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Attorney for Plaintiffs

LYNN HAGGAN
316 Van Neste Road
Flemington, NJ 08822

and

TARAH BIRD
130 Ship Pond Road,
Plymouth, MA 02360

Plaintiffs

v.

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

100 Watchtower Drive
Patterson, NY 12563

and

**WATCHTOWER BIBLE AND
TRACT SOCIETY OF
PENNSYLVANIA**

1630 Spring Run Road Ext.
Coraopolis, PA 15108

and

**CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES, INC.**

100 Watchtower Drive
Patterson, New York, 12563

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION, SPECIAL CIVIL
: PART
: HUNTERDON COUNTY

: DOCKET NO.

: **JURY TRIAL DEMANDED**

and :

DONALD NICOLSON :

538 Charlestown Road :

Hampton, NJ 08827. :

Defendants :

COMPLAINT

Plaintiffs, Lynn Haggan and Tarah Bird, for their Complaint against the Defendants, state as follows:

INTRODUCTION AND MATTER BEFORE THE COURT

1. This case arises out of a widespread and massive scheme to cover up childhood sexual abuse within the Jehovah’s Witnesses institution and its officers – specifically, this case involves the abuse of two young girls by their father, Don Nicholson who was an Elder in the church.

2. Defendant corporations appointed Nicholson to an Elder, a position of power within the institution, which allowed him to be protected by the Jehovah’s Witnesses policies of covering up sexual abuse and discouraging any church members from reporting such abuse to the police.

3. Nicholson molested his two minor daughters for decades.

4. Defendant corporations were fully aware of Nicholson’s abuse of his daughters and many other young women, yet allowed Nicholson to remain in a position of power in the organization with access to minor girls.

5. Defendant corporations, by official policy, forbade and continue to forbid reports of crime to the police. Despite knowledge that Nicholson had abused minor girls before his daughters, and knowledge that Nicholson had in fact abused his daughters, Defendant

corporations never reported Nicholson to the police.

6. Instead, when the girls reported their molestation to Defendant corporations, their employees and members of Jehovah's Witness maliciously accused the girls of fabricating their story and **pressured them into suggesting that they bore responsibility for their abuse.**

7. Defendant corporations allowed Nicholson's molestation of the girls to continue for decades, despite their direct knowledge of the abuse, in order to protect the Defendants.

8. Defendants' actions and inactions caused severe physical and emotional harm to Plaintiffs, leading to crippling anxiety, depression, suicidal tendencies, and mental health hospitalization.

PARTIES

9. Plaintiff Lynn Haggan is a citizen of and is domiciled in the state of New Jersey, at 316 Van Neste Road, Flemington, NJ 08822

10. Plaintiff Tarah Bird is a citizen of and is domiciled in the state of Massachusetts, at 130 Ship Pond Road, Plymouth, Massachusetts, 02360.

11. Defendant Donald Nicholson is a citizen of and is domiciled in the state of New Jersey, at 538 Charlestown Road, Hampton, NJ 08827. At all times material, Nicholson was a member of the Jehovah's witness organization

12. At all material times, Defendant Watchtower Bible and Tract Society of Pennsylvania ("Watchtower PA") is and was a Pennsylvania non-profit corporation authorized to conduct and conducting business in New Jersey, with its principal place of business at 1630 Spring Run Road Ext. Coraopolis, PA 15108.

13. At all material times, Defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower NY") is and was a New-York non-profit corporation conducting

business in the State of New Jersey, with its principal place of business at and which may be served at 100 Watchtower Drive, Patterson, New York, 12563.

14. At all material times, Defendant Christian Congregation of Jehovah's Witnesses ("CCJW") is and was a corporation organized and existing under the laws of the State of New York, which is authorized to conduct, and is conducting business in the State of New Jersey, with its principal place of business at and which may be served at 675 Red Mills Road, Walkill, New York, 12589.

