

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, ET AL.,
Plaintiff,

v.

KENNETH L. MILLER, ET AL.,
Defendant.

Docket No. 2:12-cv-184

**PLAINTIFFS' MOTION TO LIFT THE STAY AND JOIN ADDITIONAL
DEFENDANTS
REQUEST FOR RULING ON SPECIFIC JURISDICTION FOR RESPONSE
UNLIMITED, INC.**

NOW COME Plaintiffs Janet Jenkins, et al., by and through undersigned counsel, Sarah R. Star, Esq., and Frank H. Langrock, Esq., and respectfully request that the Court lift the stay that was imposed in this matter on July 8, 2015, pending resolution of criminal charges against Defendant Philip Zodhiates. On September 29, 2016, Defendant Philip Zodhiates ("Zodhiates") was convicted by a federal jury in Buffalo, New York of international parental kidnapping and conspiracy to commit the same ("Zodhiates trial").

In the course of said trial, and in the jurisdictional discovery produced to Plaintiffs in this matter prior to the trial, additional information was uncovered about the role of other individuals and entities in the conspiracy alleged. Therefore, Plaintiffs ask this Court to permit joinder of Liberty University, Liberty Counsel, Rena Lindevaldsen, Esq. and Mathew Staver, Esq., individually and as agents of Liberty Counsel and Liberty University ("Liberty Defendants"). Plaintiffs also request a ruling on the issue of specific jurisdiction in Vermont for Response Unlimited, Inc. ("RUL"), which was acting on its own and as an agent for its client Liberty Counsel/Liberty University when it participated in kidnapping Isabella Miller-Jenkins. A redlined version of the proposed Third Amended Complaint is attached hereto.

MEMORANDUM IN SUPPORT OF JOINDER AND SPECIFIC JURISDICTION

As a result of jurisdictional discovery produced in this matter and evidence presented at the Zodhiates trial, Plaintiffs have become aware of new information pertinent to this case, which is outlined more fully below. Some previously known information is recited herein to provide context. Plaintiffs also reference, incorporate herein, and reassert all of the original and correct allegations against RUL and Liberty University that were ordered removed from the First Amended Complaint in this case.

FACTS

1. William Sidebottom (“Sidebottom”) was the director of communications for Liberty Counsel in 2009. On September 23, 2016 at the Zodhiates trial, Sidebottom testified that in 2009, Liberty Counsel was the “laboratory school” of Liberty University School of Law, where students could gain practical experience and earn course credit.

2. In January of 2009, Liberty Counsel was a client of RUL. Sidebottom had previously worked for RUL, and had recommended RUL’s services to Liberty. RUL authored a mailing and sent out a “prospecting package” about the Vermont Miller-Jenkins litigation that was aimed at generating donations and revenue for Liberty. *See* Pl. Exhibit 1.

3. Lisa Miller’s lawyers were the Dean of the Law School Mathew Staver (“Staver”), and Professor Rena Lindevaldsen (“Lindevaldsen”). Lindevaldsen’s book, *Only One Mommy: The Lisa Miller Story*, was required reading for all first year students at the Law School. Liberty Counsel worked directly with RUL and Zodhiates on the mailing. The mailing was intended to raise money to support the effort to eliminate Janet Jenkins’ contact with Isabella.

4. On January 21, 2009, Zodhiates wrote to Sidebottom at his Liberty Counsel email address and suggested a “personal option” for Lisa Miller that the “lawyers should not or would not want to know about.” *See* Pl. Exh. 2.

5. Matthew LaPorta, (“LaPorta”) a 10 year employee of RUL and its registered agent, testified on September 27, 2016, at the Zodhiates trial, that as part of its work for Liberty Counsel, RUL hosted Lisa Miller and Isabella Miller-Jenkins at the offices of RUL in Waynesboro, VA, where Lisa and Isabella met all of the RUL employees. At that meeting, they all prayed that Janet Jenkins’ contact with Isabella would be stopped.

6. On September 21, 2009, Zodhiates told his employees that he was “working from home on Liberty Counsel.” *See* Pl. Exh. 3. Zodhiates did not come into the office that day, but as he admitted through counsel at his trial, he drove Lisa Miller and Isabella Miller-Jenkins to Buffalo, New York, and arranged for them to leave the country.

7. LaPorta testified at the Zodhiates trial that “Philip Zodhiates *is* Response Unlimited.” It was not uncommon for Zodhiates to work for clients outside the office or travel for work as he saw fit.

8. During his journey to and from Buffalo on September 21 and 22, 2009, Zodhiates’ cell phone was in contact with the cell phone of his daughter, Victoria Zodhiates (“Victoria”), and also with several phone numbers associated with his clients Liberty Counsel and Liberty University School of Law, including a cell phone known to be used by Staver. Victoria was an employee of the Liberty Law School and RUL at the time.

9. Pursuant to a Rutland Family Court Order dated September 11, 2009, Liberty Counsel was required to inform Plaintiff’s Vermont counsel Sarah Star by 9am on September 23, 2009, if Lisa Miller intended to comply with a visitation that was scheduled to begin on

September 25, 2009. On that date, Lindevaldsen informed Plaintiff's Vermont counsel, via email, that she had notified Lisa Miller of the Order, but had not been able to confirm the visit. *See Pl. Exh. 4.*

10. On September 24, 2009, RUL employee Bill Dolack sent Zodhiates an online news story about Lisa Miller being menaced with loss of custody if she did not comply with the September 25, 2009, visitation. Zodhiates replied to that email stating: "Thanks, this is really old news though. The lawyers were pretty adamant about yesterday morning being the hearing." *See Pl. Exh. 5.*

11. The next visitation that Janet Jenkins was supposed to have with Isabella was over Thanksgiving of 2009. On October 23, 2009, Zodhiates sent an email to his daughter Victoria, asking her to print out a list of items that needed to be "rescued" from Lisa Miller's apartment in Forest, VA. The email advised Victoria to deliver the list to an unnamed female, and that "she knows who has the key." Attached to the email was a list handwritten by Lisa Miller. *See Pl. Ex. 6.*

12. As this was happening, Zodhiates was in touch with the leadership at Liberty Law School to try to get Victoria a full time position there. *See Pl. Exh. 7.*

13. On November 9, 2009, Victoria wrote to her father informing him that she had not been selected for the sought-after full time job at the Law School. She wrote: "I'm sure you'll either get an email or it will be assumed I'll tell you, but they are not going to hire me for that position." Zodhiates replied: "Bummer. Can you please ask Rena when we can pick up the stuff from the apartment. I need it by the weekend. Daddy." *See Pl. Exh. 8.*

14. On the morning of November 10, 2009, Zodhiates sent Victoria another email with an attachment, and instructions to "put this on Rena's desk. Tell her who it is from. She

sent it specifically for her.” *See* Pl. Exh. 9. The email attachment was a series of verses from the bible that seemed to express thanks, and the first verse was from Phillipians.

15. Later that same day, Zodhiates sent Victoria another email stating: “Tell Rena she will pay this month’s rent if that’ll help, or reimburse someone for it.” *See* Pl. Exh. 10.

16. The following day, on November 11, 2009, Zodhiates sent Victoria another email stating: “Something else to print and give to Rena. I need a status report as well.” Attached to the email was a further list of items that Lisa Miller wanted to be sent to Nicaragua, including peanut butter. *See* Pl. Exh. 11.

17. At the Zodhiates trial, Lindevaldsen’s cell phone records were admitted into evidence by the government. Lindevaldsen’s records showed that on November 12, 2009, her cell phone made contact three times with the cell phone of Defendant Linda Wall. Lisa Miller’s landlord, Anthony Phelps, testified at the Zodhiates trial that he knew Linda Wall, and observed her entering Lisa Miller’s apartment. Also on November 12, 2009, Victoria’s cell phone records show that her phone travelled from Lynchburg, VA, to the town of Forest, VA, the location of Lisa Miller’s apartment.

18. On November 13, 2009, a friend of Zodhiates named John Collmus (“Collmus”) took two suitcases to Nicaragua for Lisa Miller, who was now going by the alias “Sarah.” Zodhiates wrote in an email to Collmus that the suitcases contained personal items and peanut butter for “Sarah.” *See* Pl. Exh. 12. Zodhiates also wrote an email to Timothy Miller in Nicaragua, notifying him of the status of the removal of items from the apartment. *See* Pl. Ex. 13.

19. Just as this was happening, Plaintiff Janet Jenkins was becoming concerned after hearing nothing from her daughter or former spouse for some time. On November 20, 2009,

Plaintiff's attorney contacted Lindevaldsen and asked her if Lisa Miller's address had changed. Lindevaldsen replied that she'd left voicemails for Lisa Miller to see if her address had changed, but hadn't heard back from her yet. *See* Pl. Exh. 14.

20. On December 10, 2009, Plaintiff Janet Jenkins requested that the police in Forest, VA, conduct a welfare check at Lisa Miller's home. The police reported that the curtains were drawn and the lights were off.

21. At a December 18, 2009, status conference, Plaintiff's counsel informed the Rutland Family Court that Isabella and Lisa seemed to be missing. Liberty Counsel persisted in filing an appeal in the Vermont Supreme Court on Lisa Miller's behalf, and requested a stay of the order transferring custody of Isabella to Plaintiff.

22. A hearing on the motion for a stay was held on December 22, 2008, and Lindevaldsen stated to the Rutland Family Court: "I had no reason to believe until this last conference when Ms. Star indicated that, apparently, there's been no coming and going at her house, that she wasn't at her home. I've left -- you know, again, I've left her messages." *See* Exh. 15, at p. 11.

23. Liberty continued to press appeals on Lisa Miller's behalf in Vermont, and argued that venue for registration of Vermont orders for enforcement in Virginia should be in Bedford County, because of Lisa Miller's purported residence in the town of Forest, VA. *See* Pl. Exh. 16.

24. On September 26, 2016, Andrew Yoder testified at the Zodhiates trial. He stated that he spoke to Lisa Miller in Nicaragua in November of 2009 and she told him that Liberty Counsel had advised her it would be in her best interests "to disappear."

25. In November, 2012, Staver, Lindevaldsen and Victoria (now Hyden, formerly Zodhiates) swore in affidavits submitted to this Court, that they had never discussed and had no

knowledge of Lisa Miller's departure from the country. Dkt. Nos. 54-4, 54-5 and 54-6; copies attached hereto as Pl. Exh. 17.

26. After Zodhiates had been publically implicated in the kidnapping, Staver told the New York Times that he had never discussed Lisa Miller's case with Zodhiates. *See* Pl. Exh. 18.

27. On September 27, 2016, Zodhiates' lawyer David Boyd, Esq. suggested to the jury in the Zodhiates trial that their client believed that removing Isabella from the United States was lawful because he had consulted with Liberty Counsel prior to doing so.

28. Victoria, after being granted immunity by the United States, admitted to a grand jury in the Western District of New York that she did have some involvement in Lisa Miller's disappearance, after all.

29. Lindevaldsen appeared in Vermont courts on behalf of Lisa Miller well into 2010, and was subsequently granted tenure and promoted to the role of Dean of Academic Affairs at Liberty University School of Law. She also served as Interim Dean for a time, after Staver resigned two weeks following Zodhiates' indictment in New York.

30. Lindevaldsen has gone on book tours, including appearing on CNN's BookTV, to promote her book about Lisa Miller. She continues to profit financially and professionally from the book about her client, even discussing the mystery of her disappearance.

31. Liberty Counsel and Liberty University are still clients of Response Unlimited.

32. Victoria has been continuously employed at Liberty University School of Law, and has been promoted to "Director of Operations" in Admissions.

33. Plaintiff Janet Jenkins has not seen her daughter since January 2009. She has no idea where she is or how she is doing.

ARGUMENT

I. The Court Should Allow Amendment to Join Additional Defendants Under F.R.C.P. 21.

Rule 21 of the Federal Rules of Civil Procedure governs proposed amendments seeking to join new defendants. The rule provides that a party may be added “at any time, on just terms.” Fed. R. Civ. P. 21. The rule is “intended to permit the bringing in of a person, who through inadvertence, mistake or for some other reason, had not been made a party and whose presence as a party is later found necessary or desirable.” *United States v. Commercial Bank of N. Am.*, 31 F.R.D. 133, 135 (S.D.N.Y. 1962) (quotations omitted).

Until the documents produced in jurisdictional discovery in this matter and in the Zodiates trial were revealed, Plaintiff Janet Jenkins was unaware of the business connection between Liberty and RUL. The Defendants went to great lengths to conceal that connection through delay, obfuscation and outright lies to this Court which prevented Plaintiff Jenkins from joining these parties sooner. The joinder of these Defendants is also desirable and necessary. The evidence pertaining to these additional Defendants at the Zodiates trial was central to understanding his and RUL’s role in the kidnapping conspiracy. Zodiates’ lawyers even suggested to the jury, on September 27, 2016, that Zodiates thought removing Isabella from the United States was lawful because he had consulted with Liberty Counsel beforehand.

Under Rule 21, “courts must consider judicial economy and their ability to manage each particular case, as well as how the amendment would affect the use of judicial resources, the impact the amendment would have on the judicial system, and the impact [it] would have on each of the parties already named in the action.” *Sly Magazine, LLC v. Weider Publ’ns L.L.C.*, 241 F.R.D. 527, 532 (S.D.N.Y. 2007). Joining the Liberty Defendants would support judicial economy and efficient use of judicial resources. This case is still in the preliminary stages due to

the delays in obtaining jurisdictional discovery stemming from RUL's long standing denial that any communications among its employees regarding Lisa Miller even existed. Given that each of the Defendants already involved in this action conspired with the additional Liberty Defendants, the impact on the rest of the Defendants should come as no surprise to them. As was the case during the Zodiates trial, it is difficult to understand the role of RUL in Lisa Miller's flight without considering its business relationship and communications with the Liberty Defendants. Therefore, adding the Liberty Defendants to this action will avoid duplication at a later date or in a separate trial.

Motions pursuant to Rule 21 are treated with the "same standard of liberality afforded to motions to amend pleadings under Rule 15." *Soler v. G & U, Inc.*, 86 F.R.D. 524, 528 (S.D.N.Y. 1980). Rule 15 directs that leave to amend shall be freely given "when justice so requires." Fed. R. Civ. P. 15(a); *Foman v. Davis*, 371 U.S. 178, 182 (1962). A court has discretion to deny leave "only for such reasons as undue delay, bad faith, futility of the amendment, and perhaps most important, the resulting prejudice to the opposing party." *Richardson Greenshields Sec., Inc. v. Lau*, 825 F.2d 647, 653 (2d Cir. 1987) (quotation marks omitted).

Justice clearly requires joining these additional Liberty Defendants. Prior to obtaining this new information, Plaintiff Jenkins previously alleged that Liberty University was liable in this matter based on vicarious liability for its employee, Victoria Hyden. Based on the information available, this Court rejected that claim, stating that "there was no suggestion that the attorneys committed a tort by representing their client" in the Vermont litigation. Dkt. 115 at 30. The evidence outlined above shows that the attorneys did, in fact, commit intentional torts directed at Janet Jenkins in their unethical and misleading representation of Lisa Miller in the

Vermont Family Court, during which they continued to commit acts in furtherance of the kidnapping conspiracy.

Staver and Lindevaldsen were senior officials at Liberty Counsel and Liberty University School of Law at all times relevant to this case, and were actively engaged in efforts to nullify Janet Jenkins' rights and deny her contact with her daughter. When it became apparent they were losing their legal case, they simply went outside the law to achieve the desired impact. Clearly, they were working toward the same objective on behalf of Liberty Counsel and Liberty University and were acting within their agency. The Liberty Counsel/Liberty University attorneys' conduct in the Rutland Family Court, and outside the Court, was tortious and was intentionally aimed at causing harm to Janet Jenkins.

II. Specific Jurisdiction Exists in Vermont for RUL and Liberty

The new information described herein, and attached hereto as exhibits, also shows that Zodiates' and Victoria's tortious actions toward Janet Jenkins in Vermont were undertaken as part of their work for RUL – and more specifically – on behalf of their client Liberty Counsel, who was representing Lisa Miller in her Vermont Family Court litigation. Prior to the kidnapping, RUL and Liberty Counsel worked together to raise money for litigation aimed at nullifying Janet Jenkins' parental rights. According to Sidebottom, RUL's "prospecting package" for Lisa Miller's case "underperformed," in that it did not generate the desired revenues for the client. When it was clear that their legal and financial efforts were failing, RUL, Liberty Counsel, Liberty University and others went outside the law, and conspired to kidnap Isabella and ensure her retention outside the United States by providing material assistance to Lisa Miller. Therefore, Victoria and Zodiates were acting within the scope of their agency for

RUL, and acting on RUL's and its client's behalf, just as they were when they were providing lawful fundraising services toward the same desired outcome.

The information outlined herein establishes that Philip Zodhiates and Victoria Hyden's intentionally tortious conduct was undertaken in furtherance of their business at RUL. As Mr. LaPorta testified: "Philip Zodhiates is Response Unlimited." Moreover, at the time he drove Lisa Miller and Isabella to Buffalo, Zodhiates informed his secretary that he was "working from home on Liberty Counsel." RUL and the Liberty Defendants, through their agents and employees, worked legally to nullify Janet Jenkins' parental rights and, when that failed, they worked illegally and conspired to terminate Janet Jenkins' contact with Isabella on account of her sexual orientation. Hyden, Lindevaldsen and Staver misled this Court in their November 2012 affidavits in support of their Motion to Dismiss, and concealed the relationship between RUL and Liberty Counsel in furtherance of this scheme. This Court should therefore exercise jurisdiction over RUL, and join Mathew Staver, Rena Lindevaldsen, Liberty Counsel and Liberty University as parties to this action.

DATED at Middlebury, Vermont this 7th day of October, 2016.

SARAH R. STAR, ESQ., ATTORNEY
AND COUNSELOR AT LAW, P.C.

/s/ Sarah R. Star

Sarah R. Star, Esq.

PO Box 106

Middlebury, VT 05753

Email: srs@sarahstarlaw.com

Ph: (802) 385-1023 | Fx: (802) 419-3600

LANGROCK SPERRY & WOOL, LLP

/s/ Frank H. Langrock

Frank H. Langrock, Esq.

111 South Pleasant Street

PO Drawer 351

Middlebury, VT 05753-0351

Email: flangrock@langrock.com

P: (802) 388-6356 | F: (802) 388-6149

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, FOR HERSELF AND
AS NEXT FRIEND OF ISABELLA
MILLER-JENKINS, A/K/A ISABELLA
MILLER,

Plaintiffs,

v.

KENNETH L. MILLER, LISA ANN
MILLER F/K/A LISA MILLER-
JENKINS, TIMOTHY D. MILLER,
RESPONSE UNLIMITED, INC., FOR
ITSELF AND AS AN AGENT OF
LIBERTY COUNSEL, LLC AND
LIBERTY UNIVERSITY, PHILIP
ZODHIATES, INDIVIDUALLY AND AS
AN AGENT FOR RESPONSE
UNLIMITED, INC., VICTORIA HYDEN,
F/K/A VICTORIA ZODHIATES
INDIVIDUALLY AND AS AN AGENT
FOR RESPONSE UNLIMITED, INC.,
AND LIBERTY UNIVERSITY, LINDA
M. WALL, RENA M. LINDEVALDSEN,
INDIVIDUALLY AND AS AN AGENT
OF LIBERTY COUNSEL AND LIBERTY
UNIVERSITY, MATHEW D. STAVER,
INDIVIDUALLY AND AS AN AGENT
OF LIBERTY COUNSEL, LLC AND
LIBERTY UNIVERSITY, LIBERTY
COUNSEL, LLC, AND LIBERTY
UNIVERSITY

Defendants.

Docket No. 2:12-cv-184-wks

**REVISED SECOND AMENDED COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

NOW COME Plaintiffs herein, by and through their attorneys, Sarah R. Star, Esq., Attorney and Counselor at Law, P.C., and Langrock Sperry & Wool, LLP, and complain against Defendants for intentionally kidnapping and conspiring to kidnap Isabella Miller-Jenkins on or about September 21, 2009, and intentionally causing her continued detention outside the State of Vermont to the present day. Plaintiffs further complain against Defendants for conspiring to violate their civil rights in violation of 42 U.S.C. §1985(3).

This case is brought because the Defendants, through their actions, sought to thwart entirely the orders of the trial and appellate courts of the State of Vermont and the Commonwealth of Virginia after all of their apparent legal options had been exhausted in both states. When it was clear, after six years of state court litigation, that there was no legal justification for the continuing and repeated contemptuous conduct of Lisa Miller and the continued obstruction of the parent child relationship between Isabella Miller-Jenkins and Janet Jenkins, the parties conspired to kidnap Isabella Miller-Jenkins and ensure her detention outside of the United States, beyond the reach of either the Vermont or the Virginia Courts.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1332, and/or 1367. Venue is proper in this forum pursuant to 28 U.S.C. § 1391(a) & (b). Venue is proper under § 1391(a) & (b) in that a substantial part of the events or omissions giving rise to the claim occurred in this District. Venue is also proper under principles of pendent venue because all claims arise out of the same nucleus of operative facts.
2. Personal jurisdiction. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(a), as a substantial part of the events giving rise to the claims occurred in this district, and Defendants are subject to personal jurisdiction in this district, having had more than minimum contacts with Vermont, as their conduct and connection with Vermont are such that they should reasonably anticipate being haled into Court here.
3. Diversity Jurisdiction: With respect to the intentional tort of kidnapping/parental abduction this is an action brought pursuant to 28 U.S.C. § 1332 between citizens of different states. The amount in controversy exceeds \$75,000. Venue is proper in this district as jurisdiction is founded on diversity of citizenship, and a substantial part of the events giving rise to the claim occurred within the State of Vermont.
4. Violation of Civil Rights: This Court has original jurisdiction over actions arising under 42 U.S.C. §1985 pursuant to 28 U.S.C. §1343, and a substantial part of the events underlying the claim, including the equal protection afforded to the Plaintiffs under Vermont's Civil Union Statute, arose in Vermont.

PARTIES

5. Janet Jenkins: Plaintiff Janet Jenkins is an individual and resident of the Town of Fair Haven, County of Rutland, State of Vermont.
6. Isabella Miller-Jenkins: Plaintiff Isabella Miller-Jenkins, a/k/a/ Isabella Miller, is a minor child and daughter of Plaintiff Janet Jenkins and Defendant Lisa Miller. By order of the Vermont Family Court, she is currently supposed to reside in Fair Haven, County of Rutland, State of Vermont, but is currently outside the United States as the victim of kidnapping.

7. Lisa Ann Miller f/k/a Lisa Miller-Jenkins: Defendant Lisa Miller is living “in hiding” amongst the Nicaragua Beachy Amish-Mennonite Christian Brethren, while she continues to abduct Plaintiff Isabella Miller-Jenkins in knowing violation of the orders of the Vermont Family Court, but she has sufficient ties to the State of Vermont, including obtaining a civil union and the dissolution of same in Vermont and longstanding participation in litigation in the State of Vermont regarding parental rights of Plaintiff Isabella Miller-Jenkins, to subject her to the personal jurisdiction of this Court.
8. Kenneth L. Miller: Defendant Kenneth Miller is a resident of the State of Virginia, City of Stuart’s Draft. Kenneth Miller has sufficient contacts with the State of Vermont to subject him to the personal jurisdiction of this Court, including his personal appearance for criminal charges in Vermont arising from his participation in the kidnapping of Isabella Miller-Jenkins.
9. Timothy Miller: Defendant Timothy Miller is a resident of Managua, Nicaragua and Crossville, Tennessee. He has sufficient ties to Vermont, including personal appearance in Vermont for criminal charges related to the kidnapping of Isabella Miller-Jenkins to subject him to the jurisdiction of this Court.
10. Philip Zodhiates: Defendant Philip Zodhiates is a resident of the Commonwealth of Virginia, City of Waynesboro and the President and sole owner of Response Unlimited, Inc., a Delaware corporation with sufficient contacts with the State of Vermont to subject it to personal jurisdiction in this Court, including providing direct mail and marketing services nationally and internationally, including in Vermont.
11. Victoria Hyden f/k/a Victoria Zodhiates: Defendant Victoria Hyden is a resident of the Commonwealth of Virginia, City of Lynchburg, and is or has been an employee of Response Unlimited, Inc. and Liberty University in relation to the claims set forth herein, giving her sufficient contacts with the State of Vermont to subject her to the jurisdiction of this Court.
12. Response Unlimited, Inc.: Defendant Response Unlimited, Inc., is a Delaware corporation with sufficient contacts with the State of Vermont to subject it to jurisdiction in this Court, including providing Christian direct mail and marketing services nationally and internationally, including in Vermont.
13. Linda Marie Wall: Defendant Linda Wall is a resident of the City of Concord, Commonwealth of Virginia, with sufficient contacts with the State of Vermont to subject her to the jurisdiction of this court.
14. Rena M. Lindevaldsen is a resident of the City of Lynchburg, Commonwealth of Virginia and is an employee of Liberty Counsel and Liberty University in relation to the claims set forth herein, giving her sufficient contacts with the State of Vermont to subject her to the jurisdiction of this Court.
15. Mathew D. Staver is a resident of the City of Orlando, State of Florida and is or has been an employee and officer of Liberty Counsel and Liberty University in relation to

the claims set forth herein with sufficient contacts with the State of Vermont to subject him to the jurisdiction of this Court.

16. Liberty Counsel, LLC is a non-profit law firm affiliated with Liberty University with principal places of business in the City of Lynchburg, Commonwealth of Virginia and in the City of Orlando, State of Florida, having sufficient contacts with the State of Vermont to subject it to the jurisdiction of this Court.

