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FILED July 2 2018
Candace Fisher
 SANDERS COUNTY CLERK OF DISTRICT COURT
 BY [Signature]
 DEPUTY

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**PLAINTIFF ALEXIS NUNEZ'S MOTION
FOR PARTIAL SUMMARY JUDGMENT
AS TO DEFENDANTS' FOURTH
AFFIRMATIVE DEFENSE AND CROSS
MOTION FOR SUMMARY JUDGMENT
AS TO FORESEEBILITY OF MAX
REYES'S ABUSE**

MOTION

Pursuant to Rule 56 of the Montana Rules of Civil Procedure, Plaintiff Alexis Nunez respectfully moves the Court for an order granting summary judgment on Defendants' Fourth Affirmative Defense and Plaintiff's Cross-Motion for Summary Judgment as to the issue of whether Max Reyes's abuse of Alexis Nunez was foreseeable. This motion is supported by the record in this case and the following supporting memorandum. A proposed order accompanies the motion.

MEMORANDUM

I. INTRODUCTION

Plaintiffs brought this suit against Defendants Watchtower Bible & Tract Society of New York ("WTNY"), Christian Congregation of Jehovah's Witnesses ("CCJW"), and Thompson Falls Congregation of Jehovah's Witnesses ("Thompson Falls") asserting claims based on negligence relating to Defendants' policies and procedures for handling reports of child abuse. Defendants filed their answer on February 24, 2017 asserting various affirmative defenses as to both Plaintiffs ("Answer")¹. Defendants' Fourth Affirmative Defense asserts that, "The injuries alleged in the First Amended Complaint were caused by unforeseeable, superseding and intervening cause." Ex. A, at ¶ 71.

However, it is undisputed that by March of 2004 Defendants were aware of the following: 1) Max Reyes was a child molester; 2) child molesters are likely to abuse other children; and 3) Alexis Nunez would stay with Max Reyes and participate in Jehovah's Witness field service and meetings. Thus, in light of these undisputed facts, Defendants cannot show that it was not foreseeable that Max Reyes would molest Alexis Nunez after March of 2004.

¹ Exhibit A, Defendants' Answer (2/24/17)

II. SUMMARY OF UNDISPUTED MATERIAL FACTS

Defendants WTNY, CCJW, and Thompson Falls are organizations that make up the Jehovah's Witness religion. As part of their religion, Defendants publish and distribute magazines free of charge to all members of the Jehovah's Witnesses.² The original text of these publications is developed by the Writing Department at the World Headquarters in New York under the direction of the Governing Body.³ Many of these publications are used to interpret the Bible teachings in accordance with the Jehovah's Witness and are routinely studied by members at their meetings for worship.

Further, WTNY and CCJW issue guidance and instructions to the leaders of congregations all over the country in the form of letters addressed "To: All Bodies of Elders." These letters inform elders at the local level of their duties and obligations with respect to certain Jehovah's Witnesses doctrine, policies and procedures. For example, a March 14, 1997 letter distributed by WTNY outlines "What is child molestation?" and "Who Is a Known Child Molester?"⁴ Defendants WTNY and CCJW also correspond with the local elders during a congregation's investigations of wrongdoing.

This case involves two occasions when Defendants were notified that children had been sexually abused by Max Reyes: 1998 and 2004. Defendants deny that they were notified in 1998, but admit they received verbal and written notice in 2004 when Plaintiff McGowan and her

² "The *Watchtower* has a circulation larger than any other magazine in the world. Each issue has a print run of more than 42 million copies. *Awake!* is second, with a circulation of 41 million copies each issue. Both magazines are published by Jehovah's Witnesses and are distributed in 236 lands." <https://www.jw.org/en/jehovahs-witnesses/activities/publishing/watchtower-awake-magazine/> (accessed 6/25/18) (attached as Exhibit B)

³ <https://www.jw.org/en/publications/books/jehovahs-will/literature-written-and-translated/> (accessed 6/25/18) (attached as Exhibit C)

⁴ Exhibit D, WTNY Letter to All Bodies of Elders (March 14, 1997) (WTNY000099-101).

younger brother Peter reported their abuse to the Elders at Thompson Falls. The Thompson Falls elders then disclosed the reports to multiple clergy elders at the Jehovah's Witnesses headquarters in New York, which is operated by WTNY and CCJW. Following an investigation by the Elders, Reyes was disfellowshipped (temporarily expelled from the congregation) on April 1, 2004. The abuse by Max Reyes was never reported to the local authorities. Fourteen months later, on June 16, 2005, Reyes was reinstated to the congregation. During the time he was disfellowshipped and into his subsequent reinstatement, Reyes continued to sexually abuse Plaintiff Alexis Nunez.

It is undisputed that all three Defendants had knowledge that Max Reyes was a child molester as early as 2004. It is further undisputed that in 2004, Defendants knew that child molesters presented risks to other children. In addition to the 1997 letter to the elders mentioned above, a 1997 issue of *The Watchtower*, titled "Let Us Abhor What is Wicked" discusses the risks that child molesters present to children and acknowledges that **"experience has shown that such an adult may well molest other children."**⁵ Finally, it is undisputed that the elders at Thompson Falls knew Max Reyes's grandchildren would stay at his house and participate in Thompson Falls congregation meetings and field service.⁶

III. APPLICABLE LAW

"The party moving for summary judgment bears the initial burden of establishing the absence of any genuine issue of material fact and entitlement to judgment as a matter of law." *Semenza v. Kniss*, 2008 MT 238, ¶18, 344 Mont. 427, 189 P.3d 1188. If met, "the burden shifts to the non-moving party" to avoid summary judgment by "establish[ing] with substantial evidence, as opposed to mere denial, speculation, or conclusory assertions, that a genuine issue of material

⁵ Exhibit E, at WTNY000552. *The Watchtower*, Let Us Abhor What is Wicked, Vol 118, No. 1, January 1, 1997. ("Experience has shown that such an adult may well molest other children").

⁶ Exhibit F, Alexis Nunez Depo. 66:2-13.

fact does exist or that the moving party is not entitled to prevail under the applicable law.” *Id.* A Plaintiff may move for summary judgment on an affirmative defense. *Ballas v. Missoula City Bd. of Adjustment*, 2006 Mont. Dist. LEXIS 824, *16 (striking affirmative defenses at summary judgment stage when undisputed facts did not support elements of defense); *Capital One, NA v. Guthrie*, 2017 MT 75, ¶21, 387 Mont. 147, 152, 392 P.3d 158, 163 (affirming denial of affirmative defense at summary judgment stage when party failed to provide evidentiary support for his affirmative defense).

As an affirmative defense, Defendants have the burden of proving every element of the defense. Plaintiff Alexis Nunez moves for summary judgment on Defendants’ Fourth Affirmative Defense because Defendants cannot establish that it was not foreseeable that Max Reyes would abuse Alexis Nunez.

Further, Plaintiff Nunez moves for summary judgement on the issue of whether, as of March 2004, Defendants should have reasonably foreseen or anticipated that Max Reyes would abuse Alexis Nunez or that it was probable under the circumstances.

A. Unforeseeable, Superseding, Or Intervening Cause

Under Montana law, an unforeseeable superseding or intervening cause cuts off the chain of causation so as to absolve the defendant from liability. *Faulconbridge v. State*, 2006 MT 198, ¶ 85, 333 Mont. 186, 142 P.3d 777, 793 (Mont. 2006). Inversely, “a defendant’s liability for his wrongful act will not be severed by an intervening cause if the intervening cause is one that the defendant might reasonably foresee as probable or one that the defendant might reasonably anticipate under the circumstances.” *Id.* at ¶ 88 (quoting *Thayer v. Hicks* (1990)243 Mont. 138, 155, 793 P.2d 784, 795).

