

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Stephen

Goorvitch.

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Attorney for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

Kevin Ramirez, Individually,

Plaintiff,

v.

Defendant San Dimas Spanish
Congregation of Congregation of
Jehovah's Witnesses, San Dimas,
California; Defendant Watchtower Bible
and Tract Society of New York, Inc.;
Defendant Christian Congregation of
Jehovah's Witnesses, Inc.; Defendant
Governing Body of Jehovah's Witnesses;
and Does 1 through 100, inclusive,

Defendants.

Case No:

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. SEXUAL HARRASSMENT

[Demand for Jury Trial]

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

4 **PARTIES**

5 1. Plaintiff, Kevin Ramirez, is an adult male. Plaintiff was a minor at the time of the
6 sexual abuse alleged herein.

7 2. Defendant San Dimas Congregation of Jehovah's Witnesses, San Dimas, California
8 ("Congregation") is an unincorporated association, authorized to conduct business and
9 conducting business in the State of California, with its principal place of business in the County
10 of Los Angeles, California. During the dates of the sexual abuse of Plaintiff, Defendant
11 Congregation exercised supervision and control over Humberto Ramirez ("Humberto").

12 3. Defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower") is a
13 New York corporation, conducting business in the State of New York, and elsewhere, including
14 Los Angeles County, California. During the dates of the sexual abuse of Plaintiff, Defendant
15 CCJW exercised supervision and control over Humberto.

16 4. Defendant Christian Congregation of Jehovah's Witnesses, Inc. ("CCJW") is a New
17 York corporation, conducting business in the State of New York, and elsewhere, including Los
18 Angeles County, California. During the dates of the sexual abuse of Plaintiff, Defendant CCJW
19 exercised supervision and control over Humberto.

20 5. Defendant Governing Body of Jehovah's Witnesses ("Governing Body") is an
21 unincorporated association authorized to conduct business and conducting business in the State
22 of California, with its principal place of business in the State of New York. During the dates of
23 the sexual abuse of Plaintiff, Defendant Governing Body established the sexual abuse policies
24 implemented by Defendants Congregation, Watchtower and CCJW; established the policies for
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1 appointing and supervising Elders and Ministerial Servants within the Jehovah's Witness
2 organization, and exercised supervision and control over Humberto.

3 6. Humberto is a natural person and was at all times relevant an adult male at the time he
4 committed the acts of sexual abuse on the body of the underage Plaintiff alleged herein. During
5 the period of time in which the abuse occurred, Humberto was under the direction, supervision
6 and control of Defendants Congregation, Watchtower, CCJW, Governing Body and Governing
7 Body.
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9 7. Defendant Does 1 through 100, inclusive, are individuals and/or business or corporate
10 entities incorporated in and/or doing business in California whose true names and capacities are
11 unknown to Plaintiff, who therefore sue such Defendants by such fictitious names, and who will
12 amend the Complaint to show the true names and capacities of each such Doe Defendant when
13 ascertained. Each such Defendant Doe is legally responsible in some manner for the events,
14 happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in
15 this Complaint.
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17 8. Each Defendant is the agent, servant and/or employee of other Defendants, and each
18 Defendant was acting within the course and scope of his, her or its authority as an agent, servant
19 and/or employee of the other Defendants. The Defendants, and each of them, are individuals,
20 corporations, partnerships and other entities which engaged in, joined in and conspired with the
21 other wrongdoers in carrying out the tortious and unlawful activities described in this
22 Complaint, and the Defendants, and each of them, ratified the acts of the other Defendants as
23 described in this Complaint. The Jehovah's Witnesses and all related corporations and entities
24 were acting in a joint venture at the time of tortious and unlawful activities described in this
25 Complaint.
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1 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

2 9. The organizational structure of the Jehovah's Witness Church is hierarchical in nature.
3 At all times relevant, the organizational head of the Church was Defendant Governing Body.
4 Authority flows downward from Governing Body to the local level of the Organization, which
5 is made up of Congregations.