~~13.~~17. Liberty University is a purported educational institution located online and in the City of Lynchburg, Commonwealth of Virginia, having sufficient contacts with the State of Vermont to subject it to the jurisdiction of this Court.

COMMON ALLEGATIONS OF FACT

~~14.~~18. Isabella Miller-Jenkins is the daughter of Lisa Miller and Janet Jenkins. She was born in 2002 while the two mothers were united in a Vermont civil union. When Isabella was seventeen months old, Lisa Miller moved with Isabella to Virginia and petitioned the Rutland Vermont Family Court to dissolve the union. The Family, Appellate and Supreme Courts of both Vermont and Virginia have since ruled that the Rutland Family Court has continuing and exclusive jurisdiction over custody determinations regarding Isabella Miller-Jenkins, that she has a right to a relationship with both of her parents, and that it is in her best interests to have contact with both of her parents on a schedule ordered by the Court.

~~15.~~19. At or about the time she petitioned for dissolution of the civil union in 2004, Defendant Lisa Miller was purportedly or actually “born again,” that is, converted to fundamental Christianity and asserted the belief that homosexuality was sinful and that Isabella should be shielded from exposure to the “lifestyle.” At or about this time, Lisa Miller joined the Keystone Baptist Church in Winchester, Virginia. There, she formed a friendship with Pastor Douglas Wright. While she was a member of Keystone Baptist, Lisa Miller began to deny the Court ordered parent child contact between Isabella and Janet Jenkins. Lisa Miller was found in contempt of the Vermont Court orders starting in 2004.

~~16.~~20. Since 2004, there have been numerous instances when Janet Jenkins was entitled to lawful custody of Isabella in the State of Vermont, including during vacations, holidays and weekends and continuously since January 1, 2010 when full physical and legal responsibilities for Isabella were transferred to Jenkins from Defendant Lisa Miller. However, since 2008, Jenkins and Isabella have only seen each other on two occasions. Both the Rutland, Vermont Family Court, and the juvenile courts in Virginia which registered and enforced the Vermont orders, have found Lisa Miller in contempt and imposed sanctions for her conduct. Despite these sanctions, Lisa Miller continued to ignore the Court’s orders with the assistance and encouragement of the Co-Defendants. Since January 2010 Isabella has been listed as missing by the National Center for Missing and Exploited Children, the victim of a family abduction.

2004-2008

~~17~~.21. Defendant Linda Wall, a Virginia anti-gay activist and Thomas Road Baptist Church (“TRBC”) member, stated that in 2004 she was contacted by attorney Rena Lindevaldsen, of Liberty University- and was asked to meet with Lisa Miller to screen her for representation by lawyers working at Liberty University and its related law firm, Liberty Counsel, LLC. After this screening, Lisa Miller was accepted for representation by Liberty University attorneys, and also formed a friendship with Defendant Wall. Lisa Miller’s lead attorneys were Dean of the Law School Mathew Staver, and Rena Lindevaldsen, a law professor there.

~~18~~.22. At the time of the final contested hearing to dissolve the civil union, which due to numerous appeals did not occur until April 2007, Lisa Miller testified that in the future she would comply with court orders regarding such contact despite her failure to do so in the past and on June 15, 2007 the Rutland Family Court issued a Final Order awarding legal and physical parental rights and responsibilities to Lisa Miller subject to the time that Janet Jenkins was entitled to lawful custody during holidays, vacations and some weekends.

~~19~~.23. Between June 2007 and Christmas 2007 Lisa Miller did in fact comply with the orders of the Rutland Family Court on a number of occasions. Isabella spent a week in Vermont with Plaintiff Jenkins, and had several overnight visits in Virginia at the home of Jenkins’ parents, Isabella’s grandparents Ruth and Claude Jenkins. The relationship between Isabella and Janet Jenkins was in the process of being repaired. However, this compliance was short lived.

~~20~~.24. In the spring of 2008, Lisa Miller, with the encouragement and support of the Defendants named herein, moved with Isabella from her home in Winchester, Virginia to the Lynchburg area, where she was provided with housing, a job and a vehicle by TRBC. Lisa Miller began to associate more openly with the Co-Defendants. In Lynchburg, Lisa Miller joined Thomas Road Baptist Church and was hired as a teacher at TRBC’s elementary school, Liberty Christian Academy, where Isabella also became enrolled. Upon information and belief, at Liberty Christian Academy, Lisa Miller would also give assemblies to students to discuss her legal battle.

~~21~~.25. Also in the spring of 2008, Lisa Miller and Defendant Wall met to discuss what Lisa Miller should do “knowing that Virginia” law was not going to prevent Isabella from having contact with Plaintiff Jenkins. At this time, Appellate Courts in Vermont and Virginia had affirmed Janet Jenkins’ parental rights. Upon information and belief, Defendant Wall and Lisa Miller decided and agreed as early as June of 2008 that Lisa Miller should flee with Isabella.

~~22~~.26. The Protect Isabella Coalition was organized in the spring of 2008 in Lynchburg by Wall and Lisa Miller and other church agents, including Deborah Thurman, who ran a woman’s group at TRBC. The purpose of the Protect Isabella Coalition (“PIC”) was to prevent court ordered contact between Isabella Miller-Jenkins and Janet Jenkins. Lisa Miller’s attorneys had established a Facebook site and other social media to solicit donations to their organization on behalf of Lisa Miller, and the Facebook site was also used to promote the activities of Lisa Miller and the PIC.

23:27. During her employment at TRBC and participation in the PIC, Lisa Miller continued to be in contempt during court ordered visitation time, and threatened future acts of custodial interference. Lisa Miller appeared on a radio program called “Janet Parshall’s America” and threatened that she would not comply with a court’s order to transfer legal and physical rights and responsibilities to Janet Jenkins.

28. On May 27, 2009, Janet Jenkins filed a Motion to Modify Parental Rights and Responsibilities in the Vermont Family Court. This Motion requested a transfer of custody to Plaintiff Jenkins due to Lisa Miller’s continued interference with court ordered visitation. On May 29, 2009 Lisa Miller made contact with Philip Zodhiates, a resident of Waynesboro, Virginia and the President of Response Unlimited, Inc. a Christian direct mail marketing company.

24:29. [Unbeknownst to Jenkins, Response Unlimited, Inc. was working in conjunction with the lawyers at Liberty Counsel to raise funds in support of the effort to terminate her contact with her daughter, Isabella. This work began in 2008 and in early 2009, Philip Zodhiates had offered Liberty Counsel a “personal option” for Lisa Miller in the event that her legal fight failed.](#)

25:30. On August 21, 2009, the Rutland Family Court held a full day hearing on Janet Jenkins’ request to transfer custody of Isabella to her in light of Lisa Miller’s ongoing violation of court orders and her disregard of Isabella’s best interests. Lisa Miller did not appear for the hearing.

26:31. On August 25, 2009, the Family and Juvenile Court of Fredrick County, Virginia held a hearing on Janet Jenkins’ request to hold Lisa Miller in contempt of the Vermont Family Court Orders, and her request to enforce the orders in the Commonwealth of Virginia. The Virginia Court held Lisa Miller in contempt and fined her \$100 per day for any future days of missed contact between Janet Jenkins and Isabella Miller-Jenkins. Lisa Miller did appear at this hearing and held a press conference, flanked by her attorneys Mathew Staver and Rena Lindevaldsen from Liberty University. Members of the PIC were also present.

27:32. On September 4, 2009 the Rutland Family Court held a hearing at which it issued an Interim Order while Janet Jenkins’ Motion to transfer custody (which had been heard on August 21, 2009) was under consideration. The Rutland Family Court ordered contact between Janet Jenkins and Isabella from September 25, 2009 until September 27, 2009. Lisa Miller did not appear at that hearing, and her attorneys participated via telephone.

28:33. On or about September 5, 2009, Lisa Miller emailed Debbie Thurman and stated that she knew of the September order. Debbie Thurman posted this email on Facebook. Lisa Miller also granted an interview to an online publication called Lifesitenews.com, discussing the order, and what she thought would happen if she did not follow it – that she would lose custody.

29:34. By the late summer of 2009, Lisa Miller and her co-conspirators had devised a plan to kidnap Isabella and avoid detection by infiltrating the Beachy Amish-Mennonite Christian Brotherhood (“Brotherhood”) to enable her abduction of Isabella.

Lisa Miller's involvement with the Brotherhood was not known to Janet Jenkins until April of 2011, when Timothy Miller, a Beachy Amish-Mennonite pastor in the Nicaragua Brotherhood was arrested for Aiding and Abetting Isabella's abduction.

~~30.~~35. On September 19, 2009, two days before her departure for Nicaragua, Lisa Miller and Isabella travelled back to Winchester, VA. During this trip, Lisa arranged to meet Pastor Wright in a parking lot so that she and Isabella could say "good-bye" to him.

36. Unbeknownst to Plaintiff Janet Jenkins, on September 21, 2009, Lisa Miller and Isabella were transported, in disguise as Amish-Mennonites, to the Canadian border by Philip Zodhiates and at least one other Response Unlimited, Inc. employee. Lisa Miller and Isabella crossed the border at the Rainbow Bridge in a taxi in the early morning hours of September 22, 2009, just days prior to the contact ordered by the Rutland Family Court in its September 2009 Interim Order.

~~31.~~37. On September 24, 2009, a Response Unlimited employee named Bill Dolack sent Zodhiates an online news story about Lisa Miller being menaced with loss of custody if she did not comply with the September 25, 2009, visitation. Zodhiates replied to that email stating: "Thanks, this is really old news though. The lawyers were pretty adamant about yesterday morning being the hearing."

~~32.~~38. In the days prior to September 22, 2009, Lisa Miller and Philip Zodhiates conspired with Kenneth Miller, a member of the Virginia Brotherhood with whom both Victoria and Philip Zodhiates were acquainted, to arrange the purchase of plane tickets from Canada to Nicaragua for Lisa Miller and Isabella Miller-Jenkins. Kenneth Miller also arranged for a Canadian member of the Brotherhood to transport Lisa Miller from an Ontario Hotel to the Toronto airport. Lisa Miller and Isabella Miller-Jenkins flew to Mexico, then El Salvador, and then met Timothy Miller in Nicaragua. Timothy Miller was instructed by Kenneth Miller to purchase plane tickets for Lisa Miller and Isabella, and used his mother-in-law's credit card to do so. Several days later, Kenneth Miller used cash to send a money order to reimburse Timothy Miller's mother-in-law. This was done anonymously, and in such a way as to avoid detection in a clear effort to avoid the September visit, and the anticipated transfer of custody.

~~33.~~39. Kenneth Miller was a pastor at the Pilgrim Christian Fellowship in Stuart's Draft, VA and a leader within the Beachy Amish-Mennonite community. He was also employed at his family's garden center, Millmont Greenhouses, Inc., in Stuart's Draft, VA.

40. Starting in September 2009, Lisa Miller and Isabella lived near or among the Beachy Amish-Mennonite Community in Nicaragua ("Nicaragua Brethren"). This was all done in secret and in such a way as to avoid detection by United States authorities and Janet Jenkins. Lisa Miller would eventually go into "hiding" with Isabella among the Nicaragua Brethren, but would continue to communicate with members of TRBC with the assistance of Philip Zodhiates, Kenneth Miller and members of the Nicaragua Brethren. Lisa Miller went by the name "Sarah" and Isabella was called "Lydia" while in Nicaragua.

34.41. In Nicaragua in the fall of 2009 Lisa Miller spoke with Andrew Yoder, who worked for a Mennonite Charity called Christian Aid Ministries. She told Andrew Yoder that Liberty Counsel had advised her that it would be in her best interests to disappear.

42. Lisa Miller did not return Isabella for the September 2009 visit, and Janet Jenkins has not seen or heard from Lisa Miller or Isabella since that time. Janet Jenkins arranged for a welfare check at Lisa Miller's last known address in Forest, Virginia in December of 2009, but no one was home. On December 10, 2009, Plaintiff Janet Jenkins requested that the police in Forest, VA conduct a welfare check at Lisa Miller's home. The police reported that the curtains were drawn and the lights were off.

35.43. Janet Jenkins did not learn of Lisa Miller and Isabella Miller-Jenkins' whereabouts until June of 2010.

36.44. Unbeknownst to Plaintiff Janet Jenkins, in 2009, Victoria Zodhiates (now Hyden) was an employee of Response Unlimited, Inc., and also a "student worker" at Liberty University. On information and belief, Victoria Zodhiates delivered emails from her father sent an email during this time period to Rena Lindevaldsen her co-workers at the Liberty University law school requesting donations for supplies and coordinating the removal of items from Lisa Miller's apartment to send to Lisa Miller to enable her to remain outside the country. Lisa Miller's attorney, Matthew Staver, was the Dean of the law school and Ms. Zodhiates's boss. Matthew Staver and Philip Zodhiates were also personal acquaintances at this time. On September 20, 2009, both Philip Zodhiates and Victoria Hyden communicated with Lisa Miller's father, Terry Miller, in Tennessee to assist in arranging her and Isabella's transportation from a Walmart parking lot in Lynchburg, Virginia, to Waynesboro, Virginia, from whence they would depart for Canada and Nicaragua the next day.

45. In early November, 2009, elders of the Thomas Road Baptist Church, specifically Rena Lindevaldsen and Linda Wall packed up the personal belongings of Lisa Miller in two bags. These bags were picked up from Lynchburg, Virginia by Philip Zodhiates who arranged to have the bags transported to Nicaragua by sending them with his son's school teacher who was taking some children on a mission trip to Managua. Philip Zodhiates arranged for the teacher, John Collmus, to deliver the bags at the airport to Timothy Miller. The bags also contained some supplies for Lisa Miller, such as peanut butter.

37.46. In addition to retrieving Lisa Miller's items from her apartment, Victoria Hyden used her employment at Liberty University to facilitate Lisa Miller's communication with her lawyer, Rena Lindevaldsen during the time that Lindevaldsen claimed she was unable to communicate with Lisa Miller in an attempt to help her duck service of contempt and enforcement pleadings filed by Janet Jenkins to help locate Isabella.

38.47. On November 20, 2009, after numerous contempt findings against Lisa Miller, the Rutland Family Court issued its Order that legal and physical parental rights and responsibilities for Isabella to be transferred to Plaintiff Janet Jenkins,

effective January 1, 2010 at 1:00 p.m. Deborah Thurman, a member of Thomas Road Baptist Church and the PIC posted a note from Lisa Miller on Facebook on December 5, 2009, acknowledging the ruling.

48. On November 20, 2009, the day that the order was issued transferring custody, Kenneth Miller made a phone call to Timothy Miller in Nicaragua. Kenneth Miller also contacted Douglas Wright of Keystone Baptist Church. He asked Pastor Wright to assist in disposing of Lisa Miller's belongings from her apartment in Virginia.

~~1. On December 10, 2009, Plaintiff Janet Jenkins requested that the police in Forest, VA conduct a welfare check at Lisa Miller's home. The police reported that the curtains were drawn and the lights were off.~~

49. At a December 18, 2009, status conference, Plaintiff informed the Rutland Family Court that Isabella and Lisa seemed to be missing. Liberty Counsel persisted in filing an appeal in the Vermont Supreme Court on Lisa Miller's behalf, and requested a stay of the order transferring custody of Isabella to Janet Jenkins.

~~39:50.~~ A hearing on the motion for a stay was held on December 22, 2009 and Rena Lindevaldsen stated to the Rutland Family Court: "I had no reason to believe until this last conference when Ms. Star indicated that, apparently, there's been no coming and going at her house, -that she wasn't at her home. I've left -- you know, again, I've left her messages."

~~40:51.~~ On December 30, 2009 after the news of Lisa Miller and Isabella's disappearance broke, Deborah Thurman made a statement on her internet blog, which she linked to the Only One Mommy site. She stated, inter alia:

So, the blogosphere and the mainstream media are now abuzz with the news that - gasp! - Lisa and Isabella Miller are nowhere to be found, just days before the court-mandated transfer of custody of 7-year-old Isabella to Janet Jenkins. Ya reckon?

And in conclusion, she wrote:

The majority of Americans overwhelmingly support traditional marriage. If the tyrannical minority wants to push against that, it can and will be met with civil disobedience. There is no other way.

~~41:52.~~ This threat was removed from the internet after Plaintiff Jenkins printed it out and brought it to the police.

2010

~~42:53.~~ Lisa Miller did not return Isabella for the January 1, 2010 transfer of custody but held her outside the United States, despite her knowledge of the ruling.

~~43:54.~~ In January 2010, Linda Wall appeared on television with several members of the PIC to endorse the kidnapping. In discussing her role, Wall compared herself to

Harriet Tubman, and suggested she would take similar actions with regard to more children from same-sex families.

44.55. Defendant Wall also wrote on Facebook that if anyone knew of Lisa Miller and Isabella's whereabouts, they should not tell anyone. She also made several phone calls to law enforcement to instruct them that they should not look for Lisa Miller and Isabella.

45.56. In May of 2010, Philip Zodhiates contacted Kenneth Miller purportedly to arrange the purchase of hydrangea plants from Millmont Greenhouses, Inc., for his daughter Victoria Zodhiates' wedding. Upon information and belief, this transaction with Philip Zodhiates was never recorded in the normal course of business, but instead, was fraudulently transferred through a payroll account into a check to Andrew Yoder, for \$500. Andrew Yoder was never an employee of Millmont Greenhouses, Inc. On August 10, 2012, Andrew Yoder testified under oath that he received a check to cash from Kenneth Miller to enable him to bring cash to Nicaragua to transfer to Timothy Miller. Yoder testified that he believed this cash was related to Lisa Miller. Yoder also testified that he had met Lisa Miller and Isabella through Timothy Miller in 2009, and that he knew of her custody case.

46.57. With the assistance of Thomas Road Baptist Church members, [including Linda Wall and Rena Lindevaldsen](#), as well as Kenneth Miller, Timothy Miller, Philip Zodhiates, and Victoria Zodhiates, in their individual capacities and as agents of Response Unlimited, [and Liberty University](#) Lisa Miller was able to leave the United States in advance of September 25, 2009 and remain there past January 1, 2010. Linda Wall sought donations for Lisa Miller after January 2010, [and the Liberty Counsel lawyers misled courts in two states to delay contempt proceedings aimed at locating Isabella](#). Since the fall of 2009, Lisa Miller has received aid from the Brotherhood, to continue her abduction of Isabella. Lisa Miller worked in the Managua home of Pastor Timothy Miller. Timothy Miller was arrested for aiding and abetting the kidnapping of Isabella Miller-Jenkins in April of 2011. In November, 2011, charges were dismissed when he agreed to provide truthful testimony for the United States Government. [However, Timothy failed to give truthful testimony and failed to return to the United States for trial. He was subsequently deported to the United States to stand trial.](#)

47.58. At the time of Timothy Miller's arrest Isabella was living with Lisa in Jinotega, Nicaragua, where Lisa Miller was teaching in a school. After the arrest, when her location was discovered, Isabella was uprooted again to an unknown location. It is not known if Isabella is still with Lisa Miller since this time, or with others who are keeping her in hiding.

2011

48.59. In November 2011, following the dismissal of the charges against Timothy Miller, Kenneth Miller was indicted for aiding and abetting the international parental kidnapping of Isabella Miller-Jenkins. Kenneth Miller, who was living in Ireland at the time of his arrest, had been a pastor and member of the Pilgrim Christian Fellowship in Stuart's Draft, VA, where Victoria Hyden had previously attended grade school.

Through his employment at the church, he was acquainted with Defendants Victoria and Philip Zodhiates.

49.60. At the trial of Kenneth Miller in August 2012, the government introduced phone records that showed phone calls made from Philip Zodhiates's cell phone between 1:28 pm and 1:30 pm on September 22, 2009, to a cell phone with an Orlando area code that is registered to Liberty Counsel, a landline registered to Liberty Counsel, and a landline registered to Liberty University. Mathew Staver, Dean of Liberty University, splits his time between Lynchburg, Virginia and Orlando, Florida. At the time that the calls were made, Philip Zodhiates was still en route back to Virginia after depositing Lisa Miller and Isabella near the Canadian border.

50.61. Lisa Miller's attorneys, Matthew Staver and Rena Lindevaldsen have at all times maintained that they did not know their client's location to various courts in Vermont (including in sworn testimony of Rena Lindevaldsen) and Virginia, and to the press that Lisa Miller simply stopped communicating with them and disappeared. This was demonstrably false. Rather, they Meanwhile, Matthew Staver's acquaintance, Philip Zodhiates, and his daughter Victoria Zodhiates, knew of Lisa Miller's whereabouts, knew the identities of certain co-conspirators and solicited donations and retrieved items to support theher crime. from other Liberty University law school employees for her aid. Also, while Lisa Miller and Isabella were missing, Lisa Miller's attorneys continued to mislead the Vermont and Virginia Courts, and press appeals on Lisa Miller's behalf until the last appeals were exhausted in November 2010 (more than a year after she was missing), stating that they had advance instructions from Lisa Miller as to her wishes for the ongoing litigation.

51.62. Rena Lindevaldsen published a book with New Revolution Press about Lisa Miller in 2011, citing portions of Lisa Miller's personal diaries which Lindevaldsen has stated were entrusted to her before Lisa Miller disappeared. Lindevaldsen and Staver have appeared on radio and television to promote the book, entitled Only One Mommy: A Woman's Battle for Her Life, Her Daughter, and Her Freedom: The Lisa Miller Story. Rena Lindevaldsen's book was required reading for all incoming Liberty University School of Law sStudents.

2012

52.63. On February 2, 2012, the Nicaragua Brethren released an official statement detailing how Lisa Miller had, from their perspective, infiltrated the Brethren, and was now in hiding among them, stating in part:

Lisa Miller left the US free with full custody of her child and lived in Nicaragua as a free person. She had her own money and took care of herself. After a time of instruction, and of searching the Scriptures, she asked to become part of the church and was received into the brotherhood.

To our knowledge neither Lisa nor any of the Nicaraguan brethren had heard that an arrest warrant had been issued for her until Timo Miller was arrested a year later. Then we discovered that the law was accusing the brethren of aiding in a kidnapping even though Lisa still had total and legal custody when she left the US.

After Timo Miller's arrest the law started to pursue Lisa, so she decided to go into hiding.

Several years have passed. At the time we did not know what all was going on. We only knew that the poor mother and the precious child needed help, so some of our people kindly extended them a helping hand. But now this case has grown and quite a few congregations have been affected.¹

COUNT ONE – INTENTIONAL TORT OF KIDNAPPING

Plaintiffs incorporate by reference paragraphs 1 through 6532 as though fully set forth herein.

~~53-64.~~ Plaintiffs Janet Jenkins and Isabella Miller-Jenkins allege that on or about September 21, 2009 Lisa Miller did commit the intentional tort of kidnapping Isabella Miller-Jenkins and transporting her, under cover of night, while both disguised as Amish-Mennonites, outside of the United States in order to interfere with Janet Jenkins' lawful custody of Isabella between the dates of September 25, 2009 and September 27, 2009. Plaintiffs also allege that Lisa Miller intentionally held Isabella Miller-Jenkins outside of the United States, specifically, in Nicaragua, to interfere with Janet Jenkins' lawful custody of Isabella between the dates of January 1, 2010 and the present, and to thwart the equal protection afforded to Janet Jenkins and Isabella Miller-Jenkins under Vermont law. Such acts constitute the act or threat of kidnapping chargeable as a criminal offense under Vermont law and punishable by imprisonment for more than one year.

~~54-65.~~ Plaintiffs Janet Jenkins and Isabella Miller-Jenkins further allege that Lisa Miller did conspire with, and was aided and abetted by Response Unlimited, Inc., Philip Zodhiates, individually and as an agent/officer of Response Unlimited, Inc., Victoria Hyden, f/k/a Victoria Zodhiates, individually and as an agent of Response Unlimited, Inc. and Liberty University, Kenneth Miller, Timothy Miller, ~~and~~ Linda Wall, Rena Lindevaldsen, individually and as an agent of Liberty Counsel and Liberty University, Mathew Staver, individually and as an agent of Liberty Counsel and Liberty University, and Liberty Counsel, LLC and Liberty University.

COUNT TWO: CONSPIRACY TO VIOLATE CIVIL RIGHTS

Plaintiffs incorporate by reference paragraphs 1 through 645 54 as though fully set forth herein.

~~55-66.~~ 42 U.S.C. § 1985 (3) provides a civil cause of action for any person who is injured in his person or property by reason of "two or more persons in any State or

¹ Available at <http://www.lifesitenews.com/news/i-promised-god-that-if-he-would-save-my-baby-i-would-leave-the-homosexual-l/>

Territory conspir[ing] or go[ing] in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws.”

~~56~~.67. _____ Plaintiffs Janet Jenkins and Isabella Miller-Jenkins allege that Lisa Miller conspired with [Liberty Counsel, LLC, Liberty University](#), Response Unlimited, Inc., Philip Zodhiates, individually and as an agent/officer of Response Unlimited, Inc., Victoria Hyden, f/k/a Victoria Zodhiates, individually and as an agent of Response Unlimited, Inc., and [Liberty University](#), Kenneth Miller, Timothy Miller, ~~and~~ Linda Wall, [Rena Lindevaldsen, Mathew Staver, individually and as agents of Liberty Counsel and Liberty University](#) to violate the civil rights of Janet Jenkins and Isabella Miller-Jenkins, based on discriminatory animus against same-sex couples and against Janet Jenkins due to sexual orientation, and to prevent the courts of Vermont and Virginia from securing to them equal protection of the law, and to prevent or hinder State authorities from securing equal protection of the law to same-sex couples.

