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Candace Fisher
SANDERS COUNTY CLERK OF DISTRICT COURT
BY [Signature]
DEPUTY

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Attorneys for Defendants/Third-Party Plaintiffs Watchtower Bible and Tract Society of New York, Inc., Christian Congregation of Jehovah's Witnesses, and Thompson Falls Congregation of Jehovah's Witnesses

MONTANA TWENTIETH JUDICIAL DISTRICT COURT, SANDERS COUNTY

ALEXIS NUNEZ and HOLLY
McGOWAN,

Plaintiffs,

v.

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.;
WATCHTOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA, INC.;
CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES and
THOMPSON FALLS CONGREGATION
OF JEHOVAH'S WITNESSES,

Defendants.

Hon. James A. Manley
Cause No. DV 16-84

DECLARATION OF JOEL M. TAYLOR
IN SUPPORT OF DEFENDANTS'
MOTION FOR PROTECTIVE ORDER

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.;
CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES and
THOMPSON FALLS CONGREGATION
OF JEHOVAH'S WITNESSES,

Third-Party Plaintiffs,

v.

MAXIMO NAVA REYES, MARCO
NUNEZ, IVY McGOWAN-
CASTLEBERRY,

Third-Party Defendants.

I, JOEL M. TAYLOR, declare under the penalty of perjury:

1. I am over 21 years of age, of sound mind, and competent to make this declaration.
2. I am an attorney duly licensed to practice law in the states of New York and New Jersey and I have been admitted to practice *pro hac vice* in this case as counsel of record for the Defendants/Third-Party Plaintiffs.
3. I provide this Declaration in support of the Motion for Protective Order filed by Defendants Watchtower Bible and Tract Society of New York, Inc. ("Watchtower") and Christian Congregation of Jehovah's Witnesses ("CCJW").
4. I have taken depositions of the Plaintiffs and other family members and am familiar with the evidence that is being developed in this case. I am the attorney primarily responsible for identifying, locating and producing documents responsive to discovery requests. On March 6, 2018, Defendants Watchtower Bible and Tract Society

of New York, Inc. and Christian Congregation of Jehovah's Witnesses provided responses to "Plaintiffs' 2-01-18 Discovery to Watchtower Defendants." A true and complete copy of those responses, including objections, is attached as Exhibit A. Including the documents provided in response to this set of requests, my clients have produced all information regarding these Plaintiffs, all information regarding the perpetrator Maximo Reyes, and all information available to the Defendants regarding relevant religious practices and policies, in excess of 1,000 pages.

5. After an exchange of e-mail correspondence, I participated in a conference call with Plaintiffs' attorney on March 16, 2018 to address Plaintiffs' concern with the Defendants' responses. During our conversation, I reminded Plaintiffs' counsel that even though he sued secular corporations, his requests target a religion. After discussing matters with Plaintiffs' counsel, we resolved all disputes except for Request for Production Nos. 5, 6, 7, 8, 9 and 12.

6. During our telephonic conversation, I advised Plaintiffs' counsel that Request for Production No. 5 (requesting documents related to other claims made by other plaintiffs) seeks sensitive information about third parties, and many of the documents are subject to confidentiality agreements and/or protective orders. My clients believe the burden and expense of marshalling the information, scrutinizing it for privacy rights and protective orders, redacting third-party information and confidential content before educating a corporate witness to testify about those documents outweighs any potential relevance to this case.

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7. With specific reference to Request for Production No. 6, I advised Plaintiffs' counsel that court cases filed within the past 20 years are available to the public, unless sealed by order of a court. Request for Production Nos. 8 and 9 are related to No. 6, but are broader in scope in that they seek discovery responses, affidavits, declarations and stipulations in litigation. In an attempt to compromise, I offered to provide responsive documents if Plaintiffs would narrow the scope of these requests to similar cases of incest, or to cases that involve the same congregation in Thompson Falls, Montana. Plaintiffs' counsel did not accept this compromise.

