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19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **COUNTY OF SAN DIEGO**

21 JOSE LOPEZ, an Individual,
22
23 Plaintiff,

24 v.

25 DOE 1, LINDA VISTA CHURCH; DOE 2,
26 SUPERVISORY ORGANIZATION; DOE 3,
27 PERPETRATOR; and DOES 4 through 100,
28 inclusive,

Defendants

F I L E D

Clerk of the Superior Court

APR 16 2018

By: M. SPIESMAN, Deputy

Case No. 37-2012-00099849-CU-PO-CTL

**WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK INC.'S
OPPOSITION TO THE ZALKIN FIRM'S
MOTION TO MODIFY PROTECTIVE
ORDER**

[Filed concurrently with Declaration of Ryan C.
McKim]

Assigned to: Hon. Gregory W. Pollack

Date: April 27, 2018

Time: 9:30 a.m.

Dept.: 71

Trial Date: Vacated

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1 **I. INTRODUCTION**

2 The Court must deny the pending motion to modify the January 6, 2017 protective order. The
3 real party interest is not plaintiff Jose Lopez (“Plaintiff”), but rather his attorneys, The Zalkin Firm
4 (“Zalkin”). Although Plaintiff and defendant Watchtower Bible and Tract Society of New York, Inc.
5 (“Watchtower”) have settled the case and payment has been made, Zalkin now stands in the way of
6 dismissal. Zalkin asks this Court to modify its “carefully considered” protective order based on the
7 theory that Zalkin can save money in unrelated cases by recycling the work product of its expert in
8 this case. (Declaration of Ryan C. McKim (“McKim Decl.”), ¶ 2, Ex. 1, minute order dated January
9 6, 2017, p. 2.) There is no evidence to support Zalkin’s motion and Zalkin’s arguments in support of
10 this motion are inconsistent with its prior statements to this Court. Thus, this Court must refuse to
11 participate in Zalkin’s blatant gamesmanship, and deny Zalkin’s request to use highly confidential
12 documents in unrelated cases.

13 **II. FACTUAL BACKGROUND**

14 **A. This Case**

15 1. Plaintiff’s First Amended Complaint

16 Plaintiff Jose Lopez (“Plaintiff”) filed the subject lawsuit on June 29, 2012. (Complaint,
17 file stamped June 29, 2012.) Plaintiff alleges that he was the victim of a single instance of
18 childhood sexual abuse committed by defendant Gonzalo Campos in 1986. (First Amended
19 Complaint, ¶ 5.) Plaintiff is represented by Irwin Zalkin and Devin Storey of The Zalkin Firm
20 (“Zalkin”). (First Amend Complaint, p. 1.) Watchtower adamantly denies liability.

21 2. Discovery, Law & Motion Practice, And Appeal

22 At his deposition on March 1, 2013, Plaintiff was asked: “Did you when you were a teenager
23 have a personal belief that your problems with being a loner, having depression, and using drugs and
24 alcohol was somehow related to what Mr. Campos had done to you?” (McKim Decl., ¶ 3, Ex. 2,
25 Excerpts of Plaintiff’s Deposition Transcript, dated March 1, 2013, 222:24-223:18.) Plaintiff
26 responded: “Yes.” (*Ibid.*) Plaintiff was further asked if “that belief ever changed at any time in [his]
27 life,” to which he responded, “No.” (*Ibid.*) Moreover, when asked if he still held that same belief,
28 Plaintiff responded “I believe so. Yes.” (*Ibid.*) Based on that testimony, Watchtower moved for

1 summary judgment based on the statute of limitations under Code of Civil Procedure § 340.1(a).
2 However, to avoid dismissal and after having an opportunity to consult with counsel, Plaintiff
3 subsequently changed his testimony to defeat Watchtower's motion for summary judgment.
4 (McKim, Decl., ¶ 4, Ex. 3, Errata Sheet to Plaintiff's Deposition Transcript, dated April 12, 2013, ¶ 5,
5 Ex. 4, Reporter's Transcript, dated January 2, 2014, 32:1-6.)

6 Realizing the precarious legal-footing of his case and his questionable credibility, Plaintiff
7 and his counsel concocted a litigation tactic to avoid dealing with this case on its merits and to
8 terminate this case on procedural grounds, as well as to look for new clients. (McKim Decl., ¶ 6,
9 Ex. 5, Declaration of Joel Taylor, ¶¶ 6-8.) In short, Plaintiff sought documents from Watchtower
10 on a nationwide basis, concerning non-parties and spanning multiple decades, regardless of the fact
11 that the documents have anything to do with this case. (McKim Decl., ¶ 7, Ex. 6, Person Most
12 Qualified ["PMQ"] Deposition Notice, dated September 20, 2013.) In keeping with that strategy,
13 document request no. 5 in the PMQ Deposition Notice sought: "Any and all individual written
14 accounts, reports, summaries, letters, emails, facsimiles, and records, whether or not compiled,
15 concerning reports of sexual abuse of children by members of the Jehovah's Witnesses, including
16 but not limited to, Governing Body members, district overseers, circuit overseers, elders,
17 ministerial servants, pioneers, publishers, baptized publishers, and individuals from the time period
18 of 1979 to the present." (*Lopez v. Watchtower Bible & Tract Soc'y of N.Y., Inc.* (2016) 246
19 Cal.App.4th 566, 576, review denied (July 27, 2016).) Document request no. 12 sought: "All
20 letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of
21 any kind, Watchtower Bible and Tract Society of New York, Inc. received in response to the Body
22 of Elder Letter Dated March 14, 1997." (*Id.* at 577.)

23 On January 2, 2016, over Watchtower's objections and motion practice, Judge Lewis
24 ordered Watchtower to produce documents. (McKim Decl., ¶ 8, Ex. 7, Order adopting
25 Recommendations of Discovery Referee, file stamped January 2, 2014, p. 4.) Watchtower did not
26 produce responsive documents and Judge Lewis struck Watchtower's answer as an initial discovery
27 sanction by order dated January 2, 2014. (*Lopez, supra*, 246 Cal.App.4th at 574.)

28 Judge Lewis entered a default judgment against Watchtower, but Watchtower successfully

1 appealed. (*Lopez, supra*, 246 Cal.App.4th 566.)

2 3. Meet And Confer Efforts Regarding Watchtower's Production Of Documents
3 Responsive To Requests Nos. 5 And 12

4 On November 2, 2016, after the case was remanded from the appellate court and reassigned to
5 Department 71, Watchtower wrote to Mr. Storey to request a stipulated protective order and non-
6 disclosure agreement for its production of documents responsive to requests nos. 5 and 12. (McKim
7 Decl., ¶ 9, Ex. 8, Email from McKim to Storey dated November 2, 2016, including proposed
8 stipulated protective order and non-disclosure agreement.) Watchtower's proposed stipulated
9 protective order and non-disclosure agreement quotes Judge Lewis and the Court of Appeal: "the
10 Court has ordered that '[t]o the extent the documents produced might invade the privacy rights of
11 third parties, defendant may produce documents wherein the names, addresses, e-mail addresses,
12 telephone numbers and social security number[s] of third-parties have been redacted' (Order on
13 Recommendations of Discovery Referee, file stamped January 2, 2014, p. 4) (hereinafter 'January
14 2014 Protective Order')." (*Ibid.*) Mr. Storey refused to sign the stipulated protective order and non-
15 disclosure agreement and even stated that if Watchtower redacted documents as permitted by Judge
16 Lewis and the Court of Appeal, "there will be motion practice[.]" (McKim Decl., ¶ 10, Ex. 9, Email
17 from Storey to McKim dated November 4, 2016.)

18 4. The Protective Order

19 Watchtower moved for a protective order concerning document requests nos. 5 and 12 in the
20 PMQ Deposition Notice. Very importantly, in opposition to Watchtower's motion, Zalkin made clear
21 to this Court that, *inter alia*: (1) "The subject documents cannot be introduced in any other pending
22 action against the Jehovah's Witnesses. Plaintiff's lawyers are prohibited from disclosing the content
23 of the documents in any other actions, or even mentioning how many responsive documents have
24 been produced;" (2) "The subject documents must be returned to Watchtower at the conclusion of this
25 litigation;" and that (3) "the production of the documents to Plaintiff's counsel [would be] for use
26 solely in this action." (McKim Decl., ¶ 11, Ex. 10, Plaintiff's Opposition to Watchtower's Motion for
27 Protective Order, signed by Devin Storey on December 22, 2016, 6:12-27.)

28 After "carefully considering all the briefing submitted by both sides," this Court ordered:

1 "Plaintiff's counsel may inform the Court in other litigation against Defendant Watchtower that
2 Defendant Watchtower has produced the Responsive Documents in this case but may not reveal, refer
3 to or characterize the content of the documents." (McKim Decl., ¶ 2, Ex. 1, minute order dated
4 January 6, 2017, including proposed order, 1:21-24.) Work product referring to the documents is
5 subject to the protective order. (McKim Decl., ¶ 2, Ex. 1, minute order dated January 6, 2017,
6 including proposed order, 3:10-12.)

7 5. Zalkin's Ex Parte Application

8 On January 30, 2018, Zalkin moved this Court for an order shortening time to hear this
9 motion. (McKim Decl., ¶ 12.) At the *ex parte* hearing, the Court explained in great detail why
10 Zalkin's motion to modify the protective order is "very much the wrong thing to do." (McKim Decl.,
11 ¶ 12, Ex. 11, Reporter's Transcript, dated January 30, 2018, 4:11.) According to the Court:

12 Watchtower opposed a lot of the Discovery, concerned that it might be used in other
13 cases, and the Plaintiff's position basically, "We need it for this case. By the way, we'll sign
14 any protective order that returns and destroys documents at the end ..." [¶] And on that basis,
15 the Court allowed it and now when the case is over to say, "We want to keep this for our next
16 case," that strikes the Court.

17 (McKim Decl., ¶ 12, Ex. 11, Reporter's Transcript, dated January 30, 2018, 4:13-20.) The Court
18 elaborated:

19 It just renders these protective orders meaningless if we grant them on the condition to
20 be limited to this case and then when this case is over, the side that got all that stuff, so to
21 speak now says, "Judge it's a waste of time because we know we can get it in the future cases
22 and we've generated all this work product to save money..." That was something that would
23 have been known at the time we fashioned the original protective order, and this is not
24 something, "Oh, my gosh, we've just discovered ..." [¶] I mean, that was a known entity that
25 work product would be generated; your firm would likely be involved in future litigation with
26 Watchtower and factoring that all in we came up with an order that didn't allow this and now
27 just to amend it, is just -- it's not fair

28 (McKim Decl., ¶ 12, Ex. 11, Reporter's Transcript, dated January 30, 2018, 5:8-24.) Despite its very

1 reasonable and clearly articulated position, the Court gave Zalkin an opportunity to move to modify
2 the protective order by noticed motion. Zalkin does so now.

3 **B. Padron v. Doe I, et al.**

4 In 2013, on behalf of Osbaldo Padron, Zalkin sued Watchtower in a case entitled *Padron v.*
5 *Doe I, et al.* (San Diego Superior Court, case no. 37-2013-00067529-CU-PO-CTL). Zalkin
6 unsuccessfully made many of the same arguments that it makes now regarding Watchtower's
7 document production.

8 **I. Discovery Dispute And Protective Order**

9 During discovery, Padron asked for many of the same documents at issue here. At a hearing
10 concerning a protective order for those documents, Mr. Storey told Judge Strauss that Zalkin
11 "envision[s] that [it] will be litigating over these exact same documents in multiple actions."
12 (McKim Decl., ¶ 13, Ex. 12, Reporter's Transcript, dated May 8, 2015, 2:3-10, 4:10-15.) Judge
13 Strauss responded, "I'm not going to issue an order that allows these documents to be used in other
14 actions." (McKim Decl., ¶ 13, Ex. 12, Reporter's Transcript, dated May 8, 2015, 2:3-10, 4:10-17,
15 5:16-27.) Ultimately, on May 14, 2015, Judge Strauss ordered: "Plaintiff's counsel may inform the
16 Court in other litigation against Watchtower that Watchtower has produced the 'BOE Responses' in
17 this case but may not reveal; refer to or characterize the content of the documents." (McKim Decl., ¶
18 14, Ex. 13, Stipulated Protective Order and Nondisclosure Agreement, file stamped May 12, 2015,
19 2:27-3:2.)

20 **2. Zalkin's Violation Of Judge Strauss's Order**

21 Zalkin blatantly disregarded Judge Strauss's protective order. On December 10, 2016,
22 "journalist" Tray Bundy broadcasted a "news" article concerning Watchtower's document production
23 in *Padron*. (McKim Decl., ¶ 15, Ex. 14, Transcript of "Secrets of the Watchtower," by Tray Bundy.)
24 Despite Judge Strauss's order not to disclose the content of the documents, the broadcast includes an
25 excerpt of Mr. Zalkin stating: "Documents that go back decades that shows the depth and the breadth
26 of their knowledge of child predators within their organizations." (McKim Decl., ¶ 15, Ex. 14,
27 Transcript of "Secrets of the Watchtower," by Tray Bundy, p. 5.)

28 ///

1 3. Zalkin Dismissed Padron With Prejudice

2 On March 13, 2018, Zalkin filed a request for dismissal with prejudice of *Padron*. (McKim
3 Decl., ¶ 16, Ex. 15, Request for Dismissal of *Padron*, signed on March 13, 2018.) The case was
4 dismissed the same day. (San Diego Superior Court, Register of Actions Re *Padron*, nos. 432-434.)

5 C. *J.W. v. Mountain View Congregation of Jehovah's Witnesses, Murrieta, California*

6 Zalkin filed *J.W. v. Mountain View Congregation of Jehovah's Witnesses, Murrieta,*
7 *California, et al.* (Riverside Superior Court No. MCC1300850; 4th Civil No. E066555) in 2013.
8 Watchtower was a defendant in *J.W.*, a case where the alleged perpetrator held no position of
9 authority in the congregation, had no known history of child molestation. Consistent with its strategy
10 of and formula for avoiding litigation on the merits, Zalkin obtained a default judgment against
11 Watchtower as a discovery sanction. That case is currently on appeal.

12 D. *Roe 1 v. Doe 1, Congregation, et al.*

13 Filed in 2014, *Roe 1 v. Doe 1, Congregation, et al.* (Orange County Superior Court, case no.
14 30-2014-00741722-CU-PO-CJC) is the only case pending at the trial court level in California. Once
15 again, it involves alleged child abuse by someone not in a position of authority, with no known
16 history of child molestation, at his private home unrelated to any congregation activity. There again,
17 to avoid the merits of the case, Zalkin's clients have requested the same documents at issue now.
18 (McKim Decl., ¶ 17.) However, Watchtower has moved for a protective order in *Roe*. (*Ibid.*)
19 Watchtower's motion has not been heard yet. (*Ibid.*)

20 **III. ZALKIN IS NOT IN DANGER OF UNWARRANTED OPPRESSION, OR UNDUE**
21 **BURDEN AND EXPENSE**

22 “The court, for good cause shown, may make any order that justice requires to protect any
23 party, deponent, or other natural person or organization from unwarranted annoyance,
24 embarrassment, or oppression, or undue burden and expense.” (Civ. Proc. Code § 2025.420, subd.
25 (b).) A party seeking to modify a protective order must establish good cause with specific factual
26 evidence. (See *Nativi v. Deutsche Bank Nat'l Tr. Co.* (2014) 223 Cal.App.4th 261, 318.)

27 Here, Zalkin contends that there is good cause based on “oppression” and “undue burden and
28 expense.” (Memorandum of Points & Authorities, 7:9-10.) However, as explained below, Zalkin's

1 arguments are meritless.

2 **A. There Is No Evidence That Zalkin Will Suffer Unwarranted Oppression**

3 Zalkin has no evidence that the protective order is oppressive. Thus, its motion must be
4 denied.

5 To establish oppression, the moving party must show either an intent to create an
6 unreasonable burden, or that the ultimate effect of the burden is incommensurate with the result
7 sought. (See *Day v. Rosenthal* (1985) 170 Cal.App.3d 1125, 1169-73; *Sigerseth v. Superior Court*
8 (1972) 23 Cal.App.3d 427, 433 (“granted that petitioner was required to make an effort to obtain the
9 data requested, there is no rule which holds that proper discovery is limited to interrogatories which
10 may be answered without effort or loss of time”).)

11 For example, in *West Pico Furniture Co. of Los Angeles v. Superior Court* (1968) 56 Cal.2d
12 407, 417, the California Supreme Court reversed an order by the trial court denying discovery
13 because there was no evidence demonstrating that responding to the discovery would be oppressive.
14 There, the plaintiff requested information about numerous current and past employees of the
15 defendant. (*Id.* at 416.) The defendant objected that the discovery was oppressive. (*Ibid.*) In
16 response to the plaintiff’s motion to compel, the defendant filed a declaration stating that in order to
17 respond to the plaintiff’s discovery, records from each of the defendant’s 78 regional offices would
18 have to be searched. (*Id.* at 417.) Based on that evidence, the trial court found that the discovery was
19 oppressive and denied the motion to compel. (*Id.* at 413.)

20 However, the California Supreme Court reversed because there was no evidence that the
21 discovery was actually oppressive to the defendant. (*Id.* at 417-18.) The Court explained:

22 Oppression must not be equated with burden. The objection based upon burden must be
23 sustained by evidence showing the quantum of work required, while to support an objection of
24 oppression there must be some showing either of an intent to create an unreasonable burden or
25 that the ultimate effect of the burden is incommensurate with the result sought.

26 (*Id.* at 417.) The defendant failed to establish oppression because it did not present evidence of
27 “specifically” how many hours would be required to respond to the discovery. (*Ibid.*) Thus, the
28 burden is on the moving party to support the motion with detailed evidence showing precisely how

1 much work is required to respond to the discovery; conclusory statements are insufficient. (*Ibid.*)

2 *Mead Reinsurance Co. v. Superior Court* (1986) 188 Cal.App.3d 313 is instructive on the
3 specificity required to demonstrate oppression. There, the Court of Appeal found that an insured's
4 request for production of an insurer's claims files relating to every claim similar to the claim at issue
5 made during a six-and-a-half-year period was oppressive, where uncontroverted declarations
6 established that responding to the discovery request would require manual review of over 13,000
7 claims files and would take at least 1,083 hours. (*Id.* at 322.) "[I]n view of the specific details of
8 what would face [the insurer] in its efforts to comply with the order, there is no question but what was
9 ordered here, without more, falls on the side of oppression." (*Ibid.*)

10 Here, unlike in *Mead Reinsurance Co.*, the pending motion is not supported by specific details
11 of what Zalkin would face if it is held to the terms of this Court's protective order. Instead, Mr.
12 Storey's declaration vaguely states that the expert and "his team" spent "many hours" working on
13 issues related to Watchtower's document production. (Storey Decl., ¶ 9.) That is not specific
14 evidence. Indeed, Zalkin's moving papers confirm that no such evidence exists because the expert's
15 hours are "untold." (Memorandum of Points & Authorities, 4: 6-7.) Absent specific evidence, Zalkin
16 does not even come close to establishing oppression and its motion must be denied.

17 Likewise, the argument that Watchtower "intends to exploit the protective order" to oppress
18 Zalkin is not supported by any evidence, let alone specific evidence. Instead, Zalkin conclude that
19 Watchtower intends to oppress it because Watchtower would not agree to Zalkin's proposed revisions
20 to the protective order. (Memorandum of Points & Authorities, 7:19-21.) This makes no sense. If
21 mere disagreement were enough to establish oppression, every motion for a protective order would be
22 granted because discovery motions necessarily require a meet and confer effort and an unresolved
23 disagreement. (Code Civ. Proc. §2016.040.)

24 In any event, Watchtower has not done anything to take advantage of the protective order to
25 the detriment of Zalkin. To the contrary, as this Court has already found, Zalkin used the protective
26 order to force Watchtower to spend thousands of man-hours to produce records having nothing to do
27 with this case. (McKim Decl., ¶ 18, Ex. 16, Reporter's Transcript, dated January 30, 2018, 4:13-19.)
28 To be certain, when it opposed Watchtower's motion for a protective order, Zalkin argued,

1 "Plaintiff's lawyers are prohibited from disclosing the content of the documents in any other actions,
2 or even mentioning how many responsive documents have been produced." (McKim Decl., ¶ 11, Ex.
3 10, Plaintiff's Opposition to Watchtower's Motion for Protective Order, signed by Devin Storey on
4 December 22, 2016, 6:12-27.) Now that the protective order is no longer convenient for Zalkin, it
5 seeks to modify it. The Court has already found Zalkin's tactics are "not fair" and would render
6 protective orders "meaningless." (McKim Decl., ¶ 12, Ex. 11, Reporter's Transcript, dated January
7 30, 2018, 5:8-24.) Thus, Zalkin, not Watchtower, intends to exploit the protective order.

8 Therefore, the Court must deny the motion to modify the protective order.

9 **B. There Is No Risk That Zalkin Will Suffer Undue Burden And Expense**

10 To support its claim of "undue burden and expense," Zalkin contends that it spent "substantial
11 time to find an expert" and that it paid the expert over \$80,000 to review Watchtower's document
12 production. (Memorandum of Points & Authorities, 7:10-13.) Zalkin's arguments fail for at least
13 three reasons.

14 First, modifying the protective order would not save Zalkin any money. "It has long been
15 held that in the absence of a special agreement to the contrary, a client must repay an attorney for all
16 outlays in the payment of the expenses of carrying on litigation." (*Ripley v. Pappadopoulos* (1994)
17 23 Cal.App.4th 1616, 1626 (discussing expert witness fees).) An attorney may not agree to bear the
18 costs of successful litigation. (*Hernandez v. Siegel* (2014) 230 Cal.App.4th 165, 176; Rules Prof.
19 Conduct, rule 4-210.) Here, there is no risk that Zalkin will be subject to "undue expense" because,
20 under the Rules of Professional Responsibility, Plaintiff must repay Zalkin for all outlays in the
21 payment of expenses of carrying on litigation, including costs for Zalkin's expert to review
22 Watchtower's documents. Further, there is no evidence that Zalkin and Plaintiff entered into "a
23 special agreement to the contrary." Even assuming, *arguendo*, such an agreement exists, there is no
24 evidence that the outcome of this case was unfavorable to Plaintiff. Thus, there is no basis for
25 Zalkin's claim that it will suffer undue expenses unless the protective order is modified and the
26 motion must be denied. Similarly, assuming, *arguendo*, that Watchtower produces documents to
27 Zalkin in any other case, his client will bear that expense, not Zalkin. That hypothetical client has no
28 standing in this case.

1 Second, even if Zalkin had to pay the expert's fees, expense alone is not an adequate basis to
2 modify a protective order. In *Alpine Mut. Water Co. v. Superior Court* (1968) 259 Cal.App.2d 45,
3 55, the Court of Appeal held: "The fact alone that the response to an interrogatory may be expensive
4 and burdensome does not justify a refusal to answer." If the opposite were true, there would be no
5 discovery because discovery is inherently expensive and burdensome. (*W. Pico Furniture Co. of Los*
6 *Angeles, surpa*, 56 Cal.2d at 418.) In this case, the basis of Zalkin's motion is the cost of its expert.
7 Zalkin does not present any other specific evidence of burden. Because expense is not an adequate
8 basis to modify a protective order, the Court must deny Zalkin's motion.

9 Third, Zalkin's claim of undue expense and burden is based on hypothetical events, not facts.
10 Zalkin has not (and cannot) identified even a single case in which Watchtower is currently obligated
11 to produce the documents to Zalkin, its clients, or anyone else. Instead, Zalkin speculates that
12 Watchtower might be required to produce the records in *J.W.* or *Roe*. At present, *J.W.* is on appeal
13 and *Roe* is so factually distinguishable from this case that it is sheer conjecture that Watchtower will
14 be ordered to produce these documents. Absent an actual instance in which Watchtower is required
15 to produce the subject documents to Zalkin or its clients, there is no identified risk that Zalkin will
16 suffer undue harm or expense. Needless to say, Zalkin's speculation is not a substitute for good cause
17 and the motion must be denied.¹

18 **IV. ZALKIN'S ACCUSATION THAT WATCHTOWER VIOLATED THE PROTECTIVE**
19 **ORDER IS BASELESS AND A POORLY DISGUISED ATTEMPT TO DISTRACT**
20 **THE COURT FROM ZALKIN'S UNETHICAL MISREPRESENTATIONS**

21 Zalkin attempts to distract the Court's attention from the meritless motion by saying that
22 Watchtower over-redacted the documents it produced in this case. Watchtower's redactions of the
23 documents to protect the privacy rights of third parties having nothing to do with Zalkin's proposed
24 modification of the protective order. Instead, Zalkin's accusations are solely intended to distract the
25 Court from Zalkin's gamesmanship and its frivolous motion.

26 Specifically, Zalkin has misrepresented facts to the Court. In support of Zalkin's pending

27 ¹ The authorities cited in footnote 1 of Zalkin's Memorandum of Points and Authorities must be
28 disregarded because they are not on point or not binding.

1 motion, Mr. Storey states under penalty of perjury: "I [] spent substantial time searching for and
2 deliberating about potential experts" and "selecting an expert to conduct the analysis of
3 [Watchtower's document production.]" (Storey Declaration, ¶ 8.) Yet, when responding to the
4 Court's questions about Plaintiff's expert, Mr. Storey told the Court: "I'm not really familiar with the
5 expert's qualification." (McKim Decl., ¶ 18, Ex. 16, Reporter's Transcript, dated November 16,
6 2017, 14:9-11.) It is difficult, if not impossible, to square Mr. Storey's claim that he is "not really
7 familiar with the expert's qualification" with his claim that he spent substantial time "deliberating"
8 about and "selecting" the expert. There is no justification for Mr. Storey's contradictory statements
9 to this Court because the law is clear that attorneys "[s]hall not seek to mislead the judge, judicial
10 officer, or jury by an artifice or false statement of fact or law." (Rules Prof. Conduct, rule 5-200;
11 Bus. & Prof Code § 6068, subd. (d)("It is the duty of an attorney . . . never to seek to mislead the
12 judge or any judicial officer by an artifice or false statement of fact or law").) The Court must not
13 condone Zalkin's tactics.

14 **V. CONCLUSION**

15 For the reasons stated herein, the Court should deny the pending motion with prejudice.

16 Dated: April 16, 2018

CLARK HILL LLP

17
18 By: Ryan C. McKim

Beth A. Kahn

Dean A. Olson

Ryan C. McKim

19
20 Attorneys for Defendant, Watchtower Bible and
21 Tract Society of New York, Inc., sued herein as
22 Doe 2, Supervisory Organization
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9 Attorneys for Defendant, Watchtower Bible and
10 Tract Society of New York, Inc., sued herein as
11 Doe 2, Supervisory Organization

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SAN DIEGO**

14 JOSE LOPEZ, an Individual,
15 Plaintiff,

16 v.

17 DOE 1, LINDA VISTA CHURCH; DOE 2,
18 SUPERVISORY ORGANIZATION; DOE 3,
19 PERPETRATOR; and DOES 4 through 100,
20 inclusive,

21 Defendants

Case No. 37-2012-00099849-CU-PO-CTL

**DECLARATION OF RYAN C. MCKIM IN
SUPPORT OF WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK INC.'S
OPPOSITION TO THE ZALKIN FIRM'S
MOTION TO MODIFY PROTECTIVE
ORDER**

[Filed concurrently with Opposition to Brief]

Assigned to: Hon. Gregory W. Pollack

Date: April 27, 2018
Time: 9:30 a.m.
Dept.: 71

Trial Date: Vacated

2018 APR 16 PM 3:41

DECLARATION OF RYAN C. MCKIM

1
2 1. I, Ryan C. McKim, am an attorney at law, duly admitted to practice before all the
3 courts of the State of California. I am a senior attorney at the law firm of Clark Hill LLP, attorneys of
4 record for defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower"), sued
5 herein as Doe 2, Supervisory Organization. I am familiar with and have reviewed the file in above
6 mentioned case. If called as a witness, I would competently testify to the matters herein from
7 personal knowledge.

8 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Court's Minute Order
9 dated January 6, 2017, including the proposed order it modified and adopted.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of Plaintiff Jose
11 Lopez's deposition transcript, dated March 1, 2013.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Errata Sheet to
13 Plaintiff's Deposition Transcript, dated April 12, 2013.

14 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the Reporter's
15 Transcript, dated January 2, 2014.

16 6. Attached hereto as **Exhibit 5** is a true and correct copy of the Declaration of Joel
17 Taylor.

18 7. Attached hereto as **Exhibit 6** is a true and correct copy of Plaintiff's Person Most
19 Qualified Deposition Notice, dated September 20, 2013.

20 8. Attached hereto as **Exhibit 7** is a true and correct copy of the order adopting
21 Recommendations of Discovery Referee, file stamped January 2, 2014.

22 9. Attached hereto as **Exhibit 8** is a true and correct copy of an email I sent to Plaintiff's
23 counsel, Devin Storey, on November 2, 2016, including a proposed stipulated protective order and
24 non-disclosure agreement.

25 10. Attached hereto as **Exhibit 9** is a true and correct copy of an email from Mr. Storey to
26 me dated November 4, 2016.

27 11. Attached hereto as **Exhibit 10** is a true and correct copy of Plaintiff's Opposition to
28 Watchtower's Motion for Protective Order, signed by Mr. Storey on December 22, 2016.

Exhibit 1

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 01/06/2017

TIME: 10:00:00 AM

DEPT: C-71

JUDICIAL OFFICER PRESIDING: Gregory W Pollack

CLERK: Terry Ray

REPORTER/ERM: Lorena Barron, CSR#12058, 619-233-2030

BAILIFF/COURT ATTENDANT: L. Wilks

CASE NO: 37-2012-00099849-CU-PO-CTL CASE INIT.DATE: 06/29/2012

CASE TITLE: Lopez vs. Doe 1 Linda Vista Church [IMAGED]

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT TYPE: Motion Hearing (Civil)

MOVING PARTY: Watchtower Bible and Tract Society of New York Inc

CAUSAL DOCUMENT/DATE FILED: Motion for Protective Order, 12/13/2016

APPEARANCES

Devin M Storey, counsel, present for Respondent on Appeal,Plaintiff(s).

Francis J McNamara, counsel, present for Defendant(s).

Dean A. Olson, specially appearing for counsel Beth A Kahn, present for Defendant,Appellant,Plaintiff(s).

Irwin M. Zalkin, counsel, present for Plaintiff(s).

The Court orally advises the parties of its tentative ruling, after which oral argument is conducted. Upon completion of oral argument, the court makes the below ruling:

I.

INTRODUCTION

The issues before the court are the following:

1. The nature and extent of any protective order to govern defendant's production of documents responsive to item request numbers 5 and 12 in plaintiff's notice of deposition of defendant's person most qualified; and

2. Whether the production of documents (post-March 2001) now in the physical possession of non-party CCJW can be compelled through a discovery request on Watchtower, or must plaintiff subpoena the records directly from CCJW.

II.

PROTECTIVE ORDER

DATE: 01/06/2017

MINUTE ORDER

DEPT: C-71

Page 1

Calendar No. 17

The court has carefully considered all briefings submitted by both sides. In addition, the court has carefully reviewed the recently published appellate opinion in this case, *Lopez v. Watchtower Bible & Tract Society of New York, Inc.* (2016) 246 Cal.App.4th 566.

Both sides agree that the production of the subject documents can be properly subject to a protective order. The dispute is over the precise nature and extent of the "third party" redactions.

The court does believe that a protective order is appropriate. Further, the court does not believe that Judge Lewis' contemplated redaction of third-party identifying information, upheld by the appellate court, was limited, or even ought to be limited, to alleged victims. The court adopts Watchtower's proposed protective order subject to the below-described modifications:

In lieu of paragraph 1 proposed by Watchtower, the following shall constitute paragraph 1:

Defendant Watchtower may redact the following from documents responsive to request number 12, which includes documents responsive to request number 5, in plaintiff Jose Lopez's notice of deposition of defendant Watchtower's person most qualified ("responsive documents"):

1. *All names, addresses, email addresses, telephone numbers, Social Security numbers and other identifying information of any **alleged victim of childhood sexual abuse**. Individuals subject to these redactions shall be referred to by pseudonym, e.g., V1, V2, etc.*

2. *All names, addresses, email addresses, telephone numbers, Social Security numbers and other identifying information of any **alleged childhood sexual abuse perpetrators** who have not admitted or conceded having committed childhood sexual abuse, have not been reported to a police agency by Watchtower or a Jehovah's Witness congregation member for committing childhood sexual abuse, or have not been criminally charged or prosecuted for having committed childhood sexual abuse. Individuals subject to these redactions shall be referred to by pseudonyms, e.g., P1, P2, etc.*

3. *Identities of any **congregation**, except those congregations where membership includes one or more alleged perpetrators who have admitted or conceded to having committed childhood sexual abuse, have been reported to a police agency by Watchtower or a Jehovah's Witness congregation member for having committed childhood abuse, or have been criminally charged or prosecuted for having committed childhood sexual abuse. Unless coming within one of these exceptions for which redaction is not permissible, congregations shall be referred to by pseudonyms, e.g., C1, C2, etc.*

4. *The names, addresses, email addresses, telephone numbers, Social Security numbers and other identifying information of any **non-victim/non-perpetrator witnesses**. Individuals subject to these redactions shall be referred to by pseudonym, e.g., W1, W2, etc.*

The last sentence of paragraph 11 in the proposed protective order of Watchtower is stricken ("Because documents responsive to request no. 12 are responsive to request no. 5, no further response to request no. 5 is required.").

