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

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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 D. CHAPPEL 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, DOUGLAS CHAPPEL, 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 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").
3. I am familiar with the operations of Watchtower and CCJW and have been authorized by their respective Boards of Directors to explain the relationship between the corporations and the faith of Jehovah's Witnesses.
4. I have read the Plaintiffs' definition of the term "Jehovah's Witnesses' Church" as used in the Complaint. In her Answer to Interrogatory No. 16, Ms. McGowan says the Church is "the entire Jehovah's Witness religion or denomination as a whole, including but not limited to its entities, organizations, subsidiaries, congregations, and followers." That definition fits neither Watchtower nor CCJW.
5. Watchtower is a 501(c)(3) not-for-profit corporation organized under the Scriptural corporation laws of the State of New York with offices in Patterson, New York.
6. CCJW is also a 501(c)(3) not-for-profit corporation organized under the Scriptural corporation laws of the State of New York with offices in Wallkill, New York.
7. In addition to having a board of directors that manages its operations, Watchtower and CCJW each has a limited membership of approximately 50 persons.
8. The corporate purpose of both Watchtower and CCJW includes supporting the faith of Jehovah's Witnesses as they carry out Jesus' commands at Matthew 24:14 and Matthew 28:19-20, to preach the good news of God's Kingdom.
9. Watchtower supports the faith of Jehovah's Witnesses by printing Bible-based literature and by owning real estate to provide housing and office facilities for members of the Worldwide Order of Special Full-Time Servants of Jehovah's Witnesses ("the Order") in the

United States. The Order is an unincorporated Scriptural order whose members serve under vows of poverty and obedience.

10. CCJW supports the faith of Jehovah's Witnesses by entering into contracts to rent facilities for Jehovah's Witnesses to hold conventions and by providing services to facilitate communications between the Service Department at the branch offices of Jehovah's Witnesses and congregations of Jehovah's Witnesses throughout the United States Branch Territory.

11. The "Governing Body" of Jehovah's Witnesses directs the faith of Jehovah's Witnesses whose membership exceeds 8,000,000 worldwide. The Governing Body is an ecclesiastical body with offices in Warwick, New York. The Governing Body is unincorporated.

12. None of the officers or directors of Watchtower or of CCJW is a member of the ecclesiastical Governing Body. Thus, neither Watchtower nor CCJW is the organizational head of the entity Plaintiffs describe as "Jehovah's Witnesses' Church."

13. Throughout the world, spiritual and organizational assistance is provided to Jehovah's Witnesses by some 90 branches (akin to regional/national offices). The United States branch is one of them. Each branch is headed by a committee.

14. The United States Branch Committee (hereinafter "U.S. Branch Committee") provides spiritual and organizational assistance to over 13,000 congregations of Jehovah's Witnesses in the United States and a few surrounding islands (the "U.S. branch territory"). The U. S. Branch Committee is unincorporated. About 4,000 members of the Order support the activities of the U.S. Branch Committee, which operates out of the U.S. branch offices located in New York.

15. I serve in the Service Department at the U.S. branch. The Service Department provides Scriptural guidance and spiritual assistance to elders who serve in congregations of Jehovah's Witnesses in the U.S. branch territory.

16. Neither the U.S. Branch Committee nor the Service Department is a division, subsidiary, or sister corporation of Watchtower or of CCJW. On the contrary, the U.S. Branch Committee and the Service Department operate separately from Watchtower and CCJW,

although they have from time to time collaborated with Watchtower and/or CCJW to provide various services.

17. For example, from the 1970's through February 2001 Watchtower authorized the Service Department to communicate with congregations of Jehovah's Witnesses on its letterhead regarding matters related to the operation and spiritual oversight of congregations, including matters relative to sin and repentance. Beginning March 16, 2001, the Service Department ceased communicating through Watchtower in this capacity. At that time, CCJW began providing services to facilitate communications between the Service Department and congregations.

