

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

BEFORE THE HONORABLE JUDGE ROBERT MCGUINESS

DEPARTMENT 22

JANE DOE,	)	No. HG115588324
	)	
Plaintiff,	)	
	)	ASSIGNED FOR ALL PURPOSES TO
v.	)	JUDGE ROBERT MCGUINESS,
	)	DEPARTMENT 22
WATCHTOWER BIBLE AND	)	
TRACT SOCIETY OF NEW	)	
YORK, INC., a	)	
corporation, et al.,	)	
	)	
Defendants.	)	
	)	
-----	)	

JURY TRIAL

May 30, 2012

DAY 2

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com

REPORTED BY: KATHRYN LLOYD, CSR NO. 5955

JOB NO: A604CB9

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S:

FOR THE PLAINTIFF:  
FURTADO, JASPOVICE & SIMONS  
BY: RICK SIMONS, ESQ.  
BY: KELLY KRAETSCH, ESQ.  
22274 Main Street  
Hayward, CA 94541  
Tel: 510-582-1080  
Fax: 510-582-8254  
Email: kellyk@fjsslw.com  
Email: rick@fjsslw.com  
  
FOR THE DEFENDANTS:  
THE NORTH FREMONT CONGREGATION OF  
JEHOVAH'S WITNESSES  
THE McCABE LAW FIRM  
BY: JAMES M. McCABE, ESQ.  
4817 Santa Monica Ave, Suite B  
San Diego, CA 92107  
Tel: 619-224-2848  
Fax: 619-224-0089  
Email: jim@mccabelaw.net  
  
(CONTINUED)

1 APPEARANCES (CONTINUED)  
2 FOR THE DEFENDANT:  
3 THE WATCHTOWER BIBLE AND TRACT SOCIETY  
4 OF NEW YORK, INC.  
5 JACKSON LEWIS, LLP  
6 BY: ROBERT SCHNACK, ESQ.  
7 801 K Street, Suite 2300  
8 Sacramento, CA 95814  
9 Tel: (916) 341-0404  
10 Fax: (916) 341-0141  
11 Email: Schnackr@jacksonlewis.com

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

--oOo--

1	INDEX OF EXAMINATIONS:	
2		PAGE
3	WITNESSES FOR THE PLAINTIFF:	
4	WITNESS: MICHAEL CLARKE	
5	(continued) CROSS-EXAMINATION BY: MR. McCABE	15
6	CROSS-EXAMINATION BY: MR. SCHNACK	21
7	REDIRECT EXAMINATION BY: MR. SIMONS	25
8	CROSS-EXAMINATION BY: MR. McCABE	33
9	CROSS-EXAMINATION BY: MR. SCHNACK	34
10		
11	WITNESS: EVELYN KENDRICK	
12	DIRECT EXAMINATION BY: MR. SIMONS	36
13	CROSS EXAMINATION BY: MR. SCHNACK	44
14	REDIRECT EXAMINATION BY: MR. SIMONS	57
15	CROSS-EXAMINATION BY: MR. SCHNACK	59
16	REDIRECT EXAMINATION BY: MR. SIMONS	63
17	CROSS-EXAMINATION BY: MR. SCHNACK	64
18		
19	WITNESS: CLAUDIA FRANCIS	
20	DIRECT EXAMINATION BY: MR. SIMONS	65
21	CROSS-EXAMINATION BY: MR. McCABE	82
22	CROSS-EXAMINATION BY: MR. SCHNACK	91
23	REDIRECT EXAMINATION BY: MR. SIMONS	91
24		
25	(CONTINUED)	

1	INDEX OF EXAMINATIONS (CONTINUED)	
2		PAGE
3	WITNESSES FOR PLAINTIFF:	
4	WITNESS: ANDREA SYLVIA	
5	DIRECT EXAMINATION BY: MR. SIMONS	93
6	CROSS-EXAMINATION BY: MR. SCHNACK	100
7		
8	WITNESS: KATHLEEN CONTI	
9	DIRECT EXAMINATION BY: MR. SIMONS	103
10	CROSS-EXAMINATION BY: MR. SCHNACK	118
11		
12	WITNESS: DOROTHY CONTI	
13	DIRECT EXAMINATION BY: MR. SIMONS	131
14	CROSS-EXAMINATION BY: MR. SCHNACK	139
15		
16	EVIDENCE CODE 776 ADVERSE WITNESSES FOR THE PLAINTIFF	
17		
18	WITNESS: CLIFFORD WILLIAMS	
19	DIRECT EXAMINATION BY: MR. SIMONS	146
20		
21	WITNESS: LAWRENCE LAMERDIN	
22	DIRECT EXAMINATION BY: MR. SIMONS	160
23	CROSS-EXAMINATION BY: MR. McCABE	175
24	REDIRECT EXAMINATION BY: MR. SIMONS	196
25	CROSS-EXAMINATION BY: MR. McCABE	206

1 INDEX OF EXHIBITS:

2 NUMBER	ADMITTED
3 Plaintiff's 27	18
4 Plaintiff's 18, Defendant's 106	31
5 Plaintiff's 2	138
6 Plaintiff's 3	138
7 Plaintiff's 19	152
8 Plaintiff's 4	161
9 Plaintiff's 27, Defendant's 132	176

10

11 (EXHIBITS NOT ATTACHED)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

--oOo--

1 MAY 30, 2012

8:20 A.M.

2 PROCEEDINGS

3 THE COURT: Relative to the January 10, 2000  
4 letter, and redacted, I'm going to -- the letter is  
5 going to go in unfiltered.

6 I have told counsel that regarding the  
7 alleged black bra/grooming incident, I will allow it in  
8 only as to liability case as to Mr. Kendrick.

9 I will reserve as to any other evidence  
10 and/or any knowledge of the Jehovah's Witnesses,  
11 defendant is established as to either the rollerblade,  
12 so-called rollerblading incident, that Ms. Francis would  
13 testify to allegedly, and the black bra incident, that  
14 I'm considering a limiting liability instruction as to  
15 those incidents and potential liability of Jehovah's  
16 Witnesses pending any laying foundation that they were  
17 aware of either or both.

18 Counsel for plaintiff has raised concerns  
19 about a whole slew of defense witnesses coming in  
20 saying, in effect, they had not reviewed any incidents  
21 at the local Kingdom Hall or the assembly hall. I'm not  
22 sure those two places are different, by the way. But  
23 they are referred to differently in the letter.

24 And I have indicated I am going to listen  
25 first to Ms. Conti's testimony as to the number of

1 incidents and the place and the timing prior to ruling  
2 upon by objection of plaintiff as to whether there is  
3 any relevancy to their testimony.

4           For instance, if Ms. Conti testifies about a  
5 specific date of a specific function and a defense  
6 witness stands up, comes up and says, "I was there. I  
7 had my eyes on Mr. Kendrick the entire time and I did  
8 not observe it," that's fine.

9           And, again, depending on the foundation laid  
10 by Ms. Conti, I would have to go witness-by-witness as  
11 to whether what they testify in defense is relative to  
12 the alleged incident and place and timing.

13           MR. SCHNACK: Mr. Simons has suggested  
14 Mr. Bowen might decline to grace us with his presence on  
15 Friday, and also that Mr. Lewis might not be available  
16 on Friday. So from a defense side, maybe we should just  
17 go forward with the trial, unless Mr. Simons has a  
18 motion --

19           MR. SIMONS: Two separate problems. One is  
20 that Mr. Bowen said if we are not going to be able to  
21 entertain his opinions with regard to theocratic  
22 warfare, disfellowshipping and the two witness rule,  
23 that he really doesn't see any particular validity to  
24 this proceeding.

25           And so I think he will not --

1           THE COURT: Please convey to Mr. Bowen that  
2 it is not personal in any way. It is just a concern the  
3 Court had as to --

4           And I would agree with him, I'm only a civil  
5 court and a humble public servant representing  
6 government. I'm not going to get into either the  
7 politics or the breadth of any of that. But that's  
8 okay. Mr. Lewis, I'm just going to put into Box 2.

9           I did -- and again, this is just -- I took  
10 care of Mr. McCabe on Friday. What are you doing with  
11 your back, Mr. Simons?

12           MR. SIMONS: I cannot get into the doctor,  
13 Dr. Prinsky, until next week. So I don't have a medical  
14 appointment on Friday. I had hoped to be there sometime  
15 during the day, but he can't get me.

16           THE COURT: Well, I took some actions, based  
17 upon what I told the jury yesterday. And most of the  
18 time I wouldn't do it, but I have a number of very  
19 intense cases. And I'm going to say we will poll the  
20 jury.

21           And forgive me on that, but it just tends to  
22 be what I'm dealing with right now, because I am booked  
23 the whole day on Friday, again based on what I told that  
24 jury, with stuff that is very time oriented. So I will  
25 be consistent with what I told the jury.

1           But I was -- I would promote -- why don't you  
2 tell the doctor, he is under judicial order to get you  
3 an appointment on Friday.

4           Now, Mr. McCabe, do you have your own mic,  
5 and it works?

6           MR. SIMONS: The last subject is we had  
7 sidebar during Mr. Clarke's cross-examination conducted  
8 as direct with regard to the testimony that I felt was  
9 covered under Motion in Limine Number 6, but it was  
10 offered anyway.

11           And I understand from our sidebar discussion  
12 that the Court is, at least, entertaining some sort of  
13 communication to the jury to the conclusion of  
14 Mr. Clarke's testimony.

15           THE COURT: I haven't figured out exactly  
16 what it is going to be because -- and it largely goes in  
17 my view to the resolution of a duty issue. Okay.

18           I allowed the testimony to go on effectively  
19 from both sides. There is a policy that is in evidence.  
20 I quickly and surely sustained the objection to get into  
21 the spiritual aspects. I was very close in my listing  
22 as to whether anybody said "privileged." Okay. I  
23 didn't hear the word "privileged" but I will check that  
24 out with the reporter.

25           I allowed testimony as to why people did

1 certain things. Part of it is an explanation of the  
2 policy. But -- and I'm going to consider all of this  
3 contextually in terms of the time of instructions.

4 Most times I do not tell juries with what  
5 legal decisions I have made, and clearly there is no  
6 reference. And everybody has got a professional here.  
7 There is no reference in duty to warn, because the issue  
8 is, of course, from the defense, is whether there is any  
9 duty at all and if there is by nature of the duty.

10 Okay.

11 There has been a concern and an argument,  
12 that say, duty to warn within the context of the special  
13 instructions by the plaintiff, is a duty to protect.

14 The first question, of course is going to be:  
15 Is there a duty?

16 And then secondly what the nature of that  
17 duty is.

18 All of which I'm going to reserve for context  
19 and instruction for the duty, but before we submit it to  
20 the jury.

21 I have previously ruled that it is not, as a  
22 matter in the evidence code, these communications are  
23 not protected privileges. And I have made that part in  
24 my motion in limine ruling.

25 I was also very clear that there wasn't going

1 to be any reference to or argument regarding the  
2 spiritual privilege.

3           Having said that, I did allow inquiry by both  
4 into the policy and the implementation of it and the  
5 reasons why. But I will assess the quality and the  
6 nature of the evidence and figure out exactly how I  
7 approach and we approached that pending what we submit  
8 to the jury.

9           But I can certainly say to the defense that  
10 you argue -- if you argue that effectively it was  
11 privileged, well that gets something from the judge.

12           MR. SIMONS: So I'm a little unclear where  
13 that ends up. Are we going to say something after the  
14 conclusion of Mr. Clarke's testimony?

15           THE COURT: Well, I'm going to determine --  
16 and I'm not going to do it after Mr. Clarke's testimony.  
17 I'm going to do it in the context before jury  
18 instructions. Just like I'm going to do an in limine  
19 instruction, depending on where the evidence sits in  
20 this case.

21           And I think one of the things that have been  
22 a little more challenging in this particular case are  
23 the nuances that I almost have, motions in limine are  
24 tied to evidence that is argued about, should not be  
25 decided until evidence is produced because of the

1 difficulty for the judge in deciding yay or nay. And I  
2 haven't having heard all the evidence.

3 But what I did say to you is that I confirmed  
4 my pretrial ruling that there is no privilege that  
5 applies, either spiritual or penitent, and that's not  
6 going to change. I'm going to have to assess when the  
7 dust settles exactly what, if anything, needs to be said  
8 to the jury to allow them to frame a legitimate  
9 decision.

10 MR. SCHNACK: Then one last question from our  
11 side. Evelyn Kendrick is going to testify today, and we  
12 did have a motion in limine on the hearsay issue of her  
13 testimony. You definitively ruled on it. Do we need to  
14 re-raise that at the time she is called to preserve it  
15 for appeal or not?

16 THE COURT: Good question. Now, I'm going to  
17 be very specific that -- but, again, it suffers the same  
18 as some of these other --

19 It is my understanding that Ms. Kendrick is  
20 going to give a demonstratively different version of  
21 what was said to the -- I was going to call it  
22 investigators for a minute -- as to what Mr. Kendrick  
23 had done under what circumstances.

24 And I have effectively ruled that they are  
25 not necessarily hearsay at all contextually in terms of

1 what is going on in this case, as to notice and duty and  
2 all kinds of things.

3 I believe they also can come in -- or a  
4 portion -- let me see if I can find quickly what motion  
5 in limine was entered -- Evelyn Kendrick, Number 3,  
6 Plaintiff -- strike that.

7 Defendant. All right. Specific limine in  
8 motion Number 3. Page 3. This is Evelyn about what  
9 Andrea told the elders. Kendrick had drugged her with  
10 Vicodin, went into her bedroom and fondled her breasts  
11 and genitals under her clothes.

12 Okay. And again, I have ruled as to that  
13 form of testimony, number 1, it could be offered for the  
14 non-hearsay purpose as to notice.

15 And secondly, could arguably come in as a  
16 prior and inconsistent statement of the hearsay  
17 exception. And I believe when I made the ruling I gave  
18 a third reason, which escapes me for a minute.

19 But the answer is she may testify as to what  
20 Andrea told the elders at the time of their meeting with  
21 her, her version of what Andrea told them.

22 MR. SCHNACK: Then we don't need to re-assert  
23 those objections again, your Honor?

24 THE COURT: No. Why don't we bring the jury  
25 in.

1 (Whereupon the following proceedings  
2 were heard in the presence of jurors)

3 THE COURT: All right. Members of the jury,  
4 welcome and thank you. As I relayed to you yesterday,  
5 Mr. Simons has been dealing with some back issues. I  
6 gave Mr. McCabe a microphone this morning. He has some  
7 voice issues. This Court generally has voice issues  
8 because of the nature of this department, but for  
9 Mr. McCabe, if it is his wish, any time he wants to use  
10 a microphone, I'm going to allow him to do it for the  
11 reason related.

12 All right. And then we will see what pops up  
13 tomorrow morning.

14 Mr. Simons, next witness.

15 MR. SIMONS: I don't think we finished with  
16 Mr. Clarke.

17 THE COURT: Forgive me. Mr. Clarke, once  
18 again, I will remind you that you are under oath.

19

20 CROSS-EXAMINATION

21 BY MR. McCABE:

22 Q. Good morning, Mr. Clarke.

23 A. Good morning.

24 Q. Yesterday, we talked to you a little bit  
25 about Exhibit -- Plaintiff's Exhibit 1, Defense Exhibit

1 26?

2 THE COURT: Now, Mr. McCabe, you can come  
3 closer if you want. It is up to you, I would do the  
4 same for anyone. If you want to be closer, you can.

5 MR. McCABE: I think this is good, your  
6 Honor.

7 BY MR. McCABE:

8 Q. Do you recall that exhibit, sir?

9 A. No. Can we look at it, please?

10 Q. Yes. Plaintiff's Exhibit 1, Defense 26. It  
11 is the July 1, 1989 letter to the body of elders --

12 A. Yes, I remember that.

13 Q. -- from the Watchtower Bible and Tract.

14 A. Yes.

15 Q. And do you remember getting that letter to  
16 the congregation in North Fremont?

17 A. Yes, I do.

18 Q. Did you review it with the rest of the  
19 members of the body of elders?

20 A. Yes.

21 Q. What was your understanding as to the main  
22 thrust of that letter?

23 A. To keep confidentiality, private matters.

24 Q. How much of that letter was devoted to  
25 Watchtower's policy regarding child abuse?

1           A.       There is just one paragraph, I believe it  
2 is -- page 3, a few lines.

3           Q.       Page 3, Item B. Is that the paragraph?

4           A.       That is the paragraph, yes.

5           Q.       Was this the last statement of policy from  
6 Watchtower Bible and Tract regarding child abuse?

7           A.       No. We have gotten subsequent articles in  
8 our Awake and Watchtower Magazines. And we have had  
9 instructions in the form of schools regarding child  
10 abuse.

11          Q.       And how to deal with it?

12          A.       How to deal with it, yes.

13          Q.       I want to show you what we have marked as  
14 Plaintiff's Exhibit 27, Defense Exhibit 32.

15                   And I ask if this may be admitted into  
16 evidence.

17                   MR. SIMONS: No objection.

18                   THE COURT: And, counsel, what is it  
19 specifically?

20                   MR. McCABE: It is a letter, March 23rd, 1992  
21 from Watchtower to all bodies of elders.

22                   THE COURT: And that's fine. What exhibit is  
23 it?

24                   MR. McCABE: Plaintiff's Exhibit 27.

25                   THE COURT: Plaintiff's Exhibit 27 by

1 agreement is in. Thank you.

2 (Whereupon, Plaintiff's Exhibit Number 27  
3 was admitted into evidence)

4 MR. McCABE: May I approach?

5 THE COURT: You may.

6 BY MR. McCABE:

7 Q. Mr. Clarke, do you recognize that exhibit?

8 A. Yes, I do.

9 Q. What is it?

10 A. It is a letter to all bodies of elders  
11 regarding helping victims of child abuse.

12 Q. Is there an attachment to that letter?

13 A. Yes, yes. It is entitled: "What only you  
14 can say to abuse victims."

15 Q. Did you read that letter and the attachment  
16 at the time you received it in the congregation?

17 A. Yes, many times.

18 Q. I would like to direct your attention to  
19 2009. When did you first hear about the allegations of  
20 child abuse brought by Candace Conti?

21 A. That would be when she called me on the  
22 telephone and requested me to call the elders.

23 Q. Do you remember when that was?

24 A. Did you say when that was?

25 Q. Yes.

1           A.       2009. I don't recall what part of the year  
2 that was.

3           Q.       And was that the phone call the first time  
4 that you knew about allegations of child abuse involving  
5 Candace Conti and Jonathan Kendrick?

6           A.       Which time was that?

7           Q.       Did she tell you in that phone conversation  
8 that Mr. Kendrick was the perpetrator of her abuse?

9           A.       She did mention his name, and she wanted to  
10 talk to us about him.

11          Q.       Did you subsequently have a further  
12 discussion with her?

13          A.       Yes, we immediately invited her to the  
14 Kingdom Hall. And within a few days, we met with her at  
15 the Kingdom Hall, myself and Larry Lamerdin.

16          Q.       Did you do anything to prepare for that  
17 meeting?

18          A.       Well, one thing, we reviewed this letter. We  
19 reviewed this paragraph on what we could say and do. We  
20 wanted to provide comfort and let her know how much we  
21 valued her, and we wanted to help her in any way we  
22 could scripturally and spiritually.

23          Q.       What took place at the meeting?

24          A.       Well, we opened with prayer, read a  
25 scripture, probably one of these noted here, and then we

1 listened. We listened a lot as she expressed what she  
2 alleged.

3 Q. How long did the meeting last?

4 A. It was probably an hour.

5 Q. Did you do anything after the meeting to  
6 address her complaints?

7 A. We compiled a letter with the details of what  
8 she had told us. We located where Jonathan Kendrick was  
9 now attending meetings, and we forwarded that letter to  
10 that body of elders.

11 Q. Did you have any other meetings after that  
12 with Candace Conti?

13 A. I did make several phone calls. She called  
14 me back and we tried to schedule another meeting. Some  
15 of those fell through. She couldn't make that. And  
16 eventually she said she didn't want to meet anymore.

17 Q. Did you initiate any meetings with members of  
18 her family?

19 A. Yes. We met with her father, Neal Conti.  
20 And we encouraged him to really reach out to his  
21 daughter, because I believe she was living in Southern  
22 California and he was living up here. And so we  
23 encouraged him to reach out to his daughter, that she  
24 needed his fatherly attention.

25 Q. Did you have any contact with Candace's

1 mother, Kathleen Conti?

2 A. She called me, and she was familiar with this  
3 allegation, she and Candace had spoke about it. And we  
4 gave her the same advice. "Please, you know, reach out  
5 to your daughter. She needs your attention."

6 MR. McCABE: Thank you, your Honor. I have  
7 no further questions.

8 THE COURT: Mr. Schnack.

9 MR. SCHNACK: Thank you, your Honor.

10

11

CROSS-EXAMINATION

12 BY MR. SCHNACK:

13 Q. Good morning, Mr. Clarke.

14 A. Good morning.

15 Q. I have a few questions for you. Within the  
16 body of elders at the North Fremont Congregation, do you  
17 hold any position, like a coordinating elder or any  
18 other type of thing?

19 A. Yes. I'm referred to as the coordinator,  
20 yes.

21 Q. And what do those duties involve?

22 A. It means to coordinate activities, schedule  
23 meetings, those sort of things. Nothing beyond that.

24 Q. And did you hold that back in the '90s as  
25 well, or is it more recent?

1 A. In 1992, '93, somewhere around there.

2 Q. And you have been doing it since then?

3 A. Yes.

4 Q. Okay. Now, with respect to how the church  
5 services are held at the North Fremont Congregation, do  
6 you hold Sunday School classes there where children are  
7 separated from their parents?

8 A. No. Children are always sitting with their  
9 parents.

10 Q. And is that the same in all church-sponsored  
11 activities at the North Fremont Congregation that the  
12 children are not separated from their parents?

13 A. Correct.

14 Q. Now, with respect to Plaintiff's Exhibit --  
15 Or I'm sorry. Defense Exhibit 26,  
16 Plaintiff's Number 1, we have the July 1st, 1989 letter  
17 put up. Mr. McCabe just asked about that.

18 MR. SCHNACK: May I approach, your Honor?

19 THE COURT: You may.

20 BY MR. SCHNACK:

21 Q. And you are familiar with this letter; is  
22 that correct?

23 A. Correct, yes.

24 Q. And it is dated July 1 of '89. Correct?

25 A. Correct.

1 Q. And how long have you been an elder again?

2 A. Since the mid-70's, '77, '78.

3 Q. Okay. And you said you were in Hayward when  
4 you were an elder?

5 A. San Leandro.

6 Q. Okay. And then you later moved to Fremont  
7 and have been an elder there ever since. Correct?

8 A. Correct.

9 Q. Has the policy that is referenced in that  
10 July 1 of 1989 letter, was that a new policy on July 1  
11 of '89?

12 A. No.

13 Q. What was the policy with respect to the  
14 confidentiality, as you described it, at the time you  
15 became an elder in the '70s?

16 A. It was the same thing. Maintain  
17 confidentiality. It is a scriptural requirement. We  
18 don't divulge private information.

19 Q. And what is the basis for that policy that  
20 has been in effect since the '70s?

21 A. It is based on the scriptures. The Bible  
22 tells us not to reveal confidential matters.

23 Q. Let's turn to the second page.

24 And do you see the second full paragraph? It  
25 is highlighted here.

1           If you could read that into the record there  
2 from the letter you have.

3           Do you see that? It starts with:

4           "The need for elders to maintain  
5 certain confidentiality has been repeatedly  
6 stressed."

7           Do you see that?

8           A. Yes.

9           Q. Why don't you just read that paragraph into  
10 the record for us, please.

11          A. It says:

12           "Please see the Watchtower of  
13 April 1, 1971, pages 222 through 224. And the  
14 September 1, 1987, pages 12 through 15. The  
15 September 1977 archives, service, page 6  
16 paragraph 36, and the KSW textbook, page 65,  
17 also provide helpful direction and counsel  
18 that material strongly emphasized the elder's  
19 responsibility to avoid revealing confidential  
20 information to those not entitled to it."

21          Q. So at least according to that paragraph, the  
22 policy of confidentiality has been in play since at  
23 least 1971. Is that how you read that?

24          A. Oh, yes.

25          Q. And to follow up on that, then. So the

1 second paragraph that references the confidentiality  
2 obligation, that came up before any child abuse issues  
3 came up within the church.

4 Is that fair to say?

5 A. It is fair to say, yes.

6 MR. SCHNACK: That's all the questions I  
7 have, your Honor. Thank you.

8 THE COURT: Mr. Simons?

9 MR. SIMONS: Yes. Thank you, your Honor.  
10 Very briefly.

11

12 REDIRECT EXAMINATION

13 BY MR. SIMONS:

14 Q. Sir, you described some of the meetings at  
15 the Kingdom Hall, and you said that before they begin  
16 there is a lot of kids running around and a lot of  
17 distractions and a lot of things for the elders to have  
18 to look after and microphones and parking and all that  
19 sort of thing.

20 Do you remember that testimony from  
21 yesterday?

22 A. Yes.

23 Q. And that's a pretty accurate description of  
24 what is going on during the times before or after these  
25 meetings. There is people visiting. People want to

1 talk to you. People you want to talk to. The elders,  
2 themselves, may be having little discussions among  
3 themselves. There is a lot going on at these meetings.  
4 Correct?

