Playa Pacifica Spanish
4243 Ingraham Street
San Diego, CA 92109
619-764-8640

May 15, 2011

Christian Congregation of Jehovah's Witnesses
2821 Route 22
Patterson, NY 12563

Re: Letter of Introduction for Gonzalo Campos y Ana Martínez

Dear Brothers:

Attached is a letter that you can forward to the branch in Mexico related to Gonzalo Campos and his mother, Ana Martínez. The legal department is presently representing our congregation in a lawsuit arising from Gonzalo Campos' alleged sexual abuse of two individuals when they were both minors in the 1980's and 1990's. We trust that you will forward this letter to the Mexico branch so that they can communicate the information to the local congregation. In the meantime, we orally advised the elders in Gonzalo Campos's new congregation in Mexico that he should be viewed as a known child molester and is therefore not eligible for any special privileges in the congregation.

Thank you for your attention to this matter and please let us know if there is anything further we need to do with regard to this matter.

Dennis Palmer
Coordinador

Oliver Vargas
Servicio

Bruce Antonoff
Secretario

UNITED STATES BRANCH

INTERBRANCH MEMORANDUM

SFG:SFD July 12, 2011

Via E-Mail

MEXICO BRANCH

Re: Gonzalo Campos

Dear Brothers:

Attached please find correspondence we have received from the body of elders of the Playa Pacifica Spanish Congregation in San Diego, California. Their correspondence is self-explanatory.

Please forward their letter to the body of elders of the Villa Fontana Congregation in Tijuana, Mexico. Additionally, please feel free to provide the elders with any additional information you feel is necessary.

Thank you very much for your assistance. It is a pleasure to work with you in behalf of Kingdom interests.

Your brothers,

UNITED STATES BRANCH

cc: Legal Department

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FILED
Clerk of the Superior Court

FEB - 5 2013

By: C. BANKS, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

Jose Lopez, Individually,

Plaintiff,

v.

Defendant Doe 1, Diocese; Defendant Doe 2, Order; and Does 3 through 100, inclusive,

Defendants.

Case No: 37-2012-0099849-CU-PO-CTL

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION TO ALLEGE PUNITIVE DAMAGES

Date: 3-1-13
Time: 8:30 a.m.
Dept: 65
Judge: Joan M. Lewis

IMAGED FILE

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FACTUAL HISTORY 4

A. The 1982 Complaint 5

B. The Sexual Abuse Of Plaintiff 6

C. The 1986 Complaint 6

D. The Dorman Complaint 7

E. Campos' Reinstatement 9

III. PLAINTIFF MUST BE ALLOWED TO ALLEGE A CLAIM FOR PUNITIVE DAMAGES AGAINST WATCHTOWER 9

IV.WATCHTOWER CAN BE LIABLE FOR PUNITIVE DAMAGES BASED ON THE WRONGFUL ACTS OF CAMPOS 10

A. Watchtower willfully retained Campos despite knowledge that he had acted, and would continue to act, in conscious disregard of the safety of others, and was guilty of fraud, oppression and malice 11

1. Watchtower was Aware of Campos' Molestation of Children Prior to the Abuse of Plaintiff 12

B. Watchtower Ratified Campos' Sexual Abuse of Children 13

C. Watchtower was Guilty of Fraud, Oppression and Malice 14

V. CONCLUSION 15

TABLE OF AUTHORITIES

California Cases

Angie M. v. Superior Court
(1995) 37 Cal.App.4th 1217 14

Baptist v. Robinson
(2006) 143 Cal.App.4th 151 13

Blegen v. Superior Court
(1981) 125 Cal.App.3d 959 14

Coats v. Construction & General Laborers Local No. 185
(1971) 15 Cal.App.3d 908 11

McChristian v. Popkin
(1946) 75 Cal.App.2d 249 13

Murillo v. Rite Stuff Foods
(1998) 65 Cal.App.4th 833 13

Oakes v. McCarthy
(1968) 267 Cal.App.2d 231 10

Rowe v. Superior Court
(1993) 15 Cal.App.4th 1711 10

Santillan v. Roman Catholic Bishop of Fresno
(2008) 163 Cal.App.4th 4 12

Taylor v. Superior Court
(1979)24 Cal.3d 890 11,14

Weeks v. Baker & McKenzie
(1998) 63 Cal.App.4th 1128 11

Statutes

Civil Code § 3294(a) 10

Civil Code § 3294(c)(1). 11

Cal. Pen. Code §§ 266j, 285(b)(1), 285(b)(2), 285(c), 286, 288(a), 288(b), 288a(b)(1), 288a(b)(2), 288a(c), 289(h), 289(i), 289(j), and 647.6 12

Miscellaneous

BAJI 14.72.1 12

3 Witkin, Summary 10th (2005) Agency, § 164, p. 207 13

I. INTRODUCTION

Plaintiff Jose Lopez seeks leave to file a First Amended Complaint including a claim for punitive damages against Defendant Watchtower Bible and Tract Society of New York, Inc. (Watchtower), pursuant to Code of Civil Procedure § 425.14.[1] Plaintiff was molested by Gonzalo Campos (Campos) when he was a minor associated with Defendant Linda Vista Spanish Congregation of Jehovah's Witnesses (Linda Vista) and Defendant Watchtower.[2]

II. FACTUAL HISTORY

The Jehovah's Witness Faith is organized in a hierarchical structure. During the relevant periods of time, the Watchtower sat atop the hierarchy with respect to issues of appointment of leaders (called Elders and Ministerial Servants) in local congregations, and provided local congregation leaders with direction when difficult issues arose, including issues relating to sexual abuse of children by Jehovah's Witnesses. Local congregations of Jehovah's Witnesses administer the faith on a day to day basis and implement church policy and practice that is dictated from higher levels in the organizational structure.

Field Service is an important part of the Jehovah's Witness faith. Field Service involves members of the congregation going from door to door and preaching to people living in the community. Not everyone is permitted the privilege of participating in Field Service. Instead, that privilege is reserved for people who are "Publishers." (Plaintiff's Request for Judicial Notice (RJN), at p. 10, Plaintiff's Exhibit (PE) 2, Deposition of Dennis Palmer at p. 14:3-7; RJN at p. 25, PE 3, Deposition of Gonzalo Campos at p.18:1-11 ["a publisher is a person who

[1] All further undesignated section references are to the Code of Civil Procedure.
[2] This motion seeks to include a claim for punitive damages against Defendant Watchtower only. Since Defendant Linda Vista is not a religious corporation or a religious corporation sole, there is no prohibition against seeking punitive damages against that Defendant without first receiving a court order.

preaches home-to-home the good news, and he is authorized to preach this good news door-to-door" by the "elders of the congregation"])(underline emphasis added.)[3]

If someone wants to participate in Field Service, he or she must request to be approved as a Publisher. (RJN at pp. 59-60, PE 4, Deposition of Ramon Preciado at pp. 12:16-13:3.) A committee of Elders will consider that request. (RJN at p. 60, PE 4, Preciado Depo at p. 13:4-9.) The committee will interview the candidate and determine if he or she has sufficient knowledge of the bible to participate in Field Service, and whether he or she is living in accordance with Christian Bible principles. (RJN at p. 60, PE 4, Preciado Depo at p. 13:10-15; RJN at p. 10, PE 2, Palmer Depo at 14:8-25.) Since Publishers are given the privilege of representing the congregation in the community, they must not be engaged in immorality. (RJN at pp. 60, PE 4, Preciado Depo at pp. 13:10-14:10; RJN at p. 10, PE 2, Palmer Depo at p. 14:3-25.) Campos went through the process of becoming approved as a Publisher, and was authorized by Linda Vista to perform Field Service and represent the congregation in the community. (RJN at p. 62, PE 4, Preciado Depo at p. 17:1-3.)

