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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

VELICIA ALSTON, an individual; and)
JOHN ROE, an individual proceeding under a)
pseudonym,)

Case No: 14-CV-18423

Plaintiffs)

COMPLAINT

v.)

(Sexual Battery, Intentional infliction of
emotional distress; Negligence)

WATCHTOWER BIBLE AND TRACT)
SOCIETY OF NEW YORK, INC., a foreign)
corporation; and NORTH HILLSBORO)
CONGREGATION OF JEHOVAH'S)
WITNESSES, an Oregon nonprofit)
corporation,)

PRAYER: \$10,500,000.00

Defendants.)

Plaintiffs allege:

(Common Allegations)

1.

Plaintiff Velicia Alston is an adult female born on January 5, 1975. At all times relevant to the acts alleged in this Complaint, Plaintiff was an unemancipated minor who, with her family, attended religious services and participated in activities at and through the Hillsboro, Oregon, Congregation of Jehovah's Witnesses (Hillsboro), which was operated by Defendants and is the predecessor of Defendant Congregation.

2.

Plaintiff John Roe is an adult male born on September 5, 1976. At all times relevant to the acts alleged in this Complaint, Plaintiff was an unemancipated minor who, with his family, attended religious services and participated in activities at and through Hillsboro, which was operated by Defendants and is the predecessor of Defendant Congregation.

3.

Defendant Watchtower Bible and Tract Society of New York, Inc. (“Watchtower”), is a branch of the Jehovah’s Witness religion located in Brooklyn, New York, and is a New York not-for-profit corporation conducting business in the State of Oregon. At the time of the molestation of Plaintiffs, Defendant Watchtower resided in Multnomah County for purposes of ORS 14.080(2) by maintaining an agent for service of process in Portland, Multnomah County, Oregon, and conducting regular sustained business in Multnomah County, Oregon. Defendant Watchtower continues to maintain an agent for service of process in Multnomah County and continues to conduct regular, sustained business activities in Multnomah County. At the molestation of Plaintiffs, Defendant Watchtower was the highest level of Jehovah’s Witness governance, and was responsible for administration of the Jehovah’s Witness Organization worldwide, including operations in Oregon.

4.

North Hillsboro Congregation of Jehovah’s Witnesses (“Congregation”) is a domestic not-for-profit corporation. Defendant Congregation is the successor of Hillsboro, and is responsible for Jehovah’s Witness operations in some or all of Hillsboro, Oregon. (Defendant Watchtower and Defendant Congregation are hereinafter referred to collectively as “Defendants”).

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5.

The organizational structure of the Jehovah's Witness Church is hierarchical in nature. At the time of the sexual abuse of Plaintiffs, the organizational head of the Organization was Watchtower. Authority flows downward from Watchtower to the local level of the Organization, which is made up of Congregations.

6.

Watchtower was the 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.

7.

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 organization 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.

8.

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.

1 9.

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

9 10.

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

14 11.

15 Above the Congregation level is the Circuit. Circuits are generally comprised of 18 to 24
16 Congregations, though this number is variable. The Circuit is staffed by a Circuit Overseer and /
17 or a Substitute Circuit Overseer. Circuit Overseers and Substitute Circuit Overseers are directly
18 appointed by Watchtower.
19

20 12.

21 Circuit Overseers are sometimes referred to as Traveling Overseers because they travel
22 from one Congregation within their Circuit to another. The Circuit Overseer generally visits
23 each Congregation within his Circuit twice yearly. During the Circuit Overseer's visit to a

1 Congregation, the Circuit Overseer meets with the Elders of the Congregation, conferences about
2 the overall function of the Congregation and problems occurring in the Congregation generally,
3 and specific issues of wrongdoing, including allegations of child molestation by a congregant.
4 The Circuit Overseer also participates in Field Service, and observes the functioning of the
5 Congregation.

6 13.

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

13 14.

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

18 15.

