

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

JANET JENKINS,

Plaintiff,

v.

No. 2:12-cv-184-WKS

KENNETH L. MILLER, et al.,

Defendants.

**PLAINTIFF'S MOTION TO COMPEL DEFENDANTS PHILIP ZODHIATES,
VICTORIA HYDEN, AND RESPONSE UNLIMITED, INC. TO PRODUCE
DOCUMENTS AND PETITION TO DISCLOSE DEFENDANT VICTORIA HYDEN'S
GRAND JURY TESTIMONY TRANSCRIPT**

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2	Exhibit 2: Defendant Victoria Hyden's Responses to Plaintiffs' First Set of Requests for Production
3	Exhibit 3: Defendant Response Unlimited's Responses to Plaintiffs' First Set of Requests for Production
4	Exhibit 4: Defendant Philip Zodhiates's Responses & Objections to Plaintiff Janet Jenkins's Second Set of Requests for Production
5	Exhibit 5: Defendant Victoria Hyden's Responses & Objections to Plaintiff Janet Jenkins's Second Set of Requests for Production
6	Exhibit 6: Defendant Response Unlimited's Responses & Objections to Plaintiff Janet Jenkins's Second Set of Requests for Production
7	Exhibit 7: Emails
8	Declaration of Sarah Star (Mar. 30, 2021)

Pursuant to Rules 34 and 37 of the Federal Rules of Civil Procedure, Plaintiff Janet Jenkins moves to compel Defendants Philip Zodhates, Victoria Hyden, and Response Unlimited, Inc. (collectively, “Defendants”) to produce a folder containing 2,281 pages of documents produced to them by the government (“the fifth folder”), and pursuant to Rule 6 of the Federal Rules of Criminal Procedure, petitions for the disclosure of the transcript of Hyden’s October 18, 2012 grand jury testimony.¹

STATEMENT OF THE CASE

On June 27, 2018, Plaintiff served Defendants a first set of requests for production. Ex. 1: Def. Philip Zodhates’s Resp. to Pls.’ First Set of Reqs. for Produc.; Ex. 2: Def. Victoria Hyden’s Resp. to Pls.’ First Set of Reqs. for Produc.; Ex. 3: Def. Response Unlimited’s Resp. to Pls.’ First Set of Reqs. for Produc. Among other things, Plaintiff requested all documents concerning: Plaintiff; Isabella; Lisa; the Dispute; the Court Orders; Lisa’s and Isabella’s whereabouts from September 20, 2009, to date; Defendants’ whereabouts between September 20 and September 22, 2009; events that happened, or were planned or expected to happen, on those dates or between November 8 and November 13, 2009; aid given to Lisa concerning compliance or noncompliance with the Court Orders; aid given to Lisa or Isabella concerning their travel from Virginia to Nicaragua; Lisa’s efforts to remain undetected; and Lisa’s Virginia home. Reqs. 4–6, 17–18, 32–36, 40–42, 48. On April 24, 2020, Plaintiff served Defendants a second set of requests for production. Ex. 4: Def. Philip Zodhates’s Resps. & Objs. to Pl. Janet Jenkins’s Second Set of Reqs. for Produc.; Ex. 5: Def. Victoria Hyden’s Resps. & Objs. to Pl. Janet Jenkins’s Second Set

¹ Pursuant to Rule 6(e)(3)(F) of the Federal Rules of Criminal Procedure, Plaintiff certifies that she served this petition on Assistant United States Attorney Paul Van de Graaf, an attorney for the government, and the parties to this judicial proceeding through the Court’s CM/ECF system.

of Reqs. for Produc.; Ex. 6: Def. Response Unlimited's Resps. & Objs. to Pl. Janet Jenkins's Second Set of Reqs. for Produc. Among other things, Plaintiff requested all documents Defendants received from nonparties concerning this matter. Req. 75.

Following extensive delays associated with obtaining replacement counsel, on October 27, 2020, Defendants finally produced four folders of discovery through their new counsel, Michael Hirsh, Esq. *See* Ex. 7: Emails *15. Hirsh indicated he was withholding a fifth folder containing 2,281 pages "because it contains a substantial amount of transcripts from grand jury testimony" and requested the parties' "input and opinion on the matter." *Id.*

On November 9, Plaintiff's counsel Tyler Clemons responded that Defendants "are not among the parties prohibited from disclosing grand jury testimony by Federal Rules of Criminal Procedure 6(e)(2)." *Id.* at *14 (citing *United States v. Forman*, 71 F.3d 1214, 1217–20 (6th Cir. 1995)). On November 20, Hirsh responded that, based on his reading of *Forman*, he fears prosecution for obstruction of justice and "fundraising" by Plaintiff's counsel at the Southern Poverty Law Center. *Id.* at *11–12. He also cited Rule 6 of the Federal Rules of Civil Procedure as apparently providing a mechanism to lawfully produce the grand jury materials within the fifth folder. *Id.* at *12.

On January 12, 2021, Plaintiff's counsel Sarah Star conferred by phone with Hirsh. Star Decl. ¶ 9 (Mar. 30, 2021). Star notified Hirsh that much, but not all, of the known grand jury material had already been lawfully produced. *Id.* Hirsh advised that he had not gone over the fifth folder closely, but that in addition to grand jury material, it appeared to contain investigative documents from the government. *Id.* Star advised Hirsh that she was already in possession of many grand jury transcripts, but the transcript of Hyden's grand jury testimony was notably absent from Timothy Miller's discovery, despite the government listing her grand jury testimony

and immunity order as potential exhibits in Zodhiates's criminal trial. *Id.*; *see also* Gov't's Am. 3500 Ex. List *18, *Zodhiates*, No. 1:14-cr-175 (W.D.N.Y. Sept. 21, 2016), ECF 110; Mot. to Conduct Inquiry into Defense Counsel's Conflicts of Interest ("Conflict Mot.") *7, ECF 182-1 (stating grand jury was convened in Vermont).² Hirsh agreed to review the final folder to determine if it contained Hyden's transcript and the transcript for James Hershberger's testimony, which had not been located either. Star Decl. ¶ 9 (Mar. 30, 2021). He also agreed to produce the fifth folder, including the grand jury materials contained within, if ordered to do so. *Id.*

On January 13, Hirsh advised by email that the fifth folder did not contain the missing transcripts. Ex. 7: Emails *10. Star then asked whether Hirsh would now turn over the fifth folder because it did not contain any undisclosed grand jury information. *Id.* Star further requested that Hirsh confer with prior counsel, Robert Hemley, Esq., to obtain Hyden's grand jury transcript. *Id.* On January 18, Hirsh replied that he was still unwilling to disclose the fifth folder and indicated that he had twice consulted with Hemley about the completeness of the file. *Id.* at *9.

Despite objecting to Plaintiff's document requests in part because of their Fifth Amendment privilege against compulsory self-incrimination, *see generally* Ex. 1: Def. Philip Zodhiates's Resp. to Pls.' First Set of Reqs. for Produc.; Ex. 2: Def. Victoria Hyden's Resp. to Pls.' First Set of Reqs. for Produc.; Ex. 4: Def. Philip Zodhiates's Resps. & Objs. to Pl. Janet Jenkins's Second Set of Reqs. for Produc.; Ex. 5: Def. Victoria Hyden's Resps. & Objs. to Pl. Janet Jenkins's Second Set of Reqs. for Produc., Zodhiates and Hyden clarified on March 12 that they do not and will not invoke that privilege in this case. *Id.* at *17–18.

² Hyden ultimately did not testify at Zodhiates's criminal trial.

On March 17, Star asked whether Hirsh would produce the fifth folder pursuant to an order compelling production, which would avoid Defendants' and Hirsh's worries about potential criminal liability, and whether Defendants would oppose a petition to disclose Hyden's grand jury testimony transcript, given that Defendants denied having it in their possession, custody, or control. *Id.* at *18. Star followed up on March 23 after receiving no response. *Id.*

On March 23, Hirsh reiterated his fear of prosecution by the government and "investigation" and "fundraising" by the SPLC. *Id.* at *6–7. He requested indemnification by the SPLC instead of a motion to compel. *Id.* at *7. He also refused to engage in discovery until the Court ruled on Plaintiff's then-pending motion to stay discovery deadlines, ECF 638, despite also citing the then-operative March 31 deadline for all discovery. *Id.*

On March 29, Star explained that Hirsh and his clients have no reason to fear prosecution for producing the grand jury materials because they lawfully possess those materials. *Id.* at *5. She also reiterated her request for his position on the motion to compel and petition to disclose, and she asked him to clarify why Defendants are withholding documents within the fifth folder that are not grand jury materials. *Id.* Star followed up on March 30 after receiving no response. *Id.* at *4.

