

**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.

**CONSOLIDATED REPLY IN SUPPORT OF  
PLAINTIFFS' REVISED SECOND MOTION TO COMPEL  
DEFENDANTS LIBERTY COUNSEL, INC. AND RENA LINDEVALDSEN  
TO COMPLY WITH PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION AND  
RESPONSE IN OPPOSITION TO DEFENDANTS' RENEWED CROSS-MOTION FOR  
SANCTIONS AGAINST PLAINTIFF**

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5	Declaration of Diego A. Soto (Dec. 17, 2020)

Plaintiffs Janet Jenkins and Isabella Miller-Jenkins submit this consolidated reply in support of their revised second motion to compel, ECF 591, and response in opposition to Defendants Liberty Counsel, Inc. and Rena Lindevaldsen's renewed cross-motion for sanctions, ECF 608.

### **SUMMARY OF ARGUMENT**

Defendants warrant sanctions because, for over two years and with just one hundred four days before discovery closes, they have dragged Plaintiffs along with delayed, bad-faith productions and still have not conducted reasonable, good-faith searches, even after being ordered to comply. Last year, the Court ordered Defendants to comply with twenty of Plaintiffs' requests for production. Seventy-three days later, Defendants produced 13,036 pages of publicly filed documents from the state-court custody dispute between Janet and Lisa, which Plaintiffs already had or had equal access to. Meanwhile, they dragged Plaintiffs along to craft workable search terms for some of Plaintiffs' requests. After Defendants attempted, 108 days after the Court's order, to grant themselves another extension to produce electronic documents, Plaintiffs moved to compel Defendants' compliance with the Court's order. The Court denied the motion without prejudice, ordered Defendants to submit an affidavit describing their efforts to comply with the requests, and ordered revised briefing.

Defendants' declaration revealed that, despite the hours they spent and pages they produced in response to the Court's order on the first motion to compel, Defendants' search for and review of responsive documents were inadequate and failed to comply with the Court's order. So, Plaintiffs revised their second motion to compel in light of this new information and renewed their request for sanctions for Defendants' discovery foot-dragging and bad-faith gamesmanship—not for spoliation, as Defendants' response asserts.

Most striking was Defendants' unreasonable use of only the terms 'Lisa Miller', 'Janet Jenkins', 'Isabella Miller', and 'Isabella Miller-Jenkins' to search for all communications concerning Lisa, Janet, and Isabella and all documents and communications concerning the Dispute and the Court Orders. Defendants' self-selected, unreasonably narrow search terms produced an obviously incomplete universe of responsive documents, given that Defendants' own production proves they possess additional communications concerning Lisa, Janet, Isabella, the Dispute, or the Court Orders that do not use those individuals' full names. Again, Defendants did not need Plaintiffs or the Court to tell them that a person's full name is an inadequate search term to find all communications about that person. Nor did Defendants need Plaintiffs to propose any search terms for requests as straightforward as communications about Lisa, Janet, and Isabella. Defendants are not excused from conducting a reasonable search for responsive documents just because their unreasonably narrow search terms yielded many results.

Even after amending their privilege logs, one issue with Defendants' logs remains unresolved: their subject descriptions. Despite earlier providing some helpful detail for some entries and adding some additional helpful detail for others, Defendants still refuse to provide that same detail for many other entries. Plaintiffs need that additional information to assess the claimed privileges, including whether to challenge the claimed privilege under an exception, such as the crime–fraud exception.

### **ARGUMENT**

The Court should sanction Defendants for failing to obey the Court's order that they comply with Plaintiffs' requests for production. *See* Fed. R. Civ. P. 37(b)(2); *see also* *S. New England Tel. Co. v. Global NAPS Inc.*, 624 F.3d 123, 144 (2d Cir. 2010) (“[T]he district court has ‘wide discretion in imposing sanctions under Rule 37 ....’” (quoting *Shcherbakovskiy v. Da Capo Al Fine, Ltd.*, 490 F.3d 130, 135 (2d Cir. 2007))). Plaintiffs specifically request that the

Court hold Defendants have waived privilege claims over withheld documents; instruct the jury that it may draw the adverse inference that Defendants are trying to hide inculpatory evidence because of their purposeful sluggishness and failure to produce all responsive documents; and preclude Defendants from challenging the authenticity of evidence Plaintiffs were able to obtain by other means and from arguing that they do not possess inculpatory evidence.

