

**THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF VALENCIA  
STATE OF NEW MEXICO**

MONICA LYNN JARAMILLO,

Plaintiff,

D-1314-CV-2013-00948

Case No. \_\_\_\_\_

v.  
LOS LUNAS CONGREGATION OF  
JEHOVAH’S WITNESSES;  
WATCHTOWER BIBLE AND  
TRACT SOCIETY OF NEW YORK, INC.;  
MICHAEL BRUNNER; and  
DOES 1 through 100, inclusive,

Defendants.

**COMPLAINT FOR DAMAGES**

Based upon information and belief available to Plaintiff, Monica Lynn Jaramillo, at the time of the filing of this Complaint for Damages, Plaintiff makes the following allegations:

**PARTIES**

1. Plaintiff Monica Lynn Jaramillo was born on July 11, 1978. She was raised by her mother, V.D., in a Jehovah’s Witness household. During relevant times, and at the time of the sexual abuse alleged herein, Plaintiff was a member of Defendant Los Lunas Congregation of Jehovah’s Witnesses. At all times relevant, including at the time of the abuse alleged herein, Plaintiff conducted herself with ordinary care.

2. Defendant Los Lunas Congregation of Jehovah’s Witnesses (hereinafter referenced as Defendant “Los Lunas”), is an entity of unknown legal designation, authorized to conduct business and conducting business in the State of New Mexico, with its principal place of business in the County of Valencia, New Mexico. Defendant Los Lunas has and had responsibility for Jehovah’s Witness Church operations in Los Lunas, New Mexico.

3. Defendant Watchtower Bible and Tract Society of New York, Inc. (hereinafter referenced as Defendant "Watchtower"), is a New York corporation conducting business in the State of New Mexico, County of Valencia, with its principal place of business in Patterson, New York. Defendant Watchtower is the highest level of Jehovah's Witness governance, and is responsible for administration of the Jehovah's Witness Church worldwide, including operations in New Mexico.

4. Defendant Michael Brunner (hereinafter referenced as Defendant "Perpetrator"), is an individual who, at all times relevant was associated with, and supervised, directed and controlled by, Defendants Watchtower and Los Lunas. While serving as an agent of Defendants Los Lunas and Watchtower, and while supervised, directed and controlled by Defendants Watchtower and Los Lunas, Perpetrator committed the acts of sexual abuse alleged herein.

5. Defendant Does 1 through 100, inclusive, are individuals and/or business or corporate entities incorporated in and/or doing business in New Mexico whose true names and capacities are unknown to Plaintiff, who therefore sues such Defendants by such fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe Defendant when ascertained. Each such Defendant Doe is legally responsible in some manner for the events, happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in this Complaint.

6. Each Defendant is the agent, servant and/or employee of other Defendants, and each Defendant was acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the other Defendants. The Defendants, and each of them, are individuals, corporations, partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint,

and the Defendants, and each of them, ratified the acts of the other Defendants as described in this Complaint.

### **JURISDICTION AND VENUE**

7. Jurisdiction and venue are proper in the Thirteenth Judicial District Court for the State of New Mexico, County of Valencia. The childhood sexual abuse that forms the basis of this lawsuit occurred in or around Los Lunas, New Mexico, within the County of Valencia, and at that time all parties resided or conducted business in Valencia County, New Mexico. This Court has jurisdiction over the parties and subject matter of this action, and venue is proper in this Court.

### **BACKGROUND FACTS APPLICABLE TO ALL CAUSES OF ACTION**

8. The organizational structure of the Jehovah's Witness Church is hierarchical in nature. At all times relevant, the organizational head of the Religion is the Watchtower. Authority flows downward from Watchtower to the local level of the Church, which is made up of Congregations.

9. Watchtower is head of the Jehovah's Witness Hierarchical structure. Watchtower is directed by a Governing Body, which is comprised of a fluctuating number of Elders. Watchtower exercises control of the organization and running of the local congregations.

10. Watchtower has published a series of handbooks that are distributed to Elders and kept secret from other Jehovah's Witnesses and the public. These handbooks provide instruction to Elders regarding day to day administration of the religion such as the scheduling of Congregation meetings, as well as more specific instruction regarding how to respond to allegations of wrongdoing, when to convene a judicial committee and how to handle the procedure.

