

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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

REPLY IN SUPPORT OF MOTION TO COMPEL

Defendants Philip Zodhates, Victoria Hyden and Response Unlimited, Inc. (collectively “Defendants”), by their attorneys, Gravel & Shea PC, submit this reply in support of their motion to compel.

Argument

Plaintiff Janet Jenkins’ (“Plaintiff” or “Ms. Jenkins”) Response in Opposition to Defendants’ Motion to Compel (“Opposition”) provides no new facts or legal arguments that permit Plaintiff to avoid the discovery of demonstrably responsive information and documents. Furthermore, information obtained by Defendants since filing their Motion to Compel illustrates that Plaintiff’s objection to producing documents in the absence of a confidentiality order is nothing more than a tactical decision designed to inflate the cost of litigation, not a good faith request to protect sensitive information. For the reasons detailed below, Plaintiff should be compelled to provide complete and responsive answers to Defendants’ First Set of Interrogatories (“Interrogatories”) 2, 4, 5, 6, 9, 10, 13, 14, 19 and 25 and Defendants’ First Set of Document Requests (“Document Requests”) 1-19.¹

¹ Plaintiff argues that this Court should not consider Defendants’ Motion to Compel as it relates to Document Requests 2, 3, 9, 10, 11, 12, 14, 17 and 18 because Defendants did not include a “verbatim listing of each discovery item sought or opposed.” Opposition at 6, n. 5.

(Continued . . .)

I. PLAINTIFF CANNOT AVOID DISCOVERY USING BROAD CLAIMS OF CONFIDENTIALITY.

Plaintiff continues to insist that Ms. Jenkins cannot respond to numerous interrogatories, including Interrogatories 4 and 25, and Document Requests 1, 4, 5, 6, 7, 8, 13, 15, 16 and 19 without a confidentiality order. Opposition at 5-6. Despite this objection, Plaintiff has not yet moved for a protective order.

Instead, Plaintiff asserts that she is capable of making a “threshold showing of good cause to believe that discovery will involve confidential or protected information.” Opposition at 8. Contrary to this assertion, Plaintiff recently admitted on a telephone conference with defense attorneys Horatio Mihet, Esq., Norman Smith, Esq., Brooks McArthur, Esq., and Hillary Borcharding, Esq., that as of July 12, 2019, Ms. Jenkins has not even provided Plaintiff’s counsel with any documents that they are withholding until the entry of a confidentiality order, or documents that Plaintiff’s counsel is ready to produce but for the absence of a confidentiality order. *See* Affidavit of Hillary Borcharding (“Borcharding Aff.” July 17, 2019, at ¶ 2-3), Ex. 1. Put simply, Plaintiff is refusing to provide documents without a protective order without even knowing whether any documents merit protection. Plaintiff did identify a number of categories of documents that might hypothetically deserve protection (Opposition at 6); however, this argument is purely academic, as Plaintiff does not yet know what documents exist, much less which documents might necessitate confidentiality. An

This is incorrect. Exhibit A to Defendants’ Motion to Compel is a verbatim list of each Document Request and each Document Request corresponds to an Interrogatory. Plaintiff failed to produce a single document in response to Defendants’ Document Requests and offered a similar objection to each document request as to the corresponding Interrogatory. It would be cumbersome, redundant, and unnecessary to argue the same point twice: once as it relates to the Interrogatory, and again with regard to the corresponding Document Requests. Defendants met their obligation to list each Document Request and detail the substance of specific disputes within the content of their motion.

argument over theoretically confidential documents that may or may not exist cannot be used as grounds to delay collecting documents from Ms. Jenkins. This is especially true when Plaintiff had ample opportunity to move for a protective order, but has repeatedly failed to do so.

