

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22 Honorable Robert McGuiness , Judge
Reporter Adrienne Peretti CSR #11029

Cause called for Case Management Conference on June 14, 2011.

Richard J. Simons appearing for plaintiff via conference call.
No appearance by defendants.

Court and counsel confer on the record.

ORDER re: CASE MANAGEMENT

& TRIAL SETTING ORDER WITH NOTICE OF TRIAL

The Court has ordered the following at the conclusion of a judicially supervised Case Management Conference.

MANDATORY SETTLEMENT CONFERENCE (CRC § 3.1380)

A Mandatory Settlement Conference pursuant to CRC § 3.1380 is set for 02/24/2012 in Dept. 14 at 01:30 PM.

Trial counsel, the parties, claims representatives and all other persons with full authority to settle the case must personally attend unless the Court has, before the Conference, authorized telephonic participation upon written application with notice to all other parties and good cause shown.

A Settlement Conference Statement complying with CRC § 3.1380 must be filed with the court no later than 02/17/2012 and served on all other parties.

If the foregoing date is a court holiday or a weekend, the time is extended to the next business day.

PRETRIAL CONFERENCE

A Pretrial Conference is scheduled for 03/02/2012 at 08:30 AM in Dept. 22.

TRIAL SETTING ORDERS

The Court makes the following trial setting orders:

Jury Trial is set for 3/26/2012 at 08:30 AM in Dept. 22.

NOTICES

Clerk is directed to serve endorsed-filed copies of this order, with proof of service, to counsel and to self-represented parties of record by mail.

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Case Management Conference on November 17, 2011.

No appearances expected. All future dates maintained.

Minutes of 11/17/2011

Entered on 11/17/2011

Executive Officer / Clerk of the Superior Court


By

 digital

Deputy Clerk

Minutes of 06/14/2011
Entered on 06/19/2011

Executive Officer / Clerk of the Superior Court

By  ^{digital}
_____ Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on May 21, 2012.

Tina Kelly, CSR# 12502

Jane Doe represented by Richard J. Simons and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Robert J. Schnack and Douglas M. Egbert.

The Governing Body of Jehovah's Witnesses, an unincorporated association not appearing.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Robert J. Schnack and Douglas M. Egbert.

Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Robert J. Schnack and Douglas M. Egbert.

Jonathan Kendrick appearing in pro per.

Fremont California Congregation of Jehovah's Witness, North Unt represented by James M. McCabe.

1:25 PM - Court, Plaintiff's counsels and Defendant's counsels are present in open court. Court and counsel discuss motions in limine.

The Court rules on Plaintiff's and Defendant's motions in limine as recited on the record in open court.

2:40 PM - The matter is continued to May 22, 2012 at 8:30 a.m. for Jury Selection/Jury Trial. Court stands adjourned.

Case continued to 08:30 AM on 05/22/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/21/2012

Entered on 05/21/2012

Executive Officer / Clerk of the Superior Court

By 

Deputy Clerk

Minutes

M7476503

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on May 22, 2012.

Not Reported.

Jane Doe appearing represented by Richard J. Simons and Kelly Kraetsch.
The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.
The Governing Body of Jehovah's Witnesses, an unincorporated association not appearing.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J. and Douglas M. Egbert.

Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J. and Douglas M. Egbert.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unt not appearing.

9:30 AM - 75 prospective jurors are present in the jury assembly room to complete questionnaires and hardship requests.

10:05 AM - Court and counsel present in open court with those prospective jurors who are requesting to be excused for hardship. Court and counsel review the hardship requests.

10:20 AM - The Court reads the names of those prospective jurors who have been deferred to serve at another time.

10:32 AM - Recess

11:45 AM - An additional 26 jurors are present in the jury assembly room to complete questionnaires and hardship requests.

11:15 AM - Court and counsel present in open court with those prospective jurors who are requesting to be excused for hardship. Court and counsel review the hardship requests.

11:20 AM - The Court reads the names of those prospective jurors who have been deferred to serve at another time.

11:25 AM - Court and counsel engage in colloquy off the record.

11:30 AM - Forty (40) additional jurors are ordered for May 23, 2012 for further jury selection. Court stands adjourned.

Minutes

M7479671

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe
Plaintiff/Petitioner(s)
VS.
The Watchtower Bible and Tract Society of New York, I
Defendant/Respondent(s)
(Abbreviated Title)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on May 23, 2012.

Not Reported.

Jane Doe represented by Richard J. Simons and Kelly Kraetsch.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Robert J. Schnack and Douglas M. Egbert.

Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Robert J. Schnack and Douglas M. Egbert.

Jonathan Kendrick appearing in pro per.

Fremont California Congregation of Jehovah's Witness, North Unt represented by James M. McCabe.

8:35 AM - 37 prospective jurors are present in the courtroom. The Court reads the statement of the case and introduces the parties.

8:50 AM- Panel A and Panel B are sworn on voir dire. The names of 18 prospective jurors are called from the random list and seated in the jury box. The court commences voir dire of the prospective jurors.

9:02 AM - Plaintiff's counsel commence voir dire of the prospective jurors.

10:18 AM - Recess.

10:20 AM - Court, counsel and clerk are present in Dept. 17 in open court. Court and counsel review the 26 hardship requests from panel C.

