

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, ET AL.,
Plaintiffs,

v.

KENNETH MILLER, ET AL.,
Defendants.

Docket No. 2:12-cv-184

PLAINTIFFS' MOTION TO COMPEL

NOW COME Plaintiffs Janet Jenkins, et al., and hereby move to compel further discovery responses from Defendant Response Unlimited, Inc. ("RUL"), in response to Plaintiffs' jurisdictional discovery requests directed at RUL dated November 5, 2013 ("RUL Jurisdictional Discovery"). On or about December 3, 2013, RUL provided putative responses to the RUL Jurisdictional Discovery requests. However, those responses are inadequate and Plaintiffs now move to compel a further response. Plaintiffs' counsel Sarah Star, Esq., conferred with RUL's counsel Robert Hemley, Esq., on December 18, 2013, and December 19, 2013, but they were unable to resolve the matter fully without Court action.

Under F.R.C.P. 37(a)(3)(B)(iii) and (iv), a party may move for an order compelling a response if another party failed to answer an interrogatory or, respectively, failed to permit inspection of documents. The RUL Jurisdictional Discovery included interrogatories and requests to produce documents. RUL's responses were inadequate in both regards. Further, under F.R.C.P. 37(a)(4), for purposes of a motion to compel, "an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." *See also Gemmink v. Jay Peak, Inc.*, 2013 WL 3730937, at *2 (D. Vt. July 15, 2013) ("The

proper remedy for incomplete answers to interrogatories is a motion to compel under Rule 37(a).”).

Because RUL has not complied with its discovery obligations, Plaintiffs must now file a motion to compel, thus increasing the amount of time required to complete jurisdictional discovery. Plaintiffs have worked diligently to serve jurisdictional discovery on RUL and to prepare this Motion. In its October 24, 2013 Order, the Court ruled that “Plaintiffs shall have sixty days from the date of this decision to conduct jurisdictional discovery with respect to Defendant RUL.” Plaintiffs accordingly respectfully request that, if the Court grants this Motion to Compel, the Court extend the period of time for jurisdictional discovery until RUL has provided adequate discovery responses.

JURISDICTIONAL ISSUES

Because the pending discovery is for jurisdictional issues, a brief review of the jurisdictional issues helps show why Plaintiffs’ requested discovery is necessary. Personal jurisdiction may be either general or specific. An appropriate forum for the exercise of general jurisdiction over a corporation will include its place of incorporation or its principal place of business, *see Goodyear Dunlop Tires Operations, S.A. v. Brown*, 131 S.Ct. 2846, 2854 (2011), or a corporation may do sufficient business within a state to allow the state to assert general jurisdiction over it. *See id.* at 2856. Based on the Court’s order on the Motions to Dismiss, Plaintiffs are entitled to seek discovery regarding RUL’s contacts with Vermont.

In addition to general jurisdiction, Plaintiffs contend that the Court has specific jurisdiction over RUL. Specific personal jurisdiction exists when a defendant has purposefully directed activities at residents of the forum, and the litigation results from injuries that arise out of or relate to those activities. *Burger King Corp. v. Rudzewicz*, 471

U.S. 462, 472 (1985). A defendant's intentional and allegedly tortious out-of-state activity, if expressly aimed at the forum state, may establish specific personal jurisdiction. *See Calder v. Jones*, 465 U.S. 783, 789 (1984); *accord In re Terrorist Attacks*, 714 F.3d 659, 674 (2d Cir. 2013). For both general and specific jurisdiction, Plaintiffs must be allowed to obtain sufficient information for the Court to be able to evaluate the totality of the circumstances. *Chloe v. Queen Bee of Beverly Hills, LLC*, 616 F.3d 158, 164 (2d Cir. 2010).

In its October 24, 2013, order, the Court spelled out the information that it would need to determine whether it has jurisdiction over RUL. The Court noted:

The plaintiffs have not pled specific facts showing that RUL, or Zodiates or Hyden acting as RUL's agents, aimed intentional tortious acts at Jenkins.

The information provided to the Court by both parties concerning the presence or absence of contacts between RUL and the forum state, or the existence of an agency relationship between Hyden and RUL, or whether Zodiates' or Hyden's activity may be attributable to RUL, is sparse, and the plaintiffs have requested jurisdictional discovery.