11. Watchtower also provides periodic instruction to local Congregations through letters addressed to All Bodies of Elders. These letters have covered a broad spectrum of topics ranging from standardizing the recordkeeping practices of all Congregations, establishing procedures for ordering literature from Watchtower or remitting payments, handling administrative and procedural matters involving day-to-day Congregation operations as well as specific instructions on how to respond to wrongdoing within the Congregation, including childhood sexual abuse.

12. Watchtower researches, writes, approves, publishes and distributes its own materials for distribution to actual and prospective Jehovah's Witnesses and for recruitment purposes. Watchtower also reviews and approves or rejects recommendations of prospective Elders or Ministerial Servants. Watchtower directly appoints Circuit and District Overseers, whose responsibilities are to monitor the function of the Jehovah's Witness religion at the congregation, circuit and district levels to ensure directives and policies from Defendant Watchtower are being followed and correctly implemented.

13. Watchtower establishes processes for the discipline of members accused of wrongdoing, and receives and keeps records of determinations of disfellowship (similar to excommunication) of any Jehovah's Witness, or of reproof of individuals (similar to public or private censure) who have been appointed by Watchtower as Ministerial Servants or Elders.

14. Above the Congregation level is the Circuit. Circuits are generally comprised of 20 to 22 Congregations, though this number is variable. The Circuit is staffed by a Circuit Overseer and / or a Substitute Circuit Overseer. Circuit Overseers and Substitute Circuit Overseers are directly appointed by Watchtower.

15. Circuit Overseers are sometimes referred to as Traveling Overseers because they travel from one Congregation within their Circuit to another. The Circuit Overseer generally visits

each Congregation within his Circuit twice yearly. During the Circuit Overseer's visit to a Congregation, the Circuit Overseer meets with the Elders of the Congregation, conferences about the overall function of the Congregation and problems occurring in the Congregation generally, and specific issues of wrongdoing, including allegations of child molestation by a congregant. The Circuit Overseer also participates in Field Service, observes the functioning of the Congregation and is the featured Elder during his visit.

16. The Circuit Overseer also meets with the Elders for the purpose of discussing the men in the Congregation, and whether they meet the requirements for appointment as Ministerial Servants or Elders. During this discussion, the Circuit Overseer helps the Elders arrive at recommendations to Watchtower for appointments as Ministerial Servants and Elders in the Congregation. The Circuit Overseer prepares a report of his time at each Congregation and submits that to Watchtower.

17. At the local level members of the Church are divided into Congregations. Congregations are run on a daily basis by a Body of Elders. The number of Elders in a given Congregation fluctuates depending on the size and needs of the Congregation, as well as the number of qualified men in the Congregation.

18. Elders are responsible for the daily operations and governance of the local church. The Elders are the highest authority at the congregational level and direct door to door preaching activities, select potential candidates for becoming Ministerial Servants and Elders, organize weekly church meetings, determine whether an individual is suitable for representing the church in the community by becoming a Publisher or a Pioneer, handle finances for the local church, and determine the guilt, repentance and punishment of church members who commit wrongdoing.

19. To be appointed as an Elder, a person must be a Ministerial Servant in good standing, or have served as an Elder in another congregation. The Body of Elders of the local church identifies potential candidates and determines whether they are suitable, and if they live their life in accordance with appropriate morals and church standards. Once a candidate has been identified by the local church, a recommendation is made to Watchtower. Watchtower has the ultimate authority as to whether a candidate is approved and becomes an Elder.

20. Male baptized Publishers who meet certain requirements may be appointed as “Ministerial Servants.” A Ministerial Servant is roughly equivalent to a deacon in other religions. Ministerial Servants serve the Congregation and aid the Elders in their responsibilities and take on leadership roles in the absence of an Elder. To be appointed as a Ministerial Servant, a person must be a Publisher in good standing. The Body of Elders of the local church identifies potential candidates, and in concert with the Circuit Overseer, determines whether they are suitable, and if they live their life in accordance with appropriate morals. Once a candidate has been identified by the local church, a recommendation is made to Watchtower. Watchtower has the ultimate authority as to whether a candidate is approved and becomes a Ministerial Servant.