5 A. To a degree, yes.

6 Q. Now, you mentioned that you and  
7 Mr. Abrahamson and the other elders were going to keep a  
8 close eye on Jonathan Kendrick, after you learned in  
9 1993, of his abuse of his stepdaughter. Correct?

10 A. Correct.

11 Q. And you took it upon yourselves to protect  
12 other children in the congregation from further abuse by  
13 Mr. Kendrick?

14 A. I don't think that is a fair statement.

15 Q. Okay. You don't agree with that?

16 A. No. We don't just take it upon ourselves.  
17 We educate the families. They have to be aware too.

18 Q. Did you educate the families, or at least the  
19 parents, to be aware of Jonathan Kendrick as a specific  
20 individual who had already committed an act of child  
21 sexual abuse?

22 A. I answered that yesterday. We won't reveal  
23 that. Confidential information. But we make them aware  
24 through information in these articles in the Awake and  
25 Watchtower.

1                   The announcement that Mr. Kendrick was no  
2 longer serving as a ministerial servant is a warning in  
3 itself.

4           Q.       You mentioned that maybe two, three, four  
5 ministerial servants had been deleted during your years  
6 with the North Fremont Congregation.

7           A.       Uh-huh.

8           Q.       Is that correct?

9           A.       Correct.

10          Q.       Had any of the other ministerial servants  
11 been deleted for committing child sexual abuse?

12          A.       No.

13          Q.       So the fact that a ministerial servant has  
14 been deleted or removed doesn't tell the congregation  
15 anything about the reason why?

16          A.       Correct.

17          Q.       And it certainly does not tell them Jonathan  
18 Kendrick had sexually abused a child?

19          A.       Corrected.

20          Q.       Looking back -- I hope you still have it in  
21 front of you, Exhibit 1, the July 1989 policy, we looked  
22 at the section on child abuse. And the section on child  
23 abuse actually is the shortest section in the entire  
24 document, is it not?

25          A.       Correct. It wasn't written to address child

1 abuse, it was written to address confidentiality.

2 Q. All right. Well, we will go through that in  
3 a second.

4 What it tells you is contact the Society's  
5 Legal Department immediately.

6 A. And also to review the January 22nd Awake.

7 Q. Which we have done with Mr. Abrahamson in  
8 your absence, so I won't go back through that with you.  
9 But let's talk about what it has. It talks about  
10 specific cases. And it lists -- looks like, six,  
11 seven -- seven separate cases or situations.

12 One is unrelated to our specific matters  
13 involving judicial committees. That's internal affairs  
14 involving the church itself. Correct?

15 A. Correct.

16 Q. And then it talks about child abuse, search  
17 warrants.

18 Follow along with me let me make sure I'm not  
19 getting this wrong.

20 Crimes. You knew that child sexual abuse was  
21 a crime. Correct?

22 A. Correct.

23 Q. When servants and publishers moved.

24 And I think you mentioned that had some  
25 applicability of Mr. Kendrick because he had moved.

1           A.     Yes.

2           Q.     When lawsuits are threatened.  Child custody.

3           A.     Uh-huh.

4           Q.     Correct?

5           A.     Yes.

6           Q.     So the range of materials that are subject to

7 this policy statement are the ones that we have just

8 gone through, those seven?

9           A.     Yes.  But as mentioned in paragraph 3, this

10 is based on scriptures, this is based on keeping

11 confidentiality.

12          Q.     But it all assumes that reports of childhood

13 sexual abuse -- and it assumes for this specific report

14 of child sexual abuse by Jonathan Kendrick within the

15 North Fremont Congregation -- was confidential?

16          A.     Was that a question?

17          Q.     Yes.  Doesn't it assume that?

18          A.     That the abuse is confidential?

19          Q.     Correct.

20          A.     Yes, it is confidential.

21          Q.     And when you say, "Yes, it is confidential."

22          A.     To the body of elders.

23          Q.     You are telling me that because that's what

24 the policy coming from New York tells you?

25          A.     And that's what the scriptures tell us too.

1 We don't reveal confidential information.

2 Q. Right.

3 A. Just like we said yesterday, a priest would  
4 not reveal confidential information.

5 Q. Let's not go round and round. What you are  
6 telling me is when the Legal Department in New York says  
7 it is confidential, it is confidential, to you?

8 MR. SCHNACK: Objection, your Honor. This  
9 exhibit doesn't come from the Legal Department.

10 THE COURT: I will sustain it on that basis.

11 BY MR. SIMONS:

12 Q. What you are telling us is when Watchtower  
13 New York tells you it is confidential, then you deem it  
14 confidential?

15 A. Until we talk to them.

16 Q. You don't independently have any experience  
17 or training that allows you to determine what is  
18 confidential within the law and what is not?

19 A. True. And I'm happy to defer to Watchtower  
20 and to contact Watchtower so that we are all in  
21 agreement. It would make no sense for me to make an  
22 independent decision, based on what I think is right. I  
23 mean, it might appear to be the right decision but it  
24 might cause other complications I haven't fully thought  
25 out. So I'm more than willing to check. I will check.

1 Q. So in this particular case, all of your  
2 understanding came from the instructions you got from  
3 Watchtower New York as to the what was or was not  
4 confidential?

5 A. Yes. And not based just on this letter,  
6 based on the entire period I served as an overseer or as  
7 an elder.

8 Q. All right. Looking, then, at Plaintiff's 18  
9 in your binder, and Defendant 106. Is that in evidence?  
10 And if not, may it be received?

11 MR. SCHNACK: What is the number?

12 MR. SIMONS: 18/106.

13 THE COURT: That's a December 20, 2009  
14 letter.

15 MR. SCHNACK: No objection, your Honor.

16 THE COURT: All right. Plaintiff's 18 --  
17 letters in reference to Plaintiff's 18, Defendant's 106  
18 is in.

19 (Whereupon, Plaintiff's Exhibit Number 18  
20 and Defendant's Exhibit Number 106  
21 was admitted into evidence)

22 BY MR. SIMONS:

23 Q. And this is the letter you wrote in 2009  
24 after meeting with Candace?

25 A. Correct.

1 Q. And it was not just yourself, it was also  
2 with Elder Larry Lamerdin?

3 A. Correct.

4 Q. And let's go to page 2.

5 And that's your signature at the bottom.  
6 Correct?

7 A. Yes, sir.

8 Q. You met with Neal Conti after meeting with  
9 Candace. Correct?

10 A. Correct.

11 Q. Could we blow this paragraph up, please?  
12 Did he offer you any help or insight?

13 A. Based on that paragraph, he didn't give us  
14 much insight.

15 Q. Did he give you help for his daughter?

16 A. We encouraged him to reach out to his  
17 daughter. He said he would, and we later heard he made  
18 attempts to talk with her.

19 Q. He said he would try?

20 A. Yes. That's all he could do is try.

21 Q. And as far as you know, he did?

22 A. Yes.

23 Q. And that's based on what he told you?

24 A. His conversation, yes, later on.

25 Not expressed in this letter, but weeks

1 later.

2 Q. But he did tell you the family was very  
3 troubled back then, and that Candace was asked to  
4 shoulder too big a load for a young girl?

5 A. Yes. We knew that.

6 Q. And let's go back to the first page. And you  
7 did learn that the Conti family and Jonathan Kendrick  
8 were close friends and spent time together?

9 A. Yes.

10 Q. And Kathy was having alcohol and emotional  
11 problems?

12 A. Yes.

13 Q. And they relied on Jonathan Kendrick more  
14 than they should have?

15 A. That's what it says in the letter.

16 Q. And that's your letter?

17 A. Yes.

18 MR. SIMONS: Thank you. Nothing further,  
19 your Honor.

20 THE COURT: Mr. McCabe?

21

22 CROSS-EXAMINATION

23 BY MR. McCABE:

24 Q. Will you look at the second page of  
25 Plaintiff's 18 and Defendant's 106.

1 A. Okay.

2 Q. Mr. Clarke, during this meeting with Neal  
3 Conti, did you ask him if he suspected that his  
4 daughter, Candace, had been abused by Jonathan Kendrick?

5 A. Yes, we did.

6 Q. And what was his response?

7 A. He said he never suspected that.

8 MR. McCABE: No further questions.

9 THE COURT: Mr. Schnack.

10 CROSS-EXAMINATION

11 BY MR. SCHNACK:

12 Q. Mr. Clarke, Mr. Simons asked you about  
13 removal. When a ministerial servant is removed, you  
14 said that is rare occurrence. Correct? That was about  
15 three or four times in twenty years?

16 A. Correct.

17 Q. And when that is announced to the  
18 congregation, does the congregation --

19 In your experience, how does the congregation  
20 interpret that?

21 MR. SIMONS: Objection. Calls for  
22 speculation.

23 THE COURT: Sustained.

24 BY MR. SCHNACK:

25 Q. With respect to removal again, it is a

1 serious thing, in your experience?

2 A. Very serious, yes.

3 Q. And with respect to the instructions again.  
4 We are back to the Exhibit 1 that is in front of you.  
5 It is the July 1, 1989 letter. What is the basis for  
6 those instructions?

7 A. It is scriptural. Based on the Bible.

8 MR. McCABE: No further questions, your  
9 Honor.

10 MR. SIMONS: Nothing further.

11 THE COURT: Mr. Clarke. Thank you for your  
12 time. You are now excused.

13 MR. SIMONS: We call Evelyn Kendrick, who I  
14 believe is out by the elevators.

15

16 EVELYN KENDRICK

17 WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK

18 AND TESTIFIED AS FOLLOWS:

19

20 THE CLERK: Would you please state your name  
21 and spell your first and last name for the record?

22 THE WITNESS: Evelyn Ruth Kendrick.

23 E-V-E-L-Y-N, Kendrick, K-E-N-D-R-I-C-K.

24 DIRECT EXAMINATION

25

1 BY MR. SIMONS:

2 Q. Ms. Kendrick, tell us what your occupation  
3 is.

4 A. I work for a hospital. I have been there 23  
5 years. And I work in the foundation department, and we  
6 do fundraising for the hospital.

7 Q. And what is the nature of your particular  
8 job?

9 A. I'm executive assistant in the foundation  
10 department.

11 Q. And where do you live?

12 A. I live in Mountain House, California.

13 Q. And who do you reside with?

14 A. My daughter, Andrea, and her family.

15 Q. You said Andrea.

16 Do people who know her call her Andraya  
17 (phonetic)?

18 A. Andrea.

19 Q. Andrea. Not Andraya (phonetic)?

20 A. Right.

21 Q. A person who would call her Andraya  
22 (phonetic) would not be acquainted with her particularly  
23 well?

24 A. Probably so.

25 Q. Now, were you married to Jonathan Kendrick?

1 A. Yes.

2 Q. And when did you first meet Mr. Kendrick?

3 A. I believe we met in either '86 or '87 because  
4 we -- by the time, when we new each other to the time we  
5 got married, we had known each other between a year and  
6 year-and-a-half. So between '86 and '87.

7 Q. How old was Andrea at that time?

8 A. At the time I met him, she was seven and a  
9 half, eight.

10 Q. And where did you and Mr. Kendrick live?

11 A. We both lived in Fremont.

12 Q. And did you move in together at some point?

13 A. Right before the marriage.

14 Q. When were you married?

15 A. May 21st, 1988.

16 Q. Was there a time that you and Mr. Kendrick  
17 became involved in Jehovah's Witnesses?

18 A. Yes.

19 Q. When was that?

20 A. Maybe six months before we got married.

21 Q. What were the circumstances that caused you  
22 to become involved with Jehovah's Witnesses?

23 A. Well, I had been brought up a Protestant my  
24 whole life and my dad was a minister. But when I moved  
25 out at 18, I stopped going to church, and so all those

1 years up to the time I married Jonathan, I really wasn't  
2 involved in any church, going or anything. So at that  
3 point, when he brought Jehovah's Witnesses up to me, I  
4 told him I would go to see how I felt about the  
5 religion, and so I decided to go with him.

6 Q. Whose idea was it, initially?

7 A. His. His grandmother was a Jehovah's  
8 Witnesses, and so he wanted to try it out.

9 Q. And did you then become involved in the North  
10 Congregation in Fremont?

11 A. Yes.

12 Q. So did Jonathan Kendrick?

13 A. Yes.

14 Q. What was the level of his involvement?

15 A. He was baptized first before I was, and he  
16 became a ministerial servant. I think. I remember that  
17 is what it is called.

18 Q. Was part of your social life also involving  
19 the Jehovah's Witnesses North Congregation community?

20 A. Yes.

21 Q. In what way?

22 A. We went out in door-to-door service, and we  
23 socialized by going out to dinners with different people  
24 and having people over to our house for dinner, that  
25 sort of thing.

1 Q. Were you acquainted in a social basis with  
2 some of the elders?

3 A. Yes.

4 Q. In what way?

5 A. Same thing, dinners and door-to-door service,  
6 that sort of thing.

7 Q. How much a part of your life during this time  
8 was the Jehovah's Witnesses congregation and community?

9 A. How much were we involved?

10 Q. Yeah, how much a part of your life was it?

11 A. A big part.

12 Q. And describe what you mean by that?

13 A. Well, we only socialized with people of that  
14 congregation. We were kind of -- well, not told  
15 outright, but that we should only associate with people  
16 of that religion and not of any other religion because  
17 they could be a bad influence.

18 Q. Now, with regard to Mr. Kendrick at the time  
19 that you were first married to him, did he manifest an  
20 interest in some fashion in what I will call a little  
21 girl type of sexuality?

22 A. With me, he did.

23 Q. And in what way?

24 A. Well, for instance, the day we were married,  
25 on our honeymoon the next day, I put on a little summer

1 outfit, a little short skirt. And he would tell me  
2 things like "Come and sit on my lap, little girl."

3 And at the time I was, like, 110 pounds. And  
4 he would always tell me I was too fat for my height --  
5 110 was too fat for me, and I should be weighing about  
6 80 pounds.

7 And I thought, 80 pounds? That's a child.  
8 But he always called me a little girl and always wanted  
9 me to sit on his lap. I just thought he was being  
10 affectionate.

11 Q. Did there come a time when you learned that  
12 he had sexually abused your daughter?

13 A. Yes, I did. She told me when it happened.

14 Q. And was there, after that time, a meeting  
15 that was held with some of the elders?

16 A. Yes, I called them because I felt they could  
17 help us out and they would protect us -- they would  
18 protect me and my daughter somehow. So, yes, I did.

19 Q. Why did you call the elders and not the  
20 police?

21 A. We were kind of a close knit group. So I  
22 figured they were the ones to tell, and they were the  
23 ones to help us, and somehow help Jonathan with whatever  
24 he was going through.

25 Q. Do you remember specifically which elder you

1 called?

2 A. I believe I called Gary Abrahamson.

3 Q. And then there was a meeting at your house?

4 A. Yes.

5 Q. And Elders Abrahamson and Clarke were there?

6 A. Yes, they were both there.

7 Q. Yourself?

8 A. Yes.

9 Q. And Jonathan?

10 A. And Jonathan.

11 Q. And Andrea?

12 A. I don't remember Andrea being there. She may  
13 have come in toward the end of the meeting, but I don't  
14 recall her sitting there during the whole meeting. I  
15 don't recall her being there the whole time.

16 Q. At some point, Andrea came in and told the  
17 elders what had happened; is that correct?

18 A. I believe so.

19 Q. And do you have a recollection of what she  
20 told the elders in that meeting at your house?

21 A. I would say she told them exactly what had  
22 happened, exactly what she told me, that he had  
23 inappropriately touched her in a few places while she  
24 was sleeping.

25 Q. Did she say where those places were?

1           A.       Yes.  She said one was underneath her blouse,  
2 underneath her bra, and then he tried to get underneath  
3 her underwear.

4                   And at the time she told me -- I didn't  
5 realize -- he had given her drugs to make her sleepy.  
6 He had given her Vicodin and he was the only one who had  
7 Vicodin in the house.  So he gave her two Vicodins.  And  
8 I was real upset about that, him giving her drugs like  
9 that.  And now I assume that he was doing that so she  
10 could be sleepy and she wouldn't realize what he was  
11 doing.

12           Q.       Did you tell -- I'm sorry.

13                   Did Andrea tell the elders about the Vicodin?

14           A.       I believe she did.

15           Q.       And when you say you believe she did, do you  
16 have a recollection of the Vicodin being discussed in  
17 that meeting?

18           A.       Yes, I do.  I believe she said that "He gave  
19 me two Vicodins to take because I had a headache."  Yes.

20           Q.       Now, what response did you get from the  
21 elders when this report was made?

22           A.       They didn't seem to be overly concerned about  
23 it.  And they more or less said that it was my fault  
24 because I had stopped sleeping -- I had stopped sharing  
25 a bed with my husband at that time.

1 Q. Do you recall whether or not -- do you recall  
2 the exact words that they used?

3 A. I believe they said something to the effect  
4 that it was my fault that he did that to Andrea because  
5 I wasn't performing my wifely duties.

6 Q. Was there some discussion in that meeting in  
7 which you or Andrea asked the elders to keep this  
8 private?

9 A. Oh, no. No, I don't believe so.

10 Q. And at any time did it come up between  
11 yourself and the elders that you or Andrea were asking  
12 that what Jonathan did be kept private?

13 A. No.

14 Q. Was that important to you at that time?

15 A. Well, I believe that they should have done  
16 something to stop it. I mean, I thought it might have  
17 been an isolated incident, but I called them so that  
18 they could help and I -- I wanted them to do something  
19 so I wouldn't have said keep it quiet, because  
20 eventually we did call the police.

21 Q. And that was a couple months later?

22 A. Yes. I didn't do it right away because I  
23 thought I was going to fix everything. I didn't want my  
24 marriage to dissolve.

25 And like I said, I thought it was an isolated

1 incident, and I was going to try to fix things myself.  
2 And it didn't work that way.

3 Q. Did the elders ever speak to you apart from  
4 Jonathan being in the room?

5 A. I don't believe so.

6 Q. On this subject, I'm talking about?

7 A. No.

8 Q. Did they ever talk separate to Andrea?

9 A. No.

10 MR. SIMONS: Nothing further, your Honor.

11 MR. SCHNACK: I'll go first, your Honor,  
12 because of Mr. McCabe's voice.

13

14

CROSS-EXAMINATION

15 BY MR. SCHNACK:

16 Q. Mrs. Kendrick, my name is Bob Schnack. I  
17 have some questions for you. You mentioned you married  
18 Jonathan Kendrick on May 21, 1988; is that correct?

19 A. Yes.

20 Q. And your daughter, Andrea, was from a prior  
21 marriage, a prior relationship?

22 A. Yes.

23 Q. When was Andrea born?

24 A. I was first married at the age of 18, and she  
25 was born when I was 25. So I was married seven years or

1 so.

2 Q. So was she born July of '78 or July '79?

3 A. '79.

4 Q. And then did Andrea live with you and  
5 Mr. Kendrick after you married him?

6 A. Yes.

7 Q. And did Andrea live with you and Mr. Kendrick  
8 the entire time you were together?

9 A. No. No. She stayed with my mother until we  
10 actually got married, and then she moved in.

11 Q. Okay. So Andrea moved in with you in roughly  
12 May of 1988 when you married Jonathan?

13 A. Yes.

14 Q. When you married Jonathan?

15 A. Right.

16 Q. Now, your marriage to Jonathan Kendrick  
17 eventually ended in a divorce. Correct?

18 A. Yes.

19 Q. And the divorce itself was entered in 1998;  
20 is that correct?

21 A. Correct.

22 Q. But you had separated in October of 1996; is  
23 that correct?

24 A. Yes, about two years, right.

25 Q. Is the October time frame correct?

1 A. Yes.

2 Q. And indeed the divorce papers show that you  
3 were separated on October 11 of 1996; do you recall  
4 that?

5 A. That sounds about right.

6 Q. Okay. And up until -- so from the time you  
7 married Jonathan May 21, 1988 up until October 11, 1996,  
8 did you and Jonathan live together?

9 A. Yes, in separate rooms.

10 Q. In separate rooms, but you lived together in  
11 the same house?

12 A. Yes.

13 Q. And Andrea lived with you during that entire  
14 time as well?

15 A. Yes.

16 Q. And then in October -- back in October 11 of  
17 '96, you moved out of the family home; is that correct?

18 A. Yes, I did. Andrea and I did.

19 Q. And where did you move then?

20 A. We moved into a condominium in Newark.

21 Q. Okay. And that's a condominium that Jonathan  
22 helped find for you at that point?

23 A. No. I found it. But he helped me with a  
24 little bit of money.

25 Q. Okay.

1           A.       But I found it.

2           Q.       Okay.  So Jonathan stayed in the house you  
3 lived in?

4           A.       He stayed in it until they were foreclosing  
5 it, and then he had to get out.

6           Q.       And that was just what, three or four weeks  
7 later after you had moved out.  Correct?

8           A.       I don't recall, because I really wasn't  
9 keeping in contact with him anymore.

10          Q.       Were you aware that in either late October of  
11 '96 or early November of '96 that Jonathan Kendrick  
12 moved into the Francis house?

13          A.       I wasn't aware of that.

14          Q.       Okay.  But you do confirm that you separated  
15 from him in October 11 of '96?

16          A.       Yes.

17          Q.       And prior to that, you and Andrea had been  
18 living in the same house with Jonathan Kendrick?

19          A.       Yes.

20          Q.       Let's now turn to the incident of sexual  
21 abuse by Jonathan Kendrick of Andrea.  You said that  
22 your daughter had reported that to you when that  
23 happened?

24          A.       Yes.  Within five or ten minutes.

25          Q.       And that was back in July of 1993; is that

1 correct?

2 A. I believe that's about the right time frame.

3 Q. It was right around the time of her birthday.

4 Wasn't that correct? Andrea? Do you recall that?

5 A. Honestly, I don't recall the exact date.

6 Q. And you said you did not report it to the  
7 police when she told you?

8 A. Not initially.

9 Q. Okay. Why not?

10 A. I thought it was an isolated incident. I  
11 thought maybe because he had been drinking. I wanted to  
12 try to save my marriage. And so I called the elders  
13 instead thinking that they could help us out.

14 Q. Did you call the elders in July of '93 or did  
15 you wait until November?

16 A. I think I might have waited a bit.

17 Q. And, again, you were trying to deal with it  
18 within the family?

19 A. Yes.

20 Q. Is that a fair statement?

21 A. Yes. I was actually a little embarrassed to  
22 call anybody, but, yes, I thought I was going to try to  
23 fix it.

24 Q. Were you aware of any other incidents of sex  
25 abuse between Jonathan and Andrea?

1 A. No. This was a complete shock.

2 Q. And there were no incidents after?

3 A. Not that I know of. Not with her. No. Not  
4 with her. I was very watchful after that with her.

5 Q. So in November 1993, the two elders came to  
6 your house? Correct?

7 A. Yes.

8 Q. Where did you sit in the house when the  
9 elders came?

10 A. In the kitchen. Dining, kitchen.

11 Q. And you sounded somewhat ambivalent as to  
12 whether Andrea was there the entire time. Do you  
13 specifically remember that she walked in, or is it just  
14 a vague memory?

15 A. It is kind of vague, but I think I have a  
16 small recollection that she walked in toward the end,  
17 maybe the last few minutes.

18 Q. But the two elders have already testified  
19 that she was there the entire time, and they described  
20 sitting around the table as you did.

21 A. We did sit around the table. I don't recall  
22 my daughter being there the whole time.

23 Q. But you said that's a vague memory?

24 A. Yes.

25 Q. And did the elders come with their Bibles?

1 A. Yes. They always have their Bibles.

2 Q. Did they say a prayer to start the meeting?

3 A. I believe so.

4 Q. And then did they ask Jonathan Kendrick what  
5 had happened?

6 A. Yes.

7 Q. And did he confess to at least touching  
8 Andrea's breasts?

9 A. Yes.

10 Q. Did he say it was inadvertent?

11 A. He didn't.

12 Q. He didn't? You didn't hear that?

13 A. No.

14 Q. Did the elders tell you during that meeting  
15 that you could report it to the police?

16 A. I don't recall.

17 Q. But you are not sure one way or the other?

18 A. No.

19 Q. But you did, in fact, report it to the police  
20 in 1994. Correct?

21 A. Yes.

22 Q. Were you interviewed by the police?

23 A. I believe we were both.

24 Yeah. We were both.

25 Q. But you were interviewed separately from

1 Jonathan. Correct?

2 A. Yes.

3 Q. And you were interviewed separately from  
4 Andrea. Correct?

5 A. I believe it was Andrea and I both together.

6 Q. And do you have a recall of that? Because  
7 the police report says otherwise.

8 A. Maybe it was separately. I don't remember  
9 for sure. I thought it was both of us together.

10 Q. Do you recall telling the police that Andrea  
11 had taken Vicodin for her back problem?

12 A. Yes, and she didn't have a back problem.

13 Q. You don't recall telling the police that?

14 A. No. She said that her head was hurting, and  
15 her back was hurting from her headache, and that's why  
16 he said he gave her the Vicodin.

17 Q. So are you telling me you did not tell the  
18 police that Andrea had taken Vicodin for her back  
19 problem?

20 A. No. I don't recall saying that.

21 MR. SCHNACK: Okay. Let's go ahead and --

22 Your Honor, it is Plaintiff's 5 and  
23 Defendant's 94. It is the Fremont Police report. I  
24 think we discussed that with counsel.

