IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

JANET JENKINS at el.,	)	
	)	
Plaintiffs,	)	CIVIL CASE NO. 2:12-cv- 00184-wks
	)	
v.	)	
	)	
KENNETH L. MILLER et al.	)	November 10, 2014
	)	
Defendants.	)	

DEFENDANT LINDA M. WALL'S
MOTION TO DISMISS REVISED SECOND AMENDED COMPLAINT

Defendant Linda M. Wall, through the undersigned counsel, hereby moves to dismiss the revised second amended complaint pursuant to Fed. R. Civ. P 12(b)(6) for failure to state a claim upon which relief can be granted.[1] Defendant simultaneously files a memorandum of law in support of this motion.

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

[1] For preservation of appeal rights, Wall incorporates herein by reference other grounds for dismissal set forth in her Motion to Dismiss filed on July 1, 2013 (Doc. No. 109) and Renewed Motion to Dismiss filed on March 11, 2014 (Doc. No. 143).

FOR THE PLAINTIFF,

/s/ Michael J. DePrimo
Michael J. DePrimo, CT Fed Bar # 15802
Admitted *pro hac vice*
778 Choate Avenue
Hamden, CT 06518
Tel: 203.893.9393
Email: michaeldeprimo@gmail.com

/s/ Norman C. Smith
Norman C. Smith, Esq.
76 Lincoln Street (Route 2A)
P.O. Box 24
Essex Junction, Vermont 05453
Tel: 802.288.9088
Fax: 802.879.9640
Email: nc.smith@myfairpoint.net

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FOR THE DISTRICT OF VERMONT

JANET JENKINS et al.,	)	
Plaintiffs,	)	CIVIL CASE NO. 2:12-cv-00184-wks
v.	)	
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DEFENDANT LINDA M. WALL'S MEMODANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS REVISED SECOND AMENDED COMPLAINT

Defendant Linda M. Wall, through the undersigned counsel, hereby submits a memorandum of law in support of her motion to dismiss this action pursuant to Fed. R. Civ. P 12(b)(6) for failure to state a claim upon which relief can be granted.[1]

A. The Standard of Review for Rule 12(b)(6) Motions.

In reviewing a motion to dismiss under Rule 12(b)(6), the Court accepts as true the factual allegations set forth in the complaint, drawing all reasonable inferences in the plaintiff's favor. *MLSMK Inv. Co. v. JP Morgan Chase & Co.*, 651 F.3d 268, 273 (2d Cir. 2011). This requirement, however, does not apply to legal conclusions, bare assertions or conclusory allegations. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 681 (2009). To survive a motion to dismiss, a complaint must plead "enough facts to state a claim to relief that is plausible on its face." *Ruotolo v. City of New York*, 514 F.3d 184, 188 (2d Cir. 2008) (citing *Bell Atl. Corp. v.*

[1] In order to preserve her appeal rights, Wall incorporates herein by reference the arguments contained in her Memorandum of Law in Support of Motion to Dismiss filed on July 1, 2013 (Doc. No. 110) and Memorandum of Law in Support of Renewed Motion to Dismiss filed on March 11, 2014 (Doc. No. 143-1). She also adopts the legal arguments made by co-defendants Zodhiates, Hyden, and Response Unlimited, Inc. (Doc. No. 170-1) to the full extent applicable.

Twombly, 550 U.S. 544, 570 (2007)). As shown below, the factual allegations in Jenkins' complaint are insufficient to raise a right to relief above the speculative level and therefore should be dismissed. *See Twombly.*, 550 U.S. at 555.

B. Wall's Actions and Statements Were Constitutionally Protected.

As a threshold matter, Jenkins' allegations that Wall approved of Isabella's removal from the United States after the fact, Rev. Compl., ¶¶ 43-44, is not evidence of conspiracy or participation in the alleged kidnapping but rather Wall's criticism of the state courts' custody orders, which she was constitutionally entitled to express. *See Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1034 (1991) ("There is no question that speech critical of the exercise of the State's power lies at the very center of the First Amendment."); *New York Times Co. v. Sullivan*, 376 U.S. 254, 273 (1964) (calling liberty to criticize government conduct "the central meaning of the First Amendment").