Accordingly, Plaintiffs must be afforded the opportunity to discover information regarding (a) Zodiates' role as an agent of RUL, (b) Victoria Hyden's role as an agent of RUL, (c) RUL's tortious conduct towards Plaintiffs, (d) contacts between RUL and Vermont, (e) whether and how Zodiates' actions are attributable to RUL, (f) whether and how Hyden's actions are attributable to RUL, and (g) whether other agents of RUL directed tortious conduct towards Plaintiffs.

DISCOVERY TO BE COMPELLED

Plaintiffs seek an order compelling sufficient responses to the following interrogatories and requests to produce.¹ A copy of RUL's responses is attached to this Motion.

Interrogatory 7: Describe the position, title, job duties and nature of Victoria Hyden's employment with RUL, including all relevant dates, and including any changes to the aforementioned during the period of her employment.

BASIS TO COMPEL: This information is directly relevant to whether and how Hyden's actions are attributable to RUL and Hyden's role as an agent of RUL. Although RUL purports to have responded to this Interrogatory, other evidence gathered by Plaintiffs demonstrates that RUL's response is incomplete. According to Victoria Hyden's biography on the Liberty University School of Law website, she worked for seven years at a "mailing lists and creative services company in Waynesboro, Virginia," which is specifically how RUL describes itself on its website, and is where RUL is located. See Exhibits 1 and 2 to Affidavit of Katherine Kramer. Thus, Plaintiffs ask the Court to compel a complete response to Interrogatory 7.

Interrogatory 9: Describe any contact that Victoria Hyden had with Lisa Miller, including but not limited to the date, location, and substance of any such contact.

¹ During their conversation regarding this motion on December 18, 2013, Attorney Robert Hemley told Attorney Sarah Star that RUL agreed to supplement its discovery responses to Interrogatories 12 and 18. Accordingly, Plaintiffs are not seeking to compel a response to those Interrogatories. However, in the event that RUL fails to provide adequate responses, Plaintiffs reserve the right to file a motion to compel as to those Interrogatories at a later date.

BASIS TO COMPEL: This information is directly relevant to whether and how Hyden's actions are attributable to RUL and Hyden's role as an agent of RUL. In light of Victoria Hyden's extensive employment history with RUL according to her Liberty University biography, this information is directly relevant to jurisdictional issues.

Interrogatory 10: Explain how Victoria Hyden became acquainted with Lisa Miller.

BASIS TO COMPEL: This information is directly relevant to whether and how Hyden's actions are attributable to RUL and Hyden's role as an agent of RUL. In light of Victoria Hyden's extensive employment history with RUL according to her Liberty University biography, this information is directly relevant to jurisdictional issues.

Interrogatory 11: Describe any communications between Victoria Hyden and others regarding Lisa Miller, including but not limited to communications with Linda Wall, Philip Zodiates, Kenneth Miller, or any attorney representing Lisa Miller.

BASIS TO COMPEL: This information is directly relevant to whether and how Hyden's actions are attributable to RUL and Hyden's role as an agent of RUL. In light of Victoria Hyden's extensive employment history with RUL according to her Liberty University biography, this information is directly relevant to jurisdictional issues.

Interrogatory 13: Describe any contact that Philip Zodiates had with Lisa Miller, including but not limited to the date, location, and substance of any such contact.

BASIS TO COMPEL: This information is directly relevant to whether and how Zodiates' actions are attributable to RUL.

Interrogatory 14: Describe any communications between Philip Zodhiates and others regarding Lisa Miller, Isabella Miller-Jenkins, and/or Janet Jenkins, including but not limited to communication with Linda Wall, Victoria Hyden, Kenneth Miller, or any attorney representing Lisa Miller.

BASIS TO COMPEL: This information is directly relevant to whether and how Zodhiates' actions are attributable to RUL. Moreover, evidence exists that RUL has a business relationship with Lisa Miller's Attorneys at Liberty University School of Law/ Liberty Counsel. On April 22, 2011, Mathew Staver stated to the press that he knows Philip Zodhiates through his work with Response Unlimited, but hadn't seen him in about two years. Further, evidence admitted during the trial of Kenneth Miller shows that Philip Zodhiates placed a call to Mathew Staver's cell phone and the Liberty University School of Law from his RUL cell phone as he was returning from driving Staver's client, Lisa Miller, to the Canadian border. Evidence regarding RUL's business relationship with Lisa Miller's attorneys is directly relevant to whether Zodhiates was acting on behalf of RUL, including Lisa Miller and Mathew Staver at the time he directed his tortious actions toward Janet Jenkins in Vermont.

