

negligent failure to rescue against the defendants who failed to report known abuse to legal authorities which resulted in continued sexual assault and both physical and psychological injuries. Plaintiff also alleges claims for assault and battery against Terry Jeanne Monheim. Terry Monheim has never answered the complaint.

Stephanie first met Defendant Terry Seipp (she is divorced and remarried and now known as Terry Monheim) in 2002 or 2003 when Stephanie was 14¹. She became friends with Terry's children and would visit at their house in Hampstead, Maryland. In the Summer of 2003, when Stephanie was only 14, the relationship turned to sexual contact. Terry at first hugged, kissed (intimately), "made out" with, "humped" and consoled Stephanie when Stephanie became upset over her mother's mental breakdown due to depression. However, this later escalated to oral sex and digital penetration.² Over the next two years, Terry abused Stephanie at her home, at Terry's daughters' homes, Terry's place of work and in her vehicle as well as at Stephanie's parents' home.

In the Summer of 2004, Terry's daughter, Amber, raised suspicions to Stephanie's mother, Jodee Fessler, that an improper relationship was going on between Terry and Stephanie. Jodee also became suspicious when she saw Terry and Stephanie together at the Spring Grove Congregation. Jodee then searched her daughter's bedroom and found a "love letter" in the form of a card written by Stephanie to Terry which mentioned intimate kissing and how much she loved Terry. Jodee showed this card to Stephanie's father, Kevin Fessler, and they both confronted Stephanie, who could not deny the intimate nature of the relationship. Because of their concerns,

¹ Stephanie's date of birth is October 20, 1988.

² According to Terry Monheim, the escalation of the physical relationship occurred *after* her first meeting with the MD elders in the Summer of 2004. Monheim Dep., p. 118.

Jodee and Kevin also shared this information with Eric Hoffman, a long-time family friend and another elder within the Spring Grove Congregation. They, in turn, shared this information with the Watchtower Bible & Tract Society, and elders from the Freeland Congregation.

In keeping with the policies within the Jehovah's Witnesses, Eric Hoffman³ then started an investigation, specifically to find out information concerning the allegations. In their investigation, they confronted only Stephanie (then 15) who disclosed the intimate kissing and hugging to investigating elders within the Spring Grove Congregation. Specifically, Stephanie told Eric Hoffman, Neal Cluck and John Ness, of intimate hugging and intimate kissing with Terry. Eric Hoffman testified that upon talking with Stephanie, learned that the hugging and kissing was "intimate", "mouth-to-mouth" and that Stephanie's parents realized it was probably more than that and that they were "concerned."⁴ Mr. Hoffman also learned of "an instance or two of momentary touching of the breast."⁵ However, none of the elders from Spring Grove Congregation talked with Terry Seipp or anyone in her family. Notably, the elders did not report this information to any legal authorities in Pennsylvania or Maryland. **Eric Hoffman admitted that he had information of suspected child abuse involving Stephanie Fessler and never reported it to any legal authorities although there was nothing preventing him from doing so.**

Hoffman and Cluck did reveal what they learned to elders within Terry Seipp's

³ Eric Hoffman testified that he first learned of information of suspected child abuse in the Fall of 2005, but this is contradicted by testimony of Plaintiff, Terry Monheim and Stephanie's parents, Jodee and Kevin Fessler who all testified that this was brought to Eric Hoffman's attention a year earlier in the Fall of 2004.

⁴ Eric Hoffman Dep., pp. 9-10.

⁵ *Id.* at p. 35.

Congregation (Freeland) in Maryland who, in turn, called Terry in to investigate further in 2004. Terry admitted to the elders to intimately kissing Stephanie, who was underage⁶. The Freeland Congregation elders raised concerns with Terry that her actions were unlawful but only told her to “stay away” from Stephanie. Like the elders from Pennsylvania, the Maryland elders made no report to law enforcement.

