

Judge partially grants, partially denies Jehovah's Witnesses' motion to dismiss

Judge dismisses several claims in Jehovah's Witnesses case

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BELLOWS FALLS >> The attorney representing the Bellows Falls congregation of Jehovah's Witnesses and the New York-based headquarters of the Jehovah's Witness faith in a case of alleged sexual abuse said a judge's partial granting of a motion to dismiss makes him confident the entire case will get dismissed.

Pietro Lynn, of Lynn, Lynn & Blackman in Burlington, told the Reformer that U.S. District Court Judge J. Garvan Murtha decided it was appropriate to dismiss certain legal theories raised by Annessa Lewis, who is suing the Bellows Falls congregation and the Watchtower Bible and Tract Society of New York, Inc., which she claims ignored reports that she and her sister were sexually abused by a congregation member more than 20 years ago.

"We are very pleased with the court's ruling," Lynn said on March 26. "We expect that once the facts of the case are known that the court will dismiss the rest of the case."

Murtha dismissed claims for breach of fiduciary duty, negligence, ratification, and fraud by omission.

Lynn said the case is based on unsubstantiated allegations only.

"We will vigorously defend my clients in this case," he said. "We believe the evidence will support the defense and, ultimately, we will prevail."

The Congregation and Watchtower's motion for a more definite statement was also denied by Murtha.

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Annessa Lewis and her younger sister, Miranda, say they were members of the Jehovah's Witness congregation in Bellows Falls in the early 1990s and allege they were sexually abused by Norton True, who at the time was a "ministerial servant," which was previously described as the equivalent of a Catholic deacon by attorney Irwin M. Zalkin, of The Zalkin Law Firm in San Diego, Calif. He and Jerome O'Neill, of Gravel & Shea in Burlington, represent Lewis. Zalkin has told the Reformer the girls' mother approached the church about a year after Miranda was allegedly molested and

"was basically told to keep her mouth shut."

In January, Zalkin and O'Neill filed an opposition to the defendant's motion to dismiss. Zalkin and O'Neill argued that the court must construe the complaint in "the light most favorable to the plaintiff" and that the complaint must be construed on the assumption that "all of its allegations are true, even if doubtful in fact."

Zalkin and O'Neill also wrote that courts must assume all general allegations embrace whatever specific facts might be necessary to support them. The motion they filed stated the defendants were aware of True's molestation of a different minor prior to the alleged molestation of his clients. The congregation took no action against True, did not warn anyone and did not contact law enforcement, according to the motion. True was therefore allowed to come into contact with the plaintiffs. Also, the defendants did nothing when the alleged abuse was reported.

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Lewis' attorneys wrote that it was the congregation's responsibility to warn parents of the threat posed by True, whom the defendants knew was a pedophile. The motion also stated the alleged molestation of the Bellows Falls sisters was predictable and "resulted from the defendants' actions and inactions."

Neither Zalkin nor O'Neill could be reached for comment by press time.

True is represented by attorney Tom Costello, of Costello, Valente and Gentry in Brattleboro. Costello told the Reformer Murtha's ruling has "no real consequence for us," though True's motions to dismiss and for a more definite statement were denied.

Costello said he is now waiting for the plaintiff's date of birth. He explained people have six years following their 18th birthday to file charges against someone for something that happened to them when they were children. Costello said once he receives the necessary information, he plans to file a motion to dismiss the case.

Contact Domenic Poli at 802-254-2311, ext. 277.

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