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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

VOL. II

UNITED STATES OF AMERICA,	)	
	)	Case No. 1:14-CR-00175
	)	(RJA)(JJM)
Plaintiff,	)	
	)	
vs.	)	September 22nd, 2016
	)	
PHILIP ZODHIATES,	)	
	)	
Defendant.	)	

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE RICHARD J. ARCARA  
SENIOR UNITED STATES DISTRICT JUDGE**

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## 1 DIRECT EXAMINATION

2

3 BY MR. VAN DE GRAAF:

4 Q. Good morning, Ms. Fehr. How are you today?

5 A. Good.

6 Q. You look a little nervous. Ms. Fehr, I'd ask you to keep

7 your voice up for the benefit of the jury and the court

8 reporter. If you have to hold the microphone closer, that's

9 okay. All right? Ms. Fehr, could you tell the jury,

10 currently where do you live?

11 A. Oregon.

12 Q. And you live there. Are you married?

13 A. Yes, I am.

14 Q. Do you have any children?

15 A. Foster kids.

16 Q. Okay. And you're in Oregon now and I want to go back to

17 a point in time in 2009 if we could, okay?

18 A. Yes.

19 Q. Ms. Fehr, go back to 2009. Did there come a point in

20 time, in 2009, that you left the United States and went over

21 to a different country?

22 A. Yes.

23 Q. And do you recall approximately when that was?

24 A. May 2009.

25 Q. Okay. And could you tell the jury where did you go in

1 May of 2009?

2 A. Managua, Nicaragua.

3 Q. And what was the purpose of you going to Nicaragua?

4 A. To do work, volunteer work.

5 Q. Okay. And when you went to do volunteer work, were you  
6 working with one individual, multiple individuals?

7 A. A couple.

8 Q. Okay. Who did you go and help out?

9 A. Timothy and Joanna Miller.

10 Q. Now, how was it that you went over to Managua to help  
11 Timothy and Joanna Miller in May 2009? What I'm asking is,  
12 what were the circumstances that led you over there?

13 A. My brother-in-law and his wife were at a ministers  
14 meeting and they met them and found out that they needed  
15 help, so they let them know about me.

16 Q. Okay. Now, you said your brother-in-law and your sister  
17 had an acquaintance or friendship or some type of  
18 relationship with Timothy and Joanna Miller, right?

19 A. Yes.

20 Q. Okay. You said they were pastors. As you sit here  
21 today, do you know, in 2009, what religious faith or  
22 denomination they were pastors together?

23 A. Mennonite.

24 Q. All right. Now, you said you traveled over there in May  
25 of 2009. When you traveled over there to help out Timothy

1 and Joanna Miller, where did you stay?

2 A. With Timothy and Joanna.

3 Q. And when you got there, in May of 2009, generally, what  
4 did you do for Timothy and Joanna Miller?

5 A. I helped with the children and with cleaning.

6 Q. All right. And did there come a point in time -- well,  
7 let me ask you this: Did you eventually leave in helping out  
8 Timothy and Joanna Miller?

9 A. I did.

10 Q. All right. And do you recall about how long you stayed  
11 in Managua with the Millers?

12 A. Nine months.

13 Q. Now, did there come a point in 2009 that another female  
14 and a child came to live with the Millers?

15 A. Yes.

16 Q. Okay. Do you recall approximately, as you sit here  
17 today, when that was?

18 A. Several months later.

19 Q. Several months later. Do you know if it was late summer  
20 or fall?

21 A. Fall.

22 Q. Fall. Okay. And let's talk about the circumstances of  
23 these individuals that came. The entire time you were there,  
24 you were living with the Millers?

25 A. Yes.

1 Q. All right. And did it ever -- was it brought to your  
2 attention by Timothy Miller or Joanna Miller that they were  
3 going to get some additional house guests?

4 A. Not right away.

5 Q. Okay. You say not right away. Did there come a point in  
6 time --

7 A. Yes.

8 Q. Okay. When did you learn, while you were staying with  
9 the Millers, that a woman and her child were coming to stay  
10 with them?

11 A. I don't understand.

12 Q. Okay. You said not right away?

13 A. Well, I eventually knew.

14 Q. Okay. How did you eventually know?

15 A. They were talking about it.

16 Q. Okay. Timothy and Joanna?

17 A. Yes.

18 Q. What did they say?

19 A. That somebody was going to come and that they needed a  
20 place to stay.

21 Q. All right. Did you ask why she was coming and why she  
22 needed a place to stay?

23 A. No.

24 Q. All right. Did you learn, at any point in time, through  
25 these discussions or conversations, as to why they were

1 coming to stay with the Millers?

2 A. Yes.

3 MR. GRABLE: Object to the hearsay.

4 MR. VAN DE GRAAF: Your Honor, we believe this was  
5 covered yesterday in a stipulation. It's a co-conspirator  
6 statement. The Court already ruled. And I believe Mr. Hemley  
7 agreed that we've already proved up that there was a  
8 conspiracy.

9 THE COURT: Overruled.

10 MR. GRABLE: Well, Your Honor, that's absolutely  
11 not --

12 THE COURT: I don't want to hear any argument. I  
13 already made a ruling. Your objection is noted.

14 BY MR. VAN DE GRAAF:

15 Q. So, did there come a point in time when you spoke with  
16 the Millers?

17 A. Yes.

18 Q. Okay. And what did you learn as to why they were coming?

19 A. That she was trying to --

20 THE COURT: Who said this to you?

21 THE WITNESS: Timothy.

22 THE COURT: All right. What did he say?

23 THE WITNESS: They were looking for a place to keep  
24 this mother and child.

25

1 BY MR. VAN DE GRAAF:

2 Q. Okay. Did he say why?

3 A. That Janet Jenkins was trying to get her daughter back.

4 Q. Okay. Now, prior to the arrival, do you learn the names  
5 of who is coming to stay?

6 A. No.

7 Q. Okay. You're living with the Millers. Does this woman  
8 and child show up?

9 A. Yes.

10 Q. Okay. Are you introduced to them?

11 A. Yes.

12 Q. And are you -- how are you introduced to them?

13 A. By Sarah and Lydia.

14 Q. As you're there and they're introduced to you as Sarah  
15 and Lydia, do you become acquainted and develop a  
16 relationship with Sarah and Lydia?

17 A. Yes.

18 Q. And during the time that you are there and you developed  
19 this acquaintance, do you learn their true names?

20 A. Yes.

21 Q. What did you learn their true names to be?

22 A. Lisa and Isabella.

23 Q. Did you know their last name?

24 A. Miller.

25 THE COURT: Did you learn which one was Sarah and



1 which one was Lydia?

2 THE WITNESS: Yes.

3 THE COURT: Which one was Sarah?

4 THE WITNESS: Sarah was the mother and Lydia was the  
5 daughter.

6 THE COURT: Okay.

7 BY MR. VAN DE GRAAF:

8 Q. And you're still living with the Millers when -- you're  
9 living with Timothy and Joanna Miller when Lisa and Isabella  
10 Miller show up?

11 A. Yes.

12 Q. All right. Is it a large house?

13 A. I'm sorry?

14 Q. Is it a large house? Did everybody fit comfortably?

15 A. It was three bedrooms.

16 Q. All right. Did there -- when they showed up, Lisa and  
17 Isabella Miller, when they showed up, did you notice if they  
18 had luggage with them?

19 A. No, I didn't.

20 Q. Okay. Well, you told this jury that you stayed with the  
21 Millers for nine months and that you arrived in May of 2009,  
22 so you left sometime in early 2010?

23 A. Yes.

24 Q. The entire time that you were with the Millers, was Lisa  
25 Miller and Isabella Miller in Nicaragua?

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I certify that the foregoing is a  
correct transcription of the proceedings  
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Court Reporter,

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

VOL. III

UNITED STATES OF AMERICA,	)	
	)	Case No. 1:14-CR-00175
	)	(RJA)(JJM)
Plaintiff,	)	
	)	
vs.	)	September 23rd, 2016
	)	
PHILIP ZODHIATES,	)	
	)	
Defendant.	)	

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE RICHARD J. ARCARA  
SENIOR UNITED STATES DISTRICT JUDGE**

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1 67A, 67B, 68A, 68B, 69C, 69A and 69B and 70.

2 MR. HEMLEY: No objection, Your Honor.

3 THE COURT: All right.

4 MR. GRABLE: I'm sorry. Did you say 69C as well?

5 MR. VAN DE GRAAF: I think I misspoke, Mr. Grable. I  
6 think I was only --

7 THE COURT: Do it again.

8 MR. VAN DE GRAAF: The stipulation -- yes. The  
9 exhibits, Your Honor, are 67A and 67B, 68A and 68B, 69A and  
10 69B and 70.

11 MR. GRABLE: Thank you.

12 THE COURT: Seventy?

13 MR. VAN DE GRAAF: Seventy as well, Your Honor.

14 THE COURT: Okay. Thank you.

15 MR. HEMLEY: No objection.

16 (Government's Exhibits 67A and 67B, 68A and 68B, 69A and 69B  
17 and 70 were received in evidence.)

18

19 MR. VAN DE GRAAF: Your Honor, with that being said,  
20 the government calls witness 22, Terry Miller.

21 THE CLERK: Please state your full name and spell  
22 your last name for the record.

23 THE WITNESS: Terry Miller, M-I-L-L-E-R.

24 THE CLERK: And is it Terry, T-E-R-R-I, or Y?

25 THE WITNESS: Y.

1 THE CLERK: Thank you.

2 (The witness was sworn at 11:23 a.m.)

3 MR. DiGIACOMO: May I proceed, Your Honor?

4 THE COURT: Yes, please.

5

6 DIRECT EXAMINATION

7

8 BY MR. DiGIACOMO:

9 Q. Good morning, Mr. Miller. How are you today?

10 A. Fine, how are you?

11 Q. Good. Mr. Miller, I'm going to talk to you today about

12 some events, but before we get into the events, would you

13 kindly tell the jury, sir, where do you currently reside?

14 A. I reside in Nashville, Tennessee.

15 Q. And how long have you resided in Nashville, Tennessee?

16 A. Since 1997.

17 Q. And are you presently married, sir?

18 A. Yes.

19 Q. And the woman you are married to is who?

20 A. Joanne.

21 Q. She carries your last name as Miller?

22 A. Yes.

23 Q. And do you have any children from your marriage to Joann?

24 A. I have one, Jennifer, 30.

25 Q. Thirty being --

1 A. Thirty years old.

2 Q. Okay. And prior to marrying your current wife, were you  
3 married?

4 A. I was.

5 Q. And can you tell the jury who were you married to prior  
6 to your current wife?

7 A. I was married to Louise Richardson was her maiden name,  
8 last name my name, Miller.

9 Q. Okay. And during your marriage to Louise Miller, were  
10 there any children born into that marriage?

11 A. There was.

12 Q. Would you kindly tell the jury, sir, what children were  
13 born into that marriage?

14 A. I had a daughter, Lisa and a son, Christopher.

15 Q. And Mr. Miller, your -- is Louise Miller, your previous  
16 wife, is she alive or deceased?

17 A. She's deceased.

18 Q. Do you recall when she passed, approximately?

19 A. I don't -- it would only be a guess, which I --

20 Q. Well, I don't want you to guess.

21 A. After my son came out of the Marines and she died about a  
22 year after that, so it would have been '88.

23 Q. Okay. Now, when you and Louise got divorced, Chris and  
24 Lisa, did they live with you or did they live with their mom?

25 A. They lived with their mom.

1 terminology, she was hard-headed. She had her own way of  
2 doing things; pretty much very secretive.

3 Q. Okay. So, she wasn't one that shared much information?

4 A. Not at all; at least with me.

5 Q. All right. And are you the type of father that likes to  
6 pry for information?

7 A. I never pry.

8 Q. So, you -- whatever information you gather, that's -- you  
9 leave it alone?

10 A. Yes. I have a 30-year-old daughter and my wife gets on  
11 me a lot because she goes out. She'll call me, she says, I'm  
12 going and hanging up and after my wife says, well, where is  
13 Lisa -- where is Jennifer going? I said, I don't have any  
14 idea. You didn't ask her? And I said, look, she's 30 and  
15 she might tell me where she's going and I might not want to  
16 know that. So, I don't get involved in -- you're -- you're  
17 of age. It's none of my business where you go. So, no, I  
18 did not -- I did not pry. I would never ask that of any of  
19 my children; just be careful, be safe.

20 Q. Like a father would. Now, Mr. Miller, I'd like to direct  
21 your attention into September of 2009, all right? More so,  
22 beginning in or around September 20th, 2009. Do you recall,  
23 in or around September 20th, 2009, receiving a telephone call  
24 from your daughter Lisa?

25 A. I received a call. And I guess it was September the



1 20th. I don't know.

2 Q. Okay. During this call that you received from Lisa, were  
3 you asked -- did Lisa ask you to do anything?

4 A. She did.

5 Q. What did Lisa ask you to do?

6 A. She asked me to call a phone number and speak with a  
7 gentleman and let him know that she was at a location other  
8 than the one he was at.

9 Q. Okay. Could you be more specific?

10 A. Sure. She said that she was at a Walmart and someone was  
11 supposed to meet her at Walmart, but apparently they're at  
12 the wrong Walmart.

13 Q. How many Walmarts do you know are in Lynchburg, Virginia?

14 A. It sort of blew my mind, because Lynchburg is not a big  
15 town. They got two Walmarts and it just sort of blew my  
16 mind. I live in a town that is a suburb of Nashville and we  
17 have one Walmart and I think the City of Nashville maybe has  
18 three. So, she gave me the number and I said I would.

19 MR. DiGIACOMO: I would ask you to pull up Government  
20 Exhibit 68B. And would you kindly go to the Bates number --

21 THE COURT: Mr. DiGiacomo, I can't hear you.

22 MR. DiGIACOMO: I apologize, Your Honor. I'd ask for  
23 you to pull up Government Exhibit 68B. Turn to page 010749.

24 BY MR. DiGIACOMO:

25 Q. Mr. Miller, showing you a document that's already been

1 admitted into evidence and I ask you, sir, looking at the  
2 second page, do you see a telephone number that appears on  
3 the top?

4 A. I do.

5 Q. And what is that telephone number, sir?

6 A. That number is (615)436-7310.

7 Q. 436 or 426?

8 A. 426-7310.

9 Q. All right. Back in 2009, Mr. Miller, is that your  
10 telephone number?

11 A. It was, yes, sir.

12 Q. All right.

13 MR. DiGIACOMO: Now, can you scroll down a little bit  
14 to -- which would be -- yes, that would be fine. The one,  
15 two, three lines down. Yes.

16 BY MR. DiGIACOMO:

17 Q. Do you see a phone number on -- can you read that, sir,  
18 if I can get it up?

19 A. I can.

20 Q. Okay. On there, do you see a number from your -- at --  
21 on 9/20 at 1:54 p.m. --

22 A. Yes, sir.

23 Q. -- do you see a call from your number to (540)447-6720?

24 A. Yes, sir.

25 Q. Do you recognize that number?

1 A. I do not.

2 Q. Okay. Do you recognize, as you look at that document,  
3 sir, any numbers -- if you could look back, sir, at 68, do  
4 you see -- do you recognize a number associated with your  
5 daughter, Lisa Miller, on there at all?

6 A. I don't remember my daughter's number at that time.

7 Q. Okay.

8 A. So, I could look at these numbers, but it doesn't --  
9 except for the city that it's coming from, I can just  
10 assume --

11 Q. Well, I don't want you to assume, based on the city. As  
12 you sit here today --

13 A. I do not recognize any of those numbers as being her  
14 number.

15 Q. All right. Now, if you could, you don't recognize the  
16 number we just talked about on 9/20 at 1:54 in the afternoon.

17 MR. DiGIACOMO: If I could, Kate, could you go down  
18 to -- block further down; going one, two, three, four, five,  
19 six, seven, eight, nine, about nine lines from the bottom, if  
20 you would.

21 THE WITNESS: From the bottom up?

22 BY MR. DiGIACOMO:

23 Q. Well, yeah, but we're going to pull that up for you.

24 A. Okay.

25 Q. Okay. Do you see, Mr. Miller, a call at 6:08 p.m. to

1 (540)943-8115?

2 A. What time did you say?

3 Q. About 9:20.

4 A. No, I see 4:06.

5 Q. Well, further --

6 MR. DiGIACOMO: If you can go -- Kate, can you come  
7 down to -- further down? Yeah.

8 BY MR. DiGIACOMO:

9 Q. We're going to blow it up a little bit for you.

10 A. I see one at 5:53.

11 Q. Right.

12 A. And one at 6:08, yes.

13 Q. Right. Do you see the call at 6:08 to the number  
14 (540)943-8115?

15 A. I do.

16 Q. And then one below it at 6:09 at (540)943-5779?

17 A. Yes, sir.

18 Q. As you sit here today, do you recognize any of those  
19 telephone numbers?

20 A. I do not.

21 Q. Mr. Miller, I'd like to go back. You said your daughter  
22 Lisa called you and asked you to call -- did she identify who  
23 she wanted you to call?

24 A. I -- I'm assuming -- well, I can't assume. I'm sure she  
25 did, but sitting here, I don't remember if it was Jack or

1 John or who I was supposed to speak to.

2 Q. Understandable. Although you don't recall who Lisa told  
3 you who you were going to speak with, do you recall, as you  
4 sit here today, what you were to tell that individual,  
5 whoever it was, you had to speak with?

6 A. Yes, sir.

7 Q. All right. Now, when Lisa asked you to do that, did you  
8 do it?

9 A. I did.

10 Q. Did you ask her why she's asking you to call some  
11 numbers?

12 A. No, sir.

13 Q. And again, why didn't you ask her?

14 A. Because I don't pry. You know, it's something she asked  
15 me to do and I did it, as a father.

16 Q. All right. Now, when you -- did you make a call as  
17 requested?

18 A. I did.

19 Q. Were you successful in communicating with someone that  
20 Lisa was at a Walmart other than the one this person was  
21 supposed to be at?

22 A. As memory serves me, the first call I made, I did not.

23 Q. Do you recall anything specific about that call?

24 A. What I remember is a female answered the phone and it  
25 sounded like there were children in the background and

1 whoever I asked for was not there.

2 Q. And what were you told at that point?

3 A. You know, I'm trying to remember. They may have given me  
4 a number to reach them or said call back. At any rate, I  
5 think I called him back at the same number.

6 Q. At some point, were you able to speak with an individual?

7 A. I was.

8 Q. About Lisa being at a Walmart?

9 A. Yes.

10 Q. And what did you communicate to this individual?

11 A. That you were supposed to meet Lisa at this Walmart and  
12 you are apparently at some other Walmart and that's where  
13 she's at.

14 Q. Was that the gist of the whole conversation?

15 A. That was the gist of it.

16 Q. All right. So, it wasn't a long conversation?

17 A. Not as I remember it, no, sir.

18 Q. Did the person you spoke with to relay that message that  
19 Lisa was at a Walmart, other than the one where this person  
20 may have been at, as you sit here today, do you recall if you  
21 spoke with a male or a female?

22 A. I can't tell you with certainty, but I'm sure it was a  
23 male. I spoke to two different females in the flurry of  
24 calls, trying to get this person on the line and they may  
25 have given me another number to call. And either this person

1 called me back or I called him again and got contact with  
2 him, but no, I don't remember.

3 Q. Okay. Mr. Miller, I'd like to show you what was  
4 previously had been admitted into evidence yesterday,  
5 Government's Exhibit 63 and Government's Exhibit 64.

6 MR. DiGIACOMO: Ms. Whalen, would you kindly pull up  
7 Government's 63? And if you would, can you pull the caption  
8 on top of Government's 63?

9 BY MR. DiGIACOMO:

10 Q. Sir, do you see on Government's 63 a title there?

11 A. I do.

12 Q. And what is that title?

13 A. It says Response Unlimited.

14 Q. All right. And where is Response Unlimited? Where is  
15 Response Unlimited listed as an address on this?

16 A. 284 Shalom Road, Waynesboro, Virginia.

17 Q. All right. Mr. Miller, going back in 2009, did you have  
18 any contact or relationship with Response Unlimited?

19 A. No, sir.

20 Q. Okay.

21 MR. DiGIACOMO: Okay. Kate, would you kindly go to,  
22 on the same exhibit, 006478? Thank you.

23 BY MR. DiGIACOMO:

24 Q. Mr. Miller, do you see a telephone number on that?

25 A. I do.

1 Q. And does it -- can you tell the jury what's the number  
2 that's listed there?

3 A. The number is (540)943-8115.

4 MR. DiGIACOMO: If you would, Kate, can you go back  
5 to Government's Exhibit 69B?

6 BY MR. DiGIACOMO:

7 Q. And if you would, kindly go down to those phone calls you  
8 talked about at 6:08. Mr. Miller, do you see that number  
9 (540)943-8185?

10 A. I do, sir.

11 Q. Okay. Is that the same number that's on Government's  
12 Exhibit 63?

13 A. Yes.

14 Q. That you just told this jury you saw from Response  
15 Unlimited?

16 A. Yes, sir.

17 Q. Okay. So, as you sit here today, do you have any idea  
18 why you were calling a Response Unlimited telephone back on  
19 September 20th of 2009?

20 A. I have no idea why I did, except for that's probably the  
21 number they referred me to get in touch with this gentleman.

22 MR. DiGIACOMO: Let's take a look at Government's 64.  
23 Ms. Whalen, on Government 64 -- there you go. Thank you very  
24 much.

25



1 BY MR. DiGIACOMO:

2 Q. Mr. Miller, do you see on the very top of that document,  
3 it's an nTelos record that's previously been admitted into  
4 evidence? Do you see that?

5 A. I do.

6 Q. Okay. And do you know what nTelos is?

7 A. I'm assuming it's a phone service.

8 Q. All right. Do you see the name on -- for account number  
9 101736970?

10 A. I do.

11 Q. And do you see -- and who is that account number  
12 associated with?

13 A. Philip Zodhiates -- that's the last name -- Zodhiates,  
14 274 Shalom Road, Waynesboro, Virginia.

15 Q. Okay.

16 MR. DiGIACOMO: Ms. Whalen, if you would kindly pull  
17 up Government's 64, further down. Let's go to the third page.  
18 Thank you.