10:28 AM - The 26 prospective jurors with hardships are deferred for service at another time.

10:35 AM - All parties are present in Department 22. Defendant's counsel commence voir dire examination.

11:00 AM - Court and counsel voir dire (3) prospective jurors in chambers. Court stands in recess.

11:45 AM - All parties are present in open court. Steven Bailey, Dana Kuhn, Janice Hitchcock, and Vilma Nicolas are excused for cause.

11:50 AM - The names of prospective jurors are called from the random list and are seated in the jury box. Voir dire examination continues.

12:02 PM - Jurors seated in 14 - 18 are ordered to return at 1:15 p.m. Court declares lunch recess.

Minutes

M7484196

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on May 24, 2012.

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by , Robert J. Schnack.

The Governing Body of Jehovah's Witnesses, an unincorporated association not appearing.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Robert J. Schnack

Kingdom Hall of Jehovah's Witnesses, a Corporation represented by , Robert J. Schnack.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unt appearing represented by James McCabe.

8:55 AM - Court and counsel confer in chambers.

9:00 AM - Court, respective counsel, plaintiff, and prospective jurors are present in open court. Li Liang is excused by stipulation for medical reasons. Plaintiff's counsel resumes voir dire examination.

9:14 AM - Peremptory challenges are exercised. Voir dire examination continues.

9:45 AM - The Court declares a brief recess.

10:15 AM - All parties are present. Andrew Wolfsmith and Nellie Montes are excused for cause. Voir dire examination continues.

10:20 AM - Both sides exercise their peremptory challenges.

10:24 AM - Both sides now being satisfied, the following jurors and alternates are sworn to try the cause:

1. Leslie Hawkins-Brown, 2. Richard Ng, 3. Nancy Lynn, 4. David Gonzales, 5. Kathleen Shipp, 6. Carrie Wolfenberger, 7. Nigel Pan, 8. Tracy Matsuoka, 9. Hugh Hui, 10. Geoffrey Brown, 11. Gary Donelan, and 12. Tawni DeNijs.

Alternates: 13. Russell Crisologo, 14. Vera Ferris, and 15. Kenny Man.

The remaining jurors are thanked and excused from further service in this action.

10:34 AM - The jury and alternates are ordered to return May 29, 2012 at 8:30 a.m. for Further Jury Trial.

Carrie Hewerdine, RDR (CSR 4579)

10:40 AM - Outside the presence of the jury, Court and counsel discuss motions in limine and jury instructions on the record. The Court rules on the motion in limine as recited on the record in open court.

Minutes

M7484294

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on May 29, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The Governing Body of Jehovah's Witnesses, an unincorporated association not appearing.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.

Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unt represented by James M. McCabe.

8:35 AM - Outside the presence of the jury, Court and counsel confer on the record.

8:45 AM - The jury is now present in open court. The Court pre-instructs the jury on the applicable law herein.

9:10 AM - Plaintiff's counsel Rick Simons presents his opening statements.

9:38 AM - James M. McCabe presents his opening statements on behalf of Fremont California Congregation.

10:05 AM - The Court declares recess.

10:24 AM - All parties are present. Robert J. Schnack presents his opening statements on behalf of The Watchtower Bible and Tract Society of New York.

10:45 AM - GARY ABRAHAMSON is sworn and examined on behalf of the petitioner under Evidence Code 776.

Plaintiff's Exhibit 9 (Def. 98) - Letter from North Congregation Body of Elders to Watchtower dated November 15, 1993, In Evidence.

Plaintiff's Exhibit 17 (Def. 59) - Awake!, January 22, 1985 Child Molesting article, In Evidence

Plaintiff's Exhibit 37 (Def. 64) - Awake! October 8, 1993Your Child is in Danger! article, In Evidence.

11:44 AM - Cross-examination of the witness by Mr. McCabe.

12:10 PM - The jury is admonished and the Court declares lunch recess.

1:17 PM - Outside the presence of the jury, Court and counsel confer on the record. Defendant's exhibit 99 (Plaintiff's 10) -Letter from Watchtower to North Congregation Body of Elders dated December 3, 1993 is redacted as recited on the record.

Minutes

M7491404

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	Plaintiff/Petitioner(s)
vs.	
The Watchtower Bible and Tract Society of New York, I	Defendant/Respondent(s)
(Abbreviated Title)	

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on May 30, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

8:25 AM - Outside the presence of the jury, Court and counsel confer on the record.

8:44 AM - Court, respective counsel, plaintiff, and jury are present. MICHAEL CLARKE previously sworn resumes the stand for cross-examination by Mr. McCabe.

Plaintiff's Exhibit 27 (Deft. 032) -Letter to all Bodies of Elders dated March 23, 1992, In Evidence

8:50 AM - Cross-examination of the witness by Mr. Schnack.

8:53 AM - Redirect examination of the witness by Mr. Simons.

Plaintiff's Exhibit 18 (Deft. 106) - Letter from North Congregation Body of Elders to Oakley Congregation Body of Elders dated December 20, 2009, In Evidence

9:07 AM - The witness is excused. EVELYN RUTH KENDRICK is sworn under direct examination on behalf of the plaintiff.

9:20 AM - Cross-examination of the witness by Mr. Schnack.

Plaintiff's Exhibit 5 (Deft. 94) - Fremont Police Report 940218027, Identification only

9:35 AM - Cross-examination of the witness by Mr. McCabe.