Legal recognition and attempted legal recognition of same-sex relationships (and especially its effect on children) has been raging across the United States for the past twenty years and there are no signs of letup. It has long been settled that "debate on public issues should be uninhibited, robust, and wide-open and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). Consequently, even coercive or embarrassing speech may be used to spur political, moral and/or social change. *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 909-10 (1982). *See also, N.A.A.C.P. v. Button*, 371 U.S. 415, 445 (1963) (constitutional protection does not turn upon "the truth, popularity, or social utility of the ideas and beliefs which are offered."). "However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas."

Gertz v. Robert Welch, Inc., 418 U.S. 323, 339-40 (1974). The Supreme Court recently affirmed this principle by protecting hateful speech that caused severe pain to a family mourning the loss of a son—speech a jury found "outrageous" enough to merit a multi-million dollar judgment. As the Court explained:

> Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and—as it did here—inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course—to protect even hurtful speech on public issues to ensure that we do not stifle public debate.

Snyder v. Phelps, 131 S. Ct. 1207, 1220 (2011).

Furthermore, the protections of the First Amendment are so broad that even the advocacy of violence is constitutionally protected. For example, in *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) a state statute made it unlawful for "persons who 'advocate or teach the duty, necessity, or propriety' of violence 'as a means of accomplishing industrial or political reform' …" *Id.* The Court rejected the law, stating that "the mere abstract teaching of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent actions and steeling it to such action." *Id.* at 448 (internal quotations omitted). Thus, "peaceful speech, even speech that urges civil disobedience, is fully protected by the First Amendment." *White v. Lee*, 227 F.3d 1214, 1228 (9th Cir. 2000) (citing *Brandenburg*, 395 U.S. at 347). Similarly, fundraising is protected by the First Amendment. *See, e.g., Maryland v. Joseph H. Munson Co.*, 467 U.S. 947, 959 (1984); *Button*, 371 U.S. at 431-437; *Brandenburg*, 345 U.S. at 447.[2]

Obviously, Wall objected to the custody orders issued by the Vermont and Virginia state courts and she used media and other forms of communication to make her objections known and to spur others to action. Such speech lies at the heart of the First Amendment and cannot be used

[2] *See* Revised Second Amended Complaint ("Rev. Compl."), ¶ 46 (alleging that Wall "sought donations for Lisa Miller after January 2010").

as a hook to prove participation in an alleged conspiracy to kidnap Isabella or violate Plaintiff's civil rights. For these reasons, the complaint against Wall should be dismissed with prejudice.

C. Count One Should be Dismissed.

1. There is no allegation that Wall agreed to or took any acts in furtherance of a conspiracy to kidnap Isabella.

The revised second amended complaint alleges only that Wall (1) is an "anti-gay activist" that helped Lisa Miller secure legal representation, Rev. Compl., ¶17; (2) "met to discuss what Lisa Miller should do 'knowing that Virginia' law was not going to prevent Isabella from having contact with Plaintiff Jenkins," *id*., ¶21; (3) "decided and agreed [with Lisa Miller] as early as June of 2008 that Lisa Miller should flee with Isabella, *id*.; (4) "[t]he Protect Isabella Coalition was organized in the spring of 2008 in Lynchburg by Wall and others . . . to prevent court ordered contact between Isabella Miller-Jenkins and Janet Jenkins," *id*., ¶22; (5) "appeared on television with several members of the PIC to endorse the kidnapping . . . [and] compared herself to Harriet Tubman, and suggested she would take similar actions with regard to more children from same-sex families," *id*., ¶43; (6) "wrote on Facebook that if anyone knew of Lisa Miller and Isabella's whereabouts they should not tell anyone," *id*., ¶44; (7) "made several phone calls to law enforcement to instruct them that they should not look for Lisa Miller and Isabella," *id*.; and (8) "sought donations for Lisa Miller after January 2010." *Id*., ¶46.

None of these assertions allege facts demonstrating that Wall participated in a conspiracy to kidnap Isabella. At most, they demonstrate that Wall approved of actions designed to protect Isabella and/or exercised her First Amendment rights by expressing her opinion or petitioning the government for redress of grievances. Moreover, the revised second amended complaint describes in detail the alleged kidnapping, see ¶¶ 30-32, yet it makes no mention of Wall. The

reason for that is simple: Wall did not know nor did she ever communicate with any of the alleged plotters, organizers, and or participants in the alleged kidnapping scheme.