III.

CCJW DOCUMENTS

CCP §2031.010 requires production of evidence in a party's "possession, custody, or control."

That two entities may be related or in some fashion affiliated does not necessarily mean that a document request served upon one obligates it to produce documents in the possession, custody, or control of another. For example, in *People ex. rel. Lockyer v. Superior Court* (2004) 122 Cal.App.4th 1060, 1076-1077, the court held, in an action by the State of California against vision companies for violation of statutes governing the practice of optometry, that the vision companies' request for documents served on the State of California did not require production of documents from any state agency.

CCJW, which evidently has the post-March 2001 documents, is not a party to this action. Watchtower does not have possession, custody or control over non-party CCJW's documents and cannot produce them. Watchtower does not have access to or control of the records of the United States Branch Service Department post-March 2001. Post-March 2001, Watchtower ceased working with the Service Department, with CCJW taking over that function. CCJW and Watchtower are separate corporations, each with its own separate and distinct Board of Directors and bank accounts. Neither has authority over the other. Presumably, they could sue each other.

Should plaintiff wish to obtain documents in the possession, custody, or control of non-party CCJW, plaintiff will need to proceed by way of a subpoena upon this non-party. However, if post-March 2011 documents were, in fact, sent to Watchtower, of which it now has possession, custody or control, such documents need to be produced by Watchtower, subject to the redactions specified in section II, *supra*.

IV.

FUTURE DATES

- March 3, 2017 at 10:00 a.m. – Hearing on plaintiff's motion for sanctions
- April 10, 2017 – Deadline to produce category 12 documents
- April 14, 2017 at 10:00 a.m. – Hearing on defendant's motion for summary judgment
- June 15, 2017 – Deadline to produce category 5 documents



Judge Gregory W Pollack

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

JOSE LOPEZ, an Individual,
Plaintiff,

v.

DOE 1, LINDA VISTA CHURCH; DOE 2,
SUPERVISORY ORGANIZATION; DOE 3,
PERPETRATOR; and DOES 4 through 100,
inclusive,

Defendants

Case No. 37-2012-00099849-CU-PO-CTL

**[PROPOSED] ORDER GRANTING
MOTION OF DEFENDANT WATCHTOWER
BIBLE AND TRACT SOCIETY OF NEW
YORK, INC. FOR PROTECTIVE ORDER**

Assigned to: Hon. Gregory W. Pollack

Date: January 6, 2017

Time: 10:00 a.m.

Dept.: 71

Trial Date: None

1 The Motion of Defendant Watchtower Bible and Tract Society of New York, Inc. for a
2 Protective Order came on regularly for hearing on January 6, 2017, at 10:00 a.m., in Department 71
3 of the above-entitled Court, the Honorable Gregory W. Pollack presiding. Appearances were stated
4 on the record at the time of the hearing. After consideration of the papers and evidence submitted and
5 argument of counsel, and good cause appearing therefore, the Motion is GRANTED. The Court
6 orders as follows:

- 7 1. Defendant Watchtower may redact the following from documents responsive to
8 requests no. 12, which includes documents responsive to request no. 5, in Plaintiff Jose
9 Lopez's notice of deposition of Defendant Watchtower's person most qualified
10 ("Responsive Documents"): information that identifies alleged victims of childhood
11 sexual abuse, including, but not limited to names, addresses, e-mail addresses,
12 telephone numbers and social security numbers of third-parties, regardless of whether
13 such third-party is an entity or natural person.
- 14 2. Responsive Documents shall be designated and marked "CONFIDENTIAL" by
15 Defendant Watchtower in the header and the footer in a manner that will not obscure
16 the textual content of the document.
- 17 3. The Responsive Documents, including any and all documents and information
18 contained therein, shall be maintained in confidence by Plaintiff's attorneys and shall
19 be used for the sole and exclusive purpose of Plaintiff's attorneys' preparation for
20 depositions, as exhibits to motions and/or oppositions and replies to motions, and at
21 trial of this case. Plaintiff's counsel may inform the Court in other litigation against
22 Defendant Watchtower that Defendant Watchtower has produced the Responsive
23 Documents in this case but may not reveal, refer to or characterize the content of the
24 documents.
- 25 4. The Responsive Documents shall not be disclosed or copied in any form to any person
26 or entity (except to the extent reasonably necessary to Plaintiff's attorneys' regularly
27 employed staff and contracted personnel subject to the provisions of paragraph 9) for
28 any other purpose other than those set forth in paragraphs 5, 6 and 7 below.

- 1 5. Plaintiff's attorneys may scan, OCR, and/or store digital images of the Responsive
2 Documents on Plaintiff's attorneys' password-protected in-house and Cloud-based
3 servers ("the Servers"). The digitized versions of the Responsive Documents may be
4 downloaded from the Servers to individual desktop or laptop computers owned, or
5 temporarily leased, by Plaintiff's attorneys' law firm as needed to database, analyze,
6 code, abstract, prepare exhibits, or otherwise manipulate the data contained within the
7 Responsive Documents. Plaintiff's attorneys may provide a hard copy version and/or
8 encrypted electronic copy of the Responsive Documents, or any data analyses or
9 exhibits created therefrom, to their experts or consultants and may use or transmit
10 Responsive Documents in an encrypted electronic format for purposes solely related to
11 this litigation. Plaintiff's experts and/or consultants may similarly store digital images
12 of the Responsive Documents on their own in-house, Cloud-based, or other servers,
13 and download such digitized images to desktop or laptop computers owned or leased
14 by the expert and/or consultant, as reasonably necessary to complete the work
15 commissioned by Plaintiff in this case.
- 16 6. If Plaintiff submits any Responsive Documents to the Court, such Responsive
17 Documents shall be lodged "CONDITIONALLY UNDER SEAL" as allowed by Rule
18 2.551(b)(3)(A) of the California Rules of Court. Thereafter, all parties reserve all
19 rights granted by Rules 2.550-2.551 of the California Rules of Court to file or oppose a
20 motion to seal or unseal the Responsive Documents.
- 21 7. Any Responsive Documents presented at trial shall be lodged "CONDITIONALLY
22 UNDER SEAL" as allowed by Rule 2.551(b)(3)(A) of the California Rules of Court.
23 Thereafter, all parties reserve all rights granted by Rules 2.550-2.551 of the California
24 Rules of Court to file or oppose a motion to seal or unseal the Responsive Documents.
- 25 8. Plaintiff's attorneys of record and any other person or entity provided with Responsive
26 Documents pursuant to paragraphs 3, 4 and 5 above shall return the Responsive
27 Documents to counsel for Defendant Watchtower, and shall permanently delete the
28 Responsive Documents from any computer or electronic storage device, upon the later

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of:

(a) Thirty (30) calendar days following a written demand for return of the Responsive Documents. Such written demand may be made at any time following the conclusion of this case, including any appellate proceedings. For purposes of this paragraph, notice to Plaintiff's attorneys shall constitute notice to all persons or entities to whom the Responsive Documents were transmitted; or

(b) Thirty (30) calendar days following the denial of a motion to dissolve or modify this Protective Order and the exhaustion of any appellate procedures thereafter. If, however, a motion to dissolve or modify the Protective Order is granted in such a manner as conflicts in whole or in part with this paragraph, the subsequent order controls. Any work product referring to Responsive Documents shall be subject to this Protective Order.

9. Any person, other than the Court or its officers, to whom Responsive Documents are disclosed or shown pursuant to paragraphs 4 or 5 shall be informed, prior to disclosure or showing, of the nature and scope of this Protective Order, and of his or her obligation to keep the Responsive Documents in confidence, and shall sign a statement and certification agreeing to comply with the terms of this Protective Order.

10. This Court shall have exclusive jurisdiction to hear all disputes, including motions for sanctions, pertaining to or arising out of violations of this Protective Order and all parties and their attorneys agree to submit to the jurisdiction of the Court with respect to any such dispute. This Protective Order shall continue to be binding after the conclusion of this case except that a party may seek the written permission of Defendant Watchtower or further order of the Court with respect to dissolution or modification of this Protective Order.

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11. Defendant Watchtower's compliance with document requests no. 12 in Jose Lopez's deposition notice of Defendant Watchtower's person most qualified does not require Defendant Watchtower to produce documents that post-date March 2001. Because documents responsive to request no. 12 are responsive to request no. 5, no further response to request no. 5 is required.

IT IS SO ORDERED.

Dated: _____
Hon. Gregory W. Pollack
Judge of the Superior Court

Exhibit 2

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

JOSE LOPEZ, INDIVIDUALLY,)
)
Plaintiff,)
)
vs.)
)
DEFENDANT DOE 1, LINDA VISTA)
CHURCH; DEFENDANT DOE 2,)
SUPERVISORY ORGANIZATION;)
DEFENDANT DOE 3, PERPETRATOR;)
AND DOES 4 THROUGH 100,)
INCLUSIVE,)
)
Defendants.)

No. 37-2012-00099849-CU-
PO-CTL

DEPOSITION OF
JOSE DANIEL LOPEZ
San Diego, California
March 1, 2013

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

Reported by: MARGARET KINNEY, CSR No. 11398

FILE NO.: A701F80

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN DIEGO
3

4 JOSE LOPEZ, INDIVIDUALLY,)
5 Plaintiff,)
6 vs.)
7 DEFENDANT DOE 1, LINDA VISTA)
8 CHURCH; DEFENDANT DOE 2,)
9 SUPERVISORY ORGANIZATION;)
10 DEFENDANT DOE 3, PERPETRATOR;)
11 AND DOES 4 THROUGH 100,)
INCLUSIVE,)
Defendants.)

No. 37-2012-00099849-CU-
PO-CTL

12
13 DEPOSITION OF
14 JOSE DANIEL LOPEZ
15 San Diego, California
16 March 1, 2013
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21 ATKINSON-BAKER, INC.
22 COURT REPORTERS
23 (800) 288-3376
www.depo.com

24 Reported by: MARGARET KINNEY, CSR No. 11398

25 FILE NO.: A701F80

1 through with Mr. Campos?

2 MR. STOREY: Objection. Vague. Ambiguous.
3 Misleading. And you're -- for him to be able to answer
4 that, requires him to give, essentially, an expert
5 opinion. 16:41

6 BY MR. COPLEY:

7 Q And your answer, sir?

8 MR. STOREY: Do you understand the question?

9 THE WITNESS: No. It's too complicated.

10 MR. COPLEY: Okay. Read it back, 16:41
11 Madam Reporter.

12 Q We'll just -- we'll just keep asking it to you,
13 and we'll get our answer here eventually.

14 MR. STOREY: But before she does that --

15 MR. COPLEY: No. I don't want anymore coaching. 16:41

16 MR. STOREY: No. I'm not going off the record.
17 I'm just saying, if you want an answer to this, Rocky --

18 MR. COPLEY: No. I'll ask it again. We'll just
19 do this -- I want to stay on the record, and we'll just
20 keep asking it until we -- we get by this. 16:41

21 Q Do you -- or did you --

22 MR. STOREY: Pay attention.

23 BY MR. COPLEY:

24 Q Did you when you were a teenager have a personal
25 belief that your problems with being a loner, having 16:42

1 depression, and using drugs and alcohol was somehow
2 related in part to what Mr. Campos had done to you?

3 MR. STOREY: Objection. Vague, ambiguous,
4 misleading, and the form of the question is tricky --
5 it's illusive. 16:42

6 BY MR. COPLEY:

7 Q Your answer, sir? Did you believe that or not?

8 A Yes.

9 Q And has that belief ever changed at any time in
10 your life? 16:42

11 MR. STOREY: Objection. Vague. Ambiguous.

12 THE WITNESS: No.

13 BY MR. COPLEY:

14 Q Okay. Now -- and you hold that same belief here
15 today? 16:42

16 MR. STOREY: Objection. Vague. Ambiguous.

17 Misleading. Calls for expert opinion.

18 THE WITNESS: I believe so. Yes.

19 MR. COPLEY: Okay. Let me show you a document.

20 We'll mark this as Exhibit 2 because we marked the other
21 one as -- 16:42

22 (Defendant's Exhibit 2 was marked for
23 identification by the court reporter.)

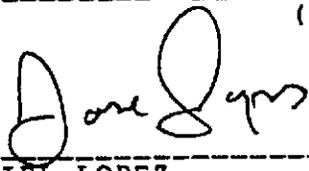
24 BY MR. COPLEY:

25 Q I got this from the records that you and your 16:43

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I, JOSE DANIEL LOPEZ , do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 12th day of APRIL,
2013, at SAN DIEGO, CALIFORNIA.
(City) (State)



JOSE DANIEL LOPEZ

Exhibit 3

FILE NO.: A701F80

DATE: March 22, 2013

ERRATA SHEET

DEPOSITION OF: Jose Daniel Lopez

DATE OF DEPOSITION: March 1, 2013

RE: Jose Lopez vs. Defendant Doe 1, et al.

The following are the corrections which I have made to my transcript:

PAGE#	LINE#	CORRECTION	REASON FOR CDRRECTION
17	3	DELETE "GERMAN LEON" ADD "HERMAN LEON"	
21	15	DELETE "IT WAS OFICIAL AROUND 2007" ADD "NOVEMBER 2011"	
pg. 90	20	DELETE "PEGO" ADD "R160"	
92	2	DELETE "ALBERT GARCIA" "CHRISTIAN CARREÑO" ADD "ALVARO GARCIA AND CHRISTIAN CARREÑO"	
218	18	DELETE "I KNOW SO. YEAH" ADD "I KNOW SO NOW. I DIDNT KNOW AS A KID"	
218	21	DELETE "IT NEVER CHANGED. NO" ADD "YES. AFTER I TALKED TO THE WVESTIGATOR"	
223	8	DELETE "YES" ADD "NO AT THE TIME I DIDNT THINK ABOUT IT"	

I, the undersigned, declare under penalty of perjury, that I have read the above-referenced deposition transcript and have made any corrections, additions or deletions that I was desirous of making; that the Transcript contains my true and correct testimony.

EXECUTED this 12TH day of APRIL, 2013,

at SAN DIEGO, CALIFORNIA,
(City) (State)

Jose Lopez
(Deponent)

Exhibit 4

1 MR. COPLEY: The statute of limitations issue,
2 your Honor, we requested to bifurcate it. You know, the
3 court had tentatively granted the joint summary judgment
4 on the statute of limitations.

5 THE COURT: I changed it because I couldn't rely
6 on the testimony because it was changed.

7 MR. COPLEY: That I understood. And it's
8 triable issue of material fact. That's why we're going to
9 trial. Mr. Storey was brilliant. I never saw that
10 coming. So, anyway, I believe the evidence is extremely
11 strong, and I think we could have this six-week trial
12 reduced down to about a four-day trial -- four, five days
13 because --

14 THE COURT: Put it on your verdict form. Put
15 your statute of limitation question on your verdict form.
16 I'm not inclined to bifurcate at this point.

17 MR. COPLEY: Okay. Understood.

18 THE COURT: I think we'll be looking at the same
19 testimony for more than a four-day period.

20 All right. There's another issue. What is
21 going on with the questionnaire? It's a good thing I'm
22 not in trial. You don't get this much of my time on an ex
23 parte basis. I'm trying to help you guys out.

24 MR. ZALKIN: Do you want to talk about that now?

25 THE COURT: I do. I don't want you to come back
26 until June 6.

27 MR. ZALKIN: Mr. Copley had sent out a
28 questionnaire a couple months ago to us. We took that

1 STATE OF CALIFORNIA
2 COUNTY OF SAN DIEGO

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I, Darla Kmety, do hereby certify:

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6

That I am a certified shorthand reporter of the
7 State of California, Certificate No. 12956, and official
8 reporter of the Superior Court, Central Division, in and
9 for the county of San Diego, State of California,

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11

That as such official court reporter, I reported
12 in shorthand the oral proceedings in the within cause on
13 the date indicated hereinbefore; and

14

15

That the foregoing and attached "Reporter's
16 Transcript" is a true and correct transcript of the oral
17 proceedings had on said date.

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Oated this 3rd of January 2014, at San Diego,
20 California.

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//dk

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Darla Kmety, CSR 12956
Court Reporter

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1 Anthony P. La Rocco, Esq. (admitted *pro hac vice*)
Dana B. Parker, Esq. (admitted *pro hac vice*)

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3 One Newark Center, Tenth Floor
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5 Dana.Parker@klgates.com

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
02/21/2018 at 05:08:00 PM
Clerk of the Superior Court
By Monique Ramirez, Deputy Clerk

6 Ellen L. Darling, Esq. SBN: 149627
7 Caitlin C. Blanche, Esq. SBN: 254109
Damon M. Pitt, Esq. SBN: 291473

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11 Caitlin.Blanche@klgates.com

12 Francis J. McNamara, Esq. (admitted *pro hac vice*)
13 100 Watchtower Drive
Patterson, NY 12563

14 Attorneys for Defendant, Doe 2, Supervisory Organization

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF ORANGE**

17 John Roe 1, Individually, and John Roe 2,
18 individually,

19 Plaintiffs,

20 v.

21 Defendant Doe 1, Congregation; Defendant Doe
22 2, Supervisory Organization; Defendant Doe 3,
Perpetrator, Does 4 through 100, Inclusive,

23 Defendants.

Case No. 30-2014-00741722-CU-PO-CJC
Assigned to: Hon. John C. Gastelum
Dept.: C-13

**DECLARATION OF JOEL TAYLOR IN
SUPPORT OF DOE 2 MOTION FOR
PROTECTIVE ORDER**

[Filed concurrently with Notice of Motion for
Protective Order; Memorandum of Points and
Authorities in Support of Motion for Protective
Order; Declaration of Anthony P. La Rocco;
Declaration of Jeffrey N. Younggren, Ph.D;
Declaration of Marc A. Cohen, M.D.;
Declaration of Richard Ashe, Jr.; and
[Proposed] Order]

Complaint Filed: August 25, 2014
Trial Date: July 30, 2018
Date: May 8, 2018
Time: 2:00 p.m.

Reservation No. 72758552

**DECLARATION OF JOEL TAYLOR IN SUPPORT OF DOE 2,
SUPERVISORY ORGANIZATION'S MOTION FOR PROTECTIVE ORDER**

1 I, Joel M. Taylor, declare as follows:

2 1. I am over 21 years of age, of sound mind, and competent to make this Declaration. I
3 have personal knowledge of the matters contained herein and they are all true and correct. If called to
4 testify, I could and would testify as follows.

5 2. I am an attorney for Watchtower Bible and Tract Society of New York, Inc.
6 ("Watchtower") and I oversee all litigation involving corporations used by Jehovah's Witnesses in the
7 United States.

8 3. On Friday, November 10, 2017 at approximately 5:30 p.m. EST, I spoke by telephone
9 with Mr. Devin Storey, counsel for plaintiffs in this lawsuit.

10 4. During that conversation, Mr. Storey and I discussed the appellate decision in another
11 lawsuit filed by the Zalkin Law Firm against Watchtower, *Padron v. Watchtower Bible and Tract*
12 *Society of New York, Inc., et al.*, Superior Court of San Diego, Case No. 37-2013-00067529-CU-PO-
13 CTL ("*Padron*"). The appellate decision held that the trial court did not abuse its discretion in
14 compelling Watchtower to produce confidential correspondence it received from congregations of
15 Jehovah's Witnesses throughout the United States in response to Watchtower's letter dated March 14,
16 1997 ("BOE Responses"), because Watchtower failed to show how a protective order that provided
17 for redaction of victims' and elders' names would violate the privacy rights of individuals mentioned
18 in the BOE Responses. These same BOE Responses are now the subject of this motion for a
19 protective order.¹

20 All letters, emails, facsimiles, or other documentary, tangible, or electronically stored
21 information of any kind, Watchtower Bible and Tract Society New York, Inc. received
22 in response to the Body of Elder Letter Dated March 14, 1997. (Plaintiff Rudy
23 Padrol's Request for Production of Documents, Set Two, Request No. 18)

24 ¹ In addition, this motion for a protective order also covers similar confidential correspondence Watchtower received in
25 connection with child abuse from 1979 to the present (it should be noted that Watchtower only received responses
through March 2001):

26 Any and all individual written accounts, reports, summaries, letters, emails, facsimiles, and records,
27 whether or not compiled, concerning reports of sexual abuse of children by members of the Jehovah's
28 Witnesses, including but not limited to, Governing Body members, district overseers, circuit overseers,
elders, ministerial servants, pioneers, publishers, baptized publishers, and individuals from the time
period of 1979 to the present. (Plaintiff Rudy Padrol's Request for Production of Documents, Set Two,
Request No. 19)

2

DECLARATION OF JOEL TAYLOR IN SUPPORT OF DOE 2,
SUPERVISORY ORGANIZATION'S MOTION FOR PROTECTIVE ORDER.

1. 5. I understood that the protective order in *Padron* was crafted in such a way to protect
2. the privacy of third parties identified in the BOE Responses and to avoid re-traumatizing victims
3. because the protective order expressly forbade public disclosure of the documents. Since many of the
4. BOE Responses dealt with familial abuse, Watchtower was particularly concerned about publishing
5. the name of the accused as it would necessarily disclose the identity of the victim, resulting in
6. additional trauma.²

7. 6. I then asked Mr. Storey how he planned to use the BOE Responses.

8. 7. In response to my question, Mr. Storey stated that if Watchtower produced the BOE
9. Responses with only redactions for victims and elders that he would file the BOE Responses as an
10. exhibit to a motion under seal and then he would move to have the exhibit unsealed so that the BOE
11. Responses could enter the public domain.

12. 8. In addition, Mr. Storey went on to say that if the motion to unseal the exhibit failed,
13. his law firm knew a member of the press, Trey Bundy, and that the firm would work with Mr. Bundy
14. to file a motion on behalf of the press to have the exhibit unsealed and release the BOE Responses
15. into the public domain.

16. 9. Suffice it to say, I was dismayed that plaintiffs' counsel had already devised two
17. strategies, not to win the *Padron* case on the merits, but instead to circumvent the express terms of
18. the protective order to data mine the BOE Responses for use in other cases and in the process re-
19. traumatize victims of abuse.

20. 10. Immediately after the call, I searched the Internet for the reporter, Mr. Bundy. My
21. search revealed the existence of a taped interview involving Mr. Bundy and plaintiffs' counsel, Mr.
22. Irwin Zalkin, (Transcript attached as Exhibit "A").

23. 11. As the transcript reveals, Mr. Zalkin was already using the BOE Responses produced
24. in the *Padron* lawsuit, subject to a protective order, to aid him in another lawsuit. Such an action was
25. expressly forbidden under the terms of the protective order in that case. In addition, the transcript

26. ²Because congregations of Jehovah's Witnesses are close-knit and usually limited to 100 members or less and named after
27. the city or town where the members live, un-redacted third party identifiers (including such things as the names of the
28. accused, names of congregations, and the names of others involved) if disclosed publicly could result in additional trauma
for victims of abuse even in cases that do not involve familial abuse.

1 makes clear Mr. Zalkin and the reporter's desire to get the BOE Responses into the public domain,
2 without any regard for the harm it could cause victims.

3 12. While it is true that public disclosure could result in challenges for Watchtower,
4 Watchtower's over-arching concern is for the people identified in the documents. To be sure,
5 disclosure of any scintilla of third-party information, including but not limited to the names of the
6 individuals or congregations involved, could have far-reaching and traumatic consequences for
7 victims of abuse. Survivors of abuse should have the right to tell their stories on their terms.

8 13. It is not difficult to imagine the horrors a survivor of abuse could experience if they
9 woke up one morning and discovered that deeply personal and private matters that they had discussed
10 in a confidential religious setting were now publicly available on the Internet. If even one survivor
11 engaged in self-harm or committed suicide, Watchtower would be devastated.

12 14. In light of all the foregoing, Watchtower respectfully requests that its motion for a
13 protective order be granted, and that this Court deny plaintiffs' requests for the production of
14 documents nos. 18 and 19. In the alternative, if this Court grants plaintiffs' request no. 19,
15 Watchtower respectfully requests that it be allowed limit its production to those documents received
16 from California congregations during the years 1994 to 1997, inclusive and to redact all third-party
17 information (including names of congregations, victims, elders, witnesses, and alleged perpetrators)
18 and to replace that information with pseudonyms composed of letters and numbers ascribed to each
19 third-party.

20 I declare under penalty of perjury of the laws of the State of California that the foregoing is true
21 and correct.

22 Executed on February 21, 2018, at Patterson, New York.

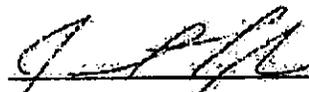
23
24 
25 Joel M. Taylor, Declarant

EXHIBIT "A"

https://www.revealnews.org/episodes/secrets-of-the-watchtower/?utm_source=Reveal&utm_medium=dist&utm_campaign=zalkin

Section 1 of 5 [00:00:00 - 00:10:04] (NOTE: speaker names may be different in each section)

Al Letson: From the Center for Investigative Reporting and PRX, this is Reveal. I'm Al Letson. Reveal reporter Trey Bundy has been after a batch of secret documents for more than two years, and now he's closer to them than ever before. He's in a law office in San Diego and standing just a few feet from some of those documents.

Trey Bundy: Are they in this office?

Irwin Zalkin: Yes.

Trey Bundy: Can you show them to me?

Irwin Zalkin: No.

Al Letson: That's attorney Irwin Zalkin. He represents victims of childhood sexual abuse by members of a global religion, the Jehovah's Witnesses.

Irwin Zalkin: All I can really say is we have the documents. I can't say what's in them. I can't even reference how many of the documents, how much, numbers, or anything like that.

Al Letson: Irwin got the files as part of a lawsuit against the Jehovah's Witnesses. While he can look at them, he can't show them to anyone else, not even the police.

Irwin Zalkin: We literally have to keep those under lock and key.

Al Letson: The Jehovah's Witnesses only turned them over on the condition that they remain secret. A judge agreed and ordered Irwin not to share them with anyone else. Here's why that's dangerous. You see, these files could contain information about thousands of child abusers within the Jehovah's Witnesses, predators living freely in communities across the country. How has this religious group managed to keep these documents and the secrets they contain under wraps for almost 20 years? That's what Trey set out to learn. He picks up the story back in Irwin Zalkin's San Diego office.

Before I get going, I should tell you that this episode deals with sexual abuse and might be disturbing for some listeners.

Irwin Zalkin: Come on in, Jose, why don't you have a seat? Let's talk about your case a little bit and see where we're at.

Trey Bundy: Irwin's talking to one of his clients, Jose Lopez. As a kid, Jose was sexually abused by a Jehovah's Witness.

Irwin Zalkin: We have the-

Trey Bundy: They're combing through documents in a small, generic conference room at Irwin's office. They're discussing what could happen with Jose's case. Jose's in his 30s, and you can hear from his voice, he sounds anxious.

Jose Lopez: Yeah, Mr. Zalkin, I had a question. What do you think's going to happen after the judge comes forward with her decision?

Irwin Zalkin: Yeah, Well, I think that there's a good chance that The Watchtower's going to file an appeal.

Trey Bundy: The Watchtower. You're going to hear us use that term a lot. That's the name the Jehovah's Witnesses have for their global headquarters in Brooklyn. Jose says a man named Gonzalo Campos abused him. Gonzalo was a Jehovah's Witness in

San Diego. Jose says Gonzalo groomed him for abuse during Bible study sessions.

Jose Lopez: One time, he sat me in his lap and showed me the book and was talking to me, socializing, being friendly. That's how I really saw it, as him just trying to be more close and friendly with me.

Trey Bundy: But it went much further. Gonzalo sexually abused Jose, who was seven years old at the time. By the time this happened, Jehovah's Witness leaders already knew Gonzalo had been abusing kids. We know that because local elders admitted to it.

Jose Lopez: The Watchtower or the organization, I think they should have contacted the authorities and had this guy behind bars.

Trey Bundy: But they didn't. Here's Irwin at a news conference about the case.

Irwin Zalkin: The Watchtower and its agents, elders of the congregation, its local congregation, Linda Vista, Spanish congregation of the Jehovah's Witnesses knew that they had a dangerous child sexual predator within their organization.

Trey Bundy: Not only did they fail to call the police, they actually promoted Gonzalo to the position of elder after they learned about the abuse.

Irwin Zalkin: At that time, that entire time frame, he was abusing at least eight children that we know of, that we know of.

Trey Bundy: Irwin knows the abuse happened because Gonzalo admitted to it during a court deposition back in 2011. We have a tape from that deposition. In it, the Jehovah's Witness lawyer is interviewing Gonzalo through an interpreter.

Gonzalo: [foreign language 00:04:50].

Campos:

Speaker 6: I had problems with ... for having tried to touch him inappropriately.

Speaker 7: When you say, "Tried to touch him inappropriately," you mean in a sexual manner?

Gonzalo: Si.

Campos:

Speaker 6: Yes.

Speaker 7: Okay. Did the elders talk to you after this incident had taken place?

Gonzalo: [foreign language 00:05:10].

Campos:

Speaker 6: I remember that they did.

Trey Bundy: Local leaders knew Gonzalo had abused kids. They reported that to Jehovah's Witness headquarters in Brooklyn, but not to the police. Years later though, many of Gonzalo's victims did turn to Irwin Zalkin. He'd made news for taking on another religion over child sex abuse, the Catholic church.

Back in 2007, Irwin negotiated a \$200 million settlement for more than 100 people abused by clergy. He started getting calls from people saying they had been abused in all sorts of institutions, like universities and the Boy Scouts. About a dozen of them came from ex-Jehovah's Witnesses. Irwin prepared to fight a new opponent in court.

Irwin Zalkin: When you, as a human being, see the amount of harm that abuse, in particular sexual abuse, does to a child, it derails them for the rest of their life. It is an intrinsic, insidious injury that they will not get over. It will be with them forever, and it impacts them at every stage of their life, and it's horrible.

Trey Bundy: When he's not in court, Irwin looks more like a college professor than a lawyer.

slim with glasses, wears jeans to work. He's soft-spoken when he's describing the intricacies of a case, but get him going on child abuse, and his voice drops like a sledgehammer, a perfect tool for cross-examining witnesses. Listen to him explain the way Jehovah's Witnesses handle child abuse.

Irwin Zalkin: Keep your mouth shut. Do not go to law enforcement. You come to us first. Don't you tell anybody. You never tell another congregant. You don't warn parents in the congregation. We'll decide what happens here.

Trey Bundy: Because the abuse isn't reported to police when it happens, most of the abusers are never prosecuted and never go to jail. That's because the statute of limitations has run out. The Jehovah's Witnesses' secrecy around child abuse is part of their religion. They say the Bible tells them to keep authorities in the dark about child abuse.

This is probably a good time to explain more about this religion. Jehovah's Witnesses consider themselves Christian. Part of their faith is spreading the word of God to others, knocking on doors, warning people about Armageddon.

Speaker 8: Sickness and death. Poverty and disaster. How could a loving God be responsible for all of this? What the Bible says may surprise you. It says, "The evil one controls the whole world."

Trey Bundy: That's from one of their preachings. When they say, "Evil one," they mean Satan.

Speaker 8: The good news is the Bible says things will not always be like this.

Trey Bundy: Armageddon is coming. To earn their place in the afterlife, Jehovah's Witnesses are taught to avoid the outside world. They don't vote or serve in the military, and they usually don't go to college.

Speaker 8: Where can we find answers? What if the answers have been lit up all along in the Bible?

Trey Bundy: They say the Bible teaches them that child abuse, child abuse, is a confidential matter. We know this because we have their memos. They read like a mashup of corporate policy and Bible verse, and they tell elders to hide child sexual abuse from police. Here's what they tell them to do. First, when elders learn about abuse, they have to immediately call The Watchtower's legal department, no one else, not law enforcement, not other members of their congregations.

Irwin Zalkin: Written, demanded, commanded policy, very different. The Catholic church, it was this unwritten. They called it "viva voce," by voice only. They didn't have it written down anywhere. It was just understood. Here, it's in writing. There's no question.

Trey Bundy: Second, when an elder learns of a child abuser in his congregation, he has to send a report to headquarters in writing.

Irwin Zalkin: These reports were to be prepared and sent to Watchtower in a sealed, specially marked, confidential, blue envelope.

Trey Bundy: That's what I'm after. These are the documents I've been stalking for two years, almost two decades worth of records that show the names and whereabouts of what are likely thousands of child abusers across the U.S.

Irwin Zalkin: I think the fact that there are known molesters that are-

Section 1 of 5 [00:00:00 - 00:10:04]

Section 2 of 5 [00:10:00 - 00:20:04] (NOTE: speaker names may be different in each section)

Irwin: Known molesters that are participating in congregation activities where there are children involved and parents who aren't aware of that is a high risk situation.

Trey Bundy: I actually got a hold of one of these documents a couple of years ago. It's a simple one-page form with nine questions exactly like the documents Irwin has now.

Irwin: For example they wanted to know how long ago did he commit the sin? What was his age at that time? What was the age of the victim? 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?

Trey Bundy: While Irwin was working on the Jose Lopez case he got an idea. If he could get his hands on what's inside all of those blue envelopes he might be able to show that his cases pointed to a massive cover-up, so he went to court to get the entire data base of child abuse documents. This is where the Jehovah's Witnesses really dug in. First they said the job of compiling the documents was too big for their offices to handle.

