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FEB 5 '13 PM 3:08

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

FEB - 5 2013

By: C. BANKS, Deputy

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

11 Jose Lopez, Individually,

12 Plaintiff,

13 v.

14 Defendant Doe 1, Diocese; Defendant Doe  
15 2, Order; and Does 3 through 100,  
16 inclusive,

17 Defendants.  
18 \_\_\_\_\_  
19

) Case No: 37-2012-0099849-CU-PO-  
) CTL

) **MEMORANDUM OF POINTS AND**  
) **AUTHORITIES IN SUPPORT OF**  
) **PLAINTIFF'S MOTION TO**  
) **ALLEGE PUNITIVE DAMAGES**

) **Date: 3-1-13**  
) **Time: 8:30 a.m.**  
) **Dept: 65**  
) **Judge: Joan M. Lewis**

) **IMAGED FILE**

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION TO  
AMEND TO ALLEGE PUNITIVE DAMAGES**

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1       **I.     INTRODUCTION**

2             Plaintiff Jose Lopez seeks leave to file a First Amended Complaint including a claim for  
3     punitive damages against Defendant Watchtower Bible and Tract Society of New York, Inc.  
4     (Watchtower), pursuant to Code of Civil Procedure § 425.14.<sup>1</sup> Plaintiff was molested by  
5     Gonzalo Campos (Campos) when he was a minor associated with Defendant Linda Vista  
6     Spanish Congregation of Jehovah’s Witnesses (Linda Vista) and Defendant Watchtower.<sup>2</sup>  
7

8       **II.    FACTUAL HISTORY**

9             The Jehovah’s Witness Faith is organized in a hierarchical structure. During the  
10    relevant periods of time, the Watchtower sat atop the hierarchy with respect to issues of  
11    appointment of leaders (called Elders and Ministerial Servants) in local congregations, and  
12    provided local congregation leaders with direction when difficult issues arose, including issues  
13    relating to sexual abuse of children by Jehovah’s Witnesses. Local congregations of Jehovah’s  
14    Witnesses administer the faith on a day to day basis and implement church policy and practice  
15    that is dictated from higher levels in the organizational structure.  
16

17            Field Service is an important part of the Jehovah’s Witness faith. Field Service involves  
18    members of the congregation going from door to door and preaching to people living in the  
19    community. Not everyone is permitted the privilege of participating in Field Service. Instead,  
20    that privilege is reserved for people who are “Publishers.” (Plaintiff’s Request for Judicial  
21    Notice (RJN), at p. 10, Plaintiff’s Exhibit (PE) 2, Deposition of Dennis Palmer at p. 14:3-7; RJN  
22    at p. 25, PE 3, Deposition of Gonzalo Campos at p.18:1-11 [“a publisher is a person who  
23  
24  
25

26            

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27            <sup>1</sup> All further undesignated section references are to the Code of Civil Procedure.

28            <sup>2</sup> This motion seeks to include a claim for punitive damages against Defendant Watchtower  
only. Since Defendant Linda Vista is not a religious corporation or a religious corporation sole,  
there is no prohibition against seeking punitive damages against that Defendant without first  
receiving a court order.

1 preaches home-to-home the good news, and he is authorized to preach this good news door-to-  
2 door” by the “elders of the congregation”)](underline emphasis added.)<sup>3</sup>

3 If someone wants to participate in Field Service, he or she must request to be approved  
4 as a Publisher. (RJN at pp. 59-60, PE 4, Deposition of Ramon Preciado at pp. 12:16-13:3.) A  
5 committee of Elders will consider that request. (RJN at p. 60, PE 4, Preciado Depo at p. 13:4-  
6 9.) The committee will interview the candidate and determine if he or she has sufficient  
7 knowledge of the bible to participate in Field Service, and whether he or she is living in  
8 accordance with Christian Bible principles. (RJN at p. 60, PE 4, Preciado Depo at p. 13:10-15;  
9 RJN at p. 10, PE 2, Palmer Depo at 14:8-25.) Since Publishers are given the privilege of  
10 representing the congregation in the community, they must not be engaged in immorality. (RJN  
11 at pp. 60, PE 4, Preciado Depo at pp. 13:10-14:10; RJN at p. 10, PE 2, Palmer Depo at p. 14:3-  
12 25.) Campos went through the process of becoming approved as a Publisher, and was  
13 authorized by Linda Vista to perform Field Service and represent the congregation in the  
14 community. (RJN at p. 62, PE 4, Preciado Depo at p. 17:1-3.)