A plaintiff claiming the existence of a conspiracy must also allege, "with at least some degree of particularity, overt acts which defendants engaged in which were reasonably related to the promotion of the claimed conspiracy." *Thomas v. Roach*, 165 F.3d 137, 147 (2d Cir. 1999); *Ostrer v. Aronwald*, 567 F.2d 551, 553 (2d Cir. 1977)). *See also Slotnick v. Garfinkle*, 632 F.2d 163, 166 (1st Cir. 1980) (recognizing that dismissal is warranted if the complaint fails to elaborate or substantiate bald claims that defendants conspired with one another). Here, Plaintiffs have failed to allege even one detailed fact showing that Wall was a participant in illegal conduct. For these reasons, Count One should be dismissed with prejudice.

2. There is no private right of action under Vermont law.

Count One of the complaint of alleges that the defendants conspired with and aided and abetted Lisa Miller in her commission of the criminal offense of kidnapping under Vermont law. Rev. Compl, ¶¶ 53-54. Even assuming these conclusory allegations are true for purposes of this motion, Count One must be dismissed because Vermont does not recognize a private right of action for the crime of kidnapping. Criminal statutes, in and of themselves, do not create private rights of action. *See, e.g., Cent. Bank, N.A. v. First Interstate Bank, N.A.*, 511 U.S. 164 (1994) ("We have been quite reluctant to infer a private right of action from a criminal prohibition alone; for example, we refused to infer a private right of action from 'a bare criminal statute.' And we have not suggested that a private right of action exists for all injuries caused by violations of criminal prohibitions.") (quoting *Cort v. Ash*, 422 U.S. 66, 80 (1975)); *Madden v. Abate*, 800 F. Supp. 2d 604, 606-07 (D. Vt. 2011) (acknowledging that "the existence of a criminal statute prohibiting certain conduct does not in and of itself create a private right of action that may be brought by the victim of that conduct."); *id.* at 607 (collecting cases from

other jurisdictions holding that no civil cause of action may be maintained for violation of criminal offenses).

Similarly, there is no private right of action for violations of the federal Parental Kidnapping Prevention Act. *Monroe v. McNairy County*, 850 F. Supp. 2d 848, 876 (W.D. Tenn. 2012). *Cf. Giano v. Martino*, 673 F. Supp. 92, 95 (E.D.N.Y. 1987) ("Federal Kidnapping Act was never intended to confer rights on the victim of a kidnapping, and does not do so by its language."); *Esser v. Roach*, 829 F. Supp. 171, 176 (E.D. Va. 1993) ("[T]he PKPA affords no private, federal cause of action."). As this Court has previously recognized, "[w]here a private litigant asserts a claim that is not based upon any recognized private right of action, the Court may dismiss the claim." *Madden v. Abate*, 800 F. Supp. 2d 604, 606-07 (D. Vt. 2011) (citing to *Bellikoff v. Eaton Vance Corp.*, 481 F.3d 110, 115 (2d Cir. 2007)).

Finally, it is questionable whether Vermont even recognizes a tort for civil conspiracy. *See Davis v. Vile*, No. 2002-465, 2003 WL 25746021 at *3 (Vt. 2003) (citing *Boutwell v. Marr*, 71 Vt. 1, 6-7, 42 A. 607, 609 (1899)). If a claim exists at all, it is clear that "a civil action cannot be sustained unless something causing damage to the plaintiff has been done in furtherance of the agreement and the thing done be something unlawful in itself." *Id.* Moreover, even if there was an illegal purpose, there can be no cause of action if there are no illegal means. *Id.* The complaint makes clear that Lisa Miller had both physical and legal custody at the time she allegedly fled the United States. *See* Rev. Compl., ¶¶ 18, 26-27, 31, 38. Nothing Wall was alleged to have done was illegal. Count One should be dismissed with prejudice.

D. Count Two Should Be Dismissed for Failure to State a Cognizable Claim.

Count Two of the revised second amended complaint alleges that the defendants conspired with each other "to violate the civil rights of Janet Jenkins and Isabella Miller-Jenkins, based on discriminatory animus against same-sex couples and against Janet Jenkins due to sexual

orientation, and to prevent the courts of Vermont and Virginia from securing to them equal protection of the law, and to prevent or hinder State authorities." Rev. Compl., ¶¶ 55-56. Assuming for the sake of this motion that the factual allegations against Wall are true—and they are not—Jenkins has failed to state a viable civil rights conspiracy claim as a matter of law.

