

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

_____	)	
JANET JENKINS, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 2:12-CV-00184
	)	
KENNETH L. MILLER, ET AL.	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANT LIBERTY UNIVERSITY’S MOTION TO STAY DISCOVERY  
PENDING DECISION ON ITS MOTION FOR RECONSIDERATION**

Defendant Liberty University, by and through its attorneys, Dinse, Knapp & McAndrew, P.C., hereby moves under Local Rule 26(a)(3) to stay discovery until the Court decides the University’s Motion to Reconsider Ruling on Motion to Dismiss Vicarious Liability Claims for Failure to State a Claim and Motion in the Alternative to Amend the Order of September 29, 2017 to Certify for Interlocutory Appeal (“Motion to Reconsider”).

**MEMORANDUM**

In support of this Motion, Liberty University states as follows:

1. Liberty University’s Motion to Reconsider was filed on October 9, 2017. The Court determined that the Motion, which comprehensively analyzed whether Plaintiffs’ Amended Complaint fails to state a legally sufficient claim against the University, was worthy of a hearing. Initially that hearing was scheduled for May 21, 2018, but Judge Sessions became unavailable for that date. The hearing was rescheduled for July 9, 2018, and has now been rescheduled again for August 20, 2018.

2. In the midst of these scheduling issues, Liberty University was served with Plaintiffs' First Set of Requests for Production dated June 27, 2018. *See Exhibit A.* That discovery runs some fourteen pages in length, includes 69 separate requests, and seeks electronically stored information and other documents which would require substantial time and resources of the University.

3. Liberty University's Motion to Reconsider has been pending for nearly nine months. The Court has determined that it wants to hear argument on that Motion but due to unforeseen circumstances, and through no fault of the University, getting that hearing accomplished has proven challenging. In order to avoid the unnecessary expenditure of time and resources and to ensure that the Court has the opportunity to hear argument and rule on the Motion to Reconsider, the Court should stay discovery as to the University until the Motion to Reconsider is decided. This relief is expressly provided for by Local Rule 26(a)(3) in order to "secure the just, speedy, and inexpensive determination" of the action brought against the University.

4. Consistent with Local Rule 26(c), counsel for Liberty University has conferred with Plaintiffs' counsel in a good faith effort to reach agreement on a stay. *See Exhibit B, Affidavit of Ritchie E. Berger.* However, those efforts were unsuccessful. *Id.*

WHEREFORE, Liberty University requests that the Court grant this Motion and stay discovery as to it until the Court decides the University's Motion to Reconsider.

DATED at Burlington, Vermont, this 13<sup>th</sup> day of July, 2018.

DINSE, KNAPP & McANDREW, P.C.

/s/ Ritchie E. Berger, Esq.  
Ritchie E. Berger, Esq.  
Attorney for Liberty University  
P.O. Box 988  
Burlington, VT 05402-0988

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Court on July 13, 2018. Service will be effectuated by the Court's electronic notification system upon all counsel or parties of record.

DINSE, KNAPP & McANDREW, P.C.

By: /s/ Ritchie E. Berger  
Ritchie E. Berger, Esq.

# Exhibit A

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

JANET JENKINS, et al.,

Plaintiffs,

v.

KENNETH L. MILLER, et al.,

Defendants.

No. 2:12-cv-184-WKS

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION  
TO DEFENDANT LIBERTY UNIVERSITY**

Plaintiffs Janet Jenkins and Isabella Miller-Jenkins, pursuant to Federal Rule of Civil Procedure 34, request that Defendant Liberty University produce the following documents and things for inspection and copying at the offices of the Southern Poverty Law Center, c/o Beth D. Jacob, 400 Washington Avenue, Montgomery, Alabama 36104, within thirty days of receipt.

**DEFINITIONS**

1. "Aid" means help or assistance in any form, including but not limited to gifts, loans, advice, recommendations, suggestions, ideas, introductions, favors, and provision of services.
2. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including but not limited to telephone calls, voice recordings, emails, text messages, letters, postcards, notes, cards, instant messages, text chats, voice chats, tweets, notes, memoranda, speeches, lectures, seminars, conferences, and conversations.
3. "Complaint" means the Revised Second Amended Complaint and Demand for Trial by Jury, ECF 223, filed in this case on May 4, 2017.

4. “Concerning” means relating to, referring to, describing, evidencing, or constituting.

5. “Court Orders” means any order issued or expected to be issued by a state court of Vermont or Virginia concerning Plaintiff Isabella Miller-Jenkins, including but not limited to any order issued in the Vermont Proceedings, including but not limited to the Custody Transfer Order, or in the Virginia Proceedings.