15. Defendants Watchtower PA, Watchtower NY, and CCJW are collectively referred to herein as the "Watchtower Defendants" because each is the agent and alter ego of each other and operate as a single business enterprise. Each defendant was acting within the scope and course of his or its authority as an agent, servant, and/or alter ego of the other and each of them engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities alleged in this complaint.

APPLICATION OF NEW YORK LAW

16. While jurisdiction and venue are appropriate in this Court, New Jersey choice-of-law rules require that New York law be applied to this case.

17. Because New Jersey is the forum state, New Jersey choice-of-law principles govern. *See Gantes v. Kason Corp.*, 145 N.J. 478, 484 (1996).

18. New Jersey applies the "most-significant-relationship test" adopted from the Restatement (Second) of Conflicts. *P.V. ex rel. T.V. v. Camp Jaycee*, 197 N.J. 132, 143, 962 A.2d 453 (2008).

19. Under this test, it is presumed that the law of the state where the injury occurred applies. *In re Accutane Litig.*, 235 N.J. 229, 259, 194 A.3d 503, 520 (2018).

20. The only way to overcome that presumption is a determination, on a case-by-case basis, that “some other state has a more significant relationship . . . to the occurrence and the parties.” *Id.*

21. In this case, Don Nicholson abused both of his daughters for a period of twenty years.

22. Fifteen years of this abuse occurred in New York.

23. Nearly all of the instances of abuse against the sisters occurred in New York.

24. As such, the presumption that the law of the state where the injury occurred will apply remains, and New York law applies to this case.

FACTUAL BACKGROUND

Hierarchical Structure and Agents of Watchtower Defendants

25. The Watchtower Defendants comprise a hierarchical organization made up of different corporations and other entities, all of which are managed, staffed, and made up of members of the “Jehovah’s Witnesses.”

26. The Watchtower Defendants are first and foremost corporate institutions, moonlighting as religious organizations, and primarily engaged in the real estate and publication industries.

27. The intricate and complex structure of the Watchtower Defendants evidences their intent to conceal unlawful behavior, especially including their intent to cover-up widespread incidences of child abuse.

28. Watchtower NY’s role in this cover-up includes approving members of congregations for promotions through the ranks of the Church, forming committees, and other personnel managerial tasks within the United States.

29. Watchtower PA takes part in this massive scheme to conceal internal child abuse by establishing policies and procedures for Congregations throughout the World, and by constantly revising those policies and procedures to protect known child abusers and Corporate assets.

30. CCJW is a corporation that administers these unlawful directives from Watchtower NY and Watchtower PA, including appointing elders who are known to be child abusers, providing scriptural guidance and corporate policy intended to conceal child abuse, and overseeing construction and financial structure of the various meeting places, known as “Kingdom Halls,” in an effort to hide corporate assets.

31. Watchtower NY, Watchtower PA, and CCJA all conduct regular business in New Jersey via operation of at least twenty-five (25) Kingdom Halls. See list of New Jersey Kingdom Halls from JW.org official website, attached as Exhibit “A.”

32. Besides the Watch Tower NY, Watchtower PA, and CCJW, Jehovah’s Witnesses use dozens of legal entities in various countries, many of which include in their name such terms as “Watch Tower,” “Watchtower,” or a translation of one of these.

33. The authority of these legal entities flows downward into local Congregations, many of which are also formed as legal entities.

34. The central management group for the Watchtower Defendants, a function of Watchtower NY, is called “The Governing Body.”

35. The Governing Body is the ultimate managerial authority for each Congregation.

36. Each Congregation is under the “jurisdiction” of a Circuit Overseer, a traveling agent of Watchtower Defendants who is assigned a region of approximately four states.

37. Each Circuit Overseer spends his time traveling from Congregation to

Congregation, appointed as a direct representative of the Governing Body.