17 Publishers can be Baptized or Un-Baptized, with greater rights and responsibilities being  
18 reserved for Baptized Publishers. (RJN at pp. 35-36, PE 3, Campos Depo at pp. 85:8-86:8.)  
19 Once a male Publisher has been Baptized, he can lead field service; give Bible Study, and  
20 receive privileges in the congregations “such as becoming a ministerial servant or elder.” (RJN  
21 at PP. 35-37, PE 3, Campos Depo at pp. 85:8-20, 86:7-87:13.) A Baptized Publisher can also  
22 work as a missionary or serve as a Pioneer. (RJN at pp. 35-36, PE 3, Campos Depo at pp.  
23 85:14-20, 86:4-8.) Baptism as one of Jehovah’s Witnesses is an ordination as a minister of the  
24 Jehovah’s Witness faith. (RJN at p. 34, PE 3, Campos Depo at p. 83:11-18.)

27 <sup>3</sup> Each citation to the record will appear first with a citation to the location of the material by  
28 page in Plaintiff’s Request for Judicial Notice, then will have a citation to which Exhibit the  
item is in the Notice of Lodgment, and finally an exact description of what item is being cited.

1 To be baptized as one of Jehovah's Witnesses a prospective member must study the  
2 bible. Campos for instance, studied for at least six, and maybe as many as twelve, months  
3 before he was able to become baptized. (RJN at pp. 33-34, PE 3, Campos Depo at pp. 82:14-  
4 83:6.) Campos studied with a Baptized Publisher once per week during this time prior to being  
5 baptized, and also studied on his own. (RJN at p. 34, PE 3, Campos Depo at p. 83:1-10.) Prior  
6 to being baptized, Campos was interviewed by one or two Elders, and was asked a series of  
7 approximately eighty questions based on his study that he had to answer thoughtfully prior to  
8 being ordained. (RJN at pp. 32-33, PE 3, Campos Depo at pp. 81:17-82:14.)

10 When a Publisher gives Bible Study, which is a one on one session during which a  
11 Baptized Publisher helps another to understand the Bible better, he is required to complete a  
12 form and turn that form into the Congregation Secretary. (RJN at p. 38, PE 3, Campos Depo at  
13 p. 90:8-15.) The form indicates the name and address of the person to whom the Publisher has  
14 given Bible Study as well as the dates of each session. (RJN at p. 39, PE 3, Campos Depo at p.  
15 91:17-20.) Publishers are also required to file a Service Report with the Congregation Secretary  
16 detailing the amount of time they spend in Field Service. (RJN at pp. 37-38, PE 3, Campos  
17 Depo at pp. 89:13-90:7.) Local Congregation leaders control what particular areas within their  
18 territory will be targeted for Field Service on a particular day.

20 A Pioneer is a Baptized Publisher who has committed to spend a certain amount of time  
21 per month preaching. (RJN at p. 12, PE 2, Palmer Depo at p. 16:4-8.) To become a Pioneer, a  
22 Publisher must be approved by a committee of Elders. (PE 4, Preciado Depo at p. 15:12-21.) In  
23 addition to maintaining the requirements of good morals to be a Baptized Publisher, the Elders  
24 must also determine that the applicant's track record shows that he will be able to meet his  
25 hourly obligations if he is approved. (RJN at pp. 12-13, PE 2, Palmer Depo at pp. 16:17-17:14.)  
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1 A Ministerial Servant is a male Baptized Publisher who holds added responsibilities  
2 within the congregation. (RJN at pp. 14-16, PE 2, Palmer Depo at pp. 18:5-20:23.) Prospective  
3 Ministerial Servants are recommended by the Body of Elders. (RJN at pp. 63-64, PE 4, Preciado  
4 Depo at pp. 18:23-19:13, 21:4-19.) Watchtower then has the final say as to whether the  
5 appointment is confirmed. (RJN at p. 16, PE 2, Palmer Depo at p. 20:16-23.)  
6

