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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

JARED GRAFMYER)	CASE NO. <i>OC 15281</i>
)	
Plaintiff,)	
)	
vs.)	
)	
WATCHTOWER BIBLE AND TRACT)	COMPLAINT
SOCIETY OF NEW YORK, INC.,)	(Negligence, Breach of Confidential
WATCHTOWER BIBLE AND TRACT)	Relationship, Intentional Infliction of
SOCIETY OF PENNSYLVANIA, INC.)	Severe Emotional Distress)
and LANCASTER CONGREGATION)	
OF JEHOVAH'S WITNESSES,)	<i>Not subject to Mandatory Arbitration</i>
)	
Defendants.)	Jury Trial Requested

Plaintiff alleges:

COMMON FACTS

1.

Plaintiff JARED GRAFMYER is a resident of Port Lavaca, Calhoun County, Texas.

2.

Defendant Watchtower Bible and Tract Society of New York, Inc., a corporation organized and existing under the laws of the State of New York, with offices at 25 Columbia Heights, Brooklyn, New York 11201-2483, has conducted business within the State of Oregon through its officers, agents, and servants.

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3.

Defendant Watchtower Bible and Tract Society of Pennsylvania, a corporation organized and existing under the laws of the State of Pennsylvania, with offices at 1630 Spring Run Road Extension, Coraopolis, Pennsylvania 15108, has conducted business within the State of Oregon through its officers, agents, and servants.

4.

Defendant Lancaster Congregation of Jehovah's Witnesses is an entity that carries out the functions and responsibilities of the Watchtower Bible and Tract Society of New York, the Watchtower Bible and Tract Society of Pennsylvania, and the "Governing Body" in Marion County, Oregon. Defendant Lancaster Congregation of Jehovah's Witnesses has its office/principal place of business at 4795 Macleay Road SE, Salem, Oregon, 97301.

5.

The Defendant entities are collectively referred to herein as the "Watchtower Defendants". All operate as a single business enterprise.

6.

Venue is proper in Marion County, Oregon, because some of the acts or omissions that give rise to Plaintiff's claims occurred in Marion County and because Defendant Lancaster Congregation of Jehovah's Witnesses, does business in that county.

7.

The Watchtower Defendants comprise a hierarchical organization made up of different corporations and other entities. The Watchtower Bible and Tract Society of New York is the parent organization of all entities of Jehovah's Witnesses in the

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1 United States. The "Governing Body" establishes policies and dictates practices for
2 Jehovah's Witnesses throughout the world, and operates through various corporate
3 entities including the Watchtower Bible and Tract Society of Pennsylvania.

4 Local entities are led by officers called Elders and Ministerial Servants who are
5 appointed by the Governing Body and/or the Watchtower Bible and Tract Society of
6 New York. Elders and Ministerial Servants are agents of the Watchtower Bible and
7 Tract Society of New York and the Governing Body. Elders and Ministerial Servants
8 at all times conduct themselves in the scope and authority of their appointed
9 positions, which is defined by the Governing Body and the Watchtower Society, and
10 at all times Elders and Ministerial Servants are under their authority.

11 8.

12 Jerry Anderson Crabb was appointed Ministerial Servant in the Lancaster
13 Congregation of Jehovah's Witnesses by the Governing Body and/or the Watchtower
14 Bible and Tract Society of New York. A Ministerial Servant is an agent of the
15 Watchtower Bible and Tract Society of New York, the Governing Body and the other
16 Watchtower Defendants.

17 9.

18 A Ministerial Servant is held out by the Watchtower Defendants to be a person
19 of good character and responsibility and a person one can trust to supervise minor
20 children. Parents within the Watchtower organization are encouraged to view
21 Ministerial Servants as role models for their children. Children within the
22 organization are taught to look up to and respect Ministerial Servants.

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10.

Jerry Anderson Crabb was a pedophile who had sexually abused a child in early 1964. He was convicted or pled guilty. Nevertheless, he was appointed Ministerial Servant and allowed to occupy a leadership position in the Lancaster Congregation.

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11.

In approximately 1991, Crabb used the "position of trust" that his status as Ministerial Servant represented and conferred, to develop a relationship with Jared Grafmyer, age 8, but he betrayed that trust by sexually abusing Plaintiff on multiple occasions.

12.

Crabb used Lancaster Congregation meetings at their facility called Kingdom Hall as opportunities to get to know Jared Grafmyer; he brought presents to the Kingdom Hall to give to Jared and he "groomed" Jared so that Crabb could subsequently molest and abuse him.