19 BY MR. DiGIACOMO:

20 Q. Mr. Miller, you see on the bottom a telephone number  
21 associated with this?

22 A. Yes, sir.

23 Q. And that call -- the account associated with Philip  
24 Zodhiates, which is (540)943-5779?

25 A. Yes, sir.

1 MR. DiGIACOMO: Ms. Whalen, would you kindly go back  
2 and pull up Mr. Miller's Verizon records that are admitted?

3 BY MR. DiGIACOMO:

4 Q. And again, Mr. Miller, do you see, on 9/20 at 6:09 p.m. a  
5 telephone call?

6 A. On 9/20 at 6:09?

7 Q. Yes. Do you see the number that we just talked about,  
8 (540)943-5779?

9 A. I do, sir.

10 Q. And you just told this jury, based on the record, that  
11 this record is an account number for Philip Zodhiates?

12 A. Yes, sir.

13 Q. Mr. Miller, going back to September 2009, did you know  
14 Mr. Zodhiates?

15 A. No, sir.

16 Q. As you sit here today, do you know Philip Zodhiates?

17 A. I do not.

18 MR. DiGIACOMO: If I could have a moment, Your Honor?

19 BY MR. DiGIACOMO:

20 Q. Just a couple more questions, Mr. Miller. Mr. Miller,  
21 did there come a point in time, after September of 2009, that  
22 you learned information about Lisa and Isabella's  
23 whereabouts? And what I'm asking you: To your knowledge, do  
24 you know if they left or still maintained and stayed in  
25 Virginia?

1 start our next witness, Your Honor.

2 THE COURT: Yeah, let's start.

3 MR. VAN DE GRAAF: Your Honor, the government calls  
4 Janet Stasulli, witness number 28, Your Honor.

5 THE CLERK: Please state your full name and spell  
6 your last name for the record.

7 THE WITNESS: Janet Stasulli, S as in Sam, T-A, S as  
8 in Sam, U-L-L-I.

9 (The witness was sworn at 12:36 p.m.)

10

11

DIRECT EXAMINATION

12

13 BY MR. VAN DE GRAAF:

14 Q. Good afternoon, Ms. Sasulli -- Ms. Stasulli. I'm getting  
15 a little tired. Where do you live, ma'am?

16 A. 1338 Jefferson Way, Forest, Virginia.

17 Q. And where is Forest, Virginia?

18 A. It is just west of Lynchburg. It's like, a little  
19 suburb.

20 Q. How long have you lived in the Lynchburg area?

21 A. Since 1989.

22 Q. Are you currently employed?

23 A. No.

24 Q. Are you retired?

25 A. Happily.

1 usual hour and a half. During the recess, please do not  
2 discuss the case with anyone and do not discuss the case among  
3 yourselves. Court will be in recess.

4 THE CLERK: All rise.

5 (The jury left the room at 12:47 p.m.)

6 (Lunch recess.)

7 (The jury entered the room at 2:34 p.m.)

8 THE CLERK: All rise. You may be seated.

9 THE COURT: Ladies and gentlemen. I'm working at it.  
10 Sorry for the delay. Go ahead.

11 MR. VAN DE GRAAF: Thank you, Your Honor.

12 BY MR. VAN DE GRAAF:

13 Q. Ms. Stasulli, did you have a cell phone in 2009?

14 A. Correct, yes.

15 Q. And what was your -- do you remember the last four digits  
16 of your cell phone number?

17 A. 2292.

18 Q. Did you share your cell phone bill, as people sometimes  
19 do now, with anybody else?

20 A. Yes, I did.

21 Q. Who did you share phones with?

22 A. First, Linda Wall and then Lisa Miller.

23 Q. And can you tell the jury what are the circumstances of  
24 how that came about?

25 A. Linda had moved to the Lynchburg area, too, before Lisa

1 and she had given up her cell phone and we decided to share a  
2 phone together. And then when Lisa moved to Lynchburg -- but  
3 it was in January that we added Lisa.

4 Q. Added as of January 2009?

5 A. 2009.

6 Q. Okay. If I could, I have put in front of you some of  
7 your cell phone bills there, which have already been admitted  
8 as Exhibit 65B. Do you see that?

9 A. Yes, I do.

10 Q. Could you look through that first monthly bill and using  
11 that to help remind you, what were the different phone  
12 numbers there and who was each phone number?

13 A. (434) 444-1797 was Linda Wall.

14 Q. So, the one ending 1797 was Linda. I think you already  
15 said yours was the one ending 2292?

16 A. 2292.

17 Q. And what's the third number, which is Lisa Miller's  
18 number?

19 A. I don't see.

20 Q. Let me help.

21 A. Yes, please.

22 Q. So, there's 1797.

23 A. Okay.

24 Q. Thirty pages of 1797?

25 A. She made a lot of calls.

1 Q. Linda made a lot of calls?

2 A. Yes.

3 Q. Then you have your calls 2292?

4 A. Yes.

5 Q. And then there's that third number, which is --

6 A. Okay. 2714.

7 Q. And could you read the whole number?

8 A. (434) 444-2714.

9 Q. Thank you very much. Ms. Stasulli, focusing your  
10 attention on the afternoon of September 20th, 2009, do you  
11 recall having a party at your place?

12 A. Well, we had a cookout and then, we went swimming.

13 Q. And who attending the cookout?

14 A. Linda Wall, Lisa Miller and Isabella and myself.

15 Q. Had Lisa Miller and Isabella ever been to your place  
16 before that afternoon?

17 A. No, sir.

18 Q. Sitting here today, do you remember who or how the get-  
19 together was arranged?

20 A. It was coming to the end of the summer and the pool was  
21 going to close, like the 9th of October. And it was a nice,  
22 wonderful, warm September day and we just invited  
23 them over -- my husband had already went back to Baltimore.  
24 He had a condo in Baltimore.

25 Q. Again, if you remember, was it arranged just that day or

1 had it been arranged a few days before, if you remember?

2 A. That I don't know; do not remember.

3 Q. If I could, Ms. Stasulli -- well, before I get to that,  
4 do you recall whether Lisa Miller was coming from somewhere  
5 outside of Lynchburg the day of the party?

6 A. She was coming from Winchester.

7 Q. And again, just to help the jury understand, who have  
8 probably never been to Virginia, where is Winchester in  
9 relationship to Lynchburg?

10 A. It's north. It's further north, right on the  
11 West Virginia/Virginia border.

12 Q. If I could, I'd like to draw your attention to Bates  
13 Number 002724. You don't need to look there because it's  
14 going to come up on the screen.

15 (An off-the-record discussion was held.)

16 BY MR. VAN DE GRAAF:

17 Q. So, I could draw your attention to some calls here on  
18 September 20th, 2009 in the afternoon. Now, you see at the  
19 bottom there, there's two calls at 1:04 p.m. and one at 4:09  
20 p.m.?

21 A. Yes, sir.

22 Q. Made to a phone number that -- just the last witness in  
23 here said that was his phone number, Terry Miller's phone  
24 number, in Nashville, Tennessee. Do you know Mr. Miller?

25 A. No, I do not.

1 Q. Did you call Mr. Miller that day?

2 A. No, I did not.

3 Q. Now, if Lisa Miller wanted to borrow your phone, would  
4 you have let her borrow your phone?

5 A. Yes, I would have.

6 Q. As of that time, that is September of 2009, were you  
7 aware of Lisa's financial situation?

8 A. She was not reinstated at Lynchburg (sic) Christian  
9 Academy.

10 Q. So, she worked -- I think you mentioned before lunch,  
11 that she worked, that previous year, at Liberty Christian  
12 Academy, is that right?

13 A. Yes, sir.

14 Q. And she wasn't working this next year, 2009?

15 A. Correct.

16 Q. Do you know whether she was on unemployment at the time?

17 A. No, I don't.

18 Q. If I could draw your attention to another page, Kate,  
19 002728. So, this just is phone calls from Lisa Miller's  
20 phone, is that right?

21 A. I don't know. I can't see.

22 MR. VAN DE GRAAF: Kate, if you could just hit the  
23 top of there.

24 THE WITNESS: 2714, yes.

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

VOL. IV

UNITED STATES OF AMERICA,	)	
	)	Case No. 1:14-CR-00175
	)	(RJA)(JJM)
Plaintiff,	)	
	)	
vs.	)	September 26th, 2016
	)	
PHILIP ZODHIATES,	)	
	)	
Defendant.	)	

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE RICHARD J. ARCARA  
SENIOR UNITED STATES DISTRICT JUDGE**

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1 THE COURT: Ladies and gentlemen, we're going to  
2 break for lunch at this time and resume at quarter to 2, an  
3 hour and 15 minutes, good? During the recess, please do not  
4 discuss the case with anyone and do not discuss it among  
5 yourselves. Enjoy your lunch, folks and we'll see you back  
6 here at quarter to 2. Court will be in recess.

7 THE CLERK: All rise.  
8 (The jury left the room at 12:28 p.m.)

9 (Lunch recess.)

10 (The jury entered the room at 1:43 p.m.)

11 THE CLERK: All rise. You may be seated.

12 THE COURT: Good afternoon, everyone.

13 (An off-the-record discussion was held.)

14 MR. VAN DE GRAAF: Your Honor, the next witness is  
15 government's witness 37, Andrew Yoder.

16 THE CLERK: Please state your full name and spell  
17 your last name for the record.

18 THE WITNESS: Andrew Yoder, Y-O-D-E-R.

19 (The witness was affirmed at 1:46 p.m.)

20

21 DIRECT EXAMINATION

22

23 BY MR. VAN DE GRAAF:

24 Q. Good afternoon, Mr. Yoder.

25 A. Good afternoon.

1 Q. Sir, where do you live now?

2 A. Southern Ohio.

3 Q. Are you currently employed?

4 A. Self-employed.

5 Q. What do you do?

6 A. I work in bookkeeping and accounting for the portable  
7 storage building industry.

8 Q. Drawing your attention back to 2009, where were you  
9 living at that time?

10 A. Managua, Nicaragua.

11 Q. And were you working for someone?

12 A. I was working for Christian Aid Ministries.

13 Q. What is Christian Aid Ministries?

14 A. They're a non-government, non-profit organization, worked  
15 with humanitarian aid programs in the country.

16 Q. And are they connected or supported principally by one  
17 particular denomination?

18 A. They're largely by the Mennonite.

19 Q. Are you, yourself, a Mennonite?

20 A. Yes.

21 Q. What was your position at -- working with CAM in  
22 Nicaragua?

23 A. I was the field director.

24 Q. Could you tell the members of the jury, what does the  
25 field director do?

1 A. The main thing is I oversaw the daily operations that we  
2 had, a number of different programs, humanitarian aid  
3 programs, food and clothing, medicines, self-help and a  
4 number of staff. And so, it was just kind of overseeing all  
5 the operations.

6 Q. How long did you work for CAM in Nicaragua?

7 A. Just shy of four years.

8 Q. When did you start?

9 A. January of 2007.

10 Q. When did you leave?

11 A. October of 2011.

12 Q. While you were there, maybe focusing on 2009 and  
13 specifically, were there other people working for CAM in  
14 Nicaragua?

15 A. Yes. There were three other families and we had like, 20  
16 national employees.

17 Q. Did you have a particular location that you did CAM's  
18 work out of?

19 A. It was pretty much across the country.

20 Q. No, but -- I mean, I shouldn't have said that; like, an  
21 office or a location where you worked out of?

22 A. Yes. We had what we called a compound, five acres with a  
23 wall around it and we had our houses and our warehouse.

24 Q. So, you lived in the compound?

25 A. Yes.

1 Q. Did the other families that worked for CAM live in the  
2 compound as well?

3 A. Yes.

4 Q. While you were in Nicaragua, did you attend church?

5 A. Yes.

6 Q. What church did you attend?

7 A. The Christian Brotherhood in Managua.

8 Q. And did you do that for the entire time you were there;  
9 2007, I think you said, up until 2011?

10 A. No. It was more the last half of our time.

11 Q. When you began attending that church, who was the pastor?

12 A. Timo Miller.

13 Q. And was he the pastor until 2011?

14 A. Yes.

15 Q. What does it mean to be pastor at a Mennonite church like  
16 this, in terms of you being a member of the congregation?

17 A. Well, a pastor was there to minister to the spiritual  
18 needs of the people.

19 Q. How big was the congregation of Timothy Miller's church?

20 A. Five or six families.

21 Q. And were any of those families families that worked for  
22 CAM?

23 A. Yes.

24 Q. So, I think you said there were three other families  
25 besides yours that worked for CAM?

1 Q. And the subject is birth certificate authentication.

2 Who's Kim Eichorn, by the way?

3 A. That was my supervisor, here at the main office in Ohio.

4 Q. So, he lived in the United States?

5 A. Yes.

6 Q. And I guess I didn't ask that question. The main office  
7 for CAM, in the United States, was in Ohio?

8 A. Yes.

9 MR. VAN DE GRAAF: I will make Ms. Whalen highlight  
10 it for you.

11 BY MR. VAN DE GRAAF:

12 Q. But what was Timo asking Mr. Eichorn for or emailing  
13 Mr. Eichorn -- it's on the back. It's on the second page  
14 there. Just tell us what this is about.

15 A. He was requesting a birth certificate authentication,  
16 which was part of what Kim Eichorn did for us. As part of  
17 the process of getting a residency, it had to be  
18 authenticated in the U.S. Consulate here in the States.

19 Q. So, I think I asked you earlier about the residency  
20 requirements list that you provided to Timo Miller.

21 A. This was one of the first steps.

22 Q. This is one of the steps. Thank you. Now, let me draw  
23 your attention, Mr. Yoder, to May of 2010. Did you happen to  
24 be back in the United States for a time during that period?

25 A. Yes.

1 Q. And why were you back in the United States?

2 A. We were on a three-week vacation.

3 Q. Was that part of the work for CAM, that you'd be able to  
4 come back to the United States?

5 A. Yes. It happened once a year.

6 Q. And for three weeks?

7 A. Yes.

8 Q. Did you speak with Timothy Miller about a request he had  
9 for you in connection with the time you were back?

10 A. Yes.

11 Q. What did he ask you?

12 A. What I remember, he just mentioned that somebody might be  
13 mailing me a check and asked if I could cash it and bring the  
14 money back.

15 Q. Was that an unusual request?

16 A. No.

17 Q. And what did you say?

18 A. I said yes.

19 Q. Did Timothy Miller tell you who the check was from, who  
20 the check was coming from?

21 A. No.

22 Q. Did you understand who you were bringing the money to?

23 A. Yes.

24 Q. Who was that?

25 A. Timo Miller.



1 Q. Let me show you what's been marked for identification as  
2 Government Exhibit 112D, which is a group of checks.

3 MR. VAN DE GRAAF: Your Honor, I don't think there's  
4 an objection to the exhibit by the defense.

5 THE COURT: All right. It will be received.  
6 (Government Exhibit 112D was received in evidence.)

7

8 MR. VAN DE GRAAF: Ms. Whalen, can you just call up  
9 the check made out to Mr. Yoder? There's other checks on here  
10 but --

11 BY MR. VAN DE GRAAF:

12 Q. At the top, you see there's a check made payable to you?

13 A. Yes.

14 Q. Is this the check that you ended up receiving after this  
15 request from Timothy Miller?

16 A. I believe so.

17 Q. When you saw this check, did you recognize the name  
18 Milmont Greenhouse?

19 A. I had heard the name before.

20 Q. And did you know whether it was associated with anybody  
21 in particular?

22 A. No, not at the time.

23 Q. It says that the Milmont Greenhouse is in Waynesboro,  
24 Virginia. Did you know where Waynesboro, Virginia was?

25 A. Somewhat.

1 Q. Did you know whether there is a Mennonite presence in  
2 Waynesboro?

3 A. Nearby, yes.

4 Q. And did you know who the pastor was for that  
5 congregation?

6 A. Well, there were several pastors. I didn't know them  
7 all.

8 Q. Well, were any of them people you had heard about from  
9 Timothy Miller before?

10 A. Yes.

11 Q. Who?

12 A. Ken Miller.

13 Q. Did you -- when you got this, did you think of Ken Miller  
14 when you got this?

15 A. Yes.

16 Q. Did that -- did you call Timo or talk to Timo about  
17 whether this was connected to Ken Miller?

18 A. No.

19 Q. Did you cash the check, as Mr. Miller requested?

20 A. Yes.

21 Q. And what did you do with the funds?

22 A. I gave them to Timo.

23 Q. When you gave the money to Timo, did you mention anything  
24 about Ken Miller?

25 A. No.

1 Q. Did you ask him about what the check was for?

2 A. No.

3 Q. Did he say anything about this check being for coffee?

4 A. I'm not sure about that. I don't recall.

5 Q. How much -- were you familiar with coffee in Nicaragua?

6 A. Yes.

7 Q. I assume it's a crop that Nicaragua exports to the  
8 United States?

9 A. Yes.

10 Q. How much is a pound of coffee in Nicaragua?

11 A. Around four or five dollars.

12 Q. So, if this check were buying coffee, it would be about  
13 over 100 pounds of coffee?

14 A. Yes.

15 MR. VAN DE GRAAF: I apologize, Your Honor. I'm just  
16 going to follow-up on one thing.

17 MR. VAN DE GRAAF:

18 Q. We've talked about Ken Miller a little bit. Did you know  
19 him personally?

20 A. No.

21 Q. Have you ever met him?

22 A. Yes.

23 Q. Did you meet him before the events we've talked about  
24 here or afterwards?

25 A. Afterward.

1 Q. Do you know Mr. Zodhiates at all?

2 A. No.

3 Q. Had you ever heard his name?

4 A. No.

5 MR. VAN DE GRAAF: Nothing further, Your Honor.

6

7 CROSS-EXAMINATION

8

9 BY MR. GRABLE:

10 Q. Good afternoon, sir.

11 A. Good afternoon.

12 Q. I'm going to ask you some follow-up questions to the ones  
13 the government asked you and I want to begin where the  
14 government ended with the discussion about this money that  
15 you brought to Nicaragua, okay?

16 A. Yes.

17 Q. Now, you, in your work for CAM, would, from time to time,  
18 bring household items and money between the United States and  
19 Nicaragua, correct?

20 A. That's correct.

21 Q. And part of the reason for that is it can be difficult to  
22 obtain items in Nicaragua that are easier to obtain here in  
23 the United States, correct?

24 A. Yes.

25 Q. And so, there's no intention to evade either countries'

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I certify that the foregoing is a  
correct transcription of the proceedings  
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Court Reporter,

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

VOL. V

UNITED STATES OF AMERICA,	)	
	)	Case No. 1:14-CR-00175
	)	(RJA)(JJM)
Plaintiff,	)	
	)	
vs.	)	September 27th, 2016
	)	
PHILIP ZODHIATES,	)	
	)	
Defendant.	)	

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE RICHARD J. ARCARA  
SENIOR UNITED STATES DISTRICT JUDGE**

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1 4. The search established that no shipments were  
2 recorded for the period April 1st, 2010 through August 31st,  
3 2010 for anyone within the zip code of 22980.

4 And Your Honor, with that, we'd like to take a break  
5 and call our next witness, Duane Weaver.

6 MR. DiGIACOMO: Your Honor, at this time, the  
7 government would call witness number 35 on the government's  
8 witness list, Duane Weaver.

9 THE CLERK: Please state your full name and spell  
10 your last name for the record.

11 THE WITNESS: Duane Weaver. My last name is spelled  
12 W-E-A-V-E-R.

13 THE CLERK: And is it D-W-A-Y-N-E?

14 THE WITNESS: It is D-U-A-N-E.

15 (The witness was affirmed at 10:09 a.m.)

16 MR. DiGIACOMO: May I proceed, Your Honor?

17 THE COURT: Yes, you may.

18

19 DIRECT EXAMINATION

20

21 BY MR. DiGIACOMO:

22 Q. Good morning, sir. Could you just tell the jury,  
23 Mr. Weaver, where do you currently reside?

24 A. I reside in Stuarts Draft, Virginia.

25 Q. And how long have you been in Stuarts Draft, Virginia?



1 A. Residing in Stuarts Draft, Virginia since approximately  
2 January of 1998.

3 Q. All right. And could you tell the jury, sir, how are you  
4 presently employed?

5 A. I'm employed by Milmont Greenhouses.

6 Q. And where is Milmont Greenhouses, sir?

7 A. The address is Waynesboro, Virginia.

8 Q. Do you know the exact address?

9 A. Forty-eight Milmont Drive.

10 Q. And how long have you been employed at Milmont  
11 Greenhouses?

12 A. Since the Spring of 1998.

13 Q. And can you tell the jury, sir, who is the owner of  
14 Milmont Greenhouses?

15 A. My father-in-law, Willis Miller, is the owner.

16 Q. All right. And is this a family-run business?

17 A. It's a family-run business, yes.

18 Q. And presently, approximately how many employees does  
19 Milmont have?

20 A. Somewhere between 26 and 28.

21 Q. And do you know, as you sit here today, approximately how  
22 many employees they had back in 2009 or 2010?

23 A. I do not know how many it was then.

24 Q. Would it be less or more than what you have now, in your  
25 best estimate?

1 A. I would estimate approximately the same.

2 Q. Okay. And you said you have been with Milmont  
3 Greenhouses since the Spring of 1998. What is your current  
4 position with Milmont?

5 A. It's a family-run business and so, those of us who work  
6 there, especially family members, wear lots of different  
7 hats. And so, I'm involved in many different areas.

8 Q. Okay. Would one of those areas be the office manager?

9 A. I am involved office management, yes.

10 Q. And would that have been the position -- the description  
11 you just provided the jury, office manager, a man of many  
12 hats, would that have been the same in 2009 and 2010?

13 A. Pretty much so.

14 Q. And back in 2009 and 2010, in your capacity as the office  
15 manager, did you have check writing abilities or  
16 capabilities?

17 A. I had check writing abilities, yes.

18 Q. And who else had that responsibility at Milmont  
19 Greenhouses, if you know?

20 A. Linda Jordan and the owner would have as well.

21 Q. So, only three people would have had check writing  
22 authority, to your knowledge, back in 2009 and 2010?

23 A. Actually, I think my mother-in-law would have, too. I  
24 think it would have been four people.

25 Q. And as the office manager, would one of your

1 responsibilities at Milmont include the accounting work  
2 associated with the business?