38. Congregations are locally managed by a “Body of Elders,” which is approved by the Governing Body.

39. The Body of Elders is supervised by the Circuit Overseer.

40. To be appointed as an Elder (sometimes referred to simply as “Overseer” or “Acting Servant”), a male member must be nominated by the existing body of Elders, and his nomination must be approved by Watchtower NY.

41. Elders organize weekly church meetings, direct door-to-door preaching activities, select potential candidates for becoming Elders, handle finances for the Congregation, and form and/or serve on committees in Church’s quasi-judicial proceedings.

42. Elders and Circuit Overseers are agents of Watchtower Defendants.

43. The Watchtower Defendants publish and distribute handbooks and instructional manuals for Elders and the congregation members, which guide the Elders in their management of the Congregations, and set forth the Church’s policies on claims of child abuse and execution of the Church’s quasi-judicial proceedings.

44. The policies and procedures of the Watchtower Defendants, during the relevant time period, dictated that complaints of wrongdoing against a member of the Church should be brought before and investigated by the Elders of that member’s congregation.

45. By decreeing that the Church is the only forum to which children can raise complaints of child abuse, the Watchtower Defendants assumed responsibility for providing protection to children who have been sexually abused.

46. The response chain for such complaints starts with a complaint made to any Elder, either by the victim or a member with knowledge of the abuse.

47. That Elder then forms an investigation committee of three Elders, or contacts other Elders to do so, to find out whether the alleged wrongdoing was witnessed by two people or whether the wrongdoer is willing to confess.

48. Watchtower Defendants' two-witness policy is very strict – even in cases of child molestation– if there are not at least two eyewitnesses to the abuse and the wrongdoer denies the wrong, the Elders will not make a finding of guilt against the accused.

49. This policy is obviously designed to cover up claims of child abuse that can adversely impact the Watchtower –as there are rarely, if ever, two witnesses to the molestation of a minor.

50. If the wrongdoer confesses or the investigative committee determines that there are two witnesses, the Elders of that Congregation form a Judicial Committee for a hearing on the charge of wrongdoing.

51. Upon determination of guilt, the Elders will issue a punishment.

52. Punishments range from private admonitions to the ultimate punishment of disfellowship, which is sometimes called excommunication or “being shunned.”

53. A person who is disfellowshipped can seek reinstatement into the Congregation by written request to the Elders.

**Watchtower Defendants Allowed Defendant
Don Nicholson to Continue Sexual Abuse of Children**

54. The two-witness policy, along with the Defendants' Church doctrine discouraging contacting the police, was a direct cause of the ongoing abuse of Plaintiffs as minors.

55. Additionally, upon information and belief, a known child molester was appointed to the Governing Body in 1974, and he controlled Watchtower Defendants' database of molesters, policies toward their judicial cases, and non-reporting to authorities until his death in

2010.

56. Plaintiffs Lynn and Tarah were raised in a Jehovah's Witness family and belonged to the Warrensburg, New York Congregation.

57. Defendant Nicholson was the natural father of both Plaintiffs.

58. Upon information and belief, prior to joining the Warrensburg Congregation, Nicholson had been disfellowshipped from a congregation in New Jersey upon allegations of child abuse.

59. Upon information and belief, Nicholson abused over a dozen young girls during his reign as an elder and/or a member with full access to the congregation.

60. Upon information and belief, records of Nicholson's prior abuse and New Jersey disfellowship were sent to the Governing Body, cementing his status as a known child molester.

61. In or around 1970, despite his status as a known child molester, Nicholson was appointed as an Elder in the Warrensburg Congregation.

62. Around this time, Nicholson began a brutal practice of abusing his five-year-old daughter, Lynn, nearly every night.

63. Nicholson would enter Lynn's bedroom and perform oral sex on his daughter, fondle her, and masturbate.

64. Even when the family would take camping trips, Nicholson would enter Lynn's tent and abuse her.

65. Lynn's abuse continued until approximately 1980, when Lynn was fifteen years old.

66. Nicholson's wife and the Plaintiffs' mother, Gail Nicholson (now deceased) observed this abuse but was afraid to report it due to Jehovah's church doctrine.

