

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)	

DEFENDANTS PHILIP ZODHIATES, VICTORIA HYDEN
AND RESPONSE UNLIMITED, INC.’S RESPONSE TO PLAINTIFF
JANET JENKINS’ SUPPLEMENTAL RESPONSE TO MOTION TO COMPEL

Defendants Philip Zodhiates, Victoria Hyden and Response Unlimited, Inc. (collectively “Defendants”), by their attorneys, Gravel & Shea PC, submit this response to Plaintiff Janet Jenkins’ Supplemental Response to Defendants’ Motion to Compel (“Supplemental Opposition”) dated September 30, 2019.

Preliminary Statement

In an effort to deprive Defendants of discovery to which they are entitled, and which will aid in their defense, Ms. Jenkins, seven years into her lawsuit, withdraws certain damage claims. While she is entitled to abandon meritless claims, Ms. Jenkins cannot rely on that step to deprive Defendants of discovery which remain relevant to remaining claims. Specifically, in her Supplemental Opposition, Ms. Jenkins abandons her claim for lost business income, and attempts to retract her waiver of the psychotherapist-patient privilege by claiming she only seeks “garden variety” emotional distress damages. Ms. Jenkins should not be permitted to assert the psychotherapist-patient privilege after seven years of claiming “extreme emotional distress.” Nor should she be permitted to avoid all discovery related to her finances by removing a single

claim for lost business income. Additionally, Ms. Jenkins' earlier persistent refusal to withdraw these meritless claims for damages, or to supplement her discovery responses, forced Defendants to file a motion to compel which would have been unnecessary had she adopted these positions at the time of the meet-and-confer, or sooner. Defendants should not have to bear the cost of seeking by motion what Plaintiff now concedes. They are entitled to sanctions.

Argument

I. MS. JENKINS' DECISION TO DELAY WITHDRAWING UNSUPPORTED CLAIMS FOR DAMAGES OR TO SUPPLEMENT VAGUE RESPONSES TO INTERROGATORIES UNTIL AFTER DEFENDANTS FILED A MOTION TO COMPEL JUSTIFIES THE IMPOSITION OF SANCTIONS.

Almost five months ago, Ms. Jenkins served her responses to Defendants Philip Zodhiates, Victoria Hyden and Response Unlimited, Inc.'s First Set of Interrogatories and Requests to Produce ("First Responses"). Immediately after receiving Ms. Jenkins' First Responses, Defendants objected that Ms. Jenkins failed to provide any substantive information, and instead hid behind boilerplate objections and a premature request for a protective order. Despite these objections, on May 23, 2019, Ms. Jenkins' counsel largely refused to provide supplemental answers and indicated that Defendants must obtain a Court order to acquire most requested information. Unable to find common ground, Defendants filed a Motion to Compel on June 20, 2019. On July 3, 2019, Ms. Jenkins opposed Defendants' Motion to Compel standing by the objections raised in her First Responses.

Then, on September 30, 2019, Ms. Jenkins swiftly, unexpectedly and with no notice to the Defendants, changed her position on many of the issues being actively litigated in Defendants' Motion to Compel. Ms. Jenkins now attempts to withdraw her waiver of the psychotherapist-patient privilege, withdraw her claim for lost income associated with her daycare center, and do a wholesale rewrite of her First Responses. *See* Supplemental Opposition, p. 3;

Declaration of Robert B. Hemley (“Hemley Decl.”), ¶¶ 2-3 (green markings represent added material).

Ms. Jenkins should supplement impermissibly vague responses; however, doing so at such a late date forced the Defendants to draft and file four motions and one letter to the Court about a discovery dispute that should have been narrowed or avoided. By way of example, in Defendants’ Motion to Compel, Defendants object that Ms. Jenkins refuses to provide any information related to her daycare center, including the name of that center. *See* Motion to Compel, p. 6. Ms. Jenkins stood by this decision during the May 23, 2019 meet-and-confer and failed to retract the position in Ms. Jenkins’ Opposition to Defendants’ Motion to Compel. Now, five months later, Ms. Jenkins clarifies that from 2003-2013 she operated “We Care Child Care” in Fair Haven, Vermont. *See* Hemley Decl. Ex. A, Jenkins’ First Supplemental Responses to Defendants’ First Set of Interrogatories and Requests to Produce (“Redline Response”), p. 5.¹ This is but one example of the basic information that Ms. Jenkins refused to provide in her First Responses and then added only after Defendants were forced to expend time and resources litigating a Motion to Compel. While not all of Defendants’ concerns are addressed in the Supplemental Opposition or the Redline Responses, the issues in dispute were certainly narrowed. This narrowing compels the conclusion that Ms. Jenkins’ original positions were taken in bad faith without investigation into the facts or the law. This bad faith behavior necessitates sanctions compensating Defendants for the unnecessary resources they expended.

¹ Notably, Ms. Jenkins did not seek to “describe as confidential” or otherwise protect this or other information provided for the first time in her Redline Responses.

II. MS. JENKINS WAIVED THE PSYCHOTHERAPIST-PATIENT PRIVILEGE BY REPEATEDLY AND AFFIRMATIVELY ASSERTING THAT SHE SUFFERED “EXTREME” EMOTIONAL DISTRESS CAUSED BY DEFENDANTS’ ACTIONS.

As this Court noted in *Gabriel v. Albany College of Pharm. & Health Scis. – Vt. Campus (ACPHS)*,

The United States Supreme Court has recognized a “psychotherapist-patient privilege” which protects “confidential communications made to licensed psychiatrists and psychologists.” *Jaffee v. Redmond*, 518 U.S. 1, 15, 116 S. Ct. 1923, 135 L. Ed. 2d 337 (1996); *see also Fortunati v. Campagne*, No. 1:07-CV-143, 2009 U.S. Dist. LEXIS 39966, 2009 WL 1350406 at *2 (D. Vt. May 12, 2009). The *Jaffee* court also acknowledged that, “[I]ike other testimonial privileges, the patient may of course waive the protection.” *Id.* at 15 n. 14.

A waiver of psychotherapist-patient privilege may be express or implied. *See Sims v. Blot*, 534 F.3d 117, 132 (2d Cir. 2008). Implied waiver can occur where a plaintiff places his medical condition directly at issue in the litigation. *See Schoffstall v. Henderson*, 223 F.3d 818, 823 (8th Cir. 2000); *see also Sidor v. Reno*, No. 95 Civ. 9588(KMW), 1998 U.S. Dist. LEXIS 4593, 1998 WL 164823 at *2 (S.D.N.Y. April 7, 1998) (where mental state at issue, opponent entitled to inquire into present and past communications between psychotherapist and patient). The Second Circuit has adopted a narrow view of implied waiver, requiring that the plaintiff’s claim extend beyond more than a “garden variety” claim for emotional distress or so-called “pain and suffering” damages. *Sims*, 534 F.3d at 133-35. However, where the plaintiff seeks compensation for “serious psychological injuries,” he generally is deemed to have waived the privilege. *Kunstler v. City of New York*, No. 04CIV1145(RWS)(MHD), 2006 U.S. Dist. LEXIS 61747, 2006 WL 2156625 *7 (S.D.N.Y. Aug. 29, 2006) (compiling cases).

No. 2:12-cv-14, 2014 U.S. Dist. LEXIS 94729, at *5-6 (D. Vt. July 10, 2014).

In *Gabriel*, this Court found a waiver where the plaintiff claimed that the defendant’s conduct “caused” or “triggered” a generalized anxiety disorder which impeded the plaintiff’s ability to pursue a degree program. *Id.* Similarly, in *Bagley v. Yale University*, the court found that the plaintiff waived the psychotherapist-patient privilege by asserting a claim for “damages for emotional distress and mental suffering.” No. 3:13-CV-1980, 2016 U.S. Dist. LEXIS 50754,

at *5 (D. Conn. Apr. 15, 2016). The court explained that “‘fairness considerations arise when the party attempts to use the privilege both as a shield and a sword’ . . . If Bagley wishes to deflect discovery by using the shield, she must drop the sword of a claim for emotional distress (other blades would remain in Plaintiff’s armory).” *Id.* at *6 (citing *Sims v. Blot*, 534 F.3d 117 (2d Cir. 2008)).

In this case, Plaintiff has repeatedly asserted that she suffered “extreme” emotional distress as a result of the Defendants’ behavior. In Plaintiff’s Revised Second Amended Complaint, she requests damages for “extreme emotional distress.” Revised Second Amended Complaint, ¶ 68. In her Supplemental Opposition, Ms. Jenkins lamely attempts to reclassify the modifier “extreme” as describing the Defendants’ behavior, not Ms. Jenkins’ emotional distress. *See* Supplemental Opposition, p. 5, n. 2. This defies both common sense and basic English grammar. This explanation is also contradicted by the Plaintiffs’ own filings, including, at least five separate filings in which Plaintiff states that Defendants’ purpose was to “intentionally harm Plaintiff Jenkins by depriving her of custody of her daughter, causing both emotional and financial damage, and depriving her right to equal protection under the law.”² In Plaintiffs’ Memorandum in Opposition to Defendants Liberty Counsel, Mathew D. Staver and Rena M. Lindevaldsen’s Special Motion to Strike and Defendant Linda M. Wall’s Special Motion to Strike (“Opposition Motion to Strike”), Ms. Jenkins stated that a motion to strike was inappropriate because, in part, her complaint alleges damages as a result of the Defendants’

² *See* Plaintiffs’ Response to Motion to Dismiss by Liberty University, Inc., Thomas Road Baptist Church and Victoria Hyden, ECF 75; Plaintiffs’ Response to Motion to Dismiss by Kenneth Miller, ECF 80; Plaintiffs’ Response to Motion to Dismiss by Andrew Yoder, ECF 81; Plaintiffs’ Response to Motion to Dismiss by Philip Zodhiates and Response Unlimited, Inc., ECF 82; Plaintiffs’ Response to Motion to Dismiss by Christian Aid Ministries, ECF 83; Plaintiffs’ Response to Motion to Dismiss by Linda Wall, ECF 112.

behavior including “extreme emotional distress.” Opposition Motion to Strike, p. 21. As recently as Ms. Jenkins’ original opposition to Defendants’ currently pending motion to compel, Ms. Jenkins affirmed that she intended to bring a claim for “extreme” emotional distress. Opposition Motion to Compel, pp. 1, 12. In determining what would be relevant to such a claim, Ms. Jenkins cited *Painter v. Atwood* in which the plaintiff brought a separate claim for intentional infliction of emotional distress. Opposition Motion to Compel, p. 12 (citing *Painter v. Atwood*, No. 2:12-cv-1215, 2014 WL 5469155, at *6 (D. Nev. Oct. 28, 2014)).

