the evidence presented by both parties is so unequivocal that reasonable persons could reach but one conclusion, a question that is ordinarily one of fact becomes a question of law, to be determined by the court." *Id.* Such is the case here.

[2][3] The essential elements of an actual agency relationship are "(1) acknowledgement by the principal that the agent will act for him, (2) the agent's acceptance of the undertaking, and (3) control by the principal over the actions of the agent." <sup>FN1</sup> *Goldschmidt v. Holman*, 571 So.2d 422, 424 n. 5 (Fla.1990). The Gillets claim that there is "ample testimony" that Jehovah's Witnesses like Nunes are agents (or volunteers) of the church defendants when they engage in field service (door-to-door canvassing

913 So.2d 618, 30 Fla. L. Weekly D1221  
(Cite as: 913 So.2d 618)

and proselytizing). They point to formal field service, which features distribution of Watchtower publications, as the centerpiece of the church defendants' activities and argue that because service is so thoroughly directed, regulated and overseen by the church defendants, that Nunes had to be acting as the church defendants' agent when she performed field service. This is insufficient to impose liability for two reasons.

FN1. No apparent agency is claimed or exists. See *Mobil Oil Corp. v. Bransford*, 648 So.2d 119, 121 (Fla.1995) (an apparent agency exists only if each of three elements are present: (a) a representation by the purported principal; (b) a reliance on that representation by a third party; and (c) a change in position by the third party in reliance on the representation).

First, when Nunes performed field service, she did so not as the agent of any church entity but, as she stated, "[for] Jehovah God" and as part of a well-established, long recognized-religious practice:

For over 50 years, the Court has invalidated restrictions on door-to-door canvassing and pamphleteering. It is more than historical accident that most of the cases involved First Amendment challenges brought by Jehovah's Witnesses, **because door-to-door canvassing is mandated by their religion.** As we noted in *Murdock v. Pennsylvania*, 319 U.S. 105, 108, 63 S.Ct. 870 [87 L.Ed. 1292] (1943), the Jehovah's Witnesses "claim to follow the example of Paul, teaching 'publicly, and from house to house.' Acts 20:20. They take literally the mandate of the Scriptures, 'Go ye into all the world, and preach the gospel to every creature.' Mark 16:15. **In doing so they are obeying a commandment of God.**"

\* \* \* \*

... [I]n *Murdock v. Pennsylvania*, the Court noted that "**hand distribution of religious tracts is an age-old form of missionary evangelism-as old as the history of printing presses.** It has been a potent force in various religious movements down through the years.... **This form of religious activity occupies the same high estate under the \*621 First Amendment as do worship in the churches**

**and preaching from the pulpits.** It has the same claim to protection as the more orthodox and conventional exercises of religion...."

*Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton*, 536 U.S. 150, 158 n. 7, 160-162, 122 S.Ct. 2080, 153 L.Ed.2d 205 (2002)(emphasis added)(footnotes omitted)(noting that Jehovah's Witnesses derive their authority to proselytize via door-to-door pamphleteering from the Book of Matthew wherein Jesus instituted a house-to-house search for people to whom to preach the good news). The constraints imposed by the church entities on use of the religious publications that they created, copyrighted, published and distributed, at most, impress upon and demand from each Jehovah's Witness obedience to religious dogma, discipline and authority. See *Folwell v. Bernard*, 477 So.2d 1060, 1061 (Fla. 2d DCA 1985). They do not make individual congregants agents of these entities.

Second, there is no evidence that Nunes was acting as an agent for any church defendant when she got into her car to go to the place where she was to engage in religious activities. There is no evidence that any church defendant instructed, advised or in any manner controlled the means by which Nunes or any other congregant was to get to the place where they were to proselytize. There also is no evidence that any church defendant knew that Nunes was going to drive her own car as opposed to walking, riding a bike, taking a cab, riding with someone else, or, if available, taking public transportation. There certainly is no evidence that any church defendant asked Nunes to drive her car or attempted to control Nunes' transportation in any manner by providing a vehicle, fuel, insurance, or by checking Nunes' driving record or determining whether she had a valid driver's license. Rather, the record shows that after the meeting at the Gillet home, each congregant was making his or her own way to the place where he or she was going to engage in a religious activity.

In sum, on this record, no agency relationship has been demonstrated. <sup>FN2</sup> See *Brillhart v. Scheier*, 243 Kan. 591, 597, 758 P.2d 219, 224 (1988)(where motorists injured by car driven by parish pastor on his way to discuss parish problem brought action against pastor and diocese, Kansas Supreme Court affirmed summary judgment entered in diocese's favor, concluding negligence could not be imputed

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under doctrine of respondeat superior where pastor engaged in activity within his own discretion and control); *see also Nye v. Kemp*, 97 Ohio App.3d 130, 646 N.E.2d 262 (1994)(affirming a directed verdict in a church's favor in an action brought against several church groups for damages sustained when church elder's vehicle collided with police cruiser, on a finding of a total lack of the control necessary to establish agency).

