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18 CALIFORNIA

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 COUNTY OF ALAMEDA

21 JANE DOE,

22 Plaintiff,

23 vs.

24 THE WATCHTOWER BIBLE AND TRACT
25 SOCIETY OF NEW YORK, INC., a
26 corporation; JEHOVAH'S WITNESSES ON
27 PERALTA BLVD. FREMONT, an entity;
28 KINGDOM HALL OF JEHOVAH'S
WITNESSES, a corporation; JONATHAN
KENDRICK, an individual; and DOES 1 to 10a
corporation;

Defendants.

Case No.: HG11558324

**DEFENDANTS WATCHTOWER AND
NORTH FREMONT CONGREGATION'S
COMBINED NOTICE OF MOTIONS FOR
JNOV AND NOTICE OF INTENT TO FILE
MOTIONS FOR NEW TRIAL**

Date: August 13, 2012

Time: 8:30 a.m.

Dept.: 22

Trial: May 21, 2012

TO PLAINTIFF JANE DOE AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that this Notice is filed pursuant to the Stipulation and Order
Regarding Briefing of Post-Trial Motions, signed by the Court on June 27, 2012.

1 PLEASE TAKE FURTHER NOTICE that on August 13, 2012 at 8:30 a.m., or another
2 date and/or time as may be scheduled by the Court, in Department 22 of the above-referenced
3 Court located at 1221 Oak Street, Fourth Floor, Oakland, CA 94612, Defendant Watchtower
4 Bible and Tract Society of New York, Inc. ("Watchtower") will and hereby does move the
5 Court pursuant to Code of Civil Procedure section 629 for an order for judgment
6 notwithstanding the verdict ("JNOV") as to Plaintiff's claim for punitive damages on the
7 grounds, including but not limited to that (1) there was no clear and convincing evidence of
8 malice to support the award of punitive damages, and (2) the award of punitive damages is
9 unconstitutional because Plaintiff's intent was to change Watchtower's national policy.

10 PLEASE TAKE FURTHER NOTICE that on August 13, 2012 at 8:30 a.m., or another
11 date and/or time as may be scheduled by the Court, in Department 22 of the above-referenced
12 Court located at 1221 Oak Street, Fourth Floor, Oakland, CA 94612, Defendants Watchtower
13 and North Congregation of Jehovah's Witnesses, Fremont, California ("North Fremont
14 Congregation") (collectively the "Church Defendants") each intend to and hereby do move
15 pursuant to Code of Civil Procedure section 657 for a new trial on the alternative grounds that
16 (1) there were irregularities in the proceedings of the court, jury and/or adverse party, and orders
17 of the court and abuse of discretion by which the Church Defendants each were prevented from
18 having a fair trial, (2) there were insufficiencies of the evidence to justify the verdict and other
19 decisions, and the verdict and other decisions are against law, (3) there were errors in law,
20 occurring at the trial and excepted to by the Church Defendants, and (4) the non-economic
21 damages awarded are excessive and not supported by substantial evidence, and Defendant
22 Watchtower also intends to and hereby does move for a new trial on the additional ground that
23 the punitive damages awarded are excessive. In addition, should the Court find and/or rule that
24 the non-economic damages and/or the punitive damages awarded to plaintiff are excessive and
25 order a new trial, then the Church Defendants each do hereby request remittitur pursuant to Civil
26 Code section 662.5.

27 These motions will be and are based on this notice of motion for JNOV and notice of
28 intent to move for a new trial, the memoranda of points and authorities to be submitted later to

1 the Court pursuant to an agreed or stipulated briefing schedule, the supporting declaration(s) and
2 additional evidence submitted therewith, and such additional facts and arguments that will be
3 presented in reply briefing and/or at the hearing.

4 Per the Clerk of the Court, no tentative ruling will be issued and the parties are expected
5 to appear for hearing on August 13, 2012 at 8:30 a.m.

6 DATED: July 9, 2012

JACKSON LEWIS LLP

7
8 By: 

Robert J. Schnack
Douglas M. Egbert

9
10 Attorneys for Defendant Watchtower

11 DATED: July 9, 2012

THE McCABE LAW FIRM, APC

12
13 By: 

for James M. McCabe

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15 Attorneys for Defendant North Fremont
16 Congregation
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PROOF OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of 18 and am not a party to the within action; my business address is 801 K Street, Suite 2300, Sacramento, California 95814.

On July 9, 2012, I served the following document(s) described as **DEFENDANTS WATCHTOWER AND NORTH FREMONT CONGREGATION'S NOTICE OF MOTIONS FOR JNOV AND NOTICE OF INTENT TO FILE MOTIONS FOR NEW TRIAL** on all interested parties to this action as follows:

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with Jackson Lewis LLP's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Sacramento, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposition for mailing in affidavit.

BY OVERNIGHT COURIER: By depositing a true and correct copy thereof enclosed in a sealed envelope with delivery fees thereon fully prepaid in a box or other facility regularly maintained by NORCO Delivery Services or delivering to an authorized courier or driver authorized by NORCO Delivery Services to receive documents, addressed as set forth below.

BY FAX: I caused the above-referenced document to be transmitted via facsimile from Fax No. (916) 341-0141 to Fax No. _____ directed to _____. The facsimile machine I used complies with Rule 2003(3) and no error was reported by the machine.


BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee(s).

BY ELECTRONIC MAIL: By transmission of a true copy to the email address(es) shown on the attached service list.

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

[Federal] I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 9, 2012, at Sacramento, California.



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SERVICE LIST
JANE DOE v. WATCHTOWER, et al.
Case No. HG11558324

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