Ms. Jenkins’ discovery responses also illustrate her waiver of the psychotherapist-patient privilege. In Defendants’ First Set of Interrogatories and Requests to Produce, Defendants ask:

Interrogatory 25. Have You sought treatment for the alleged emotional distress You claim to have suffered? If so, set forth the providers, dates, and cost of treatment.

Ms. Jenkins responds:

Objection: Plaintiff objects to responding to this interrogatory in the absence of an appropriate confidentiality order.

This response did not object to the relevance of these documents nor invoke the psychotherapist-patient privilege, instead it indicated the Ms. Jenkins intended to provide the requested documents. As such, Ms. Jenkins’ response waived all objections other than her objection to providing the requested information without a protective order. Federal Rule of Civil Procedure 33(b)(4) states that “[t]he grounds for objection to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.” Here, Ms. Jenkins failed to object to interrogatories regarding her emotional distress on the basis of relevance or the psychotherapist-patient privilege. Thus, these objections were waived.

In Ms. Jenkins' responses to Defendant Linda Wall's First Set of Interrogatories and Requests to Produce, Ms. Wall asked:

Interrogatory 14. Identify with specificity the basis for Your allegation that You have suffered "extreme emotional distress" (Complaint, ¶ 68).

Again, Ms. Jenkins did not object on the basis of the psychotherapist-patient privilege, but stated "Plaintiff objects to this contention interrogatory as premature at this stage of the litigation." Ms. Jenkins then went on in detail to explore the depths of her extreme distress in the following statement.

Subject to and without waiving any general or specific objection, Plaintiff answers that she has suffered emotional distress because her then-seven-year-old daughter, Isabella, was kidnapped to a foreign country. Plaintiff – who cut her daughter's umbilical cord at birth, who was the first to wash and hold her daughter, who was separated from her daughter by hundreds of miles after her civil union with Lisa Miller broke down, and who was repeatedly denied visitation with her daughter despite court orders – has not seen her daughter since January 2009. Since learning of her daughter's disappearance, she has spent countless hours worrying about her daughter, searching for her daughter, and cooperating with investigations into and prosecutions of her daughter's kidnappers, including this case. Plaintiff is distressed by not having information about her daughter's current whereabouts or wellbeing. For example, she has little to no information about what country, much less what city, her daughter currently is living in; the physical conditions, such as terrain and climate, of that location; the safety of that location; whether the governments in that location protect civil and human rights; whether her daughter is being persecuted or discriminated against based on, for example, race, nationality, immigration status, sex, sexual orientation, gender identity, or gender expression; in what home, if any, her daughter is living; with whom her daughter is living; whether her daughter has a loving caregiver; her daughter's freedom of movement; her daughter's access to safe transportation; her daughter's physical, mental, and emotional health; her daughter's access to safe and affordable health care, including preventive and emergency care; her daughter's access to safe, healthy, and affordable food and drinking water; her daughter's education; her daughter's access to education or other informational resources such as the internet and television; her daughter's economic status; her daughter's access to finances,

credit, employment, or a living wage; or her daughter's access and ability to make friends and healthy relationships with others. Most starkly, Plaintiff has no information about whether her daughter even is alive or whether she will ever see her daughter again. Last Plaintiff heard, her daughter was living thousands of miles away in Nicaragua, the poorest country in Central America and the second poorest in the Western Hemisphere, with her other mother, Lisa Miller, a fugitive facing criminal charges in the United States for kidnapping Isabella. Plaintiff also learned that her daughter was being referred to by the name Lydia in order to avoid detection. Plaintiff has no information about whether her daughter is still living covertly. Plaintiff will supplement her response to this contention interrogatory if necessary at the conclusion of discovery.

Ms. Jenkins' Response to Defendant Linda Wall's First Set of Interrogatories and Requests to Produce, pp. 15-16.

Since Ms. Jenkins filed her first complaint on August 13, 2012, Ms. Jenkins has repeatedly asserted that she suffered "extreme" emotional distress caused by the Defendants' behavior. Not until September 30, 2019, did Ms. Jenkins first suggest that her emotional distress over losing her daughter was not in fact "extreme" but "garden variety." It is no coincidence that this change of position took place only after Defendants moved to compel information regarding exactly what "extreme" emotional distress Ms. Jenkins suffered. Ms. Jenkins cannot be permitted to use her emotional health as a sword for the first seven years of this litigation and then use the psychotherapist-patient privilege as a shield when the Defendants seek to test the veracity of those repeated claims. The Court should find that Ms. Jenkins waived her psychotherapist-patient privilege when she repeatedly claimed to suffer extreme emotional distress as a direct result of the Defendants' behavior and failed to invoke the privilege in her responses to Defendants' First Set of Interrogatories and Request to Produce.

III. MS. JENKINS' FINANCES ARE DIRECTLY RELEVANT TO THE FINANCIAL SUPPORT SHE COULD OFFER ISABELLA MILLER-JENKINS.

Ms. Jenkins' Supplemental Opposition abandons her claim for lost business income as to all defendants. Supplemental Opposition, p. 1. Ms. Jenkins asserts that without a claim for lost business, all documents related to Ms. Jenkins' businesses are irrelevant. *Id.*, p. 7. This is true. However, Ms. Jenkins takes her argument several steps further and argues that abandoning her claim for lost business income also shields her personal finances from disclosure. Supplemental Opposition, p. 7. This is incorrect. Specifically, Ms. Jenkins attempts to avoid discovery of her own financial records by stating that "Isabella seeks only the lost financial support from Jenkins that the Family Court in Rutland, Vermont would have considered when calculating Lisa Miller's child support responsibility after transferring custody." *Id.*, p. 7. Presumably based on this logic, Ms. Jenkins' Redline Responses agree to produce only Ms. Jenkins' tax returns from 2008 and 2009, but refuse to produce tax returns from the requested period of 2004 to the present. Hemley Decl. Ex. A, Redline Responses, p. 38.

Ms. Jenkins' argument fails in light of the actual damages alleged in the Revised Second Amended Complaint and the ability of either custodial or non-custodial parents to modify a child support order even after custody is established. In Ms. Jenkins' Revised Second Amended Complaint she states:

Plaintiff Isabella Miller-Jenkins has also suffered the loss of emotional and financial support from her mother, Janet Jenkins. Isabella has a property interest in child support from one or both parents based on her needs and best interests. The child support previously due to the custodial parent for Isabella's care was approximately \$250 per month. *This deprivation continues today and is expected to continue indefinitely into the future.* In addition to the property right of child support, on information and belief, Isabella is currently being deprived of an education, medical and dental care and the support of her extended family, including grandparents Ruth and Claude Jenkins. All of these factors

currently and will in the future result in an injury to Isabella's property and future business and employment.

Revised Second Amended Complaint, ¶ 71 (emphasis added).

This claim for damages asks a jury to award Isabella Miller-Jenkins damages based on the support she would have received from both her parents and her extended family including Ruth and Claude Jenkins. Revised Second Amended Complaint, ¶ 71. To understand the financial support that Ms. Jenkins could have provided Isabella Miller-Jenkins, Defendants must understand the financial resources available to Ms. Jenkins and any family members including Ruth and Claude Jenkins who would have provided financial assistance. Did Ms. Jenkins have vast wealth that she would have showered on Isabella Miller-Jenkins, or were her resources more limited? The resolution of this question will dictate the appropriate amount of any award of damages.

By providing copies of her 2008 and 2009 tax returns, Ms. Jenkins concedes that her personal income is relevant to calculating what resources would have been available to Isabella Miller-Jenkins. As a court in the Eastern District of New York explained, the “elements to consider [in a loss of support case] . . . are the deceased’s age, [and] his earning capacity. . . . Earning capacity may be estimated from such factors as decedent’s actual earnings during the period before his death. . . .” *In re Air Crash near Nantucket Island*, 462 F. Supp. 2d 360, 362 (E.D.N.Y. 2006). “It is elementary that a claim for loss of financial support may be supported by evidence of the plaintiff’s needs, and the deceased's probable future income, even though inexact, since such proof by its nature usually cannot be precise.” *Shatkin v. McDonnell Douglas Corp.*, 727 F.2d 202, 207 (2d Cir 1984). It is not sufficient for Ms. Jenkins to provide only two years of her income taxes while asking for damages “indefinitely into the future.”