19 Elders are responsible for the daily operations and governance of the local congregation.
20 The Elders are the highest authority at the congregational level and direct door to door preaching
21 activities, select potential candidates for becoming Ministerial Servants and Elders, organize
22 weekly church meetings, determine whether an individual is suitable for representing the church
23 in the community by becoming a Publisher, handle finances for the local congregation, and

1 determine the guilt, repentance and punishment of church members who commit wrongdoing.

2 16.

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

9 17.

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

19 18.

20 Membership in the Jehovah’s Witnesses is strictly regulated and monitored. A person
21 can attend open meetings at the Kingdom Hall for years and not be a member of the
22 Congregation. When a person expresses interest in becoming a member of the Jehovah’s
23 Witnesses, he or she begins a period of Bible Study with a Baptized member of the

1 Congregation. The aspirant also engages in self-study during this period of time.

2 19.

3 After months of study a person may become an unbaptized Publisher. To become an
4 unbaptized publisher, the aspirant must make application to the Congregation's Body of Elders.
5 Such a person must be approved by the Body of Elders, who will consider whether the aspirant
6 exhibits sufficient knowledge of the beliefs and organization of the Jehovah's Witnesses for
7 approval as a Publisher. The Elders will also vet the morals and ethics of the aspirant to
8 determine if he or she meets the standards for inclusion as a member of the Jehovah's Witness
9 Organization.

10 20.

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

16 21.

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

23

1 22.

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

7 23.

8 Once a person is approved to become a publisher he or she is expected to keep track of
9 the hours spent in Service. Forms are submitted monthly to the Congregation detailing the
10 numbers of hours spent in Field Service. Records of these hours are kept by the Congregation
11 for each Publisher within the Congregation. Additional forms are submitted to the Congregation
12 Secretary for each “Bible Study” conducted by a Publisher during the month. Failure to submit
13 such Field Service records for multiple consecutive months can lead to a Publisher being
14 designated as “irregular” or “inactive” which results in lowered status within the Congregation.

15 24.

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

23

1 25.

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

8 26.

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

14 27.

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

1 28.

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

9 29.

10 Congregants are encouraged to bring problems to the Elders to be resolved rather than to
11 seek intervention from outside of the Jehovah's Witness Organization. In practice, when a
12 Congregant commits an act of wrongdoing, such as the sexual abuse of a child, that matter must
13 be brought to an Elder to be resolved. Jehovah's Witness policy requires Elders to investigate
14 such a claim. If there are two witnesses to the wrongdoing, or if the accused confesses his
15 wrongdoing, a Judicial Committee will be convened. If there are not at least two witnesses and
16 the accused denies the wrong, then the accused is determined to be innocent and treated as such
17 and no corrective, protective or punitive action is taken by the Congregation.

18 30.

19 If a Judicial Committee is convened, the two original Elders that investigated the
20 wrongdoing will be joined by a third, who will hear the case and impose punishment on the
21 wrongdoer. Possible outcomes of a Judicial Committee range from private reproof to public
22 reproof, to disfellowship. Private reproof is a private censorship of the wrongdoer that generally
23 results in a limitation of the wrongdoer's privileges to engage in Field Service for a short period

1 of time. No announcement is made to the Congregation when a wrongdoer is subject to private
2 reproof. In cases of public reproof an announcement is made to the congregation that the
3 individual has been reproofed by a Judicial Committee and found to be repentant. Restrictions
4 can be imposed as in cases of private reproof.

5 31.

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

11 32.

12 At and before the time of the sexual abuse of Plaintiffs, Daniel Castellanos
13 ("Castellanos") was a Baptized Published, and Elder or Ministerial Servant in Defendant
14 Congregation. As an Elder or Ministerial Servant within the Jehovah's Witness Organization,
15 Castellanos was appointed by Defendants to a position of trust, confidence and authority over
16 minors within the Organization. Castellanos was Defendants' agent subject to the Defendants'
17 direction and control. During his agency as an Elder or Ministerial Servant, Castellanos was
18 authorized and required to: interact with, care for, befriend and build relationships with
19 Jehovah's Witness children; to provide Jehovah's Witness children with religious counseling,
20 training, education and instruction; to supervise and care for Jehovah's Witness children, and to
21 provide other religious and educational services to Jehovah's Witness children- including
22 Plaintiffs in this case. Specifically, as an Elder or Ministerial Servant, Castellanos was
23 authorized and required to interact with, care for, befriend, counsel, educate, and/or train