DAMAGES

~~57~~.68. _____ As a result of Isabella’s kidnapping, Janet Jenkins has suffered extreme emotional distress and the loss of her daughter’s companionship.

~~58~~.69. _____ Janet Jenkins has incurred legal fees and lost business as a result of having to close her daycare center in order to attend contempt and other court hearings, and meetings with law enforcement necessary to locate her daughter. These losses constitute a damage and injury to her business and property. Janet Jenkins has also been unable to collect court ordered fines, which constitute a property interest. These fines have been accruing in the amount of \$100 per day from September 25 to 27, 2009 and since January 1, 2010 and are expected to continue indefinitely while Isabella is abducted.

~~59~~.70. _____ Plaintiff Isabella Miller-Jenkins has suffered emotional distress as a result of the abduction. According to Timothy Miller, at one point, Isabella was living in isolation and having a difficult time. In the most recent report about Isabella’s whereabouts, it seems that her freedom of movement is severely restricted by the Nicaragua Brethren and Lisa Miller and that her standard of living is far below what even the poorest children in the United States experience.

~~60~~.71. _____ Plaintiff Isabella Miller-Jenkins has also suffered the loss of emotional and financial support from her mother, Janet Jenkins. Isabella has a property interest in child support from one or both parents based on her needs and best interests. The child support previously due to the custodial parent for Isabella’s care was approximately \$250 per month. This deprivation continues today and is expected to continue indefinitely into the future. In addition to the property right of child support, on information and belief, Isabella is currently being deprived of an education, medical and dental care and the support of her extended family, including grandparents Ruth

and Claude Jenkins. All of these factors currently and will in the future result in an injury to Isabella’s property and future business and employment.

| ~~61.72.~~ Plaintiffs request compensatory and punitive damages against Defendants for the intentional tort of kidnapping Isabella and for violations of the Plaintiff’s civil rights.

JURY DEMAND

Plaintiffs request a jury trial on factual issues and the required fee has been or will be paid.

PRAYER

For the above reasons, Plaintiffs request that the named Defendants be made to appear herein and be held liable as alleged herein and that judgment be entered in the Plaintiffs favor against the Defendants in the following particulars:

1. An order that the Defendants cease their unlawful activities immediately and return Isabella Miller-Jenkins to the United States.
2. Actual and punitive damages as requested herein.
3. Attorney’s fees and expert witness fees.
4. Costs of court and any other relief to which the Plaintiffs are justly entitled.

| DATED AT MIDDLEBURY, VERMONT this ~~7th~~^{28th} day of ~~October~~^{May}, 201~~6~~⁴

Sarah Star, Esq.
 Sarah R. Star, Esq., Attorney and Counselor at Law, P.C.
 P.O. Box 106
 Middlebury, VT 05753

| ~~Frank Langrock~~^{Emily J. Joselson}, Esq.
 Langrock Sperry and Wool, LLP.
 111 S. Pleasant Street, PO Drawer 351
 Middlebury, VT 05753-0351

683736.1

EXHIBIT 1

Matt LaPorta

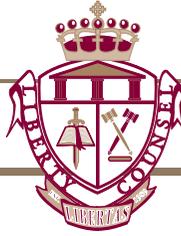
From: Philip Zodhiates
Sent: Monday, December 17, 2007 11:32 AM
To: Bill Dolack
Subject: FW: The Liberty Counsel November Appeal
Attachments: LC-Nov 07 Letter.pdf; LC-Nov 07 A8 CF Env.pdf

From: Tad Crisp [<mailto:tad@crispgraphics.com>]
Sent: Monday, December 17, 2007 11:14 AM
To: Philip Zodhiates
Subject: The Liberty Counsel November Appeal

Here is the Carrier and the Letter

Tad Crisp
Crisp Graphics
Phone: 615-633-4250
FAX: 615-633-4251
Mobile: 615-633-6372
email: tad@crispgraphics.com
Street: 860 Golden Hollow Road, Dixon Springs, TN 37057
www.crispgraphics.com

LIBERTY COUNSEL



Mathew D. Staver
Founder and Chairman

Anita L. Staver
President

I can't recall a more emotionally charged legal case than the one involving Lisa Miller and her precious daughter Isabella. What makes it even more intense is the fact that every American family has a huge stake in its outcome. After reading this letter, you will see "homosexual activism" in a whole new light...

Mat

Dear friend of the family,

In the dark of the night you are jolted awake by loud pounding on your door. "Bam, bam, bam!" The frightening sound is repeated several times.

You make your way to the door with your heart pounding, hoping it's not who you think it is. Fighting back the fear, you ask, "Who is it?" "Ma'am, we're deputy sheriffs and we have a warrant. Please open the door."

This is a time you never wanted to arrive. A court in another state has issued an order to remove your child – an innocent little girl who is your own flesh and blood.

Last year she accepted Jesus as her Lord and Savior. She sings joyful praises to Him. You taught her the songs. You have heard her sweet, innocent prayers. Now, even with so many powerful emotions rushing through your mind, you are forced to consider the unthinkable – what will her life be like from now on?

You know the place where the deputies will take her is hostile to her faith. The household where she will live does not welcome Christ. She will be indoctrinated in the ways of radical lesbianism. Oh, how you hoped this day would never arrive.

This nightmare could become reality for Lisa Miller and her six-year-old daughter, Isabella. You see, years ago before she was a Christian, Lisa met a woman by the name of Janet. One thing led to another, and Lisa and Janet began a short-term lesbian

Please turn over to continue...

RUL 0705

--2--

relationship while living in Virginia.

Lisa and Janet drove to Vermont to obtain a "civil union" license and returned to Virginia, where Lisa gave birth to Isabella after being artificially inseminated. The three of them moved to Vermont for a short time, and that's when Lisa became a Christian. Realizing the relationship was wrong, she and Isabella moved back to Virginia. That's when the battle between the two states began.

Vermont recognizes same-sex civil unions and granted Janet parental rights, even though she has no biological or adoptive relationship to Isabella. Virginia courts at first refused to honor Vermont's civil unions, because Virginia only recognizes marriage between one man and one woman and expressly does not recognize same-sex civil unions.

But a Virginia court of appeals, inexplicably, sided with Vermont. That's when the Vermont courts began pressing for visitation and custody, threatening to remove Isabella if Lisa would not send her child to Vermont to be with Janet, who continued to live an openly lesbian lifestyle.

There was one ray of hope left for Lisa and Isabella. That was for the Virginia Supreme Court to review the case and take their side. But the Virginia Supreme Court does not take many cases, and there was no guarantee it would take this one.

Thank God, it did! When we received the order from the Virginia Supreme Court that it would take the case, we were ecstatic and praised God. Thus far, the horrible day described in this letter's opening paragraphs has not yet come. We are doing everything we can to make sure it never does.

I cannot begin to describe the agony and gut-wrenching emotions our staff has felt these past several months. Of course, it has been even worse for Lisa.

Not knowing whether the dreadful day was only hours away, even as her Liberty Counsel attorneys developed strategies and filed legal documents, and then fervently praying that the Virginia Supreme Court would take her case, Lisa had no choice but to comply with the Vermont courts and allow Isabella to stay with Janet on frequent visits.

Prior to this summer, Isabella did not know Janet. She had never even thought of having "two mommies." Her mommy is Lisa. Yet, by force of the courts, Isabella was thrust into a distant lesbian household in Vermont.

Please turn to next page...

RUL 0706

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Lisa will never forget the first week Isabella had to stay with Janet. She called her mom sobbing, saying "I want to come home. Why can't I come home? I don't want to be here."

And when Lisa was reunited with Isabella after the initial court-ordered visits, no mother would ever want to hear the stories she heard. Isabella told Lisa about how Janet forces her to call her "mom." Isabella does not want to do this and she protests, "You're not my mommy!"

Isabella told Lisa how Janet forces her to take baths together. Past that fact, I cannot describe anything further.

In the short time of being exposed to Janet's lesbian lifestyle, Isabella has begun wetting, having nightmares, and clinging to Lisa. While we fight this battle in yet another court of law, we pray for victory. And we pray that in the meantime, Isabella will not suffer long-term emotional damage.

I am very thankful that Lisa's life has been transformed by the power of Jesus Christ. I am thankful that Isabella has a personal relationship with our Lord. They are both precious in His eyes. I am thankful that we have one more opportunity at the Virginia Supreme Court to stop this madness!

And I am truly thankful for your prayers and support of this ministry. I cannot imagine Lisa going through this alone. She doesn't have enough money to hire lawyers. I feel certain that if Liberty Counsel had not come to Lisa's aid, little Isabella's life would already be severely damaged with little hope of recovery.

The Lord has blessed this ministry with the opportunity to fight for the family in the courtrooms of America. God's created design for the family is a father and a mother committed to one another for life. The family is the first form of government. Upon the family, all society rests.

This month we will file our brief at the Virginia Supreme Court. Early next year we will present the oral arguments. This will be one of the most important cases I have ever argued. May God give us grace and favor with the court.

If the Virginia Supreme Court sides with Lisa, the case will go to the United States Supreme Court. If the Virginia Supreme Court sides with Janet, then Lisa will face the day that we all pray will never come.

For Lisa and Isabella's sake, I feel compelled to ask for your help. Your prayers and financial help could be the margin of

Please turn over to continue...

RUL 0707

--4--

victory in this battle. This case has become very costly, and we have another landmark defense of marriage and family looming at the California Supreme Court.

Thank you for your compassionate gift, and please keep Lisa and little Isabella close to your heart in prayer.

In Christ's love,



Mat Staver

P.S. I read this letter last night after Mat wrote it and although I knew the story well, it touched me in a new way. I pray it touches your heart too, and that you will join me and thousands of others who pray for Lisa and Isabella as they go through a torment no mother and daughter should ever face. Isabella is a precious little girl - not a political trophy for homosexual activists! As a mother and grandmother, I ask you to join with all of us here at Liberty Counsel and open your heart in Christian love and help these dear sisters in the Lord. I know God will bless your prayers and generosity... Anita



Liberty Counsel
PO Box 540774
Orlando, FL 32854-0774

Personal & Confidential

John & Susan Longlastname
2345 Demos Lane

Contributor SJ 23456-7890

From: Philip Zodhiates
To: "xelcomm@comcast.net";
Subject: RE: Liberty Counsel Agreement
Date: Friday, March 09, 2007 11:08:29 AM
Attachments: Liberty Counsel List Management Agreement.doc

My apologies. Here it is.

-----Original Message-----

From: xelcomm@comcast.net [mailto:xelcomm@comcast.net]
Sent: Friday, March 09, 2007 10:38 AM
To: Philip Zodhiates
Subject: Re: Liberty Counsel Agreement

The "delay" is not a problem. I'll probably suggest a few minor modifications, but the most important thing is that you feel comfortable with it so you can have the great new client we both want Liberty Counsel to be for Response Unlimited.

Mat and Anita are traveling all next week, so it will be a little while until I can get the agreement signed, anyway. I planned on using next week to get a creative and list strategy together. It would be great to launch your program soon so we can get some meaningful test results back before June.

By the way, there was nothing attached to this e-mail---can you re-send it?
Thanks! Bill.

----- Original message -----

From: "Philip Zodhiates" <philipz@responseunlimited.com>

> Dear Bill:

>

> Here is our standard boiler-plate agreement for new donor acquisition.

>

> Let me know if you want to change anything.

>

> I am sorry this took so long.

>

> Philip Zodhiates

> Response Unlimited

> (540) 943-6721 Phone

> (540) 943-0841 Fax

> Visit us online at www.responseunlimited.com

> <<http://www.responseunlimited.com/>>

>

>



Direct Marketing • List Brokerage and Management • Advertising • E-mail Marketing

September 21, 2006

Mr. Matt Stavers
Liberty Counsel
P.O. Box 540774
Orlando, FL 32854

Dear Matt:

This letter will serve as an agreement between us to manage and market your email and postal list (s), effective upon your approval of this agreement. Following an 18 month period from the date of acceptance of this agreement it may be terminated by either party with a sixty day notice.

Essentially, the service we will provide you will be as follows:

- 1) Response Unlimited will seek to find mailers to rent your list so that no one will receive more than one outside offer per week, unless the offers are non-competitive. We also generally don't allow more than one telephone call per month to an individual should you decide to make your list available for tele-marketing. We will reserve mail dates for prospective mailers/tele-marketers on your behalf. You may wish to reserve dates for certain house mailing or tele-marketing so you don't compete head on with outside offers.
- 2) If you so desire, we will supply you with a sample mailing piece, tele-marketing script, or at least rough copy of each offer, unless it is an offer you've previously approved. You have the right to approve or reject any offer or mailer for any reason you deem. We will screen out any offers

List Management Agreement
Page Two

which we automatically know you will reject and require reciprocal rentals for mailers you specify.

- 3) Response Unlimited will list the mailing list in at least one category in the Direct Mail Standard Rates and Data book.
- 4) We intend to advertise the list and will utilize the mails, telephone, email and internet to promote it to mailers who may be interested in using it. We will also market it through a network of other list brokers and direct marketing consultants.
- 5) We will advertise the list at a price you agree upon, plus shipping, keying and any charges for special selects incurred. We will forward payments we receive, less our commission, once a month.
- 6) Response Unlimited will make every effort to collect from the mailers, participants or brokers on a timely basis, usually within 45 days of the mail date. Should a mailer place an order for your list that we know has a bad history in paying we may recommend that payment be made with the order. (We always require prepayment from political candidates unless response Unlimited is controlling the cage).
- 7) If desired, Response Unlimited will keep a tape/cd of the list and fulfill orders directly on your behalf. Either they can bill us for the amount they charge to fulfill the orders and we can deduct that amount from what is forwarded you, or we can have them bill you directly, whichever you prefer.

In return, Response Unlimited will expect the following from you:

- 1) That Response Unlimited be the exclusive manager, agent and representative for your list both in

List Management Agreement
Page Three

the United States and Canada.

- 2) That you allow Response Unlimited to keep 35% of the rental price upon payment to you, of which 20% of the rental price will be kept by other brokers involved in the transaction.
- 3) That Response Unlimited be paid by you at a rate of \$7/M within 30 days from your mail date for exchanges we arrange on your behalf.
- 4) That you agree that Response Unlimited is not liable for lack of payment by any mailer, participant or broker, but will seek to make every effort to collect payment promptly.
- 5) It must be understood that Response Unlimited will not process orders for materials which are anti-Christian, pornographic, pro-abortion, or promoting the occult or New Age movement. These are materials that Response Unlimited prefers not having any part in promoting, and any such orders shall be returned marked "refused."
- 6) If the list rental orders are to be processed by an outside service bureau they will receive updates at least once every three months with new names, which we will advertise as "hotline" names, and once every 12 months with cleaned names (either via NCOA or ACR).

Should you fail to clean your list and provide regular updates, Response Unlimited will clean the names at your expense (charges to be paid from future list rental revenues).

By signing this agreement you are also verifying that you have clear title to the mailing list that Response Unlimited will be managing for you.

List Management Agreement
Page Four

I trust these terms are satisfactory to you. I believe we can make some considerable additional revenue for you from the rental of your list. We are anxious to promote them for you and believe you will be well pleased with the job we'll do for you.

Matt, I want to thank you from the bottom of my heart for the confidence you are placing in us to provide the type of service you need to aggressively promote your list.

We are very anxious to begin promoting your list for you.

I believe you will be glad you made this decision and have put your confidence in us.

Cordially yours,

Philip Zodhiates
Response Unlimited

Accepted above terms and
conditions, _____ on _____, 2006.

From: Philip Zodhates
To: "xelcomm@comcast.net";
Subject: RE: Lisa Miller Letter as Material for New Campaign(s)
Date: Thursday, December 06, 2007 5:12:40 PM

I think this has excellent potential -- reviewed everything today. But we will rewrite the main letter as being from Lisa. Hopefully we can have you some copy very soon...I'd like to be able to write this one myself.

-----Original Message-----

From: xelcomm@comcast.net [mailto:xelcomm@comcast.net]
Sent: Thursday, December 06, 2007 2:19 PM
To: Philip Zodhates
Subject: RE: Lisa Miller Letter as Material for New Campaign(s)

I'll forward the entire package art as soon as Tad Crisp (my graphic artist) is available (about 6:00 PM tonight). The carrier was closed-face with handwritten address font and "Personal and Confidential" hand-written (font) at an angle on the face.

The November Appeal (that's what it is in our house cycle) appears to be doing very well with an exceptional gift average. I'll give you the full report when I have one. Bill.

----- Original message -----

From: "Philip Zodhates" <philipz@responseunlimited.com>

> Bill:

>

> What dis the carrier look like for this house mailing?

>

> How is it doing?

>

> -----Original Message-----

> From: xelcomm@comcast.net [mailto:xelcomm@comcast.net]

> Sent: Tuesday, November 20, 2007 10:56 AM

> To: Philip Zodhates

> Subject: Lisa Miller Letter as Material for New Campaign(s)

>

> Hi, Philip. Attached are the text of our current appeal letter (House
> file to 15,000) and a "lift" note from Lisa.

>

> This is very touchy ground. Lisa has filed child abuse charges with the
> Virginia Department of Family Services based on Isabella's reports of
> what happens on her court-mandated "visitations" with the former

- > "partner" in Vermont. I am very hesitant to talk with Lisa due to the
- > sensitivities of the current hearings, etc. about Isabella's emotional
- > trauma in being forced to "visit" Janet's openly lesbian household.
- >
- > Lisa has a blog you can visit (just Google "Lisa Miller" and you can find
- > it). It is still possible I can get you an interview, but it will have
- > to be through Rena Lindvaldsen, our lead attorney on the case.
- >
- > There is a lot of energy in this case, and it will probably do well for
- > prospecting. Let's talk after you read our appeal letter and the lift
- > note. Thanks, Bill.

LETTER OF SUPPORT

to Lisa and Isabella Miller



I want to express my total support to you in your battle against the radical homosexual activists who seek to impose their unnatural and immoral agenda upon the American people.

It is clear that the law in Virginia prohibits the recognition of "civil unions" entered into in other states. The only correct decision for the Virginia Supreme Court to make will be to side with you . . . and protect your daughter from the lesbian indoctrination the Vermont courts want to force upon her.

Isabella is your daughter: physically, emotionally, and spiritually. And no court has the moral right to decide otherwise.

My prayers and best wishes are with you. Your battle for justice is my battle.

Sincerely,

Signed: _____
Name: _____ Email: _____
Address: _____
City: _____ State: _____ Zip: _____

Add your personal note of encouragement to Lisa and Isabella on the back of this form!

DO NOT SEPARATE - PLEASE SEND ENTIRE FORM

Dear Mat,

I'm outraged that any court in America could decide that a non-related former domestic partner be given parental rights . . . especially when that person wants to indoctrinate a child in lesbianism! So I've enclosed my best possible gift to help you and Liberty Counsel continue to battle to defend Lisa and Isabella Miller:

\$5,000 \$1,000 \$500 \$250 \$100 \$50 \$35 Other \$_____

My check is enclosed. Please make check payable to: "Liberty Counsel"

Bill my credit card: VISA MasterCard Discover AMEX

Expires ___/___ Card Number _____

Signature _____

YES, MAT! Sign me up for Liberty Counsel's free *Liberty Alert* email so I can be kept informed about issues affecting my religious freedom, the sanctity of human life and the traditional family.
My email address is: _____

&First Name& &Last Name&

&Address 1&

&Address 2&

&City&, &State& &Zip&

&Key Code&

&Bar Code&

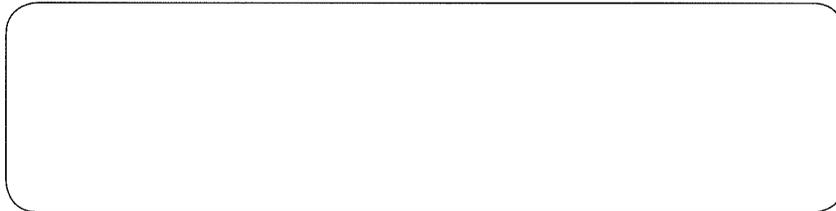
&ID Number&

Liberty Counsel • PO Box XXXXXX, Xxxxxx, XX XXXX-XXXX

In the dark of night you are jarred awake by loud, insistent pounding on your front door:

“We have a warrant to take your daughter!”

(This madness -- having your biological child snatched from your home and given to a former lesbian lover to raise -- is about to come true for me and my daughter. We need your help now!)



Liberty Counsel
P.O. Box XXXXXX
XXXXXXXXXXXX, XX XXXXX-XXXX

Liberty Counsel

Dear friend of the family,

In the dark of night you are jarred awake by loud, insistent pounding on your front door. Flashing red and blue lights pour in around the edges of your bedroom shades, casting grotesque, dancing shadows on the walls.

"Police! Open the door now!"

Heart pounding, you scramble into the hallway as you throw on your bathrobe, then fumble with the deadbolt before finally opening the door.

"We have a warrant to take your daughter."

A court order from another state has empowered the police to seize your child, an innocent six-year-old girl . . . *your very flesh and blood.*

You knew this day was coming but you prayed endlessly that somehow, someday it would not . . . at least until she was older and better able to defend herself from the radical lesbian indoctrination she was about to face.

My name is Lisa Miller and this nightmare could very well become reality for me and my six-year-old daughter, Isabella, unless you help. Please read this letter to the end to see what you can do to stop this madness from happening to us, to others, and maybe -- someday -- to you.

You see, long before I became a Christian, I began a short-term lesbian relationship with a woman named Janet. We went to Vermont to obtain a "civil union" license and returned home to Virginia where I was artificially inseminated and gave birth to Isabella. Then when Isabella was four months old the three of us moved to Vermont for a short time.

During the 13 months I lived there, I grew closer to God and began to realize my relationship with Janet was sinful. I knew I had to end the relationship so Isabella and I moved back to Virginia.

That's when this heartbreaking, precedent-setting legal battle over Isabella's future began.

Frankly, my daughter Isabella and I desperately need your help. We are battling the powerful homosexual lobby which has infiltrated many courts with its immoral doctrines.

And not only have they infiltrated the legal system, their agenda is being pushed throughout Congress and virtually every state legislature. In fact, my case to protect my daughter from the radical homosexual crowd could very well set precedent for other "gay rights" cases. Please continue reading this letter to see what I mean.

This is truly a David and Goliath showdown that will decide whether we as a nation will continue to follow our traditional values . . . or bend the knee to the corrupt, unnatural, sinful homosexual agenda.

Thankfully, Liberty Counsel has come to help Isabella and me. They are a non-profit organization that advances religious freedom, the sanctity of human life, and the traditional family and are representing me pro bono in this epic battle.

The fact is, Vermont recognizes same-sex civil unions and granted Janet parental rights -- **even though she has no biological or adoptive ties to Isabella.** Virginia courts rightly refused to honor the Vermont ruling. Virginia law prohibits any type of civil union and clearly rejects recognizing civil unions entered into in other states.

Despite the straightforward wording of the law, a Virginia Court of Appeals unbelievably overruled the lower courts and sided with Vermont! And that was the clarion call for the Vermont courts to press their case and threaten me with the permanent loss of my child if I continued to refuse to send Isabella to Janet's home for visitation.

Incredibly, I found myself in a lose-lose quandary. On one hand, I was being bullied into allowing my daughter to go to Vermont to spend time with Janet . . . who still lives an openly lesbian lifestyle. On the other, I risked losing Isabella totally; having her taken away by a court

system run amok and handed over to my former lesbian lover to raise.

So far the horrible nightmare described in this letter's opening paragraphs has not yet happened, thanks to Liberty Counsel . . . and they need your support.

I cannot begin to describe the agony and gut-wrenching emotions Isabella and I have been subjected to! Not knowing whether the dreadful middle-of-the-night knock on the door will happen -- maybe tonight, or tomorrow, or next week -- has taken its toll on the two of us.

But we both have the greatest defense possible . . . we are living our lives for Jesus Christ.

Little Isabella accepted Jesus as her Lord and Savior a year and a half ago. She sings joyful praises to Him and utters sweet, innocent prayers. And I gave my heart to Christ in 2003.

All we want to do is live our lives as mother and daughter, free from the threat of being separated by a politically correct court system that seeks to pander to the radical homosexual agenda.

Isabella and I have studied the book of Esther together. As Mordecai said to Esther, "How do you know you were not created for such a time as this?"

This is my time and I know God will give me the strength and the victory through Him . . . not only for me but for my precious daughter, Isabella.

Yet the deck often seems stacked against us.

You see, as this spiritual battle rages, I have been forced to comply with the Vermont courts and send Isabella for frequent visits to Janet's lesbian household in faraway Vermont.

Even before the first visit, Isabella was confused, overwrought, and just plain scared. She cried and screamed every time the topic came up.

I will never forget the first visit Isabella made to Janet's house. My six-year-old child called me, crying, "Mommy, I want to come home. I don't want to be here."

The fact is, Janet forces little Isabella to call her "mom" even though she has no parental relationship with her. And she ***even forces Isabella to bathe naked with her!***

And now Isabella is wetting the bed, suffering horrible nightmares, and clinging to me throughout the day.

I feel God is using my case to show us what our nation is becoming due to our deviation from His plan and purpose for our lives. American society's strayed so far from His design that we are facing a bleak, hopeless future as a nation.

You see, the implications of losing this case are enormous! Will one state be forced to disregard its own laws and recognize civil unions entered into in another state? Should non-related, non-adoptive former partners be granted parental rights . . . even at the price of destroying an innocent young life? Should homosexuals be allowed to adopt children? Will the radical homosexual agenda take another giant step toward acceptability in American society?

My friend, the one ray of hope left for us was for the Virginia Supreme Court to review the case and rule in our favor. Of course, the court does not take many cases and the chances of them accepting my case were slim.