In her Opposition, Ms. Jenkins further argues that a confidentiality order is appropriate because counsel for third-party Christian Aid Ministries (“CAM”) “agreed to produce documents . . . as subject to the proposed stipulated confidentiality order even prior to its entry by the Court.” Opposition at 4. This argument is misleading. Plaintiff’s reference to the CAM documents infers that all or a significant portion of CAM’s documents were designated confidential. This inference was heightened by Plaintiff’s failure to turn over any documents produced by CAM. In truth, as counsel recently admitted after direct questioning by defense counsel, of the 130 pages of documents CAM produced, only 14 pages, documents Bates-stamped CAM0000015-23 and CAM0000027-32, were stamped confidential. *See* Borcharding Aff. at ¶¶ 2-5, Ex. 2. Armed with the knowledge that only 14 pages of CAM’s production requires confidential treatment, all defendants in this case verbally agreed to work with Plaintiff to execute a protective order limited to these documents. *See id.* at ¶ 4. The experience with the CAM documents validates the Defendants’ concern that there would be over designation of documents as confidential if a broad confidentiality order were in place. Rather, as Defendants have suggested, there should be specific documents as to which confidentiality is sought, after which the parties can determine if there is any real dispute as to the designation. Following the procedure Plaintiffs have rejected, CAM reviewed the documents responsive to Plaintiff’s subpoena, determined which documents merited protection and, through the Plaintiff, sought a stipulated order related to those documents. This process should be applied to the documents Plaintiff has been requested to produce. Plaintiff should identify specific documents or classes of documents she claims warrant protection, and work with Defendants to protect those documents or, in the absence of agreement, seek a protective order.

None of the cases cited in Plaintiff's Opposition suggest that a "blanket protective order" is appropriate in this case. The only cases from this Court cited by Plaintiff involve the production of large amounts of corporate documents in a class action or complex commercial litigation setting.² By contrast, Defendants' Interrogatories and Document Requests relate to information held by one custodian, Ms. Jenkins. It is not overly burdensome for Plaintiff to identify what information from one custodian deserves a heightened level of confidential treatment. Even the case repeatedly cited in Plaintiff's Opposition cautions against adopting the Plaintiff's position. In *Gillard v. Boulder Valley Sch. Dist.*, 196 F.R.D. 382 (D. Colo. 2000), the court did permit a "blanket protective order." *Id.* at 386, 387. However, that protective order, which was requested by the school district who was required to turn over large amounts of information from both students and teachers, included a specific provision defining what documents could merit confidential treatment. *Id.* at Appendix A. Specifically, the proposed order stated:

Information designated "CONFIDENTIAL" shall be information that is confidential and implicates common law and statutory privacy interest of (a) current or former School District employees, and (b) current or former School District students. *See e.g.* 22 U.S.C. §1232g and 34 D.F.R. §99.3 (corresponding disclosures of personally identifiable information regarding students); Section 24-72-204(3)(a)(II)(A) C.R.S. (concerning disclosure of personnel records). . . .

Id. The *Gillard* order is markedly different than the Plaintiff's proposed confidentiality order. The Plaintiff's proposed confidentiality order contains no definition of "confidential information." *See e.g.* Ex. C to Defendants' Motion to Compel, April 10, 2019 e-mail from Tyler Clemons. Instead,

² *See* Opposition at 7-8 (*citing* Stipulated Protective Order, *Sullivan v. Saint-Gobain Performance Plastics Corp.*, No. 5:16-cv-125 (D. Vt. Apr. 4, 2017) (Crawford, J.) (ECF 58) (class action litigation against corporate defendant); *Jestings v. Christensen*, No. 5:14-cv-238, 2016 WL 901258, at *1-2 (D. Vt. Mar. 3, 2016) (Crawford, J.) (confidentiality order related only to business operations); *Synventive Molding Sols., Inc. v. Husky Injection Molding Sys., Inc.*, No. 2:8-cv-136, 2009 WL 10678881, at *1 (D. Vt. Feb. 6, 2009) (Sessions, C.J.); *Nellson N. Operating, Inc. v. Elan Nutrition, LLC*, 238 F.R.D. 544, 545 (D. Vt. 2006) (Sessions, C.J.)).

Plaintiff claims that her designations will only be limited by her good faith analysis of what information is sensitive. Plaintiff provides no legal support for this proposition. For these reasons, Ms. Jenkins should be compelled to produce all responsive documents and, if she persists in claiming these documents cannot be produced in the absence of a confidentiality order, move for such an order including a showing of good cause.

