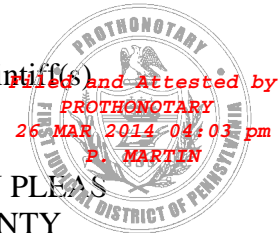


HANDOUT #2

**Complaint in CSA Case for Religious
Institution's Failure to Report Suspected
Child Abuse (PA)**

SOLOFF & ZERVANOS, P.C.
BY: JEFFREY P. FRITZ, ESQUIRE
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Philadelphia, PA 19102
(215) 732-2260

Attorney for Plaintiff(s)



STEPHANIE FESSLER :
Plaintiff :

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL LAW ACTION

v. :

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

SEPTEMBER TERM, 2013
NO. 1293

and :

CHRISTIAN CONGREGATION OF :
JEHOVAH'S WITNESSES, INC. :

and :

SPRING GROVE CONGREGATION :
OF JEHOVAH'S WITNESSES :

and :

TERRY JEANNE MONHEIM :
Defendants :

JURY TRIAL DEMANDED

NOTICE TO PLEAD
CIVIL ACTION - AMENDED COMPLAINT

"NOTICE

"AVISO"

"You have been sued. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW [TO FIND OUT WHERE YOU CAN GET LEGAL HELP]. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

"LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**ASOCIACION DE LICENCIADOS DE FILADELFIA
SERVICIO DE REFERENCIA E INFORMACION LEGAL
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Attorney for Plaintiff(s)

STEPHANIE FESSLER
1409 Monroe Street
York, PA 17404

Plaintiff

v.

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

Serve Agent: Philip Brumley
100 Watchtower Drive
Patterson NY, 12563-9204

and

**CHRISTIAN CONGREGATION OF
JEHOVAH'S WITNESSES, INC.**

100 Watchtower Drive
Patterson, NY 12563-9204

and

**SPRING GROVE CONGREGATION
OF JEHOVAH'S WITNESSES**

1595 Jefferson Road
Spring Grove, PA 17362

and

TERRY JEANNE MONHEIM

454 Carlisle Street, Apt. 1
Hanover, PA 17331-2128

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL LAW ACTION

SEPTEMBER TERM, 2013
NO. 1293

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED CIVIL ACTION COMPLAINT

1. Plaintiff Stephanie Fessler is an adult individual who resides at the address outlined above. At all relevant times outlined herein, Plaintiff was a minor.
2. Defendant, Watchtower Bible and Tract Society of New York, Inc. ("Watchtower") is, and at all times relevant was, a New York corporation with an address outlined above which is authorized to conduct business and which conducts business in the Commonwealth of Pennsylvania. Upon information and belief, maintains multiple

offices in the Commonwealth of Pennsylvania and maintains its worldwide headquarters and/or principal place of business in New York. Defendant Watchtower regularly conducts business in Philadelphia County.

3. Defendant Christian Congregation of Jehovah's Witnesses, Inc. ("CCJW"), is, and at all times following its creation in 2000 was, a New York corporation with an address outlined above which is authorized to conduct business and conducts business in the Commonwealth of Pennsylvania. Upon information and belief Defendant CCJW maintains its principal place of business in New York. Defendant CCJW assumed and exercised some responsibilities from Defendant Watchtower in the organization, administration and direction of the congregational affairs of Jehovah's Witnesses in the United States. Defendant CCJW regularly conducts business in Philadelphia County.
4. Defendant Spring Grove Congregation of Jehovah's Witnesses, is, and at all times was, a Pennsylvania corporation authorized to conduct business and conducting business in the Commonwealth of Pennsylvania at the address outlined above.
5. Defendant Terry Jeanne Monheim ("Monheim") is a citizen and resident of the Commonwealth of Pennsylvania, residing at the address outlined above. At all relevant times outlined herein, Defendant Monheim was an adult.
6. Defendant CCJW is a corporation which engages in multiple activities, including:
 - a. Appointing elders and ministerial servants;
 - b. Providing scriptural guidance to congregations of the Jehovah's Witnesses;
 - c. Planning meetings of Jehovah's Witnesses, specifically known as "assemblies" and "conventions" within the Jehovah's Witnesses;
 - d. Supervising the territory used for the ministry of Jehovah's Witnesses;

