

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

T.O.

NO. 13-2-32756-2 SEA

VS

The Watchtower Bible and Tract Society

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

CAUSE OF ACTION

(PIN) - PERSONAL INJURY (PIN 2)

AREA DESIGNATION

SEATTLE - Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

T.O.,

Plaintiff,

v.

THE WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, Inc., a
corporation; HAZEL DELL KINGDOM
HALL OF JEHOVAH’S WITNESSES, an
unincorporated association; and, SALMON
CREEK CONGREGATION OF JEHOVAH’S
WITNESSES, a Washington corporation,

Defendants.

NO.

COMPLAINT FOR DAMAGES

Plaintiff T.O., by and through her attorneys, MICHAEL T. PFAU and JASON P. AMALA of PFAU COCHRAN VERTETIS AMALA PLLC, hereby states and alleges as follows:

I. INTRODUCTION

1.1. This claim arises from childhood sexual abuse that Plaintiff T.O. suffered at the hands of fellow members and publishers of the Jehovah’s Witness Hazel Dell Kingdom Hall in Clark County, Washington.

1 business at the Kingdom Hall of Jehovah’s Witnesses that is, or was, located in Hazel Dell,
2 Washington. At all times material hereto, Defendant Hazel Dell was responsible for
3 supervising and controlling the operations of the Kingdom Hall of Jehovah’s Witnesses in
4 Hazel Dell, Washington, subject to the authority, supervision, and control of Defendant
5 Watchtower. Upon information and belief, Defendant Hazel Dell was, and is, an
6 unincorporated association of individuals, but to the extent Defendant Hazel Dell was, or is, a
7 corporation or other legal entity, Plaintiff’s claims in this complaint are intended to include
8 that corporation or other legal entity. Likewise, to the extent the individuals responsible for
9 supervising and controlling the operations of Kingdom Hall of Jehovah’s Witnesses in Hazel
10 Dell, Washington, during the times relevant to this lawsuit assert that they were acting as the
11 agents of some other corporation or legal entity, Plaintiff’s claims in this complaint are
12 intended to include that corporation or other legal entity.
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14 2.4 At all times material hereto, Defendant Salmon Creek Congregation of
15 Jehovah’s Witnesses (hereinafter referred to as “Salmon Creek”) had its principal place of
16 business in Clark County, Washington, and conducted business in Clark County, Washington.
17 Upon information and belief, Defendant Salmon Creek is a successor to all of the assets and
18 liabilities of Defendant Hazel Dell. Upon further information and belief, Defendant Salmon
19 Creek acquired all or substantially all of the assets of defendant Hazel Dell without paying
20 sufficient consideration for those assets.
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22 III. JURISDICTION AND VENUE

23 3.1 At the time this cause of action arose, and currently, defendant Watchtower
24 transacted business throughout King County, Washington.

1 3.2 As such, this Court has jurisdiction over this matter pursuant to RCW
2 2.08.010, and venue is proper in this Court pursuant to RCW 4.12.020 and RCW 4.12.025.

3 **IV. STATEMENT OF FACTS**

4 4.1 The Jehovah’s Witness Church is organized as a strict hierarchy. Defendant
5 Watchtower is head of the Jehovah’s Witness hierarchical structure. Defendant Watchtower
6 is directed by a governing body, which is comprised of elders. Authority flows downward
7 from Defendant Watchtower to the local church level, which is made up of congregations like
8 Defendants Hazel Dell and Salmon Creek. Defendant Watchtower supervises, directs,
9 controls, and ratifies church-level conduct and decisions, including recordkeeping, discipline,
10 and appointment of congregation officials and members.

11 4.2 Defendant Watchtower exercises control of the organization and running of its
12 local congregations through the publication and distribution of handbooks, which instruct
13 elders how to manage the organization. These handbooks are supplemented by letters from
14 Defendant Watchtower to all elders. All of Defendant Watchtower’s materials are written,
15 approved, and published by Watchtower, and all church leaders and members are required to
16 abide by the materials, which allows Defendant Watchtower to supervise and control the day
17 to day activities of the organization.

