

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

<b>JANET JENKINS, FOR HERSELF</b>	:	
<b>AND AS NEXT OF FRIEND OF</b>	:	
<b>ISABELLA MILLER-JENKINS A/KA/</b>	:	
<b>ISABELLA MILLER,</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No. 2:12-cv-00184-WKS</b>
	:	
<b>KENNETH L. MILLER, ET AL.</b>	:	

**MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, TO CHANGE VENUE**

**AND NOW** comes the Defendant, Kenneth L. Miller, by and through his counsel, Joshua M. Autry, Esquire, and the firm of Boyle, Autry & Murphy and moves this Honorable Court to dismiss the Amended Complaint or, in the alternative, to change venue, and in support thereof avers as follows:

1. Ken Miller fully joins in his co-defendants’ motions to dismiss, and moves to dismiss the Amended Complaint for the reasons stated in his co-defendants’ motions.
2. Specifically, the Plaintiff has failed to demonstrate personal jurisdiction over Ken Miller for the same reasons that she has failed to demonstrate personal jurisdiction over any co-defendant. Ken Miller, a Virginia resident, has no contact with Vermont other than being forced to attend a trial in this State against his will. Notably, as this Court is well aware, Ken Miller has repeatedly objected to venue in his criminal case and will continue to object to venue on appeal.
3. This case should also be dismissed for improper venue as the alleged offenses took place in the Western District of Virginia.
4. Ken Miller’s service at his criminal trial does not confer jurisdiction. As

explained in Liberty University's brief on pages 23-24 and Defendant Wright's brief on pages 11-12, Ken Miller's appearance was involuntary and cannot be held against him to confer jurisdiction to Vermont. Nor did he commit any relevant act to the RICO claim during his time in Vermont.

5. The Plaintiff has failed to state a claim under any count.

6. As for count one, kidnapping is not a viable cause of action.

7. As for counts two and three, Plaintiff has failed to demonstrate standing because she has failed to plead legally sufficient loss to business or property, she was not the intended victim of the kidnapping and her alleged damages were not proximately caused by the alleged racketeering activities.

8. Plaintiff has also failed to properly plead a pattern of activity.

9. As for count four, Plaintiff failed to properly plead a civil conspiracy, that she is the member of a protected class, a causal link between the Defendants' alleged actions and her membership in any protected class, or any state action.

10. Count five does not apply to Ken Miller.

11. In addition, Defendants Liberty University, Thomas Road Baptist Church and Victoria Hyden have filed a motion for change of venue in the alternative.

12. Ken Miller fully joins the motion to change venue in the alternative for the reasons stated therein.

**WHEREFORE**, Defendant Ken Miller respectfully requests that this Honorable Court dismiss the Amended Complaint with prejudice.

**BOYLE, AUTRY & MURPHY**

*/s/ Joshua M. Autry*

**Joshua M. Autry, Esquire**

PA Supreme Court I.D. No. 208459

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Counsel For: Defendant Kenneth L. Miller

Dated: November 16, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on the date listed below I electronically filed the foregoing with the Court using the CM/ECF system, which sent notification of such filing to the following person(s) at the following email address(es):

Sarah Star, Esquire  
Frank H. Langrock, Esquire  
flangrock@langrock.com

/s/ Linda Lightner  
Linda Lightner, Paralegal

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ISABELLA MILLER,  
Plaintiff**

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v.

**Civil Action No. 2:12-cv-00184-WKS**

**KENNETH L. MILLER, ET AL.**

**ORDER**

**AND NOW** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, upon consideration of the Motion to Dismiss, said Motion is hereby GRANTED. The Amended Complaint is dismissed with prejudice.

BY THE COURT:

\_\_\_\_\_  
William K. Sessions III, J.