



*Secrets of*  
**Pedophilia**  
in an.  
**American**  
**Religion**

Jehovah's Witnesses in Crisis

BARBARA ANDERSON

Court Documents  
Daniel West et al  
vs  
Jehovah's Witnesses

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 and AMBER PENCE  
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8 SUPERIOR COURT OF CALIFORNIA  
 9 COUNTY OF YOLO  
 10

11 DANIEL WEST, SHANE PENCE, and )  
 AMBER PENCE, )  
 12 )  
 Plaintiffs, )  
 13 )  
 vs. )  
 14 )  
 WATCHTOWER BIBLE AND TRACT )  
 15 SOCIETY OF NEW YORK, INC., WATCH )  
 TOWER BIBLE AND SOCIETY OF )  
 16 PENNSYLVANIA, WATCHTOWER )  
 ENTERPRISES, L.L.C., WATCHTOWER )  
 17 FOUNDATION, INC., WATCHTOWER )  
 ASSOCIATES, LTD., KINGDOM SUPPORT )  
 18 SERVICES, INC., CHRISTIAN )  
 CONGREGATION OF JEHOVAH'S )  
 19 WITNESSES, RELIGIOUS ORDER OF )  
 JEHOVAH'S WITNESSES, WOODLAND )  
 20 CONGREGATION OF JEHOVAH'S )  
 WITNESSES, INC., QUINCY, CALIFORNIA )  
 21 CONGREGATION OF JEHOVAH'S )  
 WITNESSES, INC., TIMOTHY SILVA, and )  
 22 DOES 1 through 20, inclusive. )  
 )  
 23 Defendants. )  
 )  
 24 \_\_\_\_\_ )  
 )

CASE NO:  
 Jury Trial Demanded  
**Complaint for Damages:**  
 1. Sexual Battery and Respondeat Superior  
 2. Common Law Negligence  
 3. Negligent Appointment, Retention, and Supervision  
 4. Gross Negligence - Wilful Misconduct  
 5. Breach of Fiduciary Duty  
 6. Negligence Per Se and Common Law Negligence: Failure to Report Suspected Child Abuse  
 7. Fraud, Fraudulent Concealment, and Conspiracy  
 8. Ratification  
 9. Alter Ego and Single Business Enterprise  
 10. Negligent Usurpation of Investigatory Function  
 11. Violation of Penal Code § 182  
 12. Violation of Penal Code § 32

25  
 26 **PLAINTIFFS' ORIGINAL COMPLAINT**

27 COME NOW DANIEL WEST, SHANE PENCE and AMBER PENCE, Plaintiffs in the  
 28 above entitled cause, and file this their Original Complaint, and allege as follows:

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I.

PARTIES

1. Plaintiff DANIEL WEST, born July 30, 1977, is and at all times mentioned herein, was a resident of Yolo County, California. At all material times, Plaintiff was also a child entrusted to the Watchtower Defendants' care within the State of California. As a child, Plaintiff was sexually abused by a Ministerial Servant appointed by the Watchtower Defendants' organization within the State of California.

2. Plaintiff SHANE PENCE, born January 30, 1985, is and at all times mentioned herein, was a resident of Yolo County, California. At all material times, Plaintiff was also a child entrusted to the Watchtower Defendants' care within the State of California. As a child, Plaintiff was sexually abused by Ministerial Servant appointed by the Watchtower Defendants' organization within the State of California.

3. Plaintiff AMBER PENCE, born October 4, 1980, is and at all times mentioned herein, was a resident of Yolo County, California. At all material times, Plaintiff was also a child entrusted to the Watchtower Defendants' care within the State of California. As a child, Plaintiff was sexually abused by a Ministerial Servant appointed by the Watchtower Defendants' organization within the State of California.

4. Defendant WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a corporation organized and existing under the laws of the State of New York, has conducted business within the State of California through its agents and alter egos and may be served with process through its California agent for service of process, James M. McCabe, 4817 Santa Monica Avenue, San Diego, CA 92107.

5. Defendant WATCHTOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA, a corporation organized and existing under the laws of the State of Pennsylvania, has conducted business within the State of California through its agents and alter egos and may be served with process at its offices located at 1630 Spring Run Road Extension, Coraopolis, Pennsylvania 15108.

1           6.       Defendant WATCHTOWER ENTERPRISES, INC., a limited liability company  
2 organized and existing under the laws of the State of New York, has conducted business within the  
3 State of California through its agents and alter egos and may be served with process at its offices  
4 located at 25 Columbia Heights, Brooklyn, New York 11201

5           7.       Defendant WATCHTOWER FOUNDATION, INC., a corporation organized and  
6 existing under the laws of the State of New York, has conducted business within the State of  
7 California through its agents and alter egos and may be served with process at its offices located at  
8 25 Columbia Heights, Brooklyn, New York 11201

9           8.       Defendant WATCHTOWER ASSOCIATES, LTD., a corporation organized and  
10 existing under the laws of the State of New York, has conducted business within the State of  
11 California through its agents and alter egos and may be served with process at its offices located at  
12 147 Holiday Drive, Westbury, New York 11797.

13           9.       Defendant KINGDOM SUPPORT SERVICES, INC., a corporation organized  
14 and existing under the laws of the State of New York, has conducted business within the State of  
15 California through its agents and alter egos and may be served with process at its offices located at  
16 98 Montague Street, Brooklyn, New York 11201.