3 A. I don't do and have not ever done all of the accounting,  
4 but I have been involved in making it work.

5 Q. What does that mean?

6 A. Fixing problems that come up.

7 Q. Are you familiar with the payroll records at Milmont  
8 Greenhouses?

9 A. Yes, I am.

10 Q. And would you be -- would it be fair to say that, as one  
11 of your duties or hats that you wear at Milmont, there might  
12 be an occasion of which you are responsible for getting  
13 payroll done?

14 A. Yes, that's right.

15 Q. Now, you told the jury who owns Milmont Greenhouses. Can  
16 you tell the jury, who is Kenneth Miller?

17 A. Kenneth Miller is my brother-in-law; son of the owner,  
18 Willis Miller.

19 Q. And did you know Kenneth Miller prior to you marrying  
20 into the family?

21 A. I would have met Ken first in January of '96, possibly.  
22 I think that's the right date.

23 Q. And then, when were you married, sir?

24 A. Got married in February of '98.

25 Q. And is that to Kenneth Miller's sister?

1 A. That's right.

2 Q. And hence, he became your brother-in-law?

3 A. That's right.

4 Q. So, going back to 2009 and 2010, did Kenneth Miller work  
5 at Milmont Greenhouses?

6 A. Yes.

7 Q. As you sit here today, can you tell the jury, what was  
8 Kenneth Miller's duties and responsibilities at this family-  
9 run greenhouse?

10 A. His primary responsibility would have been with growing,  
11 managing the production of the greenhouse, but having grown  
12 up in the business, he had his fingers in a lot of  
13 activities. So, he was involved in many different areas.

14 Q. Did he have, to your knowledge in 2009 or 2010, did he  
15 have the ability to write checks?

16 A. No, he did not.

17 Q. Now, going back to 2009 and 2010, how would you describe  
18 your relationship with your brother-in-law, Kenneth Miller?

19 A. I would say we had a fairly close relationship.

20 Q. Okay. When you say close, in the sense that you talked  
21 daily, weekly, had dinners there, just for a perception for  
22 the jury, what is your definition of close?

23 A. I would have said that we would have talked most days,  
24 not saying we would have had conversations every day, but  
25 most days we would have, you know, communicated with each

1 other.

2 Q. Okay. And back in 2009 and 2010, did Ken Miller -- let  
3 me ask you this -- I'll rephrase the question. Back in 2009  
4 and 2010, were you, Mr. Weaver, aware of an individual by the  
5 name of Lisa Miller?

6 A. I'm sorry. Can you rephrase the question?

7 Q. Absolutely. In 2009 and 2010, did you know Lisa Miller?

8 A. No, I did not know Lisa Miller.

9 Q. Did you know anything about her case back in 2009 and  
10 2010?

11 A. I would not be able to say when I first heard the name or  
12 became aware of the situation. At some point, I did become  
13 aware of it, but I could not say when that was.

14 Q. All right. And now, you have told the jury that you had  
15 a pretty close relationship with your brother-in-law, Ken  
16 Miller. As you sit here today, do you recall Ken Miller ever  
17 talking to you about Lisa Miller?

18 A. The communication that I would have heard from Ken would  
19 have been to talk about the situation as a whole. I  
20 mentioned there's a prayer request for Lisa's situation. Of  
21 course, I would have read about things in the paper, that  
22 kind of thing as well.

23 Q. What you just told the jury about Lisa's situation, what  
24 was your knowledge of Lisa's situation back in 2009 and 2010?

25 A. I don't know. Again, that's been almost six years ago.

1 so the top.

2 MR. DIGIACOMO: Ms. Whalen, can you call up  
3 Exhibit 112D for me, please and focus in on that top check?

4 BY MR. DIGIACOMO:

5 Q. Do you see that check, Mr. Weaver?

6 A. Yes, I do.

7 Q. And that check is for how much?

8 A. It's for \$500.

9 Q. And that check is made payable to who?

10 A. Andrew S. Yoder.

11 Q. All right. It says this check was written on May 10th,  
12 2010. Do you recall that May 10th, 2010 was a Sunday?

13 A. I can't recall that, but in our discussions, we've  
14 affirmed that it was.

15 Q. Okay. And was Milmont Greenhouses open on Sundays in May  
16 of 2010?

17 A. No.

18 Q. And was it -- as an office manager and all these other  
19 hats that you wear, would there be occasion in which you  
20 would be required go in on a Sunday to conduct business?

21 A. As a family member, yes. I would have needed to go in on  
22 occasion to take care of whatever needed to get taken care of  
23 while we were closed.

24 Q. Okay. Now, you said occasionally, so it's not a regular  
25 occurrence?

1 A. There's -- it's plants, so plants need to be watered.

2 Q. Other than plants needing to be watered, is it -- back in  
3 2009 and 2010, did you have regular occasion to go and do  
4 your office manager work?

5 A. No. I would not have. I had very infrequent occasion.

6 Q. Now, you said this check was written to an Andrew S.  
7 Yoder. Do you see that?

8 A. Yes, I do.

9 Q. And do you see the signature on the bottom right of that  
10 check?

11 A. Yes, I do.

12 Q. And whose nature is that?

13 A. That's my signature.

14 Q. And as you sit here today, was it common for you to sign  
15 checks when they were issued?

16 A. I did not sign many checks, just simply on an as-needed  
17 basis.

18 Q. All right. Because who is the primary check signer, if  
19 you know?

20 A. Linda Jordan would have been the primary check signer.

21 Q. So, if Linda Jordan weren't available, you might be  
22 called upon to sign a check?

23 A. That's correct.

24 Q. Now, this check to Andrew S. Yoder -- let me ask you: Do  
25 you know an Andrew S. Yoder?

1 A. I do not know Andrew S. Yoder, no.

2 Q. Okay. And do you know the circumstances as to why you  
3 wrote this check to Andrew Yoder?

4 A. I do not recall a conversation asking me to write this  
5 check.

6 Q. So, as you sit here today, back when this check was  
7 written in or around May 10th of 2010, do you know who asked  
8 you to write this check?

9 A. I don't have -- since I don't recall the conversation  
10 asking me to write the check, I don't have a definite  
11 knowledge of who did.

12 Q. Okay. If you -- who, at Milmont Greenhouses, back in  
13 2009 and 2010, could ask you to write a check?

14 A. Any number of people could have.

15 Q. Okay. And who were those number of people?

16 A. It could have been anyone from the secretary, the store  
17 manager, which I don't remember who was the store manager  
18 that year. In the time frame, it could have been any  
19 number -- it could have been quite a few people.

20 Q. Could Ken Miller have the authority to ask you to write a  
21 check?

22 A. He could, yes.

23 Q. Now, this check that you are looking at, 112D, can you  
24 decipher from this, where was this check -- what type of  
25 account was this check drawn from, if you know?



1 A. There was nothing on this check that indicates where it  
2 was drawn from.

3 Q. In a prior proceeding were you asked to go and do some  
4 inspection with respect to this check?

5 A. Yes. In a prior proceeding I was requested by Paul  
6 Van De Graaf to research the check.

7 Q. And based on your research of this check, check  
8 number 33510, what did you find, if anything?

9 A. I'm trying to think how to answer that question.

10 Q. Let me ask it this way: Based on your looking into this  
11 check, were you able to decipher what type of account from  
12 Milmont Greenhouse this was drawn from?

13 A. I think, as we mentioned before, I was not able to find  
14 this check number listed in the accounting records.

15 Q. Okay. So, when you say you couldn't find it in the  
16 accounting records, what do you mean by that?

17 A. Okay. So, I received a subpoena about the check and  
18 pulled up the list of checks and there was no check listed in  
19 the accounting records as 33510.

20 Q. Okay. Did you find another check number written to an  
21 Andrew Yoder?

22 A. Yes. I did find another check number that was listed as  
23 written to Andrew S. Yoder.

24 Q. Okay. And that check that was written to Andrew S. Yoder  
25 is the one you just told us about. Did it contain a

1 different number than the 33510 number?

2 A. You gave me the check number --

3 MR. HEMLEY: Objection. Leading questions. I don't  
4 think the witness should answer.

5 THE COURT: All right. Sustained.

6 BY MR. DIGIACOMO:

7 Q. When you looked into these other checks, do you know the  
8 other check you referenced, written to Mr. Yoder, did it have  
9 the same or different account number than this one?

10 A. As I tried to tell you before, the check number 33510  
11 does not exist in any accounting records in Milmont  
12 Greenhouses in our accounts, so your question doesn't make  
13 sense.

14 Q. Okay. Was there another check written to Mr. Yoder that  
15 was in the accounting records?

16 A. There isn't -- in the accounting records, there is a  
17 check written to Andrew S. Yoder, yes.

18 Q. Okay. Under this --

19 A. Under --

20 Q. -- check number?

21 A. Under a different check number.

22 Q. Okay. And now, this check that you just said, a  
23 different check number --

24 A. Different check number.

25 Q. -- does that check exist?

1 A. There is no paper that exists with it. Well, there's --  
2 yes. That other check number exists as a check, yes.

3 Q. Okay. Let's talk about some records here. Showing you  
4 what's been marked for identification purposes as  
5 Government's Exhibit 115A and 115B and I'd ask you,  
6 Mr. Weaver, if you would kindly take a look at both of those  
7 documents. Have you had an opportunity to review those?

8 A. Yes.

9 Q. Okay. Let's start with 115A. Do you recognize 115A?

10 A. Yes. 115A is a report that I prepared at the request of  
11 Paul Van De Graaf in an earlier proceeding.

12 Q. And the documents in 115A, what's contained in there, the  
13 information contained in 115A, is that information maintained  
14 by Milmont Greenhouses?

15 A. Yes. This information is maintained by Milmont, yes.

16 Q. And it's regarding -- what is it regarding?

17 A. It's regarding payroll transactions.

18 MR. DIGIACOMO: And Your Honor, unless there's an  
19 objection, I would move 115A into evidence.

20 MR. HEMLEY: No objection.

21 THE COURT: All right. It will be received.

22 (Government Exhibit 115A was received in evidence.)

23

24 MR. DIGIACOMO: And Mr. Hemley, if we can go through,  
25 do you have any objection to 115B? I didn't hear it if there

1 was.

2 MR. HEMLEY: No.

3 MR. DIGIACOMO: Your Honor, we'd also move 115B into  
4 evidence as well.

5 THE COURT: All right.

6 (Government Exhibit 115B was received in evidence.)

7

8 MR. DIGIACOMO: Ms. Whalen, can you kindly pull up  
9 115A for the jury, please? Why don't we start at the very  
10 top; top third, we'll call it.

11 BY MR. DIGIACOMO:

12 Q. Mr. Weaver, what is this document?

13 A. This document is a list of payroll transactions, checks  
14 paid to Ken Miller.

15 Q. Okay. Now -- and it covers a certain period of time?

16 A. Yes. It is a little -- it did not survive the trip  
17 through the fax machine very well -- August 2009 through June  
18 of 2010.

19 Q. Okay. And this -- and you can see, sir, that it lists  
20 payroll records for Ken Miller, is that true?

21 A. Yes, it does.

22 Q. All right. And it covers the period in which you just  
23 told the jury that -- Milmont Greenhouses, of the employees  
24 that they had back in 2009 and 2010, are they paid payroll  
25 from a separate account?

1 A. Paid payroll from a separate account?

2 Q. Let me rephrase it.

3 A. Yes.

4 Q. Let me rephrase it. Of the 26 employees at Milmont  
5 Greenhouse, are they paid a salary or by the hour?

6 A. Most -- at that point, most of them would have been paid  
7 by hourly.

8 Q. Okay. And that would be their payroll?

9 A. I don't understand your question, but yes, they would be  
10 paid --

11 Q. How were they paid?

12 A. -- per hour. They would be paid per hour for work  
13 performed.

14 Q. And how do you pay them at Milmont Greenhouses in 2009  
15 and 2010?

16 A. Sorry. I don't understand your question.

17 Q. Okay. Someone works 40 hours a week. They fill out a  
18 time card?

19 A. They used the time puncher, put their time and the time  
20 card is generated, yes.

21 Q. Okay. How do you pay that person, based on the hours  
22 that they work?

23 A. Based on the hours they work, yes.

24 Q. How do they get paid? Do you pay them in cash? Do you  
25 pay them in check?

1 A. Oh, okay. I'm sorry. I didn't understand your question;  
2 pay them in check and direct deposit, but I can't tell you if  
3 any direct deposits was happening in 2009, 2010. No, I  
4 can't.

5 Q. But Milmont Greenhouses keeps track of what they pay  
6 their employees?

7 A. Yes, we do.

8 Q. And that would be a representation in Government's 115A  
9 of the wages that Kenneth Miller was paid between August of  
10 2009 and June of 2010, would that be a fair representation?

11 A. To the best of my knowledge, yes.

12 Q. Do you see a line, see a red mark on your screen, where  
13 it says, bonus? Do you see that?

14 A. Yes.

15 Q. Do you see the word bonus?

16 A. Yes.

17 Q. And below that, do you see the word salary?

18 A. Yes.

19 Q. So, was Ken Miller paid a salary in 2009 and 2010, to  
20 your knowledge?

21 A. To my knowledge, yes, he was.

22 Q. Okay. And that term bonus, why would there be a  
23 delineation of bonus over salary?

24 A. I'm sorry, but I don't understand your question.

25 Q. He paid -- was he ever paid money in and above his

1 salary?

2 A. Oh, yes, most definitely.

3 Q. And then what would that be classified as?

4 A. It could be classified as a bonus, it could be classified  
5 a number of different ways.

6 Q. Now, you were also asked if you could look at--

7 MR. DIGIACOMO: If you would kindly pull up,

8 Ms. Whalen, Government's Exhibit 115B?

9 BY MR. DIGIACOMO:

10 Q. 115B. Can you tell the jury, what is 115B?

11 A. 115B is payments made to Ken outside of the payroll  
12 module of the accounting system.

13 Q. Okay. And this is, for the period, appears to be October  
14 3rd of 2009 through May 13th of 2010, yes?

15 A. Those are the dates listed here. Yes, that's correct.

16 Q. So, these would be payments which you just told the jury  
17 were made to Ken Miller that were not part of his salary?

18 A. Yes, that's right.

19 Q. Now, the check -- you see a check on there, 23797 at the  
20 very top with the date of October 3rd, 2009. Do you see

21 that?

22 A. Yes, I do.

23 Q. And how much is that check for?

24 A. It's for \$1,595.

25 Q. And as you sit here today, do you know what that payment

1 to Ken Miller was for for the \$1,595?

2 A. I wasn't involved in writing the check. I didn't know  
3 the check was written. So, I don't know if I would have --  
4 would have had any way of knowing what the check was written  
5 for.

6 Q. So, as you sit here, you didn't sign the check?

7 A. As far as I know, I didn't.

8 Q. Nor do you know what that check was for?

9 A. I do not know who wrote the check and at the time the  
10 check was written, I didn't know.

11 Q. Do you know about the other checks, the 5593 or the 6740,  
12 do you know about those checks?

13 A. I do not.

14 Q. As you sit here today, Mr. Weaver, you told the jury  
15 Milmont maintains payroll records of its employees. And then  
16 we talked about non-payroll transactions or money that, in  
17 this case, Ken Miller received over this time period. As a  
18 manager/account -- doing accounting work at Milmont  
19 Greenhouses back in 2009 and 2010, can you give the jury any  
20 examples of what someone like Ken Miller would receive non-  
21 payroll money for?

22 A. There could be any number of reasons that Ken Miller  
23 would receive non-payroll money. It could be that he  
24 requested funds. It could be his reimbursements. It could  
25 be that -- yeah. There could be any number of reasons why he



1 would be paid outside the payroll.

2 Q. Back in 2009 and 2010, was Kenneth Miller, did he have  
3 any ownership interest in Milmont Greenhouses?

4 A. He did not own any shares. However, as the oldest son,  
5 my observation is that my father-in-law allowed him to work  
6 the business and work -- business is the right word. He was  
7 deeply involved in the business, even though he wasn't  
8 technically an owner. He would at times make decisions that  
9 I would have expected the owner to make, but that was totally  
10 at the discretion of him and his father.

11 Q. Okay.

12 MR. DIGIACOMO: If I could have a moment, Your Honor?  
13 One more question.

14 BY MR. DIGIACOMO:

15 Q. Mr. Weaver, that \$500 check that you have in front of you  
16 under Government's 112D, were you able to figure out, by  
17 looking back, how is that check noted in the Milmont records?  
18 What was it for?

19 A. Okay. We had already determined that 33510 is not noted  
20 in Milmont's records.

21 Q. Okay. The other check that you said with regard to  
22 Mr. Yoder?

23 A. I'm not quite clear. Is that read into evidence?

24 Q. What's read into evidence?

25 A. The other check.

1 Q. The other check? The check you're talking about --

2 A. The check you're talking about.

3 Q. Was there a purpose -- we'll make it easier. Was there a  
4 purpose for the check written for Andrew Yoder in any of the  
5 accounting records at Milmont?

6 A. There was -- the check that's written to Andrew Yoder was  
7 debited to account 4001.

8 Q. Okay. Was there a notation as to what that check was  
9 written for?

10 A. No. There was no notation as to what the check was  
11 written for.

12 MR. DIGIACOMO: Thank you. That's all I have.

13 THE COURT: Ladies and gentlemen, we'll take a little  
14 recess here. We'll recess until 11 o'clock, okay?

15 MR. HEMLEY: That time, Your Honor?

16 THE COURT: Eleven.

17 MR. HEMLEY: Thank you.

18 THE COURT: Court will be in recess.

19 THE CLERK: All rise.

20 (The jury left the room at 10:41 a.m.)

21 (Brief recess)

22 (The jury entered the room at 10:58 a.m.)

23 THE CLERK: All rise. You may be seated.

24 THE COURT: All right.

25 MR. HEMLEY: May I proceed, Your Honor?

1 THE WITNESS: I'm Jennie Emmons. J-E-N-N-I-E,  
2 actually. Emmons is E-M-M-O-N-S.  
3 (The witness was affirmed at 11:20 a.m.)

4

5

DIRECT EXAMINATION

6

7 BY MR. VAN DE GRAAF:

8 Q. Good Morning, Ms. Emmons.

9 A. Good morning.

10 Q. Where do you live?

11 A. I live in Vermont.

12 Q. And how are you employed, Ms. Emmons?

13 A. I'm a special agent with the FBI.

14 Q. How long have you been with the FBI?

15 A. For 19 years.

16 Q. Where are you currently assigned?

17 A. The Burlington, Vermont field office, resident agency,  
18 actually.

19 Q. How long have you been in the Burlington office?

20 A. Since 2009.

21 Q. As part of your work, have you been assigned to work on  
22 an investigation of what this case is about?

23 A. Yes, I have.

24 Q. Were you involved at the beginning of the investigation?

25 A. I was aware of the investigation, but I was not assigned

1 to it directly.

2 Q. Did there come a point later where you were assigned to  
3 it?

4 A. Yes.

5 Q. And when was that?

6 A. In 2014.

7 Q. I'd like to hand you up a series of exhibits that have  
8 already been admitted into evidence, Exhibits 60B, 61, 67B  
9 and 68B. Have you had a chance to look at those before your  
10 testimony today?

11 A. Yes, I have.

12 Q. And those are -- what, generally, is contained in those  
13 exhibits?

14 A. Appears to be call detail records pertaining to cell  
15 phone numbers that I did some analysis on.

16 Q. So, my next question was going to be: As far as your  
17 work, did I ask you to analyze the various cell phone data in  
18 that exhibit?

19 A. Yes, you did.

20 Q. Did I ask you to examine the data in relationship to  
21 certain emails that have been admitted into evidence in this  
22 case?

23 A. Yes.

24 Q. Did I ask you to examine the data concerning service  
25 location information in some of those records?

1 A. By around 7 o'clock.

2 THE COURT: This is on the 22nd?

3 THE WITNESS: Yes, on the 22nd, yes. Seven o'clock  
4 p.m.

5 BY MR. VAN DE GRAAF:

6 Q. As part of your work, did you look at the last couple of  
7 phone calls that Lisa Miller's cell phone made?

8 A. Yes.

9 Q. And the jury has already heard those phone calls came  
10 from the Winchester area. That phone number ending in 3613,  
11 do you recognize that as part of your work on the case?

12 A. Yes.

13 Q. Whose phone number is that?

14 A. Doug Wright, Lisa's pastor.

15 Q. Now, I think I asked you early on whether you analyzed  
16 call connections and we spoke a little bit about some of the  
17 charts. Did I ask you to analyze the phone call connections,  
18 that is, who -- other phones that the Philip Zodhiates' phone  
19 was in contact with during this travel up to Buffalo on the  
20 21st and the 22nd?

21 A. Yes.

22 Q. Ms. Emmons, let me show you a series of exhibits,  
23 Exhibits 88A, 88B, 88C and 88D. Do you recognize those?

24 A. Yes, I do.

25 Q. And can you tell the jury, what are those?

1 A. The first, 88A, is a spreadsheet of selected phone calls  
2 involving the phone number ending in 1999, which is  
3 Zodhiates' cell phone number and other numbers, either  
4 associated with Zodhiates' associates or Ken Miller's  
5 associates.

6 Q. And what are the 88B, C and D?

7 A. These are the phone calls depicted in a timeline fashion.

8 Q. So, they're similar to what you talked about with Terry  
9 Miller's cell phone bills?

10 A. Yes.

11 MR. VAN DE GRAAF: Your Honor, I move the admission  
12 of 88A, 88B, 88C and 88D.

13 MR. HEMLEY: No objection.

14 THE COURT: All right. They will be received.

15 (Government Exhibits 88A, 88B, 88C, 88D were received in  
16 evidence.)

17

18 BY MR. VAN DE GRAAF:

19 Q. What I'd like to do is quickly go through each of the  
20 timelines. So, here, this is the first one, 88B. Just refer  
21 to that. What time period is covered by this timeline?

22 A. Approximately 10 a.m. on Monday, September 21st and  
23 ending at about 10 p.m. the same date.

24 Q. So, about 12 hours, is that right?

25 A. Yes.

1 Q. And just referring to one of the things depicted above  
2 the line are contacts. Above the line is Ken Miller's cell  
3 phone right here, is that right?

4 A. Yes, it is.

5 Q. And can you tell the jury how many phone calls were there  
6 on the 21st between Ken Miller's cell phone and Zodiates'  
7 cell phone?