Interrogatory 15: Describe any communications between Philip Zodhiates and RUL employees regarding Lisa Miller, Isabella Miller-Jenkins, and/or Janet Jenkins.

BASIS TO COMPEL: This information is directly relevant to whether and how Zodhiates' actions are attributable to RUL, Zodhiates' role as an agent of RUL, and whether other agents of RUL directed tortious conduct towards Plaintiffs. Further, to the extent the

communications were related to Janet Jenkins, the conduct was purposefully directed at a resident of Vermont.

Interrogatory 16: Describe how and when RUL, its agents, or its employees first became aware of Lisa Miller, and identify the date of the first contact between Lisa Miller and RUL, its agents, or its employees.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs.

Interrogatory 17: Describe the circumstances of the first contact between Lisa Miller and RUL, its agents, or its employees, including but not limited to the location of communication, the means of communication, and the substance of the communication.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs.

Interrogatory 18: Identify and describe all transactions between Lisa Miller and RUL, including but not limited to whether Lisa Miller was ever a client of RUL, whether Lisa Miller ever sold information to RUL, and/or whether Lisa Miller ever purchased information from RUL.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs.

Interrogatory 19: Describe any services – whether for compensation or for free – that RUL and/or its agents provided to or on behalf of Lisa Miller.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs. Further, please see the Basis to Compel Interrogatory 14.

Interrogatory 20: Describe any services that RUL, its employees, and/or its agents have provided – whether for compensation or for free – that were in any way related to Lisa Miller, Isabella Miller-Jenkins or Janet Jenkins.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs. Further, please see the Basis to Compel Interrogatory 14.

Interrogatory 21: Describe any communications between any employee or agent of RUL and others regarding Lisa Miller, Isabella Miller-Jenkins, or Janet Jenkins, including but not limited to communications with Linda Wall, Philip Zodhiates, Victoria Hyden, or Kenneth Miller.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs.

Interrogatory 22: Identify the person in the car with Philip Zodhiates, Lisa Miller and Isabella Miller-Jenkins on September 22, 2009, as they drove to Buffalo, New York, and describe the relationship between that person and RUL.

BASIS TO COMPEL: This information is directly relevant to whether any agents of RUL directed tortious conduct towards Plaintiffs. In its response to the interrogatory, RUL did not simply say that the person in the car had no relationship to RUL, thus creating the inference that the person may have been an agent of RUL at the time. To satisfy the Court's jurisdictional inquiry, Plaintiffs must be permitted to discover the identity of this person and the person's relationship with RUL.

Request to Produce 24: Produce all documents (including but not limited to contracts, agreements, internal documents, correspondence, emails, Facebook updates or messages, and text messages) related to Lisa Miller, Isabella Miller-Jenkins, and/or Janet Jenkins.

BASIS TO COMPEL: This information is directly relevant to whether RUL or any agents of RUL directed tortious conduct towards Plaintiffs. It is also relevant to establishing the scope of the agency relationship between Zodhiates and RUL, and Hyden and RUL. Further, any responsive documents would be relevant to whether Zodhiates' or Hyden's actions are attributable to RUL. Although RUL asserts that "it has no such documents," Plaintiffs have evidence that this is a false statement. In particular, at Kenneth Miller's criminal trial, the Government introduced as Exhibit 37a an email from an employee of RUL – Bill Dolack – regarding Lisa Miller and Isabella Miller-Jenkins. That document is attached to the Affidavit of Katherine Kramer as Exhibit 3. RUL is under an ongoing obligation to maintain its documents. Thus, Plaintiffs seek an order compelling production of documents responsive to the above request.

Request to Produce 25: Produce records of any communication to or from any employee of RUL (including but not limited to Bill Dolack) regarding Lisa Miller, Isabella Miller-Jenkins, Janet Jenkins, Kenneth Miller, Terry Miller, Linda Wall, or in any way otherwise related to the subject matter of this lawsuit.

BASIS TO COMPEL: This information is relevant for the same reasons as Request to Produce 24. Plaintiffs ask the Court to please see above.

Request to Produce 26: For Interrogatories 8, 10, 13, 14, 15, 17, and 21, if there are any written records of the requested communication, including but not limited to emails, produce copies.