7 An Elder is an overseer of a congregation. (RJN at p. 17, PE 2, Palmer Depo at p. 21:6-  
8 15.) Elders coordinate the congregation's activities, including meetings and field service. (RJN  
9 at p. 17, PE 2, Palmer Depo at p. 21:6-15.) Elders also help members deal with problems  
10 arising in their personal lives. (RJN at p. 17, PE 2, Palmer Depo at p. 21:6-15.) Prospective  
11 Elders are selected from among the congregation's Ministerial Servants after being thoroughly  
12 vetted by the Elders. (RJN at pp. 17-18, PE 2, Palmer Depo at pp. 21:17- 22:12.) The Body of  
13 Elders recommend deserving Ministerial Servants as prospective Elders to Watchtower. (RJN  
14 at p. 65, PE 4, Preciado Depo at p. 24:8-16.) Watchtower approves or rejects the appointment.  
15 (RJN at p. 65, PE 4, Preciado Depo at p. 24:8-16.)  
16

17 Campos was ordained as a minister of the Jehovah's Witness Faith when he was  
18 baptized in 1980. (RJN at pp. 23-24, PE 3, Campos Depo at pp. 15:25-16:3.) Prior to the  
19 molestation of Plaintiff, Campos had been thoroughly trained and tested by Linda Vista, and his  
20 morals and character had been vetted and approved by the Body of Elders. As a result of this  
21 process, Campos was authorized to represent Linda Vista and the Watchtower in door to door  
22 preaching, enter the homes of members of the congregation and the larger community to teach  
23 bible study sessions and otherwise preach the beliefs of the Jehovah's Witness faith. Following  
24 his ordination, Campos' preaching activities were monitored and controlled by the  
25 congregation. Campos was appointed as a Ministerial Servant on December 22, 1988. (RJN at  
26 pp. 74-75, PE 5, March 29, 1995 letter.) Campos was appointed as an Elder in June of 1993.  
27  
28

1 (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Campos served as a Congregation Secretary.  
2 (RJN at pp. 41-42, PE 3, Campos Depo at pp. 104:18 - 105:19.) Campos also served as a  
3 Pioneer. (RJN at p. 40, PE 3, Campos Depo at p. 92:13-18.)

4 No matter how Watchtower attempts to paint the picture, at all times relevant Campos  
5 had a status far greater than any Un-Baptized Publisher, or any female Baptized-Publisher,  
6 including his minor victims. Equally, if not more important, Campos was an ordained minister  
7 in the Jehovah's Witness religion, and his minor victims were not.  
8

9 **A. The 1982 Complaint**

10 In approximately 1982, Campos molested a young member of Linda Vista, John Doe.  
11 (RJN at pp. 100-101, PE 8, Depo of John Doe at pp. 15:10-16:18; RJN at pp. 49-51, PE 3,  
12 Campos Depo at pp. 133:5-135:2.) John Doe immediately informed his mother of the abuse.  
13 (RJN at pp. 95-98, PE 8, Doe Depo at pp. 10:10-18, 13:17-21.) Campos confessed his  
14 inappropriate sexual conduct to Doe's mother. (RJN at pp. 26-27, PE 3, Campos Depo at pp.  
15 24:24-25:4.) Doe's mother reported the abuse to Elders from Linda Vista. (RJN at p. 109, PE  
16 9, Deposition of Jesus Montijo at p. 36:2-19; RJN at pp. 117-118, PE 10, Deposition of Justino  
17 Diaz at pp. 28:16-29:10.) The allegation was brought to the Body of Elders of Linda Vista.  
18 (RJN at p. 110, PE 9, Montijo Depo at p. 37:3-15.) Two Elders investigated the accusation.  
19 (RJN at pp. 110-111, PE 9, Montijo Depo at pp. 37:9-38:22) Within one or two days of the  
20 molestation, Doe was interviewed by an Elder and detailed the abuse by Campos. (RJN at pp.  
21 95-96, PE 8, Doe Depo at pp. 10:24-11:2; 12:17-22.) Campos was also interviewed by multiple  
22 Elders from Linda Vista and admitted that he "had touched [John Doe] inappropriately." (RJN  
23 at pp. 26-27, PE 3, Campos Depo at pp. 24:5-25:20.)  
24  
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26 The Elders did not punish Campos. (RJN at p. 114, PE 9, Montijo Depo at p. 42:7-  
27 42:25.) Justino Diaz, a Linda Vista Elder, considered it to be a minor matter since Campos'  
28



1 mother and the victim's mother were apparently able to work out some resolution. (RJN at pp.  
2 119, 120, PE 10, Diaz Depo at pp. 34:9-21, 35:4-7.) Diaz knew that molestation was a crime  
3 and that a molester may reoffend. (RJN at p. 135, PE 10, Diaz Depo at p. 35:8-25.)  
4 Nonetheless, the police were not called, Campos' privileges were not restricted, further victims  
5 were not sought, and the congregation was not warned about Campos. (RJN at p. 114, PE 9,  
6 Montijo Depo at 42:2-19.) Campos continued to be allowed to preach door to door, and to give  
7 bible study sessions to children. (RJN at pp. 52-53, PE 3, Campos Depo at pp. 137:9-138:7.)

