

1 IRWIN M. ZALKIN, ESQ. (#89957)
DEVIN M. STOREY, ESQ. (#234271)
2 The Zalkin Law Firm, P.C.
12555 High Bluff Drive, Suite 260
3 San Diego, CA 92130
Tel: 858-259-3011
4 Fax: 858-259-3015
Email: Irwin@zalkin.com
5 dms@zalkin.com

6 GREGORY S. LOVE, ESQ.
Love & Norris
7 621 Hemphill Street
Fort Worth, TX 76104
8 Tel: 817-732-7100
Fax: 817-732-7101
9 Email: gslove@lovenorris.com
(*Pro Hac Vice* Application Pending)

10 Attorneys for Plaintiff

11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF RIVERSIDE**

14 JW, Individually, by and through her
15 Guardian Ad Litem, TW;

16 Plaintiff,

17
18 v.

19 Mountain View Congregation of Jehovah’s
Witnesses, Murrieta, California; French
20 Valley Congregation of Jehovah’s
Witnesses, Murrieta, California, Inc.;
21 Watchtower Bible and Tract Society of
New York, Inc.; Christian Congregation of
22 Jehovah’s Witnesses, Inc.; and Does 1
through 100, inclusive,

23 Defendants.
24

) Case No: MCC 1300850

) **FIRST AMENDED COMPLAINT**
) **FOR DAMAGES:**

-)
) **1. NEGLIGENCE;**
) **2. NEGLIGENT SUPERVISION /**
) **FAILURE TO WARN;**
) **3. NEGLIGENT HIRING /**
) **RETENTION;**
) **4. NEGLIGENT FAILURE TO**
) **WARN, TRAIN OR EDUCATE**
) **PLAINTIFF;**
) **5. SEXUAL BATTERY; AND**
) **6. INTENTIONAL INFLICTION**
) **OF EMOTIONAL DISTRESS**

25 **[Demand for Jury Trial]**

1
2 Based upon information and belief available to Plaintiff, JW, at the time of the filing of
3 this Complaint for Damages, Plaintiff makes the following allegations:

4 **PARTIES**

5 1. Plaintiff, JW, is a minor female. Plaintiff was born on March 21, 1997, and was a minor
6 at the time of the sexual abuse alleged herein. JW is not the true name of Plaintiff, but is instead
7 a fictitious name used to protect the privacy of Plaintiff, a minor victim of childhood sexual
8 abuse.
9

10 2. Defendant Mountain View Congregation of Jehovah's Witnesses, Murrieta, California,
11 ("Mountain View") is an organization of unknown legal status authorized to conduct business
12 and conducting business in the State of California, with its principal place of business in the
13 County of Riverside, California. At all times relevant, Defendant Mountain View has and had
14 responsibility for Jehovah's Witness Church operations in some portions of Murrieta,
15 California.
16

17 3. Defendant French Valley Congregation of Jehovah's Witnesses, Murrieta, California,
18 Inc. ("French Valley"), is a California corporation authorized to conduct business and
19 conducting business in the State of California, with its principal place of business in the County
20 of Riverside. At all times relevant, Defendant French Valley has and had responsibility for
21 Jehovah's Witness Church operations in some portions of Murrieta, California.
22

23 4. Defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower") is a
24 New York corporation authorized to conduct business and conducting business in the State of
25 California, County of Riverside, with its principal place of business in the State of New York.
26 At all times prior to April of 2001, Defendant Watchtower organized, administered and directed
27 the congregational affairs of Jehovah's Witnesses in the United States.
28

1 5. Defendant Christian Congregation of Jehovah's Witnesses, Inc. ("CCJW"), is a New
2 York corporation authorized to conduct business and conducting business in the State of
3 California, County of Riverside, with its principal place of business in Putnam County, New
4 York. At all times following April of 2001, Defendant CCJW assumed and exercised some
5 responsibilities from Defendant Watchtower in the organization, administration and direction of
6 the congregational affairs of Jehovah's Witnesses in the United States.
7

