

Consolidated Nos. 23-35329 & 23-35330

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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TRACY CAEKAERT and CAMILLIA MAPLEY;  
ARIANE ROWLAND and JAMIE SCHULZE,  
*Plaintiffs-Appellees,*

v.

PHILIP BRUMLEY,  
*Appellant,*

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;  
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA,  
*Defendants.*

On Consolidated Appeal from the United States District Court  
District of Montana Nos. CV-20-52-BLG-SPW & CV-20-59-BLG-SPW  
The Honorable Susan P. Watters

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**APPELLANT'S EXCERPTS OF RECORD  
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**IN THE UNITED STATES COURT OF APPEALS  
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TRACY CAEKAERT and CAMILLIA MAPLEY;  
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WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;  
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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 SOCIERY OF  
PENNSYLVANIA,

Defendants.

CV 20-52-BLG-SPW

ORDER

Before the Court is Plaintiffs Tracy Caekaert and Camillia Mapley's Affidavit/Declaration of Supporting Documents of Costs, Expenses, and Attorney Fees (Doc. 144) filed pursuant to the Court's grant of Plaintiff's Motion for Sanctions (Doc. 135, "Order"). Plaintiffs request \$190,723.11 for costs, expenses, and attorneys' fees. Defendant Watch Tower Bible and Tract Society of Pennsylvania ("WTPA") objects to some of the hours Plaintiffs' attorneys expended as excessive, redundant, or otherwise unnecessary. (Doc. 165). WTPA also asks the Court to stay the payment of sanctions pending appeal. (*Id.*). Plaintiffs did not file a reply brief.

For the following reasons, the Court grants Plaintiffs' counsel \$154,448.11 and denies WTPA's request to stay payment.

## **I. Background**

The Court outlined the facts of this case in the Order. (Doc. 135 at 1-3).

The Court adopts the Order's relevant background and recites only those additional facts necessary to analyzing Plaintiffs' fee request.

The Court granted Plaintiffs' Motion for Sanctions as to Philip Brumley, WTPA's General Counsel, and denied it as to Joel Taylor, Associate General Counsel for Defendant Watchtower Bible and Tract Society of New York. The Court ordered Plaintiffs to "submit a financial affidavit of all costs, expenses, and attorneys' fees directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit." (*Id.* at 14-15). Brumley timely objected.

## **II. Standard for Attorneys' Fees<sup>1</sup>**

Reasonable attorneys' fees are generally calculated with the lodestar method. The lodestar figure is the number of hours reasonably expended on a case multiplied by a reasonable hourly rate. *Kelly v. Wengler*, 822 F.3d 1085, 1099 (9th Cir. 2016). "A reasonable hourly rate is ordinarily the 'prevailing market rate [ ] in the relevant community.'" *Id.* (quoting *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551 (2010)). The lodestar figure "roughly approximates the fee that the

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<sup>1</sup> WTPA does not challenge the \$14,363.11 request for costs and expenses. As such, the Court only will discuss it in the final award calculation.

prevailing attorney would have received if he or she had been representing a paying client who was billed by the hour in a comparable case.” *Perdue*, 559 U.S. at 551 (emphasis omitted). It is thus a presumptively reasonable fee. *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013). The Court can increase or decrease the lodestar figure, based on factors not subsumed in the calculation. *Kelly*, 822 F.3d at 1099 (citations omitted).

The party seeking attorneys’ fees carries “the burden of documenting the appropriate hours expended in the litigation, and [is] required to submit evidence in support of those hours worked.” *United Steelworkers of Am. v. Ret. Income Plan for Hourly-Rated Emps. of Asarco, Inc.*, 512 F.3d 555, 565 (9th Cir. 2008) (internal quotations and citations omitted). Counsel, however, “are not required to record in great detail how each minute of [their] time was expended ... [but] only keep records in sufficient detail that a neutral judge can make a fair evaluation of the time expended, the nature and need for the service, and the reasonableness of fees to be allowed.” *Id.* (internal quotations and citations omitted). “[E]xcessive, redundant, or otherwise unnecessary” hours must be excluded from the request and award. *McCown v. City of Fontana*, 565 F.3d 1097, 1102 (9th Cir. 2009).

If a party demonstrates that their request is reasonable, the opposing party has the “burden of providing specific evidence to challenge the accuracy and reasonableness of the hours charged.” *McGrath v. County of Nevada*, 67 F.3d 248,

255 (9th Cir. 1995). When ruling, the awarding court must explain its determination of the lodestar amount “with sufficient specificity to permit an appellate court to determine whether the district court abused its discretion in the way the analysis was undertaken.” *McCown*, 565 F.3d at 1102.

### III. Analysis

#### A. Reasonableness of Attorneys’ Fee Request

##### 1. Meeting Time

The Court first will address WTPA’s argument that the hours Plaintiffs’ counsel spent in meetings is duplicative and excessive. (Doc. 165 at 23). WTPA contends that no more than 10 hours of meeting time are reasonable. (*Id.*).

“Participation of more than one attorney does not necessarily amount to unnecessary duplication of effort.” *Democratic Party of Wash. State v. Reed*, 388 F.3d 1281, 1286 (9th Cir. 2004). Rather, “[a]n award for time spent by two or more attorneys is proper as long as it reflects the distinct contribution of each lawyer to the case and the customary practice of multiple-lawyer litigation.” *Mardirossian v. Guardian Life Ins. Co. of Am.*, 457 F. Supp. 2d 1038, 1050 (C.D. Cal. 2006) (quoting *Johnson v. Univ. Coll.*, 706 F.2d 1205, 1208 (11th Cir. 1983)).

A “good faith effort to exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary” requires exclusion of duplicated effort among timekeepers. *See Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983) (an

attorney's duty to exercise “billing judgment [mandates that] [h]ours ... not properly billed to one's *client* also are not properly billed to one's *adversary* pursuant to statutory authority”) (emphasis original) (citations and internal quotation marks omitted).

Thus, when reviewing fee petitions in which multiple attorneys billed hours, the Court should carefully review the requested hours to determine if there was duplication of efforts, while considering, for example, the complexity of the case. *See Democratic Party of Wash. State*, 388 F.3d at 1286-87; *see also Walker v. U.S. Dep't of Hous. & Urban Dev.*, 99 F.3d 761, 768 (5th Cir. 1996) (“If more than one attorney is involved, the possibility of duplication of effort along with the proper utilization of time should be scrutinized.”).

Billing for multiple attorneys attending intra-firm meetings can be duplicative. *Strand v. Auto. Machinists Pension Trust*, Civil No. 06-1193-PK, 2007 WL 2029068, at \*6 (D. Or. July 11, 2007) (“Good billing judgment requires that time spent in conference among multiple attorneys be billed to only one of those attorneys.”). It is appropriate to exclude those hours billed by the attorney(s) with the lowest rates. *Id.*

The Court agrees with *Strand* that the meeting time here should be billed per conference, not per attorney. Plaintiffs did not provide any argument why the complexity of the issues discussed at the meetings or any other factor necessitated



four attorneys and a paralegal, and thus have not met their burden to show the reasonableness of billing for each attorney's meeting time. As such, the Court will allow a single recovery of 20.8 hours—the time Plaintiffs' attorneys spent in intra-firm meetings<sup>2</sup>—at \$300/hour—the highest billing rate—for a total of \$6,240.

2. *Robert Stepans*

WTPA disputes Robert Stepans' fee request for two reasons: (1) his time is generally not compensable because his work involved passive review of other attorneys' work, and a fourth billing attorney was not necessary for such tasks, and (2) his time logged for reviewing documents was block billed, not specific enough in terms of the documents reviewed, and thus too suspect for the Court to award compensation. (Doc. 165 at 15-16).

Excluding meeting time, Stepans logged 10 hours for document review, 23.2 hours for travel, and 2.6 hours for court time. (Doc. 144-3 at 7-8). Of the 10 hours listed for document review, 8.6 were between July 13, 2020 and March 20, 2021, for discovery document review, and 1.4 were dedicated to reviewing this Court's orders. (*Id.*). Stepans attached a list of the documents he reviewed and their Bates numbers. (*Id.* at 10). None of the Bates numbers in Stepans' list match those in

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<sup>2</sup> This excludes time spent meeting with third parties (*e.g.* meeting with consultant, Doc. 144-4 at 11, line 20 and calls with defense counsel, Doc. 144-2 at 11, line 64). The Court allows for recovery per attorney for such meetings. Additionally, the Court excludes the 3.8 hours billed by Matthew Merrill for meetings that no other attorneys nor the paralegal had on their time entries. (Doc. 144-5 at lines 15, 18, 25, 34, 46, 47, 50, and 54).

the other attorneys' lists. As for Stepan's travel and court time, Stepan argued for Plaintiffs at the April 5, 2022, hearing. (Doc. 130). The record is not clear if he argued at the June 23, 2021, hearing, however he did attend. Stepan logged 11.6 hours of travel time and 1.3 hours of court time for each hearing.

Given that Stepan reviewed documents that no other attorney reviewed and argued a motion for his clients, Stepan's role in the jurisdictional issues was not passive or limited to observing other attorneys. WTPA does not point to any specific entry in Stepan's log that would provide for the opposite conclusion. The Court also disagrees with WTPA's bare assertion that the jurisdictional issue was not so complex so as to require multiple attorneys. Plaintiffs' work on the jurisdictional dispute—excluding the related sanctions issue—lasted for 17 months and required review of thousands of documents. That is hardly straightforward, particularly since WTPA's unreasonable and vexatious actions fueled the dispute.

As for WTPA's contention that Stepan's block billing for document review is insufficiently specific, the Court disagrees. First, 8.6 hours over eight months is very little time, about one hour per month. Second, Stepan provided a list of the documents he reviewed and their Bates numbers. (Doc. 144-3 at 10). Because Stepan only logged one entry for discovery document review, the 8.6 hours must have been dedicated to reviewing the documents listed. This is defined enough to allow for recovery.

Accordingly, the Court allows for recovery of the time billed by Stepan (except meeting time). The Court will decrease his travel time for the hearings to match that of Ryan Shaffer (10 hours per hearing), since presumably both attorneys drove from Missoula and had similar (if not identical, if they were carpooling) travel times. Plaintiffs' counsel thus can recover 15.6 hours at \$300/hour and 20 hours at \$150/hour (for travel), for a total of \$7,680 for Stepan's fees.

3. *Matthew Merrill*

WTPA objects to the hours expended by Matthew Merrill for two reasons: (1) Merrill billed for time when he was not an attorney of record on the case, and (2) his blocked billed entries for document review are duplicative of work logged by other attorneys. (Doc. 165 at 17-18). The Court disagrees with both objections.

As to the argument that Merrill cannot recover because he was not an attorney of record, WTPA does not provide nor could the Court find a case that supports such a rule. In fact, WTPA's argument is undercut by the fact that a paralegal—who can never be an attorney of record—can nonetheless recover for legal work performed on the case. It is a regular practice for non-attorneys-of-record to recover their fees.

As to WTPA's block billing argument, the record does not demonstrate that Merrill's work was duplicative of other attorneys' work. First, none of the Bates numbers on Merrill's document log match those on other attorneys' logs. Second,

the fact that Stepan and Merrill block billed for review of the same broad category of documents over the same seven-month period does not support an inference that their work was identical. (*Cf.* Doc. 144-3 at 7 and Doc. 144-5 at 7). Had WTPA provided any support for such an assertion, the Court would be willing to entertain it. However, WTPA pointed to no specific evidence to support such an objection and thus failed to meet its burden. *See McGrath*, 67 F.3d at 255.

For these reasons, the Court awards Merrill's request for 67.2 hours at \$300 an hour, for a total recovery of \$20,160.

#### 4. *Document Review Time*

WTPA next objects generally to the hours spent reviewing documents as "grossly unreasonable" and unreliable. (Doc. 165 at 18). WTPA points out that the four attorneys seeking fees for document review have identical entries for document review: "Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana." (*See* Doc. 144-2 at 9; Doc. 144-3 at 7; Doc. 144-4 at 10; Doc. 144-5 at 7). James Murnion is the only attorney who specified in his entries the Bates numbers for the documents he reviewed. (Doc. 144-4 at 10). WTPA argues that the lack of specificity of the attorneys' entries in terms of the time allotments and the specific documents reviewed should be looked at with skepticism. (Doc. 165 at 19). WTPA again asks the Court to infer, without providing specific evidence, that

the documents reviewed by each attorney were the same, presumably because they are described in the time entries the same way.

As to Murnion, WTPA contends that many of the documents he reviewed were produced by Plaintiffs and reviewed for preparing their complaint, so his time is not recoverable. (*Id.* at 19-20). WTPA also argues that Murnion should not recover fees for 41.6 hours of reviewing documents “flagged in the document management spreadsheet as potentially PJ relevant” because the description is too vague. (*Id.* at 20 (citing Doc. 144-4 at 13)).

The Court disagrees with WTPA on each of these points. First, each attorney provided a list of the documents they each reviewed and their Bates numbers. (Doc. 144-2 at 15-16; Doc. 144-3 at 10; Doc. 144-4 at 15-22; Doc. 144-5 at 12-16). The lists are specific enough to overcome the skepticism with which the Court must review block billed entries and for the Court to conclude that the attorneys did not bill to review any of same documents. Second, WTPA did not cite nor could the Court find a rule that categorically prohibits a party from billing for time spent reviewing their own documents, or billing for re-reviewing documents when the related issue is different from the issue presented when the document was originally reviewed. The Court does not expect any attorney to commit to memory the contents of every document after reading it once, let alone apply the contents of a document to a new context.

Accordingly, the Court rejects WTPA's objections to time billed by Plaintiffs' attorneys for document review.

5. *Tasks Unrelated to Jurisdictional Dispute*

The Court can only award fees for time "reasonably incurred because of" conduct that "multiplies the proceedings in any case unreasonably and vexatiously." 28 U.S.C. § 1927. In determining the scope of allowable sanctions under § 1927, the Court applies a but-for test. *Redding v. Prosight Specialty Mgmt. Co., Inc.*, CV 12-98-H-CCL, 2017 WL 5526353, at \*3 (D. Mont. Nov. 17, 2017). Any sanctions must be compensatory rather than punitive. *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 108 (2017).

Here, the Court limited its award to "all costs, expenses, and attorney's fees directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit." (Doc. 135 at 14).

a. *Hardin Congregation Subpoena and Motion to Compel*

WTPA argues that all hours related to Plaintiffs' subpoena and subsequent Motion to Compel (Doc. 58) concern clergy-penitent privilege, not jurisdiction. (Doc. 165 at 22).

WTPA's understanding of the subpoena of and motion to compel the Hardin Congregation is overly narrow and ignores the larger context in which those filings

existed. It is true that the legal issue disputed in the motion to compel was clergy-penitent privilege. However, the documents requested in the subpoena and the documents Plaintiffs sought to compel production of directly informed the jurisdictional issue. The Court need not look further than the title of the scheduling order in which the Court allowed for a third-party subpoena of the Hardin Congregation: Joint *Jurisdictional* Discovery Plan. (Doc. 42) (emphasis added). Plaintiffs' motion to compel further supports this conclusion. (Doc. 58).

Thus, the time Plaintiffs' counsel spent on the subpoena of the Hardin Congregation and the subsequent motion to compel are within the scope of recoverable fees outlined by the Order.

b. *Obtaining Sanctions*

WTPA next argues that the time Plaintiffs' counsel spent pursuing sanctions should be excluded as beyond the scope of the Order. The Court disagrees. The Order defined the scope of recoverable fees as those "directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit." (Doc. 135 at 14). Plaintiffs' Motion for Sanctions was a direct result of their efforts to respond to WTPA's motion to dismiss: Had WTPA not filed its motion to dismiss based on their jurisdictional arguments, Plaintiffs would not have requested sanctions.

Ninth Circuit caselaw supports an award for hours spent obtaining sanctions. In *Blixseth*, the Ninth Circuit explained that § 1927 “permits recovery of fees ‘incurred because of [the sanctionable] conduct,’ and that were there no sanctionable conduct, there would have been no proceeding to impose sanctions, and no fees incurred in that proceeding.” *Blixseth v. Yellowstone Mountain Club, LLC*, 854 F.3d 626, 631 (9th Cir. 2017) (quoting *Norelus v. Denny’s Inc.*, 628 F.3d 1270, 1297-1302 (11th Cir. 2010)). “[E]xcluding the costs of obtaining the sanctions award would not fully compensate the harmed party for the wrongful conduct it has suffered.” *Id.* (citing *Norelus*, 628 F.3d at 1298; *Haynes v. City and Cty. Of San Francisco*, 688 F.3d 984, 987-88 (9th Cir. 2012)).

Based on the Order and Ninth Circuit caselaw, the Court declines to exclude the hours billed for obtaining sanctions from the fee request.

6. *Response Brief to WTPA’s Motion to Dismiss*

WTPA next contends that the hours billed by Shaffer and Murnion for drafting the response brief to the motion to dismiss are suspect and excessive. (Doc. 165 at 23). WTPA argues the claimed hours are suspect because the time is blocked billed and the brief “was never filed.” (*Id.*). Additionally, WTPA asserts that billing 65.5 hours for work by two attorneys (28 hours billed by Shaffer and 35.5 hours by Murnion) in a single day for a response brief is both literally impossible and generally excessive. (*Id.*).



As to WTPA's first argument, the Court disagrees that it should disregard any hours billed for drafting the response brief because it "was never filed." Plaintiffs filed their response brief to the motion to dismiss on November 5, 2021. (Doc. 96). Thus, the Court can only assume that WTPA takes issue with the fact that it had withdrawn its motion to dismiss before Plaintiffs filed their response brief. Importantly, though, WTPA filed its notice of withdrawal the same day Plaintiffs filed their response brief. (Doc. 94). WTPA's withdrawal also came 16 months after it filed the motion, after extensive discovery disputes over the jurisdictional argument with which WTPA sought to dispose of the case, and after repeated requests by Plaintiffs to withdraw the motion. (*See* Doc. 95). Plaintiffs acknowledged in a notice to the Court that WTPA withdrew its motion but explained that they still intended to file their response brief to "make a record as to how WTPA attempted to mislead this Court." (*Id.* at 3).

Though the Court never considered Plaintiffs' response brief, the Court understands Plaintiffs' reasons for still filing their brief, since Brumley's sanctionable conduct permitted WTPA to move to dismiss and multiplied the proceedings for 17 months through jurisdictional discovery and motions to compel. (Doc. 135 at 13). The Court declines to exclude the hours spent on the response brief for that reason.

However, the Court agrees with WTPA that the hours billed are suspect and excessive. Both Shaffer and Murnion claimed to have worked on the response brief on November 5, 2021, for more hours than are in a day. Had they provided the Court with a date range on which they worked on the brief, the Court would likely look at the hours with less suspicion.

Even assuming Shaffer and Murnion worked on the response brief over a longer period of time, Plaintiffs do not justify why 65.6 hours was necessary. The hours also are block billed, so the Court cannot scrutinize the specific hours spent on the brief. Thus, the Court finds it appropriate to reduce the hours Shaffer and Murnion billed for drafting the response to WTPA's motion to dismiss.

WTPA did not suggest a reasonable number of hours that the attorneys should have spent on the response, or a means by which the Court should reduce the hours. And since Shaffer and Murnion block billed these hours, the Court cannot cut specific hours. Because of the lack of guidance provided by the parties and the ambiguity of the time entries, the Court will make "across-the-board percentage cuts" to hours claimed by Shaffer and Murnion. *Gates v. Deukmejian*, 987 F.2d 1392, 1399 (9th Cir. 1992). The Court may employ this "meat-axe approach," so long as it articulates its reasoning for selecting specific percentage deductions. *Id.*

The Court recognizes that the jurisdictional issue was complicated, and Plaintiffs' counsel were obstructed from obtaining the information necessary to timely resolve the motion to dismiss. Thus, the Court finds that hours in excess of a simpler case are justified. At the same time, the Court agrees with WTPA's assertion that 65.6 hours is grossly excessive. Given these competing factors, the Court finds that a 25% cut to the hours billed by Shaffer and Murnion for drafting the response brief is appropriate. Thus, Shaffer and Murnion can recover for 20.25 and 22.5 hours, respectively, for their time spent on the response brief.

#### 7. *Paralegal Fees*

Fees for work done by paralegals are compensable, so long as the work performed is work otherwise performed by a lawyer and billed at a higher rate. *See Missouri v. Jenkins by Agyei*, 491 U.S. 274, n.10 (1989). Such work includes factual investigation, assisting with discovery, checking legal citations, and drafting correspondence. *Id.* "Purely clerical or secretarial tasks should not be billed at a paralegal rate, regardless of who performs them." *Id.*

Courts have ruled on whether the individual tasks billed by Jessica Yuhas are clerical or work of an attorney. As stated in *Jenkins*, checking legal citations is not clerical. *Id.* *See also eMove Inc. v. SMD Software Inc.*, No. CV-10-02052-PHX-JRG, 2012 WL 4856276, at \*7 (D. Ariz. Oct. 11, 2012) (collecting cases holding that cite-checking is not a clerical or secretarial task). Assembling,

photocopying, and mailing exhibits and pleadings is clerical, as is proofreading, filing, Bates numbering, and calendaring. *eMove*, 2012 WL 4856276, at \*7; *Hopi Tribe v. United States*, 55 Fed. Cl. 81, 99 (Fed. Cl. 2002).

Here, Yuhas billed 50 hours for Bates numbering and organizing incoming documents; 40.2 hours for proofreading, checking citations, creating and organizing exhibits, creating duplicate filings for the companion cases, and converting documents to .pdf for filing; and 19.6 hours for filing pleadings, facilitating service of documents, and mailing letters. (Doc. 144-6 at 8-11).<sup>3</sup> All these tasks except checking citations are clerical.

Accordingly, the Court excludes from the fee award Yuhas' 50 hours for Bates numbering and organizing incoming documents, and 19.6 hours for filing pleadings, facilitating service of documents, and mailing letters. As for the 40.2 remaining hours, neither party suggests how the Court should decrease the hours requested. Nor does Yuhas specify in her time entries when she was cite-checking. As such, the Court will apply a percentage reduction.

Checking citations is only one of five tasks included in the 40.2 hours requested for Yuhas' time. However, the Court recognizes that, proportional to the other tasks listed, checking citations likely takes a significant amount of time.

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<sup>3</sup> Yuhas also billed 23.4 hours for meeting time. (Doc. 144-6 at 11). As the Court already has discussed, she may recover for the 5.5 hours spent meeting with a third-party consultant, but none of the remaining hours for intra-firm meetings.

Balancing these factors, the Court finds that a 50% reduction to the 40.2 is appropriate. Thus, Yuhas may recover 5.5 hours for meeting time and 20.1 hours for checking citations, for a total of 25.6 hours at \$75/hour, or \$1,920.

8. *Computation of Final Award*

Applying the cuts the Court has found to be appropriate, the reimbursable hours, excluding travel, are:

- Shaffer: 165.85 hours, at \$300/hour, for a total of \$49,755
- Stepan: 15.6 hours, at \$300/hour, for a total of \$4,680
- Murnion: 236.65 hours, at \$200/hour, for a total of \$47,330
- Merrill: 67.2 hours, at \$300/hour, for a total of \$20,160
- Yuhas: 25.6 hours, at \$75/hour, for a total of \$1,920
- Intra-Firm Meetings: 20.8 hours, at \$300/hour, for a total of \$6,240

The reimbursable travel hours are:

- Shaffer: 40 hours, at \$150/hour, for a total of \$6,000
- Stepan: 20 hours, at \$150/hour, for a total of \$3,000
- Murnion: 10 hours, at \$100/hour, for a total of \$1,000

Each person may recover as follows:

- Shaffer: \$55,755
- Stepan: \$7,680
- Murnion: \$48,330
- Merrill: \$20,160
- Yuhas: \$1,920
- Intra-Firm Meetings: \$6,240

WTPA therefore owes Plaintiffs' counsel \$140,085 in attorneys' fees.

Combined with the \$14,363.11 request for costs and expenses, WTPA owes Plaintiffs' counsel \$154,448.11 in sanctions. This award covers the total amount

owed by WTPA for its conduct in this case and in the companion case, *Rowland v. Watchtower Tract and Bible Society of New York*, CV 20-59-BLG-SPW.

*B. Staying Order of Payment*

WTPA lastly requests that the Court stay any order of payment pending its appeal of the Court's imposition of sanctions. (Doc. 165 at 25-32). In deciding whether to stay a sanctions order pending appeal, the Court considers four factors: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). The moving party need not show it is "more likely than not" that he will succeed on the merits, only that substantial or serious legal questions exist for appeal. *W. Sec. Bank v. Schneider Ltd. P'ship*, No. CV 15-10-BLG-SPW-CSO, 2015 WL 9641678, at \*2 (D. Mont. Dec. 21, 2015).

Here, WTPA argues that serious legal questions exist as to whether Brumley qualifies as a sanctionable attorney under 28 U.S.C. § 1927. Section 1927 states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

WTPA argues that Ninth Circuit law implies, and out of circuit district and appeals courts have held, that in-house counsel who is not an attorney of record in the case is not considered an attorney under § 1927. (Doc. 165 at 26-31). WTPA also argues that requiring immediate payment would impose financial hardship on Brumley and irreparably harm his reputation, while granting a stay would not injure Plaintiffs or impact the public interest. (*Id.* at 31-32).

As for the first factor, the Court need not address the substance of WTPA's argument because WTPA did not raise this issue in its response brief to Plaintiffs' Motion for Sanctions when it was appropriate to do so and thus has waived the argument. If WTPA argues it on appeal, the Ninth Circuit likely will disregard it as raised for the first time on appeal. *Raich v. Gonzalez*, 500 F.3d 850 (9th Cir. 2007). Further, an interlocutory appeal would fail because an order of sanctions is not an immediately appealable issue. *See Beck v. Test Masters Edu. Servs., Inc.*, 937 F. Supp. 2d 85, 87 (D.D.C. 2013) (denying motion to stay payment of sanctions because an order for sanctions is not an appealable issue, thus the party had not shown a likelihood of success on the merits). This factor thus weighs heavily against granting a stay.

As to the financial injury to Brumley, “[i]t is elementary that, in most circumstances, a payment of money causes no irreparable harm.” *Id.* (citing *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam)). “The key

word in this consideration is *irreparable*,” and money is almost always recoverable. *Id.*; *Wis. Gas Co.*, 758 F.2d at 674. In contrast, harm to Brumley’s reputation is irreparable. Thus, the Court gives some weight to this factor.

As to the third factor, the fact that Plaintiffs’ counsel “would have to wait years until an appeal is resolved to collect its reasonable attorneys’ fees and costs” constitutes an injury, particularly here where the Motion for Sanctions was filed almost a year and a half ago and the Order on the motion was filed seven months ago. *Metal Jeans, Inc. v. Metal Sport, Inc.*, No. CV 15-08987-DDP (RAOx), 2019 WL 1427104, at \*2 (C.D. Cal. Jan. 15, 2019). This factor weighs against a stay.

Lastly, as to the public interest, the Court disagrees with WTPA that the public interest is unaffected. The public interest can be general and lie in the timely resolution of disputes and the consistent enforcement of court orders. *Stargaze Mgmt. v. George Smith Partners, Inc.*, No. CV-15-02755-R, 2015 WL 12656917, at \*1 (C.D. Cal. Nov. 6, 2015). This factor weighs against a stay.


Considering the weight of the factors together, and in particular the heavy weight of the first factor against a stay, it is clear that stay is inappropriate. The only support for a stay is the harm to Brumley’s reputation, which is not enough to overcome the weight of the other factors. As such, the Court denies WTPA’s request to stay payment of sanctions.



#### IV. Conclusion

For these reasons, Plaintiffs' attorneys are awarded \$154,448.11 for WTPA's sanctioned conduct in this case and in the companion case, *Rowland v. Watchtower Tract and Bible Society of New York*, CV 20-59-BLG-SPW. The Court denies WTPA's request to stay payment of this sanction pending appeal.

DATED the 14<sup>th</sup> day of April, 2023.

  
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SUSAN P. WATTERS  
UNITED STATES DISTRICT JUDGE

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

ARIANE ROWLAND and JAMIE  
SCHULZE,

Plaintiff,

vs.

WATCH TOWER BIBLE AND  
TRACT SOCIETY OF NEW YORK,  
INC., WATCH TOWER BIBLE AND  
TRACT SOCIETY OF  
PENNSYLVANIA,

Defendants.

CV 20-59-BLG-SPW

ORDER

Before the Court is Plaintiffs Ariane Rowland and Jamie Schulze's Affidavit/Declaration of Supporting Documents of Costs, Expenses, and Attorney Fees (Doc. 123) filed pursuant to the Court's grant of Plaintiff's Motion for Sanctions (Doc. 120, "Order"). Plaintiffs request \$190,723.11 for costs, expenses, and attorneys' fees. Defendant Watch Tower Bible and Tract Society of Pennsylvania ("WTPA") objects to some of the hours Plaintiffs' attorneys expended as excessive, redundant, or otherwise unnecessary. (Doc. 139). WTPA also asks the Court to stay the payment of sanctions pending appeal. (*Id.*). Plaintiffs did not file a reply brief.

For the following reasons, the Court grants Plaintiffs' counsel \$154,448.11 and denies WTPA's request to stay payment.

## **I. Background**

The Court outlined the facts of this case in the Order. (Doc. 120 at 1-3). The Court adopts the Order's relevant background and recites only those additional facts necessary to analyzing Plaintiffs' fee request.

The Court granted Plaintiffs' Motion for Sanctions as to Philip Brumley, WTPA's General Counsel, and denied it as to Joel Taylor, Associate General Counsel for Defendant Watchtower Bible and Tract Society of New York. The Court ordered Plaintiffs to "submit a financial affidavit of all costs, expenses, and attorneys' fees directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit." (*Id.* at 14-15). Brumley timely objected.

## **II. Standard for Attorneys' Fees<sup>1</sup>**

Reasonable attorneys' fees are generally calculated with the lodestar method. The lodestar figure is the number of hours reasonably expended on a case multiplied by a reasonable hourly rate. *Kelly v. Wengler*, 822 F.3d 1085, 1099 (9th Cir. 2016). "A reasonable hourly rate is ordinarily the 'prevailing market rate [ ] in

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<sup>1</sup> WTPA does not challenge the \$14,363.11 request for costs and expenses. As such, the Court only will discuss it in the final award calculation.

the relevant community.” *Id.* (quoting *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551 (2010)). The lodestar figure “roughly approximates the fee that the prevailing attorney would have received if he or she had been representing a paying client who was billed by the hour in a comparable case.” *Perdue*, 559 U.S. at 551 (emphasis omitted). It is therefore a presumptively reasonable fee. *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013). The Court can increase or decrease the lodestar figure, based on factors not subsumed in the calculation. *Kelly*, 822 F.3d at 1099 (citations omitted).

The party seeking attorneys’ fees carries “the burden of documenting the appropriate hours expended in the litigation, and [is] required to submit evidence in support of those hours worked.” *United Steelworkers of Am. v. Ret. Income Plan for Hourly-Rated Emps. of Asarco, Inc.*, 512 F.3d 555, 565 (9th Cir. 2008) (internal quotations and citations omitted). Counsel, however, “are not required to record in great detail how each minute of [their] time was expended ... [but] only keep records in sufficient detail that a neutral judge can make a fair evaluation of the time expended, the nature and need for the service, and the reasonableness of fees to be allowed.” *Id.* (internal quotations and citations omitted). “[E]xcessive, redundant, or otherwise unnecessary” hours must be excluded from the request and award. *McCown v. City of Fontana*, 565 F.3d 1097, 1102 (9th Cir. 2009).

If a party demonstrates that their request is reasonable, the opposing party has the “burden of providing specific evidence to challenge the accuracy and reasonableness of the hours charged.” *McGrath v. County of Nevada*, 67 F.3d 248, 255 (9th Cir. 1995). When ruling, the awarding court must explain its determination of the lodestar amount “with sufficient specificity to permit an appellate court to determine whether the district court abused its discretion in the way the analysis was undertaken.” *McCown*, 565 F.3d at 1102.

### III. Analysis

#### A. Reasonableness of Attorneys’ Fee Request

##### 1. Meeting Time

The Court first will address WTPA’s argument that the hours Plaintiffs’ counsel spent in meetings are duplicative and excessive. (Doc. 139 at 23). WTPA contends that no more than 10 hours of meeting time is reasonable. (*Id.*).

“Participation of more than one attorney does not necessarily amount to unnecessary duplication of effort.” *Democratic Party of Wash. State v. Reed*, 388 F.3d 1281, 1286 (9th Cir. 2004). Rather, “[a]n award for time spent by two or more attorneys is proper as long as it reflects the distinct contribution of each lawyer to the case and the customary practice of multiple-lawyer litigation.” *Mardirossian v. Guardian Life Ins. Co. of Am.*, 457 F. Supp. 2d 1038, 1050 (C.D. Cal. 2006) (quoting *Johnson v. Univ. Coll.*, 706 F.2d 1205, 1208 (11th Cir. 1983)).

A “good faith effort to exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary” requires exclusion of duplicated effort among timekeepers. *See Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983) (an attorney's duty to exercise “billing judgment [mandates that] [h]ours ... not properly billed to one's *client* also are not properly billed to one's *adversary* pursuant to statutory authority”) (emphasis original) (citations and internal quotation marks omitted).

Thus, when reviewing fee petitions in which multiple attorneys billed hours, the Court should carefully review the requested hours to determine if there was duplication of efforts, while considering, for example, the complexity of the case. *See Democratic Party of Wash. State*, 388 F.3d at 1286-87; *see also Walker v. U.S. Dep't of Hous. & Urban Dev.*, 99 F.3d 761, 768 (5th Cir. 1996) (“If more than one attorney is involved, the possibility of duplication of effort along with the proper utilization of time should be scrutinized.”).

Billing for multiple attorneys attending intra-firm meetings can be duplicative. *Strand v. Auto. Machinists Pension Trust*, Civil No. 06-1193-PK, 2007 WL 2029068, at \*6 (D. Or. July 11, 2007) (“Good billing judgment requires that time spent in conference among multiple attorneys be billed to only one of those attorneys.”). It is appropriate to exclude those hours billed by the attorney(s) with the lowest rates. *Id.*

The Court agrees with *Strand* that the meeting time here should be billed per conference, not per attorney. Plaintiffs did not provide any argument why the complexity of the issues discussed at the meetings or any other factor necessitated four attorneys and a paralegal, and thus have not met their burden to show the reasonableness of billing for each attorney's meeting time. As such, the Court will allow a single recovery of 20.8 hours—the time Plaintiffs' attorneys spent in intra-firm meetings<sup>2</sup>—at \$300/hour—the highest billing rate—for a total of \$6,240.

2. *Robert Stepan*

WTPA disputes Robert Stepan's fee request for two reasons: (1) his time is generally not compensable because his work involved passive review of other attorneys' work, and a fourth billing attorney was not necessary for such tasks, and (2) his time logged for reviewing documents was block billed, not specific enough in terms of the documents reviewed, and thus too suspect for the Court to award compensation. (Doc. 139 at 15-16).

Excluding meeting time, Stepan logged 10 hours for document review, 23.2 hours for travel, and 2.6 hours for court time. (Doc. 123-3 at 7-8). Of the 10 hours listed for document review, 8.6 were between July 13, 2020, and March 20, 2021,

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<sup>2</sup> This excludes time spent meeting with third parties (*e.g.* meeting with consultant, Doc. 123-4 at 11, line 20 and calls with defense counsel, Doc. 123-2 at 11, line 64). The Court allows for recovery per attorney for such meetings. Additionally, the Court excludes the 3.8 hours billed by Matthew Merrill for meetings that no other attorneys nor the paralegal had on their time entries. (Doc. 123-5 at lines 15, 18, 25, 34, 46, 47, 50, and 54).

for discovery document review, and 1.4 were dedicated to reviewing this Court's orders. (*Id.*). Stepans attached a list of the documents he reviewed and their Bates numbers. (*Id.* at 10). None of the Bates numbers in Stepans' list match those in the other attorneys' lists. As for Stepans' travel and court time, Stepans argued for Plaintiffs at the April 5, 2022, hearing. (Doc. 119). The record is not clear if he argued at the June 23, 2021, hearing, however he did attend. Stepan logged 11.6 hours of travel time and 1.3 hours of court time for each hearing.

Given that Stepans reviewed documents that no other attorney reviewed and argued a motion for his clients, Stepans' role in the jurisdictional issues was not passive or limited to observing other attorneys. WTPA does not point to any specific entry in Stepans' log that would provide for the opposite conclusion. The Court also disagrees with WTPA's bare assertion that the jurisdictional issue was not so complex so as to require multiple attorneys. Plaintiffs' work on the jurisdictional dispute—excluding the related sanctions issue—lasted for 17 months and required review of thousands of documents. That is hardly straightforward, particularly since WTPA's unreasonable and vexatious actions fueled the dispute.

As for WTPA's contention that Stepans' block billing for document review is insufficiently specific, the Court disagrees. First, 8.6 hours over eight months is very little time, about one hour per month. Second, Stepans provided a list of the documents he reviewed and their Bates numbers. (Doc. 123-3 at 10). Because



Stepans only logged one entry for discovery document review, the 8.6 hours must have been dedicated to reviewing the documents listed. This is defined enough to allow for recovery.

Accordingly, the Court allows for recovery of the time billed by Stepans (except meeting time). The Court will decrease his travel time for the hearings to match that of Ryan Shaffer (10 hours per hearing), since presumably both attorneys drove from Missoula and had similar (if not identical, if they were carpooling) travel times. Plaintiffs' counsel thus can recover 15.6 hours at \$300/hour and 20 hours at \$150/hour (for travel), for a total of \$7,680 for Stepans' fees.

3. *Matthew Merrill*

WTPA objects to the hours expended by Matthew Merrill for two reasons: (1) Merrill billed for time when he was not an attorney of record on the case, and (2) his blocked billed entries for document review are duplicative of work logged by other attorneys. (Doc. 129 at 17-18). The Court disagrees with both objections.

As to the argument that Merrill cannot recover because he was not an attorney of record, WTPA does not provide nor could the Court find a case that supports such a rule. In fact, WTPA's argument is undercut by the fact that a paralegal—who can never be an attorney of record—can nonetheless recover for legal work performed on the case. It is a regular practice for non-attorneys-of-record to recover their fees.

As to WTPA's block billing argument, the record does not demonstrate that Merrill's work was duplicative of other attorneys' work. First, none of the Bates numbers on Merrill's document log match those on other attorneys' logs. Second, the fact that Stepan and Merrill block billed for review of the same broad category of documents over the same seven-month period does not support an inference that their work was identical. (*Cf.* Doc. 123-3 at 7 and Doc. 123-5 at 7). Had WTPA provided any support for such an assertion, the Court would be willing to entertain it. However, WTPA pointed to no specific evidence to support such an objection and thus failed to meet its burden. *See McGrath*, 67 F.3d at 255.

For these reasons, the Court awards Merrill's request for 67.2 hours at \$300 an hour, for a total recovery of \$20,160.

#### 4. *Document Review Time*

WTPA next objects generally to the hours spent reviewing documents as "grossly unreasonable" and unreliable. (Doc. 139 at 18). WTPA points out that the four attorneys seeking fees for document review have identical entries for document review: "Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana." (*See* Doc. 123-2 at 9; Doc. 123-3 at 7; Doc. 123-4 at 10; Doc. 123-5 at 7). James Murnion is the only attorney who specified in his entries the Bates numbers for the documents he reviewed. (Doc. 123-4 at 10). WTPA argues that

the lack of specificity of the attorneys' entries in terms of the time allotments and the specific documents reviewed should be looked at with skepticism. (Doc. 139 at 19). WTPA again asks the Court to infer, without providing specific evidence, that the documents reviewed by each attorney were the same, presumably because they are described in the time entries the same way.

As to Murnion, WTPA contends that many of the documents he reviewed were produced by Plaintiffs and reviewed for preparing their complaint, so his time is not recoverable. (*Id.* at 19-20). WTPA also argues that Murnion should not recover fees for 41.6 hours of reviewing documents "flagged in the document management spreadsheet as potentially PJ relevant" because the description is too vague. (*Id.* at 20 (citing Doc. 123-4 at 13)).

The Court disagrees with WTPA on each of these points. First, each attorney provided a list of the documents they each reviewed and their Bates numbers. (Doc. 123-2 at 15-16; Doc. 123-3 at 10; Doc. 123-4 at 15-22; Doc. 123-5 at 12-16). The lists are specific enough to overcome the skepticism with which the Court must review block billed entries and for the Court to conclude that the attorneys did not bill to review any of same documents. Second, WTPA did not cite nor could the Court find a rule that categorically prohibits a party from billing for time spent reviewing their own documents, or billing for re-reviewing documents when the related issue is different from the issue presented when the

document was originally reviewed. The Court does not expect any attorney to commit to memory the contents of every document after reading it once, let alone apply the contents of a document to a new context.

Accordingly, the Court rejects WTPA's objections to time billed by Plaintiffs' attorneys for document review.

5. *Tasks Unrelated to Jurisdictional Dispute*

The Court can only award fees for time "reasonably incurred because of" conduct that "multiplies the proceedings in any case unreasonably and vexatiously." 28 U.S.C. § 1927. In determining the scope of allowable sanctions under § 1927, the Court applies a but-for test. *Redding v. Prosight Specialty Mgmt. Co., Inc.*, CV 12-98-H-CCL, 2017 WL 5526353, at \*3 (D. Mont. Nov. 17, 2017). Any sanctions must be compensatory rather than punitive. *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 108 (2017).

Here, the Court limited its award to "all costs, expenses, and attorney's fees directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit." (Doc. 120 at 14).

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a. *Hardin Congregation Subpoena and Motion to Compel*

WTPA argues that all hours spent on Plaintiffs' subpoena and subsequent Motion to Compel (Doc. 48) concern clergy-penitent privilege, not jurisdiction. (Doc. 139 at 22).

WTPA's understanding of the subpoena of and Motion to Compel the Hardin Congregation is overly narrow and ignores the larger context in which those filings existed. It is true that the legal issue disputed in the Motion to Compel was clergy-penitent privilege. However, the documents requested in the subpoena and the documents Plaintiffs sought to compel production of directly informed the jurisdictional issue. The Court need not look further than the title of the scheduling order in which the Court allowed for a third-party subpoena of the Hardin Congregation: *Joint Jurisdictional Discovery Plan*. (Doc. 34) (emphasis added). Plaintiffs' motion to compel further supports this conclusion. (Doc. 48).

Thus, the time Plaintiffs' counsel spent on the subpoena of the Hardin Congregation and the subsequent motion to compel are within the scope of recoverable fees outlined by the Order.

b. *Obtaining Sanctions*

WTPA next argues that the time Plaintiffs' counsel spent pursuing sanctions should be excluded as beyond the scope of the Order. The Court disagrees. The Order defined the scope of recoverable fees as those "directly resulting from their

efforts to respond to WTPA’s motion to dismiss and conducting jurisdictional discovery in response to WTPA’s motion to dismiss and Brumley’s affidavit.” (Doc. 120 at 14). Plaintiffs’ Motion for Sanctions was a direct result of their efforts to respond to WTPA’s motion to dismiss: Had WTPA not filed its motion to dismiss based on their jurisdictional arguments, Plaintiffs would not have requested sanctions.

Ninth Circuit caselaw supports an award for hours spent obtaining sanctions. In *Blixseth*, the Ninth Circuit explained that § 1927 “permits recovery of fees ‘incurred because of [the sanctionable] conduct,’ and that were there no sanctionable conduct, there would have been no proceeding to impose sanctions, and no fees incurred in that proceeding.” *Blixseth v. Yellowstone Mountain Club, LLC*, 854 F.3d 626, 631 (9th Cir. 2017) (quoting *Norelus v. Denny’s Inc.*, 628 F.3d 1270, 1297-1302 (11th Cir. 2010)). “[E]xcluding the costs of obtaining the sanctions award would not fully compensate the harmed party for the wrongful conduct it has suffered.” *Id.* (citing *Norelus*, 628 F.3d at 1298; *Haynes v. City and Cty. Of San Francisco*, 688 F.3d 984, 987-88 (9th Cir. 2012)).

Based on the Order and Ninth Circuit caselaw, the Court declines to exclude the hours billed for obtaining sanctions from the fee request.

6. *Response Brief to WTPA's Motion to Dismiss*

WTPA next contends that the hours billed by Shaffer and Murnion for drafting the response brief to the motion to dismiss are suspect and excessive. (Doc. 139 at 23). WTPA argues the claimed hours are suspect because the time is blocked billed and the brief “was never filed.” (*Id.*). Additionally, WTPA asserts that billing 65.5 hours for work by two attorneys (28 hours billed by Shaffer and 35.5 hours by Murnion) in a single day for a response brief is both literally impossible and generally excessive. (*Id.*).

As to WTPA's first argument, the Court disagrees that it should disregard any hours billed for drafting the response brief because it “was never filed.” Plaintiffs filed their response brief to the motion to dismiss on November 5, 2021. (Doc. 86). Thus, the Court can only assume that WTPA takes issue with the fact that it had withdrawn its motion to dismiss before Plaintiffs filed their response brief. Importantly, though, WTPA filed its notice of withdrawal the same day Plaintiffs filed their response brief. (Doc. 84). WTPA's withdrawal also came 17 months after it filed the motion, after extensive discovery disputes over the jurisdictional argument with which WTPA sought to dispose of the case, and after repeated requests by Plaintiffs to withdraw the motion. (*See* Doc. 85). Plaintiffs acknowledged in a notice to the Court that WTPA withdrew its motion but

explained that they still intended to file their response brief to “make a record as to how WTPA attempted to mislead this Court.” (*Id.* at 3).

Though the Court never considered Plaintiffs’ response brief, the Court understands Plaintiffs’ reasons for still filing their brief, since Brumley’s sanctionable conduct permitted WTPA to move to dismiss and multiplied the proceedings for 17 months through jurisdictional discovery and motions to compel. (Doc. 120 at 13). The Court declines to exclude the hours spent on the response brief for that reason.

However, the Court agrees with WTPA that the hours billed are suspect and excessive. Both Shaffer and Murnion claimed to have worked on the response brief on November 5, 2021, for more hours than are in a day. Had they provided the Court with a date range on which they worked on the brief, the Court would likely look at the hours with less suspicion.

Even assuming Shaffer and Murnion worked on the response brief over a longer period, Plaintiffs do not justify why 65.6 hours was necessary. The hours also are block billed, so the Court cannot scrutinize the specific hours spent on the brief. Thus, the Court finds it appropriate to reduce the hours Shaffer and Murnion billed for drafting their response to WTPA’s motion to dismiss.

WTPA did not suggest a reasonable number of hours that the attorneys should have spent on the response, or a means by which the Court should reduce



the hours. And since Shaffer and Murnion block billed these hours, the Court cannot cut specific hours. Because of the lack of guidance provided by the parties and the ambiguity of the time entries, the Court will make “across-the-board percentage cuts” to hours claimed by Shaffer and Murnion. *Gates v. Deukmejian*, 987 F.2d 1392, 1399 (9th Cir. 1992). The Court may employ this “meat-axe approach,” so long as it articulates its reasoning for selecting specific percentage deductions. *Id.*

The Court recognizes that the jurisdictional issue was complicated, and Plaintiffs’ counsel were obstructed from obtaining the information necessary to timely resolve the motion to dismiss. Thus, the Court finds that hours in excess of a simpler case are justified. At the same time, the Court agrees with WTPA’s assertion that 65.6 hours is grossly excessive. Given these competing factors, the Court finds that a 25% cut to the hours billed by Shaffer and Murnion for drafting the response brief is appropriate. Thus, Shaffer and Murnion can recover for 20.25 and 22.5 hours, respectively, for their time spent on the response brief.

#### 7. *Paralegal Fees*

Fees for work done by paralegals are compensable, so long as the work performed is work otherwise performed by a lawyer and billed at a higher rate. *See Missouri v. Jenkins by Agyei*, 491 U.S. 274, n.10 (1989). Such work includes factual investigation, assisting with discovery, checking legal citations, and

drafting correspondence. *Id.* “Purely clerical or secretarial tasks should not be billed at a paralegal rate, regardless of who performs them.” *Id.*

Courts have ruled on whether the individual tasks billed by Jessica Yuhas are clerical or work of an attorney. As stated in *Jenkins*, checking legal citations is not clerical. *Id.* See also *eMove Inc. v. SMD Software Inc.*, No. CV-10-02052-PHX-JRG, 2012 WL 4856276, at \*7 (D. Ariz. Oct. 11, 2012) (collecting cases holding that cite-checking is not a clerical or secretarial task). Assembling, photocopying, and mailing exhibits and pleadings is clerical, as is proofreading, filing, Bates numbering, and calendaring. *eMove*, 2012 WL 4856276, at \*7; *Hopi Tribe v. United States*, 55 Fed. Cl. 81, 99 (Fed. Cl. 2002).

Here, Yuhas billed 50 hours for Bates numbering and organizing incoming documents; 40.2 hours for proofreading, checking citations, creating and organizing exhibits, creating duplicate filings for the companion cases, and converting documents to .pdf for filing; and 19.6 hours for filing pleadings, facilitating service of documents, and mailing letters. (Doc. 123-6 at 8-11).<sup>3</sup> All these tasks except checking citations are clerical.

Accordingly, the Court excludes from the fee award Yuhas’ 50 hours for Bates numbering and organizing incoming documents, and 19.6 hours for filing

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<sup>3</sup> Yuhas also billed 23.4 hours for meeting time. (Doc. 123-6 at 11). As the Court already has discussed, she may recover for the 5.5 hours spent meeting with a third-party consultant, but none of the remaining hours for intra-firm meetings.

pleadings, facilitating service of documents, and mailing letters. As for the 40.2 remaining hours, neither party suggests how the Court should decrease the hours requested. Nor does Yuhas specify in her time entries when she was cite-checking. As such, the Court will apply a percentage reduction.

Checking citations is only one of five tasks included in the 40.2 hours requested for Yuhas' time. However, the Court recognizes that, proportional to the other tasks listed, checking citations likely takes a significant amount of. Balancing these factors, the Court finds that a 50% reduction to the 40.2 hours is appropriate. Thus, Yuhas may recover 5.5 hours for meeting time and 20.1 hours for checking citations, for a total of 25.6 hours at \$75/hour, or \$1,920.

#### 8. *Computation of Final Award*

Applying the cuts the Court has found to be appropriate, the reimbursable hours, excluding travel, are:

- Shaffer: 165.85 hours, at \$300/hour, for a total of \$49,755
- Stepan: 15.6 hours, at \$300/hour, for a total of \$4,680
- Murnion: 236.65 hours, at \$200/hour, for a total of \$47,330
- Merrill: 67.2 hours, at \$300/hour, for a total of \$20,160
- Yuhas: 25.6 hours, at \$75/hour, for a total of \$1,920
- Intra-Firm Meetings: 20.8 hours, at \$300/hour, for a total of \$6,240

The reimbursable travel hours are:

- Shaffer: 40 hours, at \$150/hour, for a total of \$6,000
- Stepan: 20 hours, at \$150/hour, for a total of \$3,000
- Murnion: 10 hours, at \$100/hour, for a total of \$1,000

Each person may recover as follows:

- Shaffer: \$55,755
- Stepan: \$7,680
- Murnion: \$48,330
- Merrill: \$20,160
- Yuhas: \$1,920
- Intra-Firm Meetings: \$6,250

WTPA therefore owes Plaintiffs' counsel \$140,085 in attorneys' fees.

Combined with the \$14,363.11 request for costs and expenses, WTPA owes Plaintiffs' counsel \$154,448.11 in sanctions. This award covers the total amount owed by WTPA for its conduct in this case and in the companion case, *Caekaert v. Watchtower Tract and Bible Society of New York*, CV 20-52-BLG-SPW.

*B. Staying Order of Payment*

WTPA lastly requests that the Court stay any order of payment pending its appeal of the Court's imposition of sanctions. (Doc. 139 at 25-32). In deciding whether to stay a sanctions order pending appeal, the Court considers four factors: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). The moving party need not show it is "more likely than not" that he will succeed on the merits, only that substantial or serious

legal questions exist for appeal. *W. Sec. Bank v. Schneider Ltd. P'ship*, No. CV 15-10-BLG-SPW-CSO, 2015 WL 9641678, at \*2 (D. Mont. Dec. 21, 2015).

Here, WTPA argues that serious legal questions exist as to whether Brumley qualifies as a sanctionable attorney under 28 U.S.C. § 1927. Section 1927 states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

WTPA argues that Ninth Circuit law implies, and out of circuit district and appeals courts have held, that in-house counsel who is not an attorney of record in the case is not considered an attorney under § 1927. (Doc. 139 at 26-31). WTPA also argues that requiring immediate payment would impose financial hardship on Brumley and irreparably harm his reputation, while granting a stay would not injure Plaintiffs or impact the public interest. (*Id.* at 31-32).

As for the first factor, the Court need not address the substance of WTPA's argument because WTPA did not raise this issue in its response brief to Plaintiffs' Motion for Sanctions when it was appropriate to do so and thus has waived the argument. If WTPA argues it on appeal, the Ninth Circuit likely will disregard it as raised for the first time on appeal. *Raich v. Gonzalez*, 500 F.3d 850 (9th Cir. 2007). Further, an interlocutory appeal would fail because an order of sanctions is not an immediately appealable issue. *See Beck v. Test Masters Edu. Servs., Inc.*,

937 F. Supp. 2d 85, 87 (D.D.C. 2013) (denying motion to stay payment of sanctions because an order for sanctions is not an appealable issue, thus the party had not shown a likelihood of success on the merits). This factor thus weighs heavily against granting a stay.

As to the financial injury to Brumley, “[i]t is elementary that, in most circumstances, a payment of money causes no irreparable harm.” *Id.* (citing *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam)). “The key word in this consideration is *irreparable*,” and money is almost always recoverable. *Id.*; *Wis. Gas Co.*, 758 F.2d at 674. In contrast, harm to Brumley’s reputation is irreparable. Thus, the Court gives some weight to this factor.

As to the third factor, the fact that Plaintiffs’ counsel “would have to wait years until an appeal is resolved to collect its reasonable attorneys’ fees and costs” constitutes an injury, particularly here where the Motion for Sanctions was filed almost a year and a half ago and the Order on the motion was filed seven months ago. *Metal Jeans, Inc. v. Metal Sport, Inc.*, No. CV 15-08987-DDP (RAOx), 2019 WL 1427104, at \*2 (C.D. Cal. Jan. 15, 2019). This factor weighs against a stay.

Lastly, as to the public interest, the Court disagrees with WTPA that the public interest is unaffected. The public interest can be general and lie in the timely resolution of disputes and the consistent enforcement of court orders.


*Stargaze Mgmt. v. George Smith Partners, Inc.*, No. CV-15-02755-R, 2015 WL 12656917, at \*1 (C.D. Cal. Nov. 6, 2015). This factor weighs against a stay.

Considering the weight of the factors together, and in particular the heavy weight of the first factor against a stay, it is clear that stay is inappropriate. The only support for a stay is the harm to Brumley's reputation, which is not enough to overcome the weight of the other factors. As such, the Court denies WTPA's request to stay payment of sanctions.

#### **IV. Conclusion**

For these reasons, Plaintiffs' attorneys are awarded \$154,448.11 for WTPA's sanctioned conduct in this case and in the companion case, *Caekaert v. Watchtower Tract and Bible Society of New York*, CV 20-52-BLG-SPW. The Court denies WTPA's request to stay payment of this sanction pending appeal.

DATED the 14<sup>th</sup> day of April, 2023.

  
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SUSAN P. WATTERS  
UNITED STATES DISTRICT JUDGE



**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

**ORDER RE PLAINTIFFS'  
MOTION FOR SANCTIONS**

Before the Court is Plaintiffs Tracy Caekaert's and Camilla Mapley's Motion for Sanctions (Doc. 101), filed December 3, 2021. Defendant Watch Tower Bible and Tract Society of Pennsylvania ("WTPA") responded to the motion on December 28, 2021. (Doc. 106). Plaintiffs filed their reply on January 10, 2022. (Doc. 109). The Court heard oral argument on the motion on April 5, 2022. The motion is deemed ripe for adjudication.

**I. RELEVANT BACKGROUND**



On June 22, 2020, WTPA filed a motion to dismiss the present action arguing that this Court lacked personal jurisdiction over the defendant. (Doc. 13). To support the motion, WTPA attached an affidavit from WTPA's General Counsel, Philip Brumley. (Doc. 14-1). Mr. Brumley made several statements including "WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana" and "WTPA has no contact with congregations of Jehovah's Witnesses located in Montana." (Doc. 14-1 at 2). Plaintiffs responded and presented several documents which Plaintiffs argued dispute Brumley's statements. (Doc. 21). WTPA then filed a second affidavit from Brumley in which Brumley stated that he has direct knowledge of the information in the affidavit and that the documents presented by Plaintiffs do not invalidate his earlier statements. (Doc. 26).

On August 18, 2020, the Court reserved ruling on WTPA's motion to provide parties an opportunity to conduct discovery regarding the personal jurisdiction issue. (Doc. 32).

On September 15, 2020, Joel Taylor, the Associate General Counsel for Watchtower Bible and Tract Society of New York, moved for pro hac vice admission on behalf of Defendants. (Doc. 33). The motion was granted. (Doc. 34).

In the following months, Plaintiffs filed motions to compel discovery. (Docs. 56 & 58). The Court granted one motion (Doc. 56) and granted in part and denied in part the other motion (Doc. 58).

On August 27, 2021, Plaintiffs sent Defendants a letter requesting that WTPA withdraw its motion to dismiss. (Doc. 102-3). The letter was specifically addressed to Jon Wilson and Joel Taylor as counsel for Defendants. The letter stated, “[a]s jurisdictional discovery has progressed it has become increasingly apparent that WTPA was doing far more than it has represented.” (Doc. 102-3 at 1). As a result, Plaintiffs asked “WTPA to withdraw its Motion to Dismiss so that [Plaintiffs] do not waste more time and resources on unwarranted motions practice.” (*Id.*).

Plaintiffs’ supplemental response brief to WTPA’s motion to dismiss was due November 9, 2021. (Doc. 90 at 1). On November 5, 2021, WTPA withdrew its motion to dismiss. (Doc. 94).

Plaintiffs now move for sanctions against Philip Brumley and Joel Taylor, personally, for “perpetuat[ing] obviously false statements as the sole evidentiary basis for a dispositive motion.” (Doc. 102 at 2).

## **II. LEGAL STANDARD**

Plaintiffs request sanctions under 28 U.S.C. § 1927 and the Court’s inherent authority.

28 U.S.C. § 1927 states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees incurred because of such conduct.

“To impose liability under 28 U.S.C. § 1927, a court must find that an attorney acted recklessly or in bad faith.” *United States v. Associated Convalescent Enterprises, Inc.*, 766 F.2d 1342, 1346 (9th Cir. 1985). Sanctions cannot be imposed under 28 U.S.C. § 1927 against a party or an employee of a party, only upon an attorney or other individual admitted to represent a party. *FTC v. Alaska Land Leasing, Inc.*, 799 F.2d 507, 510 (9th Cir. 1986). Similarly, 28 U.S.C. § 1927 sanctions cannot be imposed against an attorney's law firm. *Kaass Law v. Wells Fargo Bank, N.A.*, 799 F.3d 1290, 1293 (9th Cir. 2015).

Regarding a court's inherent sanction authority, “[t]he inherent powers of federal courts are those that are necessary to the exercise of all others.” *Primus Auto. Fin. Serv.s, Inc. v. Batarse*, 115 F.3d 644, 648 (9th Cir. 1997). “The most common utilization of inherent powers is a contempt sanction levied to protect the due and orderly administration of justice and maintain the authority and dignity of the court.” *Id.* A federal court may award a sanction of attorney's fees against a party if that court finds that the sanctioned party “acted in bad faith, vexatiously, wantonly, or for oppressive reasons.” *Id.*

### III. DISCUSSION

As an initial matter, WTPA asserts “[t]he safe harbor from sanctions provided for in Rule 11 clearly applies here and should be applied to deny Plaintiffs’ Motion for Sanctions . . . .” (Doc. 106 at 18).

Federal Rule of Civil Procedure 11 establishes an avenue for parties to seek sanctions against the signatories of representations to the court. A party seeking Rule 11 sanctions may file a motion with the court. Fed. R. Civ. P. 11(c)(2). However, the sanctioning party cannot file a motion or must withdraw a previously filed motion “if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.” *Id.* This 21-day provision is known as Rule 11’s safe harbor and is intended to protect parties advancing questionable contentions but who candidly withdraw such contentions within the allotted time frame. Fed. R. Civ. P. 11, Adv. Comm. Notes, 1993 Amend.

Plaintiffs do not dispute that WTPA timely withdrew its motion to dismiss in compliance with Rule 11. Instead, Plaintiffs argue that Rule 11’s safe harbor is not applicable because Plaintiffs are not seeking sanctions against the signatories of WTPA’s motion to dismiss nor are they seeking sanctions under Rule 11 at all. Further, Plaintiffs contend Rule 11 does not preclude a party from seeking sanctions under other authorities.

On this point, Plaintiffs are correct. Rule 11 “does not inhibit the court in punishing for contempt, in exercising its inherent powers, or in imposing sanctions, awarding expenses, or directing remedial action authorized under other rules or under 28 U.S.C. § 1927.” Fed. R. Civ. P. 11, Adv. Comm. Notes, 1993 Amend. Were Plaintiffs seeking Rule 11 sanctions, WTPA’s timely withdrawal of its motion to dismiss would have deterred any such efforts. However, as Plaintiffs are seeking sanctions under 28 U.S.C. § 1927 and the Court’s inherent authority, Rule 11’s safe harbor protection is not applicable. The Court shall proceed to address the merits of Plaintiffs’ motion.

#### **A. 28 U.S.C. § 1927 Sanctions**

Noted above, 28 U.S.C. § 1927 authorizes the Court to sanction “[a]ny attorney or other person admitted to conduct cases in any court of the United States . . . who so multiplies the proceedings in any case unreasonably and vexatiously . . . .” Therefore, to be sanctioned under § 1927, a transgressing party need not be a signatory to a representation submitted to the Court. The sanctioned party must, however, “multiply the proceedings in both an ‘unreasonable and vexatious manner.’” *In re Girardi*, 611 F.3d 1027, 1061 (9th Cir. 2010). § 1927 sanctions must also be supported by a finding of subjective bad faith. *Blixseth v. Yellowstone Mountain Club, LLC*, 796 F.3d 1004, 1007 (9th Cir. 2015). The Ninth Circuit has previously found § 1927 sanctions appropriate in situations where an attorney

either “recklessly or intentionally misled the court,” or “recklessly raised a frivolous argument which resulted in the multiplication of proceedings . . . .” *In re Girardi*, 611 F.3d at 1061.

Plaintiffs argue § 1927 sanctions are appropriate here because Brumley and Taylor vexatiously and recklessly multiplied the proceedings by 17 months due to the use of Brumley’s affidavit as support for WTPA’s motion to dismiss. Specifically, Plaintiffs claim Brumley’s affidavit contains false and misleading statements that were then used as the sole evidentiary basis for WTPA’s motion for dismissal of the case based on lack of personal jurisdiction. Brumley and Taylor are both in-house counsel for WTPA and were in a unique position to know the veracity, or lack thereof, of Brumley’s statements. Plaintiffs assert Brumley and Taylor perpetuated those statements for 17 months, forcing Plaintiffs to litigate numerous motions to compel, all the while knowing the statements were misleading at best if not outrightly false. Either way, Plaintiffs claim Brumley and Taylor acted in bad faith making their conduct sanctionable under § 1927.

WTPA responds that § 1927 sanctions are inappropriate as neither Brumley nor Taylor perpetuated any false statements and Brumley’s affidavit statements are truthful and accurate.

As to Joel Taylor, the Court is not persuaded that Taylor engaged in any sanctionable conduct. Plaintiffs acknowledge that so far, the only conduct Taylor

has actively engaged in is submitting an affidavit in support of his motion *for pro hac vice* admission. Taylor's admission took place months after WTPA filed its motion to dismiss that included Brumley's affidavit. Despite this, Plaintiffs assert Taylor should have looked into the veracity of Brumley's statements. Plaintiffs claim the letter they sent to Taylor in August 2021 provided notice to Taylor that Brumley's statements existed and were the sole basis for the pending motion to dismiss. Therefore, because WTPA did not withdraw its motion until early November, the continued perpetuation of Brumley's statements for two months constitutes evidence that Taylor acted recklessly and vexatiously. However, the Court is not satisfied that Taylor's inaction is sufficient to make a finding that Taylor acted in bad faith to vexatiously or recklessly multiply the proceedings. There simply is no evidence to support what Taylor knew about Brumley's statements, when Taylor knew about Brumley's affidavit, or what steps Taylor might have undertaken from August 2021 to November 2021 after Taylor received Plaintiffs' letter. Were the Court to sanction Taylor now, such a sanction would be supported by nothing more than speculation. As a result, the Court finds § 1927 sanctions against Taylor to be inappropriate and denies Plaintiffs' motion on this point.

Regarding Brumley, the question of sanctions becomes much more complicated. Plaintiffs' complaint, filed April 24, 2020, alleges that Plaintiffs'

sexual abuse took place in the 1970s and 1980s. (Doc. 1 at 7). Thus, the relevant timeframe for analyzing WTPA's conduct and relationship to various Jehovah's Witness congregations would be in the 1970s and 1980s. WTPA filed its motion to dismiss on June 22, 2020, with Brumley's affidavit attached. (Doc. 14-1).

Brumley's affidavit contains several statements about the role of the WTPA and its relationship to the Jehovah's Witnesses in Montana. Brumley states:

1. I am General Counsel for defendant Watch Tower Bible and Tract Society of Pennsylvania. ("WTPA").
2. In this role, I have direct knowledge of the information contained in this Affidavit.
3. WTPA is a non-profit religious membership corporation formed in 1881 under the non-profit corporation laws of the State of Pennsylvania.
4. WTPA's registered office is located at 1 Kings Drive, Tuxedo Park, New York.
5. WTPA has its own assets, liabilities, offices, board of directors, and officers, separate from every other entity used by Jehovah's Witnesses.
6. WTPA is not the direct or indirect parent or subsidiary of any other corporation involved in this action.
7. WTPA does not have (and never has had) offices in Montana, does not own assets in Montana, and does not have employees in Montana.
8. WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana.
9. WTPA has no agent for service of process in Montana.
10. WTPA has no contact with congregations of Jehovah's Witnesses located in Montana.
11. WTPA does not establish or disseminate policy or procedure to congregations of Jehovah's Witnesses in Montana.
12. WTPA does not appoint or remove elders, ministerial servants or publishers in congregations of Jehovah's Witnesses in Montana.
13. WTPA exists to provide certain business needs of Jehovah's Witnesses including, among other things, holding copyright to



- books, magazines, songs, and videos. It also provides international humanitarian aid to communities after natural disasters.
14. The publications to which WTPA owns copyrights include *The Watchtower* and *Awake!* magazines, as well [sic.] books, tracts and brochures that are used to explain various aspects of the Bible.
  15. WTPA does not author the substantive content or print hard copies of the books, magazines, brochures and tracts referred to above.
  16. On the contrary, the copyrighted materials are published by co-defendant Watchtower Bible and Tract Society of New York, Inc. (hereinafter “WTNY”), a separate corporation.
  17. WTNY was organized and exists under the laws of the State of New York as a not-for-profit religious corporation. Its headquarters are in Wallkill, New York.

(*Id.*). Again, this affidavit served as the sole evidentiary basis for WTPA’s motion to dismiss.

Plaintiffs assert that many of these sworn statements are materially false and intentionally misleading. Plaintiffs further claim Brumley submitted his affidavit, knowing the statements were at least misleading, with the hope that the Court would dismiss Plaintiffs’ case before substantive discovery could begin. Examining the statements themselves, it is true that Brumley framed the information in a confusing manner.

Plaintiffs’ claims are principally concerned with conduct that occurred in the 1970s and 1980s. Brumley’s statements, however, often describe WTPA’s role and activities within the Jehovah’s Witnesses’ organization in present terms. For example, Brumley stated “WTPA has no contact with congregations of Jehovah’s Witnesses located in Montana,” and also that “WTPA does not establish or

disseminate policy or procedure to congregations of Jehovah's Witnesses in Montana." (Doc. 14-1 at 2). These statements do nothing to describe WTPA's activities in the 1970s or 1980s. In contrast, some of Brumley's other statements demonstrate that, at least in regard to certain issues, Brumley had access to WTPA's activities in the past such as when he stated "WTPA does not have (and never has had) offices in Montana, does not own assets in Montana, and does not have employees in Montana" or "WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana." (*Id.*).

It is perplexing that Brumley was capable of describing WTPA's past conduct on certain topics while on others, such as WTPA's contacts with Montana Jehovah's Witnesses, Brumley could only describe WTPA's present state of affairs. Indeed, it was this discrepancy in language the Court found confusing enough to allow jurisdictional discovery to proceed, especially when the Court compared Brumley's statements to exhibits Plaintiffs were able to produce in limited discovery. (Doc. 32 at 5) ("Together, these exhibits and Brumley's affidavits show WTPA's role in the events at issue is unclear. While Brumley's assertions may be true at present, Plaintiff's exhibits show WTPA may have played a greater role in the church's governance in the past—which could include the congregation in Hardin, Montana.").

The language discrepancy is further exacerbated by the exhibits and documents Plaintiffs have presented in the months since WTPA filed its motion to dismiss. For example, Plaintiffs presented a 1970 letter from a former WTPA president in which WTPA appears to dismiss a member of a Jehovah's Witness congregation due to that member's actions. (Doc. 21-3). Another document presented by Plaintiffs is a 2002 letter from WTPA to an official at BBC-TV Panorama. (Doc. 21-4). In the letter, WTPA's Director of the Office of Public Information provides a detailed explanation for how the Jehovah's Witness organization responds to reports of child sexual abuse using the language of "[o]ur procedures" and "[o]ur policy." (*Id.* at 3). Additional letters from WTPA advise various Jehovah's Witness congregations on matters including handling child sexual abuse at the hands of church members including letters addressed "[t]o all bodies of elders." (Docs. 29-1, 29-2, 29-3, 29-4). Finally, Plaintiffs recently submitted the affidavit of WTNY's former Assistant Secretary-Treasurer, Don Adams from 1986. (Doc. 117-1). Adams describes the structure of the Jehovah's Witness organization including that of a Governing Body that directs all teaching and congregational activities of Jehovah's Witnesses globally. (*Id.* at 2-3). Adams further states "[t]he principal corporation used by the Governing Body is the Watch Tower Bible and Tract Society of Pennsylvania . . . Under the Watch Tower Bible and Tract Society of Pennsylvania, the Governing Body directs 95 branches

through Branch Committees that report their progress to the Governing Body . . . .”  
(*Id.* at 3-4).

Taken together, these documents demonstrate that in past decades WTPA played a more involved and pivotal role in the operation of Jehovah’s Witness congregations. The documents also demonstrate that evidence of this influential role existed and that Brumley, as General Counsel for WTPA, should have been able to access the information at the time he made his sworn statements. By seemingly failing to investigate and provide a more accurate description of WTPA’s activities in past decades, Brumley’s actions demonstrate, at minimum, a reckless disregard for providing an accurate and truthful accounting of WTPA’s role. After all, Brumley could accurately describe WTPA’s past activities in Montana regarding whether or not WTPA operated offices in the state or was registered to do business in the state. Yet, Brumley chose to describe WTPA’s contact and role in congregational affairs in Montana solely in present tense. This demonstrates to the Court a conscious decision to provide only a limited depiction of WTPA’s corporate activities and a reckless disregard of documents and other evidence describing a different WTPA in the 1970s and 1980s—the relevant timeframe for Plaintiffs’ claims. Brumley’s conduct permitted WTPA to file its motion to dismiss that then multiplied the proceedings for 17 months through jurisdictional discovery and motions to compel.

Therefore, the Court finds Brumley's conduct sanctionable under 28 U.S.C. § 1927 and orders Brumley to personally satisfy the excess costs, expenses, and attorney's fees incurred by Plaintiffs as a result of Brumley's affidavit and WTPA's resulting motion to dismiss. Plaintiffs shall submit a financial affidavit to the Court describing those costs and expenses directly stemming from their efforts to respond to WTPA's motion to dismiss and their efforts to compel jurisdictional discovery. The Court shall then issue a supplemental order establishing the exact amount of fees and costs.

### **B. The Court's Inherent Authority**

"When a losing party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons, sanctions under the Court's inherent powers may take the form of attorney's fees." *Primus Auto. Fin. Serv. 's, Inc.*, 115 F.3d at 648. For the reasons stated above, the Court finds sanctions under its inherent authority against Taylor inappropriate. The Court cannot determine that Taylor's conduct amounted to bad faith or vexatious or wanton conduct. The Court denies Plaintiffs' motion on this point.

Further, because the Court has already determined sanctions to be appropriate against Brumley under 28 U.S.C. § 1927, the Court will employ its discretion and decline to consider contempt sanctions against Brumley under the Court's inherent authority.

#### IV. CONCLUSION

IT IS HEREBY ORDERED that Plaintiffs' Motion for Sanctions (Doc. 101) is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED that Plaintiffs shall submit a financial affidavit of all costs, expenses, and attorney's fees directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit within fourteen (14) days of the date of this order. Brumley shall then have fourteen (14) days following the filing of Plaintiff's financial affidavit to respond to the affidavit.

DATED this 23<sup>rd</sup> day of August, 2022.

  
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SUSAN P. WATTERS  
United States District Court Judge

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

ARIANE ROWLAND, and JAMIE )  
SCHULZE )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
WATCHTOWER BIBLE AND TRACT )  
SOCIETY OF NEW YORK, INC., and )  
WATCH TOWER BIBLE AND TRACT )  
SOCIETY OF PENNSYLVANIA, )  
 )  
Defendants. )  
 )

Cause No. CV 20-59-BLG-SPW

**ORDER RE PLAINTIFFS'  
MOTION FOR SANCTIONS**

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Before the Court is Plaintiffs Ariane Rowland’s and Jamie Schulze’s Motion for Sanctions (Doc. 90), filed December 3, 2021. Defendant Watch Tower Bible and Tract Society of Pennsylvania (“WTPA”) responded to the motion on December 28, 2021. (Doc. 95). Plaintiffs filed their reply on January 10, 2022. (Doc. 98). The Court heard oral argument on the motion on April 5, 2022. The motion is deemed ripe for adjudication.

**I. RELEVANT BACKGROUND**

On June 22, 2020, WTPA filed a motion to dismiss the present action arguing that this Court lacked personal jurisdiction over the defendant. (Doc. 9). To support the motion, WTPA attached an affidavit from WTPA’s General Counsel, Philip Brumley. (Doc. 10-1). Mr. Brumley made several statements

including “WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana” and “WTPA has no contact with congregations of Jehovah’s Witnesses located in Montana.” (Doc. 10-1 at 2).

Plaintiffs responded and presented several documents which Plaintiffs argued dispute Brumley’s statements. (Doc. 15). WTPA then filed a second affidavit from Brumley in which Brumley stated that he has direct knowledge of the information in the affidavit and that the documents presented by Plaintiffs do not invalidate his earlier statements. (Doc. 18-1).

On August 18, 2020, the Court reserved ruling on WTPA’s motion to provide parties an opportunity to conduct discovery regarding the personal jurisdiction issue. (Doc. 24).

On September 15, 2020, Joel Taylor, the Associate General Counsel for Watchtower Bible and Tract Society of New York, moved for pro hac vice admission on behalf of Defendants. (Doc. 25). The motion was granted. (Doc. 26).

In the following months, Plaintiffs filed motions to compel discovery. (Docs. 46 & 48). The Court granted one motion and granted in part and denied in part the other motion.

On August 27, 2021, Plaintiffs sent Defendants a letter requesting that WTPA withdraw its motion to dismiss. (Doc. 91-3). The letter was specifically addressed to Jon Wilson and Joel Taylor as counsel for Defendants. The letter



stated, “[a]s jurisdictional discovery has progressed it has become increasingly apparent that WTPA was doing far more than it has represented.” (Doc. 91-3 at 1). As a result, Plaintiffs asked “WTPA to withdraw its Motion to Dismiss so that [Plaintiffs] do not waste more time and resources on unwarranted motions practice.” (*Id.*).

Plaintiffs’ supplemental response brief to WTPA’s motion to dismiss was due November 9, 2021. (Doc. 76 at 1). On November 5, 2021, WTPA withdrew its motion to dismiss. (Doc. 84).

Plaintiffs now move for sanctions against Philip Brumley and Joel Taylor, personally, for “perpetuat[ing] obviously false statements as the sole evidentiary basis for a dispositive motion.” (Doc. 91 at 1-2).

## II. LEGAL STANDARD

Plaintiffs request sanctions under 28 U.S.C. § 1927 and the Court’s inherent authority.

28 U.S.C. § 1927 states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees incurred because of such conduct.

“To impose liability under 28 U.S.C. § 1927, a court must find that an attorney acted recklessly or in bad faith.” *United States v. Associated Convalescent*

*Enterprises, Inc.*, 766 F.2d 1342, 1346 (9th Cir. 1985). Sanctions cannot be imposed under 28 U.S.C. § 1927 against a party or an employee of a party, only upon an attorney or other individual admitted to represent a party. *FTC v. Alaska Land Leasing, Inc.*, 799 F.2d 507, 510 (9th Cir. 1986). Similarly, 28 U.S.C. § 1927 sanctions cannot be imposed against an attorney’s law firm. *Kaass Law v. Wells Fargo Bank, N.A.*, 799 F.3d 1290, 1293 (9th Cir. 2015).

Regarding a court’s inherent sanction authority, “[t]he inherent powers of federal courts are those that are necessary to the exercise of all others.” *Primus Auto. Fin. Serv.s, Inc. v. Batarse*, 115 F.3d 644, 648 (9th Cir. 1997). “The most common utilization of inherent powers is a contempt sanction levied to protect the due and orderly administration of justice and maintain the authority and dignity of the court.” *Id.* A federal court may award a sanction of attorney’s fees against a party if that court finds that the sanctioned party “acted in bad faith, vexatiously, wantonly, or for oppressive reasons.” *Id.*

### III. DISCUSSION

As an initial matter, WTPA asserts “[t]he safe harbor from sanctions provided for in Rule 11 clearly applies here and should be applied to deny Plaintiffs’ Motion for Sanctions . . . .” (Doc. 95 at 17).

Federal Rule of Civil Procedure 11 establishes an avenue for parties to seek sanctions against the signatories of representations to the court. A party seeking

Rule 11 sanctions may file a motion with the court. Fed. R. Civ. P. 11(c)(2).

However, the sanctioning party cannot file a motion or must withdraw a previously filed motion “if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.” *Id.* This 21-day provision is known as Rule 11’s safe harbor and is intended to protect parties advancing questionable contentions but who candidly withdraw such contentions within the allotted time frame. Fed. R. Civ. P. 11, Adv. Comm. Notes, 1993 Amend.

Plaintiffs do not dispute that WTPA timely withdrew its motion to dismiss in compliance with Rule 11. Instead, Plaintiffs argue that Rule 11’s safe harbor is not applicable because Plaintiffs are not seeking sanctions against the signatories of WTPA’s motion to dismiss nor are they seeking sanctions under Rule 11 at all. Further, Plaintiffs contend Rule 11 does not preclude a party from seeking sanctions under other authorities.

On this point, Plaintiffs are correct. Rule 11 “does not inhibit the court in punishing for contempt, in exercising its inherent powers, or in imposing sanctions, awarding expenses, or directing remedial action authorized under other rules or under 28 U.S.C. § 1927.” Fed. R. Civ. P. 11, Adv. Comm. Notes, 1993 Amend. Were Plaintiffs seeking Rule 11 sanctions, WTPA’s timely withdrawal of its motion to dismiss would have deterred any such efforts. However, as Plaintiffs are

seeking sanctions under 28 U.S.C. § 1927 and the Court’s inherent authority, Rule 11’s safe harbor protection is not applicable. The Court shall proceed to address the merits of Plaintiffs’ motion.

#### **A. 28 U.S.C. § 1927 Sanctions**

Noted above, 28 U.S.C. § 1927 authorizes the Court to sanction “[a]ny attorney or other person admitted to conduct cases in any court of the United States . . . who so multiplies the proceedings in any case unreasonably and vexatiously . . . .” Therefore, to be sanctioned under § 1927, a transgressing party need not be a signatory to a representation submitted to the Court. The sanctioned party must, however, “multiply the proceedings in both an ‘unreasonable and vexatious manner.’” *In re Girardi*, 611 F.3d 1027, 1061 (9th Cir. 2010). § 1927 sanctions must also be supported by a finding of subjective bad faith. *Blixseth v. Yellowstone Mountain Club, LLC*, 796 F.3d 1004, 1007 (9th Cir. 2015). The Ninth Circuit has previously found § 1927 sanctions appropriate in situations where an attorney either “recklessly or intentionally misled the court,” or “recklessly raised a frivolous argument which resulted in the multiplication of proceedings . . . .” *In re Girardi*, 611 F.3d at 1061.

Plaintiffs argue § 1927 sanctions are appropriate here because Brumley and Taylor vexatiously and recklessly multiplied the proceedings by 17 months due to the use of Brumley’s affidavit as support for WTPA’s motion to dismiss.

Specifically, Plaintiffs claim Brumley's affidavit contains false and misleading statements that were then used as the sole evidentiary basis for WTPA's motion for dismissal of the case based on lack of personal jurisdiction. Brumley and Taylor are both in-house counsel for WTPA and were in a unique position to know the veracity, or lack thereof, of Brumley's statements. Plaintiffs assert Brumley and Taylor perpetuated those statements for 17 months, forcing Plaintiffs to litigate numerous motions to compel, all the while knowing the statements were misleading at best if not outrightly false. Either way, Plaintiffs claim Brumley and Taylor acted in bad faith making their conduct sanctionable under § 1927.

WTPA responds that § 1927 sanctions are inappropriate as neither Brumley nor Taylor perpetuated any false statements and Brumley's affidavit statements are truthful and accurate.

As to Joel Taylor, the Court is not persuaded that Taylor engaged in any sanctionable conduct. Plaintiffs acknowledge that so far, the only conduct Taylor has actively engaged in is submitting an affidavit in support of his motion *for pro hac vice* admission. Taylor's admission took place months after WTPA filed its motion to dismiss that included Brumley's affidavit. Despite this, Plaintiffs assert Taylor should have looked into the veracity of Brumley's statements. Plaintiffs claim the letter they sent to Taylor in August 2021 provided notice to Taylor that Brumley's statements existed and were the sole basis for the pending motion to

dismiss. Therefore, because WTPA did not withdraw its motion until early November, the continued perpetuation of Brumley's statements for two months constitutes evidence that Taylor acted recklessly and vexatiously. However, the Court is not satisfied that Taylor's inaction is sufficient to make a finding that Taylor acted in bad faith to vexatiously or recklessly multiply the proceedings. There simply is no evidence to support what Taylor knew about Brumley's statements, when Taylor knew about Brumley's affidavit, or what steps Taylor might have undertaken from August 2021 to November 2021 after Taylor received Plaintiffs' letter. Were the Court to sanction Taylor now, such a sanction would be supported by nothing more than speculation. As a result, the Court finds § 1927 sanctions against Taylor to be inappropriate and denies Plaintiffs' motion on this point.

Regarding Brumley, the question of sanctions becomes much more complicated. Plaintiffs' complaint, filed May 1, 2020, alleges that Plaintiffs' sexual abuse took place in the 1970s and 1980s. (Doc. 1 at 6-7). Thus, the relevant timeframe for analyzing WTPA's conduct and relationship to various Jehovah's Witness congregations would be in the 1970s and 1980s. WTPA filed its motion to dismiss on June 22, 2020, with Brumley's affidavit attached. (Doc. 9-1). Brumley's affidavit contains several statements about the role of the WTPA and its relationship to the Jehovah's Witnesses in Montana. Brumley states:

1. I am General Counsel for defendant Watch Tower Bible and Tract Society of Pennsylvania. (“WTPA”).
2. In this role, I have direct knowledge of the information contained in this Affidavit.
3. WTPA is a non-profit religious membership corporation formed in 1881 under the non-profit corporation laws of the State of Pennsylvania.
4. WTPA’s registered office is located at 1 Kings Drive, Tuxedo Park, New York.
5. WTPA has its own assets, liabilities, offices, board of directors, and officers, separate from every other entity used by Jehovah’s Witnesses.
6. WTPA is not the direct or indirect parent or subsidiary of any other corporation involved in this action.
7. WTPA does not have (and never has had) offices in Montana, does not own assets in Montana, and does not have employees in Montana.
8. WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana.
9. WTPA has no agent for service of process in Montana.
10. WTPA has no contact with congregations of Jehovah’s Witnesses located in Montana.
11. WTPA does not establish or disseminate policy or procedure to congregations of Jehovah’s Witnesses in Montana.
12. WTPA does not appoint or remove elders, ministerial servants or publishers in congregations of Jehovah’s Witnesses in Montana.
13. WTPA exists to provide certain business needs of Jehovah’s Witnesses including, among other things, holding copyright to books, magazines, songs, and videos. It also provides international humanitarian aid to communities after natural disasters.
14. The publications to which WTPA owns copyrights include *The Watchtower* and *Awake!* magazines, as well [sic.] books, tracts and brochures that are used to explain various aspects of the Bible.
15. WTPA does not author the substantive content or print hard copies of the books, magazines, brochures and tracts referred to above.
16. On the contrary, the copyrighted materials are published by co-defendant Watchtower Bible and Tract Society of New York, Inc. (hereinafter “WTNY”), a separate corporation.

17. WTNY was organized and exists under the laws of the State of New York as a not-for-profit religious corporation. Its headquarters are in Wallkill, New York.

(*Id.*). Again, this affidavit served as the sole evidentiary basis for WTPA's motion to dismiss.

Plaintiffs assert that many of these sworn statements are materially false and intentionally misleading. Plaintiffs further claim Brumley submitted his affidavit, knowing the statements were at least misleading, with the hope that the Court would dismiss Plaintiffs' case before substantive discovery could begin. Examining the statements themselves, it is true that Brumley framed the information in a confusing manner.

Plaintiffs' claims are principally concerned with conduct that occurred in the 1970s and 1980s. Brumley's statements, however, often describe WTPA's role and activities within the Jehovah's Witnesses' organization in present terms. For example, Brumley stated "WTPA has no contact with congregations of Jehovah's Witnesses located in Montana," and also that "WTPA does not establish or disseminate policy or procedure to congregations of Jehovah's Witnesses in Montana." (Doc. 9-1 at 2). These statements do nothing to describe WTPA's activities in the 1970s or 1980s. In contrast, some of Brumley's other statements demonstrate that, at least in regard to certain issues, Brumley had access to WTPA's activities in the past such as when he stated "WTPA does not have (and



never has had) offices in Montana, does not own assets in Montana, and does not have employees in Montana” or “WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana.” (*Id.*).

It is perplexing that Brumley was capable of describing WTPA’s past conduct on certain topics while on others, such as WTPA’s contacts with Montana Jehovah’s Witnesses, Brumley could only describe WTPA’s present state of affairs. Indeed, it was this discrepancy in language the Court found confusing enough to allow jurisdictional discovery to proceed, especially when the Court compared Brumley’s statements to exhibits Plaintiffs were able to produce in limited discovery. (Doc. 24 at 4) (“Together, these exhibits and Brumley’s affidavits show WTPA’s role in the events at issue is unclear. While Brumley’s assertions may be true at present, Plaintiff’s exhibits show WTPA may have played a greater role in the church’s governance in the past—which could include the congregation in Hardin, Montana.”).

The language discrepancy is further exacerbated by the exhibits and documents Plaintiffs have presented in the months since WTPA filed its motion to dismiss. For example, Plaintiffs presented a 1970 letter from a former WTPA president in which WTPA appears to dismiss a member of a Jehovah’s Witness congregation due to that member’s actions. (Doc. 15-3). Another document presented by Plaintiffs is a 2002 letter from WTPA to an official at BBC-TV

Panorama. (Doc. 15-4). In the letter, WTPA’s Director of the Office of Public Information provides a detailed explanation for how the Jehovah’s Witness organization responds to reports of child sexual abuse using the language of “[o]ur procedures” and “[o]ur policy.” (*Id.* at 3). Additional letters from WTPA advise various Jehovah’s Witness congregations on matters including handling child sexual abuse at the hands of church members including letters addressed “[t]o all bodies of elders.” (Docs. 20-1, 20-2, 20-3, 20-4). Finally, Plaintiffs recently submitted the affidavit of WTNY’s former Assistant Secretary-Treasurer, Don Adams from 1986. (Doc. 106-1). Adams describes the structure of the Jehovah’s Witness organization including that of a Governing Body that directs all teaching and congregational activities of Jehovah’s Witnesses globally. (*Id.* at 2-3). Adams further states “[t]he principal corporation used by the Governing Body is the Watch Tower Bible and Tract Society of Pennsylvania . . . Under the Watch Tower Bible and Tract Society of Pennsylvania, the Governing Body directs 95 branches through Branch Committees that report their progress to the Governing Body . . . .” (*Id.* at 3-4).

Taken together, these documents demonstrate that in past decades WTPA played a more involved and pivotal role in the operation of Jehovah’s Witness congregations. The documents also demonstrate that evidence of this influential role existed and that Brumley, as General Counsel for WTPA, should have been

able to access the information at the time he made his sworn statements. By seemingly failing to investigate and provide a more accurate description of WTPA's activities in past decades, Brumley's actions demonstrate, at minimum, a reckless disregard for providing an accurate and truthful accounting of WTPA's role. After all, Brumley could accurately describe WTPA's past activities in Montana regarding whether or not WTPA operated offices in the state or was registered to do business in the state. Yet, Brumley chose to describe WTPA's contact and role in congregational affairs in Montana solely in present tense. This demonstrates to the Court a conscious decision to provide only a limited depiction of WTPA's corporate activities and a reckless disregard of documents and other evidence describing a different WTPA in the 1970s and 1980s—the relevant timeframe for Plaintiffs' claims. Brumley's conduct permitted WTPA to file its motion to dismiss that then multiplied the proceedings for 17 months through jurisdictional discovery and motions to compel.

Therefore, the Court finds Brumley's conduct sanctionable under 28 U.S.C. § 1927 and orders Brumley to personally satisfy the excess costs, expenses, and attorney's fees incurred by Plaintiffs as a result of Brumley's affidavit and WTPA's resulting motion to dismiss. Plaintiffs shall submit a financial affidavit to the Court describing those costs and expenses directly stemming from their efforts to respond to WTPA's motion to dismiss and their efforts to compel jurisdictional

discovery. The Court shall then issue a supplemental order establishing the exact amount of fees and costs.

### **B. The Court's Inherent Authority**

“When a losing party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons, sanctions under the Court’s inherent powers may take the form of attorney’s fees.” *Primus Auto. Fin. Serv. ’s, Inc.*, 115 F.3d at 648. For the reasons stated above, the Court finds sanctions under its inherent authority against Taylor inappropriate. The Court cannot determine that Taylor’s conduct amounted to bad faith or vexatious or wanton conduct. The Court denies Plaintiffs’ motion on this point.

Further, because the Court has already determined sanctions to be appropriate against Brumley under 28 U.S.C. § 1927, the Court will employ its discretion and decline to consider contempt sanctions against Brumley under the Court’s inherent authority.

### **IV. CONCLUSION**

IT IS HEREBY ORDERED that Plaintiffs’ Motion for Sanctions (Doc. 90) is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED that Plaintiffs shall submit a financial affidavit of all costs, expenses, and attorney’s fees directly resulting from their efforts to respond to WTPA’s motion to dismiss and conducting jurisdictional discovery in

response to WTPA's motion to dismiss and Brumley's affidavit within fourteen (14) days of the date of this order. Brumley shall then have fourteen (14) days following the filing of Plaintiff's financial affidavit to respond to the affidavit.

DATED this 25<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
SUSAN P. WATTERS  
United States District Court Judge

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District of Montana

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**Case Number:** [1:20-cv-00059-SPW](#)  
**Filer:**  
**Document**  
**Number:** 112(No document attached)

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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TRACY CAEKAERT and CAMILLIA MAPLEY;  
ARIANE ROWLAND and JAMIE SCHULZE,  
*Plaintiffs-Appellees,*

v.

PHILIP BRUMLEY,  
*Appellant,*

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;  
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA,  
*Defendants.*

On Consolidated Appeal from the United States District Court  
District of Montana Nos. CV-20-52-BLG-SPW & CV-20-59-BLG-SPW  
The Honorable Susan P. Watters

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**APPELLANT'S EXCERPTS OF RECORD  
VOLUME 2 of 4**

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*Attorneys for Defendant Watch Tower Bible and Tract Society of Pennsylvania*

**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.,

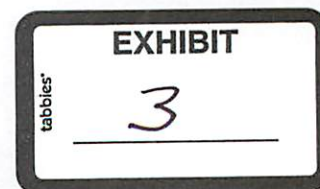
Defendants.

WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, INC., and  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA,

Cross-Claimants,

Case No. CV-20-00052-SPW-  
TJC

**THIRD AFFIDAVIT OF  
PHILIP BRUMLEY**



-vs-

BRUCE MAPLEY SR.,

Cross-Defendant.

STATE OF NEW YORK        )  
  :SS  
County of Putnam         )

I, Philip Brumley, first being duly sworn, hereby depose and state:

1. I am General Counsel for defendant Watch Tower Bible and Tract Society of Pennsylvania. (“WTPA”).

2. In this role, I have direct knowledge of the information contained in this Affidavit.

3. I am not and have never been a paid employee of WTPA.

4. I am not counsel of record in this case and I am not admitted to practice in the State of Montana.

5. My prior two affidavits were submitted in my capacity as a corporate representative for WTPA rather than as an attorney of record.

6. I began my practice of law in the State of New York in 1988. I have never been sanctioned by any court.

7. I am a minister and a member of a religious order serving full-time under a vow of poverty. This has been my way of life for over 35 years.

8. Like all members of the religious order, I receive housing, food, health

care, and a monthly allowance for personal expenses.

9. My title as General Counsel for WTPA has no financial benefits.

10. I lead my local congregation in worship every Sunday.

11. I have personally officiated at baptisms, weddings and funerals.

12. I have reviewed the documents relied upon in this Court's Order dated August 23, 2022 (Doc. 135), granting in part and denying in part Plaintiffs' Motion for Sanctions.

13. Doc. 21-3 is a personal letter, outside of the relevant time frame, from the now-deceased President of WTPA discussing an internal personnel matter addressed to a person located in New York.

14. Doc. 21-4 is a letter from the Office of Public Information, outside of the relevant time frame, responding to an interview request from BBC Panorama about Jehovah's Witnesses generally, not WTPA.

15. Doc. 29-1 is a letter dated March 4, 1997, outside the relevant time frame, sent to an Australian entity. Not only was this document not circulated in Montana, it was not circulated in the United States.

16. Doc. 29-2 is a letter dated May 15, 1987, sent to a British entity. Not only was this document not circulated in Montana, it was not circulated in the United States.

17. Doc. 29-3 is a letter dated January 2, 1995, outside of the relevant time

frame, and relates to applications for Gilead School. Nothing about this document is connected to the subject matter of this case nor does it support any connection with Montana.

18. Doc. 29-4 is a letter dated November 1, 1995, outside of the relevant time frame, addressed to “ALL BODIES OF ELDERS IN BRITAIN.” As with docs. 29-1 and 29-2, doc. 29-4 has nothing to do with the United States, much less Montana.

19. Doc. 117-1 is an affidavit filed by a corporate officer of Watchtower Bible and Tract Society of New York, Inc. (WTNY), in 1986. WTNY is a separate and distinct legal entity from WTPA. Mr. Adams was not authorized to speak on behalf of, and had no authority to bind, WTPA. The affidavit was filed in the state of Texas, not Montana.

FURTHER THIS AFFIANT SAYETH NAUGHT.

DATED this 24<sup>th</sup> day of October, 2022.

By:   
Philip Brumley, Esq.

SUBSCRIBED and SWORN to before me by Philip Brumley, Esq., this  
24<sup>th</sup> day of October, 2022.

