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SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

BEFORE THE HONORABLE JUDGE ROBERT MCGUINESS

DEPARTMENT 22

JANE DOE,)	No. HG115588324
)	
Plaintiff,)	
)	ASSIGNED FOR ALL PURPOSES TO
v.)	JUDGE ROBERT MCGUINESS,
)	DEPARTMENT 22
WATCHTOWER BIBLE AND)	
TRACT SOCIETY OF NEW)	
YORK, INC., a)	
corporation, et al.,)	
)	
Defendants.)	
)	
-----)	

JURY TRIAL

JUNE 13, 2012

DAY 9

JURY VERDICT

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

REPORTED BY: KATHRYN LLOYD, CSR NO. 5955

JOB NO: A605B8C

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A P P E A R A N C E S:

FOR THE PLAINTIFF:
FURTADO, JASPOVICE & SIMONS
BY: RICK SIMONS, ESQ.
BY: KELLY KRAETSCH, ESQ.
22274 Main Street
Hayward, CA 94541
Tel: 510-582-1080
Fax: 510-582-8254
Email: kellyk@fjsslw.com
Email: rick@fjsslw.com

FOR THE DEFENDANTS:
THE NORTH FREMONT CONGREGATION OF
JEHOVAH'S WITNESSES
THE McCABE LAW FIRM
BY: JAMES M. McCABE, ESQ.
4817 Santa Monica Ave, Suite B
San Diego, CA 92107
Tel: 619-224-2848
Fax: 619-224-0089
Email: jim@mccabelaw.net

(CONTINUED)

1 APPEARANCES (CONTINUED)
2 FOR THE DEFENDANT:
3 THE WATCHTOWER BIBLE AND TRACT SOCIETY
4 OF NEW YORK, INC.
5 JACKSON LEWIS, LLP
6 BY: ROBERT SCHNACK, ESQ.
7 801 K Street, Suite 2300
8 Sacramento, CA 95814
9 Tel: (916) 341-0404
10 Fax: (916) 341-0141
11 Email: Schnackr@jacksonlewis.com

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1 JUNE 13, 2012

2:41 P.M.

2 PROCEEDINGS

3 THE COURT: To our jury foreperson, has the
4 jury reached a verdict?

5 JUROR: Yes, we have your Honor.

6 THE COURT: Would you be kind enough to
7 secure the verdict?

8 COURT ATTENDANT: Here is the verdict as
9 presented.

10 THE COURT: Madame clerk, would you please
11 read the verdict.

12 THE CLERK: Ladies and Gentlemen of the jury,
13 you will now listen to the reading of the verdict,
14 omitting the title of the court and cause.

15 Special verdict.

16 Number 1: Did Jonathan Kendrick sexually
17 batter Candace Conti?

18 Answer: Yes.

19 Number 2: Was the sexual battery by Jonathan
20 Kendrick a cause of harm to Candace Conti?

21 Answer: Yes.

22 Number 3: Was Gary Abrahamson as an agent of
23 Watchtower and the North Fremont Congregation negligent?

24 Answer: Yes.

25 Was Michael Clarke, as an agent of Watchtower

1 and the North Fremont Congregation negligent?

2 Answer: Yes.

3 Were the elders in the Service Department as
4 agents of Defendant, Watchtower, negligent?

5 Answer: Yes.

6 Number 4: For each person or persons who
7 received a yes answer in Question 3, answer the
8 following:

9 Was Gary Abrahamson's negligence as an agent
10 of Watchtower and the North Fremont Congregation a
11 substantial factor in causing harm to Plaintiff, Candace
12 Conti?

13 Answer: Yes.

14 Was Michael Clarke's negligence as an agent
15 of Watchtower and the North Fremont Congregation a
16 substantial factor in causing harm to Plaintiff, Candace
17 Conti?

18 Answer: Yes.

19 Were the elders in the Service Department's
20 negligence, as agents of Watchtower, a substantial
21 factor in causing harm to Plaintiff, Candace Conti?

22 Answer: Yes.

23 Number 5: What are Plaintiff, Candace
24 Conti's total damages?

25 A: Future counseling and therapy, \$130,000.

1 B: Non-economic damages, \$6,870,000.

2 Total of A and B \$7 million.

3 Number 6: What percentage of responsibility
4 for Plaintiff, Candace Conti's harm do you assign to the
5 following?

6 Insert a percentage only for those who
7 received yes answers to Questions 2 and 4.

8 Jonathan Kendrick, 60 percent.

9 Watchtower Bible and Tract Society of New
10 York, Incorporated, 27 percent.

11 North Congregation of Jehovah's Witnesses
12 Fremont, California, 13 percent.

13 For a total of 100 percent.

14 Number 7: Did you find by clear and
15 convincing evidence that any of the negligent conduct of
16 Watchtower that was a substantial factor in causing harm
17 to Plaintiff, Candace Conti, was engaged in with malice
18 or by managing agent of Defendant Watchtower?