6. “Custody Transfer Order” means the November 20, 2009 order by the Vermont Superior Court, Rutland County Division, in *Miller-Jenkins v. Miller-Jenkins*, No. 454-11-03 Rddm (Vt. Super. Ct. Rutland Fam. Div.), ordering, among other things, that Plaintiff Janet Jenkins have sole physical and legal custody of Plaintiff Isabella Miller-Jenkins and that transfer of Plaintiff Isabella Miller-Jenkins occur at the home of Plaintiff Janet Jenkins’s parents in Virginia on January 1, 2010, at 1:00 p.m.

7. “Dispute” means the disagreement between Plaintiff Janet Jenkins and Defendant Lisa Miller over parental rights concerning Plaintiff Isabella Miller-Jenkins, including but not limited to the Vermont Proceedings and the Virginia Proceedings.

8. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” (ESI) in Federal Rule of Civil Procedure 34(a)(1)(A). A draft or nonidentical copy is a separate document within the meaning of this term.

9. “Identify,” when referring to a person, means to produce documents sufficient to show the person’s full name, present or last known address, present or last known phone number, present or last known email address, and when referring to a natural person, the present or last known place of employment.

10. “Identify,” when referring to documents, means to produce documents sufficient to show the type of document, general subject matter, date of the document, and authors, addressees, and recipients.

11. “Identify,” when referring to social media, means to produce documents sufficient to show the name of the social media platform; the Uniform Resource Locator for the platform; any names, handles, usernames, accounts, or profiles, including but not limited to any account or identification number; and the owner of the account.

12. “Isabella Miller-Jenkins” means Plaintiff Isabella Miller-Jenkins, regardless of the name used by her or to refer to her, including but not limited to the name “Lydia,” who was the minor child subject of the Custody Transfer Order.

13. “Lisa Miller” means Defendant Lisa Miller, regardless of the name used by her or to refer to her, including but not limited to the names “Lisa Miller-Jenkins” and “Sarah,” who was a party in the Vermont Proceedings and the Virginia Proceedings and who is a parent of Plaintiff Isabella Miller-Jenkins.

14. The terms “Plaintiff” and “Defendant,” as well as a party’s full or abbreviated name or a pronoun referring to a party, mean the party, regardless of the name used by the party or to refer to the party, and where applicable, the party’s successors and predecessors in interest, and the party’s current and former officers, directors, employees, partners, parents, subsidiaries, affiliates, agents, consultants, and others purporting to act on the party’s behalf. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

15. “Person” means any natural person or any legal entity, including but not limited to any governmental entity or association or any business entity or association, including but not limited to its successors and predecessors in interest, and its current and former officers,



directors, employees, partners, parents, subsidiaries, affiliates, agents, consultants, and others purporting to act on its behalf.

16. “Requests” means the Requests for Production set forth in this document.

17. “Vermont Proceedings” means any Vermont state court case concerning Plaintiff

Isabella Miller-Jenkins, including but not limited to:

- a. *Miller-Jenkins v. Miller-Jenkins*, No. 2007-271 (Vt.);
- b. *Miller-Jenkins v. Miller-Jenkins*, No. 2009-473 (Vt.);
- c. *Miller-Jenkins v. Miller-Jenkins*, No. 454-11-03 Rddm (Vt. Super. Ct. Rutland Fam. Div.); and
- d. *Miller-Jenkins v. Miller-Jenkins*, Nos. 2004-443, 2005-030 (Vt.).

18. “Virginia Proceedings” means any Virginia state court case concerning Plaintiff

Isabella Miller-Jenkins, including but not limited to:

- a. *Jenkins v. Miller*, No. CL09000723-00 (Va. Cir. Ct. Frederick Cty.);
- b. *Miller v. Jenkins*, No. JJ019920-01-00 (Va. Juv. & Dom. Rel. Dt. Ct. Bedford Cty.);
- c. *Miller-Jenkins v. Miller-Jenkins*, No. 070933 (Va. Ct. App.);
- d. *Miller v. Jenkins*, No. 0705-09-4 (Va. Ct. App.);
- e. *Miller-Jenkins v. Miller-Jenkins*, No. CH04-280 (Va. Cir. Ct. Frederick Cty.);
- f. *Miller-Jenkins v. Miller-Jenkins*, No. CH05-000336-00 (Va. Cir. Ct. Frederick Cty.); and
- g. *Miller-Jenkins v. Miller-Jenkins*, No. JJ018902-01-00 (Va. Juv. & Dom. Rel. Dt. Ct. Frederick Cty.).