- e. Coordinating and financing construction of Assembly Halls and Kingdom Halls where (a)-(d) takes place throughout the continental United States and elsewhere, including Puerto Rico, the Bahamas, Turks and Caicos and Jamaica.
7. Defendant CCJW conducts the activities described in para. 6 throughout the continental United States, including in Philadelphia County, and elsewhere.
8. Defendant CCJW has coordinated the construction of the Assembly Halls and Kingdom Halls used by approximately 70-90 congregations in Philadelphia County. A “congregation” is a group of Jehovah’s Witnesses within a certain geographic area that worship and perform the ministry according to Matthew 24:14, to preach the good news. There are approximately 13,500 congregations within the continental United States, which vary in size.
9. Defendant CCJW exclusively conducts the activities described in para. 6, above. There exists no other entity or corporation, other than the CCJW, which appoints elders; provides scriptural guidance to congregations; coordinates and finances construction of Kingdom Halls and Assembly Halls.
10. The CCJW has organized planned and made arrangements for assemblies and conventions which have taken place in Philadelphia, PA, including, on multiple occasions at Veterans Stadium, located at Broad and Pattison Streets, in which tens of thousands of Jehovah’s Witnesses attended and participated in Bible talks, interviews, demonstrations, songs, prayers, and a baptism.
11. Circuit Overseers are volunteers of the Defendant CCJW who perform work on behalf of the Defendant CCJW within Philadelphia County.

12. Defendant CCJW coordinated the construction of and financed a majority of the approximately 30 Kingdom Halls and/or Assembly Halls of the Jehovah's Witnesses located in Philadelphia, PA.
13. Defendant Watchtower engages in multiple activities in various parts of the United States, including:
 - a. educating and training men and women in the Bible;
 - b. supporting Jehovah's Witnesses in the United States;
 - c. supporting any religious order of Jehovah's Witnesses;
 - d. providing housing and other facilities for special ministers and those attending school;
 - e. providing religious educational schools and support facilities; and
 - f. printing, publishing and disseminating religious literature and applications of Jehovah's Witnesses.
14. Defendant Watchtower performs the activities described above in Philadelphia County.
15. Defendant Watchtower has an organizational mandate to disseminate Bibles and Bible-based literature to support Jehovah's Witnesses whose commission by Christ was to publish the good news and to make disciples.
16. Defendant Watchtower performs its organizational mandate of disseminating Bibles and Bible-based literature to support Jehovah's Witnesses within Philadelphia County.
17. The purpose of Defendant Watchtower is to assist in advancing the Kingdom interests of Jehovah under Christ Jesus by supporting individuals with literature, education -- individual Witnesses with literature and education and other supports.

18. Defendant Watchtower fulfills its purpose and performs its organizational mandate through disseminating religious literature published by, including within Philadelphia County.
19. Each Defendant was the agent, servant and/or employee of other Defendants, and each Defendant was acting within the course and scope of her or its authority as an agent, servant and/or employee of the other Defendants. Defendants, and each of them, are individuals, corporations, partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint.
20. Between 2003-2005, due to the negligence and failures of defendants Watchtower Bible and Tract Society of New York, Inc., Christian Congregation of Jehovah's Witnesses, Inc., Spring Grove Congregation of Jehovah's Witnesses and Terry Jeanne Monheim, described more fully below, on multiple occasions, Defendant Terry Jeanne Monheim improperly touched plaintiff's body while she was a minor, including but not limited to acts of kissing, oral sex and vaginal penetration.
21. Defendant Monheim performed sexual acts upon Plaintiff while she was a minor and Monheim was an adult.
22. As a proximate and direct result of Defendants' conduct, negligence and/or recklessness described herein, Plaintiff Fessler was harmed as a result and has sustained physical and emotional injuries, including post-traumatic stress, loss of self esteem, embarrassment, humiliation, mental anguish, pain and loss of enjoyment of life and life's pleasures.
23. Plaintiff does not know the precise dates of the events and therefore cannot aver the specific dates of such events. Plaintiff kept no calendar or diary containing the precise dates of the occasions in which she was harmed by defendants through their negligence

and the improper sexual acts and touching of Defendant Monheim for which she has already been convicted.