21. Membership in the Jehovah’s Witness faith is strictly regulated and monitored. A person can attend open meetings at the Kingdom Hall for years and not be a member of the Congregation. When a person expresses interest in becoming a member of the Jehovah’s Witness Church, he or she begins a period of Bible Study with a Baptized member of the Congregation. The aspirant also engages in self-study during this period of time.

22. After months of study a person may become an unbaptized Publisher. To become an unbaptized publisher, the aspirant must make application to the Congregation’s Body of Elders, Such a person must be approved by the Body of Elders, who will consider whether the aspirant

exhibits sufficient knowledge of the beliefs and organization of the Jehovah's Witness Church for approval as a Publisher. The Elders will also vet the morals and ethics of the aspirant to determine if he or she meets the standards for inclusion as a representative of the Jehovah's Witness faith.

23. Once a person is approved as an unbaptized publisher, he or she is authorized to represent the Jehovah's Witness faith, and the specific Congregation, in the community. An unbaptized publisher is authorized to engage in Field Service, which is the centerpiece of Jehovah's Witness marketing, fundraising and recruiting activities. Field Service involves the door-to-door proselytizing for which Jehovah's Witnesses are most recognizable.

24. By participating in Field Service, an unbaptized Publisher is authorized by the Congregation and by the Jehovah's Witness Church to distribute Jehovah's Witness literature to members of the community, to accept donations on behalf of the Church, and to invite prospective members to attend open Congregation meetings at the Kingdom Hall as a means of recruitment. The literature distributed during Field Service is written, printed and published by Watchtower.

25. Each Publisher is instructed by the Congregation, as directed by the Watchtower, on how to become more effective at placing literature, receiving donations and enticing non-members to attend public Congregation meetings or begin a Bible Study. Each Congregation holds multiple meetings each week that are designed to make Publishers more effective in their oral presentation during Field Service.

26. Once a person is approved to become a publisher he or she is required to keep track of the hours spent in Service. Forms are submitted monthly to the Congregation detailing the numbers of hours spent in Field Service. Records of these hours are kept by the Congregation

for each Publisher within the Congregation. Additional forms are submitted to the Congregation Secretary for each “Bible Study” conducted by a Publisher during the month. Failure to submit such Field Service records for multiple consecutive months can lead to a Publisher being designated as “irregular” or “inactive” which results in lowered status within the Congregation.

27. After several additional months of study, an unbaptized publisher may seek to become a baptized publisher. Baptism as one of Jehovah’s Witnesses is considered an ordination as a minister of the Jehovah’s Witness faith. To be approved for baptism an applicant must be tested and approved by Elders of the local congregation. During the testing the applicant is asked a series of dozens of oral questions relating to the teachings of the Jehovah’s Witness Faith as well as the organizational structure of the Jehovah’s Witness Church, which the applicant must answer adequately prior to being approved for baptism.

28. Baptized Publishers may make a greater commitment by pledging to spend a specified number of hours in service for a period of time. Such Publishers are referred to as “Pioneers.” There are multiple degrees associated with being a Pioneer. An Auxiliary Pioneer is a Baptized Publisher that applies to the Congregation’s Elders to perform a certain number of hours of Service during a one month period of time. The Congregation Elders will consider the application and have discretion to either accept the application or reject the application.

29. A Regular Pioneer is a Baptized Publisher that pledges to spend a specified number of hours each month in service for one year. To become a Regular Pioneer an applicant gains the recommendation of the Congregation’s Elders who in turn submit that recommendation for approval by Watchtower. Watchtower then considers the application and has the discretion to accept or reject the application.



30. Publishers submit to the domination and control of the Jehovah's Witness Church. As that relates to Church-related events, the Church monitors each Publisher's Field Service and Bible Study records, standardizes methods to be used during proselytizing activities, provides the only approved literature to be distributed during Field Service, directs where Publishers will perform Field Service, controls access to sought after positions as Regular or Auxiliary Pioneers, and determines appointments as Ministerial Servants, Elders and Circuit Overseers. The Defendant Church also dictates and implements the Jehovah's Witness practice of shunning, which requires isolating and not interacting with members that have been disfellowshipped or have voluntarily left the church.

