

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Plaintiff designates
Kings County as the
place of trial

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HEATHER STEELE,

Index No.

Plaintiff,

SUMMONS

-against-

Plaintiff resides at
14807 Peachtree Cove Lane
Winter Garden, Florida
County of Orange

DONALD J. NICHOLSON, WARRENSBURG
CONGREGATION OF JEHOVAH'S WITNESSES,
WARRENSBURG, NEW YORK, WATCHTOWER
BIBLE AND TRACT SOCIETY OF NEW YORK, INC.,
THE GOVERNING BODY OF JEHOVAH'S
WITNESSES, CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES,

The basis of venue is CPLR
§503(a) - a substantial part of the
events or omissions giving rise to
the claims occurred within Kings
County

Defendants.

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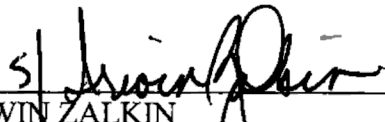
To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to
serve a copy of your answer, or, if the complaint is not served with this summons, to serve a
notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this
summons, exclusive of the day of service (or within 30 days after the service is complete if this
summons is not personally delivered to you within the State of New York); and in case of your
failure to appear or answer, judgment will be taken against you by default for the relief demanded
in the complaint.

Dated: New York, New York
August 14, 2019

THE ZALKIN LAW FIRM, P.C.
Attorneys for Plaintiff

BARASCH MCGARRY SALZMAN & PENSON
Attorneys for Plaintiff

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By: 
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Defendants' addresses:

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Warrensburg Congregation of Jehovah's Witnesses,
Warrensburg, New York
69 Schroon River Road
Warrensburg, New York 12885

Watchtower Bible and Tract Society of New York, Inc.
1 Kings Drive
Tuxedo Park, New York 10987

The Governing Body of Jehovah's Witnesses
1 Kings Drive
Tuxedo Park, New York 10987

Christian Congregation of Jehovah's Witnesses
100 Watchtower Drive
Patterson, New York 12563

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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HEATHER STEELE,

Plaintiff,

Index No.
Date Filed:

-against-

DONALD J. NICHOLSON, WARRENSBURG
CONGREGATION OF JEHOVAH'S
WITNESSES, WARRENSBURG, NEW YORK,
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.,
THE GOVERNING BODY OF JEHOVAH'S
WITNESSES, CHRISTIAN CONGREGATION
OF JEHOVAH'S WITNESSES,

VERIFIED COMPLAINT

Defendants.

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Plaintiff, HEATHER STEELE, by her attorneys, THE ZALKIN LAW FIRM, P.C. and
BARASCH McGARRY SALZMAN & PENSON, complaining of defendants, hereby alleges the
following:

AS AND FOR A FIRST CAUSE OF ACTION
(NEGLIGENT SUPERVISION)

1. The plaintiff, HEATHER STEELE (herein "STEELE") was born on March 19, 1971. She is a resident of Winter Garden, Florida.
2. Upon information and belief, at all times mentioned herein, WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC. ("WATCHTOWER") was and is a not-for-profit religious corporation organized and existing under and by virtue of the laws of the State of New York. At the time of the events described in this complaint, its principal headquarters were

located in Brooklyn, New York, which is in Kings County. At the time of the filing of this complaint, WATCHTOWER'S principal headquarters is located in Patterson, New York, which is in Putnam County. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. During the dates of the sexual abuse of STEELE, WATCHTOWER supervised and exercised control over STEELE'S molester, defendant DONALD J. NICHOLSON ("NICHOLSON.") Because WATCHTOWER finalized appointments of elders, supervised NICHOLSON, and formulated organizational policies from its Brooklyn headquarters at the time of the molestation alleged in this complaint, a substantial portion of the acts or omissions giving rise to its liability occurred in Kings County.

3. Upon information and belief, at all times mentioned herein, WARRENSBURG CONGREGATION OF JEHOVAH'S WITNESSES, WARRENSBURG, NEW YORK ("CONGREGATION") was a congregation of the Jehovah's Witnesses. CONGREGATION is a business entity of unknown legal status who currently, and at the time of the sexual abuse alleged herein, conducts business in the State of New York with its principal headquarters in Warrensburg, New York, which is in Warren County. During the dates of the sexual abuse of STEELE, CONGREGATION supervised and exercised control over STEELE'S molester, defendant NICHOLSON.

