

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

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| JANET JENKINS, ET AL.,     | ) | ) |                          |
|                            | ) | ) |                          |
| Plaintiffs,                | ) | ) |                          |
|                            | ) | ) | Docket No. 2:12-cv-00184 |
| v.                         | ) | ) |                          |
|                            | ) | ) | JURY TRIAL DEMANDED      |
| KENNETH L. MILLER, ET AL., | ) | ) |                          |
|                            | ) | ) |                          |
| Defendants.                | ) | ) |                          |
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**DEFENDANTS LIBERTY COUNSEL, INC. AND RENA M. LINDEVALDSEN’S  
ANSWER AND DEFENSES TO PLAINTIFF’S  
REVISED SECOND AMENDED COMPLAINT**

Defendants, Liberty Counsel, Inc. (“Liberty Counsel”) and Rena M. Lindevaldsen (“Lindevaldsen”) (collectively “Defendants”), by and through the undersigned counsel, file this Answer and Defenses to the Revised Second Amended Complaint (Dkt. 223, “RSAC”) filed by Plaintiff Janet Jenkins (“Jenkins”).

**AS TO INTRODUCTION**

Liberty Counsel and Lindevaldsen admit that Jenkins brought her RSAC, purportedly on her own behalf and as next-friend of Isabella Jenkins, through the attorneys listed, but deny the remaining allegations in the introductory paragraphs.

**AS TO JURISDICTION AND VENUE**

1. Responding to paragraph 1 of the RSAC, Liberty Counsel and Lindevaldsen deny that this Court has jurisdiction over Jenkins’ claims and deny that Jenkins is entitled to any relief under any of her purported causes of action. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations concerning diversity

jurisdiction with respect to the domicile of Plaintiff or of various defendants and therefore deny them. Liberty Counsel and Lindevaldsen deny that this Court has diversity jurisdiction over this action and deny that the amount in controversy satisfies the jurisdictional threshold. Liberty Counsel and Lindevaldsen deny that this Court has pendent jurisdiction over Jenkins' purported state law claim. Liberty Counsel and Lindevaldsen deny that venue is proper in this District, and further deny that venue is proper anywhere because of Jenkins' failure to timely bring her claims against Liberty Counsel and Lindevaldsen.

2. Responding to paragraph 2 of the RSAC, Liberty Counsel and Lindevaldsen deny that venue is proper in this District, and further deny that venue is proper anywhere because of Jenkins' failure to timely bring her claims against Liberty Counsel and Lindevaldsen. Liberty Counsel and Lindevaldsen deny that this Court has personal jurisdiction over either of them. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations as to personal jurisdiction over other defendants, and therefore deny them.

3. Responding to paragraph 3 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations concerning diversity jurisdiction with respect to the domicile of Plaintiff or of various defendants and therefore deny them. Liberty Counsel and Lindevaldsen deny that the amount in controversy satisfies the jurisdictional threshold and that venue is proper in this District, and further deny that venue is proper anywhere because of Jenkins' failure to timely bring her claims against Liberty Counsel and Lindevaldsen.

4. Responding to paragraph 4 of the RSAC, Liberty Counsel and Lindevaldsen admit that Jenkins purports to bring her claims under the cited statutes, but deny that Jenkins has stated any cognizable claim for relief or that she is entitled to any relief under the cited statutes.

**AS TO PARTIES**

5. Responding to paragraph 5 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

6. Responding to paragraph 6 of the RSAC, Liberty Counsel and Lindevaldsen deny that Isabella is a biological daughter of Jenkins. Liberty Counsel and Lindevaldsen admit that Jenkins was judicially awarded legal and physical responsibilities for Isabella within Vermont as of January 1, 2010. Liberty Counsel and Lindevaldsen deny that Isabella is a minor child, deny that Jenkins has authority or standing to maintain next-friend claims on behalf of Isabella, and deny that this Court has subject matter jurisdiction over any of Jenkins' purported next-friend claims. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

7. Responding to paragraph 7 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

8. Responding to paragraph 8 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

9. Responding to paragraph 9 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

10. Responding to paragraph 10 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

11. Responding to paragraph 11 of the RSAC, Liberty Counsel and Lindevaldsen admit that Victoria Hyden was a student worker and later an employee of Liberty University. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

12. Responding to paragraph 12 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

13. Responding to paragraph 13 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

14. Responding to paragraph 14 of the RSAC, Liberty Counsel and Lindevaldsen admit that Lindevaldsen is an employee of Liberty University. Liberty Counsel and Lindevaldsen deny that Lindevaldsen is an employee of Liberty Counsel and deny that Lindevaldsen is a resident of the City of Lynchburg, Commonwealth of Virginia. Liberty Counsel and Lindevaldsen deny the remaining allegations.