But thanks to the prayers and financial support of believers all across the country, the Virginia Supreme Court *did* take the case, and I praise God for that!

I am thankful that the life-changing power of Jesus Christ has transformed me. I am thankful that my sweet little Isabella -- even at her tender age -- realizes that Jesus is the way, the truth, and the life. I am thankful that we have one more opportunity at the Virginia Supreme Court to stop this madness!

And I am truly thankful for all those who have prayed so diligently for the support of Liberty Counsel. Their prayers and financial support have enabled Liberty Counsel

to labor in my defense against the immoral homosexual Goliath.

I cannot imagine having to face this challenge alone. I don't have enough money to hire lawyers to protect my daughter. I am sure that if Liberty Counsel had not come to my aid, little Isabella's life would already be irreparably harmed . . .

Liberty Counsel has filed our brief at the Virginia Supreme Court and will soon present oral arguments in what could very well be the case that preserves our traditional view of family . . . or crushes that view forever.

This will be one of the most important cases ever argued. May God grant Liberty Counsel and me grace and favor with the court.

The truth is we cannot afford to lose this battle.
There is far too much at stake.

Your prayers and financial help could prove to be the margin of victory. I need you to join with Liberty Counsel in battling one of the great injustices of our day, an injustice so grievous that the course of family relationships in America may be changed forever!

Please, for Isabella's sake, sign the enclosed "Letter of Support" so I can let her know you stand with us in defense of the family. And when you do, please also include the best possible gift you can afford to help Liberty Counsel continue to fight for Isabella and me . . . all the way to the United States Supreme Court if need be!

My friend, the moment of decision is almost upon us. Isabella and I need to know today that you are with us in this critical fight.

Joyfully serving Christ,

Lisa Miller

P.S. The radical homosexual community is trying to turn my daughter Isabella into a political trophy for their cause. We cannot -- we must not -- allow that to happen.

Please, sign your letter of support and mail it back to Liberty Counsel today along with your best possible gift. Time is short. We need to hear from you today.

LIST BROKERAGE AGREEMENT

This LIST BROKERAGE AGREEMENT ("Agreement") is entered into by and between LIBERTY COUNSEL and RESPONSE UNLIMITED, INC.

WHEREAS LIBERTY COUNSEL desires to retain the services of Response Unlimited to obtain mailing lists for new donor acquisition;

NOW THEREFORE, in consideration of the promises between the parties hereto and other good and valuable consideration therein acknowledged, it is agreed as follows;

1. Mailing list costs

The mailing lists which will be provided by Response Unlimited at their customary rental charge which will be charged to LIBERTY COUNSEL as a reimbursable expense. LIBERTY COUNSEL acknowledges that Response Unlimited will receive a rental commission from the list owner or manager. LIBERTY COUNSEL agrees to exchange and/or rent on a one-time use basis the mailing lists generated through the services of Response Unlimited, which lists shall be the exclusive property of LIBERTY COUNSEL, with other owners of mailing lists. LIBERTY COUNSEL agrees to pay Response Unlimited \$7 per thousand names for this exchange service.

2. Terms of payment

Terms normally are 30 days from mail date for all transactions processed through Response Unlimited. However, these terms shall be overlooked should a separate and segregated bank account be established at a bank agreed upon by LIBERTY COUNSEL and Response Unlimited for the exclusive purpose of effectuating the terms and conditions of this Agreement. Hereafter this bank account will be referred to as the "Established Account."

The Established Account will be used solely for the purpose of depositing and receiving contributions and distributing the proceeds in accordance with the terms of this Agreement. A principal purpose of this Established Account is to insure that the first distribution of proceeds will be to pay on a

prompt basis the mailing lists or any other reimbursable expenses Response Unlimited incurs on behalf of LIBERTY COUNSEL, which are determined to be due and owing pursuant to the terms and conditions of this Agreement; and to facilitate the prompt disbursement of the remaining proceeds to LIBERTY COUNSEL.

Each and every donation received from the direct mailings to lists supplied by Response Unlimited, and all subsequent purchases from those newly acquired individuals from subsequent mailings to those newly acquired customers, shall be deposited in the Established Account. The Established Account shall not be used for any other purpose but to pay for the mailing lists, any other reimbursable expenses, or any vendor expenses associated with mailing to the rented or exchanged mailing lists.

Disbursements from the Established Account will be made by an independent 3rd party Escrow Agent acting at the direction of Response Unlimited. There shall be a separate agreement between LIBERTY COUNSEL and the Escrow Agent.

By execution of this agreement, LIBERTY COUNSEL hereby authorizes any and all disbursements from the Established Account for payment of expenses associated with the direct mail campaign, including but not limited to list rental, postage, printing, mail shop, caging, etc.

The funds remaining from a specific direct mailing or other specific activity, or net contributions after all invoiced charges have been paid, shall be promptly paid over to LIBERTY COUNSEL unless LIBERTY COUNSEL agrees to invest those funds into postage and prepayments for additional mailings.

Donations received in response to the lists supplied by Response Unlimited are to be identified and deemed received and brought about by Response Unlimited as the procuring cause if: (1) the response is received at LIBERTY COUNSEL's mail secure receiving location which will be used exclusively for receipt of mail generated from this Agreement; and (2) the mail response from a particular donor can be readily identified as having been exclusively brought about by a specific direct mail to lists supplied by or specifically approved by Response Unlimited.

3. Other reimbursable expenses.

Should LIBERTY COUNSEL desire to utilize copywriting services of Response Unlimited, LIBERTY COUNSEL agrees to pay Response Unlimited \$2,700 for each direct mail prospecting solicitation approved by LIBERTY COUNSEL or its

agent, and created by Response Unlimited upon submission of a detailed invoice, for all charges relating thereto. Services included in the \$2,700 charge are the following: copy; design; typesetting; and final camera ready output. Services which are not included in the creative charge and which will be invoiced to LIBERTY COUNSEL at cost are the followings photography; travel expense; and color separations.

LIBERTY COUNSEL will in addition pay Response Unlimited for its creative services, should they be desired to provide the following services, the following amounts, upon submission of a detailed invoice:

- (a) Thank you letters: \$390 each
- (b) House product mailings: \$1,000 each till house donor file reaches 10,000 names, and \$1,700 thereafter.

If desired Response Unlimited will help find third parties to provide, with terms and conditions acceptable to LIBERTY COUNSEL, the following services, in connection with each mailing to the rental lists supplied under the terms of this agreement: computer services (excluding data entry); printing; and letter shop services. Response Unlimited will invoice LIBERTY COUNSEL for these services by subcontractors at cost plus a mark-up of six to ten (6 to 10%) percent. The amount of mark-up within the range on vendor charges shall be determined by Response Unlimited on the basis of the nature and extent of work which is required.

It is however the intent of the parties to this agreement, and the parties specifically agree, that Response Unlimited is an independent contractor specifically secured to obtain mailing lists for LIBERTY COUNSEL's new donor acquisition program, and is not an agent, partner, or representative of LIBERTY COUNSEL. The parties agree that neither Response Unlimited nor any of its employees will solicit funds or at any time has control or custody of funds collected by LIBERTY COUNSEL. All fundraising activities of LIBERTY COUNSEL are directly between LIBERTY COUNSEL and its public. All lists supplied for specific mailings will be executed only at the request and direction of LIBERTY COUNSEL.

All reimbursable expenses for new donor acquisition will be paid out of the Established Account.

4. Reporting

Response Unlimited will be promptly provided with regular (at least weekly) reports showing the results of each

mailing to any list or lists supplied by Response Unlimited. All donations received from names generated as a result of this agreement will be kept segregated, and deposited in the Established Account, and reported to Response Unlimited weekly both by original source and the specific mailing to which each individual responded.

5. Interest on Unpaid Invoices

Invoices of Response Unlimited which are due and payable and not paid after 30 days shall accrue interest at the same rate to which Response Unlimited is held liable by any list owner or vendor doing work or providing a service on behalf of LIBERTY COUNSEL.

6. Postage costs

Response Unlimited will consider advancing postage on a case-by-case basis. Prior to any mail project, LIBERTY COUNSEL and Response Unlimited will determine whether postage expense can be advanced for that activity. Postage for prospecting mailings will come directly from the Established Account, when possible, and agreed upon by the parties. If postage is advanced, it will be billed to be paid from the Established Account like any other expense.

7. LIBERTY COUNSEL List Rentals

Response Unlimited will be deemed the authorized list manager of any mailing lists generated by this agreement. This is an exclusive management agreement. LIBERTY COUNSEL will be paid 65 percent (65%) of the gross rental fee less any customary running charges. The list generated by this agreement will be selectively rented as long as there are invoices which are 30 days old which have been unpaid.

8. Cancellability

If LIBERTY COUNSEL discontinues its operation, or its regular mailings to house file members, either event occurring for any reason whatsoever, Response Unlimited reserves the right to submit a final bill for services rendered according to this agreement. Vendors also supplying services, which invoiced through Response Unlimited, have the same privilege. This "final billing" upon the event of LIBERTY COUNSEL suspension of operations will be directly to LIBERTY COUNSEL, and not the Established

Account. The offer of overlooking terms and working with an "Established Account" is contingent upon LIBERTY COUNSEL continuing active operation and regular house mailings until the Established Account has fulfilled its terms and purpose under this agreement.

After the arrangement of this agreement has been operating for three months, there will be a review of the LIBERTY COUNSEL's mail program through which both parties will determine the viability of continuing with the terms of this agreement. At that point, either party may end the arrangement with a 30-days written notice. Nevertheless, names acquired as a result of mailings done under the terms of this agreement must contribute to the "Established Account" until all invoices are paid.

9. Arbitration.

Response Unlimited and LIBERTY COUNSEL hereby affirm their commitment to a biblical process of dispute resolution, which commands that they make every effort to live at peace and resolve disputes with each other in private or within the Christian church (see Matthew 18:15-20, I Corinthians 6:1-8). Therefore, any controversy or claim arising out of or relating to this agreement, or breach thereof, shall be settled by biblically based mediation and, if necessary, legally binding arbitration in accordance with the then-current Rules of Procedure for Christian Conciliation of the Institute for Christian Conciliation. Response Unlimited and LIBERTY COUNSEL agree that these methods shall be the sole remedy for any controversy or claim arising from or related to this Agreement, and expressly waive their right to file a lawsuit in any civil court against one another for such disputes, except to enforce the provisions of this paragraph.

10. Law: Entire Agreement.

This Agreement shall be construed and enforced in accordance with the law of Virginia. This Agreement contains the entire agreement and supersedes any prior agreements and understandings, oral or written, with respect to the subject matter hereof. This Agreement may be changed only by an agreement in writing signed by the party against whom any waiver, change, amendment or modification is directed.

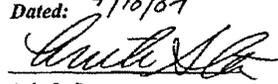
11. Notice and Signature.

Notice under this Agreement shall be deemed properly given as follows: Mr. Mathew Staver, Orlando, Florida and Philip Zoghiates, Waynesboro, Virginia. This Agreement can be executed in counterpart each page of this Agreement shall be initiated by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement

LIBERTY COUNSEL

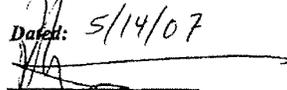
BY:

Dated: 4/10/07


Anita L. Staver
President

RESPONSE UNLIMITED, INC.

BY: *Philip Zoghiates*

Dated: 5/14/07


Philip Zoghiates
President

EXHIBIT 2

Matt LaPorta

From: Philip Zodhiates
Sent: Wednesday, January 21, 2009 11:21 AM
To: Bill Sidebottom (bill@lc.org)
Subject: LISA MILLER
Attachments: 20090121101028806.pdf

Importance: High

Bill:

Is there no legal recourse now for Lisa Miller? (see the attached article from WND)

If not, I'd like to suggest to her some personal options, which LC probably should not or would not want to know about.

In other words, if there is nothing else LC can do for her, I'd like her contact information.

Philip

EXHIBIT 3

Matt LaPorta

From: Joel Baugher
Sent: Monday, September 21, 2009 10:14 AM
To: Bea Conner
Subject: RE: FYI

His dad, maybe. He was in another dream of mine since we last spoke about it, but I couldn't remember the details.

Maybe something about Lisa Miller?

He's also considering going to Chattanooga, leaving Thursday for a meeting on Friday.

From: Bea Conner
Sent: Monday, September 21, 2009 10:11 AM
To: Joel Baugher
Subject: FYI

Philip called and said he is working on Liberty Counsel from home and that he might be taking a trip – not sure - may be in office for a few minutes only.

He hummed around like he was searching for words to say. His Dad? Don't know.

*Bea Conner
Response Unlimited
284 Shalom Road
Waynesboro, VA 22980
540-943-6721 phone
540-943-0841 fax*

~ **What we see when watching others, depends on the purity of the window through which we look** ~

EXHIBIT 4

Sarah Star

From: Lindevaldsen, Rena M. <rlindevaldsen@liberty.edu>
Sent: Wednesday, September 23, 2009 9:05 AM
To: Sarah Star; Rebecca Glenberg
Cc: Crampton, Steve
Subject: Interim Visitation Order

Sarah and Rebecca,

Pursuant to Judge Cohen's order, we were to provide confirmation concerning the Sept. 25 visitation. We provided the order to our client and informed her of the 48 hour notice. We have not, however, received any confirmation from our client concerning the upcoming visitation.

Rena M. Lindevaldsen
Special Counsel
Liberty Counsel
PO Box 11108
Lynchburg, VA 24506
(800) 671-1776 – Phone
(434) 592-7700 – Fax
www.LC.org

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EXHIBIT 5

Matt LaPorta

From: Philip Zodhiates
Sent: Thursday, September 24, 2009 12:56 PM
To: Bill Dolack
Subject: RE: Lisa Miller Update

Thanks. This really is old news, though. The lawyers were pretty adamant about yesterday morning being the hearing.

From: Bill Dolack
Sent: Thursday, September 24, 2009 12:52 PM
To: Philip Zodhiates; Joel Baugher; Bruce Ketchum; Sam Sterrett; Rusty Weller; Chris Conley; Matt LaPorta; Bea Conner; Debbie Cole; Starr Cochran; William Zodhiates
Subject: Lisa Miller Update
Importance: High

Thursday September 24, 2009

Lisa Miller Menaced with Loss of Custody if She Fails to Deliver Daughter to Former Lesbian Partner

Vermont Judge Richard Cohen orders visitation for this Friday

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By Matthew Cullinan Hoffman

VIRGINIA, September 24, 2009 (LifeSiteNews.com) - Lisa Miller says that if she doesn't hand her daughter over to her former lesbian partner later this week, she may lose custody of her.

Although Miller long ago left the lesbian lifestyle and returned to her childhood Christian faith, Vermont judge Richard Cohen has ruled that her former partner, Janet Jenkins, has visitation rights, and is the child's other "parent."

Miller told LifeSiteNews in a recent interview that during the latest "status conference" with Cohen, her attorney was told that the judge is fed up with her repeated "disobedience" to his visitation orders.

"He said that there is going to be another visitation at the end of this month, and that if I do not give that visitation" he implied that "he would be forced to transfer custody at that time," said Miller.

Although Jenkins' attorney was expected to request a custody transfer during the status conference, Cohen did not act to transfer the seven year old girl, who Miller says has complained of being forced to bathe naked with Jenkins, and has mentioned wanting to die following one visit.

Miller has waged a battle for years to prevent the visitations. The last one occurred in January of this year.

"We just keep on praying, and we don't loose hope, and we look to the Lord for his mercy and his justice," said Miller. "I really really believe that this case God is using to not only bring people to him, to Christ, but also to bring Christians to a better understanding that we need to take a stand for what is right and continue with that, with his help, and with his grace, because that's the only way that I've been able to get through all of this."

Although Miller and her daughter live in Virginia, which has a constitutional amendment denying same-sex "marriage" and civil unions, the state courts have thus far accepted Cohen's visitation rulings. These rulings are based on a Vermont civil union entered into by the couple shortly before Isabella's conception by artificial insemination.

Miller hopes that an upcoming appeal will protect her daughter against further forced visitations with someone Miller says she does not want to see.

"I'm still putting my trust in God that he's going to turn the hearts of the Virginia judges because we still have an appeal we're waiting on should be heard sometime in October or November," Miller said.

Contact information:

Judge William D. Cohen
RUTLAND SUPERIOR COURT
83 Center Street, Suite 3
Rutland, VT 05701
(802) 775-4394

Bill Dolack

Response Unlimited
540-943-6721

REDEEM THE RAINBOW (Gen. 9-11-17)

"If a man cannot be a Christian in the place he is, he cannot be a Christian anywhere."

Henry Ward Beecher

-

EXHIBIT 6

From: [Philip Zodhiates](#)
To: ["Zodhiates, Victoria Lee"](#)
Subject: URGENT MATTER!
Date: Friday, October 23, 2009 9:26:35 AM
Attachments: [20091023091004379.pdf](#)
Importance: High

Dear Victoria:

Please print this out and deliver it today (including the attached). The lease runs out this month on the townhome and that this request of items to "rescue" from the townhome should happen ASAP. She knows who has the key. There is also someone that can deliver all or some of these items in the next couple of weeks. If it was already packed in suitcases that'd make it much easier for them to transport. We would be happy to meet someone somewhere to pick it up or she can deliver it to you and we can get it from you, although it looks like quite a bit of stuff. You can let us know.

Sister Sarah is doing well.

You can call if you have questions. Tell Cory hello.

Thanks!

I love you,

Daddy

*** very imp to Lydia
 * imp. to me
 - Medical stuff (in Kitchen, under bathroom sink the vitamins.)
 to bring → to return or to store

(All) Please
 School Supplies (found in Lydia's desk, kitchen + living room)
 Dry erase markers, small white boards, pens
 pencils, crayons, index cards, paper, small
 note pads, gel pen tin (on floor next to desk),
 erasers, markers + more, plain paper
 scissors, tape, contact paper
 - School books (in kitchen)
 1st, 2nd, 3rd, 4th grade books, educational
 games + computer CDs on shelf in kitchen
 me. Spanish Curriculum
 Answers in Genesis books +
 other Bible reference books (on top of
 piano + top shelf of bookcase next
 to piano + Bible in baskets in L.R.)
 under TV on shelf
 ** - small stuffed black/white
 cat + larger one on Lydia's bed
 - Christian + Classical children
 books in Lydia's room, on
 top of bookshelf in my room + in
 purple container in walk-in closet
 - Sarah's + Lydia's sandals
 (in B.R. closets/near door)
 - Sarah's black + brown shoes
 (slip on shoes) (in my closet in container
 of shoes - 2 separate shoes)
 - Under clothes (- top drawers)
 (strips in clear container in my closet)
 - Pull over + button down
 sweaters (in both closets)
 - * Blue cover Journal - oversized
 (I think in L.R. - already written +
 drawn in - white pages)
 Books for Sarah - few.
 authors: Spurgeon, Trip, Elliot
 George, Tazewell, de Moss, O'Martin,
 biographies (in my room)

* Return all library books
 * Return Noah Curriculum
 (all books have that title on
 cover) in living room - owners
 name on inside cover
 store please:
 - photos, albums, scrapbooks
 - legal papers - part of bed in B.R.
 (including media stuff)
 - Bills etc found in + on coffee table
 - Lydia's treasure box under bed
 - Lydia's Angels (you choose which)
 - Computer CD's - bottom
 drawer of container in L.R. closet
 - all teacher stuff unless
 someone wants to use it
 (ro-top shelves, boxes in hall +
 my room, Lydia's room)
 * Rocking Chair in L.R. (store)
 ** bluish bear/doggy ears stuffed
 animal - stuffing almost gone in
 arms (in Lydia's room)
 *** Lydia's comforter set (on bed)
 *** Little hamster animal (I think
 + hooks onto bed)
 *** Porcelain dolls + dolls (all)
 *** Jesus You pillowcase
 *** purple hand made doll (her room)
 *** Baby toy box - activity (closet)
 *** Yellow cat (her room)
 My books - store rest please

*** stuffed black cat - VERY IMPORTANT

EXHIBIT 7

From: [Philip Zodhiates](#)
To: "[Zodhiates, Victoria Lee](#)"
Subject: RE: Email to Dean Staver
Date: Monday, November 02, 2009 10:47:30 AM

OKAY. HOW'S THIS:

Dear Matt:

My daughter, Victoria, has really enjoyed working there at the Law School, and I thank you and Anita for hiring her. She loves it and everyone there seems to love and appreciate her.

I don't know if you are aware of it, or not, but Mrs. Abigail Tuomala has been talking to Victoria about filling the position of the Administrative Assistant under the Director of Admissions, which apparently has been open for a short while. Victoria truly loves working with Mrs. Tuomala and they get along terrifically. Mrs. Tuomala has indicated she really wants Victoria to fill that position.

The problem has been that Victoria is now an Resident Assistant and a graduate student which requires she cannot work fulltime until after she graduates with her Masters on May 15.

She is also getting married on May 22 and her fiancé will be starting at that time as a Resident Director, which means they will both be continuing to live on campus, but as a married couple.

Even though Victoria cannot work full time now she is more than willing to immediately work more hours, with the permission of the Office of Student Leadership of Liberty University. I am sure Mrs. Tuomala can vouch for her that even though she only works 20 hours a week, she gets her work done quickly and accurately. I know this as a fact from experience as she's worked for my company for years over the summers and even during one year when she was living at home and going to the junior college.

I strongly encourage you to discuss this matter with Mrs. Tuomala and consider holding the position open for Victoria. Essentially she can begin in the position now and probably even work more hours, but she is forbidden by university regulations to work fulltime. I know Victoria and Mrs. Tuomala have been counting on this, and your assistance in holding the position for her would be greatly appreciated, as she's been looking forward to working full time with Mrs. Tuomala upon her graduation and marriage in May, 2010.

So please do consider her for the position of Administrative Assistant under the Director of Admissions. Thank you for your consideration.

Philip

From: Zodhiates, Victoria Lee [mailto:vlzodhiates@liberty.edu]
Sent: Monday, November 02, 2009 10:05 AM
To: Philip Zodhiates
Subject: Email to Dean Staver

EXHIBIT 8

From: [Philip Zodhiates](#)
To: ["Zodhiates, Victoria Lee"](#)
Subject: RE: Engagement article
Date: Monday, November 09, 2009 5:05:58 PM

Bummer.

Can you please ask Rena when we can pick up the stuff from the apartment. I need it by this weekend.

Daddy

P.S. Are you feeling well now> Did you go to work?

From: Zodhiates, Victoria Lee [mailto:vlzodhiates@liberty.edu]
Sent: Monday, November 09, 2009 5:01 PM
To: Philip Zodhiates
Subject: RE: Engagement article

I'm sure you'll either get an email or it will be assumed I will tell you, but they are not going to hire me for that position, but they will instead hire the person recommended by the Chancellor in hopes that something else will open up closer to the time that I can start full-time.

Mrs. Tuomala told me that her hands are tied and that the choice is no longer hers, but that Dean Staver did say he wants me to stay and he hopes to find something for me in time.

From: Philip Zodhiates [mailto:philipz@responseunlimited.com]
Sent: Monday, November 09, 2009 4:31 PM
To: Zodhiates, Victoria Lee
Subject: Engagement article

<http://www.newsleader.com/article/20091108/LIFESTYLE1004/911080302/Zodhiates-Hyden>

EXHIBIT 9

From: [Philip Zodhiates](#)
To: ["Zodhiates, Victoria Lee"](#)
Subject: FW: A message for Rena from a mutual acquaintance
Date: Tuesday, November 10, 2009 10:09:35 AM
Attachments: [20091110095508334.pdf](#)

Please put this on Rena's desk. Tell her who it is from. She sent it specifically for her.

"I thank my God upon every remembrance of you, always in every prayer of mine making request for you all with joy" (Phil 3:3-4)

"And we know that all things work together for good to those who love God, to those who are the called according to His purpose" (Romans 8:28)

"What then shall we say to those things? If God is for us, who can be against us?" (Romans 8:31)

"With God all things are possible" (Luke)

"Peter was kept in prison, but the church was earnestly praying to God for him" (Acts 12:5)

"Do we truly know the power of our supernatural weapon of prayer? Do we dare to use it with the authority of a faith that not only asks but commands? God baptizes us with holy boldness and divine confidence, for He is looking not for great people but for people who will dare to prove the greatness of their God! 'But the church was earnestly praying' (A.B. Simpson)"

"Our prayers are God's opportunities" (Streams in the Desert)

"Learn to expect the unexpected, beyond all that you ask or think" (Streams in the Desert)

"When God sends no answer and 'the cloud remains' we must wait. Yet we can do so with the full assurance of God's provision of manna, water from the rock, shelter, and protection from our enemies. He never keeps us at our post without assuring us of His presence or sending us daily supplies" (Streams in the Desert)

"If any man will be My disciple, let him deny himself" Let him give up his right to himself to Me. Our Lord is not talking of eternal positions, but of being of value to Himself in this order of things, that is why He sounds so stern (cf Luke xiv. 26). (Utmost)

Know that "the Lord does not give me rules, He makes His standard very clear, and if my relationship to Him is that of love, I will do what He says without any hesitation. If I hesitate, it is because I love someone else in competition with Him, viz., myself.My personal life may be crowded with small petty incidents (all incidents are petty compared to Jesus' cross- added), altogether unnoticeable and mean; but if I obey Jesus Christ in the haphazard circumstances, they become pinholes through which I see the face of God, and when I stand face to face with God I will discover that through my obedience thousands were blessed" (Utmost for His Highest)

"He Will Pilot Me"

1. *Al-tho' I cannot see the way, O'er life's tempestuous seas, dark sea, I know that Jesus is my Friend, And that He'll pilot me.*
2. *Dark Clouds may gather in the sky, And rough the sea may be, may be; His love shall ever be my song. I know He'll pilot me*
3. *Dear Lord, whater the storm may be, I'll simply trust in Thee, In Thee, Relying on Thy love so true, to safely pilot me.*

Chorus: By His hand, He'll pilot me, O-ver life's tempestuous sea, When my blinded eyes can't see, Can not see the way, the way; Come what may, let come what may, On Life's dark and stormy sea. My dear Lord, blessed Lord, HE will pilot me

(Charles T. Bailey, Bryon L. Whitworth).