24. Plaintiff Stephanie Fessler met Defendant Monheim through the Spring Grove Congregation of Jehovah's Witnesses which is managed and controlled by defendants Watchtower Bible and Tract Society of New York, Inc., Christian Congregation of Jehovah's Witnesses, Inc..
25. At the time Plaintiff Fessler met Monheim, Fessler was 13 years old and Monheim was in her late 40's.
26. Both were members of the Jehovah's Witnesses.
27. Plaintiff attended meetings of the Spring Grove Congregation of Jehovah's Witnesses with her family.
28. Thereafter, Monheim committed acts of sexual assault upon Fessler including kissing, touching of intimate parts and other sexual activity.
29. When plaintiff was 15, Plaintiff's parents became aware of acts of sensual kissing by Monheim upon Plaintiff and feelings of "love" by defendant Monheim towards Plaintiff, then a minor.
30. Plaintiff's mother notified authorities and personnel including elders at the Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and the Christian Congregation of Jehovah's Witnesses, Inc..
31. Defendants are mandatory reporters of child abuse pursuant to Pennsylvania law.
32. Defendants failed to report this to legal authorities in Pennsylvania or to Childline, PA Child Protective Services, or MD Dept. of Human Services in violation of the law, as outlined below.

33. Rather than report this information to authorities as it was their legal obligation to do, Defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and the Christian Congregation of Jehovah's Witnesses, Inc. chastised plaintiff and "publicly reproved" her.
34. Defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and the Christian Congregation of Jehovah's Witnesses, Inc. also discouraged plaintiff and her family from reporting suspected abuse to legal authorities.
35. The acts progressed in severity over time until Monheim performed acts of digital penetration and oral sex.
36. These incidents occurred in plaintiff's home, defendant's home and in vehicles in various locations on approximately 30-40 occasions in Pennsylvania and Maryland.

COUNT I - NEGLIGENCE

PLAINTIFF v. DEFENDANTS WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES, INC., & SPRING GROVE CONGREGATION OF JEHOVAH'S WITNESSES

37. Plaintiff incorporates herein by reference all the above allegations contained in the above paragraphs and throughout this entire complaint as though same were fully set forth herein at length.
38. Defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and the Christian Congregation of Jehovah's Witnesses, Inc. are religious institutions.
39. The organizational structure of the Jehovah's Witnesses is hierarchical in nature. The organizational head of the religion is the Watchtower. Authority flows downward from

Watchtower and Christian Congregation of Jehovah's Witnesses, Inc. to the local level of the Church, which is made up of Congregations, including the Spring Grove Congregation.

40. Upon information and belief, Watchtower and CCJW exercise control of the organization and running of the local congregations. Watchtower has published a series of handbooks that are distributed to Elders and kept secret from other Jehovah's Witnesses and the public. These handbooks provide instruction to Elders regarding day to day administration of the religion such as the scheduling of Congregation meetings, as well as more specific instruction regarding how to respond to allegations of wrongdoing, when to convene a judicial committee and how to handle the procedure.
41. The Jehovah's Witness Defendants exercise control in all aspects of congregants' lives. Personal grooming, appearance and dress are regulated by the Congregation, as are the congregant's use of alcohol, tobacco, or drugs. Congregant's illegal sexual conduct, such as childhood sexual abuse occurring away from Church locations and events, as well as legal sexual conduct occurring in the privacy of a person's home, are subject to regulation and the imposition of punishment by the Congregation.
42. Upon information and belief, Congregants are encouraged to bring problems to elders to be resolved rather than to seek intervention from outside of the Jehovah's Witnesses. Even in cases of child molestation, if there are not at least two eye witnesses to abuse and the accused denies the wrong, then no action is taken by the Congregation.
43. However, Defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and the Christian Congregation of Jehovah's Witnesses, Inc. are mandatory reporters of suspected abuse of a child pursuant to Pennsylvania's *Child Protective Services Law*, 23 Pa.C.S.A. § 6311 *et seq.*