17           10.      Defendant CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES, a  
18 corporation organized and existing under the laws of the State of New York, has conducted business  
19 within the State of California through its agents and alter egos and may be served with process at its  
20 offices located at 100 Watchtower Drive, Patterson, New York 12563-9204

21           11.      Defendant RELIGIOUS ORDER OF JEHOVAH'S WITNESSES, a corporation  
22 organized and existing under the laws of the State of New York, has conducted business within the  
23 State of California through its agents and alter egos and may be served with process at its offices  
24 located at 25 Columbia Heights, Brooklyn, New York 11201-2483.

25           12.      Defendant WOODLAND CONGREGATION OF JEHOVAH'S WITNESSES, INC.  
26 is a corporation organized and existing under the laws of the State of California, and may be served  
27 with process through its agent for service of process, ALEX VASQUEZ, 221 Teton Place,  
28 Woodland, CA 95695-5829.

1 13. Defendant QUINCY, CALIFORNIA, CONGREGATION OF JEHOVAH'S  
2 WITNESSES, INC., is a corporation organized and existing under the laws of the State of California  
3 and may be served with process through its agent for service of process, Robert Bowen, 140  
4 Cottonwood Court, Quincy, California 95971.

5 14. Defendant TIMOTHY SILVA resides and may be served with process at 824 3rd  
6 Street, Woodland, California 75695-4502.

7 15. Plaintiffs allege on information and belief that at all relevant times, defendants DOES  
8 1 through 20 inclusive, are individuals and/or business or corporate entities incorporated in and/or  
9 doing business in California.

10 16. The true names and capacities, whether individual, corporate, associate, or otherwise,  
11 of defendants DOES 1 through 20, inclusive, are unknown to Plaintiffs who therefore sues such  
12 defendants by such fictitious names, and will amend the complaint to show the true names and  
13 capacities of each DOE defendant when ascertained. Plaintiffs allege on information and belief that  
14 each defendant designated as a DOE is legally responsible in some manner for the events,  
15 happenings, and/or tortuous, and unlawful conduct that caused the injuries and damages alleged in  
16 this complaint.

17 17. The Defendant entities are collectively referred to herein as the "WATCHTOWER  
18 DEFENDANTS" and each is the alter ego of each other and operates as a single business enterprise.  
19 Each of the WATCHTOWER DEFENDANTS was acting within the scope and course of his or its  
20 authority as an agent, servant, and/or alter ego of the other and each of them engaged in, joined in  
21 and conspired with the other wrongdoers in carrying out the unlawful activities alleged in this  
22 complaint.

23 **II.**  
24 **JURISDICTION AND VENUE**

25 18. Each Plaintiff has been damaged in an amount exceeding the minimum jurisdictional  
26 requirements of this Court.

27 19. Venue is proper in Yolo County, California because Defendant WOODLAND  
28 CONGREGATION OF JEHOVAH'S WITNESSES, INC. has its principal place of business in Yolo

1 County and because some of the acts or omissions that give rise to Plaintiffs' claims occurred in  
2 Yolo County, California.

3 **III.**

4 **FACTS COMMON TO ALL CAUSES OF ACTION**

5 20. In the past, certain Elders, Ministerial Servants, Pioneers, Male Publishers, Agents,  
6 volunteers and other leaders and representatives of the WATCHTOWER DEFENDANTS'  
7 organization, including Defendant TIMOTHY SILVA, have used their positions of authority within  
8 the WATCHTOWER DEFENDANTS' organization to sexually abuse minors, including Plaintiffs.  
9 The WATCHTOWER DEFENDANTS were notified of the abuse of these minors by their elders  
10 and other leaders, including Defendant TIMOTHY SILVA, but failed to take reasonable steps to  
11 ensure the safety of Plaintiffs and other minor children entrusted to their care and to prevent future  
12 acts of molestation. This suit seeks compensation for Plaintiffs, victims of this sexual abuse.

13 21. All paragraphs of this Complaint are based on information and belief, except for those  
14 allegations, which pertain to the Plaintiffs and their counsel. Plaintiffs' information and belief are  
15 based upon, inter alia, the investigation conducted to date by Plaintiffs and their counsel. Each  
16 allegation in this Complaint either has, or is likely to have, evidentiary support upon further  
17 investigation and discovery.

18 22. The WATCHTOWER DEFENDANTS' organization is a hierarchical structure in  
19 which the GOVERNING BODY, which is a small group of men who operate out of various entities  
20 within the hierarchical structure, sits at the top of a chain of command that extends over each  
21 individual and Defendant entity in the organization including its worldwide operations. These  
22 individuals and entities act as agents, servants and alter egos of each other. Authority for actions by  
23 the organization or its members is derived from the GOVERNING BODY.

24 23. All of the Defendants are the agents and servants of each other and are vicariously  
25 liable for each other's acts. The WATCHTOWER DEFENDANTS are so organized and controlled  
26 and their affairs are so conducted that they are alter egos of each other and operate as a single  
27 business enterprise.

28 24. Through its hierarchical structure, the WATCHTOWER DEFENDANTS assume

1 responsibility for the development, protection and discipline of its membership, especially the  
2 children of members. All male members, whether Elders, Ministerial Servants, Pioneers and/or  
3 Publishers, are appointed and empowered by the GOVERNING BODY to carry out this  
4 responsibility.

