

LORAIN COUNTY COMMON PLEAS COURT, OHIO
Civil Division

ELIZABETH MCFARLAND
c/o Konrad Kircher
4824 Socialville-Foster Rd.
Mason, OH 45040

Plaintiff,

v.

WEST CONGREGATION OF
JEHOVAH'S WITNESSES, LORAIN,
OHIO, INC.,
Serve Agent: Willie Walker, Jr.
127 E. 35th St.
Lorain, OH 44055;

and

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.,
Serve Agent: Philip Brumley
100 Watchtower Drive
Patterson NY, 12563-9204;

and

CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES, INC.,
100 Watchtower Drive
Patterson, NY 12563-9204;

and

JOHN DOES 1 through 100, inclusive,

Defendants.

CASE NO:

JUDGE:

**COMPLAINT; JURY DEMAND
ENDORSED HEREON**

Now comes Plaintiff, by and through counsel, and for her Complaint states as follows:

1. Plaintiff Elizabeth McFarland is an adult female born in February of 1987 and a resident of the State of West Virginia. At all times relevant to her complaint, Plaintiff was an unemancipated minor who participated in the programs administered by Defendants and was a resident of Lorain County, Ohio.

2. Defendant West Congregation of Jehovah's Witnesses, Lorain, Ohio, Inc., ("West") is, and at all times relevant was, an active Ohio corporation authorized to conduct business and conducting business in the State of Ohio, with its principal place of business in the County of Lorain, Ohio. At all times relevant, Defendant West has and had responsibility for Jehovah's Witness Church operations in some portions of Lorain, Ohio.

3. Defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower") is, and at all times relevant was, a New York corporation authorized to conduct business and conducting business in the State of Ohio, County of Lorain, with its principal place of business in the State of New York. At all times prior to April of 2001, Defendant Watchtower organized, administered and directed the congregational affairs of Jehovah's Witnesses in the United States.

4. Defendant Christian Congregation of Jehovah's Witnesses, Inc. ("CCJW"), is, and at all times following its creation in 2000 was, a New York corporation authorized to conduct business and conducting business in the State of Ohio, County of Lorain, with its principal place of business in Putnam County, New York. At all times following April of 2001, Defendant CCJW assumed and exercised some responsibilities from Defendant Watchtower in the organization, administration and direction of the congregational affairs of Jehovah's Witnesses in the United States.

5. Scott Silvasy (“Perpetrator”), is an individual who, at all times relevant, was associated with, and supervised, directed and controlled by, Defendants West, Watchtower and CCJW.

While supervised, directed and controlled by Defendants West, Watchtower and CCJW, Scott Silvasy committed the acts of childhood sexual abuse alleged herein. Scott Silvasy committed suicide on Plaintiff’s birthday in 2003, sometime after Plaintiff reported the molestation to her parents, and individuals associated with Defendants West, Watchtower and CCJW.

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

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

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

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

9. Watchtower is the head of the Jehovah's Witness Hierarchical structure. Watchtower is directed by a Governing Body, which is comprised of a fluctuating number of Elders.

Watchtower exercises control of the organization and running of the local congregations.

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

10. Watchtower also provides periodic instruction to local Congregations through letters addressed to All Bodies of Elders. These letters have covered a broad spectrum of topics ranging from standardizing the recordkeeping practices of all Congregations, establishing procedures for ordering literature from Watchtower or remitting payments, to responding to complaints of childhood sexual abuse. Following April of 2001, some of the responsibilities for writing and disseminating letters to All Bodies of Elders were assumed by CCJW.

11. Watchtower researches, writes, approves, publishes and distributes its own materials for distribution to actual and prospective Jehovah's Witnesses and for recruitment purposes.

Watchtower also reviews and approves or rejects recommendations of prospective Elders of Ministerial Servants. Watchtower directly appoints Circuit and District Overseers. Following April of 2001, CCJW assumed responsibilities for approving or rejecting recommendations for the positions of Elder or Ministerial Servant.

