

1 Megan S. Wynne, Esq., SBN 183707  
2 Ashley A. Escudero, Esq., SBN250473  
3 **MORRIS POLICH & PURDY LLP**  
4 One America Plaza  
5 600 West Broadway, Suite 500  
6 San Diego, California 92101  
7 Tel: (619) 557-0404  
8 Fax: (619) 557-0460

9 Donald T. Ridley, Esq.  
10 *Pro Hac Vice*  
11 **THE MANDEL LAW FIRM**  
12 370 Lexington Avenue, Suite 505  
13 New York, NY 10017  
14 Tel: (212) 697-7383  
15 Fax: (212) 681-6157

16 Attorneys for Nonparty Gerrit Lösch

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF SAN DIEGO**

19 JOSE LOPEZ, an Individual,  
20  
21 Plaintiff,

22 v.

23 DOE 1, LINDA VISTA CHURCH;  
24 DOE 2, SUPERVISORY  
25 ORGANIZATION; DOE 3,  
26 PERPETRATOR; and DOES 4 through  
27 100, inclusive,

28 Defendants.

CASE NO. 37-2012-00099849-CU-PO-CTL

**NOTICE OF MOTION AND MOTION TO  
SET ASIDE OR OTHERWISE QUASH  
ORDER GRANTING PLAINTIFF'S MOTION  
TO COMPEL THE DEPOSITION OF  
GERRIT LÖSCH AND THE UNDERLYING  
"NOTICE OF TAKING THE DEPOSITION  
OF GERRIT LÖSCH, WITH PRODUCTION  
OF DOCUMENTS REQUIRED -  
VIDEORECORDED FOR USE AT TRIAL";  
DECLARATION OF GERRIT LÖSCH;  
DECLARATION OF DANNY BLAND;  
DECLARATION OF ASHLEY A.  
ESCUDERO; AND [PROPOSED] ORDER**

Hearing Date: May 30, 2014  
Time: 8:30 a.m.  
Dept: C-65  
Judge: Joan M. Lewis  
Complaint Filed: June 29, 2012  
Trial Date: June 27, 2014

29 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

30 PLEASE TAKE NOTICE that on May 30, 2014, at 8:30 a.m., or as soon thereafter as the  
31 matter may be heard in Department C-65 of the above-entitled court, located at 330 W. Broadway,

**FILED**  
Clerk of the Superior Court

**FEB 05 2014**

14 FEB 5 PM 4:31

**FILED**  
Clerk of the Superior Court

**FEB 05 2014**

By: \_\_\_\_\_ Deputy

1 San Diego, California, Specially-Appearing Nonparty Gerrit Lösch will, and hereby does, move  
2 the court to set aside or otherwise quash the order granting Plaintiff's motion to compel the  
3 deposition of Gerrit Lösch and the underlying "Notice of Taking the Deposition of Gerrit Lösch,  
4 with Production of Documents Required – Videorecorded for Use at Trial."

5 This motion is made pursuant to Cal. Code of Civ. Proc. § 2025.410(c) and Cal. Code of  
6 Civ. Proc. § 1987.1. This motion is based upon this notice, the Memorandum of Points and Au-  
7 thorities, the Declaration of Gerrit Lösch, Declaration of Danny Bland, and Declaration of Ash-ley  
8 A. Escudero filed herewith, the records and files in this action, and upon such further evi-dence  
9 and argument as may be presented at the time of the hearing on this motion.

10 Dated: February 5, 2014

**MORRIS POLICH & PURDY LLP**

11  
12 By: 

Megan S. Wynne

Ashley A. Escudero

Attorneys for Nonparty Gerrit Lösch  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Nonparty Gerrit Lösch makes this Special Appearance pursuant to CCP § 2025.410(c) to  
4 set aside or otherwise quash the January 2, 2014 Minute Order provision compelling him to testify  
5 within 90-days. Mr. Lösch seeks the Court's order quashing the command to attend deposition  
6 because the Court lacks jurisdiction over him. Mr. Lösch is a resident of the State of New York  
7 and has not been served with a deposition subpoena to attend deposition. Moreover, Mr. Lösch is  
8 not, and has never been, a corporate officer, director, managing agent, or employee of defendant  
9 Watchtower or even a member of defendant Watchtower. Accordingly, the provisions of the  
10 January 2, 2014 Minute Order compelling his testimony within 90-days should be set aside or  
11 otherwise quashed by this Court.

12 **II. STATEMENT OF FACTS**

13 Where attendance or records are required of a third party witness by subpoena, the witness  
14 may move within a reasonable time to quash the subpoena. (CCP §1987.1.) Upon such a motion,  
15 the court may quash the subpoena entirely, modify it, or direct compliance with it upon such terms  
16 and conditions as the court declares. (*Id.*) The Order that is the subject of this motion compels  
17 Mr. Lösch to appear at a deposition to give testimony and produce documents described in the  
18 "Notice of Taking Deposition of Gerrit Lösch, With Production of Documents Required –  
19 Videorecorded for Use at Trial" dated November 7, 2013 ("Order"). (Declaration of Ashley A.  
20 Escudero ("Escudero Decl."), ¶ 2, Exhibit A.)

21 The "Notice of Taking Deposition of Gerrit Lösch, With Production of Documents  
22 Required – Videorecorded for Use at Trial" ("Notice of Deposition") was served by Plaintiff's on  
23 the *parties* to the action, to wit: Linda Vista Church and Watchtower Bible and Tract Society of  
24 New York, Inc. (Escudero Decl., ¶ 3, Ex. B.) Neither the Notice of Deposition nor the Order  
25 Compelling Deposition was served upon Mr. Lösch. (Declaration of Gerrit Lösch dated February  
26 4, 2014 ("Lösch Decl."), ¶¶ 4, 5.)

27 Mr. Lösch is not a corporate officer, director, managing agent, or employee of defendant  
28

1 Watchtower or a member<sup>1</sup> of defendant Watchtower. Rather, he is a member of the Governing  
2 Body of Jehovah's Witnesses – a religious entity that is separate and distinct from defendant  
3 Watchtower. The Governing Body of Jehovah's Witnesses is the highest ecclesiastical authority  
4 of the faith of Jehovah's Witnesses; it exercises solely spiritual, not corporate, oversight of  
5 Jehovah's Witnesses worldwide. (Lösch Decl., ¶ 7).

6 Mr. Lösch learned that Plaintiff vacated the original deposition date after Watchtower  
7 objected to the Notice. (Lösch Decl., ¶ 4.) Those objections were addressed to Hon. Vincent Di  
8 Figlia. Mr. Lösch has also been informed that Watchtower offered this Court clarifying  
9 information from Allen Shuster, the deponent whose deposition testimony provided the basis for  
10 Judge Di Figlia's ruling. (Escudero Decl., ¶ 4, Ex. C, Declaration of Allen Shuster dated  
11 December 25, 2013 ("Shuster Decl.")). Mr. Shuster averred that members of the Governing Body  
12 of Jehovah's Witnesses, such as Mr. Lösch, do not operate "within the corporate structure of  
13 Watchtower Bible and Tract Society of New York, Inc. and [do] not make corporate policy or  
14 decisions" for defendant Watchtower. (*Id.* at ¶ 15) Rather, as explained in Mr. Shuster's  
15 declaration, the Governing Body is "a religious body that provides spiritual guidance to Jehovah's  
16 Witnesses worldwide." (*Id.*)

17 Mr. Lösch learned that, notwithstanding the information provided to the Court concerning  
18 his role in the religious hierarchy of Jehovah's Witnesses – not within the corporate structure of  
19 the separate defendant Watchtower entity – that this Court adopted Judge Di Figlia's ruling on  
20 January 2, 2014 and entered an Order compelling defendant Watchtower to produce Mr. Lösch for  
21 deposition within ninety days of its January 2, 2014 Order. (Lösch Decl. at ¶ 5; *See* Order  
22 attached as Ex. A to Escudero Decl.)

23 Mr. Lösch respectfully asks the Court to quash or otherwise strike the provisions of the  
24 Order concerning his testimony as this Court lacks jurisdiction to compel him to appear at  
25 deposition because: (1) He is a resident of the State of New York and therefore is beyond this

26  
27 <sup>1</sup> Watchtower is a non-shareholder corporation. Corporate members elect the corporation's directors.  
28

1 Court's jurisdiction to compel him to testify in this matter; and (2) He is not a corporate officer,  
2 director, managing agent or employee of a party to this lawsuit and therefore a properly executed  
3 subpoena was required to compel his attendance at deposition.

4 **III. ARGUMENT**

5 **A. The Notice of Deposition and Subsequent Court Order Are Ineffective to**  
6 **Confer Jurisdiction Over Mr. Lösch**

7 California Code of Civil Procedure § 2026.010 allows out-of-state depositions and  
8 provides for a modified process for obtaining testimony.<sup>2</sup> Like other portions of the Civil  
9 Discovery Act, CCP § 2026.010 *et seq.* expressly incorporates the procedures “set forth in Chapter  
10 9 (commencing with Section 2025.010)” for deposing an out-of-state witness. Those procedures  
11 do not grant *jurisdiction* over an out-of-state witness but instead permit the Court to issue a  
12 commission authorizing the deposition in another state or place, in the manner required by the  
13 foreign jurisdiction. (See CCP 2026.010(f) stating, “[o]n request, the clerk of the court shall issue  
14 a commission authorizing the deposition in another state or place . . .”)

15 To obtain jurisdiction over an out-of-state witness, CCP § 1986(b) provides that “A  
16 subpoena is obtainable as follows”:

17 (b) .... If it is obtained to require attendance before a commissioner or other  
18 officer upon the taking of a deposition, it must be obtained, as of course, from  
19 the clerk of the superior court of the county wherein the attendance is required  
upon the application of the party requiring it.

20 California's Court of Appeals has confirmed that the permissions granted by the Civil  
21 Discovery Act are limited by the jurisdictional authority granted by other statutes. In *Toyota*  
22 *Motor Corp. v. Superior Court* (2011) 197 Cal.App.4th 1107<sup>3</sup> the court discussed the interaction

---

24 <sup>2</sup> The modified procedures vary, depending on whether the witness “is a party to the action or an officer, director,  
25 managing agent, or employee of a party.” (CCP § 2026.010 (b), (c).) Petitioner holds none of those positions within  
Watchtower's corporate structure. (See Bland Declaration dated January 1, 2014 at ¶ 6; Lösch Decl. at ¶ 8.)

26 <sup>3</sup> The question before the court was the court's power to exercise jurisdiction over an out-of-state resident to compel  
27 his appearance in the state of California. But the rationale for the court's holding applies to the entire Civil Discovery  
Act, including provisions for compelling an out-of-state witness to appear before *any* court.

1 between § 2025.010 of the Civil Discovery Act, concluding that the Act's provisions are "subject  
2 to the restrictions of section 1989." (*Id.* at 1121-22.) CCP § 1989 provides:

3 "A witness, including a witness specified in subdivision (b) of Section 1987,<sup>4</sup> is  
4 not obliged to attend as a witness before *any* court, judge, justice or any other  
officer, unless the witness is a resident within the state at the time of service."

5 (Emphasis added.)

6 The *Toyota* court scrutinized the jurisdictional rules in the context of legislative changes to  
7 the Civil Discovery Act and explained:

8 "Thus, *section 1989* was changed from a mileage-based limitation on witness  
9 compulsion to one that was residency based. In addition, the reference to "place  
of trial" was deleted. In other words, *section 1989* simply provides that a  
10 witness cannot be compelled to testify before any court or officer *unless the*  
*witness is a resident of California.*" (197 Cal. App. 4th 1107 (Emphasis in  
11 original.).)

12 By way of footnote, the court left no room to speculate that the explanation applied only to  
13 proceedings conducted inside state boundaries. "To guard against the possibility that a court  
14 might decide that a California subpoena was valid outside the state, the bill provides that the  
15 witness would not be obliged to appear unless he was a resident within the state at the time of  
16 service." (*Id.* at 1119, fn9.)

17 Similarly, *Amoco Chemical Co. v. Certain Underwriters at Lloyd's of London, England*  
18 (1995) 34 Cal.App.4th 554, dealt with a subpoena directed to non-residents. Although the  
19 deposition notice was served under the procedural provisions of the Civil Discovery Act, the court  
20 explained the jurisdictional limits under § 1987(b) which permit a deposition notice to serve as a  
21 substitute for a subpoena when it is addressed to "an officer, director, or managing agent" of a  
22 party. The court said:

23 "The notice to attend ... may include a request that the party "bring with him or  
24 her books, documents or other things" [citations omitted]. This notice "shall  
have the same effect as is provided in subdivision (b) as to a notice for the  
attendance of that party or person" [citation omitted]. But (and in this case it is  
25 a very big "but") the geographical reach of the notice to attend is explicitly

26  
27 <sup>4</sup> The persons specified in § 1987(b) include "a party ... a person for whose immediate benefit an action or proceeding  
is prosecuted or defended ... [and] anyone who is an officer, director or managing agent of any such party...."

1 limited by *section 1989*: “A witness, including a witness specified in *subdivision*  
2 *(b) of Section 1987*, is not obliged to attend as a witness before any court ...  
3 unless the witness is a resident within the state at the time of service.”

4 It follows ineluctably that the notice to attend was void on its face, that no  
5 objection was required, and that the orders must be reversed. [citations  
6 omitted]; *Liberty Bank v. Superior Court* (1925) 195 Cal. 766, 773-774 [235 P.  
7 995] [an order compelling a party’s agent to appear beyond the court’s  
8 jurisdictional limits under section 1989 is void] [citations omitted.]. (34  
9 Cal.App.4th at 559.)

10 The jurisdictional limit of California discovery ends at the California border. Thus, to  
11 compel the attendance of a non-resident at deposition, CCP § 1986 requires the issuance of a  
12 subpoena “from the clerk of the superior court of the county in which the witness is to be  
13 examined.” A deposition notice addressed to a person who is an officer, director or managing  
14 agent of any party has “the same effect as service of a [California] subpoena on the witness....”  
15 (CCP § 1987 (b).) But a California subpoena cannot compel a New York resident to attend a  
16 deposition. Accordingly, this Court should quash its Order Compelling the Deposition of New  
17 York resident Gerrit Lösch.

18 **B. Mr. Lösch Is Not a Managing Agent of Defendant Watchtower.**

19 California Code of Civil Procedure §2025.280(a) provides that a deposition notice can  
20 compel the attendance at a deposition of “any deponent who is a party to the action.” (emphasis  
21 added). If the deponent is not a party, CCP § 2025.280(b) requires the service of a deposition  
22 subpoena on that witness. However, a deposition subpoena is not required to compel the  
23 attendance and testimony of a person who, although not a named party, is an officer, director,  
24 managing agent or employee of a party. (CCP § 2025.280(a).) The “affiliation” of that person  
25 must exist at the time of deposition—persons who are not currently affiliated with a party, e.g.,  
26 former officers or employees, are not required to attend a deposition unless subpoenaed.  
27 (*Muldonado v. Sup. Ct.* (2002) 94 Cal.App.4th 1390, 1398.)