5 25. To further their goals, the WATCHTOWER DEFENDANTS authorize male  
6 members to develop relationships of trust with women, children and families and to assume a role  
7 of counselor and advocate for any problems that might arise, including claims of child abuse. It is  
8 the responsibility of the Elders and those higher up in the chain of command, including the  
9 GOVERNING BODY, to decide if abuse has occurred and how it should be handled.

10 26. Despite knowledge of a problem with sexual abuse of minors by leaders in the  
11 WATCHTOWER DEFENDANTS' organization, the WATCHTOWER DEFENDANTS acted with  
12 willful indifference and/or reckless and/or intentional disregard for the interest and safety of the  
13 children entrusted to their care. Rather than implement measures to redress and prevent the sexual  
14 molestation of these children, the WATCHTOWER DEFENDANTS engaged in a systematic pattern  
15 and practice of suppression of information to cover-up and hide incidents of child molestation from  
16 law enforcement and their membership in order to protect those within the WATCHTOWER  
17 DEFENDANTS' organization who committed acts of sexual molestation against children. The  
18 WATCHTOWER DEFENDANTS have likewise engaged in the routine practice of maintaining  
19 secret archival files regarding sexual abuse by Elders, Ministerial Servants, Pioneers, Male  
20 Publishers and other leaders in the organization. The existence of these files and the contents thereof  
21 were not disclosed to or made available to law enforcement authorities or others to investigate the  
22 crimes of these leaders in the WATCHTOWER DEFENDANTS' organization. The  
23 WATCHTOWER DEFENDANTS furthered this conspiracy of concealment by, among other things,  
24 failing to properly report complaints of sexual misconduct to law enforcement authorities and failing  
25 to remove molesting leaders or prevent their access to children. Molesting leaders were allowed to  
26 remain as leaders in good standing in the organization and were allowed continued frequent and  
27 unsupervised access to children in the organization. At all material times, the WATCHTOWER  
28 DEFENDANTS prohibited the victim and/or accuser from warning others or speaking about the

1 matter to anyone under penalty of discipline. Victim/accusers were not permitted to report suspected  
2 abuse to outside authorities or to other Publishers within the organization, despite secular laws and  
3 duties regarding the reporting of sexual abuse. Violation of this policy would lead to severe  
4 sanctions. The WATCHTOWER DEFENDANTS also failed to provide Plaintiffs and their families  
5 with any notice or warning regarding the past misconduct of, and abuse by, leaders in the  
6 organization, including Timothy Silva. The WATCHTOWER DEFENDANTS represented to  
7 Plaintiffs, members and the public that these leaders were fit to lead, when in fact they were predator  
8 pedophiles. The WATCHTOWER DEFENDANTS knew or had reason to know that these leader  
9 molesters would continue to sexually molest children, using their leadership positions to gain access  
10 and control over their victims.

11 27. In 1985 Defendant TIMOTHY SILVA was a male leader in good standing with the  
12 WATCHTOWER DEFENDANTS through Defendant WOODLAND CONGREGATION OF  
13 JEHOVAH'S WITNESSES, INC. As a male leader, the WATCHTOWER DEFENDANTS vested  
14 Defendant TIMOTHY SILVA with authority over women and children in the local congregation.  
15 By 1987, if not before, the WATCHTOWER DEFENDANTS received non-confidential notice that  
16 Defendant TIMOTHY SILVA had used his position of authority in the WATCHTOWER  
17 DEFENDANTS' organization to sexually molest an adolescent boy under the care of  
18 WATCHTOWER DEFENDANTS' organization. Despite this notice, the WATCHTOWER  
19 DEFENDANTS took no action to report the abuse to authorities, discipline their agent Defendant  
20 TIMOTHY SILVA, or warn other members of the organization of the abuse by Defendant  
21 TIMOTHY SILVA. Instead, the WATCHTOWER DEFENDANTS appointed Defendant  
22 TIMOTHY SILVA to a higher position of authority within the local congregation. As part of this  
23 appointment, the WATCHTOWER DEFENDANTS assigned and authorized their agent Defendant  
24 TIMOTHY SILVA to lead adolescent book studies. These studies are required by the  
25 WATCHTOWER DEFENDANTS for adolescents under the care of the WATCHTOWER  
26 DEFENDANTS' organization. This sexual predator used his appointed position of leadership with  
27 authority over children to gain access to and abuse those children.



1           28.     Beginning in 1990, Defendant TIMOTHY SILVA used his position of authority, as  
2 an agent of the WATCHTOWER DEFENDANTS, to gain access to and sexually abuse Plaintiff  
3 AMBER PENCE who was under the care of the WATCHTOWER DEFENDANTS' organization  
4 through Defendant WOODLAND CONGREGATION OF JEHOVAH'S WITNESSES, INC. She  
5 was thirteen (13) years old when the abuse began.

6           29.     In 1991, the WATCHTOWER DEFENDANTS, with knowledge that Defendant  
7 TIMOTHY SILVA was using his position as a teacher of children to abuse children in this care,  
8 entrusted Plaintiff DANIEL WEST, then thirteen (13) years old, to the supervision and tutelage of  
9 Defendant TIMOTHY SILVA for book and Bible studies. Beginning in 1991 and continuing through  
10 1993, Defendant TIMOTHY SILVA used his position of trust and authority in the WATCHTOWER  
11 DEFENDANTS' organization to gain access to and sexually abuse Plaintiff, DANIEL WEST.