19. “You” and “Your” refer to the party to whom this set of requests is directed, regardless of the name used by the party or to refer to the party, and where applicable, the party’s successors and predecessors in interest, and the party’s current and former officers, directors, employees, partners, parents, subsidiaries, affiliates, agents, consultants, and others purporting to act on the party’s behalf. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

20. The singular form of a noun or pronoun includes the plural form of the noun or pronoun, and vice versa. The gendered form of a noun or pronoun includes all gendered and nongendered forms of the noun or pronoun.

21. The past tense includes the present tense and vice versa, except where the clear meaning would be distorted.

22. The term “or” means “and” and vice versa to bring within the scope of these Requests all documents or ESI that would be excluded absent this definition.

### INSTRUCTIONS

1. Provide all information and documents in Your possession, custody, or control in response to each Request.

2. For each Request that seeks production of documents, produce each such document in its entirety and all drafts and non-identical copies of each document.

3. If You are able or willing to provide only part of the information and documents sought by a Request, provide that partial information and documentation and specify in writing the reason for Your inability or unwillingness to provide the remainder.

4. When responding to these Requests, state in writing as to each Request either that:
- a. there are such documents and they will be produced;
  - b. there are such documents and that they already have been produced;

- c. there are such documents, but You refuse to produce them because of a claim of privilege or for some other identified reason; or
- d. the documents requested do not exist.

5. For every objection to a Request, specify in writing the grounds for objecting to the Request, including the reasons, whether any responsive materials are being withheld on the basis of that objection, and the parts of the documents being withheld on the basis of that objection. Produce the parts of the document not being withheld on the basis of an objection.

6. For every document or part of a document withheld from production because of an assertion of privilege, identify the nature of the claimed privilege (including work product) and, if the privilege is governed by state law, identify the state's privilege rule being invoked.

7. If any document sought by these Requests has been destroyed or no longer exists, state as to each such document its date, authors, recipients, contents, and the date and circumstances of its destruction or ceasing to exist.

8. If any answer to these Requests is made upon information and belief, so state and set forth and identify the sources of such information and belief. If You lack the knowledge necessary to answer any of these Requests, so state.

9. For every document or part of document withheld from production, provide the following information with respect to each such document, in a single privilege log in a Microsoft Excel Worksheet (.xlsx) file with clearly marked rows for each document and ESI withheld and clearly marked columns for each descriptor used:

- a. First Bates number;
- b. Last Bates number;
- c. Type of document (for example, memorandum, email, letter);

- d. Subject matter;
- e. Date;
- f. Title;
- g. Authors;
- h. Recipients;
- i. Relationship of authors and recipients to each other;
- j. Person asserting the privilege; and
- k. Nature of the claimed privilege (including work product) and, if the privilege is governed by state law, the state's privilege rule being invoked.

10. If You cannot fully and completely answer any of these Requests, separately respond to each such Request to the extent possible, stating with specificity the reasons for Your inability to answer the remainder, the substance of Your knowledge, information, and belief concerning the subject matter of the unanswered portion, and the steps taken to locate any responsive documents.

11. Furnish all responsive documents available to You or in your custody or control.

12. Unless otherwise stated in a Request, the applicable timeframe begins on December 18, 2000.

13. These Requests are continuing. If, after responding to these Requests, You obtain or become aware of any additional facts, information, or documents responsive to these Requests, supplement or correct Your response as required by the Federal Rules of Civil Procedure and Local Rules.

14. Plaintiffs reserve the right to serve additional Requests.

### REQUESTS FOR PRODUCTION

1. All documents disclosed or identified in Your initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii).
2. All documents that support Your defenses to the claims alleged in the Complaint.
3. All documents that contradict Your defenses to or that support the claims alleged in the Complaint.
4. All documents and communications concerning Plaintiff Janet Jenkins.
5. All documents and communications concerning Plaintiff Isabella Miller-Jenkins.
6. All documents and communications concerning Defendant Lisa Miller.
7. All communications with Plaintiff Isabella Miller-Jenkins.
8. All communications with Defendant Lisa Miller.
9. Documents sufficient to identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOphone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by Defendant Lisa Miller from 2002 to date.
10. Documents sufficient to identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOphone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by or on behalf of Plaintiff Isabella Miller-Jenkins from 2002 to date.

11. All communications with zeusdesfor@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

12. All communications with godlofchild@live.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

13. All communications with the Skype account with the username childofjesus1 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

14. All communications with the Facebook account with identification number 1539940246 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

15. All documents and communications concerning names, aliases, or identities used by Defendant Lisa Miller.

16. All documents and communications concerning names, aliases, or identities used by Plaintiff Isabella Miller-Jenkins.

17. All documents and communications concerning the Dispute.

18. All documents and communications concerning the Court Orders.

19. All communications on November 20, 2009.

20. All documents and communications concerning the Protect Isabella Coalition.

21. All documents and communications concerning the website

[www.protectisabella.com](http://www.protectisabella.com).