28 The California Supreme Court has explained that the term “managing agent” as used in the  
Civil Discovery Act refers to “a person who may exercise his judgment and discretion in dealing  
with corporate matters, who can be expected to comply with his employer’s directive to appear for

1 [ ] examination, and who can be anticipated to identify himself with the interests of the  
2 corporation.” (*Waters v. Superior Court* (1962) 58 Cal.2d 885, 896.) In *Waters*, the Supreme  
3 Court affirmed a lower court determination that Howard Hughes was not a managing agent of  
4 Hughes Tool Company, a company of which he was sole shareholder and the individual with  
5 almost sole authority to manage the company. (*Id.*). The evidence set forth by the party seeking  
6 the deposition stated that Hughes controlled the company but did so without any specific facts and  
7 only “generalizations and conclusions” about his presumed role within the company. (*Id.* at 896.)  
8 This was not enough to demonstrate that Hughes indeed exercised the level of judgment and  
9 discretion in corporate matters that would confer “managing agent” status on him.

10 Subsequent to *Waters*, California courts have evaluated the “managing agent” question in a  
11 variety of contexts determining that it does not necessarily hinge on the specific individual’s “level  
12 in the corporate hierarchy. Rather, the critical inquiry is the degree of discretion the employees  
13 possess in making decisions that will ultimately determine corporate policy.” (*Myers v. Trendwest*  
14 *Resorts, Inc.* (2007) 148 Cal. App. 4th 1403, 1437; citing, *Kelly-Zurian v. Wohl Shoe Co.* (1994)  
15 22 Cal.App.4th 397, 421.)) As explained by the California Supreme Court in *White v. Ultramar,*  
16 *Inc.* (1999) 21 Cal. 4th 563, 577, “the Legislature intended the term ‘managing agent’ to include  
17 only those corporate employees who exercise substantial independent authority and judgment in  
18 their corporate decision making so that their decisions ultimately determine corporate policy.”

19 As set forth in the accompanying declaration of Mr. Lösch, he moved to the United States  
20 in July 1990. (Lösch Decl., ¶ 10(b).) He was appointed a member of the ecclesiastical Governing  
21 Body of Jehovah’s Witnesses on July 1, 1994, approximately eight years after the Plaintiff’s  
22 alleged 1986 abuse. (*Id.* at ¶ 6.) The Governing Body of Jehovah’s Witnesses is the highest  
23 ecclesiastical authority for the faith of Jehovah’s Witnesses. (*Id.* at ¶ 7.) The position Mr. Lösch  
24 holds within the religious hierarchy of Jehovah’s Witnesses is a position of spiritual, not  
25 corporate, oversight. (*Id.*; Shuster Decl., ¶¶ 9, 13, 15.) Mr. Lösch does not supervise or work for,  
26 and has never supervised or worked for, the defendant Watchtower Legal Department or the U.S.  
27 Service Department, and he has never had the authority to make or determine corporate policy for  
28



1 defendant Watchtower or any department of defendant Watchtower. (*Id.* at ¶ 8, 10(a).)<sup>5</sup> This fact  
2 was confirmed by defendant Watchtower during the discovery proceedings. (*See* Escudero Decl.,  
3 ¶ 5, Ex. D, Declaration of Danny Bland dated November 29, 2013.) Defendant Watchtower  
4 provided evidence that Mr. Lösch has never even been a *member* of defendant Watchtower, much  
5 less a managing agent. (*Id.*) Indeed, defendant Watchtower lacks the authority to compel Mr.  
6 Lösch to appear at deposition. (Lösch Decl. at ¶ 9.)

7         Simply put, Mr. Lösch has never had any authority over defendant Watchtower or any  
8 department of Watchtower that was contemplated by the California Supreme Court in the *Waters*  
9 case when determining whether a deponent qualified as a managing agent under the CCP. Indeed,  
10 Mr. Lösch has never even been an employee or member of defendant Watchtower let alone set  
11 corporate policy and procedure based on any “substantial independent authority” over defendant  
12 Watchtower. (Declaration of Danny Bland dated January 1, 2014, ¶ 7; Lösch Decl., ¶ 8; *see also*,  
13 *White*, 21 Cal.4th at 577.)

14         The conclusion of the discovery referee appears to focus primarily on the importance of the  
15 spiritual oversight of the Governing Body over congregations of Jehovah’s Witnesses worldwide  
16 rather than the actual involvement of the Governing Body in the corporate affairs of defendant  
17 Watchtower, a wholly separate corporate entity. In this case Mr. Lösch holds no position  
18 whatsoever in defendant Watchtower’s corporate hierarchy. And assuming *arguendo* that he was  
19 part of the corporate hierarchy, California courts have long held that it is not the level of the  
20 individual in the corporate hierarchy, but rather the “degree of discretion” the person has in  
21 defining corporate policies and procedures that determines whether he or she acts as a “managing  
22 agent” under the law. (*See e.g., Myers*, 148 Cal. App. 4th at 1437.)

23         Notably, the discovery referee’s conclusion that Mr. Lösch is a managing agent of  
24 defendant Watchtower was based on the premise that the “Governing Body, of which Mr. Lösch is

25 \_\_\_\_\_  
26 <sup>5</sup> At the times relevant to this Plaintiff’s Complaints (1986), the Service Department and the Legal Department in the  
27 U.S. branch offices of Jehovah’s Witnesses operated as part of the corporate activities of Watchtower Bible and Tract  
28 Society of New York, Inc.

1 a member, **is the principal overseer of the church's activities.**" (Emphasis added.) (Escudero  
2 Decl., ¶ 6, Ex. E, Recommendations of Discovery Referee at 3:13-17) No legal analysis is  
3 provided to support this conclusion. In fact, there is no factual evidence to support this  
4 conclusion, let alone the conclusion that Mr. Lösch, as an individual member of the Governing  
5 Body, is a managing agent of defendant Watchtower other than the type of "generalizations and  
6 conclusions" that were found to be insufficient to establish that Howard Hughes was a managing  
7 agent in *Waters*. (See *Waters*, 58 Cal.2d at 896.) Indeed, while treated as "facts" by the discovery  
8 referee, the statement that the Governing Body is the "principal overseer of the church's activities"  
9 is a characterization of internal church policies, practices, and governance which does not provide  
10 support for finding that Mr. Lösch is a managing agent of defendant Watchtower. It is well settled  
11 that such a judicial inquiry constitutes impermissible excessive governmental entanglement with  
12 religion. (See e.g., *Serbian E. Orthodox Diocese v. Milivojevich* (1976) 426 U.S. 696; *Isely v.*  
13 *Capuchin Province* (E.D. Mich. 1995) 880 F. Supp. 1138.) Simply put, these are not statements  
14 of "fact" relating to the role of the Governing Body sufficient to establish that Mr. Lösch is a  
15 "managing agent" of defendant Watchtower.


#### 16 **IV. CONCLUSION**

17 This Court should quash its Order Compelling the deposition of Gerrit Lösch and the  
18 underlying Notice of Taking Deposition because Gerrit Lösch is a resident of New York and he is  
19 not, and never has been, a corporate officer, director, managing agent, member, or employee of  
20 defendant Watchtower. The Plaintiff has not served a deposition subpoena, and this Court lacks  
21 jurisdiction to compel Mr. Lösch's attendance at deposition.

22 Dated: February 5, 2014

**MORRIS POLICH & PURDY LLP**

23  
24 By \_\_\_\_\_

  
Megan S. Wynne  
Ashley A. Escudero  
Attorneys for Gerrit Lösch

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

PROOF OF SERVICE  
(Code Civ. Proc., §§ 1013a, 2015)  
*Jose Lopez v. Doe 1, Linda Vista Church, et al.; Case No. 37-2012-00099849-CU-PO-CTL*  
**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is One American Plaza, 600 West Broadway, Suite 500, San Diego, California, 92101.

On February 5, 2014, I served the foregoing document described as:

- 1. NOTICE OF MOTION AND MOTION TO SET ASIDE OR OTHERWISE QUASH ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL THE DEPOSITION OF GERRIT LÖSCH AND THE UNDERLYING "NOTICE OF TAKING THE DEPOSITION OF GERRIT LÖSCH, WITH PRODUCTION OF DOCUMENTS REQUIRED – VIDEORECORDED FOR USE AT TRIAL"; DECLARATION OF GERRIT LÖSCH; DECLARATION OF DANNY BLAND; DECLARATION OF ASHLEY A. ESCUDERO; AND [PROPOSED] ORDER**

on the other parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Devin M. Storey THE ZALKIN LAW FIRM 12555 High Bluff Drive, Suite 260 San Diego, CA 92130 (858) 259-3011 Fax: (858) 555-2312 <b>Attorneys for Plaintiff</b>	James M. McCabe THE MCCABE LAW FIRM, APC 4817 Santa Monica Avenue, Suite B San Diego, CA 92107 (619) 224-2848 Fax: (619) 224-0089 <b>Attorneys for Doe 1, Linda Vista Church</b>
Rocky K. Copley LAW OFFICES OF ROCKY K. COPLEY 225 Broadway, Suite 2100 San Diego, CA 92101 (619) 232-3131 Fax: (619) 232-1690	
Calvin Rouse, Esq. ( <i>Pro Hac Vice</i> ) WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., LEGAL DEPARTMENT 100 Watchtower Drive Patterson, NY 12563 (845) 306-1000 Fax: (845) 306.0709 <b>Attorneys for Watchtower</b>	

☒ **By Mail:** I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Diego, California. I am readily familiar with the practice of Morris Polich & Purdy LLP for collecting and processing correspondence for mailing, said practice being that, in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☐ **By Facsimile:** I caused each document to be transmitted via the facsimile number(s) listed on the attached service list. The facsimile machine I used complied with California Rules of

1 Court, rule 2003(3) and no error was reported by the machine pursuant to California Rules of  
Court, rule 2008(e).

2 ☐ **By Personal Service:** I delivered such envelope by hand to the offices of the addressee(s).

3 I declare under penalty of perjury under the laws of the State of California that the above is  
4 true and correct.

5 Executed on February 5, 2014, at San Diego, California.

6   
\_\_\_\_\_  
Lisa K. Leão

**FILED**  
Clerk of the Superior Court  
FEB 05 2014

1 Megan S. Wynne, Esq., SBN 183707  
2 Ashley A. Escudero, Esq., SBN250473  
3 **MORRIS POLICH & PURDY LLP**  
4 One America Plaza  
5 600 West Broadway, Suite 500  
6 San Diego, California 92101  
7 Tel: (619) 557-0404  
8 Fax: (619) 557-0460

9 Donald T. Ridley, Esq.  
10 *Pro Hac Vice*  
11 **THE MANDEL LAW FIRM**  
12 370 Lexington Avenue, Suite 505  
13 New York, NY 10017  
14 Tel: (212) 697-7383  
15 Fax: (212) 681-6157

16 Attorneys for Gerrit Lösch

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF SAN DIEGO**

19 JOSE LOPEZ, an Individual,  
20 Plaintiff,

21 v.

22 DOE 1, LINDA VISTA CHURCH;  
23 DOE 2, SUPERVISORY  
24 ORGANIZATION; DOE 3,  
25 PERPETRATOR; and DOES 4 through  
26 100, inclusive,  
27 Defendants.

CASE NO. 37-2012-00099849-CU-PO-CTL

**DECLARATION OF GERRIT LÖSCH IN  
SUPPORT OF MOTION TO QUASH  
ORDER GRANTING PLAINTIFF'S  
MOTION TO COMPEL DEPOSITION OF  
GERRIT LÖSCH**

Hearing Date: TBD  
Time: TBD  
Dept: C-65  
Judge: Joan M. Lewis  
Complaint Filed: June 29, 2012  
Trial Date: June 27, 2014

28 I, Gerrit Lösch, declare as follows:

1. I am over 18 years of age, of sound mind, and competent to make this Declaration. I have personal knowledge of the matters contained herein, and they are all true and correct.
2. I provide this Declaration to support the Motion to Quash Order Granting Plaintiff's "Motion to Compel the Deposition of Gerrit Lösch and the Underlying Notice of

1 Taking the Deposition of Gerrit Lösch, with Production of Documents Required -- Videorecorded  
2 for Use at Trial.”

3 3. If called upon to testify in this civil action, I would provide the information  
4 contained in this Declaration.

5 4. I was not served with the Notice of Deposition, but I learned that Plaintiff vacated  
6 the original deposition date after Watchtower objected to the Notice.

7 5. I recently learned that this Court entered an Order compelling Watchtower Bible  
8 and Tract Society of New York, Inc. (sued as Doe 1; hereinafter referred to as “Watchtower”) to  
9 produce me for deposition, but I have not been served with a copy of the Court’s Order.

10 6. I am a member of the ecclesiastical Governing Body of Jehovah’s Witnesses,  
11 having been appointed to serve in that capacity on July 1, 1994. I was not on the Governing Body  
12 in 1986 when the Plaintiff alleges he was abused by Gonzalo Campos.

13 7. The Governing Body of Jehovah’s Witnesses is the highest ecclesiastical authority  
14 for the faith of Jehovah’s Witnesses, and it exercises spiritual oversight for Jehovah’s Witnesses  
15 worldwide.

16 8. I am not, and never have been, a corporate officer, director, managing agent,  
17 member, or employee of Watchtower. I do not direct, and have never directed, the day-to-day  
18 operations of Watchtower. I do not answer to Watchtower. I do not have, and never have had,  
19 any authority as an individual to make or determine corporate policy for Watchtower or any  
20 department of Watchtower.

21 9. Watchtower does not have, and never has had, any authority over me.

22 10. I have no personal knowledge of any facts or circumstances concerning the subject  
23 matter of this case because, among other things:

24 (a) I do not supervise or work for, and I have never supervised or worked for, the  
25 Watchtower Legal Department or the U.S. Service Department.

26 (b) I did not move to live in the United States until July, 1990.

27 (c) Prior to July 1990, I resided in Austria.

28 (d) I do not know and have never met the Plaintiff, Jose Lopez.

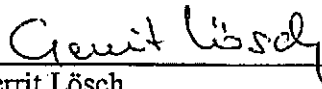
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(e) I do not know and have never met Leticia Lopez, the mother of Plaintiff Jose Lopez.

(f) I do not know and have never met the Defendant, Gonzalo Campos, who is sued as Doe 3.