On March 30, Hirsh reiterated his request for indemnification from the SPLC and asked to see the petition to disclose. *Id.* at *3–4. Star responded that Hirsh's fear of prosecution could be avoided by an unopposed motion to compel and that Plaintiff would not agree to indemnification to acquire responsive documents. *Id.* at *1–2. She also provided the substance of Plaintiff's anticipated petition to disclose. *Id.* at *2–3. Hirsh responded that he would review the motion to compel after it is filed. *Id.* at *1. He did not address the petition to disclose except to represent that "[n]o decision has been made on" whether Hyden would invoke the Fifth. *Id.*

ARGUMENT

The Court should compel Defendants to produce the fifth folder in its entirety because Rule 6 does not prohibit them from disclosing the grand jury material making up part of that folder and they do not risk criminal liability for producing it. The Court also should order the disclosure of Hyden’s grand jury testimony transcript.

I. The Court should order Defendants to produce the fifth folder, including any grand jury materials within it.

Rule 6 of the Federal Rules of Criminal Procedure does not prohibit Defendants from complying with Plaintiff’s request for the fifth folder, which contains some grand jury materials. Rule 6(e)(2)(A) provides that “[n]o obligation of secrecy may be imposed on any person except in accordance with Rule 6(e)(2)(B),” which in turn lists persons who “must not disclose a matter occurring before the grand jury” “[u]nless the[] rules provide otherwise”: grand jurors, interpreters, court reporters, operators of recording devices, persons who transcribe recorded testimony, an attorney for the government, and a person to whom an attorney for the government discloses the matter under Rule 6(e)(3)(A) (ii) or (iii). Neither Defendants nor their attorneys fall into any of those categories; they were not grand jurors in this matter, they did not interpret or record any grand jury testimony in this matter, and they were not government attorneys in this matter. *See also United States v. Sells Eng’g, Inc.*, 463 U.S. 418, 425 (1983) (“Witnesses are not under the prohibition unless they also happen to fit into one of the enumerated classes.”).

Defendants cite the Sixth Circuit’s decisions in *United States v. Forman*, 71 F.3d 1214, 1218 (6th Cir. 1995), and *United States v. Jeter*, 775 F.2d 670 (6th Cir. 1985), for the proposition that “persons not subject to Rule 6(e)(2)’s secrecy requirement can nevertheless be prosecuted for obstruction of justice for obtaining and divulging grand jury material.” Ex. 7: Emails *9. *Forman* and *Jeter* do not prevent Defendants from disclosing grand jury materials lawfully

within their possession, custody, or control. Forman, a Justice Department attorney prosecuting criminal tax cases, was convicted of criminal contempt for violating Rule 6, but acquitted of obstruction of justice, when he took grand jury materials from his office mate assigned to the investigation, photocopied them, and provided them to the grand jury's target. 71 F.3d at 1215–17. The Sixth Circuit held that Rule 6 did not prohibit Forman from disclosing the grand jury matters because he was not assigned to the investigation in any capacity, so he was not an authorized government attorney governed by Rule 6. *Id.* at 1217–20.

Similarly, Jeter was convicted of stealing government property and obstructing justice by “illicitly obtaining and participating in the distribution of imprinted carbon sheets used in the typing of secret grand jury documents and proceedings.” 775 F.2d at 672. While in jail, he had become interested in a grand jury's investigation of reputed drug dealers, so after his release, he unlawfully obtained the carbon sheets from a typist for a federal court reporter service tasked with typing the transcripts and shared them with targets of the grand jury, to get even with the government. *Id.* at 673. Jeter correctly argued that he did not fall within the list of persons Rule 6(e) prohibits from disclosing grand jury matters, but the Sixth Circuit rejected his argument that Rule 6(e) therefore “somehow forbids punishment of unjustified grand jury disclosures under any other statutory rule,” finding it “simply illogical to attempt to construe Rule 6(e)(2) as *mandating* that all other classes of individuals can act to destroy the secrecy of grand jury proceedings without criminal sanction.” *Id.* at 675. The court concluded that “[h]is activity can reasonably be characterized as an attempted obstruction of justice within the meaning of the statute.” *Id.* at 677.

Like Forman and Jeter, Defendants are not prohibited by Rule 6 from further disclosing these grand jury materials. Unlike Forman and Jeter, who unlawfully obtained the grand jury

transcripts, Defendants lawfully obtained these grand jury materials from the government through Zodiates's criminal prosecution, and their disclosure to the parties in this case would not be for the corrupt purpose of obstructing justice.

Therefore, Defendants have no basis under grand jury secrecy rules for withholding any grand jury materials in their possession, custody, or control. Moreover, they obviously have no basis under those rules for withholding documents that are not grand jury materials, and they have not explained why the non-grand jury material within the fifth folder are not discoverable.

II. The Court should order disclosure of Hyden's grand jury testimony transcript.

The Court should order disclosure of Hyden's grand jury testimony transcript. The court "in the district where the grand jury convened," Fed. R. Crim. P. 6(e)(3)(F), "may authorize disclosure—at a time, in a manner, and subject to any other conditions that it directs—of a grand-jury matter: (i) preliminarily to or in connection with a judicial proceeding," Fed. R. Crim. P. 6(e)(3)(E). Disclosure in connection with a judicial proceedings is permissible if "the material ... is needed to avoid a possible injustice in another judicial proceeding, ... the need for disclosure is greater than the need for continued secrecy, and ... the[] request is structured to cover only material so needed." *Sells Eng'g, Inc.*, 463 U.S. at 443 (quoting *Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 222 (1979)). "[A] court called upon to determine whether grand jury transcripts should be released necessarily is infused with substantial discretion." *Douglas Oil Co. of Cal.*, 441 U.S. at 223 (citing *Pittsburgh Plate Glass Co. v. United States*, 360 U.S. 395, 399 (1959)).

Plaintiff seeks to use Hyden's grand jury testimony transcript to impeach Hyden, refresh her recollection, and test her credibility. "[T]he typical showing of particularized need arises when a litigant seeks to use 'the grand jury transcript at the trial to impeach a witness, to refresh his recollection, to test his credibility and the like'" because "[s]uch use is necessary to avoid

misleading the trier of fact.” *Id.* at 222 n.12 (quoting *United States v. Procter & Gamble Co.*, 356 U.S. 677, 683 (1958)); *see also Mitchell v. City of Chi.*, No. 18-cv-7357, 2019 WL 3287844, at *2 (N.D. Ill. July 22, 2019) (holding petitioner showed need for grand jury testimony transcript to avoid possible injustice in § 1983 civil suit because transcript could be used to impeach defendant and refresh defendant’s recollection).

Plaintiff adequately alleges that Hyden participated in a conspiracy to interfere with Plaintiff’s parental rights and violate her civil rights by kidnapping her daughter, Isabella. In her testimony before the grand jury, Hyden “admitted being present with Lisa Miller and her father in a Walmart parking lot,” but “denied remembering when it occurred.” Conflict Mot. *7. Evidence presented at Zodiates’s criminal trial showed Lisa and Zodiates met at a Walmart the day before Zodiates drove Lisa and Isabella to the United States–Canada border.

Hyden has not decided whether she will plead the Fifth in this case, including at her deposition. If Hyden does not plead the Fifth, then Plaintiff needs Hyden’s prior testimony to impeach her new testimony and to refresh her recollection about events over eleven years ago. If Hyden decides to plead the Fifth, that too would create a particularized need for her grand jury testimony transcript. *See, e.g., RF Micro Devices, Inc. v. Xiang*, No. 1:12-cv-967, 2016 WL 3212481, at *3 (M.D.N.C. June 9, 2016) (“[C]ourts have found ... a party’s inability to obtain needed discovery due to the invocation of the Fifth Amendment to constitute a ‘particularized need’ for grand jury materials.”). Plaintiff has repeatedly needed to use witnesses’ prior testimony to impeach their new testimony in this case and to refresh their recollection. *See Star Decl.* ¶ 10 (Mar. 30, 2021); *see also In re Catfish Antitrust Litig.*, 164 F.R.D. 191, 195 (N.D. Miss. 1995) (holding petitioner showed particularized need for grand jury testimony transcript to refresh recollection because witnesses failed to recall events years later). Hyden should not be

incentivized to decline to answer Plaintiff's questions at her deposition and at trial due to loss of memory—or worse, incentivized to give different, untruthful answers—knowing that Plaintiff could not refresh her recollection or impeach her new testimony with her prior grand jury testimony.