6 10. Watchtower sits below Governing Body in the hierarchy and implements the policies
7 and procedures promulgated by Governing Body. Watchtower is directed by Governing Body,
8 which is comprised of a fluctuating number of Elders. On a day to day basis, Watchtower
9 exercises control over the running of the local congregations.
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11 11. Watchtower has published a series of handbooks that are distributed to Elders and kept
12 secret from other Jehovah's Witnesses and the public. These handbooks provide instruction to
13 Elders regarding day to day administration of the religion such as the scheduling of
14 Congregation meetings, as well as more specific instruction regarding how to respond to
15 allegations of wrongdoing, when to convene a Judicial Committee and how to handle the
16 procedure.
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18 12. Watchtower also provides periodic instruction to local Congregations through letters
19 addressed to All Bodies of Elders. These letters have covered a broad spectrum of topics
20 ranging from standardizing the recordkeeping practices of all Congregations, establishing
21 procedures for ordering literature from Watchtower or remitting payments, handling
22 administrative and procedural matters involving day-to-day Congregation operations as well as
23 specific instructions on how to respond to wrongdoing within the Congregation, including
24 childhood sexual abuse. Effective during Spring of 2001, CCJW assumed operation of the
25 Service Department, including responsibility for disseminating some of these policy letters.
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1 13. Watchtower researches, writes, approves, publishes and distributes its own materials for
2 distribution to actual and prospective Jehovah's Witnesses and for recruitment purposes.

3 Watchtower also reviews recommendations of prospective Elders or Ministerial Servants.

4 Watchtower directly appoints Circuit and District Overseers, whose responsibilities are to
5 monitor the function of the Jehovah's Witness religion at the congregation, circuit and district
6 levels to ensure directives and policies from Watchtower are being followed and correctly
7 implemented. It is Governing Body who has final approval of these recommendations.
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9 14. Watchtower establishes processes for the discipline of members accused of wrongdoing
10 and receives and keeps records of determinations of disfellowship (similar to excommunication)
11 of any Jehovah's Witness, or of reproof of individuals (similar to public or private censure) who
12 have been appointed by Watchtower and Governing Body as Ministerial Servants or Elders.
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14 15. Above the Congregation level is the Circuit. Circuits are generally comprised of 18 to
15 24 Congregations, though this number is variable. The Circuit is staffed by a Circuit Overseer
16 and / or a Substitute Circuit Overseer. Circuit Overseers and Substitute Circuit Overseers are
17 directly appointed by Watchtower and Governing Body.

18 16. Circuit Overseers are sometimes referred to as Traveling Overseers because they travel
19 from one Congregation within their Circuit to another. The Circuit Overseer generally visits
20 each Congregation within his Circuit twice yearly. During the Circuit Overseer's visit to a
21 Congregation, the Circuit Overseer meets with the Elders of the Congregation, conferences
22 about the overall function of the Congregation and problems occurring in the Congregation
23 generally, and specific issues of wrongdoing, including allegations of child molestation by a
24 congregant. The Circuit Overseer also participates in Field Service and observes the
25 functioning of the Congregation.
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1 17. The Circuit Overseer also meets with the Elders for the purpose of discussing the men in
2 the Congregation, and whether they meet the requirements for appointment as Ministerial
3 Servants or Elders. During this discussion, the Circuit Overseer helps the Elders arrive at
4 recommendations to Watchtower for appointments as Ministerial Servants and Elders in the
5 Congregation. The Circuit Overseer prepares a report of his time at each Congregation and
6 submits that to Watchtower.
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8 18. At the local level members of the Jehovah's Witnesses are divided into Congregations.
9 Congregations are run on a daily basis by a Body of Elders. The number of Elders in a given
10 Congregation fluctuates depending on the size and needs of the Congregation, as well as the
11 number of qualified men in the Congregation.
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13 19. Elders are responsible for the daily operations and governance of the local congregation.
14 The Elders are the highest authority at the congregational level and direct door to door
15 preaching activities, select potential candidates for becoming Ministerial Servants and Elders,
16 organize weekly church meetings, determine whether an individual is suitable for representing
17 the church in the community by becoming a Publisher, handle finances for the local
18 congregation, and determine the guilt, repentance and punishment of church members who
19 commit wrongdoing.
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21 20. To be appointed as an Elder, a person must be a Ministerial Servant in good standing or
22 have served as an Elder in another congregation. The Body of Elders of the local congregation
23 identifies potential candidates and determines whether they are suitable, and if they live their
24 life in accordance with appropriate morals and organizational standards. Once a candidate has
25 been identified by the local Elders, a recommendation is made to Watchtower. Watchtower and
26 Governing Body have the ultimate authority as to whether a candidate is approved and becomes
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1 an Elder. After is creation in Spring of 2001, CCJW took over Watchtower's responsibility for
2 the appointment of Elders.

