

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

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

**MOTION TO CERTIFY ORDER FOR INTERLOCUTORY REVIEW
BY DEFENDANT LINDA M. WALL**

Defendant Linda M. Wall moves the Court to certify its Order dated July 15, 2014 (Dk. No. 161) denying her renewed motion to dismiss for lack of personal jurisdiction as appropriate for interlocutory review under 28 U.S.C. §1292(b). This motion is based on the following grounds:

1. The Order presents controlling questions of law as to which there is substantial ground for difference of opinion, and an immediate appeal may material advance the ultimate termination of the litigation.
2. On February 25, 2014, in *Walden v. Fiore*, __ U.S., __, 134 S. Ct. 1115, 188 L. Ed. 2d 12, 2014 U.S. LEXIS 1635, the United States Supreme Court clarified the standard for personal jurisdiction to be applied in intentional tort cases. To date, the United States Court of Appeals for the Second Circuit has not had the opportunity to discuss the parameters of *Walden* or otherwise give guidance to lower courts.
3. Additional questions include whether Defendant Wall (1) was a primary participant in the alleged conduct such that personal jurisdiction may be based on the alleged injuries to Plaintiff in Vermont; and (2) whether Plaintiff may rely on allegations in the

Amended Complaint to establish personal jurisdiction that Defendant Wall specifically denied by affidavit.

Defendant requests that the Court either amend the Order or issue a Supplemental Order under 28 U.S.C. §1292(b) to reflect certification. *See In re Hamilton*, 122 F.3d 13, 14 (7th Cir. 1997).

Dated: Hamden, Connecticut
July 23, 2014

DEFENDANT LINDA M. WALL

BY: /s/ Michael J. DePrimo
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CERTIFICATE OF SERVICE

I hereby certify that, on July 23, 2014, I electronically filed with the Clerk of the Court a Motion to Certify Order for Interlocutory Review and a memorandum of law in support thereof on behalf of Defendant Linda M. Wall, and service of such filing shall be provided by CM/ECF via Notice of Electronic Filing (NEF) to the following NEF counsel of record:

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

Dated and signed at Hamden, CT.

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