Hoffman and Cluck consulted with the Watchtower’s legal department in Patterson, NY and decided against making any report to law enforcement. However, as outlined below, this was in derogation of every published policy and procedure within the Jehovah’s Witnesses. Jehovah’s Witnesses procedures require reporting if required by law (as is the case in Pennsylvania), protection of the child victim from further abuse, encouraging reporting by the victim and in some cases even accompanying the victim. Because the elders never contacted police or child welfare authorities, the physical and sexual abuse of Stephanie continued for more than a year later.

In 2005, Terry’s then husband, Dana Seipp, hired a private investigator to follow them and who photographed Terry (50) and Stephanie (15) together. This was brought to the elders’ attention a second time in September, 2005 and Stephanie disclosed the abuse again. Again, no report to authorities⁷.

In 2011, when Stephanie was 22 years old, she ultimately disclosed the abuse directly to the police who investigated and charged Terry Seipp with multiple criminal violations. Terry ultimately plead guilty to indecent assault and corruption of a minor and was sentenced to prison

⁶ According to elder Gary Neal, Terry admitted to touching Stephanie’s breast and other sexual contact in his *first* meeting with her.

⁷ Defendants may attempt to argue that the police were contacted in 2004. However, the investigating detective, Sgt. Lisa Layden, confirmed that the first time police were ever contacted was in 2011 by Stephanie Fessler.

and probation.

The church's liability stems from their failure to report known abuse in violation of Pennsylvania's CPSL and their own policies, constituting negligence and recklessness, as well as negligence/recklessness in failing to properly train elders who were totally unaware of their obligations for reporting suspected abuse in Pennsylvania. Rather, Pennsylvania's CPSL law requires that suspected abuse be reported to legal authorities which defendants never did. Further, the church took no steps to protect Stephanie from further abuse.

The defendants violated their own procedures in multiple ways including failing to follow these (and other) policies of the Jehovah's Witnesses published in their literature:

- **First, the child and other children too must be protected from any further abuse. This must be done, whatever the cost.** In many cases the accused molester will have to be confronted.
- **"If a current case of child abuse comes to light in your congregation, elders should do what they can to protect children from further abuse."**
- **"Though it is not the responsibility of the Christian congregation to enforce Caesar's laws, yet the very nature of some crimes demands that they be reported to secular authorities. It may be necessary to encourage the wrongdoer to turn himself in to secular authorities. Before any steps are taken in this regard, contact the branch office. of course, review the latest Society directives on such matters before proceeding."**
- **"Victims of sexual abuse need to be treated with extreme thoughtfulness and kindness. Elders should always do what they reasonably can to protect children from further abuse; follow the Society's directives on such matters."**
- **"When a member of the congregation is accused of child molestation, the elders should contact the Society's Legal Department immediately. **Many states make it mandatory that elders report an accusation to the proper authorities but other states do not.** . . . Still, whether or not the accusation is reported to the authorities, when it is established that a member of the congregation is guilty of child abuse, appropriate steps should be taken in keeping with initial direction from the Society's Legal Department."**

- "Of course, children should also be warned about Cand urged to report to authorities any person making improper advances toward them, including people they know"
- "The elder should explain to the complainant that he himself might have a duty to report the matter to the proper authorities. If the complainant is a child the elder might offer to accompany him or her to discuss the situation with a parent (but not the alleged abuser) or to one of the above authorities."

II. WITNESSES

Without regard to witnesses to be called for rebuttal only, Plaintiff anticipates calling the following witnesses at trial:

Stephanie Fessler
Lancaster, PA

Don Hollingworth
110 Pinewood Road
Toms River, New Jersey

Richard Moake
c/o Watchtower Bible & Tract Society of New York, Inc.
2891 Route 22
Patterson, NY

Thomas Jefferson, Jr.
c/o Christian Congregation of Jehovah's Witnesses
c/o Watchtower Bible & Tract Society of New York, Inc.
2891 Route 22
Patterson, NY 12563

Eric Sandoval
c/o Christian Congregation of Jehovah's Witnesses
c/o Watchtower Bible & Tract Society of New York, Inc.
2891 Route 22
Patterson, NY

Detective Sergeant Lisa Layden (fact and expert witness)
c/o Southwest Police Department
6115 Thoman Drive