Publishers can be Baptized or Un-Baptized, with greater rights and responsibilities being reserved for Baptized Publishers. (RJN at pp. 35-36, PE 3, Campos Depo at pp. 85:8-86:8.) Once a male Publisher has been Baptized, he can lead field service; give Bible Study, and receive privileges in the congregations "such as becoming a ministerial servant or elder." (RJN at PP. 35-37, PE 3, Campos Depo at pp. 85:8-20, 86:7-87:13.) A Baptized Publisher can also work as a missionary or serve as a Pioneer. (RJN at pp. 35-36, PE 3, Campos Depo at pp. 85:14-20, 86:4-8.) Baptism as one of Jehovah's Witnesses is an ordination as a minister of the Jehovah's Witness faith. (RJN at p. 34, PE 3, Campos Depo at p. 83:11-18.)

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[3] Each citation to the record will appear first with a citation to the location of the material by page in Plaintiff's Request for Judicial Notice, then will have a citation to which Exhibit the item is in the Notice of Lodgment, and finally an exact description of what item is being cited.

To be baptized as one of Jehovah's Witnesses a prospective member must study the bible. Campos for instance, studied for at least six, and maybe as many as twelve, months before he was able to become baptized. (RJN at pp. 33-34, PE 3, Campos Depo at pp. 82:14-83:6.) Campos studied with a Baptized Publisher once per week during this time prior to being baptized, and also studied on his own. (RJN at p. 34, PE 3, Campos Depo at p. 83:1-10.) Prior to being baptized, Campos was interviewed by one or two Elders, and was asked a series of approximately eighty questions based on his study that he had to answer thoughtfully prior to being ordained. (RJN at pp. 32-33, PE 3, Campos Depo at pp. 81:17-82:14.)

When a Publisher gives Bible Study, which is a one on one session during which a Baptized Publisher helps another to understand the Bible better, he is required to complete a form and turn that form into the Congregation Secretary. (RJN at p. 38, PE 3, Campos Depo at p. 90:8-15.) The form indicates the name and address of the person to whom the Publisher has given Bible Study as well as the dates of each session. (RJN at p. 39, PE 3, Campos Depo at p. 91:17-20.) Publishers are also required to file a Service Report with the Congregation Secretary detailing the amount of time they spend in Field Service. (RJN at pp. 37-38, PE 3, Campos Depo at pp. 89:13-90:7.) Local Congregation leaders control what particular areas within their territory will be targeted for Field Service on a particular day.

A Pioneer is a Baptized Publisher who has committed to spend a certain amount of time per month preaching. (RJN at p. 12, PE 2, Palmer Depo at p. 16:4-8.) To become a Pioneer, a Publisher must be approved by a committee of Elders. (PE 4, Preciado Depo at p. 15:12-21.) In addition to maintaining the requirements of good morals to be a Baptized Publisher, the Elders must also determine that the applicant's track record shows that he will be able to meet his hourly obligations if he is approved. (RJN at pp. 12-13, PE 2, Palmer Depo at pp. 16:17-17:14.)

A Ministerial Servant is a male Baptized Publisher who holds added responsibilities within the congregation. (RJN at pp. 14-16, PE 2, Palmer Depo at pp. 18:5-20:23.) Prospective Ministerial Servants arerecommended by the Body of Elders. (RJN at pp. 63-64, PE 4, Preciado Depo at pp. 18:23-19:13, 21:4-19.) Watchtower then has the final say as to whether the appointment is confirmed. (RJN at p. 16, PE 2, Palmer Depo at p. 20:16-23.)

An Elder is an overseer of a congregation. (RJN at p. 17, PE 2, Palmer Depo at p. 21:6-15.) Elders coordinate the congregation's activities, including meetings and field service. (RJN at p. 17, PE 2, Palmer Depo at p. 21:6-15.) Elders also help members deal with problems arising in their personal lives. (RJN at p. 17, PE 2, Palmer Depo at p. 21:6-15.) Prospective Elders are selected from among the congregation's Ministerial Servants after being thoroughly vetted by the Elders. (RJN at pp. 17-18, PE 2, Palmer Depo at pp. 21:17- 22:12.) The Body of Elders recommend deserving Ministerial Servants as prospective Elders to Watchtower. (RJN at p. 65, PE 4, Preciado Depo at p. 24:8-16.) Watchtower approves or rejects the appointment. (RJN at p. 65, PE 4, Preciado Depo at p. 24:8-16.)

Campos was ordained as a minister of the Jehovah's Witness Faith when he was baptized in 1980. (RJN at pp. 23-24, PE 3, Campos Depo at pp. 15:25-16:3.) Prior to the molestation of Plaintiff, Campos had been thoroughly trained and tested by Linda Vista, and his morals and character had been vetted and approved by the Body of Elders. As a result of this process, Campos was authorized to represent Linda Vista and the Watchtower in door to door preaching, enter the homes of members of the congregation and the larger community to teach bible study sessions and otherwise preach the beliefs of the Jehovah's Witness faith. Following his ordination, Campos' preaching activities were monitored and controlled by the congregation. Campos was appointed as a Ministerial Servant on December 22, 1988. (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Campos was appointed as an Elder in June of 1993.

(RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Campos served as a Congregation Secretary. (RJN at pp. 41-42, PE 3, Campos Depo at pp. 104:18 - 105:19.) Campos also served as a Pioneer. (RJN at p. 40, PE 3, Campos Depo at p. 92:13-18.)

No matter how Watchtower attempts to paint the picture, at all times relevant Campos had a status far greater than any Un-Baptized Publisher, or any female Baptized-Publisher, including his minor victims. Equally, if not more important, Campos was an ordained minister in the Jehovah's Witness religion, and his minor victims were not.

A. The 1982 Complaint

In approximately 1982, Campos molested a young member of Linda Vista, John Doe. (RJN at pp. 100-101, PE 8, Depo of John Doe at pp. 15:10-16:18; RJN at pp. 49-51, PE 3, Campos Depo at pp. 133:5-135:2.) John Doe immediately informed his mother of the abuse. (RJN at pp. 95-98, PE 8, Doe Depo at pp. 10:10-18, 13:17-21.) Campos confessed his inappropriate sexual conduct to Doe's mother. (RJN at pp. 26-27, PE 3, Campos Depo at pp. 24:24-25:4.) Doe's mother reported the abuse to Elders from Linda Vista. (RJN at p. 109, PE 9, Deposition of Jesus Montijo at p. 36:2-19; RJN at pp. 117-118, PE 10, Deposition of Justino Diaz at pp. 28:16-29:10.) The allegation was brought to the Body of Elders of Linda Vista. (RJN at p. 110, PE 9, Montijo Depo at p. 37:3-15.) Two Elders investigated the accusation. (RJN at pp. 110-111, PE 9, Montijo Depo at pp. 37:9-38:22) Within one or two days of the molestation, Doe was interviewed by an Elder and detailed the abuse by Campos. (RJN at pp. 95-96, PE 8, Doe Depo at pp. 10:24-11:2; 12:17-22.) Campos was also interviewed by multiple Elders from Linda Vista and admitted that he "had touched [John Doe] inappropriately." (RJN at pp. 26-27, PE 3, Campos Depo at pp. 24:5-25:20.)