BASIS TO COMPEL: This information is relevant for the same reasons as Request to Produce 24. Plaintiffs ask the Court to please see above.

DATED at Middlebury, Vermont this 20th day of December, 2013.

LANGROCK SPERRY & WOOL, LLP

/s/ Katherine B. Kramer

Katherine B. Kramer
PO Drawer 351, 111 S. Pleasant Street
Middlebury, VT 05753
kkramer@langrock.com
Phone: 802-388-6356

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, ET AL.,
Plaintiff,

v.

KENNETH MILLER, ET AL.,
Defendant.

Docket No. 2:12-cv-184

AFFIDAVIT OF KATHERINE B. KRAMER IN SUPPORT OF PLAINTIFFS' MOTION
TO COMPEL

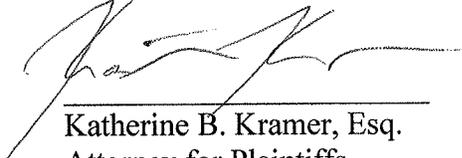
I, Katherine B. Kramer, Esq., being duly sworn, do hereby depose and say:

1. Exhibit 1 is a true and correct copy of the biography of Victoria Hyden on the website of the Liberty University School of Law, specifically within the Faculty/Staff Directory. It is located at <http://www.liberty.edu/law/index.cfm?PID=22644>, and I printed it on December 18, 2013.

2. Exhibit 2 is a true and correct copy of the homepage of the Response Unlimited website (www.responseunlimited.com) (last visited Dec. 18, 2013), which I printed on December 18, 2013. The second page of the exhibit is a zoomed-in version of the homepage to show the subtitle to Response Unlimited, specifically "Mailing Lists and Creative Services."

3. Exhibit 3 is a true and correct copy of Government Exhibit 37a from the criminal trial of Kenneth Miller.

DATED at Middlebury, Vermont this 19th day of December, 2013.



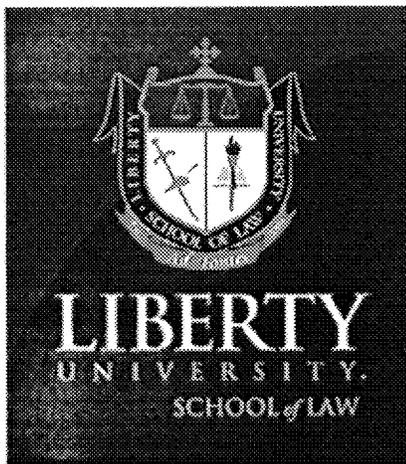
Katherine B. Kramer, Esq.
Attorney for Plaintiffs

STATE OF VERMONT
ADDISON COUNTY, SS.

At Middlebury, Vermont this 19th day of March, 2013, personally appeared Katherine B. Kramer and she acknowledged that the information contained in the foregoing Affidavit is true and correct to the best of her knowledge and belief.

Before me, Use Field
Notary Public
Commission Expires:

613460.1



You are here: Home > Biography- Hyden, Victoria



Victoria Hyden
Administrative Assistant
Office of Admissions and Financial Aid

Education:
M.A., Liberty University
B.S., Liberty University

Search



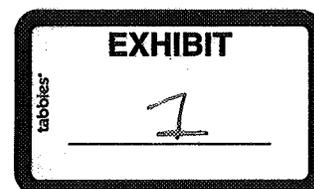
- ABA Required Disclosures
- Giving
- Barristers' Orientation
- Israel Intensive/Tour
- Lawyering Skills
- Experience: Law
- Webmail
- Blackboard
- Sharepoint
- Law Review
- Competition Results
- Faculty/Staff Directory
- Liberty Center for Law & Policy
- Photo Gallery
- Video Gallery

BIO

Victoria Hyden is the Administrative Assistant for the Office of Admissions and Financial Aid. Prior to her current role, Hyden served as a student worker in the same office. She also gained experience in a leadership capacity as an assistant to the list manager at a mailing lists and creative services company in Waynesboro, Virginia, where she worked for seven years.

In 2008, she graduated from Liberty University with a Bachelor of Science degree in Criminal Justice and in 2010 earned her master's degree at Liberty University in Human Services with a concentration in Business.