Richard Ash: Honestly Mr. Zalkin the efforts that we've made up to this point is just trying to figure how on earth we could ever do that in our filing system.

Trey Bundy: That's Richard Ash, a senior Watchtower official. He wouldn't talk to me, but he had to talk to Irwin as part of a lawsuit. This is taped from that deposition.

Richard Ash: You're talking about 14,400 congregations and over 3 million documents that have been scanned in that would have to be searched. It would take years to do that.

Trey Bundy: Irwin believed Richard was just making excuses to withhold the documents so he brought in a software expert. That expert testified that the Watchtower should be able to search their files in as little as two days. The judge ordered them to produce the documents.

Irwin: They refused. They simply refused to do it.

Trey Bundy: The Jehovah's Witnesses fought the order all the way to the California Supreme Court.

Irwin: The Supreme Court, I mean in a matter of days, just turned around and said, "No. Produce." They didn't. They defied the trial court, they defied the court of appeals, and they defied the California Supreme Court. They willfully refused to produce the documents.

Trey Bundy: This is not normal. A defendant in a law suit just flat out refusing an order that's been upheld by the state supreme court. Irwin had a choice. He could ask the judge to hold the Watchtower in contempt of court or he could go big and ask the judge for something called terminating sanctions. That's where the judge throws one side out of court and decides the case solely on the evidence of the other side.

Irwin: In other words, we win. Period.

Trey Bundy: Irwin's plan worked, and the judge awarded Jose Lopez 13.5 million dollars. Irwin talked to reporters about the decision.

Irwin: Documents that go back decades that shows the depth and the breadth of their knowledge of child predators within their organizations. Child molesters within their organization. They refused to produce those documents and for that reason, for that reason, they were sanctioned by this court and their defense was terminated.

Trey Bundy: Obviously they're appealing that.

Irwin: They did appeal it.

Trey Bundy: But still that's a lot of risk. They're risking 13.5 million dollars not to produce these documents.

Irwin: Right, they did they took that risk.

Trey Bundy: And it's a risk they took again. In Irwin's next case. This time it cost them 4 million dollars.

Irwin: They made a business decision not to produce these documents and that case got terminated too and it's on appeal.

Trey Bundy: It looked like this was their game plan. Hide the child abuse files at any cost. If necessary pay millions of dollars in judgments, but don't let anyone see the documents. Then something kind of unbelievable happened. The Jehovah's Witnesses gave in and Irwin's next case they agreed to hand over the documents. They'd finally cracked and Irwin would get the files. When they started rolling in, something was wrong. The names of all the alleged abusers were blacked out and Irwin only got four years of documents. There were another fifteen years he was supposed to get. He went back to the judge who demanded that the Jehovah's Witnesses turn over all the documents with the names. They refused and the court ordered them to pay a fine of \$4,000 a day until they complied. It's crazy to think that an organization hiding crimes against children could just thumb its nose at courts like this. But so far the Jehovah's Witnesses have gotten away with it. They're a multi billion dollar corporation, so maybe millions in damages doesn't scare them.

Irwin: I think that on some level they're aiding and abetting these perpetrators. It's a public safety issue. At this point this needs to be investigated.

Trey Bundy: Irwin isn't giving up but he has hit a wall. This is a guy who for years has wanted nothing more than to expose the Jehovah's Witnesses child abuse files and now that he's finally got some of them, he's legally bound to hide them from the public, from me. A while back he called me after work to tell me how his cases were going. He said it was getting to him, that he was sitting on so much horrible information. So many documents describing the abuse of children. He sounded tired.

Irwin: It's frustrating, it's very frustrating to have seen what I've seen and to know what is going on in this institution and this organization, it's very frustrating when I've got a gag in my mouth. It's pretty hard. We're trying our best to expose this truth and they're doing everything they can to interfere with that effort. Block that effort.

Al Letson: Right now Irwin has 18 lawsuits pending against Jehovah's Witnesses and he's back in court on the Jose Lopez case. An appeals court ruled that the judge should not have kicked the Jehovah's Witnesses out of court without trying a less extreme method for getting the child abuse documents. Irwin still wants those files and so do we. We'll get back to that later in the show, but first, how can a religion with eight million members keep everyone quiet about child abuse?

Female: I had been told throughout the proceedings don't speak of this, it's a confidential matter, the congregation doesn't need to know this, and if you talk about it, that's grounds for dis-fellowshipping.

Al Letson: What dis-fellowshipping means and how the Jehovah's Witnesses use it when we come back on Reveal from the Center for Investigating Reporting and PRX.

Julia: Hey there, Julia B. Chan here, Reveal's digital editor. It's that time again, when we

start looking back at the year behind us and start making lists. Right now I'm working on collecting people's favorite stories and moments from Reveal and that includes you. We want to hear from you the person listening to us right now. Which of our stories really affected or outraged you this year? Was there a scene that you just can't shake, a moment that stuck with you? We want to hear it. Go to revealnews.org/fav, that's F-A-V to tell us about the time Reveal made you stop and listen. Again that's revealnews.org/F-A-V.

Al Lelson: From the Center for Investigative Reporting and PRX this is Reveal. I'm Al Lelson. For the past two years, Reveal reporter Trey Bundy has been trying to break through the wall of secrecy built up by the Jehovah's Witnesses. The group collects and maintains a database that could contain the names of thousands of child abusers. We haven't found one single case where the leaders of the religion have reported even one of those allegations to the police, so what happens to those children when they do come forward? Often years later when they're adults, Trey went to McAlester, Oklahoma, to meet 47 year old Debbie McDaniel. She says a Jehovah's Witness elder abused her from age 8 to 13, and when she was older, he kicked her out of the congregation. It's called dis-fellowshipping. When that happens you're dead to the Jehovah's Witnesses. Everyone shuns you, even your closest family members. It's that threat of shunning that keeps people from reporting child abuse, but not Debbie. She came forward with her story. Here's Trey.

Trey Bundy: Debbie grew up in Houston. Her dad, Wendell Marley worked for NASA and by all accounts was a brilliant engineer.

Section 2 of 5 [00:10:00 - 00:20:04]

Section 3 of 5 [00:20:00 - 00:30:04] (NOTE: speaker names may be different in each section)

Trey Bundy: NASA, and by all accounts was a brilliant engineer.

Neil: Tranquility base here. The eagle has landed.

Armstrong:

Trey Bundy: He helped design and build the spacecraft that put Neil Armstrong on the moon.

Neil: That's one small step for man.

Armstrong:

Trey Bundy: But then one day, he gave it all up.

Debbie: When he met Jehovah's Witnesses and thought that he had found the true religion, and the world was ending any time, he just walked away from his career.

Trey Bundy: Wendell moved Debbie and the rest of the family to McAlester, Oklahoma, where he quickly rose through the ranks at the local kingdom hall. That's the place of worship for the Jehovah's Witnesses. Wendell became the number two guy, and the number one guy was an elder name Ronnie Lawrence.

Debbie: I was introduced to Ronnie as somebody quite Christ-like. People revered him.

Trey Bundy: But Debbie told me, when she was eight years old, Ronnie started abusing her. The abuse went on for five years, she didn't tell anyone about it, but she did get angry. She told me how when she was a teenager, she started drinking and having sex. When Ronnie found out about it, he decided to dis-fellowship her for sexual immorality. At that point, Debbie told her mom for the first time that Ronnie had abused her.

Debbie: I said, "Well, I find it funny that the man who messed with me my whole life, my whole childhood, is now in a position to dis-fellowship me from the organization." And my mom was furious, livid, she said, "You're going to lie about this man of God, now." She said, "You're just trying to get him back for dis-fellowshipping you for your wrongdoing." I thought, "They're never going to believe me."

Trey Bundy: Being thrown out of the congregation was terrifying for Debbie, like it is for many Witnesses. She was completely isolated from her friends and family. She thought her eternal soul was on the line.

Debbie: Just trying to adjust to life outside of the organization was too much for me, and I just wanted back in.

Trey Bundy: To get back in, she had to write a letter of apology to the elders, including Ronnie. She was also dealing with something else, she knew she was a lesbian, but she had to bury that part of herself. She married a Witness and had a kid. She threw everything she had into the organization.

Debbie: Door to door, study for the meetings, make every meeting. I was going to be the best Jehovah's Witness I could be.

Trey Bundy: A decade passes, and other people in Debbie's congregation have started to come forward, saying Ronnie abused them too. I've looked at letters from elders to The Watchtower, and they show that Ronnie was dis-fellowshipped, but he repented and was welcomed back on the condition that he name all of his victims and write them letters of apology.

Debbie: So he says, "Debbie, I humbly want to apologize for the hurt and pain I have caused you, and for denying it. I have truly sinned against you, Jehovah, and the congregation. I've betrayed the trust."

Trey Bundy: It was hard for Debbie to be around him, and she worried about other kids in the congregation. She says the elders told her to drop it and keep quiet.

Debbie: Because I have been told through the whole proceedings with Ronnie, don't speak of this it's a confidential matter. The congregation doesn't need to know this, and if you talk about it, that's grounds for dis-fellowshipping.

Trey Bundy: Eventually Debbie couldn't take it anymore. She left her marriage, and was dis-fellowshipped again, this time for coming out as gay. That's when the shunning got really bad. Her daughter Marley was twelve years old and got caught in a nasty custody battle between her parents. Marley says her dad, and Debbie's family coached her on what to say in text messages to her mom.

Marley: Yeah, they used to sit me down and actually tell me what to say, or text me something, and say just to copy and paste it and send it to her.

Debbie: This text message come from Marley, and she said, "You want to know why I'm devastated I lost my mother, my best friend, you turned to Satan and you're going to die."

Marley: I thought that there would come a point when God would judge us all and then mom would be basically destroyed, because that's what I've heard my whole life.

Trey Bundy: But shunning and harassment got so intense, that Debbie finally went to the police about it. Her whole story came pouring out. The police had never been informed about Ronnie's abuse of children. They started an investigation, and there was a hearing. At that hearing, Debbie says, the shunning continued. She remembers going into the courtroom, and her parents were sitting behind Ronnie, on his side.

Debbie: They wouldn't look in my direction, even when I was speaking on the stand. I looked out and my mother and my dad wouldn't look at me in the face.

Trey Bundy: The charges against Ronnie Lawrence were dismissed, because of the statute of limitations. But court records, and letters from McAlester elders to the Watchtower back up Debbie's story. Ronnie is still a Jehovah's Witness.
Hello Mr. Lawrence?

Ronnie: Yes sir.

Lawrence:

Trey Bundy: Hi, my name is Trey Bundy.
I went to his house to see him.
But there are a lot of people in this town that believe that you did commit these crimes.

Ronnie: What do you want me to say?

Lawrence:

Trey Bundy: I want you tell me whether you committed these crimes.

Ronnie: No, I didn't, but that's [inaudible 00:25:06]. You're not going to believe and neither will anyone else, so.

Lawrence:

Trey Bundy: Well, there's a lot of documentation. Why did you write letters of apology if you didn't commit these crimes?

Ronnie: It had to do with several things, but I-

Lawrence:

Trey Bundy: Was a part of it getting back into the organization? What that part of the condition of coming back to the organization?

Ronnie: I don't think so.

Lawrence:

Trey Bundy: Debbie has built a new life, but she keeps a permanent record of the past.

Debbie: My daughter Marley was so attached to the organization, and so I did a tattoo of her, with holding a maze behind her. It felt like she was trying to come out of the organization, but the maze was the organization and she was hanging on to it, so I added that.

Trey Bundy: But Marley has come out of the organization, she and Debbie have reunited and they live together now. Since they've become close again, the Witnesses have started to shun Marley too.

Marley: Well, obviously, all my friends were, a couple years ago, were all Jehovah's Witnesses, and so I've lost pretty much all of them. Then, the rest of my family has pretty much blocked me on social media, things like that. You can't leave and not be deemed mentally diseased, I guess. Something has to be wrong with you, they have to make up something.

Al Letson: Debbie and Marley have experienced what it's like to be shunned by the Jehovah's Witnesses, but the religion also shuts out the world at large. Which makes it tough to find out how they operate, but Trey's been trying to figure that out. He went to their headquarters in Brooklyn, New York, what they call 'The Watchtower'.

Trey Bundy: Hello, this is Trey. Hi, who am I speaking with? Hey Bryce, how you doing?

Al Letson: Trey's in the lobby of The Watchtower, talking to Bryce, a public relations guy there. He wouldn't even come down to talk to him.

Trey Bundy: This is my third trip out here, you know, I've been sending you guys emails and

phone calls for a long time.

Al Letson: He's asking to interview someone from the governing body, they're the seven men who run the religion. Together, they're the equivalent of the Pope in the Catholic church.

Trey Bundy: You know, this has been more than a year, that I've been trying to contact somebody from the governing body, get some type of interview, get any type of Watchtower official to say anything on the record on this issue. To be frank, it kind of amazes me that Jehovah's Witnesses aren't willing to express their own outrage, that The Watchtower is shielding child sexual abusers from exposure or prosecution. Am I wasting my time by trying to get your side of the story?

Al Letson: Even after decades of child abuse allegations around the world, these guys won't acknowledge the problem. This is one of the most insular religions in the world. They don't want their members to go to college, or even watch mainstream media. We wanted to know more about who they are, and how they operate, so we asked a former insider to be our guide.

Howie Tran: In my family, it was the only religion that was viewed as the right religion. It was the truth, we called it 'The Truth'.

Al Letson: Howie Tran is 40 years old now. He lived and worked at The Watchtower headquarters in Brooklyn for seven years, starting when he was a teen. Trey tells us how he got there, and why he eventually left.

Trey Bundy: Howie grew up in rural Arkansas, in a poor family of Jehovah's Witnesses. He was always a small kid, and he would get bullied a lot. Things got worse when he turned 14, his parents split, and that's also when his mom discovered something he was hiding.

Howie Tran: I come home from school, and my mom is visibly upset, and I find out that she discovered my porno magazine under my bed.

Trey Bundy: And it wasn't just that his mom found porn, it was the kind of porn that she found, of naked men.

Howie Tran: This could be nothing worse that can happen to a 14-year-old closeted gay kid, from the Ozark mountains, than your mother to discover that you have homosexual tendencies. I'm just, I'm mortified, I'm so ashamed, and I just immediately break down in tears.

Trey Bundy: Howie's mom was mortified too. She drove him to his grandmother's house, his uncle, who was an elder in the local Jehovah's Witness congregation was also there.

Howie Tran: And my shame is laid bare, the magazine is there, and yes, I took it, I took it. Yes, I hid it, I tried to hide it.

Trey Bundy: The family told Howie that his homosexuality was a sickness, a spiritual disease.

Section 3 of 5 [00:20:00 - 00:30:04]

Section 4 of 5 [00:30:00 - 00:40:04] (NOTE: speaker names may be different in each section)

Trey Bundy: Homosexuality was a sickness, a spiritual disease.

Howie: That's the idea, that if I applied myself, I could overcome this. I could cure myself of this problem.

Trey Bundy: Howie's uncle suggested that he could stop fantasizing about men by using a calendar to track how often he masturbated.

Howie: On that calendar you would mark when you relapsed and then hopefully the amount of days between that relapse and the next relapse would be greater. It always had to be greater, and of course you always hope that the last time is the last time. Of course it never was.

Trey Bundy: Howie believed being gay was an unforgivable sin.

Howie: I felt that I was corrupted. I felt that there was something terribly wrong with me. I was ashamed. I wished I was dead. I wished I was dead. You don't know how much I wished I could have killed myself. I did. I sat once on the floor on my bathroom with a bottle of bleach and I tried my best to get myself to drink that damn bottle of bleach. That's the truth, but I couldn't. I was a coward. I couldn't kill myself, because if you kill yourself, that's an unforgivable sin, too.

Trey Bundy: Instead, how he immersed himself in the religion. He was ready to do anything that would put him in God's good graces.

Howie: I wanted to be a pioneer, because pioneers were the spiritual people in the congregation. They were the ones that were devoting themselves to the preaching work. The preaching work was what Jehovah God wanted you to do.

Trey Bundy: In 1995, with his family's encouragement, he applied to live and work at headquarters, what Jehovah's Witnesses call Bethel, the house of God. If he got accepted, he would devote all of his time and labor to Jehovah, maybe for the rest of his life.

Howie: I remember being so happy when I got my letter. We warmly welcome you to the regular pioneer ranks. I was in the ranks.

Trey Bundy: There was no greater honor for a Jehovah's witness. Howie was just 19 when he said goodbye to his mother and headed for New York City. When he got to Bethel, he realized that spiritual cleansing was going to take a lot of work.

Howie: There it is. Hillside Park is on that side, too.

Trey Bundy: I meet up with Howie in Brooklyn, so he can show me around Bethel. As we walk around the street, he tells me what it's like for people who live and work here.

Howie: It's cleaning, it's construction. It's the printing. It's working on the presses. It's working cleaning the presses, it's working in the kitchen to prepare the food. It's working in the laundries and during the heat and the large loads of laundry and doing the work.

Trey Bundy: Bethel's not a closed off compound. It's a collection of buildings spread throughout Brooklyn Heights, prime real estate right along the East River.

Howie: You see the statue of liberty, we see the beautiful skyline. That picturesque skyline with the new freedom tower. We see all the beautiful brown stones that are now worth millions and millions of dollars. This was my neighborhood, this was my home. This is where I lived. I felt so fortunate.

Trey Bundy: This is the nerve center of a multi billion dollar non profit corporation, a global real estate venture, a massive publishing operation, and a religion with 8 million members around the world. To keep the machine running, the Jehovah's Witnesses depend on the unpaid labor of young followers. They're called Bethelites.

Howie: This is not a place for children, never has been. Bethel is intended to get the work done and there's no facility for children. That has been a big cause for couples to have to leave and it is a risk you take. Obviously the Bethel doctor prescribes contraceptives for all the sisters, because nobody wants to have to go home.

because of having a child.

Trey Bundy: The Bethellies live in dormitory style housing and they sign a vow of poverty. The religion takes care of their basic needs. For a neighborhood with 3,000 Jehovah's Witnesses, we rely haven't seen many of them on the street. That's when Howie tells me that this is intentional.

Howie: That building is connects by tunnel to the 107 Columbia Heights building. It's connected by tunnel to the 124 Columbia Heights building. All these are connected by underground tunnels.

Trey Bundy: Howie says they built the underground tunnels in part to hide their numbers and the fact that they've bought up so much of the neighborhood. I'm looking at all of these huge building and empty sidewalks and imagining a kind of subterranean ant farm below us. Howie had been at Bethel for a year and a half working menial jobs, still marking that calendar and hiding his sexuality from everyone. That's when the governing body approached him to ask for his help. Most of the leaders there were in their 80's and 90's and needed help with basic things like walking and reading their mail. For Howie, it was an enormous, almost unbelievable honor. He slips into character as he tells me about handing out Bible literature with one of the men, Carl Klein.

Howie: He said to me, "I can walk, but people if you're in a wheelchair, they listen." He said, "So we'll take the wheelchair and we'll have better success."

Trey Bundy: On weekends, Howie would wheel Klein around a neighborhood promenade.

Howie: We would approach someone, and he would just push a magazine in their face and then they would accept it or not. Sometimes he would put a little more effort into it and if they said, "I don't want none of this." "Why not? Why don't you want it? It means everlasting life? Don't you want to live?" They were like, "Get out of my face." You believe. You can see it sounds awful now. Looking back of course... You believe. You believe in the work. I believed that the work we were doing was important, that it was life saving. Armageddon, the end of the world, the tribulation is immanent. It's going to happen any moment now and the only people to survive are going to be Jehovah's witnesses, period. Nobody else.

Trey Bundy: Howie and I are about 2 blocks from the main watchtower building, we spot someone. A member of the governing body.

Howie: That's Tony Morris. Go get him.

Trey Bundy: I've sat in Morris' lobby and called him at home, trying to ask him why his organization covers up child abuse.

Mr. Morris?

This guy's word is law to 8 million Jehovah's witnesses. It's weird to see him just walking down the street. He sees me coming and crosses the street to get away. When I catch up to him I'm out of breath.

Mr. Morris? Excuse me, Mr. Morris?

Tony Morris: I don't know you.

Trey Bundy: I know you don't. My name's Trey Bundy. I'm a reporter at the Center for Investigative Reporting.

Tony Morris: Yeah.

Trey Bundy: I've been writing stories and producing radio stories this year about Jehovah's Witnesses and child sex abuse.

Tony Morris: Uh huh.

Trey Bundy: Do you have a second to talk to me?

Tony Morris: Not really, I'm going out to preach the good news of the kingdom.

Trey Bundy: Okay, I saw that you... He had just released a video where he blames child abuse on homosexuals. I asked him about that. Can you talk to me about that at all?

Tony Morris: It's all in the broadcast.

Trey Bundy: With that, someone opens a door to a building a few feet away and Morris rushes inside. After calling and emailing the governing body for months with no response, after reading through stacks of their documents, after flying from California to New York, I finally find one of these guys, and seconds later, he's gone.

Jehovah's witnesses believe that the governing body are anointed, that they're God's channel to followers on earth. Howie knew these guys as people, like Carl Klein, the governing body member in the wheelchair. Howie was with him the day his faith began to unravel, he was reading a letter to Klein from a Jehovah's witness disputing the religion's key tenants.

Howie: I thought for sure he would want me to shred it in the shredder, it was right there next to his desk, because this is apostate stuff for sure.

Trey Bundy: Apostates are enemies of the religion. Jehovah's Witnesses believe they're controlled by Satan. Howie says he and Klein took the letter straight to Bethel's librarian.

Howie: Not for destruction, but for archiving.

Trey Bundy: The librarian took the letter to a small locked room.

Howie: In this room were partially filled bookshelves and it was a small apostate library. Here, they kept for references the various publications of ex-Jehovah's Witnesses that they viewed as apostates.

Trey Bundy: Howie freaked out. There was almost nothing worse a Jehovah's Witness could do than read the writing of an apostate.

Howie: What if our belief system isn't iron clad as I've always believed? What if for example, what if we're wrong about the new world? What if I am waiting for a cure that does not exist? Wouldn't that be sad, because I've wasted my life. Leaving Bethel meant losing my job and losing my home. It was a struggle at first. Then of course, when I disassociated myself a few months later, it meant losing my family and all of my friends. I was alone and I had to prepare myself and it took time.

Section 4 of 5 [00:30:00 - 00:40:04]

Section 5 of 5 [00:40:00 - 00:52:58] (NOTE: speaker names may be different in each section)

Howie: Was alone and I had to prepare myself, and it took time.

Trey Bundy: The next time I meet Howie, we're in his backyard. He lives in New Jersey now, with his husband and their two kids. A fall breeze hits the wind chimes and Howie pushes the kids in their little plastic cars. (kids laughing and playing) They run around the garden and stomp on brown leaves in the driveway. He says he feels for people who never left the Jehovah's Witnesses.

Howie: My concern is that there is a lot of people wrapped up in this religion and they're

doing what I did, they're wasting their lives, and as the years go by and the hope for promises are not realized, they may eventually get discouraged and leave or they may just hang with it because they feel or are afraid they have nowhere else to go. (music)

Al Letson: Over the last few years the Jehovah's Witnesses have been selling off their Brooklyn properties and building a massive compound in Warwick, a small town in upstate New York. They plan to move their headquarters completely out of Brooklyn sometime before 2018.

Up next, Trey heads to England, home to more than 100,000 Jehovah's Witnesses, and he finds a familiar pattern.

Kathleen H: I think true to form the Watchtowers... Putting obstructions at every possible turn to refuse to turn over documents.

Al Letson: Next on Reveal, from the Center for Investigative Reporting and PRX. (music) From the Center for Investigative Reporting and PRX, this is Reveal! I'm Al Letson. All this episode, we followed reporter Trey Bundy as he tried to track down this database that the Jehovah's Witnesses are keeping under wraps, information that could reveal thousands of child sex abusers around the country. Jehovah's Witness leaders at the Watchtower won't talk to Trey, and they refuse to comply with court orders to hand over their child abuse files. But if authorities know the Watchtower has these files, why can't the FBI or police just storm the headquarters and take them? Trey joins us now to talk about that, hey Trey.

Trey Bundy: Hello Al.

Al Letson: So, before we get into the role of the authorities in uncovering this information, tell me a little bit about how the Jehovah's Witnesses justify keeping this information secret?

Trey Bundy: So the Jehovah's Witnesses base all of their child abuse policies on scripture. They say all of this comes from the Bible, so, for example, the so-called two witness rule. They say that nobody's reputation should be ruined, nobody should go to prison at the testimony of just a single witness. So, when they hear an allegation of child abuse, if there's not two witnesses to that crime, they don't do anything about it.

Al Letson: That's so problematic, I mean usually if someone's being abused there is no two witnesses, there's just one person.

Trey Bundy: Right, this is a crime that almost always happens behind closed doors, almost always happens in secret and the people don't talk about it until they're much, much older. So that means that most of these cases, the vast majority of these cases, don't even reach the level where an elder is gonna punish the abuser in the organization, much less call the police.

Al Letson: So, even though the Jehovah's Witness won't report these abusers, they do keep track of them, which just seems odd that they have all this information but they won't turn it over. So how can this information just be sitting there? We know it's there and no one is doing anything about it.

Trey Bundy: The real question is: Where's law enforcement? It'd seem like the FBI or the police would be able to get a search warrant go in. But I've talked to a lot of lawyers about this and they all say basically the same thing. All the cases that we've talked about and most of the cases of Jehovah's Witnesses in court are civil cases. If there

were a criminal prosecution, then maybe a prosecutor could ask for these documents and if they didn't give them up then law enforcement could jump in with a search warrant. But there's almost no prosecution of these abusers because the Jehovah's Witnesses don't report them.

Al Letson: Now, we heard earlier in the show how frustrating this has been for Irwin Zalkin, the lawyer who's been bringing a bunch of civil cases against the Jehovah's Witnesses. But I'm curious, how frustrating is this for you as a reporter?

Trey Bundy: This case has ... I've been looking at this for two years, and that's a long time to know what's out there and to not be able to actually get my hands on it and see it for myself. We're talking about the names of possibly thousands of child abusers. Knowing that kids are out there, they could be in danger from these people. It definitely gives us a sense of urgency and that's why we're still reporting the story.

Al Letson: So the Jehovah's Witnesses are a worldwide organization. But other countries have been pretty aggressive, namely Australia and the UK. They've really tried to hold them accountable. Recently, you went to England to report on this, so why don't you pick up the story from there?

Trey Bundy: So what's different in the England from the US is that there's an actual government agency there that's investigating their policies, and the issue has gotten national news coverage. (music)

Speaker 5: A knock on our doors, but what's happening behind theirs? Britain's Jehovah's Witnesses believe that the end times are coming. But could their financial doomsday come first as child abuse victims hold them to account?

Speaker 6: I now feel the only way to get the Jehovah's Witnesses to look at their policies and to change it for the better is by taking them to court. And hopefully that way they may then have to think maybe it's time for us to change our policies.

Trey Bundy: The agency I mentioned is called the Charity Commission for England and Wales. It opened an investigation in 2014 and requested documents from the Watchtower's London branch, but they refused to hand them over. I talked to Chris Willis-Pickup, an attorney for the Charity Commission. How many motions has the Watchtower filed to stop the investigation and dispute the production of documents?

Chris W-P: We've been in five different courts so far to defend our decision.

Trey Bundy: The Charity Commission investigations organizations to make sure they're in compliance with charity laws, but they have limited power. They can't kick down doors and take documents like law enforcement can.

Kathleen H: I think true to form the Watchtowers ... Putting obstructions at every possible turn to refuse to turn over documents.

Trey Bundy: That's Kathleen Hallisey. She's an American lawyer, living in London, who's handled more Jehovah's Witness cases than anyone in England. She won a high profile law suit last year in part because Jehovah's Witness gave up documents proving the accused had abused before.

Kathleen H: However, in my more recent cases they're refusing to turn over any documents whatsoever.

Trey Bundy: It's the same strategy that we see here in the US. The Jehovah's Witnesses will sometimes hand over documents in court related to a single victim, but the vast majority of documents are still locked away, and they could lead authorities

directly to predators, people who could still be abusing kids. Kathleen says that lack of transparency and the Jehovah's Witnesses separatist attitude towards society make the religion a perfect environment for child abusers.

Kathleen H: Limited interaction with the outside world. There's a real emphasis on not engaging with secular authorities, so the conditions are ripe for abuse and predators are purposeful, and I think that they choose those types of environments very carefully, where they know they can operate with impunity. Unfortunately, the policies of the Watchtower allow them to continue to do that again and again and again.

Trey Bundy: While the commission in England hasn't released its findings, a government commission in Australia has had some success. After the Catholic Church scandal, they started looking at abuse within other religious organizations. Last year, the commission held public hearings on the Jehovah's Witnesses. Here's a Jehovah's Witness Elder answering questions about their policies.

Elder: What ability have we got to protect every child in Australia? What you can do is you can report to the child protection authorities, and that is done in some cases, but generally it's not done, is it? No, not done unless there's a legal requirement for it to be done, is there? That is true.

Trey Bundy: Investigators in Australia turned up more than 1000 alleged abusers. None of those cases had been reported to authorities, but the commission has referred 700 of them to police. The kind of government investigations happening in the UK and Australia... We haven't seen anything like that here in the US, and that drives Irwin Zalkin crazy. He's the San Diego lawyer we met at the beginning of the show who represents child abuse victims. He thinks law enforcement has a moral obligation to force the Jehovah's Witnesses to hand over their documents that identify alleged child abusers. As we said earlier, Irwin did get some of those documents, four years worth of Jehovah's Witness child abuse files, but judges ordered him to keep them secret.
So?

Irwin Zalkin: We keep the materials locked up in that cabinet.

Trey Bundy: And you can't show them to me?

Irwin Zalkin: No, I can't show them to you.

Trey Bundy: Why not?

Irwin Zalkin: Because it would violate the terms of that protective order I think.

Trey Bundy: If the cops came in here and they didn't have a warrant you couldn't show them either.

Irwin Zalkin: Yeah I probably would not show them that. Right, they would not be able to unless they break into those cabinets. They wouldn't get them.

Trey Bundy: Right. These are gonna stay locked up, they're gonna stay secret, they're gonna stay redacted?

Irwin Zalkin: For the time being, yes. (music)

Al Letson: The Jehovah's Witnesses have refused to do an interview with us. The only thing they gave us was a written statement last year saying that they abhor child abuse and comply with all child abuse reporting laws. Meanwhile, they're just sitting on a database that likely contains the names of thousands of predators who could still be abusing kids to this day. (music)

Trey Bundy produced and reported today's show. He's been on this story for about two years. Now, if you wanna see what it's like to be in a reporter's shoes, you can check out a virtual reality project he put together as he was reporting on this show. You can find this at Revealnews.org. You can also check out what we're covering by liking us on Facebook or following us on Twitter; we're @reveal and I'm Al Letson. (music)

Her Money with Jean Chatzky is a weekly podcast created to empower women to live better by focusing on their finances, whether you're a woman yourself, which I'm not, or you have a woman in your life who you care about, which I do, you should check this one out. Her Money features great interviews with inspiring women from Gretchen Rubin to Arianna Huffington. It's a place to learn about earning more, saving more, investing wisely, and building the financial life you want. You can find Her Money on iTunes, Stitcher, or Jeanchatzky.com.

Our show today was edited by Andrew Donohue. Our staff includes Stan Alcorn, Fernanda Camarena, Julia B. Chan, Rachel de Leon, Mwendu Halesy, Emily Harris, Katharine Mieszkowski, Michael Montgomery, David Risher, Neena Saitta, Michael Schiller, Ike Srisandarajah, Laura Starcheski, and Amy Walters. Our sound design team is the Wonder Twins, my man J. Breezy, Mr. Jim Briggs, and Claire C-note Mullen, with extra help from Peter [Conheim 00:52:01]. Our head of studio is Christa Scharfenberg, Amy Pyle is our editor in chief, Susanne Reber is our executive editor, and our executive producer is Kevin Sullivan. Our theme music is by [Camerado Lightning 00:52:12]. Support for Reveal is provided by the Reva and David Logan Foundation, the Ford Foundation, the John D. And Catherine T. MacArthur Foundation, the John S. and James L. Knight Foundation, and the Ethics and Excellence in Journalism Foundation. Reveal is a co-production of the Center for Investigative Reporting and PRX. I'm Al Letson and remember, there is always more to the story. (music)

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PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 1 Park Plaza, Twelfth Floor, Irvine, California 92614.

On February 21, 2018, I served, in the manner indicated below, the foregoing document described as: **DECLARATION OF JOEL TAYLOR IN SUPPORT OF DOE 2 MOTION FOR PROTECTIVE ORDER** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Irvine, addressed as follows:

PLEASE SEE ATTACHED

BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Irvine, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 21, 2018, at Irvine, California.



Christine Dart

ATTACHMENT

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Exhibit 6

1 IRWIN M. ZALKIN, ESQ. (#89957)
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14 Attorneys for Plaintiff

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN DIEGO

17 Jose Lopez, Individually,
18 Plaintiff,
19 v.
20 Defendant Doe 1, Linda Vista Church,
21 Defendant Doe 2, Supervisory
22 Organization, Defendant Doe 3,
23 Perpetrator, and Does 4 through 100,
24 inclusive,
25 Defendants.