8. Request for Production No. 7 seeks "complete deposition transcripts" of any "person most knowledgeable," *i.e.*, witnesses designated pursuant to Rule 30(b)(6), or corporate representatives of any of the defendants designated in a case where the claim involves "sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness." This Request is not limited in scope to a reasonable time period, or to civil cases that would involve similar issues such as claims involving incest or cases involving the members of the Thompson Falls Congregation. Additionally, responsive documents would necessarily contain highly sensitive information about third parties wholly unrelated to this case. I offered to compromise by providing the Plaintiffs with any and all prior statements, deposition transcripts and trial testimony made by the person or persons designated to testify in this case on behalf of the corporations. Any such statements and transcripts would, however, be redacted to protect the privacy rights of all third parties and would be produced subject to the confidentiality agreement and protective order in this case. Plaintiffs' counsel did not accept this compromise.

9. Request for Production No. 12 seeks a broad range of communications about persons who have nothing in common with the facts of this case. As detailed in the Declaration of Douglas Chappel, which is being filed simultaneously with this declaration, the letter dated March 14, 1997, which is the subject of Request for Production No. 12, requested information only about individuals who held "an appointed position" in a congregation. Reyes never held an appointed position in a congregation. Thus, none of the documents responsive to Request No. 12 mentions Reyes or anyone having the same relationship with a congregation that Reyes had. I advised Plaintiffs' counsel that I would file a Motion for Protective Order on this issue as well.

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

Executed on April 18, 2018 in Patterson, New York.



Joel M. Taylor, *Declarant*

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2018, a copy of the foregoing document was served on the following persons by the following means:

- Hand Delivery
- 3-4 Mail
- Overnight Delivery Service
- Fax (include fax number in address)
- 1-2 E-Mail (include email in address)


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MONTANA TWENTIETH JUDICIAL DISTRICT COURT, SANDERS COUNTY

ALEXIS NUNEZ and HOLLY
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WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.;
WATCHTOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA, INC.;
CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES and
THOMPSON FALLS CONGREGATION
OF JEHOVAH'S WITNESSES,

Defendants.

Hon. James A. Manley
Cause No. DV 16-84

DEFENDANTS WATCHTOWER BIBLE
AND TRACT SOCIETY OF NEW
YORK, INC.'S AND CHRISTIAN
CONGREGATION OF JEHOVAH'S
WITNESSES' RESPONSES TO
"PLAINTIFFS' 2-01-18 DISCOVERY
TO WATCHTOWER DEFENDANTS"

DEFENDANTS WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.'S AND
CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES' RESPONSES TO "PLAINTIFFS'
2-01-18 DISCOVERY TO WATCHTOWER DEFENDANTS"

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Exhibit A-1

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.;
CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES and
THOMPSON FALLS CONGREGATION
OF JEHOVAH'S WITNESSES,

Third-Party Plaintiffs,

v.

MAXIMO NAVA REYES,

Third-Party Defendant.

Defendants, WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK,
INC. and CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES hereby
respond to the Requests for Production, Interrogatories and Requests for Admissions
combined into one document entitled "PLAINTIFFS' 2-01-18 DISCOVERY TO
WATCHTOWER DEFENDANTS" as follows:

NOTE: Montana Rule of Civil Procedure 33(a)(1) limits the number of
interrogatories to 50 "including all discrete subparts." These interrogatories, although
beginning with No. 1 should be added to the previous set(s).

Preliminary Objections

Defendants Watchtower Bible and Tract Society of New York, Inc.
("Watchtower") and Christian Congregation of Jehovah's Witnesses ("CCJW") object to
the scope of the definition of "You," "Your," or "Watchtower Defendant(s)" contained in
"Plaintiffs' 2-01-18 Discovery to Watchtower Defendants" on the grounds that it seeks

documents that are in the possession, custody or control of its attorneys and not in the possession, custody or control of the Defendant(s). Defendants further object on the basis that the definition of the term "You," "Your," or "Watchtower Defendant(s)" contained in Plaintiffs' Request for Production seeks information that is prepared in anticipation of litigation, information that constitute attorney's work product or constitutes attorney-client communication, and therefore is privileged and protected from disclosure.

