

Secrets of
Pedophilia
in an.
American
Religion

Jehovah's Witnesses in Crisis

BARBARA ANDERSON

Court Documents

Tim W

vs

Jehovah's Witnesses

ENDORSED

1 Rudy Nolen, Esq., SBN 59808
 2 Jonathan Saul, Esq., SBN 189271
 3 William Brelsford, Esq., SBN 202839
 4 NOLEN SAUL BRELSFORD
 5 350 University Ave, Suite 280
 6 Sacramento, California 95825
 7 Telephone: (916) 564-9990
 8 Facsimile: (916) 564-9991

9 Attorneys for Plaintiff
 10 TIM W.

TEHAMA SUPERIOR COURT
 2003 JUL 24 PM 3:25
 IRENE RODRIGUEZ
 COURT EXECUTIVE OFFICER
 VIRGINIA COMEORT
 DEPUTY

THIS MATTER IS SUBJECT TO THE TRIAL COURT
 DELAY/REDUCTION ACT, GOVERNMENT CODE
 §68600 ET SEQ. AND TEHAMA COUNTY RULES
 43.00 ET SEQ.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF TEHAMA

11 TIM W.,

12 Plaintiffs,

13 vs.

14 WATCHTOWER BIBLE AND TRACT)
 15 SOCIETY OF NEW YORK, INC.,)
 16 WATCHTOWER BIBLE AND TRACT)
 17 SOCIETY OF PENNSYLVANIA, INC.)
 18 WATCHTOWER ENTERPRISES, L.L.C.,)
 19 WATCHTOWER FOUNDATION, INC.,)
 20 WATCHTOWER ASSOCIATES, LTD.)
 21 KINGDOM SUPPORT SERVICES, INC.,)
 22 CHRISTIAN CONGREGATION OF)
 23 JEHOVAH'S WITNESSES, RELIGIOUS)
 24 ORDER OF JEHOVAH'S WITNESSES,)
 25 NORTH CONGREGATION OF JEHOVAH'S)
 26 WITNESSES, RED BLUFF, CA, INC.,)
 27 JAMES HENDERSON, and DOES 1 though)
 28 20, inclusive,

Defendants.

CASE NO:

52594

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

PLAINTIFFS' ORIGINAL COMPLAINT

26 COMES NOW TIM W., Plaintiff in the above-numbered and entitled cause, and files
 27 this, his Original Complaint, and allege as follows:

28 ///

I.

PARTIES

1
2
3 1. Plaintiff TIM W., born October 26, 1977, is and, at all times mentioned herein, was
4 a resident of Tehama County, California. At all material times, Plaintiff was also a child entrusted
5 to the Watchtower Defendants' care within the State of California. As a child, Plaintiff was sexually
6 abused by an elder appointed by the Watchtower Defendants' organization within the State of
7 California.

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

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

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

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

26 6. Defendant WATCHTOWER ASSOCIATES, LTD., a corporation organized and
27 existing under the laws of the State of New York, has conducted business within the State of
28

1 California through its agents and alter egos and may be served with process at its offices located at
2 147 Holiday Drive, Westbury, New York 11797.

3 7. Defendant KINGDOM SUPPORT SERVICES, INC., a corporation organized and
4 existing under the laws of the State of New York, has conducted business within the State of
5 California through its agents and alter egos and may be served with process at its offices located at
6 98 Montague Street, Brooklyn, New York 11201.

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

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

15 10. Defendant NORTH CONGREGATION OF JEHOVAH'S WITNESSES, RED
16 BLUFF, CA, INC. is a corporation organized and existing under the laws of the State of California.
17 At all material times, it maintained its offices at Kingdom Hall Building, 755 Reeds Avenue, Red
18 Bluff, Tehama, County, California.

19 11. Defendant JAMES HENDERSON resides and may be served with process at his last
20 known place of residence, 25 Gilmore Road, Space 17, Red Bluff, California 96080.

21 12. Plaintiff alleges on information and belief that at all relevant times, defendants DOES
22 1 through 20 inclusive, are individuals and/or business or corporate entities incorporated in and/or
23 doing business in California.

