

## Summary of Judgment

The Judgment was rendered on May 27, 2014.

Heisei 21 (Year 2009) Ordinary Civil Action No. xxxxx - Action seeking compensatory damages (hereinafter, “First Action”)

Heisei 21 (Year 2009) Ordinary Civil Action No. xxxxx - Action seeking compensatory damages (hereinafter, “Second Action”)

Heisei 23 (Year 2011) Ordinary Civil Action No. xxxxx - Action seeking compensatory damages and other restitution (hereinafter, “Third Action”)

The oral arguments were concluded on January 20, 2014.

The 45th Civil Division of the Tokyo District Court

Presiding Judge Akira YAMADA

Judge Takashi OHTAKE

Judge Hiroya KUBOTA

### Gist of Conclusion:

#### First Action

The Court affirms the complaints of the four sexual harassment plaintiffs “A,” “B,” “C,” and “D,” and orders the defending party, Jae Chang BYUN (hereinafter “BYUN”) and the religious corporation Little Shepherd Training Association (*Shobokusha Kunrenkai*, a.k.a. International Gospel Christ Churches, hereinafter “the LSTA”) to pay compensatory damages to each plaintiff in amounts ranging from 3.3 million yen to 4.4 million yen.

#### Second Action

The Court dismisses the complaints of power harassment by Plaintiff E and denies any compensation for alleged damages caused by BYUN, the LSTA senior leadership, and the LSTA.

#### Third Action

The Court dismisses the complaints and request for damages for defamation and other charges by BYUN and the LSTA against sexual harassment plaintiffs “A,” “B,” “C,” and “D,” power harassment plaintiff “E,” and four supporters.

### Gist of Reasons for the Judgment:

#### 1. Concerning the existence of sexual harassment (First Action)

**(1) Credibility of evidence of damage**

The evidence of damage provided by the sexual harassment plaintiffs is deemed credible for the following reasons:

**Overall credibility**

- Email messages between two senior leaders note the claims of two female church members that BYUN had sexually harassed them. One senior leader conducted a direct hearing with the two women. He then indicated in his email messages that he believed the two women’s claims and that he saw a need for BYUN to repent. Based on these email messages, the court deduces that during this time period it was not unusual for the LSTA to believe BYUN engaged in sexual harassment. The court concludes that the email messages strongly corroborate the statements of the sexual harassment plaintiffs.
- The manner in which BYUN reacted to the sexual harassment allegations, in his email exchanges with a senior leader and with others, is strongly indicative of a pattern of sexual harassment against some female members of his church. The court concludes that BYUN’s reactions strongly corroborate the statements of the sexual harassment plaintiffs.
- BYUN tended to engage in unusually close physical contact with female church members. In addition to the plaintiffs, a number of these women also claimed BYUN had sexually harassed them. The Court deems that these claims support the credibility of the statements of the sexual harassment plaintiffs.
- BYUN, as senior pastor, practiced authoritarian leadership in the LSTA. The LSTA members were trained to regard him as a religious authority figure and to pay him high respect and adoration. They were taught to be absolutely obedient to his teachings. Many members led their daily lives surrounded by other members who also were obedient to BYUN’s teachings and paid him high respect and adoration. In other words, they led lives heavily dependent on the LSTA. Considering the circumstances, the court deems it reasonably likely that LSTA members were prone to be psychologically unable to oppose BYUN’s teachings. The court concludes that these circumstances corroborate the statements of the sexual harassment plaintiffs to the end that they felt they had no choice but to be subject to BYUN’s sexual harassment.
- The statements of sexual harassment damage claimed by several women [who are not included among the plaintiffs] are consistent and corroborate with each other. The Court concludes that they corroborate the statements of the sexual harassment plaintiffs.

**Specific credibility**

**a. The statement of Plaintiff A is sufficiently credible.**

- Plaintiff A states that, in April 2003, she consulted two senior leaders regarding harassment

and received a direct apology from BYUN. The statement is corroborated by email messages and thus is highly credible.