12. Watchtower establishes processes for the discipline of members accused of wrongdoing, and receives and keeps records of determinations of disfellowship, or of reproof of individuals appointed by Watchtower as Ministerial Servants or Elders.

13. Above the Congregation level is the Circuit. Circuits are generally comprised of 20 to 22 Congregations, though this number is variable. The Circuit is staffed by a Circuit Overseer and / or a Substitute Circuit Overseer. Circuit Overseers are directly appointed by Watchtower. Circuit Overseers are sometimes referred to as Traveling Overseers because they travel from one Congregation within their Circuit to another. The Circuit Overseer generally visits each Congregation within his Circuit twice yearly. During the Circuit Overseer's visit to a Congregation, the Circuit Overseer meets with the Elders of the Congregation, conferences about the overall function of the Congregation and problems occurring in the Congregation generally, and specific issues of importance such as allegations of child molestation by a congregant. The Circuit Overseers also participates in Field Service, and observes the functioning of the Congregation.

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

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

16. Elders are responsible for the daily operations and governance of the local church. The Elders are the highest authority at the congregational level and direct door to door preaching

activities, select potential candidates for becoming Ministerial Servants and Elders, organize weekly church meetings, determine whether an individual is suitable for representing the church in the community by becoming a Publisher, handle finances for the local church, and determine the guilt, repentance and punishment of church members who commit serious sins.

17. To be appointed as an Elder, a person must be a Ministerial Servant in good standing, or have served as an Elder in another congregation. The Body of Elders of the local church identifies potential candidates and determines whether they are suitable, and if they live their life in accordance with appropriate morals. Once a candidate has been identified by the local church, a recommendation is made to Watchtower, or later, CCJW, who have the ultimate authority as to whether a candidate is approved and becomes an Elder. A person holding the position of an Elder is an agent of the Congregation to which he is appointed, Defendant Watchtower, and after April of 2001, Defendant CCJW.

18. Male baptized Publishers who meet certain requirements may be appointed as “Ministerial Servants.” Ministerial Servants serve the Congregation and aid the Elders in their responsibilities. To be appointed as a Ministerial Servant, a person must be a Publisher in good standing. The Body of Elders of the local church identifies potential candidates, and in concert with the Circuit Overseer, determines whether they are suitable, and if they live their life in accordance with appropriate morals. Once a candidate has been identified by the local church, a recommendation is made to Watchtower, or later, CCJW, who have the ultimate authority as to whether a candidate is approved and becomes a Ministerial Servant. A person holding the position of a Ministerial Servant is an agent of the Congregation to which he is appointed, Defendant Watchtower, and after April of 2001, Defendant CCJW.

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

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

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

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

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

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

24. After several additional months of study, an unbaptized publisher may seek to become a baptized publisher. Baptism as one of Jehovah's Witnesses is an ordination as a minister of the Jehovah's Witness faith. To be approved for baptism an applicant must be tested and approved by Elders of the local congregation. During the testing the applicant is asked a series of dozens of oral questions relating to the teachings of the Jehovah's Witness Faith as well as the organizational structure of the Jehovah's Witness Church, which the applicant must answer adequately prior to being approved for baptism. A person holding the position of a Baptized Publisher is an agent of the Congregation to which he or she is associated, Defendant Watchtower, and after April of 2001, Defendant CCJW.

25. Baptized Publishers may make a greater commitment by pledging to spend a specified number of hours in service for a period of time. Such Publishers are referred to as "Pioneers."

There are multiple degrees associated with being a Pioneer. An Auxiliary Pioneer is Baptized Publisher that applies to the Congregation's Elders to perform a certain number of hours of Service during a one month period of time. The Congregation Elders will consider the application and have discretion to either accept the application or reject the application. A person holding the position of an Auxiliary Pioneer is an agent of the Congregation to which he or she is associated, Defendant Watchtower, and after April of 2001, Defendant CCJW.