4. Upon information and belief, at all times mentioned herein, defendant THE GOVERNING BODY OF JEHOVAH'S WITNESSES ("GOVERNING BODY") is and was a business entity of unknown legal status conducting business in the State of New York. At the time of the molestation alleged in this complaint, GOVERNING BODY'S principal headquarters

was located in Brooklyn, New York, which is in Kings County. At the time of the filing of this complaint, GOVERNING BODY'S principal headquarters is located in Warwick, New York, which is located in Orange County. During the dates of the sexual abuse of STEELE, defendant GOVERNING BODY established the sexual abuse policies implemented by WATCHTOWER and all congregations of Jehovah's Witnesses in the United States, including CONGREGATION; established the policies for appointing and supervising elders and ministerial servants within the Jehovah's Witness organization; participated in the appointment of elders and ministerial servants; and exercised supervision and control over defendant NICHOLSON. Because GOVERNING BODY'S role in approving appointments of elders, supervision of NICHOLSON, and formulation of Jehovah's Witness policy occurred at its Brooklyn headquarters at the time of the molestation alleged in this complaint, a substantial portion of the acts or omissions giving rise to its liability occurred in Kings County.

5. Upon information and belief, at all times since April of 2001, defendant CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES ("CCJW") was and is a not-for-profit religious corporation organized and existing under and by virtue of the laws of the State of New York. Effective April of 2001, CCJW assumed from WATCHTOWER the obligation to operate the Service Department of the United States Branch of Jehovah's Witnesses, and became WATCHTOWER'S successor in interest.

6. Upon information and belief, at all times mentioned herein, defendant NICHOLSON was an elder of CONGREGATION, having been assigned and otherwise authorized to serve in that position by the joint efforts of WATCHTOWER and GOVERNING BODY. The allegations of

childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. The tasks in which NICHOLSON was engaged at the time he sexually abused plaintiff STEELE were administrative, authorized by WATCHTOWER, CONGREGATION, and GOVERNING BODY and concerned the supervision of children. Upon information and belief, NICHOLSON knew that it was the policy and the practice of WATCHTOWER, CONGREGATION, and GOVERNING BODY to cover up instances of childhood sexual abuse by its agents, such as NICHOLSON, and to affirmatively shield its agents from criminal prosecution and relied upon that policy and practice in engaging in sexually abusive conduct.

7. At the time of the wrongful conduct complained of herein, NICHOLSON was, by virtue of his appointment as an elder, an agent of WATCHTOWER, CONGREGATION and GOVERNING BODY, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, WATCHTOWER, CONGREGATION and GOVERNING BODY. At CONGREGATION, he had regular and frequent contact with children who attended the congregation, a circumstance of which WATCHTOWER, CONGREGATION and GOVERNING BODY had notice. Plaintiff is also of the information and belief that WATCHTOWER, CONGREGATION and GOVERNING BODY knew, or should have known, that NICHOLSON committed acts of sexual abuse against children, including STEELE, and further that WATCHTOWER, CONGREGATION and GOVERNING BODY concealed from plaintiff their knowledge of NICHOLSON'S sexually abusive behavior, as well as their own negligent wrongdoing as more fully set forth below.

8. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the other defendants. The defendants, and each of them, are individuals, corporations, partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint, and the defendants, and each of them, ratified the acts of the other defendants as described in this Complaint.

9. Upon information and belief, the organizational structure of the Jehovah's Witnesses is hierarchical in nature. At all times relevant, the organizational head of the Jehovah's Witnesses was defendant GOVERNING BODY. Authority flows downward from defendant GOVERNING BODY to the local level of the organization, which is made up of congregations. Defendant GOVERNING BODY is comprised of a fluctuating number of elders.

10. Upon information and belief, at all times prior to April of 2001, defendant WATCHTOWER operated the Service Department of the United States Branch of Jehovah's Witnesses. Through the Service Department, defendant WATCHTOWER implemented the policies and procedures promulgated by defendant GOVERNING BODY. On a day-to-day basis, defendant WATCHTOWER exercised control over the running of the local congregations.

11. Upon information and belief, in April of 2001, defendant CCJW assumed control of the Service Department. At the time of that assumption of control, defendant CCJW paid no consideration to defendant WATCHTOWER, and the Service Department did not change

location, staffing, or operation. Defendant CCJW continues to operate the Service Department and is WATCHTOWER'S successor in operating the Service Department.

12. Upon information and belief, prior to April of 2001, defendant WATCHTOWER published a series of handbooks that were distributed to elders and kept secret from other Jehovah's Witnesses and the public. These handbooks provided instruction to elders regarding day-to-day administration of the organization such as the scheduling of congregation meetings, as well as more specific instruction regarding how to respond to allegations of wrongdoing, including child molestation, when to convene a judicial committee and how to handle the procedure.