44. Upon information and belief, Watchtower and/or CCJW also provide periodic instruction to local Congregations through letters addressed to All Bodies of Elders. These letters have covered a broad spectrum of topics ranging from standardizing the record keeping practices of all Congregations, establishing procedures for ordering literature from Watchtower or remitting payments, to responding to complaints of childhood sexual abuse. Following April of 2001, some of the responsibilities for writing and disseminating letters to All Bodies of Elders were assumed by CCJW.
45. Upon information and belief, Watchtower researches, writes, approves, publishes and distributes its own materials for distribution to actual and prospective Jehovah's Witnesses and for recruitment purposes. Watchtower also reviews and approves or rejects recommendations of prospective Elders of Ministerial Servants. Watchtower directly appoints Circuit and District Overseers.
46. Defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and the Christian Congregation of Jehovah's Witnesses, Inc. owe a duty of reasonable care to minor participants in the congregation, including plaintiff, which plaintiff asserts was negligently or recklessly breached leading to her injuries. Because of this nature of the organization and based upon its assumed duties, these defendants and their officers owe a duty of reasonable care to congregation members and non-member participants in its activities and functions.
47. Upon information and belief Defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and/or the Christian Congregation of Jehovah's Witnesses, Inc. learned of numerous child victims of improper sexual contact committed by congregants within its ranks.

48. Yet, despite this knowledge the defendants Spring Grove Congregation of Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York, Inc., and/or the Christian Congregation of Jehovah's Witnesses, Inc. ("Jehovah's Witness Defendants") failed to put into place appropriate policies and rules and preventive measures, as outlined herein, to protect children and plaintiff against this known harm and risk.
49. The Jehovah's Witness Defendants became aware of improper acts and a "relationship" between plaintiff, then a minor, and Defendant Monheim yet failed to take reasonable and appropriate measures to report this to authorities or otherwise provide for plaintiff's safety.
50. The Jehovah's Witness Defendants had specific knowledge and/or knew or should have known of the dangerous propensities of Defendant Monheim.
51. The Jehovah's Witness Defendants owed plaintiff a general and/or heightened duty not to place the plaintiff at risk of reasonably foreseeable harm under Pennsylvania law.
52. Defendant Monheim had access to plaintiff due to the negligence and recklessness of the Jehovah's Witness Defendants.
53. The Jehovah's Witness Defendants were negligent and/or reckless including but not limited to, *inter alia*, the following:
 - a. negligently failing to adopt, enforce and/or follow adequate policies and procedures as defined in this complaint for the protection and reasonable supervision of children against adult congregants with known dangerous propensities;
 - b. failing to implement and comply with such procedures which had been adopted;
 - c. negligently failing to train members so as to protect children against sexual abuse;

- d. failing to train officers within the organization in the need to develop adequate policies for the safety of children including the implementation for clear and strict guidelines for interactions between congregants;
- e. failing to discourage harmful and inappropriate contact between members and participants, particularly between Terry Jeanne Monheim and the minor plaintiff;
- f. failing to limit one-to-one interactions between adult congregants and minors;
- g. failing to ban or restrict overnight activities between congregants and minors
- h. failing to develop and enforce "out of program" contact restrictions between congregants and minor participants, including plaintiff;
- i. failing to develop policies and procedures for the reporting of inappropriate sexual conduct within the organization;
- j. failing to develop policies and procedures for the mandatory reporting of suspected abuse of children discovered by these defendants;
- k. Failing to develop adequate policies and procedures to protect youths against sexual abuse;
- l. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of children including the "Two Deep Rule" or "Two Adult Rule" as is followed in the Boy Scouts of America, religious organizations and other organizations;
- m. negligently failing to adopt, enforce and/or follow policies and procedures as defined in this complaint to protect minors against harmful contacts by some of its members, including defendant Monheim;
- n. negligently failing to provide plaintiffs with any assistance in coping with the injuries sustained after having placed plaintiff in a position of peril;