26. A Regular Pioneer is a Baptized Publisher that pledges to spend a specified number of hours each month in service for one year. To become a Regular Pioneer an applicant gains the recommendation of the Congregation's Elders who in turn submit that recommendation for approval by Watchtower. Watchtower then considers the application and has the discretion of accept or reject the application. A person holding the position of a Regular Pioneer is an agent of the Congregation to which he or she is associated, Defendant Watchtower, and after April of 2001, Defendant CCJW.

27. Publishers submit to the domination and control of the Jehovah's Witness Church. As that relates to Church-related events, the Church monitors each Publisher's Field Service and Bible Study records, standardizes methods to be used during proselytizing activities, provides the only approved literature to be distributed during Field Service, directs where Publishers will perform Field Service, controls access to sought after positions as Regular or Auxiliary Pioneers, and determines appointments as Ministerial Servants, Elders and Circuit Overseers. The Church also implements the Jehovah's Witness practice of shunning.

28. In addition to regulating all aspects of a Publisher's participation in Church events, Baptized Publishers submit to the Church's control in all other aspects of their lives. Personal grooming, appearance and dress are regulated by the Congregation, as are a Publisher's use of

alcohol, tobacco, or drugs. A Publisher's illegal sexual conduct, such as childhood sexual abuse occurring away from Church locations and events, as well as legal sexual conduct occurring in the privacy of a person's home, are subject to regulation and the imposition of punishment by the Congregation.

29. Congregants are encouraged to bring problems to the Elders to be resolved rather than to seek intervention from outside of the Jehovah's Witness faith. In practice, when a Congregant commits an act of wrongdoing, such as the sexual abuse of a child, that matter may be brought to an Elder to be resolved. Jehovah's Witness policy requires Elders to investigate such a claim. If there are two witnesses to the wrongdoing, or if the accused confesses his wrongdoing, a Judicial Committee will be convened. Even in cases of child molestation, if there are not at least two eye witnesses to abuse and the accused denies the wrong, then no action is taken by the Congregation.

30. If a Judicial Committee is convened, the two original Elders that investigated the wrongdoing will be joined by a third, who will hear the case and impose punishment on the wrongdoer. Possible outcomes of a Judicial Committee range from private reproof to disfellowship. Private reproof is a private censorship of the wrongdoer that generally results in a limitation of the wrongdoer's privileges to engage in Field Service for a short period of time. No announcement is made to the Congregation when a wrongdoer is privately reproofed.

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

32. Plaintiff was raised in a Jehovah's Witness family. From birth until after the sexual abuse alleged herein Plaintiff was associated with Defendant West. At the time of the sexual abuse alleged herein, Plaintiff and Perpetrator both belonged to Defendant West and regularly attended Jehovah's Witness meetings sponsored by Defendant West.

33. During approximately 1991, or 1992, prior to the sexual abuse of Plaintiff, Perpetrator sexually molested another minor female who was a member of his wife's family. The abuse of this minor resulted in both the Perpetrator's divorce from his then-wife, and the commencement of a criminal grand jury relating to the abuse.

34. Plaintiff is informed and believes and on that basis alleges that the Perpetrator informed the elders of Defendant West of his molestation of the minor female, as well as the reason for his divorce, and the pendency of the criminal grand jury well before the molestation of Plaintiff.

35. Plaintiff and her parents met Perpetrator at Defendant West. Plaintiff and her parents attended the same meetings at the same Kingdom Hall as Perpetrator twice per week. Plaintiff and her parents also attended a third weekly meeting sponsored by the Congregation with Perpetrator, called Book Study, at the home of another member of West. Plaintiff also went with Perpetrator in door-to-door preaching activities referred to in the Jehovah's Witness faith as "field service."

36. Plaintiff is informed and believes and on that basis alleges that prior to the abuse of Plaintiff, Perpetrator had been appointed as a Ministerial Servant of West, and for some unknown period of time had served as a Ministerial Servant under the control of Defendants West and Watchtower.