The need for disclosure of Hyden's grand jury testimony transcript is greater than the need for continued secrecy. "[A]s the considerations justifying secrecy become less relevant, a party asserting a need for grand jury transcripts will have a lesser burden in showing justification." *Sells Eng'g, Inc.*, 463 U.S. at 443 (quoting *Douglas Oil Co. of Cal.*, 441 U.S. at 223). In *Mitchell*, for example, the court held the need for disclosure outweighed the need for continued secrecy in part because the grand jury had concluded its investigation, testimony of other grand jury witnesses had already been released, and the defendant did not oppose the petition for release of his grand jury testimony transcript. 2019 WL 3287844, at *3. Like in *Mitchell*, the Vermont grand jury concluded its investigation; since Hyden testified eight years ago, her father, Lisa, and Timothy were indicted in 2014, *see* Indictment, *United States v. Lisa Miller*, No. 1:14-cr-175 (W.D.N.Y. Sept. 19, 2014), ECF 1, and her father and Timothy were adjudged guilty in 2017, *see* Judgment, *Zodhiates*, No. 1:14-cr-175 (W.D.N.Y. Mar. 23, 2017), ECF 183; Judgment, *United States v. Timothy Miller*, No. 1:14-cr-175 (W.D.N.Y. Mar. 28, 2017), ECF 191. Kenneth Miller, the only other person indicted for his role in the kidnapping, was convicted two months before Hyden's grand jury testimony. *See* Verdict Form, *United States v. Kenneth L. Miller*, No. 2:11-cr-161 (D. Vt. Aug. 14, 2012), ECF 72. As in *Mitchell*, other grand jury testimony transcripts related to the kidnapping have been released. Timothy Miller received in discovery in his criminal case, and in turn produced to the parties in this case, transcripts of grand jury testimony in Vermont by Sarah Bloedorn, William Dolack, Ervin Horst,

Kenneth Miller, Linda Rose Miller, Terry Miller, Timothy Miller, Barry Shaffer, Janet Stasulli, Douglas Wright, and Andrew Yoder. *See* Star Decl. ¶ 11 (Mar. 30, 2021). Timothy also received and produced additional transcripts of grand jury testimony in the Western District of New York by Joel Baugher and Duane Weaver. *See id.*

Finally, like Mitchell's request for only the defendant's grand jury testimony transcript, *Mitchell*, 2019 WL 3287844, at *3, Plaintiff's request is structured to cover only the material needed—Hyden's grand jury testimony transcript. Plaintiff does not request the disclosure of all materials related to the grand jury's investigation of Isabella's kidnapping.

Therefore, the Court should authorize the disclosure of Hyden's grand jury testimony transcript.

CONCLUSION

Plaintiff Janet Jenkins's motion to compel Defendants Philip Zodhiates, Victoria Hyden, and Response Unlimited, Inc. to produce the fifth folder and Plaintiff's petition for the disclosure of the transcript of Hyden's October 18, 2012 grand jury testimony should be granted.

Respectfully submitted.

March 30, 2021

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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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March 30, 2021

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, <i>et al.</i> ,)	
Plaintiffs)	
)	
v.)	Docket No. 2:12-cv-184
)	
KENNETH L. MILLER, <i>et al.</i> ,)	
Defendants)	

DEFENDANT PHILIP ZODHIATES' RESPONSE TO
PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION

Gravel & Shea PC, attorneys for Defendant Philip Zodhiates ("Mr. Zodhiates" or "Defendant"), responds as follows to Plaintiffs' First Set of Requests for Production dated June 27, 2018.

General Objections and Reservation of Privileges

A. Defendant objects to the Requests to the extent they call for the production of documents or information that are protected from disclosure as attorney-client privileged, attorney work-product, trade secrets or by other privileges. If any privileged documents are inadvertently produced, the production of said documents shall not be deemed a waiver of any such protections, and Defendant hereby demands the immediate return of any such documents.

B. Pursuant to the Fifth Amendment of the United States Constitution, Defendant objects to the Requests to the extent they call for the production of documents that give Defendant reasonable cause to apprehend that answering the question will provide the government with evidence to fuel a criminal prosecution.

C. Defendant objects to the Requests to the extent they call for the production of documents that are not within Defendant's possession, custody or control.

D. Defendant objects to the Requests to the extent they call for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources.

E. Defendant objects to the Requests to the extent they seek to impose burdens and obligations in excess of those required under the Federal Rules of Civil Procedure and case law.

F. Defendant objects to the Requests to the extent that they are unreasonably cumulative or duplicative or can be obtained from another source that is more convenient, less burdensome or less expensive.

G. Defendant objects to the definition of "Aid." The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant's alleged actions constituted aid to the alleged conspiracy is a factual issue.

H. None of these responses is an admission as to the existence, relevance or admissibility of a document, or as to the truth or accuracy of any statement or characterization contained in the Requests.

I. Defendant incorporates his General Objections into each request below. To the extent that specific objections are cited in response to specific requests, those objections are provided because they are believed to be applicable to the specific request and are not to be construed as a waiver of any of these general objections.

J. Defendant reserves the right to supplement, modify, amend or withdraw these responses and objections.

Response to Requests for Production

1. All documents disclosed or identified in Your initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii).

RESPONSE: This Request is premature as Mr. Zodhiates has not yet disclosed or identified any documents in his initial disclosure. Furthermore, the Fifth Amendment of the United States Constitution provides that “[n]o person . . . shall be compelled in any criminal case to be a witness against himself . . .” The Supreme Court has recognized that the Fifth Amendment not only protects the individual against being involuntarily called as a witness against himself in a criminal prosecution but also privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answer might incriminate him in future proceedings. Thus, Mr. Zodhiates invokes his Fifth Amendment right not to answer this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that answering the Request could provide the government with evidence to fuel a criminal prosecution.

2. All documents that support Your defenses to the claims alleged in the Complaint.

RESPONSE: To the extent this Request implicates privileged documents, Mr. Zodhiates objects. Mr. Zodhiates also invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

3. All documents that contradict Your defenses to or that support the claims alleged in the Complaint.

RESPONSE: To the extent the term “contradict Your defenses” is ambiguous, Mr. Zodiates objects to this Request as vague. To the extent this Request implicates privileged documents, Mr. Zodiates objects. Mr. Zodiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

4. All documents and communications concerning Plaintiff Janet Jenkins.

RESPONSE: To the extent Plaintiffs fail to limit this Request to any relevant time period or topics relevant to this Dispute, Mr. Zodiates objects to this Request as impermissibly vague and overbroad. To the extent this Request implicates privileged documents, Mr. Zodiates objects. Mr. Zodiates also invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

5. All documents and communications concerning Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

6. All documents and communications concerning Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

7. All communications with Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

8. All communications with Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

9. Documents sufficient to identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOfone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by Defendant Lisa Miller from 2002 to date.

RESPONSE: As this Request is not limited to relevant time periods or documents relevant to this Dispute, this Request is overbroad. Mr. Zodhates objects to this Request as it calls for the production of documents that are not within Defendant's possession, custody or control. Mr. Zodhates further objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Moreover, Mr. Zodhates objects

to this Request the extent it calls for the production of documents that are protected by the attorney-client or work-product privileges. Mr. Zodhiates also invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

10. Documents sufficient to Identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOphone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by or on behalf of Plaintiff Isabella Miller-Jenkins from 2002 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 9.

11. All communications with zeusdesfor@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Mr. Zodhiates objects to the Request as overbroad. Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of

documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

12. All communications with god1ofchild@live.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

13. All communications with the Skype account with the username childofjesus1 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

14. All communications with the Facebook account with identification number 1539940246 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: Mr. Zodiates objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. Mr. Zodiates objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are

available from public sources. To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Mr. Zodiates objects to the Request as overbroad. Additionally, Mr. Zodiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

15. All documents and communications concerning names, aliases, or identities used by Defendant Lisa Miller.

RESPONSE: This Request is not limited to relevant time periods or topics; therefore, Mr. Zodiates objects to this Request as vague and overbroad. Mr. Zodiates also objects to this Request to the extent documents are not in his possession, custody or control. Mr. Zodiates further objects to this Request to the extent it seeks production of documents and communications protected by the attorney-client or work-product privileges. Mr. Zodiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

16. All documents and communications concerning names, aliases, or identities used by Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 15.

17. All documents and communications concerning the Dispute.

RESPONSE: To the extent this Request implicates privileged documents, Mr. Zodiates objects. Mr. Zodiates also objects to this Request to the extent it calls for the production of communications or documents that are not within Defendant's possession, custody or control, or are already in the Plaintiffs' possession. Additionally, Mr. Zodiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

18. All documents and communications concerning the Court Orders.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 17.

19. All communications on November 20, 2009.

RESPONSE: Mr. Zodiates objects that this request is overbroad and outside the scope of discovery permitted by Fed. R. Civ. P. 26(b) because it calls for production of all

communications in Mr. Zodhiates' custody or control on a specific date, regardless of relevance. Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and narrowing this Request to communications relevant to this dispute, defense counsel represents that no responsive non-privileged documents have been withheld on the basis of these objections.

20. All documents and communications concerning the Protect Isabella Coalition.

RESPONSE: Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that the Plaintiffs already have within their possession, custody or control, or are available from public sources. Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that answering the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

21. All documents and communications concerning the website www.protectisabella.com.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 20.