II. INTERROGATORIES 2 AND 6 SEEK RELEVANT INFORMATION ABOUT DAMAGES.

Plaintiff's Opposition concedes that Ms. Jenkins seeks compensatory and punitive damages for, among other things, "lost business as a result of having to close her daycare center." Opposition at 11. Despite this admission, Plaintiff continues to insist that Defendants have no right to determine what personal losses, if any, Ms. Jenkins suffered as a result of the alleged lost business. Plaintiff appears to argue that even if Ms. Jenkins, as an individual, lost no wages or income, she would be entitled to receive damages based on losses sustained by an affiliated daycare center. This is illogical in a case brought only by Ms. Jenkins in her individual capacity and as mother of Isabella Miller-Jenkins. Interrogatory 2 requests that Ms. Jenkins "[i]dentify each job, including the annual gross income of that job, held from 2004 to the present." This interrogatory is tailored to collect information regarding what damages Ms. Jenkins sustained as a result of the alleged lost business and is therefore relevant and discoverable.

Regarding Interrogatory 6,³ Ms. Jenkins argues that even if she commenced dating or a relationship directly following her daughter's disappearance, such a relationship would not foreclose a claim for emotional distress. Opposition at 11-12. This argument, even if accepted as true, is

³ Interrogatory 6 requests information regarding how long after Ms. Jenkins' separation from Ms. Miller did she commence dating or a romantic relationship and the name of the person with whom Ms. Jenkins was involved.

irrelevant. Information or documents do not need to be dispositive in order to fit within the broad definition of relevant discovery. Evidence of Ms. Jenkins' subsequent relationships may not defeat a claim for emotional distress, but it may impact the merits of that claim, or the damages derived from that claim. The only case Plaintiff cites in support of her position that this information is irrelevant is *Painter v. Atwood*, No. 2:12-cv-01215, 2014 U.S. Dist., LEXIS 153342, at * 6 [sic] (D. Nev. Oct. 28, 2014). In *Painter*, the court found that evidence that the plaintiff "called in sick to subsequent after-hours appointments, started a new relationship, and eventually bore a child does not prove [at summary judgment] that she did not suffer extreme emotional distress." *Id.* at *15. Such a ruling has no bearing on whether proof of a subsequent relationship is discoverable. In fact, the use of such an argument during summary judgment suggests that, in *Painter*, information regarding the plaintiff's subsequent relationships was disclosed during discovery. The fact that the court did not find this information sufficient to grant summary judgment is irrelevant for our purposes. Defendants must have an opportunity to investigate Ms. Jenkins' claims of emotional distress, including information on her life after the actions alleged in the Second Amended Complaint.

For these reasons, the Court should compel Plaintiff to answer both Interrogatories 2 and 6.

III. PLAINTIFF CANNOT AVOID INTERROGATORIES 9, 10, 13, 14 AND 19 WITH MISCHARACTERIZATIONS OF THE RECORD AND UNSUBSTANTIATED CLAIMS OF PRIVILEGE.

Plaintiff does not object to Defendants' request for more complete responses to Interrogatories 9, 10, 13, 14 and 19, which seek to discover facts underlying the allegations in the Complaint. Rather, she objects that such requests are premature. Opposition at 13. To support this argument, Plaintiff's Opposition does little more than recite the procedural history of this case and reiterate the legal standard already detailed in Defendants' Motion to Compel. Opposition at 12-14. Unfortunately, even this summary is misleading. Plaintiff asserts that "no significant discovery has taken place," and jurisdictional discovery or discovery from associated criminal cases is not

sufficient to answer Defendants' Interrogatories or Document Requests. Opposition at p. 14. This argument ignores the thousands of pages of merits discovery provided to Plaintiff by both parties and third parties, including Response Unlimited, Inc., Rena M. Lindevaldsen, Kenneth Miller, Liberty Counsel, Inc., Liberty University, Internet Archive, and Christian Aid Ministries.