Defendants Watchtower and CCJW object to these requests to the extent that they improperly seek information and documents that are related to the religious beliefs, faith, custom, practices and internal governance or discipline of the faith of Jehovah's Witnesses because the First Amendment of the United States Constitution and its Montana analog bar civil courts from evaluating or interpreting such religious evidence in order to reach a decision. *See Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976).

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: The names, addresses, and telephone numbers including business addresses and telephone numbers of any and all experts retained to testify in connection with this lawsuit.

- (a) The full name and complete address of each and every person and his/her field or area of expertise;
- (b) The subject matter on which the person is expected to testify;

(c) The substance of the facts and opinions to which the person is expected to testify; and

(d) A summary of the grounds for each such opinion.

ANSWER OF WATCHTOWER: To be provided.

ANSWER OF CCJW: To be provided.

INTERROGATORY NO. 2: Identify the specific canon law, church doctrine, or established church practice that prevents the Elders at the Thompson Falls Congregation of Jehovah's Witnesses from reporting to the department of public health and human services when Peter McGowan and/or Holly McGowan reported to the Elders that they were being sexually abused by Maximo Reyes.

OBJECTION:

(a) This request is vague and/or ambiguous as to the phrase "canon law, church doctrine, or established church practice that prevents the Elders . . . from reporting" because that language confuses the religious tenets, religious beliefs, and religious practices of the faith of Jehovah's Witnesses with these Defendants' corporate operations, corporate directions, and corporate practices;

(b) This request is vague and/or ambiguous as to the phrase "when Peter McGowan and/or Holly McGowan reported to the Elders that they were being sexually abused by Maximo Reyes" because it assumes a fact that has been emphatically denied by the Co-Defendant Thompson Falls Congregation, which insists that a report of abuse was **not** made to a congregation elder during the time Maximo Reyes was abusing Peter

McGowan and/or Holly McGowan; and

(c) This request improperly seeks information that is related to the religious beliefs, faith, custom, practices and internal governance or discipline of the faith of Jehovah's Witnesses because the First Amendment of the United States Constitution and its Montana analog bar civil courts from evaluating or interpreting such religious evidence in order to reach a decision. *See Serbian E. Orthodox Diocese*, 426 U.S. at 696.

Subject to and without waiving those objections, the Defendants respond as follows:

ANSWER OF WATCHTOWER: This Defendant was not involved with the operations of the Thompson Falls Congregation or any other congregation(s) in the State of Montana during the relevant time period (2004 through the present). See the Answer of CCJW below.

ANSWER OF CCJW: Generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs 10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a matter is reported.

INTERROGATORY NO. 3: Identify the specific canon law, church doctrine, or established church practice that required the Elders at the Thompson Falls Congregation of Jehovah's Witnesses to keep Peter McGowan's and Holly McGowan's reports that they were being sexually abused by Maximo Reyes confidential such that the Elders were not allowed to report the abuse to authorities.

OBJECTIONS:

(a) This request is vague and/or ambiguous as to the phrase “specific canon law, church doctrine, or established church practice that required the Elders . . . to keep . . . reports . . . confidential such that the Elders were not allowed to report the abuse to authorities” because that language confuses the religious tenets, religious beliefs, and religious practices of the faith of Jehovah’s Witnesses with these Defendants’ corporate operations, corporate directions, and corporate practices;

(b) This request is vague and/or ambiguous as to the phrase “required the Elders . . . to keep Peter McGowan’s and Holly McGowan’s reports that they were being sexually abused by Maximo Reyes confidential such that the Elders were not allowed to report the abuse to authorities” because it assumes a fact that has been emphatically denied by the Co-Defendant Thompson Falls Congregation, which insists that a report of abuse was **not** made to a congregation elder during the time Maximo Reyes was abusing Peter McGowan and/or Holly McGowan; and

(c) This request improperly seeks information that is related to the religious beliefs, faith, custom, practices and internal governance or discipline of the faith of Jehovah’s Witnesses because the First Amendment of the United States Constitution and its Montana analog bar civil courts from evaluating or interpreting such religious evidence in order to reach a decision. *See Serbian E. Orthodox Diocese*, 426 U.S. at 696.

