

\$13.5M award vacated in Jehovah's Witness abuse case

Ruling gives church chance to turn over disputed documents



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Lawyer Irwin Zalkin (left) and Jose Lopez speak in 2014 to the media about a \$13.5 million judgment against the governing body of the Jehovah's Witness church. Lopez was a boy when a church leader molested him. — *Kristina Davis*

San Diego — An appeals court throw out a \$13.5 million judgment against the governing body of the Jehovah's Witness church Thursday in a lawsuit that accuses the organization of covering up years of sexual abuse by a local church leader.

The ruling by the state Fourth District Court of Appeal hits the reset button on the case, potentially leading to another trial but with one major caveat — that documents concerning past sexual abuse cases in the church should be turned over.

The church's hierarchical body, Watchtower Bible and Tract Society of New York, has remained defiant in refusing a court order to produce such documentation, and the ruling gives the organization another chance to comply. If the organization doesn't acquiesce, the case could potentially end the same way it did the first time, with a multi-million dollar judgment against it.

The lawsuit was filed in 2012 in San Diego Superior Court by Jose Lopez, who claimed he was molested at the age of 7 by a leader in the church's Linda Vista congregation in 1986.

His lawsuit says church elders recommended the leader, Gonzalo Campos, to Lopez's mom as someone who would be a good mentor to teach the boy Bible lessons.

But the elders knew Campos had molested a boy as early as 1982, according to evidence revealed in the case, and did nothing about it, continuing to put children at risk, the lawsuit claims.

Lopez said Campos spent months grooming him and then assaulted him at Campos' La Jolla home one day. The boy told his mother, who reported it immediately to the church leadership. The elders told her they'd handle the situation and discouraged her from calling law enforcement, the lawsuit says.

She and her son left the church.

Evidence presented in the trial showed the church monitored Campos for nine months, and in the following years he rose through the ranks in the church, continuing to teach children.

He moved to a Spanish-language Kingdom Hall in La Jolla at one point but was kicked out in 1995 after another victim reported being abused. He was reinstated in the church in 2000.

In a previous statement to the San Diego Union-Tribune, Watchtower denied that Campos was in a leadership position in the church when he was teaching Lopez and that "Jehovah's Witnesses abhor child abuse and strive to protect children from such acts."

Campos later confessed to abusing at least eight children between 1982 and 1995. He fled to Mexico around 2010 after San Diego police were notified and is believed to still be there, said Lopez's lawyer, Irwin Zalkin.

Six other men and one woman who sued Watchtower claiming they were victims of Campos' settled their cases out of court.

The road to trial in Lopez's case was long.

In putting together his case, Zalkin asked for any reports of Campos' abuse, as well as abuse by other church leaders dating back to 1979 and records of how the church dealt with those incidents. Watchtower fought back, claiming the documents would be "impossible" to retrieve, would violate rights, and that the request was over-burdensome, with the church's 1.2 million members in more than 13,000 congregations nationwide.

After much consideration, Superior Court Judge Joan Lewis ordered the documents produced. They weren't.

Lopez's lawyers also traveled to New York to depose Gerrit Losch, a longstanding member of the governing body, on the court's orders, but he didn't show up.

The judge, citing the refusal to comply with releasing the documents and Losch's no-show, decided to issue the ultimate sanction against Watchtower: terminate its right to be heard in the case going forward.

Lopez's lawyers put on a six-day trial in front of the judge, without Watchtower's lawyers there to offer a defense. In the end, Judge Lewis handed down a default judgment of \$10.5 million in punitive damages and \$3 million in compensatory damages against Watchtower.

Watchtower also had to pay more than \$37,000 in sanctions, mostly to cover the travel costs for the deposition that never happened.

Watchtower appealed.

The appeals court gave a mixed-bag opinion Thursday.

The three-judge panel rejected Watchtower's claims that the prior abuse documents shouldn't have to be turned over.

However, the appeals court disagreed with the judge's order for Losch's deposition, saying Lopez's lawyers did not prove that he was key to the case as a leader in the governing body.

The court also took issue with how quickly Lewis terminated Watchtower from the court proceedings, saying she should have first tried less-punitive sanctions to see if the church would comply with her orders.

The case will now go back to Lewis to give Watchtower another chance to turn over the requested abuse documents. If, after further warnings and lower-grade sanctions, the church still doesn't comply, the case could end again the same way.

Attorneys for Watchtower did not return requests for an interview Thursday.

Lopez's lawyer, Zalkin, said Thursday that the court's opinion could have a big impact on his case and other similar lawsuits against Watchtower being fought in California and around the country.

"From our perspective, this has always been about getting the documents," he said. He added that Watchtower has produced some prior abuse documents in other lawsuits, but they have been heavily redacted and of little use.

"They don't want the world to know what they've known about child sex abuse within their organization for decades and they've been trying desperately to keep that covered up," Zalkin said.

Last April, an appeals court overturned an \$8.6 million punitive award against Watchtower in a similar 2012 lawsuit filed in Alameda County by a woman who was molested by a church member. The court ruled that the church had no obligation to warn the congregation that the member had admitted to previously molesting his stepdaughter. The court did uphold \$2.8 million in compensatory damages in the case.