Even accepting Ms. Jenkins' argument in her Supplemental Opposition that Isabella Miller-Jenkins only seeks child support she would have received, this calculation also requires information on Ms. Jenkins' income for every year in which she claims Isabella Miller-Jenkins' suffered damages. While Vermont courts set initial child support payments at the time that custody is transferred, such payments are subject to modification based on passage of time, change in income, marriage of one spouse and other factors. 15 V.S.A. §§ 650-665. Here, Defendants are entitled to investigate how child support may have changed over time.

Conclusion

Ms. Jenkins' Supplemental Opposition and Redline Responses effectively narrowed some of the issues in this case; however, they do not as the Plaintiff claims moot Defendants' requests for financial information and records related to Ms. Jenkins' extreme emotional distress. This information and these documents remain imperative to evaluating damages in this case. Further, Ms. Jenkins' decision to delay supplementing her interrogatory responses and withdrawing claims for damages illustrates that her original objections were made in bad faith thus warranting sanctions.

Dated: Burlington, Vermont
October 14, 2019

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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)	

DECLARATION OF ROBERT B. HEMLEY

I, Robert B. Hemley, declare under penalty of perjury that the following is true and correct:

1. I am an attorney-at-law admitted to practice before this Court and represent Response Unlimited, Inc. (“RUL”), Philip Zodhates, and Victoria Hyden (collectively “Defendants”).

2. By e-mail dated September 30, 2019, attorney for the Plaintiffs, Tyler Clemons, Esq., sent Defendants Janet Jenkins’ First Supplemental Responses to Defendants’ First Set of Interrogatories and Requests to Produce (“Redline Responses”).

3. Attached hereto as Exhibit A, is a true and accurate copy of the Redline Responses sent by Attorney Clemons to Defendants.

Executed this 14th day of October, 2019, in Burlington, Vermont.

Robert B. Hemley
Robert B. Hemley, Esq.

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.

**PLAINTIFF JANET JENKINS'S FIRST SUPPLEMENTAL RESPONSES TO
DEFENDANTS PHILIP ZODHIATES, VICTORIA HYDEN,
AND RESPONSE UNLIMITED, INC.'S FIRST SET OF
INTERROGATORIES AND REQUESTS TO PRODUCE**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, Plaintiff Janet Jenkins, by and through her attorneys, submits the following supplemental responses and objections to Defendants Philip Zodhiates, Victoria Hyden, and Response Unlimited, Inc.'s ("RUL") (collectively, ~~the~~ "RUL Defendants") first set of interrogatories and requests to produce as amended on May 24, 2019 ("Discovery Requests"):

GENERAL OBJECTIONS AND RESERVATIONS OF RIGHTS

Plaintiff expressly incorporates all of the general objections and reserved rights set forth below into each and every response and objection to the Discovery Requests. Specific objections provided below are made in addition to these general objections and reserved rights, and a failure to reiterate a general objection or reserved right shall not constitute a waiver of that or any other objection.

1. These responses and objections are made without in any way waiving or intending to waive: (a) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of any information produced in response to the

Discovery Requests; (b) the right to object on any ground to the use of the information produced in response to the Discovery Requests at any hearing, trial, or other proceeding in this action; (c) the right to object on any ground at any time to a demand for further responses to the interrogatories or further document productions; or (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses or objections contained herein.

2. The information supplied herein and any documents produced are for use in this action and for no other purpose.

3. Any statement by Plaintiff that she will produce documents or information responsive to any Discovery Request does not mean that she possesses responsive materials or that such materials exist, only that she will conduct a reasonable search and produce responsive, non-objectionable, non-privileged information. No response or objection made herein, or lack thereof, is an admission by Plaintiff as to the existence or non-existence of any documents or information.

4. The responses and objections made herein are based on Plaintiff's investigation to date of those sources within her control where she reasonably believes responsive information might exist.

5. Plaintiff's investigation and discovery efforts in this action are ongoing. Plaintiff reserves the right to amend or supplement these responses and objections with additional information that might become available or come to her attention, and to rely upon such information at any hearing, trial, or other point during this action consistent with the applicable Federal Rules of Civil Procedure and the Local Rules of this Court.

6. Plaintiff objects to the RUL Defendants' Definitions and General Instructions to the extent they impose additional or greater obligations than those imposed by the Federal Rules

of Civil Procedure, this Court's local rules, or the discovery schedule approved by the Court (ECF 320, 329, 355).

7. Plaintiff objects to each request to the extent it seeks discovery that is outside the scope permitted by the Federal Rules of Civil Procedure.

8. Plaintiff objects to the Discovery Requests to the extent the discovery sought is unreasonably cumulative or duplicative, is publicly available, or can be obtained from some other source that is more convenient, less burdensome, or less expensive.

9. Plaintiff objects to the Discovery Requests to the extent the discovery sought is available to the RUL Defendants and the burden on the RUL Defendants to obtain the discovery sought is no greater than the burden on Plaintiff. If necessary, Plaintiff will produce any such documents at the RUL Defendants' expense.

10. Plaintiff objects to the Discovery Requests to the extent they demand the production of documents or information that are privileged or otherwise protected against discovery pursuant to the attorney-client privilege, the work product doctrine, the psychotherapist-patient privilege, the consulting expert rule, or any other legally recognized privilege, immunity, or exemption from discovery under any other applicable rule or statutory or common-law protection against disclosure, including the laws of the country or countries where such documents are located. To the extent that any such protected documents or information are inadvertently produced in response to the Discovery Requests, the production of such documents or information shall not constitute a waiver of Plaintiff's right to assert the applicability of any privilege or immunity to the documents or information, and any such documents or information shall be returned to Plaintiff's counsel immediately upon discovery thereof.

11. Plaintiff objects to the service of more than 25 interrogatories, as defined by Rule 33 of the Federal Rules of Civil Procedure, per RUL Defendant. Defendants Zodiates, Hyden, and RUL each have served 49 separate interrogatories. Plaintiff's responses to the excess interrogatories is not a waiver of her objection to the excess interrogatories and to her objection to any effort by any of the RUL Defendants to serve additional interrogatories.

12. Plaintiff objects to the RUL Defendants' definition of Communications as vague and ambiguous. ~~She will~~ and interprets Communications to mean direct communications.

13. Plaintiff notes that Describe is not a defined term, despite its use as a capitalized term in several interrogatories. Plaintiff ~~will~~ interprets Describe as having its ordinary meaning.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

Interrogatory 1. State Your name, any name by which You were previously known, marital status, name of spouse, date of marriage, number and names of children, and current address.

Objection: Plaintiff objects to ~~the~~ this interrogatory's request for her home address as irrelevant to any party's claim or defense. Plaintiff also objects to this interrogatory as causing embarrassment and annoyance, and as unduly intrusive. Plaintiff will disclose the city in which she lives once an appropriate confidentiality order is in place.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that Plaintiff's name is Janet Jenkins. She has previously been known as Janet Miller-Jenkins. Plaintiff married Carolyn Jenkins on May 26, 2010. Plaintiff's children are Isabella Miller-Jenkins and Richard Jenkins. Plaintiff can be reached through her attorneys.

Interrogatory 2. Identify each job, including the annual gross income of that job, You have held from 2004 to the present.

Objection: Plaintiff objects to ~~the~~this interrogatory s request for her annual gross income before 2008 and after 2009 as irrelevant to any party s claim or defense. ~~Plaintiff also objects to the request for her annual gross income as causing embarrassment and annoyance, and as unduly intrusive, especially in the absence of an appropriate confidentiality order.~~Plaintiff also objects to responding to this interrogatory s request for her annual gross income before 2008 and after 2009 in the absence of an appropriate confidentiality order.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that ~~since 2004, Plaintiff has been self employed and operated a child care and pre-school, or has been a stay at home parent.~~she operated We Care Child Care, a daycare and preschool, from 2003 to 2013 at 17 Carnarvon Street, Fair Haven, Vermont 05743. Both she and Lisa Miller worked at the daycare until Lisa moved to Virginia; Plaintiff was the sole employee since then.

In 2008 and 2009, Plaintiff worked for 820 River Street, Inc., 428 Duane Avenue, Schenectady, New York 12304, as a counselor at a women s halfway house.

Plaintiff has been a stay-at-home parent since 2013. She continued to provide childcare services at 17 Carnarvon Street, Fair Haven, Vermont 05743 in 2013, 2014, and 2015.

Interrogatory 3. Set forth the reason or reasons You decided not to adopt Isabella.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that Plaintiff did not adopt her daughter Isabella because there is no need or reason for a parent to adopt her daughter. Isabella is Plaintiff s child, both because she is a child of Plaintiff s civil union with Defendant Lisa Miller and because Plaintiff acted as parent to Isabella.

Interrogatory 4. As to any treatment, including but not limited to behavior therapy, psychological treatment, anger management or peer-based recovery programs, which You have received for mental health, including but not limited to treatment for depression, anxiety, situational disorders, violent tendencies or substance abuse, and as to each course or episode of treatment, Identify the provider, clinic, therapist, group, group leader, and dates of treatment.

Objection: Plaintiff objects to this interrogatory as seeking information that is irrelevant to any party s claim or defense and protected by the psychotherapist patient privilege. Plaintiff also objects to this interrogatory as causing embarrassment and annoyance, ~~and~~ as unduly intrusive, and as disproportional to the needs of the case. Plaintiff also objects to responding to this interrogatory in the absence of an appropriate confidentiality order.

Interrogatory 5. With respect to Your relationship with Lisa, describe how and when You met, when and where You lived during the times You were living together, and when and why You separated.

