

From: [Diego Soto](#)
To: [Brooks McArthur](#); [Anthony Duprey](#); [Daniel Schmid](#); [Horatio Mihet](#); [Roger Gannam](#); [Adam Hochschild](#); [Norman Smith](#); [Richard Boyer](#); [Toddy Ferguson](#); [Michael Tierney](#)
Cc: [Beth Littrell](#); [Claudia Huerta](#); [Diego Soto](#); [Emily Joselson](#); [flangrock](#); [Jessica Stone](#); [jswift](#); [Julie Jackman](#); [Maya Rajaratnam](#); [Sarah Star](#); [Scott McCoy](#); [srs](#); [Tyler Clemons](#)
Subject: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.) - Plaintiff Janet Jenkins's Production of JENKINS17036-JENKINS20499
Date: Friday, March 20, 2020 6:37:00 PM
Attachments: [04:10 PROTECTIVE ORDER re- Plaintiffs Medical Mental Health Financial and Other Personal Records and I.pdf](#)

Counsel,

Please find at the link below Plaintiff Janet Jenkins's production of documents Bates stamped JENKINS17036-JENKINS20499:

<https://splc.box.com/s/3h7mz1ocmzrpb0c0c9td2k7nh813i9b1>

The following is a shortened URL for your convenience: <https://bit.ly/2xeZaJW>

This production contains documents responsive to the RUL Defendants' Requests 1, 3-4, and 16-18, Wall's Requests 1, 15-16, 18, 26, 31, 61, and 66-67, and Liberty Counsel's Requests 1, 4, 9-11, 30, 53-54, and 58.

This production contains 3 confidential documents protected from disclosure by court order. A copy of that order is attached for your convenience.

Sincerely,
Diego



Diego Soto he/him/his
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 334.956.8427 C 334.604.1414 F 334.956.8481
diego.soto@splcenter.org | www.splcenter.org
Admitted in Alabama and the District of Columbia

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EXHIBIT 1

From: [Diego Soto](#)
To: [Brooks McArthur](#); [Anthony Duprey](#); [Daniel Schmid](#); [Horatio Mihet](#); [Roger Gannam](#); [Adam Hochschild](#); [Norman Smith](#); [Richard Boyer](#); [Toddy Ferguson](#); [Michael Tierney](#)
Cc: [Beth Littrell](#); [Claudia Huerta](#); [Diego Soto](#); [Emily Joselson](#); [flangrock](#); [Jessica Stone](#); [Maya Rajaratnam](#); [Sarah Star](#); [Scott McCoy](#); [Tyler Clemons](#)
Subject: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.) - Plaintiff Janet Jenkins's Production of JENKINS20500-JENKINS22069
Date: Friday, April 10, 2020 1:40:50 PM

Counsel,

Please find at the link below Plaintiff Janet Jenkins's production of documents Bates stamped JENKINS20500-JENKINS22069:

<https://splc.box.com/s/t06ykb95tc2j8cnhvavfug81a02t26ah>

The following is a shortened URL for your convenience: <https://bit.ly/2XrSJ1s>

To add a layer of security to Plaintiffs' productions, Plaintiffs have added a password requirement to this and all past productions. The password is the date this case was filed: August142012

This production contains documents responsive to the RUL Defendants' Request 16, Wall's Requests 16, 24, 26, 31-32, 37-38, 54, 64-65, and 67, and Liberty Counsel's Requests 9-11, 29, and 58.

This production also contains 32 nonconfidential documents with limited information redacted: full names of nonparty minors, the month and day of a nonparty minor's birth, the first five digits of Plaintiff Isabella Miller-Jenkins's Social Security number, and the personal phone numbers of Plaintiff Janet Jenkins, Jenkins's mother, and Jenkins's attorney Sarah Star. Plaintiffs are willing to provide this redacted information to Defendants upon request.

Sincerely,
Diego



Diego Soto he/him/his
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 334.956.8427 C 334.604.1414 F 334.956.8481
diego.soto@splcenter.org | www.splcenter.org
Admitted in Alabama and the District of Columbia

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EXHIBIT 2

Horatio Mihet

From: Horatio Mihet
Sent: Friday, July 12, 2019 1:58 PM
To: Tyler Clemons; Norman Smith; Robert B. Hemley; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson
Subject: RE: Jenkins v Miller: Stipulated Protective Order

Tyler and Diego,

It was good to speak with you this afternoon about Plaintiff's push for a Protective Order.

I am confirming our discussion, wherein you indicated that you did not have any document in mind for marking as "Highly Confidential" or "Attorney's Eyes Only." I and other defendants indicated that it is inappropriate to consider such an onerous litigation handicap without any need for it. I asked that this be removed from our future discussions.

Also on our call, you indicated that, as of now, your client Ms. Jenkins has not provided you with any documents that you are withholding until the entry of a protective order, and that you are ready to produce but for the absence of a protective order. You indicated that there are only two categories of documents that you anticipate receiving from your client that might need to be designated as "Confidential" under a protective order – mental health records and business records of a day care. I and other defendants requested that you obtain from your client the universe of documents responsive to pending discovery requests, and that you determine the nature and amount of specific documents that you believe require a protective order for our next discussion.

Finally, also on our call, you estimated that CAM has produced around 200 pages of documents, of which about 10% are marked as "Confidential," and none as "Highly Confidential." SPLC is withholding these latter documents pending entry of a protective Order. But, SPLC is willing to produce immediately the remainder of CAM documents that are not marked as "Confidential." Please do so, ASAP. And, as discussed, please confirm or correct these numbers. If we're dealing with a limited and specific subset of documents, my clients would be willing to stipulate to a limited Order addressing them.

Please let me know if you think I am not accurately recalling any aspect of our discussion.

Kind Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

LC.org

Offices in DC, FL, and VA

*Licensed in Florida and Ohio

EXHIBIT 3

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Thursday, July 11, 2019 12:36 PM
To: Norman Smith <norman@normansmithlaw.com>; Horatio Mihet <hmihet@lc.org>; Robert B. Hemley <rhemley@gravelshea.com>; Brooks G. McArthur (bmcArthur@jarvismcarthur.com) <bmcArthur@jarvismcarthur.com>; Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Anthony R. Duprey (anthony@ndp-law.com) <anthony@ndp-law.com>; mtierney@wadleighlaw.com
Cc: Diego Soto <Diego.Soto@splcenter.org>; Sarah Star <sarahstar.esq@gmail.com>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Emily Joselson <ejoselson@langrock.com>
Subject: RE: Jenkins v Miller: Stipulated Protective Order

Counsel:

Please use the information below to dial in to our conference scheduled for tomorrow, Friday, July 12, at 1:15 p.m. Eastern. I look forward to speaking with you then.

(888)450-5996 (Passcode: 397771)



J. Tyler Clemons they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Tyler Clemons
Sent: Wednesday, July 10, 2019 10:00 AM
To: 'Norman Smith'; Horatio Mihet; Robert B. Hemley; Brooks G. McArthur (bmcArthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne
Subject: RE: Jenkins v Miller: Stipulated Protective Order

Thanks for your responses. Because several of us are available Friday (7/12) at 12:15 Eastern, we will proceed with the meet and confer. Please hold that time on your calendars and a dial-in number will be sent shortly.



J. Tyler Clemons they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Norman Smith [<mailto:norman@normansmithlaw.com>]
Sent: Tuesday, July 9, 2019 2:43 PM
To: Horatio Mihet; Tyler Clemons; Robert B. Hemley; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne
Subject: RE: Jenkins v Miller: Stipulated Protective Order

I am available.

Norm

Please note that my email address has changed to norman@normansmithlaw.com.

Norman C. Smith, Esq.
76 Lincoln Street
P.O. Box 24
Essex Junction, VT 05453
802-288-9088
802-879-9640 (fax)
norman@normansmithlaw.com

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From: Horatio Mihet <hmihet@lc.org>
Sent: Tuesday, July 9, 2019 3:39 PM
To: Tyler Clemons <Tyler.Clemons@splcenter.org>; Robert B. Hemley <rhemley@gravelshea.com>; Brooks G. McArthur (bmcarthur@jarvismcarthur.com) <bmcarthur@jarvismcarthur.com>; Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Anthony R. Duprey (anthony@ndp-law.com) <anthony@ndp-law.com>; mtierney@wadleighlaw.com
Cc: Diego Soto <Diego.Soto@splcenter.org>; Sarah Star <sarahstar.esq@gmail.com>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>
Subject: RE: Jenkins v Miller: Stipulated Protective Order

I am available.

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*
Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

LC.org

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>

Sent: Tuesday, July 9, 2019 1:16 PM

To: Robert B. Hemley <rhemley@gravelshea.com>; Horatio Mihet <hmihet@lc.org>; Brooks G. McArthur (bmcarthur@jarvismcarthur.com) <bmcarthur@jarvismcarthur.com>; Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Anthony R. Duprey (anthony@ndp-law.com) <anthony@ndp-law.com>; mtierney@wadleighlaw.com

Cc: Diego Soto <Diego.Soto@splcenter.org>; Sarah Star <sarahstar.esq@gmail.com>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>

Subject: RE: Jenkins v Miller: Stipulated Protective Order

Counsel:

Brooks has proposed 1:15 p.m. Eastern on this Friday, July 12, for our meet & confer regarding the protective order. Are others able to dial in at this time? Please let us know as soon as possible.

Best,

Tyler



J. Tyler Clemons *they/them/mx*
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Tyler Clemons

Sent: Wednesday, July 3, 2019 12:52 PM

To: 'Robert B. Hemley'; Horatio Mihet; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com

Cc: Beth Jacob; Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne

Subject: RE: Jenkins v Miller: Stipulated Protective Order

Thank you, Bob.

