UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

JANET JENKINS, et al., Plaintiffs, v. KENNETH L. MILLER, et al., Defendants.	No. 2:12-cv-184-WKS

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT TIMOTHY D. MILLER'S MOTION TO RECONSIDER COURT'S ORDER OF OCTOBER 29, 2019 (DOC. 396)

Defendant Timothy Miller's motion for reconsideration of the Court's order denying his motion to dismiss should be denied.

PROCEDURAL BACKGROUND

I. Timothy Miller's Motion to Dismiss

On October 1, 2018, Defendant Timothy Miller moved to dismiss the Revised Second Amended Complaint, ECF 223, for lack of personal jurisdiction and insufficient service of process. ECF 337. The Court denied the motion on October 29, 2019. Op. & Order, ECF 396.

On the first point—that the Court lacks personal jurisdiction—Defendant argued that "Plaintiff . . . made no factual allegations that Timo aimed his conduct at Vermont." Mem. in Supp. of Mot. to Dismiss at 6, ECF 337-1. The Court disagreed. It held that the "purpose [of his actions] was to prevent Vermont courts from giving effect to their order granting a Vermont resident custody of her child," and "[b]y so impeding Vermont's courts, Defendant created the minimum contacts required to hale him into court in Vermont." Op. & Order at 9, ECF 396.

On Defendant's second point—that Plaintiffs insufficiently served process—he argued that, although the Court granted Plaintiffs' motion to serve him through his criminal attorney, Jeffrey Conrad (now Judge Conrad[1]), Plaintiffs attempted to do so by serving Judge Conrad's secretary, Ms. Amaro—a means of serving Judge Conrad not permitted by any federal or state rule. Mem. in Supp. of Mot. to Dismiss at 9–10, ECF 337-1. The Court again disagreed. It held that it was proper to serve Judge Conrad by serving his secretary, Ms. Amaro, because Pennsylvania law allows a party to be served by handing a copy "to the person for the time being in charge" of the party's office and because Ms. Amaro, as Judge Conrad's secretary, "could be 'in charge' of [Judge] Conrad's office for purposes of service of process." Op. & Order at 11–12, ECF 396.

II. Timothy Miller's Motion for Reconsideration

Defendant now moves for reconsideration of the Court's order on both points.

On the first point—that the Court lacks personal jurisdiction—Defendant again argues that "Plaintiff neither alleged nor showed any purposeful direction to Vermont by defendant Timothy Miller." Mot. at 2, ECF 403. He contends the Court's reliance on his own deposition testimony that he became involved in the conspiracy when "he received a telephone call from Kenneth Miller telling him that Lisa Miller wanted to leave the United States and travel to Nicaragua because a court might transfer custody of her child to another woman," Mot. at 2, ECF 403 (quoting Op. & Order at 8, ECF 396), is insufficient because he did not specify in his deposition that the court in question was in Vermont. Mot. at 3, ECF 403. He also argues that, although the Court in its order considered only his deposition testimony about his initial actions

[1] Judge Conrad is a judge on the Lancaster County Court of Common Pleas in Lancaster County, Pennsylvania.

to aid Lisa Miller, the Court should not rely on any of his subsequent actions, that is, his "actions in assisting Lisa Miller to stay in Nicaragua following the November 20, 2009 order" which transferred custody of Isabella from Lisa Miller to Jenkins. Mot. at 4, ECF 403.

On the second point—that Plaintiffs insufficiently served process—Defendant again argues that service was improper because Plaintiffs, per Rule 402(a)(2)(iii) of the Pennsylvania Rules of Civil Procedure, handed a copy of the summons "to the person for the time being in charge" of Judge Conrad's office not Timothy Miller's office. Mot. at 5, ECF 403. He argues the Court's "quick[] dismiss[al]" of this argument because the Court had previously "authorized Plaintiffs to serve Defendant through Conrad" incorrectly interprets Pennsylvania's rule which authorizes service on "defendant's place of business" not defendant's attorney's "place of business." Mot. at 5, ECF 403.