FN2. For the same reasons, summary judgment was correctly entered on the Gillets' Volunteer Protection Act claim under section 768.1355(1) of the Florida Statutes.

Accordingly, we affirm.

RAMIREZ, J., concurs.

GREEN, J. (dissenting from opinion on rehearing).

As I see it, the issue in this case is whether the appellees, Watchtower Bible & Tract Society of New York, Inc., Watchtower Bible & Tract Society of Pennsylvania, Inc., and The Miami Florida Congregation of Jehovah's Witnesses, Inc. [collectively "Watchtower Defendants"], may be vicariously liable under a respondeat superior or agency theory for the \*622 personal injuries sustained by the appellants/plaintiffs due to the alleged negligent acts of Nunes, a Jehovah's Witness, while en route to perform Field Service: to distribute the Watchtower Defendants' literature and accept donations on their behalf. In other words, the question presented is whether the record shows that the Watchtower Defendants had the right to control Nunes' activities during Field Service such that a jury can conclude that she was acting as a volunteer agent of the Watchtower Defendants at common law when her alleged careless driving caused injuries to the appellants/plaintiffs. With all due respect to my esteemed colleagues in the majority, I believe that summary judgment is improper. This issue is one properly for the jury.<sup>FN3</sup>

FN3. I agree with the majority's conclusion, sub silencio, that there is no First Amendment bar to this claim. *Malicki v. Doe*, 814 So.2d 347 (Fla.2002).

#### I. Facts

Defendant Maria Nunes is a Jehovah's Witness.

On the day of the accident giving rise to this litigation, Nunes had just attended a Field Service meeting. She was leaving the meeting and proceeding to her designated Field Service area for distribution of Watchtower literature. As she was backing out of the driveway, she struck plaintiff Hilda Gillet and threw her into the path of an oncoming vehicle, causing her severe injuries.

One of the hallmarks of membership in the Jehovah's Witness organization is participation in "Field Service," the systematic distribution of religious literature. Congregants are required to spend ten hours each month in Field Service. Failure to perform Field Service can lead to loss of privileges and status in the congregation. A congregant can be declared "inactive" for failure to participate, and must be "reactivated" by the congregation's Elder after explaining the cause of non-participation.

The literature distributed during Field Service is published by Watchtower New York, the Jehovah's Witnesses' United States governing body. Watchtower Pennsylvania publishes, edits, and holds the copyrights to the distributed materials. Uniformity and consistency in the distribution of the literature is ensured by holding weekly training programs, and periodic follow-up training sessions that instruct congregants on methods of literature distribution. The congregants' progress is evaluated and recorded.

Watchtower New York approves a local congregation's candidate for Elder positions; Elders are required to attend and oversee Field Service meetings where the congregants coordinate the distribution of literature. Each Jehovah's Witness congregant must be approved by the Elders; Watchtower New York also must approve the congregant. The congregant must be trained and must work as an understudy in formal "Field Service." The congregant must be interviewed and approved by two Elders prior to commencing formal Field Service. The Elder's are responsible for the congregant's performance during Field Service. Elders often accompany congregants on Field Service to evaluate their performance.

"Formal Field Service" begins with the congregant attending a Field Service Meeting, conducted by an Elder, or the Elder's appointee. Elders are always present in the field. The Elder tells the congregants where to go that day. The primary tool in Formal

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Field Service is the Watchtower literature; this is the only literature used. Each congregant is assigned a territory, and they must stay exclusively within that assigned territory. The territories are large and spread out. \*623 It is common knowledge that the congregants must use their cars to perform this service.

Beyond controlling the distribution of literature, Watchtower also controls the congregant's appearance. The congregant must observe the Watchtower's dress code, and personal grooming guidelines when engaged in Formal Field Service. These guidelines dictate appropriate attire, and personal appearance. If a congregant does not comply with these requirements they are not allowed to participate in Formal Field Service.

During Formal Field Service, the congregant must request donations for the organization. The Watchtower literature demonstrates that the congregant must raise the issue of donations with the public. All monies collected are remitted to Watchtower New York. Watchtower New York provides the congregations with pre-printed forms to record the hours served by congregants and the donations collected.