The issue of whether an intervening cause was foreseeable or not is a question of fact that is normally properly left to the fact-finder for resolution. *Fisher v. Swift Transp. Co.*, 2008 MT 105, ¶ 42, 342 Mont. 335, 345, 181 P.3d 601, 610 (citing *Prindel v. Ravalli Cty.*, 2006 MT 62, 331 Mont. 338, 133 P.3d 165). However, where reasonable minds may reach but one conclusion, foreseeability may be determined as a matter of law for summary judgment purposes. *Id.* If, under the facts of a given case, an intervening criminal act is one which the defendant might reasonably foresee, then there is no reason why the fact finder should not decide causation the same as with any other intervening causation case. *Estate of Strever v. Cline*, 278 Mont. 165, 178, 924 P.2d 666, 674 (1996)

IV. ARGUMENT

A. Defendants Knew That Maximo Reyes May Abuse More Children in 2004

As discussed above, it is undisputed that Defendants knew in 2004 that Max Reyes abused both Holly McGowan and Peter McGowan. Further, Defendants' own documents show that in March of 1997, Defendant WTNY warned local congregations of the risks that "known child molesters" present to children. *See* Ex. B.

Moreover, in a letter sent to Thompson Falls elders on August 25, 2005 in response to Max being reinstated to the congregation, Defendant CCJW warns that known child molesters need to be watched closely and kept away from children because **"experience has shown that such an adult may well molest other children."**⁷ Indeed, the letter goes on to explain all of the different ways that Thompson Falls needed to try and prevent him from being around children.

Please be reminded of the following direction that appears in the **March 14, 1997** confidential letter to all bodies of elders regarding known child molesters:

⁷ Exhibits G, H - TF0000151-152; CCJW000147-148 (August 25, 2005 Letter from CCJW to Thompson Falls).

“Individuals who have manifested a weakness in this regard should be sensitive to their need not to be alone with children. They should refrain from holding children or displaying other forms of affection for them. It would be appropriate for elders to give kindly cautions to any who are doing things that may be a temptation or a cause for concern to others in the congregation.” (1 Corinthians 10:12, 32) This would include not allowing children (other than his own) to spend the night in his home, not working in field service with a child, not cultivating friendships with children, and the like.

Additionally, former child abusers should not work alone in the field ministry. They should always be accompanied by another adult publishers who is in good standing in the congregation. This also applies to working with their own minor children in the field ministry. If they choose to do so, there still should always be another adult present. This service to protect the minor who might answer the door, the former abuser and the reputation of the congregation.

Id. (emphasis added)

Thus, no genuine issue of material fact exists that in March 2004, Defendants knew Max was a child molester and that they knew that he presented a risk to other children in and around Thompson Falls. Moreover, Thompson Falls knew that Max Reyes had grandchildren, including Alexis Nunez, and that they would stay at his house. And it is undisputed that Alexis Nunez was abused for at least 3 more years after Holly and Peter reported Max to the elders in 2004.

For these reasons, Defendants cannot meet their burden to show that it was unforeseeable that Max would abuse Alexis Nunez. As a matter of law, Max Reyes’s abuse of Alexis Nunez was a foreseeable intervening cause that does not serve to break the chain between Defendants’ negligence and the injury to Alexis Nunez. Because Defendants cannot show that it was not foreseeable that Max Reyes would abuse Alexis Nunez, their affirmative defense as to Alexis Nunez claims fails, and partial summary judgment should be granted as to Defendants’ Fourth Affirmative Defense.

PLAINTIFF ALEXIS NUNEZ'S CROSS-MOTION FOR SUMMARY JUDGMENT

B. It was Foreseeable that Max Reyes Would Abuse Alexis Nunez

As shown above, Defendants' own documents establish that Defendants knew that child molesters may well molest other children. Defendants knew Max Reyes was a child molester as of 2004. Defendants knew that Max Reyes had grandchildren that would stay at his house and participate in Jehovah's Witness field service and meetings. As a result of Defendants' action and inactions, Max Reyes continued to have access to children in and around Thompson Falls and continued to molest other children during and after 2004—including Alexis Nunez. As a matter of law, Max Reyes's abuse of Alexis Nunez was a foreseeable consequence of Defendants' actions and inactions in this case.

Thus, there is no genuine issue of material fact that Defendants should have reasonably foreseen or anticipated that as of March 2004, Max Reyes would molest other children. Plaintiff Nunez respectfully requests that the Court grant her motion for summary judgment as to whether the injuries complained in this case were foreseeable.

V. CONCLUSION

Defendants' own documents establish that Defendants knew that child molesters may well molest other children. Defendants knew Max Reyes was a child molester as of 2004. As a result of Defendants' action and inactions, Max Reyes continued to have access to children in and around Thompson Falls. Max Reyes continued to molest other children during and after 2004. As a matter of law, Max Reyes's abuse of Alexis Nunez was a foreseeable consequence of Defendants' actions and inactions in this case that does not serve to break the chain between Defendants' negligence and the injury to Alexis Nunez. Because Defendants cannot show that it was not foreseeable that

Max Reyes would abuse Alexis Nunez, their affirmative defense as to Alexis Nunez claims fails, and partial summary judgment should be granted as to Defendants Fourth Affirmative Defense.

Further, there is no genuine issue of material fact that Defendants should have reasonably foreseen or anticipated that as of March 2004, Max Reyes would molest other children, including Alexis Nunez. Plaintiff Nunez respectfully request the Court grant her motions for summary judgment as to whether the injuries complained in this case were foreseeable.

DATED: This 26th day of June, 2018

Attorney for Plaintiffs:

A handwritten signature in black ink, appearing to read "Ross L.", with a stylized flourish at the end.

By: _____
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon all attorneys of record via Email on this the 26th day of June, 2018.

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First class mail postage prepaid

A handwritten signature in black ink, appearing to read "Ross LA", written over a horizontal line.

Ross Leonoudakis

EXHIBIT A

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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

ANSWER, DEMAND FOR JURY
TRIAL AND THIRD-PARTY
COMPLAINT

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. ("Watchtower NY"), Christian Congregation of Jehovah's Witnesses ("CCJW") and the Thompson Falls Congregation of Jehovah's Witnesses ("Thompson Falls Congregation") (collectively "Religious Defendants") answer Plaintiffs' First Amended Complaint as follows:

FIRST DEFENSE

1. Plaintiffs' First Amended Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

2. Answering Paragraph 1, Religious Defendants lack sufficient knowledge to affirm or deny the citizenry and domicile of Plaintiff Holly McGowan and so deny the same.

3. Answering Paragraph 2, Religious Defendants lack sufficient knowledge to affirm or deny the citizenry and domicile of Plaintiff Alexis Nunez and so deny the same.

4. Answering Paragraph 3, Religious Defendants admit the same.
5. Answering Paragraph 4, Religious Defendants admit the same.
6. Answering Paragraph 5, Religious Defendants admit the same.
7. Answering Paragraph 6, Religious Defendants admit the same.
8. Answering Paragraph 7, Religious Defendants deny the same.
9. Answering Paragraph 8, Religious Defendants admit this Court has

jurisdiction over civil matters pursuant to Montana Code Annotated § 3-5-302(1)(b), admit that the Thompson Falls Congregation is found within the State of Montana, and admit that the allegations of the First Amended Complaint allege a tort accruing within the State of Montana.

10. Answering Paragraph 9, Religious Defendants admit the Plaintiffs allege torts were committed in Sanders County and admit that the Thompson Falls Congregation is located in Sanders County, Montana.

11. Answering Paragraph 10, Religious Defendants deny the same as written.
12. Answering Paragraph 11, Religious Defendants deny the same as written.
13. Answering Paragraph 12, Religious Defendants deny the same as written.
14. Answering Paragraph 13, Religious Defendants deny the same as written.
15. Answering Paragraph 14, Religious Defendants deny the same as written.
16. Answering Paragraph 15, Religious Defendants deny the same as written.
17. Answering Paragraph 16, Religious Defendants deny the same as written.
18. Answering Paragraph 17, Religious Defendants deny the same as written.
19. Answering Paragraph 18, Religious Defendants deny the same as written.