25 MR. SIMONS: I think it is for identification

1 only, though. Here is the document.

2 MR. McCABE: Are you objecting?

3 MR. SIMONS: Yes, to the document. Yes. Not  
4 to the substance.

5 THE COURT: Certainly, at this juncture, I  
6 will allow reference to it for identification purposes  
7 only.

8 In a moment I will get the entire report.

9 MR. SCHNACK: I would like to use it, your  
10 Honor, to refresh the witness' recollection, if I may.

11 THE COURT: Okay. You may start with that.  
12 He is going to present it to you, ma'am, for a moment,  
13 to see if you can take a look at it to see if it  
14 refreshes your recollection first. But also, it is for  
15 identification purposes only. But first to refresh and  
16 then we can go from there.

17 MR. SCHNACK: May I approach, your Honor?

18 THE COURT: You may.

19 BY MR. SCHNACK:

20 Q. Ms. Kendrick, I'm going to stand alongside  
21 you here.

22 Have you seen this police report before?

23 A. That was many years ago.

24 Q. Did you read through it, at the time when you  
25 saw it?

1           A.     Yes, I certainly did.

2           Q.     Now, here on this page, it shows that, it  
3 says that CPS case worker Nicole Radford, and the police  
4 officer, Mr. Davila, interviewed the victim and  
5 interviewed her at the hospital. Do you see that?

6                   Do you recall that Andrea was interviewed at  
7 the hospital by the police and the CPS person?

8           A.     Yes, I do.

9           Q.     Okay. And it says here, the victim told us  
10 her stepfather and mother found out that she was  
11 sexually active with her boyfriend. She took one  
12 Vicodin for her back problem --

13                   MR. SIMONS: Your Honor, if it is going to  
14 refresh the witness' recollection, she should read it to  
15 herself and --

16                   THE COURT: I agree. Why don't you show it  
17 to her, counsel, and let her read it to see if it  
18 refreshes her recollection?

19                   MR. SCHNACK: I would ask you to read the  
20 highlighted sections.

21                   THE WITNESS: Out loud?

22                   MR. SCHNACK: No. To yourself.

23                   THE WITNESS: Just that portion (indication).

24 BY MR. SCHNACK:

25           Q.     You can stop there.

1           So does that refresh your recollection as to  
2 whether Andrea took the Vicodin herself?

3           A.     She didn't take it herself. He gave it to  
4 her, and he gave her two.

5           Q.     Okay. Do you recall telling the police that,  
6 indeed, she had taken the Vicodin herself?

7           A.     I don't recall that part.

8           Q.     Okay. Why don't you read this page. This is  
9 where they --

10          A.     (Witness complies).

11          Q.     So doesn't that refresh your recollection  
12 that you had told the police that when Jonathan went  
13 into the bedroom Andrea was in bed because she had taken  
14 Vicodin earlier for her back pain?

15          A.     It must be true because it is written in  
16 there.

17          Q.     That is what you told the police then?

18          A.     I must have.

19          Q.     And was it true when you told the police  
20 that?

21          A.     Yes. After Andrea had told me that he had  
22 given her the Vicodin, and she took it.

23          Q.     But you told the police she had taken it?

24          A.     I must have. It is in there.

25          Q.     And you told the police that she had taken it

1 for her back pain. Correct?

2 A. Correct.

3 Q. And wouldn't your memory have been better  
4 back in February of 1994 than it was some 18 years  
5 later?

6 A. Maybe.

7 Q. So the incident was fresh in your mind back  
8 then. Right?

9 A. Yes. You try to forget all those things, you  
10 know, during the years.

11 Q. Do you recall that Mr. Kendrick was charged  
12 with a misdemeanor as a result of that conduct?

13 A. Yes.

14 Q. Was he convicted?

15 A. Yes.

16 Q. Did you ever tell the elders that you had  
17 gone to the police?

18 A. I don't recall.

19 Q. Do you know if the police ever talked to the  
20 elders about their investigation of Mr. Kendrick in that  
21 1993 incident?

22 A. Not to my knowledge.

23 Q. Do you know if the district attorney ever  
24 talked to the elders about that 1993 incident and the  
25 investigation?

1           A.       I don't know.

2           Q.       You don't know if the elders knew whether  
3 Mr. Kendrick had been convicted related to that --

4           A.       I'm sure they knew, but I don't remember when  
5 they talked to them.

6           Q.       How did you know that they knew?

7           A.       I think I just assumed.

8           Q.       But you don't know one way or the other.  
9 Correct?

10          A.       No.

11                   THE COURT: Well, a little bit of the old  
12 business of the old double negative. So when you never  
13 or you don't know, and the answer is no, then the effect  
14 of a double negative. And it has happened several  
15 occasions during the course of this trial. So let's not  
16 get into the double negative. Why don't you rephrase  
17 it.

18                   MR. SCHNACK: I appreciate it, your Honor.  
19 It is a bad question.

20                   THE COURT: I'm not being judgmental. I just  
21 wanted to make sure that the jury understands as a  
22 matter of the use of the language, when you say "don't"  
23 and "no" or "never" and "no," the effect of that answer  
24 is when you use double negatives. It is like physics,  
25 you now have a positive.

1           So back to you for a moment counsel.

2           MR. SCHNACK: I appreciate it, your Honor.

3 BY MR. SCHNACK:

4           Q.     You have no knowledge that the elders were  
5 informed of Mr. Kendrick's conviction for the July 1993  
6 incident?

7           A.     No.

8           Q.     And to go back, you lived with Mr. Kendrick  
9 from the time you married him, May 21st of 1988 until  
10 you moved out on October 11, 1996. Correct?

11          A.     Yes.

12          Q.     And Andrea lived with you and him during that  
13 same time period?

14          A.     Right.

15                 MR. SCHNACK: Thank you. Nothing further.

16                 MR. SIMONS: I have a couple of redirect  
17 questions.

18

19                         REDIRECT EXAMINATION

20 BY MR. SIMONS:

21           Q.     So by the time you called the elders some  
22 months later, it is because you realized you can't deal  
23 with this in a family situation anymore.

24                         Is that fair?

25           A.     Right.

1 Q. Counsel asked you about the house. Were  
2 there times that Mr. Kendrick would have the house all  
3 to himself?

4 A. Yes. Many times. Andrea and I would take  
5 off for the weekend because it was unbearable there at  
6 times. He would fight with us and physically hurt us  
7 and so forth. And she wasn't comfortable with him  
8 there. And so yes -- and he would often pick fights and  
9 then we would leave for the weekend, and so he was there  
10 alone quite a bit.

11 Q. And when you say he would pick fights,  
12 Mr. Kendrick would initiate some kind of a fight that  
13 would drive you and Andrea out of the house?

14 A. Yes. He knew which button to push to get me  
15 upset, and we would start arguing, and then I would say,  
16 "Okay. I have got to get out of here." And then we  
17 would leave.

18 Q. So he would have the house all to himself for  
19 days at a time on frequent occasions?

20 A. Yes.

21 Q. On the question of the Vicodin, when you say  
22 she took it herself, does that mean that Andrea had her  
23 own prescription for Vicodin?

24 A. No. He gave it to her, and she took it. And  
25 he didn't put it in her mouth, he put it in her hand,

1 and she took it.

2 Q. So when you say she took it, you are not  
3 referring to the fact that it was her Vicodin.

4 A. No. No, I am not. It was his. He often had  
5 Vicodin in the medicine cabinet.

6 Q. Do you know whether or not at the time the  
7 criminal conviction we mentioned was held, whether or  
8 not Mr. Kendrick was still a very active member within  
9 the congregation?

10 A. He was. I was surprised that -- you know,  
11 what they do is when someone does wrong, they  
12 disfellowship them, and they move away.

13 MR. SIMONS: Hold on. I'm sorry to interrupt  
14 you.

15 THE COURT: Let's strike any reference to  
16 "disfellowship" and move on.

17 MR. SIMONS: And I have no further questions  
18 on redirect.

19 CROSS-EXAMINATION

20 BY MR. SCHNACK:

21 Q. Ms. Kendrick, you said you worked at the same  
22 job for 23 years?

23 A. Yes.

24 Q. Is that a 40-hour a week job?

25 A. Yes.

1 Q. What was your work schedule in the '94 to '96  
2 time frame?

3 A. It has always been 8:00 to 4:30.

4 Q. Monday through Friday?

5 A. Yes.

6 Q. And you said that you and Andrea would take  
7 off on weekends?

8 A. Uh-huh.

9 Q. And let me back up on that. You had marital  
10 problems prior to July of 1993 with Mr. Kendrick, did  
11 you not?

12 A. Yes.

13 Q. And you called the elders occasionally  
14 because you and he would get into yelling circumstances,  
15 shall we say?

16 A. A little more than yelling. He was violent.

17 Q. And reports are that you are not a shrinking  
18 violet either, that you would yell back at him?

19 A. I would yell, but I never struck him ever.

20 Q. Okay.

21 A. Ever.

22 Q. Fair enough. And when did the marital  
23 problems begin? In the early '90s, late '80s?

24 A. Actually, right after we got married, he  
25 started telling me I was too fat for him. At the time I

1 was very small and thin. And he constantly nagged me  
2 about my weight, about my weight. And that started  
3 pushing me away, and I started distancing myself from  
4 him.

5           And after you are told over and over that you  
6 are not good enough or you are too fat, I started  
7 gaining weight and I started moving away from him. I  
8 didn't want to be around him because I didn't want him  
9 looking at me anymore in a sexual way because he said I  
10 didn't please him.

11         Q.       When did you start taking off for weekends  
12 that you described?

13         A.       It was after the incident.

14         Q.       After this July '93 incident?

15         A.       Yes.

16         Q.       Where did you go with Andrea?

17         A.       A couple times we went to Mendocino. A  
18 couple times we went to Monterey.

19         Q.       When did you leave?

20         A.       We would leave either on a Friday evening or  
21 early Saturday morning, and we returned Sunday evening,  
22 because I had to go to work.

23         Q.       And how many times did you do that, say,  
24 during 1994, those types of trips?

25         A.       Maybe three or four.

1 Q. Three or four during the entire year?

2 A. Uh-huh.

3 Q. Is that yes?

4 A. Yes.

5 Q. But all the other weekends, then, you would  
6 have been at home or in the area?

7 A. We would have been in the area, but we  
8 probably would go out and do things. But, yes, we would  
9 come back home the same day. We tried to get out of the  
10 house as much as possible.

11 Q. Okay. But, again, by getting out of the  
12 house on those types of things, you would be out for a  
13 few hours and then come back?

14 A. Yes. Correct.

15 Q. So during '94, you did three or four of those  
16 trips where you were gone the entire weekend?

17 How about '95? What is your best memory as  
18 to how many of those trips you took where you were away  
19 for the entire weekend?

20 A. We probably did that in '95, well, maybe two  
21 or three times.

22 Q. Two or three times in '95 when you were gone  
23 for the entire weekend?

24 A. I believe so.

25 Q. And how about 1996 up until you separated in

1 October?

2 A. Maybe once or twice.

3 Q. Once or twice. Okay. So in '94, '95 and '96  
4 until you separated, my math has it, you know, six to  
5 perhaps eight times that you spent weekends away from  
6 the house?

7 A. Yes.

8 Q. Is that accurate?

9 A. Yes.

10 Q. But otherwise, during that time, you and  
11 Andrea were in the area, would be at the house on  
12 Sundays, for example?

13 A. Yes.

14 MR. SCHNACK: No other questions, your Honor.  
15

16 REDIRECT EXAMINATION

17 BY MR. SIMONS:

18 Q. Even if you were staying at the house, were  
19 there frequent occasions because Mr. Kendrick would be  
20 there or might be there, you would get out of the house  
21 for as long as possible?

22 A. Oh, of course. We were always trying to get  
23 away from him. He wasn't very pleasant to be around.

24 Q. And he had the house to himself most of the  
25 time?

1 A. Yes.

2 MR. SIMONS: Nothing further.

3

4 CROSS-EXAMINATION

5 BY MR. SCHNACK:

6 Q. Ms. Kendrick, are you changing your story  
7 then? You just said you would be out of the house on  
8 Sundays for a couple of hours and then come back.

9 A. That's what I said.

10 MR. SCHNACK: Okay. Nothing further.

11 MR. SIMONS: May this witness be excused?

12 THE COURT: Mr. Kendrick, thank you for your  
13 time. You are now excused.

14 MR. SIMONS: May she remain in the courtroom?

15 THE COURT: She may.

16 MR. SIMONS: There has been a change in  
17 witnesses.

18 (Sidebar discussion)

19

20 CLAUDIA FRANCIS

21 WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK

22 AND TESTIFIED AS FOLLOWS:

23 THE CLERK: Would you please state your name  
24 and spell your first and last name for the record?

25 THE WITNESS: Claudia Francis.

1 C-L-A-U-D-I-A, F-R-A-N-C-I S.

2

3 DIRECT EXAMINATION

4 BY MR. SIMONS:

5 Q. Ms. Francis, in what city do you currently  
6 live?

7 A. Fremont.

8 Q. Are you involved in a Jehovah's Witnesses  
9 organization?

10 A. Yes, I am.

11 Q. Which one?

12 A. I am in the Mountain View French  
13 Congregation.

14 Q. Before that, were you a member of the North  
15 Fremont congregation?

16 A. Yes.

17 Q. And was your husband an elder in that  
18 congregation?

19 A. Yes.

20 Q. What years were you involved in North  
21 Fremont?

22 A. We were there from 1989 until about 2006.

23 Q. And while in the time period of '89 to '06,  
24 was your husband an elder there for the entire period?

25 A. No.

1 Q. When did he cease his duties as an elder?

2 A. I don't remember the exact time. I know that  
3 he was an elder for about five years or more. I would  
4 say in the year 1998 is when he stepped down, no longer  
5 being an elder.

6 Q. And from your deposition, we know that there  
7 are some health issues with him?

8 A. Yes.

9 Q. Did you, in the time that you were in the  
10 North Fremont Congregation, become acquainted with  
11 Jonathan Kendrick?

12 A. Yes.

13 Q. And how did you meet Mr. Kendrick?

14 A. I met Mr. Kendrick because he was my  
15 husband's very good friend.

16 Q. Where did your husband and Mr. Kendrick first  
17 meet?

18 A. They met at the Kingdom Hall in North  
19 Fremont.

20 Q. Do you recall, when you came to the  
21 congregation, whether Mr. Kendrick was already a member?

22 A. He was not.

23 Q. So do you have an estimate as to the time  
24 frame after you joined the North Fremont Congregation  
25 that Mr. Kendrick became a member?

1           A.       He would have been baptized and been a  
2 member, so to speak, in 1991.

3           Q.       And what was it about Mr. Kendrick and your  
4 husband that sort of led to their becoming good friends?

5           A.       They were both interested in sports a lot.  
6 And they were just -- they just got along. My husband  
7 is very chatty and so was Jonathan.

8           Q.       You used the word "chatty."

9                    Can you tell us a little bit more of what you  
10 observed at that time of Mr. Kendrick's personality?

11          A.       He was kind of a bigger than life  
12 personality. He could be outrageous. He was  
13 opinionated, rough around the edges.

14          Q.       Would you say he was an extrovert?

15          A.       Extrovert, yes.

16          Q.       And colorful?

17          A.       Very colorful, yes.

18          Q.       Would you describe him as quiet?

19          A.       No.

20          Q.       We have heard a description of him as a quiet  
21 person. Does that in any way reflect Jonathan Kendrick?

22          A.       Not the Jonathan I knew, no.

23          Q.       Did he become a regular visitor at your home?

24          A.       Yes.

25          Q.       When we say regular visitor, how frequently

1 would he have been there?

2 A. Well, over the years he frequented the house  
3 more and more because he and my husband were very good  
4 friends. And he became very fond of my sons, and they  
5 spent time together.

6 So initially, when they first got to know  
7 each other, maybe once every few Mondays or so. And  
8 then after the years wore on, he would be over sometimes  
9 five days a week.

10 Q. Did you learn that the marriage between  
11 Mr. Kendrick and Evelyn was not working well?

12 A. Yes.

13 Q. And was there a sort of a -- what I will call  
14 a symmetry between the frequency that he was at your  
15 house and the decline in his own home life?

16 A. I can't really relate those two instances  
17 together specifically.

18 Q. But you knew, certainly by 1993 or '94 that  
19 his marriage was no longer working?

20 A. It was in decline, yes.

21 Q. And you saw that he was at your house more  
22 and more?

23 A. Yes.

24 Q. Were you ever friends with Evelyn Kendrick?

25 A. No. We were acquainted, but never friends,

1 really, in the definition of friendship.

2 Q. Were there times that Mr. Kendrick displayed  
3 anger to you, or in your presence?

4 A. Not to me. He could get angry and forceful  
5 about his feelings on subjects and on matters, but there  
6 was no physical violence ever displayed in any of our  
7 presence.

8 Q. Did you feel from your own observations of  
9 him that he had an anger problem?

10 A. I believe so, yes.

11 Q. You mentioned that Mr. Kendrick was removed  
12 as a ministerial servant. Did you know why at the time?

13 A. No.

14 Q. Did you have any idea that it was because he  
15 had sexually abused a child?

16 A. No.

17 Q. Did you understand at that time or within the  
18 years that you knew him that he was a risk to sexually  
19 abuse a child?

20 A. No.

21 Q. Did he display to you in his conversation,  
22 what I will call an excessive interest in sexual issues?

23 A. Yes.

24 Q. How did that manifest itself?

25 A. He would talk about his past before becoming

1 a Jehovah's Witness, which we are required to live a  
2 moral life. And he would talk about his past and his  
3 sexual activity, which was a lot.

4 Q. Did he brag about it?

5 A. Yes. It seemed to me that he was bragging.

6 Q. And was this not just in your presence, but  
7 in the presence of your husband?

8 A. I don't recall specific instances. I don't  
9 recall. Specifically, I could not relate one or two  
10 instances, really.

11 Q. Did you understand that your husband was  
12 aware of this sexual interest on his part?

13 A. I believe, yes.

14 Q. And why was that?

15 A. Because Jonathan was opinionated and he was  
16 out there. He did not hold back from giving his opinion  
17 on anything or going into his past.

18 But from my husband's perspective, their  
19 relationship was not based on his interest in sex, it  
20 was all sports. Guy stuff.

21 Q. You mentioned he expressed things in sexual  
22 interest and history. Did he talk about what I will  
23 call unusual sexual relationships he had had?

24 A. I will only answer that by saying the  
25 frequency and the fact that he, quote, did a woman his

1 mother's age and he, quote, did a paraplegic.

2 Q. Did you know the Conti family?

3 A. Yes.

4 Q. When do you recall meeting them?

5 A. I would have met them shortly after we came  
6 to Fremont North, which would be 1989, '90.

7 Q. Do you remember Candace?

8 A. Yes.

9 Q. And she would have been, maybe, five or six  
10 when you first became acquainted with her?

11 A. Yes.

12 Q. What do you remember about her?

13 A. She was an adorable little red-headed girl  
14 with freckles, kind of quiet. Well behaved.

15 Q. Do you remember her giving you a hug  
16 regularly?

17 A. Yes, yes.

18 Q. Whenever you would see her?

19 A. Well, yes. Mainly I would see her with her  
20 father at the Kingdom Hall. And we would visit with  
21 each other before and after. It is not like the  
22 traditional church service. So children sit with their  
23 parents. So, yes, after a meeting, we would often visit  
24 and she would routinely come up to me and give me a hug.

25 Q. She was an affectionate child?

1 A. Yes.

2 Q. And did she seem to be seeking affection from  
3 others as well?

4 A. I don't recall that.

5 Q. Did you ever see her father hug her?

6 A. No. Not necessarily. If there was physical  
7 contact, he would have had his arm around her shoulder,  
8 in a general sense.

9 Q. But never a hug?

10 A. I don't recall that, no.

11 Q. You became acquainted with Mrs. Conti as  
12 well?

13 A. Yes.

14 Q. And in what way did you first meet her?

15 A. I met her in the context of the Kingdom Hall  
16 setting.

17 Q. And what did you observe about her?

18 A. Nothing outstanding. But as the years wore  
19 on, her behavior, I had the opinion of, that she was  
20 mentally unbalanced.

21 Q. And what was it that led you to seeing this  
22 change in her in forming the opinion you have just given  
23 us?

24 A. I can't remember the specific occasion and  
25 what it was. But she was into childcare. And initially

1 I began that. And an incident happened that had to do  
2 with childcare that -- where we crossed paths in that  
3 regard. And I remember feeling, "She is unbalanced  
4 here. Something is not right. I'm not getting into  
5 childcare."

6 But honestly, specifically, I don't remember  
7 in detail what that incident was.

8 Q. But after that first incident that started  
9 your thinking this way, did you see on other occasions  
10 things that made you think she was flakey?

11 A. No. Not really. I know that she did not  
12 attend the Kingdom Hall regularly at all.

13 Q. Was there a point where she stopped coming at  
14 all?

15 A. I would say yes.

16 Q. In your deposition, you called Ms. Conti a  
17 flake.

18 Do you remember that?

19 A. Yes.

20 Q. That was based on more than just the one  
21 occasion?

22 A. It would have been, yes.

23 Q. And did you feel that this was something that  
24 was pretty obvious to you --

25 Let me backtrack a second.

1                   You are not a trained mental health care  
2 professional?

3           A.       No, I am not.

4           Q.       The things you saw were obvious to a person  
5 who would interact with Mrs. Conti?

6           A.       I did not see her regularly, but people do  
7 form perceptions when they are with others, and the way  
8 they relate to each other and so forth.

9           Q.       Were there times that you observed Jonathan  
10 Kendrick and Candace Conti together outside of the  
11 Kingdom Hall setting?

12          A.       Only once.

13          Q.       What do you remember?

14          A.       That he bought her a pair of roller blades  
15 and he was rollerblading with her in the neighborhood  
16 and they came over to our house and they were together.

17          Q.       And Candace was about nine?

18          A.       Nine or ten.

19          Q.       And Mr. Kendrick, obviously, much older?

20          A.       In his forties.

21          Q.       Did you think that was odd?

22          A.       Yes, I did.

23          Q.       And did you share the observation that you  
24 had with your husband?

25          A.       No, I don't believe I did.

1 Q. What did you think was odd about it?

2 A. Well, I thought it was odd that a guy in his  
3 forties with no children would be buying a pair of  
4 roller blades for, you know, a young girl and  
5 rollerblading with her. If he would have bought the  
6 roller blades as a gift, that's one thing. But  
7 rollerblading with her, I felt was odd.

8 Q. Did Jonathan Kendrick make comments about his  
9 feelings towards Candace?

10 A. Yes.

11 Q. What would he say?

12 A. He would say, "I love Candace."

13 Q. Did he say other things along that line?

14 A. "Candace is my favorite."

15 Q. Anything else that you can remember?

16 A. No.

17 Q. Do you recall him saying things like, "She is  
18 my Number 1"?

19 A. I don't recall that expression.

20 Q. Now, Mr. Kendrick, in addition to becoming  
21 friends with your husband, was at least acquainted with  
22 your sons. Correct?

23 A. Yes.

24 Q. Did you have a son who was the same age as  
25 Candace?

1           A.       Yes.

2           Q.       And then an older boy as well?

3           A.       Yes.

4           Q.       And he is, I think, what, three years older?

5           A.       Five and a half years older.

6           Q.       And did Mr. Kendrick, to your recollection,  
7 take the boys out for a shopping spree?

8                     You said he bought roller blades for Candace.  
9 Did he do something for them?

10          A.       Yes, he did.

11          Q.       And how did you learn about that?

12          A.       Well, he bought my son, my older boy a very  
13 expensive guitar and located a guitar teacher and paid  
14 for his lessons, would come over and pick up my son  
15 Justin, take him to his lessons every single week, and  
16 maybe they would hang out afterwards, and so he was  
17 instrumental in that.

18                     He bought my younger son a drum set and told  
19 my younger son in the middle of fifth grade, if you  
20 bring your grades up and you can prove yourself, there  
21 will be a nice gift for you.

22                     And so he did at the end of the year, he  
23 brought his grades up, and he surprised him with a drum  
24 set.

25          Q.       Did he also take your sons on a shopping trip

1 and buy them a skill saw?

2 A. Yes.

3 Q. And to your knowledge, did someone else go  
4 along on that shopping trip?

5 A. Yes.

6 Q. Who was that?

7 A. I originally thought, in remembering the  
8 certain child, that it was Candace. But it is the same  
9 possibility that I made a mistake and it was another  
10 young girl, that she would have known in our  
11 congregation.

12 Q. Was it Brianna Decker?

13 A. Brianna Becker, yes.

14 Q. And she was also about ten years old at that  
15 time?

16 A. She was more like 13. Twelve or 13.

17 Q. And did you see the receipt --

18 A. Yes.

19 Q. -- from the purchase that he made for her?

20 A. Yes.

21 Q. What did he buy for her?

22 A. He bought her a black bra.

23 Q. And when you saw the receipt, did you ask Mr.  
24 Kendrick about it.

25 A. Yes.

1 Q. And what did he tell you?

2 A. He said, well, every young girl needs a black  
3 bra.

4 Q. What did you think of that?

5 A. I thought it was very inappropriate.

6 Q. Did you think it was weird?

7 A. Yeah. Inappropriate.

8 Q. And at the time that the rollerblading with  
9 Candace and the black bra incident occurred, did you  
10 have any idea that Mr. Kendrick had sexually molested  
11 his stepdaughter?

