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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

N.D.,

Plaintiff,

vs.

MAKAHA, HAWAII CONGREGATION OF
JEHOVAH'S WITNESSES, a Hawaii non-profit
unincorporated religious organization, a.k.a.
MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES and KINGDOM
HALL, MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES; WATCHTOWER
BIBLE AND TRACT SOCIETY OF NEW
YORK, INC., a New York corporation;

CIVIL NO. 1CCV-20-0000390
(Non-Motor Vehicle Tort)

**PLAINTIFF'S NOTICE OF TAKING
RULE 30(b)(6) DEPOSITION OF
MAKAHA, HAWAII CONGREGATION
OF JEHOVAH'S WITNESSES UPON
ORAL EXAMINATION BY
VIDEOTAPE AND VIA ZOOM;
CERTIFICATE OF SERVICE**

Deponent:

Makaha, Hawaii Congregation of Jehovah's
Witnesses, a.k.a. Makaha Congregation of
Jehovah's Witnesses and Kingdom Hall,

KENNETH L. APANA, Individually; and Does
1 through 100, inclusive,

Defendants.

MAKAHA, HAWAII CONGREGATION OF
JEHOVAH'S WITNESSES, a Hawaii non-profit
unincorporated religious organization, a.k.a.
MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES and KINGDOM
HALL, MAKAHA CONGREGATION OF
JEHOVAH'S WITNESSES; and
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC., a New York
corporation,

Crossclaimants,

vs.

KENNETH L. APANA, Individually,

Crossclaim Defendant.

Makaha Congregation of Jehovah's
Witnesses -
November 30, 2021 @ 9:00 a.m. HST

Trial Date: June 20, 2022
Judge: Honorable Dean E. Ochiai

**PLAINTIFF'S NOTICE OF TAKING RULE 30(b)(6) DEPOSITION OF
MAKAHA, HAWAII CONGREGATION OF JEHOVAH'S WITNESSES
UPON ORAL EXAMINATION BY VIDEOTAPE AND VIA ZOOM**

TO: WILLIAM S. HUNT, ESQ.
JENNY J.N.A. NAKAMOTO, ESQ.
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Honolulu, HI 96813
- and -
JOEL M. TAYLOR (*Pro Hac Vice*)
1000 Watchtower Drive
Patterson, New York 12563
E-mail: jmtaylor@jw.org

Attorneys for Defendants
MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES, HAWAII;
WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

PLEASE TAKE NOTICE that on the date and time listed below, Plaintiff will take the following deposition:

<u>DEPONENT</u>	<u>DATE/TIME/PLACE</u>
30(b)(6) Representative of Defendant MAKAHA, HAWAII CONGREGATION OF JEHOVAH'S WITNESSES, a.k.a. MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES AND KINGDOM HALL, MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES c/o William S. Hunt, Esq. Jenny J.N.A. Nakamoto, Esq. Dentons US LLP 1001 Bishop Street, Suite 1800 Honolulu, HI 96813	November 30, 2021 at 9:00 a.m. HST Virtual Deposition via ZOOM

Pursuant to Rule 30(b)(6) of the Hawaii Rules of Civil Procedure, MAKAHA, HAWAII CONGREGATION OF JEHOVAH'S WITNESSES, A.K.A. MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES AND KINGDOM HALL, MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES, shall "designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify." A list of the matters on which each person so designated is provided below.

The deposition will be via ZOOM using the electronic filing JEFS emails listed for the attorneys of record. To join the videoconference, a website link will be provided by Certified Legal Video Services (808) 550-2587 prior to the deposition. All parties including the witness and court reporter will join the deposition with the website link. The above-referenced deposition will be taken pursuant to Rule 30 of the Hawaii Rules of Civil Procedure. The deposition will be on oral examination before Ralph Rosenberg Court Reporters (808) 524-2090 and/or an officer authorized

by law to administer oaths pursuant to Rule 30 of the Hawaii Rules of Civil Procedure and the deposition will be videotaped by Certified Legal Video Services (808) 550-2587.