~~**Objection:** Plaintiff objects to responding to this interrogatory in the absence of an appropriate confidentiality order.~~ **Response:** Subject to and without waiving any general or specific objection, Plaintiff responds that she met Lisa at Alcoholics Anonymous in Falls Church, Virginia in December 1997.

Plaintiff and Lisa lived together in:

Falls Church, Virginia starting in or about February 1998;

Centerville, Virginia starting in 1998;

Hamilton, Virginia starting in 1999; and

Fair Haven, Vermont starting in 2002 until 2003.

Plaintiff and Lisa separated because Lisa refused to seek help for her depression after a miscarriage but then agreed to seek help from a counselor she had seen in Virginia. Plaintiff and Lisa attempted a trial separation that later became permanent.

Interrogatory 6. How long after Your separation from Lisa did You commence a dating or romantic relationship with another Person? As to each such dating or romantic relationship, Identify the Person involved with You and the dates.

Objection: Plaintiff objects to this interrogatory as seeking information that is irrelevant to any party s claim or defense. Plaintiff also objects to this interrogatory as causing embarrassment and annoyance, and as unduly intrusive.

Interrogatory 7. Identify and Describe any investigation, criminal or civil, into Allegations of physical, mental or sexual abuse or neglect by You of Isabella, including the results of such investigations.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that the Department of Social Services in Winchester, Virginia conducted an investigation into an allegation of abuse, made in the context of the litigation over visitation rights and custody of Isabella. On December 18, 2007, that department informed Plaintiff that the investigation found that the allegation was unfounded. In its Findings of Fact, Conclusion of Law, and Order dated November 20, 2009, the Rutland Family Court found that [t]here is no evidence of abuse of IMJ by either Ms. Miller or Ms. Jenkins.

Interrogatory 8. Identify and Describe any mental health services including, but not limited to, therapy, play therapy or psychological evaluations, that Isabella received at any time. As to each, Identify the provider, the reasons for the service, who arranged for it, who paid for it, and the dates.

Objection: Plaintiff objects to responding to this interrogatory in the absence of an appropriate confidentiality order.

Interrogatory 9. Set forth each and every occasion on which You contend that Zodiates and/or Hyden met or Communicated with Lisa, and as to each such occasion, set forth where and when it occurred, and the content of any Communications.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also objects

that the information sought concerning Defendant Zodiates s and Defendant Hyden s -contacts with Defendant Lisa Miller is known to the RUL Defendants.

Response: Plaintiff notes that this Interrogatory comprises two separate interrogatories. Subject to and without waiving any general or specific objection: (1) Plaintiff ~~responds~~ contends that Defendant Zodiates met or communicated several times with Defendant Lisa Miller concerning the conspiracy described in the Revised Second Amended Complaint, including but not limited to:

April 27, 2009, by phone in Virginia; see, for example, Government Exhibit 60b in *United States v. Zodiates* (*Zodiates*), No. 1:14-cr-175 (W.D.N.Y.), and Government Exhibit 20b in *United States v. Kenneth L. Miller* (*Kenneth L. Miller*), No. 2:11-cr-161 (D. Vt.);

May 29, 2009, by email and phone in Virginia; see, for example, Government Exhibits 31 and 60b in *Zodiates*, and Government Exhibit 20b in *Kenneth L. Miller*;

September 12, 2009, by phone in Virginia; see, for example, Government Exhibit 20b in *Kenneth L. Miller*;

September 20, 2009, in person in Virginia; see, for example, Government Exhibit 86 in *Zodiates*, testimony of Jennie Emmons on September 27, 2016, in *Zodiates*, testimony of Terry Miller on August 9, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodiates*, and testimony of Douglas Wright on August 10, 2012, in *Kenneth L. Miller*, and on September 26, 2016, in *Zodiates*;

September 21, 2009, in person starting in Virginia; see, for example, Government Exhibit 86 in *Zodhiates*, and testimony of Jennie Emmons on September 27, 2016, in *Zodhiates*;

and (2) Plaintiff ~~responds~~contends that Defendant Hyden met or communicated with Defendant Lisa Miller concerning the conspiracy described in the Revised Second Amended Complaint at times and locations expected to be determined during discovery.

Interrogatory 10. Set forth each and every occasion on which You contend that *Zodhiates* and/or Hyden met or Communicated with any of the other Defendants about Lisa or any activity related to Isabella, and as to each such occasion, set forth where and when it occurred, and the content of any Communications.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also repeats her objection that the information sought concerning Defendant *Zodhiates* s and Defendant Hyden s contacts with other Defendants is known to the RUL Defendants.

Response: Plaintiff notes that this ~~I~~interrogatory comprises two separate interrogatories.

Subject to and without waiving any general or specific objection, Plaintiff ~~responds~~contends that Defendant *Zodhiates* met or Communicated with other Defendants concerning the conspiracy described in the Revised Second Amended Complaint at numerous times, including but not limited to those described during, and in exhibits introduced at, the criminal trials of Defendant *Zodhiates*, *United States v. Philip-Zodhiates (Zodhiates)*, No. 1:14-cr-175 (W.D.N.Y.), and Defendant Kenneth Miller, *United States v. Kenneth L. Miller (Kenneth L. Miller)*, No. 2:11-cr-161 (D. Vt.), and in documents produced by Defendants in this litigation. These meetings and communications include but are not limited to:

April 27, 2009, with Defendant Lisa Miller by phone in Virginia; see, for example, Government Exhibit 60b in *Zodhiates*, and Government Exhibit 20b in *Kenneth L. Miller*;

May 29, 2009, with Defendant Lisa Miller by email and phone in Virginia; see, for example, Government Exhibits 31 and 60b in *Zodhiates*, and Government Exhibit 20b in *Kenneth L. Miller*;

September 12, 2009, with Defendant Lisa Miller by phone in Virginia; see, for example, Government Exhibits 20b and 29 in *Kenneth L. Miller*;

September 17, 2009, with Defendant Kenneth Miller by phone; see, for example, Government Exhibit 21 in *Kenneth L. Miller*;

September 20, 2009, with Defendant Lisa Miller in person in Virginia; see, for example, Government Exhibit 86 in *Zodhiates*, testimony of Jennie Emmons on September 27, 2016, in *Zodhiates*, testimony of Terry Miller on August 9, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodhiates*, and testimony of Douglas Wright on August 10, 2012, in *Kenneth L. Miller*, and on September 26, 2016, in *Zodhiates*;

September 21, 2009, ~~severally~~ with Defendant Lisa Miller, ~~Kenneth Miller, and RUL~~ in person starting in Virginia; see, for example, Government Exhibit 86 in *Zodhiates*, and testimony of Jennie Emmons on September 27, 2016, in *Zodhiates*;

September 21, 2009, with Defendant Kenneth Miller by phone; see, for example, Government Exhibit 21 in *Kenneth L. Miller*;

September 21, 2009, with Defendant RUL by phone; see, for example, Government Exhibit 21 in *Kenneth L. Miller*, and Government Exhibit 88b in *Zodhiates*;

September 22, 2009, ~~severally~~ with Defendant Lisa Miller, ~~Kenneth Miller, Hyden, RUL, and Liberty Counsel~~ in person near the United States Canada border; see, for example, Government Exhibit 86 in *Zodhiates*, testimony of Jennie Emmons on September 27, 2016, in *Zodhiates*, and testimony of Ervin Horst on August 8, 2012, in *Kenneth L. Miller*, and on September 21, 2016, in *Zodhiates*;

September 22, 2009, with Defendant Kenneth Miller by phone; see, for example, Government Exhibit 21 in *Kenneth L. Miller*;

September 22, 2009, with Defendant Hyden by phone; see, for example, Government Exhibit 21 in *Kenneth L. Miller*;

September 22, 2009, with Defendant RUL, and by phone; see, for example, Government Exhibit 88d in *Zodhiates*;

September 22, 2009, with Defendant Liberty Counsel by phone; see, for example, Government Exhibit 21 in *Kenneth L. Miller*, Government Exhibit 88d in *Zodhiates*, and testimony of Jennie Emmons on September 27, 2016, in *Zodhiates*;

October 23, 2009, with Defendant Hyden by email; see, for example, RUL1103 RUL1104;

November 9, 2009, with Defendant Hyden by email; see, for example, RUL1078, RUL1127;

November 10, 2009, with Defendant Hyden by email; see, for example, RUL1079 RUL1081, RUL1082;

November 11, 2009, with Defendant Hyden by email; see, for example, RUL1083 RUL1085;

November 13, 2009, with Defendant Timothy Miller by email; see, for example, RUL1093 RUL1097, RUL1098 RUL1102;

April 13, 2010, with Defendant Kenneth Miller by email; see, for example, RUL0986, RUL1017;

April 19, 2010, with Defendant Kenneth Miller by email; see, for example, RUL0984 RUL0985, RUL1015 RUL1016;

April 26, 2010, with Defendant Kenneth Miller by email; see, for example, RUL0974, RUL1005;

June 8, 2010, with Defendant Kenneth Miller by email; see, for example, RUL0970, RUL0971, RUL1001, RUL1002-;

On or about June 9, 2010, with Defendant Kenneth Miller in person; see, for example, RUL1001.