Defendants warrant these sanctions because, for two years and counting, they have dragged Plaintiffs along with delayed, bad-faith productions and still have not conducted reasonable, good-faith searches, even after being ordered to comply. *See, e.g., Ritacca v. Abbott Labs.*, 203 F.R.D. 332, 335 (N.D. Ill. 2001) (holding privilege-waiver sanction was appropriate because of defendant's "inexcusable and unjustified delay"); *Residential Funding Corp. v. DeGeorge Fin. Corp.*, 306 F.3d 99, 107 (2d Cir. 2002) (holding "acts evincing 'purposeful sluggishness'" can be "supportive of [a] claim that the" withheld discovery "likely [was] harmful to" the withholding party); *Linde v. Arab Bank, PLC*, 269 F.R.D. 186, 204 (E.D.N.Y. 2010) (precluding party from arguing that it lacked certain knowledge because it did not produce complete records and cannot "profit from evidentiary gaps that it chose to create"); *cf. Twitty v. Salius*, 455 F. App'x 97, 98–99 (2d Cir. 2012) (holding district court did not abuse discretion by not imposing adverse inference instruction for destruction of original videotape because "quality copies of the tape existed"). Defendants have successfully boxed the parties into the last 100-or-so days before discovery discloses, all but ensuring there is insufficient time for a reasonable, good-faith search, review, and production before Plaintiffs take their depositions.

Contrary to Defendants' mischaracterization of Plaintiffs' motion, *see* Resp. 29–38, Plaintiffs do not base their request for sanctions on any allegation of spoliation (though Defendants' recent revelation of email deletion is troubling and arguably suspicious). *See, e.g.,*

Mot. 20 (“A privilege-waiver sanction is appropriate because Defendants “committed unjustified delay in responding to discovery,” evidenced by their “foot-dragging” and “cavalier attitude towards following court orders.” (quoting *Ritacca*, 203 F.R.D. at 335); *id.* at 21 (relying on *Residential Funding Corp.*, 306 F.3d at 107, which did not involve spoliation); *id.* at 22 (“Defendants’ purposeful sluggishness strongly supports an instruction allowing the jury to draw an adverse inference that Defendants are trying to hide inculpatory evidence.”)).

**I. Defendants Have Unjustifiably Delayed Reasonable, Good-Faith Searches and Productions**

After two years and with just around one hundred days before discovery closes, Defendants still have not conducted a reasonable, good-faith search for documents responsive to Plaintiffs’ requests. They forced Plaintiffs to move to compel the first time, after producing a mere 571 pages, primarily comprising publicly viewable social-media profiles, from their 17 bankers’ boxes and 15 gigabytes of documents about Lisa and Isabella. Then, after the Court ordered them to comply with Plaintiffs’ requests, Defendants took seventy-three days to ultimately produce 13,036 pages of publicly filed documents from the state-court custody dispute between Janet and Lisa, which Plaintiffs already had or had equal access to. *See Soto Decl.* ¶ 4 (Dec. 17, 2020). Meanwhile, they dragged Plaintiffs along to craft search terms compatible with their system for some of the requests. *See Mot. 3*, ECF 591; *see also Clemons–Mihet Emails \*6–10*, ECF 591-1. Defendants never requested search terms on the remaining requests, leaving Plaintiffs to assume they would conduct a reasonable, good-faith search. *Cf. Clemons–Mihet Emails \*10* (“Specifically, I *agreed* to provide search terms for Plaintiffs’ Requests 64 through 69 ....” (emphasis added)). Plaintiffs were forced again to move to compel to enforce the Court’s order, after Defendants attempted to grant themselves another extension to produce responsive documents. *See Mot. 3–4*, ECF 591. Only then did Defendants make an additional, inadequate

production. Today, Plaintiffs have deposed five nonparties and will depose another tomorrow, making the difficult decision to proceed without the benefit of a complete, reasonable, good-faith production from Defendants or risk not having time to depose the nonparties before discovery closes.

