

1 IRWIN M. ZALKIN, ESQ. (#89957)
2 DEVIN M. STOREY, ESQ. (#234271)
3 The Zalkin Law Firm, P.C.
4 12555 High Bluff Drive, Suite 301
5 San Diego, CA 92130
6 Tel: 858-259-3011
7 Fax: 858-259-3015
8 Email: Irwin@zalkin.com
9 dms@zalkin.com

6 GREGORY S. LOVE, ESQ.
7 Love & Norris
8 621 Hemphill Street
9 Fort Worth, TX 76104
10 Tel: 817-732-7100
11 Fax: 817-732-7101
12 Email: gslove@lovenorris.com
13 (*Pro Hac Vice*)

14 Attorneys for Plaintiff

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF RIVERSIDE**

13 JW, Individually, by and through her
14 Guardian Ad Litem, TW;

15 Plaintiff,

16 v.

17 Mountain View Congregation of Jehovah's
18 Witnesses, Murrieta, California; French
19 Valley Congregation of Jehovah's
20 Witnesses, Murrieta, California, Inc.;
21 Watchtower Bible and Tract Society of
22 New York, Inc.; Christian Congregation of
23 Jehovah's Witnesses, Inc.; and Does 1
24 through 100, inclusive,

25 Defendants.

) Case No: MCC 1300850

) **NOTICE OF RULING RE:**

) **PLAINTIFF'S MOTION FOR**
) **SANCTIONS AGAINST ALL**
) **DEFENDANTS, INCLUDING ISSUE**
) **SANCTIONS AGAINST**
) **DEFENDANTS MOUNTAIN VIEW**
) **CONGREGATION OF JEHOVAH'S**
) **WITNESSES, MURRIETA,**
) **CALIFORNIA; FRENCH VALLEY**
) **CONGREGATION OF JEHOVAH'S**
) **WITNESSES, MURRIETA,**
) **CALIFORNIA, INC.; CHRISTIAN**
) **CONGREGATION OF JEHOVAH'S**
) **WITNESSES, INC.; AND**
) **TERMINATING SANCTIONS**
) **AGAINST SANCTIONS AGAINST**
) **WATCHTOWER BIBLE AND**
) **TRACT SOCIETY OF NEW YORK,**
) **INC.**

) **Date: 1-26-15**

) **Time: 8:30 a.m.**

) **Dept: S303**

) **Trial Date: Vacated**

28 **NOTICE OF RULING RE: PLAINTIFF'S MOTION FOR SANCTIONS AGAINST ALL DEFENDANTS,**
INCLUDING ISSUE SANCTIONS; AND TERMINATING SANCTIONS AGAINST SANCTIONS
AGAINST WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

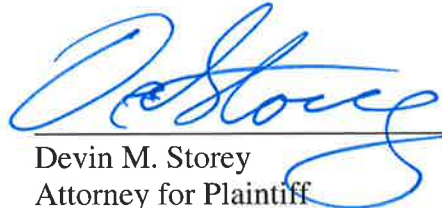
1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Plaintiff's "motion for sanctions against all Defendants, including issue sanctions against
3 Defendants Mountain View Congregation of Jehovah's Witnesses, Murrieta, California; French
4 Valley Congregation of Jehovah's Witnesses, Murrieta, California, Inc., Christian Congregation
5 of Jehovah's Witnesses, Inc.; and Terminating Sanctions Against Watchtower Bible and Tract
6 Society of New York, Inc." came on for hearing at 8:30 a.m. on Monday, January 26, 2014 in
7 Department S-303 of the Riverside County Superior Court located at 30755-D Auld Road,
8 Murrieta, California 92563. Irwin M. Zalkin, Esq. and Devin M. Storey, Esq. appeared on
9 behalf of Plaintiff. Dean A. Olson, Esq. appeared on behalf of Defendants Watchtower Bible
10 and Tract Society of New York, Inc. ("Watchtower") and Christian Congregation of Jehovah's
11 Witnesses, Inc. ("CCJW"). Rocky K. Copley, Esq. appeared on behalf of Defendant Mountain
12 View Congregation of Jehovah's Witnesses, Murrieta, California ("Mountain View"). James
13 M. McCabe, Esq. appeared on behalf of Defendant French Valley Congregation of Jehovah's
14 Witnesses, Murrieta, California, Inc. ("French Valley").

