

**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.)

**KENNETH L. MILLER, LISA ANN)
MILLER** f/k/a **LISA MILLER-JENKINS**,)
**TIMOTHY D. MILLER, ANDREW)
YODER**, Individually and as agent for)
CHRISTIAN AID MINISTRIES, INC.,)
CHRISTIAN AID MINISTRIES, INC.,)
RESPONSE UNLIMITED, INC.,)

PHILIP ZODHIATES, Individually and as)
agent for **RESPONSE UNLIMITED, INC.**,)
VICTORIA HYDEN f/k/a **VICTORIA)
ZODHIATES**, Individually and as 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)
THOMAS ROAD BAPTIST CHURCH,)
INC., and **DOUGLAS WRIGHT,**)

Defendants.)

CIVIL CASE NO. 2:12-cv- 00184-wks

July 1, 2013

**MOTION TO DISMISS BY DEFENDANT LINDA M. WALL
FOR LACK OF PERSONAL JURISDICTION, IMPROPER VENUE, AND/OR
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Defendant Linda M. Wall, through the undersigned counsel, in her capacities as an individual and as alleged agent for Thomas Road Baptist Church, hereby moves to dismiss the amended complaint pursuant to Fed. R. Civ. P 12(b)(2) for lack of personal jurisdiction; 12(b)(3) for improper venue; and/or 12(b)(6) for failure to state a claim upon which relief can be granted.

In support of the motion, attached hereto is the declaration of Linda M. Wall. In addition, Defendant simultaneously files a memorandum of law in support of the motion.

WHEREFORE, Defendant Linda M. Wall respectfully requests that her motion to dismiss be granted.

FOR THE PLAINTIFF,

/s/ Michael J. DePrimo

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CERTIFICATE OF SERVICE

I hereby certify that, on July 1, 2013, I electronically filed with the Clerk of the Court the foregoing Motion to Dismiss by Defendant Linda M. Wall. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF counsel of record:

Ritchie E. Berger, Esq.
Brooks G. McArthur, Esq.
Peggy J. Schmitz, Esq.
Steven J. Shrock, Esq.
Joshua M. Autry, Esq.
Robert G. Cain, Esq.
Robert G. Hemley, Esq.
Thomas E. McCormick, Esq.
Norman C. Williams, Esq.
Sophie E. Zdatny, Esq.
Sarah Star, Esq.
Frank H. Langrock, Esq.
Katherine B. Kramer, Esq.
Lisa B. Shelkrot, Esq.

Dated and signed at Hamden, CT.

/s/ Michael J. DePrimo
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Attorney for Defendant Linda Wall

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WALL**, Individually and as agent for)
THOMAS ROAD BAPTIST CHURCH,)
INC., and **DOUGLAS WRIGHT**,)

Defendants.)

DECLARATION OF LINDA WALL IN SUPPORT OF MOTION TO DISMISS

Linda Wall, upon oath and affirmation, hereby deposes and says:

1. I am over the age of eighteen and competent to make this statement. I understand the obligations of an oath. My testimony is based upon my personal knowledge of the facts.
2. I am a citizen of the United States and a resident of Hampton, Virginia.
3. I have never resided in Vermont.

4. I have never vacationed in Vermont.
5. I have never visited Vermont.
6. I have never owned, leased, rented, or used property in Vermont.
7. I have never worked in Vermont, transacted business in Vermont, or entered into any contract in Vermont.
8. I have never solicited business or sold or leased goods to anyone in Vermont.
9. I have never had a telephone listing or mailing address in Vermont.
10. I have never been a party or witness to any lawsuit in Vermont whether at law or in equity.
11. I have never held a driver's license issued by Vermont.
12. I have never held any professional license or certification in Vermont.
13. I have never registered to do business, appointed a registered agent, or otherwise sought to avail myself of the privilege of doing business in Vermont.
14. I have never paid taxes, fees, or charges of any kind to the State of Vermont or its subdivisions.
15. I have never created any obligations between myself and any Vermont resident.
16. There is not now nor has there ever been any legal or contractual obligation between me and any Vermont resident.
17. I have never initiated any personal or business relationship with any Vermont resident.
18. I do not derive any income from interstate or international commerce.
19. I did not know Lisa Miller prior to or during her Vermont residency.
20. I did not know Lisa Miller prior to her civil union with Janet Jenkins.