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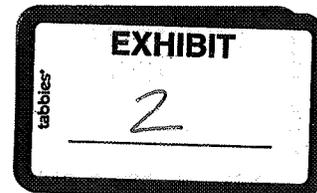
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FW: Lisa Miller Update

Subject: FW: Lisa Miller Update
From: "Phillip Zochlates" <phillpz@responseunlimited.com>
Date: Tue, 22 Dec 2009 20:41:36 -0500
To: "Ken Miller" <kenmiller@pcfnet.net>

From: Bill Doleck [mailto:bdoleck@hotmail.com]
Sent: Tuesday, December 22, 2009 8:32 PM
To: Phillip Zochlates; Joel Baugher; Matt LaPorta; Bruce Ketchum; Sam Sterrett; Rusty Weller; Chris Corley; Sarr Cochran; Debbie Cde; Bea Conner; William Zochlates
Subject: Lisa Miller Update

Debbie Thurman sent a message to the members of Only One Honey: The Story of Lisa and Isabella Miller.

Subject: Court News from Both States

We have news to report from both Vermont and Virginia. First, Judge Cohen did not grant the requested stay of the Jan. 1 transfer of custody.

As we head toward our Savior's birthday celebration on Friday, let us remember that his grace has always been sufficient for Lisa and Isabella

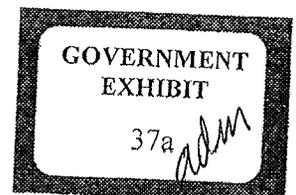
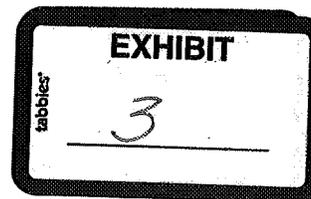
If anyone would like to post a Christmas greeting on the wall for Lisa and Isabella, I'm sure those would be appreciated.

May you all have a blessed Christmas and New Year.

In His grip,

Debbie

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9/29/2011 11:27 AM

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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.

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, VICTORIA HYDEN,
F/K/A VICTORIA ZODHIATES
INDIVIDUALLY AND AS AN AGENT
FOR BOTH RESPONSE UNLIMITED,
INC., AND LIBERTY UNIVERSITY
AND ITS RELATED MINISTRY
THOMAS ROAD BAPTIST CHURCH,
INC., LIBERTY UNIVERSITY, 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.

Civil Action

Docket No. 2:12-cv-00184-wks

CERTIFICATE OF SERVICE

I, Katherine B. Kramer, Esq., counsel for Plaintiff Janet Jenkins, for herself and as next friend of Isabella Miller-Jenkins, a/k/a Isabella Miller, hereby certify that I caused the foregoing *Plaintiffs' Motion to Compel* to be filed with the Court using the CM/ECF

electronic filing system, which will provide electronic notification of such filing(s) to Counsel of Record for the Defendants, and to all other registered users.

Dated at Middlebury, Vermont, this 20th day of December, 2013.

/s/ Katherine B. Kramer
Katherine B. Kramer, Esq.
Langrock Sperry and Wool, LLP
111 S. Pleasant Street, PO Drawer 351
Middlebury, VT 05753-0351

613015.1

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-184

DEFENDANT RESPONSE UNLIMITED, INC.'S
RESPONSE TO PLAINTIFFS' FIRST SET OF
JURISDICTIONAL INTERROGATORIES AND REQUESTS TO PRODUCE

Defendant Response Unlimited, Inc. ("RUL") responds as follows to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce dated November 5, 2013.

General Objections

Defendant objects to these interrogatories and requests to produce to the extent they seek to impose burdens and obligations in excess of those required by the Federal Rules of Civil Procedure.

Defendant objects to the interrogatories and requests to produce to the extent that they may be construed as calling for information or documents subject to a statutory or other right to privacy or confidentiality, or subject to a claim of privilege, including the attorney-client privilege, or the work product doctrine, or that which is otherwise immune from discovery.

The inadvertent production of documents containing information protected from disclosure shall not constitute a waiver by Defendant of any such protection.

None of these responses is an admission as to the relevance or admissibility of a document, or as to the truth or accuracy of any statement or characterization contained in Plaintiff's First Jurisdictional Interrogatories and Requests to Produce.

Response to Interrogatories

1. State the name, current address, business address and date of birth of the person answering these interrogatories.

RESPONSE: Matthew LaPorta, Sales Manager, date of birth: June 24, 1975, Waynesboro, Virginia.