Spring Grove, PA

Eric Hoffman
4861 Bentz Road
Spring Grove, PA

Jodee Fessler
2662 Stoverstown Road
Spring Grove, PA 17362

Kevin Fessler
2662 Stoverstown Road
Spring Grove, PA 17362

Terry Monheim
454 Carlisle Street
Hanover, PA

Neal Cluck
4817 Zeiglers Church Road
Spring Grove, PA 17362

Gary Neal
21109 Ridge Road
Freeland, MD

Troy Ruhlman
5362 Blue Hill Road
Glenville, PA

Deborah L. Bauer, LCSW (expert witness)
New Passages
3235 N. 3rd Street
Harrisburg, PA 17110

Corporate Designee regarding the net worth/assets of
Watchtower Bible and Tract Society;

Corporate Designee regarding net worth/assets of Christian
Congregation of Jehovah's Witnesses; and

Records Custodians for the documents identified in Plaintiff's
Pretrial Memorandum and produced in discovery by your clients.

Plaintiff may also call any witnesses identified by Defendants or persons who are rebuttal witnesses.

III. EXHIBITS

Without regard to exhibits to be offered for cross examination only, Plaintiff anticipates offer the following exhibits at trial:

1. Police Report, Southwestern Regional Police Department
2. Criminal Complaint filed against Terry Monheim
3. Search Warrant of Southwestern Regional Police Department
4. Diagram drawn by Stephanie Fessler
5. Four (4) Photographs of Stephanie Fessler
6. Medical Records for Stephanie Fessler:
 - a. Medical records of Stephanie Fessler from Lori Barton
 - b. Medical records of Stephanie Fessler from Sheila King-Miller (YWCA York Victim Assistance)
7. 11/15/62 *The Watchtower Magazine*
8. 2/8/81 issue of *Awake!*
9. 6/22/82 issue of *Awake!*
10. 10/1/83 issue of *The Watchtower*
11. 11/22/83 issue of *Awake!*
12. 1/22/85 issue of *Awake!*
13. 7/22/85 issue of *Awake!*
14. Letter to Body of Elders from WatchTower:
 - a. 12/5/85 letter from Watchtower Bible & Tract Society of New York, Inc. to All Circuit and District Overseers in the United States (2 pages; Bates 0009-0010) (redacted)

- b. 12/5/85 letter from Watchtower Bible & Tract Society of New York, Inc. to All Circuit and District Overseers in the United States (*unredacted*)
- 15. 12/22/86 issue of *Awake!*
- 16. 12/8/87 issue of *Awake!*
- 17. 12/5/85 letter from Watchtower Bible & Tract Society of New York, Inc. to All Circuit and District Overseers in the United States (2 pages; Bates 0009-0010) (redacted)
- 18. Letter (7/1/89)
 - a. 7/1/89 letter from Watchtower Bible & Tract Society of New York, Inc. to All Bodies of Elders in the United States (6 pages; Bates 0011-0016) (redacted)
 - b. 7/1/89 letter from Watchtower Bible & Tract Society of New York, Inc. to All Bodies of Elders in the United States (6 pages) (unredacted)
- 19. 1/8/90 issue of *Awake!*
- 20. 10/8/91 issue of *Awake!*
- 21. 3/23/92 letter from Watchtower Bible & Tract Society of New York, Inc. to All Bodies of Elders (4 pages; Bates 0017-0020)
- 22. 10/8/92 issue of *Awake!*
- 23.
 - a. Undated Document “Updated Direction Regarding Judicial Matters-Part I” (7 pages; “kms92”; Bates 0021-0027) (redacted)
 - b. Undated Document “Updated Direction Regarding Judicial Matters-Part I” (7 pages; “kms92”; Bates 0021-0027) (unredacted)
- 24. *Awake!* Magazine publication of Watchtower Bible & Tract Society of New York, Inc.,
4/8/92
- 25. 2/3/93 letter from Watchtower Bible & Tract Society of New York, Inc. to All Bodies of Elders in the United States (1 page; Bates 0028)
- 26. 4/8/93 issue of *Awake!*
- 27. 7/22/93 issue of *Awake!*
- 28. 10/1/83 issue of *The Watchtower*