### **THE FAITH OF JEHOVAH'S WITNESSES**

18. As an elder in the faith of Jehovah's Witnesses since 1984, I am familiar with the Scriptural beliefs and practices of Jehovah's Witnesses and with the Scriptural precedent for those beliefs and practices.

19. I have served in the U.S. branch since 1975, and I have worked in the Service Department since 1980. My assignment involves providing spiritual guidance and assistance to elders in congregations of Jehovah's Witnesses in the United States.

20. The basic beliefs of the faith of Jehovah's Witnesses explain why confession of sin is so essential to one's eternal salvation. (James 5:14-16, 19; Proverbs 28:13; 1 John 1:9; Ezra 10:11; Numbers 5:7; Joshua 7:19) And understanding that fundamental principle explains why the Bible (and Jehovah's Witnesses) places great value on confidentiality.

#### **Organization of Congregations**

21. Congregations of Jehovah's Witnesses are composed of individuals and families who gather together to worship in buildings called "Kingdom Halls." Congregations in the United States are usually named after the city or town where they hold meetings, and typically have between 75 and 125 members.

22. Congregations of Jehovah's Witnesses are small so that elders can assist each congregation member to keep his or her faith in Jehovah God strong.

23. A rank-and-file congregation member is called a "publisher." Congregations usually have both baptized and unbaptized publishers but only a baptized publisher is considered a congregation member and one of Jehovah's Witnesses. In accord with the beliefs and practices of Jehovah's Witnesses, any person baptized as one of Jehovah's Witnesses is considered an ordained minister of God (regardless of age or gender), in that they individually accept as a personal obligation Jesus' command to preach to others about God's Kingdom.—Matthew 28:19-20.

24. Congregation members are not approved to represent the congregation or any corporation when they engage in their personal ministry. Congregation members use personal time for their personal ministry and do not receive any compensation for their efforts.—1 Corinthians 9:16.

25. Unlike other faiths, congregations of Jehovah's Witnesses do not sponsor any programs that separate children from their parents (e.g. Sunday schools, vacation Bible study, summer camps, or daycare).

#### Role of Elders

26. Each congregation has a group of men called a "body of elders" that oversees the spiritual activities of the congregation. Among other responsibilities, elders are authorized to hear confessions, render spiritual assistance to congregation members, and officiate at weddings and funerals.

27. Elders offer their time in caring for all of their spiritual responsibilities and do not receive any compensation for their efforts.

28. Before elders are appointed, they must meet the Scriptural qualifications outlined in the Bible. (1 Timothy 3:1-7; Titus 1:5-9) At all times prior to March 2001 when the elders serving a congregation believed that a congregation member met those Scriptural standards to a reasonable degree, they recommended to the circuit overseer (a traveling elder who visits the

congregation semi-annually to provide spiritual assistance) that the individual be appointed as a fellow elder. If the circuit overseer agreed with the elders' recommendation, he notified Watchtower. In turn, Watchtower sent the recommendation to the Service Department for ecclesiastical review. If the Service Department concurred, then the appointment was made and communicated to the congregation by letter on Watchtower letterhead. From March 2001, until September 2014, the Service Department communicated elder appointments on CCJW letterhead. Since September 2014, circuit overseers have directly appointed elders.

29. Elders oversee congregation meetings that are held to strengthen the faith of congregation members and others in attendance. (Acts 15:32) Elders also provide pastoral care for local congregation members.

30. As discussed in greater detail below, in accord with the Scriptural beliefs and practices of Jehovah's Witnesses, elders frequently provide spiritual shepherding, which includes encouragement, counsel, and guidance to congregation members concerning personal and spiritual matters.—Acts 20:28.

31. Similarly, as part of their responsibility to maintain the spiritual and moral cleanliness of the congregation, elders at times conduct what are referred to as ecclesiastical "investigations" when they receive information that a congregation member committed a gross sin and has thereby damaged his or her relationship with God.