DEFINITIONS

As used herein, the following terms shall have the meanings set forth below unless otherwise specifically indicated.

“Plaintiff” means Plaintiff N.D.

“Christian Congregation of Jehovah’s Witnesses” or **“CCJW”** means Christian Congregation of Jehovah’s Witnesses, a New York non-profit corporation and/or its officers, directors, employees, authorized representatives or agents, apparent agents, attorneys, and/or anyone acting on its behalf. It shall specifically include all Jehovah’s Witnesses organizations’ departments, including, but are not limited to, Service Department and its personnel (including service deskmen and overseers).

“Kenneth Apana” means Defendant Kenneth L. Apana, individually, together with his employees, authorized representatives or agents, apparent agents, attorneys, and/or anyone acting on his behalf.

“Makaha Kingdom Hall” or **“you”** means Defendant Makaha, Hawaii Congregation of Jehovah’s Witnesses, a Hawaii non-profit unincorporated religious organization, a.k.a. Makaha Congregation of Jehovah’s Witnesses and Kingdom Hall, Makaha Congregation of Jehovah’s Witnesses and/or its officers, directors, employees, authorized representatives or agents, apparent agents, attorneys, and/or anyone acting on its behalf.

“Watchtower” means Defendant Watchtower Bible and Tract Society of New York, Inc., a New York Corporation and/or its officers, directors, employees, authorized representatives or agents, apparent agents, attorneys, and/or anyone acting on its behalf. It shall specifically include

all of Jehovah's Witnesses organizations' departments, including Service Department and Legal Department, and their personnel.

“Document” or **“documents”** means all materials within the scope of HRCF Rule 34, and shall include any and all writings and recorded materials, of any kind whatsoever **and including those only available in electronic or an “on line” format**, that are or have been in your possession, control or custody or of which you have knowledge, whether originals or copies, including, but not limited to, contracts, documents, notes, rough drafts, inter-office memoranda, memoranda for the files, letters, research materials, correspondence, logs, diaries, forms, bank statements, card files, books of account, journals, ledgers, invoices, blueprints, diagrams, drawings, computer printouts or tapes, electronic data compilations and records (including, but not limited to, computer files of all kinds, e-mail messages, text messages, messages posted on electronic bulletin boards or other sites and list serves, and computer back-up files and documents only available in electronic or an “on line” format), reports, surveys, statistical computations, studies, pictures, maps, graphs, charts, minutes, manuals, pamphlets, or books of any nature or kind whatsoever; and all other materials handwritten, printed, typed, mimeographed, photocopied, imaged, photographed, or otherwise reproduced; and slides, videos or motion pictures, television recordings, all digital or mechanical recordings or other written or printed matter or tangible things on which data, images, words or phrases are affixed or encoded.

“Communication,” “communications,” and **“communicated”** mean and/or refer to the transmission of information by any means and in any form and/or the memorialization of the transmission of information by any means and in any form, including letters, attachments to letters, correspondence, facsimiles, e-mails, text messages, social media messages or notes, other forms of electronic data transmission, transcriptions of oral communications, notes recording or

summarizing oral communications, messages regarding oral communications, and recordings (audio or video or both).

Time Frame. If no time frame is given for a specific topic/matter, then the time frame shall be for all or at any time.

DESIGNATED MATTERS

1. Facts, information and **documents** relating to any and all child sexual abuse incidents involving any member, including elders, of **Makaha Kingdom Hall** reported to and/or made known to **Watchtower**.
2. Facts, information and **documents** relating to any and all child sexual abuse incidents involving **Kenneth Apana** while he was a member of **Makaha Kingdom Hall** reported to and/or made known to **Watchtower**.
3. Facts, information and **documents** relating to any and all child sexual abuse incidents involving **Kenneth Apana** while he was a member of other Jehovah's Witnesses congregations reported to and/or made known to **Makaha Kingdom Hall**.
4. Facts, information and **documents** relating to any and all other Jehovah's Witnesses congregations other than **Makaha Kingdom Hall** attended by **Kenneth Apana** and/or of which **Kenneth Apana** was a member.
5. Facts, information and **documents** relating to the process of how **Kenneth Apana** was nominated, evaluated, recommended, appointed, and approved by **Makaha Kingdom Hall** and/or **Watchtower** as an elder of **Makaha Kingdom Hall**.