67. Jehovah's Church doctrine dictates that a wife may not question the will of a husband under any circumstances.

68. As such, Gail Nicholson did not intervene in the abuse, nor did she report it.

69. After approximately ten years of nearly constant abuse by her father, and failed attempts to lock him out of her room at night, Lynn mustered the courage to report her abuse to an Elder of the Warrensburg Congregation.

70. In response to Lynn's complaint, the Warrensburg Body of Elders convened an investigative committee to question whether Lynn could present two witnesses to her abuse.

71. At the time, the Circuit Overseer and representative of the Governing Body for the Warrensburg Congregation was Nat Golata.

72. Upon information and belief, Nat Golata was a business partner of Defendant Don Nicholson.

73. As explained above, a typical investigative committee was composed of three Elders.

74. However, Nat Golata heard about the investigation and insisted that he be involved as a fourth member of the investigative committee.

75. The Watchtower Defendants allowed and encouraged Don Nicholson to be present at this interrogation, so that he could intimidate the victim and protect himself and the Church.

76. Thus, fifteen-year-old Lynn sat alone before her abusive father, the Elder men, and the Circuit Overseer and was forced to recount every detail of her father's sexual abuse – causing further emotional trauma.

77. During the investigation, the questioners grilled Lynn on specific dates and facts

regarding the abuse, and then asked Nicholson to discuss his version of events – which were, of course, in complete denial of Lynn’s accusations.

78. The Elders, and Nat Golata, in particular, used manipulative tactics to ensure that Lynn’s complaints would not be acted upon in order to protect the Elder and the Church.

79. The questions directed at Lynn were designed to protect Nicholson and cover up his actions: for example, Nat Golata forced Lynn to admit that her father’s fondling and oral sex “could have been inadvertent.”

80. The questioners then falsely accused Lynn of raising her complaint because she “wanted attention,” and further accused her of “provoking” her father into doing these things.

81. Lynn was petrified, afraid, and oppressed during this meeting, so much so that she wet her pants during the interrogation and sustained further emotional trauma.

82. After hearing her testimony, these Elders informed Lynn that her accusations were invalid because she did not have a second witness to verify her account of the events, and because she admitted that her ten years of abuse “could have been inadvertent.”

83. The Elders and the Circuit Overseer allowed Lynn to return home to her abuser.

84. At no time did the Elders, the Circuit Overseers, or any of the Watchtower Defendants contact the police or any other investigative body to report Nicholson’s sexual molestation of his minor child.

85. Nicholson subsequently continued his patterns of abuse against two other female children, both under ten years old, and daughters of another Elder, Mr. Lee Steele.

86. Lee Steele, a state trooper, discovered Nicholson’s abuse of his daughters and went against Church policy to report Nicholson’s actions to the police.

87. In 1982, Nicholson pled guilty to abusing the Steele sisters and was sentenced to

27–84 months in prison.

88. Nicholson was incarcerated in New York at Walkill Correctional Facility, 50 McKendrick Rd, Wallkill, NY 12589.

89. The Walkill Correctional Facility ran a visitation program which allowed families to visit their incarcerated family member for a weekend – each family was provided a mobile home to share for the weekend, on prison grounds, with no supervision once the families had entered the enclosed area.

90. Gail Nicholson would visit her husband through this program and bring their sons and Tarah with her.

91. During these visits, Tarah, only four years old, was forced into the mobile home bedroom with her father and mother, where Nicholson would perform oral sex on her, force her to perform oral sex on him, and touch her genitalia, while her mother watched.

92. Nicholson molested Tarah every single time she was forced to visit him, without fail. Once again, her mother did not report the father due to Church doctrine.

93. This abuse continued for the entire three-year duration of Nicholson's incarceration.

94. After Nicholson pled guilty to molesting the Steele girls, the Warrensburg Congregation disfellowshipped him.

95. However, following Nicholson's release from prison, the Watchtower Defendants shockingly allowed Nicholson to be reinstated in the Clinton, New Jersey Congregation.