By:   
Notary Public for the State of New York

JUAN J. O'NEILL  
Notary Public, State of New York  
No. 01ON6337957  
Qualified in Orange County  
My Commission Expires February 29, 2024



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*Attorneys for Defendant Watch Tower Bible and Tract Society of Pennsylvania*

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

ARIANE ROWLAND and JAMIE  
SCHULZE,

Plaintiffs,

-vs-

WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, INC., and  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA,

Defendants.

Case No. CV-20-00059-SPW-  
TJC

**THIRD AFFIDAVIT OF  
PHILIP BRUMLEY**

STATE OF NEW YORK        )  
  :ss  
County of Putnam         )

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1. I am General Counsel for defendant Watch Tower Bible and Tract Society of Pennsylvania. (“WTPA”).

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for Sanctions.

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Montana.

19. Doc. 106-1 is an affidavit filed by a corporate officer of Watchtower Bible and Tract Society of New York, Inc. (WTNY), in 1986. WTNY is a separate and distinct legal entity from WTPA. Mr. Adams was not authorized to speak on behalf of, and had no authority to bind, WTPA. The affidavit was filed in the state of Texas, not Montana.

FURTHER THIS AFFIANT SAYETH NAUGHT.

DATED this 24<sup>th</sup> day of October, 2022.

By:   
Philip Brumley, Esq.

SUBSCRIBED and SWORN to before me by Philip Brumley, Esq., this  
24<sup>th</sup> day of October, 2022.

By:   
Notary Public for the State of New York

JUAN J. O'NEILL  
Notary Public, State of New York  
No. 01ON6337957  
Qualified in Orange County  
My Commission Expires February 29, 2024

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF MONTANA  
8 BILLINGS DIVISION

8 TRACY CAEKAERT and CAMILLIA MAPLEY, )  
9 )  
10 Plaintiffs, )  
11 vs. ) Case No. CV 20-52-BLG-SPW  
12 )  
13 WATCHTOWER BIBLE and TRACT SOCIETY )  
14 OF NEW YORK, INC., WATCHTOWER )  
15 BIBLE and TRACT SOCIETY OF )  
16 PENNSYLVANIA, and )  
17 BRUCE MAPLEY, SR., )  
18 )  
19 Defendants, )  
20 ) Motions for Sanctions  
21 WATCHTOWER BIBLE and TRACT SOCIETY )  
22 of NEW YORK, INC., )  
23 )  
24 Cross-Claimant, )  
25 BRUCE MAPLEY, SR., )  
Cross-Defendant, )

20 ARIANE ROWLAND and JAMIE SCHULZE, )  
21 )  
22 Plaintiffs, )  
23 vs. ) Case No. CV 20-59-BLG-SPW  
24 )  
25 WATCHTOWER BIBLE and TRACT SOCIETY )  
OF NEW YORK, INC., and WATCHTOWER )  
BIBLE and TRACT SOCIETY OF )  
PENNSYLVANIA, )  
Defendants. )

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TRANSCRIPT OF PROCEEDINGS  
Tuesday, April 5, 2022  
9:33 a.m. to 10:44 a.m.

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BEFORE THE HONORABLE SUSAN P. WATTERS  
UNITED STATES DISTRICT COURT JUDGE  
FOR THE DISTRICT OF MONTANA - BILLINGS DIVISION

JAMES F. BATTIN FEDERAL COURTHOUSE  
2601 2nd Avenue North  
Billings, Montana 59101

---

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Also present: Jessica Yuhas, Paralegal

Proceedings recorded by machine shorthand  
Transcript produced by computer-aided transcription

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**APPEARANCES (Continued)**

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1                                    MORNING SESSION, TUESDAY, APRIL 5, 2022

2                    (Whereupon, the court convened at 9:33 a.m., with all  
3 interested parties present and the following proceedings were  
4 had:)

5                    THE COURT: Amanda, would you please call the  
6 matters on the calendar.

7                    THE CLERK: Yes, Your Honor.

8                    The Court has set aside this time to hear the  
9 matters of CV 20-52-BLG-SPW, Caekaert vs. Watchtower Bible and  
10 Tract Society of New York, Incorporated, and in Cause No.  
11 CV 20-59-BLG-SPW, Rowland vs. Watchtower Bible and Tract  
12 Society of New York, New York, Incorporated.

13                    This is the time set for a motion hearing.

14                    THE COURT: Okay. We've also got Watchtower Bible  
15 and Tract Society of Pennsylvania as a defendant in each of  
16 those cases.

17                    All right. Well, I think I know who everybody is  
18 from my cheat sheet that Amanda made for me, but maybe for the  
19 record we'll have counsel identify themselves. So starting  
20 with counsel for the plaintiffs in both cases, if you could  
21 please identify yourselves for the record.

22                    MR. SHAFFER: Morning, Your Honor. Ryan Shaffer.

23                    MR. STEPANS: Good morning, Your Honor. Rob Stepans  
24 on behalf of plaintiffs.

25                    THE CLERK: Are your mics on, Counsel?



1 MR. STEPANS: Oh, I apologize; they're not.

2 THE CLERK: Thank you.

3 MR. STEPANS: Good morning, Your Honor. Rob Stepans  
4 on behalf of plaintiffs.

5 THE COURT: Okay.

6 MR. MURNION: And, Your Honor, this is James Murnion  
7 on Zoom here, just listening in, for the plaintiffs, though.

8 THE COURT: Okay. And then on behalf of Watchtower  
9 New York.

10 MR. WILSON: Your Honor, Jon Wilson here on behalf  
11 of Watchtower New York.

12 THE COURT: Okay. And then on behalf of Watchtower  
13 Pennsylvania?

14 MR. SWEENEY: Chris Sweeney here for Pennsylvania.

15 MR. FAGAN: Good morning, Your Honor. I'm  
16 Gerry Fagan.

17 MR. FITZGERALD: Good morning, Your Honor.  
18 Jordan FitzGerald.

19 THE COURT: Okay. And then I understand Jessica,  
20 the paralegal, is here, too. All right.

21 Good morning, everybody. This is the time set for  
22 hearing on the plaintiffs' motions for sanctions. These  
23 motions -- a motion was filed in each of the two cases.

24 THE CLERK: Sorry to interrupt, did you also make  
25 aware of who else is on Zoom, Mr. --

1 THE COURT: I thought -- oh, yes. Mr. Taylor,  
2 Joel Taylor is on Zoom also.

3 MR. TAYLOR: Good morning, Your Honor.

4 THE COURT: Thank you, Amanda. I apologize.

5 So we're here for the plaintiffs' motions for  
6 sanctions in each of these cases and so who is going to be  
7 taking charge for plaintiffs today?

8 MR. STEPANS: I will, if it pleases the Court, Your  
9 Honor.

10 THE COURT: Okay. Go ahead, Mr. Stepans. Thank  
11 you.

12 MR. STEPANS: May I use the lectern?

13 THE COURT: You may. That's perfectly fine.

14 MR. STEPANS: Your Honor, I suppose as an initial  
15 matter I would -- plaintiffs filed a motion to supplement.  
16 Defendants both objected, but I don't believe I've seen any  
17 briefing on that, so I don't know if the Court wants me to  
18 speak to that motion or speak to the contents of what  
19 plaintiff was attempting to supplement the record with, but I  
20 thought I would introduce that topic.

21 THE COURT: Thank you for reminding me about that.

22 Mr. Wilson, so on behalf of Watchtower New York,  
23 what is the basis of your objection?

24 MR. WILSON: Thank you, Your Honor.

25 The basis of that objection is that the affidavit in

1 issue was dealing with other different issues that are at  
2 issue in this case and whether the statements in the affidavit  
3 do not have any applicability to the present matter, Your  
4 Honor.

5 THE COURT: Okay. And on behalf of Watchtower  
6 Pennsylvania, what is the basis of your objection?

7 MR. SWEENEY: Thank you, Judge.

8 We would echo the comments from New York, and we  
9 will discuss the substance of that affidavit during our  
10 argument to the extent the Court wants us to. I would also  
11 point out that the affidavit is from a representative from the  
12 New York corporation, and we're here for a motion for  
13 sanctions against the Pennsylvania corporation.

14 So to Mr. Wilson's point I do not believe it is  
15 applicable, and it was late filed. We have not had a chance  
16 to respond.

17 THE COURT: Okay. Well, for purposes of this  
18 hearing, I'm going to grant the motion to supplement the  
19 record, and counsel can flesh out their objections or respond  
20 to the arguments that -- and with that I mean defense  
21 counsel -- the plaintiffs' counsel makes this morning.

22 And, of course, I'll take into consideration the  
23 arguments that may go to the weight of the affidavit as it  
24 pertains to these motions for sanctions.

25 So you may proceed, Mr. Stepan.

1 MR. STEPANS: Thank you, Your Honor.

2 Your Honor, it is -- as it pertains to the  
3 Don Adams' supplement and the affidavit, I would suggest that  
4 the Court that the very reasons that the defendant  
5 corporations are objecting are the reason that the Court  
6 should, in fact, consider this affidavit. It's extremely  
7 telling that the affidavit was filed for a different purpose  
8 and that is the substance of our argument.

9 In 1986, Don Adams, who is holding himself out as a  
10 representative of the WTNy corporation, submits this affidavit  
11 and in it makes very specific contentions about the hierarchal  
12 structure of -- in the place in which these two defendant  
13 corporations hold.

14 So in 1986, what Mr. Adams did, and I think the  
15 contents of that affidavit are very telling, Your Honor,  
16 because it's several things. Number one, Mr. Adams makes  
17 assertions that are particular to both WTNy and WTPA and, in  
18 fact, if you look at page -- I point the Court's attention --  
19 this is document 117, page 3 of 7 in the document.

20 And, Your Honor, what's really important about this  
21 affidavit, first of all, it is from the relevant time period,  
22 1986; and the second part is that Mr. Adams not only makes  
23 assertions by way of affidavit that support plaintiffs'  
24 contention that during the relevant time period WTPA was, in  
25 fact, involved in a number of things that would bring them

1 under the purview of this Court for purposes of jurisdiction.

2 But it's not only that, Your Honor, what he does is  
3 point to specific publications. Publications that we have  
4 submitted to this Court. And what Mr. Adams does is pull  
5 quotes from them directly in furtherance of explaining that  
6 hierarchal organization to the Court in Bonham County [sic],  
7 Texas.

8 So it was certainly a different situation, and  
9 certainly there was a different set of assertions that were  
10 being made to the Court in that instance compared to what are  
11 being made in this particular case.

12 So I'd ask the Court to consider when defendant  
13 corporation WTPA says, "Well, we withdrew our motion because  
14 these are archaic texts. They are awkwardly worded. They  
15 build confusion." But in 1986, Don Adams in an affidavit is  
16 quoting verbatim from those same texts in order to tell the  
17 court this is a hierarchal organization with WTPA at the top.  
18 "Those operating under us do not have the sovereignty or  
19 authority to do the things that they are saying."

20 So when they want to hold on to a Kingdom Hall in  
21 1986, those assertions pointing to those documents are in no  
22 way awkward, clumsy, poorly written, or causing confusion;  
23 they are instead being asserted for the certain specific  
24 purpose of having the Court recognize that hierarchal  
25 structure and cement WTPA's ability to maintain control over

1 that physical property because of the control that they had  
2 over the congregations.

3 As I indicated, Your Honor, this page 3 of 7 on  
4 document 117, which is plaintiffs' supplement -- motion to  
5 supplement on the sanctions, we pulled two quotes from this  
6 affidavit. Those quotes, Your Honor, if we were to pull -- if  
7 you go to the next page, page 4, those quotes are pulled  
8 directly from the material -- let's see here, "This is  
9 organized to accomplish our ministry."

10 I'm not sure if this has been filed, but at any  
11 rate, Your Honor, this -- the document "Organized to  
12 Accomplish Our Ministry," which was published by WTPA,  
13 indicates the use of religious corporations -- excuse me. The  
14 quote that Don Adams pulls is from that document.

15 So then now it's awkwardly worded, and the reason  
16 they pulled their jurisdictional motion is because it might be  
17 too confusing for us. I submit to you, Your Honor, this is a  
18 critical piece of information. There is no question that this  
19 affidavit was submitted and the purposes for which it was  
20 submitted were different. So --

21 THE COURT: Can you tell me, in a nutshell, what was  
22 that case about?

23 MR. STEPANS: My understanding, Your Honor, was that  
24 there was a congregation in Bonham County, Texas, that was  
25 attempting to essentially assert control over their -- over

1 that Kingdom Hall. And my understanding is that what they  
2 were trying to -- there was a power play by a congregation  
3 saying these corporations can't -- you know, they aren't in  
4 charge of this.

5 So when WTNY and WTPA came back and said, "No, we  
6 are in control" -- this is a piece of property, basically, so  
7 a Kingdom Hall is the church and the real estate they own  
8 around it. When this local congregation tried to assert  
9 itself as having dominion over that, making assertions that  
10 were not in line with WTPA and WTNY.

11 Those defendant corporations then said, "No, we're  
12 in charge of all of it, and here's how you know: These  
13 publications that we put out in the world, they say exactly  
14 what it is. They say we are at the top and we run the show,  
15 and under us is these 95 branches, and we direct them."

16 Is that -- that's about as much as I know, Your  
17 Honor.

18 THE COURT: Okay. That's in some context for me.

19 MR. STEPANS: Your Honor, the second thing, I guess,  
20 I should address at the front end, and I can do more  
21 comparison, but I think that what I'd ask -- I'll come back to  
22 the Don Adams' affidavit.

23 Let's go to WTPA's response, Your Honor. I do have  
24 to address this because we identified an incorrect document,  
25 and I want to make sure that I -- we did indicate in our

1 brief, our reply brief, that we had indicated an incorrect  
2 document.

3           So our opening brief we were talking about the  
4 Kingdom Ministry coursebook, and WTPA is correct, I mean they  
5 took a lot of umbrage about it, but it was -- they are  
6 correct. That is not a -- the actual document was the source  
7 and the substance of a motion to compel that this Court heard  
8 previously.

9           And that document is the WTPA's 1972 Organization  
10 For Kingdom-Preaching and Disciple-Making. So I apologize to  
11 the Court for making that mistake, but the document in  
12 question, just to refresh the Court's recollection as it  
13 pertains to that motion to compel, James Rowland was deposed  
14 in this case early on, and Mr. Rowland identified the 1972  
15 Organization for Kingdom-Preaching and Disciple-Making as  
16 containing the information that guided and directed him as an  
17 elder in the Hardin congregation during his time there.

18           And it wasn't until after Mr. Rowland identified  
19 that and plaintiff was able to secure it through other means  
20 outside of discovery that WTPA actually turned it over. Why  
21 that's important, Your Honor, is that at the inception of this  
22 case WTPA asked this Court to do two things; they asked the  
23 Court to dismiss the case against them entirely and to  
24 prohibit any discovery from being done at all into that  
25 question.



1           In support of those two aims, WTPA submitted two  
2 items to Your Honor, and those are the affidavits of  
3 Mr. Brumley. It's on the strength of those two affidavits,  
4 and not on anything else, that WTPA asked this Court to  
5 dismiss the case outright and to prevent plaintiffs from doing  
6 any discovery.

7           Subsequent to that, plaintiffs asked for a document  
8 by name in discovery. It was not turned over. And that is  
9 this WTPA's 1972 Organization for Kingdom-Preaching and  
10 Disciple-Making. In a situation like this, Your Honor, where  
11 we're forced to play hide-and-seek, and we have to rely on the  
12 assertions from these defendant corporations, it's almost  
13 impossible to understand how submitting the request to dismiss  
14 these cases, and then dragging us through 18 months where they  
15 are fighting the discovery, not participating, taking  
16 positions that are contrary to their own literature -- and to  
17 be honest, Your Honor, I understand the Rule 11 situation  
18 as -- you know, we couldn't actually put together a Rule 11  
19 letter because we didn't have enough information until  
20 October. So we had been pulled through it for about a year  
21 and a half, asking they dismiss it, asking for the documents,  
22 and to no avail.

23           That's why we're here, because I think we lose track  
24 a little bit of the fact that, you know, my clients, obviously  
25 this is pretty delayed justice for them. And fortunately the

1 opportunity to come bring these cases has been presented. But  
2 here we are, a year and a half, and all we got through is  
3 jurisdictional discovery only to have them dismiss it  
4 summarily without adequate explanation to the Court as to why  
5 the assertions were being made all along by WTPA.

6 In that context, Your Honor, I guess I'd like to  
7 point the Court to -- back to those documents and those  
8 assertions that WTPA made at the front end. So this is  
9 document 18, and this is defendants' reply brief in support of  
10 motion to dismiss for lack of jurisdiction, WTPA page 14 of  
11 17. Okay. And this WTPA says, quote, starting --

12 THE COURT: I'm sorry to interrupt. What  
13 document -- are you talking about a CM/ECF document?

14 MR. STEPANS: Yes, Your Honor. I'm sorry. This is  
15 the defendants' reply brief in support of motion to dismiss,  
16 document 18 -- oh, I apologize. It is --

17 THE COURT: In which case?

18 MR. STEPANS: Let me make sure I've got the right  
19 one. This looks like it's filed in the Caekaert case, Your  
20 Honor. Let me make sure. Oh, no, excuse me. This is  
21 Rowland; document 18 in Rowland.

22 THE COURT: Okay. I have Caekaert up, so give me  
23 just a second.

24 MR. STEPANS: Okay.

25 THE COURT: Okay. I've got it. So direct me to

1 what you're talking about specifically.

2 MR. STEPANS: Thank you, Your Honor.

3 So this is page 14 of 17, and it is the first full  
4 paragraph on that, starting with -- "Starting with plaintiffs'  
5 assertion, jurisdictional discovery is necessary to explore  
6 the full extent of WTPA's involvement," et cetera. WTPA says  
7 this: "The Brumley affidavit affirmatively states that WTPA  
8 has no contact with congregations of Jehovah's Witnesses  
9 located in Montana. Allowing jurisdictional discovery on that  
10 basis would not uncover anything that is already known."

11 So if we look back to Mr. Brumley's affidavit, Your  
12 Honor, the -- this is document 14.1.

13 THE COURT: Yes. I actually have a hard copy of it  
14 here.

15 MR. STEPANS: Okay. And I would ask the Court to --  
16 I'd point the Court's attention to paragraph 11 and paragraphs  
17 14 through 16. Those are affirmative assertions and  
18 representations to this Court. The commentary from WTPA now  
19 is that those are not sanctionable because they are  
20 technically true.

21 The contents of that affidavit, Your Honor, if they  
22 are "technically true" and then omit all of the important  
23 facts, and the corporation asked the Court to dismiss it on  
24 that basis, as we indicated in our briefing, it's either  
25 unbelievably reckless that WTPA wouldn't go into its own

1 documents and find the materials that we've submitted,  
2 including -- and I'll just run through this -- document 96.1,  
3 the *Watchtower* April 1, 1971, indicates that it is published  
4 by the *Watchtower* Bible and Tract Society of Pennsylvania.

5 Document 96-1 at 945, the *Watchtower*,  
6 September 1, 1987, published by Watchtower Bible and Tract  
7 Society Pennsylvania. Document 96-1 at 295, the Kingdom  
8 Ministry School Course 1972, compiled and published by the  
9 *Watchtower* Bible and Tract Society of Pennsylvania.

10 Document 96-1 at 757, the 1975 Yearbook of Jehovah's  
11 Witnesses, corporate publishers, Watchtower Bible and Tract  
12 Society of Pennsylvania.

13 The defendant wasn't trying to get the Court to do  
14 something else. The defendant was trying to get the Court on  
15 the strength of Mr. Brumley to dismiss the case outright on  
16 jurisdictional grounds and not allow any discovery. As a  
17 result, that's either bad faith or it's reckless, and in  
18 either case, plaintiffs -- any plaintiffs -- and, you know, my  
19 clients are no exceptions to that -- should not be subject to  
20 these kind of games in discovery.

21 We should be already probably getting ready for  
22 trial. We should have gone through the discovery by now. And  
23 I would submit to the Court that it wasn't for lack of trying  
24 on the plaintiffs' part. Where we dug up some of this  
25 information that should have been provided to us probably in

1 initial discovery, the efforts that we made, I think there  
2 were seven or eight letters back and forth over the period of  
3 time leading up to the last sanctions hearing that we had.

4 So subject to any questions from Your Honor, I think  
5 our briefing covers the rest of it, but I wanted to cover  
6 those couple items. And subject to any questions, Your Honor,  
7 I guess I'd reserve just a little bit of time to reply if it  
8 would be okay.

9 THE COURT: Sure. And I don't have any questions of  
10 you right now.

11 MR. STEPANS: Thank you, Your Honor.

12 THE COURT: And okay. Mr. Sweeney, you are  
13 representing WTPA. You may go ahead.

14 MR. SWEENEY: Thank you, Judge.

15 As an initial matter, Mr. Stepan, I believe, was  
16 referring to the Rowland case. I probably should have called  
17 him. My references are going to be to the documents in the  
18 Caekaert case. So if you need a second to switch over to  
19 that, my apologies for any inconvenience there.

20 THE COURT: That's okay. Let me get back to  
21 Caekaert. All right. I'm back at the Caekaert case.

22 MR. SWEENEY: Thank you, Judge.

23 I want to spend some time this morning going through  
24 what the plaintiffs actually argued in both their opening  
25 brief as well as their reply. And some of this is -- was

1 covered in our response, but given the gravity of the  
2 situation, I think it's important that we cover these points  
3 in detail.

4 And it's going to become clear, if it hasn't already  
5 from the briefing, that the motion for sanctions has  
6 absolutely no merit, because there has been no attempt to  
7 trick the Court, conceal facts, be deceptive, and all of the  
8 other words that the plaintiffs used to describe the  
9 Pennsylvania corporation's manner in which they have handled  
10 the motion to dismiss.

11 So I want to take a little time to discuss what they  
12 actually argued in their motion. As Mr. Stepan pointed out,  
13 and as the Court is aware, in support of the motion to dismiss  
14 for lack of personal jurisdiction, the Pennsylvania  
15 corporation submitted two affidavits from Mr. Brumley. And  
16 the plaintiffs' claim seems to be that the affidavits contain  
17 a bunch of misrepresentations.

18 And in making this argument in their brief, the  
19 plaintiffs completely misinterpret -- not even misinterpret --  
20 they misquote and misrepresent what Mr. Brumley actually said  
21 in his affidavits, and I think it's important to discuss what  
22 he said.

23 Now, plaintiffs' argument, the first argument they  
24 have, with respect to Brumley's affidavit, plaintiffs claim  
25 that he falsely asserted that WTPA does not publish

1 copyrighted material. Then the plaintiffs point to a  
2 document, which is 21-1 in the Caekaert matter, which is a  
3 printout of a website, to argue that WTPA does, in fact,  
4 publish copyrighted material, and they are, therefore, lying  
5 in Mr. Brumley's affidavit.

6 Here's the problem with that argument. What Brumley  
7 actually testified to was that WTPA does not author the  
8 substantive content or print hard copies of the books,  
9 magazines, brochures, and tracts referred to above. On the  
10 contrary, the copyrighted materials are published by  
11 codefendant Watchtower Bible and Tract Society of New York, a  
12 separate corporation.

13 That's what Mr. Brumley actually said in his  
14 affidavit. Document 21-1, which is the website states that  
15 WTPA is, quote, used by Jehovah's Witnesses to support their  
16 worldwide work, which includes publishing Bibles and  
17 Bible-based literature. Plaintiffs have read this incorrectly  
18 to believe that it states that the Pennsylvania corporation is  
19 publishing the Bibles and Bible-based literature and,  
20 therefore, is lying.

21 The fact is this says "Jehovah's Witnesses and their  
22 worldwide work that includes publishing Bibles and Bible-based  
23 literature." Brumley submitted his second affidavit and  
24 cleared this up. In his second affidavit, which was document  
25 26, he stated, quote, WTPA and Jehovah's Witnesses are not one

1 in the same, and the support WTPA provides to Jehovah's  
2 Witnesses includes owning the copyright to the Bible and other  
3 Bible-based materials and funding international humanitarian  
4 relief matters.

5 This reference to the website that talks about the  
6 Jehovah's worldwide work in publishing Bibles is not stating  
7 that Pennsylvania publishes the Bibles and does not contradict  
8 Philip Brumley's affidavit whatsoever. So their first  
9 argument is flat wrong.

10 We also pointed this out in our brief, and I would  
11 note that in the plaintiffs' reply, they seemed to have  
12 abandoned that argument. They make no mention of it, nor do  
13 they address our counterargument that what this website said  
14 is not contradictory to Mr. Brumley's argument. That seemed  
15 to be abandoned because it was not brought up in the reply.

16 Plaintiffs then move on to point to two letters,  
17 which are document 21-3 and 21-4. And plaintiffs again  
18 misrepresent Brumley's testimony in its affidavits to claim  
19 plaintiffs' version of Brumley's testimony is that Brumley  
20 asserted that "WTPA does nothing more than passively hold  
21 copyrights and provide international humanitarian aid."  
22 That's not what Brumley said. These affidavits are short.  
23 It's not hard to find what he actually said.

24 Plaintiffs then point to some letters to try to  
25 convince the Court that Brumley was lying. Here is what



1 Brumley actually said: "WTPA exists to provide certain  
2 business needs of Jehovah's Witnesses, including, among other  
3 things, holding copyright to books, magazines, songs, and  
4 videos. It also provides international humanitarian aid to  
5 communities after natural disasters."

6 In his affidavit, Mr. Brumley provided examples of  
7 work that WTPA does. He did not purport to provide an  
8 exhaustive list of what WTPA does. Indeed he says they --  
9 WTPA does these things, among other things. And I'm going to  
10 talk in a second what plaintiffs should have done when they  
11 read his affidavit.

12 It's important to note, though, that the plaintiffs'  
13 request for sanctions is continually based on their  
14 misrepresentation of Mr. Brumley's testimony in his affidavit.  
15 They go on to cite a letter, which is 21-3 in Caekaert, to  
16 argue that he is not telling the truth.

17 This is a letter from 1970 from WTPA's past  
18 president, who I understand is now deceased, to an individual  
19 in New York explaining that another person in New York was not  
20 fit to be associated with the Bethal family. This was an  
21 internal communication. It wasn't sent to Montana, has  
22 nothing to do with personal jurisdiction in Montana, and has  
23 -- in no way contradicts what Mr. Brumley said.

24 They similarly cite 21-4 to support their argument.  
25 This is a May 2002 letter from the Pennsylvania corporation to

1 the BBC television network regarding how Jehovah's Witnesses  
2 handle sex abuse matters. Once again, I don't know why this  
3 is cited, but nothing in this contradicts what Mr. Brumley  
4 said in his affidavit nor does it do anything to establish  
5 personal jurisdiction in Montana.

6 And then, briefly, they cite five more letters,  
7 which I'll touch on just very briefly, to claim that  
8 Mr. Brumley is lying, and they are 29-1 through 29-5. In  
9 their argument, they claim that they found additional evidence  
10 to prove that WTPA was lying and to prove that WTPA is  
11 incorrect when it states that it does nothing more than hold  
12 copyrights and provide humanitarian aid.

13 Once again, WTPA and Mr. Brumley have not taken the  
14 position that the only thing they do is hold copyright and  
15 provide humanitarian aid. That is plaintiffs'  
16 mischaracterization of Mr. Brumley's testimony. I've read for  
17 the Court what he actually said.

18 Document 29-1 is a letter from a writing committee  
19 that was signed by WTPA and was sent to Australia. 29-2 is a  
20 letter from WTPA's office in London to elders in England.  
21 29-3 is a 1995 letter that was sent to all elders in the  
22 United States that concerns applying for tuition-free Bible  
23 missionary in New York.

24 29-4 was another letter in England from 1995. And  
25 29-5 is some court filing relating to the Holocaust in

1 retaining -- in gaining compensation for Jehovah's Witnesses.  
2 Beyond me why these things are cited, but plaintiffs argue  
3 that all of these documents we just went through show that  
4 Mr. Brumley is lying. And it doesn't take a very close  
5 examination to show that nothing in these documents  
6 contradicts what Mr. Brumley said in his affidavits.

7 Now, in their reply, the plaintiffs again double  
8 down, and they just say Mr. Brumley's claims -- his testimony  
9 is false. We've explained in our response why that's not  
10 true. They double down, they say it's false, they say it's  
11 misleading. Then they acknowledge that it's technically true,  
12 but they state that it was intentionally crafted to convince  
13 the Court of something that was never true and "to trick the  
14 Court" -- those are the words they use in their brief. That's  
15 not the case because there is nothing in that affidavit that's  
16 inaccurate. There is nothing in that affidavit that's untrue.

17 We have a lot of argument from plaintiffs, but no  
18 evidence to contradict what Mr. Brumley said in his affidavit.  
19 It should also be pointed out, and this cannot be lost on the  
20 Court, if the plaintiffs wanted more information from  
21 Mr. Brumley, other than the two, two-page affidavits he  
22 submitted, they should have deposed him.

23 In fact, in March of 2021, plaintiffs were seeking  
24 to do just that. By then his two affidavits had been filed,  
25 everybody knew what they had said, and plaintiffs had ample

1 opportunity to depose him to get any clarification they  
2 wanted. And, in fact, in September of 2021, we weren't  
3 counsel for the Pennsylvania corporation, but I understand a  
4 deposition for Mr. Brumley was actually noticed by the  
5 plaintiffs and then unilaterally cancelled by the plaintiffs.  
6 They had ample opportunity to clarify anything in his  
7 affidavit and they chose not to.

8           They seem to argue -- plaintiffs seem to argue that  
9 if an opposing affidavit does not contain facts that are good  
10 for them, then the affidavit is subject to sanctions as is the  
11 author.

12           The purpose of an affidavit is to set forth true  
13 facts. It is not meant to be an exhaustive recitation of all  
14 facts the author of the affidavit knows or an exhaustive list  
15 of information the plaintiff wants to know. That is what  
16 depositions are for.

17           THE COURT: Right. But in the context of WTPA's  
18 motion to dismiss for lack of jurisdiction, WTPA was relying  
19 primarily, if not solely, on Brumley's affidavits without any  
20 clarification or supplementation that would be provided to the  
21 Court. The Court obviously doesn't go to depositions, so -- I  
22 haven't mischaracterized that, have I?

23           MR. SWEENEY: No. And Pennsylvania's position is  
24 that there would be nothing learned during a deposition that  
25 would have contradicted or supported an objection to the

1 motion to dismiss. The affidavit was sufficient. The point  
2 I'm making is, based on plaintiffs' argument that it was  
3 misleading and trickery and deceiving because it was  
4 incomplete, they could have certainly talked to Mr. Brumley  
5 and gotten more information from him. Our position is, even  
6 if they had done that, the arguments to dismiss for lack of  
7 personal jurisdiction would still be as strong, but they chose  
8 not to do so.

9 Now, at the beginning of Mr. Stepan's argument, he  
10 pointed to a document that was incorrect in his opening brief  
11 and acknowledged that it was the wrong document, and I think  
12 he said "We've take a lot of umbrage over that." And I want  
13 to touch on that just briefly, because it gets into the  
14 document they actually meant, according to them.

15 They refer to, in their opening brief, which they  
16 admit was the wrong document, a 1990 -- 1972 Kingdom  
17 Ministries School Course Book. And they call this "A  
18 particularly egregious example of WTPA's hiding evidence,"  
19 when in fact WTPA had produced that. It was the first  
20 document they produced in November 2020, plaintiffs had it all  
21 along.

22 But I bring this up because this is a perfect  
23 example of, frankly, the sloppy and unsubstantiated  
24 allegations that the plaintiffs are levying against the  
25 Pennsylvania corporation in support of their motions for

1 sanctions. These arguments are not thought through. And so  
2 in their reply, they change tactics and instead point to a  
3 1972 "Organization for Kingdom-Preaching and Disciple-Making."

4 What Mr. Stepan did not tell you when he explained  
5 to you that WTPA wouldn't produce the document, what  
6 Mr. Stepan didn't tell you was that plaintiffs already had  
7 it. Plaintiffs produced it in January of 2021, before  
8 Mr. Rowland was deposed, and then after the deposition it was  
9 produced back to them by the Pennsylvania corporation.

10 The Court will recall that as part of the  
11 jurisdictional discovery, there was an order from the Court  
12 limiting discovery about the corporate relationship from 1973  
13 to either 1992 or 1995. This book was obviously outside of  
14 that window. So there was a disagreement as to whether this  
15 document was produced.

16 But the important part here, the plaintiffs already  
17 had it, and ultimately it was produced by the Pennsylvania  
18 corporation anyway so it was produced twice, and that was not  
19 acknowledged to you by the plaintiffs.

20 THE COURT: Well, they did say they had it before  
21 the Rowland deposition but not from WTPA.

22 MR. SWEENEY: Right, they did collect it. Okay.  
23 And if they said that, my apologies.

24 THE COURT: They did say that.

25 MR. SWEENEY: I just wanted to be clear, that they

1 had it, there's been no prejudice to them, and, of course, the  
2 reasonable and valid reason why it wasn't produced was because  
3 of the Court's order that Pennsylvania understood to believe  
4 that this document was outside of the discovery window.

5 THE COURT: So what -- why -- when was this  
6 organization document? When was that published?

7 MR. SWEENEY: 1972 is my understanding.

8 THE COURT: Okay. So the year before the window?

9 MR. SWEENEY: Correct. And I'm not really sure  
10 about the importance of this book anyways. My understanding  
11 is this book went to all Jehovah's Witnesses to acquaint them  
12 with how congregations work. It was disseminated by the New  
13 York corporation, not the Pennsylvania corporation. It  
14 plainly states on the front of it that PA, the Pennsylvania  
15 corporation holds the copyright, but New York published this.

16 It's not clear why we are even talking about that  
17 book because there is nothing in that that either contradicts  
18 Mr. Brumley's testimony or that really establishes personal --  
19 I don't see how there is a connection between the personal  
20 jurisdiction of Pennsylvania and this book.

21 Now, let's keep in mind what we're doing here, the  
22 plaintiffs are asking for sanctions against both Mr. Brumley  
23 and Mr. Taylor. They throw Mr. Taylor in the mix, and I'm not  
24 sure why. The way I understand their argument, he was an  
25 attorney, he should have recognized that Brumley's affidavit

1 was full of lies and, as an attorney, should have corrected  
2 them. As I've spent time discussing and I argued in our  
3 response, there is nothing inaccurate in Mr. Brumley's  
4 affidavit.

5 But Mr. Taylor's actions in this matter have been  
6 extremely limited. He appeared pro hac, he appeared at the  
7 deposition, and he's appearing at this hearing. In their  
8 briefs, they seem to argue that because Mr. Taylor was  
9 involved in some other cases involving the New York  
10 corporation, he should have taken that knowledge and corrected  
11 misstatements in Brumley's affidavits. We have covered this;  
12 there was no misstatements.

13 But the other lawsuits didn't involve WTPA. They  
14 didn't involve Mr. Brumley. And the only one that involved  
15 Mr. Taylor was the Nunez case. Plaintiffs have failed to  
16 establish how Mr. Taylor's involvement in another case  
17 representing another party is a basis for sanctions in this  
18 case, especially since they have been unable to identify any  
19 sanctionable conduct in the first instance. So we're  
20 scratching our head as to Mr. Taylor, because that's our  
21 position with respect to him.

22 Now, this Don Adams' affidavit -- Judge, at the  
23 beginning of this, I understand you granted the motion to  
24 supplement, and I think I may have heard you say that we can  
25 flesh out our objections later. Did you want me to state our



1 objections, even though you've already granted it, or should I  
2 just talk about the substance?

3 THE COURT: Well, I thought if you wanted to make  
4 further argument on your objection for purposes of the record,  
5 you could or we can just -- I have granted the motion and so  
6 if you wish to just get into the substance, you can do that,  
7 too.

8 MR. SWEENEY: Well, let me just make our record  
9 then. So our objection, of course, it was late filed. We  
10 have not had an opportunity to respond to it. We have not had  
11 an opportunity to talk to Mr. Adams -- I don't even know if  
12 Mr. Adams is alive. And Mr. Adams was, as he testified in his  
13 affidavit, a representative of the New York corporation, not  
14 the Pennsylvania corporation.

15 Nowhere in his affidavit does he claim to have  
16 personal knowledge of the Pennsylvania's corporation business  
17 or how it does business. And we don't even know what the  
18 purpose of that affidavit was. Mr. Stepans' understanding of  
19 the case is similar to mine, it was 40 years ago almost.

20 So we aren't all sure even what the case was about.  
21 We don't even know what the purpose of the affidavit was. So  
22 to cherry-pick an affidavit from somebody we don't have a  
23 chance to talk to and was late filed we believe is improper  
24 and should not be considered by the Court.

25 Now as to the substance of Mr. Adams' affidavit, I

1 don't see how that pertains to the motion to dismiss for lack  
2 of personal jurisdiction. He, again, claims that the church  
3 is hierarchal, but there is no legal relationship between the  
4 New York corporation and the Pennsylvania corporation.

5 We've produced all the corporate records going back  
6 to the 80s. There's no legal relationship between the two.  
7 So it's not clear how Mr. Adams' affidavit in a Texas case  
8 somehow shows that Pennsylvania corporation is subject to  
9 personal jurisdiction in Montana.

10 So all we have to say about that is that it seems  
11 completely irrelevant and other than our objections, we'll  
12 leave it at that.

13 THE COURT: Okay.

14 MR. SWEENEY: I want to talk about the law for a  
15 minute. In particular, I want to start with Rule 11. So it's  
16 clear that WTPA withdrew its motion to dismiss and took  
17 advantage of the safe harbor provision of Rule 11.

18 Last fall the plaintiff sent a letter to the  
19 Pennsylvania corporation and threatened sanctions under Rule  
20 11, specifically under Rule 11, if the motion was not  
21 withdrawn. They invoked the 21-day safe harbor provision.

22 That safe harbor provision provides that a motion  
23 for sanctions cannot be filed under Rule 11 if the challenged  
24 filing is withdrawn within 21 days after being provided notice  
25 of the intended motion for sanctions. And as we pointed out

1 in our brief, the advisory committee states the safe harbor  
2 protects a party against a motion for sanctions if the  
3 challenged paper is withdrawn.

4 Now, plaintiffs' counsel specifically said they were  
5 going to file a motion for Rule 11 sanctions if the motion to  
6 dismiss was not withdrawn. Relying on plaintiffs'  
7 representations and the safe harbor rule, Pennsylvania  
8 corporation did withdraw the motion. This was not an  
9 admission that the motion was without merit.

10 Pennsylvania corporation believes the motion had  
11 merit. They have good-faith arguments that they are not  
12 subject to jurisdiction in Montana; however, when they were  
13 faced with an uncertain ruling on that motion, as well as a  
14 threatened Rule 11 motion for sanctions, the decision was made  
15 to withdraw the motion and move forward on the merits.

16 And they did so, knowing that they would be --  
17 Pennsylvania corporation would be protected from sanctions  
18 under Rule 11 which was as represented by the plaintiffs.  
19 Then as soon as that motion was -- as soon as the motion to  
20 dismiss was withdrawn, the plaintiffs filed a motion for  
21 sanctions anyways under 28 U.S.C. 1927 and the Court's  
22 inherent power to sanction.

23 Their Rule 11 threat was simply a Trojan horse to  
24 trick Pennsylvania corporation to withdraw the motion and ask  
25 for sanctions anyways. They concealed they were going to do

1 that. When they asked for Rule 11 sanctions or told  
2 Pennsylvania they were going to do that, there's no mention  
3 that a motion for sanctions would be filed regardless whether  
4 the safe harbor provision was utilized.

5 So they allowed the Pennsylvania corporation to  
6 withdraw the motion, and then they sprung their motion for  
7 sanctions on them anyways. And the basis for the sanctions  
8 they now seek are exactly the same as they claimed they were  
9 going to seek under Rule 11. It's not -- it's bad faith to  
10 invoke Rule 11, let somebody withdraw a motion, and file a  
11 motion for sanctions anyway, and the Court should not tolerate  
12 this.

13 Frankly, it would defeat the safe harbor provision.  
14 Rule 11 allows parties to withdraw challenged papers that may  
15 run afowl of the rule by giving them the protection of the  
16 safe harbor. The Ninth Circuit says this must be strictly  
17 followed. It's very simple. Why would a party ever withdraw  
18 a challenged paper under Rule 11 if they were going to face  
19 sanctions anyways?

20 Especially, as the plaintiffs have done here, the  
21 withdrawal of the motion is going to be used to support a  
22 request for sanctions later. And that's what the plaintiffs  
23 have done here. They said, "Withdraw your motion to dismiss  
24 or file Rule 11." We said, "All right. We'll take advantage  
25 of the safe harbor."

1           We withdraw. They filed the motion for sanctions  
2 anyways, and then argue the fact that we withdrew the motion  
3 as evidence that the motion didn't have merit in the first  
4 place. That would completely defeat Rule 11 safe harbor, if a  
5 party can invoke it and be sanctioned for it anyways as well  
6 as using the withdrawal of the motion to support the motion  
7 for sanctions under 1927 or the Court's inherent powers. The  
8 safe harbor was utilized. That should be the end of the  
9 question. And on that basis alone, the motion for sanctions  
10 should be denied.

11           Now, the plaintiffs also make the argument that  
12 Mr. Brumley and Mr. Taylor should not get the benefits of the  
13 safe harbor. And the language of Rule 11 defeats this  
14 argument. Rule 11 applies to those who present to the Court a  
15 pleading, written motion, or other paper, or someone who later  
16 advocates for one of those things.

17           Obviously, Mr. Brumley signed an affidavit, and  
18 that's a large part of the plaintiffs' allegations. With  
19 respect to Mr. Taylor, they argue that he advocated for it by  
20 not correcting it. Rule 11 doesn't just apply to those who  
21 sign papers, and neither does the safe harbor.

22           Plaintiffs seem to argue that there is a group of  
23 attorneys that can be sanctioned under Rule 11 but aren't  
24 entitled to the protection of the safe harbor, and that's  
25 obviously not the case. They threatened sanctions against

1 Mr. Brumley and Mr. Taylor under Rule 11, they invoked that  
2 process, and Mr. Brumley and Mr. Taylor are likewise entitled  
3 to the safe harbor of Rule 11.

4 Now, with respect to the Court's inherent power to  
5 sanction as well as 1927, the plaintiffs hope the Court  
6 ignores the safe harbor, Rule 11, and just sanctions them  
7 anyway, but neither of those are applicable. The standard for  
8 sanctions under both the Court's inherent power and 1927 are  
9 similar. The Ninth Circuit has said that sanctions may be  
10 awarded when a party is acting in bad faith, vexatiously,  
11 wantonly or oppressive reasons.

12 Under 1927 an attorney may be sanctioned if the  
13 attorney multiples proceedings unreasonably and vexatiously.  
14 Both essentially require a finding of bad faith, and bad faith  
15 is warranted or found when an attorney knowingly or recklessly  
16 raises a frivolous argument or argues a meritorious claim for  
17 the purposes of harassing an opponent. Neither are the  
18 case -- neither is the case here.

19 Pennsylvania corporation filed a motion to dismiss.  
20 It's true that they objected to jurisdictional discovery, but  
21 I'm sure as this Court knows, and I think all the attorneys in  
22 the room know too, it is common and probably usually the case  
23 that when jurisdictional discovery is sought, the opposing  
24 party objects to such request.

25 Objecting to jurisdictional discovery is not bad

1 faith. Similarly, as we have spent some time this morning  
2 discussing and as is in our brief, plaintiffs have not pointed  
3 to anything that Pennsylvania corporation has stated that is  
4 inaccurate, untrue, misleading, deceiving, or trying to trick  
5 the Court.

6 The bottom line is, Your Honor, when it comes back  
7 to the Brumley affidavit, which seems to have been the thrust  
8 of the argument here, the plaintiffs chose not to depose him.  
9 And had they wanted clarification of what he said, they  
10 certainly could have done that and supplemented their record,  
11 and they chose not to do so.

12 Mr. Brumley has not said anything untrue.  
13 Mr. Taylor certainly hasn't said anything that's untrue.  
14 Pennsylvania corporation has not acted in bad faith  
15 whatsoever. And so we would submit that the motion for  
16 sanctions should be denied at a minimum because the safe  
17 harbor Provision of Rule 11 was complied with, but even if the  
18 Court were to get beyond that, there is no bad faith by  
19 Pennsylvania corporation. The motion to dismiss was made in  
20 good faith, and the motions for sanctions should be denied.

21 THE COURT: Thank you, Mr. Sweeney.

22 And I assume, Mr. Wilson, you're just here  
23 representing your client; you don't have anything to argue  
24 particularly.

25 MR. WILSON: Correct, Your Honor.

1 THE COURT: Okay. Thank you.

2 Mr. Stepans, you may rebut.

3 MR. STEPANS: Thank you, Your Honor.

4 MR. WILSON: Your Honor, sorry to interrupt. It  
5 looks like maybe Joel has something to say.

6 THE COURT: Okay. Well, I'll let him speak before  
7 you rebut, Mr. Stepans.

8 MR. STEPANS: Sure.

9 THE COURT: Go ahead, Mr. Taylor.

10 THE CLERK: Mr. Taylor, do you have something to say  
11 to the Court?

12 MR. TAYLOR: We lost audio for a second at the  
13 speaker lectern but I can hear you fine.

14 THE CLERK: Okay.

15 THE COURT: Okay. So is that just what you wanted  
16 to tell us, Mr. Taylor, what that you'd lost audio?

17 MR. TAYLOR: Yes, Your Honor. Of course if the  
18 Court has any questions for me, I'm available to answer them  
19 as the Court wishes also.

20 THE COURT: Okay. Thank you. I don't have any  
21 questions of you at this time.

22 Mr. Stepans.

23 MR. STEPANS: Thank you, Your Honor.

24 Your Honor, on the publishing as it pertains to the  
25 affidavit of Mr. Brumley, so if we go back to Mr. Brumley's



1 affidavit, this is, let's see, paragraphs 14, 15, and 16.

2 THE COURT: And that's document 14-1, correct?

3 MR. STEPANS: That is correct, Your Honor.

4 THE COURT: Okay.

5 MR. STEPANS: Those three, in particular No. 15,  
6 "WTPA does not author the substantive content or print hard  
7 copies of the books, magazines, brochures, and tracts referred  
8 to above." So, I mean, I did not concede that this was  
9 technically true.

10 Defendants are saying it's technically true. I'm  
11 saying it could technically be true that that at this moment  
12 in time is accurate, but that it has nothing to do with the  
13 substance and contents of this case.

14 So if that's just an informative piece of  
15 information that they would like to give to the Court that has  
16 no bearing whatsoever on the question of jurisdiction as it  
17 pertains to the facts that are present in this case, I submit  
18 to you, Your Honor, that that is bad faith. There is no other  
19 reason to submit it to you.

20 The Brumley affidavit -- let's see, so once again,  
21 document 14-1, and this is paragraph 13, "WTPA exists to  
22 provide certain business needs of Jehovah's Witnesses  
23 including, among other things, holding copyrights, et cetera,"  
24 and then it goes on to explain. What does that have to do  
25 with this case?

1           If we're supposed to go depose Mr. Brumley and find  
2 out the nature of all those things, why are they submitting  
3 that to you, Your Honor, if not to tell you that WTPA doesn't  
4 do what we're saying, it does something else.

5           Mr. Brumley's affidavit, paragraph 10, "WTPA has no  
6 contact with congregations of Jehovah's Witnesses located in  
7 Montana." If we could go back to the documents I referenced,  
8 which I didn't hear Mr. Sweeney refer to, and those are  
9 documents 96-1 that I read out loud.

10           Each one of those indicates that those are published  
11 by WTPA. By extrapolation, the assertion is made that these  
12 materials are used and disseminated in order to provide  
13 direction to the congregants and the elders. That's the  
14 assertion that has been made, that they go out worldwide.

15           I submit to you, Your Honor, that when Mr. Brumley  
16 says that, quote, WTPA has no contact with congregations of  
17 Jehovah's Witnesses located in Montana, that is not an  
18 accurate statement based on the materials that we have, the  
19 documents that indicate unequivocally that WTPA published them  
20 straight up, and those are 96.1 that I referred to.

21           Document 96.1 at 11 -12 is WTPA's articles of  
22 incorporation as amended in 1945. Those articles appear to  
23 still be in play and certainly they comport with what  
24 Mr. Adams said in 1986. In the articles of incorporation, and  
25 I'll quote just a few, Your Honor, because I think this is

1 pretty important language in the context of Mr. Brumley's  
2 affidavit:

3 "The purposes of this society are to act as the  
4 servant legal worldwide governing agency for the body of  
5 Christian persons known as Jehovah's Witnesses." Goes on to  
6 many other things, including "to print and distribute Bibles  
7 and to disseminate Bible truths in various languages by means  
8 of making and publishing literature containing information in  
9 common explaining Bible truths and prophecies. To authorize  
10 and appoint agents, servants, employees, teachers,  
11 instructors, evangelists, missionaries" -- okay.

12 We go on -- let's see, "To establish and maintain  
13 private Bible schools and classes, to provide and maintain  
14 homes, places, and buildings for gratuitous housing of such  
15 students, lecturers, teachers, ministers. To support,  
16 maintain, and send out to various parts of the world Christian  
17 missionaries, teachers, and instructors in the bible and Bible  
18 literature." So they do all of these things; and Mr. Brumley  
19 says they basically do nothing, they just hold on to the  
20 copyrights.

21 Again, Your Honor, I would go back to reckless or  
22 bad faith. I want to be honest, I had no hope that this  
23 motion would be pulled out under Rule 11, but I don't know  
24 what to do other than come to the Court and ask for sanctions  
25 in this situation, Your Honor.

1           As we laid out in our brief, where two affidavits  
2 are filed, and it is on the strength of those affidavits --  
3 not some other explanation, not some other extenuating  
4 circumstances, not some additional information -- it's on the  
5 basis of the assertions in that that they ask to be dismissed  
6 outright and for us not to do any discovery.

7           The 1972 document, if the Court recalls, and  
8 Mr. Sweeney's firm was not in the case at that point in time,  
9 but if you remember, we held a motion to compel hearing. The  
10 evidence was clear that the 1972 document was, in fact, being  
11 used well beyond 1973, into the 80s, in the Hardin  
12 congregation.

13           By all accounts there was not a new edition that was  
14 turned out in '73 or '74 and so that was the document that was  
15 in play at that point in time in Hardin, and it fell within  
16 that timeframe.

17           Your Honor, going back to Mr. Adams' affidavit,  
18 this -- and so Mr. Adams' affidavit in our motion to  
19 supplement, if you would -- if I could point the Court's  
20 attention to paragraph 6.

21           THE COURT: Of the affidavit or your motion?

22           MR. STEPANS: Of the affidavit, Your Honor, I'm  
23 sorry.

24           THE COURT: Okay. I'm there.

25           MR. STEPANS: Okay. "To implement their decisions

1 the governing body uses a hierarchal organization together  
2 with corporate entities when appropriate to accomplish it's  
3 worldwide work of teaching and declaring the good news," et  
4 cetera, et cetera.

5 "The principal corporation used by the governing  
6 body is the Watchtower Bible and Tract Society of  
7 Pennsylvania." Paragraph 7, under the *Watchtower* Bible and  
8 Tract Society of Pennsylvania the governing body directs 95  
9 branches through branch committees that report their progress  
10 to the governing body and implement the directives in a  
11 uniform manner.

12 Here the cite is very important, Your Honor. He  
13 cites to "see organized to accomplish our ministry, pages 26  
14 and 27." I'll go to those. "This is organized to accomplish  
15 our ministry." It is a WTPA document, Bates 028731 through  
16 028954. Take the Court to page 26, so this was -- 26 and 27.  
17 This is what Mr. Adams cites to.

18 THE COURT: Is that document filed in the Court  
19 record?

20 MR. STEPANS: I do not believe it is, Your Honor.  
21 The quote is -- the excerpts are via Mr. Adams' affidavit and  
22 our supplement, so these excerpts -- I'm going to go a little  
23 beyond it, if that's okay with Your Honor, it's to continue  
24 this sentence. Okay.

25 Under -- this is page 26 and the heading is, "Use of

1 Religious Corporations. It has proved to be the course of  
2 wisdom for the faithful slave to organize certain corporations  
3 that are recognized by the laws of various countries. These  
4 religious corporations own and operate printing facilities  
5 that produce and distribute Bibles and Bible literature on a  
6 worldwide basis for use in the Kingdom Ministry.

7 "The first in time and the principal corporation  
8 used in this way is the *Watchtower* Bible and Tract Society of  
9 Pennsylvania. The *Watchtower* Society has extended its works  
10 worldwide, establishing branch offices in various countries.

11 "Also in compliance with local government  
12 regulations, a number of other religious societies have been  
13 legally formed, such as Watchtower Bible and Tract Society of  
14 New York and the International Bible Students Association.

15 "All these legal instrumentalities cooperate with  
16 one another. These and other legal corporations are used by  
17 the modern-day governing body of Jehovah's Witnesses to  
18 facilitate the preaching of the good news worldwide and care  
19 of the spiritual needs."

20 Your Honor, in 1986, Mr. Adams asserts to the Court,  
21 unequivocally, that that's the hierarchal structure of this  
22 organization, that WTPA is the first in line, that all of them  
23 look to WTPA. Those are the assertions from Mr. Adams. He's  
24 quoting from the material that we have asserted is exactly the  
25 basis for the jurisdiction -- for jurisdiction to be

1 appropriate.

2 As it pertains to Rule 11, Your Honor, and the  
3 request for sanctions, I have to be honest, I did not -- I  
4 told Your Honor that I don't like to be in here on discovery  
5 disputes, and I think you may at some point not believe me  
6 because here we are again.

7 But in a situation such as this, where we are so  
8 reliant on the good faith of defendants to come forward with  
9 this information where they have asked this Court to rely on  
10 these affidavits, without question, in order to dismiss the  
11 case, prevent us from doing discovery, and finding these  
12 facts, it's my position that as a result of that -- because  
13 they ask the Court to do that, because they obstructed  
14 discovery, because we're 18 months in, that I don't know what  
15 the proper sanction would be exactly, but I am in a position  
16 to come here and ask the Court whether it is appropriate  
17 because based on everything that I've seen, it can only be  
18 recklessness or bad faith that leads us to where we're at  
19 right now as opposed to getting ready for trial.

20 So with respect, Your Honor, and subject to any  
21 other questions, I submit this to the Court reluctantly in  
22 this fashion, but without any other option as to how to know  
23 that we are going to be able to proceed in this case and rely  
24 on the representations that are made from these corporations.

25 Thank you.

1 THE COURT: Thank you.

2 Well, I will deem the motion submitted, and  
3 Mr. Taylor's got his hand up again.

4 MR. TAYLOR: Your Honor, if I might have just two  
5 minutes of the Court's time?

6 THE COURT: All right. Go ahead.

7 MR. TAYLOR: As Your Honor is aware, prior to the  
8 current law firm representing the Pennsylvania corporation,  
9 both corporations were represented by the same counsel. My  
10 understanding is that the publications cited in the Don Adams'  
11 affidavit were produced to plaintiffs' counsel, along with  
12 about 70,000 other pages of documents.

13 And to the uninformed, Mr. Adams' affidavit could be  
14 misunderstood. Mr. Adams is talking about both about the  
15 religious structure of the faith and also the corporate  
16 structure.

17 In the religious structure of the faith, he  
18 describes a hierarchy. And he says that "There is a religious  
19 governing body which is not one in the same as the board of  
20 directors." And then he also describes "branches which are  
21 religious constructs, not corporate constructs."

22 Interestingly, if plaintiffs' counsel had kept  
23 reading in the Don Adams' affidavit, it would explain in the  
24 very following paragraphs that the New York corporation is the  
25 corporation responsible for interaction with Jehovah's



1 Witnesses in the United States. It's the very next paragraph  
2 in that affidavit, but he doesn't refer to it because it's  
3 inconvenient.

4 But it's distinction between the religious and  
5 corporate that it's confusing. And on behalf of the New York  
6 corporation, it has not contested jurisdiction, and indeed,  
7 the documents that were produced by the Hardin congregation,  
8 the actual congregation in Montana, all refer back to the New  
9 York corporation.

10 In fact, the letter that formed the corporation for  
11 the Hardin congregation is indeed a New York letterhead. It  
12 is not a Pennsylvania corporation. And so this confusion that  
13 arises between the religious construct and the corporate  
14 construct is why we have this confusion. Never has there ever  
15 been an attempt to engage in any bad faith, and certainly I  
16 have never made any representations to this Court other than  
17 the one that I'm making right now.

18 That's all I have to say, Your Honor. Thank you for  
19 hearing me.

20 THE COURT: Well, what difference would it make for  
21 personal jurisdiction of WTPA and this Court whether the  
22 contacts that WTPA had with the State of Montana were through  
23 some religious sort of structure or hierarchy or through a  
24 corporate structure?

25 MR. TAYLOR: In fact, Your Honor, it hasn't been

1 WTPA that's been having those contacts. The challenge that  
2 plaintiffs' counsel is trying to understand is where the  
3 Pennsylvania corporation sits. And it keeps referring to a  
4 hierarchy, but the hierarchy is not on the corporate side.

5 The hierarchy represents how the religion is  
6 structured, not how the corporation is structured, which is  
7 why the corporation records don't show anything to suggest  
8 that NY is a subsidiary, a child, or a parent for any  
9 corporate relationship between the entities because none  
10 exist.

11 And so it is -- that's in part, Your Honor, why the  
12 motion was withdrawn. We understand that when you are looking  
13 at a religion and then these corporations, it is entirely  
14 confusing. It's understood. But we would be pleased to have  
15 the opportunity to bring these facts to bear through  
16 deposition and discovery, and then the Court can assess it at  
17 the conclusion of discovery to see whether or not Pennsylvania  
18 has any contacts, meaningful contacts, with any congregation  
19 in Montana let alone the allegations related to the complaints  
20 at issues here.

21 THE COURT: Well, there would be no need for that,  
22 the motion has been withdrawn, so there'd be no need for  
23 further discovery on it. I don't know that you answered my  
24 question, particularly, Mr. Taylor, about what difference it  
25 would make whether WTPA had influence over, for example, the

1 Hardin congregation with regard to religious sort of  
2 activities or through some more corporate kind of aspect as  
3 far as jurisdiction goes.

4 MR. TAYLOR: To be clear, Your Honor, the  
5 Pennsylvania corporation had no religious authority, control,  
6 influence over the Hardin congregation to the extent one would  
7 argue, and I would rebut that argument, that the  
8 Pennsylvania -- or the New York corporation had that  
9 relationship, I think those facts would be borne out during  
10 discovery.

11 THE COURT: Okay. Thank you, Mr. Taylor.

12 Mr. Stepans, did you have anything you wish to say  
13 with regard to Mr. Taylor's comments?

14 MR. STEPANS: No, I don't believe so, Your Honor.  
15 Thank you.

16 THE COURT: All right. Okay. So I think everyone's  
17 had an opportunity to be heard, I hope so. So as I was  
18 saying, the Court will deem the motions for sanctions in these  
19 two cases submitted for ruling.

20 And thank you, Counsel. We're adjourned.

21 (Whereupon, the proceedings adjourned at 10:44 a.m.)

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**CERTIFICATE OF REPORTER**

I, Kim Marchwick, a Registered Professional Reporter and Certified Realtime Reporter, do hereby certify that the foregoing 47 pages of transcript is a true and correct record of the proceedings given at the time and place hereinbefore mentioned; that the proceedings were reported by me in machine shorthand and thereafter reduced to typewritten form using Computer-Aided Transcription; that after being reduced to typewritten form, a certified copy of this transcript will be filed electronically with the court.

I further certify that I am not an attorney for nor employed by, nor related to any of the parties or attorneys to this action, nor financially interested in this action.

Whereupon, this document was signed by me in Billings, Montana, this Friday, the 13th day of May, 2022.

*/s/ Kim Marchwick*

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# *Exhibit 1*



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**FILED**

AFFIDAVIT OF DON ADAMS

FEB 10 1985

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF KINGS )

Time 11:42 O'Clock A.M.  
EVA LINDSEY  
District Clerk, Tarrant Co., Texas  
By Lorraine E. Egan Deputy

I, Don Adams, after being duly sworn, depose and say:

1. I am over 21 years of age and reside at 124 Columbia Heights, Brooklyn, New York 11201. I have never been convicted of a felony or a crime of moral turpitude and I am competent to testify.

2. I am the Assistant Secretary-Treasurer of the Watchtower Bible and Tract Society of New York, Inc., and, as such, I am familiar with the books, records, publications and operating procedures of the Watchtower Bible and Tract Society of New York, Inc. I have personal knowledge of the facts set out herein and I am a custodian of the official records and publications described herein.

3. The Watchtower Bible and Tract Society of New York, Inc. is the parent organization of all congregations of Jehovah's Witnesses in the United States, including the Bonham Congregation of Jehovah's Witnesses located in Bonham, Texas.

4. It is the teaching and practice of Jehovah's Witnesses to follow the example of first century Christians. A Governing Body, at present comprised of thirteen men, direct all teaching, preaching, disciple-making and congregational activ-

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ities of Jehovah's Witnesses throughout the world. (See the basic organization manual of Jehovah's Witnesses, Organized to Accomplish Our Ministry, pages 10 and 25, and The Watchtower, the official semimonthly journal of Jehovah's Witnesses, "The Christian Congregation and Its Operation," October 1, 1977, page 598.)

5. Regarding the position of the Governing Body, Organized to Accomplish Our Ministry states at page 28:

All in the organization recognize God's way of theocratic control. The congregations acknowledge and conform to the guidance of the Governing Body as it outlines organizational arrangements for the benefit of all.

6. To implement their decisions, the Governing Body uses a hierarchial organization together with corporate entities, when appropriate, to accomplish its worldwide work of teaching and declaring the good news of God's established Kingdom. The principal corporation used by the Governing Body is the Watch Tower Bible and Tract Society of Pennsylvania. (See Organized to Accomplish Our Ministry, page 26.)

7. Under the Watch Tower Bible and Tract Society of Pennsylvania, the Governing Body directs 95 branches through Branch Committees that report their progress to the Governing Body and implement the directives of the Governing Body in a uniform manner. (See Organized to Accomplish Our Ministry, pages 26 and 27.)

8. The Watchtower Bible and Tract Society of New

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York, Inc. is a branch used to administer to the needs of Jehovah's Witnesses in the United States. (See Organized to Accomplish Our Ministry, pages 26 and 27.)

9. The United States Branch is part of a zone, which is supervised by a Zone Overseer. Organized to Accomplish Our Ministry states at page 53:

Periodically, arrangements are made by the Governing Body to have qualified brothers serve each of the branches throughout the earth.

These visits are comprehensive and cover every aspect of the branch's activities. A primary objective is to assure that each branch is working in harmony with the directives of the Governing Body.

10. Each zone is made up of districts. Each district is supervised by a District Overseer. Organized to Accomplish Our Ministry states at page 51:

The district overseer is a traveling elder who is also appointed by the Governing Body and assigned by the branch office to serve a number of circuits that comprise a district.

At regular intervals, the District Overseer reports to the branch on the progress and spiritual health of the circuits which make up the district to which he is assigned. Like the Zone Overseer, he is charged with the responsibility to assure that all of the activities in the district conform to the directives of the Governing Body. (See Organized to Accomplish Our Ministry, pages 51 and 52.)

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[It is Jehovah's arrangement and he will hold the overseers responsible for their actions. They are representing him and his theocratic rule. He will remove from office (through the actions of the Governing Body) those overseers who fail to manifest the fruitage of the spirit and whose pattern of life falls short of the Scriptural requirements.

(Also See Organized to Accomplish Our Ministry, pages 41-53.)

14. The responsibility of all of these positions is to assure the unity and oneness of the congregations throughout the world with the direction of the Governing Body. (See Organized to Accomplish Our Ministry, page 54.)

15. Each position is filled by appointment from the Governing Body and each appointed representative is required to cooperate with the Governing Body. (See Organized to Accomplish Our Ministry, page 41 and The Watchtower, "The Christian Congregation and Its Operation," October 1, 1977, page 598.)

16. Appointed representatives within the congregations fall into two categories, elders or overseers and ministerial servants. (See Organized to Accomplish Our Ministry, pages 28 to 40 and The Watchtower, "The Christian Congregation and Its Operation," October 1, 1977, pages 599 to 601.)

17. It is the responsibility of the body of elders to see that the congregation is managed according to the directives of the Governing Body. In harmony with these directives, each body of elders has specific responsibilities to be filled by qualifying elders. Each congregation has the following positions to be filled: the presiding overseer, secretary, service

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overseer, Watchtower Study conductor and Theocratic Ministry School overseer. Organized to Accomplish Our Ministry states at page 42:

The presiding overseer serves as chairman at the meetings of the body of elders. Communications and important records of the congregation are handled by the secretary who keeps the elders informed about important communications. Arrangements for field activity and other service-related matters come under the direction of the service overseer.

18. There are five scheduled meetings of worship which each member of the congregation attends. While these meetings are conducted by the local body of elders in each congregation, the material covered in the meetings is prescribed by the Governing Body in order to assure that all of the congregations are receiving the same information and direction. (See The Watchtower, "The Christian Congregation and Its Operation," October 1, 1977, pages 601 to 603.)

19. One area in which the body of elders would conduct matters for the benefit of the congregation and subject to the Governing Body would be in the area of buying or selling real estate to be used by the local congregation as a place of worship know as the Kingdom Hall.

20. By "Memorandum on Kingdom Halls" from Hayden C. Covington, General Counsel for Watchtower Society and Jehovah's Witnesses, dated September 1960, bodies of elders in the United States Branch received instructions regarding ownership of Kingdom Halls. Under the subheading, "Relationship Between

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Congregation and Titleholders," the memorandum states in part:

When either a corporation or trustee arrangement is made and title to property is vested in the corporation or trustees, the titleholders have the same relationship to the congregation as does any other instrument, equipment or property necessary to carry out the work of the congregation, which is preaching the good news in the assigned territory and holding meetings. All such instruments or tools are used to serve the congregation in harmony with the theocratic government.

The mere fact that a legal corporation or trustee arrangement has been made does not mean that a separate organization has been formed that can function separately and apart from the congregation and be used to guide and direct its policies. The titleholders (trustees or corporation) are merely special servants of the congregation in whom is vested legal title to the Kingdom Hall. Titleholders as such do not act as a part of the congregation committee to operate the Kingdom Hall or run the business of the congregation. They have absolutely nothing to do with the use to be made of the property and cannot determine who is going to live on the property or what kind of work is to be done in it.

The operation of the Kingdom Hall, making of repairs and improvements, payment of expenses and obligations and all other business in connection with owning and maintaining the property are all under the direction of the theocratic organization through the elders and ministerial servants appointed by the Society.

21. By memorandum entitled "Information Regarding Ownership of Kingdom Halls" from the Office of the Secretary and Treasurer of the Watch Tower Bible and Tract Society of Pennsylvania, dated April 1, 1982, similar language defines the relationship between congregation and titleholders:

The mere fact that a legal corporation or trustee arrangement has been made does not mean that a separate organization has been formed that can function separately and apart from the congregation and be used to guide and direct its policies. The titleholders (trustees or corporation) are merely special servants

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of the congregation in whom is vested legal title to the Kingdom Hall. The titleholders as such do not act as a part of the committee to operate the Kingdom Hall or run the business of the congregation. The titleholders, as such, have absolutely nothing to do with the use to be made of the property. They cannot determine who is going to live on the property or what kind of work is to be done in it.

The operation of the hall, making repairs and improvements, payment of expenses and obligations and all other business in connection with owning and maintaining the property are all under the direction of the theocratic organization through the elders and ministerial servants appointed by the Society.

22. The trustees holding title for any Kingdom Hall resemble the "Trustees" which held title to the church property which was the subject of the controversy in a landmark United States Supreme Court case, Watson v. Jones, 80 U.S. 679 at 681:

Connected with each local church, and apparently without any functions in essence ecclesiastically, are what are called the "Trustees;" three persons usually, in whom is vested for form's sake, the legal title to the church edifice and other property; the equitable power of management of the property being with the Session. These Trustees are usually elected biennially; they are subject to the Session, and may be removed by the congregation.

23. In 1964 when the Bonham Congregation secured a mortgage through the Watchtower Bible and Tract Society, it was determined by vote from the congregation that it would be willing to contribute to cover the expenses of a mortgage and contemplated construction expenses. All matters were handled between the body of elders and Watchtower Bible and Tract Society of New York, Inc. acting in harmony with the directives of the Governing Body as expressed in the above-mentioned correspondence and other publications of the Watchtower Bible and Tract Society

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of New York, Inc.

24. By notice dated June 4, 1985, the following duly appointed elders of the Bonham Congregation of Jehovah's Witnesses were deleted from their appointed positions and are no longer elders of Jehovah's Witnesses: (1) Wendel Baker; (2) Trymer L. Berry; (3) James E. Coleman; (4) Ralph E. Deal; and (5) Tony M. Jones.

25. There are currently four duly appointed elders in the Bonham Congregation of Jehovah's Witnesses who are recognized by the Governing Body of Jehovah's Witnesses. They are (1) Luther Brogdon; (2) Richard L. Scofield; (3) Ronald H. Williams; and (4) Bennie Bolin. Their dates of appointment were (1) Luther Brogdon—July 4, 1985; (2) Richard L. Scofield—June 4, 1985; (3) Ronald H. Williams—November 28, 1985; and (4) Bennie Bolin—November 28, 1985.

26. From the dates of their appointment, the above-mentioned duly appointed elders (Luther Brogdon, Richard L. Scofield, Ronald H. Williams, and Bennie Bolin) have had the duty and responsibility to insure that the Kingdom Hall property located at 1105 Pecan Street, Bonham, Texas, is properly cared for and secured on behalf of the Bonham Congregation of Jehovah's Witnesses.

27. Each Kingdom Hall owned by Jehovah's Witnesses, including the Bonham Kingdom Hall, is dedicated solely to the worship and service of Almighty God Jehovah by means of a solemn

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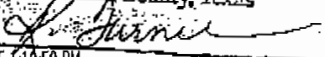
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I hereby certify that the aforesaid is a true and correct copy on file or of record in the 330th Judicial District Court, Fannin Co., Texas, signed and sealed this 18th day of Feb. 2004 A.D.

Rochelle Turner  
Clerk, District Courts,  
Fannin County, Texas



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**ORGANIZED  
TO  
ACCOMPLISH  
OUR MINISTRY**

**“You, though, keep your senses in all things,  
suffer evil, do the work of an evangelizer,  
fully accomplish your ministry.”—2 Tim. 4:5.**

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ASSOCIATION

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26 ORGANIZED TO ACCOMPLISH OUR MINISTRY

and to care for all His “belongings,” or Kingdom interests on earth. (Matt. 24:45-47; Luke 12:42-44) Rather than being an individual Christian, the ‘faithful slave’ today is the remnant, still living on earth, of the composite body of Christ’s anointed footstep followers. Such remaining ones are a part of spiritual Israel, the anointed congregation of God. (Gal. 6:16; compare Isaiah 43:10.) This remnant is faithfully discharging the responsibilities of the “slave” during this time of the end by taking the lead in the preaching of “this good news of the kingdom” throughout all the earth and by providing spiritual food at the proper time for the household of faith.—Matt. 24:14.

USE OF RELIGIOUS CORPORATIONS

During these last days of the present wicked system of things, the “belongings” of the Master have increased abundantly throughout all the earth. This has placed a heavy responsibility on the ‘faithful slave.’ In discharging its responsibility to provide spiritual food at the proper time and in order to get the good news of the Kingdom preached before the end comes, the remnant on earth, as “the faithful and discreet slave” class, has formed certain agencies, or legal entities. It has proved to be the course of wisdom for the ‘faithful slave’ to organize certain corporations that are recognized by the laws of various countries. These religious corporations own and operate printing facilities that produce and distribute Bibles and Bible literature on a worldwide basis for use in the Kingdom ministry.

The first in time and the principal corporation used in this way is the Watch Tower Bible and Tract Society of Pennsylvania. This nonprofit religious society was incorporated in 1884, is made

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AFFIDAVIT OF DON ADAMS

FEB 10 1985

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF KINGS )

Time 11:42 O'Clock A.M.  
EVA LINDSEY  
District Clerk, Tarrant Co., Texas  
By Lorraine E. Egan Deputy

I, Don Adams, after being duly sworn, depose and say:

1. I am over 21 years of age and reside at 124 Columbia Heights, Brooklyn, New York 11201. I have never been convicted of a felony or a crime of moral turpitude and I am competent to testify.

2. I am the Assistant Secretary-Treasurer of the Watchtower Bible and Tract Society of New York, Inc., and, as such, I am familiar with the books, records, publications and operating procedures of the Watchtower Bible and Tract Society of New York, Inc. I have personal knowledge of the facts set out herein and I am a custodian of the official records and publications described herein.

3. The Watchtower Bible and Tract Society of New York, Inc. is the parent organization of all congregations of Jehovah's Witnesses in the United States, including the Bonham Congregation of Jehovah's Witnesses located in Bonham, Texas.

4. It is the teaching and practice of Jehovah's Witnesses to follow the example of first century Christians. A Governing Body, at present comprised of thirteen men, direct all teaching, preaching, disciple-making and congregational activ-

EXHIBIT  
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ities of Jehovah's Witnesses throughout the world. (See the basic organization manual of Jehovah's Witnesses, Organized to Accomplish Our Ministry, pages 10 and 25, and The Watchtower, the official semimonthly journal of Jehovah's Witnesses, "The Christian Congregation and Its Operation," October 1, 1977, page 598.)

5. Regarding the position of the Governing Body, Organized to Accomplish Our Ministry states at page 28:

All in the organization recognize God's way of theocratic control. The congregations acknowledge and conform to the guidance of the Governing Body as it outlines organizational arrangements for the benefit of all.

6. To implement their decisions, the Governing Body uses a hierarchial organization together with corporate entities, when appropriate, to accomplish its worldwide work of teaching and declaring the good news of God's established Kingdom. The principal corporation used by the Governing Body is the Watch Tower Bible and Tract Society of Pennsylvania. (See Organized to Accomplish Our Ministry, page 26.)

7. Under the Watch Tower Bible and Tract Society of Pennsylvania, the Governing Body directs 95 branches through Branch Committees that report their progress to the Governing Body and implement the directives of the Governing Body in a uniform manner. (See Organized to Accomplish Our Ministry, pages 26 and 27.)

8. The Watchtower Bible and Tract Society of New

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York, Inc. is a branch used to administer to the needs of Jehovah's Witnesses in the United States. (See Organized to Accomplish Our Ministry, pages 26 and 27.)

9. The United States Branch is part of a zone, which is supervised by a Zone Overseer. Organized to Accomplish Our Ministry states at page 53:

Periodically, arrangements are made by the Governing Body to have qualified brothers serve each of the branches throughout the earth.

These visits are comprehensive and cover every aspect of the branch's activities. A primary objective is to assure that each branch is working in harmony with the directives of the Governing Body.

10. Each zone is made up of districts. Each district is supervised by a District Overseer. Organized to Accomplish Our Ministry states at page 51:

The district overseer is a traveling elder who is also appointed by the Governing Body and assigned by the branch office to serve a number of circuits that comprise a district.

At regular intervals, the District Overseer reports to the branch on the progress and spiritual health of the circuits which make up the district to which he is assigned. Like the Zone Overseer, he is charged with the responsibility to assure that all of the activities in the district conform to the directives of the Governing Body. (See Organized to Accomplish Our Ministry, pages 51 and 52.)

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[It is Jehovah's arrangement and he will hold the overseers responsible for their actions. They are representing him and his theocratic rule. He will remove from office (through the actions of the Governing Body) those overseers who fail to manifest the fruitage of the spirit and whose pattern of life falls short of the Scriptural requirements.

(Also See Organized to Accomplish Our Ministry, pages 41-53.)

14. The responsibility of all of these positions is to assure the unity and oneness of the congregations throughout the world with the direction of the Governing Body. (See Organized to Accomplish Our Ministry, page 54.)

15. Each position is filled by appointment from the Governing Body and each appointed representative is required to cooperate with the Governing Body. (See Organized to Accomplish Our Ministry, page 41 and The Watchtower, "The Christian Congregation and Its Operation," October 1, 1977, page 598.)

16. Appointed representatives within the congregations fall into two categories, elders or overseers and ministerial servants. (See Organized to Accomplish Our Ministry, pages 28 to 40 and The Watchtower, "The Christian Congregation and Its Operation," October 1, 1977, pages 599 to 601.)

17. It is the responsibility of the body of elders to see that the congregation is managed according to the directives of the Governing Body. In harmony with these directives, each body of elders has specific responsibilities to be filled by qualifying elders. Each congregation has the following positions to be filled: the presiding overseer, secretary, service

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overseer, Watchtower Study conductor and Theocratic Ministry School overseer. Organized to Accomplish Our Ministry states at page 42:

The presiding overseer serves as chairman at the meetings of the body of elders. Communications and important records of the congregation are handled by the secretary who keeps the elders informed about important communications. Arrangements for field activity and other service-related matters come under the direction of the service overseer.

18. There are five scheduled meetings of worship which each member of the congregation attends. While these meetings are conducted by the local body of elders in each congregation, the material covered in the meetings is prescribed by the Governing Body in order to assure that all of the congregations are receiving the same information and direction. (See The Watchtower, "The Christian Congregation and Its Operation," October 1, 1977, pages 601 to 603.)

19. One area in which the body of elders would conduct matters for the benefit of the congregation and subject to the Governing Body would be in the area of buying or selling real estate to be used by the local congregation as a place of worship know as the Kingdom Hall.

20. By "Memorandum on Kingdom Halls" from Hayden C. Covington, General Counsel for Watchtower Society and Jehovah's Witnesses, dated September 1960, bodies of elders in the United States Branch received instructions regarding ownership of Kingdom Halls. Under the subheading, "Relationship Between

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Congregation and Titleholders," the memorandum states in part:

When either a corporation or trustee arrangement is made and title to property is vested in the corporation or trustees, the titleholders have the same relationship to the congregation as does any other instrument, equipment or property necessary to carry out the work of the congregation, which is preaching the good news in the assigned territory and holding meetings. All such instruments or tools are used to serve the congregation in harmony with the theocratic government.

The mere fact that a legal corporation or trustee arrangement has been made does not mean that a separate organization has been formed that can function separately and apart from the congregation and be used to guide and direct its policies. The titleholders (trustees or corporation) are merely special servants of the congregation in whom is vested legal title to the Kingdom Hall. Titleholders as such do not act as a part of the congregation committee to operate the Kingdom Hall or run the business of the congregation. They have absolutely nothing to do with the use to be made of the property and cannot determine who is going to live on the property or what kind of work is to be done in it.

The operation of the Kingdom Hall, making of repairs and improvements, payment of expenses and obligations and all other business in connection with owning and maintaining the property are all under the direction of the theocratic organization through the elders and ministerial servants appointed by the Society.

21. By memorandum entitled "Information Regarding Ownership of Kingdom Halls" from the Office of the Secretary and Treasurer of the Watch Tower Bible and Tract Society of Pennsylvania, dated April 1, 1982, similar language defines the relationship between congregation and titleholders:

The mere fact that a legal corporation or trustee arrangement has been made does not mean that a separate organization has been formed that can function separately and apart from the congregation and be used to guide and direct its policies. The titleholders (trustees or corporation) are merely special servants

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of the congregation in whom is vested legal title to the Kingdom Hall. The titleholders as such do not act as a part of the committee to operate the Kingdom Hall or run the business of the congregation. The titleholders, as such, have absolutely nothing to do with the use to be made of the property. They cannot determine who is going to live on the property or what kind of work is to be done in it.

The operation of the hall, making repairs and improvements, payment of expenses and obligations and all other business in connection with owning and maintaining the property are all under the direction of the theocratic organization through the elders and ministerial servants appointed by the Society.

22. The trustees holding title for any Kingdom Hall resemble the "Trustees" which held title to the church property which was the subject of the controversy in a landmark United States Supreme Court case, Watson v. Jones, 80 U.S. 679 at 681:

Connected with each local church, and apparently without any functions in essence ecclesiastically, are what are called the "Trustees;" three persons usually, in whom is vested for form's sake, the legal title to the church edifice and other property; the equitable power of management of the property being with the Session. These Trustees are usually elected biennially; they are subject to the Session, and may be removed by the congregation.

23. In 1964 when the Bonham Congregation secured a mortgage through the Watchtower Bible and Tract Society, it was determined by vote from the congregation that it would be willing to contribute to cover the expenses of a mortgage and contemplated construction expenses. All matters were handled between the body of elders and Watchtower Bible and Tract Society of New York, Inc. acting in harmony with the directives of the Governing Body as expressed in the above-mentioned correspondence and other publications of the Watchtower Bible and Tract Society

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of New York, Inc.

24. By notice dated June 4, 1985, the following duly appointed elders of the Bonham Congregation of Jehovah's Witnesses were deleted from their appointed positions and are no longer elders of Jehovah's Witnesses: (1) Wendel Baker; (2) Trymer L. Berry; (3) James E. Coleman; (4) Ralph E. Deal; and (5) Tony M. Jones.

25. There are currently four duly appointed elders in the Bonham Congregation of Jehovah's Witnesses who are recognized by the Governing Body of Jehovah's Witnesses. They are (1) Luther Brogdon; (2) Richard L. Scofield; (3) Ronald H. Williams; and (4) Bennie Bolin. Their dates of appointment were (1) Luther Brogdon—July 4, 1985; (2) Richard L. Scofield—June 4, 1985; (3) Ronald H. Williams—November 28, 1985; and (4) Bennie Bolin—November 28, 1985.

26. From the dates of their appointment, the above-mentioned duly appointed elders (Luther Brogdon, Richard L. Scofield, Ronald H. Williams, and Bennie Bolin) have had the duty and responsibility to insure that the Kingdom Hall property located at 1105 Pecan Street, Bonham, Texas, is properly cared for and secured on behalf of the Bonham Congregation of Jehovah's Witnesses.

27. Each Kingdom Hall owned by Jehovah's Witnesses, including the Bonham Kingdom Hall, is dedicated solely to the worship and service of Almighty God Jehovah by means of a solemn

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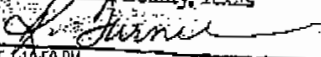
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Nolen Saul Brelsford

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I hereby certify that the aforesaid is a true and correct copy on file or of record in the 330th Judicial District Court, Fannin Co., Texas, signed and sealed this 18th day of Feb. 2004 A.D.

Rochelle Turner  
Clerk, District Courts,  
Fannin County, Texas



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**ORGANIZED  
TO  
ACCOMPLISH  
OUR MINISTRY**

**“You, though, keep your senses in all things,  
suffer evil, do the work of an evangelizer,  
fully accomplish your ministry.”—2 Tim. 4:5.**

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by

WATCH TOWER BIBLE AND TRACT SOCIETY  
OF PENNSYLVANIA

Publishers

WATCHTOWER BIBLE AND TRACT SOCIETY  
OF NEW YORK, INC.

INTERNATIONAL BIBLE STUDENTS  
ASSOCIATION

Brooklyn, New York, U.S.A.

Made in the United States of America



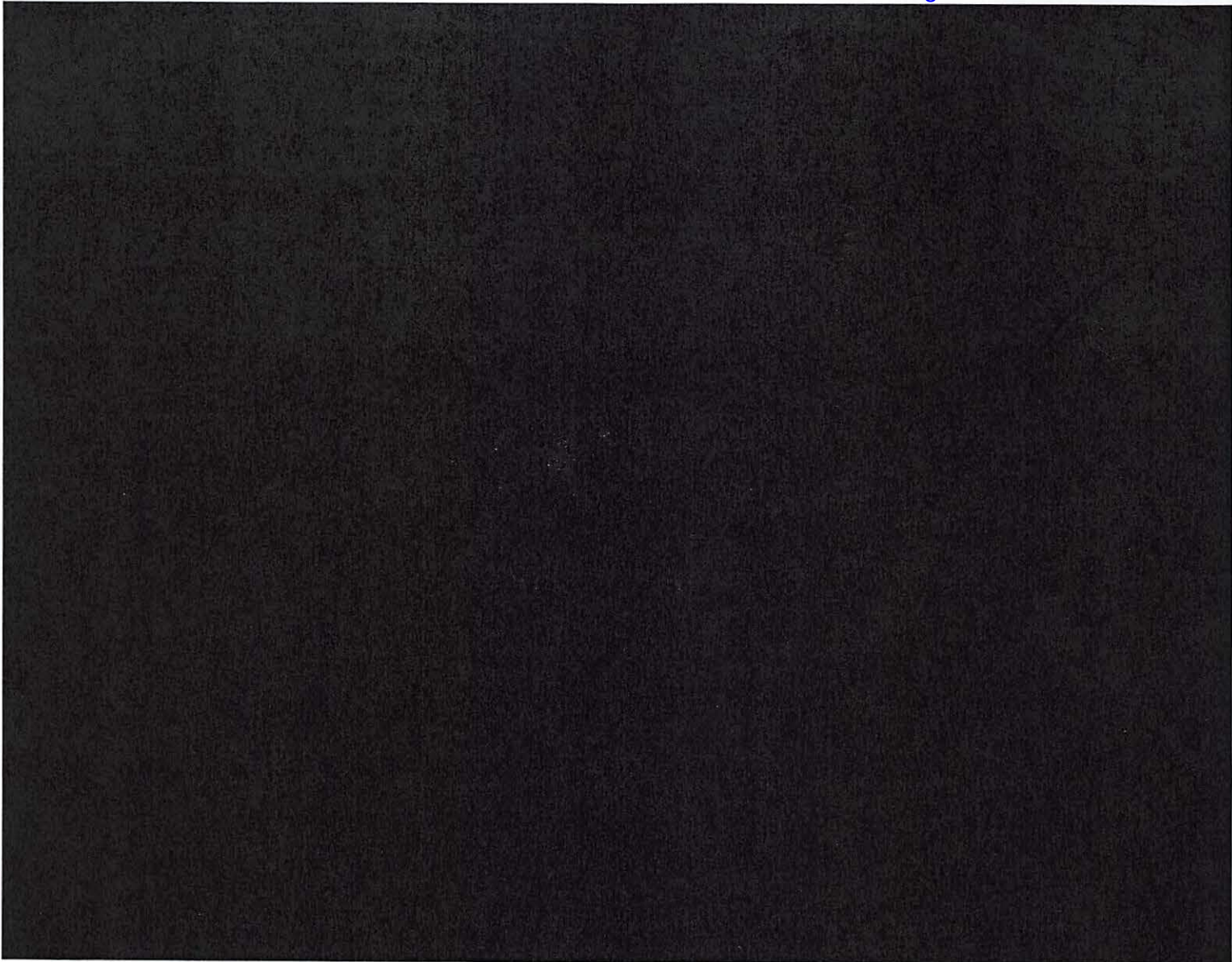
26 ORGANIZED TO ACCOMPLISH OUR MINISTRY

and to care for all His “belongings,” or Kingdom interests on earth. (Matt. 24:45-47; Luke 12:42-44) Rather than being an individual Christian, the ‘faithful slave’ today is the remnant, still living on earth, of the composite body of Christ’s anointed footstep followers. Such remaining ones are a part of spiritual Israel, the anointed congregation of God. (Gal. 6:16; compare Isaiah 43:10.) This remnant is faithfully discharging the responsibilities of the “slave” during this time of the end by taking the lead in the preaching of “this good news of the kingdom” throughout all the earth and by providing spiritual food at the proper time for the household of faith.—Matt. 24:14.

USE OF RELIGIOUS CORPORATIONS

During these last days of the present wicked system of things, the “belongings” of the Master have increased abundantly throughout all the earth. This has placed a heavy responsibility on the ‘faithful slave.’ In discharging its responsibility to provide spiritual food at the proper time and in order to get the good news of the Kingdom preached before the end comes, the remnant on earth, as “the faithful and discreet slave” class, has formed certain agencies, or legal entities. It has proved to be the course of wisdom for the ‘faithful slave’ to organize certain corporations that are recognized by the laws of various countries. These religious corporations own and operate printing facilities that produce and distribute Bibles and Bible literature on a worldwide basis for use in the Kingdom ministry.

The first in time and the principal corporation used in this way is the Watch Tower Bible and Tract Society of Pennsylvania. This nonprofit religious society was incorporated in 1884, is made



**From:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Sent:** Thursday, October 21, 2021 11:36 AM  
**To:** Jon Wilson <jwilson@brownfirm.com>; jtaylor@mmt-law.com; Guy Rogers <GRogers@brownfirm.com>; Brett Jensen <BJensen@brownfirm.com>  
**Cc:** Ryan Shaffer <ryan@mss-lawfirm.com>; Rob Stepans <rob@mss-lawfirm.com>; James Murnion <james@mss-lawfirm.com>; Emily Kitterman <EKitterman@brownfirm.com>  
**Subject:** CV-20-52-BLG-SPW & CV-20-59-BLG-SPW

Counsel,

I have uploaded the following documents to Dropbox and they can be downloaded via the below link. Physical copies of these documents have also been sent out via FedEx.

- 1) Plaintiffs' Rule 11 Motion for Sanctions (CV-20-52).
- 2) Plaintiffs' Brief in Support of Their Rule 11 Motion for Sanctions (CV-20-52).
- 3) Plaintiffs' Rule 11 Motion for Sanctions (CV-20-59).
- 4) Plaintiffs' Brief in Support of Their Rule 11 Motion for Sanctions (CV-20-59).

Dropbox link: <https://www.dropbox.com/sh/o2jcs26avxcqhqi/AAC7TL&rtD012oP89iJaOEP7a?dl=0>

Thank you,

Jessica Yuhas  
Paralegal



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*Attorneys for Plaintiffs*

**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' RULE 11  
MOTION FOR SANCTIONS**



Plaintiffs, by and through undersigned counsel, and pursuant to Rule 11 of the Federal Rules of Civil Procedure, hereby move for sanctions to be imposed on Defendant Watch Tower Bible & Tract Society of Pennsylvania (“WTPA”) for:

- Making factual contentions in its Motion to Dismiss and supporting documents that have no evidentiary support and which, in fact, WTPA knew to be demonstrably false and misleading when made; and
- Submitting knowingly false and misleading representations, as well as frivolous and unwarranted arguments, to the Court for the improper purpose of unnecessarily delaying and needlessly increasing the cost of litigation without a good faith factual basis.

*See e.g.* ECF Docs. 13, 14, 14-1, 25, and 26.

A supporting brief is filed contemporaneously herewith setting forth with more particularity the basis of this Motion. Undersigned counsel certifies that pursuant to Fed. R. Civ. Pro. 11(c)(2) a copy of this Motion and supporting brief was served on WTPA at least 21 days before this filing and that WTPA failed to withdraw or appropriately correct the conduct violating Rule 11.

DATED this 21<sup>st</sup> day of October, 2021.

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

*Attorneys for Plaintiffs*

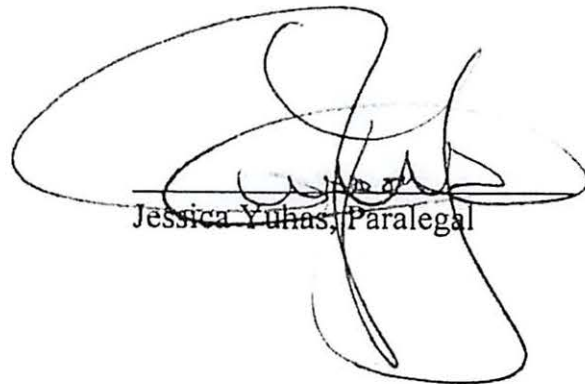
**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on this 21<sup>st</sup> day of October, 2021, a true and correct copy of the foregoing document was duly served via email and U.S. Mail, first class postage prepaid and addressed to:

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Brett C. Jensen  
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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' BRIEF IN  
SUPPORT OF THEIR RULE 11  
MOTION FOR SANCTIONS**

## I. Introduction

This case involves allegations that Defendants Watch Tower Bible & Tract Society of Pennsylvania (“WTPA”) and Watchtower Bible & Tract Society of New York, Inc. (“WTNY”) negligently mishandled, and in fact created an environment that encouraged, sexual abuse of Plaintiffs. On June 22, 2020, WTPA filed a Motion to Dismiss (Doc. 13) accompanied a Supporting Brief (Doc. 14) and the Affidavit of Philip Brumley, Esq. (Doc 14-1), and shortly thereafter the Second Affidavit of Philip Brumley, Esq (Doc. 26) (collectively “WTPA’s Motion”). In support of WTPA’s Motion, Mr. Brumley generally asserted that personal jurisdiction over WTPA is not proper because it has no contacts with Montana and merely holds copyright to certain publications and provides international humanitarian aid.

After a year of jurisdictional discovery and substantial delay in this litigation, it has become obvious that Mr. Brumley’s factual assertions about WTPA were false and knowingly misleading. Contrary to Mr. Brumley’s representations to the Court, WTPA played the primary role in directing the work of Jehovah’s Witnesses worldwide, including in Montana.

Evidence obtained by Plaintiffs during discovery and from independent sources reveals that Mr. Brumley’s representations were knowingly false and misleading. WTPA willfully mislead the Court and Plaintiffs for the improper



purpose of obstructing and delaying Plaintiffs' case. The result has been an entire year of unnecessary discovery and motions practice, constituting hundreds of hours of wasted and unnecessary time litigating matters that are not legitimately in dispute. Plaintiffs have obtained information indicating that this is not an isolated incident, and flagrant violations of applicable rules and court orders is the Defendants' preferred mode of litigation. As such, severe Rule 11 sanctions are appropriate and necessary to prevent such abuse in the future.

## II. WTPA's Conduct Violates Rule 11

WTPA's Motion to Dismiss is supported by Mr. Brumley's first affidavit, where he claimed "WTPA does not establish or disseminate policy or procedure to congregations of Jehovah's Witnesses in Montana." (Doc. 14-1 at 2). Yet, Plaintiff has now obtained a series of publications—some of which WTPA refused to produce until the parties spent substantial time and resources on a motion to compel—from approximately 1949 to at least 1987 that were published, issued, and copyrighted directly by WTPA and that set forth the policies and procedures that protected the pedophiles operating in Hardin in the 1970s to 90s. *E.g.*, *Counsel on Theocratic Organization for Jehovah's Witnesses* (1949); *Preaching and Teaching in Peace and Unity* (1960); *Kingdom Ministry School Course* (1972); *The Watchtower* (Sep. 1, 1987) (collectively attached as **Exhibit 1**).

Brumley's first affidavit also stated that "WTPA has no contact with congregations of Jehovah's Witnesses located in Montana." (Doc. 14-1 at 2). However, Plaintiffs uncovered a letter from 1995 on WTPA letterhead, signed by WTPA, addressed to All Bodies of Elders (which includes the elders in the Hardin Congregation). Letter from WTPA, to All Bodies of Elders, (Jan 2., 1995) (attached as **Exhibit 2**).