- o. Breaching the duties imposed by Restatement (Second) of Torts, § 321, as adopted in Pennsylvania, by creating a risk of harm to children through failing to adopt adequate policies and procedures for the protection of children for the reasons stated herein and then failing to exercise reasonable care to prevent against that risk;
 - p. Restatement (Second) of Torts, § 319 by failing to exercise reasonable care of Terry Jeanne Monheim, a person whom these defendants know or should know to be likely to cause bodily harm to others if not controlled;
 - q. failing to adopt, implement and/or enforce policies and procedures for the reporting to law enforcement authorities and/or other authorities of harmful acts to children as required by Pennsylvania law as outlined in this complaint;
 - r. failing to report Terry Jeanne Monheim's harmful acts to authorities;
 - s. violating the requirements of Pennsylvania's Child Protective Services Law constituting negligence per se regarding reporting of suspected abuse; and
54. The negligence and recklessness of Defendant, Terry Jeanne Monheim, jointly and severally with all defendants named herein, consisted of breaching the duty against causing harm to Plaintiffs through improper, albeit, negligently touching and inappropriate contact with Plaintiff on numerous occasions which directly and proximately caused the injuries and damages described herein.
55. Plaintiff's injuries and damages were accidentally or recklessly caused from the standpoint of the plaintiff and the Jehovah's Witness Defendants.
56. As a proximate and direct result of Defendants' negligence and/or reckless conduct described herein, Plaintiff was harmed as a result and has sustained physical injuries and emotional injuries, mental anguish, pain and loss of enjoyment of life and life's pleasures.

57. Plaintiff has been and will likely, into the future, be caused to incur medical expenses and may likely incur a loss of earning capacity in the future.
58. It is outrageous conduct in this or any other society to have knowledge of past instances of abuse of children and fail to report same to law enforcement authorities or put into place any protective measures to protect children against abuse.
59. The Jehovah's Witness Defendants had knowledge of past instances of abuse of plaintiff by Terry Jeanne Monheim and then consciously deciding against reporting same to authorities so as to protect its own reputation, an evil motive.
60. Plaintiff relies upon and incorporate all facts plead throughout this complaint in support of her request for punitive damages.
61. It is outrageous conduct in this or any other society to recklessly permit a person with past sexual proclivities of a harmful nature towards children to continue to have contact with children without ever reporting this behavior to law enforcement authorities.
62. The Jehovah's Witness Defendants permitted a person with past sexual proclivities of a harmful nature towards children, to have continued access to plaintiff.
63. The Jehovah's Witness Defendants knew or should have known about the severe risk of their failure to take any appropriate precautions outlined above and acted with reckless disregard and consciously indifferent by doing nothing whatsoever to protect plaintiff against such known risk for which plaintiff is entitled to and hereby seeks punitive damages pursuant to the requirements of Pennsylvania law. Plaintiff relies upon and incorporate all facts plead throughout this complaint in support of her request for punitive damages.
64. The actions of the Jehovah's Witness Defendants and failures described herein are outrageous and were done recklessly with a conscious disregard of the risk of harm to

Plaintiff and her rights or on other grounds for which plaintiff is entitled to and hereby seeks punitive damages Plaintiff relies upon and incorporates all facts plead throughout this complaint in support of her request for punitive damages.

WHEREFORE, Plaintiff claims of Defendants, the Watchtower Bible and Tract Society of New York, Inc., the Christian Congregation of Jehovah's Witnesses, Inc., and/or the Spring Grove Congregation of Jehovah's Witnesses, jointly and severally, damages in excess of the arbitration limit together with costs, interest, punitive damages and attorneys' fees as permitted by law.

COUNT II - NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

PLAINTIFF STEPHANIE FESSLER v. WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., THE CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES, INC., THE SPRING GROVE CONGREGATION OF JEHOVAH'S WITNESSES & TERRY JEANNE MONHEIM

65. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire complaint as though same were fully set forth herein at length.
66. Defendants Watchtower Bible and Tract Society of New York, Inc., the Christian Congregation of Jehovah's Witnesses, Inc., the Spring Grove Congregation of Jehovah's Witnesses and Terry Jeanne Monheim by and through their negligence, failures and/or contact with Plaintiff, as described particularly herein, negligently, and/or recklessly committed multiple acts of extreme and outrageous conduct which caused severe emotional distress to Plaintiff and bodily harm as described more fully above, which resulted from physical touching and emotional distress in an extreme, outrageous and harmful manner.

