

1                                    IN THE UNITED STATES DISTRICT COURT  
 2                                    FOR THE DISTRICT OF MONTANA  
    BILLINGS DIVISION

3            Cackaert, et al.

4                                    Plaintiffs,

6            v.

7            Watchtower Bible and  
 8            Tract Society, and  
 9            Watch Tower Bible and  
                  Tract Society of  
                  Pennsylvania,

10           Defendants.

) No. CV-20-52-B1g-SPW  
 ) No. CV-20-59-B1g-SPW

) TRANSCRIPT

) OF

) PROCEEDINGS

11  
 12            The above-entitled matter came on for hearing  
 13            before the Hon. Susan P. Watters, United States  
                  District Judge, on June 23, 2021.

14                                    APPEARANCES

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C O N T E N T S

By Mr. Stepan.....5  
By Mr. Wilson.....26  
By Mr. Stepan.....47

1 (Open court.)

2 DEPUTY CLERK: The court has set aside  
3 this time to hear the matter of CV-20-52-BLG-SPW,  
4 Caekaert versus Watchtower Bible and Tract  
5 Society of New York, and Cause CV-20-59-BLG-SPW,  
6 Rowland versus Watchtower Bible and Tract Society  
7 of New York. This is time set for motion hearing

8 THE COURT: And if counsel for the  
9 plaintiffs could identify themselves for the  
10 record.

11 MR. STEPANS: Good morning, Your Honor.  
12 If it pleases the court, Rob Stepans on behalf of  
13 all plaintiffs.

14 THE COURT: Thank you. And for  
15 defense.

16 MR. WILSON: Your Honor, Jon Wilson and  
17 Aaron Dunn on behalf of defendants Watchtower  
18 Bible and Tract Society of New York and Watch  
19 Tower Bible and Tract Society of Pennsylvania.  
20 And we have pro hoc vice counsel, Joel Taylor,  
21 appearing by telephone as well.

22 THE COURT: Thank you. So we are here  
23 today on the plaintiffs' motion to compel  
24 jurisdictional discovery. So, Mr. Stepans, I'll  
25 let you proceed.

1 MR. STEPANS: Thank you, Your Honor.  
2 Do you prefer that I speak from the podium?

3 THE COURT: You don't have to. You can  
4 speak from counsel table there.

5 MR. STEPANS: If it's okay, I would  
6 like to go to the podium.

7 THE COURT: That's fine, too.

8 MR. STEPANS: I apologize, I didn't  
9 intro co-counsel, Ryan Shaffer, who, I believe,  
10 has already appeared before the court in this  
11 matter.

12 THE COURT: Yes.

13 MR. STEPANS: And Katy Gannon with us  
14 at counsel table. She is a law student at the  
15 University of Montana Law School, and works for  
16 us.

17 THE COURT: Okay. Obviously, I have  
18 read the briefing, so maybe you could hit the  
19 high points, Mr. Stepans.

20 MR. STEPANS: Absolutely, Your Honor,  
21 I'll do my best. I was looking at this last  
22 night, trying to figure out how to explain what I  
23 would consider the different categories that fall  
24 within this motion to compel. Because the last  
25 thing I want to do is be here in front of the

1 court arguing a motion to compel and dragging the  
2 court into our discovery disputes, but as the  
3 briefing indicates, and as these categories of  
4 discovery indicate, really, plaintiffs, really,  
5 were given no other alternative other than to  
6 come to the court to a seek assistance in order  
7 to proceed with the discovery that's been ongoing  
8 for six months here in the jurisdictional phase.

9 The first category, Your Honor, I would  
10 put this into general discovery rules. And what  
11 we are asking the court to do in this regard is  
12 to order that the defendants comply with the  
13 rules of discovery as it pertains to answering  
14 and producing documents in accordance with those  
15 rules.

16 In particular, on that front, Your  
17 Honor, the RFAs, we briefed this extensively,  
18 it's not okay to rewrite the RFA and then choose  
19 your own, I guess, answer, as it pertains to  
20 that. The RFAs are crafted in a particular way,  
21 as the court knows, the rules are designed to try  
22 and allow the person asking the RFA to glean  
23 information from that. And, really, that's the  
24 purpose of all this discovery. But as it stands  
25 now, it's been almost impossible to understand

1 why the defendants believe that they are subject  
2 to a different set of discovery rules as it  
3 pertains to the RFAs and the objections.

4 On that front, Your Honor, I would point  
5 the court's attention to plaintiffs' initial  
6 brief. So those are a phase and the general  
7 objections that are stated from the defendants,  
8 and then the method in which they go through and  
9 answer to internally reference those other  
10 objections. It becomes a compounding problem in  
11 order to understand exactly what they are saying.  
12 So we are asking for clarity on that point.

13 The time period, Your Honor, I'm  
14 going -- I'm excited to hear counsel for the  
15 defendant explain why the time period objection  
16 stands, because we have demonstrated, I guess --  
17 excuse me. The deposition of James Rowland was  
18 taken, and Mr. Rowland was an elder in Hardin.  
19 He indicated a document that he used and referred  
20 to in the '70s, and it was published in 1972. So  
21 as a practical matter, obviously something  
22 couldn't be read, used, relied upon or in effect  
23 until the date that it was published. So just  
24 like in the law, if we have a law passed in 1972  
25 that's still in effect in '76, we don't say,

1 well, the law doesn't matter, it matters in 1976.  
2 We have to look back to understand what's guiding  
3 us in 1976 if the '72 law is still in place.

4 I think defendants' briefing even  
5 acknowledges that by virtue of the way they cite  
6 their case. But what I would say, Your Honor,  
7 and I'm happy to go into more detail, but the way  
8 that this is set up is that we have said the  
9 general abuse -- excuse me, the general dates  
10 that this abuse took place are '73 to '95. We  
11 are not trying to hamstring ourselves  
12 inappropriately. What we are trying to do is  
13 economize discovery in a meaningful way. What  
14 we've learned is that the 1972 Branch Manual was  
15 the manual that was being used in Hardin by the  
16 elders throughout the '70s. So the suggestion  
17 that a publication from 1972 is not relevant  
18 during those years simply because we agreed to  
19 the 1973 date, it defies logic, it doesn't go  
20 along with what we are trying to do here in terms  
21 of discovery, which is that we discovered certain  
22 things, and then we ask certain questions based  
23 upon that. The time period is reasonable.  
24 Discovery is not bound by those dates as it  
25 pertains to publication, particularly when we are



1 relying on it going forward.

2 THE COURT: What do you think, talking  
3 about that time frame, what do you think about  
4 the defendants' argument that documents prepared  
5 or published after 1995 couldn't be relevant to  
6 the time frame of 1973 to 1992? Doesn't that  
7 seem logical?