22. All documents and communications concerning the Only One Mommy Facebook group, identification number 81022155363.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 20.*

23. All documents and communications concerning <http://imgodschild.wordpress.com>.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 20.*

24. All documents and communications concerning http://works.bepress.com/rena_lindevaldsen/ concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: **To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any time limitation or further relation to this Dispute, Mr. Zodhiates objects to the Request as overbroad. Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that the Plaintiffs already have within their possession, custody or control, or are available from public sources. Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.**

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

25. All documents and communications concerning <http://www.debbiethurman.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

26. All documents concerning and communications concerning <http://www.theformers.wordpress.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

27. All documents and communications concerning <https://lezgetreal.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua, and any visits or posts by Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

28. All documents and communications concerning <https://www.lifesitenews.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

29. All communications with Matthew Cullinan Hoffman concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

30. Documents sufficient to show Defendant Lisa Miller's whereabouts from September 13, 2003, through September 19, 2009.

RESPONSE: To the extent the term "sufficient to show . . . whereabouts" is vague and undefined, Mr. Zodhiates objects. Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. To the extent this Request calls for the production of documents protected by the attorney-client or work-product privilege, Mr. Zodhiates objects. Additionally, Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

31. Documents sufficient to show Plaintiff Isabella Miller-Jenkins's whereabouts from April 16, 2002, through September 19, 2009.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 30.

32. All documents, regardless of when created or dated, concerning Defendant Lisa Miller's whereabouts from September 20, 2009, to date.

RESPONSE: Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control, or are subject to the attorney-client or work-product privileges. Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

33. All documents, regardless of when created or dated, concerning Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 32.

34. All documents and communications concerning Your whereabouts on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: To the extent that this Request calls for documents and communications irrespective of relevance to this Dispute, Mr. Zodhiates objects that this Request is overbroad and outside the scope of discovery permitted by Fed. R. Civ. P. 26(b). To the extent this Request calls for the production of documents protected by the attorney-client or work-product privileges, Mr. Zodhiates objects. Further, Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that

responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and narrowing this Request to communications relevant to this dispute, defense counsel represents that no responsive non-privileged documents have been withheld on the basis of these objections.

35. All communications on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 34.*

36. All documents and communications concerning events that happened, or were planned or expected to happen, on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 34.*

37. All documents and communications concerning Nicaragua.

RESPONSE: *To the extent that this Request is unlimited by time or relevance to this Dispute, Mr. Zodhiates objects that this Request is overbroad. See also Response and objections to Plaintiffs' Request to Produce No. 34.*

38. All documents and communications concerning the Beachy Amish Mennonite Church in Nicaragua.

RESPONSE: *See Responses and objections to Plaintiffs' Request to Produce Nos. 34 and 37.*

39. All communications with the Beachy Amish Mennonite Church in Nicaragua.

RESPONSE: *See Responses and objections to Plaintiffs' Request to Produce Nos. 34 and 37.*

40. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller concerning her compliance or noncompliance with the Court Orders.

RESPONSE: To the extent this Request implicates documents protected by the attorney-client or work-product privileges, Mr. Zodhiates objects. Mr. Zodhiates objects to the definition of “Aid.” The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant’s alleged actions constituted aid to the alleged conspiracy is a factual issue. Mr. Zodhiates also invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

41. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller or Plaintiff Isabella Miller-Jenkins concerning their departure from 203B Greentree Drive, Forest, Virginia, in September 2009, travel to Canada, departure from the United States, travel to Nicaragua, living in Nicaragua, or remaining in Nicaragua.

RESPONSE: See Response and objections to Plaintiffs’ Request to Produce No. 40.

42. All documents and communications concerning Defendant Lisa Miller's efforts to remain undetected by United States authorities, including but not limited to Aid directly or indirectly given to her to allow her to avoid such detection.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 40.*

43. All documents and communications concerning jesman21@gmail.com.

RESPONSE: **To the extent that this Request is untethered by any time limitation and not limited to topics relevant to this Dispute, Mr. Zodhiates objects to this Request as overbroad. Mr. Zodhiates also invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.**

44. All communications with jesman21@gmail.com.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 43.*

45. All communications with Jessica Fehr.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 43.*

46. All documents and communications concerning 203B Greentree Drive, Forest, Virginia, including but not limited to payment of rent and the removal and storage of personal property.

RESPONSE: **Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. *See also* Response and objections to Plaintiffs' Request to Produce No. 43**

47. All communications on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 34.

48. All documents and communications concerning events that happened, or were planned or expected to happen, on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 34.

49. All communications with Anthony Phelps, the landlord of 203B Greentree Drive, Forest, Virginia.

RESPONSE: To the extent that this Request calls for all communications with Anthony Phelps regardless of relevance to this Dispute and unlimited to a specific time frame, Mr. Zodhiates objects that this Request is overbroad and outside the scope of discovery permitted by Fed. R. Civ. P. 26(b). Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and narrowing this Request to communications relevant to this dispute, defense counsel represents that no responsive non-privileged documents have been withheld on the basis of these objections.

50. Documents sufficient to Identify all telephone numbers, including but not limited to landlines and cellular lines or applications, used by You in 2009 to date.

RESPONSE: Mr. Zodhiates objects that this Request is overbroad and irrelevant to this Dispute. Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates

reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

51. Documents sufficient to Identify all email addresses used by You in 2009 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 50.

52. Documents sufficient to Identify all international calling services and the accounts or numbers, including but not limited to PennyTalk and VIVOphone, used by You in 2009 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 50.

53. Documents sufficient to Identify social media and electronic means of communication used by You in 2009 to date.

RESPONSE: Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. *See also* Response and objections to Plaintiffs' Request to Produce No. 50.

54. All communications with the Facebook account of Lisa Wall, identification number 1436421487, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Mr. Zodhiates also objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. To the extent this Request seeks all

communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Mr. Zodiates objects to the Request as overbroad. Mr. Zodiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

55. All communications with wall4america@netzero.net concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

56. All communications with the Facebook account of Beth Ehrhorn, identification number 1072853392, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 54.

57. All communications with behrhorn@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

58. All communications with the Facebook account of Sarah Bloedorn, identification number 1371510997, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 54.

59. All communications with qtjars@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

60. All communications with timjomiller@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

61. All communications with kingdomseeker1@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

62. All communications with millersofwaslala@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

63. All communications with philipz@responseunlimited.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: This Request, read literally, is incomprehensible; therefore, Mr. Zodhiates objects. Moreover, Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

64. All documents and communications concerning Your opinions or beliefs concerning same-sex marriage, same-sex civil unions, or same-sex relationships.

RESPONSE: Mr. Zodhiates objects to this Request as impermissibly overbroad. Mr. Zodhiates also objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. To the extent this Request implicates documents protected by the attorney-client or work-product privileges, Mr. Zodhiates objects. Additionally, Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

65. All documents and communications concerning Your opinions or beliefs concerning whether homosexual persons should have custody of or visitation with children.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 64.*

66. All documents and communications concerning Your opinions or beliefs concerning the relative supremacy of secular law (including but not limited to court orders and court opinions) over religion, morality, ethics, or conscience.

RESPONSE: The term “relative supremacy” is vague and ambiguous; therefore, Mr. Zodhiates objects. Mr. Zodhiates also objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. To the extent this Request implicates documents protected by the attorney-client or work-product privileges, Mr. Zodhiates objects. Additionally, Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

67. All documents and communications concerning Your opinions or beliefs concerning the relative supremacy of religion, morality, ethics, or conscience over secular law (including but not limited to court orders and court opinions).

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 66.*

68. All documents and communications concerning Your opinions or beliefs concerning compliance or noncompliance with the Court Orders.

RESPONSE: Mr. Zodhiates objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Further, Mr. Zodhiates objects to this Request to the extent it calls for the production of documents not within Mr.

Zodhiates' custody or control or are protected by the attorney-client privilege.

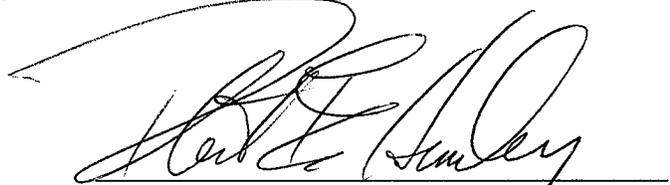
Additionally, Mr. Zodhiates invokes his Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Mr. Zodhiates reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

69. All documents and communications concerning Your opinions or beliefs concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 68.

Dated: Burlington, Vermont
July 27, 2018



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For Defendant Philip Zodhiates

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, <i>et al.</i> ,)	
Plaintiffs)	
)	
v.)	Docket No. 2:12-cv-184
)	
KENNETH L. MILLER, <i>et al.</i> ,)	
Defendants)	

DEFENDANT VICTORIA HYDEN’S RESPONSE TO
PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION

Gravel & Shea PC, attorneys for Victoria Hyden (“Ms. Hyden” or “Defendant”),
responds as follows to Plaintiffs’ First Set of Requests for Production dated June 27, 2018.

