

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-00184-wks

MOTION TO COMPEL AND MOTION FOR SANCTIONS

NOW COME Plaintiffs Janet Jenkins, et al., by and through undersigned counsel, and moves to compel further jurisdictional discovery responses and moves for sanctions.

On March 19, 2014, the Court granted in part Plaintiffs' first Motion to Compel Defendant Response Unlimited, Inc. ("RUL") to supplement its jurisdictional discovery responses. The Court compelled RUL to provide or supplement responses to Interrogatories 7, 15, 16, 17, 18, 19, 20, 21, 22, and Requests to Produce 24, 25, and 26 in part. Further, the Court ordered that discovery responses be provided within 14 days of the Order. On April 10, 2014 – beyond the 14-day deadline set by the Court, thereby wasting the limited time the Court set for jurisdictional discovery – RUL finally provided a purported response to the Court's order. RUL's responses are wholly inadequate, and Plaintiffs therefore move again to compel further responses and for sanctions.

I. PLAINTIFFS MOVE TO COMPEL INTERROGATORY RESPONSES.

Despite the prior order granting Plaintiffs' first motion to compel, RUL's interrogatory responses remain incomplete. For example, Interrogatory 15 states: "Describe any communications between Philip Zodhiates and RUL employees regarding Lisa Miller,

Isabella Miller-Jenkins, and/or Janet Jenkins.” RUL now responded: “During 2009, several RUL employees exchanged thoughts with one another about the pending legal actions, largely, if not exclusively circulating comments made by others.” *See* Exhibit A, Response Unlimited Inc.’s Second Supplemental Response to Plaintiffs’ First Set of Jurisdictional Interrogatories and Requests to Produce. Based on this response, it is clear that RUL has identified the employees to know that there were “several,” but RUL does not provide this information despite the Court’s order compelling them to do so, nor does RUL describe the actual contents of the communications, despite suggesting that they included “thoughts” about the “pending legal actions.” This is an incomplete and evasive answer. *See* Fed. R. Civ. P. 37(a)(3) (“For purposes of this subdivision an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond.”). These are transparent stall tactics. The Court thoughtfully reviewed each of Plaintiffs’ interrogatories and requests to produce, and denied in part Plaintiffs’ first motion to compel, thus indicating careful consideration of what discovery should be compelled and what was unnecessary. Thus, where the Court ordered RUL to respond without limitation, the Court intended to enforce the language of the interrogatory, and RUL must provide a complete response.

RUL’s responses to the remaining interrogatories are likewise incomplete and evasive. As another example, Interrogatory 16 stated: “Describe how and when RUL, its agents, or its employees first became aware of Lisa Miller, and identify the date of the first contacts between Lisa Miller and RUL, its agents, or its employees.” The Court compelled a response, noting that this information could be “highly relevant” to personal jurisdiction. In its response, RUL sidestepped the question, instead apparently feeling that it, not the Court, has the power to decide the issue of personal jurisdiction. RUL responded: “RUL never

conducted business with Lisa Miller, and is unaware of the timing or date of contacts, which would have occurred outside the course of its business, between any of its employees and Lisa Miller.” RUL has an obligation to find out when the contacts occurred, as the Court ordered it to do. *Weddington v. Consol. Rail Corp.*, 101 F.R.D. 71, 74 (N.D. Ind. 1984) (“[T]here is a duty on the part of corporate entity to discover all information available to it through its officers, employees and others.”) (emphasis added). The interrogatory responses are binding on the corporation and must reflect the personal knowledge of all relevant individuals, which would include Zodhiates, Victoria Hyden, and Matt LaPorta, who answered the interrogatories on behalf of RUL. *See Gen. Dynamics Corp. v. Selb Mfg. Co.*, 481 F.2d 1204, 1210 (8th Cir. 1973). The Interrogatory requests information about RUL, its agents, or its employees, not limited by whether RUL thinks that its employees were acting outside the course of business. Plaintiffs – and the Court – have the right to find out the facts of what happened and when, and then the Court will determine whether the facts add up to personal jurisdiction over RUL. It is not RUL’s role to prejudge and withhold information, particularly in the face of a very clear order compelling discovery responses.