96. Despite Nicholson having previously been disfellowshipped multiples times for child molestation, Watchtower Defendants reinstated him as an active member of the congregation, with full privileges, no restrictions, and unfettered access to his minor child.

97. Nicholson continued to molest Tarah for the next five years, until she matured to puberty and he lost sexual interest in her.

98. Prior to the molestation of Lynn, and continuing thereafter, the Watchtower Defendants employed an institutional policy for responding to allegations of childhood sexual abuse.

99. One component of that policy mandated that Elders who were informed of allegations of childhood sexual abuse against a member voluntarily undertake a duty to vigilantly monitor the molester for the safety and protection of children in the Congregation.

100. Since the Watchtower Defendants possessed knowledge of Nicholson's prior molestation in New Jersey and the charges brought by Lynn, the Watchtower Defendants assumed an obligation to monitor Nicholson and protect young girls in the Church, including Lynn and Tarah, from his patterns of child molestation.

101. The Watchtower Defendants failed in this regard.

DECADES OF ABUSE LED TO PLAINTIFFS' SIGNIFICANT DAMAGES

102. The above-detailed abuse, attack and neglect by both Donald Nicholson and the Watchtower Defendants caused violently traumatic emotional distress to Plaintiffs for the rest of their lives.

103. Plaintiffs have been forced to deal with crippling anxiety, severe depression and suicidal tendencies, as well as physical manifestations of their emotional distress, for decades.

104. The Defendants' malicious interrogation of the Plaintiff – where they wrongfully accused Lynn of causing this abuse – was an intentional act for the purpose of causing Lynn additional emotional distress.

105. Plaintiff's physical manifestations of emotional distress are significant and severe,

and include nausea, headaches, insomnia, nightmares, muscle pain, lack of appetite, heartburn, flashbacks, and emergency hospitalization.

106. Plaintiffs will continue to suffer physical and emotional pain as a result of Defendants actions.

107. Plaintiffs' action is timely pursuant to the New York Child Victims Act § 214-g.

CAUSES OF ACTION AGAINST DEFENDANTS

Count I – Negligence

All Plaintiffs v. Watchtower NY, Watchtower PA and CCJW

108. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

109. The Watchtower Defendants had a duty to exercise reasonable care in matters relating to the prevention and investigation of sexual abuse by their agents.

110. The Watchtower Defendants negligently failed to exercise reasonable care by:

- a. failing to create and implement policies and procedures to prevent the sexual abuse of children, including Plaintiffs;
- b. failing to train its employees and agents to prevent, identify, investigate, respond to, or report the sexual abuse of children;
- c. failing to conduct a proper and thorough investigation of Nicholson;
- d. failing to properly and thoroughly investigate and respond to complaints regarding Nicholson's inappropriate behavior involving minor children;
- e. failing to warn and inform children and families of Nicholson's inappropriate behavior involving minor children;

- f. failing to report suspected abuse and neglect by Nicholson in breach of common law and statutory duties;
- g. failing to supervise its employees and agents and otherwise monitor the conduct of Nicholson who was their agent and under their control; and
- h. retaining Nicholson in the organization at a time when they knew or should have known of his propensities to engage in acts of sexual abuse against Plaintiffs and other young children.

111. The Watchtower Defendants knew, or by the exercise of ordinary and prudent care, should have known that the above-referenced acts of negligence posed an unreasonable risk of harm to Plaintiffs.

112. The Watchtower Defendants' negligence, singularly and collectively and joint and severally, proximately caused Plaintiffs' personal injuries, emotional trauma, and damages.

Wherefore, Plaintiffs request the following relief:

- 1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;

- h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
 3. For pre-judgment and post-judgment interest to the extent allowed by law;
 4. For an award of costs; and
 5. For such other and further relief as this Court deems just and equitable.