9:38 AM - Redirect examination of the witness.

9:39 AM - Recross examination of the witness.

9:40 AM - The witness is excused.

9:43 AM - CLAUDIA FRANCIS is sworn under direct examination on behalf of the plaintiff.

10:05 AM - The witness is excused. The Court declares recess. Outside the present of the jury, Court and counsel confer on the record.

10:10 AM - Recess.

10:28 AM - All parties are present. The witness resumes the stand for cross-examination by Mr. McCabe.

10:38 AM - Cross-examination of the witness by Mr. Schnack.

10:39 AM - Redirect examination of the witness by Mr. Simons,

Minutes

M7494220

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness, Judge

Cause called for Jury Trial on May 31, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

8:25 AM - Outside the presence of the jury, Court and counsel confer on the record.

8:33 AM - Court, respective counsel, plaintiff, and jury are present. CARL LEWIS is sworn under direct examination on behalf of the plaintiff. The Court finds the Carl Lewis an expert in Child and Sexual Abuse Accommodation Syndrome.

9:12 AM - Cross-examination of the witness by Mr. Schnack.

9:15 AM - Redirect examination of the witness.

9:17 AM - Recross examination of the witness

9:18 AM - The witness is excused. NEAL CONTI is sworn under direct examination on behalf of the plaintiff.

9:24 AM - Cross-examination of the witness by Mr. McCabe.

10:12 AM - Recess.

10:31 AM - All parties are present. The witness resumes the stand for further redirect examination.

10:40 AM - The witness is excused. Video deposition of Allen Shuster dated 2/15/12 is played to the jury in open court.

11:18 AM - Recess.

11:27 AM - All parties are present. Video deposition resumes.

11:52 AM - Video deposition of Helene Harmatz, PhD. dated 4/30/12 is played to the jury in open court.

Minutes

M7500505

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on June 04, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

8:25 AM - Outside the presence of the jury, Court and counsel confer on the record.

8:32 AM - The Court finds there is a duty.

8:37 AM - Court, respective counsel, plaintiff, and jury are present. The Court updates the jury on the trial schedule.

8:40 AM - OFFICER ROBERT DAVILA, FREMONT POLICE DEPARTMENT is sworn under direct examination on behalf of the plaintiff..

8:44 AM - Cross-examination of the witness by Mr. Schnack.

8:48 AM - Cross-examination of the witness by Mr. McCabe.

8:50 AM - Redirect examination of the witness.

8:51 AM - The Court discusses limiting instructions to the jury.

8:52 AM - The witness is excused. CAROLYN MARTINEZ is sworn under direct examination on behalf of the plaintiff.

Plaintiff's Exhibit 30 - Arial view of Kingdom Hall, Fremont, CA, In Evidence

9:05 AM - Cross-examination of the witness by Mr. McCabe.

9:08 AM - Redirect examination of the witness.

9:09 AM - Re-cross examination of the witness.

9:10 AM - The witness is excused. ANNA SALTER, PHD. is sworn under direct examination behalf of

Minutes

M7503254

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on June 05, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

8:25 AM - Outside the presence of the jury, Court and counsel confer on the record.

8:40 AM - Court, respective counsel, plaintiff, and jury are present in open court.

LYNN ELISABETH PONTON, M.D. is sworn under direct examination on behalf of the plaintiff. The Court finds the witness qualified as an expert in Psychiatry and Child and Adolescent Psychiatry.

9:20 AM - Cross-examination of the witness by Mr. Schnack.

9:23 AM - Redirect examination of the witness.

9:24 AM - The witness is excused. Plaintiff Rests.

9:28 AM - Mr. Schnack's oral motion for a Directed Verdict as to the Punitive Damages Count is reserved.

9:29 AM - The Court declares a brief recess.

9:48 AM - All parties are present in open court. BERNICE MUNOZ is sworn and examined on behalf of the defendant by Mr. McCabe.

9:59 AM - The witness is excused. SYLVIA MUNOZ is sworn and examined on behalf of the defendant by Mr. McCabe.

10:10 AM - Cross-examination of the witness.

10:12 AM - The witness is excused. PAMELA MUNOZ is sworn and examined on behalf of the defendant by Mr. McCabe.

10:23 AM - Cross-examination of the witness.

Minutes

M7506956

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on June 06, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

10:25 AM - Court and counsel confer off the record regarding jury instructions.

10:55 AM - Court and respective counsel present on the record. Respective counsel present their requested jury instructions to the court.

11:02 AM - Argument regarding defendant's Motion for Directed Verdict.

11:10 AM - Defendant's Motion for Directed Verdict as to the Punitive Damages is denied.

11:15 AM - Court and counsel resumes legal discussions on the record.

12:30 PM - Court stands adjourned.

Case continued to 08:30 AM on 06/11/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 06/06/2012

Entered on 06/11/2012

Executive Officer / Clerk of the Superior Court

By 

Deputy Clerk

Minutes

M7515511

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on June 11, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

7:40 AM - Outside the presence of the jury, Court and counsel confer on the record.

8:45 AM - Court and counsel confer on the record regarding jury instructions.

9:30 AM - Court, respective counsel, plaintiff and jury are now present in open court. The Court instructs the jury on the applicable law herein.