"But I want you to know, brethren, that the things which happened to me have actually turned out for the furtherance of the gospel" (Philippians 1:12)

"For I know that this will turn out for my deliverance through your prayer and the supply of the Spirit of Jesus Christ, according to my earnest expectation and hope that in nothing, I shall be ashamed, but with all boldness as always, so now also Christ will be magnified in my body, whether by life or by death."

(Philippians 1:19-20)

"To the saints and faithful brethren in Christ (you)... Grace to You and Peace from God our Father and the Lord Jesus Christ. (I) give thanks to the God and Father of our Lord Jesus Christ, praying always for you" (Colossians 1:2-3)

"And this I pray, that your love may abound still more and more in knowledge and all discernment, that you may approve the things that are excellent, that you may be sincere and without offense till the day of Christ, being filled with the fruits of righteousness which are by Jesus Christ to the glory and praise of God" (Philippians 1:9-11)

"Rejoice always, pray without ceasing, in everything give thanks, for this is the will of God in Christ Jesus for you. He who calls you is faithful, who also will do it" (1 Thessalonians 5:16-18, 24)

"The Lord Jesus Christ be with your spirit. Grace be with you" (Timothy 4:22)

"Now may the Lord of peace Himself give you peace always in every way. The Lord be with you..." (2 Thessalonians 3:16)

His Protecting Hand (Mollie Zook and David Luthy)

The Way She Choose (Mary Miller)

Have We No Rights? (Williamson)

EXHIBIT 10

From: [Philip Zodhiates](#)
To: ["Zodhiates, Victoria Lee"](#)
Subject: RE: Next Friday
Date: Tuesday, November 10, 2009 2:24:29 PM

Ugh.

I just tried to call you. Tell Rena she will pay this month's rent if that'll help, or reimburse someone for it.

From: Zodhiates, Victoria Lee [mailto:vlzodhiates@liberty.edu]
Sent: Tuesday, November 10, 2009 1:58 PM
To: Philip Zodhiates
Subject: Next Friday

They let us know today that we cannot leave until Friday, but it can be anytime after 5A.M. Friday.

Victoria Zodhiates
Office of Admissions and Financial Aid
Liberty University School of Law
1971 University Boulevard
Lynchburg, VA 24502

vlzodhiates@liberty.edu

EXHIBIT 11

From: [Philip Zodhiates](#)
To: ["Zodhiates, Victoria Lee"](#)
Subject: FW:
Date: Wednesday, November 11, 2009 3:48:27 PM
Attachments: [20091111154413363.pdf](#)

Something else to print and give to Rena.

I need a status report, as well.

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 10, 2009 2:19 PM
Attach: IMG_3866c.JPG
Subject: More for the list

Brother,

Here are a few more items for the list. If this is not possible, then no problem. I know how tight luggage is these days. One thing that was not included in the list was coloring books; and also the stencils that were in the drawer in the bedroom where she kept all the art.

You had wondered what other things were needed. You don't have to, but some things that compare to the leeks and garlic of Egypt [REDACTED] are peanut butter, chocolate chips, and Pringles. Just remember that that is wants, not needs. We did purchase some peanut butter locally for her, but the good stuff is [REDACTED] close to 5 dollars for a smallish jar.

Blessings, Brother.

[REDACTED]

[REDACTED] I'll be happy to
help w/ th leeks.
Garlic & onions!

[REDACTED]

11/10/2009

RUL 1084

In addition to list: Please " of what" to bring" side

was used L.P. corner

Purple Yoga block
 Yoga Mats (was near block)
 Lydia's comforter
 Lydia's pillow case -> Jesus
~~Lydia's~~ fly flops (was in back yard/patio)
 Chronological Bible
 Plug for bathroom (no rubber backings)
 ↳ was in white linen closet
 Aprons (Lydia's little one + my big one)
 Oddsey CDs tapes (was in kitchen)
 Bible CDs tapes (shelf in photo box + orange
 hand whisker (was in kitchen drawers))

If bringing "Little House" books
 please omit hand (no other please)
 add other books for Lydia + or me.
 Thank You.

Face wash (was in bathroom shower + sink)
 bobby pins (was in Lydia's Closet with
 her hair stuff)
 Bible DVDs (no VHS please) was on shelf in
 L.P.
 1 subj. 70 sheet notabooks (was in L.P.
 Closet)

non electric

EXHIBIT 12

From: Philip Zodhiates
Sent: Friday, November 13, 2009 2:28 PM
To: 'John Collmus'
Subject: RE: bag for Nicaragua

Actually Josiah decided to skip wrestling today for the first time this week, and William is picking him up at 2:40. So I won't be coming. We'll talk sometime when you're back.

Have a great trip to Nicaragua. And thanks again for taking those bags.

Hope your wife especially enjoys her first trip there.

philip

From: John Collmus [<mailto:john.collmus@covenantsschool.org>]
Sent: Friday, November 13, 2009 11:33 AM
To: Philip Zodhiates
Subject: RE: bag for Nicaragua

I will be here until about 4. You may not be coming until 5 if he has wrestling. Let me know when you are coming

John H. Collmus

From: Philip Zodhiates [<mailto:philipz@responseunlimited.com>]
Sent: Friday, November 13, 2009 9:51 AM
To: John Collmus
Subject: RE: bag for Nicaragua
Importance: High

Dear John:

Josiah brought the bags with him to school with him this morning. I got them about 10:45 last night.

Yes they will probably examine the bags when you check in, but that is not a problem. I am not sure why they taped them (I did not pack them, one of the elders of the local church did here).

Timo Miller will meet you at the airport and hold up a sign with your name. He is a pastor of an Amish-Mennonite church in Managua who is with Christian Aid Ministries (Ohio). His home phone number is 2251-3557 and his cell number is 8634-2154. The suitcases are for a lady that works with them there in Managua named Sarah. I don't see why there should be any problem in him being there on time as there shouldn't be any traffic on a Sunday night.

Thank you for taking these. Sarah will greatly appreciate it, I am sure.

I trust you'll have a wonderful time and accomplish your purpose. Kathie told me a little bit about what you are doing. I'd like to chat with you for a minute face to face before you leave today (we have to pick up Josiah from school this afternoon). What time will that be?

Kathie also said to send you Carl and Cathy Most's contact information (she spoke to you about them some time before). It is attached and also copied here:



In His service,

Philip

From: John Collmus [<mailto:jcollmus@covenantschool.org>]
Sent: Friday, November 13, 2009 9:04 AM
To: Philip Zodhiates
Subject: RE: bag for Nicaragua

I have 2 in my room. Do you think they may open them up, break the tape, or is that not a problem. Who will my contact be?

John H. Collmus

From: Philip Zodhiates [<mailto:philipz@responseunlimited.com>]
Sent: Thursday, November 12, 2009 9:27 PM
To: John Collmus
Subject: bag for Nicaragua
Importance: High

John:

The bags for Nicaragua have not arrived yet, but one is on its way to our home as I write. I will send it with Josiah in the morning. If I find out the other is ready I will have to go to Lynchburg to pick it up tomorrow or have someone else get it Saturday. Would that work?

Can you give me your home & cell numbers just in case. I will be in Pennsylvania Saturday but could arrange for you to get it if it materializes.

Also, can you email me an itinerary so I can forward it to Nicaragua and have someone meet you as you come through customs in Managua?

Thanks so much for doing this. They are just personal belongings of someone who recently moved to Managua doing missions work and a few things they can't buy there readily like peanut butter. So it is nothing you need to declare on the customs forms.

Philip
540-943-6721 office
540-943-5779 home
540-649-1999 cell

EXHIBIT 13

From: [Timo & Joanna](#)
To: [Philip Zodhiates](#)
Subject: Re: Flight itinerary for John Collmus
Date: Friday, November 13, 2009 11:08:14 AM

OK. Thank you very much. If for some reason I couldn't be there I will definitely have someone there.

Blessings in Christ,

Timo

Philip Zodhiates wrote:

Gentlemen:

Here is the itinerary for John Collmus and his wife Jacquelyn. I will tell him Timo will hold up a sign for him upon his exit from customs so he can give you the suitcases for Sarah. I will also give him your phone number in case there are any problems. They are coming on Continental C01774 from Houston arriving at 9:00 pm

Please inform Sarah as of Monday they had not yet been able to retrieve the things from the apartment but understanding is they are still working on it.

In His service,

Philip

-----Original Message-----

From: John Collmus [<mailto:jcollmus@covenantschool.org>]
Sent: Friday, November 13, 2009 9:04 AM
To: Philip Zodhiates
Subject: FW: Etkk receipts

John H. Collmus

-----Original Message-----

From: wwtravel@cox.net [<mailto:wwtravel@cox.net>]
Sent: Wednesday, October 14, 2009 9:33 AM
To: John Collmus
Subject: Etkk receipts

.....
.....

Total charged \$1029.40
Thank you for your business, Carol

.....
.....

~~CONFIRMATION FOR RESERVATION~~

Thank you for choosing checkmytrip.com to check your travel

reservation.

You can review your reservation information below.

To see the latest information about your reservation, you can go to

https://www.checkmytrip.com/plnext/XCMTXITN/RetrievePNR.action?DIRECT_RE

TRIEVE=TRUE&REC_LOC=4VE7FS&DIRECT_RETRIEVE_LASTNAME=Collmus&LANGUAGE=GB&

SITE=XCMTXITN

YOUR TRIP SUMMARY *

Booking reservation number: 4VE7FS

* We recommend you make a note of the booking reservation number or print this page.

TRAVELLER INFORMATION *

John H Collmus
Jacquelyn S Collmus

E-TICKET NUMBERS *

Only e-ticket numbers are displayed when they are issued.

Ticket 005-7568704890

Richmond - Richmond
John H Collmus

Ticket 005-7568704892

Richmond - Richmond
Jacquelyn S Collmus

YOUR FLIGHT SELECTION *

Airline confirmation number(s): Continental Airlines ABLHFG
Ticket status: ticket processed

Richmond to Managua

Flight 1 - Sunday, November 15, 2009
Status :confirmed
Departure :10:32 - Richmond, USA - Richmond International
Arrival :11:39 - Newark, USA - Newark Liberty International,
terminal A
Airline :Continental Airlines CO2464
Fare type :Economy Restricted
Aircraft :Embraer RJ135/140/145 - Operated by EXPRESSJET

AIRLINES
INC DBA CO EXPRE
Baggage :1 piece(s) per traveller
Meal :information not available
Last check in:information not available

++++
+++

Change of plane required. Time between flights = 1:51<

++++
+++

Flight 2 - Sunday, November 15, 2009
Status :confirmed
Departure :13:30 - Newark, USA - Newark Liberty International,
terminal C
Arrival :16:30 - Houston, USA - G.Bush Intercont, terminal C
Airline :Continental Airlines CO023
Fare type :Economy Restricted
Aircraft :Boeing 757-200/300
Baggage :1 piece(s) per traveller
Meal :information not available
Last check in:information not available

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Change of plane required. Time between flights = 1:15<

++++
+++

Flight 3 - Sunday, November 15, 2009
Status :confirmed
Departure :17:45 - Houston, USA - G.Bush Intercont, terminal E
Arrival :21:03 - Managua, Nicaragua - Augusto C Sandino
Airline :Continental Airlines CO1774
Fare type :Economy Restricted
Aircraft :Boeing 737-800
Baggage :1 piece(s) per traveller
Meal :SNACK OR BRUNCH
Last check in:information not available

Managua to Richmond

Flight 1 - Thursday, November 19, 2009
Status :confirmed
Departure :07:45 - Managua, Nicaragua - Augusto C Sandino
Arrival :11:03 - Houston, USA - G.Bush Intercont, terminal E
Airline :Continental Airlines CO1775
Fare type :Economy Restricted
Aircraft :Boeing 737-800
Baggage :1 piece(s) per traveller
Meal :SNACK OR BRUNCH
Last check in:information not available

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+++

Change of plane required. Time between flights = 2:22<

+++++

+++

Flight 2 - Thursday, November 19, 2009
Status :confirmed
Departure :13:25 - Houston, USA - G.Bush Intercont, terminal B
Arrival :17:00 - Richmond, USA - Richmond International
Airline :Continental Airlines CO3078
Fare type :Economy Restricted
Aircraft :Embraer RJ135/140/145 - Operated by EXPRESSJET

AIRLINES

INC DBA CO EXPRE

Baggage :1 piece(s) per traveller
Meal :information not available
Last check in:information not available

FLIGHT PAYMENT *

Air Fare not Available

FLIGHT NOTES *

Not all seat and meal options are offered on all flights.

Specific rules and restrictions may apply to this fare.
Taxes are included except where local airport taxes are collected
at
check-in time.

FLIGHT SPECIAL REQUESTS *

Seat request:

Richmond - Managua
Flight 1: Richmond - Newark: 19C (confirmed), 19B (confirmed)
Flight 2: Newark - Houston: 20E (confirmed), 20B (confirmed)
Flight 3: Houston - Managua: 22C (confirmed), 22B (confirmed)
Managua - Richmond
Flight 1: Managua - Houston: 20C (confirmed), 20B (confirmed)
Flight 2: Houston - Richmond: 14C (confirmed), 14B (confirmed)

Seat location preferences:

None specified

Meal preferences:

None specified

Meet and assist travellers with special needs:

None specified

Wheelchairs needed:

John H Collmus:0
Jacquelyn S Collmus:0

MISCELLANEOUS *

R Reagan National (Washington, District of Columbia, USA)

Monday, August 30, 2010
Notes : TAT

RESERVATION OFFICE *

TRANS AM TRAVEL
4222 KING STREET
ALEXANDRIA VA 22302
UNITED STATES OF A
Tel:703 998-7676
Fax:703 824-8190

Legal Information

For customer support, please contact your travel agency.

Thank you for choosing checkmytrip.com

<https://www.checkmytrip.com/plnext/XCMTXITN/CleanUpSessionPui.action?>

LAN
GUAGE=GB&SITE=XCMTXITN

EXHIBIT 14

Sarah Star

From: Lindevaldsen, Rena M. <rlindevaldsen@liberty.edu>
Sent: Monday, November 23, 2009 11:35 AM
To: Rebecca Glenberg
Cc: srs@sarahstarlaw.com
Subject: RE: Lisa's address

Rebecca,

The 107 Old Stable Road address is not her current address since she hasn't lived there since October 2008, at which time she moved to an address on Green Tree Drive (in Forest, which is in Bedford County). Off the top of my head I don't have the exact address on Green Tree but I believe Sarah does have it because I know we provided it to her previously. I've cc'd her on this e-mail since she has also asked for Lisa's address. If neither of you have it, I could call the office and ask someone to get it from the file for me. After I received Sarah's e-mail last week asking to confirm Lisa's address, I left a few messages with Lisa to confirm that Green Tree is still her current address but I haven't heard back from her yet.

Rena

From: Rebecca Glenberg [rglenberg@acluva.org]
Sent: Monday, November 23, 2009 11:24 AM
To: Lindevaldsen, Rena M.
Subject: Lisa's address

Rena:

Can you please confirm that Lisa still lives at 107 Old Stable Rd., Lynchburg, VA 24503? If not, can you please send me her current address? Thank you.

Rebecca

Rebecca K. Glenberg
Legal Director
ACLU of Virginia
530 E. Main Street, Suite 310
Richmond, VA 23219
(804) 644-8080
Fax: (804) 649-2733

EXHIBIT 15

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IN THE VERMONT SUPERIOR COURT
RUTLAND COUNTY FAMILY DIVISION

LISA MILLER-JENKINS,)	Case No. 454-11-03 Rddm
Plaintiff,)	Rutland, Vermont
)	
- against -)	
)	December 22, 2009
JANET MILLER-JENKINS,)	
Defendant.)	
)	

TRANSCRIPT OF MOTION HEARING

BEFORE THE HONORABLE WILLIAM D. COHEN,
SUPERIOR COURT JUDGE

APPEARANCES:

RENA LINDEVALDSEN, ESQ. (Telephonically)
Attorney for the Plaintiff

SARAH STAR, ESQ.
Attorney for Defendant

MICHELLE A. KENNEY, ESQ.
Attorney for the Minor Child I.M.J.

TARA J. DEVINE, ESQ., Guardian Ad Litem for I.M.J.

Transcription Services:	eScribers
	700 West 192nd Street
	Suite #607
	New York, NY 10040
	(973) 406-2250

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1 (Proceedings convened)

2 THE COURT: Good morning; please be seated.

3 MS. MICHELLE KENNEY: Good morning.

4 THE COURT CLERK: The next case before the Court is
5 docket number 454-11-03 Rddm, Lisa Miller-Jenkins v. Janet
6 Miller-Jenkins. Plaintiff is not present but is represented
7 by Attorney Rena Lindevaldsen, participating by telephone.
8 Defendant is not present but is represented by Attorney Sarah
9 Star. Also present are Attorneys Michelle Kenney, attorney
10 for the minor child; and Attorney Tara Devine, guardian ad
11 litem for the minor child.

12 THE COURT: All right. And as it stands right now,
13 just on the necessary paperwork that's submitted to the Court,
14 the plaintiff, Lisa Miller, through her counsel, filed a
15 notice of appeal. And also, as part of the notice of appeal,
16 requested that the order, which would, in essence, change
17 custody on January 1st, 2010, be stayed, and they filed that
18 pursuant to the Vermont Rules of Family Procedure. And we're
19 having a hearing today on that request.

20 In the interim, Ms. Kenney, the attorney for the
21 child, filed a notice of appeal but did not file a motion to
22 stay the order, but that has been submitted and filed with the
23 family court and I received a copy of that today.

24 Likewise, the guardian ad litem, Ms. Devine, who is
25 present in the court here today, at the previous hearing

1 indicated that it was not the guardian ad litem's position to
2 appeal the decision that was issued in this matter that would,
3 in essence, transfer custody. And I suspect, Ms. Devine, that
4 you don't share in the decision to stay, as well?

5 MS. TARA DEVINE: Correct, Your Honor.

6 THE COURT: All right. And Ms. Star, who is here on
7 behalf of Ms. Jenkins has filed a motion in opposition to the
8 request to stay, as well as a sanction motion, I believe,
9 against -- against Ms. Lindevaldsen and Mr. Smith.

10 So the pivotal case on the subject is the case from
11 the Vermont Supreme Court in the name of Gilbert against
12 Gilbert and it's 163 Vt. 549 where the Supreme Court has
13 indicated that, in order to stay -- well, just so the record
14 is clear, that this type of order does not -- is not included
15 in the automatic stay provisions of the Vermont Rules of
16 Procedure, either appellate or family. And the appellant can
17 request a stay by establishing that all four of these
18 following elements; one, a strong showing that the appellant
19 is likely to succeed on appeal; two, unless the stay is
20 granted, the appellant will suffer irreparable injury; and
21 three, no substantial harm will come to any party by reason of
22 the issuance of the stay; and four, granting the stay will do
23 no harm to the public interest.

24 And so Ms. Lindevaldsen, your -- it's your motion and
25 you have the obligation to show those four items. Would you

1 like to be heard?

2 MS. RENA LINDEVALDSEN: Yes, Your Honor. Again, I
3 won't necessarily repeat what's in the papers, but will
4 supplement some of that with respect to the four factors.

5 With respect to the strong showing of likelihood of
6 success, obviously, there have been prior appeals in this case
7 which we have logged; the Court has affirmed, as everyone's
8 aware. The prior decisions concerning visitation or parental
9 rights and responsibilities awarded to Ms. Jenkins.

10 We believe, however, that what is precedential both
11 in this state and in the country is the concept that we are
12 awarding -- the order awards sole parental rights and
13 responsibilities, legal and physical, to Ms. Jenkins, who is
14 not an adoptive parent, who is not the biological parent. And
15 Ms. Miller is, unquestionably, also a fit parent. We believe
16 that drastically changes the possible outcome of this case.
17 And based on the United States Supreme Court precedent based
18 on parental rights, that there is a likelihood that the
19 Vermont Supreme Court should rule in favor of Ms. Miller in
20 reversing this. Because, again, it would be a first case,
21 unprecedented, and I believe radically changes the outcome on
22 a parental rights analysis with respect to awarding sole legal
23 and physical custody to an undisputable non-biological or non-
24 adoptive parent.

25 THE COURT: But Ms. Lindevaldsen, and I keep

1 butchering your name, and I apologize.

2 MS. LINDEVALDSEN: It's okay.

3 THE COURT: The -- but the Vermont Supreme Court has
4 affirmed the decision finding that Ms. Jenkins is a legal
5 parent, and that's the law of the case in this -- for this --
6 for this case, is that she is, in fact, a recognized, by an
7 appellate court, as the legal parent. Does that affect your
8 analysis at all?

9 MS. LINDEVALDSEN: It doesn't, Your Honor. There
10 have been prior -- in other states, there have been a couple
11 of decisions where, whether you call it de facto parent or
12 psychological parent -- whatever -- or in loco parentis --
13 they characterize the former partner as a legal parent, but in
14 all of those cases, including the prior cases that have gone
15 up to the Vermont Supreme Court, it has only involved, in
16 essence, a visitation order. When you factor in the United
17 States Supreme Court precedent concerning parental rights, the
18 fact that Ms. Miller is a fit parent, it does drastically
19 change the equation, and it would be the first in the nation,
20 in this state, to award this person, who, although
21 characterized as a legal parent, is not the biological or
22 adoptive parent and to give her sole legal and physical
23 custody. Based on all the precedent in the country and
24 incorporated the U.S. Supreme Court precedence of parental
25 rights, it does change it, even though she's been

1 characterized as a legal parent.

2 THE COURT: But, well, she hasn't been characterized
3 as a legal parent; she has been deemed a legal parent, which
4 is different than a de facto parent or different than the
5 other standard. It's a higher standard being a legal parent
6 versus a de facto parent, don't you agree?

7 MS. LINDEVALDSEN: Well, Your Honor, again, states
8 have adopted different terminology, and Vermont is not alone
9 in using the legal parent terminology. But when you look at
10 the analysis the Vermont Supreme Court used, it looked at
11 factors that are similar to, if not identical to, some other
12 states' analyses of a de facto parent. They had to look at,
13 because she wasn't biological, because she wasn't adoptive,
14 they had to look at the same-sex union at the time. They had
15 to look at her intentions to parent this child, and then
16 called her a legal parent based on those factors, because she
17 is not a biological or adoptive parent. So we do not believe,
18 based on the terminology, that that's going to be conclusive,
19 as opposed to what is, in essence, a switch of custody,
20 stripping a biological parent and giving to somebody who
21 indisputably is not a biological or adoptive parent. Based on
22 the United States Supreme Court precedence, again, it's not
23 the terminology, it's what is taking place and what is being
24 depriving the fit biological parent her parental rights.

25 If I understand the terminology in Vermont that

1 Vermont has used, when you look at the factors, it's not
2 called de facto parenthood, but they look at the same factors.

3 THE COURT: But not so in this case. This case --
4 this case -- this case clearly looked at the fact that the
5 child was conceived while the parties were members of a civil
6 union and the child was born while the parties were members of
7 a civil union. And I think the Supreme Court, in determining
8 that Janet Jenkins had a -- was a legal parent utilized that
9 information more than the fact that she took on a role as a
10 parent, which would be a de facto parent.

11 MS. LINDEVALDSEN: Your Honor, and there is, again,
12 and we've used this in our briefing, both in Virginia, Vermont
13 and the United States Supreme Court, your opinion in November
14 of 2004 utilized that test, which was, because the child was
15 born during a same-sex civil union, and that legally connected
16 union. The Vermont Supreme Court affirmed that, but then it
17 went on to discuss that more. It didn't repeat the standard
18 that was utilized by Your Honor in its November 2004 decision.
19 But then went on to discuss these other factors and said,
20 significantly, that the relationship was important, but also
21 discussed the factors. So we've often pointed out that, you
22 know, obviously, it affirmed your opinion, but it went on to
23 explain what it also considered was important to the decision
24 to treat her as a parent, and it involved some of those
25 factors of her having been involved in parenting a child,

1 which looks a little bit more like a de facto parenthood
2 standard. But regardless of what you call it, she
3 indisputably is not a biological parent. She's not a fit
4 biological parent. And when you get to the United States
5 Supreme Court standard, which has to govern, it drastically
6 changes the analysis.

7 THE COURT: But the law in this case is, as it stands
8 right now, is that Janet's status is as a legal parent,
9 correct?

10 MS. LINDEVALDSEN: Yes, Your Honor. And we are
11 not -- we're not, obviously, relying on seeking to change that
12 characterization, because we know we can't. What we're
13 relying on is with regard to the parental rights argument that
14 will be raised at the Vermont Supreme Court. It's a
15 drastically different equation when you awarded sole legal and
16 physical custody to Janet -- sorry, Ms. Jenkins -- as opposed
17 to awarding legal and physical custody to Ms. Miller with
18 visitation to Ms. Jenkins. It changes the parental rights
19 analysis.

20 THE COURT: And as of last week, at the hearing we
21 had a status conference which was on Friday the 18th of
22 December, you had not spoken with Ms. Miller and you had filed
23 that motion to appeal. Obviously, that's -- there's no issue
24 with that. But you did file a motion to stay and you had not
25 consulted with Ms. Miller prior to doing that. Have you had

1 an opportunity to speak to her now?