24 13. The true names and capacities, whether individual, corporate, associate, or otherwise,
25 of defendants DOES 1 through 20, inclusive, are unknown to Plaintiff who therefore sues such
26 defendants by such fictitious names, and will amend the complaint to show the true names and
27 capacities of each DOE defendant when ascertained. Plaintiff alleges on information and belief that
28 each defendant designated as a DOE is legally responsible in some manner for the events,

1 happenings, and/or tortuous, and unlawful conduct that caused the injuries and damages alleged in
2 this complaint.

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

9 **II.**
10 **JURISDICTION AND VENUE**

11 15. Plaintiff has been damaged in an amount exceeding the minimum jurisdictional
12 requirements of this Court.

13 16. Venue is proper in Tehama County, California because Defendant NORTH
14 CONGREGATION OF JEHOVAH'S WITNESSES, RED BLUFF, CA, INC. has its principal place
15 of business in Tehama County and because most of the acts or omissions that give rise to Plaintiff's
16 claims occurred in Tehama County, California.

17 **III.**
18 **FACTS COMMON TO ALL CAUSES OF ACTION**

19 17. In the past, certain Elders, Ministerial Servants, Pioneers, Male Publishers, agents,
20 volunteers and other leaders and representatives of the WATCHTOWER DEFENDANTS'
21 organization, including Defendant JAMES HENDERSON, have used their positions of authority
22 within the WATCHTOWER DEFENDANTS' organization to sexually abuse minors, including
23 Plaintiff. The WATCHTOWER DEFENDANTS were notified of the abuse of these minors by their
24 elders and other leaders, including Defendant JAMES HENDERSON, but failed to take reasonable
25 steps to ensure the safety of Plaintiff and other minor children entrusted to their care and to prevent
26 future acts of molestation. This suit seeks compensation for Plaintiff, one of the victims of this
27 sexual abuse.

28 18. All paragraphs of this Complaint are based on information and belief, except for those
allegations, which pertain to the Plaintiff and his counsel. Plaintiff's information and belief are

1 based upon, inter alia, the investigation conducted to date by Plaintiff and his counsel. Each
2 allegation in this Complaint either has, or is likely to have, evidentiary support upon further
3 investigation and discovery.

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

10 20. All of the WATCHTOWER DEFENDANTS are the agents and servants of each
11 other and are vicariously liable for each other's acts. The WATCHTOWER DEFENDANTS are
12 so organized and controlled and their affairs are so conducted that they are alter egos of each other
13 and operate as a single business enterprise.

14 21. Through its hierarchical structure, the WATCHTOWER DEFENDANTS assume
15 responsibility for the development, protection and discipline of its membership, especially the
16 children of members. All male members, whether Elders, Ministerial Servants, Pioneers and/or
17 Publishers, are appointed and empowered by the GOVERNING BODY to carry out this
18 responsibility.

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

24 23. Despite knowledge of a problem with sexual abuse of minors by leaders in the
25 WATCHTOWER DEFENDANTS' organization, the WATCHTOWER DEFENDANTS acted with
26 wilful indifference and/or reckless and/or intentional disregard for the interest and safety of the
27 children entrusted to their care. Rather than implement measures to redress and prevent the sexual
28 molestation of these children, the WATCHTOWER DEFENDANTS engaged in a systematic pattern

