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7 JANE DOE

**ENDORSED
FILED
ALAMEDA COUNTY**

MAY 4 2012

CLERK OF THE SUPERIOR COURT
By K. Ghel
Deputy

8 SUPERIOR COURT OF CALIFORNIA - COUNTY OF ALAMEDA

9 JANE DOE,

10 Plaintiff,

11 v.

12 THE WATCHTOWER BIBLE AND TRACT SOCIETY
13 OF NEW YORK, Inc., a corporation;
14 FREMONT CALIFORNIA CONGREGATION OF
15 JEHOVAH'S WITNESSES, NORTH UNIT, a
16 California corporation; JONATHAN KENDRICK, an
17 individual;
18 and ROES 1 to 10,

16 Defendants.

No. HG11558324

ASSIGNED FOR ALL PURPOSES TO JUDGE ROBERT
McGUINNESS, DEPARTMENT 22

FIRST AMENDED COMPLAINT FOR DAMAGES FOR
CHILDHOOD SEXUAL ABUSE

17 Plaintiff alleges,

18 1. Plaintiff JANE DOE is an adult, under the age of 26 at the time of the filing of this
19 action, and residing in California. Plaintiff appears by the fictitious name JANE DOE to preserve her
20 anonymity because of the sensitive and highly personal nature of the subject matter of this action.
21 (*Doe v. Lincoln Unified School District* (2010) 187 Cal. App. 4th 1286). Plaintiff's true name and
22 identity has been disclosed to defendants with service of the Complaint.

23 2. At all times herein, defendant THE WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW
24 YORK, Inc. (WATCHTOWER NY) was a corporation, licensed in the State of New York, with a principle
25 place of business in the City of New York, State of New York.

26 3. Plaintiff is unaware of the true names and capacities of defendants sued herein as
27 ROES 1 to 10 and therefore sue said defendants by such fictitious names. Said fictitiously named
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1 defendants were negligent in and about the matters alleged herein, and that such negligence was the
2 proximate cause of the damages complained of by plaintiff. Plaintiff will seek leave to amend this
3 Complaint when the true names and capacities of such fictitiously-named defendants have been
4 ascertained.

5 4. At all times herein, defendant FREMONT CALIFORNIA CONGREGATION OF JEHOVAH'S
6 WITNESSES, NORTH UNIT ("FREMONT CONGREGATION") was a corporation, organized and existing
7 under the laws of the State of California, with a principle place of business located in Fremont,
8 California. At all times herein defendant FREMONT CONGREGATION owned, managed, operated,
9 supervised, and staffed a religious facility, organized and existing for the purpose of practicing and
10 promoting the faith of Jehovah's Witnesses, and located within the City of Fremont, State of
11 California. At all relevant times herein, defendant WATCHTOWER NY concurrently owned, managed,
12 operated, supervised, and staffed that same religious facility located in the City of Fremont, County of
13 Alameda, California.

14 5. At all times herein, defendant JONATHAN KENDRICK was an individual, residing in the
15 State of California, with a date of birth of January 31, 1954, and is currently a registered sex offender
16 within the State of California.

17
18 **FIRST CAUSE OF ACTION**
19 **Negligence**
20 **(As to Defendants WATCHTOWER NY, and FREMONT CONGREGATION Only)**

21 6. In the time period of 1994 to 1996, plaintiff JANE DOE was a minor. During that time
22 period, plaintiff JANE DOE was a member of the religious group commonly known as the Jehovah's
23 Witnesses, and attended, participated in, and was a member of the Jehovah's Witness religious
24 facility located in the City of Fremont, and owned, managed, operated, supervised, and staffed by
25 defendants WATCHTOWER NY and FREMONT CONGREGATION. During that same time period,
26 defendant JONATHAN KENDRICK was a volunteer, active member, and participant in the congregation
27 and congregation leadership of the religious facility in Fremont. During that time period, defendant
28 KENDRICK sexually molested and abused plaintiff JANE DOE on multiple occasions within the County
of Alameda. Defendant KENDRICK accomplished the sexual abuse and molestation of plaintiff by

1 use of the trust, position, and authority he held as a fellow member, volunteer, and leader of the
2 religious facility and congregation in Fremont.