12           30.     The WATCHTOWER DEFENDANTS were notified of the abuse of Plaintiff  
13 DANIEL WEST. In response, the WATCHTOWER DEFENDANTS did not notify authorities or  
14 take any steps to hold their agent Defendant TIMOTHY SILVA accountable. Nor did they provide  
15 any assistance to Plaintiff DANIEL WEST in dealing with the trauma. Instead, the WATCHTOWER  
16 DEFENDANTS accused Plaintiff DANIEL WEST of participating in homosexual activity, thereby  
17 exacerbating his trauma. Despite the repeated notice of Defendant TIMOTHY SILVA'S use of his  
18 position within the WATCHTOWER DEFENDANTS' organization to gain access to, and control  
19 over, his victims, the WATCHTOWER DEFENDANTS took no action to warn other members of  
20 the organization that their agent, who was in a position of supervising and teaching children, was  
21 a dangerous sexual predator. Defendant TIMOTHY SILVA continued to use his position to abuse  
22 adolescent children in the WATCHTOWER DEFENDANTS' organization.

23           31.     From approximately 1992 – 1997, Defendant TIMOTHY SILVA committed  
24 continued and repeated sexual battery upon Plaintiff SHANE PENCE who was seven (7) years old  
25 when the abuse began. Plaintiff SHANE PENCE was under the care of WATCHTOWER  
26 DEFENDANTS at the time. His mother reported the abuse to the WATCHTOWER DEFENDANTS  
27 in a non-confidential communication. In response, the WATCHTOWER DEFENDANTS met with  
28 Plaintiff SHANE PENCE and his father and told them that they would do what was necessary to

1 address the problem. Plaintiff SHANE PENCE and his family were specifically told not to take any  
2 action on their own. Despite their representations, the WATCHTOWER DEFENDANTS did not  
3 report the abuse to authorities and took no steps to address it.

4 32. In 1996 or 1997, the WATCHTOWER DEFENDANTS received further notice that  
5 their agent, Defendant TIMOTHY SILVA was continuing to use his position of authority with the  
6 WATCHTOWER DEFENDANTS to obtain access to adolescent victims. At that time, DANIEL  
7 WEST met with the WATCHTOWER DEFENDANTS' agents, the Elders of Defendant  
8 WOODLAND CONGREGATION OF JEHOVAH'S WITNESSES and discussed the abuse by  
9 Defendant TIMOTHY SILVA. Rather than taking any steps to report Defendant TIMOTHY SILVA  
10 to authorities, discipline their agent Defendant TIMOTHY SILVA or otherwise act on behalf of the  
11 victims, the WATCHTOWER DEFENDANTS accused DANIEL WEST of engaging in homosexual  
12 activity.

13 33. On September 4, 2001, Defendant TIMOTHY SILVA pled guilty to the sexual abuse  
14 of Plaintiff SHANE PENCE, a minor under the age of 14 years.

15 34. For at least a decade, the WATCHTOWER DEFENDANTS knew or should have  
16 known that their agent, Defendant TIMOTHY SILVA was using his leadership position to sexually  
17 molest and physically abuse adolescents within their organization. Nevertheless, the  
18 WATCHTOWER DEFENDANTS elevated their agent, Defendant TIMOTHY SILVA to a position  
19 of increased authority and affirmatively entrusted him with the welfare of numerous adolescents as  
20 a teacher with authority over them. The WATCHTOWER DEFENDANTS' agent, Defendant  
21 TIMOTHY SILVA used this position to gain access to and sexually abuse the children entrusted to  
22 his care. The WATCHTOWER DEFENDANTS refused to notify anyone that their agent, Defendant  
23 TIMOTHY SILVA was using his position to gain access to and sexually abuse adolescents under  
24 his care. They further failed to take any steps to protect these young victims from his abuse. Instead,  
25 they knowingly concealed this information from Plaintiffs and others. The WATCHTOWER  
26 DEFENDANTS also aided, abetted and ratified the abuse by disciplining the victims who reported  
27 the abuse to the WATCHTOWER DEFENDANTS, allowing Defendant TIMOTHY SILVA to  
28 exercise increased power over them and to further exacerbate the injuries they had suffered.

1           35. Plaintiffs' and their families sought the advice and protection of the  
2 WATCHTOWER DEFENDANTS and told them about the abuses perpetrated by their agent,  
3 Defendant TIMOTHY SILVA. The WATCHTOWER DEFENDANTS assumed the role of  
4 advocate and counselor to Plaintiffs and their families and instructed them to keep the abuse matters  
5 within the WATCHTOWER DEFENDANTS' organization and not to disclose the abuse to any  
6 other members or outside authorities. They even punished these victims. Thus, the  
7 WATCHTOWER DEFENDANTS aided and abetted the perpetrator and ratified his conduct,  
8 causing further damage to Plaintiffs.

9           36. The WATCHTOWER DEFENDANTS did not report the abuse to law enforcement  
10 authorities nor did they warn any other members of the WATCHTOWER DEFENDANTS'  
11 organization that they had appointed a dangerous sexual predator to teach and supervise their  
12 children. The WATCHTOWER DEFENDANTS did not act to help Plaintiffs or their families deal  
13 with the trauma and actively prevented them from obtaining help from trained professionals and  
14 other available sources. They also took no steps to discipline or otherwise hold their agent,  
15 Defendant TIMOTHY SILVA accountable for his conduct or to assist him in addressing his  
16 propensities.

