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



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A state appeals court in San Francisco today upheld a \$2.8 million compensatory damage award for a woman who was molested as a child by an adult member of the North Fremont Jehovah's Witnesses Congregation.

But the appeals court overturned an additional \$8.6 million punitive award levied against the congregation and the Jehovah's Witnesses headquarters organization in a 2012 Alameda County Superior Court trial on a lawsuit filed by Candace Conti.

A three-judge appeals panel said a punitive award was not justified because church leaders had no duty to warn the congregation or Conti's parents that the abuser, Jonathan Kendrick, had admitted to church elders that he molested his 14-year-old stepdaughter in 1993.

Justice Peter Siggins wrote for the court, "While it is readily foreseeable that someone who has molested a child may do so again, the burden the duty to warn would create and the adverse social consequences the duty would produce outweigh its imposition."



Conti, now 29, who has discussed her case on national television in recent years, testified at the 2012 trial that Kendrick molested her several times per month for about two years, when she was 9 and 10 years old, between late 1994 and 1996.

She said the abuse occurred when she was accompanying him on church “field service,” or door-to-door preaching in the community. She said Kendrick would take her to his house and molest her during the time he was supposed to be conducting field service.

Kendrick, 61, now lives in Oakley and is a member of the Jehovah’s Witnesses congregation there, according to Conti’s lawyer, Rick Simons. In 2004, he was convicted of molesting his 8-year-old stepgranddaughter and served seven months in prison.

The headquarters organization of Jehovah’s Witnesses is the Watchtower Bible and Tract Society of New York Inc. The Superior Court jury originally awarded Conti \$7 million in compensatory damages and found Kendrick 60 percent responsible, Watchtower 27 percent liable and the North Fremont Congregation 13 percent liable.

But Conti agreed before trial not to collect any damages from Kendrick in exchange for his not participating in the trial and agreeing not to harass her. Thus, Conti’s total compensation from the congregation and Watchtower was \$2.8 million, Simons said.

The appeals court upheld the compensatory award on the ground that the congregation and Watchtower failed in their duty to supervise Kendrick and protect Conti during their field service.

Conti also originally won an additional \$8.6 million in punitive damages from Watchtower and the congregation on the basis of her claim that church leaders adhered to a “secrecy policy” about child molestation.

But the appeals panel set aside that award, saying the congregation elders “had no duty to depart from Watchtower’s policy of confidentiality and warn the members of the congregation that Kendrick had molested a child.”

Siggins wrote that imposition of a general duty to warn would be a “considerable” burden on a church and could deter wrongdoers from seeking help from church leaders.

At the trial, Conti’s lawyers cited a 1989 letter sent by Watchtower to all elders in the nation, instructing them that “elders must exercise extraordinary caution when it comes to handling personal information about the private lives of others” and that “unauthorized disclosure of confidential information can result in costly lawsuits.”

A congregation elder testified that the policy was intended to protect confidential ministerial communications, and that the church sought to educate parents about how to protect their children from abuse.

Simons said Conti, a veterinary technician, now lives in the Stockton area. He said no decision has been made on whether to appeal to the California Supreme Court to reinstate the punitive award.

"This is really a public policy issue, and of course we disagree as to what is the best public policy," Simons said.

"Ms. Conti is of the view that public policy should favor requiring churches to do all they can to prevent further abuse by identified child molesters from happening, rather than just requiring that they pay money to victims after the abuse occurs," he said.

A lawyer for Jehovah's Witnesses was not available for comment.

Julia Cheever, Bay City News

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