20. Answering Paragraph 19, Religious Defendants deny the same as written.
21. Answering Paragraph 20, Religious Defendants deny the same as written.
22. Answering Paragraph 21, Religious Defendants deny the same as written.
23. Answering Paragraph 22, Religious Defendants deny the same as written.
24. Answering Paragraph 23, Religious Defendants deny the same as written.
25. Answering Paragraph 24, Religious Defendants deny the same as written.
26. Answering Paragraph 25, Religious Defendants deny the same as written.
27. Answering Paragraph 26, Religious Defendants admit the same as written.
28. Answering Paragraph 27, Religious Defendants deny the same as written.
29. Answering Paragraph 28, Religious Defendants deny the same as written.
30. Answering Paragraph 29, Religious Defendants deny the same as written.
31. Answering Paragraph 30, Religious Defendants deny the same.
32. Answering Paragraph 31, Religious Defendants admit that Holly

McGowan's mother was and is one of Jehovah's Witnesses but based upon information and belief her biological father has not been a member of a congregation for years.

Religious Defendants further admit that, at certain times, Holly McGowan attended the Thompson Falls Congregation.

33. Answering Paragraph 32, Religious Defendants admit that in 2004 the Thompson Falls Congregation, through its elders, learned of Holly McGowan's abuse accusations against her stepfather, Maximo Nava Reyes ("Reyes"), which according to Holly, began in 1994 and continued for several years after. Religious Defendants admit that in 2004 Thompson Falls Congregation also learned that Holly McGowan's brother

accused Reyes of abuse

34. Answering Paragraph 33, Religious Defendants deny the same.

35. Answering Paragraph 34, Religious Defendants deny the same.

36. Answering Paragraph 35, Religious Defendants deny the same.

37. Answering Paragraph 36, Religious Defendants lack sufficient information to affirm or deny the allegations of this paragraph and so deny the same.

38. Answering Paragraph 37, Religious Defendants admit Plaintiff Alexis Nunez is the daughter of Ivy McGowan-Castleberry and Marco Nunez. Religious Defendants further admit that Alexis was raised in a family that, at times, attended meetings at the Thompson Falls Congregation.

39. Answering Paragraph 38, Religious Defendants lack sufficient information to affirm or deny the allegations of this paragraph and so deny the same.

40. Answering Paragraph 39, Religious Defendants deny the same.

41. Answering Paragraph 40, Religious Defendants admit Reyes was disfellowshipped from the Thompson Falls Congregation on April 1, 2004 and further state that he was reinstated on June 16, 2005. Except as expressly admitted, the Religious Defendants deny the remaining allegations of this paragraph.

42. Answering Paragraph 41, Religious Defendants lack sufficient knowledge to affirm or deny this paragraph and so deny the same.

43. Answering Paragraph 42, Religious Defendants lack sufficient knowledge to affirm or deny this paragraph and so deny the same.

44. Answering Paragraph 43, Religious Defendants lack sufficient knowledge

to affirm or deny this paragraph and so deny the same.

45. Answering Paragraph 44, to the extent this paragraph contains legal conclusions, no response is necessary. To the extent this paragraph contains factual assertions, Religious Defendants deny McGowan's claim is timely pursuant to Montana Code Annotated § 27-2-216(b).

46. Answering Paragraph 45, Religious Defendants re-allege and incorporate their responses to Paragraphs 1-44 as if fully set forth herein.

47. Answering Paragraph 46, to the extent this paragraph contains legal conclusions, no response is necessary. To the extent this paragraph contains factual assertions, Religious Defendants deny the same.

48. Answering Paragraph 47, Religious Defendants deny the same.

49. Answering Paragraph 48, Religious Defendants deny the same.

50. Answering Paragraph 49, Religious Defendants deny the same.

51. Answering Paragraph 50, Religious Defendants re-allege and incorporate their responses to Paragraphs 1-49 as if fully set forth herein.

52. Answering Paragraph 51, to the extent this paragraph contains a legal conclusion, no response is necessary. To the extent this paragraph contains factual allegations, Religious Defendants admit the statute, including exceptions, speaks for itself.

53. Answering Paragraph 52, Religious Defendants deny the same.

54. Answering Paragraph 53, Religious Defendants deny the same.

55. Answering Paragraph 54, Religious Defendants deny the same.

56. Answering Paragraph 55, Religious Defendants re-allege and incorporate their responses to Paragraphs 1-54 as if fully set forth herein.

57. Answering Paragraph 56, Religious Defendants deny the same.

58. Answering Paragraph 57, Religious Defendants deny the same.

59. Answering Paragraph 58, Religious Defendants deny the same.

60. Answering Paragraph 59, Religious Defendants deny the same.

61. Answering Paragraph 60, Religious Defendants deny the same.

62. Answering Paragraph 61, Religious Defendants deny the same.

63. Answering Paragraph 62, Religious Defendants re-allege and incorporate their responses to Paragraphs 1-61 as if fully set forth herein.

64. Answering Paragraph 63, Religious Defendants deny the same.

65. Answering Paragraph 64, Religious Defendants deny the same.

66. Answering Paragraph 65, Religious Defendants deny the same.

67. Religious Defendants deny each and every allegation not specifically admitted herein.

AFFIRMATIVE DEFENSES

At this time, Religious Defendants are uncertain what affirmative defenses may apply if this case goes to trial. Discovery, trial preparation, and the facts of the case may make some of the affirmative defenses inapplicable and thus they are raised in this Answer to avoid being waived. Religious Defendants will dismiss any affirmative defenses at the final pretrial conference that do not appear to be reasonably supported by the facts and/or law. The purpose of raising these affirmative defenses is not to create

defenses where none exist. Instead, it is recognized that the pleadings, discovery, and trial preparation require an examination and evaluation of evolving facts and law. The decision maker, whether a judge or jury, should have available for consideration all defenses that may apply.

FIRST AFFIRMATIVE DEFENSE

68. Religious Defendants did not cause the injuries alleged in the First Amended Complaint.

SECOND AFFIRMATIVE DEFENSE

69. The injuries alleged in the First Amended Complaint were caused by the acts or omissions of other persons or entities.

THIRD AFFIRMATIVE DEFENSE

70. The conduct of all persons or entities who contributed to cause the claims and damages alleged by McGowan and Nunez should be compared by the trier of fact with the claims against the Religious Defendants either barred or proportionately diminished, with contribution and indemnification, if any, in accordance with applicable law.

FOURTH AFFIRMATIVE DEFENSE

71. The injuries alleged in the First Amended Complaint were caused by unforeseeable, superseding and intervening causes.

FIFTH AFFIRMATIVE DEFENSE

72. Some or all of Plaintiffs' damages are barred by the applicable statute of limitations and laches.

SIXTH AFFIRMATIVE DEFENSE

73. Religious Defendants are not mandatory reporters pursuant to Montana Code Annotated § 41-3-201(6)(c).

SEVENTH AFFIRMATIVE DEFENSE

74. Requiring reporting that is contrary to Religious doctrine is a violation of the Establishment Clause of the United States Constitution and Article II, section 5 of the Montana Constitution.

EIGHTH AFFIRMATIVE DEFENSE

75. Punitive damages are not allowed or appropriate in this case under the provisions of Montana Code Annotated § 27-1-221. Furthermore, any award of punitive damages would violate the Fifth, Sixth and Eighth Amendments, the Due Process and Equal Protection clause of the Fourteenth Amendment of the Constitution of the United States of America, as well as Sections 4, 17, and 25 of Article II of the Constitution of the State of Montana.

WHEREFORE Religious Defendants request Plaintiffs Holly McGowan and Alexis Nunez take nothing by way of their First Amended Complaint, and that Religious Defendants recover the costs of suit expended herein, as well as any other relief the Court deems appropriate.

DEMAND FOR JURY TRIAL

Religious Defendants hereby demand a jury trial on all issues so triable.