15. To the extent that any response to paragraph 15 of the RSAC is required now that Mathew D. Staver (“Staver”) has been dismissed from this case, Liberty Counsel and Lindevaldsen admit that Staver is a resident of Florida and that he is an employee of Liberty Counsel. Liberty Counsel and Lindevaldsen deny that Staver is an employee of Liberty University. As the Court has already determined, Staver does not have sufficient contacts with Vermont to subject him to

jurisdiction in this Court, and therefore Liberty Counsel and Lindevaldsen deny the remaining allegations.

16. Responding to paragraph 16 of the RSAC, Liberty Counsel and Lindevaldsen admit that Liberty Counsel is a nonprofit law firm and that it has its principal place of business in Florida. Liberty Counsel and Lindevaldsen deny the remaining allegations.

17. Responding to paragraph 17 of the RSAC, Liberty Counsel and Lindevaldsen admit that Liberty University is located in Lynchburg, Virginia. As the Court has already determined, Liberty University does not have sufficient contacts with Vermont to subject it to jurisdiction in this Court, and therefore Liberty Counsel and Lindevaldsen deny the remaining jurisdictional allegations.

#### **AS TO COMMON ALLEGATIONS OF FACT**

18. Responding to paragraph 18 of the RSAC, Liberty Counsel and Lindevaldsen admit that Isabella is the biological daughter of Lisa Miller, admit that Isabella was born on April 16, 2002, and deny that Isabella is the biological daughter of Jenkins. Liberty Counsel and Lindevaldsen admit that courts in Vermont and Virginia have issued determinations concerning Isabella and the custody dispute, which determinations and orders speak for themselves. Liberty Counsel and Lindevaldsen deny the remaining allegations.

19. Responding to paragraph 19 of the RSAC, Liberty Counsel and Lindevaldsen admit that Lisa Miller informed them that she had become a Christian, and admit that the custody litigation between Lisa Miller and Jenkins involved numerous custody and visitation orders, which speak for themselves. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

20. Responding to paragraph 20 of the RSAC, Liberty Counsel and Lindevaldsen admit that Jenkins was judicially awarded visitation with Isabella at various times prior to January 1, 2010, and admit that a court order was entered transferring custody of Isabella to Jenkins as of January 1, 2010. Liberty Counsel and Lindevaldsen admit that courts have found Lisa Miller in contempt and imposed sanctions on her. Liberty Counsel and Lindevaldsen deny that they provided any assistance or encouragement to Lisa Miller to allegedly ignore court orders. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

21. Responding to paragraph 21 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny whether Linda Wall made any of the alleged statements in 2004, and therefore deny same. Liberty Counsel and Lindevaldsen deny that Lindevaldsen was working for Liberty University in 2004, deny that Liberty Counsel is a related law firm of Liberty University, deny that Liberty University attorneys ever represented Lisa Miller, and deny that Liberty Counsel is a limited liability company. Liberty Counsel and Lindevaldsen admit that Mathew Staver and Lindevaldsen represented Lisa Miller in the custody litigation, solely through the law firm of Liberty Counsel. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

22. Responding to paragraph 22 of the RSAC, Liberty Counsel and Lindevaldsen admit that the Rutland Family Court issued a final order awarding sole legal and physical responsibilities of Isabella to Lisa Miller in June 2007, with certain limited visitation for Jenkins with Isabella. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

23. Responding to paragraph 23 of the RSAC, Liberty Counsel and Lindevaldsen admit that Lisa Miller permitted Isabella to visit with Jenkins on several occasions while Lisa Miller was the sole legal and physical custodian of Isabella. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

24. Responding to paragraph 24 of the RSAC, Liberty Counsel and Lindevaldsen deny that they provided encouragement or support for Lisa Miller to move to Lynchburg, Virginia. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