12 A. That's a difficult question for me to answer,  
13 based on timing, because Jonathan did tell me that his  
14 wife, Evelyn, accused him of molesting Andrea. I don't  
15 recall that that was prior to the rollerblading. That  
16 could have been afterwards. I don't remember the  
17 sequence of events, honestly.

18 Q. I think in your deposition, you shared with  
19 us that the comment about Andrea, the accusation of  
20 Andrea, was made when he lived briefly at your house?

21 A. Yes.

22 Q. And so that would have been after his  
23 separation from Evelyn and the time that he lost the  
24 house?

25 A. That's correct.

1 Q. Did you also see a photograph of Jonathan  
2 Kendrick with young children?

3 A. Yes.

4 Q. What did you see?

5 A. I saw him outstretched on the floor with his  
6 head like this (indicating) and his legs extended, and  
7 in his underwear, with two young children sitting on the  
8 floor in front of him in their underwear.

9 Q. Was that a much younger Jonathan Kendrick in  
10 that photograph?

11 A. Yes.

12 Q. And did you see that photograph very late in  
13 the time that you knew Mr. Kendrick? Would that have  
14 been about the time that he was moving out of the area?

15 A. That's correct.

16 Q. Is it fair to say that you never made a  
17 connection of the conduct with Brianna and the conduct  
18 with Candace and the statements and all in anything that  
19 had happened to Andrea until sometime later when you  
20 finally learned about the molestation of Andrea?

21 A. That's correct.

22 Q. And then it all fit together for you?

23 A. It didn't fit together until years later.

24 Yeah. And then in retrospect.

25 MR. McCABE: Your Honor, may I interpose an

1 objection?

2 THE COURT: You may.

3 MR. McCABE: May we approach?

4 THE COURT: All right. Why don't you re-ask  
5 the question, counsel.

6 (Sidebar Discussion)

7 THE COURT: All right. Why don't you re-ask  
8 the question.

9 BY MR. SIMONS:

10 Q. Was it some years later when all the  
11 information was available to you that you connected the  
12 dots, so to speak?

13 A. Yes.

14 MR. SIMONS: Thank you, your Honor.

15 THE COURT: All right. Let's take our break.

16 (Whereupon, the following proceedings  
17 were heard outside the presence of jurors)

18 THE COURT: All right. I just wanted to put  
19 on the record that I assured counsel as to last question  
20 and answer as to when Ms. Francis, quote, put it  
21 together i.e., connected the dots, as to Mr. Kendrick's  
22 behavior with children, that that will be subject to any  
23 limiting instruction I give the jury ultimately.

24 However, I expressed on the record, absent  
25 further evidence being produced, that we might have to

1 consider it with whatever the appropriate instruction as  
2 to -- the testimony as to the rollerblading incident and  
3 the black bra, again, depending on the evidence  
4 produced.

5 MR. SCHNACK: And could we add that  
6 photograph to it as well, your Honor?

7 THE COURT: We could. That was a little more  
8 opaque, but the answer is sure.

9 MR. SCHNACK: All right. Thank you.

10 MR. SIMONS: Your Honor, Clarke, Evelyn,  
11 Andrea, Claudia Lamerdin, Dorothy Conti, Kathleen Conti  
12 and Cliff Williams.

13 MR. SCHNACK: I can show you my list, too,  
14 that doesn't have Andrea on there. So for what that's  
15 worth.

16 THE COURT: Okay. Counsel, I'm trying to be  
17 both collegial and whatnot. I didn't rule because I  
18 didn't have a specific memory in light of the exhaustive  
19 list.

20 MR. SCHNACK: Your Honor, we can bring her  
21 in. There is no objection.

22 THE COURT: Okay. Let's take our break.

23 (Break taken)

24 THE COURT: All right. Mr. McCabe.

25

1 CROSS-EXAMINATION

2 BY MR. McCABE:

3 Q. Good morning, Ms. Francis. Could you tell us  
4 when you became a member of the Jehovah's Witnesses?

5 A. I was baptized in 1970.

6 Q. How old?

7 A. I was 18.

8 Q. In the 1980s and 1990s, were you a subscriber  
9 to the Watchtower Magazine?

10 A. Yes.

11 Q. I want to show you what has previously been  
12 admitted into evidence. It is Defendant's Number 17,  
13 Plaintiff's Number 59. I ask you if you recognize this  
14 magazine.

15 A. Yes.

16 Q. What is it?

17 A. "Child molesting, you can protect your  
18 child."

19 Q. And when you received the magazines in '80s  
20 and '90s by subscription, was it your custom and habit  
21 to read them?

22 A. Yes, on the most part.

23 Q. Do you recall reading this magazine when you  
24 received it?

25 A. I suppose I did. It was a long time ago,

1 yes.

2 Q. Okay. I want to approach you also with  
3 another exhibit. It is Plaintiff's Exhibit Number 64,  
4 Defendant's Exhibit 37, and ask you if you recognize  
5 this magazine.

6 A. Yes.

7 Q. And in the 1990s -- well, can you tell us  
8 what this magazine is?

9 A. Awake. "Protect your children."

10 Q. And the date of that magazine?

11 A. October 8, 1993.

12 Q. And did you also receive that magazine in the  
13 mail?

14 A. I would have, yes.

15 Q. Who was the publisher of that magazine?

16 A. Watchtower Bible and Tract Society.

17 Q. Do you recall reading that magazine?

18 A. I would have at the time. I read the  
19 journals regularly.

20 Q. Where do you live in Fremont?

21 A. I live on Capistrano Drive in a neighborhood  
22 called Cabrillo Park.

23 Q. In the 1990s, specifically '93 to '97, do you  
24 recall where the Conti family lived?

25 A. Yes.

1 Q. Where did they live?

2 A. I lived in our neighborhood on El Cajon.

3 Q. And how far from your house?

4 A. About three or four blocks.

5 Q. Do you recall how old Candace was when you  
6 first met Ms. Conti?

7 A. She would have been in kindergarten, first  
8 grade.

9 Q. And you testified that you had a fondness for  
10 her?

11 A. Yes.

12 Q. And you learned that her mother had some  
13 mental and emotional problems?

14 A. Yes.

15 Q. Did you see Candace Conti at the Kingdom Hall  
16 of the Jehovah's Witnesses in North Fremont?

17 A. Yes.

18 Q. How often?

19 A. Fairly regularly. Not every single meeting,  
20 but fairly regularly, since there were three meetings a  
21 week.

22 Regular, I would define regular attendance as  
23 every week, three meetings a week. I did not see her  
24 there that often. I would say she was there maybe three  
25 times a month.

1 Q. Did you ever see her at North Kingdom Hall  
2 without either of her parents there?

3 A. No.

4 Q. Who did she usually attend with?

5 A. Her father.

6 Q. Where would they sit?

7 A. Three or four rows from the front.

8 Q. And did they sit together?

9 A. Yes.

10 Q. Side by side?

11 A. Side by side.

12 Q. Can you describe the relationship between  
13 Candace Conti and her father, Neal, during this time  
14 period?

15 A. I would describe it as being very close. I  
16 felt that she loved her dad and he loved her very much.

17 Q. And in the mid 1990s, did your family host  
18 congregation Bible study in your home?

19 A. Yes.

20 Q. Did Jonathan Kendrick attend that study?

21 A. Yes.

22 Q. Did the Conti family?

23 A. No.

24 Q. How long did you hold that Bible study in  
25 your home?

1           A.       Five years.

2           Q.       And was Jonathan Kendrick in the study the  
3 whole time?

4           A.       Yes, I believe so.

5           Q.       At any time was the Conti family in that  
6 study?

7           A.       No.

8           Q.       Now, you mentioned that you observed  
9 Mr. Kendrick have some kind of anger problem. Did your  
10 family ever discuss the episodes of his anger?

11          A.       Yes.

12          Q.       What was the occasion?

13          A.       The occasion was -- the situation was that  
14 his teenaged stepdaughter had a boyfriend over one  
15 evening. And when John asked the boyfriend to leave,  
16 the boyfriend would not. And his wife, Evelyn,  
17 supported the daughter, that he didn't have to leave.

18                 And he got very angry. I believe he punched  
19 the young man in the face. And he took his foot and  
20 kicked over a large island in the kitchen, kind of bent  
21 forward off its foundation.

22          Q.       Did Mr. Kendrick end up in jail?

23          A.       Yes, she called the police.

24          Q.       And is that the event that your family  
25 discussed?

1 A. Yes.

2 Q. Did that cause Mr. Kendrick to miss out on an  
3 event that you had invited him to?

4 A. Yes. He was jailed a day or two before my  
5 son's baptism to be one of the Jehovah's Witnesses, and  
6 he was not there.

7 Q. And were you disappointed he wasn't there?

8 A. Yes, we were. He was a big part of our  
9 family.

10 Q. Did you mention that to your family?

11 A. Yes. We were all in the car. And I remember  
12 saying how bad I felt that Jonathan wasn't there for  
13 Justin's baptism.

14 And I made the comment, "I love Jonathan."

15 And my husband said to me, "Claudia, every  
16 one in this car loves Jonathan."

17 Q. At any time that you knew Candace Conti as a  
18 girl, did you ever feel that she was in danger?

19 A. No.

20 Q. Did you ever feel that she was threatened by  
21 sexual child abuse?

22 A. No.

23 Q. Did you ever see anyone, including Jonathan  
24 Kendrick, act inappropriately with her?

25 A. No.

1 Q. I mentioned a number of incidents. Let's  
2 talk about the roller blades. Jonathan Kendrick bought  
3 Candace Conti some roller blades.

4 And would you describe Mr. Kendrick to be  
5 generous?

6 A. Yes.

7 Q. And, in fact, he bought very expensive gifts  
8 for your sons?

9 A. Yes.

10 Q. And it wasn't just a one time event, was it?

11 A. That's correct.

12 Q. Did you think it odd that Mr. Kendrick would  
13 spend money on your sons?

14 A. Not odd. I was touched that he cared about  
15 my sons to spend that kind of money on them. They did  
16 hang out. He loved my boys.

17 Q. Did you ever observe him acting  
18 inappropriately with your sons?

19 A. No.

20 Q. Regarding this incident with the roller  
21 blades, and I think they came over to your house.  
22 Jonathan Kendrick was living at your house at that time,  
23 wasn't he?

24 A. I believe so, yes.

25 Q. And Candace was still living with her mother

1 and father nearby?

2 A. Yes.

3 Q. Did you ever tell any member of the body of  
4 elders in North Fremont that you had observed Candace  
5 Conti and Jonathan Kendrick rollerblading together?

6 A. No.

7 Q. Now, the the shopping trip that you  
8 discovered Mr. Kendrick bought a black bra for Brianna,  
9 is that Decker?

10 A. Becker, with a B.

11 Q. How old was Brianna at that time?

12 A. I would say she was 12, 13. She was  
13 developed enough to wear a bra.

14 Q. And you thought it was odd that he would  
15 purchase such an intimate garment for her?

16 A. Yes.

17 Q. But did you ever tell any of the elders in  
18 the North Fremont Congregation about this event?

19 A. I never said a word. I felt that Brianna  
20 would go home and show her mother. And her mother, if  
21 she had a problem, would contact Jonathan and say, "What  
22 are you doing?" I did not take matters into my own  
23 hands.

24 Q. Okay. But in any event, you didn't say  
25 anything?

1 A. No.

2 Q. When was this event in relationship to the  
3 rollerblading that you described?

4 A. I would say in the same -- within the same  
5 year. The context of the same year.

6 Q. And was that also at the same time that  
7 Jonathan Kendrick was temporarily residing in your  
8 family home?

9 A. That's correct, yes.

10 Q. And that's also about the same time that you  
11 knew that he had been accused of molesting his  
12 stepdaughter, Andrea?

13 A. Yes.

14 Q. But at the time, you didn't put anything  
15 together, did you?

16 A. Honestly, no.

17 Q. Okay. So you didn't have any suspicions that  
18 Jonathan Kendrick was abusing children, did you?

19 A. No. Not at all.

20 Q. And you certainly didn't report any  
21 suspicions to any of the elders?

22 A. I did not.

23 MR. McCABE: That's all I have, your Honor.

24 Thank you.

25 THE COURT: Mr. Schnack?

1                   MR. SCHNACK:  Yes, your Honor.  A couple  
2 questions.

3

4

CROSS-EXAMINATION

5 BY MR. SCHNACK:

6           Q.       Did there come a time when Jonathan Kendrick  
7 lost his home and moved into your home?

8           A.       Yes.

9           Q.       And there has been testimony that he  
10 separated from his wife in October of '96.  Do you  
11 remember when it was that he moved from his home into  
12 your home?

13          A.       It would be shortly after that.  It would  
14 probably be in early November.

15                   MR. SCHNACK:  That's all I have.  Thank you,  
16 your Honor.

17

18

REDIRECT EXAMINATION

19 BY MR. SIMONS:

20          Q.       You mentioned that Bible study would be held  
21 in your home.  Were all of the Bible studies that you  
22 went to during those four or five years at your home?

23          A.       The five years that we had, it was a one-hour  
24 Bible book study in our home, I would have attended them  
25 all.

1 Q. But would there have been other Bible studies  
2 during that same time period or other meetings, I would  
3 say, of any kind during that same time period, that you  
4 attended in other people's homes?

5 A. During that five years?

6 Q. Yes.

7 A. No.

8 Q. So all of the study groups that you  
9 participated in during that five years were held at your  
10 home?

11 A. Correct. There were other locations in the  
12 congregation, maybe four or five total, where small  
13 groups would get together for one hour and a half, you  
14 know, and have a study on the Bible and the topic. But  
15 during that five years it was in our home, I only  
16 attended in our home, yes.

17 MR. SIMONS: That's all I have. Thank you,  
18 your Honor.

19 MR. McCABE: Nothing further, your Honor.

20 THE COURT: All right. Thank you very much,  
21 Ms. Francis for your time this morning. You are now  
22 excused.

23 MR. SIMONS: We are now ready to go forward  
24 with Andrea Becerra.

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ANDREA SYLVIA

WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK  
AND TESTIFIED AS FOLLOWS:

THE CLERK: Would you please state your name  
and spell your first and last name for the record?

THE WITNESS: My name is Andrea Sylvia.  
S-Y-L-V-I-A. A-N-D-R-E-A.

DIRECT EXAMINATION

BY MR. SIMONS:

Q. Ms. Sylvia, where do you now live?

A. I live in Tracy, California, with my family.

Q. Okay. And what is your family?

A. My husband and my three children.

Q. And how old are you at present?

A. I'm 32 years old.

Q. Are you a full-time mother?

A. Yes. I'm a full-time stay-at-home mother,  
all the time.

Q. Where did you grow up?

A. I grew up in Fremont, California, with my  
mother and my stepfather.

Q. And how old were you when your stepfather  
entered your life?

A. I was 9 years old.

1 Q. And for what period of time did you live with  
2 your stepfather?

3 A. From the ages of nine to 16.

4 Q. And looking back at the time period of when  
5 Mr. Kendrick first came into your home, was it  
6 originally a good relationship you had with him?

7 A. Yes, it was. He was my only father figure.

8 Q. And how long did that last?

9 A. I would say about three years.

10 Q. And then what happened?

11 A. Well, I endured lots of physical beatings  
12 from him. There was always constantly fighting in the  
13 household, and I started to not trust him and lose my  
14 respect.

15 Q. Was there an occasion when he molested you?

16 A. Yes, it was.

17 Q. And how did that series of acts begin?

18 A. Well, that day my mother and my stepfather  
19 had just found out that I was involved with a boy. And  
20 so we had an upsetting day, and I was very upset.

21 And my father, stepfather, offered me to take  
22 two Vicodins. And I trusted him, him being the only  
23 father in my life. And I took them. And I fell asleep.

24 And I don't even know how long I was out for.  
25 But I recall being awake somewhat in my mind, but not

1 physically. And I had to tell myself to wake up. And  
2 that's when I rolled over and noticed that he was  
3 fondling me.

4 Q. And was this in your bedroom?

5 A. Yes. With my door closed.

6 Q. And it was not on the couch?

7 A. No.

8 Q. And was the TV on?

9 A. Yes.

10 Q. And do you recall how it was that  
11 Mr. Kendrick was in your bedroom with the door closed to  
12 begin with?

13 A. No, I don't. I don't know why he was in  
14 there. I had went to sleep without anybody in there.  
15 And when I woke up, he had had the football game on,  
16 sitting on the rocking chair next to my bed with his  
17 hands down my pants and down in my shirt on my breast.

18 Q. What did you do?

19 A. Well, I didn't want to -- I didn't know what  
20 to do. I just rolled over and slowly started to wake.  
21 And then I got up and pretended like I didn't notice.  
22 And I went to the bathroom and I cried and splashed my  
23 face with water. And then I got the nerve to come out.  
24 And then I went to my mother's room. And then I had  
25 told her what my stepfather had done to me.

1 Q. Now, sometime later, there was a meeting in  
2 at your home in which your mother and stepfather and two  
3 elders from the Jehovah's Witnesses were present. Were  
4 you there for all of that meeting?

5 A. No.

6 Q. When that meeting was going on, were you  
7 there at all?

8 A. I don't recall being there at all.

9 Q. Your mother and the elders said that you were  
10 there for at least part of the meeting.

11 Do you recall any of that?

12 A. No, I did not.

13 Q. Did you ever tell anyone -- including what  
14 you may have said at this meeting, did you ever tell  
15 anyone a story different in any major way from what you  
16 told us just now?

17 A. No.

18 MR. SCHNACK: Your Honor, I'm going to  
19 object. She said she wasn't at the meeting.

20 THE COURT: She did.

21 Why don't you reframe the question,  
22 Mr. Simons.

23 BY MR. SIMONS:

24 Q. You don't recall the elders' meeting. My  
25 question is: In all of the different people that you

1 have talked to about this over your lifetime, have you  
2 ever told anyone anything that in any significant way  
3 differed from what you just told us?

4 A. Never.

5 Q. Did you ever tell anyone that you were only  
6 touched outside of your clothes and only in the breast  
7 area?

8 A. No.

9 Q. Did you ever feel that you had to lie to help  
10 cover up for Mr. Kendrick?

11 A. No.

12 Q. Did you ever feel that what you had  
13 experienced with him was something that you were  
14 unwilling to tell people about?

15 A. No. I wanted it out.

16 Q. And did you start telling people what had  
17 happened to you -- don't tell me who, just please answer  
18 this yes or no -- but had you told people what had  
19 happened, other than your mother, very soon after the  
20 event?

21 A. Yes.

22 Q. Did you ever tell anyone that you wanted this  
23 kept private?

24 A. No.

25 Q. Did you want it kept private?

1           A.       No.

2           Q.       After the period of --

3                   Well, strike that. Let me rephrase that.

4                   Was there a time that this became a court  
5 matter?

6           A.       Yes.

7           Q.       And after the abuse occurred, what was your  
8 relationship like with Mr. Kendrick?

9           A.       There was no relationship with him. I feared  
10 him in every way.

11          Q.       You continued to live in the same house with  
12 him?

13          A.       Yes, I did.

14          Q.       Were you present in that house on a frequent  
15 basis with Mr. Kendrick?

16          A.       Yes, I was.

17          Q.       And what would you do to avoid him?

18          A.       I would either lock myself in my bedroom,  
19 close the door, pretend I was asleep, or I would take  
20 off with my friends and not come home until after 5:00,  
21 after which my mother would be home after 5:00.

22          Q.       Would there be times when your mother and  
23 yourself were completely absent from the house?

24          A.       Yes.

25          Q.       And was that something that happened

1 frequently?

2 A. Yes, it was.

3 Q. Why was that?

4 A. We were always being hit. And it wasn't a  
5 very good household, and fighting, and we would just  
6 leave on the spur of a moment and take a vacation three  
7 and four days at a time.

8 Q. Did you have other places besides vacations  
9 you would go to get away from the house?

10 A. I would go to my grandmother's, which she  
11 lived three blocks away.

12 Q. And how about your mother? Was she often  
13 absent from the house?

14 A. Just when we went together.

15 Q. Did your mother try to avoid Jonathan  
16 Kendrick as the time went by, the years went by  
17 following this 1993 event?

18 A. Can you repeat the question?

19 Q. Yes. As the years went by after 1993, did  
20 you observe that your mother's relationship with  
21 Mr. Kendrick became far more distant?

22 A. Oh, definitely.

23 Q. And were you aware that your mother was  
24 trying to avoid being there where Mr. Kendrick could do  
25 the things that you had mentioned?

1           A.       Yes.

2           Q.       Would it be fair to say that Mr. Kendrick  
3 often had the house to himself?

4           A.       Yes, he did.

5           Q.       Again, without giving us any names, can you  
6 estimate the number of people that you have shared this  
7 experience with in the three or four months after it  
8 first happened?

9           A.       About three.

10           MR. SCHNACK:  Nothing further.

11           THE COURT:  Mr. Schnack?

12           MR. SCHNACK:  Thank you, your Honor.

13

14                                   CROSS-EXAMINATION

15 BY MR. SCHNACK:

16           Q.       Were you aware that after this July 1993  
17 incident with Mr. Kendrick that your mother tried to  
18 work it out within your family?

19           A.       That was what she did.

20           Q.       So for several months, she tried to work it  
21 out until the elders came over?

22           A.       Not for several months.

23           Q.       How long, in your view, did she try to work  
24 it out in the family?

25           A.       Maybe about four weeks.

1 Q. So you have no memory of meeting with the  
2 elders in November of 1993 in the kitchenette or dinette  
3 of your home?

4 A. No, I don't.

5 Q. Do you recall a report being made to the  
6 police about this July 1993 incident?

7 A. Yes, I do.

8 Q. Do you recall being interviewed by the  
9 police?

10 A. Yes, I do.

11 Q. Were you interviewed by yourself, as  
12 opposed to -- were your mother or your stepfather with  
13 you when the police interviewed you?

14 A. No.

15 Q. Do you recall telling the police that you had  
16 taken two Vicodin for your back?

17 A. Yes, I did.

18 Q. You talked about your mother and you going on  
19 vacations.

20 Did your mother work full time during the  
21 time period that she was married to Jonathan Kendrick?

22 A. Yes, she did.

23 Q. And she worked Monday through Friday?

24 A. Yes.

25 Q. Roughly 8:00 to 5:00 each day?

1 A. Yes.

2 Q. You said she would take vacations with you  
3 that were three or four days long?

4 A. Yes.

5 Q. How many times did you do that?

6 A. Periodically throughout the month. A couple  
7 times during the month when it first started. And then  
8 as it went on, it decreased.

9 Q. So what do you mean when it first started?

10 A. Well, when things got really bad.

11 Q. And you are talking about July of '93?

12 A. Yes, we were gone a lot.

13 Q. So you said you were gone a couple times for  
14 three or four days during first month?

15 A. Yes.

16 Q. And then it decreased after that?

17 A. Yes.

18 Q. Are you aware your mother testified you only  
19 went away a small number of times over the three years,  
20 perhaps six, eight times when you were gone for the  
21 entire weekend?

22 A. No, I am not.

23 MR. SCHNACK: No further questions, your  
24 Honor.

25 MR. SIMONS: Nothing further.

1 THE COURT: Thank you very much for your time  
2 this morning. You are now excused.

3 MR. SIMONS: May we confer one brief second,  
4 your Honor.

5 THE COURT: Sure.

6 (Discussion off the record)

7 MR. SIMONS: Our next witness would be  
8 Kathleen Conti.

9

10

KATHLEEN CONTI

11

WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK

12

AND TESTIFIED AS FOLLOWS:

13

14

THE CLERK: Would you please state your name  
15 and spell your first and last name for the record?

16

THE WITNESS: Kathleen Conti.

17

K-A-T-H-L-E-E-N, C-O-N-T-I.

18

THE COURT: All right. Ms. Conti, please be  
19 comfortable.

20

DIRECT EXAMINATION

21

BY MR. SIMONS:

22

Q. Ms. Conti, you are the mother of Candace?

23

A. Yes.

24

Q. And when was Candace born?

25

A. 11-25-85.

1 Q. Tell us a little bit about yourself. Where  
2 do you currently live?

3 A. I live in Stockton with my daughter.

4 Q. And at the present time are you employed?

5 A. No.

6 Q. Let's go back to your growing up years.  
7 Where did you grow up?

8 A. Well, I was born in Idaho, and lived in  
9 Montana briefly. And we moved to the Los Angeles area  
10 in 1969.

11 Q. And how old were you then?

12 A. Six, I believe, when we moved to Los Angeles.

13 Q. Did you do your schooling there?

14 A. Yes.

15 Q. Did you finish high school?

16 A. No. I completed until the 11th grade.

17 Q. And then where did you go in your life? What  
18 did you do next?

19 A. I got married and moved to Oceanside.

20 Q. And the person you married, can you describe  
21 him? By occupation?

22 A. Yes, he was a sergeant in the Marine Corps.

23 Q. That's why you were in Oceanside?

24 A. Yes.

25 Q. How long did that marriage last?

1 A. Three years.

2 Q. Where did you go after that marriage  
3 dissolved?

4 A. To the Bay Area, actually.

5 Q. And did you have any children in your first  
6 marriage?

7 A. No.

8 Q. When you came up to the Bay Area, did you  
9 work?

10 A. Yes, I worked as a secretary/clerical at  
11 National Semiconductor in Santa Clara.

12 Q. And is that where you met Neal Conti?

13 A. Yes. That's correct.

14 Q. And when you met Neal Conti, was he a member  
15 of the Jehovah's Witnesses?

16 A. No.

17 Q. Were you?

18 A. No.

19 Q. Had you been at any time in your life before  
20 that?

21 A. Yeah. I was raised as a Jehovah's Witness.

22 MR. SCHNACK: Your Honor, can we approach?

23 (Sidebar discussion)

24 BY MR. SIMONS:

25 Q. And when you met Mr. Conti, did he and you

1 strike up a relationship?