2. Identify all persons assisting in answering these interrogatories and requests to produce.

RESPONSE: Matthew LaPorta, Sales Manager, in association with counsel.

3. Describe all contacts between RUL (or its agents) and businesses or individuals located in Vermont, including but not limited to contact by telephone, by e-mail, or by letter, and including both solicited and unsolicited incoming and outgoing contact.

RESPONSE: RUL has no contacts with businesses or individuals located in Vermont.

4. Identify any past or current clients of RUL that are headquartered, located, residents of, or do business in Vermont.

RESPONSE: RUL has no current clients headquartered, located or residents of Vermont, and no record of any past clients headquartered, located, or residents of Vermont. RUL has no knowledge as to where its clients do business, whether in Vermont or elsewhere.

5. Identify any lists that RUL bought, sold, rented, or otherwise managed that include Vermont residents, and identify the approximate percentage of Vermont residents on each such list.

RESPONSE: RUL is in the business of providing mailing lists to its customers. At any one time, it possesses in the order of 60,000,000 individual records, no doubt some of which reflect the names and addresses of Vermont residents. The percentage of names which are of Vermont residents is not regularly maintained by RUL, and has no relationship to its business. It does not provide "Vermont" lists, and expects that the percentage of records reflecting Vermont residents is roughly the same as the percentage of Vermont residents in the United States, or roughly 2% (625,000 out of 308,745,538).

6. Describe how RUL obtained the Vermont Country Store master file (a/k/a mailing list) including from whom it was obtained, how it was obtained, to whom it was sold, when it was obtained, and when it was sold.

RESPONSE: RUL never obtained or possessed the Vermont Country Store master file. No less than fifteen years ago one of its clients rented the list through a broker located in New Jersey.

7. Describe the position, title, job duties, and nature of Victoria Hyden's employment with RUL, including all relevant dates, and including any changes to the aforementioned during the period of her employment.

RESPONSE: Victoria Hyden was never a full time employee of RUL. While she was a college student, in the summer of 2009, Ms. Hyden performed part time clerical work for RUL through July 2009. She did no work for RUL during August, September, October

or November 2009. During her Christmas break in December 2009, Ms. Hyden did around 8 hours of work for RUL. That was the last time she performed any service for RUL.

8. Describe Victoria Hyden's responsibilities and work schedule (days and hours) in her employment with RUL in September, October and November 2009.

RESPONSE: Ms. Hyden did not work for RUL in September, October and November 2009.

9. Describe any contact that Victoria Hyden had with Lisa Miller, including but not limited to the date, location, and substance of any such contact.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

10. Explain how Victoria Hyden became acquainted with Lisa Miller.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

11. Describe any communications between Victoria Hyden and others regarding Lisa Miller, including but not limited to communications with Linda Wall, Philip Zodiates, Kenneth Miller, or any attorney representing Lisa Miller.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

12. With regards to RUL, describe the job duties of Philip Zodhiates and nature of Philip Zodhiates' work for RUL, including all relevant dates, and including a description of when and how those duties changed over time.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

13. Describe any contact that Philip Zodhiates had with Lisa Miller, including but not limited to the date, location, and substance of any such contact.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

14. Describe any communications between Philip Zodhiates and others regarding Lisa Miller, Isabella Miller-Jenkins, and/or Janet Jenkins, including but not limited to communication with Linda Wall, Victoria Hyden, Kenneth Miller, or any attorney representing Lisa Miller.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks

information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

15. Describe any communications between Philip Zodhiates and RUL employees regarding Lisa Miller, Isabella Miller-Jenkins, and/or Janet Jenkins.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

16. Describe how and when RUL, its agents, or its employees first became aware of Lisa Miller, and identify the date of the first contact between Lisa Miller and RUL, its agents, or its employees.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

17. Describe the circumstances of the first contact between Lisa Miller and RUL, its agents, or its employees, including but not limited to the location of communication, the means of communication, and the substance of the communication.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks

information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

18. Identify and describe all transactions between Lisa Miller and RUL, including but not limited to whether Lisa Miller was ever a client of RUL, whether Lisa Miller ever sold information to RUL, and/or whether Lisa Miller ever purchased information from RUL.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

19. Describe any services – whether for compensation or for free – that RUL and/or its agents provided to or on behalf of Lisa Miller.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