"The four elements of a § 1985(3) claim are: (1) a conspiracy; (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of equal protection of the laws, or of equal privileges and immunities under the laws; (3) an act in furtherance of the conspiracy; (4) whereby a person is either injured in his person or property or deprived of any right of a citizen of the United States." *Mian v. Donaldson, Lufkin & Jenrette Securities Corp.*, 7 F.3d 1085, 1087 (2d Cir. 1993) (citing *United Bhd. of Carpenters, Local 610 v. Scott*, 463 U.S. 825, 828–29 (1983)). The conspiracy must be motivated by "some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action." *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971). "Section 1985(3) provides no substantive rights itself; it merely provides a remedy for violation of the rights it designates." *American Savings & Loan Ass'n v. Novotny*, 442 U.S. 366, 372 (1979). While § 1985(3) may reach purely private conspiracies, see *Griffin*, 403 U.S. at 97, deprivation of rights under the Equal Protection Clause of the Fourteenth Amendment can arise "only where there has been involvement of the State or of one acting under the color of its authority." *Carpenters*, 463 U.S. at 831.

The complaint against Wall fails to state a civil conspiracy claim pursuant to § 1985(3). First, the deprivation clause claim is barred by the law of the case doctrine. Second, the complaint (1) fails to plead even minimal factual support for the existence of a conspiracy; (2) fails to allege or show an invidious, suspect class-based animus; and (3) fails to allege state action. Any one of these grounds supports the dismissal of Count Two with prejudice.

1. The law of the case doctrine forecloses plaintiffs' § 1985(3) deprivation clause claim.

As a threshold matter, Plaintiffs' deprivation clause claim is barred by the law of the case doctrine. The law of the case "posits that if a court decides a rule of law, that decision should continue to govern in subsequent stages of the same case." *Aramony v. United Way of Am.*, 254 F.3d 403, 410 (2d Cir. 2001) (quoting *In re Crysen/Montenay Energy Co.*, 226 F.3d 160, 165 n. 5 (2d Cir. 2000). "Courts apply the law of the case doctrine when their prior decisions in an ongoing case either expressly resolved an issue or necessarily resolved it by implication." *Id.*

In its Order dated October 24, 2013, the Court noted that "the Supreme Court has recognized only two rights protected against private as well as official encroachment under the deprivation clause: the right to be free from involuntary servitude and the right of interstate travel." *Jenkins v. Miller*, 983 F. Supp. 2d 423, 461 (D. Vt. 2013) (citing *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 278 (1993)). The revised second amended complaint does not allege violations of either involuntary servitude or the right to interstate travel. This Court has already ruled that "Plaintiffs fail to state a claim under the deprivation clause of § 1985(3) 'because they have identified no right protected against private action that has been the object of the alleged conspiracy.'" *Jenkins*, 983 F. Supp. 2d at 462 (quoting *Bray*, 506 U.S. at 278). The law of the case doctrine precludes Plaintiffs from re-litigating their deprivation clause claim.

2. **The complaint fails to plead sufficient facts to support a conspiracy.**

Section 1985(3) proscribes certain enumerated conspiracies. Nevertheless, it is well-settled that vague, conclusory or general allegations of conspiracy are insufficient to state a claim under 42 U.S.C. § 1985. *See Anderson News, L.L.C. v. Am. Media, Inc.*, 680 F.3d 162 (2d Cir. 2012) ("Conclusory allegations of 'participation' in a 'conspiracy' have long been held insufficient to state a claim.") (citing *X-Men Security, Inc. v. Pataki*, 196 F.3d 56, 71 (2d Cir.

1999); *Thomas*, 165 F.3d at 147 (2d Cir. 1999); *Ostrer v. Aronwald*, 567 F.2d 551, 553 (2d Cir. 1977)). *See also Gyadu v. Hartford Ins. Co.*, 197 F.3d 590, 591 (2d Cir. 1999) (recognizing that a "complaint containing only conclusory, vague, or general allegations of conspiracy to deprive a person of constitutional rights cannot withstand a motion to dismiss."). "In order to maintain an action under Section 1985, a plaintiff must provide some factual basis supporting a meeting of the minds, such that defendants entered into an agreement, express or tacit, to achieve the unlawful end." *Webb v. Goord*, 340 F.3d 105, 110 (2d Cir. 2003) (citation omitted). Finally, a plaintiff claiming the existence of a conspiracy must also allege, "with at least some degree of particularity, overt acts which defendants engaged in which were reasonably related to the promotion of the claimed conspiracy." *Thomas*, 165 F.3d at 147. *See also Slotnick*, 632 F.2d at 163 (recognizing that dismissal is warranted if the complaint fails to elaborate or substantiate bald claims that defendants conspired with one another).