13. Upon information and belief, prior to April of 2001, defendant WATCHTOWER provided periodic instruction to local congregations through letters addressed to All Bodies of Elders. These letters have covered a broad spectrum of topics ranging from standardizing the recordkeeping practices of all congregations, establishing procedures for ordering literature from defendant WATCHTOWER or remitting payments, handling administrative and procedural matters involving day-to-day congregation operations as well as specific instructions on how to respond to wrongdoing within the congregation, including child molestation. Effective during Spring of 2001, defendant CCJW assumed operation of the Service Department, including responsibility for disseminating some of these policy letters.

14. Upon information and belief, defendant WATCHTOWER through its Writing Department, and prior to April of 2001 through the Service Department, researches, writes, approves, publishes and distributes its own materials for distribution to actual and prospective

Jehovah's Witnesses and for recruitment purposes. Defendant WATCHTOWER also reviews recommendations of prospective elders or ministerial servants. Defendant WATCHTOWER directly appoints circuit and district overseers, whose responsibilities are to monitor the function of the Jehovah's Witness religion at the congregation, circuit and district levels to ensure directives and policies from defendant GOVERNING BODY and defendant WATCHTOWER are being followed and correctly implemented. It is defendant GOVERNING BODY who has final approval of these recommendations. Effective April of 2001, defendant CCJW assumed responsibility for the review of recommendations of prospective elders and ministerial servants through its assumption of the Service Department.

15. Upon information and belief, prior to April of 2001, defendant WATCHTOWER established processes for the discipline of members accused of wrongdoing and received and kept records of determinations of disfellowship (similar to excommunication) of any Jehovah's Witness, or of reproof of individuals (similar to public or private censure) who have been appointed by defendants WATCHTOWER and GOVERNING BODY as ministerial servants or elders. Since April of 2001, defendant CCJW assumed responsibility for these actions.

16. Upon information and belief, above the congregation level is the circuit. Circuits are generally comprised of 18 to 24 congregations, though this number is variable. The circuit is staffed by a circuit overseer and/or a substitute circuit overseer. Circuit overseers and substitute circuit overseers are directly appointed by defendants WATCHTOWER and GOVERNING BODY.

17. Upon information and belief, circuit overseers are sometimes referred to as traveling overseers because they travel from one congregation within their circuit to another. The circuit overseer generally visits each congregation within his circuit twice yearly. During the circuit overseer's visit to a congregation, the circuit overseer meets with the elders of the congregation, conferences about the overall function of the congregation and problems occurring in the congregation generally, and specific issues of wrongdoing, including allegations of child molestation by a congregant. The circuit overseer also participates in field service and observes and reports upon the functioning of the congregation.

18. Upon information and belief, the circuit overseer also meets with the elders for the purpose of discussing the men in the congregation, and whether they meet the requirements for appointment as ministerial servants or elders. During this discussion, the circuit overseer helps the elders arrive at recommendations to defendant WATCHTOWER for appointments as ministerial servants and elders in the congregation. Prior to April of 2001, the circuit overseer prepared a report of his time at each congregation and submitted that to defendant WATCHTOWER. Since April of 2001, the circuit overseer's report was sent to defendant CCJW.

19. At the local level members of the Jehovah's Witnesses are divided into congregations. Congregations are run on a daily basis by a body of elders. The number of elders in a given congregation fluctuates depending on the size and needs of the congregation, as well as the number of qualified men in the congregation. Women cannot be elders.

20. Upon information and belief, elders are responsible for the daily operations and governance of the local congregation. The elders are the highest authority at the congregational level and direct door-to-door preaching activities, select potential candidates for becoming ministerial servants and elders, organize weekly church meetings, determine whether an individual is suitable for representing the church in the community by becoming a publisher, handle finances for the local congregation, and determine the guilt, repentance and punishment of church members who commit wrongdoing.

21. Upon information and belief, to be appointed as an elder, a person must be a ministerial servant in good standing or have served as an elder in another congregation. The body of elders of the local congregation identifies potential candidates and determines whether they are suitable, and if they live their life in accordance with appropriate morals and organizational standards. Once a candidate has been identified by the local elders, a recommendation is made by the circuit overseer to defendant WATCHTOWER. Defendant WATCHTOWER and GOVERNING BODY have the ultimate authority as to whether a candidate is approved and becomes an elder. After its creation in Spring of 2001, defendant CCJW took over defendant WATCHTOWER'S responsibility for the appointment of elders.

22. Upon information and belief, male baptized publishers who meet certain requirements may be appointed as "ministerial servants." Ministerial servants serve the congregation and aid the elders in their responsibilities and take on leadership roles in the absence of an elder. To be appointed as a ministerial servant, a person must be a publisher in good standing. The body of elders of the local congregation identifies potential candidates, and in concert with the circuit

overseer, determines whether they are suitable, and if they live their life in accordance with appropriate morals. Once a candidate has been identified by the local elders, a recommendation is made to defendant WATCHTOWER. Defendants WATCHTOWER and GOVERNING BODY have the ultimate authority as to whether a candidate is approved and becomes a ministerial servant. After its creation in Spring of 2001, defendant CCJW took over defendant WATCHTOWER'S responsibility for the appointment of ministerial servants.