8 6. Gilbert Simentel ("Perpetrator"), is an individual who, at all times relevant, was
9 associated with, and supervised, directed and controlled by, Defendants Mountain View, French
10 Valley, Watchtower and CCJW. While supervised, directed and controlled by Defendants
11 Mountain View, French Valley, Watchtower and CCJW, Gilbert Simentel committed the acts of
12 childhood sexual abuse alleged herein.
13

14 7. Defendant Does 1 through 100, inclusive, are individuals and/or business or corporate
15 entities incorporated in and/or doing business in California whose true names and capacities are
16 unknown to Plaintiff who therefore sues such defendants by such fictitious names, and who will
17 amend the Complaint to show the true names and capacities of each such Doe Defendant when
18 ascertained. Each such Defendant Doe is legally responsible in some manner for the events,
19 happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in
20 this Complaint. Defendants Mountain View, French Valley, Watchtower, CCJW, and Does 1
21 through 100 are sometimes hereinafter referred to as the "Defendants."
22

23 8. Each Defendant is the agent, servant and/or employee of other Defendants, and each
24 Defendant was acting within the course and scope of his, her or its authority as an agent, servant
25 and/or employee of the other Defendants. Defendants, and each of them, are individuals,
26 corporations, partnerships and other entities which engaged in, joined in and conspired with the
27
28

1 other wrongdoers in carrying out the tortious and unlawful activities described in this
2 Complaint.

3 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

4 9. The organizational structure of the Jehovah's Witness Church is hierarchical in nature.
5 The organizational head of the Religion is the Watchtower. Authority flows downward from
6 Watchtower to the local level of the Church, which is made up of Congregations.
7

8 10. Watchtower is the head of the Jehovah's Witness Hierarchical structure. Watchtower is
9 directed by a Governing Body, which is comprised of a fluctuating number of Elders.

10 Watchtower exercises control of the organization and running of the local congregations.

11 Watchtower has published a series of handbooks that are distributed to Elders and kept secret
12 from other Jehovah's Witnesses and the public. These handbooks provide instruction to Elders
13 regarding day to day administration of the religion such as the scheduling of Congregation
14 meetings, as well as more specific instruction regarding how to respond to allegations of
15 wrongdoing, when to convene a judicial committee and how to handle the procedure.
16

17 11. Watchtower also provides periodic instruction to local Congregations through letters
18 addressed to All Bodies of Elders. These letters have covered a broad spectrum of topics
19 ranging from standardizing the recordkeeping practices of all Congregations, establishing
20 procedures for ordering literature from Watchtower or remitting payments, to responding to
21 complaints of childhood sexual abuse. Following April of 2001, some of the responsibilities for
22 writing and disseminating letters to All Bodies of Elders were assumed by CCJW.
23

24 12. Watchtower researches, writes, approves, publishes and distributes its own materials for
25 distribution to actual and prospective Jehovah's Witnesses and for recruitment purposes.

26 Watchtower also reviews and approves or rejects recommendations of prospective Elders of
27 Ministerial Servants. Watchtower directly appoints Circuit and District Overseers. Following
28

1 April of 2001, CCJW assumed responsibilities for approving or rejecting recommendations for
2 the positions of Elder or Ministerial Servant.

3 13. Watchtower establishes processes for the discipline of members accused of wrongdoing,
4 and receives and keeps records of determinations of disfellowship, or of reproof of individuals
5 appointed by Watchtower as Ministerial Servants or Elders.

6
7 14. Above the Congregation level is the Circuit. Circuits are generally comprised of 20 to
8 22 Congregations, though this number is variable. The Circuit is staffed by a Circuit Overseer
9 and / or a Substitute Circuit Overseer. Circuit Overseers are directly appointed by Watchtower.
10 Circuit Overseers are sometimes referred to as Traveling Overseers because they travel from
11 one Congregation within their Circuit to another. The Circuit Overseer generally visits each
12 Congregation within his Circuit twice yearly. During the Circuit Overseer's visit to a
13 Congregation, the Circuit Overseer meets with the Elders of the Congregation, conferences
14 about the overall function of the Congregation and problems occurring in the Congregation
15 generally, and specific issues of importance such as allegations of child molestation by a
16 congregant. The Circuit Overseers also participates in Field Service, and observes the
17 functioning of the Congregation.
18