9 **B. The Sexual Abuse of Plaintiff**

10 Plaintiff was sexually abused by Campos in approximately 1986. (RJN at pp. 87-91, PE  
11 18, July 4, 1999 letter; PE 24, Campos Depo at pp. 150:16-152:8.) The abuse included  
12 masturbation of Plaintiff, digital penetration of Plaintiff, Campos' exposure of his penis to  
13 Plaintiff, and potentially sodomy of Plaintiff. (PE 25, Plaintiff's Response to Special  
14 Interrogatory Number 1 Propounded by Defendant Watchtower.) Campos has admitted to the  
15 abuse by innuendo. (PE 24, Campos Depo at pp. 150:16-152:8.) Campos gave Bible Study  
16 sessions to Plaintiff. (PE 24, Campos Depo at pp. 151:20-152:3.) The Linda Vista Elders, and  
17 through them Defendant Watchtower, were aware, or should have been aware, that Campos  
18 taught Bible Study to Plaintiff. (RJN at p. 38, PE 3, Campos Depo at p. 90:8-25.)

20 **C. The 1986 Complaint**

21 In 1986, just after the abuse of Plaintiff, a Judicial Committee was formed by Linda  
22 Vista to investigate Campos' sexual abuse of a child, presumably Plaintiff, determine Campos'  
23 guilt and level of repentance, and to impose punishment. (RJN at p. 74-75, PE 5, March 29,  
24 1995 letter; RJN at pp. 87-91, PE 7, June 9, 1995 letter; RJN at pp. 122-125, PE 11, November  
25 13, 1996 letter; RJN at pp. 127-133, PE 12, July 24, 1999 letter.)  
26  
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28

1           When Elders learn of a grave sin by a congregation member, two Elders investigate.  
2 (PE 9, Montijo Depo at p. 47:6-22.) Those Elders determine if there is justification for a  
3 Judicial Committee. (RJN at p. 105, PE 9, Montijo Depo at p. 28:12-21.) If there are multiple  
4 witnesses or the accused confesses wrongdoing, a Judicial Committee is formed. (RJN at p.  
5 106, PE 9, Montijo Depo at p. 29:7-21.) The Committee is comprised of the original Elders that  
6 investigated, and usually at least one more Elder. (RJN at p. 66, PE 4, Preciado Depo at p. 32:8-  
7 15.) The Committee will then determine what punishment is appropriate. (RJN at pp. 67-72,  
8 PE 4, Preciado Depo at pp. 37:3-42:19.) The sinner can be disfellowshipped, which is a period  
9 of expulsion from the local congregation, or if the Committee determines the sinner is truly  
10 repentant, he or she can be reprovved, which entails some public or private censorship but no  
11 expulsion from the congregation. (RJN at pp. 107-108, PE 9, Montijo Depo at pp. 30:22-  
12 31:18.) In order for a person to be reprovved, he must first have admitted his sin.

13  
14  
15           The Judicial Committee formed in 1986 to look into the Campos' alleged sexual  
16 misconduct determined that Campos was repentant for his sins and reprovved him, rather than  
17 expel him from the congregation. (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) The  
18 Committee imposed a nine month period of private censorship on Campos, during which time  
19 his service privileges were somewhat restricted. (RJN at p. 74-75, PE 5, March 29, 1995 letter.)

20  
21           **D.     The Dorman Complaint in April of 1994**

22           In April of 1994, John and Manuela Dorman learned that their son John had been  
23 sexually molested by Campos. (RJN at p. 138, PE 14, April 11, 1994 letter.) Upon learning  
24 that her son had been molested, Mrs. Dorman called Campos and confronted him. (RJN at p.  
25 138, PE 14, April 11, 1994 letter.) Campos was an elder of the La Jolla Congregation at the  
26 time of the confrontation. The Dormans sent a letter to Mrs. Dorman's local congregation,  
27 accusing Campos of sexually abusing their son. (RJN at p. 138, PE 14, April 11, 1994 letter.)  
28

1 The letter of complaint was forwarded to Watchtower. (RJN at p. 140, PE 15, April 13, 1994  
2 letter.) Watchtower held onto the letter for almost two months, then forwarded it to La Jolla.  
3 (RJN at p. 142, PE 16, June 9, 1994 letter.)