Discovery in this case is not "just taking flight." In fact, without this Court's recent extension of the discovery schedule, the deadline for serving all interrogatories and requests to produce was July 18, 2019 and discovery was scheduled to end on August 29, 2019. Plaintiff has had more than sufficient time to investigate the allegations in her Second Amended Complaint, and she must now disclose the facts on which those claims are based or the absence of such facts.⁴ Defendants further direct the Court to the arguments made in their Motion to Compel at pages 7-11 for a complete set of reasons why Plaintiff should be compelled to provide responsive answers to interrogatories 9, 10, 13, 14 and 19.

Conclusion

Plaintiff failed to offer any factual or legal arguments that could prevent disclosure of the relevant information and documents requested in Defendants' First Set of Interrogatories and Document Requests. As such, Defendants request that this Court issue an order compelling complete and responsive answers to Interrogatories 2, 4, 5, 6, 9, 10, 13, 14, 19 and 25 and Document Requests 1-19. Defendants also request the expenses incurred in drafting their Motion to Compel and this Reply.

⁴ Contrary to Plaintiff's assertions, Defendants do not seek work product or privileged conversations between counsel and Ms. Jenkins. Opposition at 13. Defendants only request the discoverable factual bases for her claims.

Dated: Burlington, Vermont
July 17, 2019

/s/ Robert B. Hemley

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Hillary A. Borcharding, Esq.
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For Defendants

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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

AFFIDAVIT OF HILLARY A. BORCHERDING, ESQ.

Hillary A. Borcharding, Esq., being first duly sworn, hereby deposes and states:

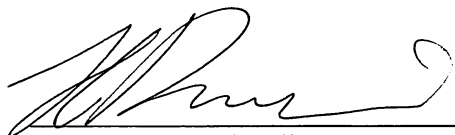
1. I am one of the counsel for Defendants Philip Zodhiates, Victoria Hyden and Response Unlimited, Inc. (collectively “Defendants”) in the above-captioned matter.

2. On July 12, 2019, I participated in a teleconference which also included Plaintiffs’ counsel and defense attorneys Horatio Mihet, Esq., Norman Smith, Esq., and Brooks McArther, Esq.

3. Attached hereto as Exhibit 1 is a true and accurate copy of an e-mail from defense attorney Horatio Mihet, Esq. dated July 12, 2019, which accurately memorializes the referenced telephone conference.

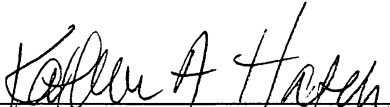
4. During the July 12, 2019 teleconference, defense counsel agreed to work collaboratively with Plaintiff’s counsel to craft a narrow protective order to protect the small number of documents specifically identified as confidential by third party Christian Aid Ministries.

5. Attached hereto as Exhibit 2 is a true and accurate copy of an e-mail from Plaintiff's counsel Tyler Clemons, Esq. dated July 12, 2019.



Hillary A. Borcharding, Esq.

Sworn to before me this
17th day of July 2019.



Notary Public – State of Vermont
Printed Name: Kathleen A Hatch
Date: July 17, 2019
Commission No.: 0004378
Commission Expires: 1/31/21

Hillary A. Borcharding

From: Horatio Mihet <hmihet@lc.org>
Sent: Friday, July 12, 2019 1:58 PM
To: Tyler Clemons; Norman Smith; Robert B. Hemley; Brooks G. McArthur (bmcArthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson
Subject: RE: Jenkins v Miller: Stipulated Protective Order

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Saved to DM, #1451023

Tyler and Diego,

It was good to speak with you this afternoon about Plaintiff's push for a Protective Order.

I am confirming our discussion, wherein you indicated that you did not have any document in mind for marking as "Highly Confidential" or "Attorney's Eyes Only." I and other defendants indicated that it is inappropriate to consider such an onerous litigation handicap without any need for it. I asked that this be removed from our future discussions.