2 A. Yes, we did.

3 Q. And you were married?

4 A. Yes.

5 Q. And what year was that?

6 A. 1985.

7 Q. And where was Candace born?

8 A. She was born on, like I said, 11-25-1985.

9 Q. Had Mr. Conti been married before?

10 A. Yes.

11 Q. And did he have any children?

12 A. Yes, he had a son, Richard Conti.

13 Q. How old was Richard in relation to Candace?

14 A. He was just a toddler. At the time I met  
15 him, he was almost three, maybe.

16 Q. Was he three or four years older than  
17 Candace?

18 A. Four.

19 Q. Did Richard live with you and Neal and  
20 Candace after she was born?

21 A. No. No. We had visitation with Ricky.

22 Q. So were there times that he would be at your  
23 house?

24 A. Yes.

25 Q. Now, during the time that you were in

1 Fremont, did Neal Conti and yourself and Candace become  
2 active in the North Congregation?

3 A. Yes.

4 Q. And during that time did you meet Jonathan  
5 Kendrick?

6 A. Yes, I did.

7 Q. How did you meet Jonathan Kendrick?

8 A. At a congregation book study that was held at  
9 a member's home.

10 Q. And was there a book study group at a  
11 member's home that you and Jonathan Kendrick and Neal  
12 attended?

13 A. Yes, we did.

14 Q. And did Candace attend that as well?

15 A. Yes, she did.

16 Q. Do you remember whose home that was in?

17 A. Tom Mat. Brother Mat.

18 Q. And was it a period of years that you were in  
19 that group together?

20 A. Possibly a year. I believe that he moved his  
21 family up to Sacramento eventually and then we went to  
22 another book study.

23 Q. When you went to another book study, was that  
24 also the one that Mr. Kendrick and his family attended?

25 A. No.

1 Q. Did Mr. Kendrick continue his with the Conti  
2 family?

3 A. Yes, he did.

4 Q. And did you continue to see him at various  
5 North Congregation activities?

6 A. Yes.

7 Q. What kind of activities would you see  
8 Mr. Kendrick at?

9 A. Well, naturally, we saw them at all of the  
10 meetings that were held at the congregation. And we had  
11 social events. And also, he would come over to the home  
12 to work with Neal in his garage, since at that time it  
13 was set up as a paint booth. He painted cars in the  
14 garage.

15 Q. Did a friendship develop between your husband  
16 Neal and Mr. Kendrick?

17 A. Yes.

18 Q. And was Mr. Kendrick a regular visitor to  
19 your home?

20 A. Yeah. He was a regular visitor. I must say,  
21 though, that there was others that enjoyed working in  
22 the garage too. But he would come over, yes.

23 Q. Did you have occasions when you ever went to  
24 the Kendrick home?

25 A. I went to the Kendrick home one time.

1 Q. Do you recall what the occasion was?

2 A. You know, I know that I was with Neal and I  
3 know that it was a period of time when he was the only  
4 one in his home, and he was talking to Neal, confiding  
5 in him about his marital problems. And I can't  
6 remember -- I just know that that was a period of time  
7 that -- he confided in Neal a lot about those types of  
8 things.

9 Q. Was there a time that you began to develop a  
10 significant health issues? Mental health issues?

11 A. Yes. Around about the time that -- close to  
12 my divorce from Neal.

13 Q. And when you say "close to your divorce," did  
14 you examine Neal separate in the summer of 1996?

15 A. Yes, uh-huh.

16 Q. And in the couple of years before that, had  
17 there been some significant issues that you were  
18 experiencing?

19 A. Yes. I was trying very hard to hold it  
20 together as far as the issues that I was experiencing,  
21 emotionally, but eventually it did come to a head,  
22 unfortunately, and I had a mental breakdown, I guess you  
23 might say.

24 Q. And during that time period, were you able to  
25 care for Candace?

1           A.       I had a hard time taking care of myself at  
2 that time. I feel very bad that I was not able to be  
3 there for her at that particular time, but I just was  
4 very -- it was very serious.

5           Q.       Because of the issues that you were  
6 experiencing, was Neal required to spend extra time  
7 helping to take care of you?

8           A.       Yes, he did have to take care of me.

9           Q.       And did that mean that Candace was often  
10 left, sort of, on her own?

11          A.       Yes.

12          Q.       Did Jonathan Kendrick ever try to assist your  
13 family during this time that you were having these  
14 problems before your divorce?

15          A.       Yeah. He tried to help a lot.

16          Q.       In what ways?

17          A.       Well, he always liked Candace, and always was  
18 offering to help her. To help out so that -- take her  
19 places, just be kind. I thought he was just trying to  
20 be -- I thought he was trying to be nice, that he was  
21 just trying to help out. I thought he was helping --  
22 trying to help our family.

23          Q.       Did you trust him as a fellow member of your  
24 congregation?

25          A.       Yes. He seemed very theocratic. He attended

1 the meetings. He went to field service. He seemed very  
2 theocratic, like he was reaching out.

3 Q. Did you have to stop attending most of the  
4 events at the North Congregation?

5 A. Yes.

6 Q. In the last year or so of your marriage, did  
7 you go to much in the way of Jehovah's Witnesses events?

8 A. No, no, I didn't. I isolated myself a lot.  
9 I just didn't want to be around people.

10 Q. Did Candace continue to participate?

11 A. Yes, she did.

12 Q. Did Neal continue to participate?

13 A. Yes.

14 Q. Did they always participate together?

15 A. Well, when he went to the meetings, Candace  
16 always went to the meetings. And they went out to field  
17 service, they were together.

18 Q. Were there times that Candace would go to  
19 activities without him?

20 A. I'm sorry. What type of activities?

21 Q. To Jehovah's Witnesses North Congregation  
22 activities, whether it be meetings or field service or  
23 Kingdom Hall events?

24 A. By herself?

25 Q. Yes. Without Neal accompanying her?

1           A.       I'm sorry. I'm not following you. Like  
2 social events at the hall or --

3           Q.       Or any kind of events. Were there times that  
4 she was there without Neal?

5           A.       What I can tell you is that most of the time  
6 that I was going through what I was going through, I  
7 wasn't aware of where she was a lot of the time. And I  
8 know that she -- being that she was with Neal -- I can't  
9 attest to if she was alone with someone. I don't know  
10 exactly if she -- I can't say for sure. I can't say for  
11 sure. I just know that she was out with him.

12          Q.       Is it accurate to say that you had lost, by  
13 that time, the ability to keep track of what was going  
14 on with Candace in your house?

15          A.       Yes. Absolutely.

16          Q.       Now, you mentioned Mr. Kendrick offering to  
17 help. What do you recall him offering to do?

18          A.       I just remember at the Kingdom Hall, he was  
19 always around her, and he always complimented her. He  
20 always said that she was -- I mean, there wasn't a  
21 meeting when I was there, and that was prior to me  
22 stopping, that he was not always focusing on her.

23                   And I just thought that he was just being a  
24 nice person trying to -- I just thought maybe he liked  
25 kids. But he really liked Candace. And I know he

1 talked about taking her to go get ice cream or we needed  
2 him to do something, take her someplace or go somewhere  
3 with her while we need to do something, that type of  
4 thing.

5 Q. After you and Neal separated, where did  
6 Candace go for the first few months?

7 A. Candace was staying on the house in Montecito  
8 with her father.

9 Q. And after a few months, where did she go  
10 next?

11 A. Well, after finally, the visitation was  
12 settled, I believe, the court visitation, then she  
13 started to reside with me.

14 Q. And where did she spend most of her time  
15 during the week, during her junior high and high school  
16 years?

17 A. She spent most of her time at her nana's  
18 house, because she was in a school district. I lived in  
19 Sunol, and she didn't like the little grade school of  
20 Sunol. It wasn't where her friends were at. And so in  
21 order for her to attend those schools and be with her  
22 friends, she spent a lot of time at nana's house so that  
23 she could attend those schools.

24 Q. And when you say "nana," who are you  
25 referring to?

1           A.       That would be my ex mother-in-law.

2           Q.       Would that be Dorothy Conti?

3           A.       Yes.

4           Q.       Where were you living during this period of  
5 Candace's high school years?

6           A.       Well, we lived in Sunol for a couple of  
7 years.  And then Candy and I -- Candace and I moved to  
8 an apartment in Dublin for about six months.  And we  
9 tried to live in -- I liked the Pleasanton area, and so  
10 again, she would come -- she would be with me, but she  
11 wanted to attend Washington High School.  So she would  
12 spend a lot of time over at Dorothy's house so she could  
13 go to that school, and I wouldn't be going through the  
14 canyon.

15          Q.       Did you eventually move out of California?

16          A.       Yeah.  I went to -- I spent a little bit of  
17 time in Maryland from about -- I think six months before  
18 she graduated.  But I came back shortly after that, and  
19 right before she graduated, and went to her graduation.

20          Q.       And then did you move again out of  
21 California?

22          A.       Yes.  In 2003, I moved to the Florida Keys  
23 and worked for a developer there.

24          Q.       When did you return to California?

25          A.       May 12 of 2008.  I was there for five years.

1 Q. During those years, did you see Candace other  
2 than on an occasional basis?

3 A. She flew out, actually, probably four times  
4 to see me. I visited her a couple of times. You know,  
5 of course, I would have loved to have her be with me as  
6 much as possible, but she had a life going on.

7 Q. During her junior high and high school years,  
8 how was Candace's relationship with her father?

9 A. She didn't have much of a relationship with  
10 her father.

11 Q. Had he been a demonstratively affectionate  
12 man in her younger years when you were still married?

13 A. No.

14 Q. Did you learn at some point that Candace had  
15 been abused by Mr. Kendrick?

16 A. Yes, in 2003.

17 Q. And how did you learn that?

18 A. She told me.

19 Q. Was that the first indication that you had  
20 that she had been abused by Kendrick?

21 A. Yes, absolutely.

22 Q. Back in the time that you were struggling  
23 with the difficulties that you shared with us, did you  
24 have any idea that that was going on?

25 A. The time I was going through my -- no.

1 Q. Let me go back, though, to the time period  
2 just before your separation from Neal.

3 Did you see something between Mr. Kendrick  
4 and Candace Conti that you objected to?

5 A. Yes, I did.

6 Q. What did you see?

7 A. There was one evening when he was over with  
8 Neal sanding a car, painting a car, and Candace had  
9 opened the door and had stepped in. And Jonathan had  
10 grabbed her and held on to her arm like, to pull her in.  
11 And it was hurting her. And I got her out of the  
12 garage, and she came into the house. And she said  
13 "Mommy, he is hurting me." And I didn't understand what  
14 she meant until now. The way she really meant.

15 Q. I'm going to ask you in that same time period  
16 just before you separated whether Mr. Kendrick had any  
17 sort of physical interaction with you?

18 A. Yes. Around the same time we were in the  
19 front room, and, although I can attribute this to  
20 maybe -- he seemed to change when he had a few drinks,  
21 he seemed to be more physical. And he was very strong.  
22 And we were all talking in the front room, and they were  
23 talking about their wives not being good or something  
24 like that. And he grabbed me and started -- he put me  
25 over his knee and started spanking me.

1 Q. As if you were a child?

2 A. As if -- yeah. And --

3 Q. Let me move on to one other thing.

4 In your relationship with your daughter,  
5 first of all, do you now consider it to be a good  
6 relationship?

7 A. Yeah, yes, I do. I love my daughter very  
8 much, and I support her a hundred percent, and I'm here  
9 for her.

10 Q. And is your relationship now with her better  
11 than it was all during her growing up years in terms of  
12 at least from when you began to have your difficulties  
13 at her age, eight or nine?

14 A. Yes, it is very good. Although shortly after  
15 I had these problems, we have had some very nice times,  
16 even when she was growing up in school.

17 Q. Did you learn that she was using drugs?

18 A. Yes.

19 Q. And how did you learn that?

20 A. Our conversations with Dorothy.

21 Q. And is she using anymore?

22 A. No.

23 Q. How long has she been sober?

24 A. Since June 22 of 2010.

25 Q. Just one last thing. Please just answer this

1 question yes or no.

2           Were you subjected to sexual abuse as a  
3 child?

4           A.     Yes.

5           Q.     And please answer this question yes or no as  
6 well.

7           Was that something you had shared with  
8 Candace before the divorce?

9           A.     Before the divorce?

10          Q.     Before you were separated from her?  Excuse  
11 me.  Before you were separated from Neal?

12          A.     Yes.  I -- we went for a drive, and I told  
13 her.  Maybe I shouldn't have, but I did.

14                   MR. SIMONS:  Nothing further.

15                   THE COURT:  Okay.  Let's take a pause in the  
16 questions for a minute.

17                   All right.  Any questions for defense  
18 counsel?

19                   MR. SCHNACK:  Yes, your Honor.

20                                   CROSS-EXAMINATION

21 BY MR. SCHNACK:

22           Q.     Good morning, Ms. Conti.

23                   Do you recall that you, Candace and Neal saw  
24 a therapist shortly after your separation in July of  
25 1996?  Is that correct?

1           A.       Uh-huh.  Yes, we did.

2           Q.       And that relationship went on 16, 17 months  
3 or so, from roughly August of '96 until April 1st, 1998?  
4 Do you remember that?

5           A.       I don't remember.  I just remember going a  
6 few times.  I don't remember much about it.

7           Q.       Would it surprise you that Ms. Fraser's  
8 records don't portray you in a very flattering light?

9           A.       I know I was going through -- I was suffering  
10 a lot.  I was suffering and I was unfortunately using  
11 alcohol to suppress my own pain.

12          Q.       Were you abusing some antidepressants and  
13 other drugs at the time as well?  That's referenced in  
14 the records.  Do you recall that?

15          A.       I think that I was taking something for  
16 anxiety.  I was taking something for anxiety.

17          Q.       Do you recall overdosing on antidepressants  
18 in July '96 and having to be hospitalized?

19          A.       I remember going to my doctor and talking to  
20 her about the prescription, and that I -- we felt like I  
21 might be in trouble.  But I don't -- I'm sorry if I  
22 can't remember that particular thing.

23          Q.       That's fine.  Do you know what your emotional  
24 illness has been diagnosed as?

25          A.       Well, I know that most of it is the effects

1 of the abuse that I went through. That's what I know.

2 Q. But you would agree that you have abused  
3 alcohol, you have abused drugs in your life?

4 A. During that period, yes, I have.

5 Q. And would you agree that you have been  
6 diagnosed with certain disorders as well?

7 A. I have heard a lot of disorders. I mean, it  
8 is not like -- I do know that -- I understand that  
9 better. I have learned quite a bit about it. I have  
10 done a lot of research on my own to get a better  
11 understanding about it. I know that children, when they  
12 are going through severe abuse, they cannot, freeze a  
13 moment in time, because they can't deal with it, and it  
14 never goes away. And in your adult life you have to  
15 deal with it then.

16 I know that much. It is a coping mechanism  
17 that children have when they are going through abuse  
18 that they cannot deal with. I understand that.

19 Q. Do you recall a time period after you and  
20 Neal separated, the first six months or so, from July of  
21 '96 forward? Do you have a clear memory of that time  
22 period?

23 A. 1996.

24 Q. You separated from Neal Conti in July of '96.  
25 Do you recall that?

1 A. Yes, that's right.

2 Q. And do you have a clear memory of the next  
3 six months or so, that time period?

4 A. No. I don't know. I can patch things  
5 together, but...

6 Q. Do you recall that you had a boyfriend,  
7 Steve, move into your house shortly after the  
8 separation?

9 A. Yes, I recall that.

10 Q. Do you recall that you would walk around the  
11 house naked in front of Candace and her friends?

12 A. No, I don't recall.

13 Q. Do you have any memory that Candace told her  
14 therapist that?

15 Were you aware that she had told Laura Fraser  
16 that you had done that and that really embarrassed her?

17 A. No, but if she did, she had every right to do  
18 that.

19 Q. So you attended meetings at the North Fremont  
20 Kingdom Hall during that time period; is that correct?

21 A. During what time period?

22 Q. There was a time you attended meetings at the  
23 Kingdom Hall?

24 A. Yes.

25 Q. Were those meetings held on Sundays?

1           A.       Well, there was five days a week that we  
2 attended.

3           Q.       What days did you attend those?

4           A.       Well, up to the point where I stopped  
5 attending, I attended all of them.

6           Q.       And my question is:  What days of the week?  
7 There has been testimony --

8           A.       Sunday.  Sunday is the Watchtower public  
9 talk.

10                    Tuesdays was our congregation book studies.

11                    Thursdays was the -- school and service  
12 meeting.

13           Q.       So in those three days, there was five  
14 meetings you are talking about?

15           A.       Yes, that's right.

16           Q.       Okay.  And you mentioned the book study that  
17 was at a member's home.

18                    And did you attend that book study, yourself?  
19 The Bible study?

20           A.       Yes.  Yes, I did.

21           Q.       And did Neal come to that with you as well?

22           A.       Yes.

23           Q.       And did Candace go with you to that Bible  
24 study?

25           A.       Yes.  If we went to the meetings, she was

1 with us.

2 Q. And there was never a time where you just  
3 dropped Candace off to attend the Bible study? She only  
4 went if you attended. Correct?

5 A. I would never have dropped Candace off.  
6 Either -- if one parent missed the meeting, then she  
7 would be in the car or the vehicle with that parent who  
8 goes to the meeting. There would be no need for her to  
9 be dropped off without a parent.

10 Q. Okay. So Candace never attended unless  
11 either you or Neal or both of you were there; is that  
12 correct?

13 A. Yes.

14 Q. Do you have any knowledge that Neal ever sent  
15 Candace to any meeting at the Kingdom Hall by herself?

16 A. There was quite a long period of time when I  
17 didn't have Candace, and I have no idea what Neal was  
18 doing. And I knew that he was still attending meetings,  
19 but I didn't know what was going on with Candace,  
20 because I didn't have visitation with her, because the  
21 Court hadn't finalized it, so I didn't have anything.

22 Q. So again, to answer my question: Do you know  
23 whether Neal ever sent Candace alone to the Kingdom  
24 Hall?

25 A. No.

1 Q. And that would be unusual for a parent to  
2 send a child alone to the Kingdom Hall. Is that true?

3 A. Well, it would seem so. I would imagine it  
4 seems so.

5 Q. So when you were at the Kingdom Hall, did you  
6 ever see Jonathan Kendrick hold Candace on his lap where  
7 she was squirming to get away?

8 A. No. I don't remember that. I just remember  
9 him being around her and giving her a lot of attention  
10 and talking with her.

11 I don't remember. I can't say that -- I  
12 honestly can't say that I recall her on his lap. I  
13 don't remember that, myself.

14 Q. Did you ever see Jonathan Kendrick give  
15 Candace a bear hug at the Kingdom Hall?

16 A. I can remember him leaning down and just  
17 giving her a hug. I don't know -- it wasn't anything at  
18 that point in time that would make me set off alarms at  
19 that point in time.

20 Q. So it was just a simple hug. It wasn't what  
21 you would call a bear hug; is that right?

22 A. At that time, yes, that's my impression, at  
23 that time.

24 Q. Did you ever allow Candace to go alone to  
25 Mr. Kendrick's house?

1           A.       No, I did not.

2           Q.       How often did Mr. Kendrick come over to your  
3 house, to your and Neal's house?

4           A.       Well, towards the -- towards the time when  
5 right before the divorce -- it was probably about a  
6 year, he came over quite a bit because he likes to work  
7 in the garage on a weekend night, or even maybe a week  
8 night, he would come over.

9           Q.       Do you recall when we took your deposition, I  
10 asked you that question how often Mr. Kendrick would  
11 come to your house, and you told me at most every other  
12 month, and maybe seven times a year, maximum?

13                   Do you recall that testimony?

14           A.       I remember we were discussing the number of  
15 times that it was more than one. There was an elder  
16 that would come over, a Brother Inman that would come  
17 over. And there were other brothers that would come  
18 over because they were painting Sister Crawford's  
19 Volkswagen.

20                   I mean, there was a lot of numbers that we  
21 were talking. I have got times that people were coming  
22 over.

23                   Like, I know that he was coming over. I  
24 can't place a number. I know that there was around --  
25 it took about seven days for them to complete the

1 painting of that Volkswagen, if that's what you are  
2 talking about.

3 Q. No. I asked you over a period of time how  
4 often Mr. Kendrick came to your house. And you told us  
5 in a deposition that it was -- it wasn't once a week, it  
6 wasn't once a month, it wasn't that often. You placed a  
7 number on it of approximately seven times a year at  
8 most.

9 Do you recall that testimony?

10 A. I must have been thinking about another event  
11 that was happening as far as painting the car or other  
12 people.

13 I remember that it took about seven days to  
14 paint Sister Crawford's car. I don't -- I didn't  
15 remember that in a relationship with how many times he  
16 came over.

17 Is that what you are talking about?

18 Q. Well, that's the question I asked you in  
19 deposition, yes. It just sounds like you are not sure.

20 A. Well, I'm not sure about which -- you might  
21 have asked me something. And I thought you were talking  
22 about -- because there was a lot of times when brothers  
23 would come over to the garage, because they loved coming  
24 over there working on the garage.

25 And then there was times that he was there,

1 with Neal.

2           And then there was the amount of time it took  
3 to complete Sister Crawford's Volkswagen.

4           I mean, it is hard for me to get how many  
5 times -- I'm sorry if I answered that question to you  
6 wrong.

7           Q.       That's all right. That was a bad time for  
8 you, it sounds like, in relation to how your condition  
9 was.

10           So let me move on. I understand that Candace  
11 lived with you full time when she was in seventh grade;  
12 is that correct?

13           A.       She lived with me in Sunol, yes.

14           Q.       And then during eighth grade, she lived with  
15 Neal's mother, Dorothy; is that correct?

16           A.       She stayed there during the week so that she  
17 could attend the school she liked in Fremont,  
18 Centerville, and in high school, which is Washington.

19           Q.       And then during ninth grade, again, Candace  
20 lived with you full time; is that correct?

21           A.       Yeah. In fact, again, I wanted her to go to  
22 the -- I wanted her to go to Foothill High School in  
23 Pleasanton, because I thought that was a really nice  
24 school. But again, she felt like she wanted to be -- it  
25 is important for kids that age to be with their friends.

1 It is hard for them to be pulled away from their  
2 friends, so she went back to Washington.

3 Q. And then during the 10th, 11th and 12th  
4 grades, Candace lived either with you or Neal's mother;  
5 is that correct?

6 A. Yes.

7 Q. And you testified during your deposition that  
8 Candace was a good student in junior high school and  
9 that she got her best grades in high school. Do you  
10 recall that?

11 A. Well, she might have gotten good grades in  
12 seventh and eighth grade, but I know that I can  
13 definitely remember her grades in high school, they were  
14 very good.

15 Q. Okay. And you saw Candace a lot during the  
16 years she was in high school? Is that correct?

17 A. Yes. I saw her -- on the weekends, we did a  
18 lot together. We did a lot together. We went -- we  
19 went on ski vacations together. We went to a working  
20 ranch in Montana together, because she had a love of  
21 horses. She was leasing a horse out of Arriba Vista,  
22 and she did that on a continuous basis. There was a lot  
23 of activities that Candace was doing that I was a part  
24 of.

25 Q. And that was during her high school years.

1 Correct?

2 A. She might have started -- the -- she could  
3 have started in eighth grade. But I do know that she  
4 got to the point where she got to Hunter Jumper, and it  
5 got a little expensive.

6 Q. So having spent a lot of time with her during  
7 those years, did you see any evidence of drug use by  
8 Candace?

9 A. No, I did not.

10 Q. And she didn't disclose to you about Kendrick  
11 having abused her until 2003; is that correct?

12 A. That's correct.

13 Q. And that was just shortly before you moved to  
14 Florida?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes.

18 Q. Okay. And was one of the reasons you were  
19 moving to Florida, was to try to reconnect with your  
20 first husband?

21 A. Yes, that's right. He had a business, a  
22 surveying company in Florida Keys, and I had a chance to  
23 work.

24 Q. So in 2003, did you tell Candace she should  
25 report Kendrick to the police?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A. No.

Q. Why not?

A. I didn't think that anyone --

Q. She was what, 17 at the time; is that correct?

A. Yes.

Q. So she was still a minor?

A. Yes.

MR. SCHNACK: Nothing further, your Honor.

THE COURT: Anything further?

MR. SIMONS: No, your Honor.

THE COURT: All right. Thank you very much for your time. You are now excused.

Dorothy Conti.

DOROTHY CONTI

WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK

AND TESTIFIED AS FOLLOWS:

THE CLERK: Would you please state your name and spell your first and last name for the record?

THE WITNESS: Dorothy Conti. D-O-R-O-T-H-Y, C-O-N-T-I.