25. Responding to paragraph 25 of the RSAC, Liberty Counsel and Lindevaldsen admit that appellate courts in Virginia and Vermont issued certain orders regarding Isabella's custody, which speak for themselves. Liberty Counsel and Lindevaldsen deny that they ever had any advance knowledge of any alleged plans of Lisa Miller to flee with Isabella. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

26. Responding to paragraph 26 of the RSAC, Liberty Counsel and Lindevaldsen admit that they have engaged in protected speech to assist in funding Liberty Counsel's pro bono representation of Lisa Miller and all other Liberty Counsel clients. Liberty Counsel and Lindevaldsen deny establishing a Facebook site to promote the Protect Isabella Coalition. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

27. Responding to paragraph 27 of the RSAC, Liberty Counsel and Lindevaldsen admit that Lisa Miller was found in contempt at various times concerning Jenkins' visitation rights with

Isabella. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

28. Responding to paragraph 28 of the RSAC, Liberty Counsel and Lindevaldsen admit that Jenkins filed a motion to modify parental rights in the Vermont Family Court and admit that at such time Jenkins did not have any legal or physical custody of Isabella, only limited visitation rights. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

29. Responding to paragraph 29 of the RSAC, Liberty Counsel and Lindevaldsen admit that Response Unlimited provided a single prospecting mailing for Liberty Counsel's fundraising efforts to support its pro bono litigation program. Liberty Counsel and Lindevaldsen deny that Liberty Counsel was offered or had any knowledge of any "personal option" for Lisa Miller, and deny the remaining allegations.

30. Responding to paragraph 30 of the RSAC, Liberty Counsel and Lindevaldsen admit that the Rutland Family Court held a hearing on Jenkins' motion to modify parental rights, admit that Jenkins had no legal or physical custody of Isabella at that time, and admit that Lisa Miller did not appear in person at that hearing. Liberty Counsel and Lindevaldsen deny the remaining allegations.

31. Responding to paragraph 31 of the RSAC, Liberty Counsel and Lindevaldsen admit that the Virginia court held a hearing on Jenkins' attempts to enforce Vermont orders and that Lisa Miller was held in contempt and fined for her alleged actions. Liberty Counsel and Lindevaldsen admit that certain attorneys spoke to various media outlets outside of a Virginia court with Lisa Miller. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

32. Responding to paragraph 32 of the RSAC, Liberty Counsel and Lindevaldsen admit that the Rutland Family Court held a hearing concerning Jenkins' motion to modify parental rights, and admit that Jenkins had no legal or physical custody of Isabella at that time. Liberty Counsel and Lindevaldsen admit that the Rutland Family Court ordered visitation for Jenkins. Liberty Counsel and Lindevaldsen admit that an attorney for Lisa Miller participated via telephone from Virginia. Liberty Counsel and Lindevaldsen deny the remaining allegations.

33. Responding to paragraph 33 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

34. Responding to paragraph 34 of the RSAC, Liberty Counsel and Lindevaldsen deny that they conspired with anyone to devise any plan to kidnap Isabella, and deny that they had any advance knowledge of any such an alleged plan. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

35. Responding to paragraph 35 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

36. Responding to paragraph 36 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

37. Responding to paragraph 37 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

38. Responding to paragraph 38 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

39. Responding to paragraph 39 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

40. Responding to paragraph 40 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

41. Responding to paragraph 41 of the RSAC, Liberty Counsel and Lindevaldsen are without knowledge as to whether Lisa Miller spoke with Andrew Yoder in the fall of 2009, and without knowledge as to the substance of any alleged communication between them, and therefore deny those allegations. Liberty Counsel and Lindevaldsen deny that they ever advised Lisa Miller to disappear. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

42. Responding to paragraph 42 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

43. Responding to paragraph 43 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

44. Responding to paragraph 44 of the RSAC, Liberty Counsel and Lindevaldsen admit that Victoria Hyden was a student worker at Liberty University. Liberty Counsel and Lindevaldsen

deny that Victoria Hyden delivered any emails from Philip Zodhiates to Lindevaldsen. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

45. Responding to paragraph 45 of the RSAC, Liberty Counsel and Lindevaldsen deny that Lindevaldsen was an elder of Thomas Road Baptist Church, and deny that Lindevaldsen packed up any belongings of Lisa Miller or Isabella. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