Counsel for remaining defendants: Please send me your availability for a meet and confer during the weeks of July 8 and July 15. Pursuant to Local Rule 26(c), Plaintiffs must meet and confer with the remaining counsel before filing a motion for the Court to enter the proposed discovery order. (Although we have already conferred with counsel for the RUL Defendants regarding the order, Plaintiffs do not object to their attendance as well.)

Thanks and Happy 4th,

Tyler



J. Tyler Clemons they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Robert B. Hemley [<mailto:rhemley@gravelshea.com>]
Sent: Monday, July 1, 2019 3:33 PM
To: Tyler Clemons; Horatio Mihet; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Beth Jacob; Diego Soto; Sarah Star; flangrock; Hillary A. Borcharding; Matthew B. Byrne
Subject: Re: Jenkins v Miller: Stipulated Protective Order

Tyler: You have the RUL Defendants' position on this, about which we have already met and conferred, and have also made reference to in our motion to compel. I believe you also have the opposition of the Liberty Defendants, who indicated that they adopt the position of the RUL Defendants. If there is something more you are looking for from the RUL Defendants as to their position, let me know. I understand that you have made no changes in what you now propose from your earlier proposal, so our position remains the same. Thank you.

Robert B. Hemley | *Shareholder*
Gravel & Shea PC
76 St. Paul Street, 7th Floor | P. O. Box 369 | Burlington, VT 05402-0369
802-658-0220 (phone) | 802-658-1456 (fax) | 802-233-1437 (cell)
rhemley@gravelshea.com | www.gravelshea.com
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From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Thursday, June 27, 2019 2:38 PM
To: Horatio Mihet; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com
Cc: Beth Jacob; Diego Soto; Sarah Star; flangrock; Robert B. Hemley; Hillary A. Borcharding; Matthew B. Byrne
Subject: RE: Jenkins v Miller: Stipulated Protective Order

Good afternoon counsel:

I have reattached Plaintiffs' proposed stipulated protective order governing the use of confidential and highly confidential information in *Jenkins v. Miller*, No. 2:12-cv-184-wks (D. Vt.). Recent discovery requests served on Plaintiffs by Defendants RUL, Zodiates, and Hyden include requests for mental health records and financial documents; these requests underscore the need for a standardized method of designating and controlling the dissemination of private information in this case.

The RUL Defendants have made clear that they oppose the entry of this protective order, but the remaining Defendants have not done so. Please apprise Plaintiffs of your clients' position regarding the entry of this protective order at your earliest convenience.

Best,

J. Tyler Clemons (*they/them/mx*)
Staff Attorney, LGBTQ Rights/Special Litigation
[Southern Poverty Law Center](#)
201 St. Charles Avenue Suite 2000
New Orleans, Louisiana 70170
t (504)526-1530 c (504)258-4290 f (504)486-8947
[LinkedIn](#) | [SSRN](#)

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From: Horatio Mihet [<mailto:hmihet@lc.org>]

Sent: Friday, April 26, 2019 1:44 PM

To: Robert B. Hemley; Tyler Clemons; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Matthew B. Byrne; Norman C. Smith (nc.smith@myfairpoint.net); Hillary A. Borcharding; Norman C. Williams; Daniel Schmid; Roger Gannam; Anthony R. Duprey (anthony@ndp-law.com); mtierney@wadleighlaw.com; dboyd@gravelshea.com

Cc: Beth Jacob; Diego Soto; Sarah Star; flangrock

Subject: RE: Jenkins v Miller: Stipulated Protective Order

I share these concerns. Perhaps Plaintiffs can provide a few examples of documents they believe would require the protections of a protective order.

At a minimum, the presumption should remain in favor of open records/proceedings, with the burden of justifying confidentiality designations, and of moving to retain them after a dispute arises, squarely placed on the party claiming confidentiality.

We can discuss these provisions in greater detail after Plaintiffs demonstrate a real need for a protective order, with concrete examples. Thanks.

HGM

Horatio G. Mihet, Esq.*
Vice President of Legal Affairs and
Chief Litigation Counsel
Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax
LC.org
Offices in DC, FL, and VA
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From: Robert B. Hemley <rhemley@gravelshea.com>
Sent: Thursday, April 25, 2019 4:52 PM
To: 'Tyler Clemons' <Tyler.Clemons@splcenter.org>; Brooks G. McArthur (bmcarthur@jarvismcArthur.com) <bmcarthur@jarvismcArthur.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Norman C. Williams <nwilliams@gravelshea.com>; Horatio Mihet <hmihet@lc.org>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Anthony R. Duprey (anthony@ndp-law.com) <anthony@ndp-law.com>; mtierney@wadleighlaw.com; dboyd@gravelshea.com
Cc: Beth Jacob <beth.jacob@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Sarah Star <sarahstar.esq@gmail.com>; flangrock <flangrock@langrock.com>
Subject: RE: Jenkins v Miller: Stipulated Protective Order

Tyler: I question why we need a protective order in this case. It seems to me that just about everything, if not everything, that is the subject of valid discovery is already public after two criminal trials, and substantial production by my clients in this case without the benefit of a protective order. I fear that a protective order such as you have proposed will lead, as they almost always do, to over designation, and create unnecessary obstacles to the exchange of discoverable information. I think I would prefer to deal with confidentiality issues that may arise on a document by document (or class of document) basis. I don't know if others of the defense counsel have different views, or if they have responded to your e-mail. If so, I would be interested in hearing what they have to say. Feel free to call if you have any questions.

Also, I note that David Boyd is still listed as counsel. David no longer works at Gravel & Shea, so he should be taken off the list. Thanks.

Robert B. Hemley | Shareholder
Gravel & Shea PC
76 St. Paul Street, 7th Floor | P. O. Box 369 | Burlington, VT 05402-0369
802-658-0220 (phone) | 802-658-1456 (fax) | 802-233-1437 (cell)
rhemley@gravelshea.com | www.gravelshea.com
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From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Wednesday, April 10, 2019 10:55 AM
To: Brooks G. McArthur (bmcarthur@jarvismcArthur.com) <bmcarthur@jarvismcArthur.com>; Robert B. Hemley <rhemley@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Norman C. Williams <nwilliams@gravelshea.com>; Horatio Mihet <hmihet@lc.org>; Daniel J. Schmid (dschmid@lc.org) <dschmid@lc.org>; Roger Gannam <rgannam@lc.org>; Anthony R. Duprey (anthony@ndp-law.com) <anthony@ndp-law.com>; mtierney@wadleighlaw.com; dboyd@gravelshea.com
Cc: Beth Jacob <beth.jacob@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Sarah Star

<sarahstar.esq@gmail.com>; flangrock <flangrock@langrock.com>

Subject: Jenkins v Miller: Stipulated Protective Order

Counsel:

I have attached a proposed stipulated protective order governing the use of confidential and highly confidential information in *Jenkins v. Miller*, No. 2:12-cv-184-wks (D. Vt.). Please send any comments or proposed edits at your earliest convenience.

Best,

J. Tyler Clemons (*he/him/his*)

Staff Attorney, LGBT Rights/Special Litigation

[Southern Poverty Law Center](#)

201 St. Charles Avenue Suite 2000

New Orleans, Louisiana 70170

t (504)526-1530 c (504)258-4290 f (504)486-8947

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Horatio Mihet

From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Thursday, June 20, 2019 10:27 AM
To: Horatio Mihet
Cc: Beth Jacob; David Dinielli; Diego Soto; flangrock; srs; Brooks G. McArthur; mtierney@wadleighlaw.com; Robert B. Hemley; Norman C Smith; wfowler@williamsmullen.com; hjohnson@williamsmullen.com; jfeinman@williamsmullen.com; Daniel Schmid; Roger Gannam; flangrock
Subject: RE: Jenkins v. Miller et al - LC, Staver and Lindevaldsen privilege log and claw back request for LU Documents

Good morning Harry,

We have searched our files and deleted document #88 (UNIV-00336 – UNIV-00339). We have also searched our email files and found a couple of instances in which the document was sent as an attachment to internal SPLC recipients. We have deleted each of those emails. We did want to let you know, however, that because of the way our automatic backup system works, the file will not be fully deleted from all of our systems for approximately 45 days. We hereby affirm that we will not retrieve any of the deleted files from our backup system. We further affirm that we have not used or disclosed, and will not use or disclose, the document until your privilege claim is resolved.

J. Tyler Clemons (*they/them/mx*)
Staff Attorney, LGBTQ Rights/Special Litigation
[Southern Poverty Law Center](#)
201 St. Charles Avenue Suite 2000
New Orleans, Louisiana 70170
t (504)526-1530 c (504)258-4290 f (504)486-8947
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From: Horatio Mihet [mailto:hmihet@lc.org]
Sent: Tuesday, June 18, 2019 2:15 PM
To: Tyler Clemons
Cc: Beth Jacob; David Dinielli; Diego Soto; flangrock; srs; Brooks G. McArthur; mtierney@wadleighlaw.com; Robert B. Hemley; Norman C Smith; wfowler@williamsmullen.com; hjohnson@williamsmullen.com; jfeinman@williamsmullen.com; Daniel Schmid; Roger Gannam
Subject: Jenkins v. Miller et al - LC, Staver and Lindevaldsen privilege log and claw back request for LU Documents
Importance: High

Tyler,

My clients—Liberty Counsel, Rena Lindevaldsen and Mat Staver—are asserting various privileges over a subset of the documents identified by Liberty University as potentially responsive to Jenkins' subpoena. Please find attached a privilege log.

We have asked Liberty University not to produce the first 82 out of the 88 documents on the privilege log.