4 Upon receiving the letter, Campos was asked by an Elder of La Jolla whether the  
5 accusations were true, and Campos confirmed the allegations. (RJN at pp. 29-30, PE 3, Campos  
6 Depo at pp. 51:21-52:11.) Notwithstanding Campos' confession, almost one full year elapsed  
7 between Manuela Dorman's phone call to Campos and concurrent letter to her local  
8 congregation and any response from La Jolla to Watchtower. More than eight months passed  
9 between Watchtower's letter to La Jolla and the Elders' reply. During that period of time,  
10 Campos continued to molest. (RJN at pp. 87-91, PE 7, June 9, 1995, letter.) Watchtower did  
11 not send any additional letters seeking confirmation of Campos' abuse of children.  
12

13 Even after receiving a written complaint about the molestation of Dorman, Campos  
14 continued to function in a leadership capacity in the congregation as an Elder, Secretary of the  
15 Congregation and as a Pioneer. (RJN at pp. 144, PE 17, April 4, 1995 letter; RJN at pp. 74-75,  
16 PE 5, March 29, 1995 letter; RJN at pp. 41-47, PE 3, Campos Depo at pp. 104:18-110:19.)  
17 Even though Watchtower had received a written complaint against Campos, and Campos had  
18 confessed to molesting John Dorman, as well as to the 1982 and 1986 incidents to  
19 Watchtower's local agent in La Jolla, Campos was not immediately suspended and continued to  
20 serve in high level positions within the Congregation for more than nine months.  
21

22 The position ultimately taken by Watchtower's local agents in La Jolla when it  
23 responded to the Dorman allegations in March of 1995 was to confirm the abuse, note that  
24 Campos had been reprovved years ago, and closed the matter. (RJN at pp. 74-75, PE 5, March  
25 29, 1995 letter.) Ultimately, Campos was disfellowshipped in June of 1995 for sexually  
26 abusing Joel Gamboa; not for sexually abusing John Dorman, the 1982 complainant or the 1986  
27  
28

1 complainant. (RJN at pp. 87-91, PE 7, June 9, 1995 letter; RJN at p. 48, PE 3, Campos Depo at  
2 p. 124:3-13.) This subsequent abuse was discovered when Gamboa's mother spoke to Elders of  
3 the congregation in May of 1995. (RJN at pp. 87-91, PE 7, June 9, 1995 letter.) Until the  
4 Gamboa complaint was received, Campos was not the subject of a Judicial Committee relating  
5 to the Dorman accusation, and would not have been disfellowshipped.

6  
7 **E. Campos' Reinstatement**

8 After he was disfellowshipped in 1995, Campos repeatedly sought reinstatement as one  
9 of Jehovah's Witnesses. (RJN at pp. 146-150, PE 18, July 4, 1999 Letter.) In 1996, he  
10 confessed to the Elders that he had molested three additional children while serving as a  
11 Ministerial Servant at La Jolla. (RJN at pp. 122-125, PE 11, November 13, 1996 letter.) The  
12 Elders discussed the nature of the sexual acts committed by Campos in the correspondence with  
13 Watchtower, including acts of mutual masturbation, oral copulation and sodomy. (RJN at pp.  
14 87-91, PE 7, June 9, 1995 letter.) Notwithstanding the horrible acts known to have been  
15 committed by Campos, Watchtower's local agents quibbled about whether Campos' acts  
16 constituted abuse, or whether he could be considered "a person who is known as someone who  
17 has sexually abused a child." (RJN at pp. 127-133, PE 12, July 24, 1999 letter ["Did we  
18 understand correctly the explanation in The Watchtower? Is touching of the genitals considered  
19 sexual abuse?"]; RJN at pp. 152-155, PE 19, June 5, 2000 letter ["After having carefully  
20 analyzed and with prayer all factors of the case of Brother Campos, our opinion is that" he  
21 should not be given a responsible position in the congregation].) Campos was reinstated as one  
22 of Jehovah's Witnesses on April 21, 2000. (RJN at pp. 157, 159, PE 20, June 9, 1995 letter.)

