

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

JANET JENKINS , et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL CASE NO. 2:12-cv- 00184-wks
)	
KENNETH L. MILLER , et al.,)	
)	
Defendants.)	

**ANSWER AND DEFENSES OF DEFENDANT LINDA M. WALL TO PLAINTIFFS’
REVISED SECOND AMENDED COMPLAINT**

Defendant Linda M. Wall, by and through counsel, submit this Answer and Defenses to Plaintiffs’ Revised Second Amended Complaint.

FIRST DEFENSE

Ms. Wall affirmatively asserts all the defenses available to her as set forth in Fed. R. Civ. P. 12(b)(1) through (7) for which a good faith legal and/or factual basis exists or may exist in her favor, including but not limited to a lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2), improper venue pursuant to Fed. R. Civ. P. 12(b)(3), and failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6).¹ Ms. Wall reserves the right to further supplement these preliminary defenses by separate motion.

SECOND DEFENSE

Plaintiffs’ claims are precluded by the appropriate statute of limitations.

THIRD DEFENSE

Plaintiff Jenkins lacks standing to assert claims on behalf of Isabella Miller.

¹ Ms. Wall previously moved to dismiss Plaintiffs’ Amended Complaint on these grounds, but her motion was denied. Her arguments are incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c), and these defenses are raised again in order to preserve them for appeal.

FOURTH DEFENSE

Ms. Wall reserves the right to plead and hereby specifically assert, to the extent applicable and justified pursuant to the facts of this case, the affirmative defenses of contributory negligence, estoppel, release, res judicata, collateral estoppel, laches, unclean hands, equitable estoppel and waiver.

FIFTH DEFENSE

Ms. Wall owed no duty to Plaintiffs, and did not breach any duty owed to Plaintiffs, nor did she violate any right or privilege of Plaintiffs, and is therefore not liable in damages.

SIXTH DEFENSE

Ms. Wall's activities with respect to Ms. Jenkins and the matters complained of were protected under the First and Fourteenth Amendments to the United States Constitution, and she is therefore not liable to Plaintiffs.

SEVENTH DEFENSE

Ms. Wall's activities with respect to Ms. Jenkins and the matters complained of were protected under Articles 1, 3, 13, 20 of the Vermont Constitution, and she is therefore not liable to Plaintiffs.

EIGHTH DEFENSE

Ms. Wall affirmatively asserts all substantive and procedural defenses available to her for which a good faith legal and/or factual basis exists or may exist in her favor as set forth in 12 Vt. Stat. Ann. § 1041 et seq.

NINTH DEFENSE

Ms. Wall did not breach any duty owed to Plaintiffs, nor did she violate any right or privilege of Plaintiffs, and is therefore not liable in damages.

ELEVENTH DEFENSE

In response to the specific allegations of the Revised Second Amended Complaint, Ms.

Wall states:

1. Ms. Wall denies the preliminary statements of Plaintiffs to the extent a response is required. Ms. Wall further denies the allegations in paragraph 1.
2. Ms. Wall denies the allegations in paragraph 2.
3. Ms. Wall denies the allegations in paragraph 3.
4. Ms. Wall denies the allegations in paragraph 4.
5. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 5, and therefore denies them.
6. In response to the allegations in paragraph 6, Ms. Wall admits that Isabella is the daughter of Lisa Miller and that there is a court order directing that she be placed in Plaintiff Jenkins' custody, denies that she is the daughter of Ms. Jenkins, and is without sufficient information either to admit or to deny the remaining allegations in paragraph 6, and therefore denies them.
7. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 7, and therefore denies them.
8. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 8, and therefore denies them.
9. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 9, and therefore denies them.
10. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 10, and therefore denies them.

11. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 11, and therefore denies them.

12. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 12, and therefore denies them.

13. In response to the allegations in paragraph 13, Ms. Wall admits that she is a resident of the Commonwealth of Virginia and denies the remaining allegations in paragraph 13.

14. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 14, and therefore denies them.

15. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 15, and therefore denies them.

16. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 16, and therefore denies them.

17. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 17, and therefore denies them.

18. In response to the allegations in paragraph 18, Ms. Wall admits that Isabella Miller is the daughter of Lisa Miller, that she was born in 2002, that she moved to Vermont. Ms. Wall denies that Isabella is the daughter of Ms. Jenkins and is without sufficient information either to admit or to deny the remaining allegations in paragraph 18, and therefore denies them.

19. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 19, and therefore denies them.

20. In response to the allegations in paragraph 20, Ms. Wall denies that she assisted and encouraged ignorance of any court order. Ms. Wall also denies acting in concert with any other

named Defendants. Ms. Wall is without sufficient information either to admit or to deny the remaining allegations in paragraph 20, and therefore denies them.

21. In response to the allegations in paragraph 21, Ms. Wall denies that she is an “anti-gay activist” or that she was ever a member of Thomas Road Baptist Church. She admits that she was contacted by Liberty Counsel and asked to reach out to Lisa Miller, but denies that Liberty University was involved in this interaction. Ms. Wall also admits that she became friends with Ms. Miller, but lacks knowledge or information sufficient either to admit or to deny the remaining allegations of paragraph 21.

22. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 22, and therefore denies them.

23. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 23, and therefore denies them.