1 Jehovah's Witness children involved with Defendant Congregation, including Plaintiffs in this
2 case. At all times relevant this complaint, Castellanos acted within the course and scope of his
3 agency in performing duties for and on behalf of the Defendants.

4 33.

5 Defendants authorized and empowered Castellanos to serve as an Elder or Ministerial
6 Servant with authority over children involved with Defendant Congregation, including Plaintiffs
7 in this case. Defendants taught and instructed Plaintiffs that they were to have respect for and
8 obey all persons in positions of church authority wherever they might meet. Defendants knew
9 that as part of his duties as an Elder or Ministerial Servant, Castellanos would be in a position of
10 trust and confidence with Jehovah's Witness families and their children, including the Plaintiffs
11 in this case. At all times relevant this complaint, Defendants authorized or ratified the conduct of
12 Castellanos in performing the duties of an Elder or Ministerial Servant.

13 34.

14 For the purpose of furthering his duties as an Elder or Ministerial Servant, Castellanos
15 sought and gained the trust and obedience of the Plaintiffs in this case. Each Plaintiff was also
16 conditioned by their church and family to respect and obey individuals in positions of church
17 authority, including Elders and Ministerial Servants. As a result, Plaintiffs were conditioned to
18 trust Castellanos, to comply with Castellanos's directions, and to respect Castellanos as a person
19 of authority. This course of conduct is referred to hereinafter as "Grooming." Alternatively or in
20 conjunction with the Grooming activity, Castellanos acted as an Elder or Ministerial Servant
21 toward Plaintiffs, supervised Plaintiffs at Congregation functions, and exercised authority in loco
22 parentis over Plaintiffs.

1 35.

2 The Grooming process and/or the role of Elder or Ministerial Servant undertaken by
3 Castellanos led to and resulted in the sexual abuse of the Plaintiffs, discussed below.
4 Castellanos's Grooming actions and/or his actions as an Elder or Ministerial Servant of
5 Defendant Congregation were (1) committed in direct connection and for the purposes of
6 fulfilling Castellanos's agency with Defendants; (2) committed, at least in part, within the time
7 and space limits of his agency for Defendants; (3) done initially and at least in part from desire to
8 serve the interests of Defendants; (4) done directly in the performance of his duties as an Elder or
9 Ministerial Servant; (5) consisted generally of actions of a kind and nature which Castellanos
10 was required to perform as an Elder or Ministerial Servant; and (6) were done at the direction of,
11 and pursuant to, the power vested in him by Defendants. Defendants, through their agents, had a
12 right to control Castellanos's Grooming of congregation children as an Elder or Ministerial
13 Servant and/or Castellanos's interactions with those children as an Elder or Ministerial Servant.

14 36.

15 While acting within the course and scope of his position as an Elder or Ministerial
16 Servant for Defendants, and acting under the authority of his Position as an Elder or Ministerial
17 Servant, Castellanos used his Grooming of Plaintiffs to sexually abuse them. Alternatively or in
18 conjunction with the Grooming activity, Castellanos's authorized actions as an Elder or
19 Ministerial Servant led to and/or resulted in the sexual abuse of Plaintiff.

20 37.

21 Castellanos, as an adult, engaged in intentional conduct resulting in one or more of the
22 following to Plaintiff Velicia Alston: physical injury, mental injury, sexual abuse, or sexual
23 exploitation of Plaintiff as those terms are used in ORS 12.117 (hereinafter "abuse").

