

Gerry P. Fagan
Christopher T. Sweeney
Jordan W. FitzGerald
MOULTON BELLINGHAM PC
27 North 27th Street, Suite 1900
P.O. Box 2559
Billings, Montana 59103-2559
Gerry.Fagan@moultonbellingham.com
Christopher.Sweeney@moultonbellingham.com
Jordan.FitzGerald@moultonbellingham.com

*Attorneys for Defendant Watch Tower Bible and Tract Society of
Pennsylvania*

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

TRACY CAEKAERT and
CAMILLIA MAPLEY,

Plaintiffs,

-vs-

WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK,
INC., and WATCH TOWER BIBLE
AND TRACT SOCIETY OF
PENNSYLVANIA,

Defendants.

Cause No. CV 20-52-BLG-SPW

**DEFENDANT WATCH TOWER
BIBLE AND TRACT SOCIETY
OF PENNSYLVANIA’S MOTION
FOR SUMMARY JUDGMENT
RE: VICARIOUS LIABILITY**

Pursuant to Fed. R. Civ. P. 56, Defendant Watch Tower Bible and Tract Society of Pennsylvania (“WTPA”) hereby moves the Court for an order granting summary judgment in its favor on the issue of vicarious liability relating to the

alleged acts or omissions of co-Defendant Watchtower Bible and Tract Society of New York, Inc. (“WTNY”), the local elders and ministerial servants of the Hardin Congregation of Jehovah’s Witnesses, and any other parties alleged to be agents of WTPA in this matter. WTPA has also requested summary judgment jointly with WTNY on both causes of action asserted by Plaintiffs Tracy Caekaert and Camillia Mapley (collectively “Plaintiffs”). (*See* Doc. 302 (negligence per se); Doc. 346 (general negligence).)

WTPA now separately moves for judgment as a matter of law on the issue of its vicarious liability because the undisputed material facts demonstrate no agency or alter ego relationships existed between WTPA and the other relevant parties in this matter, including WTNY and the local members of the Hardin Congregation of Jehovah’s Witnesses (“Hardin Congregation”), during the relevant time period of 1973 to 1992. Therefore, WTPA is further entitled to summary judgment on that basis.

Pursuant to L.R. 7.1(d) and L.R. 56.1(a), this Motion is supported by an accompanying Brief and Statement of Undisputed Facts.

DATED this 12th day of April, 2024.

MOULTON BELLINGHAM PC

By: /s/ Jordan W. FitzGerald

GERRY P. FAGAN

CHRISTOPHER T. SWEENEY

JORDAN W. FITZGERALD

27 North 27th Street, Suite 1900

P.O. Box 2559

Billings, Montana 59103-2559

*Attorneys for Defendant Watch Tower Bible
and Tract Society of Pennsylvania*