3 21. Male baptized Publishers who meet certain requirements may be appointed as
4 "Ministerial Servants." Ministerial Servants serve the Congregation and aid the Elders in their
5 responsibilities and take on leadership roles in the absence of an Elder. To be appointed as a
6 Ministerial Servant, a person must be a Publisher in good standing. The Body of Elders of the
7 local congregation identifies potential candidates, and in concert with the Circuit Overseer,
8 determines whether they are suitable, and if they live their life in accordance with appropriate
9 morals. Once a candidate has been identified by the local Elders, a recommendation is made to
10 Watchtower. Watchtower and Governing Body have the ultimate authority as to whether a
11 candidate is approved and becomes a Ministerial Servant. After is creation in Spring of 2001,
12 CCJW took over Watchtower's responsibility for the appointment of Ministerial Servants.

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15 22. Membership in the Jehovah's Witnesses is strictly regulated and monitored. A person
16 can attend open meetings at the Kingdom Hall for years and not be a member of the
17 Congregation. When a person expresses interest in becoming a member of the Jehovah's
18 Witnesses, he or she begins a period of Bible Study with a Baptized member of the
19 Congregation. The aspirant also engages in self-study during this period of time.

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21 23. After months of study a person may become an unbaptized Publisher. To become an
22 unbaptized publisher, the aspirant must make application to the Congregation's Body of Elders.
23 Such a person must be approved by the Body of Elders, who will consider whether the aspirant
24 exhibits sufficient knowledge of the beliefs and organization of the Jehovah's Witnesses for
25 approval as a Publisher. The Elders will also vet the morals and ethics of the aspirant to
26 determine if he or she meets the standards for inclusion as a member of the Jehovah's Witness
27 organization.
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1 24. Once a person is approved as an unbaptized publisher, he or she is authorized to
2 represent the Jehovah's Witnesses, and the specific Congregation, in the community. An
3 unbaptized publisher is authorized to engage in Field Service, which is the centerpiece of
4 Jehovah's Witness marketing, fundraising and recruiting activities. Field Service involves the
5 door-to-door proselytizing for which Jehovah's Witnesses are most recognizable.

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7 25. By participating in Field Service, an unbaptized Publisher is authorized by the
8 Congregation and by the Jehovah's Witness organization to distribute Jehovah's Witness
9 literature to members of the community, to accept donations on behalf of the organization, and
10 to invite prospective members to attend open Congregation meetings at the Kingdom Hall as a
11 means of recruitment. The literature distributed during Field Service is written, printed and
12 published by Watchtower or one of its related corporations.

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14 26. Each Publisher is instructed by the Congregation, as directed by Watchtower, on how to
15 become more effective at placing literature, receiving donations and enticing non-members to
16 attend public Congregation meetings or begin a Bible Study. Each Congregation holds multiple
17 meetings each week that are designed to make Publishers more effective in their oral
18 presentation during Field Service.

19 27. Once a person is approved to become a publisher he or she is expected to keep track of
20 the hours spent in Service. Forms are submitted monthly to the Congregation detailing the
21 numbers of hours spent in Field Service. Records of these hours are kept by the Congregation
22 for each Publisher within the Congregation. Additional forms are submitted to the
23 Congregation Secretary for each "Bible Study" conducted by a Publisher during the month.
24 Failure to submit such Field Service records for multiple consecutive months can lead to a
25 Publisher being designated as "irregular" or "inactive" which results in lowered status within
26 the Congregation.
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1 28. After several additional months of study, an unbaptized publisher may seek to become a
2 baptized publisher. Baptism as one of Jehovah's Witnesses is considered an ordination as a
3 minister of the Jehovah's Witnesses. To be approved for baptism an applicant must be tested
4 and approved by Elders of the local congregation. During the testing the applicant is asked a
5 series of dozens of oral questions relating to the teachings of the Jehovah's Witnesses as well as
6 the organizational structure of the Jehovah's Witness organization, which the applicant must
7 answer adequately prior to being approved for baptism.
8