The Elders did not punish Campos. (RJN at p. 114, PE 9, Montijo Depo at p. 42:7-42:25.) Justino Diaz, a Linda Vista Elder, considered it to be a minor matter since Campos'

mother and the victim's mother were apparently able to work out some resolution. (RJN at pp. 119, 120, PE 10, Diaz Depo at pp. 34:9-21, 35:4-7.) Diaz knew that molestation was a crime and that a molester may reoffend. (RJN at p. 135, PE 10, Diaz Depo at p. 35:8-25.) Nonetheless, the police were not called, Campos' privileges were not restricted, further victims were not sought, and the congregation was not warned about Campos. (RJN at p. 114, PE 9, Montijo Depo at 42:2-19.) Campos continued to be allowed to preach door to door, and to give bible study sessions to children. (RJN at pp. 52-53, PE 3, Campos Depo at pp. 137:9-138:7.)

B. The Sexual Abuse of Plaintiff

Plaintiff was sexually abused by Campos in approximately 1986. (RJN at pp. 87-91, PE 18, July 4, 1999 letter; PE 24, Campos Depo at pp. 150:16-152:8.) The abuse included masturbation of Plaintiff, digital penetration of Plaintiff, Campos' exposure of his penis to Plaintiff, and potentially sodomy of Plaintiff. (PE 25, Plaintiff's Response to Special Interrogatory Number 1 Propounded by Defendant Watchtower.) Campos has admitted to the abuse by innuendo. (PE 24, Campos Depo at pp. 150:16-152:8.) Campos gave Bible Study sessions to Plaintiff. (PE 24, Campos Depo at pp. 151:20-152:3.) The Linda Vista Elders, and through them Defendant Watchtower, were aware, or should have been aware, that Campos taught Bible Study to Plaintiff. (RJN at p. 38, PE 3, Campos Depo at p. 90:8-25.)

C. The 1986 Complaint

In 1986, just after the abuse of Plaintiff, a Judicial Committee was formed by Linda Vista to investigate Campos' sexual abuse of a child, presumably Plaintiff, determine Campos' guilt and level of repentance, and to impose punishment. (RJN at p. 74-75, PE 5, March 29, 1995 letter; RJN at pp. 87-91, PE 7, June 9, 1995 letter; RJN at pp. 122-125, PE 11, November 13, 1996 letter; RJN at pp. 127-133, PE 12, July 24, 1999 letter.)

When Elders learn of a grave sin by a congregation member, two Elders investigate. (PE 9, Montijo Depo at p. 47:6-22.) Those Elders determine if there is justification for a Judicial Committee. (RJN at p. 105, PE 9, Montijo Depo at p. 28:12-21.) If there are multiple witnesses or the accused confesses wrongdoing, a Judicial Committee is formed. (RJN at p. 106, PE 9, Montijo Depo at p. 29:7-21.) The Committee is comprised of the original Elders that investigated, and usually at least one more Elder. (RJN at p. 66, PE 4, Preciado Depo at p. 32:8-15.) The Committee will then determine what punishment is appropriate. (RJN at pp. 67-72, PE 4, Preciado Depo at pp. 37:3-42:19.) The sinner can be disfellowshipped, which is a period of expulsion from the local congregation, or if the Committee determines the sinner is truly repentant, he or she can be reproved, which entails some public or private censorship but no expulsion from the congregation. (RJN at pp. 107-108, PE 9, Montijo Depo at pp. 30:22-31:18.) In order for a person to be reproved, he must first have admitted his sin.

The Judicial Committee formed in 1986 to look into the Campos' alleged sexual misconduct determined that Campos was repentant for his sins and reproved him, rather than expel him from the congregation. (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) The Committee imposed a nine month period of private censorship on Campos, during which time his service privileges were somewhat restricted. (RJN at p. 74-75, PE 5, March 29, 1995 letter.)

D. The Dorman Complaint in April of 1994

In April of 1994, John and Manuela Dorman learned that their son John had been sexually molested by Campos. (RJN at p. 138, PE 14, April 11, 1994 letter.) Upon learning that her son had been molested, Mrs. Dorman called Campos and confronted him. (RJN at p. 138, PE 14, April 11, 1994 letter.) Campos was an elder of the La Jolla Congregation at the time of the confrontation. The Dormans sent a letter to Mrs. Dorman's local congregation, accusing Campos of sexually abusing their son. (RJN at p. 138, PE 14, April 11, 1994 letter.)

The letter of complaint was forwarded to Watchtower. (RJN at p. 140, PE 15, April 13, 1994 letter.) Watchtower held onto the letter for almost two months, then forwarded it to La Jolla. (RJN at p. 142, PE 16, June 9, 1994 letter.)

Upon receiving the letter, Campos was asked by an Elder of La Jolla whether the accusations were true, and Campos confirmed the allegations. (RJN at pp. 29-30, PE 3, Campos Depo at pp. 51:21-52:11.) Notwithstanding Campos' confession, almost one full year elapsed between Manuela Dorman's phone call to Campos and concurrent letter to her local congregation and any response from La Jolla to Watchtower. More than eight months passed between Watchtower's letter to La Jolla and the Elders' reply. During that period of time, Campos continued to molest. (RJN at pp. 87-91, PE 7, June 9, 1995, letter.) Watchtower did not send any additional letters seeking confirmation of Campos' abuse of children.

Even after receiving a written complaint about the molestation of Dorman, Campos continued to function in a leadership capacity in the congregation as an Elder, Secretary of the Congregation and as a Pioneer. (RJN at pp. 144, PE 17, April 4, 1995 letter; RJN at pp. 74-75, PE 5, March 29, 1995 letter; RJN at pp. 41-47, PE 3, Campos Depo at pp. 104:18-110:19.) Even though Watchtower had received a written complaint against Campos, and Campos had confessed to molesting John Dorman, as well as to the 1982 and 1986 incidents to Watchtower's local agent in La Jolla, Campos was not immediately suspended and continued to serve in high level positions within the Congregation for more than nine months.

The position ultimately taken by Watchtower's local agents in La Jolla when it responded to the Dorman allegations in March of 1995 was to confirm the abuse, note that Campos had been reproved years ago, and closed the matter. (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Ultimately, Campos was disfellowshipped in June of 1995 for sexually abusing Joel Gamboa; not for sexually abusing John Dorman, the 1982 complainant or the 1986

complainant. (RJN at pp. 87-91, PE 7, June 9, 1995 letter; RJN at p. 48, PE 3, Campos Depo at p. 124:3-13.) This subsequent abuse was discovered when Gamboa's mother spoke to Elders of the congregation in May of 1995. (RJN at pp. 87-91, PE 7, June 9, 1995 letter.) Until the Gamboa complaint was received, Campos was not the subject of a Judicial Committee relating to the Dorman accusation, and would not have been disfellowshipped.

E. Campos' Reinstatement

After he was disfellowhipped in 1995, Campos repeatedly sought reinstatement as one of Jehovah's Witnesses. (RJN at pp. 146-150, PE 18, July 4, 1999 Letter.) In 1996, he confessed to the Elders that he had molested three additional children while serving as a Ministerial Servant at La Jolla. (RJN at pp. 122-125, PE 11, November 13, 1996 letter.) The Elders discussed the nature of the sexual acts committed by Campos in the correspondence with Watchtower, including acts of mutual masturbation, oral copulation and sodomy. (RJN at pp. 87-91, PE 7, June 9, 1995 letter.) Notwithstanding the horrible acts known to have been committed by Campos, Watchtower's local agents quibbled about whether Campos' acts constituted abuse, or whether he could be considered "a person who is known as someone who has sexually abused a child." (RJN at pp. 127-133, PE 12, July 24, 1999 letter ["Did we understand correctly the explanation in The Watchtower? Is touching of the genitals considered sexual abuse?"]; RJN at pp. 152-155, PE 19, June 5, 2000 letter ["After having carefully analyzed and with prayer all factors of the case of Brother Campos, our opinion is that" he should not be given a responsible position in the congregation].) Campos was reinstated as one of Jehovah's Witnesses on April 21, 2000. (RJN at pp. 157, 159, PE 20, June 9, 1995 letter.)