## **II. Defendants Conducted Clearly Unreasonable, Bad-Faith Searches**

Despite all the time they gave themselves, Defendants wasted their (and everyone else's) time with clearly unreasonable, bad-faith searches. They also still refuse to specify what email accounts they themselves searched, digging their heels into the vague response "all of the email accounts to which Lindevaldsen has access (business and personal), all of the email accounts to which Mathew Staver has access (business and personal)," Resp. 11, as if Plaintiffs know all the "business and personal" email accounts Lindevaldsen and Staver "ha[ve] access" to, especially when Lindevaldsen disavows an email address attributed to her, *see id.* at 10.

### **A. Requests for Production 4–8, 11–12, 17–18**

Astonishingly, Defendants used only the search terms 'Lisa Miller', 'Janet Jenkins', 'Isabella Miller', and 'Isabella Miller-Jenkins' to attempt to find all communications concerning Lisa, Janet, and Isabella (Reqs. 4–6) and all documents and communications concerning the Dispute and the Court Orders (Reqs. 17–18). *See* Mihet Decl. ¶¶ 15–16 (Oct. 26, 2020), ECF 580. Defendants did not need Plaintiffs or the Court to tell them that a person's full name is an inadequate search term to find all communications about that person; they knew from their own production (and years of representation of Lisa) that they communicated about Lisa, Janet, Isabella, the Dispute, or the Court Orders without always using those full names. *See, e.g.*, Lindevaldsen Produc. at RL03676–RL03677, ECF 591-5; Liberty Counsel Produc. at LC28969–LC28972, ECF 591-7. Plaintiffs also reasonably expected Defendants' production to include communications about those topics with known associates, such as Defendant Philip Zodhiates

and his company Defendant Response Unlimited, Inc., which Defendants hired, and Defendant Linda Wall and Deborah Thurman, who communicated with Lindevaldsen about those topics. *See* Mot. 17; Soto Letter 2–3, ECF 591-3. But that category of documents was conspicuously absent from Defendants’ productions.

Of the documents Liberty Counsel produced from its electronic files, 281 documents totaling 2,297 pages contain the term 'Lisa Miller', 'Janet Jenkins', 'Isabella Miller', or 'Isabella Miller-Jenkins'. *See* Soto Decl. ¶¶ 5–6 (Dec. 17, 2020). Of those pages, 31 documents totaling 993 pages (43.43%) are federal-court records (including from this very case), 26 documents totaling 134 pages (5.83%) are webpages still publicly available, and 4 documents totaling 62 pages (2.7%) are state-court records from the custody dispute. *Id.* ¶ 6. In other words, at least half of the documents from Liberty Counsel’s electronic files that contain at least one of those terms was already or equally available to Plaintiffs. When considering the entirety of Defendants’ production, nearly nine out of ten documents that contain at least one of those terms is a state- or federal-court record already or equally available to Plaintiffs. *See id.* ¶ 8. This stands to reason because it is routine to use individuals’ formal full names in public court filings, but in more casual email correspondence, it is much more likely that individuals would be referred to by their first names, not their full names. Defendants know this, and that makes their search only for full formal names all the more transparently deceptive and shoddy.

Defendants should have used other obvious search terms, perhaps in combination, to capture a more reasonable universe of responsive documents. Their complaint that searching for “**each** of such common names as ‘Lisa,’ ‘Janet,’ ‘Isabella,’ ‘Sarah,’ ... ‘Lydia,’ ... ‘Miller,’ ‘Jenkins,’ ‘Sessions,’ ‘Sharp,’ or ‘Cohen’” “produced an astounding combined total of **524,876 hits**,” Resp. 16 (emphasis in original), shows either that they do not know how to conduct

common-sense, reasonable, good-faith searches or that they refuse to try and are gaming the discovery process. *See* Mot. 12 (“If such individual terms returned too many results, Defendants could create various combinations of terms with the AND connector.”).

