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**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, )

Defendants. )

Cause No. CV 20-52-BLG-SPW

**AMENDMENT TO ANSWER TO  
FIRST AMENDED COMPLAINT,  
CROSS-CLAIM, AND DEMAND  
FOR JURY TRIAL OF  
DEFENDANT WATCHTOWER  
BIBLE AND TRACT SOCIETY OF  
NEW YORK, INC.**

COMES NOW Defendant Watchtower Bible and Tract Society of New York, Inc. (hereinafter “WTNY”), by and through its attorneys, and submits this Amendment to its Answer to First Amended Complaint, Cross-Claim, and Demand for Jury Trial dated July 27, 2020 (Doc. 27) (hereinafter “WTNY’s Answer”). This Amendment supplements and incorporates WTNY’s Answer as if fully set forth herein. As such, while the entire contents of WTNY’s Answer are not set forth below, WTNY maintains its Answer to the allegations in the First Amended Complaint as set forth in WTNY’s Answer, its affirmative defenses as set forth in WTNY’s Answer, its Cross-Claim against Bruce Mapley Sr. as set forth in WTNY’s Answer, and its Demand for Jury Trial as set forth in WTNY’s Answer. This Amendment adds the following affirmative defense to WTNY’s Answer:

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

By Plaintiffs’ Notice of Dismissal re: All Claims Against Defendant Bruce Mapley Sr. dated November 16, 2022 (Doc. 175), Plaintiffs gave notice of dismissing their claims against Bruce Mapley Sr. pursuant to Rule 41(a)(1)(A)(i), Fed.R.Civ.P. By Order Dismissing All Claims Against Defendant Bruce Mapley Sr. dated November 16, 2022 (Doc. 176), the Court dismissed all of Plaintiffs’ claims against Bruce Mapley Sr. Plaintiffs’ dismissal of their claims constitutes an abandonment thereof, and they have thus released Bruce Mapley Sr. from liability. (See Doc. 220, pp. 6-7).

Precisely because Plaintiffs have released Bruce Mapley Sr. from liability pursuant to Mont. Code Ann. § 27-1-703(6)(a), WTNY asserts that Plaintiffs' damages were caused in full or in part by Bruce Mapley, Sr. WTNY hereby provides notice pursuant to Mont. Code Ann. § 27-1-703(6)(f) to all parties in this matter that WTNY is asserting as an affirmative defense that Bruce Mapley Sr. is at fault and that his negligence and wrongdoing caused, in whole or in part, Plaintiffs' alleged injuries and damages.

A copy of this Amendment will be mailed to Bruce Mapley Sr. via certified mail, return receipt requested, as follows:

Bruce Mapley, Sr.  
3095 Caylan Cove  
Birmingham, AL 35215

DATED this 26<sup>th</sup> day of April, 2023.

By: /s/ Jon A. Wilson  
Jon A. Wilson  
BROWN LAW FIRM, P.C.  
*Attorneys for Defendant Watchtower  
Bible and Tract Society of New York,  
Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 26, 2023, a copy of the foregoing was served on the following person(s):

1. U.S. District Court, Billings Division
2. Robert L. Stepan/Ryan R. Shaffer/James C. Murnion  
MEYER, SHAFFER & STEPANS, PLLP  
430 Ryman Street  
Missoula, MT 59802
3. Matthew L. Merrill (appearing *pro hac vice*)  
MERRILL LAW, LLC  
1863 Wazee Street, Suite 3A  
Denver, CO 80202
4. Gerry P. Fagan/Christopher T. Sweeney/Jordan W. FitzGerald  
MOULTON BELLINGHAM PC  
P.O. Box 2559  
Billings, MT 59103-2559
5. Bruce G. Mapley Sr.  
3905 Caylan Cove  
Birmingham, AL 35215

by the following means:

<u>1-4</u> CM/ECF	_____ Fax
_____ Hand Delivery	_____ E-Mail
_____ U.S. Mail	_____ Overnight Delivery Services
<u>5</u> Certified Mail	

By: /s/ Jon A. Wilson  
Jon A. Wilson  
BROWN LAW FIRM, P.C.  
*Attorneys for Defendant Watchtower  
Bible and Tract Society of New York,  
Inc.*