8 A. Nine.

9 Q. And you have depicted that there were a few phone calls  
10 associated with phone numbers for Ervin Horst, is that right?

11 A. Correct.

12 Q. When did these start?

13 A. Those started around 9 o'clock at night.

14 Q. And who called who first, between Mr. Horst's numbers and  
15 Mr. Zodiates' cell phone?

16 A. Mr. Zodiates' cell phone number called Ervin Horst's  
17 landline first for about two minutes, around 9 o'clock at  
18 night.

19 Q. And so, while this phone was traveling -- the bottom  
20 half, I think, reflects some of the numbers that we've spoken  
21 about associated with the business or the home?

22 A. Correct.

23 Q. And then, there's a call to -- one call to Pensacola  
24 Christian College, do you see that?

25 A. Yes.

1 Q. Turn to 88C. What's depicted on -- the time period  
2 depicted on 88C?

3 A. It's about 1 in the morning to 11:30 a.m.

4 Q. So, overnight?

5 A. Right. The early morning hours.

6 Q. And that first call you have depicted there, what time is  
7 that call, perhaps using 88A, to be precise? Phone call  
8 from --

9 A. Right.

10 Q. -- Mr. Horst's cell phone to --

11 A. It happened at 1:21 in the morning and it was received by  
12 Philip Zodhiates' cell phone number from Ervin Horst's cell  
13 phone number.

14 Q. And how long was that call?

15 A. It was two minutes.

16 Q. And when was the next call from Mr. Horst's cell phone  
17 that morning?

18 A. It was at 7:10 a.m.

19 Q. And then, this depicts two calls associated from  
20 Mr. Miller's phone as well that morning?

21 A. Yes.

22 Q. Now, this number here, by the way, 5673, is that the  
23 other cell phone on the cell phone bill depicted in  
24 Exhibit 61?

25 A. Yes.



1 Q. So, the three numbers I think we talked about, there was  
2 the phone number that Mr. Zodiates said was his, said his  
3 wife's and this was the third one?

4 A. Yes.

5 Q. This one is a little busier. Showing you Exhibit 88D,  
6 what is the time period covered by 88D?

7 A. It is about 1 o'clock on Tuesday, September 22nd 'til the  
8 evening around 11:30 p.m.

9 Q. So, it's sort of 12 hours in from 11 to 11 almost or 11  
10 to 11, 12 to 12?

11 A. Yes.

12 Q. Now, first you have depicted there -- the first call  
13 depicted on your chart is a call from Ken Miller's cell phone  
14 of four minutes, is that right?

15 A. Yes.

16 Q. Can you describe what you saw in terms of calls from the  
17 1999 phone shortly after that call from Ken Miller?

18 A. There was an eight-minute call to the Response Unlimited  
19 office number, then another call from 1999 to Liberty  
20 Counsel.

21 Q. That is a cell phone --

22 A. Yes.

23 Q. -- subscribed to by Liberty Counsel?

24 A. Right, ending in 0928. Then, followed by that, two calls  
25 to Liberty School of Law with a number ending with 5300.

1 Q. And that second call, how long was the second call to  
2 Liberty School of Law?

3 A. That was six minutes.

4 Q. So, until the early afternoon, were there -- there were  
5 three calls, I guess, with Mr. Miller's phone? Ken Miller's  
6 phone, I'm sorry. Ken Miller's phone, right, in the early  
7 afternoon?

8 A. Yes.

9 Q. Now, in the evening, can you describe what you saw in the  
10 evening of September 22nd?

11 A. There were a series of phone calls between Ken Miller and  
12 Zodhiates' cell phone numbers.

13 Q. How many were there between 7:30 or so or 8 o'clock and  
14 midnight?

15 A. There was nine.

16 Q. Now, did I ask you to do a similar kind of analysis for  
17 call connections from Ken Miller's cell phone during this  
18 same period of time, that's Exhibit 67B?

19 A. Yes.

20 Q. Showing you what I have marked as Exhibits 89A, 89B and  
21 89D, do you recognize those?

22 A. Yes.

23 Q. And are those similar charts for the Ken Miller phone for  
24 that same time period that we just talked about with respect  
25 to Mr. Zodhiates' cell phone?

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\* \* \* \* \*

I certify that the foregoing is a correct transcription of the proceedings recorded by me in this matter.

s/ Megan E. Pelka, RPR

Court Reporter,

**From:** [Philip Zoghiates](#)  
**To:** ["Zoghiates, Victoria Lee"](#)  
**Subject:** URGENT MATTER!  
**Date:** Friday, October 23, 2009 9:26:35 AM  
**Attachments:** [20091023091004379.pdf](#)  
**Importance:** High

---

Dear Victoria:

Please print this out and deliver it today (including the attached). The lease runs out this month on the townhome and that this request of items to "rescue" from the townhome should happen ASAP. She knows who has the key. There is also someone that can deliver all or some of these items in the next couple of weeks. If it was already packed in suitcases that'd make it much easier for them to transport. We would be happy to meet someone somewhere to pick it up or she can deliver it to you and we can get it from you, although it looks like quite a bit of stuff. You can let us know.

Sister Sarah is doing well.

You can call if you have questions. Tell Cory hello.

Thanks!

I love you,

Daddy

**EXHIBIT**

**5**

**Government  
Exhibit**

**041**

RUL 1103

Desires ↓

→

**\*\* very imp to Lydia**  
**\* imp. to me.**  
 - Medical stuff (in kitchen, under bathroom sink inc. vitamins.)  
**to bring**      **to return or to store**

**ALL PLEASE**

**School Supplies** (found in Lydia's desk, kitchen + living room)  
 dry erase markers (small white boards), pens  
 pencils, crayons, index cards, paper, small  
 note pads, gel pen tin (on floor next to desk)  
 - **erasers, markers + more plain paper**  
 scissors, tape, contact paper

- **School books** (in kitchen)  
 1st, 2nd, 3rd, 4th grade books, educational  
 games + computer CDs on shelf in kitchen  
 inc. Spanish Curriculum

- **Answers in Genesis books** +  
 other Bible reference books (on top of  
 piano + top shelf of bookcase next  
 to piano + Bible in baskets in L.R.)  
 under TV on shelf

**\*\* - Small stuffed black/white  
 coat + larger one on Lydia's bed**

- Christian + classical children  
 books in Lydia's room, on  
 top of bookshelf in my room + in  
 purple container in walk in closet

- Sarah's + Lydia's sandals  
 (in B.R. closets/near door)

- Sarah's black + brown shoes  
 on shoes (in my closet in container  
 of shoes - 2 separate shoes)

- **Under clothes** (- top drawers  
 strips in clear container in my closet)  
 - pull over + button down  
 sweaters (in both closets)

- **\* Blue cover Journal** - oversized  
 (I think in L.R. - already written +  
 diagram in - white pages)

- **Books for Sarah** - fav.  
 Sandhills: Spurgeon, Trip, Elliot,  
 George, Tizer, deLass, O'Hartin,  
 biographies (in my room)

**\* Return all Library books**  
 found in living room

**\* Return Noah Curriculum**  
 (all books have that title on  
 cover) - in living room - owners  
 name on inside cover

**store please:** - in my bed room

- photos, albums, scrap books

- legal papers - lot of books in B.R.  
 (including media stuff)

- bills, etc found in + on coffee table

- Lydia's treasure box under bed

- Lydia's Angels (you choose which ones)

- Computer CDs - bottom  
 drawer of container in L.R. closet

- all teacher stuff unless  
 someone wants to use it  
 (co-top shelves, boxes in hall +  
 my room, Lydia's room)

- **\* Rocking Chair** in L.R. (store)

**\*\* bluish bear/doggy ears stuffed  
 animal** - stuffing almost gone in  
 arms (in Lydia's room)

**\*\* Lydia's comforter set** (on bed)

**\*\* little hamster animal** (I think  
 on bed)

**\*\* Porcelain dolls + dolls** (all)

**\*\* Jesus & You pillowcase**

**\*\* purple hand made doll** (her room)

**\*\* Baby toy box - activity** (closet)

**\*\* Yellow cat** (her room)

**My books** - store rest please

**\*\* stuffed black cat - VERY IMPORTANT**

**From:** [Philip Zodhiates](#)  
**To:** "[Zodhiates, Victoria Lee](#)"  
**Subject:** RE: Engagement article  
**Date:** Monday, November 09, 2009 5:05:58 PM

---

Bummer.

Can you please ask Rena when we can pick up the stuff from the apartment. I need it by this weekend.

Daddy

P.S. Are you feeling well now> Did you go to work?

---

**From:** Zodhiates, Victoria Lee [mailto:vlzodhiates@liberty.edu]  
**Sent:** Monday, November 09, 2009 5:01 PM  
**To:** Philip Zodhiates  
**Subject:** RE: Engagement article

I'm sure you'll either get an email or it will be assumed I will tell you, but they are not going to hire me for that position, but they will instead hire the person recommended by the Chancellor in hopes that something else will open up closer to the time that I can start full-time.

Mrs. Tuomala told me that her hands are tied and that the choice is no longer hers, but that Dean Staver did say he wants me to stay and he hopes to find something for me in time.

---

**From:** Philip Zodhiates [mailto:philipz@responseunlimited.com]  
**Sent:** Monday, November 09, 2009 4:31 PM  
**To:** Zodhiates, Victoria Lee  
**Subject:** Engagement article

<http://www.newsleader.com/article/20091108/LIFESTYLE1004/911080302/Zodhiates-Hyden>

Government  
Exhibit

044

RUL 1127

JENKINS00685

BK 16PG0607

VIRGINIA:

IN THE CIRCUIT COURT OF FREDERICK COUNTY

LISA MILLER-JENKINS,

Petitioner,

v.

Chancery No. CH04-280

JANET MILLER-JENKINS,

Respondent.

ORDER

On August 18, 2008, the parties, by counsel, were heard upon Respondent Janet Jenkins's Motion to Enforce and Register Vermont Court Orders. For the reasons set forth below, Respondent's Motion is granted.

This case began on July 1, 2004, when Petitioner Lisa Miller ("Lisa") filed a Petition to Establish Parentage and for Declaratory Relief, regarding the minor child, "IMJ." Respondent Janet Jenkins ("Janet") demurred to the Petition. Janet argued that pursuant to the Parental Kidnapping and Prevention Act ("PKPA"), 28 U.S.C. § 1738A, this Court could not exercise jurisdiction in this matter because Lisa had already initiated a proceeding in the Rutland County Family Court in Vermont ("Vermont Court") to adjudicate the parental rights and responsibilities over the "child of the civil union," IMJ. This Court denied Janet's demurrer and October 15, 2004, issued an order regarding the parental rights of Lisa and Janet. Janet appealed.

On November 28, 2006, the Court of Appeals of Virginia ("Court of Appeals") reversed and remanded, holding that Vermont had sole jurisdiction over the case pursuant to the provisions of the PKPA. Applying the jurisdictional criteria of the PKPA, the Court of Appeals

Copy J. Price - (also faxed)  
R. Lindevaldsen  
G. Nevins  
R. Glenberg  
JDR 09-16-08

136

EXHIBIT  
6

16PG0608

ruled that Vermont had been IMJ's "home state" within six months of Lisa's filing the Vermont petition and that Vermont continued to exercise jurisdiction over the case. Accordingly, the Court of Appeals held that Virginia "lacked authority to exercise jurisdiction based upon Lisa's custody and visitation action in Virginia or to modify the custody and visitation orders of the Vermont court." *Miller-Jenkins v. Miller-Jenkins*, 49 Va. App. 88, 98, 637 S.E.2d 330, 335 (2006) ("*Miller-Jenkins One*"). The Court of Appeals also ruled that "it is well settled that the PKPA preempts any conflicting state law," including Virginia's Marriage Affirmation Act, Art. I, Sec. 15A. *Id.* at 96, 637 S.E.2d at 334. Accordingly, the Court of Appeals remanded, directing this Court "to extend full faith and credit to the custody and visitation orders of the Vermont court." *Id.* at 103, 637 S.E.2d at 338. On January 19, 2007, the Court of Appeals denied Lisa's petition for rehearing *en banc*. Lisa subsequently attempted to appeal to the Supreme Court of Virginia. Her appeal was dismissed on May 7, 2007, because she failed to file a Notice of Appeal. *See Miller-Jenkins v. Miller-Jenkins*, 661 S.E.2d 822, 825 (Va. 2008).

While the Court of Appeals was considering the first appeal, Janet sought to register a temporary custody and visitation order issued by the Vermont Court in the Frederick County Juvenile and Domestic Relations Court ("J&DR Court"). The J&DR Court registered the Vermont order and Lisa appealed to this Court. On March 1, 2006, this Court reversed the J&DR Court's registration of the Vermont Court order. Janet appealed, and on April 17, 2007, in a two-page, unpublished opinion, the Court of Appeals reversed, finding that registration and enforcement of the Vermont Court's order were mandated by its decision in *Miller-Jenkins One*:

[i]n light of our decision in Record No. 2654-04-4, it is clear that the trial court likewise erred in this case, Record No. 0688-06-4. Accordingly, we likewise vacate the trial court's March 1, 2006 order and remand the case to the trial court with instruction to enter an order allowing Janet Miller-Jenkins to register the Vermont order in Virginia.



OK 16PC0609

*Miller-Jenkins v. Miller-Jenkins*, Record No. 0688-6-4, Ct. App. Mem. Op. 2 (Apr. 17, 2007).

Lisa petitioned for and received an appeal from the Supreme Court of Virginia. On appeal, the Supreme Court of Virginia, applying Virginia's law of the case doctrine, ruled that all the issues raised in the second appeal had been decided in *Miller-Jenkins One* which was law of the case and therefore not subject to review by the Supreme Court of Virginia in a subsequent appeal where the same parties and issues were involved. See *Miller-Jenkins*, 661 S.E.2d at 826. Accordingly, the Supreme Court of Virginia affirmed the Court of Appeal's judgment.

On the basis of these rulings of the Court of Appeals of Virginia and the Supreme Court of Virginia in this matter,

**It is hereby ADJUDGED, ORDERED and DECREED that:**

1. Respondent's Motion to Enforce Vermont Court Orders is granted. Petitioner's objection is noted; and
2. This action is remanded to the Juvenile & Domestic Relations Court of Frederick County to register and enforce the judgments, orders and decrees of the Vermont Court. Petitioner's objection is noted.


**It is further hereby Ordered** that the Clerk of Court shall:

1. Cause to be transferred to the Clerk of the Juvenile & Domestic Relations Court of Frederick County the authenticated copies of Vermont Court Orders which were filed with this Court on July 11, 2008; and
2. Cause the \$1000.00 bond previously posted in this matter by Respondent to be refunded to her by causing a check in the amount of \$1000.00, payable to Arent Fox LLP, to be issued to counsel for Respondent.

BK 16PG0610

ENTERED this 3 day of September, 2008.

*Enforcement is waived per  
Rule 113.*

  
\_\_\_\_\_  
John R. Prosser, Circuit Judge

Vermont Superior Court

Rutland Family Division

Docket No. 454-11-03 Rddm		Miller-Jenkins vs. Miller-Jenkins	
No.	Role Litigant Name	Attorney Name	Telephone
p#1	plf Miller-Jenkins, Lisa	Smith, Norman C.	288-9088
p#2	def Miller-Jenkins, Janet	Star, Sarah Esq.	385-1023
p#3	min Miller-Jenkins, Isabella		
p#4	ccp Staver, Mathew		W:800-671-1776
p#5	ccp Lindevaldsen, Rena		W:434-592-7000
p#6	ccd Loewy, Karen		W:617-426-1350
p#7	ccd Bonauto, Mary		W:617-426-1350
p#8	ccd Levi, Jennifer		W:617-426-1350
p#9	ccd Chalidze, Lisa		W:537-3062
p#10	ccp Crampton, Stephen		W:434-592-7000
p#11	ccp Kreep, Gary RMV		W:760-788-6624
p#12	ccp Paino, Allison RMV		W:760-788-6624
p#13	ccp Corry, David		W:434-592-7000
p#14	gal Devine, Tara		W:802-775-5580
p#15	ccd Chalidze, Lisa	Chalidze, Lisa	802-537-3062

Case Type: Civil Union dissolution Last judge: William D. Cohen  
 Case Track: Not set Recused: None  
 Case Status: Disposed-Case Closed Ripe date:  
 Next Hearing:

Programs:  
 Coping With Divorce  
 11/24/03 Party 1-2 Ordered.  
 Pro Se Education  
 11/24/03 Party 1-2 Ordered.

=====  
 Motion/Petitions/Requests for Relief:  
 =====

1	R/to establish child support	order	MG-SJG	12/10/06
2	R/to establish parental rights & resp.	order	WDC	06/15/07
3	R/to establish parent-child contact	order	WDC	06/15/07
4	R/for Property Division	order	WDC	06/15/07
5	M/to Allow Testimony by Telephone	moot	WDC	07/20/04
6	M/to withdraw as attorney	granted	WDC	03/11/04
7	M/to withdraw as attorney	granted	WDC	05/10/04
8	M/for Contempt	order	WDC	12/08/06
9	M/to Continue	denied	WDC	05/19/04
10	M/to Withdraw Waiver to Challenge of Paren	order	WDC	11/17/04
11	R/for Findings	order	WDC	12/06/04
12	M/to Reconsideration of Temporary Order	denied	WDC	07/20/04
13	M/for Genetic Testing	denied	WDC	07/20/04
14	M/Emergency Motion for Contempt/Enforce	order	WDC	07/19/04
15	M/for Reconsideration and Alter and Amend	denied	WDC	09/02/04
16	M/Second Motion for Contempt	order	WDC	09/02/04
17	M/for Immediate Hearing	granted	WDC	08/03/04
18	R/to Testify by Telephone	moot	WDC	08/31/04
19	M/for Reconsideration August 24 Hearing	denied	WDC	08/26/04
20	R/for Extension to file Briefs	granted	WDC	09/02/04
21	M/for Leave to File Supplemental Brief	granted	WDC	09/16/04
22	M/to Supplement Briefing	granted	WDC	09/24/04
23	M/for Sanctions	order	WDC	12/08/06
24	M/for Appearance Pro Hac Vice	granted	WDC	10/08/04
25	M/to Testify by Telephone	order	WDC	10/08/04
26	M/stay enforcement of contempt	denied	WDC	10/08/04
27	M/to Continue	granted	WDC	10/14/04
28	P/Complaint for Judgment to be Entered on	order	WDC	12/21/04
29	M/to Admit Attorney Karen Loewy Pro Hac Vi	granted	WDC	11/23/04

**EXHIBIT**  
**7**

**Government**  
**Exhibit**  
**012**

30 M/to Admit Attorney Mary Bonauto Pro Hac V	granted	WDC	11/23/04
31 M/to Admit Jennifer Levi Pro Hac Vice	granted	WDC	11/23/04
32 M/for Permission to Appeal	order	WDC	01/05/05
33 M/for Permission to Appeal	granted	WDC	01/26/05
34 M/Re: Final Hearing	denied	WDC	06/27/05
35 M/Appear by Telephone 6/21/05	granted	WDC	06/20/05
36 M/Re: Discovery	order	WDC	02/14/07
37 M/to Withdraw as Attorney	granted	WDC	02/14/07
38 M/for Lead Counsel to Attend by Phone	granted	WDC	02/13/07
39 M/to Amend Complaint	denied	WDC	03/28/07
40 M/Emergency Motion for Discovery Order	order	WDC	03/28/07
41 M/Amended 2nd Motion to Appear Pro Hac Vic	granted	WDC	03/28/07
42 R/for Pre-Union Name	order	WDC	07/05/07
43 M/in Limine Re: Opinion Testimony of Hayda	order	WDC	07/05/07
44 M/for Supplemental Sanctions for Contempt	order	WDC	09/28/07
45 M/for Evidentiary Hearing on Sanctions	order	WDC	09/28/07
46 M/for a Protective Order	order	WDC	09/28/07
47 M/to Participate by Phone	granted	WDC	08/01/07
48 M/to Modify or Annul Visitation Schedule	order	WDC	12/31/07
49 M/for Other Enforcement Issues	order	WDC	12/31/07
50 M/for Contempt Other than Child Support	order	WDC	02/10/09
51 M/to Modify Parental Rights & Resp.	order	WDC	02/10/09
52 M/Emergency Motion to Annul Visitation	order	WDC	02/10/09
53 M/Emergency Motion for Change of Custody	order	WDC	02/10/09
54 M/to Participate by Phone	denied	WDC	12/27/07
55 M/Emergency Motion for Contempt/Enforcemen	order	WDC	04/30/08
56 M/to Modify Parental Rights & Resp.	denied	WDC	04/30/08
57 M/for a Protective Order	moot	WDC	04/30/08
58 M/to Participate by Phone	granted	WDC	04/25/08
59 M/to Participate by Phone	moot	WDC	04/30/08
60 M/to Strike Affidavit	denied	WDC	04/30/08
61 M/Emergency Motion for Contempt	order	WDC	02/10/09
62 M/Emergency Motion for Enforcement	order	WDC	02/10/09
63 M/for Transfer of Both Sole Legal & Physic	withdraw	WDC	10/16/08
64 M/to Strike Defendant's Affidavit	order	WDC	02/10/09
65 M/for a Protective Order	order	WDC	10/08/08
66 M/to Continue Hearing	denied	WDC	10/17/08
67 M/to Quash Notice of Deposition	denied	WDC	10/21/08
68 M/for Admission Pro Hac Vice of Joseph Pri	granted	WDC	01/28/09
69 M/to Quash Notice of Deposition	moot	WDC	01/28/09
70 M/Cross Motion to Compel Production of Doc	moot	WDC	01/28/09
71 M/Emergency Motion to Enforce Visitation	order	WDC	02/10/09
72 M/for Contempt Other than Child Support	order	WDC	02/10/09
73 R/for Sanctions	order	WDC	02/10/09
74 M/to Participate by Phone or For Continuan	granted	WDC	01/28/09
75 M/Renewal/Refiling of Motion to Transfer C	order	WDC	02/10/09
76 M/for Clarification Regarding Sanctions	order	WDC	11/20/09
77 M/Modify	order	WDC	05/08/09
78 M/Emergency Motion for Enforcement	order	WDC	04/08/09
79 R/for Make Up Parent Child Contact Time	order	WDC	05/08/09
80 R/Renewal of Request for Sanctions	order	WDC	11/20/09
81 M/to Participate by Phone	granted	WDC	04/23/09
82 M/to Participate by Phone	granted	WDC	05/06/09
83 M/for Appearance Pro Hac Vice	granted	WDC	05/07/09
84 M/to Modify Parental Rights & Resp.	order	WDC	11/20/09
85 M/to Appoint Guardian ad Litem	granted	WDC	06/19/09
86 M/for Psychological Exam of Both Parties	moot	WDC	11/20/09
87 M/to Continue Hearing	denied	WDC	08/20/09
88 C/to Modify Child Support	granted	WDC	04/09/10
89 R/for Status Conference	order	WDC	12/10/09
90 M/to Stay Pending Appeal	denied	WDC	12/22/09
91 R/to Participate by Phone	granted	WDC	12/22/09
92 M/for Rule 11 Sanctions	withdraw	WDC	12/22/09
93 M/Emergency Motion for Contempt	order	WDC	02/23/10
94 M/Emergency Motion for Sanctions	order	WDC	02/23/10
95 M/Emergency Motion for Enforcement	order	WDC	01/29/10

96 R/to Participate by Phone	granted	WDC	01/12/10
97 M/to Withdraw as Attorney	denied	WDC	01/22/10
98 R/to Participate by Phone	granted	WDC	02/22/10
99 M/to Withdraw as Attorney	denied	WDC	03/08/10
100M/to Withdraw as Attorney	granted	WDC	08/20/10

=====

11/24/03 New party: plf, Lisa Miller-Jenkins - Atty. Pro Se.  
 New party: def, Janet Miller-Jenkins.  
 New party: min, Isabella Miller-Jenkins.  
 Complaint filed by Plaintiff Miller-Jenkins against Defendant Miller-Jenkins.  
 New filing. Minors: 1 IV-D: no.  
 Plaintiff Miller-Jenkins, Defendant Miller-Jenkins Ordered Coping With Divorce.  
 Plaintiff Miller-Jenkins, Defendant Miller-Jenkins Ordered Pro Se Education.