29. 10/8/93 issue of *Awake!*
30. 11/22/93 issue of *Awake!*
31. 12/22/93 issue of *Awake!*
32. 1/25/94 letter from Watchtower Bible & Tract Society of New York, Inc. to All Circuit and District Overseers (4 pages; Bates 0029-0032)
33. 1/1/94 issue of *The Watchtower*
34.
 - a. 10/21/94 document entitled "Preach the Word- Be At it Urgently!" (3 page, Bates 0040-0042) (redacted)
 - b. 10/21/94 document entitled "Preach the Word- Be At it Urgently!" (3 page, Bates 0040-0042) (unredacted)
35. Undated document "No. 21 Questions and Answers Relative to Handling Problem" (8 pages, Bates 0043-0050)
36.
 - a. 10/21/94 document "No. 22 Jehovah Makes Provision For Our Needs" (6 pages; Bates 0051-0056) (redacted)
 - b. 10/21/94 document "No. 22 Jehovah Makes Provision For Our Needs" (6 pages; Bates 0051-0056) (unredacted)
37. 8/1/95 letter from Watchtower Bible & Tract Society of New York, Inc. to All Bodies of Elders in the United States (2 pages; Bates 0033-0034)
38.
 - a. 9/25/95 letter from Watchtower Bible & Tract Society of New York, Inc. to All Traveling Overseers (4 pages; Bates 0035-0038) (redacted)
 - b. 9/25/95 letter from Watchtower Bible & Tract Society of New York, Inc. to All Traveling Overseers (unredacted)
39. 11/1/95 issue of *The Watchtower*
40. Undated document "Special Meeting with Traveling Overseers-Concluding Comments on Second Day" (1 page; Bates 0039)
41. 1/1/97 issue of *The Watchtower*

42. 1/1/97 article “Let Us Abhor What is Wicked” from *The Watchtower* (referenced in 3/14/97 letter to All Bodies of Elders)
43. 2/1/97 issue of *The Watchtower*
44. 3/14/97 confidential letter to all Bodies of Elders from Watchtower Bible & Tract Society of New York, Inc. to All Traveling Overseers (3 pages; Bates 0057-0059)
45. 4/8/97 issue of *Awake!*
46. Undated document/policy “Unit 5(b) “Use Discernment in Handling Serious Matters” (6 pages; Bates 0060-0065)
47.
 - a. 1/98 Watchtower document containing Responsibilities for Presiding Overseer, Congregation Secretary, Service Overseer, Congregation Service Committee (4 pages; Bates 00066-00069) (redacted)
 - b. 1/98 Watchtower document containing Responsibilities for Presiding Overseer, Congregation Secretary, Service Overseer, Congregation Service Committee (4 pages) (unredacted)
48.
 - a. 6/1/98 letter from Watchtower Bible & Tract Society of New York, Inc. to All Traveling Overseers (3 pages; Bates 0070-0072) (redacted)
 - b. 6/1/98 letter from Watchtower Bible & Tract Society of New York, Inc. to All Traveling Overseers (3 pages) (unredacted)
49.
 - a. 7/20/98 Confidential letter from Watchtower Bible & Tract Society of New York, Inc. to all Bodies of Elders (3 pages; Bates 0073-0075) (redacted)
 - b. 7/20/98 Confidential letter from Watchtower Bible & Tract Society of New York, Inc. to all Bodies of Elders (3 pages; Bates 0073-0075) (unredacted)
50.
 - a. 5/98 document “serving with a Self-Sacrificing Spirit” from Watchtower Bible & Tract Society of New York, Inc. (3 pages; Bates 0076-0078) (redacted)
 - b. 5/98 document “serving with a Self-Sacrificing Spirit” from Watchtower Bible & Tract Society of New York, Inc. (3 pages) (unredacted)
51. 4/6/99 and 10/4/99 documents “Traveling Overseer Guidelines” from Watchtower Bible & Tract Society of New York, Inc. (8 pages; Bates 0079-0087)