Subject to and without waiving those objections, the Defendants respond as follows:

ANSWER OF WATCHTOWER: See Answer to Interrogatory No. 1 above.

ANSWER OF CCJW: See Answer to Interrogatory No. 1 above.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All non-privileged statements, including recorded statements, or affidavits obtained by You or on Your behalf concerning any of the claims or defenses in this matter.

RESPONSE OF WATCHTOWER: None.

RESPONSE OF CCJW: None.

REQUEST FOR PRODUCTION NO. 2: Annual reports, financial statements, and other net worth documents for Watchtower Bible and Tract Society of New York, Inc., Watchtower Bible and Tract Society of Pennsylvania, Inc. [sic], the Christian Congregation of Jehovah's Witnesses, and Thompson Falls Congregation of Jehovah's Witnesses sufficient to prove each entity's current net worth.

RESPONSE OF WATCHTOWER: Objection. This request is overbroad and seeks information that is cumulative and/or duplicative. The request is also premature. Watchtower will either enter into a stipulation concerning its net worth or provide relevant documents if Plaintiffs' claim for punitive damages survives a motion for summary judgment. *See Corp. Air v. Edwards Jet Ctr. Mont. Inc.*, 2008 MT 383, ¶ 53, 345 Mont. 336, 190 P.3d 1111.

RESPONSE OF CCJW: Objection. This request is overbroad and seeks information that is cumulative or duplicative. The request is also premature. CCJW will

either enter into a stipulation concerning its net worth or provide relevant documents if Plaintiffs' claim for punitive damages survives a motion for summary judgment. *See Corp. Air*, ¶ 53.

REQUEST FOR PRODUCTION NO. 3: Documents related to the Kingdom Hall Assistance Arrangement (KHAA) from its inception to the present including but not limited to instructions (present and prior), invoices (or letters suggesting contribution) from Watchtower Defendants to congregations, forms used in the operation of the KHAA, and claims paid.

OBJECTIONS:

(a) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);

(b) This request is not reasonably calculated to lead to the discovery of admissible evidence;

(c) This request seeks to annoy, embarrass, and oppress the Defendants by requesting information that is in the possession of, and under the control of, third parties over which these Defendants have no right to control;

(d) This request seeks information that is not relevant to any party's claim or defense;

(e) This request constitutes an unwarranted invasion into the privacy rights of third persons that have no connection to any party's claim or defense; and

(f) The burden or expense of the proposed discovery outweighs its likely

benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: See documents Bates numbered WTN000955-000989.

RESPONSE OF CCJW: See documents Bates numbered CCJW000123-000124; CCJW000127.

REQUEST FOR PRODUCTION NO. 4: Documents related to the Global Assistance Arrangement (GAA) from its inception to present including but not limited to instructions (present and prior), invoices (or letters suggesting contribution) from Watchtower Defendants to congregations, forms used in the operation of the GAA, and claims paid.

OBJECTIONS:

- (a) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);
- (b) This request is not reasonably calculated to lead to the discovery of admissible evidence;
- (c) This request seeks to annoy, embarrass, and oppress the Defendants by requesting information that is in the possession of, and under the control of, third parties

over which these Defendants have no right to control;

(d) This request seeks information that is not relevant to any party's claim or defense;

(e) This request constitutes an unwarranted invasion into the privacy rights of third persons that have no connection to any party's claim or defense; and

(f) The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: None.

RESPONSE OF CCJW: See documents Bates numbered CCJW000125-000126; CCJW000128-000136.

REQUEST FOR PRODUCTION NO. 5: Documents related to claims paid from the KHAA or GAA for claims related to sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness.

OBJECTIONS:

(a) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);

(b) This request is not reasonably calculated to lead to the discovery of

admissible evidence;

(c) This request seeks to annoy, embarrass, and oppress the Defendants by requesting information that is in the possession of, and under the control of, third parties over which these Defendants have no right to control;

(d) This request seeks information that is not relevant to any party's claim or defense;

(e) This request constitutes an unwarranted invasion into the privacy rights of third persons that have no connection to any party's claim or defense; and

(f) The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

REQUEST FOR PRODUCTION NO. 6: All complaints or petitions that have been filed against You, Your officers or directors in any state or federal court from the last twenty years, which allege sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness.