We have asked Liberty University to produce documents ## 83-87, but with limited redactions, as identified on the privilege log.

Finally, the last document on the log (# 88) was recently produced by Liberty University under Bates labels UNIV-00336 – UNIV-00339. This document is privileged work product, and we are advised that it was produced inadvertently. Consistent with the law of inadvertent disclosure, we hereby request that Plaintiff destroy all copies of this document in her custody, possession or control (including without limitation her counsel’s custody, possession or control) and that you please **confirm on or before close of business on this Friday, June 21:**

1. that all copies of this document have been destroyed and no copies remain in Plaintiff’s custody, possession or control (including without limitation her counsel’s custody, possession or control);
2. either that Plaintiff did not disclosed this document to any other party prior to receiving this notification, or, if disclosure has already been made, please let us know the person(s) to whom it was disclosed, the date of disclosure and the efforts Plaintiff has made or is making to retrieve the document; and
3. that Plaintiff has not used the information in the privileged document, and has no intention of using it or disclosing it, until such time that this privilege claim, if ever challenged, is resolved.

See Fed. R. Civ. P. 26(b)(5)(B). See also, Fuller v. Interview, Inc., No. 07CIV.5728RJSDF, 2009 WL 3241542, at *2, *& (S.D.N.Y. Sept. 30, 2009) (holding that receiving party who failed to provide the requested certification of destruction of inadvertently produced privileged documents “violated Fed.R.Civ.P. 26(b)(5)(B),” and “directing Plaintiff’s counsel to destroy all copies of them that are within his possession or control”); *id.* at *8 (“the Court has determined that Plaintiff may not use or rely on these [inadvertently disclosed privileged] communications for any purpose in this litigation”); *Bretillot v. Burrow*, No. 14CV7633 JGK MHD, 2015 WL 5306224, at *29 (S.D.N.Y. June 30, 2015), *report and recommendation adopted*, No. 14 CIV. 7633 JGK MHD, 2015 WL 6455155 (S.D.N.Y. Oct. 26, 2015) (same).

Thank you for your prompt attention to this matter.

Kind Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

LC.org

Offices in DC, FL, and VA
*Licensed in Florida and Ohio

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Horatio Mihet

From: Horatio Mihet
Sent: Monday, August 19, 2019 11:34 AM
To: Tyler Clemons; Brooks G. McArthur; Robert B. Hemley; 'Norman Smith'
Cc: Norman C. Williams; Daniel Schmid; Roger Gannam; mtierney@wadleighlaw.com; Diego Soto; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson; David Dinielli; srs; Adam Hochschild
Subject: RE: Jenkins: CAM Production

Tyler – if the 3 changes you mentioned in this email chain are the only changes made to the document (I haven't had a chance to confirm), then Liberty Counsel and Lindevaldsen are also in agreement as to this protective order only, reserving all rights and arguments as to any other discovery issues.

HGM

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax
LC.org

Offices in DC, FL, and VA

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Thursday, August 15, 2019 11:07 AM
To: Brooks G. McArthur <bmcarthur@jarvismcarthur.com>; Robert B. Hemley <rhemley@gravelshea.com>; 'Norman Smith' <norman@normansmithlaw.com>; Horatio Mihet <hmihet@lc.org>
Cc: Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; mtierney@wadleighlaw.com; Diego Soto <Diego.Soto@splcenter.org>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Emily Joselson <ejoselson@langrock.com>; David Dinielli <David.Dinielli@splcenter.org>; srs <srs@sarahstarlaw.com>; Adam Hochschild <adam@hochschildlaw.com>
Subject: RE: Jenkins: CAM Production

Thanks Brooks, Bob, and Norm. The attached draft reflects all proposed edits to date.

To be clear, my understanding is that Plaintiffs, Ken Miller, the RUL Defendants, and Linda Wall are in agreement with filing this version of the protective order. Counsel for those defendants, please let me know if I'm in error.

I still need to hear from the Liberty Counsel defendants and Timothy Miller. Harry and Matthew, please let me know whether your clients agree as well.

Best,

Tyler



J. Tyler Clemons they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Brooks G. McArthur [<mailto:bmcarthur@jarvismcarthur.com>]

Sent: Thursday, August 15, 2019 9:37 AM

To: Robert B. Hemley; 'Norman Smith'; Tyler Clemons; Horatio Mihet

Cc: Norman C. Smith (nc.smith@myfairpoint.net); Norman C. Williams; Daniel Schmid; Roger Gannam; mtierney@wadleighlaw.com; Diego Soto; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson; David Dinielli; srs; Adam Hochschild

Subject: Re: Jenkins: CAM Production

I am in agreement.

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From: Robert B. Hemley <rhemley@gravelshea.com>

Sent: Thursday, August 15, 2019 10:28 AM

To: 'Norman Smith'; Tyler Clemons; Horatio Mihet

Cc: Norman C. Smith (nc.smith@myfairpoint.net); Brooks G. McArthur; Norman C. Williams; Daniel Schmid; Roger Gannam; mtierney@wadleighlaw.com; Diego Soto; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson; David Dinielli; srs; Adam Hochschild

Subject: RE: Jenkins: CAM Production

Zodhiates, Hyden and RUL are okay with the proposed CAM protective order with the understanding that this does not affect their position as to other discovery issues.

Robert B. Hemley | *Shareholder*

Gravel & Shea PC

76 St. Paul Street, 7th Floor | P. O. Box 369 | Burlington, VT 05402-0369

802-658-0220 (phone) | 802-658-1456 (fax) | 802-233-1437 (cell)

rhemley@gravelshea.com | www.gravelshea.com

[Biography](#) | [Download vCard](#)

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From: Norman Smith <norman@normansmithlaw.com>

Sent: Wednesday, August 14, 2019 12:21 PM

To: Tyler Clemons <Tyler.Clemons@splcenter.org>; Horatio Mihet <hmihet@lc.org>

Cc: Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Robert B. Hemley

<rhemley@gravelshea.com>; Brooks G. McArthur (bmcarthur@jarvismcarthur.com) <bmcarthur@jarvismcarthur.com>;

Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; mtierney@wadleighlaw.com; Diego Soto <Diego.Soto@splcenter.org>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcherding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Emily Joselson <ejoselson@langrock.com>; David Dinielli <David.Dinielli@splcenter.org>; srs <srs@sarahstarlaw.com>; Adam Hochschild <adam@hochschildlaw.com>

Subject: RE: Jenkins: CAM Production

Thank you, Tyler.

As an initial matter, please include my co-counsel, Adam Hochschild, on all group correspondence going forward. I've included him here.

Adam and I are fine with your proposed edits, Tyler, and we request two additional edits:

- Add a "So Ordered" line for the judge.
- Add a signature block for Adam, under mine, as counsel for Ms. Wall:

Norm

Please note that my email address has changed to norman@normansmithlaw.com.

Norman C. Smith, Esq.

76 Lincoln Street

P.O. Box 24

Essex Junction, VT 05453

802-288-9088

802-879-9640 (fax)

norman@normansmithlaw.com

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>

Sent: Monday, August 12, 2019 11:48 AM

To: Horatio Mihet <hmihet@lc.org>

Cc: Norman C. Smith (nc.smith@myfairpoint.net) <nc.smith@myfairpoint.net>; Robert B. Hemley <rbhemley@gravelshea.com>; Brooks G. McArthur (bmcarthur@jarvismcarthur.com) <bmcarthur@jarvismcarthur.com>; Norman C. Williams <nwilliams@gravelshea.com>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; mtierney@wadleighlaw.com; Diego Soto <Diego.Soto@splcenter.org>; flangrock <flangrock@langrock.com>; Hillary A. Borcharding <hborcherding@gravelshea.com>; Matthew B. Byrne <mbyrne@gravelshea.com>; Emily Joselson <ejoselson@langrock.com>; David Dinielli <David.Dinielli@splcenter.org>; srs <srs@sarahstarlaw.com>

Subject: RE: Jenkins: CAM Production

Counsel:

I haven't received any responses regarding Plaintiffs' proposed revisions to Harry's revised protective order governing the CAM documents. I have reattached the proposed order and the proposed revisions are below. Please respond affirmatively if you agree to these revisions so that we can get this filed with the Court.

Best,

Tyler



J. Tyler Clemons *they/them/mx*
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Tyler Clemons

Sent: Monday, August 5, 2019 2:46 PM

To: 'Horatio Mihet'

Cc: Norman C. Smith (nc.smith@myfairpoint.net); Robert B. Hemley; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Williams; Daniel Schmid; Roger Gannam; mtierney@wadleighlaw.com; Diego Soto; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson; David Dinielli; srs

Subject: RE: Jenkins: CAM Production

Counsel:

Thank you to Harry for circulating this revised protective order to govern the CAM documents. Plaintiffs are amenable to the entry of this order provided that the following changes are made:

1. The time period in paragraph 2 be extended from 14 days to 20 business days for CAM to file a motion for a protective order in the event that a party challenges the confidentiality of these documents;
2. The typo in paragraph 5 be changed to read "all Persons in paragraph 4(c)" instead of "paragraph 3(c)"; and
3. Paragraph 8 be changed to read "counsel for the Parties shall confer among themselves and with counsel for CAM and agree to procedures..."

I ask that counsel for each defendant respond affirmatively if you agree to these revisions so that we can get this filed with the Court.