SUMMARY OF ARGUMENT

The Court should deny Defendant Timothy Miller's motion because he fails to meet the strict standard for reconsideration. There is no manifest error of fact or law justifying reconsideration of either conclusion. First, the Court's conclusion that it could exercise personal jurisdiction over Defendant is factually supported by his deposition testimony. Second, the Court correctly concluded that Plaintiffs properly read Rule 402(a)(2)(iii) with regard to Judge Conrad instead of Defendant because the Court authorized service upon Defendant through Judge Conrad. There is no controlling authority contrary to that conclusion.

ARGUMENT

Timothy Miller fails to meet the strict standard for reconsideration. "The standard for granting a motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—

matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Order at 2, ECF 198 (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)) (denying Defendants Philip Zodhiates, Victoria Hyden, and Response Unlimited, Inc.'s motion for reconsideration). "Reconsideration is not a proper tool to repackage and relitigate arguments and issues already considered by the court in deciding the original motion." *Id.* (citing *Hinds Cty. v. Wachovia Bank N.A.*, 708 F. Supp. 2d 348, 369 (S.D.N.Y. 2010)). Because a motion for reconsideration "is not intended to provide 'a second bite at the apple,'" such a motion is only "properly brought under one of four theories: the judgment depends upon a manifest error of fact or law, there is newly discovered or previously unavailable evidence, it is necessary to prevent a manifest injustice, or there has been an intervening change in controlling law." Order at 2, ECF 424 (first quoting *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 53 (2d Cir. 2012), then citing Charles Alan Wright, et al., 11 Federal Practice & Procedure § 2810.1 (3d ed. 2012)) (granting Plaintiffs' motion for reconsideration). Because Defendant makes no new arguments in his motion for reconsideration, only the same arguments made in his original motion to dismiss, relying only on the same law and same facts already before the Court, his motion for reconsideration should be denied.

I. Timothy Miller's Efforts to Prevent the Vermont Courts from Giving Effect to Their Orders Are Sufficient to Establish Personal Jurisdiction

The Court correctly held that Defendant established sufficient contacts with Vermont to justify the Court's exercise of personal jurisdiction over him. Defendant first argues that "the Court erred in finding personal jurisdiction existed as the Plaintiff neither alleged nor showed any purposeful direction to Vermont by defendant Timothy Miller." Mot. at 2, ECF 403. He argues the Court's conclusion that he acted for the purpose of preventing Vermont courts from effecting their custody orders thus creating the minimum contacts required to establish specific

personal jurisdiction in Vermont is not factually supported. *Id.* at 3. He highlights the conspiracy's connections to Virginia and New York and contrasts that "[n]ot once in the cited deposition, however, is there any evidence that the family court that might take custody away from Lisa Miller was located ***in Vermont*** as opposed to one of the other 49 states," describing his deposition testimony as having "rough knowledge of a court somewhere in the United States but not in Vermont." *Id.* (emphasis in original).

Defendant's characterization of his own deposition testimony is misleading, and the Court's conclusion that his deposition testimony supports the exercise of personal jurisdiction is factually supported. Although Defendant did not express in the same sentence that the court was in Vermont when he testified that he knew Lisa Miller was fleeing to Nicaragua to avoid a court-ordered transfer of Isabella to Jenkins, his other testimony indicates he knew the court was in Vermont and therefore he could "reasonably anticipate being haled into court" in Vermont. Mot. at 2, ECF 403 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 474 (1985)).