DIRECT EXAMINATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BY MR. SIMONS:

Q. Ms. Conti, where do you live?

A. Fremont.

Q. And what is your relationship to Candace Conti?

A. She is my granddaughter. My son is her father.

Q. And your son is Neal?

A. Correct.

Q. Are you now retired?

A. Yes.

Q. Were you married?

A. Forty-seven years.

Q. And your husband is passed away?

A. Yes.

Q. What year did that occur?

A. 1994.

Q. When he was still with us, what was Candace's relationship with your husband, her grandfather?

A. Very good. They were very close.

Q. In what ways? How would you describe that?

A. Well, he treated her like his own as far as doing things with her, and sit down and have little tea parties with her when she would come over and visit and

1 they kind of palled around together. So they were very  
2 close.

3 Q. And during that time, how far away did  
4 Candace live from where you and your husband lived?

5 A. I would say like three or four miles.

6 Q. They were also in Fremont?

7 A. Yes.

8 Q. After your husband passed away in that same  
9 period, 1994, did you begin to see some changes in  
10 Candace's mother?

11 A. Yes. And even before that.

12 Q. What did you see?

13 A. She was very sickly. She was always having  
14 some kind of problem. And I know she was under a  
15 doctor's care.

16 Q. Did you hear from your son, Neal, that this  
17 was causing stresses within the family?

18 A. No.

19 Q. Were you aware of some of the things that  
20 were going on between Neal and Kathy at that time in  
21 their marriage?

22 A. No.

23 Q. Did you see Candace more often during that  
24 time period of, say, from when Kathy first started to  
25 show these problems to the time that they separated?

1           A.       Probably.  We did see more of her, take care  
2 of her a little bit more.  She would come over and stay  
3 a night or something like that.

4           Q.       You were raised in the Catholic faith,  
5 yourself?

6           A.       Yes.

7           Q.       And how about Neal?

8           A.       All the children were baptized Catholic.

9           Q.       Do you remember there was a time when he  
10 became a member of the Jehovah's Witnesses?

11          A.       I didn't know that he had become a Jehovah's  
12 Witness.

13          Q.       How did you come to find out?

14          A.       It was later in their marriage, after the  
15 first couple of years in their marriage that we found  
16 out that he was in the witnesses, and that Kathy was in  
17 the witnesses and brought him into it.

18          Q.       Did you ever participate in the Jehovah's  
19 Witnesses?

20          A.       No.

21          Q.       How have you and Neal taken his involvement  
22 in Jehovah's Witnesses into your relationship together?

23          A.       Well, it was okay up until the point he  
24 remarried, after he was divorced from Kathy.  And his  
25 wife was a Witness -- his new wife was a Witness.  And

1 they wanted Candace to get back into the Witness  
2 organization or whatever, and she didn't want to get  
3 back into it.

4           And so that caused problems between them.  
5 And she didn't want to live there with this woman and  
6 her two daughters who were in the Witnesses. And the  
7 girls didn't get along together at all.

8           Q.     Well, did you make your home available to  
9 Candace at that time?

10          A.     Yes. Yes, I did. And then she went with  
11 Kathy too. Between the two of us.

12          Q.     How much in her junior high and high school  
13 years, how much time was she spending in your home?

14          A.     I had her through her high school years and  
15 after that.

16          Q.     When you say --

17          A.     Off and on, a little bit in junior high.

18          Q.     Did she live in your house?

19          A.     Yes.

20          Q.     And was she there more often than she was  
21 with either of her parents?

22          A.     Yes.

23          Q.     Did her relationship with her father, for all  
24 practical purposes, come to an end when she was at that  
25 age group?

1           A.       Practically, yes.

2           Q.       And did you make any effort to try to repair  
3 that relationship?

4           A.       I tried to get them together to talk. They  
5 did, but it just got into a crying session, and that's  
6 as far as it ever got.

7           Q.       Now, were there some times that, before Neal  
8 and Kathy separated, that Neal had a medical issue?

9           A.       He had what?

10          Q.       A medical issue? Do you recall him being in  
11 the hospital?

12          A.       He went in for some kind of surgery. I don't  
13 remember what it was.

14          Q.       And who took care of Candace during that  
15 time?

16          A.       She was still with Kathy. They were still  
17 all together at that time.

18          Q.       Now, when Candace was living with you in her  
19 high school years and after, did you have any idea that  
20 she was using any kind of drugs?

21          A.       No.

22          Q.       And did you talk to her about any kind of  
23 drug use?

24          A.       No.

25          Q.       And how would you describe your role in

1 Candace's life during these years that she was living  
2 with you primarily?

3 A. Well, I wasn't trying to replace her mother  
4 or father. I was just sort of trying to set her on the  
5 right track and take care of her financially, put a roof  
6 over her head, feed her, you know, pay for everything,  
7 and try to teach her things.

8 But teenagers at that time aren't interested  
9 in learning how to sew or to cook or how to balance a  
10 checkbook, that type of thing, they are more interested  
11 in their freedom, and, you know, having fun.

12 So it was -- at some times we butted heads.  
13 But more or less, it was there, and once she got out of  
14 school, it got a little easier.

15 Q. Did you consider yourself to be the  
16 stabilizing force in her life?

17 A. Yeah. I had to be. Not that I wanted to be,  
18 but yes.

19 Q. There was no one else?

20 A. Not really, no.

21 Q. For example, would you take her sometimes to  
22 the counseling visits that she went to after her  
23 parents' divorce?

24 A. Yes, I had to take her, yes.

25 Q. So you knew that she was going through that,

1 at least?

2 A. Yes.

3 Q. Did you know during the time that she lived  
4 with you that she had been abused by Mr. Kendrick?

5 A. No.

6 Q. And when did you learn that?

7 A. She was having -- she wasn't sleeping well.

8 She wasn't -- she was agitated, and she said she wanted  
9 to go live with her mother. And she wanted to get help.

10 So then I kind of -- you know, "What kind of  
11 help are you talking about?"

12 And she told me that she had been on drugs.

13 Q. And when did she share the abuse that she had  
14 experienced?

15 A. It was after that time.

16 Q. In the last year or two?

17 A. Yeah. It was the last -- maybe two, two to  
18 three years ago.

19 MR. SIMONS: Is there any objection to  
20 Exhibits 2 and 3?

21 MR. SCHNACK: No.

22 THE COURT: All right. Plaintiff's 2 and  
23 Plaintiff's 3 each and both are in.

24

25

1 (Whereupon, Plaintiff's Exhibit Number 2  
2 and Plaintiff's Exhibit Number 3  
3 were admitted into evidence)

4 BY MR. SIMONS:

5 Q. Ms. Conti, do you remember Candace as a  
6 child?

7 A. Yes.

8 Q. And what about her appearance do you remember  
9 the most?

10 A. About her appearance?

11 Q. Yeah, about how she looked?

12 A. In what way? Did she look healthy?

13 Q. Tell us everything you can think of about how  
14 she looked as a child?

15 A. She looked fine.

16 Q. Was she kind of a happy child, it seemed?

17 A. Yeah, she was. She was very happy.

18 Q. And how would you describe her, her  
19 personality as an 8, 9 and 10 year old.

20 A. Well, she was very outgoing with people,  
21 seemed very, you know, very happy. She got along in  
22 school, grammar school. And never, you know, showed any  
23 kind of problems at that time.

24 Q. How about during the time that her parents  
25 were having their difficulties? Did she show any

1 problems to you at that time?

2 A. No.

3 Q. Let's look at the next exhibit, 3.

4 Do you recognize this picture?

5 A. Yeah. She finally made it out of school.

6 Q. Were you very proud?

7 A. Oh, yes.

8 MR. SIMONS: Thank you. No further  
9 questions.

10 MR. SCHNACK: Just a couple questions, your  
11 Honor.

12

13

CROSS-EXAMINATION

14 BY MR. SCHNACK:

15 Q. Mrs. Conti, you mentioned that sometimes you  
16 would take Candace to see the therapist during the time  
17 that Neal and Kathy were separating and divorcing?

18 Do you recall that?

19 A. Yes. But I was never in the room.

20 Q. Would it surprise you that Candace told that  
21 therapist that she was very close to you?

22 A. No. I have heard that from different people.

23 Q. Okay. And would it surprise you that she  
24 also told the therapist that she felt very safe with  
25 Neal during that time period?

1 A. She felt unsafe with --

2 Q. She felt safe with Neal?

3 Would that surprise you that Candace told the  
4 therapist in this same time frame that she felt very  
5 safe with Neal?

6 A. I can imagine she could at that time, yes.

7 MR. SCHNACK: Okay. Nothing further, your  
8 Honor.

9 MR. McCABE: No questions.

10 MR. SIMONS: Nothing further?

11 THE COURT: Thank you. You are excused.

12 THE WITNESS: I can leave to go home?

13 MR. SIMONS: Your Honor, I don't think we  
14 have anyone else before lunch. I think our next witness  
15 is scheduled for 1:15.

16 THE COURT: Since we are breaking a little  
17 early -- I am hoping that there is a nice day out there.  
18 I will see you at 1:15 and we will continue going  
19 forward. As always, thank you for your patience and  
20 attention. And again, no chats, no internet, no  
21 conversations, no writings, until you deliberate. Thank  
22 you, again.

23 (Whereupon, the following proceedings  
24 were heard outside the presence of jurors)

25 MR. SIMONS: Your Honor, we have several

1 videotaped depositions, one of which is Laura Fraser but  
2 perhaps -- we seem to be moving quicker than I  
3 anticipated. And therefore, I would suggest that maybe  
4 Ms. Fraser's deposition would be timely shown.

5 MR. SCHNACK: We will discuss it.

6 THE COURT: Okay. You guys discuss it.

7 MR. SIMONS: There is one question of  
8 significance. I have a pretty lengthy videotaped  
9 deposition for Mr. Shuster who is standing behind me  
10 today.

11 THE COURT: His dedication is noted for the  
12 record.

13 MR. SIMONS: Who was taken as PMQ for  
14 Watchtower. And I have excerpts designating him before  
15 the trial that we would like to show of that deposition.

16 Counsel, had a, perhaps, different view?

17 MR. SCHNACK: I think he should testify live.  
18 He is here. It's not like he is not unavailable.

19 THE COURT: I thought I dealt with that.

20 MR. SCHNACK: It was for a different witness  
21 but same issue.

22 MR. SIMONS: That was for Mr. Williams, but  
23 this deposition was for managing PMQ.

24 THE COURT: I have dealt with it. He is  
25 live. We will see if you have to use the video. Except

1 for impeachment, he is here.

2 MR. SIMONS: If I may without trespassing on  
3 the Court's patience. But I believe I'm entitled to use  
4 the PMQ deposition for purpose. And that was entitled  
5 to show for purpose of availability or unavailability  
6 notwithstanding.

7 THE COURT: Your reply.

8 MR. SCHNACK: I have to look at it.

9 THE COURT: I have will look at it during the  
10 lunch.

11 MR. SIMONS: Thank you.

12 (Lunch recess)

13 (Whereupon, the following proceedings  
14 were heard outside the presence of jurors)

15 THE COURT: Let's go back on the record. The  
16 question was made at this morning's session to have the  
17 person most knowledgeable. I ruled on this 2025.6.0.  
18 Provides as follows:

19 That at (B) -- and this was the trick in  
20 terms of my recollection, listening to Mr. Schnack, a  
21 managing agent was my focus, and with the regards to the  
22 managing agent for purposes of the application statute.

23 Having said the same and noting just as a  
24 full backup, that a request for admission was already  
25 read to the jury as to his having been an agent of the

1 New York, Inc.

2 The statute specifically provides as follows:

3 "An adverse party may use for any  
4 purpose in deposition of a party to the action  
5 or of anyone at the time of taking the  
6 deposition was an officer, director managing  
7 agent, employee, agent or designee under  
8 section 2025.230 of a party. It is not  
9 grounds for objection that use of the  
10 deposition would fall under the subdivision by  
11 an adverse party that the deponent is  
12 available to testify, has testified, or will  
13 testify at trial."

14 If anyone wants anything further, subject to  
15 review and research, if you want to respond?

16 All right. Ruling as follows: You may use  
17 the deposition you took.

18 MR. SCHNACK: Again, just subject to other  
19 pretrial rulings, there is a lot of deposition concerned  
20 church discipline issues.

21 MR. SIMONS: Yes. We are going to have to  
22 meet and confer and edit it, because I'm sure there is  
23 materials in there.

24 THE COURT: Okay. Are you going to use it  
25 this afternoon?

1           MR. SIMONS: Because of that, no, we are  
2 looking actually at some Kaiser depositions instead.

3           THE COURT: And I might say -- and I  
4 certainly don't want to recant this. It has been a  
5 pleasure dealing with all counsel here, because I  
6 wouldn't let anything get shown without having had an  
7 editing process going forward.

8           MR. SIMONS: Yeah, I mean, I gave them a big  
9 designation, but it was before the Court's pretrial  
10 ruling.

11          THE COURT: Actually, I do not want it to be  
12 misconstrued that the way all counsel handled these  
13 rulings and the professionalism shown is noted for the  
14 record.

15                 But that is my ruling specifically as to the  
16 reading of the deposition.

17          MR. SIMONS: It was actually a video.

18          THE COURT: I'm sorry. The video.

19          MR. SIMONS: Your Honor, if I may as well,  
20 briefly, Carl Lewis who was not available Friday is  
21 available tomorrow morning at 8:00. And so we  
22 discussed, perhaps, doing a 402 hearing with him and  
23 then having him testify and leave in the morning,  
24 assuming there is some testimony to be gotten.

25          MR. SCHNACK: That's fine, your Honor.

1 THE COURT: Okay. At 8:00 tomorrow morning.

2 MR. SCHNACK: And that should be -- I can't  
3 envision that would be a long process.

4 THE COURT: Okay. The report is the jury  
5 can't wait to get back into this courtroom. Which I  
6 think is a compliment also. So let's see what we can do  
7 to get them back in here.

8 (Whereupon, the following proceedings  
9 were heard in the presence of jurors)

10 MR. SIMONS: Pursuant to Evidence Code 776,  
11 we would call Mr. Cliff Williams.

12 THE COURT: All right. Mr. Williams, please  
13 come up, if you would, and reminding the jury having  
14 declared the ruling under 776, he is perceived to be an  
15 adverse witness according to the code, the evidence  
16 code.

17

18 CLIFFORD WILLIAMS

19 WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK

20 AND TESTIFIED AS FOLLOWS:

21

22 THE CLERK: Would you please state your name  
23 and spell your first and last name for the record?

24 THE WITNESS: CLIFFORD WILLIAMS. CLIFFORD,  
25 C-L-I-F-F-O-R-D. WILLIAMS, W-I-L-L-I-A-M-S.

1 DIRECT EXAMINATION

2 BY MR. SIMONS:

3 Q. Mr. Williams, what city do you live in?

4 A. Downey, California.

5 Q. And are you an elder within the Jehovah's  
6 Witnesses?

7 A. Yes.

8 Q. How long have you held the position of elder?

9 A. For about 32 years now.

10 Q. Do you also hold a position as a circuit  
11 overseer?

12 A. I am a substitute circuit overseer.

13 Q. Why don't you describe for us what a circuit  
14 overseer is? We haven't heard that one.

15 A. A circuit overseer, he visits congregations  
16 and he builds them up, encourages the brothers and  
17 sisters in the organization.

18 Q. Does a circuit overseer have duties in more  
19 than one congregation?

20 A. No.

21 Q. Is the circuit overseer one of the members of  
22 the body of elders?

23 A. Not in a given congregation, no.

24 Q. How many different congregations have you  
25 served as an elder in?

1 A. About five different congregations.

2 Q. And how long have you been at Downey?

3 A. I was there up until last March.

4 Q. And did you assume these new duties as  
5 temporary circuit overseer?

6 A. No.

7 Q. Are you at a new congregation?

8 A. Yes.

9 Q. When we say a circuit overseer, what is the  
10 circuit that is referred to?

11 A. A circuit can represent anywhere from 18 to  
12 25 congregations that a circuit overseer visits in a  
13 given area.

14 Q. And in your position as a temporary circuit  
15 overseer, are you acting in the same capacity that a  
16 circuit overseer would act if there was a permanent  
17 person assigned to that position?

18 A. Yes.

19 Q. So you are going from, maybe, 18 to 20  
20 congregations, approximately?

21 A. Yes.

22 Q. Is that true?

23 A. Yes.

24 Q. And what is the geographical area that you  
25 are involved with as a temporary circuit overseer?

1           A.       There is none.  I have served as far as  
2 Victorville, East Los Angeles, Tahachapi, Ridgecrest,  
3 California.

4           Q.       Who does the circuit overseer or temporary  
5 circuit overseer report to as the person higher than  
6 them, next above them, in the hierarchy of the Jehovah's  
7 Witnesses organization?

8           A.       That would be the branch.

9           Q.       And when you used the term "branch," what do  
10 you refer to?

11          A.       That's the structural organization back in  
12 Patterson, New Jersey.

13          Q.       And is that currently a corporation, the  
14 Christian Congregation of Jehovah's Witnesses?

15          A.       Yes.

16          Q.       But before 2001, it was the Watchtower New  
17 York?

18          A.       Yes.

19          Q.       When you perform your duties as a temporary  
20 circuit overseer, from whom do you get your instructions  
21 as to what specific tasks you should do?

22          A.       That would be the branch.

23          Q.       And do you receive training for this  
24 position?

25          A.       Yes.

1 Q. What kind of training do you receive?

2 A. You go with a regular circuit overseer for a  
3 two-week period of time. You observe him. And then the  
4 second week, you do what he would do when he visits that  
5 congregations.

6 Q. In a position as a temporary circuit  
7 overseer, can you give us a general description of the  
8 range of duties that you hold?

9 A. You conduct a meeting for field service. You  
10 give talks Tuesday, Thursday, Sunday. You meet with the  
11 full-time preachers of the congregation, and then you  
12 meet with the body of elders.

13 Q. In terms of your position currently as a  
14 temporary circuit overseer, are there various  
15 publications that provide you information on how you  
16 should perform your duties?

17 A. Yes.

18 Q. And what are the different kinds of  
19 publications that you refer to for how to perform your  
20 duty?

21 A. We have a publication that is for elders. It  
22 is called a shepherding book.

23 Q. Is there a textbook? A Kingdom textbook?

24 A. No.

25 Q. Going back to the training you received in

1 your capacity as elder, who performs the training for  
2 you in terms of performing duties as an elder?

3 A. We have various classes, seminars and things  
4 of that nature, every maybe three or four years.

5 Q. And is there a textbook for elders?

6 A. Yes. It is that shepherding book.

7 Q. Who conducts the various classes that you go  
8 to as an elder for your training?

9 A. Most cases, it is a circuit overseer, a  
10 district overseer.

11 Q. And are the materials that you referred to,  
12 are those provided to you by New York?

13 A. Yes.

14 Q. And again before '01, it was Watchtower?

15 A. Yes.

16 Q. Now it is Christian Congregation?

17 A. Yes.

18 Q. Back in late 2009 and early 2010, were you  
19 serving as an elder at Downey?

20 A. Yes, I was.

21 Q. And in that capacity, did you become  
22 acquainted with Candace Conti?

23 A. Yes.

24 Q. Do you see her here today in the courtroom?

25 A. Yes, I do.

1 Q. And is it correct to say that you had two  
2 phone conversations with her?

3 A. Yes.

4 Q. And then an in-person meeting?

5 A. Yes.

6 Q. And in the in-person meeting, there was not  
7 just yourself, there was a second elder?

8 A. Yes.

9 Q. Do you know the name of that elder?

10 A. Nef Beltran.

11 Q. And there was a written report prepared after  
12 the meeting that you had in person with Ms. Conti?

13 A. Yes.

14 Q. And you were a signatory to that?

15 A. Yes.

16 Q. And was that report prepared for any  
17 particular purpose?

18 Let me just ask you the other way: What was  
19 the purpose of preparing the report?

20 A. Just to document what had been discussed at  
21 that meeting.

22 MR. SIMONS: Your Honor, we have Exhibit 19,  
23 a letter of January 14, 2010.

24 May that be admitted into evidence?

25 MR. McCABE: No objection.

1 MR. SCHNACK: No objection.

2 THE COURT: It may be admitted.

3 (Whereupon, Plaintiff's Exhibit Number 19  
4 was admitted into evidence)

5 THE COURT: So Plaintiff's 19 only is in.

6 BY MR. SIMONS:

7 Q. Now, it was in your meeting with Candace  
8 Conti that she reported to you some sexual abuse that  
9 she stated she had been victimized by Jonathan Kendrick.  
10 Correct?

11 A. Yes.

12 Q. Before the meeting, had she mentioned that to  
13 you in the phone conversations?

14 A. The first conversation, yes.

15 Q. Tell us how the first conversation, what was  
16 said back and forth?

17 A. The first phone conversation had to do with a  
18 doctrinal matter about celebrating birthdays. And then  
19 about 15 minutes into the conversation, once we kind of  
20 got past the doctrinal matter, the doctrinal question,  
21 then she brought up the alleged abuse by Jonathan  
22 Kendrick.

23 Q. And when she brought up that, do you recall  
24 how she first brought the subject to your attention?

25 A. She just brought it to our attention that she

1 had allegedly been abused by Jonathan.

2 Q. In your letter, you refer to him as Jonathan  
3 Hendricks with an H. Do you know now it is Jonathan  
4 Kendrick?

5 A. Yes.

6 Q. And at the time that you had your first  
7 telephone conversation, you mentioned a doctrinal  
8 question.

9 What does that mean?

10 A. It has to do with something that a person  
11 wants to do, but the Bible states otherwise.

12 Q. And do you recall what the specific issue  
13 that that discussion concerned?

14 A. It had to do with celebrating birthdays.

15 Q. Was there a specific birthday in mind, do you  
16 remember?

17 A. Yes. It was her grandmother's.

18 Q. And after that telephone conversation, did  
19 you do anything in follow-up with this very first  
20 telephone conversation?

21 A. No, I did not.

22 Q. Did you notify anyone in New York?

23 A. No, I did not.

24 Q. Did you bring the matter up to the attention  
25 of any other bodies of elders in any other congregation?

1 A. No, I did not.

2 Q. Did you prepare any kind of written report  
3 after that telephone conversation?

4 A. No, I did not.

5 Q. Is it correct that the telephone conversation  
6 was the first actual communication you had from Candace  
7 Conti alleging sexual abuse as a child?

8 A. Yes.

9 Q. How long was it until you had a second  
10 conversation?

11 A. You know, I do not remember.

12 Q. Do you remember a ballpark for us? For  
13 example, was it a year?

14 A. Maybe three or four weeks later.

15 Q. When you ended the first conversation, did  
16 you make any arrangements with Ms. Conti to have a  
17 second conversation?

18 A. No, I did not.

19 Q. Did you have an expectation in your own mind  
20 at the end of the first conversation that you were going  
21 to be speaking with her on the subject again?

22 A. No, I did not.

23 Q. So the way it was left after the first  
24 conversation was you had received a report of sexual  
25 abuse in another congregation, and you had provided some

1 consolation, if you will, some solace to the victim?

2 Correct?

3 A. Yes.

4 Q. And you had not reported it to any other  
5 congregation or to Watchtower New York?

6 A. No, I did not.

7 Q. Then in the second conversation, what was  
8 discussed?

9 A. She was concerned that this did not happen to  
10 anybody else. So I explained to her the protocol that  
11 was in place since it was established that Jonathan was  
12 a sex offender, that if Jonathan ever moved to another  
13 congregation, this would always follow him, and the  
14 congregation elders, they would be notified that  
15 Jonathan was a convicted sex offender.

16 Q. Did Ms. Conti express to you that she was  
17 satisfied with that protocol?

18 A. No, she did not.

19 MR. McCABE: Your Honor, could we approach?

20 (Sidebar discussion)

21 THE COURT: Okay. To the jury, we are going  
22 to take exactly a five-minute break. Have a break  
23 outside, and we will get you back in in five minutes.

24 (Break taken)

25 THE COURT: All right. Mr. Simons.

1 BY MR. SIMONS:

2 Q. Mr. Williams, let me go back now to that  
3 second phone call. Is it your best recollection that  
4 that second phone call was about, maybe, four months  
5 after the first?

6 A. It could be.

7 Q. And in your deposition that was your  
8 estimate, that's kind of your best recollection?

9 A. Yes.

10 Q. It was certainly more than a week or two?

11 A. Yes.

12 Q. And four months, is it fair, it might have  
13 been three, might have been five?

14 A. Yes.

15 Q. In that second phone conversation, did  
16 Ms. Conti reiterate some of the details that she had  
17 shared with you the first conversation about the nature  
18 of the abuse that she experienced?

19 A. No, she did not.

20 Q. Did she give you any details?

21 A. No.

22 Q. But she did reiterate to you that she had  
23 been sexually molested by Mr. Kendrick?

24 A. Yes.

25 Q. Did you make a report to Watchtower New York

1 after the second telephone conversation?

2 A. No, I did not.

3 Q. Did you notify any other congregation?

4 A. I talked to the elders in the Oakley  
5 Congregation.

6 Q. And did you make any writing, any written  
7 report whatsoever?

8 A. Yes, sir, I did.

9 Q. And that was after the second telephone  
10 conversation?

11 A. No. That would be after a conversation that  
12 we had when she came to Downey.

13 Q. Okay. I may have confused you. I'm talking  
14 about after the second telephone conversation, did you  
15 notify any of the congregation?