III. PLAINTIFF MUST BE ALLOWED TO ALLEGE A CLAIM FOR PUNITIVE DAMAGES AGAINST WATCHTOWER

Section 425.14 provides that no claim for punitive or exemplary damages may be pled against "a religious corporation or religious corporation sole" unless permitted by court order

after the plaintiff brings a motion to amend the complaint. Section 425.14 requires only that a plaintiff demonstrate the existence of sufficient evidence to establish a prima facie case for punitive damages, enough to sustain a favorable decision if the evidence submitted be credited under the clear and convincing standard. *Rowe v. Superior Court* (1993) 15 Cal.App.4th 1711, 1722. In considering the evidence, the trial court "is not required to make any factual determination or to become involved in any weighing process beyond that necessarily involved in determining whether a prima facie case for punitive damages exists." *Id.* Once the court concludes that such a case can be presented at trial, it must permit the proposed amended pleading to be filed. *Id.* In making this judgment, the court's consideration of the defendant's opposing affidavits does not permit a weighing of them against the plaintiff's supporting evidence, but only determination that they do not, as a matter of law, defeat that evidence. *Id.*

This standard requires "only that the plaintiff demonstrate to the court's satisfaction that sufficient evidence exists to go to the jury on the issue of punitive damages. That is, plaintiff has sufficient evidence, if credited, to meet the clear and convincing standard and the judge is unable to say that a reasonable jury could not find for plaintiff under that standard of proof." *Rowe*, 15 Cal.App.4th at 1722. If this Court cannot categorically find that no reasonable jury could find for Plaintiff, judging the evidence under the clear and convincing standard, Plaintiff must be permitted to allege a claim for punitive damages.

IV. WATCHTOWER CAN BE LIABLE FOR PUNITIVE DAMAGES BASED ON THE WRONGFUL ACTS OF CAMPOS

A plaintiff may recover punitive damages against a defendant who has been guilty of oppression, fraud, or malice. Civil Code § 3294(a). The words oppression, fraud, and malice as used in Civil Code section 3294(a) are disjunctive, and proof of any of them will support an award of punitive damages. *Oakes v. McCarthy Co.* (1968) 267 Cal.App.2d 231, 262-63. According to *Weeks v. Baker & McKenzie*:

> Subdivision (b) [of Civil Code § 3294] authorizes the imposition of punitive damages on an employer in three situations: (1) when an employee was guilty of oppression, fraud or malice, and the employer with advance knowledge of the unfitness of the employee employed him or her with a conscious disregard of the rights and safety of others, (2) when an employee was guilty of oppression, fraud or malice, and the employer authorized or ratified the wrongful conduct, or (3) when the employer was itself guilty of the oppression, fraud or malice. (1998) 63 Cal.App.4th 1128, 1151.

Thus, "[I]f the employer after knowledge or opportunity to learn of the agent's misconduct retains the wrongdoer in service, the employer may make himself liable in punitive damages." *Coats v. Construction & General Laborers Local No. 185* (1971) 15 Cal.App.3d 908, 914. Watchtower is subject to an award of punitive damages under each of the three justifications described in *Weeks*.

A. Watchtower willfully retained Campos despite knowledge that he had acted, and would continue to act, in conscious disregard of the safety of others, and was guilty of fraud, oppression and malice

If an agent has acted in a manner that would subject himself to punitive damages, and the principal was aware of the agent's punishable conduct and continued to utilize him without regard to the safety of others, punitive damages may be imposed on the principal. *Weeks*, 63 Cal.App.4th at 1151.

"Malice" means "despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others." Civil Code § 3294(c)(1). Malice has been described as requiring "an act conceived in a spirit of mischief or with criminal indifference toward the obligations owed to others." *Taylor*, 24 Cal.3d at 894. "Where the [perpetrator's] wrongdoing has been intentional and deliberate, and has the character of outrage frequently associated with crime, all but a few courts have permitted the jury to award in the tort action punitive or exemplary damages." *Id.* (internal quotations omitted.)

Campos has admitted to molesting numerous children during his tenure as an ordained minister of the Jehovah's Witness religion. (RJN at pp. 122-125; PE 11, November 13, 1996

letter; RJN at pp. 162-163, PE 21, August 18 1995 letter.) Campos sexually abused children from both La Jolla and Linda Vista. (RJN at pp. 127-133, PE 12, July 24, 1999 letter.) Campos abused minor boys and minor girls, often beginning the molestations when his victims were between the extremely young ages of 6 and 8. (RJN at pp. 127-133, PE 12, July 24, 1999 letter.) The abuse included acts of mutual masturbation, sodomy and oral copulation. (RJN at pp. 87-91, PE 7, June 9, 1995 letter.) Campos has admitted to molesting Plaintiff. (PE 24, Campos Deposition at pp. 150:16-152:8.)

These admitted acts of molestation clearly establish a prima facie entitlement to punitive damages against Campos. Repeated acts of sexually molesting children is "despicable conduct", which "would be looked down on and despised by ordinary decent people." BAJI 14.72.1. The despicability of the conduct is shown by the large number of criminal statutes protecting children from sexual predation. *See* Cal. Pen. Code §§ 266j, 285(b)(1), 285(b)(2), 285(c), 286, 288(a), 288(b), 288a(b)(1), 288a(b)(2), 288a(c), 289(h), 289(i), 289(j), and 647.6.

1. Watchtower was Aware of Campos' Molestation of Children Prior to the Abuse of Plaintiff

Baptized Male Publishers are recommended for positions as Elders and Ministerial Servants of local congregations by the existing Body of Elders of the congregations and approved directly by Watchtower. Elders and Ministerial Servants of local congregations are agents of both the local congregation to which they have been appointed, as well as Watchtower. "As against a principal, both principal and agent are deemed to have notice of whatever either has notice of, and ought, in good faith and the exercise of ordinary care and diligence, to communicate to the other." *Santillan v. Roman Catholic Bishop of Fresno* (2008) 163 Cal.App.4th 4, 10. For this reason, notice of sexual abuse by a Baptized Publisher to an Elder or Ministerial Servant of a local Congregation, is notice of that fact to both that Congregation and Watchtower.

Watchtower, through the Linda Vista Elders, gained actual knowledge of the molestation of John Doe by Campos in 1982, when Doe's mother informed the congregation's Elders of the abuse. John Doe informed at least one Elder of Linda Vista of the nature of Campos' conduct. Campos confessed that he "had touched [John Doe] inappropriately." No actions were taken to hold Campos accountable for his actions, or warn the congregation about the danger created by Campos. With actual knowledge of Campos' unfitness, Watchtower continued to utilize him as an agent in conscious disregard of the rights and safety of others, and later selected Campos to serve in responsible positions as a Ministerial Servant and Elder.