Defendant testified that after receiving the first call about Lisa Miller on September 21, 2009, he looked her up on the internet. Ex. 3 to Pls.' Resp. in Opp'n at 13, ECF 341-4. Any basic internet search of Lisa Miller's case would inform the searcher that the case involved competing court battles in Vermont and Virginia. At minimum, we know his search led him to the website of the "Protect Isabella Coalition" because Defendant also testified about an email he sent to members of his church later that same day. *Id.* at 16–17. He told the recipients that Lisa would likely lose her case and that they should to go to "protectisabella.com" for information, as he did, because "a lot of [the] info on the net about it [is] not accurate." *Id.* at 18. Defendant's email attached a fact sheet that he found on the "protectisabella.com" website, which he explained in his deposition, "tells a little bit about Lisa's life . . . and the civil union with Janet Jenkins." *Id.*

The fact sheet notes that Lisa Miller and Jenkins were joined in a civil union under the law of Vermont, that "Vermont is viewed as having legal jurisdiction in the matter regarding visitation because a Vermont judge ruled that Jenkins is a legal parent to Isabella, entitled to liberal, unsupervised visitation," that Lisa was trying to use the Virginia courts to avoid enforcement of the Vermont court order but it was not going well, and that as of March 2009—when it appears the fact sheet was written—the Vermont court was still ordering visitation between Isabella and Jenkins but that Isabella did not go to Vermont for visitation. Gov't Ex. 1 to Timothy Miller Dep. Tr. (attached as Exhibit 1).

It is clear from his deposition that Defendant knew that he was interfering with a Vermont court order granting Jenkins parental rights over Isabella. There is no "manifest error of fact" justifying reconsideration. To the contrary, as the Court correctly concluded in its original order, Defendant's own deposition testimony that he was helping Lisa Miller because "a court might transfer custody of her child to another woman" provides sufficient contacts with the state of Vermont to support the Court's exercise of personal jurisdiction over him.

Defendant then argues that his actions were insufficient to establish jurisdiction because the Vermont family court did not order the custody transfer until November 20, 2009, and therefore "Timo could not have impeded an order that had not yet been issued." Mot. at 4, ECF 403. However, the Court already acknowledged that Defendant became involved with Lisa Miller "because a court *might* transfer custody of her child to another woman" and "Nicaragua would not extradite Lisa Miller *if* the court did rule against her," and considered it sufficient to establish jurisdiction. Op. & Order at 8, ECF 396 (emphasis added). Defendant cites no authority to support reconsideration of this conclusion. Furthermore, as Defendant knew, the Vermont

court had granted Jenkins visitation rights long before September 2009, and his actions helped Lisa Miller avoid enforcement of those visitation orders.

Moreover, by September 21, 2009—when Defendant apparently first became involved—Defendant knew that Lisa's lawyers thought she would "probably lose," Ex. 3 to Pls.' Resp. in Opp'n at 17, ECF 341-4, and Defendant was making plans to help Lisa stay in Nicaragua long-term if and when she lost. *See id.* at 29 ("Q: Why on September 22, 2009 were you corresponding with Andy Yoder about residency requirements for people who might come to Nicaragua for more than a year? A: Well I was wanting to know what the requirements were currently for that because I was thinking ahead if she would – if Lisa would have to stay in the country then she would obviously need some other paperwork and that kind of thing."); *id.* at 28 ("Q: What result in the court case would have kept Lisa Miller in Nicaragua, as you understood it? A: As I understood it, it would have been if she lost custody of her child"); *id.* at 33 (regarding a September 22, 2009 email to Defendant's family telling them not to discuss Lisa, "Q: What . . . had given you the impression that this should not be a topic of discussion or e-mailing? A: It was just something that if in the future the court case – the court would rule against Lisa and her child, then at that point there was no need to advertise where she was.").