THIRD-PARTY COMPLAINT

Pursuant to Montana Code Annotated § 27-1-703(6) and Montana common law,

Defendants/Third-Party Plaintiffs Watchtower Bible and Tract Society of New York, Inc. ("Watchtower NY"), Christian Congregation of Jehovah's Witnesses ("CCJW") and the Thompson Falls Congregation of Jehovah's Witnesses ("Thompson Falls Congregation") (collectively "Religious Defendants") file their Third-Party Complaint against Third-Party Defendant Maximo Nava Reyes ("Max Reyes"):

1. Maximo Nava Reyes is a resident and citizen of the State of Montana, currently domiciled in Sanders County, Montana.
2. This Court has jurisdiction over Max Reyes because he is found in the State of Montana. Mont. R. Civ. P. 4(b)(1).
3. Venue in Sanders County is appropriate as Third-Party Defendant Max Reyes resides in Sanders County and it is the county in which Third-Party Plaintiff Thompson Falls Congregation is located. Mont. Code Ann. § 25-2-122 (2015).
4. Third-Party Defendant Max Reyes married Joan Reyes in 1993. Joan Reyes had three children from a prior marriage, one of whom is Holly McGowan.
5. Upon information and belief, Max Reyes abused Holly McGowan and her brother after his marriage to Joan Reyes.
6. This knowledge was concealed from the elders in the Thompson Falls Congregation and the other Religious Defendants until early 2004, when Peter McGowan approached elder Don Herberger and accused Max Reyes of abuse in the past.
7. Don Herberger and other elders investigated the allegations to determine if Max Reyes committed serious sin worthy of loss of membership in the Thompson Falls Congregation. During the course of the investigation, Holly McGowan, who had since

left Montana, wrote to the elders and noted that she had recently disclosed that she had also been abused by Max Reyes.

8. Max Reyes confessed to improper conduct with Holly McGowan's brother but denied abusing Holly McGowan. Based upon the allegations and Max Reyes' response, the elders in the Thompson Falls Congregation disfellowshipped (expelled) Max Reyes from the congregation.

9. Religious Defendants are not liable to Plaintiffs Holly McGowan and Alexis Nunez for any of the damages caused to them by Max Reyes.

10. Pursuant to Montana Code Annotated § 27-1-703(1), Religious Defendants have "the right of contribution from any other person whose negligence may have contributed as a proximate cause to the injury complained of" by Plaintiffs Holly McGowan and Alexis Nunez.

11. Max Reyes had a duty to ensure the safety and well-being of the minor children staying at his home.

12. Max Reyes breached his duty to use reasonable care in protecting the minor children staying at his home.

13. Max Reyes further breached the duty of reasonable care when he failed to take precautionary steps after he admitted abusing Holly McGowan's brother to ensure that there would be no additional abuse of minor children in his home or under his care.

14. Pursuant to Montana Code Annotated § 27-1-703(4), Max Reyes is a person "whose negligence may have contributed as a proximate cause to the injury complained of" by Plaintiffs Holly McGowan and Alexis Nunez against Religious

Defendants.

15. But for the negligence of Max Reyes, there would be no claims against Religious Defendants.

16. The negligence of Max Reyes was an intervening cause of the damages now claimed by Plaintiffs Holly McGowan and Alexis Nunez. As a result, the claimed negligence of the Religious Defendants was neither a foreseeable nor substantial cause of the damages now claimed by Plaintiffs.

17. Religious Defendants did not cause, or allow to be caused, any damages to Plaintiffs Holly McGowan and Alexis Nunez.

18. Religious Defendants are entitled to contribution or alternatively, be indemnified, for any damages awarded against them for the intentional and negligent acts of Max Reyes, which resulted in the sexual abuse of Plaintiffs and the damages claimed in this action.

WHEREFORE, Religious Defendants and Third-Party Plaintiffs respectfully request the following relief:

1. For full contribution or indemnification from Third-Party Defendant Max Reyes for any and all damages awarded to Holly McGowan and Alexis Nunez as a result of his conduct;
2. For apportionment of all or part of any liability for Holly McGowan's and Alexis Nunez's claimed damages to the Third-Party Defendant Max Reyes; and
3. For any other relief the Court finds appropriate.

//

DEMAND FOR JURY TRIAL

Religious Defendants and Third-Party Plaintiffs hereby demand a jury trial on all issues so triable.

DATED this 24th day of February, 2017.

Attorneys for the Religious Defendants/Third-Party Plaintiffs:

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By Kathleen L. DeSoto
Kathleen L. DeSoto

CERTIFICATE OF SERVICE

I hereby certify that on February 24th, 2017, a copy of the foregoing document was served on the following persons by the following means:

<u> </u>	Hand Delivery
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EXHIBIT B



The Watchtower—No Other Magazine Comes Close

The Watchtower has a circulation larger than any other magazine in the world. Each issue has a print run of more than 42 million copies. *Awake!* is second, with a circulation of 41 million copies each issue. Both magazines are published by Jehovah's Witnesses and are distributed in 236 lands.

How do other publications compare? According to The Association of Magazine Media, the top U.S. paid-for magazine is published by AARP, an organization that targets people over 50 years of age. That magazine has a circulation of over 22.4 million. Germany's *ADAC Motorwelt* averages close to 14 million copies, and the Chinese *Gushi Hui* (stories) prints 5.4 million copies.

2011 U.S. Publication	Total Paid & Verified
1 AARP THE MAGAZINE	22,401,546
2 AARP BULLETIN	22,204,197
3 BETTER HOMES AND GARDENS	7,633,372
4 GAME INFORMER MAGAZINE	6,734,672
5 READER'S DIGEST	5,606,743
6 NATIONAL GEOGRAPHIC	4,463,196
7 GOOD HOUSEKEEPING	4,339,069
8 WOMAN'S DAY	3,876,053
9 FAMILY CIRCLE	3,846,672
10 PEOPLE	3,563,410

Source: The Association of Magazine Media

As for newspapers, the Japanese *Yomiuri Shimbun* is number one in circulation. Its print run regularly surpasses ten million copies.

The Witness publications also excel in translation. *The Watchtower* is translated into more than 190 languages, and *Awake!* into more than 80. By comparison, *Reader's Digest* is published in 21 languages, though content varies from country to country.

Unlike the other magazines mentioned here, *The Watchtower* and *Awake!* are financed by voluntary contributions, have no advertising, and carry no sales price.

The purpose of *The Watchtower* is to explain Bible teachings—and particularly what the Scriptures say about God's Kingdom. It has been published continually since 1879. *Awake!* deals with general subjects, such as nature and science, with a view to building faith in the Creator. It also stresses how the Bible can be of practical value in our life.

EXHIBIT C



LESSON 23

How Is Our Literature Written and Translated?

In order to do our best to declare the "good news" to "every nation and tribe and tongue and people," we produce literature in over 750 languages. (Revelation 14:6) How do we accomplish this challenging task? We do it with the help of an international writing staff and a group of devoted translators—all Jehovah's Witnesses.

The original text is prepared in English. The Governing Body oversees the activity of the Writing Department at our world headquarters. This department coordinates the assignments of the writers who serve at headquarters and at certain branch offices. Having a diversified writing staff allows us to address multicultural subjects that give our publications an international appeal.

The text is forwarded to the translators. After the written material has been edited and approved, it is sent electronically to teams of translators around the earth, who translate, check, and proofread the text. They endeavor to select the "accurate words of truth" that will capture the full meaning of the English in their target language.—Ecclesiastes 12:10.

Computers speed up the process. A computer cannot replace human writers and translators. However, their tasks can be sped up by using computerized dictionaries, language tools, and research materials. Jehovah's Witnesses designed a Multilanguage Electronic Publishing System (MEPS) by which text can be entered in hundreds of languages, merged with accompanying artwork, and composed for printing.