1 Specifically, while acting as an Elder or Ministerial Servant, Castellanos sexually abused and
2 molested Plaintiff Velicia Alston- then approximately 11 or 12 years old -on multiple occasions.
3 The abuse included fondling of Plaintiff's genitals both above and beneath her clothing, kissing
4 Plaintiff on the mouth, and touching of Plaintiff's breasts. The abuse occurred while Castellanos
5 was acting towards Plaintiff as an Elder or Ministerial Servant, including supervising Plaintiff
6 and exercising authority over Plaintiff in loco parentis. These acts of abuse constituted harmful
7 and offensive touching of Plaintiff, to which she did not and could not consent.

8 38.

9 As a result of Castellanos' sexual abuse, molestation, and breach of trust, Plaintiff Velicia
10 Alston has suffered and continues to suffer: severe and debilitating physical, mental, and
11 emotional injury, including pain and suffering, physical and emotional trauma, and permanent
12 psychological damage distinct from the abuse itself, all to her non-economic damage in the
13 amount of \$5,000,000.00, the exact amount of which will be proven at the time of trial.

14 39.

15 As an additional result and consequence of Castellanos' sexual abuse, molestation, and
16 breach of trust, Plaintiff Velicia Alston has incurred and/or will incur in the future: costs for
17 counseling, psychiatric and psychological medical treatment, all to her economic damage in the
18 amount of \$250,000.00, the exact amount of which will be proven at the time of trial.

19 40.

20 As a result of the sexual battery of Plaintiff Velicia Alston by Castellanos, as set forth in
21 paragraph 37, above, Plaintiff Velicia Alston has suffered permanent and lasting damages as
22 detailed in paragraphs 38 and 39, above.
23

1 41.

2 Plaintiff Velicia Alston hereby gives notice to Defendants pursuant to ORS § 31.725 of
3 her intent to move for punitive damages against Defendants at any time after the filing of this
4 complaint based on the Defendants' (and their agent Castellanos') reckless and outrageous
5 indifference to a highly unreasonable risk of harm and conscious indifference to the health,
6 safety and welfare of others, including Plaintiff Velicia Alston in this case.

7 42.

8 Plaintiff Velicia Alston is under the age of forty at the time of the filing of this action.
9 Pursuant to ORS 12.117, Plaintiff's claims are timely.

10 43.

11 Castellanos, as an adult, engaged in intentional conduct resulting in one or more of the
12 following to Plaintiff John Roe: physical injury, mental injury, sexual abuse, or sexual
13 exploitation of Plaintiff as those terms are used in ORS 12.117 (hereinafter "abuse").
14 Specifically, while acting as an Elder or Ministerial Servant, Castellanos sexually abused and
15 molested Plaintiff John Roe - then approximately 8-10 years old -on multiple occasions. The
16 abuse included fondling and masturbation of Plaintiff's genitals both above and beneath his
17 clothing, and masturbation of Plaintiff. The abuse occurred while Castellanos was acting
18 towards Plaintiff as an Elder or Ministerial Servant, including supervising Plaintiff and
19 exercising authority over Plaintiff in loco parentis. These acts of abuse constituted harmful and
20 offensive touching of Plaintiff, to which he did not and could not consent.

21 44.

22 As a result of Castellanos' sexual abuse, molestation, and breach of trust, Plaintiff John
23 Roe has suffered and continues to suffer: severe and debilitating physical, mental, and emotional

1 injury, including pain and suffering, physical and emotional trauma, and permanent
2 psychological damage distinct from the abuse itself, all to his non-economic damage in the
3 amount of \$5,000,000.00, the exact amount of which will be proven at the time of trial.

4 45.

5 As an additional result and consequence of Castellanos' sexual abuse, molestation, and
6 breach of trust, Plaintiff John Roe has incurred and/or will incur in the future: costs for
7 counseling, psychiatric and psychological medical treatment, all to his economic damage in the
8 amount of \$250,000.00, the exact amount of which will be proven at the time of trial.

9 46.

10 As a result of the sexual battery of Plaintiff John Roe by Castellanos, as set forth in
11 paragraph 43, above, Plaintiff John Roe has suffered permanent and lasting damages as detailed
12 in paragraphs 44 and 45, above.