3 7. At all times herein, defendants WATCHTOWER NY and FREMONT CONGREGATION, and
4 each of them, negligently supervised, managed, and controlled defendant KENDRICK in his
5 membership and participation in the Fremont religious facility, and negligently failed to warn plaintiff
6 JANE DOE, her family, and other members of the congregation, of the propensity and risk that
7 defendant KENDRICK would sexually molest or abuse minor girls, a propensity and history of which
8 defendants, and each of them, acting through their employees, agents, and volunteers, had actual
9 notice. During the same time period, defendants, and each of them, were negligent in failing to
10 exercise reasonable care to protect plaintiff JANE DOE, and other minors, who were members of, or
11 participants in, activities at the religious facility in Fremont, from the risk of sexual abuse or
12 molestation by perpetrators, including defendant JONATHAN KENDRICK.

13 8. As a result of the negligence of defendants, and each them, as herein alleged, plaintiff
14 JANE DOE was caused to suffer the physical, mental, and emotional injuries of childhood sexual
15 abuse and molestation; was caused to incur medical and other expenses for care, treatment, and
16 counseling; and has suffered loss of earnings and earning capacity. Plaintiff will further continue to
17 incur all such damages in the future, in amounts of which plaintiff will advise defendants at least sixty
18 days prior to trial.

19
20 **SECOND CAUSE OF ACTION**
21 **Willful and Intentional Acts**
(As to Defendant Jonathan Kendrick Only)

22 9. Plaintiff realleges each and every allegation contained in paragraphs 1 through 8 as
23 though fully set forth herein.

24 10. During the time period stated herein, defendant JONATHAN KENDRICK intentionally,
25 willfully, and maliciously sexually abused and molested plaintiff JANE DOE during the time that she
26 was a minor.

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1 to their positions only with the approval and consent of WATCHTOWER NEW YORK. JONATHAN
2 KENDRICK was appointed to the position of Ministerial Servant at the FREMONT CONGREGATION by
3 Order of WATCHTOWER NEW YORK in 1990.

4 14. In 1993, Elders Abrahamson and Clarke received a report that KENDRICK had
5 sexually molested his step-daughter, a minor, with skin to skin contact of the breast and genital areas
6 of the victim after administering a narcotic drug to her. Elders Abrahamson and Clarke also received a
7 report that KENDRICK had inappropriately touched a second non family member minor girl active in
8 the FREMONT CONGREGATION. Elders Abrahamson and Clarke confirmed the molestation of the step
9 daughter, which was admitted in part to them in an open meeting attended by both Elders,
10 KENDRICK, the minor step daughter, and her mother Evelyn Kendrick. Elders Abrahamson and Clarke
11 failed to investigate the second report.

12 15. In November, 1993, Elders Abrahamson and Clarke provided a written report of the
13 molestations to WATCHTOWER NEW YORK's corporate offices. In December, 1993, KENDRICK was
14 removed from his position as Ministerial Servant by WATCHTOWER NEW YORK. No additional
15 punishment was imposed, and KENDRICK remained a member in good standing within FREMONT
16 CONGREGATION, and continued to participate daily with other Congregation members, including
17 children and specifically including Plaintiff, in Jehovah's Witness activities including religious services
18 and meetings, door to door religious solicitations, study groups, and Congregation social events.
19 KENDRICK used his good standing within Jehovah's Witnesses, and his access to children during and
20 arising out of FREMONT CONGREGATION activities, to select, groom, and sexually molest other minor
21 girls, including Plaintiff.

22 16. Notwithstanding their receipt of the reports of 2 possible minor sexual abuse victims,
23 and their confirmed actual knowledge of KENDRICK's recent molestation of at least one child, Elders
24 Abrahamson and Clarke intentionally and purposely failed to notify or warn other FREMONT
25 CONGREGATION members, including other administrative personnel such as Elders and Ministerial
26 Servants, parents of children active in the Congregation, Congregation members, Fremont law
27 enforcement, or any other persons of the possible risk of further childhood sexual abuse by
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1 KENDRICK, and failed to limit or supervise KENDRICK's access to children, including Plaintiff. Elders
2 Abrahamson and Clarke intentionally kept secret their receipt of the reports of 2 possible minor
3 sexual abuse victims, and their confirmed actual knowledge of KENDRICK's recent molestation of at
4 least one child, from FREMONT CONGREGATION administrative personnel including other Elders and
5 Ministerial Servants, parents of children active in the Congregation, Congregation members, Fremont
6 law enforcement, or any other persons.