Subject to and without waiving any general or specific objection, Plaintiff

~~responds~~contends that Defendant Hyden met or Communicated with other Defendants concerning the conspiracy described in the Revised Second Amended Complaint at several times, including but not limited to those described during, and in exhibits introduced at, the criminal trials in *Zodhiates and Kenneth L. Miller* of *Zodhiates, United States v. Philip Zodhiates*, No. 1:14-cr-175 (W.D.N.Y.), and *Kenneth Miller, United States v. Kenneth L. Miller*, No. 2:11-cr-161 (D. Vt.), and in documents produced by Defendants in this litigation. These

meetings and communications include but are not limited to those listed in the response to other Interrogatories, as well as the following:

September 22, 2009, with Defendant Zodhiates by phone; see, for example,
Government Exhibit 21 in *Kenneth L. Miller*;

~~On or about~~ October 23, 2009, ~~severally~~ with Defendant Zodhiates ~~and~~
Lindevaldsen by email; see, for example, RUL1103 RUL1104;

On or about October 23, 2009, with Defendant Lindevaldsen; see, for example,
RUL1103 RUL1104;

~~On or about~~ November 9, 2009, ~~severally~~ with Defendant Zodhiates ~~and~~
Lindevaldsen by email; see, for example, RUL1078, RUL1127;

November 9, 2009, with Defendant Lindevaldsen; see, for example, RUL1078,
RUL1127;

November 10, 2009, with Defendant Zodhiates by email; see, for example,
RUL1079 RUL1081, RUL1082;

On or about November 10, 2009, with Defendant Lindevaldsen; see, for example,
RUL1079 RUL1081, RUL1082;

~~On or about~~ November 11, 2009, ~~severally~~ with Defendant Zodhiates ~~and~~
Lindevaldsen; by email; see, for example, RUL1083 RUL1085;

On or about November 11, 2009, with Defendant Lindevaldsen; see, for example,
RUL1083 RUL1085.

Interrogatory 11. Set forth the basis upon which You contend that RUL participated in any illegal or improper activities, and as to each activity You contend was illegal or

improper, describe it fully, including all participants, the dates and the content of any Communications associated with it.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also repeats her objection that the information sought concerning Defendants' contacts with other Defendants is known to Defendants. Plaintiff also objects ~~that~~to the term "illegal or improper activities" ~~is~~as vague and ambiguous; and interprets it to mean "criminal activities." Plaintiff also objects to this interrogatory as seeking information that is irrelevant to any party's claim or defense.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that RUL acted through its officer Defendant Zodiates, including but not limited to times that Defendant Zodiates used RUL email and RUL telephone accounts in the course of the conspiracy described in the Revised Second Amended Complaint.

Interrogatory 12. With respect to the Allegations in paragraph 29 of the Revised Second Amended Complaint, set forth:

- a. the basis for Your contention that RUL was working with lawyers at Liberty Counsel to raise funds in support of the effort to terminate [Your] contact with [Your] daughter, Isabella ;
- b. when and how Zodiates offered Liberty Counsel a personal option ; and
- c. what You understand to be a personal option, as alleged.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: Plaintiff notes that this ~~I~~nterrogatory comprises three separate interrogatories. Subject to and without waiving any general or specific objection, Plaintiff responds that:

- a. Defendant RUL and Defendant Liberty Counsel entered into an agreement by which Defendant RUL, among other things, helped Defendant Liberty Counsel fundraise for its representation of Defendant Lisa Miller to terminate Plaintiff's contact with Isabella.

b. At least one time that Defendant Zodhiates offered Defendant Liberty Counsel a personal option for Defendant Lisa Miller was on January 21, 2009, through an email to William Sidebottom, a Liberty Counsel employee.

c. The personal option was the removal of Isabella from the jurisdiction of Vermont and Virginia courts and her retention outside of those jurisdictions.

Interrogatory 13. With respect to the Allegations in paragraph 34 of the Revised Second Amended Complaint, set forth:

- a. which co-conspirators had devised a plan to kidnap Isabella . . . ; and
- b. whether You contend that Zodhiates, Hyden and/or RUL played a role in devising the plan, and if so:
 - i. how, when, and where they played such roles; and
 - ii. what You contend their roles, or any of them, were in fulfilling the plan, as devised.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: Plaintiff notes that this **I**nterrogatory comprises at least four separate interrogatories. Subject to and without waiving any general or specific objection, Plaintiff responds ~~that~~as follows:

a. All co-conspirators helped devise a plan to kidnap Isabella.

b. Plaintiff contends that Defendant Zodhiates:

___proposed the personal option to Defendant Liberty Counsel and Defendant Lisa Miller, in Virginia in 2009; see, for example:

- Government Exhibit 26 in *Zodhiates*;
- RUL0049, RUL0291, and RUL0436;
- Testimony of William Sidebottom on September 22, 2016, in *Zodhiates*;

___enlisted other co-conspirators, in Virginia in 2009; see, for example:

- Government Exhibits 41, 44, 45, 46, 47a, and 125 in *Zodhiates*;

- RUL1078 RUL1085, RUL1103 RUL1104, and RUL1127;

transported Lisa and Isabella to the United States-Canada border from Virginia

in September 2009; see, for example:

- Government Exhibits 16, 17, 18, 19, 20b, 21, 22, 23, 24b, 25a, 25b, 26a, 26b, 27a, 27b, 28, 29, 30a, 30b, 31a, 31b, 31d, 34, 35, 45, 46, 47, 49, 49a, 61a, 61b, 61c, 61d, 65a, 65b, 65c, 66b, 66c, 66d, 66e, 70a, and 70b in *Kenneth L. Miller*;
- Government Exhibits 2a, 2b, 2c, 2d, 4a, 4c, 4d, 36, 37, 38d, 38e, 38j, 40, 60a, 60b, 63, 64, 65, 67a, 67b, 68a, 68b, 69a, 69b, 70, 71b, 72b, 72c, 82b, 82c, 86, 88a, 88b, 88c, 88d, 89a, 89b, 89d, 90a, 90b, 108a, 108b, 108c, 109b, 109c, 109d, 109e, 113b, 113c, 113d, 118a, 118b, 118c, 125, 126, 128, 134, 135, 136, 137, 138, 140, 141, 142, 143, and 146 in *Zodhiates*;
- RUL0335 RUL0336, RUL0509, RUL0729 RUL0730, RUL0736, RUL0740, RUL0745, and RUL0752;
- Testimony of Annie Joyner on August 9, 2012, in *Kenneth L. Miller*, and on September 22, 2016, in *Zodhiates*;
- Testimony of Beatrice Daugherty Conner on September 23, 2016, in *Zodhiates*;
- Testimony of Douglas Wright on August 10, 2012, in *Kenneth L. Miller*, and on September 26, 2016, in *Zodhiates*;
- Testimony of Ervin Horst on August 8, 2012, in *Kenneth L. Miller*, and on September 21, 2016, in *Zodhiates*;
- Testimony of Ginamarie Jonah on September 21, 2016, in *Zodhiates*;

- Testimony of James Mattsson on August 9, 2012, in *Kenneth L. Miller*;
- Testimony of Janet Stasulli on August 8, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodhiates*;
- Testimony of Jonathan Joel Baugher on September 23, 2016, in *Zodhiates*;
- Testimony of Mary Jones on August 9, 2012, in *Kenneth L. Miller*;
- Testimony of Melanie Granger on August 8, 2012, in *Kenneth L. Miller*;
- Testimony of Sherrie Robins on September 21, 2016, in *Zodhiates*;
- Testimony of Terry Miller on August 9, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodhiates*;

___ helped deliver communications from Defendant Lisa Miller in Nicaragua to co-conspirators in the United States starting in 2009; see, for example:

- Government Exhibits 41, 45, 46, 47a, and 125 in *Zodhiates*;
- RUL1079 RUL1085, and RUL1103 RUL1104;

___ helped coordinate the removal of belongings from Defendant Lisa Miller and Isabella s Virginia home and their transportation to Defendant Lisa Miller and Isabella in Nicaragua; see, for example:

- Government Exhibits 41, 44, 47a, 48, 49b, 96f, 125, and 132 in *Zodhiates*;
- RUL0930 RUL0943, RUL0945 RUL0949, RUL0951 RUL0955, RUL1053 1071, RUL1078, RUL1083 RUL1085, RUL1089 RUL1104, RUL1127, and RUL1134 1147;

___ helped arrange the payment of rent for Defendant Lisa Miller s Virginia home starting in 2009; ~~and~~see, for example:

- Government Exhibit 46 in *Zodhiates*,
- RUL1082;

___ helped coordinate sending money from the United States to Defendant Lisa Miller in Nicaragua starting in 2010-; see, for example:

- Government Exhibits 52, 53, 54, 112a, 112b, 112c, 112d, 115a, 115b, 124, and 125 in *Zodhiates*;
- RUL0958 RUL0969, RUL0974 RUL0986, RUL0989 RUL1000, and RUL1005 RUL1017.

Plaintiff contends that Defendant Hyden:

___-helped coordinate the transportation of Defendant Lisa Miller and Isabella to the United States-Canada border from Virginia in 2009, including by communicating with Terry Miller; see, for example:

- Government Exhibits 25a, 25b, 26a, and 26b in *Kenneth L. Miller*;
- Government Exhibits 68a, 68b, 69a, 69b, and 138 in *Zodhiates*;
- Testimony of Terry Miller on August 9, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodhiates*;

___ helped deliver communications from Defendant Lisa Miller in Nicaragua to co-conspirators in the United States starting in 2009; ~~and~~see, for example:

- Government Exhibits 41, 45, 46, 47a, and 125 in *Zodhiates*;
- RUL1079 RUL1085, and RUL1103 RUL1104;

___ helped coordinate the removal of belongings from Defendant Lisa Miller and Isabella s Virginia home and their transportation to Defendant Lisa Miller and Isabella in Nicaragua; see, for example:

- Government Exhibits 41, 44, 47a, 125, and 133 in *Zodhiates*,
- RUL1078, RUL1083 RUL1085, and RUL1127;

___ helped arrange the payment of rent for Defendant Lisa Miller s Virginia home starting in 2009-; see, for example:

- Government Exhibit 46 in *Zodhiates*;
- RUL1082.

