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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN DIEGO**

15 Jose Lopez, Individually,
16 Plaintiff,

17 v.

18 Defendant Doe 1, Linda Vista Church;
19 Defendant Doe 2, Supervisory
20 Organization; Defendant Doe 3,
21 Perpetrator; and Does 4 through 100,
22 inclusive,
23 Defendants.

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

25 **PLAINTIFF'S SUMMARY OF THE**
26 **CASE IN SUPPORT OF PLAINTIFF'S**
27 **REQUEST FOR COURT JUDGMENT**
28 **AGAINST DEFAULTED**
DEFENDANT WATCHTOWER
BIBLE AND TRACT SOCIETY OF
NEW YORK, INC. PURSUANT TO
CRC 3.1800(a)(1)

Dept: 65
Judge: Hon. Joan M. Lewis
Trial Date: None

“IMAGED FILE”

1 **I. INTRODUCTION**

2 In the early 1980s Socorro Leticia Preciado de Lopez (Socorro Preciado), who is
3 Plaintiff Jose Daniel Lopez' mother, left her Catholic roots to join the Jehovah's Witnesses
4 Organization because she believed their promise of a better life for her and her child by living in
5 what they call the Truth. What she and little Jose got was a child's worst nightmare and a
6 mother's lifelong burden of guilt. What Socorro didn't know, and was never told, was that in
7 1982, a young boy (referred to as "John Doe" herein) complained to the Body of Elders of the
8 Linda Vista Spanish Congregation of Jehovah's Witnesses (Linda Vista), that he had been
9 molested by Gonzalo Campos.
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11 Although Campos admitted to touching the boy "inappropriately," the Elders – in
12 accordance with the policies promulgated by Watchtower Bible and Tract Society of New York,
13 Inc. (Watchtower) - made a conscious decision to do nothing. Although the Elders knew that
14 Campos' actions were a crime and could be repeated, they made a conscious choice not to warn
15 parents like Socorro. They made a conscious choice not to report Campos to law enforcement.
16 They made a conscious choice to keep Campos in positions of authority within their ministry
17 where he would have unrestricted access to vulnerable children. The Elders knew they had a
18 dangerous child sexual molester in their Congregation, but took no steps to prevent other
19 children from being harmed.
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21 Following the first complaint that Campos had molested a child, Campos remained an
22 ordained minister of the Jehovah's Witnesses, and was known by members of the Congregation,
23 as a man with the patience to give one-on-one Bible Study instruction to young children. In the
24 four years following the molestation of John Doe, Campos molested John Dorman between
25 1983 and 1985, Javier Cervantes from 1983 to 1984, and John Rivera from approximately 1985
26 into the early 1990s. Although Campos was visibly spending time with young boys, his motives
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1 were never questioned by the Elders.

2 Ultimately, those Elders made a conscious choice to put Campos together with little
3 Jose, and what they knew could happen, did happen. Jose was sexually abused by Campos at
4 the age of seven in 1986. Jose promptly reported the molestation to his mother, who in turn
5 sought the aid of a Jehovah's Witness sister that she trusted. That sister called one of the Elders
6 and arranged a meeting where Socorro reported the molestation in detail to at least one Elder at
7 Linda Vista. Afterward, disgusted by her belief that the Elders were not going to take action,
8 Socorro and Jose left the organization.

9 As Socorro feared, the Elders took no action in 1986. Campos was not restricted or
10 expelled. The Congregation was not warned. The Body of Elders in charge of Campos had the
11 knowledge and power to stop him from hurting children, but they didn't. They were more
12 concerned about avoiding scandal than they were about protecting children. Their conduct was
13 irresponsible and reprehensible.

14 As a result of the choices made by the people that Watchtower put in charge of the
15 Congregation, Campos ravaged at least four more children –that we know of - over the next
16 nine years. This makes a total of nine known victims of Campos. In fact, despite the
17 knowledge they had about the dangers of keeping Campos in their Congregations, he was
18 actually elevated up the chain of the Organization to a position as an Elder himself while he was
19 sexually abusing children in a successor Congregation. All of this occurred under a code of
20 silence imposed by the Governing Body of the Jehovah's Witnesses and strictly enforced by the
21 Watchtower.

22 As stated in a letter regarding Gonzalo Campos which was signed by three Elders on
23 July 24, 1999 and addressed to Watchtower's Service Department:

24 *“The community does not know of all this and there was no publicity about this.
25 Everything took place in the congregation and because of that he was not prosecuted.”*

1 In other words, Watchtower's agents in Linda Vista were extremely successful in suppressing
2 knowledge of Campos' molestation of children; thereby providing the secrecy needed so
3 Campos could keep adding to his list of victims.
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5 A fact that should not be lost is that Watchtower acts at the local level through
6 Congregation Elders. Watchtower appoints these Elders and has stipulated in this action that
7 appointed Elders are agents of Watchtower during the period of their appointment. (Plaintiff's
8 Exhibit (PE) 7, Stipulation re Foundation of Documents and Agency of Individuals in Specified
9 Positions, at p. 3.) As such, when discussing the actions of the Elders in various Congregations,
10 it is vital to remember that the Elders' actions are the actions of Watchtower.
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12 This summary of the case is written pursuant to Rule 3.1800(a)(1) of the California
13 Rules of Court in support of Plaintiff Jose Lopez's request for entry of court judgment against
14 Defendant Watchtower Bible and Tract Society of New York, Inc. (originally identified in
15 Plaintiff's complaint as Defendant Doe 2, Supervisory Organization as required by Cal. Code
16 Civ. Proc. § 340.1(m).) Watchtower originally answered Plaintiff's complaint, but following
17 Watchtower's refusal to comply with multiple discovery orders, this Court granted Plaintiff's
18 motion for terminating and monetary sanctions against Watchtower. (PE 1, Statement of
19 Decision at pp. 3, 11, 12.) Watchtower's answer was stricken, and a default was entered. (PE
20 1, Statement of Decision at p. 11; PE 2, Request for Entry of Default.)
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22 At the time that Plaintiff personally served Watchtower with his motion for terminating
23 and monetary sanctions, Plaintiff also personally served Watchtower with a statement of
24 damages stating the amount of the compensatory and punitive damages Plaintiff would seek if a
25 default was entered. *See* Cal. Code Civ. Proc. §§ 425.11, 425.115. Plaintiff provided
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1 Defendant with notice that he would seek up to \$3,000,000 in compensatory damages, and
2 \$10,500,000 in punitive damages.¹ (PE 3, Statement of Damages.)

3 As discussed in great detail below, the indescribable horror of Jose’s sexual molestation
4 by Campos was entirely preventable. But, because Watchtower refused to act, and in fact
5 sheltered and protected Campos, Jose’s life was destroyed by Watchtower’s reckless and
6 malicious actions. Plaintiff respectfully requests that this Court enter judgment in favor of Jose
7 Lopez and against Watchtower Bible and Tract Society of New York, Inc. in the full amount
8 requested: \$13,500,000.
9

10 **II. THE SHAMEFUL STORY OF GONZALO CAMPOS**

11 Gonzalo Campos and his mother moved from Mexico to the United States in
12 approximately 1979 or 1980. (PE 4, Depo of Gonzalo Campos at p. 13:6-14.) After arriving in
13 the U.S., they began studying with the Jehovah’s Witnesses and became associated with Linda
14 Vista. (PE 4, Depo of Gonzalo Campos at p. 13:15-19, 15:1-3.) In 1980, Campos was baptized
15 (ordained) as a Jehovah’s Witness minister. (PE 4, Depo of Gonzalo Campos at pp. 15:25-16:8;
16 83:11-18.) Throughout the next fifteen years, Campos built a reputation as a seemingly likeable
17 and trustworthy member of the Jehovah’s Witness community. (PE 5, Depo of Manuela Perales
18 at pp. 45:3-5; 48:7-10.) As a young man, he was given privileges in Linda Vista that showed he
19 had the favor of the Body of Elders. (PE 5, Deposition of Manuela Perales at pp. 28:24-29:6;
20 37:17-23 [leading the meeting for field service]; 38:5-7 [passing microphones]; 38:8-21 [giving
21 talks at theocratic ministry school]; PE 6, June 5, 2000 Letter, at p. 1; PE 20, Depo of Aurora
22 Munoz at p. 42:1-9 [answering publicly at meetings]; PE 21, Depo of Luis Rivera at p. 73:4-13
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26 ¹ Because Plaintiff’s complaint seeks to recover damages from a religious corporation, Plaintiff was prohibited by
27 statute from requesting punitive damages against Watchtower at the time of the initial filing of his complaint. Cal.
28 Code Civ. Proc. § 425.14. That statute required Plaintiff to affirmatively file a motion to amend his complaint to
allege a claim for punitive damages. *Id.* That motion was required to be supported by admissible evidence, and
could only be granted if this Court determined that Plaintiff has established a prima facie entitlement to punitive

1 [passing microphones]; PE 22, 3/27/12 Depo of Allen Shuster at pp. 41:18-42:10.) Campos was
2 also known to the congregants at Linda Vista as a man who had given one-on-one Bible Study
3 instruction to children. (PE 5, Depo of Manuela Perales at pp. 50:24-51:7.)

4 Over the years, Campos progressed to become a Ministerial Servant, and then an Elder.²
5 (PE 8, November 1988 Appointment Form; PE 9, May 1993 Appointment Form.) During the
6 time Campos served as an Elder in the Playa Pacifica Spanish Congregation, he was a Book
7 Study Conductor, served as the Congregation's Secretary, and was praised by Watchtower for
8 his dedication to the Congregation, and for his work as a Regular Auxiliary Pioneer. (PE 10,
9 Circuit Overseer's Report Dated June 1993, at p. 2 [Spanish], p. 4 [English]; PE 11, Circuit
10 Overseer's Report dated November 1994, at p. 2 [Spanish], p. 4 [English]; PE 12, November
11 1994 Appointment Form, at p. 2 [Spanish], p. 4 [English].) On the surface, Campos appeared to
12 members in the Congregations he served to be a good Jehovah's Witness role model; a caring
13 and devout man willing to give his time freely.

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16 In reality, Campos was a serial pedophile who quietly preyed on Jehovah's Witness
17 children for nearly fifteen years - all under the cover and protection of the "confidentiality" of
18 the Elders. Campos' victims repeatedly came forward to the Elders of Linda Vista and Playa
19 Pacifica with complaints about Campos' misconduct. Those Elders repeatedly invoked the code
20 of silence, ignored the complaints, and refused to contact law enforcement or warn parents in
21 the Congregations.

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28 damages, bearing in mind the clear and convincing evidence standard. *Id.* Plaintiff made such a motion, which
was unopposed by Watchtower, and granted by this Court.

1 **A. The 1982 Complaint**

2 In approximately 1982, Campos moved in with a Jehovah’s Witness family that had a
3 young boy: John Doe.³ (PE 13, Depo of John Doe at pp. 14:1-15:21.) The family had met
4 Campos through their associations with Linda Vista. (PE 14, Depo of Jane Doe at p. 10:2-20.)
5 During this time, Campos and John Doe shared a bedroom. (PE 13, Depo of John Doe at pp.
6 14:1-15:21; PE 14, Depo of Jane Doe at p. 12:12-18.) One night, Campos moved to John Doe’s
7 bed while the boy slept. (PE 4, Depo of Gonzalo Campos at pp. 133:5-134:8.) Campos pulled
8 the covers down so that Doe’s body was exposed, then pulled down the boy’s pants. (PE 4,
9 Depo of Gonzalo Campos at p. 134:9-12.) Campos then proceeded to touch Doe’s genitals and
10 buttocks; exposed his own genitals; and touched Doe with his penis. (PE 4, Depo of Gonzalo
11 Campos at p. 134:13-20.)

12
13 John Doe woke to find Campos kneeling next to his bed. (PE 13, Depo of John Doe at
14 pp. 15:22-16:4; 16:10-16.) Doe’s pants had been pulled down, and he felt wetness on his
15 buttocks that he believed may have been saliva (of course, this could just as easily have been
16 semen.) (PE 13, Depo of John Doe at p. 16:10-16.) Doe had no doubt about what Campos had
17 done. (PE 13, Depo of John Doe at p. 16:16-18.) Doe screamed and began hitting Campos with
18 his fist, and with a baseball bat that he kept under his bed. (PE 13, Depo of John Doe at pp.
19 16:16-17:25.)

20
21 During the time that Campos molested John Doe, the victim’s mother – Jane Doe – was
22 sleeping in her own room. (PE 14, Depo of Jane Doe at 12:9-15.) Jane Doe woke to the sounds
23 of her son screaming. (PE 14, Depo of Jane Doe at p. 13:1-5.) Jane Doe ran to her son’s room
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26 ² For purposes of this action, Watchtower has conceded that a person who is appointed as an Elder or Ministerial
27 Servant is an agent of Watchtower during the time period of his appointment. (PE 7, Stipulation re Foundation of
28 Documents and Agency of Individuals in Specified Positions, at p. 3.)

³ John Doe is a fictitious name used to protect the identity of this victim of childhood sexual abuse. Unlike other victims described in this brief, John Doe did not choose to pursue a civil action against Watchtower, Linda Vista, or Playa Pacifica.

1 and saw her son with a baseball bat in his hands, poised to strike Campos. (PE 14, Depo of Jane
2 Doe at p. 13:3-12.) While Jane Doe took her son to her bedroom, Campos fled to the garage.
3 (PE 14, Depo of Jane Doe at p. 13:13-20.) Jane Doe then followed Campos to the garage,
4 where Campos begged her forgiveness. Jane Doe asked him to leave. (PE 14, Depo of Jane
5 Doe at pp. 13:21-14:1.)

6
7 Within a matter of days (possibly the next day), Jane Doe contacted Jesus Montijo and
8 Carlos Ramirez, who were Elders at Linda Vista at the time, and agents of Watchtower. (PE 14,
9 Depo of Jane Doe at pp. 14:3-16:5.) Jane Doe informed the Elders that Campos had molested
10 her son. (PE 14, Depo of Jane Doe at pp. 14:3-16:5; PE 15, 2/9/2011 Depo of Jesus Montijo at
11 p. 37:3-6.) Those Elders then took the allegation before the entire Body of Elders of Linda
12 Vista. (PE 15, 2/9/2011 Depo of Jesus Montijo at p. 40:5-11.) Two Elders were assigned to
13 investigate the claim. (PE 15, 2/9/2011 Depo of Jesus Montijo at p. 40:12-16.) Those Elders
14 spoke with John Doe on two occasions. John Doe made it clear that Campos had molested him.
15 (PE 13, Depo of John Doe at pp. 10:14-14:17.) The two Elders also interviewed Gonzalo
16 Campos. (PE 4, Depo of Gonzalo Campos at pp. 24:23-25:8; PE 15, 2/9/2011 Depo of Jesus
17 Montijo at p. 37:12-13.) Campos admitted that he had, in fact, acted “inappropriately” with
18 John Doe. (PE 4, Depo of Gonzalo Campos at pp. 24:5-13; 25:18-23.)

19
20 Justino Diaz, another Elder at Linda Vista, also spoke with Jane Doe about the
21 molestation of her son. (PE 16, Depo of Justino Diaz at pp. 28:16-27:1.) Diaz knew that
22 Campos’ conduct may have been criminal and knew that Campos may try to molest others, but
23 still did not believe the matter to be serious. (PE 16, Depo of Justino Diaz at p. 35:4-25.) Nor
24 did Diaz investigate to determine if there may have been other victims. (PE 16, Depo of Justino
25 Diaz at p. 29:21-24.) The Body of Elders did not notify the police of the allegations against
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1 Campos, nor did they share their knowledge of the allegations with anyone who was not an
2 Elder. (PE 15, 2/9/2011 Depo of Jesus Montijo at p. 42:15-22.)

3 Following the molestation of John Doe, Campos was not subjected to any restrictions in
4 the Congregation. (PE 4, Depo of Gonzalo Campos at p. 137:16-19; PE 15, 2/9/2011 Depo of
5 Jesus Montijo at p. 42:23-25.) Campos was still allowed to go door to door in the community
6 unsupervised. (PE 4, Depo of Gonzalo Campos at p. 137:20-24.) Campos also continued to
7 give Bible Study instruction to children. (PE 4, Depo of Gonzalo Campos at pp. 137:25-138:3.)
8 No announcement was made to parents of children within the Congregation that Campos may
9 be a threat to sexually molest other children, despite the Body of Elders' knowledge that child
10 molestation was a crime, and a child molester could target others. (PE 15, 2/9/2011 Depo of
11 Jesus Montijo at p. 41:19-22; PE 16, Depo of Justino Diaz at p. 35:8-25.)

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13 **B. Gonzalo Campos' molestation of John Dorman**

14 Within approximately one year of the molestation of John Doe, John Dorman, the son of
15 Manuela Dorman (now Manuela Perales), a member of Linda Vista at the time, began receiving
16 individual Bible Study instruction from Campos. (PE 5, Depo of Manuela Perales at pp. 46:15-
17 47:10; PE 23, Declaration of Manuela Dorman at p. 4.) John Dorman was approximately five
18 years old at the time. (PE 5, Depo of Manuela Perales at pp. 46:15-47:10.) At that time, the
19 Body of Elders had actual knowledge that Campos was conducting Bible Studies with minors.
20 Every month Campos filled out a standard form stating that he provided these Bible Study
21 sessions to John Dorman (and others) and turned that form into Linda Vista's Congregation
22 Secretary (who is a member of the Body of Elders). (PE 4, Depo of Gonzalo Campos at pp.
23 90:8-91:2.) The Body of Elders was therefore well aware that an accused pedophile was
24 spending time with a young boy. Sadly, Mrs. Dorman was not.
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1 Predictably, Campos abused the trust that the Body of Elders' cover-up had helped him
2 win from Mrs. Dorman, and repeatedly, and horrifically, sexually molested her son. The
3 molestation occurred in several distinct incidents over the course of three different days. (PE 4,
4 Depo of Gonzalo Campos at p. 141:11-16; PE 17, Depo of John Dorman at pp. 34:25-44:17.)
5 The abuse began when John Dorman was in first or second grade (1983 or 1984), and spread
6 over a period of just shy of two years. (PE 17, Depo of John Dorman at p. 35:14-23.) Campos
7 instructed Dorman not to tell. (PE 17, Depo of John Dorman at p. 36:10-13.)