On the day of the accident, Nunes was complying with all of these controls and guidelines established by the Watchtower Defendants. Based on these structured controls, the plaintiffs assert that Nunes was acting as the Watchtower Defendants' volunteer agent when she struck the plaintiff with her vehicle.

## II. Existence of an Agency Relationship

The plaintiffs essentially contend that the Watchtower Defendants are vicariously liable for their injuries because Nunes was their volunteer agent pursuant to Florida's Volunteer Protection Act<sup>FN4</sup> and/or common law. The Watchtower Defendants and Nunes, on the other hand, maintain that at the time of the accident, Nunes was not engaged in Field Service as their agent, but rather pursuant to her personal religious convictions. The Watchtower Defendants, and the majority, point to Nunes's deposition testimony that she engaged in Field Service as part of the tenets of her faith. See op. at 620-21. Although Nunes's motivation for engaging in Field Service may have been rooted in her faith, it is not at all dispositive of the issue of whether an agency relationship was in fact created between her and the Watchtower Defendants.

FN4. § 768.1355(1), Fla. Stat. (1995).

The parties' characterization of their relationship does not control the agency issue. See RESTATEMENT (SECOND) OF AGENCY, § 1 cmt. B (1958) (“[t]he relation which the law calls agency does not depend upon the intent of the parties to create it, nor their belief that they have done so ... if the agreement results in the factual relation between [the parties] to which are attached the legal consequences of agency, an agency exists although the parties did not call it agency and did not intend the legal consequences of the relation to follow.”); *Nazworth v. Swire Fla., Inc.*, 486 So.2d 637, 638 (Fla. 1st DCA 1986) (“[t]he agreement's use of a certain descriptive label for one of the contracting parties is not determinative of the actual legal relationship between the parties.”); *Singer v. Star*, 510 So.2d 637, 640 (Fla. 4th DCA 1987) (“A jury may infer the existence of an agency even when both the principal and the agent deny it”).

The standard for determining whether an agent is an independent contractor is the degree of control exercised by the employer or owner over the agent. More particularly, it is the *right* of control and not *actual* control, which determines the relationship between the parties.

\*624 *Nazworth*, 486 So.2d at 638 (citations omitted). Moreover, the “existence of an agency relationship is a question of fact for the jury, unless the evidence is susceptible of only one interpretation.” *Folwell v. Bernard*, 477 So.2d 1060, 1062 (Fla. 2d DCA 1985)(citing *Jaar v. Univ. of Miami*, 474 So.2d 239, 242 (Fla. 3d DCA 1985)). The facts in the record before us, as stated *supra*, and *all* reasonable inferences therefrom, viewed in the light most favorable to the plaintiffs/appellants,<sup>FN5</sup> demonstrate that more than one interpretation is possible in this case, making summary judgment improper.

FN5. *Markowitz v. Helen Homes of Kendall Corp.*, 826 So.2d 256, 259 (Fla.2002) (“When reviewing the entry of summary judgment, ‘an appellate court must examine the record and any supporting affidavits in the light most favorable to the non-moving party.’”).

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In view of these facts, the two cases upon which the majority relies are distinguishable and do not require affirmance of the summary judgment. In the first case, *Nye v. Kemp*, 97 Ohio App.3d 130, 646 N.E.2d 262 (1994), the only issue, by stipulation of the parties, was the legal liability of the Ohio District Council of Pentecostal Churches, Inc., for the actions of a church Elder. The Ohio Court of Appeals found that the Council was not liable under a respondeat superior theory because the church had no right to control where Elder meetings were held, who held them, what topics would be covered, or any other aspects of these meetings.

In contrast, in this case the Watchtower Defendants there is record evidence that control virtually every aspect of the Field Service Meetings, and the congregants' voluntary Formal Field Service, including their appearance. The Watchtower Defendants go so far as to require the presence of Elders/trainers at the Field Service calls, and evaluate the congregants' performances to ensure that the Watchtower Defendants' standards are being met. Given the degree of control the Watchtower Defendants exercise, the majority's reliance on *Nye* is misplaced.

In the second case cited by the majority, *Brillhart v. Scheier*, 243 Kan. 591, 758 P.2d 219 (1988), the material facts were not disputed. Father Scheier, a Catholic pastor, was driving to a friend's house to discuss matters involving his parish. The Kansas Supreme Court, in affirming a summary judgment in the church's favor, declared that whether a party was an employee depended on whether the organization had the right to control the employee's work. "The employer need not actually control the work of the employee; he need only have the right to control the work." *Brillhart*, 758 P.2d at 222. The court found that the church had no control over the pastor's day to day activities, and there was no church mandate for the pastor to visit his friend.