23  
24  
25 **III. PLAINTIFF MUST BE ALLOWED TO ALLEGE A CLAIM FOR PUNITIVE**  
26 **DAMAGES AGAINST WATCHTOWER**

27 Section 425.14 provides that no claim for punitive or exemplary damages may be pled  
28 against "a religious corporation or religious corporation sole" unless permitted by court order

1 after the plaintiff brings a motion to amend the complaint. Section 425.14 requires only that a  
2 plaintiff demonstrate the existence of sufficient evidence to establish a prima facie case for  
3 punitive damages, enough to sustain a favorable decision if the evidence submitted be credited  
4 under the clear and convincing standard. *Rowe v. Superior Court* (1993) 15 Cal.App.4th 1711,  
5 1722. In considering the evidence, the trial court “is not required to make any factual  
6 determination or to become involved in any weighing process beyond that necessarily involved  
7 in determining whether a prima facie case for punitive damages exists.” *Id.* Once the court  
8 concludes that such a case can be presented at trial, it must permit the proposed amended  
9 pleading to be filed. *Id.* In making this judgment, the court’s consideration of the defendant’s  
10 opposing affidavits does not permit a weighing of them against the plaintiff’s supporting  
11 evidence, but only determination that they do not, as a matter of law, defeat that evidence. *Id.*

12  
13 This standard requires “only that the plaintiff demonstrate to the court’s satisfaction that  
14 sufficient evidence exists to go to the jury on the issue of punitive damages. That is, plaintiff  
15 has sufficient evidence, if credited, to meet the clear and convincing standard and the judge is  
16 unable to say that a reasonable jury could not find for plaintiff under that standard of proof.”  
17 *Rowe*, 15 Cal.App.4th at 1722. If this Court cannot categorically find that no reasonable jury  
18 could find for Plaintiff, judging the evidence under the clear and convincing standard, Plaintiff  
19 must be permitted to allege a claim for punitive damages.  
20

#### 21 **IV. WATCHTOWER CAN BE LIABLE FOR PUNITIVE DAMAGES BASED ON** 22 **THE WRONGFUL ACTS OF CAMPOS**

23 A plaintiff may recover punitive damages against a defendant who has been guilty of  
24 oppression, fraud, or malice. Civil Code § 3294(a). The words oppression, fraud, and malice as  
25 used in Civil Code section 3294(a) are disjunctive, and proof of any of them will support an  
26 award of punitive damages. *Oakes v. McCarthy Co.* (1968) 267 Cal.App.2d 231, 262-63.

27 According to *Weeks v. Baker & McKenzie*:

1 Subdivision (b) [of Civil Code § 3294] authorizes the imposition of punitive damages on  
2 an employer in three situations: (1) when an employee was guilty of oppression, fraud or  
3 malice, and the employer with advance knowledge of the unfitness of the employee  
4 employed him or her with a conscious disregard of the rights and safety of others, (2)  
5 when an employee was guilty of oppression, fraud or malice, and the employer  
6 authorized or ratified the wrongful conduct, or (3) when the employer was itself guilty of  
7 the oppression, fraud or malice. (1998) 63 Cal.App.4th 1128, 1151.

8 Thus, “[I]f the employer after knowledge or opportunity to learn of the agent’s  
9 misconduct retains the wrongdoer in service, the employer may make himself liable in punitive  
10 damages.” *Coats v. Construction & General Laborers Local No. 185* (1971) 15 Cal.App.3d 908,  
11 914. Watchtower is subject to an award of punitive damages under each of the three  
12 justifications described in *Weeks*.

13 **A. Watchtower willfully retained Campos despite knowledge that he had acted,  
14 and would continue to act, in conscious disregard of the safety of others, and  
15 was guilty of fraud, oppression and malice**

16 If an agent has acted in a manner that would subject himself to punitive damages, and  
17 the principal was aware of the agent’s punishable conduct and continued to utilize him without  
18 regard to the safety of others, punitive damages may be imposed on the principal. *Weeks*, 63  
19 Cal.App.4th at 1151.

20 “Malice” means “despicable conduct which is carried on by the defendant with a willful  
21 and conscious disregard of the rights or safety of others.” Civil Code § 3294(c)(1). Malice has  
22 been described as requiring “an act conceived in a spirit of mischief or with criminal  
23 indifference toward the obligations owed to others.” *Taylor*, 24 Cal.3d at 894. “Where the  
24 [perpetrator’s] wrongdoing has been intentional and deliberate, and has the character of outrage  
25 frequently associated with crime, all but a few courts have permitted the jury to award in the tort  
26 action punitive or exemplary damages.” *Id.* (internal quotations omitted.)