6. Policies, procedures and/or guidelines followed by **Makaha Kingdom Hall** in order to dominate, evaluate, recommend, appoint and/or approve as an elder of **Makaha Kingdom Hall**.
7. Policies, procedures and/or guidelines followed by **Makaha Kingdom Hall** in order to investigate the reported sexual abuse of L.M. by **Kenneth Apana**.
8. Policies, procedures and/or guidelines followed by **Makaha Kingdom Hall** in order to investigate the reported sexual abuse of **Plaintiff** by **Kenneth Apana**.
9. Policies, procedures and/or guidelines followed by **Makaha Kingdom Hall** in order to investigate the reported sexual abuse of S.A. by **Kenneth Apana**.
10. Policies, procedures and/or guidelines followed by **Makaha Kingdom Hall** in order to conduct judicial hearings on the reported sexual abuse of L.M., **Plaintiff**, and S.A. by **Kenneth Apana**.
11. Policies, procedures and/or guidelines followed by **Makaha Kingdom Hall** with regard to the Notification of Disfellowshipping or Disassociation (MAKAHA 000011 REV).
12. **Makaha Kingdom Hall's** call(s) and **communications** with **Watchtower's** Legal Department relating to the reported sexual abuse of L.M., **Plaintiff**, and S.A. by **Kenneth Apana**.
13. The method used by and/or steps taken by **Makaha Kingdom Hall** in responding to **Plaintiff's** interrogatories and requests for production of documents in this action, and the names of **Makaha Kingdom Hall** personnel/members (including the congregation's secretary) who assisted in responding to **Plaintiff's** interrogatories and requests for production in this action.

14. **Makaha Kingdom Hall's communications** with **Watchtower's** and/or **CCJW's** Service Department relating to the reported sexual abuse of L.M., **Plaintiff**, and S.A. by **Kenneth Apana**.
15. **Makaha Kingdom Hall's communications** with Circuit or District Overseer(s) for **Makaha Kingdom Hall** relating to the reported sexual abuse of L.M., **Plaintiff**, and S.A. by **Kenneth Apana**.
16. The identity of all Circuit Overseers for **Makaha Kingdom Hall** in 1992 and 1993.
17. Policies, procedures, guidelines and/or instructions followed by **Makaha Kingdom Hall** in handling any confidential **documents** relating to the reported sexual abuse of minor members of **Makaha Kingdom Hall** by **Kenneth Apana**.
18. Facts, information and **documents** relating to any training provided to **Kenneth Apana** by **Makaha Kingdom Hall** while he was acting as an elder of **Makaha Kingdom Hall**.
19. Facts, information and **documents** relating to **Watchtower** documents bates numbered WTNY-C000001-13.
20. Facts, information and **documents** relating to Kaloko Congregation documents bates numbered KALOKO000001-9.
21. Facts relating to the removal and/or destruction of the Watchtower documents (WTNY-C000001-2) and Kaloko Congregation documents (KALOKO000001-3, 5-6) from **Makaha Kingdom Hall's** file and the identity of its members who destroyed them.
22. **Makaha Kingdom Hall's** relationship or connection with the following property and/or mailing addresses: 86-248 Alamihi St., Waianea, HI 96792-2911 and P.O.

Box 1680, Waianae, HI 96792, including the identity of all persons residing at and/or having access thereto.