7 17. The conduct by Elders Abrahamson and Clarke of keeping their knowledge of
8 KENDRICK's past sexual abuse of children secret, and in failing to warn others in the Congregation or
9 community of the risk of further sexual abuse of children he posed, occurred at the specific direction,
10 instruction, and under the authority of WATCHTOWER NEW YORK. The WATCHTOWER NEW YORK
11 decision to maintain secrecy concerning KENDRICK, and the resulting failure to warn or otherwise
12 protect minors, including Plaintiff, against the risk of further sexual abuse by KENDRICK, occurred as
13 the implementation of a written policy requiring such secrecy issued by the Governing Body through
14 WATCHTOWER NEW YORK, and as its Managerial Agents. The policy is set forth in a Body Of Elders
15 letter, issued by the Governing Body through WATCHTOWER NEW YORK on July 1, 1989, and still in
16 effect today, to keep all such information secret. The stated purpose of the secrecy policy is to avoid
17 lawsuits and legal problems for the Elders and entities of Jehovah's Witnesses.

18 18. The secrecy policy of WATCHTOWER NEW YORK regarding sexual abuse of children
19 within Jehovah's Witnesses was established and enforced by the Governing Body as the Managing
20 Agents of WATCHTOWER NEW YORK, with actual knowledge of and deliberate disregard of the known
21 risk that it would be likely to lead to further sexual abuse of children within Jehovah's Witnesses, as
22 was known to the Governing Body specifically as stated in its authorized publications and articles on
23 the subject of childhood sexual abuse, and circumstantially as it was known to all national
24 community, youth, and religious groups in the United States by 1993. Notwithstanding such
25 knowledge, the Governing Body as Managerial Agents, and WATCHTOWER NEW YORK through its
26 agents, despicably placed children at risk of sexual abuse by child molesters known only to a few
27 Elders within Jehovah's Witnesses and kept secret from all others, including placing Plaintiff at risk of
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1 molestation by Kendrick, to further its own business and financial interests in avoiding claims,
2 lawsuits, and litigation by victims who might learn that their abuser was a risk known to
3 WATCHTOWER NEW YORK.

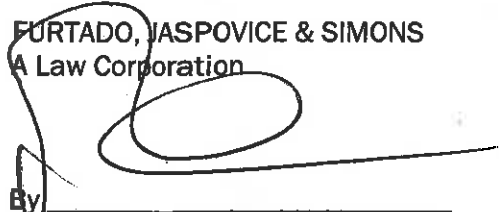
4 19. As a result of the conduct of the Elders Abrahamson and Clarke, acting under the
5 authority of WATCHTOWER NEW YORK and its managing Agents, and of their personal conscious
6 disregard of the safety of children including Plaintiff, as set forth herein, Plaintiff suffered the injury
7 and harm of childhood sexual abuse committed upon her by KENDRICK between 1995 and 1996.

8 WHEREFORE, plaintiff prays for relief as follows:

- 9 1. For compensatory damages, including economic and non-economic, according to
10 proof in amounts of which plaintiff will advise defendants at least 60 days prior to trial, pursuant to
11 the First and Second Causes of Action;
- 12 2. For punitive damages against WATCHTOWER NEW YORK only pursuant to the Third
13 Cause of action;
- 14 3. For costs of suit incurred herein; and
- 15 4. For such further relief as the Court deems just and proper.

16 Dated: May 3, 2012

FURTADO, JASPOVICE & SIMONS
A Law Corporation

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19 By 
20 RICHARD J. SIMONS
Attorneys for Plaintiff

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PROOF OF SERVICE (C.C.P. 1013a 2015.5)

STATE OF CALIFORNIA ss.
COUNTY OF ALAMEDA

I am a citizen of the United States and reside in Alameda County; I am over the age of eighteen years and not a party to the within entitled action; my business address is 22274 Main Street, Hayward, California 94541.

On May 4, 2012, I served the within **FIRST AMENDED COMPLAINT** on interested parties in said action by the following means:

By First Class Mail By placing a true copy thereof enclosed in a sealed envelope with postage thereon, fully prepaid, for collection and mailing following the firm's ordinary business practice for deposit in the United States mail in Hayward, California, addressed as shown below:

By Hand-Delivery By causing a true copy thereof, enclosed in a sealed envelope, to be delivered by hand to the address(es) shown below:

By Overnight Delivery By causing a true copy thereof, enclosed in a sealed envelope, to be delivered by hand to the address(es) shown below:

By Facsimile Transmission - By transmitting a true copy thereof by facsimile transmission from facsimile number (510) 582-8254 to the interested parties to said action at the facsimile number(s) shown below. The facsimile transmission was reported as complete and without error.

By Email By transmitting a true copy thereof to the email address(es) shown below:

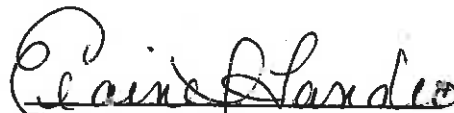
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 4, 2012, at Hayward, California.


ELAINE T. LANDRO