1 and practice of suppression of information to cover-up and hide incidents of child molestation from
2 law enforcement and their membership in order to protect those within the WATCHTOWER
3 DEFENDANTS' organization who committed acts of sexual molestation against children. The
4 WATCHTOWER DEFENDANTS have likewise engaged in the routine practice of maintaining
5 secret archival files regarding sexual abuse by Elders, Ministerial Servants, Pioneers, Male
6 Publishers and other leaders in the organization. The existence of these files and the contents
7 thereof were not disclosed to or made available to law enforcement authorities or others in order to
8 investigate the crimes of these leaders in the WATCHTOWER DEFENDANTS' organization. The
9 WATCHTOWER DEFENDANTS furthered this conspiracy of concealment, by among other things,
10 failing to properly report complaints of sexual misconduct to law enforcement authorities and failing
11 to remove molesting leaders or prevent their access to children. Molesting leaders were allowed to
12 remain as leaders in good standing in the organization and were allowed continued frequent and
13 unsupervised access to children in the organization. At all material times, the WATCHTOWER
14 DEFENDANTS prohibited the victim and/or accuser from warning others or speaking about the
15 matter to anyone under penalty of discipline. Victim/accusers were not permitted to report suspected
16 abuse to outside authorities or to other Publishers within the organization, despite secular laws and
17 duties regarding the reporting of sexual abuse. Violation of this policy would lead to severe
18 sanctions. The WATCHTOWER DEFENDANTS also failed to provide Plaintiff and his family with
19 any notice or warning regarding the past misconduct of, and abuse by, leaders in the organization,
20 including James Henderson. The WATCHTOWER DEFENDANTS represented to Plaintiff,
21 members and the public that these leaders were fit to lead, when in fact they were predator
22 pedophiles. The WATCHTOWER DEFENDANTS knew or had reason to know that these leader
23 molesters would continue to sexually molest children, using their leadership positions to gain access
24 and control over their victims.

25 24. At all material times, Defendant JAMES HENDERSON was also an appointed leader
26 in good standing with the WATCHTOWER DEFENDANTS' organization. The WATCHTOWER
27 DEFENDANTS affirmatively appointed and placed Defendant JAMES HENDERSON in leadership
28 positions with authority over women and children in the congregation as an Elder.

1 25. By 1980, if not before, the WATCHTOWER DEFENDANTS had received
2 non-confidential notice that their appointed agent, Defendant JAMES HENDERSON, had used his
3 appointed leadership position of authority to gain access to and sexually molest children entrusted
4 to the care of the WATCHTOWER DEFENDANTS' organization. Despite this information, the
5 WATCHTOWER DEFENDANTS took no action to report the abuse to authorities, discipline their
6 agent, Defendant JAMES HENDERSON or warn members of the organization of the abuse by
7 Defendant JAMES HENDERSON. Instead, with knowledge of Defendant JAMES
8 HENDERSON'S propensity to use his position of authority to abuse children in the organization,
9 the WATCHTOWER DEFENDANTS continued to appoint Defendant JAMES HENDERSON to
10 the position of Elder in good standing with authority over women and children in the organizations.
11 The WATCHTOWER DEFENDANTS further granted Defendant JAMES HENDERSON the
12 authority to determine how reports of child abuse were to be handled in the local congregation in
13 which he served. This sexual predator used his position of authority within the WATCHTOWER
14 DEFENDANTS' organization to gain access to and abuse children in the WATCHTOWER
15 DEFENDANTS' organization.

16 26. In approximately 1994, Defendant JAMES HENDERSON sexually abused Plaintiff
17 TIM W., who was fifteen (15) years old at that time.

18 27. On November 24, 1994, after the abuse of Plaintiff, TIM W., JAMES HENDERSON
19 was reported to the police by another victim.

20 28. For well over a decade, the WATCHTOWER DEFENDANTS knew or should have
21 known that their appointed agent, Defendant JAMES HENDERSON was using his position of
22 authority in the organization to gain access to and sexually molest and physically abuse adolescents
23 under the care of the organization. Nevertheless, the WATCHTOWER DEFENDANTS continued
24 to appoint Defendant JAMES HENDERSON to leadership positions in their local congregations,
25 entrusting him with the welfare of numerous adolescents in the WATCHTOWER DEFENDANTS'
26 local congregations. The WATCHTOWER DEFENDANTS' agent then used his position of
27 authority in the organization to sexually molest Plaintiff and others. The WATCHTOWER
28 DEFENDANTS failed to notify anyone that Defendant JAMES HENDERSON was molesting or

1 had sexually molested adolescents. They further failed to take any steps to protect these young
2 victims from his abuse. Instead, they knowingly concealed this information from Plaintiff and
3 others. The WATCHTOWER DEFENDANTS also aided, abetted and ratified the abuse by
4 disciplining the victims who reported the abuse to the WATCHTOWER DEFENDANTS, allowing
5 Defendant JAMES HENDERSON to exercise increased power over them and to further exacerbate
6 the injuries they had suffered.