17           37. Defendant TIMOTHY SILVA used the authority of his position in the  
18 WATCHTOWER DEFENDANTS' organization to sexually abuse Plaintiffs. The WATCHTOWER  
19 DEFENDANTS directly and vicariously caused foreseeable harm to Plaintiffs by, among other  
20 things:

- 21           a. aiding, abetting and ratifying the abuse of children by their agents;
- 22           b. blaming, humiliating, sanctioning and/or disciplining victims/accusers of sexual  
23 abuse instead of the perpetrators;
- 24           c. negligently failing to report such sexual abuse, including the abuse by Defendant  
25 TIMOTHY SILVA, to law enforcement and governmental child welfare agencies and  
26 requiring that members not make such reports;
- 27           d. negligently failing to warn Plaintiffs, their families, and others of the risk that their  
28 agent Defendant TIMOTHY SILVA, might abuse them, after the WATCHTOWER

1 DEFENDANTS knew or should have known of Defendant TIMOTHY SILVA'S  
2 propensities to use his position of leadership to engage in acts of sexual abuse of  
3 children;

4 e. negligently failing to train its Elders, Ministerial Servants, Overseers and other  
5 appointed leaders to identify, investigate, prevent and respond to or report child  
6 abuse;

7 f. negligently failing to adopt adequate policies and procedures for the protection of  
8 children and others in their care and/or to implement and comply with such  
9 procedures that did exist;

10 g. failing to properly investigate matters brought to the WATCHTOWER  
11 DEFENDANTS' attention involving child sexual abuse and/or suspicions of child  
12 sexual abuse of children under their care;

13 h. negligently allowing their agent, Defendant TIMOTHY SILVA to move between  
14 congregations as a leader in good standing after the WATCHTOWER  
15 DEFENDANTS knew or should have known of his propensities to use his position  
16 of leadership to engage in acts of sexual abuse of children;

17 i. negligently failing to provide child abuse victims and their families with any  
18 assistance in coping with the trauma of abuse and preventing Plaintiffs and their  
19 families from reporting the abuse to outside authorities and obtaining outside help  
20 to deal with the trauma of abuse;

21 j. concealing from Plaintiffs and their families that the WATCHTOWER  
22 DEFENDANTS had information that their agent, Defendant TIMOTHY SILVA was  
23 using his position and authority to gain access to and abuse young children;

24 k. negligently failing to undertake a sexual offender evaluation, provide sexual offender  
25 treatment and/or obtain psychiatric evaluation and treatment of Defendant  
26 TIMOTHY SILVA after they knew or should have known of his propensities to use  
27 his position of leadership to engage in acts of sexual abuse;



1 1. negligently failing to properly supervise Defendant TIMOTHY SILVA as a teacher  
2 in the organization or to monitor his activities after they knew or should have known  
3 of his propensities to use his position of leadership to engage in acts of sexual abuse.

4 **FIRST CAUSE OF ACTION**  
5 **SEXUAL BATTERY and RESPONDEAT SUPERIOR**

6 38. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 37  
7 of this Complaint as if fully set forth herein.

8 39. Plaintiffs allege that for a number of years, beginning in 1990, as an agent and alter  
9 ego of the WATCHTOWER DEFENDANTS, Defendant TIMOTHY SILVA repeatedly used his  
10 position in the WATCHTOWER DEFENDANTS' organization to gain access to Plaintiffs and to  
11 engage in un-permitted, harmful, and offensive sexual contact upon the bodies of Plaintiffs and each  
12 of them, as described herein, without Plaintiffs' consent, committing sexual abuse upon the persons  
13 of the Plaintiffs in the State of California in violation of Code of Civil Procedure 340.1.

14 40. Plaintiffs further allege each of the WATCHTOWER DEFENDANTS was in the  
15 chain of command and acted pursuant to the authority granted to them as agents and alter ego of the  
16 GOVERNING BODY and each other, utilized such leadership and authority to carry out and/or aid,  
17 abet and ratify the sexual abuse of Plaintiffs. In such capacity, the WATCHTOWER  
18 DEFENDANTS are liable for the sexual abuse of Plaintiffs under the legal theory of *respondeat*  
19 *superior*.

20 41. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
21 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
22 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
23 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
24 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
25 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
26 and psychological treatment, therapy, and counseling.

27 **SECOND CAUSE OF ACTION**  
28 **COMMON-LAW NEGLIGENCE**

1 42. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 41  
2 of this Complaint as if fully set forth herein.

3 43. Plaintiffs allege that at all times herein mentioned, WATCHTOWER DEFENDANTS  
4 assumed a duty to protect Plaintiffs from sexual predators within the WATCHTOWER  
5 DEFENDANTS' organization. The WATCHTOWER DEFENDANTS further knew or should have  
6 known that Plaintiffs were at risk of foreseeable harm by their agent, Defendant TIMOTHY SILVA,  
7 but failed to act to protect them from said harm. The WATCHTOWER DEFENDANTS breached  
8 their duty to Plaintiffs, thereby causing great harm to Plaintiffs.

9 44. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
10 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
11 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
12 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
13 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
14 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
15 and psychological treatment, therapy, and counseling.