WHEREFORE, Plaintiff claims of Defendants, Watchtower Bible and Tract Society of New York, Inc., the Christian Congregation of Jehovah's Witnesses, Inc., the Spring Grove Congregation of Jehovah's Witnesses and Terry Jeanne Monheim, jointly and severally, damages in excess of the arbitration limit together with costs, interest, punitive damages and attorneys fees as permitted by law.

COUNT III - NEGLIGENT FAILURE TO RESCUE

PLAINTIFF STEPHANIE FESSLER v. WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., THE CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES, INC., THE SPRING GROVE CONGREGATION OF JEHOVAH'S WITNESSES & TERRY JEANNE MONHEIM

67. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire complaint as though same was fully set forth herein at length.
68. Defendants Watchtower Bible and Tract Society of New York, Inc., the Christian Congregation of Jehovah's Witnesses, Inc., the Spring Grove Congregation of Jehovah's Witnesses and Terry Jeanne Monheim placed plaintiff in a position of peril.
69. The negligence and recklessness of all Defendants is described throughout this complaint.
70. All Defendants committed the following acts of negligence in directly and proximately causing the injuries and damages described herein, include:
 - a. failing to take reasonable and necessary steps to rescue minor Plaintiff after placing them in a perilous position;
 - b. failing to exercise reasonable care to prevent further harm after rendering Plaintiff in danger of further harm;
 - c. failing to take reasonable and necessary steps to give aid or assistance to Plaintiff after rendering her in danger of further harm;
 - d. failing to take reasonable and necessary steps to prevent the delay in the appropriate care of Plaintiff; and
 - e. violation of the duties set forth in the Restatement (Second) of Torts, Sections 314A, 321 & 322, as adopted in Pennsylvania.

71. The aforementioned incidents resulted from the negligence, gross negligence and recklessness of Defendants and was due in no manner whatsoever to any act or failure to act on the part of Plaintiff.

WHEREFORE, Plaintiff claims of Defendants, Watchtower Bible and Tract Society of New York, Inc., the Christian Congregation of Jehovah's Witnesses, Inc., the Spring Grove Congregation of Jehovah's Witnesses and Terry Jeanne Monheim, jointly and severally, damages in excess of the arbitration limit together with costs, interest, and attorneys' fees as permitted by law.

**COUNT IV - VIOLATION OF THE PENNSYLVANIA
CHILD PROTECTIVE SERVICES LAW (PCPSL)**

**PLAINTIFF v. DEFENDANTS WATCHTOWER BIBLE AND TRACT SOCIETY OF
NEW YORK, INC., CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES,
INC., & SPRING GROVE CONGREGATION OF JEHOVAH'S WITNESSES**

72. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire complaint as though same was fully set forth herein at length.

73. The Jehovah's Witness Defendants by and through their employees and/or agents, owed a duty to report, pursuant to Pennsylvania's Child Protective Services Law (PCPSL), 23 Pa.C.S.A. § 6311 *et seq.* as stated therein.

74. The Jehovah's Witness Defendants, by and through its employees and/or agents, knew or had knowledge of harmful acts committed by Defendant Terry Jeanne Monheim and negligently and/or recklessly violated the statutory duty to report such harmful acts to children as required by Pennsylvania's Child Protective Services Law (PCPSL), 23 Pa.C.S.A. § 6311 *et seq.* ..

75. Such Defendants' violations constitute negligence per se under Pennsylvania law.
76. The failure to report such harmful acts, as required by Pennsylvania's Child Protective Services Law (PCPSL), 23 Pa.C.S.A. § 6311 et seq., by these Defendants, caused continuing harm to Plaintiff and the injuries and damages described above.

WHEREFORE, Plaintiff claims of Defendants, Watchtower Bible and Tract Society of New York, Inc., the Christian Congregation of Jehovah's Witnesses, Inc., the Spring Grove Congregation of Jehovah's Witnesses, jointly and severally, damages in excess of the arbitration limit together with costs, interest and attorneys' fees as permitted by law.