46. Responding to paragraph 46 of the RSAC, Liberty Counsel and Lindevaldsen deny each and every allegation.

47. Responding to paragraph 47 of the RSAC, Liberty Counsel and Lindevaldsen admit that Jenkins was awarded legal and physical responsibilities for Isabella as of January 1, 2010, and that she had no legal and physical responsibilities or custody of Isabella prior to January 1, 2010. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

48. Responding to paragraph 48 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

49. Responding to paragraph 49 of the RSAC, Liberty Counsel and Lindevaldsen admit that they filed an appeal in the Vermont Supreme Court on Lisa Miller's behalf, and admit that they continued to attempt to represent Lisa Miller's legal interests until they were allowed to withdraw as counsel, consistent with their professional and legal obligations to their client. Liberty

Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

50. Responding to paragraph 50 of the RSAC, Liberty Counsel and Lindevaldsen admit that Lindevaldsen had no knowledge of Lisa Miller's whereabouts and admit that Lindevaldsen attempted to leave Lisa Miller phone messages. Liberty Counsel and Lindevaldsen admit that Lindevaldsen testified truthfully to her lack of knowledge concerning Lisa Miller's whereabouts.

51. Responding to paragraph 51 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

52. Responding to paragraph 52 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

53. Responding to paragraph 53 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

54. Responding to paragraph 54 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

55. Responding to paragraph 55 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

56. Responding to paragraph 56 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

57. Responding to paragraph 57 of the RSAC, Liberty Counsel and Lindevaldsen deny that Lindevaldsen or Liberty Counsel assisted Lisa Miller to leave the United States or to remain outside of the United States. Liberty Counsel and Lindevaldsen deny that Liberty Counsel attorneys misled any courts. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

58. Responding to paragraph 58 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

59. Responding to paragraph 59 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

60. Responding to paragraph 60 of the RSAC, Liberty Counsel and Lindevaldsen deny that they or anyone at Liberty Counsel answered any of the alleged phone calls on September 22, 2009, and deny that they or anyone at Liberty Counsel communicated with Zodiates in any alleged phone call on September 22, 2009. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

61. Responding to paragraph 61 of the RSAC, Liberty Counsel and Lindevaldsen admit that they have truthfully maintained to courts and to the press that they have no knowledge of Lisa Miller's location, and that Lisa Miller stopped communicating with them prior to her alleged

departure from the country. Liberty Counsel and Lindevaldsen admit that they continued to attempt to represent Lisa Miller's legal interests until they were allowed to withdraw as counsel, consistent with their professional and legal obligations to their client. Liberty Counsel and Lindevaldsen deny all remaining allegations.

62. Responding to paragraph 62 of the RSAC, Liberty Counsel and Lindevaldsen admit that Lindevaldsen wrote a book about Lisa Miller, admit that the book was used in teaching legal concepts to Liberty University School of Law students, and admit that Lindevaldsen and Staver have discussed the book publicly, consistent with their First Amendment free speech rights. Liberty Counsel and Lindevaldsen deny all remaining allegations.

63. Responding to paragraph 63 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

#### **AS TO COUNT I – INTENTIONAL TORT OF KIDNAPPING**

Liberty Counsel and Lindevaldsen incorporate by reference their admissions and denials in paragraphs 1 through 63, as though fully set forth herein.

64. Responding to paragraph 64 of the RSAC, Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the allegations and therefore deny them.

65. Responding to paragraph 65 of the RSAC, Liberty Counsel and Lindevaldsen deny that they or Staver conspired with or aided and abetted Lisa Miller or anyone else concerning the alleged kidnapping. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

**AS TO COUNT II – CONSPIRACY TO VIOLATE CIVIL RIGHTS**

Liberty Counsel and Lindevaldsen incorporate by reference their admissions and denials in paragraphs 1 through 65, as though fully set forth herein.

66. Responding to paragraph 66 of the RSAC, Liberty Counsel and Lindevaldsen state that the cited statute speaks for itself, and that the paragraph contains only legal conclusions to which no response is required. To the extent the allegations require any response, Liberty Counsel and Lindevaldsen deny them.

67. Responding to paragraph 67 of the RSAC, Liberty Counsel and Lindevaldsen deny that they or Staver conspired with Lisa Miller or anyone else concerning the alleged violations of civil rights. Liberty Counsel and Lindevaldsen deny that they harbor discriminatory animus towards same-sex couples or against Jenkins because of her alleged sexual orientation. Liberty Counsel and Lindevaldsen are without sufficient knowledge or information to either admit or deny the remaining allegations and therefore deny them.