11. I am a resident of the State of New York, as I live and work in Brooklyn where the world headquarters of Jehovah's Witnesses is located.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration is executed this 4<sup>th</sup> day of February 2014.

  
Gerrit Lösch

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

PROOF OF SERVICE

(Code Civ. Proc., §§ 1013a, 2015)

*Jose Lopez v. Doe 1, Linda Vista Church, et al.; Case No. 37-2012-00099849-CU-PO-CTL*  
**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is One American Plaza, 600 West Broadway, Suite 500, San Diego, California, 92101.

On February 5, 2014, I served the foregoing document described as:

**1. DECLARATION OF GERRIT LÖSCH IN SUPPORT OF MOTION TO QUASH ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DEPOSITION OF GERRIT LÖSCH**

on the other parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Devin M. Storey THE ZALKIN LAW FIRM 12555 High Bluff Drive, Suite 260 San Diego, CA 92130 (858) 259-3011 Fax: (858) 555-2312 <b>Attorneys for Plaintiff</b>	James M. McCabe THE MCCABE LAW FIRM, APC 4817 Santa Monica Avenue, Suite B San Diego, CA 92107 (619) 224-2848 Fax: (619) 224-0089 <b>Attorneys for Doe 1, Linda Vista Church</b>
Rocky K. Copley LAW OFFICES OF ROCKY K. COPLEY 225 Broadway, Suite 2100 San Diego, CA 92101 (619) 232-3131 Fax: (619) 232-1690  Calvin Rouse, Esq. ( <i>Pro Hac Vice</i> ) WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., LEGAL DEPARTMENT 100 Watchtower Drive Patterson, NY 12563 (845) 306-1000 Fax: (845) 306.0709 <b>Attorneys for Watchtower</b>	

☒ **By Mail:** I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Diego, California. I am readily familiar with the practice of Morris Polich & Purdy LLP for collecting and processing correspondence for mailing, said practice being that, in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☐ **By Facsimile:** I caused each document to be transmitted via the facsimile number(s) listed on the attached service list. The facsimile machine I used complied with California Rules of Court, rule 2003(3) and no error was reported by the machine pursuant to California Rules of Court, rule 2008(e).

☐ **By Personal Service:** I delivered such envelope by hand to the offices of the addressee(s).



1 I declare under penalty of perjury under the laws of the State of California that the above is  
2 true and correct.

3 Executed on February 5, 2014, at San Diego, California.

4   
\_\_\_\_\_  
Lisa K. Leão

1 Megan S. Wynne, Esq., SBN 183707  
Ashley A. Escudero, Esq., SBN250473  
2 **MORRIS POLICH & PURDY LLP**  
One America Plaza  
3 600 West Broadway, Suite 500  
San Diego, California 92101  
4 Tel: (619) 557-0404  
Fax: (619) 557-0460

5 Donald T. Ridley, Esq.  
6 *Pro Hac Vice*  
**THE MANDEL LAW FIRM**  
7 370 Lexington Avenue, Suite 505  
New York, NY 10017  
8 Tel: (212) 697-7383  
Fax: (212) 681-6157

9 Attorneys for Nonparty Gerrit Lösch

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

12 JOSE LOPEZ, an Individual,

13 Plaintiff,

14 v.

15 DOE 1, LINDA VISTA CHURCH; DOE  
2, SUPERVISORY ORGANIZATION;  
16 DOE 3, PERPETRATOR; and DOES 4  
through 100, inclusive,

17 Defendants.

CASE NO. 37-2012-00099849-CU-PO-CTL

**DECLARATION OF DANNY BLAND IN  
SUPPORT OF MOTION TO SET ASIDE OR  
OTHERWISE QUASH ORDER GRANTING  
PLAINTIFF'S MOTION TO COMPEL THE  
DEPOSITION OF GERRIT LÖSCH AND THE  
UNDERLYING "NOTICE OF TAKING THE  
DEPOSITION OF GERRIT LÖSCH, WITH  
PRODUCTION OF DOCUMENTS REQUIRED  
- VIDEORECORDED FOR USE AT TRIAL"**

Hearing Date: May 30, 2014  
Time: 8:30 a.m.  
Dept: C-65  
Judge: Joan M. Lewis

21 I, Danny L. Bland, hereby declare that I have personal knowledge of the following facts  
22 and, if called upon to testify, I would state the following:

23 1. I am over age 18, of sound mind, and provide this Declaration in support of Gerrit  
24 Lösch's Motion to Quash the Court's Order Compelling the Deposition of Gerrit Lösch.

25 2. I reside in Brooklyn, New York, and have served as an elder in the faith of  
26 Jehovah's Witnesses since about 1962.

27 ///

28 SD228780.DOCX

14 FEB 5 PM 4:34

**F I L E D**  
Clerk of the Superior Court

FEB 05 2014

**F I L E D**  
Clerk of the Superior Court

FEB 05 2014

By: \_\_\_\_\_ Deputy

3. In September, 1967, I began serving at the United States branch offices of Jehovah Witnesses in New York, and I have served in the Treasurer's Office since 1973.

4. As I stated in the previous declaration that I provided to support Watchtower's Brief on the Issue of Mr. Lösch's deposition, as part of my duties in the Treasurer's Office, I help to maintain custody of, and have access to, the lists of names and addresses of members, officers, directors, and other personnel records of Watchtower Bible and Tract Society of New York, Inc.

5. Watchtower Bible and Tract Society of New York, Inc. has had no employees from 1970 through the present.

6. As I stated in the previous Declaration, I have thoroughly searched the records of Watchtower Bible and Tract Society of New York, Inc. that are maintained by the Treasurer's Office and those records show that Gerrit Lösch has never been an officer, director, managing agent or employee of Watchtower Bible and Tract Society of New York, Inc.

7. Additionally, those records show that Mr. Lösch has never been a member of Watchtower Bible and Tract Society of New York, Inc.

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration is executed this 1<sup>st</sup> day of January, 2014.

Danny L. Bland  
Danny L. Bland

PROOF OF SERVICE

(Code Civ. Proc., §§ 1013a, 2015)

*Jose Lopez v. Doe 1, Linda Vista Church, et al.; Case No. 37-2012-00099849-CU-PO-CTL*  
**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is One American Plaza, 600 West Broadway, Suite 500, San Diego, California, 92101.

On February 5, 2014, I served the foregoing document described as:

**1. DECLARATION OF DANNY BLAND IN SUPPORT OF MOTION TO SET ASIDE OR OTHERWISE QUASH ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL THE DEPOSITION OF GERRIT LÖSCH AND THE UNDERLYING "NOTICE OF TAKING THE DEPOSITION OF GERRIT LÖSCH, WITH PRODUCTION OF DOCUMENTS REQUIRED - VIDEORECORDED FOR USE AT TRIAL"**

on the other parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Devin M. Storey THE ZALKIN LAW FIRM 12555 High Bluff Drive, Suite 260 San Diego, CA 92130 (858) 259-3011 Fax: (858) 555-2312 Attorneys for Plaintiff	James M. McCabe THE McCABE LAW FIRM, APC 4817 Santa Monica Avenue, Suite B San Diego, CA 92107 (619) 224-2848 Fax: (619) 224-0089 Attorneys for Doe 1, Linda Vista Church
Rocky K. Copley LAW OFFICES OF ROCKY K. COPLEY 225 Broadway, Suite 2100 San Diego, CA 92101 (619) 232-3131 Fax: (619) 232-1690  Calvin Rouse, Esq. ( <i>Pro Hac Vice</i> ) WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., LEGAL DEPARTMENT 100 Watchtower Drive Patterson, NY 12563 (845) 306-1000 Fax: (845) 306.0709 Attorneys for Watchtower	

☒ **By Mail:** I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Diego, California. I am readily familiar with the practice of Morris Polich & Purdy LLP for collecting and processing correspondence for mailing, said practice being that, in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☐ **By Facsimile:** I caused each document to be transmitted via the facsimile number(s) listed on the attached service list. The facsimile machine I used complied with California Rules of Court, rule 2003(3) and no error was reported by the machine pursuant to California Rules of

1 Court, rule 2008(e).

2 ☐ **By Personal Service:** I delivered such envelope by hand to the offices of the addressee(s).

3 I declare under penalty of perjury under the laws of the State of California that the above is  
4 true and correct.

5 Executed on February 5, 2014, at San Diego, California.

6   
\_\_\_\_\_  
7 Lisa K. Leão  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Megan S. Wynne, Esq., SBN 183707  
2 Ashley A. Escudero, Esq., SBN250473  
3 **MORRIS POLICH & PURDY LLP**  
4 One America Plaza  
5 600 West Broadway, Suite 500  
6 San Diego, California 92101  
7 Tel: (619) 557-0404  
8 Fax: (619) 557-0460

9 Donald T. Ridley, Esq.  
10 *Pro Hac Vice*  
11 **THE MANDEL LAW FIRM**  
12 370 Lexington Avenue, Suite 505  
13 New York, NY 10017  
14 Tel: (212) 697-7383  
15 Fax: (212) 681-6157

16 Attorneys for Nonparty Gerrit Lösch

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF SAN DIEGO**

19 JOSE LOPEZ, an Individual,

20 Plaintiff,

21 v.

22 DOE 1, LINDA VISTA CHURCH;  
23 DOE 2, SUPERVISORY  
24 ORGANIZATION; DOE 3,  
25 PERPETRATOR; and DOES 4 through  
26 100, inclusive,

27 Defendants.

CASE NO. 37-2012-00099849-CU-PO-CTL

**DECLARATION OF ASHLEY A. ESCUDERO  
IN SUPPORT OF MOTION TO SET ASIDE  
OR OTHERWISE QUASH ORDER  
GRANTING PLAINTIFF'S MOTION TO  
COMPEL THE DEPOSITION OF GERRIT  
LÖSCH AND THE UNDERLYING "NOTICE  
OF TAKING THE DEPOSITION OF GERRIT  
LÖSCH, WITH PRODUCTION OF  
DOCUMENTS REQUIRED –  
VIDEORECORDED FOR USE AT TRIAL"**

Hearing Date: May 30, 2014  
Time: 8:30 a.m.  
Dept: C-65  
Judge: Joan M. Lewis  
Complaint Filed: June 29, 2012  
Trial Date: June 27, 2014

28 ///

29 ///

30 ///

31 ///

32 ///

SD228756.DOCX

**F I L E D**  
Clerk of the Superior Court

FEB 05 2014

By: \_\_\_\_\_ Deputy

**F I L E D**  
Clerk of the Superior Court  
FEB 05 2014

FILED  
FEB 5 PM 4:34

1 I, Ashley A. Escudero, declare as follows:

2 1. I am an attorney at law duly licensed to practice before all courts of the State of  
3 California and am an associate with the law firm of Morris Polich & Purdy, LLP, attorneys of  
4 record for Nonparty Gerrit Lösch. I am personally familiar with the matters set forth herein.

5 2. The Order that is the subject of this motion compels Mr. Lösch to appear at a  
6 deposition to give testimony and produce documents described in the "Notice of Taking Deposition  
7 of Gerrit Lösch, With Production of Documents Required – Videorecorded for Use at Trial" dated  
8 November 7, 2013. A true and correct copy of the Court's January 2, 2014, Order is attached  
9 hereto as Exhibit A.

10 3. The "Notice of Taking Deposition of Gerrit Lösch, With Production of Documents  
11 Required – Videorecorded for Use at Trial" ("Notice of Deposition") was served by Plaintiff's on  
12 the *parties* to the action, Linda Vista Church and Watchtower Bible and Tract Society of New  
13 York, Inc. A true and correct copy of the Notice of Deposition and Proof of Service is attached  
14 hereto as Exhibit B.

15 4. Watchtower offered this Court clarifying information from Allen Shuster, the  
16 deponent whose deposition testimony provided the basis for Judge Di Figlia's ruling. A true and  
17 correct copy of the Declaration of Allen Shuster dated December 25, 2013 is attached hereto as  
18 Exhibit C.

19 5. A true and correct copy of the Declaration of Danny Bland dated November 29,  
20 2013 is attached hereto as Exhibit D.

21 6. A true and correct copy of the Recommendations of Discovery Referee is attached  
22 hereto as Exhibit E.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing  
24 is true and correct and that this declaration was executed on February \_\_, 2014, at San Diego,  
25 California.

26   
\_\_\_\_\_  
Ashley A. Escudero



PROOF OF SERVICE

(Code Civ. Proc., §§ 1013a, 2015)

*Jose Lopez v. Doe 1, Linda Vista Church, et al.; Case No. 37-2012-00099849-CU-PO-CTL*  
**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is One American Plaza, 600 West Broadway, Suite 500, San Diego, California, 92101.

On February 5, 2014, I served the foregoing document described as:

**1. DECLARATION OF ASHLEY A. ESCUDERO IN SUPPORT OF MOTION TO SET ASIDE OR OTHERWISE QUASH ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL THE DEPOSITION OF GERRIT LÖSCH AND THE UNDERLYING "NOTICE OF TAKING THE DEPOSITION OF GERRIT LÖSCH, WITH PRODUCTION OF DOCUMENTS REQUIRED - VIDEORECORDED FOR USE AT TRIAL"**

on the other parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Devin M. Storey THE ZALKIN LAW FIRM 12555 High Bluff Drive, Suite 260 San Diego, CA 92130 (858) 259-3011 Fax: (858) 555-2312 <b>Attorneys for Plaintiff</b>	James M. McCabe THE MCCABE LAW FIRM, APC 4817 Santa Monica Avenue, Suite B San Diego, CA 92107 (619) 224-2848 Fax: (619) 224-0089 <b>Attorneys for Doe 1, Linda Vista Church</b>
Rocky K. Copley LAW OFFICES OF ROCKY K. COPLEY 225 Broadway, Suite 2100 San Diego, CA 92101 (619) 232-3131 Fax: (619) 232-1690	
Calvin Rouse, Esq. ( <i>Pro Hac Vice</i> ) WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., LEGAL DEPARTMENT 100 Watchtower Drive Patterson, NY 12563 (845) 306-1000 Fax: (845) 306.0709 <b>Attorneys for Watchtower</b>	

☒ **By Mail:** I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Diego, California. I am readily familiar with the practice of Morris Polich & Purdy LLP for collecting and processing correspondence for mailing, said practice being that, in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☐ **By Facsimile:** I caused each document to be transmitted via the facsimile number(s) listed on the attached service list. The facsimile machine I used complied with California Rules of Court, rule 2003(3) and no error was reported by the machine pursuant to California Rules of



1 Court, rule 2008(e).

2 ☐ **By Personal Service:** I delivered such envelope by hand to the offices of the addressee(s).