The *Brillhart* scenario is very different from this case. There is record evidence that Nunes's Field Service activities were, again, under the Watchtower Defendants' complete control. She was at the Field Service Meeting because the Watchtower Defendants dictate that these meetings must be held prior to Formal Field Service. She was driving to complete the Formal Field Service required of her as a member of the Watchtower Defendants' organizations.

Furthermore, the fact that Nunes was driving her own car to leave the Field Service Meeting en route to perform Formal Field Service is not dispositive of the agency issue. It is obvious that a person required to perform this type of work in public will have to use some form of transportation. Typically, that transportation will be a person's own vehicle. However, \*625 the existence of an agency relationship has never rested on whether the vehicle is the agent's private car, or some form of company transportation. This is illustrated by the following employer vicarious liability cases, where the employee has not been driving a company vehicle.

In *Carroll Air Systems, Inc. v. Greenbaum*, 629 So.2d 914 (Fla. 4th DCA 1993), for example, the court found that there was sufficient evidence to support a jury's finding that an employer was vicariously liable for injuries caused by an employee while driving home from a business meeting. There was evidence that the employer urged employees to attend the meeting, paid their expenses, and that "the meeting and activities thereafter were within the business interests of the employer," hence, the court concluded that in traveling from the meeting the employee was within the course and scope of employment. *Carroll Air Sys., Inc.*, 629 So.2d at 916. Similarly, in this case, for purposes of establishing an agency relationship between Nunes and the Watchtower Defendants it doesn't matter that Nunes was driving her personal car. Nunes was on her way to an activity required of her by the Watchtower Defendants. She was furthering the Watchtower Defendants' pecuniary interests by distributing their literature and requesting donations on their benefit. The Watchtower Defendants must have known that some congregants would have to drive to their Field Service areas. Under the reasoning in *Carroll Air Systems, Inc.*, the fact that Nunes was driving her personal car is irrelevant. There is enough evidence here to let the jury decide if Nunes was acting as the Watchtower Defendants' agent, exposing them to vicarious liability.

Likewise, in *Alsay-Pippin Corp. v. Lumert*, 400 So.2d 834 (Fla. 4th DCA 1981), an employee was driving his own vehicle to run an errand for the employer on his way home. Under common law principles of respondeat superior, the court held that the jury could properly conclude that the driver was engaged in the "course and scope" of employment, suf-

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ficient to find the employer vicariously liable for the accident the employee caused. *See also Saudi Arabian Airlines Corp. v. Dunn*, 438 So.2d 116 (Fla. 1st DCA 1983) (employee, while at mandatory training school, was acting within course and scope of employment when he drove to buy food and employer vicariously liable for injuries caused by accident during that drive under respondeat superior doctrine). Certainly, in this case there is sufficient record evidence to create a jury question on this issue, and defeat the summary judgment motion.

In light of this record evidence, I simply cannot agree that the issue as to the Watchtower Defendants' right of control over Nunes's Field Service activities on the date of the accident can be conclusively determined as a matter of law on a motion for summary judgment. This case presents a question for the jury in much the same manner that the issue of fiduciary duty presented a question for the jury in *Doe v. Evans*, 814 So.2d 370 (Fla.2002). There, the Florida Supreme Court held:

[A]s to the relationships between Doe and Evans and between Doe and the Church Defendants, it is a question for the jury to determine whether a fiduciary relationship arose; the nature of that relationship; and whether as a result of the Church Defendants' conduct, there was a breach of the Church Defendants' duty as fiduciaries to Doe.

*Doe*, 814 So.2d at 375.

Thus, for all of the foregoing reasons, I respectfully dissent because I believe the summary judgment in this cause must be \*626 reversed and this cause remanded for a jury trial.

Fla.App. 3 Dist.,2005.  
*Gillet v. Watchtower Bible & Tract Soc. of Pennsylvania, Inc.*  
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END OF DOCUMENT

# **Exhibit '2'**

To Defendant Watchtower Bible and Tract  
Society of New York, Inc.'s  
Lodgment of Foreign Cases  
In support of Motion for Summary  
Judgment

675 N.W.2d 635  
 (Cite as: 675 N.W.2d 635)

Court of Appeals of Minnesota.  
 Heidi MEYER, et al., Appellants,  
 v.  
 Derek LINDALA, Respondent,  
 Annandale Congregation of Kingdom Hall of Jeho-  
 vah's Witnesses, et al., Respondents.

No. A03-1142.  
 March 9, 2004.

**Background:** Victims of sexual assault sued their religious congregation and its governing body for negligence in failing to report child abuse and other congregation member for sexual battery. The District Court, Wright County, Kim R. Johnson, J., granted congregation and governing body's motion for summary judgment. Victims appealed.