Most egregiously, in an effort to persuade the Court that WTPA did nothing to avail itself of jurisdiction in Montana, both Brumley affidavits represented that WTPA's purpose is to simply hold copyright of various JW media and provide international humanitarian aid. (Doc. 14-1 at 3). Counsel for WTPA went on to argue in its supporting brief that "WTPA merely held copyrights to published material which was allegedly used by individuals in Montana to cause harm to Plaintiffs." (Doc. 14 at 14). To be sure, if one were to take Brumley's affidavit and WTPA's briefing at face value, the Court would be justified in concluding that WTPA did nothing except hold copyrights and provide humanitarian aid. However, nothing could be further from the truth. From WTPA's own publications, we now know:

- WTPA was the primary and parent corporation of the JW organization during the relevant time period, Amendment to the Articles of Incorporation of WTPA at 1481 (1945) (WTPA's purpose is to, inter

alia, act as the “legal world-wide governing agency for the body of Christian persons known as Jehovah’s witnesses[.]”); *Branch Organization Manual* 1-4, ¶ 34 (1977) (“The Watch Tower Bible and Tract Society of Pennsylvania is the parent corporate agency of Jehovah’s Witnesses.”); *1970 Yearbook of Jehovah’s Witnesses* 38 (1970) (“They all look to the Watch Tower Bible and Tract Society of Pennsylvania as the mother organization that supervises the printing and publication of all the literature that has proved so beneficial to Jehovah’s witnesses in their study of the Bible, and in their proclamation of the good news of God’s kingdom.”); *Organized to Accomplish our Ministry* 26 (1983) *In re Holocaust Litigation*, Proposed Plan of Allocation for Jehovah’s Witness Victims and Targets of Nazi Persecution, CV-96-4849 (E.D.N.Y. Dec. 7, 1999) (“COMES NOW, the Watch Tower Bible and Tract Society of Pennsylvania, (hereinafter Watch Tower), the corporate agency directing the administrative and religious work of Jehovah’s Witnesses worldwide[.]”) (relevant excerpts collectively attached as **Exhibit 3**);

➤ WTPA was the entity soliciting and receiving donations from JW’s all over the United States; *Counsel on Theocratic Organization for Jehovah’s Witnesses* 56 (1949) (“The Society will acknowledge all



contributions. Contributions for the work, that is, “Good Hopes”, should be sent by check, money order or bank draft to Watch Tower Bible & Tract Society, Treasurer's Office, 124 Columbia Heights, Brooklyn 2, New York[.]”); *Preaching and Teaching in Peace and Unity* 50 (1960) (“[F]rom time to time throughout the year the contribution for the Kingdom work can be sent, either in the full amount or in smaller portions, by check, money order or bank draft to the Watch Tower Bible and Tract Society of Pennsylvania, Treasurer's Office, 124 Columbia Heights, Brooklyn 1, New York[.]”); *Branch Organization Manual* 22-1, ¶ 5 (1977) (“Donations of money may be made to the Society in the form of contributions payable to Watch Tower Bible and Tract Society of Pennsylvania in the United States[.]”) (relevant excerpts collectively attached as **Exhibit 4**);

➤ WTPA arranged for the Kingdom Ministry School, which consisted of weeks-long training for elders of local congregations all over the United States, *1970 Yearbook of Jehovah's Witnesses* 40 (1970) (“**Kingdom Ministry School** This school was especially organized by the governing body of Jehovah’s witnesses of the Watch Tower Bible and Tract Society of Pennsylvania for the benefit of the overseers in

the congregations of Jehovah’s witnesses” (relevant excerpt attached as **Exhibit 5**); and

- WTPA sent circuit and district overseers to visit local congregations, including the Hardin Congregation, for the purpose of overseeing and assisting their local work in Montana. *1970 Yearbook of Jehovah’s Witnesses* 38-39 (1970) (“[T]he Watch Tower Bible and Tract Society of Pennsylvania . . . also sends out special ministers, such as circuit and district overseers, to visit all the congregations of Jehovah’s witnesses throughout the world.”) (relevant excerpt attached as **Exhibit 6**).

Indeed, in stark contrast to representations by Brumley and WTPA’s counsel, former Hardin elder James Rowland testified that he: (1) was trained as an elder at a WTPA Kingdom Ministry School session in Billings, Montana; (2) was provided WTPA publications at the training and in the congregation that set forth the policies and procedures he was to refer to and enforce as an elder; and (3) informed several of WTPA’s circuit overseers of the child sexual abuse happening in Hardin, only to be threatened and told never to speak of it again. Dep. of James Rowland, 65:25–68:16, 132:5-18, 133:20-134:14, 168:9-169:4 (April 23, 2021) (relevant excerpts attached as **Exhibit 7**). Needless to say, these are substantial and critical contacts with the State of Montana that directly gave rise to Plaintiffs’ claims.

Not only did WTPA fail to acknowledge and volunteer such critical facts as would be expected in discovery, it engaged in an active effort to mislead the Court and Plaintiffs through false affidavits, which formed the sole evidentiary basis of WTPA's Motion. WTPA's counsel then further perpetuated these misrepresentations in its briefing.

The notion that WTPA should not be subject to this Court's jurisdiction because it only holds copyrights and performs humanitarian work is so utterly false that Mr. Brumley must have known he was misleading the Court.<sup>1</sup> Make no mistake, at the time WTPA filed its Motion and supporting documents, it knew of its substantial contacts with Montana during the period 1972 to 1995. Instead of honestly representing such contacts, it used dishonest and deceptive litigation tactics to mislead the Court. WTPA's Rule 11 violations caused Plaintiffs to spend hundreds of hours litigating a dispute that WTPA manufactured out of whole cloth.

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<sup>1</sup> As the Court has previously recognized, Mr. Brumley's affidavits were written in the present tense. Doc. 32. But this is of no assistance to him or WTPA. Mr. Brumley and WTPA's counsel must know that the only time period relevant to WTPA's Motion is the time period at issue in this case, i.e. 1972-1995. Thus, an affidavit and motion to dismiss based on WTPA's alleged present-day activities are still in violation of Rule 11(b)(1) because they are completely irrelevant and could have only been submitted for an improper purpose, i.e., causing over a year of unnecessary delay and needlessly increasing the costs of litigation. In truth, Mr. Brumley, who is a lawyer, and WTPA's counsel must be assumed to know the importance of the 1972-1995 time-period for WTPA's Motion and submission of intentionally misleading affidavits and briefing stands in flagrant violation of Rule 11.



### III. Nature of Requested Sanctions

A Court's Rule 11 sanction "may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation." Fed. R. Civ. P. 11. At the same time, the sanction "must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated." *Id.*

Defendants have already been sanctioned by this Court for obstructing Plaintiffs' discovery efforts without justification. (Doc. 85). Moreover, Defendants obstructive conduct in this case was not merely careless or born of a lapse of judgment: Defendants consistently behave this way in litigation. *See generally, Padron v. Watchtower Bible & Tract Socy. of New York, Inc.*, 225 Cal. Rptr. 3d 81, 103 (Cal. App. 4th Dist. 2017) (affirming imposition of \$4,000 per day sanctions for discovery abuse); *Nunez v. WTNY, et al*, Order Enforcing May 26, 2021, Order Assessing Sanctions and Atty. Fees, Cause No. Dv-16-084 (Mont. 7th Jud. Dist. Ct., July 22, 2021) (ordering daily monetary sanctions, attorneys' fees and costs, and prohibiting WTNY from making certain arguments at trial for discovery violations) (attached as **Exhibit 8**). Defendants have no qualms with willfully violating the rules of court to obstruct abuse victim's claims against them.

WTPA's efforts to hide the truth have been multi-layered and extensive. First, WTPA filed a Motion to Dismiss based solely on false and highly misleading representations. Next, it opposed Plaintiffs' request to conduct discovery into the veracity of its representations. Doc. 25 at 13-14. At the same time, as Plaintiffs received documents from third parties showing the assertions made in the Brumley affidavits were demonstrably false, WTPA objected to Plaintiffs supplementing the record with the same. Doc. 31. Then, after the Court noted the problems with Mr. Brumley's representations and permitted Plaintiffs to conduct jurisdictional discovery, WTPA attempted to hide specific documents indicating that its conduct and documents were used by elders of the Hardin congregation to cover up and sanction the sexual abuse inflicted upon Plaintiffs. Doc. 85.

WTPA's conduct undermines the integrity the civil justice system and cannot be tolerated. However, it appears that this is simply how Defendants operate: obstruct, delay, and deceive; if you get caught, write off the sanctions as the cost of doing business. As a result, nothing short of severe sanctions like: (1) denying WTPA's Motion; (2) awarding Plaintiffs' attorneys fees and costs for all of the time spent addressing the same—including all the time spent on jurisdictional discovery and this Motion—and (3) daily sanctions of \$5,000 for every day that it improperly delayed this case is appropriate for deterring such conduct in the future.



DATED this 21<sup>st</sup> day of October, 2021.

By: /s/ Ryan Shaffer

Robert L. Stepans

Ryan R. Shaffer

James C. Murnion

MEYER, SHAFFER & STEPANS PLLP

*Attorneys for Plaintiffs*

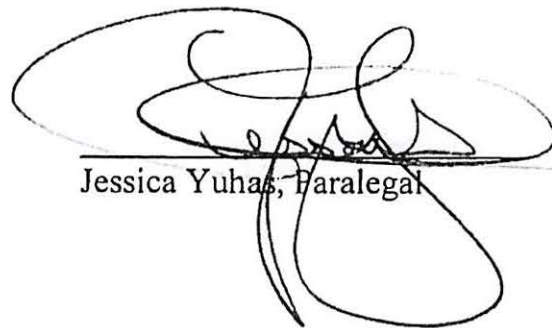
**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on this 21<sup>st</sup> day of October, 2021, a true and correct copy of the foregoing document was duly served via email and U.S. Mail, first class postage prepaid and addressed to:

Guy W. Rogers  
Jon A. Wilson  
Brett C. Jensen  
BROWN LAW FIRM, P.C.  
P.O. Drawer 849  
Billings, MT 59103-0849  
[grogers@brownfirm.com](mailto:grogers@brownfirm.com)  
[jwilson@brownfirm.com](mailto:jwilson@brownfirm.com)  
[bjensen@brownfirm.com](mailto:bjensen@brownfirm.com)

Joel M. Taylor, Esq. (appearing *pro hac vice*)  
MILLER MCNAMARA & TAYLOR LLP  
100 South Bedford Road, Suite 340  
Mount Kisco, NY 10549  
[jtaylor@mmt-law.com](mailto:jtaylor@mmt-law.com)

Bruce G. Mapley, Sr. (FedEx ONLY)  
3905 Caylan Cove  
Birmingham, AL 35215



Jessica Yuhas, Paralegal

## *Exhibit 3*



August 27, 2021

**Via Email and U.S. Mail**

Jon A. Wilson  
BROWN LAW FIRM, P.C.  
P.O. Drawer 849  
Billings, MT 59103

[jwilson@brownfirm.com](mailto:jwilson@brownfirm.com)

Joel M. Taylor, Esq.  
MILLER MCNAMARA & TAYLOR LLP  
100 South Bedford Road, Suite 340  
Mount Kisco, NY 10549

[jtaylor@mmt-law.com](mailto:jtaylor@mmt-law.com)

Re: *Caekaert & Mapley v. Watchtower Bible and Tract Society of New York, Inc., et al.*  
*Rowland & Schulze v. Watchtower Bible and Tract Society of New York, Inc., et al.*

Dear Jon and Joel,

As jurisdictional discovery has progressed it has become increasingly apparent that WTPA was doing far more than it has represented. Indeed, the Court has already recognized as much. The documents produced and obtained to date establish that WTPA was the principal corporate arm of the church, responsible for directing all manner of nationwide activities during the 1970s and 1980s. We expect continued jurisdictional discovery – including compliance with the Court’s August 24, 2021 Orders – to further highlight WTPA’s misrepresentations while bolstering Plaintiffs’ arguments that WTPA should be subject to the Court’s jurisdiction. As it pertains to activities in Montana, a Hardin elder testified that WTPA documents guided the Congregation’s response to our clients’ sexual abuse allegations. This alone is probably sufficient to conclude that WTPA should be subject to the Court’s jurisdiction.

Given the foregoing, WTPA’s Motion to Dismiss is based upon factual contentions that had no evidentiary support and are, in fact, contradicted by the evidence. WTPA was aware of this when it filed the Motion. Nevertheless, WTPA has now persisted with its Motion and associated discovery obstruction for nearly a year. With all due respect, we believe that WTPA’s conduct, including that of the lawyers who have certified the accuracy and truthfulness of its representations, is sanctionable under applicable law. At this point, we think it is appropriate for WTPA to withdraw its Motion to Dismiss so that we do not waste more time and resources on unwarranted motions practice.

August 27, 2021

Page 2

In the event that WTPA chooses to persist with its Motion to Dismiss, we need to coordinate with you and the Court on a schedule for completing the jurisdictional phase of the case. Plaintiffs proposes the following:

- WTPA and WTNY comply with the Court's August 24, 2021 Orders by **September 21, 2021**.
- Depositions, if any, to be completed by **October 26, 2021**.
- Briefing WTPA's Motion to Dismiss beginning **November 9, 2021**.

Please let me know if this schedule works for WTPA, and if not, what modifications you propose. Assuming WTPA is not going to withdraw its Motion, we will be requesting a status conference with the Court to discuss and formalize this schedule.

Sincerely,

MEYER, SHAFFER & STEPANS, PLLP



Ryan R. Shaffer

## *Exhibit 3*

August 27, 2021

**Via Email and U.S. Mail**

Jon A. Wilson  
BROWN LAW FIRM, P.C.  
P.O. Drawer 849  
Billings, MT 59103

[jwilson@brownfirm.com](mailto:jwilson@brownfirm.com)

Joel M. Taylor, Esq.  
MILLER MCNAMARA & TAYLOR LLP  
100 South Bedford Road, Suite 340  
Mount Kisco, NY 10549

[jtaylor@mmt-law.com](mailto:jtaylor@mmt-law.com)

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*Rowland & Schulze v. Watchtower Bible and Tract Society of New York, Inc., et al.*

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Please let me know if this schedule works for WTPA, and if not, what modifications you propose. Assuming WTPA is not going to withdraw its Motion, we will be requesting a status conference with the Court to discuss and formalize this schedule.

Sincerely,

MEYER, SHAFFER & STEPANS, PLLP



Ryan R. Shaffer



Guy W. Rogers  
Jon A. Wilson  
Brett C. Jensen  
BROWN LAW FIRM, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Drawer 849  
Billings, MT 59103-0849  
Tel. (406) 248-2611  
Fax (406) 248-3128

*Attorneys for Defendants Watchtower Bible and Tract Society of New York, Inc.,  
and Watch Tower Bible and Tract Society of Pennsylvania*

Joel M. Taylor, Esq. (appearing *pro hac vice*)  
MILLER MCNAMARA & TAYLOR LLP  
100 South Bedford Road, Suite 340  
Mount Kisco, NY 10549  
Telephone/E-Fax: (845) 288-0844

*Attorneys for Defendants Watchtower Bible and Tract Society of New York, Inc.,  
and Watch Tower Bible and Tract Society of Pennsylvania*

**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. )

Cause No. CV 20-52-BLG-SPW

**DEFENDANT WATCH TOWER  
BIBLE AND TRACT SOCIETY OF  
PENNSYLVANIA'S NOTICE OF  
WITHDRAWAL OF MOTION TO  
DISMISS BASED ON LACK OF  
PERSONAL JURISDICTION**

COMES NOW Defendant Watch Tower Bible and Tract Society of Pennsylvania (hereinafter “WTPA”), by and through its attorneys, and respectfully submits this Notice that it is withdrawing its Motion to Dismiss Pursuant to Rule 12(b)(2), Fed.R.Civ.P. (Doc. 13), along with its supporting materials to include its Brief in Support (Doc. 14), Affidavit of Philip Brumley, Esq. (Doc. 14-1), Reply Brief in Support (Doc. 25), Second Affidavit of Philip Brumley, Esq. (Doc. 26), the jurisdiction allegations contained in its Response in Opposition to Plaintiffs’ Motion to Supplement the Record (Doc. 31), and the jurisdiction allegations contained in its Preliminary Pretrial Statement (Doc. 38). In so doing, WTPA intends to waive its defense of lack of personal jurisdiction in this case, but it expressly reserves all other defenses it may have at law or in equity. WTPA intends to file an Answer within 14-days of the date of this Notice, and it respectfully requests that the Court set a Preliminary Pretrial Conference thereafter.

DATED this 5th day of November, 2021.

By: /s/ Jon A. Wilson  
Guy W. Rogers / Jon A. Wilson /  
Brett C. Jensen  
BROWN LAW FIRM, P.C.  
*Attorneys for Defendants Watchtower  
Bible and Tract Society of New York,  
Inc., and Watch Tower Bible and  
Tract Society of Pennsylvania*

**CERTIFICATE OF SERVICE**

I hereby certify that, on November 5, 2021, 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. Bruce G. Mapley, Sr.  
3905 Caylan Cove  
Birmingham, AL 35215

by the following means:

<u>1, 2</u>	CM/ECF	<u>        </u>	Fax
<u>        </u>	Hand Delivery	<u>        </u>	E-Mail
<u>3</u>	U.S. Mail	<u>        </u>	Overnight Delivery Services

By: /s/ Guy W. Rogers  
 Guy W. Rogers / Jon A. Wilson /  
 Brett C. Jensen  
 BROWN LAW FIRM, P.C.  
*Attorneys for Defendants Watchtower  
 Bible and Tract Society of New York,  
 Inc., and Watch Tower Bible and  
 Tract Society of Pennsylvania*

Guy W. Rogers  
Jon A. Wilson  
Brett C. Jensen  
BROWN LAW FIRM, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Drawer 849  
Billings, MT 59103-0849  
Tel. (406) 248-2611  
Fax (406) 248-3128

Joel M. Taylor, Esq. (appearing *pro hac vice*)  
MILLER MCNAMARA & TAYLOR LLP  
100 South Bedford Road, Suite 340  
Mount Kisco, NY 10549  
Telephone/E-Fax: (845) 288-0844  
*Attorneys for Defendants Watchtower Bible and Tract Society of New York, Inc.,  
and Watch Tower Bible and Tract Society of Pennsylvania*

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

ARIANE ROWLAND, and JAMIE  
SCHULZE,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND  
TRACT SOCIETY OF NEW YORK,  
INC., and WATCH TOWER BIBLE  
AND TRACT SOCIETY OF  
PENNSYLVANIA

Defendants.

Cause No. CV-20-59-BLG-SPW

**DEFENDANT WATCH TOWER  
BIBLE AND TRACT SOCIETY OF  
PENNSYLVANIA’S NOTICE OF  
WITHDRAWAL OF MOTION TO  
DISMISS BASED ON LACK OF  
PERSONAL JURISDICTION**

---

COMES NOW Defendant Watch Tower Bible and Tract Society of

Pennsylvania (hereinafter “WTPA”), by and through its attorneys, and

respectfully submits this Notice that it is withdrawing its Motion to Dismiss Pursuant to Rule 12(b)(2), Fed.R.Civ.P. (Doc. 9), along with any supporting materials to include its Brief in Support (Doc. 10), Affidavit of Philip Brumley, Esq. (Doc. 10-1), Reply Brief in Support (Doc. 18), Second Affidavit of Philip Brumley, Esq. (Doc. 18-1), the jurisdictional allegations contained in its Response in Opposition to Plaintiff's Motion to Supplement the Record (Doc. 23), and the jurisdictional allegations contained in its Preliminary Pretrial Statement (Doc. 30). In so doing, WTPA intends to waive its defense of lack of personal jurisdiction in this case, but it expressly reserves all other defenses it may have at law or in equity. WTPA intends to file an Answer within 14-days of the date of this Notice, and it respectfully requests that the Court set a Preliminary Pretrial Conference thereafter.

DATED this 5th day of November, 2021.

By: /s/ Jon A. Wilson  
Guy W. Rogers / Jon A. Wilson /  
Brett C. Jensen  
BROWN LAW FIRM, P.C.  
*Attorneys for Defendants Watchtower  
Bible and Tract Society of New York,  
Inc., and Watch Tower Bible and  
Tract Society of Pennsylvania*

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I hereby certify that, on November 5, 2021, a copy of the foregoing was served on the following person(s):

- 1. U.S. District Court, Billings Division
- 2. Robert L. Stepans  
 Ryan R. Shaffer  
 James C. Murnion  
 MEYER, SHAFFER & STEPANS, PLLP  
 430 Ryman Street  
 Missoula, MT 59802

by the following means:

<u>1, 2</u> CM/ECF	<u>        </u> Fax
<u>        </u> Hand Delivery	<u>        </u> E-Mail
<u>        </u> U.S. Mail	<u>        </u> Overnight Delivery Services

By: /s/ Jon A. Wilson  
 Guy W. Rogers / Jon A. Wilson /  
 Brett C. Jensen  
 BROWN LAW FIRM, P.C.  
*Attorneys for Defendants Watchtower  
 Bible and Tract Society of New York,  
 Inc., and Watch Tower Bible and  
 Tract Society of Pennsylvania*

# *Exhibit A*

## WRITING COMMITTEE

*Via CompuServe*

GEA:EP March 4, 1997 No. 163W

Watch Tower Society  
AUSTRALIA

Dear Brothers:

This is further on your letter AB February 19, 1997, No. 173, in which you ask for guidance in handling cases where baptized Witnesses are accused of child abuse or where child abusers wish to become baptized Witnesses. Last week the Publishing Committee sent you a brief letter explaining the policy on seeking to preserve "clergy confidentiality" in legal cases involving this problem.

However, there were other questions that you asked, particularly in view of the information in the article "Let Us Abhor What Is Wicked" in the January 1, 1997, issue of *The Watchtower*. For your information, the Governing Body is in the process of studying the way the Scriptural principles in that article can be implemented by congregation elders. When that investigation is complete, it is likely that a letter will be sent to the bodies of elders to help them handle things wisely. We believe that such a letter would answer most of the questions in your letter.

If the Governing Body decides not to write a letter about this to the congregations, we will send you additional information when the study by the Governing Body is completed. We hope that will be soon. Meantime, if you have specific problems, feel free to write to the Governing Body for help.

This is a sensitive issue, and we are happy to see that you are trying to handle it in a balanced, Scriptural way. Please be assured of our warm love and Christian greetings.

Your brothers and fellow servants,

***Watch Tower Bible & Tract Society***  
**OF PENNSYLVANIA**

For the Writing Committee

c: Executive Offices

CAEKAERT/MAPLEY 000008

2-ER-206



# *Exhibit A*

## WRITING COMMITTEE

*Via CompuServe*

GEA:EP March 4, 1997 No. 163W

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AUSTRALIA

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Your brothers and fellow servants,

**Watch Tower Bible & Tract Society**  
**OF PENNSYLVANIA**


For the Writing Committee

c: Executive Offices

CAEKAERT/MAPLEY 000008

2-ER-208

## ***Exhibit B***



**WATCH TOWER**  
BIBLE AND TRACT SOCIETY OF PENNSYLVANIA

01-906 2211

CABLE DIAGLOTT

THE RIDGEWAY LONDON NW7 1RN ENGLAND

EC:SG May 15, 1987

TO ALL BODIES OF ELDERS

Dear Brothers:

We are writing in connection with expressions found in the Kingdom Ministry School Textbook (ks 81), page 147, where in the opening paragraph reference is made to the law on "Ecclesiastical Privilege".

A number of enquiries have been received of late concerning the validity of the above law in this country. It appears that some difficulties have been experienced by elders in dealing with authorities, particularly the Police, pursuing enquiries about members of the congregation. Apparently they were of the view that confidential information in their possession was protected by the above law.

The Society has taken legal opinion on this subject and our understanding is that whilst congregation records are protected, as a matter of strict law there is no "Ecclesiastical Privilege" in this country. If, therefore, an elder receives information from a member of his congregation in confidence he may nonetheless, in certain circumstances, be compelled in a Court of Law (whether criminal or civil) to disclose that information.

Additionally, if an elder gave advice deliberately intended to ensure either that a criminal offence did not come to the attention of the authorities or, more particularly, to persuade a brother or sister not to make a report of the offence, then he could lay himself open to a charge of attempting to pervert the course of justice.

An elder who receives confidential information that a member of the congregation has committed a criminal offence is under no obligation in law to report that offence to the authorities and commits no offence simply by remaining silent. However, if he is approached by the Police or some other authority, such as the Social Services, and invited to reveal information considered by him to be confidential he will need to consider carefully the extent to which he ought to properly co-operate and answer questions, thereby assisting with such enquiries.

As this is a difficult and technical part of the Law, we would strongly recommend that elders contact the Branch office for legal advice before making any statement to the Police, solicitors, or social workers.


We trust these comments will be of assistance to you. Please accept an expression of our warm Christian love and best wishes.

Your brothers,

*Watch Tower B. & J. Society*  
OF PENNSYLVANIA

# ***Exhibit B***





**WATCH TOWER**  
BIBLE AND TRACT SOCIETY OF PENNSYLVANIA

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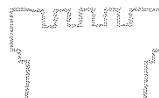
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Your brothers,

*Watch Tower B. & J. Society*  
OF PENNSYLVANIA

# *Exhibit C*



# WATCH TOWER

BIBLE AND TRACT SOCIETY OF PENNSYLVANIA

EXECUTIVE OFFICES  
25 COLUMBIA HEIGHTS, BROOKLYN, NEW YORK 11201-2483, U.S.A.  
PHONE (718) 625-3600

January 2, 1995

TO ALL BODIES OF ELDERS

Dear Brothers:

Beginning with the district conventions in 1995 we will change the way individuals submit preliminary applications for Gilead School. Up until the present time the preliminary Gilead application form has been given to those interested at district conventions and they have filled in the information and returned them to the brother conducting the meeting at the district convention and in turn that brother has forwarded them to the Society. However, beginning with the 1995 district convention those interested in applying for Gilead School will be given the application to take home with them, along with a covering letter. They will fill in the information requested in the first half of the form and then will turn the application over to the congregation service committee in the congregation where they are assigned as pioneers. The congregation service committee then will fill in the lower half of the application, answering all of the questions propounded thereon. The application will then be sent to the circuit overseer, unless he is due to visit within a few weeks, in which case it will be held for his visit to the congregation. The circuit overseer will give his rating of the individual as requested on the form. If either the service committee of the congregation, or the circuit overseer wish to make additional comments that may be done on the reverse side of the application. The application should be promptly forwarded to the following address at the conclusion of the visit of the circuit overseer or by the circuit overseer if the applications are forwarded to him:

Watch Tower Bible and Tract Society  
Attention: Service Committee of the Governing Body  
25 Columbia Heights  
Brooklyn, NY 11201

It is very important that these applications be given attention at the time of the visit of the circuit overseer, or be sent to him if his visit to the congregation is not scheduled in the near future, so that the applications can be sent to the Service Committee of the Governing Body and be duly processed so that Gilead classes can be formed. Please bear in mind that if you do NOT RECOMMEND the individual you should make it clear in your rating of the individual and in answering question No. 7 on the form. We want only those who are well qualified for the training and schooling provided at Gilead and who to the best of your knowledge will do well if given an assignment as a missionary in a foreign land.

Be assured of our love and best wishes.

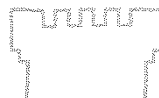
Your brothers,

*Watch Tower B. & T. Society*  
OF PENNSYLVANIA

FOR THE SERVICE COMMITTEE



# *Exhibit C*



# WATCH TOWER

BIBLE AND TRACT SOCIETY OF PENNSYLVANIA

EXECUTIVE OFFICES  
25 COLUMBIA HEIGHTS, BROOKLYN, NEW YORK 11201-2483, U.S.A.  
PHONE (718) 625-3600

January 2, 1995

TO ALL BODIES OF ELDERS

Dear Brothers:

Beginning with the district conventions in 1995 we will change the way individuals submit preliminary applications for Gilead School. Up until the present time the preliminary Gilead application form has been given to those interested at district conventions and they have filled in the information and returned them to the brother conducting the meeting at the district convention and in turn that brother has forwarded them to the Society. However, beginning with the 1995 district convention those interested in applying for Gilead School will be given the application to take home with them, along with a covering letter. They will fill in the information requested in the first half of the form and then will turn the application over to the congregation service committee in the congregation where they are assigned as pioneers. The congregation service committee then will fill in the lower half of the application, answering all of the questions propounded thereon. The application will then be sent to the circuit overseer, unless he is due to visit within a few weeks, in which case it will be held for his visit to the congregation. The circuit overseer will give his rating of the individual as requested on the form. If either the service committee of the congregation, or the circuit overseer wish to make additional comments that may be done on the reverse side of the application. The application should be promptly forwarded to the following address at the conclusion of the visit of the circuit overseer or by the circuit overseer if the applications are forwarded to him:

Watch Tower Bible and Tract Society  
Attention: Service Committee of the Governing Body  
25 Columbia Heights  
Brooklyn, NY 11201

It is very important that these applications be given attention at the time of the visit of the circuit overseer, or be sent to him if his visit to the congregation is not scheduled in the near future, so that the applications can be sent to the Service Committee of the Governing Body and be duly processed so that Gilead classes can be formed. Please bear in mind that if you do NOT RECOMMEND the individual you should make it clear in your rating of the individual and in answering question No. 7 on the form. We want only those who are well qualified for the training and schooling provided at Gilead and who to the best of your knowledge will do well if given an assignment as a missionary in a foreign land.

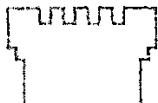
Be assured of our love and best wishes.

Your brothers,

*Watch Tower B. & T. Society*  
OF PENNSYLVANIA

FOR THE SERVICE COMMITTEE

# *Exhibit D*



# WATCH TOWER

BIBLE AND TRACT SOCIETY OF PENNSYLVANIA

THE RIDGEWAY LONDON NW7 1RN ENGLAND

TELEPHONE 0181-906 2211

November 1, 1995

TO ALL BODIES OF ELDERS IN BRITAIN

Dear Brothers:

We are pleased to outline below some guidelines that we hope will be helpful to you in protecting victims of child abuse and in dealing with a brother or sister in the congregation who has been guilty of sexually abusing a child.

When a member of the congregation is accused of child molestation, the elders should contact the Society's Legal Department immediately. Oftentimes the parent, the guardian, or the accused person himself will be moved to report an accusation to the proper authorities. In this way confidentiality is not violated. In any event, when it is established that a member of the congregation is guilty of child abuse, appropriate steps should be taken in keeping with initial direction from the Society's Legal Department.

Additionally, steps should be taken to protect the child, or other children, from further sexual abuse. Obviously, parents would be keenly interested in taking adequate precautions in this regard. Helpful information along these lines can be reviewed in the January 22, 1985, and October 8, 1993, issues of *Awake!* Loving elders, too, will want to act in a way that demonstrates their protective care, since the word "overseer" carries the thought of one who watches over, a guardian, a shepherd of the flock. (See "*Pay Attention to Yourselves and to All the Flock*," pages 90 and 93.) Thus, they would want to take steps to protect a child abuse victim when a judicial committee determines that the child molester is repentant and will remain a member of the Christian congregation. The same concern would be shown when a paedophile is disfellowshipped and later cleans up his life and is reinstated.

It would be appropriate to talk very frankly to a former child abuser, strongly cautioning him as to the dangers of hugging or holding children on his lap and that he should never be in the presence of a child without another adult being present. This may prevent putting that one in the way of temptation or unfounded accusation. At the same time, it is good to remember that the Bible, at Matthew 12:31 and 1 Corinthians 6:9-11, shows it is possible for a person to stop his or her wrongful course, repent, and thereafter live in harmony with God's righteous standards. This is true of all wrongdoers—even a former child abuser.

To All Bodies of Elders in Britain  
November 1, 1995  
Page 2

While it is unscriptural to say that a former child abuser could never enjoy exemplary privileges of service in the congregation, certainly the elders will want to be very cautious, especially when one had repeatedly engaged in this kind of wrongdoing or had been disfellowshipped for such an offence. Before extending privileges, therefore, it is necessary that one would meet the qualification of having a fine testimony from individuals inside and outside the congregation. This means that he must have lived down the reproach which resulted from his wrongdoing. Generally, it will take a considerable number of years to achieve such irreprehensibility depending on the notoriety involved. So it would be up to the elders to determine whether such a one is extended privileges, taking into account all factors in each individual case. (1 Timothy 3:7) At any rate, this should never be done hastily. Considerable time should always pass before a former child abuser is used, if ever.

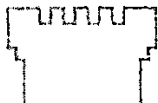
What if a former child abuser moves to another congregation? The Congregation's Publisher Record card(s) for that person should be sent to the new congregation, along with a letter of introduction. If he is under judicial restrictions, the committee in his former congregation should clearly and discreetly inform the elders in the new congregation about the problem, outlining the counsel given and the restrictions imposed and pointing out what they have been doing to monitor and assist him. Even if years have passed and the individual is no longer restricted but there is still some concern (as outlined in the preceding paragraph), the elders in the new congregation should be informed.

It is hoped that the above direction will help you brothers in handling matters in the congregation so as to protect victims and potential victims from child abuse, and at the same time, balance justice with mercy. With this letter we send our warm Christian love and greetings.

Your brothers,

*Watch Tower B. & J. Society*  
OF PENNSYLVANIA

# *Exhibit D*



# WATCH TOWER

BIBLE AND TRACT SOCIETY OF PENNSYLVANIA

THE RIDGEWAY LONDON NW7 1RN ENGLAND

TELEPHONE 0181-906 2211

November 1, 1995

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Your brothers,

*Watch Tower B. & J. Society*  
OF PENNSYLVANIA



# *Exhibit E*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
OF NEW YORK

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In re Holocaust Victim Assets Litigation :

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Master Document No. CV-96-4849  
(ERK) (MDG)

Consolidates with CV-96-5161 and  
CV-96-461

This Document Relates to All Actions :

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Holocaust Victim Assets Litigation (Swiss Bank Litigation)

Proposed Plan of Allocation for  
Jehovah's Witness Victims and Targets of Nazi Persecution

December 7, 1999

COMES NOW, the Watch Tower Bible and Tract Society of Pennsylvania, (hereinafter Watch Tower), the corporate agency directing the administrative and religious work of Jehovah's Witnesses worldwide, by its attorney, Carolyn R. Wah, requesting an allocation of a portion of the settlement fund for Holocaust education and remembrance as well as just and equitable compensation as outlined below:

As the attached report entitled "Spiritual Resistance and Its Cost for a Christian Minority: A Documentary Report of Jehovah's Witnesses Under Nazism, 1933-1945" will show, the Nazi persecution of Jehovah's Witnesses, which spanned virtually the entire Nazi period, exacted a heavy physical, financial, and emotional toll on that small religious community in all Nazi-occupied lands. The report also evidences that the Witnesses' individual and organized stance in opposition to the violent ideology of the regime was a decisive factor in the severity of the persecution, resulting in profound losses.

Although conclusive documentation may be lacking for the claims of individuals targeted as Jehovah's Witnesses; there are three factors that argue for a favorable hearing for the individual applicants, even where the elusive "Swiss connection" may be weak:

- (1) Since Jehovah's Witnesses were among the earliest groups to be targeted for sentencing to concentration camps, they were often used in the actual construction of the camps. In some cases, the SS-run camps could, in themselves, be considered commercial enterprises that benefited from slave labor. Because the Witnesses had been in the camp system for long periods of time, they sometimes worked for the camp administration, but without due compensation, of course.
- (2) Witness literature often carried sharp criticism of flagrant human rights violations in Nazi Germany. This was true of Witness literature produced and distributed clandestinely within

Nazi-occupied Europe, as well as Witness literature published internationally. The Gestapo was well aware of the critical and revealing content of the literature, and thus they expended extraordinary effort to expose and destroy the secret printing facilities. They confiscated printing equipment, burned stocks of literature whenever it was found, and hunted down and executed many of those involved with the underground work. Thus, the nonviolent resistance offered by the Witnesses increased the financial, material, and physical losses they sustained.

(3) The nonviolent, nonpolitical resistance of Jehovah's Witnesses to Nazi policies is distinctive for its duration and consistency. It is not possible to quantify the losses suffered by families whose mothers or fathers were given lengthy sentences in camp or prison because of their faith. Beyond the lost wages, lost property, and lost years are the intangible costs suffered by all victims of Nazi terror. Unlike other victims, however, most Witnesses had a choice. Generally, they were targeted solely because of their religious convictions. Witnesses were offered the opportunity to avoid persecution simply by renouncing their beliefs. Therefore, by virtue of the length of the persecution and the nature of their resistance, we ask that the court grant special consideration to the applications of Witness survivors or their heirs, which will no doubt be few in number.

Further, the court may allocate a portion of the settlement to be used for purposes of Holocaust education and remembrance. Combating intolerance and indifference is extremely important work. The Watch Tower and individual Jehovah's Witnesses have expended hundreds of thousands of dollars to promote awareness of the Holocaust and its lessons. The Watch Tower and its affiliate branch offices have made educational and academic presentations, free of admission charge, in the United States, Canada, Mexico, Brazil, Israel, and most countries of Eastern and Western Europe. More than 400 seminars and exhibitions have been held in

Germany alone, often in cooperation with concentration camp memorials, research institutions, and museums. Important research and archival work is being conducted in Germany, the Netherlands, Austria, Poland, Russia, Israel, and other places.

The few remaining Witness survivors have used their waning vitality to speak to young people, educators, and scholars about their experiences and those of their martyred fellow believers. If the court sees fit to allocate a portion of the settlement fund to the Watch Tower to continue this work of remembrance, we believe it would constitute fitting recognition of individual Witnesses who suffered and died while maintaining their faith and human values.

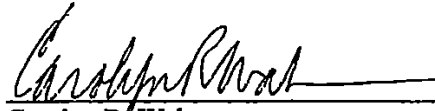
Some Witnesses died prematurely and left no heirs to make a claim to the Swiss Bank Settlement Fund. However, the legacy of spiritual resistance that they left behind is of great value in the education of future generations about the importance of standing up for the dignity and value of human life. Representing these individuals, the Watch Tower would be pleased to devote any allocated moneys solely to the interests of Holocaust education and the remembrance of the prisoners who bore the purple triangle, according as the court might stipulate.

Realizing that thousands of survivors and heirs will apply to the court to receive a portion of the Settlement Fund, Watch Tower is not in a position to recommend a certain percentage to be allotted for the purposes outlined above, nor are we able to suggest what portion of the Fund should be allotted to individual Witness survivors. Watch Tower acknowledges that no amount of money can fully compensate for the losses of any victims of Nazi persecution. However, if the funds provided by the Swiss Banks Settlement can symbolically or practically mitigate the human suffering of survivors or their families, or if it can advance the work of education and remembrance, the money will have been well spent. In this allocation process, we rely on the court's equity and fairness.

WHEREFORE, in light of this information, Watch Tower, respectfully request an award in harmony with the just and equitable principles outlined in the settlement order.

December 7, 1999.

Respectfully submitted,



Carolyn R. Wah  
Associate General Counsel  
Watch Tower Bible and Tract Society  
of Pennsylvania  
100 Watchtower Drive  
Patterson, NY 12563  
Tel: (914) 306-0700  
Fax: (914) 306-0709

***Exhibit E***

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
OF NEW YORK

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In re Holocaust Victim Assets Litigation :

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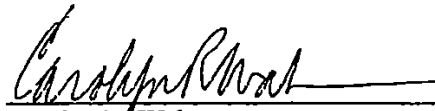
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December 7, 1999.

Respectfully submitted,



Carolyn R. Wah  
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Watch Tower Bible and Tract Society  
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100 Watchtower Drive  
Patterson, NY 12563  
Tel: (914) 306-0700  
Fax: (914) 306-0709

Guy W. Rogers  
Jon A. Wilson  
BROWN LAW FIRM, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Drawer 849  
Billings, MT 59103-0849  
Tel. (406) 248-2611  
Fax (406) 248-3128

*Attorneys for Defendants Watchtower Bible and Tract Society of New York, Inc.,  
and Watch Tower Bible and Tract Society of Pennsylvania*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Cause No. CV 20-52-BLG-SPW

Plaintiffs, )

vs. )

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

**SECOND AFFIDAVIT OF  
PHILIP BRUMLEY, ESQ.**

Defendants. )

STATE OF NEW YORK )  
 ) :ss  
County of Putnam )

I, Philip Brumley, first being duly sworn, hereby depose and state:

1. I am General Counsel for defendant Watch Tower Bible and Tract Society of Pennsylvania. (“WTPA”).

2. In this role, I have direct knowledge of the information contained in this Affidavit.

3. I have been made aware of the exhibits attached to the Plaintiffs' Response Brief in Opposition to Defendant Watch Tower Bible and Tract Society of Pennsylvania's Motion to Dismiss Pursuant to Rule 12(b)(2), Fed.R.Civ.P., specifically those labeled as Docs. 21-1, 21-2, 21-3, and 21-4.

4. Doc. 21-1 is a screenshot of a page on a website. As the website states, WTPA "is used by Jehovah's Witnesses to *support* their worldwide work, which includes publishing Bibles and Bible-based literature." (emphasis added). WTPA and Jehovah's Witnesses are not one and the same, and the "support" WTPA provides to Jehovah's Witnesses includes owning the copyright to the Bible and other Bible-based materials and funding international humanitarian relief efforts.

5. Regarding Doc. 21-2, pages 2-7 are a letter on the letterhead of Watchtower Bible and Tract Society of New York, Inc., to all Bodies of Elders in the United States that was not sent by or on behalf of WTPA. Page 8 is another screenshot of a page on a website that does not mention WTPA.

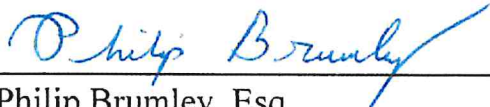
6. Doc. 21-3 is a personal letter from the now-deceased President of WTPA addressed to a person residing at Bethel, the world headquarters of Jehovah's Witnesses located in New York discussing an internal personnel matter.

7. Doc. 21-4 is a letter from the Office of Public Information responding

to an interview request from Betsan Powys with BBC Panorama about Jehovah's Witnesses generally, not WTPA. The Office of Public Information responded to the BBC on WTPA letterhead at the time, but has subsequently become a standalone office.

FURTHER THIS AFFIANT SAYETH NAUGHT.

DATED this 27<sup>th</sup> day of July, 2020.

By:   
Philip Brumley, Esq.

SUBSCRIBED and SWORN to before me by Philip Brumley, Esq., this 27<sup>th</sup> day of July, 2020.

By:   
Notary Public for the State of New York

JONATHAN D. COLLYMORE  
Notary Public, State of New York  
Reg. No. 01CO6362241  
Qualified in Putnam County  
Commission Expires July 31, 2021

Guy W. Rogers  
Jon A. Wilson  
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Fax (406) 248-3128

*Attorneys for Defendants Watchtower Bible and Tract Society of New York, Inc.,  
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ARIANE ROWLAND, and JAMIE  
SCHULZE,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND  
TRACT SOCIETY OF NEW YORK,  
INC., and WATCH TOWER BIBLE  
AND TRACT SOCIETY OF  
PENNSYLVANIA

Defendants.

Cause No. CV-20-59-BLG-SPW-TJC

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PHILIP BRUMLEY, ESQ.**

STATE OF NEW YORK        )  
  :SS  
County of Putnam         )

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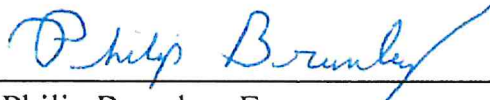
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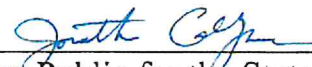
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Notary Public, State of New York  
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Qualified in Putnam County  
Commission Expires July 31, 2021

# *Exhibit A*



# Jehovah's Witnesses

[About Us](#) > [Frequently Asked Questions](#)



## What Is the Watch Tower Bible and Tract Society?

The Watch Tower Bible and Tract Society of Pennsylvania is a nonprofit corporation formed in 1884 under the laws of the Commonwealth of Pennsylvania, U.S.A. It is used by Jehovah's Witnesses to support their worldwide work, which includes publishing Bibles and Bible-based literature.

According to its charter, the corporation's purposes are "religious, educational, and charitable," in particular, to "preach and teach the gospel of God's Kingdom under Christ Jesus." Membership in the corporation is by invitation only and is not based on how much a person has donated. The corporation members and directors assist the [Governing Body of Jehovah's Witnesses](#).

## Cooperating Legal Entities

Besides the Watch Tower Bible and Tract Society of Pennsylvania, Jehovah's Witnesses use dozens of legal entities in various countries. Some of these entities include in their name such terms as "Watch Tower," "Watchtower," or a translation of one of these.

These various legal entities have enabled us to accomplish much since they were established, such as the following:

- **Writing and publishing.** We have published some 220 million Bibles and about 40 billion pieces of Bible-based literature. Our publications are available in over 900 languages. The

jw.org website allows people to read the Bible online without cost in more than 160 languages and to get answers to such Bible questions as, "[What is the Kingdom of God?](#)"

- **Education.** We conduct a [variety of schools](#) for Bible instruction. For example, since 1943, some 9,000 of Jehovah's Witnesses have benefited from the intensive training provided by the Watchtower Bible School of Gilead, enabling them to serve as missionaries or to stabilize and strengthen our worldwide work. And each week, millions of people, including non-Witnesses, receive instruction at meetings conducted in each of our congregations. We also conduct [literacy classes](#) and have produced a textbook in 120 languages that teaches people to read and write.
- **Charity.** We have provided material relief to those suffering from tragedies—whether man-made, such as the 1994 genocide in Rwanda, or natural, such as the 2010 earthquake in Haiti.

Although much has been accomplished through the corporations and legal entities that we use, our work is not dependent on any of them. Each Christian has a personal responsibility to fulfill the God-given mandate to preach and teach [the good news](#). ([Matthew 24:14; 28:19, 20](#)) We believe that God is backing our work and that he will continue to be the one who "makes it grow."—[1 Corinthians 3:6, 7](#).

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# *Exhibit A*



# Jehovah's Witnesses

[About Us](#) > [Frequently Asked Questions](#)



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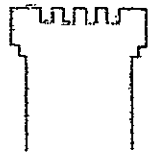
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# ***Exhibit B***



# WATCHTOWER

BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

25 COLUMBIA HEIGHTS, BROOKLYN, NEW YORK 11201-2483, U.S.A. PHONE (718) 625-3600

July 1, 1989

TO ALL BODIES OF ELDERS IN THE UNITED STATES

CONFIDENTIAL

Dear Brothers:

We are writing to help all of you as individual elders be aware of a growing concern regarding the handling of your duties that may involve legal issues or questions. Due to its importance, the presiding overseer should arrange for a special meeting of the body of elders to read and consider this letter carefully.

In spreading the Kingdom message, it is appropriate that we be bold and outspoken. Jesus commanded that "what you hear whispered, preach from the housetops." (Matthew 10:27) Even when worldly authorities demand that we keep silent, we reply as did the apostles: "We cannot stop speaking about the things we have seen and heard." (Acts 4:20) The Christian congregation will continue to declare the Kingdom message boldly until Jehovah says the work is done.

*A* Elders share the obligation to shepherd the flock. However, they must be careful not to divulge information about personal matters to unauthorized persons. There is "a time to keep quiet," when "your words should prove to be few." (Ecclesiastes 3:7; 5:2) Proverbs 10:19 warns: "In the abundance of words there does not fail to be transgression, but the one keeping his lips in check is acting discreetly." Problems are created when elders unwisely reveal matters that should be kept confidential. Elders must give special heed to the counsel: "Do not reveal the confidential talk of another." (Proverbs 25:9) Often the peace, unity, and spiritual well-being of the congregation are at stake. Improper use of the tongue by an elder can result in serious legal problems for the individual, the congregation, and even the Society.

*pg 181* *A* While we as Christians are ready to forgive others who may wrong us, those in the world are not so inclined. Worldly persons are quick to resort to lawsuits if they feel their "rights" have been violated. Some who oppose the Kingdom preaching work readily take advantage of any legal provisions to interfere with it or impede its progress. Thus, elders must especially guard the use of the tongue. Jesus faced opposers who tried to "catch him in speech, so as to turn him over to the government." (Luke 20:20) He instructed us to be "cautious as serpents and yet innocent as doves" in such situations. (Matthew 10:16) Where such a threat exists, our position as elders should be in line with David's words: "I will set a muzzle as a guard to my own mouth, as long as anyone wicked is in front of me."--Psalm 39:1.

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TO ALL BODIES OF ELDERS  
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In recent years, this matter has come to be a cause for increasing concern. The spirit of the world has sensitized people regarding their legal "rights" and the legal means by which they can exact punishment if such "rights" are violated. Hence, a growing number of vindictive or disgruntled ones, as well as opposers, have initiated lawsuits to inflict financial penalties on the individual, the congregation, or the Society. Many of these lawsuits are the result of the misuse of the tongue. As elders, remember that ill-advised statements or actions on your part can sometimes be interpreted legally as violating others' "rights."

~~The need for elders to maintain strict confidentiality has been repeatedly stressed. Please see The Watchtower of April 1, 1971, pages 22-24, and September 1, 1987, pages 12-15. The September 1977 Our Kingdom Service, page 36, paragraph 36, and the ks77 textbook, page 65, also provide helpful direction and counsel. That material strongly emphasized the elders' responsibility to avoid revealing confidential information to those not entitled to it.~~

The legal consequences of a breach of confidentiality by the elders can be substantial. If the elders fail to follow the Society's direction carefully in handling confidential matters, such mistakes could result in successful litigation by those offended. Substantial monetary damages could be assessed against the elders or congregation. In some cases where the authorities are involved, certain complications could lead to a fine or imprisonment. These possibilities underscore the need for elders to be discerning and to follow carefully directions provided by the Society.

#### I. WHAT TO DO IN SPECIFIC CASES

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Judicial committees must follow carefully the Society's instructions in carrying out their duties. (Note ks77, pages 66-70; ks81, pages 160-70.) Anything submitted in writing to the committee by the alleged wrongdoer or by witnesses should be kept in strict confidence. If it is necessary to continue at a later time a committee hearing, the members of the committee should submit to the chairman any personal notes they have taken. The chairman will keep these notes in a secure place to prevent breaches of confidentiality. The notes may be returned to the individual elders when the hearing resumes. Upon conclusion of the case, the chairman should place only necessary notes and documents, a summary of the case, and the S-77 forms in a sealed envelope for the congregation file. Nothing should be preserved outside of this sealed envelope (including unnecessary personal notes) by any elder on the committee. Obviously, no committee will ever allow judicial proceedings to be tape recorded or allow witnesses testifying before the committee to take notes.

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TO ALL BODIES OF ELDERS  
July 1, 1989  
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**B. Child Abuse**

Many states have child abuse reporting laws. When elders receive reports of physical or sexual abuse of a child, they should contact the Society's Legal Department immediately. Victims of such abuse need to be protected from further danger. See "If the Worst Should Happen," *Awake!* January 22, 1985, page 8.

**C. Search warrants and Subpoenas**

1. A search warrant is a court order authorizing the police to search premises to locate evidence that may be used in a criminal prosecution. No elder should ever consent to the search of a Kingdom Hall or any other place where confidential records are stored. However, armed with a search warrant the police do not need consent and may even use force to accomplish their task. Likely before obtaining a search warrant, the police or other governmental officials will make inquiries regarding confidential records, make request to obtain the records, or indicate that they will seek a search warrant if the elder(s) involved does not cooperate. In any such situation, the Society's Legal Department should be called immediately.

At any time an elder is confronted with a search warrant (whether given advance notice or not), the elder should first ask to read the warrant. After reading it he should ask if he can call for legal guidance and then call the Society's Legal Department. If for some reason the Legal Department cannot be contacted, the elders involved should make every effort to obtain the assistance of a local attorney for the purpose of protecting the confidentiality of the records. It may be impossible to stop determined officers from conducting the search authorized by the warrant. Conscientious elders will want to do all they reasonably and peaceably can to preserve the confidentiality of the congregation in harmony with the principle set out in Acts 5:29.

2. Subpoenas are demands for records or for the appearance of an individual at a trial or deposition to give testimony. Subpoenas may be issued by a court or in some cases by a governmental agency or an attorney. If an elder receives a subpoena, he should contact the Society's Legal Department immediately. Never turn over records, notes, documents, or reveal any confidential matter sought by subpoena without receiving direction from the Legal Department.

**D. Crimes and Criminal investigations**

In some cases the elders will form judicial committees to handle alleged wrongdoing that also could constitute a violation of Caesar's criminal laws (e.g., theft, assault, etc.). Generally, a secular investigation into a matter that is a concern to the congregation should not delay conducting a judicial hearing. To avoid entanglement with the secular authorities who may be investigating the same matter, the strictest confidentiality (even of the fact that there is a committee) must be maintained.

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TO ALL BODIES OF ELDERS

July 1, 1989

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If the alleged wrongdoer confesses to the sin (crime), no one else should be present besides the members of the committee. When evidence supports the accusation but genuine repentance is not displayed resulting in a decision to disfellowship, this should be handled in the normal course regarding advice of appeal rights and announcements to the congregation. In cases of serious criminal wrongdoing (e.g., murder, rape, etc.), or where the criminal conduct is widely known in the community, the body of elders should contact the Society before proceeding with the judicial committee process.

**E. When Servants and Publishers Move**

A considerable number of publishers, including elders and ministerial servants move from one congregation to another. Sometimes the circumstances surrounding their departure are unsettled. Some appointed brothers may be experiencing problems that have brought their qualifications into question. It is not uncommon for a body of elders to hold back in giving counsel, allowing a brother to move without discussing his problem. Thereafter, they decline to recommend his reappointment in his new congregation. Often such a brother protests, requiring extensive correspondence between the bodies of elders. Much personal, and sometimes embarrassing, information must then be passed on. Such mishandling of things greatly increases the potential for serious repercussions. Problems can be avoided by the body of elders assuming its responsibility to inform a brother that he will not be favorably recommended, fully explaining the reasons why. Every effort should be made to resolve any difference before he leaves, eliminating any need for controversy involving his new congregation. The body should assign two elders to meet with him before he moves, letting him know whether they are recommending him to the new congregation.

This would likewise apply to publishers who move at a time when their personal conduct requires investigation by the elders. If serious accusations of wrongdoing have been made against an individual and he moves to another congregation before matters are finalized, usually it is best for the elders in the original congregation to follow through in handling matters, if possible and if distance permits. They are acquainted with the individual and the circumstances surrounding the alleged wrongdoing; this ordinarily puts them in the best position to get the facts and to handle the case. Handling matters in this way will eliminate the need to reveal confidential information unnecessarily about the private lives of individuals.

**F. When Lawsuits Are Threatened**

If the congregation or the elders (in their capacity as elders) are threatened with a lawsuit, the Society's Legal Department should be contacted immediately. No statements should be made by any member of the body of elders about the merits or validity of an actual or threatened lawsuit without authorization from the Society.

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G. Child Custody

Elders may learn that a publisher is facing a dispute over child custody in a divorce proceeding. If the parental rights of such is challenged on the basis of our Christian beliefs, or on the assertion that our beliefs are harmful to a child's best interests, the elders should immediately write to the Society's Legal Department. In a rare emergency, a telephone call may be necessary. The Legal Department will assess the facts and determine the degree of its involvement, if any. Elders have no authority to make any promises about the Society's paying legal fees or handling specific cases. There is no need to contact the Society if there is no indication that the beliefs and practices of Jehovah's Witnesses will be attacked in a child custody dispute.

When you write to the Society's Legal Department about a specific case, please provide the following information:

1. The names of the parents and their attorneys.
2. The number of children involved and their ages.
3. A brief description of the facts, including the presence of any apostates.
4. An assessment of the Christian parent's spiritual condition-Is he or she new in the truth? Active? Inactive? Balanced?
5. The status of the legal proceedings-Has the matter gone to trial? Has the trial date been set? If so, when?

II. POINTS TO REMEMBER

A. Appreciate the Importance of Maintaining Confidentiality

Elders must exercise extraordinary caution when it comes to handling confidential information about the private lives of others. Do not mistakenly minimize the gravity of a breach of confidentiality. Unauthorized disclosure of confidential information can result in costly lawsuits. Even if a lawsuit turns out favorably, valuable time and energy that could have been devoted to Kingdom interests will be lost.

B. Do Not Make Statements to Secular Authorities Until You Receive Legal Advice from the Society

You are not legally required to make immediate responses to secular authorities about matters that could involve the disclosure of confidential information. Voluntarily allowing the Kingdom Hall or confidential records to be searched, where no search warrant is produced, could infringe on the legal rights of the congregation or of others. No statements should be made until you have an understanding of your legal position from the Society's Legal Department.

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C. Be Extremely Careful with Written Material

All material related to judicial matters should be kept in a safe place, accessible only to elders. Final reports on the handling of judicial matters should be placed in a sealed envelope in the congregation file. A judicial committee should avoid sending to an individual any kind of correspondence that accuses him of specific wrongdoing. (Note ks77, pages 68-9.) Nothing should be put in writing to any disfellowshipped person to advise him of his status or the reasons for it without specific direction from the Society. The rules and procedures of Jehovah's Witnesses do not require such written disclosures. Anything in writing submitted to a judicial committee should be kept in strict confidence. If a judicial committee disfellowships an individual, he should be informed orally of the action taken and of the right to appeal. If the wrongdoer refuses to attend the hearing, two members of the judicial committee should attempt to contact the individual at his home and inform him orally of the decision. If this is not possible, the two elders may be able to inform him by telephone.

D. Guard the Use of Your Tongue

Think before you speak. Do not discuss private and judicial matters with members of your family, including your wives, or with other members of the congregation. Be extremely careful not to inadvertently disclose private information when others are present, such as when speaking on the telephone with others listening in or nearby. (Note ks77, page 65.) At times, complicated judicial cases may necessitate consultation with an experienced, mature elder in another congregation or with the circuit overseer. Unless the circuit overseer is the elder consulted, only the pertinent details should be discussed and names should not be used.

Elders bear a heavy responsibility in ministering to the needs of the Christian congregation, and observing confidentiality as they do so. (1 Corinthians 16:13) We trust that the information in this letter will help you carry this burden. Please be assured of our love and prayers, and may Jehovah continue to bless you as you shepherd his flock. -1 Peter 5:1-3.

Your brothers,

*Watchtower B. T. Society*

OF NEW YORK, INC.

P.S. Due to the importance of the information that is presented herein it is suggested that the body of elders jointly read and consider this letter as soon as possible after its receipt in the congregation. Please do not make any copies of this letter, nor should it be read by others. It should be kept in the congregation's confidential files for any future reference that may be required by the body of elders.

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km 7/75 p. 3

## How Do You View Confidential Matters?

<sup>1</sup> As Christians we have many fine things that we can enjoy discussing—Scriptural points, experiences, conventions. Still, the Bible shows that some self-control is necessary regarding what we talk about. (Ps. 34:13; Prov. 10:19) We would not, for example, want to be slanderously spreading harmful talk or be one who indiscriminately tells everything he hears.—Prov. 20:19.

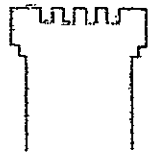
<sup>2</sup> We are open and honest people, not suspiciously secretive. But some matters are confidential and we should not discuss them without authorization. This may not be easy, for we might be tempted with the impulse to share with a friend a confidential matter we learned. Also, it takes discipline not to try to pry confidential information from others.—Judg. 16:15-17.

<sup>3</sup> What are some areas where this is so? *Family:* In the confidence of your family you may learn of a family member's weakness or private plans. Yet, husband, wife and children should not publicly converse about everything that happens or is planned in the family. (Ps. 50:20) One aspect of family love is that one's family members are trustworthy. This is something that parents can help children to learn. *Employment:* Revealing your employer's business details or plans could cause him financial harm. *Congregation:* Elders maintain confidence about problems they handle, for if someone confided in an elder about a spiritual or family problem and he talked about it publicly, others might hesitate to seek help from any elder. (Jas. 5:13-16) Even if, out of curiosity, his wife or child asked, an elder should not reveal confidential congregational matters. Thus he avoids burdening his family with keeping confidence on such congregation matters. (*Watchtower*, April 1, 1971, pp. 222-224)

<sup>4</sup> Having this view of confidential matters, we can concentrate on speech that is upbuilding, helpful.—Prov. 25:9; 16:13.



# ***Exhibit B***



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TO ALL BODIES OF ELDERS  
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3. A brief description of the facts, including the presence of any apostates.
4. An assessment of the Christian parent's spiritual condition-Is he or she new in the truth? Active? Inactive? Balanced?
5. The status of the legal proceedings-Has the matter gone to trial? Has the trial date been set? If so, when?

II. POINTS TO REMEMBER

A. Appreciate the Importance of Maintaining Confidentiality

Elders must exercise extraordinary caution when it comes to handling confidential information about the private lives of others. Do not mistakenly minimize the gravity of a breach of confidentiality. Unauthorized disclosure of confidential information can result in costly lawsuits. Even if a lawsuit turns out favorably, valuable time and energy that could have been devoted to Kingdom interests will be lost.

B. Do Not Make Statements to Secular Authorities Until You Receive Legal Advice from the Society

You are not legally required to make immediate responses to secular authorities about matters that could involve the disclosure of confidential information. Voluntarily allowing the Kingdom Hall or confidential records to be searched, where no search warrant is produced, could infringe on the legal rights of the congregation or of others. No statements should be made until you have an understanding of your legal position from the Society's Legal Department.

Page 5 of 6

BENTLEY 000084

2-ER-260

pg 175



TO ALL BODIES OF ELDERS  
July 1, 1989  
Page 6

C. Be Extremely Careful with Written Material

All material related to judicial matters should be kept in a safe place, accessible only to elders. Final reports on the handling of judicial matters should be placed in a sealed envelope in the congregation file. A judicial committee should avoid sending to an individual any kind of correspondence that accuses him of specific wrongdoing. (Note ks77, pages 68-9.) Nothing should be put in writing to any disfellowshipped person to advise him of his status or the reasons for it without specific direction from the Society. The rules and procedures of Jehovah's Witnesses do not require such written disclosures. Anything in writing submitted to a judicial committee should be kept in strict confidence. If a judicial committee disfellowships an individual, he should be informed orally of the action taken and of the right to appeal. If the wrongdoer refuses to attend the hearing, two members of the judicial committee should attempt to contact the individual at his home and inform him orally of the decision. If this is not possible, the two elders may be able to inform him by telephone.

D. Guard the Use of Your Tongue

Think before you speak. Do not discuss private and judicial matters with members of your family, including your wives, or with other members of the congregation. Be extremely careful not to inadvertently disclose private information when others are present, such as when speaking on the telephone with others listening in or nearby. (Note ks77, page 65.) At times, complicated judicial cases may necessitate consultation with an experienced, mature elder in another congregation or with the circuit overseer. Unless the circuit overseer is the elder consulted, only the pertinent details should be discussed and names should not be used.

Elders bear a heavy responsibility in ministering to the needs of the Christian congregation, and observing confidentiality as they do so. (1 Corinthians 16:13) We trust that the information in this letter will help you carry this burden. Please be assured of our love and prayers, and may Jehovah continue to bless you as you shepherd his flock. -1 Peter 5:1-3.

Your brothers,

*Watchtower B. T. Society*

OF NEW YORK, INC.

P.S. Due to the importance of the information that is presented herein it is suggested that the body of elders jointly read and consider this letter as soon as possible after its receipt in the congregation. Please do not make any copies of this letter, nor should it be read by others. It should be kept in the congregation's confidential files for any future reference that may be required by the body of elders.

Page 6 of 6

BENTLEY 000085

2-ER-261

pg 176

Kingdom Ministry—1975  
km 7/75 p. 3

## How Do You View Confidential Matters?

<sup>1</sup> As Christians we have many fine things that we can enjoy discussing—Scriptural points, experiences, conventions. Still, the Bible shows that some self-control is necessary regarding what we talk about. (Ps. 34:13; Prov. 10:19) We would not, for example, want to be slanderously spreading harmful talk or be one who indiscriminately tells everything he hears.—Prov. 20:19.

<sup>2</sup> We are open and honest people, not suspiciously secretive. But some matters are confidential and we should not discuss them without authorization. This may not be easy, for we might be tempted with the impulse to share with a friend a confidential matter we learned. Also, it takes discipline not to try to pry confidential information from others.—Judg. 16:15-17.

<sup>3</sup> What are some areas where this is so? *Family*: In the confidence of your family you may learn of a family member's weakness or private plans. Yet, husband, wife and children should not publicly converse about everything that happens or is planned in the family. (Ps. 50:20) One aspect of family love is that one's family members are trustworthy. This is something that parents can help children to learn. *Employment*: Revealing your employer's business details or plans could cause him financial harm. *Congregation*: Elders maintain confidence about problems they handle, for if someone confided in an elder about a spiritual or family problem and he talked about it publicly, others might hesitate to seek help from any elder. (Jas. 5:13-16) Even if, out of curiosity, his wife or child asked, an elder should not reveal confidential congregational matters. Thus he avoids burdening his family with keeping confidence on such congregation matters. (*Watchtower*, April 1, 1971, pp. 222-224)

<sup>4</sup> Having this view of confidential matters, we can concentrate on speech that is upbuilding, helpful.—Prov. 25:9; 16:13.



# *Exhibit C*

# WATCH TOWER

BIBLE AND TRACT SOCIETY  
OF PENNSYLVANIA

OFFICE OF THE PRESIDENT  
124 COLUMBIA HEIGHTS, BROOKLYN, NEW YORK 11201, U.S.A.

TELEPHONE (212) 633-1240

CABLE WATCHTOWER

September 18, 1970

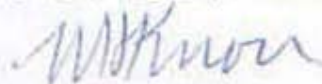
S [REDACTED] P [REDACTED]  
Bethel

Dear Brother P [REDACTED]:

I have received a letter of September 16 from the A [REDACTED] Unit, signed by the congregation committee concerning the probation of D [REDACTED] T [REDACTED]. This is to inform you that as of September 19, 1970, D [REDACTED] T [REDACTED] is dismissed as a member of the Bethel family. We appreciate very much the committee's investigation of the entire matter and the full report that has been provided for the office of the president. A copy of your letter has been sent to the service office. D [REDACTED] T [REDACTED] is not a fit person to be associated with the Bethel family. The probation will also be announced to the Bethel family. It is a shame that members of this family conduct themselves in this manner. When they do such things they have to take the consequences. It is good that he is leaving and that public announcement is being made. This way the sisters in the congregation will know what type of a person he is and they can protect themselves from him. If he leaves the city it will be best for you to find out where he will be going and the congregation that he will be associating with and then to notify that congregation concerning his probation. You can further state that he has been dismissed as a member of the Bethel family for his course of action.

Thank you very kindly for informing us and may Jehovah's rich blessing go with you as you continue to look well to the interests of the Kingdom and protect the organization.

Your brother and fellow servant,



N. H. Knorr

NHK/AG

# *Exhibit C*

# WATCH TOWER

TELEPHONE (212) 628-1240

CABLE WATCHTOWER

BIBLE AND TRACT SOCIETY  
OF PENNSYLVANIA

OFFICE OF THE PRESIDENT  
124 COLUMBIA HEIGHTS, BROOKLYN, NEW YORK 11201, U.S.A.

September 18, 1970

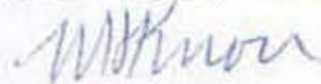
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Thank you very kindly for informing us and may Jehovah's rich blessing go with you as you continue to look well to the interests of the Kingdom and protect the organization.

Your brother and fellow servant,



N. H. Knorr

NHK/AG



# *Exhibit D*

  
Bible and Tract Society of Pennsylvania  
Office of Public Information  
25 Columbia Heights, Brooklyn, NY 11201-2483, U.S.A.  
Phone: (718) 560-5600 Fax: (718) 560-5619

*Original via fax*

May 9, 2002

Betsan Powys  
BBC Panorama

Dear Ms. Powys:

This is in response to your fax of April 30, 2002, in which you advise us that BBC-TV is preparing a program on the way Jehovah's Witnesses handle child abuse matters. You have kindly offered us the opportunity to be interviewed on-camera; however, we must respectfully decline.

We are not opposed to giving interviews in general; however, it is likely that among those whose views will be expressed on your broadcast will be some persons who are Jehovah's Witnesses. In our view, it would be neither proper nor Scriptural for us to place ourselves in what might turn out to be an adversarial position with our Christian brothers and sisters in a public setting. (1 Corinthians 6:1-8; Ephesians 4:2) We trust that you will understand our position in this regard.

Although unable to participate in an interview, we are certainly willing to comment on the questions that you raised in your fax. We note that these center almost exclusively on the nature of the records that we keep on alleged child abusers. You tell us that it is vital that we answer your questions on our record-keeping procedures because of the "very serious nature of the allegations made to the programme," although you do not specify what the allegations are. First of all, however, please allow us to comment on the way that child abuse accusations are handled by Jehovah's Witnesses. We realize that you did not ask us to touch on this aspect; nevertheless, it is essential that we comment on it to provide an appropriate, frank answer.

In the United States, when any one of Jehovah's Witnesses is accused of an act of child abuse, the local elders are expected to investigate. The procedure is as follows. Two elders meet separately with the accused and the accuser to see what each says on the matter. If the accused denies the charge, the two elders may arrange for him to have the opportunity to confront the accuser in their presence. If during that meeting the accused still denies the charges and there are no others who can substantiate them, the elders cannot take action within the congregation at that time. Why not? As a Bible-based organization, we must adhere to what the Scriptures say, namely, "No single witness should rise up against a man respecting any error or any sin . . . at the mouth of two witnesses or at the mouth of three witnesses the matter should stand good." (Deuteronomy 19:15) Jesus reaffirmed this principle as recorded at Matthew 18:15-17.

When the branch office receives an allegation of child abuse, a check of the records might reveal that similar, uncorroborated allegations were lodged against the same person in the past, perhaps when he was living in another part of the country. When a second credible allegation by a different person is lodged against the same individual, the elders are authorized by the Scriptures to handle the case.

Betsan Powys  
May 9, 2002  
Page 2

However, even if the elders cannot take congregational action, they are expected to report the allegation to the branch office of Jehovah's Witnesses in their country, if local privacy laws permit. Again, privacy laws permitting, a record is made at the branch office that the individual has been accused of child abuse. Each branch office of Jehovah's Witnesses keeps its own records, if that is allowed by local jurisdiction. In the United States we do not have records of child abusers who live in other lands. If privacy laws do not allow such records to be kept, the elders do whatever is permitted within the law to see to it that children are protected. The aim is to balance the right to privacy of the individual with the overriding need to protect the safety of children.—1 Timothy 5:19.

In addition to making a report to the branch office of Jehovah's Witnesses, the elders may be required by law to report even uncorroborated or unsubstantiated allegations to the authorities. If so, we expect the elders to comply. Additionally, the victim may wish to report the matter to the authorities, and it is his or her absolute right to do so. In the United States, reporting requirements vary from state to state. It can be quite a challenge to keep abreast of the reporting requirements, but our Legal Department makes every effort to do so.

If, when confronted, the accused confesses that he is guilty of child abuse, the elders take appropriate action. If he is not repentant, he will not be permitted to remain a member of the congregation. Even if he is repentant--is cut to the heart, and is thus resolutely determined to avoid such conduct in the future--what was stated in the January 1, 1997, issue of The Watchtower applies. The article said: "For the protection of our children, a man known to have been a child molester does not qualify for a responsible position in the congregation. Moreover, he cannot be a pioneer [full-time missionary of Jehovah's Witnesses] or serve in any other special, full-time service." (1 Timothy 3:2, 7-10) We take such action because we are concerned with maintaining Bible standards and protecting our children. Everyone in our organization is expected to meet the same requirements, namely, to be clean physically, mentally, morally, and spiritually.—[2 Corinthians] 7:1; Ephesians 4:17-19; 1 Thessalonians 2:4.

In a few instances, individuals guilty of an act of child abuse have been appointed to positions within the congregation if their conduct has been otherwise exemplary for decades. All of the circumstances would need to be considered carefully. Suppose, for example, that a long time ago a 16-year-old boy had sexual relations with a consenting 15-year-old girl. Depending upon the U.S. jurisdictions where he lived when this happened, elders are required to report this as an incident of child abuse. Let us say that twenty years have passed. The child abuse reporting law may have changed; he may even have married the girl! Both have been living exemplary lives and they are respected. In such a rare case, the man could possibly be appointed to a responsible position within the congregation.

Our procedures have been refined over time. Our policy over the past several years has been that at least twenty years must have passed before an individual who committed an act of child abuse could even be considered for appointment to a responsible position in the congregation, if ever. The Bible teaches that individuals can repent of their sins and "turn to God by doing works that befit repentance," and we accept what the Bible says. (Acts 26:20) Still, the safety of our children is of the utmost importance, so we realize that the local elders must be very careful when recommending individuals who may have been guilty of an act of child abuse in the distant past.

You have been told that here in the United States we have compiled a list of 23,720 names of child abusers. That is false. First of all, the total number of names in our records is considerably lower

Betsan Powys  
May 9, 2002  
Page 3

than that. In addition, it is not meaningful to focus on the number of names we have in our records. This is because our figures include the names of many persons who have only been accused of child abuse whereas the charges have not been substantiated. We keep these records to document our compliance with what the law requires in many U.S. jurisdictions. Also included on our list are allegations made on the basis of so-called “repressed memories,” the validity of which many authorities challenge. Then there are the names of persons who have been accused of abusing children before becoming Jehovah’s Witnesses as well as individuals who have never been baptized Witnesses but whose names we are obliged to keep because of their association with the Witnesses. (An example of this would be a non-Witness father or step-father who is accused by his Witness children or step-children of abusing them.) To be safe, we also list the names of persons who may or may not be considered as child abusers, depending upon the jurisdiction where they live (for example, that 16-year-old boy who had sexual relations with the consenting 15-year-old girl). The name of an individual who was guilty of voyeurism or involved with child pornography, as further examples, would also be included on the list. And, to be sure, the list also includes names of persons who are actually guilty of child abuse. We do not apologize for keeping such records here in the United States. Apart from being legally needed, they have been very helpful to us in our efforts to protect the flock from harm. (Isaiah 32:2) Christian parents can rightly feel secure in the knowledge that such efforts are made to screen out possible child abusers from appointment to responsible positions within the congregation.

Ms. Powys, please do not conclude that we believe that our system is perfect. No human organization is perfect. But we do believe that we have a strong, Bible-based policy on child abuse. Anyone in a responsible position who is guilty of child abuse would be removed from his responsibilities without hesitation. We certainly would not knowingly transfer him to serve elsewhere.

Child abuse is abhorrent to us. Even one abused child is one too many. At least since 1981, our journals, *The Watchtower* and *Awake!*, have featured articles to educate both Witnesses and the public regarding the importance and need to protect children from child abuse. Among others, there was the article “Let Us Abhor What Is Wicked!” published in the January 1, 1997, issue of *The Watchtower*; “Help For the Victims of Incest” in the October 1, 1983, *Watchtower*; “Your Child Is in Danger!”, “How Can We Protect Our Children?”, and “Prevention in the Home,” all in the October 8, 1993, *Awake!*, as well as “Child Molesting—Every Mother’s Nightmare” in the January 22, 1985, *Awake!* Over the years, as we have noted areas where our policies could be strengthened, we have followed through. We are continuing to refine them.

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Very truly yours,

  
J. R. Brown  
Director  
Office of Public Information

JRB:at

2-ER-270



# *Exhibit D*

  
Bible and Tract Society of Pennsylvania  
Office of Public Information  
25 Columbia Heights, Brooklyn, NY 11201-2483, U.S.A.  
Phone: (718) 560-5600 Fax: (718) 560-5619

*Original via fax*

May 9, 2002

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2-ER-272

Betsan Powys  
May 9, 2002  
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Very truly yours,

  
J. R. Brown  
Director  
Office of Public Information

JRB:at

2-ER-274

Guy W. Rogers  
Jon A. Wilson  
BROWN LAW FIRM, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Drawer 849  
Billings, MT 59103-0849  
Tel. (406) 248-2611  
Fax (406) 248-3128

*Attorneys for Defendants Watchtower Bible and Tract Society of New York, Inc.,  
and Watch Tower Bible and Tract Society of Pennsylvania*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Cause No. CV 20-52-BLG-SPW

Plaintiffs, )

vs. )

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

**AFFIDAVIT OF  
PHILIP BRUMLEY, ESQ.**

Defendants. )

STATE OF NEW YORK )  
 ) :ss  
County of Putnam )

I, Philip Brumley, first being duly sworn, hereby depose and state:

1. I am General Counsel for defendant Watch Tower Bible and Tract Society of Pennsylvania. (“WTPA”).

2. In this role, I have direct knowledge of the information contained in this Affidavit.

3. WTPA is a non-profit religious membership corporation formed in 1881 under the non-profit corporation laws of the State of Pennsylvania.

4. WTPA's registered office is located at 1 Kings Drive, Tuxedo Park, New York.

5. WTPA has its own assets, liabilities, offices, board of directors, and officers, separate from every other entity used by Jehovah's Witnesses.

6. WTPA is not the direct or indirect parent or subsidiary of any other corporation involved in this action.

7. WTPA does not have (and never has had) offices in Montana, does not own assets in Montana, and does not have employees in Montana.

8. WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana.

9. WTPA has no agent for service of process in Montana.

10. WTPA has no contact with congregations of Jehovah's Witnesses located in Montana.

11. WTPA does not establish or disseminate policy or procedure to congregations of Jehovah's Witnesses in Montana.

12. WTPA does not appoint or remove elders, ministerial servants or publishers in congregations of Jehovah's Witnesses in Montana.

13. WTPA exists to provide certain business needs of Jehovah's Witnesses including, among other things, holding copyright to books, magazines, songs, and videos. It also provides international humanitarian aid to communities after natural disasters.

14. The publications to which WTPA owns copyrights include *The Watchtower* and *Awake!* magazines, as well books, tracts and brochures that are used to explain various aspects of the Bible.

15. WTPA does not author the substantive content or print hard copies of the books, magazines, brochures and tracts referred to above.

16. On the contrary, the copyrighted materials are published by co-defendant Watchtower Bible and Tract Society of New York, Inc. (hereinafter "WTNY"), a separate corporation.

17. WTNY was organized and exists under the laws of the State of New York as a not-for-profit religious corporation. Its headquarters are in Wallkill, New York.

FURTHER THIS AFFIANT SAYETH NAUGHT.

DATED this 19<sup>th</sup> day of June, 2020.

By: *Philip Brumley*  
Philip Brumley, Esq.

SUBSCRIBED and SWORN to before me by Philip Brumley, Esq., this  
19<sup>th</sup> day of June, 2020.

By: *Benjamin C. Mullins*  
Notary Public for the State of New York

**BENJAMIN D. MULLINS**  
Notary Public, State of New York  
No. 01MU6314626 Qualified in Putnam County  
Certificate filed in New York County  
Commission expires November 10, 2022

ATTACHED 3 PAGES  
BEAR EMBOSSEMENT.





2. In this role, I have direct knowledge of the information contained in this Affidavit.

3. WTPA is a non-profit religious membership corporation formed in 1881 under the non-profit corporation laws of the State of Pennsylvania.

4. WTPA's registered office is located at 1 Kings Drive, Tuxedo Park, New York.

5. WTPA has its own assets, liabilities, offices, board of directors, and officers, separate from every other entity used by Jehovah's Witnesses.

6. WTPA is not the direct or indirect parent or subsidiary of any other corporation involved in this action.

7. WTPA does not have (and never has had) offices in Montana, does not own assets in Montana, and does not have employees in Montana.

8. WTPA does not conduct business in Montana, and is not and never has been registered to carry on business in Montana.

9. WTPA has no agent for service of process in Montana.

10. WTPA has no contact with congregations of Jehovah's Witnesses located in Montana.

11. WTPA does not establish or disseminate policy or procedure to congregations of Jehovah's Witnesses in Montana.

12. WTPA does not appoint or remove elders, ministerial servants or publishers in congregations of Jehovah's Witnesses in Montana.

13. WTPA exists to provide certain business needs of Jehovah's Witnesses including, among other things, holding copyright to books, magazines, songs, and videos. It also provides international humanitarian aid to communities after natural disasters.

14. The publications to which WTPA owns copyrights include *The Watchtower* and *Awake!* magazines, as well books, tracts and brochures that are used to explain various aspects of the Bible.

15. WTPA does not author the substantive content or print hard copies of the books, magazines, brochures and tracts referred to above.

16. On the contrary, the copyrighted materials are published by co-defendant Watchtower Bible and Tract Society of New York, Inc. (hereinafter "WTNY"), a separate corporation.

17. WTNY was organized and exists under the laws of the State of New York as a not-for-profit religious corporation. Its headquarters are in Wallkill, New York.

FURTHER THIS AFFIANT SAYETH NAUGHT.

DATED this 19<sup>th</sup> day of June, 2020.

By: *Philip Brumley*  
Philip Brumley, Esq.

SUBSCRIBED and SWORN to before me by Philip Brumley, Esq., this

19<sup>th</sup> day of June, 2020.

By: *Ben D. Mullins*  
Notary Public for the State of New York

**BENJAMIN D. MULLINS**  
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Commission expires November 10, 2022

ATTACHED 3 PAGES  
BEAR EMBOSSEMENT.

Consolidated Nos. 23-35329 & 23-35330

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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TRACY CAEKAERT and CAMILLIA MAPLEY;  
ARIANE ROWLAND and JAMIE SCHULZE,  
*Plaintiffs-Appellees,*

v.

PHILIP BRUMLEY,  
*Appellant,*

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;  
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA,  
*Defendants.*

On Consolidated Appeal from the United States District Court  
District of Montana Nos. CV-20-52-BLG-SPW & CV-20-59-BLG-SPW  
The Honorable Susan P. Watters

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**APPELLANT'S EXCERPTS OF RECORD  
VOLUME 3 of 4**

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*Attorneys for Defendant Watch Tower Bible and Tract Society of Pennsylvania*

**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.

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WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, INC., and  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA,

Cross-Claimants,

-vs-

BRUCE MAPLEY SR.,

Cross-Defendant.

Case CV-20-52-SPW-TJC

**DEFENDANT WATCH  
TOWER BIBLE AND TRACT  
SOCIETY OF  
PENNSYLVANIA'S  
BRIEF IN RESPONSE TO  
PLAINTIFFS' AFFIDAVIT  
OF RYAN SHAFFER**

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**STATUTES**

28 U.S.C. § 1927 ..... 1, 5, 7, 19, 21, 22, 23, 24, 25, 26

Defendant Watch Tower Bible and Tract Society of Pennsylvania (“WTPA”) submits this response on behalf of it and Philip Brumley<sup>1</sup>.

In response to Plaintiffs’ Motion for Sanctions, this Court ordered that Mr. Brumley was personally liable for sanctions under 28 U.S.C. § 1927. (*See* Order, Dkt. 135, at 14.) Specifically, this Court ordered him to satisfy “the **excess costs**, expenses, and attorney’s fees incurred by Plaintiffs as a result of Brumley’s affidavit and WTPA’s resulting motion to dismiss.” (*Id.*) This Court further ordered Plaintiffs to submit a “financial affidavit of all costs, expenses, and attorney’s fees **directly resulting** from their efforts to respond to WTPA’s motion to dismiss and conducting jurisdictional discovery in response to WTPA’s motion to dismiss and Brumley’s affidavit...” (*Id.* at 15, emphasis added.)

In response, Plaintiffs asserted in the Affidavit of Ryan R. Shaffer<sup>2</sup> (Dkt. 144) that the excess costs and expenses directly resulting from the motion to dismiss and jurisdictional discovery is **\$190,723.11**. While Plaintiffs attempt to assure this Court

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<sup>1</sup> Mr. Brumley is not a paid employee of WTPA or any other entity. He is a minister and member of a religious order serving full-time under a vow of poverty—this has been his way of life for over 35 years. Like all members of the religious order, he receives housing, food, health care, and a monthly allowance for personal expenses. His title of General Counsel has no financial benefits. (See Third Affidavit of Philip Brumley, attached as Exhibit 3, ¶¶ 3-6)

<sup>2</sup> Plaintiffs appear to have placed Mr. Shaffer’s Affidavit on a combined pleading heading which includes both the Caekaert case (CV-20-52) and Rowland case (CV-20-59) captions one after the other.

that their demand is “a modest amount” and “very conservative” (*see* Affidavit, at pp. 4 & 5), their demand is on its face staggering and grossly unreasonable. Plaintiffs reviewed documents, drafted and served three sets of discovery requests addressing the jurisdictional dispute, took one deposition, and drafted and argued one motion for sanctions.

To accomplish those tasks, Plaintiffs seek compensation for **819.35** billable hours for **five** persons (four attorneys and one paralegal). Plaintiffs seek **128.80** hours alone just for **talking** together about the case. They seek 224.85 hours for drafting and editing and 226.4 hours for reviewing documents (many of which are the Plaintiffs’ own documents). In total, Plaintiffs seek \$176,261 in legal fees and \$14,363.11 in expenses.

Plaintiffs seek a windfall, rather than reasonable and fair compensation. Their request is especially egregious because it is unsupported by any contemporaneous records. Their demand is so far-fetched and riddled with redundant excess that it should be rejected as unreliable, or at the very least, drastically reduced.

### **BREAKDOWN OF FEES AND EXPENSES SOUGHT**

Plaintiffs submitted Declarations from four attorneys (Ryan Shaffer, Rob Stepan, James Murnion, and Matt Merrill) and a paralegal (Jessica Yuhas). These Declarations are summarized as follows:

Hours Claimed by <b>Ryan Shaffer</b> (Exh. B, Dkt. 144-2)						
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Travel	Court/Depos
\$300	27.3	130	15.3	20.3	40	10.5
Total Hours: <b>246.9</b>						
Total Fees sought: <b>\$68,070</b>						

Hours Claimed by <b>Rob Stepans</b> (Exh. C, Dkt. 144-3)						
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Travel	Court/Depos
\$300	21.8	0	0	10	23.2	2.6
Total Hours: <b>57.6</b>						
Total Fees sought: <b>\$13,800</b>						

Hours Claimed by <b>James Murnion</b> (Exh. D, Dkt. 144-4)							
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Travel	Court/ Depos	Research
\$200	26.3	55.5	3.25	176.5	10	1	17
Total Hours: <b>289.95</b>							
Total Fees sought: <b>\$56,990.00</b>							

Hours Claimed by <b>Matt Merrill</b> (Exh. E, Dkt. 144-5)						
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Court/Depos	Research
\$300	30	6.5	14.3	39.9	0	1
Total Hours: <b>91.7</b>						

Total Fees sought: **\$27,501.00**

Hours Claimed by <b>Jessica Yuh</b> (Exh. F, Dkt. 144-6)				
Rate	Meetings/ Conf. calls	Bates- numbering docs	Preparing docs to be filed/mailed	Filing docs
\$75	23.4	50	40.2	19.6
Total Hours: <b>133.2</b>				
Total Fees sought: <b>\$9,900</b>				

**Noteworthy Issues from these Declarations:**

- No one kept contemporaneous time records. Rather, each “reconstructed” their time entries and then estimated how long it took them. (See Dkts. 144-2, ¶¶ 7-8; 144-3, ¶¶ 7-8; 144-4, ¶¶ 6-8; 144-5, ¶¶ 6-7; 144-6, ¶ 8)
- Messrs. Shaffer and Murnion billed **28** and **33** hours respectively in one 24-hour day.
- Some billers billed in excess of 16 hours on one day.
- All of the billable time sought for attorney Matt Merrill occurred *before he was ever an attorney of record* in this case. Mr. Merrill billed for time between July 9, 2020, and March 16, 2022. (Dkt. 144-5, pp. 7-10) He was admitted pro hac vice on April 26, 2022.
- On the day WTPA withdrew its motion to dismiss, November 5, 2021, Plaintiffs block billed **66 hours** from **4 persons**, for time purportedly drafting their response brief to WTPA’s motion. No response was ever filed, of course.
- **819.35** hours total billed by all 5 (including 686.15 hours for the attorneys)
- **105.4** hours (\$30,745) billed by all 5 in meetings and calls with each other. This constitutes nearly 13 percent of all time presented.
- **192** hours for drafting documents.

- **226.4** hours for document review. This constitutes nearly 28 percent of all time presented.

### ARGUMENT

The Court awarded sanctions pursuant to 28 U.S.C. § 1927. “Punishment under this statute is sparingly applied...” *F.D.I.C. v. Calhoun*, 34 F.3d 1291, 1297 (5<sup>th</sup> Cir. 1994) (quoting *Browning v. Kramer*, 931 F.2d 340, 345 (5<sup>th</sup> Cir. 1991)). However, the power to issue sanctions under § 1927 “carries with it the potential for abuse, and therefore the statute should be construed narrowly and with great caution, so as not to ‘stifle the enthusiasm or chill the creativity that is the very lifeblood of the law.’” *Mone v. Comm’r*, 774 F.2d 570, 574 (2d Cir. 1985) (citation omitted).<sup>3</sup>

The Ninth Circuit has adopted a but-for test when determining the scope of allowable sanctions under § 1927, as delineated by the Supreme Court in *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 137 S. Ct. 1178 (2017). *See Redding*

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<sup>3</sup> While not seeking to re-litigate the issue, but simply to highlight that WTPA’s motion to dismiss and Mr. Brumley’s affidavits were not unwarranted, it should be emphasized that the singular issue WTPA was addressing in its motion to dismiss was the absence of any contacts with Montana. It was timely withdrawn under the safe harbor provision of Rule 11, yet the Order awarding sanctions does not reference Mr. Brumley’s second Declaration that clarified WTPA’s position on some of the documents the Court relied on in awarding sanctions, none of which relate to Montana jurisdiction and/or the relevant time period (Docs. 21-3, 21-4, 29-1, 29-2, 29-3, 29-4) (3<sup>rd</sup> Aff. of Brumley, Ex. 3, ¶¶ 9-16). Additionally, the Order does not reflect that Mr. Brumley offered himself for deposition at Plaintiffs’ request where he could have clarified statements made in his affidavits. Plaintiffs unilaterally cancelled the deposition request. These factors further warrant a cautious hand in assessing Plaintiffs’ sanctions award request.

*v. Prosight Specialty Mgmt. Co., Inc.*, 2017 WL 5526353, at \*1-3 (D. Mont. Nov. 17, 2017); *de Borja v. Razon*, 340 F.R.D. 400, 411 (D. Or. 2021). According to *Haeger*, sanctions under § 1927 “must be compensatory rather than punitive in nature.” *Haeger*, 137 S.Ct. at 1186 (citation omitted). As such, courts “can shift only those attorney’s fees incurred because of the misconduct at issue.” *Id.* The Supreme Court explained in *Haeger* that it was critical that the court determining an award under § 1927 ensure that the award is directly tied to the event that caused the sanction to be issued; otherwise the award improperly “crosses the boundary from compensation to punishment.” *Id.* (internal citations omitted). Notably, the *Haeger* Court further admonished that, if the requesting party “ ‘would have incurred [an] expense in any event[,] he has suffered no incremental harm from the [misconduct],’ and so the court lacks a basis for shifting the expense.” *Id.* at 1187, *quoting Fox v. Vice*, 563 U.S. 826, 836 (2011). In other words, “when ‘the cost[ ] would have been incurred in the absence of’ the [misconduct], then the court (possessing only the power to compensate for harm the misconduct has caused) must leave it alone.” *Id.*, *quoting Fox*, 563 U.S. at 838.

Finally, the *Haeger* Court explained the district court’s role in applying the but-for test:

This but-for causation standard generally demands that a district court assess and allocate specific litigation expenses—yet still allows it to exercise discretion and judgment. The court’s fundamental job is to



determine whether a given legal fee—say, for taking a deposition or drafting a motion—would or would not have been incurred in the absence of the sanctioned conduct.

*Haeger*, 137 S. Ct. at 1187 (internal citations omitted).

The Ninth Circuit has analogized the award of sanctions under § 1927 and its inherent power to sanctions under Rule 11 and Rule 37. *See Stanley v. Woodford*, 449 F.3d 1060, 1064 (9<sup>th</sup> Cir. 2006) (“the policies undergirding Rule 37(a) sanctions are not relevantly different from those justifying sanctions under § 1927 or a court’s inherent powers”); *Grimes v. City and County of San Francisco*, 951 F.2d 236, 240 (9<sup>th</sup> Cir. 1991).

On an attorney fees application, the claimant seeking fees has the initial burden of documenting and proving its claims. *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983). Reasonable attorneys’ fees are generally calculated based on the traditional “lodestar” method (i.e., multiplying reasonable hours by a reasonable rate). *Marrocco v. Hill*, 291 F.R.D. 586, 587-88 (D. Nev. 2013).

Hours sought in a fee request that are “excessive, redundant, or otherwise unnecessary” should be excluded. *Hensley*, 461 U.S. at 434. Indeed, “Courts are required to eliminate ‘excessive, redundant, or unnecessary’ hours from any lodestar” calculation. *Speiker v. FCA US, LLC*, 2021 WL 4353273, at \*3 (C.D. Cal. June 4, 2021), *citing Van Gerwen v. Guarantee Mut. Life Co.*, 214 F.3d 1041, 1045 (9<sup>th</sup> Cir. 2000). Accordingly, many courts have reduced or denied fee requests when

there is redundant or duplicative time entries. *See e.g., Sec’y of Lab., United States Dep’t of Lab. V. Valley Wide Plastering Constr. Inc.*, 2022 WL 2390950, at \*6 (D. Ariz. July 1, 2022) (“Court may exclude hours related to overstaffing, duplication, and excessiveness, or that are otherwise unnecessary” ); *Herrington v. Cnty. Of Sonoma*, 883 F.2d 739, 747 (9<sup>th</sup> Cir. 1989) (identifying duplication of effort by co-counsel, which necessitated reduction of the hours claimed); *Bartlett v. CitiBank N.A.*, 2018 WL 1178326, at \*2 (N.D. Cal. Mar. 7, 2018) (reducing hours awarded for unnecessarily duplicative work on motion); *Tequila Centinela, S.A. de C.V. v. Bacardi & Co.*, 248 F.R.D. 64, 71 (D.D.C. 2008) (“Parties cannot be reimbursed for nonproductive time or duplicative activities.”); *Serrano v. Ritz-Carlton San Juan Hotel Spa & Casino*, 808 F. Supp. 2d 393, 398 (D.P.R. 2011) (fees may be “reduced because of (1) the overstaffing of a case, (2) the excessiveness of the hours expended on the legal research or the discovery proceedings, (3) the redundancy of the work exercised, or (4) the time spent on needless or unessential matters.”) (internal citations omitted); *Marrocco v. Hill*, 291 F.R.D. 586, 589 (D. Nev. 2013) (reducing hours requested related to discovery motion briefing by more than half because it was unreasonable and unnecessarily duplicative to have two partners and a senior associate work on it).

Therefore, when—as here—a party seeks to be compensated for hours incurred by multiple attorneys for the same task, such as writing motions or

participating in hearings or depositions, the Court is instructed to examine the claim with skepticism. *Irvine Unified Sch. Dist. V. Landers*, 2021 WL 4572016, at \*3 (C.D. Cal. July 8, 2021) (“Courts ought to examine with skepticism claims that several lawyers were needed to perform a task and should deny compensation for such needless duplication,” quoting *Democratic Party of Wash. V. Reed*, 388 F.3d 1281, 1286 (9<sup>th</sup> Cir. 2004). See also *Pearson v. Fair*, 980 F.2d 37, 47 (1<sup>st</sup> Cir. 1992) (courts “should ordinarily greet a claim that several lawyers were required to perform a single set of tasks with healthy skepticism,” citing *Lipsett v. Blanco*, 975 F.2d 934, 938 (1<sup>st</sup> Cir. 1992)).

In addition, only time actually expended on the particular issue for which fees were awarded should be allowed. See e.g., *Scott Hutchison Enters., Inc. v. Cranberry Pipeline Corp.*, 318 F.R.D. 44, 57 (S.D.W. Va. 2016) (reducing purported attorney hours for document review by one-half because review of documents was also necessary as part of ongoing litigation); *Raynor v. G4S Secure Sols. (USA) Inc.*, 327 F. Supp. 3d 925, 949–50 (W.D.N.C. 2018), *aff’d*, 805 F. App’x 170, 2020 WL 917060 (4<sup>th</sup> Cir. 2020) (concluding 30% reduction of fees to avoid awarding compensation for efforts not caused by discovery failure at issue).

In the absence of contemporaneous records, reconstruction of billing records may be used as a basis for an award of attorney’s fees. *Ackerman v. W. Elec. Co.*, 643 F. Supp. 836, 864-65 (N.D. Cal. 1986), citing *City of Detroit v. Grinnell Corp.*,

560 F.2d 1093, 1102-03 (2d Cir. 1977). However, in reviewing reconstructed records, the Court must “subject the retrospectively created record to a more exacting scrutiny than [it] would bring to contemporaneous and detailed records.” *Ackerman, citing Grendel’s Den, Inc. v. Larkin*, 749 F.2d 945, 952 (1<sup>st</sup> Cir. 1984). The Court may exercise discretion to find that the “absence of detailed contemporaneous time records, except in extraordinary circumstances, will call for a substantial reduction in any award or, in egregious cases, disallowance.” *Grendel’s Den, supra*, at 952.

**I. PLAINTIFFS’ FEE REQUEST IS UNREASONABLE AND EXCESSIVELY HIGH.**

**A. Rob Stepan’s Time Should Not Be Compensable Because His Work Involved Passive Review of Other Attorneys’ Work.**

Plaintiffs seek \$13,800 for 57.6 hours reconstructed by attorney Rob Stepan. Mr. Stepan admits that his primary role was reviewing briefs and discovery and talking with others who did the actual legal work.<sup>4</sup> The bulk of his time was not proactive or productive work, and it was duplicative of work done by other attorneys.

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<sup>4</sup> Stepan billed 21.8 hours to meet and talk to others, 10 hours for reviewing documents, 23.2 hours for traveling, and 2.6 hours for attending a hearing and a deposition. (Dkt. 144-3, ¶ 7 & Exh. 1)

Mr. Stepan's is not properly compensable. The jurisdictional issue at hand was not so complex that it was necessary or reasonable to have a fourth attorney involved, especially when his involvement was passive, essentially talking with and observing what the other attorneys were doing. His time in talking, reviewing, traveling, and watching is therefore "excessive, redundant, or otherwise unnecessary." *See Hensley, supra*, at 461 U.S. 434. This Court should eliminate it from an any award. *See Speiker*, 2021 WL 4353273, at \*3.

