

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(Class Action)

No.: 500-06-000886-172

LISA BLAIS

Applicant

v.

**WATCH TOWER BIBLE AND TRACT
SOCIETY OF CANADA**

– and –

**WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA**

– and –

**WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.**

– and –

**CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES, a legal person
having an establishment at 100 Watchtower
Drive, Patterson, New York, 12563-9204,
United States of America**

Respondents

**RE-MODIFIED APPLICATION FOR AUTHORIZATION TO INSTITUTE A
CLASS ACTION AND TO BE APPOINTED AS REPRESENTATIVE PLAINTIFF**
(Articles 574 & ff of the *Code of Civil Procedure*)

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT,
SITTING IN THE PRACTICE DIVISION IN THE DISTRICT OF MONTREAL,
THE APPLICANT RESPECTFULLY SUBMITS THE FOLLOWING:**

I. INTRODUCTION

1. The Applicant brings this Application for Authorization before this Honourable Court in order to institute a class action on behalf of all members of the following subclasses (together, the “**Class Members**”):

*“All persons who are or were a Jehovah’s Witness and who allege having been sexually abused by a Jehovah’s Witness Elder in the province of Québec (the “**Elder Abuse Subclass**”).”*

– and –

*“All persons who are or were a Jehovah’s Witness and who allege having been sexually abused as a minor by a Jehovah’s Witness in the province of Québec (the “**Witness Abuse on a Minor Subclass**”).”*

2. This Application arises from the multiple sexual abuses committed in the Jehovah’s Witness community in Québec.
3. Over the last century, the Respondents have established and maintained a strict hierarchical religious organization, whereby the Elders, in a position of authority within the Jehovah’s Witness community, sexually abused fellow Jehovah’s Witnesses with impunity.
4. The Respondents also established, maintained, and enforced negligent and harmful policies regarding sexual abuse on minors, which fostered an environment which favoured and ultimately protected child sexual abusers.
5. These policies notably hinder the reporting of sexual abuse offences on minors to secular authorities and maintain an alternative disciplinary process through “judicial committees” which is both harmful to the victims and negligently mismanages the risk of reoffending.
6. The Applicant, in support of her claim, alleges that the Respondents are solidarily liable to the Class Members as follows:
 - a) with respect to the Elder Abuse Subclass:
 - i) Being vicariously liable for the sexual abuse committed by Elders on Jehovah’s Witnesses;
 - ii) Negligently inflicting psychological pain and suffering as a result of the Respondents’ failure to properly or adequately assist and protect Jehovah’s Witnesses from the abuse perpetrated upon them by Elders;
 - iii) Failing to report sexual abuse when they knew or ought to have known that sexual abuse was being perpetrated by Elders;

- iv) Deliberate, unjustifiable, intentional and vexatious perpetration of psychological pain and suffering resulting directly from the negligent conduct of the Respondents and the Elders in ignoring and failing to report cases of sexual abuse by the Elders.
- b) With respect to the Witness Abuse on a Minor Subclass:
- i) Establishing, maintaining and enforcing systemic policies and practices which created and maintained an environment favourable to the commission of sexual abuse on Jehovah's Witness minors;
 - ii) Negligently allowing the commission of sexual abuse by Jehovah's Witnesses on Jehovah's Witness minors;
 - iii) Negligently inflicting psychological pain and suffering as a result of the Respondents' failure to adequately assist and protect Jehovah's Witness minors from the abuse perpetrated upon them;
 - iv) Failing to report sexual abuse on Jehovah's Witness minors when the Respondents knew or ought to have known that sexual abuse was being perpetrated on minors;
 - v) Being vicariously liable for the Elders' failure to report the sexual abuse perpetrated on Jehovah's Witness minors;
 - vi) Deliberate, unjustifiable, intentional and vexatious perpetration of psychological pain and suffering resulting directly from the negligent conduct of the Respondents and the Elders in ignoring and failing to report cases of sexual abuse on minors to the authorities.
7. The Applicant on behalf of herself and other Class Members claims the following damages, to be recovered collectively:
- a) Moral damages in an amount of \$150,000 per Class Member;
 - b) Punitive damages in an amount of \$100,000 per Class Member due to the Respondents' unlawful and intentional interference with Class Members' rights;
 - c) Pecuniary damages to be assessed at trial;
 - d) Interest and the additional indemnity provided for in Article 1619 of the *Civil Code of Québec*;
 - e) Legal fees and costs, including expert fees where applicable, and publication and notice costs to be assessed at trial.

II. THE PARTIES

A) THE APPLICANT

8. The Applicant was born in [REDACTED] in the province of Québec, into a family belonging to the Jehovah's Witnesses.
9. The Applicant was baptised in 1988.
10. Her brother, approximately 13 years her senior (the "Abuser"), was at all relevant times also a Jehovah's Witness.
11. The Abuser began sexually abusing the Applicant when she was a baby.
12. The sexual abuse, including rape, took place in the province of Québec, when the Applicant's family belonged to the Jehovah's Witness congregation of Amos.
13. The Abuser left the family household when the Applicant was five (5) years old and he was approximately 18 years old.
14. Several years later, when the Applicant was approximately 16 years old, the Abuser returned to the family home.
15. At that time, he admitted to the Applicant that he began sexually abusing her when she was ten (10) months old.
16. He also confessed to the Applicant that he had recently informed their mother of the sexual abuse perpetrated on her.
17. At no time did the Applicant's mother ever approach the Applicant to hear her version, offer assistance and support, or go to the authorities, secular or otherwise, with this information.
18. Quite to the contrary, the Applicant's mother, despite being aware of the sexual abuse suffered by her daughter as a child, allowed the Abuser back into the family household in the vicinity of his victim.
19. Within two weeks of the Abuser's return, the sexual abuse started once again, with a sexual abuse episode happening in the family pool right before the Applicant's mother's eyes.
20. The next day, the Applicant confronted her brother, telling him she would inform their father of the history of sexual abuse which he had inflicted on her.
21. The Abuser became physically violent, and the Applicant called her family for them to return home to rescue her.

22. Upon arrival, her mother yelled at the Applicant "You could have kept your mouth shut," suggesting that she was aware of the sexual abuse. Immediately following, the Applicant's father questioned her mother as to her knowledge of the sexual abuse, which she confirmed on the spot.
23. Feeling alone and abandoned, the Applicant turned to another Jehovah's Witness and to an Elder, for comfort and reassurance.
24. Ultimately, due to the destructive environment in which she was living, the Applicant, at age 17, had no other choice but to leave the family home to escape her Abuser.
25. The Applicant was officially disfellowshipped from the Jehovah's Witnesses when she was 24 years old.
26. At no time did anyone, including the Elder, ever call the authorities to inform them of the serious crimes committed by the Abuser on the Applicant.
27. The Applicant suffered significant pain as a result of the sexual abuse she endured, in addition to the absence of reaction by her parents and the other Jehovah's Witnesses aware of the sexual abuse which had been perpetrated by the Abuser.