8
9 On several occasions, Campos fondled John Dorman's buttocks in Campos' van. (PE
10 17, Depo of John Dorman at pp. 35:24-36:5, 37:1-8; 38:5-22; 40:22-24; 42:10-12.) On another
11 occasion, Dorman was taken by Campos to a home in La Jolla with a pool. (PE 17, Depo of
12 John Dorman at pp. 38:23-39:25.) Campos took Dorman into the bathroom to get changed to
13 go swimming, and while in the bathroom orally copulated the boy. (PE 17, Depo of John
14 Dorman at p. 39:3-9.) Campos then molested Dorman in the pool, as well as in the shower after
15 swimming. (PE 17, Depo of John Dorman at pp. 39:17-40:15; PE 4, Depo of Gonzalo Campos
16 at pp. 141:17-142:3.) On the third day that Campos molested Dorman, he took the boy to an
17 apartment and sodomized him. (PE 17, Depo of John Dorman at pp. 42:10-15; 43:8-17.)

18
19 Sometime following the last instance of abuse, Campos picked John Dorman up from
20 home and took him to McDonald's to get a Happy Meal. (PE 17, Depo of John Dorman at p.
21 43.) Campos spoke with Dorman to make sure that the boy had not told anyone what had
22 happened, and would not tell. (PE 17, Depo of John Dorman at p. 43.)

23 24 **C. Gonzalo Campos' Molestation of Javier Cervantes**

25 During the same period of time that Campos was molesting John Dorman, he was also
26 exploiting a relationship he had established with the family of Javier Cervantes to gain access to
27 the boy. Javier and his family met Campos through Linda Vista. (PE 18, Depo of Javier
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1 Cervantes at pp. 55:20-56:8.) Campos molested Javier on either three or four occasions
2 between 1983 and 1984 when the boy was approximately seven to eight years of age. (PE 18,
3 Depo of Javier Cervantes at pp. 54:6-18; 57:2-13.)

4 On each occasion the molestation occurred the same way. Campos made arrangements
5 to pick Javier up from his home and take the boy to work with him. (PE 18, Depo of Javier
6 Cervantes at pp. 59:15-60:6.) Campos then bought Javier a Happy Meal, took him back to
7 Campos' apartment and molested the boy. (PE 18, Depo of Javier Cervantes at pp. 57:14-
8 64:24.)

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10 The first incident consisted of Campos fondling Javier's genitals. (PE 18, Depo of
11 Javier Cervantes at pp. 57:11-58:6.) Following the first instance, Campos instructed Javier that
12 what happened was a secret. (PE 18, Depo of Javier Cervantes at p. 58:10-13.) On the second
13 occasion, Campos again reached into Javier's pants and fondled the boy's genitals, but on this
14 occasion Campos also reached into his own pants and touched himself. (PE 18, Depo of Javier
15 Cervantes at pp. 60:14-61:5.) The third molestation was much like the second, except on this
16 occasion, Campos penetrated Javier's anus with his finger. (PE 18, Depo of Javier Cervantes at
17 p. 62:13-19.)

18 19 **D. Gonzalo Campos' Molestation of John Rivera**

20 At about the time Campos stopped abusing John Dorman, he began molesting John
21 Rivera. John Rivera was sexually abused by Gonzalo Campos over the span of several years.
22 The abuse began in approximately 1985, or 1986 (John was 6 or 7 years old.) (PE 19, Depo of
23 John Rivera at pp. 9:3-4; 41:3-7.) The Rivera family met Campos through their association with
24 Linda Vista, and Campos exploited that relationship to gain access to the Rivera children.
25

26 The molestation of John Rivera frequently occurred in conjunction with Congregation
27 activities. According to the testimony of Richard Ashe - Watchtower's designated in house
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1 expert witness in this case - the Body of Elders should have been diligently monitoring the
2 activities of Campos because he was a known child molester. (PE 24, 3/31/2014 Depo of
3 Richard Ashe at pp. 82:7-85:3; PE 25, 4/1/2014 Depo of Richard Ashe at pp. 294:5-20, 339:3-
4 19.) Obviously, they allowed the contact between John Rivera, a child, and Campos to occur.
5 For instance, Campos took John with him in field service whenever the two were both present at
6 the meeting for field service. (PE 19, Depo of John Rivera at p. 50:10-23.) It is inconceivable
7 that an Elder who was competently monitoring Campos would repeatedly fail to notice that he
8 was taking a boy with him in field service. Unsurprisingly, Campos molested John on at least
9 some, if not all, of these occasions, which may have occurred monthly over a period of two or
10 three years. (PE 19, Depo of John Rivera at pp. 50:10-51:4; 57:2-8.) One of the earliest
11 instances of abuse occurred in Campos' car after he and John had given Bible Study to a new
12 member of the Congregation. (PE 19, Depo of John Rivera at pp. 44:19-45:9.) Another early
13 molestation occurred in the parking lot of the Kingdom Hall after a Congregation meeting. (PE
14 19, Depo of John Rivera at pp. 46:20-47:7.)

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17 As with his earlier victims, Campos told John not to tell anyone about the abuse. (PE
18 19, Depo of John Rivera at p. 46:7-12.) Campos also bribed John with a kite, candy and money.
19 (PE 19, Depo of John Rivera at p. 42:14-17; 45:19-46:2; 48:10-20.)

20 **E. Gonzalo Campos' Molestation of the Plaintiff, Jose Lopez**

21
22 In the early 1980s, Plaintiff's mother, Socorro Preciado, began studying with the
23 Jehovah's Witnesses. (PE 26, Depo of Socorro Preciado at pp. 41:3-43:3) Ultimately, Socorro
24 was baptized as one of Jehovah's Witnesses. (PE 26, Depo of Socorro Preciado at p. 43:4-24.)
25 For several years, Socorro received individual Bible Study instruction from a Jehovah's Witness
26 named Aurora Munoz. (PE 26, Depo of Socorro Preciado at pp. 41:12-42:22.)
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1 When Jose was approximately seven years of age, Aurora and Socorro discussed
2 arranging a regular Bible Study for Jose. (PE 26, Depo of Socorro Preciado at p. 64:8-12; PE
3 27, Declaration of Socorro Preciado at ¶ 12; PE 20, Depo of Aurora Munoz at p. 26:20-22.)
4 Aurora Munoz told Socorro that Jose should receive study from Gonzalo Campos, and that
5 Campos was well prepared to study with kids. (PE 26, Depo of Socorro Preciado at p. 62:5-25;
6 PE 27, Declaration of Socorro Preciado at ¶ 12.) When a Jehovah's Witness mother wants her
7 child to receive Bible Study, and the child's father is not one of Jehovah's Witnesses, it is
8 common for the mother to obtain a recommendation for someone to study with her child from a
9 Congregation Elder. (PE 28, 10/23/2013 Depo of Ramon Preciado at pp. 25:4-26:8.) The Elder
10 will then discuss the situation with other Elders and assign a person to conduct the Bible Study.
11 (PE 28, 10/23/2013 Depo of Ramon Preciado at pp. 25:4-26:8.) Despite the prior allegation that
12 Campos had molested John Doe, Elder Ramon Preciado arrived at Socorro's home with
13 Campos and suggested that Campos should begin providing Bible Study instruction to Jose.
14 (PE 26, Depo of Socorro Preciado at pp. 66:8-67:4, 68:12-22; PE 27, Declaration of Socorro
15 Preciado at ¶ 13.) Socorro accepted the offer.

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18 Jose began to study the bible with Campos. (PE 26, Depo of Socorro Preciado at pp.
19 76:5-19; PE 4, Depo of Gonzalo Campos at pp. 150:16-152:3; PE 20, Depo of Aurora Munoz at
20 p. 34:18-24.) Jose received weekly individual Bible Study sessions over the course of 2-4
21 months. (PE 26, Depo of Socorro Preciado at pp. 76:5-19; PE 27, Declaration of Socorro
22 Preciado at ¶ 14.) Campos filled out and submitted Bible Study report forms to the
23 Congregation secretary regarding these sessions with Plaintiff. (PE 4, Depo of Gonzalo
24 Campos at pp. 90:8-91:2.)

25
26 On the last occasion of Bible Study, Campos contacted Plaintiff's mother and made
27 arrangements to pick Jose up from a Laundromat, under the pretense that he would give Jose
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1 Bible Study at his home. (PE 26, Depo of Socorro Preciado at p. 92:7-22; PE 27, Declaration of
2 Socorro Preciado at ¶ 15.) After picking up Jose, Campos drove to a house in La Jolla
3 (probably the same house where he molested John Dorman). (PE 29, Depo of Jose Lopez at pp.
4 174:20-175:5.) Campos and Jose went inside, and Campos lead Plaintiff to a bathroom. (PE
5 29, Depo of Jose Lopez at pp. 177:12-178:16.) Campos gave Plaintiff a handheld video game to
6 play, then began to molest Plaintiff. (PE 29, Depo of Jose Lopez at pp. 177:12-179:5.)

8 Initially, Campos removed Plaintiff's pants. (PE 30, Declaration of Jose Lopez at ¶ 10;
9 PE 29, Depo of Jose Lopez at p. 178:6-16.) Then, Campos fondled Plaintiff's genitals. (PE 31,
10 July 4, 1999 Draft Letter from Body of Elders at Playa Pacifica, at p. 2 [Spanish], 4 [English];
11 PE 20, Depo of Aurora Munoz at pp. 36:20-37:9.) Campos instructed Jose to turn away from
12 him and play the video game, and then massaged Plaintiff's buttocks for several minutes. (PE
13 30, Declaration of Jose Lopez at ¶ 10; PE 29, Depo of Jose Lopez at pp. 180:24-181:10.)
14 Campos then began moving his finger around the inside of Jose's anus, and Jose vividly recalls
15 squishing sounds from some form of liquid or gel caused when Campos "played around with –
16 in my anal." (PE 29, Depo of Jose Lopez at p. 179:17-22.)

18 After several minutes of rolling his finger around Jose's anus, Jose felt an extremely
19 painful sensation that caused him to jump away from Campos. (PE 29, Depo of Jose Lopez at
20 pp. 179:23-180:2; 181:16-21.) When later questioned, Campos admitted that he touched Jose
21 with his penis. (PE 31, July 4, 1999 Draft Letter from Playa Pacifica, at p. 2 [Spanish], 4
22 [English].) Given that Campos' rubbing and playing with Jose's anus for several minutes did
23 not cause Plaintiff to experience substantial pain; that Jose did later experience a greater
24 pressure in his anus that caused him substantial pain; and Campos' admission that he had
25 touched Jose with his penis: the evidence strongly supports the inference that Campos attempted
26 to sodomize Jose.
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28

1 After feeling the sudden burst of pain in his anus, Jose pulled up his pants and ran from
2 the house. (PE 29, Depo of Jose Lopez at 181:19-182:14.) Campos was frantic and tried to
3 console Jose and tried to persuade the boy not to tell anyone what had happened. (PE 29, Depo
4 of Jose Lopez at p. 182:17-25.) On the ride home, Campos bought Jose a Happy Meal, and then
5 dropped him off in front of the Laundromat. (PE 29, Depo of Jose Lopez at pp. 183:4-184:22;
6 PE 26, Depo of Socorro Preciado at p. 93:10-14.)
7

8 Jose came in the door and sat down and started crying. (PE 26, Depo of Socorro
9 Preciado at p. 93:15-18; PE 27, Declaration of Socorro Preciado at ¶ 15.) Socorro hugged Jose
10 and asked him what was wrong. Jose exclaimed that he felt “really bad,” and that he did not
11 want to study the bible anymore or see Gonzalo Campos. (PE 26, Depo of Socorro Preciado at
12 p. 93:15-22.) Jose told Socorro that Gonzalo is “touching me. And I didn’t want to tell you but
13 when he goes to our living room, he sits down really close to me, and he’s touching my skin and
14 touching me.” (PE 26, Depo of Socorro Preciado at pp. 93:24-94:2.) Jose thought he would get
15 in trouble if he told his mother. (PE 26, Depo of Socorro Preciado at p. 94:2-4.) Jose then told
16 Socorro that Gonzalo had abused him that day at the home in La Jolla. (PE 26, Depo of Socorro
17 Preciado at p. 94:5-13.)
18

19 **F. The Molestation of Plaintiff Was Reported to the Body of Elders at Linda Vista**

20 Socorro was understandably very upset by what Campos had done to her son. Socorro
21 called her Bible Study instructor Aurora Munoz to tell her about the molestation, and to seek
22 direction. (PE 27, Declaration of Socorro Preciado at ¶ 17; PE 26, Deposition of Socorro
23 Preciado at pp. 99:13-100:22.) During the call, Socorro was “desperate, she was crying, and she
24 was sad,” and she was asking for Aurora’s help. (PE 20, Depo of Aurora Munoz at p. 36:5-13.)
25 Within the next day or so, Socorro and Jose met personally with Aurora. (PE 27, Declaration of
26
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1 Socorro Preciado at ¶ 17; PE 26, Deposition of Socorro Preciado at p. 100:6-12;) Socorro told
2 Aurora what Campos had done, and then Aurora spoke directly with Jose.

3 Aurora had recently seen a television program where detectives had interviewed a child
4 molestation victim. (PE 20, Depo of Aurora Munoz at p. 36:20-25.) On the program, the
5 detectives had asked the child to show them on a teddy bear where he had been touched. (PE
6 20, Depo of Aurora Munoz at p. 36:20-25.) Aurora employed the same technique with Jose,
7 and Jose indicated that Campos had touched his genitals. (PE 20, Depo of Aurora Munoz at p.
8 37:2-9.) When Socorro asked Aurora if she should call the police, Aurora told her not to, and
9 that she should contact the Body of Elders instead. (PE 27, Declaration of Socorro Preciado at ¶
10 17; PE 26, Depo of Socorro Preciado at p. 85:19-23.)
11

12 Aurora called Elder Ramon Preciado and informed him that she had met with Socorro
13 and Jose, and that there was a “serious problem.” (PE 20, Depo of Aurora Munoz at p. 38:1-7.)
14 Elder Preciado agreed to meet with Socorro. (PE 20, Depo of Aurora Munoz at p. 38:1-10; PE
15 27, Declaration of Socorro Preciado at ¶ 18.) Socorro told Elder Preciado all the details about
16 what Campos had done to Jose, and what happened when Aurora showed Jose the teddy bear.
17 (PE 27, Declaration of Socorro Preciado at ¶ 18.) Socorro was concerned that she would be
18 required to see Campos at Congregation meetings, so she asked Elder Preciado what would
19 happen to Campos. (PE 27, Declaration of Socorro Preciado at ¶ 19.) Socorro got the
20 impression that nothing was going to be done, so she stopped attending the Congregation. (PE
21 27, Declaration of Socorro Preciado at ¶ 19.)
22
23

24 When deposed in this action, Elder Preciado acknowledged that he had received a
25 complaint from Socorro, and that she was clearly very angry with Campos, but claimed he did
26 not remember the substance of the complaint.⁴ (PE 28, 10/23/2013 Depo of Ramon Preciado at
27

28 ⁴ Preciado’s claimed inability to recall the details of this highly disturbing and rare allegation of childhood sexual abuse by a respected member of the Congregation strains credibility. This is particularly true in light of Preciado’s

1 p. 45:15-20.) Elder Preciado called Elder Luis Rivera to discuss the allegations, and those two
2 Elders met with Campos. (PE 28, 10/23/2013 Depo of Ramon Preciado at pp. 46:13-20; 48:7-
3 14; 50:7-13.) Elder Rivera understood the allegations to involve sexual molestation of a minor
4 by Gonzalo Campos, and that the matter was serious. (PE 32, Depo of Luis Rivera at p. 98:2-9.)
5 Elder Rivera testified that when confronted, Campos downplayed the incident and claimed that
6 it was just horseplay.⁵ (PE 32, Depo of Luis Rivera at pp. 78:6-79:14.)
7

8 After meeting with Campos, the Elders were unsure if they should categorize Campos'
9 attack on Jose as sexual abuse. (PE 30, Depo of Aurora Munoz at p. 44:1-20.) In such
10 circumstances, procedure requires the Body of Elders to advise the Circuit Overseer of the
11 complaint, and receive counsel and advice regarding how to handle the situation. (PE 33,
12 12/20/2013 Depo of Ramon Preciado at pp. 6:18-7:12.) Elder Preciado and Elder Luis Rivera
13 spoke with Aurora Munoz and informed her that Campos had admitted to acting
14 inappropriately, but that they were still working to resolve the matter. (PE 20, Depo of Aurora
15 Munoz at p. 44:6-13.) The Elders instructed Aurora that she should not talk about the events
16

17
18 ability to recall with certainty facts that would appear to be beneficial to Watchtower, such as the comparatively
19 work-a-day details as Campos' position within the Congregation. This witness's lack of candor, and clear efforts to
20 conceal the facts, is astonishing.