37. Without the access to Plaintiff created by Perpetrator's position with Defendants as a Baptized Publisher and Ministerial Servant, Perpetrator could not have sexually molested Plaintiff.

38. Plaintiff was sexually abused by Perpetrator frequently from approximately 1997 until 2001. At times during this period the abuse occurred several times per week. The molestation occurred in various locations including at the Kingdom Hall where Defendant West conducted weekly meetings, at the homes of members of Defendant West where the Congregation's weekly Book Study meeting was conducted, at regional Jehovah's Witness conventions, among other places including both Plaintiff and Perpetrator's homes.

39. In approximately 2001, Plaintiff reported the sexual abuse by the Perpetrator to her parents. Plaintiff's parents, in turn, reported the abuse to Elders from West. Plaintiff was interviewed by three Elders and questioned about the circumstances of the molestation by Perpetrator.

40. No apparent action was taken against Perpetrator. The congregation was not warned of the danger he posed to children nor was he expelled from the Congregation. The abuse was not reported to any child protective or police agency by West. The Elders also attempted to discourage Plaintiff's parents from reporting the abuse to the authorities.

41. Following the report that Plaintiff was molested by the Perpetrator, Plaintiff was approached by the wife of an elder of Defendant West, who informed Plaintiff that Plaintiff was not the Perpetrator's first victim, and that the elders had been aware of the Perpetrator's past molestation for quite some time before Plaintiff's complaint.

42. Perpetrator acted willfully, wantonly, maliciously, and in reckless disregard of the rights and safety of Plaintiff by sexually molesting her. Defendants West, Watchtower, CCJW and

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

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

FIRST CAUSE OF ACTION

NEGLIGENCE

(Against Defendants West, Watchtower, CCJW and Does 1 through 100)

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

45. Defendants West, Watchtower, CCJW and Does 1 through 100 had a duty to protect the minor Plaintiff while she was entrusted to their care by Plaintiff's parents. Defendants invited Plaintiff and her parents to be involved in the activities sponsored by Defendants, and Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor

child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

46. Defendants West, Watchtower, CCJW and Does 1 through 100 had a duty to control the Perpetrator and to prevent him from sexually molesting children. Defendants were aware, prior to the sexual abuse of Plaintiff herein, of the Perpetrator's dangerous and exploitive propensities. Defendants were also aware that they had the ability to place restrictions on the Perpetrator's access to children, service and preaching activities, give warnings to the congregation, and otherwise control the Perpetrator's conduct. Defendants therefore assumed a duty to prevent the Perpetrator from sexually molesting Jehovah's Witness children.

47. Defendants West, Watchtower, CCJW and Does 1 through 100, owed a duty to investigate and not employ the Perpetrator in his position as a Baptized Publisher, Regular Pioneer, Auxiliary Pioneer, Ministerial Servant and / or Elder. Defendants knew that the Perpetrator was likely to harm others in light of the work entrusted to him.

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

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

50. Defendants West, Watchtower, CCJW and Does 1 through 100, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. It was

foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to Defendants' care would be vulnerable to sexual abuse by the Perpetrator.

51. Defendants West, Watchtower, CCJW and Does 1 through 100 breached their duty of care to the minor Plaintiff by allowing the Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about the Perpetrator; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that the Perpetrator was or may have been sexually abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or had reason to know that the Perpetrator may have sexually abused Plaintiff, thereby creating the circumstance where Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out the Perpetrator to the Plaintiff and her parents or guardians as being in good standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the Perpetrator's contact and/or actions with the Plaintiff and/or with other minors who were victims of the Perpetrator, and/or disguised the nature of the sexual abuse and contact.