Furthermore, the bulk of Mr. Stepan's reconstructed time for reviewing documents is both block billed and undefined. He reconstructed 8.6 hours to review documents covering an eight-month period (7/13/20–3/20/21). (Dkt. 144-3, p. 7) He simply wrote, identically to Mr. Shaffer, "Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana." (*Id.*) Therefore, Plaintiffs have not met their burden to document and prove their claim for fees regarding Mr. Stepan's purported review time. *See Hensley* 461 U.S. at 437 (claimant on attorney fees application has initial burden of documenting and proving its claims). Mr. Stepan does include a spreadsheet listing documents produced by Plaintiffs that he allegedly reviewed (Dkt. 144-3, p. 10). However, this spreadsheet does not include a single document produced by Defendants. Plaintiffs are not entitled to fees associated with reviewing their own documents.

**B. Matt Merrill's Time Should Not Be Compensable Because he was Not an Attorney of Record and His Work was Duplicative.**

Plaintiffs seek \$27,501 for 91.7 hours by Colorado attorney, Matt Merrill.<sup>5</sup> But he was neither counsel of record nor admitted in Montana during this period. Mr. Merrill's time should not be compensable as attorney fees in this case because he was not counsel of record nor even admitted in Montana during this period and his work was entirely duplicative of the work done by the other attorneys of record in this case. Plaintiffs' assertion that his time was necessary and reasonable must be considered with skepticism. *See e.g., Irvine Unified Sch. Dist.*, 2021 WL 4572016, at \*3 (C.D. Cal. July 8, 2021); *Pearson*, 980 F.2d at 47. There was no need for four attorneys to duplicate the same tasks.

Moreover, Mr. Merrill block billed for an entry to review documents that was identical to Mr. Stepan's reconstructed block bill for review time, albeit Mr. Merrill billed over three times as much for reviewing documents than did Mr. Stepan. Mr. Merrill reconstructed 27.4 hours to review documents during an eight-month period (7/13/20–3/20/21). (Dkt. 144-5, p. 7) His reconstructed entry is identical to the entry made for the same thing by Mr. Stepan, even down to the alleged review period. (*Compare* to Dkt. 144-3, p. 7) Just as Mr. Stepan failed to do, Mr. Merrill failed to

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<sup>5</sup> Mr. Merrill primarily billed for time meeting and talking with the others (30 hours), reviewing documents (39.9 hours), and editing other's writings (14.3 hours). (*See* Dkt. 144-5)

identify in his entry what or how many documents he actually reviewed. He simply repeated the same entry as Mr. Stepan noted. (*Id.*) As with Mr. Stepan, Plaintiffs have not meet their burden to document and prove their claim for fees regarding Mr. Merrill’s purported review time. *See Hensley*, 461 U.S. at 437. And just as with Mr. Stepan’s document review, Mr. Merrill’s document review is likely the same documents that other attorneys in this case purported to review and bill for. His review work is therefore not awardable because it is “excessive, redundant, or otherwise unnecessary.” *See Hensley*, 461 U.S. at 434; *Speiker*, 2021 WL 4353273, at \*3.

**C. The Reconstructed Time is Grossly Excessive and Unreasonable, and Most of It is Unrelated to the WTPA Jurisdictional Dispute.**

Plaintiffs seek compensation for four attorneys purportedly spending 686.15 hours on the jurisdictional dispute, including 226.4 hours reviewing documents, 192 hours drafting documents, and 105.4 hours for meeting and talking. Plaintiffs’ demand requires significant reduction.

**1. Review time should be reduced as unreliable and duplicative.**

The 226.4 hours of review time is grossly unreasonable on its face. Review of documents constituted nearly 28 percent of all time sought.

As mentioned, each of the four attorneys who reconstructed time has the identical entry for purportedly reviewing documents in this case: “Review of

Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana." (See Dkt. 144-2, p. 9 (Shaffer); Dkt. 144-3, p. 7 (Stepans); Dkt. 144-4, p. 10 (Murnion); Dkt. 144-5, p. 7 (Merrill)) Only Mr. Murnion specified in his entry what documents he reviewed. Mr. Murnion purported to review some 6,923 pages of documents and specified the bates numbered ranges. (Dkt. 144-4, p. 10) Shaffer, Stepans, and Merrill block billed their review time without any details whatsoever.

This vast amount of time to review documents should be viewed with skepticism. First, three of the attorneys could not specify in their entry what documents they purportedly reviewed. That alone is a cause for concern. Second, all of the attorneys apparently reviewed in full or in part the same documents. That level of review is obviously redundant and should be excluded. *Hensley*, 461 U.S. at 434 ("excessive, redundant, or otherwise unnecessary" time should be excluded from fee awards).

Third, many of the documents that were specified as reviewed by Mr. Murnion were actually produced by **Plaintiffs** and almost certainly were reviewed for purposes of preparing Plaintiffs' own complaint. Well over 1,800 of the documents Mr. Murnion reviewed were documents held and produced by Plaintiffs, as they were bates numbered by Plaintiffs. (Dkt. 144-4, p. 10) Indeed, Plaintiffs even attached some of those same documents (for which they now seek compensation for



reviewing for the WTPA jurisdictional issue) to their original complaint. (*See* Doc. 1-4, Ex. D, and CAEKERT/MAPLEY 316-320, attached hereto as Ex. 1) Obviously, Plaintiffs had possession of these documents and, just as obviously, they must have reviewed them well **before** WTPA filed its motion to dismiss on jurisdictional grounds. Plaintiffs should not be compensated for reviewing documents they had before the jurisdictional issue arose and which they had already reviewed.

In addition, Mr. Murnion block billed a separate 41.6 hours to review *even more* documents, this time from allegedly 8/1/21 – 11/4/21. (Doc. no. 144-4, p. 13) He failed to specify them, other than to state they were “documents flagged in document management spreadsheet as potentially PJ relevant.” (*Id.*) This time must also be viewed with skepticism, since there is no detail whatsoever.

Fourth, it is obvious that Plaintiffs would need to review—and almost certainly had already—these same documents to prepare the merits of their case. Many or even most of the documents had absolutely nothing to do with the WTPA jurisdictional issue, but potentially had some relevance to the merits of Plaintiffs’ overall action. For example, the first document reviewed by Mr. Murnion, purportedly in response to the WTPA jurisdictional issue (CAERKERT/MAPLEY 001-002), has on its face nothing to do with WTPA or the jurisdictional issues. It is a 1983 letter from WTNY to the Body of Elders. The letter is not from WTPA, about WTPA, nor even refers to WTPA. (*See* Ex. 2, attached hereto) As a further example,

the document that Plaintiffs attached to their complaint but for which they now seek compensation for reviewing due to the WTPA jurisdictional issue, also obviously has nothing to do with jurisdiction over WTPA. The document is a copy of a portion of the 1974-75 Revised Codes of Montana. (*See* Ex. 1, attached) Plaintiffs are not entitled to fees for reviewing documents that they would have reviewed anyway in preparing their case. *See Haeger*, 137 S.Ct. at 1187.

It is Plaintiffs' burden to establish their claim for fees and support it with evidence. *See Hensley, supra*, 461 U.S. at 437. Plaintiffs fail to satisfy their burden by block billing reconstructed time entries without any specification of what they actually reviewed, or how it related to the jurisdictional issue, or by listing piles of documents by bates number alone, or by specifying documents that they had already reviewed well before WTPA filed its motion to dismiss, or documents that they would have reviewed anyway. The Court should reject their claim for fees for this reason alone.

**2. Tasks unrelated to the jurisdictional dispute are not compensable.**

Despite this Court's admonition that they can only seek fees "directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit" (Dkt. 135, at 15), Plaintiffs seek recovery for working on unrelated tasks,

including motions to compel and their efforts to seek sanctions against Mr. Brumley. None of that time should be allowed.

Plaintiffs reconstructed a substantial amount of time for working on their motions to compel with non-party the Hardin Congregation. They seek time for drafting the subpoena to it and correspondence with its counsel, as well as the motion and briefs, meeting together to talk about the motion, and two attorneys traveling to and appearing at the court hearing. We estimate they have reconstructed 50 hours or more for their work on their motion to compel directed to the Hardin Congregation. However, the dispute with the Hardin Congregation was about the assertion of the clergy-penitent privilege, not jurisdiction over WTPA. That time is not compensable as a result.

Plaintiffs also seek a substantial amount of fees for their purported time devoted to attempting to obtain sanctions. Removing the time for purportedly drafting an unfiled response to WTPA's motion to dismiss, we estimate from their reconstruction that Plaintiffs seek 82 hours among all 5 for working on drafting and editing the sanctions motion, conducting a "mock" hearing with all five of them, and participating in the court hearing, including travel.

None of that should be compensable. This Court expressly granted as a sanction "those costs and expenses directly stemming from their efforts to respond to WTPA's motion to dismiss and their efforts to compel jurisdictional discovery."

(Dkt. 135, at 14) This Court did not grant Plaintiffs the ability to seek fees for their time incurred attempting to impose sanctions.

Finally, Plaintiffs created an entry for approximately 66 hours total from each of their five billers for purported time drafting a response brief to WTPA's motion to dismiss. This entry is highly suspect. Each of the five block billed their time on November 5, 2021, which is the day WTPA provided notice it was withdrawing its motion to dismiss. For example, Mr. Shaffer block billed 28 hours for November 5, 2021, for "response brief WTPA's MTD." (Dkt. 144-2, at 13) Mr. Murnion did the same, for 35.5 hours. (Dkt. 144-4, at 13) Seeking 66 hours for drafting a responsive brief is also an excessive amount of time, especially considering that days only have 24 hours in them. The block billed time for allegedly writing a brief that was never filed should not be awarded.

### **3. Meeting time should be drastically reduced.**

Plaintiffs billed over 105 hours for meeting and talking with each other. This is astonishing. Their time meeting and talking with each other in this case is clearly "excessive, redundant, or otherwise unnecessary" and should be excluded. *See Hensley, supra*, at 461 U.S. 434, 103 S. Ct. at 1939-40. The jurisdictional discovery issue and motion to dismiss did not justify five billers for over 105 hours of talking and meeting. It is very difficult to see how anything more than 10 hours is not excessive and unnecessary.

**D. Jessica Yuhas' Time Should Not Be Awarded Because It Is For Clerical and Administrative Tasks or Unnecessarily Duplicative.**

Plaintiffs seek \$9,900 for 133.20 hours for paralegal Ms. Yuhas. Nearly 110 hours of her time is for bates-numbering documents, preparing documents to be filed or mailed, and filing documents. The remaining time, 23.4 hours, is for sitting in meetings and conference calls with the others. (*See* Dkt. 144-5)

None of this time should be awarded. Most of her time is not awardable because it concerns administrative and clerical tasks. *See Missouri v. Jenkins*, 491 U.S. 274 (1989) (“purely clerical or secretarial tasks should not be billed at a paralegal [or lawyer’s] rate, regardless of who performs them”); *Sec’y of Lab.*, 2022 WL 2390950, at \*7 (time spent on tasks such as “upload[ng] & download[ing] docs; organiz[ing and] convert[ing] to PDF files; bates stamp” not compensable); *Friends of Maha’ulepu, Inc. v. Hawai’i Dairy Farms, LLC*, 2017 WL 11683805, at \*17 (D. Haw. Nov. 13, 2017) (“[C]lerical or ministerial costs are part of an attorney’s overhead and are reflected in the charged hourly rate.”); *Alter Fin. Corp. v. Citizens & S. Int’l Bank of New Orleans*, 817 F.2d 349, 350 (5th Cir. 1987) (paralegal fees under § 1927 allowed only for work done by paralegals and law clerks for work traditionally performed by an attorney).

Her remaining time for sitting in meetings and talking with the attorneys—23.4 hours—is not awardable either, as discussed above.

In total, the Plaintiffs have submitted time entries of well in excess of \$100,000 for redundant tasks and tasks unrelated to the issue of WTPA's jurisdiction. The Court should view the entire submission with a healthy dose of skepticism and make significant reductions.

## **II. THE COURT SHOULD STAY PAYMENT OF SANCTIONS PENDING APPEAL.**

WTPA takes any award of sanctions very seriously. Even more so, Mr. Brumley certainly does too. While he serves as General Counsel to WTPA, Mr. Brumley is first and foremost a Minister. He leads his local congregation in worship every Sunday. He has officiated at baptisms, weddings and funerals. His good name is extremely important to him. As a result, he would like the opportunity to clear his name by way of an appeal.

A court generally considers four factors when considering a stay pending appeal: (1) whether the stay applicant has made a strong showing of likelihood of success on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceedings; and (4) where the public interest lies. *W. Sec. Bank v. Schneider Ltd. P'ship*, No. CV 15-10-BLG-SPW-CSO, 2015 WL 9641678, at \*2 (D. Mont. Dec. 21, 2015) (*citing Nken v. Holder*, 556 U.S. 418, 425-26 (2009)). Mr. Brumley makes a strong showing on each factor.

For the first factor, Mr. Brumley need not show that it is “more likely than not” he will succeed on the merits, but rather that substantial or serious legal questions exist for appeal. *Id.* (quoting *Leiva–Perez v. Holder*, 640 F.3d 962, 965 (9th Cir. 2011)); see *Nken*, 556 U.S. at 435. Here, serious legal questions exist as to whether this Court has authority to issue sanctions under § 1927 against Mr. Brumley, who is neither an attorney of record in this case nor admitted to practice before this Court—nor any other court in Montana.

Section 1927 states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.

While this language is broad enough to suggest that admission in “any” federal court can suffice, the Ninth Circuit has not addressed whether an in-house attorney or a non-attorney-of-record, especially one not admitted to the court imposing the sanctions, can be sanctioned under § 1927. The Second Circuit has held that § 1927 “should be construed narrowly and with great caution, so as not to ‘stifle the enthusiasm or chill the creativity that is the very lifeblood of the law.’” *Mone v. Comm’r*, 774 F.2d 570, 574 (2d Cir. 1985) (citations omitted); see *LaSalle Nat. Bank v. First Connecticut Holding Grp.*, 287 F.3d 279, 289 (3d Cir. 2002) (quoting *Mone* for this principle); see also *Dreiling v. Peugeot Motors of Am.*, 768 F.2d 1159, 1165

(10th Cir. 1985) (“The power to assess costs against an attorney under § 1927, however, is a power that must be strictly construed and utilized only in instances evidencing a ‘serious and standard disregard for the orderly process of justice.’” (citations omitted)); *United States v. Ross*, 535 F.2d 346, 350 (6th Cir. 1976) (“Because [§] 1927 is penal in nature, we believe that it should be strictly construed”); *Meadowbriar Home for Child., Inc. v. Gunn*, 81 F.3d 521, 535 (5th Cir. 1996) (“Punishment under [§ 1927] is sparingly applied”).

In addition, legislative history notes that § 1927 requires a “high standard” so as to avoid infringing upon the advocacy of an “attorney *in representing his client.*” H.R. Conf. Rep. No. 96-1234, at 8 (1980), reprinted in 1980 U.S.C.A.C.A.N. 2782 (“The high standard which must be met to trigger section 1927 insures that the provision in no way will dampen the legitimate zeal of an attorney in representing his client.”) (emphasis added). This suggests that § 1927 is limited to attorneys representing the parties before the Court.

In *Federal Trade Commission v. Alaska Land Leasing, Inc.*, 799 F.2d 507, 508-10 (9th Cir. 1986), the Ninth Circuit overturned sanctions awarded under § 1927 against a financial consultant employed by attorneys representing two of the parties to the suit. In vacating the sanctions, the court held that “Section 1927 does not authorize recovery from a party or an employee, but ‘*only* from an attorney or otherwise admitted representative of a party.’” *Id.* at 510 (quoting *1507 Corp. v.*



*Henderson*, 447 F.2d 540, 542 (7th Cir. 1971)) (additional citation omitted). In this case, Mr. Brumley is an in-house attorney of a party but he is not an admitted representative of a party, which makes § 1927 sanctions against him impermissible under *Alaska Land Leasing*. The Ninth Circuit reaffirmed this principle in *Sneller v. City of Bainbridge Island*, 606 F.3d 636, 640 (9th Cir. 2010), where the Court overturned an award of sanctions under § 1927 because “[t]he sanction here was imposed jointly on counsel and the client, but § 1927 authorizes sanctions only upon counsel.”

While the Ninth Circuit has not yet specifically addressed whether a district court can sanction someone like Mr. Brumley—a non-party, affiant-witness, who also happens to be an attorney—*Alaska Land Leasing* and *Sneller* suggest a court lacks such authority. In addition, courts in the Ninth Circuit have determined they lack authority to sanction an attorney under § 1927 who is not counsel of record. For example, the Northern District of California adopted the recommendation of a Magistrate Judge to deny sanctions under § 1927 because “there was insufficient authority to support the proposition that ‘an attorney who is not of record can be sanctioned pursuant to Section 1927.’” *See AF Holdings LLC v. Navasca*, No. C-12-2396-EMC, 2013 WL 5701104, at \*2 (N.D. Cal. Oct. 16, 2013).

Courts in other circuits have reached the same conclusion. In *Leventhal v. New Valley Corp.*, 148 F.R.D. 109, 112 (S.D.N.Y. 1993), the court determined that a

senior vice president and general counsel (Walters) could not be sanctioned for an affidavit he submitted in opposition to plaintiff's summary judgment motion. While the court initially discussed sanctions under Rule 11, it then concluded that "[f]or comparable reasons I also decline to sanction Walters under § 1927 or the Court's inherent powers," explaining that:

Rule 11 sanctions are not available against Walters because he was neither "an attorney of record" nor "a party" within the contemplation of the Rule. Brown and Fischer were the attorneys of record. New Valley was the party. Walters was an affiant-witness, who happened also to be an attorney. His corporate office is sufficient to visit liability for sanctions upon New Valley, if Walters' conduct upon behalf of that party was in fact sanctionable; but there is no basis in the Rule for sanctioning Walters himself.

In *Matta v. May*, 118 F.3d 410, 414 (5th Cir. 1997), the Fifth Circuit reversed a sanctions award against a party who, like Mr. Brumley, also happened to be an attorney, explaining:

It is clear from the record that Matta was represented by an attorney throughout this case. Neither his status as a licensed attorney nor his *pro se* brief filed in the related case make him liable for attorney fees under § 1927. Therefore, § 1927 cannot serve as the basis of the .... attorney fee award in this case. In *Manez v. Bridgestone Firestone North American Tire*, 533 F.3d 578 (7th Cir. 2008), the Seventh Circuit held that it could not sanction a Mexican attorney under § 1927. The case arose out of a fraudulent attempt to escape a dismissal based upon *forum non*

*conveniens*. The district court dismissed the case, but then the plaintiff hired the Mexican attorney who obtained a fraudulent document from the Mexican court system purporting to decline jurisdiction over the case. *See id.* at 582-85. The court explained that the attorney “‘played a double role in this attempted fraud on the court,’ both by orchestrating the proceedings in [Mexico] and by submitting an ‘expert affidavit’ to the Seventh Circuit in support of the plaintiffs’ arguments while the initial appeal was pending.” *Id.* at 585. Nonetheless, the court concluded that “Section 1927 permits sanctions only against ‘[a]ny attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof.’ Perezniето is neither, and so the court’s sanction was not authorized by § 1927.” *Id.*

In *Lowery v. County of Riley*, 738 F. Supp. 2d 1159, 1170 (D. Kan. 2010), the court declined to impose sanctions against an insurer’s general counsel for conduct relating to a mediation, explaining:

To the extent that the City/County Defendants seek to apply 28 U.S.C. § 1927 against Arbuckle, the general counsel of FAMI, the Court has additional concerns. FAMI was not a party to this case at the time of the mediation. The basis for the claimed sanctions sought by the City/County Defendants all occurred before FAMI sought to intervene in this case. Thus, while Arbuckle was acting as an attorney when he appeared at the mediation on behalf of FAMI, he was not in the normal position of an attorney of record for a party ....

The Middle District of Florida likewise denied a motion for attorney’s fees against an attorney because “movants have not provided the Court with a case

showing that fees under 28 U.S.C. § 1927 are available against a lawyer who was never counsel of record in the present proceeding.” *Popa-Verdecia v. Marco Trucking, Inc.*, No. 8:18-CV-1869-T-02AEP, 2019 WL 527974, at \*1 (M.D. Fla. Feb. 11, 2019).

Based upon *Alaska Land Leasing, Inc.*, 799 F.2d at 508-10 and *Sneller*, 606 F.3d at 640, as well as the persuasive authority from throughout the country discussed above, Mr. Brumley makes a strong showing that substantial or serious legal questions exist for appeal. *See Leiva-Perez*, 640 F.3d at 965.

With respect to the second factor, Mr. Brumley will be irreparably harmed without the stay because he will be forced to pay an award of sanctions. Depending on the amount, this could impose financial hardship on Mr. Brumley. If he ultimately prevails on appeal, he would need to take steps to reverse any penalties. A stay pending appeal will avoid any impact on his personal finances, as well as his career and reputation.

With respect to the final two factors, Plaintiffs will not be “substantially” injured by a stay, and no public interest exists sufficient to overcome the hardship imposed on Mr. Brumley. Accordingly, Mr. Brumley respectfully requests that this Court stay payment of any sanctions issued pending appeal.

Should a stay be denied, Mr. Brumley requests that rather than pay Plaintiffs’ counsel, he be allowed to deposit any sanctions award with the Court, to be held in

trust pending the outcome of his appeal. This escrow arrangement will ensure that Plaintiffs would have ready access to the award, should it be affirmed on appeal, and that Mr. Brumley would have ready access to recouping the payment should he prevail on appeal.

### **CONCLUSION**

The amount of sanctions sought is far too high. It is not narrowly tailored to the jurisdictional at issue, and instead is premised on too many people doing too much duplicative work. Any award should be drastically reduced from Plaintiffs' excessive and unjustified demand, and payment should be stayed pending appeal, as well.

**DATED** this 24<sup>th</sup> day of October, 2022.

MOULTON BELLINGHAM PC

By /s/ Gerry Fagan

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## CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(d)(2)(E), I certify that this brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced, with left, right, top, and bottom margins of one inch; and that the word count calculated by Microsoft Word is 6,378 words, excluding the Table of Contents, Table of Authorities, Certificate of Compliance, and Certificate of Service.

By     /s/Gerry P. Fagan      
GERRY P. FAGAN

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2022, a copy of the foregoing was served on the following persons:

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

ARIANE ROWLAND, and JAMIE  
SCHULZE,

Plaintiff,

-vs-

WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, INC., and  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA,

Defendants.

Case CV-20-59-SPW-TJC

**DEFENDANT WATCH  
TOWER BIBLE AND TRACT  
SOCIETY OF  
PENNSYLVANIA'S  
BRIEF IN RESPONSE TO  
PLAINTIFFS' AFFIDAVIT  
OF RYAN SHAFFER**



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**STATUTES**

28 U.S.C. § 1927 ..... 1, 5, 7, 19, 21, 22, 23, 24, 25, 26

Defendant Watch Tower Bible and Tract Society of Pennsylvania (“WTPA”) submits this response on behalf of it and Philip Brumley<sup>1</sup>.

In response to Plaintiffs’ Motion for Sanctions, this Court ordered that Mr. Brumley was personally liable for sanctions under 28 U.S.C. § 1927. (*See* Order, Dkt. 120, at 14.) Specifically, this Court ordered him to satisfy “the **excess costs**, expenses, and attorney’s fees incurred by Plaintiffs as a result of Brumley’s affidavit and WTPA’s resulting motion to dismiss.” (*Id.*) This Court further ordered Plaintiffs to submit a “financial affidavit of all costs, expenses, and attorney’s fees **directly resulting** from their efforts to respond to WTPA’s motion to dismiss and conducting jurisdictional discovery in response to WTPA’s motion to dismiss and Brumley’s affidavit...” (*Id.* at 15, emphasis added.)

In response, Plaintiffs asserted in the Affidavit of Ryan R. Shaffer<sup>2</sup> (Dkt. 123) that the excess costs and expenses directly resulting from the motion to dismiss and jurisdictional discovery is **\$190,723.11**. While Plaintiffs attempt to assure this Court

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<sup>1</sup> Mr. Brumley is not a paid employee of WTPA or any other entity. He is a minister and member of a religious order serving full-time under a vow of poverty—this has been his way of life for over 35 years. Like all members of the religious order, he receives housing, food, health care, and a monthly allowance for personal expenses. His title of General Counsel has no financial benefits. (*See* Third Affidavit of Philip Brumley, attached as Exhibit 3, ¶¶ 3-6)

<sup>2</sup> Plaintiffs appear to have placed Mr. Shaffer’s Affidavit on a combined pleading heading which includes both the Caekaert case (CV-20-52) and Rowland case (CV-20-59) captions one after the other.

that their demand is “a modest amount” and “very conservative” (*see* Affidavit, at pp. 4 & 5), their demand is on its face staggering and grossly unreasonable. Plaintiffs reviewed documents, drafted and served three sets of discovery requests addressing the jurisdictional dispute, took one deposition, and drafted and argued one motion for sanctions.

To accomplish those tasks, Plaintiffs seek compensation for **819.35** billable hours for **five** persons (four attorneys and one paralegal). Plaintiffs seek **128.80** hours alone just for **talking** together about the case. They seek 224.85 hours for drafting and editing and 226.4 hours for reviewing documents (many of which are the Plaintiffs’ own documents). In total, Plaintiffs seek \$176,261 in legal fees and \$14,363.11 in expenses.

Plaintiffs seek a windfall, rather than reasonable and fair compensation. Their request is especially egregious because it is unsupported by any contemporaneous records. Their demand is so far-fetched and riddled with redundant excess that it should be rejected as unreliable, or at the very least, drastically reduced.

### **BREAKDOWN OF FEES AND EXPENSES SOUGHT**

Plaintiffs submitted Declarations from four attorneys (Ryan Shaffer, Rob Stepan, James Murnion, and Matt Merrill) and a paralegal (Jessica Yuhas). These Declarations are summarized as follows:

Hours Claimed by <b>Ryan Shaffer</b> (Exh. B, Dkt. 123-2)						
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Travel	Court/Depos
\$300	27.3	130	15.3	20.3	40	10.5
Total Hours: <b>246.9</b>						
Total Fees sought: <b>\$68,070</b>						

Hours Claimed by <b>Rob Stepans</b> (Exh. C, Dkt. 123-3)						
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Travel	Court/Depos
\$300	21.8	0	0	10	23.2	2.6
Total Hours: <b>57.6</b>						
Total Fees sought: <b>\$13,800</b>						

Hours Claimed by <b>James Murnion</b> (Exh. D, Dkt. 123-4)							
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Travel	Court/ Depos	Research
\$200	26.3	55.5	3.25	176.5	10	1	17
Total Hours: <b>289.95</b>							
Total Fees sought: <b>\$56,990.00</b>							

Hours Claimed by <b>Matt Merrill</b> (Exh. E, Dkt. 123-5)						
Rate	Meetings/ Conf. calls	Drafting	Editing	Reviewing	Court/Depos	Research
\$300	30	6.5	14.3	39.9	0	1
Total Hours: <b>91.7</b>						

Total Fees sought: <b>\$27,501.00</b>
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Hours Claimed by <b>Jessica Yuhas</b> (Exh. F, Dkt. 123-6)				
Rate	Meetings/ Conf. calls	Bates- numbering docs	Preparing docs to be filed/mailed	Filing docs
\$75	23.4	50	40.2	19.6
Total Hours: <b>133.2</b>				
Total Fees sought: <b>\$9,900</b>				

**Noteworthy Issues from these Declarations:**

- No one kept contemporaneous time records. Rather, each “reconstructed” their time entries and then estimated how long it took them. (*See* Dkts. 123-2, ¶¶ 7-8; 123-3, ¶¶ 7-8; 123-4, ¶¶ 6-8; 123-5, ¶¶ 6-7; 123-6, ¶ 8)
- Messrs. Shaffer and Murnion billed **28** and **33** hours respectively in one 24-hour day.
- Some billers billed in excess of 16 hours on one day.
- All of the billable time sought for attorney Matt Merrill occurred *before he was ever an attorney of record* in this case. Mr. Merrill billed for time between July 9, 2020, and March 16, 2022. (Dkt. 123-5, pp. 7-10) He was admitted pro hac vice on April 26, 2022.
- On the day WTPA withdrew its motion to dismiss, November 5, 2021, Plaintiffs block billed **66 hours** from **4 persons**, for time purportedly drafting their response brief to WTPA’s motion. No response was ever filed, of course.
- **819.35** hours total billed by all 5 (including 686.15 hours for the attorneys)
- **105.4** hours (\$30,745) billed by all 5 in meetings and calls with each other. This constitutes nearly 13 percent of all time presented.
- **192** hours for drafting documents.



- **226.4** hours for document review. This constitutes nearly 28 percent of all time presented.

### **ARGUMENT**

The Court awarded sanctions pursuant to 28 U.S.C. § 1927. “Punishment under this statute is sparingly applied...” *F.D.I.C. v. Calhoun*, 34 F.3d 1291, 1297 (5<sup>th</sup> Cir. 1994) (quoting *Browning v. Kramer*, 931 F.2d 340, 345 (5<sup>th</sup> Cir. 1991)). However, the power to issue sanctions under § 1927 “carries with it the potential for abuse, and therefore the statute should be construed narrowly and with great caution, so as not to ‘stifle the enthusiasm or chill the creativity that is the very lifeblood of the law.’” *Mone v. Comm’r*, 774 F.2d 570, 574 (2d Cir. 1985) (citation omitted).<sup>3</sup>

The Ninth Circuit has adopted a but-for test when determining the scope of allowable sanctions under § 1927, as delineated by the Supreme Court in *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 137 S. Ct. 1178 (2017). *See Redding*

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<sup>3</sup> While not seeking to re-litigate the issue, but simply to highlight that WTPA’s motion to dismiss and Mr. Brumley’s affidavits were not unwarranted, it should be emphasized that the singular issue WTPA was addressing in its motion to dismiss was the absence of any contacts with Montana. It was timely withdrawn under the safe harbor provision of Rule 11, yet the Order awarding sanctions does not reference Mr. Brumley’s second Declaration that clarified WTPA’s position on some of the documents the Court relied on in awarding sanctions, none of which relate to Montana jurisdiction and/or the relevant time period (Docs. 15-3, 15-4, 20-1, 20-2, 20-3, 20-4) (3<sup>rd</sup> Aff. of Brumley, Ex. 3, ¶¶ 9-16). Additionally, the Order does not reflect that Mr. Brumley offered himself for deposition at Plaintiffs’ request where he could have clarified statements made in his affidavits. Plaintiffs unilaterally cancelled the deposition request. These factors further warrant a cautious hand in assessing Plaintiffs’ sanctions award request.

*v. Prosight Specialty Mgmt. Co., Inc.*, 2017 WL 5526353, at \*1-3 (D. Mont. Nov. 17, 2017); *de Borja v. Razon*, 340 F.R.D. 400, 411 (D. Or. 2021). According to *Haeger*, sanctions under § 1927 “must be compensatory rather than punitive in nature.” *Haeger*, 137 S.Ct. at 1186 (citation omitted). As such, courts “can shift only those attorney’s fees incurred because of the misconduct at issue.” *Id.* The Supreme Court explained in *Haeger* that it was critical that the court determining an award under § 1927 ensure that the award is directly tied to the event that caused the sanction to be issued; otherwise the award improperly “crosses the boundary from compensation to punishment.” *Id.* (internal citations omitted). Notably, the *Haeger* Court further admonished that, if the requesting party “ ‘would have incurred [an] expense in any event[,] he has suffered no incremental harm from the [misconduct],’ and so the court lacks a basis for shifting the expense.” *Id.* at 1187, *quoting Fox v. Vice*, 563 U.S. 826, 836 (2011). In other words, “when ‘the cost[ ] would have been incurred in the absence of’ the [misconduct], then the court (possessing only the power to compensate for harm the misconduct has caused) must leave it alone.” *Id.*, *quoting Fox*, 563 U.S. at 838.

Finally, the *Haeger* Court explained the district court’s role in applying the but-for test:

This but-for causation standard generally demands that a district court assess and allocate specific litigation expenses—yet still allows it to exercise discretion and judgment. The court’s fundamental job is to

determine whether a given legal fee—say, for taking a deposition or drafting a motion—would or would not have been incurred in the absence of the sanctioned conduct.

*Haeger*, 137 S. Ct. at 1187 (internal citations omitted).

The Ninth Circuit has analogized the award of sanctions under § 1927 and its inherent power to sanctions under Rule 11 and Rule 37. *See Stanley v. Woodford*, 449 F.3d 1060, 1064 (9<sup>th</sup> Cir. 2006) (“the policies undergirding Rule 37(a) sanctions are not relevantly different from those justifying sanctions under § 1927 or a court’s inherent powers”); *Grimes v. City and County of San Francisco*, 951 F.2d 236, 240 (9<sup>th</sup> Cir. 1991).

On an attorney fees application, the claimant seeking fees has the initial burden of documenting and proving its claims. *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983). Reasonable attorneys’ fees are generally calculated based on the traditional “lodestar” method (i.e., multiplying reasonable hours by a reasonable rate). *Marrocco v. Hill*, 291 F.R.D. 586, 587-88 (D. Nev. 2013).

Hours sought in a fee request that are “excessive, redundant, or otherwise unnecessary” should be excluded. *Hensley*, 461 U.S. at 434. Indeed, “Courts are required to eliminate ‘excessive, redundant, or unnecessary’ hours from any lodestar” calculation. *Speiker v. FCA US, LLC*, 2021 WL 4353273, at \*3 (C.D. Cal. June 4, 2021), *citing Van Gerwen v. Guarantee Mut. Life Co.*, 214 F.3d 1041, 1045 (9<sup>th</sup> Cir. 2000). Accordingly, many courts have reduced or denied fee requests when

there is redundant or duplicative time entries. *See e.g., Sec’y of Lab., United States Dep’t of Lab. V. Valley Wide Plastering Constr. Inc.*, 2022 WL 2390950, at \*6 (D. Ariz. July 1, 2022) (“Court may exclude hours related to overstaffing, duplication, and excessiveness, or that are otherwise unnecessary” ); *Herrington v. Cnty. Of Sonoma*, 883 F.2d 739, 747 (9<sup>th</sup> Cir. 1989) (identifying duplication of effort by co-counsel, which necessitated reduction of the hours claimed); *Bartlett v. CitiBank N.A.*, 2018 WL 1178326, at \*2 (N.D. Cal. Mar. 7, 2018) (reducing hours awarded for unnecessarily duplicative work on motion); *Tequila Centinela, S.A. de C.V. v. Bacardi & Co.*, 248 F.R.D. 64, 71 (D.D.C. 2008) (“Parties cannot be reimbursed for nonproductive time or duplicative activities.”); *Serrano v. Ritz-Carlton San Juan Hotel Spa & Casino*, 808 F. Supp. 2d 393, 398 (D.P.R. 2011) (fees may be “reduced because of (1) the overstaffing of a case, (2) the excessiveness of the hours expended on the legal research or the discovery proceedings, (3) the redundancy of the work exercised, or (4) the time spent on needless or unessential matters.”) (internal citations omitted); *Marrocco v. Hill*, 291 F.R.D. 586, 589 (D. Nev. 2013) (reducing hours requested related to discovery motion briefing by more than half because it was unreasonable and unnecessarily duplicative to have two partners and a senior associate work on it).

Therefore, when—as here—a party seeks to be compensated for hours incurred by multiple attorneys for the same task, such as writing motions or

participating in hearings or depositions, the Court is instructed to examine the claim with skepticism. *Irvine Unified Sch. Dist. V. Landers*, 2021 WL 4572016, at \*3 (C.D. Cal. July 8, 2021) (“Courts ought to examine with skepticism claims that several lawyers were needed to perform a task and should deny compensation for such needless duplication,” quoting *Democratic Party of Wash. V. Reed*, 388 F.3d 1281, 1286 (9<sup>th</sup> Cir. 2004). See also *Pearson v. Fair*, 980 F.2d 37, 47 (1<sup>st</sup> Cir. 1992) (courts “should ordinarily greet a claim that several lawyers were required to perform a single set of tasks with healthy skepticism,” citing *Lipsett v. Blanco*, 975 F.2d 934, 938 (1<sup>st</sup> Cir. 1992)).

In addition, only time actually expended on the particular issue for which fees were awarded should be allowed. See e.g., *Scott Hutchison Enters., Inc. v. Cranberry Pipeline Corp.*, 318 F.R.D. 44, 57 (S.D.W. Va. 2016) (reducing purported attorney hours for document review by one-half because review of documents was also necessary as part of ongoing litigation); *Raynor v. G4S Secure Sols. (USA) Inc.*, 327 F. Supp. 3d 925, 949–50 (W.D.N.C. 2018), *aff’d*, 805 F. App’x 170, 2020 WL 917060 (4<sup>th</sup> Cir. 2020) (concluding 30% reduction of fees to avoid awarding compensation for efforts not caused by discovery failure at issue).

In the absence of contemporaneous records, reconstruction of billing records may be used as a basis for an award of attorney’s fees. *Ackerman v. W. Elec. Co.*, 643 F. Supp. 836, 864-65 (N.D. Cal. 1986), citing *City of Detroit v. Grinnell Corp.*,

560 F.2d 1093, 1102-03 (2d Cir. 1977). However, in reviewing reconstructed records, the Court must “subject the retrospectively created record to a more exacting scrutiny than [it] would bring to contemporaneous and detailed records.” *Ackerman, citing Grendel’s Den, Inc. v. Larkin*, 749 F.2d 945, 952 (1<sup>st</sup> Cir. 1984). The Court may exercise discretion to find that the “absence of detailed contemporaneous time records, except in extraordinary circumstances, will call for a substantial reduction in any award or, in egregious cases, disallowance.” *Grendel’s Den, supra*, at 952.

**I. PLAINTIFFS’ FEE REQUEST IS UNREASONABLE AND EXCESSIVELY HIGH.**

**A. Rob Stepan’s Time Should Not Be Compensable Because His Work Involved Passive Review of Other Attorneys’ Work.**

Plaintiffs seek \$13,800 for 57.6 hours reconstructed by attorney Rob Stepan. Mr. Stepan admits that his primary role was reviewing briefs and discovery and talking with others who did the actual legal work.<sup>4</sup> The bulk of his time was not proactive or productive work, and it was duplicative of work done by other attorneys.

Mr. Stepan’s is not properly compensable. The jurisdictional issue at hand was not so complex that it was necessary or reasonable to have a fourth attorney

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<sup>4</sup> Stepan billed 21.8 hours to meet and talk to others, 10 hours for reviewing documents, 23.2 hours for traveling, and 2.6 hours for attending a hearing and a deposition. (Dkt. 123-3, ¶ 7 & Exh. 1)

involved, especially when his involvement was passive, essentially talking with and observing what the other attorneys were doing. His time in talking, reviewing, traveling, and watching is therefore “excessive, redundant, or otherwise unnecessary.” *See Hensley, supra*, at 461 U.S. 434. This Court should eliminate it from an any award. *See Speiker* , 2021 WL 4353273, at \*3.

Furthermore, the bulk of Mr. Stepan’s reconstructed time for reviewing documents is both block billed and undefined. He reconstructed 8.6 hours to review documents covering an eight-month period (7/13/20–3/20/21). (Dkt. 123-3, p. 7) He simply wrote, identically to Mr. Shaffer, “Review of Jehovah’s Witness documents obtained from Defendants and Third Parties re: WTPA’s role in the church and contacts with Montana.” (*Id.*) Therefore, Plaintiffs have not met their burden to document and prove their claim for fees regarding Mr. Stepan’s purported review time. *See Hensley* 461 U.S. at 437 (claimant on attorney fees application has initial burden of documenting and proving its claims). Mr. Stepan does include a spreadsheet listing documents produced by Plaintiffs that he allegedly reviewed (Dkt. 123-3, p. 10). However, this spreadsheet does not include a single document produced by Defendants. Plaintiffs are not entitled to fees associated with reviewing their own documents.

**B. Matt Merrill's Time Should Not Be Compensable Because he was Not an Attorney of Record and His Work was Duplicative.**

Plaintiffs seek \$27,501 for 91.7 hours by Colorado attorney, Matt Merrill.<sup>5</sup> But he was neither counsel of record nor admitted in Montana during this period. Mr. Merrill's time should not be compensable as attorney fees in this case because he was not counsel of record nor even admitted in Montana during this period and his work was entirely duplicative of the work done by the other attorneys of record in this case. Plaintiffs' assertion that his time was necessary and reasonable must be considered with skepticism. *See e.g., Irvine Unified Sch. Dist.*, 2021 WL 4572016, at \*3 (C.D. Cal. July 8, 2021); *Pearson*, 980 F.2d at 47. There was no need for four attorneys to duplicate the same tasks.

Moreover, Mr. Merrill block billed for an entry to review documents that was identical to Mr. Stepan's reconstructed block bill for review time, albeit Mr. Merrill billed over three times as much for reviewing documents than did Mr. Stepan. Mr. Merrill reconstructed 27.4 hours to review documents during an eight-month period (7/13/20–3/20/21). (Dkt. 123-5, p. 7) His reconstructed entry is identical to the entry made for the same thing by Mr. Stepan, even down to the alleged review period. (*Compare* to Dkt. 123-3, p. 7) Just as Mr. Stepan failed to do, Mr. Merrill failed to

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<sup>5</sup> Mr. Merrill primarily billed for time meeting and talking with the others (30 hours), reviewing documents (39.9 hours), and editing other's writings (14.3 hours). (*See* Dkt. 123-5)



identify in his entry what or how many documents he actually reviewed. He simply repeated the same entry as Mr. Stepan noted. (*Id.*) As with Mr. Stepan, Plaintiffs have not meet their burden to document and prove their claim for fees regarding Mr. Merrill’s purported review time. *See Hensley*, 461 U.S. at 437. And just as with Mr. Stepan’s document review, Mr. Merrill’s document review is likely the same documents that other attorneys in this case purported to review and bill for. His review work is therefore not awardable because it is “excessive, redundant, or otherwise unnecessary.” *See Hensley*, 461 U.S. at 434; *Speiker*, 2021 WL 4353273, at \*3.

**C. The Reconstructed Time is Grossly Excessive and Unreasonable, and Most of It is Unrelated to the WTPA Jurisdictional Dispute.**

Plaintiffs seek compensation for four attorneys purportedly spending 686.15 hours on the jurisdictional dispute, including 226.4 hours reviewing documents, 192 hours drafting documents, and 105.4 hours for meeting and talking. Plaintiffs’ demand requires significant reduction.

**1. Review time should be reduced as unreliable and duplicative.**

The 226.4 hours of review time is grossly unreasonable on its face. Review of documents constituted nearly 28 percent of all time sought.

As mentioned, each of the four attorneys who reconstructed time has the identical entry for purportedly reviewing documents in this case: “Review of

Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana." (See Dkt. 123-2, p. 9 (Shaffer); Dkt. 123-3, p. 7 (Stepans); Dkt. 123-4, p. 10 (Murnion); Dkt. 123-5, p. 7 (Merrill)) Only Mr. Murnion specified in his entry what documents he reviewed. Mr. Murnion purported to review some 6,923 pages of documents and specified the bates numbered ranges. (Dkt. 123-4, p. 10) Shaffer, Stepans, and Merrill block billed their review time without any details whatsoever.

This vast amount of time to review documents should be viewed with skepticism. First, three of the attorneys could not specify in their entry what documents they purportedly reviewed. That alone is a cause for concern. Second, all of the attorneys apparently reviewed in full or in part the same documents. That level of review is obviously redundant and should be excluded. *Hensley*, 461 U.S. at 434 ("excessive, redundant, or otherwise unnecessary" time should be excluded from fee awards).

Third, many of the documents that were specified as reviewed by Mr. Murnion were actually produced by **Plaintiffs** and almost certainly were reviewed for purposes of preparing Plaintiffs' own complaint. Well over 1,800 of the documents Mr. Murnion reviewed were documents held and produced by Plaintiffs, as they were bates numbered by Plaintiffs. (Dkt. 123-4, p. 10) Indeed, Plaintiffs even attached some of those same documents (for which they now seek compensation for

reviewing for the WTPA jurisdictional issue) to their original complaint. (*See* Doc. 1-4, Ex. D, and CAEKERT/MAPLEY 316-320, attached hereto as Ex. 1) Obviously, Plaintiffs had possession of these documents and, just as obviously, they must have reviewed them well **before** WTPA filed its motion to dismiss on jurisdictional grounds. Plaintiffs should not be compensated for reviewing documents they had before the jurisdictional issue arose and which they had already reviewed.

In addition, Mr. Murnion block billed a separate 41.6 hours to review *even more* documents, this time from allegedly 8/1/21 – 11/4/21. (Doc. no. 123-4, p. 13) He failed to specify them, other than to state they were “documents flagged in document management spreadsheet as potentially PJ relevant.” (*Id.*) This time must also be viewed with skepticism, since there is no detail whatsoever.

Fourth, it is obvious that Plaintiffs would need to review—and almost certainly had already—these same documents to prepare the merits of their case. Many or even most of the documents had absolutely nothing to do with the WTPA jurisdictional issue, but potentially had some relevance to the merits of Plaintiffs’ overall action. For example, the first document reviewed by Mr. Murnion, purportedly in response to the WTPA jurisdictional issue (CAERKERT/MAPLEY 001-002), has on its face nothing to do with WTPA or the jurisdictional issues. It is a 1983 letter from WTNY to the Body of Elders. The letter is not from WTPA, about WTPA, nor even refers to WTPA. (*See* Ex. 2, attached hereto) As a further example,

the document that Plaintiffs attached to their complaint but for which they now seek compensation for reviewing due to the WTPA jurisdictional issue, also obviously has nothing to do with jurisdiction over WTPA. The document is a copy of a portion of the 1974-75 Revised Codes of Montana. (*See* Ex. 1, attached) Plaintiffs are not entitled to fees for reviewing documents that they would have reviewed anyway in preparing their case. *See Haeger*, 137 S.Ct. at 1187.

It is Plaintiffs' burden to establish their claim for fees and support it with evidence. *See Hensley, supra*, 461 U.S. at 437. Plaintiffs fail to satisfy their burden by block billing reconstructed time entries without any specification of what they actually reviewed, or how it related to the jurisdictional issue, or by listing piles of documents by bates number alone, or by specifying documents that they had already reviewed well before WTPA filed its motion to dismiss, or documents that they would have reviewed anyway. The Court should reject their claim for fees for this reason alone.

**2. Tasks unrelated to the jurisdictional dispute are not compensable.**

Despite this Court's admonition that they can only seek fees "directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit" (Dkt. 120, at 15), Plaintiffs seek recovery for working on unrelated tasks,

including motions to compel and their efforts to seek sanctions against Mr. Brumley. None of that time should be allowed.

Plaintiffs reconstructed a substantial amount of time for working on their motions to compel with non-party the Hardin Congregation. They seek time for drafting the subpoena to it and correspondence with its counsel, as well as the motion and briefs, meeting together to talk about the motion, and two attorneys traveling to and appearing at the court hearing. We estimate they have reconstructed 50 hours or more for their work on their motion to compel directed to the Hardin Congregation. However, the dispute with the Hardin Congregation was about the assertion of the clergy-penitent privilege, not jurisdiction over WTPA. That time is not compensable as a result.

Plaintiffs also seek a substantial amount of fees for their purported time devoted to attempting to obtain sanctions. Removing the time for purportedly drafting an unfiled response to WTPA's motion to dismiss, we estimate from their reconstruction that Plaintiffs seek 82 hours among all 5 for working on drafting and editing the sanctions motion, conducting a "mock" hearing with all five of them, and participating in the court hearing, including travel.

None of that should be compensable. This Court expressly granted as a sanction "those costs and expenses directly stemming from their efforts to respond to WTPA's motion to dismiss and their efforts to compel jurisdictional discovery."

(Dkt. 120, at 14) This Court did not grant Plaintiffs the ability to seek fees for their time incurred attempting to impose sanctions.

Finally, Plaintiffs created an entry for approximately 66 hours total from each of their five billers for purported time drafting a response brief to WTPA's motion to dismiss. This entry is highly suspect. Each of the five block billed their time on November 5, 2021, which is the day WTPA provided notice it was withdrawing its motion to dismiss. For example, Mr. Shaffer block billed 28 hours for November 5, 2021, for "response brief WTPA's MTD." (Dkt. 123-2, at 13) Mr. Murnion did the same, for 35.5 hours. (Dkt. 123-4, at 13) Seeking 66 hours for drafting a responsive brief is also an excessive amount of time, especially considering that days only have 24 hours in them. The block billed time for allegedly writing a brief that was never filed should not be awarded.

### **3. Meeting time should be drastically reduced.**

Plaintiffs billed over 105 hours for meeting and talking with each other. This is astonishing. Their time meeting and talking with each other in this case is clearly "excessive, redundant, or otherwise unnecessary" and should be excluded. *See Hensley, supra*, at 461 U.S. 434, 103 S. Ct. at 1939-40. The jurisdictional discovery issue and motion to dismiss did not justify five billers for over 105 hours of talking and meeting. It is very difficult to see how anything more than 10 hours is not excessive and unnecessary.

**D. Jessica Yuhas' Time Should Not Be Awarded Because It Is For Clerical and Administrative Tasks or Unnecessarily Duplicative.**

Plaintiffs seek \$9,900 for 133.20 hours for paralegal Ms. Yuhas. Nearly 110 hours of her time is for bates-numbering documents, preparing documents to be filed or mailed, and filing documents. The remaining time, 23.4 hours, is for sitting in meetings and conference calls with the others. (*See* Dkt. 123-5)

None of this time should be awarded. Most of her time is not awardable because it concerns administrative and clerical tasks. *See Missouri v. Jenkins*, 491 U.S. 274 (1989) (“purely clerical or secretarial tasks should not be billed at a paralegal [or lawyer’s] rate, regardless of who performs them”); *Sec’y of Lab.*, 2022 WL 2390950, at \*7 (time spent on tasks such as “upload[ng] & download[ing] docs; organiz[ing and] convert[ing] to PDF files; bates stamp” not compensable); *Friends of Maha’ulepu, Inc. v. Hawai’i Dairy Farms, LLC*, 2017 WL 11683805, at \*17 (D. Haw. Nov. 13, 2017) (“[C]lerical or ministerial costs are part of an attorney’s overhead and are reflected in the charged hourly rate.”); *Alter Fin. Corp. v. Citizens & S. Int’l Bank of New Orleans*, 817 F.2d 349, 350 (5th Cir. 1987) (paralegal fees under § 1927 allowed only for work done by paralegals and law clerks for work traditionally performed by an attorney).

Her remaining time for sitting in meetings and talking with the attorneys—23.4 hours—is not awardable either, as discussed above.

In total, the Plaintiffs have submitted time entries of well in excess of \$100,000 for redundant tasks and tasks unrelated to the issue of WTPA's jurisdiction. The Court should view the entire submission with a healthy dose of skepticism and make significant reductions.

## **II. THE COURT SHOULD STAY PAYMENT OF SANCTIONS PENDING APPEAL.**

WTPA takes any award of sanctions very seriously. Even more so, Mr. Brumley certainly does too. While he serves as General Counsel to WTPA, Mr. Brumley is first and foremost a Minister. He leads his local congregation in worship every Sunday. He has officiated at baptisms, weddings and funerals. His good name is extremely important to him. As a result, he would like the opportunity to clear his name by way of an appeal.

A court generally considers four factors when considering a stay pending appeal: (1) whether the stay applicant has made a strong showing of likelihood of success on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceedings; and (4) where the public interest lies. *W. Sec. Bank v. Schneider Ltd. P'ship*, No. CV 15-10-BLG-SPW-CSO, 2015 WL 9641678, at \*2 (D. Mont. Dec. 21, 2015) (*citing Nken v. Holder*, 556 U.S. 418, 425-26 (2009)). Mr. Brumley makes a strong showing on each factor.



For the first factor, Mr. Brumley need not show that it is “more likely than not” he will succeed on the merits, but rather that substantial or serious legal questions exist for appeal. *Id.* (quoting *Leiva–Perez v. Holder*, 640 F.3d 962, 965 (9th Cir. 2011)); see *Nken*, 556 U.S. at 435. Here, serious legal questions exist as to whether this Court has authority to issue sanctions under § 1927 against Mr. Brumley, who is neither an attorney of record in this case nor admitted to practice before this Court—nor any other court in Montana.

Section 1927 states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.

While this language is broad enough to suggest that admission in “any” federal court can suffice, the Ninth Circuit has not addressed whether an in-house attorney or a non-attorney-of-record, especially one not admitted to the court imposing the sanctions, can be sanctioned under § 1927. The Second Circuit has held that § 1927 “should be construed narrowly and with great caution, so as not to ‘stifle the enthusiasm or chill the creativity that is the very lifeblood of the law.’” *Mone v. Comm’r*, 774 F.2d 570, 574 (2d Cir. 1985) (citations omitted); see *LaSalle Nat. Bank v. First Connecticut Holding Grp.*, 287 F.3d 279, 289 (3d Cir. 2002) (quoting *Mone* for this principle); see also *Dreiling v. Peugeot Motors of Am.*, 768 F.2d 1159, 1165

(10th Cir. 1985) (“The power to assess costs against an attorney under § 1927, however, is a power that must be strictly construed and utilized only in instances evidencing a ‘serious and standard disregard for the orderly process of justice.’” (citations omitted)); *United States v. Ross*, 535 F.2d 346, 350 (6th Cir. 1976) (“Because [§] 1927 is penal in nature, we believe that it should be strictly construed”); *Meadowbriar Home for Child., Inc. v. Gunn*, 81 F.3d 521, 535 (5th Cir. 1996) (“Punishment under [§ 1927] is sparingly applied”).

In addition, legislative history notes that § 1927 requires a “high standard” so as to avoid infringing upon the advocacy of an “attorney *in representing his client.*” H.R. Conf. Rep. No. 96-1234, at 8 (1980), reprinted in 1980 U.S.C.A.C.A.N. 2782 (“The high standard which must be met to trigger section 1927 insures that the provision in no way will dampen the legitimate zeal of an attorney in representing his client.”) (emphasis added). This suggests that § 1927 is limited to attorneys representing the parties before the Court.

In *Federal Trade Commission v. Alaska Land Leasing, Inc.*, 799 F.2d 507, 508-10 (9th Cir. 1986), the Ninth Circuit overturned sanctions awarded under § 1927 against a financial consultant employed by attorneys representing two of the parties to the suit. In vacating the sanctions, the court held that “Section 1927 does not authorize recovery from a party or an employee, but ‘*only* from an attorney or otherwise admitted representative of a party.’” *Id.* at 510 (quoting *1507 Corp. v.*

*Henderson*, 447 F.2d 540, 542 (7th Cir. 1971)) (additional citation omitted). In this case, Mr. Brumley is an in-house attorney of a party but he is not an admitted representative of a party, which makes § 1927 sanctions against him impermissible under *Alaska Land Leasing*. The Ninth Circuit reaffirmed this principle in *Sneller v. City of Bainbridge Island*, 606 F.3d 636, 640 (9th Cir. 2010), where the Court overturned an award of sanctions under § 1927 because “[t]he sanction here was imposed jointly on counsel and the client, but § 1927 authorizes sanctions only upon counsel.”

While the Ninth Circuit has not yet specifically addressed whether a district court can sanction someone like Mr. Brumley—a non-party, affiant-witness, who also happens to be an attorney—*Alaska Land Leasing* and *Sneller* suggest a court lacks such authority. In addition, courts in the Ninth Circuit have determined they lack authority to sanction an attorney under § 1927 who is not counsel of record. For example, the Northern District of California adopted the recommendation of a Magistrate Judge to deny sanctions under § 1927 because “there was insufficient authority to support the proposition that ‘an attorney who is not of record can be sanctioned pursuant to Section 1927.’” *See AF Holdings LLC v. Navasca*, 2013 WL 5701104, at \*2 (N.D. Cal. Oct. 16, 2013).

Courts in other circuits have reached the same conclusion. In *Leventhal v. New Valley Corp.*, 148 F.R.D. 109, 112 (S.D.N.Y. 1993), the court determined that a

senior vice president and general counsel (Walters) could not be sanctioned for an affidavit he submitted in opposition to plaintiff's summary judgment motion. While the court initially discussed sanctions under Rule 11, it then concluded that "[f]or comparable reasons I also decline to sanction Walters under § 1927 or the Court's inherent powers," explaining that:

Rule 11 sanctions are not available against Walters because he was neither "an attorney of record" nor "a party" within the contemplation of the Rule. Brown and Fischer were the attorneys of record. New Valley was the party. Walters was an affiant-witness, who happened also to be an attorney. His corporate office is sufficient to visit liability for sanctions upon New Valley, if Walters' conduct upon behalf of that party was in fact sanctionable; but there is no basis in the Rule for sanctioning Walters himself.

In *Matta v. May*, 118 F.3d 410, 414 (5th Cir. 1997), the Fifth Circuit reversed a sanctions award against a party who, like Mr. Brumley, also happened to be an attorney, explaining:

It is clear from the record that Matta was represented by an attorney throughout this case. Neither his status as a licensed attorney nor his *pro se* brief filed in the related case make him liable for attorney fees under § 1927. Therefore, § 1927 cannot serve as the basis of the .... attorney fee award in this case. In *Manez v. Bridgestone Firestone North American Tire*, 533 F.3d 578 (7th Cir. 2008), the Seventh Circuit held that it could not sanction a Mexican attorney under § 1927. The case arose out of a fraudulent attempt to escape a dismissal based upon *forum non*

*conveniens*. The district court dismissed the case, but then the plaintiff hired the Mexican attorney who obtained a fraudulent document from the Mexican court system purporting to decline jurisdiction over the case. *See id.* at 582-85. The court explained that the attorney “‘played a double role in this attempted fraud on the court,’ both by orchestrating the proceedings in [Mexico] and by submitting an ‘expert affidavit’ to the Seventh Circuit in support of the plaintiffs’ arguments while the initial appeal was pending.” *Id.* at 585. Nonetheless, the court concluded that “Section 1927 permits sanctions only against ‘[a]ny attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof.’ Perezniето is neither, and so the court’s sanction was not authorized by § 1927.” *Id.*

In *Lowery v. County of Riley*, 738 F. Supp. 2d 1159, 1170 (D. Kan. 2010), the court declined to impose sanctions against an insurer’s general counsel for conduct relating to a mediation, explaining:

To the extent that the City/County Defendants seek to apply 28 U.S.C. § 1927 against Arbuckle, the general counsel of FAMI, the Court has additional concerns. FAMI was not a party to this case at the time of the mediation. The basis for the claimed sanctions sought by the City/County Defendants all occurred before FAMI sought to intervene in this case. Thus, while Arbuckle was acting as an attorney when he appeared at the mediation on behalf of FAMI, he was not in the normal position of an attorney of record for a party ....

The Middle District of Florida likewise denied a motion for attorney’s fees against an attorney because “movants have not provided the Court with a case

showing that fees under 28 U.S.C. § 1927 are available against a lawyer who was never counsel of record in the present proceeding.” *Popa-Verdecia v. Marco Trucking, Inc.*, 2019 WL 527974, at \*1 (M.D. Fla. Feb. 11, 2019).

Based upon *Alaska Land Leasing, Inc.*, 799 F.2d at 508-10 and *Sneller*, 606 F.3d at 640, as well as the persuasive authority from throughout the country discussed above, Mr. Brumley makes a strong showing that substantial or serious legal questions exist for appeal. *See Leiva–Perez*, 640 F.3d at 965.

With respect to the second factor, Mr. Brumley will be irreparably harmed without the stay because he will be forced to pay an award of sanctions. Depending on the amount, this could impose financial hardship on Mr. Brumley. If he ultimately prevails on appeal, he would need to take steps to reverse any penalties. A stay pending appeal will avoid any impact on his personal finances, as well as his career and reputation.

With respect to the final two factors, Plaintiffs will not be “substantially” injured by a stay, and no public interest exists sufficient to overcome the hardship imposed on Mr. Brumley. Accordingly, Mr. Brumley respectfully requests that this Court stay payment of any sanctions issued pending appeal.

Should a stay be denied, Mr. Brumley requests that rather than pay Plaintiffs’ counsel, he be allowed to deposit any sanctions award with the Court, to be held in trust pending the outcome of his appeal. This escrow arrangement will ensure that

Plaintiffs would have ready access to the award, should it be affirmed on appeal, and that Mr. Brumley would have ready access to recouping the payment should he prevail on appeal.

### **CONCLUSION**

The amount of sanctions sought is far too high. It is not narrowly tailored to the jurisdictional at issue, and instead is premised on too many people doing too much duplicative work. Any award should be drastically reduced from Plaintiffs' excessive and unjustified demand, and payment should be stayed pending appeal, as well.

**DATED** this 24<sup>th</sup> day of October, 2022.

MOULTON BELLINGHAM PC

By /s/ Gerry Fagan

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*Attorneys for Watch Tower Bible and  
Tract Society of Pennsylvania*

## **CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(d)(2)(E), I certify that this brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced, with left, right, top, and bottom margins of one inch; and that the word count calculated by Microsoft Word is 6,378 words, excluding the Table of Contents, Table of Authorities, Certificate of Compliance, and Certificate of Service.

By /s/Gerry P. Fagan  
GERRY P. FAGAN



**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2022, a copy of the foregoing was served on the following persons:

1. U.S. District Court, Billings Division
  
2. Robert L. Stepans  
 Ryan R. Shaffer  
 James C. Murnion  
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 STEPANS, PLLP  
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3. Jon A. Wilson  
 Brett C. Jensen  
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 Billings, MT 59103-0849  
*Attorneys for Defendant Watchtower Bible and Tract Society of New York, Inc.*

Joel M. Taylor, Esq. ( <i>pro hac vice</i> )
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100 South Bedford Road, Suite 340
Mount Kisco, NY 10549
  
4. Bruce G. Mapley, Sr.  
 3905 Caylan Cove  
 Birmingham, AL 35215  
*Pro se*

By the following means:

<u>1, 2, 3</u> CM/ECF	<u>        </u> Fax
<u>        </u> Hand Delivery	<u>        </u> E-Mail
<u>4</u> U.S. Mail	<u>        </u> Overnight Delivery Services

By /s/ Gerry P. Fagan  
GERRY P. FAGAN

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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

**AFFIDAVIT OF  
RYAN R. SHAFFER**

\_\_\_\_\_ )

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

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Pursuant to this Court’s Orders (Doc. 135 in CV 20-52-BLG-SPW; Doc 120 in CV-20-59-BLG-SPW-TJC) I, Ryan R. Shaffer, an attorney duly admitted to practice law in this Court, submit the following Affidavit and supporting documents of costs, expenses, and attorney’s fees directly resulting from litigation over Defendant Watch Tower Bible and Tract Society of Pennsylvania’s Motion to Dismiss (“WTPA’s Motion”) filed in the above captioned cases:

1. I am a Partner in the law firm of Meyer, Shaffer & Stepan and represent Plaintiffs in this matter.
2. Plaintiffs’ counsel has gone to great effort to ensure that costs, expenses, and fees claimed herein are accurate.
3. Costs and expenses were tracked contemporaneously, and where receipts are available, they have been provided. Declaration of Patti Gruwell attached as **Exhibit A**.

4. Attorney and paralegal time expenditures were not kept contemporaneously, but sufficient records and documentation existed to provide a basis for reasonable, and indeed very conservative, expenditures of billable time for each task in the litigation over WTPA's Motion. *See* Declaration of Ryan Shaffer (attached as **Exhibit B**), Declaration of Robert Stepans (attached as **Exhibit C**), Declaration of James Murnion (attached as **Exhibit D**), Declaration of Matthew Merrill (attached as **Exhibit E**), and Declaration of Jessica Yuhas (attached as **Exhibit F**).

5. Plaintiffs' counsel's goal in identifying the time expended on each task in the litigation over WTPA's Motion was to ensure that the attorney's fees claimed are conservative and actually reflect far less time than was required to litigate WTPA's Motion. For instance:

- a. While all of Plaintiffs' attorneys participated to varying degrees on the drafting and editing process of briefs filed with the Court, the only attorney time claimed is for Ryan Shaffer. The only exception to this is the voluminous Brief in Response to WTPA's Motion (Doc. 96 in CV 20-52-BLG-SPW; Doc. 86 in CV-20-59-BLG-SPW-TJC) which required an exceptional amount of attorney James Murnion's time.

- b. Hundreds of hours of meetings, document review, emails, and phone calls were not claimed because there was no obvious and reliable way to reconstruct and claim that time.
  - c. Where time entries were made, they were based on careful review of the actual documents and correspondence involved in the task and then given a conservative time expenditure that is likely far less than the actual time incurred.
6. As set forth in the attached supporting documentation, the total costs, expenses, and fees being claimed as a result of WTPA's Motion are as follows:

<b>Entry</b>	<b>Amount</b>
Shaffer Attorney Fees	\$68,070.00
Stepans Attorney Fees	\$13,800.00
Murnion Attorney Fees	\$56,990.00
Merrill Attorney Fees	\$27,510.00
Yuhas Paralegal Fees	\$9,990.00
Out of Pocket Litigation Costs	\$14,363.11
<b>TOTAL</b>	<b>\$190,723.11</b>

7. Based on my experience litigating civil matters in state and federal courts, \$190,723.11 is a modest amount for litigation spanning seventeen (17) months that involves voluminous documents, multiple discovery

disputes and associated motions and hearings, and significant substantive briefing to the Court.

8. Pursuant to prior Order of this Court, Defendants previously submitted payment of **\$22,631.80** related to discovery motions practice that was a result of WTPA's Motion. (Doc. 93 in CV 20-52-BLG-SPW; Doc. 81 in CV-20-59-BLG-SPW-TJC). This amount was paid by Defendants and should therefore be subtracted from the amount now due.
9. Based upon the foregoing, the total amount of unpaid costs, expenses, and fees related to litigation over WTPA's Motion that are now being claimed by Plaintiffs is **\$168,091.31**.
10. Based upon the foregoing and the documents supporting this Affidavit, I affirm and certify that the amount now being claimed is a very conservative reflection of the actual time and expense expended litigating WTPA's Motion.

DATED this 20 day of September, 2022.

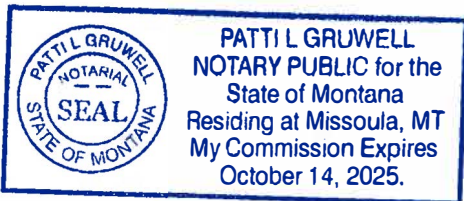
By:   
\_\_\_\_\_  
Ryan R. Shaffer  
MEYER, SHAFFER & STEPANS PLLP  
*Attorneys for Plaintiffs*

State of Montana

County of Missoula

This instrument was signed and sworn to before me on September 20<sup>th</sup> 2022 by

Ryan R. Shaffer.



Patti L. Gruwell  
(Notary Signature)

Patti L. Gruwell  
Print Name of Notary Public

Notary Public for the State of MT

Residing at: Missoula, MT

My Commission Expires: 10/14/25

Affidavit of Ryan R. Shaffer

*Caekaert and Mapley v. Watchtower Bible Tract of New York, Inc., et. al.*

*Rowland and Schulze v. Watchtower Bible Tract of New York, Inc., et. al.*

# *Exhibit A*



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*Attorneys for Plaintiff*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )  
 )  
Plaintiffs, )

vs. )

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

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

BRUCE MAPLEY, SR., )  
Cross Defendant. )

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

**DECLARATION OF  
PATTI L. GRUWELL**

\_\_\_\_\_ )

ARIANE ROWLAND, and JAMIE )  
 SCHULZE )  
                                   Plaintiff, )  
                                   vs. )  
                                   ) )  
 WATCHTOWER BIBLE AND TRACT )  
 SOCIETY OF NEW YORK, INC., and )  
 WATCH TOWER BIBLE AND TRACT )  
 SOCIETY OF PENNSYLVANIA, )  
                                   ) )  
                                   Defendants. )  
 \_\_\_\_\_ )

Cause No. CV 20-59-BLG-SPW

I, Patti L. Gruwell, declare as follows:

1. I am over the age of 21 years and am competent to and do state the facts and matters contained in this declaration are true and based upon my personal knowledge.
2. As an employee of Meyer, Shaffer & Stepans, PLLP I handle the billing and keep track of client case costs.
3. As part of my job I keep contemporaneous records of all costs and expenses paid by Meyer, Shaffer & Stepans, PLLP during each case.
4. I have prepared a summary of the costs and expenses incurred by Meyer, Shaffer & Stepans, PLLP in litigating the Watch Tower Bible and Tract Society of Pennsylvania’s (“WTPA”) Motion to Dismiss. That summary is attached as **Exhibit 1**.

5. I have reviewed **Exhibit 1** for accuracy and attached receipts and records of attendance at video meetings (attached as **Exhibit 2**).

6. Based on the foregoing, and as set forth in **Exhibit 1**, Meyer, Shaffer & Stepan, PLLP paid \$14,363.11 in costs and expenses litigating WTPA's Motion to Dismiss.

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

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

By:   
Patti L. Gruwell

# *Exhibit 1*

**Joint Case Costs  
Caekaert Rowland Cases**

<b>Date</b>	<b>Memo</b>	<b>Cost</b>
08/04/2020	07/09/20 Conference Call Service	\$ 17.50
08/04/2020	Court documents from Sanders County District Court	\$ 26.00
08/05/2020	Postage; Notice of Service of recently filed docs to B. Mapley	\$ 13.65
08/05/2020	Photocopies: 209 @ \$.15 per page; Notice of Service of recently filed docs to B. Mapley	\$ 31.35
08/14/2020	Bontecou Investigative Service, Inv. 5350	\$ 285.00
09/23/2020	Postage; Joint Discovery Plan	\$ 0.65
09/23/2020	Photocopies: 17 @ \$.15 per page; Joint Disco Plans	\$ 2.55
09/28/2020	Postage; Joint Disco Plan to B. Mapley	\$ 0.65
09/28/2020	Photocopies: 6 @ \$.15 per page; Joint Disco Plan for B. Mapley	\$ 0.90
11/02/2020	10/08/20 Conference Call Service	\$ 29.50
11/18/2020	Photocopies: 63 @ \$.15 per page; Joint Disco to WTPA & WTNV	\$ 9.45
11/18/2020	Postage; Serve Joint Discovery	\$ 4.80
11/30/2020	Bontecou Investigative Services, Inv. 5432	\$ 617.50
12/01/2020	11/11/20 Conference Call Service	\$ 34.22
12/08/2020	Photocopies: 33 @ \$.15 per page; Response to Juris Disco	\$ 4.95
12/17/2020	Postage; Notice of Subpoena DT to Hardin Cong	\$ 4.05
12/17/2020	Photocopies: 55 @ \$.15 per page; Notice of Subpoena DT to Hardin Congregation	\$ 8.25
12/22/2020	Postage; Resp. Ltr to Wilson re interviews with Elders	\$ 0.50
01/05/2021	Photocopies: 2 @ \$.15 per page; Ltr. to Funyak re representing Hardin Congregation	\$ 0.30
01/05/2021	Postage; Ltr to Funyak re Hardin Congregation	\$ 0.51
01/06/2021	12/22/20 FedEx Charge to B. Mapley	\$ 12.75
01/06/2021	Bontecou Investigative Services, Inv. 5488	\$ 712.50
01/06/2021	12/02/20 Conference Call Service	\$ 45.59
01/06/2021	12/17/20 Conference Call Service	\$ 80.30
01/06/2021	12/22/20 Conference Call Service	\$ 148.55
01/11/2021	Postage; Subpoena DT to Funyak	\$ 1.60
01/19/2021	Photocopies: 62 @ \$.15 per page; SDTs for Service	\$ 9.30
01/19/2021	Photocopies: 10 @ \$.15 per page; Ltr to Funyak re Lack of Attn re Representing Hardin Congregation	\$ 1.50
01/19/2021	Postage; Ltrs to Funyak	\$ 1.15

**Joint Case Costs  
Caekaert Rowland Cases**

01/28/2021	Photocopies: 8 @ \$.15 per page; Ltr to Brown re Disco	\$ 1.20
01/28/2021	Postage; Ltr to Brown re Disco	\$ 1.02
02/03/2021	Photocopies: 8 @ \$.15 per page; Ltr to Funyak re Subpoena DTs	\$ 1.20
02/03/2021	Postage; Ltr to Funyak re Subpoena DTs	\$ 0.51
02/11/2021	Documents ordered from Alameda County Superior Court re motion to compel	\$ 117.50
02/17/2021	Bontecou Investigative Services, Inv. 5536	\$ 570.00
02/18/2021	01/05/21 Conference Call Service	\$ 73.64
02/18/2021	01/06/21 Conference Call Service	\$ 34.09
02/18/2021	01/15/21 Conference Call Service	\$ 22.50
02/23/2021	Photocopies: 28 @ \$.15 per page; Hardin Congregation docs (Bates 1-28)	\$ 4.20
02/23/2021	Photocopies: 71 @ \$.15 per page; Hardin Congregation docs (Bates 29-99)	\$ 10.65
03/03/2021	02/11/21 Conference Call Service	\$ 28.05
03/10/2021	Photocopies: 2 @ \$.15 per page; Ltr to Wilson re disco	\$ 0.30
03/22/2021	Photocopies: 58 @ \$.15 per page; Disco responses	\$ 8.70
03/29/2021	Postage; File copy of letter to Brown re disco	\$ 0.51
03/29/2021	Photocopies: 8 @ \$.15 per page; Ltr to Brown re disco	\$ 1.20
03/30/2021	Photocopies: 2 @ \$.15 per page; Ltr to Funyak	\$ 0.30
03/30/2021	Postage; Ltr to Funyak	\$ 0.51
04/01/2021	Photocopies: 19 @ \$.15 per page; of DFs documents	\$ 2.85
04/02/2021	3/23/21 Conference Call Service	\$ 26.00
04/07/2021	Postage; Ltr to Funyak to follow up on 3/30 letter	\$ 0.51
04/07/2021	Photocopies 1 @ \$.15 per page; Ltr to Funyak to follow up on 3/30 letter	\$ 0.15
04/13/2021	Postage; Ltr to Brown re joint disco disputes	\$ 2.20
04/13/2021	Photocopies: 36 @ \$.15 per page; Ltr to Brown re joint disco disputes	\$ 5.40
04/14/2021	Photocopies: 20 @ \$.15 per page; J. Rowland notice of depo	\$ 3.00
04/14/2021	Postage; J. Rowland notice of depo	\$ 1.53
04/19/2021	Photocopies: 2 @ \$.15 per page; Ltr to J. Rowland re upcoming depo	\$ 0.30
04/19/2021	Postage; Ltr to J. Rowland re upcoming depo	\$ 22.75
04/22/2021	Ryan's hotel for 4/23 depo of J. Rowland in Billings	\$ 216.42
04/22/2021	Katy's hotel for 4/23 depo of J. Rowland in Billings	\$ 205.80

**Joint Case Costs  
Caekaert Rowland Cases**

04/22/2021	Postage; Documents to Funiyak	\$ 3.20
04/23/2021	J. Rowland's hotel for 4/23 depo. in Billings	\$ 152.12
04/23/2021	J. Schulze's hotel for 4/23 depo of J. Rowland in Billings	\$ 156.55
04/28/2021	Ryan's mileage to/from Billings (686 x .56) for 4/23 depo. of J. Rowland	\$ 384.16
04/28/2021	Ryan's parking in Billings for 4/23 depo. of J. Rowland	\$ 8.00
04/29/2021	Photocopies: 43 @ \$.15 per page; Disco documents	\$ 6.45
05/12/2021	Transcript of 4/23 depo of J. Rowland	\$ 1,791.55
05/12/2021	Video of 4/23 depo of J. Rowland	\$ 1,865.00
05/14/2021	Postage; Reply briefs re motions to compel	\$ 1.60
05/14/2021	Photocopies: 42 @ \$.15 per page; Reply briefs to motions to compel	\$ 6.30
05/25/2021	Photocopies: 8 @ \$.15 per page; WTPAs 3rd supplemental responses	\$ 1.20
05/27/2021	Photocopies: 97 @ \$.15 per page; Docs for 6/2 hearing re motion to compel	\$ 14.55
06/01/2021	Ryan's hotel for 6/2 motions hearing re motion to compel Harden cong to prod juris disco	\$ 202.50
06/01/2021	James's hotel for 6/2 motions hearing in Billings	\$ 196.00
06/01/2021	Katy's hotel for 6/2 motions hearing in Billings	\$ 191.00
06/02/2021	Meals for Ryan, James & Katy during trip for 6/2 motions hearing	\$ 143.00
06/03/2021	Ryan's mileage to/from Billings (686 x .56) for 6/2 motions hearing	\$ 384.16
06/03/2021	Ryan's parking for 6/2 motions hearing	\$ 10.00
06/14/2021	Doc from other JW case re order compelling prod	\$ 2.75
06/16/2021	Photocopies: 425 @ \$.15 per page; Docs for hearing	\$ 63.75
06/19/2021	Bontecou Investigative Services, Inv. 5664	\$ 475.00
06/23/2021	Katy's hotel for 6/23 motion to compel hearing	\$ 232.72
06/23/2021	Ryan's hotel for 6/23 motion to compel hearing	\$ 227.72
07/02/2021	Ryan's mileage to/fm Billings (686 x \$.56) for 6/23 motion to compel hearing	\$ 384.16
07/02/2021	Ryan's parking for 6/23 motion to compel hearing	\$ 10.00
07/02/2021	Rob's mileage to/fm Billings (590 x \$.56) for 6/23 motion to compel hearing	\$ 330.40
07/02/2021	Rob's hotel for 6/23 motion to compel hearing	\$ 227.72
08/03/2021	Postage; Ltr to Funiyak re docs the court ordered be produced	\$ 0.51



**Joint Case Costs  
Caekaert Rowland Cases**

08/11/2021	Postage; Ltr to Funyak re redactions	\$ 0.51
08/27/2021	Photocopies: 6 @ \$.15 per page; Ltr to WTPA attys re jurisdictional disco	\$ 0.90
08/27/2021	Postage; Ltr to WTPA attys re jurisdictional disco	\$ 1.02
09/14/2021	Postage; Docs filed 9/9 to Judge Watters	\$ 7.40
09/14/2021	Photocopies: 72 @ \$.15 per page; Docs filed 9/9 for Judge Watters	\$ 10.80
09/14/2021	Postage; Notice of depo of Brumley & 30(b)(6)	\$ 5.28
09/14/2021	Photocopies: 100 @ \$.15 per page; Notice of depo of Brumley & 30(b)(6)	\$ 15.00
09/15/2021	Photocopies: 15 @ \$.15 per page; Amended notice of depo of Brumley	\$ 2.25
09/15/2021	Postage; Amended Brumley notice of depo	\$ 1.59
09/16/2021	Postage; Amended 30b6 notice of depo	\$ 5.88
09/16/2021	Photocopies: 115 @ \$.15 per page; Amnd 30b6 NOD	\$ 17.25
09/16/2021	Postage; Ltr to Funyak with requested W9	\$ 0.53
09/23/2021	Photocopies: 146 @ \$.15 per page; Supp. Disco	\$ 21.90
09/30/2021	Postage; Depo cancellation notices	\$ 2.19
09/30/2021	Postage; Ltr to Funyak	\$ 0.53
09/30/2021	Photocopies: 1 @ \$.15 per page; Ltr to Funyak	\$ 0.15
09/30/2021	Photocopies: 30 @ \$.15 per page; Depo cancellation notices	\$ 4.50
10/05/2021	Docs in other JW case (138 pgs) Nunez v. WTNY	\$ 34.50
10/07/2021	Photocopies: 1 @ \$.15 per page; Ltr to Funyak	\$ 0.15
10/07/2021	Postage; Ltr to Funyak	\$ 0.53
10/20/2021	Photocopies: 30 @ \$.15 per page; Ltr to Warnock	\$ 4.50
10/20/2021	Postage; Ltr to Warnock	\$ 2.36
10/21/2021	Photocopies: 1,858 @ \$.15 per page; Rule 11 documents for DFs & B. Mapley	\$ 278.70
11/10/2021	10/21/21 FedEx; Rule 11 Motion to J. Taylor	\$ 40.52
11/10/2021	10/21/21 FedEx; Rule 11 Motion to G. Rogers	\$ 19.06
11/10/2021	10/21/21 FedEx; Rule 11 Motion to B. Mapley	\$ 40.96
11/10/2021	Photocopies: 2486 @ \$.15 per page; Docs filed 11/5 for Judge Watters	\$ 187.20
11/22/2021	11/10/21 FedEx; Docs to Judge Watters	\$ 19.28
12/03/2021	Photocopies: 160 @ \$.15 per page; Motion for sanctions	\$ 24.00
12/06/2021	Bontecou Investigative Services, Inv. 5706; work done between 9/8/21-9/21/21	\$ 917.50



**Joint Case Costs  
Caekaert Rowland Cases**

12/06/2021	Photocopies: 2 @ \$.15 per page; Ltr to Judge Watters to go with sanctions docs	\$ 0.30
12/22/2021	12/6/21 FedEx; Sanctions docs to Judge Watters	\$ 18.65
01/10/2022	Photocopies: 88 @ \$.15 per page; Reply briefs re motion to dismiss, for the court	\$ 13.20
01/11/2022	Postage; Reply briefs re motion to dismiss to Judge Watters	\$ 7.75
03/24/2022	Postage; Motions to supplement the rcrd to the court	\$ 7.75
03/24/2022	Photocopies: 50 @ \$.15 per page; motions to supplement the record for the court	\$ 7.50
04/05/2022	Ryan's hotel in Billings for sanctions hearing	\$ 313.40
04/05/2022	Jessica's hotel in Billings for sanctions hearing	\$ 221.40
04/06/2022	Rob's hotel in Billings for sanctions hearing	\$ 221.40
04/06/2022	Rob's mileage to/from Billings (590 x \$.74) for sanctions hearing	\$ 436.60
04/06/2022	Ryan's mileage to/from Billings (686 x \$.74) for sanctions hearing	\$ 507.64
<b>Total Related Case Costs:</b>		<b><u>\$ 14,363.11</u></b>



**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1216904-0720

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 support@atconference.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 07/31/2020</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 billing@atconference.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	7	948	\$63.52
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
<b>Sub-Total:</b>	<b>7</b>	<b>948</b>	<b>\$63.52</b>
		<b>Taxes &amp; Fees:</b>	<b>\$25.20</b>
		<b><sup>1</sup> Current Charges Total:</b>	<b>\$88.72</b>
<i><sup>1</sup> Includes charges for: 07/01/2020 - 07/31/2020</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$88.72**

Please remit stub with payment

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1216904-0720
Total Amount Due:	\$88.72
Invoice Date:	07/31/2020

REMIT TO:

**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**Notes & Payment Options:**  
**Payment Options:**  
 • Visit <http://payments.arkadin.com> to make payment by credit card using your Account Number and invoice number.  
 • Mail remit stub with payment  
 • Wire Transfer Information:  
 [REDACTED]

Account Num: [REDACTED]  
Invoice Num: 1216904-0720

Page 2 of 3

Total Amt Due: \$88.72  
Invoice Date: 07/31/2020

TAXES AND FEES SUMMARY

<u>Tax Name</u>	<u>Jurisdiction</u>	<u>Total Tax</u>
Regulatory Recovery Surcharge (.32%)	USA	\$0.2153
Universal Service Fund (26.50%)	USA	\$18.0064
Administrative Fee (6.98%)	Other	\$4.4335
State Montana Excise Tax (3.75%)	MT	\$2.5480
		<u>\$25.2032</u>

BILLING CODE SUMMARY

<u>Billing Code</u>	<u># Confs</u>	<u>Mins</u>	<u>Call Cost</u>	<u>Misc Charges</u>	<u>Taxes &amp; Fees</u>	<u>Total Charge</u>
[***Unassigned***]						
Ryan Shaffer	7	948	\$63.5160	\$0.0000	\$25.2032	\$88.7192
	<u>7</u>	<u>948</u>	<u>\$63.5160</u>	<u>\$0.0000</u>	<u>\$25.2032</u>	<u>\$88.7192</u>

CONFERENCE LISTING

User: Ryan Shaffer      Confirmation #: 951082409      Time Zone: Mountain Time

<u>Start Time</u>	<u>Conf ID</u>	<u>Type</u>	<u>Legs</u>	<u>Billing Code</u>	<u>Mins</u>	<u>Charge</u>	<u>Tax/Fees</u>	<u>Total</u>
07/06 9:00 AM	27238436	Reservationless	3		109	\$7.3030	\$2.8979	\$10.2009
07/07 9:59 AM	27239647	Reservationless	3		195	\$13.0650	\$5.1842	\$18.2492
07/09 12:14 PM	27242338	Reservationless	4		187	\$12.5290	\$4.9714	\$17.5004
07/14 12:57 PM	27245949	Reservationless	1		2	\$0.1340	\$0.0533	\$0.1873
07/14 12:58 PM	27246071	Reservationless	5		308	\$20.6360	\$8.1883	\$28.8243
07/29 12:56 PM	27315185	Reservationless	1		1	\$0.0670	\$0.0266	\$0.0936
07/29 12:57 PM	27315299	Reservationless	3		146	\$9.7820	\$3.8815	\$13.6635
				Ryan Shaffer Sub-total:	<u>948</u>	<u>\$63.5160</u>	<u>\$25.2032</u>	<u>\$88.7192</u>
				Grand Total:	<u>948</u>	<u>\$63.5160</u>	<u>\$25.2032</u>	<u>\$88.7192</u>

Account Num: [REDACTED]  
 Invoice Num: 1216904-0720

Total Amt Due: \$88.72  
 Invoice Date: 07/31/2020

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID:	27238436	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/06 9:00:03 AM	Res-DI (D)	[REDACTED]	Chair		42	\$2.8140	\$1.1166	\$3.9306
07/06 9:01:59 AM	Res-DI (D)	[REDACTED]	Part		41	\$2.7470	\$1.0900	\$3.8370
07/06 9:13:00 AM	Res-DI (D)	[REDACTED]	Part		26	\$1.7420	\$0.6913	\$2.4333
					109	\$7.3030	\$2.8979	\$10.2009
Conference ID:	27239647	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/07 9:58:43 AM	Res-DI (D)	[REDACTED]	Part		66	\$4.4220	\$1.7547	\$6.1767
07/07 9:58:45 AM	Res-DI (D)	[REDACTED]	Chair		66	\$4.4220	\$1.7547	\$6.1767
07/07 10:01:31 AM	Res-DI (D)	[REDACTED]	Part		63	\$4.2210	\$1.6748	\$5.8958
					195	\$13.0650	\$5.1842	\$18.2492
Conference ID:	27242338	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/09 12:14:39 PM	Res-DI (D)	4064595602 - James Murnion	Part		48	\$3.2160	\$1.2761	\$4.4921
07/09 12:15:07 PM	Res-DI (D)	3039474453 - Matthew Merrill	Part		47	\$3.1490	\$1.2495	\$4.3985
07/09 12:15:15 PM	Res-DI (D)	9706299195 - Rob Stepan	Part		47	\$3.1490	\$1.2495	\$4.3985
07/09 12:17:28 PM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair		45	\$3.0150	\$1.1963	\$4.2113
					187	\$12.5290	\$4.9714	\$17.5004
Conference ID:	27245949	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/14 12:57:45 PM	Res-DI (D)	[REDACTED]	Part		2	\$0.1340	\$0.0533	\$0.1873
					2	\$0.1340	\$0.0533	\$0.1873
Conference ID:	27246071	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/14 12:58:20 PM	Res-DI (D)	[REDACTED]	Chair		64	\$4.2880	\$1.7014	\$5.9894
07/14 12:58:23 PM	Res-DI (D)	[REDACTED]	Part		64	\$4.2880	\$1.7014	\$5.9894
07/14 12:58:37 PM	Res-DI (D)	[REDACTED]	Part		64	\$4.2880	\$1.7014	\$5.9894
07/14 1:03:11 PM	Res-DI (D)	[REDACTED]	Chair		59	\$3.9530	\$1.5686	\$5.5216
07/14 1:05:09 PM	Res-DI (D)	[REDACTED]	Part		57	\$3.8190	\$1.5155	\$5.3345
					308	\$20.6360	\$8.1883	\$28.8243
Conference ID:	27315185	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/29 12:56:29 PM	Res-DI (D)	[REDACTED]	Part		1	\$0.0670	\$0.0266	\$0.0936
					1	\$0.0670	\$0.0266	\$0.0936
Conference ID:	27315299	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
07/29 12:56:56 PM	Res-DI (D)	[REDACTED]	Chair		51	\$3.4170	\$1.3559	\$4.7729
07/29 12:59:18 PM	Res-DI (D)	[REDACTED]	Chair		48	\$3.2160	\$1.2761	\$4.4921
07/29 1:00:18 PM	Res-DI (D)	[REDACTED]	Part		47	\$3.1490	\$1.2495	\$4.3985
					146	\$9.7820	\$3.8815	\$13.6635

Call Types: [Res] Reservationless [OA] Operator Attended [PlyBk] Recording Playback [DI] Dial-In [DO] Dial-Out

Call Type Codes: (D) Domestic (T) Toll (C) Canada (I) International (N) Non-Continental US (S) Specially Rated

Exemptions: (μ) USF Exempt

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Paid  
✓ # 14091

**Patti Gruwell**

---

**From:** Jessica Yuhas  
**Sent:** Tuesday, August 4, 2020 12:51 PM  
**To:** Patti Gruwell  
**Subject:** FW: [REDACTED]

Please send a check for the below. This is for the ALL the JW cases. I will save these to the server.

Thank you,

Jessica Yuhas  
Paralegal



**Meyer, Sha  
& Stepan,**

*Montana Office:*  
430 Ryman St.  
Missoula, MT 59802  
Tel: 406-543-6929  
Fax: 406-721-1799

*Wyoming Office:*  
3490 Clubhouse Drive, Suite 104  
Wilson, WY 83014  
Tel: 307-734-9544  
Fax: 307-733-3449

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**From:** JUD District 20 Sanders Co. Dist. Court <SandersDistCourt@mt.gov>  
**Sent:** Tuesday, August 4, 2020 12:49 PM  
**To:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Subject:** RE: [REDACTED]

Handwritten note: # 1399

Good afternoon,

The total cost for the requested documents is \$26.00 (104 pgs x \$0.25 per emailed pg), which is due to the Sanders County District Court within the next five business days.

Please find attached the five requested documents.

Sincerely,

*Sanders County, Clerk of District Court's Office*

(378 of 607)  
Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 90 of 270

(379 of 607)

P.O. Box 519  
1111 Main Street  
Thompson Falls, MT 59873  
Phone (406) 827-6962  
Fax (406) 827-6973  
[co.sanders.mt.us/departments/district-court](http://co.sanders.mt.us/departments/district-court)



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**From:** Jessica Yuhas <[jessica@mss-lawfirm.com](mailto:jessica@mss-lawfirm.com)>  
**Sent:** Tuesday, August 4, 2020 10:42 AM  
**To:** JUD District 20 Sanders Co. Dist. Court <[SandersDistCourt@mt.gov](mailto:SandersDistCourt@mt.gov)>  
**Subject:** [EXTERNAL] ██████████

Good morning,

I would like to request copies of the following documents:

Register of Actions No.:

- 151
- 156
- 160
- 173
- 174

Please let me know the cost of obtaining these documents and I will have payment processed and mail out immediately.

Thank you for your assistance with this request.

Jessica Yuhas  
Paralegal



Meyer, Sha  
& Stepan,

Montana Office:  
430 Ryman St.  
Missoula, MT 59802  
Tel: 406-543-6929  
Fax: 406-721-1799

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 91 of 270

**Wyoming Office:**  
3490 Clubhouse Drive, Suite 104  
Wilson, WY 83014  
Tel: 307-734-9544  
Fax: 307-733-3449

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**From:** JUD District 20 Sanders Co. Dist. Court <[SandersDistCourt@mt.gov](mailto:SandersDistCourt@mt.gov)>  
**Sent:** Tuesday, August 4, 2020 8:31 AM  
**To:** Jessica Yuhas <[jessica@mss-lawfirm.com](mailto:jessica@mss-lawfirm.com)>  
**Subject:** RE: [REDACTED]

Per your request, please find attached a courtesy case register for DV 16-84, Nunez et al vs Watchtower et al.

Sincerely,

**Sanders County, Clerk of District Court's Office**  
P.O. Box 519  
1111 Main Street  
Thompson Falls, MT 59873  
Phone (406) 827-6962  
Fax (406) 827-6973  
[co.sanders.mt.us/departments/district-court](http://co.sanders.mt.us/departments/district-court) [[co.sanders.mt.us](http://co.sanders.mt.us)]



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**From:** Jessica Yuhas <[jessica@mss-lawfirm.com](mailto:jessica@mss-lawfirm.com)>  
**Sent:** Monday, August 3, 2020 5:37 PM  
**To:** JUD District 20 Sanders Co. Dist. Court <[SandersDistCourt@mt.gov](mailto:SandersDistCourt@mt.gov)>  
**Subject:** [EXTERNAL] [REDACTED]

Hello,

Please send me a copy of the case register report for Cause DV-16-84.

Thank you,

Jessica Yuhas  
Paralegal



Shaffer & Stepians, PLLP - QuickBooks Desktop Pro 2019

File Edit View Lists Favorites Company Customers Vendors Employees Banking Reports Window Help

Search Company or Help

My Shortcuts: Home, My Company, Invoice Tracker, Bill Tracker, Calendar, Sharpshin, Connections, Webinars, Employees

My Shortcuts: View Balance, Run Favorite Reports, Open Windows

**Critical alert**  
Support has moved for QuickBooks 2019 & internet Explorer 11. Upgrade QuickBooks now.

Page 1 of 1 0 words Read Predictions On Accessibility: Good to go

Type here to search

Shaffer & Stepians, PLLP 0.0000

Write Checks: Shaffer & Stepians, PLLP 0.0000

Bank Account: Shaffer & Stepians, PLLP 0.0000

ENDING BALANCE: 1,172.31

PRINT AS: Clerk of Court

PAY TO THE ORDER OF: Clerk of Court - Sanders County Dist Ct

DATE: 08/04/2020 \$ 26.00

ADDRESS: Clerk of Court, Sanders County District Court, P.O. Box 519, 1111 Main Street, Thomson Falls, MT 59873

MEMO: Cause: DV-16-94

EXPENSES

ACCOUNT	AMOUNT	MEMO	AMOUNT
Advanced Chen...	13.00	Caeklaert: Payment for Requested Court Documents (1/2 of JW Cases Cost \$26.00)	\$0.00
Advanced Chen...	13.00	Rowland: Payment for Requested Court Documents (1/2 of JW Cases Cost \$26.00)	\$0.00

CUSTOMER JOB: Caeklaert, Tracy

BILLABLE?

Save & Close Save & New

3-ER 75

(382 of 607)

**BONTECOU INVESTIGATIVE SERVICES, INC.**  
 P. O. Box 2448, 235 E. Broadway  
 Jackson, WY 83001-2448  
 307-733-2637 307-733-2631 - Fax  
 Tax ID # 83-0311569

# Invoice

<b>Date</b>	<b>Invoice No.</b>
08/11/20	5350

<b>Bill To:</b> Ryan Shaffer Meyer, Shaffer & Stepan 430 Ryman Street Missoula, Montana 59802	<b>Case/Description:</b> Caekert Investigation  Investigation Dates: July, 2020
---	---

<b>Authorization</b>

Date	Description	Quantity	Rate	Amount
07/01/20	Follow up w Mark O'Donnell re. WT PA cases	1	95.00	95.00
07/10/20	Obtain documents for James M.	0.5	95.00	47.50
07/13/20	Additional info to James M.	0.5	95.00	47.50
07/31/20	Review Letters from WT produced by O'Donnell	1	95.00	95.00
<b>Total</b>				<b>\$285.00</b>

Due upon receipt. A service charge of 1.5% per month will be applied to all overdue balances.