OBJECTIONS:

(a) This request constitutes an unwarranted invasion into the privacy rights of third persons that have no connection to any party's claim or defense;

(b) This request seeks to annoy, embarrass, and oppress the Defendants;

(c) This request is not reasonably calculated to lead to the discovery of

admissible evidence;

(d) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);

(e) This request seeks information that is not relevant to any party's claim or defense;

(f) This request seeks information that is available to the public unless sealed by court order; and

(g) The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

REQUEST FOR PRODUCTION NO. 7: Complete transcripts of depositions of the persons most knowledgeable or corporate representatives designated by Watchtower Defendants in lawsuits to which Watchtower Defendants were a party that related to sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness. To the extent Defendants consider documents responsive to this request as confidential, they may be produced under the protective order in this case. If Defendants object based on confidentiality agreements and/or protective orders please produced [sic] those agreements or orders.

OBJECTIONS:

(a) This request constitutes an unwarranted invasion into the privacy rights of

third persons that have no connection to any party's claim or defense;

(b) This request seeks to annoy, embarrass, and oppress the Defendants;

(c) This request is not reasonably calculated to lead to the discovery of admissible evidence;

(d) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);

(e) This request seeks information that is not relevant to any party's claim or defense;

(f) This request seeks information that is available to the public unless sealed by court order; and

(g) The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: Watchtower will provide all responsive documents concerning any individual it designates as a person most knowledgeable or corporate representative.

RESPONSE OF CCJW: CCJW will provide all responsive documents concerning any individual it designates as a person most knowledgeable or corporate

representative.

REQUEST FOR PRODUCTION NO. 8: All discovery responses including Responses to Interrogatories and Responses to Requests for Admissions answered by Watchtower Defendants in lawsuits to which Watchtower Defendants were a party which related to sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness. To the extent Defendants consider documents responsive to this request as confidential, they may be produced under the protective order in this case. If Defendants object based on confidentiality agreements and/or protective orders, please produced [sic] those agreements or orders.

OBJECTIONS:

(a) This request constitutes an unwarranted invasion into the privacy rights of third persons that have no connection to any party's claim or defense;

(b) This request seeks to annoy, embarrass, and oppress the Defendants;

(c) This request is not reasonably calculated to lead to the discovery of admissible evidence;

(d) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);

(e) This request seeks information that is not relevant to any party's claim or defense;

(f) This request seeks information that is available to the public unless sealed by court order; and

(g) The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

REQUEST FOR PRODUCTION NO. 9: All affidavits, declarations, stipulations, submitted by Watchtower Defendants in lawsuits to which Watchtower Defendants were a party which related to sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness. To the extent Defendants consider documents responsive to this request as confidential, they may be produced under the protective order in this case. If Defendants object based on confidentiality agreements and/or protective orders, please produce those agreements or orders.

OBJECTIONS:

(a) This request constitutes an unwarranted invasion into the privacy rights of third persons that have no connection to any party's claim or defense;

(b) This request seeks to annoy, embarrass, and oppress the Defendants;

(c) This request is not reasonably calculated to lead to the discovery of admissible evidence;

(d) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b);

(e) This request seeks information that is not relevant to any party's claim or defense;

(f) This request seeks information that is available to the public unless sealed by court order; and

(g) The burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Mont. R. Civ. P. 26(b)(2)(C).

REQUEST FOR PRODUCTION NO. 10: Document creation, retention or destruction policies, if any, in effect from 1990 until present.

RESPONSE OF WATCHTOWER: None.

RESPONSE OF CCJW: *See* documents Bates numbered CCJW000061-000067; CCJW000079-000082.