3 I declare under penalty of perjury under the laws of the State of California that the above is  
4 true and correct.

5 Executed on February 5, 2014, at San Diego, California.

6   
7 \_\_\_\_\_  
8 Lisa K. Leão  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27



SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

DATE: 01/02/2014

TIME: 08:30:00 AM

DEPT: C-65

JUDICIAL OFFICER PRESIDING: Joan M. Lewis

CLERK: Regina Lindsey-Cooper

REPORTER/ERM: Dana Peabody CSR# 6332

BAILIFF/COURT ATTENDANT: Henry Whatley

CASE NO: 37-2012-00099849-CU-PO-CTL CASE INIT.DATE: 06/29/2012

CASE TITLE: **Lopez vs. Doe 1 Linda Vista Church [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

---

EVENT TYPE: Ex Parte

---

**APPEARANCES**

Devin M Storey, counsel, present for Plaintiff(s).

Rocky K Copley, counsel, present for Defendant(s).

James M McCabe, counsel, present for Defendant(s).

Irwin Zalkin, counsel, present for plaintiffs.

---

Plaintiffs ex parte request to compel compliance with discovery referee's recommendations is heard by the Court. The Court reviews the recommendation of Judge Di Figlia and makes it an order of the Court.

Defendants' ex parte requests to bifurcate the trial is denied.

Court and counsel discuss trial procedures, verdict forms, jury instructions and jury questionnaire.

Plaintiffs' dismisses sexual harassment cause of action.

Counsel have 90 days to take depositions and produce documents.

At the request of counsel, the Court continues the trial and trial readiness conference dates.

Trial Readiness Conference (Civil) is continued pursuant to party's motion to 06/06/2014 at 10:00AM before Judge Joan M. Lewis.

Civil Jury Trial is continued pursuant to party's motion to 06/27/2014 at 09:45AM before Judge Joan M. Lewis.

Estimated length of trial: 30 days



1 IRWIN M. ZALKIN, ESQ. (#89957)  
DEVIN M. STOREY, ESQ. (#234271)  
2 LISA J. GARY, ESQ. (#272936)  
ALEXANDER S. ZALKIN, ESQ. (#280813)  
3 The Zalkin Law Firm, P.C.  
12555 High Bluff Drive, Suite 260  
4 San Diego, CA 92130  
Tel: 858-259-3011  
5 Fax: 858-259-3015  
Email: [Irwin@zalkin.com](mailto:Irwin@zalkin.com)  
6 [dms@zalkin.com](mailto:dms@zalkin.com)  
7 [lisa@zalkin.com](mailto:lisa@zalkin.com)  
[alex@zalkin.com](mailto:alex@zalkin.com)

8 Attorney for Plaintiffs

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF SAN DIEGO

12 Jose Lopez, Individually,  
13 Plaintiff,  
14 vs.

15 Defendant Doe 1, Linda Vista Church;  
16 Defendant Doe 2, Supervisory Organization;  
17 Defendant Doe 3, Perpetrator; and Does 4  
through 100, inclusive,

18 Defendants.

Case No.: 37-2012-00099849-CU-PO-CTL

NOTICE OF TAKING DEPOSITION OF  
GERRIT LOSCH, WITH PRODUCTION  
OF DOCUMENTS REQUIRED -  
VIDEORECORDED FOR USE AT TRIAL

IMAGED FILE

Judge: Joan M. Lewis  
Dept: C-65

20  
21 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on December 9, 2013, at 10:00 a.m. (EST) at 100 Watchtower  
23 Dr., Patterson, NY 12563, attorneys for the plaintiff will take the deposition of Gerrit Losch.

24 Notice is further given to defendant that said deponent is requested to bring with him at the  
25 above noticed time and place the following, which are in his possession or under his control or in  
26 the possession or under the control of his attorneys:  
27  
28

1  
NOTICE OF TAKING DEPOSITION OF GERRIT LOSCH, WITH PRODUCTION OF  
DOCUMENTS REQUIRED -  
VIDEORECORDED FOR USE AT TRIAL

1. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind, evidencing the corporate and administrative structure of Watchtower Bible and Tract Society of New York, Inc.
2. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind evidencing the managerial hierarchy, staff functions, organization, individual staff job descriptions of the Governing Body of the Watchtower Bible and Tract Society of New York, Inc. from 1990 to the present.
3. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind evidencing the managerial hierarchy, staff functions, organization, individual staff job descriptions of the Service Department of the Watchtower Bible and Tract Society of New York, Inc. from 1990 to the present.
4. Any and all records, written communications, files, reports, or other documentary, tangible, or electronically created or stored information of any kind evidencing the statistical compilations, records, summaries, or other gathering and organization or analysis of information concerning reports of sexual abuse of children by members of the Jehovah's Witnesses, including but not limited to, elders, ministerial servants, and individuals from the time period of 1990 to the present.
5. Any and all individual written accounts, reports, summaries, letters, emails, facsimiles, diaries, journals, emails, calendars, and notes, whether or not compiled, concerning reports of sexual abuse of children by members of Jehovah's Witnesses, including but not

1 limited to, Governing Body members, district overseers, circuit overseers, elders,  
2 ministerial servants, pioneers, baptized publishers, and individuals from the time period  
3 of 1990 to the present.

4 6. Your written accounts, reports, summaries, letters, emails, facsimiles, diaries, journals,  
5 emails, calendars, notes, or electronically created or stored information of any kind  
6 evidencing the policies, procedures, protocols, guidelines, and instructions provided by  
7 Watchtower Bible and Tract Society of New York, Inc. to elders, ministerial servants, or  
8 other members of Jehovah's Witnesses relevant to the investigation, reporting, or  
9 documenting of reports, information, accusations, complaints, or admissions of childhood  
10 sexual abuse by members of Jehovah's Witnesses, in effect since 1990.  
11

12 7. Any and all records, written communications, files, reports, or other documentary,  
13 tangible, or electronically created or stored information of any kind evidencing the  
14 policies, procedures, protocols, guidelines, and instructions provided by the Governing  
15 Body to elders, ministerial servants, or other members of Jehovah's Witnesses relevant to  
16 the investigation, reporting, or documenting of reports, information, accusations,  
17 complaints, or admissions of childhood sexual abuse by members of Jehovah's  
18 Witnesses, in effect since 1990.  
19

20 8. Any and all records, written communications, files, reports, or other documentary,  
21 tangible, or electronically created or stored information of any kind, evidencing the  
22 administrative process, procedures, and involvement of corporate personnel in the  
23 proposal of, drafting of, review of, and distribution of Body of Elders Letters from the  
24 time period of 1990 to the present.  
25  
26  
27  
28

- 1 9. Any and all records, written communications, files, reports, or other documentary.  
2 tangible, or electronically created or stored information of any kind, evidencing the  
3 policies, procedures, protocols, guidelines, and instructions provided by Watchtower  
4 Bible and Tract Society of New York, Inc. to elders, ministerial servants, or other  
5 members of Jehovah's Witnesses relevant to the cooperation and communication with  
6 secular law enforcement agencies concerning reports of childhood sexual abuse by  
7 members of the Jehovah's Witnesses, in effect since 1990.  
8  
9 10. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
10 or other documentary, tangible, or electronically stored information of any kind,  
11 evidencing Watchtower Bible and Tract Society of New York, Inc. corporate discussion  
12 of, interpretation of, or guidelines on the utilization of, that Body of Elder letter dated  
13 August 1, 1995.  
14  
15 11. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
16 or other documentary, tangible, or electronically stored information of any kind,  
17 evidencing Watchtower Bible and Tract Society of New York, Inc. corporate discussion  
18 of, interpretation of, or guidelines on the utilization of, that Body of Elder letter dated  
19 March 14, 1997.  
20  
21 12. All letters, emails, facsimiles, or other documentary, tangible, or electronically stored  
22 information of any kind, Watchtower Bible and Tract Society New York, Inc. received in  
23 response to the Body of Elder letter dated March 14, 1997.  
24  
25 13. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
26 or other documentary, tangible, or electronically stored information of any kind,  
27 evidencing Watchtower Bible and Tract Society of New York Inc. corporate discussion  
28



1 of, interpretation of, or guidelines on the utilization of, that Body of Elder letter dated  
2 July 20, 1998.

3 14. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
4 or other documentary, tangible, or electronically stored information of any kind,  
5 evidencing Watchtower Bible and Tract Society of New York, Inc. corporate discussion  
6 of, interpretation of, or guidelines on the utilization of, that Body of Elder letter dated  
7 October 1, 2012.  
8

9 15. Any and all minutes, transcriptions, audio, video or stenographic recordings or  
10 reproductions of all meetings or portions of meetings of the Governing Body regarding  
11 childhood sexual abuse committed by Jehovah's Witnesses, including but not limited to  
12 formulation of policy and discussion of particular childhood sexual abuse matters.  
13

14 16. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
15 or other documentary, tangible, or electronically stored information of any kind generated  
16 by or circulated among the Governing Body regarding childhood sexual abuse by  
17 Jehovah's Witnesses, including but not limited to formulation of policy and particular  
18 childhood sexual abuse matters.  
19

20 17. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
21 or other documentary, tangible, or electronically stored information of any kind generated  
22 by or circulated among the Governing Body regarding the above-captioned matter, or  
23 other matters involving alleged or confirmed childhood sexual abuse committed by  
24 Gonzalo Campos.  
25

26 18. Any and all minutes, transcriptions, audio, video or stenographic recordings or  
27 reproductions of all meetings or portions of meeting of any committee comprised of  
28

1 members of the Governing Body regarding the above-captioned matter, or other matters  
2 involving confirmed or alleged childhood sexual abuse committed by Gonzalo Campos.

3 19. Any and all orders, instructions, decisions, decrees or other directives authored, issued, or  
4 approved by the Governing Body regarding any specific claim, allegation, or report of  
5 childhood sexual abuse committed by Jehovah's Witnesses.

6  
7 20. Any and all internal memorandum, instructions, guidelines, emails, policies, procedures,  
8 or other documentary, tangible, or electronically stored information of any kind  
9 transmitted between the Governing Body and any department of Watchtower Bible and  
10 Tract Society of New York, Inc. regarding childhood sexual abuse committed by  
11 Jehovah's Witnesses, excluding communications with the Legal Department.

12  
13 21. Any and all records, written communications, files, reports, or other documentary,  
14 tangible, or electronically created or stored information of any kind transmitted between  
15 the Governing Body and any person or entity regarding childhood sexual abuse  
16 committed by Jehovah's Witnesses.

17  
18 22. Any and all written job descriptions, or orientation or instructional materials provided to  
19 employees, volunteers, agents, or staff assisting the Governing Body, or any committee  
20 or established subset of the Governing Body.

21  
22 23. Any and all records, written communications, files, reports, or other documentary,  
23 tangible, or electronically created or stored information of any kind detailing the  
24 structure, membership, and organization of the Governing Body.

25 24. Any and all records, written communications, files, reports, or other documentary,  
26 tangible, or electronically created or stored information of any kind detailing the  
27 membership of the various Governing Body committees.  
28

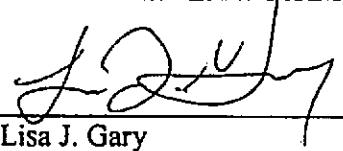
1 Pursuant to C.C.P. § 2025.220(1)-(6); 2025.230; 2025.240(c), this deposition will be  
2 recorded by audio and video tape. Plaintiff hereby gives notice pursuant to C.C.P. § 2025.620(d)  
3 of his intention to offer said videotaped deposition into evidence at trial.

4 This deposition will be upon oral examination before a duly authorized Notary Public and  
5 will continue from day to day until completed.  
6

7 All parties or attorneys for parties on whom this deposition notice is being served are  
8 listed on the attached proof of service.

9  
10 THE ZALKIN LAW FIRM, P.C.

11 Dated: Nov. 7 2013

12   
13 Lisa J. Gary  
14 Attorney for Plaintiff  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

Lopez v. Defendant Doc I, Linda Vista Church, et al.  
San Diego County Superior Court Case No: 37-2012-00099849-CU-PO-CTL

I, Lisa E. Maynes, am employed in the city and county of San Diego, State of California. I am over the age of 18 and not a party to the action; my business address is 12555 High Bluff Drive, Suite 260, San Diego, CA 92130.

November 7, 2013, I caused to be served:

**NOTICE OF TAKING DEPOSITION OF GERRIT LOSCH, WITH PRODUCTION OF DOCUMENTS REQUIRED – VIDEO RECORDED FOR USE AT TRIAL**

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

**SEE ATTACHED SERVICE LIST**

XX (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (BY OVERNIGHT DELIVERY – FEDERAL EXPRESS) I enclosed the documents in an envelope or package provided by an Federal Express and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office of a regularly utilized drop box for Federal Express. Overnight Delivery to Calvin A. Rouse, Esq. - Watchtower Bible & Tract Society of New York, Inc.

(BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the party to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email address listed below. I did not receive, within a reasonable time after the transmission, any electronic messages or other indication that the transmissions were unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 11-7-13

  
Lisa E. Maynes

**MAILING LIST**

Rocky K. Copley, Esq.  
Law Office of Rocky K. Copley  
225 Broadway, Suite 2100  
San Diego, CA 92101  
Tel: 619-232-3131  
Fax: 619-232-1690  
email: [rkccopley@rkcc-rocklaw.com](mailto:rkccopley@rkcc-rocklaw.com)  
Attorney for Defendant  
Doe 2, Supervisory Organization, Watchtower Bible and Tract Society of New York, Inc.

James M. McCabe, Esq.  
The McCabe Law Firm, APC  
4817 Santa Monica Avenue, Suite B  
San Diego, CA 92107  
Tel: 619-224-2848  
Fax: 619-224-0089  
email: [jim@mccabelaw.net](mailto:jim@mccabelaw.net)  
Attorneys for Defendant  
Doe 1, Linda Vista Church

Calvin A. Rouse, Esq. (By Overnight Federal Express)  
Watchtower Bible & Tract Society of New York, Inc.  
Legal Department  
100 Watchtower Drive  
Patterson, NY 12563-90204  
Tel: 845-306-0700 x 46760  
email: [crouse@jw.org](mailto:crouse@jw.org)  
Co-Counsel for Defendant  
Doe 2, Supervisory Organization, Watchtower Bible and Tract Society of New York, Inc.

