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8 Attorneys for Defendant Watchtower Bible and Tract Society of
New York, Inc., sued herein as Doe 2, Supervisory Organization

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

12 JOSE LOPEZ, an Individual,
13 Plaintiff,

14 v.

15 DOE 1, LINDA VISTA CHURCH, DOE
2, SUPERVISORY ORGANIZATION;
16 DOE 3, PERPETRATOR; and DOES 4
through 100, inclusive,

17 Defendants.

CASE NO. 37-2012-00099849-CU-PO-CTL

**DECLARATION OF ROCKY K. COPLEY IN
SUPPORT OF OPPOSITION TO PLAINTIFF'S
MOTION FOR SANCTIONS AGAINST
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.**

IMAGED FILE

Date: May 2, 2014
Time: 8:30 a.m.
Dept: C-65
Judge: Joan M. Lewis

Complaint Filed: June 29, 2012
Trial Date: June 27, 2014

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21 I, ROCKY COPLEY, declare as follows:

22 1. I am an attorney at law, duly admitted to practice before all the courts of the State
23 of California, and am an attorney in the law firm of Law Office of Rocky K. Copley, attorneys of
24 record for the defendant, the Watchtower Bible and Tract Society of New York, Inc. (hereinafter
25 "Watchtower").

26 2. I am completely familiar with the facts, pleadings, and records in this action and if
27 called to testify I could and would completely testify regarding the information contained herein.

28 3. A true and accurate copy of Watchtower's Objections to Plaintiff's Notice of

1 Taking Deposition of Watchtower's "Person Most Qualified" is attached hereto as Exhibit 6.

2 4. A true and accurate copy of Watchtower's December 27, 2013 Objections to the
3 Advisory Recommendations of the Discovery Referee is attached hereto as Exhibit 1.

4 5. A true and accurate copy of the Reporters Transcript of the January 2, 2014 hearing
5 before this Court is attached hereto as Exhibit 2.

6 6. A true and accurate copy of Watchtower's February 4, 2014 ex parte application
7 for a stay of the discovery orders is attached hereto as Exhibit 3.

8 7. A true and accurate copy of Gerrit Lösch's Motion to Set Aside or Otherwise
9 Quash the January 2, 2014 Order is attached hereto as Exhibit 4.

10 8. Mr. Lösch's counsel thereafter filed a Writ for Petition of Mandate with a Request
11 for Immediate Stay of the April 2, 2014 deposition on March 24, 2014. A copy of this document
12 was served on my office. The Court of Appeal denied the Writ on March 27, 2014. Subsequently,
13 Mr. Lösch filed a Writ for Petition of Mandate with the California Supreme Court on April 1,
14 2014 that was accompanied with a Request for Immediate Stay of the April 2, 2014 deposition.
15 That Writ was denied on April 2, 2014.

16 9. On March 12, 2014, I wrote Plaintiff's counsel, Irwin Zalkin, and advised him that
17 Watchtower intended on pursuing a petition for writ of mandate with the Court of Appeal with
18 regard to the Lösch deposition and the documents that were ordered to be produced at
19 Watchtower's PMQ deposition. I also informed him that should the Court of Appeal deny the
20 petition, a petition for review to the California Supreme Court would be filed. On behalf of my
21 client, we offered to have our person most qualified travel to San Diego so he could begin the
22 deposition of the PMQ and we could produce the documents that we had no objection to
23 producing and thereby avoid the expense of traveling to New York knowing that the deposition of
24 Mr. Lösch and all of the documents Plaintiff's counsel was seeking would not be produced. Mr.
25 Zalkin rejected the request and chose to travel to New York with knowledge that Mr. Lösch would
26 not be appearing and all the documents he was seeking were not going to be produced at the PMQ
27 deposition. A true and accurate copy of my letter to Mr. Zalkin of March 12, 2014, is attached
28 hereto as Exhibit 5.

1 10. Plaintiff's motion makes reference to a motion to compel that I filed to obtain a
2 copy of Dr. Clark Clipson's report. That motion arose out of a mental examination of the Plaintiff
3 that had been stipulated to between Plaintiff's counsel and defense counsel. The stipulation
4 provided that the Plaintiff would be given the opportunity to obtain a copy of the defense mental
5 examiner's report by making a demand pursuant to Code of Civil Procedure section 2032.610.
6 However, when a party makes a demand for a copy of the opposing party's expert report following
7 a mental examination, the demanding party waives any work product privilege to any reports
8 prepared by their own consultant pursuant to Code of Civil Procedure section 2032.630.
9 Following my receipt of the demand from Plaintiff's counsel for our expert mental examiner's
10 report pursuant to Code of Civil Procedure section 2032.610, I demanded a copy of Dr. Clipson's
11 report since I was aware that he had performed a mental examination upon the Plaintiff.

