



This Court granted a motion to compel and ordered Defendants to produce certain affidavits from other cases. Even though the affidavits were publicly filed in other cases, Defendants marked the documents as “confidential” in this case. Plaintiffs objected to the confidential designation pursuant to the protective order.

In response, defense counsel stipulated, “Feel free to treat [the documents] as not confidential; we will resend the documents [without] the confidential stamp in due course.” Email from Joel Taylor, July 3, 2018 (Exhibit A). The documents were never re-sent without the “confidential” designation.

Plaintiffs’ counsel again complained about the misuse of the confidential designation and requested the documents without the “confidential” stamp. In response, defense counsel Joel Taylor entered into a stipulation on the record during a deposition that the documents were “incorrectly marked as confidential” and that there is “no problem with [plaintiffs’ counsel] providing them to other lawyers that have cases or to the media.” Chappel Deposition, July 12, 2018 at 155 (Exhibit B).

Defendants now refuse to honor the stipulations, using as a stall tactic, the claim that this Court has ordered that the declarations be marked “confidential” and that they would violate this Court’s order by honoring their stipulation. Email from Joel Taylor, July 18, 2018 (Exhibit C).

The affidavits at issue are significant because they dispute a claim made in this case and other cases brought against the Jehovah’s Witnesses. Additionally, the affidavits were used in a deposition where the witness contradicted statements that the Defendants released publicly to A&E Network regarding a documentary about child sex

abuse within the Jehovah's Witnesses. The affidavits are clearly not confidential and Defendants should be held to their stipulation.

Therefore, Plaintiffs request that the Court issue an order that the documents WTN001071-001273 are not confidential an order that Defendants produce the documents without the "confidential" designation.

DATED: This 1<sup>st</sup> day of August, 2018

Attorney for Plaintiffs:

Handwritten signature of Neil Smith in black ink.

By: \_\_\_\_\_  
Neil Smith

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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 1<sup>st</sup> day of August, 2018.

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Neil Smith

# **EXHIBIT A**

From: jmtaylor@jw.org  
Subject: RE: Objection to Confidential Designations  
Date: July 3, 2018 at 2:55 PM  
To: neilsmith@nixlaw.com, kidesoto@GARLINGTON.COM, rossl@nixlaw.com, jim@galliklawfirm.com  
Cc: JDBRANNA@jw.org



Neil,

Feel free to treat documents WTN001071-001273 as not confidential; we will resend the documents w/o the confidential stamp in due course. We will be forwarding deposition transcripts to Katie later today and she will make them available to you shortly thereafter.

We will see you on the 12th for the continuation of the PMK deposition.

Joel M. Taylor, Esq.  
Associate General Counsel  
P (845) 306-1000  
F (845) 306-0709

-----Original Message-----

From: Neil Smith [mailto:[neilsmith@nixlaw.com](mailto:neilsmith@nixlaw.com)]  
Sent: Tuesday, July 3, 2018 12:31 PM  
To: Kathleen L. DeSoto; Taylor, Joel; Ross Leonoudakis; Jim Molloy  
Subject: Re: Objection to Confidential Designations

Any word on why these document are marked as confidential?

On Jun 30, 2018, at 4:10 PM, Neil Smith <[neilsmith@nixlaw.com](mailto:neilsmith@nixlaw.com)> wrote:

Katie / Joel,

Can you let me know why WTN001071-001273 are designated as confidential? These all appear to be documents that were submitted to other courts and are by their very nature not confidential. Plaintiffs object to the confidential designation. Please let me know that the confidential designation will be removed or provide the reason for claiming the designation.

# **EXHIBIT B**

1 is going to be Exhibit No. 54. Exhibit No. 8,  
2 an internet printout, is going to be 55.  
3 Exhibit No. 9, which is a letter with the  
4 heading Watchtower, will be Exhibit 56. And  
5 Exhibit No. 10, which is a document entitled  
6 Jehovah's Witnesses' Scripturally Based Position  
7 on Child Protection, will be Exhibit No. 57.

8 Did I get that correct, everybody?

9 MR. TAYLOR: That's right.

10 MR. SMITH: Last need to clear up is I  
11 referenced from affidavits that were produced in  
12 the last few weeks which were marked  
13 confidential. But I believe the position of the  
14 defendants is that that was incorrectly marked  
15 as confidential?

16 MR. TAYLOR: Correct.

17 MR. SMITH: And so, there is -- just for  
18 purposes of the record -- this deposition  
19 transcript is in no way confidential.

20 MR. TAYLOR: Correct.

21 MR. SMITH: It can be shown to people  
22 with other cases, to the media, to the public.  
23 There is no claims of confidentiality.

24 MR. TAYLOR: There is no claims of  
25 confidentiality. Except that, obviously, you



# EXHIBIT C

**From:** jmtaylor@jw.org  
**Subject:** Re: Question re Confidential Docs (Nunez v. WTNY)  
**Date:** July 18, 2018 at 9:11 AM  
**To:** rossl@nixlaw.com  
**Cc:** nellsmith@nixlaw.com, jim@galliklawfirm.com, JDBRANNA@jw.org, klidesoto@GARLINGTON.COM



Ross,

Katie directed me to the Court's Order dated June 3, 2018, that addresses both the requests for PMK depositions and declarations. The Court ordered the documents produced pursuant to the Protective Order. Feel free to review the Order; it is attached. As such, defendants WTNY and CCJW stand by their position that the documents should be marked confidential and subject to the terms of the Protective Order (it is attached as well). As for redaction, we have removed all redactions of the names of members of the religious order that assist WTNY and/or CCJW and any accused. In addition we have removed all redactions of congregations of Jehovah's Witnesses and elders associated with those congregations (although the names of victims who proceeded under a pseudonym and their family members/friends remain redacted [All are non-parties and have an associational right to privacy under the 14<sup>th</sup> Amendment]). Katie will post electronic links to the revised redacted documents by tomorrow.

As to the Plaintiffs' Request For Production Nos. 6 & 8. Please note that you withdrew those requests in response to our motion for a protective order (attached is the relevant portion of your responsive motion). As such, neither CCJW nor WTNY addressed those responses in reply (nor did WTNY or CCJW seek reconsideration or interlocutory review of the Court's Order because the requests, although ruled on, were previously withdrawn). In fact, days after the Court issued its Order, I circulated an email on June 7, 2018, with my understanding of what still needed to be produced pursuant to the Order (email is attached). We heard nothing in response about the idea of resurrecting the requests that had been previously withdrawn. We would have objected. Thus neither WTNY nor CCJW has any outstanding responses due to any discovery demands.

Please be guided accordingly.

**Joel M. Taylor, Esq.**

Associate General Counsel

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**From:** Ross Leonoudakis [<mailto:rossl@nixlaw.com>]  
**Sent:** Monday, July 16, 2018 6:12 PM  
**To:** Taylor, Joel; Brannan, Jared; [klidesoto@GARLINGTON.COM](mailto:klidesoto@GARLINGTON.COM)  
**Cc:** Neil Smith; [jim@galliklawfirm.com](mailto:jim@galliklawfirm.com); [Corrie@galliklawfirm.com](mailto:Corrie@galliklawfirm.com)  
**Subject:** Re: Question re Confidential Docs