22. All documents and communications concerning the Only One Mommy Facebook group, identification number 81022155363.

23. All documents and communications concerning

<http://imgodschild.wordpress.com>.

24. All documents and communications concerning

[http://works.bepress.com/rena\\_lindevaldsen/](http://works.bepress.com/rena_lindevaldsen/) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

25. All documents and communications concerning <http://www.debbiethurman.com/>

concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

26. All documents concerning and communications concerning

<http://www.theformers.wordpress.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

27. All documents and communications concerning <https://lezgetreal.com/> concerning

the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua, and any visits or posts by Defendant Lisa Miller.

28. All documents and communications concerning <https://www.lifesitenews.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

29. All communications with Matthew Cullinan Hoffman concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

30. Documents sufficient to show Defendant Lisa Miller's whereabouts from September 13, 2003, through September 19, 2009.

31. Documents sufficient to show Plaintiff Isabella Miller-Jenkins's whereabouts from April 16, 2002, through September 19, 2009.

32. All documents, regardless of when created or dated, concerning Defendant Lisa Miller's whereabouts from September 20, 2009, to date.

33. All documents, regardless of when created or dated, concerning Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date.

34. All documents and communications concerning Your whereabouts on September 20, 2009, September 21, 2009, and September 22, 2009.

35. All communications on September 20, 2009, September 21, 2009, and September 22, 2009.

36. All documents and communications concerning events that happened, or were planned or expected to happen, on September 20, 2009, September 21, 2009, and September 22, 2009.



37. All documents and communications concerning Nicaragua.

38. All documents and communications concerning the Beachy Amish Mennonite Church in Nicaragua.

39. All communications with the Beachy Amish Mennonite Church in Nicaragua.

40. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller concerning her compliance or noncompliance with the Court Orders.

41. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller or Plaintiff Isabella Miller-Jenkins concerning their departure from 203B Greentree Drive, Forest, Virginia, in September 2009, travel to Canada, departure from the United States, travel to Nicaragua, living in Nicaragua, or remaining in Nicaragua.

42. All documents and communications concerning Defendant Lisa Miller's efforts to remain undetected by United States authorities, including but not limited to Aid directly or indirectly given to her to allow her to avoid such detection.

43. All documents and communications concerning [jesman21@gmail.com](mailto:jesman21@gmail.com).

44. All communications with [jesman21@gmail.com](mailto:jesman21@gmail.com).

45. All communications with Jessica Fehr.

46. All documents and communications concerning 203B Greentree Drive, Forest, Virginia, including but not limited to payment of rent and the removal and storage of personal property.

47. All communications on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

48. All documents and communications concerning events that happened, or were planned or expected to happen, on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

49. All communications with Anthony Phelps, the landlord of 203B Greentree Drive, Forest, Virginia.

50. Documents sufficient to Identify all telephone numbers, including but not limited to landlines and cellular lines or applications, used by You in 2009 to date.

51. Documents sufficient to Identify all email addresses used by You in 2009 to date.

52. Documents sufficient to Identify all international calling services and the accounts or numbers, including but not limited to PennyTalk and VIVOphone, used by You in 2009 to date.

53. Documents sufficient to Identify social media and electronic means of communication used by You in 2009 to date.

54. All communications with the Facebook account of Lisa Wall, identification number 1436421487, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

55. All communications with wall4america@netzero.net concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

56. All communications with the Facebook account of Beth Ehrhorn, identification number 1072853392, concerning the Dispute; Defendant Lisa Miller's whereabouts from

September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

57. All communications with [behrhorn@aol.com](mailto:behrhorn@aol.com) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

58. All communications with the Facebook account of Sarah Bloedorn, identification number 1371510997, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

59. All communications with [qtjars@gmail.com](mailto:qtjars@gmail.com) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

60. All communications with [timjomiller@gmail.com](mailto:timjomiller@gmail.com) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

61. All communications with [kingdomseeker1@gmail.com](mailto:kingdomseeker1@gmail.com) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

62. All communications with [millersofwaslala@gmail.com](mailto:millersofwaslala@gmail.com) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-

Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

63. All communications with [philipz@responseunlimited.com](mailto:philipz@responseunlimited.com) concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

64. All documents and communications concerning Your policies or positions concerning same-sex marriage, same-sex civil unions, or same-sex relationships.