23. Membership in the Jehovah's Witnesses is strictly regulated and monitored. A person can attend open meetings at the Kingdom Hall for years and not be a member of the congregation. When a person expresses interest in becoming a member of the Jehovah's Witnesses, he or she begins a period of bible study with a baptized member of the congregation. The aspirant also engages in self-study during this period of time.

24. After months of study a person may become an unbaptized publisher. To become an unbaptized publisher, the aspirant must make application to the congregation's body of elders. Such a person must be approved by the body of elders, who will consider whether the aspirant exhibits sufficient knowledge of the beliefs and organization of the Jehovah's Witnesses for approval as a publisher. The elders will also vet the morals and ethics of the aspirant to determine if he or she meets the standards for inclusion as a member of the Jehovah's Witness organization.

25. Once a person is approved as an unbaptized publisher, he or she is authorized to represent the Jehovah's Witnesses, and the specific congregation, in the community. An unbaptized publisher is authorized to engage in field service, which is the centerpiece of Jehovah's Witness

marketing, fundraising and recruiting activities. Field service involves the door-to-door proselytizing for which Jehovah's Witnesses are most recognizable.

26. Upon information and belief, by participating in field service, an unbaptized publisher is authorized by the congregation and by the Jehovah's Witness organization to distribute Jehovah's Witness literature to members of the community, to accept donations on behalf of the organization, and to invite prospective members to attend open congregation meetings at the Kingdom Hall as a means of recruitment. The literature distributed during field service is written, printed and published by defendant WATCHTOWER or one of its related corporations.

27. Upon information and belief, at all times prior to April of 2001, each publisher was instructed by the congregation, as directed by defendant WATCHTOWER, on how to become more effective at placing literature, receiving donations and enticing non-members to attend public congregation meetings or begin a bible study. Each congregation holds multiple meetings each week that are designed to make publishers more effective in their oral presentation during field service. Since April 2001, defendant CCJW has assumed defendant WATCHTOWER'S responsibilities for improving publisher's presentations.

28. Once a person is approved to become a publisher he or she is expected to keep track of the hours spent in service. Forms are submitted monthly to the congregation detailing the numbers of hours spent in field service. Records of these hours are kept by the congregation for each publisher within the congregation. Additional forms are submitted to the congregation secretary for each "bible study" conducted by a publisher during the month. Failure to submit

such field service records for multiple consecutive months can lead to a publisher being designated as “irregular” or “inactive” which results in lowered status within the congregation.

29. After several additional months of study, an unbaptized publisher may seek to become a baptized publisher. Baptism as one of Jehovah’s Witnesses is considered an ordination as a minister of the Jehovah’s Witnesses. To be approved for baptism an applicant must be tested and approved by elders of the local congregation. During the testing the applicant is asked a series of dozens of oral questions relating to the teachings of the Jehovah’s Witnesses as well as the organizational structure of the Jehovah’s Witness organization, which the applicant must answer adequately prior to being approved for baptism.

30. Baptized publishers may make a greater commitment by pledging to spend a specified number of hours in service for a period of time. Such publishers are referred to as “pioneers.” There are multiple degrees associated with being a pioneer. An auxiliary pioneer is a baptized publisher that applies to the congregation’s elders to perform a certain number of hours of service during a one-month period of time. The congregation elders will consider the application and have discretion to either accept the application or reject the application.

31. Upon information and belief, a regular pioneer is a baptized publisher that pledges to spend a specified number of hours in service each month for one year. To become a regular pioneer an applicant gains the recommendation of the congregation’s elders who in turn submit that recommendation for approval by defendant WATCHTOWER. Defendant WATCHTOWER then considers the application and has the discretion of accept or reject the application. Since

April of 2001, defendant CCJW has assumed responsibility for considering and approving or rejecting applications to serve as a regular pioneer.

32. Upon information and belief, publishers submit to the domination and control of the Jehovah's Witness organization. As that relates to Jehovah's Witness-related events, the organization monitors each publisher's field service and bible study records, standardizes methods to be used during proselytizing activities, provides the only approved literature to be distributed during field service, directs where publishers will perform field service, controls access to sought after positions as regular or auxiliary pioneers, and determines appointments as ministerial servants, elders and circuit overseers. The organization also dictates and implements the Jehovah's Witness practice of shunning, which involves isolating and not interacting with members that have been disfellowshipped or have voluntarily left the church.