Similarly, Interrogatory 22 asked RUL to identify the person in the car with Philip Zodhiates, Lisa Miller and Isabella Miller-Jenkins on September 22, 2009, to describe the relationship between that person and RUL. The Court compelled RUL to respond to this interrogatory. But RUL’s answer is evasive and does not provide the information that this Court ordered RUL to provide. RUL attempts to hide behind the argument that it “has no records of any such activities.” But because Philip Zodhiates was in the car, and Philip Zodhiates is the owner of RUL, this information can be easily ascertained even if no records

existed (or were destroyed) and therefore provided to Plaintiffs. Anything short of swearing under oath that no one else was in the car is a flagrant violation of an order of this Court.

RUL's other interrogatory responses are similarly evasive and incomplete. That information is provided in Exhibit A for the Court's review.

II. REQUESTS TO PRODUCE MUST BE ANSWERED COMPLETELY.

The responses to Plaintiffs' Requests to Produce 24, 25, and 26 are also incomplete. RUL produced only four emails: (1) one email from Bill Dolack to Philip Zodhiates dated Wednesday, August 26, 2009 at 11:38 AM; (2) one press release email from Liberty Counsel to Philip Zodhiates dated Tuesday, August 25, 2009, at 3:23 PM; (3) one email from Bill Dolack to Philip Zodhiates, Matt LaPorta, and seven others dated Sunday, July 5, 2009, at 5:31 PM; and (4) one email from Bill Dolack to Philip Zodhiates and Joel Baugher, dated Thursday, August 27, 2009, at 9:17 AM. Plaintiffs have included the dates and times of these emails to highlight that the majority were sent during business hours, using business email accounts. Further, the dates show that the produced emails are from a very limited time period of only two months, although it does indicate that RUL has retained its documents from 2009.

There must be more than four relevant emails. In fact, Plaintiffs know there are more emails, since in Kenneth Miller's criminal trial the prosecution introduced an exhibit (Exhibit 37a) of an email from Bill Dolack to Philip Zodhiates and others, dated Tuesday, December 22, 2009, at 8:32 PM, which Philip Zodhiates later forwarded to Kenneth Miller. *See* Exhibit B. This email was not included in RUL's recent production, thereby proving that RUL's production is incomplete. In addition, one of the emails is a press release, indicating that Philip Zodhiates was on a mailing list from Liberty Counsel. It is implausible that the mailing list was only used a single time.

Plaintiffs remind the Court that RUL's first response to the Requests to Produce was that it "has no such documents." This turned out to be a false statement, because after the Court's order compelling a complete response, RUL found four emails. RUL's credibility is therefore questionable, particularly as to the completeness and legitimacy of its search for responsive documents.

Further, the four emails produced are all to Philip Zodhiates, indicating that RUL only searched Philip Zodhiates' inbox. This is patently insufficient. RUL's response to Interrogatory 15 stated that there were communications between "several" RUL employees about Lisa Miller, Janet Jenkins, and Isabella Miller-Jenkins, so it is reasonable to infer that emails were sent to and from parties other than Philip Zodhiates. Also, the Requests to Produce ask for documents other than emails, so simply searching email inboxes is insufficient to comply with discovery obligations.

RUL did not state what search terms it used to come up with these four emails. RUL also failed to state what document storage it searched, and whether it searched any physical files in addition to electronic records. RUL has a legal obligation to produce all documents within its possession, custody or control, and this paltry production indicates that it has violated this obligation.

III. REMEDIES SOUGHT.

Plaintiffs seek an order from the court compelling RUL to provide a Rule 30(b)(6) witness to testify on issues involving personal jurisdiction, including those set forth in the interrogatories and requests to produce already served, compelled, and evaded. From RUL's repeated evasiveness, it is clear that they will not willingly share the information in their possession, thereby preventing the Court from making a fair and accurate determination of personal jurisdiction. A 30(b)(6) deposition will allow Plaintiffs to obtain relevant, necessary

information on issues already requested but avoided through written discovery. To satisfy Rule 30(b)(6), the corporate deponent has an affirmative duty to make available “such number of persons as will” be able “to give complete, knowledgeable and binding answers” on its behalf. *Securities & Exchange Comm'n v. Morelli*, 143 F.R.D. 42, 45 (S.D.N.Y.1992).

Plaintiffs urge the Court to order Philip Zodiates as the 30(b)(6) deponent, since as the owner he has the most access to information about his company and the best ability to speak for the corporation. In addition, the information discovered to date suggests that he is the RUL employee/officer who had the most direct and frequent contact with Lisa Miller.