Count VI - NEGLIGENCE

PLAINTIFF v. DEFENDANT TERRY JEANNE MONHEIM

77. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire complaint as though same was fully set forth herein at length.
78. The negligence and recklessness of Defendant, Terry Jeanne Monheim consisted of breaching the duty against causing harm to Plaintiffs through improper, albeit, negligently touching and inappropriate contact with Plaintiff on numerous occasions which directly and proximately caused the injuries and damages described herein.
79. Despite the claims of intentional conduct alleged alternatively below, Plaintiff alternatively alleges that Defendant Terry Jeanne Monheim was without the mental capacity to formulate an intent to harm or expectation to harm Plaintiffs such that his harmful actions were caused negligently and not intentionally or expectedly and plaintiff asserts a claim of negligence on such basis.

WHEREFORE, Plaintiff claims of Defendant, Terry Jeanne Monheim, jointly and

severally, damages in excess of the arbitration limit together with costs, interest, and attorneys' fees as permitted by law.

COUNT VII- ASSAULT

PLAINTIFF v. DEFENDANT TERRY JEANNE MONHEIM

80. Plaintiff incorporates herein by reference the paragraphs above and throughout this entire complaint as though same were set forth herein at length.
81. Alternatively, Defendant Terry Jeanne Monheim committed multiple acts upon Plaintiff which Defendant Terry Jeanne Monheim intended or expected to put Plaintiff in reasonable and immediate apprehension of a harmful and offensive contact with Plaintiff's body and which, in fact, put Plaintiff in such reasonable and immediate apprehension and which caused Plaintiff's injuries and damages as outlined above.
82. Defendant Terry Jeanne Monheim plead guilty to criminal charges against her for the crimes committed against plaintiff.
83. Defendant Terry Jeanne Monheim was adjudicated guilty ill by a court of competent jurisdiction.

WHEREFORE, Plaintiff claims of Defendant, Terry Jeanne Monheim, jointly and severally, damages in excess of the arbitration limit together with punitive damages, costs, interest, and attorneys' fees as permitted by law.

COUNT VIII - BATTERY

PLAINTIFF v. DEFENDANT TERRY JEANNE MONHEIM

84. Plaintiff incorporates herein by reference paragraphs above and throughout this entire complaint as though same were set forth herein at length.

85. Alternatively, Defendant Terry Jeanne Monheim committed multiple acts, described above, upon Plaintiffs which Defendant Terry Jeanne Monheim intended to cause a harmful and offensive contact with the Plaintiff's body, which directly resulted in harmful and offensive contact with her body, causing damages and injuries as outlined herein.

86. Defendant Terry Jeanne Monheim plead guilty to criminal charges against her for the crimes committed against plaintiff.

87. Terry Jeanne Monheim was adjudicated guilty by a court of competent jurisdiction.

WHEREFORE, Plaintiff claims of Defendant, Terry Jeanne Monheim, jointly and severally, damages in excess of the arbitration limit together with punitive damages, costs, interest, and attorneys' fees as permitted by law.

COUNT IX - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

PLAINTIFFS v. DEFENDANT TERRY JEANNE MONHEIM

88. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire complaint as though same were fully set forth herein at length.

89. Defendant, Terry Jeanne Monheim, by and through her contact with Plaintiff as described above intentionally and/or recklessly committed multiple acts of extreme and outrageous conduct which caused severe emotional distress to Plaintiff and bodily harm as described more fully above, which resulted from the physical touching and other harmful acts of this Defendant upon Plaintiff in an extreme, outrageous and harmful manner.

· WHEREFORE, Plaintiff claims of Defendant, Terry Jeanne Monheim, jointly and severally, damages in excess of the arbitration limit together with punitive damages, costs, interest, and attorneys' fees as permitted by law.

Respectfully submitted,

SOLOFF & ZERVANOS, P.C.

/s/ Jeffrey P. Fritz

Dated: March 26, 2014

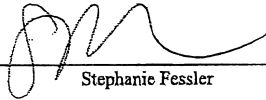
By:

Jeffrey P. Fritz, Esquire
Counsel for Plaintiff, Stephanie Fessler

VERIFICATION

I, Stephanie Fessler, have read the foregoing First Amended Civil Action Complaint. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.



Stephanie Fessler

Dated: 3/26/14