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 94 of 270

Shirley & Stepians, PLLC - QuickBooks Desktop Pro 2019

Write Checks - Shirley & Stepians, PLLC - 0-3650

File Edit View Lists Favorites Company Customers Vendors Employees Banking Reports Window Help

Search Company or Help

My Shortcuts: Home, My Company, Recent Tracker, Bill Tracker, Calendar, Stopwatch, Checklists, Customers, Vendors, Employees

My Shortcuts: View Balances, Run Favorite Reports, Open Windows

**Critical alert:** Support has ended for QuickBooks 2019 & earlier. Click here to Upgrade QuickBooks now. **All Now**

Type here to search

329 PM 9/19/20

3-ER-77

NAME: Bontecou Investigative Services, Inc.

ADDRESS: P.O. Box 2448, 235 East Broadway, Jackson, WY 83001

MEMO: INV 5350

EXPENSES: \$285.00

ACCOUNT: 142 50

AMOUNT: 142.50

MEMO: Rowland, Bontecou Investigative Service, Inc. (1/2 of JW Cases Cost \$285.00)

CAEKAERT, TRACY

ROWLAND, ANAINE

NO: 14102

DATE: 09/14/2020

ENDING BALANCE: 1,172.31

PAY TO THE ORDER OF: Bontecou Investigative Services, Inc.

AMOUNT: \$ 285.00

STATUS: CLEARED

Customer: CUST10MERJOB

Inventory: INVLARI E2

Buttons: Save & Close, Save & New, Revert





**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1218026-1020

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 support@atconference.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 10/31/2020</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 billing@atconference.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	9	2,000	\$134.00
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
<b>Sub-Total:</b>	<b>9</b>	<b>2,000</b>	<b>\$134.00</b>
		<b>Taxes &amp; Fees:</b>	<b>\$54.50</b>
<b><sup>1</sup> Current Charges Total:</b>			<b>\$188.50</b>
<i><sup>1</sup> Includes charges for: 10/01/2020 - 10/31/2020</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$188.50**

Please remit stub with payment

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1218026-1020
Total Amount Due:	\$188.50
Invoice Date:	10/31/2020

REMIT TO:

**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

Notes & Payment Options:  
 Payment Options:  
 • Visit <http://payments.arkadin.com> to make payment by credit card using your Account Number and invoice number.  
 • Mail remit stub with payment  
 • Wire Transfer Information:  
 [REDACTED]

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 96 of 270

Account Num: [REDACTED]  
 Invoice Num: 1218026-1020

Page 2 of 4

Total Amt Due: \$188.50  
 Invoice Date: 10/31/2020

**TAXES AND FEES SUMMARY**

<u>Tax Name</u>	<u>Jurisdiction</u>	<u>Total Tax</u>
Regulatory Recovery Surcharge (.32%)	USA	\$0.4600
Universal Service Fund (27.10%)	USA	\$38.8490
Administrative Fee (6.98%)	Other	\$9.3535
State Montana Excise Tax (3.75%)	MT	\$5.3756
		<b>\$54.0381</b>

**BILLING CODE SUMMARY**

<u>Billing Code</u>	<u># Confs</u>	<u>Mins</u>	<u>Call Cost</u>	<u>Misc Charges</u>	<u>Taxes &amp; Fees</u>	<u>Total Charge</u>
[***Unassigned***] Ryan Shaffer	9	2,000	\$134.0000	\$0.0000	\$54.4981	\$188.4981
	<b>9</b>	<b>2,000</b>	<b>\$134.0000</b>	<b>\$0.0000</b>	<b>\$54.4981</b>	<b>\$188.4981</b>

**CONFERENCE LISTING**

User: Ryan Shaffer      Confirmation #: 951082409      Time Zone: Mountain Time

<u>Start Time</u>	<u>Conf ID</u>	<u>Type</u>	<u>Legs</u>	<u>Billing Code</u>	<u>Mins</u>	<u>Charge</u>	<u>Tax/Fees</u>	<u>Total</u>
10/01 10:14 AM	27576272	Reservationless	5		444	\$29.7480	\$12.0986	\$41.8466
10/01 11:43 AM	27576273	Reservationless	1		1	\$0.0670	\$0.0272	\$0.0942
10/05 1:28 PM	27584045	Reservationless	5		373	\$24.9910	\$10.1639	\$35.1549
10/07 10:55 AM	27585821	Reservationless	4		164	\$10.9880	\$4.4690	\$15.4570
10/08 1:58 PM	27586963	Reservationless	5		313	\$20.9710	\$8.5288	\$29.4998
10/09 11:56 AM	27591090	Reservationless	4		127	\$8.5090	\$3.4607	\$11.9697
10/16 2:01 PM	27666704	Reservationless	2		22	\$1.4740	\$0.5996	\$2.0736
10/16 2:11 PM	27666741	Reservationless	4		155	\$10.3850	\$4.2236	\$14.6086
10/21 12:29 PM	27675635	Reservationless	6		401	\$26.8670	\$10.9267	\$37.7937
				<b>Ryan Shaffer Sub-total:</b>	<b>2,000</b>	<b>\$134.0000</b>	<b>\$54.4981</b>	<b>\$188.4981</b>
				<b>Grand Total:</b>	<b>2,000</b>	<b>\$134.0000</b>	<b>\$54.4981</b>	<b>\$188.4981</b>

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 97 of 270

Account Num: [REDACTED]  
 Invoice Num: 1218026-1020

Total Amt Due: \$188.50  
 Invoice Date: 10/31/2020

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID:	27576272	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/01 10:14:40 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	90	\$6.0300	\$2.4317	\$8.4617
10/01 10:14:49 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	89	\$5.9630	\$2.4047	\$8.3677
10/01 10:15:15 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	89	\$5.9630	\$2.4047	\$8.3677
10/01 10:15:48 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	87	\$5.8290	\$2.3506	\$8.1796
10/01 10:15:56 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	89	\$5.9630	\$2.4047	\$8.3677
					444	\$29.7480	\$11.9964	\$41.7444

Conference ID:	27576273	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/01 11:43:37 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	1	\$0.0670	\$0.0270	\$0.0940
					1	\$0.0670	\$0.0270	\$0.0940

Conference ID:	27584045	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/05 1:28:23 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	76	\$5.0920	\$2.0535	\$7.1455
10/05 1:29:12 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	75	\$5.0250	\$2.0264	\$7.0514
10/05 1:30:06 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	74	\$4.9580	\$1.9994	\$6.9574
10/05 1:30:16 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	74	\$4.9580	\$1.9994	\$6.9574
10/05 1:30:40 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	74	\$4.9580	\$1.9994	\$6.9574
					373	\$24.9910	\$10.0781	\$35.0691

Conference ID:	27585821	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/07 10:55:40 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	44	\$2.9480	\$1.1889	\$4.1369
10/07 10:59:23 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	40	\$2.6800	\$1.0808	\$3.7608
10/07 10:59:54 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	40	\$2.6800	\$1.0808	\$3.7608
10/07 10:59:56 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED] NS	40	\$2.6800	\$1.0808	\$3.7608
					164	\$10.9880	\$4.4313	\$15.4193

Conference ID:	27586963	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/08 1:57:49 PM	Res-DI (D)	2065524230 - Jessica Yuhas	Chair	SEATTLE ,WA	67	\$4.4890	\$1.8102	\$6.2992
10/08 2:00:01 PM	Res-DI (D)	3039474453 - Matthew Merrill	Part		64	\$4.2880	\$1.7292	\$6.0172
10/08 2:00:13 PM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	64	\$4.2880	\$1.7292	\$6.0172
10/08 2:03:13 PM	Res-DI (D)	4065436929 - Office	Chair		61	\$4.0870	\$1.6482	\$5.7352
10/08 2:07:25 PM	Res-DI (D)	9706299195 - Rob Stepsans	Part	ROBERT STEPANS	57	\$3.8190	\$1.5401	\$5.3591
					313	\$20.9710	\$8.4569	\$29.4279

Conference ID:	27591090	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/09 11:56:06 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	35	\$2.3450	\$0.9458	\$3.2908
10/09 11:58:41 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	33	\$2.2110	\$0.8916	\$3.1026
10/09 12:00:01 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	31	\$2.0770	\$0.8376	\$2.9146
10/09 12:03:08 PM	Res-DI (D)	4065436929	Part		28	\$1.8760	\$0.7565	\$2.6325
					127	\$8.5090	\$3.4315	\$11.9405

Conference ID:	27666704	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/16 2:00:43 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	12	\$0.8040	\$0.3243	\$1.1283
10/16 2:02:46 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	10	\$0.6700	\$0.2702	\$0.9402
					22	\$1.4740	\$0.5945	\$2.0685

Conference ID:	27666741	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
10/16 2:11:35 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	55	\$3.6850	\$1.4860	\$5.1710
10/16 2:14:03 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	2	\$0.1340	\$0.0541	\$0.1881
10/16 2:15:15 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	50	\$3.3500	\$1.3509	\$4.7009
10/16 2:17:01 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	48	\$3.2160	\$1.2969	\$4.5129
					155	\$10.3850	\$4.1879	\$14.5729

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 98 of 270

Shatter & Stepan's, PLLC - QuickBooks Desktop Pro 2019

Shatter & Stepan's FSB - 0 5650

Write Checks - Shatter & Stepan's FSB - 0 5650

File Edit View Lists Favorites Company Customers Vendors Employees Banking Reports Window Help

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**Critical alert**  
Support has updated for QuickBooks 2019 x Internal Edition: 11. Update QuickBooks now.  
Act Now

Main Reports Find New Save Delete Memorize Print Pay Online Attach File Enter Time Clear Spills Recalculate Reorder Reminder Order Checks

BANK ACCOUNT: Shatter & Stepan's FSB 0 5650

ENDING BALANCE: 1,172.31

PRINT AS: NTT Cloud Communications U.S. Inc. DATE: 11/02/2020 \$ 188.50

PAY TO THE ORDER OF: AT Conference/NTT Cloud Communications

ADDRESS: **CLEARED**  
NTT Cloud Communications  
Attn: Accts Receivable  
P.O. Box 347261  
Pittsburgh, PA 15251-4261

MEMO: [REDACTED] 1218026-1020

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE
Telephone Expe...	41.95	[REDACTED]	[REDACTED]	
Advanced Expe...	35.15	[REDACTED]	[REDACTED]	
Advanced Expe...	15.46	[REDACTED]	[REDACTED]	
Advanced Expe...	14.75	Caekert, 10/8/20 Conference Call Service (1/2 of JW Cases Cost \$29.50)	Caekert, Tracy	
Advanced Expe...	14.75	Rowland, 10/8/20 Conference Call Service (1/2 of JW Cases Cost \$29.50)	Rowland Anane	
Advanced Expe...	11.97	[REDACTED]	[REDACTED]	
Advanced Expe...	16.66	[REDACTED]	[REDACTED]	
Advanced Expe...	37.79	[REDACTED]	[REDACTED]	
<b>Expenses</b>	<b>\$188.50</b>	<b>Items</b>	<b>\$0.00</b>	

Save & Close Save & New

(388 of 607)

**BONTECOU INVESTIGATIVE SERVICES, INC.**  
 P. O. Box 2448, 235 E. Broadway  
 Jackson, WY 83001-2448  
 307-733-2637 307-733-2631 - Fax  
 Tax ID # 83-0311569

# Invoice

Date	Invoice No.
11/06/20	5432

**Bill To:**

Ryan Shaffer  
 Meyer, Shaffer & Stepan  
 430 Ryman Street  
 Missoula, Montana 59802

**Case/Description:**

Cackert Investigation  
 Investigation Dates:  
 August- October, 2020

**Authorization**

Date	Description	Quantity	Rate	Amount
08/03/20	Contact info on witness for disclosure	0.5	95.00	47.50
08/11/20	Phcon with Ryan	0.5	95.00	47.50
08/25/20	Phcon w/ O'Donnell: work on obtaining documents	2.5	95.00	237.50
08/26/20	Follow up on documents	0.5	95.00	47.50
08/31/20	Upload/ Review documents from O'Donnell	1	95.00	95.00
10/16/20	Follow up with Mark O'Donnell	0.5	95.00	47.50
10/28/20	Follow up ph con w/ Mark O'Donnell	1	95.00	95.00
<b>Total</b>				<b>\$617.50</b>

Due upon receipt. A service charge of 1.5% per month will be applied to all overdue balances.

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 100 of 270







**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1218364-1120

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 support@atconference.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 11/30/2020</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 billing@atconference.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	8	1,533	\$102.71
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
<b>Sub-Total:</b>	<b>8</b>	<b>1,533</b>	<b>\$102.71</b>
		Taxes & Fees:	\$41.42
<b><sup>1</sup> Current Charges Total:</b>			<b>\$144.13</b>
<i><sup>1</sup> Includes charges for: 11/01/2020 - 11/30/2020</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$144.13**

Please remit stub with payment

ATTN: Patti Gruwell  
 Meyer, Shaffer, & Stepan PLLP  
 305 South Fourth Street E  
 Suite 101  
 Missoula MT 59801

REMIT TO:

NTT CLOUD COMMUNICATIONS U.S. INC.  
 ATTN: Accounts Receivable  
 PO Box 347261  
 Pittsburgh PA 15251-4261

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1218364-1120
Total Amount Due:	\$144.13
Invoice Date:	11/30/2020
<b>Notes &amp; Payment Options:</b>	
Payment Options:	
<ul style="list-style-type: none"> <li>• Visit <a href="http://payments.arkadin.com">http://payments.arkadin.com</a> to make payment by credit card using your Account Number and invoice number.</li> <li>• Mail remit stub with payment</li> <li>• Wire Transfer Information:</li> </ul>	
[REDACTED]	

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 102 of 270 (390 of 607)

Account Num: XXXXXXXXXX  
 Invoice Num: 1218364-1120

Page 2 of 4

Total Amt Due: \$144.13  
 Invoice Date: 11/30/2020

**TAXES AND FEES SUMMARY**

<u>Tax Name</u>	<u>Jurisdiction</u>	<u>Total Tax</u>
Regulatory Recovery Surcharge (.32%)	USA	\$0.3530
Universal Service Fund (27.10%)	USA	\$29.7772
Administrative Fee (6.98%)	Other	\$7.1695
State Montana Excise Tax (3.75%)	MT	\$4.1205
		<b>\$41.4202</b>

**BILLING CODE SUMMARY**

<u>Billing Code</u>	<u># Confs</u>	<u>Mins</u>	<u>Call Cost</u>	<u>Misc Charges</u>	<u>Taxes &amp; Fees</u>	<u>Total Charge</u>
[***Unassigned***]						
Ryan Shaffer	8	1,533	\$102.7110	\$0.0000	\$41.4202	\$144.1312
	8	1,533	\$102.7110	\$0.0000	\$41.4202	\$144.1312

**CONFERENCE LISTING**

User: Ryan Shaffer      Confirmation #: 951082409      Time Zone: Mountain Time

<u>Start Time</u>	<u>Conf ID</u>	<u>Type</u>	<u>Legs</u>	<u>Billing Code</u>	<u>Mins</u>	<u>Charge</u>	<u>Tax/Fees</u>	<u>Total</u>
11/05 11:29 AM	27696500	Reservationless	4		380	\$25.4600	\$10.2672	\$35.7272
11/06 11:57 AM	27726825	Reservationless	4		100	\$6.7000	\$2.7020	\$9.4020
11/11 10:59 AM	27758660	Reservationless	1		1	\$0.0670	\$0.0270	\$0.0940
11/11 10:59 AM	27758738	Reservationless	4		244	\$16.3480	\$6.5925	\$22.9405
11/11 3:00 PM	27758963	Reservationless	3		8	\$0.5360	\$0.2163	\$0.7523
11/11 3:14 PM	27759011	Reservationless	7		356	\$23.8520	\$9.6187	\$33.4707
11/18 1:58 PM	27783396	Reservationless	2		41	\$2.7470	\$1.1079	\$3.8549
11/30 1:27 PM	27793769	Reservationless	6		403	\$27.0010	\$10.8886	\$37.8896
				<b>Ryan Shaffer Sub-total:</b>	1,533	\$102.7110	\$41.4202	\$144.1312
				<b>Grand Total:</b>	1,533	\$102.7110	\$41.4202	\$144.1312

(391 of 607)

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 103 of 270

Account Num: [REDACTED]  
 Invoice Num: 1218364-1120

Total Amt Due: \$144.13  
 Invoice Date: 11/30/2020

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID:	27696500	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/05 11:29:21 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	96	\$6.4320	\$2.5938	\$9.0258	
11/05 11:30:09 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	95	\$6.3650	\$2.5668	\$8.9318	
11/05 11:30:59 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	95	\$6.3650	\$2.5668	\$8.9318	
11/05 11:31:33 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	94	\$6.2980	\$2.5398	\$8.8378	
					380	\$25.4600	\$10.2672	\$35.7272	

Conference ID:	27726825	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/06 11:57:30 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	4	\$0.2680	\$0.1081	\$0.3761	
11/06 11:59:26 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	33	\$2.2110	\$0.8916	\$3.1026	
11/06 12:00:32 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	32	\$2.1440	\$0.8647	\$3.0087	
11/06 12:01:40 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	31	\$2.0770	\$0.8376	\$2.9146	
					100	\$6.7000	\$2.7020	\$9.4020	

Conference ID:	27758660	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/11 10:59:36 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	1	\$0.0670	\$0.0270	\$0.0940	
					1	\$0.0670	\$0.0270	\$0.0940	

Conference ID:	27758738	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/11 11:00:41 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	61	\$4.0870	\$1.6482	\$5.7352	
11/11 11:02:02 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	59	\$3.9530	\$1.5941	\$5.5471	
11/11 10:59:50 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	62	\$4.1540	\$1.6751	\$5.8291	
11/11 10:59:59 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	62	\$4.1540	\$1.6751	\$5.8291	
					244	\$16.3480	\$6.5925	\$22.9405	

Conference ID:	27758963	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/11 3:00:30 PM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	4	\$0.2680	\$0.1081	\$0.3761	
11/11 3:01:44 PM	Res-DI (D)	4062075423 - Ryan Shaffer	Part	RYAN SHAFFER	2	\$0.1340	\$0.0541	\$0.1881	
11/11 3:02:23 PM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair	RYAN SHAFFER	2	\$0.1340	\$0.0541	\$0.1881	
					8	\$0.5360	\$0.2163	\$0.7523	

Conference ID:	27759011	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/11 3:14:27 PM	Res-DI (D)	4065467542 - Katy Gannon	Part	MONTANA	60	\$4.0200	\$1.6212	\$5.6412	
11/11 3:14:48 PM	Res-DI (D)	3039474453 - Matthew Merrill	Part	[REDACTED]	60	\$4.0200	\$1.6212	\$5.6412	
11/11 3:15:19 PM	Res-DI (D)	2065524230 - Jessica Yuhus	Part	SEATTLE ,WA	1	\$0.0670	\$0.0270	\$0.0940	
11/11 3:15:22 PM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	59	\$3.9530	\$1.5941	\$5.5471	
11/11 3:15:39 PM	Res-DI (D)	4062075423 - Ryan Shaffer	Part	RYAN SHAFFER	59	\$3.9530	\$1.5941	\$5.5471	
11/11 3:15:46 PM	Res-DI (D)	2065524230 - Jessica Yuhus	Chair	SEATTLE ,WA	59	\$3.9530	\$1.5941	\$5.5471	
11/11 3:16:34 PM	Res-DI (D)	9706299195 - Rob Stepsans	Part	ROBERT STEPANS	58	\$3.8860	\$1.5670	\$5.4530	
					356	\$23.8520	\$9.6187	\$33.4707	

Conference ID:	27783396	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/18 1:58:17 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	22	\$1.4740	\$0.5944	\$2.0684	
11/18 2:01:03 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	19	\$1.2730	\$0.5135	\$1.7865	
					41	\$2.7470	\$1.1079	\$3.8549	

Conference ID:	27793769	Conference Billing Code:	N/A						
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total	
11/30 1:27:40 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	82	\$5.4940	\$2.2156	\$7.7096	
11/30 1:29:17 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	80	\$5.3600	\$2.1614	\$7.5214	
11/30 1:30:24 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	79	\$5.2930	\$2.1345	\$7.4275	
11/30 1:30:44 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	79	\$5.2930	\$2.1345	\$7.4275	
11/30 1:30:53 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	79	\$5.2930	\$2.1345	\$7.4275	
11/30 2:14:08 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	4	\$0.2680	\$0.1081	\$0.3761	
					403	\$27.0010	\$10.8886	\$37.8896	

Call Types: [Res] Reservationless [OA] Operator Attended [PlyBk] Recording Playback [DI] Dial-In [DO] Dial-Out  
 Call Type Codes: (D) Domestic (I) Toll (C) Canada (I) International (N) Non-Continental US (S) Specially Rated  
 Exemptions: (μ) USF Exempt



Shaffer & Stepiens, PLLP - QuickBooks Desktop Pro 2019

Write Checks - Shaffer & Stepiens FSB - O-5650

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My Shortcuts: Home, My Company, Internet Ticket, Bill Tracker, Calendar, Shortcuts, Customers, Vendors, Windows, Employees

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**1 Critical alert**  
Support has ended for QuickBooks® 2019 & Intuit® QuickBooks®. Upgrade to QuickBooks® 2019 & Intuit® QuickBooks® now.

Page 1 of 1 0 words Text Predictions: On Accessibility: Good to go

Type here to search

Main Reports Find New Save Delete Memorize Create a Copy Print Print Later Pay Online Attach File Enter Time Clear Spills Recalculate Reorder Reminder Order Checks

BANK ACCOUNT: Shaffer & Stepiens FSB - O-5650 ENDING BALANCE: 1,172.31

PRINT AS: NTT Cloud Communications U.S. Inc. DATE: 12/01/2020 \$ 144.13

PAY TO THE ORDER OF: AT Conference/NTT Cloud Communications

ADDRESS: **CLEARED**  
NTT Cloud Communications  
Attn: Accts Receivable  
P.O. Box 347281  
Pittsburgh, PA 15251-4281

MEMO: [REDACTED] W: 1218364-1120

Expenses: \$144.13 Items \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Telephone Expe.	35.73	[REDACTED]	[REDACTED]	
Advanced Clien.	9.40	[REDACTED]	[REDACTED]	
Telephone Expe.	23.03	[REDACTED]	[REDACTED]	
Advanced Clien.	17.11	Caekant 11/11/20 Conference Call Service (1/2 of JW Cases Cost \$34.22)	Caekant, Tracy	<input checked="" type="checkbox"/>
Advanced Clien.	17.11	Rowland 11/11/20 Conference Call Service (1/2 of JW Cases Cost \$34.22)	Rowland, Anane	<input checked="" type="checkbox"/>
Advanced Clien.	3.85	[REDACTED]	[REDACTED]	
Telephone Expe.	37.90	[REDACTED]	[REDACTED]	

Save & Close Save & New Revert

3:42 PM 9/19/23

3-ER-387

(394 of 607)



<b>Invoice Number</b> 7-230-80561	<b>Invoice Date</b> Dec 30, 2020	<b>Account Number</b> [REDACTED]	<b>Page</b> 1 of 2
--------------------------------------	-------------------------------------	-------------------------------------	-----------------------

**Billing Address:**  
MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Shipping Address:**  
MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Invoice Questions?**  
Contact FedEx Revenue Services  
Phone: 800.622.1147  
M-F 7 AM to 8 PM CST  
Sa 7 AM to 6 PM CST  
Internet: fedex.com

**Invoice Summary**

**FedEx Express Services**

Total Charges	USD	\$12.75
<b>TOTAL THIS INVOICE</b>	<b>USD</b>	<b>\$12.75</b>

You saved \$8.14 in discounts this period!

Other discounts may apply.

**Account Summary as of Dec 30, 2020**

Previous Balance	31.55
Payments	0.00
Adjustments	0.00
New Charges	12.75
<b>New Account Balance</b>	<b>\$44.30</b>

Detailed descriptions of surcharges can be located at fedex.com

To ensure proper credit, please return this portion with your payment to FedEx. Please do not staple or fold. Please make check payable to FedEx.

<b>Invoice Number</b> 7-230-80561	<b>Invoice Amount</b> USD \$12.75	<b>Account Number</b> [REDACTED]	<b>Account Balance</b> USD \$44.30
--------------------------------------	--------------------------------------	-------------------------------------	---------------------------------------

**Remittance Advice**

Your payment is due by Jan 14, 2021

723080561100000127573405471362000004430500000127570

0064513 01AB 0.416 \*\*AUTO T411364 59802-424951 -C01-P64577-11



MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249



FedEx  
P.O. Box 94515  
PALATINE IL 60094-4515



62313640021888

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<b>Invoice Number</b> 7-230-80561	<b>Invoice Date</b> Dec 30, 2020	<b>Account Number</b> [REDACTED]	<b>Page</b> 2 of 2
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**FedEx Express Shipment Detail By Payor Type (Original)**

Ship Date: Dec 22, 2020      Cont. Ref: NO REFERENCE INFORMATION      Ref. #:  
 Paper: Shipper      Ref. #:

- Weather delay - Thunderstorm.
- The delivery commitment for FedEx 2Day to residences (including home offices) is 7 P.M. the second business day for A1, A2, AA, A3, A4, A5, A6, AM, PM, and RM service areas.
- Distance Based Pricing, Zone 7
- 1st attempt Dec 24, 2020 at 01:44 PM.
- This shipment was priced using FedEx One Rate

<b>Automation</b>	WSXI	<b>Sender</b>	<b>Recipient</b>	
<b>Tracking ID</b>	781825929929	MEYER, SHAFFER & STEPANS, PLLP	Bruce Mapley, Sr.	
<b>Service Type</b>	FedEx 2Day	430 Ryman St	3905 Caylen Cv	
<b>Package Type</b>	FedEx Envelope	MISSOULA MT 59802 US	BIRMINGHAM AL 35215 US	
<b>Zone</b>	07			
<b>Packages</b>	1			
<b>Delivered</b>	Dec 28, 2020 11:07	<b>Transportation Charge</b>		13.84
<b>Svc Area</b>	A1	<b>Discount</b>		-6.14
<b>Signed by</b>	B. MAPLEY	<b>Direct Signature</b>		5.25
<b>FedEx Use</b>	00000000/89405/	<b>Total Charge</b>	<b>USD</b>	<b>\$12.75</b>

**Shipper Subtotal USD \$12.75**  
**Total FedEx Express USD \$12.75**



SHAFFER & STEPANS PLLP

FedEx  
Advanced Client Costs

Caekaert: FedEx Charge 6.37  
 Rowland → 6.36  
 -----  
 12.75

1/6/2021

14214

12.75

Shaffer & Stepans FS [REDACTED] Inv 7-230-80561

12.75

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 107 of 270

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**BONTECOU INVESTIGATIVE SERVICES, INC.**  
 P. O. Box 2448, 235 E. Broadway  
 Jackson, WY 83001-2448  
 307-733-2637 307-733-2631 - Fax  
 Tax ID # 83-0311569

# Invoice

<b>Date</b>	<b>Invoice No.</b>
01/05/21	5488

<b>Bill To:</b>	<b>Case/Description:</b>
Ryan Shaffer Meyer, Shaffer & Stepan 430 Ryman Street Missoula, Montana 59802	Caekert Investigation  Investigation Dates: December 2020

**Authorization**

Date	Description	Quantity	Rate	Amount
12/02/20	Review Discovery	1.5	95.00	142.50
12/17/20	Find age of witnesses	0.5	95.00	47.50
12/22/20	Conference call; research WTPA; Research Registered Agent & Hardin Property Records	4.5	95.00	427.50
12/23/20	Research; follow up w Mark re reddit witnesses	1	95.00	95.00
			<b>Total</b>	<b>\$712.50</b>

Due upon receipt. A service charge of 1.5% per month will be applied to all overdue balances.

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 108 of 270



Shaffer & Stappans LLP - QuickBooks Desktop Pro 2019

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**1 Critical alert**  
 Report has ended for CardBooks 2019 & Internet Client: It's Upgrade CardBooks Now

Page 1 of 1 0 words 163 Predictions on 72 Accessibility: Good to go

Save & Close Save & New

3-EP-391

ENDING BALANCE 1,172.31

NO 14216  
 DATE 01/09/2021

PAY TO THE ORDER OF Botnetcou Investigative Services, Inc. \$ 1,172.50

One thousand four hundred seventy-two and 50/100\*\*\*\*\* DOLLARS

ADDRESS Botnetcou Investigative Services, Inc.  
 P.O. Box 2448  
 235 East Broadway  
 Jackson, WY 83001

MEMO Inv. Nos. 5485 & 5488

CLEARED

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client...	760.00			
Advanced Client...	356.25	Caekkaert Botnetcou Investigative Service, Inc. (1/2 of JW Cases Cost \$712.50)	Caekkaert, Tracy	
Advanced Client...	356.25	Rowland Botnetcou Investigative Service, Inc. (1/2 of JW Cases Cost \$712.50)	Rowland, Anais	
<b>Expenses</b>	<b>\$1,472.50</b>	<b>MEMO</b>		
		<b>\$0.00</b>		



**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1218695-1220

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 support@atconference.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 12/31/2020</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 billing@atconference.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	11	4,343	\$290.98
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
<b>Sub-Total:</b>	<b>11</b>	<b>4,343</b>	<b>\$290.98</b>
		Taxes & Fees:	\$117.34
<b><sup>1</sup> Current Charges Total:</b>			<b>\$408.32</b>
<i><sup>1</sup> Includes charges for: 12/01/2020 - 12/31/2020</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$408.32**

Please remit stub with payment

ATTN: Patti Gruwell  
 Meyer, Shaffer, & Stepan PLLP  
 305 South Fourth Street E  
 Suite 101  
 Missoula MT 59801

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1218695-1220
Total Amount Due:	\$408.32
Invoice Date:	12/31/2020

REMIT TO:

NTT CLOUD COMMUNICATIONS U.S. INC.  
 ATTN: Accounts Receivable  
 PO Box 347261  
 Pittsburgh PA 15251-4261

**Notes & Payment Options:**  
**Payment Options:**  
 • Visit <http://payments.arkadin.com> to make payment by credit card using your Account Number and invoice number.  
 • Mail remit stub with payment  
 • Wire Transfer Information:  
 [REDACTED]

Account Num: [REDACTED]  
Invoice Num: 1218695-1220

Total Amt Due: \$408.32  
Invoice Date: 12/31/2020

TAXES AND FEES SUMMARY

Tax Name	Jurisdiction	Total Tax
Regulatory Recovery Surcharge (.32%)	USA	\$0.9992
Universal Service Fund (27.10%)	USA	\$84.3600
Administrative Fee (6.98%)	Other	\$20.3106
State Montana Excise Tax (3.75%)	MT	\$11.6737
		<u>\$117.3435</u>

BILLING CODE SUMMARY

Billing Code	# Confs	Mins	Call Cost	Misc Charges	Taxes & Fees	Total Charge
[***Unassigned***]						
Ryan Shaffer	11	4,343	\$290.9810	\$0.0000	\$117.3435	\$408.3245
	<u>11</u>	<u>4,343</u>	<u>\$290.9810</u>	<u>\$0.0000</u>	<u>\$117.3435</u>	<u>\$408.3245</u>

CONFERENCE LISTING

User: Ryan Shaffer		Confirmation #:	951082409		Time Zone:	Mountain Time			
Start Time	Conf ID	Type	Legs	Billing Code	Mins	Charge	Tax/Fees	Total	
12/01 3:29 PM	27794647	Reservationless	3		110	\$7.3700	\$2.9721	\$10.3421	
12/02 10:57 AM	27795148	Reservationless	10		485	\$32.4950	\$13.1041	\$45.5991	
12/03 3:29 PM	27803113	Reservationless	4		323	\$21.6410	\$8.7273	\$30.3683	
12/09 2:29 PM	27845840	Reservationless	6		242	\$16.2140	\$6.5388	\$22.7528	
12/10 2:56 PM	27849958	Reservationless	3		62	\$4.1540	\$1.6752	\$5.8292	
12/16 12:55 PM	27852877	Reservationless	4		116	\$7.7720	\$3.1343	\$10.9063	
12/17 1:31 PM	27853696	Reservationless	1		7	\$0.4690	\$0.1891	\$0.6581	
12/17 2:29 PM	27853853	Reservationless	6		847	\$56.7490	\$22.8850	\$79.6340	
12/18 12:00 PM	27854416	Reservationless	3		212	\$14.2040	\$5.7278	\$19.9318	
12/22 9:56 AM	27855646	Reservationless	9		1580	\$105.8600	\$42.6898	\$148.5498	
12/30 10:57 AM	27857731	Reservationless	6		359	\$24.0530	\$9.7000	\$33.7530	
				Ryan Shaffer Sub-total:	<u>4,343</u>	<u>\$290.9810</u>	<u>\$117.3435</u>	<u>\$408.3245</u>	
				Grand Total:	<u>4,343</u>	<u>\$290.9810</u>	<u>\$117.3435</u>	<u>\$408.3245</u>	

Account Num: [REDACTED]  
 Invoice Num: 1218695-1220

Page 3 of 4

Total Amt Due: \$408.32  
 Invoice Date: 12/31/2020

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID:	27794647	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/01 3:29:48 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	40	\$2.6800	\$1.0808	\$3.7608
12/01 3:30:57 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	39	\$2.6130	\$1.0537	\$3.6667
12/01 3:38:34 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	31	\$2.0770	\$0.8376	\$2.9146
					110	\$7.3700	\$2.9721	\$10.3421
Conference ID:	27795148	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/02 11:00:13 AM	Res-DI (D)	9706299195 Rob Stepans	Part	ROBERT STEPANS	61	\$4.0870	\$1.6482	\$5.7352
12/02 11:00:45 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Part	SEATTLE ,WA	2	\$0.1340	\$0.0541	\$0.1881
12/02 11:01:06 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Chair	SEATTLE ,WA	60	\$4.0200	\$1.6212	\$5.6412
12/02 11:02:21 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	1	\$0.0670	\$0.0270	\$0.0940
12/02 11:02:35 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	59	\$3.9530	\$1.5941	\$5.5471
12/02 11:02:50 AM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair	RYAN SHAFFER	59	\$3.9530	\$1.5941	\$5.5471
12/02 11:03:10 AM	Res-DI (D)	3077332637 - Todd Bontecou	Part	Bontecou Invest	58	\$3.8860	\$1.5670	\$5.4530
12/02 11:03:41 AM	Res-DI (D)	3077332637 - Todd Bontecou	Part	Bontecou Invest	58	\$3.8860	\$1.5670	\$5.4530
12/02 10:56:48 AM	Res-DI (D)	4065467542 - Katy Gannon	Part	MONTANA	65	\$4.3550	\$1.7563	\$6.1113
12/02 10:59:38 AM	Res-DI (D)	3039474453 - Matthew Merrill	Part		62	\$4.1540	\$1.6751	\$5.8291
					485	\$32.4950	\$13.1041	\$45.5991
Conference ID:	27803113	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/03 3:29:30 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	86	\$5.7620	\$2.3237	\$8.0857
12/03 3:30:26 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	86	\$5.7620	\$2.3237	\$8.0857
12/03 3:40:35 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	75	\$5.0250	\$2.0264	\$7.0514
12/03 3:40:38 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	76	\$5.0920	\$2.0535	\$7.1455
					323	\$21.6410	\$8.7273	\$30.3683
Conference ID:	27845840	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/09 2:29:24 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	50	\$3.3500	\$1.3509	\$4.7009
12/09 2:30:08 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	49	\$3.2830	\$1.3240	\$4.6070
12/09 2:30:29 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	4	\$0.2680	\$0.1081	\$0.3761
12/09 2:30:32 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	49	\$3.2830	\$1.3240	\$4.6070
12/09 2:34:03 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	45	\$3.0150	\$1.2159	\$4.2309
12/09 2:34:45 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	45	\$3.0150	\$1.2159	\$4.2309
					242	\$16.2140	\$6.5388	\$22.7528
Conference ID:	27849958	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/10 2:56:42 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	22	\$1.4740	\$0.5944	\$2.0684
12/10 2:58:01 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED] L	21	\$1.4070	\$0.5673	\$1.9743
12/10 2:59:29 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	19	\$1.2730	\$0.5135	\$1.7865
					62	\$4.1540	\$1.6752	\$5.8292
Conference ID:	27852877	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/16 12:54:50 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	33	\$2.2110	\$0.8916	\$3.1026
12/16 12:58:33 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	29	\$1.9430	\$0.7835	\$2.7265
12/16 1:00:14 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	27	\$1.8090	\$0.7296	\$2.5386
12/16 1:00:20 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	27	\$1.8090	\$0.7296	\$2.5386
					116	\$7.7720	\$3.1343	\$10.9063
Conference ID:	27853696	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/17 1:31:18 PM	Res-DI (D)	9706299195 - Rob Stepans	Part	ROBERT STEPANS	7	\$0.4690	\$0.1891	\$0.6581
					7	\$0.4690	\$0.1891	\$0.6581
Conference ID:	27853853	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/17 2:29:41 PM	Res-DI (D)	4065467542 - Katy Gannon	Part	MONTANA	142	\$9.5140	\$3.8368	\$13.3508
12/17 2:29:43 PM	Res-DI (D)	9706299195 - Rob Stepans	Part	ROBERT STEPANS	142	\$9.5140	\$3.8368	\$13.3508
12/17 2:30:03 PM	Res-DI (D)	4062075423 - Ryan Shaffer	Part	RYAN SHAFFER	141	\$9.4470	\$3.8096	\$13.2566
12/17 2:30:12 PM	Res-DI (D)	2065524230 - Jessica Yuhas	Chair	SEATTLE ,WA	141	\$9.4470	\$3.8096	\$13.2566
12/17 2:30:23 PM	Res-DI (D)	3039474453 - Matthew Merrill	Part		141	\$9.4470	\$3.8096	\$13.2566
12/17 2:31:22 PM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	140	\$9.3800	\$3.7826	\$13.1626
					847	\$56.7490	\$22.8850	\$79.6340



Account Num: [REDACTED]  
 Invoice Num: 1218695-1220

Page 4 of 4

Total Amt Due: \$408.32  
 Invoice Date: 12/31/2020

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID: 27854416 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/18 12:00:40 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	71	\$4.7570	\$1.9182	\$6.6752
12/18 12:00:48 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	71	\$4.7570	\$1.9182	\$6.6752
12/18 12:01:20 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	70	\$4.6900	\$1.8914	\$6.5814
					212	\$14.2040	\$5.7278	\$19.9318

Conference ID: 27855646 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/22 9:56:32 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Part	SEATTLE ,WA	185	\$12.3950	\$4.9986	\$17.3936
12/22 9:57:37 AM	Res-DI (D)	4065467542 - Katy Gannon	Part	MONTANA	157	\$10.5190	\$4.2419	\$14.7609
12/22 9:59:29 AM	Res-DI (D)	9706299195 - Rob Stepan	Part	ROBERT STEPANS	171	\$11.4570	\$4.6202	\$16.0772
12/22 9:59:37 AM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair	RYAN SHAFFER	182	\$12.1940	\$4.9174	\$17.1114
12/22 10:00:43 AM	Res-DI (D)	3077332637 - Todd Bontecou	Part	Bontecou Invest	181	\$12.1270	\$4.8904	\$17.0174
12/22 10:00:55 AM	Res-DI (D)	4102583900 - Mark O'Donnell	Part	MARYLAND	181	\$12.1270	\$4.8904	\$17.0174
12/22 10:00:56 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	181	\$12.1270	\$4.8904	\$17.0174
12/22 10:01:30 AM	Res-DI (D)	3077332637 - Todd Bontecou	Part	Bontecou Invest	163	\$10.9210	\$4.4041	\$15.3251
12/22 10:02:16 AM	Res-DI (D)	3039474453 - Matthew Merrill	Part		179	\$11.9930	\$4.8364	\$16.8294
					1,580	\$105.8600	\$42.6898	\$148.5498

Conference ID: 27857731 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
12/30 11:00:25 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	73	\$4.8910	\$1.9724	\$6.8634
12/30 11:04:14 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	69	\$4.6230	\$1.8644	\$6.4874
12/30 11:05:45 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	68	\$4.5560	\$1.8373	\$6.3933
12/30 11:08:13 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	65	\$4.3550	\$1.7563	\$6.1113
12/30 10:57:00 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	10	\$0.6700	\$0.2702	\$0.9402
12/30 10:59:25 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	74	\$4.9580	\$1.9994	\$6.9574
					359	\$24.0530	\$9.7000	\$33.7530

Call Types: [Res] Reservationless [OA] Operator Attended [PlyBk] Recording Playback [DI] Dial-In [DO] Dial-Out

Call Type Codes: (D) Domestic (T) Toll (C) Canada (I) International (N) Non-Continental US (S) Specially Rated

Exemptions: (μ) USF Exempt

Additional charges apply to events services and features, including but not limited to no-shows, cancellations, event changes, recording setup and hosting. Surcharges may apply for North American toll-free numbers dialed from outside of the continental US. For customers whose service contracts with AT Conference have expired or the initial term of which has lapsed, AT Conference reserves the right to make any pricing adjustment as it deems appropriate or necessary. In addition to its Client Rates for services, AT Conference assesses 1) a Federal Universal Service Fund fee ("FUSF") to recover Federal USF contribution costs, 2) state, local and city taxes paid to governmental entities and 3) an administrative fee to help defray its costs incurred with regulatory requirements and administration of the AT Conference service.

Shelley & Shepard, PLLC - QuickBooks Desktop Pro 2019

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**Critical alert**  
Support has ended for QuickBooks 2019 & Internet Explorer 11. Upgrade QuickBooks now.

Account: **Shelley & Shepard, PLLC - 0-5659**

PRINT AS: NTT Cloud Communications U.S. Inc. DATE: 01/08/2021 \$ 408.32

NO: 14220

ENDING BALANCE: 1,172.31

ADDRESS: NTT Cloud Communications, Attn: Accts Receivable, P.O. Box 347261, Pittsburgh, PA 15251-4261

MEMO: [REDACTED] MW 1218995-1220

EXPENSES: \$408.32 Begs \$0.00

ACCOUNT	AMOUNT	MEMO
Advanced Clien..	22.79	Caektaert: 12/21/20 Conference Call Service (1/2 of JW Cases Cost \$45.59)
Advanced Clien..	22.80	Rowland: 12/22/20 Conference Call Service (1/2 of JW Cases Cost \$45.59)
Advanced Clien..	30.37	[REDACTED]
Advanced Clien..	22.75	[REDACTED]
Advanced Clien..	5.83	[REDACTED]
Advanced Clien..	10.91	[REDACTED]
Advanced Clien..	40.15	Caektaert: 12/17/20 Conference Call Service (1/2 of JW Cases Cost \$80.30)
Advanced Clien..	40.15	Rowland: 12/17/20 Conference Call Service (1/2 of JW Cases Cost \$80.30)
Admin Costs for..	19.93	[REDACTED]
Advanced Clien..	74.28	Caektaert: 12/22/20 Conference Call Service (1/2 of JW Cases Cost \$148.55)

Customer: JOE

BILLABLE?

Caektaert, Tracy

Rowland, Arianne

Caektaert, Tracy

Rowland, Arianne

Caektaert, Tracy

Rowland, Arianne

Save & Close Save & New

400 PM 9/19/22

74.27 Rowland (1/2 JW Cases Cost \$148.55)

Rowland

(403 of 607)

First Name	Ryan	1/2 of bill \$58.75
Last Name	Shaffer	
Payment Method	*****3717	
Expiration Date	May 2023	
Payment Amount	\$117.50	

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 115 of 270

Case Type	Case Number	Case Title	Register Of Action	Pages	Price
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Reply re: memo of points and auth in support of mtn Filed	7	\$6.00
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Memorandum of Points and Authorities in Opposition to Motion to Compel Further Testimony and for San	33	\$19.00
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Motion to Compel Further Answers at Deposition Filed for Plaintiff	60	\$32.50
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Memorandum of Points and Authorities in Opposition Filed	35	\$20.00
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Reply Brief in Support of Motion Of Plaintiff Jane Doe To Compel Production of Documents & For Sancti	5	\$5.00
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Motion to Compel Production of Documents Filed for Plaintiff	49	\$27.00
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Answer to Complaint Filed for The Watchtower Bible and Tract Society of New York, Inc., a Corporatio	4	\$4.00
General Civil	HG11558324	Doe VS The Watchtower Bible and Tract Society of New York, I	Complaint - Other PI/PD/WD Tort Filed	4	\$4.00
<b>Total</b>				<b>197</b>	<b>\$117.50</b>

Thank you,  
Alameda County Superior Court

1/2  
\$ 58.75



Shaffer & Stearns - FLEP - QuickBooks Desktop Pro 2019

Write Checks: Shaffer & Stearns FSB - 0 5650

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BAK5ACCOU... Shaffer & Stearns FSB - 0 5650 ENDING BALANCE **1,172.31**

NO Debit  
DATE 02/11/2021

PAY TO THE ORDER OF Alameda County Superior Court  
117.50

ADDRESS: One hundred seventeen and 50/100\*  
Alameda County Superior Court

MEMO: Documents Ordered (197 pgs) **CLEARED**

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Clien...	58.75	Caekaert, Documents Requested from Alameda County Superior Court (1/2 JW Cases Cost \$117.50)	Caekaert, Tracy	
Advanced Clien...	58.75	Rowland, Documents Requested from Alameda County Superior Court (1/2 JW Cases Cost \$117.50)	Rowland, Ariane	
<b>Expenses</b>	<b>\$117.50</b>	<b>MEMO</b>		

Expenses \$117.50 MEMO \$0.00

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Page 1 of 1 0 words Text Predictions: On

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3-ER 98



(405 of 607)

**BONTECOU INVESTIGATIVE SERVICES, INC.**  
 P. O. Box 2448, 235 E. Broadway  
 Jackson, WY 83001-2448  
 307-733-2637 307-733-2631 - Fax  
 Tax ID # 83-0311569

# Invoice

<b>Date</b>	<b>Invoice No.</b>
02/17/21	5536

<b>Bill To:</b> Ryan Shaffer Meyer, Shaffer & Stepan 430 Ryman Street Missoula, Montana 59802	<b>Case/Description:</b> Caekert Investigation  Investigation Dates: January 2021
---	---

**Authorization**

Date	Description	Quantity	Rate	Amount
01/04/21	Review O'Donell articles/info	1	95.00	95.00
01/08/21	Phcon Barb Anderson	2	95.00	190.00
01/12/21	Rev Barb Anderson material	1	95.00	95.00
01/26/21	Barb Anderson; Jackie Anderson; Gary Ault	1	95.00	95.00
01/29/21	Anderson docs; Reach out to experts and Barb witnesses	1	95.00	95.00

<b>Total</b>	<b>\$570.00</b>
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Due upon receipt. A service charge of 1.5% per month will be applied to all overdue balances.

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 117 of 270

Shaffer & Stegans, PLLC - QuickBooks Desktop Pro 2019

With Checks - Shaffer & Stegans FSB - 0-5650

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BANK ACCOUNT: Shaffer & Stegans FSB - 0-5650

ENDING BALANCE: 1,172.31

NO: 14252

DATE: 02/17/2021

AMOUNT: \$ 1,947.50

PAID TO THE ORDER OF: Bontecou Investigative Services, Inc.

ADDRESS: Bontecou Investigative Services, Jr  
P.O. Box 2448  
235 East Broadway  
Jackson, WY 83001

MEMO: One thousand nine hundred forty seven and 50/100

MEMO: Inv Nos: 5536, 5543

EXPENSES: \$1,947.50

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Clien...	285.00	Caekaert, Bontecou Investigative Service, Inc. (1/2 of JW Cases Cost \$570.00)	Caekaert, Tracy	
Advanced Clien...	1,377.50	[REDACTED]	[REDACTED]	
Advanced Clien...	285.00	Rowland, Bontecou Investigative Service, Inc. (1/2 of JW Cases Cost \$570.00)	Rowland, Ariane	

Expenses: \$1,947.50

CLEARLED

Critical alert: Support has ended for QuickBooks 2019.8. Internal E-Mailer 11/09/2023 10:58:56 AM. ACTION

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4:17 PM 9/19/20



**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1219636-0121

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 support@atconference.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 01/31/2021</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 billing@atconference.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	8	2,273	\$152.29
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
<b>Sub-Total:</b>	<b>8</b>	<b>2,273</b>	<b>\$152.29</b>
		<b>Taxes &amp; Fees:</b>	<b>\$69.07</b>
		<b><sup>1</sup> Current Charges Total:</b>	<b>\$221.36</b>
<i>* Includes charges for: 01/01/2021 - 01/31/2021</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$221.36**

Please remit stub with payment

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1219636-0121
Total Amount Due:	\$221.36
Invoice Date:	01/31/2021
Notes & Payment Options:	
Payment Options:	
<ul style="list-style-type: none"> <li>• Visit <a href="http://payments.arkadin.com">http://payments.arkadin.com</a> to make payment by credit card using your Account Number and invoice number.</li> <li>• Mail remit stub with payment</li> <li>• Wire Transfer Information:</li> </ul>	
[REDACTED]	

REMIT TO:

**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

Account Num: [REDACTED]  
 Invoice Num: 1219636-0121

Page 2 of 4

Total Amt Due: \$221.36  
 Invoice Date: 01/31/2021

**TAXES AND FEES SUMMARY**

<u>Tax Name</u>	<u>Jurisdiction</u>	<u>Total Tax</u>
Regulatory Recovery Surcharge (.32%)	USA	\$0.5229
Universal Service Fund (31.80%)	USA	\$51.8091
Administrative Fee (6.98%)	Other	\$10.6300
State Montana Excise Tax (3.75%)	MT	\$6.1097
		<b>\$69.0717</b>

**BILLING CODE SUMMARY**

<u>Billing Code</u>	<u># Confs</u>	<u>Mins</u>	<u>Call Cost</u>	<u>Misc Charges</u>	<u>Taxes &amp; Fees</u>	<u>Total Charge</u>
[***Unassigned***]						
Ryan Shaffer	8	2,273	\$152.2910	\$0.0000	\$69.0717	\$221.3627
	8	2,273	\$152.2910	\$0.0000	\$69.0717	\$221.3627

**CONFERENCE LISTING**

User: Ryan Shaffer      Confirmation #: 951082409      Time Zone: Mountain Time

<u>Start Time</u>	<u>Conf ID</u>	<u>Type</u>	<u>Legs</u>	<u>Billing Code</u>	<u>Mins</u>	<u>Charge</u>	<u>Tax/Fees</u>	<u>Total</u>
01/05 10:57 AM	27859407	Reservationless	1		1	\$0.0670	\$0.0304	\$0.0974
01/05 10:57 AM	27859595	Reservationless	5		756	\$50.6520	\$22.9732	\$73.6252
01/06 8:59 AM	27860022	Reservationless	6		350	\$23.4500	\$10.6358	\$34.0858
01/15 10:59 AM	27865571	Reservationless	5		314	\$21.0380	\$9.5417	\$30.5797
01/15 1:30 PM	27865705	Reservationless	6		231	\$15.4770	\$7.0195	\$22.4965
01/20 11:15 AM	27882737	Reservationless	3		256	\$17.1520	\$7.7793	\$24.9313
01/20 4:58 PM	27882943	Reservationless	5		255	\$17.0850	\$7.7489	\$24.8339
01/27 3:00 PM	27895126	Reservationless	4		110	\$7.3700	\$3.3429	\$10.7129
				<b>Ryan Shaffer Sub-total:</b>	<b>2,273</b>	<b>\$152.2910</b>	<b>\$69.0717</b>	<b>\$221.3627</b>
				<b>Grand Total:</b>	<b>2,273</b>	<b>\$152.2910</b>	<b>\$69.0717</b>	<b>\$221.3627</b>

(408 of 607)

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 120 of 270

Account Num: [REDACTED]  
 Invoice Num: 1219636-0121

Total Amt Due: \$221.36  
 Invoice Date: 01/31/2021

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID:	27859407	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/05 10:57:06 AM	Res-DI (D)	3039474453 - Matthew Merrill	Part		1	\$0.0670	\$0.0304	\$0.0974
					1	\$0.0670	\$0.0304	\$0.0974
Conference ID:	27859595	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/05 11:00:24 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	162	\$10.8540	\$4.9228	\$15.7768
01/05 11:01:17 AM	Res-DI (D)	9314556910 - Barbara Anderson	Part	ANDERSON A	146	\$9.7820	\$4.4366	\$14.2186
01/05 10:57:37 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Part	SEATTLE ,WA	150	\$10.0500	\$4.5582	\$14.6082
01/05 10:57:52 AM	Res-DI (D)	3039474453 - Matthew Merrill	Chair		150	\$10.0500	\$4.5582	\$14.6082
01/05 10:58:39 AM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair	RYAN SHAFFER	148	\$9.9160	\$4.4974	\$14.4134
					756	\$50.6520	\$22.9732	\$73.6252
Conference ID:	27860022	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/06 8:59:16 AM	Res-DI (D)	4062075423 - Ryan Shaffer	Part	RYAN SHAFFER	71	\$4.7570	\$2.1574	\$6.9144
01/06 8:59:58 AM	Res-DI (D)	9706299195 - Rob Stepan	Part	ROBERT STEPANS	69	\$4.6230	\$2.0968	\$6.7198
01/06 9:00:14 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	70	\$4.6900	\$2.1272	\$6.8172
01/06 9:00:23 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Part	SEATTLE ,WA	1	\$0.0670	\$0.0304	\$0.0974
01/06 9:00:56 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Chair	SEATTLE ,WA	70	\$4.6900	\$2.1272	\$6.8172
01/06 9:01:21 AM	Res-DI (D)	3039474453 - Matthew Merrill	Part		69	\$4.6230	\$2.0968	\$6.7198
					350	\$23.4500	\$10.6358	\$34.0858
Conference ID:	27865571	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/15 11:00:44 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	62	\$4.1540	\$1.8840	\$6.0380
01/15 11:00:58 AM	Res-DI (D)	9706299195 - Rob Stepan	Part	ROBERT STEPANS	62	\$4.1540	\$1.8840	\$6.0380
01/15 11:01:44 AM	Res-DI (D)	4062075423 - Ryan Shaffer	Part	RYAN SHAFFER	61	\$4.0870	\$1.8537	\$5.9407
01/15 10:59:12 AM	Res-DI (D)	4062036865 - Patti Gruwell	Part	MISSOULA ,MT	66	\$4.4220	\$2.0056	\$6.4276
01/15 10:59:34 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Chair	SEATTLE ,WA	63	\$4.2210	\$1.9144	\$6.1354
					314	\$21.0380	\$9.5417	\$30.5797
Conference ID:	27865705	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/15 1:29:52 PM	Res-DI (D)	4062075423	Part	RYAN SHAFFER	2	\$0.1340	\$0.0609	\$0.1949
01/15 1:30:28 PM	Res-DI (D)	2065524230	Chair	SEATTLE ,WA	47	\$3.1490	\$1.4282	\$4.5772
01/15 1:30:31 PM	Res-DI (D)	3039474453	Part		47	\$3.1490	\$1.4282	\$4.5772
01/15 1:30:37 PM	Res-DI (D)	4064595602	Part	MONTANA	47	\$3.1490	\$1.4282	\$4.5772
01/15 1:30:51 PM	Res-DI (D)	4062075423	Part	RYAN SHAFFER	47	\$3.1490	\$1.4282	\$4.5772
01/15 1:36:24 PM	Res-DI (D)	9706299195	Part	ROBERT STEPANS	41	\$2.7470	\$1.2458	\$3.9928
					231	\$15.4770	\$7.0195	\$22.4965
Conference ID:	27882737	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/20 11:15:18 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	86	\$5.7620	\$2.6134	\$8.3754
01/20 11:15:27 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	86	\$5.7620	\$2.6134	\$8.3754
01/20 11:17:58 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	84	\$5.6280	\$2.5525	\$8.1805
					256	\$17.1520	\$7.7793	\$24.9313
Conference ID:	27882943	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/20 4:58:00 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	4	\$0.2680	\$0.1216	\$0.3896
01/20 4:59:50 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	64	\$4.2880	\$1.9448	\$6.2328
01/20 4:59:50 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	64	\$4.2880	\$1.9448	\$6.2328
01/20 5:01:25 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	62	\$4.1540	\$1.8840	\$6.0380
01/20 5:02:19 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	61	\$4.0870	\$1.8537	\$5.9407
					255	\$17.0850	\$7.7489	\$24.8339
Conference ID:	27895126	Conference Billing Codes:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
01/27 3:00:30 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	37	\$2.4790	\$1.1243	\$3.6033
01/27 3:01:05 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	36	\$2.4120	\$1.0941	\$3.5061
01/27 3:01:10 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	1	\$0.0670	\$0.0304	\$0.0974
01/27 3:01:28 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	36	\$2.4120	\$1.0941	\$3.5061
					110	\$7.3700	\$3.3429	\$10.7129

Call Types: [Res] Reservationless [OA] Operator Attended [PlyBk] Recording Playback [DI] Dial-In [DO] Dial-Out  
 Call Type Codes: (D) Domestic (T) Toll (C) Canada (I) International (N) Non-Continental US (S) Specially Rated  
 Exemptions: (u) USF Exempt



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BANK ACCOUNT: **Shafter & Stepan's FSB - 0-5650** ENDING BALANCE: **1,172.31**

PRINT AS: NTT Cloud Communications U.S. Inc. DATE: 02/18/2021

PAY TO THE ORDER OF: AT Conference/NTT Cloud Communications \$ 221.36

Two hundred twenty-one and 36/100.....DOLLARS

ADDRESS: **NTT Cloud Communications  
Attn: Accts Receivable  
P.O. Box 347261  
Pittsburgh, PA 15251-4261**

MEMO: [REDACTED] INV 1219636-0121

**CLEARED**

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client	36.82	Caekaert 1/15/21 Conference Call Service (1/2 of JW Cases Cost \$73.64)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client	36.82	Rowland 1/15/21 Conference Call Service (1/2 of JW Cases Cost \$73.64)	Rowland, Ariane	<input checked="" type="checkbox"/>
Advanced Client	17.05	Caekaert 1/18/21 Conference Call Service (1/2 of JW Cases Cost \$34.09)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client	17.05	Rowland 1/18/21 Conference Call Service (1/2 of JW Cases Cost \$34.09)	Rowland, Ariane	<input checked="" type="checkbox"/>
Telephone Expe.	30.63	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>
Advanced Client	11.25	Caekaert 1/15/21 Conference Call Service (1/2 of JW Cases Cost \$22.50)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client	11.25	Rowland 1/15/21 Conference Call Service (1/2 of JW Cases Cost \$22.50)	Rowland, Ariane	<input checked="" type="checkbox"/>
Advanced Client	12.47	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>
Advanced Client	12.47	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>
Advanced Client	12.42	[REDACTED]	Caekaert, Tracy	<input checked="" type="checkbox"/>
<b>Expenses</b>	<b>\$221.36</b>	<b>Items</b>		
		<b>Items</b>		
		<b>\$0.00</b>		

Save & Close Save & New Revert

4:22 PM 9/19/20



**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1219940-0221

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 support@atconference.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 02/28/2021</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 billing@atconference.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	9	2,082	\$139.49
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
Sub-Total:	<b>9</b>	<b>2,082</b>	<b>\$139.49</b>
		Taxes & Fees:	\$63.27
		<b><sup>1</sup> Current Charges Total:</b>	<b>\$202.76</b>
<i><sup>1</sup> Includes charges for: 02/01/2021 - 02/28/2021</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$202.76**

Please remit stub with payment

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1219940-0221
Total Amount Due:	\$202.76
Invoice Date:	02/28/2021
Notes & Payment Options:	
Payment Options:	
<ul style="list-style-type: none"> <li>• Visit <a href="http://payments.arkadin.com">http://payments.arkadin.com</a> to make payment by credit card using your Account Number and invoice number.</li> <li>• Mail remit stub with payment</li> <li>• Wire Transfer Information:</li> </ul>	
[REDACTED]	

REMIT TO:

**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 123 of 270 (411 of 607)



Account Num: [REDACTED]  
 Invoice Num: 1219940-0221

Page 2 of 4

Total Amt Due: \$202.76  
 Invoice Date: 02/28/2021

**TAXES AND FEES SUMMARY**

<u>Tax Name</u>	<u>Jurisdiction</u>	<u>Total Tax</u>
Regulatory Recovery Surcharge (.32%)	USA	\$0.4792
Universal Service Fund (31.80%)	USA	\$47.4554
Administrative Fee (6.98%)	Other	\$9.7371
State Montana Excise Tax (3.75%)	MT	\$5.5964
		<u>\$63.2681</u>

**BILLING CODE SUMMARY**

<u>Billing Code</u>	<u># Confs</u>	<u>Mins</u>	<u>Call Cost</u>	<u>Misc Charges</u>	<u>Taxes &amp; Fees</u>	<u>Total Charge</u>
[***Unassigned***] Ryan Shaffer	9	2,082	\$139.4940	\$0.0000	\$63.2681	\$202.7621
	<u>9</u>	<u>2,082</u>	<u>\$139.4940</u>	<u>\$0.0000</u>	<u>\$63.2681</u>	<u>\$202.7621</u>

**CONFERENCE LISTING**

User: Ryan Shaffer		Confirmation #:	951082409	Time Zone:	Mountain Time			
<u>Start Time</u>	<u>Conf ID</u>	<u>Type</u>	<u>Legs</u>	<u>Billing Code</u>	<u>Mins</u>	<u>Charge</u>	<u>Tax/Fees</u>	<u>Total</u>
02/04 10:57 AM	27898750	Reservationless	5		214	\$14.3380	\$6.5031	\$20.8411
02/10 9:59 AM	27901390	Reservationless	4		165	\$11.0550	\$5.0142	\$16.0692
02/11 10:59 AM	27902070	Reservationless	5		288	\$19.2960	\$8.7517	\$28.0477
02/11 4:25 PM	27902287	Reservationless	1		12	\$0.8040	\$0.3647	\$1.1687
02/11 5:23 PM	27902301	Reservationless	16		627	\$42.0090	\$19.0534	\$61.0624
02/16 11:28 AM	27903587	Reservationless	5		82	\$5.4940	\$2.4917	\$7.9857
02/17 11:00 AM	27904228	Reservationless	4		77	\$5.1590	\$2.3401	\$7.4991
02/24 9:58 AM	27908497	Reservationless	4		161	\$10.7870	\$4.8923	\$15.6793
02/24 1:59 PM	27908846	Reservationless	4		456	\$30.5520	\$13.8569	\$44.4089
				<b>Ryan Shaffer Sub-total:</b>	<u>2,082</u>	<u>\$139.4940</u>	<u>\$63.2681</u>	<u>\$202.7621</u>
				<b>Grand Total:</b>	<u>2,082</u>	<u>\$139.4940</u>	<u>\$63.2681</u>	<u>\$202.7621</u>

(412 of 607)

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 124 of 270

Account Num: [REDACTED]  
 Invoice Num: 1219940-0221

Total Amt Due: \$202.76  
 Invoice Date: 02/28/2021

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID: 27898750 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/04 11:01:22 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	45	\$3.0150	\$1.3675	\$4.3825
02/04 11:20:30 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	26	\$1.7420	\$0.7901	\$2.5321
02/04 10:57:45 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	49	\$3.2830	\$1.4891	\$4.7721
02/04 10:59:37 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	47	\$3.1490	\$1.4282	\$4.5772
02/04 10:59:37 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	47	\$3.1490	\$1.4282	\$4.5772
					214	\$14.3380	\$6.5031	\$20.8411

Conference ID: 27901390 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/10 9:59:41 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	44	\$2.9480	\$1.3371	\$4.2851
02/10 10:00:48 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	43	\$2.8810	\$1.3067	\$4.1877
02/10 10:01:07 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	42	\$2.8140	\$1.2763	\$4.0903
02/10 10:07:13 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	36	\$2.4120	\$1.0941	\$3.5061
					165	\$11.0550	\$5.0142	\$16.0692

Conference ID: 27902070 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/11 11:00:30 AM	Res-DI (D)	2065524230 - Jessica Yuhas	Part	SEATTLE ,WA	57	\$3.8190	\$1.7321	\$5.5511
02/11 11:01:10 AM	Res-DI (D)	3039474453 - Matthew Merrill	Part		57	\$3.8190	\$1.7321	\$5.5511
02/11 11:02:07 AM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	56	\$3.7520	\$1.7017	\$5.4537
02/11 10:59:47 AM	Res-DI (D)	9706299195 - Rob Stepans	Part	ROBERT STEPANS	59	\$3.9530	\$1.7929	\$5.7459
02/11 10:59:57 AM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair	RYAN SHAFFER	59	\$3.9530	\$1.7929	\$5.7459
					288	\$19.2960	\$8.7517	\$28.0477

Conference ID: 27902287 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/11 4:24:59 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	12	\$0.8040	\$0.3647	\$1.1687
					12	\$0.8040	\$0.3647	\$1.1687

Conference ID: 27902301 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/11 5:22:39 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	14	\$0.9380	\$0.4254	\$1.3634
02/11 5:24:08 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	57	\$3.8190	\$1.7321	\$5.5511
02/11 5:25:10 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	56	\$3.7520	\$1.7017	\$5.4537
02/11 5:28:11 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	53	\$3.5510	\$1.6106	\$5.1616
02/11 5:28:23 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	53	\$3.5510	\$1.6106	\$5.1616
02/11 5:28:59 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	52	\$3.4840	\$1.5802	\$5.0642
02/11 5:29:01 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	52	\$3.4840	\$1.5802	\$5.0642
02/11 5:29:03 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	51	\$3.4170	\$1.5498	\$4.9668
02/11 5:29:05 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	7	\$0.4690	\$0.2127	\$0.6817
02/11 5:30:49 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	50	\$3.3500	\$1.5194	\$4.8694
02/11 5:30:57 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	51	\$3.4170	\$1.5498	\$4.9668
02/11 5:35:49 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	45	\$3.0150	\$1.3675	\$4.3825
02/11 5:36:37 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	3	\$0.2010	\$0.0912	\$0.2922
02/11 5:38:46 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	2	\$0.1340	\$0.0609	\$0.1949
02/11 5:39:46 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	41	\$2.7470	\$1.2458	\$3.9928
02/11 5:40:25 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	40	\$2.6800	\$1.2155	\$3.8955
					627	\$42.0090	\$19.0534	\$61.0624

Conference ID: 27903587 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/16 11:28:48 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	24	\$1.6080	\$0.7292	\$2.3372
02/16 11:30:34 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	2	\$0.1340	\$0.0609	\$0.1949
02/16 11:31:14 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	21	\$1.4070	\$0.6381	\$2.0451
02/16 11:31:24 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	21	\$1.4070	\$0.6381	\$2.0451
02/16 11:38:38 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	14	\$0.9380	\$0.4254	\$1.3634
					82	\$5.4940	\$2.4917	\$7.9857

Conference ID: 27904228 Conference Billing Code: N/A

Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
02/17 11:00:12 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	33	\$2.2110	\$1.0028	\$3.2138
02/17 11:05:51 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	2	\$0.1340	\$0.0609	\$0.1949
02/17 11:10:50 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	23	\$1.5410	\$0.6989	\$2.2399
02/17 11:14:42 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	19	\$1.2730	\$0.5775	\$1.8505
					77	\$5.1590	\$2.3401	\$7.4991

Shaffer & Stepians, PLLC - QuickBooks Desktop Pro 2019

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ACCOUNT: [REDACTED] AMOUNT: \$202.76 MEMO: [REDACTED]

EXPENSES: [REDACTED] LEGS: [REDACTED] \$0.00

ACCOUNT: Telephone Expe... 20.83  
 Telephone Expe... 16.07  
 Advanced Clien... 14.02  
 Advanced Clien... 14.03  
 Advanced Clien... 62.23  
 Admin Costs for... 7.99  
 Advanced Clien... 7.50  
 Advanced Clien... 15.68  
 Advanced Clien... 22.20  
 Advanced Clien... 22.21

MEMO: Two hundred two and 76/100\*  
 PAY TO THE ORDER OF: AT Conference/NTT Cloud Communications  
 ADDRESS: NTT Cloud Communications, Attn: Accts Receivable, P.O. Box 347261, Pittsburgh, PA 15251-4261  
 HOID: 14271  
 DATE: 03/03/2021  
 ENDING BALANCE: 1,172.31

ENDING BALANCE: 1,172.31

CUSTOMER JOB: [REDACTED] BILLABLE?

Caeklaert, Tracy  
 Rowland, Anane  
 Caeklaert, Tracy  
 Rowland, Anane

Save & Close Save & New Revert

Page 1 of 1 0 words Text Predictions: On

Type here to search

4:27 PM 9/19/20



**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Account Number [REDACTED] Invoice Number 1220243-0321

**General Support**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 inquiries@arkadin.com

ACCOUNT SUMMARY	
Balance Forward	\$0.00
<b>*Total Balance Forward:</b>	<b>\$0.00</b>
<i>* Includes all transactions through: 03/31/2021</i>	

**Billing Inquiries**  
 Web form & online chat:  
 arkadin.com/client-support  
  
 e-mail:  
 inquiries@arkadin.com

CURRENT CHARGES SUMMARY			
	Conferences	Minutes	Charge
Reservationless Conferencing	5	720	\$48.24
Operator Assisted Conferencing	0	0	\$0.00
Web Conferencing	0	0	\$0.00
Video Conferencing	0	0	\$0.00
Miscellaneous Charges			\$0.00
<b>Sub-Total:</b>	<b>5</b>	<b>720</b>	<b>\$48.24</b>
		<b>Taxes &amp; Fees:</b>	<b>\$21.88</b>
<b><sup>1</sup> Current Charges Total:</b>			<b>\$70.12</b>
<i>* Includes charges for: 03/01/2021 - 03/31/2021</i>			

Tax ID: 20-0565800

**Please Pay This Amount: \$70.12**

Please remit stub with payment

**ATTN: Patti Gruwell**  
**Meyer, Shaffer, & Stepan PLLP**  
**305 South Fourth Street E**  
**Suite 101**  
**Missoula MT 59801**

Amount Enclosed:	[REDACTED]
Please make checks payable to: NTT CLOUD COMMUNICATIONS U.S. INC.	
Account Number:	[REDACTED]
Invoice Number:	1220243-0321
Total Amount Due:	\$70.12
Invoice Date:	03/31/2021

REMIT TO:

**NTT CLOUD COMMUNICATIONS U.S. INC.**  
**ATTN: Accounts Receivable**  
**PO Box 347261**  
**Pittsburgh PA 15251-4261**

**Notes & Payment Options:**  
**Payment Options:**  
 • Visit <http://payments.arkadin.com> to make payment by credit card using your Account Number and invoice number.  
 • Mail remit stub with payment  
 • Wire Transfer Information:  
 [REDACTED]

Account Num: XXXXXXXXXX  
 Invoice Num: 1220243-0321

Page 2 of 3

Total Amt Due: \$70.12  
 Invoice Date: 03/31/2021

**TAXES AND FEES SUMMARY**

<u>Tax Name</u>	<u>Jurisdiction</u>	<u>Total Tax</u>
Regulatory Recovery Surcharge (.32%)	USA	\$0.1659
Universal Service Fund (31.80%)	USA	\$16.4110
Administrative Fee (6.98%)	Other	\$3.3672
State Montana Excise Tax (3.75%)	MT	\$1.9354
		<u>\$21.8795</u>

**BILLING CODE SUMMARY**

<u>Billing Code</u>	<u># Confs</u>	<u>Mins</u>	<u>Call Cost</u>	<u>Misc Charges</u>	<u>Taxes &amp; Fees</u>	<u>Total Charge</u>
[***Unassigned***]						
Ryan Shaffer	5	720	\$48.2400	\$0.0000	\$21.8795	\$70.1195
	<u>5</u>	<u>720</u>	<u>\$48.2400</u>	<u>\$0.0000</u>	<u>\$21.8795</u>	<u>\$70.1195</u>

**CONFERENCE LISTING**

User: Ryan Shaffer      Confirmation #: 951082409      Time Zone: Mountain Time

<u>Start Time</u>	<u>Conf ID</u>	<u>Type</u>	<u>Legs</u>	<u>Billing Code</u>	<u>Mins</u>	<u>Charge</u>	<u>Tax/Fees</u>	<u>Total</u>
03/03 10:55 AM	27925905	Reservationless	5		221	\$14.8070	\$6.7158	\$21.5228
03/03 1:27 PM	27926045	Reservationless	2		61	\$4.0870	\$1.8537	\$5.9407
03/04 6:26 PM	27926775	Reservationless	4		92	\$6.1640	\$2.7956	\$8.9596
03/09 11:03 AM	27929867	Reservationless	4		79	\$5.2930	\$2.4010	\$7.6940
03/23 4:00 PM	27944022	Reservationless	4		267	\$17.8890	\$8.1134	\$26.0024
				<b>Ryan Shaffer Sub-total:</b>	<u>720</u>	<u>\$48.2400</u>	<u>\$21.8795</u>	<u>\$70.1195</u>
				<b>Grand Total:</b>	<u>720</u>	<u>\$48.2400</u>	<u>\$21.8795</u>	<u>\$70.1195</u>

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 128 of 270



Account Num: [REDACTED]  
 Invoice Num: 1220243-0321

Total Amt Due: \$70.12  
 Invoice Date: 03/31/2021

CALL DETAIL

User: Ryan Shaffer Confirmation #: 951082409 Time Zone: Mountain Time

Conference ID:	27925905	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
03/03 11:00:06 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	43	\$2.8810	\$1.3067	\$4.1877
03/03 11:00:30 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	43	\$2.8810	\$1.3067	\$4.1877
03/03 11:01:41 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	42	\$2.8140	\$1.2763	\$4.0903
03/03 10:55:42 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	48	\$3.2160	\$1.4586	\$4.6746
03/03 10:58:09 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	45	\$3.0150	\$1.3675	\$4.3825
					221	\$14.8070	\$6.7158	\$21.5228
Conference ID:	27926045	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
03/03 1:26:47 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	32	\$2.1440	\$0.9725	\$3.1165
03/03 1:29:57 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	29	\$1.9430	\$0.8812	\$2.8242
					61	\$4.0870	\$1.8537	\$5.9407
Conference ID:	27926775	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
03/04 6:26:19 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	25	\$1.6750	\$0.7597	\$2.4347
03/04 6:27:04 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	24	\$1.6080	\$0.7292	\$2.3372
03/04 6:28:27 PM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	23	\$1.5410	\$0.6989	\$2.2399
03/04 6:31:10 PM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	20	\$1.3400	\$0.6078	\$1.9478
					92	\$6.1640	\$2.7956	\$8.9596
Conference ID:	27929867	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
03/09 11:03:42 AM	Res-DI (D)	[REDACTED]	Chair	[REDACTED]	22	\$1.4740	\$0.6685	\$2.1425
03/09 11:06:21 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	19	\$1.2730	\$0.5775	\$1.8505
03/09 11:06:30 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	19	\$1.2730	\$0.5775	\$1.8505
03/09 11:06:43 AM	Res-DI (D)	[REDACTED]	Part	[REDACTED]	19	\$1.2730	\$0.5775	\$1.8505
					79	\$5.2930	\$2.4010	\$7.6940
Conference ID:	27944022	Conference Billing Code:	N/A					
Call Start	Type	Caller	User	Billing Code / Caller Name	Mins	Charge	Taxes/Fees	Total
03/23 4:00:01 PM	Res-DI (D)	9706299195 - Rob Stepan	Part	ROBERT STEPANS	68	\$4.5560	\$2.0663	\$6.6223
03/23 4:01:07 PM	Res-DI (D)	4064595602 - James Murnion	Part	MONTANA	67	\$4.4890	\$2.0359	\$6.5249
03/23 4:01:42 PM	Res-DI (D)	3039474453 - Matthew Merrill	Part		67	\$4.4890	\$2.0359	\$6.5249
03/23 4:03:19 PM	Res-DI (D)	4062075423 - Ryan Shaffer	Chair	RYAN SHAFFER	65	\$4.3550	\$1.9753	\$6.3303
					267	\$17.8890	\$8.1134	\$26.0024

Call Types: [Res] Reservationless [OA] Operator Attended [PlyBk] Recording Playback [DI] Dial-In [DO] Dial-Out

Call Type Codes: (D) Domestic (I) Toll (C) Canada (I) International (N) Non-Continental US (S) Specially Rated

Exemptions: (μ) USF Exempt

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**N O R T H E R N**  
H O T E L

Reservation Number 269664

**Send to** Mr. Ryan Shaffer  
430 Ryman St.  
Missoula, MT 59802

**Phone** 406-543-6929

**Guest Name** Mr. Ryan Shaffer      **Arrival Date** 4/22/21      **Departure Date** 4/23/21

**Room Information** 0415 - Classic King Room

**Bill To**

**Phone**

Folio Number 283545

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
4/22/21	TEN Room Charge	5586-5478	59.28
4/22/21	Your Suite Spring Stay	nh -0415	143.65
4/22/21	Guest Room Tax	nh -0415	11.49
4/22/21	Billings \$2.00 Tourism Fee	nh -0415	2.00
<b>Total Charges</b>			<b>216.42</b>
<b>Payments</b>			
4/23/21	Visa	#####3717 475806415 0000218608	-216.42
<b>Total Payments</b>			<b>-216.42</b>
<b>Balance Due:</b>			<b>0.00</b>

1/2  
108.21

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



Shaffer & Stearns - PLLP - QuickBooks Desktop Pro 2019

Write Checks - Shaffer & Stearns FSB - O-5650

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BANK ACCOUNT: Shaffer & Stearns FSB - O-5650

ENDING BALANCE: 1,172.31

NO. Debit  
DATE 04/22/2021  
\$ 216.42

PAY TO THE ORDER OF: Northern Hotel

ADDRESS: Northern Hotel, 19 N. Broadway, Billings, MT 59101

MEMO: JW Cases: Ryan's Room, J Rowland Depo.

✓ CLEARED

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client	108.21	Caekaert Ryan's Hotel for 4/23/21 Depo. of J Rowland in Billings (1/2 of JW Cases Cost \$216.42)	Caekaert, Tracy	
Advanced Client	108.21	Rowland Ryan's Hotel for 4/23/21 Depo. of J Rowland in Billings (1/2 of JW Cases Cost \$216.42)	Rowland, Atrane	

Expenses \$216.42 Bills \$0.00

**N O R T H E R N**  
H O T E L

Reservation Number 269666

**Send to** Ms. Katy Gannon  
430 Ryman Street  
Missoula, MT 59802

**Phone** 406-543-6929

**Guest Name** Ms. Katy Gannon      **Arrival Date** 4/22/21      **Departure Date** 4/23/21

**Room Information** 0407 - Classic King Room

**Bill To**

**Phone**

Folio Number 283547

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
4/22/21	TEN Room Charge	5598-5489	48.66
4/22/21	Your Suite Spring Stay	nh -0407	143.65
4/22/21	Guest Room Tax	nh -0407	11.49
4/22/21	Billings \$2.00 Tourism Fee	nh 0407	2.00
<b>Total Charges</b>			<b>205.80</b>
<b>Payments</b>			
4/23/21	Visa	#####3717 476138407 0000218609	-205.80
<b>Total Payments</b>			<b>-205.80</b>
<b>Balance Due:</b>			<b>0.00</b>

1/2  
102.90

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 133 of 270

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Shaffer & Stearns FSB - 0-5650

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3-ER-16

Shaffer & Stearns FSB - 0-5650

ENDRIS BALANCE 1,172.31

NO. Debit  
DATE 04/22/2021

PAY TO THE ORDER OF Northern Hotel

ADDRESS  
Northern Hotel  
19 N. Broadway  
Billings, MT 59101

MEMO JW Cases: Katy's Hotel in Billings for Depo. of J. Rowland

EXPENSES \$206.80 MEMO \$0.00

ACCOUNT	AMOUNT	MEMO
Advanced Clien..	102.90	Caekaert Katy's Hotel for 4/23/21 Depo. of J. Rowland in Billings (1/2 of JW Cases Cost \$206.80)
Advanced Clien..	102.90	Rowland Katy's Hotel for 4/23/21 Depo. of J. Rowland in Billings (1/2 of JW Cases Cost \$206.80)

CUSTOMER JOB: Caekaert, Tracy  
BILLABLE?: Rowland, Ariane

(423 of 607)



**HAMPTON INN & SUITES BILLINGS WEST I-90**  
 3550 EMBER LANE  
 BILLINGS, MT 59102  
 United States of America  
 TELEPHONE 406-656-7511 • FAX 406-656-7513  
 Reservations  
 www.hilton.com or 1 800 HILTONS

ROWLAND, JAMES  
 442 W SPRUCE ST  
 MISSOULA MT 59802  
 UNITED STATES OF AMERICA

Room No: 232/SXQL  
 Arrival Date: 4/22/2021 1:41:00 PM  
 Departure Date: 4/24/2021 11:03:00 AM  
 Adult/Child: 1/0  
 Cashier ID: STCA  
 Room Rate: 139.00  
 AL:  
 HH #  
 VAT #  
 Folio No/Che 282218 B

Confirmation Number: 83691388

HAMPTON INN & SUITES BILLINGS WEST I-90 4/27/2021 3:18:00 PM

DATE	REF NO	DESCRIPTION	CHARGES
4/23/2021	738471	GUEST ROOM	\$139.00
4/23/2021	738471	RM LODGING TAX	\$11.12
4/23/2021	738471	TBID	\$2.00
4/24/2021	738584	VS *3717	(\$152.12)
**BALANCE**			\$0.00

EXPENSE REPORT SUMMARY

	4/22/2021	STAY TOTAL
ROOM AND TAX	\$152.12	\$152.12
DAILY TOTAL	\$152.12	\$152.12

1/2  
 76.06

CREDIT CARD DETAIL

APPR CODE	596981	MERCHANT ID	8013916468
CARD NUMBER	VS *3717	EXP DATE	05/23
TRANSACTION ID	738584	TRANS TYPE	Sale

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 135 of 270



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Write Checks - Shaffer & Steppans FSB - 0-5650

Bank Account: Shaffer & Steppans FSB - 0-5650

ENDING BALANCE: 1,172.31

NO DEBIT DATE: 04/23/2021

DATE: \$ 152.12 DOLLARS

PAY TO THE ORDER OF: Hampton Inn

ADDRESS: Hampton Inn, Williston, ND

MEMO: JW Cases: Hotel for J Rowlands Depo

CLEARED

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB
Advanced Client...	76.06	Caekaert, J. Rowlands's Hotel for His 4/23/21 Depo. in Billings (1/2 of JW Cases Cost \$152.12)	Caekaert, Tracy
Advanced Client...	76.06	Rowland, J. Rowlands's Hotel for His 4/23/21 Depo. in Billings (1/2 of JW Cases Cost \$152.12)	Rowland, Ariane
<b>Expenses</b>	<b>\$152.12</b>	<b>legals</b>	<b>\$0.00</b>

Save & Close Save &

(425 of 607)



**HAMPTON INN & SUITES BILLINGS WEST I-90**  
 3550 EMBER LANE  
 BILLINGS, MT 59102  
 United States of America  
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SCHULZE, JAMIE  
  
 PO BOX 653  
  
 TAOS SKI VALLEY NM 87525  
 UNITED STATES OF AMERICA

Room No: 323/SXQL  
 Arrival Date: 4/23/2021 9:10:00 AM  
 Departure Date: 4/24/2021 12:10:00 PM  
 Adult/Child: 1/0  
 Cashier ID: STCA  
 Room Rate: 143.10  
 AL:  
 HH # 1345167454 BLUE  
 VAT #  
 Folio No/Che 283334 B

Confirmation Number: 87121214

HAMPTON INN & SUITES BILLINGS WEST I-90 4/27/2021 3:16:00 PM

DATE	REF NO	DESCRIPTION	CHARGES
4/23/2021	738495	GUEST ROOM	\$143.10
4/23/2021	738495	RM LODGING TAX	\$11.45
4/23/2021	738495	TBID	\$2.00
4/24/2021	738609	VS *3717	(\$156.55)
**BALANCE**			\$0.00

EXPENSE REPORT SUMMARY

	4/23/2021	STAY TOTAL
ROOM AND TAX	\$156.55	\$156.55
DAILY TOTAL	\$156.55	\$156.55

1/2  
 78.28

CREDIT CARD DETAIL

APPR CODE	587428	MERCHANT ID	8013916468
CARD NUMBER	VS *3717	EXP DATE	05/23
TRANSACTION ID	738609	TRANS TYPE	Sale

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 137 of 270



Shafter & Stepan's, PLLP QuickBooks Desktop Pro 2019

Shafter & Stepan's FSB 0-5050

Write Checks Shafter & Stepan's FSB 0-5050

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BANK ACCOUNT: Shafter & Stepan's FSB - 0-5050

ENDING BALANCE: 1,172.31

NO. DATE DEBIT  
04/23/2021 \$ 156.55

PAY TO THE ORDER OF: Hampton Inn

ADDRESS: Hampton Inn, Wilsion, ND

MEMO: JW Cases: J. Schutze Hotel for J. Rowland Depo.

✓ CLEARED

Expenses \$156.55 Items \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER/JOB	BILLABLE?
Advanced Clien...	78.28	Caekaert, J. Schutze's Hotel for the 4/23/21 Depo. of J. Rowland in Billings (1/2 of JW Cases Cost \$156.55)	Caekaert, Tracy	
Advanced Clien...	78.27	Rowland, J. Schutze's Hotel for the 4/23/21 Depo. of J. Rowland in Billings (1/2 of JW Cases Cost \$156.55)	Rowland, Arlene	

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Shaffer & Stearns - FLEET - QuickBooks Desktop Pro 2019

Shaffer & Stearns FSB - 044850

Write Checks - Shaffer & Stearns FSB - 044850

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BANK ACCOUNT Shaffer & Stearns FSB - 044850 ENDING BALANCE 1,172,231

PRINT AS Ryan Shaffer NO. 14308 DATE 04/28/2021

PAY TO THE ORDER OF Ryan R Shaffer 5 392 16

Three hundred ninety-two and 16/100..... DOLLARS

ADDRESS Ryan Shaffer

CLEARED

MEMO Travel W/ Billings & Parking for Depo of Rowland

EXPENSES	AMOUNT	MEMO	CUSTOMERJOB	BILLABLE?
Advanced Chen...	192.08	Caekaert, Ryan's Mileage to/from Billings (686 x .56) for 4/23/21 Depo. of J Rowland (1/2 of JW Cases Cost \$384.16)	Caekaert, Tracy	
Advanced Chen...	192.08	Rowland, Ryan's Mileage to/from Billings (686 x .56) for 4/23/21 Depo. of J Rowland (1/2 of JW Cases Cost \$384.16)	Rowland, Ariane	
Advanced Chen...	4.00	Caekaert, Ryan's Parking in Billings for 4/23/21 Depo. of J Rowland (1/2 of JW Cases Cost \$8.00)	Caekaert, Tracy	
Advanced Chen...	4.00	Rowland, Ryan's Parking in Billings for 4/23/21 Depo. of J Rowland (1/2 of JW Cases Cost \$8.00)	Rowland, Ariane	

Save & Close Save & New

(428 of 607)

# Invoice



**Charles Fisher Court Reporting, Inc.**  
 442 East Mendenhall  
 Bozeman, MT 59715  
 406-587-9016  
 EIN: 81-0459321

Date	Invoice #
5/12/2021	BB21-31

<b>Bill To</b>
Mr. Ryan Shaffer Meyer Shaffer & Stepans 430 Ryman St Missoula, MT 59802

Court: US District - Billings Cause No. CV-20-52-BLG-SPW Caekaert vs. Watchtower
--

Terms	Due Date
Net 30	6/11/2021

Item	Service Date	Description	Amount
Deposition - Original & 1 Copy	4/23/2021	James Rowland	1,791.55

SHAFFER & STEPANS PLLP

Charles Fisher Court Reporting, Inc. *Rowland*  
 Advanced Client Costs ~~Caekaert~~ 4/23 Depo. of James Rowland  
 Advanced Client Costs Caekaert: 4/23 Depo. of James Rowland

5/12/2021

14320

895.78  
 895.77

Shaffer & Stepans FS Inv. BB21-31 Depo. Rowland

1,791.55

Thank you for your business! Past due invoices will be subject to a 1.25% late fee every 30 days until balance due is paid in full.	Payments/Credits	\$0.00
	<b>Balance Due</b>	<b>\$1,791.55</b>

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 140 of 270

(429 of 607)



**Fisher Video Conferencing Services**

442 East Mendenhall  
 Bozeman, MT 59715  
 406-587-9016  
 EIN: 81-0459321

**Invoice**

Date	Invoice #
5/12/2021	VC21-166

<b>Bill To</b>
Mr. Ryan Shaffer Meyer Shaffer & Stepans 430 Ryman St Missoula, MT 59802

Court: US District - Billings Cause No. CV-20-52-BLG-SPW Caekaert vs. Watchtower
--

Terms	Due Date
Net 30	6/11/2021

Item	Service Date	Description	Amount
Video Production	4/23/2021	Video: James Rowland	875.00
Sync Video		Video: James Rowland	290.00
Video Conference/Preferred		Fisher Billings to Zoom 7 hours @ \$100/hr	700.00

SHAFFER & STEPANS PLLP

14321

Fisher Video Conferencing Services  
 Advanced Client Costs *Luekaert* 4/23 Video Depo. of James Rowland  
 Advanced Client Costs *Rowland* 4/23 Video Depo. of James Rowland

5/12/2021

932.50  
 932.50

Shaffer & Stepans FS VC21-166; Rowland Depo.

1,865.00

Thank you for your business! Past due invoices will be subject to a 1.25% late fee every 30 days until balance due is paid in full.	Payments/Credits	\$0.00
	<b>Balance Due</b>	<b>\$1,865.00</b>

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 141 of 270



Coekart  
(Half)  
1 of 1  
June 09, 2021

NORTHERN  
HOTEL

\$101.25

Reservation Number 273736

Send to Mr. Ryan Shaffer  
430 Ryman Street  
Missoula, MT 59802

Phone 406-543-6929

Guest Name Mr. Ryan Shaffer

Arrival Date  
6/1/21

Departure Date  
6/2/21

Room Information

0902 - Classic King Room

Bill To

Phone

Folio Number 287934

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
6/1/21	Best Available Rate	nh -0902	175.00
6/1/21	Guest Room Tax	nh -0902	14.00
6/1/21	Billings \$2.00 Tourism Fee	nh -0902	2.00
6/2/21	Bernie's Room Charge	3607-2948	11.50
Total Charges			202.50
<b>Payments</b>			
6/2/21	Visa	#####3717 297868902 0000221983	-202.50
Total Payments			-202.50
Balance Due:			0.00

1/2 - \$101.25

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



Shaffer & Stepians - PLLP - QuickBooks Desktop Pro 2019

Write Checks - Shaffer & Stepians FSB - 0-5650

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Main Reports Find New Save Delete Memorize Print Pay Online Attach File Enter Time Clear Splits Recalculate Recorder Reminder Order Checks

BANKACCOUNT: Shaffer & Stepians FSB - 0-5650

ENDING BALANCE: 1,172.31

PAY TO THE ORDER OF: Northern Hotel

NO. DATE NO. DATE  
Debit 06/01/2021  
\$ 202.50

Two hundred two and 50/100.....DOLLARS

ADDRESS: Northern Hotel, 19 N Broadway, Billings, MT 59101

MEMO: Caekaert/Rowland Hotel for Ryan Shaffer

Expenses \$202.50 Items \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILL LABEL?
Advanced Chen	101.25	Caekaert Ryan's Hotel for 6/2/21	Motions Hearing re Motion to Compel Harden Congregation to Produce Jurisdictional Disco (...)	Caekaert Tracy
Advanced Chen	101.25	Rowland Ryan's Hotel for 6/2/21	Motions Hearing re Motion to Compel Harden Congregation to Produce Jurisdictional Disco (...)	Rowland, Ariane

Save & Close Save & New

*Chekaert*  
 (Half)  
 1 of 1  
 June 09, 2021

**N O R T H E R N**  
 . . . . . H O T E L . . . . .

*\$98.00*

Reservation Number 273737

**Send to** Mr. James Murnion  
 430 Ryman St.  
 Missoula, MT 59802

**Phone** 406-543-8929

**Guest Name** Mr. James Murnion  
**Arrival Date** 6/1/21  
**Departure Date** 6/2/21

**Room Information** 0601 - Classic King Room

**Bill To**

**Phone**

Folio Number 287935

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
6/1/21	Best Available Rate	nh-0601	175.00
6/1/21	Guest Room Tax	nh-0601	14.00
6/1/21	Billings \$2.00 Tourism Fee	nh-0601	2.00
6/2/21	Life Water	0601 lifewater	5.00
<b>Total Charges</b>			<b>196.00</b>
<b>Payments</b>			
6/2/21	Visa	#####3717 611952601 0000222092	-5.00
6/2/21	Visa	#####3717 298658801 0000221984	-191.00
<b>Total Payments</b>			<b>-196.00</b>
<b>Balance Due:</b>			<b>0.00</b>

*1/2 - \$98.00*

**Northern Hotel**  
 19 North Broadway | Billings, MT 59101  
 P: 406-867-8767 | F: 406-867-8776 | info@northernhotel.com





Shelton & Stephens, PLLC - QuickBooks Desktop Pro 2019

Write Checks - Shelton & Stephens, PLLC - 05650

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Main Reports Find New Save Delete Memoize Create a Copy Print Pay Online Attach File Enter Time Clear Spills Recalculate Reorder Reminder Order Checks

ENDING BALANCE 1,172.31

Bank Account: Shelton & Stephens, PLLC - 05650

HO: Debit

DATE: 06/01/2021

AMOUNT: \$ 196.00

MEMO: One hundred ninety-six and 00/100.....DOLLARS

Address: Northern Hotel, 19 N. Broadway, Billings, MT 59101

MEMO: Caekaert/Rowland Hotel for James Murnion

ENDING BALANCE 1,172.31

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Clien...	98.00	Caekaert, James's Hotel for 6/22/21 Motions Hearing re Motion to Compel Harden Congregation to Produce Jurisdictional Disco.	Caekaert, Tracy	
Advanced Clien...	98.00	Rowland, James's Hotel for 6/22/21 Motions Hearing re Motion to Compel Harden Congregation to Produce Jurisdictional Disco.	Rowland, Anane	
<b>Expenses</b>	<b>\$196.00</b>	<b>Items</b>		
		<b>\$0.00</b>		

Save & Close Save & New Rev

453 9/19/21

**N O R T H E R N**  
H O T E L

Reservation Number 273822

**Send to** Ms. Katy Gannon  
430 Ryman Street  
Missoula, MT 59802

**Phone** 406-543-8929

**Guest Name** Ms. Katy Gannon  
**Arrival Date** 6/1/21  
**Departure Date** 6/2/21

**Room Information** 0705 - Classic King Room

**Bill To**

**Phone**

Folio Number 288027

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
6/1/21	Best Available Rate	nh -0705	175.00
6/1/21	Guest Room Tax	nh -0705	14.00
6/1/21	Billings \$2.00 Tourism Fee	nh -0705	2.00
<b>Total Charges</b>			<b>191.00</b>
<b>Payments</b>			
6/2/21	Visa	#####3717 299038705 0000221985	-191.00
<b>Total Payments</b>			<b>-191.00</b>
<b>Balance Due:</b>			<b>0.00</b>

1/2 - \$95.<sup>50</sup>

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



Sharon & Stepanie PLLP QuickBooks Desktop Pro 2019  
 My Checks - Staffer & Stepanie FSR - 09-20-20

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 QuickBooks Desktop for QuickBooks 2019.5, Internet Explorer 11. Update QuickBooks now.