19 Answer: Yes.

20 Signed, Presiding Juror, Hugh Huey, dated
21 June 13, 2012.

22 THE COURT: Mr. Huey, is that the verdict of
23 the jury?

24 JUROR: Yes, your Honor.

25 THE COURT: Would any counsel wish to have

1 the jury polled?

2 MR. McCABE: Yes, your Honor.

3 MR. SCHNACK: Yes, your Honor.

4 THE COURT: All right. Let's do it
5 collectively, rather than one-by-one.

6 But as I explained to you in the original
7 instructions, we are going to ask how jurors voted. And
8 as part of the process, to the extent the clerk asked
9 the question as to who voted yes, please raise your
10 hands so we can calculate that, and then we will go
11 question-to-question.

12 We are going to poll, effectively, each of
13 you through raising your hands.

14 Okay. All right. Madame Clerk.

15 THE CLERK: As to Question Number 1: Did
16 Jonathan Kendrick sexually batter Candace Conti?

17 Please raise your hand if you answered yes.

18 (Jurors raised hands)

19 THE COURT: All right. The record should
20 reflect as to Question Number 1, 12 jurors voted yes.

21 THE CLERK: Number 2: Was the sexual battery
22 by Jonathan Kendrick a cause of harm to Candace Conti?

23 If you answered yes, please raise your hand.

24 (Jurors raised hands)

25 THE CLERK: Twelve.

1 THE COURT: And the record should reflect,
2 the jury voted 12 yes to Question Number 2.

3 THE CLERK: Number 3: Was Gary Abrahamson as
4 an agent of Watchtower and the North Fremont
5 Congregation negligent?

6 If you answered yes, please raise your hand.

7 (Jurors raised hands)

8 THE COURT: All right. It appears that 11
9 jurors voted yes to that.

10 Do we have one no vote on that?

11 JUROR: Yes.

12 THE COURT: Okay. So 11 to 1 vote by the
13 jury. Okay.

14 THE CLERK: Was Michael Clarke, as an agent
15 of Watchtower and the North Fremont Congregation,
16 negligent?

17 If you answered yes, please raise your hand.

18 (Jurors raised hands)

19 THE CLERK: 11 to 1.

20 THE COURT: All right. Let me just confirm.
21 One no vote answer?

22 JUROR: Yes.

23 THE COURT: All right. Thank you.

24 THE CLERK: Were the elders in the Service
25 Department, as agents of Defendant, Watchtower,

1 negligent?

2 If you answered yes, raise your hand.

3 (Jurors raised hands)

4 THE CLERK: 11 to 1.

5 THE COURT: And it was one no?

6 JUROR: Yes.

7 THE COURT: Thank you.

8 THE CLERK: Number 4: For each person or
9 persons who received a yes answer in Question 3, answer
10 the following:

11 Was Gary Abrahamson's negligence as an agent
12 of Watchtower and the North Fremont Congregation a
13 substantial factor in causing harm to Plaintiff, Candace
14 Conti?

15 If you answered yes, please raise your hand.

16 (Jurors raised hands)

17 THE CLERK: 11 to 1.

18 THE COURT: And again, one no vote.

19 Sir, one no vote?

20 JUROR: I didn't vote.

21 THE COURT: Okay. So one abstained?

22 THE CLERK: Was Michael Clarke's negligence,
23 as an agent of Watchtower and the North Fremont
24 Congregation, a substantial factor in causing harm to
25 Plaintiff, Candace Conti?

1 If you answered yes, please raise your hand.
2 (Jurors raised hands)
3 THE CLERK: 11 to 1.
4 THE COURT: Juror, did you abstain or no?
5 JUROR: I didn't vote.
6 THE COURT: No?
7 JUROR: Because it is not required.
8 THE COURT: Okay.
9 THE CLERK: Were the elders in the Service
10 Department's negligence as agents of Watchtower a
11 substantial factor in causing harm to Plaintiff, Candace
12 Conti?
13 If you answered yes, please raise your hand.
14 (Jurors raised hands)
15 THE CLERK: 11 to 1.
16 Number 5: What are Plaintiff, Candace
17 Conti's total damages?
18 Total: \$7 million.
19 If that's correct, please raise your hand.
20 JUROR: We have a question about that.
21 THE COURT: Okay.
22 JUROR: By majority, the jury did vote and
23 agree upon \$7 million.
24 THE COURT: Okay.
25 JUROR: But if there were others who actually

1 voted for a different amount, how would you like for us
2 to answer?