17 After considering the written and oral submissions of the parties, the court took the
18 motion under submission as to Plaintiff's request for terminating sanctions against Defendant
19 Watchtower. On February 2, 2015, the trial court issued the attached ruling, granting Plaintiff's
20 motion for terminating sanctions against Defendant Watchtower.

22 THE ZALKIN LAW FIRM, P.C.

24 Dated: 2-6-15

23 
25 Devin M. Storey
26 Attorney for Plaintiff

RIVERSIDE SUPERIOR COURT

PUBLIC ACCESS

Minute Order

Case Name: JW VS MOUNTAIN VIEW CONGREGATION OF JEHOVAH'S	
Mid-County Civil	Negligence
Case Number: MCC1300850	File Date: 6/19/2013
Action Date: 2/2/2015	Action Time: 8:30 AM
Department: S303	
Action Description: Hearing Re: Ruling on matter submitted 01/26/2015.	
<p>Honorable Judge Raquel A Marquez, Presiding</p> <p>Clerk: A. Behrmann</p> <p>Court Reporter: None</p> <p>No appearance by either party.</p> <p>Court subsequently rules on matter taken under submission on 01/26/15.</p> <p>Motion for terminating sanctions against Watchtower is granted.</p> <p>Answer to 1st Amended Complaint of W by WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK INC ordered stricken</p> <p>After taking under submission Plaintiff JW's Motion for Sanctions as to Watchtower Bible and Tract Society of New York, Inc. ("Watchtower"), the court grants JW's request for terminating sanctions as to Watchtower. Watchtower has willfully violated the Court's February 11, 2014 order, by refusing to produce documents that are relevant to Plaintiff's first four causes of action for negligence (the only causes of action asserted against Watchtower). (C.C.P. 2031.310(i); Biles v. Exxon Mobil Corp(2004) 124 Cal.App.4th 1315,1327.)</p> <p>While disputed by Watchtower, the reports at issue (which relate to known molesters within the organization) pertain to the issue of duty regarding Plaintiff's claim that Watchtower failed to reasonably investigate Plaintiff.' perpetrator and failed to warn, train and educate (FAC 55, 59, 63 and 66)(Juarez v. Boy Scouts of America, Inc. (2000) 81 Cal.App.4th 377, 397-404.)</p> <p>*</p> <p>Watchtower has exercised its right to file a Petition for Writ of Mandate regarding the February 11, 2014 order, which was denied by the District Court of Appeals on August 1, 2014. It has also filed a Petition for Review with the California Supreme Court, which was denied on September 24, 2014. Watchtower has exhausted its remedies regarding the February 11, 2014 order, but still refuses to produce.</p> <p>*</p>	

Case Name: JW VS MOUNTAIN VIEW CONGREGATION OF JEHOVAH'S	
Mid-County Civil	Negligence
Case Number: MCC1300850	File Date: 6/19/2013
Action Date: 2/2/2015	Action Time: 8:30 AM
Department: S303	
Action Description: Hearing Re: Ruling on matter submitted 01/26/2015.	
<p>At the January 26, 2015 hearing for Plaintiff's Motion for Sanctions, the Court attempted to give Watchtower another opportunity to produce these documents before ruling on the motion. However, Watchtower rejected this additional opportunity and refused to produce the outstanding documents. Watchtower does not deny that the documents at issue are responsive to the February 11, 2014 court order or that it has been ordered to produce these documents. Based on Watchtower's refusal to produce these documents - despite looming terminating sanctions that would strike Watchtower's Answer - the imposition of lesser sanctions (like monetary sanctions) is insufficient to obtain compliance.</p> <p>Notice of ruling to be prepared, served and submitted by prevailing party.</p> <p>Notice to be given by Clerk</p> <p>Print Minute Order</p> <p>PRINT MINUTE ORDER</p> <p>PRINT MINUTE ORDER</p> <p>Print Minute Order</p>	

PROOF OF SERVICE

JW, Individually, by and through her Guardian Ad Litem, TW v. Mountain View Congregation of Jehovah's Witnesses, et al.