Case No.: 37-2012-00099849-CU-PO-CTL

**NOTICE OF TAKING DEPOSITION OF
PERSON MOST QUALIFIED TO TESTIFY
ON BEHALF OF DEFENDANT
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC., WITH
DOCUMENTS REQUIRED -
VIDEORECORDED FOR USE AT TRIAL**

26 TO DEFENDANTS AND TO THEIR ATTORNEYS OF RECORD:

27 PLEASE TAKE NOTICE that on October 24, 2013, at 10:00 a.m. (PST) at 225
28 Broadway, Suite 2100, San Diego, California 92101, attorneys for the plaintiff will take the
deposition of the defendant THE WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW
YORK, INC., as a corporate entity pursuant to C.C.P. § 2025.230.

Notice is further given to defendant THE WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC., that under C.C.P. § 2025.230, said defendant has a duty to

1 designate as the deponent the Officer, Director, Managing Agents, Employees, or Agents most
2 qualified to testify on its behalf as to the following matters:

- 3 1. The corporate and administrative structure of Watchtower Bible and Tract Society of
4 New York, Inc. from 1979 to the present.
- 5 2. The managerial hierarchy, staff functions, organization, individual staff job descriptions
6 of the Legal Department of Watchtower Bible and Tract Society of New York, Inc. from
7 1979 to the present.
- 8 3. The managerial hierarchy, staff functions, organization, individual staff job descriptions
9 of the Service Department of Watchtower Bible and Tract Society of New York, Inc.
10 from 1979 to the present.
- 11 4. Statistical compilations, records, summaries, or other gathering and organization or
12 analysis of information concerning reports of sexual abuse of children by members of
13 the Jehovah's Witnesses, including but not limited to, Governing Body members, district
14 overseers, circuit overseers, elders, ministerial servants, pioneers, publishers, baptized
15 publishers, and individuals from the time period of 1979 to the present.
- 16 5. Individual written accounts, reports, summaries, letters, emails, facsimiles, and records,
17 whether or not compiled, concerning reports of sexual abuse of children by members of
18 the Jehovah's Witnesses, including but not limited to, Governing Body members, district
19 overseers, circuit overseers, elders, ministerial servants, pioneers, publishers, baptized
20 publishers, and individuals from the time period of 1979 to the present.
- 21 6. Policies, procedures, protocols, guidelines, and instructions provided by Watchtower
22 Bible and Tract Society of New York, Inc. to elders, ministerial servants, or other
23 members of Jehovah's Witnesses relevant to the investigation, reporting, or documenting
24 of reports, information, accusations, complaints, or admissions of childhood sexual
25 abuse by members of Jehovah's Witnesses, in effect since 1979.
- 26 7. Policies, procedures, protocols, guidelines, and instructions provided by the Governing
27 Body to elders, ministerial servants, or other members of Jehovah's Witnesses relevant
28 to the investigation, reporting, or documenting of reports, information, accusations,
complaints, or admissions of childhood sexual abuse by members of Jehovah's
Witnesses, in effect since 1979.
8. The administrative process, procedures, and involvement of corporate personnel in the
proposal of, drafting of, review of, and distribution of Body of Elders Letters from the
time period of 1979 to the present.
9. Policies, procedures, protocols, guidelines, and instructions provided by Watchtower
Bible and Tract Society of New York, Inc. to elders, ministerial servants, or other
members of Jehovah's Witnesses relevant to the cooperation and communication with
secular law enforcement agencies concerning reports of childhood sexual abuse by
members of the Jehovah's Witnesses, in effect since 1979.
10. The purpose and intent of the Body of Elder letter dated August 1, 1995.

- 1 11. The corporate interpretation of, and implementation of, the Body of Elder letter dated
2 August 1, 1995.
- 3 12. The purpose and intent of the Body of Elder letter dated March 14, 1997
- 4 13. The corporate interpretation of, and implementation of, the Body of Elder letter dated
5 March 14, 1997
- 6 14. The purpose and intent of the Body of Elder letter dated July 20, 1998
- 7 15. The corporate interpretation of, and implementation of, the Body of Elder letter dated
8 July 20, 1998
- 9 16. The purpose and intent of the Body of Elder letter dated March 23, 1992
- 10 17. The corporate interpretation of, and implementation of, the Body of Elder letter dated
11 March 23, 1992
- 12 18. The purpose and intent of the Body of Elder letter dated February 3, 1993.
- 13 19. The corporate interpretation of, and implementation of, the Body of Elder letter dated
14 February 3, 1993.
- 15 20. The purpose and intent of the Body of Elder letter dated July 1, 1989.
- 16 21. The corporate interpretation of, and implementation of, the Body of Elder letter dated
17 July 1, 1989.
- 18 22. The purpose and intent of the Body of Elder letter dated October 1, 2012.
- 19 23. The corporate interpretation of, and implementation of, the Body of Elder letter dated
20 October 1, 2012.
- 21 24. The structure, membership, composition and organization of the Governing Body
22 including any committees or established subsets of the Governing Body from 1979 to the
23 present.
- 24 25. The Governing Body's role in researching, considering, debating, creating, adopting,
25 implementing and evaluating organizational policy within the Jehovah's Witness
26 Religion.
- 27 26. The identities, duties and responsibilities of agents and staff members to the individual
28 members of the Governing Body, to the Governing Body as a whole, or to any
committee or established subset of the Governing Body from 1979 to the present.
- 29 27. The Governing Body's role in considering, investigating, researching, adjudicating, and /
30 or responding to specific allegations of childhood sexual abuse committed by Jehovah's
Witnesses or issuing directions or instructions to others to so consider, investigate,
research, adjudicate and / or respond to such specific allegations.
- 31 28. The orders, decisions, decrees or other directives authored, issued or approved by the
32 Governing Body or any committee or established subset of the Governing Body
33 regarding any specific investigation, allegation, complaint, lawsuit or other matter
34 involving childhood sexual abuse committed by Jehovah's Witnesses.
- 35 29. The Governing Body's awareness and discussions of, and decision making process
36 regarding, claims of sexual abuse by Gonzalo Campos.
- 37 30. The efforts of the Governing Body to determine the existence, occurrence, prevalence
38 and / or scope of childhood sexual abuse committed by Jehovah's Witnesses within the
Jehovah's Witness religion.

1 Notice is further given to defendant that pursuant to C.C.P. § 2025 and 2019(a)(3), said
2 deponent is requested to bring with him at the above noticed time and place the following,
3 which are in his possession or under his control or in the possession or under the control of his
4 attorneys:

- 5 1. Any and all records, written communications, files, reports, or other documentary,
6 tangible, or electronically created or stored information of any kind, evidencing the
7 corporate and administrative structure of Watchtower Bible and Tract Society of
8 New York, Inc.
- 9 2. Any and all records, written communications, files, reports, or other documentary,
10 tangible, or electronically created or stored information of any kind evidencing the
11 managerial hierarchy, staff functions, organization, individual staff job descriptions
12 of the Legal Department of Watchtower Bible and Tract Society of New York, Inc.
13 from 1979 to the present.
- 14 3. Any and all records, written communications, files, reports, or other documentary,
15 tangible, or electronically created or stored information of any kind evidencing the
16 managerial hierarchy, staff functions, organization, individual staff job descriptions
17 of the Service Department of Watchtower Bible and Tract Society of New York, Inc.
18 from 1979 to the present.
- 19 4. Any and all records, written communications, files, reports, or other documentary,
20 tangible, or electronically created or stored information of any kind, evidencing the
21 statistical compilations, records, summaries, or other gathering and organization or
22 analysis of information concerning reports of sexual abuse of children by members
23 of the Jehovah's Witnesses, including but not limited to, elders, ministerial servants,
24 and individuals from the time period of 1979 to the present.
- 25 5. Any and all individual written accounts, reports, summaries, letters, emails,
26 facsimiles, and records, whether or not compiled, concerning reports of sexual abuse
27 of children by members of the Jehovah's Witnesses, including but not limited to,
28 Governing Body members, district overseers, circuit overseers, elders, ministerial
servants, pioneers, baptized publishers, and individuals from the time period of 1979
to the present
6. Any and all records, written communications, files, reports, or other documentary,
tangible, or electronically created or stored information of any kind evidencing the
policies, procedures, protocols, guidelines, and instructions provided by Watchtower
Bible and Tract Society of New York, Inc. to elders, ministerial servants, or other
members of Jehovah's Witnesses relevant to the investigation, reporting, or
documenting of reports, information, accusations, complaints, or admissions of
childhood sexual abuse by members of Jehovah's Witnesses, in effect since 1979.
7. Any and all records, written communications, files, reports, or other documentary,
tangible, or electronically created or stored information of any kind evidencing the

1 policies, procedures, protocols, guidelines, and instructions provided by the
2 Governing Body to elders, ministerial servants, or other members of Jehovah's
3 Witnesses relevant to the investigation, reporting, or documenting of reports,
4 information, accusations, complaints, or admissions of childhood sexual abuse by
5 members of Jehovah's Witnesses, in effect since 1979.

- 6 8. Any and all records, written communications, files, reports, or other documentary,
7 tangible, or electronically created or stored information of any kind evidencing the
8 administrative process, procedures, and involvement of corporate personnel in the
9 proposal of, drafting of, review of, and distribution of Body of Elders Letters from
10 the time period of 1979 to the present.
- 11 9. Any and all records, written communications, files, reports, or other documentary,
12 tangible, or electronically created or stored information of any kind, evidencing the
13 policies, procedures, protocols, guidelines, and instructions provided by Watchtower
14 Bible and Tract Society of New York, Inc. to elders, ministerial servants, or other
15 members of Jehovah's Witnesses relevant to the cooperation and communication
16 with secular law enforcement agencies concerning reports of childhood sexual abuse
17 by members of the Jehovah's Witnesses, in effect since 1979.
- 18 10. Any and all internal memorandum, instructions, guidelines, emails, policies,
19 procedures, or other documentary, tangible, or electronically stored information of
20 any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
21 corporate discussion of, interpretation of, or guidelines on the utilization of, that
22 Body of Elder letter dated August 1, 1995.
- 23 11. Any and all internal memorandum, instructions, guidelines, emails, policies,
24 procedures, or other documentary, tangible, or electronically stored information of
25 any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
26 corporate discussion of, interpretation of, or guidelines on the utilization of, that
27 Body of Elder letter dated March 14, 1997.
- 28 12. All letters, emails, facsimiles, or other documentary, tangible, or electronically stored
information of any kind, Watchtower Bible and Tract Society New York, Inc.
received in response to the Body of Elder Letter Dated March 14, 1997.
13. Any and all internal memorandum, instructions, guidelines, emails, policies,
procedures, or other documentary, tangible, or electronically stored information of
any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
corporate discussion of, interpretation of, or guidelines on the utilization of, that
Body of Elder letter dated July 20, 1998.
14. Any and all internal memorandum, instructions, guidelines, emails, policies,
procedures, or other documentary, tangible, or electronically stored information of
any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
corporate discussion of, interpretation of, or guidelines on the utilization of, that
Body of Elder letter dated March 23, 1992.
15. Any and all internal memorandum, instructions, guidelines, emails, policies,
procedures, or other documentary, tangible, or electronically stored information of

1 any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
2 corporate discussion of, interpretation of, or guidelines on the utilization of, that
3 Body of Elder letter dated February 3, 1993.

4 16. Any and all internal memorandum, instructions, guidelines, emails, policies,
5 procedures, or other documentary, tangible, or electronically stored information of
6 any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
7 corporate discussion of, interpretation of, or guidelines on the utilization of, that
8 Body of Elder letter dated July 1, 1989.

9 17. Any and all internal memorandum, instructions, guidelines, emails, policies,
10 procedures, or other documentary, tangible, or electronically stored information of
11 any kind, evidencing Watchtower Bible and Tract Society of New York, Inc.
12 corporate discussion of, interpretation of, or guidelines on the utilization of, that
13 Body of Elder letter dated October 1, 2012.

14 18. Any and all minutes, transcriptions, audio, video or stenographic recordings or
15 reproductions of all meetings or portions of meetings of the Governing Body
16 regarding childhood sexual abuse committed by Jehovah's Witnesses, including but
17 not limited to formulation of policy and discussion of particular childhood sexual
18 abuse matters.

19 19. Any and all internal memorandum, instructions, guidelines, emails, policies,
20 procedures, or other documentary, tangible, or electronically stored information of
21 any kind generated by or circulated among the Governing Body regarding childhood
22 sexual abuse by Jehovah's Witnesses, including but not limited to formulation of
23 policy and particular childhood sexual abuse matters.

24 20. Any and all internal memorandum, instructions, guidelines, emails, policies,
25 procedures, or other documentary, tangible, or electronically stored information of
26 any kind generated by or circulated among the Governing Body regarding the above-
27 captioned matter, or other matters involving alleged or confirmed childhood sexual
28 abuse committed by Gonzalo Campos.

21. Any and all minutes, transcriptions, audio, video or stenographic recordings or
reproductions of all meetings or portions of meetings of any committee comprised of
members of the Governing Body regarding childhood sexual abuse committed by
Jehovah's Witnesses, including but not limited to formulation of policy and
discussion of particular childhood sexual abuse matters.

22. Any and all minutes, transcriptions, audio, video or stenographic recordings or
reproductions of all meetings or portions of meetings of any committee comprised of
members of the Governing Body regarding the above-captioned matter, or other
matters involving confirmed or alleged childhood sexual abuse committed by
Gonzalo Campos.

23. Any and all orders, instructions, decisions, decrees or other directives authored,
issued or approved by the Governing Body regarding any specific claim, allegation
or report of childhood sexual abuse committed by Jehovah's Witnesses.

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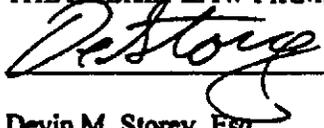
- 24. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures, or other documentary, tangible, or electronically stored information of any kind transmitted between the Governing Body and any department of Watchtower Bible and Tract Society of New York, Inc. regarding childhood sexual abuse committed by Jehovah's Witnesses, excluding communications with the Legal Department.
- 25. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind transmitted between the Governing Body and any person or entity regarding childhood sexual abuse committed by Jehovah's Witnesses.
- 26. Any and all written job descriptions, or orientation or instructional materials provided to employees, volunteers, agents or staff assisting the Governing Body, or any committee or established subset of the Governing Body.
- 27. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind commissioned or provided to the Governing Body regarding childhood sexual abuse committed by Jehovah's Witnesses.
- 28. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind detailing the structure, membership and organization of the Governing Body.
- 29. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind detailing the membership of the various Governing Body Committees.

Pursuant to C.C.P. § 2025.220(1)-(6); 2025.230; 2025.240(c), this deposition will be recorded by audio and video tape. Plaintiff hereby gives notice pursuant to C.C.P. § 2025.620(d) of his intention to offer said videotaped deposition into evidence at trial.

The deposition will be upon oral examination before a duly authorized Notary Public and will continue from day to day until completed.

All parties or attorneys for parties on whom this deposition notice is being served are listed on the attached proof of service.

Dated: 9-20-13

THE ZALKIN LAW FIRM, P.C.

 Devin M. Storey, Esq.
 Attorney for Plaintiff

PROOF OF SERVICE

Lopez v. Defendant Doe I, Linda Vista Church, et al.
San Diego County Superior Court Case No: 37-2012-00099849-CU-PO-CTL

I, Lisa E. Maynes, am employed in the city and county of San Diego, State of California. I am over the age of 18 and no a party to the action; my business address is 12555 High Bluff Drive, Suite 260, San Diego, CA 92130.

September 20, 2013, I caused to be served:

NOTICE OF TAKING DEPOSITION OF PERSON MOST QUALIFIED TO TESTIFY ON BEHALF OF DEFENDANT WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., WITH DOCUMENTS REQUIRED - VIDEO RECORDED FOR USE AT TRIAL

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

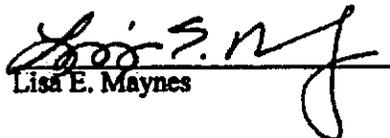
SEE ATTACHED SERVICE LIST

XX (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) By causing to be delivered by hand to the offices of the addressee(s) on the date listed above.

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

Dated: 9-20-13


Lisa E. Maynes

MAILING LIST

By: Mail

**Rocky K. Copley, Esq.
Law Office of Rocky K. Copley
225 Broadway, Suite 2100
San Diego, CA 92101
Tel: 619-232-3131
Fax: 619-232-1690
email: rkcopeley@rkc-rocklaw.com**

Attorney for Defendant

Doe 2, Supervisory Organization, Watchtower Bible and Tract Society of New York, Inc.

By: Mail

**James M. McCabe, Esq.
The McCabe Law Firm, APC
4817 Santa Monica Avenue, Suite B
San Diego, CA 92107
Tel: 619-224-2848
Fax: 619-224-0089
email: jim@mccabelaw.net**

Attorneys for Defendant

Doe 1, Linda Vista Church

By: Mail

**Calvin A. Rouse, Esq.
Watchtower Bible & Tract Society of New York, Inc.
Legal Department
100 Watchtower Drive
Patterson, NY 12563-90204
Tel: 845-306-0700 x 46760
email: crouse@iw.org**

Co-Counsel for Defendant

Doe 2, Supervisory Organization, Watchtower Bible and Tract Society of New York, Inc.



Exhibit 7

1 Hon. Vincent P. Di Figlia (Ret.)
2 Judicate West
3 402 West Broadway, Suite 2400
4 San Diego, CA 92101
5 Telephone: (619) 814-1986
6 Fax: (619) 814-1987

F I L E D
Clerk of the Superior Court
JAN 02 2014
By: R. LINDSEY-COOPER, Deputy

7
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION
10

11 JOSE LOPEZ, an individual;) Case No. 37-2012-0099849-CU-PO-CTL
12 Plaintiff,) RECOMMENDATIONS OF DISCOVERY
13 vs.) REFEREE
14 DOE I, LINDA VISTA CHURCH, et al.) CCP § 643
15 Defendants.)
16

17 I

18 INTRODUCTION

19 This matter came on for hearing on December 13, 2013, in the offices of Judicate West,
20 402 West Broadway, Suite 2400, San Diego, CA 92101, before the Honorable Vincent P.
21 Di Figlia (Ret.) referee. Irwin M. Zalkin, Esq., Devin M. Storey, Esq. and Alexander S. Zalkin,
22 Esq. appeared on behalf of plaintiff Jose Lopez. Rocky K. Copley, Esq. appeared on behalf of
23 Watchtower Bible and Tract Society of New York, Inc. (sued as "Doe 2, Supervisory
24 Organization").

25 II

26 DISCUSSION

27 The case came before the referee on cross-motions by the appearing parties. Plaintiff
28 Lopez moved to compel the deposition testimony of the Watchtower Person Most Qualified

1 (hereinafter PMQ). In previous similar litigation, defendant Watchtower has designated Allen
2 Shuster as its PMQ. Plaintiff additionally seeks to obtain the deposition testimony of Gerrit
3 Losch. Mr. Losch is a long standing member of the Watchtower's "Governing Body." According
4 to deposition testimony given by Mr. Shuster (Plaintiff's Exhibit 9), the Governing Body
5 approves operational guidelines for the United States branch of the Jehovah's Witness
6 Organization, including directives for investigating and reporting of alleged childhood sexual
7 abuse within the church. Mr. Shuster has testified that the Governing Body oversees the
8 worldwide activity of Jehovah's Witnesses. (Plaintiff's Ex. 9 at 19-6-13)

9 Plaintiff's Notice of Deposition of PMQ sets forth 30 specific areas of inquiry and
10 requests production pursuant to C.C.P. §§ 2025 and 2019(a)(3) of 29 classes of documents.
11 (Plaintiff's Exhibit I) Defendant Watchtower has in turn objected to each and every proposed
12 topic of examination and each and every request for production.

13 Watchtower's grounds for objection are:

- 14 1. The information sought is protected from discovery by the minister-communicant
15 privilege (Cal. Evid. Code §§ 1033, 1034).
- 16 2. The information sought is protected from discovery by the First Amendment.
- 17 3. The information sought is protected by the attorney-client and/or work-product
18 doctrine.
- 19 4. The time frame of the request is overly broad, and the relevant area of enquiry should
20 be limited to the year 1986.

21 (See defendant's objections, Plaintiff Ex. 2)

22 These privilege claims have been raised in 2 prior discovery motions brought before
23 Judge Lewis as well as in a failed Motion for Summary Judgment/Adjudication. (Plaintiff's Ex.
24 3, 4 and 5.) In each instance, the aforementioned claims of privilege were found to be without
25 merit, except as to 4 documents deemed privileged under Evidence Code §§1033 and 1034.

26 (Plaintiff's Ex. 3)

27
28

1 As previously noted, this matter came before the referee ostensibly on cross-motions. In
2 setting the hearing, counsel for Watchtower indicated he would be filing a Motion for a
3 Protective Order precluding the deposition testimony of Gerrit Losch.

4 Defendant's opening brief withdrew the request as premature, claiming the notice was
5 defective.

6 In reply, defendant submits the declaration of Danny L. Bland, an employee in
7 defendant's treasurer's office who declares that a search of the records in the treasurer's office
8 reveals that "Gerrit Losch has never been an officer, director, managing agent or employee of
9 Watchtower Bible and Tract Society of New York, Inc." (Bland Decl. p. 2, lines 3-11)

10 III

11 RECOMMENDATION

12 A. DEPOSITION OF GERRIT LOSCH

13 The referee recommends that plaintiff be permitted to depose Mr. Losch. The deposition
14 testimony of Mr. Shuster establishes that the Governing Body, of which Mr. Losch is a member
15 is the principal overseer of the church's activities. Mr. Losch is the longest serving member of
16 the Governing Body and may well possess knowledge pertinent to this litigation.

17 It is noteworthy that opposition to Mr. Losch's deposition was based solely on the
18 previously mentioned Bland declarations. Defendant did not invoke the "apex" grounds as a
19 reason to preclude Mr. Losch's deposition. See *Liberty Mutual Ins. Co. v. Superior Court*, (1992)
20 10 Cal. App. 4th 1282.

21 Despite Mr. Bland's declaration, the referee believes that Mr. Losch's position as a
22 member of the Governing Body and its functions as described by Mr. Shuster, make Mr. Losch a
23 managing agent within the contemplation of the law. C.C.P. § 2025.280(a)

24 B. DEPOSITION OF WATCHTOWER'S PMQ and ACCOMPANYING REQUEST FOR
25 PRODUCTION

26 This honorable court has already ruled on issues of privilege and privacy in this case. It is
27 the referee's recommendation that the deposition of the PMQ be allowed to go forward on the
28 topics enumerated, and that the PMQ be required to produce the documents in question which I

1 believe are relevant to the subject matter of the lawsuit in many areas, including subsequent
2 ratification by the church, if any.

3 To the extent the documents produced might invade the privacy rights of third parties,
4 defendant may produce documents wherein the names, addresses, e-mail addresses, telephone
5 numbers and social security number of third-parties have been redacted.

6 Additionally, in that the court has previously reviewed in camera and withheld some
7 documents pursuant to Evidence Code §§ 1033 and 1034, the referee recommends that defendant
8 prepare a privilege log and provide for in camera review by me those documents which may fall
9 within the minister-communicant and/or attorney/client or work produce privileges.

10 Respectfully submitted,

11
12 *Vincent P. DiFiglia*
13 HON. VINCENT P. DI FIGLIA (Ret.)
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15
16 Dated: December 20, 2013
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20 JAN 02 2014

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IT IS SO ORDERED,
JOAN M. LEWIS
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE:

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action. My business address is 1851 East First Street, Suite 1600, Santa Ana, California 92705.

On December 23, 2013 I served the **RECOMMENDATIONS OF DISCOVERY REFEREE** on the following parties in the **Lopez vs. Linda Vista Spanish Congregation, et al.** by placing a true copy to all parties as follows:

Irwin M. Zalkin, Esq.
Devin M. Storey, Esq.
The Zalkin Law Firm, P.C.
12555 High Bluff Drive, Suite 260
San Diego, CA 92130
Email: irwin@zalkin.com
EMail: dms@zalkin.com

Calvin A. Rouse, Esq.
Mario F. Moreno, Esq.
Watchtower Bible & Tract Society of New York, Inc.
100 Watchtower Drive
Patterson, NY 12563-9204
EMail: crouse@iw.org
EMail: mfmorenolaw@gmail.com

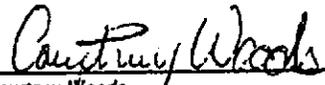
James M. McCabe, Esq.
Law Offices of James M. McCabe
4817 Santa Monica Ave.
Suite B
San Diego, CA 92107
EMail: jim@mccabelaw.net

Rocky K. Copley, Esq.
Law Offices of Rocky K. Copley
225 Broadway
Suite 2100
San Diego, CA 92101
EMail: rkcooley@rkc-rocklaw.com

Hon. Joan M. Lewis
Superior Court of California
County of San Diego
220 West Broadway
San Diego, CA 92101
US Mail Only

- | | | |
|---|----------------------|--|
| <input checked="" type="checkbox"/> (X) | BY U.S. MAIL: | I caused such envelope(s), with postage fully prepaid, to be placed in the U.S. Mail at Santa Ana, California. |
| <input type="checkbox"/> () | BY FACSIMILE: | I caused such document to be sent via facsimile to each person on the attached mailing list. |
| <input checked="" type="checkbox"/> (X) | BY ELECTRONIC MAIL: | I caused such document to be sent via electronic mail to each person. |
| <input type="checkbox"/> () | BY PERSONAL SERVICE: | I caused such envelope to be delivered by hand to the office of the addressee. |
| <input checked="" type="checkbox"/> (X) | STATE: | I declare under penalty of perjury under the laws of the State of California that the above is true and correct. |
| <input type="checkbox"/> () | FEDERAL: | I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. |

Executed on December 23, 2013 at Santa Ana, California.



Courtney Woods
Judicate West



Exhibit 8

Stephanie R. Cox

From: Ryan C. McKim
Sent: Wednesday, November 02, 2016 12:36 PM
To: Devin Storey
Cc: Beth A. Kahn
Subject: Jose Lopez v. Doe 1, Linda Vista Church, et al.
Attachments: LOPEZ, JOSE -- Stipulated Protective Order and Nondisclosure Agreement (L0743856x7A34B).docx

Devin,

Watchtower will produce documents responsive to request no. 12. These documents are also responsive to request no. 5. In this respect, please find attached a stipulated protective order and nondisclosure agreement. It tracks the stipulated protective order and nondisclosure agreement that our offices entered into in *Padron v. Doe 1, et al.* Please confirm that Plaintiff will stipulate to the attached protective order and nondisclosure agreement. In addition, given Watchtower's document production, please confirm that Plaintiff will release his hearing reservation (i.e., on December 9, 2016) for his anticipated motion for sanction against Watchtower.

If Plaintiff will not stipulate to the protective order and nondisclosure agreement, this is Watchtower's attempt to meet and confer. The purpose of discovery is to assist parties in preparation for trial and settlement of disputes. (*Seattle Times Co. v. Rhinehart* (1984) 467 U.S. 20, 35; *Davies v. Superior Court* (1984) 36 Cal.3d 291, 299.) To this end, Code of Civil Procedure section 2031.060(b) provides that, "for good cause shown," a court may make "any order that justice requires" to protect a party or other person "from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." Such orders may include prohibitions on public dissemination of information learned in discovery. (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1259.) Here, public disclosure of the documents at issue does not assist anyone in the preparation for trial or settlement of this case. Therefore, an order prohibiting public disclosure of the documents is proper.

Please let us know your position on the issues raised in this correspondence.

Sincerely,
Ryan

Ryan C. McKim
Senior Associate

1055 West Seventh Street
Twenty-Fourth Floor
Los Angeles, CA 90017

Direct: 213.417.5336
Main: 213.891.9100
Fax: 213.488.1178

RMckim@mpplaw.com



Morris Polich & Purdy LLP

Los Angeles - San Francisco - San Diego - Las Vegas
www.mpplaw.com

1 Beth A. Kahn, Esq., SBN 134158
2 Dean A. Olson, Esq., SBN 126155
3 Ryan C. McKim, Esq., SBN 265941
4 MORRIS POLICH & PURDY LLP
5 1055 West Seventh Street, 24th Floor
6 Los Angeles, California 90017
7 Telephone: (213) 891-9100
8 Facsimile: (213) 488-1178
9 BKahn@mpplaw.com
10 DOlson@mpplaw.com
11 RMcKim@mpplaw.com

12 Attorneys for Defendant, Watchtower Bible and
13 Tract Society of New York, Inc., sued herein as
14 Doe 2, Supervisory Organization

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF SAN DIEGO**

17 JOSE LOPEZ, an Individual,

18 Plaintiff,

19 v.

20 DOE 1, LINDA VISTA CHURCH; DOE 2,
21 SUPERVISORY ORGANIZATION; DOE 3,
22 PERPETRATOR; and DOES 4 through 100,
23 inclusive,

24 Defendants

Case No. 37-2012-00099849-CU-PO-CTL

**STIPULATED PROTECTIVE ORDER AND
NONDISCLOSURE AGREEMENT;
[PROPOSED] ORDER**

Assigned to: Hon. Gregory W. Pollack
Dept.: 71

Trial Date: None.

25 Plaintiff Jose Lopez (hereinafter "Plaintiff") and Defendant Watchtower Bible & Tract
26 Society of New York, Inc., (hereinafter "Defendant Watchtower"), by and through their respective
27 counsel of record, hereby stipulate to entry of the following Stipulated Protective Order And
28 Nondisclosure Agreement ("Protective Order") for the production of confidential information
requested by Plaintiff from Defendant Watchtower.

NONDISCLOSURE AND CONFIDENTIALITY AGREEMENT

WHEREAS, the Court has ordered that Defendant Watchtower produce documents in
response to Plaintiff's Request for "All letters, emails, facsimiles, or other documentary, tangible, or

1 electronically stored information of any kind, Watchtower Bible and Tract Society New York, Inc.
2 received in response to the Body of Elder Letter Dated March 14, 1997" which Defendant
3 Watchtower contends involve or contain confidential, privileged, proprietary, and/or related
4 information ("BOE Responses") belonging to Defendant Watchtower; and

5 WHEREAS, with respect to the BOE Responses, the Court has ordered that "[t]o the extent
6 the documents produced might invade the privacy rights of third parties, defendant may produce
7 documents wherein the names, addresses, e-mail addresses, telephone numbers and social security
8 number[s] of third-parties have been redacted" (Order on Recommendations of Discovery Referee,
9 file stamped January 2, 2014, p. 4) (hereinafter "January 2014 Protective Order");

10 NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED THAT:

11 1. Defendant Watchtower will produce the "BOE Responses" in its possession and
12 control to Plaintiff's attorneys pursuant to this Stipulated Protective Order and the January 2014
13 Protective Order.

14 2. All "BOE Responses" shall be designated and marked "CONFIDENTIAL" by
15 Defendant Watchtower in the header and the footer in a manner that will not obscure the textual
16 content of the document.

17 3. The "BOE Responses", including any and all documents and information contained
18 therein, shall be maintained in confidence by Plaintiff's attorneys and shall be used for the sole and
19 exclusive purpose of Plaintiff's attorneys' preparation for depositions, as exhibits to motions and/or
20 oppositions and replies to motions, and at trial of this case. Plaintiff's counsel may inform the Court
21 in other litigation against Defendant Watchtower that Defendant Watchtower has produced the "BOE
22 Responses" in this case but may not reveal, refer to or characterize the content of the documents.

23 4. The "BOE Responses" shall not be disclosed or copied in any form to any person or
24 entity (except to the extent reasonably necessary to Plaintiff's attorneys' regularly employed staff and
25 contracted personnel subject to the provisions of paragraph 9) for any other purpose other than those
26 set forth in paragraphs 5, 6 and 7 below.

27 5. Plaintiff's attorneys may scan, OCR, and/or store digital images of the "BOE
28 Responses" on Plaintiff's attorneys' password-protected in-house and Cloud-based servers ("the

1 Servers"). The digitized versions of the "BOE Responses" may be downloaded from the Servers to
2 individual desktop or laptop computers owned, or temporarily leased, by Plaintiff's attorneys' law
3 firm as needed to database, analyze, code, abstract, prepare exhibits, or otherwise manipulate the data
4 contained within the "BOE Responses." Plaintiff's attorneys may provide a hard copy version and/or
5 encrypted electronic copy of the "BOE Responses," or any data analyses or exhibits created
6 therefrom, to their experts or consultants and may use or transmit "BOE Responses" in an encrypted
7 electronic format for purposes solely related to this litigation. Plaintiff's experts and/or consultants
8 may similarly store digital images of the "BOE Responses" on their own in-house, Cloud-based, or
9 other servers, and download such digitized images to desktop or laptop computers owned or leased by
10 the expert and/or consultant, as reasonably necessary to complete the work commissioned by Plaintiff
11 in this case.

12 6. If Plaintiff submits any "BOE Responses" to the Court, such "BOE Responses" shall
13 be lodged "CONDITIONALLY UNDER SEAL" as allowed by Rule 2.551(b)(3)(A) of the California
14 Rules of Court. Thereafter, all parties reserve all rights granted by Rules 2.550-2.551 of the
15 California Rules of Court to file or oppose a motion to seal or unseal the "BOE Responses."