A quick Google search reveals that even Outlook supports search operators that could better target responsive documents beyond full names, even now that Defendants have already searched for those full names. *See, e.g., Learn to Narrow Your Search Criteria for Better Searches in Outlook*, Microsoft, <https://support.microsoft.com/en-us/office/learn-to-narrow-your-search-criteria-for-better-searches-in-outlook-d824d1e9-a255-4c8a-8553-276fb895a8da> (last accessed Dec. 12, 2010). For example, and at the risk of Defendants again taking mere examples as precisely and exclusively what Plaintiffs demand, Defendants could search for:

“Lisa” AND ( “Janet” OR “Isabella” OR “Izzy” ) AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

“Janet” AND ( “Lisa” OR “Isabella” OR “Izzy” ) AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

“Isabella” AND ( “Lisa” OR “Janet” OR “Izzy” ) AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

“Izzy” AND ( “Lisa” OR “Janet” OR “Isabella” ) AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

“Sarah” AND “Lydia” AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

“Sister Sarah” AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

( “Lisa” OR “Isabella” OR “Izzy” ) AND “visitation” AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

( “Vermont” OR “VT” ) AND ( “visitation” OR “Sessions” OR “Cohen” ) AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

( “Virginia” OR “VA” ) AND ( “visitation” OR “Sharp” ) AND NOT ( “Lisa Miller” OR “Janet Jenkins” OR “Isabella Miller” OR “Isabella Miller-Jenkins” )

Defendants also refuse to search for Lisa’s email addresses within the messages themselves (versus just the To, From, and CC fields) to find all communications concerning Lisa Miller (Req. 6), all communications with Lisa (Req. 8), and certain communications with Lisa’s email addresses zeusdesfor@aol.com and god1ofchild@live.com (Reqs. 11–12). *See* Resp. 13. It is entirely possible that Lisa’s email addresses would appear only earlier within an email chain (such as an email forwarded to someone else, *cf.*, *e.g.*, Ex. 1: Liberty Counsel Produc. at LC28978), that does not include Lisa’s, Janet’s, or Isabella’s full name. For example, of the emails Defendants did produce (for other reasons) that were to, from, or copied Lisa’s email address zeusdesfor@aol.com, none include Lisa’s name next to her email address. *See generally* Liberty Counsel Produc.; Ex. 2: Lindevaldsen Produc. And as Defendants only recently admit, they had a practice of deleting emails, *see* Mihet Decl. ¶¶ 29–30 (Oct. 26, 2020), so Plaintiffs cannot safely assume that Defendants preserved each of the emails with Lisa that make up that email chain.

**B. Requests for Production 19, 35–36, and 47–48**

The Court ordered Defendants to produce all communications on September 20–22, 2009, November 8–13, 2009, and November 20, 2009 (Reqs. 19, 35, and 47), and all documents and communications concerning events that happened or were planned or expected to happen on September 20–22, 2009, and November 8–13, 2009 (Reqs. 36 and 48). *See* Op. & Order 12–14, ECF 395. Defendants searched their email and electronic document databases only for emails and correspondence on those dates; documents authored, dated, or published on those dates; and

appointments on those dates that were calendared on “a master calendar showing all recorded appointments of all Liberty Counsel firm members.” *See* Mihet Decl. ¶ 19 (Oct. 26, 2020).

Although Defendants now seem to clarify that the master calendar “is a composite of all individual member calendar entries available to Liberty Counsel,” Resp. 24, rather than a shared calendar that individual employees must manually update, Defendants still do not say what other personal and business calendars (including @liberty.edu calendars) that are *not* “available to Liberty Counsel” Lindevaldsen searched. *See* Mot. 15 (“Defendants ... only searched ‘a master calendar,’ rather than each Liberty Counsel employee’s ... @liberty.edu[] and other relevant calendars.” (internal citation omitted)).