Count II - Negligence Per Se

All Plaintiffs v. Watchtower NY, Watchtower PA and CCJW

113. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

114. Subjecting a person to sexual contact without that person's consent is prohibited by New York law. NY Penal § 130.55

115. Plaintiffs are of the type of victim the statute sought to protect, and Plaintiffs' injuries are of the type of injury the statute sought to prevent.

116. The Watchtower Defendants, directly or through their agents and employees, knew or had reasonable cause to suspect that Plaintiffs were being abused by Nicholson.

117. The Watchtower Defendants willfully and knowingly allowed such abuse to continue and, therefore, were negligent per se.

118. The Watchtower Defendants' failure to report the abuse caused Plaintiffs to suffer injury and damages by being or continuing to be sexually abused and molested.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:

- a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
 3. For pre-judgment and post-judgment interest to the extent allowed by law;
 4. For an award of costs; and
 5. For such other and further relief as this Court deems just and equitable.

Count III - Respondeat Superior

All Plaintiffs v. Watchtower NY, Watchtower PA and CCJW

119. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

120. The Watchtower Defendants are vicariously liable for the torts, negligence, and damages attributed to individuals who were employees, officers, agents and/or were acting in the course and scope of their employment with the Watchtower Defendants at all relevant times.

121. As a direct and proximate result of the Watchtower Defendants' wrongful actions, Plaintiffs suffered serious personal injury and mental anguish and trauma.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
3. For pre-judgment and post-judgment interest to the extent allowed by law;
4. For an award of costs; and
5. For such other and further relief as this Court deems just and equitable.

Count IV – Breach of Fiduciary Duty

All Plaintiffs v. Watchtower NY, Watchtower PA and CCJW

122. The Watchtower Defendants placed themselves in a position of trust and confidence with Plaintiffs. The relationship between Plaintiffs and the Watchtower Defendants organization

was fiduciary in nature and imposed on the Watchtower Defendants a duty to act in the Plaintiffs' best interest.

123. Because of this special relationship between the Plaintiffs and the Watchtower Defendants, Plaintiffs and their families placed their trust and confidence in the Watchtower Defendants that they would not harm the Plaintiffs or fail to warn Plaintiffs of potential harm. Further, Plaintiffs and their families placed their trust and confidence in the Watchtower Defendants that they would protect the Plaintiffs from harm.

124. The above acts and/or omissions by the Watchtower Defendants, either independently or in conjunction with each other constitutes a breach of fiduciary duty owed to Plaintiffs by the Defendants.

125. As a direct result of the conduct of the Watchtower Defendants, Plaintiffs have suffered the injuries and damages described herein.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;

- h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
 3. For pre-judgment and post-judgment interest to the extent allowed by law;
 4. For an award of costs; and
 5. For such other and further relief as this Court deems just and equitable.

Count V – Negligent Retention and Supervision
All Plaintiffs v. Watchtower NY, Watchtower PA and CCJW

126. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

127. The Watchtower Defendants, by hiring and training the Elders, also assumed a duty to supervise them.

128. The Watchtower Defendants, by virtue of the prior abuse by Nicholson in New Jersey and elsewhere, and the charges brought by Lynn, had actual knowledge of Nicholson's propensity to commit such acts.

129. Regardless, they appointed Nicholson to serve as an Elder and/or a reinstated member with full privileges and did nothing to prevent the abuse or to protect the Plaintiffs from Nicholson.

130. This failure by the Watchtower Defendants to supervise one of their elders, whom they knew had a propensity to engage in abusive behavior, caused Plaintiffs' injuries and trauma.

131. The conduct and/or omissions of the Watchtower Defendants in this respect are actionable under the principles of negligent retention and supervision. *See Krystal G. v. Roman Catholic Diocese of Brooklyn*, 933 N.Y.S.2d 515 (N.Y. Sup. Ct. 2011) (finding that plaintiffs

sufficiently alleged negligent supervision against Catholic Diocese for failure to prevent their daughter's sexual abuse by priest).