10:18 AM - Mr. Simons for the plaintiff, presents his closing arguments to the jury.

11:12 AM - The Court declares recess.

11:30 AM - All parties are present. The Court addresses the jury regarding the lunch schedule for today. Mr. McCabe for Fremont Congregation, presents his closing arguments to the jury.

12:30 PM - Mr. Schnack for Watchtower presents his closing arguments to the jury,

1:12 PM - The Court calls a brief recess.

1:25 PM - All parties are present. Mr. Simons for the plaintiff presents his rebuttal argument to the jury.

1:40 PM - Court attendant Hill Martin is sworn to take charge of the jury. The alternate jurors are released on phone standby.

1:45 PM - The Court declares lunch recess.

2:40 PM - Jury retires to commence their deliberations. Court stands in recess during deliberations.

4:15 PM - The jury will return June 12, 2012 at 8:30 a.m. in Department 22 for further deliberations. Court stands adjourned.

Minutes

M7519310

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on June 12, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

8:30 AM - Outside the presence of the jury, Court and counsel confer on the record regarding Request by Jury.

9:15 AM - The Court orders the court reporter may read testimony of Michael Clarke and Gary Abramson.

9:20 AM - The Court stands in recess.

10:00 AM - The court reporter reads back the relevant testimony of Michael Clarke and Gary Abramson to the jury in the jury room.

12:20 PM - The jury is taken to lunch with sworn Court Attendants Hill Martin and Mario Vela.

2:00 PM - Jury retires to commence their deliberations. Court stands in recess during deliberations.

2:15 PM - The court reporter reads back testimony of Lynn Elisabeth Ponton, M.D. to the jury in the jury room.

2:50 PM - Jury resumes their deliberations. Court stands in recess during deliberations.

3:30 PM - Outside the presence of the jury, Court and counsel confer on the record regarding Request from the Jury.

3:38 PM - Court stands in recess during deliberations.

4:30 PM - The jury will return June 13, 2012 at 8:30 a.m. in Department 22 for further deliberations.
Court stands adjourned.

Case continued to 08:30 AM on 06/13/2012 in Department 22, Civil Jury Trial, Administration Building,

Minutes

M7521375

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
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The Watchtower Bible and Tract Society of New York, I	
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No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Jury Trial on June 13, 2012.

Court Reporter: Kathryn Lloyd, CSR 5955

Jane Doe represented by Simons, Richard J. and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.
Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unit represented by James M. McCabe.

8:45 AM - All jurors are present and the jury resumes deliberations. The court stands in recess during deliberations.

12:30 PM - The jury is in recess for lunch in the jury room.

1:00 PM- The jury resumes deliberations and the court stands in recess.

2:47 AM - Court, counsel, parties and jury are present; the jury renders a Special Verdict. At the direction of the Court the clerk reads the verdict. The jury is polled and the verdict is affirmed as recited on the record. Court directs the clerk of the court to record the Verdict.

See Special Verdict Filed June 13, 2012.

3:05 PM - The jury is ordered to return June 14, 2012 at 10:00 a.m. for Phase Two of the trial.

3:20 PM - Outside the presence of the jury, Court and counsel confer on the record. Defendant Watchtower's oral Motion to Set Aside Punitive Damages is DENIED.

3:22 PM - The matter is continued to June 14, 2012 at 10:00 a.m. in Department 22 for Phase Two. Court stands adjourned.

Note: The matter will be heard at 10:00 a.m.

Case continued to 09:00 AM on 06/14/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Document Registered: Jury Verdict (Special)

Minutes of 06/13/2012

Entered on 06/13/2012

Minutes

M7524123

Case continued to 08:30 AM on 05/23/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/22/2012
Entered on 05/22/2012

Executive Officer / Clerk of the Superior Court

By *Miranda Edgely*^{digital}

Deputy Clerk

1:15 PM - Court and counsel confer in chambers.

1:40 PM - All parties are present. The following jurors are excused for cause: Kenneth Wong, Michael Keeley, and Maria Molina.

1:45 PM - Panel C is present. The Court reads the statement of the case and introduces the parties.

1:50 PM - Counsel continues voir dire examination.

2:15 PM - Peremptory challenges are exercised. Voir dire examination continues.

2:45 PM - Court and counsel confer in chambers.

2:50 PM - Clerk swears in Panel C on voir dire.

2:55 PM - All parties are present. Kenneth Bochert is excused for Cause.

3:00 PM - The matter is continued to May 24, 2012 at 9:00 a.m. for further jury selection/ jury trial. Court stands adjourned.

Case continued to 08:30 AM on 05/24/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/23/2012

Entered on 05/24/2012

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk


11:10 AM - Court stands adjourned.

Case continued to 08:30 AM on 05/29/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/24/2012

Entered on 05/24/2012

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk

1:32 PM - All parties are present. The witness resumes the stand for redirect examination.

1:35 PM - The witness is excused. Three (3) Requests for Admissions are recited on the record.

1:38 PM - MICHAEL CLARKE is sworn and examined on behalf of the plaintiff under Evidence Code 776.

Plaintiff's Exhibit 1 (Deft. 026) -Letter to all Bodies of Elders dated July 1, 1989, In Evidence.