Riverside Superior Court Case No: MCC1300850

I, **Lisa E. Maynes**, am employed in the city and county of San Diego, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 12555 High Bluff Drive, Suite 301, San Diego, CA 92130.

On **February 6, 2015** I caused to be served the following document:

NOTICE OF RULING RE:

PLAINTIFF'S MOTION FOR SANCTIONS AGAINST ALL DEFENDANTS, INCLUDING ISSUE SANCTIONS AGAINST DEFENDANTS MOUNTAIN VIEW CONGREGATION OF JEHOVAH'S WITNESSES, MURRIETA, CALIFORNIA; FRENCH VALLEY CONGREGATION OF JEHOVAH'S WITNESSES, MURRIETA, CALIFORNIA, INC.; CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES, INC.; AND TERMINATING SANCTIONS AGAINST SANCTIONS AGAINST WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

(BY OVERNIGHT DELIVERY) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and overnight delivery at an office of a regularly utilized drop box or the overnight delivery carrier.

XX (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

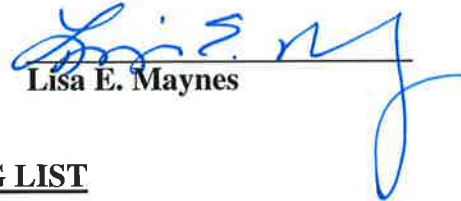
(BY PERSONAL SERVICE) By causing to be delivered by hand to the offices of the addressee(s) on the date listed above.

(BY FACSIMILE) By causing to be faxed to the offices of the addressee(s) on the date listed above.

(BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the party to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email address listed below. I did not receive, within a reasonable time after the transmission, any electronic messages or other indication that the transmissions were unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 6, 2015


Lisa E. Maynes

MAILING LIST

Rocky K. Copley, Esq.
Law Office of Rocky K. Copley
225 Broadway, Suite 2100
San Diego, CA 92101
Tel: 619232-3131
Fax: 619-232-1690
Email: rkcopley@rkc-rocklaw.com
Attorney for Defendant
Mountain View Congregation of Jehovah's Witnesses, Murrieta, California

James M. McCabe, Esq.
The McCabe Law Firm, APC
4817 Santa Monica Avenue, Suite B
San Diego, CA 92107
Tel: 619-224-2848
Fax: 619-224-0089
Email: jim@mccabelaw.net
Attorney for Defendant
French Valley Congregation of Jehovah's Witnesses, Murrieta, California, Inc.;

Joel M. Taylor, Esq.
Watchtower Bible & Tract Society of New York, Inc.
Legal Department
100 Watchtower Drive
Patterson, NY 12563
Tel: 845-306-0700 x 46760
Counsel for Defendant (*Pro Hac Vice*)
Watchtower Bible and Tract Society of New York, Inc.;
Mountain View Congregation of Jehovah's Witnesses, Murrieta, California
Christian Congregation of Jehovah's Witnesses

Beth A. Kahn, Esq.
Brendan Chan, Esq.
Morris Polich & Purdy LLP
1055 W. 7th Street, 24th Floor
Los Angeles, CA 90017
Tel: 213-891-9100
Fax: 213-488-1178
Email: bkahn@mpllaw.com
bchan@mmplaw.com
Attorneys for Defendant
Watchtower Bible and Tract Society of New York, Inc.;
Christian Congregation of Jehovah's Witnesses

Gregory S. Love, Esq.
Love & Norris
621 Hemphill Street
Fort Worth, TX 76104
Tel: 817-732-7100
Fax: 817-732-7101
Email: gslove@lovenorris.com
Attorneys for Plaintiff