

***Exhibit E***

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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

WATCHTOWER BIBLE AND TRACT )  
SOCIETY OF NEW YORK, INC., )  
WATCH TOWER BIBLE AND TRACT )  
SOCIETY OF PENNSYLVANIA, and )  
BRUCE MAPLEY SR., )

Defendants, )

WATCHTOWER BIBLE AND TRACT )  
SOCIETY OF NEW YORK, INC., )  
Cross Claimant, )

BRUCE MAPLEY, SR., )  
Cross Defendant. )

Case No. CV-20-52-BLG-SPW

**DECLARATION OF  
MATTHEW L. MERRILL**

\_\_\_\_\_ )

ARIANE ROWLAND, and JAMIE	)	
SCHULZE	)	Cause No. CV 20-59-BLG-SPW
	)	
Plaintiff,	)	
vs.	)	
	)	
WATCHTOWER BIBLE AND TRACT	)	
SOCIETY OF NEW YORK, INC., and	)	
WATCH TOWER BIBLE AND TRACT	)	
SOCIETY OF PENNSYLVANIA,	)	
	)	
Defendants.	)	
	)	

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I, Matthew L. Merrill, an attorney duly admitted to practice law pro hac vice in this Court, declare that the following is true and correct:

1. I submit this Declaration in support of Plaintiffs’ Financial Affidavit regarding the fees and costs expended litigating Watch Tower Bible and Tract Society of Pennsylvania’s (“WTPA”) Motion to Dismiss. Motion to Dismiss and Brief in Support (CV 20-52-BLG-SPW Doc. 13 & 14; CV-20-59-BLG-SPW-TJC Doc 9 &10) (referred to herein as “WTPA’s Motion”).

2. I am a solo practitioner in the law firm of Merrill Law, LLC, and represent Plaintiffs in this matter. My reasonable and customary rate is \$300.

3. I am admitted to practice law in the state courts of Colorado and in the Federal Court of Montana (pro hac vice). I have been practicing law since 2006.

4. I am assisting Meyer, Shaffer & Stepan, PLLP in the prosecution of this case. My primary roles prior to the Court’s August 23, 2022 Order were: (1)

review of documents obtained from defendants and third parties; (2) participate in meetings and calls with the litigation team to discuss strategy, relevant documents, and correspondence and briefs; and (3) review and edit correspondence and briefs. I also completed legal research, outlined arguments for briefs, and drafted discovery requests.

5. I personally prepared the itemization of my time spent litigating WTPA's Motion, which is attached as **Exhibit 1**.

6. I did not keep contemporaneous records of the time I expended litigating WTPA's Motion.

7. Therefore, I reconstructed the time I expended by reviewing:
- a. My calendar.
  - b. The complete discovery served and answered pertaining to the WTPA's Motion.
  - c. The record of correspondence between counsel pertaining to litigation over WTPA's Motion.
  - d. The pleadings filed with the Court pertaining to WTPA's Motion
  - e. The record of Jehovah's Witness documents assigned to me to review and summarize for responding to WTPA's Motion (a spreadsheet identifying these documents is attached as **Exhibit 2**).

f. The billing and attendance records of video and telephone conferences I attended that pertained to litigation over WTPA's Motion.

8. Because most of my billing entries were not created contemporaneously, I endeavored to make sure that all entries were conservative by erring on the side of entering less time than I actually expended for each entry.

9. I excluded from **Exhibit 1** many meetings, emails, phone calls, and discussions with my co-counsel related to litigating WTPA's Motion because they were not memorialized or recorded.

10. For the foregoing reasons, I certify that the time set forth in my billing entries is a conservative reflection of the time I actually expended in litigating WTPA's Motion.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 20<sup>th</sup> day of September, 2022.