Main Reports Find New Save Delete Memorize Print Print Later Pay Online Attach File Enter Time Clear Spots Recalculate Reorder Reminder Order Checks

Bank Account: Staffer & Stepanie FSR - 09-20-20  
 ENDING BALANCE: 1,172.31

PAY TO THE ORDER OF: Helena Great Northern Hotel  
 DATE: 06/01/2021  
 \$ 191.00 DOLLARS

ADDRESS: Helena Great Northern Hotel, Best Western  
 MEMO: Hotel for Kay Gannon

EXPENSES: \$191.00 REGS \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Chen...	95.50	Caekart: Kay's Hotel for 6/2/21 Motions Hearing re Motion to Compel Harden Congregation to Produce Jurisdictional Disco. (...)	Caekart, Tracy	
Advanced Chen...	95.50	Rowland: Kay's Hotel for 6/2/21 Motions Hearing re Motion to Compel Harden Congregation to Produce Jurisdictional Disco. (1...)	Rowland, Ariane	

Save & Close Save & New Revert

4:55 PM 9/19/20

SHAFFER & STEPANS PLLP

14333

Ryan Shaffer

6/3/2021

Advanced Client Costs

Caekaert: 1/2 Mileage (686 x .56 = \$384.16) to Billing

Advanced Client Costs

Rowland

~~Caekaert~~ 1/2 Mileage (686 x .56 = \$384.16) to Billing

Advanced Client Costs

Caekaert: Parking

Advanced Client Costs

Rowland

~~Caekaert~~ Parking

192.08  
~~192.08~~  
5.00  
~~5.00~~

192.08

5.00

Shaffer & Stepans FS 6/2 - Mileage & Parking Reimbursement

394.16

Jessica Yuhas  
Paralegal



Meyer, Sha  
& Stepan's,

*Montana Office:*  
430 Ryman St.  
Missoula, MT 59802  
Tel: 406-543-6929  
Fax: 406-721-1799

*Wyoming Office:*  
3490 Clubhouse Drive, Suite 104  
Wilson, WY 83014  
Tel: 307-734-9544  
Fax: 307-733-3449

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**From:** JUD District 20 Sanders Co. Dist. Court <[SandersDistCourt@mt.gov](mailto:SandersDistCourt@mt.gov)>  
**Sent:** Monday, June 14, 2021 2:08 PM  
**To:** Jessica Yuhas <[jessica@mss-lawfirm.com](mailto:jessica@mss-lawfirm.com)>  
**Subject:** RE: Cause DV 16-84

Jessica,  
Pursuant to your request please find attached Doc 210. The statutory fee for this request is \$2.75 (11 x \$0.25). Please remit payment within 5 days.

Sincerely,

**Sanders County, Clerk of District Court's Office**  
P.O. Box 519  
1111 Main Street  
Thompson Falls, MT 59873  
Phone (406) 827-6962  
Fax (406) 827-6973  
[co.sanders.mt.us/departments/district-court](http://co.sanders.mt.us/departments/district-court)



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(438 of 607)

**From:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Sent:** Monday, June 14, 2021 11:37 AM  
**To:** JUD District 20 Sanders Co. Dist. Court <SandersDistCourt@mt.gov>  
**Subject:** [EXTERNAL] RE: Cause DV 16-84

Thank you! Can you please send me a copy of the 6/1/2021 Order Compelling Production (Doc. Seq. # 210)?

Jessica Yuhas  
Paralegal



Meyer, Sha  
& Stepans,

*Montana Office:*  
430 Ryman St.  
Missoula, MT 59802  
Tel: 406-543-6929  
Fax: 406-721-1799

*Wyoming Office:*  
3490 Clubhouse Drive, Suite 104  
Wilson, WY 83014  
Tel: 307-734-9544  
Fax: 307-733-3449

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**From:** JUD District 20 Sanders Co. Dist. Court <SandersDistCourt@mt.gov>  
**Sent:** Monday, June 14, 2021 11:30 AM  
**To:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Subject:** RE: Cause DV 16-84

Jessica,  
Please find attached the ROA for DV 16-84. There is no statutory fee associated with this request.

Sincerely,

*Sanders County, Clerk of District Court's Office*  
P.O. Box 519  
1111 Main Street  
Thompson Falls, MT 59873  
Phone (406) 827-6962  
Fax (406) 827-6973  
[co.sanders.mt.us/departments/district-court](http://co.sanders.mt.us/departments/district-court) [co.sanders.mt.us]

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 150 of 270



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**From:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Sent:** Monday, June 14, 2021 11:01 AM  
**To:** JUD District 20 Sanders Co. Dist. Court <SandersDistCourt@mt.gov>  
**Subject:** [EXTERNAL] Cause DV 16-84

Good morning,

Please send me a copy of the case register report for Cause DV-16-84.

Thank you!

Jessica Yuhas  
Paralegal



Meyer, Shafer  
& Stepan,

*Montana Office:*  
430 Ryman St.  
Missoula, MT 59802  
Tel: 406-543-6929  
Fax: 406-721-1799

*Wyoming Office:*  
3490 Clubhouse Drive, Suite 104  
Wilson, WY 83014  
Tel: 307-734-9544  
Fax: 307-733-3449

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(440 of 607)

**Patti Gruwell**

---

**From:** Jessica Yuhas  
**Sent:** Monday, June 14, 2021 2:18 PM  
**To:** Patti Gruwell  
**Subject:** RE: Cause DV 16-84

Thank you.

Jessica Yuhas  
Paralegal



SHAFFER & STEPANS PLLP

Clerk of Court  
Advanced Client Costs  
Advanced Client Costs

6/14/2021

Caekaert: Document from the Court in Other JW Cas  
~~Sanders County Document from the Court in Other JW Cas~~  
Rowland

14343

1.37

1.38

Shaffer & Stepans FS DV 16-84, Doc. 210

2.75

**From:** Patti Gruwell <patti@mss-lawfirm.com>  
**Sent:** Monday, June 14, 2021 2:17 PM  
**To:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Subject:** RE: Cause DV 16-84

Done.

**From:** Jessica Yuhas <jessica@mss-lawfirm.com>  
**Sent:** Monday, June 14, 2021 2:09 PM  
**To:** Patti Gruwell <patti@mss-lawfirm.com>  
**Subject:** FW: Cause DV 16-84

This is for the JW cases. Please cut a check to Sanders County Clerk of Court. Let me know if there are questions.

Thank you,

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 152 of 270

(441 of 607)

**BONTECOU INVESTIGATIVE SERVICES, INC.**  
 P. O. Box 2448, 235 E. Broadway  
 Jackson, WY 83001-2448  
 307-733-2637 307-733-2631 - Fax  
 Tax ID # 83-0311569

# Invoice

Date	Invoice No.
06/15/21	5664

<b>Bill To:</b> Ryan Shaffer Meyer, Shaffer & Stepan 430 Ryman Street Missoula, Montana 59802	<b>Case/Description:</b> Caekert Investigation Investigation Dates: February-May 2021
---	--

<b>Authorization</b>

Date	Description	Quantity	Rate	Amount
02/02/21	Anderson material review	2.5	95.00	237.50
02/03/21	Phcon Jackie Johnson	1	95.00	95.00
02/10/21	Conference call	0.5	95.00	47.50
04/01/21	Follow up w Roland	0.5	95.00	47.50
04/03/21	F/u James Rowland	0.5	95.00	47.50
<b>Total</b>				<b>\$475.00</b>

Due upon receipt. A service charge of 1.5% per month will be applied to all overdue balances.

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 153 of 270

Shafter & Stephens, PLLC (QuickBooks Desktop Pro 2019) | Shafter & Stephens, PLLC - Shafter & Stephens, P.S.B. - 0-5650

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1/2/2022

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BANK ACCOUNT: Shafter & Stephens, P.S.B. - 0-5650 | ENDING BALANCE: 1,172.31

NO: 14346 | DATE: 06/19/2021

PAY TO THE ORDER OF: Bottecou Investigative Services, Inc. | \$ 475.00

Four hundred seventy-five and 00/100.....DOLLARS

ADDRESS: Bottecou Investigative Services, Jr, P.O. Box 2448, 235 East Broadway, Jackson, WY 83001

MEMO: INV 5664

**EXPENSES** \$475.00 | MEMO \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client	237.50	Caekaert, Bottecou Investigative Service, Inc. (1/2 of JW Cases Cost \$475.00)	Caekaert, Tracy	
Advanced Client	237.50	Rowland, Bottecou Investigative Service, Inc. (1/2 of JW Cases Cost \$475.00)	Rowland, Ariane	

Save & Close | Save & New | Report

4:58 PM | 9/19/2022



Reservation Number 276528

Send to **Ms. Katy Gannon**  
430 Ryman Street  
Missoula, MT 59802

Phone 406-543-6929

Guest Name Ms. Katy Gannon

Arrival Date  
6/22/21

Departure Date  
6/23/21

Room Information

0417 - Classic King Room

**Bill To**

**Phone**

Folio Number 290851

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
6/22/21	Best Available Rate	nh -0417	209.00
6/22/21	Guest Room Tax	nh -0417	16.72
6/22/21	Billings \$2.00 Tourism Fee	nh -0417	2.00
6/23/21	Life Water	0417 lifeawater	5.00
<b>Total Charges</b>			<b>232.72</b>
<b>Payments</b>			
6/23/21	Visa	#####3717 938269417 0000224185	-5.00
6/23/21	Visa	#####3717 640520417 0000224110	-227.72
<b>Total Payments</b>			<b>-232.72</b>
<b>Balance Due:</b>			<b>0.00</b>

*1/2 - \$116.36*

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-8767 | F: 406-867-8776 | info@northernhotel.com



Sheffer & Stephens LLP - QuickBooks Desktop Pro 2019

Write Checks - Sheffer & Stephens LLP - 0-55500

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BANK ACCOUNT: **Sheffer & Stephens LLP - 0-55500** ENDING BALANCE: **1,172.31**

PAY TO THE ORDER OF: **Northern Hotel** H/D: **Debit** DATE: **08/23/2021**

**Two hundred thirty-two and 72/100** ..... DOLLARS

ADDRESS: **Northern Hotel, 19 N Broadway Billings, MT 59101** **CLEARED**

MEMO: **Katy's Hotel for 6/23 Motion to Compel**

EXPENSES	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Clien ..	116.36	Caekaert Katy's Hotel in Billings for 6/23 Motion to Compel Hearing (1/2 of JW Cases Cost \$232.72)	Caekaert, Tracy	
Advanced Clien ..	116.36	Rowland Katy's Hotel in Billings for 6/23 Motion to Compel Hearing (1/2 of JW Cases Cost \$232.72)	Rowland, Ahtane	
<b>Expenses</b>	<b>\$232.72</b>	<b>Items</b>		
		<b>Items</b>		
		<b>\$0.00</b>		

Save & Close Save & New Revert

4:59 PM 9/19/2022



**N O R T H E R N**  
H O T E L

Reservation Number 276527

**Send to** Mr. Ryan Shaffer  
430 Ryman Street  
Missoula, MT 59802

**Phone** 406-543-6929

**Guest Name** Mr. Ryan Shaffer

**Arrival Date**  
6/22/21

**Departure Date**  
6/23/21

**Room Information**

1007 - Classic King Room

**Bill To**

**Phone**

Folio Number 290850

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
6/22/21	Best Available Rate	nh -1007	209.00
6/22/21	Guest Room Tax	nh -1007	16.72
6/22/21	Billings \$2.00 Tourism Fee	nh -1007	2.00
<b>Total Charges</b>			<b>227.72</b>
<b>Payments</b>			
6/23/21	Visa	#####3717 640398007 0000224109	-227.72
<b>Total Payments</b>			<b>-227.72</b>
<b>Balance Due:</b>			<b>0.00</b>

1/2 - \$113.86

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-8787 | F: 406-867-8776 | info@northernhotel.com



(445 of 607)

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 157 of 270

Shafter & Stepians, PLLP QuickBooks Desktop Pro 2019

Write Checks - Shafter & Stepians FSR - 0-5650

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BANK ACCOUNT: Shafter & Stepians FSR - 0-5650

ENDING BALANCE: 1,172.31

NO DEBIT DATE: 06/23/2021

PAY TO THE ORDER OF: Northern Hotel

DATE: \$ 227.72

ADDRESS: Northern Hotel, 19 N Broadway, Billings, MT 59101

MEMO: Ryan's Hotel for 6/23 Motion to Compel

EXPENSES: \$227.72 leads \$0.00

ACCOUNT	ACCOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client	113 86	Caekaert Ryan's Hotel in Billings for 6/23 Motion to Compel Hearing (1/2 of JW Cases Cost \$227.72)	Caekaert, Tracy	
Advanced Client	113 86	Rowland Ryan's Hotel in Billings for 6/23 Motion to Compel Hearing (1/2 of JW Cases Cost \$227.72)	Rowland, Ariane	

Save & Close Save & New Revert

4:59 PM 9/19/2022



Shaffer & Sheppard, PLLP - QuickBooks Desktop Pro 2019

Write Checks - Shaffer & Sheppard, P.S.B. - 0-5850

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BANK ACCOUNT: Shaffer & Sheppard, P.S.B. - 0-5850 ENDING BALANCE: 1,172.31

PRINT AS: Ryan Shaffer NO. 14358  
 DATE 07/02/2021

PAY TO THE ORDER OF: Ryan R Shaffer \$ 394.00

Three hundred ninety-four and 00/100\* ..... DOLLARS

ADDRESS: Ryan Shaffer

MEMO: Reimbursement

**EXPENSES** \$394.00 **MEMO** \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client...	192.00	Caekaert: Ryan's Mileage to/from Billings (886 x \$.56) for 6/23/21 Motion to Compel Hearing (1/2 of JW Cases Cost \$384)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client...	192.00	Rowland: Ryan's Mileage to/from Billings (886 x \$.56) for 6/23/21 Motion to Compel Hearing (1/2 of JW Cases Cost \$384)	Rowland, Ariane	<input checked="" type="checkbox"/>
Advanced Client...	5.00	Caekaert: Ryan's Parking in Billings for 6/23/21 Hearing (1/2 of JW Cases Cost \$10.00)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client...	5.00	Rowland: Ryan's Parking in Billings for 6/23/21 Hearing (1/2 of JW Cases Cost \$10.00)	Rowland, Ariane	<input checked="" type="checkbox"/>

Save & Close Save & New

Rev 9/19

**N O R T H E R N**  
..... H O T E L .....

Reservation Number 276529

**Send to** Mr. Robert Stepan  
430 Ryman Street  
JACKSON, WY 83001

**Phone** 406-543-6929

**Guest Name** Mr. Robert Stepan

**Arrival Date**  
6/22/21

**Departure Date**  
6/23/21

**Room Information**

1002 - Classic King Room

**Bill To**

**Phone**

Folio Number 290852

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
6/22/21	Best Available Rate	nh -1002	209.00
6/22/21	Guest Room Tax	nh -1002	16.72
6/22/21	Billings \$2.00 Tourism Fee	nh -1002	2.00
<b>Total Charges</b>			<b>227.72</b>
<b>Payments</b>			
6/23/21	American Express	#####1005 581122002 0000224094	-227.72
<b>Total Payments</b>			<b>-227.72</b>
<b>Balance Due:</b>			<b>0.00</b>

1/2 - \$113.86

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-8767 | F: 406-867-8776 | info@northernhotel.com



3-ER-442

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 160 of 270

Shatter & Steppans, PLLP QuickBooks Desktop Pro 2019

Wire Checks: Shatter & Steppans, PLLP 0-5658

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Main Reports Find New Save Delete Memorize Print Pay Online Attach File Clear Splits Recalculate Reorder Reminder Order Checks

PAID TO THE ORDER OF Robert L Steppans

ENDING BALANCE 1,172.31

MEMO: Eight hundred forty-six and 32/100\*\*\*\*\* DOLLARS

ADDRESS: Robert L Steppans

MEMO: Reimbursement

EXPENSES \$846.32

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client	288.20			
Advanced Client	165.20	Caekaert, Rob's Mileage (from Billings (590 x \$.56) for 6/23 Motion to Compel Hearing (1/2 of JW Cases Cost \$330.40)	Caekaert, Tracy	
Advanced Client	165.20	Rowlend, Rob's Mileage (from Billings (590 x \$.56) for 6/23 Motion to Compel Hearing (1/2 of JW Cases Cost \$330.40)	Rowland, Arane	
Advanced Client	113.86	Caekaert, Rob's Hotel for 6/23 Motion to Compel Hearing (1/2 JW Cases Cost \$227.72)	Caekaert, Tracy	
Advanced Client	113.86	Rowland, Rob's Hotel for 6/23 Motion to Compel Hearing (1/2 JW Cases Cost \$227.72)	Rowland, Arane	

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5:03 PM 9/19/20

Services and Fees Schedule effective October 1, 2005

Service	Fee
Venue Change - for filing from another District Court (incoming)	\$10.00
-- and for sending file to another jurisdiction (outgoing)	\$5.00
Writ of Assistance - For issuance	\$5.00

**Copies & Record Searches**

**We are unable to do searches over the telephone, as the search fee must be pre-paid.**  
When requesting a records search or copies of documents, please provide as much information as possible. Send your written request along with a self addressed, stamped envelope to our office at:

**Sanders County District Court**

**PO Box 519**

**Thompson Falls, MT 59873**

Please submit payment by check or money order. Upon receipt of your payment, the requested information will be forwarded to you.

138 pages

**Copy and Search Fees:**

- Copy of Marriage License - \$5.00
- Copy of Divorce Decree - \$10.00
- Copies (except Marriage License and Divorce Decree) - \$1.00 per page for first 10 pages, \$0.50 per page for each additional page
- Certification with Seal - \$2.00 per document
- Searches - \$2.00 per name per year for the first seven years, \$1.00 per name per year for each additional year





2 pages

FILED July 29 2021

Candace Fisher  
SANDERS COUNTY CLERK OF DISTRICT COURT

BY C Fisher

**MONTANA SEVENTH JUDICIAL DISTRICT COURT, SANDERS COUNTY**

<p><b>ALEXIS NUNEZ,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>vs.</b></p> <p><b>WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.; CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES and THOMPSON FALLS CONGREGATION OF JEHOVAH'S WITNESSES,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p style="text-align: center;"><b>Cause No. DV-16-084</b></p> <p style="text-align: center;"><b>ORDER WARNING OF SANCTION OF JUDGMENT ON LIABILITY FOR CONTINUED VIOLATION OF DISCOVERY ORDERS</b></p>
<p><b>WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.; CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES and THOMPSON FALLS CONGREGATION OF JEHOVAH'S WITNESSES.</b></p> <p style="text-align: center;"><b>Third-Party Plaintiffs,</b></p> <p><b>vs.</b></p> <p><b>IVY MCGOWAN-CASTLEBERRY,</b></p> <p style="text-align: center;"><b>Third-Party Defendant.</b></p>	

**On Thursday, July 29, 2021, at 8:18 a.m., the Plaintiffs emailed to the Court their Notice of Defendants' Non-Compliance with Court Orders in which they**

3 pages

James P. Molloy  
GALLIK, BREMER & MOLLOY, P.C.  
777 E. Main Street, Suite 203  
PO Box 70  
Bozeman, MT 59771-0070  
Ph: (406) 404-1728  
Fax: (406) 404-1730  
jim@galliklawfirm.com

FILED August 2 20 21  
Candace Fisher  
SANDERS COUNTY CLERK OF DISTRICT COURT  
BY U Smith  
DEPUTY

D. Neil Smith - (*Pro Hac Vice*)  
Ross Leonoudakis - (*Pro Hac Vice*)  
NIX PATTERSON, LLP  
1845 Woodall Rodgers Fwy., Suite 1050  
Dallas, Texas 75201  
Ph: (972) 831-1188  
Fax: (972) 444-0716  
neilsmith@nixlaw.com  
RossL@nixlaw.com  
*Attorneys for Plaintiffs*

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT  
SANDERS COUNTY**

ALEXIS NUNEZ

Plaintiff,

vs.

WATCHTOWER BIBLE AND TRACT SOCIETY OF  
NEW YORK, INC.; CHRISTIAN CONGREGATION  
OF JEHOVAH'S WITNESSES, and THOMPSON  
FALLS CONGREGATION OF JEHOVAH'S  
WITNESSES,

Defendants/Third-Party Plaintiffs,

vs.

IVY MCGOWAN CASTLEBERRY

Third-Party Defendant.

Cause No. DV 16-84  
Hon. Elizabeth A. Best

**PLAINTIFF'S NOTICE OF  
DEFENDANTS' NON-COMPLIANCE  
WITH COURT ORDERS**





Shaffer & Stearns - P.L.P. QuickBooks Desktop Pro 2019

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Bank Account: Sanders & Stearns - SB - 016930

ENDING BALANCE: 1,172.31

NO: 14431 DATE: 10/05/2021

PAY TO THE ORDER OF: Clerk of Court - Sanders County Dist Ct. \$ 34.50

ADDRESS: Clerk of Court Sanders County District Court P.O. Box 519 1111 Main Street Thomson Falls MT 59873

MEMO: 138 pgs by email Nunez v Watch Tower New York

Expenses \$34.50 DEBITS \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE
Advanced Chen...	17.25	Caeklae 138 pages of Nunez v WNTNY (1/2 of JW Cases Cost \$34.50)	Caeklae, Tracy	
Advanced Chen...	17.25	Rowland 138 pages of Nunez v WNTNY (1/2 of JW Cases Cost \$34.50)	Rowland, Ariane	

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Items: 2 of 15

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 Bell, Dav  
 > CALEND  
 > ALPS  
 > Client Fe  
 Adriam  
 Barnha  
 Bauer,  
 Caeklae  
 > Closed  
 COURT

507 PM 9/19/2022

DISCOVERY HUB



<b>Invoice Number</b> 7-546-70599	<b>Invoice Date</b> Oct 27, 2021	<b>Account Number</b> [REDACTED]	Page 1 of 3
--------------------------------------	-------------------------------------	-------------------------------------	----------------

**Billing Address:**  
MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Shipping Address:**  
MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Invoice Questions?**  
**Contact FedEx Revenue Services**  
Phone: 800.622.1147  
M-F 7 AM to 8 PM CST  
Sa 7 AM to 6 PM CST  
Internet: fedex.com

**Invoice Summary**

**FedEx Express Services**

Total Charges USD \$100.54  
**TOTAL THIS INVOICE USD \$100.54**

You saved \$93.19 in discounts this period!

Shipments included in this invoice received an earned discount. If you would like to know how it was calculated, please go to the following URL:  
<https://www.fedex.com/EarnedDiscounts/>

Other discounts may apply.

To pay your FedEx invoice, please go to [www.fedex.com/payment](http://www.fedex.com/payment). Thank you for using FedEx.



**Account Summary as of Oct 27, 2021**

Previous Balance 109.55  
Payments 0.00  
Adjustments 0.00  
New Charges 100.54  
**New Account Balance \$210.09**

*Payments not received by Nov 11, 2021 are subject to a late fee.*

Detailed descriptions of surcharges can be located at [fedex.com](http://fedex.com)

To ensure proper credit, please return this portion with your payment to FedEx. Please do not staple or fold. Please make check payable to FedEx.

Invoice Number	Invoice Amount	Account Number	Account Balance
7-546-70599	USD \$100.54	[REDACTED]	USD \$210.09

**Remittance Advice**

**Your payment is due by Nov 11, 2021**  
*Payments not received by this date are subject to a late fee.*

754670599200001005453405471362000021009600001005450

0057600 01 AB 0.458 \*\*AUTO H0 0 1299 59802-424999 -C01-P57657-11



MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249



FedEx  
P.O. Box 94515  
PALATINE IL 60094-4515



63309990019417

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 168 of 270

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<b>Invoice Number</b> 7-546-70599	<b>Invoice Date</b> Oct 27, 2021	<b>Account Number</b> [REDACTED]	Page 2 of 3
--------------------------------------	-------------------------------------	-------------------------------------	----------------

**FedEx Express Shipment Detail By Payor Type (Original)**

Ship Date: Oct 21, 2021      Cust. Ref.: JW Case Filings      Ref.#:  
 Payor: Shipper      Ref.#:

- The Earned Discount for this ship date has been calculated based on a revenue threshold of \$ 61778599.10
- Fuel Surcharge - FedEx has applied a fuel surcharge of 10.75% to this shipment.
- Distance Based Pricing, Zone 8

<b>Automation</b>	WSXI	<b>Sender</b>	<b>Recipient</b>	
<b>Tracking ID</b>	285206877549	MEYER, SHAFFER & STEPANS, PLLP	Joel Taylor	
<b>Service Type</b>	FedEx 2Day	430 Ryman St	Miller, McNamara & Taylor LLP	
<b>Package Type</b>	Customer Packaging	MISSOULA MT 59802 US	100 S Bedford Rd, Ste 340	
<b>Zone</b>	08		MOUNT KISCO NY 10549 US	
<b>Packages</b>	1			
<b>Rated Weight</b>	8.0 lbs, 3.6 kgs	<b>Transportation Charge</b>		79.55
<b>Delivered</b>	Oct 25, 2021 16:54	<b>Discount</b>		-39.78
<b>Svc Area</b>	A4	<b>Earned Discount</b>		-3.18
<b>Signed by</b>	A.MOREIRA	<b>Fuel Surcharge</b>		3.93
<b>FedEx Use</b>	00000000/6112/_	<b>Total Charge</b>	<b>USD</b>	<b>\$40.52</b>

Ship Date: Oct 21, 2021      Cust. Ref.: JW Case Filings      Ref.#:  
 Payor: Shipper      Ref.#:

- The Earned Discount for this ship date has been calculated based on a revenue threshold of \$ 61778599.10
- Fuel Surcharge - FedEx has applied a fuel surcharge of 10.75% to this shipment.
- Distance Based Pricing, Zone 3

<b>Automation</b>	WSXI	<b>Sender</b>	<b>Recipient</b>	
<b>Tracking ID</b>	285207171033	MEYER, SHAFFER & STEPANS, PLLP	Guy W. Rogers	
<b>Service Type</b>	FedEx 2Day AM	430 Ryman St	Brown Law Firm, P.C.	
<b>Package Type</b>	Customer Packaging	MISSOULA MT 59802 US	315 N 24th St	
<b>Zone</b>	03		BILLINGS MT 59101 US	
<b>Packages</b>	1			
<b>Rated Weight</b>	9.0 lbs, 4.1 kgs	<b>Transportation Charge</b>		34.42
<b>Delivered</b>	Oct 25, 2021 08:44	<b>Discount</b>		-15.83
<b>Svc Area</b>	AA	<b>Earned Discount</b>		-1.38
<b>Signed by</b>	C.SWEIGERT	<b>Fuel Surcharge</b>		1.85
<b>FedEx Use</b>	00000000/6/_	<b>Total Charge</b>	<b>USD</b>	<b>\$19.06</b>



Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 169 of 270



<b>Invoice Number</b> 7-546-70599	<b>Invoice Date</b> Oct 27, 2021	<b>Account Number</b> [REDACTED]	<b>Page</b> 3 of 3
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Ship Date: Oct 21, 2021      Cart. Ref.: JV Case Filings      Ref. #:

- Payee: Shipper**
- The Earned Discount for this ship date has been calculated based on a revenue threshold of \$ 61778599.10
  - Fuel Surcharge - FedEx has applied a fuel surcharge of 10.75% to this shipment.
  - Distance Based Pricing, Zone 7
  - Package Delivered to Recipient Address - Release Authorized

<b>Automation</b>	WSXI	<b>Sender</b>	<b>Recipient</b>	
<b>Tracking ID</b>	285207262281	MEYER, SHAFFER & STEPANS, PLLP	Bruce G. Mapley, Sr.	
<b>Service Type</b>	FedEx 2Day AM	430 Ryman St	3905 Caylan Cv	
<b>Package Type</b>	Customer Packaging	MISSOULA MT 59802 US	BIRMINGHAM AL 35215 US	
<b>Zone</b>	07			
<b>Packages</b>	1	<b>Transportation Charge</b>		66.04
<b>Rated Weight</b>	5.0 lbs, 2.3 kgs	<b>Discount</b>		-30.38
<b>Delivered</b>	Oct 25, 2021 09:19	<b>Earned Discount</b>		-2.64
<b>Svc Area</b>	A1	<b>Fuel Surcharge</b>		3.98
<b>Signed by</b>	see above	<b>Residential Delivery</b>		3.96
<b>FedEx Use</b>	00000000/14/02	<b>Total Charge</b>	<b>USD</b>	<b>\$40.96</b>
			<b>Shipper Subtotal</b>	<b>USD \$100.54</b>
			<b>Total FedEx Express</b>	<b>USD \$100.54</b>

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 170 of 270

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Sheffer & Stegans, PLLC - QuickBooks Desktop Pro 2019

White Checks - Sheffer & Stegans, PLLC - 0.5650

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BANK ACCOUNT: Sheffer & Stegans, PLLC - 0.5650

PER TO THE ORDER OF: FedEx

NO: 14450

DATE: 11/10/2021

ENDING BALANCE: 1,172.31

ADDRESS: P.O. Box 94515, Pealaine, IL 60094-4515

MEMO: [REDACTED] 753893934 & 754070599

EXPENSES: \$210.09

MEMO: [REDACTED]

EXPENSES: \$210.09

ACCOUNT	AMOUNT	MEMO	CUSTOMERJOB	BILLABLE?
Advanced Client...	27.14	[REDACTED]	[REDACTED]	
Advanced Client...	82.41	[REDACTED]	[REDACTED]	
Advanced Client...	20.26	Caekaert, 1/2 of FedEx Change (\$40.52)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client...	20.26	Rowland, 1/2 of FedEx Change (\$40.52)	Rowland, Ariane	<input checked="" type="checkbox"/>
Advanced Client...	9.53	Caekaert, 1/2 of FedEx Change (\$19.06)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client...	9.53	Rowland, 1/2 of FedEx Change (\$19.06)	Rowland, Ariane	<input checked="" type="checkbox"/>
Advanced Client...	20.48	Caekaert, 1/2 of FedEx Change (\$40.96)	Caekaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client...	20.48	Rowland, 1/2 of FedEx Change (\$40.96)	Rowland, Ariane	<input checked="" type="checkbox"/>

Save & Close Save & New Revert

5:09 PM 9/19/2022

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<b>Invoice Number</b> 7-568-86357	<b>Invoice Date</b> Nov 17, 2021	<b>Account Number</b> [REDACTED]	<b>Page</b> 1 of 3
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**Billing Address:**

MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Shipping Address:**

MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Invoice Questions?**

Contact FedEx Revenue Services

Phone: 800.622.1147

M-F 7 AM to 8 PM CST  
Sa 7 AM to 6 PM CST

Internet: fedex.com

**Invoice Summary**

**FedEx Ground Services**

Total Charges	USD	\$35.43
<b>TOTAL THIS INVOICE</b>	<b>USD</b>	<b>\$35.43</b>

You saved \$9.39 in discounts this period!

**Account Summary as of Nov 17, 2021**

Previous Balance	[REDACTED]
Payments	0.00
Adjustments	0.00
New Charges	35.43
	<b>14465</b>

SHAFFER & STEPANS PLLP

FedEx

Advanced Client Costs  
Advanced Client Costs  
Admin Costs for MS&S

11/22/2021

Caekaert: 1/2 of JW Cases 11/10/21 FedEx Charge (

[REDACTED]

9.64

[REDACTED]

Shaffer & Stepans FS [REDACTED] Inv. 7-568-86357

35.43

Detailed descriptions of surcharges can be located at fedex.com

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 172 of 270



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<b>Invoice Number</b> 7-568-86357	<b>Invoice Date</b> Nov 17, 2021	<b>Account Number</b> [REDACTED]	<b>Page</b> 2 of 3
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**FedEx Ground Shipment Summary By Payor Type**

**FedEx Ground Shipments (Original)**

	Date	Shipments	Rated Weight lbs	Transportation Charges	Other Handling Charges	Net Ctg/Tax Credits/Other	Discounts	Total Charge
<b>Ground-Bill Third Party</b>	11/10	1	35	22.95	2.07		-5.74	19.28
								<b>Ground-Bill Third Party Subtotal</b>
								<b>\$19.28</b>
<b>Ground-Home Delivery</b>	11/09	1	13	14.59	5.21		-3.65	16.15
								<b>Ground-Home Delivery Subtotal</b>
								<b>\$16.15</b>
<b>Total FedEx Ground</b>				<b>\$37.44</b>	<b>\$7.28</b>			<b>\$13.41</b>

**TOTAL THIS INVOICE USD \$35.43**

**FedEx Ground Bill Third Party Detail (Original)**

<b>Ship Date:</b> Nov 10, 2021	<b>Class of Service:</b> NO REFERENCE INFORMATION	<b>P.O. #:</b>
<b>Payor:</b> Third Party	<b>Destination:</b>	

• The Earned Discount for this ship date has been calculated based on a revenue threshold of USD 63,093,308.23

<b>Tracking ID</b>	285967644049	<b>Sender</b>	MEYER, SHAFFER & STEPANS, PLLP	<b>Recipient</b>	THE HONORABLE SUSAN P. WATTERS	<b>Transportation Charge</b>	22.95
<b>Service Type</b>	Bill 3rd Party, Dom		430 RYMAN ST		JAMES F. BATTIN FED. COURTHOUSE	<b>Earned Discount</b>	-0.92
<b>Zone</b>	03		MISSOULA MT 59802		2601 2ND AVEN	<b>Performance Pricing</b>	-4.82
<b>Packages</b>	1				FL 5	<b>Fuel Surcharge</b>	2.07
<b>Actual Weight</b>	34.2 lbs				BILLINGS MT 59101-223099	<b>Total Charge</b>	<b>USD \$19.28</b>
<b>Rated Weight</b>	35 lbs						
<b>Delivered</b>	Nov 12, 2021						

**Bill Third Party Subtotal USD \$19.28**

*Coackaerk*

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 173 of 270

Shatter & Stepano, PLLP - QuickBooks Desktop Pro 2019

Wynn Chances - Shatter & Stepano, FSR - 0-6000

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Main Reports: Find, New, Save, Delete, Memorize, Create a Copy, Print, Pay Online, Attach File, Enter Time, Clear Splits, Recalculate, Reorder Reminder, Order Checks

BACKACCOUNT: Shatter & Stepano, FSR - 0-6000

ENDING BALANCE: 1,172.31

NO: 14465

DATE: 11/22/2021

PAY TO THE ORDER OF: FedEx

AMOUNT: \$ 35.43

ADDRESS: Thiry-five and 43/100

MEMO:  CLEARED

FedEx  
P.O. Box 94515  
Palatine, IL 60094-4515

MEMO: JW 7-568-96357

Expenses: \$35.43 Items \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Client...	9.64	Caeklaert, 1/2 of JW Cases 11/10/21 FedEx Charge (\$19.28)	Caeklaert, Tracy	<input checked="" type="checkbox"/>
Advanced Client...	9.64	Rowland, 1/2 of JW Cases 11/10/21 FedEx Charge (\$19.28)	Rowland, Ariane	<input checked="" type="checkbox"/>
Admin Costs for...	18.15			<input type="checkbox"/>

Save & Close Save & New Revert

5:12 PM 9/19/2022

*Caekaert*

**BONTECOU INVESTIGATIVE SERVICES, INC.**  
 P. O. Box 2448, 235 E. Broadway  
 Jackson, WY 83001-2448  
 307-733-2637 307-733-2631 - Fax  
 Tax ID # 83-0311569

# Invoice

Date	Invoice No.
12/06/21	5706

<b>Bill To:</b> Ryan Shaffer Meyer, Shaffer & Stepan 430 Ryman Street Missoula, Montana 59802	<b>Case/Description:</b> Caekaert Investigation Investigation Dates: September 2021
---	--

**Authorization**

Date	Description	Quantity	Rate	Amount
09/08/21	Read James Rowland depo/review file re: Yolanda	3.5	95.00	332.50
09/18/21	Read post/file/attempt to reach out to Yolanda	1	95.00	95.00
09/20/21	Skip trace/research Bill Bowen, Interview both Bowen and Yolanda	4	95.00	380.00
09/21/21	Memo update re Bowen and Yolanda	1	95.00	95.00
	Database Fees		15.00	15.00
<b>Total</b>				<b>\$917.50</b>

Due upon receipt. A service charge of 1.5% per month will be applied to all overdue balances.

(463 of 607)

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 175 of 270

Shafter & Stepien, PLLP - QuickBooks Desktop Pro 2019

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Main Reports: Find, New, Save, Delete, Memoize, Create a Copy, Print, Pay Online, Print Later, Attach File, Enter Time, Clear Splits, Recalculate, Reorder Reminder, Order Checks

BANK ACCOUNT: Shafter & Stepien PLSU - 0-5650

ENDING BALANCE: 1,172.31

NO: 14477  
DATE: 12/08/2021  
\$ 917.50

PAY TO THE ORDER OF: Bortecou Investigative Services, Inc.

ADDRESS: Bortecou Investigative Services, llc, P.O. Box 2448, 235 East Broadway, Jackson, WY 83001

MEMO: Int: 5706

**CLEARED**

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Chen...	458.75	Catkaert Bortecou Investigative Service (1/2 of JW Cases Cost \$917.50)	Catkaert, Tracy	
Advanced Chen	458.75	Rowland Bortecou Investigative Service (1/2 of JW Cases Cost \$917.50)	Rowland, Ariane	
<b>Expenses</b>	<b>\$917.50</b>	<b>Items</b>		<b>\$0.00</b>

Save & Close Save & New Revert

5:14 PM 9/19/2022



Caekaert



<b>Invoice Number</b> 7-598-00390	<b>Invoice Date</b> Dec 15, 2021	<b>Account Number</b> [REDACTED]	<b>Page</b> 1 of 2
--------------------------------------	-------------------------------------	-------------------------------------	-----------------------

**Billing Address:**

MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Shipping Address:**

MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249

**Invoice Questions?**

Contact FedEx Revenue Services

Phone: 800.622.1147

M-F 7 AM to 8 PM CST  
Sa 7 AM to 6 PM CST

Internet: fedex.com

**Invoice Summary**

**FedEx Express Services**

Total Charges	USD	\$18.65
<b>TOTAL THIS INVOICE</b>	<b>USD</b>	<b>\$18.65</b>

You saved \$6.28 in discounts this period!

Other discounts may apply.

To pay your FedEx invoice, please go to [www.fedex.com/payment](http://www.fedex.com/payment). Thank you for using FedEx.



**Account Summary as of Dec 15, 2021**

Previous Balance	0.00
Payments	0.00
Adjustments	0.00
New Charges	18.65
<b>New Account Balance</b>	<b>\$18.65</b>

Payments not received by Dec 30, 2021 are subject to a late fee.

Detailed descriptions of surcharges can be located at [fedex.com](http://fedex.com)

To ensure proper credit, please return this portion with your payment to FedEx. Please do not staple or fold. Please make check payable to FedEx.

<b>Invoice Number</b> 7-598-00390	<b>Invoice Amount</b> USD \$18.65	<b>Account Number</b> [REDACTED]	<b>Account Balance</b> USD \$18.65
--------------------------------------	--------------------------------------	-------------------------------------	---------------------------------------

**Remittance Advice**

Your payment is due by Dec 30, 2021

Payments not received by this date are subject to a late fee.

759800390800000186553405471362000001865500000186550

0090408 01 MB 0.482 \*\*AUTO T2 0 1348 59802-424999 -C01-P90498-11



MEYER, SHAFFER & STEPANS, PLLP  
430 RYMAN ST  
MISSOULA MT 59802-4249



FedEx  
P.O. Box 94515  
PALATINE IL 60094-4515



63320480019139

3-ER-459

1348-01-00-0090408-0001-0164956

(465 of 607)

Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 177 of 270

(466 of 607)

<b>Invoice Number</b> 7-598-00390	<b>Invoice Date</b> Dec 15, 2021	<b>Account Number</b> [REDACTED]	<b>Page</b> 2 of 2
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**FedEx Express Shipment Detail By Payor Type (Original)**

Ship Date: Dec 08, 2021      Cntrl Ref: JW Case Filings      Ref: [REDACTED]  
 Payor: Shipper      Ref: [REDACTED]

- Distance Based Pricing, Zone 3
- This shipment was priced using FedEx One Rate

<b>Automation</b>	WSXI	<b>Sender</b>	<b>Recipient</b>	
<b>Tracking ID</b>	287117082543	MEYER, SHAFFER & STEPANS, PLLP	Hon. Susan Watters	
<b>Service Type</b>	FedEx 2Day	430 Ryman St	2601 2nd Ave N, Fl 5th	
<b>Package Type</b>	FedEx Medium Box	MISSOULA MT 59802 US	BILLINGS MT 59101 US	
<b>Zone</b>	03			
<b>Packages</b>	1			
<b>Delivered</b>	Dec 08, 2021 10:40	<b>Transportation Charge</b>		20.93
<b>Svc Area</b>	AA	<b>Discount</b>		-6.28
<b>Signed by</b>	M.GUY	<b>Courier Pickup Charge</b>		4.00
<b>FedEx Use</b>	000000000/245346/	<b>Total Charge</b>	<b>USD</b>	<b>\$18.65</b>
<b>Shipper Subtotal</b>			<b>USD</b>	<b>\$18.65</b>
<b>Total FedEx Express</b>			<b>USD</b>	<b>\$18.65</b>



SHAFFER & STEPANS PLLP 14494

<b>FedEx</b>		12/22/2021	
Advanced Client Costs	Caekaert: 1/2 of JW Cases FedEx Charge (\$18.65)		9.32
Advanced Client Costs	[REDACTED] 1/2 of JW Cases FedEx Charge (\$18.65)		<del>9.32</del>
	<i>Routland</i>		9.33

Shaffer & Stepans FS [REDACTED] Inv. 7-598-00390 18.65

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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 178 of 270

**N O R T H E R N**  
H O T E L

Reservation Number 300327

**Send to** Mr. Ryan Shaffer  
430 Ryman Street  
Missoula, MT 59802

**Phone** 406-543-6929

**Guest Name** Mr. Ryan Shaffer

**Arrival Date**  
4/4/22

**Departure Date**  
4/5/22

**Room Information** 1011 - Classic King Suite

**Bill To**

**Phone**

Folio Number 315422

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
4/4/22	TEN Room Charge	1515-7161	92.00
4/4/22	Suite Spring Escape	nh -1011	203.15
4/4/22	Guest Room Tax	nh -1011	16.25
4/4/22	Billings \$2.00 Tourism Fee	nh -1011	2.00
<b>Total Charges</b>			<b>313.40</b>
<b>Payments</b>			
4/5/22	Visa	#####3717 221367011 0000244332	-313.40
<b>Total Payments</b>			<b>-313.40</b>
<b>Balance Due:</b>			<b>0.00</b>

*1/2 - \$156.70*

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-8767 | F: 406-867-8776 | info@northernhotel.com





Shaffer & Stepians, PLLP - QuickBooks Desktop Pro 2019

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Main Reports: Find, New, Save, Delete, Memoize, Print, Print Later, Pay Online, Attach File, Enter Time, Clear Spills, Recalculate, Reorder Reminder, Order Checks

BANK ACCOUNT: Shaffer & Stepians FSB - 0-5850 ENDING BALANCE: 1,172.31

PAY TO THE ORDER OF: Northern Hotel

ADDRESS: Northern Hotel, 19 N. Broadway, Billings, MT 59101

MEMO: Hotel for Ryan

NO. Debit, DATE 04/05/2022, \$ 313.40

Three hundred thirteen and 40/100 \*\*\*\*\* DOLLARS

✓ CLEARED

ACCT	AMOUNT	MEMO	DATE	DEBIT	CREDIT
Advanced Clie..	156.70	Caekvaet Hotel for Ryan - Trip to Billings for Sanctions Hearing (1/2 of JW Cases Cost \$313.40)			
Advanced Clie..	156.70	Rowland Hotel for Ryan - Trip to Billings for Sanctions Hearing (1/2 of JW Cases Cost \$313.40)			
<b>Expenses</b>	<b>\$313.40</b>	<b>Items</b>		<b>\$0.00</b>	

Customer: Caekvaet, Tracy; Rowland, Avane

Save & Close, Save & New

DISCOVERY HUB 3-ER 62

**N O R T H E R N**  
H O T E L

Reservation Number 300329

**Send to** Ms. Jessica Yuhas  
430 Ryman Street  
Missoula, MT 59802

**Phone** 406-543-6929

**Guest Name** Ms. Jessica Yuhas

**Arrival Date**  
4/4/22

**Departure Date**  
4/5/22

**Room Information**

0411 - Classic King Suite

**Bill To**

**Phone**

Folio Number 315424

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
4/4/22	Suite Spring Escape	nh -0411	203.15
4/4/22	Guest Room Tax	nh -0411	16.25
4/4/22	Billings \$2.00 Tourism Fee	nh -0411	2.00
<b>Total Charges</b>			221.40
<b>Payments</b>			
4/5/22	Visa	#####3717 222070411 0000244333	-221.40
<b>Total Payments</b>			-221.40
<b>Balance Due:</b>			<b>0.00</b>

*1/2 - \$110.70*

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



Chaffin & Shepard, PLLC - QuickBooks Desktop Pro 2019

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Support has ended for QuickBooks 2019 & Intuit® Explorer 11. Update QuickBooks now.

Type here to search

Bank Account: **Sheffer & Shepard's FSB - 05050** ENDING BALANCE: **1,172.31**

PAY TO THE ORDER OF: **Northern Hotel** NO: **Debit** DATE: **04/05/2022**

ADDRESS: **Northern Hotel, 19 N Broadway, Billings, MT 59101** **CLEARED**

MEMO: **Hotel for Jessica**

Expenses: **\$221.40** **Items** **\$0.00**

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Chen	110 70	Caekert Hotel for Jessica - Trip to Billings for Sanctions Hearing (1/2 of JW Cases Cost \$221.40)	Caekert, Tracy	
Advanced Chen	110 70	Rowland Hotel for Jessica - Trip to Billings for Sanctions Hearing (1/2 of JW Cases Cost \$221.40)	Rowland, Ailane	

Save & Close Save & New Revert

9/19/2022 5:18 PM

Items: 3,617

File: Home, New 1, New Emblems, Favorites, Index, Drafts, Sent Item, Junk Em, Deleted, Shared 1, Shared, partii@mss, Inbox, Admin, ALPS, Bell Dave, CALENDAR, Calendars, Client Folds, Advance, Barnhart, Bauer, Tor, Caekert/I, Closed Cli, COURT AC

ER-464

Laekaert

# N O R T H E R N

..... H O T E L .....

Reservation Number 300328

**Send to** Mr. Rob Stepan  
430 Ryman Street  
JACKSON, WY 83001

**Phone** 406-543-8929

**Guest Name** Mr. Rob Stepan

**Arrival Date**  
4/4/22

**Departure Date**  
4/5/22

**Room Information** 0911 - Classic King Suite

**Bill To**

**Phone**

Folio Number 315423

Trans Date	Description	Voucher	Amount
<b>Charges</b>			
4/4/22	Suite Spring Escape	nh -0911	203.15
4/4/22	Guest Room Tax	nh -0911	16.25
4/4/22	Billings \$2.00 Tourism Fee	nh -0911	2.00
<b>Total Charges</b>			<b>221.40</b>
<b>Payments</b>			
4/5/22	American Express	#####1005 562192911 0000244321	-221.40
<b>Total Payments</b>			<b>-221.40</b>
<b>Balance Due:</b>			<b>0.00</b>

1/2 - \$110.70

(mileage 590 x \$.74 = \$436.<sup>60</sup>)

1/2 - \$218.30

Northern Hotel  
19 North Broadway | Billings, MT 59101  
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



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Case: 23-35329, 10/16/2023, ID: 12810189, DktEntry: 19-4, Page 183 of 270



Shafer & Stepians, PLLP - QuickBooks Desktop Pro 2019  
Write Checks - Shafer & Stepians, FSB - 0-5650

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Type here to search

Main Reports Find New Save Delete Memo Memo Print Print Later Pay Online Attach File Enter Time Clear Spits Recalculate Reorder Reminder Order Checks

BANK ACCOUNT Shafer & Stepians, FSB - 0-5650 END BALANCE 1,172.31

PAY TO THE ORDER OF Robert L Stepians NO. 145172 DATE 04/06/2022 \$ 658.00

ADDRESS Six hundred fifty-eight and 00/100..... DOLLARS  
Robert L Stepians

MEMO Hotel & Mileage for Sanctions Hearing

EXPENSES \$658.00 BEGINS \$0.00

ACCOUNT	AMOUNT	MEMO	CUSTOMER JOB	BILLABLE?
Advanced Clien..	110.70	Caekaert: Hotel for Rob - Trip to Billings for Sanctions Hearing (1/2 of JW Cases Cost \$221.40)	Caekaert, Tracy	Y
Advanced Clien..	110.70	Rowland: Hotel for Rob - Trip to Billings for Sanctions Hearing (1/2 of JW Cases Cost \$221.40)	Rowland, Ariane	Y
Advanced Clien..	218.30	Caekaert: Rob's Mileage to/from Billings for Sanctions Hearing - 590 x \$ 7.4 (1/2 of JW Cases Cost \$436.60)	Caekaert, Tracy	Y
Advanced Clien..	218.30	Rowland: Rob's Mileage to/from Billings for Sanctions Hearing - 590 x \$ 7.4 (1/2 of JW Cases Cost \$436.60)	Rowland, Ariane	Y

Save & Close Save & New Rev 5:15 9/19

Shaffer & Stepan's FSB - QuickBooks Desktop Pro 2019

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Main Reports: Find, New, Save, Delete, Memoize, Create a Copy, Print, Print Later, Pay Online, Attach File, Enter Time, Clear Splits, Recalculate, Reorder Reminder, Order Checks

BANKACCOUNT: Shaffer & Stepan's FSB 0-6950 ENDING BALANCE: 1,172.31

PRINT AS: Ryan Shaffer  
 DATE: 04/09/2022  
 \$ 507.64

PAY TO THE ORDER OF: Ryan R Shaffer  
 ADDRESS: Ryan Shaffer  
 Five hundred seven and 64/100 \*\*\*\*\* DOLLARS  
 CHECKED

MEMO	AMOUNT	MEMO
Expenses	\$607.64	Reimburse
		\$0.00
ACCOUNT		
Advanced Clien...	253.82	Caekert Ryan's Mileage to/from Billings for Sanctions Hearing - 886 x \$74(1/2 of JW Cases Cost \$570.64)
Advanced Clien...	253.82	Rowland Ryan's Mileage to/from Billings for Sanctions Hearing - 686 x \$74(1/2 of JW Cases Cost \$570.64)

Customer Job: CUSTOMER JOB  
 Billable To: BILLABLE TO

Caekert, Tracy  
 Rowland, Ariane

Save & Close Save & New

5:21 PM 9/19

## *Exhibit 2*



1. Summary						
Meeting title	JW: Teams Meeting Video Call - See Link Below					
Attended participants	5					
Start time	4/2/21, 11:30:40 AM					
End time	4/2/21, 12:35:40 PM					
Meeting duration	1h 5m					
Average attendance time	1h 4m 41s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
James Murnion	4/2/21, 11:30:40 AM	4/2/21, 12:35:40 PM	1h 4m 59s	james@mss-lawfirm.com		Presenter
Ryan Shaffer	4/2/21, 11:30:41 AM	4/2/21, 12:35:40 PM	1h 4m 58s	ryan@mss-lawfirm.com		Presenter
Jessica Yuhas	4/2/21, 11:30:45 AM	4/2/21, 12:35:36 PM	1h 4m 51s	jessica@mss-lawfirm.com		Presenter
Matthew Merrill	4/2/21, 11:31:05 AM	4/2/21, 12:35:39 PM	1h 4m 33s	Matthew@merrillwaterlaw.com		Presenter
Rob Stepans	4/2/21, 11:31:32 AM	4/2/21, 12:35:38 PM	1h 4m 6s	rob@mss-lawfirm.com		Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
James Murnion	4/2/21, 11:30:40 AM	4/2/21, 12:35:40 PM	1h 4m 59s	james@mss-lawfirm.com	Presenter	
Ryan Shaffer	4/2/21, 11:30:41 AM	4/2/21, 12:35:40 PM	1h 4m 58s	ryan@mss-lawfirm.com	Presenter	
Jessica Yuhas	4/2/21, 11:30:45 AM	4/2/21, 12:35:36 PM	1h 4m 51s	jessica@mss-lawfirm.com	Presenter	
Matthew Merrill	4/2/21, 11:31:05 AM	4/2/21, 12:35:39 PM	1h 4m 33s	Matthew@merrillwaterlaw.com	Presenter	
Rob Stepans	4/2/21, 11:31:32 AM	4/2/21, 12:35:38 PM	1h 4m 6s	rob@mss-lawfirm.com	Presenter	

1. Summary						
Meeting title	JW Cases Teams Meeting					
Attended participants	5					
Start time	5/20/21, 1:00:05 PM					
End time	5/20/21, 2:05:06 PM					
Meeting duration	1h 5m 1s					
Average attendance time	1h 3m 42s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
Ryan Shaffer	5/20/21, 1:00:05 PM	5/20/21, 2:05:05 PM	1h 5m	ryan@mss-lawfirm.com		Presenter
James Murnion	5/20/21, 1:01:10 PM	5/20/21, 2:05:06 PM	1h 3m 56s	james@mss-lawfirm.com		Presenter
Rob Stepan	5/20/21, 1:01:17 PM	5/20/21, 2:05:06 PM	1h 3m 48s	rob@mss-lawfirm.com		Presenter
Matthew Merrill	5/20/21, 1:01:50 PM	5/20/21, 2:05:05 PM	1h 3m 14s	Matthew@merrillwaterlaw.com		Presenter
Jessica Yuhas	5/20/21, 1:02:32 PM	5/20/21, 2:05:06 PM	1h 2m 33s	jessica@mss-lawfirm.com		Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
Ryan Shaffer	5/20/21, 1:00:05 PM	5/20/21, 2:05:05 PM	1h 5m	ryan@mss-lawfirm.com	Presenter	
James Murnion	5/20/21, 1:01:10 PM	5/20/21, 2:05:06 PM	1h 3m 56s	james@mss-lawfirm.com	Presenter	
Rob Stepan	5/20/21, 1:01:17 PM	5/20/21, 2:05:06 PM	1h 3m 48s	rob@mss-lawfirm.com	Presenter	
Matthew Merrill	5/20/21, 1:01:50 PM	5/20/21, 2:05:05 PM	1h 3m 14s	Matthew@merrillwaterlaw.com	Presenter	
Jessica Yuhas	5/20/21, 1:02:32 PM	5/20/21, 2:05:06 PM	1h 2m 33s	jessica@mss-lawfirm.com	Presenter	

1. Summary						
Meeting title	JW Case Meeting - Teams					
Attended participants	6					
Start time	6/15/21, 3:30:08 PM					
End time	6/15/21, 4:45:52 PM					
Meeting duration	1h 15m 43s					
Average attendance time	1h 10m 15s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
Jessica Yuhas	6/15/21, 3:30:08 PM	6/15/21, 4:45:40 PM	1h 15m 31s	jessica@mss-lawfirm.com		Presenter
Katy Gannon	6/15/21, 3:30:10 PM	6/15/21, 4:45:43 PM	1h 15m 32s	katy@mss-lawfirm.com		Presenter
James Murnion	6/15/21, 3:31:26 PM	6/15/21, 4:45:44 PM	1h 14m 18s	james@mss-lawfirm.com		Presenter
Matthew Merrill	6/15/21, 3:33:16 PM	6/15/21, 4:45:44 PM	1h 6m 49s	Matthew@merrillwaterlaw.com		Presenter
Ryan Shaffer	6/15/21, 3:34:18 PM	6/15/21, 4:45:52 PM	1h 11m 33s	ryan@mss-lawfirm.com		Presenter
Rob Stepan	6/15/21, 3:47:55 PM	6/15/21, 4:45:42 PM	57m 47s	rob@mss-lawfirm.com		Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
Jessica Yuhas	6/15/21, 3:30:08 PM	6/15/21, 4:45:40 PM	1h 15m 31s	jessica@mss-lawfirm.com	Presenter	
Katy Gannon	6/15/21, 3:30:10 PM	6/15/21, 4:45:43 PM	1h 15m 32s	katy@mss-lawfirm.com	Presenter	
James Murnion	6/15/21, 3:31:26 PM	6/15/21, 4:45:44 PM	1h 14m 18s	james@mss-lawfirm.com	Presenter	
Matthew Merrill	6/15/21, 3:33:16 PM	6/15/21, 3:36:41 PM	3m 24s	Matthew@merrillwaterlaw.com	Presenter	
Matthew Merrill	6/15/21, 3:42:18 PM	6/15/21, 4:45:44 PM	1h 3m 25s	Matthew@merrillwaterlaw.com	Presenter	
Ryan Shaffer	6/15/21, 3:34:18 PM	6/15/21, 4:45:52 PM	1h 11m 33s	ryan@mss-lawfirm.com	Presenter	
Rob Stepan	6/15/21, 3:47:55 PM	6/15/21, 4:45:42 PM	57m 47s	rob@mss-lawfirm.com	Presenter	

1. Summary						
Meeting title	JW Cases - Mock Hearing re Motion to Compel Jurisdictional Discovery					
Attended participants	5					
Start time	6/17/21, 9:59:58 AM					
End time	6/17/21, 11:43:27 AM					
Meeting duration	1h 43m 28s					
Average attendance time	1h 40m 41s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
Ryan Shaffer	6/17/21, 9:59:58 AM	6/17/21, 11:43:22 AM	1h 43m 23s	ryan@mss-lawfirm.com		Presenter
Katy Gannon	6/17/21, 10:00:12 AM	6/17/21, 11:43:05 AM	1h 42m 53s	katy@mss-lawfirm.com		Presenter
James Murnion	6/17/21, 10:00:55 AM	6/17/21, 11:43:05 AM	1h 42m 10s	james@mss-lawfirm.com		Presenter
Matthew Merrill	6/17/21, 10:03:39 AM	6/17/21, 11:43:27 AM	1h 39m 47s	Matthew@merrillwaterlaw.com		Presenter
Rob Stepans	6/17/21, 10:07:50 AM	6/17/21, 11:43:03 AM	1h 35m 12s	rob@mss-lawfirm.com		Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
Ryan Shaffer	6/17/21, 9:59:58 AM	6/17/21, 11:43:22 AM	1h 43m 23s	ryan@mss-lawfirm.com	Presenter	
Katy Gannon	6/17/21, 10:00:12 AM	6/17/21, 11:43:05 AM	1h 42m 53s	katy@mss-lawfirm.com	Presenter	
James Murnion	6/17/21, 10:00:55 AM	6/17/21, 11:43:05 AM	1h 42m 10s	james@mss-lawfirm.com	Presenter	
Matthew Merrill	6/17/21, 10:03:39 AM	6/17/21, 11:43:27 AM	1h 39m 47s	Matthew@merrillwaterlaw.com	Presenter	
Rob Stepans	6/17/21, 10:07:50 AM	6/17/21, 11:43:03 AM	1h 35m 12s	rob@mss-lawfirm.com	Presenter	

1. Summary						
Meeting title	JW Cases - Call to Discuss PJ Documents					
Attended participants	5					
Start time	8/10/21, 2:30:20 PM					
End time	8/10/21, 4:49:52 PM					
Meeting duration	2h 19m 32s					
Average attendance time	2h 1m 29s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
James Murnion	8/10/21, 2:30:58 PM	8/10/21, 4:49:41 PM	2h 18m 42s	james@mss-lawfirm.com	james@mss-lawfirm.com	Presenter
Jessica Yuhas	8/10/21, 2:31:10 PM	8/10/21, 4:49:38 PM	2h 18m 27s	jessica@mss-lawfirm.com	jessica@mss-lawfirm.com	Organizer
Katy Gannon	8/10/21, 2:31:11 PM	8/10/21, 3:25:20 PM	54m 9s	katy@mss-lawfirm.com	katy@mss-lawfirm.com	Presenter
Matthew Merrill	8/10/21, 2:31:13 PM	8/10/21, 4:49:40 PM	2h 18m 26s	Matthew@merrillwaterlaw.com	Matthew@merrillwaterlaw.com	Presenter
Ryan Shaffer	8/10/21, 2:32:07 PM	8/10/21, 4:49:52 PM	2h 17m 44s	ryan@mss-lawfirm.com	ryan@mss-lawfirm.com	Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
James Murnion	8/10/21, 2:30:58 PM	8/10/21, 4:49:41 PM	2h 18m 42s	james@mss-lawfirm.com	Presenter	
Jessica Yuhas	8/10/21, 2:31:10 PM	8/10/21, 4:49:38 PM	2h 18m 27s	jessica@mss-lawfirm.com	Organizer	
Katy Gannon	8/10/21, 2:31:11 PM	8/10/21, 3:25:20 PM	54m 9s	katy@mss-lawfirm.com	Presenter	
Matthew Merrill	8/10/21, 2:31:13 PM	8/10/21, 4:49:40 PM	2h 18m 26s	Matthew@merrillwaterlaw.com	Presenter	
Ryan Shaffer	8/10/21, 2:32:07 PM	8/10/21, 4:49:52 PM	2h 17m 44s	ryan@mss-lawfirm.com	Presenter	

1. Summary						
Meeting title	JW Cases - Discuss PJ Brief and Documents					
Attended participants	6					
Start time	8/26/21, 3:01:59 PM					
End time	8/26/21, 4:23:09 PM					
Meeting duration	1h 21m 10s					
Average attendance time	1h 16m 36s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
Matthew Merrill	8/26/21, 3:02:02 PM	8/26/21, 4:23:00 PM	1h 20m 58s	Matthew@merrillwaterlaw.com	Matthew@merrillwaterlaw.com	Presenter
Katy Gannon	8/26/21, 3:02:08 PM	8/26/21, 3:58:28 PM	56m 19s	katy@mss-lawfirm.com	katy@mss-lawfirm.com	Presenter
Ryan Shaffer	8/26/21, 3:02:10 PM	8/26/21, 4:23:09 PM	1h 20m 58s	ryan@mss-lawfirm.com	ryan@mss-lawfirm.com	Presenter
Jessica Yuhas	8/26/21, 3:02:12 PM	8/26/21, 4:23:05 PM	1h 20m 53s	jessica@mss-lawfirm.com	jessica@mss-lawfirm.com	Organizer
Rob Stepans	8/26/21, 3:02:32 PM	8/26/21, 4:23:03 PM	1h 20m 31s	rob@mss-lawfirm.com	rob@mss-lawfirm.com	Presenter
James Murnion	8/26/21, 3:03:04 PM	8/26/21, 4:23:05 PM	1h 20m 1s	james@mss-lawfirm.com	james@mss-lawfirm.com	Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
Matthew Merrill	8/26/21, 3:02:02 PM	8/26/21, 4:23:00 PM	1h 20m 58s	Matthew@merrillwaterlaw.com	Presenter	
Katy Gannon	8/26/21, 3:02:08 PM	8/26/21, 3:58:28 PM	56m 19s	katy@mss-lawfirm.com	Presenter	
Ryan Shaffer	8/26/21, 3:02:10 PM	8/26/21, 4:23:09 PM	1h 20m 58s	ryan@mss-lawfirm.com	Presenter	
Jessica Yuhas	8/26/21, 3:02:12 PM	8/26/21, 4:23:05 PM	1h 20m 53s	jessica@mss-lawfirm.com	Organizer	
Rob Stepans	8/26/21, 3:02:32 PM	8/26/21, 4:23:03 PM	1h 20m 31s	rob@mss-lawfirm.com	Presenter	
James Murnion	8/26/21, 3:03:04 PM	8/26/21, 4:23:05 PM	1h 20m 1s	james@mss-lawfirm.com	Presenter	

1. Summary						
Meeting title	JW Case Call					
Attended participants	5					
Start time	9/2/21, 3:30:43 PM					
End time	9/2/21, 4:17:06 PM					
Meeting duration	46m 23s					
Average attendance time	45m 12s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
James Murnion	9/2/21, 3:31:08 PM	9/2/21, 4:17:00 PM	45m 51s	james@mss-lawfirm.com	james@mss-lawfirm.com	Presenter
Matthew Merrill	9/2/21, 3:31:20 PM	9/2/21, 4:16:53 PM	45m 33s	Matthew@merrillwaterlaw.com	Matthew@merrillwaterlaw.com	Presenter
Jessica Yuhas	9/2/21, 3:31:26 PM	9/2/21, 4:16:55 PM	45m 29s	jessica@mss-lawfirm.com	jessica@mss-lawfirm.com	Organizer
Ryan Shaffer	9/2/21, 3:31:43 PM	9/2/21, 4:17:06 PM	45m 22s	ryan@mss-lawfirm.com	ryan@mss-lawfirm.com	Presenter
Rob Stepan	9/2/21, 3:33:09 PM	9/2/21, 4:16:59 PM	43m 49s	rob@mss-lawfirm.com	rob@mss-lawfirm.com	Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
James Murnion	9/2/21, 3:31:08 PM	9/2/21, 4:17:00 PM	45m 51s	james@mss-lawfirm.com	Presenter	
Matthew Merrill	9/2/21, 3:31:20 PM	9/2/21, 4:16:53 PM	45m 33s	Matthew@merrillwaterlaw.com	Presenter	
Jessica Yuhas	9/2/21, 3:31:26 PM	9/2/21, 4:16:55 PM	45m 29s	jessica@mss-lawfirm.com	Organizer	
Ryan Shaffer	9/2/21, 3:31:43 PM	9/2/21, 4:17:06 PM	45m 22s	ryan@mss-lawfirm.com	Presenter	
Rob Stepan	9/2/21, 3:33:09 PM	9/2/21, 4:16:59 PM	43m 49s	rob@mss-lawfirm.com	Presenter	



1. Summary						
Meeting title	JW Call - Discuss PJ Brief					
Attended participants	5					
Start time	10/18/21, 9:59:14 AM					
End time	10/18/21, 11:09:47 AM					
Meeting duration	1h 10m 33s					
Average attendance time	1h 38s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
James Murnion	10/18/21, 10:00:51 AM	10/18/21, 10:51:03 AM	50m 11s	james@mss-lawfirm.com	james@mss-lawfirm.com	Presenter
Jessica Yuhas	10/18/21, 10:01:00 AM	10/18/21, 11:09:45 AM	1h 8m 45s	jessica@mss-lawfirm.com	jessica@mss-lawfirm.com	Organizer
Ryan Shaffer	10/18/21, 10:01:16 AM	10/18/21, 11:09:47 AM	1h 8m 30s	ryan@mss-lawfirm.com	ryan@mss-lawfirm.com	Presenter
Rob Stepan	10/18/21, 10:01:59 AM	10/18/21, 11:09:42 AM	1h 7m 43s	rob@mss-lawfirm.com	rob@mss-lawfirm.com	Presenter
Matthew Merrill	10/18/21, 10:02:37 AM	10/18/21, 10:50:42 AM	48m 5s	Matthew@merrillwaterlaw.com	Matthew@merrillwaterlaw.com	Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
James Murnion	10/18/21, 10:00:51 AM	10/18/21, 10:51:03 AM	50m 11s	james@mss-lawfirm.com	Presenter	
Jessica Yuhas	10/18/21, 10:01:00 AM	10/18/21, 11:09:45 AM	1h 8m 45s	jessica@mss-lawfirm.com	Organizer	
Ryan Shaffer	10/18/21, 10:01:16 AM	10/18/21, 11:09:47 AM	1h 8m 30s	ryan@mss-lawfirm.com	Presenter	
Rob Stepan	10/18/21, 10:01:59 AM	10/18/21, 11:09:42 AM	1h 7m 43s	rob@mss-lawfirm.com	Presenter	
Matthew Merrill	10/18/21, 10:02:37 AM	10/18/21, 10:50:42 AM	48m 5s	Matthew@merrillwaterlaw.com	Presenter	

1. Summary						
Meeting title	JW Case - Mock Hearing (Motion for Sanctions)					
Attended participants	6					
Start time	3/16/22, 1:30:04 PM					
End time	3/16/22, 3:20:36 PM					
Meeting duration	1h 50m 32s					
Average attendance time	1h 44m 58s					
2. Participants						
Name	First join	Last leave	In-meeting duration	Email	Participant ID (UPN)	Role
Jessica Yuhas	3/16/22, 1:30:54 PM	3/16/22, 3:20:32 PM	1h 49m 38s	jessica@mss-lawfirm.com	jessica@mss-lawfirm.com	Organizer
Katy G. (Guest)	3/16/22, 1:30:58 PM	3/16/22, 2:55:44 PM	1h 24m 46s			Presenter
James Murnion	3/16/22, 1:31:06 PM	3/16/22, 3:20:36 PM	1h 49m 29s	james@mss-lawfirm.com	james@mss-lawfirm.com	Presenter
Rob Stepan	3/16/22, 1:31:14 PM	3/16/22, 3:20:32 PM	1h 49m 18s	rob@mss-lawfirm.com	rob@mss-lawfirm.com	Presenter
Matthew Merrill	3/16/22, 1:31:17 PM	3/16/22, 3:20:32 PM	1h 49m 14s	Matthew@merrillwaterlaw.com	Matthew@merrillwaterlaw.com	Presenter
Ryan Shaffer	3/16/22, 1:33:05 PM	3/16/22, 3:20:31 PM	1h 47m 26s	ryan@mss-lawfirm.com	ryan@mss-lawfirm.com	Presenter
3. In-Meeting activities						
Name	Join time	Leave time	Duration	Email	Role	
Jessica Yuhas	3/16/22, 1:30:54 PM	3/16/22, 3:20:32 PM	1h 49m 38s	jessica@mss-lawfirm.com	Organizer	
Katy G. (Guest)	3/16/22, 1:30:58 PM	3/16/22, 2:55:44 PM	1h 24m 46s		Presenter	
James Murnion	3/16/22, 1:31:06 PM	3/16/22, 3:20:36 PM	1h 49m 29s	james@mss-lawfirm.com	Presenter	
Rob Stepan	3/16/22, 1:31:14 PM	3/16/22, 3:20:32 PM	1h 49m 18s	rob@mss-lawfirm.com	Presenter	
Matthew Merrill	3/16/22, 1:31:17 PM	3/16/22, 3:20:32 PM	1h 49m 14s	Matthew@merrillwaterlaw.com	Presenter	
Ryan Shaffer	3/16/22, 1:33:05 PM	3/16/22, 3:20:31 PM	1h 47m 26s	ryan@mss-lawfirm.com	Presenter	

# ***Exhibit B***

Robert L. Stepan  
Ryan R. Shaffer  
James C. Murnion  
Meyer, Shaffer & Stepan, PLLP  
430 Ryman Street  
Missoula, MT 59802  
Tel: (406) 543-6929  
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Matthew L. Merrill (appearing *pro hac vice*)  
Merrill Law, LLC  
1863 Wazee Street, #3A  
Denver, CO 80202  
Tel: (303) 947-4453  
matthew@merrillwaterlaw.com

*Attorneys for Plaintiff*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

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

Defendants, )

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

BRUCE MAPLEY, SR., )  
Cross Defendant. )

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

**DECLARATION OF  
RYAN R. SHAFFER**

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

I, Ryan R. Shaffer, an attorney duly admitted to practice law in this Court, declares that the following is true and correct:

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

2. I am a Partner in the law firm of Meyer, Shaffer & Stepan and represent Plaintiffs in this matter.

3. I am admitted to practice law in the state and Federal courts of Montana, Wyoming, and North Dakota and have been practicing law since 2006.

4. My firm represents victims of sexual abuse and harassment on a contingency fee basis.
5. In circumstances where my firm represents clients on an hourly fee basis, my ordinary and customary rate is \$300/hour.
6. I personally prepared the itemization of my time spent litigating WTPA's Motion, which is attached as **Exhibit 1**.
7. With exception of entries between 8/31/2021 and 9/8/2021, I did not keep contemporaneous records of the time I expended litigating WTPA's Motion.
8. Therefore, I reconstructed the time I expended by reviewing:
  - a. My calendar.
  - b. The complete discovery served and answered pertaining to the WTPA's Motion.
  - c. The record of correspondence between counsel pertaining to litigation over WTPA's Motion.
  - d. The pleadings filed with the Court pertaining to WTPA's Motion
  - e. The record of Jehovah's Witness documents assigned to me to review and summarize for responding to WTPA's Motion (a spreadsheet identifying these documents is attached as **Exhibit 2**).

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

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

10. Based on my sixteen (16) years of experience litigating contested civil matters, I know approximately how long it takes to draft and edit briefs, draft and edit discovery and related correspondence, and review evidence produced in discovery and I therefore followed the following guidelines in entering itemizations of my time:

- a. I know that one page of well-researched and well-edited briefing typically requires one hour of work, and therefore a 20-page brief would typically require twenty (20) hours of work.
- b. I know that one page of edited, written discovery requests typically requires half an hour of work, and therefore 20 pages of written discovery would typically require ten (10) hours of work.
- c. Careful review of incoming orders, pleadings, correspondence, and discovery takes approximately three minutes per page.



d. Review of evidence produced in discovery takes approximately one minute per page.

11. When making time entries based on the guidelines referenced above I rounded down to ensure that my entries did not overstate the actual time required for each task.

12. I know that countless emails, meetings, phone calls, and discussions with co-counsel and staff that resulted from litigating WTPA's Motion were left out of my itemization of time because I had no reliable way to estimate or document those hours.

13. I know that countless hours of reviewing the voluminous evidence obtained during discovery resulting from WTPA's Motion was left out of my itemization because I had no reliable way to estimate or document those hours.

14. A conservative estimate for the time I expended litigating WTPA's Motion that is not included in my itemization, and therefore not being claimed by Plaintiffs, is at fifty (50) hours.

15. For the foregoing reasons, I affirm and certify that the attached itemization of my time expended litigating WTPA's Motion is a very conservative reflection of the actual time and effort that was expended.

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

DATED this 20<sup>th</sup> day of September, 2021.

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

# *Exhibit 1*

RYAN SHAFFER TIME ENTRIES RE: HANDLING WTPA MOTION TO DISMISS ON PERSONAL JURISDICTION									
	Date	Event	Review of Incoming Doc	Legal Research re: Doc	Drafting Outgoing Doc.	Editing / Finalizing Outgoing Doc.	Teams Meetings / Conf. Calls	Travel Time (50% of hourly billing rate)	Time in Court or Depo
1	6/22/2020	WTPA Motion to Dismiss and Brief	1						
2	7/9/2020	Attorney meeting re: Motion to dismiss and joint discovery plan					0.8		
3	7/13/2020	Response brief to WTPA's Motion to Dismiss ("MTD") Pursuant to Rule 12(b)(2)			18	0.5			
4	~7/13/2020 – ~3/20/2021	Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana	8.3 (615 pages)						
5	8/5/2020	Motion to supplement the record re: MTD			0.5				
6	8/5/2020	Brief in support of Motion to supplement the record re: MTD			0.7	0.5			
7	8/14/2020	WTPA's brief in opposition to Motion to supplement the record re: MTD	0.5						
8	8/18/2020	Order re: Jurisdictional discovery	0.3						
9	9/23/2020	Joint JD discovery plan			1.5				
10	10/8/2020	Attorney meeting re: document and information management; scope of jurisdictional discovery; 1st round of jurisdictional discovery to WTPA					1.1		
11	10/14/2020	First jurisdictional discovery to WTPA				0.5			
12	10/14/2020	Order re: jurisdictional discovery scheduling	0.1						
13	10/19/2020	Brief re: scope of jurisdictional discovery			10	0.5			
14	11/11/2020	Attorney meeting re: protective order; motion to conduct discovery on Mapley/WTNY; 2nd jurisdictional discovery to WTPA and 1st to WTNY					1		
15	11/17/2020	Second jurisdictional discovery to WTPA				0.5			
16	11/17/2020	First jurisdictional discovery to WTNY				0.5			
17	11/20/2020	WTPA's responses to first jurisdictional discovery	0.5						
18	11/30/2020	Order re: scope of jurisdictional discovery	0.2						
19	12/15/2020	Letter from Wilson re: supp. discovery and elder interviews	0.1						
20	12/15/2020	WTPA's first supp. responses to first jurisdictional discovery	0.5						
21	12/17/2020	Attorney meeting re: finalizing SDT to Hardin Congregation; additional jurisdictional discovery to WTPA/WTNY; documents/correspondence received from WTPA					1.7		
22	12/17/2020	Subpoena duces tecum to hardin congregation			1				
23	12/22/2020	Attorney meeting with consultant re: WTPA's role in the church					3		
24	12/22/2020	Letter to Wilson re: elder interviews			0.5				
25	12/28/2020	Letter from Funyak re: subpoena duces tecum to hardin congregation	0.1						
26	12/29/2020	WTPA's responses to second jurisdictional discovery	0.5						

27	12/29/2020	WTNY's responses to first jurisdictional discovery	0.5						
28	1/5/2021	Attorney meeting with consultant re: WTPA's role in the church						2.5	
29	1/5/2021	Scrutinizing Defs' Disc answers	1						
30	1/5/2021	Letter to Funyak re: Funyak's purported	0.4						
31	1/6/2021	Attorney Meeting re: Hardin Congregation Subpoena						1.1	
32	1/7/2021	Letter from Funyak re: subpoena duces tecum to	0.1						
33	1/11/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation							
34	1/15/2021	WTPA's first supp. responses to second jurisdictional discovery	0.5						
35	1/15/2021	Attorney meetign re: documents received from WTPA, disocvery disputes, serving additional discovery before 1/25 deadline, legal research on personal jurisdiction						0.4	
36	1/18/2021	Reviewing and editing James' letter to defense counsel					1		
37	1/19/2021	Letter from Funyak re: Subpoena duces tecum to hardin congregation + scope of representation	0.1						
38	1/19/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation + scope of representation	0.2						
39	1/19/2021	Letter to Wilson re: WTPA's jurisdictional discovery responses					0.5		
40	1/20/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation + scope of representation				0.8			
41	1/22/2021	Letter from Funyak re: Subpoena duces tecum to hardin congregation + scope of representation	0.2						
42	1/22/2021	Letter from Wilson re: WTPA's discovery responses	0.5						
43	1/25/2021	Third jurisdictional discovery to WTPA				5			
44	1/25/2021	Second jurisdictional discovery to WTNY				4			
45	1/26/2021	Final review editing Letter to Wilson re: WTPA's jurisdictional discovery responses						0.5	
46	1/26/2021	Letter to Wilson re: WTNY's jurisdictional discovery responses				0.7			
47	1/28/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation.				0.1			
48	2/2/2021	Letter from Funyak re: subpoena duces tecum to hardin congregation	0.1						
49	2/3/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation				0.3			
50	2/11/2021	Attorney Meeting re: Hardin Congregation Subpoena and ongoing Jurisdictional Discovery						1	
51	2/12/2021	Letter from Wilson re: WTPA and WTNY discovery responses	0.5						
52	2/26/2021	Joint motion to amend jurisdictional discovery scheduling order	0.3						
53	3/8/2021	Email to Aaron Dunn re Int. No. 6				0.2			
54	3/8/2021	Email to Wilson re: WTNY's jurisdictional discovery responses							
55	3/8/2021	Review Discover Responses from Defendants	1						
56	3/9/2022	Review Dunn email and discuss with james	0.1						
57	3/10/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses						0.6	
58	3/16/2021	Letter from Wilson re: deposition of WTPA	0.3						
59	3/22/2021	2 letters from Wilson re: WTPA's and WTNY's jurisdictional discovery responses	0.7						
60	3/22/2021	WTPA's second supp. re: responses to first jurisdictional discovery	0.1						

61	3/23/2021	Attorney meeting re: discovery disputes						1.1	
62	3/26/2021	Letter to Wilson re: WTPA's and WTNy's jurisdictional discovery responses				1			
63	3/26/2021	Motion for status conference			0.5				
64	3/29/2021	Telephone call with Defense re: discovery						1	
65	3/30/2021	Letter to Funiak re: Subpoena duces tecum to hardin congregation			0.7				
66	3/31/2021	WTNY's first supp. responses to first jurisdictional discovery	0.1						
67	4/2/2021	Attorney meeting re: discovery disputes						1.1	
68	4/7/2021	Letter from Funiak re: Subpoena duces tecum to hardin congregation	0.1						
69	4/8/2021	Letter to Wilson re: WTPA's and WTNy's jurisdictional discovery responses							
70	4/8/2021	Letter from Wilson re: WTPA's and WTNy's jurisdictional discovery responses	1						
71	4/9/2021	Notice of written disco and assoc. conferral efforts			0.7				
72	4/9/2021	Letter to Wilson re: WTPA's and WTNy's jurisdictional discovery responses and jurisdictional depositions			0.3				
73	4/12/2021	Letter to James Rowland re: documents for deposition							
74	4/13/2021	Order re: deadline for completion of jurisdictional depositions	0.1						
75	4/19/2021	Letter to James Rowland re: upcoming deposition							
76	4/19/2021	WTNY's second supp. responses to first jurisdictional discovery	0.2						
77	4/19/2021	WTPA's second supp. responses to third jurisdictional discovery	0.1						
78	4/20/2021	Motion to compel jurisdictional discovery			0.5				
79	4/20/2021	Brief re: Motion to compel jurisdictional discovery			6.5				
80	4/21/2021	Motion to compel Hardin Congregation subpoena duces tecum			0.5				
81	4/21/2021	Brief re: Motion to compel Hardin Congregation subpoena duces tecum			8				
82	4/23/2021	Deposition of James Rowland	5 (Depo prep)					10	7
83	4/28/2021	Letter from Funiak re: Motion to compel	0.2						
84	5/4/2021	Hardin Congregation's motion and brief to permissively intervene	0.3						
85	5/5/2021	Order re: Hardin Congregation's motion and brief to permissively intervene	0.1						
86	5/5/2021	Hardin Congregation's response to motion to compel subpoena duces tecum	0.5						
87	5/11/2021	WTPA and WTNy's response to motion to compel jurisdictional discovery	0.7						
88	5/12/2021	WTPA and WTNy's joinder in hardin congregation's opposition to motion to compel	0.1						
89	5/14/2021	Reply brief re: Motion to compel Hardin Congregation subpoena duces tecum	0.3						
90	5/20/2021	WTPA's third supp. responses to third jurisdictional discovery	0.3						
91	5/20/2021	Attorney meeting re: motions to compel + upcoming oral arguments						1.1	
92	5/25/2021	Reply brief re: Motion to compel jurisdictional discovery			3				

93	6/2/2021	Oral argument re: Motion to compel Hardin Congregation subpoena duces tecum						10	1
94	6/15/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.3		
95	6/17/2021	Mock hearing re: motion to compel jurisdictional discovery					1.7		
96	6/23/2021	Oral argument re: Motion to compel jurisdictional discovery						10	1.2
97	6/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum	0.5						
98	7/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum							
99	8/3/2021	Letter to Funyak re: subpoena duces tecum documents			0.1				
100	8/10/2021	Attorney meeting re: documents relevant to personal jurisdiction					2.3		
101	8/11/2021	Letter to Funyak re: redaction of subpoena duces tecum documents			0.5				
102	8/12/2021	Letter from Funyak re: redaction of subpoena duces tecum documents	0.1						
103	8/12/2021	Hardin Congregation's request for clarification	0.1						
104	8/16/2021	Notice of Docs. Refernced by hardin congregation			0.3				
105	8/24/2021	Order re: motion to compel jurisdictional discovery	0.3						
106	8/26/2021	Attorney meeting re: documents relevant to personal jurisdiction and forthcoming response to MTD					1.3		
107	8/27/2021	Letter to Wilson/Taylor re: impropriety of MTD			0.8				
108	8/30/2021	Order re: redaction of subpoena duces tecum documents	0.1						
109	8/31/2021	Review my time spent pursuing motion to compel calculating amount of time spent on discovery issues we prevailed on, discussing best way to parse out time we did not prevail on.						1	
110	9/1/2021	Compiling my time on each step of prevailing on motion to compel						1.1	
111	9/2/2021	Letter from Wilson re: impropriety of MTD	0.2					0.6	
112	9/2/2021	Attorney meeting to discuss affidavit of fees and costs on Motion to Compel, review of Watchtower financial documents, Brumley depo., SDT to Hardin.					0.8		
113	9/2/2021	Letter from Funyak w/ unredacted subpoena duces tecum documents	0.1						
114	9/3/2021	Statement of attorney fees and costs re: motion to compel			1.5			3	
115	9/9/2021	Motion for scheduling order re: remainder of jurisdictional phase of case			0.8				
116	9/14/2021	Order granting motion for scheduling order	0.1						
117	9/15/2021	Stipulation for taking of remote depositions			1.2				
118	9/21/2021	WTPA's third supp. re: responses to first jurisdictional discovery	0.3						
119	9/21/2021	WTPA's second supp. responses to second jurisdictional discovery	1.5						
120	9/21/2021	WTNY's third supp. responses to first jurisdictional discovery	0.7						
121	9/21/2021	WTPA's fourth supp. responses to third jurisdictional discovery	1.7						
122	9/21/2021								



123	10/18/2021	Attorney meeting to discuss personal jurisdiction brief and potential Rule 11 letter					1.2		
124	10/25/2021	Letters to Wilson, Taylor with Rule 11 motion/brief attached		2		0.5			
125	11/5/2021	WTPA's notice of withdrawal of MTD	0.1						
126	11/5/2021	Notice re: WTPA's withdrawal of MTD		1		0.5			
127	11/5/2021	Response brief to WTPA's MTD		27		1			
128	12/3/2021	Motion for sanctions		0.8					
129	12/3/2021	Brief re: Motion for sanctions		2.5	14	0.5			
130	1/10/2022	Reply brief re: Motion for sanctions		1	10	0.5			
131	3/16/2021	Mock hearing re: motion for sanctions					1.8		
132	4/5/2022	Oral argument re: Motion for sanctions						10	1.3
133	9/15/2022	Itemizing time expended litigating WTPA Motion to Dismiss			2				
134	9/16/2022	Itemizing time expended litigating WTPA Motion to Dismiss			4				
<b>Time Totals</b>			20.3	3.5	130	15.3	27.3	40	10.5
<b>Hourly Rate</b>			\$300	\$300	\$300	\$300	\$300	\$150	\$300
<b>Total Fee</b>			\$6,090	\$1,050	\$39,000	\$4,590	\$8,190	\$6,000	\$3,150
									<b>Grand Total</b>
									<b>\$68,070</b>

## *Exhibit 2*

<b>PRODUCED BY/ BATES PREFIX</b>	<b>BATES NUMBER</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
CAEKAERT/MAPLEY	000349-000353	1989, 1992 & 1993	1989, 1992, 1993 Child Abuse Telememo Form	RYAN
CAEKAERT/MAPLEY	000354-000355	5/24/2002	2002-05-24 Letter from Christian Congregation of the Jehovah's Witnesses to all church members	RYAN
CAEKAERT/MAPLEY	000356-000387	4/1/1971	1971-04-01 The Watchtower Published by WTBS PA	RYAN
CAEKAERT/MAPLEY	000388-000419	11/1/1995	1995-11-01 The Watchtower Published by WTPA	RYAN
CAEKAERT/MAPLEY	000420-000451	6/22/1982	1982-06-22 Awake! Magazine Published by WTNY	RYAN
CAEKAERT/MAPLEY	000452-000483	1/22/1985	1985-01-22 Awake! Magazine Published by WTNY	RYAN
CAEKAERT/MAPLEY	000484-000623	10/1972	1972-10 Kingdom Ministry School Course Published by WTPA	RYAN
CAEKAERT/MAPLEY	000624-000723	9/1977	1977-09 Pay Attention to Yourselves and to All the Flock Published by WTNY	RYAN
CAEKAERT/MAPLEY	002685	3/30/1917	1917-03-30 Letter from WTPA to someone in Illinois thanking them for a	RYAN

CAEKAERT/MAPLEY	002744	4/23/1988	Real Fortin Disfellowship S-77 Form for attempted molestation of his daughter	RYAN
CAEKAERT/MAPLEY	002766-002772	1/20/2011, 4/21/2011, 6/10/2011, 10/10/2011, 11/1/2011 & 12/26/2011	Correspondence between Ludlow, MA local congregation and the "Christian Congregation of Jehovah's Witnesses" regarding Mr. Fortin and how to handle his position in the church in light of his past admissions of sexual	RYAN
CAEKAERT/MAPLEY	002797-002800	1949	Counsel on Theocratic Organization - Montana	RYAN
CAEKAERT/MAPLEY	002801-002833	1960	Preaching & Teaching in Peace and Unity	RYAN
CAEKAERT/MAPLEY	002834-003027	1972	Organization for Kingdom-Preaching and Disciple-Making Book	RYAN

# *Exhibit C*

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*Attorneys for Plaintiff*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

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

Defendants, )

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

BRUCE MAPLEY, SR., )  
Cross Defendant. )

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

**DECLARATION OF  
ROBERT L. STEPANS**

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

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I, Robert L. Stepan, an attorney duly admitted to practice law in this Court, declares that the foregoing is true and correct:

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

2. I am a Partner in the law firm of Meyer, Shaffer & Stepan and represent Plaintiffs in this matter.

3. I am admitted to practice law in the state and Federal courts of Montana, Wyoming, Colorado, and the Federal court of North Dakota. I have been practicing law since 2007.



4. My firm represents victims of sexual abuse and harassment on a contingency fee basis.

5. In circumstances where my firm represents clients on an hourly fee basis, my ordinary and customary rate is \$300/hour.

6. My primary role in this litigation to date has been reviewing documents, participating in strategy meetings and travelling to Billings for oral argument in front of the Court.

7. While I have also reviewed briefs, discovery, and been a part of hundreds of hours of meetings regarding litigation over WTPA's Motion, none of that time was kept contemporaneously and there is no reliable way for me to capture or claim those hours.

8. As a result, I have prepared an itemization of my time spent litigating WTPA's Motion, which is attached as **Exhibit 1**, by reviewing my calendar, the record of teams and teleconference meetings I attended, and a record of the Jehovah's Witness documents assigned to me for review (attached as **Exhibit 2**).

9. I specifically excluded from **Exhibit 1** many meetings, emails, phone calls, and discussions with my co-counsel related to litigating the WTPA's Motion because they were not memorialized or recorded. For example, my Partner Ryan Shaffer, co-counsel and I frequently discussed at length, both verbally and via

email, all manner of issues related to WTPA's Motion. However, I have made no attempt to include such time on **Exhibit 1** because there is no objective guidepost to tether a reasonable estimate to. As a result, my itemization omits hundreds of hours of time that I actually spent litigating WTPA's Motion.

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

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

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

By: /s/ Robert L. Stepans  
Robert L. Stepans  
MEYER, SHAFFER & STEPANS PLLP  
*Attorneys for Plaintiffs*

# *Exhibit 1*

ROBERT STEPANS TIME ENTRIES RE: HANDLING WTPA MOTION TO DISMISS ON PERSONAL JURISDICTION						
	Date	Event	Review of Incoming Doc	Teams Meetings / Conf. Calls	Travel Time (50% of hourly billing rate)	Time in Court
1	7/9/2020	Attorney meeting re: Motion to dismiss and joint discovery plan			0.8	
2	~7/13/2020 – ~3/20/2021	Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana	8.6			
3	10/8/2020	Attorney meeting re: document and information management; scope of jurisdictional discovery; 1st round of jurisdictional discovery to WTPA			1.1	
4	11/11/2020	Attorney meeting re: protective order; motion to conduct discovery on Mapley/WTNY; 2nd jurisdictional discovery to WTPA and 1st to WTNY			1	
5	12/17/2020	Attorney meeting re: finalizing SDT to Hardin Congregation; additional jurisdictional discovery to WTPA/WTNY; documents/correspondence received from WTPA			2.4	
6	12/22/2020	Attorney meeting with consultant re: WTPA's role in the church			3	
7	1/6/2021	Attorney Meeting re: Hardin Congregation Subpoena and ongoing Jurisdictional Discovery			1.1	
8	1/15/2021	Attorney meetign re: documents received from WTPA, disocvery disputes, serving additional discovery before 1/25 deadline, legal research on personal jurisdiction			0.4	
9	2/11/2021	Attorney Meeting re: Hardin Congregation Subpoena and ongoing Jurisdictional Discovery			1	
10	3/23/2021	Attorney meeting re: discovery disputes			1.1	
11	4/2/2021	Attorney meeting re: discovery disputes			1.1	
12	5/20/2021	Attorney meeting re: motions to compel + upcoming oral arguments			1.1	
13	6/15/2021	Attorney meeting re: motions to compel + upcoming oral arguments			1.3	
14	6/17/2021	Mock hearing re: motion to compel jurisdictional discovery			1.7	

15	6/23/2021	Oral argument re: Motion to compel jurisdictional discovery			11.6	1.3
16	7/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum	0.5			
17	8/24/2021	Order re: motion to compel jurisdictional discovery	0.5			
18	8/26/2021	Attorney meeting re: documents relevant to personal jurisdiction and forthcoming response to MTD			1.3	
19	8/30/2021	Order re: redaction of subpoena duces tecum documents	0.4			
20	9/2/2021	Attorney meeting to discuss affidavit of fees and costs on Motion to Compel, review of Watchtower financial documents, Brumley depo., SDT to Hardin.			0.4	
21	10/18/2021	Attorney Meeting to discuss personal jurisdiction brief and potential Rule 11 letter			1.2	
22	3/16/2021	Mock hearing re: motion for sanctions			1.8	
23	4/5/2022	Oral argument re: Motion for sanctions			11.6	1.3
	<b>Time Totals</b>		10	21.8	23.2	2.6
	<b>Hourly Rate</b>		\$300	\$300	\$150	\$300
	<b>Total Fee</b>		\$3,000	\$6,540	\$3,480	\$780
						<b>Grand Total</b>
						<b>\$13,800</b>

## *Exhibit 2*

<b>PRODUCED BY/ BATES PREFIX</b>	<b>BATES NUMBER</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
CAEKAERT/MAPLEY	000724-000755	9/1979	1979-09 Pay Attention to Yourselves and to All the Flock	ROB
CAEKAERT/MAPLEY	000756-000819	9/1981	1981-09 Pay Attention to Yourselves and to All the Flock	ROB
CAEKAERT/MAPLEY	000820-000965	8/23/2010	2010-08-23 Shepherd The Flock of God	ROB
CAEKAERT/MAPLEY	000966-001239	1/2019	2019-01 Shepherd The Flock of God	ROB
CAEKAERT/MAPLEY	003168	10/16/2001	2001-10-16 WTNV Ltr to Bodies of Elders re Watchtower Electronic Funds Transfer System (WEFTS)	ROB
CAEKAERT/MAPLEY	003169	2/1/2010	2010-01-02 Christian Cong. of JW Ltr. To Body of Elders re Watchtower Electronic Funds Transfer System (WEFTS)	ROB



# *Exhibit D*

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*Attorneys for Plaintiff*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

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

Defendants, )

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

BRUCE MAPLEY, SR., )  
Cross Defendant. )

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

**DECLARATION OF  
JAMES C. MURNION**

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

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I, James C. Murnion, an attorney duly admitted to practice law in this Court, declares that the following is true and correct:

1. I am one of Plaintiffs’ counsel-of-record in this case. As such, I am fully familiar with the facts and circumstances stated herein.
  
2. I submit this Declaration in support of Plaintiffs’ Financial Affidavit regarding the fees and costs expended litigating Watch Tower Bible and Tract Society of Pennsylvania’s (“WTPA”) Motion to Dismiss. Motion to Dismiss and Brief in Support (CV 20-52-BLG-SPW Doc. 13 & 14; CV-20-59-BLG-SPW-TJC Doc 9 &10) (referred to herein as “WTPA’s Motion”).
  
3. I am an associate at Meyer, Shaffer, and Stepan, I specialize in complex civil litigation representing plaintiffs. I was admitted to practice in Montana in 2016 and have continuously maintained active and good standing with the bar since. I was an Editor at the Montana Law Review before graduating in

2016 and upon graduating served for one year as a Law Clerk for Federal District Court Judge Samuel Haddon in this federal district. I possess the requisite skills, experience, and reputation for attorneys in Montana to warrant the reasonable hourly rate set forth above.

4. My ordinary and customary rate is \$200/hour.

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

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

7. Therefore, I reconstructed the time I expended by reviewing:

a. My calendar.

b. The complete discovery served and answered pertaining to the WTPA's Motion.

c. The record of correspondence between counsel pertaining to litigation over WTPA's Motion.

d. The pleadings filed with the Court pertaining to WTPA's Motion

e. The record of Jehovah's Witness documents assigned to me to review and summarize for responding to WTPA's Motion (a spreadsheet identifying these documents is attached as **Exhibit 2**).

- f. The billing and attendance records of video and telephone conferences I attended that pertained to litigation over WTPA's Motion.
  - g. My Affidavit (Doc. 88-2) and associated time-keeping spreadsheet from a prior grant of attorneys' fees in this case and entered the same time for the tasks also included in **Exhibit 1**.
8. I then used the following process to create conservative billing entries for my time as follows:
- a. For all tasks not included in my prior Affidavit, and because billing entries were not created contemporaneously, my goal was to ensure that each entry reflected less time than the associated task actually required. As such, I generally used the following formulas to estimate time spent on each task: one minute per page of evidentiary document review; three minutes per page of court filing/discovery review; one half hour per page of discovery I drafted; one-half hour per opening/response brief and one-quarter hour per reply brief for my final citation/formatting review. In reality, I estimate, on average, I spent at least twice this amount of time on each task. Specifically, with evidentiary document review,

I generally recall spending weeks at a time meticulously reading thousands of pages of dense, religious terminology-filled documents published and/or printed by WTPA, looking for proverbial “needles in a haystack” that proved WTPA had substantial contacts with Montana. While these efforts obviously bore fruit, one-minute per page is a very low estimate for this task.