65. All documents and communications concerning Your policies or positions concerning whether homosexual persons should have custody of or visitation with children.

66. All documents and communications concerning Your policies or positions concerning the relative supremacy of secular law (including but not limited to court orders and court opinions) over religion, morality, ethics, or conscience.

67. All documents and communications concerning Your policies or positions concerning the relative supremacy of religion, morality, ethics, or conscience over secular law (including but not limited to court orders and court opinions).

68. All documents and communications concerning Your policies or positions concerning compliance or noncompliance with the Court Orders.

69. All documents and communications concerning Your policies or positions concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins.

June 27, 2018

Respectfully submitted.

David C. Dinielli\*  
Beth D. Jacob\*  
Diego A. Soto\*  
SOUTHERN POVERTY LAW CENTER  
400 Washington Avenue  
Montgomery, Alabama 36104  
david.dinielli@splcenter.org  
beth.jacob@splcenter.org  
diego.soto@splcenter.org  
CMECFLGBT@splcenter.org  
(334) 956-8200

J. Tyler Clemons\*  
SOUTHERN POVERTY LAW CENTER  
201 St. Charles Avenue, Suite 2000  
New Orleans, Louisiana 70170  
tyler.clemons@splcenter.org  
(504) 526-1530

/s/ Frank Langrock  
Frank Langrock  
LANGROCK SPERRY & WOOL, LLP  
P.O. Drawer 351, 111 S. Pleasant Street  
Middlebury, Vermont 05753  
flangrock@langrock.com  
(802) 388-6356

Sarah R. Star  
SARAH STAR, ESQ., PC  
P.O. Box 106  
Middlebury, Vermont 05753  
srs@sarahstarlaw.com  
(802) 385-1023

\*Admitted Pro Hac Vice

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date the foregoing document was served via email to the following:

Ritchie E. Berger  
Justin B. Barnard  
DINSE, KNAPP & MCANDREW, PC  
209 Battery Street  
P.O. Box 988  
Burlington, Vermont 05402-0988  
rberger@dinse.com  
jbarnard@dinse.com  
(802) 864-5751  
*Counsel for Defendant Liberty University*

June 27, 2018

/s/ Diego A. Soto  
Diego A. Soto

# Exhibit B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

_____	)	
JANET JENKINS, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 2:12-CV-00184
	)	
KENNETH L. MILLER, ET AL.	)	
	)	
Defendants.	)	
_____	)	

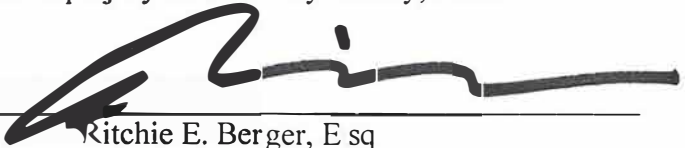
**AFFIDAVIT OF RITCHIE E. BERGER IN SUPPORT OF  
LIBERTY UNIVERSITY'S MOTION TO STAY DISCOVERY**

I, Ritchie E. Berger, being first duly sworn, do hereby depose and state as follows:

1. I am counsel of record for Defendant Liberty University.
2. I conferred with Plaintiffs' counsel, Beth Jacob, Esq., in good faith in an attempt to resolve the dispute that is the subject of Liberty University's Motion to Stay Discovery Pending Decision on its Motion for Reconsideration. We exchanged emails on July 8, 2018 and spoke by telephone on July 9, 2018. However, we were unable to resolve our discovery dispute, necessitating the Motion to Stay.



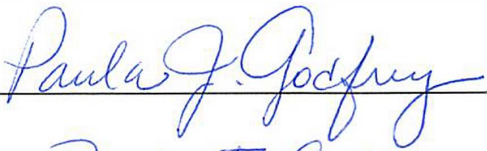
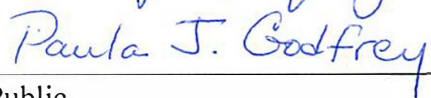
Subscribed and sworn to under penalties of perjury this 12<sup>th</sup> day of July, 2018.



Ritchie E. Berger, Esq  
DINSE, KNAPP & McANDREW, P.C.  
209 Battery Street  
Burlington, VT 05401  
(802) 864-5751  
rberger@dinse.com

STATE OF VERMONT  
CHITTENDEN COUNTY, SS.

At Burlington, in said County, this 12<sup>th</sup> day of July, 2018, Ritchie E. Berger, Esq. personally appeared and he acknowledged this instrument, subscribed and sworn to by him, to be his free act and deed.

Notary Public

My commission expires: 2/1019