2 MS. LINDEVALDSEN: Two things, Your Honor. I have
3 not spoken to her since the conference. I've left a
4 voicemail.

5 I'd like to correct the characterization that we
6 hadn't consulted. Just our sort of -- our five years of
7 representation of Ms. Miller in this case, our sort of pattern
8 in dealing with Ms. Miller is, at the conclusion of the
9 hearings, just to sort of help her deal with, you know, what's
10 going on in the case, you know, we discuss various options at
11 that point. We decide on alternate courses of conduct. It
12 kind of helps her deal with what's going on in the case. And
13 then, you know, if, for example, the order was going to be
14 switching custody, we had already established that she wanted
15 to ask for a stay; ask for an appeal. When we do that, I file
16 the paper, I give her a call, leave her -- you know, leave her
17 a message or send her an e-mail and ask, you know, we're doing
18 this procedure. I hadn't heard back from her that she wanted
19 to change her course of conduct.

20 So I just wanted to clarify that.

21 THE COURT: Okay.

22 MS. LINDEVALDSEN: On that. But I have not heard
23 from her; no, Your Honor, I have not.

24 THE COURT: Okay. Well, thank you for clarifying the
25 pattern of doing that. I wasn't making any accusations.

1 MS. LINDEVALDSEN: No, I just want to clarify that,
2 Your Honor.

3 THE COURT: All right. But as to -- as to actual
4 contact with Lisa Miller, from the date of the decision that
5 granted Janet Jenkins' request for a change of custody, have
6 you had an opportunity to meet with Ms. Miller? Do you know
7 where she is, I guess is the question.

8 MS. LINDEVALDSEN: I do not, Your Honor. I had no
9 reason to believe until this last conference when Ms. Star
10 indicated that, apparently, there's been no coming and going
11 at her house, that she wasn't at her home. I've left -- you
12 know, again, I've left her messages. We're proceeding with
13 this. I send her the documents that we file, which has been
14 our pattern.

15 You know, Lisa, in the past, has, you know, depending
16 on what's going on in the case, sometimes, you know, has been
17 a little more secluded with things and dealing with it.

18 She told me she was going to go visit her brother
19 that had just moved to Wisconsin.

20 So I have not spoken to her since the order and had
21 no reason to believe that that was any issue until I heard Ms.
22 Star's representation on Friday.

23 THE COURT: Okay. Thank you. Anything else you'd
24 like to say?

25 MS. LINDEVALDSEN: Yes, just I think on the

1 irreparable harm, with respect to -- with respect to the
2 child, we put a lot of that into the paper. I just wanted to
3 clarify one thing; I'm hoping this isn't the motion on the
4 sanctions today, but --

5 THE COURT: No. No. No. No. No, definitely not a
6 motion on the sanctions.

7 MS. LINDEVALDSEN: Okay. I don't know the motion on
8 the sanctions really deals with the representation we made in
9 our motion for stay, and I just wanted to clarify. Again,
10 we're looking at the totality of the circumstances. We
11 weren't singling out change of school or change in
12 environment. It was the totality of the circumstances,
13 including, obviously, a drastic change with respect to her
14 religious upbringing that was going to take place and was
15 asking the Court to consider that. Also based on Ms. Tyler's
16 testimony that these are things that are traumatic events in a
17 child's life. So putting all of that together, we were making
18 a -- making a statement that obviously has a potential
19 traumatic affect on the child and was asking the Court to
20 consider that.

21 With respect to the fourth factor, I would like to
22 comment on that one, with respect to the public interest.
23 Obviously, we understand the Vermont courts decisions in this
24 case. We obviously -- the client disagrees with them, but we
25 are asking the Court, which is why we brought up the fact that

1 there was a Virginia Court of Appeals argument on December
2 9th, it is the first -- this decision is the first in the
3 nation switching custody to the non-biological or adoptive
4 parent in this type of situation. Virginia's decision, which
5 will come out of the Virginia Court of Appeals decision, is
6 the first in the nation deciding whether a receiving state has
7 to enforce an order that clearly conflicts with the state's
8 public policy, laws, and amendment on that issue.

9 In the past, the Virginia Court of Appeals has ruled
10 anywhere from one month to three months in our decisions,
11 except for the very first one where it was awaiting your
12 decision -- the Vermont Supreme Court's decision back in 2005,
13 it's ruled rather quickly. And given the historic legal
14 significance of this case in both states and in the nation,
15 which is why we believe it is relevant to this case, we're
16 asking this court to consider the totality of the
17 circumstances and the child, to grant the stay.

18 THE COURT: Okay. Thank you.

19 MS. LINDEVALDSEN: Thank you.

20 THE COURT: Ms. Kenney?

21 MS. KENNEY: Thank you, Your Honor. Well, I did --
22 and I wanted to clarify, too, you were going over the
23 pleadings that you received, so you did, in fact, receive my
24 response to the motion to stay or you have not? Because I
25 think --

1 THE COURT: I --

2 MS. KENNEY: -- I heard you say you reviewed my
3 notice of appeal but possibly not yet received my response.

4 THE COURT: I received your response to motion to
5 stay.

6 MS. KENNEY: Good.

7 THE COURT: Indicating that you are in agreement with
8 it.

9 MS. KENNEY: Thank you.

10 THE COURT: Okay.

11 MS. KENNEY: That's -- I just wanted to confirm that
12 because I wasn't sure if you were talking about my notice of
13 appeal or my actual response.

14 THE COURT: No. I think I may have misspoken when I
15 said I think -- I said that you filed a motion to stay but you
16 captioned it response to motion to stay.

17 MS. KENNEY: Okay.

18 THE COURT: And what you did is you -- you are
19 joining with the plaintiff on requesting that the stay -- and
20 then incorporating Ms. Lindevaldsen's argument.

21 MS. KENNEY: Thank you. I think, before I get into
22 the merits a little bit, I think the one note -- and I'd
23 mention this to the Court last week at our Friday hearing.
24 And, you know, the concern of not being able to get a hold of
25 my client in this process is a difficult one from my

1 perspective. And you know, for the Court's knowledge, the
2 only thing that I can go on are the conversations and
3 discussions I've had with her from several months ago. So I
4 am really hoping that I can, at some point, get a hold of Ms.
5 Miller and the child to be able to talk about what's happening
6 here. But without that opportunity, the best that I can do,
7 as the child's attorney, is to go by what I've been told in
8 the past. And so that's -- you know, my representation to the
9 Court is that's what I'm doing to the best of my ability
10 without the benefit of talking to the child.

11 THE COURT: I understand --

12 MS. KENNEY: Okay.

13 THE COURT: -- what both you and Ms. Lindevaldsen
14 need to do and the reasons. I think Ms. Lindevaldsen
15 articulated it that she had a plan and that she discussed with
16 her client and she is pursuing that plan.

17 MS. KENNEY: Okay. And so I guess, when it comes to
18 the merits of the motion to stay, on behalf of the child, the
19 most obvious issue here is a transfer of custody of a seven-
20 year old that has been in the same home for five years. What
21 I see is, without a stay, I am not sure the transfer is going
22 to take place, in any event. But without a stay in place, in
23 the event that there is a reversal, is a real concern about
24 her changing her present community; that is, her school, and
25 her community, and her contacts to her community at this point

1 with a potential reversal coming down the line.

2 What I see clearly is that the motion to stay may not
3 be in Ms. Jenkins' best interests. And as she's been
4 identified as a legal parent, she has a right to that child,
5 but would not harm I.M.J. to wait a few more months, depending
6 on how long it takes to resolve this issue, to insure that the
7 decision is made and it's finalized before a transfer of both
8 physical and legal custody is made. It's --

9 THE COURT: But if the Vermont Legislature has
10 indicated that it is in the best interests of the child for
11 both parents to have contact and that Ms. Jenkins would be
12 required to insure that Ms. Miller have significant time with
13 the child, verses the other way where Ms. Miller has not been
14 compliant with previous court orders, I am not sure how you
15 can argue that point without saying that -- I mean, again, Ms.
16 Jenkins is going to be required, pursuant to court order, to
17 allow Ms. Miller appropriate time -- plenty of time to be
18 shared with the child. And that in the reverse has never
19 seemed to work, no matter what incentives, or what type of
20 sanctions, or what type of orders the Court has issued.

21 Do you have any explanation for that?

22 MS. KENNEY: Sure. I mean, I understand what the
23 Court is saying. What I think, though, is that the statute
24 for maximum contact between both parents is a right held by
25 the parents. And as an attorney for the child, what I am

1 trying to advocate is what her rights are and how her
2 lifestyle is going to be affected by this change, and what it
3 would mean for her in the overall picture.

4 I can't dispute that both parents have a right to
5 contact with this child; Janet does as much as Lisa does. But
6 from I.M.J.'s perspective, all I keep coming back to is that
7 we have a seven-year-old child who was moved from Vermont at
8 about two years of age. And while Ms. Miller has absolutely
9 been the guilty party of preventing contact -- I don't think
10 anybody disputes that -- the functionality reality of the
11 denial of contact from I.M.J.'s point of view, is that she has
12 had very little contact with Janet Jenkins. And her life for
13 five years -- I mean, we're not talking about a fifteen-year-
14 old child. We're talking about a seven-year-old child who, in
15 all -- for all other intents and purposes, without respect to
16 the way Ms. Miller has denied contact, is doing very well in
17 her life.

18 It brings back my concern about Dr. Tyler's testimony
19 from our last motion hearing, about how a move like this,
20 while they had some statistics, and I think that statistics
21 were seventy-five percent, or something of that nature, where
22 the transfer of custody, the child can adjust and things would
23 occur okay. There's also a chance that it won't go okay and
24 that I.M.J. will suffer in a very negative way.

25 Now, I can't sit here and dispute for the Court that

1 Ms. Miller hasn't been guilty of doing this and that Ms.
2 Jenkins is not entitled to see her child; she is. But those
3 rights for each parent to have maximum contact, it's for the
4 benefit of the child, but the child, at this point, has lived
5 in Virginia for five years and she's only seven. I mean, I
6 just can't -- I can't stress that enough to the Court.

7 And if we're talking about a two- to three-month
8 waiting time to have the issue finalized, whether it is
9 finalized or not, but by the Vermont Supreme Court, I can't
10 imagine that that's going to harm the situation any more than
11 it already has. And in fact, if, by chance, it's reversed,
12 it's only going to save a move and then a move back.

13 THE COURT: What about the element -- and you have to
14 have all four elements.

15 MS. KENNEY: Um-hum.

16 THE COURT: That there needs to be -- and it doesn't
17 even need to be a showing -- the Supreme Court has indicated
18 a, quote, strong showing that the appellant is likely to
19 succeed on the appeal. Any --

20 MS. KENNEY: Thank you for that, Your Honor. What I
21 would say is that I echo plaintiff's statements that it is an
22 unprecedented case, but I -- honestly, with the Court, the law
23 of the case is stated. And that's not under dispute. But
24 what I can see, and while all four factors have to be shown,
25 from the child's perspective, some of these factors are more

1 important than others. And clearly, my focus on the case is
2 the impact that this is going to have on I.M.J. And you know,
3 there's, clearly, an open door regarding reversal. I am not
4 sure that I can argue one way or the other with certainty how
5 successful that's going to be. We have the law of the case.
6 The Vermont Supreme Court has issued orders on this case that
7 we're all aware of. But plaintiff has proposed some arguments
8 that certainly maybe successful.

9 And but my biggest argument before this Court is
10 that -- is I.M.J.'s -- the impact on I.M.J. for this change.

11 And for the record, I would add to that, you know,
12 this case presents an almost impossible legal situation
13 whereby a child is in the mix of a custody dispute that has no
14 real legal answer. And the reason for that is, because no
15 matter what happens in this case, I.M.J. has lived a life that
16 she's known. And no matter what happens, that's going to
17 change in a fairly drastic way. Either contact continues to
18 be denied and she does not have an opportunity to develop a
19 relationship with Janet, or custody is transferred completely,
20 which in and of itself could lead to a child who adjusts to
21 the situation well or could be very traumatic and destructive.
22 That's a situation that the Court cannot address.

23 But if we're looking only from this child's
24 perspective, what we're fighting about here is two legal
25 parents' right over the child, in my mind; not necessarily

1 what really is best for I.M.J. at this point.

2 THE COURT: Again, I go back to what is -- what has
3 been the law of this case to be is that maximum time with both
4 parents. That has not occurred. And that, if that is in the
5 child's best interests -- I mean, you're sort of looking at
6 the case is that the child is going to move to Vermont and not
7 have any type of contact, relationship or input from Ms.
8 Miller. Well, that's not going to be the case, because
9 there's certain perimeters that Ms. Jenkins is going to be
10 forced to adjust to. And if that means adhering to the
11 child's religious preferences, that's going to be the case.

12 Well, if -- I'm sorry.

13 THE COURT: So I'm not going to -- you know, it's a
14 transfer now, but as to the -- the terms of the plan, I mean,
15 that was why I issued the decision the way I did, is to force
16 the parties to come up with some type of plan as to what are
17 the circumstances? What school is she going to attend?
18 Where -- is she going to be able to get her religious training
19 and her -- what religious facilities are available to her to
20 adhere to her religious beliefs? And I'm not intending to
21 throw any of that away. So there might be or would force to
22 be some certain adjustments to the decision as to adhering to
23 those kinds of needs and concerns, and that would be something
24 that you and Ms. Devine would be useful with. SO --

25 MS. KENNEY: I mean, I think my only additional point

1 is that I'm certainly hopeful that, in the event of an
2 eventual transfer, that Ms. Jenkins certainly will allow
3 contact as provided, that she'll be open and encouraging of
4 contact with Ms. Miller. I am not sure that there's any
5 evidence that that's going to happen, but of course, there
6 hasn't been any opportunity for there to be evidence of her
7 ability to foster that relationship.

8 So I think what the Court's going on right now is
9 testimony from Ms. Jenkins and her family about how they will
10 comply with court orders and, certainly, encourage the contact
11 with Ms. Miller. And so I've no reason to believe that won't
12 happen at this point. But --

13 THE COURT: Well, if it doesn't happen, we're going
14 to be back here again --

15 MS. KENNEY: Right.

16 THE COURT: -- on another round, and I would imagine
17 that Ms. Jenkins is going to be well aware of the risks of not
18 cooperating and putting in an appropriate plan that meets with
19 some of the concerns that Ms. Miller has and, specifically,
20 some of the concerns that you have as the attorney for the
21 child.

22 MS. KENNEY: And I'm not necessarily insinuating she
23 won't comply. The only point I was making was we don't have
24 any evidence either way, just because of the reality that
25 contact has not been allowed, so there is a lack of evidence

1 as to that factor. But that's really the point I was making,
2 Your Honor.

3 THE COURT: And Ms. Devine, inasmuch as you're the
4 guardian ad litem for the child, you don't agree with the
5 appeal and you do not agree with the stay, is that correct?

6 MS. DEVINE: That's correct, Your Honor. I really
7 don't have too much to add. I think the Court did a great job
8 in looking at the hearings that we all attended regarding the
9 best interests of I.M.J. and I think that that should be
10 enforced and we should see how the transition can happen.

11 Ms. Miller has got to appear and present herself to
12 try to make a plan and state what she wants for contact with
13 I.M.J. Is she going to want to be more involved, how
14 involved? I mean, technically, in my opinion, the legislature
15 has made the case for contact with the parents and it's in the
16 child's interests, too. There's not just Janet Jenkins'
17 interest. I.M.J. has, in all the other proceedings, been very
18 open to seeing Janet. And you know, to me, the Court had
19 granted substantial contact during the summer. At the very
20 least, if there is a reversal, then technically, there's a
21 reestablishment of the bond between I.M.J. and Janet and we
22 can take things as they come.

23 But I think what we have is a child who is adaptable,
24 who right now we don't know what school she's attending or how
25 many schools she's switched in the past two years.

1 Technically, the plaintiff hasn't -- or Janet Jenkins -- or
2 Lisa Miller has not proven that there's any kind of
3 irreparable harm that would happen to follow the order right
4 now.

5 THE COURT: Thank you.

6 Ms. Star?

7 MS. SARAH STAR: Thank you, Your Honor. I just first
8 want to address the claim that this appeal could possibly
9 succeed because of it being an unprecedented case of a non-
10 biological parent getting primary custody. And I -- again, I
11 haven't had -- this type of work isn't primarily what I do,
12 and so Ms. Lindevaldsen probably has done more research on
13 this topic than I have, but I've been able to find at least
14 one case, it's the case of Jones v. Boring Jones and it's a
15 2005 Pennsylvania Supreme Court 337 where the best interests
16 of a child -- and again, I think it's irrelevant because it's
17 not a civil union and it's a de facto parent case. But the
18 non-biological parent was awarded full custody of two children
19 based on best interests. And one of the major factors was
20 that the biological mother tended not to follow court orders
21 and was not fostering a positive relationship between the
22 children and the other parent -- the de facto parent.

23 So while I agree with the Court that this line of
24 cases is irrelevant because of the legal parent status that
25 Ms. Jenkins has under the law now in Vermont and recognized in

1 Virginia, the claim that Ms. Lindevaldsen has repeated over
2 and over, and it was echoed by the child, that this is
3 unprecedented, is false at least in the one case that I was
4 able to find in the past twenty-four hours.

5 So secondly, just to address the factors. So that
6 goes to the likelihood of the merits of the appeal.

7 THE COURT: What do you say about the fact that Ms.
8 Miller is not -- her whereabouts are not known?

9 MS. STAR: Well, I think that -- well, frankly, I
10 think that this stay, and a lot of the proceedings that are
11 going on in this case are just an attempt to provide
12 legitimacy to Ms. Miller's actions, which are just -- you
13 know, as Ms. Lindevaldsen stated, she does not agree with the
14 court order; she is not obeying the court order. So I think
15 there's absolutely no chance -- and I know that my client is
16 not anticipating Ms. Miller to comply with the January 1 date.
17 And so unless there was some evidence to contradict sort of
18 what all the evidence is indicating, that it's not -- that
19 she's not going to comply whether a stay is granted or not, if
20 Ms. Lindevaldsen can present some evidence on that, then I
21 think it might, you know, have some weight. But given that,
22 you know, irreparable harm has to be proved and the claimed
23 irreparable harm is that the transfer will harm I.M.J., but
24 there's really a very minor chance that Ms. Miller is going to
25 comply with the transfer anyway. I think it undermines that

1 argument quite a bit.

2 And again, I want to echo what the guardian ad litem
3 said, in that, you know, the goal here, until, you know -- and
4 continuing goal is reunification between Ms. Jenkins and
5 I.M.J. And the Court has tried every which way to make that
6 happen in terms of issuing sanctions; rescheduling visits.
7 And so if a transfer of custody is the only way, at this
8 point, to make that reunification happen, even if there is a
9 reversal down the road, at least during this period, you know,
10 between January 1, or a few months down the road, there will
11 have been reunification. And again, this is all just assuming
12 that Ms. Miller can be found and the child can, in fact, be
13 transferred.

14 So again, I don't think that it would serve the best
15 interests of the public to give legitimacy to what, clearly,
16 is going to be more violation of court orders by Ms. Miller.
17 It's in the best interests of children and families to have
18 contact with each other, you know, maximum continuing contact
19 with both parents. I don't think it would set a good
20 precedent for other families if a stay were granted for the
21 purpose of an appeal that seeks to eliminate the contact of
22 one legal parent with a child. And --

23 THE COURT: Well, that's not what the appeal -- the
24 appeal would say that the conclusion is not appropriate -- the
25 conclusion to transfer custody is not warranted under the

1 circumstances. That would be -- that would be the appeal, not
2 that that would deprive Ms. Jenkins of any contact. Now,
3 maybe that might be the result, but the Supreme Court wouldn't
4 issue a decision --

5 MS. STAR: Correct.

6 THE COURT: -- on that. They would just remand it
7 back to have -- look at additional sanctions or look at
8 additional schedules.

9 MS. STAR: Correct. The plaintiff also asks for a
10 stay pending the appeal in Virginia and I am not sure that
11 there's any legal basis for asking for that. But the result
12 of that appeal would be to attempt to eliminate contact
13 between Ms. Jenkins and I.M.J. completely by saying that the
14 Court would not need to enforce an order that it disagreed
15 with.

16 THE COURT: What happens if the Commonwealth of
17 Virginia does agree with Ms. Miller that it does not need to
18 enforce the Vermont order?

19 MS. STAR: Frankly, I think that's irrelevant because
20 the issue is do they need to -- you know, must a judge enforce
21 the order. First of all, a court in Virginia has already
22 found Ms. Miller in contempt and has issued future sanctions
23 for future missed contact, including a hundred-dollar-a-day
24 fine for missed visits and missed time after a potential
25 transfer of custody. So a court has already enforced. And I

1 understand that that's on appeal. You know, the judiciary in
2 a contempt proceeding is not the only branch that can enforce
3 this type of order and provide my client a legal remedy.
4 Basically, if Ms. Miller does not turn over or, you know,
5 comply with the order, it does become parental kidnapping
6 under the Virginia Criminal Code and, therefore, a prosecutor
7 can also charge Ms. Miller with abduction. So and again,
8 that's within the discretion of the prosecutor so long as it's
9 a crime punishable by contempt, which it is, because it's
10 already been -- contempt has been ordered. So I think there's
11 lots -- you know, regardless of this particular appeal, I
12 mean, the issues on appeal have been do they -- can they
13 register it. You know, can we recognize it. And the answer
14 has been yes, yes, yes. And now, finally, they're saying, oh,
15 no, this is separate enforcement. But I think it's irrelevant
16 because there's lots of different remedies besides specific
17 family court enforcement at some point.

18 THE COURT: But if the courts in Virginia say it's
19 not enforceable, then the executive branch in Virginia is not
20 going to enforce it, correct?

21 MS. STAR: They're not -- I don't think the issue is
22 is it enforceable. I think that they're saying that it can be
23 discretionary. A court doesn't need to enforce it. If the
24 court disagrees with it, it doesn't need to enforce it, still
25 punishable by contempt.

1 THE COURT: Through the court process.

2 MS. STAR: I'm saying that --

3 THE COURT: I mean, you can just -- you --

4 MS. STAR: -- the judges could exercise their
5 discretion. I believe that that's the argument. And --

6 MS. LINDEVALDSEN: If I could correct that, Your
7 Honor?

8 THE COURT: Yes, Ms. Lindevaldsen.

9 MS. LINDEVALDSEN: Yes. The question on appeal
10 actually is, is it at all enforceable in light of Virginia's
11 marriage amendment and Marriage Affirmation act. And so if --
12 if we were to prevail at the Court of Appeals, it would
13 reverse all prior enforcement orders and it would be that it's
14 unenforceable for any purpose in Virginia.

15 THE COURT: But that would then go -- well, either
16 side's going to take that to the Virginia Supreme Court.

17 MS. LINDEVALDSEN: It is a discretionary appeal to
18 the Virginia Supreme Court.

19 THE COURT: Oh, it's discretionary?

20 MS. LINDEVALDSEN: Yes, Your Honor.

21 THE COURT: Ms. Lindevaldsen, anything else you'd
22 like to add, now, after hearing the arguments of the
23 attorneys?

24 MS. LINDEVALDSEN: Probably the only thing is -- and
25 I don't know how significant it is -- but it has been about a

1 year since I've read Jones v. Jones, the Pennsylvania case.
2 But what I recall -- what I'm recalling about that is that
3 case was very interesting for another reason; is that there
4 were actually three parents involved in that case. And the
5 constitutional issue was not taken up on appeal, if I recall
6 that correctly. So unfortunately, in many of these cases, the
7 constitutional issue is not brought up. So that case did
8 actually award parental rights to three people and it did not
9 go up to the appellate process on the constitutional issue,
10 which doesn't change what's going on here.

11 And again, I would just join in with the arguments
12 concerning the best interests of I.M.J. that were stated by
13 Ms. Kenney.

14 THE COURT: All right. Well, based on the arguments
15 of counsel and the statement by the guardian ad litem, the
16 Court will make the following findings.

17 That it issued a decision on November 20th, 2009,
18 which was a procedural review of the eight years that this
19 case -- actually, I think it was a total of six years that it
20 was actually in front of the Court where orders had been
21 issued involving parent-child time between the custodial
22 parent which was Lisa Miller, and the non-custodial parent
23 which was Janet Jenkins. There have been numerous hearings
24 regarding an allocation of time. There was an extended
25 hearing on parental rights and responsibilities on a temporary

1 basis. All those orders were appealed to the Vermont Supreme
2 Court. The Vermont Supreme Court did make a finding that
3 Janet Jenkins was, in fact, a legal parent of I.M.J. and
4 entitled to legal rights, including time with the child.
5 Numerous court orders were issued after that. Compliance was
6 minimal, at best, and a hearing was held, ultimately, on
7 the -- whether or not the circumstances had been such that
8 would allow Ms. Jenkins to state that the only way to insure
9 that both parents have appropriate time with the child was for
10 her to be the custodial parent, and by findings and order on
11 November 20th, 2009, that that was granted.

12 There is currently pending in the Virginia Court of
13 Appeals a matter that was argued on December 9, 2009,
14 involving whether or not Virginia will enforce the Vermont
15 orders.

16 The Vermont order from November 20th, 2009, was
17 appealed both by the child and by the -- Lisa Miller. And
18 included with that was a motion to stay.

19 The December 9, 2009 order required the parties to
20 submit a parenting plan and have the change occur on January
21 1st, 2010. Today's date is December 22nd, 2009.

