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Attorneys for Plaintiff

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

TRACY CAEKAERT, and CAMILLIA)
MAPLEY,)

Plaintiffs,)

vs.)

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

Defendants,)

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

BRUCE MAPLEY, SR.,)
Cross Defendant.)

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

**PLAINTIFFS' MOTION TO
COMPEL RE: WAIVED
PRIVILEGE**

Plaintiffs, by and through counsel of record, respectfully move the Court to issue an Order concluding:

1. Bruce Mapley Sr. waived any privilege he may have had over his admission to sexually molesting Tracy Caekaert when he voluntarily disclosed that information to his entire family;
2. Gunnar Hain waived any privilege he may have had over his admission to sexually molesting Tracy Caekaert when he voluntarily disclosed that information to Bruce Mapley Sr.;
3. Defendants should produce all documents pertaining to Mapley Sr.'s and Hain's sexual molestation of Tracy Caekaert that are being withheld based on the claim of clergy-penitent privilege;
4. Counsel are not permitted to rely on the clergy-penitent privilege to instruct witnesses at depositions to not answer questions pertaining to Mapley Sr.'s and Hain's sexual abuse of Tracy Caekaert, including questions about how allegations of that abuse were handled by church elders in Hardin, MT and the Defendants.

A brief in support of this Motion is being filed contemporaneously herewith.

Pursuant to both Fed. R. Civ. Pro. 37 and L.R. 26.3, Plaintiffs' counsel certifies that they conferred with WTNY's counsel—through a series of written communications and a phone call—and that the result of such efforts was a

disagreement about whether Mapley Sr. and Hain had waived their respective claims of clergy-penitent privilege pertaining to their sexual molestation of Tracy Caekaert. At the end of that conferral process, WTNY stated that it objected to Plaintiffs' Motion and further stated that it did not believe Plaintiffs' counsel had met its obligations to confer under Fed. R. Civ. Pro. 37.¹

WTPA objects to this Motion.

Plaintiffs sought Mapley Sr.'s position on this Motion by email on August 8, 2022. While Mapley Sr. did not respond directly, his recent submission to the Court indicates that he objects. ECF Doc. 131 at 14.

DATED 11th day of August, 2022.

MEYER, SHAFFER & STEPANS PLLP

By: /s/ Ryan Shaffer
Ryan R. Shaffer
MEYER, SHAFFER & STEPANS PLLP
Attorneys for Plaintiffs

¹ WTNY did not specify why it believed that the parties' conferral efforts were insufficient.

CERTIFICATE OF SERVICE

Pursuant to Local Rule 1.4, this document has been served on all parties via electronic service through the Court's Case Management/Electronic Case Filing (CM/ECF) system.

By: /s/ Ryan Shaffer
Ryan R. Shaffer
MEYER, SHAFFER & STEPANS PLLP

Attorneys for Plaintiffs