- b. Moreover, while I customarily create and draft the first version of all briefs filed with the Court, I have not included any of that time here (except for the final Response Brief to the Motion to Dismiss due to the enormity of that task) to avoid any appearance of double billing for the same documents with Ryan Shaffer, the senior attorney writing and signing all such briefs.
- c. Therefore, such entries are a conservative estimate of the time actually expended.
- d. For meetings amongst Plaintiffs’ legal team, my office was able to recover time records of all Teams and conference calls, as well as minutes for each, such that meetings related to the Motion to Dismiss were included in **Exhibit 1**, and meetings pertaining to other issues during the same time frame were not.

- e. For my one trip to this Court, I estimated ten hours roundtrip from Missoula to Billings based on google maps; the fee for such hours was reduced by 50% because that is the discount we apply to client billing for attorney travel.
- f. Finally, I applied the time to my customary rate of \$200/hour to determine the total fee for each step in defeating the Motion to Dismiss and ultimately prevailing on Plaintiffs' Motion for Sanctions.

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

10. I specifically excluded from **Exhibit 1** many meetings, emails, phone calls, and discussions with my co-counsel related to litigating WTPA's Motion because they were not memorialized or recorded. For example, my co-counsel Ryan Shaffer and I work in the same office suite and frequently discussed, in person and at length, all manner of issues related to the WTPA's Motion. However, I have made no attempt to include such time on **Exhibit 1** because there is no objective guidepost to tether a reasonable estimate to. Again, I have omitted from here any time spent drafting court filings, other than the final response brief



to WTPA's Motion, to avoid any appearance of double billing with Ryan Shaffer for drafting of the same documents. As a result, my itemization omits hundreds of hours of time that I actually spent litigating WTPA's Motion.

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

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

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

By: /s/ James C. Murnion  
James C. Murnion  
MEYER, SHAFFER & STEPANS PLLP  
*Attorneys for Plaintiffs*

# *Exhibit 1*

JAMES MURNION TIME ENTRIES RE: HANDLING WTPA MOTION TO DISMISS ON PERSONAL JURISDICTION									
	Date	Event	Review of Incoming Doc	Legal Research re: Doc	Drafting Outgoing Doc.	Editing / Finalizing Outgoing Doc.	Teams Meetings / Conf. Calls	Travel Time (50% of hourly billing rate)	Time in Court
1	6/22/2020	WTPA's Motion to Dismiss ("MTD") Pursuant to Rule 12(b)(2) and Brief in Support	0.8						
2	7/9/2020	Attorney meeting re: Motion to dismiss and joint discovery plan					0.8		
3	7/13/2020	Response brief to MTD			1		0.5		
4	~7/13/2020 – ~3/20/2021	Review of Jehovah's Witness documents obtained from Defendants and Third Parties re: WTPA's role in the church and contacts with Montana (CAEKAERT/MAPLEY Bates 1–348, 1818–2717, 2735–39, 2745–65, 2773–96, 3049–3167, 3174–3233, 3266–68, 3642–4017; WTPA bates 21771–806, 22163–294, 22327–23118, 28731–954, 30311–574, 33861–34084, 36507–699, 36704–67, 36992–37023, 56037–59160, 6,923 total pages)	115.4						
5	8/5/2020	Motion to supplement the record re: MTD		0.2					
6	8/14/2020	WTPA's brief in opposition to Motion to supplement the record re: MTD	0.3						
7	10/8/2020	Attorney meeting re: document and information management; scope of jurisdictional discovery; 1st round of jurisdictional discovery to WTPA					1.1		
8	10/14/2020	First jurisdictional discovery to WTPA				8			
9	10/14/2020	Order re: jurisdictional discovery scheduling	0.1						
10	10/19/2020	Brief re: scope of jurisdictional discovery		1					
11	11/11/2020	Attorney meeting re: protective order; motion to conduct discovery on Mapley/WTNY; 2nd jurisdictional discovery to WTPA and 1st to WTNY					1		
12	11/17/2020	Second jurisdictional discovery to WTPA			2.5				
13	11/17/2020	First jurisdictional discovery to WTNY			1.25				
14	11/20/2020	WTPA's responses to first jurisdictional discovery	1.5						
15	11/30/2020	Order re: scope of jurisdictional discovery	0.2						
16	12/15/2020	Letter from Wilson re: supp. discovery and elder interviews	0.1						
17	12/15/2020	WTPA's first supp. responses to first jurisdictional discovery	0.1						
18	12/17/2020	Subpoena duces tecum to hardin congregation		0.2	1				
19	12/17/2020	Attorney meeting re: finalizing SDT to Hardin Congregation; additional jurisdictional discovery to WTPA/WTNY; documents/correspondence received from WTPA					1.7		
20	12/22/2020	Attorney meeting with consultant re: WTPA's role in the church					3		
21	12/28/2020	Letter from Funyak re: subpoena duces tecum to hardin congregation	0.1						

22	12/29/2020	WTPA's responses to second jurisdictional discovery	1.5					
23	12/29/2020	WTNY's responses to first jurisdictional discovery	1					
24	1/5/2021	Attorney meeting with consultant re: WTPA's role in the church					2.5	
25	1/6/2021	Attorney Meeting re: Hardin Congregation Subpoena and ongoing Jurisdictional Discovery					1.1	
26	1/7/2021	Letter from Funyak re: subpoena duces tecum to hardin congregation	0.2					
27	1/15/2021	WTPA's first supp. responses to second jurisdictional discovery	0.25					
28	1/15/2021	Attorney meetign re: documents received from WTPA, disocvery disputes, serving additional discovery before 1/25 deadline, legal research on personal jurisdiction					0.4	
29	1/19/2021	Letter from Funyak re: Subpoena duces tecum to hardin congregation + scope of representation	0.2					
30	1/19/2021	Letter to Wilson re: WTPA's jurisdictional discovery responses			2			
31	1/22/2021	Letter from Funyak re: Subpoena duces tecum to hardin congregation + scope of representation	0.2					
32	1/22/2021	Letter from Wilson re: WTPA's discovery responses	0.5					
33	1/25/2021	Third jurisdictional discovery to WTPA			6			
34	1/25/2021	Second jurisdictional discovery to WTNY			3.75			
35	2/2/2021	Letter from Funyak re: subpoena duces tecum to hardin congregation	0.1					
36	2/11/2021	Attorney Meeting re: Hardin Congregation Subpoena and ongoing Jurisdictional Discovery					1	
37	2/12/2021	Letter from Wilson re: WTPA and WTNY discovery responses	0.5					
38	3/8/2021	Email to Wilson re: WTNY's jurisdictional discovery responses	0.1					
39	3/8/2021	WTPA's responses to third jurisdictional discovery	1.5					
40	3/9/2021	Email from Dunn re: re: WTNY's jurisdictional discovery responses	0.1					
41	3/16/2021	Letter from Wilson re: deposition of WTPA	0.2					
42	3/22/2021	2 letters from Wilson re: WTPA's and WTNY's jurisdictional discovery responses	0.5					
43	3/22/2021	WTPA's second supp. re: responses to first jurisdictional discovery	0.1					
44	3/23/2021	Attorney meeting re: discovery disputes					1.1	
45	3/26/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses						
46	3/31/2021	WTNY's first supp. responses to first jurisdictional discovery	0.1					
47	4/2/2021	Attorney meeting re: discovery disputes					1.1	
48	4/7/2021	Letter from Funyak re: Subpoena duces tecum to hardin congregation	0.1					
49	4/8/2021	Letter from Wilson re: WTPA's and WTNY's jurisdictional discovery responses	0.5					
50	4/13/2021	Order re: deadline for completion of jurisdictional depositions	0.1					
51	4/19/2021	WTNY's second supp. responses to first jurisdictional discovery	0.1					

52	4/19/2021	WTPA's second supp. responses to third jurisdictional discovery	0.1						
53	4/20/2021	Brief re: Motion to compel jurisdictional discovery				0.5			
54	4/21/2021	Brief re: Motion to compel Hardin Congregation subpoena duces tecum		2		0.5			
55	4/28/2021	Letter from Funyak re: Motion to compel	0.3						
56	5/4/2021	Hardin Congregation's motion and brief to permissively intervene	0.2						
57	5/5/2021	Order re: Hardin Congregation's motion and brief to permissively intervene	0.1						
58	5/5/2021	Hardin Congregation's response to motion to compel subpoena duces tecum	0.6						
59	5/11/2021	WTPA and WTNY's response to motion to compel jurisdictional discovery	2						
60	5/12/2021	WTPA and WTNY's joinder in hardin congregation's opposition to motion to compel	0.1						
61	5/14/2021	Reply brief re: Motion to compel Hardin Congregation subpoena duces tecum		0.5		0.25			
62	5/20/2021	WTPA's third supp. responses to third jurisdictional discovery	0.1						
63	5/20/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.1		
64	5/25/2021	Reply brief re: Motion to compel jurisdictional discovery				0.25			
65	6/2/2021	Oral argument re: Motion to compel Hardin Congregation subpoena duces tecum						10	1
66	6/15/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.3		
67	6/17/2021	Mock hearing re: motion to compel jurisdictional discovery					1.7		
68	6/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum	1						
69	7/30/2021	Order re: Motion to compel Hardin Congregation subpoena duces tecum	0.3						
70	8/10/2021	Attorney meeting re: documents relevant to personal jurisdiction					2.3		
71	8/11/2021	Letter to Funyak re: redaction of subpoena duces tecum documents			1				
72	8/12/2021	Letter from Funyak re: redaction of subpoena duces tecum documents	0.1						
73	8/12/2021	Hardin Congregation's request for clarification	0.2						
74	8/24/2021	Order re: motion to compel jurisdictional discovery	0.25						
75	8/26/2021	Attorney meeting re: documents relevant to personal jurisdiction and forthcoming response to MTD					1.3		
76	8/30/2021	Order re: redaction of subpoena duces tecum documents	0.1						
77	9/2/2021	Letter from Wilson re: impropriety of MTD	0.1						
78	9/2/2021	Attorney meeting to discuss affidavit of fees and costs on Motion to Compel, review of Watchtower financial documents, Brumley depo., SDT to Hardin.					0.8		
79	9/3/2021	Letter from Funyak w/ unredacted subpoena duces tecum documents	0.5						
80	9/9/2021	Statement of attorney fees and costs re: motion to compel		1					

81	9/15/2021	Order granting motion for scheduling order	0.1							
82	9/21/2021	WTPA's third supp. re: responses to first jurisdictional discovery	0.1							
83	9/21/2021	WTPA's second supp. responses to second jurisdictional discovery	0.6							
84	9/21/2021	WTNY's third supp. responses to first jurisdictional discovery	0.5							
85	9/21/2021	WTPA's fourth supp. responses to third jurisdictional discovery	1							
86	10/18/2021	Attorney meeting to discuss personal jurisdiction brief and potential Rule 11 letter					1.2			
87	10/25/2021	Letters to Wilson, Taylor with Rule 11 motion/brief attached		0.5						
88	~8/1/2021 – 11/4/2021	Review all documents flagged in document management spreadsheet as potentially PJ relevant, decide which to use in PJ brief (approximately 2500 pages)	41.6							
89	11/5/2021	WTPA's notice of withdrawal of MTD	0.1							
90	11/5/2021	Response brief to WTPA's MTD		5	30	0.5				
91	12/3/2021	Brief re: Motion for sanctions		5		0.5				
92	1/10/2022	Reply brief re: Motion for sanctions		1		0.25				
93	3/16/2021	Mock hearing re: motion for sanctions					1.8			
	<b>Time Totals</b>		176.5	17.4	55.5	3.25	26.3	10	1	<b>Grand Total</b> <b>\$56,990</b>
	<b>Hourly Rate</b>		\$200	\$200	\$200	\$200	\$200	\$100	\$200	
	<b>Total Fee</b>		\$35,300	\$3,480	\$11,100	\$650	\$5,260	\$1,000	\$200	

## *Exhibit 2*



<b>PRODUCED BY/ BATES PREFIX</b>	<b>BATES NUMBER</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
CAEKAERT/MAPLEY	000001-000002	3/10/1983	1983-03-10 WTNY Ltr to Elders re Not. of Disfellowship & Disassociation.	JAMES
CAEKAERT/MAPLEY	000003-000005	9/20/1984	1984-09-20 WTNY Ltr to Elders re Judicial Cases & Disassociations	JAMES
CAEKAERT/MAPLEY	000006	5/15/1987	1987-05-15 WTPA Ltr. to Elders re Ecclesiastical Priv.	JAMES
CAEKAERT/MAPLEY	000007	1/2/1995	1995-01-02 WTPA Ltr to Elders re Pre. App to Gilead School	JAMES
CAEKAERT/MAPLEY	000008	3/4/1997	1997-03-04 WTPA Ltr to Elders re Child Abusers	JAMES
CAEKAERT/MAPLEY	000009	9/18/1970	1970-09-18 WTPA Ltr to Elders	JAMES
CAEKAERT/MAPLEY	000010-000019	1979	1979 MT Sessions Laws	JAMES
CAEKAERT/MAPLEY	000020-000025	7/1/1989	1989-07-01 WTNY Ltr to Congregations from Watchtower	JAMES
CAEKAERT/MAPLEY	000026-000028	3/14/1997	1997-03-14 WTNY Ltr. to Elders	JAMES
CAEKAERT/MAPLEY	000029-000031	5/9/2002	2002-05-09 WTPA Ltr. to Panorama BBC re Child Abuse	JAMES
CAEKAERT/MAPLEY	000032-000305	4/2020	2020-04 Leaked Elder's Manual	JAMES
CAEKAERT/MAPLEY	000306-000315		Docs referencing JW- specifically mention Gunner Hain and/or Martin Svensen	JAMES

CAEKAERT/MAPLEY	000316-000320	1974 & 1976	Revised Codes of MT 1974 and 1976	JAMES
CAEKAERT/MAPLEY	000321-000324		Setting Record Straight The Atlantic Article	JAMES
CAEKAERT/MAPLEY	000325-000339		Watchtower Child Abuse Pedophile Policy and related court cases	JAMES
CAEKAERT/MAPLEY	000340-000341	1/21/1999	1999-01-21 WTPA Lrt to Elders re Child Abuse	JAMES
CAEKAERT/MAPLEY	000342-000343	1/11/1995	1995-01-11 WTPA Ltr to Elder re Victims of Child Abuse	JAMES
CAEKAERT/MAPLEY	000344-000348	12/7/1999	USDC E. Dist of NY Case: CV-96-4849 (CV-96-5161 & CV-96-461) Pl's Supp. Exhibit in Support of Mt for Leave to File 2nd Amended Complaint and to Add	JAMES
CAEKAERT/MAPLEY	001818-002081	12/15/1977	1977-12-15 Branch Organization WTPA	JAMES
CAEKAERT/MAPLEY	002082-002256	2/2003	2003-02 Branch Organization	JAMES
CAEKAERT/MAPLEY	002257-002424	1/2015	2015-01 Branch Organization	JAMES
CAEKAERT/MAPLEY	002425-002681	8/2018	2018-08 Branch Organization	JAMES
CAEKAERT/MAPLEY	002682-002684	12/1/1989	1989-12-01 Watchtower Magazine	JAMES

CAEKAERT/MAPLEY	002686-002687	2/20/1943	1943-02-20 WTPA Ltr. to Co. Pub. of The New World	JAMES
CAEKAERT/MAPLEY	002688-002689	3/20/1943	1943-03-20 WTPA Ltr. to All Servants	JAMES
CAEKAERT/MAPLEY	002690-002691	3/20/1943	1943-03-20 WTPA Ltr. to Pub. of the Theocracy Everywhere	JAMES
CAEKAERT/MAPLEY	002692-002693	2/20/1944	1944-02-20 WTPA Ltr. to All Servants	JAMES
CAEKAERT/MAPLEY	002694-002695	3/10/1944	1944-03-10 WTPA Ltr. to Educators in Freedom	JAMES
CAEKAERT/MAPLEY	002696-002697	3/1/1945	1945-03-01 WTPA Ltr. to Co. Pub.	JAMES
CAEKAERT/MAPLEY	002698-002699	1/21/1946	1946-01-21 WTPA Ltr. to All Servants	JAMES
CAEKAERT/MAPLEY	002700-002701	2/20/1946	1946-02-20 WTPA Ltr. to Pub. of Kingdom	JAMES
CAEKAERT/MAPLEY	002702-002703	2/25/1946	1946-02-25 WTPA Ltr. to All Theocratic Servants	JAMES
CAEKAERT/MAPLEY	002704-002705	3/21/1946	1946-03-21 WTPA Ltr. to	JAMES
CAEKAERT/MAPLEY	002706-002707	2/24/1947	1947-02-24 WTPA Ltr. to Consecrated Christian Witnesses	JAMES
CAEKAERT/MAPLEY	002708-002709	5/10/1947	1947-05-10 WTPA Memo on Religious Census	JAMES
CAEKAERT/MAPLEY	002710-002711	10/23/1947	1947-10-23 WTPA Ltr. to All Companies & Pioneers	JAMES
CAEKAERT/MAPLEY	002712-002713	1/20/1948	1948-01-20 WTPA Ltr. to All of God's Ministers of Good News	JAMES
CAEKAERT/MAPLEY	002714-002715	2/20/1948	1948-02-20 WTPA Ltr. to Expansion Minded Ministers of God	JAMES

CAEKAERT/MAPLEY	002716-002717	3/22/1948	1948-03-22 WTPA Ltr. to Servants of God	JAMES
CAEKAERT/MAPLEY	002735	9/4/1954	Pittsburgh Sun Article	JAMES
CAEKAERT/MAPLEY	002736-002737	5/6/1955	1955-05-06 WTPA Ltr. to All Congregations	JAMES
CAEKAERT/MAPLEY	002738-002739	4/23/1956	1956-04-23 WTPA Ltr. to All Congregations	JAMES
CAEKAERT/MAPLEY	002745-002746	1/10/1994	1944-01-10 WTPA Ltr. to Assoc. of Free Nation of Keeping Truth	JAMES
CAEKAERT/MAPLEY	002748-002749	11/1/1995	1995-11-01 WTPA Information regarding ownership of kingdom halls	JAMES
CAEKAERT/MAPLEY	002750	8/1/1996	1996-08-01 WTPA Remittance forms for Society Kingdom Hall loans	JAMES
CAEKAERT/MAPLEY	002753	8/1/1997	1997-08-01 WTPA Remittance forms for Society Kingdom Hall loans	JAMES
CAEKAERT/MAPLEY	002754-002756	9/1/1998	1998-09-01 WTPA Key Facts About the Kingdom Hall Assistance	JAMES
CAEKAERT/MAPLEY	002757	11/1/1999	1999-11-01 WTPA The Society Kingdom Hall Fund	JAMES
CAEKAERT/MAPLEY	002758-002761	1/15/2001	2001-01-15 The Watchtower Publication - How the Governing Body Differs from a Legal Corporation	JAMES
CAEKAERT/MAPLEY	002762	9/8/2001	2001-09-08 WPTA Ltr. To Elder re Soviet Union	JAMES

CAEKAERT/MAPLEY	002763-002765	12/1/2004	2004-12-01 WTNy Key Facts About the Kingdom Hall Assistance	JAMES
CAEKAERT/MAPLEY	002773-002774	11/20/1947	1947-11-20 WTPA Ltr. to All Companies of JW in US	JAMES
CAEKAERT/MAPLEY	002775-002776	4/15/1952	1952-04-15 WTPA Ltr. to Kingdom Publishers	JAMES
CAEKAERT/MAPLEY	002777	11/16/1954	1954-11-16 WTPA Ltr. to All Congregations	JAMES
CAEKAERT/MAPLEY	002778-002779	4/1988	1988-04 S-10 Congregation Analysis Report	JAMES
CAEKAERT/MAPLEY	002780-002781	1989	Notification of Disfellowshipping or Disassociation form	JAMES
CAEKAERT/MAPLEY	002782-002787	7/1/1989	1989-07-01 WTNy Ltr. to US Bodies of Elders	JAMES
CAEKAERT/MAPLEY	002788	2/3/1993	1993-02-03 WTNy Ltr. to US Bodies of Elders	JAMES
CAEKAERT/MAPLEY	002789-002790	8/1/1995	1995-08-01 WTNy Ltr. to Elders re Victims of Child Abuse	JAMES
CAEKAERT/MAPLEY	002791-002793	3/14/1997	1997-03-14 WTNy Ltr to Elder re Child Abuse	JAMES
CAEKAERT/MAPLEY	002794-002795	Undated	Ltr To All Company Servants	JAMES
CAEKAERT/MAPLEY	002796	4/29/2008	2008-04-29 Ltr. to Brother Tucker (Circuit Overseer Equals Governing Body)	JAMES
CAEKAERT/MAPLEY	003049-003051	3/20/1947	1947-03-20 WTPA Ltr. to Each Servant of God	JAMES
CAEKAERT/MAPLEY	003174-003233	1970	Yearbook of Jehovah's Witnesses	JAMES

CAEKAERT/MAPLEY	003266-003268	09/01/1998	1998-09-01 WTPA Key Facts About the Kingdom Hall Assistance Arrangement	JAMES
CAEKAERT/MAPLEY	003642-003864	3/31/2014	Depo. Transcript - Richard Ashe	JAMES
CAEKAERT/MAPLEY	003865-004017	4/1/2014	Depo. Transcript - Ashe Richard	JAMES

<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>RVW ATTORNEY</b>
4/10/1944	1944-04-10 WTPA Ltr. to All Companies of JW	JAMES
3/15/1943	1943-03-15 WTPA Ltr. to The Watchtower Subscriber	JAMES
4/26/1943	1943-04-26 WTPA Ltr. to all New World Pub.	JAMES
5/12/1948	1948-05-12 WTPA Ltr. to All Companies of JW in US	JAMES
6/22/1948	1948-06-22 WTPA Ltr. to Brother	JAMES
2/20/1951	1951-02-20 WTPA Ltr. to Publishers	JAMES
2/20/1952	1952-02-20 WTPA Ltr. to Kingdom Publishers	JAMES
7/24/1998	WTPA Ltr. To Elders re Serious Crime	JAMES
10/29/1997	Ltr. No. 121 to Australia WTPA	JAMES
2/12/1998	WTPA Resp. to Ltr. No. 121	JAMES
12/31/1998	WTPA Ltr. To Elders re Child Abuse	JAMES
1989	Int Bible Students Assn of Can v Halton Hills	JAMES
7/15/1997	S-2 Form - Recc. For New Elder and Ministerial Servant Appointment (Filled Out)	JAMES
2001	S-2-E Form (Blank)	JAMES
2012	S-2-E Form (Blank)	JAMES



BATES NUMBER	DOCUMENT DATE	DOCUMENT DESCRIPTION	RVW ATTORNEY
021771-021806		Bible Topics of Discussion	JAMES
022163-022294	1986	Examining the Scriptures Daily	JAMES
022327-022458	1987	Examining the Scriptures Daily	JAMES
022459-022590	1988	Examining the Scriptures Daily	JAMES
022591-022722	1989	Examining the Scriptures Daily	JAMES
022723-022854	1990	Examining the Scriptures Daily	JAMES
022855-022986	1991	Examining the Scriptures Daily	JAMES
022987-023118	1992	Examining the Scriptures Daily	JAMES
028731-028954	1983	Organized to Accomplish our Ministry	JAMES
030311-030574	3/1/1986	Branch Organization Manual	JAMES
033861-034084	1989	Organized to Accomplish our Ministry	JAMES
036507-036699	1992	Theocratic Ministry School Guidebook	JAMES
036704-036735	1978	JW - Jehovah's Witnesses in the Twentieth Century	JAMES
036736-036767	1979	JW - Jehovah's Witnesses in the Twentieth Century	JAMES
036992-037023	1989	JW - Jehovah's Witnesses in the Twentieth Century	JAMES
056037-056424	1973	1973 - Yearbook of the Jehovah's Witnesses	JAMES
056425-056812	1974	1974 - Yearbook of the Jehovah's Witnesses	JAMES
056813-057200	1975	1975 - Yearbook of the Jehovah's Witnesses	JAMES
057201-057592	1976	1976 - Yearbook of the Jehovah's Witnesses	JAMES
057593-057984	1977	1977 - Yearbook of the Jehovah's Witnesses	JAMES
057985-058376	1978	1978 - Yearbook of the Jehovah's Witnesses	JAMES
058377-058768	1979	1979 - Yearbook of the Jehovah's Witnesses	JAMES
058769-059160	1980	1980 - Yearbook of the Jehovah's Witnesses	JAMES

# *Exhibit E*

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*Attorneys for Plaintiff*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

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

Defendants, )

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

BRUCE MAPLEY, SR., )  
Cross Defendant. )

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

**DECLARATION OF  
MATTHEW L. MERRILL**

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

---

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

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

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

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

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

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

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

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

7. Therefore, I reconstructed the time I expended by reviewing:

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

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

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

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

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

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

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

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

*Attorney for Plaintiffs*

# *Exhibit 1*



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

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

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

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

## *Exhibit 2*

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

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



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

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

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

# *Exhibit F*

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*Attorneys for Plaintiff*

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

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

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

Defendants, )

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

BRUCE MAPLEY, SR., )  
Cross Defendant. )

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

**DECLARATION OF  
JESSICA YUHAS**

\_\_\_\_\_ )

ARIANE ROWLAND, and JAMIE )  
 SCHULZE )  
                                   Plaintiff, )  
                                   vs. )  
                                   ) )  
 WATCHTOWER BIBLE AND TRACT )  
 SOCIETY OF NEW YORK, INC., and )  
 WATCH TOWER BIBLE AND TRACT )  
 SOCIETY OF PENNSYLVANIA, )  
                                   ) )  
                                   Defendants. )  
 \_\_\_\_\_ )

Cause No. CV 20-59-BLG-SPW

I, Jessica Yuhas, declare that the foregoing is true and correct:

1. I am over the age of 21 years and am competent to and do state the facts and matters contained in this affidavit are true and based upon my personal knowledge.

2. I am the paralegal at Meyer, Shaffer & Stepan.

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

4. My ordinary and customary rate is \$75/hour.

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

6. Time I have billed in **Exhibit 1** includes:

- a. Proof reading correspondence, pleadings, and discovery prior to filing and service;
- b. Creating exhibits and exhibit cover pages for all pleadings;
- c. Creating a duplicate pleading to file in the companion case;
- d. Providing correspondence and electronic service of discovery to the Defendants;
- e. Ensuring all documents complied with applicable Local Rules;
- f. Filing all documents in ECF; and
- g. Providing the required copies of any documents to Chambers pursuant to Local Rules and court custom.
- h. Providing a digital copy of same to recipients via email and a hard copy via U.S. Mail or FedEx as applicable.

7. In addition to the routine tasks identified above, I spent several days preparing documents and exhibits for the April 23, 2021 Deposition of James Rowland. I have only included three and one half (3.5) hours of billing for this task.

Declaration of Jessica Yuhas

*Caekaert and Mapley v. Watchtower Bible Tract of New York, Inc., et. al.*  
*Rowland and Schulze v. Watchtower Bible Tract of New York, Inc., et. al.*



8. I did not keep contemporaneous records of the time I spent on all of the tasks identified above. However, by going back and looking at the length and complexity of each document filed or served, I can reasonably approximate the time it took based on my experience doing this work. For instance, I know a ten (10) page brief, with several exhibits, will take me approximately two (2) hours to prepare for filing, file, and distribute all necessary copies.

9. To ensure that all of my time entries were a conservative reflection of the time I actually spent on each task, I reduced each entry by approximately 50%. Thereby, a task that took two hours was entered as one hour or less.

10. Based on the foregoing, I know with confidence that each entry in my time index is considerably lower than the actual amount of time I spent.

11. In addition, I excluded many tasks from time entries that were extremely time consuming, including hundreds of hours spent downloading, organizing, and identifying the 1,700 documents produced in Discovery, and travelling and assisting at oral argument,

12. For the foregoing reasons, I affirm and certify that the attached itemization of my time expended litigating WTPA's Motion is a very conservative reflection of the actual time and effort that was expended.

Declaration of Jessica Yuhas

*Caekaert and Mapley v. Watchtower Bible Tract of New York, Inc., et. al.*  
*Rowland and Schulze v. Watchtower Bible Tract of New York, Inc., et. al.*

Page 4 of 5

3-ER-546

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

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

By: \_\_\_\_\_

  
Jessica Yuhas, Paralegal  
MEYER, SHAFFER & STEPANS PLLP

# *Exhibit 1*

JESSICA YUHAS TIME ENTRIES RE: HANDLING WTPA MOTION TO DISMISS ON PERSONAL JURISDICTION						
Date	Event	Bates numbering and organizing incoming personal jurisdiction documents for the file	Preparing Documents for filing or mailing (proof reading, checking citations, creating and organizing referenced exhibits, creating duplicate filing for Rowland/Schulze case; converting all documents to .pdf for filing)	Filing pleadings documents with the Court via ECF, providing chamber copies of filed documents over 20 pages per L.R. 1.4(c)(5), facilitating service of Discovery, Notices of Depositions, and Supboenas, mailing of letters.	Teams Meetings / Conf. Calls	
7/13/2020	Response brief to WTPA's Motion to Dismiss ("MTD") Pursuant to Rule 12(b)(2)			0.6	0.6	
~7/13/2020 – ~3/20/2021	Organizing and entering documents obtained from Defendants and Third Parties into document management spreadsheet (total of 1,684 documents produced by WTPA, WTNY and Hardin)	20				
~7/13/2020 – ~3/20/2021	Organizing, bates numbering and entering Plaintiffs' documents into document management spreadsheet (total of 108 documents in the Caekaert/Mapley Case)	30				
8/5/2020	Motion & Brief in support of Motion to supplement the record re: MTD			0.4	0.4	
9/23/2020	Joint JD discovery plan			0.6	0.2	
10/8/2020	Attorney meeting re: document and information management; scope of jurisdictional discovery; 1st round of jurisdictional discovery to WTPA					1.1
10/14/2020	First jurisdictional discovery to WTPA			0.5	0.5	
10/19/2020	Brief re: scope of jurisdictional discovery			1.6	1	
11/11/2020	Attorney meeting re: protective order; motion to conduct discovery on Mapley/WTNY; 2nd jurisdictional discovery to WTPA and 1st to WTNY					1
11/17/2020	Second jurisdictional discovery to WTPA			0.5	0.5	
11/17/2020	First jurisdictional discovery to WTNY			0.5	0.5	
12/17/2020	Attorney meeting re: finalizing SDT to Hardin Congregation; additional jurisdictional discovery to WTPA/WTNY; documents/correspondence received from WTPA					1.7
12/17/2020	Subpoena duces tecum to hardin congregation			0.6	2	
12/22/2020	Letter to Wilson re: elder interviews			0.2	0.1	

	12/22/2020	Attorney meeting with consultant re: WTPA's role in the church				3
	1/5/2021	Letter to Funyak re: Funyak's purported representation of individuals members of the hardin congregation		0.3	0.2	
	1/5/2021	Attorney meeting with consultant re: WTPA's role in the church				2.5
	1/6/2021	Attorney Meeting re: Hardin Congregation Subpoena				1.1
	1/11/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation		0.2	0.1	
	1/15/2021	Attorney meetign re: documents received from WTPA, discovery disputes, serving additional discovery before 1/25 deadline, legal research on personal jurisdiction				0.4
	1/19/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation + scope of representation		0.3	0.2	
	1/19/2021	Letter to Wilson re: WTPA's jurisdictional discovery responses		0.3	0.2	
	1/20/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation + scope of representation		0.2	0.2	
	1/25/2021	Third jurisdictional discovery to WTPA		0.5	0.5	
	1/25/2021	Second jurisdictional discovery to WTNY		0.5	0.5	
	1/26/2021	Letter to Wilson re: WTPA's jurisdictional discovery responses		0.3	0.2	
	1/26/2021	Letter to Wilson re: WTNY's jurisdictional discovery responses		0.3	0.2	
	1/28/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation		0.1	0.2	
	2/3/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation		0.2	0.2	
	2/26/2021	Joint motion to amend jurisdictional discovery scheduling order		0.3	0.2	
	3/10/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses		0.3	0.2	
	3/26/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses		0.3	0.2	
	3/26/2021	Motion for status conference		0.2	0.1	
	3/30/2021	Letter to Funyak re: Subpoena duces tecum to hardin congregation		0.3	0.2	
	4/2/2021	Attorney meeting re: discovery disputes				1.1
	4/8/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses		0.3	0.2	
1	4/9/2021	Notice of written disco and assoc. conferral efforts		0.2	0.2	
2	4/9/2021	Letter to Wilson re: WTPA's and WTNY's jurisdictional discovery responses and jurisdictional depositions		0.4	0.2	

3	4/1/2021 - 4/12/2021	Preparing Documents/Exhibits for James Rowland deposition			3.5		
4	4/12/2021	Letter to James Rowland re: documents for deposition			0.2		0.5
5	4/19/2021	Letter to James Rowland re: upcoming deposition			0.2		0.2
6	4/20/2021	Motion & Brief re: Motion to compel jurisdictional discovery			2		0.7
7	4/21/2021	Motion & Brief to compel Hardin Congregation subpoena duces tecum			1		0.5
8	4/23/2021	Deposition of James Rowland			0.3		0.2
9	5/14/2021	Reply brief re: Motion to compel Hardin Congregation subpoena duces tecum			0.2		0.2
10	5/20/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.1
11	5/25/2021	Reply brief re: Motion to compel jurisdictional discovery			0.7		1
12	6/15/2021	Attorney meeting re: motions to compel + upcoming oral arguments					1.3
13	6/17/2021	Mock hearing re: motion to compel jurisdictional discovery					1.7
14	8/3/2021	Letter to Funyak re: subpoena duces tecum documents			0.1		0.2
15	8/10/2021	Attorney meeting re: documents relevant to personal jurisdiction					2.3
16	8/11/2021	Letter to Funyak re: redaction of subpoena duces tecum documents			0.2		0.2
17	8/16/2021	Notice of Docs. Refernced by hardin congregation			0.2		0.2
18	8/26/2021	Attorney meeting re: documents relevant to personal jurisdiction and forthcoming response to MTD					1.3
19	8/27/2021	Letter to Wilson/Taylor re: impropriety of MTD			0.3		0.2
20	9/2/2021	Attorney meeting to discuss affidavit of fees and costs on Motion to Compel, review of Watchtower financial documents, Brumley depo., SDT to Hardin.					0.8
21	9/9/2021	Statement of attorney fees and costs re: motion to compel			0.7		1
22	9/14/2021	Motion for scheduling order re: remainder of jurisdictional phase of case			0.2		0.2
23	9/21/2021	Stipulation for taking of remote depositions			0.2		0.2
24	10/18/2021	Attorney meeting to discuss personal jurisdiction brief and potential Rule 11 letter					1.2
25	10/25/2021	Letters to Wilson, Taylor with Rule 11 motion/brief attached			6		1.5
26	11/5/2021	Notice re: WTPA's withdrawal of MTD			0.3		0.2
27	11/5/2021	Response brief to WTPA's MTD			6		1.2

28	12/3/2021	Motion & Brief for sanctions		4	0.7	
29	1/10/2022	Reply brief re: Motion for sanctions		2.6	0.3	
30	3/16/2021	Mock hearing re: motion for sanctions				1.8
31	4/6/2022	Transcript order form for oral argument re: Motion for sanctions		0.3	0.2	
	<b>Time Totals</b>		50	40.2	19.6	23.4
	<b>Hourly Rate</b>		\$75	\$75	\$75	\$75
	<b>Total Fee</b>		\$3,750	\$3,015	\$1,470	\$1,755
						<b>Grand Total</b>
						<b>\$9,990</b>



Consolidated Nos. 23-35329 & 23-35330

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

---

TRACY CAEKAERT and CAMILLIA MAPLEY;  
ARIANE ROWLAND and JAMIE SCHULZE,  
*Plaintiffs-Appellees,*

v.

PHILIP BRUMLEY,  
*Appellant,*

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;  
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA,  
*Defendants.*

On Consolidated Appeal from the United States District Court  
District of Montana Nos. CV-20-52-BLG-SPW & CV-20-59-BLG-SPW  
The Honorable Susan P. Watters

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**APPELLANT'S EXCERPTS OF RECORD  
VOLUME 4 of 4**

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*Attorneys for Defendant Watch Tower Bible and Tract Society of  
Pennsylvania and on behalf of Philip Brumley*

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., and  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA,

Defendants.

Case No. CV-20-00052-SPW-  
TJC

**NOTICE OF APPEAL**

Please take notice that Philip Brumley hereby appeals to the United States  
Court of Appeals for the Ninth Circuit from the District Court’s Order awarding

sanctions against Mr. Brumley entered on April 14, 2023 (Doc. 219), as well as its related Order entered on August 23, 2022 (Doc. 135).

**DATED** this 5th day of May, 2023.

MOULTON BELLINGHAM PC

By           /s/ Christopher T. Sweeney          

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*Attorneys for Defendant Watch Tower Bible and Tract Society of  
Pennsylvania and on behalf of Philip Brumley*

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

ARIANE ROWLAND and JAMIE  
SCHULZE,

Plaintiffs,

-vs-

WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, INC., and  
WATCH TOWER BIBLE AND TRACT  
SOCIETY OF PENNSYLVANIA,

Defendants.

Case No. CV-20-00059-SPW-  
TJC

**NOTICE OF APPEAL**

Please take notice that Philip Brumley hereby appeals to the United States  
Court of Appeals for the Ninth Circuit from the District Court’s Order awarding

sanctions against Mr. Brumley entered on April 14, 2023 (Doc. 175), as well as its related Order entered on August 23, 2022 (Doc. 120).

**DATED** this 5th day of May, 2023.

MOULTON BELLINGHAM PC

By /s/ Christopher T. Sweeney

GERRY P. FAGAN  
CHRISTOPHER T. SWEENEY  
JORDAN W. FITZGERALD  
27 North 27<sup>th</sup> Street, Suite 1900  
P.O. Box 2559  
Billings, Montana 59103-2559

*Attorneys for Watch Tower Bible and  
Tract Society of Pennsylvania and on  
behalf of Philip Brumley*

APPEAL,PRO SE,PROTO

**U.S. District Court  
District of Montana (Billings)  
CIVIL DOCKET FOR CASE #: 1:20-cv-00052-SPW**

Caekaert et al v. Watchtower Bible and Tract Society of New York, Inc. et al  
Assigned to: Judge Susan P. Watters  
Demand: \$75,000  
Case in other court: Ninth Circuit Court of Appeals, 23-35329  
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 04/24/2020  
Jury Demand: Both  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity

**Plaintiff**

**Tracy Caekaert**

represented by **James C. Murnion**  
MEYER, SHAFFER & STEPANS, PLLP  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Camillia Mapley**

represented by **James C. Murnion**  
(See above for address)

4-ER-558

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Robert L. Stepan**  
(See above for address)  
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**Katy Gannon**  
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**Matthew L. Merrill**  
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V.

**Defendant**

**Watchtower Bible and Tract Society  
of New York, Inc.**

represented by **Aaron M. Dunn**  
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*TERMINATED: 09/02/2021*

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**Defendant**

**Watch Tower Bible and Tract  
Society of Pennsylvania, Inc.**

represented by **Christopher Sweeney**  
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**Aaron M. Dunn**  
(See above for address)  
*TERMINATED: 09/02/2021*

**Guy W. Rogers**  
(See above for address)  
*TERMINATED: 11/18/2021*

**Joel M. Taylor**  
(See above for address)  
*TERMINATED: 11/18/2021*  
*PRO HAC VICE*

**Jon A. Wilson**  
(See above for address)  
*TERMINATED: 11/18/2021*

**Defendant**

**Bruce Mapley, Sr.**  
*TERMINATED: 11/16/2022*

represented by **Bruce Mapley, Sr.**  
Email: [bruce\\_mapley@yahoo.com](mailto:bruce_mapley@yahoo.com)  
PRO SE

**Intervenor**

**Hardin Congregation**

represented by **Kevin M. Funyak**  
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**ATTORNEY TO BE NOTICED**

**Cross Claimant**

**Watchtower Bible and Tract Society  
of New York, Inc.**

represented by **Aaron M. Dunn**  
(See above for address)  
**TERMINATED: 09/02/2021**

**Joel M. Taylor**  
(See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Jon A. Wilson**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Guy W. Rogers**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Cross Defendant**

**Bruce Mapley, Sr.**  
**TERMINATED: 11/16/2022**

**Cross Claimant**

**Watchtower Bible and Tract Society  
of New York, Inc.**

represented by **Aaron M. Dunn**  
(See above for address)  
**TERMINATED: 09/02/2021**

**Joel M. Taylor**  
(See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Jon A. Wilson**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Guy W. Rogers**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Cross Defendant**

**Bruce Mapley, Sr.**  
**TERMINATED: 11/16/2022**

**Cross Claimant****Watch Tower Bible and Tract  
Society of Pennsylvania, Inc.**represented by **Christopher Sweeney**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Gerry Fagan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Jordan Walter FitzGerald**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Aaron M. Dunn**  
(See above for address)  
*TERMINATED: 09/02/2021***Guy W. Rogers**  
(See above for address)  
*TERMINATED: 11/18/2021***Joel M. Taylor**  
(See above for address)  
*TERMINATED: 11/18/2021***Jon A. Wilson**  
(See above for address)  
*TERMINATED: 11/18/2021*

V.

**Cross Defendant****Bruce Mapley, Sr.**  
*TERMINATED: 11/16/2022*

Date Filed	#	Docket Text
04/24/2020	<u>1</u>	COMPLAINT against Bruce Mapley, Sr, Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc., filed by Tracy Caekaert, Camilla Mapley. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet) (JEH) (Entered: 04/24/2020)
04/24/2020		Filing fee: \$ 400.00, receipt number 0977-2473378. (JEH) (Entered: 04/24/2020)
04/24/2020	<u>2</u>	Summons Issued as to Bruce Mapley, Sr, Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (JEH) (Entered: 04/24/2020)
05/18/2020	<u>3</u>	Letter from Defendant Bruce Mapley Sr. (Attachments: # <u>1</u> Summons returned) (EMH) (Entered: 05/18/2020)
05/18/2020		Remark: Pro se defendant Bruce Mapley mailed a pro se filing information booklet from Billings Clerks office. (EMH) (Entered: 05/18/2020)
05/20/2020	<u>4</u>	Letter from deputy clerk. Sent via email to Mr. Mapley. (JEH) (Entered: 05/20/2020)
05/20/2020	<u>5</u>	NOTICE of Appearance by Jon A. Wilson on behalf of Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) Modified on 5/20/2020 (EMH). (Entered: 05/20/2020)

05/20/2020	<u>6</u>	ORDER granting <u>5</u> Motion for Extension of Time to Answer Watch Tower Bible and Tract Society of Pennsylvania, Inc. answer due 6/22/2020; Watchtower Bible and Tract Society of New York, Inc. answer due 6/22/2020. Signed by Judge Susan P. Watters on 5/20/2020. (EMH) (Entered: 05/20/2020)
05/20/2020	<u>7</u>	PRELIMINARY PRETRIAL CONFERENCE ORDER Preliminary Pretrial Statement due by 7/13/2020. Joint Discovery Plan due by 7/6/2020. Statement of Stipulated Facts due by 7/13/2020. Telephonic Pretrial Conference set for 7/20/2020 at 01:00 PM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 5/20/2020. (Copy Order mailed to pro se party Bruce Mapley, Sr.) (EMH) (Entered: 05/20/2020)
05/21/2020	<u>8</u>	SUMMONS Returned Executed by Tracy Caekaert, Camilla Mapley. Watchtower Bible and Tract Society of New York, Inc. served on 5/5/2020, answer due 6/22/2020. (Shaffer, Ryan) (Entered: 05/21/2020)
05/21/2020	<u>9</u>	SUMMONS Returned Executed by Tracy Caekaert, Camilla Mapley. Watch Tower Bible and Tract Society of Pennsylvania, Inc. served on 5/5/2020, answer due 6/22/2020. (Shaffer, Ryan) (Entered: 05/21/2020)
05/21/2020	<u>10</u>	SUMMONS Returned Executed by Tracy Caekaert, Camilla Mapley. Bruce Mapley, Sr served on 5/14/2020, answer due 6/4/2020. (Shaffer, Ryan) (Entered: 05/21/2020)
06/01/2020	<u>11</u>	Letter received by SPW Chambers from Defendant Bruce Mapley Sr. (EMH) (Entered: 06/01/2020)
06/15/2020	<u>12</u>	Letter received in the mail from Defendant Bruce Mapley (EMH) (Entered: 06/15/2020)
06/22/2020	<u>13</u>	MOTION to Dismiss for Lack of Jurisdiction Guy W. Rogers appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Rogers, Guy) (Entered: 06/22/2020)
06/22/2020	<u>14</u>	Brief/Memorandum in Support re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit 1 Brumley Affidavit) (Rogers, Guy) (Entered: 06/22/2020)
06/22/2020	<u>15</u>	ANSWER to <u>1</u> Complaint, with Jury Demand , CROSSCLAIM against Bruce Mapley, Sr by Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 06/22/2020)
07/01/2020	<u>16</u>	NOTICE by Tracy Caekaert, Camilla Mapley <i>Joint Notice of Related Case</i> (Shaffer, Ryan) (Entered: 07/01/2020)
07/06/2020	<u>17</u>	JOINT DISCOVERY PLAN by Tracy Caekaert, Camilla Mapley. (Shaffer, Ryan) (Entered: 07/06/2020)
07/13/2020	<u>18</u>	STATEMENT of Inability to Stipulate to Any Facts by Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 07/13/2020)
07/13/2020	<u>19</u>	PRELIMINARY PRETRIAL STATEMENT by Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 07/13/2020)
07/13/2020	<u>20</u>	ERRATA <u>1</u> Complaint, . (Attachments: # <u>1</u> 2020-04-15 Mark O'Donnell Signed Affidavit w Ex. A) (Shaffer, Ryan) (Entered: 07/13/2020)
07/13/2020	<u>21</u>	RESPONSE to Motion re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Tracy Caekaert, Camilla Mapley. (Attachments: # <u>1</u> Exhibit A – Website Example, # <u>2</u> Exhibit B – Examples of written church policies, # <u>3</u> Exhibit C – September 18, 1970 Ltr. from WTPA, # <u>4</u> Exhibit D – May 9, 2002 Ltr. from WTPA to BBC Panorama) (Shaffer, Ryan) (Entered: 07/13/2020)
07/13/2020	<u>22</u>	AMENDED COMPLAINT against All Defendants, filed by Tracy Caekaert, Camilla Mapley. (Attachments: # <u>1</u> Exhibit A – 2020-03-26 Shirley Gibson Signed Affidavit, # <u>2</u> Exhibit B – 2020-04-14 James Rowland Signed Affidavit, # <u>3</u> Exhibit C 2020-04-15 Mark O'Donnell Signed Affidavit w Ex. A, # <u>4</u> Exhibit D – R.C.M. 10-1304) (Shaffer, Ryan) (Entered: 07/13/2020)

07/13/2020	<u>23</u>	PRELIMINARY PRETRIAL STATEMENT by Tracy Caekaert, Camilla Mapley. (Shaffer, Ryan) (Entered: 07/13/2020)
07/21/2020		MINUTE ENTRY for proceedings held before Judge Susan P. Watters: Telephonic Pretrial Conference held on 7/21/2020. (Law Clerk: C. Thingvold), (EMH) (Entered: 07/21/2020)
07/21/2020	<u>24</u>	SCHEDULING ORDER: Final Pretrial Conference set for 3/21/2022 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 4/4/2022 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Amended Pleadings due by 1/15/2021. Discovery due by 12/1/2021. Motions due by 1/3/2022. Proposed Pretrial Order due by 3/7/2022. READ ORDER FOR DETAILS. Signed by Judge Susan P. Watters on 7/21/2020. (EMH) Modified on 7/22/2020 Order mailed to pro se party Bruce Mapley Sr (EMH). (Entered: 07/21/2020)
07/27/2020	<u>25</u>	Brief/Memorandum in Support re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Wilson, Jon) (Entered: 07/27/2020)
07/27/2020	<u>26</u>	NOTICE of Filing Exhibits <i>Second Affidavit of Philip Brumley</i> re: <u>25</u> Brief/Memorandum in Support (Wilson, Jon) (Entered: 07/27/2020)
07/27/2020	<u>27</u>	ANSWER to <u>22</u> Amended Complaint, , CROSSCLAIM against Bruce Mapley, Sr by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 07/27/2020)
08/05/2020	<u>28</u>	MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camilla Mapley (Shaffer, Ryan) (Entered: 08/05/2020)
08/05/2020	<u>29</u>	Brief/Memorandum in Support re <u>28</u> MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> filed by Tracy Caekaert, Camilla Mapley. (Attachments: # <u>1</u> Exhibit A 1997-03-04 WBTS Ltr to Elders re Child Abusers, # <u>2</u> Exhibit B 1987-05-15 WBTS Ltr. to Elders re Ecclesiastical Priv., # <u>3</u> Exhibit C 1995-01-02 WBTS Ltr to Elders re Pre. App to Gilead School, # <u>4</u> Exhibit D 1995-01-11 WBTS Ltr to Elder re Victims of Child Abuse, # <u>5</u> Exhibit E PI's Supp. Exhibit in Support of Mt for Leave to File 2nd Amended Complaint and to Add WBTS of PA) (Shaffer, Ryan) (Entered: 08/05/2020)
08/05/2020	<u>30</u>	NOTICE by Tracy Caekaert, Camilla Mapley <i>Notice of Service of Previously Filed Documents to Unrepresented Party</i> (Shaffer, Ryan) (Entered: 08/05/2020)
08/14/2020	<u>31</u>	RESPONSE to Motion re <u>28</u> MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Rogers, Guy) (Entered: 08/14/2020)
08/18/2020	<u>32</u>	ORDER PROVIDING FOR JURISDICTIONAL DISCOVERY – READ ORDER FOR DETAILS (Preliminary Pretrial Statement due by 10/1/2020., Joint Discovery Plan due by 9/24/2020., Statement of Stipulated Facts due by 10/1/2020., Telephonic Pretrial Conference set for 10/8/2020 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) Granting: <u>28</u> MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> filed by Camilla Mapley, Tracy Caekaert. Signed by Judge Susan P. Watters on 8/14/2020. (AMC) Modified on 10/22/2020 Copy of Order mailed with document 42 (EMH). (Entered: 08/18/2020)
09/15/2020	<u>33</u>	Unopposed MOTION Joel M. Taylor to Appear Pro Hac Vice ( Filing fee \$ 255 receipt number 0977-2542754.) Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Exhibit 1-Declaration---Joel M. Taylor, # <u>2</u> Exhibit 2-Proposed Order) (Wilson, Jon) (Entered: 09/15/2020)
09/15/2020	<u>34</u>	ORDER granting defendant's Watchtower Bible and Tract Society of New York, Inc., and Watch Tower Bible and Tract Society of Pennsylvanias <u>33</u> Motion to Admit Joel M. Taylor to Appear Pro Hac Vice. Signed by Judge Susan P. Watters on 9/15/2020. (S.N. contacted to add attorney to database) (EMH) (Entered: 09/15/2020)
09/15/2020	<u>35</u>	Remark: CM ECF Registration letter mailed to admitted PHV attorney Joel M. Taylor. (mailed with copy of Order granting appearance) (EMH) (Entered: 09/15/2020)



09/23/2020	<u>36</u>	JOINT DISCOVERY PLAN by Tracy Caekaert, Camilla Mapley. (Shaffer, Ryan) (Entered: 09/23/2020)
09/30/2020	<u>37</u>	STATEMENT of Inability to Stipulate to Any Facts by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 09/30/2020)
10/01/2020	<u>38</u>	PRELIMINARY PRETRIAL STATEMENT by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Rogers, Guy) (Entered: 10/01/2020)
10/01/2020	<u>39</u>	PRELIMINARY PRETRIAL STATEMENT by Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 10/01/2020)
10/01/2020		Remark: PHV attorney Joel Taylor is now registered with CM ECF and can receive electronic notices in this case. (EMH) (Entered: 10/01/2020)
10/01/2020	<u>40</u>	PRELIMINARY PRETRIAL STATEMENT by Tracy Caekaert, Camilla Mapley. (Shaffer, Ryan) (Entered: 10/01/2020)
10/08/2020	41	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: Telephonic Pretrial Conference held on 10/8/2020. (Law Clerk: C.Thingvold), (EMH) (Entered: 10/08/2020)
10/14/2020	<u>42</u>	JURISDICTIONAL DISCOVERY SCHEDULING ORDER. Signed by Judge Susan P. Watters on 10/14/2020. (EMH) Modified on 10/22/2020 Copy Order mailed to pro se party Bruce Mapley(EMH). (Entered: 10/14/2020)
10/19/2020	<u>43</u>	NOTICE of Appearance by Aaron M. Dunn on behalf of Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Dunn, Aaron) (Entered: 10/19/2020)
10/19/2020	<u>44</u>	Brief/Response to Order re <u>42</u> Order <i>Plaintiffs' Brief Re: Scope of Jurisdictional Discovery</i> filed by Tracy Caekaert, Camilla Mapley. (Attachments: # <u>1</u> Exhibit A 1977-12-15 Branch Organization, # <u>2</u> Exhibit B 1972-10 Kingdom Ministry School Course, # <u>3</u> Exhibit C 1989-12-01 Watchtower Magazine, # <u>4</u> Exhibit D 1999-01-21 WTBT PA Lrt. to Elders re Child Abuse) (Shaffer, Ryan) (Entered: 10/19/2020)
11/02/2020	<u>45</u>	NOTICE : CONSENT TO ELECTRONIC SERVICE by Bruce Mapley, Sr (CM ECF updated to add Bruce Mapley to electronic service) (EMH) (Entered: 11/03/2020)
11/02/2020	<u>46</u>	Letter received in the mail from pro se defendant Bruce Mapley (EMH) (Entered: 11/03/2020)
11/30/2020	<u>47</u>	ORDER. IT IS HEREBY ORDERED that Plaintiffs shall be permitted to conduct discovery into WTPA's and WTNY's corporate relationship from 1973 to 1992. WTPA's arguments to restrict the scope of discovery (Doc <u>38</u> at 9) is DENIED. Signed by Judge Susan P. Watters on 11/30/2020. (EMH) (Entered: 11/30/2020)
02/26/2021	<u>48</u>	Joint MOTION to Amend/Correct <u>42</u> Order <i>Jurisdictional Discovery Scheduling Order</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 02/26/2021)
02/26/2021	<u>49</u>	ORDER GRANTING <u>48</u> Motion to Amend Jurisdictional Discovery Scheduling Order Signed by Judge Susan P. Watters on 2/26/2021. (AMC) (Entered: 02/26/2021)
03/04/2021	<u>50</u>	Unopposed MOTION for Protective Order Guy W. Rogers appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc., Cross Claimants Watchtower Bible and Tract Society of New York, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Exhibit 1-Stipulated Protective Order, # <u>2</u> Text of Proposed Order) (Rogers, Guy) (Entered: 03/04/2021)
03/23/2021	<u>51</u>	ORDER GRANTING <u>50</u> Motion for Protective Order Signed by Judge Susan P. Watters on 3/23/2021. (AMC) (Entered: 03/23/2021)
03/26/2021	<u>52</u>	Unopposed MOTION for Hearing ( <i>Status Conference</i> ) Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 03/26/2021)

03/29/2021	<u>53</u>	ORDER SETTING ( Telephonic Status Conference set for 4/13/2021 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) GRANTED <u>52</u> Unopposed MOTION for Hearing ( <i>Status Conference</i> ) filed by Camillia Mapley, Tracy Caekaert. Signed by Judge Susan P. Watters on 3/29/2021. (AMC) (Entered: 03/29/2021)
04/09/2021	<u>54</u>	NOTICE by Tracy Caekaert, Camillia Mapley <i>PLAINTIFFS' NOTICE OF WRITTEN DISCOVERY AND ASSOCIATED CONFERRAL EFFORTS</i> (Shaffer, Ryan) (Entered: 04/09/2021)
04/13/2021	<u>55</u>	ORDER. IT IS HEREBY ORDERED that the deadline for completion of depositions, currently set for April 30, 2021 is VACATED pending resolution of Plaintiffs' forthcoming written discovery motion. Signed by Judge Susan P. Watters on 4/13/2021. (EMH) (Entered: 04/13/2021)
04/20/2021	<u>56</u>	MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 04/20/2021)
04/20/2021	<u>57</u>	Brief/Memorandum in Support re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A March 8, 2021 WTPAs Resp. to Plfs. RFP No. 61, # <u>2</u> Exhibit B March 22, 2021 Brown Law Firm Correspondence, # <u>3</u> Exhibit C Excerpts from 1972 Kingdom Ministry School Course, # <u>4</u> Exhibit D November 1, 1995 WTPA Letter to All Bodies of Elders, # <u>5</u> Exhibit E March 8, 2021 WTPAs Resp to RFPs 73 78; April 19, 2021 WTPAs Supp. Resp. to RFPs 76, 78, # <u>6</u> Exhibit F Def. WTNYs Ans. to Plfs. Ints. 6, 7, # <u>7</u> Exhibit G Excerpts from December 15, 1997 Branch Organization manual, # <u>8</u> Exhibit H March 8, 2021 WTNYs Ans. to Plfs. Int. No. 9, 15; December 29, 2020 WTPAs Ans. to Plfs. Int. No. 25, 26; WTPAs Supp. Ans. to Plfs Int. No. 26, # <u>9</u> Exhibit I S-2B Form re Servant Recommendation Form, # <u>10</u> Exhibit J March 8, 2021 Def. WTPAs Ans. to RFA No. 4, 6, 7, # <u>11</u> Exhibit K December 29, 2020 WTPAs Ans. to Plfs. RFA No.14, # <u>12</u> Exhibit L March 8, 2021 WTPAs Ans. to Plfs. RFA No. 26) (Shaffer, Ryan) (Entered: 04/20/2021)
04/21/2021	<u>58</u>	MOTION to Compel <i>the Hardin Congregation Subpoena</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 04/21/2021)
04/21/2021	<u>59</u>	Brief/Memorandum in Support re <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit 1 2021-01-11 SDT to Hardin Congregation, # <u>2</u> Exhibit 2 2021-02-11 Hardin Congregation Response to SDT, # <u>3</u> Exhibit 3 Privilege Log) (Shaffer, Ryan) (Entered: 04/21/2021)
04/22/2021	<u>60</u>	CERTIFICATE OF SERVICE by Tracy Caekaert, Camillia Mapley re <u>59</u> Brief/Memorandum in Support, <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> (Shaffer, Ryan) (Entered: 04/22/2021)
04/29/2021	<u>61</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>Briefs to Motion to Compel Jurisdictional Discovery Responses</i> Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 04/29/2021)
04/30/2021	<u>62</u>	ORDER granting <u>61</u> Motion for Extension of Time to File Response/Reply re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> . READ ORDER FOR RESPONSE DEADLINES. Signed by Judge Susan P. Watters on 4/29/2021. (EMH) (Entered: 04/30/2021)
05/04/2021	<u>63</u>	MOTION to Intervene Kevin M. Funiyak appearing for Intervenor Hardin Congregation . (1) Opposition Brief) (EMH). (Entered: 05/04/2021)
05/04/2021	<u>64</u>	Brief/Memorandum in Support re <u>63</u> MOTION to Intervene filed by Hardin Congregation. (EMH) (Main Document 64 replaced on 5/4/2021) (EMH). (Entered: 05/04/2021)
05/05/2021	<u>65</u>	ORDER granting Hardin Congregation's <u>63</u> ] Motion to Intervene. Signed by Judge Susan P. Watters on 5/5/2021. (EMH) (Entered: 05/05/2021)



05/05/2021	<u>66</u>	Brief Opposing Plaintiff's re <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> filed by Intervenor Hardin Congregation. (EMH) (Entered: 05/05/2021)
05/11/2021	<u>67</u>	RESPONSE to Motion re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit Joint Jurisdictional Discovery Plan, # <u>2</u> Exhibit January 22, 2021 Correspondence, # <u>3</u> Exhibit February 12, 2021 Correspondence, # <u>4</u> Exhibit March 22, 2021 Correspondence, # <u>5</u> Exhibit April 8, 2021 Correspondence, # <u>6</u> Exhibit WTNY Resp. to 1st J. Disc, # <u>7</u> Exhibit WTPA Resp. to 2nd J. Disc, # <u>8</u> Exhibit WTNY Resp. to 2nd J. Disc, # <u>9</u> Exhibit WTPA Resp. to 3rd J. Disc) (Wilson, Jon) (Entered: 05/11/2021)
05/12/2021	<u>68</u>	RESPONSE to Motion re <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena Joinder in Doc. 66</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 05/12/2021)
05/14/2021	<u>69</u>	REPLY to Response to Motion re <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 05/14/2021)
05/14/2021	<u>70</u>	MOTION for Hearing re <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> Kevin M. Funyak appearing for Intervenor Hardin Congregation (Funyak, Kevin) (Entered: 05/14/2021)
05/18/2021	<u>71</u>	Order Setting: Oral argument re [ <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> filed by Hardin Congregation. Hearing set for 6/2/2021 at 09:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 5/18/2021. (EMH) (Entered: 05/18/2021)
05/25/2021	<u>72</u>	REPLY to Response to Motion re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit 1 1972 Organization for Kingdom–Preaching and Disciple–Making, # <u>2</u> Exhibit 2 Excerpts from Depo. of James Rowland, # <u>3</u> Exhibit 3 2021–04–28 WTPA's 2nd Supp Responses to Pls 3rd Set of Jurisdictional Discovery) (Shaffer, Ryan) (Entered: 05/25/2021)
05/26/2021	<u>73</u>	MOTION for Hearing re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Wilson, Jon) (Entered: 05/26/2021)
05/26/2021	<u>74</u>	Order, IT IS HEREBY ORDERED that Defendants Watch Tower Bible and Tract of Pennsylvania and Watchtower Bible and Tract Society of New York, Inc.'s <u>73</u> MOTION for Hearing re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> is GRANTED. IT IS FURTHER ORDERED that oral argument hearing is set for 6/23/2021 at 9:30 AM. Signed by Judge Susan P. Watters on 5/26/2021. (EMH) (Entered: 05/26/2021)
06/02/2021	75	MINUTE ENTRYMinute EntryMOTION HEARING held on 6/2/2021 re <u>58</u> MOTION to Compel <i>the Hardin Congregation Subpoena</i> filed by Camillia Mapley, Tracy Caekaert. Present in the courtroom on behalf of Plaintiffs attorneys James Murnion, Ryan Shaffer and law student Katy Gannon. Appearing on behalf of defendants, intervenor defendant attorneys Kevin Funyak, Jon Wilson, Aaron Dunn, Joel Taylor (by phone). This is the time for oral argument on Plaintiffs Motion to Compel Subpoena. Arguments made and Judge will take the motion under advisement.Hearing commenced at 9:30 am and concluded at 10:32 am. (Court Reporter Becky Sabo.) (Law Clerk: C. Thingvold), (Hearing held in Billings–SMC) (AMC) (Entered: 06/02/2021)
06/21/2021	<u>76</u>	Unopposed MOTION for Pro Hac Vice Counsel to Appear Remotely at Oral Argument Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Wilson, Jon) (Entered: 06/21/2021)

06/21/2021	<u>77</u>	ORDER GRANTING <u>76</u> Motion Pro Hac Vice Counsel to Appear Remotely at Oral Argument. Signed by Judge Susan P. Watters on 6/21/2021. (AMC) (Entered: 06/21/2021)
06/23/2021	<u>78</u>	<b>MINUTE ENTRY</b> Minute Entry for proceedings held before Judge Susan P. Watters: MOTION HEARING held on 6/23/2021 re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Camillia Mapley, Tracy Caekaert. Present in the courtroom on behalf of Plaintiffs attorneys Ryan Shaffer, Robert Stepan, law student Katy Gannon. Appearing on behalf of defendants attorneys Aaron Dunn, Jon Wilson, Joel Taylor (by phone). This is the time set for oral argument on Plaintiffs Motion to Compel Jurisdictional Discovery Responses and For Costs and Fees. Arguments made by both sides. The Judge will take the motion under advisement. Hearing commenced at 9:35 am and concluded at 10:52 am. (Court Reporter Rich Mattson.) (Law Clerk: C. Thingvold), (Hearing held in Billings–SMC) (AMC) (Entered: 06/23/2021)
06/30/2021	<u>79</u>	ORDER, IT IS HEREBY ORDERED that Plaintiffs Tracy Caekaert and Camillia Mapley's <u>58</u> Motion to Compel re the Hardin Congregation Subpoena is STAYED pending the Court's in camera review of the documents. IT IS FURTHER ORDERED that the Hardin Congregation must produce an unredacted version of all documents described in the Privilege Log (Doc. 59–3), except documents 2 and 3, for the Court's review within fourteen (14) days of the date of this Order. Signed by Judge Susan P. Watters on 6/30/2021. (EMH) (Entered: 06/30/2021)
07/13/2021	<u>80</u>	NOTICE by Hardin Congregation re <u>79</u> Order,,, Set Deadlines/Hearings,, <i>Submission of Documents delivered to Court</i> (Funyak, Kevin) (Entered: 07/13/2021)
07/13/2021	<u>81</u>	Remark: Clerks office received Hardin Congregation's <u>80</u> in camera documents over the counter in sealed envelope– delivered to SPW Chambers for review. (EMH) (Entered: 07/13/2021)
07/30/2021	<u>82</u>	ORDER granting in part and denying in part <u>58</u> Motion to Compel. Signed by Judge Susan P. Watters on 7/30/2021. (EMH) (Entered: 07/30/2021)
08/12/2021	<u>83</u>	MOTION to Clarify <i>Order re: Motion to Compel Hardin Congregation's Subpoena</i> Kevin M. Funyak appearing for Intervenor Hardin Congregation (Funyak, Kevin) (Entered: 08/12/2021)
08/16/2021	<u>84</u>	NOTICE by Tracy Caekaert, Camillia Mapley re <u>83</u> MOTION to Clarify <i>Order re: Motion to Compel Hardin Congregation's Subpoena Notice of Documents Referenced by the Hardin Congregation</i> (Attachments: # <u>1</u> Exhibit 2021–08–11 R. Shaffer Letter to K. Funyak, # <u>2</u> Exhibit Redacted documents produced by Hardin Congregation pursuant to the Courts Order re Motion to Compel Hardin Congregations Subpoena) (Shaffer, Ryan) (Entered: 08/16/2021)
08/24/2021	<u>85</u>	ORDER granting Plaintiffs Tracy Caekaert and Camilia Mapley's <u>56</u> MOTION to Compel Jurisdictional Discovery Responses and for Costs and Fees. Signed by Judge Susan P. Watters on 8/24/2021. (EMH) (Entered: 08/24/2021)
08/30/2021	<u>86</u>	ORDER, Upon consideration of the Hardin Congregation's <u>83</u> Request for Clarification and Plaintiffs' <u>84</u> Notice and response to the Request the Court hereby revises its previous <u>82</u> Order and directs the Congregation to produce the identified documents without redaction. Signed by Judge Susan P. Watters on 8/30/2021. (EMH) (Entered: 08/30/2021)
09/02/2021	<u>87</u>	NOTICE of Substitution of Counsel <i>removing Aaron Dunn and substituting Brett C. Jensen</i> by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Wilson, Jon) (Entered: 09/02/2021)
09/09/2021	<u>88</u>	STATEMENT re <u>85</u> Order on Motion to Compel <i>Plaintiffs' Statement of Attorneys' Fees And Costs re: Motion to Compel</i> by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A Affidavit of Ryan R. Shaffer re Fees and Costs, # <u>2</u> Exhibit B Affidavit of James C. Murnion re Fees and Costs) (Shaffer, Ryan) (Entered: 09/09/2021)
09/14/2021	<u>89</u>	Unopposed MOTION FOR SCHEDULING ORDER RE: REMAINDER OF JURISDICTIONAL PHASE OF CASE Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan)

		(Entered: 09/14/2021)
09/15/2021	<u>90</u>	ORDER granting <u>89</u> Motion for Scheduling Order Signed by Judge Susan P. Watters on 9/15/2021. (JLE) (Entered: 09/15/2021)
09/21/2021	<u>91</u>	STIPULATION <i>FOR THE TAKING OF REMOTE DEPOSITIONS</i> by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 09/21/2021)
09/23/2021	<u>92</u>	RESPONSE to Motion re <u>56</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees Plaintiff's Statement of Attorneys' Fees and Costs</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 09/23/2021)
09/28/2021	<u>93</u>	ORDER, <b>IT IS HEREBY ORDERED that defendants shall submit payment to Plaintiffs in the amount of \$22,631.80 for attorneys fees and costs. Signed by Judge Susan P. Watters on 9/28/2021. (EMH) (Entered: 09/28/2021)</b>
11/05/2021	<u>94</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction , <u>14</u> Brief/Memorandum in Support of <i>Withdrawal of MTD for Lack of Jurisdiction</i> (Wilson, Jon) (Entered: 11/05/2021)
11/05/2021	<u>95</u>	NOTICE by Tracy Caekaert, Camillia Mapley re <u>94</u> Notice (Other) <i>PLAINTIFFS' NOTICE RE: WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA'S WITHDRAWAL OF ITS RULE 12(b)(2) MOTION TO DISMISS</i> (Attachments: # <u>1</u> Exhibit A 2021-08-27 Ltr. to DF re Motion to Dismiss) (Shaffer, Ryan) (Entered: 11/05/2021)
11/05/2021	<u>96</u>	RESPONSE to Motion re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction <i>PLAINTIFFS' RESPONSE BRIEF IN OPPOSITION TO DEFENDANT WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA'S MOTION TO DISMISS PURSUANT TO RULE 12(b)(2), Fed.R.Civ.P</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Appendix to Plaintiffs' Response Brief in Opposition to WTPA's Rule 12(b)(2) Motion to Dismiss) (Shaffer, Ryan) (Entered: 11/05/2021)
11/15/2021	<u>97</u>	Letter (email)addressed to the Judge/Court received by chambers from defendant Bruce Mapley (filed applicable party access) (EMH) (Entered: 11/15/2021)
11/15/2021	<u>98</u>	Order Setting: Telephonic Scheduling Conference set for 12/17/2021 at 11:00 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 11/15/2021. (EMH) (Entered: 11/15/2021)
11/15/2021	<u>99</u>	NOTICE of Substitution of Counsel by Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Sweeney, Christopher) (Entered: 11/15/2021)
11/19/2021	<u>100</u>	<i>Def Watch Tower Bible &amp; Tract Society of PA</i> ANSWER to <u>22</u> Amended Complaint, , CROSSCLAIM against Bruce Mapley, Sr by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Sweeney, Christopher) (Entered: 11/19/2021)
12/03/2021	<u>101</u>	MOTION for Sanctions Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 12/03/2021)
12/03/2021	<u>102</u>	Brief/Memorandum in Support re <u>101</u> MOTION for Sanctions filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit 1 2021-11-18 Affirmation of J. Taylor, # <u>2</u> Exhibit 2 2021-04-23 Excerpts of Depo. Transcript James Rowland, # <u>3</u> Exhibit 3 2021-08-27 Ltr to WTPA's Counsel, # <u>4</u> Exhibit 4 Other Case Sanction Orders) (Shaffer, Ryan) (Entered: 12/03/2021)
12/17/2021	<u>103</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Pltfs' Motion for Sanctions</i> Jordan Walter FitzGerald appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (FitzGerald, Jordan) (Entered: 12/17/2021)
12/17/2021	<u>104</u>	ORDER granting <u>103</u> Motion for Extension of Time to File Response/Reply re <u>101</u> MOTION for Sanctions . Signed by Judge Susan P. Watters on 12/17/2021. (EMH) (Entered: 12/17/2021)
12/20/2021	<u>105</u>	SCHEDULING ORDER: Final Pretrial Conference set for 9/5/2023 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 9/18/2023 at 09:00 AM

		in Billings, MT before Judge Susan P. Watters. Amended Pleadings due by 2/14/2022. Discovery due by 10/31/2022. Joinder of Parties due by 2/14/2022. Motions due by 1/30/2023. Proposed Pretrial Order due by 8/28/2023. READ ORDER FOR ALL SCHEDULING DETAILS. Signed by Judge Susan P. Watters on 12/20/2021. (EMH) (Entered: 12/20/2021)
12/28/2021	<u>106</u>	RESPONSE to Motion re <u>101</u> MOTION for Sanctions filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit Plaintiffs' proposed Rule 11 motion for sanctions, # <u>2</u> Exhibit WTPA's response to plaintiffs' RFP 25, # <u>3</u> Exhibit James Rowland deposition excerpts) (Sweeney, Christopher) (Entered: 12/28/2021)
01/03/2022	<u>107</u>	Unopposed MOTION for Hearing on <i>Pltfs' Motion for Sanctions</i> Christopher Sweeney appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Sweeney, Christopher) (Entered: 01/03/2022)
01/04/2022	<u>108</u>	ORDER Setting Hearing on <u>101</u> MOTION for Sanctions . IT IS HEREBY ORDERED the Defendant Watch Tower Bible and Tract Society of Pennsylvania's <u>107</u> Motion is GRANTED. IT IS FURTHER ORDERED that oral argument is set for 2/11/2022 at 09:30 AM in Billings, MT before Judge Susan P. Watters. This hearing shall be held jointly with the hearing in Case No. CV-20-59-BLG-SPW. Signed by Judge Susan P. Watters on 1/4/2022. (EMH) (Entered: 01/04/2022)
01/10/2022	<u>109</u>	REPLY to Response to Motion re <u>101</u> MOTION for Sanctions filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit 1 2021-03-08 WTPA Responses to 3rd Jurisdictional Discovery, # <u>2</u> Exhibit 2 Excerpts from 2021-04-23 Depo. Transcript James Rowland) (Shaffer, Ryan) (Entered: 01/10/2022)
01/26/2022	<u>110</u>	Unopposed MOTION for Protective Order Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Exhibit 1 Proposed Stipulated Confidentiality Agreement & Protective Order, # <u>2</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 01/26/2022)
01/27/2022	<u>111</u>	ORDER granting <u>110</u> Motion for Protective Order. The Stipulated Confidentiality Agreement and Protective Order (Doc. 110-1) is hereby adopted. Signed by Judge Susan P. Watters on 1/27/2022. (EMH) (Entered: 01/27/2022)
02/01/2022	<u>112</u>	Unopposed MOTION to Vacate and Reset Hearing Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) Modified on 2/15/2022 to link to motion for sanctions doc 101(EMH). (Entered: 02/01/2022)
02/02/2022	<u>113</u>	ORDER granting <u>112</u> Unopposed MOTION to Vacate and Reset Hearing filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. Oral argument reset for 3/25/2022 at 09:30 AM in Billings, MT before Judge Susan P. Watters. This hearing shall be held jointly with the hearing in case CV-20-59-BLG-SPW. Signed by Judge Susan P. Watters on 2/2/2022. (EMH) Modified on 2/15/2022 to link to motion for sanctions(EMH). (Entered: 02/02/2022)
03/21/2022	<u>114</u>	Unopposed MOTION to Vacate and Reset Hearing on Plaintiffs' Motion for Sanctions Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) (Entered: 03/21/2022)
03/21/2022	<u>115</u>	ORDER RESETTING HEARING DATE. Order granting <u>114</u> Unopposed MOTION to Vacate and Reset Hearing on Plaintiffs' Motion for Sanctions. IT IS FURTHER ORDERED that oral argument set for 3/25/2022 is VACATED and RESET for 4/5/2022 at 9:30 AM in the Snowy Mountains Courtroom. The hearing shall be held jointly with the hearing in Case No. CV-20-59-BLG-SPW. Signed by Judge Susan P. Watters on 3/21/2022. (EMH) (Entered: 03/21/2022)
03/24/2022	<u>116</u>	MOTION to Supplement the Record on Their Motion for Sanctions (ECF Doc. 101) Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 03/24/2022)
03/24/2022	<u>117</u>	Brief/Memorandum in Support re <u>116</u> MOTION to Supplement the Record on Their Motion for Sanctions (ECF Doc. 101) filed by Tracy Caekaert, Camillia Mapley.



		(Attachments: # <u>1</u> Exhibit Don Adams Affidavit and Supporting Document) (Shaffer, Ryan) (Entered: 03/24/2022)
03/31/2022	<u>118</u>	Unopposed MOTION FOR JAMES C. MURNION TO APPEAR REMOTELY AT ORAL ARGUMENTS Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 03/31/2022)
03/31/2022	<u>119</u>	ORDER granting <u>118</u> MOTION FOR JAMES C. MURNION TO APPEAR REMOTELY AT ORAL ARGUMENTS. <b>James C. Murnion may appear via ZOOM at the hearing set for Tuesday, April 5, 2022 at 9:30 a.m.. Judge Watters' Chambers will email Mr. Murnion on Friday, April 1, 2022 with the ZOOM conferencing information. Signed by Judge Susan P. Watters on 3/31/2022. (EMH) (Entered: 03/31/2022)</b>
04/04/2022	<u>120</u>	Unopposed MOTION for Leave to Appear Remotely <i>at Oral Arguments</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 04/04/2022)
04/04/2022	<u>121</u>	ORDER granting <u>120</u> Motion for Leave to Appear Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York. <b>Joel M. Taylor may appear via ZOOM at the hearing set for Tuesday, April 5, 2022 at 9:30 AM. Judge Watters Chambers will email Mr. Taylor with the zoom conferencing information Signed by Judge Susan P. Watters on 4/4/2022. (EMH) (Entered: 04/04/2022)</b>
04/05/2022	<u>122</u>	MINUTE ENTRY Minute Entry for proceedings held before Judge Susan P. Watters: MOTION HEARING (THE MINUTE ENTRY IS ENTERED IN BOTH CASES CV-20-52-BLG-SPW AND CV-20-59-BLG-SPW) held on 4/5/2022 re <u>101</u> MOTION for Sanctions filed by Camillia Mapley, Tracy Caekaert. Appearing on behalf of Plaintiffs Caekert and Rowland are attorneys Robert Stepan and Ryan Shaffer, James Murnion (by ZOOM no speaking roll, listening in ). Appearing on behalf of Watchtower Pennsylvania are attorneys Chris Sweeney, Gerry Fagan, Jordan FitzGerald, Watchtower New York are attorneys Joe Taylor (by ZOOM) and Jon Wilson. Judge addresses the pending Plaintiffs motion to supplement the record on motions for sanctions. GRANTS motion which is docket entry 116 in CV-20-52-BLG-SPW and docket entry 105 in CV-20-59-BLG-SPW. Oral arguments held by both sides and the Judge will take the motions under advisement. Hearing commenced at 9:30 am and concluded at 10:45 am. (Court Reporter Kim Marchwick.) (Law Clerk: C. Thingvold), (Hearing held in Billings-SMC) (AMC) (Entered: 04/05/2022)
04/05/2022	<u>123</u>	TEXT ORDER GRANTING <u>116</u> Motion to Supplement. Judge addressed the motion at the motion hearing held on 4/5/2022. Signed by Judge Susan P. Watters on 4/5/2022. (AMC) (Entered: 04/05/2022)
04/06/2022	<u>124</u>	TRANSCRIPT ORDER FORM by Tracy Caekaert, Camillia Mapley for proceedings held on 04/05/2022 before Judge Susan P. Watters. Court reporter Kim Marchwick. Type of transcript: 30-Day. Transcript due by 5/9/2022. (Shaffer, Ryan) (Entered: 04/06/2022)
04/26/2022	<u>125</u>	Unopposed MOTION Matthew L. Merrill to Appear Pro Hac Vice ( Filing fee \$ 262 receipt number AMTDC-2858620.) Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Exhibit A M. Merrill Affidavit and Certification in Support of PHV Application, # <u>2</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 04/26/2022)
04/26/2022	<u>126</u>	ORDER granting Plaintiff's <u>125</u> Motion to Admit Matthew L. Merrill to Appear Pro Hac Vice <b>NOTE: Instructions to request Montana CM/ECF registration through PACER are found <a href="#">here</a>.</b> Signed by Judge Susan P. Watters on 4/26/2022. (EMH) (Entered: 04/26/2022)
05/03/2022	<u>127</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by Tracy Caekaert, Camillia Mapley re <u>126</u> Order on Motion to Appear Pro Hac Vice, (Merrill, Matthew) (Entered: 05/03/2022)

05/03/2022	<u>128</u>	Unopposed MOTION to Continue <i>Certain Scheduling Order Deadlines</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 05/03/2022)
05/03/2022	<u>129</u>	ORDER GRANTING <u>128</u> Motion to Continue Certain Scheduling Order Deadlines. READ ORDER FOR DETAILS. Discovery due by 1/31/2023. Motions due by 4/28/2023. Signed by Judge Susan P. Watters on 5/3/2022. (AMC) (Entered: 05/03/2022)
05/16/2022	<u>130</u>	TRANSCRIPT of Motion for Sanctions held on Tuesday, April 5, 2022 before Judge Honorable Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerks office, or the court reporter. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 7 DAYS OF THIS FILING. Contact court reporter Kim Marchwick, 406-671-2307, marchwickkim@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website.. Redaction Request due 6/6/2022. Redacted Transcript Deadline set for 6/16/2022. Release of Transcript Restriction set for 8/15/2022. (Marchwick, Kim) (Entered: 05/16/2022)
08/09/2022	<u>131</u>	LETTER received in the mail from Defendant Bruce Mapley (filed under seal with party access per SPW Chambers) (EMH) (Entered: 08/09/2022)
08/11/2022	<u>132</u>	MOTION to Compel Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 08/11/2022)
08/11/2022	<u>133</u>	Brief/Memorandum in Support re <u>132</u> MOTION to Compel filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit Dep. Trans. Shirley Gibson, # <u>2</u> Exhibit Trans. Mapley Sr. Phone Call, # <u>3</u> Exhibit WTNY Supp. Privilege Log, # <u>4</u> Exhibit Aff. Todd Bontecou, # <u>5</u> Exhibit Mapley Sr.'s Emails) (Shaffer, Ryan) (Entered: 08/11/2022)
08/16/2022	<u>134</u>	NOTIFICATION TO THE COURT by Bruce Mapley, Sr. (filed per SPW Chambers) (AMC) (Entered: 08/16/2022)
08/23/2022	<u>135</u>	ORDER granting in part and denying in part <u>101</u> Motion for Sanctions. IT IS FURTHER ORDERED that Plaintiffs shall submit a financial affidavit of all costs, expenses, and attorney's fees. READ ORDER FOR DETAILS. Signed by Judge Susan P. Watters on 8/23/2022. (EMH) (Entered: 08/23/2022)
08/25/2022	<u>136</u>	RESPONSE to Motion re <u>132</u> MOTION to Compel re <i>Waived Privilege</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit 1 Depo excerpt-Gibson, # <u>2</u> Exhibit 2 2020-12-22 Shaffer LT Mapley) (Jensen, Brett) (Entered: 08/25/2022)
08/25/2022	<u>137</u>	Notice of Joinder by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re: <u>136</u> Response to Motion, <i>in Opposition to Pltfs' Motion to Compel re Waived Privilege</i> (FitzGerald, Jordan) (Entered: 08/25/2022)
08/30/2022	<u>138</u>	Unopposed MOTION for Extension of Time to File <i>FINANCIAL AFFIDAVIT</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 08/30/2022)
08/30/2022	<u>139</u>	ORDER granting <u>138</u> Motion for Extension of Time to File. Plaintiffsshall file their financial affidavit on or before September 20,2022 and Mr. Brumley shall have 14 days following the filing of Plaintiff's financial affidavit to respond. Signed by Judge Susan P. Watters on 8/30/2022. (EMH) (Entered: 08/30/2022)
09/08/2022	<u>140</u>	REPLY to Response to Motion re <u>132</u> MOTION to Compel <i>RE WAIVED PRIVILEGE</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 09/08/2022)
09/15/2022	<u>141</u>	MOTION for Hearing re <u>132</u> MOTION to Compel <i>Re: Waived Privilege</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 09/15/2022)
09/19/2022	<u>142</u>	LETTER received in the mail from Defendant Bruce Mapley (EMH) (Entered: 09/19/2022)

09/20/2022	<u>143</u>	ORDER, IT IS HEREBY ORDERED that Defendant Watchtower Bible and Tract Society of New York, Inc.'s <u>141</u> MOTION for Hearing is GRANTED. The Court will conduct a hearing on Plaintiff's <u>132</u> MOTION to Compel <i>Re: Waived Privilege</i> for 10/21/2022 at 9:30 AM in the Snowy Mountains Courtroom at the James F. Battin Courthouse, Billings, Montana. Signed by Judge Susan P. Watters on 9/20/2022. (EMH) (Entered: 09/20/2022)
09/20/2022	<u>144</u>	AFFIDAVIT/DECLARATION re <u>135</u> Order on Motion for Sanctions, <i>SUPPORTING DOCUMENTS OF COSTS, EXPENSES AND ATTORNEY'S FEES</i> by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 2022-09-20 Declaration of Patti L. Gruwell re Fees and Costs, # <u>2</u> Exhibit B 2022-09-20 Declaration of Ryan R. Shaffer re Fees and Costs, # <u>3</u> Exhibit C 2022-09-20 Dec. of Robert Stepanis re Fees and Costs, # <u>4</u> Exhibit D 2022-09-20 Dec. of James C. Murnion re Fees and Costs, # <u>5</u> Exhibit E 2022-09-20 Dec. of Matthew Merrill re Fees and Costs, # <u>6</u> Exhibit F 2022-09-20 Dec. of Jessica Yuhas re Fees and Costs) (Shaffer, Ryan) (Entered: 09/20/2022)
09/23/2022	<u>145</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Pltfs' Financial Affidavit</i> Jordan Walter FitzGerald appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (FitzGerald, Jordan) (Entered: 09/23/2022)
09/26/2022	<u>146</u>	ORDER granting <u>145</u> Motion for Extension of Time to File Response. IT IS HEREBY ORDERED that WTPA and Philip Brumley have up to and including 10/18/2022 to file a response to <u>144</u> plaintiffs financial affidavit. Signed by Judge Susan P. Watters on 9/26/2022. (EMH) (Entered: 09/26/2022)
09/26/2022	<u>147</u>	Letter received in the mail from pro se Defendant Bruce Mapley (EMH) (Entered: 09/26/2022)
09/27/2022	<u>148</u>	MOTION FOR NEW SCHEDULING ORDER Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 09/27/2022)
09/27/2022	<u>149</u>	Brief/Memorandum in Support re <u>148</u> MOTION FOR NEW SCHEDULING ORDER filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 09/27/2022)
09/28/2022	<u>150</u>	TRANSCRIPT ORDER FORM by Watch Tower Bible and Tract Society of Pennsylvania, Inc. for proceedings held on 4/5/2022 before Judge Watters. Court reporter Kim Marchwick. Type of transcript: Daily.. Transcript due by 9/29/2022. (Sweeney, Christopher) Modified on 9/30/2022 Transcript mistakenly marked 30 day- should be 24 hr - verified by C.R. (EMH). (Entered: 09/28/2022)
10/03/2022	<u>151</u>	RESPONSE to Motion re <u>148</u> MOTION FOR NEW SCHEDULING ORDER filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Fagan, Gerry) (Entered: 10/03/2022)
10/04/2022	<u>152</u>	RESPONSE to Motion re <u>148</u> MOTION FOR NEW SCHEDULING ORDER filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 10/04/2022)
10/06/2022	<u>153</u>	MOTION to Compel <i>Depositions</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 10/06/2022)
10/06/2022	<u>154</u>	Brief/Memorandum in Support re <u>153</u> MOTION to Compel <i>Depositions</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 10/06/2022)
10/07/2022	<u>155</u>	REPLY to Response to Motion re <u>148</u> MOTION FOR NEW SCHEDULING ORDER filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 10/07/2022)
10/17/2022	<u>156</u>	MOTION for Extension of Time to File Response/Reply as to <u>135</u> Order on Motion for Sanctions, <u>144</u> Affidavit/Declaration., Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) (Entered: 10/17/2022)
10/17/2022	<u>157</u>	ORDER granting <u>156</u> Motion for Extension of Time to File Response/Reply as to <u>144</u> Affidavit/Declaration . IT IS HEREBY ORDERED that WTPA and Philip Brumley have up to and including 10/24/2022 to file a response to Plaintiffs' financial affidavit. Signed by Judge Susan P. Watters on 10/17/2022. (EMH) (Entered: 10/17/2022)



10/18/2022	<u>158</u>	Unopposed MOTION for Leave to Appear Appear Remotely at Hearing Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 10/18/2022)
10/18/2022	<u>159</u>	ORDER granting <u>158</u> Motion for Leave to Appear Remotely at Hearing. <b>IT IS HEREBY ORDERED that Joel M. Taylor may appear via ZOOM at the hearing set for Friday 10/21/2022 at 9:30 AM. Signed by Judge Susan P. Watters on 10/18/2022. (EMH) (Entered: 10/18/2022)</b>
10/20/2022	<u>160</u>	RESPONSE to Motion re <u>153</u> MOTION to Compel <i>Depositions in Opposition</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A–Shuster Declaration, # <u>2</u> Exhibit B–Breau Declaration, # <u>3</u> Exhibit C–Smalley Declaration) (Wilson, Jon) (Entered: 10/20/2022)
10/20/2022	<u>161</u>	AFFIDAVIT/DECLARATION re <u>160</u> Response to Motion, by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit 1 WTNy initial Privilege Log, # <u>2</u> Exhibit 2 2022–04–13 Shaffer LT Wilson, # <u>3</u> Exhibit 3 2022–05–02 Wilson LT Shaffer, # <u>4</u> Exhibit 4 2022–06–29 Shaffer email to Wilson, # <u>5</u> Exhibit 5 2022–07–22 Jensen email to Shaffer, # <u>6</u> Exhibit 6 2022–08–15 Wilson LT Shaffer, # <u>7</u> Exhibit 7 2022–08–18 Shaffer LT Wilson, # <u>8</u> Exhibit 8 2022–08–30 Shaffer LT Wilson, # <u>9</u> Exhibit 9 2022–09–09 Shaffer LT Wilson, # <u>10</u> Exhibit 10 2022–09–12 Shaffer email to Wilson, # <u>11</u> Exhibit 11 2022–09–15 Wilson LT Shaffer, # <u>12</u> Exhibit 12 2022–09–23 Shaffer LT Wilson, # <u>13</u> Exhibit 13 2022–09–26 Wilson LT Shaffer w 2nd Supp PL, # <u>14</u> Exhibit 14 2022–09–27 Shaffer email to Wilson, # <u>15</u> Exhibit 15 2022–09–28 Sweeney email to Shaffer–copy to Wilson, # <u>16</u> Exhibit 16 2022–09–28 Shaffer email to Sweeney–copy to Wilson, # <u>17</u> Exhibit 17 2022–09–29 Shaffer LT Wilson and Sweeney, # <u>18</u> Exhibit 18 2022–10–05 Jensen email to Shaffer and Sweeney, # <u>19</u> Exhibit 19 2022–10–05 Shaffer email to Wilson and Sweeney) (Wilson, Jon) (Entered: 10/20/2022)
10/20/2022	<u>162</u>	AMENDED DOCUMENT by Watchtower Bible and Tract Society of New York, Inc.. Amendment to <u>161</u> Affidavit/Declaration,,,,. (Wilson, Jon) (Entered: 10/20/2022)
10/20/2022	<u>163</u>	Notice of Joinder by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re: <u>160</u> Response to Motion, (FitzGerald, Jordan) (Entered: 10/20/2022)
10/21/2022	<u>164</u>	<b>MINUTE ENTRY</b> Minute Entry for proceedings held before Judge Susan P. Watters: Motion Hearing held on 10/21/2022 re <u>132</u> MOTION to Compel filed by Camillia Mapley, Tracy Caekaert. Robert L. Stepan with Katie Gannon appearing on behalf of plaintiffs Tracey Caekaert and Camillia Mapley; Jon Wilson, Nathan Burke (in person) and Joel M. Taylor (appearing by zoom) for defendant Watchtower Bible and Tract Society of New York, Inc.; Christopher Sweeney and Jordan FitzGerald appearing for defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. Court hears argument from parties regarding <u>132</u> Motion to compel. Court requests in camera documents 29, 37, 39, and 40. Motion is deemed submitted to the Court. Hearing commenced at 9:30 AM and concluded at 10:12 AM. (Court Reporter K.Marchwick.) (Law Clerk: D.Connelley), (Hearing held in Billings–SMC) (EMH) (Entered: 10/21/2022)
10/24/2022	<u>165</u>	Brief/Response to Order re <u>135</u> Order on Motion for Sanctions, filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit Revised Codes of MT, # <u>2</u> Exhibit Letter to Elders, # <u>3</u> Affidavit Aff of Brumley) (Fagan, Gerry) (Entered: 10/24/2022)
10/26/2022	<u>166</u>	NOTICE OF SUBMISSION TO THE COURT(court only access) <i>Docs 29, 37, 39, and 40.</i> (Wilson, Jon) Modified on 10/26/2022 In camera documents received over the counter and delivered to SPW chambers for review. (EMH). Modified on 7/19/2023 to correct the text (AMC). (Entered: 10/26/2022)
10/26/2022	<u>167</u>	AMENDED DOCUMENT by Watchtower Bible and Tract Society of New York, Inc.. Amendment to <u>164</u> Motion Hearing,,,, <i>Notice of Submission of Documents for In Camera Review.</i> (Wilson, Jon) (Entered: 10/26/2022)
10/26/2022	<u>168</u>	ORDER re <u>148</u> MOTION FOR NEW SCHEDULING ORDER filed by Camillia Mapley, Tracy Caekaert. Plaintiffs' Motion for a New Scheduling Order is Held in Abeyance pending the Court's orders regarding the various motions to compel Signed by Judge Susan P. Watters on 10/26/2022. (AMC) (Entered: 10/26/2022)

10/28/2022	<u>169</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re <u>165</u> Brief/Response to Order, <i>of Errata</i> (Fagan, Gerry) (Entered: 10/28/2022)
11/02/2022	<u>170</u>	REPLY to Response to Motion re <u>153</u> MOTION to Compel <i>Depositions</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 2022-11-02 Dec. of Ryan Shaffer, # <u>2</u> Exhibit B Memorandum of Points & Authorities in Support of Motion for Protective Order Regarding the NOD re J.R. Brown and Dec. of WTNY Attorney Schnack, # <u>3</u> Exhibit C WTNY Amended Cert. of Incorporation & App. for Real Property Tax Exemption, # <u>4</u> Exhibit D 2011-09-21 Affidavit of Allen Shuster, # <u>5</u> Exhibit E Excerpts from 2012-02-15 Depo of Allen Shuster) (Shaffer, Ryan) (Entered: 11/02/2022)
11/02/2022	<u>171</u>	MOTION for Hearing re <u>153</u> MOTION to Compel <i>Depositions</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 11/02/2022)
11/03/2022	<u>172</u>	NOTICE by Tracy Caekaert, Camillia Mapley <i>RE: ADDITIONAL MOTIONS TO COMPEL</i> (Shaffer, Ryan) (Entered: 11/03/2022)
11/03/2022	<u>173</u>	Unopposed MOTION to Extend Expert Witness Disclosure and Discovery Deadlines Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 11/03/2022)
11/04/2022	<u>174</u>	ORDER granting <u>173</u> Motion Extend Expert Witness Disclosure and Discovery Deadlines. Signed by Judge Susan P. Watters on 11/4/2022. (EMH) (Entered: 11/04/2022)
11/16/2022	<u>175</u>	NOTICE by Tracy Caekaert, Camillia Mapley <i>OF DISMISSAL RE: ALL CLAIMS AGAINST DEFENDANT BRUCE MAPLEY SR.</i> (Shaffer, Ryan) (Entered: 11/16/2022)
11/16/2022	<u>176</u>	ORDER DISMISSING ALL CLAIMS AGAINST DEFENDANT BRUCE MAPLEY SR. Order re: <u>175</u> Notice filed by Camillia Mapley, Tracy Caekaert. Signed by Judge Susan P. Watters on 11/16/2022. (EMH) (Entered: 11/16/2022)
12/02/2022	<u>177</u>	MOTION to Amend/Correct <u>27</u> Answer to Amended Complaint, Crossclaim to Assert <i>Settled Party Defense</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Exhibit A – Amendment to Answer to 1st Amd Complaint) (Wilson, Jon) (Entered: 12/02/2022)
12/05/2022	<u>178</u>	MOTION to Amend/Correct <i>Answer to 1st Amended Complaint, Cross-Claim</i> Christopher Sweeney appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Exhibit A – Proposed Amended Answer) (Sweeney, Christopher) (Entered: 12/05/2022)
12/07/2022	<u>179</u>	RESPONSE to Motion re <u>177</u> MOTION to Amend/Correct <u>27</u> Answer to Amended Complaint, Crossclaim to Assert <i>Settled Party Defense</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 2022-11-30 Excerpts from Depo. Transcript C. Mapley, # <u>2</u> Exhibit B 2022-12-07 Declaration of Ryan R. Shaffer) (Shaffer, Ryan) (Entered: 12/07/2022)
12/07/2022	<u>180</u>	RESPONSE to Motion re <u>178</u> MOTION to Amend/Correct <i>Answer to 1st Amended Complaint, Cross-Claim</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 2022-11-30 Excerpts from Depo. Transcript C. Mapley, # <u>2</u> Exhibit B 2022-12-07 Declaration of Ryan R. Shaffer) (Shaffer, Ryan) (Entered: 12/07/2022)
12/20/2022	<u>181</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>177</u> MOTION to Amend/Correct <u>27</u> Answer to Amended Complaint, Crossclaim to Assert <i>Settled Party Defense</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 12/20/2022)
12/20/2022	<u>182</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>in Support of Motion to File Amended Answer</i> Christopher Sweeney appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Sweeney, Christopher) (Entered: 12/20/2022)
12/20/2022	<u>183</u>	ORDER granting <u>182</u> Unopposed MOTION for Extension of Time to File Reply <i>in Support of Motion to File Amended Answer</i> re <u>178</u> MOTION to file Amended Answer to 1st Amended Complaint, Cross-Claim and Demand for Jury Trial. Replies due by