In the alternative, Plaintiffs seek an order compelling complete answers to the Interrogatories under penalty of strict sanctions for evasion, and allowing Plaintiffs to create search parameters for RUL to use in producing documents, with a requirement that a third party certify compliance. RUL’s repeated evasion and false statements show that another order simply compelling compliance will be ineffective.

In addition, Plaintiffs seek sanctions against RUL for forcing Plaintiffs to file a second motion to compel. Plaintiffs request that RUL be ordered to pay its legal fees for the cost of seeking jurisdictional discovery, including the earlier motion to compel. Although the Court previously ordered that both parties bear their own costs on that motion, RUL’s repeated stalling and evasiveness even after this Court’s order invites reconsideration of that ruling. Finally, given RUL’s untimely discovery responses and the need for filing another Motion to Compel, Plaintiffs request an additional 60 days to complete jurisdictional discovery.

DATED at Middlebury, Vermont this 17th day of April, 2014.

LANGROCK SPERRY & WOOL, LLP

/s/ Katherine B. Kramer

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PO Drawer 351, 111 S. Pleasant Street
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Attorney for Plaintiffs

622138.1

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, et al.,)
Plaintiffs)
)
v.) Docket No. 2:12-cv-184
)
KENNETH L. MILLER, et al.,)
Defendants)

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

Defendant Response Unlimited, Inc. ("RUL"), following the Order of the Court dated March 19, 2014 on Plaintiff's Motion to Compel, offers this second supplemental response 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.

Supplemental 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.

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: Defendant offers the following additional response: Victoria Hyden was never a full time employee of RUL. While she was a student, beginning in the summer of 2003, Ms. Hyden did part time filing and other clerical work on occasion during breaks from school. As stated previously, 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.

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

RESPONSE: During 2009, several RUL employees exchanged thoughts with one another about the pending legal actions, largely, if not exclusively circulating comments made by others.

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 never conducted business with Lisa Miller, and is unaware of the timing or date of contacts, which would have occurred outside the course of its business, between any of its employees and Lisa Miller.

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: See response to interrogatory 16, above.

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 had no transactions with Lisa Miller. She was never a client, and never purchased or sold information to RUL.

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: Objection as overly broad. Notwithstanding said objection, RUL provided no services – whether for compensation or for free – on behalf of Lisa Miller, and has no record of any such service being performed by its agents acting within the scope of their authority or in the course of RUL’s business.

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: Objection as overly broad. Notwithstanding said objection, RUL provided no services, either for compensation or for free, to Lisa Miller, Isabella Miller-Jenkins, or Janet Jenkins, and has no record of any such services being performed by its employees or agents acting within the scope of their authority or in the course of RUL’s business.

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: Objection as overly broad. Notwithstanding said objection, RUL has produced certain e-mails between certain of its employees regarding Lisa Miller, Isabella Miller-Jenkins or Janet Jenkins. RUL is continuing to make a reasonable search for any additional such communications within its possession, custody, or control.

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 does not keep track of the whereabouts of its employees or agents when they are not engaged in the ordinary course of RUL's business. The activities described in this interrogatory, assuming for the purpose of this answer, that they occurred, were not taken upon RUL's authority or in furtherance of RUL's business. RUL has no record of any such activities.

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: See attached. RUL is continuing to make a reasonable search for any additional such communications within its possession, custody, or control.

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: See attached. RUL is continuing to make a reasonable search for any additional such communications within its possession, custody, or control.

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: See attached. RUL is continuing to make a reasonable search for any additional such communications within its possession, custody, or control.

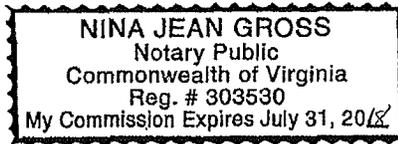
VERIFICATION AND CERTIFICATION

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*
Matthew LaPorta
Sales Manager

Sworn to before me this
10th day of APRIL, 2014.



Nina Jean Gross
Notary Public

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

Dated: Burlington, Vermont
April 10, 2014

Robert B. Hemley
Robert B. Hemley, Esq.
Gravel & Shea PC
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Burlington, VT 05402-0369
(802) 658-0220
rhemley@gravelshea.com
For Defendant Response Unlimited, Inc.