In addition, conspiracy allegations must meet the heightened Rule 8 pleading standards *See Twombly*, 550 U.S. at 556-57 ("a conclusory allegation of agreement at some unidentified point does not supply facts adequate to show illegality"); *Iqbal*, 556 U.S. at 678 ("Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice").

Jenkins alleges in a conclusory fashion that the defendants conspired but fails to plead sufficient facts to support that Wall participated in a civil conspiracy. The complaint does not allege any concrete facts to support the existence of an agreement, tacit or otherwise, between Wall and the other alleged co-conspirators. The only agreement alleged in the complaint between Wall and another defendant is that, "[u]pon information and belief, [Linda] Wall and [Lisa] Miller decided and agreed as early as June of 2008 that Lisa Miller should flee with Isabella."

Rev. Compl., ¶ 21. The only other inference of any agreement is Plaintiffs' allegation that "Lisa Miller and her co-conspirators had devised a plan to kidnap Isabella." *Id*., ¶ 29. These are conclusory allegations that fail to allege underlying *facts*: there are no allegations as to a specific date, time, or place of an alleged meeting; no allegations of fact with respect to the content of communications or discussion; and no allegations of fact with respect to the details of an alleged plan, scheme, or agreement. *See, e.g.*, *Twombly*, 550 U.S. 544, 555 ("[f]actual allegations must be enough to raise a right to relief above the speculative level") (citing 5 C. Wright & A. Miller, Federal Practice and Procedure § 1216, pp. 235–236 (3d ed. 2004)).

Finally, the complaint does not demonstrate that the alleged the conspiracy was "for the purpose" of denying Plaintiffs' civil rights. *Bray*, 506 U.S. at 275. The impairment of the right "must be a conscious objective of the enterprise." *Id; see also Libertad v. Welch*, 53 F.3d 428, 450 (1st Cir. 1995) ("The hindrance clause provides a cause of action only where the purposeful hindering of state officials was directed at denying or infringing on the rights of a group of citizens; it is, therefore, considerably narrower by its own terms than the deprivation clause. . ."). There are no facts alleged in the complaint that suggest that Wall entered into a conspiracy for the purpose of denying Jenkins equal protection of the laws. At best, the allegations show that Wall was trying to protect Isabella.

The lack of particularity in the complaint cannot be said to *plausibly* suggest a meeting of the minds between Wall and any other alleged co-conspirators, or that Wall entered into an agreement for the purpose of impairing Jenkins' rights. Accordingly, Count Two should be dismissed for failure to state a claim.

3. Same-sex couples are not a protected class.

Although § 1985(3) covers purely private conspiracies under certain conditions, it is not a general federal tort law and requires a plaintiff to demonstrate "some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action." *New York State Nat. Org. for Women v. Terry*, 886 F.2d 1339, 1358 (2d Cir. 1989) (quoting *Griffin*, 403 U.S. at 102). Moreover, "[a] claim under § 1985(3) will not lie where a plaintiff cannot show a causal link between the alleged discriminatory conduct and the plaintiff's membership in a protected class." *Hills v. Praxair, Inc.*, No. 11-cv-678S, 2012 WL 1935207 at *7 (W.D.N.Y. May 29, 2012) (citing *Pabon v. N.Y.C. Transit Auth.*, 703 F. Supp. 2d 188, 202 (E.D.N.Y. 2010)). Consequently, a "complaint must allege facts showing that the defendants conspired against the plaintiff because of her membership in a class, and that the criteria defining the class were invidious." *Hahn v. Sargent*, 523 F.2d 461, 469 (1st Cir.1975). A hindrance clause claim must meet this requirement. *Magnum v. Archdiocese of Phila*., 253 Fed. Appx. 224, 230 (3d Cir. Pa. 2007).