20. Describe any services that RUL, its employees, and/or its agents have provided – whether for compensation or for free – that were in any way related to Lisa Miller, Isabella Miller-Jenkins or Janet Jenkins.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks

information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

21. Describe any communications between any employee or agent of RUL and others regarding Lisa Miller, Isabella Miller-Jenkins, or Janet Jenkins, including but not limited to communications with Linda Wall, Philip Zodhiates, Victoria Hyden, or Kenneth Miller.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

22. Identify the person in the car with Philip Zodhiates, Lisa Miller and Isabella Miller-Jenkins on September 22, 2009, as they drove to Buffalo, New York, and describe the relationship between that person and RUL.

RESPONSE: RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.

23. For each of the following telephone numbers (540-241-5673; 540-241-1999; 540-941-8072; 540-943-6721; 540-943-8115; 540-241-9887), provide:

- a. A description of whether, during 2009, the number was assigned to a particular employee, and if so, the name of that employee, and if multiple

employees had access to use of that number, the names of all such employees;

- b. The job description and work responsibilities of each person identified in the above sub-part; and
- c. Time sheets for each employee associated with that number for September 2009.

RESPONSE:

- a. and b. **540-241-5673 is assigned to William Zodhiates. Mr. Zodhiates did clerical work during 2009, and is now a graphic designer. 540-241-1999 – RUL has no record of this number. 540-941-8072, 540-943-6721, and 540-943-8115 are general office numbers. 540-241-9887 is assigned to Kathie Zodhiates. Her duties are part time proof reader.**
- c. **RUL objects to this interrogatory as being beyond the scope of the Court's October 24, 2013 Order. RUL objects to this interrogatory because it seeks information about activities outside the scope of employment. The interrogatory seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues.**

Response to Requests to Produce

24. Produce all documents (including but not limited to contracts, agreements, internal documents, correspondence, emails, Facebook updates or messages, and text messages) related to Lisa Miller, Isabella Miller-Jenkins, and/or Janet Jenkins.

RESPONSE: RUL objects to this request because it seeks information about activities outside the scope of employment. The request seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues. RUL further asserts that it has no such documents.

25. Produce records of any communication to or from any employee of RUL (including but not limited to Bill Dolack) regarding Lisa Miller, Isabella Miller-Jenkins, Janet Jenkins, Kenneth Miller, Terry Miller, Linda Wall, or in any way otherwise related to the subject matter of this lawsuit.

RESPONSE: RUL objects to this request because it seeks information about activities outside the scope of employment. The request seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues. RUL further asserts that it has no such documents.

26. For Interrogatories 8, 10, 13, 14, 15, 17 and 21, if there are any written records of the requested communication, including but not limited to emails, produce copies.

RESPONSE: RUL repeats its responses to the referenced interrogatories, and further objects to this request because it seeks information about activities outside the scope of employment. The request seeks information that goes to the merits of the claims alleged in the Complaint and is not relevant to jurisdictional issues. RUL further asserts that it has no such documents.

27. Produce any documents relied upon in preparing responses to the above interrogatories.

RESPONSE: RUL consulted personnel files which are not maintained in paper form to obtain the work record of Victoria Hyden. They consulted the Standard Rate and Data Directory, which is publicly available at SRDS.com to determine the broker for the Vermont Country Store mailing list.

VERIFICATION AND CERTIFICATION

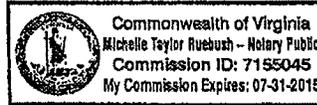
I, Matthew LaPorta, being first duly sworn, hereby verify that the foregoing answers to interrogatories are true and correct to the best of my knowledge, based on information acquired in the course of my duties as an officer of Response Unlimited, Inc.

RESPONSE UNLIMITED, INC.

By 
Matthew LaPorta
Sales Manager

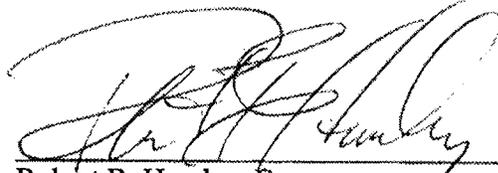
Sworn to before me this
31st day of December, 2013.


Notary Public



33. As to all objections and document responses, if any, in accordance with Rules 26(g) and

Dated: Burlington, Vermont
December 3, 2013



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