7 29. Plaintiff and his family sought the advice and protection of the WATCHTOWER
8 DEFENDANTS. The WATCHTOWER DEFENDANTS assumed the role of advocate and
9 counselor to Plaintiff and his family and instructed them to keep matters within the
10 WATCHTOWER DEFENDANTS' organization and not to disclose complaints to any other
11 members or outside authorities. Thus, the WATCHTOWER DEFENDANTS aided and abetted the
12 perpetrators and ratified their conduct, causing further damage to Plaintiff.

13 30. The WATCHTOWER DEFENDANTS did not report the abuse to law enforcement
14 authorities nor did they warn any other members of the organization to positions of leadership with
15 authority over children. They did not act to help Plaintiff or his family deal with the trauma of abuse
16 and actively prevented them from obtaining help from trained professionals and other available
17 sources. Until 1994 when their agent's conduct was finally reported to the police by another victim,
18 the WATCHTOWER DEFENDANTS took no steps to hold their agent, JAMES HENDERSON,
19 accountable for his conduct or to assist them in addressing their propensities. Even then, the only
20 step the WATCHTOWER DEFENDANTS took was to remove Defendant JAMES HENDERSON
21 from his position as an Elder.

22 31. Defendant JAMES HENDERSON used the authority of his position in the
23 WATCHTOWER DEFENDANTS' organization to sexually abuse Plaintiff. The WATCHTOWER
24 DEFENDANTS directly and vicariously caused foreseeable harm to Plaintiff by, among other
25 things:

- 26 a. aiding, abetting and ratifying the abuse of children by their appointed agents;
27 b. blaming, humiliating, sanctioning and/or disciplining victims/accusers of sexual
28 abuse instead of the perpetrator;

- 1 c. negligently failing to report such sexual abuse, including the abuse by Defendant
2 JAMES HENDERSON to law enforcement and governmental child welfare agencies
3 and requiring that members not make such reports;
- 4 d. negligently failing to warn Plaintiff, his family, and others of the risk of Defendant
5 JAMES HENDERSON'S abuse after they knew or should have known of Defendant
6 JAMES HENDERSON'S propensities to use his position of leadership to engage in
7 acts of sexual abuse against children entrusted to the WATCHTOWER
8 DEFENDANTS' care;
- 9 e. negligently failing to train its Elders, Overseers, Ministerial Servants and other
10 appointed leaders to identify, investigate, prevent and respond to or report child
11 abuse;
- 12 f. negligently failing to adopt adequate policies and procedures for the protection of
13 children and other members and/or to implement and comply with such procedures
14 that did exist;
- 15 g. failing to properly investigate matters brought to the WATCHTOWER
16 DEFENDANTS' attention involving child sexual abuse and/or suspicions of child
17 sexual abuse;
- 18 h. negligently failing to provide child abuse victims and their families with any
19 assistance in coping with the trauma of abuse and preventing Plaintiff and his family
20 from reporting the abuse to outside authorities and obtaining outside help to deal
21 with the trauma of abuse;
- 22 j. concealing from Plaintiff and his family that the WATCHTOWER DEFENDANTS
23 had information that their agents, Defendant JAMES HENDERSON was using his
24 position of authority to abuse young children entrusted to their care by the
25 WATCHTOWER DEFENDANTS;
- 26 k. negligently failing to undertake a sexual offender evaluation, provide sexual offender
27 treatment and/or obtain psychiatric evaluation and treatment of Defendant JAMES
28

1 HENDERSON after they knew or should have known of his propensities to use his
2 position of leadership to engage in acts of sexual abuse;

- 3 1. negligently retaining and failing to properly supervise Defendant JAMES
4 HENDERSON as a leader in the organization or to monitor his activities after they
5 knew or should have known of his propensities to use his position of leadership to
6 engage in acts of sexual abuse.

7 **FIRST CAUSE OF ACTION**
8 **SEXUAL BATTERY AND RESPONDEAT SUPERIOR**

9 32. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
10 31 of this Complaint as if fully set forth herein.