12/12/03 Case Managers Conference set for 01/14/04 at 11:00 AM.  
 01/08/04 Appearance entered by Theodore A. Parisi Jr. on behalf of Defendant Miller-Jenkins.  
 01/12/04 Appearance entered by Linda Aylesworth Reis on behalf of Plaintiff Miller-Jenkins.  
 01/14/04 Case Managers Conference scheduled for 01/14/04 continued.  
 attorneys called and requested continuance since Atty Reis just entered appearance and temp hrg is needed.  
 01/16/04 Service complete on party(s) 2: Personal Service by Sheriff/Constable. Documents served: Summons and complaint.  
 Counterclaim filed by Defendant Miller-Jenkins against Plaintiff Miller-Jenkins.  
 01/29/04 Hearing to Establish Temporary Order set for 02/25/04 at 08:30 AM.  
 02/23/04 MPR 5) Motion to Allow Testimony by Telephone filed by Plaintiff Miller-Jenkins. Motion to Allow Testimony by Telephone given to judge.  
 02/24/04 MPR 5) Motion to Allow Testimony by Telephone given to Judge William D. Cohen.  
 Response re MPR 5 filed by party 2.  
 Attys. Reis and Parisi were on phone re there is not enough time for temporary hearing tomorrow (just 1/2 hour); Linda client is coming from Virginia and she would rather reset matter for 1/2 day at a later date; Atty. Parisi will check with his client if objection to post-poning matter.  
 Ted Parisi called back and stated the March date was okay with his client.  
 Hearing to Establish Temporary Order scheduled for 02/25/04 rescheduled.  
 Hearing to Establish Temporary Order set for 03/15/04 at 01:30 PM.  
 spoke to ATty. Reis re pending motion for testimony by phone as there is an objection filed; she advises she will get back re the pending motion.  
 03/11/04 MPR 6) Motion to withdraw as attorney filed by Plaintiff Miller-Jenkins. Motion to withdraw as attorney given to judge.  
 Response re MPR 6 filed by party 2.  
 MPR 6) Motion to withdraw as attorney given to Judge William D. Cohen.  
 Entry order re MPR 6) Motion to withdraw as attorney. M/Reaction Form. granted William D. Cohen. Granted upon the condition that the case set for March 15, 2004 will not be continued.  
 Attorney Linda Aylesworth Reis withdraws.  
 03/12/04 Appearance entered by Deborah Lashman Esq. on behalf of Plaintiff Miller-Jenkins.  
 03/15/04 Hearing to Establish Temporary Order held. WDC/VTAPE.  
 Entry Order: Testimony taken from the Plaintiff. Her testimony was completed. Case to be reset for a continuation of this case. 1/2 day is needed.  
 03/29/04 Hearing to Establish Temporary Order set for 05/26/04 at 09:00 AM.  
 05/03/04 MPR 7) Motion to withdraw as attorney filed by Plaintiff Miller-Jenkins. Motion to withdraw as attorney waiting for Memo in

Opposition. Documents filed: Notice of Pro Se Appearance.

05/04/04 Response re MPR 7 filed by party 2.

05/10/04 Entry order re MPR 7) Motion to withdraw as attorney. M/Reaction Form. granted William D. Cohen.  
Attorney Deborah Lashman Esq. withdraws.

05/14/04 MPR 8) Motion for Contempt filed by Plaintiff Miller-Jenkins. Motion for Contempt waiting for Memo in Opposition.

05/17/04 MPR 8) Motion for Contempt given to Judge William D. Cohen.  
MPR 9) Motion to Continue filed by Plaintiff Miller-Jenkins. Motion to Continue waiting for Memo in Opposition.

05/19/04 sent copy of motion to continue to deft.  
Response re MPR 9 filed by party 2.  
MPR 9) Motion to Continue given to Judge William D. Cohen.  
Entry order re MPR 9) Motion to Continue. M/Reaction Form. denied William D. Cohen.  
Entry order re MPR 8) Motion for Contempt. M/Reaction Form. to be set for hearing William D. Cohen. TO BE HEARD AT FINAL HEARING.

05/21/04 Defendant's Supplemental Response to Plaintiff's Motion dated 5/11/04 filed.

05/26/04 Appearance entered by Judy G. Barone on behalf of Plaintiff Miller-Jenkins.  
MPR 10) Motion to Withdraw Waiver to Challenge of Paren filed by Plaintiff Miller-Jenkins. Motion to Withdraw Waiver to Challenge of Paren given to judge.  
MPR 10) Motion to Withdraw Waiver to Challenge of Paren given to Judge William D. Cohen.  
Hearing to Establish Temporary Order held. WDC/VTAPE.  
Entry Order: hearing held; court grants defendant parent child contact and Atty. Parisi to submit order.

05/28/04 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Temporary Order Re: Parental Rights.  
1 document filed by Attorney Judy G. Barone for party 1: Plaintiff's Request for Findings.  
MPR 11) Request for Findings filed by Plaintiff Miller-Jenkins.  
Request for Findings given to judge.

06/02/04 Response re MPR 11 filed by party 2.

06/08/04 Response re MPR 10 filed by party 2.

06/09/04 MPR 12) Motion to Reconsideration of Temporary Order filed by Plaintiff Miller-Jenkins. Motion to Reconsideration of Temporary Order waiting for Memo in Opposition.  
MPR 13) Motion for Genetic Testing filed by Plaintiff Miller-Jenkins. Motion for Genetic Testing waiting for Memo in Opposition.  
MPR 10) Motion to Withdraw Waiver to Challenge of Paren given to Judge William D. Cohen.

06/15/04 Response re MPR 12-13 filed by party 2.

06/16/04 MPR's 12-13; 12) Motion to Reconsideration of Temporary Order; 13) Motion for Genetic Testing given to Judge William D. Cohen.  
Entry order re MPR's 2-3; 2) Request to establish parental rights & resp; 3) Request to establish parent-child contact. Contested Hearing. temporary order issued William D. Cohen.

06/18/04 sent copies of temporary order to parties; faxed copy of temporary order to plaintiff.

06/25/04 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: AOS of Temporary Order Re: PR&R dat.6/17.

07/02/04 Plaintiff's Objection to Presumption of Parentage filed.  
Defendant files return of service re service of temporary order re: PR&R to Lisa Miller-Jenkins.

07/07/04 MPR 14) Motion Emergency Motion for Contempt/Enforce filed by Defendant Miller-Jenkins. Motion Emergency Motion for Contempt/Enforce given to judge.

07/08/04 MPR 14) Motion Emergency Motion for Contempt/Enforce given to Judge William D. Cohen.

07/09/04 Atty. Barones files letter stating pltf. has filed a petition to establish parentage and for declaratory relief in Winchester, VA.

07/19/04 Entry order re MPR 14) Motion Emergency Motion for Contempt/Enforce. M/Reaction Form. order issued William D. Cohen. see order issued by

- court on July 19.
- 07/20/04 Entry order re MPR 12) Motion to Reconsideration of Temporary Order. M/Reaction Form. denied William D. Cohen.  
Entry order re MPR 13) Motion for Genetic Testing. M/Reaction Form. denied William D. Cohen.  
Entry order re MPR 5) Motion to Allow Testimony by Telephone. M/Reaction Form. rendered moot. William D. Cohen. this motion was already ruled upon.
- 07/26/04 MPR 15) Motion for Reconsideration and Alter and Amend filed by Plaintiff Miller-Jenkins. Motion for Reconsideration and Alter and Amend waiting for Memo in Opposition.
- 07/27/04 sent copies of entry orders dated 7/20 to parties.
- 08/02/04 Motion Hearing set for 08/24/04 at 09:00 AM.
- 08/03/04 MPR 16) Motion Second Motion for Contempt filed by Defendant Miller-Jenkins. Motion Second Motion for Contempt given to judge.  
MPR 17) Motion for Immediate Hearing filed by Defendant Miller-Jenkins. Motion for Immediate Hearing given to judge.  
MPR's 16-17: 16) Motion Second Motion for Contempt; 17) Motion for Immediate Hearing given to Judge William D. Cohen.  
Entry order re MPR 17) Motion for Immediate Hearing. M/Reaction Form. granted William D. Cohen.
- 08/04/04 Motion Hearing set for 08/17/04 at 09:00 AM. PLEASE BE ADVISED THE HEARING SET FOR AUGUST 24, 2004 AT 9:00 A.M. HAS BEEN CANCELLED AS THE MATTER IS NOW SET FOR AUGUST 17 AT 9:00 A.M. AS THE COURT GRANTED REQUEST FOR IMMEDIATE HEARING AND MORE HEARING TIME IS AVAILABLE ON THE 17TH.  
Atty. Parisi's office called and inquired about hearing date on motion for immediate hearing; advised when hrg. was set.  
Atty. Parisi called to advise that he would like to keep the August 24 hearing date as it is as he is calling Deb Lashman as a witness and she is not available to be subpoenaed for the 17th; advised the hearing would be left as it was and contempt would be heard on the 17th.  
Motion Hearing scheduled for 08/17/04 rescheduled.  
Motion Hearing set for 08/17/04 at 09:00 AM.
- 08/17/04 MPR 18) Request to Testify by Telephone filed by Plaintiff Miller-Jenkins. Request to Testify by Telephone waiting for Memo in Opposition.  
Response re MPR 18 filed by party 2.  
Motion Hearing held. WDC/VTAPE.  
Entry Order: Testimony completed. Case under advisement on defendant's request for contempt.  
Entry order re MPR 16) Motion Second Motion for Contempt. Contested Hearing. taken under advisement William D. Cohen. Notice given on record.
- 08/18/04 Telephone conference set for 08/19/04 at 03:00 PM.  
Sent certified copies to Atty. Joe Price, of the entire file. Atty. Price to send check for reimbursement cost of making certified copies of the file by 8/27/04 in the amount of \$750.00.
- 08/19/04 MPR 19) Motion for Reconsideration August 24 Hearing filed by Plaintiff Miller-Jenkins. Motion for Reconsideration August 24 Hearing given to judge.  
MPR 19) Motion for Reconsideration August 24 Hearing given to Judge William D. Cohen.  
Telephone conference held. WDC/VTAPE.  
Entry Order: Phone conference held with the Virginia Court re: parentage action. Conference held on the record with the parties present.
- 08/24/04 Motion Hearing held. WDC/VTAPE.  
Entry Order: Case taken under advisement. The parties to have 2 weeks to submit memoranda of law for 3 issues 1. Waiver 2. Choice of law and 3. Parentage rights.  
Entry order re MPR 10) Motion to Withdraw Waiver to Challenge of Paren. Contested Hearing. taken under advisement William D. Cohen. Notice given on record.  
Response re MPR 15,18-19 filed by party 2.

- 08/26/04 Entry order re MPR 11) Request for Findings. M/Reaction Form. Other William D. Cohen. Findings to be issued with the court's decision on the waiver issue.  
Entry order re MPR 19) Motion for Reconsideration August 24 Hearing. M/Reaction Form. denied William D. Cohen.
- 08/27/04 MPR's 15,18: 15) Motion for Reconsideration and Alter and Amend; 18) Request to Testify by Telephone given to Judge William D. Cohen.
- 08/31/04 Entry order re MPR 18) Request to Testify by Telephone. M/Reaction Form. rendered moot. William D. Cohen.
- 09/01/04 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Original Subpoena and Return of Service.  
Order issues re attorney for child to be appointed; copies faxed to parties.
- 09/02/04 MPR 20) Request for Extension to file Briefs filed by Defendant Miller-Jenkins. Request for Extension to file Briefs given to judge.  
MPR 20) Request for Extension to file Briefs given to Judge William D. Cohen.  
Entry order re MPR 16) Motion Second Motion for Contempt. Contested Hearing. order issued William D. Cohen.  
copies of Order issued 9/2 sent to parties.  
Response re MPR 20 filed by party 1.  
Entry order re MPR 20) Request for Extension to file Briefs. M/Reaction Form. granted William D. Cohen.  
sent entry regarding request no. 20 to parties.  
Entry order re MPR 15) Motion for Reconsideration and Alter and Amend. M/Reaction Form. denied William D. Cohen.
- 09/07/04 sent copies of entry regarding motion 15 and 18 to parties.
- 09/09/04 Appearance entered by David L. Cleary on behalf of Minor child Miller-Jenkins.
- 09/13/04 2 documents filed for party : Transcript of phone conversation; between Judge Prosser on August 19, 2004.
- 09/14/04 3 documents filed by Attorney Judy G. Barone for party 1: Pltf's Reply to Court's Request for; Briefing and Request to Annul Temporary; Relief Order.
- 09/15/04 Status Conference set for 10/04/04 at 01:15 PM. PLEASE BE ADVISED THIS HEARING WILL TAKE PLACE AT RUTLAND SUPERIOR COURT, 83 CENTER STREET, RUTLAND, VERMONT.  
3 documents filed by Attorney Theodore A. Parisi Jr. for party 2: Opposition to Pltf's Motion to Withdraw; Waiver to Challenge Presumption of; Parentage.  
MPR 21) Motion for Leave to File Supplemental Brief filed by Defendant Miller-Jenkins. Motion for Leave to File Supplemental Brief given to judge.  
MPR 21) Motion for Leave to File Supplemental Brief given to Judge William D. Cohen.
- 09/16/04 Entry order re MPR 21) Motion for Leave to File Supplemental Brief. M/Reaction Form. granted William D. Cohen. compliance by 7 days.
- 09/22/04 MPR 22) Motion to Supplement Briefing filed by Plaintiff Miller-Jenkins. Motion to Supplement Briefing given to judge.  
MPR 22) Motion to Supplement Briefing given to Judge William D. Cohen.
- 09/24/04 Capitol Process Services, Inc. files affidavit of process service re service of order filed 9/2/04 on Lisa Miller- Jenkins.  
MPR 23) Motion for Sanctions filed by Defendant Miller-Jenkins. Motion for Sanctions given to judge.  
MPR 23) Motion for Sanctions given to Judge William D. Cohen.  
Entry order re MPR 23) Motion for Sanctions. M/Reaction Form. to be set for hearing William D. Cohen.  
Entry order re MPR 22) Motion to Supplement Briefing. M/Reaction Form. granted William D. Cohen. Compliance by october 8, 2004.
- 09/29/04 sent parties copy of entry regarding motion no. 21-23.
- 09/30/04 Motion Hearing set for 10/15/04 at 01:30 PM. PLEASE BE ADVISED THE HEARING WILL TAKE PLACE AT RUTLAND SUPERIOR COURT, 83 CENTER STREET, RUTLAND, VERMONT.
- 10/01/04 Response re MPR 23 filed by party 1.  
2 documents filed for party : Motion to Admit Attorney Mathew Staver; Pro Hac Vice.



- 2 documents filed for party : Motion to Admit Atty. Rena Lindevaldsen; Pro Hac vice.  
 Notice of Appeal from party 1.
- 10/04/04 sent original Notice of Appeal and check #7051 in the amount of \$225.00 for the filing fee to the Supreme Court, along with certified copies of the docket entries and a hearing list. Will forward contents of the trial court file pertaining to appeal asap. Hearing pending and issues to be taken up at status today.  
 Status Conference held. WDC/TAPE.  
 MPR 24) Motion for Appearance Pro Hac Vice filed by Plaintiff Miller-Jenkins. Motion for Appearance Pro Hac Vice given to judge. Entry Order: The Plaintiff by Florida unadmitted counsel has filed a notice of appeal of the contempt to Vermont Supreme court. conf. w/ attorney re: jurisdiction. Atty. Cleary in case and sanction hrg. on October 15, 2004. Attorney Cleary need not be present at 10/15/04 hearing.
- 10/05/04 MPR 24) Motion for Appearance Pro Hac Vice given to Judge William D. Cohen.
- 10/06/04 rec'd letter from Supreme court assign- ing docket no. Defendant's Opposition to Motion to Admit Attorney Rena Lindevaldsen Pro Hac vice and Defendant's Opposition to Motion to Admit Attorney Mathew Staver Pro Hac Vice filed.  
 Response re MPR 24 filed by party 2.  
 Atty. Parisi's office called re setting up a telephone conference re issue of appeal; he will hook up all parties if necessary for conference.  
 Status Conference set for 10/08/04 at 08:30 AM.  
 notified both sides of conference and Atty. Parisi notified Atty. Cleary.
- 10/07/04 MPR 25) Motion to Testify by Telephone filed by Plaintiff Miller-Jenkins. Motion to Testify by Telephone given to judge.  
 MPR 25) Motion to Testify by Telephone given to Judge William D. Cohen.  
 MPR 26) Motion stay enforcement of contempt filed by Plaintiff Miller-Jenkins. Motion stay enforcement of contempt given to judge. 3 documents filed by Attorney Judy G. Barone for party 1: reply in support of motion to admit; attorney Rena Lindevaldsen and Mathew; Staver pro hac vice.
- 10/08/04 Status Conference held. WDC/VTAPE.  
 Entry Order: Attorney Parisi has filed a motion to dismiss appeal with Vermont Supreme Court. 10/15/04 being still on and Plaintiff's motion to stay denied. Pro hac vice request granted.  
 New party: ccp, Mathew Staver.  
 New party: ccp, Rena Lindevaldsen.  
 Entry order re MPR 25) Motion to Testify by Telephone. M/Reaction Form. order issued William D. Cohen. If the phone system can be modified to allow phone conference and the plaintiff to certify that she is alone during testimony, then request will be granted.  
 Entry order re MPR 26) Motion stay enforcement of contempt. Contested Hearing. denied William D. Cohen.  
 Entry order re MPR 24) Motion for Appearance Pro Hac Vice. Contested Hearing. granted William D. Cohen.  
 plaintiff files Memorandum of Law in further support of Plaintiff's Motion to Withdraw Waiver and Certificate of Service.
- 10/13/04 MPR 27) Motion to Continue filed by Defendant Miller-Jenkins. Motion to Continue given to judge.
- 10/14/04 MPR 27) Motion to Continue given to Judge William D. Cohen.  
 Entry order re MPR 27) Motion to Continue. M/Reaction Form. granted William D. Cohen.  
 Motion Hearing scheduled for 10/15/04 continued.  
 notified parties by phone that hearing has been continued.
- 10/15/04 1 document filed by Attorney Judy G. Barone for party 1: Disc.Cert re Pltf's Interr.&Req.Produce.
- 11/02/04 MPR 28) Petition Complaint for Judgment to be Entered on filed by Plaintiff Miller-Jenkins. Petition Complaint for Judgment to be Entered on given to judge.