- It is true that Plaintiff A sent BYUN letters in which she expressed a certain affection for him. The Court notes, however, that BYUN, as senior pastor, practiced authoritarian leadership in the LSTA. The LSTA members were trained to regard him as a religious authority figure, and to pay him high respect and adoration. They were taught to be absolutely obedient to his teachings. Many members led a daily life surrounded by other members who also paid BYUN high respect and adoration and were obedient to his teachings. In other words, they were leading a life heavily dependent on the LSTA. Considering the circumstances, the court deems it reasonably likely that the LSTA members were prone to psychological powerlessness in opposing BYUN's teachings. The court also deems it reasonably likely that, as the LSTA members were taught that opposing a spiritual leader is equivalent to opposing God, they were prone to, or actually tried to, believe they were at fault if they questioned BYUN's words or actions. The psychologist's expert opinion attests that the plaintiff's self-blaming [in her letters] may be reasonably explained as a result of her effort to resolve cognitive disharmony. Therefore, the Court deems that the plaintiff's sending of such letters to BYUN does not contradict her statement of sexual harassment inflicted by BYUN.

- The plaintiff's statement is highly specific, realistic, and consistent. The statement is deeply sincere. Considering the fact that the plaintiff is married and has a child, it is a strain to conjecture that she is motivated to injure BYUN by making a statement about damage inflicted upon her, without any regard for the embarrassment and shame she incurs when doing so. As BYUN himself admits, it does not appear Plaintiff A was in the habit of lying to BYUN when she was a member of the LSTA.

**b. The statement of Plaintiff B is sufficiently credible.**

- The credibility of Plaintiff B is not diminished with regard to the essence of her statement that she experienced sexual harassment.

- It is true that Plaintiff B sent BYUN a number of messages, including messages written on a card, in which she expressed a certain affection for him. As in the case of Plaintiff A, however, the Court deems that the plaintiff's sending of said messages does not contradict her statement of sexual harassment damage.

- The plaintiff's statement is highly specific, realistic, and consistent. The statement is deeply sincere. As BYUN himself admits, it does not appear that Plaintiff B was in the habit of lying to BYUN when she was a member of the LSTA.

**c. The statement of Plaintiff C is sufficiently credible.**

- The notes by Plaintiff C, the email messages between Plaintiff C and BYUN, and the devotional reflections by Plaintiff C support her statement to a certain extent. Furthermore,

they do not diminish the credibility of her statement to the effect that she experienced sexual harassment.

- It is true that Plaintiff C sent BYUN a number of messages, including messages written on a card, in which she expressed a certain affection for him. As in the case of Plaintiff A, however, the Court deems that the plaintiff's sending of said messages does not contradict her statement of sexual harassment damage.

- The plaintiff's statement is highly specific, realistic, and consistent. The statement is deeply sincere. As BYUN himself admits, it does not appear that Plaintiff C was in the habit of lying to BYUN when she was a member of the LSTA. The court deems it unlikely that advice by other people, including Plaintiff A, influenced Plaintiff C so deeply as to lead her to decide to claim sexual harassment damage.

**d. The statement of Plaintiff D is sufficiently credible.**

- The existence of email messages in which Plaintiff D consulted with Mr. Pascal ZIVI regarding sexual harassment strongly supports her statement to the effect that she experienced sexual harassment.

- The plaintiff's statement is highly specific, realistic, and consistent. The statement is deeply sincere. As BYUN himself admits, it does not appear that Plaintiff D was in the habit of lying to BYUN when she was a member of the LSTA.

**e. BYUN's statement denying all sexual harassment is not credible.**

- Two women who are not plaintiffs also accuse BYUN of sexual harassment. BYUN's statement does not corroborate his email communications with the senior leadership. BYUN responds to interrogations in an irrational manner, by stating that he does not remember, rather than arguing that he did not engage in the alleged actions.

- When the charges of sexual harassment began to be voiced, BYUN remained vague in his response regarding whether or not he committed sexual harassment, while his actions and words implied his own culpability. The court sees this as inconsistent.

- BYUN argues that it is out of the question for him to be alone with a female church member. He has, however, received messages from a female senior leader in which he was alone with her. He also sent emails to Plaintiff C, in which he proposed going on a date with her. The court sees this as inconsistent.