27 Campos has admitted to molesting numerous children during his tenure as an ordained  
28 minister of the Jehovah’s Witness religion. (RJN at pp. 122-125; PE 11, November 13, 1996)

1 letter; RJN at pp. 162-163, PE 21, August 18 1995 letter.) Campos sexually abused children  
2 from both La Jolla and Linda Vista. (RJN at pp. 127-133, PE 12, July 24, 1999 letter.) Campos  
3 abused minor boys and minor girls, often beginning the molestations when his victims were  
4 between the extremely young ages of 6 and 8. (RJN at pp. 127-133, PE 12, July 24, 1999  
5 letter.) The abuse included acts of mutual masturbation, sodomy and oral copulation. (RJN at  
6 pp. 87-91, PE 7, June 9, 1995 letter.) Campos has admitted to molesting Plaintiff. (PE 24,  
7 Campos Deposition at pp. 150:16-152:8.)  
8

9 These admitted acts of molestation clearly establish a prima facie entitlement to punitive  
10 damages against Campos. Repeated acts of sexually molesting children is “despicable  
11 conduct”, which “would be looked down on and despised by ordinary decent people.” BAJI  
12 14.72.1. The despicability of the conduct is shown by the large number of criminal statutes  
13 protecting children from sexual predation. See Cal. Pen. Code §§ 266j, 285(b)(1), 285(b)(2),  
14 285(c), 286, 288(a), 288(b), 288a(b)(1), 288a(b)(2), 288a(c), 289(h), 289(i), 289(j), and 647.6.  
15

16 **1. Watchtower was Aware of Campos’ Molestation of Children Prior to**  
17 **the Abuse of Plaintiff**

18 Baptized Male Publishers are recommended for positions as Elders and Ministerial  
19 Servants of local congregations by the existing Body of Elders of the congregations and  
20 approved directly by Watchtower. Elders and Ministerial Servants of local congregations are  
21 agents of both the local congregation to which they have been appointed, as well as  
22 Watchtower. “As against a principal, both principal and agent are deemed to have notice of  
23 whatever either has notice of, and ought, in good faith and the exercise of ordinary care and  
24 diligence, to communicate to the other.” *Santillan v. Roman Catholic Bishop of Fresno* (2008)  
25 163 Cal.App.4th 4, 10. For this reason, notice of sexual abuse by a Baptized Publisher to an  
26 Elder or Ministerial Servant of a local Congregation, is notice of that fact to both that  
27 Congregation and Watchtower.  
28

1 Watchtower, through the Linda Vista Elders, gained actual knowledge of the molestation  
2 of John Doe by Campos in 1982, when Doe's mother informed the congregation's Elders of the  
3 abuse. John Doe informed at least one Elder of Linda Vista of the nature of Campos' conduct.  
4 Campos confessed that he "had touched [John Doe] inappropriately." No actions were taken to  
5 hold Campos accountable for his actions, or warn the congregation about the danger created by  
6 Campos. With actual knowledge of Campos' unfitness, Watchtower continued to utilize him as  
7 an agent in conscious disregard of the rights and safety of others, and later selected Campos to  
8 serve in responsible positions as a Ministerial Servant and Elder.  
9

10 **B. Watchtower Ratified Campos' Sexual Abuse of Children**

11 Ratification is a form of vicarious liability. The principal may become liable for an  
12 originally unauthorized tort of the agent by the subsequent ratification of the tort. 3 Witkin,  
13 Summary 10th (2005) Agency, § 164, p. 207. The failure to discharge an agent or employee  
14 despite knowledge of his unfitness is evidence tending to show ratification and may expose the  
15 principal to punitive damages. See *McChristian v. Popkin* (1946) 75 Cal.App.2d 249, 256.  
16 "The theory of ratification is generally applied where an employer fails to investigate or respond  
17 to charges that an employee committed an intentional tort, such as assault or battery." *Baptist v.*  
18 *Robinson* (2006) 143 Cal.App.4th 151, 170; see also *Murillo v. Rite Stuff Foods* (1998) 65  
19 Cal.App.4th 833, 852 (finding that defendant ratified assault and battery in a sexual harassment  
20 context.) Watchtower ratified Campos' molestation of children by continuing to utilize him as  
21 an agent after gaining full knowledge of Campos' molestation of children.  
22