B) THE RESPONDENTS

28. *Watch Tower Bible and Tract Society of Pennsylvania* (the "**Pennsylvania Society**") is a non-profit corporation that was originally incorporated in 1884 in Pennsylvania, United States of America, as appears from an excerpt of the Jehovah's Witnesses website, disclosed herewith as **Exhibit P-1**, and from its most recent incorporation document dated April 8, 2003, disclosed herewith as **Exhibit P-28**.
- 28.1 The Pennsylvania Society adopted its current name in 1955. It had previously used the names Zion's Watch Tower Tract (Society) and the Watch Tower and Tract Society, as appears from the incorporation documents of the Pennsylvania Society, disclosed herewith as **Exhibit P-29**, en liasse.
- 28.2 Moreover, starting in 1925, the Pennsylvania Society acted through, amongst others, the International Bible Students Association of Canada (the "**IBSAC**"), a Canadian corporation since dissolved, as appears from a document from the Watch Tower Bible and Tract Society of Canada titled "I.B.S.A. of Canada", disclosed herewith as **Exhibit P-30**.
29. *WatchTower Bible and Tract Society of New York, Inc.* (the "**New York Society**") is a non-profit corporation that was originally incorporated in 1909 under the name of People's Pulpit Association (...) in the state of New York, United States of America, as appears from its Amended Certificate of Incorporation and the

previous documents of incorporation of the New York Society, disclosed herewith as **Exhibit P-2 en liasse.**

- 29.1 The New York Society has also used the name Watchtower Bible and Tract Society, Inc., as appears from an excerpt of the website, Internet Watchtower Online Library, disclosed herewith as **Exhibit P-31.**
30. Pennsylvania Society is the parent corporation of the New York Society, as appears from an excerpt of the 1980 Yearbook of Jehovah's Witnesses, disclosed herewith as **Exhibit P-3.**
- 30.1 *Christian Congregation of Jehovah's Witnesses* (the "**CCJW**") is a non-profit organization originally incorporated in 2000, in the state of New York, United States of America, as appears from its Certificate of Incorporation, disclosed herewith as **Exhibit P-32.**
31. The Respondent *Watch Tower Bible and Tract Society of Canada* (the "**Canadian Society**") was founded in 1967 and replaced the IBSAC. It was first incorporated in 1982 under the *Canada Corporations Act*, RCS 1970, c C-32. It is now governed by the *Canada Not-for-profit Corporations Act*, LC 2009, c 23, as appears from the *État de renseignements sur une personne morale* of the Québec *Registraire des entreprises*, disclosed herewith as **Exhibit P-4.**
32. The Respondents are hereinafter collectively referred to as the "**Organization**".

III. THE FACTS GIVING RISE TO THE APPLICANT'S CLAIM

A) THE ORGANIZATION AND ITS HIERARCHY

33. The Organization claims to be a religious body, whose members are the Jehovah's Witnesses (the "**Witnesses**").
34. The Organization's structure is strictly patriarchal and very hierarchical.
35. The Governing Body, located in New York, is the ultimate authority of the Jehovah's Witnesses and operates through, *inter alia*, the New York and Pennsylvania Societies, the CCJW, and the Canadian Society.
36. The Governing Body also appoints Circuit Overseers for the purposes of managing the Organization.

a) The Jehovah's Witnesses

i. The Organization and the Jehovah's Witnesses

37. The Organization purportedly has over 8,000,000 members worldwide, as appears from an excerpt of the Jehovah's Witnesses website, disclosed herewith as **Exhibit P-5.**

38. One only formally becomes a “Witness” after his or her baptism, which is not typically undertaken at birth but rather at a later age, as appears from an excerpt of the Organization’s website, disclosed herewith as **Exhibit P-6**.
39. Nevertheless, one may belong to the Jehovah’s Witness community prior to his or her baptism and must abide by the Organization’s doctrine and policies in order to remain part of the Jehovah’s Witness community.
40. Herein, the term “Witness” is used interchangeably and is meant to include both baptized and unbaptized members of the Organization.
41. Witnesses are organized by congregation; there are approximately 100 Witnesses per congregation.
42. Each congregation is governed by a body of Elders who are accountable to the Organization, as further exposed below at paragraphs 71-82.
43. A congregation usually owns a site of worship known as a “Kingdom Hall” which concept is often used interchangeably with the concept of “congregation”.

ii. The Witnesses in Canada and in Québec

44. As of 2011, there were approximately 137,000 Witnesses in Canada, including 27,000 in Québec, as appears from excerpts of the federal 2011 National Household Survey, disclosed herewith *en liasse* as **Exhibit P-7**.
45. These Canadian Witnesses are grouped in 1,409 congregations, as appears from an excerpt of the Organization’s website, disclosed herewith as **Exhibit P-8**.
46. 126 (...) of these congregations are located in the province of Québec, as appears from the *États de renseignements sur une personne morale* of the Québec *Registraire des entreprises*, disclosed herewith *en liasse* as **Exhibit P-9**.

b) The Governing Body as the Directing Mind of the Organization and the Supreme Authority over the Witnesses

47. As mentioned above, the Organization has a strict hierarchical structure. This structure is controlled and directed by the “**Governing Body**” which is composed of a council of seven men, who meet at the Organization’s international headquarters located in Warwick, New York.
48. The Governing Body establishes all doctrine and administrative, disciplinary and evangelical policies for the Organization based on its interpretations of the Bible, as appears from an excerpt of the Organization’s website disclosed herewith as **Exhibit P-10** and from the 2015 Branch Organization Manual, disclosed herewith as **Exhibit P-11**, at p. 5.

49. The Governing Body thereby provides a “*unified theocratic direction*” to the Witnesses and seeks to maintain unity among all Jehovah’s Witness congregations, as appears from the 2015 Branch Organization Manual, at p. 4 and 5, Exhibit P-11.
50. A Witness’ failure to abide by the Organization’s policies is deemed to displease Jehovah, who is the Witnesses’ God. The effect of the Governing Body’s policies is to instill fear among the Witnesses, forcing them into submissive behaviour.
51. The Governing Body draws a sharp line between the Witness community and the non-Witnesses, referred to as “*wordly*” or “*those who are not in the Truth*,” and the Governing Body discourages any relationship with the latter.
52. The Governing Body uses several corporations, including the Pennsylvania Society, (...) the New York Society and the CCJW, as well as branch offices located around the world, such as the Canadian Society, to disseminate and implement its various directives.
53. In doing so, the Governing Body ensures that “*it takes the lead in promoting smooth functioning of the organization and the unity of all of God’s people*”, as appears from Exhibit P-11, p. 5 and considers these corporations as “*theocratic instrumentalities*”, as appears from Exhibit P-3.
54. As such, the Respondents each constitute the legal interface of the Governing Body and are its secular arms, in addition to overseeing the Witnesses’ religious activities.

c) The Roles and Purposes of the Pennsylvania Society, (...) the New York Society and the CCJW

- 54.1 The Pennsylvania Society, the New York Society, and the CCJW all act under the Governing Body’s governance; they implement an action plan that is common to the Organization, and that is developed and directed by the Governing Body.
- 54.2 They thus each act as the mandataries of one another.
55. The Pennsylvania Society assists the Governing Body, and is the principal corporation used to support the activities of the Witnesses worldwide, as appears from Exhibit P-1.
- 55.1 The purposes of the Pennsylvania Society, set out in Exhibit P-28, are:

“religious, educational, and charitable, including to act as the servant and legal entity for the religious body of Christian persons known as Jehovah’s Witnesses; publicly and from house to house preach and teach the gospel of God’s Kingdom under Christ Jesus unto all nations as a witness to the name, Word, and

supremacy of Almighty God, JEHOVAH [...]; write, record by any means and in any medium, and otherwise create, publish, and distribute literature in various languages containing information and comment explaining Bible truths and prophecy concerning the establishment of Jehovah's Kingdom under Christ Jesus [...]; write, record by any means and in any medium, and otherwise create, publish, and distribute music, art, and other intellectual property of a religious or educational nature in any medium; improve men, women, and children intellectually and morally by Christian missionary work; instruct and educate men, women, and children about the Bible and incidental scientific, historical, and literary subjects; establish and operate private Bible schools and ancillary facilities to house and care for students at such schools and classes for gratuitously instructing men and women about the Bible, Bible Literature, and Bible history and for preparing men and women for Christian missionary work; arrange for and hold assemblies for religious worship; maintain one or more religious orders of special ministers of Jehovah's Witnesses [...]; and do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah's Witnesses, shall deem appropriate in harmony with these purposes."