		12/28/2022. Signed by Judge Susan P. Watters on 12/20/2022. (EMH) (Entered: 12/20/2022)
12/21/2022	<u>184</u>	ORDER GRANTING <u>181</u> Motion for Extension of Time to File Response/Reply re <u>177</u> MOTION to Amend/Correct <u>27</u> Answer to Amended Complaint, Crossclaim to Assert Settled Party Defense , <u>177</u> MOTION to Amend/Correct <u>27</u> Answer to Amended Complaint, Crossclaim to Assert Settled Party Defense. Replies due by 12/28/2022. Motions ripe 12/28/2022. Signed by Judge Susan P. Watters on 12/21/2022. (AMC) (Entered: 12/21/2022)
12/28/2022	<u>185</u>	REPLY to Response to Motion re <u>177</u> MOTION to Amend/Correct <u>27</u> Answer to Amended Complaint, Crossclaim to Assert Settled Party Defense filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A Cammilia Mapley Depo excerpt) (Wilson, Jon) (Entered: 12/28/2022)
12/28/2022	<u>186</u>	REPLY to Response to Motion re <u>178</u> MOTION to Amend/Correct Answer to 1st Amended Complaint, Cross-Claim filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit Excerpts of Camillia Mapley Deposition) (Fagan, Gerry) (Entered: 12/28/2022)
01/03/2023	<u>187</u>	MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 01/03/2023)
01/03/2023	<u>188</u>	Brief/Memorandum in Support re <u>187</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A Excerpts of 2022-04-14 Depo. Transcript Shirley Gibson, # <u>2</u> Exhibit B Excerpts of 2021-04-23 Depo. Transcript James Rowland, # <u>3</u> Exhibit C Index of Withheld Documents, # <u>4</u> Exhibit D 002791-002793 1997-03-14 WTNY Ltr to Elder re Child Abuse, # <u>5</u> Exhibit E Excerpts from 001500-001654 ELDERS BOOK 1991 Pay attention to yourselves and to all the flock, # <u>6</u> Exhibit F 004058-004060 1998-07-20 Ltr. to BOE re CSA, # <u>7</u> Exhibit G 002780-002781 Notification of Disfellowshipping or Disassociation) (Shaffer, Ryan) (Entered: 01/03/2023)
01/06/2023	<u>189</u>	MOTION to Amend/Correct <i>COMPLAINT</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Exhibit A 2023-01-06 PLs' Proposed Second Amended Complaint) (Shaffer, Ryan) (Entered: 01/06/2023)
01/06/2023	<u>190</u>	Brief/Memorandum in Support re <u>189</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit 1 2023-01-06 PLs' Proposed Second Amended Complaint (Redline)) (Shaffer, Ryan) (Entered: 01/06/2023)
01/13/2023	<u>191</u>	MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> WTNY's Answers & Responses to PLs' Discovery) (Shaffer, Ryan) (Entered: 01/13/2023)
01/13/2023	<u>192</u>	Brief/Memorandum in Support re <u>191</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 000484-000623 1972-10 Kingdom Ministry School Course, # <u>2</u> Exhibit B 004159-004160 1978-03 Report on Circuit Overseer's Visit with Congregation, # <u>3</u> Exhibit C WTNY's Responses to PLs' Discovery, # <u>4</u> Exhibit D 2014-04-01 M. Moreno Deposition Transcript, # <u>5</u> Exhibit E Excerpts from 2012-02-15 A. Shuster Depo. Transcript, # <u>6</u> Exhibit F 004203-004206 JW.org What Is the Governing Body of Jehovahs Witnesses, # <u>7</u> Exhibit G 2014-02-18 Excerpts from M. Moreno Depo. Transcript, # <u>8</u> Exhibit H 2006-09-29 Dec. Mario Moreno, # <u>9</u> Exhibit I 2015-03-20 Affidavit of P. Brumley, # <u>10</u> Exhibit J 004207-004208 2017-06-07 Ltr. fm. WHQ Legal Dept. to WTPA, # <u>11</u> Exhibit K 2007-02-28 Decl. of Gary Breaux, # <u>12</u> Exhibit L 004249-004277 2021-02-01 Service Dept. Manual, # <u>13</u> Exhibit M 004278-004281 2009-09-26 Amended Cert. of Incorporation of WTNY, # <u>14</u> Exhibit N 2015-10-12 Dec. of Douglas Chappel, # <u>15</u> Exhibit O



		2022-10-28 Correspondence from B. Jensen to R. Shaffer, # <u>16</u> Exhibit P WTPA's Responses to PLs' Jurisdictional Discovery, # <u>17</u> Exhibit Q WTPA's 1982 Amended & Restated Cert. of Incorporation of WTPA (Shaffer, Ryan) (Entered: 01/13/2023)
01/17/2023	<u>193</u>	RESPONSE to Motion re <u>187</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTPA ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A - WT Let Us Not Abhor What is Wicked, # <u>2</u> Exhibit B - 1997-03-14 WT Confidential to Elders, # <u>3</u> Exhibit C - 1998-07-20 WT Confidential to Elders) (Wilson, Jon) (Entered: 01/17/2023)
01/17/2023	<u>194</u>	AFFIDAVIT/DECLARATION re <u>193</u> Response to Motion, by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 01/17/2023)
01/18/2023	<u>195</u>	MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE</i> Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Shaffer, Ryan) (Entered: 01/18/2023)
01/18/2023	<u>196</u>	Brief/Memorandum in Support re <u>195</u> MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 002782-002787 1989-07-01 Ltr. to Body of Elders re Child Abuse, # <u>2</u> Exhibit B Index of Withheld Documents, # <u>3</u> Exhibit C 2022-05-02 Ltr. from Brown Law Firm to MSS, # <u>4</u> Exhibit D 2022-12-02 WTPA's Responses to Plfs' RFA 27, # <u>5</u> Exhibit E 2022-08-26 WTPA's Responses to Pls' RFPs 40 & 38) (Shaffer, Ryan) (Entered: 01/18/2023)
01/19/2023	<u>197</u>	Unopposed MOTION for Hearing ( <i>STATUS CONFERENCE</i> ) Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 01/19/2023)
01/20/2023	<u>198</u>	RESPONSE to Motion re <u>189</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A 2020-11-20 WTPA Resp to Ps 1st Juris Disc, # <u>2</u> Exhibit B 2020-12-29 WTPA Resp to Ps 2nd Juris Disc, # <u>3</u> Exhibit C 2021-01-15 WTPA 1st Supp Resp to Ps 2nd Juris Disc) (Wilson, Jon) (Entered: 01/20/2023)
01/20/2023	<u>199</u>	RESPONSE to Motion re <u>189</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Sweeney, Christopher) (Entered: 01/20/2023)
01/24/2023	<u>200</u>	Order Setting: IT IS HEREBY ORDERED that Plaintiffs' <u>197</u> Motion for a Status Conference (Doc. 197) is DENIED. IT IS FURTHER ORDERED that Plaintiffs' <u>148</u> Motion for New Scheduling Order is GRANTED. Telephonic Scheduling Conference set for 2/7/2023 at 09:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 1/24/2023. (EMH) (Entered: 01/24/2023)
01/25/2023	<u>201</u>	REPLY to Response to Motion re <u>189</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 01/25/2023)
01/27/2023	<u>202</u>	RESPONSE to Motion re <u>191</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A WTPA Responses to Ps 1st Jurisdiction Discovery) (Wilson, Jon) (Entered: 01/27/2023)
01/31/2023	<u>203</u>	REPLY to Response to Motion re <u>187</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTPA ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 01/31/2023)
02/01/2023	<u>204</u>	RESPONSE to Motion re <u>195</u> MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE in Opposition</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A Morena Affidavit, # <u>2</u> Exhibit B Plaintiffs' Privilege Logs) (Wilson, Jon) (Entered: 02/01/2023)

02/07/2023	<u>205</u>	AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 7/31/2024 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 8/12/2024 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Discovery due by 2/27/2024. Motions due by 4/14/2024. Signed by Judge Susan P. Watters on 2/7/2023. (AMC) (Entered: 02/07/2023)
02/10/2023	206	Incorrect Document Attached. Correct documents refiled as ECF <u>207</u> . REPLY to Response to Motion re <u>191</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # 1 Exhibit WTNY Amended Cert. of Incorporation, # 2 Exhibit U.S. Branch Office Description) (Shaffer, Ryan) Modified on 2/13/2023 (EMH). (Entered: 02/10/2023)
02/10/2023	<u>207</u>	REPLY to Response to Motion re <u>191</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit WTNY Amended Cert. of Incorporation, # <u>2</u> Exhibit U.S. Branch Office Description) (Shaffer, Ryan) (Entered: 02/10/2023)
02/15/2023	<u>208</u>	REPLY to Response to Motion re <u>195</u> MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A Ethics Opinion 870513 & 940202, # <u>2</u> Exhibit B Penkavas Conviction and Sentencing Documents, # <u>3</u> Exhibit C 2022-04-22 People's Motion to Unimpond) (Shaffer, Ryan) (Entered: 02/15/2023)
02/16/2023	<u>209</u>	ERRATA <u>207</u> Reply to Response to Motion, <i>DOCUMENT TITLE</i> . (Shaffer, Ryan) (Entered: 02/16/2023)
02/23/2023	<u>210</u>	NOTICE by Tracy Caekaert, Camillia Mapley <i>OF FULLY BRIEFED MOTIONS</i> (Shaffer, Ryan) (Entered: 02/23/2023)
02/28/2023	<u>211</u>	MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Wilson, Jon) (Entered: 02/28/2023)
02/28/2023	<u>212</u>	Brief/Memorandum in Support re <u>211</u> MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> , <u>208</u> Reply to Response to Motion, filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 02/28/2023)
03/09/2023	<u>213</u>	NOTICE of Appearance by Katy Gannon on behalf of Tracy Caekaert, Camillia Mapley (Gannon, Katy) (Entered: 03/09/2023)
03/10/2023	<u>214</u>	NOTICE of Appearance by Michael P. Sarabia on behalf of Watchtower Bible and Tract Society of New York, Inc. (Sarabia, Michael) (Entered: 03/10/2023)
03/13/2023	<u>215</u>	RESPONSE to Motion re <u>211</u> MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 03/13/2023)
03/20/2023	<u>217</u>	ORDER denying <u>132</u> Motion to Compel. Signed by Judge Susan P. Watters on 3/20/2023. (EMH) (Entered: 03/20/2023)
03/27/2023	<u>218</u>	REPLY to Response to Motion re <u>211</u> MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A-2021-02-11 Hardin Cong Subpoena Response, # <u>2</u> Exhibit B-2022-05-27 RSP Marty Merrifield, # <u>3</u> Exhibit C-2023-02-27 Draft Surreply in Opp to MTC) (Wilson, Jon) (Entered: 03/27/2023)
04/14/2023	<u>219</u>	ORDER, For these reasons, Plaintiffs' attorneys are awarded \$154,448.11 for WTPA's sanctioned conduct in this case and in the companion case, Rowland v. Watchtower Tract and Bible Society of New York, CV 20-59-BLG-SPW. The Court denies WTPA's request to stay payment of this sanction pending appeal.. Signed by Judge Susan P. Watters on 4/14/2023. (EMH) (Entered: 04/14/2023)
04/14/2023	<u>220</u>	ORDER granting in part and denying in part. Defendant Watchtower Bible and Tract Society of New York, Inc.' s <u>177</u> Motion to Amend its Answer to Asserted Settled Party Defense is GRANTED as to the addition of the settled party defense to its

		Answer and DENIED as to the wording of its proposed amendment. Signed by Judge Susan P. Watters on 4/14/2023. (EMH) (Entered: 04/14/2023)
04/17/2023	<u>221</u>	ORDER granting in part and denying in part <u>178</u> Motion to Amend its Answer. Signed by Judge Susan P. Watters on 4/17/2023. (EMH) (Entered: 04/17/2023)
04/18/2023	<u>222</u>	ORDER denying <u>171</u> MOTION for Hearing and <u>153</u> MOTION to Compel <i>Depositions</i> filed by Camillia Mapley, Tracy Caekaert. Signed by Judge Susan P. Watters on 4/18/2023. (EMH) (Entered: 04/18/2023)
04/21/2023	<u>223</u>	MOTION to Compel <i>Responses by Camillia Mapley</i> . Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Fagan, Gerry) (Entered: 04/21/2023)
04/21/2023	<u>224</u>	Brief/Memorandum in Support re <u>223</u> MOTION to Compel <i>Responses by Camillia Mapley</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit 1 – 7/21/22 Letter, # <u>2</u> Exhibit 2 – 8/16/22 Letter, # <u>3</u> Exhibit 3 – 9/30/22 Letter, # <u>4</u> Exhibit 4 – 1/6/23 Letter, # <u>5</u> Exhibit 5 – 1/19/23 Letter, # <u>6</u> Exhibit 6 – Responses to WTPA's 1st Discovery Requests, # <u>7</u> Exhibit 7 – Responses to WTPA's 2nd Discovery Requests, # <u>8</u> Exhibit 8 – Supplemental Responses to WTPA's 1st Discovery Requests) (Fagan, Gerry) (Entered: 04/21/2023)
04/26/2023	<u>225</u>	NOTICE by Watchtower Bible and Tract Society of New York, Inc. re <u>27</u> Answer to Amended Complaint, Crossclaim <i>Amendment to Answer</i> (Wilson, Jon) (Entered: 04/26/2023)
04/26/2023	<u>226</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>Amended Answer to Pltfs' 1st Amended Complaint, Cross-Claim &amp; Demand for Jury Trial</i> (Sweeney, Christopher) (Entered: 04/26/2023)
04/27/2023		NOTICE OF CORRECTION re <u>226</u> Notice (Other), <u>225</u> Notice (Other). INCORRECT DOCKET EVENT USED. Correct event that should have been used is Amended Answer to Complaint and select the amended complaint. This correction is informational and for future filings only; clerk will make background corrections to amend the filings in CM-ECF. (EMH) (Entered: 04/27/2023)
05/05/2023	<u>227</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>Satisfaction of Sanctions Orders</i> (Sweeney, Christopher) (Entered: 05/05/2023)
05/05/2023	<u>228</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>Notice of Appeal</i> (Attachments: # <u>1</u> Exhibit Representation Statement) (Sweeney, Christopher) (Entered: 05/05/2023)
05/05/2023	<u>229</u>	RESPONSE to Motion re <u>223</u> MOTION to Compel <i>Responses by Camillia Mapley</i> filed by Camillia Mapley. (Attachments: # <u>1</u> Exhibit A Excerpts from 2022-11-29 Depo. of Camillia Mapley, # <u>2</u> Exhibit B 2023-05-02 Proposed Stipulation) (Shaffer, Ryan) (Entered: 05/05/2023)
05/08/2023		NOTICE OF CORRECTION re <u>228</u> Notice (Other). <b>INCORRECT DOCKET EVENT USED– Incorrect event used– Notice– Other. Correct event that should have been used is Notice of Appeal– Order–MT. DOCUMENT NEEDS TO BE REFILED.</b> Event is found under Other filings–Appeal documents. Using the proper event notifies the Ninth Circuit Court of Appeals. Please refile using the correct docket event. (EMH) (Entered: 05/08/2023)
05/08/2023	<u>230</u>	NOTICE OF APPEAL by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. Filing fee \$ 505, receipt number AMTDC-3066326. (Attachments: # <u>1</u> Exhibit Representation Statement) (Sweeney, Christopher) (Entered: 05/08/2023)
05/09/2023	<u>231</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>223</u> MOTION to Compel <i>Responses by Camillia Mapley</i> . Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) (Entered: 05/09/2023)
05/10/2023	<u>232</u>	ORDER granting <u>231</u> Motion for Extension of Time to File Response/Reply re <u>223</u> MOTION to Compel <i>Responses by Camillia Mapley</i> . IT IS HEREBY ORDERED that WTPA shall have up to and including May 26, 2023, in which to file its reply brief in support of its Motion to Compel (Doc. 223). Signed by Judge Susan P. Watters on

		5/10/2023. (EMH) (Entered: 05/10/2023)
05/11/2023	<u>233</u>	USCA Case Number 23-35329 and Time Scheduling Order for <u>230</u> Notice of Appeal filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. (EMH) (Entered: 05/11/2023)
05/18/2023	<u>234</u>	MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> . Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 05/18/2023)
05/18/2023	<u>235</u>	Brief/Memorandum in Support re <u>234</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 05/18/2023)
05/18/2023	<u>236</u>	AFFIDAVIT/DECLARATION re <u>234</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> , <u>235</u> Brief/Memorandum in Support by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit 1 Shaffer 4-19-23 email to Wilson, # <u>2</u> Exhibit 2 email between Wilson and Shaffer re meet and confer, # <u>3</u> Exhibit 3 Murnion 4-26-23 LT Wilson, # <u>4</u> Exhibit 4 Murnion 4-26-23 email to Wilson, # <u>5</u> Exhibit 5 Wilson 5-1-23 LT Shaffer, # <u>6</u> Exhibit 6 Murnion 5-1-23 LT Wilson, # <u>7</u> Exhibit 7 Wilson 5-3-23 LT Shaffer, # <u>8</u> Exhibit 8 Murnion 5-15-23 LT Wilson, # <u>9</u> Exhibit 9 Shaffer 5-17-23 LT Wilson w depo notices, # <u>10</u> Exhibit 10 Wilson 5-17-23 LT Shaffer, # <u>11</u> Exhibit 11 Shaffer 12-23-22 email to WTNY and WTPA w draft 2nd Amd Not of Rule 30b6 Depo) (Wilson, Jon) (Entered: 05/18/2023)
05/22/2023	<u>237</u>	ORDER granting plaintiff's <u>191</u> Motion to Compel with respect to searches of and production of responsive documents from the Service Department and CCJW, and denied as to the U.S. Branch Office. IT IS FURTHER ORDERED that WTNY must search or order a search of the documents at the Service Department and CCJW, and produce all responsive documents. Signed by Judge Susan P. Watters on 5/22/2023. (EMH) (Entered: 05/22/2023)
05/22/2023	<u>238</u>	ORDER, IT IS ORDERED that Plaintiffs <u>189</u> Motion to Amend/Correct their complaint is GRANTED as to the amendments concerning Mapley Sr. and the typographic errors and DENIED in all other respects. Signed by Judge Susan P. Watters on 5/22/2023. (EMH) (Entered: 05/22/2023)
05/22/2023	<u>239</u>	ORDER denying <u>187</u> Motion to Compel Production of Non-Privileged Information in Documents Withheld on Basis of Clergy-Penitent Privilege as to Documents 35, 39, and 40 and STAYED as to Documents 27-34, 36, 37, and 38 pending the Court's in camera review of the documents. IT IS FURTHER ORDERED that WTNY produce unredacted versions of Documents 27-34, 36, 37, and 38 in the Privilege Log (Doc. 188-3) for in camera review within fourteen (14) days of this Order. Signed by Judge Susan P. Watters on 5/22/2023. (EMH) (Entered: 05/22/2023)
05/22/2023	<u>240</u>	ORDER denying <u>195</u> Motion to Compel In Camera Review of Documents Withheld and Defendant Watchtower Bible and Tract Society of New York, Inc.'s Motion for Leave to File Surreply (Doc. 211) are DENIED. Signed by Judge Susan P. Watters on 5/22/2023. (EMH) (Entered: 05/22/2023)
05/26/2023	<u>241</u>	REPLY to Response to Motion re <u>223</u> MOTION to Compel <i>Responses by Camillia Mapley</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit A 4/27/23 Letter, # <u>2</u> Exhibit B 5/5/23 Letter) (Fagan, Gerry) (Entered: 05/26/2023)
06/01/2023	<u>242</u>	NOTICE by Watchtower Bible and Tract Society of New York, Inc. re <u>239</u> Order on Motion to Compel., <i>Submission of Docs for In Camera Review</i> (Wilson, Jon) (Entered: 06/01/2023)
06/01/2023	<u>243</u>	RESPONSE to Motion re <u>234</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A Excerpts from 2012-03-27 Transcript of Depo of Allen Shuster, # <u>2</u> Exhibit B Excerpts from 2012-02-15 Allen Shuster Depo. Transcript, # <u>3</u> Exhibit C Excerpts from 2015-05-29 Transcript of Depo of Gary Breaux Vol I, # <u>4</u> Exhibit D 2006-10-03 Decl. of Gary Breaux, # <u>5</u> Exhibit E 2022-08-26 WTNY's Responses to Pls' RFPs 40 & 38, # <u>6</u> Exhibit F Doc. 18 2003-06-05 DFs' Witness Disclosures, # <u>7</u> Exhibit G WTPA & WTNY Answers to Discovery) (Shaffer, Ryan) (Entered: 06/01/2023)



		06/01/2023)
06/02/2023	<u>244</u>	NOTICE of Filing Exhibits re: <u>243</u> Response to Motion,, (Attachments: # <u>1</u> Exhibit A Excerpts from 2012-03-27 Transcript of Depo of Allen Shuster, # <u>2</u> Exhibit C Excerpts from 2015-05-29 Transcript of Depo of Gary Breaux Vol I) (Shaffer, Ryan) Modified on 6/2/2023 to add link to the motion (AMC). (Entered: 06/02/2023)
06/02/2023	<u>245</u>	ORDER GRANTING IN PART AND DENYING IN PARTt <u>223</u> Motion to Compel. IT IS SO ORDERED that Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc.'s ("WTPA") Motion to Compel Responses by Plaintiff Camillia Mapley is DENIED with respect to Requests for Production 10 and 36, GRANTED with respect to Interrogatories 3, 6, and 7, and GRANTED IN PART and DENIED IN PART with respect to Interrogatory 5. Signed by Judge Susan P. Watters on 6/2/2023. (AMC) (Entered: 06/02/2023)
06/07/2023	<u>246</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>No Transcripts ordered for Appeal</i> (FitzGerald, Jordan) (Entered: 06/07/2023)
06/15/2023	<u>247</u>	REPLY to Response to Motion re <u>234</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 06/15/2023)
06/29/2023	<u>248</u>	MOTION to Strike <i>and Order Depositions Taken as Noticed</i> . Ryan R. Shaffer appearing for Plaintiffs Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 06/29/2023)
06/29/2023	<u>249</u>	Brief/Memorandum in Support re <u>248</u> MOTION to Strike <i>and Order Depositions Taken as Noticed</i> filed by Tracy Caekaert, Camillia Mapley. (Attachments: # <u>1</u> Exhibit A 2022-09-27 Email from R. Shaffer to J. Wilson, # <u>2</u> Exhibit B 2022-09-28 Email from C. Sweeney to R. Shaffer, # <u>3</u> Exhibit C 2022-09-29 Ltr. to DFs re Depositions, # <u>4</u> Exhibit D 2022-10-04 Ltr to Counsel re Depos, # <u>5</u> Exhibit E 2022-10-05 Email from B. Jensen to R. Shaffer, # <u>6</u> Exhibit F 2023-04-19 Email from R. Shaffer to J. Wilson, # <u>7</u> Exhibit G 2023-04-26 JM Email to WTNY re Deps of Shuster, Breaux, Smalley, # <u>8</u> Exhibit H 2023-05-01 WTNY's Resp. Ltr. re Shuster, Breaux, & Smalley Depos., # <u>9</u> Exhibit I 2023-05-03 WTNY's Resp. Ltr. re Shuster, Breaux, & Smalley Depos., # <u>10</u> Exhibit J 2023-05-17 Ltr. to Counsel Providing Breaux, Smalley & Shuster NODs, # <u>11</u> Exhibit K 2022-09-28 Email from R. Shaffer to C. Sweeney, # <u>12</u> Exhibit L 2022-09-29-Email from J. Wilson to R. Shaffer, # <u>13</u> Exhibit M Ethics Opinion 940430, # <u>14</u> Exhibit N Rule 4.2) (Shaffer, Ryan) (Entered: 06/29/2023)
07/13/2023	<u>250</u>	RESPONSE to Motion re <u>248</u> MOTION to Strike <i>and Order Depositions Taken as Noticed</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Affidavit Jon W. Wilson, # <u>2</u> Exhibit 1 2023-06-21 WTNY Counsel ltr to Ps Counsel, # <u>3</u> Exhibit 2 2023-04-26 Ps Counsel ltr to WTNY Counsel, # <u>4</u> Exhibit 3 2023-05-01 Ps Counsel ltr to WTNY Counsel, # <u>5</u> Exhibit 4 2023-05-15 Ps Counsel ltr to WTNY) (Wilson, Jon) (Entered: 07/13/2023)
07/14/2023	<u>251</u>	ORDER. IT IS HEREBY ORDERED that Plaintiffs Tracy Caekaert and Camillia Mapley's <u>187</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> is GRANTED with respect to Documents 27, 28, 29, 32, 37, and 38, with the redactions described in this order. The motion is DENIED with respect to Documents 30, 31, 33, 34, and 36. Signed by Judge Susan P. Watters on 7/14/2023. (EMH) (Entered: 07/14/2023)
07/18/2023	<u>252</u>	REPLY to Response to Motion re <u>248</u> MOTION to Strike <i>and Order Depositions Taken as Noticed</i> filed by Tracy Caekaert, Camillia Mapley. (Shaffer, Ryan) (Entered: 07/18/2023)
07/19/2023	<u>253</u>	ORDER. IT IS HEREBY ORDERED, Plaintiffs Tracy Caekaert and Camilla Mapley's access to Documents 27, 28, 29, 32, 37, and 38, with the redactions noted by the Court in Doc. 251, is GRANTED. IT IS FURTHER ORDERED that Plaintiffs' access to Documents 30, 31, 33, 34, and 36 is DENIED. Signed by Judge Susan P. Watters on 7/19/2023. (EMH) (Entered: 07/19/2023)

07/19/2023	<u>255</u>	ORDER, IT IS SO ORDERED that Documents 1, 4, 5, 6, and 7 produced to the Court pursuant to the Court's Order in Doc. <u>79</u> shall be filed under seal to be accessed only by this Court or an Appellate Court. Signed by Judge Susan P. Watters on 7/19/2023. (EMH) (Entered: 07/19/2023)
07/24/2023	<u>257</u>	TRANSCRIPT ORDER FORM by Tracy Caekaert, Camillia Mapley for proceedings held on 6/23/2021 before Judge Susan P. Watters. Court reporter Rich Mattson. Type of transcript: 30-Day.. Transcript due by 8/23/2023. (Shaffer, Ryan) (Entered: 07/24/2023)
07/27/2023	<u>258</u>	ORDER of USCA as to <u>230</u> Notice of Appeal filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. The motion to dismiss this appeal for lack of jurisdiction and request for sanctions (Docket Entry No. 4) is denied without prejudice to renewing the arguments in the answering brief. The briefing schedule established previously remains in effect. (EMH) (Entered: 07/27/2023)

APPEAL,PROTO

**U.S. District Court  
District of Montana (Billings)  
CIVIL DOCKET FOR CASE #: 1:20-cv-00059-SPW**

Rowland et al v. Watchtower Bible and Tract Society of New York, Inc. et al

Assigned to: Judge Susan P. Watters

Demand: \$75,000

Case in other court: Ninth Circuit Court of Appeals, 23-35330

Cause: 28:1332 Diversity-Personal Injury

Date Filed: 05/01/2020

Jury Demand: Both

Nature of Suit: 360 P.I.: Other

Jurisdiction: Diversity

**Plaintiff**

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**Plaintiff**

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4-ER-583

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V.

**Defendant**

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**Defendant**

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V.

**Intervenor Defendant****Hardin Congregation**

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Date Filed	#	Docket Text
05/01/2020	<u>1</u>	COMPLAINT against Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A – 2020-04-14 James Rowland Signed Affidavit, # <u>2</u> Exhibit B – 2020-03-26 Shirley Gibson Signed Affidavit, # <u>3</u> Exhibit C – 2020-04-15 Mark ODonnell Signed Affidavit, # <u>4</u> Exhibit D – R.C.M. 10-1304, # <u>5</u> Civil Cover Sheet) (JEH) (Entered: 05/01/2020)
05/01/2020		Filing fee: \$ 400.00, receipt number 0977-2476122. (JEH) (Entered: 05/01/2020)
05/01/2020	<u>2</u>	Summons Issued as to Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (JEH) (Entered: 05/01/2020)
05/20/2020	<u>3</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, Guy W. Rogers appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. Motions referred to Timothy J. Cavan. (Attachments: # <u>1</u> Text of Proposed Order) (Rogers, Guy) (Entered: 05/20/2020)
05/20/2020	<u>4</u>	ORDER granting <u>3</u> Motion for Extension of Time to Answer. Defendant shall file a response by June 22, 2020. Signed by Magistrate Judge Timothy J. Cavan on 5/20/2020. (HEG) (Entered: 05/20/2020)
05/21/2020	<u>5</u>	SUMMONS Returned Executed by Ariane Rowland, Jamie Schulze. Watchtower Bible and Tract Society of New York, Inc. served on 5/8/2020, answer due 6/22/2020. (Shaffer, Ryan) (Entered: 05/21/2020)
05/21/2020	<u>6</u>	SUMMONS Returned Executed by Ariane Rowland, Jamie Schulze. Watch Tower Bible and Tract Society of Pennsylvania, Inc. served on 5/8/2020, answer due 6/22/2020. (Shaffer, Ryan) (Entered: 05/21/2020)
05/22/2020	<u>7</u>	Electronic Mailing of Consent Judge Cavan as Presiding Judge. Mailed to counsel Robert L. Stepan, Ryan R. Shaffer, James C. Murnion, Guy W. Rogers, Jon A. Wilson. Consent/Objection to USMJ Form due by 6/8/2020. (APP) (Entered: 05/22/2020)
06/11/2020	<u>8</u>	ORDER WITHHOLDING CONSENT. Consent to the jurisdiction of the U. S. Magistrate Judge having been either withheld or met with objection, this case remains ASSIGNED to the Honorable Susan P. Watters and is REFERRED to the Honorable Timothy J. Cavan. Signed by Judge Susan P. Watters on 6/11/2020. (JDR) (Entered: 06/11/2020)
06/22/2020	<u>9</u>	MOTION to Dismiss for Lack of Jurisdiction Guy W. Rogers appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. Motions referred to Timothy J. Cavan. (Rogers, Guy) (Entered: 06/22/2020)



06/22/2020	<u>10</u>	Brief/Memorandum in Support re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit 1 Brumley Affidavit) (Rogers, Guy) (Entered: 06/22/2020)
06/22/2020	<u>11</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 06/22/2020)
07/01/2020	<u>12</u>	NOTICE by Ariane Rowland, Jamie Schulze <i>Joint Notice of Related Case</i> (Shaffer, Ryan) (Entered: 07/01/2020)
07/01/2020	<u>13</u>	ORDER REASSIGNING TO JUDGE SUSAN P. WATTERS. The above-captioned matter shares similarities with CV-20-52-BLG-SPW. Signed by Judge Susan P. Watters on 7/1/2020. (AMC) (Entered: 07/01/2020)
07/01/2020		Magistrate Judge Timothy J. Cavan no longer assigned to case. (AMC) (Entered: 07/01/2020)
07/13/2020	<u>14</u>	ERRATA <u>1</u> Complaint, . (Attachments: # <u>1</u> 2020-04-15 Mark O'Donnell Signed Affidavit w Ex. A) (Shaffer, Ryan) (Entered: 07/13/2020)
07/13/2020	<u>15</u>	RESPONSE to Motion re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A Website Example, # <u>2</u> Exhibit B Examples of written church policies, # <u>3</u> Exhibit C September 18, 1970 Ltr. from WTPA, # <u>4</u> Exhibit D May 9, 2002 Ltr. from WTPA to BBC Panorama) (Shaffer, Ryan) (Entered: 07/13/2020)
07/13/2020	<u>16</u>	AMENDED COMPLAINT against All Defendants, filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A - 2020-04-14 James Rowland Signed Affidavit, # <u>2</u> Exhibit B - 2020-03-26 Shirley Gibson Signed Affidavit, # <u>3</u> Exhibit C 2020-04-15 Mark O'Donnell Signed Affidavit w Ex. A, # <u>4</u> Exhibit D - R.C.M. 10-1304) (Shaffer, Ryan) (Entered: 07/13/2020)
07/27/2020	<u>17</u>	ANSWER to <u>16</u> Amended Complaint, <i>and Demand for Jury Trial</i> by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 07/27/2020)
07/27/2020	<u>18</u>	Brief/Memorandum in Support re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit Affidavit) (Wilson, Jon) (Entered: 07/27/2020)
08/05/2020	<u>19</u>	MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 08/05/2020)
08/05/2020	<u>20</u>	Brief/Memorandum in Support re <u>19</u> MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 1997-03-04 WBTS Ltr to Elders re Child Abusers, # <u>2</u> Exhibit B 1987-05-15 WBTS Ltr. to Elders re Ecclesiastical Priv., # <u>3</u> Exhibit C 1995-01-02 WBTS Ltr to Elders re Pre. App to Gilead School, # <u>4</u> Exhibit D 1995-01-11 WBTS Ltr to Elder re Victims of Child Abuse, # <u>5</u> Exhibit E Pl's Supp. Exhibit in Support of Mt for Leave to File 2nd Amended Complaint and to Add WBTS of PA) (Shaffer, Ryan) (Entered: 08/05/2020)
08/10/2020	<u>21</u>	Unopposed MOTION for Status Conference Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 08/10/2020)
08/10/2020	<u>22</u>	PRELIMINARY PRETRIAL CONFERENCE ORDER(Preliminary Pretrial Statement due by 10/1/2020., Joint Discovery Plan due by 9/24/2020., Statement of Stipulated Facts due by 10/1/2020., Telephonic Pretrial Conference set for 10/8/2020 at 09:30 AM in Billings, MT before Judge Susan P. Watters.), Motions DENIED AS MOOT: <u>21</u> Unopposed MOTION for Status Conference filed by Jamie Schulze, Ariane Rowland. Signed by Judge Susan P. Watters on 8/10/2020. (AMC) (Entered: 08/10/2020)
08/14/2020	<u>23</u>	RESPONSE to Motion re <u>19</u> MOTION to Supplement <i>Record Re: Plaintiffs' Response to Defendant WTPA's Motion to Dismiss</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Rogers, Guy) (Entered: 08/14/2020)



08/18/2020	<u>24</u>	ORDER PROVIDING FOR JURISDICTIONAL DISCOVERY. Granting <u>19</u> Motion to Supplement. READ ORDER FOR DETAILS Signed by Judge Susan P. Watters on 8/14/2020. (AMC) (Entered: 08/18/2020)
09/15/2020	<u>25</u>	Unopposed MOTION Joel M. Taylor to Appear Pro Hac Vice ( Filing fee \$ 255 receipt number 0977-2542756.) Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Exhibit 1 Declaration Joel Taylor, # <u>2</u> Exhibit 2 Proposed Order) (Wilson, Jon) (Entered: 09/15/2020)
09/15/2020	<u>26</u>	ORDER GRANTING <u>25</u> Motion to Appear Pro Hac Vice for Attorney Joel M. Taylor for Watch Tower Bible and Tract Society of Pennsylvania, Inc., Joel M. Taylor for Watchtower Bible and Tract Society of New York, Inc. Signed by Judge Susan P. Watters on 9/15/2020. (AMC) (Entered: 09/15/2020)
09/15/2020	<u>27</u>	CM/ECF REGISTRATION LETTER for Pro Hac Vice attorney Joel M. Taylor (AMC) (Entered: 09/15/2020)
09/23/2020	<u>28</u>	JOINT DISCOVERY PLAN by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 09/23/2020)
09/30/2020	<u>29</u>	STATEMENT of <i>Inability to Stipulate to Any Facts</i> by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 09/30/2020)
10/01/2020	<u>30</u>	PRELIMINARY PRETRIAL STATEMENT by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Rogers, Guy) (Entered: 10/01/2020)
10/01/2020	<u>31</u>	PRELIMINARY PRETRIAL STATEMENT by Watchtower Bible and Tract Society of New York, Inc.. (Rogers, Guy) (Entered: 10/01/2020)
10/01/2020	<u>32</u>	PRELIMINARY PRETRIAL STATEMENT by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 10/01/2020)
10/08/2020	33	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: Telephonic Pretrial Conference held on 10/8/2020. (Law Clerk: C.Thingvold), (EMH) (Entered: 10/08/2020)
10/08/2020	<u>34</u>	JURISDICTIONAL DISCOVERY SCHEDULING ORDER Signed by Judge Susan P. Watters on 10/8/2020. (AMC) (Entered: 10/08/2020)
10/19/2020	<u>35</u>	NOTICE of Appearance by Aaron M. Dunn on behalf of Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Dunn, Aaron) (Entered: 10/19/2020)
10/19/2020	<u>36</u>	Brief/Response to Order re <u>34</u> Pretrial Order <i>Plaintiffs' Brief Re: Scope of Jurisdictional Discovery</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 1977-12-15 Branch Organization, # <u>2</u> Exhibit B 1972-10 Kingdom Ministry School Course, # <u>3</u> Exhibit C 1989-12-01 Watchtower Magazine, # <u>4</u> Exhibit D 1999-01-21 WTBT PA Lrt. to Elders re Child Abuse) (Shaffer, Ryan) (Entered: 10/19/2020)
11/30/2020	<u>37</u>	ORDER re SCOPE OF JURISDICTIONAL DISCOVERY. Accordingly, IT IS HEREBY ORDERED that Plaintiffs shall be permitted to conduct discovery into WTPA's and WTNy's corporate relationship from 1973 to 1992. Defendant WTPA 's argument to restrict the scope of discovery (Doc. 30 at 10) is DENIED. Signed by Judge Susan P. Watters on 11/30/2020. (AMC) (Entered: 11/30/2020)
02/26/2021	<u>38</u>	Joint MOTION to Amend/Correct <u>34</u> Pretrial Order <i>Jurisdictional Discovery Scheduling Order</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 02/26/2021)
02/26/2021	<u>39</u>	ORDER GRANTING <u>38</u> Motion to Amend Jurisdictional Discovery Scheduling Order. Signed by Judge Susan P. Watters on 2/26/2021. (AMC) (Entered: 02/26/2021)
03/04/2021	<u>40</u>	Unopposed MOTION for Protective Order Guy W. Rogers appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Exhibit 1-Stipulated Protective

		Order, # <u>2</u> Text of Proposed Order) (Rogers, Guy) (Entered: 03/04/2021)
03/23/2021	<u>41</u>	ORDER GRANTING <u>40</u> Motion for Protective Order Signed by Judge Susan P. Watters on 3/23/2021. (AMC) (Entered: 03/23/2021)
03/26/2021	<u>42</u>	Unopposed MOTION for Hearing ( <i>Status Conference</i> ) Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 03/26/2021)
03/29/2021	<u>43</u>	ORDER SETTING ( Telephonic Scheduling Conference set for 4/13/2021 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) GRANTING <u>42</u> Unopposed MOTION for Hearing ( <i>Status Conference</i> ) filed by Jamie Schulze, Ariane Rowland. Signed by Judge Susan P. Watters on 3/29/2021. (AMC) (Entered: 03/29/2021)
04/09/2021	<u>44</u>	NOTICE by Ariane Rowland, Jamie Schulze <i>PLAINTIFFS' NOTICE OF WRITTEN DISCOVERY AND ASSOCIATED CONFERRAL EFFORTS</i> (Shaffer, Ryan) (Entered: 04/09/2021)
04/13/2021	<u>45</u>	IT IS HEREBY ORDERED that the deadline for completion of depositions, currently set for April 30, 2021 (Doc. 42), is VACATED pending resolution of Plaintiffs' forthcoming written discovery motion. Signed by Judge Susan P. Watters on 4/13/2021. (AMC) (Entered: 04/13/2021)
04/20/2021	<u>46</u>	MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 04/20/2021)
04/20/2021	<u>47</u>	Brief/Memorandum in Support re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A March 8, 2021 WTPAs Resp. to Plfs. RFP No. 61, # <u>2</u> Exhibit B March 22, 2021 Brown Law Firm Correspondence, # <u>3</u> Exhibit C Excerpts from 1972 Kingdom Ministry School Course, # <u>4</u> Exhibit D November 1, 1995 WTPA Letter to All Bodies of Elders, # <u>5</u> Exhibit E March 8, 2021 WTPAs Resp to RFPs 73 78; April 19, 2021 WTPAs Supp. Resp. to RFPs 76, 78, # <u>6</u> Exhibit F Def. WTNYS Ans. to Plfs. Ints. 6, 7, # <u>7</u> Exhibit G Excerpts from December 15, 1997 Branch Organization manual, # <u>8</u> Exhibit H March 8, 2021 WTNYS Ans. to Plfs. Int. No. 9, 15; December 29, 2020 WTPAs Ans. to Plfs. Int. No. 25, 26; WTPAs Supp. Ans. to Plfs Int. No. 26, # <u>9</u> Exhibit I S-2B Form re Servant Recommendation Form, # <u>10</u> Exhibit J March 8, 2021 Def. WTPAs Ans. to RFA No. 4, 6, 7, # <u>11</u> Exhibit K December 29, 2020 WTPAs Ans. to Plfs. RFA No.14, # <u>12</u> Exhibit L March 8, 2021 WTPAs Ans. to Plfs. RFA No. 26) (Shaffer, Ryan) (Entered: 04/20/2021)
04/21/2021	<u>48</u>	MOTION to Compel <i>re the Hardin Congregation Subpoena</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 04/21/2021)
04/21/2021	<u>49</u>	Brief/Memorandum in Support re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit 1 2021-01-11 SDT to Hardin Congregation, # <u>2</u> Exhibit 2 2021-02-11 Hardin Congregation Response to SDT, # <u>3</u> Exhibit 3 Privilege Log & Redacted Documents) (Shaffer, Ryan) (Entered: 04/21/2021)
04/22/2021	<u>50</u>	CERTIFICATE OF SERVICE by Ariane Rowland, Jamie Schulze re <u>49</u> Brief/Memorandum in Support, <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> (Shaffer, Ryan) (Entered: 04/22/2021)
04/29/2021	<u>51</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>Briefs to Motion to Compel Jurisdictional Discovery Responses</i> Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 04/29/2021)
04/30/2021	<u>52</u>	ORDER GRANTING <u>51</u> Motion for Extension of Time to File Response in re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> , <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> Responses due by 5/11/2021. Replies due by 5/25/2021. Motions ripe 5/25/2021. Responses due by 5/12/2021. Replies due by 5/26/2021. Motions ripe 5/26/2021. Signed by Judge Susan P. Watters on 4/30/2021. (AMC) (Entered: 04/30/2021)

05/04/2021	<u>53</u>	MOTION to Intervene Kevin M. Funyak appearing for Interested Party Hardin Congregation (Attachments: # <u>1</u> Opposition Brief) (AMC) (Entered: 05/04/2021)
05/04/2021	<u>54</u>	Brief/Memorandum in Support re <u>53</u> MOTION to Intervene filed by Hardin Congregation. (AMC) (Entered: 05/04/2021)
05/05/2021	<u>55</u>	ORDER GRANTING <u>53</u> Motion to Intervene Signed by Judge Susan P. Watters on 5/5/2021. (AMC) (Entered: 05/05/2021)
05/05/2021	<u>56</u>	BRIEF OPPOSING PLAINTIFFS' re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> filed by Intervenor Defendant Hardin Congregation. (AMC) (Entered: 05/05/2021)
05/11/2021	<u>57</u>	RESPONSE to Motion re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit Joint Jurisdictional Discovery Plan, # <u>2</u> Exhibit January 22, 2021 Correspondence, # <u>3</u> Exhibit February 12, 2021 Correspondence, # <u>4</u> Exhibit March 22, 2021 Correspondence, # <u>5</u> Exhibit April 8, 2021 Correspondence, # <u>6</u> Exhibit WTNY Resp. to 1st J. Disc., # <u>7</u> Exhibit WTPA Resp. to 2nd J. Disc, # <u>8</u> Exhibit WTNY Resp. to 2nd J. Disc, # <u>9</u> Exhibit WTPA Resp. to 3rd Disc) (Wilson, Jon) (Entered: 05/11/2021)
05/12/2021	<u>58</u>	RESPONSE to Motion re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena Joinder in Doc. 56</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 05/12/2021)
05/14/2021	<u>59</u>	REPLY to Response to Motion re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 05/14/2021)
05/14/2021	<u>60</u>	MOTION for Hearing re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> Kevin M. Funyak appearing for Intervenor Defendant Hardin Congregation (Funyak, Kevin) (Entered: 05/14/2021)
05/18/2021	<u>61</u>	ORDER Setting oral argument on Plaintiff's <u>48</u> Motion to Compel <i>re the Hardin Congregation Subpoena</i> . Oral Argument set for 6/2/2021 at 09:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 5/18/2021. (EMH) (Entered: 05/18/2021)
05/25/2021	<u>62</u>	REPLY to Response to Motion re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit 1 1972 Organization for Kingdom–Preaching and Disciple–Making, # <u>2</u> Exhibit 2 Excerpts from Depo. of James Rowland, # <u>3</u> Exhibit 3 2021–04–28 WTPA's 2nd Supp Responses to Pls 3rd Set of Jurisdictional Discovery) (Shaffer, Ryan) (Entered: 05/25/2021)
05/26/2021	<u>63</u>	MOTION for Hearing re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Wilson, Jon) Modified on 5/26/2021 (AMC). (Entered: 05/26/2021)
05/26/2021	<u>64</u>	ORDER SETTING ORAL ARGUMENT ON <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> : ( Oral Argument Hearing set for 6/23/2021 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) Signed by Judge Susan P. Watters on 5/26/2021. (AMC) (Entered: 05/26/2021)
06/02/2021	65	MINUTE ENTRYMinute Entry for proceedings held before Judge Susan P. Watters: MOTIONS HEARING held on 6/2/2021 re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> filed by Jamie Schulze, Ariane Rowland. Present in the courtroom on behalf of Plaintiffs attorneys James Murnion, Ryan Shaffer and law student Katy Gannon. Appearing on behalf of defendants, intervenor defendant attorneys Kevin Funyak, Jon Wilson, Aaron Dunn, Joel Taylor (by phone). This is the time for oral argument on Plaintiffs Motion to Compel Subpoena. Arguments made and Judge will take the motion under advisement.Hearing commenced at 9:30 am and concluded at 10:32 am. (Court Reporter Becky Sabo.) (Law Clerk: C. Thingvold), (Hearing held in Billings–SMC) (AMC) (Entered: 06/02/2021)

06/21/2021	<u>66</u>	Unopposed MOTION for Pro Hac Vice Counsel to Appear Remotely at Oral Argument Jon A. Wilson appearing for Defendants Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Wilson, Jon) (Entered: 06/21/2021)
06/21/2021	<u>67</u>	ORDER GRANTING <u>66</u> Motion Pro Hac Vice Counsel to Appear Remotely at Oral Argument. Signed by Judge Susan P. Watters on 6/21/2021. (AMC) (Entered: 06/21/2021)
06/23/2021	<u>68</u>	MINUTE ENTRYMinute Entry for proceedings held before Judge Susan P. Watters: MOTION HEARING held on 6/23/2021 re <u>63</u> MOTION for Hearing re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. Present in the courtroom on behalf of Plaintiffs attorneys Ryan Shaffer, Robert Stepan, law student Katy Gannon. Appearing on behalf of defendants attorneys Aaron Dunn, Jon Wilson, Joel Taylor (by phone). This is the time set for oral argument on Plaintiffs Motion to Compel Jurisdictional Discovery Responses and For Costs and Fees. Arguments made by both sides. The Judge will take the motion under advisement. Hearing commenced at 9:35 am and concluded at 10:52 am. (Court Reporter Rich Mattson.) (Law Clerk: C. Thingvold), (Hearing held in Billings–SMC) (AMC) (Entered: 06/23/2021)
07/08/2021	<u>69</u>	ORDER re <u>48</u> MOTION to Compel <i>re the Hardin Congregation Subpoena</i> filed by Jamie Schulze, Ariane Rowland. IT IS HEREBY ORDERED that Plaintiffs Ariane Rowland and Jamie Schulze's Motion to Compel <i>re the Hardin Congregation Subpoena</i> (Doc. 48) is STAYED pending the Court's in camera review of the documents. IT IS FURTHER ORDERED that the Hardin Congregation must produce an unredacted version of all documents described in the Privilege Log (Doc. 49–3 ), except documents 3, 8 and 9, for the Court's review within fourteen (14) days of the date of this Order. Signed by Judge Susan P. Watters on 7/8/2021. (AMC) (Entered: 07/08/2021)
07/22/2021	<u>70</u>	NOTICE by Hardin Congregation re <u>69</u> Order., <i>in camera review documents delivered to Court</i> (Funyak, Kevin) (Entered: 07/22/2021)
08/24/2021	<u>72</u>	ORDER granting Plaintiffs Ariane Rowland and Jamie Schulze's <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> . Signed by Judge Susan P. Watters on 8/24/2021. (EMH) (Entered: 08/24/2021)
09/02/2021	<u>73</u>	NOTICE of Substitution of Counsel <i>removing Aaron Dunn and substituting Brett C. Jensen</i> by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc. (Wilson, Jon) (Entered: 09/02/2021)
09/09/2021	<u>74</u>	STATEMENT re <u>72</u> Order on Motion to Compel <i>Plaintiffs' Statement of Attorneys' Fees And Costs re: Motion to Compel</i> by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A Affidavit of Ryan R. Shaffer re Fees and Costs, # <u>2</u> Exhibit B Affidavit of James C. Murnion re Fees and Costs) (Shaffer, Ryan) (Entered: 09/09/2021)
09/14/2021	<u>75</u>	Unopposed MOTION FOR SCHEDULING ORDER RE: REMAINDER OF JURISDICTIONAL PHASE OF CASE Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 09/14/2021)
09/15/2021	<u>76</u>	ORDER granting <u>75</u> MOTION FOR SCHEDULING ORDER RE: REMAINDER OF JURISDICTIONAL PHASE OF CASE Signed by Judge Susan P. Watters on 9/15/2021. (JLE) (Entered: 09/15/2021)
09/20/2021	<u>77</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>48</u> Motion to Compel. IT IS HEREBY ORDERED that Plaintiffs Ariane Rowland and Jamie Schulze's Motion to Compel <i>re the Hardin Congregation Subpoena</i> (Doc. 48) is DENIED with respect to Documents 5, 6, and 10 and GRANTED with respect to Documents 1, 2, 4, 7, 11 and 12. Signed by Judge Susan P. Watters on 9/20/2021. (AMC) (Entered: 09/20/2021)
09/21/2021	<u>79</u>	STIPULATION <i>FOR THE TAKING OF REMOTE DEPOSITIONS</i> by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 09/21/2021)



09/23/2021	<u>80</u>	RESPONSE to Motion re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees Plaintiff's Statement of Attorneys' Fees and Costs</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 09/23/2021)
09/28/2021	<u>81</u>	IT IS HEREBY ORDERED that Defendants shall submit payment to Plaintiffs in the amount of \$22,631.80 for attorneys' fees and costs. In re <u>46</u> MOTION to Compel <i>Jurisdictional Discovery Responses and for Costs and Fees</i> filed by Jamie Schulze, Ariane Rowland. Signed by Judge Susan P. Watters on 9/28/2021. (AMC) (Entered: 09/28/2021)
10/14/2021	<u>82</u>	STIPULATION REGARDING PLAINTIFFS' SECOND AMENDED COMPLAINT by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A PLs' Second Amended Complaint and Jury Demand) (Shaffer, Ryan) (Entered: 10/14/2021)
10/14/2021	<u>83</u>	AMENDED COMPLAINT SECOND AMENDED COMPLAINT AND JURY DEMAND against Watch Tower Bible and Tract Society of Pennsylvania, Inc., Watchtower Bible and Tract Society of New York, Inc., filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A – 2020–04–14 James Rowland Signed Affidavit, # <u>2</u> Exhibit B – 2020–03–26 Shirley Gibson Signed Affidavit, # <u>3</u> Exhibit C – 2020–04–15 Mark O'Donnell Signed Affidavit, # <u>4</u> Exhibit D – R.C.M. 10–1304) (Shaffer, Ryan) (Entered: 10/14/2021)
11/05/2021	<u>84</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re <u>10</u> Brief/Memorandum in Support, <u>9</u> MOTION to Dismiss for Lack of Jurisdiction of <i>Withdrawal of MTD for Lack of Jurisdiction</i> (Wilson, Jon) (Entered: 11/05/2021)
11/05/2021	<u>85</u>	NOTICE by Ariane Rowland, Jamie Schulze re <u>84</u> Notice (Other) <i>PLAINTIFFS' NOTICE RE: WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA'S WITHDRAWAL OF ITS RULE 12(b)(2) MOTION TO DISMISS</i> (Attachments: # <u>1</u> Exhibit A 2021–08–27 Ltr. to DF re Motion to Dismiss) (Shaffer, Ryan) (Entered: 11/05/2021)
11/05/2021	<u>86</u>	RESPONSE to Motion re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction <i>PLAINTIFFS' RESPONSE BRIEF IN OPPOSITION TO DEFENDANT WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA'S MOTION TO DISMISS PURSUANT TO RULE 12(b)(2), Fed.R.Civ.P</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Appendix to Plaintiffs' Response Brief in Opposition to WTPA's Rule 12(b)(2) Motion to Dismiss) (Shaffer, Ryan) (Entered: 11/05/2021)
11/15/2021	<u>87</u>	ORDER SETTING JOINT TELEPHONIC SCHEDULING CONFERENCE WITH THE PARTIES IN CV–20–52–BLG–SPW Telephonic Scheduling Conference set for 12/17/2021 at 11:00 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 11/15/2021. (AMC) (Entered: 11/15/2021)
11/15/2021	<u>88</u>	NOTICE of Substitution of Counsel by Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Sweeney, Christopher) (Entered: 11/15/2021)
11/19/2021	<u>89</u>	<i>Def Watch Tower Bible &amp; Tract Society of PA</i> ANSWER to <u>83</u> Amended Complaint, by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Sweeney, Christopher) (Entered: 11/19/2021)
12/03/2021	<u>90</u>	MOTION for Sanctions Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 12/03/2021)
12/03/2021	<u>91</u>	Brief/Memorandum in Support re <u>90</u> MOTION for Sanctions filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit 1 2021–11–18 Affirmation of J. Taylor, # <u>2</u> Exhibit 2 2021–04–23 Excerpts of Depo. Transcript James Rowland, # <u>3</u> Exhibit 3 2021–08–27 Ltr to WTPA's Counsel, # <u>4</u> Exhibit 4 Other Case Sanction Orders) (Shaffer, Ryan) (Entered: 12/03/2021)
12/17/2021	<u>92</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Pltfs' Motion for Sanctions</i> Jordan Walter FitzGerald appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (FitzGerald, Jordan) Modified on 12/17/2021 to link to the motion(AMC). (Entered: 12/17/2021)

12/17/2021	<u>93</u>	ORDER GRANTING <u>92</u> Motion for Extension of Time to File Response/Reply re <u>92</u> Unopposed MOTION for Extension of Time to File Response/Reply to <i>Pltfs' Motion for Sanctions</i> , <u>90</u> MOTION for Sanctions Responses due by 12/28/2021. Replies due by 1/11/2022. Motions ripe 1/11/2022. Signed by Judge Susan P. Watters on 12/17/2021. (AMC) (Entered: 12/17/2021)
12/20/2021	<u>94</u>	SCHEDULING ORDER: <b>Contract Court Reporter is Needed</b> . Final Pretrial Conference set for 9/5/2023 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 9/18/2023 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Amended Pleadings due by 2/14/2022. Discovery due by 10/31/2022. Joinder of Parties due by 2/14/2022. Motions due by 1/30/2023. Signed by Judge Susan P. Watters on 12/20/2021. (AMC) (Entered: 12/20/2021)
12/28/2021	<u>95</u>	RESPONSE to Motion re <u>90</u> MOTION for Sanctions filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit Plaintiffs' proposed Rule 11 motion for sanctions, # <u>2</u> Exhibit WTPA's response to plaintiffs' RFP 25, # <u>3</u> Exhibit James Rowland deposition excerpts) (Sweeney, Christopher) (Entered: 12/28/2021)
01/03/2022	<u>96</u>	Unopposed MOTION for Hearing to <i>Pltfs' Motion for Sanctions</i> Christopher Sweeney appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Sweeney, Christopher) (Entered: 01/03/2022)
01/04/2022	<u>97</u>	ORDER SETTING ORAL ARGUMENT MOTIONS HEARING <u>90</u> MOTION for Sanctions : ( Motion Hearing set for 2/11/2022 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) GRANTING <u>96</u> Unopposed MOTION for Hearing to <i>Pltfs' Motion for Sanctions</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. This Hearing shall be held jointly with the hearing in Case No. CV-20-00052-BLG-SPW. Signed by Judge Susan P. Watters on 1/4/2022. (AMC) (Entered: 01/04/2022)
01/10/2022	<u>98</u>	REPLY to Response to Motion re <u>90</u> MOTION for Sanctions filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit 1 2021-03-08 WTPA Responses to 3rd Jurisdictional Discovery, # <u>2</u> Exhibit 2 Excerpts from 2021-04-23 Depo. Transcript James Rowland) (Shaffer, Ryan) (Entered: 01/10/2022)
01/26/2022	<u>99</u>	Unopposed MOTION for Protective Order Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Exhibit 1 Proposed Stipulated Confidentiality Agreement Protective Order, # <u>2</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 01/26/2022)
01/27/2022	<u>100</u>	ORDER granting <u>99</u> Motion for Protective Order. The Stipulated Confidentiality Agreement and Protective Order (Doc. 99-1) is hereby adopted. Signed by Judge Susan P. Watters on 1/27/2022. (EMH) (Entered: 01/27/2022)
02/01/2022	<u>101</u>	Unopposed MOTION to Vacate <i>and Reset Hearing</i> Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) Modified on 2/2/2022 (AMC). (Entered: 02/01/2022)
02/02/2022	<u>102</u>	ORDER RESETTING ORAL ARGUMENT HEARING <u>90</u> MOTION for Sanctions : <b>Contract Court Reporter is Not Needed</b> , Motion Hearing RESET for 3/25/2022 at 09:30 AM in Billings, MT before Judge Susan P. Watters. This Hearing shall be held jointly with the hearing in Case No. CV-20-00052-BLG-SPW. Signed by Judge Susan P. Watters on 2/2/2022. (AMC) (Entered: 02/02/2022)
03/21/2022	<u>103</u>	Unopposed MOTION to Vacate <i>and Reset Hearing on Plaintiffs' Motion for Sanctions</i> Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) (Entered: 03/21/2022)
03/21/2022	<u>104</u>	ORDER RESETTING ORAL ARGUMENT HEARING in re <u>90</u> MOTION for Sanctions Motion Hearing RESET for 4/5/2022 at 09:30 AM in Billings, MT before Judge Susan P. Watters. This Hearing shall be held jointly with the hearing in Case No. CV-20-00052-BLG-SPW Signed by Judge Susan P. Watters on 3/21/2022. (AMC) (Entered: 03/21/2022)

03/24/2022	<u>105</u>	MOTION to Supplement <i>the Record on Their Motion for Sanctions (ECF Doc. 90)</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 03/24/2022)
03/24/2022	<u>106</u>	Brief/Memorandum in Support re <u>105</u> MOTION to Supplement <i>the Record on Their Motion for Sanctions (ECF Doc. 90)</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit Don Adams Affidavit and Supporting Document) (Shaffer, Ryan) (Entered: 03/24/2022)
03/31/2022	<u>107</u>	Unopposed MOTION FOR JAMES C. MURNION TO APPEAR REMOTELY AT ORAL ARGUMENTS Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 03/31/2022)
03/31/2022	<u>108</u>	ORDER GRANTING <u>107</u> Motion MOTION FOR JAMES C. MURNION TO APPEAR REMOTELY AT ORAL ARGUMENTS. <b>ZOOM APPEARANCE</b> Signed by Judge Susan P. Watters on 3/31/2022. (AMC) (Entered: 03/31/2022)
04/04/2022	<u>109</u>	Unopposed MOTION for Leave to Appear Remotely <i>at Oral Arguments</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Jon) (Entered: 04/04/2022)
04/04/2022	<u>110</u>	ORDER GRANTING <u>109</u> Motion for Leave to Appear <b>BY ZOOM</b> . Signed by Judge Susan P. Watters on 4/4/2022. (AMC) (Entered: 04/04/2022)
04/05/2022	111	<b>MINUTE ENTRY</b> Minute Entry for proceedings held before Judge Susan P. Watters: MOTION HEARING (THE MINUTE ENTRY IS ENTERED IN BOTH CASES CV-20-52-BLG-SPW AND CV-20-59-BLG-SPW) held on 4/5/2022 re <u>90</u> MOTION for Sanctions filed by Jamie Schulze, Ariane Rowland. Appearing on behalf of Plaintiffs Caekert and Rowland are attorneys Robert Stepan and Ryan Shaffer, James Murnion (by ZOOM no speaking roll, listening in ). Appearing on behalf of Watchtower Pennsylvania are attorneys Chris Sweeney, Gerry Fagan, Jordan FitzGerald, Watchtower New York are attorneys Joe Taylor (by ZOOM) and Jon Wilson. Judge addresses the pending Plaintiffs motion to supplement the record on motions for sanctions. GRANTS motion which is docket entry 116 in CV-20-52-BLG-SPW and docket entry 105 in CV-20-59-BLG-SPW. Oral arguments held by both sides and the Judge will take the motions under advisement. Hearing commenced at 9:30 am and concluded at 10:45 am. (Court Reporter Kim Marchwick.) (Law Clerk: C. Thingvold), (Hearing held in Billings-SMC) (AMC) (Entered: 04/05/2022)
04/05/2022	112	TEXT ORDER GRANTING <u>105</u> Motion to Supplement. Judge addressed the motion at the motion hearing held on 4/5/2022. Signed by Judge Susan P. Watters on 4/5/2022. (AMC) (Entered: 04/05/2022)
04/06/2022	<u>113</u>	TRANSCRIPT ORDER FORM by Ariane Rowland, Jamie Schulze for proceedings held on 04/05/2022 before Judge Susan P. Watters. Court reporter Kim Marchwick. Type of transcript: 30-Day. Transcript due by 5/9/2022. (Shaffer, Ryan) (Entered: 04/06/2022)
04/26/2022	<u>114</u>	Unopposed MOTION Matthew L. Merrill to Appear Pro Hac Vice ( Filing fee \$ 262 receipt number AMTDC-2858631.) Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Exhibit A M. Merrill Affidavit and Certification in Support of PHV Application, # <u>2</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 04/26/2022)
04/26/2022	<u>115</u>	ORDER granting <u>114</u> Motion to Appear Pro Hac Vice <b>NOTE: Instructions to request Montana CM/ECF registration through PACER are found <a href="#">here</a>.</b> Signed by Judge Susan P. Watters on 4/26/2022. (JLE) (Entered: 04/26/2022)
05/03/2022	<u>116</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by Ariane Rowland, Jamie Schulze re <u>115</u> Order on Motion to Appear Pro Hac Vice, (Merrill, Matthew) (Entered: 05/03/2022)
05/03/2022	<u>117</u>	Unopposed MOTION to Continue <i>Certain Scheduling Order Deadlines</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 05/03/2022)



05/03/2022	<u>118</u>	ORDER GRANTING <u>117</u> Motion to Continue Certain Scheduling Order Deadlines– READ ORDER FOR DETAILS Discovery due by 1/31/2023. Motions due by 4/28/2023. Signed by Judge Susan P. Watters on 5/3/2022. (AMC) (Entered: 05/03/2022)
05/16/2022	<u>119</u>	TRANSCRIPT of Motion for Sanctions held on Tuesday, April 5, 2022 before Judge Honorable Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerks office, or the court reporter. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 7 DAYS OF THIS FILING. Contact court reporter Kim Marchwick, 406–671–2307, marchwickkim@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website.. Redaction Request due 6/6/2022. Redacted Transcript Deadline set for 6/16/2022. Release of Transcript Restriction set for 8/15/2022. (Marchwick, Kim) (Entered: 05/16/2022)
08/23/2022	<u>120</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>90</u> Motion for Sanctions. IT IS FURTHER ORDERED that Plaintiffs shall submit a financial affidavit of all costs, expenses, and attorney's fees directly resulting from their efforts to respond to WTPA's motion to dismiss and conducting jurisdictional discovery in response to WTPA's motion to dismiss and Brumley's affidavit within fourteen days of the date of this order. Signed by Judge Susan P. Watters on 8/23/2022. (AMC) (Entered: 08/23/2022)
08/30/2022	<u>121</u>	Unopposed MOTION for Extension of Time to File <i>FINANCIAL AFFIDAVIT</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 08/30/2022)
08/30/2022	<u>122</u>	ORDER GRANTING <u>121</u> Motion for Extension of Time to File Financial Affidavit. On or before September 20, 2022. Signed by Judge Susan P. Watters on 8/30/2022. (AMC) (Entered: 08/30/2022)
09/20/2022	<u>123</u>	AFFIDAVIT/DECLARATION re <u>120</u> Order on Motion for Sanctions, <i>SUPPORTING DOCUMENTS OF COSTS, EXPENSES AND ATTORNEY'S FEES</i> by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 2022–09–20 Declaration of Patti L. Gruwell re Fees and Costs, # <u>2</u> Exhibit B 2022–09–20 Declaration of Ryan R. Shaffer re Fees and Costs, # <u>3</u> Exhibit C 2022–09–20 Dec. of Robert Stepan re Fees and Costs, # <u>4</u> Exhibit D 2022–09–20 Dec. of James C. Murnion re Fees and Costs, # <u>5</u> Exhibit E 2022–09–20 Dec. of Matthew Merrill re Fees and Costs, # <u>6</u> Exhibit F 2022–09–20 Dec. of Jessica Yuhas re Fees and Costs) (Shaffer, Ryan) (Entered: 09/20/2022)
09/23/2022	<u>124</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Pltfs' Financial Affidavit</i> Jordan Walter FitzGerald appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (FitzGerald, Jordan) (Entered: 09/23/2022)
09/26/2022	<u>125</u>	ORDER GRANTING EXTENSION OF TIME TO FILE Response to Plaintiff's financial affidavit. GRANTING <u>124</u> Unopposed MOTION for Extension of Time to File Response/Reply to <i>Pltfs' Financial Affidavit</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. Signed by Judge Susan P. Watters on 9/26/2022. (AMC) (Entered: 09/26/2022)
09/27/2022	<u>126</u>	MOTION FOR NEW SCHEDULING ORDER Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 09/27/2022)
09/27/2022	<u>127</u>	Brief/Memorandum in Support re <u>126</u> MOTION FOR NEW SCHEDULING ORDER filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 09/27/2022)
09/28/2022	<u>128</u>	TRANSCRIPT ORDER FORM by Watch Tower Bible and Tract Society of Pennsylvania, Inc. for proceedings held on 4–5–2022 before Judge Watters. Court reporter Kim Marchwick. Type of transcript: Hourly.. Transcript due by 9/29/2022. (Sweeney, Christopher) Modified on 9/30/2022 Filer selected incorrect deadline. Transcript for 24 hr return– verified with C.R. (EMH). (Entered: 09/28/2022)
10/03/2022	<u>129</u>	RESPONSE to Motion re <u>126</u> MOTION FOR NEW SCHEDULING ORDER filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Fagan, Gerry) (Entered: 10/03/2022)

		10/03/2022)
10/04/2022	<u>130</u>	RESPONSE to Motion re <u>126</u> MOTION FOR NEW SCHEDULING ORDER filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 10/04/2022)
10/06/2022	<u>131</u>	MOTION to Compel <i>Depositions</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 10/06/2022)
10/06/2022	<u>132</u>	Brief/Memorandum in Support re <u>131</u> MOTION to Compel <i>Depositions</i> filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 10/06/2022)
10/07/2022	<u>133</u>	REPLY to Response to Motion re <u>126</u> MOTION FOR NEW SCHEDULING ORDER filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 10/07/2022)
10/17/2022	<u>134</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>123</u> Affidavit/Declaration,, <u>120</u> Order on Motion for Sanctions, Gerry Fagan appearing for Defendant Watch Tower Bible and Tract Society of Pennsylvania, Inc. (Attachments: # <u>1</u> Text of Proposed Order) (Fagan, Gerry) (Entered: 10/17/2022)
10/17/2022	<u>135</u>	ORDER granting <u>134</u> Motion for Extension of Time to File Response/Reply as to <u>123</u> Affidavit/Declaration. IT IS HEREBY ORDERED that WTPA and Philip Brumley have up to and including 10/24/2022 to file a response to Plaintiffs' financial affidavit. Signed by Judge Susan P. Watters on 10/17/2022. (EMH) (Entered: 10/17/2022)
10/20/2022	<u>136</u>	RESPONSE to Motion re <u>131</u> MOTION to Compel <i>Depositions in Opposition</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A–Shuster Declaration, # <u>2</u> Exhibit B–Breux Declaration, # <u>3</u> Exhibit C–Smalley Declaration) (Wilson, Jon) (Entered: 10/20/2022)
10/20/2022	<u>137</u>	AFFIDAVIT/DECLARATION re <u>136</u> Response to Motion, by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit 1 WTNY initial Privilege Log, # <u>2</u> Exhibit 2 2022–04–13 Shaffer LT Wilson, # <u>3</u> Exhibit 3 2022–05–02 Wilson LT Shaffer, # <u>4</u> Exhibit 4 2022–06–29 Shaffer email to Wilson, # <u>5</u> Exhibit 5 2022–07–22 Jensen email to Shaffer, # <u>6</u> Exhibit 6 2022–08–15 Wilson LT Shaffer, # <u>7</u> Exhibit 7 2022–08–18 Shaffer LT Wilson, # <u>8</u> Exhibit 8 2022–08–30 Shaffer LT Wilson, # <u>9</u> Exhibit 9 2022–09–09 Shaffer LT Wilson, # <u>10</u> Exhibit 10 2022–09–12 Shaffer email to Wilson, # <u>11</u> Exhibit 11 2022–09–15 Wilson LT Shaffer, # <u>12</u> Exhibit 12 2022–09–23 Shaffer LT Wilson, # <u>13</u> Exhibit 13 2022–09–26 Wilson LT Shaffer w 2nd Supp PL, # <u>14</u> Exhibit 14 2022–09–27 Shaffer email to Wilson, # <u>15</u> Exhibit 15 2022–09–28 Sweeney email to Shaffer–copy to Wilson, # <u>16</u> Exhibit 16 2022–09–28 Shaffer email to Sweeney–copy to Wilson, # <u>17</u> Exhibit 17 2022–09–29 Shaffer LT Wilson and Sweeney, # <u>18</u> Exhibit 18 2022–10–05 Jensen email to Shaffer and Sweeney, # <u>19</u> Exhibit 19 2022–10–05 Shaffer email to Wilson and Sweeney) (Wilson, Jon) (Entered: 10/20/2022)
10/20/2022	<u>138</u>	Notice of Joinder by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re: <u>136</u> Response to Motion, (FitzGerald, Jordan) (Entered: 10/20/2022)
10/24/2022	<u>139</u>	Brief/Response to Order re <u>120</u> Order on Motion for Sanctions, filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Attachments: # <u>1</u> Exhibit Revised Codes of MT, # <u>2</u> Exhibit Letter to Elders, # <u>3</u> Affidavit Affidavit of Brumley) (Fagan, Gerry) (Entered: 10/24/2022)
10/26/2022	<u>140</u>	ORDER re <u>126</u> MOTION FOR NEW SCHEDULING ORDER filed by Jamie Schulze, Ariane Rowland. Plaintiffs' Motion for a New Scheduling Order is Held in Abeyance pending the Court's orders regarding the various motions to compel. Should the Plaintiffs succeed on their motions, the Court will issue a new scheduling order extending the relevant discovery deadlines. Signed by Judge Susan P. Watters on 10/26/2022. (AMC) (Entered: 10/26/2022)
10/28/2022	<u>141</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. re <u>139</u> Brief/Response to Order, <i>of Errata</i> (Fagan, Gerry) (Entered: 10/28/2022)
11/02/2022	<u>142</u>	REPLY to Response to Motion re <u>131</u> MOTION to Compel <i>Depositions</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 2022–11–02 Dec. of Ryan Shaffer, # <u>2</u> Exhibit B Memorandum of Points & Authorities in Support of Motion for Protective Order Regarding the NOD re J.R. Brown and Dec. of WTNY

		Attorney Schnack, # <u>3</u> Exhibit C WTNY Amended Cert. of Incorporation & App. for Real Property Tax Exemption, # <u>4</u> Exhibit D 2011-09-21 Affidavit of Allen Shuster, # <u>5</u> Exhibit E Excerpts from 2012-02-15 Depo of Allen Shuster) (Shaffer, Ryan) (Entered: 11/02/2022)
11/02/2022	<u>143</u>	MOTION for Hearing re <u>131</u> MOTION to Compel <i>Depositions</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 11/02/2022)
11/03/2022	<u>144</u>	NOTICE by Ariane Rowland, Jamie Schulze <i>RE: ADDITIONAL MOTIONS TO COMPEL</i> (Shaffer, Ryan) (Entered: 11/03/2022)
11/03/2022	<u>145</u>	Unopposed MOTION to Extend Expert Witness Disclosure and Discovery Deadlines Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 11/03/2022)
11/04/2022	<u>146</u>	ORDER GRANTING <u>145</u> Unopposed MOTION to Extend Expert Witness Disclosure and Discovery Deadlines filed by Jamie Schulze, Ariane Rowland. Signed by Judge Susan P. Watters on 11/4/2022. (AMC) (Entered: 11/04/2022)
01/03/2023	<u>147</u>	MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 01/03/2023)
01/03/2023	<u>148</u>	Brief/Memorandum in Support re <u>147</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A Excerpts of 2022-04-14 Depo. Transcript Shirley Gibson, # <u>2</u> Exhibit B Excerpts of 2021-04-23 Depo. Transcript James Rowland, # <u>3</u> Exhibit C Index of Withheld Documents, # <u>4</u> Exhibit D 002791-002793 1997-03-14 WTNY Ltr to Elder re Child Abuse, # <u>5</u> Exhibit E Excerpts from 001500-001654 ELDERS BOOK 1991 Pay attention to yourselves and to all the flock, # <u>6</u> Exhibit F 004058-004060 1998-07-20 Ltr. to BOE re CSA, # <u>7</u> Exhibit G 002780-002781 Notification of Disfellowshipping or Disassociation) (Shaffer, Ryan) (Entered: 01/03/2023)
01/06/2023	<u>149</u>	MOTION to Amend/Correct <i>COMPLAINT</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Exhibit A 2023-01-06 PLs' Proposed Third Amended Complaint) (Shaffer, Ryan) (Entered: 01/06/2023)
01/06/2023	<u>150</u>	Brief/Memorandum in Support re <u>149</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit 1 2023-01-06 PLs' Proposed Second Amended Complaint (Redline)) (Shaffer, Ryan) (Entered: 01/06/2023)
01/13/2023	<u>151</u>	MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> WTNY's Answers & Responses to PLs' Discovery) (Shaffer, Ryan) (Entered: 01/13/2023)
01/13/2023	<u>152</u>	Brief/Memorandum in Support re <u>151</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 000484-000623 1972-10 Kingdom Ministry School Course, # <u>2</u> Exhibit B 004159-004160 1978-03 Report on Circuit Overseer's Visit with Congregation, # <u>3</u> Exhibit C WTNY's Responses to PLs' Discovery, # <u>4</u> Exhibit D 2014-04-01 M. Moreno Deposition Transcript, # <u>5</u> Exhibit E Excerpts from 2012-02-15 A. Shuster Depo. Transcript, # <u>6</u> Exhibit F 004203-004206 JW.org What Is the Governing Body of Jehovahs Witnesses, # <u>7</u> Exhibit G 2014-02-18 Excerpts from M. Moreno Depo. Transcript, # <u>8</u> Exhibit H 2006-09-29 Dec. Mario Moreno, # <u>9</u> Exhibit I 2015-03-20 Affidavit of P. Brumley, # <u>10</u> Exhibit J 004207-004208 2017-06-07 Ltr. fm. WHQ Legal Dept. to WTPA, # <u>11</u> Exhibit K 2007-02-28 Decl. of Gary Breaux, # <u>12</u> Exhibit L 004249-004277 2021-02-01 Service Dept. Manual, # <u>13</u> Exhibit M 004278-004281 2009-09-26 Amended Cert. of Incorporation of WTNY, # <u>14</u> Exhibit N 2015-10-12 Dec. of Douglas Chappel, # <u>15</u> Exhibit O



		2022-10-28 Correspondence from B. Jensen to R. Shaffer, # <u>16</u> Exhibit P WTPA's Responses to PLs' Jurisdictional Discovery, # <u>17</u> Exhibit Q WTNY000001-000013 1982 Amended & Restated Cert. of Incorporation of WTNY) (Shaffer, Ryan) (Entered: 01/13/2023)
01/17/2023	<u>153</u>	RESPONSE to Motion re <u>147</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A – WT Let Us Not Abhor What is Wicked, # <u>2</u> Exhibit B – 1997-03-14 WT Confidential to Elders, # <u>3</u> Exhibit C – 1998-07-20 WT Confidential to Elders) (Wilson, Jon) (Entered: 01/17/2023)
01/17/2023	<u>154</u>	AFFIDAVIT/DECLARATION re <u>153</u> Response to Motion, by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) Modified on 1/20/2023 to add link to the motion(AMC). (Entered: 01/17/2023)
01/18/2023	<u>155</u>	MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE</i> Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Shaffer, Ryan) (Entered: 01/18/2023)
01/18/2023	<u>156</u>	Brief/Memorandum in Support re <u>155</u> MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 002782-002787 1989-07-01 Ltr. to Body of Elders re Child Abuse, # <u>2</u> Exhibit B Index of Withheld Documents, # <u>3</u> Exhibit C 2022-05-02 Ltr. from Brown Law Firm to MSS, # <u>4</u> Exhibit D 2022-12-02 WTNY's Responses to Plfs' RFA 27, # <u>5</u> Exhibit E 2022-08-26 WTNY's Responses to Pls' RFPs 40 & 38) (Shaffer, Ryan) (Entered: 01/18/2023)
01/19/2023	<u>157</u>	Unopposed MOTION for Hearing ( <i>STATUS CONFERENCE</i> ) Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze (Attachments: # <u>1</u> Text of Proposed Order) (Shaffer, Ryan) (Entered: 01/19/2023)
01/20/2023	<u>158</u>	RESPONSE to Motion re <u>149</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A 2020-11-20 WTPA Resp to Ps 1st Juris Disc, # <u>2</u> Exhibit B 2020-12-29 WTPA Resp to Ps 2nd Juris Disc, # <u>3</u> Exhibit C 2021-01-15 WTPA 1st Supp Resp to Ps 2nd Juris Disc) (Wilson, Jon) (Entered: 01/20/2023)
01/20/2023	<u>159</u>	RESPONSE to Motion re <u>149</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. (Sweeney, Christopher) (Entered: 01/20/2023)
01/24/2023	<u>160</u>	ORDER SETTING ( Telephonic Scheduling Conference set for 2/7/2023 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) DENYING <u>157</u> Unopposed MOTION for Hearing ( <i>STATUS CONFERENCE</i> ) filed by Jamie Schulze, Ariane Rowland, GRANTING <u>126</u> MOTION FOR NEW SCHEDULING ORDER filed by Jamie Schulze, Ariane Rowland. Signed by Judge Susan P. Watters on 1/24/2023. (AMC) (Entered: 01/24/2023)
01/25/2023	<u>161</u>	REPLY to Response to Motion re <u>149</u> MOTION to Amend/Correct <i>COMPLAINT</i> filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 01/25/2023)
01/27/2023	<u>162</u>	RESPONSE to Motion re <u>151</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A WTPA Responses to Ps 1st Jurisdiction Discovery) (Wilson, Jon) (Entered: 01/27/2023)
01/31/2023	<u>163</u>	REPLY to Response to Motion re <u>147</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNY ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 01/31/2023)
02/01/2023	<u>164</u>	REPLY to Response to Motion re <u>155</u> MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE in Opposition</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A Moreno Affidavit, # <u>2</u> Exhibit B Plaintiffs' Privilege

		Logs) (Wilson, Jon) (Entered: 02/01/2023)
02/07/2023	<u>165</u>	AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 9/4/2024 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 9/16/2024 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 2/7/2023. (AMC) (Entered: 02/07/2023)
02/10/2023	<u>166</u>	REPLY to Response to Motion re <u>151</u> MOTION to Compel <i>PRODUCTION OF ALL DISCOVERABLE DOCUMENTS AND INFORMATION AT THE JEHOVAH'S WITNESSES' NEW YORK HEADQUARTERS</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit WTNY Amended Cert. of Incorporation, # <u>2</u> Exhibit U.S. Branch Office Description) (Shaffer, Ryan) (Entered: 02/10/2023)
02/15/2023	<u>167</u>	REPLY to Response to Motion re <u>155</u> MOTION to Compel <i>IN CAMERA REVIEW OF DOCUMENTS WITHHELD ON THE BASIS OF ATTORNEY-CLIENT PRIVILEGE</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A Ethics Opinion 870513 & 940202, # <u>2</u> Exhibit B Penkavas Conviction and Sentencing Documents, # <u>3</u> Exhibit C 2022-04-22 People's Motion to Unimpond) (Shaffer, Ryan) (Entered: 02/15/2023)
02/23/2023	<u>168</u>	NOTICE by Ariane Rowland, Jamie Schulze <i>OF FULLY BRIEFED MOTIONS</i> (Shaffer, Ryan) (Entered: 02/23/2023)
02/28/2023	<u>169</u>	MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc. (Wilson, Jon) (Entered: 02/28/2023)
02/28/2023	<u>170</u>	Brief/Memorandum in Support re <u>169</u> MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> , <u>167</u> Reply to Response to Motion, filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 02/28/2023)
03/09/2023	<u>171</u>	NOTICE of Appearance by Katy Gannon on behalf of Ariane Rowland, Jamie Schulze (Gannon, Katy) (Entered: 03/09/2023)
03/10/2023	<u>172</u>	NOTICE of Appearance by Michael P. Sarabia on behalf of Watchtower Bible and Tract Society of New York, Inc. (Sarabia, Michael) (Entered: 03/10/2023)
03/13/2023	<u>173</u>	RESPONSE to Motion re <u>169</u> MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 03/13/2023)
03/27/2023	<u>174</u>	REPLY to Response to Motion re <u>169</u> MOTION for Leave to File <i>Surreply Pursuant to Local Rule 7.1(d)(1)(D)</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit A-2021-02-11 Hardin Cong Subpoena Response, # <u>2</u> Exhibit B-2022-05-27 RSP Marty Merrifield, # <u>3</u> Exhibit C-2023-02-27 Draft Surreply in Opp to MTC) (Wilson, Jon) (Entered: 03/27/2023)
04/14/2023	<u>175</u>	ORDER, For these reasons, Plaintiffs' attorneys are awarded \$154,448.11 for WTPA's sanctioned conduct in this case and in the companion case, Caekaert v. Watchtower Tract and Bible Society of New York, CV 20-52-BLG-SPW. The Court denies WTPA's request to stay payment of this sanction pending appeal. Signed by Judge Susan P. Watters on 4/14/2023. (EMH) (Entered: 04/14/2023)
04/18/2023	<u>176</u>	ORDER DENYING <u>131</u> Motion to Compel AND <u>143</u> Motion for Hearing Signed by Judge Susan P. Watters on 4/18/2023. (AMC) (Entered: 04/18/2023)
05/05/2023	<u>177</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>Satisfaction of Sanctions Orders</i> (Sweeney, Christopher) (Entered: 05/05/2023)
05/05/2023	<u>178</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>Notice of Appeal</i> (Attachments: # <u>1</u> Exhibit Representation Statement) (Sweeney, Christopher) (Entered: 05/05/2023)
05/08/2023	179	Notice of Correction: re <u>178</u> Notice (Other). <b>The filing error relates to: INCORRECT DOCKET EVENT USED- Incorrect event- Notice- Other. Correct event that should have been used is Notice of Appeal- Order-MT. Document needs to be refiled.</b> Event is found under Other filings-Appeal documents. Using the proper event notifies the Ninth Circuit Court of Appeals and document needs to be refiled using the correct event. (EMH) (Entered: 05/08/2023)

05/08/2023	<u>180</u>	NOTICE OF APPEAL by Watch Tower Bible and Tract Society of Pennsylvania, Inc.. Filing fee \$ 505, receipt number AMTDC-3066334. (Attachments: # <u>1</u> Exhibit Representation Statement) (Sweeney, Christopher) (Entered: 05/08/2023)
05/11/2023	<u>181</u>	USCA Case Number 23-35330 and Time Scheduling Order for <u>180</u> Notice of Appeal filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. (EMH) (Entered: 05/11/2023)
05/18/2023	<u>182</u>	MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> . Jon A. Wilson appearing for Defendant Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 05/18/2023)
05/18/2023	<u>183</u>	Brief/Memorandum in Support re <u>182</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 05/18/2023)
05/18/2023	<u>184</u>	AFFIDAVIT/DECLARATION re <u>183</u> Brief/Memorandum in Support, <u>182</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Exhibit 1 Shaffer 4-19-23 email to Wilson, # <u>2</u> Exhibit 2 email between Wilson and Shaffer re meet and confer, # <u>3</u> Exhibit 3 Murnion 4-26-23 LT Wilson, # <u>4</u> Exhibit 4 Murnion 4-26-23 email to Wilson, # <u>5</u> Exhibit 5 Wilson 5-1-23 LT Shaffer, # <u>6</u> Exhibit 6 Murnion 5-1-23 LT Wilson, # <u>7</u> Exhibit 7 Wilson 5-3-23 LT Shaffer, # <u>8</u> Exhibit 8 Murnion 5-15-23 LT Wilson, # <u>9</u> Exhibit 9 Shaffer 5-17-23 LT Wilson w depo notices, # <u>10</u> Exhibit 10 Wilson 5-17-23 LT Shaffer, # <u>11</u> Exhibit 11 Shaffer 12-23-22 email to WTNY and WTPA w draft 2nd Amd Not of Rule 30b6 Depo) (Wilson, Jon) (Entered: 05/18/2023)
05/22/2023	<u>185</u>	ORDER DENYING <u>155</u> Motion to Compel; DENYING <u>169</u> Motion for Leave to File Surreply Pursuant to Local Rule 7.1(d)(1)(D). Signed by Judge Susan P. Watters on 5/22/2023. (AMC) (Entered: 05/22/2023)
05/22/2023	<u>186</u>	ORDER DENYING <u>147</u> Motion to Compel. IT IS HEREBY ORDERED that Plaintiffs Ariane Rowland and JamieSchulze's Motion to Compel Production of Non-Privileged Information in Documents Withheld on Basis of Clergy-Penitent Privilege (Doc. 147) is DENIED as to Documents 35, 39, and 40, and STAYED as to Documents 27-34, 36, 37, and 38 pending the Court's in camera review of the documents. IT IS FURTHER ORDERED that WTNY produce unredacted versions of Documents 27-34, 36, 37, and 38 in the Privilege Log (Doc. 148-3) for in camera review within fourteen (14) days of this Order. Signed by Judge Susan P. Watters on 5/22/2023. (AMC) (Entered: 05/22/2023)
05/22/2023	<u>187</u>	ORDER GRANTING <u>151</u> Motion to Compel. IT IS SO ORDERED that Plaintiffs' Ariane Rowland and Jamie Schulze's motion (Doc. 151) is GRANTED with respect to searches of and production of responsive documents from the Service Department and CCJW, and denied as to the U.S. Branch Office. IT IS FURTHER ORDERED that WTNY must search or order a search of the documents at the Service Department and CCJW, and produce all responsive documents. Signed by Judge Susan P. Watters on 5/22/2023. (AMC) (Entered: 05/22/2023)
05/22/2023	<u>188</u>	ORDER DENYING <u>149</u> Motion to Amend/Correct Complaint Signed by Judge Susan P. Watters on 5/22/2023. (AMC) (Entered: 05/22/2023)
06/01/2023	<u>189</u>	NOTICE by Watchtower Bible and Tract Society of New York, Inc. re <u>186</u> Order on Motion to Compel,, <i>Submission of Docs for In Camera Review</i> (Wilson, Jon) (Entered: 06/01/2023)
06/01/2023	<u>190</u>	RESPONSE to Motion re <u>182</u> MOTION for Protective Order <i>Pursuant to Fed. R. Civ. P 26(c)</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A Excerpts from 2012-03-27 Transcript of Depo of Allen Shuster, # <u>2</u> Exhibit B Excerpts from 2012-02-15 Allen Shuster Depo. Transcript, # <u>3</u> Exhibit C Excerpts from 2015-05-29 Transcript of Depo of Gary Breaux Vol I, # <u>4</u> Exhibit D 2006-10-03 Decl. of Gary Breaux, # <u>5</u> Exhibit E 2006-09-15 MOA in Supp. of Mt. to Compel PMK Depo & Doc. Req. re Legal Dept., # <u>6</u> Exhibit F Doc. 18 2003-06-05 DFs' Witness Disclsoures, # <u>7</u> Exhibit G WTPA & WTNY Answers to Discovery) (Shaffer, Ryan) (Entered: 06/01/2023)
06/02/2023	<u>191</u>	NOTICE of Filing Exhibits re: <u>190</u> Response to Motion,, (Attachments: # <u>1</u> Exhibit A Excerpts from 2012-03-27 Transcript of Depo of Allen Shuster, # <u>2</u> Exhibit C

		Excerpts from 2015-05-29 Transcript of Depo of Gary Breaux Vol I) (Shaffer, Ryan) Modified on 6/2/2023 to add link to the motion (AMC). (Entered: 06/02/2023)
06/07/2023	<u>192</u>	NOTICE by Watch Tower Bible and Tract Society of Pennsylvania, Inc. <i>No Transcripts Ordered for Appeal</i> (FitzGerald, Jordan) (Entered: 06/07/2023)
06/15/2023	<u>193</u>	REPLY to Response to Motion re <u>182</u> MOTION for Protective Order Pursuant to Fed. R. Civ. P 26(c) filed by Watchtower Bible and Tract Society of New York, Inc.. (Wilson, Jon) (Entered: 06/15/2023)
06/29/2023	<u>194</u>	MOTION to Strike <i>and Order Depositions Taken as Noticed</i> . Ryan R. Shaffer appearing for Plaintiffs Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 06/29/2023)
06/29/2023	<u>195</u>	Brief/Memorandum in Support re <u>194</u> MOTION to Strike <i>and Order Depositions Taken as Noticed</i> filed by Ariane Rowland, Jamie Schulze. (Attachments: # <u>1</u> Exhibit A 2022-09-27 Email from R. Shaffer to J. Wilson, # <u>2</u> Exhibit B 2022-09-28 Email from C. Sweeney to R. Shaffer, # <u>3</u> Exhibit C 2022-09-29 Ltr. to DFs re Depositions, # <u>4</u> Exhibit D 2022-10-04 Ltr to Counsel re Depos, # <u>5</u> Exhibit E 2022-10-05 Email from B. Jensen to R. Shaffer, # <u>6</u> Exhibit F 2023-04-19 Email from R. Shaffer to J. Wilson, # <u>7</u> Exhibit G 2023-04-26 JM Email to WTNy re Deps of Shuster, Breaux, Smalley, # <u>8</u> Exhibit H 2023-05-01 WTNy's Resp. Ltr. re Shuster, Breaux, & Smalley Depos., # <u>9</u> Exhibit I 2023-05-03 WTNy's Resp. Ltr. re Shuster, Breaux, & Smalley Depos., # <u>10</u> Exhibit J 2023-05-17 Ltr. to Counsel Providing Breaux, Smalley & Shuster NODs, # <u>11</u> Exhibit K 2022-09-28 Email from R. Shaffer to C. Sweeney, # <u>12</u> Exhibit L 2022-09-29-Email from J. Wilson to R. Shaffer, # <u>13</u> Exhibit M Ethics Opinion 940430, # <u>14</u> Exhibit N Rule 4.2) (Shaffer, Ryan) (Entered: 06/29/2023)
07/13/2023	<u>196</u>	RESPONSE to Motion re <u>194</u> MOTION to Strike <i>and Order Depositions Taken as Noticed</i> filed by Watchtower Bible and Tract Society of New York, Inc.. (Attachments: # <u>1</u> Affidavit Jon A. Wilson, # <u>2</u> Exhibit 1 2023-06-21 WTNy Counsel ltr to Ps Counsel, # <u>3</u> Exhibit 2 2023-04-26 Ps Counsel ltr to WTNy Counsel, # <u>4</u> Exhibit 3 2023-05-01 Ps Counsel ltr to WTNy Counsel, # <u>5</u> Exhibit 4 2023-05-15 Ps Counsel ltr to WTNy) (Wilson, Jon) (Entered: 07/13/2023)
07/14/2023	<u>197</u>	ORDER. IT IS HEREBY ORDERED Plaintiffs Ariane Rowland and Jamie Schulze's <u>147</u> MOTION to Compel <i>PRODUCTION OF NON-PRIVILEGED INFORMATION IN DOCUMENTS WITHHELD BY WTNy ON THE BASIS OF CLERGY-PENITENT PRIVILEGE</i> is GRANTED with respect to Documents 27, 28, 29, 32, 37, and 38, with the redactions described in this order. The motion is DENIED with respect to Documents 30, 31, 33, 34, and 36. Signed by Judge Susan P. Watters on 7/14/2023. (EMH) (Entered: 07/14/2023)
07/18/2023	<u>198</u>	REPLY to Response to Motion re <u>194</u> MOTION to Strike <i>and Order Depositions Taken as Noticed</i> filed by Ariane Rowland, Jamie Schulze. (Shaffer, Ryan) (Entered: 07/18/2023)
07/19/2023	<u>199</u>	ORDER IT IS HEREBY ORDERED, Plaintiffs Ariane Rowland and Jamie Schulze's access to Documents 27, 28, 29, 32, 37, and 38, with the redactions noted by the Court in Doc. 251, is GRANTED. IT IS FURTHER ORDERED that Plaintiffs' access to Documents 30, 31, 33, 34, and 36 is DENIED. Signed by Judge Susan P. Watters on 7/19/2023. (EMH) (Entered: 07/19/2023)
07/24/2023	<u>201</u>	TRANSCRIPT ORDER FORM by Ariane Rowland, Jamie Schulze for proceedings held on 6/23/2021 before Judge Susan P. Watters. Court reporter Rich Mattson. Type of transcript: 30-Day.. Transcript due by 8/23/2023. (Shaffer, Ryan) (Entered: 07/24/2023)
07/27/2023	<u>202</u>	ORDER of USCA as to <u>180</u> Notice of Appeal filed by Watch Tower Bible and Tract Society of Pennsylvania, Inc. The motion to dismiss this appeal for lack of jurisdiction and request for sanctions (Docket Entry No. 4) is denied without prejudice to renewing the arguments in the answering brief. The briefing schedule established previously remains in effect. (EMH) (Entered: 07/27/2023)