- MPR 28) Petition Complaint for Judgment to be Entered on given to Judge William D. Cohen.
- 11/09/04 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Disc.Cert re Deft's Interr.&Req.Produce.
- 11/15/04 1 document filed for party : Motion to Admit Attorney Pro Hac Vice.  
1 document filed for party : Motion to Admit Attorney Pro Hac Vice.  
1 document filed for party : Motion to Admit Attorney Pro Hac Vice.
- 11/17/04 Entry order re MPR 10) Motion to Withdraw Waiver to Challenge of Paren. Contested Hearing. order issued William D. Cohen.  
sent copies of Ruling on Plaintiff's Motion to Withdraw Waiver to Challenge Presumption of Parentage to parties.
- 11/19/04 Response re MPR 28 filed by party 2.  
MPR 29) Motion to Admit Attorney Karen Loewy Pro Hac Vi filed by Defendant Miller-Jenkins. Motion to Admit Attorney Karen Loewy Pro Hac Vi given to judge.  
MPR 30) Motion to Admit Attorney Mary Bonauto Pro Hac V filed by Defendant Miller-Jenkins. Motion to Admit Attorney Mary Bonauto Pro Hac V given to judge.  
MPR 31) Motion to Admit Jennifer Levi Pro Hac Vice filed by Defendant Miller-Jenkins. Motion to Admit Jennifer Levi Pro Hac Vice given to judge.
- 11/22/04 MPR's 29-31: 29) Motion to Admit Attorney Karen Loewy Pro Hac Vi; 30) Motion to Admit Attorney Mary Bonauto Pro Hac V; 31) Motion to Admit Jennifer Levi Pro Hac Vice given to Judge William D. Cohen.
- 11/23/04 Entry order re MPR's 29-31: 29) Motion to Admit Attorney Karen Loewy Pro Hac Vi; 30) Motion to Admit Attorney Mary Bonauto Pro Hac V; 31) Motion to Admit Jennifer Levi Pro Hac Vice. M/Reaction Form. granted William D. Cohen.  
New party: ccd, Karen Loewy.  
New party: ccd, Mary Bonauto.  
New party: ccd, Jennifer Levi.
- 11/24/04 sent copies of entry regarding motions 29,30,31 to parties.  
MPR 32) Motion for Permission to Appeal filed by Co-counsel for Plaintiff Lindevaldsen. Motion for Permission to Appeal given to judge.  
MPR 32) Motion for Permission to Appeal given to Judge William D. Cohen.
- 12/06/04 Entry order re MPR 11) Request for Findings. Contested Hearing. order issued William D. Cohen.
- 12/07/04 sent copies of Findings of Fact, Temporary Parental Rights to parties.
- 12/21/04 Entry order re MPR 28) Petition Complaint for Judgment to be Entered on. M/Reaction Form. order issued William D. Cohen. See ruling on Plaintiff's Request for Entry of Judgment Based on Virginia Court Order.
- 12/22/04 sent copies of Ruling on Plaintiff's Request for Entry of Judgment Based on Virginia Court Order to parties.
- 01/05/05 Entry order re MPR 32) Motion for Permission to Appeal. M/Reaction Form. order issued William D. Cohen.  
sent copies of Ruling on Plaintiff's Motion for Permission to Appeal to parties.
- 01/06/05 MPR 33) Motion for Permission to Appeal filed by Co-counsel for Plaintiff Lindevaldsen. Motion for Permission to Appeal given to judge.
- 01/07/05 MPR 33) Motion for Permission to Appeal given to Judge William D. Cohen.
- 01/20/05 fax rec'd from supreme court re motion for interlocutory appeal.
- 01/26/05 Entry order re MPR 33) Motion for Permission to Appeal. M/Reaction Form. granted William D. Cohen. see Ruling on Plaintiff's Motion for Permission to Appeal.  
sent copies of Order issued 1/26/05 to parties.  
faxed copy of court's decision dated 1/26/05 to Supreme Court.
- 01/27/05 Spoke with Supreme Court and informed need to send the whole file. File being organized and should be sent.
- 02/01/05 Sent file to Supreme Court.
- 02/04/05 3 documents filed for party 5: Notice of Appeal; Check in the amount of \$225.00; Copy of the Transcript Order form.

1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Dis.Cert re REsponse to Pltf Interog.

02/08/05 Sent Faxed copy of Appeal, check in the amount of \$225.00, copy of transcript request to Supreme Court. Entire Trial Court File previously sent up.

03/08/05 1 document filed by Attorney Judy G. Barone for party 1: Notice of Appeal.

03/10/05 Sent Notice of Appeal of 11/17/04 order - (document #11 previously sent to Supreme Court)and check #7451 in the amount of \$225.00 to Supreme Court. Copy of Appeal and transcript request supplied by Atty. Barone forwarded to Atty. Lindevaldsen. Contents of trial court file with a document list previously forwarded to th e Supreme Court.

03/14/05 letter rec'd from supreme Court re docket no. assigned.

04/01/05 Entry Order rec'd from Supreme Court Docket Nos. 2004-443, 2005-030 and 2005- 105.

04/07/05 letter rec'd from Atty. Parisi re setting matter for status conference.

04/08/05 Status Conference set for 04/14/05 at 02:00 PM. PLEASE BE ADVISED THE HEARING WILL BE HELD AT RUTLAND SUPERIOR COURT, 83 CENTER STREET, RUTLAND, VERMONT.

04/14/05 Status Conference held. WDC/TAPE.  
Entry Order: There is a question about what is not stayed. Atty. Parisi to request clarification from Vermont Supreme Court.

05/03/05 rec'd filing from Supreme Court stating appeal completed by court; enclosing certified copy of entry order and file you to set up your own standard notes. Choose "Docket Specific Codes" in the "System Admin. Screens" menu. Then search under CODE for "samnote". Each line must be 40 characters or less in length.

05/18/05 MPR 34) Motion Re: Final Hearing filed by Defendant Miller-Jenkins. Motion Re: Final Hearing given to judge.

05/19/05 MPR 34) Motion Re: Final Hearing given to Judge William D. Cohen.

06/06/05 Motion Hearing set for 06/21/05 at 01:00 PM. PLEASE BE ADVISED THE HEARING WILL BE HELD AT RUTLAND SUPERIOR COURT, 83 CENTER STREET, RUTLAND, VERMONT.

06/17/05 MPR 35) Motion Appear by Telephone 6/21/05 filed by Co-counsel for Plaintiff Lindevaldsen. Motion Appear by Telephone 6/21/05 given to judge.

06/20/05 Entry order re MPR 35) Motion Appear by Telephone 6/21/05. M/Reaction Form. granted William D. Cohen.

06/21/05 Motion Hearing held. WDC/TAPE.  
Entry Order: hearing held; court to issue order.

06/27/05 Entry order re MPR 34) Motion Re: Final Hearing. Contested Hearing. denied William D. Cohen. see Entry Order dated 6/27/05.

06/29/05 sent copies of entry order to parties.

10/07/05 Case status changed to Active-ripe-discovery incomplete.

08/07/06 Entry Received from Supreme Court re Decision Affirmed and Remanded.

08/09/06 letter recd' from Atty. Parisi re ready to go forward with a final hearing.

08/31/06 Status Conference set for 09/19/06 at 08:30 AM.

09/19/06 Status Conference held. WDC/TAPE.  
Entry Order: The case needs to be set for 3 hearings. This will be a child support hearing, a hearing on the contempt and lastly a hearing on the dissolving the civil union. Ms. Barone still is arguing jursisdiction.

09/28/06 Motion Hearing set for 11/17/06 at 01:30 PM. PLEASE BE ADVISED THE HEARING WILL BE ON WHAT, IF ANY, SANCTION SHOULD BE IMPOSED.

10/23/06 Hearing to establish child support set for 12/04/06 at 10:00 AM.

11/13/06 letter rec'd from Atty. Parisi re if hearing should be on sanctions.

11/14/06 Entry Order rec'd from Supreme Court re motion is denied.  
1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Request to Consider Sanctions.

11/16/06 Rena Lindevaldsen, Esq. files Memorandum in Opposition to Imposition of Sanctions.  
1 document filed by Attorney Judy G. Barone for party 1: Notice of Scheduling impossibility.

- 11/17/06 Defendant's Supplemental Memorandum of Law in Support of Motion for Sanctions filed.  
Motion Hearing held. WDC/DIGITAL.  
Entry Order: Court awards compensatory award of \$4,725 (to date) with ongoing award of \$75 per day; legal fee reimbursement of \$2,992.50; and expenses for travel of \$1449.00. Atty. Parisi to prepare or der. Set showcause hearing for Atty. Barone to show cause why she should not be sanctioned for her failure to appear at 11/17 hearing. Case is set with magistrate on child support for 12/4. Set final hearing thereafter.
- 11/29/06 Status Conference set for 01/09/07 at 08:30 AM.  
1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Order Re: Motion for Sanctions.
- 12/04/06 Hearing to establish child support held. MG-SJG/TAPE.  
Present at hearing: Defendant Janet Miller-Jenkins; Attorney for Plaintiff Lisa Miller-Jenkins; Attorney for Defendant Janet Miller-Jenkins.  
1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Income & Expense Affidavit.  
support order to be filed by Atty Parisi.
- 12/06/06 1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
proposed child support order.
- 12/08/06 Entry order re MPR's 8,23; 8) Motion for Contempt; 23) Motion for Sanctions. Default at Hearing. order issued William D. Cohen. see Order Re: Motion for Sanctions.  
sent parties copies of Order Re: Motion for Sanctions.
- 12/10/06 Child support entry order. Contested Hearing. order issued Shelley J. Gartner. Sole Custody of Party 3:children. Obligee is party 1; obligor is party 2.
- 12/22/06 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: AOS of Child Support Order.
- 01/09/07 Status Conference held. WDC/TAPE.  
Entry Order: case needs to be set for final hearing; set for week of trial April 2.
- 01/31/07 Domestic Hearing set for 04/02/07 at 09:00 AM. PLEASE BE ADVISED THE COURT HAS ALLOTTED ONE WEEK FOR THIS HEARING.  
Domestic Hearing set for 04/03/07 at 09:00 AM. PLEASE BE ADVISED THE HEARING WILL BE HELD UNTIL 2:30 P.M.  
Domestic Hearing set for 04/04/07 at 09:00 AM.  
Domestic Hearing set for 04/05/07 at 09:00 AM.  
Domestic Hearing set for 04/06/07 at 09:00 AM.
- 02/02/07 MPR 36) Motion Re: Discovery filed by Defendant Miller-Jenkins.  
Motion Re: Discovery given to judge.
- 02/06/07 MPR 37) Motion to Withdraw as Attorney filed by Plaintiff Miller-Jenkins. Motion to Withdraw as Attorney given to judge.
- 02/07/07 MPR's 36-37: 36) Motion Re: Discovery; 37) Motion to Withdraw as Attorney given to Judge William D. Cohen.
- 02/08/07 Response re MPR 37 filed by party 2.  
Motion Hearing set for 02/14/07 at 08:30 AM.
- 02/13/07 MPR 38) Motion for Lead Counsel to Attend by Phone filed by Plaintiff Miller-Jenkins. Motion for Lead Counsel to Attend by Phone given to judge.  
MPR 38) Motion for Lead Counsel to Attend by Phone given to Judge William D. Cohen.  
Entry order re MPR 38) Motion for Lead Counsel to Attend by Phone. M/Reaction Form. granted William D. Cohen.
- 02/14/07 Motion Hearing held. WDC/TAPE.  
Entry order re MPR 37) Motion to Withdraw as Attorney. Stipulated at Hearing. granted William D. Cohen. Notice given on record.  
Attorney Judy G. Barone withdraws.  
Entry Order: request to withdraw is granted. Attorney Lindevaldsen to remain in case and has 30 days to obtain lead counsel. both parties to be available for deposition and are to cooperate on the time and place.  
Entry order re MPR 36) Motion Re: Discovery. Contested Hearing. order issued William D. Cohen. Notice given on record.

- 02/26/07 1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Notice to Take Deposition Upon Oral Exam.
- 03/05/07 New address for party 5 filed.  
New address for party 4 filed.  
letter rec'd from William Suter, Clerk, Supreme court of US re writ  
of certiorari being filed.
- 03/07/07 MPR 39) Motion to Amend Complaint filed by Co-counsel for Plaintiff  
Lindevaldsen. Motion to Amend Complaint given to judge.  
1 document filed for party 5: Reply and Affirmative Defenses to Claim.
- 03/14/07 New party: ccd, Lisa Chalidze.
- 03/15/07 MPR 40) Motion Emergency Motion for Discovery Order filed by  
Co-counsel for Defendant Chalidze. Motion Emergency Motion for  
Discovery Order given to judge.  
Response re MPR 39 filed by party 9.
- 03/16/07 2 documents filed for party 9: Opposition to Motion for Admission  
Pro; Hac Vice.
- 03/20/07 Plaintiff's Response to Emergency Motion for Discovery Order filed by  
Norman C. Smith and Alternative Motion in Limine with Request for  
Protection filed.
- 03/21/07 Judge Cohen Grants Second Motion for Appearance Pro Hac Vice.  
Appearance entered by Norman C. Smith on behalf of Plaintiff  
Miller-Jenkins.  
New party: ccp, Stephen Crampton.  
New party: ccp, Gary Kleep.  
New party: ccp, Allison Paino.  
sent parties copies of court granting second motion for appearance  
pro hac vice.  
MPR 41) Motion Amended 2nd Motion to Appear Pro Hac Vic filed by  
Plaintiff Miller-Jenkins. Motion Amended 2nd Motion to Appear Pro Hac  
Vic given to judge.
- 03/22/07 1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Disc.Cert re Suppl. Response to Interrog.
- 03/23/07 1 document filed by Attorney Norman C. Smith for party 1: Disc.Cert  
re Amended Notices Taking Depo.
- 03/26/07 Lisa Chalidze files Defendant's Reply Memorandum in Support of  
Emergency Motion for discovery Order and Alternative Motion in  
Limine.  
Response re MPR 41 filed by party 9.  
Status Conference set for 03/28/07 at 10:00 AM.  
Atty. Smith; Atty. Parisi; Atty. Chalidze and Atty. Cleary notified  
by phone of status hearing and attorneys will confer with  
out-of-state counsel they are involved with on date and time.
- 03/28/07 Entry order re MPR 39) Motion to Amend Complaint. M/Reaction Form.  
denied William D. Cohen. See Ruling on Plaintiff's Motion to Amend  
Complaint issued 3/28/07.  
Status Conference held. WDC/TAPE.  
Entry Order: All motions for pro hac vice admission are granted. The  
court to issue discovery order. Rules for the trial were explained to  
all counsel. Attorney Cleary not required to be present during the  
trial. If needed, he will be notified.  
Entry order re MPR 41) Motion Amended 2nd Motion to Appear Pro Hac  
Vic. Contested Hearing. granted William D. Cohen. Notice given on  
record.  
Entry order re MPR 40) Motion Emergency Motion for Discovery Order.  
Contested Hearing. order issued William D. Cohen. see entry order  
re: discovery issued March 28, 2007. Party 11, Gary Kleep, removed.  
Party 12, Allison Paino, removed.  
New party: ccp, David Corry.  
faxed and sent original orders re discovery and ruling on amending  
complaint to all parties.
- 04/02/07 MPR 42) Request for Pre-Union Name filed by Co-counsel for Defendant  
Chalidze. Request for Pre-Union Name given to judge.  
MPR 43) Motion in Limine Re: Opinion Testimony of Hayda filed by  
Co-counsel for Defendant Chalidze. Motion in Limine Re: Opinion  
Testimony of Hayda given to judge.  
1 document filed for party 13: Trial Memo.

1 document filed by Attorney Norman C. Smith for party 1: Disc.Cert re Amended Notice of Depos.  
Domestic Hearing held. WDC/TAPE.

04/03/07 Domestic Hearing held. WDC/TAPE.

04/04/07 1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Disc.Cert re Amended Notice of Depos.  
Domestic Hearing held. WDC/TAPE.

04/05/07 Domestic Hearing held. WDC/TAPE.  
Entry Order: parties have two weeks to submit proposed findings.

04/06/07 Domestic Hearing scheduled for 04/06/07 cancelled.

04/20/07 1 document filed for party 9: Proposed Findings of Fact&Conclusions.

05/01/07 Case status changed to Active-Under Advisement.  
1 document filed for party 13: Notice of Filing Proposed Order.  
Entry order re MPR's 2-4: 2) Request to establish parental rights & resp; 3) Request to establish parent-child contact; 4) Request for Property Division. Contested Hearing. taken under advisement William D. Cohen. Notice given on record.

05/04/07 United States Supreme Court files letter stating petition for a writ of certiorari is denied.

05/07/07 1 document filed by Attorney Norman C. Smith for party 1: Notice of Visitation.  
1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Proposed Final Order Dissolving Civil Un.

05/11/07 MPR 44) Motion for Supplemental Sanctions for Contempt filed by Co-counsel for Defendant Chalidze. Motion for Supplemental Sanctions for Contempt given to judge.  
MPR 44) Motion for Supplemental Sanctions for Contempt given to Judge William D. Cohen.

05/14/07 Corrected Affidavit of Janet Jenkins in Support of Defendant's Motion for Supplemental Sanctions for Continued Contempt of Visitation Order filed.

05/16/07 1 document filed for party 9: Certificate of Service for Affidavit.

05/22/07 Response re MPR 44 filed by party 1.

06/05/07 2 documents filed by Attorney Norman C. Smith for party 1: Affidavit of Lisa Miller; Affidavit of Rena Lindevaldsen.

06/06/07 MPR 45) Motion for Evidentiary Hearing on Sanctions filed by Co-counsel for Defendant Chalidze. Motion for Evidentiary Hearing on Sanctions given to judge.  
MPR 45) Motion for Evidentiary Hearing on Sanctions given to Judge William D. Cohen.

06/11/07 3 documents filed by Attorney Norman C. Smith for party 1: Second Notice Concerning Visitation; affidavit of Sylvia Haydash; Affidavit of Lisa Miller.

06/12/07 Norman Smith, Esq. files page 4 all the Miller affidavit.

06/13/07 2 documents filed for party 9: Cert.of Service re Reply to 2nd Notice; Concerning Visitation".

06/15/07 Entry order re MPR's 2-4: 2) Request to establish parental rights & resp; 3) Request to establish parent-child contact; 4) Request for Property Division. Contested Hearing. order issued William D. Cohen. see Findings of Fact, Conclusions of Law and Order.  
copies of order were mailed to parties.  
Case status changed to Active-ready for final hearing.  
MPR 46) Motion for a Protective Order filed by Plaintiff Miller-Jenkins. Motion for a Protective Order given to judge.  
Entry order re MPR's 42-43: 42) Request for Pre-Union Name; 43) Motion in Limine Re: Opinion Testimony of Hayda. Contested Hearing. order issued William D. Cohen.  
Entry order re MPR's 42-43: 42) Request for Pre-Union Name; 43) Motion in Limine Re: Opinion Testimony of Hayda. Contested Hearing. order issued William D. Cohen.

07/03/07 Defendant's Opposition to Plaintiff's Motion for Protective Order filed.  
Response re MPR 46 filed by party 9.

07/05/07 Motion Hearing set for 08/03/07 at 02:00 PM. PLEASE BE ADVISED THIS HEARING IS HELD ON ALL PENDING MOTIONS FOR CONTEMPT.  
Motion Hearing scheduled for 08/03/07 corrected.

- Entry order re MPR's 42-43: 42) Request for Pre-Union Name; 43) Motion in Limine Re: Opinion Testimony of Hayda. Contested Hearing. order issued William D. Cohen. see findings and order issued 6/15/07.  
Motion Hearing set for 08/03/07 at 02:00 PM. PLEASE BE ADVISED THIS HEARING WILL BE ON ALL PENDING MOTIONS FOR CONTEMPT.
- 07/11/07 1 document filed by Attorney Norman C. Smith for party 1: Notice of Appeal.  
Notice of Appeal from party 1.  
Motion Hearing set for 08/03/07 at 02:00 PM.
- 07/12/07 Sent Notice of Appeal, check #9294, certified copy of docket entries, and hearing list. Contents of file (box) to be given to Justice Reiber to bring back to Supreme Court. Justice Reiber will be at Rutland Family Court to appear at GAL recognition luncheon.
- 07/13/07 2 documents filed for party : Cover letter for Appeal of Final Order; Supreme Court Docket # 2007-271.
- 07/31/07 MPR 47) Motion to Participate by Phone filed by Defendant Miller-Jenkins. Motion to Participate by Phone given to judge.  
MPR 47) Motion to Participate by Phone given to Judge Thomas J. Devine.
- 08/01/07 Entry order re MPR 47) Motion to Participate by Phone. M/Reaction Form. granted William D. Cohen. as to relevant testifying only. sent parties copies of entry regarding motion no. 47.
- 08/02/07 Entry Order issued re videorecording; copies faxed to parties.
- 08/03/07 Motion Hearing held. WDC/DIGITAL.  
Present at hearing: Plaintiff Lisa Miller-Jenkins; Defendant Janet Miller-Jenkins; Co-counsel for Defendant Lisa Chalidze; Co-counsel for Plaintiff Stephen Crampton.  
Hearing held in Courtroom 2, third floor, on digital audio.  
Motion Hearing held. WDC/TAPE.  
Entry Order: the parties agreed to an order as to its sanction for noncompliance and contempt prior to final order. Atty. Parisi to prepare order, the party to submit an order w/in 2 weeks regarding contact.
- Entry order re MPR's 44-46: 44) Motion for Supplemental Sanctions for Contempt; 45) Motion for Evidentiary Hearing on Sanctions; 46) Motion for a Protective Order. Stipulated at Hearing. attys ordered to submit proposed order William D. Cohen. Notice given on record.
- 08/21/07 1 document filed for party 9: Proposed Order.
- 08/23/07 Plaintiff's Response in Opposition to Defendant's Proposed Order filed.
- 09/10/07 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Proposed Order.
- 09/20/07 MPR 48) Motion to Modify or Annul Visitation Schedule filed by Plaintiff Miller-Jenkins. Motion to Modify or Annul Visitation Schedule given to judge. Documents filed: Plaintiff's Memorandum; Affidavit of Pastor Douglas Wright; Affidavit of Gwen Corley; Affidavit of Lisa Miller; Child Care Information System.  
MPR 48) Motion to Modify or Annul Visitation Schedule given to Judge William D. Cohen.
- 09/21/07 letter rec'd from David Cleary re responding to recent submissions of Attorney Smith.
- 09/28/07 Entry order re MPR 48) Motion to Modify or Annul Visitation Schedule. M/Reaction Form. to be set for hearing William D. Cohen. status conf. to be set in order to determine the amount of time needed for a hearing.  
Entry order re MPR's 44-46: 44) Motion for Supplemental Sanctions for Contempt; 45) Motion for Evidentiary Hearing on Sanctions; 46) Motion for a Protective Order. Stipulated at Hearing. order issued William D. Cohen.  
sent parties copies of Stip and Order issued and Entry Order issued 9/28/07.
- 10/03/07 Status Conference set for 10/10/07 at 08:30 AM.
- 10/05/07 letter rec'd from Atty. Smith re correct ing P. O. Box number is 24 not 245.  
Response re MPR 48 filed by party 2.