Defendant then continued helping Lisa Miller remain in Nicaragua to keep Isabella out of Vermont's reach after the Vermont court, as expected, transferred custody of Isabella from Lisa to Jenkins on November 20, 2009. *See* Pls.' Resp. in Opp'n at 3, ECF 341 (detailing Defendant's actions). Defendant contends these subsequent actions do not support the Court's exercise of personal jurisdiction, citing the Court's order dismissing Andrew Yoder from the case for lack of personal jurisdiction. Mot. at 4, ECF 403 (citing Order at 33–34, ECF 115). However, there is a key difference between Defendant and Andrew Yoder: Yoder only assisted Lisa after she was

already in Nicaragua, which the Court concluded "only had an indirect effect within the forum." Order at 33, ECF 115. In contrast to Yoder, Defendant was "involved in the initial scheme to get Lisa Miller and Isabella out of the country, to thwart the visitation orders of a Vermont court and to prevent Jenkins from having a relationship with Isabella." *Id.*; *see also* Pls.' Resp. in Opp'n at 2–3, ECF 341 (detailing Defendant's actions). Defendant's subsequent actions—assisting Lisa Miller's avoidance of the Vermont court order transferring custody to Jenkins—were a continuation of his earlier actions hindering the Vermont court from enforcing its visitation orders, which Defendant initially assisted based on the expectation that the Vermont court was soon going to transfer custody. These subsequent actions bolster Defendant's contacts with Vermont for purposes of specific personal jurisdiction, and make his contacts with Vermont even more substantial, although, as discussed above, his initial actions alone are sufficient to support the Court's exercise of jurisdiction.

The Court correctly concluded that Defendant had the necessary contacts to support the exercise of personal jurisdiction. There is no manifest error of fact or law justifying reconsideration, and Defendant's motion should be denied.

II. Timothy Miller Was Properly Served Through His Counsel

The Court correctly concluded that Plaintiffs properly served process on Defendant through his criminal counsel. Defendant argues that he was never properly "served because Pennsylvania Rule of Civil Procedure 402(a)(2)(iii) only authorizes service on a *defendant's* place of business," not a defendant's attorney's place of business. Mot. at 5, ECF 403 (emphasis in original). He argues the Court's conclusion that "Plaintiffs properly read the Pennsylvania rule with respect to Conrad" because the Court had previously authorized Plaintiffs to serve Defendant through Judge Conrad, Op. & Order at 10, ECF 396, "is flawed". Mot. at 5, ECF 403.

He argues that because the Pennsylvania Supreme Court has no precedent covering this situation, but has indicated that "[t]he rules relating to service of process must be strictly followed," the plain language of the rule should be narrowly interpreted to preclude service on the "person for the time being in charge of" Judge Conrad's office. Mot. at 5–7, ECF 403 (quoting *Sharp v. Valley Forge Med. Ctr. & Heart Hosp., Inc.*, 221 A.2d 185, 187 (Pa. 1966)).

This is the same argument Defendant made in his reply brief to his original motion to dismiss, which the Court determined could "be dealt with quickly [because] Plaintiffs properly read the Pennsylvania rule." Op & Order at 10, ECF 396; *see also* Def.'s Reply to Pls.' Resp. in Opp'n at 2–3, ECF 345. Rule 402(a)(2)(iii) allows for service "at any office or usual place of business of the defendant to his agent or to the person for the time being in charge thereof." The Court concluded that service on Judge Conrad's secretary, Ms. Amaro, was proper because she could be "the person for the time being in charge" of Judge Conrad's office. Op. & Order at 10–12, ECF 396. Defendant does not challenge that conclusion in his motion for reconsideration, instead doubling down on the same argument the Court already rejected—that the plain language of the Pennsylvania rule does not allow service on Judge Conrad's office at all. Mot. at 5–8, ECF 403.

As Defendant admits, the Pennsylvania Supreme Court has not considered how to apply Rule 402(a)(2)(iii) in a case where the trial court has previously authorized service on a defendant through their attorney due to extenuating circumstances. Mot. at 6–7, ECF 403. In the absence of controlling case law contrary to the Court's conclusion, Defendant again points the Court to the same decisions previously cited explaining the basic guidelines for interpreting rules of civil procedure. *Compare* Def.'s Reply to Pls.' Res. in Opp'n at 2–3, ECF 345, *with* Mot. at 7, ECF 403. This is insufficient to justify reconsideration of the Court's correct conclusion.