21 ⁵ Luis Rivera, with the assistance of counsel, attempted to imply that this conversation actually related to a
22 complaint about the abuse of John Dorman received in 1994. After detailed questioning by Plaintiff's counsel, it is
23 clear that Rivera must have been referring to the complaint by Socorro Preciado in 1986. Initially, Luis Rivera
24 testified that the complaint he knew about did not involve John Dorman or the letter written by Mrs. Dorman, that
25 he had never seen the letter written by Mrs. Dorman, and that he could not definitively say whether the discussion
26 occurred before or after he moved from Linda Vista to Playa Pacifica at the end of 1986. (PE 32, Depo of Luis
27 Rivera at pp. 78:6-11; 78:16-21; 79:10-14.) At that point, Defense Counsel conspicuously asked for a break stating
28 "I may be able to be helpful to you on this." (PE 32, Depo of Luis Rivera at p. 81:16-21.) When the deposition
resumed, the witness changed his testimony, now testifying that the meeting must have occurred after June of 1994,
when the Dorman letter was received, and must have involved the abuse of John Dorman. (PE 32, Depo Luis
Rivera at p. 82:1-9.) The rest of Rivera's testimony does not support this timeline. For instance, Rivera testified
that Elder Dennis Palmer was heavily involved in discussing the matter. (PE 32, Depo of Luis Rivera at pp. 81:8-
83:20.) While Dennis Palmer was an elder at Linda Vista in 1986, he moved to Mexico well before 1994, and was
not in Linda Vista or Playa Pacifica in June of 1994. Luis Rivera also testified that the accuser and parents were
not available to be interviewed. (PE 32, Depo of Luis Rivera at p. 79:1-9.) While Socorro and Jose abruptly left
the Congregation after reporting the abuse, Manuela and John Dorman were both interviewed by the Body of
Elders following the 1994 letter. The only factually permissible inference is that Luis Rivera was testifying about
the 1986 complaint by Jose Lopez and his mother. Plaintiff will discuss the deceit and lies by Elders in this case
later in this statement of the case.

1 with anyone else. (PE 20, Depo of Aurora Munoz at pp. 44:21-45:4.) Ultimately, the Body of
2 Elders took no action. (PE 32, Depo of Luis Rivera at p. 79:4-9.) Instead, the Body of Elders
3 allowed a twice accused child molester to operate freely, and provided no warning to the parents
4 of the Congregation of the dangers Campos posed to their children.

5
6 **G. Effective January 1, 1987, Campos Joined the Newly Formed Playa Pacifica
Spanish Congregation**

7 Having grown too large for its accommodations, Linda Vista divided on January 1,
8 1987, and the Playa Pacifica Spanish Congregation of Jehovah's Witnesses was formed.⁶
9 Members of Linda Vista who lived closer to the Kingdom Hall in La Jolla became members of
10 the new Congregation. Gonzalo Campos was among those that joined Playa Pacifica. So too
11 were Elders Luis Rivera and Ramon Preciado, who had recently gained knowledge of Campos'
12 molestation of Plaintiff and took that knowledge with them to the new Congregation.
13

14 **H. On December 22, 1988, Campos was Appointed by Watchtower as a Ministerial
15 Servant in the Playa Pacifica Congregation**

16 Although Campos had been accused of molesting Jose Lopez only two years earlier,
17 Watchtower appointed him to serve as a Ministerial Servant on December 22, 1988. (PE 8,
18 Form Appointing Campos at p. 2 [Spanish].) A Ministerial Servant is a male Baptized
19 Publisher who is given extra responsibilities within the Congregation. (PE 34, Depo of Dennis
20 Palmer at pp. 18:5-20:23.) Watchtower has stipulated in this case that Ministerial Servants are
21 agents of Watchtower. Prospective Ministerial Servants are recommended by the Body of
22 Elders and the Circuit Overseer. (PE 35, 2/9/2011 Depo of Ramon Preciado at pp. 18:23-19:13,
23 21:4-19.) Watchtower then has the final say as to whether the appointment is confirmed. (PE
24 34, Depo of Dennis Palmer at p. 20:16-23.) In the form recommending Campos as a Ministerial
25 Servant, the Circuit Overseer praised Gonzalo noting that he "[c]ares well for the territories;
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1 helps with the magazines; has helped with the sound and platform. Meek and humble. Very
2 active in the service, auxiliary pioneer for several months.” (PE 8, Form Appointing Campos at
3 p. 4 [English].)

4 **I. Gonzalo Campos’ Molestation of Ruth Bias**

5 Ruth Bias is the younger sister of John Rivera. As with John, Ruth’s family attended the
6 same Congregation as Campos for many years (both Linda Vista and Playa Pacifica.) Campos
7 developed a relationship with Ruth’s family through the congregation. The abuse began when
8 Ruth was very young - approximately eight or nine years of age - and occurred over a period of
9 two to two and a half years. (PE 36, Depo of Ruth Bias at pp. 51:22-52:20.) As with each of
10 Campos’ other victims, Campos exhibited a fascination with Ruth’s anus, eschewing vaginal
11 intercourse in favor of sodomizing the young girl. (PE 36, Depo of Ruth Bias at pp. 57:2-13;
12 62:13-20.)
13

14 Also like her older brother, Campos’ molestation of Ruth had connections to the
15 Congregation. The first instance of abuse occurred in connection with Jehovah’s Witness field
16 service. (PE 36, Depo of Ruth Bias at pp. 52:23-53:1.) As a twice accused child molester, the
17 Elders were supposed to be vigilantly watching Campos to ensure he was not able to molest
18 children. (PE 24, 3/31/2014 Depo of Richard Ashe at pp. 82:7-85:3; PE 25, 4/1/2014 Depo of
19 Richard Ashe at pp. 294:5-20, 339:3-19.) Obviously, the Elders failed in their supervision.
20

21 A second incident occurred when Campos got Ruth alone at the construction site of a
22 new Kingdom Hall. (PE 36, Depo of Ruth Bias at pp. 54:15-55:22.) Watchtower recognizes
23 the danger that molesters may gain access to children at construction sites and commit abuse.
24 (PE 6, June 5, 2000 Letter from Watchtower [“Although he may offer to work with the general
25 maintenance of the Kingdom Hall where he attends, he is not approved to work on other
26
27

28 ⁶ Originally, Playa Pacifica was known as the La Jolla Spanish Congregation of Jehovah’s Witnesses, but it
underwent a name change in 1994. For the sake of consistency, this brief refers to this congregation as Playa

1 Kingdom Halls or Assembly Halls”]; PE 25, 4/1/2014 Depo of Richard Ashe at pp. 339:3-
2 340:20.) This distinction is because the Elders at the molester’s own Kingdom Hall know of his
3 propensities and can supervise him, while Elders of other Congregations would not know to be
4 alert to the dangers posed by the molester. (PE 25,4/1/2014 Depo of Richard Ashe at pp. 339:3-
5 340:20.) The Elders’ continued negligence in performing their obligation to supervise Campos
6 resulted in Ruth being molested.
7

8 **J. Gonzalo Campos’ Molestation of Joel Gamboa**

9 Joel Gamboa attended Linda Vista with his family and met Campos through the
10 congregation. Gamboa’s family remained in the Linda Vista Congregation when Campos began
11 attending Playa Pacifica, however, Campos maintained a relationship with Gamboa’s family
12 and began giving Joel individual Bible Study instruction when Joel was eight or nine years of
13 age (1989 or 1990). (PE 37, Depo of Joel Gamboa at p. 27:4-21.) Campos filled out and
14 submitted Bible Study report forms to the Congregation Secretary (a Congregation Elder)
15 regarding these sessions with Joel, so that Watchtower was aware that Campos was spending
16 this time alone with the boy. (PE 4, Depo of Gonzalo Campos at pp. 90:8-91:2.) As with Jose
17 Lopez, Campos actually touched Joel during Bible Study sessions. (PE 37, Depo of Joel
18 Gamboa at pp. 27:4-28:6.)
19

20
21 Campos’ molestation of Joel lasted nearly six years (until 1995.) (PE 37, Depo of Joel
22 Gamboa at p. 35:18-23.) From the commencement of Campos’ molestation of Joel through its
23 conclusion, Campos was appointed by Watchtower as an Elder (June 1993). Watchtower also
24 received a written letter during this time accusing Campos of molestation (discussed below.)
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Pacifica during all times, even with regard to events occurring prior to the name change.

1 **K. On June 23, 1993, Gonzalo Campos Was Appointed by Watchtower as an Elder in**
2 **the Playa Pacifica Congregation**

3 On June 23, 1993, Campos was appointed by Watchtower as an Elder in the Playa
4 Pacifica Congregation. (PE 9, 1993 Form Appointing Campos.) An Elder is an overseer of a
5 Congregation. (PE 34, Depo of Dennis Palmer at p. 21:6-15.) Elders coordinate the
6 Congregation's activities, including meetings and field service. (PE 34, Depo of Dennis Palmer
7 at p. 21:6-15.) Elders also help members deal with problems arising in their personal lives. (PE
8 34, Depo of Dennis Palmer at p. 21:6-15.) Prospective Elders are selected from among the
9 congregation's Ministerial Servants after being thoroughly vetted by the Elders. (PE 34, Depo
10 of Dennis Palmer at pp. 21:17- 22:12.) The Body of Elders recommends deserving Ministerial
11 Servants as prospective Elders to Watchtower. (PE 35, 2/9/2011 Depo of Ramon Preciado at p.
12 24:8-16.) Watchtower approves or rejects the appointment. (PE 35, 2/9/2011 Depo of Ramon
13 Preciado at p. 24:8-16.)

15 **L. Gonzalo Campos' Molestation of Josh Rivera**

16 Josh Rivera is the younger brother of John Rivera and Ruth Bias. Josh was first
17 molested by Campos when he was approximately five years old (which would have occurred in
18 1989 or 1990.) (PE 38, Depo of Josh Rivera at p. 47:23-25.) As with his older siblings the
19 abuse occurred in connection with field service, where in direct contravention of common sense,
20 Campos was able to gain unsupervised access to Josh. (PE 38, Depo of Josh Rivera at pp. 48:1-
21 49:25; 51:2-52:4; 53:3-54:4; 54:20-55:7.) The abuse included sodomy, occurred on
22 approximately four to seven occasions, and ended in late 1994 of early 1995. (PE 38, Depo of
23 Josh Rivera at pp. 56:19-57:12.) That means that during the period of Josh's abuse, Campos
24 was appointed by Watchtower as an Elder (June 1993), and that Josh continued to be molested
25 after Watchtower had received Mrs. Dorman's letter of complaint (discussed below.)
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1 **M. The Dorman Complaint in April of 1994**

2 In April of 1994, John and Manuela Dorman learned that their son had been molested by
3 Campos. Upon learning this, Mrs. Dorman called Campos and confronted him. (PE 39, April
4 11, 1994 letter; PE 5, Depo of Manuela Perales at pp. 58:2-60:2) Campos, who was then an
5 Elder at Playa Pacifica, admitted to molesting her son, and claimed the Body of Elders was
6 already aware of the matter. (PE 39, April 11, 1994 letter; PE 5, Depo of Manuela Perales at
7 pp. 58:2-60:2.)
8

9 Mrs. Dorman then called Roberto Rivera, who she believed to be an Elder in the Playa
10 Pacifica Congregation. (PE 5, Depo of Manuela Perales at p. 60:11-13; PE 39, April 11, 1994
11 letter.) Manuela told Mr. Rivera that Campos had molested her son, and may have molested
12 Mr. Rivera's son John as well. (PE 5, Depo of Manuela Perales at pp. 60:11-61:3, 64:8-18.)
13 Rivera said he would talk with the Body of Elders then call her back. When Mr. Rivera
14 returned Mrs. Dorman's call, he conveyed a threat from the Body of Elders: stop talking about
15 the matter or the Elders would tell the Congregation that she had had an affair while at Linda
16 Vista. (PE 5, Depo of Manuela Perales at pp. 65:17-68:25; PE 23, Declaration of Manuela
17 Dorman at p. 6.) Mr. Rivera also told Mrs. Dorman that too much time had passed, and nothing
18 could be done.
19

20 Mrs. Dorman refused to be bullied. The Dormans sent a letter to Mrs. Dorman's local
21 Congregation in Monmouth, Oregon, accusing Campos of sexually abusing their son. (PE 39,
22 April 11, 1994 letter.) The letter of complaint was forwarded to Watchtower, who held onto the
23 letter for almost two months – doing nothing – before finally forwarding the letter to Playa
24 Pacifica in June of 1994 with instructions to investigate. (PE 40, April 13, 1994 letter; PE 41,
25 June 9, 1994 letter.)
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1 At about that time, Campos was asked by an Elder of Playa Pacifica whether the
2 accusations were true, and Campos confirmed the allegations. (PE 4, Depo of Gonzalo Campos
3 at pp. 51:21-52:11.) Notwithstanding Campos' confession, Playa Pacifica withheld knowledge
4 from parents in the Congregation that Campos had admittedly molested a child, and did not
5 respond to Watchtower for nearly nine months. During that period of time, Campos continued
6 to molest children.
7

8 Perhaps equally disturbing is that following the Dorman letter and Campos' confession,
9 Campos continued to function in a leadership capacity as an Elder, as the Secretary of the
10 Congregation, as a Book Study Conductor, and as a Regular Auxiliary Pioneer. (PE 12,
11 Appointment Form dated November 1994; PE 42, March 29, 1995 letter; PE 4, Depo of
12 Gonzalo Campos pp. 104:18-110:19.) In fact, when the Circuit Overseer visited in November
13 of 1994 (seven months after Watchtower received the Dorman letter), his report to Watchtower
14 praised Campos for his actions in the Congregation. (PE 11, Circuit Overseer Report dated
15 November 1994.) When a response to the Dorman letter was finally provided, the Body of
16 Elders confirmed the abuse, noted that Campos had been reprovved years ago, and closed the
17 matter. (PE 42, March 29, 1995 letter.) Watchtower accepted this response.
18

19 Shortly after the Dorman matter was closed, a fourth allegation of childhood sexual
20 abuse by Campos – this one regarding Joel Gamboa – was received by Watchtower's agents.
21 (PE 43, June 9, 1995 letter; PE 5, Campos Depo at p. 124:3-13.) This subsequent abuse was
22 discovered when Gamboa's mother spoke to the Body of Elders from Playa Pacifica in May of
23 1995. (PE 41, June 9, 1995 letter.) Until the Gamboa complaint was received, Campos was not
24 the subject of a judicial committee relating to the Dorman accusation, and would not have been
25 disfellowshipped for his molestation of John Doe, John Dorman or Jose Lopez. He would have
26 remained an Elder.
27
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1 **N. Campos' Reinstatement**

2 In 1995, the Circuit Overseer's semi-annual visit to Playa Pacifica followed within days
3 of Campos' disfellowship. As is customary, the Circuit Overseer generated a report of his time
4 at Playa Pacifica, which was sent to Watchtower. In the report, the Circuit Overseer detailed the
5 actions he had taken to suppress knowledge of Campos' molestation of children and cover-up
6 the problem. Specifically, the report stated that the members of the Congregation "are saddened
7 by the adjustments they are experiencing, the removal of Brother Rivera as an elder and the
8 disfellowshipping of Gonzalo Campos. **I believe that latter hurt them much more since he**
9 **was a person liked by all of them.**" (PE 44, Circuit Overseer Report dated June 1995, at p. 2
10 [Spanish], p. 4 [English]) (bold emphasis added.) In light of the pain caused by Campos'
11 disfellowshipping, when discussing the needs of the Congregation, the overseer wrote:
12

13 **AVOID HARMFUL TALK:** The congregation received much praise for unity and love
14 they show each other. But due to what has occurred [the disfellowship of Campos] they
15 were talked to about how we as Christians use our speech to honor God. We also us
16 [sic] it to counsel and speak consolingly to others, but if not controlled, speech can
become something mortifying. Not be self-righteous, but refuse listening to rumors.

17 (PE 44, Circuit Overseer Report dated June 1995, at p. 2 [Spanish], p. 4 [English]) (underline
18 emphasis added.) In other words: the Congregation was instructed by Watchtower not to
19 discuss Campos' molestation of children, and to ignore anything they hear on the subject as
20 "rumor." Watchtower's cover-up efforts were successful. Years later, when considering
21 whether Campos should be reinstated, the Body of Elders from Playa Pacifica informed
22 Watchtower that "[t]he community does not know of all this and there was no publicity about
23 this. Everything took place in the congregation and because of that he was not prosecuted."
24 (PE 50, July 24, 1999 Letter) (underline emphasis added.)
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28

1 Following his disfellowshipping in 1995, Campos repeatedly sought reinstatement as
2 one of Jehovah's Witnesses.⁷ In considering Campos' reinstatement requests, the Body of
3 Elders discussed the nature of the sexual acts committed by Campos in correspondence with
4 Watchtower, including acts of mutual masturbation, oral copulation and sodomy.
5 Notwithstanding the horrible acts known to have been committed by Campos, Watchtower's
6 agents quibbled about whether Campos' acts constituted sexual abuse, whether he could be
7 considered "a person who is known as someone who has sexually abused a child," and
8 consequently, whether he could be appointed to positions of trust upon his reinstatement. (PE
9 50, July 24, 1999 letter ["Did we understand correctly the explanation in The Watchtower? Is
10 touching of the genitals considered sexual abuse?"].)
11

12 Watchtower's response was not much better. While virtually anyone with a brain would
13 consider Campos' actions reprehensible, deplorable and dangerous, Watchtower struggled to
14 determine whether Campos should be subject to restrictions upon his reinstatement. (PE 6, June
15 5, 2000 letter ["After having carefully analyzed and with prayer all factors of the case of
16 Brother Campos, our opinion is that" he should not be given a responsible position in the
17 Congregation].) Campos was reinstated as one of Jehovah's Witnesses on April 21, 2000.
18 Following Campos' reinstatement Watchtower provided no warnings to the parents in the
19 Congregation that a known and dangerous serial pedophile would again be walking among
20 them.
21

22 **III. THE THEFT OF A LIFE**

23 "CHILDHOOD sexual abuse is...an overwhelming, damaging, and humiliating assault
24 on a child's mind, soul, and body...The abuse invades every facet of one's existence."
25

26
27 ⁷ In 1996, Campos confessed to the Body of Elders that he had molested three additional
28 children (John Rivera, Josh Rivera and Ruth Bias) while serving as a Ministerial Servant or
Elder. (PE 47, November 13, 1996 letter.) By 2006, he had apparently confessed to molesting
another two children. (PE 52, October 28, 2006 letter.)