19 15. The Circuit Overseer also meets with the Elders for the purpose of discussing the men in
20 the Congregation, and whether they meet the requirements for appointment as Ministerial
21 Servants or Elders. During this discussion, the Circuit Overseer helps the Elders arrive at
22 recommendations to Watchtower, or later, CCJW, for appointments as Ministerial Servants and
23 Elders in the Congregation. The Circuit Overseer prepares a report of his time at each
24 Congregation and submits that to Watchtower or later, CCJW.
25

26 16. At the local level members of the Church are divided into Congregations.
27 Congregations are run on a daily basis by a Body of Elders. The number of Elders in a given
28

1 Congregation fluctuates depending on the size and needs of the Congregation, as well as the
2 number of qualified men in the Congregation.

3 17. Elders are responsible for the daily operations and governance of the local church. The
4 Elders are the highest authority at the congregational level and direct door to door preaching
5 activities, select potential candidates for becoming Ministerial Servants and Elders, organize
6 weekly church meetings, determine whether an individual is suitable for representing the church
7 in the community by becoming a Publisher, handle finances for the local church, and determine
8 the guilt, repentance and punishment of church members who commit serious sins.

9
10 18. To be appointed as an Elder, a person must be a Ministerial Servant in good standing, or
11 have served as an Elder in another congregation. The Body of Elders of the local church
12 identifies potential candidates and determines whether they are suitable, and if they live their
13 life in accordance with appropriate morals. Once a candidate has been identified by the local
14 church, a recommendation is made to Watchtower, or later, CCJW, who have the ultimate
15 authority as to whether a candidate is approved and becomes an Elder.

16
17 19. Male baptized Publishers who meet certain requirements may be appointed as
18 “Ministerial Servants.” Ministerial Servants serve the Congregation and aid the Elders in their
19 responsibilities. To be appointed as a Ministerial Servant, a person must be a Publisher in good
20 standing. The Body of Elders of the local church identifies potential candidates, and in concert
21 with the Circuit Overseer, determines whether they are suitable, and if they live their life in
22 accordance with appropriate morals. Once a candidate has been identified by the local church, a
23 recommendation is made to Watchtower, or later, CCJW, who have the ultimate authority as to
24 whether a candidate is approved and becomes a Ministerial Servant.

25
26 20. Membership in the Jehovah’s Witness faith is strictly regulated and monitored. A
27 person can attend open meetings at the Kingdom Hall for years and not be a member of the
28

1 Congregation. When a person expresses interest in becoming a member of the Jehovah's
2 Witness Church, he or she begins a period of Bible Study with a Baptized member of the
3 Congregation. The aspirant also engages in self-study during this period of time.

4 After months of study a person may become an unbaptized Publisher. To become an
5 unbaptized publisher, the aspirant must make application to the Congregation's Body of Elders.
6 Such a person must be approved by the Body of Elders, who will consider whether the aspirant
7 exhibits sufficient knowledge of the beliefs and organization of the Jehovah's Witness Church
8 for approval as a Publisher. The Elders will also vet the morals and ethics of the aspirant to
9 determine if he or she meets the standards for inclusion as a member of the Jehovah's Witness
10 faith.
11

12 21. Once a person is approved as an unbaptized publisher, he or she is authorized to
13 represent the Jehovah's Witness faith, and the specific Congregation, in the community. An
14 unbaptized publisher is authorized to engage in Field Service, which is the centerpiece of
15 Jehovah's Witness marketing, fundraising and recruiting activities. Field Service involves the
16 door-to-door proselytizing for which Jehovah's Witnesses are most recognizable.
17

18 22. By participating in Field Service, an unbaptized Publisher is authorized by the
19 Congregation and by the Jehovah's Witness Church to distribute Jehovah's Witness literature to
20 members of the community, to accept donations on behalf of the Church, and to invite
21 prospective members to attend open Congregation meetings at the Kingdom Hall as a means of
22 recruitment. The literature distributed during Field Service is written, printed and published by
23 Watchtower.
24

25 23. Each Publisher is instructed by the Congregation, as directed by the Watchtower or
26 CCJW, on how to become more effective at placing literature, receiving donations and enticing
27 non-members to attend public Congregation meetings or begin a Bible Study. Each
28

1 Congregation holds multiple meetings each week that are designed to make Publishers more
2 effective in their oral presentation during Field Service.