18 4.3 For example, Defendant Watchtower supervises, directs, controls, and ratifies
19 church-level decisions regarding the danger of child sexual abuse, including how local leaders
20 and members must respond if they believe a child is in danger of being sexually abused by a
21 church member or leader. Defendant Watchtower reserves for itself the authority and control
22 over these decisions, and to the extent the local leaders and members make the initial
23 decisions, they do so with the authority of Defendant Watchtower and on its behalf.
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1 4.4 Likewise, Defendant Watchtower supervises, directs, controls, and ratifies
2 church-level decisions regarding the appointment of members to elders or ministerial
3 servants. Defendant Watchtower also appoints circuit and district overseers, who are
4 responsible for supervising, directing, and controlling the activities of local congregations on
5 behalf of Defendant Watchtower.

6 4.5 Elders, as the highest authority at the congregational level, organize and
7 govern local congregations. Elders are responsible for the daily operations and governance of
8 the local church, including direction of proselytizing efforts, selection of potential ministerial
9 servants and elders, organization of weekly church meetings, evaluation of individuals'
10 appointment to publisher or ministerial servant, and determination of the guilt, repentance and
11 punishment of church members who engage in serious misconduct. Defendant Watchtower
12 authorizes elders to do the foregoing on its behalf and retains the authority to supervise,
13 direct, control and ratify their conduct in doing so.

14 4.6 Congregations are grouped in to circuits, which in turn make up districts. Each
15 circuit is staffed by an overseer who is directly appointed by Defendant Watchtower and who
16 is controlled by Defendant Watchtower. The overseer conducts regular visits to each
17 congregation and meets with congregation elders regarding the overall function of the
18 congregation as well as specific issues of importance, such as allegations of child molestation
19 by a church member. The meeting also includes reviewing congregation members' eligibility
20 to be appointed as ministerial servants or elders. Overseers participate in field service,
21 observing congregation function. The overseer prepares a report on each congregation that is
22 forwarded to Defendant Watchtower, and also forwards recommendations for member
23 appointments to Defendant Watchtower. Defendant Watchtower authorizes overseers to do
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1 the foregoing on its behalf and retains the authority to supervise, direct, control and ratify
2 their conduct in doing so.

3 4.7 Defendant Watchtower establishes processes for the discipline of members
4 accused of wrongdoing, and receives and keeps records of determinations of disfellowship
5 (similar to excommunication), or of reproof of individuals (similar to public or private
6 censure). This includes, but is not limited to, members who are appointed by Defendant
7 Watchtower as ministerial servants or elders.

8 4.8 Defendant Watchtower strictly regulates and monitors who can be a Jehovah's
9 Witness. An applicant must undergo bible study with a baptized congregation member and
10 then apply to the congregation's Body of Elders. Approval of the elders is necessary to
11 become a publisher. Once a person is approved as an unbaptized publisher, he is authorized
12 to represent the Jehovah's Witness faith in his specific congregation and to engage in field
13 service.

14 4.9 Unbaptized publishers may become a baptized publisher after additional
15 study. Baptism is considered an ordination as a minister of the Jehovah's Witness faith.
16 Applicants are tested and approved by elders of the local congregation. Male baptized
17 publishers may be appointed as a "ministerial servant," who have duties roughly similar to
18 deacons, and assist the elders in their responsibilities. A ministerial servant must be a
19 publisher in good standing with Defendant Watchtower. Again, the elders are responsible for
20 identifying and reviewing potential candidates and making a recommendation to Defendant
21 Watchtower if the candidate is deemed appropriate and moral. Defendant Watchtower has the
22 ultimate authority as to whether a candidate is approved and becomes a ministerial servant.
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1 4.10 Defendant Watchtower monitors each publisher's field service records,
2 standardizes methods to be used during proselytizing activities, provides the only approved
3 literature to be distributed during field service, directs where publishers will perform field
4 service, controls access to sought-after positions, and determines appointments as ministerial
5 servants, elders and circuit overseers. Defendant Watchtower also implements the Jehovah's
6 Witness practice of shunning, which involves isolating and not interacting with members who
7 have been disfellowshipped or have voluntarily left the church.