8 MR. STEPANS: That part does seem  
9 logical. The reason we've asked the questions  
10 the way we have, I'm not sure how familiar the  
11 court is with the documents that we are working  
12 through, but they reference one another often.

13 So, for example, there's a quote from  
14 this 1972 -- I actually wanted to share this with  
15 the court, because it is a fair point to say  
16 those documents that are published afterwards  
17 probably do not have the specific relevance that  
18 we are talking about. But are they discoverable?  
19 Could they lead to discoverable information? I  
20 think absolutely that's true, because you have an  
21 evolution of the publications but they always  
22 refer back. So things that are changed over time  
23 matter. For example, if in 1995 they publish a  
24 new manual that just drops off some of the things  
25 that were going on before, or it provides a new

1 explanation, we feel that's very important. And  
2 part of the reason that's important, Your Honor,  
3 is that there is an evolution of vernacular that  
4 the defendant corporations have used over time.  
5 They will use words interchangeably. For  
6 example, the society, or Watchtower Tract and  
7 Bible Society, without including which parent  
8 company it's referring to. There are references  
9 to the governing body. Over time those  
10 definitions and those committees, whatever they  
11 are, take different forms throughout the  
12 publications.

13 So what we are trying to understand is  
14 what is the message from these, where did it drop  
15 off, what was in play during the relevant time.  
16 And I'm not suggesting that everything -- that  
17 there would be much after the 1995 period that  
18 would be relevant, but I do believe where we have  
19 continuation of publications, which are providing  
20 guidance to the local congregations, my position  
21 is that that should be discoverable.

22 And in part the defendants have brought  
23 this into play by submitting multiple affidavits  
24 at the beginning to encourage the court to  
25 dismiss the case, and those affidavits suggest

1 different things. They also suggest that if we  
2 parse it out, it's difficult to say temporally  
3 what Mr. Bromley was talking about. Are these  
4 things always in play? Is he using this moment  
5 in time right now to say? Because the documents  
6 don't line up with what that affidavit says.

7 So that's why we are asking for those  
8 things is we feel like we are on our own, in  
9 terms of pulling this information together and  
10 understanding what it means.

11 I don't know if that's a very -- does  
12 that answer your question?

13 THE COURT: Well, for example, I guess  
14 what you're saying is a document that was  
15 published in 1996 could reference a document that  
16 was published in 1975, for example. But if you  
17 had the document that was published in 1975,  
18 because it's within the time frame that the  
19 defendants think your discovery is governed by,  
20 why would you need the 1995 or '6 document,  
21 whatever he said?

22 MR. STEPANS: Understood, Your Honor.  
23 Once, again, I think it is -- it's trying to  
24 understand the vernacular and the vocabulary.  
25 Because it does change. The 1977 document for

1 sure -- let me give the court an example.

2 THE COURT: Okay.

3 MR. STEPANS: And I have to say I  
4 understand the court's question. I think it's a  
5 little bit problematic in order to answer it  
6 because our position is that this is discoverable  
7 information because it refers back, it fills in  
8 gaps, and that is our reading of the way that  
9 these documents have evolved over time. So, for  
10 example, I give the court this example. This is  
11 from the WTPA0002 is the bates. I'm sorry, I  
12 can't pull that up.

13 But at any rate, the first two full  
14 paragraphs of this publication from WTPA say  
15 explicitly, and I thought this was interesting  
16 because it sort of explains --

17 THE COURT: What is the document you're  
18 looking at?

19 MR. STEPANS: 57-3.

20 THE COURT: 57-3. Okay.

21 MR. STEPANS: And otherwise identified  
22 as WTPA0002. So this --

23 THE COURT: Is it entitled, Kingdom  
24 Ministry School Course?

25 MR. STEPANS: Entitled Kingdom Ministry

1 School Course. Here's an example, Your Honor,  
2 the first two paragraphs. You take the ministry  
3 school courses that have been arranged by the  
4 Watchtower Bible and Tract Society to help  
5 overseers become better equipped.

6 The second paragraph. This textbook  
7 does not present any new instructions or  
8 information, but it does provide a careful  
9 compilation of materials printed in the Society's  
10 publication and presented at assemblies in recent  
11 years.

12 Okay. So this 1972 document indicates  
13 that the materials have been used in recent  
14 years, meaning prior to 1972.

15 Now, it's not up to me to interpret  
16 their language so much, but it just says what it  
17 says. So when I read that, certainly something  
18 published in 1996 that has the same admonition at  
19 the beginning saying this isn't new information,  
20 but this is stuff that's been compiled, it's been  
21 used, and it's been in the mix in the last -- in  
22 recent years.

23 So what that is telling us this is a  
24 retroactive book, basically, of what's been in  
25 play and what appears to be instruction going

1 forward from the defendant corporations.

2 Does that make more sense, Your Honor,  
3 in terms of how we are looking going beyond the  
4 time period on the back end? .

5 THE COURT: Right. You can understand  
6 the defendants' position, perhaps, that it would  
7 certainly be very burdensome for us to have  
8 produce every document that's ever been  
9 published, for example, playing devil's advocate.  
10 So what would the plaintiffs think would be the  
11 cut-off date for these sorts of publications?

12 MR. STEPANS: And this is where  
13 plaintiffs' counsel hates to get pinned down.  
14 Your Honor, my hope is that we have come to the  
15 court demonstrating that we have tried to be  
16 pretty reasonable in this process to try to  
17 gather materials that are reasonably calculated  
18 to lead to discoverable material. That's why we  
19 are putting it within that range. I can't say --

20 THE COURT: I'm asking you what range.

21 MR. STEPANS: Based on what I have  
22 seen, I think it would make sense to just a  
23 couple years past the '95, because it appears  
24 that the documents that would be printed '95,  
25 '96, '97 would all have been in play in the years

1 preceding that, which would fall within our time  
2 frame. I can't answer for sure, but based on  
3 everything we've seen, it seems like a couple  
4 years would be more than adequate.

5 And I don't anticipate that's the kind  
6 of discovery that's going to lead to a bunch of  
7 other discovery. That really is plaintiffs doing  
8 their diligence to understand the full range of  
9 what was happening within the time period when  
10 the abuse occurred, and what direction was being  
11 given by the defendant corporations during that  
12 time period. So our position is that  
13 necessitates definitely looking back.

14 And for example --

15 THE COURT: If I could interrupt, so we  
16 are talking just about the jurisdictional  
17 discovery. So it wouldn't be necessarily what  
18 direction, for example, WTPA was given to Hardin  
19 congregation, but simply whether or not they were  
20 giving them direction, would that be more  
21 accurate in order to determine whether there is  
22 jurisdiction?