Despite the Court’s order requiring them to comply with Plaintiffs’ requests for all documents and communications concerning events that happened, or were planned or expected to happen, on those dates, *see* Op. & Order 13–14, ECF 395, Defendants refuse to search for anything beyond “the ten specific dates themselves,” Resp. 24. Even setting aside Plaintiffs’ argument that Defendants “should have reviewed documents and communications from before and after those dates using relative phrases (for example, ‘tomorrow’, ‘yesterday’, ‘next week’, ‘last weekend’) or days of the week (for example, ‘Sunday’) to refer to the dates Plaintiffs listed,” Mot. 15, it appears Defendants refuse even to search for documents and communications explicitly referencing (but not sent, received, or authored on) those dates, such as references to ‘September 20’, ‘Sept. 20’, ‘9/20’, and ‘9-20’ within their documents and communications in 2009. Such documents clearly are responsive to Plaintiffs’ requests, and it was unreasonable for Defendants unilaterally to decide not to search for them, despite the Court’s order.

### **III. Many of Defendants’ Subject-Matter Descriptions Remain Unjustifiably Vague**

Of the four issues Plaintiffs raised with Defendants’ privilege logs, *see* Mot. 19, Defendants have conceded and appear to have addressed all but the sufficiency of their subject-

matter descriptions. Defendants are required to “describe the nature of the documents, communications, or tangible things not produced or disclosed ... in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” Fed. R. Civ. P. 26(b)(5)(ii). Plaintiffs, in turn, need sufficient information about the purportedly privileged documents and communications, most importantly so they can show “a factual basis adequate to support a good faith belief by a reasonable person that *in camera* review of the materials may reveal evidence to establish the claim that the crime-fraud exception applies.” *In re John Doe, Inc.*, 13 F.3d 633, 636 (2d Cir. 1994) (quoting *United States v. Zolin*, 491 U.S. 554, 572 (1989)); *see also JPMorgan Chase Bank, N.A. v. Winget*, No. 08-13845, 2017 WL 2868538, at \*12 (E.D. Mich. July 5, 2017) (holding a privilege log compliant with Rule 26 is needed to “help ... determine whether the crime-fraud exception to any claim of privilege applies”); *Chevron Corp. v. Donziger*, No. 11 Civ. 0691, 2013 WL 4045326, at \*2 (S.D.N.Y. Aug. 9, 2013) (holding insufficient privilege log “particularly problematic ... given the applicability of the crime-fraud exception”).

As best Plaintiffs can tell, Defendants added detail to the subject descriptions for only eighteen entries, leaving unchanged many unjustifiably vague phrases that Plaintiffs brought to their attention. *See* Pls.’ Second Mot. to Compel 7, ECF 472; Mot. 19. To be sure, Defendants provided helpful specificity for some entries in their March 9, 2020 log and added more to their amended December 7, 2020 log, but their unfortunate refusal to do so for many other similar entries is what keeps this issue alive.

Exhibits 3 and 4 set forth Plaintiffs’ specific objections to Defendants’ subject descriptions in their amended privilege logs. *See* Ex. 3: Pls.’ Objs. to Defs.’ Privilege Log; Ex. 4: Pls.’ Objs. to Lindevaldsen’s Privilege Log. In the interest of remedying these issues as quickly

as possible, if the Court were to deny Plaintiffs' request for a privilege-waiver sanction because of Defendants' bad-faith discovery productions, Plaintiffs have narrowed their objections to three categories of documents that total forty-eight entries: (1) all communications with Lisa; (2) all post-kidnapping communications; and (3) certain documents in Lindevaldsen's log that might or might not concern anticipated or pending litigation. Plaintiffs need more specificity for the first two categories because they cannot acquiesce now to vague documents descriptions without risking later having an insufficient basis to submit certain documents for *in camera* review. Plaintiffs need specificity for the third category because the descriptions are too vague to understand whether they relate to anticipated or pending litigation.