**Holdings:** The Court of Appeals, Robert H. Schumacher, J., held that:

(1) special relationship did not exist between victims and congregation and governing body, and thus congregation and governing body did not have affirmative duty to protect victims from other member, and (2) statute requiring certain professionals to report suspected sexual abuse of children does not create private cause of action for violation of its reporting requirements or create duty that could be enforced through common-law negligence action.

Affirmed.

West Headnotes

[1] **Constitutional Law** 92 🔑975

92 Constitutional Law  
 92VI Enforcement of Constitutional Provisions  
 92VI(C) Determination of Constitutional Questions  
 92VI(C)2 Necessity of Determination  
 92k975 k. In General. Most Cited Cases  
 (Formerly 92k46(1))

Constitutional questions should not be decided by appellate court unless doing so is necessary to dispose of the case at bar.

[2] **Negligence** 272 🔑202

272 Negligence  
 272I In General  
 272k202 k. Elements in General. Most Cited Cases

The basic elements of a negligence claim are (1) the existence of a duty, (2) breach of that duty, (3) injury proximately caused by the breach, and (4) damages.

[3] **Negligence** 272 🔑214

272 Negligence  
 272II Necessity and Existence of Duty  
 272k214 k. Relationship Between Parties.  
 Most Cited Cases

An affirmative duty to act only arises when a special relationship exists between the parties.

[4] **Negligence** 272 🔑212

272 Negligence  
 272II Necessity and Existence of Duty  
 272k212 k. Knowledge or Notice. Most Cited Cases

**Negligence** 272 🔑282

272 Negligence  
 272VI Vulnerable and Endangered Persons; Rescues  
 272k282 k. Duty in General. Most Cited Cases

The fact that an actor realizes or should realize that action on his part is necessary for another's aid or protection does not of itself impose upon him a duty to take such action unless a special relationship exists between the actor and the other which gives the other the right to protection.

[5] **Negligence** 272 🔑214

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272 Negligence  
272II Necessity and Existence of Duty  
272k214 k. Relationship Between Parties.  
Most Cited Cases

**Negligence 272 ↩️282**

272 Negligence  
272VI Vulnerable and Endangered Persons; Rescues  
272k282 k. Duty in General. Most Cited Cases

A special relationship giving rise to an affirmative duty to act exists where one party has custody of another under circumstances that deprive the other of normal opportunities for self-protection; typically, the plaintiff is in some respect particularly vulnerable and dependent on the defendant, who in turn holds considerable power over the plaintiff's welfare.

**[6] Religious Societies 332 ↩️30**

332 Religious Societies  
332k30 k. Torts. Most Cited Cases

Special relationship did not exist between victims of sexual assault and their religious congregation and its governing body, and thus congregation and governing body did not have affirmative duty to protect victims from other congregation member who sexually assaulted them as children, even though religious doctrine provided that members were to bring complaints exclusively to congregation elders and that members were to associate only with other members in good standing; sexual assaults did not occur during congregation functions or on congregation property, religious doctrine was faith-based advice, and congregation and governing body did not assume duty to victims.

**[7] Negligence 272 ↩️214**

272 Negligence  
272II Necessity and Existence of Duty  
272k214 k. Relationship Between Parties.  
Most Cited Cases

**Religious Societies 332 ↩️30**

332 Religious Societies

332k30 k. Torts. Most Cited Cases

Providing faith-based advice or instruction, without more, does not create a special relationship giving rise to an affirmative duty to act.

**[8] Constitutional Law 92 ↩️1290**

92 Constitutional Law  
92XIII Freedom of Religion and Conscience  
92XIII(A) In General  
92k1290 k. In General. Most Cited Cases  
(Formerly 92k84.1)

When it comes to restraining religious conduct, it is the obligation of the state to impose the necessary limitations.

**[9] Negligence 272 ↩️218**

272 Negligence  
272II Necessity and Existence of Duty  
272k217 Voluntarily Assumed Duty  
272k218 k. In General. Most Cited Cases

A special duty giving rise to an affirmative duty to act may arise where one accepts responsibility to protect another, although there was no initial duty.

**[10] Constitutional Law 92 ↩️1290**

92 Constitutional Law  
92XIII Freedom of Religion and Conscience  
92XIII(A) In General  
92k1290 k. In General. Most Cited Cases  
(Formerly 92k84.1)

The constitutional right to religious freedom includes the authority to independently decide matters of faith and doctrine and to believe and speak what it will. U.S.C.A. Const.Amend. 1.