EXHIBIT C

1 Rocky K. Copley, SBN 101628  
2 Law Office of Rocky K. Copley  
3 225 Broadway, Suite 2100  
4 San Diego, CA 92101  
5 Telephone: (619) 232-3131

6 Calvin R. Rouse, Of Counsel (Pro Hac Vice)  
7 Watchtower Bible and Tract Society of New York, Inc.  
8 Legal Department  
9 100 Watchtower Drive  
10 Patterson, NY 12563-9204  
11 Telephone: (845) 306-1000

12 Attorneys for Defendant Watchtower Bible and Tract  
13 Society of New York, Inc. (sued as "Doe 2, Supervisory  
14 Organization")

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SAN DIEGO, CENTRAL DIVISION**

CASE NO. 37-2012-00099849-CU-PO-CTL

JOSE LOPEZ, an Individual,

Plaintiff,

v.

DOE 1, LINDA VISTA CHURCH;  
DOE 2, SUPERVISORY  
ORGANIZATION; DOE 3,  
PERPETRATOR; and DOES 4 through  
100, inclusive,

Defendants.

**DECLARATION OF ALLEN SHUSTER IN  
SUPPORT OF WATCHTOWER BIBLE AND  
TRACT SOCIETY OF NEW YORK, INC.'S  
OBJECTIONS TO RECOMMENDATIONS  
OF DISCOVERY REFEREE DATED  
DECEMBER 20, 2013**

**IMAGED FILE**

Date:  
Time:  
Dept: C-65  
Judge: Joan M. Lewis

Complaint Filed: June 29, 2012  
Trial Date: October 11, 2013

I, Allen Shuster, declare that if called to testify, I would state the following:

1. I am over 18 years of age, of sound mind, and competent to make this Declaration.
2. I have personal knowledge of the matters contained herein, and they are all true and correct.
3. I reside in Patterson, New York and have served as an elder in the faith of Jehovah's Witnesses since 1979.

1           4.     Since February 1981, I have served in the Service Department at the U.S. Branch  
2     Offices of Jehovah's Witnesses in New York.

3           5.     In February 2012, I provided deposition testimony in case No. HG11558324 before  
4     the Superior Court of California for the County of Alameda.

5           6.     I received a copy of excerpts from my deposition testimony that were supplied to  
6     this court as "Exhibit 9" to the Declaration of Plaintiff's attorney to support Plaintiff's motion to  
7     compel the deposition of Gerrit Losch, who is a member of the ecclesiastical Governing Body of  
8     Jehovah's Witnesses. A true and correct copy of those excerpts is attached to this Declaration as  
9     Exhibit A.

10          7.     I also received a copy of the "Recommendations of Discovery Referee" Hon.  
11     Vincent P. Di Figlia (Ret.) dated December 20, 2013, which refers to my deposition testimony to  
12     conclude that "Despite Mr. Bland's declaration, the referee believes that Mr. Losch's position as a  
13     member of the Governing Body and its functions as described by Mr. Shuster, make Mr. Losch a  
14     managing agent within the contemplation of the law, C.C.P. § 2025.280(a)."

15          8.     I believe the Discovery Referee misunderstands the testimony I provided in 2011  
16     and I provide this Declaration to clarify that testimony in support of the "Objections to the  
17     Discovery Referee's Recommendations" filed by Defendant, Watchtower Bible and Tract Society  
18     of New York, Inc.

19                     Deposition Testimony About the Governing Body's Role

20          9.     On page 19 of my deposition, I explained that, administratively, the governing  
21     body "is a committee that oversees the worldwide activity of Jehovah's Witnesses." In other  
22     words, that committee is the highest decision-making committee concerning the beliefs, practices  
23     and religious policies of the religious faith of Jehovah's Witnesses.

24          10.    On pages 37-38 of my deposition, I explained that letters, such as the one under  
25     discussion dated July 1, 1989 are "Body of Elder letters" circulated from Service Department  
26     elders at the U.S. Branch Offices of Jehovah's Witnesses in New York to elders supervising  
27     activities in local congregations throughout the United States. Currently, the U.S. branch offices  
28     of Jehovah's Witnesses use Christian Congregation of Jehovah's Witnesses to communicate with



1 congregation elders. Before March 2001 those communications were transmitted through  
2 Watchtower Bible and Tract Society of New York, Inc.

3 11. On pages 59-60 of my deposition, I was asked about the "source" of religious  
4 policies involving discipline; specifically, that in all levels of offense, discipline is not "warranted  
5 in the absence of either a confession of misconduct or the evidence of two credible witnesses."  
6 After I asked for clarification, the question I answered pertained to whether the Governing Body  
7 "approved" Jehovah's Witnesses' policy on discipline. To clarify, the "source" of the policy  
8 concerning discipline is the Bible. Multiple verses compel that religious practice and policy,  
9 including Deuteronomy chapter 19 at verse 15, Matthew chapter 18 at verse 16, 2 Corinthians  
10 chapter 13 at verse 1, and 1 Timothy chapter 5 at verse 19. I did not mean to imply from my  
11 testimony that the Governing Body is the "source" of scripture. The Governing Body did not  
12 author the Bible. Rather, the Governing Body interprets the scriptures and thereby establishes the  
13 religious beliefs and policies of the faith of Jehovah's Witnesses.

14 12. On pages 38 and 107 of my deposition, I explained that the content of a particular  
15 letter required approval by a committee of the governing body. That is because the committee of  
16 the Governing Body ensured the content complied with the religious beliefs, practices and policies  
17 of Jehovah's Witnesses.

18 13. And, finally, on pages 111-112 of my deposition, I expressed confusion over the  
19 question of whether it is "the role of the governing body to set both spiritual and administrative  
20 policies of all of the Jehovah's Witnesses' corporations and entities." I explained that "On a high  
21 level, review, the governing body does establish policy." Those policies — at the very highest level  
22 of the religious organization of Jehovah's Witnesses are for the religious faith of Jehovah's  
23 Witnesses.

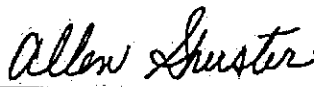
24 14. The religious policy under discussion on pages 111-112 of my deposition was "the  
25 confession or two-witness standard in terms of accusations being proven to be true" for the  
26 purpose of determining whether congregation elders are able to form an ecclesiastical judicial  
27 committee to determine whether the accused must be disfellowshipped or is repentant and can  
28 remain a part of the congregation. As discussed in paragraph 11 above, Bible verses such as

1 Deuteronomy 19:15, Matthew 18:16, 2 Corinthians 13:1 and 1 Timothy 5:19 provide the source  
2 for the religious practice and policy of Jehovah's Witnesses concerning any discipline  
3 administered against a member who is accused of committing a sin. Such religious beliefs,  
4 practices and policies are determined by the Governing Body based on their understanding of the  
5 Scriptures and are communicated by Service Department elders to elders throughout the United  
6 States. The Service Department elders use a corporation to communicate with elders in local  
7 congregations.

8 15. To be clear, the Governing Body of Jehovah's Witnesses is not a committee that  
9 operates within the corporate structure of Watchtower Bible and Tract Society of New York, Inc.  
10 and it does not make corporate policy or decisions for Watchtower Bible and Tract Society of New  
11 York, Inc. Rather, the Governing Body is a religious body that provides spiritual guidance to  
12 Jehovah's Witnesses worldwide.

13 16. I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct.

15 SIGNED this 25 day of December, 2013, in Patterson, New York.

16  
17   
18 Allen Shuster

# EXHIBIT A

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALMEDA

-----X  
JANE DOE, No. HG11558324

Plaintiff,

-v-

THE WATCHTOWER BIBLE AND TRACT

SOCIETY OF NEW YORK, INC., a

corporation, et al.,

Defendants.

-----X

VIDEO DEPOSITION

. OF

ALLEN SHUSTER

PATTERSON, NEW YORK

FEBRUARY 15, 2012

10:01 A.M.

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com

Nancy Anne Flynn, RPR  
FILE NO.: A508ED2

A508ED2  
**ALLEN SHUSTER**      **FEBRUARY 15, 2012**

<p>1                    Allen Shuster</p>			<p>1                    Allen Shuster</p>		
2	committees within the branch committee?	10:18	2	branch committee guidelines.	10:21
3	A    When you say service committee?	10:18	3	Q    Is that series of guidelines applicable	10:21
4	Q    The service department.	10:18	4	to the service department of the Christian	10:21
5	A    The service department. Your question	10:18	5	Congregation?	10:21
6	again?	10:18	6	A    Parts of it are.	10:21
7	Q    Is that one of multiple departments or	10:18	7	Q    What other areas -- well, let me ask you,	10:21
8	entities within the branch committee?	10:18	8	have you ever seen the branch committee guidelines?	10:21
9	A    It is one of a number of departments that	10:18	9	A    Yes.	10:22
10	the branch committee has oversight of.	10:18	10	Q    And do you use it daily in your, or at	10:22
11	Q    And speaking in terms of the composition	10:18	11	least from time to time, in your work?	10:22
12	of the branch committee, how large a committee is	10:18	12	A    From time to time.	10:22
13	it?	10:19	13	Q    What are the general subject matters	10:22
14	A    Twelve members.	10:19	14	covered under the branch committee guidelines?	10:22
15	Q    And how are its members selected?	10:19	15	A    Matters having to do with branch	10:21
16	A    It's, I'm not privy to the deliberations.	10:19	16	fiducies, branch personnel, the managing of the	10:22
17	of the branch committee, so I'm not sure I can	10:19	17	spiritual activities within a specific branch or	10:22
18	answer that.	10:19	18	branch territory. Just general operation	10:22
19	Q    And not asking as to any individual who	10:19	19	guidelines.	10:22
20	might have been appointed to the branch committee,	10:19	20	Q    Are the branch committee guidelines the	10:22
21	but generally just speaking procedurally, how are	10:19	21	same for every branch throughout the world or are	10:22
22	branch committee members selected, by what authority	10:19	22	there separate branch committee guidelines for	10:23
23	or process?	10:19	23	different geographical areas?	10:23
24	A    Members of the branch committee	10:19	24	A    Same throughout the world.	10:23
25	collectively, I should say the collective branch	10:19	25	Q    Are the contents of the branch committee	10:23
Page 18			Page 20		
<p>1                    Allen Shuster</p>			<p>1                    Allen Shuster</p>		
2	committee, makes recommendations as to who should be	10:19	2	guidelines approved by the governing body?	10:23
3	added in the case of deaths. And so those	10:19	3	A    Yes.	10:23
4	recommendations are made to the governing body of	10:20	4	Q    And would these branch committee	10:23
5	Jehovah's Witnesses.	10:20	5	guidelines apply to the Bible and Tract Society of	10:23
6	Q    And what is the governing body within the	10:20	6	New York, Inc.?	10:23
7	administrative structure? I'm not asking for	10:20	7	A    I guess my question would be, when you --	10:23
8	spiritual or theological information here, I'm	10:20	8	can you say that one more time?	10:23
9	really look administratively, what is the governing	10:20	9	Q    Yes.	10:23
10	body?	10:20	10	A    I want to make sure I have the question	10:23
11	A    The governing body is a committee that	10:20	11	correct.	10:23
12	oversees the worldwide activity of Jehovah's	10:20	12	Q    Do the branch committee guidelines apply	10:23
13	Witnesses.	10:20	13	to the entities within the Watchtower Bible and	10:23
14	Q    Does the branch committee have any sort	10:20	14	Tract Society of New York, Inc., the divisions I	10:23
15	of written policies, procedures that it follows?	10:20	15	should say?	10:23
16	A    Yes.	10:20	16	A    I would think so.	10:23
17	Q    Is there some form of either a manual or	10:20	17	Q    Do they also apply to the Christian	10:23
18	other documentary compilation that the branch	10:21	18	Congregation?	10:24
19	committee is guided by in its work?	10:21	19	A    Yes.	10:24
20	A    Yes.	10:21	20	Q    I know there are other entities such as:	10:24
21	Q    What is that called?	10:21	21	Watchtower of Pennsylvania. Would the branch	10:24
22	A    It's called branch organization.	10:21	22	committee guidelines apply to these other entities	10:24
23	Q    And is that, is the appropriate term a	10:21	23	as well?	10:24
24	manual or would it be some other term?	10:21	24	A    Yes.	10:24
25	A    I think the terminology is guidelines.	10:21	25	Q    Other than the service department, what	10:24
Page 19			Page 21		