16 A. No.

17 Q. So you had two telephone conversations over  
18 the period of about three or four or five months in  
19 which this person had told you on two separate occasions  
20 she had been sexually abused by Jonathan Kendrick?

21 A. Yes.

22 Q. And you had not yet made any report even  
23 after the second call concerning that to Watchtower of  
24 New York?

25 A. No.

1 Q. And you had not made any report at that time  
2 to any of the other congregations?

3 A. No.

4 Q. Then is it accurate to say that it was  
5 probably seven or eight months after that that you had  
6 the next face-to-face meeting?

7 A. Yes.

8 Q. So you were aware of Ms. Conti's sexual  
9 abuse, at least her claim of sexual abuse by Jonathan  
10 Kendrick in the North Fremont Congregation, because she  
11 did share the congregation with you where it happened?

12 A. Yes.

13 Q. You were aware of that for about a year  
14 before you reported it to anyone?

15 A. Yes.

16 Q. And was there a point where you felt a change  
17 in Ms. Conti's emotional attitude toward the discussion  
18 that you and she were having?

19 A. Yes.

20 Q. And is it accurate to say that you felt that  
21 change was over her feeling that protocols were not  
22 enough?

23 A. Yes.

24 Q. And these are the same protocols that had  
25 been in place for all of the years, at least, that you

1 had been an elder?

2 A. Yes.

3 MR. SIMONS: Thank you. Nothing further.

4 MR. McCABE: I have no questions, your Honor.

5 MR. SCHNACK: No questions, your Honor.

6 THE COURT: Are you finished with

7 Mr. Williams?

8 MR. SIMONS: Yes, sir.

9 THE COURT: You are now excused,

10 Mr. Williams.

11 (Break taken)

12 MR. SIMONS: Pursuant to Evidence Code 776,  
13 we would call Lawrence Lamerdin.

14 THE COURT: Mr. Lamerdin, come on up.

15

16 LAWRENCE LAMERDIN

17 WAS DULY SWORN TO TELL THE TRUTH BY THE CLERK

18 AND TESTIFIED AS FOLLOWS:

19

20 THE CLERK: Would you please state your name

21 and spell your first and last name for the record?

22 THE WITNESS: First and last?

23 Lawrence Lamerdin.

24 L-A-W-R-E-N-C-E, L-A-M-E-R-D-I-N.

25

1 DIRECT EXAMINATION

2 BY MR. SIMONS:

3 Q. Mr. Lamerdin, good afternoon.

4 You are an elder at the North Congregation in  
5 Fremont?

6 A. Yes.

7 Q. For how many years?

8 A. Let's see. 20 years, I believe. Since '91.

9 Q. And before that, did you have service as an  
10 elder in any other congregation?

11 A. In Mountain View.

12 Q. And how long did you serve there?

13 A. Just a short time, about six months.

14 Q. Did you serve as ministerial servant?

15 A. Yes.

16 Q. That was in Mountain View?

17 A. Yes.

18 Q. How long from the time you became an  
19 ministerial servant until you became an elder?

20 A. Let's see. Five, six years.

21 Q. Do you remember, when you were at Fremont, a  
22 man named Jonathan?

23 A. Yes, I do.

24 Q. Were you acquainted with him?

25 A. Yes.

1 Q. And when did you come to meet him?

2 A. When he moved to the congregation.

3 Q. Was he a ministerial servant when you first  
4 came to the congregation?

5 A. I can't recall.

6 Q. You do recall that he was a ministerial  
7 servant for a time?

8 A. Yes.

9 Q. And his time as a ministerial servant  
10 overlapped with some of your time as an elder?

11 A. Yes.

12 MR. SIMONS: Your Honor, may Plaintiff's  
13 Exhibit 4 be admitted into evidence?

14 THE COURT: It will be admitted.

15 (Whereupon, Plaintiff's Exhibit Number 4  
16 was admitted into evidence)

17 BY MR. SIMONS:

18 Q. Do you recognize Jonathan Kendrick?

19 A. Looks like him. Looks a little bit older  
20 than last time I saw him.

21 Q. Do you recall the specific role that  
22 Mr. Kendrick had during the time that he was a  
23 ministerial servant?

24 A. Specific role? I don't recall, no.

25 Q. In the congregation at North Fremont during

1 that time in the 1991 to '93 period, how many  
2 ministerial servants were there?

3 A. I would have to take a guess. I don't  
4 remember. Maybe three to six. I can't recall.

5 Q. And recognizing it is an estimate, what were  
6 the different job assignments that the ministerial  
7 servants carried out back in that time period in the  
8 congregation?

9 A. Ministerial servants would be a great help.  
10 They would help out in the literature and distribution  
11 as far as providing it to the congregation, roving mics,  
12 carrying microphones to the stage. Things like that.

13 Q. Did each of the ministerial servants have a  
14 specific job to do?

15 A. At times they did. At times one would be  
16 assigned to help out to take care of the stage  
17 microphones. And at other times removal and take care  
18 of literature, for example.

19 Q. And focusing on Mr. Kendrick, would he have  
20 fulfilled more than one of these different assignments  
21 that you have described for us?

22 A. Maybe not.

23 Q. When a ministerial servant gets an  
24 assignment, would it be fair to say that is the  
25 assignment he usually performs until such time as he

1 becomes an elder or ceases to be a ministerial servant?

2 A. No, not really. If they do a great job, I  
3 mean if it is easy for them to accomplish that, they can  
4 stick with it. Usually, it is a great benefit to the  
5 congregation.

6 Q. Did Mr. Kendrick, to your understanding, have  
7 any duties and responsibilities with regard to  
8 literature?

9 A. I can't recall.

10 Q. Do you recall ever having him dealing with  
11 traffic, for example, in the parking area?

12 A. I can't recall. I can't recall. No doubt,  
13 though, as a servant, he had helped us in some ways.

14 Q. Did you ever give Mr. Kendrick any specific  
15 instructions on how to perform his duties?

16 A. Again, I don't remember what duties he was  
17 assigned, so I don't know.

18 Q. Do you remember giving him any training or  
19 instructions at all?

20 A. Myself? I don't know. It would be usually  
21 the training would come through in the articles we were  
22 discussing at the meetings.

23 Q. You heard a report at some point that  
24 Mr. Kendrick had sexually abused a girl?

25 A. Yes.

1 Q. And do you recall, first of all, hearing of  
2 that report specifically? Do you recall learning about  
3 the report?

4 A. Do I recall when I learned of the report?

5 Q. No. Do you have a recollection of hearing  
6 that report?

7 A. I have a recollection of hearing the report.

8 Q. As you sit here today, have you done  
9 something since your deposition back in November of 2011  
10 to sort of refresh your recollection as to that report?

11 A. Not really, no.

12 Q. Is it -- I will say as clear in your mind  
13 today -- I know this was some years ago, but is it as  
14 clear in your mind today of hearing that report as it  
15 was back in November when we took your deposition?

16 A. It is about the same.

17 Q. Is it correct at the time we took your  
18 deposition, I asked you if you recall hearing a report  
19 that there was some inappropriate touching between  
20 Kendrick and Andrea, and you don't recall that?

21 A. That's correct. That's correct. I do not  
22 recall that.

23 Q. What do you recall about that incident?

24 A. I recall there was abuse that was confessed  
25 to.

1 Q. Do you recall when you first heard of the  
2 report?

3 A. Of the abuse?

4 Q. Yes. When did you first hear of the report  
5 of Kendrick abusing his stepdaughter?

6 A. At our elders meeting.

7 Q. Do you recall in your deposition when we  
8 asked the time frame within which you learned of that  
9 report you had no recollection?

10 A. I do recall saying that, yes. So I would say  
11 you are correct from recalling at the deposition and  
12 things that you asked me that I recalled, I remember a  
13 little more clearly. I would say it would be more  
14 correct in that.

15 Q. At the time of your deposition, did you even  
16 recall whether Mr. Kendrick was still a member of the  
17 congregation when you learned of that report?

18 A. I can't recall.

19 Q. You were not involved, yourself, in any of  
20 the discussions about whether Mr. Kendrick should  
21 continue his duties as a ministerial servant?

22 A. No, I was not.

23 Q. How many elders, approximately, were there  
24 back in the time period of 1993 when the events that we  
25 are talking about occurred?

1           A.       I would say about the same today.  Maybe  
2 about twelve -- ten to 13, somewhere around there.

3           Q.       And were you regular in your attendance to  
4 the elders meetings?

5           A.       Yes.

6           Q.       In fact, over your many years, you have been  
7 very conscious just in that respect, have you not?

8           A.       Yes, I have.

9           Q.       So you didn't miss elders meetings in 1993?

10          A.       I certainly tried not to.  Because of  
11 sickness at times.

12          Q.       When you learned that Mr. Kendrick had  
13 sexually abused his stepdaughter, did you take it upon  
14 yourself to do any additional supervision of him with  
15 regard to his participation in activities at the  
16 congregation?

17          A.       Absolutely.  Absolutely.  Particularly myself  
18 and my responsibility as a shepherd, as we are called,  
19 as we try to care for the needs of the congregation, our  
20 children are very important.  And particularly after  
21 hearing that, I was even more observant.

22          Q.       And did you observe Mr. Kendrick in the  
23 Kingdom Hall with children around him or present?

24          A.       Not any more than any other congregation  
25 member.

1 Q. So you saw Mr. Kendrick in participating in  
2 Kingdom Hall activities with children around him just  
3 like any other?

4 A. No. Not in that aspect. As one who would  
5 draw children to him at that point, no. And we would  
6 make sure that would not happen after hearing of that.

7 Q. I think you said no more than any other  
8 congregant?

9 A. I did say that. And I want it clarified and  
10 to make sure I clarified you understood what I meant by  
11 that. As we meet together, we all meet together and  
12 mingle before the meetings. As he would come in, as in  
13 any other congregation member, it would be passing  
14 family or passing children and whatnot.

15 As if he was standing by himself, if he was  
16 standing by another male with him that I could see, it  
17 wasn't something that he had the position of pulling  
18 children around or encouraging children to come next to  
19 him at all, and we made sure that was watched.

20 Q. Was he allowed to sit anywhere within the  
21 Kingdom Hall?

22 A. For the most part, yes.

23 Q. So there was nothing to prevent him from  
24 sitting next to families with children?

25 A. Oh, yes, there was. We were the ones

1 responsible for that, making sure that didn't happen.

2 Q. So your recollection is that Mr. Kendrick was  
3 never allowed to sit with children?

4 A. To the best of our ability, we made sure of  
5 that.

6 Q. And how did you make sure of that?

7 A. Just keeping our eyes out and making sure  
8 that there was no one-on-one contact.

9 Q. Did you ever have to get up and tell  
10 Mr. Kendrick to move, he was too close to a child?

11 A. I don't recall doing that, no.

12 Q. Do you recall seeing any other elder ever  
13 requiring Mr. Kendrick to move because he was sitting  
14 next to a child?

15 A. I don't recall that, no.

16 Q. Do you recall anyone ever discussing in the  
17 elder's conferences or meetings that he was sitting in  
18 the Kingdom Hall sitting in the seats, and there were  
19 children sitting next to him?

20 A. I don't recall that.

21 Q. After the discussion in terms of Mr. Kendrick  
22 being removed, following that time period, was there  
23 ever another discussion at the Body of Elder meetings  
24 about supervising Mr. Kendrick?

25 A. Can you repeat that, please?

1 Q. Yeah. After this report was received, was  
2 there ever another meeting in which Mr. Kendrick was  
3 discussed?

4 A. I can't recall.

5 Q. Do you recall any discussion after November  
6 of 1993, when the report first came up, in which it was  
7 talked about in the body of elders in the Fremont North  
8 Congregation that, "Hey, are we keeping an eye on.  
9 Mr. Kendrick?"

10 A. I can't recall. It is something we would  
11 strive do regularly, and as articles come up, remind  
12 them of these things.

13 Q. But your best testimony is that it was never  
14 discussed again?

15 A. No. That's not my testimony. I don't  
16 recall. It may have, but I don't recall.

17 Q. Now, is it fair to say that over the last 20  
18 years or so that maybe three or four ministerial  
19 servants had been removed from their positions at the  
20 North Fremont Congregation?

21 A. That would be at the most, and normally  
22 that's because they move.

23 Q. And is that considered to be a big deal?

24 A. Oh, yeah. It is. Of course not removed, but  
25 many times it is because of them having some spiritual

1 difficulties, not keeping up with or applying certain  
2 spiritual qualifications.

3 Q. So you would agree that the fact that a  
4 ministerial servant is removed from that position does  
5 not tell the congregation that he has a record of  
6 sexually abusing a child?

7 A. No.

8 Q. Do you agree?

9 A. Repeat that, please.

10 Q. Do you agree that the removal of a  
11 ministerial servant does not convey to anyone the  
12 information that he had sexually abused a child?

13 A. No. It does not convey that.

14 Q. In 1998, you completed a form that had some  
15 information concerning Mr. Kendrick.

16 THE COURT: It may be admitted into evidence  
17 as written.

18 BY MR. SIMONS:

19 Q. First of all, do you see your signature at  
20 the bottom of this page?

21 A. Yes.

22 Q. Do you recall meeting with Mr. Clarke and  
23 Mr. Abrahamson to complete this form?

24 A. Yes.

25 Q. And this was information that was provided

1 back to Watchtower New York concerning Jonathan  
2 Kendrick; is that correct?

3 A. Yes.

4 Q. And in that information, there is a Number 4.  
5 Can we highlight Number 4 here?

6 "Legal authorities contacted. Police  
7 report made. No action taken by courts."

8 Do you recall where you got the information  
9 that went into filling out this portion of the form?

10 A. This was from Mr. Clarke and Mr. Abrahamson.

11 Q. And was there any discussion at that time as  
12 to whether it should be checked to see whether it was  
13 accurate?

14 A. Whether those statements are accurate?

15 Q. Yes. Whether that statement was accurate?

16 A. Definitely.

17 Q. And do you have any information as to what  
18 was done to make sure the information was accurate?

19 A. I had their assurance that it was accurate.

20 Q. So Mr. Abrahamson and Mr. Clarke told you  
21 that they had checked, and the legal authorities had  
22 been contacted concerning this 1993 incident, but there  
23 had been no action by the courts?

24 A. That's what I was told.

25 Q. Was it important to you that the information

1 on this form be accurate?

2 A. Yes.

3 Q. And did you want Watchtower New York, when  
4 you sent this form, to have complete information on the  
5 individual that was the subject of this report?

6 A. Yes.

7 Q. Going back to your deposition, you advised me  
8 at the time when I asked you, had you ever seen Jonathan  
9 Kendrick with children after the 1993 report was  
10 received, and your answer was "not alone."

11 Do you recall that?

12 A. I think so.

13 Q. Let me, if we may, page 28 of the deposition  
14 line 17 through 20. Let me see if we can refresh you  
15 here?

16 A. That's all right. I trust you.

17 Q. Let's take a look at it.

18 MR. SCHNACK: If you are going to refresh,  
19 I'm not sure you should show it to the jury, your Honor.

20 THE COURT: Forgetting your trust of  
21 Mr. Simons, do you recall that having been your answer,  
22 sir?

23 THE WITNESS: Could you give me that question  
24 again, so I can answer it clearly?

25 MR. SIMONS: Yes.

1                   May we approach, your Honor?

2                                   (Sidebar discussion)

3 BY MR. SIMONS:

4           Q.       Notwithstanding your comment, I would like to  
5 show you your question and answer on the page and line I  
6 just indicated and ask you about it.

7                                   (Whereupon, video recording was played)

8 BY MR. SIMONS:

9           Q.       Ever see Jonathan Kendrick present with  
10 children at Kingdom Hall after you learned of this  
11 report?

12          A.       Never alone.

13                                   (Whereupon, video recording was stopped)

14 BY MR. SIMONS:

15          Q.       So let's split some hairs. You never saw  
16 Jonathan Kendrick alone with a child at Kingdom Hall?

17          A.       Exactly, yes.

18          Q.       Of course if he was alone with a child, you  
19 wouldn't have seen him because he would have been alone.  
20 Correct?

21                                   MR. McCABE: Objection. Argumentative.

22 BY MR. SIMONS:

23          Q.       Let me rephrase.

24                                   The Kingdom Hall has got a series of small  
25 rooms and then there is a large room?

1           A.     Yes.

2           Q.     And within that large room, there is a number  
3 of chairs and seating.  Correct?

4           A.     Yes.

5           Q.     As well as there is things along the wall  
6 where you might store things, that sort of thing?

7           A.     Uh-huh.  In the back.  In the back of the  
8 auditorium.

9           Q.     So when you said "never alone," isn't it  
10 correct that you did see Mr. Kendrick with children  
11 after 1993 in the Kingdom Hall, just that you never saw  
12 him alone with a child?

13          A.     I'm not sure where you are going with this  
14 question, but what I meant to say -- not meant to say --  
15 what I did say before was he would be along with the  
16 rest of the congregation attending a meeting, and as we  
17 come together it is not women and children on this side  
18 and men on this side.

19                   As we come in, we all come in together  
20 mingling.  However, not alone in that circumstance.

21                   If he would be walking in, he might be  
22 walking in to find a seat, whatever it might be in that  
23 situation.

24                   MR. SIMONS:  Thank you, sir.  Nothing  
25 further.

1 CROSS-EXAMINATION

2 BY MR. McCABE:

3 Q. Mr. Lamerdin, how many hours a week do you  
4 spend performing your duties and services as an elder in  
5 the North Fremont Congregation?

6 A. Somewhere between 15 and 20 hours, I would  
7 say.

8 Q. And the other elders that have testified said  
9 they don't get paid. Is that true?

10 A. No.

11 Q. Why do you do it?

12 A. It is a privilege. It is an honor to be able  
13 to take care of the congregation.

14 They have a trust and a reliance on us to  
15 help them out, and it is a privilege working along with  
16 them teaching.

17 Q. I would like to see if we can have Exhibit  
18 132, Defense only, into evidence.

19 It is a series of three photographs.

20 MR. SIMONS: There is no objection, your  
21 Honor.

22 THE COURT: So Defense 132?

23 MR. McCABE: Yes. 132.

24 THE COURT: By agreement, Plaintiff's Exhibit  
25 Number 27 and Defendant's Exhibit Number 132 is now

1 admitted.

2 (Whereupon, Plaintiff's Exhibit Number 27  
3 and Defendant's Exhibit Number 132  
4 was admitted into evidence)

5 BY MR. McCABE:

6 Q. Have you seen this photo?

7 A. That's the front entrance to our Kingdom  
8 Hall.

9 Q. Okay. And that's located on what street?

10 A. 1660 Peralta Boulevard in Fremont.

11 Q. And what is this? Number 132? Can you tell  
12 us what that is?

13 A. That's the entrance to the front of the  
14 Kingdom Hall.

15 Q. And as you go away from the photograph, it  
16 looks like there is some shrubbery?

17 A. Yes.

18 Q. And blacktop?

19 A. Yes. All the way back. It goes back maybe  
20 five or six rows of parking in a rectangle, back behind  
21 you.

22 Q. So that's the parking lot?

23 A. Parking lot.

24 Q. And if we could go back to the last  
25 photograph, the entry to the Kingdom Hall?

1                   What are we looking at here besides the  
2 Kingdom Hall sign?

3           A.     As you go in the driveway, you will see a  
4 gate with a post coming up right there, and going  
5 straight back, you see a dusty spot there. That's where  
6 the parking starts and goes right behind that building.  
7 And right in the back there is where the parking is, the  
8 blacktop and the front door that you saw the other way  
9 around.

10          Q.     So what is this right here?

11          A.     That is the back, if you will, of the Kingdom  
12 Hall that's all closed off right there.

13          Q.     All right. Go to the next photograph.

14          A.     That's the opposite side of what you just  
15 pointed to.

16          Q.     The opposite side?

17          A.     The opposite side of what you just pointed  
18 to.

19          Q.     All right. Let's go to the next paragraph.

20                   What are we talking at here?

21          A.     That's right inside the front door, in the  
22 back corner of the tan spot in the back there. Looks  
23 like a little archway. Those are the doors you just  
24 looked at going in. That's the entrance. That's where  
25 they come in. And that's the congregation singing

1 before the meeting.

2 Q. Is this the entire size of the auditorium?

3 A. Yeah. That's pretty much it, that angle  
4 there, yeah. And right next to you over your shoulder  
5 right there, if you turned around and looked at that  
6 direction, that's where the stage is with the platform.  
7 Not really high. It is about just right here, two  
8 steps.

9 Q. How many seats are in the auditorium?

10 A. 220, I think.

11 Q. What is your normal Sunday attendance?

12 A. Normal is about a hundred. It goes between  
13 95 and 110, maybe, somewhere in there.

14 Q. Was that true in 1994, '95 and '96?

15 A. Yeah. We averaged right around there.  
16 Sometimes it went higher, maybe 115 or 120, somewhere in  
17 there.

18 Q. And in 1993, would you agree that's what you  
19 heard about the molestation of Andrea Kendrick?

20 A. Yes.

21 Q. Did you consider Jonathan Kendrick to be a  
22 child abuser at that point in time?

23 A. Child abuser? Yes.

24 Q. Did you ever -- while he was still associated  
25 with the congregation, ever hear him being involved in

1 another act of child abuse?

2 A. No, I did not.

3 Q. Did you consider Mr. Kendrick, in 1993 until  
4 he left the congregation, to be a danger to children in  
5 your congregation?

6 A. No. As a matter of fact, we kept an eye on  
7 him to make sure that everything was fine, and there was  
8 no issue that came up after that that warranted anything  
9 to lead us to think that way.

10 Q. This document you just went over with  
11 Mr. Simons indicated there had been a court action.  
12 When did you hear about the court action in connection  
13 with the events with Andrea?

14 A. I'm sorry?

15 Q. Sorry, it is my voice.

16 In the letter that you just looked at from  
17 your congregation, signed by you and Mr. Clarke and  
18 Mr. Abrahamson, indicated there was some type of report  
19 made; is that correct?

20 A. Right. Right.

21 Q. And it indicated that there was no court  
22 action taken?

23 A. There was no court action taken, yes.

24 Q. And you subsequently learned that that was  
25 inaccurate?

1 A. Yes.

2 Q. Was that an important fact to you, when you  
3 wrote that letter, whether or not court action was  
4 taken?

5 A. Was it an important fact for me?

6 Q. Was it?

7 A. That no action was taken?

8 I'm sorry. It is hard for me to hear.

9 Q. I'm sorry. The fact that there was or was  
10 not court action taken, was that a very salient fact or  
11 important fact of that communication to Watchtower?

12 A. Yes.

13 Q. And the fact that there wasn't communicated  
14 correctly on that form, was that an important fact?

15 A. Yes.

16 Q. Why wasn't it correctly put on the form?

17 A. We had no idea, we had no knowledge of it.

18 Q. How did you know it was reported to the  
19 police?

20 A. I was begin that information by Mr. Clarke  
21 and Mr. Abrahamson.

22 Q. Have you since learned that Jonathan Kendrick  
23 was convicted of a misdemeanor?

24 A. Yes.

25 Q. When did you learn that?

1 A. I'm sorry, I can't recall.

2 Q. Do you know if the Fremont police ever  
3 contacted your congregation in connection with this  
4 report that was made to them about Andrea?

5 A. No one ever contacted the congregation.

6 Q. How about the District Attorney's office?

7 A. No.

8 Q. How about Child Protective Services?

9 A. No.

10 Q. How about the probation department?

11 A. No.

12 Q. Do you recall that Jonathan Kendrick and his  
13 wife Evelyn separated?

14 A. Vaguely, I do.

15 Q. Do you recall the year?

16 A. I don't recall the year that they did.

17 Q. Do you recall where Jonathan Kendrick went to  
18 live shortly after the separation?

19 A. I believe he went to his friend's house, the  
20 Francis home.

21 Q. And that was another family in the  
22 congregation?

23 A. Right.

24 Q. After the report was made to your body of  
25 elders about Jonathan Kendrick abusing his stepdaughter,

1 Andrea, did you ever see Candace Conti sitting on  
2 Jonathan Kendrick's lap at the Kingdom Hall?

3 A. Absolutely not.

4 Q. Was that something you were watching for?

5 A. Oh, definitely. For any child.

6 Q. Albeit, Mr. Kendrick being removed as a  
7 ministerial servant, as part of that process, was he  
8 given any instructions by the body of elders about  
9 contact with children?

10 A. Yes.

11 Q. What were some of those instructions?

12 A. Not allowed to be around them, to work in the  
13 ministry with them, to have contact with them or  
14 indirect contact at all. Not to be around them.

15 Q. Do you ever see Mr. Kendrick violate those  
16 directions?

17 A. No.

18 Q. Did you ever see Mr. Kendrick giving bear  
19 hugs to Candace Conti in the Kingdom Hall before the  
20 meeting, during the meeting or after the meeting?

21 A. No, I never saw that.

22 Q. Did you ever see Candace Conti leaving the  
23 Kingdom Hall out the driveway from the parking lot with  
24 Jonathan Kendrick in a vehicle alone?

25 A. Absolutely not. If I had seen that, I would

1 have run out there and stopped the truck and said, "What  
2 is going on here? That is not allowed."

3 Q. And why was it not allowed?

4 A. That is just not right. It is not right for  
5 someone else to take someone else's child alone,  
6 one-on-one like that. And even -- it is just not right.