REQUEST FOR PRODUCTION NO. 11: Complete and accurate versions of the following documents:

- (a) No. 3(b)-E Exercising Discernment and Insight as Elders – Addendum (2002)
- (b) No. 6-E Updated Direction Regarding Judicial Matters – Part I (1992)
- (c) No. 16-E Assisting Elders to Handle Judicial Matters Properly (2001)
- (d) No. 21-E Questions and Answers Relative to Handling Problems (1992)
- (e) No. 22-E Jehovah Makes Provision For Our Needs (1994)
- (f) No. 23-E Assisting Elders to Make Recommendations for Appointment of Elders and Ministerial Servants (2001)

- (g) No. 45-E Proper Handling of Judicial Matters (2001)
- (h) No. 46-E Giving Attention to Needs in Our Field – Part 1 (2001)
- (i) No. 51-E The Congregation Book Study Conductor – Shepherding (8/01)
- (j) No. 53-E Giving Attention to Needs in Our Field – Part 2 (10/01)
- (k) No. 54-E Making Recommendations for Appointment of Elders and Ministerial Servants (2001)
- (l) No. 57-E Maintain the Peace and Cleanness of the Congregation (2005)
- (m) “Shepherd the Flock of God” that was in use in 1998.

OBJECTIONS:

- (a) This request is not reasonably calculated to lead to the discovery of admissible evidence;
- (b) This request seeks information that is not relevant to any party’s claim or defense; and
- (c) This request improperly seeks information that is related to the religious beliefs, faith, custom, practices and internal governance or discipline of the faith of Jehovah’s Witnesses because the First Amendment of the United States Constitution and its Montana analog bar civil courts from evaluating or interpreting such religious evidence in order to reach a decision. *See Serbian E. Orthodox Diocese*, 426 U.S. at 696.

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: See documents Bates numbered

WTNY000936-000954.

RESPONSE OF CCJW: See documents Bates numbered CCJW000083-000122.

REQUEST FOR PRODUCTION NO. 12: All letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of any kind Watchtower Bible and Tract Society New York, Inc. received in response to the Body of Elder Letters dated March 14, 1997.

OBJECTIONS:

(a) This request is vague and/or ambiguous as to the phrase "information of any kind";

(b) This request seeks information protected by the work-product doctrine and the attorney-client privilege;

(c) This request seeks information or documents protected by the clergy-penitent privilege under Montana Code Annotated § 26-1-804;

(d) This request seeks information that is not reasonably calculated to lead to the discovery of admissible information;

(e) This request is not related to the claims or defenses of any party because responsive documents do not relate to the perpetrator(s) in this case, the victim(s) in this case, or the Thompson Falls Congregation;

(f) This request seeks information that is immaterial in that it is not related to the claims or defenses of any party;

(g) This request seeks information that is immaterial because the March 14,

1997 Letter related to persons who “held an appointed position” in a congregation of Jehovah’s Witnesses; the perpetrator accused of abusing these Plaintiffs never held such an ecclesiastical position in any congregation; and

(h) This request constitutes an unwarranted invasion of the constitutional, statutory and common law privacy rights of third parties.

REQUEST FOR PRODUCTION NO. 13: Your complete and accurate file relating to Max Reyes.

OBJECTIONS:

(a) This request seeks information protected by the work-product doctrine and the attorney-client privilege;

(b) This request seeks information or documents protected by the clergy-penitent privilege under Montana Code Annotated § 26-1-804; and

(c) This request constitutes an unwarranted invasion of the constitutional, statutory, and common law privacy rights of third parties.

Subject to and without waiving these objections, Defendants respond as follows:

RESPONSE OF WATCHTOWER: *See* Watchtower’s Amended Privilege Log dated June 26, 2017.

RESPONSE OF CCJW: CCJW refers Plaintiffs to its Privilege Log dated April 21, 2017 and document production Bates numbered CCJW000001-000007.

REQUEST FOR PRODUCTION NO. 14: Documents relating to or describing the process by which a person is nominated, appointed, elevated, recommended,

approved and installed as an elder within the Jehovah's Witness Church.