9 29. Baptized Publishers may make a greater commitment by pledging to spend a specified
10 number of hours in service for a period of time. Such Publishers are referred to as "Pioneers."
11 There are multiple degrees associated with being a Pioneer. An Auxiliary Pioneer is a Baptized
12 Publisher that applies to the Congregation's Elders to perform a certain number of hours of
13 Service during a one-month period of time. The Congregation Elders will consider the
14 application and have discretion to either accept the application or reject the application.
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16 30. A Regular Pioneer is a Baptized Publisher that pledges to spend a specified number of
17 hours in service each month for one year. To become a Regular Pioneer an applicant gains the
18 recommendation of the Congregation's Elders who in turn submit that recommendation for
19 approval by Watchtower. Watchtower then considers the application and has the discretion of
20 accept or reject the application.
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22 31. Publishers submit to the domination and control of the Jehovah's Witness organization.
23 As that relates to Jehovah's Witness-related events, the organization monitors each Publisher's
24 Field Service and Bible Study records, standardizes methods to be used during proselytizing
25 activities, provides the only approved literature to be distributed during Field Service, directs
26 where Publishers will perform Field Service, controls access to sought after positions as Regular
27 or Auxiliary Pioneers, and determines appointments as Ministerial Servants, Elders and Circuit
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1 Overseers. The organization also dictates and implements the Jehovah's Witness practice of
2 shunning, which involves isolating and not interacting with members that have been
3 disfellowshipped or have voluntarily left the church.

4 32. In addition to regulating all aspects of a Publisher's participation in Jehovah's Witness
5 events, Baptized Publishers submit to the organization's control in all other aspects of their
6 lives. Personal grooming, appearance and dress are regulated by the Congregation, as are a
7 Publisher's use of alcohol, tobacco, or drugs. A Publisher's illegal sexual conduct, such as
8 childhood sexual abuse occurring away from Jehovah's Witness locations and events, as well as
9 legal sexual conduct occurring in the privacy of a person's home are subject to regulation and
10 the imposition of punishment by the Congregation.

11 33. Congregants are encouraged to bring problems to the Elders to be resolved rather than to
12 seek intervention from outside of the Jehovah's Witness organization. In practice, when a
13 Congregant commits an act of wrongdoing, such as the sexual abuse of a child, that matter must
14 be brought to an Elder to be resolved. Jehovah's Witness policy requires Elders to investigate
15 such a claim. If there are two witnesses to the wrongdoing, or if the accused confesses his
16 wrongdoing, a Judicial Committee will be convened. If there are not at least two witnesses and
17 the accused denies the wrong, then the accused is determined to be innocent and treated as such
18 and no corrective, protective or punitive action is taken by the Congregation.

19 34. If a Judicial Committee is convened, the two original Elders that investigated the
20 wrongdoing will be joined by a third, who will hear the case and impose punishment on the
21 wrongdoer. Possible outcomes of a Judicial Committee range from private reproof to public
22 reproof, to disfellowship. Private reproof is a private censorship of the wrongdoer that
23 generally results in a limitation of the wrongdoer's privileges to engage in Field Service for a
24 short period of time. No announcement is made to the Congregation when a wrongdoer is
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1 subject to private reproof. In cases of public reproof an announcement is made to the
2 congregation that the individual has been reprovved by a Judicial Committee and found to be
3 repentant. Restrictions can be imposed as in cases of private reproof.

4 35. Disfellowship is expulsion from the Congregation. When a wrongdoer is
5 disfellowshipped, an announcement is made to the Congregation that the wrongdoer is no
6 longer one of Jehovah's Witnesses, but no details are given regarding the nature of the
7 wrongdoing. A person who is disfellowshipped can seek reinstatement into the Congregation
8 by written request to the Elders.

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10 36. In March of 1997, Watchtower disseminated a letter to all of the Bodies of Elders in
11 United States Congregations seeking information on men who then served, or had previously
12 served, in any appointed position (e.g., Elder, Ministerial Servant, Regular Pioneer) and were
13 also known to have engaged in child molestation. The letter required each of nearly 14,000
14 Congregations to prepare a report answering approximately a dozen questions with details of
15 each such case and send the letter to Watchtower's Service Department.

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17 37. In July of 1998, Watchtower sent a follow up letter to each United States Congregation,
18 reminding those Bodies of Elders of the need to send the reports and possible legal
19 consequences of appointing a known child molester to a position of trust, such as an Elder or
20 Ministerial Servant.