52. Defendants West, Watchtower, CCJW and Does 1 through 100 knew of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently hired and / or retained, and failed to supervise the Perpetrator in the position of trust and authority as a Jehovah's Witness Publisher, Ministerial Servant, Auxiliary Pioneer, Regular Pioneer, Elder, counselor, surrogate parent, spiritual mentor,

emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff. Defendants failed to provide reasonable supervision of the Perpetrator, failed to use reasonable care in investigating the Perpetrator, and failed to provide adequate warning to Plaintiff and Plaintiff's family of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

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

SECOND CAUSE OF ACTION

RATIFICATION

(Against Defendants West, Watchtower, CCJW and Does 1 through 100)

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

55. Defendants West, Watchtower, CCJW and Does 1 through 100 are legally responsible for the acts of sexual battery by Silvasy through their ratification of Silvasy's conduct. The ratification occurred through concealment of the conduct, the breach of the duties described above, and the facilitations by Defendants of further wrongdoing by Silvasy.

56. As a direct and proximate result of Defendants' conduct, Plaintiff has incurred the damages described above.

THIRD CAUSE OF ACTION

FRUAD BY OMISSION / CONCEALMENT

(Against Defendants West, Watchtower, CCJW and Does 1 through 100)

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

58. Silvasy was an agent of Defendants and Defendants controlled his actions by monitoring his preaching activities, training him to preach more effectively, directing where he would engage in preaching activities, establishing what responsibilities he was permitted to undertake at the Kingdom Hall, and controlling his personal conduct through use of judicial committees and the threat of disfellowship.

59. A special relationship existed between Defendants and Silvasy.

60. Because of this special relationship, Defendants owed Plaintiff a duty of aid and protection and was in a relationship of trust and confidence with Plaintiff through its invitation to Plaintiff to participate in Jehovah's Witness activities and interact with their agents, including activities at the Kingdom Hall used by Defendant West.

61. Defendants invited Plaintiff to trust its agents, including Silvasy, despite having information to which Plaintiff and her family were entitled, specifically that interacting with Silvasy posed a risk of minor girls being sexually abused by Silvasy when Silvasy formed personal relationships with minors and spent considerable time with them outside of the Kingdom Hall.

62. Plaintiff reposed trust and confidence in Defendants by relying upon Defendants' expertise and judgment in selecting appropriate agents who did not pose a foreseeable danger of molesting minor children. Plaintiff, as a minor, trusted Defendants to provide her with a safe environment where she would remain free from sexual predation by Defendants' agents.

63. Because of their respective duties to aid and protect Plaintiff, Defendants were under a duty to disclose to Plaintiff all relevant material facts related to her participation in Defendants' programs, events and sponsored activities. These relevant facts included the material fact that Silvasy had previously been accused of child molestation, and this fact was known by Defendants.

64. As a result of Plaintiff's justified trust of and reliance on Defendant's representations regarding the goodness of Silvasy, Plaintiff participated with Defendant West to the financial and reputational benefit of Defendants, and Plaintiff and her family allowed Silvasy into their lives.

65. Had Defendants not omitted or concealed the material fact that Silvasy posed a known danger to minors, Plaintiff and her family would not have allowed Silvasy into their lives, or at least would have been able to take steps to prevent Silvasy from being able to isolate and molest Plaintiff at various times, including the incidents at Silvasy's home and at the Kingdom Hall used by Defendant West.

66. Defendants' omission or concealment of the danger posed by Silvasy was known to be false and misleading because Defendants knew that Silvasy had committed past acts of abuse.

67. Defendants' fraudulent omissions or concealment were a direct and proximate cause of the damages Plaintiff suffered, as alleged above.

WHEREFORE, Plaintiff respectfully demands judgment against Defendants for compensatory damages in excess of \$25,000.00. Further, because Defendants' conduct was intentional, malicious, and/or with reckless disregard for the welfare of Plaintiff, Plaintiff respectfully demands punitive damages. Plaintiff also respectfully demands reasonable attorney fees, costs, and all other relief to which she may be lawfully entitled.

Respectfully Submitted,

Konrad Kircher (0059249)
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(*Pro Hac Vice* Applications Forthcoming)

JURY DEMAND

Plaintiff hereby demands trial by jury of his peers as to all issues so triable herein.

Konrad Kircher (0059249)