31. In addition to regulating all aspects of a Publisher's participation in Church events, Baptized Publishers submit to the Church's control in all other aspects of their lives. Personal grooming, appearance and dress are regulated by the Congregation, as are a Publisher's use of alcohol, tobacco, or drugs. A Publisher's illegal sexual conduct, such as childhood sexual abuse occurring away from Church locations and events, as well as legal sexual conduct occurring in the privacy of a person's home are subject to regulation and the imposition of punishment by the Congregation.

32. Congregants are encouraged to bring problems to the Elders to be resolved rather than to seek intervention from outside of the Jehovah's Witness faith. In practice, when a Congregant commits an act of wrongdoing, such as the sexual abuse of a child, that matter must be brought to an Elder to be resolved. Jehovah's Witness policy requires Elders to investigate such a claim. If there are two witnesses to the wrongdoing, or if the accused confesses his wrongdoing, a Judicial Committee will be convened. If there are not at least two witnesses and the accused

denies the wrong, then the accused is determined to be innocent and treated as such and no corrective, protective or punitive action is taken by the Congregation.

33. If a Judicial Committee is convened, the two original Elders that investigated the wrongdoing will be joined by a third, who will hear the case and impose punishment on the wrongdoer. Possible outcomes of a Judicial Committee range from private reproof to public reproof, to disfellowship. Private reproof is a private censorship of the wrongdoer that generally results in a limitation of the wrongdoer's privileges to engage in Field Service for a designated period of time. No announcement is made to the Congregation when a wrongdoer is subject to private reproof. In cases of public reproof an announcement is made to the congregation that the individual has been reproofed by a judicial committee and found to be repentant. Restrictions can be imposed as in cases of private reproof.

34. Disfellowship is expulsion from the Congregation. When a wrongdoer is disfellowshipped, an announcement is made to the Congregation that the wrongdoer is no longer one of Jehovah's Witnesses, but no details are given regarding the nature of the wrongdoing. A person who is disfellowshipped can seek reinstatement into the Congregation by written request to the Elders.

35. Non-Plaintiff V.D. was raised in the Jehovah's Witness religion and attended the Kingdom Hall in Jamestown, Indiana. While residing in Indiana in 1967, when V.D. was eight years of age, she was raped by Defendant Michael Brunner. Perpetrator was an adult and a Baptized Publisher at the time of the rape.

36. In approximately 1976, V.D. moved from Indiana to Los Lunas, New Mexico, where she joined Defendant Los Lunas. She married and had two children.

37. In approximately 1977, Defendant Brunner raped another minor in Indiana, Non-Plaintiff M.H.

38. In 1980, Defendant Brunner moved from Indiana to New Mexico and began attending Defendant Los Lunas. Defendant Brunner was appointed as a Ministerial Servant and subsequently as an Elder of Defendant Los Lunas.

39. During 1986, V.D. reported her rape at the hands of Defendant Brunner to the Elders of Defendant Los Lunas. Plaintiff is informed and believes and on that basis alleges that Brunner did not deny the allegations, and the Elders had no reason to doubt V.D.'s truthfulness.

40. By 1986 V.D.'s husband had become a Jehovah's Witness and had been appointed a Ministerial Servant. At that time he confronted Defendant Brunner about the rape of V.D. in the presence of one of the Congregation's Elders. Brunner confessed that he had raped V.D.

41. The Elders from Defendant Los Lunas took no action against Defendant Brunner in response to the accusation by V.D. The matter was not reported to the police, Defendant Brunner was not stripped of his position as an Elder of Los Lunas, and the Congregation was not warned about Defendant Brunner's past rape of V.D.

42. Subsequently, the Elders of Los Lunas were informed that Defendant Brunner had raped M.H. Despite this second complaint that Defendant Brunner had raped a minor, Defendant Los Lunas took no action against Defendant Brunner. The matter was not reported to the police, Defendant Brunner was not stripped of his position as an Elder of Los Lunas, and the Congregation was not warned about Defendant Brunner's past rape of M.H.

43. Following her report to the Elders, and their inaction, V.D. continued to be upset and damaged by the rape by Defendant Brunner. In approximately 1988, she consulted with the Elders of Defendant Los Lunas, who recommended that she spend more time in Field Service.

V.D. considered the Elders' advice and asked to be approved as a Regular Pioneer. Plaintiff is informed and believes and on that basis alleges that the abuse of both V.D., and M.H. were reported to Defendant Watchtower's agent: the Circuit Overseer.