By: /s/ Matthew L. Merrill  
Matthew L. Merrill  
MERRILL LAW, LLC

*Attorney for Plaintiffs*

***Exhibit 1***

MATTHEW MERRILL TIME ENTRIES RE: HANDLING WTPA MOTION TO DISMISS ON PERSONAL JURISDICTION							
	Date	Event	Review of Incoming Doc	Legal Research re: Doc	Drafting Outgoing Doc. / Prepare Mock Hearing Questions	Editing / Finalizing Outgoing Doc.	Teams Meetings / Conf. Calls
1	7/9/2020	Attorney meeting re: Motion to dismiss and joint discovery plan					0.8
2	7/13/2020	Response brief to WTPA's Motion to Dismiss ("MTD") Pursuant to Rule 12(b)(2)	0.8			1	
3	~7/13/2020 – ~3/20/2021	Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana	27.4				
4	8/5/2020	Brief in support of Motion to supplement the record re: MTD				0.2	
5	8/14/2020	WTPA's brief in opposition to Motion to supplement the record re: MTD	0.2				
6	10/8/2020	Attorney meeting re: document and information management; scope of jurisdictional discovery; 1st round of jurisdictional discovery to WTPA					1.1
7	10/14/2020	Order re: jurisdictional discovery scheduling	0.2				
8	10/19/2020	Brief re: scope of jurisdictional discovery		1	1	1	
9	11/11/2020	Attorney meeting re: protective order; motion to conduct discovery on Mapley/WTNY; 2nd jurisdictional discovery to WTPA and 1st to WTNY					1
10	11/17/2020	Second jurisdictional discovery to WTPA				1	
11	11/17/2020	First jurisdictional discovery to WTNY				0.5	
12	11/20/2020	WTPA's responses to first jurisdictional discovery	0.7				
13	11/30/2020	Order re: scope of jurisdictional discovery	0.5				
14	12/15/2020	WTPA's first supp. responses to first jurisdictional discovery	0.3				
15	12/17/2020	Subpoena duces tecum to hardin congregation			0.5	0.5	0.5
16	12/17/2020	Attorney meeting re: finalizing SDT to Hardin Congregation; additional jurisdictional discovery to WTPA/WTNY; documents/correspondence received from WTPA					1.7
17	12/22/2020	Attorney meeting with consultant re: WTPA's role in the church					3
18	12/22/2020	Letter to Wilson re: elder interviews				0.1	0.1
19	12/29/2020	WTPA's responses to second jurisdictional discovery	0.7				
20	12/29/2020	WTNY's responses to first jurisdictional discovery	0.7				
21	1/5/2021	Attorney meeting with consultant re: WTPA's role in the church					2.5
22	1/11/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation				0.1	0.1

23	1/15/2021	WTPA's first supp. responses to second jurisdictional discovery	0.3				
24	1/15/2021	Attorney meetign re: documents received from WTPA, disocvery disputes, serving additional discovery before 1/25 deadline, legal research on personal jurisdiction					0.4
25	1/19/2021	Letter to Wilson re: WTPA's jurisdictional discovery responses				0.4	0.5
26	1/22/2021	Letter from Wilson re: WTPA's discovery responses	0.2				
27	1/25/2021	Third jurisdictional discovery to WTPA			1	0.5	1
28	1/25/2021	Second jurisdictional discovery to WTNY				1	
29	1/26/2021	Letter to Wilson re: WTPA's jurisdictional discovery responses				0.3	
30	1/26/2021	Letter to Wilson re: WTNY's jurisdictional discovery responses				0.2	
31	2/11/2021	Attorney Meeting re: Hardin Congregation Subpoena and ongoing Jurisdictional Discovery					1
32	2/12/2021	Letter from Wilson re: WTPA and WTNY discovery responses	0.3				
33	3/8/2021	WTPA's responses to third jurisdictional discovery	0.5				
34	3/10/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses				0.4	1
35	3/22/2021	2 letters from Wilson re: WTPA's and WTNY's jurisdictional discovery responses	0.4				
36	3/22/2021	WTPA's second supp. re: responses to first jurisdictional discovery	0.2				
37	3/23/2021	Attorney meeting re: discovery disputes					1.1
38	3/26/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses				0.3	
39	3/30/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation				0.2	
40	3/31/2021	WTNY's first supp. responses to first jurisdictional discovery	0.3				
41	4/2/2021	Attorney meeting re: discovery disputes					1.1
42	4/7/2021	Letter from Funyak re: Subpoena duces tecum to hardin congregation	0.2				
43	4/9/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses and jurisdictional depositions				0.3	
44	4/19/2021	WTNY's second supp. responses to first jurisdictional discovery	0.3				
45	4/19/2021	WTPA's second supp. responses to third jurisdictional discovery	0.3				
46	4/20/2021	Brief re: Motion to compel jurisdictional discovery				1	0.5
47	4/21/2021	Motion to compel Hardin Congregation subpoena duces tecum				1	0.5
48	4/23/2021	Deposition of James Rowland	1				
49	4/28/2021	Letter from Funyak re: Motion to compel	0.1				
50	5/4/2021	Hardin Congregation's motion and brief to permissively intervene					0.1