[Emphasis added]

56. The New York Society, a subsidiary of the Pennsylvania Society, is the Organization's business and administrative arm.
- 56.1 The Pennsylvania Society attributes to itself the activities of the New York Society and the IBSAC and considers them to be its mandataries, as appears from an excerpt of The Watch Tower from December 15, 1914, cited at Exhibit P-30:

"This Canadian corporation was to serve as an agent and trustee for the parent corporation, the Watch Tower Bible and Tract Society of Pennsylvania. The Watch Tower of December 15, 1914, explained the policy: "For the sake of our many new readers we explain that the Watch Tower Bible and Tract Society, as the parent organization, represents all the activities in Christian work with which THE WATCH TOWER and its Editor are associated. All the work done through the International Bible Students Association and Peoples Pulpit Association [New York Society], directly and indirectly, is the work of the Watch Tower Bible and Tract Society Thus it comes that we use sometimes the one name and sometimes the other in various parts of our work - yet they all in the end mean the Watch Tower Bible and Tract Society.""

[Emphasis added]

56.2 The purposes of the New York Society, set out in Exhibit P-2, are:

"religious, educational, and charitable and are specifically to: act as a legal entity for the religious body of Christian persons in the United States known as Jehovah's Witnesses; support the efforts of Jehovah's Witnesses to preach and teach the gospel of God's Kingdom under Christ Jesus as a witness to the name, Word, and supremacy of Almighty God, JEHOVAH [...]; write, record by any means and in any medium, and otherwise create, publish, and distribute literature in various languages containing information and comment explaining Bible truths and prophecy concerning the establishment of Jehovah's Kingdom under Christ Jesus [...]; write, record by any means and in any medium, and otherwise create, publish, and distribute music, art, and other intellectual property of a religious or educational nature in any medium; instruct and educate men, women, and children about the Bible and incidental scientific, historical, and literary subjects and to own/or operate schools to advance such purpose; improve men, women, and children intellectually and morally by education based on Christian principles and to own and/or operate schools to advance such purpose; establish and operate private Bible schools, and ancillary facilities to house and care for the students at such schools, and classes for instructing men and women about the Bible, Bible literature, and Bible history; arrange for and hold assemblies for religious worship [...]; maintain one or more religious orders of special ministers of Jehovah's Witnesses [...]; and do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah's Witnesses, shall deem appropriate in harmony with these purposes." [Emphasis added]

56.3 The purposes of the CCJW, set out in Exhibit P-32, are:

"religious, educational, and charitable and are specifically to: administer the congregations, assemblies, education, and public religious worship of Jehovah's Witnesses in the United States; support the efforts of Jehovah's Witnesses to preach and teach the gospel of God's Kingdom under Christ Jesus as a witness to the name, Word, and supremacy of Almighty God, JEHOVAH [...]; assist Jehovah's Witnesses to distribute Bibles, Bible-based literature containing information and comment explaining Bible truths and prophecy concerning the establishment of Jehovah's Kingdom under Christ Jesus [...] and music, art, and other intellectual property of a religious or educational nature; [...] teach Jehovah's Witnesses to instruct and educate men, women, and children about the Bible and to own and/or operate schools

to advance such purpose; arrange for and hold assemblies for religious worship [...]; and do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah's Witnesses, shall deem appropriate in harmony with these purposes." [Emphasis added]

56.4 Each of these entities shares common purposes and their activities are interrelated.

56.5 As a result, the activities of the Organization form a whole under the leadership of the Governing Body.

56.6 Furthermore, the Pennsylvania Society and the CCJW reaffirm the Governing Body's moral authority by setting out in their respective incorporation documents (P-28 and P-32) that:

"Upon winding up and dissolution of the corporation, [...] the remaining assets shall be transferred to the Watchtower Bible and Tract Society of New York, Inc. If the Watchtower Bible and Tract Society of New York, Inc. is not then in existence [...], then the remaining assets shall be distributed to any organization designated by the Governing Body of Jehovah's Witnesses that is organized and operated exclusively for religious, educational, and/or charitable purposes [...] and do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah's Witnesses, shall deem appropriate in harmony with these purposes." [Emphasis added]

56.7 As for the New York Society, it provides the following in this regard in its incorporation document (Exhibit P-2):

"Upon winding up and dissolution of the corporation, [...] the remaining assets shall be transferred to the Watch Tower Bible and Tract Society of Pennsylvania. If the Watch Tower Bible and Tract Society of Pennsylvania is not then in existence [...], then the remaining assets shall be distributed to any organization designated by the Governing Body of Jehovah's Witnesses that is organized and operated exclusively for religious, educational, and/or charitable purposes [...]."

56.8 Finally, the Pennsylvania Society, the New York Society and the CCJW all publish, issue and distribute letters containing instructions to the bodies of elders (defined below at paragraph 71).

d) The Roles of the Branch Offices, Including the Canadian Society

57. The Governing Body appoints, directs and supervises branch offices responsible for overseeing the Organization's activities (the "**Branch Offices**"). The latter channel and disseminate the Governing Body's policies, decisions and guidelines throughout their assigned territory.
58. Each of the Branch Offices can publish and distribute literature, oversee legal matters, as well as administer the Governing Body's instructions to the Elders, referred to below at paragraphs 71 and following, and most importantly ensure compliance with the Governing Body's guidelines.
59. The Canadian Society is the only Canadian Branch Office and is the Canadian corporate soul of the Organization.
60. The Branch Offices are run by a branch committee (the "**Branch Committee**"), whose members are appointed by the Governing Body, as appears from the 2015 Branch Organization Manual, Exhibit P-11, Chapter 2.
61. Each member of the Branch Committee is considered a representative of the Governing Body within the Branch Office's assigned territory.
- 61.1 In this respect, each Branch Office acts as a driving force to convey the Governing Body's directives and policies.
- 61.2 As a result, the directives and policies conveyed by the various Branch Offices to the Elders are, for all practical purposes, identical, as is demonstrated by, for example, the letters of March 14, 1997, issued by the Canadian Society, the New York Society, and the Watch Tower Bible and Tract Society of Britain, disclosed herewith as Exhibits P-33, P-34, P-35, respectively.
62. In carrying out its duties, the Branch Committee is assisted by several committees that also form part of the Branch Office. These include the Legal Department and the Service Department.
63. The Legal Department assists the Elders with legal matters arising within the Branch Office's assigned territory, as appears from the 2015 Branch Organization Manual, Exhibit P-11, p. 24 and 25.
64. The Service Department, under the supervision of the Branch Committee, manages matters related to the congregations' preaching work and activities, the Elders and ministerial servants, the circuit overseers, and the pioneers within the Branch Office's assigned territory, as appears from the 2015 Branch Organization Manual, Exhibit P-11, p. 68.
- 64.1 The Service Department is governed by the New York Society, and since 2001, by the CCJW.

65. The Branch Offices were, until at least September 2014, responsible for the appointment of Elders, as referred to below at paragraph 74.

e) The Circuit Overseers

66. In addition to naming the Branch Committee members, the Governing Body also appoints "**Circuit Overseers**".

67. Each Circuit Overseer is assigned a circuit composed of approximately 20 congregations, as appears from an excerpt of the Jehovah's Witnesses website, disclosed herewith as **Exhibit P-12**.

68. The Circuit Overseers must visit the congregations within their circuit at least twice a year to monitor their compliance with the Governing Body's directives.

69. The Circuit Overseers must submit reports of their visits to the relevant Branch Office, as appears from the 2015 Circuit Overseers Guidelines, Chapter 5, disclosed herewith as **Exhibit P-13**.

70. Circuit Overseers are also responsible for the appointment and removal ("*deletion*") of Elders since at least September 2014, as referred to below at paragraph 75.

B) THE ELDERS' ULTIMATE AUTHORITY OVER THE WITNESSES

71. As mentioned above at paragraph 42, each congregation is governed and led by a council of four (4) to five (5) spiritual leaders known as "Elders". The council formed by the Elders is referred to as the "**Body of Elders**."