23 MR. STEPANS: I think -- yes, that's  
24 correct, Your Honor. There's also the question  
25 of alter ego, I think. So from our perspective,

1 I guess I am lumping all these together. But  
2 agreed, Your Honor.

3 THE COURT: I think -- we don't always,  
4 maybe not even often, kind of bifurcate discovery  
5 like this, where we have a jurisdictional  
6 discovery period and then just general discovery.  
7 So I think it's easy to kind of get caught up in  
8 what do I need for the jurisdictional issue and  
9 what do I need for my case in general. Certainly  
10 those things will overlap ultimately, but it is a  
11 little narrower scope at this juncture.

12 MR. STEPANS: Agreed, Your Honor. Yes,  
13 absolutely.

14 THE COURT: Okay.

15 MR. STEPANS: I think, I would say out  
16 of necessity because the alter ego we believe  
17 that is a legitimate basis for personal  
18 jurisdiction on WTPA, and the documents we have,  
19 it certainly does lead us down a path that looks  
20 a lot like general discovery because we are  
21 trying to discover the nature of the  
22 relationships, what are they doing independently,  
23 what are they doing together, and it does take us  
24 further down that road. But absolutely we agree  
25 that we should be narrow.



1 THE COURT: Right. By my question I  
2 didn't mean to imply that I have basically  
3 determined that your alter ego argument doesn't  
4 have any merit. I was just thinking simply about  
5 the Pennsylvania organization. But I understand  
6 your alter ego argument, too.

7 MR. STEPANS: Thank you, Your Honor.  
8 I answer that way because my law partner tells me  
9 I am not specific enough. So I agree with that  
10 and I do need to be particular.

11 The other two categories, Your Honor,  
12 that I am kind of conceding of this, the next one  
13 is interrogatories. I hate coming to the court  
14 asking to have an order to clarify the  
15 interrogatories, but what I would ask the court  
16 to do in this regard, I point the court to  
17 Document 57-6, this is a pleading -- excuse me,  
18 this is discovery, defendant Watchtower Bible and  
19 Tract Society of New York's responses to  
20 plaintiffs' second set of jurisdictional  
21 discovery.

22 THE COURT: Okay. I have that pulled  
23 up.

24 MR. STEPANS: Your Honor, I would just  
25 ask the court -- when I see these

1 interrogatories, and a big part of the reason  
2 that we are here is we have to rely on these  
3 defendant corporations to give us this  
4 information. They have it, and some of it we  
5 have been able to obtain in other places. But in  
6 terms of the interrogatories, when I look at  
7 these answers to the interrogatories, and just,  
8 for example, this is Interrogatory No. 7 on page  
9 5 of 7 on Document 57-6, the question is,  
10 identify each person who worked in the church's  
11 legal department between 1960 and 1990.  
12 Objection. Please refer to the general objection  
13 above for an explanation as to why the time  
14 period requested in this interrogatory is  
15 improper. Also, vague. Further, overbroad. Not  
16 reasonably calculated. Infringes on the privacy  
17 rights to third parties.

18 So it goes back to my first request,  
19 that the defendants be ordered to answer in  
20 accordance with the rules. But as I read all  
21 those discovery responses, in spite of the  
22 representations by counsel of all the efforts  
23 that have been made, this does not appear to me  
24 to be a defendant that wants to be forthcoming in  
25 the discovery process, that is eager to get the

1 ball rolling and is eager to answer in  
2 interrogatory form the questions that are asked.

3 Every single one of these creates a  
4 morass of boilerplate objections and dodgy  
5 answers.

6 THE COURT: So with regard to  
7 Interrogatory No. 7, of course, their first  
8 general objection is that you're talking about a  
9 time frame that exceeds the scope of 1973 to  
10 1992. And then they list their other objections.

11 So did they provide anything in  
12 response to this Interrogatory No. 7, do you  
13 know, off the top of your head?

14 MR. STEPANS: There was a  
15 supplementation at some point but I don't think  
16 that it was to this. We did get a few names.  
17 Your Honor, it goes on, Interrogatory No. 8  
18 refers us to other documents, which -- it's  
19 hampering our ability to proceed in a meaningful  
20 way where we can ask an interrogatory and follow  
21 up with other discovery questions in order to  
22 move this along.

23 THE COURT: So going back to  
24 Interrogatory No. 7, your argument is, okay, the  
25 defense has listed all of these objections as to

1 why they shouldn't have to answer this question  
2 or provide these -- this information, and then if  
3 I understand your brief, they are supposed to say  
4 whether or not they are withholding information  
5 based on these; that they actually have some  
6 information that's pertinent to your  
7 interrogatory but they are not providing it  
8 because of these objections, correct?

9 MR. STEPANS: That is correct. And we  
10 don't know which one it is. They say it's just  
11 time period. But they could answer within the  
12 relevant time period if they wanted to.

13 THE COURT: Right.

14 MR. STEPANS: But they don't appear to  
15 want to do that. They go further. The  
16 representation to the court is defendant  
17 corporations are only withholding information and  
18 material pursuant to a time period objection.  
19 Our position is that does not bear out in what  
20 they have sent to us, or submitted to the court.  
21 It highlights, Your Honor, and I understand the  
22 difficulties in the court trying to order someone  
23 to answer an interrogatory appropriately because  
24 this is information that they have, the problem  
25 is it doesn't appear they are making an effort to

1 do so, and as opposed to hoping to provide this  
2 information, are hoping to keep it from us. As a  
3 result of that, the interrogatory piece of this,  
4 we are asking the court to order that the  
5 defendants, these defendant corporations,  
6 participate meaningfully in that part of the  
7 discovery process.

8 That rolls in, I guess, what I would  
9 say just a general category of our complaint  
10 here, and that's the duty upon the defendants to  
11 do a diligent search in response to these  
12 discovery requests. And our reply brief, Your  
13 Honor, kind of highlights the biggest -- the  
14 place where we become cynical, because we have  
15 to, if we are going to represent our clients and  
16 prosecute this case effectively, this 1972  
17 Kingdom Ministry School Course that James Rowland  
18 in his deposition identified as kind of the thing  
19 that he relied on as it pertains to direction in  
20 handling allegations of sexual abuse, it's a big  
21 deal. It's pretty important. It is relevant to  
22 this case in basically every way. And if we  
23 hadn't been able to secure it by other means,  
24 defendant corporations would be completely happy  
25 to hide it from us. And that's why we are here.

1           So as a result of that back and forth,  
2           and certainly I don't know how much the court  
3           wants to inquire with defendants about that, but  
4           I will leave our briefing where it's at as it  
5           pertains to that piece of it. And it goes --

6           THE COURT: So can you tell me kind of  
7           generally, did you submit an interrogatory to the  
8           defendants, the answer to which would have been a  
9           disclosure of this 1972 WTPA document, the  
10          Organization of Kingdom Preaching and Disciple  
11          Making?

12          MR. STEPANS: I believe there was an  
13          RFP that was, and it was very specific  
14          identifying this document.

