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Shields-Auble & Pattershall Secure Partial Summary Judgment

Cecilia Shields-Auble and Brad Pattershall recently secured partial summary judgment for the defendants in *Shannon Simendinger v. Watchtower Bible and Tract Society of New York, Inc. and Fort Kent Congregation of Jehovah's Witnesses, Maine*, Docket No. CARSC-CV-2025-05, a tort case pending in Aroostook County Superior Court in Caribou, Maine. The Court entered an order granting judgment in the defense's favor on all of the plaintiff's claims against Watchtower, effectively removing it from the case, and the majority of her claims against the Congregation.

The case involves allegations by the plaintiff that she was sexually abused as a minor by members of the Congregation in the late 1980s to early 1990s. She brought several tort claims against Watchtower, which is the national headquarters of the Jehovah's Witness faith, as well as the local Congregation, including (1) sexual assault/respondeat superior; (2) breach of fiduciary duty; (3) negligence; (4) negligent supervision; (5) reckless infliction of emotional distress ("RIED"); (6) negligent infliction of emotional distress ("NIED"); and (7) punitive damages.

In its well-supported decision, the Court held that neither the Congregation nor Watchtower could be held vicariously liable for the alleged acts of the individual congregants because child sexual abuse is an intentional, independent course of conduct that falls outside the scope of any employment relationship those individuals could have had with either defendant; there was no evidence that either defendant actually authorized those individuals to engage in child sexual abuse; and the doctrine of apparent authority applies to only certain categories of torts with a close link between the tortious conduct and the apparent authority, such as fraudulent misrepresentation, and thus does not encompass unauthorized assaultive or threatening conduct.

The Court also reaffirmed the well-established principal that under Maine law, an actor has no duty to control the conduct of a third party so as to prevent them from harming another unless a special relationship exists between the actor and the other which gives to the other a right of protection and the actor knew or should have known of the risk of harm posed by the third party. It held that the record did not support a fiduciary or custodial relationship between the plaintiff and Watchtower and, regardless, the earliest possible time that the individuals' misconduct could have been brought to Watchtower's attention was several years after the plaintiff's alleged abuse ended.

Finally, the Court held that judgment in the defendants' favor on the plaintiff's RIED and NIED claims was proper because the Law Court has expressly declined to recognize a duty between churches and their members of the type that would give rise to a duty to avoid psychic injury to those members. It emphasized that it could not examine the defendants' actions with respect to counseling, advising, or disciplining its members without encroaching on religious structure or doctrine, thereby inserting the state into matters forbidden by the First Amendment

For more information, please contact Cecilia Shields-Auble or Brad Pattershall. The Court's decision in linked below.

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