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
3. For pre-judgment and post-judgment interest to the extent allowed by law;
4. For an award of costs; and
5. For such other and further relief as this Court deems just and equitable.

Count VI- Negligent Infliction of Emotional Distress
All Plaintiffs v. Watchtower NY, Watchtower PA, and CCJW

132. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

133. A cause of action for negligent infliction of emotional distress requires that the Plaintiff is owed a duty, breach of which unreasonably endangered her physical safety or caused her to fear for her safety. *Sacino v. Warwick Valley Cent. Sch. Dist.*, 29 N.Y.S.3d 57, 60 (N.Y. App. Div. 2016).

134. The Watchtower Defendants had actual knowledge of their Nicholson's propensity to commit acts of child and/or sexual abuse, and from this had a duty to protect Plaintiffs, minor members of their congregation, from him.

135. Watchtower Defendants further assumed a fiduciary duty for the protection of minors from sexual abuse by assuming control and responsibility over the minors – namely, by requiring that all reports of sexual abuse go through the Elders rather than the police or the state.

136. The Watchtower Defendants breached this duty – which resulted in unreasonable danger to Plaintiff's physical safety – by allowing their abuser to have unfettered access to them and by not reporting his actions to the police or the state.

137. The Watchtower Defendant's breach of their duty further caused Plaintiffs to fear for their safety – so much so that Lynn wet her pants during their interrogation, and both girls were forced to live in fear of their father's abuse for years.

138. The Watchtower Defendants intentionally, negligently and/or recklessly caused Plaintiffs' emotional distress, trauma, and personal injury.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:

- a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
 3. For pre-judgment and post-judgment interest to the extent allowed by law;
 4. For an award of costs; and
 5. For such other and further relief as this Court deems just and equitable.

Count VII – Intentional Infliction of Emotional Distress
All Plaintiffs v. Watchtower NY, Watchtower PA, and CCJW

139. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

140. The Watchtower Defendants intentionally engaged in extreme and outrageous conduct by:

- (1) interrogating a child victim of sexual abuse with her father/abuser present; and

- (2) accusing a child of making up the abuse allegations because she “wanted attention” and claiming that she “provoked” the abuse, knowing that such accusations were false; and
- (3) purposefully intimidating a child reporting her sexual abuse to the point that she wet her pants; and
- (4) forcing both girls to return home with their abuser; and
- (5) allowing Don Nicholson to be reinstated **multiple times**, despite knowledge of his previous molestation of his daughters and other minor girls.

141. Such conduct, as set forth in the paragraph above, is so outrageous in character, and so extreme in degree, that it goes beyond all possible bounds of decency – it is utterly intolerable in a civilized community.

142. The conduct of the Watchtower Defendants caused direct trauma and distress to Plaintiffs.

143. The conduct of the Watchtower Defendants further aggravated and compounded the trauma and distress Plaintiffs were already experiencing as a result of Defendant Nicholson’s abuse.

144. The Watchtower Defendants knowingly and willfully intended to cause Plaintiffs such distress, or disregarded a substantial probability of causing Plaintiffs severe emotional distress, in a concerted effort to cover up allegations against one of their Elders and protect the Church.

145. The Watchtower Defendants intentionally engaged in outrageous conduct that caused Plaintiffs to suffer severe emotional distress and the bodily harm accompanying it.

146. Plaintiffs’ severe emotional distress led to emergency hospitalization and suicidal thoughts, and further resulted in physical manifestations of stress as set forth above.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
3. For pre-judgment and post-judgment interest to the extent allowed by law;
4. For an award of costs; and
5. For such other and further relief as this Court deems just and equitable.

Count VIII – Intentional Infliction of Emotional Distress

All Plaintiffs v. Don Nicholson

147. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

148. Defendant Nicholson's extreme and outrageous conduct in sexually abusing his two young children for years caused Plaintiffs to suffer severe emotional distress.