**f. Aeran CHO's testimony held not credible.**

- Aeran CHO (hereinafter "Aeran") is BYUN's wife. The LSTA has stated that they are united in believing in BYUN's innocence. The LSTA also taught absolute obedience to spiritual leaders. These points had to be taken into consideration in examining Aeran's statement. (*material omitted*) Aeran's statement is not at all credible.

**(2) Affirmation of damage**

The court affirms a total of 70 incidents of sexual harassment inflicted upon Plaintiffs A, B, C, and D.

The First Action pertains to charges against BYUN, who exploited his position as Senior Pastor in an environment in which church members were obligated to be absolutely obedient to him. Under the pretense of teaching the Bible, BYUN committed numerous acts of sexual harassment. BYUN betrayed the plaintiffs' respect, adoration, and desire to study the Bible personally with him. The court deems BYUN's acts as extremely contemptible. For several years, the plaintiffs felt they had no choice but to be subject to sexual harassment, even though they felt psychological repulsion. At the same time, they were tormented by the possibility that the guilt was theirs. Taking into consideration the degree of mental distress of the plaintiffs, as well as the nature of the damage and the insincere manner of BYUN's actions following the damage, the court has determined that BYUN and the LSTA must pay jointly and severally, damages to each plaintiff in the respective amounts stated above.

With regard to the February 17, 2007 adultery damage claim by Plaintiff C, the applicable criminal case resulted in a verdict in favor of the defendant by reason of the possibility that the defendant had an alibi. In the civil action pertaining to the same damage claim, the court examined the possibility that the damage was inflicted on a date immediately before or after February 17, 2007, but could not adequately prove such possibility. While the court recognizes it might be possible to prove adultery damage by reviewing evidence involving a wider range of dates, the court determined not to allow such a course of action, on the grounds that it would not sufficiently protect the defendant's right to a fair trial.

## **2. Concerning the existence of power harassment (Second Action)**

### **(1) Credibility of evidence of damage**

In Plaintiff E's damage claim, based on the objective evidence, the court deems credible the assertion that a senior minister forced Plaintiff E to perform 200 squats. Several other facets of the claim give the impression that damage is being exaggerated. The court cannot dismiss the possibility that Plaintiff E is affected by his illness, which includes hallucinations and delusion symptoms. The court concludes that it cannot entirely trust the statement of Plaintiff E.

### **(2) Denial of damage claim**

- a. The court concurs that a senior minister forced Plaintiff E to perform 200 squats. However, other church members were ordered to do the same, and some of them were physically weaker than Plaintiff E. While the court questions the social relevance of such a practice in staff training, it concludes that such a practice does not constitute an illegal act that deserves compensation for damages.

The court also denies the claim regarding other damage that Plaintiff E alleges was inflicted

by a senior minister.

- b. As for the assignments that BYUN gave to Plaintiff E after BYUN learned of Plaintiff E's illness, the court denies that such assignments involved significant responsibility or a large amount of emotional stress. The court concludes that there is insufficient evidence to prove that such assignments required extreme hard work.

While the court questions the relevance of the email message sent by BYUN to Plaintiff E as a message to someone who was ill, the court concludes that sending said email message does not constitute an illegal act, on the grounds that not all of the related email messages were made available as evidence and the context within which said email was sent is unclear.

### **3. Concerning obligation for payment of damages on the part of the sexual and power harassment plaintiffs and their supporters toward BYUN and the LSTA for defamation (Third Action)**

The First and Second Actions of this lawsuit have merit. Plaintiff C's complaint is held not to be an illegal false complaint.

While reports by the plaintiffs' supporters could be considered defamation in certain contexts, in this case the subject matter is of a public nature. The court deems that the purpose of said reports is entirely in the public interest, and that the majority of the content is verifiable. The court also deems that the plaintiffs' supporters had sufficient reason to believe in the factuality of alleged injuries that the Court has not been able to verify, including the adultery claim by Plaintiff C and the power harassment claim by Plaintiff E.

Therefore, the court denies any compensation to BYUN and the LSTA for their claim of defamation by the sexual and power harassment plaintiffs and their supporters.