

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, *et al.*,
Plaintiffs

v.

KENNETH L. MILLER, *et al.*,
Defendants

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)

Docket No. 2:12-cv-184

ANSWER AND AFFIRMATIVE DEFENSES OF VICTORIA
HYDEN TO PLAINTIFFS' REVISED SECOND AMENDED COMPLAINT

Victoria Hyden, through her counsel, Gravel & Shea, responds to Plaintiffs' Revised
Second Amended Complaint as follows:

General Preservation of Rights

Defendant Victoria Hyden preserves, to the fullest extent possible, and does not, by filing
this answer, waive, each of her Constitutional rights, including the right against self-
incrimination extended to her through the Fifth Amendment of the United States Constitution.

Jurisdiction

1. Denied. The allegations set forth in paragraph 1 of the Revised Second Amended
Complaint ("RSAC") state conclusions of law to which no response is required. To the extent
any response may be deemed necessary, Defendant has previously raised through motions to
dismiss, objections to both jurisdiction and venue. All such objections are repeated and
incorporated as if restated here.

2. Denied. The allegations set forth in paragraph 2 of the RSAC state conclusions of
law to which no response is required. To the extent any response may be deemed necessary,

Defendant has previously raised through motions to dismiss, objections to personal jurisdiction. All such objections are repeated and incorporated as if restated here.

3. The allegations set forth in paragraph 3 of the RSAC state conclusions of law to which no response is required. To the extent any response may be deemed necessary, the allegations set forth in the RSAC speak for themselves; otherwise, denied.

4. The allegations set forth in paragraph 4 of the RSAC state conclusions of law to which no response is required. To the extent any response may be deemed necessary, the allegations are denied.

Parties

5. Admitted, upon information and belief.

6. Admitted that Isabella is a minor child and daughter of Lisa Miller and that there is a Court order of the Vermont Family Court directing that she be placed in Plaintiff Jenkins' custody, admits that Vermont Family Court orders state that Jenkins is a parent of Isabella, which she considers to be a conclusion of law to which no response is required. She is without knowledge or information sufficient to form a belief as to the current whereabouts of Isabella.

7. To the extent the allegations set forth in paragraph 7 of the RSAC state conclusions of law, no response is required. She is without knowledge or information sufficient to form a belief as to the current whereabouts or circumstances of Lisa Miller.

8. To the extent the allegations set forth in paragraph 8 of the RSAC state conclusions of law, no response is required. She is without knowledge or information sufficient to form a belief as to the current whereabouts or circumstances of Kenneth Miller.

9. To the extent the allegations set forth in paragraph 9 of the RSAC state conclusions of law, no response is required. She is without knowledge or information sufficient to form a belief as to the current whereabouts or circumstances of Timothy Miller.

10. To the extent the allegations set forth in paragraph 10 of the RSAC state conclusions of law, no response is required. All previous objections to personal jurisdiction and venue are incorporated as if restated herein. Admitted that Philip Zodhiates resides in Waynesboro, Virginia, and is, upon information and belief, the President and sole owner of Response Unlimited, Inc.

11. To the extent the allegations set forth in paragraph 11 of the RSAC state conclusions of law, no response is required. Admitted that she was formerly known as Victoria Zodhiates, that she resides in Lynchburg, Virginia, and has been an employee of Response Unlimited, Inc. and Liberty University. All previous objections to personal jurisdiction and venue are incorporated as if restated herein.

12. To the extent the allegations set forth in paragraph 12 of the RSAC state conclusions of law, no response is required. She is without knowledge or information sufficient to form a belief as to the place of incorporation of Response Unlimited, Inc. All previous objections to personal jurisdiction are incorporated as if restated herein.

13. To the extent the allegations set forth in paragraph 13 of the RSAC state conclusions of law, no response is required. Lacks knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 13 of the RSAC.

14. To the extent the allegations set forth in paragraph 14 of the RSAC state conclusions of law, no response is required. Lacks knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 14 of the RSAC.