Best,

Tyler



J. Tyler Clemons *they/them/mx*
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Horatio Mihet [<mailto:hmihet@lc.org>]
Sent: Friday, July 19, 2019 7:07 PM
To: Tyler Clemons
Cc: Norman C. Smith (nc.smith@myfairpoint.net); Robert B. Hemley; Brooks G. McArthur (bmcarthur@jarvismcarthur.com); Norman C. Williams; Daniel Schmid; Roger Gannam; mtierney@wadleighlaw.com; Diego Soto; flangrock; Hillary A. Borcharding; Matthew B. Byrne; Emily Joselson; David Dinielli; srs
Subject: RE: Jenkins: CAM Production

Tyler and other Counsel:

First, I was initially omitted from Tyler's email of last Friday (below), providing a link to the non-confidential CAM documents and a revised Stipulated Protective Order. To the extent you all have had any follow-up discussions on that thread, I would not have been included, and I ask that you forward same to me. Please be sure to use this thread instead going forward.

Second, please find attached a more simplified and specific version of a Protective Order that my clients would be willing to sign to receive the Confidential Documents from CAM. Please let me know promptly if everyone is on board, so that we can have access to those documents.

Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*
Liberty Counsel
PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax
LC.org
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From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Friday, July 12, 2019 2:56 PM
To: Horatio Mihet <hmihet@lc.org>
Subject: FW: Jenkins: CAM Production

Hi Harry,

You got left off this list somehow. Forwarding to make sure you receive this.

Best,



J. Tyler Clemons they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
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From: Tyler Clemons
Sent: Friday, July 12, 2019 1:43 PM
To: 'Norman C. Smith (nc.smith@myfairpoint.net)'; 'Robert B. Hemley'; 'Brooks G. McArthur (bmcarthur@jarvismcarthur.com)'; 'Norman C. Williams'; 'Daniel Schmid'; 'Roger Gannam'; 'Anthony R. Duprey (anthony@ndp-law.com)'; 'mtierney@wadleighlaw.com'
Cc: Diego Soto; srs; Fritz Langrock (FLangrock@langrock.com); 'Hillary A. Borcharding'; 'Matthew B. Byrne'; Emily Joselson; David Dinielli
Subject: Jenkins: CAM Production

Good afternoon counsel:

Thank you to Harry, Brooks, Norm, and Hillary for joining Plaintiffs for a conference regarding a protective order this afternoon.

As promised during that call, you may find the portion of the 130-page production from Christian Aid Ministries that was not marked confidential at this link: <https://splc.box.com/s/zum6hqxlrpqonwxw99ywgo4bddxtjdtf>. This does not include the documents Bates Stamped CAM0000015-23 or CAM0000027-32 (a total of 14 pages), which were marked confidential.

I have also attached a draft protective order governing the disclosure of the CAM documents marked confidential. It is drafted in a manner to permit additional documents or categories of information to be easily added to it in the future should that become necessary. Please indicate your willingness to stipulate to such an order at your earliest convenience.

Best,



J. Tyler Clemons they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
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Horatio Mihet

From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Tuesday, November 26, 2019 11:29 AM
To: Horatio Mihet; Robert B. Hemley; Adam Hochschild
Cc: Brooks G. McArthur; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding; Matthew D. Preedom; Linda Bradford Barron; Claudia Huerta; David Dinielli; Diego Soto; Emily Joselson; flangrock; Jessica Stone; jswift; Julie Jackman; Roger Gannam; Sarah Star; Maya Rajaratnam; Beth Littrell; Scott McCoy; Roger Gannam; Daniel Schmid; Anthony Duprey; Michael J. Tierney; Celeste E. Laramie
Subject: Re: Jenkins: Deposition Notices

Good morning Harry,

That's correct: Plaintiffs are amenable to rescheduling the depositions already noticed for December (and the Staver deposition on January 2) and do not intend to notice any additional depositions for December.

I will gather the availability of Janet and Carolyn Jenkins and Plaintiffs' experts for January and February and let you and other defense counsel know as soon as I have it. I ask that defense counsel do the same for their clients. We agree that clustering depositions by geographic area and time is ideal.

Finally, given the Court's admonition in its order yesterday that we should have clarified the discovery deadline sooner, Plaintiffs intend to ask the Court for clarification on the number of depositions that each party is permitted to take. As we discussed yesterday, the proposed scheduling order (ECF 320, paragraph 8) reflected the parties' disagreement over whether Plaintiffs would be allowed to take 10 or 20 non-party witness depositions, and the Court did not resolve that dispute in adopting the schedule at ECF 329. The Court did not mention depositions in the discovery schedule issued yesterday (ECF 425). All counsel: Please let me know by **5 p.m. Eastern on Monday, December 2** whether your clients agree to file this as a joint motion for clarification or whether Plaintiffs should proceed unilaterally.

Best,

Tyler



J. Tyler Clemons *they/them/mx*
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Horatio Mihet <hmihet@lc.org>
Date: Tuesday, November 26, 2019 at 6:52 AM
To: Tyler Clemons <Tyler.Clemons@splcenter.org>, "Robert B. Hemley" <rhemley@gravelshea.com>, Adam Hochschild <adam@hochschildlaw.com>

Cc: "Brooks G. McArthur" <bmcarthur@jarvismcarthur.com>, "norman@normansmithlaw.com" <norman@normansmithlaw.com>, "cs.fergie@myfairpoint.net" <cs.fergie@myfairpoint.net>, "Hillary A. Borcharding" <hborcharding@gravelshea.com>, "Matthew D. Preedom" <mpreedom@gravelshea.com>, Linda Bradford Barron <lbarron@gravelshea.com>, Claudia Huerta <claudia.huerta@splcenter.org>, David Dinielli <David.Dinielli@splcenter.org>, Diego Soto <Diego.Soto@splcenter.org>, Emily Joselson <ejoselson@langrock.com>, flangrock <flangrock@langrock.com>, Jessica Stone <jessica.stone@splcenter.org>, jswift <jswift@langrock.com>, Julie Jackman <jjackman@langrock.com>, Roger Gannam <rgannam@lc.org>, Sarah Star <sarahstar.esq@gmail.com>, Maya Rajaratnam <maya.rajaratnam@splcenter.org>, Beth Littrell <beth.littrell@splcenter.org>, Scott McCoy <Scott.McCoy@splcenter.org>, Roger Gannam <rgannam@lc.org>, Daniel Schmid <daniel@lc.org>, Anthony Duprey <anthony@ndp-law.com>, "Michael J. Tierney" <mtierney@wadleighlaw.com>, "Celeste E. Laramie" <claramie@gravelshea.com>

Subject: RE: Jenkins: Deposition Notices

Tyler:

With the Court having granted the discovery extension until March 2, let us confirm this morning that the depositions below will not go forward on this schedule, but will be rescheduled in January and February, so that we may complete document discovery first, and also return to our regularly scheduled Holiday Season.

If you'd like, we can begin (re) scheduling discussions promptly, and set deposition dates aside in January and February. We need to endeavor to lump depositions together by geographic area as much as possible, to minimize travel as much as possible.

I know from speaking with Ms. Thurman's counsel yesterday that he would appreciate confirmation this morning that the depositions are being rescheduled, as would I and other defense counsel. Thus, your soonest confirmation is appreciated.

Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*
Liberty Counsel
PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax
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From: Horatio Mihet

Sent: Monday, November 25, 2019 3:40 PM

To: Tyler Clemons <Tyler.Clemons@splcenter.org>; Robert B. Hemley <rhemley@gravelshea.com>; Adam Hochschild <adam@hochschildlaw.com>

Cc: Brooks G. McArthur <bmcarthur@jarvismcarthur.com>; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Linda

Bradford Barron <lbarron@gravelshea.com>; Claudia Huerta <claudia.huerta@splcenter.org>; David Dinielli <David.Dinielli@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; jsswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Roger Gannam <rgannam@lc.org>; Sarah Star <sarahstar.esq@gmail.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; Roger Gannam <rgannam@lc.org>; Daniel Schmid <daniel@lc.org>; Anthony Duprey <anthony@ndp-law.com>; Michael J. Tierney <mtierney@wadleighlaw.com>; Celeste E. Laramie <claramie@gravelshea.com>

Subject: RE: Jenkins: Deposition Notices

Tyler: here is the deposition schedule we discussed and agreed upon this afternoon (perhaps with some follow up needed on the Lindevaldsen deposition):

DATE	TIME	LOCATION	DEPONENT
Dec. 4	9 am	Lynchburg	Joleen Booth
Dec. 4	1 pm	Lynchburg	Debbie Thurman
Dec. 5	9 am	Lynchburg	William Sidebottom
Dec. 5	1 pm	Lynchburg	Sandy Sturgill
Dec. 16	9 am	Vermont	Janet Jenkins
Dec. 16	1 pm	Vermont	Carolyn Jenkins
Dec. 17	9 am	Vermont	Tara Devine
Dec. 18	9 am	Vermont	John Malluccio
Dec. 18	1 pm	Vermont	Sharon Lamb
Dec. 19	10 am	Lynchburg	Victoria Hyden
Dec. 20	9 am	Lynchburg	Linda Wall
TBD	TBD	New Jersey	Patricia Apy
Jan. 2	8 am	Mathew Staver	Orlando
Jan. 2	2 pm	Rena Lindevaldsen	Orlando

Please provide us with Ms. Apy's availability today or tomorrow.

As discussed, if you need the full 7 hours with each of Mr. Staver or Ms. Lindevaldsen, and are not able to conclude their depositions back-to-back on Jan. 2, we will agree to conclude them on the morning of Jan. 3, without affecting or extending any other discovery deadline.

You indicated that you wish to take up to 6 additional depositions (Liberty Counsel, Response Unlimited, Yoder, K. Miller, T. Miller and Zodiates). We disagreed about whether or not the Scheduling Order (dkt. 320) permits Plaintiffs to take more than the 10 depositions allowed by the civil rules. I asked you to identify 2 additional depositions that would fit within the limit of 10, so that we can promptly attempt to schedule those.