A508ED2  
ALLEN SHUSTER FEBRUARY 15, 2012

<p>1 Allen Shuster:</p> <p>2 Q All right. Prior to 2001, was the 10:43</p> <p>3 service department in terms of its authority and 10:44</p> <p>4 role the same as it is now within the Christian 10:44</p> <p>5 Congregation? 10:44</p> <p>6 A You mean the difference between when the 10:44</p> <p>7 service department was working as the New York 10:44</p> <p>8 corporation and since 2001 under Christian 10:44</p> <p>9 Congregation. 10:44</p> <p>10 Q Yes. 10:44</p> <p>11 A Essentially the same. 10:44</p> <p>12 Q And was the nature of the relationship 10:44</p> <p>13 between the legal department and service department 10:44</p> <p>14 the same before 2001 as it is at present? 10:44</p> <p>15 A When you say relationship, you mean -- 10:44</p> <p>16 Q In terms of the nature of the issues that 10:44</p> <p>17 would be brought to the legal department and the 18:45</p> <p>18 consequences of information that would come back 10:45</p> <p>19 from the legal department to the service department? 18:45</p> <p>20 A Yes. 10:45</p> <p>21 Q Are reports or communications received 10:45</p> <p>22 from a congregation member that may include a report 10:45</p> <p>23 of suspected childhood sexual abuse by a different 18:45</p> <p>24 member than the reporter, are those communications 10:45</p> <p>25 deemed to be confidential within the service 10:45</p> <p style="text-align: right;">Page 34</p>	<p>1 Allen Shuster</p> <p>2 Q Yes. 10:47</p> <p>3 A They are regarded as confidential. 10:47</p> <p>4 Q Is the basis of that determination one 10:47</p> <p>5 that is contained in writings of some kind? 10:47</p> <p>6 A You mean in the sense of guidelines or 10:47</p> <p>7 direction or memoranda? 10:47</p> <p>8 Q Yes, any of those. 10:47</p> <p>9 A Over the years I worked in the service 10:47</p> <p>10 department, which is some 31 years, I am certain 10:47</p> <p>11 that there have been references made on occasion 10:48</p> <p>12 that matters should be kept confidential. I cannot 10:48</p> <p>13 tell you an exact date of a memorandum. 10:48</p> <p>14 MR. SIMONS: Let me mark the letter of 10:48</p> <p>15 July 1st, 1989 as the next exhibit. 10:48</p> <p>16 (July 1, 1989 letter was marked as 10:49</p> <p>17 Deposition Exhibit Number 5 for 10:49</p> <p>18 identification.) 10:49</p> <p>19 Q This is a somewhat lengthy document. The 10:49</p> <p>20 portions that I am going to ask you about I've 10:49</p> <p>21 highlighted. That will maybe assist you in focusing 10:49</p> <p>22 on this. 10:49</p> <p>23 MR. SCHNACK: You want him to read 10:49</p> <p>24 through it or do you want to just start asking 10:50</p> <p>25 questions? 10:50</p> <p style="text-align: right;">Page 36</p>
<p>1 Allen Shuster</p> <p>2 department? 10:45</p> <p>3 A When you say a different, a different 10:46</p> <p>4 person as opposed to the victim? 10:46</p> <p>5 Q Correct, an individual member of the 10:46</p> <p>6 congregation makes a report to an elder of suspicion 10:46</p> <p>7 of sexual abuse of a child by a different 10:46</p> <p>8 congregation member, is that communication deemed to 10:46</p> <p>9 be confidential? 10:46</p> <p>10 MR. SCHNACK: Are you talking about 10:46</p> <p>11 outside of the service department at this 10:46</p> <p>12 point? 10:46</p> <p>13 MR. SIMONS: No, within the service 10:46</p> <p>14 department. 10:46</p> <p>15 MR. SCHNACK: Okay, because the question 10:46</p> <p>16 didn't include that. Why don't you rephrase it. 10:46</p> <p>17 so we're certain what you are asking. 10:46</p> <p>18 Q Within the service department's 18:46</p> <p>19 implementation of its policies and role, are 10:46</p> <p>20 communications by a member of a congregation to an 10:46</p> <p>21 elder which report suspected childhood sexual abuse 10:46</p> <p>22 by a different member of that congregation, are 10:47</p> <p>23 those communications deemed to be confidential? 10:47</p> <p>24 A Within the context of the work that is 10:47</p> <p>25 done within the service department? 10:47</p> <p style="text-align: right;">Page 35</p>	<p>1 Allen Shuster</p> <p>2 MR. SIMONS: If he wants to read through 10:50</p> <p>3 it I don't want to interrupt him. 10:50</p> <p>4 MR. SCHNACK: It's up to you how you want 10:50</p> <p>5 to conduct the deposition. 10:50</p> <p>6 Q Have you seen this letter of July 1st, 10:50</p> <p>7 1989 before? 10:50</p> <p>8 A Yes. 10:50</p> <p>9 Q When do you recall first being aware of 10:50</p> <p>10 this letter? 10:50</p> <p>11 A Shortly before July 1st, 1989. 10:50</p> <p>12 Q Did you participate at all in the 10:50</p> <p>13 drafting of this letter? 10:50</p> <p>14 A I'm not certain. 10:51</p> <p>15 Q Do you know any of the individuals who 10:51</p> <p>16 participated in the drafting of this letter? 10:51</p> <p>17 A I don't think I could name someone 10:51</p> <p>18 specific. 18:51</p> <p>19 Q Is this what is known as a Body of Elder 10:51</p> <p>20 letter? 10:51</p> <p>21 A Yes. 10:51</p> <p>22 Q Is the content of this letter, Exhibit 5, 10:51</p> <p>23 one that requires the approval of anyone within the 10:51</p> <p>24 Jehovah's Witnesses organization before it can be 10:51</p> <p>25 circulated to elders throughout the United States? 10:52</p> <p style="text-align: right;">Page 37</p>

10 (Pages 34 to 37)

A508ED2  
ALLEN SHUSTER FEBRUARY 15, 2012

<p>1 Allen Shuster</p> <p>2 A Yes. 10:52</p> <p>3 Q What approval or approvals, if there is 10:52</p> <p>4 more than one, must be made before a Body of Elder 10:52</p> <p>5 letter such as this could be circulated, at the time 10:52</p> <p>6 frame we're talking about, July 1st, '89? 10:52</p> <p>7 A Within the time frame of 1989? 10:52</p> <p>8 Q Yes. 10:52</p> <p>9 A There would have been a group of elders 10:52</p> <p>10 within the service department that would have 10:52</p> <p>11 reviewed this letter. It would have been a 10:52</p> <p>12 collaborative effort. You're talking about the 10:52</p> <p>13 service department, right? 10:52</p> <p>14 Q I'm talking about within the organization 10:52</p> <p>15 completely? 10:52</p> <p>16 A Within the organization, undoubtedly the 10:52</p> <p>17 legal department would have input into this. It 10:52</p> <p>18 would have been approved by a committee of the 10:52</p> <p>19 governing body. 10:53</p> <p>20 Q Has this Body of Elder letter of 10:53</p> <p>21 July 1st, 1989 been revoked? 10:53</p> <p>22 A When you say revoked, you mean in total 10:53</p> <p>23 or in part? 10:53</p> <p>24 Q First in total. 10:53</p> <p>25 A No. 10:53</p> <p style="text-align: right;">Page 38</p>	<p>1 Allen Shuster</p> <p>2 member does not confess to having committed sexual 11:02</p> <p>3 abuse of a child in response to an accusation, is 11:02</p> <p>4 there a method, an administrative method, in which 11:03</p> <p>5 the truth of the accusation can be determined? 11:03</p> <p>6 MR. SCHNACK: Are you talking about 11:03</p> <p>7 within a judicial investigation or a judicial 11:03</p> <p>8 committee? 11:03</p> <p>9 MR. SIMONS: I don't know because I'm 11:03</p> <p>10 asking the open-ended question of, is there a 11:03</p> <p>11 method at all, and presumably that would 11:03</p> <p>12 include judicial investigation or judicial 11:03</p> <p>13 committee or some other process. 11:03</p> <p>14 MR. SCHNACK: Okay. I am going to object 11:03</p> <p>15 as vague then. 11:03</p> <p>16 To the extent you can answer, go ahead. 11:03</p> <p>17 A I think the key word you said is truth. 11:03</p> <p>18 can you get at the truth. There certainly is a 11:03</p> <p>19 method in which we endeavor to get at the truth. 11:03</p> <p>20 Q What method is that? 11:03</p> <p>21 A You mentioned whenever there is an 11:03</p> <p>22 accusation made against a member of the 11:03</p> <p>23 congregation, that method is that we have an elder, 11:03</p> <p>24 two elders, who are asked to hear or at least 11:03</p> <p>25 confront the accused with whatever it is he is 11:04</p> <p style="text-align: right;">Page 40</p>
<p>1 Allen Shuster</p> <p>2 Q Have parts of it been modified or 10:53</p> <p>3 revoked? 10:53</p> <p>4 A I would have to review the letter and 10:53</p> <p>5 read it to tell. 10:53</p> <p>6 Q All right, okay. 10:53</p> <p>7 MR. SCHNACK: Do you want him to do that? 10:53</p> <p>8 MR. SIMONS: Yes, I do. 10:53</p> <p>9 MR. SCHNACK: Go ahead, take your time. 10:54</p> <p>10 THE WITNESS: The entire letter? 10:54</p> <p>11 MR. SIMONS: Yes. If you need something 10:54</p> <p>12 to mark the exhibit with to go back and explain 10:54</p> <p>13 later, what areas you think have been revoked, 10:54</p> <p>14 feel free to mark it up, that's okay. 10:54</p> <p>15 A What was stated then in 1989, some 22 11:01</p> <p>16 years ago, I think is essentially the same now. 11:01</p> <p>17 There's maybe one exception. And that's on page 11:01</p> <p>18 four at the very top, the first sentence, "If the 11:01</p> <p>19 alleged wrongdoer confesses to the sin or crime, no 11:02</p> <p>20 one else should be present besides the members of 11:02</p> <p>21 the committee." Just in addition to that, in the 11:02</p> <p>22 case of a child, being a minor, likely in most cases 11:02</p> <p>23 his parent or parents would be present. But other 11:02</p> <p>24 than that, essentially it's the same. 11:02</p> <p>25 Q Okay. In the event that an accused 11:02</p> <p style="text-align: right;">Page 39</p>	<p>1 Allen Shuster</p> <p>2 accused of, and they hear what he has to say about 11:04</p> <p>3 the matter. 11:04</p> <p>4 Q Assuming the accused denies any sexual 11:04</p> <p>5 misconduct with a child, what is the next step in 11:04</p> <p>6 response to that denial, if there is one? 11:04</p> <p>7 A Yes. In the case of a child, I think we 11:04</p> <p>8 would be very careful as to how we proceed. But 11:04</p> <p>9 scripturally, the Bible outlines a procedure in 11:04</p> <p>10 Matthew 18 about, in Matthew, the book of Matthew, 11:04</p> <p>11 about addressing issues of this nature when there is 11:04</p> <p>12 an accusation made against someone, then of course 11:05</p> <p>13 he has a right to hear that, and that's why we have 11:05</p> <p>14 two elders that listen to what he has to say. But 11:05</p> <p>15 then he has the opportunity or should have the 11:05</p> <p>16 opportunity to hear what his accuser is saying. 11:05</p> <p>17 Q And what is the forum in which that 11:05</p> <p>18 opportunity is provided? 11:05</p> <p>19 A So two elders will sit down with the 11:05</p> <p>20 accuser and hear what he has to say, and then weigh 11:05</p> <p>21 that testimony. As I mentioned, in the case of a 11:05</p> <p>22 child, we are very careful about proceeding. In 11:05</p> <p>23 some cases we will not proceed depending on the 11:05</p> <p>24 advice that we get from the legal department. I say 11:05</p> <p>25 we, I mean the local elders in a congregation, 11:06</p> <p style="text-align: right;">Page 41</p>

11 (Pages 38 to 41)

<p>1 Allen Shuster</p> <p>2 Q Any other documents? 11:44</p> <p>3 A All of the supporting documents that were 11:44</p> <p>4 in that Notice. 11:44</p> <p>5 Q Do you recall any of those specifically? 11:44</p> <p>6 A The letter from the Body of Elders that I 11:44</p> <p>7 believe is the North Fremont Congregation, that 11:44</p> <p>8 correspondence. There is also some correspondence 11:44</p> <p>9 in that Notice from the Oakley Congregation that I 11:44</p> <p>10 believe is some years after 1993. 11:44</p> <p>11 Q We talked about disfellowship and reproof 11:44</p> <p>12 and removal. Are there any other levels of 11:45</p> <p>13 discipline which may be imposed internally for 11:45</p> <p>14 misconduct by a congregant? 11:45</p> <p>15 A I think I mentioned earlier that 11:45</p> <p>16 withholding of certain privileges within the 11:45</p> <p>17 congregation that we would regard as an exemplary 11:45</p> <p>18 privilege that one would have to conduct himself in 11:45</p> <p>19 a certain way to merit having that privilege, for 11:45</p> <p>20 example, passing microphones in the congregation, 11:45</p> <p>21 handling the stage, things of that nature. 11:45</p> <p>22 Q Is there a general title for which the 11:45</p> <p>23 disciplines of withholding privileges might fall? 11:45</p> <p>24 A No. 11:45</p> <p>25 Q It would be a case by case specific 11:45</p> <p>Page 58</p>	<p>1 Allen Shuster:</p> <p>2 established that elders abide by? 11:47</p> <p>3 Q Is the policy that no discipline is 11:47</p> <p>4 warranted in the absence of either two witnesses, 11:47</p> <p>5 two credible witnesses or a confession, is that 11:47</p> <p>6 policy one that is approved by the governing body? 11:48</p> <p>7 A Yes. 11:48</p> <p>8 Q You mentioned the Watchtower now being 11:48</p> <p>9 utilized in certain study committees. Am I correct 11:48</p> <p>10 that there are various kinds of regular meetings and 11:48</p> <p>11 study sessions that congregations hold within 11:48</p> <p>12 Jehovah's Witnesses? 11:48</p> <p>13 A Yes, we do. 11:48</p> <p>14 Q Are there regular meetings held by 11:48</p> <p>15 congregations at the Kingdom Halls? 11:48</p> <p>16 A Yes. 11:48</p> <p>17 Q And how frequently would regular sessions 11:48</p> <p>18 at the Kingdom Hall be held in most congregations, 11:48</p> <p>19 at least in your knowledge and experience? 11:49</p> <p>20 A You mean meetings that a congregation 11:49</p> <p>21 would have as opposed to meetings that Kingdom Hall 11:49</p> <p>22 would have? 11:49</p> <p>23 Q Yes. 11:49</p> <p>24 A Yes, a congregation typically would have 11:49</p> <p>25 two meetings a week, one during mid week and. 11:49</p> <p>Page 60</p>
<p>1 Allen Shuster</p> <p>2 Instruction, if you will, from the local Body of 11:46</p> <p>3 Elders to the congregant? 11:46</p> <p>4 A That's correct. 11:46</p> <p>5 Q In the future, you are not allowed to 11:46</p> <p>6 engage in this activity or receive this privilege? 11:46</p> <p>7 A It could be by communication. Often it 11:46</p> <p>8 is, but it could be just by the nature of the 11:46</p> <p>9 offense and in some cases the announcement that is 11:46</p> <p>10 made, it's obvious that there's no need to 11:46</p> <p>11 communicate that lack of privilege to that person. 11:46</p> <p>12 Q For all of the different levels of 11:46</p> <p>13 discipline that we have been discussing, from 11:46</p> <p>14 disfellowship down to the most minor level, are any 11:46</p> <p>15 of these levels of discipline warranted in the 11:46</p> <p>16 absence of either a confession of misconduct or the 11:46</p> <p>17 evidence of two credible witnesses? 11:46</p> <p>18 A No. 11:47</p> <p>19 Q Has that been the policy for as many 11:47</p> <p>20 years as you have been an elder in the service of 11:47</p> <p>21 Jehovah's Witnesses? 11:47</p> <p>22 A Yes. 11:47</p> <p>23 Q And is the source of that policy 11:47</p> <p>24 ultimately found in the governing body? 11:47</p> <p>25 A You mean the policy that's been 11:47</p> <p>Page 59</p>	<p>1 Allen Shuster</p> <p>2 typically one on the weekend. 11:49</p> <p>3 Q And do each of these meetings have a 11:49</p> <p>4 different purpose or is the purpose the same? 11:49</p> <p>5 A Different purpose. 11:49</p> <p>6 Q What are the purposes of the two meetings 11:49</p> <p>7 in the mid week and the weekend meetings? 11:49</p> <p>8 A Well, both are open to the public so 11:49</p> <p>9 anyone is invited to attend these meetings. The mid 11:49</p> <p>10 week meeting is made up of three different types of 11:49</p> <p>11 meetings: One is called the Congregation Bible 11:49</p> <p>12 Study and there is a publication that Jehovah's 11:49</p> <p>13 Witnesses use, it varies from year to year, that is 11:49</p> <p>14 considered for 25 minutes or half hour, and then we 11:50</p> <p>15 have what is called a Theocratic Ministry School 11:50</p> <p>16 that helps to train the congregants as to how to 11:50</p> <p>17 perform public speaking or public reading, speaking 11:50</p> <p>18 to others about the Bible. 11:50</p> <p>19 And then the last part of the meeting is 11:50</p> <p>20 called a service meeting, and information from a 11:50</p> <p>21 periodical called Our Kingdom Ministry is reviewed, 11:50</p> <p>22 and again, having to do with the ministry. That's 11:50</p> <p>23 what Jehovah's Witnesses do, is we speak to others 11:50</p> <p>24 about God and bear witness about him and tell others 11:50</p> <p>25 about what we consider to be good news from the 11:51</p> <p>Page 61</p>