3 24. Once a person is approved to become a publisher he or she is expected to keep track of
4 the hours spent in Service. Forms are submitted monthly to the Congregation detailing the
5 numbers of hours spent in Field Service. Records of these hours are kept by the Congregation
6 for each Publisher within the Congregation. Additional forms are submitted to the
7 Congregation Secretary for each "Bible Study" conducted by a Publisher during the month.
8 Failure to submit such Field Service records for multiple consecutive months can lead to a
9 Publisher being designated as "irregular" or "inactive" which results in lowered status within
10 the Congregation.
11

12 25. After several additional months of study, an unbaptized publisher may seek to become a
13 baptized publisher. Baptism as one of Jehovah's Witnesses is considered an ordination as a
14 minister of the Jehovah's Witness faith. To be approved for baptism an applicant must be tested
15 and approved by Elders of the local congregation. During the testing the applicant is asked a
16 series of dozens of oral questions relating to the teachings of the Jehovah's Witness Faith as
17 well as the organizational structure of the Jehovah's Witness Church, which the applicant must
18 answer adequately prior to being approved for baptism.
19

20 26. Baptized Publishers may make a greater commitment by pledging to spend a specified
21 number of hours in service for a period of time. Such Publishers are referred to as "Pioneers."
22 There are multiple degrees associated with being a Pioneer. An Auxiliary Pioneer is Baptized
23 Publisher that applies to the Congregation's Elders to perform a certain number of hours of
24 Service during a one month period of time. The Congregation Elders will consider the
25 application and have discretion to either accept the application or reject the application.
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1 27. A Regular Pioneer is a Baptized Publisher that pledges to spend a specified number of
2 hours each month in service for one year. To become a Regular Pioneer an applicant gains the
3 recommendation of the Congregation's Elders who in turn submit that recommendation for
4 approval by Watchtower. Watchtower then considers the application and has the discretion of
5 accept or reject the application.
6

7 28. Publishers submit to the domination and control of the Jehovah's Witness Church. As
8 that relates to Church-related events, the Church monitors each Publisher's Field Service and
9 Bible Study records, standardizes methods to be used during proselytizing activities, provides
10 the only approved literature to be distributed during Field Service, directs where Publishers will
11 perform Field Service, controls access to sought after positions as Regular or Auxiliary
12 Pioneers, and determines appointments as Ministerial Servants, Elders and Circuit Overseers.
13 The Church also implements the Jehovah's Witness practice of shunning.
14

15 29. In addition to regulating all aspects of a Publisher's participation in Church events,
16 Baptized Publishers submit to the Church's control in all other aspects of their lives. Personal
17 grooming, appearance and dress are regulated by the Congregation, as are a Publisher's use of
18 alcohol, tobacco, or drugs. A Publisher's illegal sexual conduct, such as childhood sexual abuse
19 occurring away from Church locations and events, as well as legal sexual conduct occurring in
20 the privacy of a person's home, are subject to regulation and the imposition of punishment by
21 the Congregation.
22

23 30. Congregants are encouraged to bring problems to the Elders to be resolved rather than to
24 seek intervention from outside of the Jehovah's Witness faith. In practice, when a Congregant
25 commits an act of wrongdoing, such as the sexual abuse of a child, that matter may be brought
26 to an Elder to be resolved. Jehovah's Witness policy requires Elders to investigate such a claim.
27 If there are two witnesses to the wrongdoing, or if the accused confesses his wrongdoing, a
28

1 Judicial Committee will be convened. Even in cases of child molestation, if there are not at
2 least two eye witnesses to abuse and the accused denies the wrong, then no action is taken by
3 the Congregation.