#### Role of Ministerial Servants

32. "Ministerial servants" are congregation members who meet qualifications outlined in the Holy Scriptures. (1 Timothy 3:8-10, 12, 13) At all times prior to March 2001, when elders in a congregation believed that a congregation member met those Scriptural standards to a reasonable degree, they recommended to the circuit overseer that the individual be appointed as a ministerial servant. If the circuit overseer agreed with the elders' recommendation, he notified Watchtower. In turn, Watchtower sent the recommendation to the Service Department for ecclesiastical review. If the Service Department concurred, then the appointment was made and communicated to the congregation by letter on Watchtower

letterhead. From March 2001, until September 2014, the Service Department communicated ministerial servant appointments on CCJW letterhead. Since September 2014, circuit overseers have directly appointed ministerial servants.

33. Ministerial servants do not receive any compensation for their efforts.

34. Ministerial servants have a non-supervisory and non-pastoral role, caring for necessary but mostly routine tasks in their congregation.

35. Some ministerial servants serve as attendants to welcome persons arriving at congregation meetings and help any needing assistance find seats. Others assist with sound equipment, distribution of literature, or congregation accounts, or keep track of territories covered by congregation members in their field ministry. Ministerial servants also help clean the Kingdom Hall. However, they do not hear confessions, handle matters involving serious sin, or conduct marriages or funerals.

## **RELEVANT SCRIPTURAL BELIEFS AND PRACTICES**

### **Spiritual Shepherding (Counseling)**

36. Jehovah's Witnesses believe in the universal principle of Christianity, that "all sorts of people" have the moral right and human need to turn to God and be saved by repenting from a past sinful course. (James 4:17; 1 Timothy 2:3,4; Acts 3:19) They believe that anything not in harmony with God's personality, standards, ways and will constitutes a sin, and that "there is no man who does not sin." (1 Kings 8:46; 2 Chronicles 6:36) But since many people want to improve their conduct and be approved by God, elders stand ready to help congregation members understand the application of Bible principles to their conduct.

37. Jehovah's Witnesses believe that when a person is spiritually weak and has difficulty praying, elders can provide comfort by praying with that person and helping him or her see how Bible principles apply. (James 5:14, 15) To obtain comfort and assistance in regaining spiritual health, congregation members commonly seek Scriptural counsel and disclose private information, some of it highly sensitive, that allows the elders to make personalized petitions to God in prayer in their behalf.



38. Because open and free communication between congregation members and elders is essential to providing spiritual encouragement, counsel, and guidance, the Scriptural beliefs and practices of Jehovah's Witnesses place an emphasis on privacy and confidentiality. (Proverbs 25:9) As promised to congregants in publications such as *The Watchtower*, "What you discuss with an elder will remain strictly confidential. Being trustworthy is one of his qualifications.—Compare Exodus 18:21; Nehemiah 7:2." (*The Watchtower*, March 1, 1997, page 28) With that promise, congregants willingly open themselves to reveal their innermost thoughts, feelings, and acts to trusted elders as they seek to mend their (or other congregants) relationship with Jehovah God and heal spiritually.

39. The trust and confidence that congregation members have in elders arises from the sincerely held Scriptural belief that elders are spiritual shepherds who provide both comfort to them during their distress and the Scriptural guidance needed to obtain God's Holy Spirit and blessing to successfully avoid or overcome sinful behavior. (Acts 20:28) According to the Scriptural beliefs and practices of Jehovah's Witnesses, information an elder receives from a congregation member who requests or needs spiritual encouragement, counsel and guidance is confidential. (Proverbs 11:13; 25:9) Elders do not unnecessarily discuss with others a congregation member's private requests for assistance in applying Bible principles, a congregation member's confession of sin, or any spiritual encouragement, counsel or guidance an elder believes the congregation member needs.