I also asked you to provide me with a list of 30(b)(6) topics for Liberty Counsel as soon as possible, and you agreed to provide them no later than this Wednesday.

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
 Chief Litigation Counsel*

Liberty Counsel
 PO Box 540774
 Orlando, FL 32854
 (407) 875-1776 phone
 (407) 875-0770 fax

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>

Sent: Monday, November 25, 2019 12:26 PM

To: Robert B. Hemley <rhemley@gravelshea.com>; Horatio Mihet <hmihet@lc.org>; Adam Hochschild <adam@hochschildlaw.com>

Cc: Brooks G. McArthur <bmcarthur@jarvismcarthur.com>; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Claudia Huerta <claudia.huerta@splcenter.org>; David Dinielli <David.Dinielli@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Roger Gannam <rgannam@lc.org>; Sarah Star <sarahstar.esq@gmail.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; Roger Gannam <rgannam@lc.org>; Daniel Schmid <daniel@lc.org>; Anthony Duprey <anthony@ndp-law.com>; Michael J. Tierney <mtierney@wadleighlaw.com>; Celeste E. Laramie <claramie@gravelshea.com>

Subject: RE: Jenkins: Deposition Notices

Thanks Bob, Harry and Adam: Please let me know Ms. Lindevaldsen and Ms. Wall's alternative availability by the end of the day.



J. Tyler Clemons *they/them/mx*

Staff Attorney | LGBTQ Rights & Special Litigation

Southern Poverty Law Center

T 504.526.1530 C 504.258.4290 F 504.486.8947

tyler.clemons@splcenter.org | www.splcenter.org

Admitted in Louisiana & Maryland

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From: Robert B. Hemley [<mailto:rhemley@gravelshea.com>]

Sent: Saturday, November 23, 2019 9:30 AM

To: Tyler Clemons; Horatio Mihet; Adam Hochschild

Cc: Brooks G. McArthur; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding; Matthew D. Preedom; Linda Bradford Barron; Claudia Huerta; David Dinielli; Diego Soto; Emily Joselson; flangrock; Jessica Stone; jswift; Julie Jackman; Roger Gannam; Sarah Star; Maya Rajaratnam; Beth Littrell; Scott McCoy; Roger Gannam; Daniel Schmid; Anthony Duprey; Michael J. Tierney; Celeste E. Laramie

Subject: RE: Jenkins: Deposition Notices

Tyler: I was tied up yesterday with an all day hearing, so am only now able to respond to your e-mails. I will check with Victoria and let you know of her availability during the week of December 23. Her deposition will have to be near her home in Lynchburg.

From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Friday, November 22, 2019 1:05 PM
To: Horatio Mihet <hmihet@lc.org>; Adam Hochschild <adam@hochschildlaw.com>
Cc: Robert B. Hemley <rhemley@gravelshea.com>; Brooks G. McArthur <bmcArthur@jarvismcarthur.com>; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Claudia Huerta <claudia.huerta@splcenter.org>; David Dinielli <David.Dinielli@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Roger Gannam <rgannam@lc.org>; Sarah Star <sarahstar.esq@gmail.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; Roger Gannam <rgannam@lc.org>; Daniel Schmid <daniel@lc.org>; Anthony Duprey <anthony@ndp-law.com>; Michael J. Tierney <mtierney@wadleighlaw.com>
Subject: RE: Jenkins: Deposition Notices

Hi Harry,

The witness availability during the week of December 16 you requested is as follows:

- Janet and Carolyn Jenkins are available any time that week. Please notice their depositions in or around Fair Hope, Vermont.
- Tara Devine is available on Tuesday, December 17. Please notice her deposition in or around Rutland, Vermont.
- Dr. Sharon Lamb is available all day on Wednesday, December 18; from 2 p.m. on Monday, December 16; and before noon and after 2:30 p.m. on Thursday, December 19. Please notice her deposition in or around Shelburne, Vermont.
- Dr. John Maluccio is available any time that week except for Tuesday, December 17, after 3 p.m. Please notice his deposition in or around Middlebury, Vermont.

I am still trying to get Patricia Apy's availability for that week and will pass it along as soon as I have it.

All counsel: Plaintiffs intended to notice the depositions of Rena Lindevaldsen, Victoria Hyden, and Linda Wall for December 16-18, but will refrain from doing so given Liberty Counsel's request to schedule multiple depositions that week. Please provide alternative dates for your client's depositions as soon as possible but by **5 p.m. Eastern on Monday, November 25, 2019**, at the latest. Otherwise we will need to notice these depositions without your input.

Best,



J. Tyler Clemons *they/them/mx*
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Horatio Mihet [<mailto:hmihet@lc.org>]
Sent: Thursday, November 21, 2019 9:27 AM
To: Adam Hochschild; Tyler Clemons

Cc: Robert B. Hemley; Brooks G. McArthur; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding; Matthew D. Preedom; Linda Bradford Barron; Claudia Huerta; David Dinielli; Diego Soto; Emily Joselson; flangrock; Jessica Stone; jswift; Julie Jackman; Roger Gannam; Sarah Star; Maya Rajaratnam; Beth Littrell; Scott McCoy; Roger Gannam; Daniel Schmid; Anthony Duprey; Michael J. Tierney
Subject: RE: Jenkins: Deposition Notices

Tyler:

First, my clients consent to electronic service.

Second, please refrain from any further unilateral scheduling or noticing of depositions, without coordinating dates and locations with opposing counsel, because that is improper and unprofessional. We have communicated via email on numerous occasions until now, and there was no reason why you could not email or call me to coordinate the depositions you unilaterally noticed.

Third, we are unavailable for depositions in Virginia on Dec. 4-5. We can do December 9-10 or 10-11. Please confirm immediately that you do not intend to proceed with depositions on Dec. 4-5, failing which we will need to seek protection from the Court.

Fourth, please provide dates and locations for the depositions of Janet Jenkins, Carolyn Ceccotti Jenkins, and each of Plaintiff's four purported experts, during the week of December 16. We believe a half day with each witness may be sufficient, so we can schedule two per day in the same location, but reserve the right to go a bit longer if it proves necessary. The request for dates to depose the purported experts is made without prejudice to our argument that they were not timely disclosed.

Fifth, responding to the separate email from your office of yesterday afternoon, many months ago Mr. Staver planned travel and out of office activities between December 12 and January 1. The only remaining date for which he can be available for a deposition in Orlando is January 2. Please secure a location in Orlando. I am willing to accept a deposition subpoena for him, for the above date and location only.

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*
Liberty Counsel
PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax
LC.org
Offices in DC, FL, and VA
*Licensed in Florida and Ohio

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From: Adam Hochschild <adam@hochschildlaw.com>
Sent: Wednesday, November 20, 2019 5:51 PM
To: Tyler Clemons <Tyler.Clemons@splcenter.org>
Cc: Robert B. Hemley <rhemley@gravelshea.com>; Brooks G. McArthur <bmcarthur@jarvismcarthur.com>; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding <hborcharding@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Claudia Huerta <claudia.huerta@splcenter.org>; David Dinielli <David.Dinielli@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica

Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; Horatio Mihet <hmihet@lc.org>; Roger Gannam <rgannam@lc.org>; Daniel Schmid <daniel@lc.org>; Anthony Duprey <anthony@ndp-law.com>; Michael J. Tierney <mtierney@wadleighlaw.com>
Subject: Re: Jenkins: Deposition Notices

Tyler: I was in the email chain from the beginning; no apologies warranted there. I figured when you said you hadn't yet heard from any other counsel, that you had intended to email everyone. I'm including other counsel here and attaching your deposition notices.

Adam S. Hochschild
Hochschild Law Firm, LLC
314.503.0326
adam@hochschildlaw.com
www.HochschildLaw.com

On Nov 20, 2019, at 5:15 PM, Tyler Clemons <Tyler.Clemons@splcenter.org> wrote:

Hi Adam,

Apologies for leaving you off this email chain. Some defendants have not consented to email service, however, and therefore must be served by mail.

These are not the only depositions that Plaintiffs intend to take.

Best,

<[image001.jpg](#)> **J. Tyler Clemons** they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Adam Hochschild [mailto:adam@hochschildlaw.com]

Sent: Wednesday, November 20, 2019 4:09 PM

To: Tyler Clemons

Cc: Robert B. Hemley; Brooks G. McArthur; norman@normansmithlaw.com; cs.fergie@myfairpoint.net; Hillary A. Borcharding; Matthew D. Preedom; Linda Bradford Barron; Claudia Huerta; David Dinielli; Diego Soto; Emily Joselson; flangrock; Jessica Stone; jswift; Julie Jackman; Sarah Star; Maya Rajaratnam; Beth Littrell; Scott McCoy

Subject: Re: Jenkins: Deposition Notices

Tyler: It appears the deposition notices were not emailed to — and accordingly this email chain does not include — counsel for all parties. I suggest you include everyone.

Are these four depositions the only ones plaintiffs intend to take?

Thanks,

Adam

Adam S. Hochschild

Hochschild Law Firm, LLC

314.503.0326

adam@hochschildlaw.com

www.HochschildLaw.com

On Nov 20, 2019, at 4:14 PM, Tyler Clemons <Tyler.Clemons@splcenter.org> wrote:

Hi Bob,

We are serving the witnesses this afternoon and have not yet heard from any other counsel. As you are aware, the court's most recent order gives us very little time to take these depositions. But we will of course keep you and all parties informed of any scheduling changes.

We have no objection to remote participation, either by video or phone. The deposition was scheduled through Legal Media Experts (919-682-7757 or schedule@legalmediaexperts.com); you should contact them to set that up.