12 11. Plaintiff refused to produce the report, which led me to file a motion to compel.
13 The court denied my motion and held that the pre-litigation report of Dr. Clipson to certify certain
14 prerequisites to permit the complaint to be filed is not the type of mental examination report that
15 was contemplated by Code of Civil Procedure section 2032.630.

16 12. Plaintiff's motion for terminating sanctions also claims that I acted in bad faith by
17 refusing to stipulate to the Plaintiff amending the complaint to add a claim of punitive damages
18 against my client and thereafter filing a notice of non-opposition to his motion to amend the
19 complaint to add punitive damages. I refused to stipulate because I did not know the basis upon
20 which he would be entitled to seek punitive damages against my client. After reading his motion,
21 I decided that the motion was sufficient to permit him to amend the complaint at this pleading
22 stage to add the claim for punitive damages and chose not to oppose the motion. I reached the
23 conclusion that any opposition would, in all likelihood, fail and I saw no reason for my client to
24 incur the expense of me preparing an opposition that had no reasonable likelihood of being
25 adopted by this Court.

26 13. On March 20, 2014, Watchtower filed a Petition for Writ of Mandate with the
27 Court of Appeal seeking appellate review of this Court's order requiring production of the
28 documents. The Court of Appeal subsequently denied the Writ on March 27, 2014.

1 14. On April 2, 2014, Watchtower filed a Petition for Writ of Mandate with the
2 California Supreme Court seeking review of this Court's order. The Supreme Court has not yet
3 rendered a decision on its review of that petition.

4 15. Watchtower produced two witnesses to cover all of the topics listed in the PMQ
5 deposition notice served by Plaintiff. The two witnesses were Richard Ashe and Mario Moreno.
6 Through the testimony of these witnesses, the Plaintiff was able to obtain all of the information
7 that he claims he needed with regards to the role of the governing body and establishing any
8 beliefs or practices of the Jehovah Witness religion. These PMQ witnesses were able to testify
9 that the governing body did not become involved with any individual cases of child abuse,
10 including the case involving Jose Lopez. In addition, they provided testimony as to when the
11 persons became members of the governing body. Gerrit Lösch did not become a member of the
12 governing body until approximately four years after the date that the Plaintiff claims he was
13 molested. In summary, Watchtower produced two witnesses who were the most knowledgeable
14 on the topics identified by Plaintiff's counsel that he wanted to address at the deposition. That
15 testimony also established that Gerrit Lösch has no personally knowledge of the alleged
16 molestation of the Plaintiff or that he would have been in any way involved in the
17 disfellowshipment of the perpetrator, Gonzalo Campos.

18 16. A true and correct copy of the transcript (without the attached exhibits) of the PMQ
19 deposition of Mario Moreno is attached to this opposition as Exhibit 7.

20 17. A true and correct copy of the deposition transcript (without the attached exhibits)
21 of the PMQ deposition of Richard Ashe is attached to this opposition as Exhibit 8.

22 18. In particular, through the deposition testimony of Mr. Ashe and Mr. Moreno, these
23 two gentlemen were deposed on all the subjects upon which Mr. Lösch might have been deposed,
24 including the beliefs and practices of Jehovah's Witnesses relating to investigation of allegations
25 of child abuse, reporting of child abuse allegations to authorities, confidential communications,
26 ecclesiastical discipline, repentance, the spiritual qualifications and appointment process for
27 congregation elders, the role of the service department, legal department and governing body in
28 the establishment of the practices of the Jehovah Witnesses, the corporate structure of Watchtower

1 and other corporations used by Jehovah Witnesses and the organization of the service department,
2 legal department and the governing body.

3 19. Furthermore, I do not believe that the documents and discovery that Plaintiff is
4 complaining of would provide any information to support Plaintiff's allegations against
5 Watchtower and Linda Vista Spanish Congregation for their alleged negligence in failing to warn
6 Plaintiff or his mother about the perpetrator, and failing to protect the Plaintiff from abuse by the
7 perpetrator, in failing to properly supervise the perpetrator, in allegedly recommending to
8 Plaintiff's mother that she have the perpetrator conduct Bible study lesson with Plaintiff, and for
9 sexual battery of the Plaintiff based upon the alleged ratification by Watchtower and/or Linda
10 Vista of the perpetrator's conduct. All of the evidence that would be relevant to those issues has
11 already been produced to the Plaintiff through document productions or deposition testimony
12 provided in this or prior cases involving the perpetrator, Gonzalo Campos.

13 I declare under penalty of perjury of the laws of the State of California that the foregoing is
14 true and correct.

15 Executed on April 21 2014, at San Diego, California.

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18 Rocky Copley

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