

HON. JAMES A. MANLEY
20th Judicial District Court
Lake County Courthouse
106 Fourth Avenue East
Polson, MT 59860
(406) 883-7250

FILED June 4 2018
Candace Fisher
SANDERS COUNTY CLERK OF DISTRICT COURT
BY [Signature]
DEPUTY

MONTANA TWENTIETH JUDICIAL DISTRICT COURT, SANDERS COUNTY

Cause No. DV-16-84

ALEX NUNEZ and HOLLY McGOWAN,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.;
WATCHTOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA, INC.;
CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES and THOMPSON
FALLS CONGREGATION OF JEHOVAH'S
WITNESSES,

Defendants.

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.; CHRISTIAN
CONGREGATION OF JEHOVAH'S
WITNESSES and THOMPSON FALLS
CONGREGATION OF JEHOVAH'S
WITNESSES,

Third-Party Plaintiffs,

vs.

MAXIMO NAVA REYES,

Third-Party Defendant.

**ORDER DENYING MOTION FOR
PROTECTIVE ORDER BY DEFENDANTS
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC. AND
CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES REGARDING
REQUESTS FOR PRODUCTION**

ORDER

Motion for Protective Order by Defendants Watchtower Bible and Tract Society of New York, Inc. and Christian Congregation of Jehovah's Witnesses Regarding Requests for Production (RFP) is **DENIED**.

RATIONALE

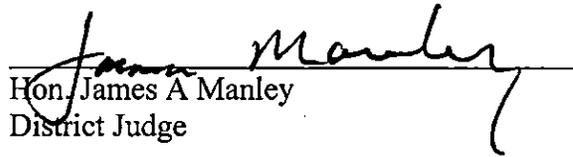
Mont. R. Civ. P. 26(b)(1) provides that, "Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim. . . . The information sought need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." This court finds that the RFP's that are objected to by Defendants Watchtower Bible and Tract Society of New York, Inc. and Christian Congregation of Jehovah's Witnesses fit the description of information sought that need not be admissible at trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence because Plaintiff's RFPs seek information about the defendants' involvement in cases similar to this case.

Mont. R. Civ. P. 26(b)(2)(C) requires this court to "limit the frequency, or extent of discovery otherwise allowed by the rule[]" quoted in the previous paragraph. Such limitation is provided for in Plaintiff's request for production as quoted by defendant's brief and where it is not limited this court now limits. This court notes the following limitations and finds them properly limiting or provides a proper limitation.

1. RFP No. 5 is properly limited through Defendants own footnote explaining that KHAA operated until 2014 so it is limited from its origin until 2014; GAA replaced KHAA so its origin of association with Defendants began in 2014 until the present so such information is properly limited.

2. RFP No. 6 is limited properly because it only seeks the documents requested for the past twenty years in lawsuits related to sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness.
3. RFP No. 7 is limited properly because it only seeks the transcripts of depositions of the persons most knowledgeable or corporate representatives designated by Watchtower Defendants in lawsuits related to sexual misconduct by an adult Jehovah's Witness perpetrated against a minor Jehovah's Witness. Further, this material is subject to, as is pointed out in the RFP, this court's protective order and the confidentiality and/or protective order may be produced.
4. RFP No. 8 is limited similarly to RFP No. 7 because those cases will have already been identified and Responses to Interrogatories and Responses to Requests for Admissions will not be as extensive as deposition transcripts. Further, this material is subject to, as is pointed out in the RFP, this court's protective order and the confidentiality and/or protective order may be produced.
5. RFP No. 9 needs a limitation from the court as it is extensive and since there is an indication to significance of March 14, 1997 letter from the Body of Elders and it is roughly 20 years ago, such a date seems appropriate for limitations for the materials requested in RFP No. 9. Further, this material is subject to, as is pointed out in the RFP, this court's protective order and the confidentiality and/or protective order may be produced.
6. RFP No. 12 is properly limited because it has a date, March 14, 1997, up to the present. Further, this material is subject to this court's protective order.

DATED this 3rd day of June, 2018.


Hon. James A Manley
District Judge

cc: **James P. Molloy**, Co-Counsel for Plaintiffs Alexis Nunez and Holly McGowen

D. Neil Smith, Co-Counsel for Plaintiffs Alexis Nunez and Holly McGowen

Kathleen L. DeSotto / Tessa A. Keller, Co-Counsel for Defendant and Third-Party Plaintiffs Watchtower Bible and Tract Society of New York, Inc., Christian Congregation of Jehovah's Witnesses, and Thompson Falls Congregation of Jehovah's Witnesses

Joel M. Taylor, Co-Counsel for Defendant and Third-Party Plaintiffs Watchtower Bible and Tract Society of New York, Inc., Christian Congregation of Jehovah's Witnesses, and Thompson Falls Congregation of Jehovah's Witnesses

Mathew M. Stevenson / David M. Maldonado, Attorneys for Third-Party Defendant Maximo Nava Reyes

05/29/18 SCB