<287661/RBH>

From: [Bill Dolack](#)
To: [Philip Zodhiates](#);
Subject: a bit more on Lisa Miller
Date: Wednesday, August 26, 2009 11:38:58 AM

Initial News Coverage on Latest Miller v. Jenkins Hearing

Posted August 26, 2009 by theformers

Categories: [Gay marriage issues](#), [Media](#), [culture war](#), [politics and activism](#)

Tags: [ACLU](#), [child custody](#), [civil unions](#), [gay activism](#), [gay marriage](#), [Janet Jenkins](#), [Lisa Miller](#)

As I also reported on the [Only One Mommy](#) Facebook group this morning:

Here is Garren Shipley's [report in the Northern Virginia Daily](#) on yesterday's hearing:

It's interesting that he quoted Janet's ACLU attorney as saying the outcome was a victory for Jenkins, presumably because they got yet another expected civil contempt ruling. Yawn. We observed this attorney's clear agitation when she exited the courtroom yesterday. She was anything but happy, and she was overheard talking on her cell phone, saying she was disappointed.

The story makes it clear that the outcome was more in Lisa's favor. He had to throw out a little bone to the ACLU, I guess. The Jenkins side spin from her attorney is nothing new.

Comments: [2 Comments](#)

ACLU Takes a Hit Today in Miller v. Jenkins

Posted August 25, 2009 by theformers

Categories: [Gay marriage issues](#), [culture war](#), [politics and activism](#)

Tags: [gay activism](#), [civil unions](#), [gay marriage](#), [child custody](#), [Lisa Miller](#), [Isabella](#)

Miller, Janet Jenkins, Liberty Counsel

In a Winchester, Va. courtroom today, the ACLU argued in favor of jailing Lisa Miller for refusing to comply with Vermont's court-ordered visits for her 7-year-old daughter, Isabella, with Janet Jenkins, Miller's lesbian former partner.

Not only did Jenkins' ACLU attorney withdraw that request when Judge William Sharp ruled it "inappropriate" at the outset of the hearing, but Judge Sharp also granted Liberty Counsel's request for a change of venue for future arguments from Winchester, where Miller formerly resided, to Bedford County, Va., where she and Isabella now reside.

The other major development in today's hearing was a decision to allow future appeals on the issue of enforcement in Virginia of Vermont's custody/visitations orders. Only recognition or registration of the orders have been issues subject to appeal, prior to today's ruling from Judge Sharp. Given Virginia's marriage amendment and Marriage Affirmation Act — among the very strongest in the country — enforcement will be a much more difficult win for Jenkins and her attorneys to obtain.

For more details, you can read [Liberty Counsel's news release](#).

I was privileged to be among the friends and supporters gathered at the courthouse, standing in the gap and praying for Lisa and Isabella. God has heard the many prayers that continue to be offered around the world for these two. He spoke with a clear and resounding voice today.

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

From: liberty@lc.org
To: [Philip Zodhiates](#);
Subject: ACLU's Request to Jail Lisa Miller Fails in Virginia Court / Freedom Federation Press Conference Notice
Date: Tuesday, August 25, 2009 3:23:35 PM

Liberty Alert from Liberty Counsel - www.LC.org

Online version easier to read? Go to www.LC.org

August 25, 2009

ACLU's Request to Jail Lisa Miller Fails in Virginia Court / Freedom Federation Press Conference Notice

We are very pleased to report an answer to prayer! Earlier today, Liberty Counsel appeared in a Winchester, Virginia court to defend Lisa Miller from a complaint filed by the ACLU of Virginia on behalf of Janet Jenkins.

The ACLU asked the judge to order Lisa to jail for not delivering her own daughter, Isabella, to Vermont for unsupervised visitation with Janet. The ACLU also requested Lisa to pay attorney's fees and costs. But no jail time was ordered and the court rejected the ACLU's request for money!

Although the court ruled that Lisa had violated a Vermont judge's visitation order, no fines were assessed against her. The court ordered that Lisa pay \$100 per day for pending visitation orders issued in Vermont, but there are no pending visitation orders at this time.

The ACLU vigorously argued against Liberty Counsel's requested change of venue to Bedford County, where Lisa lives and Isabella attends school. However, the court ruled that future disputes in this case will be heard in Bedford County.

Read our [News Release](#) for more details on the future of Lisa's case. Please continue to pray for Lisa and Isabella. Your prayers are working!

And don't forget to [support Liberty Counsel's defense of Lisa](#). This has proven to be a very expensive case, but of course, Lisa and Isabella's future are well worth the fight.

