

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)	

EXPEDITED MOTION ON BEHALF OF DEFENDANTS
ZODHIATES, HYDEN AND RESPONSE UNLIMITED, CONSENTED
TO BY PLAINTIFF, TO STAY DEADLINES PENDING DECISION ON
GRAVEL & SHEA PC'S APPLICATION FOR LEAVE TO WITHDRAW AS COUNSEL

Gravel & Shea PC ("Gravel & Shea"), on behalf of Defendants Philip Zodhiates, Victoria Hyden, and Response Unlimited, Inc., asks that the Court expedite its consideration and decision on this motion, and that it stay current deadlines, including discovery deadlines and deadlines for responding to motions, until after it has ruled on Gravel & Shea's motion for leave to withdraw as counsel (Doc. 435), filed December 10, 2019. In support, Gravel & Shea asserts as follows:

1. On December 10, 2019, Gravel & Shea moved to withdraw as counsel to Mr. Zodhiates, Ms. Hyden and Response Unlimited for the reasons expressed in its motion. Additional filings, under seal, in the Western District of New York further describe the reasons for the motion to withdraw.
2. The existing discovery schedule (Doc. 425) calls for completion of discovery by March 2, 2020. Accordingly, numerous depositions have recently been requested to be taken in different cities in Virginia during the week of January 13, 2020. In addition, Plaintiffs have filed a motion for partial summary judgment (Doc. 439) as to Mr. Zodhiates and others. This pleading requires a response by January 13, 2020. It is anticipated that the depositions of Ms. Hyden,

Response Unlimited, and Mr. Zodhiates will be among additional depositions to be requested by Plaintiffs, and that Defendants will also request depositions in the near future.

3. The request for the depositions of Mr. Zodhiates and Ms. Hyden will raise serious questions as to their Fifth Amendment rights, among other things. Mr. Zodhiates is presently incarcerated in Ashland, Kentucky, so the logistics of his deposition will also be complicated and expensive.

4. Gravel & Shea's motion for leave to withdraw raises serious concerns. It is in the best interest of Mr. Zodhiates, Ms. Hyden and Response Unlimited to have this motion considered by this Court at the earliest opportunity. Mr. Zodhiates and Ms. Hyden are entitled to be represented by counsel who can review important questions involving their Constitutional rights and make decisions that have long term implications in the case. They should have the opportunity to address those questions with counsel who will be with them through a trial of this case.

5. Pursuant to Local Rule 7(a)(7), Gravel & Shea asked all counsel via e-mail on December 19, 2019 whether they had any opposition to this motion. Plaintiff's counsel responded that she has no objection, but wishes that the Court be informed that they intend to proceed with the depositions they are scheduling for the week of January 13. Defendants Zodhiates, Hyden and Response Unlimited believe that if the motion for leave to withdraw is granted, those depositions should be postponed, and the discovery schedule extended. Other Defendants have not responded as of the date of this filing.

WHEREFORE, it is respectfully requested that the Court stay all discovery and deadlines in this matter until after the Court has considered Gravel & Shea's motion for leave to withdraw, and if granted, for at least 30 days after the entry of appearance of replacement counsel.

Dated: Burlington, Vermont
December 20, 2019

/s/ Robert B. Hemley

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CERTIFICATE OF SERVICE

I, Robert B. Hemley, Esq., attorney for Defendants Philip Zodhiates, Victoria Hyden and Response Unlimited, Inc., certify that, on December 20, 2019, I caused the Expedited Motion on Behalf of Defendants Zodhiates, Hyden and Response Unlimited, Consented to by Plaintiff, to Stay Deadlines Pending Decision on Gravel & Shea PC’s Application for Leave to Withdraw as Counsel to be served through the CM/ECF system and by e-mail and in some instances by first-class mail, on the following individuals:

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