Interpreting the applicable law in light of the facts and history of the case to apply Pennsylvania's rule to Judge Conrad does not improperly expand the rule; it only applies the rule to the proper person as relevant to this case. Service on Judge Conrad's office was proper because the Court had previously authorized Plaintiffs to serve Defendant through Judge Conrad, due to extenuating circumstances unique to this case. Therefore, Pennsylvania's rule authorizing service on "the person for the time being in charge" of the party's office is properly read with respect to Judge Conrad, the person authorized by the Court to receive such service, not the Defendant, who at the time was out of the country and avoiding service.[2] *See* Mot. for Alternative Service of Timothy Miller, ECF 178; Order, ECF 183.

The Court correctly concluded that Defendant was properly served under Pennsylvania Rule 402(a)(2)(iii). There is no manifest error of law justifying reconsideration, and Defendant's motion should be denied.

CONCLUSION

For these reasons, Defendant Timothy Miller's motion for reconsideration should be denied.

[2] Although the Court should not reconsider its conclusion that service was proper because Defendant has not met the strict standard justifying reconsideration, should the Court reconsider, it should simultaneously grant Plaintiffs an extension to properly serve Defendant. *See* Fed. R. Civ. P. 4(m); *Zapata v. City of N.Y.*, 502 F.3d 192, 196 (2d Cir. 2007). Plaintiffs made extensive but failed efforts to serve Defendant in Nicaragua, requiring them to seek and receive permission from the Court to use substituted means of serving Defendant, and substantially complied with the order authorizing service on Defendant through his attorney, Judge Conrad. Given the unique circumstances and history of this case, that Plaintiffs have reason to believe Defendant had actual notice of the case even as attempted service in Nicaragua failed, and the still relatively preliminary stage of this litigation, Defendant would not be prejudiced by an extension. On the other hand, Plaintiffs' long quest for justice, from a Defendant who has been criminally convicted for his acts in connection with this case and who has been a part of this civil case from the beginning, would be severely prejudiced, were the Court to reconsider its conclusion that service was proper and not also grant Plaintiffs an extension to again attempt to serve Defendant.

December 9, 2019

Respectfully submitted.

/s/ Frank H. Langrock

Frank H. Langrock
Langrock Sperry & Wool, LLP
111 S. Pleasant Street
P.O. Drawer 351
Middlebury, Vermont 05753-0351
Phone: (802) 388-6356
Fax: (802) 388-6149
Email: flangrock@langrock.com

Sarah Star
Sarah Star, PL
P.O. Box 106
Middlebury, Vermont 05753
Phone: (802) 385-1023
Email: srs@sarahstarlaw.com

Diego A. Soto*
Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104
Phone: (334) 956-8200
Fax: (334) 956-8481
Email: diego.soto@splcenter.org

J. Tyler Clemons*
Southern Poverty Law Center
201 St. Charles Avenue, Suite 2000
New Orleans, Louisiana 70170
Phone: (504) 526-1530
Fax: (504) 486-8947
Email: tyler.clemons@splcenter.org

**Admitted Pro Hac Vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document was filed through the Court's CM/ECF filing system, and by virtue of this filing notice will be sent electronically to all counsel of record, including the following.

Brooks G. McArthur
Jarvis, McArthur & Williams, LLC
Counsel for Defendant Kenneth L. Miller

Horatio G. Mihet
Roger K. Gannam
Daniel Joseph Schmid
Liberty Counsel
Counsel for Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen

Anthony R. Duprey
Neuse, Duprey & Putnam, PC
Counsel for Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen

Norman C. Smith
Norman C. Smith, PC
Counsel for Defendant Linda M. Wall

Adam S. Hochschild
Hochschild Law Firm, LLC
Counsel for Defendant Linda M. Wall

Robert B. Hemley
Gravel & Shea PC
Counsel for Defendants Philip Zodhiates, Victoria Hyden, and Response Unlimited, Inc.