33. In addition to regulating all aspects of a publisher's participation in Jehovah's Witness events, baptized publishers submit to the organization's control in all other aspects of their lives. Personal grooming, appearance and dress are regulated by the congregation, as are a publisher's use of alcohol, tobacco, or drugs. A publisher's illegal sexual conduct, such as childhood sexual abuse occurring away from Jehovah's Witness locations and events, as well as legal sexual conduct occurring in the privacy of a person's home, are subject to regulation and the imposition of punishment by the congregation.

34. Congregants are encouraged to bring problems to the elders to be resolved rather than to seek intervention from outside of the Jehovah's Witness organization. In practice, when a congregant commits an act of wrongdoing, such as the sexual abuse of a child, that matter must

be brought to an elder to be resolved. Jehovah's Witness policy requires elders to investigate such a claim. If there are two witnesses to the wrongdoing, or if the accused confesses his wrongdoing, a judicial committee will be convened. If there are not at least two witnesses and the accused denies the wrong, then the accused is determined to be innocent and treated as such and no corrective, protective or punitive action is taken by the congregation.

35. If a judicial committee is convened, the two original elders that investigated the wrongdoing will be joined by a third, who will hear the case and impose punishment on the wrongdoer. Possible outcomes of a judicial committee range from private reproof to public reproof, to disfellowship. Private reproof is a private censorship of the wrongdoer that generally results in a limitation of the wrongdoer's privileges to engage in field service for a short period of time. No announcement is made to the congregation when a wrongdoer is subject to private reproof. In cases of public reproof an announcement is made to the congregation that the individual has been reproofed by a judicial committee and found to be repentant. Restrictions can be imposed as in cases of private reproof.

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

37. In March of 1997, defendant WATCHTOWER disseminated a letter to all of the Bodies of Elders in United States congregations seeking information on men who then served, or had

previously served, in any appointed position (e.g., elder, ministerial servant, regular pioneer) and were also known to have engaged in child molestation. The letter required each of nearly 14,000 congregations to prepare a report answering approximately a dozen questions with details of each such case and send the letter to defendant WATCHTOWER'S Service Department.

38. In July of 1998, defendant WATCHTOWER sent a follow up letter to each United States congregation, reminding those bodies of elders of the need to send the reports and possible legal consequences of appointing a known child molester to a position of trust, such as an elder or ministerial servant.

39. Upon information and belief, the responsive reports were received by the Service Department and kept by defendants WATCHTOWER and GOVERNING BODY. The letters evidenced the breadth of a problem that was well-known to defendants WATCHTOWER and GOVERNING BODY: child molestation within the Jehovah's Witnesses. Despite receiving these reports, defendants WATCHTOWER and GOVERNING BODY did not promulgate new or effective policies for preventing or responding to child molestation. Nor did defendants WATCHTOWER and GOVERNING BODY implement any form of effective procedures for educating children and adult members of the risk of child molestation within the Jehovah's Witnesses, how to identify warning signs of molestation, or how to avoid dangerous situations. As of its formation in Spring of 2001, defendant CCJW assumed operation of the Service Department, gained possession and knowledge of the molestation reports, and received any new reports of molestation by Jehovah's Witnesses.

40. Notwithstanding the reports received in response to the March 1997 and July 1998 letters which continue to be sent to this day, defendants WATCHTOWER and GOVERNING BODY left intact a longstanding Jehovah's Witness policy dating to a July 1989 policy letter that required elders to frustrate law enforcement efforts to investigate child molestation, and to contact defendant WATCHTOWER'S Legal Department about child abuse allegations instead of cooperating with law enforcement or reporting child molestation allegations to the police. Similarly, victims were still to be discouraged from seeking any form of therapy where Jehovah's Witness molestations may be disclosed to non-members. Despite being staffed with ministers, defendant WATCHTOWER'S Service Department has never made a mandated child abuse report to law enforcement.

41. The policies on child molestation promulgated by defendants WATCHTOWER and GOVERNING BODY through the secret elder handbooks and confidential policy letters were not divulged to Jehovah's Witness members. Through this required secrecy surrounding the general risk of child molestation by Jehovah's Witnesses, defendants WATCHTOWER and GOVERNING BODY intentionally concealed the threat of child molestation within the Jehovah's Witnesses from their members. And, through these policies of non-reporting to law enforcement and non-cooperation with criminal child molestation investigations, defendants WATCHTOWER and GOVERNING BODY protected accused and admitted child molesters from criminal prosecution and thereby increased the risk of molestation of unsuspecting minors who were not informed of the risk of molestation within the religion.

42. STEELE was raised a Jehovah's Witness and was a congregant at defendant CONGREGATION as a child. STEELE regularly attended meetings and events organized by, and affiliated with, the Jehovah's Witness organization.