52. 4/8/99 issue of *Awake!*
- 53.
- a. 7/5/00 letter from Watchtower Bible & Tract Society of New York, Inc. to All Circuit and District Overseers (2 pages; Bates 0088-0089) (redacted)
 - b. 7/5/00 letter from Watchtower Bible & Tract Society of New York, Inc. to All Circuit and District Overseers (2 pages) (unredacted)
54. December 1, 2000 letter to all congregations
- 55.
- a. 9/7/01 document “No. 1 Assisting Elders to Handle Judicial Matters Properly” (5 pages; Bates 0090-0094) (redacted)
 - b. 9/7/01 document “No. 1 Assisting Elders to Handle Judicial Matters Properly” (5 pages) (redacted)
- 56.
- a. 9/7/01 document “No. 23 Assisting Elders to Make Recommendations for Appointment of Elders and Ministerial Servants” (5 pages; Bates 0095-0100) (redacted)
 - b. 9/7/01 document “No. 23 Assisting Elders to Make Recommendations for Appointment of Elders and Ministerial Servants” (5 pages) (unredacted)
- 57.
- a. 7/23/01 document “No. 45 Proper Handling of Judicial Matters” (4 pages; Bates no. 0101-0104) (redacted)
 - b. 7/23/01 document “No. 45 Proper Handling of Judicial Matters” (4 pages) (unredacted)
- 58.
- a. 9/7/01 document “No. 46 Giving Attention to Needs in Our Field” (5 pages; Bates no. 0105-0109) (redacted)
 - b. 9/7/01 document “No. 46 Giving Attention to Needs in Our Field” (5 pages) (unredacted)
- 59.
- a. 8/27/01 document “No. 51 The Congregation Book Study Overseer-Shepherding” (4 pages; Bates No. 0110-0114) (redacted)
 - b. 8/27/01 document “No. 51 The Congregation Book Study Overseer-Shepherding” (4 pages) (unredacted)
60. 10/30/01 document “No. 54 Making Recommendations. . . “ (4 pages; Bates No. 0115-0118) (only redacted version produced)

61.
 - a. 2/15/02 letter from Christian Congregation of Jehovah's Witnesses to All Bodies of Elders in the United States (7 pages; Bates 0131-0137) (redacted)
 - b. 2/15/02 letter from Christian Congregation of Jehovah's Witnesses to All Bodies of Elders in the United States (7 pages) (unredacted)
62. 5/24/02 letter from Christian Congregation of Jehovah's Witnesses to All Bodies of Elders in the United States (2 pages; Bates 0150-0151)
63.
 - a. 9/26/02 document "Exercising Discernment and Insight as Elders-Addendum" (4 pages; Bates 0146-0149) (redacted)
 - b. 9/26/02 document "Exercising Discernment and Insight as Elders-Addendum" (4 pages) (unredacted)
64.
 - a. 10/11/02 Traveling Overseer Guidelines (8 pages; Bates 0138-0145) (redacted)
 - b. 10/11/02 Traveling Overseer Guidelines (8 pages) (unredacted)
65. 4/1/04 letter from Christian Congregation of Jehovah's Witnesses to All Bodies of Elders in the United States (1 page; Bates 0130)
66. 8/1/05 issue of *the Watchtower*
67.
 - a. 9/8/05 document "No. 57 Maintain the Peace and Cleanness of the Congregation" (4 pages; Bates 0126-0129) (redacted)
 - b. 9/8/05 document "No. 57 Maintain the Peace and Cleanness of the Congregation" (4 pages) (unredacted)
68. 4/8/12 legal letter to All Bodies of Elders
69. 3/6/14 affidavit of Eric Sandoval (Sandoval Dep., Exhibit "Sandoval 1")
70. 3/5/14 affidavit of Richard Moake (Moake Dep., Exhibit "Moake 1")
71. Elder Notes (undated) (Neal Dep., Exhibit "Neal 1"; Monheim Dep., Exhibit "Monheim 1")