A508ED2  
**ALLEN SHUSTER**      **FEBRUARY 15, 2012**

<p>1 Allen Shuster</p> <p>2 across some tools that a homeowner may have left out 02:24</p> <p>3 in the driveway and is seen to take a tool or to put 02:24</p> <p>4 them in his pocket or jacket or something and leave 02:24</p> <p>5 with it, that's a theft, correct? 02:24</p> <p>6 A Okay. 02:24</p> <p>7 Q In such a situation of what we will call 02:24</p> <p>8 a petty theft, is that something that falls under 02:24</p> <p>9 the doctrine of uncleanness? 02:24</p> <p>10 A Uncleanness, I don't know that it would 02:25</p> <p>11 necessarily fall in that category. It would fall 02:25</p> <p>12 more into the category of theft. Uncleanness has 02:25</p> <p>13 more to do with physical and sexual in nature. 02:25</p> <p>14 Q All right. That is very helpful, I 02:25</p> <p>15 appreciate it. I apologize if some of my questions 02:25</p> <p>16 seem very basic, but there are many philosophical 02:25</p> <p>17 and other views of things that are part of your 02:25</p> <p>18 daily world for many years that are all new to me. 02:25</p> <p>19 so -- 02:26</p> <p>20 A I understand. 02:26</p> <p>21 (August 1, 1995 Letter To All Bodies 02:26</p> <p>22 of Elders in the United States was marked 02:26</p> <p>23 as Deposition Exhibit 9 for 02:26</p> <p>24 identification.) 02:26</p> <p>25 Q We have marked as Exhibit 9 a letter 02:26</p>	<p>1 Allen Shuster</p> <p>2 Q What was the predecessor in terms of 02:27</p> <p>3 function, to the branch committee? 02:28</p> <p>4 A Prior to the branch committee, which was 02:28</p> <p>5 formed in 2001, the Bethel Operations, that is, the 02:28</p> <p>6 operations of the three complexes that make up not 02:28</p> <p>7 only the world headquarters but also the 02:28</p> <p>8 headquarters for United States branch facilities as 02:28</p> <p>9 well as the field operations, were separated; there 02:28</p> <p>10 were two separate entities that cared for those 02:28</p> <p>11 functions. 02:28</p> <p>12 Q We talked about the branch committee 02:28</p> <p>13 guidelines, the published guidelines and the 02:28</p> <p>14 handbook so to speak. Was there a predecessor of 02:28</p> <p>15 similar type before 2001 when the branch committee 02:29</p> <p>16 was formed? 02:29</p> <p>17 A The branch organization is what you are 02:29</p> <p>18 referring to, has been in existence prior to the 02:29</p> <p>19 formation of the U.S. branch committee. 02:29</p> <p>20 Q So did the branch organization have a 02:29</p> <p>21 handbook or guidelines prior to 2001? 02:29</p> <p>22 A I'm sure that there was some guideline 02:29</p> <p>23 that they went by. I don't know that there was an 02:29</p> <p>24 official document, maybe more just internal. 02:29</p> <p>25 communications or perhaps some memoranda that gave 02:29</p>
<p style="text-align: right;">Page 106</p> <p>1 Allen Shuster</p> <p>2 dated August 1, 1995 (handing). Have you seen this 02:26</p> <p>3 in the past? 02:26</p> <p>4 A Yes, I have. 02:26</p> <p>5 Q Were you involved in the preparation of 02:26</p> <p>6 this Body of Elders letter prior to its 02:26</p> <p>7 dissemination? 02:26</p> <p>8 A I can't say for certainty. There's a 02:26</p> <p>9 good chance that I was. 02:26</p> <p>10 Q Was this Body of Elders letter approved 02:26</p> <p>11 by either a committee of or the entire governing 02:26</p> <p>12 body prior to its circulation? 02:27</p> <p>13 A Yes. 02:27</p> <p>14 Q There are references in this letter to 02:27</p> <p>15 various Awake articles in 1985 and 1993, this is in 02:27</p> <p>16 the third paragraph. Are articles that are 02:27</p> <p>17 published in Awake reviewed in advance by persons in 02:27</p> <p>18 the branch committee? 02:27</p> <p>19 MR. SCHNACK: I'm going to object to the 02:27</p> <p>20 form of the question. The branch committee 02:27</p> <p>21 wasn't in existence at the time that letter was 02:27</p> <p>22 drafted. 02:27</p> <p>23 MR. SIMONS: All right. 02:27</p> <p>24 MR. SCHNACK: Is that correct? 02:27</p> <p>25 THE WITNESS: That's correct. 02:27</p>	<p style="text-align: right;">Page 108</p> <p>1 Allen Shuster</p> <p>2 them some structure. 02:29</p> <p>3 Q Who if anyone would have been required to 02:29</p> <p>4 approve the content of articles in the Awake before 02:29</p> <p>5 they were published? This is back in '85 and '93 02:30</p> <p>6 and that time period. 02:30</p> <p>7 A It would be individuals that work in our 02:30</p> <p>8 writing department. 02:30</p> <p>9 Q Were articles on the subject matter of 02:30</p> <p>10 protecting children from sexual abuse subject to 02:30</p> <p>11 approval from anyone other than persons in the 02:30</p> <p>12 writing committee back in the time frame that we're 02:30</p> <p>13 talking about, '85 to '93, as to the articles? 02:30</p> <p>14 MR. SCHNACK: You mean the writing 02:30</p> <p>15 department. 02:30</p> <p>16 MR. SIMONS: Writing department, thank 02:30</p> <p>17 you. 02:30</p> <p>18 A I know on occasion that the writing 02:30</p> <p>19 committee would send, writing department that is, 02:30</p> <p>20 they would send articles to others outside the 02:30</p> <p>21 writing department for their purview. 02:31</p> <p>22 Q Would an article setting forth a policy 02:31</p> <p>23 on something such as childhood sexual abuse such as 02:31</p> <p>24 the January 22, 1985 article in Awake have been 02:31</p> <p>25 reviewed and approved by the governing body or a 02:31</p>
<p style="text-align: right;">Page 107</p>	<p style="text-align: right;">Page 109</p>

28 (Pages 106 to 109)

A508ED2  
**ALLEN SHUSTER**      **FEBRUARY 15, 2012**

<p>1 Allen Shuster</p> <p>2 committee of the governing body prior to its 02:31</p> <p>3 publication? 02:31</p> <p>4 A My understanding is that they would, 02:31</p> <p>5 Q What is that understanding based on? 02:31</p> <p>6 A Whether all of the members of the then 02:31</p> <p>7 existing governing body would review articles from 02:31</p> <p>8 the Awake or the Watchtower, I can't say for 02:31</p> <p>9 certainty. But what I do say for certainty is that 02:31</p> <p>10 some members of the governing body would review it; 02:31</p> <p>11 yes. 02:31</p> <p>12 Q What is your understanding based on? 02:31</p> <p>13 A Based on my knowledge. 02:32</p> <p>14 Q Your last answer was that you just 02:33</p> <p>15 understand it. Can you tell me a little bit more 02:33</p> <p>16 about how you acquired the knowledge of the 02:33</p> <p>17 governing body's role in terms of approval of Awake 02:33</p> <p>18 policy articles or Watchtower policy articles? 02:33</p> <p>19 A I just know that the writing department, 02:33</p> <p>20 it's directly overseen by the writing committee of 02:33</p> <p>21 the governing body, and that there have been members 02:33</p> <p>22 in the past of the governing body who are in the 02:33</p> <p>23 writing, on the writing committee, and also work in 02:33</p> <p>24 the writing department. And I know the process 02:33</p> <p>25 that's reviewed by a number of writers, and it's 02:33</p> <p style="text-align: right;">Page 110</p>	<p>1 Allen Shuster</p> <p>2 the governing body, that's my question. Is that an 02:35</p> <p>3 accurate statement? 02:35</p> <p>4 A That is an accurate statement, yes. 02:35</p> <p>5 MR. SCHNACK: Is this a good time for a 02:35</p> <p>6 short break? 02:35</p> <p>7 MR. SIMONS: Yes. 02:35</p> <p>8 MR. SCHNACK: Let's go off the record. 02:35</p> <p>9 THE VIDEOGRAPHER: It is now 2:36. We 02:35</p> <p>10 are going off the record. 02:35</p> <p>11 (Brief recess) 02:54</p> <p>12 THE VIDEOGRAPHER: We are back on the 02:54</p> <p>13 record. The time is 2:54. 02:54</p> <p>14 BY MR. SIMONS: 02:54</p> <p>15 Q Is there now a service committee? 02:54</p> <p>16 A There is a service committee, yes. 02:54</p> <p>17 Q Was that formed in 2001 when the branch 02:54</p> <p>18 committees were set up? 02:54</p> <p>19 A No. 02:54</p> <p>20 Q Did it pre-exist 2001? 02:54</p> <p>21 A Yes, it did. 02:54</p> <p>22 Q Has there been a service committee for as 02:54</p> <p>23 many years as you have been an elder? 02:54</p> <p>24 A Yes, there has. 02:54</p> <p>25 Q Are members of the governing body, any 02:54</p> <p style="text-align: right;">Page 112</p>
<p>1 Allen Shuster</p> <p>2 been the policy of at least a few members of the 02:33</p> <p>3 governing body reviewing anything from the 02:33</p> <p>4 Watchtower and Awake that is published. 02:33</p> <p>5 Q Have you ever authored an article that 02:34</p> <p>6 was published in Watchtower or Awake? 02:34</p> <p>7 A I have not. 02:34</p> <p>8 Q Is the role of the governing body to set 02:34</p> <p>9 both spiritual and administrative policies of all of 02:34</p> <p>10 the Jehovah's Witnesses' corporations and entities? 02:34</p> <p>11 MR. SCHNACK: I object to the form of the 02:34</p> <p>12 question. I'm not sure what you mean by 02:34</p> <p>13 administrative policies. 02:34</p> <p>14 You can respond, if you can. 02:34</p> <p>15 A I guess I would have to know a little bit, 02:34</p> <p>16 more about the question. On a high level, review, 02:34</p> <p>17 the governing body does establish policies. The 02:34</p> <p>18 other aspect of your question? 02:34</p> <p>19 Q My question is perhaps a little unclear, 02:34</p> <p>20 but as to policies and procedures that we have been 02:34</p> <p>21 discussing, for example, the confession or 02:35</p> <p>22 two-witness standard in terms of accusations being 02:35</p> <p>23 proven to be true, are these policies, no matter 02:35</p> <p>24 which corporation or entity within the organization 02:35</p> <p>25 is enforcing them, these are policies that come from 02:35</p> <p style="text-align: right;">Page 111</p>	<p>1 Allen Shuster</p> <p>2 members of the governing body, on the service 02:54</p> <p>3 committee? 02:54</p> <p>4 A Yes, there are. 02:54</p> <p>5 Q How many members total are there in the 02:54</p> <p>6 service committee? 02:54</p> <p>7 A On the service committee, let's see, at 02:55</p> <p>8 least four. 02:55</p> <p>9 Q And how many members of the service 02:55</p> <p>10 committee are members of the governing body? 02:55</p> <p>11 A All of them. 02:55</p> <p>12 Q When a congregation member is found 02:55</p> <p>13 either by two witnesses or by confession or by both 02:55</p> <p>14 to have committed sexual abuse of a child, does the 02:55</p> <p>15 local congregation elders have the option to ban 02:55</p> <p>16 that individual from field service? 02:56</p> <p>17 A The elders have the responsibility to 02:56</p> <p>18 protect children from that perpetrator, yes, to ban 02:56</p> <p>19 them from the individual ministry that they have. 02:56</p> <p>20 I think all of us as Christians, as 02:56</p> <p>21 Jehovah's Witnesses, have an obligation to bear 02:56</p> <p>22 witness about God, that's who we are, we are 02:56</p> <p>23 Jehovah's Witnesses. So what he would have, his 02:56</p> <p>24 personal responsibility is up to him in witnessing, 02:56</p> <p>25 but if he were to engage in public ministry with 02:56</p> <p style="text-align: right;">Page 113</p>

29 (Pages 110 to 113)



1 Rocky K. Copley, SBN 101628  
2 Law Office of Rocky K. Copley  
3 225 Broadway, Suite 2100  
4 San Diego, CA 92101  
5 Telephone: (619) 232-3131

6 Calvin R. Rouse (Pro Hac Vice)  
7 Watchtower Bible and Tract Society  
8 of New York, Inc., Legal Department  
9 100 Watchtower Drive  
10 Patterson, NY 12563-9204  
11 Telephone: (845) 306-1000

12 Attorneys for Watchtower Bible and Tract Society of  
13 New York, Inc. (sued as "Doe 2, Supervisory  
14 Organization")

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN DIEGO

17 JOSE LOPEZ, an Individual,

18 Plaintiff,

19 v.

20 DOE 1, LINDA VISTA CHURCH; DOE  
21 2, SUPERVISORY ORGANIZATION;  
22 DOE 3, PERPETRATOR; and DOES 4  
23 through 100, inclusive,

24 Defendants.

CASE NO. 37-2012-00099849-CU-PO-CTL

**DECLARATION OF DANNY BLAND IN  
SUPPORT OF WATCHTOWER'S OPENING  
BRIEF ON PLAINTIFF'S NOTICE OF  
TAKING THE DEPOSITION OF GARRIT  
LOSCH**

Hearing Date: December 13, 2013  
Time: 11:00 a.m.  
Dept: C-65  
Judge: Vincent Di Figlia (Ret.)  
Complaint Filed: June 29, 2012  
Trial Date: January 10, 2014

25 I, Danny L. Bland, hereby declare that I have personal knowledge of the following facts  
26 and, if called upon to testify, I would state the following:

27 1. I am over age 18, of sound mind, and provide this Declaration in support of  
28 Defendant, Watchtower Bible and Tract Society of New York's brief on the issue of Plaintiff's  
notice of taking deposition of Gerrit Losch.