43. Upon information and belief, STEELE was trained by WATCHTOWER, CONGREGATION, and GOVERNING BODY that she should obey, trust and respect the individuals appointed as elders, including NICHOLSON.

44. Upon information and belief, NICHOLSON was an elder in CONGREGATION with substantial authority over STEELE and other congregants. NICHOLSON used his position as an elder to gain access to STEELE and used that access to accomplish the acts of molestation of STEELE alleged herein.

45. Upon information and belief, defendant NICHOLSON molested several minors over the course of nearly two decades or more. Defendant NICHOLSON'S abuse of STEELE commenced when she was two years of age and continued until she was ten years of age. The molestation included fondling, to which NICHOLSON admitted, oral copulation and other egregious acts of sexual molestation.

46. Upon information and belief, one or more elders at defendant CONGREGATION were aware of reports of defendant NICHOLSON'S sexual molestation of a minor relative before the abuse of STEELE concluded. Despite this report, defendants CONGREGATION, WATCHTOWER and GOVERNING BODY did nothing to remove defendant NICHOLSON from his appointed position as an elder and provided no warning to members of defendant

CONGREGATION whose children were put at risk of being molested, including STEELE and her family.

47. Upon information and belief, in late 1981 or early 1982, one or more elders at defendant CONGREGATION were informed of defendant NICHOLSON'S sexual molestation of additional minor congregants, including STEELE. In addition to the elders assigned to defendant CONGREGATION, the circuit overseer who had been appointed by defendant WATCHTOWER was involved in meetings regarding defendant NICHOLSON'S molestation of STEELE.

48. Upon information and belief, defendant CONGREGATION formed a judicial committee and although defendant NICHOLSON originally denied the accusations, he later changed course and admitted to the misconduct. Defendant NICHOLSON was removed as an elder and disfellowshipped.

49. Upon information and belief, the school STEELE attended at the time of the judicial committee in 1982 had been informed that NICHOLSON had molested STEELE. As mandated reporters, STEELE'S family expected a report to be made to law enforcement and questioned the elders and circuit overseer as to how to proceed with the criminal investigation. The circuit overseer, BROTHER CHIMIKILIS, cautioned against aiding any investigation by law enforcement or social services because it could have very serious consequences for CONGREGATION and bring reproach on Jehovah's name. One of the elders, ROSS PERSONS, stated that these same concerns about CONGREGATION'S reputation had caused the elders not to report the abuse to law enforcement when they learned of it.

50. On or about March 2, 1982, STEELE'S father sent a detailed letter to defendant WATCHTOWER explaining how they had been pressured not to cooperate with law enforcement.

51. Upon information and belief, law enforcement was contacted about NICHOLSON'S molestation of STEELE. Despite the attempts to dissuade STEELE'S family from cooperating with law enforcement, STEELE did cooperate. Defendant NICHOLSON was charged criminally for molesting STEELE. STEELE was forced to go through a criminal process that resulted in defendant NICHOLSON being sentenced to 3 ½ years in prison.

52. Upon information and belief, after he was released from prison, defendant NICHOLSON reunited with his family in Clinton, New Jersey, where the family had relocated to escape the notoriety of defendant NICHOLSON'S actions.

53. Upon information and belief, defendant NICHOLSON was reinstated as one of Jehovah's Witnesses in 1992.

54. Upon information and belief, shortly after NICHOLSON'S reinstatement as one of Jehovah's Witnesses, a letter was sent to WATCHTOWER explaining the deficiencies in its policies for responding to child molestation and highlighting the story of NICHOLSON'S molestation of STEELE and others. The letter forecast that as a result of NICHOLSON'S reinstatement other children were put at risk, and that the disfellowshipping years before had done nothing to aid his victims, including STEELE, who the writer explained was suffering greatly.

55. Upon information and belief, additional allegations of child molestation by defendant NICHOLSON were raised in 1995. Defendant NICHOLSON was not forthcoming with the judicial committee and was disfellowshipped again.
56. Upon information and belief, defendant NICHOLSON was reinstated as one of Jehovah's Witnesses in 2007. He was disfellowshipped again in 2014.
57. Upon information and belief, the WATCHTOWER, CONGREGATION and GOVERNING BODY had a duty to protect STEELE as a minor congregant from NICHOLSON'S destructive sexual criminal acts. WATCHTOWER, CONGREGATION and GOVERNING BODY had duties to competently investigate NICHOLSON prior to accepting NICHOLSON and their agent, and to competently supervise NICHOLSON in his position as their agent.
58. Upon information and belief, WATCHTOWER, CONGREGATION and GOVERNING BODY failed to adequately and competently supervise and as a proximate result of this failure and negligence, caused STEELE to be sexually abused by NICHOLSON.
59. That the aforementioned occurrences of sexual abuse were caused by the negligence, carelessness and recklessness and the willful, wanton, reckless and grossly negligent conduct of WATCHTOWER, CONGREGATION and GOVERNING BODY, and their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of NICHOLSON as it related to STEELE.
60. By reason of the foregoing, STEELE sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a

severe shock to her nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that STEELE will as a result become obligated to expend sums of money for medical expenses for treatment of said maladies.