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22 38. The responsive reports were kept by the Service Department and were used by
23 Watchtower and Governing Body when considering appointments as Ministerial Servants and
24 Elders. The letters showed the breadth of the problem of child molestation within the Jehovah's
25 Witnesses. Thus, as of March 1997, Defendants Watchtower and Governing Body were aware
26 of the extent of child molestation within the religion, but did not promulgate new or effective
27 policies for preventing or responding to child molestation. Nor did Watchtower or Governing
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1 Body implement any form of effective procedures for educating children and adult members of
2 the risk of child molestation within the Church, how to identify warning signs of molestation, or
3 how to avoid dangerous situations. As of its formation in Spring of 2001, CCJW assumed
4 operation of the Service Department and gained possession and knowledge of the molestation
5 reports.

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7 39. Notwithstanding the reports received in response to the March 1997 and July 1998
8 letters which continue to be sent to this day, Watchtower and Governing Body left in tact a
9 longstanding Jehovah's Witness policy dating to a July 1989 policy letter that required Elders to
10 frustrate law enforcement efforts to investigate child molestation, and to contact Watchtower's
11 Legal Department about child abuse allegations instead of cooperating with law enforcement or
12 reporting child molestation allegations to the police. Similarly, victims were still to be
13 discouraged from seeking any form of therapy where Jehovah's Witness molestations may be
14 disclosed to non-members. Despite being staffed with ministers, Watchtower's Service
15 Department has never made a mandated child abuse report to law enforcement.

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17 40. The policies on child molestation promulgated by Watchtower and Governing Body
18 through the secret Elder handbooks and confidential policy letters were not divulged to
19 Jehovah's Witness members. Through this required secrecy surrounding the general risk of
20 child molestation by Jehovah's Witnesses, Watchtower and Governing Body intentionally
21 concealed the threat of child molestation within the Jehovah's Witnesses from their members.
22
23 And, through these policies of non-reporting to law enforcement and non-cooperation with
24 criminal child molestation investigations, Watchtower and Governing Body protected accused
25 and admitted child molesters from criminal prosecution and thereby increased the risk of
26 molestation of unsuspecting minors who were not informed of the risk of molestation within the
27 religion.
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1 41. Plaintiff Kevin Ramirez was born on August 16, 1993. Humberto molested Plaintiff on
2 multiple occasions between approximately 1999 and 2001, when Humberto was an adult man
3 and Plaintiff was approximately six to eight years of age.

4 42. At the time Humberto sexually abused Plaintiff, Plaintiff and his family attended
5 meetings at Defendant Congregation. Humberto was an Elder in Defendant Congregation
6 appointed by Watchtower and Governing Body and under the direction and supervision of
7 Congregation, Watchtower, Governing Body and / or CCJW.

8 43. Humberto used his position with Defendants to ingratiate himself with Plaintiff's family.
9 Without Humberto's position with Defendants, he would not have had access to Plaintiff or the
10 ability to commit the acts of molestation alleged herein. Humberto threatened that Plaintiff
11 would not be accepted into paradise if he did not allow the molestations to occur. Indeed,
12 Humberto used his position to molest multiple boys in Defendant Congregation. Humberto
13 molested Plaintiff on numerous occasions, including during and after Church events such as
14 field service, bible study, and during a Jehovah's Witness Assembly.

15 44. Before Humberto molested Plaintiff, Plaintiff's father spoke with a Ministerial Servant
16 who obliquely warned Plaintiff's father to watch out for Humberto. Plaintiff is informed and
17 believes and on that basis alleges that that Ministerial Servant was aware – at the time of the
18 warning - that his son had previously been molested by Humberto. As an agent of
19 Congregation, Watchtower, CCJW, and Governing Body, information possessed by that
20 Ministerial Servant is imputed to Defendants.