OBJECTIONS:

(a) This request is vague and/or ambiguous as to the phrase "process . . . within the Jehovah's Witness Church" because that language confuses the religious tenets, religious beliefs, and religious practices of the faith of Jehovah's Witnesses with these Defendants' corporate operations, corporate directions, and corporate practices;

(b) This request is overbroad and exceeds the scope and limits of permissible discovery set by Montana Rule of Civil Procedure 26(b) because it is not limited to a relevant time period;

(c) This request is not reasonably calculated to lead to the discovery of admissible evidence; and

(d) This request improperly seeks information that is related to the religious beliefs, faith, custom, practices and internal governance or discipline of the faith of Jehovah's Witnesses because the First Amendment of the United States Constitution and its Montana analog bar civil courts from evaluating or interpreting such religious evidence in order to reach a decision. *See Serbian E. Orthodox Diocese*, 426 U.S. at 696.

Subject to and without waiving these objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: *See* documents Bates numbered WTN000990-001018; WTN001019-001048.

RESPONSE OF CCJW: *See* documents Bates numbered CCJW000137-000145.

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that 3% of Your net worth is greater than \$10,000,000.00. Please answer separately for each Defendant.

RESPONSE OF WATCHTOWER: Parties may stipulate to net worth.

RESPONSE OF CCJW: Parties may stipulate to net worth.

REQUEST FOR ADMISSION NO. 2: Admit that during the time he performed services as an Elder at the Thompson Falls Congregation, Don Herberger was acting as an agent of Watchtower Bible and Tract Society of New York.

RESPONSE OF WATCHTOWER: Deny.

RESPONSE OF CCJW: Deny.

REQUEST FOR ADMISSION NO. 3: Admit that during the time he performed services as an Elder at the Thompson Falls Congregation, Glenn Wilson was acting as an agent of Watchtower Bible and Tract Society of New York.

RESPONSE OF WATCHTOWER: Deny.

RESPONSE OF CCJW: Deny.

REQUEST FOR ADMISSION NO. 4: Admit that during the time he performed services as an Elder at the Thompson Falls Congregation, Steve Piper was acting as an agent of Watchtower Bible and Tract Society of New York.

RESPONSE OF WATCHTOWER: Deny.

RESPONSE OF CCJW: Deny.

REQUEST FOR ADMISSION NO. 5: Admit that during the time he performed

services as an Elder at the Thompson Falls Congregation, Steve Piper was acting as an agent of Watchtower Bible and Tract Society of New York.

RESPONSE OF WATCHTOWER: Deny.

RESPONSE OF CCJW: Deny.

REQUEST FOR ADMISSION NO. 6: Admit that there is no canon law, church doctrine, or established church practice that prevents the Elders at Thompson Falls Congregation of Jehovah's Witnesses from reporting the sexual abuse of a minor to the department of public health and human services when the report of abuse is made by the victim at any time from 1998-present.

OBJECTIONS:

(a) This request is vague and/or ambiguous because it is compound and confuses religious beliefs, religious tenets, and religious practices of the faith of Jehovah's Witnesses with these Defendants' corporate operations, corporate policies, and corporate procedures.

Subject to and without waiving this objection, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: Watchtower can neither admit nor deny this request due to the compound nature of the request and the fact that Watchtower's limited relationship with the Thompson Falls Congregation of Jehovah's Witnesses ended in 2001. Watchtower admits that, generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs 10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a

matter is reported.

RESPONSE OF CCJW: CCJW can neither admit nor deny this request due to the compound nature of the request; the fact that CCJW did not exist prior to the year 2001; and the fact that CCJW's limited relationship with the Thompson Falls Congregation of Jehovah's Witnesses began in March 2001. CCJW admits that, generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs 10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a matter is reported.

REQUEST FOR ADMISSION NO. 7: Admit that there is no canon law, church doctrine, or established church practice that prevented the Elders at the Thompson Falls Congregation of Jehovah's Witnesses from reporting to the department of public health and human services when Holly McGowan reported to the Elders that she was being sexually abused by Maximo Reyes in 1998.

OBJECTIONS:

(a) This request is vague and/or ambiguous because it is compound and confuses religious beliefs, religious tenets, and religious practices of the faith of Jehovah's Witnesses with these Defendants' corporate operations, corporate policies, and corporate procedures; and

(b) This request is vague and/or ambiguous as to the phrase "when Holly McGowan reported to the Elders that she was being sexually abused by Maximo Reyes in 1998" because it assumes a fact that has been emphatically denied by the Co-Defendant

Thompson Falls Congregation.