61. That by reason of the foregoing, the WATCHTOWER, CONGREGATION and GOVERNING BODY are also liable to STEELE for punitive and exemplary damages.

62. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2)(iv), CPLR 1602(7) and CPLR 1602(11).

63. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
(NEGLIGENT RETENTION)

64. STEELE repeats, reiterates, and realleges each and every allegation contained in those paragraphs of this complaint marked 1 through 63 inclusive, with the same force and effect as if fully set forth at length herein.

65. Upon information and belief, prior to and at all times herein mentioned, WATCHTOWER, CONGREGATION, and GOVERNING BODY knew of NICHOLSON'S aforementioned conduct toward STEELE and/or his propensity to sexually abuse minors such as STEELE and yet they maintained his employment as their agent.

66. Upon information and belief, it was reasonably foreseeable that when the elders learned that NICHOLSON had been accused of molesting a minor prior to the conclusion of his molestation of STEELE that his continued appointment to the position of elder would mean that there was a heightened risk that NICHOLSON would sexually abuse STEELE or otherwise violate appropriate sexual boundaries between adult elders and minor congregants.

67. WATCHTOWER, CONGREGATION and GOVERNING BODY undertook a duty to protect minor female congregants like STEELE, who came into contact with their agents like NICHOLSON through their participation in CONGREGATION activities from being sexually abused by NICHOLSON.

68. By reason of the foregoing, STEELE sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and STEELE will become obligated to expend sums of money for medical expenses to treat these maladies.

69. That by reason of the foregoing, WATCHTOWER, CONGREGATION and GOVERNING BODY are also liable to STEELE for punitive and exemplary damages.

70. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2)(iv), CPLR 1602(7) and 1602(11).

71. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION
(NEGLIGENT FAILURE TO TRAIN, RELATING TO CHILD ABUSE)

72. STEELE repeats, reiterate, and realleges each and every allegation contained in those paragraphs of this complaint marked 1 through 71 inclusive, with the same force and effect as if fully set forth at length herein.

73. Upon information and belief, prior to and at all times relevant herein WATCHTOWER, CONGREGATION and GOVERNING BODY knew or should have known of the problem of the sexual abuse of minors by Jehovah's Witnesses, including elders like NICHOLSON.

74. Upon information and belief, prior to and at all times herein mentioned, WATCHTOWER, CONGREGATION and GOVERNING BODY and their respective agents, servants and employees had respective duties to establish adequate, competent and effective professional training and education programs and procedures for their agents, employees and administrators calculated to identify and prevent sexual abuse of minor congregants by elders and other agents, like NICHOLSON who had come into contact with minor congregants as a result of their positions in congregations. Given the prevalence of child molestation by Jehovah's Witnesses, WATCHTOWER, CONGREGATION and GOVERNING BODY also had respective duties to establish adequate, competent and effective training and education programs for minor congregants and their parents calculated to educate minor congregants to identify and protect themselves against sexual abuse by elders and other agents, like NICHOLSON.

75. WATCHTOWER, CONGREGATION and GOVERNING BODY and their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their agents calculated to prevent the sexual abuse of minor congregants like STEELE.

76. WATCHTOWER, CONGREGATION and GOVERNING BODY and their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and grossly negligent in failing to establish adequate and effective training and education programs and procedures for minor congregants and their parents calculated to help minor congregants, like STEELE, avoid sexual abuse by their agents.

77. By reason of the foregoing, STEELE, sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to her nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and STEELE, will become obligated to expend sums of money for medical expenses for treatment of these maladies.

78. That by reason of the foregoing, the WATCHTOWER, CONGREGATION and GOVERNING BODY are also liable to STEELE for punitive and exemplary damages.

79. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2)(iv), CPLR 1602(7) and 1602(11).

80. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION
(NEGLIGENT FAILURE TO WARN)

81. STEELE repeats, reiterates, and realleges each and every allegation contained in those paragraphs of this complaint marked 1 through 80 inclusive, with the same force and effect as if fully set forth at length herein.

82. Upon information and belief, prior to and at all times herein mentioned, WATCHTOWER, CONGREGATION and GOVERNING BODY and their agents, servants and employees knew or should have known that NICHOLSON had been accused of engaging in child molestation prior to the conclusion of his molestation of STEELE.