16 **THIRD CAUSE OF ACTION**  
17 **NEGLIGENT APPOINTMENT, RETENTION AND SUPERVISION**

18 45. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 44  
19 of this Complaint as if fully set forth herein.

20 46. Plaintiffs allege that at all times herein mentioned, the WATCHTOWER  
21 DEFENDANTS knew or should have known of their agent, Defendant TIMOTHY SILVA's,  
22 propensities to use his position as a teacher of children entrusted to his care to engage in acts of  
23 sexual abuse against children under the care of the WATCHTOWER DEFENDANTS. The  
24 WATCHTOWER DEFENDANTS failed to adequately investigate, evaluate, and otherwise research  
25 the background of their agent, Defendant TIMOTHY SILVA, prior to their appointing him to  
26 leadership positions and entrusting children to his care.

27 47. Plaintiffs further allege that after Defendant TIMOTHY SILVA was retained by  
28 WATCHTOWER DEFENDANTS acting on behalf of and under the supervision of the

1 WATCHTOWER DEFENDANTS, WATCHTOWER DEFENDANTS failed to adequately  
2 investigate, evaluate and otherwise monitor the conduct of their agent, Defendant TIMOTHY  
3 SILVA, during his interactions with children entrusted by WATCHTOWER DEFENDANTS to his  
4 care, thereby also failing to adequately supervise, and discipline the conduct Defendant TIMOTHY  
5 SILVA.

6 48. Plaintiff's further allege that WATCHTOWER DEFENDANTS failed to provide  
7 adequate warning to Plaintiffs and their families of their agents' dangerous propensities and  
8 unfitness to lead.

9 49. Plaintiffs further allege the WATCHTOWER DEFENDANTS negligently  
10 investigated, appointed, retained and supervised Defendant TIMOTHY SILVA in the organization  
11 at a time when they knew or should have known of his propensities to use his appointed position to  
12 engage in acts of sexual abuse against Plaintiffs and other young children under the  
13 WATCHTOWER DEFENDANTS' care.

14 50. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
15 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
16 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
17 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
18 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
19 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
20 and psychological treatment, therapy, and counseling.

21 **FOURTH CAUSE OF ACTION**  
22 **GROSS NEGLIGENCE/WILFUL MISCONDUCT**

23 51. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 50  
24 of this Complaint as if fully set forth herein.

25 52. Plaintiffs allege the behavior of the WATCHTOWER DEFENDANTS as described  
26 hereinabove demonstrates a conscious indifference to the safety and welfare of Plaintiffs, in that  
27 WATCHTOWER DEFENDANTS knew or should have known of the dangerous propensities of  
28 their agent, Defendant TIMOTHY SILVA, yet failed to act to protect the health, safety and welfare



1 of children in the custody and care of WATCHTOWER DEFENDANTS, thereby allowing Plaintiffs  
2 to be sexually abused, which could have been prevented but for WATCHTOWER DEFENDANTS'  
3 wilful misconduct and gross negligence in failing to implement safeguards to protect Plaintiffs, in  
4 violation of WATCHTOWER DEFENDANTS' duty to protect the children entrusted to Defendant  
5 TIMOTHY SILVA'S care and custody.

6 53. Plaintiffs further allege that WATCHTOWER DEFENDANTS' actions, constituting  
7 wilful misconduct and gross negligence described hereinabove, caused significant mental, emotional,  
8 and physical injuries as a result of the acts of sexual abuse described hereinabove.

9 54. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
10 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
11 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
12 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
13 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
14 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
15 and psychological treatment, therapy, and counseling.

16 **FIFTH CAUSE OF ACTION**  
17 **BREACH OF FIDUCIARY DUTY**

18 55. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 54  
19 of this Complaint as if fully set forth herein.

20 56. Plaintiffs allege that by holding Defendant TIMOTHY SILVA out as a qualified  
21 leader in the WATCHTOWER DEFENDANTS' organization, and by undertaking the religious  
22 instruction and spiritual and emotional counseling of Plaintiffs, the WATCHTOWER  
23 DEFENDANTS, created a fiduciary relationship with Plaintiffs. The WATCHTOWER  
24 DEFENDANTS placed themselves in a position of trust and confidence with Plaintiffs and that such  
25 relationship imposed on the WATCHTOWER DEFENDANTS a duty to act in Plaintiffs' best  
26 interests, and to protect Plaintiffs' best interests.

27 57. Plaintiffs further allege that because of this special relationship with the  
28 WATCHTOWER DEFENDANTS, Plaintiffs and their families placed their trust and confidence

1 in the WATCHTOWER DEFENDANTS that they would not allow harm to Plaintiffs or fail to warn  
2 Plaintiffs of potential harm. Further, Plaintiffs and their families placed their trust and confidence  
3 in the WATCHTOWER DEFENDANTS that they would protect Plaintiffs from harm.

4 58. The above conduct, either independently or in conjunction with each other,  
5 constitutes a breach of the fiduciary duty owed to Plaintiffs by WATCHTOWER DEFENDANTS.

6 59. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
7 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
8 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
9 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
10 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
11 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
12 and psychological treatment, therapy, and counseling.