72. Publisher Record for Stephanie Fessler
73. Elder Notes (Hollingworth Dep., Exhibit P2)
74. Timeline of Jodee Fessler (Jodee Fessler Dep., Exhibit “Jodee Fessler 1”)
75. Bylaws of the Christian Congregation of Jehovah’s Witnesses (CCJW & WBTS Response No. 9)
76. Articles of Incorporation of the Christian Congregation of Jehovah’s Witnesses and certificate of Amendment of the Certification of Incorporation (CCJW & WBTS Response No. 9)
77. Charter and Amended Certificate of Incorporation, Watchtower Bible & Tract Society of New York, Inc.
78. “Pay Attention to Yourselves and to All the Flock”, Watchtower Bible & Tract Society of New York, Inc. (1991) (CCJW & WBTS Responses No. 17)
79. “Organized to Accomplish our Ministry” (1983, 1989), Watchtower Bible & Tract Society of New York, Inc. (CCJW & WBTS Responses No. 17)
80. York County District Attorney File
81. Curriculum vitae and report of Deborah Bauer, LCSW
82. Counseling notes, YWCA Victim Assistance Center
83. Cover sheet of fax from Jodie Fessler to John Miller listing the documents that are referenced as Exhibit 30 in Defendants’ Pretrial Memorandum.
84. Letter from Stephanie Fessler to Terry Monheim
85. Note from Terry Monheim to Children
86. Song lyrics written by Terry Monheim to Stephenie Fessler
87. Depositions and video depositions of witnesses in this case

88. Discovery responses of parties in this case

89. Pleadings in this case

Plaintiff may also identify or introduce documents identified by any other parties.

IV. INJURIES/DAMAGES

Stephanie was seen by her mother's therapist, Lori Barton, from October, 2004 through 2006. Stephanie then saw Sheila King-Miller, LSW from YWCA York Victim Assistance Center from 2011. She started with group sessions and then 1:1 counseling. She had symptoms of anger, flashbacks, nightmares, anxiety, poor sleep, a history of cutting and feelings of abandonment.

Stephanie was evaluated by Debbie Bauer, LCSW, who opines that Stephanie meets the criteria for Post-Traumatic Stress Disorder (PTSD), chronic. **See Exhibit 1.** She further opines that her prognosis is guarded and continued counseling is recommended with Sheila King-Miller. She opines that the impact of the abuse is worsened because Stephanie was an adolescent at the time of her abuse and was subject to frequent abuse over a prolonged period of time due to the defendants' failures. Stephanie will need treatment and "she is at significant risk of life-long mental health and/or life-impacting reactions as a result of her trauma."

Stephanie testified as follows regarding the current physical and emotional effects:

- she continues to suffer from anxiety and panic attacks;
- "it feels like an elephant sitting on your chest. You can't breathe. You feel like you're going to die all because of what's happened to me. I suffer those regularly."
- "it's robbed years of my childhood because I was a child at the time. I did not know about sex."

- “So to be abused by somebody and then to be blamed for it, the damage that that's caused me and done to me mentally and emotionally, it's beyond words.”
- “It's very damaging.”
- “she was made to feel ashamed and guilty for having been abused.”

Plaintiff also seeks punitive damages against defendants for recklessness in failure to report known abuse of which they had actual knowledge.

No wage loss or past medical expenses are being claimed.

V. DEFENDANTS' POSITION

See Defendants' memorandum.

Defendants have no applicable insurance (see Defendant CCJW Answers to Plaintiff's Interrogatories, Response No. 11)

VI. SETTLEMENT DEMAND/OFFER

Demand: \$1,900,000.00 (withdrawn 1/25/17)
Offer: \$100,000.00.

VII. ANTICIPATED TRIAL LENGTH

5-6 trial days.

Respectfully,

SOLOFF & ZERVANOS, P.C.

1/s/ Jeffrey P. Fritz

By: Jeffrey P. Fritz, Esquire

THE ZEFF LAW FIRM

1st Greg L. Zeff

By: Gregg L. Zeff, Esquire

Co-Counsel for Plaintiff Stephanie
Fessler

DATED: February 1, 2017