15          THE COURT: By name.

16          MR. STEPANS: They had it. And they  
17          hadn't given it to us. We knew it existed. We  
18          asked for it by name. And they turned it over  
19          after -- I don't know if it was after we filed  
20          our motion but it was after Mr. Rowland's  
21          deposition.

22          THE COURT: Do you recall what their  
23          response was to your request for that document?

24          MR. STEPANS: I do not, but I will have  
25          someone find it so I can tell you.

1           Co-counsel indicates that the time  
2 period objection, I think that's right, and we'll  
3 run it down.

4           THE COURT: Okay.

5           MR. STEPANS: Your Honor, in terms  
6 of -- there are two things on this last point in  
7 terms -- did you want to inquire more on that?

8           THE COURT: No. No, thank you.

9           MR. STEPANS: The duty upon the  
10 defendants to diligently search -- okay --  
11 Document 67, Your Honor, both corporate  
12 defendants' response brief, and I'd point the  
13 court to, let's see, page 33 of 38, and page 26,  
14 Mr. Wilson's pagination, I believe.

15           THE COURT: Okay. I'm on page 38, or  
16 33, I beg your pardon.

17           MR. STEPANS: Okay. WTPA and WTNY  
18 should not have to undergo the burdensome task  
19 describing efforts for searching requested  
20 documents.

21           We would request that they explain why  
22 that would be burdensome in terms of describing  
23 the efforts one made. There's different ways to  
24 search for things, and I think in the course of  
25 our legal careers we've all had cases where

1 things were hard to find or they disappeared or  
2 there was a flood or a lot of time has passed.  
3 It's entirely appropriate for plaintiff to  
4 inquire as to what the nature of the search was  
5 when, for example, other documents come to us  
6 from other places and defendant corporations say  
7 that they don't have it, can't find it, but they  
8 don't describe what they did to look for it.  
9 That would be one thing if they provided us with  
10 a detailed list of folks with knowledge or  
11 information. If they would have answered these  
12 interrogatories, it's sort of a different story  
13 because we could do these depositions and ask all  
14 the questions. But as it pertains to us asking  
15 them to verify how hard they looked for some of  
16 this stuff, we don't want to have to be here, but  
17 when such like the 1972 document comes forward,  
18 it's impossible not to feel that way.

19 And then the last paragraph on page 33  
20 of defendant corporations' briefing, this is a  
21 quote. If plaintiffs believe some documents or  
22 information exist that has not been produced,  
23 plaintiffs are welcome to argue as much.

24 I think in spite of defendant  
25 corporations real efforts to put this on



1 plaintiffs as it pertains to what we need to do  
2 to try and find their documents outside in the  
3 world, I disagree that's our responsibility. If  
4 the defendants do not participate meaningfully in  
5 discovery, then, in a case like this, without the  
6 court's help, just by sitting on it they could  
7 get out of all of it because they hold almost all  
8 the documents. It's a piece of -- it miraculous  
9 that we would be able to get some of these  
10 documents. I mean, if the court can imagine the  
11 different kind of a case where the plaintiff  
12 would have to go find its own, like,  
13 organizational manuals of a company or a  
14 corporation, go and discover on our own who the  
15 body of elders were, go and discover on our own  
16 find all these documents outside in the world,  
17 that just doesn't happen. We have to rely on  
18 them. They haven't done it. So we are here  
19 asking you to hold them to it.

20 Subject to any other questions, Your  
21 Honor, I think I do need -- oh, if could reserve  
22 the rest of my time to reply subject to any  
23 questions by the court.

24 THE COURT: Sure, I will give you an  
25 opportunity to rebut or reply.

1           MR. STEPANS: I'll be very, very brief.  
2 Thank you, Your Honor.

3           THE COURT: Mr. Wilson, are you arguing  
4 on behalf of the defendants?

5           MR. WILSON: I am, Your Honor. Thank  
6 you. May it please the court, and counsel, Your  
7 Honor, for brevity purposes I will be referring  
8 to Watch Tower Bible and Tract Society of  
9 Pennsylvania as WTPA, and Watchtower Bible and  
10 Tract Society of New York as WTNY.

11           So, Your Honor, there are three general  
12 objections that have been raised in the course of  
13 discovery. And those three general objections  
14 are efforts by WTPA, the first one to make clear,  
15 it was not waiving its claim that is not subject  
16 to personal jurisdiction by providing discovery  
17 responses generally. The second was that WTPA  
18 was not waiving its claim that it's not subject  
19 to personal jurisdiction by providing answers and  
20 responses going beyond the scope of  
21 jurisdictional discovery. And the third, that  
22 the request seeking information beyond the scope  
23 of the relevant time limitation is improper.

24           Now, Your Honor, I think you hit the  
25 nail on the head earlier when you brought up the

1 distinction here that we are not currently in  
2 general discovery, we are in jurisdictional  
3 discovery. So the only focus of discovery at  
4 this point is TWPA's motion to be dismissed for  
5 lack of personal jurisdiction over it.

6 Now, plaintiffs' argument, contrary to  
7 that, is the WTPA is subject to specific personal  
8 jurisdiction. Specifically, they've identified  
9 subpart 4B1(b) of the Montana Rules of Civil  
10 Procedure, Montana's long arm statute arguing the  
11 commission of any act resulting in accrual within  
12 Montana of a tort action. If they can satisfy  
13 that prong, they must show exercise of due  
14 process -- the exercise of personal jurisdiction  
15 would comport with due process under the  
16 three-part test of purposeful direction of  
17 activity, consummation of a transaction within  
18 the forum for purposeful availment of the  
19 privilege of conducting activities in the forum,  
20 the claim must arise out of out or result from  
21 forum-related activity, and the exercise of  
22 jurisdiction must be reasonable.

23 Additionally, they've argued alter ego,  
24 which means they must make a prima facie showing  
25 of such unity of interest and ownership that

1 separate entities no longer exist, and failure to  
2 disregard the separateness would result in fraud  
3 or injustice.

4 So, Your Honor, that is the universe of  
5 items that this jurisdictional discovery is meant  
6 to be, basically meant to be looking at. And the  
7 parties spoke and reached a joint jurisdictional  
8 discovery plan where we agreed for the most part  
9 on what the scope of this jurisdictional  
10 discovery should be.

11 The three items which the parties were  
12 able to agree on were, number one, TWPA's  
13 contacts and communications with the local  
14 Jehovah Witness congregations in Montana, if any,  
15 during the relevant time period. Number two,  
16 TWPA's activities and conduct in Montana, if any,  
17 during the relevant time period. And number  
18 three, the Hardin, Montana, Jehovah Witness  
19 congregations' contacts with WTPA, if any, during  
20 the relevant time period.

21 Now, the fourth item that the parties  
22 could not agree on was the scope of discovery as  
23 to corporate relationship between WTPA and WTNY,  
24 and per this court's order in that regard, the  
25 court allowed such discovery during the time

1 period of 1973 to 1992.