40. From time to time, congregation elders communicate with experienced elders in the Service Department in New York to receive spiritual counsel and guidance about the application of Bible principles to issues concerning the congregation and its members. These communications are made to elders in the Service Department in the Service Department elders' capacity as spiritual advisors. Just as elders in congregations sent questions to the apostles and older men during the first century (see, e.g., Acts 15:2), congregation elders today, turn to experienced elders in the Service Department at the branch office to help them decide how to

handle a spiritual matter. All such spiritual communications are kept private and strictly confidential in accordance with the Scriptural beliefs and practices of Jehovah's Witnesses.

41. A congregation member's struggle to make needed changes in life in accordance with his understanding of Bible principles would be made more difficult or compromised altogether by the absence of such privacy and strict confidentiality needed for communication about troubling thoughts and feelings of guilt, a frank and open confession or discussion of sinful conduct.

#### Counsel for Serious Sin

42. Based on the Scriptural beliefs and practices of Jehovah's Witnesses, *serious* sins are *gross* deviations from Bible standards. A person may fall into the *practice* of serious sin. See 2 Kings 17:16, 21; Isaiah 1:4; 1 Corinthians 6:16-18; and 1 John 3:4.

43. Christianity stands for the Christ-like principle that anybody, including those who practice serious sin, can be helped to repent and find salvation.—1 Corinthians 6:9-11 (“sexually immoral, idolaters, adulterers, ... thieves, greedy people, drunkards, revilers, and extortioners, ... is what some of you were. But you have been washed clean.”); 2 Corinthians 7:8-11 (“you were saddened into repenting ... in a godly way ... produc[ing] repentance leading to salvation ... [and] righting of the wrong!”).

44. Thus, the ability to confidentially divulge serious sin, even the practice of such sin, to elders to begin the process of repentance and of regaining one's good standing before Almighty God, is crucial to such person's eternal salvation.

45. Based on the Scriptural beliefs and practices of Jehovah's Witnesses, elders act as spiritual shepherds when they meet with congregation members who either confess or are alleged to have committed a “serious sin,” as defined in the Bible.—James 5:14, 15 (“call the elders of the congregation [and] let them pray over him ... if he has committed serious sins, he will be forgiven.”); See also Galatians 6:1 (“try to readjust such a man”); Proverbs 11:14 (“success through many advisers”)

46. Based on the Scriptural beliefs and practices of Jehovah's Witnesses, at least two elders are needed to conduct an investigation involving a congregation member who is alleged to have committed a "serious sin" or to take and confirm a confession of such sin. If those two elders confirm that the member has in fact committed a serious sin, the congregation's body of elders will appoint three or more elders to form a "judicial committee" for the purposes outlined below.—Deuteronomy 17:6; Deuteronomy 19:15; Matthew 18:15-17; 2 Corinthians 13:1; 1 Timothy 5:19.

47. Jehovah's Witnesses believe that investigations by at least two elders and judicial committees of at least three elders provide better, more complete spiritual counsel and guidance based on the collective experience, knowledge, and judgment of multiple elders, than would be provided by just one elder. (Proverbs 11:14: "When there is no skillful direction, the people fall, but there is salvation in the multitude of counselors.") Before an individual becomes one of Jehovah's Witnesses, he is made aware of these practices.—*Organized to Accomplish Our Ministry* (1989), pages 145-48.

48. Based on the Scriptural beliefs and practices of Jehovah's Witnesses, the elders who meet with a congregation member as a judicial committee hear the basic facts about the sinful conduct, determine its extent and whether there were any mitigating factors, and decide whether the sinner is repentant before God. (Psalm 51:17; Psalm 86:5; Acts 26:20) In short, elders serving on a judicial committee try to help a person who has committed a serious sin begin the process of recovering spiritual health and help the congregation to remain spiritually and morally clean.—Jude 21-23.