~~Also, see~~ See also responses to Interrogatories numbered 11 and 12.

Interrogatory 14. With respect to Your contentions in paragraph 38 of the Revised Second Amended Complaint, set forth separately as to *Zodhiates* and *Hyden*:

- a. when do You contend *Zodhiates* and/or *Hyden* became acquainted with Kenneth Miller; and
- b. whether You contend that *Zodhiates* or *Hyden* Communicated with Kenneth Miller or Timothy Miller, and if so, when and the content of the Communication.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: Plaintiff notes that this interrogatory comprises four interrogatories. Subject to and without waiving any general or specific objection, Plaintiff responds ~~that~~ as follows:

- a. Plaintiff contends that Defendant *Zodhiates* was acquainted with Defendant Kenneth Miller ~~by early 2009~~ no later than when Defendant *Zodhiates* s children attended Pilgrim Christian Fellowship, which Defendant Kenneth Miller s children also attended. See, for example, testimony of Beatrice Daugherty Conner on September 23, 2016, in *Zodhiates* and testimony of Duane Weaver on September 27, 2016, in *Zodhiates*. Plaintiff contends that

Defendant Hyden was acquainted with Defendant Kenneth Miller ~~by early 2009~~ no later than when Defendant Zodhiates s children attended Pilgrim Christian Fellowship, which Defendant Kenneth Miller s children also attended. See, for example, testimony of Beatrice Daugherty Conner on September 23, 2016, in *Zodhiates* and testimony of Duane Weaver on September 27, 2016, in *Zodhiates*.

b. Plaintiff contends that Defendant Zodhiates Communicated with Defendant Kenneth Miller and Defendant Timothy Miller; see response to Interrogatory numbered 10. Plaintiff contends that Defendant Hyden Communicated with Defendant Kenneth Miller and Defendant Timothy Miller; at times expected to be determined during discovery.

Interrogatory 15. Do You contend that Zodhiates and/or Hyden knew, or know, the intended destination of Lisa and Isabella? If so, set forth Your contention as to what either of them knew, when, and by whom it was Communicated to either of them.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also objects ~~that~~ to the term knew, or know ~~in this Interrogatory is~~ as vague and ambiguous; and ~~will~~ interprets it as knew.

Response: Plaintiff notes that this interrogatory comprises two interrogatories. Subject to and without waiving any general or specific objection, Plaintiff ~~responds~~ contends that Defendant Zodhiates knew by September 2009 that the intended destination of Defendant Lisa Miller and Isabella was Nicaragua ~~and~~ because of his involvement in the conspiracy. See response to Interrogatory numbered 13. Plaintiff contends that Defendant Hyden knew by September 2009 that the intended destination of Lisa and Isabella was Nicaragua because of her involvement in the conspiracy. See response to Interrogatory numbered 13.

Interrogatory 16. With respect to the Allegations set forth in paragraph 41 of the Revised Second Amended Complaint, do You contend that Zodhiates and/or Hyden

participated in, or were aware of any Communications between, Lisa and Andrew Yoder? If so, state the basis of that contention.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: Plaintiff notes that this interrogatory comprises two interrogatories. Subject to and without waiving any general or specific objection, Plaintiff ~~responds that she does not yet know whether~~ contends that Defendant Zodiates participated in, or was aware of, any Communications between Defendant Lisa Miller and Andrew Yoder because of his involvement in the conspiracy. See response to Interrogatory numbered 13. Plaintiff contends that, ~~and that she does not yet know whether~~ Defendant Hyden participated in, or was aware of, any Communications between Defendant Lisa Miller and Andrew Yoder because of her involvement in the conspiracy. See response to Interrogatory numbered 13.

Interrogatory 17. With respect to the Allegations set forth in paragraph 44 of the Revised Second Amended Complaint, state the basis for Your contentions:

- a. Victoria Zodiates delivered mails from her father during this time period to Rena Lindevaldsen . . . and
- b. On September 20, 2009, both Philip Zodiates and Victoria Hyden communicated with Lisa Miller s father, Terry Miller, in Tennessee . . .

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: Subject to and without waiving any general or specific objection:

a. Plaintiff refers Defendants to the testimony and exhibits, including phone records and emails, introduced at the criminal trials in Zodiates and Kenneth L. Miller ~~of Zodiates, United States v. Philip Zodiates, No. 1:14-cr-175 (W.D.N.Y.), and Kenneth Miller, United States v. Kenneth L. Miller, No. 2:11-cr-161 (D. Vt.),~~ including but not limited to:

Government Exhibits 41, 44, 45, 46, 47a, 48, 49b, 96f, 125, 132, 133 in

Zodhiates;

Government Exhibits 36f and 36g in *Kenneth L. Miller*;

Testimony of Anthony Phelps on September 23, 2016 in *Zodhiates*;

Testimony of Douglas Wright on August 10, 2012, in *Kenneth L. Miller*, and on

September 26, 2016 in *Zodhiates*;

Testimony of John Collmus on September 23, 2016, in *Zodhiates*;

Testimony of Richard Bowman on September 27, 2016, in *Zodhiates*;

and to documents produced by Defendants in this case, including but not limited to: ~~RUL1079, RUL1082, RUL1083, RUL1127, and RUL1078.~~

RUL1078 RUL1085;

RUL1103 RUL1104;

RUL1127.

b. Plaintiff refers Defendants to the testimony and exhibits, including phone records and emails, introduced at the criminal trials in *Zodhiates* and *Kenneth L. Miller* ~~of *Zodhiates*, *United States v. Philip Zodhiates*, No. 1:14-cr-175 (W.D.N.Y.), and *Kenneth Miller*, *United States v. Kenneth L. Miller*, No. 2:11-cr-161 (D. Vt.)~~, which show that phone numbers used by Defendant Zodhiates and Defendant Hyden communicated with a phone number used by Terry Miller, including but not limited to:

Government Exhibits 2a, 2b, 2c, 2d, 4a, 4c, 4d, 36, 37, 38d, 38e, 38j, 60a, 60b,

61, 63, 64, 65b, 68a, 68b, 82b, 82c, 86, 90a, 90b, 125, 128, 134, 136, 138, and

140 in *Zodhiates*;

Government Exhibits 16, 17, 18, 19, 20b, 21, 23, 25a, 25b, 26b, 30a, 30b, 31a, 31b, 31d, 35, 46, and 47 in *Kenneth L. Miller*;

Testimony of Annie Joyner on August 9, 2012, in *Kenneth L. Miller*, and on September 22, 2016, in *Zodhiates*;

Testimony of Douglas Wright on August 10, 2012, in *Kenneth L. Miller*, and on September 26, 2016, in *Zodhiates*;

Testimony of James Mattsson on August 9, 2012, in *Kenneth L. Miller*;

Testimony of Janet Stasulli on August 8, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodhiates*;

Testimony of Jennie Emmons on September 27, 2016, in *Zodhiates*;

Testimony of Mary Jones on August 9, 2012, in *Kenneth L. Miller*;

Testimony of Terry Miller on August 9, 2012, in *Kenneth L. Miller*, and on September 23, 2016, in *Zodhiates*.

Interrogatory 18. With respect to the Allegations set forth in paragraph 46 of the Revised Second Amended Complaint, set forth the basis for Your contention that Victoria Hyden used her employment at Liberty University to facilitate Ms. Miller's communication with her lawyer, Rena Lindevaldsen . . .

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: See response to Interrogatory numbered 17(a).

Interrogatory 19. Set forth separately as to *Zodhiates*, Hyden, and RUL, the basis for Your contention, as set forth in paragraph 57 of the Revised Second Amended Complaint that they assisted Lisa in leaving the United States in advance of September 25, 2009.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: Plaintiff notes this interrogatory comprises three interrogatories. See response to Interrogatory 13.

Interrogatory 20. Describe all efforts You have made to locate Isabella, including all dates, Communications, and the Identity of all Persons contacted.

Objection: Plaintiff objects to this interrogatory as unduly burdensome and impossible to answer because she has tried to locate Isabella almost every day for almost a decade. Plaintiff also objects that much of this information is known to Defendants through discovery, testimony, and exhibits at the criminal trials in *Zodhiates and Kenneth L. Miller* ~~of *Zodhiates, United States v. Philip Zodhiates, No. 1:14-cr-175 (W.D.N.Y.)*, and *Kenneth Miller, United States v. Kenneth L. Miller, No. 2:11-cr-161 (D. Vt.)*~~.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that her efforts to locate her daughter have been unceasing and include, but are not limited to:

- ___-contacting and cooperating with law enforcement including Virginia authorities, Vermont authorities, federal authorities including the FBI and the United States Attorney Offices in several states; including but not limited to:
 - Communicating in person and by telephone and fax with the Bedford County, Virginia Sheriff s Office, 1345 Falling Creek Road, Bedford, Virginia 24523, including Mike Miller and Robbie Nash, in or around November 2009;
 - Asking her sister, Linda Garcia (c/o Sarah Star, Sarah Star, PL, PO Box 106, Middlebury, Vermont 05753), to drive by Defendant Lisa Miller s house in Virginia;