51	5/5/2021	Order re: Hardin Congregation's motion and brief to permissively intervene	0.1				
52	5/5/2021	Hardin Congregation's response to motion to compel subpoena duces tecum	0.7				
53	5/11/2021	WTPA and WTNY's response to motion to compel jurisdictional discovery	0.7				
54	5/14/2021	Reply brief re: Motion to compel Hardin Congregation subpoena duces tecum				1	0.5
55	5/20/2021	WTPA's third supp. responses to third jurisdictional discovery	0.3				
56	5/20/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.1
57	5/25/2021	Reply brief re: Motion to compel jurisdictional discovery				0.7	
58	6/15/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.3
59	6/17/2021	Mock hearing re: motion to compel jurisdictional discovery			1		1.7
60	6/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum	0.4				
61	7/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum	0.4				
62	8/10/2021	Attorney meeting re: documents relevant to personal jurisdiction					2.3
63	8/24/2021	Order re: motion to compel jurisdictional discovery	0.3				
64	8/26/2021	Attorney meeting re: documents relevant to personal jurisdiction and forthcoming response to MTD					1.3
65	8/27/2021	Letter to Wilson/Taylor re: impropriety of MTD				0.4	
66	8/30/2021	Order re: redaction of subpoena duces tecum documents	0.2				
67	9/2/2021	Letter from Wilson re: impropriety of MTD	0.1				
68	9/2/2021	Attorney meeting to discuss affidavit of fees and costs on Motion to Compel, review of Watchtower financial documents, Brumley depo., SDT to Hardin.					0.8
69	9/3/2021	Letter from Funyak w/ unredacted subpoena duces tecum documents	0.2				
70	9/21/2021	WTPA's third supp. re: responses to first jurisdictional discovery	0.2				
71	9/21/2021	WTPA's second supp. responses to second jurisdictional discovery	0.2				
72	9/21/2021	WTNY's third supp. responses to first jurisdictional discovery	0.2				
73	9/21/2021	WTPA's fourth supp. responses to third jurisdictional discovery	0.2				
74	10/18/2021	Attorney meeting to discuss personal jurisdiction brief and potential Rule 11 letter					1.2
75	11/5/2021	WTPA's notice of withdrawal of MTD	0.1				
76	11/5/2021	Response brief to WTPA's MTD			3		1.5
77	12/3/2021	Brief re: Motion for sanctions					0.4
78	1/10/2022	Reply brief re: Motion for sanctions					0.3

79	3/16/2021	Mock hearing re: motion for sanctions					1.8	
	<b>Time Totals</b>		39.9	1	6.5	14.3	30	<b>Grand Total</b> <b>\$27,510</b>
	<b>Hourly Rate</b>		\$300	\$300	\$300	\$300	\$300	
	<b>Total Fee</b>		\$11,970	\$300	\$1,950	\$4,290	\$9,000	