83. WATCHTOWER, CONGREGATION and GOVERNING BODY had a duty to warn STEELE as a congregant that NICHOLSON'S prior molestation of a child put her at risk for being sexually abused by NICHOLSON.

84. WATCHTOWER, CONGREGATION and GOVERNING BODY and their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and grossly negligent in failing to warn STEELE of the risk of sexual molestation presented by NICHOLSON.

85. By reason of the foregoing, STEELE sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to her nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and STEELE will become obligated to expend sums of money for medical expenses for treatment of these maladies.

86. That by reason of the foregoing, WATCHTOWER, CONGREGATION and GOVERNING BODY are also liable to STEELE for punitive and exemplary damages.

87. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2)(iv), CPLR 1602(7) and 1602(11).

88. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION
(NEGLIGENT FAILURE TO PROVIDE A SAFE AND
SECURE ENVIRONMENT)

89. STEELE repeats, reiterates, and realleges each and every allegation contained in those paragraphs of this complaint marked 1 through 88 inclusive, with the same force and effect as if fully set forth at length herein.

90. WATCHTOWER, CONGREGATION and GOVERNING BODY assumed a duty to protect the safety and welfare of STEELE as more fully set forth above, when STEELE became a

congregant at CONGREGATION. This duty imposed upon WATCHTOWER, CONGREGATION and GOVERNING BODY, the duty to provide a reasonably safe and secure environment for STEELE while she was participating in CONGREGATION events.

91. WATCHTOWER, CONGREGATION and GOVERNING BODY knew or should have known that NICHOLSON was a danger to sexually molest minor congregants and yet did nothing to stop NICHOLSON from gaining access to STEELE, thus exposing STEELE to the danger of being sexually abused.

92. When STEELE was in WATCHTOWER, CONGREGATION and GOVERNING BODY'S care, said defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

93. WATCHTOWER, CONGREGATION and GOVERNING BODY and their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and grossly negligent in failing to provide a safe and secure environment for STEELE while she participated as a minor in the parish choir and as such she was sexually abused by NICHOLSON.

94. By reason of the foregoing, STEELE sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to her nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and STEELE will become obligated to expend sums of money for medical expenses for treatment of these maladies.

95. That by reason of the foregoing, WATCHTOWER, CONGREGATION and GOVERNING BODY are also liable to STEELE for punitive and exemplary damages.

96. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2)(iv), CPLR 1602(7) and 1602(11).

97. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION
(SEXUAL ABUSE AND BATTERY)

98. STEELE repeats, reiterates, and realleges each and every allegation contained in those paragraphs of this complaint marked 1 through 97 inclusive, with the same force and effect as if fully set forth at length herein.

99. Defendant NICHOLSON is liable for sexual abuse and battery of STEELE as set forth in the foregoing paragraphs.

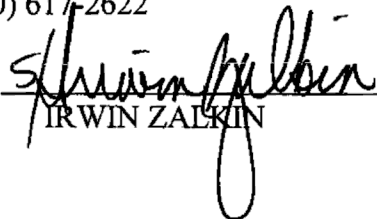
100. All other defendants, by their intentional acts, omissions, negligence, knowing and willful failures to act affirmatively to prevent, detect, report or investigate, aided and abetted the NICHOLSON and are jointly and severally liable to the plaintiff.

101. By declining to contact law enforcement about NICHOLSON'S molestation of STEELE and others, and by virtue of said defendants efforts to dissuade STEELE for cooperating with law enforcement investigations into NICHOLSON, WATCHTOWER, CONGREGATION and GOVERNING BODY sought to cover up for NICHOLSON and protect him from detection or punishment and thereby ratified his sexual molestation of STEELE and others.

WHEREFORE, the plaintiff demands judgment against the defendants on each of the first, second, third, fourth, fifth and sixth causes of action in a sum that exceeds the jurisdictional limits of all lower courts, including compensatory and punitive damages, together with interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
August 14, 2019

Yours, etc.
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By: 
IRWIN ZALKIN

Yours, etc.
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By: 
MICHAEL BARASCH

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

MICHAEL BARASCH, an attorney at law and a member of the firm of **BARASCH McGARRY SALZMAN & PENSON**, attorneys of record for the plaintiff(s) herein, makes the following affirmation pursuant to CPLR 2106.

That I have read the foregoing COMPLAINT and know the contents thereof; that the same is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters I believe them to be true.

That the reason this verification is not made by plaintiff is because plaintiff is not within the County of New York, where your affirmant has his office.

That the source of affirmant's knowledge is based upon investigations and reports and communications with the plaintiff.

Dated: New York, New York
August 14, 2019



MICHAEL BARASCH