11 33. Plaintiff alleges that for a number of years, beginning in 1994, as an agent and alter
12 ego of the WATCHTOWER DEFENDANTS, Defendant JAMES HENDERSON repeatedly used
13 his position of authority in the WATCHTOWER DEFENDANTS' organization to gain access to
14 Plaintiffs and to engage in un-permitted, harmful, and offensive sexual contact upon the person of
15 Plaintiff, as described herein, without Plaintiff's consent, committing sexual abuse upon the person
16 of Plaintiff in the State of California in violation of Code of Civil Procedure § 340.1.

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

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

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

1
2
3 36. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
4 35 of this Complaint as if fully set forth herein.

5 37. Plaintiff alleges that at all times herein mentioned, WATCHTOWER DEFENDANTS
6 assumed a duty to protect Plaintiff from sexual predators within the WATCHTOWER
7 DEFENDANTS' organization. The WATCHTOWER DEFENDANTS further knew or should have
8 known that Plaintiff was at risk of foreseeable harm by their agent, Defendants JAMES
9 HENDERSON, but failed to act to protect him from said harm. The WATCHTOWER
10 DEFENDANTS breached their duty to Plaintiff, thereby causing great harm to Plaintiff.

11 38. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
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, Plaintiff was prevented and will continue to be prevented from
15 performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of
16 earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical
17 and psychological treatment, therapy, and counseling.

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

18
19
20 39. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
21 38 of this Complaint as if fully set forth herein.

22 40. Plaintiff alleges that at all times herein mentioned, the WATCHTOWER
23 DEFENDANTS knew or should have known of their agent, Defendants JAMES HENDERSON'S,
24 propensities to use his position as a leader in the local congregations to engage in acts of sexual
25 abuse against children under the care of the WATCHTOWER DEFENDANTS. The
26 WATCHTOWER DEFENDANTS failed to adequately investigate, evaluate, and otherwise research
27 the background of their agent, Defendant JAMES HENDERSON, prior to his appointment to
28 leadership positions and entrusting children to his care.

1 41. Plaintiff further alleges that after Defendant JAMES HENDERSON was retained by
 2 the WATCHTOWER DEFENDANTS acting on behalf of and under the supervision of the
 3 WATCHTOWER DEFENDANTS, WATCHTOWER DEFENDANTS failed to adequately
 4 investigate, evaluate and otherwise monitor the conduct of their appointed agent, Defendant JAMES
 5 HENDERSON, during his interactions with children entrusted By WATCHTOWER
 6 DEFENDANTS to his care, thereby also failing to adequately supervise and discipline the conduct
 7 of Defendant JAMES HENDERSON.

8 42. Plaintiff further alleges that WATCHTOWER DEFENDANTS failed to provide
 9 adequate warning to Plaintiff and his family and their agents' dangerous propensities and unfitness
 10 to lead.

11 43. Plaintiff further alleges that WATCHTOWER DEFENDANTS negligently
 12 investigated, appointed, retained and supervised Defendant JAMES HENDERSON as a leader in
 13 the organization at a time when they knew or should have known of his propensities to use his
 14 leadership position and authority to engage in acts of sexual abuse against Plaintiff and other young
 15 children who were in the WATCHTOWER DEFENDANTS' care.

16 44. Plaintiff further alleges the WATCHTOWER DEFENDANTS negligently
 17 investigated, hired, retained and supervised JAMES HENDERSON and other Elders whom they
 18 authorized to investigate, report, and act on all claims of child abuse, thereby failing to provide
 19 adequate protection of and/or warning to Plaintiff of their agent's dangerous propensities and
 20 unfitness to lead.

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

28 **FOURTH CAUSE OF ACTION**
GROSS NEGLIGENCE/WILFUL MISCONDUCT

1 46. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
2 45 of this Complaint as if fully set forth herein.

3 47. Plaintiff alleges that the behavior of the WATCHTOWER DEFENDANTS as
4 described hereinabove demonstrates a conscious indifference to the safety and welfare of Plaintiff,
5 in that WATCHTOWER DEFENDANTS knew or should have known of the dangerous propensities
6 of their agent, Defendant JAMES HENDERSON, yet failed to act to protect the health, safety and
7 welfare of children in the custody and care of WATCHTOWER DEFENDANTS, thereby allowing
8 Plaintiff to be sexually abused, which could have been prevented but for WATCHTOWER
9 DEFENDANTS' wilful misconduct and gross negligence in failing to implement safeguards to
10 protect Plaintiff, in violation of WATCHTOWER DEFENDANTS' duty to protect the children
11 entrusted to Defendant JAMES HENDERSON'S care and custody.