2 So those are the only four areas that  
3 this discovery in the jurisdictional phase is  
4 supposed to be addressing.

5 Now, as to the relevant time period,  
6 the plaintiffs themselves, in putting together  
7 the joint jurisdictional discovery, argued it was  
8 1970 to 1995. Our position is it should have  
9 been 1973 to 1990. Then, Your Honor, in your  
10 order as to the scope, you noted the relevant  
11 time period for corporate purposes would be 1973  
12 to 1990. Defendants then used that guidance of  
13 1973 to 1990 as the time period the  
14 jurisdictional discovery should occur.

15 Plaintiffs' argument here, going well  
16 beyond the scope of what they themselves argued  
17 for in their joint jurisdictional discovery plan,  
18 would basically result in no limitation  
19 whatsoever. And as I'll discuss, Your Honor,  
20 some of the specific documents they've asked for  
21 range in dates from 1885, which would be 85 years  
22 before the beginning of the time frame they came  
23 up, all the way to the year 2001. So they've  
24 basically asked for no limit in time whatsoever  
25 on jurisdictional discovery. And as we'll go

1 through some of these, basically they've asked  
2 for a number of items that go well beyond the  
3 scope of the subject of jurisdictional discovery.

4 So these three general objections were  
5 important for WTPA to assert, that, look, we're  
6 working with plaintiffs here. As Your Honor can  
7 see from the exhibits to our response brief to  
8 the motion to compel, we've exchanged much  
9 correspondence, we've spoken a number of times  
10 with plaintiffs' counsel, we've provided many  
11 supplementations, we've been trying very hard to  
12 avoid having to do this and trying to provide the  
13 information they've requested that is relevant to  
14 jurisdictional discovery. But we needed to  
15 assert those general objections so that we are  
16 not waiving anything. And also, Your Honor, the  
17 big thing, jurisdictional discovery such as this  
18 needs to be limited to these areas and time  
19 periods, otherwise it's basically a fishing  
20 expedition, which is what it has become.

21 Now, a few of the specific items that  
22 they've referred to, for example, they talk about  
23 the RFAs, as a general rule, we've been reporting  
24 late in those. I think the main one they are  
25 talking about in that regard was there is Request

1 for Admissions 4 and 6 to WTPA, and also Request  
2 for Admission No. 7, asking WTPA to admit, quote,  
3 that it notified persons endeavoring to donate to  
4 the Jehovah Witness Church to make their  
5 contributions payable to WTPA. And there are  
6 RFAs for the various time periods.

7 There was no reformulation of the RFAs.  
8 We relied on the language they used, that the  
9 WTPA notified persons. Well, the response is we  
10 denied there was ever any such notification of  
11 persons, but admitted that voluntary donations  
12 were accepted.

13 Now, the Requests for Admission 26,  
14 asked WTPA to admit, quote, collected money from  
15 Montana for the purchase of insurance policies.  
16 Now, as an initial point, Your Honor, I fail to  
17 see how that possibly could have a tie to  
18 personal jurisdiction. They are not arguing  
19 under Montana's long arm statute 4(b)1D regarding  
20 contracting to ensure any person. But the  
21 initial response was answered in context of other  
22 requests where the plaintiffs were asking about  
23 the Kingdom Hall assistance arrangements, which  
24 was a program that was begun in 1989 for the  
25 voluntary pooling of assets to provide funds for

1 property damage, care for liability claims, and  
2 Kingdom Hall operations when there is no  
3 insurance coverage, and purchase coverage where  
4 necessary. Well, once it was confirmed that the  
5 plaintiffs were actually asking about any  
6 insurance, not the Kingdom Hall assistance  
7 arrangements specifically, we supplemented, and  
8 there's basically no records one way or another  
9 if any donations from Montana were used to  
10 purchase insurance policies. That's just not the  
11 kind of record keeping that WTPA has, so we  
12 supplemented to indicate that we have no  
13 responsive information and were unable to affirm  
14 or deny based on reasonable inquiry. There just  
15 simply isn't the documentation showing what  
16 specific donations from specific locations were  
17 used to purchase what specific products over  
18 time.

19 Now, they also asked for Request for  
20 Admission about the governing body. And that  
21 would be the Request for Admission No. 14. They  
22 are asking whether WTPA acts under the direction  
23 of the governing body.

24 Well, as we've explained to plaintiffs  
25 through correspondence, the governing body, which



1 has not been named in the law enforcement, is a  
2 small group of spiritually mature Christians who  
3 provide spiritual guidance to Jehovah Witnesses  
4 worldwide. They are not leaders of Jehovah  
5 Witnesses that provide ecclesiastic guidance. So  
6 the example we provided in our correspondence,  
7 was whether WTPA or WTNY had a Christmas party.  
8 Well, based on the guidance from the governing  
9 body, the Jehovah Witness followers don't  
10 recognize Christmas as a holiday. So by doing  
11 that there would not be -- WTPA and WTNY would  
12 not then have a Christmas party to have a party  
13 for a holiday that is not recognized by the  
14 religion.

15 But that's not providing legal  
16 direction or oversight, and that's what we tried  
17 to explain that, well, their use of "under the  
18 direction of" is ambiguous; any direction isn't  
19 legal as to oversight or direction, it's  
20 basically ecclesiastic guidance. Generally  
21 people in WTPA and WTNY are Jehovah Witnesses,  
22 the governing body is where they get the  
23 information how the religion should appropriately  
24 be practiced.

25 So in No. 7, Your Honor, about the

1 request for individuals who worked at the legal  
2 department. First off, 1960 to 1990 was the time  
3 frame used. No explanation why that particular  
4 time frame, which is different than what was in  
5 the joint jurisdictional discovery plan.

6 Basically, WTNV has no list of employees that  
7 were there between 31 and 61 years ago.

8 Now, in the efforts to try to meet and  
9 confer on this, we've identified the three people  
10 that have the most knowledge that we are aware of  
11 the time periods, they can ask questions of those  
12 people, and we've also provided the lists of the  
13 board of directors for the years in question  
14 here. This is from the 1973 to 1992. So they  
15 have people that they can talk to.

16 And the other -- you know, they are  
17 asking that this to help try and determine what  
18 the scope of the corporate overlap is. I'm not  
19 sure what they could possibly get from a general  
20 list of everyone who may have worked there beyond  
21 what's in the board of directors, and they have  
22 people they can ask those questions about in the  
23 deposition process.

24 Your Honor, these issues about stuff  
25 outside the time frame, again, plaintiffs haven't

1       been able to identify what they consider a  
2       reasonable time frame would be. The stories  
3       change when we put the joint jurisdictional  
4       discovery plan together, and as they stand here  
5       today they apparently can't say what they think  
6       the appropriate time period should be.