21 45. In 2001, Plaintiff reported the abuse to his parents, who in turn reported to Elders at
22 Defendant Congregation. Those Elders did not make a mandated child abuse report to law
23 enforcement and affirmatively discouraged Plaintiff and his parents from making such a report.
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1 46. Defendants Congregation, Watchtower, CCJW, Governing Body and Governing Body
2 acted with willful and conscious disregard of the rights and safety of others by ignoring
3 warnings and complaints that Humberto had committed acts of sexual abuse upon minors and
4 allowing him continued access to unsuspecting minors. Humberto acted with malice and
5 oppression by committing criminal acts of sexual molestation on the minor Plaintiff.
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7 **FIRST CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(Plaintiff Against All Defendants)**

10 47. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

11 48. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
12 100 had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's
13 parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to
14 Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such,
15 Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary
16 care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect
17 them from harm.
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19 49. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
20 100, by and through their agents, servants and employees, knew or reasonably should have
21 known of Humberto's dangerous and exploitive propensities and/or that Humberto was an unfit
22 agent. It was foreseeable that if Defendants Congregation, Watchtower, CCJW, Governing
23 Body and Does 1 through 100 did not adequately exercise or provide the duty of care owed to
24 children in their care, including but not limited to Plaintiff, the children entrusted to the care of
25 Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 would
26 be vulnerable to sexual abuse by Humberto.
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1 50. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
2 100 breached their duty of care to the minor Plaintiff by allowing Humberto to come into
3 contact with the minor Plaintiff without supervision; by failing to adequately hire, supervise, or
4 retain Humberto who they permitted and enabled to have access to Plaintiff; by failing to
5 investigate or otherwise confirm or deny such facts about Humberto; by failing to tell or
6 concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that
7 Humberto was or may have been sexually abusing minors; by failing to tell or concealing from
8 Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been
9 sexually abused after Defendants Congregation, Watchtower, CCJW, Governing Body and
10 Does 1 through 100 knew or had reason to know that Humberto may have sexually abused
11 Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually abused, and/or
12 creating the circumstance where Plaintiff was less likely to receive medical/mental health care
13 and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out Humberto to
14 the Plaintiff and his parents or guardians as being in good standing and trustworthy. Defendants
15 Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 cloaked within
16 the facade of normalcy Humberto's contact and/or actions with the Plaintiff and/or with other
17 minors who were victims of Humberto, and/or disguised the nature of the sexual abuse and
18 contact.
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22 51. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
23 physical injury, great pain of mind and body, shock, emotional distress, physical manifestations
24 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
26 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
27 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
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1 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
2 treatment, therapy, and counseling.

3 **SECOND CAUSE OF ACTION**

4 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

5 **(Plaintiff Against All Defendants)**

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

7 53. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
8 100 had a duty to provide reasonable supervision of Humberto; to use reasonable care in
9 investigating Humberto; and to provide adequate warning to the Plaintiff, the Plaintiff's family,
10 and minor children of Humberto's dangerous propensities and unfitness.

11 54. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
12 100, by and through their agents, servants and employees, knew or reasonably should have
13 known of Humberto's dangerous and exploitive propensities and/or that Humberto was an unfit
14 agent. Despite such knowledge, Defendants Congregation, Watchtower, CCJW, Governing
15 Body and Does 1 through 100 negligently failed to supervise Humberto in the position of trust
16 and authority where he was able to commit the wrongful acts against the Plaintiff. Defendants
17 Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 failed to provide
18 reasonable supervision of Humberto, failed to use reasonable care in investigating Humberto,
19 and failed to provide adequate warning to Plaintiff and Plaintiff's family of Humberto's
20 dangerous propensities and unfitness. Defendants Congregation, Watchtower, CCJW,
21 Governing Body and Does 1 through 100 further failed to take reasonable measures to prevent
22 future sexual abuse.

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

9 **NEGLIGENT HIRING/RETENTION**

10 **(Plaintiff Against All Defendants)**

11 56. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

12 57. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
13 100 had a duty to not hire and/or retain Humberto, and other employees, agents, volunteers, and
14 other representatives, given Humberto's dangerous and exploitive propensities.
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16 58. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
17 100, by and through their agents, servants and employees, knew or reasonably should have
18 known of Humberto's dangerous and exploitive propensities and/or that Humberto was an unfit
19 agent. Despite such knowledge, Defendants Congregation, Watchtower, CCJW, Governing
20 Body and Does 1 through 100 negligently hired and/or retained Humberto in the position of
21 trust and authority where he was able to commit the wrongful acts against the Plaintiff.
22 Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 failed
23 to use reasonable care in investigating Humberto and failed to provide adequate warning to
24 Plaintiff and Plaintiff's family of Humberto's dangerous propensities and unfitness. Defendants
25 Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 further failed to
26 take reasonable measures to prevent future sexual abuse.
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1 59. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
2 physical injury, great pain of mind and body, shock, emotional distress, physical manifestations
3 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
4 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
5 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
6 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
7 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
8 treatment, therapy, and counseling.
9