Why do we put forth all this effort, even for languages that are spoken by only a few thousand people? Because it is Jehovah's will that "all sorts of people should be saved and come to an accurate knowledge of truth."—1 Timothy 2:3, 4.

- How is the writing done for our publications?
- Why do we translate our literature into so many languages?



Writing Department, U.S.A.



South Korea



Armenia



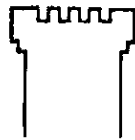
Burundi



Sri Lanka

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EXHIBIT D



WATCHTOWER

BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

25 COLUMBIA HEIGHTS BROOKLYN, NEW YORK 11201-2483, U.S.A. PHONE (718) 560-5000

March 14, 1997

CONFIDENTIAL

TO ALL BODIES OF ELDERS

Dear Brothers:

A matter of serious concern was addressed in the article "Let Us Abhor What Is Wicked," published in the January 1, 1997, issue of *The Watchtower*. This concern involves the purity of Jehovah's organization in these last days. It is our responsibility to protect the flock of God from these threatening influences. Isa. 32:1, 2.

We wish to take necessary steps that will help protect the congregation, especially our children, from the unwholesome practices that are constantly worsening in the world. We are grateful that the truth has limited the spread of child sexual abuse in Jehovah's organization.

WHO IS A 'KNOWN CHILD MOLESTER'?

What is child molestation? *Webster's Ninth New Collegiate Dictionary* defines "pedophilia" as "sexual perversion in which children are the preferred sexual object." (See "Questions From Readers" in *The Watchtower* of February 1, 1997, page 29.) Deuteronomy 23:17, 18 condemns such practices as "detestable." (See the footnotes to verses 17 and 18 in the *Reference Bible*. Also, it would be helpful to see the footnote on page 10 of the October 8, 1993, issue of *Awake!*) In harmony with these references, we are herein discussing sexual perversion in which children are the object of sexual abuse, including fondling by an adult. We are not discussing a situation wherein a consenting minor, who is approaching adulthood, has sexual relations with an adult who is a few years older than the minor. Rather, we are referring, for example, to situations in which it is established by a congregation judicial committee that an adult brother or sister has been guilty of sexually abusing a young child or has been sexually involved with a non-consenting minor who is approaching adulthood.

Who is a known child molester? The January 1, 1997, *Watchtower* article "Let Us Abhor What Is Wicked" mentions on page 29 that a man "known to have been a child molester" would not qualify for privileges in the congregation. An individual "known" to be a former child molester has reference to the perception of that one in the community and in the Christian congregation. In the eyes of the congregation, a man known to have been a child molester is not "free from accusation" and "irreprehensible," nor does he have "a fine testimony from those on the outside." (1 Tim. 3:1-7, 10; 5:22; Titus 1:7) In view of his past, people in the community would not respect him, and the brothers might even stumble over his appointment.

WTNY000099

TO ALL BODIES OF ELDERS

March 14, 1997

Page 2

PROTECTING OUR CHILDREN

What can we do to protect our children and preserve the cleanness of Jehovah's organization? The primary responsibility for protecting our children rests upon the parents. Fine suggestions for parents can be found in the January 22, 1985, *Awake!* article "Child Molesting You Can Protect Your Child." Other articles that parents do well to consider are those in the October 8, 1993, *Awake!* entitled "How Can We Protect Our Children" and the December 1, 1996, *Watchtower* entitled "Parents, Find Pleasure in Your Children," specifically pages 13 and 14, paragraphs 18 and 19.

What can the elders do to help protect our children? The elders should be alert to the activity of any who are known to have molested children in the past. Individuals who have manifested a weakness in this regard should be sensitive to their need not to be alone with children. They should refrain from holding children or displaying other forms of affection for them. It would be appropriate for elders to give kindly cautions to any who are doing things that may be a temptation or a cause for concern to others in the congregation. 1 Cor. 10: 12, 32.

What should elders do when a former child molester moves to another congregation? As outlined in the February 1991 *Our Kingdom Ministry* "Question Box" and the August 1, 1995, letter to all Bodies of Elders, our policy is always to send a letter of introduction when a publisher moves to another congregation. *It is imperative that this be done when one who is known to have been a child molester moves.* The secretary should write on behalf of the elders to the new congregation's body of elders and outline this publisher's background and what the elders in the old congregation have been doing to assist him. Any needed cautions should be provided to the new congregation's body of elders. This letter should not be read to or discussed with the congregation. This information should be kept in the congregation's confidential files where it can be reviewed by any elder. The elders should send a copy of this letter to the Watchtower Bible and Tract Society in one of the "Special Blue" envelopes.

PRIVILEGES OF SERVICE IN THE CONGREGATION

In the January 1, 1997, issue of *The Watchtower*, the article "Let Us Abhor What Is Wicked" stated on page 29: "For the protection of our children, a man known to have been a child molester *does not qualify for a responsible position in the congregation. Moreover, he cannot be a pioneer or serve in any other special full time service.*" We have had a number of inquiries asking how this applies in the congregation, and this is being given consideration.

It may be possible that some who were guilty of child molestation were or are now serving as elders, ministerial servants, or regular or special pioneers. Others may have been guilty of child molestation before they were baptized. The bodies of elders should not query individuals. However, the body of elders should discuss this matter and give the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in your congregation who is known to have been guilty of child molestation in the past.

WTNY000100

TO ALL BODIES OF ELDERS

March 14, 1997

Page 3

In your report please answer the following questions: How long ago did he commit the sin? What was his age at the time? What was the age of his victim(s)? Was it a one-time occurrence or a practice? If it was a practice, to what extent? How is he viewed in the community and by the authorities? Has he lived down any notoriety in the community? Are members of the congregation aware of what took place? How do they and/or his victim(s) view him? Has he ever been disfellowshipped, reprovved, counseled, or otherwise dealt with? If he has moved to another congregation, please identify the congregation to which he has moved. Was that congregation advised of his past conduct of child molestation, and, if so, when? [If you have not advised them, this should be done now, and you should send a copy of your letter to the Society in a "Special Blue" envelope.] This information should be sent to the Society along with any other observations that the body of elders has. Please send this to the Society in the "Special Blue" envelope so that the factors involved may be given due consideration; this information is not to be made available to those not involved.

Jehovah has been blessing the efforts of his people to get the vital Kingdom-preaching and disciple-making work done. Isaiah 52:11 states: "Keep yourselves clean, you who are carrying the utensils of Jehovah." We must be ever vigilant to demonstrate to Jehovah that we want to keep the organization he uses in these last days fit for this all-essential trust. May Jehovah bless your efforts to that end.

Your brothers,

Watchtower B. & F. Society
OF NEW YORK, INC.