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: Watchtower can neither admit nor deny this request due to the compound nature of the request. Watchtower admits that, generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs 10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a matter is reported.

RESPONSE OF CCJW: CCJW can neither admit nor deny this request due to the compound nature of the request; the fact that CCJW did not exist until the year 2001; and the fact that CCJW had no relationship with the Thompson Falls Congregation of Jehovah's Witnesses in 1998. CCJW admits that, generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs 10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a matter is reported.

REQUEST FOR ADMISSION NO. 8: Admit that there is no canon law, church doctrine, or established church practice that prevented the Elders at the Thompson Falls Congregation of Jehovah's Witnesses from reporting to the department of public health and human services when Holly McGowan reported to the Elders that she was being sexually abused by Maximo Reyes in 2004.

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OBJECTIONS:

(a) This request is vague and/or ambiguous because it is compound and confuses religious beliefs, religious tenets, and religious practices of the faith of Jehovah's Witnesses with these Defendants' corporate operations, corporate policies, and corporate procedures; and

(b) This request is vague and/or ambiguous as to the phrase "when Holly McGowan reported to the Elders that she was being sexually abused by Maximo Reyes in 2004" because it assumes the truth of a fact that has been emphatically denied by the Co-Defendant Thompson Falls Congregation.

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: Watchtower can neither admit nor deny this request due to the compound nature of the request; the invalid premise of the request; and the fact that Watchtower's limited relationship with the Thompson Falls Congregation of Jehovah's Witnesses ended in 2001. Watchtower admits that, generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs 10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a matter is reported.

RESPONSE OF CCJW: CCJW can neither admit nor deny this request due to the compound nature of the request and the invalid premise of the request. CCJW admits that, generally, Scriptural directives such as: James 5:13-15; Galatians 6:1-2; Proverbs

10:19; Proverbs 25:9; Romans 13:1-7; Matthew 22:17-21; 1 Corinthians 11:3; Romans 14:12, and secular law are considered in determining if a matter is reported.

REQUEST FOR ADMISSION NO. 9: Admit that the Jehovah's Witnesses do not punish, discipline, or sanction its members, congregants or Elders for reporting child abuse to the police.

OBJECTIONS:

(a) This request is vague and/or ambiguous because it is compound and confuses religious beliefs, religious tenets, and religious practices of the faith of Jehovah's Witnesses with these Defendants' corporate operations, corporate policies, and corporate procedures; and

(b) This request improperly seeks information that is related to the religious beliefs, faith, custom, practices and internal governance or discipline of the faith of Jehovah's Witnesses because the First Amendment of the United States Constitution and its Montana analog bar civil courts from evaluating or interpreting such religious evidence in order to reach a decision. *See Serbian E. Orthodox Diocese*, 426 U.S. at 696.

Subject to and without waiving those objections, the Defendants respond as follows:

RESPONSE OF WATCHTOWER: Watchtower facilitates the work of Jehovah's Witnesses, but is not the faith of the Jehovah's Witnesses. As such, Watchtower can neither admit nor deny this request on behalf of the faith of Jehovah's Witnesses. Watchtower does, however, direct Plaintiffs to Scriptural directives such as:

Romans 14:12 in response to this request.

RESPONSE OF CCJW: CCJW facilitates the work of Jehovah's Witnesses, but is not the faith of the Jehovah's Witnesses. CCJW can neither admit nor deny this request on behalf of the faith of Jehovah's Witnesses. CCJW does, however, direct Plaintiffs to Scriptural directives such as: Romans 14:12 in response to this request.

DATED this 6th day of March, 2018.

Attorneys for Religious Defendants/Third-Party
Plaintiffs:

GARLINGTON, LOHN & ROBINSON, PLLP

By 
Kathleen L. DeSoto

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2018, a copy of the foregoing document was served on the following persons by the following means:

- Hand Delivery
- 3 Mail
- Overnight Delivery Service
- Fax (include fax number in address)
- 1-2 E-Mail (include email in address)

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