3 THE COURT: We will treat that as a no. But
4 in terms of \$7 million, how many voted for \$7 million?

5 (Jurors raised hands)

6 THE COURT: Okay.

7 THE CLERK: 9 to 3.

8 MR. SCHNACK: Can we see the hands again?

9 THE COURT: Just get them up so there is no
10 question.

11 (Jurors raised hands)

12 THE COURT: Thank you.

13 THE CLERK: Number 6: What percentage of
14 responsibility for Plaintiff, Candace Conti's harm do
15 you assign to the following:

16 Insert a percentage only for those who
17 received yes answers to Questions 2 and 4.

18 Jonathan Kendrick, 60 percent.

19 (Jurors raised hands)

20 THE CLERK: 11 to 1.

21 THE COURT: Okay.

22 THE CLERK: Watchtower Bible and Tract
23 Society of New York, Incorporated, 27 percent.

24 (Jurors raised hands)

25 THE COURT: Ten votes for.

1 THE CLERK: North Congregation of Jehovah's
2 Witnesses Fremont, California, 13 percent.

3 (Jurors raised hands)

4 THE CLERK: 10 to 2.

5 THE COURT: Correct.

6 THE CLERK: Number 7: Did you find by clear
7 and convincing evidence that any of the negligent
8 conduct of Watchtower that was a substantial factor in
9 causing harm to Plaintiff, Candace Conti, was engaged in
10 with malice by a managing agent of Defendant,
11 Watchtower?

12 If you answered yes, please raise your hand.

13 (Jurors raised hands)

14 THE CLERK: 10 to 2.

15 THE COURT: Okay. Did you ask about the
16 economic damage, \$130,000?

17 Did we take care of that?

18 How many voted for the economic damages of
19 \$130,000? Can I have hands on that?

20 MR. SCHNACK: That wasn't asked. Future.

21 THE COURT: I didn't think it was asked.
22 That's why I'm asking.

23 Okay. Let's go back in time, because I was
24 just picking up as to whether it had been asked.

25 I believe the economic damages was \$130,000.

1 Those of you who voted for \$130,000 can you
2 raise your hands please?

3 (Jurors raised hands)

4 THE COURT: All right. And that was 12
5 hands.

6 Can I have counsel up here for a moment.

7 (Sidebar discussion)

8 THE COURT: All right, to the jury, I want a
9 show of hands, if I might, as to those who voted for
10 \$6,870,000 in non-economic damages.

11 If I could have a show of hands.

12 (Jurors raised hands)

13 THE COURT: Let's see that appears to be 9 to
14 3 for the record.

15 All right. Let me address the jury.

16 In light of your verdict, we need a little
17 bit more help from you in terms of how you answered the
18 last question. It will be a -- by a series of orders, I
19 have made a very -- well, we will certainly be within
20 what I told you in terms of being done with this case by
21 the 15th.

22 Because of the nature and length of the
23 deliberations that you have just gone through, I'm going
24 to again meet with counsel, and there is going to be --
25 I hasten to use this term -- a mini trial .

1 And because you are the jury and just
2 rendered the verdict and you answered the last question
3 that the fashion that you did, there will be a
4 presentation here tomorrow.

5 And it has to be you because you are the
6 jury. You are the jury for this matter.

7 In light of the nature and the length of the
8 deliberations to this portion of the verdict, I'm going
9 to ask that you arrive here at 10:00 tomorrow morning.

10 In the meantime, again, I will be working
11 with counsel to fashion the proceeding contextually
12 within the framework of a mini trial.

13 I expect the case to be finished this week in
14 terms of what I told you originally. I need to work
15 with counsel a little bit on the detail, but I'm going
16 to request each of you to be here at 10:00 tomorrow
17 morning, and we will work through the course of the rest
18 of the day to assure a presentation in a mini trial
19 tomorrow.

20 I will look forward to seeing each you each
21 of you in the morning. With the understanding that,
22 again, I have been doing much of the work outside, and I
23 will continue to do so with the view that this case will
24 be presented to you tomorrow.

25 So thank you all for your time, and I will

1 look forward to see seeing you at 10:00.

2 THE CLERK: Your Honor, the verdict has been
3 recorded.

4 THE COURT: Thank you, Madame Clerk.

5 (Proceedings were adjourned at 3:09 p.m.)

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REPORTER'S CERTIFICATE

I, KATHRYN LLOYD, CSR No. 5955, Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witnesses were put under oath by the court clerk;

That the testimony of the witnesses, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

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

Dated this ____ day of _____, 2012.

KATHRYN LLOYD, CSR 5955