22 In order for an appellant to stay an order that is
23 not automatically stayed, Gilbert against Gilbert sets out the
24 test that the appellant must establish, and that is needs to
25 show all four things. One would be a strong showing that the

1 appellant is likely to succeed on the appeal. And though
2 there is a -- circumstances clearly articulated by Ms.
3 Lindevaldsen and by Ms. Kenney that there may be -- that they
4 may be able to succeed on appeal. Neither has indicated
5 anything to show that there would be a strong showing that the
6 appellant is likely to succeed. A strong showing would
7 require that the trial court made an error in law or made an
8 error in fact in applying the law. I haven't heard anything
9 specifically on that; it's just, in essence, that the -- that
10 there is a potential that the Supreme Court will look at this
11 case in a different manner and reverse it. But that's
12 different than having a strong showing that there's likelihood
13 of success. And on the first element alone, I'm going to deny
14 the request to stay the order.

15 As to the irreparable injury to the appellant, again,
16 Ms. Miller has been absent, has not been in contact with her
17 attorney, and Ms. Kenney has not had contact, either, with Ms.
18 Miller or with her client, the child. And there was
19 speculation and argument regarding irreparable injury. But
20 without the whereabouts or without Ms. Miller testifying or
21 without submitting an affidavit, without being involved in
22 this type of request, the moving party can't sustain their
23 burden on that.

24 And, likewise, with no substantial harm will come to
25 any party by reason of the issuance of a stay, can't state

1 that, either, without Ms. Miller being involved in this
2 process.

3 And fourth, granting the stay will do -- granting the
4 stay will do no harm to the public interest. I can't state
5 that with any degree of certainty that that will be the case.
6 And again, without something from Ms. Miller indicating that
7 or some additional data -- specific data cited, I'm going to
8 state that that hasn't been shown, either.

9 And accordingly, I'm going to deny the request to
10 stay the order that will go into effect on January 1st, 2010.

11 I'll issue a written decision today -- short -- and
12 note that there is a process within the rules that will give
13 the parties an opportunity to request review from the Vermont
14 Supreme Court on this decision.

15 I am not sure when you're going to get that decision,
16 Ms. Lindevaldsen or Ms. Kenney. You two might want to talk of
17 how you wish to -- if you wish to have that reviewed. But the
18 time is -- the time is going to be -- you get the decision, it
19 will be mailed today, but for the purposes of the order, it
20 says as of now. If you wish to file something with the
21 Supreme Court today, I think you can do it and supplement it
22 with the order when you receive it. I think you can do that;
23 you might want to check the rules.

24 All right. Anything else?

25 And on the motion for Rule 11 sanctions --

1 MS. STAR: If I could address that briefly, Your
2 Honor? I was a little hasty and I realized that, under the
3 rule, I need to give three days for the other side to make any
4 retractions based on --

5 THE COURT: You need to give them notice.

6 MS. STAR: -- notice. And I did not do that, just
7 given that it was so fast. So what I'm going to do is orally
8 withdraw my motion. They're on notice. They've received
9 it -- as to what my objections are. And if -- I guess if no
10 retractions are made, I'll refile.

11 THE COURT: All right. The motion for sanctions
12 under Rule 11, as requested by Ms. Star, is withdrawn without
13 prejudice.

14 Okay. Thank you.

15 MS. KENNEY: Thank you, Your Honor.

16 MS. DEVINE: Thank you.

17 (Proceedings concluded)

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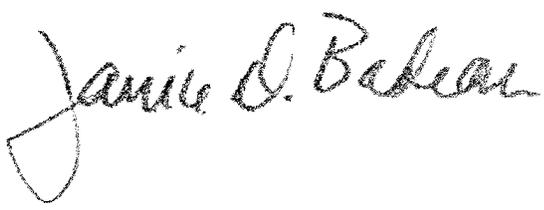
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C E R T I F I C A T I O N

I, Janice D. Badeau, the court approved transcriber,
do hereby certify the foregoing is a true and correct
transcript from the official electronic sound recording of the
proceedings in the above-entitled matter.



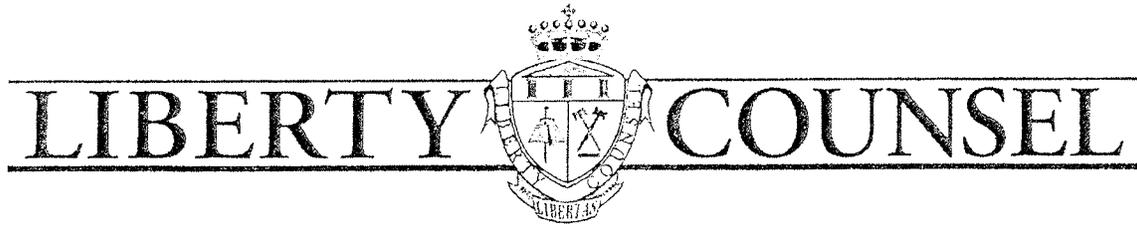
August 20, 2015

JANICE D. BADEAU

DATE

AAERT Certified Electronic Transcriber CET**D-665

EXHIBIT 16



Post Office Box 540774
Orlando, FL 32854-0774
Telephone: 800•671•1776
Facsimile: 407•875•0770
www.LC.org

1015 Fifteenth St. N.W., Ste. 1100
Washington, DC 20005
Telephone: 202•289•1776
Facsimile: 202•216•9656

Post Office Box 11108
Lynchburg, VA 24506-1108
Telephone: 434•592•7000
Facsimile: 434•592•7700
liberty@LC.org

Reply to: Virginia

October 13, 2009

Via Certified Priority Mail/Return Receipt Requested

Clerk of the Court
Frederick County Circuit Court
Judicial Center, 5 N Kent St
Winchester, VA 22601

Re: Jenkins v. Miller, Frederick County Circuit Court, Virginia
Case No. CL09000723-00; Our Ref. 4-42

Dear Clerk of the Court:

In regard to the above-referenced matter, enclosed is the original and one copy of Respondent's Brief in Support of Venue in Bedford County. Please date-stamp the copy and return to us in the self-addressed, posted envelope also enclosed for your mailing convenience.

If you have any questions, please do not hesitate to contact me at the Virginia office address shown above.

Sincerely,

Bonnie M. Gentry
Legal Assistant to Liberty Counsel

Enclosures

cc: Rebecca Glenberg, Esq. (regular U.S. mail)

VIRGINIA:

IN THE CIRCUIT COURT OF FREDERICK COUNTY

JANET JENKINS,

Case No. CL09000723-00

Petitioner,

v.

LISA MILLER,

Respondent.

RESPONDENT'S BRIEF IN SUPPORT OF VENUE IN BEDFORD COUNTY

Respondent, Lisa Miller, by counsel, files this memorandum in support of her request for an order stating that venue is proper in Bedford, not Frederick County. We ask this Court to conclude, as did the Juvenile and Domestic Relations Court (J&DR Court) in its August 28, 2009 order, that there is no longer any reason for venue to remain in Frederick County. The J&DR Court identified several reasons in support of its conclusion, including that: (i) none of the parties has been a resident of Frederick County since August 2008, (ii) Janet Jenkins has been a resident of Vermont throughout the course of the litigation between the parties, and (iii) any future registration or enforcement proceedings can be brought and decided just as expeditiously in another county as it could in Frederick County.

Although Ms. Jenkins argues that it is in Isabella's best interest to keep the matter in Frederick County – where no one lives and none of the attorneys involved have offices – in reality, it serves Isabella's best interests to have the matter transferred to Bedford County.

Brief Factual Background Concerning the Motion to Transfer Venue

In March 2005, Ms. Jenkins filed her first request to register a Vermont custody order in Virginia pursuant to Va. Code § 20-146.26. At that time, Ms. Miller and her daughter were residents of Frederick County and thus, pursuant to the venue statute that governs Juvenile and domestic Relations District courts, Va. Code § 16.1-243, venue was proper in Frederick County. In particular, the statute provides that in cases involving custody or visitation, the matter should

be commenced in the court of the city or county which, in order of priority (i) is the home of the child at the time of filing the petition, or had been the home of the child within six months before the filing of the petition and the child is absent from the city or county because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as a parent continues to live in the city or county, (ii) has significant connection with the child and in which there is substantial evidence concerning the child's present or future care, protection, training and personal relationships, (iii) is where the child is physically present and the child has been abandoned or it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent or (iv) it is in the best interest of the child for the court to assume jurisdiction as no other city or county is an appropriate venue under the preceding provisions of this subdivision.

Va. Code § 16.1-243 (A)(1)(b).

Pursuant to this statute, every request by Ms. Jenkins to register another Vermont order in Virginia that was, or is, made after Ms. Miller and her daughter moved from Frederick County should have been brought in Bedford County, not Frederick County. As a result, when Ms. Jenkins requested on November 25, 2008 to register a November 7, 2008 Vermont order, Ms. Miller moved the J&DR Court to transfer venue to Bedford County – Ms. Miller's home county since August 2008. By order dated December 23, 2008, that court denied Ms. Miller's request insofar as a pending registration and enforcement question was before the court.

At the August 25, 2009 hearing before the J&DR Court, at the conclusion of the hearing on

Ms. Jenkins' motion for contempt and an award of sanctions, Ms. Miller renewed her motion to transfer venue to Bedford County. By that time, Ms. Miller and her daughter had been residents of Bedford County for more than a year, with Ms. Miller working outside Frederick County and Isabella attending school outside Frederick County. Given that there were no pending registration or enforcement requests, and that the courts in Bedford could expeditiously decide any future registration or enforcement matters, Judge Sharp transferred venue to Bedford County.

Venue Properly Exists in Bedford, Not Frederick, County

Pursuant to the registration provisions in the Virginia Code, venue must be proper each time a request is made to register and enforce another foreign order. Section 20-146.26 specifically states that "A child custody determination issued by a court of another state may be registered in this Commonwealth, with or without a simultaneous request for enforcement, by sending to the appropriate juvenile and domestic relations district court in this Commonwealth." The use of the phrase "appropriate juvenile and domestic relations district court" can only refer to venue. Contrary to Ms. Jenkins' reading of the registration statute, it does not state that venue once proper is always proper even where a person makes several requests over several years to register several, new foreign orders. Rather, each request to register a new foreign order must satisfy the requirements of § 20-146.26. Thus, any foreign orders sought to be registered by Ms. Jenkins must be brought in Bedford County.

As a result, the J&DR's decision that venue belongs in Bedford County, not Frederick County, is proper.

Transfer to Bedford County is in Isabella's Best Interests

At the outset, it bears emphasis that neither this case nor the request for venue to be

transferred to Bedford County is about forum shopping. Significantly, as this Court is well aware, the ongoing litigation between the parties raises significant questions concerning parental rights, state sovereignty, and scope of the full faith and credit obligation under the United States Constitution. That Ms. Miller requested Virginia courts to decide parentage of her daughter, who was conceived and born in Virginia, cannot fairly be characterized as forum shopping. Ms. Jenkins' request to trivialize the significance of the Virginia litigation should be dismissed out of hand.

Nor can the request for venue to be transferred to Bedford County be considered forum shopping. To the contrary, Ms. Miller moved out of Frederick County and to Bedford County in August 2008 to take a position with a private Christian school that allowed her to leave her position in the public schools and to enroll Isabella in the same school where Ms. Miller taught. That move can hardly be characterized as an attempt to forum shop. People move; people change jobs. The Virginia statutes require Ms. Jenkins to satisfy venue each time she chooses to attempt to register and enforce a foreign order in Virginia.

Even if the relevant inquiry is whether the transfer serves Isabella's best interests, pursuant to 16.1-243(B)(2), rather than simply asking where is the home county of Isabella pursuant to 16.1-243(A)(1)(b), the transfer serves Isabella's best interests. First, each time that Ms. Miller has attended a hearing in Winchester, it has required her to miss an entire day of work and be away from her daughter for nearly an entire day. Specifically, the drive to Winchester is approximately four hours each way. Thus, each time Ms. Miller attended a hearing in Winchester she was away from work and Isabella for at least eight to nine hours.

That same time commitment has also jeopardized Ms. Miller's employment opportunities. Ms. Jenkins realizes the burden of long distance travel to attend a hearing, yet seems not at all

concerned about its impact on Ms. Miller or Isabella. In fact, Ms. Jenkins has not attended a single hearing in Frederick County since August 2005. For the August 2009 hearing, on her motion for contempt and an award of sanctions, the court granted Ms. Jenkins' motion to attend the hearing by telephone. As the basis for her motion to attend by telephone, Ms. Jenkins stated that it would be a burden on her work to require her to attend the contempt motion that she chose to bring in Virginia. Nevertheless, Ms. Jenkins maintains that Ms. Miller should continue to be required to drive four hours each direction to attend hearings in Winchester, regardless of any imposition it places on Ms. Miller and her attorneys.¹ Jeopardizing Ms. Miller's employment opportunities is not in Isabella's best interests.

Transfer to Bedford County is also in Isabella's best interests based on sub ii of the venue statute. Bedford County, not Frederick County, has significant connection with the child and is the county in which there is substantial evidence concerning the child's present or future care, protection, training and personal relationships.

Bedford County Can Expeditiously Determine Any Future Registration and Enforcement Matters

Ms. Jenkins improperly argues that future registration and enforcement matters must be determined by the Frederick County J&DR Court because of that court's special expertise in the litigation. The Frederick County J&DR Court, however, hasn't conducted any exhaustive evidentiary

¹ The imposition on Ms. Miller's attorneys should also be considered. Since August 2006, Ms. Miller's lead Virginia attorney, Rena Lindevaldsen, has been a full time faculty member at Liberty University School of Law. It has been difficult to attempt to schedule hearings around her teaching commitments or, alternatively, for her to re-arrange her classes when hearings required her to miss classes. Even when another attorney from the office argued a motion or appeal, Ms. Lindevaldsen, as the Virginia admitted attorney on the case, was required to be present in court. If the matter were transferred to Bedford County, it would be easier to schedule hearings around those other commitments.

hearings that would militate against transferring venue to Bedford. In fact, the Frederick County J&DR Court, which is responsible for making the initial decisions on registration and enforcement, already concluded in its August 2009 order that the Bedford County J&DR Court could decide any future enforcement matters just as expeditiously as the Frederic County J&DR Court could. In reality, the Bedford County J&DR Court would need only read one or two, relatively short, appellate court decisions concerning the ongoing litigation to understand the legal issues involved in this case. Those decisions, coupled with whatever facts are put before the court on any future enforcement issues would constitute the universe of necessary relevant information. If in fact the Bedford County J&DR Court were called upon to decide a future enforcement question, the court would do what any J&DR Court would do in an enforcement hearing – bring the parties and potential witnesses before the court to hear testimony relevant to the contempt motion. No special expertise would be required of the Bedford County J&DR Court, beyond the expertise already possessed of J&DR judges, to determine any enforcement or contempt motions that come before it. The Frederick County J&DR hasn't conducted any exhaustive

In addition, good cause exists to transfer future registration and enforcement matters to Bedford County, which county officials might be called upon to execute an enforcement or sanctions order.

CONCLUSION

For the foregoing reasons, venue is proper in Bedford, not Frederick County. We ask this Court to determine, as did the Frederick County J&DR Court, that future registration and enforcement requests be made in Bedford County.



Rena M. Lindevaldsen (VSB #70697)

LIBERTY COUNSEL

P.O. Box 11108

Lynchburg, VA 24506

Tel: 434-592-7000

Mathew D. Staver*

LIBERTY COUNSEL

P.O. Box 540774

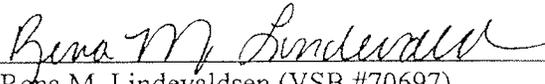
Orlando, FL 32854

*admitted *Pro hac vice*

CERTIFICATE OF SERVICE

On October 13, 2009, I hereby certify that a copy of the foregoing was sent via mail, postage pre-paid and e-mail to: **RESPONDENT'S BRIEF IN SUPPORT OF VENUE IN BEDFORD COUNTY**

Rebecca Glenberg, Esq.
American Civil Liberties Union of Virginia
Foundation, Inc.
520 East Main Street, Suite 310
Richmond, VA 23219
Counsel for Petitioner



Rena M. Lindevaldsen (VSB #70697)
LIBERTY COUNSEL
P.O. Box 11108
Lynchburg, VA 24506
Telephone 800-671-1776
Facsimile 434-592-7700
Counsel for Respondent

EXHIBIT 17

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

JANET JENKINS, for herself and as)
next friend of ISABELLA MILLER-)
JENKINS, a/k/a ISABELLA MILLER,)
Plaintiffs)

v.)

Docket No.: 2:12-cv-184

KENNETH L. MILLER,)
LISA ANN MILLER f/k/a LISA MILLER-)
JENKINS, TIMOTHY D. MILLER,)
ANDREW YODER, individually and as an)
Agent for CHRISTIAN AID MINISTRIES,)
INC., CHRISTIAN AID MINISTRIES,)
INC., RESPONSE UNLIMITED, INC.,)
PHILIP ZODHIATES, individually and as)
an agent for RESPONSE UNLIMITED,)
INC., VICTORIA HYDEN, f/k/a)
VICTORIA ZODHIATES individually and)
As an agent for both RESPONSE)
UNLIMITED, INC., and LIBERTY)
UNIVERSITY, INC. and its related ministry)
THOMAS ROAD BAPTIST CHURCH,)
INC., LINDA M. WALL, individually and)
As agent for THOMAS ROAD BAPTIST)
CHURCH, INC., and DOUGLAS)
WRIGHT,)
Defendants)

AFFIDAVIT OF VICTORIA HYDEN

I, Victoria Hyden, being first duly sworn, do hereby depose and state as follows:

1. I am a life-long resident of the Commonwealth of Virginia, and my husband and I reside in the City of Lynchburg. I have been named as a Defendant in the above-captioned lawsuit and offer this affidavit based on my direct and personal knowledge.

2. Contrary to the allegations in Paragraph 13 of the Complaint, and Amended Complaint, filed in this matter, I am not now and have never been “an employee and agent” of

Dinse,
Knapp & McAndrew, P.C
269 Battery Street
PO Box 988
Burlington, VT
05402-0988
(802) 864-5751

Thomas Road Baptist Church, Inc., (hereinafter "TRBC"). Indeed, I am not now and never have been a member of the church known as TRBC.

3. With respect to Response Unlimited Inc., that is a direct mail business owned and operated by my father and I have never been a director, officer, or agent of it. I have performed part-time clerical work for my father's business but none of my activities in that regard had anything to do with Lisa Miller, or any of the events alleged in this lawsuit, or the State of Vermont. I believe the last time I did any work for my father's business was in the summer or perhaps fall of 2009.

4. I was a student at Liberty University commencing on August 23, 2006, and received a Bachelor of Science degree from that University on September 16, 2008, and a Master of Arts degree from the University on May 15, 2010. In September 2008, I began working as a part-time student employee at the University and held that position until June 2010, at which time I became a full-time employee within the Administrative Offices of the Liberty University School of Law, a position that I continue to hold. At no time have I been an officer, director, manager, or agent of Liberty University.

5. I have never resided in the State of Vermont.

6. I have never been employed in the State of Vermont.

7. I have never owned or rented property in the State of Vermont.

8. I have never held a license or other professional certification in the State of Vermont.

9. I have never registered to do business, appointed a registered agent, or otherwise sought to avail myself of the privilege of doing business in the State of Vermont.

10. I have never paid taxes, fees, or charges of any kind to the State of Vermont.

11. Prior to this lawsuit, my sole contact with the State of Vermont was accompanying my family on a ski trip there when I was 8 or 9 years old.

12. Contrary to the allegation made “on information and belief” in Paragraph 41 of the Complaint, and Amended Complaint, I did not “in 2009 . . . sen[d] an email . . . to . . . co-workers at the Law School requesting donations for supplies to send to Lisa Miller to enable her to remain outside the country.” In fact, I have never requested donations from *anyone* for supplies or anything else to be sent to Lisa Miller.

13. Likewise, contrary to the allegations made in Paragraph 41 of the Complaint, and Amended Complaint, I did not call Mr. Terry Miller in Tennessee on September 20, 2009, “to assist in arranging [Lisa Miller’s] and Isabella’s transportation from a Wal-Mart parking lot in Lynchburg, Virginia, to Waynesboro, Virginia” In fact, I can not recall ever having spoken with Mr. Terry Miller at any time. 14. Contrary to the allegation made in Paragraph 59 of the Complaint, and Amended Complaint, I, as sworn to above, have never “solicited donations from other Law School employees for [Lisa Miller].” In fact, as far as I recall, I have never heard or seen *anyone* solicit donations from law school employees for or on behalf of Lisa Miller.

15. Likewise, the allegations in Paragraph 59 that I “knew of Lisa Miller’s whereabouts” when allegedly soliciting donations is equally false. In fact, I was not even aware of Lisa Miller’s “whereabouts,” *i.e.*, that she had left the United States and apparently moved to Nicaragua, until a reporter called my office phone line at Liberty University some time in 2010 and told me that.

16. I have never provided Lisa Miller with any assistance, aid, or advice of any kind and, contrary to the general, broad allegations made throughout the Complaint and Amended

Complaint, at no time have I participated in or conspired to “kidnap Isabella Miller-Jenkins [or] intentionally cause her continued detention outside the State of Vermont” Likewise, I have never “participat[ed] and conspire[ed] to participate in the affairs of the Beachy Amish-Mennonite Christian Brotherhood” or “conspir[ed] to violate [the Plaintiff’s] civil rights” as is alleged in the Complaint, and Amended Complaint.

17. It would impose a substantial personal and financial burden if I am required to defend the charges made against me in this lawsuit in the District of Vermont, a jurisdiction which is more than 700 miles from my home and family. Subscribed and sworn to under penalties of perjury this 23 day of October, 2012.

Victoria Hyden
Victoria Hyden

COMMONWEALTH OF VIRGINIA

At City of Lynchburg this 23rd day of October, 2012, personally appeared VICTORIA HYDEN, and she acknowledged this instrument, subscribed and sworn to by her, to be her free act and deed.

Before me, Kathy S. Robert
Notary Public
My Commission Expires: November 30th 2015



Duse,
Knapp & McAndrew, PC
209 Battery Street
PO Box 988
Burlington, VT
05402-0988
(802) 864-5751

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

JANET JENKINS, for herself and as next friend of ISABELLA MILLER-JENKINS, a/k/a ISABELLA MILLER, Plaintiffs

v.

Docket No.: 2:12-cv-184

KENNETH L. MILLER, LISA ANN MILLER f/k/a LISA MILLER-JENKINS, TIMOTHY D. MILLER, ANDREW YODER, individually and as an Agent for CHRISTIAN AID MINISTRIES, INC., CHRISTIAN AID MINISTRIES, INC., RESPONSE UNLIMITED, INC., PHILIP ZODHIATES, individually and as an agent for RESPONSE UNLIMITED, INC., VICTORIA HYDEN, f/k/a VICTORIA ZODHIATES individually and As an agent for both RESPONSE UNLIMITED, INC., and LIBERTY UNIVERSITY, INC. and its related ministry THOMAS ROAD BAPTIST CHURCH, INC., LINDA M. WALL, individually and As agent for THOMAS ROAD BAPTIST CHURCH, INC., and DOUGLAS WRIGHT, Defendants

AFFIDAVIT OF MATHEW D. STAVER IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I, Mathew D. Staver, being first duly sworn, do hereby depose and state as follows:

1. I am an attorney licensed to practice law since 1987, have knowledge of the following facts, and if called upon to testify to them could and would do so competently. I am a member of

the Florida and District of Columbia Bars, and have been admitted to practice before the United States Supreme Court, the Florida Supreme Court, all twelve circuits of the United States Court of Appeals, and other courts.

2. I have been board certified since 1995 in Appellate Practice in the State of Florida. I am AV rated by Martindale-Hubbe. I received a Bachelor of Arts degree *Cum Laude*, a Master of Arts degree *Summa Cum Laude*, and received my Juris Doctor degree from the University of Kentucky College of Law.

3. I began in private practice in 1987 in the State of Florida and in 1989 opened my own private law practice in the state. Later in 1989, I founded Liberty Counsel, Inc., a Florida nonprofit public interest law firm. Liberty Counsel has been headquartered in Central Florida since its inception to the present. In 2005, a branch office was opened in Virginia and another office opened in 2007 in the District of Columbia.

4. From 1989 until May 2006, I was the President and General Counsel of Liberty Counsel. Beginning in May 2006, I transitioned from President and General Counsel to Founder and Chairman of Liberty Counsel. In that capacity, I maintained my appearances of record in active cases and I continue to argue some trial and appellate cases for Liberty Counsel throughout the country.

5. Liberty University School of Law matriculated its first entering class in August 2004. On May 15, 2006, after the Founding Dean stepped down, I began serving as Dean and Professor of Law at Liberty University School of Law and continue in that position to the present.

6. I first became aware of Lisa Miller while I was President and General Counsel of Liberty Counsel in 2004. On or about January 2005, Liberty Counsel agreed to represent Lisa Miller. When Liberty Counsel agreed to represent Lisa Miller, she was residing in Virginia. At that time Rena Lindevaldsen was Senior Litigation Counsel with Liberty Counsel. She and I both

worked full-time with Liberty Counsel out of Liberty Counsel's Florida office and were not employed by Liberty University or Liberty University School of Law.