4 31. If a Judicial Committee is convened, the two original Elders that investigated the
5 wrongdoing will be joined by a third, who will hear the case and impose punishment on the
6 wrongdoer. Possible outcomes of a Judicial Committee range from private reproof to
7 disfellowship. Private reproof is a private censorship of the wrongdoer that generally results in
8 a limitation of the wrongdoer's privileges to engage in Field Service for a short period of time.
9 No announcement is made to the Congregation when a wrongdoer is privately reproofed.
10

11 32. Disfellowship is expulsion from the Congregation. When a wrongdoer is
12 disfellowshipped, an announcement is made to the Congregation that the wrongdoer is no
13 longer one of Jehovah's Witnesses, but no details are given regarding the nature of the
14 wrongdoing. A person who is disfellowshipped can seek reinstatement into the Congregation
15 by written request to the Elders.
16

17 33. Plaintiff was raised in a Jehovah's Witness family. From birth until after the sexual
18 abuse alleged herein Plaintiff belonged to various Congregations of Jehovah's Witnesses. At
19 the time of the sexual abuse alleged herein, Plaintiff and Perpetrator both belonged to Defendant
20 Mountain View and regularly attended Jehovah's Witness meetings sponsored by that
21 congregation.
22

23 34. Plaintiff and her parents, TW and NW, met Perpetrator at Defendant Mountain View.
24 Plaintiff and her parents attended the same meetings at the same Kingdom Hall as Perpetrator
25 twice per week. Plaintiff and her parents also attended a third weekly Congregation meeting
26 with Perpetrator, called Book Study, at the home of another member of Mountain View.
27
28

1 35. Plaintiff is informed and believes and on that basis alleges that prior to the abuse of
2 Plaintiff, Perpetrator had been appointed as a Ministerial Servant and then Elder in a
3 Congregation of Jehovah's Witnesses prior to joining Mountain View. Plaintiff is further
4 informed that upon joining Mountain View, Perpetrator was appointed and confirmed as an
5 Elder.
6

7 36. Without the access to Plaintiff created by Perpetrator's position with Defendants as a
8 Baptized Publisher, Ministerial Servant and Elder, Perpetrator could not have sexually molested
9 Plaintiff.

10 37. On July 15, 2006, Plaintiff and three other girls were invited to a slumber party at
11 Perpetrator's home. Perpetrator had a daughter near the age of Plaintiff and the other invited
12 girls.
13

14 38. During that afternoon, Perpetrator joined the girls in a pool in the backyard. While in
15 the pool, Perpetrator sexually molested Plaintiff and another girl (Doe 1) in separate incidents.
16 Doe 1's sister, Doe 2, had previously been molested on two occasions by Perpetrator.

17 39. During late July of 2006, Doe 1 and Doe 2, who both attended the party at Perpetrator's
18 home, informed their mother that they had been sexually abused by Perpetrator. The girls'
19 mother called an Elder in her congregation and informed him of the allegations. The Elders in
20 that congregation contacted the Elders of Mountain View, who convened a Judicial Committee
21 regarding Perpetrator's molestation of the two girls.
22

23 40. During the Judicial Committee, Perpetrator admitted that he had sexually abused Doe 2
24 on two separate occasions before the party, and that he had also abused Doe 1 in the pool on
25 July 15, 2006, and again on another occasion later that evening. Perpetrator was reprovved by
26 the Judicial Committee.
27
28

1 41. The principal of Doe 1 and Doe 2's school was notified of the abuse, and as a mandatory
2 reporter, reported the molestation to law enforcement.

3 42. Approximately two months after the abuse, Plaintiff's parents received a phone call from
4 the Murrieta Police Department inquiring as to whether JW was sexually abused by Simentel at
5 the party. Plaintiff's father spoke to Elders from Mountain View, who informed him that JW
6 did not have to speak to the police.
7

8 43. Plaintiff and her family began attending a different congregation, French Valley.
9 Unknown to Plaintiff and her family, Perpetrator had also moved to French Valley by this time.