8 4.11 Defendant Watchtower also controls personal grooming, appearance and dress,
9 as are a publisher's use of alcohol, tobacco, or drugs. Defendant Watchtower also regulates
10 and controls the sexual activities of publishers, including both legal and illegal sexual
11 conduct. Defendant Watchtower even controls legal sexual conduct that occurs in the privacy
12 of a member's home.

13 4.12 If a member has a problem, particularly with another member, Defendant
14 Watchtower encourages them to bring the problem to the congregation elders rather than
15 resolve the problem elsewhere. In practice, when a member commits an act of wrongdoing,
16 such as the sexual abuse of a child, that matter may be brought to an elder to be resolved.
17 Defendant Watchtower requires elders to investigate such claims and dictates how the elders
18 investigate the claim and what steps they take in response to the investigation. If there are
19 two witnesses to the wrongdoing, or if the accused confesses his wrongdoing, a Judicial
20 Committee will be convened. If there are not at least two witnesses and the accused denies
21 the wrong, then no action is taken by Defendant Watchtower.
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1 4.13 If convened, the Judicial Committee will consist of the two original elders and
2 a third, who will hear the case and impose punishment on the wrongdoer. Possible outcomes
3 of a Judicial Committee range from private reproof to disfellowship.

4 4.14 Private reproof is a private censorship of the wrongdoer that generally results
5 in a limitation of the wrongdoer's privileges to engage in field service. No announcement is
6 made to the congregation when a wrongdoer is privately reproofed. Disfellowship is expulsion
7 from a congregation. When a wrongdoer is disfellowshipped, an announcement is made to
8 the congregation that the wrongdoer is no longer one of Jehovah's Witnesses, but no details
9 are given regarding the nature of the wrongdoing. A person who is disfellowshipped can seek
10 reinstatement.

11 4.15 During all relevant times to the sexual abuse of Plaintiff T.O., Defendant
12 Watchtower maintained a policy of not voluntarily reporting sexual abuse of minors to law
13 enforcement authorities and of encouraging members to keep wrongful conduct within the
14 congregation, abiding by the elders' determination. Defendant Watchtower also maintained a
15 policy of not providing warning to other members of the dangerous propensities of known
16 sexual molesters, and discouraged victims from informing other members to be wary of
17 known abusers. Defendant Watchtower maintained these policies even though it knew that its
18 policies would increase the likelihood that known sexual molesters would continue to molest
19 children.
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21 4.16 In the 1970s and 1980s, and when she was a minor, Plaintiff T.O. and her
22 family lived in the area of Vancouver, Washington. T.O.'s parents were practicing Jehovah's
23 Witnesses and participated in the services and activities of defendants, including the services
24 and activities at the Kingdom Hall of Jehovah's Witnesses in Hazel Dell, Washington. As a

1 result, Plaintiff T.O. was frequently placed within the custody and control of the defendants,
2 she and her parents relied upon and trusted the defendants to protect her from foreseeable
3 harm, and she and her parents relied upon and trusted the defendants to warn her and/or her
4 parents of such harm.

5 4.17 Between approximately 1981 and 1985, Plaintiff T.O. was repeatedly sexually
6 abused by several members and publishers of the defendants, including John Doe 1, John Doe
7 2, John Doe 3, John Doe 4, and John Doe 5. The sexual abuse often occurred during activities
8 that were sanctioned by the defendants and when T.O. was in the custody and control of the
9 defendants, such as regularly scheduled bible and book study sessions that took place at the
10 Kingdom Hall of Jehovah's Witnesses in Hazel Dell, as well as church activities in the homes
11 of the members of the defendants. The abuse also occurred in the homes of elders of the
12 defendants while T.O.'s family was there for church activities.

13 4.18 Upon information and belief, the defendants knew or should have known that
14 some or all of these publishers were sexually abusing Plaintiff.