**AS TO DAMAGES**

68. Responding to paragraph 68 of the RSAC, Liberty Counsel and Lindevaldsen deny each and every allegation.

69. Responding to paragraph 69 of the RSAC, Liberty Counsel and Lindevaldsen deny each and every allegation.

70. Responding to paragraph 70 of the RSAC, Liberty Counsel and Lindevaldsen deny each and every allegation.

71. Responding to paragraph 71 of the RSAC, Liberty Counsel and Lindevaldsen deny each and every allegation.

72. Responding to paragraph 72 of the RSAC, Liberty Counsel and Lindevaldsen deny each and every allegation, and deny that Jenkins is entitled to any damages.

**AS TO JURY DEMAND**

Liberty Counsel and Lindevaldsen admit that Jenkins is seeking a jury trial on all issues triable by a jury, but deny that Jenkins has stated any claims for relief and deny that Jenkins has sufficient evidence to take her claims to a jury.

**AS TO PRAYER**

Liberty Counsel and Lindevaldsen admit that Jenkins is seeking the relief requested in her Prayer, but deny that Jenkins is entitled to any relief whatsoever under any cause of action.

**RESIDUAL DENIAL**

Liberty Counsel and Lindevaldsen deny each and every allegation in the RSAC, other than those allegations expressly and specifically admitted above.

**ADDITIONAL DEFENSES**

1. This Court lacks subject matter jurisdiction over Jenkins' claims.
2. Jenkins is without authority or standing to maintain any next-friend claims on behalf of Isabella Miller, who is now an adult. This Court therefore lacks subject matter jurisdiction over any of Jenkins' purported next-friend claims.
3. Jenkins lacks standing to bring her claims, both individually and as purported next-friend of Isabella.
4. This Court lacks personal jurisdiction over Liberty Counsel and Lindevaldsen.
5. Venue is improper in this District and everywhere else due to Jenkins' failure to timely file her claims against Liberty Counsel and Lindevaldsen.
6. Jenkins' RSAC fails to state any claim upon which relief can be granted.

7. Jenkins' purported custodial interference claim does not exist in Vermont law and therefore cannot serve as a cause of action.

8. Jenkins' conspiracy claims fail because she cannot allege the requisite agreement on the part of Liberty Counsel and Lindevaldsen.

9. Jenkins' conspiracy claims fail because she cannot allege sufficient underlying act liability because a custodial interference claim does not exist in Vermont.

10. Jenkins' aiding and abetting claim fails against Liberty Counsel and Lindevaldsen because there is no underlying tortious conduct, Liberty Counsel and Lindevaldsen did not provide the requisite substantial assistance, and Liberty Counsel and Lindevaldsen did not engage in any independently tortious conduct.

11. Jenkins' civil rights conspiracy claims under Section 1985 fail because she fails to allege requisite state action.

12. Jenkins' civil rights conspiracy claims under Section 1985 fail because she fails to allege membership in a recognized suspect class.

13. Jenkins' claims are all time barred and precluded by the applicable statute of limitations.

14. Jenkins' claims are barred by the doctrine of laches.

15. Jenkins' claims are barred by the doctrine of unclean hands.

16. Liberty Counsel's and Lindevaldsen's alleged actions are protected under the First Amendment to the United States Constitution.

17. Liberty Counsel's and Lindevaldsen's alleged actions are protected by Vermont's anti-SLAPP statute, 12 Vt. Stat. Ann. §1041(a).

**DEMAND FOR JURY TRIAL**

If any claims or defenses in this action are to be tried, Liberty Counsel and Lindevaldsen demand a jury trial on all issues so triable, by the maximum number of jurors permitted.

WHEREFORE, Liberty Counsel and Lindevaldsen respectfully request that this Court grant judgment in their favor, dismiss the RSAC against them with prejudice, award Liberty Counsel and Lindevaldsen reasonable costs and attorney's fees incurred in defending this action, and award such other and further relief as is just and proper under the circumstances.

Dated: April 24, 2020

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Respectfully submitted,

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*Attorneys for Defendants Liberty Counsel,  
and Rena Lindevaldsen*

\*Admitted pro hac vice

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of April 2020, I caused the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notification system.

/s/ Horatio G. Mihet  
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