7. The Amended Complaint alleges in ¶22 that "in 2004 she [Linda Wall] was contacted by attorney Rena Lindevaldsen, of Liberty University and was asked to meet with Lisa Miller to screen her for representation by lawyers working at Liberty University and its related law firm, Liberty Counsel, LLC. After this screening, Lisa Miller was accepted for representation by Liberty University attorneys, and also formed a friendship with Defendant Wall. Lisa Miller's lead attorneys were Dean of the Law School Mathew Staver, and Rena Lindevaldsen, a law professor." This allegation is absolutely false. First, neither I nor Rena Lindevaldsen worked at Liberty University in 2004. I did not become the Dean of Liberty University School of Law until May 15, 2006. In 2004, Rena Lindevaldsen worked full-time with Liberty Counsel in Florida. She became a part-time adjunct professor of law at Liberty University School of Law in August 2005, but she continued to work full-time with Liberty Counsel. In July 2006, she became a full-time professor of law at Liberty University School of Law, and she continued to serve as Special Counsel for Liberty Counsel on select cases, including Lisa Miller's case. Second, no one acting in the capacity of an attorney or an employee of Liberty University or Liberty University School of Law ever represented or provided legal counsel to Lisa Miller. Third, at the time Rena Lindevaldsen and I became legal counsel for Lisa Miller on or about January 2005, we were working in our capacity with Liberty Counsel. At no time have either of us ever represented Lisa Miller on behalf of or in our subsequent capacity with Liberty University or Liberty University School of Law. All representation was provided through Liberty Counsel, separate and apart from Liberty University and Liberty University School of Law.

8. In my role as Founder and Chairman of Liberty Counsel since May 2006, I continue to represent clients primarily at the appellate level and in some select trial cases. This representation is solely in my capacity with Liberty Counsel, however, and not in my capacity with Liberty University or Liberty University School of Law. I have never in any pleading,

including pleadings on behalf of Lisa Miller, appeared in my capacity with Liberty University or Liberty University School of Law.

9. In July 2006, when Rena Lindevaldsen accepted a position as a member of the law faculty at Liberty University School of Law, she ceased her full-time work with Liberty Counsel but continued as Special Counsel on select cases, including the representation of Lisa Miller. Her representation of Lisa Miller was solely in her capacity as Special Counsel with Liberty Counsel and not in her capacity with Liberty University or Liberty University School of Law. She has never appeared on any Liberty Counsel pleading or any other legal pleading while representing Lisa Miller, or at any time, in her capacity with Liberty University or Liberty University School of Law.

10. Liberty Counsel is a separate entity from Liberty University. It is incorporated in Florida. Liberty University is incorporated in the Commonwealth of Virginia. Liberty Counsel is headquartered in Florida and is governed by an entirely separate and independent board of directors. Liberty University has no governing control over Liberty Counsel. Liberty Counsel has a staff of attorneys, legal assistants, and administrative staff who oversee and manage the day-to-day operations of Liberty Counsel. Contrary to the Amended Complaint, Liberty Counsel it is not an LLC. It is a Florida nonprofit corporation. It is not a law firm of Liberty University. Liberty University has no input on the cases or management of Liberty Counsel.

11. I have never personally or telephonically appeared in Vermont at any time or in any Vermont court on behalf of Lisa Miller. My name appears only on the pleadings in a representative capacity with Liberty Counsel, not Liberty University or Liberty University School of Law. The last time I have ever been in Vermont was in 2001 when I argued a case while employed with Liberty Counsel at the Vermont Supreme Court on a completely separate matter for another client unrelated to Lisa Miller. I have no professional or personal contacts with Vermont.

12. Contrary to the Amended Complaint in ¶25, and elsewhere, I have never encouraged or supported any of the named Defendants, including Lisa Miller and Isabella Miller, to not allow contact with Janet Jenkins. I have never counseled Lisa Miller to disobey court orders. I have never counseled or encouraged Lisa Miller to flee from the state, the country, or the reach of any court or law enforcement, nor have I counseled or encouraged anyone to assist her in doing so. I have no knowledge of anyone who may have been involved in such a course of action. As the Amended Complaint acknowledges in ¶58, I have always maintained and continue to maintain that I had no knowledge that Lisa Miller would flee and continue to have no knowledge of her whereabouts. I only infrequently spoke to Lisa Miller during the course of representation. My communication with Lisa Miller primarily occurred during a few conference calls, very infrequent telephone calls, and at hearings in Virginia, but never in Vermont. In September 2009, while the litigation was still continuing in Vermont and Virginia, Lisa Miller suddenly stopped all communication. All communication ceased with absolutely no warning or hint from Lisa Miller or anyone else that she intended to flee. The Vermont trial court was informed that Lisa Miller stopped communicating and was unable to be located.

13. Contrary to the Amended Complaint ¶31, neither I nor Rena Lindevaldsen appeared with Lisa Miller on behalf of Liberty University or Liberty University School of Law. Our representation was never on behalf of Liberty University or Liberty University School of Law.

14. In the fall of 2009, Victoria Hyden was a student at Liberty University. While studying to complete her Master's degree she worked as a part-time student worker as an administrative assistant in the Admissions Department at Liberty University School of Law. She was married in 2010 and changed her last name from Zhodiates to Hyden. After she graduated in May 2010, she was hired full-time in the Admissions Department of Liberty University School of Law. At no time has she acted as an agent of Liberty University School of Law or Liberty University.

15. After learning from an online news source about the indictment of Timothy Miller, I obtained a copy of the charging affidavit. Prior to reading the affidavit, I had never discussed Lisa Miller or anything related about her with Victoria Hyden. I had never heard Victoria Hyden mention Lisa Miller or anything related to her with anyone. The charging affidavit alleged that Philip Zhodiaties requested Victoria Hyden disseminate a request to get supplies for Lisa Miller. Upon reading her name, I asked her if she had received or made such a request, and she assured me she had not. This is the first time I spoke to Victoria Hyden about Lisa Miller and my conversation was limited to this inquiry. Since the indictment never mentioned Victoria Hyden took any action in response to the alleged request, I was satisfied she was telling the truth. The Amended Complaint insinuates that I kept Victoria Hyden on as an employee of the law school despite the allegations she was involved in the disappearance of Lisa Miller. First, the charging affidavit never alleged Victoria Hyden was involved in Lisa Miller's disappearance. Second, I was satisfied after speaking with her that she had no involvement with Lisa Miller.

16. After receiving the Complaint and reading the allegation in ¶41 (also ¶41 in the Amended Complaint), that "On information and belief, Victoria Zhodiaties sent an email during this time to her co-workers at the law school requesting donations for supplies to be sent to Lisa Miller..." I again spoke to her asking if she had ever sent such an email or made any such request. She again stated she had not. I then spoke with other staff in the Administrative and Admissions Departments who were employed before, during and after 2009 to see if anyone had any knowledge of such an email or any other request by any method of communication. No one had received or heard of any such email and no one ever heard of Victoria Hyden or anyone else make such a request. The Amended Complaint repeats these false allegations in ¶59, and then further makes the false allegation that law school employees who spoke to Victoria Hyden were too intimidated to speak to law enforcement for fear of angering me and losing their jobs. This allegation is unequivocally false. In fact, Lisa Miller was not a topic of discussion among the staff.

17. The Amended Complaint at ¶57 states that a cell phone allegedly belonging to Philip Zhodiates made three calls purportedly within a matter of two minutes on September 22, 2009, between 1:28 pm and 1:30 pm to a cell phone with an Orlando area code registered to Liberty Counsel, to a landline registered to Liberty Counsel, and to a landline registered to “Liberty University School of Law” (as stated in the Complaint) or “Liberty University” (as statement in the Amended Complaint). The phone registered to Liberty Counsel is a number that had been publically disseminated on press releases at least since 2003 to literally several thousand media and nonprofit organizations and representatives. I never received such a call from Philip Zhodiates or anyone associated with him, which is apparently what the Amended Complaint insinuates. I do not know of anyone who received such a call. Indeed, the short duration of time on its face suggests no one answered. On that day I had back-to-back meetings from the beginning of the work day to the end, including a meeting that went from 1:00-1:30 pm and another meeting from 1:30-2:15 pm. My entire day was booked in this manner. I never talked to Philip Zhodiates or anyone associated with him about the whereabouts of Lisa Miller or any plan or intent to leave Virginia or the country with her child. The insinuation is absolutely false.

18. Other than reading their names in the indictment of Timothy Miller, in the Complaint and the Amended Complaint, and in online news reports about the case, I have no knowledge of Kenneth Miller, Timothy Miller, Andrew Yoder, Christian Aid Ministries, Inc., or the Nicaragua Beachy Amish-Mennonite Christian Brethern. During the time I knew Lisa Miller, she was neither Amish nor Mennonite and never mentioned either one to me or anyone I know.

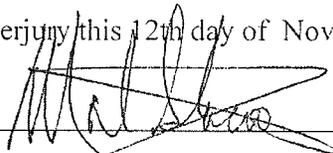
19. I have no knowledge of anyone who spoke of Lisa Miller’s plan or intent to leave Virginia or the country with her child before or after she disappeared. I have no knowledge of anyone who aided, abetted, conspired or had any knowledge respecting Lisa Miller’s disappearance before or after the fact.

20. In sum, at no time did I counsel Lisa Miller to disobey any court order, including the orders of the Vermont courts, and at no time did she, or anyone else, alert me to her plan or

intent to leave Virginia or the country with her child. Contrary to the allegations and inference made in the Complaint and the Amended Complaint, I absolutely did not aid or assist Lisa Miller in fleeing the country. Contrary to the Amended Complaint ¶47, I have not instructed students at Liberty University School of Law “that the correct course of action for a person in Lisa Miller’s situation would be to engage in ‘civil disobedience’ and defy court orders.”

I declare under penalty of perjury under the laws of the United States of America and State of Virginia that the foregoing is true and correct.

Subscribed and sworn to under penalties of perjury this 12th day of November, 2012.



Mathew D. Staver

COMMONWEALTH OF VIRGINIA

At Lynchburg, Virginia, this 12th day of November, 2012, personally appeared MATHEW D. STAVER, and he acknowledged this instrument, subscribed and sworn to by him, to be his free act and deed.

Before me, H. Cynthia Matthews
7034156

Notary Public

My Commission Expires: July 31, 2014

H. Cynthia Matthews
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 7/31/2014

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

JANET JENKINS, for herself and as next friend of ISABELLA MILLER-JENKINS, a/k/a ISABELLA MILLER, Plaintiffs

v.

Docket No.: 2:12-cv-184

KENNETH L. MILLER, LISA ANN MILLER f/k/a LISA MILLER-JENKINS, TIMOTHY D. MILLER, ANDREW YODER, individually and as an Agent for CHRISTIAN AID MINISTRIES, INC., CHRISTIAN AID MINISTRIES, INC., RESPONSE UNLIMITED, INC., PHILIP ZODHIATES, individually and as an agent for RESPONSE UNLIMITED, INC., VICTORIA HYDEN, f/k/a VICTORIA ZODHIATES individually and As an agent for both RESPONSE UNLIMITED, INC., and LIBERTY UNIVERSITY, INC. and its related ministry THOMAS ROAD BAPTIST CHURCH, INC., LINDA M. WALL, individually and As agent for THOMAS ROAD BAPTIST CHURCH, INC., and DOUGLAS WRIGHT, Defendants

AFFIDAVIT OF RENA M. LINDEVALDSEN IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS

I, Rena M. Lindevaldsen, being first duly sworn, do hereby depose and state as follows:

1. I am an attorney licensed to practice law since 1996, have knowledge of the following facts, and if called upon to testify to them could and would do so competently. I am a member of the New York, Florida, and Virginia Bars, and have been admitted to practice before

the United States Supreme Court, all twelve circuits of the United States Court of Appeals, and other courts. I received my Juris Doctor degree from the Brooklyn Law School, graduating *Magna Cum Laude*.

2. I began in private practice in 1996 in New York and focused on commercial litigation matters. In January 2003, I moved to Orlando, Florida to join the legal staff of Liberty Counsel, Inc. (hereinafter "Liberty Counsel"). I remained in Orlando, Florida until March 2005, when I moved to Lynchburg, Virginia to open Liberty Counsel's branch office. From January 2003 until August 2005, I was solely employed by Liberty Counsel, serving as a Senior Litigation Counsel. As discussed below, it was in June 2004 that I first came in contact with Lisa Miller and that Liberty Counsel agreed to represent her.

3. In August 2005, as Liberty University School of Law matriculated its second entering class, I agreed to serve as an adjunct professor to teach a writing class in the fall semester and Family Law in the spring semester. After a couple of months teaching, I submitted an application for a full-time position at the law school. In December 2005, on behalf of the law school, the Founding Dean offered me a full-time contract, which would begin July 1, 2006. Since July 1, 2006, I have served as a full-time faculty member at Liberty University School of Law and remained in a Special Counsel role to Liberty Counsel. As Special Counsel, I have worked on select cases, including Lisa Miller's case. Last year, I was granted tenure by the Board of Trustees of Liberty University and was promoted to a position of full Professor. Since July 1, 2011, after the founding Associate Dean for Academic Affairs stepped down, I have served as the Associate Dean for Academic Affairs.

4. I first became aware of Lisa Miller while I was Senior Litigation Counsel at Liberty Counsel, working in the Orlando office. On or about June 2004, Lisa Miller contacted Liberty Counsel, requesting assistance with her case in Vermont and her soon-to-be filed case in Virginia. On or about January 2005, Liberty Counsel agreed to represent Lisa Miller. At that time, Lisa Miller lived in Virginia; I lived in Florida. At that time, I was solely employed by Liberty Counsel; I was not employed by Liberty University.

5. The Amended Complaint alleges in ¶22 that “in 2004 she [Linda Wall] was contacted by attorney Rena Lindevaldsen, of Liberty University and was asked to meet with Lisa Miller to screen her for representation by lawyers working at Liberty University and its related law firm, Liberty Counsel, LLC. After this screening, Lisa Miller was accepted for representation by Liberty University attorneys, and also formed a friendship with Defendant Wall. Lisa Miller’s lead attorneys were Dean of the Law School Mathew Staver, and Rena Lindevaldsen, a law professor.” These allegations are inaccurate. First, neither I nor Mathew Staver worked at Liberty University in 2004. In fact, I did not become a part-time (adjunct) instructor until more than a year later, when I taught my first class in August 2005. Second, Liberty Counsel, *not* Liberty University or Liberty University School of Law, represented Lisa Miller. All representation for Lisa Miller was provided through Liberty Counsel, separate and apart from Liberty University and Liberty University School of Law. All pleadings submitted in the Lisa Miller case contained the signature block for Liberty Counsel, *not* Liberty University or Liberty University School of Law.

6. Liberty Counsel is a separate entity from Liberty University. In fact, Liberty Counsel has separately paid me, as an independent contractor, for the work I have performed in my capacity as Special Counsel to Liberty Counsel. Liberty University has never had input on the cases I have worked on for Liberty Counsel. Consequently, contrary to the Amended Complaint ¶31, neither I nor Mathew Staver appeared with Lisa Miller on behalf of Liberty University or Liberty University School of Law. Our representation was never on behalf of Liberty University or Liberty University School of Law.

7. As best as I can recall, I have twice appeared in person in Vermont on behalf of Lisa Miller. Both of those appearances were at the Vermont Supreme Court, where I was admitted *pro hac vice* to argue on behalf of Lisa Miller. In addition, although I am not sure of the exact number, I know that I have appeared by telephone for a handful of hearings in the Vermont trial court on behalf of Lisa Miller. I believe all other trial court hearings were handled by other, full-time, Liberty Counsel attorneys. Other than these limited court appearances in Vermont and

making Vermont lodging and travel arrangements in the course of representing Lisa Miller, I have had no contacts with Vermont: I have not been involved in any other cases in Vermont, I have not vacationed in Vermont, and I have not conducted any business in Vermont.

8. Contrary to the Amended Complaint in ¶25, and elsewhere, I have never encouraged any of the named Defendants, including Lisa Miller, to not allow Isabella to have contact with Janet Jenkins. I have never counseled Lisa Miller to disobey court orders. I did not counsel or encourage Lisa Miller to flee from the state, the country, or beyond the reach of any court or law enforcement; nor have I counseled or encouraged anyone to assist her in fleeing from the state, country, or beyond the reach of court or law enforcement. Other than what I have read in news reports and publicly-available court filings, I have no knowledge of anyone who counseled, encouraged, or assisted her in fleeing from the state, country, or beyond the reach of court or law enforcement.

9. As set forth in ¶58 of the Amended Complaint, I have always maintained, and continue to maintain, that I had no knowledge that Lisa Miller would flee and continue to have no knowledge of her whereabouts. In September 2009, while the litigation was still continuing in Vermont and Virginia, Lisa Miller suddenly stopped all communication with me and Liberty Counsel. All communication ceased with absolutely no warning or hint from Lisa Miller or anyone else that she intended to flee. The Vermont trial court was informed that Lisa Miller stopped communicating and was unable to be located. I continued to try and communicate with her by email and voicemail as I remained under a continuing legal obligation to try and keep my client informed of the court proceedings. She never responded to any of those emails or voicemails. Eventually, her voicemail became full and I could no longer leave messages.

10. I am aware that Victoria Hyden was initially employed as a student worker in the law school and then, in or about May 2010, became a full-time employee. I cannot speak to Ms. Hyden's employment arrangement as I do not know the details. I do know that Ms. Hyden works in the Admissions Department, which has an office suite separate from that of the faculty. I have seen her in a shared kitchen area where I sometimes get coffee or in the hallways of the law

school. I have not spoken to her at length about any subject; nor have I spoken to her about Lisa Miller. Paragraph 41 of the Amended Complaint states that “On information and belief” Victoria Hyden sent an email to law school co-workers asking for donations for Lisa Miller. I never received such an email; nor did I hear anyone else mention anything concerning a request by Ms. Hyden for donations for Lisa Miller or for anyone else.

11. The Amended Complaint at ¶57 alleges that a cell phone allegedly belonging to Philip Zhodiates made three calls on September 22, 2009, between 1:28 pm and 1:30 pm to a cell phone with an Orlando area code registered to Liberty Counsel, to a landline registered to Liberty Counsel, and to a landline registered to “Liberty University School of Law” (as stated in the Complaint) or “Liberty University” (as statement in the Amended Complaint). If those calls were made, none were to me. I have never had a cell phone that was registered to Liberty Counsel. Since July 2006, I have not had a landline that is registered to Liberty Counsel. I do, however, have a landline that is registered to Liberty University and have had that line since July 2006. As I mentioned above, if Mr. Zhodiates made those calls on September 22, 2009, none were to me.

12. Other than reading their names in the indictment of Timothy Miller, in the Complaint and the Amended Complaint, and in news reports about the case, I have no knowledge of Kenneth Miller, Timothy Miller, Andrew Yoder, Christian Aid Ministries, Inc., or the Nicaragua Beachy Amish-Mennonite Christian Brethren. During all the years that I knew Lisa Miller, she was neither Amish nor Mennonite and did not mention either religious affiliation to me.

13. Other than what I read in news reports or in publicly-available court filings, I have no knowledge of anyone who was involved in Lisa Miller’s plan or intent to leave Virginia with her child, or of anyone who aided, abetted, or conspired with Lisa Miller to leave with her child from Virginia.

14. Separately, contrary to the allegations contained in ¶47 of the Amended Complaint, I do not instruct law school students, or others, that the “correct course of action for a

person in Lisa Miller’s situation would be to engage in ‘civil disobedience’ and defy court orders.” As a law professor, I conduct class discussions on civil disobedience as it has developed throughout history in a course entitled Foundations of Law, but I have never instructed students on what they should or their future clients should do in a particular circumstance: no person is in a position to tell another person that he or she should engage in civil disobedience. Rather, we discuss civil disobedience from the perspective of the principles stated in the Declaration of Independence, Samuel Rutherford’s Lex Rex, and Martin Luther King, Jr.’s “Letter from a Birmingham Jail.” This is a topic contained in the curricula of other law schools and regularly discussed in law review articles. With respect to the allegation in the Amended Complaint – I never instructed students that anyone should engage in civil disobedience if they found themselves in a situation similar to Lisa Miller’s.

15. In sum, at no time did I counsel Lisa Miller to disobey any court order, including the orders of the Vermont courts, and at no time did she, or anyone else, alert me to her plan or intent to leave Virginia with her child. I absolutely did not aid or assist Ms. Miller in fleeing this country.

I declare under penalty of perjury under the laws of the United States of America and State of Virginia that the foregoing is true and correct.

Subscribed and sworn to under penalties of perjury this 2nd day of November, 2012.

Rena M. Lindevaldsen

Rena M. Lindevaldsen

COMMONWEALTH OF VIRGINIA

At Lynchburg, Virginia, this 2nd day of November, 2012, personally appeared RENA M. LINDEVALDSEN, and she acknowledged this instrument, subscribed and sworn to by her, to be her free act and deed.

BELINDA KAY WETHERINGTON
NOTARY PUBLIC
REG. #364926
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXP. OCTOBER 31, 2015

Before me, *Belinda K. Wetherington*

Notary Public

My Commission Expires: 10/31/15

EXHIBIT 18

The New York Times | <http://nyti.ms/ReaeLw>

U.S.

Sect Pastor Is Convicted of Assisting in Abduction

By ERIK ECKHOLM AUG. 14, 2012

After only four hours of deliberation, a federal jury in Burlington, Vt., found an Amish-Mennonite pastor guilty of abetting international parental kidnapping in a widely publicized case involving a same-sex union and religious opponents of homosexuality.

The pastor, Kenneth L. Miller of Stuarts Draft, Va., could face up to three years in prison. He was convicted of helping Lisa A. Miller flee to Nicaragua with her daughter, Isabella Miller-Jenkins, in 2009 to evade court-ordered visits with Ms. Miller's former partner in a civil union in Vermont.

After the verdict, more than 100 of Mr. Miller's supporters from the Beachy Amish-Mennonite sect, the women in traditional long dresses and head scarves, men with trimmed beards, gathered outside the courthouse to sing "Amazing Grace" and other hymns.

Mr. Miller, 46, joined the group and said, "We are of course disappointed, but with the grace of God and by his help, we will bear the consequences."

After splitting up with her former partner, Janet Jenkins, in 2003, Ms. Miller, who is not related to Mr. Miller, moved to Virginia, declared herself a born-again

Christian, tried in court to strip Ms. Jenkins of her parental rights and interfered with mandated visits. In 2009, as a frustrated Family Court judge in Vermont threatened to transfer custody of the girl, Ms. Miller disappeared with her daughter.

The Beachy Amish-Mennonites regard homosexual behavior as a sin.

In the trial, Mr. Miller's lawyer, Joshua M. Autry, did not dispute the evidence that Mr. Miller had helped arrange for Ms. Miller and her daughter to fly from Canada to Nicaragua and obtain shelter from missionaries. But Mr. Miller, his lawyer argued, did not realize that Ms. Miller was defying any court orders at the time.

The prosecutors cited evidence that Mr. Miller tried to hide what Ms. Miller was doing, including by specifying that the flights should not touch down on American soil and giving the pair Mennonite garb to wear as a disguise. His case was also undermined by the reluctant testimony of a fellow pastor in Canada, who said he had refused to transport Ms. Miller and Isabella across the United States-Canada border because he feared they were breaking the law.

"The evidence shows the defendant helped Lisa Miller because he believed in her cause," Paul Van de Graaf, an assistant United States attorney, told the jury.

Mr. Miller had to give up his passport but remains free for now. Mr. Autry said the defense might appeal, arguing that the trial should have been held in Virginia, where Mr. Miller's actions took place.

The prosecutors presented evidence that others had worked with Mr. Miller to help Ms. Miller flee. Chief among those alleged to have taken part was a businessman in Virginia, Philip Zodhiates. Telephone records suggest that Mr. Zodhiates was in touch with Ms. Miller for months and drove her and her daughter to the Canadian border for their escape.

Mr. Zodhiates has not been indicted, and declined to comment.

Telephone records also indicated that as he drove home from the border, Mr. Zodhiates tried to call a cellphone number registered to Liberty Counsel, an evangelical legal group.

That cellphone number has sometimes been used by Mathew D. Staver, the founder of Liberty Counsel, dean of the Liberty University Law School in Lynchburg, Va., and a leader of Ms. Miller's defense team.

In an e-mail Tuesday, Mr. Staver said that the phone number in question had been widely circulated as a contact number for Liberty Counsel's public relations office and that he had no knowledge of Ms. Miller's flight and had never discussed her case with Mr. Zodhiates.

Federal agents believe that Ms. Miller and Isabella, now 10, are still hiding in Nicaragua.

Jason McLure contributed reporting from Burlington, Vt.

A version of this article appears in print on August 15, 2012, on page A11 of the New York edition with the headline: Sect Pastor Is Convicted Of Assisting In Abduction.

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, ET AL.,
Plaintiffs,

v.

KENNETH L. MILLER, ET AL.,
Defendants.

Docket No. 2:12-cv-000184-wks

CERTIFICATE OF SERVICE

I, Frank H. Langrock, counsel for Plaintiffs, Janet Jenkins, et al., hereby certify that I caused the forging *PLAINTIFFS' MOTION TO LIFE THE STAY AND JOIN ADDITIONAL DEFENDANTS, REQUEST FOR RULING ON SPECIFIC JURISDICTION FOR RESPONSE UNLIMITED, INC.* to be filed with the Court using the CM/ECF electronic filing system, which will provide electronic notification of such filing to Counsel of Record for the Defendants, and to all other registered users.

I also caused the above-referenced document to be served, by mailing a copy of the same on the following non-NEF parties:

Jeffrey A. Conrad, Esq.
Clymer & Conrad PC
408 W. Chestnut Street
Lancaster, PA 17603

DATED at Middlebury, Vermont this 7th day of October, 2016.

LANGROCK SPERRY & WOOL, LLP

/s/ Frank H. Langrock

Frank H. Langrock, Esq.
111 South Pleasant Street
P.O. Drawer 351
Middlebury, VT 05753-0351
Email: flangrock@langrock.com
P: (802) 388-6356 | F: (802) 388-6149

Attorneys for Plaintiffs