10 44. Approximately one year after the abuse, Plaintiff disclosed the extent of the touching to
11 her parents. JW's parents spoke to the police, and then to the Elders from French Valley. The
12 Elders came to the Plaintiff's home and informed the family that they were there for the
13 Perpetrator, as well as JW. Plaintiff is informed and believes and on that basis alleges that the
14 French Valley Elders had no training or expertise in conducting interviews of minor victims of
15 sexual abuse. The Elders interrogated JW, who was approximately ten years of age, about the
16 abuse in explicit detail. JW, and her parents, were very upset by the explicit nature of the
17 questions asked, and the depth to which the Elders probed for information.
18

19 45. TW informed the Elders that he was considering seeking a restraining order against
20 Perpetrator, and the Elders attempted to dissuade him. The Elders suggested that he should
21 write a letter to Perpetrator explaining how he felt. The Elders also informed TW that JW did
22 not need to speak with the police, and that to do so would bring reproach on the congregation.
23

24 46. A criminal prosecution was commenced with respect to Perpetrator's molestation of Doe
25 1 and Doe 2. A jury convicted Perpetrator of the abuse of both girls. In a separate criminal
26 action, Perpetrator was charged with the sexual abuse of Plaintiff, which the proceeding
27 confirmed.
28

1 46.1. Mountain View's acts alleged above were willful, wanton, malicious, oppressive, in
2 conscious disregard of Plaintiff's rights, were undertaken with the intent to defraud, and
3 therefore justify an award of exemplary and punitive damages.

4 47. As a result of the above-described conduct, Plaintiff has suffered, and will continue to
5 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
6 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
7 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
8 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
9 enjoyment of life; will sustain loss of earnings and earning capacity; and/or has incurred and
10 will continue to incur expenses for medical and psychological treatment, therapy, and
11 counseling.
12

13 **PLAINTIFF'S FIRST CAUSE OF ACTION**

14 **NEGLIGENCE**

15 **(Against Defendants Mountain View, Watchtower, CCJW and Does 1 through 100)**

16 48. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

17 49. Defendants Mountain View, Watchtower, CCJW and Does 1 through 100 had a duty to
18 protect the minor Plaintiff while she was entrusted to their care by Plaintiff's parents. Plaintiff's
19 care, welfare, and/or physical custody were temporarily entrusted to Defendants. Defendants
20 voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor
21 child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher
22 duty of care that adults dealing with children owe to protect them from harm.
23

24 50. Defendants Mountain View, Watchtower, CCJW and Does 1 through 100 had a duty to
25 control the Perpetrator and to prevent him from sexually molesting children. Defendants were
26 aware, prior to the sexual abuse of Plaintiff herein, of the Perpetrator's dangerous and exploitive
27
28

1 propensities. Defendants were also aware that they had the ability to place restrictions on the
2 Perpetrator's access to children, service and preaching activities, give warnings to the
3 congregation, and otherwise control the Perpetrator's conduct. Defendants therefore assumed a
4 duty to prevent the Perpetrator from sexually molesting Jehovah's Witness children.

5
6 51. Defendants had a special duty to investigate and not employ the Perpetrator in his
7 position as a Baptized Publisher, Ministerial Servant and / or Elder. Defendants knew that the
8 Perpetrator was likely to harm others in light of the work entrusted to him.

9
10 52. Defendants, by and through their agents, servants and employees, knew or reasonably
11 should have known of the Perpetrator's dangerous and exploitive propensities and/or that the
12 Perpetrator was an unfit agent. It was foreseeable that if Defendants did not adequately exercise
13 or provide the duty of care owed to children in their care, including but not limited to Plaintiff,
14 the children entrusted to Defendants' care would be vulnerable to sexual abuse by the
15 Perpetrator.

16
17 55. Defendants breached their duty of care to the minor Plaintiff by allowing the
18 Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to
19 adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to have
20 access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about the
21 Perpetrator; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law
22 enforcement officials that the Perpetrator was or may have been sexually abusing minors; by
23 failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that
24 Plaintiff was or may have been sexually abused after Defendants knew or had reason to know
25 that the Perpetrator may have sexually abused Plaintiff, thereby creating the circumstance where
26 Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating
27 the harm done to Plaintiff; and/or by holding out the Perpetrator to the Plaintiff and her parents
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1 or guardians as being in good standing and trustworthy. Defendants cloaked within the facade
2 of normalcy Defendants' and/or the Perpetrator's contact and/or actions with the Plaintiff and/or
3 with other minors who were victims of the Perpetrator, and/or disguised the nature of the sexual
4 abuse and contact.