149. Nicholson's extreme and outrageous conduct included forcing his daughters to perform oral sex on him, performing oral sex on his daughters, masturbating on his daughters, and manipulating their genitalia.

150. Nicholson had the intent to cause and/or a reckless disregard of the substantial likelihood of causing emotional distress.

151. Plaintiffs did in fact suffer extreme emotional distress and accompanying bodily harm.

152. Nicholson's conduct directly and proximately caused Plaintiffs' emotional distress.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:

- a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
- b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
- c. mental anguish in the past;
- d. mental anguish in the future;
- e. physical and mental impairment/disfigurement in the past;
- f. physical and mental impairment/disfigurement in the future;
- g. physical and psychological pain/mental anguish suffered in the past;
- h. physical and psychological pain/mental anguish suffered in the future;
- i. loss of enjoyment and quality of life in the past; and

- j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
3. For pre-judgment and post-judgment interest to the extent allowed by law;
4. For an award of costs; and
5. For such other and further relief as this Court deems just and equitable.

Count IX – Assault

All Plaintiffs v. Donald Nicholson

153. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

154. Assault is the intentional placing of another person in fear of imminent harmful or offensive contact. *Fugazy v. Corbetta*, 825 N.Y.S.2d 120, 122 (N.Y. App. Div 2006).

155. Nicholson’s repeated abuse of the Plaintiffs, continuing for years, clearly caused the two young girls to fear imminent harmful and offensive contact before every instance of abuse.

156. Nicholson’s conduct in that respect constitutes assault under New York law.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;
 - b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;

- e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
 3. For pre-judgment and post-judgment interest to the extent allowed by law;
 4. For an award of costs; and
 5. For such other and further relief as this Court deems just and equitable.

Count X – Battery

All Plaintiffs v. Donald Nicholson

157. Plaintiffs adopt and incorporate by reference each and every allegation set forth above.

158. The elements of a cause of action for battery are bodily contact, made with intent, and harmful or offensive in nature. *Fugazy v. Corbetta*, 825 N.Y.S.2d 120, 122 (N.Y. App. Div 2006).

159. Nicholson intended to sexually abuse Plaintiffs, and this abuse was clearly harmful and offensive in nature.

160. Nicholson's conduct constitutes battery under New York law.

WHEREFORE, Plaintiffs request the following relief:

1. For compensatory damages in amounts to be proven at trial, including:
 - a. reasonable and necessary medical, psychiatric, and psychological expenses incurred in the past;

- b. reasonable and necessary medical, psychiatric, and psychological expenses reasonably likely to be incurred in the future;
 - c. mental anguish in the past;
 - d. mental anguish in the future;
 - e. physical and mental impairment/disfigurement in the past;
 - f. physical and mental impairment/disfigurement in the future;
 - g. physical and psychological pain/mental anguish suffered in the past;
 - h. physical and psychological pain/mental anguish suffered in the future;
 - i. loss of enjoyment and quality of life in the past; and
 - j. loss of enjoyment and quality of life in the future.
2. For an award of punitive damages;
 3. For pre-judgment and post-judgment interest to the extent allowed by law;
 4. For an award of costs; and
 5. For such other and further relief as this Court deems just and equitable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:5-1(c), please take notice that Plaintiffs designate Gavin P. Lentz, Esquire as trial counsel in this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that to the best of my knowledge, the within matter in controversy is not the subject of any other action pending in Court or in arbitration.

CERTIFICATION PURSUANT TO RULE 1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

DEMAND FOR TRIAL BY JURY

Plaintiffs demand trial by a jury of twelve (12) on all claims to which they are entitled.

Dated: August 14, 2019

BOCHETTO AND LENTZ, P.C.

By: /s/ Gavin P. Lentz
Gavin P. Lentz, Esquire
Kiersty M. DeGroot, Esquire
Attorneys for Plaintiffs