Also on our call, you indicated that, as of now, your client Ms. Jenkins has not provided you with any documents that you are withholding until the entry of a protective order, and that you are ready to produce but for the absence of a protective order. You indicated that there are only two categories of documents that you anticipate receiving from your client that might need to be designated as "Confidential" under a protective order – mental health records and business records of a day care. I and other defendants requested that you obtain from your client the universe of documents responsive to pending discovery requests, and that you determine the nature and amount of specific documents that you believe require a protective order for our next discussion.

Finally, also on our call, you estimated that CAM has produced around 200 pages of documents, of which about 10% are marked as "Confidential," and none as "Highly Confidential." SPLC is withholding these latter documents pending entry of a protective Order. But, SPLC is willing to produce immediately the remainder of CAM documents that are not marked as "Confidential." Please do so, ASAP. And, as discussed, please confirm or correct these numbers. If we're dealing with a limited and specific subset of documents, my clients would be willing to stipulate to a limited Order addressing them.

Please let me know if you think I am not accurately recalling any aspect of our discussion.

Kind Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel
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Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

EXHIBIT

1

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*Licensed in Florida and Ohio

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>

Sent: Thursday, July 11, 2019 12:36 PM

To: Norman Smith <norman@normansmithlaw.com>; Horatio Mihet <hmihet@lc.org>; Robert B. Hemley <rhemley@gravelshea.com>; Brooks G. McArthur (bmcArthur@jarvismcarthur.com) <bmcArthur@jarvismcarthur.com>; Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Anthony R. Duprey (anthony@ndp-law.com) <anthony@ndp-law.com>; mtierney@wadleighlaw.com

Cc: Diego Soto <Diego.Soto@splcenter.org>; Sarah Star <sarahstar.esq@gmail.com>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Emily Joselson <ejoselson@langrock.com>

Subject: RE: Jenkins v Miller: Stipulated Protective Order

Counsel:

Please use the information below to dial in to our conference scheduled for tomorrow, Friday, July 12, at 1:15 p.m. Eastern. I look forward to speaking with you then.

(888)450-5996 (Passcode: 397771)



J. Tyler Clemons *they/them/mx*

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From: Tyler Clemons

Sent: Wednesday, July 10, 2019 10:00 AM

To: 'Norman Smith'; Horatio Mihet; Robert B. Hemley; Brooks G. McArthur (bmcArthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com

Cc: Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne

Subject: RE: Jenkins v Miller: Stipulated Protective Order

Thanks for your responses. Because several us are available Friday (7/12) at 12:15 Eastern, we will proceed with the meet and confer. Please hold that time on your calendars and a dial-in number will be sent shortly.



J. Tyler Clemons *they/them/mx*

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Hillary A. Borcharding

From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Friday, July 12, 2019 2:43 PM
To: Norman C. Smith (nc.smith@myfairpoint.net); Robert B. Hemley; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Diego Soto; srs; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson; David Dinielli
Subject: Jenkins: CAM Production
Attachments: Jenkins CAM Stipulated Protective Order v1.docx
Categories: Saved to DM, #1451038

Good afternoon counsel:

Thank you to Harry, Brooks, Norm, and Hillary for joining Plaintiffs for a conference regarding a protective order this afternoon.

As promised during that call, you may find the portion of the 130-page production from Christian Aid Ministries that was not marked confidential at this link: <https://splc.box.com/s/zum6hqxlrpqonwxw99ywgo4bddxtjdtf>. This does not include the documents Bates Stamped CAM0000015-23 or CAM0000027-32 (a total of 14 pages), which were marked confidential.

I have also attached a draft protective order governing the disclosure of the CAM documents marked confidential. It is drafted in a manner to permit additional documents or categories of information to be easily added to it in the future should that become necessary. Please indicate your willingness to stipulate to such an order at your earliest convenience.

Best,



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

JANET JENKINS, et al.,

Plaintiffs,

v.

No. 2:12-cv-184-WKS

KENNETH L. MILLER, et al.,

Defendants.

STIPULATED PROTECTIVE ORDER

Upon stipulation of the parties, and good cause appearing, that certain documents,¹ information, and other things produced or obtained by the parties, or by any non-party, in the course of discovery shall be kept confidential, the Court enters the following Stipulated Protective Order pursuant to Rules 26(c) and 29(b) of the Federal Rules of Civil Procedure.