1 (PE 54, *Awake!*, October 8, 1991.)

2 “Remember, sexual molestation does not have to be intercourse. Fondling, ‘touching,’
3 unwarranted intimacy or any sexual playing can cause great damage later in life.”

4 (PE 55, *Awake!*, February 8, 1981.)

5 “I think really if this never happened to me I would probably be going door to door as a
6 Jehovah’s Witness. My mom was really into their religion, and I probably would have
7 become baptized as a Jehovah’s Witness. I think my life would have been completely
8 different.”

9 (PE 30, Declaration of Jose Lopez at ¶ 55.)

10 **A. Jose Had a Happy Family Life Prior to Being Molested by Campos**

11 Before being assaulted by Gonzalo Campos, Jose Daniel Lopez lived an unremarkable
12 childhood. He was happy and normal. Aurora Munoz, who was Socorro Preciado’s Bible
13 Study instructor and probably knew Socorro better than any other Jehovah’s Witness, believed
14 Socorro was a nice woman who was happy. (PE 20, Depo of Aurora Munoz at p. 26:5-8.)
15 Socorro believed in the life she was offered by the Jehovah’s Witnesses who had knocked on her
16 door. The idea that the Congregation was like a family, the support structure it offered, and that
17 everyone called each other “brother” or “sister” appealed to her so much that she left her
18 Catholic roots behind and sought to be baptized as a Jehovah’s Witness. (PE 27, Dec. of
19 Socorro Leticia Preciado de Lopez at ¶¶ 8-10.) This required severing ties with her family of
20 origin: trading the support of blood relations for the support structure of the Jehovah’s
21 Witnesses. Socorro was earnest in her desire to become a Jehovah’s Witness, and wanted her
22 husband and child to be a part of the organization as well. (PE 20, Depo of Aurora Munoz at p.
23 26:9-22.)

24 Socorro was a good mother, who encouraged her children to do their homework, pick up
25 their toys, and only watch appropriate television programs. (PE 20, Depo of Aurora Munoz at
26
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1 p. 27:17-23.) Aurora observed Socorro, Jose and Socorro's husband Gaudencio in their home
2 on multiple occasions and formed the impression that Gaudencio was a nice, quiet man, and a
3 hard worker, and that Jose was a happy and normal child. (PE 20, Depo of Aurora Munoz at pp.
4 26:23-27:15.) The family's home was kept clean, and to Aurora's knowledge, Socorro did not
5 drink alcohol and Gaudencio drank sparingly. (PE 20, Depo of Aurora Munoz at pp. 27:24-25;
6 33:1-34:4) Elder Ramon Preciado had similar impressions of the family, noting that Gaudencio
7 was a friendly, quiet man, and that Jose was a normal child. (PE 28, 10/23/2013 Depo of
8 Ramon Preciado at pp. 33:3-34:24.) Jose came from a happy family, with a good mother, and a
9 support structure that emphasized discipline and good actions.
10

11 After Gonzalo Campos set his sights on this impressionable, shy, and well-behaved
12 Jehovah's Witness child, Jose Daniel Lopez didn't stand a chance. What the Elders had all
13 known could happen, did happen, and Jose's life predictably careened down the destructive path
14 that Watchtower and its agents knew it would take.
15

16 **B. Jose's Lost Years**

17 This is a case about betrayal and the theft of a child's heart, mind and soul. Worse, the
18 conduct of Watchtower and its Elders not only resulted in a lifelong struggle with drugs,
19 alcohol, anger and depression for Jose, but it derailed his mother and a way of life that could
20 have offered him structure and discipline in an environment that was dangerous and
21 challenging. Consequently, instead of a childhood filled with memories of growing up in an
22 extended welcoming family of "brothers" and "sisters" living in the Truth as the Jehovah's
23 Witnesses promised when they knocked on Socorro Preciado's door, Jose has known only the
24 demons of a life of shame, humiliation, and pain buried in stupors of drug and alcohol induced
25 anesthesia.
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1 Robert Geffner, Ph.D., a nationally recognized expert in the field of child maltreatment,
2 and in particular, in matters involving child sexual abuse, provides a discussion in his
3 declaration filed in support of this default judgment where he addresses the long term effects of
4 child sexual abuse (“CSA”). (PE 56, Declaration of Robert Geffner, Ph.D., at ¶ 65.)

5 Dr. Geffner points out that adults who have suffered post-traumatic stress on a chronic
6 basis due to early life trauma have “... severe difficulties with emotional awareness, they are
7 very distrustful, often have difficulties with impulse control, and usually hyper-vigilant because
8 of his own sense of insecurity. Such stress and trauma issues have physiological effects on the
9 body, such as sleep problems, fatigue, change in appetite/weight, and sexual problems which
10 have all been correlated with trauma histories.” (PE 56, Declaration of Robert Geffner, Ph.D., at
11 ¶ 65.) He goes on to describe how in children and adolescents, feelings of fear, helplessness,
12 and shame commonly associated with CSA are exhibited as “disorganized and agitated
13 behavior, which may lead to acting out behaviors such as irritability/anger, substance use,
14 difficulty concentrating, and behavioral/legal problems.” Social withdrawal, depression and
15 substance abuse are some of the most common sequelae of psycho-social problems that follow
16 from CSA. (PE 56, Declaration of Robert Geffner, Ph.D., at ¶ 66.)

17 The post-CSA life experience of Jose Lopez is a virtual textbook case. Following the
18 abuse, Jose became withdrawn and reclusive. He went from being a momma’s boy to acting out
19 and refusing to listen to his mother. He rebelled against authority and found himself getting into
20 trouble in school. He became sexually promiscuous at a very young age, and suffered the
21 physical consequences of sexually transmitted diseases of gonorrhea, chlamydia and syphilis.
22 At the age of ten or eleven he discovered the numbing effect of alcohol, and soon was stealing
23 beers whenever he could. He would steal sips of beer when guests were over, or take cans of
24 beer out of the refrigerator, even though he knew his mother would severely punish him if he
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1 got caught. (PE 30, Declaration of Jose Lopez, at ¶ 21.) As a teenager with low self-esteem he
2 was bullied in school. He was bullied so badly by one boy that Jose brought a knife to school
3 and let it be known that he would use it if this boy harassed him. As Jose had hoped, word got
4 out and there was no need to use the knife, but due to the Districts' zero tolerance policy, Jose
5 got expelled. (PE 30, Declaration of Jose Lopez, at ¶ 23.) This one circumstance set in motion a
6 series of poor choices that Jose was unequipped to avoid.
7

8 Jose was placed into the Summit school system, an alternative school program for
9 problem school age kids. The first Summit School he attended was an old converted office
10 building in Claremont Mesa. Although he did not get in trouble there, he started hanging
11 around with other troubled kids. (PE 30, Declaration of Jose Lopez, at ¶ 24.) He was there for
12 about a year and a half between 8th and 9th grades. The Summit kids were into spraying graffiti
13 called "tagging." To them it was a form of creative expression. Jose got involved in tagging.
14 To the police it was nothing more than vandalism. He got caught and was brought home to his
15 mother by the police. This resulted in a belt whipping by his mother. (PE 30, Declaration of
16 Jose Lopez at ¶ 25.)
17

18 Jose gravitated towards groups of social misfits where he found acceptance and was
19 introduced to marijuana and then to methamphetamine, one of the most addictive and
20 devastating street drugs. From Claremont Summit, Jose went to Pt. Loma High School. There
21 he would often leave campus and go drinking at a friend's house that lived nearby. On one
22 occasion he and a friend left campus, got high on marijuana, and got caught by campus security
23 when they returned. Again, due to the Districts' zero tolerance policy, Jose was placed back in
24 the Summit school program at Ocean Beach Summit. Here Jose entered the world of street
25 drugs in earnest. At Ocean Beach Summit, for the first time in his life he felt really socially
26 accepted. Here, among what he calls "super pot heads," he did drugs and partied until all hours
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1 of the night. After eight months of doing drugs and partying, Jose dropped out of school for
2 good. (PE 30, Declaration of Jose Lopez, at ¶¶ 26-27.)

3 Jose was obsessed with sex. He became sexually active at age 16. He was having sex
4 with different girls every other weekend. He contracted chlamydia twice, gonorrhea once, and
5 syphilis at least once that he remembers. (PE 30, Declaration of Jose Lopez, at ¶ 30.)

6 Jose's addiction to self-medication would become the bane of his existence. By the time
7 he was nineteen or twenty he was using combinations of cocaine, crack, PCP, acid and
8 mushrooms. He has snorted heroin at least twice. But addiction to methamphetamines is and
9 has been his biggest problem. (PE 56, Declaration of Robert Geffner, Ph.D., at ¶ 31.) His drug
10 addiction has resulted in criminal conduct, homelessness, loss of employment and difficulty
11 with intimate relationships.
12

13 Around this time he continued hanging with very troubled young people. He met a girl
14 named Dulce when he was 17 years old. They moved in together after Jose's mother asked him
15 to leave because of his use of marijuana around his younger siblings. They moved into a rental
16 from Dulce's mother. This would turn out to be a tumultuous relationship driven by
17 methamphetamine use that would last about three years. They started using methamphetamine
18 together. Soon Jose was so addicted that he could or would do little else. He lost his job, their
19 vehicle, and soon had to move in with Dulce's mother. Jose was not loyal to Dulce and she
20 cheated on him. (PE 30, Declaration of Jose Lopez, at ¶ 32-36.)
21

22 Dulce and Jose split up when Jose was in his early twenties, around 2001 or 2002. Jose
23 moved back in with his mother and tried to sober up. He sought professional help for his
24 addiction. He was suffering from drug induced psychosis, having hallucinations and hearing
25 voices. This therapist was of no help. Jose decided to try to sober up cold turkey. He suffered
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1 through a grueling two weeks of withdrawals, but was able to stop using the
2 methamphetamines, at least temporarily. (PE 30, Declaration of Jose Lopez, at ¶ 36.)

3 For the next couple of years Jose lived at home and worked as a painter and freelanced
4 with his mother's husband doing handyman work. He and the husband had a falling out and the
5 husband left the home. (PE 30, Declaration of Jose Lopez, ¶ 37.) Jose then got a job at a car
6 wash in La Jolla. There was lots of methamphetamine use by the employees of the car wash
7 and it didn't take long before Jose was using again. (PE 30, Declaration of Jose Lopez, at ¶ 38.)
8 Around this time, at about age 27, Jose met a woman, fourteen years his senior. As he puts it,
9 she was a "cougar." This too would become a disastrous relationship. His soon to be wife
10 moved in with him and his mom. She was on Social Security Supplemental Insurance and
11 helped pay the rent. (PE 30, Declaration of Jose Lopez, at ¶ 39-40.)

12
13 Jose and his wife were now drinking and doing methamphetamines heavily. Jose's
14 mother moved out and it did not take long before Jose and his wife could no longer afford to
15 live on their own. They lived in Jose's truck and occasionally would be provided a couch at
16 some friend or relative's home. Jose's wife ended up in a psychiatric hospital after binging on
17 methamphetamine. Jose at this time sought psychiatric help again. This time he too was
18 declared disabled and approved for SSI. In 2008, desperate, the two of them moved in with
19 Jose's mother again. Eventually, the relationship between Jose and his wife was so out of
20 control that he wanted her out of his life. It was at this time, that he was arrested and did three
21 months in jail after he got into an altercation with a store clerk who was trying to recover a six
22 pack of beer that Jose had stolen. (PE 30, Declaration of Jose Lopez, at ¶ 41-45.)

23
24 Jose has sought medical treatment in the past for sleep issues, addiction, difficulty
25 concentrating, and gastrointestinal problems. He has suffered most of his life with periodic
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1 flashbacks of the abuse by Campos and to this day breaks down in tears when he describes what
2 happened to him.

3 After his experience in jail, Jose realized that he needed to turn his life around. As part
4 of his probation he was required to attend a narcotics rehabilitation program. He attended and
5 graduated from a program called UPAC. He got his GED on January 21, 2010. He attended a
6 center for training to become a welder, and took classes to do underwater welding. He met his
7 current fiancée, Vanessa, in an on line dating chat. They have been together for about six years,
8 and have three boys together. He worked for a roofing company for a year from 2011-2012.
9 During this time he enrolled in a four year program to become a journeyman sheet metal worker
10 at Associated Builders and Contractors (ABC). He has been attending night classes twice a
11 week from 7:00 p.m. to 9:30 p.m. for the past two years. He starts his third year this August.
12 (PE 30, Declaration of Jose Lopez, at ¶¶ 46-50.) Through ABC he has had numerous sheet
13 metal jobs involving mostly government contracts over the past three years. (PE 30, Declaration
14 of Jose Lopez, at ¶ 51.)

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16
17 Dr. Geffner has found that "...many of the typical symptoms experienced by adult
18 survivors of child sexual abuse through the lifespan, as noted above, were indeed reported by
19 Mr. Lopez or his fiancé in our interviews and testing." (PE 56, Declaration of Robert Geffner,
20 Ph.D., at ¶ 67.) Dr. Geffner diagnosed Jose with chronic post-traumatic stress disorder,
21 amphetamine, alcohol, and cannabis dependence in partial remission. (PE 56, Declaration of
22 Robert Geffner, Ph.D., at ¶ 55.)

23
24 Since being molested by Campos, Jose has lived a difficult life. His family was
25 deprived of the support structure promised by the Jehovah's Witnesses when Watchtower did
26 not take action in response to his molestation by Campos. In this environment with no extended
27 safety net, Jose and Socorro struggled. Jose developed many of the commonly experienced
28

1 symptoms exhibited by childhood sexual abuse victims: anger, drug and alcohol abuse and
2 dependence, sexual addiction, depression, post-traumatic stress disorder and difficulty
3 interacting with authority figures. These problems compounded over time, leading Jose to live
4 a life of devastation that can and should be placed squarely at the feet of the Watchtower, who
5 easily could have prevented the molestation from ever occurring.

6 **IV. WATCHTOWER IS RESPONSIBLE FOR CAMPOS' MOLESTATION OF** 7 **JOSE**

8 Plaintiff's claims against Watchtower were based on theories of negligence and
9 ratification. It bears noting before commencing this section that Plaintiff's ability to put on this
10 portion of the case has been hampered by Watchtower's refusal to comply with discovery
11 orders. Notwithstanding Watchtower's efforts to conceal important facts, the case against
12 Watchtower is overwhelming. As discussed above, Watchtower helped select, and ultimately
13 approved, the Elders in the Linda Vista and Playa Pacifica Congregations. Watchtower has
14 stipulated that these Elders were its agents. (PE 7, Stipulation.) Thus, Watchtower was aware
15 in 1982 that Campos had molested a child. Watchtower failed to properly monitor and
16 supervise Campos in 1983 when he molested John Dorman, or 1985 when he molested John
17 Rivera. If Watchtower had acted appropriately, Jose never would have been molested. As
18 discussed below, Watchtower was negligent in its supervision of Campos, ratified Campos'
19 actions, and is therefore responsible for the harm caused to Plaintiff.

22 **A. Watchtower was Negligent in Allowing Campos – Who Watchtower Knew to be a** 23 **Dangerous Child Molester – to Have Access to Children and by Endorsing Campos** 24 **to Plaintiff's Mother**

25 Plaintiff has asserted four negligence-based claims against Watchtower. These claims
26 are primarily based on Watchtower's negligence in hiring, retaining and supervising Campos.
27 In the early 1980s, Watchtower had a policy that when a member was accused of molesting a
28 child, but the accusation was not confirmed through the molester's confession or the statements

1 of two or more eyewitnesses, the Elders who had received the complaint assumed an obligation
2 to monitor and supervise the molester to make sure that he did not molest others. (PE 24,
3 3/31/2014 Depo of Richard Ashe at pp. 82:7-85:3; PE 25, 4/1/2014 Depo of Richard Ashe at pp.
4 294:5-20, 339:3-19.) Watchtower failed to reasonably monitor Campos. In such circumstances:

5 the standard for negligent hiring or supervision is generally in accord with the
6 Restatement Second of Agency, section 213, which allows for liability of a principal for
7 the acts of his agents where the principal is either negligent or reckless in the hiring or
8 supervision of the agent. (Rest.2d Agency, § 213, com. (b), (c).) (*Evan F. v. Hughson*
9 *United Methodist Church* (1992) 8 Cal.App.4th 828, 842, 10 Cal.Rptr.2d 748.) As
10 explained in comment d, “If liability results it is because, under the circumstances, the
11 employer has not taken the care which a prudent man would take in selecting the person
12 for the business in hand... [¶] ... [¶] Liability results ... not because of the relation of the
13 parties, but because the employer antecedently had reason to believe that an undue risk
14 of harm would exist because of the employment.” (Rest.2d Agency, § 213, com. d.)

15 *Deutsch v. Masonic Homes of California, Inc.* (2008) 164 Cal.App.4th 748, 783.

16 In light of the 1982 complaint that Campos molested John Doe, there can be no question
17 that Watchtower, acting through its managing agents at Linda Vista, “antecedently had reason to
18 believe” that Campos was a danger to molest children with whom he had contact. Despite this
19 fact, Watchtower permitted Campos to have access to children, was aware that Campos was
20 providing one-on-one Bible Study instruction to children, actually recommended Campos to
21 provide such one-on-one instruction to Plaintiff, and was aware that Campos did, in fact,
22 provide Plaintiff with this instruction. Campos then molested Plaintiff. Under California law,
23 Watchtower was unquestionably negligent in its supervision and retention of Campos.