Although many of Defendants' arguments, *see* Resp. 39–40, have already been addressed, *see* Pls.' Consolidated Reply in Supp. of Their Second Mot. to Compel & Resp. in Opp'n to Defs.' Cross-Mot. for Sanctions (“Reply Supp’g Second Mot. to Compel”) 12 n.7, ECF 492, their new, false accusation warrants a reply: Plaintiffs did not fraudulently induce Defendants or the Court “to believe that ‘broad subject matter’ descriptions providing no details whatsoever beyond ‘emails ... concerning the Vermont litigation’ would be sufficient and satisfactory.” Resp. 41 (quoting Clemons Letter \*3 (Apr. 17, 2019), ECF 361-5). That rejected offer was limited only to Plaintiffs' request for all communications with Lisa's email address (Req. 11), but Defendants' logs use broad and vague descriptions even for documents that did not involve Lisa's email account. *See generally* Defs.' Privilege Log (Dec. 7, 2020), ECF 607-6; Defs.' Privilege Log (Mar. 9, 2020), ECF 484-3.

#### **IV. Defendants' Renewed Cross-Motion for Sanctions Is Meritless**

Defendants' renewed cross-motion for sanctions is meritless. *First*, the Court already denied Defendants' cross-motion for sanctions on the original second motion to compel, *see* Order 2, ECF 563, and it should ignore Defendants' baseless, rehashed attempt to revive it, *see*

Resp. 42. *Second*, Plaintiffs' revised second motion to compel is not meritless, *see id.*, for all the reasons already explained in the motion and this reply.

*Third*, Plaintiffs did not need to confer with Defendants about their declaration because the Court decided to "proactively monitor discovery" in this case by ordering Defendants to "submit an affidavit ... describing [their] efforts to comply with [Plaintiffs'] discovery requests" and Plaintiffs to "submit a revised motion to compel ... after review of the Defendants' submission of the affidavit describing discovery procedures," to "identify documents or areas of discovery not included in Defendants' discovery responses," and to "identify sections of the privilege log which they claim to be inadequate." Order 3–4, ECF 563. Plaintiffs' "complaints" are not "new"; Defendants' declaration fleshed out Plaintiffs' original second motion to compel with detailed proof of Defendants' inadequate search and review.

Even if the meet-and-confer requirement still applied, Defendants show just how futile that would have been. At Defendants' own invitation, the parties tried conferring by email before Defendants filed their declaration. *See Soto–Mihet Emails* \*8–11, ECF 591-2. Plaintiffs provided a ten-page letter explaining deficiencies in their productions and privilege logs. *See Soto Letter*, ECF 591-3. But Defendants responded only to Plaintiffs' concerns with their privilege logs. *See Soto–Mihet Emails* \*2–8, ECF 591-2. Yet even though Defendants agreed to amend their privilege logs, they failed to do so before Plaintiffs' revised motion was due, opting instead to use "the court-provided cure period after [Plaintiffs'] motion to compel" and merely respond to the revised second motion to compel. *See id.* at \*1. In other words, Defendants abandoned the meet-and-confer process to instead hash out this discovery dispute in the revised briefing.

In any event, Defendants also illustrate just how futile a meet-and-confer would have been, by adamantly insisting that their obviously inadequate search for responsive documents

was, in fact, “[c]omprehensive and [c]omplete,” Resp. 8, and by this very request for sanctions because of Plaintiffs’ supposedly meritless complaints. *Cf.* Reply Supp’g Second Mot. to Compel 17–19, ECF 492

Finally, the cases Defendants cite, *see* Resp. 15, are materially distinguishable, given the Court’s order, *see* Order 3, ECF 563, and because the parties did confer about search terms and developed terms for Requests 64–69, but Defendants never requested terms for other requests, even though the burden was on them either to request search terms or, as is the default, conduct a good-faith, reasonable (and common-sense) search themselves. *Cf. Green v. Harbor Freight Tools USA, Inc.*, No. 09-2380-JAR, 2011 WL 13086613, at \*2 (D. Kan. Aug. 24, 2011) (noting parties had agreed to protocol requiring plaintiffs to provide preliminary search terms).

### CONCLUSION

Plaintiffs’ motion to compel should be granted and the Court should sanction Defendants.

Respectfully submitted.

December 17, 2020

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**CERTIFICATE OF SERVICE**

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

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