2:55 PM - The jury is admonished and ordered to return May 30, 2012 at 8:30 a.m. in Department 22 for Further Jury Trial. Court stands adjourned.

Case continued to 08:30 AM on 05/30/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/29/2012

Entered on 05/29/2012

Executive Officer / Clerk of the Superior Court

By  digital

Deputy Clerk

10:40 AM - The witness is excused. ANDREA SYLVIA is sworn under direct examination on behalf of the plaintiff.

10:50 AM - Cross-examination of the witness by Mr. Schnack.

10:52 AM - The witness is excused. KATHLEEN CONTI is sworn under direct examination on behalf of the plaintiff.

11:23 AM - Cross-examination of the witness by Mr. Schnack.

11:33 AM - The witness is excused. DOROTHY CONTI is sworn under direct examination on behalf of the plaintiff.

Plaintiff's Exhibit 2 - Photo of Candace Conti with a horse, In Evidence

Plaintiff's Exhibit 3 - Graduation photo of Candice Conti, In Evidence

11:48 AM - Cross-examination of the witness by Mr. Schnack.

11:49 AM - The witness is excused. The jury is admonished and excused for lunch recess. Outside the presence of the jury, Court and counsel confer on the record.

11:55 AM - Recess.

1:17 PM - All parties are present. CLIFFORD WILLIAMS is sworn and examined on behalf of the plaintiff under Evidence Code 776.

Plaintiff's Exhibit 19 - Letter from Downey Congregation to M. Iglesias, Oakley Congregation , January 14, 2010, In Evidence

1:30 PM - The Court declares a brief recess. Outside the presence of the jury, Court and counsel confer on the record.

1:35 PM - All parties are present. The witness resumes the stand for direct examination.

1:40 PM - The witness is excused. The jury is admonished and the Court declares recess.

1:51 PM - All parties are present. LAWRENCE LAMBERDIN is sworn under direct examination on behalf of the plaintiff.

Plaintiff's Exhibit 4 - DOJ Photo of Jonathan Kendrick, In Evidence.

Plaintiff's Exhibit 14 (Def. 101) - Letter from North Congregation Body of Elders to Watchtower dated August 31, 1998 (redacted version), In Evidence.

2:20 PM - Cross-examination of the witness by Mr. McCabe.

Defendant's Exhibit 132 - Photographs (interior and exterior) of Kingdom Hall and surroundings, In Evidence

2:49 PM - Redirect examination by Mr. Simons.

3:05 PM - Cross-examination of the witness by Mr. McCabe.

3:06 PM - The witness is excused. The jury is admonished and ordered to return May 31, 2012 at 8:30 a.m. for further jury trial. Outside the presence of the jury, Court and counsel confer on the record.

3:08 PM - Court stands adjourned.

Case continued to 08:30 AM on 05/31/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/30/2012

Entered on 05/30/2012

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk

12:19 PM - The jury is admonished and the Court declares lunch recess.

1:30 PM - All parties are present. Video deposition of Laura Walton, M.D. is played to the jury.

1:50 PM - Video deposition of Laura Fraser, LMFT is played to the jury.

3:03 PM - The jury is admonished and ordered to return June 4, 2012 at 8:30 am Department 22 for Further Jury Trial.

Case continued to 08:30 AM on 06/04/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 05/31/2012

Entered on 06/03/2012

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk

the plaintiff .

9:23 AM - The Court finds the witness may testify as an expert in Child Sexual Abuse and Prevention.

9:32 AM - The Court declares a brief recess.

9:45 AM - All parties are present. The witness resumes the stand for further direct examination.

Plaintiff's Exhibit 55 - Bay Valley Medical Group Records: August 2002, In Evidence.

10:05 AM - Cross-examination of the witness by Mr. Schnack.

10:24 AM - Cross-examination of the witness by Mr. McCabe.

10:28 AM - The witness is excused. The Court declare a brief recess.

10:45 AM - All parties are present. CANDICE CONTI is sworn under direct examination.

11:22 AM - The Court declares a brief recess.

11:33 AM - All parties are present. The witness resumes the stand for cross-examination by Mr. McCabe.

11:45 AM - Cross-examination of the witness by Mr. Schnack.

11:58 PM - The Court declares lunch recess. Outside the presence of the jury, Court and counsel discuss legal issues on the record.

12:12 PM - Recess.

1:25 PM - Outside the presence of the jury, Court and counsel confer on the record.

Defendant's Exhibit 135 is Admitted Into Evidence

1:35 PM - All parties are now present. The witness resumes the stand for further cross-examination by Mr. Schnack.

1:38 PM - Redirect examination of the witness.

1:45 PM Re-cross examination of the witness by Mr. Schnack.

1:50 PM - The witness is excused. Plaintiff rests except for one witness Tuesday morning.

1:55 PM - The jury is admonished and ordered to return for further jury trial.

1:57 PM - Outside the presence of the jury, Court and counsel discuss legal issues on the record.

2:10 PM - Court stands adjourned.

Case continued to 08:30 AM on 06/05/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 06/04/2012

Entered on 06/04/2012

Executive Officer / Clerk of the Superior Court

By

digital

Deputy Clerk

10:28 AM - The witness is excused. MONICA APPLEWHITE video deposition dated May 18, 2012 is played to the jury.

11:40 AM - The Court addresses the jury regarding updated trial schedule. The jury is excused for lunch recess.