Freedom Federation Holds Healthcare Press Conference

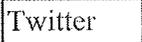
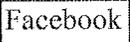
Tomorrow at 10 a.m. the Freedom Federation will hold a national press conference in Washington, D.C. The discussion will focus on government healthcare legislation and its impact on freedom and the sanctity of life.

Member organizations of the Freedom Federation are listed in our [Notice of News Conference](#).

The Freedom Federation is a federation of national multiethnic and transgenerational organizations and leaders committed to plan, strategize, and work together on common interests contextualized within the Judeo-Christian worldview to communicate transcendent truth, faith and values to the religious, social and political institutions.

The Freedom Federation is committed to core values expressed in the [Declaration of American Values](#).

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Forward this Liberty Alert to your entire e-mail list of family and friends, and encourage them to [subscribe](#).

Liberty Counsel does not charge clients for representation, so we depend on individuals, groups and churches who care about advancing religious freedom, the sanctity of human life and the traditional family. Liberty Counsel is recognized by the IRS as a 501(c)(3) tax-exempt organization that accepts tax-deductible donations. [Donate](#) or order resources from the [Liberty Counsel online store](#).

Mathew D. Staver - Founder and Chairman
Anita L. Staver - President
Liberty Counsel - 1-800-671-1776
PO Box 540774 - Orlando, FL 32854

Please request removal by email to liberty@LC.org, telephone or mail using the contact information listed above. Your request will be processed within 10 days of the **receipt** of your request. You may quickly remove your own email address on our [subscribe/unsubscribe page](#).

Philip Zodhiates

From: Bill Dolack [bdolack@hotmail.com]
Sent: Sunday, July 05, 2009 5:31 PM
To: Philip Zodhiates; Joel Baugher; Bruce Ketchum; Sam Sterrett; Matt LaPorta; Rusty Weller; Chris Conley; Debbie Cole; Bea Conner
Subject: Latest from Lisa Miller

July 3, 2009

Dear Prayer Warriors:

On Wednesday, Janet filed with the court a motion for penalty of not following the Vermont court order, which has ordered past visits and which has ordered a 5- week visit starting Saturday July 4 and ending Saturday August 8 - all to occur in Vermont. The following is what she is asking for:

"be imprisoned, fined, or otherwise punished or dealt with according to the law"

A date has not been set for this Virginia hearing- although she did ask for an immediate hearing. A date for the Vermont court hearing for the transfer of custody request has not been set either.

I know God has it all in His hands. Friends, the above, is a battle that I am fighting. A battle that is not only mine but yours (for more information please go to <http://www.protectisabella.com>. I am fighting for our Constitutional right to raise our children as we see fit. I am fighting for our public policy laws that state that marriage is between only one man and only one woman and that no other relationship and or contractual agreements between same-sex couples will be recognized here in the state of Virginia. We the people voted on this last law.

I do not intend to "give up" the battle. Rather, I will move forward and continue the fight. I may be facing the giants of ACLU and Lambda Legal but the way I choose to look at it is that they are facing God - a more powerful force than they ever will be.

I have assurance, through God's word, that the Lord will fight this battle – that I am merely a vessel that He is using. I gladly give myself to Him. All I need to do is what David did when he faced his battle with his giant:

"Then it happened when the Philistine rose and came and drew near to meet David, that David ran quickly toward the battle line to meet the Philistine" I Samuel 17:48

Did you catch that? What did David do? David "ran quickly toward the "battle line" to meet the Philistine". Friends, I believe our battle lines are drawn. We have many to choose from. My "battle line" is merely one of them. I encourage you today to pray and seek God and ask Him what battle line does He want you to "run quickly" to? Remember, "For God has not given us a spirit of fear, but of power, love and a sound mind" II Timothy 1:7.

Last Wednesday, the day after I learned that the Virginia Appellate Court dismissed my case, God laid this verse in my mind and in my heart upon awakening. What a joy it was to know that God is in control! God made us for a purpose. He has a plan for our life. His plan for me is to continue running my race toward my battle line of fighting Constitutional injustice and the rancid sin of sexual perversion that is slowing poisoning our families.