44. V.D. was informed that her application to be appointed as a Regular Pioneer would not be accepted until the Elders were sufficiently convinced that she had forgiven Defendant Brunner for raping her. V.D. was instructed by the Elders of Los Lunas that she could demonstrate her forgiveness by hosting Defendant Brunner and his family in her home, and by permitting her children to spend time, including nights, at Defendant Brunner's home under Defendant Brunner's supervision.

45. Non-plaintiff V.D., under duress, followed the Elders' recommendations. On multiple occasions, V.D. hosted Defendant Brunner and his family in her home, and permitted her children, Plaintiff Monica Lynn Jaramillo and B.M. to spend time at Defendant Brunner's home under Defendant Brunner's supervision.

46. In approximately 1988, while Plaintiff Monica Lynn Jaramillo was entrusted to Defendant Brunner's care at the instruction of the Elders of Defendant Los Lunas, Plaintiff was severely sexually molested by Defendant Brunner.

47. Without the access to Plaintiff Monica Lynn Jaramillo created by Defendant Brunner's position with Defendant Los Lunas and Defendant Watchtower as a Publisher, Ministerial Servant and / or Elder, and without the actions of the other Elders of Defendant Los Lunas, Defendant Brunner could not have had access to Plaintiff and could not have sexually molested Plaintiff Monica Lynn Jaramillo.

48. The sexual abuse and exploitation of Plaintiff Monica Lynn Jaramillo and the circumstances under which it occurred caused Plaintiff Monica Lynn Jaramillo to develop

various psychological coping mechanisms which reasonably made her incapable of ascertaining the resulting damages from that conduct. As a result of those psychological coping mechanisms, Plaintiff Monica Lynn Jaramillo repressed her memory of the abuse and did not understand that she had been sexually abused by Defendant Brunner until approximately April of 2007. At the time of the recovery of Plaintiff's memory of being abused, Plaintiff still did not understand that she had suffered harm in her life as a result of that conduct. Even following the recovery of her memory of abuse, the psychological coping mechanisms resulting from the abuse prevented Plaintiff from discovering that she had experienced injury as a result of the abuse. To date, no mental health care practitioner has advised Plaintiff that she may have suffered injuries as a result of the sexual abuse at the hands of Defendant Brunner, and Plaintiff reasonably did not begin to suspect that she may have suffered such harm until November of 2011. Thus, within the three years prior to the filing of this Complaint, Plaintiff for the first time discovered that she was abused and that the abuse caused her injury.

49. Defendant Brunner acted willfully, wantonly, maliciously, and in reckless disregard of the rights and safety of Plaintiff by sexually molesting her. Defendants Los Lunas, Watchtower and Does 1 through 100, acted willfully, maliciously, wantonly, fraudulently, in bad faith and in reckless disregard of the rights and safety of Plaintiff by exposing Plaintiff to sexual molestation by Defendant Brunner, who was known to Defendants to have a history of sexually assaulting minors. Defendants Los Lunas, Watchtower, and Does 1 through 100 ratified, authorized and / or approved of Defendant Brunner's sexual molestation of children, and at the time of the molestation of Plaintiff Defendant Brunner was acting in the scope of his agency to Defendants Los Lunas, Watchtower and Does through 100, and was aided by such agency in committing the acts of abuse.

50. As a result of the Defendants conduct, jointly and severally, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

### **PLAINTIFF'S FIRST CAUSE OF ACTION**

#### **NEGLIGENCE**

**(Against Defendants Los Lunas, Watchtower and Does 1 through 100)**

51. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

Defendants Los Lunas, Watchtower and Does 1 through 100 had a duty to protect the minor Plaintiff when she was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

52. Defendants had a duty to control the Perpetrator and to prevent him from sexually molesting children. Defendants were aware, prior to the sexual abuse of Plaintiff herein, that the Perpetrator had sexually abused other minor children. Defendants were also aware that they had the ability to place restrictions on the Perpetrator's access to children, service and preaching activities, give warnings to the congregation, and otherwise control the Perpetrator's conduct.

Defendants therefore assumed a duty to prevent the Perpetrator from sexually molesting children Jehovah's Witness children.