1:02 PM - Outside the presence of the jury, Court and counsel confer on the record.

1:07 PM - All parties are present. ALEN SHUSTER previously sworn resumes the stand for on behalf of the defendant on direct examination by Mr. McCabe.

Defendant Exhibit 131- Graphics of Jehovah's Witnesses' Theocratic Structure, Identification Only

Plaintiff's Exhibit 60 (Def. 29) - Awake! October 8, 1991 p. 3 "The Innocent Victims of Child Abuse", In Evidence.

Plaintiff's Exhibit 29 - (Def. 44) - Letter to all Bodies of Elders dated August 1, 1995, In Evidence

Plaintiff's Exhibit 12 - (Def. 50) - Letters to all Bodies of Elders dated March 14, 1997, In Evidence

Plaintiff's Exhibit 65 (Def. 49) - The Watchtower, January 1, 1997, pp. 26-29 "Let us Abhor What is Wicked", In Evidence

1:46 PM - Cross-examination of the witness. Excerpts of CANDICE CONTI deposition transcript is shown and read to the jury by Mr. Schnack.

2:02 PM - Defendant's Rest.

2:05 PM - The jury is admonished and ordered to return June 11, 2012 at 8:30 a.m. in Department 22. Counsel are ordered to return June 6, 2012 at 9:00 a.m. to prepare jury instruction and for Motion to Strike Testimony of Carl Lewis and Motion for Directed Verdict.

2:08 PM - Court stands adjourned.

Case continued to 08:30 AM on 06/06/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 06/05/2012

Entered on 06/06/2012

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk

Case continued to 08:30 AM on 06/12/2012 in Department 22, Civil Jury Trial, Administration Building, 1221 Oak Street, Oakland.

Minutes of 06/11/2012
Entered on 06/12/2012

Executive Officer / Clerk of the Superior Court

By *Miranda Edgely*^{digital}

Deputy Clerk

1221 Oak Street, Oakland.

Minutes of 06/12/2012

Entered on 06/12/2012

Executive Officer / Clerk of the Superior Court

By *Miranda Edgely*^{digital}

Deputy Clerk

Executive Officer / Clerk of the Superior Court

By *Miranda Edgely*^{digital}

Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Motion: May 19, 2011.

No one contested the Court's tentative ruling and it is affirmed as follows:

The Demurrer of Defendants Watchtower Bible and Tract Society of New York, Watchtower Bible and Tract Society of Pennsylvania, Inc., Jehovah's Witnesses on Peralta Blvd., Fremont, and Kingdom Hall of Jehovah's Witnesses ("Defendants") to the Complaint is **OVERRULED**. Plaintiff Jane Doe ("Plaintiff") has sufficiently alleged facts to support a duty by Defendants to Plaintiff in order to support this negligence claim. (See *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377.)

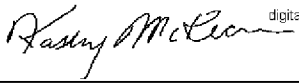
The Court notes that in Defendants' moving papers, Defendants cite to out-of-state cases, but have not provided copies of such cases. In the future, Defendants should comply with Cal. Rules of Court, Rule 3.1113(i).

Defendants shall file and serve an answer to the Complaint within 20 days, which time shall run from service of notice of entry of this order by Plaintiff.

Minutes of 05/19/2011

Entered on 05/22/2011

Executive Officer / Clerk of the Superior Court

By  ^{digital}
Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness, Judge

Cause called for Motion: May 03, 2012.

The motion of Jane Doe to file amended complaint adding punitive damage allegations against defendant Watchtower Bible and Tract Society ("Watchtower") under CCP 425.14 is GRANTED.

Plaintiff filed this motion on April 10, 2012, just six weeks before the trial date of May 21, 2012. Plaintiff did not delay unduly in filing this motion, and Watchtower has not identified any specific liability or fact discovery that it will need from Plaintiff as a result of the addition of the punitive damages allegations.

Under CCP 425.14, a plaintiff cannot assert a claim for punitive damages against a religious corporation until the court finds that the plaintiff has presented sufficient evidence of a prima facie showing of liability under the preponderance of evidence standard and a showing of recklessness, oppression or fraud under the clear and convincing standard. Little Co. of Mary Hosp. v. Superior Court (2008) 162 Cal.App.4th 261, 267, 271; Rowe v. Superior Court (1993) 15 Cal.App.4th 1711, 1723.

The proposed First Amended Complaint includes a third cause of action entitled "Acts of Malice." The court reads the cause action as a claim that defendant Watchtower is liable for negligence because it acted with a willful and conscious disregard of the rights or safety of others. (Civil Code 3294(c)(1).) To establish conscious disregard, plaintiff must show that the defendant was aware of the probable dangerous consequences of its conduct, and that he willfully and deliberately failed to avoid those consequences. (Hoch v. Allied Signal (1994) 24 Cal.App.4th 48, 61.)

Plaintiff has presented a prima facie showing that she could potentially prove a claim against Watchtower for negligence by a preponderance of the evidence. There is evidence that Watchtower's officers, directors, or managing agents knew or had reason to know in 1993 that Jonathan Kendrick had confessed to inappropriate touching of a child (PX 2; DX L and M), that Watchtower failed to notify the congregation or to take other measures to protect children in the church (PX 3 and 4; DX K), and that as a result plaintiff suffered injury from 1994 through 1996.

