

ENDORSED

OCT 16 2006

Clerk of the Napa Superior Court
By: M.M. FIELDS
DORQUY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA,
COUNTY OF NAPA

CHARISSA W., et al.,
Plaintiffs,

v.

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, et al.
Defendants.

Case No.: 26-22191
JCCP No. 4374
RULING ON SUBMITTED
DISCOVERY MOTIONS

Plaintiffs' Motions To Compel Discovery came on for hearing on October 13, 2006. The court, having read and considered the papers in support of and in opposition to the motion and having heard oral argument, took the motions under submission and now rules as follows:

Plaintiffs' Motion to Compel Depositions and/or for Protective Order re: the Weedland Elders (Motion #1)

The Watchtower defendants have informed the plaintiffs that, at the depositions of four Church Elders, they will invoke the clergy-penitent privilege and object to "any inquiries concerning judicial investigations and judicial committees." Plaintiffs seek an order compelling the deponents to attend their depositions and to respond to such inquiries.

This court has previously ruled in the Track 1 cases that the penitential communication privilege does not apply to communications between the alleged abusers and the Judicial Committee. (See Court's ruling of September 29, 2005.) Although that ruling is not res judicata in non-track 1 cases, defendants provide no convincing reason why the court should rule differently in this case. For the reasons expressed in the earlier ruling, the court concludes that the witnesses may not assert the penitential communication privilege. To the extent the motion also encompasses the production of documents, defendants shall produce responsive documents, regardless of when they are dated. As plaintiffs note, it is possible that documents dated after the alleged abuse will contain relevant information. For these reasons, plaintiffs' motion #1 is GRANTED.

Plaintiffs' Motion to Compel PMK Deposition and Documents – General (Motion #2)

Plaintiffs have noticed the deposition of the Church defendants' Person(s) Most Knowledgeable (PMK) on a number of specified topics. Defendants have objected to six areas of inquiry, again invoking the clergy-penitent privilege. For the reasons discussed above and in the court's earlier ruling, the court finds that the clergy-penitent privilege does not apply to these areas of inquiry. Defendants also object to the scope of the document requests, claiming that documents that post-date the alleged abuse are not relevant or likely to lead to the discovery of admissible evidence. As above, the court finds that the documents are discoverable. For these reasons, plaintiffs' motion #2 is GRANTED.

Plaintiffs' Motion to Compel PMK Deposition and Documents – Legal (Motion #3)

Plaintiffs previously issued a PMK deposition notice concerning "any and all policies that the Jehovah's Witnesses organization had for handling accusations and proof of child sexual abuse from 1970 to the present." During that PMK deposition of Mr. Breaux, he identified functions that were handled by the Legal Department rather than by the Service Department, where he worked. As to these, he lacked the information necessary to provide responses.

Plaintiffs subsequently noticed a PMK deposition to inquire into (1) the organization, staffing and operation of the Legal Department; (2) the Legal Department's role in responding to