- Notifying, through counsel, the Rutland, Vermont Family Court in December 2009 that Defendant Lisa Miller appeared to be missing;
- Communicating by phone and in person with the Falls Church, Virginia Police Department, 300 Park Avenue, East Wing, Ground Level, Falls Church, Virginia 22046, in or around January 2010;
- Communicating by phone and in person with the Fair Haven, Vermont Police Department, 3 North Park Place, Fair Haven, Vermont 05743, including Chief William Humphries, in January 2010 and going to the police station with her father, Claude Jenkins (c/o Sarah Star, Sarah Star, PL, PO Box 106, Middlebury, Vermont 05753);
- Mailing documents to Chief William Humphries of the Fair Haven, Vermont Police Department, on January 6, 2010;
- Communicating by phone and in person with the Castleton, Vermont Police Department, 273 Route 30 North PO Box 727, Castleton, Vermont 05735, including Detective Gary Boutin, in or around January 2010;
- Communicating with the Federal Bureau of Investigation in Burlington, Vermont, including Special Agent Dana Kaegle;
- Giving pictures and descriptions of Isabella and her birthmarks to Special Agent Kaegle;
- Communicating and filing a missing person report with the National Center for Missing and Exploited Children, 333 John Carlyle Street Suite #125, Alexandria, Virginia 22314-5950, including Meredith Morrison, in January 2010;

- Communicating with the United States Attorney s Office for the District of Vermont in Burlington, Vermont, including Assistant United States Attorneys Paul Van de Graaf and Eugenia Cowles in or around April 2011;
- Emailing Vermont court orders to Assistant United States Attorneys Paul Van de Graaf and Eugenia Cowles on August 9, 2012;
- Communicating by phone and email with the United States Department of State, Office of Children s Issues, 2201 C Street, NW, SA-17, 9th Floor, Washington, DC 20522-1709, including Emily Brown, in 2014 or 2015 and in 2017;

Seeking a warrant for Lisa Miller s arrest from the Rutland, Vermont Family Court;

Testifying at enforcement hearings in Virginia convened to locate Isabella;

~~b~~Bringing the instant and related lawsuits in the United States District Court for the Western District of Virginia, *Jenkins v. Miller*, No. 6:18-cv-78 (W.D. Va.);

~~e~~Conducting countless internet searches;

Receiving tips from the public and acquaintances of the Defendants and passing that information to lawyers and law enforcement;

~~h~~Hiring counsel; ~~and~~

~~g~~Giving media interviews.

Interrogatory 21. Identify all Persons You believe were involved in the physical transportation of Lisa and Isabella to a location near the Canadian border, as alleged in

paragraph 60 of the Revised Second Amended Complaint, including the identity of the RUL employee referenced in paragraph 36 of the Revised Second Amended Complaint.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also objects ~~that~~to the term involved in the physical transportation of Lisa and Isabella ~~is~~as vague and ambiguous. ~~Plaintiff will and~~ interprets ~~it that term~~ to refer to the car and driver that took Defendant Lisa Miller and Isabella to the Canadian border in September 2009, but not to other Persons who might have been involved in planning or assisting that physical transportation.

Response: Subject to and without waiving any general or specific objection, Plaintiff responds that Defendant Zodiates and a taxi driver were involved in the physical transportation of Defendant Lisa Miller and Isabella to a location near the Canadian border, as alleged in paragraph 60 of the Revised Second Amended Complaint.

Interrogatory 22. Do You contend that Zodiates and/or Hyden know the location of Lisa or Isabella? If so, state the basis for any such contention.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also objects ~~that~~to the phrase know the location ~~is~~as vague and ambiguous. ~~Plaintiff will and~~ interprets ~~the phrase know the location~~ ~~it~~ to mean ~~knowledge of the current location of Lisa or Isabella at any time since September 2009.~~

Response: Plaintiff notes that this interrogatory comprises two interrogatories. Subject to and without waiving any general or specific objection, Plaintiff ~~responds~~contends that ~~upon information and belief,~~ Defendant Zodiates knows the current location of Defendant Lisa Miller and Isabella ~~from~~because of his participation involvement in the conspiracy ~~described in the Revised Second Amended Complaint, and~~ See response to Interrogatory numbered 13. Plaintiff contends that Defendant Hyden knows the current location of Defendant Lisa Miller and Isabella

~~from~~ because of her ~~participation~~ involvement in the conspiracy ~~described in the Revised Second Amended Complaint.~~ See response to Interrogatory numbered 13.

Interrogatory 23. Describe the conspiracy or conspiracies alleged in Counts One and Two of the Revised Second Amended Complaint, including as to each conspiracy:

- a. when it was formed;
- b. who its members were/are;
- c. when its members joined the conspiracy;
- d. which, if any of its members have left the conspiracy, and as to each such member, the date and means of leaving the conspiracy;
- e. the purpose of the conspiracy; and
- f. the means by which the purpose was accomplished, including the role of each alleged participant.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation.

Response: The conspiracy described in the Revised Second Amended Complaint was to remove Isabella from the jurisdiction of the courts or authorities which could enforce court ordered visitation with Plaintiff and to prevent Plaintiff from visiting with or having custody of her daughter Isabella. The conspiracy is described in detail in the Revised Second Amended Complaint. If necessary, Plaintiff will supplement her response to this contention interrogatory at the conclusion of discovery.

Interrogatory 24. Identify every action You believe Zodiates, Hyden, and RUL took as a member of any alleged conspiracy.

Objection: Plaintiff repeats her objection that discovery is ongoing. Plaintiff also objects to this contention interrogatory as premature at this stage of the litigation. Plaintiff also objects to the term any conspiracy as vague and ambiguous, and interprets ~~this term as referring~~ it to refer to the conspiracy described in the Revised Second Amended Complaint.

Response: Plaintiff notes this interrogatory comprises three interrogatories. Subject to and without waiving any general or specific objection, Plaintiff refers to her answers to ~~the other~~

~~interrogatories, including but not limited to~~ Interrogatories numbered 9, 10, 11, 12, 13, 14, 17, 18, 19, 21, and 23. Plaintiff will supplement her response to this contention interrogatory if necessary at the conclusion of discovery.

Interrogatory 25. Have You sought treatment for the alleged emotional distress You claim to have suffered? If so, set forth the providers, dates, and cost of treatment.

Objection: Plaintiff objects to this interrogatory as irrelevant to any party s claim or defense, disproportional to the needs of the case, and harassing, and as calling for privileged information. Plaintiff also objects to responding to this interrogatory in the absence of an appropriate confidentiality order.

Interrogatory 26. With respect to the daycare center referenced in paragraph 69 of the Revised Second Amended Complaint, state:

- a. its name, dates of operation, and any licenses You or it held, including dates of issuance;
- b. whether any complaints had ever been made concerning the daycare center, and if so, the dates and by whom; and
- c. the gross and net income for each year of its operation.

Objection: Plaintiff objects to this interrogatory as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing. Plaintiff also objects to responding to this interrogatory in the absence of an appropriate confidentiality order. Plaintiff also notes that this interrogatory comprises three interrogatories.

Interrogatory 27. Set forth any calculations as to the damage and injury to [Your] business and property, as alleged in paragraph 69 of the Revised Second Amended Complaint.

Objection: Plaintiff objects to this interrogatory as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing, and as calling for privileged information. Plaintiff also objects to this interrogatory as premature at this stage of the litigation and as seeking expert discovery prematurely.

Interrogatory 28. ~~What, if any, monies have You set aside to satisfy Your child care obligations? As to such, Identify any institution or account in which the monies have been set aside.~~ As to Your claim in paragraph 71 of the Revised Second Amended Complaint that Isabella has suffered the loss of financial support from Janet Jenkins, and is currently being deprived of an education, medical and dental care and the support of her extended family, including grandparents Ruth and Claude Jenkins, which factors currently and will in the future result in an injury to Isabella s property and future business and employment, please detail:

- a. Janet Jenkins personal annual income and expenditures since 2004;
- b. The amount and source of any monies which You claim would have been available to provide Isabella with education, medical and dental care, and any additional financial support from her extended family;
- c. Janet Jenkins assets each year since 2004, including real estate, other hard assets, and the names of financial institutions and account numbers containing resources which were or are available for Isabella s education, medical and dental care and other financial support;
- d. the annual income, since 2004, of all persons who were or are expected to contribute to Isabella s education, medical and dental care and other financial support; and
- e. the disposable income, since 2004, after use for support of self or others, of all persons who were or are expected to contribute to Isabella s education, medical and dental care and other financial support.

Objection: ~~Plaintiff objects to this interrogatory as incomprehensible because it assumes the existence of child care obligations that require monies to be set aside.~~ Plaintiff objects to this interrogatory s request for her personal annual income, disposable income, expenditures, and assets before 2008 and after 2009 as irrelevant to any party s claim or defense. Plaintiff also objects to the use of the terms Your and You in this interrogatory as vague and ambiguous and interprets them to mean Plaintiff as next friend of Isabella Miller-Jenkins. Plaintiff also objects to the phrase all persons who were or are expected to contribute to Isabella s education, medical and dental care and other financial support as vague and ambiguous and interprets it to mean all persons who Plaintiff as next friend of Isabella Miller-Jenkins alleges were or are expected to contribute to Isabella s education, medical care, dental care, and other financial support. Plaintiff also objects to responding to this interrogatory in the absence of an appropriate confidentiality order.

Interrogatory 29. What compensatory and punitive damages are You seeking, as alleged in paragraph 72 of the Revised Second Amended Complaint?

Objection: Plaintiff objects to this interrogatory as premature at this stage of the litigation and as seeking expert discovery prematurely.

Interrogatory 30. Identify all experts retained by You in connection with the above-captioned matter, and as to each, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions as to which the expert is expected to testify, and a summary of the grounds for each opinion.