Plaintiff has presented a prima facie showing that she could potentially prove by clear and convincing evidence that Watchtower was aware of the probable dangerous consequences of its decision not to alert church members of Kendrick's dangerous tendencies, and that Watchtower willfully and deliberately failed to avoid those consequences. (PX 2, 3, 4.)

Watchtower raises the issue of the appropriate balance between the clergy-penitent privilege and appropriate disclosures to congregants that a member may be a threat to children. Watchtower also notes that most of the case law on the responsibility of entities for sexual abuse concerns abuse perpetrated by employees or agents rather than by member of the entity who were not in positions of authority at the time of the abuse. (But see Wallace v. Der-Ohanian (1962) 199 Cal.App.2d 141.) These concerns present fact specific issues that are beyond the scope of a motion where the plaintiff need only present sufficient evidence to establish a prima facie case of liability and punitive damages.

The court **OVERRULES** the objection to PX 27 (percipient witness), to PX 26 (percipient witness to statements by Kendrick), to PX 30 (offered as evidence that Watchtower was on notice, not for truth of matter asserted), PX 31 (admissible to extent based on personal knowledge, but court disregards testimony regarding the "true purpose" of Watchtower), and PX 32 (witness is arguably a qualified expert with pertinent information regarding the standard of care during the relevant time period).

The motion of Jane Doe for an order permitting financial discovery is **DENIED**. If the jury finds that Watchtower is liable for punitive damages, then the court will expect Watchtower to produce its pertinent financial information by 9:00 am the following morning and to have witnesses available to testify by the following day.


Plaintiff must file the proposed First Amended Complaint on or before May 11, 2012.

The Court further orders the parties to comply with the Pretrial Orders: File Motions in Limine and related documents by May 16, 2012 at 2:30 p.m.

Minutes of 05/03/2012

Entered on 05/04/2012

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Motion: September 29, 2011.

No one contested the court's tentative ruling and it is affirmed as follows:

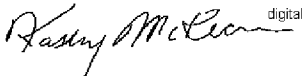
The Motion of Plaintiff Jane Doe to Compel Answers to Questions at Deposition of Gary Abrahamson and for Sanctions is GRANTED. Plaintiff has established that the information sought is not precluded from disclosure under the penitent-clergy privilege, Evidence Code §1031-1034 because the questions do not appear to call for communications that were presumed to be kept confidential with only the clergy member to whom they were communication. Instead, the questions appear to call for information and communications of a kind that would be expected to be communicated beyond that clergy member to others within the religious organization, i.e. a judicial investigating committee, for purposes of taking responding to the communication within the church. (Cf. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 445-46.)

Defendant shall present Gary Abrahamson for further deposition and shall not instruct him not to answer the questions identified in the motion based upon clergy-penitent privilege. The further deposition shall take place at a mutually-convenient time, but no later than 20 days after entry of this order.

The request for sanctions in connection with this motion is DENIED.

Minutes of 09/29/2011

Entered on 09/30/2011

Executive Officer / Clerk of the Superior Court
By  ^{digital}
Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22 Honorable Robert McGuiness, Judge
Reporter Adrienne Peretti CSR #11029

Cause called for Motion: August 25, 2011.

The Motion of Plaintiff Jane Doe ("Plaintiff") to Compel Production of Documents and for Sanctions from Defendants Watchtower Bible and Tract Society of New York and North Congregation of Jehovah's Witnesses, Fremont, California (erroneously sued herein as Jehovah's Witnesses on Peralta Blvd) is CONTINUED to September 29, 2011, at 3:00 p.m. in Department 22.


In the interim, parties are to meet and confer in person in a good faith effort to resolve this discovery dispute on an item-by-item basis. Counsel for both parties are referred to the Alameda County Bar Association Statement of Professionalism and Civility. See also *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1439; and *Manzetti v. Superior Court* (1993) 21 Cal.App.4th 373, 380, fn.8. The meeting is to be tape-recorded and the tape is to be made available to the Court at the hearing. At least 5 COURT days prior to the continued hearing date, the parties are to file a JOINT status report of no more than 5 pages outlining which, if any, items remain in dispute and why.

It is not enough to refer the court back to the separate statement/other papers in association with each motion. Moreover, the joint status report should proceed to list items still remaining in dispute along with the reason(s) why. Counsel should be careful to delineate the items in dispute in such a way that the Court will be fully aware as to which set of discovery the item in dispute is referring. If an item is not specifically listed and briefed in the joint status report, the Court will assume that the issue has been resolved. The parties are admonished to be reasonable in this process.

A courtesy copy of the joint status report shall be delivered directly by fax to (510) 268-4835 marked: attention Department 22 Research Attorney.

Should the parties resolve their dispute prior to the continued hearing, please contact the clerk via email at dept22@alameda.courts.ca.gov no later than 3 COURT days prior to the hearing to take the matter off-calendar. ruled on as follows:

Minutes of 08/25/2011
Entered on 08/30/2011

Executive Officer / Clerk of the Superior Court
By  ^{digital}
Deputy Clerk

Minutes

M6959338

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness, Judge

September 29, 2011.

Matter comes on calendar in Dept. 22 for plaintiff's Motion to Compel Production of Documents and for Sanctions.

