

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

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JANET JENKINS, et al.,	)	
	)	
Plaintiffs,	)	Docket No. 2:12-cv-00184
	)	
v.	)	
	)	
KENNETH L. MILLER, et al.,	)	
	)	
Defendants.	)	
_____	)	

**INSTANTER UNOPPOSED MOTION OF DEFENDANTS  
LIBERTY COUNSEL, INC. AND RENA M. LINDEVALDSEN  
FOR LEAVE TO EXCEED PAGE LIMIT IN THEIR RESPONSE IN OPPOSITION  
TO PLAINTIFF’S REVISED SECOND MOTION TO COMPEL,  
AND THEIR RENEWED CROSS-MOTION FOR SANCTIONS AGAINST PLAINTIFF**

Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen (“Defendants”), pursuant to Local Rule 7, respectfully move the Court *instanter* for leave to exceed the page limit in their Response in Opposition to Plaintiff’s Revised Second Motion to Compel Discovery and Defendants’ Renewed Cross-Motion for Sanctions Against Plaintiff (Defendants’ “Response and Cross-Motion”), and to accept the Response and Cross-Motion as filed at ECF Doc. 608.

Plaintiff (“Jenkins”) sought and received (docs. 590, 593) leave to exceed the page limit for her Revised Second Motion to Compel Defendants Liberty Counsel, Inc. and Rena Lindevaldsen to Comply with Plaintiffs’ First Request for Production (doc. 591, the “Revised Second Motion”). The Revised Second Motion asserts five primary points, which include numerous new arguments not previously asserted, as well as arguments for harsh and potentially **case-ending** sanctions against Defendants. (Resp. & Cross-Mot. 1–2; Rev. 2d Mot. 20–22.) Thus, in both length and potential significance, the Revised Second Motion is more like a dispositive motion under the Local Rules than a routine, non-dispositive discovery motion, and it is reasonable for Defendants to require additional pages to fully respond. *See* L.R. 7(a)(4).

To be sure, Defendants devote two-thirds of their Response and Cross-Motion (29 of 44 pages) to a painstakingly detailed account of their 500-hour, 42,000-page document production to date (Resp. & Cross-Mot. 2–29), which was made necessary by Jenkins’ persistent contention that Defendants engaged in “foot-dragging and purposeful sluggishness” in their production. (Rev. 2d Mot. 8.) Moreover, Defendants had to devote another nine pages to the rebuttal of Jenkins’ spoliation claim, by which she seeks harsh, and potentially case-ending, adverse inference and argument preclusion sanctions against Defendants. (Rev. 2d Mot. 20–23; Resp. & Cross-Mot. 29–38.) Although Defendants are able to demonstrate Jenkins’ spoliation claim to be completely without merit, providing the Court with the necessarily thorough analysis mandated by such a serious claim required more pages than allotted by the Local Rules.

Furthermore, for the sake of efficiency and the Court’s convenience, Defendants consolidated their response to Jenkins’ Revised Second Motion with Defendants’ Renewed Cross-Motion for Sanctions, which required still more pages. The cross-motion for sanctions was necessitated by Jenkins’ discovery practices, including, *inter alia*, her raising numerous issues in her Revised Second Motion which she never raised with Defendants in the meet-and-confer process mandated by rule. (Resp. & Cross-Mot. 42–43.) Given the close connection of the issues involved in Defendants’ Response and Cross-Motion, it would have been inefficient and more cumbersome to artificially separate the issues into two different filings.

Accordingly, due to the numerous, weighty and fact-specific issues Defendants had to address in their Response and Cross-Motion, as well as their need to seek affirmative relief against Jenkins arising from the same discovery disputes, Defendants required more pages than allowed for ordinary non-dispositive motion responses under Local Rule 7(a)(4). The relief sought herein will not adversely affect the progress of this case or prejudice any party. Indeed, prior to filing this

motion the undersigned counsel conferred with counsel for Jenkins, who indicated that Jenkins does not oppose the relief requested herein. Therefore, **Defendants' motion is unopposed.**

WHEREFORE, for good cause shown, Defendants respectfully request that this motion be granted, and that the Court accept Defendants' Response and Cross-Motion as filed at ECF Doc. 608.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this December 8, 2020, I caused a true and correct copy of the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notice system.

/s/ Roger K. Gannam

*Attorney for Defendants Liberty Counsel, Inc.  
and Rena M. Lindevaldsen*