16 7. Any "BOE Responses" presented at trial shall be lodged "CONDITIONALLY
17 UNDER SEAL" as allowed by Rule 2.551(b)(3)(A) of the California Rules of Court. Thereafter, all
18 parties reserve all rights granted by Rules 2.550-2.551 of the California Rules of Court to file or
19 oppose a motion to seal or unseal the "BOE Responses."

20 8. Plaintiff's attorneys of record and any other person or entity provided with "BOE
21 Responses" pursuant to paragraphs 3, 4 and 5 above shall return the "BOE Responses" to counsel for
22 Watchtower, and shall permanently delete the "BOE Responses" from any computer or electronic
23 storage device, upon the later of:

24 (a) Thirty (30) calendar days following a written demand for return of the "BOE Responses."
25 Such written demand may be made at any time following the conclusion of this case, including any
26 appellate proceedings. For purposes of this paragraph, notice to Plaintiff's attorneys shall constitute
27 notice to all persons or entities to whom the "BOE Responses" were transmitted; or

28 (b) Thirty (30) calendar days following the denial of a motion to dissolve or modify this

1 Protective Order and the exhaustion of any appellate procedures thereafter. If, however, a motion to
2 dissolve or modify the Protective Order is granted in such a manner as conflicts in whole or in part
3 with this paragraph, the subsequent order controls. Any work product referring to "BOE Responses"
4 shall be subject to this Protective Order.

5 9. Any person, other than the Court or its officers, to whom "BOE Responses" are
6 disclosed or shown pursuant to paragraphs 4 or 5 shall be informed, prior to disclosure or showing, of
7 the nature and scope of this Protective Order, and of his or her obligation to keep the "BOE
8 Responses" in confidence, and shall sign a statement and certification agreeing to comply with the
9 terms of this Protective Order.

10 10. This Court shall have exclusive jurisdiction to hear all disputes, including motions for
11 sanctions, pertaining to or arising out of violations of this Protective Order and all parties and their
12 attorneys agree to submit to the jurisdiction of the Court with respect to any such dispute. This
13 Protective Order shall continue to be binding after the conclusion of this case except that a party may
14 seek the written permission of Defendant Watchtower or further order of the Court with respect to
15 dissolution or modification of this Protective Order.

16 IT IS SO STIPULATED.

17 Dated: November ____, 2016

MORRIS POLICH & PURDY LLP

18
19 By: _____

Beth A. Kahn
Dean A. Olson
Ryan C. McKim
Attorneys for Defendant, Watchtower Bible and
Tract Society of New York, Inc., sued herein as
Doe 2, Supervisory Organization

20
21
22
23 Dated: November ____, 2016

THE ZALKIN LAW FIRM, P.C.

24
25 By: _____

Irwin M. Zalkin
Devin M. Storey
Attorneys for Plaintiff, Jose Lopez

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IT IS SO ORDERED.

Dated: _____

Hon. Gregory W. Pollack
Judge of the Superior Court



Exhibit 9

Stephanie R. Cox

From: Devin Storey <dms@zalkin.com>
Sent: Friday, November 04, 2016 9:39 AM
To: Ryan C. McKim
Cc: Beth A. Kahn; Irwin Zalkin
Subject: RE: Jose Lopez v. Doe 1, Linda Vista Church, et al.
Attachments: LOPEZ JOSE -- Stipulated Protective Order and Nondisclosure Agreement DMS Redline 11-3-16.docx

Ryan,

I have attached a redlined version of the protective order that I will sign. The redline deletes the paragraph calling for redaction of the third party information, but otherwise leaves the protective order intact. The reason for the change is that, as you are aware, we do not agree with the extent of the redactions made to these documents in the *Padron* case, and both the discovery referee and trial court agreed that the redactions were so extensive as to make the produced documents difficult if not impossible for us to use, which undercuts the purpose of ordering Watchtower to produce them in the first place. If you produce the documents in the same format, and with the same redactions as in *Padron* (as I expect you intend to do), there will be motion practice about the scope of the redactions and we will seek production of less redacted documents. We believe it is clear that Judge Lewis intended for the names of victims to be redacted (and ordered this production without a protective order).

This obviously has not been addressed in *Lopez*, being that no documents were ever produced and no judge has considered whether the scope of the redactions are appropriate. We therefore think this paragraph must be removed. Please confirm that you agree to this change, and if you do, send back a version for me to sign.

With respect to our motion for sanctions. I cannot release the reservation until you agree to produce all of the documents you have been ordered by Judge Lewis to produce, and which the Court of Appeal affirmed. I note that your email is less than straightforward on this point. You note that you will produce some documents responsive to request number 12, which you contend are also responsive to request number 5. But you do not state that you will produce all documents in Watchtower's possession, custody or control that are responsive to request numbers 5 and 12, i.e., all of the documents Watchtower has been ordered to produce. This is far from an unequivocal statement that you will comply with the court orders. Please clearly state that Watchtower will produce all of the documents it was ordered to produce, and let me know when you intend to produce the documents. If you confirm this, I will consider cancelling the reservation, or at least we can limit the motion solely to the redaction issue. Thanks.

Devin

From: Ryan C. McKim [mailto:RMckim@mpplaw.com]
Sent: Wednesday, November 02, 2016 12:36 PM
To: Devin Storey
Cc: Beth A. Kahn
Subject: Jose Lopez v. Doe 1, Linda Vista Church, et al.

Devin,

Watchtower will produce documents responsive to request no. 12. These documents are also responsive to request no. 5. In this respect, please find attached a stipulated protective order and nondisclosure agreement. It tracks the stipulated protective order and nondisclosure agreement that our offices entered into in *Padron v. Doe 1, et al.* Please confirm that Plaintiff will stipulate to the attached protective order and nondisclosure agreement. In addition, given Watchtower's document production, please confirm that Plaintiff will release his hearing reservation (i.e., on December 9, 2016) for his anticipated motion for sanction against Watchtower.

If Plaintiff will not stipulate to the protective order and nondisclosure agreement, this is Watchtower's attempt to meet and confer. The purpose of discovery is to assist parties in preparation for trial and settlement of disputes. (*Seattle Times Co. v. Rhinehart* (1984) 467 U.S. 20, 35; *Davies v. Superior Court* (1984) 36 Cal.3d 291, 299.) To this end, Code of Civil Procedure section 2031.060(b) provides that, "for good cause shown," a court may make "any order that justice requires" to protect a party or other person "from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." Such orders may include prohibitions on public dissemination of information learned in discovery. (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1259.) Here, public disclosure of the documents at issue does not assist anyone in the preparation for trial or settlement of this case. Therefore, an order prohibiting public disclosure of the documents is proper.

Please let us know your position on the issues raised in this correspondence.

Sincerely,
Ryan

Ryan C. McKim
Senior Associate

1055 West Seventh Street
Twenty-Fourth Floor
Los Angeles, CA 90017

Direct: 213.417.5336
Main: 213.891.9100
Fax: 213.488.1178

RMckim@mpplaw.com



Morris Polich & Purdy LLP

Los Angeles - San Francisco - San Diego - Las Vegas
www.mpplaw.com

Please think twice before printing this email

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1 Beth A. Kahn, Esq., SBN 134158
2 Dean A. Olson, Esq., SBN 126155
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4 MORRIS POLICH & PURDY LLP
5 1055 West Seventh Street, 24th Floor
6 Los Angeles, California 90017
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9 BKahn@mpplaw.com
10 DOlson@mpplaw.com
11 RMcKim@mpplaw.com

12 Attorneys for Defendant, Watchtower Bible and
13 Tract Society of New York, Inc., sued herein as
14 Doe 2, Supervisory Organization

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF SAN DIEGO**

17 JOSE LOPEZ, an Individual,

18 Plaintiff,

19 v.

20 DOE 1, LINDA VISTA CHURCH; DOE 2,
21 SUPERVISORY ORGANIZATION; DOE 3,
22 PERPETRATOR; and DOES 4 through 100,
23 inclusive,

24 Defendants

Case No. 37-2012-00099849-CU-PO-CTL

**STIPULATED PROTECTIVE ORDER AND
NONDISCLOSURE AGREEMENT;
[PROPOSED] ORDER**

Assigned to: Hon. Gregory W. Pollack
Dept.: 71

Trial Date: None.

25 Plaintiff Jose Lopez (hereinafter "Plaintiff") and Defendant Watchtower Bible & Tract
26 Society of New York, Inc., (hereinafter "Defendant Watchtower"), by and through their respective
27 counsel of record, hereby stipulate to entry of the following Stipulated Protective Order And
28 Nondisclosure Agreement ("Protective Order") for the production of confidential information
requested by Plaintiff from Defendant Watchtower.

NONDISCLOSURE AND CONFIDENTIALITY AGREEMENT

WHEREAS, the Court has ordered that Defendant Watchtower produce documents in
response to Plaintiff's Request for "All letters, emails, facsimiles, or other documentary, tangible, or

1 electronically stored information of any kind, Watchtower Bible and Tract Society New York, Inc.
2 received in response to the Body of Elder Letter Dated March 14, 1997" which Defendant
3 Watchtower contends involve or contain confidential, privileged, proprietary, and/or related
4 information ("BOE Responses") belonging to Defendant Watchtower; and

5 ~~WHEREAS, with respect to the BOE Responses, the Court has ordered that "[t]o the extent~~
6 ~~the documents produced might invade the privacy rights of third parties, defendant may produce~~
7 ~~documents wherein the names, addresses, e-mail addresses, telephone numbers and social security~~
8 ~~number[s] of third parties have been redacted" (Order on Recommendations of Discovery Referee,~~
9 ~~file stamped January 2, 2014, p. 4) (hereinafter "January 2014 Protective Order");~~

10 NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED THAT:

11 1. Defendant Watchtower will produce the "BOE Responses" in its possession and
12 control to Plaintiff's attorneys pursuant to this Stipulated Protective Order and the January 2014
13 Protective Order.

14 2. All "BOE Responses" shall be designated and marked "CONFIDENTIAL" by
15 Defendant Watchtower in the header and the footer in a manner that will not obscure the textual
16 content of the document.

17 3. The "BOE Responses", including any and all documents and information contained
18 therein, shall be maintained in confidence by Plaintiff's attorneys and shall be used for the sole and
19 exclusive purpose of Plaintiff's attorneys' preparation for depositions, as exhibits to motions and/or
20 oppositions and replies to motions, and at trial of this case. Plaintiff's counsel may inform the Court
21 in other litigation against Defendant Watchtower that Defendant Watchtower has produced the "BOE
22 Responses" in this case but may not reveal, refer to or characterize the content of the documents.

23 4. The "BOE Responses" shall not be disclosed or copied in any form to any person or
24 entity (except to the extent reasonably necessary to Plaintiff's attorneys' regularly employed staff and
25 contracted personnel subject to the provisions of paragraph 9) for any other purpose other than those
26 set forth in paragraphs 5, 6 and 7 below.

27 5. Plaintiff's attorneys may scan, OCR, and/or store digital images of the "BOE
28 Responses" on Plaintiff's attorneys' password-protected in-house and Cloud-based servers ("the

1 Servers"). The digitized versions of the "BOE Responses" may be downloaded from the Servers to
2 individual desktop or laptop computers owned, or temporarily leased, by Plaintiff's attorneys' law
3 firm as needed to database, analyze, code, abstract, prepare exhibits, or otherwise manipulate the data
4 contained within the "BOE Responses." Plaintiff's attorneys may provide a hard copy version and/or
5 encrypted electronic copy of the "BOE Responses," or any data analyses or exhibits created
6 therefrom, to their experts or consultants and may use or transmit "BOE Responses" in an encrypted
7 electronic format for purposes solely related to this litigation. Plaintiff's experts and/or consultants
8 may similarly store digital images of the "BOE Responses" on their own in-house, Cloud-based, or
9 other servers, and download such digitized images to desktop or laptop computers owned or leased by
10 the expert and/or consultant, as reasonably necessary to complete the work commissioned by Plaintiff
11 in this case.

12 6. If Plaintiff submits any "BOE Responses" to the Court, such "BOE Responses" shall
13 be lodged "CONDITIONALLY UNDER SEAL" as allowed by Rule 2.551(b)(3)(A) of the California
14 Rules of Court. Thereafter, all parties reserve all rights granted by Rules 2.550-2.551 of the
15 California Rules of Court to file or oppose a motion to seal or unseal the "BOE Responses."

16 7. Any "BOE Responses" presented at trial shall be lodged "CONDITIONALLY
17 UNDER SEAL" as allowed by Rule 2.551(b)(3)(A) of the California Rules of Court. Thereafter, all
18 parties reserve all rights granted by Rules 2.550-2.551 of the California Rules of Court to file or
19 oppose a motion to seal or unseal the "BOE Responses."

20 8. Plaintiff's attorneys of record and any other person or entity provided with "BOE
21 Responses" pursuant to paragraphs 3, 4 and 5 above shall return the "BOE Responses" to counsel for
22 Watchtower, and shall permanently delete the "BOE Responses" from any computer or electronic
23 storage device, upon the later of:

24 (a) Thirty (30) calendar days following a written demand for return of the "BOE Responses."
25 Such written demand may be made at any time following the conclusion of this case, including any
26 appellate proceedings. For purposes of this paragraph, notice to Plaintiff's attorneys shall constitute
27 notice to all persons or entities to whom the "BOE Responses" were transmitted; or

28 (b) Thirty (30) calendar days following the denial of a motion to dissolve or modify this

1 Protective Order and the exhaustion of any appellate procedures thereafter. If, however, a motion to
2 dissolve or modify the Protective Order is granted in such a manner as conflicts in whole or in part
3 with this paragraph, the subsequent order controls. Any work product referring to "BOE Responses"
4 shall be subject to this Protective Order.

5 9. Any person, other than the Court or its officers, to whom "BOE Responses" are
6 disclosed or shown pursuant to paragraphs 4 or 5 shall be informed, prior to disclosure or showing, of
7 the nature and scope of this Protective Order, and of his or her obligation to keep the "BOE
8 Responses" in confidence, and shall sign a statement and certification agreeing to comply with the
9 terms of this Protective Order.

10 10. This Court shall have exclusive jurisdiction to hear all disputes, including motions for
11 sanctions, pertaining to or arising out of violations of this Protective Order and all parties and their
12 attorneys agree to submit to the jurisdiction of the Court with respect to any such dispute. This
13 Protective Order shall continue to be binding after the conclusion of this case except that a party may
14 seek the written permission of Defendant Watchtower or further order of the Court with respect to
15 dissolution or modification of this Protective Order.

16 IT IS SO STIPULATED.

17 Dated: November ____, 2016

MORRIS POLICH & PURDY LLP

18
19 By: _____

Beth A. Kahn
Dean A. Olson
Ryan C. McKim
Attorneys for Defendant, Watchtower Bible and
Tract Society of New York, Inc., sued herein as
Doe 2, Supervisory Organization

20
21
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23 Dated: November ____, 2016

THE ZALKIN LAW FIRM, P.C.

24
25 By: _____

Irwin M. Zalkin
Devin M. Storey
Attorneys for Plaintiff, Jose Lopez

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IT IS SO ORDERED.

Dated: _____

Hon. Gregory W. Pollack
Judge of the Superior Court

Exhibit 10

1 IRWIN M. ZALKIN, ESQ. (#89957)
2 DEVIN M. STOREY, ESQ. (#234271)
3 ALEXANDER S. ZALKIN, ESQ. (#280813)
4 RYAN M. COHEN, ESQ. (#261313)
5 JACQUELINE J. MCQUARRIE, ESQ. (#267319)
6 The Zalkin Law Firm, P.C.
7 12555 High Bluff Drive, Suite 301
8 San Diego, CA 92130
9 Tel: 858-259-3011
10 Fax: 858-259-3015
11 Email: Irwin@zalkin.com
12 dms@zalkin.com
13 alex@zalkin.com
14 ryan@zalkin.com
15 jackie@zalkin.com

16 Attorneys for Plaintiff

17
18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF SAN DIEGO**

20 Jose Lopez, Individually,

21 Plaintiff,

22 v.

23 Defendant Doe 1, Linda Vista Church;
24 Defendant Doe 2, Supervisory
25 Organization; Defendant Doe 3,
26 Perpetrator; and Does 4 through 100,
27 inclusive,

28 Defendants.

Case No: 37-2012-0099849-CU-PO-CTL

**PLAINTIFF'S OPPOSITION TO
DEFENDANT WATCHTOWER
BIBLE AND TRACT SOCIETY OF
NEW YORK, INC.'S MOTION FOR
PROTECTIVE ORDER**

Date: 1-6-17
Time: 10:00 a.m.
Dept: 71
Judge: Gregory W. Pollack
Trial Date: Vacated

IMAGED FILE

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1 **I. INTRODUCTION**

2 This action results from the sexual abuse of Plaintiff Jose Lopez by Gonzalo Campos.¹
3 The molestation arose from Plaintiff and Campos' mutual association with Watchtower Bible
4 and Tract Society of New York, Inc. ("Watchtower.") Prior to the commencement of Plaintiff's
5 claim, Watchtower had been named as a defendant in two prior lawsuits involving the
6 molestation of six children by Campos. (Declaration of Devin M. Storey, at ¶ 3.) Since this
7 action was filed, an eighth victim has commenced an action which also alleges molestation by
8 Campos. (Dec. of Storey at ¶ 4.) That action is pending in Department 75 of this Court.

9 In this action, Watchtower was ordered to turn over two categories of documents, and
10 that order was affirmed by the Court of Appeal in a published decision in *Lopez v. Watchtower*
11 *Bible and Tract Society of New York, Inc.* (2016) 246 Cal.App.4th 566. The first category of
12 documents was responsive to Plaintiff's request for production 5 and was served along with a
13 PMQ deposition notice. That category is comprised of:

14 "[a]ny and all individual written accounts, reports, summaries, letters, emails, facsimiles,
15 and records, whether or not compiled, concerning reports of sexual abuse of children by
16 members of the Jehovah's Witnesses, including but not limited to, Governing Body
17 members, district overseers, circuit overseers, elders, ministerial servants, pioneers,
18 publishers, baptized publishers, and individuals from the time period of 1979 to the
19 present."

20 *Lopez, supra*, 246 Cal.App.4th at 577; *see also* Ex. 4, Order dated January 2, 2014; Ex. 3,
21 Referee Recommendation dated December 20, 2013.

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25 ¹ In the type of misrepresentation that is surprisingly common in Watchtower's motion for
26 protective order, Watchtower refers to the molestation as "a single allegation of fondling of the
27 buttocks." (Motion at p. 1.) In fact, Plaintiff testified about, and Campos has admitted to,
28 substantial abuse including playing with the anus of the 6 year old Plaintiff, attempted sodomy,
 and fondling Plaintiff's genitals. (Ex. 1, Lopez Depo at pp. 175-181; Ex. 2, July 4, 1999 draft
 letter.) And, to the extent Watchtower cites to paragraph 5-5.3 of the second amended
 complaint to support its fanciful explanation of its lack of liability, the complaint does not
 support Watchtower's version of events in the least.

1 Watchtower was also ordered to produce a second category of documents, which is
2 effectively a subset of the larger group. This second category was responsive to Plaintiff's
3 request for production number 12 appended to the PMQ notice and requested:

4 "[a]ll letters, emails, facsimiles, or other documentary, tangible, or electronically stored
5 information of any kind, Watchtower Bible and Tract Society New York, Inc. received
6 in response to the Body of Elder Letter Dated March 14, 1997."

7 *Lopez, supra*, 246 Cal.App.4th at 577; *see also* Ex. 4, Order dated January 2, 2014; Ex. 3,
8 Referee Recommendation dated December 20, 2013. "The March 14, 1997 letter instructed
9 elders to send a written report to Watchtower about 'anyone who is currently serving or who
10 formerly served in a [Watchtower]-appointed position in your congregation who is known to
11 have been guilty of child molestation in the past.'" *Lopez, supra*, 246 Cal.App.4th at 577, fn. 4.

12 In the 8 months since the Court of Appeal opinion was published, Watchtower has not
13 produced a single responsive page. Although Plaintiff has offered to stipulate to the entry of a
14 protective order identical to the one previously reached in *Padron v. Defendant Doe 1*
15 (involving Watchtower's production of the category 12 documents) (attached as Exhibit 7), and
16 to allow for the redaction of the "names, addresses, e-mail addresses, telephone numbers and
17 social security numbers" of third parties who are identified as victims of childhood sexual abuse
18 in the subject documents, Watchtower has refused this offer. Instead, Watchtower has filed a
19 motion for protective order by which it ostensibly seeks to determine the extent of permissible
20 redactions and to second guess the date range of documents to be produced.² But, through the
21 motion, Watchtower also seeks to re-litigate its obligation to comply with request number 5
22 despite clear orders requiring compliance.
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25 This Court should allow Watchtower to redact the "names, addresses, e-mail addresses,
26 telephone numbers and social security numbers" of victims of childhood sexual abuse, but
27
28

1 should not allow any other redactions because there are no other protectable privacy rights
2 implicated by the document production. Additionally, this Court should require Watchtower to
3 produce all responsive documents in its possession, custody or control, including all documents
4 possessed by the Service Department (even those received after March of 2001). Finally, this
5 Court should refuse Watchtower's invitation to re-litigate its obligation to produce documents
6 responsive to request number 5.
7

8 **II. NO PRIVACY RIGHTS JUSTIFY THE WIDESPREAD REDACTIONS** 9 **DEFENDANT SEEKS**

10 Watchtower seeks to justify the wholesale redaction of responsive documents on the
11 basis of third party privacy interests. "[T]he right of privacy protects the individual's
12 *reasonable* expectation of privacy against a *serious* invasion." (*Pioneer Electronics (USA), Inc.*
13 *v. Superior Court* (2007) 40 Cal.4th 360, 370 [emphasis in original].) However, "[p]rivacy
14 concerns are not absolute; they must be balanced against other important interests. [Citations.]
15 '[N]ot every act which has some impact on personal privacy invokes the protections of [our
16 Constitution].... [A] court should not play the trump card of unconstitutionality to protect
17 absolutely every assertion of individual privacy.' [Citation.]" (*In re Clergy Cases I* (2010) 188
18 Cal.App.4th 1224, 1234, citing *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1.)
19

20 Because "privacy interests are best assessed separately and in context" the Supreme
21 Court has recognized that the starting point in analyzing an assertion of privacy is to specifically
22 identify a privacy interest. (*Hill*, 7 Cal.4th at 35, 37.) Then the court must determine whether
23 the privacy claimant possesses a "reasonable expectation of privacy under the specific
24 circumstances, including customs, practices, and physical settings surrounding particular
25 activities [which] may create or inhibit reasonable expectations of privacy." The court must
26

27
28 ² Plaintiff opposes paragraphs 1 and 11 of Watchtower's Proposed Protective Order (filed with
its motion). Plaintiff consents to the entry of paragraphs 2-10.

1 also find that a serious invasion of that privacy interest is threatened, i.e., an invasion
2 “sufficiently serious in their nature, scope and actual or potential impact to constitute an
3 egregious breach of the social norms underlying the privacy right.” (*See Alch v. Superior*
4 *Court* (2008) 165 Cal.App.4th 1412, 1423.)

5 If either of these elements is lacking, the privacy assertion fails. If both of these
6 elements are present, the court must then balance the strength of the privacy interest against all
7 competing interests to determine whether the disclosure of information is warranted. (*Pioneer*
8 *Electronics (USA), Inc. v. Superior Court, supra*, 40 Cal.4th at 371.) Watchtower asserts the
9 privacy interests of victims of childhood sexual abuse, molesters, congregations, elders and
10 percipient witnesses. (Motion at pp. 5-8.) Though not mentioned in Watchtower’s motion, it
11 will also seek to redact the names of cities and towns where abuse occurred and local law
12 enforcement. As discussed below, only victims of childhood sexual abuse have a protectable
13 privacy interest, and those interests are adequately protected by redacting their “names,
14 addresses, e-mail addresses, telephone numbers and social security numbers.” No further
15 redaction is warranted.

16
17
18 **A. Congregations, Cities, Towns, Elders and Percipient Witnesses Do Not Possess**
19 **A Reasonable Expectation of Privacy in the Court Ordered Documents**

20 Watchtower proposes to redact the names of congregations where abuse occurred, cities
21 and towns where those congregations are located, elders who investigated or responded to
22 allegations of abuse, and percipient witnesses who are not identified in the documents as victims
23 of molestation.³ Citing *NAACP v. Alabama* (1958) 357 U.S. 449, Watchtower claims that

24
25
26 ³ At the January 2, 2014 hearing before Judge Lewis the extent of the discussion of third party
27 privacy was limited to Mr. McCabe’s accusation that Plaintiff’s lawyers wanted the names of
28 victims to solicit other clients (Ex. 6, 1/2/14 Transcript at p. 15); Lopez’s lawyer’s suggestion
that the names of victims be redacted (Ex. 6, 1/2/14 Transcript at p. 18); and this Court’s
statement that the names should be redacted to “keep these folks from knowing who those
people are.” (Ex. 6, 1/2/14 Transcript at p. 18.) The discussion before the referee was nearly as
narrow. The referee asked about how privacy concerns had been handled in connection with an

1 producing the documents without redacting this information “would interfere with freedom of
2 association, freedom of assembly and freedom of speech.” (Motion at p. 6.) Nonsense. This
3 case is nothing like *NAACP v. Alabama*, where a complete membership list was directly
4 requested by an adverse litigant. Plaintiff has not sought a membership list. The documents are
5 not sought because of the third parties’ status as Jehovah’s Witnesses, but instead due to their
6 involvement with allegations of child abuse that became known to Watchtower. If Watchtower
7 were correct, a litigant could never learn the name of percipient witnesses with potentially
8 relevant information if those witnesses happened to be members of a voluntary association.
9 That a discovery request may incidentally identify witnesses who happen to be, or not be,
10 Jehovah’s Witnesses, or members of the State Bar of California, or of the local Elks Lodge, is
11 inconsequential. Watchtower has cited no case suggesting that the right of associational privacy
12 precludes discovery under such circumstances. Consequently, Watchtower has not identified
13 any legitimate privacy interest on behalf of cities, towns, congregations, percipient witnesses,
14 elders, or law enforcement. These names should not be redacted.

17 **B. Production of the Subject Documents to Plaintiff - Subject to a Protective**
18 **Order - Would Not Result in a Serious Invasion of Any Privacy Interest**

19 Plaintiff will assume for purposes of this motion that perpetrators and victims of sexual
20 abuse identified in the subject documents have an expectation of privacy. But this does not end
21 the inquiry. Those rights are only entitled to protection if the proposed disclosure is a serious
22 invasion of those privacy interests. “[T]he invasion of privacy complained of must be ‘serious’
23 in nature, scope, and actual or potential impact to constitute an ‘egregious’ breach of social
24 norms, for trivial invasions afford no cause of action.” (*Pioneer Electronics, supra*, 40 Cal.4th
25 at 370-371 citing *Hill, supra*, 7 Cal.4th at 37.) And, “[p]rotective measures, safeguards and

27
28 earlier motion, which Plaintiff’s counsel explained. (Ex. 5, 12/13/13 Transcript at pp. 23-25.)
The only third parties even mentioned were victims and perpetrators. Neither jurist ever
suggested an intention to allow the wide-spread redactions Watchtower seeks.

1 other alternatives may minimize the privacy intrusion. 'For example, if intrusion is limited and
2 confidential information is carefully shielded from disclosure except to those who have a
3 legitimate need to know, privacy concerns are assuaged.'" (*Pioneer Electronics, supra*, 40
4 Cal.4th at 371, citing *Hill, supra*, 7 Cal. 4th at 38); *see also See Doe v. U.S. Swimming*, 200
5 Cal.App.4th 1424, 1439 (concerns over privacy could have been addressed through "protective
6 order limiting the use and dissemination of the disclosed information.")
7

8 Here, production would cause no serious invasion of any interest because Plaintiff has
9 agreed to most of the terms in Watchtower's proposed protective order, which provides in part:

- 10 • If filed, the subject documents must be lodged conditionally under seal (Proposed
11 Order at ¶¶ 6, 7);
- 12 • The subject documents cannot be introduced in any other pending action against the
13 Jehovah's Witnesses. Plaintiff's lawyers are prohibited from disclosing the content
14 of the documents in any other actions, or even mentioning how many responsive
15 documents have been produced (Proposed Order at ¶ 3);
- 16 • The subject documents can only be shown to approved categories of experts and
17 consultants, and only after that person has been apprised of the protective order and
18 agreed to be bound by its terms (Proposed Order at ¶¶ 4, 9);
- 19 • The subject documents must be returned to Watchtower at the conclusion of this
20 litigation (Proposed Order at ¶ 8);
- 21 • Any violation of the terms of the protective order is punishable with sanctions
22 (Proposed Order at ¶ 10.)
- 23
- 24

25 Given this strict protection, production of the documents to Plaintiff's counsel for use
26 solely in this action would not result in a serious invasion of any privacy right. Additionally,
27 with respect to victims of abuse, Plaintiff has agreed to (and this Court has ordered) the
28

1 additional protection of redacting their “names, addresses, e-mail addresses, telephone numbers
2 and social security numbers.” Such redaction will prevent a serious invasion of any privacy
3 interest. See *Snibbe v. Superior Court* (2014) 244 Cal.App.4th 184, 196 (“[b]ecause the
4 production of portions of redacted orders would not invade patient privacy, real parties need not
5 show a compelling need for discovery”); *Poway Unified School District v. Superior Court*
6 (1998) 62 Cal.App.4th 1496, 1506 (the parties can “address privacy concerns by redacting
7 released materials.”) There are already ample protections in place, so the production of the
8 subject documents – without redacting perpetrator names, and with the redaction of specified
9 victim information – does not seriously invade any privacy interest.⁴

11 **C. The State’s Compelling Interest in Finding the Truth in Legal Proceedings**
12 **Outweighs any Privacy Interests**

13 Even if the third parties identified by Watchtower possess some reasonable expectation
14 of privacy, and the production of the subject documents under these circumstances would be a
15 serious invasion of those privacy interests (it would not), the assertion of privacy still fails
16 because the State possesses compelling interests that outweigh those rights. In *Doe 2 v.*
17 *Superior Court* (2005) 132 Cal.App.4th 1504, 1520-1521, the court of appeal considered a
18 request for information in discovery that would directly identify victims of childhood sexual
19 abuse. The court found that even these rights are not absolute and must bow to more compelling
20 societal interests.⁵ (*Id.* at 1520.) The court recognized that “[t]he state has enough of an interest
21

22
23 ⁴ Contrary to this Court’s earlier order, Watchtower argues “merely redacting the name, address,
24 e-mail address, telephone number and social security number of a victim (as opposed to all third
25 parties) does not adequately protect the victim’s constitutional privacy rights.” (Motion at p. 6.)
26 Watchtower asks this Court to allow it to redact all third party information – whether the other
27 third parties have any privacy interest or not – out of a fear that Plaintiff may be able to reverse
28 engineer the names of victims. (Motion at p. 7.) This is unnecessary given that the documents
will be produced subject to a protective to which Plaintiff has agreed, and Plaintiff’s counsel has
no interest in contacting these victims. There is no legal support, or rational need, for the
widespread redaction requested by Watchtower.

⁵ Defendant cites *Scull v. Superior Court*, (1988) 206 Cal.App.3d 784, but that case does not
help Watchtower. There, a psychiatrist was arrested for molesting a teenage patient. After
several other victims came forward, the doctor’s records were seized and the district attorney

1 in discovering the truth in legal proceedings, that it may compel disclosure of confidential
2 material.”⁶ (*Id.* citing *Palay v. Superior Court* (1993) 18 Cal.App.4th 919, 933.) Here, the
3 production of the documents – with victim names redacted and subject to the protective order to
4 which Plaintiff has agreed - poses even less of a burden on third party privacy, so the State’s
5 interest is more than sufficient to justify production.
6

7 As to the privacy interests of child molesters, *In re Clergy Cases I* is controlling. Unlike
8 here, where Plaintiff simply seeks to obtain information in discovery (subject to limitations on
9 disclosure), the plaintiffs in *In re Clergy Cases I* sought a far more invasive order permitting the
10 public release of personnel files relating to molestation by Catholic priests (including
11 psychological records). 188 Cal.App.4th at 1228. Only one of the priests had been convicted of
12 molestation and few were actual parties to the lawsuits. *Id.* at 1229, 1236. The court found
13 societal interests in protecting children outweigh the privacy rights of accused molesters – even
14 those that were not a party to the litigation. *Id.* at 1235-1236. *Id.* at 1229. The court also
15 recognized every citizen’s interest in knowing “if a prominent and powerful institution has
16 cloaked in secrecy decades of sexual abuse.” *Id.* at 1236. Ultimately, the court determined that
17 the privacy interest of the molesters must bow to the State’s compelling interests. *Id.* These
18 same concerns are equally applicable here.⁷
19
20

21
22 sought the names and contact information of all female patients over the previous ten years. *Id.*
23 at 787. The court of appeal reversed an order giving the district attorney the information. The
24 court noted: “[w]e agree with the proposition that the exercise of the court’s power to search for
25 additional victims and evidence of other crimes, if properly used, may be beneficial.” *Id.* at
26 793. But the court was concerned about the danger of contacting former clients because as
27 patients of a psychiatrist they may be upset to relive the issues for which they sought treatment
28 or be further upset by the insinuation that they may have been molested. *Id.* at 793. Plaintiff
does not propose to contact the other victims, and has agreed that specified information should
be redacted. Thus, the interests that drove the *Scull* decision are absent here.