General Objections and Reservation of Privileges

A. Defendant objects to the Requests to the extent they call for the production of documents or information that are protected from disclosure as attorney-client privileged, attorney work-product, trade secrets or by other privileges. If any privileged documents are inadvertently produced, the production of said documents shall not be deemed a waiver of any such protections, and Defendant hereby demands the immediate return of any such documents.

B. Pursuant to the Fifth Amendment of the United States Constitution, Defendant objects to the Requests to the extent they call for the production of documents that give Defendant reasonable cause to apprehend that answering the question will provide the government with evidence to fuel a criminal prosecution.

C. Defendant objects to the Requests to the extent they call for the production of documents that are not within Defendant’s possession, custody or control.

D. Defendant objects to the Requests to the extent they call for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources.

E. Defendant objects to the Requests to the extent they seek to impose burdens and obligations in excess of those required under the Federal Rules of Civil Procedure and case law.

F. Defendant objects to the Requests to the extent that they are unreasonably cumulative or duplicative or can be obtained from another source that is more convenient, less burdensome or less expensive.

G. Defendant objects to the definition of "Aid." The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant's alleged actions constituted aid to the alleged conspiracy is a factual issue.

H. None of these responses is an admission as to the existence, relevance or admissibility of a document, or as to the truth or accuracy of any statement or characterization contained in the Requests.

I. Defendant incorporates her General Objections into each request below. To the extent that specific objections are cited in response to specific requests, those objections are provided because they are believed to be applicable to the specific request and are not to be construed as a waiver of any of these general objections.

J. Defendant reserves the right to supplement, modify, amend or withdraw these responses and objections.

K. Objections notwithstanding, and specifically reserving and not waiving any privileges or objections, Ms. Hyden's counsel represents that it is not aware of any documents which would be responsive to these requests.

Response to Requests for Production

1. All documents disclosed or identified in Your initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii).

RESPONSE: This Request is premature as Ms. Hyden has not yet disclosed or identified any documents in her initial disclosure. Furthermore, the Fifth Amendment of the United States Constitution provides that “[n]o person . . . shall be compelled in any criminal case to be a witness against himself . . .” The Supreme Court has recognized that the Fifth Amendment not only protects the individual against being involuntarily called as a witness against herself in a criminal prosecution but also privileges her not to answer official questions put to her in any other proceeding, civil or criminal, formal or informal, where the answer might incriminate her in future proceedings. Thus, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

2. All documents that support Your defenses to the claims alleged in the Complaint.

RESPONSE: To the extent this Request implicates privileged documents, Ms. Hyden objects. Ms. Hyden also invokes her Fifth Amendment right not to answer this Request to the extent it calls for production of documents that give Ms. Hyden reasonable

cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

3. All documents that contradict Your defenses to or that support the claims alleged in the Complaint.

RESPONSE: To the extent the term “contradict Your defenses” is ambiguous, Ms. Hyden objects to this Request as vague. To the extent this Request implicates privileged documents, Ms. Hyden objects. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

4. All documents and communications concerning Plaintiff Janet Jenkins.

RESPONSE: To the extent Plaintiffs fail to limit this Request to any relevant time period or topics relevant to this Dispute, Ms. Hyden objects to this Request as impermissibly vague and overbroad. To the extent this Request implicates privileged documents, Ms. Hyden objects. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms.

Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

5. All documents and communications concerning Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

6. All documents and communications concerning Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

7. All communications with Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

8. All communications with Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

9. Documents sufficient to identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOfone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by Defendant Lisa Miller from 2002 to date.

RESPONSE: Ms. Hyden objects to this Request as it calls for the production of documents that are not within Defendant's possession, custody or control. Ms. Hyden further objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available

from public sources. Moreover, Ms. Hyden objects to this Request to the extent it calls for the production of documents that are protected by the attorney-client or work-product privileges. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

10. Documents sufficient to Identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOfone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by or on behalf of Plaintiff Isabella Miller-Jenkins from 2002 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 9.

11. All communications with zeusdesfor@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Ms. Hyden objects to the Request as overbroad. Ms. Hyden invokes her Fifth Amendment

right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

12. All communications with god1ofchild@live.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

13. All communications with the Skype account with the username childofjesus1 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

14. All communications with the Facebook account with identification number 1539940246 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. Ms. Hyden objects to this Request to the extent it calls for the production of documents

that the requesting party already has within its possession, custody or control or are available from public sources. To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Ms. Hyden objects to the Request as overbroad. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

15. All documents and communications concerning names, aliases, or identities used by Defendant Lisa Miller.

RESPONSE: This Request is not limited to relevant time periods or topics; therefore, Ms. Hyden objects to this Request as vague and overbroad. Ms. Hyden also objects to this Request to the extent documents are not in her possession, custody or control. Ms. Hyden further objects to this Request to the extent it seeks production of documents and communications protected by the attorney-client or work-product privileges. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

16. All documents and communications concerning names, aliases, or identities used by Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 15.

17. All documents and communications concerning the Dispute.

RESPONSE: To the extent this Request implicates privileged documents, Ms. Hyden objects. Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control, or are already in the Plaintiffs' possession. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

18. All documents and communications concerning the Court Orders.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 17.

19. All communications on November 20, 2009.

RESPONSE: This Request calls for every communication in Ms. Hyden's possession sent or received on November 20, 2009 regardless of relevance to this Dispute. Therefore, Ms. Hyden objects that this request is overbroad and outside the scope of

discovery permitted by Fed. R. Civ. P. 26(b). Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and narrowing this request to communications relating to this Dispute, defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

20. All documents and communications concerning the Protect Isabella Coalition.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. Ms. Hyden objects to this Request to the extent it calls for the production of documents that the Plaintiffs already have within their possession, custody or control, or are available from public sources. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

21. All documents and communications concerning the website www.protectisabella.com.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 20.

22. All documents and communications concerning the Only One Mommy Facebook group, identification number 81022155363.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 20.*

23. All documents and communications concerning <http://imgodschild.wordpress.com>.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 20.*

24. All documents and communications concerning http://works.bepress.com/rena_lindevaldsen/ concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: **To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any time limitation or further relation to this Dispute, Ms. Hyden objects to the Request as overbroad. Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. Ms. Hyden objects to this Request to the extent it calls for the production of documents that the Plaintiffs already have within their possession, custody or control, or are available from public sources. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.**

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

25. All documents and communications concerning <http://www.debbiethurman.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

26. All documents concerning and communications concerning <http://www.theformers.wordpress.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

27. All documents and communications concerning <https://lezgetreal.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua, and any visits or posts by Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

28. All documents and communications concerning <https://www.lifesitenews.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 24.

29. All communications with Matthew Cullinan Hoffman concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See Response and objections to Plaintiffs' Request to Admit No. 11.*

30. Documents sufficient to show Defendant Lisa Miller's whereabouts from September 13, 2003, through September 19, 2009.

RESPONSE: To the extent the phrase "sufficient to show . . . whereabouts" is vague and undefined, Ms. Hyden objects. Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. To the extent this Request calls for the production of documents protected by the attorney-client or work-product privilege, Ms. Hyden objects. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

31. Documents sufficient to show Plaintiff Isabella Miller-Jenkins's whereabouts from April 16, 2002, through September 19, 2009.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 30.*

32. All documents, regardless of when created or dated, concerning Defendant Lisa Miller's whereabouts from September 20, 2009, to date.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control, or are subject to the attorney-client or work-product privileges. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

33. All documents, regardless of when created or dated, concerning Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 32.

34. All documents and communications concerning Your whereabouts on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: To the extent that this Request calls for documents and communications irrespective of relevance to this Dispute, Ms. Hyden objects that this Request is overbroad and outside the scope of discovery permitted by Fed. R. Civ. P. 26(b). To the extent this Request calls for the production of documents protected by the attorney-client or work-product privilege, Ms. Hyden objects. Further, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of

documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and narrowing this request to communications relating to this Dispute, defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

35. All communications on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 34.*

36. All documents and communications concerning events that happened, or were planned or expected to happen, on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 34.*

37. All documents and communications concerning Nicaragua.

RESPONSE: *To the extent that this Request is unlimited by time or relevance to this Dispute, Ms. Hyden objects that this Request is overbroad. See also Response and objections to Plaintiffs' Request to Produce No. 34.*

38. All documents and communications concerning the Beachy Amish Mennonite Church in Nicaragua.

RESPONSE: *See Responses and objections to Plaintiffs' Request to Produce Nos. 34 and 37.*

39. All communications with the Beachy Amish Mennonite Church in Nicaragua.

RESPONSE: *See Responses and objections to Plaintiffs' Request to Produce Nos. 34 and 37.*

40. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller concerning her compliance or noncompliance with the Court Orders.