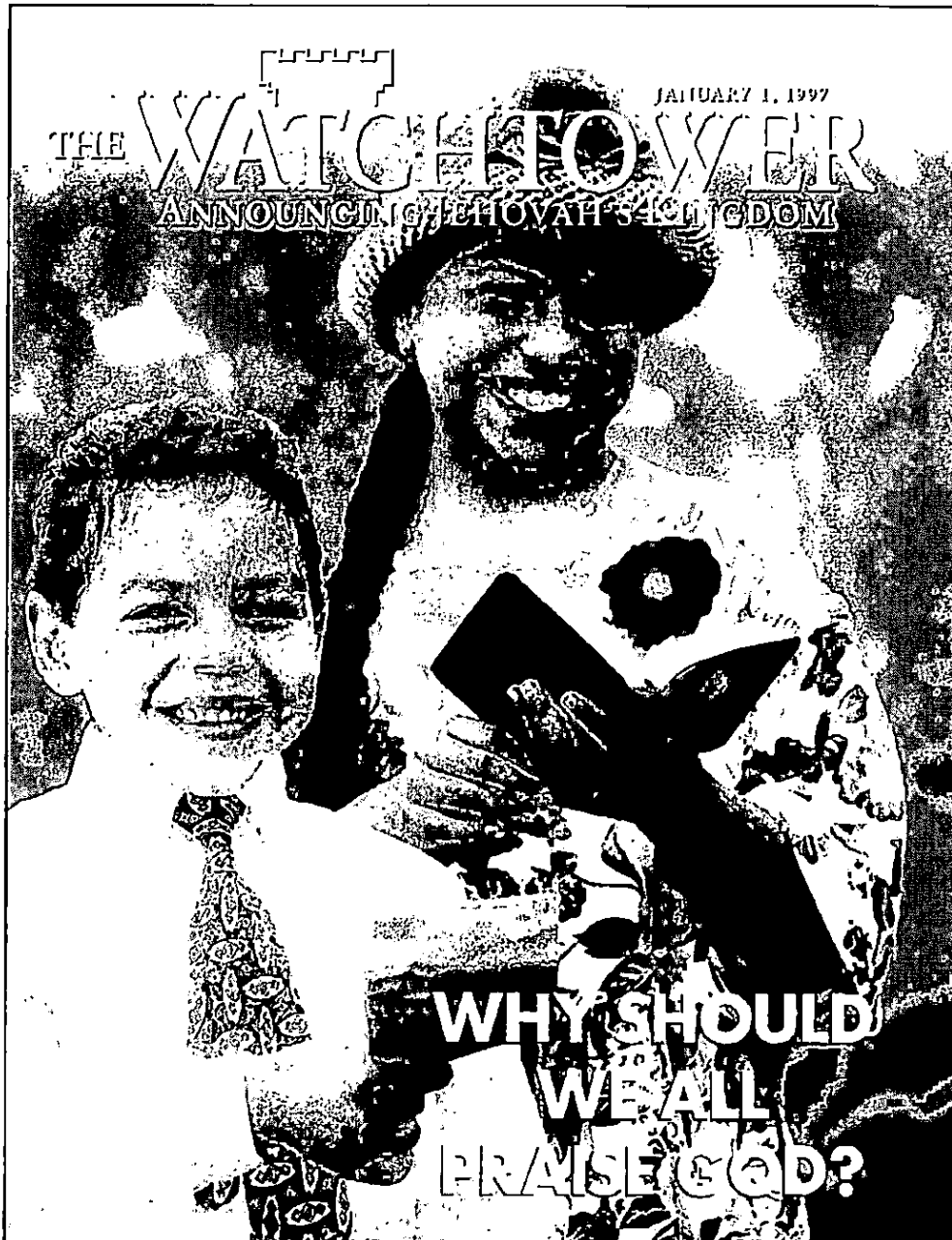
PS to body of elders:

A meeting of the body of elders should be arranged to read and discuss this letter together. **This letter is confidential and should not be copied but should be kept in the congregation's confidential file. Elders should not discuss this information with others.** It is provided so that you can appropriately apply the spirit of the Scriptural information in the January 1, 1997, *Watchtower* article "Let Us Abhor What Is Wicked."

WTNY000101

EXHIBIT E

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THE WATCHTOWER®

ANNOUNCING JEHOVAH'S KINGDOM

January 1, 1997

Average Printing Each Issue 20,980,000

Vol 118, No 1

THE PURPOSE OF *THE WATCHTOWER* is to exalt Jehovah God as Sovereign Lord of the universe. It keeps watch on world events as these fulfill Bible prophecy. It comforts all peoples with the good news that God's Kingdom will soon destroy those who oppress their fellowmen and that it will turn the earth into a paradise. It encourages faith in God's now-reigning King, Jesus Christ, whose shed blood opens the way for mankind to gain eternal life. *The Watchtower*, published by Jehovah's Witnesses continuously since 1879, is nonpolitical. It adheres to the Bible as its authority.

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Publication of "The Watchtower" is part of a worldwide Bible educational work supported by voluntary donations.

Changes of address should reach us 30 days before moving date. Give your old and new addresses (if possible, your e-mail address).

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WTNY000548

Let Us Abhor What Is Wicked

JEHOVAH is a holy God. In ancient times he was "the Holy One of Israel," and as such he demanded that Israel be clean, unsullied. (Psalm 89:18) He told his chosen people: "You must prove yourselves holy, because I am holy." (Leviticus 11:45) Anyone who wanted to "ascend into the mountain of Jehovah" had to be "innocent in his hands and clean in heart" (Psalm 24:3, 4) That meant more than merely avoiding sinful acts. It meant "the hating of bad."—Proverbs 8:13.

Lovingly, Jehovah laid down detailed laws so that the nation of Israel could identify and avoid wrongdoing. (Romans 7:7, 12) These laws included strict guidelines on morality. Adultery, homosexual acts, incestuous relationships, and bestiality were all identified as unholy spiritual pollutants. (Leviticus 18:23; 20:10-17) Those guilty of such degraded acts were cut off from the nation of Israel.

When the congregation of anointed Christians became "the Israel of God," similar moral standards were laid down for them. (Galatians 6:16) Christians too were to "abhor what is wicked." (Romans 12:9) Jehovah's words to Israel also applied to them: "You must be holy, because I am holy." (1 Peter 1:15, 16) Such unholy practices as fornication, adultery, homosexual acts, bestiality, and incest were not to corrupt the Christian congregation. Those refusing to stop engaging in such things would be excluded from God's Kingdom. (Romans 1:26, 27; 2:22; 1 Corinthians 6:9, 10; Hebrews 13:4) In these "last days," the same standards apply to the "other sheep."

(2 Timothy 3:1; John 10:16) As a result, anointed Christians and other sheep make up a clean and wholesome people, able to carry the name of their God as Jehovah's Witnesses.—Isaiah 43:10.

Keeping the Congregation Clean

In contrast, the world condones all kinds of immorality. Although true Christians are different, they should not forget that many who now serve Jehovah were once in the world. There are many who, before they knew our holy God, saw no reason not to indulge the desires and fantasies of their fallen flesh, wallowing in a "low sink of debauchery." (1 Peter 4:4) The apostle Paul, after describing the disgusting practices of degraded people of the nations, said: "That is what some of you were." Still, he went on to say: "But you have been washed clean, but you have been sanctified, but you have been declared righteous in the name of our Lord Jesus Christ and with the spirit of our God."—1 Corinthians 6:11.

What a comforting statement that is! Whatever a person did earlier in life, he changes when the glorious good news about the Christ has an effect on his heart. He exercises faith and dedicates himself to Jehovah God. From then on he lives a morally pure life, washed clean in God's eyes. (Hebrews 9:14) The sins that he committed previously are pardoned, and he can "stretch forward to the things ahead."—Philippians 3:13, 14; Romans 4:7, 8.

* See "Questions From Readers" in the May 1, 1996, issue of *The Watchtower*.

Jehovah forgave repentant David for murder and adultery, and He forgave repentant Manasseh for immoral idolatry and much bloodshed. (2 Samuel 12:9, 13; 2 Chronicles 33:2-6, 10-13) We can be truly grateful that he is prepared to forgive us too if we repent and approach him in sincerity and humility. Still, despite Jehovah's forgiving David and Manasseh, these two men—and Israel with them—had to live with the consequences of their sinful acts. (2 Samuel 12:11, 12; Jeremiah 15:3-5) In a similar way, while Jehovah forgives repentant sinners, there may be consequences of their actions that cannot be avoided.

Inevitable Consequences

For example, a man who lives a life of immoral debauchery and contracts AIDS may accept the truth and turn his life around to the point of dedication and baptism. Now he is a spiritually clean Christian having a relationship with God and a wonderful hope for the future; but he still has AIDS. He may eventually die of the disease, a sad but inescapable consequence of his former conduct. For some Christians the effects of former gross immorality may persist in other ways. For years after their baptism, perhaps for the rest of their lives in this system of things, they may have to fight urges in their flesh to return to their previous immoral life-style. With the help of Jehovah's spirit, many succeed in resisting. But they have to wage a constant battle.—Galatians 5:16, 17.