53. Defendants had a special duty to investigate and not employ the Perpetrator in his position as a Baptized Publisher, Ministerial Servant and / or Elder. Defendants knew that the Perpetrator, in light of his known propensity to sexually molest children, was likely to harm others in light of the work entrusted to him.

54. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to Defendants' care would be vulnerable to sexual abuse by the Perpetrator.

55. Defendants breached their duty of care to the minor Plaintiff by allowing the Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to have access to Plaintiff and other children; by failing to investigate or otherwise confirm or deny such facts about the Perpetrator; by failing to tell or concealing from Plaintiff, her parents, guardians, or law enforcement officials that the Perpetrator was or may have been sexually abusing minors, and by failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or had reason to know that the Perpetrator may have sexually abused Plaintiff. Defendants thereby created the circumstance where Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating the harm done to Plaintiff, and/or by holding out the Perpetrator

to the Plaintiff and Plaintiff's parents or guardians as being in good standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the Perpetrator's contact and/or actions with the Plaintiff and/or with other minors who were victims of the Perpetrator, and/or disguised or suppressed the nature of the sexual abuse and contact.

56. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

## **SECOND CAUSE OF ACTION**

### **NEGLIGENT SUPERVISION/FAILURE TO WARN**

**(Against Defendants Los Lunas, Watchtower and Does 1 through 100)**

57. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

Defendants Los Lunas, Watchtower and Does 1 through 100 had a duty to provide reasonable supervision of the Perpetrator; to use reasonable care in investigating the Perpetrator; and to provide adequate warning to the Plaintiff, the Plaintiff's families, and minor congregants of the Perpetrator's dangerous propensities and unfitness.

58. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently and recklessly



failed to supervise the Perpetrator who they placed in a position of trust and authority as a Jehovah's Witness speaker, Publisher, Ministerial Servant, Elder, religious instructor, counselor, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff and others. Defendants failed to provide reasonable supervision of the Perpetrator, failed to use reasonable care in investigating the Perpetrator, and failed to provide adequate warning to Plaintiff and Plaintiff's families of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

59. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

### **THIRD CAUSE OF ACTION**

#### **NEGLIGENT HIRING, SUPERVISION, AND RETENTION**

**(Against Defendants Los Lunas, Watchtower, and Does 1 through 100)**

60. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

Defendants Los Lunas, Watchtower and Does 1 through 100 had a duty to not hire and/or retain the Perpetrator, and other employees, agents, volunteers, and other representatives, given the Perpetrator's dangerous and exploitive propensities.

61. Defendant Los Lunas, Watchtower and Does 1 through 100, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently and recklessly supervised, hired and/or retained the Perpetrator in the position of trust and authority as a Jehovah's Witness speaker, Publisher, Ministerial Servant, Elder, religious instructor, counselor, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff and others. Defendants failed to use reasonable care in investigating the Perpetrator and failed to provide adequate warning to Plaintiff and Plaintiff's family of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

62. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

#### **FOURTH CAUSE OF ACTION**

#### **SEXUAL BATTERY**

**(Against All Defendants)**

63. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

64. During approximately 1988, Defendant Brunner engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Monica Lynn Jaramillo, and Defendants Los Lunas, Watchtower and Does 1 through 100 ratified or approved of that sexual contact.

65. Defendant Brunner was aided in committing the harmful and offensive touching of Plaintiff Monica Lynn Jaramillo by his status as an agent of Defendants Los Lunas, Watchtower and Does 1 through 100. Without his position as a Jehovah's Witness Baptized Publisher, Ministerial Servant and / or Elder, Defendant Brunner could not have accomplished the harmful and offensive touching of Plaintiff.

66. Defendant Brunner was also aided in committing the harmful and offensive touching of Plaintiff Monica Lynn Jaramillo by the instructions by Defendants to V.D., that she must entrust her children to the care and supervision of Defendant Brunner.

67. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff prays for compensatory damages in an amount to be determined at trial; punitive damages against all Defendants in an amount to be determined at trial; costs and attorney's fees; pre and post judgment interest at the highest legal rate; and such other relief as the court deems appropriate and just.

REVO SMITH LAW FIRM, L.L.C.

Dated: 7/30/13

By: M. Terrence Revo

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