24. In response to the allegations in paragraph 24, Ms. Wall admits that Ms. Miller moved to the Lynchburg, VA area sometime in 2008, and that Ms. Wall encouraged Ms. Miller to do so due to their friendship. Ms. Wall lacks sufficient information either to admit or to deny the allegations regarding other Defendants, and therefore denies them. Ms. Wall admits that Ms. Miller began attending Thomas Road Baptist Church, that she became a teacher at Liberty Christian Academy, and that Isabella became enrolled there at some point. Ms. Wall is without sufficient information either to admit or to deny the remaining allegations in paragraph 24, and therefore denies them.

25. Ms. Wall denies the allegations in paragraph 25, and affirmatively states that she never met with Ms. Miller to discuss a plan regarding Isabella, nor did Ms. Wall ever tell or suggest to Ms. Miller that she should leave the country with Isabella. Ms. Wall is without sufficient

information either to admit or to deny the remaining allegations in paragraph 25, and therefore denies them.

26. In response to the allegations in paragraph 26 as they pertain to her, Ms. Wall denies them. Ms. Wall is without sufficient information either to admit or to deny the remaining allegations in paragraph 26, and therefore denies them.

27. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 27, and therefore denies them.

28. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 28, and therefore denies them.

29. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 29, and therefore denies them.

30. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 30, and therefore denies them.

31. Upon information and belief, Ms. Wall admits that there was a hearing conducted in the Family and Juvenile Court of Fredrick County, Virginia sometime in August, 2009. Ms. Wall cannot recall whether she attended a press conference afterward, but is generally aware that a press conference was held. Ms. Wall is without sufficient information either to admit or to deny the remaining allegations in paragraph 31, and therefore denies them.

32. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 32, and therefore denies them.

33. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 33, and therefore denies them.

34. Ms. Wall denies the allegations in paragraph 34 insofar as they relate to her, and is without sufficient information either to admit or to deny the remaining allegations in paragraph 34, and therefore denies them.

35. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 35, and therefore denies them.

36. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 36, and therefore denies them.

37. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 37, and therefore denies them.

38. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 38, and therefore denies them.

39. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 39, and therefore denies them.

40. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 40, and therefore denies them.

41. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 41, and therefore denies them.

42. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 42, and therefore denies them.

43. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 43, and therefore denies them.

44. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 44, and therefore denies them.

45. Ms. Wall denies the allegations in paragraph 45 insofar as they relate to her, and is without sufficient information either to admit or to deny the remaining allegations in paragraph 45, and therefore denies them.

46. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 46, and therefore denies them.

47. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 47, and therefore denies them.

48. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 48, and therefore denies them.

49. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 49, and therefore denies them.

50. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 50, and therefore denies them.

51. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 51, and therefore denies them.

52. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 52, and therefore denies them.

53. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 53, and therefore denies them.

54. In response to the allegations in paragraph 54, Ms. Wall admits that she appeared on television and discussed Ms. Miller's disappearance. Ms. Wall further acknowledges that she mentioned Harriet Tubman, but only in a hypothetical context. Ms. Wall denies the remaining

allegations in paragraph 54, and specifically and unequivocally denies having anything to do with Ms. Miller's disappearance.

55. In response to the allegations in paragraph 55, Ms. Wall denies the allegation regarding her writing on Facebook. With regard to the allegation concerning telephone calls to law enforcement, Ms. Wall has no recollection of having made any such phone calls, but had she done so she would not have told them they should not look for Lia and Isabella. Ms. Wall is without sufficient information either to admit or to deny the remaining allegations in paragraph 55, and therefore denies them.

56. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 56, and therefore denies them.

57. In response to the allegations in paragraph 57, Ms. Wall denies them insofar as they relate to her, and is without sufficient information either to admit or to deny the remaining allegations in paragraph 57, and therefore denies them.

58. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 58, and therefore denies them.

59. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 59, and therefore denies them.

60. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 60, and therefore denies them.

61. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 61, and therefore denies them.

62. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 62, and therefore denies them.

63. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 63, and therefore denies them.

Count One

Ms. Wall incorporates by reference paragraphs 1-63 above.

64. Ms. Wall is without sufficient information either to admit or to deny the allegations in paragraph 64, and therefore denies them.

65. In response to the allegations in paragraph 65, Ms. Wall denies the allegations insofar as they relate to her, and is without sufficient information either to admit or to deny the remaining allegations in paragraph 65, and therefore denies them.

Count Two

Ms. Wall incorporates by reference paragraphs 1-65 above.

66. In response to the allegations in paragraph 66, Ms. Wall acknowledges that they appear to be an accurate recitation of the statute.

67. In response to the allegations in paragraph 67, Ms. Wall denies the allegations insofar as they relate to her, and is without sufficient information either to admit or to deny the remaining allegations in paragraph 67, and therefore denies them.

DAMAGES

68. Ms. Wall denies the allegations in paragraph 68.

69. Ms. Wall denies the allegations in paragraph 69.

70. Ms. Wall denies the allegations in paragraph 70.

71. Ms. Wall denies the allegations in paragraph 71.

72. Ms. Wall denies the allegations in paragraph 72.

WHEREFORE, Ms. Wall requests that Plaintiffs' Complaint be dismissed with prejudice, with all reasonable costs and attorneys' fees assessed against them, together with such other and further relief to which she may be entitled.

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CERTIFICATE OF SERVICE

I, Norman C. Smith, Esq., attorney for Defendant Linda Wall, certify that, on October 10, 2017, I served the foregoing Reply in Support of Motion to Stay Discovery through the CM/ECF system on the following individuals:

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