Best,

Tyler

<image003.jpg> **J. Tyler Clemons** they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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From: Robert B. Hemley [<mailto:rhemley@gravelshea.com>]
Sent: Wednesday, November 20, 2019 2:33 PM
To: Tyler Clemons; Brooks G. McArthur; norman@normansmithlaw.com; adam@hochschildlaw.com
Cc: cs.fergie@myfairpoint.net; Hillary A. Borcharding; Matthew D. Preedom; Linda Bradford Barron; Claudia Huerta; David Dinielli; Diego Soto; Emily Joselson; flangrock; Jessica Stone; jswift; Julie Jackman; Sarah Star; Maya Rajaratnam; Beth Littrell; Scott McCoy
Subject: RE: Jenkins: Deposition Notices

Tyler: The dates you have selected, December 4 and 5, are unavailable for me, though we may be able to staff the depositions. Can you let me know if these dates have been agreed to by other counsel, or the witnesses, or if the witnesses have been served? Also, if the depositions do go forward, do you have any objection to participation by SKYPE, or other video hookup, and phone? I see the location you have chosen is a Fairfield Suites, so I assume you have made arrangements for a conference room. Please provide the details of that and a contact person. Please let me know as soon as possible so we can make necessary arrangements and/or approach the court if necessary. Thank you.

<image005.jpg> **Robert B. Hemley** | *Shareholder*
Gravel & Shea PC
76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456
rhemley@gravelshea.com | www.gravelshea.com
Biography | Download vCard

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Wednesday, November 20, 2019 3:21 PM
To: Brooks G. McArthur <bmcarthur@jarvismcarthur.com>;
norman@normansmithlaw.com; adam@hochschildlaw.com; Robert B. Hemley
<rhemley@gravelshea.com>
Cc: cs.fergie@myfairpoint.net; Hillary A. Borcharding <hborcharding@gravelshea.com>;
Matthew D. Preedom <mpreedom@gravelshea.com>; Linda Bradford Barron
<lbarron@gravelshea.com>; Claudia Huerta <claudia.huerta@splcenter.org>; David
Dinielli <David.Dinielli@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Emily
Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica
Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman
<jjackman@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; Maya Rajaratnam
<maya.rajaratnam@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; Scott
McCoy <Scott.McCoy@splcenter.org>
Subject: Jenkins: Deposition Notices

Counsel:

Please find attached deposition notices for Joleen Booth, William Sidebottom, Debbie Thurman, and Sandy Sturgill in *Jenkins v. Miller*, No. 2:12-cv-184 (D. Vt.).

Best,

<image006.jpg> **J. Tyler Clemons** they/them/mx
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
tyler.clemons@splcenter.org | www.splcenter.org
Admitted in Louisiana & Maryland

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Horatio Mihet

From: Horatio Mihet
Sent: Thursday, December 19, 2019 11:51 AM
To: Robert B. Hemley; 'Maya Rajaratnam'; Diego Soto; Brooks G. McArthur; Anthony Duprey; Daniel Schmid; Roger Gannam; Adam Hochschild; Norman C. Smith; Toddy Ferguson; Hillary A. Borcharding; Linda Bradford Barron; Matthew D. Preedom; Michael J. Tierney
Cc: Beth Littrell; Claudia Huerta; Emily Joselson; flangrock; Jessica Stone; jswift; Julie Jackman; Sarah Star; Scott McCoy; srs; Tyler Clemons
Subject: RE: Jenkins: Virginia Depositions

Counsel for LC and Lindevaldsen are available, as is witness Sidebottom, which we will represent for purposes of his deposition.

HGM

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

LC.org

Offices in DC, FL, and VA

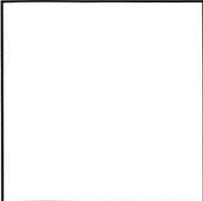
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From: Robert B. Hemley <rhemley@gravelshea.com>
Sent: Thursday, December 19, 2019 10:54 AM
To: 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Brooks G. McArthur <bmcarthur@jarvismcarthur.com>; Anthony Duprey <anthony@ndp-law.com>; Daniel Schmid <daniel@lc.org>; Horatio Mihet <hmihet@lc.org>; Roger Gannam <rgannam@lc.org>; Adam Hochschild <adam@hochschildlaw.com>; Norman C. Smith <norman@normansmithlaw.com>; Toddy Ferguson <cs.fergie@myfairpoint.net>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Michael J. Tierney <mtierney@wadleighlaw.com>
Cc: Beth Littrell <beth.littrell@splcenter.org>; Claudia Huerta <claudia.huerta@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <Scott.McCoy@splcenter.org>; srs <srs@sarahstarlaw.com>; Tyler Clemons <Tyler.Clemons@splcenter.org>
Subject: RE: Jenkins: Virginia Depositions

If we are still in the case by then, and the Court does not agree to extend discovery, we can be available. We will need to participate by video, so will need details that allow us to do that. Thank you.

EXHIBIT 7

 Robert B. Hemley | *Shareholder*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456
rhemley@gravelshea.com | www.gravelshea.com
Biography | Download vCard

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From: Maya Rajaratnam <maya.rajaratnam@splcenter.org>

Sent: Thursday, December 19, 2019 10:26 AM

To: Diego Soto <Diego.Soto@splcenter.org>; Brooks G. McArthur <bmcArthur@jarvismcarthur.com>; Anthony Duprey <anthony@ndp-law.com>; Daniel J. Schmid <dschmid@lc.org>; Horatio Mihet <hmihet@lc.org>; Roger K. Gannam <rgannam@LC.org>; Adam Hochschild <adam@hochschildlaw.com>; Norman C. Smith <norman@normansmithlaw.com>; Toddy Ferguson <cs.fergie@myfairpoint.net>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Robert B. Hemley <rhemley@gravelshea.com>; Michael J. Tierney <mtierney@wadleighlaw.com>

Cc: Beth Littrell <beth.littrell@splcenter.org>; Claudia Huerta <claudia.huerta@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <Scott.McCoy@splcenter.org>; srs <srs@sarahstarlaw.com>; Tyler Clemons <Tyler.Clemons@splcenter.org>

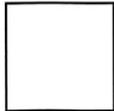
Subject: RE: Jenkins: Virginia Depositions

Good morning,

Please let me know if there are problems with these dates. We would like to inform the deponents by tomorrow at the latest, before everyone leaves for the holidays.

Best,

Maya

 **Maya Rajaratnam** she/her/hers
Law Fellow | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 334.956.8307 C 334.398.0328
maya.rajaratnam@splcenter.org | www.splcenter.org
Admitted in Alabama

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From: Maya Rajaratnam

Sent: Wednesday, December 18, 2019 9:54 AM

To: Diego Soto <diego.soto@splcenter.org>; Brooks G. McArthur <bmcArthur@jarvismcarthur.com>; Anthony Duprey <anthony@ndp-law.com>; Daniel J. Schmid <dschmid@lc.org>; Horatio Mihet <hmihet@lc.org>; Roger K. Gannam <rgannam@LC.org>; Adam Hochschild <adam@hochschildlaw.com>; Norman C. Smith <norman@normansmithlaw.com>; Toddy Ferguson <cs.fergie@myfairpoint.net>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Matthew D. Preedom

<mpreedom@gravelshea.com>; Robert B. Hemley <rhemley@gravelshea.com>; Michael J. Tierney <mtierney@wadleighlaw.com>

Cc: Beth Littrell <beth.littrell@splcenter.org>; Claudia Huerta <claudia.huerta@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; jswift <jswift@langrock.com>; Julie Jackman <jjackman@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <scott.mccoy@splcenter.org>; srs <srs@sarahstarlaw.com>; Tyler Clemons <Tyler.Clemons@splcenter.org>

Subject: Jenkins: Virginia Depositions

Counsel –

Plaintiffs propose the following deposition schedule for the week of Jan. 13, 2020, in Virginia:

- Jan. 14 (Virginia Beach)
 - 9 am - Joleen Booth
- Jan. 15 (Lynchburg)
 - 9 am – William Sidebottom
 - 12 pm – Sandy Sturgill
- Jan. 16 (Lynchburg)
 - 9 am – Janet Stasulli
- Jan. 17 (Lynchburg)
 - 9 am – Debbie Thurman

Please let me know if this works with your schedules. We can set up a call-in number if necessary.

Best,

Maya



Maya Rajaratnam she/her/hers
Law Fellow | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 334.956.8307 C 334.398.0328
maya.rajaratnam@splcenter.org | www.splcenter.org
Admitted in Alabama

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Horatio Mihet

From: Horatio Mihet
Sent: Thursday, January 9, 2020 10:21 AM
To: Diego Soto; Adam Hochschild
Cc: Tyler Clemons; Maya Rajaratnam; Daniel Schmid; Roger Gannam; Brooks G. McArthur; Anthony Duprey; Norman C. Smith; Robert B. Hemley; Hillary A. Borcharding; Michael J. Tierney; Scott McCoy; flangrock; Sarah Star; srs; Claudia Huerta; Jessica Stone; Beth Littrell; jswift; Emily Joselson; Linda Bradford Barron; Matthew D. Freedom; Toddy Ferguson
Subject: RE: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Order on Motion Amend/Modify the Discovery Schedule/Order

Diego – responding to your four points in order:

- 1) We consider all currently scheduled and noticed depositions to be cancelled and to be re-scheduled after Feb. 5.
- 2) We agree that March 9 makes the most sense for the “60 days” deadline to submit a modified schedule, and is the likeliest date the Court intended. We would not oppose a motion to clarify, requesting the deadline to be on that date.
- 3) We don’t think a separate motion to extend current discovery deadlines is necessary. The Court clearly intended and anticipated that discovery deadlines would be extended through the modified schedule to be submitted by the parties. There is no other way to read the Court’s Order, and it would make no sense to require the parties to submit an agreed modified discovery schedule if the Court intended to hold the parties to the current March 2 deadline. In fact, the Court has indicated that it is extending discovery deadlines to accommodate change in counsel for RUL/Zodhiates/Hyden. If you wish to include this understanding in your motion to clarify (#2), we would not oppose.
- 4) We take no position on the matters you raise in item 4.