⁶ Indeed, “[t]he very integrity of the judicial system and public confidence in the system depend
on full disclosure of all the facts, within the framework of the rules of evidence.” *United States*
v. Nixon (1974) 418 U.S. 683, 709.

⁷ Watchtower attempts to distinguish *In re Clergy Cases I*, arguing that the trial court in that
case had found that there was evidence suggesting all of the accused actually committed
molestation, and argues that the same is not true here. (Motion at p. 7.) But with respect to the

1 **D. Watchtower's Proposed Pseudonym Procedure is Unnecessary and is Designed**
2 **to Hamper Plaintiff's Ability to Use the Information Produced**

3 Watchtower has proposed that molesters identified in the documents should be protected
4 by being identified by pseudonyms. As discussed above, molesters have little, if any,
5 protectable privacy interest in the facts of their molestations (*see In re Clergy Cases I*), and
6 Plaintiff has already agreed to the portions of the protective order limiting use and
7 dissemination of the documents so the production would not be a serious invasion. Absent an
8 additional order of this Court, the documents will not be publicly filed or disseminated. What
9 possible interest is preserved by the numbering system other than Watchtower's interest in
10 continuing to hide the scope of its problem with child molesters? None. Watchtower's
11 embarrassment that it has allowed child abuse to flourish in its organization is not a privacy
12 interest. In fact, as the court noted in *In re Clergy Cases I* this is an affirmative justification for
13 production. 188 Cal.App.4th at 1236 ("all citizens have a compelling interest in knowing if a
14 prominent and powerful institution has cloaked in secrecy decades of sexual abuse.")
15 Watchtower fails to recognize that the right to privacy does not exist to provide an organization
16 an avenue to conceal the criminal conduct of its members. There is no legal justification for the
17 pseudonym system Watchtower requests.
18
19

20 Regardless, use of pseudonyms for molesters would prejudice Plaintiff in multiple ways.
21 First, the redactions Watchtower now proposes are the same redactions it employed in *Padron*.

22
23
24 category 12 documents, for instance, reports were only written about "known" molesters, i.e.
25 those who had either admitted abuse or whose conduct was observed by two credible witnesses.
26 Thus, most, if not all of the subject documents will also involve proven acts of molestation.
27 Additionally, Watchtower claims that there is no public safety aspect to this case. (Motion at
28 pp. 7-8.) Again Watchtower is wrong. Given the portions of the protective order Watchtower
has proposed, and to which Plaintiff has agreed, an additional weighing of privacy rights may be
undertaken at the time that documents are lodged under seal at trial and Watchtower moves to
seal them. (Ex. 7, Protective Order at ¶ 7; Proposed Order at ¶ 7.) If this Court determines that
the First Amendment right of access and other interests outweigh the privacy interests, the
documents may be publicly filed at that time; raising the exact public safety issues at issue in *In*
re Clergy Cases I. Regardless, Watchtower's forced production of this information may serve

1 There, after having reviewed the documents, the plaintiff argued that the extent of redactions
2 was so pervasive as to make the documents virtually unusable, thereby undermining the court's
3 clear purpose that Plaintiff should be able to make use of documents it ordered produced. (Dec.
4 of Storey at ¶¶ 17-25.) Watchtower raised the same arguments in *Padron* that it makes now,
5 i.e., that it could use a numbering system to identify molesters. But, after hearing those
6 arguments, and reviewing a sampling of letters, the referee and then Judge Strauss agreed with
7 Plaintiff that the redaction frustrated Plaintiff's ability to use the documents in a number of
8 respects. (Ex. 8, *Padron* Recommendation at p. 7.) Because of the protective order in *Padron*,
9 Plaintiff cannot give this Court the same sampling of documents to review.⁸

11 Next, the pseudonym system will prevent Plaintiff from fully investigating his claim for
12 punitive damages and from presenting that portion of his case to a jury. In this case, the elders
13 at Playa Pacifica Congregation recognized that "[t]he community does not know all of this and
14 there was no publicity in this regard. Everything happened within the congregation and that is
15 why he has not been indicted." (Ex. 10, July 24, 1999 Letter to Watchtower.) In sworn
16 discovery responses, Watchtower has admitted that its Service Department has never reported a
17 molester to law enforcement. (Ex. 11, *Padron* Watchtower Interrogatory Responses at pp. 12-
18 14.) Plaintiff is entitled to follow up to determine whether Watchtower has engaged in a pattern
19 and practice of discouraging elders (even mandatory reporters) from reporting molestation
20 allegations to law enforcement. If so, a jury could conclude that Watchtower's conduct toward
21 Plaintiff was more reprehensible. See *Bullock v. Phillip Morris USA, Inc.* (2011) 198
22 Cal.App.4th 543, 560. One way to do this is to subpoena law enforcement records for some of

26 an additional public safety benefit by causing it to change its policies regarding child
27 molestation. There is no reason to redact the names of perpetrators.

28 ⁸ This has not stopped Watchtower from cherry-picking examples from those same documents
and submitting them to this Court. (See Watchtower Exhibits 15 and 16). It is underhanded that
Watchtower has given this Court selected documents knowing that Plaintiff has no way of
responding due to the *Padron* protective order.

1 the identified molesters to determine if mandated reports were made. Watchtower's proposed
2 pseudonym system would prevent Plaintiff from following up on this vital course of inquiry.

3 Finally, Plaintiff does not trust that Watchtower will make a legitimate effort to produce
4 all responsive documents, or produce everything it locates (and history proves that Watchtower
5 has made every possible effort to obstruct Plaintiff's right to these documents). The numbering
6 system proposed by Watchtower would prohibit Plaintiff from investigating the completeness of
7 the production. For instance, Google searches about molestation by Jehovah's Witnesses bring
8 up many results; some identify particular accused molesters. It is important for Plaintiff to
9 compare the names of the molesters identified in the subject documents to names publicly
10 available to assess the completeness of Watchtower's production. If names appear in news
11 articles but Watchtower produced no documents about that particular molester, is it because
12 Watchtower's search methodology was incomplete? Is this evidence that molestation is more
13 prevalent than the documents produced by Watchtower suggest? Or worse, is this evidence that
14 Watchtower intentionally did not produce everything it was ordered to provide? Watchtower's
15 proposed numbering system would deprive Plaintiff of this information.

18 **III. WATCHTOWER HAS ACCESS TO THE SERVICE DEPARTMENT** 19 **DOCUMENTS**

20 Watchtower has been ordered to produce all letters it received in response to the March
21 14, 1997 Body of Elders letter. The request has no time limitations. Additionally, Watchtower
22 was ordered by this Court to produce all complaints and other documents about child
23 molestation "from the time period of 1979 to the present." *Lopez, supra*, 246 Cal.App.4th at
24 577. Implicit in this order is that all responsive documents in the possession, custody or control
25 of Watchtower must be produced (*See* Cal. Code Civ. Proc. § 2031.010) and that responsive
26 documents up to the present must be produced.
27
28

1 In an effort to sidestep this Court's clear order, Watchtower argues that many responsive
2 documents (all documents generated after March of 2001) are not in its possession, custody or
3 control and instead belong to a distinct corporation, Christian Congregation of Jehovah's
4 Witnesses, Inc. (CCJW.) Notably, at the time this Court ordered Watchtower to produce these
5 documents, it did not claim that it lacked access to them. Instead, Watchtower took a
6 completely inconsistent position, arguing that it would be burdensome to search through the
7 entirety of the congregation files for all 14,400 congregations. (Ex. 12, Ashe Dec. at ¶7.) Now,
8 after three years have passed and the Court of Appeal has rejected Watchtower's burden
9 argument, it now claims that it does not have access to those files after all. Given its previous
10 position, and the facts discussed below, Watchtower's position is not credible.

11
12 **A. Watchtower Clearly Has Access to Documents Possessed by the Service**
13 **Department**

14 Until March of 2001, the Service Department communicated through Watchtower
15 letterhead, and after March of 2001, the Service Department has communicated through CCJW
16 letterhead. There were no substantive changes in the staffing of the Service Department, its
17 location, or its operation that occurred when CCJW was created, no consideration was paid by
18 CCJW to Watchtower to acquire the Service Department, and Watchtower concedes that it has
19 access to the Service Department records and the authority to direct Service Department
20 personnel to comply with trial court orders. Finally, Mario Moreno testified that the creation of
21 CCJW was primarily to reinforce that the Jehovah's Witnesses are a religion, as opposed to
22 being a printing company that owns some very recognizable buildings in Brooklyn. In other
23 words, there is no true distinction between Watchtower and CCJW for purposes of the operation
24 of the Service Department or for responding to Plaintiff's request for these documents.

25
26
27 This is evident when one considers the discovery in this case. When Watchtower was
28 ordered to produce its PMQ, it produced Richard Ashe, Jr., a Service Department worker (i.e.

1 someone over whom Watchtower now contends it has no control.)⁹ (Ex. 14, 3/31/14 Ashe Depo
2 at pp. 1-18.) And, Richard Ashe – again a Service Department worker - signed a verification in
3 this case as a “duly authorized representative of Watchtower Bible and Tract Society of New
4 York, Inc.”¹⁰ (Ex. 16, Verification re Watchtower’s Fourth Amended Responses to Plaintiff’s
5 Request for Production, Set One.) Also in this case, Watchtower prepared a privilege log that
6 included items that are in the possession of the Service Department and which post-date March
7 of 2001. (Ex. 20, Privilege Log at items 3, 4.) Watchtower has clearly had access to the
8 Service Department and its documents in this case.
9

10 In another case where the discoverability of the category 12 documents was at issue - *JW*
11 *v. Mountain View Congregation of Jehovah’s Witnesses, et al* (Case No. MCC 1300850) -
12 Watchtower submitted multiple declarations explaining its efforts to search through the Service
13 Department’s files that clearly evidence its access to those documents. Sealtiel Paulah, a
14 computer programmer working for the United States Branch of Jehovah’s Witnesses, explained
15 that the Service Department has converted its paper files for 14,400 congregations into an
16 electronic format. (Ex. 21, Dec. of Paulah at ¶ 3.) Watchtower, through document management
17 software called Microsoft SharePoint, searched these files to isolate responsive electronic files.
18 (Ex. 21, Dec. of Paulah at ¶ 4, 7.) Service Department elders then reviewed the responsive
19 documents. (Ex. 21, Dec. of Paulah at ¶ 8.) Isaac Juarez, an elder working in the Service
20 Department, confirms that “[b]ased on the confidential nature of the spiritual communications
21 Watchtower maintains, only elders in the Service Department have access to them.” (Ex. 22,
22
23
24

25 ⁹ In recent litigation Watchtower has habitually produced Service Department workers as its
26 PMQs. (Dec. of Storey at ¶ 5.)

27 ¹⁰ Mr. Ashe has similarly signed verifications on behalf of Watchtower in many other cases.
28 (Ex. 17, Verification re Watchtower’s Interrogatories in *Padron v. Doe 1* (Case No. 37-2013-
00067529-CU-PO-CTL; Ex. 18, Verification re Watchtower’s Response to Request for
Production of Documents, Set One, in *Roe v. Doe* (Case No. 30-2014-00741722-CU-PO-CJC);
Ex. 19, Verification re Watchtower Amended Response to Request for Production, Set One, in
JW v. Mountain View Congregation of Jehovah’s Witnesses, et al (Case No. MCC 1300850.)

1 Dec. of Juarez at p. 2, fn. 1) (emphasis added.) There is no question that Watchtower has access
2 to the Service Department files.

3 **B. Watchtower Also Has Access to the Responsive Documents Through Its Legal**
4 **Department**

5 Mario Moreno, Esq., one of Watchtower's PMQs in this action, has testified that the
6 Watchtower Legal Department is operated through Watchtower Bible and Tract Society of New
7 York, Inc. (Ex. 13, 4/1/2014 Moreno Depo at pp. 34-41.) Later, Douglas Chappel, who has
8 served in the Service Department since 1980 provided a declaration in the matter entitled
9 *Annessa Lewis v. Bellows Falls Congregation of Jehovah's Witnesses, Inc.* (U.S. District Court
10 for the District of Vermont Case Number 1:14-cv-205.) Mr. Chappel averred that the plaintiff
11 in that case had requested the category 12 documents, as well as all reports of childhood sexual
12 abuse from 1960 to the present. He then conceded that "[a]t present, a Watchtower Legal
13 Department paralegal is physically examining each file to locate any correspondence in
14 response to the March 14, 1997 Letter or related to the subject of child abuse." (Ex. 23,
15 Declaration of Douglas Chappel at ¶ 20.)
16
17

18 Thus, in addition to having access to the subject documents through the Service
19 Department, Watchtower also received them when the Service Department provided the
20 documents to the Legal Department. Whether addressed to Watchtower or not, Watchtower has
21 "received" all of the files. Watchtower must therefore produce all of the subject documents.
22

23 **IV. WATCHTOWER HAS BEEN ORDERED TO PRODUCE THE CATEGORY 5**
24 **DOCUMENTS**

25 Watchtower has been ordered to fully comply with Plaintiff's request number 5. *Lopez,*
26 *supra*, 246 Cal.App.4th at 577. It clearly does not want to do so and is willing to go to
27 extraordinarily duplicitous lengths to be excused from compliance. In its notice of motion,
28 Watchtower claims to seek an order that, in complying with request numbers 5 and 12, it need

1 not "produce documents that post-date March of 2001." (Notice of Motion at ¶ 11.) Its brief
2 contains only one section dealing specifically with category 5, which generally attacks Plaintiff
3 as overreaching and hoping to engineer terminating sanctions, but does not request any relief.
4 (Motion at p. 12.) But, in the last paragraph of its lengthy proposed order, Watchtower slips in
5 a statement that "[b]ecause documents responsive to request no. 12 are also responsive to
6 request no. 5, no further response to request no. 5 is required." (Proposed Order at ¶ 11.) This
7 is completely inconsistent with this Court's discovery order, the Court of Appeal decision, and
8 this Court's statements at Watchtower's November 28, 2016 *ex parte* that all responsive
9 documents must be produced. In essence, Watchtower tried to trick this Court into signing an
10 order excusing it from complying with the Court of Appeal decision.
11

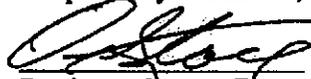
12 This Court should deny Watchtower's request to excuse it from complying with the
13 Court of Appeal decision and seriously consider a substantial reprimand, if not sanctions, for
14 Watchtower and its lawyers.¹¹
15

16 V. CONCLUSION

17 For the foregoing reasons, this Court should reject paragraphs 1 and 11 of Watchtower's
18 proposed protective order, and instead allow only the redaction of the "names, addresses, e-mail
19 addresses, telephone numbers and social security numbers" of individuals identified in the
20 subject documents as victims of childhood sexual abuse.
21

22
23 Dated: 12/05/16

Respectfully submitted,


Devin M. Storey, Esq.
Attorney for Plaintiff

24
25
26
27 ¹¹ Watchtower's effort to re-litigate the discoverability of the category 5 documents is prohibited by the law of the
28 case doctrine, and is also a procedurally improper motion for reconsideration in which none of the requirements of
Code of Civil Procedure § 1008 are met.

PROOF OF SERVICE

Jose Lopez v. Defendant Doe 1, Linda Vista Church, et al.
San Diego County Superior Court Case No: 37-2012-00099849-CU-PO-CTL

I, Stephanie M. Paleo, am employed in the city and county of San Diego, State of California. I am over the age of 18 and not a party to the action; my business address is 12555 High Bluff Drive, Suite 301, San Diego, CA 92130.

On December 22, 2016, I caused to be served:

PLAINTIFF'S OPPOSITION TO DEFENDANT WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.'S MOTION FOR PROTECTIVE ORDER

DECLARATION OF DEVIN M. STOREY IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.'S MOTION FOR PROTECTIVE ORDER

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

(BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) By causing to be delivered by hand to the addressee(s) on the date listed above.

(BY OVERNIGHT DELIVERY - FEDERAL EXPRESS) I enclosed the documents in an envelope or package provided by an Federal Express and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office of a regularly utilized drop box for Federal Express.

XX (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the party to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email address listed below. I did not receive, within a reasonable time after the transmission, any electronic messages or other indication that the transmissions were unsuccessful.

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

Dated:


Stephanie M. Paleo

SERVICE LIST

Dean A. Olson, Esq.
Beth A. Kahn, Esq.
Ryan McKim, Esq.
Morris, Polich & Purdy, LLP
1055 West Seventh Street, Twenty Fourth Floor
Los Angeles, CA 90017
Tel: 213-891-9100
Fax: 213-488-1178
email: bkahn@mpplaw.com
dhoang@mpplaw.com

Attorneys for Defendants
Watchtower Bible and Tract Society of New York, Inc. (sued as Doe 2, Supervisory
Organization)

Exhibit 11

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

DEPARTMENT 71

BEFORE HON. GREGORY W. POLLACK

JOSE LOPEZ, an individual
Plaintiff,

) Case No.: 37-2012-00099849
) CU-PO-CTL
) Ex Parte

v.

DOE 1, LINDA VISTA CHURCH;
SUPERVISORY ORGANIZATION;
DOE 3, PERPETRATOR; and DOES
4 through 100, inclusive,
Defendants

REPORTER'S TRANSCRIPT

JANUARY 30, 2018

GLORIA D. MAZON, C.S.R. 9356

OFFICIAL PRO TEMPORE REPORTER

330 WEST BROADWAY

SAN DIEGO, CALIFORNIA

619.884.6828

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A P P E A R A N C E S :

FOR THE PLAINTIFF:

ZALKIN LAW FIRM
By: Devin Storey
Attorney at Law
12555 High Bluff Drive Suite 301
San Diego, CA 92130
858.259.3011

FOR THE DEFENDANTS:

CLARK HILL LLP
By: Ryan C. McKim
Attorney at Law
1055 West Seventh Street, 24th Floor
Los Angeles, CA 90017
213.417.5336

FRANK MCNAMARA - (via telephonic)

1 SAN DIEGO SUPERIOR COURT, TUESDAY, January 30, 2018
2 DEPARTMENT 71 BEFORE HON. GREGORY W. POLLACK

3 * * *

4
5 THE COURT: Come on forward. The Watchtower
6 matter.

7 (Both parties comply.)

8 (Brief pause.)

9 MR. MCKIM: Good morning, your Honor, Ryan
10 McKim appearing on behalf of Defendant, Watchtower Bible
11 and Tract Society of New York.

12 MR. STOREY: Good morning, your Honor, Devin
13 Storey for the Plaintiff.

14 THE COURT: Good morning.

15 MR. MCNAMARA: Good morning, your Honor, Frank
16 McNamara on behalf of Watchtower.

17 THE COURT: Okay.

18 What's Watchtower's position on this?

19 MR. MCKIM: Well, your Honor we're willing to
20 stipulate to have the hearing on the 23rd of February. I
21 mean, I don't think that there's any merit to Plaintiff's
22 position, but if the Court wants to entertain a motion on
23 the merit -- a hearing on the meritless of this motion
24 we'll respond.

25 THE COURT: Okay.

26 But you're not willing to stipulate to what
27 they're requesting?

28 MR. STOREY: Well, we're willing to stipulate

1 to a hearing on the 23rd of February.

2 THE COURT: Right.

3 MR. MCKIM: With respect to the underlying
4 motion, they are not willing to stipulate.

5 THE COURT: Okay.

6 Well, let me -- let's see. Let me give you my
7 thoughts on this.

8 I understand the request by the Plaintiff,
9 makes sense. It saves money and time and at some simple
10 level it sounds like the right thing to do, but
11 conceptually it's very much the wrong thing to do, and
12 here are my thoughts:

13 Watchtower opposed a lot of the Discovery,
14 concerned that it might be used in other cases, and the
15 Plaintiff's position basically, "We need it for this
16 case. By the way, we'll sign any protective order that
17 returns and destroys documents at the end ..."

18 And on that basis, the Court allowed it and now
19 when the case is over to say, "We want to keep this for
20 our next case," that strikes the Court.

21 I'll give you a date if you want to be heard on
22 that.

23 MR. STOREY: And just to be clear, your Honor,
24 we will -- I mean, what we propose is we'll return all of
25 the documents they gave us. All of that goes back to
26 them. They're not asking for anything different. It's
27 just that to the extent that we generated work product
28 through our Expert, we rather not have to do it again.

1 THE COURT: Yeah, that's why I say at some
2 level, you know, very simple level that makes a lot of
3 sense but it runs counter to the stipulation in the order
4 and -- it was a stipulation, wasn't it? Stipulated
5 order?

6 MR. MCKIM: There was some stipulations and
7 some were by order, your Honor.

8 THE COURT: Yeah, we can't do that. It just
9 renders these protective orders meaningless if we grant
10 them on the condition to be limited to this case and then
11 when this case is over, the side that got all that stuff,
12 so to speak now says, "Judge it's a waste of time because
13 we know we can get it in the future cases and we've
14 generated all this work product to save money..."

15 That was something that would have been known
16 at the time we fashioned the original protective order,
17 and this is not something, "Oh, my gosh, we've just
18 discovered ..."

19 I mean, that was a known entity that work
20 product would be generated; your firm would likely be
21 involved in future litigation with Watchtower and
22 factoring that all in we came up with an order that
23 didn't allow this and now just to amend it, is just --
24 it's not fair, although, you know, certainly in terms of
25 judicial economy and saving money and all that, it does
26 seem a reasonable request. I don't think this is a
27 frivolous request, but if you think it through
28 conceptually, it's simply not fair.

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, GLORIA D. MAZON, C.S.R. NO. 9356, a certified shorthand reporter in and for the State of California, do hereby certify; that said hearing was taken before me at the time and place therein stated and was thereafter transcribed into print under my direction and supervision; and I hereby certify the foregoing hearing is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am not of counsel or attorney for either of the parties hereto or in any way interested in the events of this case and that I am not related to either of the parties thereto. Witness my hand this, 9th Day of February, 2018.

Gloria Mazon

GLORIA D. MAZON CSR NO. 9356

Exhibit 12

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
SUPERIOR DEPT. 75 HONORABLE RICHARD E.L. STRAUSS, JUDGE

OSBALDO PADRON, INDIVIDUALLY,
PLAINTIFF,

VS.

DEFENDANT DOE 1, (CONGREGATION);
DEFENDANT DOE 2, (SUPERVISORY
ORGANIZATION); DEFENDANT DOE 3,
PERPETRATOR, DOES 4 THROUGH 100,
INCLUSIVE,

DEFENDANTS.

NO. 37-2013-00067529-
CU-PO-CTL

REPORTER'S TRANSCRIPT

MAY 8, 2015

PAGES 1 - 16

APPEARANCES:

FOR THE PLAINTIFF:

THE ZALKIN LAW FIRM, P.C.
BY: MR. IRWIN M. ZALKIN
MR. DEVIN M. STOREY
12555 HIGH BLUFF DRIVE,
SUITE 301
SAN DIEGO, CALIFORNIA 92130

FOR THE DEFENDANT:

MORRIS POLICH & PURDY, LLP
BY: MR. DEAN A. OLSON
MS. BETH A. KAHN
1055 WEST SEVENTH STREET,
24TH FLOOR
LOS ANGELES, CALIFORNIA 90017

BY: MR. FRANCIS J. MCNAMARA
(ADMITTED PRO HAC VICE)
100 WATCHTOWER DRIVE
PATTERSON, NEW YORK 12563

- APPEARANCES CONTINUED -
BRIANNA LEE HARO, CSR NO. 13121

- APPEARANCES CONTINUED -

FOR THE DEFENDANT: THE MCCABE LAW FIRM, APC
BY: MR. JAMES M. MCCABE
4817 SANTA MONICA AVENUE,
SUITE B
SAN DIEGO, CALIFORNIA 92107

WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER, LLP
BY: MR. JOHN R. CLIFFORD
655 WEST BROADWAY, SUITE 900
SAN DIEGO, CALIFORNIA 92101

BRIANNA LEE HARO, CSR NO. 13121
OFFICIAL COURT-APPROVED PRO TEMPORE COURT REPORTER
WWW.SD-CRC.COM (619)810-7622

1 THE COURT: ANYTHING ELSE TO TALK ABOUT THEN?

2 MR. OLSON: YES, YOUR HONOR.

3 WHEN WE WERE HERE TWO WEEKS AGO THERE WAS THE
4 ISSUE OF THE PROTECTIVE ORDER ON THE DISCOVERY AND YOU
5 ORDERED US TO MEET AND CONFER, WHICH WE DID, MULTIPLE
6 TIMES, AND WE CAME DOWN TO ONE AND A HALF ISSUES.
7 COUNSEL'S REQUESTING THAT THE PROTECTIVE ORDER ALLOW THEM
8 TO USE THE DOCUMENTS OR CONTENTS IN OTHER ACTIONS, AND
9 THAT'S COMPLETELY CONTRARY TO THE EXPRESS LANGUAGE OF YOUR
10 ORDER. YOUR ORDER SPECIFICALLY INDICATED THAT THE
11 CONTENTS ARE NOT TO BE USED IN ANY OTHER ACTION AND
12 THEIR -- AND THEIR OPPOSITION WAS TO LIMIT IT TO NOTICE
13 AND NUMBERS AND IT WAS SPECIFICALLY NOT TO BE USED IN ANY
14 CASE OTHER THAN THIS PARTICULAR CASE.

15 THE HALF ISSUE THAT ALSO IS IN DISPUTE IS THAT
16 WE ARE REQUESTING THAT IF THEY LODGE OR IF ANY PARTIES
17 LODGED ANY OF THESE DOCUMENTS THAT WERE PRODUCED AND
18 PURSUANT TO THE PROTECTIVE ORDER, THAT THEY'RE -- A
19 PROCESS OF SEALING THE DOCUMENTS IS FOLLOWED. AND THE
20 DEFENSE WILL UNDERTAKE THE OBLIGATION THAT WITHIN NOTICE
21 OF 15 DAYS THAT THEY'RE GOING TO LODGE DOCUMENTS, THESE
22 CONFIDENTIAL RECORDS, SUBJECT TO THE PROTECTIVE ORDER,
23 THAT WE WILL UNDERTAKE THE APPLICATION OF MOTION THAT THEY
24 BE FILED UNDER SEALED. THEY REFUSE TO ACCEPT.

25 THE COURT: IF YOU'RE GOING TO LODGE THEM, THEY'RE
26 GOING TO BE FILED. WHY DO YOU NEED TO DO THAT?

27 MR. STOREY: YOUR HONOR, INITIALLY SOME OF THIS IS
28 NEWS TO US.

1 MR. OLSON: YOUR HONOR, OUR PROPOSED PROTECTIVE
2 ORDER PROVIDED FOR -- THAT WE WILL FOLLOW THE CODE.

3 THE COURT: YEAH.

4 MR. OLSON: AND SO WITH REGARD TO THE OTHER ISSUE,
5 IS THAT THE DOCUMENTS NOT BE USED, NOT BE --

6 THE COURT: MY INTENTION IS THIS DISCOVERY IS ONLY
7 FOR THIS CASE.

8 MR. OLSON: OKAY. THAT IS THE PROPOSED PROTECTIVE
9 ORDER WE HAVE PROVIDED PLAINTIFF.

10 MR. STOREY: OUR POSITION ON THAT, YOUR HONOR, HAS
11 BEEN THAT WE HAVE OFFERED TO GIVE THE DOCUMENTS BACK, YOU
12 KNOW, IN ACCORDANCE WITH THIS COURT'S STATEMENTS THE LAST
13 TIME WE WERE HERE. BUT FROM A PRACTICAL STANDPOINT, WE
14 ENVISION THAT WE WILL BE LITIGATING OVER THESE EXACT SAME
15 DOCUMENTS IN MULTIPLE ACTIONS.

16 THE COURT: WELL, I'M NOT GOING TO ISSUE AN ORDER
17 THAT ALLOWS THESE DOCUMENTS TO BE USED IN OTHER ACTIONS.

18 MR. STOREY: THAT'S NOT WHAT WE ASKED FOR.

19 MR. ZALKIN: THAT'S NOT WHAT WE ASKED FOR.

20 MR. STOREY: NO, YOUR HONOR. WHAT WE WANT TO BE
21 ABLE TO DO -- AND THE DISPUTE HERE IS NEXT TIME I'M IN
22 FRONT OF THIS COURT OR A DIFFERENT COURT, I WOULD LIKE TO
23 BE ABLE TO SAY, YOUR HONOR, I HAVE SEEN THOSE DOCUMENTS.
24 I HAVE SPENT TIME WITH THOSE DOCUMENTS AND BASED ON THAT
25 REVIEW AND TIME I BELIEVE THEY'RE DISCOVERABLE BECAUSE OF
26 X, Y OR Z FACT, GENERALLY, ABOUT THE DOCUMENTS.

27 MR. ZALKIN: NOT GIVING -- NOT GIVING ANYBODY ANY
28 DOCUMENTS, NOT USING THEM OUTSIDE OF THE SCOPE OF --

1 THE COURT: JUST MERELY TELLING.

2 MR. ZALKIN: JUST REFERENCING. JUST BEING ABLE TO
3 REFERENCE -- THEY DON'T WANT US TO BE ABLE TO REFERENCE
4 THE FACT OF WHAT WE HAVE SEEN IN THESE DOCUMENTS. THEY
5 WANT US TO SAY -- AT BEST, THEY'LL AGREE THAT WE CAN
6 ADVISE ANOTHER COURT, IN A SIMILAR PROCEEDING, THAT WE
7 HAVE SEEN THE DOCUMENTS. THAT'S IT. WE CAN'T SAY, WE'VE
8 SEEN THE DOCUMENTS, HERE'S WHY WE BELIEVE THOSE DOCUMENTS
9 ARE RELEVANT. WE CAN'T GO THAT FAR OR WE'RE VIOLATING
10 THEIR PROPOSED PROTECTIVE ORDER.

11 MR. OLSON: YOUR HONOR, HE JUST SAID TWO THINGS: HE
12 SAID WE HAVE SEEN THE DOCUMENTS AND THEY CONTAIN THIS.
13 THERE SHOULD BE NO SHARING OF THIS HIGHLY CONFIDENTIAL
14 MATERIAL.

15 MR. STOREY: YOUR HONOR --

16 THE COURT: THE MOST THAT I WOULD ALLOW IS FOR YOU
17 WOULD BE ABLE TO SAY, WE HAVE SEEN THESE DOCUMENTS, BUT
18 YOU CAN'T GO INTO THE CONTENT.

19 MR. STOREY: YOUR HONOR, IN TERMS OF THE CONTENT OF,
20 YOU KNOW, THE LETTER DATED X DATE FROM X CONGREGATION THAT
21 SAYS X, Y OR Z, THAT'S NOT WHAT WE'RE INTERESTED IN. WHAT
22 WE WOULD BE WANTING TO TELL THE COURT IS THE ABUSE IN THIS
23 CASE OCCURRED IN 1994, HYPOTHETICALLY, AND PRIOR TO 1994
24 THESE DOCUMENTS SHOW WATCHTOWER HAD 20 COMPLAINTS OR 40
25 COMPLAINTS.

26 THE COURT: THEN YOU'RE USING THE CONTENT IN ANOTHER
27 TRANSACTION, IN ANOTHER TRIBUNAL.

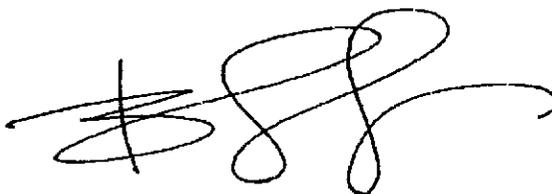
28 MR. MCNAMARA: YOUR HONOR, THIS IS FRANK MCNAMARA.

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I, BRIANNA LEE HARO, CSR NO. 13121,
AN OFFICIAL PRO TEMPORE REPORTER OF THE SUPERIOR COURT OF
THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF
SAN DIEGO, DO HEREBY CERTIFY:

THAT I REPORTED IN MACHINE SHORTHAND
THE PROCEEDINGS HEARD AND TESTIMONY ADDUCED IN THE
ABOVE-ENTITLED CAUSE; AND THAT THE FOREGOING TRANSCRIPT, IS
A FULL, TRUE, AND CORRECT TRANSCRIPT OF SAID PROCEEDINGS AS
REPORTED, TO THE BEST OF MY ABILITY.

DATED THIS 10TH DAY OF MAY, 2015;
AT SAN DIEGO, CALIFORNIA.