10 **FOURTH CAUSE OF ACTION**

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

12 **(Plaintiff Against All Defendants)**

13
14 60. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

15 61. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
16 100 breached their duty to take reasonable protective measures to protect Plaintiff and other
17 minors from the risk of childhood sexual abuse by Humberto, such as the failure to properly
18 warn, train, or educate Plaintiff, his family, Defendants' agents and other minors about how to
19 avoid such a risk, pursuant to *Juarez v. Boy Scouts of America, Inc.*, 97 Cal.Rptr.2d 12, 81
20 Cal.App.4th 377 (2000).
21

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

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

3 **FIFTH CAUSE OF ACTION**

4 **SEXUAL BATTERY (Civil Code § 1708.5)**

5 **(Plaintiff Against All Defendants)**

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

8 64. During approximately 1999 and 2001, Humberto engaged in unpermitted, harmful and
9 offensive sexual contact upon the person of Plaintiff, and Defendants Congregation,
10 Watchtower, CCJW, Governing Body and Does 1 through 100 ratified or approved of that
11 sexual contact.

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

21 **SIXTH CAUSE OF ACTION**

22 **SEXUAL HARASSMENT**

23 **(Plaintiff Against All Defendants)**

24
25 66. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

26 67. During Plaintiff's association with Congregation, Humberto intentionally, recklessly and
27 wontonly made sexual advances, sexual solicitations, sexual comments and / or sexual requests
28

1 and engaged in other visual, verbal or physical conduct of a sexual nature based on Plaintiff's
2 gender that were unwelcome, pervasive and severe, including but not limited to engaging in
3 sexual talk with Plaintiff and / or touching Plaintiff in a sexually motivated and illegal manner,
4 all while Humberto was acting in the course and scope of his agency with Congregation,
5 Watchtower, CCJW, Governing Body and Does 1 through 100.

6
7 68. The incidents of sexual misconduct and sexual harassment outlined herein took place
8 while Plaintiff was under the control of Humberto, in his capacity as an agent of Defendants
9 Congregation, Watchtower and CCJW, while specifically acting on behalf of the Defendants
10 Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100.

11 69. During Plaintiff's association with Congregation, Humberto intentionally, recklessly and
12 wontonly did acts which resulted in harmful and offensive contact with intimate parts of
13 Plaintiff's person, including but not limited to, using his position as an agent of Defendants
14 Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 to require
15 Plaintiff to give into his sexual suggestions, and used his authority and position of trust to
16 exploit Plaintiff physically, sexually and emotionally.

17
18 70. Because of Plaintiff's relationship with Humberto, Plaintiff's young age as a minor
19 child, and Plaintiff's inexperience, Plaintiff was emotionally unable to terminate the contact he
20 had with Humberto.

21
22 71. Because of Humberto's position of authority over Plaintiff, Plaintiff's mental and
23 emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable to, and
24 did not, give meaningful consent to such acts.

25 72. Even though Defendants Congregation, Watchtower, CCJW, Governing Body and Does
26 1 through 100 knew or should have known of these activities by Humberto, Defendants
27 Congregation, Watchtower, CCJW, Governing Body and Does 1 through 100 did nothing to
28

1 investigate, supervise or monitor Humberto to ensure the safety of the minors brought into
2 contact with Humberto.

3 73. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
4 100 ratified or approved the conduct of Humberto in committing the acts of sexual misconduct
5 described herein.

6 74. Defendants Congregation, Watchtower, CCJW, Governing Body and Does 1 through
7 100 conduct was a breach of their duties to Plaintiff.

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

16 WHEREFORE, Plaintiff prays for damages; costs; interest; statutory/civil penalties
17 according to law; punitive damages against Defendant Congregation and Defendant Governing
18 Body; attorney's fees and such other relief as the court deems appropriate and just.

19 **JURY DEMAND**

20 Plaintiff demands a jury trial on all issues so triable.

21 THE ZALKIN LAW FIRM, P.C.

22 Dated: 8-15-19

23 

24 Devin M. Storey
25 Attorney for Plaintiff