**[11] Infants 211 ↩️13.5(2)**

211 Infants  
211II Protection  
211k13.5 Duty to Report Child Abuse  
211k13.5(2) k. Liabilities; Immunity. Most Cited Cases

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Statute requiring certain professionals to report suspected neglect, physical abuse, or sexual abuse of children does not create a private cause of action for a violation of its reporting requirements or create a duty which could be enforced through a common-law negligence action. M.S.A. § 626.556.

*\*637 Syllabus by the Court*

1. The duty of an organization to protect its members from injury by a third party arises only where there is a special relationship between an organization and its members.

2. Minnesota's child abuse reporting act, Minn.Stat. § 626.556 (2000), does not provide for a civil cause of action.

Cynthia J. Waldt, Jeffrey R. Anderson, Jeff Anderson & Associates, P.A., St. Paul, for appellants.

Linda M. Ojala, Kurzman, Grant & Ojala, Minneapolis, for respondent Lindala.

Lindsay G. Arthur, Jr., Sally J. Ferguson, Keesha M. Gaskins, Kirsten J. Hansen, Arthur, Chapman, Kettering, Smetak & Pikala, P.A., Minneapolis, for respondents Annandale Congregation of Kingdom Hall of Jehovah's Witnesses and Watchtower Bible and Tract Society of New York.

Considered and decided by SCHUMACHER, Presiding Judge; and WILLIS, Judge; and WRIGHT, Judge.

**OPINION**

ROBERT H. SCHUMACHER, Judge.

Appellants Heidi Meyer and Jane L A Doe challenge the district court's grant of summary judgment in favor of respondents Annandale Congregation of Kingdom Hall of Jehovah's Witnesses (Annandale Congregation) and Watchtower Bible and Tract Society of New York, Inc. (Watchtower). Meyer and Doe argue Annandale Congregation and Watchtower owed a common law duty of care, had a special relationship with Meyer and Doe giving rise to a special duty of care, and are liable for negligence because they failed to report child abuse as mandated under Minn.Stat. § 626.556 (2000)<sup>FN1</sup>. Annandale Congregation and Watchtower argue the Establishment Clause of the First Amendment to the United States

Constitution precludes subject matter jurisdiction. We affirm.

FN1. We note Meyer and Doe allege Annandale Congregation and Watchtower breached duties imposed under versions of the Minnesota child abuse reporting statutes in effect from 1989 to 1994 but brought suit against them in July 2002. Thus, the case is governed primarily by Minn.Stat. § 626.556 (2000). Because the 2000 version of the reporting statute is substantively the same as that in previous years, we cite the 2000 version of the reporting statute in this opinion.

**FACTS**

During the times of the alleged wrongdoing, Meyer and Doe, their parents, and respondent Derek Lindala were members of Annandale Congregation, a congregation of the Jehovah's Witnesses. Annandale Congregation is managed by Watchtower's governing body. The governing body has authority over every person and all matters in Annandale Congregation, including\*638 discipline of individual members and furthering the overall welfare of the congregation. The governing body appoints elders to each congregation, including Annandale Congregation, to act as spiritual leaders.

Meyer and Doe state that Jehovah's Witnesses doctrine requires members "to associate only with other members of the Jehovah's Witnesses organization and avoid association with other people who are not Jehovah's Witnesses." In their depositions, Meyer and Doe stated that members are expected to bring all allegations of wrongdoing to congregation elders. If a member makes an allegation of wrongdoing to anyone other than an elder, including law enforcement, that person can be accused of gossip or slander, which are punishable offenses within the organization. According to Jehovah's Witnesses doctrine, wrongdoing cannot be proven without two eyewitnesses to the wrongful act, nondisputable evidence, or confession by the wrongdoer. According to Richard Olson, the presiding overseer of Annandale Congregation, upon hearing allegations of child abuse, the elders of Annandale Congregation contact legal counsel at Watchtower and make a report to authorities if directed to do so by counsel.

According to affiant Rebecca Mumford, in ap-

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proximately 1989 the elders of Annandale Congregation received information that Lindala had sexually abused his younger sister. At the time, Mumford was a Jehovah's Witness and friend to Lindala's sister. Lindala was approximately 17 years old and his sister was six years old. The elders investigated the allegation, did not immediately report the information to law enforcement, and allowed Lindala to continue as a member of Annandale Congregation.

From 1989 to 1992, Meyer was repeatedly sexually assaulted by Lindala while she was between the ages of 10 and 12. The abuse occurred at various locations, including Lindala's parents' home. Meyer reported the abuse to her parents in approximately 1994. Meyer and her father then reported the abuse to elders of Annandale Congregation. Watchtower was also informed. The elders instructed Meyer not to report the abuse to anyone and threatened she would be "disfellowed" if she did so. Disfellowship is the act of excommunication from the organization.

