

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs Courthouse

Hearing re: Demurrer on 1st Amended Complaint for Other Personal Injury/Property
Damage/Wrongful Death Tort (Over \$25,000) of J. R 1.

02/01/2024
8:30 AM
Department PS1

CVPS2205005
R 1. vs DOE 1

Honorable Kira L. Klatchko, Judge
D. Elless, Courtroom Assistant
Court Reporter Pro Tem Darci Mullarky, Court Reporter

APPEARANCES:

MUSICK, PEELER & GARRETT LLP is present Telephonically, by counsel, Beth Kahn, representing
DOE 2

POOLE SHAFFERY is present Via Video, by counsel, Brian Walters, representing DOE 1

SLATER SLATER SCHULMAN LLP is present Telephonically, by counsel, Michael Amaro,
representing J. R 1.

This matter is being live streamed for public access.

At 08:42 AM, the following proceedings were held:

Motion by DOE 1 regarding Demurrer to 1st Amended Complaint is called for hearing.

Argument presented by Brian Walters.

Argument presented by Michael Amaro.

Court makes the following order(s):

Tentative ruling shall become the ruling of the court.

Demurrer by DOE 1 on 1st Amended Complaint for Other Personal Injury/Property Damage/Wrongful
Death Tort (Over \$25,000) of J. R 1. overruled.

DOE 1 have/has 20 days leave to file an answer on 1st Amended Complaint for Other Personal
Injury/Property Damage/Wrongful Death Tort (Over \$25,000) of J. R 1..

Plaintiff's action alleges childhood sexual abuse. Plaintiff is over 40 and has brought this action under
Code of Civil Procedure section 340.1, which extends the statute of limitations. Doe 1 (Watchtower),
who is not alleged to be the perpetrator but to have employed the perpetrator, Doe 3, demurrers once
again to the only cause of action against it, for negligent hiring, supervision, and retention. The Court
previously sustained a similar demurrer to the Complaint. Plaintiff has now addressed the deficiencies
in the prior complaint.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs Courthouse

Hearing re: Demurrer on 1st Amended Complaint for Other Personal Injury/Property
Damage/Wrongful Death Tort (Over \$25,000) of J. R 1.

02/01/2024
8:30 AM
Department PS1

CVPS2205005
R 1. vs DOE 1

Honorable Kira L. Klatchko, Judge
D. Elless, Courtroom Assistant
Court Reporter Pro Tem Darci Mullarky, Court Reporter

Doe 1 contends that Plaintiff's third cause of action is barred by the applicable statute of limitations under Code of Civil Procedure section 340.1. Doe 1 contends that nothing in the First Amended Complaint demonstrates Defendant's knowledge of actual misconduct by Doe 3, including a prior history of sexual abuse or propensity to engage in sexual misconduct with minors, including Plaintiff. (Demurrer, 10:21-24.) Plaintiff, however, has pleaded facts sufficient to overcome the demurrer. Plaintiff has pleaded that Doe 1 knew or had reason to know of the abuse. Plaintiff has alleged in the First Amended Complaint that "Doe 3 sexually assaulted Plaintiff's brother on a nearly daily basis between 1979 and 1985" (when he was between 5 and 11 years old), three years before Doe 3 allegedly began abusing Plaintiff. (FAC, ¶ 35.) The First Amended Complaint alleges that Plaintiff's brother reported Doe 3's sexual abuse to Doe 1, Doe 2, and that they, and as yet to be named Does 4 through 60 (Elders), failed to take any reasonable action to investigate, report, or terminate Doe 3's employment or responsibilities with youth members at their congregations and, instead, continued to allow Doe 3 to serve as an Elder. (Ibid.) It alleges specifically that Doe 1 and Doe 2's Elders witnessed Doe 3 and "an unrelated adult male" take Plaintiff's brother into congregation bathrooms for extended periods of time and did not take any reasonable action to investigate, report, or terminate Doe 3. These allegations show, or it can be inferred from these allegations, that Doe 1 knew or had notice that Doe 3 had a history of sexual abuse of minors or propensity to engage in sexual misconduct. This is sufficient for pleading purposes to establish knowledge and notice under section 340.1, subdivision (c).

The Court already found in ruling on the prior demurrer that the Complaint pleaded sufficient facts to allege a special relationship between Plaintiff and Doe 1, and it will not revisit that determination as the same facts support the First Amended Complaint.

The OSC re failure to meet and confer set for hearing on February 1, 2024 is vacated.

The Case Management Conference set for hearing on February 1, 2024 at 8:30 a.m. is continued to April 24, 2024 at 8:30 a.m. Parties are ordered to file with the Court 10 days in advance of the continued CMC a joint declaration of counsel explaining their efforts to meet and confer in accord with Local Rule 3218 and Rules of Court 3.724. The declaration should detail any agreements among the

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs Courthouse

Hearing re: Demurrer on 1st Amended Complaint for Other Personal Injury/Property
Damage/Wrongful Death Tort (Over \$25,000) of J. R 1.

02/01/2024
8:30 AM
Department PS1

CVPS2205005
R 1. vs DOE 1

Honorable Kira L. Klatchko, Judge
D. Elless, Courtroom Assistant
Court Reporter Pro Tem Darci Mullarky, Court Reporter

parties, and should specify the anticipated discovery schedule and what form of alternative dispute resolution the parties will be participating in and on what timeline. The Court also sets on April 24, 2024 at 8:30 a.m. an Order to Show Cause as to why Plaintiff and Plaintiff's counsel should not be sanctioned for failing to default Doe 2, who has been served but has not yet answered the First Amended Complaint.

Notice waived.