Please do not think you cannot do anything. There are many servants of God in our midst who are

individuals just as we are - who perhaps feel we don't have anything to offer or that we just can't give up what we have - to the Lord. Yet, when God got a hold of their hearts and they obeyed his calling, organizations such as Liberty Counsel, (yes, Matt Staver gave up a successful secular law practice to start Liberty Counsel), The Valley Family Forum (Dean Welty) and Vermont Renewal (Steve Cable) were born. I encourage you to visit their web sites to see what great and mighty things God is doing through them: <http://www.libertycounsel.org>, <http://www.valleyfamilyforum.org> and <http://www.vermontrenewal.org>.

I personally have had some interaction with all three men who I just mentioned and they are truly servants of our Lord - sacrificing for God. All these individuals sought God - asking Him what He wanted. God provided the vision and Matt, Dean and Steve merely were vessels that were used and are still being used by God.

I know God is going to use you mightily. He made you, He gave you your personality, and He even gave you your weaknesses - all to be used by Him. "For Him and through Him, and to Him are all things. To Him be the glory forever. Amen" (Romans 11:36).

My prayer for you today (yes, I pray for you - even though I do not know you personally- for we are to pray for all saints) is that God will do a mighty and wonderful work through you - more importantly, that you will allow Him to do so.

Please continue to pray for my upcoming legal battles. We are also asking the Virginia Supreme Court to take our appeal for the Virginia Appellate Court dismissing my case. Please pray for total victory in my legal case - including the salvation of Janet. Satan has a hold of her - for almost 26 years, she has been engaging in same-sex relationships. We know though that God can break strongholds.

"I thank Christ, Jesus our Lord, who has strengthened me, because He considered me faithful, putting me into service" (I Timothy 1:12).

"The Lord only builds a bridge of faith directly under the feet of a faithful traveler. He never builds the bridge a few steps ahead, for then it would not be one of faith. 'We live by faith, not by sight' (2 Cor. 5:7)." (Cowman, Streams in the Desert).

Joyfully Serving Christ,
Lisa Miller

Lauren found her dream laptop. [Find the PC that's right for you.](#)

From: Bill Dolack
To: Philip Zodhiates; Joel Baugher;
Subject: lisa miller
Date: Thursday, August 27, 2009 9:17:29 AM

Folks, here is a prayer letter that Lisa e-mailed late last night. While we celebrate the positive outcome of Tuesday's hearing, we must remember that on or near Sept. 4, Judge Cohen in Vermont is expected to rule on a custody transfer from Lisa to Janet of our beloved Isabella. As Lisa writes, he has made it clear he is leaning toward removing Isabella from her God-given mom and actually allowing an affirmed and godless lesbian to raise her in a hostile environment. Please redouble your prayer efforts for Lisa and Isabella, and pray for real justice to prevail. We may be in for a continued long battle.

Sincerely in Christ,

Debbie

Dear Prayer Warriors:

Please forgive me for not e-mailing last night. I wanted to spend time with Isabella after I arrived home. I do want to personally thank you for your prayers for Isabella and me for both last Friday and yesterday's court hearing. Please keep in prayer Sept. 4, which is when Judge Cohen in Vermont will decide via a status conference — not a hearing — as to whether he will transfer custody of Isabella from me to Janet. He made it very clear that he would most likely rule in favor of Janet Jenkins' request. God is mightier than man!

I am including CWA's and Liberty Counsel's alerts, as well as Pastor Wright's prayer update. Please continue to pray for complete victory in my legal case. I am fighting not only for Isabella, but for children everywhere. Virginia is not upholding their laws. God has given me this "race to run" and I must continue to run it. We as Christians must stand for what is right in God's eyes.

I am so grateful and thankful to God that I am home with Isabella instead of in a jail cell. He knows what is best for us and my prayer (and one I ask you to pray for me as well) is that Isabella remains with me so I can bring her up in Christ and that God will preserve our family as well as preserve me as her mom so that I can teach her the ways of the Lord. It was very obvious during Janet's testimony last Friday in Vermont that she is not going to be raising her for Christ but rather will raise her in the ways of the world, which is completely opposite of God's word.

CWA's statement on my case:

Concerned Women for America of Virginia congratulates Liberty Counsel on this decision of the court. We rejoice that Lisa and Isabella will remain together and in Virginia. CWA-VA will continue to pray for a complete resolution of this case.

The following statement came from Liberty Counsel:

We are very pleased to report an answer to prayer! Earlier today (08-25-09), Liberty Counsel appeared in a Winchester, Virginia court to defend Lisa Miller from a complaint filed by the ACLU of Virginia on behalf of Janet Jenkins.