13 **SIXTH CAUSE OF ACTION**  
14 **NEGLIGENCE *PER SE* and COMMON-LAW NEGLIGENCE**  
15 **FAILURE TO REPORT SUSPECTED CHILD ABUSE**

16 60. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 59  
17 of this Complaint as if fully set forth herein.

18 61. Plaintiffs allege that the WATCHTOWER DEFENDANTS had a duty, under  
19 California Child Abuse and Neglect Reporting Act, California Penal Code § 11164, *et. seq.*, (and  
20 predecessor provisions) and the common-laws, to report the abuse or suspected abuse of children.

21 62. Plaintiffs further allege the WATCHTOWER DEFENDANTS failed to report to law  
22 enforcement the abusive and illegal acts of their agent, Defendant TIMOTHY SILVA, both prior to  
23 and after the abuse inflicted on Plaintiffs. By failing to report the actions Defendant TIMOTHY  
24 SILVA, the WATCHTOWER DEFENDANTS violated the California Child Abuse and Neglect  
25 Reporting Act, which is intended to safeguard and enhance the welfare of abused children. Plaintiffs  
26 were members of the class of persons the California Child Abuse and Neglect Reporting Act was  
27 designed to protect and each was injured as a result of the WATCHTOWER DEFENDANTS'  
28 violation of the statutes. Such violation constitutes negligence *per se*.

1           63.     Plaintiffs further allege that the WATCHTOWER DEFENDANTS' failure to report  
2 constitutes common-law negligence. The WATCHTOWER DEFENDANTS asserted their authority  
3 over both Plaintiffs and their abuser and agent, Defendant TIMOTHY SILVA, creating a special  
4 relationship of trust and confidence and power over Plaintiffs. In the context of this special  
5 relationship and the unequal relationship among the parties, the WATCHTOWER DEFENDANTS  
6 assumed a duty to handle all reports of child abuse, and in so doing caused Plaintiffs and their  
7 families from reporting the abuse to, or seeking help from, sources and authorities outside the  
8 WATCHTOWER DEFENDANTS' organization. The WATCHTOWER DEFENDANTS acted  
9 with conscious disregard for the safety and welfare of Plaintiffs and violated their duty to Plaintiffs'  
10 detriment.

11           64.     As a legal result of the WATCHTOWER DEFENDANTS' failure to report the illegal  
12 conduct of their agent, Defendant TIMOTHY SILVA, to law enforcement, Plaintiffs were deprived  
13 of the benefits provided by the State of California and other trained officials that could have  
14 decreased further harm to Plaintiffs and prevented further abuse. Plaintiffs have suffered, and will  
15 continue to suffer great pain of mind, body, shock, emotional distress, physical manifestations of  
16 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment  
17 of life. Further, Plaintiffs were prevented and will continue to be prevented from performing daily  
18 activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss of earnings and  
19 earning capacity. Each Plaintiff has incurred and will incur expenses for medical and psychological  
20 treatment, therapy, and counseling.

21                                   **SEVENTH CAUSE OF ACTION**  
22                                   **FRAUD, FRAUDULENT CONCEALMENT AND CONSPIRACY**

23           65.     Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 64  
24 of this Complaint as if fully set forth herein.

25     /////

26           66.     Plaintiffs allege that after receiving reports that their agent, Defendant TIMOTHY  
27 SILVA, was using his position of authority in the organization to abuse adolescents under their care,  
28 the WATCHTOWER DEFENDANTS willfully and intentionally kept the information from

1 Plaintiffs, other victims similarly situated, and the community-at-large. The WATCHTOWER  
2 DEFENDANTS intentionally misrepresented to Plaintiffs and their families that their agent,  
3 Defendant TIMOTHY SILVA was a leader in good standing with authority to instruct Plaintiffs in  
4 spiritual, ethical and moral matters and that he was to be obeyed. The WATCHTOWER  
5 DEFENDANTS further intentionally misrepresented that they would act in Plaintiffs' best interest.  
6 The WATCHTOWER DEFENDANTS failed to disclose that they knew of their agents', Defendant  
7 TIMOTHY SILVA'S, propensities to use his leadership position to sexually abuse Plaintiffs and  
8 others and that they were doing nothing to protect Plaintiffs. Plaintiffs did not know of the falsity  
9 of Defendants' representations, were entitled to rely upon them and did in fact rely upon them  
10 causing each of them serious injury and harm.

11 67. Plaintiffs further allege that by holding out Defendant TIMOTHY SILVA as a leader,  
12 qualified to provide religious instruction and counsel, and by undertaking the religious instruction  
13 and spiritual and emotional counseling and training of Plaintiffs, and by accepting, through their  
14 agents, Defendant TIMOTHY SILVA and other Elders and leaders, the control and responsibility  
15 of the Plaintiffs as minors, the WATCHTOWER DEFENDANTS and each of them entered into a  
16 fiduciary relationship with the minor plaintiffs.

17 68. Plaintiffs further allege that as fiduciaries to Plaintiffs, the WATCHTOWER  
18 DEFENDANTS, and each of them, had the duty to obtain and disclose information relating to sexual  
19 misconduct by their agent, Defendant TIMOTHY SILVA. The WATCHTOWER DEFENDANTS  
20 failed to disclose and later conspired to conceal such information from Plaintiffs.