5
6 56. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
7 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
8 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
9 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
10 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;
11 will sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
12 expenses for medical and psychological treatment, therapy, and counseling.

13
14 **SECOND CAUSE OF ACTION**

15 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

16 **(Against Defendants Mountain View, Watchtower, CCJW and Does 1 through 100)**

17 57. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

18 58. Defendants Mountain View, Watchtower, CCJW and Does 1 through 100 had a duty to
19 provide reasonable supervision of the Perpetrator; to use reasonable care in investigating the
20 Perpetrator; and to provide adequate warning to the Plaintiff, the Plaintiff's family and minor
21 congregants of the Perpetrator's dangerous propensities and unfitness.

22
23 59. Defendants Mountain View, Watchtower, CCJW and Does 1 through 100, by and
24 through their agents, servants and employees, knew or reasonably should have known of the
25 Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit
26 agent. Despite such knowledge, Defendants negligently failed to supervise the Perpetrator in
27 the position of trust and authority as a Jehovah's Witness speaker, Publisher, Ministerial
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1 Servant, Elder, religious instructor, counselor, surrogate parent, spiritual mentor, emotional
2 mentor, and/or other authority figure, where he was able to commit the wrongful acts against the
3 Plaintiff. Defendants failed to provide reasonable supervision of the Perpetrator, failed to use
4 reasonable care in investigating the Perpetrator, and failed to provide adequate warning to
5 Plaintiff and Plaintiff's family of the Perpetrator's dangerous propensities and unfitness.
6 Defendants further failed to take reasonable measures to prevent future sexual abuse.
7

8 60. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
9 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
10 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
11 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
12 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;
13 will sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
14 expenses for medical and psychological treatment, therapy, and counseling.
15

16 **THIRD CAUSE OF ACTION**

17 **NEGLIGENT HIRING/RETENTION**

18 **(Against Defendants Mountain View, Watchtower, CCJW and Does 1 through 100)**

19 61. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

20 62. Defendants had a duty to not hire and/or retain the Perpetrator, and other employees,
21 agents, volunteers, and other representatives, given the Perpetrator's dangerous and exploitive
22 propensities.
23

24 63. Defendants Mountain View, Watchtower, CCJW and Does 1 through 100, by and
25 through their agents, servants and employees, knew or reasonably should have known of the
26 Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit
27 agent. Despite such knowledge, Defendants negligently hired and/or retained the Perpetrator in
28

1 the position of trust and authority as a Jehovah's Witness speaker, Ministerial
2 Servant, Elder, religious instructor, counselor, surrogate parent, spiritual mentor, emotional
3 mentor, and/or other authority figure, where he was able to commit the wrongful acts against the
4 Plaintiff. Defendants failed to use reasonable care in investigating the Perpetrator and failed to
5 provide adequate warning to Plaintiff and Plaintiff's family of the Perpetrator's dangerous
6 propensities and unfitness. Defendants further failed to take reasonable measures to prevent
7 future sexual abuse.
8

9 64. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
10 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
11 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
12 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
13 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;
14 will sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
15 expenses for medical and psychological treatment, therapy, and counseling.
16

17 **FOURTH CAUSE OF ACTION**

18 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

19 **(Against Defendants Mountain View, Watchtower, CCJW and Does 1 through 100)**

20 65. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
21

22 66. Defendants Mountain View, Watchtower, CCJW and Does 1 through 100 breached their
23 duty to take reasonable protective measures to protect Plaintiff and other minors and/or
24 congregants from the risk of childhood sexual abuse by the Perpetrator, such as the failure to
25 properly warn, train, or educate Plaintiff and other minor congregants about how to avoid such a
26 risk, pursuant to *Juarez v. Boy Scouts of America, Inc.*, 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th
27 377 (2000).
28

1 67. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
2 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
3 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
4 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
5 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;
6 will sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
7 expenses for medical and psychological treatment, therapy, and counseling.
8

9 **FIFTH CAUSE OF ACTION**

10 **SEXUAL BATTERY**

11 **(Against All Defendants)**

12 68. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
13

14 69. On July 15, 2006, Perpetrator engaged in unpermitted, harmful and offensive sexual
15 contact upon the person of Plaintiff, and Defendants Mountain View, French Valley,
16 Watchtower, CCJW and Does 1 through 100 ratified or approved of that sexual contact.