7               So the documents they've relied on for  
8       this argument, first off is a letter dated  
9       November 1, 1995, addressed to all bodies of  
10      elders in Britain. The plaintiffs have been  
11      informed that such letters were only sent  
12      congregations in England, not the US, and such  
13      communications in the U.S. were sent by WTNY, not  
14      WTPA.

15             Now, Request for Production 73 through  
16      78 are basically various documents. RFA 73,  
17      Preaching and Teaching and Peace and Unity. The  
18      plaintiffs already have the only version of that  
19      document from 1960, since that was outside the  
20      time frame, that's why it was not produced. But  
21      Mr. Rowland during his deposition testified he  
22      had never seen it before anyway.

23             Request for Production No. 74, Council  
24      on Theocratic Organization for Jehovah Witnesses.  
25      Plaintiffs already have the only version which is

1 from 1949. Again, outside the time scope. Mr.  
2 Rowland testified he had never seen that document  
3 before.

4 Request for Production No. 75, the  
5 Organization for Kingdom Preaching and Disciple  
6 Making. Again, plaintiffs already have the 1972  
7 version, not produced because it was outside of  
8 the time frame. Mr. Rowland was asked about that  
9 during his deposition, and he did say that he had  
10 seen that document. And after the deposition we  
11 supplemented discovery to provide that, even  
12 though plaintiffs already had it.

13 Now, Request for Production 76 and 78,  
14 that's the listing of 31 specific documents from  
15 January 1885 to January 2001. And after  
16 initially objecting, in an effort to try and meet  
17 and confer, we produced every one all of those  
18 specific documents that WTNy and WTPA have been  
19 able to find. Now, there are some they have not  
20 been able to. The search is ongoing. If we do  
21 find it, we will further supplement, But,  
22 basically, Your Honor, for every specific  
23 document that's been requested outside of the  
24 1973 to 1992 time period, they either already  
25 have it, or we've produced it if we have it in

1 our possession, custody, or control. So anything  
2 beyond this would be going into the fishing  
3 expedition of basically every publication that  
4 WTNY or WTPA has ever made.

5 Now, the efforts made in support of  
6 responses, you know, they cited to some cases in  
7 the Hymen (phonetic) case out of Nevada, in that  
8 case there was a requirement to provide more  
9 information than just e-mails and Facebook. That  
10 case has no case law cited in the decision, and  
11 no citing references. The Marty case out of  
12 California, that case required to confirm  
13 reasonable inquiry and exercise due diligence;  
14 stated if you don't have possession of the  
15 documents in your control. Here we have been  
16 working with our pro hoc vice counsel, who is in  
17 New York, to respond to these requests. And I  
18 think it's important for the court to note the  
19 date that WTPA in this jurisdictional phase has  
20 responded to 45 interrogatories, 81 requests for  
21 production, 30 requests for admission, and has  
22 produced 63,469 pages of documents. WTNY has  
23 responded to an additional 24 interrogatories, 16  
24 requests for production, 4 requests for  
25 admissions, and produced additional 210 pages of

1 documents.

2 We've produced what we have within the  
3 time period and scope. We've explained the basis  
4 for our objections as to why we haven't. These  
5 are not boilerplate objections. They are  
6 different objections to different requests. It's  
7 specific. For example, every employee over a  
8 30-year time period, there are privacy concerns  
9 to that. It is overbroad. It is not  
10 proportional to the needs of this case. And it's  
11 not same objections to every request, except for  
12 those three general objections which, again, were  
13 necessary to avoid waiving any jurisdictional  
14 scope argument or time period argument.

15 Plaintiffs ask for relief as to  
16 upcoming 30(b)(6) depositions. At this point no  
17 final notice or list of topics have been  
18 produced, so there is no justiciable controversy  
19 at this point. Plaintiffs counsel have provided  
20 drafts of topics. We responded with concerns  
21 again regarding scope and timing. And we  
22 reserve the right to assert such objections  
23 during 30(b)(6) depositions to avoid a fishing  
24 expedition, but we are not there yet.

25 Mr. Rowland's deposition testimony,

1 plaintiffs make some discussion about that in  
2 their reply brief. And I'll be brief here, Your  
3 Honor. I don't want to read the transcript to  
4 the court but are willing to provide a sur reply  
5 brief with the entire transcript or portions.  
6 But plaintiffs' reply brief kind of focuses on  
7 the fact Mr. Rowland is not getting any relief or  
8 was not getting communication from Jehovah  
9 Witnesses officials. I think it is important for  
10 the court to know, and I'm going to read a few  
11 portions here to show Mr. Rowland's concerns in  
12 that regard are with the local folks in the  
13 Hardin congregation and local overseers, not  
14 anyone with WTNY or WTPA.

15 So question here, Mr. Rowland, when we  
16 are talking reports, are you talking about  
17 reports you would fill out as an elder.

18 Yeah, I wouldn't do that as an elder  
19 myself but I'd have him put into the congregation  
20 response something with four or five elders.

21 Question. And you're talking about the  
22 Hardin congregation as this point?

23 Answer. Yes.

24 Question. Did you ever talk to anybody  
25 during your time at the Hardin congregation, did

1 you ever talk to anybody in Bethel in New York?

2 No.

3 Question. Mr. Rowland, were you  
4 instructed and trained if you had an issue you  
5 were to provide an overseer with it?

6 Answer. Yes.

7 Question. Were you ever instructed and  
8 trained to go to Bethel with the problem?

9 Bethel is the New York area where the  
10 WTNY and WTPA are located.

11 Question. Were you ever instructed and  
12 trained to go to Bethel with the problem?

13 Answer. No, there were no  
14 communication with them.

15 Question. While you were an elder,  
16 were you able to get a sense on how the reporting  
17 from Hardin, from the Hardin congregation,  
18 reporting things like donations, new members, did  
19 you get a sense of how that stuff was recorded  
20 back to New York?

21 Answer. No.

22 After an objection, Mr. Rowland  
23 continued.

24 No. As an elder and living out here in  
25 the country, even going in two times a week,



1 sometimes four or five times a week, but the  
2 judicial issue, and that was taken care of in  
3 Hardin.

4 Question. Do you have any knowledge of  
5 whether reports of sexual abuse were ever written  
6 down and handed to a circuit overseer or not?

7 Answer. I don't know. The way that  
8 things were, it was, like, nonexistent. I didn't  
9 see a report, didn't hear a report, nobody called  
10 me in.

11 Question. Did anyone from New York  
12 train you how to handle victims who had been  
13 sexually abused to take care of victims.

14 Answer. No, not specifically. Never  
15 see anybody from New York.

16 All right.

17 After some discussion by Mr. Rowland  
18 about how things fit into the organization and  
19 the stream of responsibility, he was asked,  
20 question, Stream of responsibilities between New  
21 York and the local congregation or between elders  
22 and ministerial servants, what do you mean?