Objection: Plaintiff objects to this interrogatory as premature at this stage of the litigation and as seeking expert discovery prematurely.

RESPONSES AND OBJECTIONS TO REQUESTS TO PRODUCE

Request for Production 1. All Documents disclosed or Identified in Your initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1)(A)(ii).

~~**Response:** Plaintiff objects to producing documents in the absence of an appropriate confidentiality order. **Response:** Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered.~~

Request for Production 2. All of Your medical records from 2004 to the present.

~~**Response**~~**Objection:** Plaintiff objects to this request as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing, and as calling for privileged information.

Response: Plaintiff will not produce documents in response to this request.

Request for Production 3. Your state and federal tax returns for the years 2004 to the present.

ResponseObjection: Plaintiff objects to this request for her state and federal tax returns before 2008 and after 2009 as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing, and as calling for privileged information.

Response: ~~Plaintiff will not produce documents in response to this request.~~ Plaintiff will produce her 2008 and 2009 tax returns once an appropriate confidentiality order has been entered.

Request for Production 4. All financial statements, tax returns, and balance sheets for any daycare center You owned, operated, or had an interest in from 2000 to the present.

ResponseObjection: Plaintiff objects to this request as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing, and as calling for privileged information. Plaintiff objects to producing documents responsive to this request in the absence of an appropriate confidentiality order.

Response: ~~Subject to and without waiving any general or specific objection, Plaintiff will produce responsive documents concerning the day care center mentioned in the complaint once an appropriate confidentiality order has been entered.~~ Plaintiff will not produce documents responsive to this request.

Request for Production 5. All Documents You relied on, or Identified in responding to the preceding interrogatories.

Response: ~~Plaintiff objects to producing documents in the absence of an appropriate confidentiality order.~~ **Response:** ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings,~~

~~and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered.~~

Request for Production 6. All Documents and Communications between You and Lisa or Isabella from September 2003 and the present.

ResponseObjection: Plaintiff objects to this request without any subject-matter limitation as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing. Plaintiff also objects to the phrase from September 2003 and the present as vague and ambiguous, and interprets it to mean documents created ~~since~~in or after September 2003. ~~Plaintiff objects to producing documents in the absence of an appropriate confidentiality order.~~ Plaintiff interprets this request as limited to documents and communications concerning the disagreement between Plaintiff and Defendant Lisa Miller over parental rights concerning Plaintiff Isabella Miller-Jenkins.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered.~~

Request for Production 7. All Documents regarding Lisa or Isabella from September 2003 and the present.

ResponseObjection: See responseobjection to Request ~~to~~for Production 6.

Response: See response to Request for Production 6.

Request for Production 8. All written or recorded statements made by You or any other Person regarding any element or issue presented in the instant case.

ResponseObjection: ~~Plaintiff objects to this request as unduly burdensome and harassing. Plaintiff also objects to this request to the extent it seeks statements made by any~~

~~other Person as so broad as to be impossible even to begin to conduct a reasonable search for responsive documents.~~ Plaintiff ~~also~~ objects to the phrase any element or issue presented in the instant case as overbroad, vague, and ambiguous. Plaintiff ~~will~~ interprets this request as referring to written or recorded statements made by Plaintiff or any other Person regarding the facts alleged in the Revised Second Amended Complaint.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce ~~responsive,~~ non-privileged written or recorded statements made by Plaintiff or any other Person regarding the facts alleged in the Revised Second Amended Complaint ~~documents in her possession, custody, or control~~ ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered.~~

Request for Production 9. All Documents related to Your contention in paragraph 36 of the Revised Second Amended Complaint that Lisa Miller and Isabella were transported, in disguise as Amish-Mennonites, to the Canadian border by Philip Zodhiates and at least one other Response Unlimited, Inc. employee.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants.~~

Request for Production 10. All Documents related to Your contention in paragraph 40 of the Revised Second Amended Complaint that Zodhiates continued to Communicate with Lisa when she lived near or among the Beachy Amish-Mennonites Community in Nicaragua.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants.~~

Request for Production 11. All Documents related to Your contention in paragraph 44 of the Revised Second Amended Complaint that Hyden passed on information from Zodhiates to Rena Lindevaldsen and that Hyden Communicated with Lisa s father.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants.~~

Request for Production 12. All Documents related to Your contention in paragraph 45 of the Revised Second Amended Complaint that Philip Zodhiates [] arranged to have the bags transported to Nicaragua.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants.~~

Request for Production 13. All Documents related to closure of any daycare center You owned.

ResponseObjection: Plaintiff objects to this request as irrelevant to any party s claim or defense, unduly burdensome, disproportional to the needs of the case, and harassing, and as calling for privileged information.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents concerning the daycare center mentioned in the Revised Second Amended Complaint that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered. Plaintiff will not produce documents responsive to this request.

Request for Production 14. All Documents related to Your Allegation in paragraph 70 of the Revised Second Amended Complaint that it seems that [Isabella s] freedom of

movement is severely restricted by the Nicaragua Brethren and Lisa Miller and that her standard of living is far below what even the poorest children in the United States experience.

ResponseObjection: Plaintiff objects to this request as premature at this stage of the litigation and as seeking expert discovery prematurely.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants~~ in compliance with the schedule for expert discovery.

Request for Production 15. All correspondence, records, statements and other Documents relating to Your claim for damages including, but not limited to, Your claims for punitive damages.

ResponseObjection: Plaintiff objects to this request as premature at this stage of the litigation and as seeking expert discovery prematurely.

Response: ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings, and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered~~ in compliance with the schedule for expert discovery.

Request for Production 16. All Documents related to Your efforts to find or contact Isabella after September 20, 2009.

Response: ~~Plaintiff objects to this request as unduly burdensome and harassing, and as calling for privileged information.~~ **Response:** ~~Subject to and without waiving any general or specific objection,~~ Plaintiff will produce responsive, non-privileged documents in her possession, custody, or control ~~that have not been previously filed or produced in this or other proceedings,~~

~~and which are not publicly or equally available to the RUL Defendants, once an appropriate confidentiality order has been entered.~~

Request for Production 17. All Documents relied on, referenced or consulted by all expert witnesses retained by You.

ResponseObjection: Plaintiff objects to this request as premature at this stage of the litigation and as seeking expert discovery prematurely.

Response: Plaintiff will produce responsive, nonprivileged documents in her possession, custody, or control in compliance with the schedule for expert discovery.

Request for Production 18. All Documents relied upon by any expert witnesses retained by You in the formation of any opinions they are expected to offer.

ResponseObjection: Plaintiff objects to this request as premature at this stage of the litigation and as seeking expert discovery prematurely.

Response: Plaintiff will produce responsive, nonprivileged documents in her possession, custody, or control in compliance with the schedule for expert discovery.

Request for Production 19. All Documents produced to You by any third party to whom You have served a subpoena in this case.

Response: Plaintiff will produce copies of documents produced by any third party to whom Plaintiff has served a subpoena. Plaintiff will produce documents from any third party that produced documents in reliance on the entry of a confidentiality order, once an appropriate confidentiality order is entered.

Request for Production 20. Federal tax returns of all persons who were or are expected to contribute to Isabella s education, medical and dental care and other financial support.

Objection: Plaintiff objects to the phrase all persons who were or are expected to contribute as vague and ambiguous and interprets it to mean the individuals identified in her answer to Interrogatory numbered 28(b). Plaintiff also objects to this request as seeking documents not within her possession, custody, or control. Plaintiff also objects to this request for

federal tax returns without any time limitation as irrelevant to any party s claim or defense, unduly burdensome, and disproportional to the needs of the case. Plaintiff also objects to this request for her federal tax returns before 2008 and after 2009 as irrelevant to any party s claim or defense. Plaintiff interprets this request to be limited to the years 2008 to 2009. Plaintiff also objects to producing documents responsive to this request in the absence of an appropriate confidentiality order.

Response: Plaintiff will produce her 2008 and 2009 tax returns once an appropriate confidentiality order has been entered.

Request for Production 21. Balance sheets, bank statements, and loan applications created since 2004 of all persons who were or are expected to contribute to Isabella s education, medical and dental care and other financial support.

Objection: Plaintiff objects to this request for balance sheets, bank statements, and loan applications as irrelevant to any party s claim or defense. Plaintiff also objects to the phrase all persons who were or are expected to contribute as vague and ambiguous and interprets it to mean the individuals identified in her answer to Interrogatory numbered 28(b). Plaintiff also objects to this request as seeking documents not within her possession, custody, or control.

Response: Plaintiff will not produce documents responsive to this request.

As to objections:

September 30, 2019 ~~Date: May 3, 2019~~ -

/s/ Frank H. Langrock

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Counsel for Plaintiffs

I, Janet Jenkins, have read the above supplemental responses to the interrogatories included in the RUL Defendants Discovery Requests and swear, under the pains and penalties of perjury, that the responses are true to the best of my knowledge, information, and belief.

Date Janet Jenkins

STATE OF VERMONT
RUTLAND COUNTY, SS

At Rutland, Vermont this _____ day of _____, 2019, personally appeared Janet Jenkins, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me: _____

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document was served on the following
counsel of record by email:

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September 30, 2019

/s/ J. Tyler Clemons

J. Tyler Clemons

Counsel for Plaintiffs

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 October 14, 2019, I caused Defendants' Response to Plaintiff Janet Jenkins' Supplemental Response to Motion to Compel and Declaration of Robert B. Hemley to be served through the CM/ECF system on the following individuals:

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Dated: Burlington, Vermont
October 14, 2019

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