72. The Elders have ultimate authority over the Witnesses, who must obey and defer to the Elders on all matters.

a) The Appointment of Elders

73. Only men are eligible to fill the Elder positions, as is the case for any position of authority within the Organization which is strictly patriarchal.

74. Until September 2014, the Elders were directly appointed by the Branch Offices, including the Canadian Society, as appears from an excerpt of the Jehovah's Witnesses' website, disclosed herewith as **Exhibit P-14**.

75. Since September 2014, the Elders have been appointed by the Circuit Overseers, appointees of the Governing Body, as referred to above at paragraph 66.

76. The Branch Offices, and thus the Canadian Society, remain involved in the appointment process of the Elders, as it appears from the 2015 Circuit Overseers Guidelines, Chapter 17, Exhibit P-13.

b) The Role and Powers of the Elders

77. Elders are entrusted with the supervision and care of their congregation, as appears from an excerpt of the Organization's website, disclosed herewith as **Exhibit P-15**.
78. As such, the Elders are the congregation's leaders. They are responsible for congregational governance, pastoral work, setting meeting times, selecting speakers, conducting meetings and directing the public preaching work.
79. In carrying out their duties, the Elders must follow guidelines set out in the 2010 "Shepherd the Flock of God" issued by the Governing Body, disclosed herewith as **Exhibit P-16**, as well as the multiple letters to the Body of Elders issued by the Organization.
80. Elders are thereby instructed to abide by the instructions issued by the Governing Body, the Branch Committee and the Circuit Overseers, as appears from p. 11 of the 2010 Shepherd the Flock of God, Exhibit P-16.
81. More importantly, the Elders are vested with the power to operate and lead an internal disciplinary system through "judicial committees," as appears from the 2010 Shepherd the Flock of God, Exhibit P-16.
82. Where Witnesses are suspected of having sinned, the Elders are instructed to decide whether a judicial committee should be formed to investigate the matter. In the case they decide to do so, they will select which Elders will form part of the judicial committee which will determine the disciplinary sanction to be imposed on the accused, if any.

C) LIFE WITHIN THE WITNESSES' COMMUNITY: OBEDIENCE, DISCIPLINE, SECRECY AND SECLUSION

83. Through the implementation of its policies, the Organization isolates Witnesses and keeps them disconnected from mainstream society.
84. This system ensures obedience and discipline by Witnesses, which is in turn reinforced through deep-rooted secrecy and seclusion within the Organization.

a) Discipline and Obedience

85. The Elders are granted tremendous power over other Witnesses who are subjected to strict patriarchal rules.
86. Witnesses are expected to adhere to all doctrines issued by the Governing Body, locally enforced by the Branch Committees and the Elders.

87. Any display of independent thought or individualist action that deviates from the Organization's guidelines is frowned upon.
88. Relatedly, failure to follow the Organization's policies, procedures, guidelines and directions can result in a member being "disfellowshipped" from the Organization, which is the Jehovah's Witnesses' equivalent of excommunication.
89. Additionally, and as referred to above at paragraph 81, the Elders are granted the authority to constitute "judicial committees", an alternative disciplinary system completely internal to the Jehovah's Witness community.
90. When sitting on such committees, the Elders have the authority to discipline Witnesses and impose various sanctions, including disfellowshipping.
91. Elders are also granted the power to reintegrate former Witnesses into the Jehovah's Witness community, when they deem it appropriate.

b) Seclusion and Secrecy

92. Contact and association with non-Witnesses are highly discouraged by the Organization and the Elders, who depict the secular world as dangerous and untrustworthy.
93. Witnesses are advised to be cautious of secular law and to abide by the latter only insofar as it does not conflict with biblical law.
94. Similarly, the Organization discourages Witnesses from reporting crimes that involve other Witnesses to police, and from suing other Witnesses in the "worldly" judicial system.
95. The Organization requires Witnesses and Elders to keep any offences or allegations thereof (including allegations of sexual abuse) that involve a Witness absolutely secret.
96. Elders are also bound to secrecy: they cannot reveal any information received from another Witness, as appears from the letter issued by the Canadian Society, addressed to the Body of Elders and dated October 1, 1989, disclosed herewith as **Exhibit P-36**.
97. In the event the Elders wish to communicate information received by a Witness, they are to contact their Branch Office's Service Department for permission to this effect, as appears from the Canadian Society's letter to the Bodies of Elders, which includes the Canadian Elders, dated January 1st, 1990, disclosed herewith as **Exhibit P-17**.
98. As a result, Jehovah's Witness congregations become secluded communities, with the Elders as the only figures of authority.

99. Importantly, when a Witness is disfellowshipped, all Witnesses, including friends and family of the disfellowshipped person, are instructed to not associate with the person and ignore him or her, resulting in the “shunning” of the disfellowshipped person.
100. Contact with a disfellowshipped person itself can be a ground for disfellowshipping.
101. Further, association with Jehovah’s Witness members who become inactive or withdraw from the community is considered an absolute affront.
102. As a result, Witnesses who consider leaving the Jehovah’s Witness community must weigh the benefits of pursuing their freedom and independence against the risk of losing their social network and family ties.
103. This reinforces the power the Elders and the Organization have over the Witnesses.

D) THE ORGANIZATION’S FAILURE TO REPORT SEXUAL ABUSE

104. The Organization has failed to adopt adequate reporting policies regarding sexual abuse committed within the Jehovah’s Witness community.
105. In fact, the Organization’s systemic policies and procedures compromise minors’ safety and development.
106. The Organization’s only policy dealing with sexual abuse directs the Elders to limit their reporting of sexual abuse on minors to the Canadian Society’s Legal Department.
107. The Elders must keep an internal record of all allegations of sexual abuse by or against a Witness, as well as report each abuse to the Branch Office.
108. Records of sexual abuse committed by Witnesses are to be kept confidential indefinitely, as notably appears from a letter from the Canadian Society to the Bodies of Elders dated July 29, 1988, disclosed herewith as **Exhibit P-18**, a letter from the Canadian Society to the Bodies of Elders dated July 20, 1998, disclosed herewith as **Exhibit P-19** and a letter from the Governing Body to the Bodies of Elders of September 1, 2017, disclosed herewith as **Exhibit P-20**.
109. At no time does the Organization directly instruct the Elders to contact secular authorities when made aware of sexual abuse on minors within the Jehovah’s Witness community.
110. The Elders are simply advised not to discourage Witnesses from reporting an allegation of abuse on a minor, as notably appears from the 2010 Shepherd the Flock of God, p. 131, Exhibit P-16:

“[i]f you are asked, make it clear that whether to report the matter to the authorities or not is a personal decision for each individual to make and that there are no congregation sanctions for either decision.” [emphasis added]

and correspondence from the Canadian Society to the Bodies of Elders, including its letter of March 23, 1992, disclosed herewith as **Exhibit P-21**, its letter of June 1, 1992, **Exhibit P-22**, and its letter of September 15, 1995, disclosed herewith as **Exhibit P-23**.