Michael J. Tierney
Wadleigh, Starr & Peters, PLLC
Counsel for Defendant Timothy D. Miller

December 9, 2019

/s/ Diego A. Soto
Diego A. Soto
Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

JANET JENKINS, et al.,

Plaintiffs,

v.

KENNETH L. MILLER, et al.,

Defendants.

No. 2:12-cv-184-WKS

DECLARATION OF DIEGO A. SOTO
IN SUPPORT OF PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT TIMOTHY D. MILLER'S MOTION TO RECONSIDER COURT'S ORDER OF OCTOBER 29, 2019 (DOC. 396)

I, Diego A. Soto, declare under penalty of perjury that the following is true and correct:

1. I am a Staff Attorney at the Southern Poverty Law Center and represent Plaintiffs Janet Jenkins and Isabella Miller-Jenkins in this case.

2. Exhibit 1 is a true and correct copy of the Government's Exhibit 1 to the transcript of Defendant Timothy Miller's December 20, 2011, deposition in *United States v. Kenneth L. Miller*, No. 2:11-cr-161, in the United States District Court for the District of Vermont, produced to Plaintiffs by Kenneth Miller during discovery in this case.

Executed on December 9, 2019

/s/ Diego A. Soto
Diego A. Soto

Counsel for Plaintiffs

Kim Eichorn

From: Timo & Joanna [timjomiller@gmail.com]
Sent: Monday, September 21, 2009 12:16 PM
To: Lucas Miller; Andy Yoder (work); Kevin Steiner; Keiner Barrantes; Daniel Huber
Subject: Lisa Miller

Brethren,

The following is a strange case that is coming up for a last hearing on Wednesday before the Supreme Court, as I understand. Lisa has some of the best lawyers available, but they are telling her she will probably loose the case because the homosexuals and lesbians are trying to make an example of the case. There is lots of politics involved in the case... High up politics. And of course, the powers of darkness.

They tell me there is a lot of info on the net about it, some not accurate. But protectisabella.com is their site, from which I took this.

Please pray for this situation. I just heard of this case this morning through some strange circumstances and involvements.

May the Lord be glorified, and may His will be done.

Peace,

Timo

Fact Sheet: Lisa and Isabella Miller

Lisa's age is 40
Isabella's age is 6 (she turns 7 in April 2009).

They reside in Bedford County, Va., but formerly resided in Frederick County, Va.

Lisa has a bachelor's degree in psychology from James Madison University and a master's degree (M.Ed.) in special education from the University of Phoenix.

Lisa was joined in a civil union with Janet Jenkins (both women were Virginia residents) in December 2000 in Vermont during a brief vacation trip (civil unions had become legal in Vermont in July 2000).

In 2001, Lisa chose to be artificially inseminated with sperm from an anonymous donor. She became pregnant and gave birth to Isabella in April 2002. Janet Jenkins did not adopt the child.

Lisa, Janet and Isabella moved to Vermont in August 2002 and lived there together for a little more than a year.

Lisa filed to dissolve the civil union in 2003, and moved with Isabella, who was then 17 months old, to the Winchester area of Virginia. She renounced her former lesbian life.

Lisa returned to her Christian faith in 2003. She and Isabella attend Thomas Road Baptist Church in Lynchburg, Va. Lisa is involved in Gospel outreach to incarcerated and substance-addicted youth.

Lisa is represented in her child custody/visitation legal dispute with Janet Jenkins by Liberty Counsel, with offices in Florida and Virginia. Their Web site is http://www.lc.org.

The only court that has not yet heard arguments in this case (begun in 2003) is the U.S. Supreme Court. The nation's highest court has so far declined to hear appeals. Currently, Vermont is viewed as having legal jurisdiction in the matter regarding visitation because a Vermont judge ruled that Jenkins is a legal parent to Isabella, entitled to liberal, unsupervised visitation, in 2003. Liberty Counsel still has appeals pending on behalf of Lisa and Isabella.