24 **B. Because Watchtower Ratified Campos’ Molestation of Plaintiff, Watchtower is**
25 **Jointly and Severally Liable for the Entirety of the Harm Caused to Plaintiff and**
26 **May Not Escape Responsibility Through Apportionment**

27 Plaintiff’s fifth cause of action, for sexual battery, is based on Watchtower’s ratification
28 of Campos’ molestation of children, including Plaintiff. Ratification is a form of vicarious
liability. A principal may be liable for an agent’s act where the principal either authorized the

1 tortious act or subsequently ratified an originally unauthorized tort. *C.R. v. Tenet Healthcare*
2 *Corp.* (2009) 169 Cal.App.4th 1094, 1110; *Baptist v. Robinson* (2006)143 Cal.App.4th 151,
3 169-70; 3 Witkin, Summary 10th (2005) Agency, § 164, p. 207. Retention of an employee after
4 knowledge of the employee’s conduct or an adequate opportunity to learn of the conduct may
5 support an inference of ratification. *Murillo v. Rite Stuff Foods, Inc.*, 65 Cal.App.4th 833, 852.
6 Additionally, a principal’s efforts to cover-up the agent’s misconduct can also demonstrate
7 ratification of that conduct. *See Greenfield v. Spectrum Investment Corporation* (1985) 174
8 Cal.App.3d 111, 120 overruled on other grounds in *Lakin v. Watkins Associated* (1993) 6
9 Cal.App.4th 644, *see also C.R.*, 169 Cal.App.4th at 1112.

11 As discussed in more detail in Plaintiff’s discussion of punitive damages below, there is
12 ample evidence that Watchtower both accepted Campos’ molestation of children, and went to
13 great effort to cover-up for Campos and to hide the extent of the sexual abuse of children within
14 the Jehovah’s Witness organization. Watchtower clearly ratified Campos’ molestation of
15 Plaintiff and others. In addition to rendering Watchtower vicariously responsible for the
16 molestation of Plaintiff, that Watchtower ratified the molestation also subjects Watchtower to
17 joint and several liability for all of Plaintiff’s non-economic damages. *Srithong v. Total*
18 *Investment Co.* (1994) 23 Cal. App.4th 721, 728 (“Unlike the doctrine of joint and several
19 liability, vicarious liability is a matter of status or relationship, not fault . . . Thus, where
20 vicarious liability is involved, there is no fault to apportion.”)

23 Because Watchtower ratified Campos’ molestation of Plaintiff, Watchtower is
24 responsible for all of Plaintiff’s economic and non-economic damage. Watchtower is not
25 entitled to apportion any of Plaintiff’s damage to Campos or to any other defendant or non-
26 party.

1 **V. PUNITIVE DAMAGES**

2 Watchtower’s conduct in this case, from 1982 to the present, has been absolutely
3 deplorable, and appropriately exposes Watchtower to a substantial award of punitive damages.
4 A plaintiff may recover punitive damages against a defendant who has been guilty of
5 oppression, fraud, or malice. Civil Code § 3294(a). The words oppression, fraud, and malice as
6 used in Civil Code Section 3294(a) are disjunctive, and proof of any of them will support an
7 award of punitive damages. *Oakes v. McCarthy Co.* (1968) 267 Cal.App.2d 231, 262-63.

8 According to *Weeks v. Baker & McKenzie*:

9
10 Subdivision (b) [of Civil Code § 3294] authorizes the imposition of punitive damages on
11 an employer in three situations: (1) when an employee was guilty of oppression, fraud or
12 malice, and the employer with advance knowledge of the unfitness of the employee
13 employed him or her with a conscious disregard of the rights and safety of others, (2)
14 when an employee was guilty of oppression, fraud or malice, and the employer
authorized or ratified the wrongful conduct, or (3) when the employer was itself guilty of
the oppression, fraud or malice.

15 (1998) 63 Cal.App.4th 1128, 1151. “With respect to a corporate employer, the advance
16 knowledge and conscious disregard, authorization, ratification or act of oppression, fraud, or
17 malice must be on the part of an officer, director, or managing agent of the corporation.” Cal.
18 Civ. Code 3294(b). As discussed in great detail below, punitive damages should appropriately
19 be awarded against Watchtower under each of these three standards.

20
21 **A. Through the Implementation of Organizational Policies Sheltering Child**
22 **Molesters While Knowingly Placing Innocent Children at Risk of Sexual**
23 **Exploitation, Watchtower Itself Acted with Malice**

24 “Malice” means “despicable conduct which is carried on by the defendant with a willful
25 and conscious disregard of the rights or safety of others.” Civil Code § 3294(c)(1). “Malice
26 does not require actual intent to harm.” *Angie M. v. Superior Court* (1995) 37 Cal.App.4th
27 1217, 1228. “A conscious disregard for the safety of others may constitute the malice necessary
28 to sustain a claim for punitive damages.” *Taylor v. Superior Court* (1979) 24 Cal.3d 890, 895.

1 “In order to justify an award of punitive damages on that basis, the plaintiff must establish that
2 the defendant was aware of the probably dangerous consequences of his conduct, and willfully
3 and deliberately failed to avoid those consequences.” *Blegen v. Superior Court* (1981) 125
4 Cal.App.3d 959, 962-63. A plaintiff need not prove the defendant intended to injure the
5 plaintiff, but can show the defendant acted in conscious disregard of the safety of others.
6

7 The Governing Body is a committee that oversees the worldwide activity of Jehovah’s
8 Witnesses, and establishes policies and practices for the administration of the organization from
9 the ground up. (PE 57, 2/15/2012 Depo of Allen Shuster at pp. 19:6-13; 111:8-112:4.) The
10 Governing Body approved the administrative guidelines employed by Watchtower and each
11 corporation and branch used by the Jehovah’s Witnesses around the world in their respective
12 day-to-day administrative operations. (PE 57, 2/15/2012 Depo of Shuster at pp. 19:17-21:3.)
13 The Governing Body reviews and approves Body of Elder letters disseminated by Watchtower -
14 and its successor Christian Congregation of Jehovah’s Witnesses, Inc. - to congregations of
15 Jehovah’s Witnesses, including those establishing organizational policy for the handling of
16 childhood sexual abuse allegations. (PE 57, 2/15/2012 Depo of Shuster at pp. 37:19-38:19;
17 106:25-107:13.) The Governing Body also reviews and approves all of the materials published
18 by Watchtower in their publications *Awake!* and *Watchtower*, including those articles discussing
19 and establishing policy related to childhood sexual abuse. (PE 57, 2/15/2012 Depo of Shuster at
20 pp. 109:22-111:4.) In short, the Governing Body is Watchtower’s supreme policy making
21 authority.
22

23
24 Through the Governing Body, Watchtower acted with malice in the formation of
25 policies that sheltered known child molesters like Gonzalo Campos. As discussed below,
26 Watchtower’s paranoid and unceasing quest for secrecy resulted in policies that overtly
27 instructed Elders to intentionally stymie criminal investigations; discourage congregation
28

1 members (including victims) with knowledge of a child molester from sharing that information
2 with others; prohibit Elders from providing any warning to the congregation about a known
3 child molester; severely circumscribing the circumstances under which an accused molester
4 may be limited in his ability to go door to door or provide individual Bible Study to minors; and
5 discouraging victims of childhood sexual abuse from seeking effective treatment.
6

7 In its attempts to coerce its members into silence, Watchtower instituted a policy
8 designed to protect the reputation of the Jehovah's Witnesses, and the molesters in their ranks,
9 and insulate the organization from legal liability, while placing innocent children at risk.
10 Substantial punitive damages must be imposed on Watchtower to serve as an incentive to
11 correct these policies.

12 **1. Watchtower's Code of Silence**

13 "Tragically, adult society often unwittingly collaborates with the child abusers. How
14 so? By refusing to be aware of this danger, by fostering a hush-hush attitude about it, by
15 believing oft-repeated myths. Ignorance, misinformation, and silence give safe haven to
16 abusers, not their victims."

17 (PE 58, *Awake!* October 8, 1993 at p. 5) (underline emphasis added.)

18 Despite this recognition of the harm done to children by protecting child sex abusers
19 through silence, and its criticism of the Catholic Church for engaging in just such a policy, the
20 Jehovah's Witnesses have long engaged in a conspiracy of silence and protection of perpetrators
21 when it comes to the sexual abuse of children by its members.

22 **a. Watchtower Demands that the Congregation Never be Informed of** 23 **Child Molesters in the Congregation**

24 Under long-standing Jehovah's Witness policy, when a Body of Elders is informed that
25 a congregant has sexually abused a child, the Elders will conduct an investigation. (PE 24,
26 3/31/2014 Depo of Richard Ashe at pp. 66:3-67:13; PE 22, 3/27/2012 Depo of Allen Shuster at
27 pp. 71:18-73:9.) To corroborate a claim, Watchtower requires either that the accused confess to
28

1 the Elders, or that there be two or more eyewitnesses to the abuse (this can come from two
2 different victims of the same abuser that were molested at different times.) (PE 22, 3/27/2012
3 Depo of Allen Shuster at pp. 77:16-78:3.) This rule applies even in cases of childhood sexual
4 abuse, where recidivism is extremely common, and where the molestation almost always takes
5 place in private, making a second eye-witness extremely unlikely. This means that in many
6 instances, clearly credible allegations of child molestation will be treated as unfounded by the
7 Body of Elders. In such circumstances, no announcement is made to the congregation of the
8 potential danger posed by the abuser, nor is the abuser subject to any limitation on his ability to
9 interact with children within the Congregation. (PE 24, 3/31/2014 Depo of Richard Ashe at pp.
10 81:3-83:3.)
11

12 If the investigation conclusively establishes that the molestation occurred, the
13 congregation will likewise not be informed that the accused had molested a child. (PE 24,
14 3/31/2014 Depo of Richard Ashe at pp. 88:15-92:12.) Even if the accused confesses to
15 molesting a child, there are circumstances when no announcement whatsoever will be made to
16 the congregation. (PE 24, 3/31/2014 Depo of Richard Ashe at pp. 88:15-92:23.) The most that
17 may be announced in cases of confirmed molestation is that the accused was found to have
18 committed some wrong, but no details will be given. (PE 24, 3/31/2014 Depo of Richard Ashe
19 at pp. 88:15-92:12.)
20

21 The same announcement is made regardless of what the wrongdoer did. Thus, the
22 announcement gives no indication whether the wrongdoer engaged in a fraudulent business
23 deal, smoked marijuana on one occasion, or admitted to a longstanding practice of raping
24 children. Watchtower reasons that if there is an announcement that the individual committed
25 *some* wrong, then everyone that heard the announcement should know that all is not well with
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1 the individual, and therefore be wary. (PE 24, 3/31/2014 Depo of Richard Ashe at pp. 92:2-
2 93:9.)

3 Obviously, this policy does not adequately provide warning to parents of the dangers
4 posed by a known child molester. Who would assume after hearing a vague announcement that
5 a person had committed some wrong that he was a threat to molest a child? Given the
6 Jehovah's Witnesses' policies in favor of secrecy and against gossip, what happens to the
7 mother of three who missed the meeting when the announcement was given? Are her children
8 not worthy of protection? Watchtower's policies prohibiting the congregation from being
9 informed of an accused, proven, or even confessed child molester in their midst is the very
10 picture of malice.
11

12 These policies were central in causing the molestation of Jose Lopez to occur. Although
13 the Elders at Linda Vista had received a complaint in 1982 that Campos had molested a child,
14 that information was not made known to the Congregation, or to Plaintiff's mother. As a result,
15 Campos was allowed to gain access to Plaintiff, which he would not have otherwise had.
16

17 **b. Watchtower Demands that Elders Refuse to Cooperate with Law**
18 **Enforcement Officials Investigating Criminal Allegations**

19 On July 1, 1989, Watchtower circulated a Body of Elders letter to each congregation in
20 the United States. That letter focused on the need for Elders to keep information about
21 wrongdoing by Jehovah's Witnesses (including dangerous serial criminals such as child
22 molesters) a secret from the congregation. (PE 59, 7/1/1989 BOE.) Elders are instructed that
23 they "must be careful not to divulge information about personal matters [such as child
24 molestation] to unauthorized persons." (PE 59, 7/1/1989 BOE at p. 1.)
25

26 The letter repeatedly mentioned the potentially "substantial" legal ramifications of
27 failing to maintain secrecy, and shows a general preference for avoiding legal liability over
28 protecting the innocents that would benefit from warnings about dangerous criminals in their

1 midst. Watchtower warns that persons other than Jehovah’s Witnesses (“worldly people”) “are
2 quick to resort to lawsuits if they feel their ‘rights’ have been violated.” (PE 59, 7/1/1989 BOE
3 at p. 1.)

4 Through this letter, Watchtower does not only require that potentially dangerous matters
5 be concealed from members of the congregation, but also from law enforcement. In this letter,
6 Watchtower instructs Elders not to cooperate with law enforcement investigating crimes (such
7 as child molestation.) (PE 59, 7/1/1989 BOE at pp. 3, ¶ 2; 5 ¶ 4.) The letter informs Elders
8 “[n]ever turn over records, notes, documents, or reveal any confidential matter sought by a
9 subpoena without receiving direction from the [Watchtower] Legal Department.” (PE 59,
10 7/1/1989 BOE at p. 3, ¶ 4.) If a criminal investigation and a Jehovah’s Witness judicial
11 committee are proceeding simultaneously, the Elders should conceal from law enforcement the
12 fact that a judicial committee is underway, and all of the factual findings unearthed thereby.
13 (PE 59, 7/1/1989 BOE at p. 3, ¶ 5.) The very existence of this letter was a secret. (PE 59,
14 7/1/1989 BOE at p. 6 [“Please do not make any copies of this letter, nor should it be read by
15 others. It should be kept in the congregation’s confidential files for any future reference that
16 may be required by the body of elders”].)

17 Watchtower’s despicable efforts to protect the organization above all others and shelter
18 criminals (even violent criminals and child rapists) from law enforcement, while simultaneously
19 keeping innocent members of the congregation in the dark about such matters creates the
20 unreasonable risk of harm to unsuspecting congregants, and furthers the organization’s cover-up
21 of childhood sexual abuse by its members. As discussed above, Gonzalo Campos benefitted
22 from Watchtower’s policies of protection and cover-up for more than a decade, and because of
23 the Elders’ efforts avoided prison for his crimes. (PE 50, 7/24/1999 Letter at p. 1.)
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1 **c. Watchtower Instructs its Elders to Discourage Child Sexual Abuse**
2 **Victims From Seeking Effective Therapy**

3 On March 23, 1992, Watchtower disseminated a Body of Elders letter cautioning that
4 victims of childhood sexual abuse should be circumspect in pursuing therapy. (PE 60,
5 3/23/1992 BOE.) Through this letter Watchtower recognized that many victims of childhood
6 sexual abuse experience severe damage (PE 60, 3/23/1992 BOE at p. 1), and that Elders are not
7 qualified to provide therapy to victims, and should not attempt to do so. (PE 60, 3/23/1992
8 BOE at p. 3.) The letter also instructed Elders to dissuade victims of abuse from speaking fully
9 and openly with competent therapists. (PE 60, 3/23/1992 BOE at pp. 2-3.) The letter stated that
10 participating in therapy could:
11

12 create problems of revealing confidential facts about other members of the Christian
13 Congregation during such therapy if a Christian does not use discretion. Thus, elders
14 can give cautions to their brothers and sisters . . . [so] [t]hey can be helped to see that
talking indiscriminately to others about child abuse may result in circulating damaging
and harmful talk.