111. The Organization’s policies thus place the burden of reporting suspected sexual abuse on minors on the child’s parents or physicians contrary to the clear duties imposed by Québec law and this, notwithstanding the position of authority held by the Elders and their unparalleled influence among their co-worshippers.
112. As such, the Organization’s policies and guidelines directly transgress the Québec *Youth Protection Act*, which imposes a positive duty on any person aware of child sexual abuse to report such abuse to the Québec Director of Youth Protection.
113. The Organization’s inefficient and negligent policies regarding sexual abuse on minors have already attracted scrutiny through the *Australia Royal Commission into Institutional Responses to Child Sexual Abuses* (the “**Australia Royal Commission**”), which issued a report on same in October 2016 (the “**Australia Royal Commission Report**”), disclosed herewith as **Exhibit P-24**.
114. The Australia Royal Commission Report Exhibit P-24 is pertinent in the case at hand considering that the Governing Body disseminates uniform guidelines among its Branch Offices, including the Australia Branch Office and the Canadian Society.
115. The Australia Royal Commission found, *inter alia*, that the Jehovah’s Witness policies regarding sexual abuse on minors, as implemented by the Australian Branch Office, is a passive policy limited to merely not discouraging family members to report abuse, as appears from the Australia Royal Commission Report, p. 61 and 62, Exhibit P-24.
116. As a matter of fact, the Australia Royal Commission found that there was no evidence suggesting that the Australian Branch Office had ever reported to the police or to any other secular authority even “*a single one of the 1,006 alleged perpetrators of child abuse reported in [its] files*”, as appears from the Australia Royal Commission Report, p. 60, Exhibit P-24.
117. In spite of these findings, the Governing Body issued, as recently as September 1, 2017, a new iteration of its policy on sexual abuse on minors which still places the burden of reporting such abuse on the child’s parents and fails to explicitly instruct the Elders to contact the secular authorities in the case of potential sexual

abuse on minors, as appears from the letter of the Governing Body to the Bodies of Elders dated September 1, 2017, Exhibit P-20.

118. The Canadian Society having received the same guidelines as the Australian Branch Office, it similarly mismanages and negligently directs its members on the question of sexual abuse on minors in Canada.

E) THE ORGANIZATION'S HARMFUL INTERNAL PROCESS FOR HANDLING SEXUAL ABUSES

119. In addition to the lack of appropriate policies pertaining to sexual abuse on minors, the Organization's policies are inherently harmful to victims of sexual abuse.
120. As mentioned above at paragraphs 80-82, all allegations of wrongdoing within a congregation are to be dealt with internally by a judicial committee constituted of certain of the congregation's Elders.
121. However, when made aware of an allegation of sexual abuse on a Witness, the Elders will form a judicial committee only if the sexual abuse has been "established".
122. There are two ways of establishing a wrongdoing among Jehovah's Witnesses: the perpetrator has confessed to the wrongdoing or at least two people witnessed the wrongdoing. There is no exception to this rule even for cases of sexual abuse, as appears from the Governing Body's letter to the Bodies of Elders dated October 1, 2012, disclosed herewith as **Exhibit P-25**.
123. Therefore, considering the intimate context in which sexual abuse is committed and the Organization's passive policy of reporting, victims are often left with no recourse against their abuser.
124. The Organization's policy which required victims of sexual abuse, including minors, to confront their abuser is equally reprehensible.
125. Even when the offense is "established", there is nothing that provides for a victim to be accompanied by a support person during this judicial committee process.
126. Furthermore, a victim or complainant within the Jehovah's Witness community who fails to establish the wrongdoing may be found to have committed slander and face disassociation from the congregation.
127. Therefore, a victim of sexual abuse who is harmed as a result of the mishandling by the Elders and the Organization of his or her complaints is faced with the untenable choice of staying within the community in the presence of his or her abuser or leaving the community and being shunned by friends and family.

128. Due to the fact that Witnesses have little or no social support outside the Jehovah's Witness community, disassociation and disfellowshipping can cause serious harm to already vulnerable victims of sexual abuse.
129. On that point, the Australia Royal Commission noted that the Organization's policies of shunning and avoiding people who have left the faith:

"can be particularly devastating for those who have suffered child sexual abuse in the organisation and who wish to leave because they feel that their complaints about it have not been dealt with adequately or because their abuser remains in the congregation"

as appears from Exhibit P-24, p. 72.

130. The Canadian Society having received the same guidelines as the Australian Branch Office, it similarly mismanages and negligently directs its members on the question of sexual abuse on minors in Canada.

F) THE ORGANIZATION NEGLIGENTLY MANAGES THE RISK POSED BY SEXUAL ABUSERS

131. Even in cases where a judicial committee has found that a Witness has sexually abused a fellow Witness, the Organization's policies fail to properly address the risk of further abuse by the abuser, especially in the case of pedophiles, thereby transforming the congregation into a safe haven for sexual offenders.
132. The Australia Royal Commission found that three types of sanctions are available where a Witness is found to have committed sexual abuse on a minor: (1) deletion, that is the removal from a position of authority (such as the one of Elder), (2) reproof, which applies where the perpetrator is repentant and allows him to remain within the congregation, and (3) disfellowshipping, that is the excommunication from the congregation, as appears from Exhibit P-24, p. 27.
133. The Australia Royal Commission further found that when deciding of the applicable sanction, the Elders' focus is mostly on whether the abuser is repentant, without any consideration of objective factors, as appears from Exhibit P-24, p. 68.
134. Even when a judicial committee reproves or disfellowships a Witness for sexual abuse, the Elders will only inform the Branch Office of the abuse and the congregation will only be informed of the sanction imposed on the Witness, and not of the grounds for the sanction, as appears from Exhibit P-24, p. 69.
- 134.1 Similarly, when a Witness that is known to have sexually abused a minor changes congregations, the Elders of the Witness' original congregation must inform the Elders of the Witness' new congregation of this fact by confidential letter. Yet, the Elders of the Witness' new congregation are instructed not to discuss this fact

with the members of the Witness' new congregation, as appears from the letter issued by the Canadian Society and addressed to the Bodies of Elders, dated March 14, 1997, Exhibit P-33.

135. Furthermore, a Witness disfellowshipped for sexual abuse may later be reintegrated into a congregation.
136. Crucially, the Australia Royal Commission found that when deciding whether to reintegrate a sexual offender, the Elders do not ponder the risk of reoffending, as appears from Exhibit P-24, p 69.
137. According to the Australia Royal Commission, this lack of management of the risk of reoffending

“suggests a serious lack of understanding on the part of the Jehovah Witness organisation about the nature of child sexual abuse and the risk of reoffending, and it places minors within the organisation at significant risk of sexual abuse”

as appears from Exhibit P-24, p. 69.

138. The Canadian Society having received the same guidelines as the Australian Branch Office, it similarly mismanages and negligently directs its members on the question of sexual abuse on minors in Canada.

G) THE EFFECT OF THE ORGANIZATION'S INEFFECTIVE AND HARMFUL POLICIES RELATED TO SEXUAL ABUSE ALLEGATIONS ON QUÉBEC WITNESSES

139. The Applicant estimates that the Organization has received reports of several hundreds of cases of sexual abuse in Québec, *inter alia* due to its internal reporting policies, as mentioned above at paragraphs 106-108.
140. According to two reports of the show *Enquête* aired during Radio-Canada's network broadcasts of December 1, 2016 and September 14, 2017, disclosed herewith respectively as **Exhibits P-26** and **P-27**, several Québec Witnesses were sexually abused by Witnesses and/or Elders and were subjected to the same harmful policies than the ones identified by the Australia Royal Commission.
141. Yet, the Organization failed to adopt efficient policies addressing sexual abuse.
142. The Organization also failed to diligently investigate and report these abuses to secular authorities as required by Québec law.
143. In fact, the Organization's policies helped to conceal or ignore serious cases of sexual abuse, prioritizing the preservation of the Jehovah's Witnesses' image.

144. Furthermore, by maintaining an isolated community and the practice of shunning, the Organization has not only deprived Witnesses of any meaningful way to seek assistance in cases of sexual abuse, but it also has provided sexual offenders with the opportunity to abuse minors with impunity.