17 70. Perpetrator was aided in committing the harmful and offensive touching of Plaintiff by
18 his status as an agent of Defendants Mountain View, Watchtower, CCJW and Does 1 through
19 100. Without his position as a Jehovah's Witness Baptized Publisher, Ministerial Servant and /
20 or Elder, Defendant could not have accomplished the harmful and offensive touching of
21 Plaintiff.
22

23 71. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
24 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
25 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
26 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
27 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;
28

1 will sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
2 expenses for medical and psychological treatment, therapy, and counseling.

3 **SIXTH CAUSE OF ACTION**

4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

5 **(Against All Defendants)**

6
7 72. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

8 73. Defendants' conduct was extreme and outrageous and was intentional or done
9 recklessly.

10 74. Perpetrator's conduct in molesting Plaintiff was extreme an outrageous and was
11 intentional.

12 75. Defendants ratified or approved of the extreme and outrageous conduct of Perpetrator.

13 76. As a result of Defendants' conduct, Plaintiff experienced and continues to experience
14 severe emotional distress resulting in bodily harm.

15
16 77. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
17 physical injury, shock, emotional distress, physical manifestations of emotional distress,
18 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has
19 suffered and continues to suffer spiritually; was prevented and will continue to be prevented
20 from performing Plaintiff's daily activities and obtaining the full enjoyment of life; will sustain
21 loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses
22 for medical and psychological treatment, therapy, and counseling.

23
24 WHEREFORE, Plaintiff prays for damages; punitive damages against Defendant
25 Mountain View; costs; interest; statutory/civil penalties according to law; and such other relief
26 as the court deems appropriate and just.

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: 9/5/13

By: Devin M. Storey
Devin M. Storey
Attorney for Plaintiff

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PROOF OF SERVICE

JW, Individually v. Mountain View Congregation of Jehovah's Witnesses, et al.
Riverside Superior Court Case No: MCC 1300850

I, Lisa E. Maynes, am employed in the city and county of San Diego, State of California. I am over the age of 18 and no a party to the action; my business address is 12555 High Bluff Drive, Suite 260, San Diego, CA 92130.

September 5, 2013, I caused to be served:

FIRST AMENDED COMPLAINT FOR DAMAGES

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

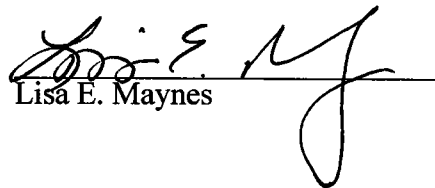
SEE ATTACHED SERVICE LIST

XX (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) By causing to be delivered by hand to the offices of the addressee(s) on the date listed above.

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

Dated: 9-5-13


Lisa E. Maynes

MAILING LIST

James M. McCabe, Esq.
The McCabe Law Firm, APC
4817 Santa Monica Avenue, Suite B
San Diego, CA 92107
Tel: 619-224-2848
Fax: 619-224-0089
email: jim@mccabelaw.net
Attorneys for Defendants
French Valley Congregation of Jehovah's Witnesses, Murrieta, California, Inc.;
Christian Congregation of Jehovah's Witnesses, Inc.

Rocky K. Copley, Esq.
Law Office of Rocky K. Copley
225 Broadway, Suite 2100
San Diego, CA 92101
Tel: 619-232-3131
Fax: 619-232-1690
email: rkcopley@rkc-rocklaw.com
Attorney for Defendants
Watchtower Bible and Tract Society of New York, Inc.;
Mountain View Congregation of Jehovah's Witnesses, Murrieta, California