

***Exhibit H***

ORIGINAL

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8 Attorneys for The Church Defendants

**FILED**

SEP 29 2006

Clerk of the Napa Superior Court  
By: Lora O. Sherry  
Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF NAPA

11 CHARISSA W. and NICOLE D.,

12 Plaintiffs,

13 v.

14 WATCHTOWER BIBLE AND TRACT  
15 SOCIETY OF NEW YORK, INC., et al.,

16 Defendants.

Case No.: 26-22191 (Lead Case)

JCCP No. 4374

**DECLARATION OF MARIO F.  
MORENO, ESQ., IN SUPPORT OF  
OPPOSITION TO PLAINTIFFS'  
MOTION TO COMPEL PMK  
DEPOSITION AND DOCUMENT  
REQUEST REGARDING THE  
WATCHTOWER LEGAL  
DEPARTMENT**

(DISCOVERY MOTION NO. 3)

Hearing Date: October 13, 2006

Time: 8:30 am

Dept.: A

Before: Hon. Raymond A. Guadagni

21  
22 AND COORDINATED CASES

23  
24 I, Mario F. Moreno, declare as follows:

25 1. I am an attorney and associate general counsel for the Legal Department of  
26 Watchtower Bible and Tract Society of New York, Inc. ("Watchtower Legal Department"). In  
27 that capacity, from time to time I act and have acted as attorney and legal counsel for  
28 Watchtower Bible and Tract Society of New York, Inc. ("Watchtower NY") and various

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1 congregations of Jehovah's Witnesses, including without limitation the congregation defendant  
2 in the Track I cases, North Congregation of Jehovah's Witnesses, Red Bluff, California, and the  
3 congregation defendants in the non-Track I cases. I am legally competent in all respects and  
4 make the following statements based on my own personal knowledge.

5       2. Watchtower NY is a not-for-profit religious corporation. The Watchtower Legal  
6 Department is and functions as in-house legal counsel for Watchtower NY, similarly to in-house  
7 legal departments for private companies and corporations. The Watchtower Legal Department  
8 has a number of attorneys who serve as associate general counsel or associate legal counsel in  
9 the Legal Department. The Watchtower Legal Department's clients include various corporations  
10 of Jehovah's Witnesses in the United States, the Governing Body of Jehovah's Witnesses, the  
11 United States Branch Committee, other departments at the United States branch offices in New  
12 York, congregations of Jehovah's Witnesses in the United States, including congregations in  
13 California, and the elders of those congregations. The Watchtower Legal Department thus has  
14 an attorney-client relationship with the United States Service Department and congregations and  
15 their elders. The Watchtower Legal Department considers its lawyers' communications from, to,  
16 and with the United States Service Department and congregations and their elders to be  
17 confidential and privileged under the attorney-client privilege and any other applicable  
18 privileges. As a congregation elder and as associate general counsel for the Watchtower Legal  
19 Department, it is my understanding and belief that United States Service Department and  
20 congregation elders who have communicated with the Watchtower Legal Department attorneys  
21 for legal advice consider those communications to be privileged and confidential, and the  
22 attorneys in the Legal Department in fact frequently remind the elders that their communications  
23 with the Legal Department are privileged and confidential under the attorney-client privilege.

24       3. There are four blank forms (dated 1989, 1992, 1993, and 1993, respectively)  
25 contained in Exhibit 3 to plaintiffs' discovery motion no. 3 concerning the Watchtower Legal  
26 Department. Watchtower NY earlier produced each of those forms in discovery, and each was  
27 stamped "CONFIDENTIAL" prior to being produced. The Watchtower Legal Department and  
28 its attorneys used one of these forms when taking calls from congregation elders who sought

1 legal advice from the Legal Department on child abuse matters from about July 1989 until about  
2 1995. Each of these forms, when used, was completed by attorneys and legal assistants working  
3 under the attorneys' legal supervision within the Legal Department after attorneys and their  
4 legal assistants obtained information through confidential and privileged communications with  
5 congregation elders as clients of the Legal Department. The completed forms are used by  
6 attorneys in the Legal Department to assist in providing legal advice to the elders as clients of  
7 the Legal Department and document the legal advice given to the congregation elders. Thus, any  
8 such completed forms retained in the Legal Department contain confidential and privileged  
9 information obtained through confidential and privileged communications between a Legal  
10 Department attorney and a client of the Legal Department. As such, disclosure in this litigation  
11 or otherwise of any such completed forms or of the information contained in any such  
12 completed forms would necessarily result in the disclosure of confidential and privileged  
13 communications between a Legal Department attorney and a client of the Legal Department. In  
14 addition, disclosure of any summary that might have been prepared by the Legal Department of  
15 any of the confidential and privileged information contained in the completed forms would  
16 likewise result in the disclosure of confidential and privileged communications between a Legal  
17 Department attorney and a client of the Legal Department or potentially of attorney work  
18 product information.

19 4. This Court should not allow plaintiffs to here invade the attorney-client privilege or  
20 the work product rule by granting any part of plaintiffs' discovery motion no. 3. To do  
21 otherwise would violate and render meaningless the strong public policy considerations  
22 underlying the confidential and privileged nature of attorney-client communications, thereby  
23 chilling open and frank communications involving legal advice between attorneys in corporate  
24 legal departments and their clients, regardless of whether such in-house legal departments are  
25 within non-profit religious corporations or within private for-profit companies and corporations.

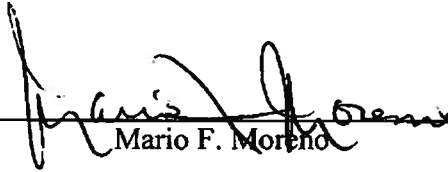
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27 ///

28 ///

1 I declare under penalty of perjury under the laws of the United States and of the State of  
2 California that the foregoing is true and correct upon my knowledge, information and belief.

3 Executed on September 27, 2006, at Patterson, New York.

4  
5   
6 Mario F. Moreno

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