H) THE ORGANIZATION'S LIABILITY

145. The Respondents are solidarily liable for the damages incurred by the Applicant and the Class Members as a result of both their vicarious liability and their direct faults.

a) The Organization's Vicarious Liability for the Sexual Abuse Committed by the Elders on Witnesses

146. At all material times, the Organization was responsible for the conduct of its Elders.
147. The relationship between the Organization and congregation Elders is both spiritual and temporal.
148. Considering the position of authority held by the Elders, the Organization knew that the Elders benefitted from significant powers within their respective congregations, and thus had considerable influence especially over the younger Witnesses
149. The Organization was well aware of such power, as it itself promoted and encouraged the Elders' authority, thereby endorsing the Elders' intimate, personal and psychological control over the Witnesses, especially the younger ones, in turn creating an environment ripe for sexual abuse.
150. Notwithstanding that the Organization was aware of cases of sexual abuse perpetrated by Elders, the Organization further failed to put in place measures to protect potential victims of sexual abuse.
151. At all material times, the Organization was in a position to remove an Elder from his duties if he was suspected of having committed sexual abuse on a Witness.
152. The Respondents are thus solidarily liable as a result of their vicarious liability for the sexual abuse committed by the Elders on Witnesses.

b) The Organization's Liability due to its Faulty Internal Policies

153. Through its internal reporting system of sexual abuse on minors, the Organization was aware of several cases of sexual abuse on minors.

154. Yet its systemic guidelines and policies meant that these crimes went unreported to secular authorities, and ignored within the Organization, leaving the abusers free to continue abusing minors.
155. Notwithstanding that it was made aware of several cases of sexual abuse on minors, the Organization failed to put in place measures to protect minors, such as the Applicant, from becoming victims of sexual abuse and being repeatedly abused.
156. The Organization failed to adopt proper or adequate practices to ensure that known child molesters were reported to authorities or not allowed to remain in the community where they were able to continue abusing their victims and make new victims.
157. The Organization did not provide proper, adequate or effective training or monitoring, initially or on an ongoing basis, to ensure that adult congregation members were suitable to be in the presence of minors.
158. The Organization also knew the damage and harm that can be caused by sexual abuse on minors.
159. The Organization knowingly established a sexual abuse policy that was flawed and harmful to minors potentially victims of sexual abuse and that would result in legitimate allegations of abuse not being properly investigated or reported to secular authorities.
160. The Organization, through its negligence, abuse of power and willful blindness, contributed to creating an environment in which sexual offenders, including pedophiles, were able to sexually assault and abuse the Applicant and other Class Members, without ever having to face legal sanctions for their criminal action.
161. In light of the foregoing, the Respondents are solidarily liable for the harm directly caused by its faulty policies regarding sexual abuse.
162. Furthermore, the Elders' failure to denounce and report known sexual abuse allegations to secular authorities is also faulty.
163. Therefore, the Respondents are solidarily responsible as a result of their vicarious liability for the Elders' failure to denounce and report allegations of sexual abuse on minors to secular authorities.

D) THE APPLICANT'S DAMAGES

164. In light of the foregoing, the Applicant is entitled to claim an award of moral damages in an amount of \$150,000 in order to compensate her for the pain and suffering caused by the Respondents' faults.

165. Considering the gravity of the intentional interference with the Applicant's dignity as well as with her physical and psychological integrity, the seriousness of the sexual abuses she was victim of, as well as the breach of trust, the Applicant is entitled to claim punitive and exemplary damages from the Respondents pursuant to the Québec *Charter of Human Rights and Freedoms* in an amount of \$100,000.
166. Lastly, the Applicant is entitled to claim an amount to be determined at trial for the pecuniary losses incurred.

IV. THE FACTS GIVING RISE TO THE INDIVIDUAL CLAIMS OF THE MEMBERS OF THE CLASS

a) The Elder Abuse Subclass

167. Each Class Member in the Elder Abuse Subclass was sexually abused by an Elder and, consequently, the fault giving rise to their respective individual claim is the same.
168. Each Class Member in the Elder Abuse Subclass has incurred moral damages as a result of the sexual abuse, such abuse being inherently harmful.
169. Although the extent of the damages incurred by each Class Member in this Subclass may vary, the nature of the damages suffered by sexual abuse victims include varying combinations of anxiety, depression, weight problems, loss of self-esteem, fear of authority, social, relational and sexual difficulties, employment retention issues, drug and alcohol abuse, etc.
170. The physical integrity and dignity of each Class Member of this Subclass, sexually abused by an Elder, were violated, which entitles them to claim punitive and exemplary damages pursuant to the Québec *Charter of Human Rights and Freedoms*.

b) The Witness Abuse on a Minor Subclass

171. Each Class Member of the Witness Abuse on a Minor Subclass, suffered damages as a result of the Organization's faulty systemic policies and practices regarding sexual abuse, in that they:
 - a) fostered an environment ripe for sexual abuse on minors;
 - b) protected the abuser rather than the victims;
 - c) prevented victims of child sexual abuse from having their allegations dealt with by the appropriate secular authorities;
 - d) further traumatized the victims due to the way their allegations were dealt with within the Organization.

172. Each Class Member of the Witness Abuse on a Minor Subclass has incurred moral damages as a result of the sexual abuse that was facilitated by the Organization's policies and guidelines, which abuse is inherently harmful.
173. Although the extent of the damages incurred by each Class Member in this Subclass may vary, the nature of the damages suffered by sexual abuse victims include varying combinations of anxiety, depression, weight problems, loss of self-esteem, fear of authority, social, relational and sexual difficulties, employment retention issues, drug and alcohol abuse, etc.
174. The physical integrity and dignity of each Class Member of this Subclass, sexually abused by a Witness when they were minors, were violated, which entitles them to claim punitive and exemplary damages pursuant to the Québec *Charter of Human Rights and Freedoms*.

V. **THE COMPOSITION OF THE CLASS MAKES IT DIFFICULT OR IMPRACTICABLE TO APPLY THE RULES FOR MANDATES TO TAKE PART IN JUDICIAL PROCEEDINGS ON BEHALF OF OTHERS OR FOR CONSOLIDATION OF PROCEEDINGS**

175. As mentioned above at paragraphs 44 and 139, it is estimated that about 27,000 persons in Québec are Jehovah's Witnesses and that the Organization received hundreds of complaints of sexual abuse on minors pertaining to Witnesses in Québec.
176. Several cases of sexual abuse were also committed on adult Witnesses by Elders in the performance of their duties.
177. It would be difficult and impracticable for the Applicant to identify and contact each Class Member to join in a claim against the Respondents.
178. Furthermore, victims of sexual abuse, especially when the abuse occurred in an isolated and hierarchal environment such as the Jehovah's Witness community, are less likely to come forward in order to denounce their abuser, due to the shame, psychological trauma and taboo associated with sexual abuse.
179. This difficulty is exacerbated by the fact that certain of the Class Members may still belong to the Jehovah's Witnesses and are thus ever more unlikely to come forward and denounce their abuser or join in a recourse.
180. For the same reasons, it would be difficult and even impossible for the Applicant to obtain a mandate from each Class Member.
181. It would also be impracticable and contrary to the proper administration of justice and the spirit of the *Code of Civil Procedure* that each Class Member be forced to begin an individual claim against the Respondents.

VI. THE IDENTICAL, SIMILAR OR RELATED ISSUES OF LAW OR FACT RAISED BY THIS PROPOSED CLASS ACTION

182. The identical, similar or related issues of law or fact raised by this proposed class action are:

- a) Did Elders and other Witnesses sexually abuse other Witnesses, including the Applicant?
- b) Were the Respondents negligent in failing to take appropriate measures to prevent the perpetration of sexual abuse on minors by Elders and Witnesses, constituting a fault under the *Civil Code of Québec*?
- c) Did the Respondents' systemic practices and policies facilitate the perpetration of sexual abuse, notably on Jehovah's Witness minors, such as the Applicant, constituting a fault under the *Civil Code of Québec*?
- d) Did the Respondents' systemic practices and policies lead to the failure to report the said sexual abuse on Jehovah's Witness minors, such as the Applicant, to the provincial authorities, constituting a fault under the *Civil Code of Québec*?
- e) Were the Respondents' systemic practices and policies relating to sexual abuse on Jehovah's Witness minors inherently harmful, constituting a fault under the *Civil Code of Québec*?
- f) Are the Respondents vicariously liable for the sexual abuse committed by the Elders?
- g) Are the Respondents vicariously liable for the Elders' failure to report sexual abuse?
- h) Did the Respondents' faults cause damages to the Class Members?
- i) Are the Respondents solidarily liable for the pecuniary and non-pecuniary damages caused to the Class Members?
- j) Did the Respondents unlawfully and willfully interfere with the Class Members' fundamental freedoms and rights protected by the *Québec Charter of Human Rights and Freedoms*?
- k) Are the Class Members entitled to claim punitive damages?