The ACLU asked the judge to order Lisa to jail for not delivering her own daughter, Isabella, to Vermont for unsupervised visitation with Janet. The ACLU also requested Lisa pay attorney's fees and costs. But no jail time was ordered and the court rejected the ACLU's request for money!

Although the court ruled that Lisa had violated a Vermont judge's visitation order, no fines were assessed against her. The court ordered that Lisa pay \$100 per day for pending visitation orders issued in Vermont, but there are no pending visitation orders at this time.

The ACLU vigorously argued against Liberty Counsel's requested change of venue to Bedford County, where Lisa lives and Isabella attends school. However, the court ruled that future disputes in this case will be heard in Bedford County.

Please continue to pray for Lisa and Isabella. Your prayers are working!

Pastor Wright's prayer update:

Greetings,

I wanted to give you a brief update on the issues that transpired with Lisa Miller's (Isabella's) case yesterday in the Winchester court. The court did find Lisa in contempt, but did not sentence her to jail time. The ACLU lawyer representing Janet had requested jail time, but withdrew the request shortly after the hearing began. The judge issued a \$100 per day fine, but it is for refusal to obey written orders. All existing orders have expired, so whether he realized it or not, there is actually no fine at all right now. That will change when the Vermont court meets again (Sept. 4 or 5). Most likely they will transfer custody to Janet.

In addition to the civil contempt the court also ruled on a change of venue. Since Lisa now lives in Bedford County, Virginia and since her attorneys are in Lynchburg, Judge Sharpe ordered the proceedings to continue in Bedford County. This was a positive ruling for Mat Staver of Liberty Counsel, but the opposition is vehemently opposed and will probably appeal the ruling.

I praise the Lord that Lisa has not been incarcerated, and continue to urge you to pray for wisdom on her behalf. I talked with her as she was on her way home yesterday. She is truly seeking the Lord's guidance in this, and realizes the precarious position of obeying God rather than man. Please be assured that this is an agenda-driven case. In the last five years, Janet (in Vermont) has not sent Isabella a birthday card, called her, sent gifts for any occasion, checked on her when she is sick, etc. They have stated that they think it is harmful for this child to be raised in a Christian home. Janet would gladly become custodial guardian in order to warp this child, but there is no connection other than philosophical. The story has dominated the front page of our local paper, but I have included a link below if you would like to read more.

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=107923>

Pastor Douglas B. Wright
Keystone Baptist Church
Berryville, VA
www.keystonebaptist.org

Thank you once again, prayer warriors, for your prayers. I know our gracious and merciful God answered them!

"The effectual prayer of a righteous man availeth much" (James 5:16b). Amen!

Joyfully Serving Christ,

Lisa Miller
Romans 12:12
[Reply to DebbieReport](#)



Post #2

[Debbie Thurman](#) (Lynchburg, VA) wrote about an hour ago

I want to point out that Bob Unruh of World Net Daily has a few minor errors in his article that Pastor Wright linked to. He wrote, for instance, that the hearing venue change to Bedford County meant Lisa would not have to travel to Vermont for future hearings. That is certainly not true. The venue change was for Virginia hearings only. Vermont is a whole different part of this case. Fortunately, Lisa is able to participate in status conferences by phone in some of those Vermont hearings, as will be the case for the next ruling.

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 B

FW: Lisa Miller Update

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

From: Bill Dolack [mailto:bdolack@hotmail.com]
Sent: Tuesday, December 22, 2009 8:32 PM
To: Philip Zochiates; Joel Baugher; Matt LaPorta; Bruce Ketchum; Sam Sternett; Rusty Weller; Chris Corley; Starr Cochran; Debbie Cole; Bea Conner; William Zochiates
Subject: Lisa Miller Update

Debbie Thurman sent a message to the members of Only One Highway: 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.

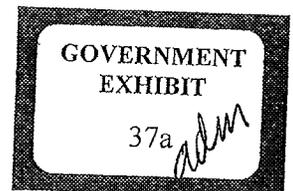
If anyone would like to post a Christmas greeting on the wall for Lisa and Isabella, I'm sure those would be appreciated.

May you all have a blessed Christmas and New Year.

In His grip,

Debbie

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)



9/29/2011 11:27 AM

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

JANET JENKINS, ET AL.,
Plaintiffs,

v.

KENNETH L. MILLER, ET AL.,
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 *Motion to Compel and Motion for Sanctions* 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 17th day of April, 2014.

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

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