12 48. Plaintiff further alleges that WATCHTOWER DEFENDANTS' actions, constituting
13 wilful misconduct and gross negligence described hereinabove, caused significant mental, emotional
14 and physical injuries as a result of the acts of sexual abuse described hereinabove.

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

22 /////

23 /////

24 /////

25 **FIFTH CAUSE OF ACTION**
26 **BREACH OF FIDUCIARY DUTY**

27 50. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
28 49 of this Complaint as if fully set forth herein.

1 51. Plaintiff alleges that by holding JAMES HENDERSON out as a qualified leader in
 2 the WATCHTOWER DEFENDANTS' organization, and by undertaking the religious instruction
 3 and spiritual and emotional counseling of Plaintiff, the WATCHTOWER DEFENDANTS, created
 4 a fiduciary relationship with Plaintiff. The WATCHTOWER DEFENDANTS placed themselves
 5 in a position of trust and confidence with Plaintiff and that such relationship imposed on the
 6 WATCHTOWER DEFENDANTS a duty to act in Plaintiff's best interest, and to protect Plaintiff's
 7 best interest.

8 52. Plaintiff further alleges that because of this special relationship, Plaintiff and his
 9 family placed their trust and confidence in the WATCHTOWER DEFENDANTS that they would
 10 not allow harm to Plaintiff or fail to warn Plaintiff of potential harm. Further, Plaintiff and their
 11 families placed their trust and confidence in the WATCHTOWER DEFENDANTS that they would
 12 protect Plaintiff from harm.

13 53. The above described conduct, either independently or in conjunction with each other,
 14 constitutes a breach of the fiduciary duty owed to Plaintiff by WATCHTOWER DEFENDANTS.

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

22 //

23 //

24 //

25 **SIXTH CAUSE OF ACTION**
 26 **NEGLIGENCE PER SE and COMMON-LAW NEGLIGENCE:**
 27 **FAILURE TO REPORT SUSPECTED CHILD ABUSE**

28 55. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
 54 of this Complaint as if fully set forth herein.

1 56. Plaintiff alleges that the WATCHTOWER DEFENDANTS had a duty, under the
2 California Child Abuse and Neglect Reporting Act, California Penal Code § 11164, *et. seq.*, (and
3 predecessor provisions) and the common-laws, to report the abuse or suspected abuse of children.

4 57. Plaintiff further alleges the WATCHTOWER DEFENDANTS failed to report to law
5 enforcement the abusive and illegal acts of their agent, Defendant JAMES HENDERSON, both prior
6 to and after the abuse inflicted on Plaintiff. By failing to report the actions of Defendant JAMES
7 HENDERSON, the WATCHTOWER DEFENDANTS violated the Child Abuse and Neglect
8 Reporting Act, which is intended to safeguard and enhance the welfare of abused children. Plaintiff
9 was a member of the class of persons that the California Child Abuse and Neglect Reporting Act
10 was designed to protect and was injured as a result of the WATCHTOWER DEFENDANTS'
11 violation of the statute. Such violation constitutes negligence *per se*.

12 58. Plaintiff further alleges the WATCHTOWER DEFENDANTS' failure to report
13 constitutes common-law negligence. The WATCHTOWER DEFENDANTS asserted their authority
14 over both Plaintiff and his abuser and agent, Defendant JAMES HENDERSON, creating a special
15 relationship of trust and confidence and power over Plaintiff. In the context of this special
16 relationship and the unequal relationship among the parties, the WATCHTOWER DEFENDANTS
17 assumed a duty to handle all reports of child abuse and in so doing caused Plaintiff and his family
18 from reporting the abuse to, or seeking help from, sources and authorities outside the
19 WATCHTOWER DEFENDANTS' organization. The WATCHTOWER DEFENDANTS, acted
20 with conscious disregard for the safety and welfare of Plaintiff, violated that duty to Plaintiff's
21 detriment.