VII. THE INDIVIDUAL ISSUES OF FACT AND LAW SPECIFIC TO EACH CLASS MEMBER

183. Were the Applicant and each of the Class Members sexually abused by an Elder and/or a Jehovah's Witness?

184. What is the quantum of damages incurred by each Class Member?

VIII. THE NATURE OF THE ACTION THE APPLICANT SEEKS TO COMMENCE FOR THE BENEFIT OF ALL CLASS MEMBERS

185. An action in civil liability for moral, punitive and exemplary damages and interest against the Respondents.

IX. THE CONCLUSIONS SOUGHT BY THE APPLICANT ARE:

GRANT the Applicant's Application;

CONDEMN the Respondents, solidarily, to pay the Applicant the sum of \$150,000 in non-pecuniary damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay the Applicant a sum in pecuniary damages, to be determined at trial, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay the Applicant the sum of \$100,000 in punitive damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

GRANT the Applicant's class action for the benefit of all Class Members;

CONDEMN the Respondents, solidarily, to pay each Class Member the sum of \$150,000 in non-pecuniary damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay each Class Member a sum in pecuniary damages, to be determined at trial, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay each Class Member the sum of \$100,000 in punitive damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

ORDER the collective recovery of the non-pecuniary and punitive damages for all Class Members and the liquidation of the individual claims of the Class Members in accordance with Articles 595 to 598 of the *Code of Civil Procedure*;

ORDER the collective recovery of the pecuniary damages for all Class Members and the liquidation of the individual claims of the Class Members in accordance with Articles 595 to 598 of the *Code of Civil Procedure* and, subsidiarily, order the individual recovery of pecuniary damages for all Class Members in accordance with Articles 599 to 601 of the *Code of Civil Procedure*;

THE WHOLE with costs, including the cost of all notices and expert fees.

X. THE APPLICANT IS AN ADEQUATE REPRESENTATIVE OF THE CLASS

186. The Applicant is willing to invest all the time and efforts required to accomplish the formalities and tasks necessary for the carrying out of the current proceedings.
187. The Applicant retained the undersigned counsel who possess significant experience in class actions.
188. The Applicant collaborated and has committed to continue to collaborate with the undersigned counsel throughout the proceedings and she will provide the information necessary for the progress of the class action.
189. While the Applicant could have instituted an individual claim, she preferred to commence the current class action proceedings in order to assist other victims who, like her, experienced sexual abuse as a Witness.
190. The Applicant seeks to provide access to justice to the Class Members and to allow them to come forward confidentially.
191. There is no conflict of interest between the Applicant and the Class Members.
192. The Applicant has taken this proceeding in good faith and with the sole purpose of asserting her rights and those of the other Class Members.

XI. THE CURRENT PROCEEDINGS SHOULD BE COMMENCED IN THE DISTRICT OF MONTREAL

193. The district of Montreal is the most convenient location considering that Witnesses are located throughout the province of Québec, with many in Montreal.
194. Furthermore, the undersigned counsel is located in Montreal.

WHEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT this Application for Authorization to Institute a Class Action and to be Appointed as Representative Plaintiff.

AUTHORIZE the Class Action in civil liability claiming moral, pecuniary, punitive and exemplary damages and interest against the Respondents.

GRANT the Applicant Lisa Blais the status of Representative of the Subclass defined as:

*“All persons who are or were a Jehovah’s Witness and who allege having been sexually abused by a Jehovah’s Witness Elder in the province of Québec (the “**Elder Abuse Subclass**”).”*

GRANT the Applicant Lisa Blais the status of Representative of the Subclass defined as:

*“All persons who are or were a Jehovah’s Witness and who allege having been sexually abused as a minor by a Jehovah’s Witness in the province of Québec (the “**Witness Abuse on a Minor Subclass**”).”*

IDENTIFY the principal questions of fact and law to be decided on a collective basis as:

- a) Did Elders and other Witnesses sexually abuse other Witnesses, including the Applicant?
- b) Were the Respondents negligent in failing to take appropriate measures to prevent the perpetration of sexual abuse on minors by Elders and Witnesses, constituting a fault under the *Civil Code of Québec*?
- c) Did the Respondents’ systemic practices and policies facilitate the perpetration of sexual abuse, notably on minors, such as the Applicant, constituting a fault under the *Civil Code of Québec*?
- d) Did the Respondents’ systemic practices and policies lead to the failure to report the said sexual abuse on Jehovah’s Witness minors, such as the Applicant, to the provincial authorities, constituting a fault under the *Civil Code of Québec*?
- e) Were the Respondents’ systemic practices and policies relating to sexual abuse on Jehovah’s Witness minors inherently harmful, constituting a fault under the *Civil Code of Québec*?
- f) Are the Respondents vicariously liable for the sexual abuse committed by the Elders?
- g) Are the Respondents vicariously liable for the Elders’ failure to report sexual abuse?
- h) Did the Respondents’ faults cause damages to the Class Members?
- i) Are the Respondents solidarily liable for the pecuniary and non-pecuniary damages caused to the Class Members?

- j) Did the Respondents unlawfully and willfully interfere with the Class Members' fundamental freedoms and rights protected by the Québec *Charter of Human Rights and Freedoms*?
- k) Are the Class Members entitled to claim punitive damages?

IDENTIFY as follows the related conclusions sought:

GRANT the Applicant's Application;

CONDEMN the Respondents, solidarily, to pay the Applicant the sum of \$150,000 in non-pecuniary damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay the Applicant a sum in pecuniary damages, to be determined at trial, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay the Applicant the sum of \$100,000 in punitive damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

GRANT the Applicant's class action for the benefit of all Class Members;

CONDEMN the Respondents, solidarily, to pay each Class Member the sum of \$150,000 in non-pecuniary damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay each Class Member a sum in pecuniary damages, to be determined at trial, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Respondents, solidarily, to pay each Class Member the sum of \$100,000 in punitive damages, with interest and legal indemnity in accordance with Article 1619 of the *Civil Code of Québec*, calculated as of the date of service of the Application for Authorization to Institute a Class Action;

ORDER the collective recovery of the non-pecuniary and punitive damages for all Class Members and the liquidation of the individual claims of the Class Members in accordance with Articles 595 to 598 of the *Code of Civil Procedure*;

ORDER the collective recovery of the pecuniary damages for all Class Members and the liquidation of the individual claims of the Class Members in accordance with Articles 595 to 598 of the *Code of Civil Procedure* and, subsidiarily, order the individual recovery of pecuniary damages for all Class Members in accordance with Articles 599 to 601 of the *Code of Civil Procedure*;

THE WHOLE with costs, including the cost of all notices and expert fees.

DECLARE that any Class Member who will not have opted out of the class action will be bound by all judgments to be rendered with respect to the class action in accordance with the law;

SET the opt-out date at thirty (30) days from the date of the notice to the Class Members, after which those members who did not avail themselves of the opt-out option shall be bound by all judgments to be rendered with respect to the class action;

ORDER the publication of a notice to the Class Members (in accordance with Article 576 C.C.P.) according to the terms to be determined by the Court;

REMAND the file to the Chief Justice of the Superior Court for determination of the judicial district in which the class action will proceed and for the appointment of the judge charged with hearing the case;

ALLOW the service of the Application for the Authorization of a Class Action on (...) Christian Congregation of Jehovah's Witnesses by way of an international courier with proof of receipt by the addressee;

THE WHOLE with costs, including the expert fees and costs of all publication notices.