23  
24 Watchtower ratified Campos' molestation of children, including Plaintiff, through its  
25 agents – the Elders of Linda Vista. Those Elders were made aware of Campos' molestation of  
26 John Doe in 1982. Watchtower's agents interviewed Doe twice, and Campos confessed to  
27 touching Doe inappropriately. (RJN at pp. 95-96, 97, PE 8, Doe Depo at pp. 10:24-11:2, 12:17-  
28



1 22; RJN at pp. 26-27, PE 3, Campos Depo at pp. 24:5-25:20.) Watchtower's agents had full  
2 knowledge, or an opportunity to gain full knowledge regarding the abuse, but chose not to  
3 discipline Campos. By allowing Campos to retain his position as a Baptized Publisher,  
4 Watchtower's agents ratified Campos' sexual abuse of children. Later, in 1986, Watchtower's  
5 agents conducted a Judicial Committee regarding Campos' molestation of a child (presumably  
6 Plaintiff). (RJN at pp. 74-75, PE 5, March 29, 1995 letter.) Campos confessed and after a nine  
7 month period of private censure was fully reinstated.  
8

9 Notwithstanding the knowledge Watchtower gained through its agents in the Linda Vista  
10 Congregation, Watchtower repeatedly promoted Campos: first, to the position of Ministerial  
11 Servant and then to the positions of Elder and Congregation Secretary. Watchtower also ratified  
12 Campos' molestation of children by sitting on the Dorman letter of complaint for nearly two  
13 months before forwarding the letter to La Jolla, and then allowing La Jolla to take nine months  
14 to respond to the accusations, during which time Campos continued to molest. (RJN at p. 140,  
15 PE 15, April 13, 1994 letter; RJN at pp. 142, PE 16, June 9, 1994 letter; RJN at pp. 74-75, PE 5,  
16 March 29, 1995 letter.) Finally, Watchtower ratified Campos' abuse of children by knowingly  
17 permitting Campos to continue to serve as an Elder, Pioneer and the Secretary of La Jolla even  
18 after receiving written notice of Campos' abuse of John Dorman and one other child.  
19

20 **C. Watchtower was guilty of fraud, oppression and malice**

21 "Malice does not require actual intent to harm." *Angie M. v. Superior Court* (1995) 37  
22 Cal.App.4th 1217, 1228. "A conscious disregard for the safety of others may constitute the  
23 malice necessary to sustain a claim for punitive damages." *Taylor*, 24 Cal.3d at 895. "In order  
24 to justify an award of punitive damages on that basis, the plaintiff must establish that the  
25 defendant was aware of the probably dangerous consequences of his conduct, and willfully and  
26 deliberately failed to avoid those consequences." *Blegen v. Superior Court* (1981) 125  
27  
28

1 Cal.App.3d 959, 962-63. A plaintiff need not prove the defendant intended to injure the  
2 plaintiff, but can show the defendant acted in conscious disregard of the safety of others.

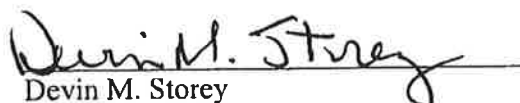
3 Watchtower was aware of the frequent and repeated sexual abuse of children inflicted by  
4 Campos, but continued to hold him out as a competent agent who could be trusted with the  
5 temporary care and custody of children of the various congregations with which he was  
6 associated, including Plaintiff. Watchtower knew that Campos posed a substantial risk to minor  
7 children. Watchtower repeatedly allowed Campos to have further contact with young children,  
8 and acted in conscious disregard for the rights and safety of minor children, which resulted in  
9 the sexual abuse of Plaintiff. Watchtower's actions in covering up the criminal acts of a serial  
10 pedophile like Campos were despicable. Decent ordinary people would look down upon and  
11 despise the Watchtower's contemptible decision to cover up sexual abuse, to allow Campos to  
12 continue to sexually abuse young children, and to purposefully decline to warn congregants of  
13 the danger he posed. The result of Watchtower's conduct was that several children, including  
14 Plaintiff, were needlessly subjected to Campos, and were sexually molested as a result.

17 **V. CONCLUSION**

18 For the foregoing reasons, Plaintiff's motion should be granted, and the proposed  
19 amended complaint attached as Plaintiff's Exhibit 26 should be deemed filed.

20 Respectfully submitted,

21  
22  
23 Dated: 2-5-13

24   
Devin M. Storey  
Attorney for Plaintiff