- 10/10/07 Status Conference held. WDC/TAPE.  
Present at hearing: Defendant Janet Miller-Jenkins; Co-counsel for Defendant Lisa Chalidze; Attorney for Plaintiff Lisa Miller-Jenkins; Attorney for Defendant Janet Miller-Jenkins. Atty. Cramton by phone. Entry Order: the case needs to be set for a 1/2 day contested hearing.
- 10/29/07 Notice of Appeal from party 1.
- 10/30/07 sent Notice of Appeal (for Entry Order of 9/28/07) w/ check # 9648 along with certified copies of docket entries, hearing list, contents of file pertaining to appeal with a document list - all sent to Supreme Court.
- 10/31/07 rec'd fax from Supreme Court re assign- ing docket number.
- 11/05/07 Motion Hearing set for 12/31/07 at 09:00 AM.
- 11/16/07 MPR 49) Motion for Other Enforcement Issues filed by Defendant Miller-Jenkins. Motion for Other Enforcement Issues given to judge.  
MPR 50) Motion for Contempt Other than Child Support filed by Defendant Miller-Jenkins. Motion for Contempt Other than Child Support given to judge.  
MPR 51) Motion to Modify Parental Rights & Resp. filed by Defendant Miller-Jenkins. Motion to Modify Parental Rights & Resp. given to judge.  
MPR's 49-51: 49) Motion for Other Enforcement Issues; 50) Motion for Contempt Other than Child Support; 51) Motion to Modify Parental Rights & Resp. given to Judge William D. Cohen.
- 11/21/07 MPR 52) Motion Emergency Motion to Annul Visitation filed by Plaintiff Miller-Jenkins. Motion Emergency Motion to Annul Visitation given to judge.  
Response re MPR 52 filed by party 9.  
MPR 53) Motion Emergency Motion for Change of Custody filed by Co-counsel for Defendant Chalidze. Motion Emergency Motion for Change of Custody given to judge.
- 12/07/07 Motion Hearing set for 12/31/07 at 09:00 AM. PLEASE BE ADVISED THIS IS AN AMENDED NOTICE OF HEARING. THE COURT WILL BE HEARING ALL PENDING MOTIONS FOR THE DAY ON DECEMBER 31, 2007 AT 9:00 A.M.
- 12/24/07 MPR 54) Motion to Participate by Phone filed by Plaintiff Miller-Jenkins. Motion to Participate by Phone given to judge.  
Response re MPR 53 filed by party 1.
- 12/27/07 MPR 54) Motion to Participate by Phone given to Judge William D. Cohen.  
Entry order re MPR 54) Motion to Participate by Phone. M/Reaction Form. denied William D. Cohen. notice had been sent to all parties on November 5, 2007. This is the first request to participate by telephone. Phone participation would make it difficult to conduct this contested hearing. Thus, the request is denied.
- 12/31/07 Motion Hearing held. WDC/TAPE.  
Motion Hearing held. WDC/TAPE.  
Entry Order: matter to be set for status conference in March.  
Entry order re MPR's 48-49: 48) Motion to Modify or Annul Visitation Schedule; 49) Motion for Other Enforcement Issues. Stipulated w/o Hearing. order issued William D. Cohen.  
1 document filed by Attorney Norman C. Smith for parties 1-2: AOS of Modification of Visitation.  
Response re MPR 51 filed by party 1.
- 01/04/08 Status Conference set for 03/11/08 at 08:30 AM.
- 01/24/08 1 document filed for party : Entry Order - appeal dismissed.
- 01/28/08 Entry Order from Supreme Court filed re appeal is dismissed.
- 02/19/08 3 documents filed for party : Appeal of 9/28/07 dismissed and contents; of file pertaining to this appeal; returned from Supreme Court.  
emailed Supreme court re: Plf Atty request for copy of Plf Ex. 19 - timeshare document.
- 03/11/08 Status Conference held. WDC/TAPE.  
no parties present for status - only attorneys participated.  
Entry Order: The parties agreed to continue with the parent time as set forth. There have been some missed times due to the weather. The case may need a new allocation of time in July of 2008.
- 03/17/08 Entry Order rec'd from Supreme Court stating "affirmed".



- 04/01/08 MPR 55) Motion Emergency Motion for Contempt/Enforcemen filed by Defendant Miller-Jenkins. Motion Emergency Motion for Contempt/Enforcemen given to judge.  
MPR 56) Motion to Modify Parental Rights & Resp. filed by Defendant Miller-Jenkins. Motion to Modify Parental Rights & Resp. given to judge.  
MPR's 55-56: 55) Motion Emergency Motion for Contempt/Enforcemen; 56) Motion to Modify Parental Rights & Resp. given to Judge William D. Cohen.
- 04/02/08 Entry order re MPR 55) Motion Emergency Motion for Contempt/Enforcemen. M/Reaction Form. to be set for hearing William D. Cohen. A 1 hour hearing to be set on the request for an order of contempt. If the Plaintiff found in contempt, then a hearing to be set to determine if a change in custody is needed based upon a change in circumstance and is in the child's best interest.
- 04/08/08 Motion Hearing set for 04/29/08 at 02:30 PM.
- 04/21/08 1 document filed by Attorney Norman C. Smith for party 1: Disc.Cert re Notice of Depo of Janet Jen.
- 04/23/08 defendant files affidavit of service for personal service on plaintiff of emergency motion for contempt/enforce and motion for transfer of both sole legal and physical responsibility to deft.
- 04/24/08 MPR 57) Motion for a Protective Order filed by Defendant Miller-Jenkins. Motion for a Protective Order given to judge.  
MPR 57) Motion for a Protective Order given to Judge William D. Cohen.  
MPR 58) Motion to Participate by Phone filed by Plaintiff Miller-Jenkins. Motion to Participate by Phone given to judge.  
MPR 58) Motion to Participate by Phone given to Judge William D. Cohen.
- 04/25/08 Entry order re MPR 58) Motion to Participate by Phone. M/Reaction Form. granted William D. Cohen.  
Entry order re MPR 57) Motion for a Protective Order. M/Reaction Form. to be set for hearing William D. Cohen. to be argued at the upcoming hearing.  
Motion Hearing set for 04/29/08 at 02:30 PM.  
sent parties copies of entry regarding motions 57,58.  
MPR 59) Motion to Participate by Phone filed by Defendant Miller-Jenkins. Motion to Participate by Phone given to judge.  
MPR 59) Motion to Participate by Phone given to Judge William D. Cohen.
- 04/28/08 Response re MPR 55,57 filed by party 1.  
Response re MPR 55-56 filed by party 1.  
MPR 60) Motion to Strike Affidavit filed by Plaintiff Miller-Jenkins. Motion to Strike Affidavit given to judge.  
1 document filed by Attorney Norman C. Smith for party 1: second Amended Notice of Depo duces Tecu.  
Response re MPR 58 filed by party 9.  
1 document filed for party 10: Original Affidavit of Lisa Miller. Ted Parisi files response to Plaintiff's Response in Opposition to Defendant's Emergency Motion for Contempt and Enforcement and Motion for Transfer of Both Legal and Physical Responsibility and Motion to Strike Affidavit.
- 04/29/08 Motion Hearing held. WDC/DIGITAL.
- 04/30/08 Entry Order: Motion for contempt taken under advisement.  
Entry order re MPR 55) Motion Emergency Motion for Contempt/Enforcemen. Contested Hearing. order issued William D. Cohen. See Decision Defendant's Motion for contempt.  
Entry order re MPR 56) Motion to Modify Parental Rights & Resp. Contested Hearing. denied William D. Cohen. see Decision Defendant's Motion for contempt.  
Entry order re MPR 57) Motion for a Protective Order. Contested Hearing. rendered moot. William D. Cohen. see Decision Defendant's Motion for Contempt.  
Entry order re MPR 60) Motion to Strike Affidavit. Contested Hearing. denied William D. Cohen. See Decision Defendant's Motion for Contempt.

Entry order re MPR 59) Motion to Participate by Phone. M/Reaction Form. rendered moot.

05/01/08 sent parties copies of Decision defendant's Motion for Contempt.

06/10/08 copy of letter from Supreme Court in Washington,DC to Supreme Court in Montpelier re application for an extension of time.

06/19/08 MPR 61) Motion Emergency Motion for Contempt filed by Defendant Miller-Jenkins. Motion Emergency Motion for Contempt given to judge.

MPR 62) Motion Emergency Motion for Enforcement filed by Defendant Miller-Jenkins. Motion Emergency Motion for Enforcement given to judge.

MPR 63) Motion for Transfer of Both Sole Legal & Physic filed by Defendant Miller-Jenkins. Motion for Transfer of Both Sole Legal & Physic given to judge.

06/20/08 MPR's 61-63: 61) Motion Emergency Motion for Contempt; 62) Motion Emergency Motion for Enforcement; 63) Motion for Transfer of Both Sole Legal & Physic given to Judge William D. Cohen.

06/27/08 Entry order re MPR's 61-63: 61) Motion Emergency Motion for Contempt; 62) Motion Emergency Motion for Enforcement; 63) Motion for Transfer of Both Sole Legal & Physic. M/Reaction Form. to be set for hearing William D. Cohen. status conference only. Phone calls are allowed.

07/02/08 Status Conference set for 07/29/08 at 08:30 AM.

07/29/08 Status Conference held. WDC/TAPE.  
Attorneys to conference with Attorney Cleary re: possible substitution of counsel for child. Set for 1 day hrg. on motions enforce/contempt.

08/12/08 Motion Hearing set for 10/27/08 at 09:00 AM.

08/20/08 Response re MPR 50-53 filed by party 1.  
MPR 64) Motion to Strike Defendant's Affidavit filed by Plaintiff Miller-Jenkins. Motion to Strike Defendant's Affidavit given to judge.

08/26/08 MPR 64) Motion to Strike Defendant's Affidavit given to Judge William D. Cohen.  
1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Supplemental Affidavit of Janet Jenkins.

09/05/08 Entry order re MPR 64) Motion to Strike Defendant's Affidavit. M/Reaction Form. to be set for hearing William D. Cohen. to be heard at time of hearing.  
Motion Hearing set for 10/27/08 at 09:00 AM.

09/23/08 1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Disc.Cert re Notice of Taking Deposition.

10/07/08 MPR 65) Motion for a Protective Order filed by Plaintiff Miller-Jenkins. Motion for a Protective Order given to judge.  
MPR 65) Motion for a Protective Order given to Judge William D. Cohen.  
Response re MPR 65 filed by party 2.

10/08/08 Entry order re MPR 65) Motion for a Protective Order. M/Reaction Form. order issued William D. Cohen. the plaintiff to be deposed in Virginia and the Defendant to be deposed in Vermont.  
faxed copies of entry regarding motion no. 65 to parties.

10/10/08 2 documents filed by Attorney Theodore A. Parisi Jr. for party 2: Dis.Cert re Amended Notice to Take Depo; Disc.Cert re Notice of Taking Depo.

10/13/08 MPR 66) Motion to Continue Hearing filed by Plaintiff Miller-Jenkins, Co-counsel for Plaintiff Crampton. Motion to Continue Hearing given to judge.  
MPR 66) Motion to Continue Hearing given to Judge William D. Cohen.

10/16/08 Response re MER 66 filed by party 2.  
Entry order re MPR 63) Motion for Transfer of Both Sole Legal & Physic. Withdrawn. withdrawn.

10/17/08 Entry order re MPR 66) Motion to Continue Hearing. M/Reaction Form. denied William D. Cohen.  
sent parties copies of entry regarding motion no. 66.  
0 document filed for party 10:.  
MPR 67) Motion to Quash Notice of Deposition filed by Plaintiff Miller-Jenkins, Co-counsel for Plaintiff Crampton. Motion to Quash Notice of Deposition given to judge. Documents filed: Amended Notice to Take Deposition.

- 10/20/08 Response re MPR 67 filed by party 9.  
MPR 68) Motion for Admission Pro Hac Vice of Joseph Pri filed by Co-counsel for Defendant Chalidze. Motion for Admission Pro Hac Vice of Joseph Pri given to judge.
- 10/21/08 Plaintiff's Reply in Support of Motion to Quash Notice of Deposition. hearing time needs to be amended to 10:00 am as judge has an appointment.  
Motion Hearing scheduled for 10/27/08 rescheduled.  
Motion Hearing scheduled for 10/27/08 rescheduled.  
Motion Hearing set for 10/27/08 at 10:00 AM. PLEASE BE ADVISED THIS IS AN AMENDED NOTICE OF HEARING. IT WAS ORIGINALLY SET FOR 9:00 A.M. BUT HAS BEEN RESET TO START AT 10:00 A.M. WE ARE SORRY FOR ANY INCONVENIENCE THIS MAY HAVE CAUSED.  
Entry order re MPR 67) Motion to Quash Notice of Deposition. M/Reaction Form. denied William D. Cohen. deposition must go forward in the Commonwealth of Virginia at a location chosen by the Defendant: This deposition to occur prior to October 27th hearing in Rutland, Vermont.  
faxed entry regarding motion no. 67 to parties.
- 10/23/08 MPR 69) Motion to Quash Notice of Deposition filed by Defendant Miller-Jenkins. Motion to Quash Notice of Deposition given to judge.  
Response re MPR 69 filed by party 10.  
MPR 70) Motion Cross Motion to Compel Production of Doc filed by Plaintiff Miller-Jenkins. Motion Cross Motion to Compel Production of Doc given to judge.
- 10/27/08 Entry Order: Ruling for contempt made on the record. New counsel to be appointed for the child. New Contact order in place. Attorney Parisi to prepare order.
- 10/29/08 1 document filed by Attorney Theodore A. Parisi Jr. for party 2:  
Order Re: Contempt & Parent-Child Cont.
- 11/24/08 1 document filed by Attorney Norman C. Smith for party 1: Notice of Appeal.
- 11/25/08 Notice of Appeal, check #5912 for filing fee, certified copies of docket entries, hearing list, exhibits and exhibit list, and contents of trial court file pertaining to appeal with a document list sent to Supreme Court.  
1 document filed by Attorney Theodore A. Parisi Jr. for party 2: Stip for Substitution of Counsel.  
Attorney Theodore A. Parisi Jr. withdraws.  
Attorney withdraws.  
Appearance entered by Sarah Star Esq. on behalf of Defendant Miller-Jenkins.  
MPR 71) Motion Emergency Motion to Enforce Visitation filed by Defendant Miller-Jenkins. Motion Emergency Motion to Enforce Visitation given to judge.  
MPR 72) Motion for Contempt Other than Child Support filed by Defendant Miller-Jenkins. Motion for Contempt Other than Child Support given to judge.  
MPR 73) Request for Sanctions filed by Defendant Miller-Jenkins. Request for Sanctions given to judge.
- 11/26/08 MPR's 71-73: 71) Motion Emergency Motion to Enforce Visitation; 72) Motion for Contempt Other than Child Support; 73) Request for Sanctions given to Judge William D. Cohen.  
Telephone conference set for 11/26/08 at 11:00 AM.  
Telephone conference held. WDC/VIDEO.  
2 documents filed for party : Cover letter. Supreme Docket No. is; 2008-481 for new appeal filed.  
Entry Order: status to be set week of December 8.  
Appearance entered by Michelle A. Kenny on behalf of Minor child Miller-Jenkins.
- 12/02/08 Status Conference set for 12/12/08 at 01:30 PM.
- 12/08/08 1 document filed by Attorney Michelle A. Kenny for party 3:  
Substitution of Counsel.
- 12/12/08 Status Conference held. WDC/TAPE.  
Entry Order: status held; all pending motions to be set for an all day hearing January 2009.

- 12/16/08 Motion Hearing set for 01/28/09 at 09:00 AM. PLEASE BE ADVISED THE COURT WILL HEAR ALL PENDING MOTIONS.  
Motion Hearing set for 01/28/09 at 09:00 AM.
- 01/26/09 MPR 74) Motion to Participate by Phone or For Continuan filed by Plaintiff Miller-Jenkins. Motion to Participate by Phone or For Continuan given to judge.
- 01/27/09 MPR 75) Motion Renewal/Refiling of Motion to Transfer C filed by Defendant Miller-Jenkins. Motion Renewal/Refiling of Motion to Transfer C given to judge.
- 01/28/09 Motion Hearing held. WDC/VTAPE.  
Motion Hearing held. WDC/VTAPE.  
Entry Order: Findings made on the record and the Plaintiff's Motion to Stop visitation was denied. Court found a real substantial and unanticipated change in circumstances on the Defendant's motion but that change in custody could not be in child's best interest.  
Attorney Star to prepare order.  
Entry order re MPR 75) Motion Renewal/Refiling of Motion to Transfer C. M/Reaction Form. to be set for hearing William D. Cohen. to be argued on the merits.  
Entry order re MPR 73) Request for Sanctions. M/Reaction Form. to be set for hearing William D. Cohen.  
Entry order re MPR 69) Motion to Quash Notice of Deposition. M/Reaction Form. rendered moot. William D. Cohen.  
Entry order re MPR 70) Motion Cross Motion to Compel Production of Doc. M/Reaction Form. rendered moot. William D. Cohen.  
Entry order re MPR 68) Motion for Admission Pro Hac Vice of Joseph Pri. M/Reaction Form. granted William D. Cohen.  
Entry order re MPR 74) Motion to Participate by Phone or For Continuan. M/Reaction Form. granted William D. Cohen. Notice given on record.
- 02/10/09 MPR 76) Motion for Clarification Regarding Sanctions filed by Defendant Miller-Jenkins. Motion for Clarification Regarding Sanctions given to judge.  
Entry order re MPR's 50-53,61-62,64: 50) Motion for Contempt Other than Child Support; 51) Motion to Modify Parental Rights & Resp; 52) Motion Emergency Motion to Annul Visitation; 53) Motion Emergency Motion for Change of Custody; 61) Motion Emergency Motion for Contempt; 62) Motion Emergency Motion for Enforcement; 64) Motion to Strike Defendant's Affidavit. Contested Hearing. order issued William D. Cohen.  
Entry order re MPR's 71-73,75: 71) Motion Emergency Motion to Enforce Visitation; 72) Motion for Contempt Other than Child Support; 73) Request for Sanctions; 75) Motion Renewal/Refiling of Motion to Transfer C. Contested Hearing. order issued William D. Cohen.
- 02/11/09 sent parties copies of Order re PCC.
- 02/12/09 Plaintiff files objections to Proposed Order.  
Response re MPR 76 filed by party 1.  
MPR 77) Motion Modify filed by Plaintiff Miller-Jenkins. Motion Modify given to judge.
- 02/13/09 MPR's 76-77: 76) Motion for Clarification Regarding Sanctions; 77) Motion Modify given to Judge William D. Cohen.  
Entry order re MPR 76) Motion for Clarification Regarding Sanctions. M/Reaction Form. Other William D. Cohen. no costs at this time. The court will reserve on this issue.  
sent parties copies of entry regarding motion no. 76.  
letter rec'd from Supreme Court of the United States re Petition for Writ of Certiorari is denied.
- 02/19/09 Attorney Star called for certified copy of Parent/Child Contact Order issued on 2/10/09. Sent out today.
- 03/09/09 MPR 78) Motion Emergency Motion for Enforcement filed by Defendant Miller-Jenkins. Motion Emergency Motion for Enforcement given to judge.  
Response re MPR 78 filed by party 1.
- 03/10/09 Telephone conference set for 03/12/09 at 08:30 AM.  
originals filed re opposition to defendant's emergency motion for enforce ment and an evidentiary hearing.

03/12/09 Telephone conference held. WDC/TAPE.  
partys have 1 week to agree to a make up visit / if not able to agree matter will be set.  
Entry Order: The parties to attempt to reset the missed visit. They have one week to work out the make up time. If not, Ms. Star to notify the court and a hearing to be set.

03/27/09 2 documents filed for party : Entry Order re Dismissing Appeal per her; request.  
1 document filed by Attorney Sarah Star Esq. for party 2: Order re Make UP PCC Time.

04/06/09 1 document filed for party : Dismissal Order.

04/08/09 Entry order re MPR 78) Motion Emergency Motion for Enforcement. Stipulated w/o Hearing. order issued William D. Cohen.  
Order Regarding Make-UP Parent Child Contact Time faxed to parties.

04/09/09 sent copies of Original Order re Make-Up Parent Child Contact Time to parties.

04/10/09 MPR 79) Request for Make Up Parent Child Contact Time filed by Defendant Miller-Jenkins. Request for Make Up Parent Child Contact Time given to judge.  
MPR 80) Request Renewal of Request for Sanctions filed by Defendant Miller-Jenkins. Request Renewal of Request for Sanctions given to judge.  
MPR's 79-80: 79) Request for Make Up Parent Child Contact Time; 80) Request Renewal of Request for Sanctions given to Judge William D. Cohen.

04/14/09 Status Conference set for 04/24/09 at 09:00 AM.

04/17/09 MPR 81) Motion to Participate by Phone filed by Plaintiff Miller-Jenkins. Motion to Participate by Phone given to judge.

04/20/09 MPR 81) Motion to Participate by Phone given to Judge William D. Cohen.

04/22/09 Response re MPR 79-80 filed by party 1.

04/23/09 defendant files response to plaintiff's 4/22/09 filing.  
Affidavit of Rena Lindevaldsen submitted to Clarify and Correct Defendant's Latest Filing filed.  
Entry order re MPR 81) Motion to Participate by Phone. M/Reaction Form. granted William D. Cohen.

04/24/09 Video Tape ID: 1872 Time: 09:13 AM.  
Status Conference held. WDC/VIDEO.  
Present at hearing: Co-counsel for Plaintiff Rena Lindevaldsen; Attorney for Defendant Janet Miller-Jenkins; Attorney for Minor child Isabella Miller-Jenkins. R. Lindevaldsen appeared by phone.  
Matter to be set for 1/2 day hrg. on a Friday before Memorial Day if possible.  
Motion Hearing set for 05/08/09 at 01:00 PM.

05/01/09 MPR 82) Motion to Participate by Phone filed by Plaintiff Miller-Jenkins. Motion to Participate by Phone given to judge.

05/04/09 MPR 82) Motion to Participate by Phone given to Judge William D. Cohen.  
Plaintiff's Original Response to Deft's Request for Make-Up Parent Child Contact Time and Renewal of Request for Sanction and Original Affidavit of Rena Lindevaldsen submitted to clarify and correct defendant's latest filing filed.

05/06/09 Entry order re MPR 82) Motion to Participate by Phone. M/Reaction Form. granted William D. Cohen.

05/07/09 MPR 83) Motion for Appearance Pro Hac Vice filed by Plaintiff Miller-Jenkins. Motion for Appearance Pro Hac Vice given to judge.  
Entry order re MPR 83) Motion for Appearance Pro Hac Vice.  
M/Reaction Form. granted William D. Cohen.