Such ones do not sin as long as they control their urges. But if they are men, they may wisely decide not to 'reach out' for responsibility in the congregation while still having to struggle with powerful fleshly impulses. (1 Timothy 3:1) Why? Because they know the trust that the congregation puts in the elders. (Isaiah 32:1, 2; Hebrews

13:17) They realize that the elders are consulted on many intimate matters and have to handle sensitive situations. It would be neither loving, wise, nor reasonable for one waging a constant fight with unclean fleshly desires to reach out for such a responsible position.—Proverbs 14:16; John 15:12, 13; Romans 12:1.

For a man who was a child molester before he was baptized, there may be another consequence. When he learns the truth, he repents and turns around, not bringing that cruel sin into the congregation. He may thereafter make fine progress, completely overcome his wrong impulses, and even be inclined to 'reach out' for a responsible position in the congregation. What, though, if he still has to live down notoriety in the community as a former child molester? Would he 'be irreprehensible, . . . have a fine testimony from people on the outside, . . . [be] free from accusation'? (1 Timothy 3:1-7, 10; Titus 1:7) No, he would not. Hence, he would not qualify for congregation privileges.

When a Dedicated Christian Sins

Jehovah understands that we are weak and that even after baptism we may fall into sin. The apostle John wrote to Christians of his day: "I am writing you these things that you may not commit a sin. And yet, if anyone does commit a sin, we have a helper with the Father, Jesus Christ, a righteous one. And he is a propitiatory sacrifice for our sins, yet not for ours only but also for the whole world's." (1 John 2:1, 2) Yes, on the basis of Jesus' sacrifice, Jehovah will forgive baptized Christians who fall into sin—if they truly repent and abandon their wrong course.

An example of this was seen in the first-century congregation at Corinth. The

apostle Paul heard of a case of incestuous fornication in that young congregation, and he gave instructions that the man involved be disfellowshipped. Later, the sinner repented, and Paul exhorted the congregation to reinstate him. (1 Corinthians 5:1, 13; 2 Corinthians 2:5-9) Thus, by the healing power of Jehovah's loving kindness and the great value of Jesus' ransom sacrifice, the man was cleansed of his sin. Similar things may happen today. Again, though, even if a baptized person who commits a serious sin repents and is forgiven in Jehovah's eyes, there may still be ongoing consequences of his sin.—Proverbs 10:16, 17; Galatians 6:7.

For example, if a dedicated girl commits fornication, she may bitterly regret her act and eventually be restored to spiritual health with the help of the congregation. But what if she is pregnant because of her immorality? Then her whole life has been inescapably changed by what she did. A man who commits adultery may repent and not be disfellowshipped. But his innocent mate has Scriptural grounds to divorce him, and she may choose to do so. (Matthew 19:9) If she does, the man, although forgiven by Jehovah, will live the rest of his life with this grave consequence of his sin.—1 John 1:9.

What of a man who unlovingly divorces his wife in order to marry another woman? Perhaps he will eventually repent and be reinstated in the congregation. Over the years he may make progress and "press on to maturity." (Hebrews 6:1) But as long as his first wife lives without a mate, he will not qualify to serve in a responsible position in the congregation. He is not "a husband of one wife" because he had no Scriptural right to divorce his first wife.—1 Timothy 3:2, 12.

Are these not powerful reasons why a Christian should cultivate an abhorrence of what is wicked?

What of a Child Molester?

What if a baptized adult Christian sexually molests a child? Is the sinner so wicked that Jehovah will never forgive him? Not necessarily so. Jesus said that 'blasphemy against the holy spirit' was unforgivable. And Paul said that there is no sacrifice for

While Jehovah
forgives repentant
sinners, there may
be consequences of
their actions that
cannot be avoided

sins left for one who *practices* sin willfully despite knowing the truth. (Luke 12:10; Hebrews 10:26, 27) But nowhere does the Bible say that an adult Christian who sexually abuses a child—whether incestuously or otherwise—cannot be forgiven. Indeed, his sins can be washed clean if he repents sincerely from the heart and turns his conduct around. However, he may still have to struggle with the wrong fleshly impulses he cultivated. (Ephesians 1:7) And there may be consequences that he cannot avoid.

Depending on the law of the land where he lives, the molester may well have to serve a prison term or face other sanctions from the State. The congregation will not protect him from this. Moreover, the man has revealed a serious weakness that henceforth will have to be taken into account. If he seems to be repentant, he will be encouraged to make spiritual progress, share in the field service, even have parts in the Theocratic Ministry School and non-teaching parts in the Service Meeting. This does not mean, though, that he will qualify to serve in a position of responsibility in the congregation. What are the Scriptural reasons for this?

For one thing, an elder must be "self-controlled." (Titus 1:8) True, none of us have perfect self-control. (Romans 7:21-25) But a dedicated adult Christian who falls into the sin of child sexual abuse reveals an unnatural fleshly weakness. Experience has shown that such an adult may well molest other children. True, not every child molester repeats the sin, but many do. And the congregation cannot read hearts to tell who is and who is not liable to molest children again. (Jeremiah 17:9) Hence, Paul's counsel to Timothy applies with special force in the case of baptized adults who have molested children: "Never lay your hands hastily upon any man; neither be a sharer in the sins of others." (1 Timothy 5:22) For the protection of our children, a man known to have been a child molester does not qualify for a responsible position in the congregation. Moreover, he cannot be a pioneer or serve in any other special, full-time service.—Compare the principle at Exodus 21:28, 29.

Some may ask, 'Have not some committed other types of sin and apparently repented, only to repeat their sin later?' Yes, that has happened, but there are other fac-

tors to consider. If, for example, an individual makes immoral advances to another adult, the adult should be able to resist his or her advances. Children are much easier to deceive, confuse, or terrorize. The Bible speaks of a child's lack of wisdom. (Proverbs 22:15; 1 Corinthians 13:11) Jesus used children as an example of humble innocence. (Matthew 18:4; Luke 18:16, 17) The innocence of a child includes a complete lack of experience. Most children are open, eager to please, and thus vulnerable to abuse by a scheming adult whom they know and trust. Therefore, the congregation has a responsibility before Jehovah to protect its children.

Well-trained children learn to obey and honor their parents, the elders, and other adults. (Ephesians 6:1, 2; 1 Timothy 5:1, 2; Hebrews 13:7) It would be a shocking perversion if one of these authority figures were to misuse that child's innocent trust so as to seduce or force him or her to submit to sexual acts. Those who have been sexually molested in this way often struggle for years to overcome the resulting emotional trauma. Hence, a child molester is subject to severe congregational discipline and restrictions. It is not his status as an authority figure that should be of concern but, rather, the unblemished purity of the congregation.—1 Corinthians 5:6; 2 Peter 3:14.

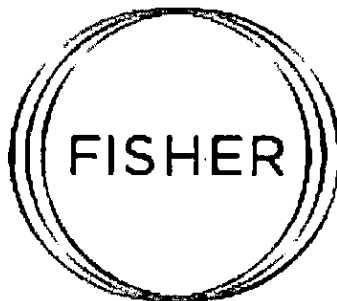
If a child molester sincerely repents, he will recognize the wisdom of applying Bible principles. If he truly learns to abhor what is wicked, he will despise what he did and struggle to avoid repeating his sin. (Proverbs 8:13; Romans 12:9) Further, he will surely thank Jehovah for the greatness of His love, as a result of which a repentant sinner, such as he is, can still worship our holy God and hope to be among "the upright" who will reside on earth forever.—Proverbs 2:21.