2. I reside in Brooklyn, New York, and have served as an elder in the faith of  
Jehovah's Witnesses since about 1962.

///

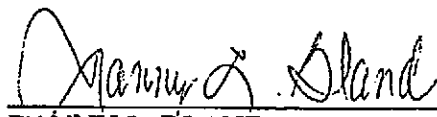
1           3.     In September, 1967, I began serving at the United States branch offices of Jehovah  
2 Witnesses in New York, and I have served in the Treasurer's Office since 1973.

3           4.     As part of my duties in the Treasurer's Office, I help to maintain custody of, or  
4 have access to, the lists of names and addresses of members, officers, directors, and other  
5 personnel records of Watchtower Bible and Tract Society of New York, Inc.

6           5.     Watchtower Bible and Tract Society of New York, Inc. has had no employees from  
7 1970 through the present.

8           6.     I have thoroughly searched the records of Watchtower Bible and Tract Society of  
9 New York, Inc. that are maintained by the Treasurer's Office and those records show that Gerrit  
10 Losch has never been an officer, director, managing agent or employee of Watchtower Bible and  
11 Tract Society of New York, Inc.

12           I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct, and that this declaration is executed this 29<sup>th</sup> day of November 2013,  
14 in Brooklyn, New York.

15  
16   
17 DANNY L. BLAND



1 Hon. Vincent P. Di Figlia (Ret.)  
2 Judicate West  
3 402 West Broadway, Suite 2400  
4 San Diego, CA 92101  
5 Telephone: (619) 814-1966  
6 Fax: (619) 814-1967  
7  
8  
9  
10

11 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION  
13  
14  
15  
16

11 JOSE LOPEZ, an individual;

12 Plaintiff,

13 vs.

14 DOE 1, LINDA VISTA CHURCH, et al.

15 Defendants.  
16

Case No. 37-2012-0099849-CU-PO-CTL

RECOMMENDATIONS OF DISCOVERY  
REFEREE

CCP § 643

17 I

18 INTRODUCTION

19 This matter came on for hearing on December 13, 2013, in the offices of Judicate West,  
20 402 West Broadway, Suite 2400, San Diego, CA 92101, before the Honorable Vincent P.  
21 Di Figlia (Ret.) referee. Irwin M. Zalkin, Esq., Devin M. Storey, Esq. and Alexander S. Zalkin,  
22 Esq. appeared on behalf of plaintiff Jose Lopez. Rocky K. Copley, Esq. appeared on behalf of  
23 Watchtower Bible and Tract Society of New York, Inc. (sued as "Doe 2, Supervisory  
24 Organization").

25 II

26 DISCUSSION

27 The case came before the referee on cross-motions by the appearing parties. Plaintiff  
28 Lopez moved to compel the deposition testimony of the Watchtower Person Most Qualified

1 (hereinafter PMQ). In previous similar litigation, defendant Watchtower has designated Allen  
2 Shuster as its PMQ. Plaintiff additionally seeks to obtain the deposition testimony of Gerrit  
3 Losch. Mr. Losch is a long standing member of the Watchtower's "Governing Body." According  
4 to deposition testimony given by Mr. Shuster (Plaintiff's Exhibit 9), the Governing Body  
5 approves operational guidelines for the United States branch of the Jehovah's Witness  
6 Organization, including directives for investigating and reporting of alleged childhood sexual  
7 abuse within the church. Mr. Shuster has testified that the Governing Body oversees the  
8 worldwide activity of Jehovah's Witnesses. (Plaintiff's Ex. 9 at 19-6-13)

9 Plaintiff's Notice of Deposition of PMQ sets forth 30 specific areas of inquiry and  
10 requests production pursuant to C.C.P. §§ 2025 and 2019(a)(3) of 29 classes of documents.  
11 (Plaintiff's Exhibit I) Defendant Watchtower has in turn objected to each and every proposed  
12 topic of examination and each and every request for production.

13 Watchtower's grounds for objection are:

- 14 1. The information sought is protected from discovery by the minister-communicant  
15 privilege (Cal. Evid. Code §§ 1033, 1034).
- 16 2. The information sought is protected from discovery by the First Amendment.
- 17 3. The information sought is protected by the attorney-client and/or work-product  
18 doctrine.
- 19 4. The time frame of the request is overly broad, and the relevant area of enquiry should  
20 be limited to the year 1986.

21 (See defendant's objections, Plaintiff Ex. 2)

22 These privilege claims have been raised in 2 prior discovery motions brought before  
23 Judge Lewis as well as in a failed Motion for Summary Judgment/Adjudication. (Plaintiff's Ex.  
24 3, 4 and 5.) In each instance, the aforementioned claims of privilege were found to be without  
25 merit, except as to 4 documents deemed privileged under Evidence Code §§1033 and 1034.  
26 (Plaintiff's Ex. 3)

27 .....

28 .....



1 As previously noted, this matter came before the referee ostensibly on cross-motions. In  
2 setting the hearing, counsel for Watchtower indicated he would be filing a Motion for a  
3 Protective Order precluding the deposition testimony of Gerrit Losch.

4 Defendant's opening brief withdrew the request as premature, claiming the notice was  
5 defective.

6 In reply, defendant submits the declaration of Danny L. Bland, an employee in  
7 defendant's treasurer's office who declares that a search of the records in the treasurer's office  
8 reveals that "Gerrit Losch has never been an officer, director, managing agent or employee of  
9 Watchtower Bible and Tract Society of New York, Inc." (Bland Decl. p. 2, lines 3-11)

### 10 III

#### 11 RECOMMENDATION

##### 12 A. DEPOSITION OF GERRIT LOSCH

13 The referee recommends that plaintiff be permitted to depose Mr. Losch. The deposition  
14 testimony of Mr. Shuster establishes that the Governing Body, of which Mr. Losch is a member  
15 is the principal overseer of the church's activities. Mr. Losch is the longest serving member of  
16 the Governing Body and may well possess knowledge pertinent to this litigation.

17 It is noteworthy that opposition to Mr. Losch's deposition was based solely on the  
18 previously mentioned Bland declarations. Defendant did not invoke the "apex" grounds as a  
19 reason to preclude Mr. Losch's deposition. See *Liberty Mutual Ins. Co. v. Superior Court*, (1992)  
20 10 Cal. App. 4<sup>th</sup> 1282.

21 Despite Mr. Bland's declaration, the referee believes that Mr. Losch's position as a  
22 member of the Governing Body and its functions as described by Mr. Shuster, make Mr. Losch a  
23 managing agent within the contemplation of the law. C.C.P. § 2025.280(a)

##### 24 B. DEPOSITION OF WATCHTOWER'S PMQ and ACCOMPANYING REQUEST FOR 25 PRODUCTION

26 This honorable court has already ruled on issues of privilege and privacy in this case. It is  
27 the referee's recommendation that the deposition of the PMQ be allowed to go forward on the  
28 topics enumerated, and that the PMQ be required to produce the documents in question which I

1 believe are relevant to the subject matter of the lawsuit in many areas, including subsequent  
2 ratification by the church, if any.

3 To the extent the documents produced might invade the privacy rights of third parties,  
4 defendant may produce documents wherein the names, addresses, e-mail addresses, telephone  
5 numbers and social security number of third-parties have been redacted.

6 Additionally, in that the court has previously reviewed in camera and withheld some  
7 documents pursuant to Evidence Code §§ 1033 and 1034, the referee recommends that defendant  
8 prepare a privilege log and provide for in camera review by me those documents which may fall  
9 within the minister-communicant and/or attorney/client or work produce privileges.

10 Respectfully submitted,

11  
12   
13 HON. VINCENT P. DI FIGLIA (Ret.)  
14

15  
16 Dated: December 20, 2013  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE:

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action. My business address is 1851 East First Street, Suite 1600, Santa Ana, California 92705.

On December 23, 2013 I served the **RECOMMENDATIONS OF DISCOVERY REFEREE** on the following parties in the **Lopez vs. Linda Vista Spanish Congregation, et al.** by placing a true copy to all parties as follows:

Irwin M. Zalkin, Esq.  
Devin M. Storey, Esq.  
The Zalkin Law Firm, P.C.  
12555 High Bluff Drive, Suite 260  
San Diego, CA 92130  
Email: [irwin@zalkin.com](mailto:irwin@zalkin.com)  
Email: [dms@zalkin.com](mailto:dms@zalkin.com)

Calvin A. Rouse, Esq.  
Mario F. Moreno, Esq.  
Watchtower Bible & Tract Society of New York, Inc.  
100 Watchtower Drive  
Patterson, NY 12563-9204  
Email: [crouse@jw.org](mailto:crouse@jw.org)  
Email: [mfmorenolaw@gmail.com](mailto:mfmorenolaw@gmail.com)

James M. McCabe, Esq.  
Law Offices of James M. McCabe  
4817 Santa Monica Ave.  
Suite B  
San Diego, CA 92107  
Email: [jim@mccabelaw.net](mailto:jim@mccabelaw.net)

Rocky K. Copley, Esq.  
Law Offices of Rocky K. Copley  
225 Broadway  
Suite 2100  
San Diego, CA 92101  
Email: [rkopley@rkc-rocklaw.com](mailto:rkopley@rkc-rocklaw.com)

Hon. Joan M. Lewis  
Superior Court of California  
County of San Diego  
220 West Broadway  
San Diego, CA 92101  
*US Mail Only*

- |                          |  |
|--------------------------|--|
| (X) BY U.S. MAIL:        | I caused such envelope(s), with postage fully prepaid, to be placed in the U.S. Mail at Santa Ana, California.           |
| ( ) BY FACSIMILE:        | I caused such document to be sent via facsimile to each person on the attached mailing list.                             |
| (X) BY ELECTRONIC MAIL:  | I caused such document to be sent via electronic mail to each person.  |
| ( ) BY PERSONAL SERVICE: | I caused such envelope to be delivered by hand to the office of the addressee.   |
| (X) STATE:               | I declare under penalty of perjury under the laws of the State of California that the above is true and correct.         |
| ( ) FEDERAL:             | I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. |

Executed on December 23, 2013 at Santa Ana, California.

  
\_\_\_\_\_  
Courtney Woods  
Judicate West

Megan S. Wynne, Esq., SBN 183707  
Ashley A. Escudero, Esq., SBN250473  
**MORRIS POLICH & PURDY LLP**  
One America Plaza  
600 West Broadway, Suite 500  
San Diego, California 92101  
Tel: (619) 557-0404  
Fax: (619) 557-0460

Donald T. Ridley, Esq.  
*Pro Hac Vice*  
**THE MANDEL LAW FIRM**  
370 Lexington Avenue, Suite 505  
New York, NY 10017  
Tel: (212) 697-7383  
Fax: (212) 681-6157

Attorneys for Nonparty Gerrit Lösch

FILED  
Clerk of the Superior Court

FEB 05 2014

By: \_\_\_\_\_ Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

JOSE LOPEZ, an Individual,  
Plaintiffs,

v.

DOE 1, LINDA VISTA CHURCH; DOE 2,  
SUPERVISORY ORGANIZATION; DOE 3,  
PERPETRATOR; and DOES 4 through 100,  
inclusive,  
Defendants.

Case No. 37-2012-00099849-CU-PO-CTL

**PROOF OF SERVICE**

Hearing Date: May 30, 2014  
Time: 8:30 a.m.  
Dept: C-65  
Judge: Joan M. Lewis  
Complaint Filed: June 29, 2012  
Trial Date: June 27, 2014

I, the undersigned, declare that: I am over the age of eighteen years and not a party to the case; I am employed in the County of San Diego, State of California, where the mailing occurs; and my business address is 600 West Broadway, Suite 500, San Diego, California 92101.

I further declare that I am readily familiar with Morris Polich & Purdy LLP's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at San Diego, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

On February 5, 2014, I served the following document(s), described as:

**1. NOTICE OF MOTION AND MOTION TO SET ASIDE OR OTHERWISE**

1           **QUASH ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL THE**  
2           **DEPOSITION OF GERRIT LÖSCH AND THE UNDERLYING "NOTICE OF**  
3           **TAKING THE DEPOSITION OF GERRIT LÖSCH, WITH PRODUCTION OF**  
4           **DOCUMENTS REQUIRED – VIDEORECORDED FOR USE AT TRIAL"**

5           **2. DECLARATION OF GERRIT LÖSCH**

6           **3. DECLARATION OF DANNY BLAND**

7           **4. DECLARATION OF ASHLEY A. ESCUDERO**

8           **5. [PROPOSED] ORDER**

9           in this action by placing ☐ the original of the document; ☒ a true copy of the document in  
10          separate sealed envelopes to the following address(es):

11          Devin M. Storey  
12          THE ZALKIN LAW FIRM  
13          12555 High Bluff Drive, Suite 260  
14          San Diego, CA 92130  
15          (858) 259-3011 *Attorneys for Plaintiffs*

16          Rocky K. Copley  
17          LAW OFFICES OF ROCKY K. COPLEY  
18          225 Broadway, Suite 2100  
19          San Diego, CA 92101

20          Calvin Rouse, Esq.  
21          WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., LEGAL DEPARTMENT  
22          100 Watchtower Drive  
23          Patterson, NY 12563

24          James M. McCabe  
25          THE MCCABE LAW FIRM, APC  
26          4817 Santa Monica Avenue, Suite B  
27          San Diego, CA 92107

28          ☒ **BY U.S. MAIL** I deposited such envelopes in the mail at San Diego, California. The  
envelopes were mailed with postage thereon fully prepaid.

☐ **BY FACSIMILE** I caused the above-referenced document(s) to be transmitted via  
facsimile to the parties as listed on this Proof of Service.

☐ **BY COURT'S CM/ECF SYSTEM** Pursuant to the Local Rule, I electronically filed the  
document(s) with the Clerk of the Court using the CM/ECF system, which sent notification  
of that filing to the person(s) listed above.

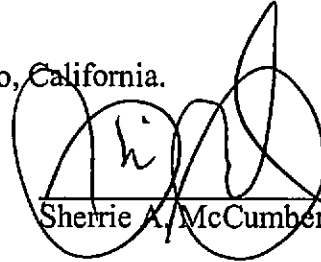
☐ **BY FEDERAL EXPRESS** I am familiar with the firm's practice of collecting and  
processing correspondence for delivery via Federal Express. Under that practice, it would be  
picked up by Federal Express on that same day at San Diego, California and delivered to the  
parties as listed on this Proof of Service the following business morning.

☐ **BY ELECTRONIC MAIL** I caused the above-referenced document to be transmitted via  
electronic mail to the parties as listed on this Proof of Service.

1 ☐ **BY PERSONAL SERVICE** I caused the above-referenced document to be PERSONALLY  
2 delivered to the persons listed on this Proof of Service.

3 I declare under penalty of perjury under the laws of the state of California, that the  
4 above is true and correct.

5 Executed on February 5, 2014, at San Diego, California.

6   
7 Sherrie A. McCumber