49. Based on the beliefs and practices of Jehovah's Witnesses, all spiritual communications taking place during an investigation or a judicial committee proceeding, or in furtherance of the congregation's ongoing spiritual assistance to a wrongdoer, are considered private and confidential. The presence or participation of two or more elders in an investigation or judicial committee does not affect the elders' confidentiality obligations. Furthermore, any records created in connection with these matters are kept under lock and key at the Kingdom

Hall and are accessible to elders only, all of whom operate under the same duty to maintain confidentiality.

#### Spiritual Discipline

50. If a congregation member who has committed a serious sin repents, the elders on the judicial committee prayerfully determine what Bible-based instruction, restrictions, and spiritual discipline are appropriate. They administer reproof either in private or in public “before onlookers” who have knowledge of the situation, to instill in the sinner and in any such onlookers a wholesome fear of displeasing God by continuing in a sinful course. (2 Samuel 12:13; 1 Timothy 5:20) To serve as a reminder to the repentant sinner and to the congregation of the repentant sinner’s ongoing process of regaining spiritual recovery, restrictions on the sinner’s conduct in the congregation are imposed on such actions as commenting at meetings or participating in meeting parts. The elders help the wrongdoer to “keep making straight paths for [his] feet” thereafter. (Hebrews 12:13) In due course, the judicial committee will lift the imposed restrictions if the individual’s progress to spiritual recovery is manifest.

51. If the matter is likely to become known in the congregation or in the community or if the congregation needs to be on guard concerning the repentant wrongdoer, a simple announcement is made to the congregation so that members know that the wrongdoer committed a serious sin but has demonstrated a repentant attitude. The type of serious sin committed is not divulged to the congregation or anyone else.

#### Disfellowshipping Congregation Members

52. If a congregation member who committed a serious sin is unrepentant despite the elders’ efforts to help the wrongdoer, the judicial committee prayerfully determines whether it is necessary to expel the unrepentant wrongdoer from the congregation in compliance with the Scriptures. (1 Corinthians 5:11-13 [“stop keeping company...not even eating with such a man...Remove the wicked person from among yourselves.”]; 1 Timothy 1:20 [“handed them over to Satan”]) Based on the beliefs and practices of Jehovah’s Witnesses, the decision to “disfellowship” is the strongest form of Scriptural discipline authorized by the Bible.

53. In all cases of disfellowshipping, the elders on the judicial committee create a confidential spiritual record of their action and forward a notice of disfellowshipping (S-77) to Watchtower (now CCJW). Neither Watchtower nor CCJW would open the envelope containing the notice of disfellowshipping; instead the sealed envelope would be delivered to an elder in the Service Department for confidential review. Only elders authorized by the Branch Committee with a need to know (for religious reasons) have access to the notice.

54. When a congregation member is disfellowshipped, an elder makes a simple announcement at a congregation meeting. Based on the beliefs and practices of Jehovah's Witnesses, such an announcement puts congregation members on notice to stop any spiritual association with that person. The type of wrongdoing committed by the disfellowshipped person is not divulged.

#### Maintaining Confidentiality

55. The requirement that elders keep information and spiritual communications confidential is based on Scripture and has been explained in the official publications of Jehovah's Witnesses.—Proverbs 25:9; *The Watchtower*, April 1, 1971, pages 222-224; *Our Kingdom Ministry*, July 1975 page 3; *The Watchtower*, December 15, 1975, pages 764-66; *The Watchtower*, September 1, 1983, pages 21-26; *The Watchtower*, September 15, 1989, pages 10-15; *The Watchtower*, September 1, 1991, pages 22-24; *The Watchtower*, November 15, 1991, pages 19-23.

56. Congregation members trust elders to keep all spiritual communications strictly confidential. This applies to all members, not just those accused of or confessing serious sin.

57. Revealing confidential communications to those not entitled to hear them could call into question an elder's qualifications.

58. While not every breach of confidentiality by an elder will result in his removal, each elder is accountable before God, the ultimate Judge, for his adherence to the Bible's command to maintain confidentiality.