7 Q. Do you have children, Mr. Lamerdin?

8 A. Yes, I do. I have a boy and a girl, 14 and  
9 16.

10 Q. And what about Mr. Kendrick working in the  
11 house-to-house ministry we were talking about with  
12 Candace alone?

13 A. I'm sorry.

14 Q. With Mr. Kendrick, after 1993, did he ever  
15 work in the house-to-house work, alone with Candace  
16 Conti?

17 A. No.

18 Q. Did you ever see that happen after 1993?

19 A. No. Not at all.

20 Q. Did Jonathan Kendrick ever lead a meeting  
21 that you had at the Kingdom Hall before your people go  
22 out and do door-to-door ministry?

23 A. No.

24 Q. Did you ever do that before November of 1993?

25 A. I don't recall that.

1           Q.       But after November of 1993, your testimony  
2 is --

3           A.       Absolutely not.  No.

4           Q.       Let's talk for a minute about confidentiality  
5 and the congregation.

6                    Why do you have confidentiality in the  
7 congregation of reports that are made to you?

8           A.       Confidentiality is vital.  It is a scriptural  
9 direction that we have.  We base it on the scriptures,  
10 Proverbs 29 highlights not to reveal confidential talk  
11 of another.  It could even lead to slander.

12                   It is a vital aspect of a minister in the  
13 congregation that the congregation can come to those  
14 that can help them spiritually to build them up  
15 spiritually and have confidence and trust that they are  
16 not going to be spreading or talking to others about  
17 this.

18                   Maybe they deal with depression, maybe they  
19 deal with a personal issue, or whatever it might be, or  
20 something more serious.  It is a vital thing.  And it is  
21 scripturally based, we guide ourselves accordingly with  
22 that.

23           Q.       From time to time, does the body of elders  
24 get policies from Watchtower in how to conduct various  
25 aspects of the congregation?

1           A.       Sure.

2           Q.       Do those instructions come in the form of  
3 letters from the Watchtower organization?

4           A.       Yes, letters.

5           Q.       I would like to show you Plaintiff's 1,  
6 Defense Number 26, and ask you if you recognize this  
7 document.

8           A.       Yes, I do.

9           Q.       What is it?

10          A.       It is a letter to all bodies of elders in the  
11 United States regarding confidentiality in various  
12 aspects of conducting ourselves as elders in different  
13 matters that we deal with.

14          Q.       And what is confidentiality based on in this  
15 letter?

16          A.       Scriptures. It is based on scriptural  
17 direction. For example, one is highlighted here in  
18 Matthew: "What you hear whispered, preach from the  
19 housetops."

20                    But that's not the things. It says we cannot  
21 stop speaking about the things aired here.

22                    That is the preaching activity. That is  
23 something that we engage in. That is very important.

24                    Yet when it comes to confidential matters,  
25 Ecclesiastes says keep quiet. It is a confidential

1 matter. Not revealing confidential talk of one another.

2 Q. Was this July 1st, 1989 letter to all bodies  
3 of elders of the United States also a policy statement  
4 on child abuse?

5 A. Oh, I'm sorry. Also, in addition?

6 Q. Yes.

7 A. It has a paragraph on that, yes.

8 Q. Which paragraph is it?

9 A. On page 3, I think, B. Right at the top of  
10 the page.

11 Q. And how long is this entire letter?

12 A. Six pages.

13 Q. And how long is the article -- or the section  
14 on child abuse?

15 A. One paragraph.

16 Q. And what is the direction that is given by  
17 Watchtower in that paragraph regarding child abuse?

18 A. If there is ever an accusation, to  
19 immediately call the Legal Department of the Watchtower.

20 Q. Anything else?

21 A. For direction. And, of course, look up --  
22 and articles that can help us to help those that have  
23 brought this up, this accusation up.

24 Q. And does it refer to such an article?

25 A. Yeah. It refers to the Awake of January 22,

1 of 1985, "If the worst should happen."

2 Q. I would like to show you what has been marked  
3 as Plaintiff's Number 17 -- excuse me. Plaintiff's  
4 Number 9. Defendant's Number 17. It has been admitted,  
5 I believe.

6 Do you recognize that document, sir?

7 A. Yes, I do.

8 Q. What is it?

9 A. This is how I, or how we can protect our  
10 children. And the highlight of the article with the  
11 primary subject of the article is regarding child  
12 molesting.

13 Q. Is that article the one that's referred to in  
14 the July 1, 1989 letter dealing with child abuse?

15 A. Yes, it is. And particularly on page 8.  
16 That's what the letter primarily refers to.

17 Q. What is contained on page 8?

18 A. It refers to a box there, "If the worst  
19 should happen," and how to care for the individual.

20 Q. Do you recall -- you were with us in 1985?

21 A. Yes.

22 Q. Do you recall, yourself, getting this  
23 magazine?

24 A. Yes.

25 Q. Do you recall how you got it?

1           A.       Yes.   Getting a subscription in the mail in  
2 the mail box.

3           Q.       Was it your custom at that time to read  
4 magazines like this when they came?

5           A.       Oh, yeah, definitely.

6           Q.       Was that magazine available just to elders in  
7 the congregation?

8           A.       No.   To everybody in the congregation that  
9 wanted a copy.   Actually, everybody had a subscription.  
10 And if they use these -- normally this is what we use  
11 out in the ministry, we share this with people knocking  
12 on their doors, sharing this information.

13                    It is something that it is so sad to see,  
14 this is something infiltrating society.   This is what we  
15 want people to be aware and how they can help.

16           Q.       Getting back to the July 1, 1989 letter and  
17 the paragraph dealing with child abuse, was that the end  
18 of the policy begin to you by Watchtower Bible and Tract  
19 Society in dealing with the matters of child abuse?

20           A.       The end of the policy?   No.

21           Q.       What else was provided to you?

22           A.       Well, we are continuing our instructed,  
23 whether it is through articles in the magazines or  
24 letters from the Watchtower, to continue to be aware of  
25 situations and make us aware of how we can continue to

1 be vigilant in caring for the congregation.

2 Q. I would like to approach you with Defendant's  
3 Exhibit 32, and Defendant's Exhibit 27, which has been  
4 admitted into evidence, and ask you if you recognize  
5 this document.

6 A. Yes, I do.

7 Q. Is that a continuation of the development of  
8 the policy of Watchtower on child abuse?

9 A. Yes.

10 Q. Is there an attachment to that March 23, 1992  
11 letter?

12 A. Yes, there is.

13 Q. Okay.

14 A. That attachment says or states at the heading  
15 of it is what elders can say to abused victims.

16 Q. Now, I want to call your attention to a time  
17 when you first heard about Jonathan Kendrick abusing  
18 Candace Conti.

19 Do you recall that time period?

20 A. Yes.

21 Q. What time period? What year was it?

22 A. It was about a year ago. I'm blank on the  
23 date.

24 Q. Does 2009 sound about right?

25 A. December, I think it was, 2009. Somewhere

1 around there. Yes, 2009.

2 Q. Do you remember what month?

3 A. I think it was December.

4 Q. How did you first hear about Candace Conti's  
5 allegations of abuse by Jonathan Kendrick?

6 A. At that meeting, when we met with her at the  
7 Kingdom Hall.

8 Q. How did you know to meet her at the Kingdom  
9 Hall?

10 A. She had called Mr. Clarke, I believe, and  
11 requested that both of us meet with her at the Kingdom  
12 Hall and she wanted to inform us regarding some type of  
13 abuse.

14 Q. And you knew the subject was going to be  
15 sexual child abuse?

16 A. That was what I understood it to be.

17 Q. And how did you understand it?

18 You knew from Mr. Clarke?

19 A. Yes, from the conversation he had with her.

20 Q. What, if anything, did you do prior to  
21 learning about the meeting to prepare for the meeting  
22 that you were going to have with Ms. Conti?

23 A. Right away, I looked up what I could on the  
24 subject. And as a matter of fact, this is one of the  
25 letters I looked up.

1 Q. And that is a March 23, 1992 letter?

2 A. March 23, 1992 letter.

3 Q. With the attachment?

4 A. With the attachment, yes, along with some  
5 Awake articles and how we can help.

6 Q. Why did you do that?

7 A. Just hearing of that just cut me to the  
8 heart. You hear about it all the time in the media, and  
9 it is going on constantly. And then hearing of that, it  
10 hurt. And I wanted to make sure that I can be of some  
11 assistance to help by my words, by using the scriptures  
12 to comfort her, to help her realize that God cares about  
13 her and wants her to be careful.

14 Q. Prior to the meeting, did you do any looking  
15 into your files for anything about Jonathan Kendrick?

16 A. Prior to that? No, I didn't know who was  
17 involved.

18 Q. Where did the meeting take place with Candace  
19 Conti?

20 A. At the Kingdom Hall.

21 Q. How did the meeting begin?

22 A. We sat down and asked her, well, what  
23 happened? What is happening?

24 Q. Did you start the meeting with a prayer?

25 A. I believe so.

1 Q. Did Candace join you in that prayer?

2 A. I would hope so.

3 Q. Did you bring anything to the meeting to use  
4 in your discussions with her?

5 A. The Bible.

6 Q. How long did the meeting last?

7 A. I can't recall. I think it was maybe about  
8 an hour. Maybe less than that, half hour. I can't  
9 recall.

10 Q. What did Ms. Conti tell you about what had  
11 happened to her as a child?

12 A. She said that she was abused by Jonathan  
13 Kendrick.

14 Q. Did she provide you any more details?

15 A. She said that he touched her inappropriately.  
16 And she started to break down, which really hurt, seeing  
17 her pain. She said that she couldn't continue on. She  
18 insinuated that it went beyond that.

19 Q. And you didn't press her on details?

20 A. No, not at all.

21 Q. Did Mr. Clarke press her on details?

22 A. No.

23 Q. And as far as you understood, Ms. Conti  
24 requested that you would be at that meeting?

25 A. From what I remember, yes.

1 Q. Did you have any discussion with Ms. Conti  
2 that she had spent time alone with Mr. Kendrick at his  
3 home?

4 A. Any discussion? I believe, she brought that  
5 up.

6 Q. Prior to that conversation, was that  
7 something that you had ever known about?

8 A. No. Not at all.

9 Q. Did she indicate anywhere else?

10 A. I can't recall, no. I don't believe so.

11 Q. Did she indicate to you whether or not she  
12 drove a vehicle with Mr. Kendrick away from the Kingdom  
13 Hall?

14 A. I don't think that came up in the meeting,  
15 no.

16 Q. Did you ever observe that?

17 A. Did I ever observe that? No. Absolutely  
18 not.

19 Q. What did you do to try to comfort and  
20 encourage Candace Conti during this meeting?

21 A. We certainly tried to listen and be  
22 empathetic and with heartfelt, honestly, and tried to  
23 comfort her in any way.

24 We shared some scriptures with her and  
25 encouraged her to reach out to her family or dad to help

1 her through this.

2 Q. Let's talk about that for a minute. Did you  
3 suggest that she reach out to her father?

4 A. Yes.

5 Q. And what was her response?

6 A. She just, from what I could recall, indicated  
7 it wasn't the greatest relationship. I mean, I don't  
8 want to put words in anyone's mouth, but it just  
9 appeared they weren't getting along, things like that.

10 Q. Body language, things like that --

11 A. Yeah.

12 Q. Let me finish my question.

13 A. I'm sorry.

14 Q. Did you reach out to Neal Conti after this  
15 meeting with Candace?

16 A. Yes, I think about two or three days later.  
17 After two or three days, we met with him.

18 Q. And was he a member of the congregation in  
19 2009?

20 A. No. He was in a neighboring congregation.

21 Q. So how did you contact him?

22 A. We got ahold of him, contacted him on the  
23 phone, and then we met him at the Kingdom Hall and spoke  
24 to him.

25 Q. Same Kingdom Hall?

1 A. Same Kingdom Hall.

2 Q. What did you tell Mr. Conti?

3 A. We asked him if he was aware what was going  
4 on here. And we asked him, "Please reach out to her,  
5 and she needs your support now."

6 And he was pretty upset about it.

7 Q. And what was his response?

8 A. He said he would try to do whatever he could  
9 to reach out.

10 Q. I wanted to ask you, too, did you try to  
11 reach out to Candace's mother, Kathleen Conti?

12 A. No.

13 Q. Did you try to call her?

14 A. No. I don't recall.

15 Q. Did you know where she lived at the time?

16 A. No. Just, I thought she lived somewhere in  
17 Southern California. I don't remember where.

18 Q. How many children attend the North Fremont  
19 Congregation?

20 A. About 30. 20, 30, something like that.

21 Q. How do you feel about that?

22 A. They are like family. They mean a lot to us.

23 Q. Okay.

24 A. We cherish them. We care for them. We want  
25 to see them grow up with good morals, to be an asset to

1 the community, to grow up with spiritual guidance and to  
2 be happy and to have a great life.

3 Q. How many children were in the congregation  
4 back in 1994?

5 A. 1994? Close to the same. We are pretty --  
6 family congregation. We have a lot of kids in our hall.  
7 Maybe between 20 and 30.

8 Q. Would that be true in '95, '96, '97?

9 A. I would say so, yes.

10 Q. Did you feel the same back then as you do  
11 today about those children?

12 A. Absolutely. Tremendously. We are like a  
13 family. We care about one another. That is part of  
14 meeting together even before the meetings. How is it  
15 going? How are you doing in school? How is everything  
16 going? We really care about one another. It is just  
17 the way we feel.

18 MR. McCABE: Thank you.

19

20 REDIRECT EXAMINATION

21 BY MR. SIMONS:

22 Q. Mr. Lamerdin, thank you for your obvious  
23 feelings of empathy for Candace. Let me ask you a  
24 couple of other questions here.

25 A. Sure.

1 Q. Can we go back to the photographs and see  
2 photograph 132-C again, please?

3 Mr. Lamerdin, I'm just a little unclear. Is  
4 there an aisle that we kind of just see here in the  
5 bottom right of the photograph?

6 A. Yes, there is the aisle there, and then the  
7 same on the other side.

8 Q. So it looks like there is a seat on the  
9 bottom right of the photograph as well?

10 A. Yes.

11 Q. And there is about the same number of seats  
12 on the right side of the photograph as there is on the  
13 left?

14 A. Yes. On the far left, there is four seats on  
15 the wings, if you will.

16 Q. So what we see here is where, actually, the  
17 folks, Mr. Abrahamson and others are standing is, we see  
18 sort of the middle section of seats?

19 A. Yes.

20 Q. And then there is a section on the left with  
21 an aisle. Correct?

22 A. Correct.

23 Q. And then a section on the right with an  
24 aisle?

25 A. Correct.

1 Q. And then you mentioned, there is a little  
2 stage, a slightly elevated area in the front?

3 A. Yes. In the front area, yes.

4 Q. Where are the elders during the services?

5 A. All disbursed throughout.

6 Q. Disbursed in the audience?

7 A. Yes.

8 Q. Okay.

9 A. There is no, "Okay, all the elders sit right  
10 here and you sit right there." They are all...

11 Q. And who is up at the front facing, if anyone,  
12 facing the chairs and the people in them?

13 A. Like I am looking back at that?

14 Q. Yes.

15 A. There is no one looking back at that except  
16 for the one who is presenting the material from the  
17 podium.

18 Q. So whoever would be, either the speaker or  
19 leader of the prayer or song, that would be the person  
20 in front?

21 A. Yes.

22 Q. And does that person change during the course  
23 of the service?

24 A. Yes. Occasionally, yes.

25 Q. Does it change from service to service who

1 that person might be who is up at the front leading?

2 A. Yes. For example, for Sunday we have a  
3 public talk or talk for everybody by the way it is  
4 taught. And the one who is presenting that, once he  
5 finishes, then the chairman will come up, we have an  
6 intermission song, and then another person will come up  
7 and conduct a Watchtower study.

8 Q. Now, you mentioned that you did not consider  
9 Mr. Kendrick to be a danger before the molestation of  
10 his stepdaughter?

11 A. Right.

12 Q. And you did not consider him to be a danger  
13 to molest other children afterwards because you were  
14 keeping an eye on him?

15 A. Yes.

16 Q. Did you consider him to be a danger to molest  
17 children after 1993, after the stepdaughter report, at  
18 times when you, perhaps, didn't keep an eye on him?

19 A. I really couldn't comment on that.

20 Q. You knew from -- in the beginning you said  
21 that you read in the Awake and the Watchtower that child  
22 sex abusers often operate in secret?

23 A. Yes.

24 Q. And you knew that they often operate in  
25 religious organizations?

1           A.       Yes.

2           Q.       And you knew that they would find ways  
3 without any detection at all to get to children that  
4 were in the various religious congregations?

5           A.       Yes.

6           Q.       You mentioned that if you saw a child in a  
7 car of someone other than a parent that you would  
8 inquire and want to know what's going on.

9                    Is that a fair summary of what you told us  
10 earlier?

11          A.       Yes.

12          Q.       Wouldn't you say that it is undoubtedly true  
13 that sometimes parents could not provide transportation  
14 to a child to a Jehovah's Witness event, and it would be  
15 done by another member of the congregation?

16          A.       Only under the parents' supervision and that  
17 they trust.

18          Q.       But you were aware that the parent from time  
19 to time would have their child transported by another  
20 member of the congregation?

21          A.       The reason why I'm hesitant on that is the  
22 way you put the question. They would be transported at  
23 times with someone they would approve of, yes.

24          Q.       Who the parents would approve of?

25          A.       Who the parents would approve of. They have

1 the primary responsibility of taking care of the  
2 children.

3 Q. It would not be surprising to you, however,  
4 to learn that the parents had asked another member of  
5 the congregation that they trusted to take their child  
6 somewhere?

7 A. It would surprise me. It would surprise me  
8 at times, yeah. I would make sure I touched base with  
9 the parents and what's behind it and make sure they will  
10 be responsible and take care of the safety and welfare  
11 of the child.

12 MR. SIMONS: Let's take a look, your Honor,  
13 at Mr. Abrahamson's deposition at page 38, lines 11  
14 through 23.

15 (Whereupon, video recording was played)

16 BY MR. SIMONS:

17 Q. Children sometimes attend meetings without  
18 parent?

19 A. Yes, they do. But, of course, they would  
20 have to arrange transportation to get there, so someone  
21 would take oversight of that individual to get them to a  
22 meeting and to get them home.

23 Q. When you said "somebody" can you tell me what  
24 kind of somebody you are thinking of?

25 A. The parents would arrange for somebody.

1 Q. A person -- another member of the  
2 congregation?

3 A. Yes. Undoubtedly.

4 (Whereupon, video recording was stopped)

5 BY MR. SIMONS:

6 Q. Do you agree with that?

7 A. Another member of the congregation? Yeah, as  
8 long as the parents approve it, and ...

9 Q. When the parents are making a decision of who  
10 they approve of, would it be beneficial for them to know  
11 if one of the members of the congregation is a -- as you  
12 said -- a known child molester?

13 A. Could you repeat that?

14 Q. Yeah. Wouldn't the parents be able to make a  
15 better decision of who to trust to take their child  
16 somewhere if they knew that one member of the  
17 congregation was a known child molester?

18 A. I would have to say no.

19 Q. You looked at the Awake Magazine from 1993,  
20 and that's Plaintiff's Exhibit 64, Defense Exhibit 037.

21 MR. McCABE: I don't believe he did look at  
22 it, your Honor.

23 MR. SIMONS: He discussed it.

24 Counsel, I stand corrected.

25

1 BY MR. SIMONS:

2 Q. You discussed having read the October 1993  
3 Awake Magazine.

4 And you would diligently read all of the  
5 Awake Magazines. Correct?

6 A. Yes.

7 Q. And in particular, you were interested in  
8 information concerning child abuse because you are a  
9 father and because you are a man who cares about  
10 children, really?

11 A. Yes.

12 Q. In your heart, children are very important to  
13 you?

14 A. Yes.

15 Q. And so can we look at the exhibit, please?

16 Page 4.

17 So you knew from your reading of Awake that:

18 "Adult society often unwillingly  
19 cooperates with child abusers. How so? By  
20 refusing to be aware of this danger by  
21 fostering a hush-hush attitude about it."

22 A. Yes.

23 Q. Then you knew from your reading that it was  
24 the view of Awake that there was a general conspiracy of  
25 silence that allowed gross child abuse to persist among

1 a separate religion, the Catholic Church, for decades?

2 A. Yes.

3 Q. And you knew that, not only from your  
4 reading, but just from your general knowledge as a  
5 member of the community?

6 A. Yes.

7 Q. Now, I don't want to have a debate with you  
8 about spiritual interpretation.

9 Let me just ask you this question with regard  
10 to the spiritual matters that you talked about as the  
11 basis for the policy of keeping child sex abusers  
12 confidential and secret.

13 Your understanding of that basis comes from  
14 what you learned through your teachings and studies,  
15 from Watchtower of New York?

16 A. Yes.

17 Q. Your December '09 letter that we looked at,  
18 which is Plaintiff's 18, Defendant's 106, this is the  
19 letter that you wrote concerning Candace.

20 And did you notify New York in 2009 of the  
21 report you had received from Candace Conti?

22 A. Yes. We called Legal.

23 Q. And when you did that, did you follow it up  
24 with any written report?

25 A. I don't believe so.

1 Q. Other than this letter of December 20, 2009,  
2 did you notify anyone else of the report of Candace  
3 Conti concerning her abuse by Jonathan Kendrick?

4 A. The Oakley Congregation.

5 Q. That's this letter?

6 A. Yes.

7 Q. Anyone else besides -- was it telephoned to  
8 New York?

9 A. Yes.

10 Q. To Legal. And then you also wrote this  
11 letter to Oakley.

12 A. Yes.

13 Q. Anyone else you notified?

14 A. No.

15 Q. You talked with Candace about reporting it to  
16 the police?

17 A. We talked about that. We said, "If you want  
18 to report it, you can report it."

19 We left that up to her.

20 Q. Let's look at Exhibit 18.

21 The sentence says:

22 "She asked twice if we were going to  
23 report this to the authorities. We told her,  
24 I said twice, that if she wishes to make a  
25 report it is her right to do so."

1                   Is that correct?

2           A.       Yes.

3           Q.       Did you understand when she asked you twice  
4 if you were going to report it to the authorities, that  
5 she was asking for your help to go to the authorities?

6           A.       No. I did not understand that. It did not  
7 come through us. That's why we emphasized, "If you want  
8 to make a report, you can go ahead and do that."

9           Q.       You knew that she was not willing to confront  
10 Mr. Kendrick because it was just too difficult for her?

11          A.       Yes.

12                   MR. SIMONS: Thank you. Thank you, sir.

13

14                                   CROSS-EXAMINATION

15 BY MR. McCABE:

16          Q.       Mr. Lamerdin, did you ever see Candace Conti  
17 at the Kingdom Hall of Jehovah's Witnesses in North  
18 Fremont without one or both of her parents present?

19          A.       No.

20                   MR. McCABE: Thank you. That's all.

21                   THE COURT: Mr. Lamerdin, thank you very much  
22 for your time today. You are excused.

23                                   To the jury. Same comment. Thank you, as  
24 always, for your commitment and dedication, and  
25 diligence, based on my observation.

1 I will look forward to seeing everyone  
2 bright-eyed at 8:30 tomorrow morning. Thank you again.

3 THE COURT: Okay, counsel.

4 (Whereupon, the following proceedings  
5 were heard outside the presence of jurors)

6 THE COURT: Counsel, we will gather again at  
7 8:00 tomorrow morning.

8 It is my recollection, Mr. Simons, both your  
9 offer of proof as to Mr. Lewis tomorrow, I have a  
10 recollection.

11 MR. SIMONS: Certainly as to Child Sexual  
12 Abuse Accommodation Syndrome, which is his regular kind  
13 of beat, if you will.

14 And I have to recheck -- Mr. Schnack and I  
15 were conferring about that earlier -- I know there was a  
16 couple of things he said that clearly are not going to  
17 be admissible that would not be asked about.

18 I kind of have in the back of my mind, there  
19 is one other subject matter that was permissible with  
20 his opinions, and I'm having trouble dredging it up.

21 THE COURT: And I was looking at my notes. I  
22 knew what my response was as to a very limited question.  
23 So I want, before we go through a drill and bring him in  
24 here to have the sort of discussion I am having now, so  
25 I can pinpoint a little bit better.

1           MR. SCHNACK: Can I confer with Mr. McCabe  
2 just for a second?

3           THE COURT: You used the description  
4 dredging. I would be a little more delicate. But the  
5 answer is I was doing the same thing.

6           MR. SCHNACK: Your Honor, if he is just going  
7 to testify about Child Sex Abuse Accommodation Syndrome  
8 without offering any opinions as to Candace Conti's  
9 credibility, that she is an honest person in this  
10 regard, we can avoid all this. But if it goes beyond  
11 that, I want to know what the topic is.

12           MR. SIMONS: And I just need to re-review his  
13 depo, your Honor.

14           THE COURT: I guess I made my point as to my  
15 other ruling. The answer is I will look forward to  
16 seeing you at 8:00. And if it all comes to pass the  
17 right way tomorrow. I have plenty to do. Again, the  
18 door will be open. I try and open it at 7:00.

19                   (Proceedings were adjourned at 3:07 p.m.)

20

21

22   --oOo--

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

I, KATHRYN LLOYD, CSR No. 5955, Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witnesses were put under oath by the court clerk;

That the testimony of the witnesses, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2012.

-----

KATHRYN LLOYD, CSR No. 5955