In 1991, while she was 10 or 11 years old, Doe was sexually assaulted by Lindala. The incident took place in the basement of Lindala's parents' home. Doe and her father immediately reported the incident to elders of Annandale Congregation. The elders told Doe and her father they would be investigating the allegation and threatened Doe and her father with disfellowship if they reported the matter to anyone, including other congregation members or the police. Watchtower was informed of the incident by letter in December 1993.

On July 1, 2002, Meyer and Doe commenced a lawsuit in Wright County District Court against Lindala, Annandale Congregation, and Watchtower. The suit alleged sexual battery of both Meyer and Doe by Lindala. The suit also alleged negligence by Annandale Congregation and Watchtower, arguing the parties were liable for not taking action to report Lindala's conduct to authorities and by holding him out to Annandale Congregation as an appropriate person with whom to associate. On motion by Annandale Congregation and Watchtower, the district court granted summary judgment on the claim of negligence. The court found Meyer and Doe had not shown a special relationship existed between the parties, Annandale Congregation and Watchtower did not owe Meyer and Doe a duty of care, and their \*639 injuries were not proximately caused by An-

nandale Congregation or Watchtower. The court also held any failure to comply with Chapter 626 of Minnesota Statutes on the part of Annandale Congregation and Watchtower did not create a private cause of action.

#### ISSUES

1. Does the Establishment Clause of the First Amendment to the United States Constitution prohibit judicial consideration of Meyer and Doe's claims for negligence?

2. Did the district court err by granting Annandale Congregation and Watchtower's motion for summary judgment, finding there was no duty of care owed to Meyer and Doe by Annandale Congregation and Watchtower?

3. Did the district court err by granting Annandale Congregation and Watchtower's motion for summary judgment, finding Minn.Stat. § 626.556 does not provide for a civil cause of action for failure to report known child abuse?

#### ANALYSIS

[1] 1. Annandale Congregation and Watchtower argue the Establishment Clause of the First Amendment to the United States Constitution precludes subject matter jurisdiction. Constitutional questions should not be decided unless doing so is necessary "to dispose of the case at bar." *State v. Hoyt*, 304 N.W.2d 884, 888 (Minn.1981). Because we decide this case on other grounds, we do not address the merit of this claim.

2. Summary judgment is appropriate when the evidence, viewed in the light most favorable to the nonmoving party, shows that there is no genuine issue of material fact and that either party is entitled to judgment as a matter of law. *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn.1993). "On an appeal from summary judgment, we ask two questions: (1) whether there are any genuine issues of material fact and (2) whether the lower courts erred in their application of the law." *State by Cooper v. French*, 460 N.W.2d 2, 4 (Minn.1990).

[2][3][4] The basic elements of a negligence claim are (1) the existence of a duty, (2) breach of that duty, (3) injury proximately caused by the breach, and (4) damages. *Schweich v. Ziegler, Inc.*,

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463 N.W.2d 722, 729 (Minn.1990). Meyer and Doe argue Annandale Congregation and Watchtower owed a duty to protect them from Lindala after they learned in 1989 that he had sexually assaulted a child because they had control over investigating the allegations of wrongdoing, reporting child abuse to authorities, and informing congregants that Lindala was not a safe person with whom to associate. But an affirmative duty to act only arises when a special relationship exists between the parties. "The fact that an actor realizes or should realize that action on his part is necessary for another's aid or protection does not of itself impose upon him a duty to take such action ... unless a special relationship exists ... between the actor and the other which gives the other the right to protection." *Harper v. Herman*, 499 N.W.2d 472, 474 (Minn.1993) (alteration in original) (quotation omitted). Meyer and Doe must first prove that a special relationship existed between the parties that placed an affirmative duty to act on the part of Annandale Congregation and Watchtower.

[5] A special relationship exists where one party has custody of another under circumstances that deprive the other of normal opportunities for self-protection. *Harper*, 499 N.W.2d at 474. "Typically, the plaintiff is in some respect particularly vulnerable and dependent on the defendant,\*640 who in turn holds considerable power over the plaintiff's welfare." *Donaldson v. Young Women's Christian Assoc. of Duluth*, 539 N.W.2d 789, 792 (Minn.1995).

[6] Here, Meyer and Doe argue the district court erred in finding there was no special relationship between Meyer and Doe and Annandale Congregation and Watchtower. Meyer and Doe point to the Jehovah's Witnesses doctrine which provides that members rely on congregation elders for all of their concerns, to the specific exclusion of governmental bodies or agencies, as the source of Annandale Congregation and Watchtower's control and therefore a special relationship exists. Meyer and Doe further point to doctrine that members only associate with other Jehovah's Witnesses who are in good standing with the organization, the organization's standard for proof of wrongdoing, and the punishment of disfellowship for gossip or slander. Meyer and Doe argue that this amounts to significant control, which deprived Meyer and Doe of normal opportunities for self-protection.