05/08/09 Motion Hearing held. WDC/TAPE.  
Present at hearing: Plaintiff Lisa Miller-Jenkins; Defendant Janet Miller-Jenkins; Attorney for Plaintiff Lisa Miller-Jenkins; Attorney for Defendant Janet Miller-Jenkins; Attorney for Minor child Isabella Miller-Jenkins. Atty. Horatio Mihet, Esq. appeared for plaintiff Plf was present by phone.  
Order issued re: make up visits copies given to parties after hrg.  
Certified copy of order given to def along with Certified copy of

- 4/8/09 order.  
Entry order re MPR 79) Request for Make Up Parent Child Contact Time. Stipulated at Hearing. order issued William D. Cohen.  
1 document filed by Attorney Norman C. Smith for party 2: AOS of Order Re: Make up Visits.  
Entry order re MPR 77) Motion Modify. Stipulated at Hearing. order issued William D. Cohen.
- 05/28/09 MPR 84) Motion to Modify Parental Rights & Resp. filed by Defendant Miller-Jenkins. Motion to Modify Parental Rights & Resp. waiting for Memo in Opposition.
- 06/04/09 MPR 85) Motion to Appoint Guardian ad Litem filed by Minor child Miller-Jenkins. Motion to Appoint Guardian ad Litem given to judge.
- 06/05/09 MPR 85) Motion to Appoint Guardian ad Litem given to Judge William D. Cohen.
- 06/10/09 Defendant files Supplemental Memo in Support of Defendant's Motion to Modify Parental Rights and Responsibilities.
- 06/19/09 Entry order re MPR's 76,80,84: 76) Motion for Clarification Regarding Sanctions; 80) Request Renewal of Request for Sanctions; 84) Motion to Modify Parental Rights & Resp. M/Reaction Form. to be set for hearing William D. Cohen.  
Entry order re MPR 85) Motion to Appoint Guardian ad Litem. M/Reaction Form. granted William D. Cohen.
- 07/01/09 spoke to Judge Cohen who advises that the motion to modify (mpr. no 77) was closed out at the last hearing and the pending motions that need to be heard are mpr 76,80 and 84.  
spoke to Atty. Starr who was inquiring on status of her motion to modify; advised that it had to be set for hrg. for 1 day; she advises that she did not feel it would need that much time as there has not been a response to her motion as of this date and her case would probably need 1 hour.
- 07/02/09 Sent parties copies of entry regarding motions 76,80,84 and 85.
- 07/08/09 Motion Hearing set for 08/21/09 at 01:00 PM.
- 07/15/09 Status Conference set for 07/24/09 at 01:00 PM.
- 07/24/09 Status Conference held. WDC/TAPE.  
Entry Order: case to be set for a full day contested hearing on August 21, 2009.
- 07/29/09 Motion Hearing scheduled for 08/21/09 rescheduled.  
Motion Hearing set for 08/21/09 at 09:00 AM. PLEASE BE ADVISED THIS IS AN AMENDED NOTICE OF HEARING. IT WAS ORIGINALLY SET FOR 1:00 P.M. BUT HAS NOT BEEN SET FOR 9:00 A.M. FOR AN ALL DAY HEARING.  
Motion Hearing scheduled for 08/21/09 rescheduled.  
Motion Hearing set for 08/21/09 at 09:00 AM.
- 08/06/09 New party: gal, Tara Devine.
- 08/19/09 1 document filed for party : Permission to Videotape upcoming hrg.  
Response re MPR 84 filed by party 1.  
MPR 86) Motion for Psychological Exam of Both Parties filed by Plaintiff Miller-Jenkins. Motion for Psychological Exam of Both Parties given to judge.  
MPR 87) Motion to Continue Hearing filed by Plaintiff Miller-Jenkins. Motion to Continue Hearing given to judge.  
MPR's 86-87: 86) Motion for Psychological Exam of Both Parties; 87) Motion to Continue Hearing given to Judge William D. Cohen.  
Response re MPR 86-87 filed by party 2.
- 08/20/09 Entry order re MPR 86) Motion for Psychological Exam of Both Parties. M/Reaction Form. Other William D. Cohen. to be argued on August 21, 2009.  
Entry order re MPR 87) Motion to Continue Hearing. M/Reaction Form. denied William D. Cohen. the case to go forward on the merits. notified parties by phone of court's decision on entry regarding motion 86 and 87.
- 08/21/09 Motion Hearing held. WDC/TAPE.  
Ms. Star to prepare order with a bill of costs set for status on a friday sept 4th partys have 10 days to file proposed findings and conclusions partys may call in for status.  
New party: ccd, Lisa Chalidze - Atty. Lisa Chalidze.
- 08/31/09 1 document filed by Attorney Norman C. Smith for party 1: Proposed

- Findings of Fact & Conclusions.
- 09/03/09 Status Conference set for 09/04/09 at 09:00 AM.  
Spoke with Bonnie Gentry from Mr. Cramp on's office regarding the time for the Status Conference on Sept. 4th. The time is set for 9:00 am and the attorneys to appear by phone. Left message on Ms. Star's machine re: time and that she would need to give us her phone number so we could link up the attorneys at the correct time. Liberty Counsel will be calling in at 9:00 am. Ms. Bonnie Gentry's number from Liberty Counsel is 434-592-4880 if needed.  
2 documents filed by Attorney Sarah Star Esq. for party 2: Proposed Findings of Fact; Winchester VA Family Court's Order re Co.
- 09/04/09 Video Tape ID: 1910 Time: 09:10 AM.  
Status Conference held. WDC/VIDEO.  
Set three day visit have clients mother pick up child have Ms. Miller pick up at Grandparents in VA pick up occur Fri 9:00 am her home by Ms. Jenkin's mother then Ms. Miller pick up at grandmother's home Sunday at 3 pm for September visit J weekend of 25th Sept. Ms. Star prepare an order include 48 hours notice (if visit not going forward).  
1 document filed by Attorney Sarah Star Esq. for party 2: Interim order Re Parent Child Contact.  
Entry order re MPR 84) Motion to Modify Parental Rights & Resp. Contested Hearing. taken under advisement William D. Cohen. Notice given on record.
- 09/08/09 1 document filed for party 5: Interim Order re Parent Child Contact.
- 09/11/09 Interim Order Regarding Parent-child contact issued; copies sent to parties.
- 10/07/09 letter rec'd from Sarah Star re no visitation occurred.
- 11/20/09 Entry order re MPR's 76,80,84: 76) Motion for Clarification Regarding Sanctions; 80) Request Renewal of Request for Sanctions; 84) Motion to Modify Parental Rights & Resp. Contested Hearing. order issued William D. Cohen.  
Entry order re MPR 86) Motion for Psychological Exam of Both Parties. M/Reaction Form. rendered moot.  
Dispute 1-2 disposed: Judgment, findings & conclusion. Case closed.  
MPR 88) Motion Filed by Court to Modify Child Support. Court's Motion to Modify Child Support to be set for hearing.  
decision faxed to pltf and deft's atty and to Atty Kenny and copies sent to all parties.
- 11/23/09 Status Conference scheduled for 04/24/09 case closed.  
Motion Hearing scheduled for 10/27/08 case closed.  
Motion Hearing scheduled for 04/29/08 case closed.
- 12/09/09 MPR 89) Request for Status Conference filed by Defendant Miller-Jenkins. Request for Status Conference given to judge.
- 12/10/09 MPR 89) Request for Status Conference given to Judge William D. Cohen.  
Status Conference set for 12/18/09 at 01:00 PM.  
Entry order re MPR 89) Request for Status Conference. M/Reaction Form. order issued William D. Cohen.
- 12/16/09 1 document filed by Attorney Norman C. Smith for party 1: Notice of Appeal.  
MPR 90) Motion to Stay Pending Appeal filed by Plaintiff Miller-Jenkins. Motion to Stay Pending Appeal given to judge.  
MPR 91) Request to Participate by Phone filed by Co-counsel for Plaintiff Lindevaldsen. Request to Participate by Phone given to judge.
- 12/17/09 Notice of Appeal, check #11983 in the amount of \$250.00, docketing statement, certified copy of docket entries and hearing list sent to Supreme Court. Contents of trial court file pertaining to appeal to be sent at later date as soon as possible.  
1 document filed by Attorney Michelle A. Kenny for party 3: Notice of Appeal.
- 12/18/09 Status Conference held. WDC/TAPE.  
Motion Hearing set for 12/22/09 at 10:00 AM. Hearing to be held at Rutland Superior Court, 83 Center Street, Rutland, VT. Their telephone number is 775-4394.

- 12/21/09 Response re MPR 90 filed by party 2.  
MPR 92) Motion for Rule 11 Sanctions filed by Defendant Miller-Jenkins. Motion for Rule 11 Sanctions given to judge.  
Response re MPR 90 filed by party 3.
- 12/22/09 Motion Hearing held. WDC/TAPE.  
Entry order re MPR 90) Motion to Stay Pending Appeal. Contested Hearing. denied William D. Cohen. see decision issued.  
Entry order re MPR 91) Request to Participate by Phone. M/Reaction Form. granted William D. Cohen.  
Entry order re MPR 92) Motion for Rule 11 Sanctions. Withdrawn. withdrawn William D. Cohen. Notice given on record. without prejudice.  
sent parties copies of Decision Re: Motion for Stay.
- 01/04/10 MPR 93) Motion Emergency Motion for Contempt filed by Defendant Miller-Jenkins. Motion Emergency Motion for Contempt given to judge.  
MPR 94) Motion Emergency Motion for Sanctions filed by Defendant Miller-Jenkins. Motion Emergency Motion for Sanctions given to judge.  
MPR 95) Motion Emergency Motion for Enforcement filed by Defendant Miller-Jenkins. Motion Emergency Motion for Enforcement given to judge.  
MPR's 93-95: 93) Motion Emergency Motion for Contempt; 94) Motion Emergency Motion for Sanctions; 95) Motion Emergency Motion for Enforcement given to Judge William D. Cohen.
- 01/05/10 Motion Hearing set for 01/22/10 at 01:30 PM.
- 01/07/10 MPR 96) Request to Participate by Phone filed by Co-counsel for Plaintiff Lindevaldsen. Request to Participate by Phone given to judge.  
MPR 96) Request to Participate by Phone given to Judge Nancy S. Corsones.
- 01/12/10 Entry order re MPR 96) Request to Participate by Phone. M/Reaction Form. granted William D. Cohen.
- 01/13/10 sent parties copies of entry regarding motion no. 96.
- 01/20/10 MPR 97) Motion to Withdraw as Attorney filed by Plaintiff Miller-Jenkins, Co-counsel for Plaintiff Staver, Co-counsel for Plaintiff Lindevaldsen, Co-counsel for Plaintiff Crampton. Motion to Withdraw as Attorney given to judge.  
Entry order re MPR 97) Motion to Withdraw as Attorney. M/Reaction Form. to be set for hearing William D. Cohen. to be argued on January 22, 2010.  
Motion Hearing set for 01/22/10 at 01:30 PM.
- 01/21/10 Response re MPR 97 filed by party 2.  
Plaintiff files Affidavits in Response to Defendant's January 20, 2010.  
Defendant files Response to Plaintiff's Opposition to Motion for Contempt.
- 01/22/10 Motion Hearing held. WDC/DIGITAL.  
Motion Hearing held. WDC/DIGITAL.  
Entry Order: ruling made on the record. Case to be set in 30 days.  
Findings made on the record of intentional noncompliance. Request to withdraw was denied.  
Entry order re MPR 97) Motion to Withdraw as Attorney. Contested Hearing. denied William D. Cohen. Notice given on record.
- 01/25/10 1 document filed by Attorney Sarah Star Esq. for party 2: Findings and Order Regarding Sanctions.  
Motion Hearing set for 02/23/10 at 01:00 PM.
- 01/29/10 Entry order re MPR 95) Motion Emergency Motion for Enforcement. Contested Hearing. order issued William D. Cohen.  
Findings and Order Regarding Sanctions issued and sent to parties; sent copy of order regarding sanctions and emergency motion for contempt sent to plaintiff by certified restricted mail.
- 02/02/10 3 documents filed by Attorney Sarah Star Esq. for party 2: Cert of Service re certifying documents; which were served on Lisa Miller via; registered certified mail.
- 02/11/10 Letter rec'd from Atty. Star requesting clerk mail enclosed documents as she is not received a return receipt from her 2-1-10 mailing.
- 02/22/10 MPR 98) Request to Participate by Phone filed by Co-counsel for



Plaintiff Crampton. Request to Participate by Phone given to judge.  
Entry order re MPR 98) Request to Participate by Phone. M/Reaction  
Form. granted William D. Cohen.

02/23/10 Motion Hearing held. WDC/DIGITAL.  
arrest warrant amount of 50,000.  
Entry Order: Rulings made on the record with a finding of contempt.  
Arrest warrant issued with bail set at \$50000.  
Entry Order: ruling made on the record with a finding of contempt.  
Arrest warrant issued with bail set at 50.00.  
Entry order re MPR's 93-94: 93) Motion Emergency Motion for Contempt;  
94) Motion Emergency Motion for Sanctions. Default at Hearing. order  
issued William D. Cohen. arrest warrant issued.

03/03/10 MPR 99) Motion to Withdraw as Attorney filed by Minor child  
Miller-Jenkins. Motion to Withdraw as Attorney given to judge.

03/04/10 MPR 99) Motion to Withdraw as Attorney given to Judge William D.  
Cohen.

03/05/10 Entry order re MPR 99) Motion to Withdraw as Attorney. M/Reaction  
Form. denied William D. Cohen. denied currently. Due to the circum-  
stances with this case the court believes that having an attorney  
avail- able for the child is in the child's best interest.

03/10/10 sent parties copies of entry regarding motion no. 99.

04/09/10 Entry order re MPR 88) Motion Filed by Court to Modify Child Support.  
M/Reaction Form. granted William D. Cohen. current child support  
order of 12/10/06 is stayed due to change of custody order. This to  
be heard at a later date if the circumstances of the case change.  
Case closed.

08/10/10 MPR 100) Motion to Withdraw as Attorney filed by Minor child  
Miller-Jenkins. Motion to Withdraw as Attorney given to judge.

08/11/10 MPR 100) Motion to Withdraw as Attorney given to Judge William D.  
Cohen.

08/20/10 Entry order re MPR 100) Motion to Withdraw as Attorney. M/Reaction  
Form. granted William D. Cohen.  
Attorney Michelle A. Kenny withdraws. Case closed.

08/23/10 sent parties copies of entry regarding motion no. 100.

11/01/10 1 document filed for party : Entry Order re affirmed.

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

JANET JENKINS, et al.,

Plaintiffs,

v.

No. 2:12-cv-184-WKS

KENNETH L. MILLER, et al.,

Defendants.

**DECLARATION OF DIEGO A. SOTO IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL DEFENDANTS LIBERTY COUNSEL, INC.  
AND RENA LINDEVALDSEN TO PRODUCE AT&T RECORDS  
AND REQUEST FOR APPROPRIATELY EXPEDITED CONSIDERATION**

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

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

2. On August 1, 2019, I obtained, through a Freedom of Information Act request, a portion of Defendant Rena Lindevaldsen's AT&T call logs, from August 30, 2009, through December 4, 2009, that had been introduced into evidence at Defendant Philip Zodhiates's criminal trial as Exhibit 72C. Under Rule 36 of the Federal Rules of Civil Procedure, Jenkins requested that Defendants admit, for purposes of this case, that that logs are true and authentic copies; Defendants responded only that "[a]fter reasonable inquiry, the information known to or readily obtained by Defendants is insufficient to enable them to admit or deny."

3. Exhibit 1 is a true and correct copy of the emails I exchanged with Horatio Mihet, counsel for Defendants Liberty Counsel, Inc. and Rena Lindevaldsen about the AT&T records.

4. Exhibit 2 is a true and correct copy of the AT&T response cover sheet AT&T produced to Defendants, which Defendants produced to Plaintiffs.

5. Exhibit 3 is a true and correct copy of the portion of Lindevaldsen's AT&T call logs, from August 30, 2009, through December 4, 2009, that had been introduced into evidence at Defendant Philip Zodhiates's criminal trial as Exhibit 72C and that I had obtained through a Freedom of Information Act request on August 1, 2019.

6. Exhibit 4 is a true and correct copy of excerpts from the transcript of jury trial proceedings in *United States v. Zodhiates*, No. 1:14-cr-175 (W.D.N.Y.).

7. Exhibit 5 is a true and correct copy of Exhibits 41 and 44 introduced into evidence at trial in *United States v. Zodhiates*, No. 1:14-cr-175 (W.D.N.Y.), which I obtained on September 6, 2018, through a FOIA request.

8. Exhibit 6 is a true and correct copy of the September 3, 2008 order of the Virginia Circuit Court of Frederick County in *Miller-Jenkins v. Miller-Jenkins*, No. CH04-280, which I obtained from that court on or about October 17, 2019.

9. Exhibit 7 is a true and correct copy of the docket sheet for *Miller-Jenkins v. Miller-Jenkins*, No. 454-11-03 Rddm (Vt. Super. Ct.), which was introduced into evidence as Exhibit 12 in *United States v. Zodhiates*, No. 1:14-cr-175 (W.D.N.Y.), and which I obtained from the U.S. Department of Justice through a Freedom of Information Act request on or about May 13, 2019.

10. I certify that, on October 26, 2020, at 3pm Central Time, Mr. Mihet and I conferred in good faith to resolve the dispute over Defendants' AT&T records without court intervention. Also present on the call were Roger Gannam for Defendants and Frank Langrock, Scott McCoy, and Jessica Stone for Plaintiffs. The call lasted approximately forty-five minutes. The following is based on my memory of the conversation and notes taken by Ms. Stone:

a. Mr. Mihet argued that a list from Plaintiffs, even one with hundreds of phone numbers, could significantly narrow the disagreement with the parties and that Defendants would not argue that Plaintiffs had waived a motion to compel the remainder by providing a list. I responded that the parties had initially agreed to have AT&T produce the records to Defendants so Defendants could search the records for privilege, make redactions, and produce the redacted records, and the parties would confer further on the redactions. When Defendants received the records, they objected to reviewing them for privilege because of the volume, so Plaintiffs initially agreed to provide a list, believing one might reduce the volume of records requiring a privilege review. But Defendants' search for numbers listed by Plaintiffs would not narrow the legal question of whether Plaintiffs are entitled to all of the records unredacted.

b. I asked Mr. Mihet for case law supporting Defendants' withholding of the records, including any case law that contradicts the case law I provided him. He did not provide any, explaining that it is not his practice to exchange case law if there is going to be briefing. Plaintiffs and their counsel would have reviewed any case law provided by Defendants before filing a motion to compel to determine whether such a motion were appropriate.

c. Mr. Mihet asked me what downside there was to providing a list without prejudicing Plaintiffs' ability to move to compel the remainder. I responded that Plaintiffs would be prejudiced by having to share work product, potentially repeatedly as they review the records and other evidence in the case. Mr. Mihet replied that Plaintiffs could withhold names of individuals Plaintiffs believe would reveal work product. I responded that Plaintiffs would welcome Defendants producing records of their communications

with obviously relevant, nonprivileged individuals, but that still would not narrow the legal dispute.

d. Mr. Mihet asked me whether Plaintiffs contend that Defendants' communications with clients unrelated to Lisa Miller's case are relevant to this case. I responded that the records as a whole are relevant because of the scope in time and because the criminal trials revealed that the conspirators, including Ms. Lindevaldsen, used intermediaries to communicate with each other. The records would reveal other currently unknown intermediaries.

e. I asked Mr. Mihet whether Defendants would search the records for Defendants' communications with clients if Plaintiffs unknowingly listed a client. He responded that Defendants would search for every number Plaintiffs list. If the records show communications with that number, then Defendants would determine whether the number is that of a client. If it is a client's number and Defendants' representation of the client is public, then Defendants would seek the client's permission to disclose the communications or log the communication in a privilege log. If the number is that of a client but Defendants' representation of the client is not public, then Defendants would somehow inform Plaintiffs that there was a problem and the parties would have a dispute over those specific communications. I replied that it seemed likely Plaintiffs would list one of Defendants' clients and that Defendants could not object to producing records of communications with that client without disclosing that the person is a client, which is exactly what Defendants are trying to avoid.

f. I asked Mr. Mihet whether Defendants' invocation of the attorney-client privilege was limited to client identity or whether it applied to more than just client

identity because the Second Circuit has held client identity is not privileged. He responded that Defendants object not only to disclosing client identity but also to disclosing contact information and association with Liberty Counsel. Defendants do not view their attorney–client privilege objection as separate from their other objections. They also do not agree that client identity is never privileged.

g. I asked Mr. Mihet what Defendants intend to do about records of their communications with Lisa Miller. He responded that their representation of her is well known, so disclosing that attorney–client relationship would not reveal anything. I asked whether Defendants would withhold records of their communications with Lisa Miller under any other basis besides the attorney–client privilege. Mr. Mihet responded that Defendants would search the records for communications with Lisa Miller if, and only if, Plaintiffs provide them a list of Lisa’s numbers. I reminded Mr. Mihet that Plaintiffs had already requested all of Defendants’ communications with Lisa Miller and all documents concerning Lisa Miller.

h. I asked Mr. Mihet on what basis Defendants are withholding records of Mr. Lindevaldsen’s communications, given that there was testimony at the criminal trial that he attended meetings about Lisa’s case and documents produced in discovery in this case show he was in communication with Lisa and gave Lisa his phone number. Mr. Mihet responded that Defendants object based on relevance, proportionality to the needs of the case, privacy, and perhaps other bases.

i. I asked Mr. Mihet whether Defendants are withholding the records on any basis other than relevance, proportionality to the needs of the case, privacy, attorney–client privilege, the work-product doctrine, and the First Amendment. He responded that

he could not provide an exhaustive list, that he did not believe Defendants were required to provide all bases, and that it would be imprudent to do so.

j. I told Mr. Mihet that Plaintiffs intended to ask the Court to give expedited consideration of Plaintiffs' motion to compel and asked what Defendants' position is on that request. He responded that Defendants would object to any shortening of Defendants' time to respond to the motion but that he would consider a request that the Court expedite its consideration of the motion after it is fully briefed if Plaintiffs provide him the language they intend to include in the motion. I agreed to provide him that language.

k. I clarified that Plaintiffs do not intend to compare every single phone call logged on the records with other evidence in the case. Mr. Mihet responded that he understood Plaintiffs would not do that but that Plaintiffs want to be able to compare any number logged.

l. Mr. Mihet and I agreed that the parties could not resolve the dispute without court intervention.

Executed on October 28, 2020

/s/ Diego A. Soto

Diego A. Soto

*Counsel for Plaintiffs*

*Janet Jenkins and Isabella Miller-Jenkins*