15. To the extent the allegations set forth in paragraph 15 of the RSAC state conclusions of law, no response is required. Lacks knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 15 of the RSAC.

16. To the extent the allegations set forth in paragraph 16 of the RSAC state conclusions of law, no response is required. Lacks knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 16 of the RSAC.

17. To the extent the allegations set forth in paragraph 17 of the RSAC state conclusions of law, no response is required. Lacks knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 17 of the RSAC, except admits on information and belief that Liberty University is an educational institution located in Lynchburg, Virginia.

Common Allegations of Fact

18. To the extent the allegations set forth in paragraph 18 of the RSAC state conclusions of law, no response is required. Otherwise, lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the RSAC.

19. To the extent the allegations set forth in paragraph 19 of the RSAC state conclusions of law, no response is required. Otherwise, lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 of the RSAC.

20. To the extent the allegations set forth in paragraph 20 of the RSAC state conclusions of law, no response is required. Otherwise, lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20 of the RSAC.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 of the RSAC.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 of the RSAC.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 23 of the RSAC.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24 of the RSAC.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25 of the RSAC.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26 of the RSAC.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27 of the RSAC.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28 of the RSAC.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29 of the RSAC.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 of the RSAC.

31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31 of the RSAC.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32 of the RSAC.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33 of the RSAC.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 34 of the RSAC.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35 of the RSAC.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 36 of the RSAC.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 37 of the RSAC.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38 of the RSAC.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 39 of the RSAC.

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 40 of the RSAC.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41 of the RSAC.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42 of the RSAC.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 43 of the RSAC.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 44 of the RSAC.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 45 of the RSAC.

46. Denied.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 47 of the RSAC.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 48 of the RSAC.

49. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 49 of the RSAC.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 50 of the RSAC.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 51 of the RSAC.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 52 of the RSAC.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 53 of the RSAC.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 54 of the RSAC.

55. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 55 of the RSAC.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 56 of the RSAC.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 57 of the RSAC.

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 58 of the RSAC.

59. Admits she attended Pilgrim Christian Fellowship in Stuart's Draft, VA, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 59 of the RSAC.

60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 60 of the RSAC.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 61 of the RSAC.

62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 62 of the RSAC.

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 63 of the RSAC.

COUNT ONE
Intentional Tort of Kidnapping

Defendant repeats her responses to paragraphs 1 through 63.

64. The allegations made by Plaintiffs speak for themselves. Liability is denied.

65. The allegations made by Plaintiffs speak for themselves. Liability is denied.

COUNT TWO
Conspiracy to Violate Civil Rights

Defendant repeats her responses to paragraphs 1 through 65

66. The allegations set forth in paragraph 66 of the RSAC state a conclusion of law as to which no response is required.

67. The allegations made by Plaintiffs speak for themselves. Liability is denied.

Damages

68-71. To the extent the allegations set forth in paragraphs 68 through 71 of the RSAC state a conclusion of law, no response is required. Defendant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 68 through 71 of the RSAC.

72. The allegations set forth in paragraph 72 of the RSAC do not require a response.

Affirmative Defenses

1. Defendant repeats as affirmative defenses each argument presented in her earlier filed motions to dismiss.

2. Lack of personal jurisdiction.

3. Improper venue.

4. Statute of limitations.

5. Lack of standing.

6. Failure to state a claim.

7. Defendant reserves the right to plead, to the extent applicable and justified by the facts of this case, the affirmative defenses of contributory negligence, estoppel, release, res judicata, collateral estoppel, laches, unclean hands, equitable estoppel and waiver.

8. Lack of duty.
9. Defendant's conduct was protected by the United States and Vermont

Constitutions.

10. Rights available pursuant to 12 V.S.A. § 1041.
11. The claim for punitive damages is barred by the United States and Vermont

Constitutions.

WHEREFORE, Defendant prays that judgment be entered in her behalf, awarding hers, attorneys' fees, and such other relief as may seem fitting and proper.

Dated: Burlington, Vermont
November 3, 2017

/s/ Robert B. Hemley

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Dated: Burlington, Vermont
November 3, 2017

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