***Exhibit 2***

<b>PRODUCED BY/ BATES PREFIX</b>	<b>BATES NUMBER</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
CAEKAERT/MAPLEY	001240-001369	1/2018	2018-01 Circuit Overseer Guidelines Copyrighted 2018 by WTPA	MATTHEW
CAEKAERT/MAPLEY	001370-001499	10/2015	2015-10 Circuit Overseer Guidelines Copyrighted 2015 by WTPA	MATTHEW
CAEKAERT/MAPLEY	001500-001654	1991	ELDERS BOOK 1991 Pay attention to yourselves and to all the flock (ks91-E) Copyrighted 1991 by WTPA Published 1991 by WTNV	MATTHEW
CAEKAERT/MAPLEY	001655-001817	1991	ELDERS BOOK 1991 Pay attention to yourselves and to all the flock CONFIDENTIAL NOTES Copyrighted 1991 by WTPA Published 1991 by WTNV	MATTHEW
CAEKAERT/MAPLEY	002718-002733	1/1/1950	1950-01-01 WatchTower Publication (in folder Watchtower PA equal to Gov Body)	MATTHEW

CAEKAERT/MAPLEY	002734	1/1/1954	1954-01-01 Pages from the Watchtower Pub. re Watch Tower Society Control	MATTHEW
CAEKAERT/MAPLEY	002740-002743	5/1/1971	1971-05-01 Pages from The Watchtower Publication - Striving to Serve Jehovah from Childhood On	MATTHEW
CAEKAERT/MAPLEY	002747	5/15/1995	1995-05-15 Watchtower P 22 WTPA was synonymous with GB	MATTHEW
CAEKAERT/MAPLEY	002751	7/1/1997	1997-07-01 The Watchtower Publication - announcement of 10/4/1997 Annual Meeting	MATTHEW
CAEKAERT/MAPLEY	002752	7/15/1997	1997-07-15 The Watchtower Publication - announcement of 10/4/1997 Annual Meeting	MATTHEW
CAEKAERT/MAPLEY	003028-003037		Section 6 Anderson's Child Abuse Info to JW GB	MATTHEW
CAEKAERT/MAPLEY	003038-003048	1/9/2021	2021-01-09 Anderson re Steps to Power	MATTHEW
CAEKAERT/MAPLEY	003052-003167	1884-2003	1884-2003 Chap. 1 - Corporate Charter & Amendments	MATTHEW

<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
8/27/2013	Child Abuse-re-Jan 1 1997 Watch Tower Branch Guidelines	MATTHEW
7/20/1998	Ltr. to Canadian BOE re CSA	MATTHEW
10/4/1970	WT Svc. Dept Ltr. to Cong. Committee Mtg with Papazian re CSA	MATTHEW
10/29/1992	Kruger Confidential Ltr. to Governing Body	MATTHEW
	Section 1-Anderson's Child Abuse Info to JW Governing Body 1993	MATTHEW
	Section 2-Part 1 Anderson's Child Abuse Info to JW GB	MATTHEW
	Section 3-Part 2 Anderson's Child Abuse Info to JW GB	MATTHEW
	Section 4-Part 3 Anderson's Child Abuse Info to JW GB	MATTHEW
	Section 5 Anderson's Child Abuse Info to JW GB	MATTHEW
10/8/1991	1991-10-08 Woodard-Mary Woodard Kohens Experience-Awake	MATTHEW
11/16/1991	1991-11-16 Carl and Barbara P - ltr to Governing Body of JWs re CA	MATTHEW
6/4/2002	2002-06-04 Ltr. to Manion	MATTHEW
4/24/2006	2006-04-24 Mary Woodard' - Moving Forward	MATTHEW
	Anderson talks about Mary Woodward in part of Discoveries of BA	MATTHEW

	Anderson 's-Analysis of the Oct 1 2012 BOE letter	MATTHEW
5/3/2018	Flawed Decree Conceals Criminals- Final-Lev 5-1	MATTHEW

<b>PRODUCED BY/ BATES PREFIX</b>	<b>BATES NUMBER</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
WTPA	061909-062172	1989	1989 - Yearbook of the Jehovah's Witnesses	MATTHEW
WTPA	062173-062436	1990	1990 - Yearbook of the Jehovah's Witnesses	MATTHEW
WTPA	062437-062700	1991	1991 - Yearbook of the Jehovah's Witnesses	MATTHEW
WTPA	062701-062964	1992	1992 - Yearbook of the Jehovah's Witnesses	MATTHEW