RESPONSE: To the extent this Request implicates documents protected by the attorney-client or work-product privileges, Ms. Hyden objects. Ms. Hyden objects to the definition of “Aid.” The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant’s alleged actions constituted aid to the alleged conspiracy is a factual issue. Ms. Hyden also invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

41. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller or Plaintiff Isabella Miller-Jenkins concerning their departure from 203B Greentree Drive, Forest, Virginia, in September 2009, travel to Canada, departure from the United States, travel to Nicaragua, living in Nicaragua, or remaining in Nicaragua.

RESPONSE: See Response and objections to Plaintiffs’ Request to Produce No. 40.

42. All documents and communications concerning Defendant Lisa Miller's efforts to remain undetected by United States authorities, including but not limited to Aid directly or indirectly given to her to allow her to avoid such detection.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 40.*

43. All documents and communications concerning jesman21@gmail.com.

RESPONSE: **To the extent that this request is untethered by any time limitation and not limited to topics relevant to this Dispute, Ms. Hyden objects to this Request as overbroad. Ms. Hyden also invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.**

Without waiver of any general or specific objections and narrowing this request to communications relating to this Dispute, defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

44. All communications with jesman21@gmail.com.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 43.*

45. All communications with Jessica Fehr.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 43.*

46. All documents and communications concerning 203B Greentree Drive, Forest, Virginia, including but not limited to payment of rent and the removal and storage of personal property.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control.

***See also* Response and objections to Plaintiffs' Request to Produce No. 43.**

47. All communications on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

RESPONSE: *See* Response and objections to Plaintiffs' Request to Produce No. 34.

48. All documents and communications concerning events that happened, or were planned or expected to happen, on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

RESPONSE: *See* Response and objections to Plaintiffs' Request to Produce No. 34.

49. All communications with Anthony Phelps, the landlord of 203B Greentree Drive, Forest, Virginia.

RESPONSE: To the extent that this Request calls for all communications with Anthony Phelps regardless of relevance to this Dispute and unlimited to a specific time frame, Ms. Hyden objects that this Request is overbroad and outside the scope of discovery permitted by Fed. R. Civ. P. 26(b). Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and narrowing this Request to communications relating to this Dispute, defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

50. Documents sufficient to Identify all telephone numbers, including but not limited to landlines and cellular lines or applications, used by You in 2009 to date.

RESPONSE: Ms. Hyden objects that this Request is overbroad and irrelevant to this Dispute. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

51. Documents sufficient to Identify all email addresses used by You in 2009 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 50.

52. Documents sufficient to Identify all international calling services and the accounts or numbers, including but not limited to PennyTalk and VIVOphone, used by You in 2009 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 50.

53. Documents sufficient to Identify social media and electronic means of communication used by You in 2009 to date.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. See also Response and objections to Plaintiffs' Request to Produce No. 50.

54. All communications with the Facebook account of Lisa Wall, identification number 1436421487, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Ms. Hyden also objects to this Request to the extent it calls for the production of documents that are not within Defendant's possession, custody or control. To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Ms. Hyden objects to the Request as overbroad. Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

55. All communications with wall4america@netzero.net concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 11.*

56. All communications with the Facebook account of Beth Ehrhorn, identification number 1072853392, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No 54.

57. All communications with behrhorn@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

58. All communications with the Facebook account of Sarah Bloedorn, identification number 1371510997, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 54.

59. All communications with qtjars@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

60. All communications with timjomiller@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

61. All communications with kingdomseeker1@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

62. All communications with millersofwaslala@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

63. All communications with philipz@responseunlimited.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: To the extent this Request seeks all communications relating to Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, Ms. Hyden objects to the Request as overbroad. Ms. Hyden objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Further, Ms. Hyden objects to this Request to the extent it calls for the production of documents not within Ms. Hyden's custody or control. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

64. All documents and communications concerning Your opinions or beliefs concerning same-sex marriage, same-sex civil unions, or same-sex relationships.

RESPONSE: Ms. Hyden objects to this Request as impermissibly overbroad. Ms. Hyden objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. To the extent this Request implicates documents protected by the attorney-client or work-product privileges, Ms. Hyden objects. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

65. All documents and communications concerning Your opinions or beliefs concerning whether homosexual persons should have custody of or visitation with children.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 64.*

66. All documents and communications concerning Your opinions or beliefs concerning the relative supremacy of secular law (including but not limited to court orders and court opinions) over religion, morality, ethics, or conscience.

RESPONSE: The term “relative supremacy” is vague and ambiguous; therefore, Ms. Hyden objects. Ms. Hyden also objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

67. All documents and communications concerning Your opinions or beliefs concerning the relative supremacy of religion, morality, ethics, or conscience over secular law (including but not limited to court orders and court opinions).

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 66.

68. All documents and communications concerning Your opinions or beliefs concerning compliance or noncompliance with the Court Orders.

RESPONSE: Ms. Hyden objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Further, Ms. Hyden objects to this Request to the extent it calls for the production of documents not within Ms. Hyden's custody or control or documents that are protected by the attorney-client privilege. Additionally, Ms. Hyden invokes her Fifth Amendment right not to respond to this Request to the extent it calls for production of documents that give Ms. Hyden reasonable cause to apprehend that responding to the Request could provide the government with evidence to fuel a criminal prosecution.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

69. All documents and communications concerning Your opinions or beliefs concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 68.

Dated: Burlington, Vermont
July 27, 2018



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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, <i>et al.</i> ,)	
Plaintiffs)	
)	
v.)	Docket No. 2:12-cv-184
)	
KENNETH L. MILLER, <i>et al.</i> ,)	
Defendants)	

DEFENDANT RESPONSE UNLIMITED’S RESPONSE TO
PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION

Gravel & Shea PC, attorneys for Defendant Response Unlimited (“RUL” or “Defendant”), responds as follows to Plaintiffs’ First Set of Requests for Production dated June 27, 2018.

General Objections and Reservation of Privileges

A. Defendant objects to the Requests to the extent they call for the production of documents or information that are protected from disclosure as attorney-client privileged, attorney work-product, trade secrets or by other privileges. If any privileged documents are inadvertently produced, the production of said documents shall not be deemed a waiver of any such protections, and Defendant hereby demands the immediate return of any such documents.

B. Defendant objects to the Requests to the extent they call for the production of documents that are not within Defendant’s possession, custody or control.

C. Defendant objects to the Requests to the extent they are duplicative of Plaintiffs’ First Set of Jurisdictional Requests to Produce, including Nos. 24 and 25, which requested

Defendant produce all documents “related to Lisa Miller, Isabella Miller-Jenkins, [] Janet Jenkins” “or in any way otherwise related to the subject matter of this lawsuit.”

D. In response to Plaintiffs’ First Set of Jurisdictional Requests to Produce Nos. 24 and 25 and this Court’s Memorandum and Order, dated March 19, 2014, RUL produced all documents previously produced pursuant to a government subpoena. As such, Defendant objects to the Requests to the extent they call for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources.

E. Defendant objects to the Requests to the extent they seek to impose burdens and obligations in excess of those required under the Federal Rules of Civil Procedure and case law.

F. Defendant objects to the Requests to the extent that they are unreasonably cumulative or duplicative or can be obtained from another source that is more convenient, less burdensome or less expensive.

G. Defendant objects to the definition of “Aid.” The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant’s alleged actions constituted aid to the alleged conspiracy is a factual and legal issue.

H. None of these responses is an admission as to the existence, relevance or admissibility of a document, or as to the truth or accuracy of any statement or characterization contained in the Requests.

I. Defendant objects to Plaintiffs’ definition of the word “You” to the extent that it requires Defendant to produce documents, communications or information related to or concerning Defendant’s employees, officers or directors outside the scope of their employment

with RUL. Defendant does not monitor or keep information related to employees, officers or directors' activities outside the scope of their employment with RUL.

J. Defendant incorporates its General Objections into each request below. To the extent that specific objections are cited in response to specific requests, those objections are provided because they are believed to be applicable to the specific request and are not to be construed as a waiver of any of these general objections.

K. Defendant reserves the right to supplement, modify, amend or withdraw these responses and objections.

L. If not specifically stated in response to a particular request, as to all requests, RUL is undertaking a forensic search of its ESI, and will supplement these responses if additional non-privileged responsive material becomes apparent.

Response to Requests for Production

1. All documents disclosed or identified in Your initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii).

RESPONSE: This Request is premature as RUL has not yet disclosed or identified any documents in its initial disclosures. RUL objects that this Request is overbroad and duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25 and other requests which have been made. RUL further objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources.