BRIANNA LEE HARO, CSR NO. 13121
OFFICIAL COURT-APPROVED PRO TEMPORE COURT REPORTER
WWW.SD-CRC.COM (619)810-7622

Exhibit 13

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CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 Beth A. Kahn, Esq. SBN: 134158
 2 Dean A. Olson, Esq. SBN: 126155
 3 Pamela A. Palmer, Esq. SBN 259404
 4 Brendan Chan, Esq. SBN: 237722
 5 MORRIS POLICH & PURDY LLP
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 7 Telephone: (213) 891-9100
 8 Facsimile: (213) 488-1178

9 Francis J. McNamara, Esq.
 (admitted Pro Hac Vice)
 10 100 Watchtower Drive
 11 Patterson, New York 12563

12 Attorneys for Defendant, Watchtower Bible and
 13 Tract Society of New York, Inc.
 (sued as "Doe 2, (Supervisory Organization)")

14 James M. McCabe, Esq. SBN: 51040
 15 THE MCCABE LAW FIRM, APC
 16 4817 Santa Monica Ave, Suite B
 17 San Diego, California 92107
 18 Telephone: (619) 224-2848
 19 Facsimile: (619) 224-0089

20 Attorneys for Defendant,
 21 Playa Pacifica Spanish Congregation of
 22 Jehovah's Witnesses
 23 (sued as "Doe 1, (Congregation)")

24 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 25 FOR THE COUNTY OF SAN DIEGO

26 Osbaldo Padron, Individually,
 27 Plaintiff,
 28 vs.
 Defendant Doe 1, (Congregation); Defendant
 Doe 2, (Supervisory Organization);
 Defendant Doe 3; Perpetrator, Does 4
 through 100, Inclusive,
 Defendants,

Case No.: 37-2013-00067529-CU-PO-CTL
 STIPULATED PROTECTIVE ORDER
 AND NONDISCLOSURE AGREEMENT

1 Plaintiff Osbaldo Padron (hereinafter "Plaintiff") and Defendant Playa Pacifica Spanish
2 Congregation of Jehovah's Witnesses (hereinafter "Playa Pacifica Spanish"), and Defendant
3 Watchtower Bible & Tract Society of New York, Inc., (hereinafter "Watchtower") (defendants
4 collectively hereinafter "Church Defendants"), by and through their respective counsel of
5 record, hereby stipulate to entry of the following Stipulated Protective Order And Nondisclosure
6 Agreement ("Protective Order") for the production of confidential information requested by
7 Plaintiff from Defendant Watchtower.

8 **NONDISCLOSURE AND CONFIDENTIALITY**

9 WHEREAS, the Court has ordered that Defendant Watchtower produce documents in
10 response to Plaintiff's Request for "All letters, emails, facsimiles, or other documentary,
11 tangible, or electronically stored information of any kind, Watchtower Bible and Tract Society
12 New York, Inc. received in response to the Body of Elder Letter Dated March 14, 1997" which
13 the Church Defendants contend involve or contain confidential, privileged, proprietary, and/or
14 related information ("BOE Responses") belonging to the Church Defendants; and

15 WHEREAS, the Court has ordered that a protective order be entered concerning the use
16 and dissemination of the documents produced by the Church Defendants;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED
18 THAT:

19 1. Defendant Watchtower will produce the "BOE Responses" in its possession and
20 control to Plaintiff's attorneys pursuant to this Stipulated Protective Order.

21 2. All "BOE Responses" shall be designated and marked "CONFIDENTIAL" by
22 Watchtower in the header and the footer in a manner that will not obscure the textual content of
23 the document.

24 3. The "BOE Responses", including any and all documents and information contained
25 therein, shall be maintained in confidence by Plaintiff's attorneys and shall be used for the sole
26 and exclusive purpose of Plaintiff's attorneys' preparation for depositions, as exhibits to motions
27 and/or oppositions and replies to motions, and at trial of this case. Plaintiff's counsel may
28 inform the Court in other litigation against Watchtower that Watchtower has produced the

1 "BOE Responses" in this case but may not reveal, refer to or characterize the content of the
2 documents.

3 4. The "BOE Responses" shall not be disclosed or copied in any form to any person or
4 entity (except to the extent reasonably necessary to Plaintiff's attorneys' regularly employed
5 staff and contracted personnel subject to the provisions of paragraph 9)) for any other purpose
6 other than those set forth in paragraphs 5, 6 and 7 below.

7 5. Plaintiff's counsel may scan, OCR, and/or store digital images of the "BOE
8 Responses" on Plaintiff's Counsel's password-protected in-house and Cloud-based servers ("the
9 Servers"). The digitized versions of the "BOE Responses" may be downloaded from the
10 Servers to individual desktop or laptop computers owned, or temporarily leased, by Plaintiff's
11 Counsel's law firm as needed to database, analyze, code, abstract, prepare exhibits, or otherwise
12 manipulate the data contained within the BOE Responses." Plaintiff's Counsel may provide a
13 hard copy version and/or encrypted electronic copy of the "BOE Responses," or any data
14 analyses or exhibits created therefrom, to their experts or consultants and may use or transmit
15 "BOE Responses" in an encrypted electronic format for purposes solely related to this litigation.
16 Plaintiff's experts and/or consultants may similarly store digital images of the "BOE
17 Responses" on their own in-house, Cloud-based, or other servers, and download such digitized
18 images to desktop or laptop computers owned or leased by the expert and/or consultant, as
19 reasonably necessary to complete the work commissioned by Plaintiff in this case.

20 6. If Plaintiff submits any "BOE Responses" to the Court, such "BOE Responses"
21 shall be lodged "CONDITIONALLY UNDER SEAL" as allowed by Section 2.551(b)(3)(A) of
22 the California Rules of Court. Thereafter, all parties reserve all rights granted by Rules 2.550-
23 2.551 of the California Rules of Court to file or oppose a motion to seal/unseal the "BOE
24 Responses.

25 7. Any "BOE Responses" presented at trial shall be lodged "CONDITTONALLY
26 UNDER SEAL" as allowed by Section 2.551(b)(3)(A) of the California Rules of Court.
27 Thereafter, all parties reserve all rights granted by Rules 2.550-2.551 of the California Rules of
28 Court to file or oppose a motion to seal/unseal the "BOE Responses.

1 8. Plaintiff's attorneys of record and any other person or entity provided with "BOE
2 Responses" pursuant to paragraphs 3, 4 and 5 above shall return the "BOE Responses" to
3 counsel for Watchtower, and shall permanently delete the "BOE Responses" from any computer
4 or electronic storage device, upon the later of:

5 (a) Thirty (30) calendar days following a written demand for return of the "BOE
6 Responses." Such written demand may be made at any time following the conclusion of this
7 case, including any appellate proceedings. For purposes of this paragraph, notice to Plaintiff's
8 Counsel shall constitute notice to all persons or entities to whom the "BOE Responses" were
9 transmitted; or

10 (b) Thirty (30) calendar days following the denial of a motion to dissolve or modify this
11 Protective Order and the exhaustion of any appellate procedures thereafter. If, however, a
12 motion to dissolve or modify the Protective Order is granted in such a manner as conflicts in
13 whole or in part with this paragraph, the subsequent order controls. Any work product referring
14 to "BOE Responses" shall be subject to this Protective Order.

15 9. Any person, other than the Court or its officers, to whom "BOE Responses" are
16 disclosed or shown pursuant to paragraphs 4 or 5 shall be informed, prior to disclosure or
17 showing, of the nature and scope of this Protective Order, and of his or her obligation to keep
18 the "BOE Responses" in confidence, and shall sign a statement and certification agreeing to
19 comply with the terms of this Protective Order.

20 10. This Court shall have exclusive jurisdiction to hear all disputes, including
21 motions for sanctions, pertaining to or arising out of violations of this Protective Order and all
22 parties and their attorneys agree to submit to the jurisdiction of the Court with respect to any
23 such dispute. This Protective Order shall continue to be binding after the conclusion of this case
24 except that a party may seek the written permission of the Church Defendants or further order of
25 the Court with respect to dissolution or modification of this Protective Order.

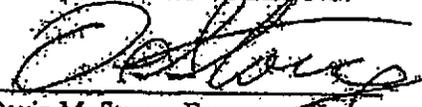
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IT IS SO STIPULATED.

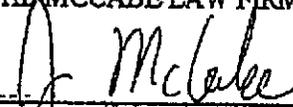
Dated: 5/12, 2015

THE ZALKEN LAW FIRM, P.C.


Devin M. Storey, Esq.
Attorney for Plaintiff

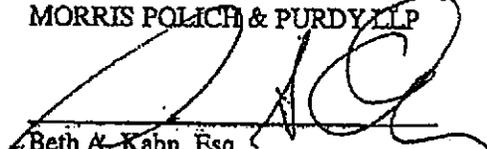
Dated: May 13, 2015

THE MCCABE LAW FIRM, APC


James M. McCabe, Esq.
Attorney for Defendant Playa Pacifica Spanish
Congregation of Jehovah's Witnesses

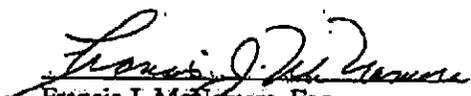
Dated: May 13, 2015

MORRIS POLICH & PURDY LLP


Beth A. Kahn, Esq.
Dean A. Olson, Esq.
Attorneys for Defendant Watchtower Bible and
Tract Society of New York, Inc.

Dated: May 13, 2015

THE WATCHTOWER BIBLE & TRACT
SOCIETY OF NEW YORK, INC., LEGAL
DEPARTMENT


Francis J. McNamara, Esq.
Attorney for the Defendant Watchtower Bible and
Tract Society of New York, Inc.

IT IS SO ORDERED.

DATED: MAY 14 2015

By **RICHARD E.L. STRAUSS**
Honorable Richard Strauss
Superior Court Judge

PROOF OF SERVICE

Osbaldo Padron v. Watchtower, etc.
30-2013-00067529-CU-PO-CTL

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CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

I, the undersigned, an employee of Morris Polich & Purdy LLP, located at 1055 West Seventh Street, 24th Floor, Los Angeles, California, 90017 declare under penalty of perjury that I am over the age of eighteen (18) and not a party to this matter, action or proceeding.

On May 13, 2015, I served the foregoing document, described as: "STIPULATED PROTECTIVE ORDER AND NONDISCLOSURE AGREEMENT" in this action by placing

- the original of the document
- true copies of the document

in separate sealed envelopes addressed to the following party(ies) in this matter at the following address(es):

SEE ATTACHED SERVICE LIST

BY U.S. MAIL I deposited such envelope in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid.

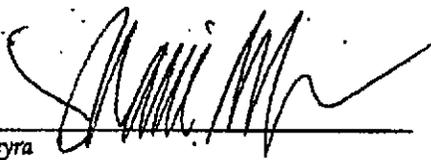
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Exhibit 14

Title: "Secrets of the Watchtower"

By: Trey Bundy

Published at: https://www.revealnews.org/episodes/secrets-of-the-watchtower/?utm_source=Reveal&utm_medium=dist&utm_campaign=zalkin

Last retrieved: 12/21/16

Transcript:

Section 1 of 5 [00:00:00 - 00:10:04] (NOTE: speaker names may be different in each section)

Al Letson: From the Center for Investigative Reporting and PRX, this is Reveal. I'm Al Letson. Reveal reporter Trey Bundy has been after a batch of secret documents for more than two years, and now he's closer to them than ever before. He's in a law office in San Diego and standing just a few feet from some of those documents.

Trey Bundy: Are they in this office?

Irwin Zalkin: Yes.

Trey Bundy: Can you show them to me?

Irwin Zalkin: No.

Al Letson: That's attorney Irwin Zalkin. He represents victims of childhood sexual abuse by members of a global religion, the Jehovah's Witnesses.

Irwin Zalkin: All I can really say is we have the documents. I can't say what's in them. I can't even reference how many of the documents, how much, numbers, or anything like that.

Al Letson: Irwin got the files as part of a lawsuit against the Jehovah's Witnesses. While he can look at them, he can't show them to anyone else, not even the police.

Irwin Zalkin: We literally have to keep those under lock and key.

Al Letson: The Jehovah's Witnesses only turned them over on the condition that they remain secret. A judge agreed and ordered Irwin not to share them with anyone else. Here's why that's dangerous. You see, these files could contain information about thousands of child abusers within the Jehovah's Witnesses, predators living freely in communities across the country. How has this religious group managed to keep these documents and the secrets they contain under wraps for almost 20 years? That's what Trey set out to learn. He picks up the story back in Irwin Zalkin's San Diego office.

Before I get going, I should tell you that this episode deals with sexual abuse and might be disturbing for some listeners.

Irwin Zalkin: Come on in. Jose, why don't you have a seat? Let's talk about your case a little bit and see where we're at.

Trey Bundy: Irwin's talking to one of his clients, Jose Lopez. As a kid, Jose was sexually abused by a Jehovah's Witness.

Irwin Zalkin: We have the-

Trey Bundy: They're combing through documents in a small, generic conference room at Irwin's office. They're discussing what could happen with Jose's case. Jose's in his 30s, and you can hear from his voice, he sounds anxious.

Jose Lopez: Yeah. Mr. Zalkin, I had a question. What do you think's going to happen after the judge comes forward with her decision?

Irwin Zalkin: Yeah. Well, I think that there's a good chance that The Watchtower's going to file an appeal.

Trey Bundy: The Watchtower. You're going to hear us use that term a lot. That's the name the Jehovah's Witnesses have for their global headquarters in Brooklyn. Jose says a man named Gonzalo Campos abused him. Gonzalo was a Jehovah's Witness in San Diego. Jose says Gonzalo groomed him for abuse during Bible study sessions.

Jose Lopez: One time, he sat me in his lap and showed me the book and was talking to me, socializing, being friendly. That's how I really saw it, as him just trying to be more close and friendly with me.

Trey Bundy: But it went much further. Gonzalo sexually abused Jose, who was seven years old at the time. By the time this happened, Jehovah's Witness leaders already knew Gonzalo had been abusing kids. We know that because local elders admitted to it.

Jose Lopez: The Watchtower or the organization, I think they should have contacted the authorities and had this guy behind bars.

Trey Bundy: But they didn't. Here's Irwin at a news conference about the case.

Irwin Zalkin: The Watchtower and its agents, elders of the congregation, its local congregation, Linda Vista, Spanish congregation of the Jehovah's Witnesses knew that they had a dangerous child sexual predator within their organization.

Trey Bundy: Not only did they fail to call the police, they actually promoted Gonzalo to the position of elder after they learned about the abuse.

Irwin Zalkin: At that time, that entire time frame, he was abusing at least eight children that we know of, that we know of.

Trey Bundy: Irwin knows the abuse happened because Gonzalo admitted to it during a court deposition back in 2011. We have a tape from that deposition. In it, the Jehovah's Witness lawyer is interviewing Gonzalo through an interpreter.

Gonzalo Campos: [foreign language 00:04:50].

Speaker 6: I had problems with ... for having tried to touch him inappropriately.

Speaker 7: When you say, "Tried to touch him inappropriately," you mean in a sexual manner?

Gonzalo Campos: Si.

Speaker 6: Yes.

Speaker 7: Okay. Did the elders talk to you after this incident had taken place?

Gonzalo Campos: [foreign language 00:05:10].

Speaker 6: I remember that they did.

Trey Bundy: Local leaders knew Gonzalo had abused kids. They reported that to Jehovah's Witness headquarters in Brooklyn, but not to the police. Years later though, many of Gonzalo's victims did turn to Irwin Zalkin. He'd made news for taking on another religion over child sex abuse, the Catholic church. Back in 2007, Irwin negotiated a \$200 million settlement for more than 100 people abused by clergy. He started getting calls from people saying they had been abused in all sorts of institutions, like universities and the Boy Scouts. About a

dozen of them came from ex-Jehovah's Witnesses. Irwin prepared to fight a new opponent in court.

Irwin Zalkin: When you, as a human being, see the amount of harm that abuse, in particular sexual abuse, does to a child, it derails them for the rest of their life. It is an intrinsic, insidious injury that they will not get over. It will be with them forever, and it impacts them at every stage of their life, and it's horrible.

Trey Bundy: When he's not in court, Irwin looks more like a college professor than a lawyer, slim with glasses, wears jeans to work. He's soft-spoken when he's describing the intricacies of a case, but get him going on child abuse, and his voice drops like a sledgehammer, a perfect tool for cross-examining witnesses. Listen to him explain the way Jehovah's Witnesses handle child abuse.

Irwin Zalkin: Keep your mouth shut. Do not go to law enforcement. You come to us first. Don't you tell anybody. You never tell another congregation. You don't warn parents in the congregation. We'll decide what happens here.

Trey Bundy: Because the abuse isn't reported to police when it happens, most of the abusers are never prosecuted and never go to jail. That's because the statute of limitations has run out. The Jehovah's Witnesses' secrecy around child abuse is part of their religion. They say the Bible tells them to keep authorities in the dark about child abuse.

This is probably a good time to explain more about this religion. Jehovah's Witnesses consider themselves Christian. Part of their faith is spreading the word of God to others, knocking on doors, warning people about Armageddon.

Speaker 8: Sickness and death. Poverty and disaster. How could a loving God be responsible for all of this? What the Bible says may surprise you. It says, "The evil one controls the whole world."

Trey Bundy: That's from one of their preachings. When they say, "Evil one," they mean Satan.

Speaker 8: The good news is the Bible says things will not always be like this.

Trey Bundy: Armageddon is coming. To earn their place in the afterlife, Jehovah's Witnesses are taught to avoid the outside world. They don't vote or serve in the military, and they usually don't go to college.

Speaker 8: Where can we find answers? What if the answers have been lit up all along in the Bible?

Trey Bundy: They say the Bible teaches them that child abuse, child abuse, is a confidential matter. We know this because we have their memos. They read like a mashup of corporate policy and Bible verse, and they tell elders to hide child sexual abuse from police. Here's what they tell them to do. First, when elders learn about abuse, they have to immediately call The Watchtower's legal department, no one else, not law enforcement, not other members of their congregations.

Irwin Zalkin: Written, demanded, commanded policy, very different. The Catholic church, it was this unwritten. They called it "viva voce," by voice only. They didn't have it written down anywhere. It was just understood. Here, it's in writing. There's no question.

Trey Bundy: Second, when an elder learns of a child abuser in his congregation, he has to send a report to headquarters in writing.

Irwin Zalkin: These reports were to be prepared and sent to Watchtower in a sealed, specially marked, confidential, blue envelope.

Trey Bundy: That's what I'm after. These are the documents I've been stalking for two years, almost two decades worth of records that show the names and whereabouts of what are likely thousands of child abusers across the U.S.

Irwin Zalkin: I think the fact that there are known molesters that are-

Section 1 of 5 [00:00:00 - 00:10:04]
Section 2 of 5 [00:10:00 - 00:20:04] (NOTE: speaker names may be different in each section)

Irwin: Known molesters that are participating in congregation activities where there are children involved and parents who aren't aware of that is a high risk situation.

Trey Bundy: I actually got ahold of one of these documents a couple of years ago. It's a simple one-page form with nine questions exactly like the documents Irwin has now.

Irwin: For example they wanted to know how long ago did he commit the sin? What was his age at that time? What was the age of the victim? 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?

Trey Bundy: While Irwin was working on the Jose Lopez case he got an idea. If he could get his hands on what's inside all of those blue envelopes he might be able to show that his cases pointed to a massive cover-up, so he went to court to get the entire data base of child abuse documents. This is where the Jehovah's Witnesses really dug in. First they said the job of compiling the documents was too big for their offices to handle.

Richard Ash: Honestly Mr. Zalkin the efforts that we've made up to this point is just trying to figure how on earth we could ever do that in our filing system.

Trey Bundy: That's Richard Ash, a senior Watchtower official. He wouldn't talk to me, but he had to talk to Irwin as part of a lawsuit. This is taped from that deposition.

Richard Ash: You're talking about 14,400 congregations and over 3 million documents that have been scanned in that would have to be searched. It would take years to do that.

Trey Bundy: Irwin believed Richard was just making excuses to withhold the documents so he brought in a software expert. That expert testified that the Watchtower should be able to search their files in as little as two days. The judge ordered them to produce the documents.

Irwin: They refused. They simply refused to do it.

Trey Bundy: The Jehovah's Witnesses fought the order all the way to the California Supreme Court.

Irwin: The Supreme Court, I mean in a matter of days, just turned around and said, "No. Produce." They didn't. They defied the trial court, they defied the court of appeals, and they defied the California Supreme Court. They willfully refused to produce the documents.

Trey Bundy: This is not normal. A defendant in a law suit just flat out refusing an order that's been upheld by the state supreme court. Irwin had a choice. He could ask the judge to hold the Watchtower in contempt of court or he could go big and ask the judge for something called terminating sanctions. That's where the judge throws one side out of court and decides the case solely on the evidence of the other side.

Irwin: In other words, we win. Period.

Trey Bundy: Irwin's plan worked, and the judge awarded Jose Lopez 13.5 million dollars. Irwin talked to reporters about the decision.

Irwin: Documents that go back decades that shows the depth and the breadth of their knowledge of child predators within their organizations. Child molesters within their organization. They refused to produce those documents and for that reason, for that reason, they were sanctioned by this court and their defense was terminated.

Trey Bundy: Obviously they're appealing that.

Irwin: They did appeal it.

Trey Bundy: But still that's a lot of risk. They're risking 13.5 million dollars not to produce these documents.

Irwin: Right, they did they took that risk.

Trey Bundy: And it's a risk they took again in Irwin's next case. This time it cost them 4 million dollars.

Irwin: They made a business decision not to produce these documents and that case got terminated too and it's on appeal.

Trey Bundy: It looked like this was their game plan. Hide the child abuse files at any cost. If necessary pay millions of dollars in judgments', but don't let anyone see the documents. Then something kind of unbelievable happened. The Jehovah's Witnesses gave in and Irwin's next case they agreed to hand over the documents. They'd finally cracked and Irwin would get the files. When they started rolling in, something was wrong. The names of all the alleged abusers were blacked out and Irwin only got four years of documents. There were another fifteen years he was supposed to get. He went back to the judge who demanded that the Jehovah's Witnesses turn over all the documents with the names. They refused and the court ordered them to pay a fine of \$4,000 a day until they complied. It's crazy to think that an organization hiding crimes against children could just thumb its nose at courts like this. But so far the Jehovah's Witnesses have gotten away with it. They're are multi billion dollar corporation, so maybe millions in damages doesn't scare them.

Irwin: I think that on some level they're aiding and abetting these perpetrators. It's a public safety issue. At this point this needs to be investigated.

Trey Bundy: Irwin isn't giving up but he has hit a wall. This is a guy who for years has wanted nothing more than to expose the Jehovah's Witnesses child abuse files and now that he's finally got some of them, he's legally bound to hide them from the public, from me. A while back he called me after work to tell me how his cases were going. He said it was getting to him, that he was sitting on so much horrible information. So many documents describing the abuse of children. He sounded tired.

Irwin: It's frustrating, it's very frustrating to have seen what I've seen and to know what is going on in this institution and this organization, it's very frustrating when I've got a gag in my mouth. It's pretty hard. We're trying our best to expose this truth and they're doing everything they can to interfere with that effort. Block that effort.

Al Letson: Right now Irwin has 18 lawsuits pending against Jehovah's Witnesses and he's back in court on the Jose Lopez case. An appeals court ruled that the judge should not have kicked the Jehovah's Witnesses out of court without trying a less extreme method for getting the child abuse documents. Irwin still wants those files and so do we. We'll get back to that later in the show, but first, how can a religion with

eight million members keep everyone quiet about child abuse?

Female: I had been told throughout the proceedings don't speak of this, it's a confidential matter, the congregation doesn't need to know this, and if you talk about it, that's grounds for dis-fellowshipping.

Al Letson: What dis-fellowshipping means and how the Jehovah's Witnesses use it, when we come back on Reveal from the Center for Investigating Reporting and PRX.

Julia: Hey there, Julia B. Chan here, Reveal's digital editor. It's that time again, when we start looking back at the year behind us and start making lists. Right now I'm working on collecting people's favorite stories and moments from Reveal and that includes you. We want to hear from you the person listening to us right now. Which of our stories really affected or outraged you this year? Was there a scene that you just can't shake, a moment that stuck with you? We want to hear it. Go to revealnews.org/fav, that's F-A-V to tell us about the time Reveal made you stop and listen. Again that's revealnews.org/ F-A-V.

Al Letson: From the Center for Investigative Reporting and PRX this is Reveal. I'm Al Letson. For the past two years, Reveal reporter Trey Bundy has been trying to break through the wall of secrecy built up by the Jehovah's Witnesses. The group collects and maintains a database that could contain the names of thousands of child abusers. We haven't found one single case where the leaders of the religion have reported even one of those allegations to the police, so what happens to those children when they do come forward? Often years later when they're adults. They went to McAlester, Oklahoma, to meet 47 year old Debbie McDaniel. She says a Jehovah's Witness elder abused her from age 8 to 13, and when she was older, he kicked her out of the congregation. It's called dis-fellowshipping. When that happens you're dead to the Jehovah's Witnesses. Everyone shuns you, even your closest family members. It's that threat of shunning that keeps people from reporting child abuse; but not Debbie. She came forward with her story. Here's Trey.

Trey Bundy: Debbie grew up in Houston. Her dad, Wendell Marley worked for NASA and by all accounts was a brilliant engineer.

Section 2 of 5 [00:10:00 - 00:20:04]

Section 3 of 5 [00:20:00 - 00:30:04] (NOTE: speaker names may be different in each section)

Trey Bundy: NASA, and by all accounts was a brilliant engineer.

Neil: Tranquility base here. The eagle has landed.

Armstrong:

Trey Bundy: He helped design and build the spacecraft that put Neil Armstrong on the moon.

Neil: That's one small step for man.

Armstrong:

Trey Bundy: But then one day, he gave it all up.

Debbie: When he met Jehovah's Witnesses and thought that he had found the true religion, and the world was ending any time, he just walked away from his career.

Trey Bundy: Wendell moved Debbie and the rest of the family to McAlester, Oklahoma, where he quickly rose through the ranks at the local kingdom hall. That's the place of worship for the Jehovah's Witnesses. Wendell became the number two guy, and the number one guy was an elder name Ronnie Lawrence.

Debbie: I was introduced to Ronnie as somebody quite Christ-like. People revered him.

Trey Bundy: But Debbie told me, when she was eight years old, Ronnie started abusing her. The abuse went on for five years, she didn't tell anyone about it, but she did get angry. She told me how when she was a teenager, she started drinking and having sex. When Ronnie found out about it, he decided to dis-fellowship her for sexual immorality. At that point, Debbie told her mom for the first time that Ronnie had abused her.

Debbie: I said, "Well, I find it funny that the man who messed with me my whole life, my whole childhood, is now in a position to dis-fellowship me from the organization." And my mom was furious, livid, she said, "You're going to lie about this man of God, now." She said, "You're just trying to get him back for dis-fellowshipping you for your wrongdoing." I thought, "They're never going to believe me."

Trey Bundy: Being thrown out of the congregation was terrifying for Debbie, like it is for many Witnesses. She was completely isolated from her friends and family. She thought her eternal soul was on the line.

Debbie: Just trying to adjust to life outside of the organization was too much for me, and I just wanted back in.

Trey Bundy: To get back in, she had to write a letter of apology to the elders, including Ronnie. She was also dealing with something else, she knew she was a lesbian, but she had to bury that part of herself. She married a Witness and had a kid. She threw everything she had into the organization.

Debbie: Door to door, study for the meetings, make every meeting. I was going to be the best Jehovah's Witness I could be.

Trey Bundy: A decade passes, and other people in Debbie's congregation have started to come forward, saying Ronnie abused them too. I've looked at letters from elders to The Watchtower, and they show that Ronnie was dis-fellowshipped, but he repented and was welcomed back on the condition that he name all of his victims and write them letters of apology.

Debbie: So he says, "Debbie, I humbly want to apologize for the hurt and pain I have caused you, and for denying it. I have truly sinned against you, Jehovah, and the congregation. I've betrayed the trust."

Trey Bundy: It was hard for Debbie to be around him, and she worried about other kids in the congregation. She says the elders told her to drop it and keep quiet.

Debbie: Because I have been told through the whole proceedings with Ronnie, don't speak of this it's a confidential matter. The congregation doesn't need to know this, and if you talk about it, that's grounds for dis-fellowshipping.

Trey Bundy: Eventually Debbie couldn't take it anymore. She left her marriage, and was dis-fellowshipped again, this time for coming out as gay. That's when the shunning got really bad. Her daughter Marley was twelve years old and got caught in a nasty custody battle between her parents. Marley says her dad, and Debbie's family coached her on what to say in text messages to her mom.

Marley: Yeah, they used to sit me down and actually tell me what to say, or text me something, and say just to copy and paste it and send it to her.

Debbie: This text message come from Marley, and she said, "You want to know why I'm devastated I lost my mother, my best friend, you turned to Satan and you're going to die."

Marley: I thought that there would come a point when God would judge us all and then mom would be basically destroyed, because that's what I've heard my whole life.

Trey Bundy: But shunning and harassment got so intense, that Debbie finally went to the police about it. Her whole story came pouring out. The police had never been informed about Ronnie's abuse of children. They started an investigation, and there was a hearing. At that hearing, Debbie says, the shunning continued. She remembers going into the courtroom, and her parents were sitting behind Ronnie, on his side.

Debbie: They wouldn't look in my direction, even when I was speaking on the stand, I looked out and my mother and my dad wouldn't look at me in the face.

Trey Bundy: The charges against Ronnie Lawrence were dismissed, because of the statute of limitations. But court records, and letters from McAlester elders to the Watchtower back up Debbie's story. Ronnie is still a Jehovah's Witness. Hello Mr. Lawrence?

Ronnie Lawrence: Yes sir.

Trey Bundy: Hi, my name is Trey Bundy. I went to his house to see him. But there are a lot of people in this town that believe that you did commit these crimes.

Ronnie Lawrence: What do you want me to say?

Trey Bundy: I want you tell me whether you committed these crimes.

Ronnie Lawrence: No, I didn't, but that's [inaudible 00:25:06]. You're not going to believe and neither will anyone else, so.

Trey Bundy: Well, there's a lot of documentation. Why did you write letters of apology if you didn't commit these crimes?

Ronnie Lawrence: It had to do with several things, but I-

Trey Bundy: Was a part of it getting back into the organization? What that part of the condition of coming back to the organization?

Ronnie Lawrence: I don't think so.

Trey Bundy: Debbie has built a new life, but she keeps a permanent record of the past.

Debbie: My daughter Marley was so attached to the organization, and so I did a tattoo of her, with holding a maze behind her. It felt like she was trying to come out of the organization, but the maze was the organization and she was hanging on to it, so I added that.

Trey Bundy: But Marley has come out of the organization, she and Debbie have reunited and they live together now. Since they've become close again, the Witnesses have started to shun Marley too.

Marley: Well, obviously, all my friends were, a couple years ago, were all Jehovah's Witnesses, and so I've lost pretty much all of them. Then, the rest of my family has pretty much blocked me on social media, things like that. You can't leave and not be deemed mentally diseased, I guess. Something has to be wrong with you, they have to make up something.

Al Letson: Debbie and Marley have experienced what it's like to be shunned by the Jehovah's

Witnesses, but the religion also shuts out the world at large. Which makes it tough to find out how they operate, but Trey's been trying to figure that out. He went to their headquarters in Brooklyn, New York, what they call 'The Watchtower'.

Trey Bundy: Hello, this is Trey. Hi, who am I speaking with? Hey Bryce, how you doing?

Al Letson: Trey's in the lobby of The Watchtower, talking to Bryce, a public relations guy there. He wouldn't even come down to talk to him.

Trey Bundy: This is my third trip out here, you know, I've been sending you guys emails and phone calls for a long time.

Al Letson: He's asking to interview someone from the governing body, they're the seven men who run the religion. Together, they're the equivalent of the Pope in the Catholic church.

Trey Bundy: You know, this has been more than a year, that I've been trying to contact somebody from the governing body, get some type of interview, get any type of Watchtower official to say anything on the record on this issue. To be frank, it kind of amazes me that Jehovah's Witnesses aren't willing to express their own outrage, that The Watchtower is shielding child sexual abusers from exposure or prosecution. Am I wasting my time by trying to get your side of the story?

Al Letson: Even after decades of child abuse allegations around the world, these guys won't acknowledge the problem. This is one of the most insular religions in the world. They don't want their members to go to college, or even watch mainstream media. We wanted to know more about who they are, and how they operate, so we asked a former insider to be our guide.

Howie Tran: In my family, it was the only religion that was viewed as the right religion. It was the truth, we called it 'The Truth'.

Al Letson: Howie Tran is 40 years old now. He lived and worked at The Watchtower headquarters in Brooklyn for seven years, starting when he was a teen. Trey tells us how he got there, and why he eventually left.

Trey Bundy: Howie grew up in rural Arkansas, in a poor family of Jehovah's Witnesses. He was always a small kid, and he would get bullied a lot. Things got worse when he turned 14, his parents split, and that's also when his mom discovered something he was hiding.

Howie Tran: I come home from school, and my mom is visibly upset, and I find out that she discovered my porno magazine under my bed.

Trey Bundy: And it wasn't just that his mom found porn, it was the kind of porn that she found, of naked men.

Howie Tran: This could be nothing worse that can happen to a 14 year old closeted gay kid, from the Ozark mountains, than your mother to discover that you have homosexual tendencies. I'm just, I'm mortified, I'm so ashamed, and I just immediately break down in tears.

Trey Bundy: Howie's mom was mortified too. She drove him to his grandmother's house, his uncle, who was an elder in the local Jehovah's Witness congregation was also there.

Howie Tran: And my shame is laid bare, the magazine is there, and yes, I took it, I took it. Yes, I hid it, I tried to hide it.

Trey Bundy: The family told Howie that his homosexuality was a sickness, a spiritual disease.

Section 3 of 5 [00:20:00 - 00:30:04]

Section 4 of 5 [00:30:00 - 00:40:04] (NOTE: speaker names may be different in each section)

Trey Bundy: Homosexuality was a sickness, a spiritual disease.

Howie: That's the idea, that if I applied myself, I could overcome this. I could cure myself of this problem.

Trey Bundy: Howie's uncle suggested that he could stop fantasizing about men by using a calendar to track how often he masturbated.