15 (PE 60, 3/23/1992 BOE at pp. 2-3.) According to Watchtower, a Jehovah's Witness victim of
16 childhood sexual abuse may make a personal decision to engage in individual psychotherapy
17 only if the "therapy does not conflict with Bible principles." (PE 60, 3/23/1992 BOE at p. 2.)
18 In other words, Watchtower was more concerned about suppressing knowledge of childhood
19 sexual abuse within its organization than in giving suffering victims of molestation an
20 opportunity to heal through therapy.
21

22 **d. Watchtower's Present Child Sexual Abuse Policy**

23 Through a letter to ALL BODIES OF ELDERS DATED October 1, 2012 – after the
24 filing of this lawsuit - the Jehovah's Witnesses endeavored to change some of these policies, but
25 did far too little.⁸ Rather than implementing an easily understandable zero tolerance policy, or
26

27 ⁸ This most recent letter is on the letterhead of the Christian Congregation of Jehovah's Witnesses, which is a
28 successor of Watchtower. (PE 24, 3/31/2014 Depo of Richard Ashe at pp. 16:8-17:18 – Service Department
moved from Watchtower to CCJW.) The interchangeability of these titles is shown by the fact that Richard Ashe –

1 even providing the Congregation with warnings when an individual has been accused of child
2 molestation, Watchtower has instead implemented a convoluted policy whereby Watchtower
3 determines if a person is a “known” child molester. (PE 64, 10/1/2012 BOE at p. 4, ¶ 15.) If a
4 person is a known child molester, he is subject to restrictions in the Congregation, but no
5 warning or announcement is made. (PE 64, 10/1/2012 BOE at p. 4, ¶¶ 12-15; PE 6, June 5,
6 2000 Letter at p. 1.) Watchtower does not provide criteria or a formula for making this
7 determination, and forbids local Elders to make this decision on its own.
8

9 Then, if local Elders become aware that a known child molester (as designated by
10 Watchtower) fails to abide by the restrictions placed on him, Watchtower can be contacted
11 again and Watchtower will then determine if he is a “predator.” (PE 64, 10/1/2012 BOE at p. 4,
12 ¶¶ 12-15.) Again, Watchtower provides no criteria for making such a determination.
13 Watchtower’s convoluted, subjective and secretive process does little to protect children.
14 Child molestation is a furtive crime. A compulsive pedophile will go to great lengths to hide his
15 actions. If successful, even a known molester can continue to find potential child victims under
16 Watchtower’s policy. Moreover, Watchtower makes clear that “[n]ot every individual who has
17 sexually abused a child in the past is considered a ‘predator.’” (PE 64, 10/1/2012 BOE at p. 4, ¶
18 13.) If a known child molester is determined by Watchtower to be a “predator,” then a
19 “discreet” warning may be given to parents with children, but only “after receiving direction
20 and instructions from the Service Department.” (PE 64, 10/1/2012 BOE at p. 4, ¶¶ 12-15.)
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22

23 Moreover, Watchtower recognizes that its Elders are not trained to investigate claims of
24 child molestation, but nonetheless does not have a policy that allegations of childhood sexual
25 abuse must always be reported to law enforcement. (PE 24, 3/31/2014 Depo of Richard Ashe at
26 pp. 71:10-72:4; PE 64, 10/1/2012 BOE at p. 1-2.) Instead, Watchtower requires that Elders
27

28 who works in the Service Department which is presently part of Christian Congregation of Jehovah’s Witnesses,
but was produced as Watchtower’s Person Most Qualified in this action. The same was true of Allen Shuster in

1 receiving a report of child molestation contact the Legal Department for advice to determine if
2 the Elders are mandatory reporters. (PE 64, 10/1/2012 BOE at pp. 1-2; PE 65, Depo of Mario
3 Moreno at pp. 66:7-67:9.) If the state where the molestation occurred provides an exception to
4 the mandatory reporting law for communications subject to the clergy penitent privilege, the
5 Elders will be told they have no legal duty to report. (PE 65, Depo of Mario Moreno at pp.
6 66:7-67:19.) Having seen the liberties Watchtower has taken in this action regarding its
7 extremely over broad interpretation of the clergy penitent privilege, one can assume that few
8 Elders are actually instructed to report. Moreover, the October 1, 2012 Body of Elders letter did
9 not withdraw the July 1, 1989 letter instructing Elders to thwart law enforcement where
10 possible.
11

12 Finally, this most recent letter establishes guidelines for how convicted child molesters
13 should be actively recruited. (PE 64, 10/1/2012 BOE at pp. 4-5.) The homes of convicted sex
14 offenders should be placed on the “do not call” list. Two Elders should then periodically
15 approach the homes of convicted sex offenders. (PE 64, 10/1/2012 BOE at p. 5.) If one of
16 these is successfully converted, the Congregation will not be aware of his past sexual crimes
17 unless the convoluted process for determining who is a “predator” is ultimately followed
18 through.
19

20 To the small extent that Watchtower’s policy has changed from the early 1980s, it still
21 falls far short of the expectations of a reasonable society. Watchtower continues to place
22 children in danger. A large award of punitive damages is necessary to help Watchtower
23 understand the need to change its policies.
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prior litigation.

1 **e. Watchtower Knew of the Dangerous Consequences of its' Actions at the**
2 **Time it Implemented and Perpetuated its Flawed Policies**

3 Richard Ashe was designated as Watchtower's Person Most Qualified to testify on
4 certain topics, and as Watchtower's non-retained expert in the field of Watchtower's
5 organizational structure and policies, including policies regarding childhood sexual abuse. Mr.
6 Ashe testified that as early as 1981, Watchtower was publishing articles on the "scourge of
7 childhood sexual abuse." (PE 24, 3/31/2014 Depo of Richard Ashe at p. 85:4-18.) During the
8 early 1980s Elders were aware that childhood sexual abuse was a crime, or at a minimum that
9 molestation was wrong, and common sense dictated that such actions may be repeated by those
10 disposed toward molesting children. (PE 24, 3/31/2014 Depo of Richard Ashe at pp. 85:4-87:5;
11 PE 25, 4/1/2014 Depo of Richard Ashe at pp. 236:8-237:10.)

12 By February of 1981, Watchtower published an article in *Awake!* stating that "[s]exual
13 molestation does not have to be intercourse. Fondling, touching, unwarranted intimacy or any
14 sexual playing, can cause great damage in later life." (PE 55, February 8, 1981 *Awake!* at p.
15 18.) This fact was generally known to Watchtower and its Elders as of that time. (PE 25,
16 4/1/2014 Depo of Richard Ashe at pp. 225:10-227:3.) By June 22, 1982, Watchtower had
17 published another article in *Awake!* recognizing that premature sexual activity almost always
18 results in psychological damage. (PE 66, June 22, 1982 *Awake!* at p. 10.) Through the
19 publishing of this article, Watchtower was "calling attention to what was becoming an emerging
20 trend in society." (PE 25, 4/1/2014 Depo of Richard Ashe at pp. 233:24-234:10.)

21 In October of 1983, Watchtower's publication *Watchtower* contained an article noting
22 that in the United States "one in five girls and one in ten boys suffer sexual molestation before
23 they grow up." (PE 67, October 1, 1983 *Watchtower* at p. 27.) Watchtower felt this
24 information was important, and each of Watchtower's Elders was expected to read this article.
25 (PE 25, 4/1/2014 Depo of Richard Ashe at pp. 235:19-236:7.) In the January 22, 1985 edition
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27
28

1 of *Awake!*, Watchtower stated that “sexual molestation of children has been going on for a long
2 time, and today is widespread.” (PE 68, January 22, 1985 *Awake!* at p. 3.) The information
3 contained in that publication, including that children could be molested by ministers, was
4 known to Watchtower and to its Elders. (PE 25, 4/1/2014 Depo of Richard Ashe at pp. 237:14-
5 243:17.)

6
7 In other words, prior to the molestation of Jose Lopez, Watchtower understood very well
8 that childhood sexual abuse was extremely damaging, prevalent, and could occur in church
9 settings. Notwithstanding this knowledge, Watchtower implemented and perpetuated policies
10 giving molesters a free pass the first time they are accused of molestation, and requiring secrecy
11 from all those involved so that parents in the congregation, and law enforcement, were not made
12 aware of the molester’s actions. Watchtower clearly understood the dangerous consequences –
13 the molestation of more children - that would result from its policies on childhood sexual abuse.

14
15 Plaintiff was deprived of the opportunity to gather the full extent of Watchtower’s
16 knowledge on these topics when Watchtower refused to comply with notices seeking the
17 deposition of Gerrit Losch (the longest serving member of the Governing Body) and the
18 production of documents relating to historical child molestation complaints known to
19 Watchtower. Watchtower likewise refused to comply with Court orders to produce this
20 information. While this Court is fully justified in drawing an inference that the evidence
21 withheld by Watchtower would be beneficial to Plaintiff, even without that information Plaintiff
22 has made a compelling showing that Watchtower understood the dangerous consequences of the
23 policies it enacted, but nonetheless proceeded in its dangerous course in conscious disregard of
24 the rights and safety of children like Jose Lopez. Watchtower acted with malice. Punitive
25 damages are necessary to punish Watchtower’s conduct and deter similar conduct by others.
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1 **C. Watchtower Willfully Retained Campos as its Agent Despite Knowledge that he**
2 **had Acted, and Would Continue to Act in Conscious Disregard of the Rights and**
3 **Safety of Others, and was Guilty of Oppression, Fraud and Malice**

4 If an agent has acted in a manner that would subject him to punitive damages, and the
5 principal was aware of the agent’s punishable conduct and continued to utilize him without
6 regard to the safety of others, punitive damages may be imposed on the principal. *Weeks*, 63
7 Cal.App.4th at 1151. The prior knowledge must be held by a managing agent.

8 Malice has been described as requiring “an act conceived in a spirit of mischief or with
9 criminal indifference toward the obligations owed to others.” *Taylor*, 24 Cal.3d at 894. “Where
10 the [perpetrator’s] wrongdoing has been intentional and deliberate, and has the character of
11 outrage frequently associated with crime, all but a few courts have permitted the jury to award
12 in the tort action punitive or exemplary damages.” *Id.* (internal quotations omitted.)

13 Campos has admitted to molesting numerous children during his tenure as an ordained
14 minister of the Jehovah’s Witness religion, including Plaintiff. (PE 47, November 13, 1996
15 letter; PE 46, August 18 1995 letter; PE 31, July 4, 1999 letter; PE 4, Depo of Campos at pp.
16 150:16-152:8.) Campos sexually abused children from both Linda Vista and Playa Pacifica.
17 (PE 50, July 24, 1999 letter.) Campos abused minor boys and minor girls, often beginning the
18 molestations when his victims were between the extremely young ages of 6 and 8. (PE 50, July
19 24, 1999 letter.) The abuse included acts of mutual masturbation, sodomy and oral copulation.
20 (PE 43, June 9, 1995 letter.)

21 Campos’ repeated acts of sexually molesting children are clearly “despicable conduct”,
22 which “would be looked down on and despised by ordinary decent people.” BAJI 14.72.1. The
23 despicability of the conduct is shown by the large number of criminal statutes protecting
24 children from sexual predation. *See* Cal. Pen. Code §§ 266j, 285(b)(1), 285(b)(2), 285(c), 286,
25 288(a), 288(b), 288a(b)(1), 288a(b)(2), 288a(c), 289(h), 289(i), 289(j), and 647.6. Because
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28

1 Watchtower was aware of Campos' molestation of John Doe before Plaintiff was abused,
2 Watchtower is liable for punitive damages for continuing to utilize its agent with knowledge of
3 Campos' dangerous propensities.

4 **1. Watchtower was Aware of Campos' Molestation of Children Prior to the**
5 **Abuse of Plaintiff**

6 Through its managing agents, Watchtower was aware in 1982 that Campos had molested
7 a child, and thereafter continued to utilize him as its agent in conscious disregard of the rights
8 and safety of others, including Plaintiff. "[P]rincipal liability for punitive damages [does] not
9 depend on employees' managerial level, but on the extent to which they exercise substantial
10 discretionary authority over decisions that ultimately determine corporate policy. Thus,
11 supervisors who have broad discretionary powers and exercise substantial discretionary
12 authority in the corporation could be managing agents." *White v. Ultramar* (1999) 21 Cal.4th
13 563, 573. The purpose underlying this requirement is to assure "that punishment is imposed
14 only if the corporation can [sic] fairly be viewed as guilty of the evil intent sought to be
15 punished." *Cruz v. Homebase* (2000) 83 Cal.App.4th 160, 167; *see also Romo v. Ford Motor*
16 *Company* (2002) 99 Cal.App.4th 1115, 1141 disapproved on other grounds in *People v. Ault*
17 (2004) 33 Cal.4th 1250.

18
19
20 In *Egan v. Mutual of Omaha Ins. Co.*, the court determined that rank and file employees
21 in whom the corporation has vested substantial discretion meet the test of managing agents.
22 (1979) 24 Cal.3d 809, 822-823. The court found significance in the fact that the insurance
23 claims adjusters managed the most crucial aspects of the policyholder's relationship with the
24 company, and had discretion to approve or deny claims without approval from higher corporate
25 levels. *Id.* at 823; *see also Major v. Western Home Ins. Co.* (2009) 169 Cal.App.4th 1197, 1221
26 ("claims managers that exercise substantial discretionary authority to pay or deny claims
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28

1 exercise ‘substantial discretionary authority over decisions that ultimately determine corporate
2 policy.’”)

3 As discussed above, the Watchtower delegated to Elders the discretionary authority of
4 investigating and responding to allegations of childhood sexual abuse. While Elders are bound
5 to follow the rules established by the Governing Body relating to childhood sexual abuse, they
6 are endowed with substantial discretion to act independently of any superior authority when
7 determining how those rules apply to individual circumstances. *See White*, 21 Cal.4th at 577
8 (“[t]he fact that Salla spoke with other employees and consulted the human resources
9 department before firing plaintiff does not detract from her admitted ability to act independently
10 of those sources.”) Elders likewise wield broad discretion in the day to day operations of their
11 Congregation, and like the claims adjusters in *Major* and *Egan*, control Watchtower’s most
12 crucial interactions with its members. Elders in local congregations are managing agents of
13 Watchtower. Punitive damages should properly be assessed for the Elders’ deplorable conduct
14 of continuing to utilize Campos as an agent, and in fact recommending Campos to Plaintiff’s
15 mother as a Bible Study instructor, despite knowledge of his prior molestation of John Doe.
16

17 Additional layers of Watchtower managing agents also had knowledge of Campos’
18 molestation of John Doe in 1982, and accepted his continued use as an agent.
19

20 A plaintiff may satisfy the ‘managing agent’ requirement of Civil Code section 3294,
21 subdivision (b), through evidence showing the information in the possession of the
22 corporation and the structure of management decisionmaking that permits an inference
23 that the information in fact moved upward to a point where corporate policy was
24 formulated. These inferences cannot be based on mere speculation, but they may be
25 established by circumstantial evidence, in accordance with ordinary standards of proof.

26 *Romo v. Ford Motor Company* (2002) 99 Cal.App.4th 1115, 1141. During the early 1980s,
27 Watchtower’s policy required Elders who received complaints regarding serious matters such as
28 childhood sexual abuse to report those facts to their Circuit Overseer. (PE 33, 12/30/2013 Depo
of Ramon Preciado at pp. 11:18-12:12.) This remains Watchtower’s policy. (PE 64, 10/1/2012

1 BOE at p. 3 [**“Because of the delicate nature of handling a judicial case when an adult**
2 **sexually abuses a child, please contact your circuit overseer”**] (bold emphasis in original.)

3 As mentioned in *Romo*, since Watchtower’s policy required childhood sexual abuse complaints
4 to be reported to Circuit Overseers, Plaintiff is entitled to a presumption that such a report was
5 actually made, and that the Circuit Overseer actually knew about the 1982 complaint.⁹

6 Circuit Overseers are responsible for overseeing 18-24 congregations. Circuit Overseers
7 monitor attendance in each congregation, the volume of field service hours performed, and audit
8 the finances of each congregation, among other tasks. (PE 24, 3/31/2014 Depo of Richard Ashe
9 at pp. 168:20-170:22.) Circuit Overseers prepare reports on each congregation twice yearly and
10 sent those to Watchtower. (See for example PE 13, Report on Circuit Overseer’s Visit.)
11 Circuit Overseers are plainly managing agents of Watchtower. *See White*, 21 Cal.4th at 577
12 (regional supervisor of a supermarket chain that oversaw eight retail stores and sixty-five
13 employees was a managing agent.)

14 Likewise, it has always been recommended that when a Body of Elders is confused
15 about whether particular conduct is sexual abuse, the Body of Elders should call the Service
16 Department at Watchtower. (PE 24, 3/31/2014 Depo of Richard Ashe at pp. 117:22-119:5; PE
17 32, 12/30/2103 Depo of Jesus Montijo at p. 11:10-17.) Given John Doe’s express allegation of
18 molestation in 1982, and that Campos’ admitted that he touched John Doe inappropriately, but
19 did not expressly confess to child molestation, it is a reasonable inference supported by the
20 evidence of Watchtower’s policy that the Elders did in fact call the Service Department at
21 Watchtower at that time.

22 The evidence unequivocally demonstrates that Watchtower’s managing agents at the
23 local level (Elders) were directly aware in 1982 that Campos had molested John Doe.
24

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28 ⁹ Plaintiff requested Circuit Overseer reports from Linda Vista from 1982, but none were provided by Linda Vista or Watchtower.

1 Watchtower therefore had four years-worth of opportunities to remove Campos before he
2 molested Plaintiff. Of course, Watchtower did nothing of the sort.

3 The evidence also demonstrates that under the circumstances of the 1982 complaint, the
4 Elders would be required to report the abuse to the Watchtower Service Department and/or the
5 Circuit Overseer: each of which qualify as managing agents. Watchtower is appropriately liable
6 for punitive damages because its agent (Campos) acted with oppression, fraud or malice in
7 molesting John Doe and others, and despite knowledge of this misconduct by Watchtower's
8 managing agents, Watchtower continued to utilize Campos as its agent in conscious disregard of
9 the rights and safety of others, thereby allowing Plaintiff to be molested. Such reprehensible
10 actions – which resulted in severe damage to Plaintiff – should be harshly punished through the
11 imposition of substantial punitive damages.
12

13 C. Watchtower Ratified Campos' Sexual Abuse of Children

14 “The theory of ratification is generally applied where an employer fails to investigate or
15 respond to charges that an employee committed an intentional tort, such as assault or battery.”
16 *Baptist*, 143 Cal.App.4th at 170; *see also Murillo*, 65 Cal.App.4th at 852 (finding that defendant
17 ratified assault and battery in a sexual harassment context.) The failure to discharge an agent or
18 employee despite knowledge of his unfitness is evidence tending to show ratification and may
19 expose the principal to punitive damages. *See McChristian v. Popkin* (1946) 75 Cal.App.2d
20 249, 256. Covering-up evidence of the agent's misconduct can also demonstrate ratification of
21 that conduct. *See Greenfield v. Spectrum Investment Corporation* (1985) 174 Cal.App.3d 111,
22 120 overruled on other grounds in *Lakin v. Watkins Associated* (1993) 6 Cal.App.4th 644; *C.R.*,
23 169 Cal.App.4th at 1112. Watchtower ratified Campos' molestation of children by continuing
24 to utilize him as an agent after gaining full knowledge of Campos' molestation of children,
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1 including Plaintiff, and by actively attempting to cover-up Campos' molestation of children,
2 from 1982 to the present.