B. Watchtower Ratified Campos' Sexual Abuse of Children

Ratification is a form of vicarious liability. The principal may become liable for an originally unauthorized tort of the agent by the subsequent ratification of the tort. 3 Witkin, Summary 10th (2005) Agency, § 164, p. 207. The failure to discharge an agent or employee despite knowledge of his unfitness is evidence tending to show ratification and may expose the principal to punitive damages. *See McChristian v. Popkin* (1946) 75 Cal.App.2d 249, 256. "The theory of ratification is generally applied where an employer fails to investigate or respond to charges that an employee committed an intentional tort, such as assault or battery." *Baptist v. Robinson* (2006) 143 Cal.App.4th 151, 170; *see also Murillo v. Rite Stuff Foods* (1998) 65 Cal.App.4th 833, 852 (finding that defendant ratified assault and battery in a sexual harassment context.) Watchtower ratified Campos' molestation of children by continuing to utilize him as an agent after gaining full knowledge of Campos' molestation of children.

Watchtower ratified Campos' molestation of children, including Plaintiff, through its agents – the Elders of Linda Vista. Those Elders were made aware of Campos' molestation of John Doe in 1982. Watchtower's agents interviewed Doe twice, and Campos confessed to touching Doe inappropriately. (RJN at pp. 95-96, 97, PE 8, Doe Depo at pp. 10:24-11:2, 12:17-

22; RJN at pp. 26-27, PE 3, Campos Depo at pp. 24:5-25:20.) Watchtower's agents had full knowledge, or an opportunity to gain full knowledge regarding the abuse, but chose not to discipline Campos. By allowing Campos to retain his position as a Baptized Publisher, Watchtower's agents ratified Campos' sexual abuse of children. Later, in 1986, Watchtower's agents conducted a Judicial Committee regarding Campos' molestation of a child (presumably Plaintiff). (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Campos confessed and after a nine month period of private censure was fully reinstated.

Notwithstanding the knowledge Watchtower gained through its agents in the Linda Vista Congregation, Watchtower repeatedly promoted Campos: first, to the position of Ministerial Servant and then to the positions of Elder and Congregation Secretary. Watchtower also ratified Campos' molestation of children by sitting on the Dorman letter of complaint for nearly two months before forwarding the letter to La Jolla, and then allowing La Jolla to take nine months to respond to the accusations, during which time Campos continued to molest. (RJN at p. 140, PE 15, April 13, 1994 letter; RJN at pp. 142, PE 16, June 9, 1994 letter; RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Finally, Watchtower ratified Campos' abuse of children by knowingly permitting Campos to continue to serve as an Elder, Pioneer and the Secretary of La Jolla even after receiving written notice of Campos' abuse of John Dorman and one other child.

C. Watchtower was guilty of fraud, oppression and malice

"Malice does not require actual intent to harm." *Angie M. v. Superior Court* (1995) 37 Cal.App.4th 1217, 1228. "A conscious disregard for the safety of others may constitute the malice necessary to sustain a claim for punitive damages." *Taylor*, 24 Cal.3d at 895. "In order to justify an award of punitive damages on that basis, the plaintiff must establish that the defendant was aware of the probably dangerous consequences of his conduct, and willfully and deliberately failed to avoid those consequences." *Blegen v. Superior Court* (1981) 125

Cal.App.3d 959, 962-63. A plaintiff need not prove the defendant intended to injure the plaintiff, nut can show the defendant acted in conscious disregard of the safety of others.

Watchtower was aware of the frequent and repeated sexual abuse of children inflicted by Campos, but continued to hold him out as a competent agent who could be trusted with the temporary care and custody of children of the various congregations with which he was associated, including Plaintiff. Watchtower knew that Campos posed a substantial risk to minor children. Watchtower repeatedly allowed Campos to have further contact with young children, and acted in conscious disregard for the rights and safety of minor children, which resulted in the sexual abuse of Plaintiff. Watchtower's actions in covering up the criminal acts of a serial pedophile like Campos were despicable. Decent ordinary people would look down upon and despise the Watchtower's contemptible decision to cover up sexual abuse, to allow Campos to continue to sexually abuse young children, and to purposefully decline to warn congregants of the danger he posed. The result of Watchtower's conduct was that several children, including Plaintiff, were needlessly subjected to Campos, and were sexually molested as a result.

V. CONCLUSION

For the foregoing reasons, Plaintiff's motion should be granted, and the proposed amended complaint attached as Plaintiff's Exhibit 26 should be deemed filed.

Respectfully submitted,

Dated: 2-5-13

Devin M. Storey
Attorney for Plaintiff

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FILED
Clerk of the Superior Court
MAR 0 1 2013
By: R. LINDSEY-COOPER, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

Jose Lopez, Individually,

Plaintiff,

v.

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

Defendants.

CASE NUMBER: 12-99849

FIRST AMENDED COMPLAINT FOR DAMAGES FOR:

1. **NEGLIGENCE;**
2. **NEGLIGENT SUPERVISION/ FAILURE TO WARN;**
3. **NEGLIGENT HIRING/RETENTION**
4. **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF;**
5. **SEXUAL BATTERY; AND**
6. **SEXUAL HARASSMENT.**

[Demand for Jury Trial]
[Filed Concurrently with Certificates of Merit]

Based upon information and belief available to Plaintiff, Jose Lopez, at the time of the filing of this First Amended Complaint, Plaintiff makes the following allegations:

PARTIES

1. Plaintiff, Jose Lopez, is an adult male. Plaintiff was a minor at the time of the sexual abuse alleged herein.

2. Defendant Doe 1 Linda Vista Church ("Linda Vista Church") is an unincorporated association, authorized to conduct business and conducting business in the State of California, with its principal place of business in the County of San Diego, California. Defendant Linda Vista Church has responsibility for Jehovah's Witness Church operations in the Linda Vista area of California.

2.1. Defendant Doe 2, Supervisory Organization ("Supervisory organization") is a branch of the Jehovah's Witness religion located in Brooklyn, New York, and incorporated and conducting business in the State of New York, and elsewhere. Defendant Supervisory Organization is the highest level of Jehovah's Witness governance, and is responsible for administration of the Jehovah's Witness Church worldwide, including operations in California.

2.2. Defendant Doe 3, Perpetrator ("Perpetrator ") was at all times relevant a member of the Jehovah's Witness Church. Perpetrator held various leadership positions within Defendant Linda Vista Church and later Playa Pacifica Spanish Congregation of Jehovah's Witnesses. During the dates of abuse of Plaintiffs, Perpetrator was a Baptized Publisher, Auxiliary Pioneer and /or Bible Study instructor in the leadership at Defendant Linda Vista Church and Does 4 through 100, and was under the direct supervision, employ and control of Defendant Linda Vista Church, Defendant Supervisory Organization and Does 4 through 100.

3. Defendant Does 4 through 100, inclusive, are individuals and/or business or corporate entities incorporated in and/or doing business in California whose true names and capacities are unknown to Plaintiffs, who therefore sue such Defendants by such fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe Defendant when ascertained. Each such Defendant Doe is legally

responsible in some manner for the events, happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in this Complaint.

4. 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.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

5. Plaintiff Jose Lopez was born in October of 1978. Plaintiff Jose Lopez was sexually abused by Perpetrator in approximately 1986, when he was approximately seven years old.

5.1. Plaintiff's mother was a Baptized Jehovah's Witness associated with Linda Vista Church in the early to mid 1980s. She and her husband received bible study from an Elder associated with Linda Vista Spanish Congregation, Joel Munoz, and his wife. When Plaintiff was approximately six or seven years of age, which was in approximately 1985 or 1986, Elder Munoz recommended to Plaintiff's mother than Plaintiff should be receiving bible study instruction. Elder Munoz recommended that Plaintiff's mother should approach Defendant Perpetrator because he was very good with children.