Howie: On that calendar you would mark when you relapsed and then hopefully the amount of days between that relapse and the next relapse would be greater. It always had to be greater, and of course you always hope that the last time is the last time. Of course it never was.

Trey Bundy: Howie believed being gay was an unforgivable sin.

Howie: I felt that I was corrupted. I felt that there was something terribly wrong with me. I was ashamed. I wished I was dead. I wished I was dead. You don't know how much I wished I could have killed myself. I did. I sat once on the floor on my bathroom with a bottle of bleach and I tried my best to get myself to drink that damn bottle of bleach. That's the truth, but I couldn't. I was a coward. I couldn't kill myself, because if you kill yourself, that's an unforgivable sin, too.

Trey Bundy: Instead, how he immersed himself in the religion. He was ready to do anything that would put him in God's good graces.

Howie: I wanted to be a pioneer, because pioneers were the spiritual people in the congregation. They were the ones that were devoting themselves to the preaching work. The preaching work was what Jehovah God wanted you to do.

Trey Bundy: In 1995, with his family's encouragement, he applied to live and work at headquarters, what Jehovah's Witnesses call Bethel, the house of God. If he got accepted, he would devote all of his time and labor to Jehovah, maybe for the rest of his life.

Howie: I remember being so happy when I got my letter. We warmly welcome you to the regular pioneer ranks. I was in the ranks.

Trey Bundy: There was no greater honor for a Jehovah's witness. Howie was just 19 when he said goodbye to his mother and headed for New York City. When he got to Bethel, he realized that spiritual cleansing was going to take a lot of work.

Howie: There it is. Hillside Park is on that side, too.

Trey Bundy: I meet up with Howie in Brooklyn, so he can show me around Bethel. As we walk around the street, he tells me what it's like for people who live and work here.

Howie: It's cleaning, it's construction. It's the printing. It's working on the presses. It's working cleaning the presses, it's working in the kitchen to prepare the food. It's working in the laundries and during the heat and the large loads of laundry and doing the work.

Trey Bundy: Bethel's not a closed off compound. It's a collection of buildings spread throughout Brooklyn Heights, prime real estate right along the East River.

Howie: You see the statue of liberty, we see the beautiful skyline. That picturesque skyline with the new freedom tower. We see all the beautiful brown stones that are now worth millions and millions of dollars. This was my neighborhood, this was my home. This is where I lived. I felt so fortunate.

Trey Bundy: This is the nerve center of a multi billion dollar non profit corporation, a global

real estate venture, a massive publishing operation, and a religion with 8 million members around the world. To keep the machine running, the Jehovah's Witnesses depend on the unpaid labor of young followers. They're called Bethelites.

Howie: This is not a place for children, never has been. Bethel is intended to get the work done and there's no facility for children. That has been a big cause for couples to have to leave and it is a risk you take. Obviously the Bethel doctor prescribes contraceptives for all the sisters, because nobody wants to have to go home because of having a child.

Trey Bundy: The Bethelites live in dormitory style housing and they sign a vow of poverty. The religion takes care of their basic needs. For a neighborhood with 3,000 Jehovah's Witnesses, we rely haven't seen many of them on the street. That's when Howie tells me that this is intentional.

Howie: That building is connects by tunnel to the 107 Columbia Heights building. It's connected by tunnel to the 124 Columbia Heights building. All these are connected by underground tunnels.

Trey Bundy: Howie says they built the underground tunnels in part to hide their numbers and the fact that they've bought up so much of the neighborhood. I'm looking at all of these huge building and empty sidewalks and imagining a kind of subterranean ant farm below us. Howie had been at Bethel for a year and a half working menial jobs, still marking that calendar and hiding his sexuality from everyone. That's when the governing body approached him to ask for his help. Most of the leaders there were in their 80's and 90's and needed help with basic things like walking and reading their mail. For Howie, it was an enormous, almost unbelievable honor. He slips into character as he tells me about handing out Bible literature with one of the men, Carl Klein.

Howie: He said to me, "I can walk, but people if you're in a wheelchair, they listen." He said, "So we'll take the wheelchair and we'll have better success."

Trey Bundy: On weekends, Howie would wheel Klein around a neighborhood promenade.

Howie: We would approach someone, and he would just push a magazine in their face and then they would accept it or not. Sometimes he would put a little more effort into it and if they said, "I don't want none of this." "Why not? Why don't you want it? It means everlasting life? Don't you want to live?" They were like, "Get out of my face." You believe. You can see it sounds awful now. Looking back of course ... You believe. You believe in the work. I believed that the work we were doing was important, that it was life saving. Armageddon, the end of the world, the tribulation is immanent. It's going to happen any moment now and the only people to survive are going to be Jehovah's witnesses, period. Nobody else.

Trey Bundy: Howie and I are about 2 blocks from the main watchtower building, we spot someone. A member of the governing body.

Howie: That's Tony Morris. Go get him.

Trey Bundy: I've sat in Morris' lobby and called him at home, trying to ask him why his organization covers up child abuse.

Mr. Morris?
This guy's word is law to 8 million Jehovah's witnesses. It's weird to see him just walking down the street. He sees me coming and crosses the street to get away. When I catch up to him I'm out of breath.

Mr. Morris? Excuse me, Mr. Morris?

Tony Morris: I don't know you.

Trey Bundy: I know you don't. My name's Trey Bundy. I'm a reporter at the Center for Investigative Reporting.

Tony Morris: Yeah.

Trey Bundy: I've been writing stories and producing radio stories this year about Jehovah's Witnesses and child sex abuse.

Tony Morris: Uh huh.

Trey Bundy: Do you have a second to talk to me?

Tony Morris: Not really, I'm going out to preach the good news of the kingdom.

Trey Bundy: Okay. I saw that you ... He had just released a video where he blames child abuse on homosexuals. I asked him about that. Can you talk to me about that at all?

Tony Morris: It's all in the broadcast.

Trey Bundy: With that, someone opens a door to a building a few feet away and Morris rushes inside. After calling and emailing the governing body for months with no response, after reading through stacks of their documents, after flying from California to New York, I finally find one of these guys, and seconds later, he's gone.

Jehovah's witnesses believe that the governing body are anointed, that they're God's channel to followers on earth. Howie knew these guys as people, like Carl Klein, the governing body member in the wheelchair, Howie was with him the day his faith began to unravel he was reading a letter to Klein from a Jehovah's witness disputing the religions' key tenants.

Howie: I thought for sure he would want me to shred it in the shredder, it was right there next to his desk, because this is apostate stuff for sure.

Trey Bundy: Apostates are enemies of the religion. Jehovah's Witnesses believe they're controlled by Satan. Howie says he and Klein took the letter straight to Bethel's librarian.

Howie: Not for destruction, but for archiving.

Trey Bundy: The librarian took the letter to a small locked room.

Howie: In this room were partially filled bookshelves and it was a small apostate library. Here, they kept for references the various publications of ex-Jehovah's Witnesses that they viewed as apostates.

Trey Bundy: Howie freaked out. There was almost nothing worse a Jehovah's Witness could do than read the writing of an apostate.

Howie: What if our belief system isn't iron clad as I've always believed? What if for example, what if we're wrong about the new world? What if I am waiting for a cure that does not exist? Wouldn't that be sad, because I've wasted my life. Leaving Bethel meant losing my job and losing my home. It was a struggle at first. Then of course, when I disassociated myself a few months later, it meant losing my family and all of my friends. I was alone and I had to prepare myself and it took time.

Section 4 of 5 [00:30:00 - 00:40:04]
 Section 5 of 5 [00:40:00 - 00:52:58] (NOTE: speaker names may be different in each section)

Howie: Was alone and I had to prepare myself, and it took time.

Trey Bundy: The next time I meet Howie, we're in his backyard. He lives in New Jersey now, with his husband and their two kids. A fall breeze hits the wind chimes and Howie pushes the kids in their little plastic cars. (kids laughing and playing) They run around the garden and stomp on brown leaves in the driveway. He says he feels for people who never left the Jehovah's Witnesses.

Howie: My concern is that there is a lot of people wrapped up in this religion and they're doing what I did, they're wasting their lives, and as the years go by and the hope for promises are not realized, they may eventually get discouraged and leave or they may just hang with it because they feel or are afraid they have nowhere else to go. (music)

Al Letson: Over the last few years the Jehovah's Witnesses have been selling off their Brooklyn properties and building a massive compound in Warwick, a small town in upstate New York. They plan to move their headquarters completely out of Brooklyn sometime before 2018. Up next, Trey heads to England, home to more than 100,000 Jehovah's Witnesses, and he finds a familiar pattern.

Kathleen H: I think true to form the Watchtowers ... Putting obstructions at every possible turn to refuse to turn over documents.

Al Letson: Next on Reveal, from the Center for Investigative Reporting and PRX. (music) From the Center for Investigative Reporting and PRX, this is Reveal. I'm Al Letson. All this episode, we followed reporter Trey Bundy as he tried to track down this database that the Jehovah's Witnesses are keeping under wraps, information that could reveal thousands of child sex abusers around the country. Jehovah's Witness leaders at the Watchtower won't talk to Trey, and they refuse to comply with court orders to hand over their child abuse files. But if authorities know the Watchtower has these files, why can't the FBI or police just storm the headquarters and take them? Trey joins us now to talk about that, hey Trey.

Trey Bundy: Hello Al.

Al Letson: So, before we get into the role of the authorities in uncovering this information, tell me a little bit about how the Jehovah's Witnesses justify keeping this information secret?

Trey Bundy: So the Jehovah's Witnesses base all of their child abuse policies on scripture. They say all of this comes from the Bible, so, for example, the so-called two witness rule. They say that nobody's reputation should be ruined, nobody should go to prison at the testimony of just a single witness. So, when they hear an allegation of child abuse, if there's not two witnesses to that crime, they don't do anything about it.

Al Letson: That's so problematic, I mean usually if someone's being abused there is no two witnesses, there's just one person.

Trey Bundy: Right, this is a crime that almost always happens behind closed doors, almost always happens in secret and the people don't talk about it until they're much, much older. So that means that most of these cases, the vast majority of these cases, don't even reach the level where an elder is gonna punish the abuser in the organization, much less call the police.

Al Letson: So, even though the Jehovah's Witness won't report these abusers, they do keep

track of them, which just seems odd that they have all this information but they won't turn it over. So how can this information just be sitting there? We know it's there and no one is doing anything about it.

Trey Bundy: The real question is: Where's law enforcement? It'd seem like the FBI or the police would be able to get a search warrant go in. But I've talked to a lot of lawyers about this and they all say basically the same thing. All the cases that we've talked about and most of the cases of Jehovah's Witnesses in court are civil cases. If there were a criminal prosecution, then maybe a prosecutor could ask for these documents and if they didn't give them up then law enforcement could jump in with a search warrant. But there's almost no prosecution of these abusers because the Jehovah's Witnesses don't report them.

Al Letson: Now, we heard earlier in the show how frustrating this has been for Irwin Zalkin, the lawyer who's been bringing a bunch of civil cases against the Jehovah's Witnesses. But I'm curious, how frustrating is this for you as a reporter?

Trey Bundy: This case has ... I've been looking at this for two years, and that's a long time to know what's out there and to not be able to actually get my hands on it and see it for myself. We're talking about the names of possibly thousands of child abusers. Knowing that kids are out there, they could be in danger from these people. It definitely gives us a sense of urgency and that's why we're still reporting the story.

Al Letson: So the Jehovah's Witnesses are a worldwide organization. But other countries have been pretty aggressive, namely Australia and the UK. They've really tried to hold them accountable. Recently, you went to England to report on this, so why don't you pick up the story from there?

Trey Bundy: So what's different in the England from the US is that there's an actual government agency there that's investigating their policies, and the issue has gotten national news coverage. (music)

Speaker 5: A knock on our doors, but what's happening behind theirs? Britain's Jehovah's Witnesses believe that the end times are coming. But could their financial doomsday come first as child abuse victims hold them to account?

Speaker 6: I now feel the only way to get the Jehovah's Witnesses to look at their policies and to change it for the better is by taking them to court. And hopefully that way they may then have to think maybe it's time for us to change our policies.

Trey Bundy: The agency I mentioned is called the Charity Commission for England and Wales. It opened an investigation in 2014 and requested documents from the Watchtower's London branch, but they refused to hand them over. I talked to Chris Willis-Pickup, an attorney for the Charity Commission. How many motions has the Watchtower filed to stop the investigation and dispute the production of documents?

Chris W-P: We've been in five different courts so far to defend our decision.

Trey Bundy: The Charity Commission investigations organizations to make sure they're in compliance with charity laws, but they have limited power. They can't kick down doors and take documents like law enforcement can.

Kathleen H: I think true to form the Watchtowers ... Putting obstructions at every possible turn to refuse to turn over documents.

Trey Bundy: That's Kathleen Hallisey. She's an American lawyer, living in London, who's handled more Jehovah's Witness cases than anyone in England. She won a high

profile law suit last year in part because Jehovah's Witness gave up documents proving the accused had abused before.

Kathleen H: However, in my more recent cases they're refusing to turn over any documents whatsoever.

Trey Bundy: It's the same strategy that we see here in the US. The Jehovah's Witnesses will sometimes hand over documents in court related to a single victim, but the vast majority of documents are still locked away, and they could lead authorities directly to predators, people who could still be abusing kids. Kathleen says that lack of transparency and the Jehovah's Witnesses separatist attitude towards society make the religion a perfect environment for child abusers.

Kathleen H: Limited interaction with the outside world. There's a real emphasis on not engaging with secular authorities, so the conditions are ripe for abuse and predators are purposeful, and I think that they choose those types of environments very carefully, where they know they can operate with impunity. Unfortunately, the policies of the Watchtower allow them to continue to do that again and again and again.

Trey Bundy: While the commission in England hasn't released it's findings, a government commission in Australia has had some success. After the Catholic Church scandal, they started looking at abuse within other religious organizations. Last year, the commission held public hearings on the Jehovah's Witnesses. Here's a Jehovah's Witness Elder answering questions about their policies.

Elder: What ability have we got to protect every child in Australia? What you can do is you can report to the child protection authorities, and that is done in some cases, but generally it's not done, is it? No, not done unless there's a legal requirement for it to be done, is there? That is true.

Trey Bundy: Investigators in Australia turned up more than 1000 alleged abusers. None of those cases had been reported to authorities, but the commission has referred 700 of them to police. The kind of government investigations happening in the UK and Australia ... We haven't seen anything like that here in the US, and that drives Irwin Zalkin crazy. He's the San Diego lawyer we met at the beginning of the show who represents child abuse victims. He thinks law enforcement has a moral obligation to force the Jehovah's Witnesses to hand over their documents that identify alleged child abusers. As we said earlier, Irwin did get some of those documents, four years worth of Jehovah's Witness child abuse files, but judges ordered him to keep them secret.

So?

Irwin Zalkin: We keep the materials locked up in that cabinet.

Trey Bundy: And you can't show them to me?

Irwin Zalkin: No, I can't show them to you.

Trey Bundy: Why not?

Irwin Zalkin: Because it would violate the terms of that protective order I think.

Trey Bundy: If the cops came in here and they didn't have a warrant you couldn't show them either.

Irwin Zalkin: Yeah I probably would not show them that. Right, they would not be able to unless they break into those cabinets. They wouldn't get them.

Trey Bundy: Right. These are gonna stay locked up, they're gonna stay secret, they're gonna

stay redacted?

Irwin Zalkin: For the time being, yes. (music)

Al Letson: The Jehovah's Witnesses have refused to do an interview with us. The only thing they gave us was a written statement last year saying that they abhor child abuse and comply with all child abuse reporting laws. Meanwhile, they're just sitting on a database that likely contains the names of thousands of predators who could still be abusing kids to this day. (music)

Trey Bundy produced and reported today's show. He's been on this story for about two years. Now, if you wanna see what it's like to be in a reporter's shoes, you can check out a virtual reality project he put together as he was reporting on this show. You can find this at Revealnews.org, you can also check out what we're covering by liking us on Facebook or following us on Twitter, we're @reveal and I'm al_letson. (music)

Her Money with Jean Chatzky is a weekly podcast created to empower women to live better by focusing on their finances, whether you're a woman yourself, which I'm not, or you have a woman in your life who you care about, which I do, you should check this one out. Her Money features great interviews with inspiring women from Gretchen Rubin to Arianna Huffington. It's a place to learn about earning more, saving more, investing wisely, and building the financial life you want. You can find Her Money on iTunes, Stitcher, or Jeanchatzky.com.

Our show today was edited by Andrew Donohue. Our staff includes Stan Alcorn, Fernanda Camarena, Julia B. Chan, Rachel de Leon, Mwende Hahesy, Emily Harris, Katharine Mieszkowski, Michael Montgomery, David Ritsher, Neena Satija, Michael Schiller, Ike Sriskandarajah, Laura Starecheski, and Amy Walters. Our sound design team is the Wonder Twins, my man J. Breezy, Mr. Jim Briggs and Claire C-note Mullen, with extra help from Peter [Conheim 00:52:01]. Our head of studio is Christa Scharfenberg, Amy Pyle is our editor in chief, Susanne Reber is our executive editor, and our executive producer is Kevin Sullivan. Our theme music is by [Camerado Lightning 00:52:12]. Support for Reveal is provided by the Reva and David Logan Foundation, the Ford Foundation, the John D. And Catherine T. MacArthur Foundation, the John S. and James L. Knight Foundation, and the Ethics and Excellence in Journalism Foundation. Reveal is a co-production of the Center for Investigative Reporting and PRX. I'm Al Letson and remember, there is always more to the story. (music)

Exhibit 15

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Davin M. Storey(234271) FIRM NAME: The Zalkin Law Firm, P.C. STREET ADDRESS: 12555 High Bluff Drive, Suite 301 CITY: San Diego STATE: CA ZIP CODE: 92130 TELEPHONE NO.: 858-259-3011 FAX NO.: 858-259-3015 E-MAIL ADDRESS: ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
Plaintiff/Petitioner: Osbaldo Padron Defendant/Respondent: Defendant Doe 1, et al	

REQUEST FOR DISMISSAL	CASE NUMBER: 37-2013-00067529-CU-PO-CTL
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A conformed copy will not be returned by the clerk unless a method of return is provided with the document.

This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please dismiss this action as follows:
- a. (1) With prejudice (2) Without prejudice
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed by (name): on (date):
 - (4) Cross-complaint filed by (name): on (date):
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify):*

2. (Complete in all cases except family law cases.)
 The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: 3-13-18
 Devin M. Storey
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)
 *If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.


 (SIGNATURE)
 Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**
 Date:
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)
 ** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).


 (SIGNATURE)
 Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross Complainant

- (To be completed by clerk)
- 4. Dismissal entered as requested on (date):
 - 5. Dismissal entered on (date): as to only (name):
 - 6. Dismissal not entered as requested for the following reasons (specify):
 - 7. a. Attorney or party without attorney notified on (date):
 - b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy
- Date: _____ Clerk, by _____, Deputy

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
--	--------------

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

(SIGNATURE)

PROOF OF SERVICE

Osbaldo Padron v. Doe 1, et al.
Superior Court Case No. 37-2013-00067529-CU-PO-CTL

I, Lisa E. Maynes, am employed in the city and county of San Diego, State of California. I am over the age of 18 and no a party to the action; my business address is 12555 High Bluff Drive, Suite 301, San Diego, CA 9202130.

March 13, 2018, I caused to be served:

REQUEST FOR DISMISSAL

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

(BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

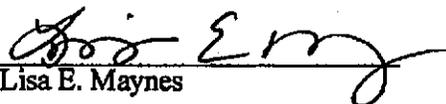
(BY PERSONAL SERVICE) By causing to be delivered by hand to the offices of the addressee(s) on the date listed above.

(BY OVERNIGHT DELIVERY - FEDERAL EXPRESS) I enclosed the documents in an envelope or package provided by an Federal Express and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office of a regularly utilized drop box for Federal Express.

XX (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the party to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email address listed below. I did not receive, within a reasonable time after the transmission, any electronic messages or other indication that the transmissions were unsuccessful.

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

Dated: 3-13-18


Lisa E. Maynes

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Exhibit 16

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
SUPERIOR DEPARTMENT 71 HONORABLE GREGORY W. POLLACK, JUDGE

JOSE LOPEZ, AN INDIVIDUAL,
PLAINTIFF,

VS.

DOE 1, LINDA VISTA CHURCH; DOE 2,
SUPERVISORY ORGANIZATION; DOE 3,
PERPETRATOR; AND DOES 4 THROUGH
100, INCLUSIVE,
DEFENDANTS.

NO. 37-2012-00099849
CU-PO-CTL

REPORTER'S TRANSCRIPT

NOVEMBER 16, 2017

PAGES 1 - 60

APPEARANCES:

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FOR THE DEFENDANT: CLARK HILL, LLP
BY: MS. RYAN C. MCKIM
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LOS ANGELES, CALIFORNIA 90017

BRIANNA LEE HARO, CSR NO. 13121
OFFICIAL COURT-APPROVED PRO TEMPORE COURT REPORTER
WWW.SD-CRC.COM (619)810-7622

CERTIFIED TRANSCRIPT

1 SAN DIEGO, CALIFORNIA, THURSDAY, NOVEMBER 16, 2017,

2 8:15 A.M.

3 * * * *

4

5 THE COURT: OKAY. WE'RE HERE ON THE LOPEZ VERSUS
6 DOE CASE.

7 STATE APPEARANCES, PLEASE.

8 MR. STOREY: GOOD MORNING, YOUR HONOR.

9 DEVIN STOREY FOR THE PLAINTIFF.

10 MR. MCKIM: GOOD MORNING, YOUR HONOR.

11 RYAN MCKIM ON BEHALF OF DEFENDANT WATCHTOWER
12 BIBLE AND TRACT SOCIETY OF NEW YORK.

13 THE COURT: IS ANYBODY ON THE PHONE?

14 MR. MCKIM: NO.

15 THE COURT: OKAY. HAVE A SEAT.

16 ALL RIGHT. SO WHAT DATE IS THE PRESENT DATE
17 FOR THE MOTION FOR SUMMARY JUDGMENT?

18 MR. STOREY: DECEMBER 15.

19 MR. MCKIM: DECEMBER 15.

20 THE COURT: DECEMBER 15TH.

21 AND THAT WOULD MAKE THE OPPOSITION DUE...

22 MR. STOREY: DECEMBER 1ST.

23 THE COURT: DECEMBER 1ST.

24 AND RIGHT NOW THE -- THE MOTION FOR SUMMARY
25 JUDGMENT IS BASED SOLELY ON THE STATUTE OF LIMITATIONS; IS
26 THAT CORRECT?

27 MR. STOREY: IT'S ONE OF THREE ISSUES.

28 THE COURT: OH.

1 MR. STOREY: IT'S THE STATUTE OF LIMITATIONS
2 REMAINS, AS DOES THE QUESTION OF THE DEFENDANT'S CHALLENGE
3 TO PLAINTIFF'S CAUSE OF ACTION FOR FAILURE TO WARN, TRAIN
4 OR EDUCATE, AND PROXIMATE CAUSE.

5 THE COURT: OKAY.

6 MR. STOREY: WE HAD BEEN IN EX PARTE IN MARCH AND WE
7 HAD ARGUED THAT EACH OF THOSE THREE ISSUES IS IMPACTED IN
8 SOME WAY BY THESE DOCUMENTS.

9 THE COURT: YEAH, I THOUGHT THAT THEY WERE. THAT
10 WAS THE WHOLE REASON FOR --

11 MR. STOREY: FOR DIVIDING THE SUMMARY JUDGMENT, TOO.

12 THE COURT: -- FOR PUTTING IT OFF, SO...

13 MR. MCKIM: WELL --

14 THE COURT: DO WE EVEN NEED TO REVISIT THAT ISSUE?
15 YOU CAN.

16 MR. MCKIM: WHICH ISSUE? WHETHER THOSE DOCUMENTS
17 ARE PERTINENT TO THE --

18 THE COURT: YEAH.

19 MR. MCKIM: YEAH, YOUR HONOR, THE DOCUMENTS ARE NOT
20 PERTINENT AT ALL TO THE -- THE STATUTE OF LIMITATIONS OR
21 ANY OTHER ISSUE.

22 THE COURT: WELL, WHY DID WE PUT OFF THE MOTION FOR
23 SUMMARY JUDGMENT SO LONG TO BEGIN WITH? WASN'T THE WHOLE
24 RATIONALE THAT THE PLAINTIFF NEEDED THESE DOCUMENTS BEFORE
25 PROCEEDING? YOU'RE SAYING NOW, IN RETROSPECT, THEY DIDN'T
26 NEED THEM AT ALL.

27 MR. MCKIM: THAT'S BEEN OUR POSITION ALL ALONG, IS
28 THAT THOSE DOCUMENTS HAVE NOTHING TO DO WITH THE SUMMARY

1 JUDGMENT MOTION.

2 THE COURT: YEAH, BUT WE ALREADY DECIDED, AT LEAST
3 FOR PURPOSES OF SCHEDULING, THAT IT POTENTIALLY COULD.

4 MR. MCKIM: WELL, EVEN IF YOU GRANT -- ASSUME
5 ARGUENDO THAT THESE DOCUMENTS MIGHT HAVE SOME BEARING ON
6 THE ISSUES AT HAND, WE STARTED PRODUCING THE DOCUMENTS ON
7 A ROLLING BASIS EVERY OTHER WEEK STARTING IN JUNE.
8 PLAINTIFF HAS HAD AN AMPLE OPPORTUNITY TO REVIEW THESE
9 DOCUMENTS. AT A CERTAIN POINT IT BECOMES PREJUDICIAL TO
10 MY CLIENT. WE FILED THIS MOTION IN JANUARY.

11 THE COURT: WELL, HAVE ALL THE DOCUMENTS BEEN
12 PRODUCED?

13 MR. MCKIM: WE PRODUCED EVERYTHING THAT I KNOW OF.

14 THE COURT: ALL RIGHT. WHEN DID YOU MAKE YOUR LAST
15 PRODUCTION?

16 MR. MCKIM: LAST PRODUCTION WAS IN OCTOBER.

17 MR. STOREY: THE LAST DATE I SAW WAS OCTOBER 23RD.

18 THE COURT: THAT'S PRETTY RECENT. IT TAKES A LONG
19 TIME TO ANALYZE ALL THIS STUFF.

20 MR. MCKIM: WELL, YOUR HONOR, BUT WE'VE BEEN
21 PRODUCING EVERY OTHER WEEK. THEY'VE BEEN GETTING
22 DOCUMENTS FOR A LONG TIME NOW. AND IN SEPTEMBER,
23 PLAINTIFFS WERE IN HERE AND TOLD THE COURT THAT THEY HAD A
24 TEAM OF EXPERTS REVIEWING THE DOCUMENTS.

25 MR. STOREY: THAT'S TRUE.

26 MR. MCKIM: SO I DON'T UNDERSTAND WHY THEY NEED AN
27 ADDITIONAL SIX MONTHS. THIS IS BECOMING -- LIKE I SAID,
28 IT'S PREJUDICIAL TO MY CLIENT. WHAT'S MORE --

1 MEAN, IT'S JUST -- THAT'S -- HE'S -- HE'S -- WHAT IS HE?
2 A STATISTICIAN OR WHAT IS HE?

3 MR. STOREY: SO WE'VE GOT -- OUR LEAD EXPERT, WHO'S
4 GOING TO TESTIFY, IS A PHD. HE'S GOT A STATISTICIAN ON
5 HIS TEAM WORKING WITH HIM AS WELL AS SOME OTHER FOLKS.

6 THE COURT: WHAT'S HE A PHD IN?

7 MR. STOREY: I'M NOT SURE.

8 THE COURT: IS HE A THEOLOGIAN OR --

9 MR. STOREY: NO. I DIDN'T -- I DIDN'T HIRE THE
10 EXPERT. I'M NOT REALLY FAMILIAR WITH THE EXPERT'S
11 QUALIFICATIONS. IT'S MR. ZALKIN'S PURVIEW, YOU KNOW. BUT
12 I KNOW HE'S GOT A TEAM WORKING WITH HIM AND THEY'RE TRYING
13 TO GO THROUGH THESE DOCUMENTS AND TRY TO GET THEM DONE AS
14 SOON AS POSSIBLE.

15 MR. MCKIM: YOUR HONOR, HOW MANY PEOPLE ARE ON THIS
16 TEAM? I MEAN, MY CLIENT HAD TO -- HAD TO STAFF UP. THEY
17 HAD ALL OF THEIR PARALEGALS AND THEY HAD TO BRING IN EXTRA
18 PEOPLE TO MEET THE COURT'S DEADLINES. HOW MANY PEOPLE ARE
19 ON THE TEAM?

20 THE COURT: I DON'T KNOW.

21 MR. MCKIM: THEY HAVEN'T TOLD US. AS FAR AS WE
22 KNOW, THE TEAM IS TWO PEOPLE.

23 THE COURT: WELL, WHAT WOULD BE THE PROBLEM OF
24 CONTINUING IT 60 DAYS? YOU --

25 MR. STOREY: I MEAN, THE PROBLEM WITH CONTINUING IT
26 60 DAYS IS I JUST -- I'M NOT GOING TO HAVE MY EXPERT'S
27 DECLARATION EVEN THEN.

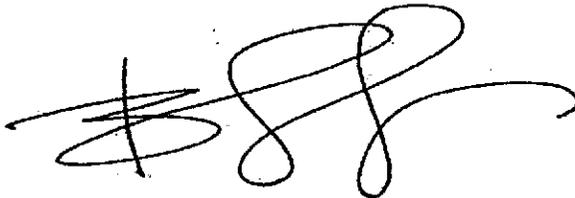
28 THE COURT: OKAY. WHEN WILL THAT BE?

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I, BRIANNA LEE HARO, CSR NO. 13121,
AN OFFICIAL PRO TEMPORE REPORTER OF THE SUPERIOR COURT OF
THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF
SAN DIEGO, DO HEREBY CERTIFY:

THAT I REPORTED IN MACHINE SHORTHAND
THE PROCEEDINGS HEARD AND TESTIMONY ADDUCED IN THE
ABOVE-ENTITLED CAUSE; AND THAT THE FOREGOING TRANSCRIPT, IS
A FULL, TRUE, AND CORRECT TRANSCRIPT OF SAID PROCEEDINGS AS
REPORTED, TO THE BEST OF MY ABILITY.

DATED THIS 1ST DAY OF DECEMBER, 2017;
AT SAN DIEGO, CALIFORNIA.



BRIANNA LEE HARO, CSR NO. 13121
OFFICIAL COURT-APPROVED PRO TEMPORE COURT REPORTER
SAN DIEGO COURTROOM REPORTERS' COALITION
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16 Attorneys for Defendant, Watchtower Bible and
17 Tract Society of New York, Inc., sued herein as
18 Doe 2, Supervisory Organization

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **COUNTY OF SAN DIEGO**

21 JOSE LOPEZ, an Individual,
22
23 Plaintiff,

24 v.

25 DOE 1, LINDA VISTA CHURCH; DOE 2,
26 SUPERVISORY ORGANIZATION; DOE 3,
27 PERPETRATOR; and DOES 4 through 100,
28 inclusive,

Defendants

F I L E D

Clerk of the Superior Court

APR 16 2018

By: M. SPIESMAN, Deputy

Case No. 37-2012-00099849-CU-PO-CTL

PROOF OF SERVICE

[Filed concurrently with Opposition to Brief]

Assigned to: Hon. Gregory W. Pollack

Date: April 27, 2018

Time: 9:30 a.m.

Dept.: 71

Trial Date: Vacated

PROOF OF SERVICE

Jose Lopez v. Doe I, Linda Vista Congregation, et al.
30-2012-00099849-CU-PO-CTL

I, the undersigned, am an employee of Clark Hill LLP, located at 1055 West Seventh Street, 24th Floor, Los Angeles, California, 90017 declare under penalty of perjury that I am over the age of eighteen (18) and not a party to this matter, action or proceeding.

On April 16, 2018, I served the foregoing document(s), described as follows:

- 1. **WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK INC.'S OPPOSITION TO THE ZALKIN FIRM'S MOTION TO MODIFY PROTECTIVE ORDER;**
- 2. **DECLARATION OF RYAN C. MCKIM**

" in this action by placing the original of the document true copies of the document in separate sealed envelopes addressed to the following party(ies) in this matter at the following address(es):

<p><u>Via Federal Express</u> Irwin M. Zalkin, Esq. Devin M. Storey, Esq. The Zalkin Law Firm, P.C. 12555 High Bluff Drive, Suite 301 San Diego, CA 92130 Tel: 858-259-3011 / Fax: 858-259-3015 Email: Irwin@zalkin.com dms@zalkin.com</p> <p><i>Attorneys for Plaintiff</i></p>	<p><u>Via Email Only</u> Francis J. McNamara 100 Watchtower Drive Patterson, NY 12563 Telephone: (845) 306-1000 Email: FMCNAMAR@jw.org</p> <p><i>Attorneys for Watchtower Bible and Tract Society of New York, Legal Department</i></p>
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BY OVERNIGHT DELIVERY: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to *Counsel for Plaintiff* at the addresses exhibited therewith. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to *attorneys for Watchtower Bible and Tract Society of New York, Legal Department*, at the e-mail address(es) exhibited therewith. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on April 16, 2018, at Los Angeles, California.

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


Maria T. Escobedo