21. I had no communications with Lisa Miller prior to or during her Vermont residency.

22. The communications I had with Lisa Miller all occurred while she was a resident of Virginia.

23. After Lisa Miller moved to Lynchburg, Lisa and I became good friends and spoke frequently.

24. Despite our friendship, I never told or suggested to Lisa Miller that she disobey any court orders.

25. Despite our friendship, I never told or suggested to Lisa Miller that she should leave the United States to avoid enforcement of court orders.

26. Lisa Miller never told or discussed with me that she was intending to or would leave the United States in order to avoid enforcement of court orders.

27. I have not communicated with or seen Lisa Miller or Isabella Miller since September, 2009.

28. I do not know the whereabouts of Lisa Miller or Isabella Miller.

29. At no time since September, 2009, have I known or been told of the whereabouts of Lisa Miller or Isabella Miller.

30. During the school year 2008-2009, I asked people to donate money directly to Lisa Miller to help defray her travel costs to Vermont related to child custody issues concerning Isabella. The school year ended in June, 2009.

31. I did not ask people to donate money to Lisa Miller subsequent to June, 2009.

32. At no time did I ask people to give money or anything else of value to Lisa Miller for the purpose of or in furtherance of disobeying or disregarding court orders.

33. At no time did I ask people to give money or anything else of value to Lisa Miller for the purpose of aiding Lisa Miller to leave the United States.

34. At no time did I give money or anything else of value to Lisa Miller or anyone else for the purpose of aiding Lisa Miller to leave the United States.

35. At no time did I give money or anything else of value to Lisa Miller, or anyone else for the benefit of Lisa Miller or Isabella Miller, since Lisa Miller allegedly left the United States.

36. I have never been an officer, board member, or employee of Thomas Road Baptist Church in Lynchburg, Virginia.

37. I have never been a member of the congregation of Thomas Road Baptist Church.

38. I have never voted in any church meeting conducted by Thomas Road Baptist Church.

39. No officer, director, manager, employee, or attorney of Thomas Road Baptist Church has ever appointed, designated, or authorized me to be an agent for Thomas Roads Baptist Church.

40. No officer, director, manager, employee, or attorney of Thomas Road Baptist Church has ever controlled me or directed my actions.

41. At no time did I ever agree to act as an agent for or on behalf of Thomas Road Baptist Church.

42. At no time did I ever hold myself out as an agent for Thomas Road Baptist Church.

43. At no time did I ever enter into a contractual relationship with Thomas Road Baptist Church.

44. I have never met Kenneth Miller and do not know him personally. I have never engaged in any type of communication with Kenneth Miller except to send him a card of encouragement when he was in jail in Vermont awaiting trial on criminal charges related to the alleged kidnapping of Isabella.

45. I have never met Timothy D. Miller and do not know him personally. I have never engaged in any type of communication with Timothy D. Miller.

46. I have never met Andrew Yoder and do not know him personally. I have never engaged in any type of communication with Andrew Yoder.

47. I have never met Philip Zodhiates and do not know him personally. I have never engaged in any type of communication with Philip Zodhiates.

48. I have never met Victoria Hyden and do not know her personally. I have never engaged in any type of communication with Victoria Hyden.

49. I am not a member, employee, or agent of Christian Aid Ministries. To my knowledge, I have never communicated with anyone associated with Christian Aid Ministries. My knowledge of Christian Aid Ministries is limited to articles I have read on its website.

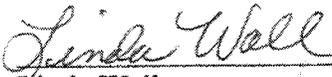
50. I am not a member, employee, or agent of Response Unlimited. I know nothing about Response Unlimited including who operates it or what it does.

51. I was never the administrator or webmaster of the Protect Isabella Coalition website and I never added content to the website. To my knowledge, the administration and content of the Protect Isabella Coalition website was controlled exclusively by Debbie Thurman.

52. A substantial personal and financial burden would be imposed upon me if I am forced to travel to Vermont to defend the charges against me in this lawsuit. I live more than 700 miles from Burlington, Vermont.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of June, 2013.



Linda Wall