13 47.

14 Plaintiff John Roe hereby gives notice to Defendants pursuant to ORS § 31.725 of his
15 intent to move for punitive damages against Defendants at any time after the filing of this
16 complaint based on the Defendants' (and their agent Castellanos') reckless and outrageous
17 indifference to a highly unreasonable risk of harm and conscious indifference to the health,
18 safety and welfare of others, including Plaintiff John Roe in this case.

19 48.

20 Plaintiff John Roe is under the age of forty at the time of the filing of this action.
21 Pursuant to ORS 12.117, Plaintiff's claims are timely.

22
23

1 **FIRST CLAIM FOR RELIEF**
2 **Sexual Battery of a Child/*Respondeat Superior***
3 **Against All Defendants**

4 49.

5 Plaintiffs reallege and incorporate by reference paragraphs 1 through 48, above.

6 50.

7 The sexual molestation and abuse (described in paragraphs 37 and 43) constituted
8 harmful and offensive touching of Plaintiffs Velicia Alston and John Roe, to which Plaintiffs did
9 not and could not consent as a matter of law.

10 51.

11 Castellanos used the Grooming process to accomplish his sexual battery of Plaintiffs. In
12 the alternative and/or in conjunction with the Grooming process, activities within the course and
13 scope of Castellanos' agency as an Elder or Ministerial Servant for Defendants led to and/or
14 resulted in the sexual battery of Plaintiffs.

15 52.

16 As a result of Castellanos' sexual abuse and breach of authority, trust and position as an
17 Elder or Ministerial Servant with authority over Plaintiffs, Plaintiffs have suffered economic and
18 noneconomic damages as detailed in paragraphs 38, 39, 44 and 45, above.

19 **SECOND CLAIM FOR RELIEF**
20 **Intentional Infliction of Emotional Distress/*Respondeat Superior***
21 **Against All Defendants**

22 53.

23 Plaintiffs reallege and incorporate by reference paragraphs 1 through 52, above.

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54.

Castellanos, while engaging in the Grooming process, knowingly and intentionally caused severe emotional distress and physical injury to Plaintiffs when he sexually molested and abused Plaintiffs Velicia Alston and John Roe, as described in paragraphs 37 and 43, above. In the alternative and/or in conjunction with the Grooming, acts within the course and scope of Castellanos' agency with Defendants led to and/or resulted in Castellanos knowingly and intentionally causing severe emotional distress and physical injury to Plaintiffs when he sexually molested and abused Plaintiffs Velicia Alston and John Roe, as described in paragraphs 37 and 43, above. Plaintiffs did in fact suffer severe emotional distress as a result of this sexual abuse, and the abuse of a child is beyond the bounds of all socially tolerable conduct.

55.

Castellanos used the Grooming process and/or his role as an Elder or Ministerial Servant to intentionally inflict severe emotional distress by his acts of sexual molestation of the Plaintiffs Velicia Alston and John Roe.

56.

As a result of Castellanos' sexual abuse and breach of authority, trust and position as an Elder or Ministerial Servant with authority over Plaintiffs, Plaintiffs Velicia Alston and John Roe have suffered economic and noneconomic damages as detailed in paragraphs 38, 39, 44 and 45, above.

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THIRD CLAIM FOR RELIEF
Negligence
Against All Defendants

57.

Plaintiffs reallege and incorporate by reference paragraphs 1 through 56, above.

58.

Prior to, and contemporaneous with, the sexual abuse of Plaintiffs, Castellanos sexually abused other minor Jehovah's Witnesses. Plaintiffs are informed and believe and on that basis allege that prior to the last incidents of abuse of Plaintiffs, Defendants learned through their agents that Castellanos had sexually abused a minor. Accordingly, Defendants knew that Castellanos was a risk to children, including Plaintiffs. Nonetheless, Defendants allowed Castellanos to continue to serve in his position as a Ministerial Servant or Elder, and remain in a position of trust to Jehovah's Witness children.