23 Answer. Usually the organization is  
24 the one that you're in. When you talk about the  
25 organization, nobody talks about New York.

1           Question. Have you ever read a  
2 publication by Watchtower Bible and Tract Society  
3 of New York or Watch Tower Bible and Tract  
4 Society of Pennsylvania that said you could not  
5 report abuse to the authorities?

6           Answer. Not that I know of.

7           Again, answering a question about  
8 reporting, answer, I was not responsible for any  
9 paperwork going to New York. It's the presiding  
10 elders that did that.

11          Question. Are you aware of any  
12 communication to Watchtower Bible and Tract  
13 Society of New York or Pennsylvania regarding any  
14 of your allegations?

15          Answer. I have no knowledge of that.

16          Question. Okay. So Hardin doesn't  
17 follow the directions from Watchtower?

18          Answer. No.

19          So as you can glean from those  
20 transcript portions, Your Honor, a lot of Mr.  
21 Rowland's deposition went beyond jurisdictional  
22 discovery as well, and I wanted to clarify to  
23 provide some context for the citations to that  
24 that were provided by plaintiffs counsel in their  
25 reply brief.

1           And, again, if Your Honor would like a  
2 sur reply brief explaining more of that or  
3 providing more excerpts of the transcripts, I  
4 would be happy to so provide.

5           In closing, Your Honor, our position is  
6 there is no entitlement to an award of fees and  
7 costs. The actions taken by WTNY and WTPA in  
8 responding to discovery have been proper. The  
9 letters and supplements show we have gone to  
10 great lengths to work through issues raised by  
11 plaintiffs regarding issues regarding scope and  
12 time. You know, again, frankly to us it is  
13 unclear what they are asking for in their relief,  
14 but to the extent there has been any shortfall in  
15 the discovery process, Your Honor, it would not  
16 be just for there to be an award of fees and  
17 costs due to the efforts that have been made.

18           Your Honor, unless you have some  
19 questions for me, that's all the argument I have.

20           THE COURT: Well, for the sake of  
21 example, this document that Mr. Rowland was  
22 talking about in his deposition, that the  
23 defendants discuss on page 3 of their reply  
24 brief, this Organization for Kingdom Preaching  
25 and Disciple Making, that was published in 1972,

1 I mean, I understand in my order with regard to  
2 the scope of jurisdictional discovery, I said  
3 that plaintiffs shall be permitted to conduct  
4 discovery into TWPA's and WTNy's corporate  
5 relationship from 1973 to 1992. But with regard  
6 to plaintiffs' arguments, specifically as to that  
7 publication, the fact that it was published in  
8 1972, I mean in some ways '73 is a little bit of  
9 an arbitrary cutoff in that this 1972 document,  
10 for example, would have been in effect in 1973,  
11 and maybe even farther into that time period as  
12 far as documents that the Hardin congregation  
13 might have relied on that came from the  
14 Pennsylvania organization. What are your  
15 thoughts about that?

16 MR. WILSON: Well, I mean, that's the  
17 problem, Your Honor, when you have a time period,  
18 what do you define as the parameters. At some  
19 point there have to be parameters, otherwise it's  
20 basically unencumbered. Here it was published  
21 1972, which was outside that time frame.  
22 Plaintiffs had that document. It was something  
23 they produced in their initial disclosures  
24 relatively early on. Once it was confirmed that  
25 someone in the congregation in Hardin had

1 actually seen it, we did supplement to produce  
2 it. And, again, that goes back we have been  
3 trying to produce now, in an effort to try and  
4 meet and confer, any specific document they've  
5 asked for that goes outside those time periods.

6 But, again, Your Honor, we are doing  
7 the best we can with what the time period it is.  
8 You know, it was 1973 to 1992, this particular  
9 document was in 1972.

10 THE COURT: Right, but can't you  
11 understand the difficulty the plaintiffs are  
12 having being kind of hamstrung by that scope.

13 MR. WILSON: That's, why, Your Honor,  
14 in meeting and conferring we have been trying to  
15 supplement to provide those documents outside  
16 that scope of time and materials that they don't  
17 already have that we still have in our  
18 possession, custody, or control. That's where we  
19 go back to that list of documents from January  
20 '85 to 2001, we've been trying to track those  
21 down, and to the extent we've been able to find  
22 them, we have supplemented to provide those to  
23 plaintiffs' counsel.

24 THE COURT: I mean, you have to agree  
25 basically the statement you just made and the

1 statement made in your brief, if plaintiffs know  
2 of something specific, they just need to ask us.  
3 Well, the purpose of discovery is because they  
4 don't necessarily know what exists, so how can  
5 you ask for something that you don't necessarily  
6 know what it's called or whether it exists.

7 MR. WILSON: Well, for the  
8 jurisdictional discovery we are in, Your Honor,  
9 the understanding was they were going to ask for  
10 questions of the Hardin congregation as to what  
11 documents the Hardin congregation had. And  
12 basically our position was, unless there is some  
13 showing that the Hardin congregation had it, and  
14 it was used by them in Montana, it would be  
15 outside the scope and irrelevant to basically,  
16 the jurisdictional discovery in this case. And  
17 they did ultimately subpoena the Hardin  
18 congregation and then the documents were  
19 identified there and then through the meet and  
20 confer as well we've been trying to identify the  
21 specific documents they asked for. But we have  
22 no way of knowing what was provided to the Hardin  
23 congregation in 1973 to 1992.

24 THE COURT: Right. Of course, we have  
25 some of that issue before the court because the

1 Hardin congregation has also claimed some  
2 privileges and so forth that would prevent them  
3 disclosing various things.

4 Okay. I think that's all I have, Mr.  
5 Wilson.

6 MR. WILSON: Thank you, Your Honor.

7 THE COURT: Thank you. Your response,  
8 Mr. Stepans.

9 MR. STEPANS: Thank you, Your Honor.  
10 Your Honor, I want to assure the court, and  
11 counsel for the defendants as well, I do not want  
12 to every publication they have ever made, I  
13 really don't, just the ones we've asked for. And  
14 I want to talk about documents that plaintiffs  
15 have been able to get elsewhere. Defendants have  
16 refused to authenticate those documents, and in  
17 part because there are notations in them or they  
18 say they don't know where it came from. So even  
19 though we are able to go and find some of these  
20 things on our own, the next step of that, which  
21 would be to authenticate it, defendants don't  
22 want to do that either.

23 So they don't want to give it to us and  
24 they also don't want to authenticate it, and I  
25 would say that that probably means they don't

1 want it to be part of the case and would prefer  
2 that it not be shown to the jury. But what we  
3 are trying to do is prosecute this case in a  
4 meaningful way. I'm glad that counsel brought up  
5 two things, Your Honor, and these will be very  
6 brief, but they are the most precise highlights  
7 of the difficulty that plaintiffs have been  
8 facing so far and why we are here on this motion  
9 to compel.