2. All documents that support Your defenses to the claims alleged in the Complaint.

RESPONSE: RUL objects to this Request as vague. RUL objects to this Request to the extent it calls for the production of documents protected by the attorney-client or work-

product privileges. RUL objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

3. All documents that contradict Your defenses to or that support the claims alleged in the Complaint.

RESPONSE: See Response and Objections to Plaintiffs' Request to Produce No. 2.

4. All documents and communications concerning Plaintiff Janet Jenkins.

RESPONSE: RUL objects to this Request to the extent it calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. RUL objects to this Request to the extent it calls for the production of documents protected by the attorney-client or work-product privileges. Additionally, RUL objects that this Request is overbroad and duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to

Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

5. All documents and communications concerning Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

6. All documents and communications concerning Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

7. All communications with Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

8. All communications with Defendant Lisa Miller.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

9. Documents sufficient to identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVophone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by Defendant Lisa Miller from 2002 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

10. Documents sufficient to Identify and disclose all telephone numbers; email addresses; international calling services, including but not limited to PennyTalk and VIVOfone; electronic means of communication; communications applications accounts, including but not limited to WhatsApp, Viber, and Signal; and social media accounts or applications, including but not limited to Facebook, Twitter, Snapchat, and Instagram, used by or on behalf of Plaintiff Isabella Miller-Jenkins from 2002 to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 4.

11. All communications with zeusdesfor@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: To the extent this Request seeks all communications mentioning Nicaragua or the Beachy Amish Mennonites without any further relation to this Dispute, RUL objects to the Request as overbroad. Moreover, RUL objects to this Request to the extent it calls for the production of documents protected by the attorney-client or work-product privileges. This Request is also duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. Furthermore, RUL objects to the extent this Request calls for the production of documents that the requesting party already has within its possession, custody or control or are available from public sources. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any relevant, responsive, non-privileged documents are located.

12. All communications with god1ofchild@live.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

13. All communications with the Skype account with the username childofjesus1 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

14. All communications with the Facebook account with identification number 1539940246 concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

15. All documents and communications concerning names, aliases, or identities used by Defendant Lisa Miller.

RESPONSE: To the extent this Request is not limited to a relevant time period, RUL objects that this Request is overbroad. Without waiver of any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

16. All documents and communications concerning names, aliases, or identities used by Plaintiff Isabella Miller-Jenkins.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 15.

17. All documents and communications concerning the Dispute.

RESPONSE: RUL objects to this Request as redundant to Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL objects to the extent this Request implicates documents protected by the attorney-client or work-product privileges. Without waiver of any general objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

18. All documents and communications concerning the Court Orders.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 17.

19. All communications on November 20, 2009.

RESPONSE: Objection; RUL is a direct mailing company with many clients unrelated to this Dispute. Collecting all documents sent or received on a particular date without any analysis of their relation to this Dispute is impermissibly overbroad and imposes an undue burden on RUL.

20. All documents and communications concerning the Protect Isabella Coalition.

RESPONSE: RUL objects to this Request as redundant to Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

21. All documents and communications concerning the website www.protectisabella.com.

RESPONSE: RUL objects to this Request as redundant to Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL also objects to the extent this Request calls for documents already in the Plaintiffs' possession or available from a public source. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

22. All documents and communications concerning the Only One Mommy Facebook group, identification number 81022155363.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 21.

23. All documents and communications concerning <http://imgodschild.wordpress.com>.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 21.

24. All documents and communications concerning http://works.bepress.com/rena_lindevaldsen/ concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 11.*

25. All documents and communications concerning <http://www.debbiethurman.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 11.*

26. All documents concerning and communications concerning <http://www.theformers.wordpress.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 11.*

27. All documents and communications concerning <https://lezgetreal.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua, and any visits or posts by Defendant Lisa Miller.

RESPONSE: *See Response and objections to Plaintiffs' Request to Produce No. 11.*

28. All documents and communications concerning <https://www.lifesitenews.com/> concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date;

Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

29. All communications with Matthew Cullinan Hoffman concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

30. Documents sufficient to show Defendant Lisa Miller's whereabouts from September 13, 2003, through September 19, 2009.

RESPONSE: To the extent the phrase "sufficient to show . . . whereabouts" is vague and undefined, RUL objects. RUL objects that this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL objects to the extent this Request calls for the production of documents protected by the attorney-client or work-product privileges. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

31. Documents sufficient to show Plaintiff Isabella Miller-Jenkins's whereabouts from April 16, 2002, through September 19, 2009.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 30.

32. All documents, regardless of when created or dated, concerning Defendant Lisa Miller's whereabouts from September 20, 2009, to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 30.

33. All documents, regardless of when created or dated, concerning Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 30.

34. All documents and communications concerning Your whereabouts on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: Objection; at all times RUL has been located at 284 Shalom Road, Waynesboro, VA 2290-7349. To the extent that this Request calls for documents and communications regarding the activities of RUL employees, officers or directors outside their capacity as employees of RUL, RUL objects. RUL does not keep track of the whereabouts of its employees or agents when they are not engaged in the ordinary course of RUL's business. Narrowing this Request to only documents and communications on September 20, 2009, September 21, 2009, and September 22, 2009, relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

35. All communications on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: Objection; this Request calls for all business communications regardless of their relation to this Dispute. Therefore, this Request is overbroad. Narrowing this Request to only communications on September 20, 2009, September 21, 2009, and September 22, 2009, relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

36. All documents and communications concerning events that happened, or were planned or expected to happen, on September 20, 2009, September 21, 2009, and September 22, 2009.

RESPONSE: Objection; this Request calls for all documents and communications concerning events that happened, or were planned or expected to happen, on September 20, 2009, September 21, 2009, and September 22, 2009, regardless of relevance to this Dispute. Therefore, this Request is overbroad. Narrowing this Request to only documents or communications responsive to this Request and relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

37. All documents and communications concerning Nicaragua.

RESPONSE: Objection; to the extent this Request calls for all documents and communications concerning Nicaragua regardless of whether such communications are relevant to this Dispute, this Request is overbroad. Narrowing this Request to only documents or communications responsive to this Request and relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

38. All documents and communications concerning the Beachy Amish Mennonite Church in Nicaragua.

RESPONSE: Objection; to the extent this Request calls for all documents and communications concerning the Beachy Amish Mennonite Church in Nicaragua regardless of whether such communications or documents are relevant to this Dispute, this Request is overbroad. Narrowing this Request to only documents or communications responsive to this Request and relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

39. All communications with the Beachy Amish Mennonite Church in Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 38.

40. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller concerning her compliance or noncompliance with the Court Orders.

RESPONSE: RUL objects that this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL further objects to the extent the documents and communications requested are already in the possession and control of the Plaintiffs or are available from a public source. RUL objects to the definition of "Aid." The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant's alleged actions constituted aid to the alleged conspiracy is a factual issue. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to

Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

41. All documents and communications concerning any Aid directly or indirectly given to Defendant Lisa Miller or Plaintiff Isabella Miller-Jenkins concerning their departure from 203B Greentree Drive, Forest, Virginia, in September 2009, travel to Canada, departure from the United States, travel to Nicaragua, living in Nicaragua, or remaining in Nicaragua.

RESPONSE: RUL objects that this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL further objects to the extent the documents and communications requested are already in the possession and control of the Plaintiffs or are available from a public source. RUL objects to the definition of "Aid." The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant's alleged actions constituted aid to the alleged conspiracy is a factual issue. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

42. All documents and communications concerning Defendant Lisa Miller's efforts to remain undetected by United States authorities, including but not limited to Aid directly or indirectly given to her to allow her to avoid such detection.

RESPONSE: RUL objects that this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL further objects to the extent the documents and communications requested are already in the possession and control of the Plaintiffs or are available from a public source. RUL objects to the definition of "Aid." The definition is overly broad and vague as it implies that many acts allegedly taken by Defendant were done with the intent to commit the torts alleged in Counts I and II of the Revised Second Amended Complaint. Whether any of Defendant's alleged actions constituted aid to the alleged conspiracy is a factual issue. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

43. All documents and communications concerning jesman21@gmail.com.

RESPONSE: To the extent that this Request is not limited to the subject matter of this Dispute or any timeframe relevant to this Dispute, RUL objects that this Request is overbroad. Narrowing this Request to only documents or communications responsive to this Request and relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

Without waiving any general or specific objections and narrowing this Request to documents relevant to this Dispute, RUL will continue to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

44. All communications with jesman21@gmail.com.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 43.

45. All communications with Jessica Fehr.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 43.

46. All documents and communications concerning 203B Greentree Drive, Forest, Virginia, including but not limited to payment of rent and the removal and storage of personal property.

RESPONSE: To the extent that this Request is not limited to the subject matter of this Dispute or any timeframe relevant to this Dispute, RUL objects that this Request is overbroad. RUL objects that this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL further objects to the extent the documents and communications requested are already in the possession and control of the Plaintiffs or are available from a public source. Without waiving any general or specific objections, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

47. All communications on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

RESPONSE: This Request calls for all documents and communications regardless of their relation to this Dispute. Therefore, this Request is overbroad. Narrowing this Request to documents and communications responsive to this Request and relevant to this Dispute, this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25.