59.

Defendants created a foreseeable risk of Castellanos abusing minor congregants, including Plaintiffs, in the following particular ways:

A. Defendants failed to report Castellanos to the police and/or failed to train the Jehovah's Witness Elders and leadership to report to law enforcement allegations of an adult volunteer sexually abusing a child;

B. Defendants failed to screen or exclude Castellanos from contact with children within the Jehovah's Witness Organization and/or failed to train the Jehovah's Witness Elders and leadership to screen or exclude individuals suspected of child sexual abuse from interacting with children;

C. Defendants failed to inform and/or warn Plaintiffs' parents and parents of

1 similarly situated children of the risk posed by Castellanos after they learned or had reason to
2 learn that he had sexually abused a minor;

3 D. Defendants failed to implement and/or enforce common sense policies to prevent
4 child abuse, such as a rule against any adult Elder or Ministerial Servant participating in
5 activities alone (i.e. one-on-one) with individual children, or with small groups of children with
6 no other adults present; and

7 E. Defendants failed to train the Elders or leadership of the Jehovah' Witness
8 congregations in how to properly recognize, prevent, and respond to child abuse. These actions
9 and/or inactions caused or substantially contributed to the abuse of the Plaintiffs in this case.

10 60.

11 It was foreseeable to Defendants that the class of children in Defendant Congregation,
12 including Plaintiffs, would be in danger by Castellanos and that Castellanos likely would molest
13 additional minors if permitted to remain an Elder or Ministerial Servant.

14 61.

15 As young children entrusted to the care and control of Defendants, Plaintiffs had a special
16 relationship with Defendants. This special relationship created a duty of care on the part of
17 Defendants to ensure Plaintiffs' safety while involved in Jehovah's Witness programs and/or
18 events and while with Defendants' agents. Plaintiffs were also within the class of persons to be
19 protected by Defendant's screening, supervision and training of those it employed or authorized
20 to care for Jehovah's Witness youth. The risk of sexual molestation by Defendants' agents is
21 within the general type of potential incidents and injuries that required Defendants to take the
22 actions it neglected, as described in paragraph 59. By appointing Castellanos as their agent,
23 Defendants assumed a special relationship with Castellanos. This special relationship created a

1 duty of care on the part of Defendants to reasonably monitor and supervise Castellanos while he
2 was involved with Jehovah's Witness programs and/or events and while with Jehovah's Witness
3 children, and to provide warning of his dangerous propensities to others. Alternatively
4 Defendants created a dangerous situation when they allowed Castellanos to continue to act as an
5 Elder or Ministerial Servant after learning or having the opportunity to learn that he had sexually
6 abused a child.

7 62.

8 Defendants' permitting Castellanos' continued involvement in Jehovah's Witness activity
9 and in a position of trust and authority after Defendants learned or had reason to learn of the
10 sexual abuse of a minor - as well as Defendants' failure to protect from or warn of the danger
11 posed by Castellanos - created a foreseeable risk of harm to the safety of children in the care of
12 the Defendants, including Plaintiffs. Defendants' failure to screen Castellanos prior to the
13 beginning of his agency, failure to supervise Castellanos during his agency, failure to remove
14 Castellanos after awareness, or the opportunity to gain awareness that he had sexually abused a
15 minor, and failure to warn or otherwise protect Jehovah's Witness children created a foreseeable
16 risk of harm to the safety of children over whom Castellanos would exercise authority, including
17 Plaintiffs in this case. Defendants therefore knowingly allowed and permitted or encouraged
18 child abuse. Plaintiffs' interest in being free from sexual molestation is an interest of a kind that
19 the law protects against negligent invasion. Defendants' actions and inactions described in
20 paragraph 59 were unreasonable in light of the risk posed to minors by Castellanos. Defendants'
21 actions and inactions described in paragraph 59 were a direct and foreseeable cause of the
22 respective molestation and damages suffered by the Plaintiffs, as alleged in paragraphs 37
23 through 30 and 43 through 45, above.