5.2. Plaintiff's mother followed Elder Munoz's instructions and spoke with Defendant Perpetrator about providing her son bible study lessons. Defendant Perpetrator began giving Plaintiff bible study instruction.

5.3. After Defendant Perpetrator had given Plaintiff several bible study lessons, and in the context of a bible study lesson, Defendant Perpetrator molested Plaintiff.

5.4. Plaintiff reported the abuse he experienced at the hands of Defendant Perpetrator to his mother, who in turn reported the abuse to Elder Munoz and his wife.

5.5. Approximately the next day, several Elders from Defendant Linda Vista Church came to Plaintiff's home and spoke to his mother about the abuse. One of the Elders

asked Plaintiff to show him, on a teddy bear or doll, where Defendant Perpetrator had touched him.

5.6. At the time of the sexual abuse by Perpetrator, Plaintiff attended religious services at Defendant Linda Vista Church. Perpetrator frequently spoke at religious services at Defendant Linda Vista Church, and also was sent to Plaintiff's home by Defendant Linda Vista Church to instruct Plaintiff.

5.7. Plaintiff is informed and believes and on that basis alleges that Defendant Perpetrator filled out a form for each bible study session he gave to any minor, which form identified the bible study student, his address, and the date of the lesson, and Defendant Perpetrator submitted each form to the Secretary of Defendant Linda Vista Church, who is one of the Elders.

5.8. Plaintiff is informed and believes and on that basis alleges that Defendant Supervisory Organization exerts influence over which members of the Jehovah's Witness faith are nominated by the local congregations to become Elders, and has the final authority to accept or reject appointments as Elders, Ministerial Servants and Regular Pioneers. Plaintiff is further informed and believes and on that basis alleges that Perpetrator could not have been appointed as an Elder, Ministerial Servant or Regular Pioneer without the approval of Defendant Supervisory Organization, and that it is the action of Defendant Supervisory Organization that makes an individual an Elder, Ministerial Servant or Regular Pioneer.

6. The Perpetrator was baptized as Jehovah's Witness on September 27, 1980. Plaintiff is informed and believes that the Perpetrator was extensively involved with Defendant Linda Vista Church from approximately 1979 through at least 1987, when he became associated with the La Jolla Spanish Congregation of Jehovah's Witnesses (which later became known as the Playa Pacifica Spanish Congregation of Jehovah's Witnesses). During that time, the Perpetrator served as an Un-baptized Publisher, Baptized Publisher and Pioneer, preached to the congregation at Defendant Linda Vista Church, preached to families in the community of Defendant Linda Vista Church, and taught bible study to

Jehovah's Witness children from Defendant Linda Vista Church. After a person is made a Publisher, he or she is allowed to represent the Jehovah's Witnesses in the community. Before becoming a Publisher, a person cannot represent the Jehovah's Witnesses.

6.1. In approximately 1982, the perpetrator sexually molested a young boy from Defendant Linda Vista Church. In the hours and days following the abuse, the victim reported the abuse to his mother, who in turn reported the abuse to two Elders of Defendant Linda Vista Church. Those Elders interviewed the victim, who spoke about the abuse, and the Perpetrator, who confessed to acting inappropriately. No further action was taken by the congregation.

6.2. Plaintiff is further informed and believes that in 1988, the Perpetrator was appointed as a Ministerial Servant of La Jolla Spanish Congregation of Jehovah's Witnesses. Ministerial Servants are appointed to assist the Elders with routine work in the local congregation. Plaintiff is further informed and believes that while serving as a Ministerial Servant, the Perpetrator continued to preach to the congregations of Defendant Linda Vista Church and the La Jolla Spanish Congregation of Jehovah's Witnesses, preach in local homes, and teach bible study to children. Plaintiff is further informed that the Perpetrator could not have been appointed as a Ministerial Servant without the approval of Defendant Supervisory Organization.

6.3. Plaintiff is informed and believes that in approximately June of 1993, the Perpetrator was appointed as an Elder of La Jolla Spanish Congregation of Jehovah's Witnesses (which subsequently became Playa Pacifica Spanish Congregation of Jehovah's Witnesses). Each congregation of Jehovah's Witnesses has a body of Elders who are responsible for the governance of the congregation, including selecting speakers, directing preaching and serving on committees that investigate and decide disciplinary action cases and impose punishments. The Elders are the highest authority at the congregational level. Plaintiff is further informed that the Perpetrator could not have been appointed as an Elder without the approval of Defendant Supervisory Organization.

6.4. Plaintiff is informed and believes and on that basis alleges that by October of 1993,

at the latest, the Perpetrator had been selected as the Secretary of La Jolla Spanish Congregation of Jehovah's Witnesses, and was therefore a member of the congregation's Service Committee.

6.5. Plaintiff is informed and believes and on that basis alleges that prior to his appointment as an Elder of La Jolla Spanish Congregation of Jehovah's Witnesses in 1993, the Perpetrator was frequently chosen as a speaker to preach to the congregations of Defendant Linda Vista Church and La Jolla Spanish Congregation of Jehovah's Witnesses by the Elders and was being groomed by the Elders to become an Elder himself.

7. Plaintiff is informed and believes and on that basis alleges that Defendant Perpetrator sexually abused at least 8 minor Jehovah's Witnesses between 1982 and 1995. John Doe was molested by Perpetrator in approximately 1982. J.D. was molested by Perpetrator between 1983 and 1985. J.C. was molested by Perpetrator in approximately 1984 or 1985. J.R. was molested by Perpetrator between approximately 1986 and 1993. R.B. was molested by Perpetrator in the late 1980s and early 1990s. Jo.R. was sexually abused by Perpetrator in the early to mid 1990s. J.G. was sexually abused by Campos between approximately 1988 and 1995.

7.1. In April of 1994, J.D. confided in his mother that he had been sexually abused by Perpetrator. On the night that Mrs. D. learned that her son had been sexually abused by Perpetrator, she placed a telephone call to a man she believed to be an Elder at La Jolla Spanish Congregation of Jehovah's Witnesses, Roberto Rivera, and reported the abuse.

7.2. After getting off the phone with Mr. Rivera, Mrs. D. called Perpetrator to confront him about the abuse of her son. Perpetrator confessed that he had sexually abused J.D., but defended himself by saying that it had occurred several years earlier, and that he had been "reproved" by the Elders at the congregation, which means that a judicial committee within the congregation determined that Perpetrator was considered to be repentant for his acts.

7.3. Approximately the next day, Mrs. D. discussed the abuse with Elder Jesus Martinez from La Jolla Spanish Congregation of Jehovah's Witnesses.

7.4. Plaintiff is informed and believes and on that basis alleges that Mrs. D. also spoke to Elders with Defendant Linda Vista Church about the molestation of her son by the Perpetrator.

7.5. Within days of learning of the molestation of her son by Perpetrator, Mrs. D. reported the abuse of her son by the Perpetrator to an Elder in her local congregation in Monmouth, Oregon, where she was then living. Mrs. D. wrote a letter outlining the allegation that was sent to Defendant Supervisory Organization.

7.6. In June of 1994, approximately two months after receiving a written complaint regarding the molestation of J.D. by Perpetrator, Defendant Supervisory Organization wrote a letter to La Jolla Spanish Congregation of Jehovah's Witnesses asking the Elders to look into the matter. From the date Defendant Supervisory Organization received notice of the J.D. complaint, until the date it wrote to La Jolla Spanish Congregation, Perpetrator continued to serve as an Elder, Congregation Secretary and Auxiliary Pioneer at La Jolla Spanish Congregation and continued to molest J.G. and Jo.R.