In 2004, a Virginia court awarded Lisa Miller full custody and sole parent status, setting itself against the Vermont court. The ruling was overturned by the Virginia Court of Appeals two years later. That ruling was further upheld by the Virginia Supreme Court in 2008. After the 2004 court decision, Lisa began (legally, she believed) denying Janet visitation time with Isabella.

Vermont stands on the federal Parental Kidnapping Prevention Act (PKPA), which it claims supercedes the federal Defense of Marriage Act (DOMA), Virginia's Marriage Affirmation Act and Virginia's constitutional marriage amendment in this case. Lisa's attorneys have disputed that "Full Faith and Credit" requires Virginia's enforcement of the Vermont visitation order or any "foreign" orders recognizing the "benefits" of same-sex unions.

On March 3, 2009, Liberty Counsel filed a brief in the Virginia Court of Appeals referring to the absence of case law and noting that all of the custody cases cited by Janet Jenkins' attorneys relate to heterosexual couples or adoptive parents. The brief asks the court to rule that Virginia must only recognize Vermont's visitation order, not enforce it.

Isabella was unable to make the most recent court-ordered visit to Vermont March 7-13, per doctor's orders, as she was ill with the flu. Janet Jenkins declined the invitation to visit her in Virginia. An unsupervised visit also has been ordered for five weeks in the summer.

Virginia Citizens Launch 'Protect Isabella Coalition'

Group Pressuring Legislators To Uphold Virginia's Marriage Laws

LYNCHBURG, Va. -- A coalition of concerned Virginia citizens has formed in support of Lisa Miller and her 6-year-old daughter, Isabella.

Called the Protect Isabella Coalition, the grassroots effort aims to create awareness of what it labels "judicial tyranny" in the child custody/visitation case involving Miller, Isabella's biological mother, and Vermonter Janet Jenkins, her lesbian former partner. The group has a Web site -- www.ProtectIsabella.com -- and also has produced television and radio public awareness ads.

Jenkins and Miller were joined in a civil union during a trip to Vermont in December 2000. Afterward, they returned to Northern Virginia to live. Miller was artificially inseminated in a Virginia fertility clinic the following year, and gave birth to Isabella in April 2002.

The couple lived in Vermont for just over a year before Miller filed to dissolve the civil union. Renouncing homosexuality and embracing Christianity, Miller relocated with Isabella back to Virginia.

A Vermont judge ruled in 2003 that Jenkins is also Isabella's "mother," allowing her liberal visitations, although she is unrelated and never adopted the child. Her requests for full custody have been denied.

Deeming Jenkins' open lesbian lifestyle a harmful environment for her daughter, Miller began denying her visits with Isabella following a 2004 ruling by a Virginia circuit court judge that Miller was Isabella's sole parent.

Subsequent Virginia appellate court and Virginia Supreme Court rulings have held that Vermont's visitation order must be recognized and registered because of the federal Parental Kidnapping Prevention Act. This law, both courts said, supercedes Virginia's Marriage Amendment and Marriage Affirmation Act, as well as the federal Defense of Marriage Act (DOMA).

Liberty Counsel attorneys representing Lisa Miller continue to file appeals aimed at protecting Isabella from the emotionally traumatizing experiences of forced visits with a lesbian women she barely knows. The latest appeal explains that the "Full Faith and Credit" obligation does not require Virginia to enforce the Vermont order.

"The road toward justice has taken a long and winding path, but we believe the courts are getting closer to addressing the core issues in this case," said Mathew D. Staver, founder of Liberty Counsel and Dean of Liberty University School of Law. "The people of Virginia

have plainly spoken in favor of traditional marriage and have rejected same-sex unions. The Virginia courts must now uphold the Constitution."

The Protect Isabella Coalition is asking fellow Virginians to contact their state delegates and senators and ask them to uphold the state's marriage laws and stand in support of little Isabella Miller.