10 The notice issue regarding donations of  
11 money, the way that that RFA was answered,  
12 defendant corporations, they deny that they put  
13 anyone on notice. This is a document that is  
14 referred to, I don't believe it's part of the  
15 briefing, but it is a page from the Branch  
16 Organization Manual, which is Document 57-7 in  
17 the ETF. This is page 22-1 on the pagination of  
18 the manual, otherwise identified as plaintiffs'  
19 bates 002025. Here's what it says. This is  
20 their document from 1977.

21 THE COURT: This is Exhibit 57-7?

22 MR. STEPANS: Your Honor, Document 57-7  
23 is a couple of pages from this branch  
24 organization. These are different pages that  
25 have not been submitted to the court. I don't



1 know if you want to hear this, but the reason  
2 that this is important is because this paragraph  
3 guided the RFA that we asked about donations of  
4 money and putting people on notice. This  
5 document from WTPA published by WTPA, it says  
6 effective December 15, 1977.

7 I will quote here. Donations of money  
8 may be made to the society in the form of  
9 contributions payable to Watch Tower Bible and  
10 Tract Society of Pennsylvania in the United  
11 States, or if from a donor located in a country  
12 outside the United States, then donations may be  
13 mailed to the branch office for that country and  
14 made payable to the local corporation.

15 So the answer is they are denying that  
16 they put anyone on notice that donations could be  
17 made to WTPA. And what it says is, donations of  
18 money may be made to the society. It's their  
19 publication. They give no other explanation,  
20 they just say, no, we didn't notify any anybody  
21 that they could make those donations.

22 THE COURT: Seeming to take issue with  
23 the word "notify."

24 MR. STEPANS: I believe that we are in  
25 a semantic quest here to find the right term that

1 they would like us to use as it pertains to what  
2 -- I guess I would say that qualifies as notice,  
3 but I agree it looks like they are parsing out  
4 "notify." That doesn't seem --

5 THE COURT: We didn't notify anyone.  
6 We might have informed but we didn't notify.

7 MR. STEPANS: Or alluded to it or  
8 suggested.

9 But it would be good if they did pick  
10 one of those verbs to let us know which one they  
11 had done as it pertains to this.

12 On the governing body argument, Your  
13 Honor, I'm glad counsel brought this up, and I  
14 think this is maybe the best illustration, I will  
15 point the court to two documents that I would  
16 like to compare here. 57-8 and page 9 of  
17 Document 57-8. That is the answer to  
18 interrogatory No. 15. And I'll quote. This is  
19 from defendant corporations in discovery. The  
20 governing body of Jehovah Witnesses is an  
21 ecclesiastical group of men who care for the  
22 spiritual interests of Jehovah Witnesses  
23 worldwide. It has no legal or corporate control  
24 over any entity used by Jehovah Witnesses.

25 That's a present day recitation. It

1 says that's what they are now. I point the court  
2 to Document 57-7, page 3 of 3, and here's what it  
3 says.

4 THE COURT: 57-7?

5 MR. STEPANS: Yes, Your Honor. And  
6 page 3 of 3.

7 First full paragraph. This is from  
8 1977, once again published by Watch Tower Bible  
9 and Tract Society of Pennsylvania. Governing  
10 body. The governing body is made up of brothers  
11 who are anointed servants, et cetera, et cetera.  
12 They act as representatives which has the  
13 responsibility for giving direction and impetus  
14 to kingdom work. While the governing body  
15 delegates certain details and responsibilities to  
16 committees made up of its own members, or  
17 committees made up of other dedicated servants of  
18 God, or to the instruments such as corporations  
19 and legal agencies, and I quote directly, it  
20 always takes the lead for the smooth functioning  
21 of the organization and the unity of all of God's  
22 people as the governing body has the prerogative  
23 to use its discretion and look into matters it  
24 deems necessary to examine with regard to the  
25 work. To oversee various aspects of the works,

1 committees have been established as follows.

2 So representation at this point is, I  
3 think the quote was, they don't lead anything,  
4 this is what I heard counsel say, and what their  
5 document says is that they lead, it always takes  
6 the lead.

7 Now, the difference between what the  
8 documents say and the interpretation of those  
9 documents, it's certainly important, but the  
10 documents say what they say, and that is the  
11 basis for what we are trying to uncover here.  
12 Those two items, Your Honor, I think, highlight  
13 the difficulty that we are having. So I want to  
14 be very clear that we have made a lot of effort  
15 to try and resolve this. You know, the  
16 conferring back and forth, and counsel indicated  
17 how many things they responded to, but if all of  
18 those interrogatories, you could read every  
19 single interrogatory, it doesn't matter if  
20 they've answered 45 or 300, it's the same.

21 In order to get this moving, Your  
22 Honor, we had to file this motion. We thought we  
23 could resolve it because a lot of it seemed to be  
24 fairly straight forward as it pertained to --  
25 originally we asked for 1970, and defendants

1 suggested 1973, or later. So we ended up there.  
2 These critical documents that fall within that  
3 category of time that were referred to, that now  
4 in the deposition of James Rowland obviously are  
5 relevant, suggest that there's other things out  
6 there. And we are ready to put this piece of the  
7 case to bed and move forward. So subject to any  
8 other questions, Your Honor, I think what we are  
9 asking for is really truly to stay within the  
10 relevant time period as it pertains to the sexual  
11 abuse. We understand that it took place  
12 basically within this time frame. But if we  
13 start closing discovery arbitrarily because we  
14 agreed to 1973 and now defendants say, well,  
15 you're stuck with it, that doesn't lead us to the  
16 place where we are uncovering the truth,  
17 discovering the facts, that we are going to be  
18 able to put this case together. I'm asking the  
19 court to issue an order in accordance with the  
20 rules. And subject to any other questions, I'm  
21 done, Your Honor.

22 THE COURT: Thank you. Well, you all  
23 know how much courts love discovery disputes.  
24 But thank you, counsel. The motion to compel is  
25 taken under advisement.

1           I just want to remind counsel in our  
2 scheduling order, that paragraph 9 does talk  
3 about if you're going to file something that's  
4 more than 20 pages, you have to provide the court  
5 with physical copy of that. Of course, we've got  
6 lots of pages with regard to these exhibits and  
7 it's not that I want to kill a bunch of trees,  
8 but maybe I'm just old school, but it's easier  
9 for me to look through a binder of documents. I  
10 just remind you of that, and also of the local  
11 rule with regard to the length of briefs.

12           So the matter is deemed submitted. We  
13 are adjourned.

14           (Court adjourned.)

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CERTIFICATE OF REPORTER.

I, Richard L. Mattson, Official Court Reporter for the United States District Court, hereby certified the foregoing to be a true and correct transcript of the proceedings contained therein.

/ss Richard L. Mattson

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