Martin Jaspovice appearing for plaintiff.
James M. McCabe appearing for defendant via conference call.

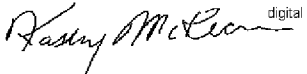
Court and counsel present on the record for argument on the above Motion.

Counsel to submit documents for in-camera review by Monday, 10/3/11.

Matter is continued for in-camera review to 03:00 PM on 10/03/2011 in Department 22, Civil Law and Motion, Administration Building, 1221 Oak Street, Oakland.

Minutes of 09/29/2011

Entered on 09/30/2011

Executive Officer / Clerk of the Superior Court
By  ^{digital}
Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness , Judge

Cause called for Motion: October 03, 2011.

No parties expected.

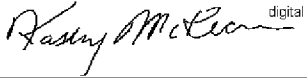
Documents received 10/03/2011.

Ruling on Motion to Compel Production of Documents Taken Under Submission

Minutes of 10/03/2011

Entered on 10/03/2011

Executive Officer / Clerk of the Superior Court

By  ^{digital}

Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	Plaintiff/Petitioner(s)
VS.	
The Watchtower Bible and Tract Society of New York, I	Defendant/Respondent(s)
(Abbreviated Title)	

No. HG11558324

Minutes

Department 22 Honorable Robert McGuiness, Judge
Reporter Nancy Cardoza CSR #3815

Cause called for Motion: January 19, 2012.


The Motion of Jonathan Kendrick for relief from default is GRANTED.

The court is concerned that the evidence suggests that Mr. Kendrick was aware of the lawsuit, had consulted with counsel, and was possibly aware that he was required to file a responsive pleading yet failed to do so within the allotted time. The court also notes that the motion was filed shortly after the default, which mitigates any prejudice to the Plaintiff, that counsel for Plaintiff did not provide notice to Plaintiff before taking the default, *Kim v. Westmoore Partners, Inc.* (2011) 201 Cal.App.4th 267, 271 fn 1, and that there is a strong policy preference in favor of resolving cases on their merits, *Fasuyi v. Permatex, Inc.* (2008) 167 Cal.App.4th 681, 696. Weighing these factors, the court finds that defendant Kendrick has made the "very slight" showing required for excusable neglect and grants the relief requested under CCP 473(b).

Because of the significant evidence that Mr. Kendrick was aware that he was required to file a responsive pleading, the court makes the grant of this motion conditional on Mr. Kendrick paying Plaintiff \$1000 for the fees that plaintiff incurred as a result of Mr. Kendrick's failure to file a timely answer. *Vanderkous v. Conley* (2010) 188 Cal.App.4th 111, 118-119.

Defendant Kendrick must file the proposed answer on or before January 26, 2012.

Minutes of 01/19/2012
Entered on 01/19/2012

Executive Officer / Clerk of the Superior Court
By  digital
Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
vs.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 22

Honorable Robert McGuiness, Judge

Cause called for Case Management Conference on May 18, 2012.

Not Reported.

Jane Doe represented by Richard J. Simons and Kelly Kraetsch.

The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Schnack, Robert J.

The Governing Body of Jehovah's Witnesses, an unincorporated association not appearing.

The North Congregation of Jehovah's Witnesses, Fremont California represented by Schnack, Robert J.

Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Schnack, Robert J.

Jonathan Kendrick not appearing.

Fremont California Congregation of Jehovah's Witness, North Unt represented by James McCabe.

Court and respective counsel discuss that "Standing" Pretrial Orders and Motions In Limine off the record.

June 1, 2012 Department 22 will be in session for the trial.

The Court orders the matter continued to May 21, 2012 at 1:30 p.m. in Department 22 for Jury Trial/Motions In Limine.

Minutes of 05/18/2012

Entered on 05/18/2012

Executive Officer / Clerk of the Superior Court

By

digital

Deputy Clerk

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Doe	
VS.	Plaintiff/Petitioner(s)
The Watchtower Bible and Tract Society of New York, I	
(Abbreviated Title)	Defendant/Respondent(s)

No. HG11558324

Minutes

Department 14

Honorable Thomas Rasch, Commissioner

Cause called for Settlement Conference on April 26, 2012.

Plaintiff Jane Doe represented by Richard Simons.

Defendant Jonathan Kendrick not appearing.

Defendant Kingdom Hall of Jehovah's Witnesses, a Corporation represented by Robert J. Schnack & James McCabe.

Defendant The Governing Body of Jehovah's Witnesses, an unincorporated association not appearing.

Defendant The North Congregation of Jehovah's Witnesses, Fremont California represented by Robert J. Schnack & James McCabe.

Defendant The Watchtower Bible and Tract Society of New York, Inc., a Corporation represented by Robert J. Schnack & James McCabe.

Defendant The Watchtower Bible and Tract Society of Pennsylvania, a Corporation represented by Robert J. Schnack & James McCabe.

Document Registered: Judge's Memo to Clerk

Case not settled.

Maintain all future hearing dates in Department 22 :

Motion to Amend Complaint set on 5/3/12 at 3pm.

Case Management Conference set on 5/18/12 at 8:30am.

Jury Trial set on 5/21/12 at 8:30am.

Minutes of 04/26/2012

Entered on 04/27/2012

Executive Officer / Clerk of the Superior Court

By Melinda Guerrero^{digital}
Deputy Clerk