EXHIBIT F

*Alexis Nunez and Holly McGowan v.
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*Alexis Nunez
January 11, 2018*

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maindesk@fishercourtreporting.com*



Min-U-Script® with Word Index

<p style="text-align: right;">Page 65</p> <p>1 A. -- Amy was who I initially had contact 2 with. 3 Q. And that would be someone on your staff, 4 I would imagine? 5 A. Yes. 6 Q. Okay. 7 MR. MOLLOY: Amy's an attorney too. 8 MR. TAYLOR: Oh, it is an attorney. 9 MR. MOLLOY: Amy's an attorney. 10 MR. TAYLOR: Okay. 11 MR. MOLLOY: No longer with the firm. 12 MR. TAYLOR: Okay. Still covered, you 13 know. No, I'm not going there. 14 THE WITNESS: Yeah. 15 Q. (BY MR. TAYLOR) So did you have those 16 communications before the complaint -- did you 17 even see the complaint before it was filed? 18 A. I don't understand your question. 19 Q. You know, I'm going to show you something 20 that I previously marked as an exhibit. It's 21 Exhibit No. 30. That's the First Amended 22 Complaint, and it was filed by your attorneys on 23 your behalf, and there was one filed previous to 24 this. Have you ever even seen this document 25 before?</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Polson. 2 Q. Polson, okay. When did Holly become 3 aware that your brother had abused you -- I'm 4 sorry, that her brother, Peter, had abused you? 5 A. I -- 6 MR. LEONOUidakis: Objection. 7 Q. To your knowledge? 8 A. -- do not know. 9 Q. Did you ever have a conversation with 10 Holly about what Peter did? 11 A. I believe that after she found out, she 12 had contacted me and told me that she thought that 13 I should make a police report about it. 14 Q. Let me understand that. So after you had 15 a conversation with Holly about the -- 16 A. I never had a conversation with Holly 17 about any of that. 18 Q. So who recommended that you make a police 19 report? 20 A. Holly did. 21 Q. And was that the report we referred to 22 earlier about Officer -- or Sheriff Cantrell? 23 A. No. 24 Q. Okay. What report was Holly 25 recommending?</p>
<p style="text-align: right;">Page 66</p> <p>1 A. I do believe it was emailed to me. 2 Q. For example, look at Paragraph No. 37. 3 It says, "Plaintiff Alexis Nunez is the daughter 4 of Plaintiff McGowan's sister. Plaintiff Nunez 5 was raised in a Jehovah's Witness family and 6 attended services at Defendant Thompson Falls 7 Congregation." 8 Were you -- were you attending in 9 Thompson Falls or Polson? 10 A. Both. 11 Q. Both. And for how long did you attend in 12 Thompson Falls? 13 A. Whenever I stayed at my grandmother's. 14 Q. So in the faith of Jehovah's Witnesses, 15 were you visiting Thompson Falls? 16 A. Yes. 17 Q. Okay. So your mother wasn't a member of 18 Thompson Falls Congregation, correct? 19 A. Correct. 20 Q. And you never considered yourself to be a 21 member of Thompson Falls Congregation? 22 A. No. 23 Q. For example, in the faith, if someone 24 said, "Alexis, what congregation do you go to," 25 what would have been your answer?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Holly was recommending another report 2 against Peter. 3 Q. And when did she make that 4 recommendation? 5 A. A year-and-a-half, two years ago. 6 Q. After the lawsuit had already started? 7 A. Correct. 8 Q. And did you make a report on Peter? 9 A. No. 10 Q. And why not? 11 A. I am not prepared to deal with the 12 fallout at this point. 13 Q. And from who? 14 A. Everybody. I'm -- I'm not mentally 15 prepared to deal with another case on top of what 16 already is going on. 17 Q. Has your mother recommended that you file 18 a complaint against Peter? 19 A. Not really recommended, but she did say 20 that whatever my decision was, she would support 21 me. She did, like I said, the first phone call, 22 when Peter had talked to her, she asked me if 23 that's what I wanted. 24 Q. Okay. And at that time, you didn't want 25 to?</p>

EXHIBIT G

KR
Don
Blum



Christian Congregation of Jehovah's Witnesses

2821 Route 22, Patterson, NY 12563-2237 Phone: (845) 306-1100

SDJ:SSM August 25, 2005

BODY OF ELDERS
THOMPSON FALLS CONGREGATION OF
JEHOVAH'S WITNESSES, THOMPSON FALLS, MT
C/O KENNETH RIECH
PO BOX 562
PLAINS MT 59859-0562

Dear Brothers:

Thank you for notifying us of the reinstatement of Maximo Nava-Reyes on June 16, 2005. Since he was disfellowshipped for sexually molesting his stepchildren, we are providing specific comments on how the congregation should view him. If Brother Nava-Reyes is not associated with your congregation, please promptly return this letter and inform us of his current whereabouts so that we can contact the appropriate body of elders.

For good reason, the January 1, 1997, issue of *The Watchtower*, page 29, states: "A dedicated adult Christian who falls into the sin of child sexual abuse reveals an unnatural fleshly weakness. Experience has shown that such an adult may well molest other children. True, not every child molester repeats the sin, but many do. And the congregation cannot read hearts to tell who is and who is not liable to molest children again. (Jeremiah 17:9) Hence, Paul's counsel to Timothy applies with special force in the case of baptized adults who have molested children: 'Never lay your hands hastily upon any man; neither be a sharer in the sins of others.' (1 Timothy 5:22) For the protection of our children, a man known to have been a child molester does not qualify for a responsible position in the congregation." Therefore, in the best interest of the congregation and its members, neither the local congregation nor any legal corporations used by Jehovah's Witnesses should be viewed as delegating authority or position to one who is a known child molester.

Now that we have given careful and prayerful consideration to all the factors in the case of Brother Nava-Reyes, we believe that what is stated in the foregoing applies to him. Hence, you should not extend to him any specific responsibility that could be construed as an assigned duty, even though some assignments might be considered minor. He should not be used to handle accounts, literature, magazines, or territories. Nor would he be used as an attendant, microphone handler, to operate sound equipment, to represent the congregation in prayer, or to present "Announcements" on the Service Meeting. He would not be used as the reader at the Congregation Book Study or *Watchtower* Study, nor to conduct a meeting for field service. It would be advisable not to have a book study in his home. And, he would not qualify to auxiliary or regular pioneer. Whereas he could volunteer to assist with general care of the Kingdom Hall where he attends meetings, he could not be approved to work on other Kingdom Halls or Assembly Halls. It will be many years, if ever, before privileges of service can be restored. Even if in the distant future you were considering him for the privileges mentioned in this paragraph, you should contact the branch office.

TF000151

THOMPSON FALLS CONGREGATION, THOMPSON FALLS, MT

August 25, 2005

Page 2

Please be reminded of the following direction that appears in the March 14, 1997, confidential letter to all bodies of elders regarding known child molesters: "Individuals who have manifested a weakness in this regard should be sensitive to their need not to be alone with children. They should refrain from holding children or displaying other forms of affection for them. It would be appropriate for elders to give kindly cautions to any who are doing things that may be a temptation or a cause for concern to others in the congregation." (1 Corinthians 10:12, 32) This would include not allowing children (other than his own) to spend the night in his home, not working in field service with a child, not cultivating friendships with children, and the like.

Additionally, former child abusers should not work alone in the field ministry. They should always be accompanied by another adult publisher who is in good standing in the congregation. This also applies to working with their own minor children in the field ministry. If they choose to do so, there still should always be another adult present. This serves to protect the minor who might answer the door, the former abuser and the reputation of the congregation.

Lastly, in harmony with the direction in the August 1, 1995, and March 14, 1997, letters to all bodies of elders, if Brother Nava-Reyes moves to another congregation, you will need to write to the body of elders and "clearly and discreetly inform the elders in the new congregation about the problem," outlining the individual's background, the restrictions imposed, and any needed cautions. You should also send us a copy of your letter so that we will know his whereabouts.

Certainly, in view of the problems Brother Nava-Reyes has had, the family will benefit from regular encouragement and shepherding from you brothers. In conclusion, we thank you in advance for loyally adhering to what we have stated in this letter, and we send an expression of our warm Christian love.

Your brothers,

*Christian Congregation
of Jehovah's Witnesses*

EXHIBIT H

Do Not Destroy

SDX AUG 25 2005

SDJ:SSM August 25, 2005

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CCJW000148

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August 25, 2005

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