3 **1. Watchtower Ratified Campos' Molestation of Children by Continuing to Utilize**
4 **Him as its Agent Despite Knowledge of His Unfitness**

5 As discussed above, in 1982 three different levels of Watchtower managing agents
6 (Elders at Linda Vista, the Circuit Overseer and the Service Department) were aware, or were
7 legally presumed to be aware, that Campos had molested John Doe. Campos was subjected to
8 no restrictions at that time, and the Elders at Linda Vista were aware that Campos provided
9 individual Bible Study instruction to minors following the 1982 report. Those same Elders
10 actually recommended that Campos should provide such Bible Study instruction to Plaintiff.
11

12 Then, Campos molested Plaintiff in 1986. Again, the Elders at Linda Vista - and
13 presumably the Circuit Overseer and Service Department – were made aware of the allegation.
14 Watchtower responded by instructing witness Aurora Munoz not to speak of the matter, by
15 condoning Munoz's instruction to Plaintiff's mother not to call the police, and by taking no
16 action to restrict or control Campos. Following Plaintiff's complaint, the same Elders (Luis
17 Rivera and Ramon Preciado) were aware that Campos was providing Bible Study sessions to
18 Joel Gamboa. By continuing Campos in its service despite knowledge that he was a child
19 molester, Watchtower ratified Campos' abuse of Plaintiff and others.
20

21 **2. Watchtower Ratified Campos' Molestation of Plaintiff and Others by Covering**
22 **Up for Campos**

23 In addition to silencing witnesses when Jose Lopez complained about Campos' conduct
24 in 1986, Watchtower continued to cover for Campos when another complaint was received in
25 1994. In April of that year, Manuela Dorman orally reported the abuse of her son to Roberto
26 Rivera, who in turn reported the information to the Elders at Playa Pacifica. Through Roberto
27 Rivera, the Elders conveyed a threat: that Mrs. Dorman needed to stop talking about Campos'
28

1 molestation of her son, or they would release confidential and embarrassing information about
2 her to the Congregation.

3 Mrs. Dorman refused to be strong armed and made a written complaint that was
4 transmitted to Watchtower on April 13, 1994. Watchtower sat on the complaint until June 9,
5 1994, before finally instructing its agents at Playa Pacifica to investigate. Watchtower then sat
6 quietly for nine months before receiving the requested report; all the while tolerating Campos'
7 actions. (PE 42, March 29, 1995 letter.) During that time, Campos continued to function in
8 high level positions within the Congregation, and continued to molest children. When the Playa
9 Pacifica Congregation finally did send Watchtower the requested report, the Elders confirmed
10 that Campos had molested John Dorman, but that it was long enough ago and enough time had
11 passed that they would take no action. (PE 42, March 29, 1995 letter.) Watchtower accepted
12 this response.
13
14

15 Finally, when a fourth (and current) complaint was received in May of 1995,
16 Watchtower took action by disfellowshipping (expelling) Campos, but even in this Watchtower
17 attempted to cover-up Campos' actions. The Circuit Overseer instructed the Congregation that
18 it should not gossip and should not listen to rumors about others. (PE 44, June 1995 Circuit
19 Overseer Report.) Watchtower clearly sought to keep the matter as quiet as possible.
20

21 In July of 1999, shortly before Campos was reinstated, three Elders from Playa Pacifica
22 wrote to Watchtower regarding Campos, and noted that because of their efforts: "[t]he
23 community does not know of all [the facts of Campos' molestation of children] and there was
24 no publicity about this. Everything took place in the congregation and because of that
25 [Campos] was not prosecuted." (PE 50, July 24, 1999 Letter.) In other words, Playa Pacifica
26 recognized that Watchtower's cover-up had been successful. Finally, when Campos was
27 reinstated, the Congregation was not warned or informed that Campos had molested at least
28

1 eight children. Through its efforts to protect Campos and cover-up the evidence of his
2 wrongdoing, Watchtower ratified Campos' molestation of children.

3 **3. During the Litigation of This Action Watchtower Continued to Cover-Up For**
4 **Campos by Refusing to Produce Documents and Refusing to Produce a Witness**

5 During this action, Plaintiff requested the deposition of Gerrit Losch, the senior member
6 of Watchtower's Governing Body. Defendant refused to produce Mr. Losch, and Plaintiff
7 brought a motion to compel the deposition, which was granted. Even after being ordered to
8 produce Mr. Losch, Watchtower refused to do so, and Mr. Losch did not appear for his court-
9 ordered deposition. Similarly, Plaintiff requested that Watchtower's Person Most Qualified
10 produce various documents showing historical incidents of childhood sexual abuse within the
11 organization that were known to Watchtower. Defendant refused to produce these documents,
12 and Plaintiff brought a motion to compel the production, which was granted. Even after being
13 ordered to produce the documents, Watchtower refused to do so. While one must wonder how
14 damaging and embarrassing the requested evidence must have been for Watchtower to disobey
15 court orders, what is clear is that Watchtower made an intentional decision to suppress this
16 evidence to protect molesters within the organization and to continue to conceal the rampant
17 sexual abuse of children by Jehovah's Witnesses from its members, the Plaintiff, this Court, and
18 the public at large.¹⁰ Watchtower continued to ratify the sexual abuse of children by Campos
19 and others.

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26 ¹⁰ Watchtower was also less than honest in describing why it refused to comply with this Court's orders. In this
27 case Watchtower claimed it would be impossible to comply due to the burden involved. In another case,
28 Watchtower candidly revealed that after analyzing the issue, it believed that the harm in producing the documents
to the Plaintiff outweighed the usefulness of the documents, and that Watchtower had made the decision that it will
never produce them under any circumstances. (PE 69, Letter from Watchtower's Counsel in *Jaramillo v. Los
Lunas Congregation of Jehovah's Witnesses, et al.*, at p. 4.)

1 **4. During the Litigation of This Action Watchtower Continued to Cover-Up For**
2 **Campos Through the Mass Deception of its Elders**

3 In addition to Watchtower's bald refusal to comply with court orders, there is strong
4 evidence suggesting an orchestrated effort by deposed Elders to hide the truth during
5 depositions. As discussed below, Elders were repeatedly dishonest about what they knew, and
6 conveniently could not remember details helpful to Plaintiff while having no difficulty
7 testifying to matters that appeared to help Watchtower.

8 **a. Watchtower's Agent Ramon Preciado's Inconsistent Testimony Appears**
9 **to be Deliberate**

10 Ramon Preciado has been deposed as a percipient witness in regard to sexual abuse by
11 Gonzalo Campos on two occasions since February 9, 2011. During the first deposition of Mr.
12 Preciado, taken on February 9, 2011 in the matter entitled *Dorman, et al v. Doe 1, La Jolla*
13 *Church, et al*, the witness testified that he was an Elder in Linda Vista beginning in 1984 or
14 1985, and continuing through 1987 when he moved to a different Congregation. (PE 35,
15 2/9/2011 Depo of Ramon Preciado at pp. 25:22-26:3; 43:11-17.) At the time that Mr. Preciado
16 was first deposed, Watchtower had in its possession, a document identifying the son of Leticia
17 Lopez ("hijo de Leticia Lopez"), i.e. the Plaintiff, as a victim of sexual abuse by Gonzalo
18 Campos. (PE 50, July 4, 1999 draft letter, at p. 2.) This document had been produced to the
19 plaintiffs in the Dorman matter with redactions, such that the plaintiffs had no knowledge that
20 Jose Lopez had been sexually molested by Campos at the time when Mr. Preciado was first
21 deposed.
22

23 At that time, and with the knowledge that the Dorman plaintiffs and their counsel could
24 not know about the abuse of Jose Lopez, Mr. Preciado testified that:
25

- 26 1) He had never spoken with Gonzalo Campos about his conduct with children (PE
27 35, 2/9/2011 Depo of Ramon Preciado at p. 44:11-17);
28

- 1 2) He had never spoken with anyone (other than his attorneys) “about Gonzalo
2 Campos and potential childhood sexual abuse” at any time between 1979 and the
3 present (PE 35, 2/9/2011 Depo of Ramon Preciado at p. 45:9-19);
- 4 3) He had not heard that Gonzalo Campos had been accused of sexually abusing a
5 child until his deposition was noticed in 2011 (PE 35, 2/9/2011 Depo of Ramon
6 Preciado at p. 44: 1-6); and
- 7 4) While a member of the Linda Vista, he never heard a complaint that any member
8 had attempted to act inappropriately with any child (PE 35, 2/9/2011 Depo of
9 Ramon Preciado at pp. 42:24-43:3)

11 Mr. Preciado also testified that when he became an Elder of Playa Pacifica again in
12 2002, he was informed of all of the members that were under any restrictions within the
13 congregation. (PE 35, 2/9/2011 Depo of Ramon Preciado at pp. 50:9-51:3.) In fact, while
14 serving as an Elder at Playa Pacifica, Mr. Preciado knew that Gonzalo Campos was subject to
15 such restrictions. (PE 35, 2/9/2011 Depo of Preciado at pp. 55:24-56:4.) Having previously
16 denied knowing (until 2011) that Gonzalo Campos had been accused of molesting a child, Mr.
17 Preciado attempted to feign ignorance of the reason that Campos was restricted. (PE 35,
18 2/9/2011 Depo of Ramon Preciado at pp. 44:1-6; 50:25-51:4.) Mr. Preciado testified that he did
19 not ask why individuals in the congregation were on restriction, and therefore did not know that
20 Campos was subject to restrictions because he had molested a child. (PE 35, 2/9/2011 Depo of
21 Ramon Preciado at pp. 44:1-6; 50:25-51:4.)

24 What makes this testimony wholly incredible is that Mr. Preciado testified in detail as to
25 the nature of the restrictions on Campos. Mr. Preciado stated that upon reinstatement from his
26 period of disfellowship, Campos was under a lifetime restriction that prohibited him from
27 serving as a Ministerial Servant, or a Pioneer. (PE 35, 2/9/2011 Depo of Preciado at p. 56:2-
28

1 19.) Though Campos was allowed to go out in door to door preaching, and conduct individual
2 bible studies, he was restricted from being alone with children. (PE 35, 2/9/2011 Depo of
3 Preciado at p. 56:20-24.) The Elders were required to scrutinize Campos' association with
4 children. (PE 35, 2/9/2011 Depo of Preciado at pp. 56:22-57:7.) While these restrictions are
5 consistent with the Jehovah's Witnesses' policy at that time for monitoring known sexual
6 molesters, it would be wholly unnecessary for Campos to be kept away from children if he was
7 not known to have been a child molester. Given the nature of the restriction on Campos,
8 Preciado could not possibly have failed to recognize that Campos was a child molester at least
9 nine years prior to his sworn testimony in his February 2011 deposition.
10

11 After Linda Vista was forced to disclose the identity of Leticia Lopez and her son
12 following a court order in the *Dorman* matter, and after Jose Lopez instituted this action,
13 Plaintiff's mother was deposed and testified that she learned of her son's molestation by
14 Campos on the date of the last instance of abuse, and within a matter of days she had informed
15 Ramon Preciado of the molestation. (PE 26, Depo of Socorro Preciado at p. 101:20-23.)
16 Aurora Munoz also testified that Ramon Preciado was directly involved in responding to
17 allegations that Campos had molested Plaintiff. (PE 20, Depo of Aurora Munoz at p. 38:1-10.)
18

19 Ramon Preciado was then deposed on October 23, 2013 in this action. Mr. Preciado
20 unbelievably still testified that he had never heard that Campos had molested a child (PE 28,
21 10/23/2013 Depo of Preciado at p. 45:7-14), but after some prodding conceded that Leticia
22 Lopez did inform him that she was unhappy with Gonzalo Campos' association with her son.
23 (PE 28, 10/23/2013 Depo of Preciado at p. 45:15-18.) Mr. Preciado testified that he does not
24 recall the substance of Leticia Lopez's complaint. (PE 28, 10/23/2013 Depo of Preciado at pp.
25 45:15-46:6.)
26
27
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1 The allegation was of sufficient severity that Mr. Preciado met personally with Leticia
2 Lopez (PE 28, 10/23/2013 Depo of Preciado at p. 46:2-9), then met with Campos and another
3 Elder named Luis Rivera to discuss the allegations. (PE 28, 10/23/2014 Depo of Preciado at pp.
4 48:7-50:13.) Luis Rivera confirms this meeting involved allegations of sexually inappropriate
5 conduct by Gonzalo Campos. (PE 21, Depo of Luis Rivera at p. 78:6-25.) Yet, Mr. Preciado
6 claims that he somehow forgot the substance of the complaint. This testimony is ridiculous.
7 Childhood sexual abuse is detestable. The Jehovah's Witness themselves claim to "abhor"
8 childhood sexual abuse. And, it is not as though Mr. Preciado testified that he had investigated
9 many allegations of childhood sexual abuse, such that the details of one complaint may have
10 gotten lost in his mind. The subject matter of this action makes Mr. Preciado's testimony that
11 he conveniently forgot why Socorro Preciado was unhappy with Campos totally incredible.
12 This is particularly true when each of the other people involved (Leticia Lopez, Aurora Munoz,
13 and to a lesser degree Luis Rivera who prevaricated as to the timeline of this complaint)
14 possessed such clear recollections of the details.

15
16
17 The internal inconsistencies in Mr. Preciado's testimony, and the unexplainable
18 differences between his testimony and the testimony of other witnesses makes clear that
19 Preciado was deliberately untruthful in his deposition. Moreover, the fact that Mr. Preciado
20 could clearly testify to matters that benefitted Watchtower (that Campos was not an Elder,
21 Ministerial Servant or Pioneer at Linda Vista, and that his review of the files at Linda Vista
22 showed that no judicial committee was ever convened at that Congregation regarding Campos),
23 but could not remember a single detail of a highly unusual allegation that his friend had
24 molested a child demonstrates that Mr. Preciado's lies were intended to protect and benefit
25 Watchtower and prejudice Plaintiff. In short, Mr. Preciado's testimony is full of irreconcilable
26 inconsistencies that can only be the result of a conscious intention to be less than truthful.
27
28

1 **b. Juan Guardado Was Untruthful to Protect Watchtower**

2 Juan Guardado was deposed on February 8, 2011. Mr. Guardado originally testified that
3 he had one discussion regarding Gonzalo Campos’ molestation of a child, which occurred in the
4 mid-1990s. (PE 70, Depo of Juan Guardado at pp. 36:15-38:23.) Mr. Guardado denied looking
5 into the details of Campos’ molestation of children while serving as an Elder, or of learning
6 more details to Campos’ molestation of children during Campos’ requests to be reinstated. (PE
7 70, Depo of Juan Guardado at pp. 38:24-39:12.)
8

9 After testifying in this matter, Mr. Guardado was presented with a signed writing
10 bearing his signature presenting substantial details of Campos’ molestation of many children.
11 (PE 70, Depo of Juan Guardado at p. 39:13-16; PE 50, July 24, 1999 letter, at p. 3.) After being
12 confronted with this letter, Mr. Guardado was forced to concede that he had in fact had multiple
13 conversations - that he previously omitted from his testimony – during which he discussed
14 Campos’ molestation of children with Elders Jesus Martinez and Ronald Cortez. (PE 70, Depo
15 of Guardado at p. 43:17-25.) Mr. Guardado also was forced to concede that in the context of the
16 reinstatement request, he would have reviewed Campos’ file, and that he learned all of the facts
17 described in the July 24, 1999 letter. (PE 70, Depo of Guardado at pp. 41:17-19; 49:10-21.)
18

19 Mr. Guardado’s testimony was evasive, misleading and demonstrably false until he was
20 confronted with incontrovertible evidence that he knew more than he was saying. As with
21 Ramon Preciado, Mr. Guardado’s lies were intended to benefit and protect Watchtower to the
22 detriment of individuals molested by Gonzalo Campos.
23

24 **c. Florentino Gracia Concocted Implausible Excuses for His Actions in**
25 **1995 and Conveniently Forgot Details Regarding his Actions at That**
26 **Time**

27 Florentino Gracia testified that he was an Elder at Playa Pacifica during 1995, and
28 served on the judicial committee that disfellowshipped Gonzalo Campos for molesting children

1 that year. (PE 71, Depo of Florentino Gracia at 13:24-14:23; 25:3-8.) In a ten page excerpt of
2 his deposition transcript, Mr. Gracia stated on 13 separate occasions that he could not remember
3 specific details about the 1995 judicial committee regarding Campos' molestation of children.
4 (PE 71, Depo of Florentino Gracia at pp. 23:6-32:15.) At one time, he stated that he could not
5 remember the question he had just been asked. (PE 71, Depo of Gracia at pp. 31:21-32:4.)
6 Despite these lapses in memory that deprived Plaintiff of useful information, Mr. Gracia's
7 memory improved markedly when his answers could benefit Watchtower. For example, Mr.
8 Gracia could definitively remember that while he was serving as an Elder at Playa Pacifica he
9 never saw the April 11, 1994 Dorman letter complaining about sexual abuse by Campos, or the
10 April 13, 1994 or June 9, 1994 letters.