22 59. As a legal result of the WATCHTOWER DEFENDANTS' failure to report the illegal
23 conduct of Defendant JAMES HENDERSON to law enforcement, Plaintiff was deprived of the
24 benefits provided by the State of California and other trained professionals that would have
25 decreased further harm to the Plaintiff and prevented further abuse. Plaintiff has suffered, and will
26 continue to suffer great pain of mind, body, shock, emotional distress, physical manifestations of
27 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment
28 of life. Further, Plaintiff was prevented and will continue to be prevented from performing daily

1 activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of earnings and
2 earning capacity. Plaintiff has incurred and will continue to incur expenses for medical and
3 psychological treatment, therapy, and counseling.

4 **SEVENTH CAUSE OF ACTION**
5 **FRAUD AND FRAUDULENT CONCEALMENT AND CONSPIRACY**

6 60. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
7 59 of this Complaint as if fully set forth herein.

8 61. Plaintiff alleges that after receiving reports that their agent, Defendant JAMES
9 HENDERSON was using his position of authority in the organization to abuse adolescents, the
10 WATCHTOWER DEFENDANTS willfully and intentionally kept the information from Plaintiff,
11 other victims similarly situated and the community-at-large. The WATCHTOWER DEFENDANTS
12 intentionally misrepresented to Plaintiff and his family that Defendant JAMES HENDERSON was
13 a leader in good standing, with authority to instruct Plaintiff and other children in spiritual, ethical
14 and moral matters and that their agent was to be obeyed. The WATCHTOWER DEFENDANTS
15 further intentionally misrepresented that they would act in the best interests of Plaintiff and other
16 children entrusted to their care. The WATCHTOWER DEFENDANTS failed to disclose that they
17 knew of Defendant JAMES HENDERSON'S propensities to use his leadership position to sexually
18 abuse Plaintiff and others and that they were doing nothing to protect the children under their care.
19 Plaintiff did not know of the falsity of the WATCHTOWER DEFENDANTS' representations, was
20 entitled to rely upon them and did in fact rely upon them causing him serious injury and harm.

21 62. Plaintiff further alleges that by holding out Defendant JAMES HENDERSON as a
22 leader, qualified to provide religious instruction and counsel, and by undertaking the religious
23 instruction and spiritual and emotional counseling and training of Plaintiff, and by accepting,
24 through their agents Defendants JAMES HENDERSON and other Elders and leaders, the control
25 and responsibility of the Plaintiff as a minor, the WATCHTOWER DEFENDANTS and each of
26 them entered into a fiduciary relationship with the minor Plaintiff.

27 63. Plaintiff further alleges that as fiduciaries to Plaintiff, the WATCHTOWER
28 DEFENDANTS, and each of them, had a duty to obtain and disclose information relating to sexual

1 misconduct by their agent, Defendant JAMES HENDERSON. The WATCHTOWER
2 DEFENDANTS failed to disclose and later conspired to conceal such information from Plaintiff.

3 64. The WATCHTOWER DEFENDANTS, in concert with each other and with the intent
4 to conceal and defraud, conspired whereby they would misrepresent, conceal or fail to disclose
5 information relating to the sexual misconduct of their agent, Defendant JAMES HENDERSON. By
6 concealing such information, the WATCHTOWER DEFENDANTS and each of them committed
7 at least one act in furtherance of the conspiracy.

8 65. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
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, Plaintiff was prevented and will continue to be prevented from
12 performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of
13 earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical
14 and psychological treatment, therapy, and counseling.

15 **EIGHTH CAUSE OF ACTION**
16 **RATIFICATION**

17 66. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
18 65 of this Complaint as if fully set forth herein.

19 67. Plaintiff alleges that upon learning that their agent, Defendants JAMES
20 HENDERSON had sexually abused Plaintiff and others, the WATCHTOWER DEFENDANTS
21 failed to take any steps to hold Defendant JAMES HENDERSON accountable for his actions and
22 continued to appoint or maintain Defendant JAMES HENDERSON to leadership positions in the
23 organization throughout the period of abuse. The WATCHTOWER DEFENDANTS thereby ratified
24 their agent, Defendant JAMES HENDERSON'S, conduct in using his appointed position of
25 authority to sexually abuse Plaintiff and other children.

