

**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.

**PLAINTIFFS' MOTION FOR MODIFICATION OF [449] THE COURT'S JANUARY 6,  
2020 ORDER GRANTING [435] MOTION TO WITHDRAW AS ATTORNEY FOR  
DEFENDANTS PHILIP ZODHIATES, RESPONSE UNLIMITED, INC., AND  
VICTORIA HYDEN**

Plaintiffs Janet Jenkins and Isabella Miller-Jenkins, through undersigned counsel, move for modification of the Court's January 6, 2020 order granting Gravel & Shea PC's motion to withdraw as attorney for Defendants Philip Zodhiates, Victoria Hyden, and Response Unlimited, Inc. ("RUL") (collectively, "RUL Defendants") and ordering the RUL Defendants to obtain new counsel by February 5, 2020. *See* Order, ECF 449. Specifically, Plaintiffs seek modification of that order to also order two things: (1) that Zodhiates and Hyden file notices of pro se appearances per Local Rule 11(a), if they do not obtain counsel by February 5, 2020; and (2) that RUL file an affidavit explaining why it did not obtain new counsel, given that it cannot proceed pro se per Local Rule 11(b), if RUL does not obtain new counsel by February 5, 2020. A proposed order is attached. Plaintiffs state the following in support of this motion:

1. By email on January 9, 2020, Gravel & Shea PC confirmed that it provided the RUL Defendants the Court's orders granting its motion for leave to withdraw and addressing scheduling. *See* Ex. 1 to Pls.' Mot. for Clarification of [450] the Court's January 7, 2020 Order that the Parties Submit One Proposed Modified Disc. Schedule at \*8, ECF 454-1.

2. Plaintiffs' requested modifications would help ensure that this case can proceed without further unexpected delays should the RUL Defendants fail to obtain new counsel by the February 5, 2020 deadline.

3. Defendants Timothy Miller, Liberty Counsel, Inc., Rena Lindevaldsen, and Linda Wall take no position on this motion. *Id.* at \*1, \*15.

4. Defendant Kenneth Miller did not respond in time to Plaintiffs' January 8, 2020 request for his position on this requested relief.

### CONCLUSION

For these reasons, the Court should grant Plaintiffs' motion for modification and enter Plaintiffs' proposed order.

Respectfully submitted.

January 9, 2020

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, the foregoing document was served on the following counsel of record through the Court's CM/ECF system:

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  
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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*

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

and on the following unrepresented parties by United States mail:

Defendant Philip Zodhiates (Register Number 18649-084)  
FCI Ashland  
Federal Correctional Institution  
P.O. Box 6001  
Ashland, Kentucky 41105

Defendant Victoria Hyden  
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Lynchburg, Virginia 24502

Defendant Response Unlimited, Inc.  
c/o William Zodiates  
274 Shalom Road  
Waynesboro, Virginia 22980

January 9, 2020

/s/ Diego A. Soto \_\_\_\_\_  
Diego A. Soto  
*Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT  
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DISTRICT OF VERMONT

JANET JENKINS, ET AL., :  
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 KENNETH L. MILLER, ET AL., :  
 :  
 Defendants. :

ORDER

Plaintiffs' motion for modification of [449] the Court's January 6, 2020 order granting [435] motion to withdraw as attorney for Defendants Philip Zodhiates, Response Unlimited, Inc. ("RUL"), and Victoria Hyden is **granted**. Defendants Zodhiates and Hyden are **ordered** to file notices of pro se appearances per Local Rule 11(a), if they do not obtain counsel by February 5, 2020. Defendant RUL is **ordered** to file an affidavit explaining why it did not obtain new counsel, given that it cannot proceed pro se per Local Rule 11(b), if RUL does not obtain new counsel by February 5, 2020.

DATED at Burlington, in the District of Vermont, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

/s/  
\_\_\_\_\_  
William K. Sessions III  
District Court Judge