HGM

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

LC.org

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From: Diego Soto <Diego.Soto@splcenter.org>
Sent: Wednesday, January 8, 2020 4:31 PM

EXHIBIT 8

To: Adam Hochschild <adam@hochschildlaw.com>; Horatio Mihet <hmihet@lc.org>
Cc: Tyler Clemons <Tyler.Clemons@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Brooks G. McArthur <bmcArthur@jarvismcarthur.com>; Anthony Duprey <Anthony@ndp-law.com>; Norman C. Smith <norman@normansmithlaw.com>; Robert B. Hemley <rhemley@gravelshea.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Michael J. Tierney <mtierney@wadleighlaw.com>; Scott McCoy <Scott.McCoy@splcenter.org>; flangrock <flangrock@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; srs <srs@sarahstarlaw.com>; Claudia Huerta <claudia.huerta@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; jswift <jswift@langrock.com>; Emily Joselson <ejoselson@langrock.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Toddy Ferguson <cs.fergie@myfairpoint.net>
Subject: RE: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Order on Motion Amend/Modify the Discovery Schedule/Order

Counsel:

Four matters for your consideration. Please let me know by close of business tomorrow your client’s positions on these matters.

1. Plaintiffs agree to cancel next week’s depositions in light of the Court’s order allowing the RUL Defendants 30 days to find new counsel. Plaintiffs will work with Defendants to schedule depositions after the RUL Defendants acquire new counsel or after the February 5 deadline expires without an appearance by new counsel.

2. Plaintiffs intend to seek clarification of the deadline by which the parties must file the joint proposed modified discovery schedule. Plaintiffs read three possible deadlines:

- a. Within 60 days of the Court’s order (i.e., Monday, March 9, 2020)
- b. Thursday, February 6 (see page 2)
- c. Friday, February 7 (see pages 5–6 and docket text)

Given the Court’s desire “to minimize further back-and-forth regarding discovery,” Op. & Order at 5, ECF 450, and consistent use of the phrase “within 60 days,” Plaintiffs believe the Court intended that the proposed schedule be filed within 60 days of the Court’s January 7 order (i.e., Monday, March 9, 2020). Such a deadline would ensure that, should the RUL Defendants acquire new counsel by the February 5 deadline, new counsel would be able to participate in negotiations over the proposed schedule. A February 6 or 7 deadline for the proposed schedule would make new counsel’s participation in negotiating the proposed schedule much less likely.

3. Given the discovery deadlines between today and March 9, the likelihood that those deadlines would expire before the proposed schedule is even filed, and the Court’s recognition of “the importance of moving along the discovery process,” Op. & Order at 5, ECF 450, Plaintiffs intend to file a motion to extend the current discovery schedule by 30 days (to account for the 30 days given to the RUL Defendants to find new counsel) or in the alternative by 60 days (to make the need for further extensions less likely after the RUL Defendants’ February 5 deadline to find new counsel expires). I have set out the proposed schedules below. After the RUL Defendants acquire new counsel or after the February 5 deadline expires without an appearance by new counsel, the parties would meet and confer as ordered to determine whether any further modifications are needed. Plaintiffs do not believe the Court put discovery on hold, stayed discovery, or otherwise altered requirements to respond to discovery requests pursuant to the federal rules. Plaintiffs believe discovery can continue before February 5 except where it would prejudice an unrepresented party.

	Current deadline	30-day extension	60-day extension	Explanation
Deadline for Defendant Philip	Monday, January 13, 2020	Wednesday, February 12, 2020	Friday, March 13, 2020	30/60-day extension

Zodhiates to respond to Plaintiff Janet Jenkins's Motion for Partial Summary Judgment on Count One				
Deadline to serve all interrogatories and requests for production	Monday, January 20, 2019 (ECF 425 ¶1)	Wednesday, February 19, 2020	Friday, March 20, 2020	6 weeks before the close of discovery (ECF 425 ¶1)
Deadline for depositions of all witnesses (fact and expert)	Monday, March 2, 2020 (ECF 425 ¶4)	Wednesday, April 1, 2020	Friday, May 1, 2020	Same day as deadline to complete all discovery
Deadline to complete all discovery	Monday, March 2, 2020 (ECF 425 ¶5)	Wednesday, April 1, 2020	Friday, May 1, 2020	30/60-day extension
Deadline to serve all requests for admission	Monday, March 30, 2020 (ECF 425 ¶6)	Wednesday, April 29, 2020	Friday, May 29, 2020	4 weeks after close of all discovery (ECF 425 ¶6)
Deadline to file motions, including summary judgment motions but excluding motions relating to the conduct of trial	Monday, April 13, 2020 (ECF 425 ¶2)	Wednesday, May 13, 2020	Friday, June 12, 2020	6 weeks after close of all discovery (ECF 320 ¶15)
Deadline for trial readiness	Monday, June 1, 2020 (ECF 425 ¶7)	Monday, July 6, 2020	Monday, August 3, 2020	First Monday after 30/60-day extension

4. Plaintiffs also intend to file a motion asking the Court to order three things:

- a. Gravel & Shea PC to serve on the RUL Defendants the Court's order requiring them to find new counsel by February 5 and to file proof of service;
- b. If Zodhiates and Hyden do not secure counsel by February 5, they must file notices of pro se appearances per Local Rule 11(a);
- c. If RUL does not secure counsel by February 5, it must file an affidavit explaining why it did not secure counsel by February 5, given that it cannot proceed pro se per Local Rule 11(b).

Also, I noticed that Bob and his colleagues were included in this email chain. Please let me know if you would prefer not to be included in further communications about this case.

Sincerely,
Diego



Diego Soto he/him/his
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 334.956.8427 C 334.604.1414 F 334.956.8481
diego.soto@splcenter.org | www.splcenter.org
Admitted in Alabama and the District of Columbia

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From: Adam Hochschild <adam@hochschildlaw.com>

Sent: Wednesday, January 8, 2020 2:23 PM

To: Horatio Mihet <hmihet@lc.org>

Cc: Tyler Clemons <Tyler.Clemons@splcenter.org>; Diego Soto <Diego.Soto@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Daniel Schmid <daniel@lc.org>; Roger Gannam <rgannam@lc.org>; Brooks G. McArthur <bmcarthur@jarvismcarthur.com>; Anthony Duprey <Anthony@ndp-law.com>; Norman C. Smith <norman@normansmithlaw.com>; Robert B. Hemley <rhemley@gravelshea.com>; Hillary A. Borcharding <hborcharding@gravelshea.com>; Michael J. Tierney <mtierney@wadleighlaw.com>; Scott McCoy <Scott.McCoy@splcenter.org>; flangrock <flangrock@langrock.com>; Sarah Star <sarahstar.esq@gmail.com>; srs <srs@sarahstarlaw.com>; Claudia Huerta <claudia.huerta@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; jswift <jswift@langrock.com>; Emily Joselson <ejoselson@langrock.com>; Linda Bradford Barron <lbarron@gravelshea.com>; Matthew D. Preedom <mpreedom@gravelshea.com>; Toddy Ferguson <cs.fergie@myfairpoint.net>

Subject: Re: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Order on Motion Amend/Modify the Discovery Schedule/Order

I concur with Harry.

Adam S. Hochschild
Hochschild Law Firm, LLC
314.503.0326
adam@hochschildlaw.com
www.HochschildLaw.com

On Jan 8, 2020, at 11:36 AM, Horatio Mihet <hmihet@lc.org> wrote:

Tyler and Company:

We read Judge Sessions' Order of yesterday (below), and the one on Monday granting leave to withdraw to Zodiates/Hyden/RU counsel, as intending to put discovery on hold for thirty days, so as to give new counsel time to enter an appearance, attend depositions and otherwise engage in discovery. The new discovery order to be worked out and submitted by the parties on February 7 would reflect this and push the discovery deadline out to compensate for the time lost.

Under these circumstances, please confirm TODAY that you are cancelling and rescheduling all depositions currently scheduled for next week. As you know, Zodiates/Hyden/RU are currently unrepresented, and will likely be unrepresented next week, since the Court has given them until Feb. 5 to obtain new counsel. Although I don't represent these parties, it will be prejudicial to them to be unrepresented at these depositions, and it would be prejudicial to us and everyone else to attend depositions that will have to be re-taken. And, in any event, any deposition taken while these parties are unrepresented will not be binding on them, per Rule 32. It would be a waste of everyone's time to take depositions next week, that will then have to be re-taken once the unrepresented parties secure counsel.

If you do not agree to reschedule these depositions, we will (1) ask that any deposition that has to be re-taken be done at Plaintiff's expense (both time and travel); and (2) oppose any extension of the March 2

discovery deadline in the new scheduling order on the ground that Plaintiff did not agree to put discovery on hold to protect the rights of unrepresented parties.

Please let us know today how you intend to proceed.