15 4.19 For example, in approximately 1983 or 1984, an elder of the defendants was
16 informed that Plaintiff T.O. was being sexually abused by members and publishers of the
17 defendants. Following this report, T.O. was called to a meeting with multiple elders at the
18 Kingdom Hall in Hazel Dell, and T.O. explained that she had been sexually abused by
19 members and publishers John Doe 1, John Doe 2, John Doe 3, John Doe 4, and John Doe 5.
20 Despite this notice, the defendants did nothing to protect T.O. from those individuals and the
21 abuse continued.
22

23 4.20 Upon further information and belief, in approximately 1984, elders of the
24 defendants were told that some of the foregoing members and publishers had sexually abused

1 another child member. Despite this notice, the defendants did nothing to protect T.O. from
2 the members and publishers and the abuse continued.

3 V. CAUSES OF ACTION

4 A. Negligence

5 5.1 Plaintiff T.O. re-alleges the paragraphs set forth above and below.

6 5.2 When Plaintiff was in the custody and control of the defendants, the defendants
7 had a duty to exercise reasonable care to protect her from foreseeable harm. The defendants
8 also had a duty to exercise reasonable care to protect Plaintiff from danger posed by its
9 members, including those in leadership positions, such as publishers. This is particularly true
10 where Plaintiff and her parents relied upon the defendants to protect Plaintiff from foreseeable
11 harm, including harm posed by people that the defendants held out as safe and trustworthy.

12 5.3 The defendants breached these duties by failing to exercise reasonable care in
13 protecting Plaintiff from the danger posed by its members and publishers, including John Doe
14 1, John Doe 2, John Doe 3, John Doe 4, and John Doe 5.

15 5.4 As a direct and proximate result of the negligent and grossly negligent acts and
16 omissions of the defendants, Plaintiff T.O. suffered general and special damages, including
17 physical, psychological, and emotional damage.

18 5.5 The defendants also knew or should have known that their attempt to cover-up
19 the sexual abuse of children, including abuse by the foregoing publishers, would, if
20 discovered, likely cause increased emotional suffering to his victims and their families,
21 including Plaintiff. Despite that notice the defendants did nothing to protect Plaintiff or to
22 help her mitigate the damages she suffered as a result of the abuse.

23 B. Outrage and Intentional Infliction of Emotional Distress

24 5.6 Plaintiff re-alleges the paragraphs set forth above and below.

1 5.7 The Defendants engaged in extreme and outrageous conduct by failing to take
2 any steps to protect Plaintiff from being sexually abused despite knowing that she was being
3 sexually abused by a number of their publishers. The defendants did so in order to protect
4 their reputation and to prevent victims from coming forward, including Plaintiff, despite
5 knowing that these individuals would continue to molest children.

6 5.8 As a result of this extreme and outrageous conduct, the defendants' publishers
7 continued to sexually abuse Plaintiff.

8 5.9 The defendants knew that this extreme and outrageous conduct would inflict
9 severe emotional and psychological distress on others, including Plaintiff T.O., and T.O. did
10 in fact suffer severe emotional and psychological distress as a result. Her emotional damages
11 include severe mental anguish, humiliation and emotional and physical distress.

12 **C. Ratification**

13 5.10 Plaintiff re-alleges the paragraphs set forth above.

14 5.11 At all relevant times, the defendants maintained complete authority and control
15 over the publishers who sexually abused Plaintiff, and the defendants were empowered with
16 an obligation to prevent their abuses of Plaintiff.

17 5.12 The defendants are liable for the sexual abuse of Plaintiff by their publishers
18 because they ratified their conduct, reaping the benefits of their labor and services for the
19 church, while later trying to repudiate the consequences of their actions. Despite knowledge
20 that their publishers were sexually abusing children, the defendants continued to give them
21 access to Plaintiff and they continued to sexually abuse Plaintiff. Given these circumstances,
22 the defendants should be held liable for ratifying the sexual abuse of Plaintiff.
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VI. PRAYER FOR RELIEF


Plaintiff T.O. prays for judgment against the defendants for general and special damages in an amount to be proven at the time of trial, for her reasonable attorneys' fees and costs, for statutory interest, prejudgment interest, punitive damages, and for such other and further relief as the Court deems just and equitable.

Plaintiff T.O. specifically reserves the right to pursue additional causes of action, other than those specifically outlined above, that are supported by the facts pleaded herein or that may be supported by other facts that emerge during discovery.

DATED this 18th day of September, 2013.

PFAU COCHRAN VERTETIS AMALA PLLC

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