Montreal, January 5, 2018

Woods LLP

WOODS LLP

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SUMMONS
(Articles 145 & ff of the *Code of Civil Procedure*)

Filing of a Judicial Application

Take notice that the Plaintiff has filed this originating Application in the office of the Superior Court in the judicial district of Montreal.

Defendants' Answer

You must answer the Application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Notre-Dame Street East, Montreal, Québec H2Y 2B6 within 15 days of service of the Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Plaintiff's lawyer or, if the Plaintiff is not represented, to the Plaintiff.

Failure to Answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of Answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the Application and, in the cases required by the Code, cooperate with the Plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of Judicial District

You may ask the court to refer the originating Application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the Plaintiff.

If the Application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating Application.

Transfer of Application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the Application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a Case Management Conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits Supporting the Application

In support of the originating Application, the Plaintiff intends to use the following exhibits:

EXHIBIT P-1	Excerpt of the Jehovah's Witnesses website (JW.org – <i>What is the Watch Tower Bible and Tract Society?</i>)
EXHIBIT P-2	<u>Charter of People's Pulpit Association of February 12, 1909, Certificate of Extension of Purpose of People's Pulpit Association of November 19, 1912, Certificate of Extension of Purpose of People's Pulpit Association of July 30, 1932, Certificate of Amendment of the Certificate of Incorporation of Watchtower Bible and Tract Society New York, Inc. of August 25, 1994 and Certificat amendé d'incorporation de la Watchtower Bible and Tract Society of New York, Inc., en liasse</u>
EXHIBIT P-3	Excerpt of the 1980 Yearbook of Jehovah's Witnesses
EXHIBIT P-4	<i>État de renseignements sur une personne morale</i> of the Québec <i>Registraire des entreprises</i> for The Watch Tower Bible and Tract Society of Canada

EXHIBIT P-5	Excerpt of the Jehovah's Witnesses website (JW.org – <i>Number of Jehovah's Witnesses Worldwide</i>)
EXHIBIT P-6	Excerpt of the Jehovah's Witnesses website (JW.org – <i>How Do I Become One of Jehovah's Witnesses?</i>)
EXHIBIT P-7	Excerpts of the federal 2011 National Household Survey for Canada as well as the Province of Québec
EXHIBIT P-8	Excerpt of the Jehovah's Witnesses website (JW.org – <i>Jehovah's Witnesses in Canada</i>)
EXHIBIT P-9	<i>En liasse, États de renseignements sur une personne morale</i> of the Québec <i>Registraire des entreprises</i> for the Jehovah's Witnesses congregations located in Québec
EXHIBIT P-10	Excerpt of the Jehovah's Witnesses website (JW.org – <i>What Is the Governing Body?</i>)
EXHIBIT P-11	2015 Branch Organization Manual
EXHIBIT P-12	Excerpt of the Jehovah's Witnesses website (JW.org – <i>How Are Congregations of Jehovah's Witnesses Organised?</i>)
EXHIBIT P-13	2015 Circuit Overseers Guidelines
EXHIBIT P-14	Excerpt of the Jehovah's Witnesses website (JW.org. – <i>How Are Elders and Ministerial Servants Appointed in Each Congregation?</i>)
EXHIBIT P-15	Excerpt of the Jehovah's Witnesses website (JW.org – <i>How Do Elders Serve the Congregation?</i>)
EXHIBIT P-16	2010 Shepherd the Flock of God issued by the Governing Body
EXHIBIT P-17	Letter from the Canadian Society to the Bodies of Elders dated January 1, 1990
EXHIBIT P-18	Letter from the Canadian Society to the Bodies of Elders dated July 29, 1988

EXHIBIT P-19	Letter from the Canadian Society to the Bodies of Elders dated July 20, 1998
EXHIBIT P-20	Letter from the Governing Body to the Bodies of Elders dated September 1, 2017
EXHIBIT P-21	Letter from the Canadian Society to the Bodies of Elders dated March 23, 1992
EXHIBIT P-22	Letter from the Canadian Society to the Bodies of Elders dated June 1, 1992
EXHIBIT P-23	Letter from the Canadian Society to the Bodies of Elders dated September 15, 1995
EXHIBIT P-24	Report from the Australia Royal Commission into Institutional Responses to Child Sexual Abuses, <i>The Response of the Jehovah's Witnesses and Watch Tower Bible and Tract Society of Australia Ltd. to Allegations of Child Sexual Abuse</i> (October 2016)
EXHIBIT P-25	Letter from the Governing Body to the Bodies of Elders dated October 1, 2012
EXHIBIT P-26	Radio-Canada's network broadcast of the show <i>Enquête, "Les sales" du royaume</i> , aired December 1, 2016
EXHIBIT P-27	Radio-Canada's network broadcast of the show <i>Enquête, "Le silence des anciens"</i> , aired September 14, 2017
<u>EXHIBIT P-28</u>	<u>Amended and Restated Charter of Watch Tower Bible and Tract Society of Pennsylvania of April 8, 2003</u>
<u>EXHIBIT P-29</u>	<u>Charter of Zion's Watch Tower Tract Society of December 15, 1884, Amendment of 1896 to Charter of Zion's Watch Tower Tract Society of September 22, 1896, Articles of Amendment to the Articles of Incorporation of the Watch Tower Bible and Tract Society of February 27, 1945, Articles of Amendment to the Articles of Incorporation of the Watch Tower Bible and Tract Society of November 1st, 1955, Revisions to Pennsylvania Charter du November 25, 1987, Revisions to Pennsylvania Charter of April 27, 1988, Amendments to Charter of Watch Tower Bible</u>

	<u>and Tract Society of Pennsylvania of November 16, 1994, Articles of Amendment to Charter of Watch Tower Bible and Tract Society of Pennsylvania of October 22, 1999, Articles of Amendment to Charter of Watch Tower Bible and Tract Society of Pennsylvania of November 24, 2000, <i>en liasse</i></u>
<u>EXHIBIT P-30</u>	<u>Document of Watch Tower Bible and Tract Society of Canada, "I.B.S.A. of Canada"</u>
<u>EXHIBIT P-31</u>	<u>Excerpt of the the Watchtower Online Library's website ("People's Pulpit Association")</u>
<u>EXHIBIT P-32</u>	<u>Certification of Incorporation of Christian Congregation of Jehovah's Witnesses of August 15, 2000</u>
<u>EXHIBIT P-33</u>	<u>Letter of the Canadian Society of March 14, 1997</u>
<u>EXHIBIT P-34</u>	<u>Letter of the New York Society of March 14, 1997</u>
<u>EXHIBIT P-35</u>	<u>Letter of Watch Tower Bible and Tract Society of Britain of March 14, 1997</u>
<u>EXHIBIT P-36</u>	<u>Letter of the Canadian Society of October 1st, 1989</u>

These exhibits are available upon request.

Notice of Presentation of an Application

If the Application is an Application in the course of a proceeding or an Application under Books III, V, other than an Application in family matters mentioned in Article 409, or VI of the Code, the establishment of a case protocol is not required; however, the Application must be accompanied by a notice stating the date and time it is to be presented.

N° : 500-06-000886-172

(Class Action)

SUPERIOR COURT
DISTRICT OF MONTREAL
PROVINCE OF QUEBEC

LISA BLAIS

Petitioner

v.

**WATCH TOWER BIBLE AND TRACT
SOCIETY OF CANADA**

**WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA**

**WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.**

**CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES**

Respondents

**RE-MODIFIED APPLICATION FOR
AUTHORIZATION TO INSTITUTE A
CLASS ACTION AND TO BE APPOINTED
AS REPRESENTATIVE PLAINTIFF**

Nature: Class Action – civil liability

Amount claimed: \$250,000.00

ORIGINAL

Mtre. James Woods, Mtre.Sarah Woods and
Mtre. Laurence Ste-Marie
File no. 6084-1

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