11
12 Mr. Gracia could also emphatically recall that he had not read the March 29, 1995 letter
13 before signing it. (PE 71, Depo of Gracia at 43:19-21.) Mr. Gracia testified that he may have
14 signed the one page document without reading it because he might have been in a hurry after a
15 meeting, or because his wife was waiting. (PE 71, Depo of Gracia at pp. 67:18-68:4; 68:20-
16 69:3.) This testimony is obviously ridiculous. It doesn't take more than a minute to read a one
17 page document.
18

19 Mr. Gracia testified that, as an Elder, it was not his practice to sign documents without
20 reading them (PE 71, Depo of Gracia at p. 41:1-6); that he does not know why he would have
21 signed a document without reading it (PE 71, Depo of Gracia at p. 41: 8-11); that he has no
22 recollection of ever having signed a document given to him by Luis Rivera without reading it
23 (PE 71, Depo of Gracia at p. 42:7-10); and that he has no recollection of ever having signed a
24 document given to him by Gonzalo Campos without reading it. (PE 71, Depo of Gracia at p.
25 42: 18-21.) But he nonetheless states, without reservation, that he signed the March 29, 1995
26 letter without reading it, because this testimony comports with Watchtower's theory of the case.
27
28

1 Each of these men, and others (such as Luis Rivera - see footnote 5 above), agents and
2 former agents of Watchtower, evaded questions, lied under oath, and generally did not testify to
3 all they know in an effort to protect Watchtower and to further Watchtower's decades long
4 efforts to cover up the problem of childhood sexual abuse within the organization in general,
5 and of the sexual abuse by Gonzalo Campos in particular.
6

7 **D. Watchtower's Vast Wealth Requires that a Substantial Award of Punitive**
8 **Damages be Assessed in Order to Punish Watchtower's Wrongful and Damaging**
9 **Actions, Deter Watchtower From Continuing in its Abhorrent Behavior, and as an**
10 **Example to Others that Such Conduct Will Not be Tolerated**

11 Where the defendant's oppression, fraud or malice has been proven by clear and convincing
12 evidence, California law permits the recovery of punitive damages "for the sake of example and
13 by way of punishing the defendant." Cal. Civ. Code § 3294(a). In this regard:

14 the defendant's financial condition is an essential factor in fixing an amount that is sufficient
15 to serve these goals without exceeding the necessary level of punishment. "[O]bviously, the
16 function of deterrence ... will not be served if the wealth of the defendant allows him to
17 absorb the award with little or no discomfort." "[P]unitive damage awards should not be a
18 routine cost of doing business that an industry can simply pass on to its customers through
19 price increases, while continuing the conduct the law proscribes." On the other hand, "the
20 purpose of punitive damages is not served by financially destroying a defendant.

21 *Simon v. San Paolo U.S. Holding Co., Inc.* (2005) 35 Cal.4th 1159, 1184-1185.

22 Watchtower is vastly wealthy and a substantial award of punitive damages is necessary
23 to serve the desired deterrent effect. It was Plaintiff's intention to call one of Watchtower's
24 Persons Most Qualified to address its financial status in the valuation phase of the punitive
25 damage case to demonstrate the exact amount of Watchtower's resources. As a result of
26 Watchtower's disobedience to this Court's orders, Plaintiff was deprived of the opportunity of
27 putting on Watchtower's value in this manner. However, ample evidence exists to demonstrate
28 Watchtower's fabulous wealth.

29 In 2012, Watchtower went to trial in a childhood sexual abuse case in Northern
30 California. In that action Watchtower stipulated on the record that it owned real property

1 valued at approximately one billion dollars, and had cash assets worth approximately 30 million
2 dollars at that time. (PE 73, Stipulation dated June 14, 2012, at pp. 1228-1229.)

3 A large portion of Watchtower's real property wealth was located in Brooklyn, New
4 York at the time of the stipulation. From public records, Plaintiff has discovered that
5 Watchtower sold at least ten properties from its Brooklyn holdings since November of 2012.
6 Those property sales brought Watchtower \$354,425,000. (PE 74, Real Property Transfer
7 Report re 34 Orange Street at p. 6 [\$2,825,000]; PE 75, Real Property Transfer Report re 200
8 Water Street, 177 Front Street and 173 Front Street at p. 7 [\$30,600,000]; PE 76, Real Property
9 Transfer Report re 137 Pearl Street [aka 77 Sands] at p. 8 [\$54,000,000]; PE 77, Real Property
10 Transfer Report re 81 Prospect at p. 8 [\$23,000,000]; PE 78, Real Property Transfer Report re
11 98 Montague at p. 5 [\$81,000,000]; PE 79, Real Property Transfer Report re 107 Adams [aka 55
12 Prospect] at p. 9 [\$64,000,000]; PE 80, Real Property Transfer Report re 64 Prospect at p. 9
13 [\$46,000,000]; PE 81, Real Property Transfer Report re 175 Pearl at p. 8 [\$53,000,000].) An
14 eleventh property, located at 90 Sands Street is under contract to be sold (along with five of the
15 properties listed above) for \$135,000,000 with a closing date in 2017. (PE 82, Jehovah's
16 Witness Press Announcement dated 7/10/2013.)

17
18
19 After completing these sales, Watchtower still owns at least fifteen properties in
20 Brooklyn. (PE 83, Brooklyn Daily Eagle article "No longer 'Vatican City' for Watchtower,
21 Brooklyn watches Jehovahs retreat.") The remaining properties are extremely value. Public
22 records available regarding seven of those remaining properties show estimated market values
23 of \$195,561,000. (PE 84, Final Assessment Roll re 122 Columbia Heights at p. 2 [\$7,289,000];
24 PE 85, Final Assessment Roll re 29 Columbia Heights at p. 2 [\$51,551,000]; PE 86, Final
25 Assessment Roll re 51 Furman Street at p. 2 [\$44,873,000]; PE 87, Final Assessment Roll re
26 107 Columbia Heights at p. 2 [\$23,562,000]; PE 88, Final Assessment Roll re 97 Columbia
27
28

1 Heights at p. 2 [\$12,029,000]; PE 89, Final Assessment Roll re 119 Columbia Heights at p. 2
2 [\$3,721,000]; PE 90, Final Assessment Roll re 79 Willow [\$52,536,000].)

3 In addition to the properties located in Brooklyn, Plaintiff has been able to establish that
4 Watchtower has large holdings in Orange, Rockland and Putnam Counties, New York. The
5 Putnam County holdings are clustered around a large Jehovah's Witness compound in
6 Patterson, New York. Public records show that Watchtower holds title to at least six properties
7 in Patterson with aggregate estimated fair market value of \$159,585,600. (PE 91, 2014 Final
8 Assessment Roll – Putnam County.)

10 Watchtower's holdings in Rockland County consist of two properties located in
11 Ramapo, New York, with recent purchase prices totaling \$20,700,000. The first property was
12 purchased in February of 2009 for \$11,500,000. (PE 92, Real Property Transfer Report re four
13 properties, at p. 10.) The second was purchased in June of 2013 for \$9,200,000. (PE 93, Real
14 Property Transfer Report re 10-12 Chestnut Avenue, at p. 7.)

16 Watchtower's holdings in Orange County consist of at least eight properties in Tuxedo,
17 Montgomery and Warwick, New York. These properties have cumulative estimated fair market
18 values totaling \$18,184,700. (PE 94, Property Assessment re Tuxedo lot 1-1-60 [\$2,748,000];
19 PE 95, Property Assessment re Tuxedo lot 4-7-2 [\$345,800]; PE 96, Property Assessment re
20 Tuxedo lot 17-1-19.21 [\$265,000]; PE 97, Property Assessment re Montgomery lot 30-1-71
21 [\$8,281,700]; PE 98, Property Assessment re Warwick lot 85-1-2.22 [\$78,000]; PE 99, Property
22 Assessment re Warwick lot 51-1-2.3 [\$122,700]; PE 100, Property Assessment re Warwick lot
23 85-1-5.22 [\$6,000,000]; PE 101, Property Assessment re Warwick lot 85-1-6 [\$343,300].)

25 Based on the public records obtained by Plaintiff, Watchtower's sales (since November
26 of 2012) and present holdings in four New York Counties approach \$900,000,000. Plaintiff was
27 unable to locate public records to substantiate the value of several Brooklyn properties. If
28

1 anything, Watchtower's stipulated approximate one billion dollar value of its real property
2 holdings in June of 2012 may be too low. Regardless, Watchtower is extremely wealthy.

3 Alongside the financial condition of the defendants, in considering the amount of
4 punitive damages to award, the courts consider three guideposts:

5 (1) the degree of reprehensibility of the defendant's misconduct; (2) the disparity
6 between the actual or potential harm suffered by the plaintiff and the punitive damages
7 award; and (3) the difference between the punitive damages awarded by the jury and the
8 civil penalties authorized or imposed in comparable cases.

9 *Simon v. San Paolo U.S. Holding Co., Inc.* (2005) 35 Cal.4th 1159, 1180.

10 The first and "most important indicium of the reasonableness of a punitive damages
11 award is the degree of reprehensibility of the defendant's conduct." *Id.* In considering this
12 factor, the court should consider whether "the harm caused was physical as opposed to
13 economic; the tortious conduct evinced an indifference to or a reckless disregard of the health or
14 safety of others; the target of the conduct had financial vulnerability; the conduct involved
15 repeated actions or was an isolated incident; and the harm was the result of intentional malice,
16 trickery, or deceit, or mere accident." *Id.*

17 All of these factors are present in this case. Jose was clearly subjected to personal
18 injury, including physical pain; was vulnerable both financially, and in all other respects;
19 Watchtower's actions included more than a dozen years of covering up for Gonzalo Campos,
20 and a longer period of time attempting to conceal the scope of the organization's problem with
21 childhood sexual abuse from the public, and its members; Watchtower's conduct showed
22 complete disregard for the safety of minors, and its willful adoption and perpetuation of its
23 policies can only be described as actual malice. The reprehensibility of Watchtower's actions is
24 off the charts.
25

26 The second guidepost to be considered is the relationship between the amount of
27 compensatory damages awarded and the amount of the punitive damages award. *Id.* at 1181.
28

1 There is no bright line test to be applied in every circumstance, but the High Court has made
2 clear that punitive damage awards that significantly exceed a single digit multiplier of the
3 compensatory damage award are constitutionally suspect. *Id.* at 1182. Single digit multipliers
4 are more likely to comport with due process. *Id.* at 1183. Plaintiff has requested a multiplier of
5 3 and a half times the requested compensatory damages. Such an award is unlikely to raise any
6 due process concerns.
7

8 The final guidepost to be considered is the similarity of the punitive damage award to
9 civil penalties authorized or imposed in comparable case. In *Simon*, the court recognized “[t]he
10 third guidepost is less useful in a case like this one, where plaintiff prevailed only on a cause of
11 action involving ‘common law tort duties that do not lend themselves to a comparison with
12 statutory penalties’, than in a case where the tort duty closely parallels a statutory duty for
13 breach of which a penalty is provided.” *Id.* at 1183-1184. However, this guidepost is
14 concerned with the question of whether the defendant “had reasonable notice that its tortious
15 [actions] could result in such a large punitive award.” *Continental Trend Resources Inc. v. OXY*
16 *USA, Inc.* (1996) 101 F.3d 634, 641. Watchtower was unquestionably so informed.
17 Watchtower’s publications recognize the abhorrent and severely damaging nature of childhood
18 sexual abuse, many cases involving childhood sexual abuse have been tried and resulted in very
19 public verdicts reaching several million dollars per victim. Moreover, Watchtower was
20 provided with a statement of damages stating the exact amount of punitive damages Plaintiff
21 sought.
22
23

24 Given the extreme reprehensibility of Watchtower’s conduct and the modest multiplier
25 requested by Plaintiff, this Court should award the full amount of punitive damages requested
26 by Plaintiff: \$10,500,000.
27
28

1 **VI. CONCLUSION**

2 The facts of this case are extreme. Watchtower was unquestionably negligent in its
3 retention and supervision of Gonzalo Campos, and in failing to protect Plaintiff from Campos.
4 Watchtower absolutely ratified and accepted Campos as its agent for years, despite knowledge
5 that he had molested young and vulnerable Jehovah’s Witness children. Through its
6 outrageously dangerous policies on childhood sexual abuse, its actions before and after the
7 molestation of Jose Lopez in the 1980s, and its subsequent efforts to cover-up for Campos and
8 preserve the reputation of the Jehovah’s Witnesses, Watchtower has acted in a manner that calls
9 out for a substantial award of punitive damages.
10

11 But, how does one put a value on what Jose has lost because of the reckless disregard for
12 his safety by Watchtower? There is no magic formula or calculus we can turn to. We can only
13 look to what the evidence shows is the harm and what it will take to try to mitigate the severe
14 damage already done so that what’s left of Jose’s future may allow him the enjoyment of life
15 that every person deserves.
16

17 Plaintiff has provided to the Court, detailed testimony of Robert Geffner, Ph.D. As the
18 Court can readily see, Dr. Geffner is one of nation’s foremost authorities on the impact of child
19 maltreatment generally, and child sexual abuse in particular. Dr. Geffner conducted multiple
20 interviews of Jose, and an interview of his fiancé. He and his staff administered a battery of
21 psychological tests including tests to determine any malingering. In addition, Dr. Geffner
22 reviewed a multitude of depositions of percipient and other expert witnesses including that of
23 Gonzalo Campos, and examined and tested six other child sexual abuse victims of Gonzalo
24 Campos. He has concluded that the childhood sexual abuse Jose suffered at the hands of
25 Gonzalo Campos was a substantial factor in causing him a lifetime of psychological problems
26 including chronic post-traumatic stress disorder (PTSD), drug and alcohol dependence, and anti-
27
28

1 social behaviors. All of which are common sequelae of problems occurring among the
2 population of victims of childhood sexual abuse.

3 To address these issues Dr. Geffner has recommended a detailed care plan with a range
4 of therapeutic intervention that include bi-weekly sessions with an expert in treating PTSD over
5 the next 5 years at a global cost of \$65,000 - \$70,000; Conjoint marriage counseling with Jose's
6 fiancé over the next 3 years at a global cost of \$15,000-\$18,000; Substance abuse counseling
7 over the next 5 years at \$10,000-\$15,000 with at least one in-patient session during this time
8 frame at a cost of \$25,000-\$35,000; psychiatric treatment with medical pharmacological
9 monitoring over the next 2-3 years at a cost of \$25,000; anti-anxiety or mood stabilizing
10 medication for 5 years at a cost of \$5,000-\$8,000; and, group therapy with other survivors of
11 childhood sexual abuse for two hours per week for 3-4 years with follow ups over 5 years at a
12 cost of \$25,000. The total cost of the proposed specific care plan over the next 5 years is
13 \$170,000-\$196,000.
14
15

16 Further, Dr. Geffner opines that in addition to the five year specific care plan, numerous
17 studies have shown that over the remainder of Mr. Lopez' life expectancy he will reasonably
18 require "well over \$400,000 to \$500,000 in such costs over his lifetime." In total, Dr. Geffner
19 projects a cost of future medical care for Jose over his lifetime of between \$570,000 at the
20 lowest end, and \$696,000 on the higher end. In the statement of damages served on Defendant
21 Watchtower by Plaintiff, Plaintiff demanded \$500,000 in future medical care damages; less than
22 the lowest estimate provided by Dr. Geffner.
23

24 While the foregoing is a measure of what should be provided to Jose to offer him the
25 best hope for a different future, the real loss here is the loss of a normal enjoyment of life up to
26 now and the permanent damage to his future enjoyment of life he surely will suffer, because,
27 what he has experienced to date has permanent consequences.
28

1 If asked, "What have you enjoyed most about your life", how should Jose answer? Is it
2 the feel of Gonzalo Campos' hands slowly massaging his buttocks and circling his finger in
3 Jose's anus until he felt an excruciating pain? Or is it the bullying he experienced in junior high
4 school where he was so scared he had to bring a knife to school for protection only to find
5 himself expelled? Maybe, it is the time he spent in jail for a few months or sleeping homeless
6 in his truck with his wife (who was fourteen years his senior) as they burned away every penny
7 they had on methamphetamine? What memory does he have of any semblance of a normal life?
8 None. What would one pay to erase such memories, to start over with a clean slate?

9
10 Jose lacks the lifetime of normal experiences a man of 35 should have. Jose will never
11 erase the deficit created by his lost years of drug addiction and underemployment. From this
12 point forward, Jose will always be at a disadvantage. What would one pay for a normal lifetime
13 of providing for his family and forming normal adult relationships? An award of \$2.5 million in
14 general damages for the loss of enjoyment of life for Jose as demanded in the statement of
15 damages is fair and just.

16
17 The purpose of exemplary damages is to send a message to the institution that its
18 policies are reckless and dangerous and need to be changed. The Watchtower and its managing
19 agent the Governing Body of the Jehovah's Witnesses suffer from a crisis of silence of their own
20 making when it comes to their handling of reports of child sexual abuse with their
21 congregations. This is a self-perpetuating problem that puts children of its members at great
22 risk of harm.

23
24 The Jehovah's Witnesses like to say that parents are primarily responsible for the safety
25 of their children. But what are parents to do if they are not informed of the danger that lurks
26 within the congregation? The Jehovah's Witnesses would argue that they have no option. The
27 reality is that they do. They have the option of adhering to universal standards of care and
28

1 decency as do the rest of us. They must understand that they do not live in some parallel
2 universe separate and apart for the rest of us with their own set of rules.


3 Watchtower, its homegrown “experts,” and many of its Elders have conceded that they
4 understand that the sexual abuse of a child is a crime, will likely be repeated, is usually inflicted
5 by someone known to the child, is widespread, has devastating lifelong effects, and is promoted
6 by silence and cover up. Yet their policies fail to address these issues. On the contrary, they
7 exacerbate the problem within their institution by demanding silence. To make matters worse,
8 when challenged in civil courts by victims, they become highly adversarial to the victims, and
9 disdainful of the court.
10

11 Somehow, they need to get the message that their arrogance and recklessness will not be
12 tolerated in a civil society. The only way that that can happen is to cause them financial pain.
13 Plaintiff has asked for an award of punitive damages in the amount of \$10,500,000 in Plaintiff's
14 statement of damages. This is less than .0102% of the admitted worth of this institution
15 (\$10,500,000 / \$1,030,000,000.) Yet it sends a message that these policies, if not changed, can
16 be very costly.
17

18 In summary, Plaintiff requests that this Court enter judgment in favor of Plaintiff and
19 against Watchtower Bible and Tract Society of New York, Inc., in the amount of \$13,500,000
20 broken down as follows: \$500,000 for future medical care; \$500,000 for emotional distress;
21 \$2,000,000 for pain, suffering and inconvenience; and \$10,500,000 in punitive damages.
22

23 Respectfully submitted,

24
25 Dated: 7/21/14

26 
27 Devin M. Storey
28 Attorney for Plaintiff