Though it recently had an opportunity to do so, the United States Supreme Court has not found same-sex couples or sexual orientation to be a suspect or quasi-suspect class. In *United States v. Windsor*, 133 S. Ct. 2675, 186 L. Ed. 2d 808 (2013) the Court neither held nor suggested that same-sex couples or sexual orientation are suspect or quasi-suspect classes but instead held that a state's marriage law identifying an individual's liberty interest justifies subjecting a federal law (DOMA) to heightened equal protection scrutiny.[3] Moreover, to date no

[3] The Second Circuit had concluded that gays and lesbians were a quasi-suspect class. *Windsor v. United States*, 699 F.3d 169, 181-82 (2d Cir. 2012). However, the Second Circuit's holding was vitiated by the Supreme Court's *Windsor* decision and therefore cannot be considered controlling authority.

court[4] has recognized homosexuals or same-sex parents as suspect classes for purposes of a § 1985(3) conspiracy. *See Vega v. Artus*, 610 F. Supp. 2d 185, 204 (N.D.N.Y. 2009) (holding that plaintiff was not entitled to protection under § 1985(3) because Congress has not provided homosexuals with special class protection); *Martin v. New York State Dept. of Correctional Services*, 115 F. Supp. 2d 307, 316 (N.D.N.Y. 2000) (finding that plaintiff cannot show he is entitled to protection under § 1985(3) where homosexuality has not been afforded suspect or quasi-suspect classification); *Segreto v. Kirschner*, 977 F. Supp. 553, 565 (D. Conn. 1997) (same); *Yost v. Board of Regents, University of Maryland*, No. 93-cv-471, 1993 WL 524757 (D. Md. Nov. 19, 1993) (same); *Harper v. Edgewood Bd. of Educ.*, 655 F. Supp. 1353, 1356 (S.D. Ohio 1987) (same); *Jermano v. Taylor*, No. 11-cv-10739, 2012 WL 4009897, *4 (E.D. Mich. Jul. 21, 2012) (same).

In order to prove an actionable conspiracy under § 1985(3), Jenkins had to show that same-sex couples or sexual orientation are suspect or quasi-suspect classes. That she cannot do. Consequently, the § 1985(3) hindrance clause claim should be dismissed with prejudice.

4. Jenkins Has Not Alleged State Action.

Both the Supreme Court and Second Circuit have yet to determine whether a hindrance clause claim can be successfully alleged against a purely private conspiracy. *Cf. Libertad v. Welch*, 53 F.3d 428, 450 (1st Cir. 1995) (holding that the hindrance clause applies to private as well as official encroachment). The Supreme Court has held that an actionable claim under the deprivation clause requires state action and there is no reason to suppose the same would be

[4] This Court held that same-sex couples are a "class" for purposes of equal protection. 983 F. Supp. 2d at 463. It did not, however, find that same-sex couples are a suspect or quasi-suspect class , *id*., as is required to state a claim under the hindrance clause.

required for a hindrance clause claim. Jenkins has failed to allege state action. Her § 1985(3) Hindrance Clause claim should be dismissed.

CONCLUSION

For the foregoing reasons, Wall respectfully requests that her Motion to Dismiss be granted.

FOR THE PLAINTIFF,

/s/ Michael J. DePrimo
Michael J. DePrimo, CT Fed Bar # 15802
Admitted *pro hac vice*
778 Choate Avenue
Hamden, CT 06518
Tel: 203.893.9393
Email: michaeldeprimo@gmail.com

/s/ Norman C. Smith
Norman C. Smith, Esq.
76 Lincoln Street (Route 2A)
P.O. Box 24
Essex Junction, Vermont 05453
Tel: 802.288.9088
Fax: 802.879.9640
Email: nc.smith@myfairpoint.net

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Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that, on November 10, 2014, I electronically filed with the Clerk of the Court a Motion to Dismiss Revised Second Amended Complaint 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.
Brooks G. McArthur, Esq.
Peggy J. Schmitz, Esq.
Steven J. Shrock, Esq.
Joshua M. Autry, Esq.
Robert G. Cain, Esq.
Robert G. Hemley, Esq.
Norman C. Williams, Esq.
Thomas E. McCormick, 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
Michael J. DePrimo, CT Fed Bar # 15802
Admitted *pro hac vice*
778 Choate Avenue
Hamden, CT 06518
Tel: 203.893.9393
Email: michaeldeprimo@gmail.com

Attorney for Defendant Linda Wall