21 69. The WATCHTOWER DEFENDANTS, in concert with each other and with the intent  
22 to conceal and defraud, conspired whereby they would misrepresent, conceal or fail to disclose  
23 information relating to the sexual misconduct of their agents, Defendant TIMOTHY SILVA. By  
24 concealing such information, the WATCHTOWER DEFENDANTS and each of them committed  
25 at least one act in furtherance of the conspiracy.

26 70. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
27 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
28 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and

1 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
2 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
3 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
4 and psychological treatment, therapy, and counseling.

5 **EIGHTH CAUSE OF ACTION**  
6 **RATIFICATION**

7 71. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 70  
8 of this Complaint as if fully set forth herein.

9 72. Plaintiffs allege that upon learning that their agent, Defendant TIMOTHY SILVA had  
10 used his position of authority to sexually abuse Plaintiffs and others, the WATCHTOWER  
11 DEFENDANTS failed to take any steps to hold their agent, Defendant TIMOTHY SILVA  
12 accountable for his actions and continued to maintain that Defendant TIMOTHY SILVA was  
13 authorized and qualified to teach and supervise children. The WATCHTOWER DEFENDANTS  
14 thereby ratified their agent, Defendant TIMOTHY SILVA'S conduct in sexually abusing Plaintiffs  
15 and others.

16 73. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
17 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
18 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
19 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
20 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
21 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
22 and psychological treatment, therapy, and counseling.

23 /////  
24 /////  
25 /////  
26

27 **NINTH CAUSE OF ACTION**  
28 **ALTER EGO AND SINGLE BUSINESS ENTERPRISE**

1           74.     Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 73  
2 of this Complaint as if fully set forth herein.

3           75.     Plaintiffs allege that the WATCHTOWER DEFENDANTS are organized and  
4 controlled and their affairs are so conducted that they are in fact mere instrumentalities and alter egos  
5 for each other and liable for each other's acts. Alternatively, the WATCHTOWER DEFENDANTS  
6 were all engaged, at all times hereinabove mentioned, in a single business enterprise and are liable  
7 for each other's acts.

8           76.     As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
9 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
10 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
11 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
12 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
13 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
14 and psychological treatment, therapy, and counseling.

15   **TENTH CAUSE OF ACTION**  
16   **NEGLIGENT USURPATION OF INVESTIGATORY FUNCTION**

17           77.     Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 76  
18 of this Complaint as if fully set forth herein.

19           78.     Plaintiffs allege that California Penal Code Section 11164, *et. seq.*, (and predecessor  
20 provisions) requires officials to perform specific responsibilities to carry out the policy of said  
21 statutes. The WATCHTOWER DEFENDANTS assumed these duties and responsibilities, but  
22 negligently failed to perform them.

23           79.     As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
24 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
25 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
26 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
27 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
28

1 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
2 and psychological treatment, therapy, and counseling.

3 **ELEVENTH CAUSE OF ACTION**  
4 **VIOLATION OF CALIFORNIA PENAL CODE SECTION 182**

5 80. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 79  
6 of this Complaint as if fully set forth herein.

7 81. Plaintiffs allege the WATCHTOWER DEFENDANTS' acts described herein violate  
8 California Penal Code Section 182 in that the WATCHTOWER DEFENDANTS conspired with one  
9 or more other persons to commit acts injurious to the public health, to public morals, or to pervert  
10 or obstruct justice, or the due administration of the laws.

11 82. As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
12 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
13 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
14 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
15 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
16 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
17 and psychological treatment, therapy, and counseling.

18 **TWELFTH CAUSE OF ACTION**  
19 **VIOLATION OF CALIFORNIA PENAL CODE SECTION 32**

20 83. Plaintiffs incorporate herein by this reference and re-allege paragraphs 1 through 82  
21 of this Complaint as if fully set forth herein.

22 84. Plaintiffs allege the WATCHTOWER DEFENDANTS' acts described herein violate  
23 California Penal Code Section 32 in that the WATCHTOWER DEFENDANTS harbored, concealed  
24 and/or aided their agent, Defendant TIMOTHY SILVA, had committed a felony, with the intent that  
25 their agent, Defendant TIMOTHY SILVA, might avoid or escape arrest, trial, conviction and/or  
26 punishment, and the WATCHTOWER DEFENDANTS having knowledge that their agent,  
27 Defendant TIMOTHY SILVA had committed a felony.

1           85.     As a legal result of Defendants' conduct as described hereinabove, Plaintiffs have  
2 suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical  
3 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
4 loss of enjoyment of life. Further, Plaintiffs were prevented and will continue to be prevented from  
5 performing daily activities and obtaining the full enjoyment of life. Each Plaintiff has sustained loss  
6 of earnings and earning capacity. Each Plaintiff has incurred and will incur expenses for medical  
7 and psychological treatment, therapy, and counseling.

8   **PRAYER**

9 WHEREFORE, Plaintiffs demand judgment against the WATCHTOWER DEFENDANTS  
10 individually, jointly and severally as follows:

- 11           1. For general damages according to proof;
- 12           2. For past and future medical expenses according to proof;
- 13           3. For past and future loss of earnings according to proof;
- 14           4. For prejudgment interest;
- 15           5. For costs of suit incurred herein; and
- 16           6. For such other and further relief as the Court deems just and proper.

17  
18 Dated: \_\_\_\_\_

**NOLEN SAUL BRELSFORD**

19  
20 \_\_\_\_\_  
21 Rudy Nolen, Esq.,  
22 Attorneys for Plaintiffs.  
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