23. Facts, information and **documents** relating to **Makaha Kingdom Hall's communications** with Kona English Congregation of Jehovah's Witnesses and/or Kona Hawaii Pidgin Congregation of Jehovah's Witnesses.
24. Ownership of **Makaha Kingdom Hall**.
25. Any financial assistance or loans provided by **Watchtower** and/or any other Jehovah's Witnesses organizations (including the Governing Body and Branch Committees) to **Makaha Kingdom Hall** in connection with the ownership and/or construction projects of the property currently used as meeting, worship and/or service places by **Makaha Kingdom Hall**.
26. **Makaha Kingdom Hall's** Answer and Affirmative Defenses to Plaintiff's Complaint.
27. **Makaha Kingdom Hall's** discovery responses and **documents** produced in response thereto in this action.

The deposition will continue from day-to-day until completed. The deposition is being taken for purposes of discovery, for use at trial, or for such other purposes as are permitted under the Rules of the Court. You are invited to attend and cross-examine.

Pursuant to H.R.C.P. Rule 30(e), said deponent is also hereby notified that you may request a review of the completed transcript or recording of your deposition. You must make this request before the completion of your deposition. If you make such a request, after being notified by the court reporter or other officer taking the deposition that the transcript or recording is available, you

will have 30 days to: (1) review the transcript or recording; (2) if there are changes in form or substance, to sign a statement reciting such changes and the reasons for making them.

Failure to substantially comply with this notice requirement prior to the completion of the deposition shall preclude the use of the transcript or recording until the deponent has been provided 30 days within which to review the transcript or recording, and, if there are changes, to sign a statement reciting them and the reasons therefor. Any changes shall be appended to the transcript or recording.

DATED: Honolulu, Hawai'i. September 30, 2021.

/s/ Matthew C. Winter
MARK S. DAVIS
LORETTA A. SHEEHAN
MATTHEW C. WINTER
JAMES S. ROGERS [*Pro Hac Vice*]
HEATHER M. COVER [*Pro Hac Vice*]
MICHELLE HYER [*Pro Hac Vice*]

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

N.D.,

Plaintiff,

vs.

MAKAHA, HAWAII CONGREGATION OF JEHOVAH'S WITNESSES, a Hawaii non-profit unincorporated religious organization, a.k.a. MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES and KINGDOM HALL, MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES; WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a New York corporation; KENNETH L. APANA, Individually; and Does 1 through 100, inclusive,

Defendants.

MAKAHA, HAWAII CONGREGATION OF JEHOVAH'S WITNESSES, a Hawaii non-profit unincorporated religious organization, a.k.a. MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES and KINGDOM HALL, MAKAHA CONGREGATION OF JEHOVAH'S WITNESSES; and WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a New York corporation,

Crossclaimants,

vs.

KENNETH L. APANA, Individually,

Crossclaim Defendant.

CIVIL NO. 1CCV-20-0000390
(Non-Motor Vehicle Tort)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that, on the date below, a true and correct copy of the foregoing document was duly served on the following persons electronically through the Judiciary Electronic Filing and Service System (JEFS):

WILLIAM S. HUNT, ESQ.
JENNY J.N.A. NAKAMOTO, ESQ.

bill.hunt@dentons.com
jenny.nakamoto@dentons.com

-and-

JOEL M. TAYLOR (Pro Hac Vice)
1000 Watchtower Drive
Patterson, New York 12563

Via Email: jmtaylor@jw.org

Attorneys for Defendants/Crossclaimants
MAKAHA CONGREGATION OF JEHOVAH'S
WITNESSES, HAWAII; and WATCHTOWER BIBLE
AND TRACT SOCIETY OF NEW YORK, INC.

I further certify that, on the date below, a true and correct copy of the foregoing document was duly served on the following person by depositing same in the U.S. Mail, postage prepaid, addressed as follows:

KENNETH APANA
P. O. Box 331
Kailua-Kona, HI 96745

Pro Se Defendant/Crossclaim Defendant

DATED: Honolulu, Hawai'i, September 30, 2021.

/s/ Matthew C. Winter
MARK S. DAVIS
LORETTA A. SHEEHAN
MATTHEW C. WINTER
Attorneys for Plaintiff