7.7. Despite the written inquiry in June of 1994 by Defendant Supervisory Organization, La Jolla Spanish Congregation did not reply until March 29, 1995. The Elders at La Jolla Spanish Congregation found the allegations were true, but that Perpetrator was repentant and took no action. During the intervening nine months, Perpetrator continued to serve as an Elder, Congregation Secretary and Auxiliary Pioneer at La Jolla Spanish Congregation and continued to molest J.G. and possibly J.R.

7.8. Defendant Perpetrator has admitted to the molestation of Plaintiff, J.D., J.R., Jo.R., R.B., J.G., and John Doe under oath during a deposition. Defendant did not deny the molestation of J.C., but did not specifically admit to it.

8. Plaintiff is informed and believes and on that basis alleges that in approximately 1995, Mrs. D. was on the telephone with Elders from the La Jolla Spanish Congregation of Jehovah's Witnesses and J.D. was in the room with his father, who were both aware of what was being said in the telephone conversation. The Elders informed Mrs. D. that there was nothing that could be done with respect to her son's claim, and that the criminal and

civil statutes of limitation had already expired. This statement was not correct when made.

8.1. During her conversation with Mr. Rivera from La Jolla Spanish Congregation of Jehovah's Witnesses, Mrs. D. was told that the Elders were aware that Perpetrator had sexually abused children from La Jolla Congregation, and that she should not pursue the matter any further. Mr. Rivera informed Mrs. D. that this was a church matter, and the Elders would take care of it. Mr. Rivera also relayed a message from the Elders that if Mrs. D. pursued the matter further there would be repercussions that would affect her and her family's standing in the local Jehovah's Witness community.

8.2. In May of 1995, the Elders at La Jolla Spanish Congregation were made aware of the molestation of J.G., which was the fourth distinct complaint of molestation by Perpetrator following the complaint in 1982, Plaintiff's complaint in 1986, and J.D.'s complaint in 1994.

9. Although Defendant Linda Vista Church was aware that Perpetrator had sexually abused a child in 1982, Defendant Linda Vista Church retained Perpetrator in his position as its agent; took no action to protect children from further abuse by Perpetrator; promoted Perpetrator to the position of Auxiliary Pioneer; held out Perpetrator as safe to be around children; and affirmatively recommended Perpetrator to serve as a Bible Study instructor for Plaintiff despite knowledge that he was unsafe to be around children. By retaining the Perpetrator after learning of his past sexual abuse of children, and taking these other actions, Defendant Linda Vista Church ratified and authorized Perpetrator's conduct.

9.1. Plaintiff is aware of two previously filed lawsuits involving six victims of sexual abuse by Perpetrator occurring between 1983 and 1995. Plaintiff is informed and believes and on that basis alleges during the course of that litigation, many Elders from Defendant Linda Vista Church testified that no complaint of childhood sexual abuse by Perpetrator was received by the Elders in or around 1986. Plaintiff is informed and believes and on that basis alleges that this testimony was false and inconsistent with written documents kept by Defendants and / or La Jolla Spanish Congregation of Jehovah's Witnesses, and with the events surrounding the abuse of Plaintiff. By the willful false statements made by

Defendants' agents, Defendants have ratified and authorized Perpetrator's conduct.

9.2. Although Defendant Supervisory Organization was aware through its agents - the Elders of Defendant Linda Vista and La Jolla Spanish Congregation of Jehovah's Witnesses - prior to appointing the Perpetrator as a Ministerial Servant in 1988 and an Elder in 1993, that Perpetrator had sexually molested multiple children, the Perpetrator was retained and promoted to more senior leadership positions as an agent of Defendant Supervisory Organization. By retaining and promoting Perpetrator after learning of his past sexual abuse of children, Defendant Supervisory Organization ratified and authorized Perpetrator's conduct.

10. Defendants acted with willful and conscious disregard of the rights and safety of others by repeatedly ignoring warnings and complaints that the Perpetrator had committed acts of sexual abuse upon minors and allowing the Perpetrator to attain and retain elevated positions within the Jehovah's Witness religion. Where he had access to unsuspecting minors.

11. The sexual abuse and exploitation of Plaintiff Jose Lopez and the circumstances under which it occurred caused Plaintiff Jose Lopez physical injury and caused him to develop various psychological coping mechanisms which reasonably made him incapable of ascertaining the resulting damages from that conduct, or the wrongfulness of Perpetrator's conduct. Plaintiff Jose Lopez did not begin to discover the causal relationship between the molestation and adulthood psychological injuries until April of 2012. Thus, within the three years prior to the filing of this Complaint, Plaintiff discovered that the psychological injury or illness occurring after the age of majority was caused by the sexual abuse.

FIRST CAUSE OF ACTION

NEGLIGENCE

(Plaintiff Jose Lopez Against Defendant Linda Vista Congregation, Defendant Supervisory Organization and Does 4 through 100)

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

13. Defendants had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

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

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

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

SECOND CAUSE OF ACTION

NEGLIGENT SUPERVISION/FAILURE TO WARN

(Plaintiff Jose Lopez Against Defendant Linda Vista Congregation, Defendant Supervisory Organization and Does 4 through 100)

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

18. Defendants had a duty to provide reasonable supervision of the Perpetrator; to use reasonable care in investigating the Perpetrator; and to provide adequate warning to the Plaintiff, the Plaintiff's family, minor students, and minor parishioners of the Perpetrator's dangerous propensities and unfitness.

19. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise the Perpetrator in the position of trust and authority as a Jehovah's Witness Baptized Publisher, Auxiliary Pioneer, Bible Study Instructor, religious instructor, counselor, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff. Defendants failed to provide reasonable supervision of the Perpetrator, failed to use reasonable care in investigating the Perpetrator, and failed to provide adequate warning to Plaintiff and Plaintiff's family of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

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

THIRD CAUSE OF ACTION

NEGLIGENT HIRING/RETENTION

(Plaintiff Jose Lopez Against Defendant Linda Vista Congregation, Defendant Supervisory Organization and Does 4 through 100)

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

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

23. Defendant Linda Vista Church, Defendant Supervisory Organization and Does 4 through 100, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently hired and/or retained the Perpetrator in the position of trust and authority as a Jehovah's Witness Baptized Publisher, Auxiliary Pioneer, Bible Study Instructor, religious instructor, counselor, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff. Defendants failed to use reasonable care in investigating the Perpetrator and failed to provide adequate warning to Plaintiff and Plaintiff's families of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

24. As a result of the above-described conduct, Plaintiff has suffered, and continues to

suffer physical injury, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

FOURTH CAUSE OF ACTION

NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF

(Plaintiff Jose Lopez Against Defendant Linda Vista Congregation, Defendant Supervisory Organization and Does 4 through 100)

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

34. Defendants breached their duty to take reasonable protective measures to protect Plaintiff and other minor parishioners and/or students from the risk of childhood sexual abuse by the Perpetrator, such as the failure to properly warn, train, or educate Plaintiff and other minor parishioners and/or students about how to avoid such a risk, pursuant to Juarez v. Boy Scouts of America, Inc., 97 Cal.Rptr.2d 12, 81 Cal.App.4th 377 (2000).

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

FIFTH CAUSE OF ACTION

SEXUAL BATTERY (Civil Code § 1708.5)

(Plaintiff Jose Lopez Against All Defendants)

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

37. During approximately 1986, the Perpetrator engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Jose Lopez, and Defendant Linda Vista Church, Defendant Supervisory Organization and Does 4 through 100 ratified or approved of that sexual contact.

38. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer physical injury, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. Pursuant to Civil Code § 1708.5(c), Plaintiff is also entitled to injunctive relief for this cause of action pursuant, in which the Perpetrator is enjoined from committing further acts of sexual battery.

SIXTH CAUSE OF ACTION

SEXUAL HARASSMENT

(Plaintiff Jose Lopez Against All Defendants)

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

40. During Plaintiff Jose Lopez's time as a congregant, church member and student at Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly made sexual advances, sexual solicitations, sexual comments and sexual requests and engaged in other visual, verbal or physical conduct of a sexual nature based on Plaintiff Jose Lopez's gender that were unwelcome, pervasive and severe, including but not limited to engaging in sexual talk with Jose Lopez and touching Jose Lopez in a sexually motivated and illegal manner, all while Perpetrator was acting in the course and scope of his agency with Defendant Linda Vista Church, Supervisory Organization and Does 4 through 100.

41. The incidents of sexual misconduct and sexual harassment outlined herein took

place while Plaintiff Jose Lopez was under the control of Perpetrator, in his capacity as a Baptized Publisher, Auxiliary Pioneer, Bible Study Instructor, and teacher at Defendant Linda Vista Church and while specifically acting on behalf of the Defendant Linda Vista Church, Defendant Supervisory Organization and Does 4 through 100.

42. During Plaintiff Jose Lopez's time as a church member, congregant and student at Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly did acts which resulted in harmful and offensive contact with intimate parts of Plaintiff Jose Lopez's person, including but not limited to, using his position as a Baptized Publisher, Auxiliary Pioneer, Bible Study Instructor, and teacher to require Plaintiff Jose Lopez to give into his sexual suggestions, and used his authority and position of trust to exploit Jose Lopez physically, sexually and emotionally.

43. Because of Plaintiff Jose Lopez's relationship with Perpetrator, Plaintiff Jose Lopez's young age as a minor congregant and student, and Plaintiff Jose Lopez's inexperience, Plaintiff Jose Lopez was emotionally unable to terminate the contact he had with Perpetrator.

44. Because of Perpetrator' position of authority over Plaintiff Jose Lopez, Plaintiff Jose Lopez's mental and emotional state, and Plaintiff Jose Lopez's young age under the age of consent, Plaintiff Jose Lopez was unable to, and did not, give meaningful consent to such acts.

45. Even though Defendant Linda Vista Church, Defendant Supervisory Organization and Does 4 through 100 knew or should have known of these activities by Perpetrator, Defendants did nothing to investigate, supervise or monitor Perpetrator to ensure the safety of the minor students and congregants.

46. Defendant Linda Vista Church, Defendant Supervisory Organization and Does 4 through 100 ratified or approved the conduct of the Perpetrator in committing the acts of sexual misconduct described herein.

47. Defendant Linda Vista Church, Defendant Supervisory Organization, and Does 4 through 100's conduct was a breach of their duties to Plaintiff.

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

WHEREFORE, Plaintiff prays for damages; costs; interest; statutory/civil penalties according to law; punitive damages against all Defendants; attorney's fees and such other relief as the court deems appropriate and just.

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: 2-5-13

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

JUD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
Irwin M. Zalkin (89957) / Devin M. Storey (234271) The Zalkin Law Firm, P.C. 12555 High Bluff Drive, Ste 301, San Diego, CA 92130 TELEPHONE NO.: 858-259-3011 FAX NO. (Optional): 858-259-3015 E-MAIL ADDRESS (Optional): irwin@zalkin.com / dms@zalkin.com ATTORNEY FOR (Name): Jose Lopez	FILED Clerk of the Superior Court OCT 29 2014 By: R. LINDSEY-COOPER, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice	
PLAINTIFF: Jose Lopez DEFENDANT: Doe 1, Pacific Beach Church, et al	
JUDGMENT ☐ By Clerk ☑ By Default ☐ After Court Trial ☑ By Court ☐ On Stipulation ☐ Defendant Did Not Appear at Trial	CASE NUMBER: 2012-00099849-CU-PO-CTL

JUDGMENT

1. ☑ **BY DEFAULT**
   a. Defendant was properly served with a copy of the summons and complaint.
   b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
   c. Defendant's default was entered by the clerk upon plaintiff's application.
   d. ☐ **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
   e. ☑ **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
      (1) ☑ plaintiff's testimony and other evidence.
      (2) ☐ plaintiff's written declaration (Code Civ. Proc., § 585(d)).

2. ☐ **ON STIPULATION**
   a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
   b. ☐ the signed written stipulation was filed in the case.
   c. ☐ the stipulation was stated in open court ☐ the stipulation was stated on the record.

3. ☐ **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
   a. The case was tried on *(date and time):*
      before *(name of judicial officer):*
   b. Appearances by:
      ☐ Plaintiff *(name each):*
      (1)
      (2)
      ☐ Continued on Attachment 3b.
      ☐ Plaintiff's attorney *(name each):*
      (1)
      (2)
      ☐ Defendant *(name each):*
      (1)
      (2)
      ☐ Continued on Attachment 3b.
      ☐ Defendant 's attorney *(name each):*
      (1)
      (2)
   c. ☐ Defendant did not appear at trial. Defendant was properly served with notice of trial.
   d. ☐ A statement of decision (Code Civ. Proc., § 632) ☐ was not ☐ was requested.

PLAINTIFF: Jose Lopez	CASE NUMBER:
DEFENDANT: Doe 1, Pacific Beach Church, et al	2012-00099849-CU-PO-CTL

JUDGMENT IS ENTERED AS FOLLOWS BY: ☑ **THE COURT** ☐ **THE CLERK**

4. ☐ **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

a. ☑ for plaintiff *(name each)*:
Jose Lopez
and against defendant *(names)*:
Watchtower Bible and Tract Society of New
☑ Continued on Attachment 5a.

b. ☐ for defendant *(name each)*:

c. ☐ for cross-complainant *(name each)*:
and against cross-defendant *(name each)*:
☐ Continued on Attachment 5c.

d. ☐ for cross-defendant *(name each)*:

6. **Amount.**

a. ☑ Defendant named in item 5a above must pay plaintiff on the complaint:

(1)	☑ Damages	$ 3,000,000.00
(2)	☐ Prejudgment interest at the annual rate of %	$
(3)	☐ Attorney fees	$
(4)	☑ Costs	$ 28,226.75
(5)	☑ Other *(specify)*: Punitive Damages	$ 10,500,000.00
(6)	**TOTAL**	$ 13,528,226.75

b. ☐ Plaintiff to receive nothing from defendant named in item 5b.
☐ Defendant named in item 5b to recover costs $
☐ and attorney fees $

c. ☐ Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1)	☐ Damages	$
(2)	☐ Prejudgment interest at the annual rate of %	$
(3)	☐ Attorney fees	$
(4)	☐ Costs	$
(5)	☐ Other *(specify)*:	$
(6)	**TOTAL**	$

d. ☐ Cross-complainant to receive nothing from cross-defendant named in item 5d.
☐ Cross-defendant named in item 5d to recover costs $
☐ and attorney fees $

7. ☐ Other *(specify)*:

Date: OCT 29 2014

☐ Joan M. Lewis
JUDICIAL OFFICER

Date:

☐ Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE *(Optional)*

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

ATTACHMENT 5a

York, Inc. (originally sued as Doe 2, Supervisory Organization.)