But, unlike previous cases where a special rela-

tionship was found, Annandale Congregation and Watchtower did not have custody or control over Meyer and Doe at the time of the alleged misconduct. The incidents of sexual misconduct took place at Lindala's residence, on a snowmobile, and in an automobile. Meyer and Doe do not argue that the misconduct took place during Annandale Congregation functions or on Annandale Congregation property. *Cf. Delgado v. Lohmar*, 289 N.W.2d 479, 483-84 (Minn.1979) (noting "special relationships exist between parents and children, masters and servants, possessors of land and licensees, common carriers and their customers, or people who have custody of a person with dangerous propensities"). Moreover, Meyer and Doe's contention of control is premised on faith-based advice given to Meyer, Doe, and other congregants by the elders of Annandale Congregation.

[7][8] Providing faith-based advice or instruction, without more, does not create a special relationship. *Lundman v. McKown*, 530 N.W.2d 807, 821-26 (Minn.App.1995) (finding no special relationship between Christian Science church and critically ill child who died, where church's teachings inspired parent to care for child through prayer, and parent, when hiring Christian Science nurse, relied on church's listing of individuals that met requirements for faith-based care; but finding special relationship where Christian Science nurse accepted responsibility to care for child in his home in return for cash wages), *review denied* (Minn. May 31, 1995). Here, as in *Lundman*, mere knowledge coupled with power is insufficient to impose a duty. *Id.* at 826. "When it comes to restraining religious *conduct*, it is the obligation of the state ... to impose [the] necessary limitations[.]" *Id.*

[9] A special duty may also arise where one accepts responsibility to protect another, although there was no initial duty. *Walsh v. Pagra Air Taxi, Inc.*, 282 N.W.2d 567, 570 (Minn.1979) (finding special duty where city, while having no affirmative duty to assist in preservation of private property, voluntarily undertook to render fire protection services to airport users); *Abresch v. Northwestern Bell Tel. Co.*, 246 Minn. 408, 414, 75 N.W.2d 206, 210 (Minn.1956) (finding special duty where telephone company has held itself out to public as willing to convey messages in case of certain emergencies such as fire).

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[10] Here, Meyer and Doe again point to the organization's doctrine that requires members to bring complaints exclusively to the attention of elders and argue that this is a voluntary undertaking of an affirmative\*641 duty to investigate allegations of wrongdoing and protect congregants from future wrongful acts. We disagree. Annandale Congregation and Watchtower espoused religious faith and doctrine and, according to Meyer and Doe, threatened excommunication for failure to adhere to that doctrine. By doing so, Annandale Congregation and Watchtower did not assume a duty owed to Meyer and Doe but rather acted within their constitutional right to religious freedom, which includes the authority to "independently decide matters of faith and doctrine" and "to believe and speak what it will." *Lundman*, 530 N.W.2d at 826.

The district court did not err in finding a special relationship did not exist between the parties. Because there is no special relationship, there is no duty, and we need not reach the issues of breach or causation. The district court did not err in applying the law or in granting Annandale Congregation and Watchtower's motion for summary judgment.

[11] 3. Meyer and Doe's brief to this court argues Annandale Congregation and Watchtower's failure to report abuse, in violation of Minnesota's child abuse reporting act, is negligence per se. *See* Minn.Stat. § 626.556 (requiring certain professionals to report to welfare agencies or police suspected neglect, physical abuse, or sexual abuse of children and providing that failure to report as mandated is misdemeanor). In their reply brief, Meyer and Doe argue they do not claim that a violation of the reporting statute is "negligence," but rather argue "violation of the statute is evidence of negligence per se." (Alteration in original.) We disagree. This court previously determined that section 626.556 does not create a private cause of action for violation of its reporting requirements or create a duty which could be enforced through a common-law negligence action. *See Valtakis v. Putnam*, 504 N.W.2d 264, 266 (Minn.App.1993) (refusing to impose civil remedy for violation of Minn.Stat. § 626.556 (1990) where legislature provided criminal remedy and did not provide civil remedy).

#### DECISION

The district court did not err in finding there was no special relationship between the parties and there-

fore no duty owed. Annandale Congregation and Watchtower are entitled to summary judgment as a matter of law. Failure of Annandale Congregation and Watchtower to comply with Minn.Stat. § 626.556 did not create a private cause of action.

**Affirmed.**

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