59. If an elder disclosed confidential information, his credibility and effectiveness as an elder would be compromised and it could have a chilling effect on the congregation members seeking spiritual encouragement, counsel and guidance from elders. Because free and open communication between congregation members and their elders is essential to the spiritual welfare of the members and of the congregation as a whole, the importance of privacy and confidentiality is difficult to overstate.

60. Because congregations are relatively small, each person in a congregation knows each other person in the congregation by name and family. An elder's disclosure of confidential information could readily embarrass a member, cause severe emotional distress, and even damage the reputations of the member and others in the family. In turn, an elder's own relationship with God would be harmed by his causing embarrassment, distress or damage to a member.—Hebrews 13:17 (“those taking the lead among you ... will render an account to God.”)

#### WATCHTOWER'S RECORDS

61. I have personal knowledge of Watchtower's records.

62. In document request No. 12, Plaintiffs seek “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.” I am familiar with the letter dated March 14, 1997 (“1997 Letter”).

63. The 1997 Letter was sent by the Service Department on Watchtower letterhead to all bodies of elders in the United States with the goal of ensuring that every congregation of Jehovah's Witnesses complied with the Bible and the beliefs and practices of Jehovah's Witnesses as set out in a January 1, 1997, issue of *The Watchtower* magazine, specifically in the article, “Let Us Abhor What is Wicked.” As part of an ecclesiastical review, and with the promise of strict intra-faith confidentiality, the 1997 Letter asked each body of elders to write to Watchtower about anyone who was then serving or who had previously served in the

congregation in an appointed capacity as an elder or ministerial servant who was known to have committed child sexual abuse.

64. Watchtower received Responses to the 1997 Letter from the elder bodies ("BOE Responses") and delivered the sealed responses to the Service Department.

Records Already Identified and/or Produced

65. After Watchtower became aware of these Plaintiffs' claims, elders in the Service Department conducted a search for records for each of the congregations where the alleged Perpetrator, Maximo Nava Reyes, and the Plaintiffs in this lawsuit were known to be members and gave responsive documents to the attorneys defending Watchtower. None of those documents was received in response to the 1997 Letter, nor could they be for the simple reason that Maximo Reyes has never held an appointed position in any congregation of Jehovah's Witnesses. I am informed and believe that every document located was either produced to the Plaintiffs or was listed on a privilege log that was delivered to the Plaintiffs.

66. In addition, I am informed and believe that Watchtower and CCJW, collectively, have already produced over 1,000 pages of documents to Plaintiffs in response to Plaintiffs' onerous demands.

67. The production of confidential communications *unrelated* to these Plaintiffs or their claims or to this perpetrator would violate Scripture. As shown above, Proverbs 25:9 states: "do not reveal what you were told confidentially."—See also Proverbs 11:13.

68. Thus when elders, in the course of discharging their Scriptural obligation to shepherd congregation members, obtain confidential information that affects a person's relationship with God, they are Scripturally bound to maintain confidentiality.

69. Disclosure of such confidential information about other victims and alleged perpetrators that does not refer to the parties or Plaintiffs' claims would undermine the confidence in the elders of not only those non-party victims and alleged perpetrators, but other Jehovah's Witnesses as well.

70. The requirement to turn over the information now sought by Plaintiffs would thus negatively affect congregation members who sought spiritual comfort, counsel and guidance from elders. It would also negatively affect a wide range of spiritual relationships and the effectiveness of congregation elders who help congregation members in need of spiritual comfort, advice and counsel who may not seek it due to their understandable concern that elders may be compelled to reveal their confidences in litigation that has nothing to do with them. Such a burden would infringe on our right to exercise our worship of God.

**I declare under penalty of perjury of the laws of the State of Montana that the foregoing is true and correct.**

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

  
Douglas Chappel, *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
<u>3-4</u>	Mail
_____	Overnight Delivery Service
_____	Fax (include fax number in address)
<u>1-2</u>	E-Mail (include email in address)

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