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California court upholds \$4 million sex abuse judgment against Jehovah's Witnesses Watchtower organization

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By Karen Kidd | Dec 28, 2018



RIVERSIDE, Calif. (Legal Newsline) – A California appeals court has affirmed a more than \$4 million judgment against the nation's leading body of Jehovah's Witnesses in favor of a woman who claims she was molested as a child in by a church elder.

In its [44-page opinion](#) issued Dec. 10, the California 4th District Court of Appeal, Division Two three-judge panel left in place terminating sanctions and a judgment of little more than \$4 million against Watchtower Bible and Tract Society of New York Inc.

The Riverside Superior Court previously handed down the sanctions and judgment and Watchtower declined to produce documents it had received follow a 1997 letter sent to Jehovah's Witnesses congregations "concerning known molesters in the church," the appeals court decision said.

In its appeal, Watchtower claimed the Superior Court was wrong because "a responding party facing terminating sanctions would always forfeit consideration of a lesser sanction by the mere fact that it has not complied," the Appeals Court's opinion said. "This case does not present the situation that Watchtower seems to describe in which a party does not comply and terminating sanctions are immediately ordered."

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California 4th District Court of Appeal Justice Douglas P. Miller courts.ca.gov

The Superior Court had given Watchtower four days to produce the documents.

"Watchtower, despite that warning, did not comply with the court's nearly year-old discovery order," the opinion said. "Thus, with that particular procedural history, it was reasonable to conclude that lesser sanctions would be ineffective in motivating Watchtower to comply with the court's discovery order."

Judge Douglas P. Miller wrote the opinion in which judges Art

W. McKinster and Richard T. Fields concurred.

The plaintiff in the case, identified only as J.W., sued Watchtower, which she claimed was negligent when she was molested by church elder Gilbert Simental in 2006. In 2009, an appeals court affirmed a jury's previous finding that Simental was guilty in two criminal cases of molesting J.W. and two victims.

J.W.'s case against Watchtower alleged, among other things, negligence, negligent supervision/failure to warn, negligent hiring/retention, negligent failure to warn, train, or educate her, sexual battery and intentional infliction of emotional distress.

In its appeal, Watchtower's lawyers argued that J.W. failed to allege the umbrella Jehovah's Witnesses group was the negligent "proximate cause" of her having been molested. In its opinion, the three-judge appeals court panel countered that Watchtower created the circumstances in which J.W. had been victimized.

"In a negligent hiring/retention analysis, the focus is on Watchtower's actions in hiring/retaining Simental, i.e, the risk of molestation that Watchtower allegedly knowingly created," the opinion said. "Accordingly, we are not persuaded that proximate cause was improperly pled due to a failure to allege that the party was a church-sponsored event."



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