13.

Elders in the Lancaster Congregation who knew or should have known that Crabb had a history of being a pedophile watched as Crabb developed the close relationship with Jared Grafmyer that would allow Crabb to sexually exploit Jared.

14.

Although elders knew or should have known about Crabb's past, they failed to warn Jared's mother that her son was being stalked by a sexual predator or take any action to prevent the foreseeable abuse.

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15.

After Crabb's abuse of Jared Grafmyer came to light, elders of the Lancaster Congregation of Jehovah's Witnesses instructed Jared Grafmyer's mother not to tell the police.

16.

Jared's father ignored that instruction and reported the crime to police, which resulted in Crabb's confession and conviction.

COUNT I: NEGLIGENCE

17.

Plaintiff realleges paragraphs 1 through 16 above.

18.

The Watchtower Defendants were negligent in one or more of the following particulars and that negligence has been a substantial contributing factor to the damages sustained by Plaintiff Jared Grafmyer as alleged below:

- a. Despite the fact that the Watchtower Defendants knew, or should have known, of Jerry Anderson Crabb's history of pedophilia, they negligently appointed him to the office of Ministerial Servant when they knew or should have known that he would be allowed unsupervised access to minor children in the course and scope of his duties;
- b. Despite the fact that the Watchtower Defendants knew, or should have known, of Jerry Anderson Crabb's history of pedophilia, they failed to warn Plaintiff, or his family, of Crabb's history of sexually abusing children;

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1 c. Despite the fact that the Watchtower Defendants knew, or should have
2 known, of Jerry Anderson Crabb's history of pedophilia, they
3 negligently permitted him to be alone with children, including Plaintiff,
4 at their property and at their organized events;

5 d. The Watchtower Defendants negligently failed to supervise Crabb
6 despite their actual or constructive knowledge that he posed a potential
7 and foreseeable danger to children.

8 This negligence resulted in severe and permanent emotional distress, embarrassment,
9 shame and physical harm to Plaintiff, all to his economic damage in the amount of
10 \$25,000, and to his noneconomic damage in the amount of \$3,000,000.

11 **COUNT II: BREACH OF CONFIDENTIAL RELATIONSHIP**

12 19.

13 Plaintiff realleges paragraphs 1 through 18 above.

14 20.

15 Crabb used his position of Ministerial Servant to create a confidential
16 relationship between himself and Jared Grafmyer. The Ministerial Servant position is
17 one of trust and confidence to members of a Jehovah's Witness organization.
18 Organization members know that a Ministerial Servant has been appointed by the
19 Governing Body and the Watchtower Society and, therefore, is deemed to be worthy
20 of trust. Parents are encouraged to entrust the welfare of their children to those such
21 as Crabb, with appointed positions of authority within the organization. Crabb
22 misused his position of trust to obtain access to, and sexually abuse, Jared Grafmyer.
23 As described below, the Watchtower Defendants are liable for their conduct under the
24 doctrine of respondeat superior.

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1 This breach of confidential relationship resulted in severe, permanent
2 emotional distress, embarrassment, shame and physical harm to Plaintiff, all to his
3 economic damage in the amount of \$25,000, and to his noneconomic damage in the
4 amount of \$3,000,000..

5 **COUNT III: INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS**

6 21.

7 Plaintiff realleges paragraphs 1 through 20 above.

8 22.

9 Crabb's actions exceeded the limits of social toleration and were done with the
10 knowledge that they would cause Jared Grafmyer grave distress, which they have in
11 fact caused. Accordingly, Crabb's conduct constitutes the tort of "intentional
12 infliction of emotional distress." As described below, the Watchtower Defendants are
13 liable for such conduct under the doctrine of *respondeat superior*, all to Plaintiff's
14 noneconomic damage of \$3,000,000.

15 **COUNT IV: INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS**
16 **BY WATCHTOWER DEFENDANTS**

17 23.

18 Plaintiff realleges paragraphs 1 through 22 above.

19 24.

20 The Watchtower Defendant's actions exceed the limits of social toleration and
21 were done with the knowledge that they would cause Jared Grafmyer grave distress,
22 which they have in fact caused. Accordingly, the actions of the Watchtower
23 Defendants constitute the tort of "intentional infliction of severe emotional distress"
24 all to Plaintiff's noneconomic damage of \$3,000,000.

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