IT IS HEREBY ORDERED:

1. The following information and documents are designated “Confidential Information”:
 - a. Documents produced by non-party Christian Aid Ministries stamped “CONFIDENTIAL.”
2. “Qualified Persons” means the following:
 - a. the parties;

¹ The term “document” shall be synonymous in meaning and equal in scope to the usage of that term in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure and shall include every writing and recording within the meaning given those terms in Rule 1001 of the Federal Rules of Evidence.

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- i. Any party who is not a natural person shall restrict access to Confidential Information to individuals whose knowledge of it is necessary to litigation of this action.
 - b. the attorneys of record in this action, and their respective legal assistants, stenographic and support personnel, and litigation support companies and their employees;
 - c. experts and consultants retained by the parties or the attorneys of record for this litigation and the employees of such experts and consultants who are assisting them for the purposes of this action;
 - d. court reporters, deposition stenographers, and videographers; and
 - e. the Court (including an appellate court reviewing this action) and its staff members.
3. Confidential Information shall be disclosed or made accessible only to Qualified Persons. All Qualified Persons other than attorneys of record shall sign an agreement in the form attached as Exhibit A signifying that they have read this Order and agree to comply with its provisions before being given Confidential Information. Confidential Information shall be made and kept inaccessible to all persons other than Qualified Persons. Confidential Information shall be redacted from any document filed on the public docket in this action or any other action.
4. Confidential Information shall be used only for purposes of this action.
5. To the extent practicable, Confidential Information shall be properly redacted from documents before use in a deposition. All persons who are not Qualified Persons shall be excluded from attendance at the deposition during the time Confidential Information is used.

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6. If a party seeks to discuss or disclose Confidential Information during any hearing or trial before the Court, including through argument or the presentation of evidence, counsel for the parties shall confer and agree to procedures necessary to protect the Confidential Information from improper disclosure during the hearing or trial, subject to the Court's approval.

7. Nothing in this Stipulated Protective Order shall prevent any Producing Party from using or disclosing its own Discovery Material in any matter it sees fit, without prior consent of opposing counsel or the Court.

8. Nothing in this Stipulated Protective Order and no action taken pursuant to it, shall prejudice the right of any party to contest the alleged relevancy, admissibility, or discoverability of the Discovery Material.

9. Nothing in this Stipulated Protective Order shall prevent or otherwise restrict attorneys of record from rendering advice to their client and, in the course thereof, relying generally on examination of the Discovery Material; provided, however, that in rendering such advice and otherwise communicating with such client, counsel shall not make any specific disclosure of any Confidential Information except as permitted by this Stipulated Protective Order.

10. Upon termination of this lawsuit, including termination of any appeal from the final judgment of this Court, all Confidential Information obtained, disclosed, or used pursuant to this Stipulated Protective Order, and any unredacted copies thereof, shall be destroyed or returned to the Producing Party, and notice provided to all parties and the Producing Party, within 60 calendar days of the final order terminating this lawsuit. Attorneys of record are permitted to keep copies in their litigation files as well as any work product based on Confidential Information.

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11. The provisions of this Stipulated Protective Order shall survive any settlement, judgment, or other disposition or conclusion of this action, and all appeals therefrom.

AGREED TO BY:

Date

—
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*Counsel for Defendants Liberty Counsel, Inc.
and Rena M. Lindevaldsen*

Date

—
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*Counsel for Defendants Response Unlimited,
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Jenkins CAM Stipulated Protective Order v1.docx

Date

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Counsel for Defendant Timothy D. Miller

Date

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Counsel for Defendant Linda M. Wall

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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

CERTIFICATE OF SERVICE

I, Robert B. Hemley, Esq., attorney for Defendants Philip Zodhiates, Victoria Hyden and Response Unlimited, Inc., certify that, on July 17, 2019, I caused the Reply in Support of Motion to Compel and Affidavit of Hillary A. Borcharding, Esq., to be served through the CM/ECF system on the following individuals:

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