Kind Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*
Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

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From: cmecfhelpdesk@vtd.uscourts.gov <cmecfhelpdesk@vtd.uscourts.gov>

Sent: Tuesday, January 7, 2020 4:07 PM

To: Courtmail@vtd.uscourts.gov

Subject: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Order on Motion Amend/Modify the Discovery Schedule/Order

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U.S. District Court

District of Vermont

Notice of Electronic Filing

The following transaction was entered on 1/7/2020 at 4:07 PM EST and filed on 1/7/2020

Case Name: Jenkins v. Miller et al

Case Number: [2:12-cv-00184-wks](#)

Filer:

Document Number: [450](#)

Docket Text:

OPINION AND ORDER granting [431] MOTION to Amend the Discovery Schedule/Order re: deadline to serve all interrogatories and requests to produce; granting [432] MOTION to Amend the Discovery Schedule/Order re: the Number of Depositions Plaintiffs Are Permitted ; denying as moot [440] Motion to Stay Discovery Deadlines; one modified proposed discovery schedule is to be

submitted by dfts and plffs within 60 days of this Order (by 2/7/2020). Signed by Judge William K. Sessions III on 1/7/2020. (jam)

2:12-cv-00184-wks Notice has been electronically mailed to:

Ritchie E. Berger, Esq rberger@dinse.com, amitchell@dinse.com, dwilliams@dinse.com

Robert G. Cain rcain@pfclaw.com, ssperling@pfclaw.com

Michael J. Marks, Esq Michael@markspowers.com, Kristin@markspowers.com

Thomas E. McCormick, Esq tem@mc-fitz.com

Norman C. Smith, Esq nc.smith@myfairpoint.net, cs.fergie@myfairpoint.net

Paul J. Van de Graaf, AUSA paul.van.de.graaf@usdoj.gov, CaseView.ECF@usdoj.gov,
Lauren.Gebo@usdoj.gov, Santiago.Romero@usdoj.gov, usavt.ecfmail@usdoj.gov

Frank H. Langrock flangrock@langrock.com, JJackman@Langrock.com

Anthony R. Duprey, Esq anthony@ndp-law.com

Brooks G. McArthur, Esq bmcarthur@jarvismcarthur.com, cparah@jarvismcarthur.com

Sarah Star, Esq srs@sarahstarlaw.com

Peggy J. Schmitz, Esq schmitz@ccj.com

Steven J. Shrock, Esq shrock@ccj.com

Michael J. Tierney, Esq mtierney@wadleighlaw.com, pchabot@wadleighlaw.com,
pdesfosses@wadleighlaw.com

Justin B. Barnard, Esq jbarnard@dinse.com, lreese@dinse.com, pgodfrey@dinse.com

Roger K. Gannam, Esq rgannam@LC.org, court@lc.org

Horatio G. Mihet, Esq hmihet@lc.org, court@lc.org

Daniel J. Schmid, Esq dschmid@lc.org, court@lc.org

Diego A. Soto, Esq diego.soto@splcenter.org, 5869918420@filings.docketbird.com,
CMECFLGBT@splcenter.org

J. Tyler Clemons, Esq tyler.clemons@splcenter.org, 5990831420@filings.docketbird.com,
claudia.huerta@splcenter.org

Adam S. Hochschild, Esq adam@hochschildlaw.com

2:12-cv-00184-wks Notice has been delivered by other means to:

Response Unlimited, Inc.

Philip Zodhiates

The following document(s) are associated with this transaction:

Document description:Main Document .

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1070689342 [Date=1/7/2020] [FileNumber=1295033-0]
[d3fae09a2686410790ba8938849f6fd25735b3a544cc9fcd80bd1ae6978f3eea6632
21f06dc5d0c63b7950a5756e4d51027044d0063073784483944ba56a69c3]]

Horatio Mihet

From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Thursday, April 4, 2019 8:42 AM
To: Horatio Mihet
Cc: Beth Jacob
Subject: Re: Finishing Meet & Confer

Hi Harry,

Friday, April 12 at 4 Eastern will work. I look forward to finishing our meet & confer then.

Best,

Tyler

—
J. Tyler Clemons
Staff Attorney, LGBT Rights/Special Litigation
Southern Poverty Law Center
201 St. Charles Avenue Suite 2000
New Orleans, Louisiana 70170
t (504)526-1530 c (504)258-4290 f (504)486-8947
Admitted in Louisiana and Maryland.

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From: Horatio Mihet <hmihet@lc.org>
Sent: Wednesday, April 3, 2019 5:14 PM
To: Tyler Clemons
Cc: Beth Jacob
Subject: RE: Finishing Meet & Confer

EXHIBIT 9

Tyler – I'm on a deposition break and responding to you. I was involved in the discovery responses and document gathering, so it wouldn't make sense to switch to one of my colleagues now, especially since we've already done much of the meet and confer without them. I need to see it through. I note that you took an extended break from the process, at a time when I would have been able to participate on a timelier basis. I am sorry that my schedule and yours did not match up well on this.

The discovery cutoff is in late August, almost five months away. Are you really not able to wait the extra 12 days between your April 5 and my April 17?

I don't like the sudden rush in the middle of my very hectic deposition schedule, but as a show of good faith, and if it will help avoid a needless dispute, I can make an extra effort and be available on Friday, April 12 at 4 Eastern. Does that work?

HGM

Horatio G. Mihet, Esq.*

*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774

Orlando, FL 32854

(407) 875-1776 phone

(407) 875-0770 fax

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>

Sent: Wednesday, April 3, 2019 10:41 AM

To: Horatio Mihet <hmihet@lc.org>

Cc: Beth Jacob <beth.jacob@splcenter.org>

Subject: RE: Finishing Meet & Confer

Good morning Harry,

It is imperative that we finish this as soon as possible. While I understand that you are busy, we have been attempting to schedule and complete this meet and confer since October 25, 2018. Please indicate a time within the next week when you are willing to meet, or designate one of your colleagues who can meet within the next on your behalf, by close of business on Friday, April 5. Otherwise, we will seek relief from the court.

Best,

Tyler

J. Tyler Clemons (*he/him/his*)

Staff Attorney, LGBT Rights/Special Litigation

[Southern Poverty Law Center](#)

201 St. Charles Avenue Suite 2000

New Orleans, Louisiana 70170

t (504)526-1530 c (504)258-4290 f (504)486-8947

[LinkedIn](#) | [SSRN](#)

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From: Tyler Clemons

Sent: Friday, March 29, 2019 11:07 AM

To: 'Horatio Mihet'

Cc: Beth Jacob

Subject: RE: Finishing Meet & Confer

Hi Harry,

Thanks for your response. While I understand that you are busy with other matters, that delay is just too long—we have impending discovery deadlines and need to move this case forward. Should I speak to one of your co-counsel, Daniel Schmid or Roger Gannam, instead?

Best,

Tyler

J. Tyler Clemons (*he/him/his*)

Staff Attorney, LGBT Rights/Special Litigation

[Southern Poverty Law Center](#)

201 St. Charles Avenue Suite 2000

New Orleans, Louisiana 70170

t (504)526-1530 c (504)258-4290 f (504)486-8947

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From: Horatio Mihet [<mailto:hmihet@lc.org>]

Sent: Friday, March 22, 2019 9:45 AM

To: Tyler Clemons

Cc: Beth Jacob; Claudia Huerta

Subject: RE: Finishing Meet & Confer

Tyler – thanks for getting back to me. I am eager to finish our discussion, but unfortunately you have caught me this time on a marathon deposition schedule is a major case where discovery closes April 15, and where I am engaged in day-long depositions every business day, coast to coast, between now and then. The first availability I have at this point is April 17 in the afternoon your time (I will be on the West Coast). My apologies for the delay – I understand that this is about 12 days farther out than you requested. Thanks for understanding.

HGM

Horatio G. Mihet, Esq.*

Vice President of Legal Affairs and

Chief Litigation Counsel

Liberty Counsel

PO Box 540774

Orlando, FL 32854

(407) 875-1776 phone

(407) 875-0770 fax

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From: Tyler Clemons <Tyler.Clemons@splcenter.org>

Sent: Thursday, March 21, 2019 9:53 AM

To: Horatio Mihet <hmihet@lc.org>

Cc: Beth Jacob <beth.jacob@splcenter.org>; Claudia Huerta <claudia.huerta@splcenter.org>

Subject: Finishing Meet & Confer

Good morning Harry,

We need to finish our meet and confer regarding Ms. Lindevaldsen and Liberty Counsel's production in the *Jenkins* litigation in Vermont. Please pick a couple of hours over the next two weeks (Tuesday, March 26 through Friday, April 5) that we could do so and I will make myself available.

Thanks,

Tyler

J. Tyler Clemons (*he/him/his*)

Staff Attorney, LGBT Rights/Special Litigation

[Southern Poverty Law Center](#)

201 St. Charles Avenue Suite 2000

New Orleans, Louisiana 70170

t (504)526-1530 c (504)258-4290 f (504)486-8947

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

_____)	
JANET JENKINS, ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 2:12-CV-00184
)	
KENNETH L. MILLER, ET AL.)	
)	
Defendants.)	
_____)	

INDEX OF EXHIBITS FOR DEFENDANTS LIBERTY COUNSEL, INC. AND RENA LINDEVALDSEN'S VERIFIED REPLY IN SUPPORT OF THEIR CROSS-MOTION FOR SANCTIONS AGAINST PLAINTIFF AND HER COUNSEL

EXHIBIT

DESCRIPTION

- | | |
|---|---|
| 1 | D. Soto email enclosing Plaintiff's document production, 3/20/2020 |
| 2 | D. Soto email enclosing Plaintiff's document production, 4/10/2020 |
| 3 | Email communications discussing protective order, April – July 2019 |
| 4 | Email communications discussing privileged document clawback, June 2019 |
| 5 | Email communications discussing protective order, July - August 2019 |
| 6 | Email communications discussing depositions, November 2019 |
| 7 | Email communications discussing depositions, December 2019 |
| 8 | Email communications discussing depositions, January 2020 |
| 9 | Email communications discussing discovery meet and confer, March – April 2020 |