26 68. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
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, Plaintiff was prevented and will continue to be prevented from
2 performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of
3 earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical
4 and psychological treatment, therapy, and counseling.

5 **NINTH CAUSE OF ACTION**
6 **ALTER EGO AND SINGLE BUSINESS ENTERPRISE**

7 69. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
8 68 of this Complaint as if fully set forth herein.

9 70. Plaintiff alleges that the WATCHTOWER DEFENDANTS are organized and
10 controlled and their affairs are so conducted that they are in fact mere instrumentalities and alter
11 egos of each other and liable for each other's acts. Alternatively, the WATCHTOWER
12 DEFENDANTS were all engaged, at all times hereinabove mentioned, in a single business
13 enterprise and are liable for each other's acts.

14 71. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
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, Plaintiff was prevented and will continue to be prevented from
18 performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of
19 earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical
20 and psychological treatment, therapy, and counseling.

21 /////

22 /////

23 /////

24
25 **TENTH CAUSE OF ACTION**
26 **NEGLIGENT USURPATION OF INVESTIGATORY FUNCTION**

27 72. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
28 71 of this Complaint as if fully set forth herein.

1 73. Plaintiff alleges that California Penal Code Section 11164, *et seq.*, (and predecessor
 2 provisions) requires officials to perform specific responsibilities to carry out the policy of the statute
 3 described in the Act (and its predecessors). The WATCHTOWER DEFENDANTS assumed these
 4 duties and responsibilities, but negligently failed to perform them.

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

12 **ELEVENTH CAUSE OF ACTION**
 13 **VIOLATION OF CALIFORNIA PENAL CODE SECTION 182**

14 75. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
 15 74 of this Complaint as if fully set forth herein.

16 76. Plaintiff alleges that the WATCHTOWER DEFENDANTS' acts described herein
 17 violate California Penal Code Section 182 in that the WATCHTOWER DEFENDANTS conspired
 18 with one or more other persons to commit acts injurious to the public health, to public morals, or
 19 to pervert or obstruct justice, or the due administration of the laws.

20 77. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
 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, Plaintiff was prevented and will continue to be prevented from
 24 performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of
 25 earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical
 26 and psychological treatment, therapy, and counseling.

27 **TWELFTH CAUSE OF ACTION**
 28 **VIOLATION OF CALIFORNIA PENAL CODE SECTION 32**

1 78. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1 through
2 77 of this Complaint as if fully set forth herein.

3 79. Plaintiff alleges that the WATCHTOWER DEFENDANTS' acts described herein
4 violate California Penal Code Section 32 in that the WATCHTOWER DEFENDANTS harbored,
5 concealed and/or aided their agent, JAMES HENDERSON, after their agent JAMES
6 HENDERSON, had committed a felony, with the intent that their agent, JAMES HENDERSON,
7 might avoid or escape arrest, trial, conviction and/or punishment, and the WATCHTOWER
8 DEFENDANTS having knowledge that their agent JAMES HENDERSON had committed a felony.

9 80. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
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, Plaintiff was prevented and will continue to be prevented from
13 performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of
14 earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical
15 and psychological treatment, therapy, and counseling.

16
17 **PRAYER**

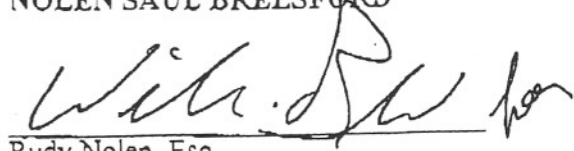
18
19 WHEREFORE, Plaintiff demands judgment against the WATCHTOWER DEFENDANTS
20 individually, jointly and severally as follows:

- 21 1. For general damages according to proof;
22 2. For past and future medical expenses according to proof;
23 3. For past and future loss of earnings according to proof;
24 4. For prejudgment interest;
25 5. For costs of suit incurred herein; and
26 6. For such other and further relief as the Court deems just and proper.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Dated: 7/24/03

NOLEN SAUL BRELSFORD



Rudy Nolen, Esq.,
Attorneys for Plaintiff.