48. All documents and communications concerning events that happened, or were planned or expected to happen, on November 8, 2009, November 9, 2009, November 10, 2009, November 11, 2009, November 12, 2009, and November 13, 2009.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 47.

49. All communications with Anthony Phelps, the landlord of 203B Greentree Drive, Forest, Virginia.

RESPONSE: To the extent that this Request is not limited to the subject matter of this Dispute or any timeframe relevant to this Dispute, RUL objects that this Request is overbroad. Further, RUL objects that this Request is duplicative of Plaintiffs' First Set of Jurisdictional Requests to Produce Nos. 24 and 25. RUL further objects to the extent the documents and communications requested are already in the possession and control of the Plaintiffs or are available from a public source. Without waiving any general or specific objections and narrowing this Request to communications related to this Dispute, RUL directs Plaintiffs to RUL 0001-1148 which were attached to Response Unlimited, Inc.'s Third Supplemental Response to Plaintiffs' First Set of Jurisdictional Interrogatories and Requests to Produce.

Without waiver of any general or specific objections and pursuant to Fed. R. Civ. P. 34(b)(2)(C), defense counsel represents that no responsive, non-privileged documents have been withheld on the basis of these objections.

RUL is continuing to make a reasonable search for any additional documents within its possession, custody or control and will make supplemental productions if any responsive, non-privileged documents are located.

50. Documents sufficient to Identify all telephone numbers, including but not limited to landlines and cellular lines or applications, used by You in 2009 to date.

RESPONSE: To the extent that this Request seeks the personal telephone numbers of employees, officers, directors or affiliates of RUL unrelated to their employment or affiliation with RUL, RUL objects. RUL further objects to this request to the extent that RUL's company contact information is publicly available to Plaintiffs at <http://www.responseunlimited.com/contact/>. Without waiver of RUL's general or specific objections, *see* RUL 0200.

51. Documents sufficient to Identify all email addresses used by You in 2009 to date.

RESPONSE: To the extent that this Request seeks the personal e-mail addresses of employees, officers, directors or affiliates of RUL unrelated to their employment or affiliation with RUL, RUL objects. RUL further objects to this request to the extent that RUL's company contact information is publicly available to Plaintiffs at <http://www.responseunlimited.com/contact/>. Without waiver of RUL's general or specific objections, *see* RUL 0643.

52. Documents sufficient to Identify all international calling services and the accounts or numbers, including but not limited to PennyTalk and VIVOphone, used by You in 2009 to date.

RESPONSE: To the extent that this Request seeks documents sufficient to Identify all international calling services used by employees, officers, directors or affiliates of RUL unrelated to their employment or affiliation with RUL, RUL objects. Without waiver of any general or specific objections, and subject to further investigation, RUL has no

documents responsive to this Request and no documents have been withheld pursuant to the above listed objections.

53. Documents sufficient to Identify social media and electronic means of communication used by You in 2009 to date.

RESPONSE: To the extent that this Request seeks documents sufficient to Identify all social media and electronic means of communication used by employees, officers, directors or affiliates of RUL unrelated to their employment or affiliation with RUL, RUL objects. RUL does not track the personal social media accounts of RUL's employees, officers, directors or affiliates. RUL further objects to the extent Plaintiffs have documents responsive to this Request in their possession or to the extent that RUL's company contact information is publicly available to Plaintiffs at [http://www.responseunlimited.com /contact/](http://www.responseunlimited.com/contact/). Without waiver of RUL's general or specific objections, *see* RUL 0643.

54. All communications with the Facebook account of Lisa Wall, identification number 1436421487, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See* Response and objections to Plaintiffs' Request to Produce No. 11.

55. All communications with wall4america@netzero.net concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: *See* Response and objections to Plaintiffs' Request to Produce No. 11.

56. All communications with the Facebook account of Beth Ehrhorn, identification number 1072853392, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

57. All communications with behrhorn@aol.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

58. All communications with the Facebook account of Sarah Bloedorn, identification number 1371510997, concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

59. All communications with qtjars@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

60. All communications with timjomiller@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

61. All communications with kingdomseeker1@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

62. All communications with millersofwaslala@gmail.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

63. All communications with philipz@responseunlimited.com concerning the Dispute; Defendant Lisa Miller's whereabouts from September 20, 2009, to date; Plaintiff Isabella Miller-Jenkins's whereabouts from September 20, 2009, to date; the Beachy Amish Mennonites; or Nicaragua.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 11.

64. All documents and communications concerning Your policies or positions concerning same-sex marriage, same-sex civil unions, or same-sex relationships.

RESPONSE: Objection; RUL as a corporation has no policies or positions concerning same-sex marriage, same-sex civil unions or same-sex relationships. To the extent that this Request seeks documents and communications concerning RUL's employees, directors, officers or affiliates' policies and positions relating to same-sex marriage, RUL objects to this Request as overbroad and vague. RUL does not keep records of its employees' beliefs, policies or procedures related to same-sex marriage. To

the extent that RUL's direct mailings espouse a position on these matters, these mailings reflect the beliefs of RUL's direct mailing clients not RUL as a corporation.

65. All documents and communications concerning Your policies or positions concerning whether homosexual persons should have custody of or visitation with children.

RESPONSE: See Response and objections to Plaintiffs' Request to Produce No. 64.

66. All documents and communications concerning Your policies or positions concerning the relative supremacy of secular law (including but not limited to court orders and court opinions) over religion, morality, ethics, or conscience.

RESPONSE: The term "relative supremacy" is vague and ambiguous; therefore, RUL objects. See also Response and objections to Plaintiffs' Request to Produce No. 64.

67. All documents and communications concerning Your policies or positions concerning the relative supremacy of religion, morality, ethics, or conscience over secular law (including but not limited to court orders and court opinions).

RESPONSE: The term "relative supremacy" is vague and ambiguous; therefore, RUL objects. See also Response and objections to Plaintiffs' Request to Produce No. 64.

68. All documents and communications concerning Your policies or positions concerning compliance or noncompliance with the Court Orders.

RESPONSE: Objection; RUL as a corporation has no policies or positions concerning compliance or noncompliance with the Court Orders. To the extent that this Request seeks documents and communications concerning RUL's employees, directors, officers or affiliates' policies or positions concerning compliance or noncompliance with the Court Orders, RUL objects. RUL does not keep records of its employees' policies or procedures concerning compliance or noncompliance with the Court Orders.

69. All documents and communications concerning Your policies or positions concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins.

RESPONSE: Objection; RUL as a corporation has no policies or positions concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins. To the extent that this Request seeks documents and communications concerning RUL's employees, directors, officers or affiliates' policies or positions concerning compliance or noncompliance with concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins, RUL objects. RUL does not keep records of its employees' policies or procedures concerning whether Plaintiff Janet Jenkins should have custody of or visitation with Plaintiff Isabella Miller-Jenkins.

Dated: Burlington, Vermont
July 27, 2018



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For Defendant Response Unlimited

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

JANET JENKINS, *et al.*,)
Plaintiffs)
v.)
KENNETH L. MILLER, *et al.*,)
Defendants.)

Docket No. 2:12-cv-184

**DEFENDANT PHILIP ZODHIATES’ RESPONSES AND OBJECTIONS TO PLAINTIFF
JANET JENKINS’ SECOND SET OF REQUESTS FOR PRODUCTION**

Defendant Philip Zodhiates, by and through counsel and pursuant to Federal Rule of Civil Procedure 34 and Local Rules 26 and 34, provides the following responses and objections to Plaintiff Janet Jenkins’s Second Set of Requests for Production.

OBJECTIONS

1. Mr. Zodhiates objects to these Requests insofar as they purport to impose definitions, instructions, and requirements different from and in addition to those set forth in the Federal Rules of Civil Procedure and/or the Local Rules. Such additional or conflicting definitions, instructions, and requirements constitute improper impositions on Mr. Zodhiates and impose undue burdens on him in responding to these Requests.
2. Mr. Zodhiates further objects to these Requests to the extent that they call to for the production of documents that give Mr. Zodhiates reasonable cause to believe that the production will provide the government with evidence to support a criminal prosecution.
3. Mr. Zodhiates objects to these Requests to the extent they call for the production of documents already in Plaintiffs’ possession, custody, or control on the ground that they are unduly burdensome. Mr. Zodhiates further objects to these Requests to the extent they call for the production of documents in the public domain, which have been publicly disseminated, or documents that are already in Plaintiffs’ possession, custody, or control as a result of the numerous

civil or criminal cases related to the dispute between Lisa Miller and Janet Jenkins, or the disappearance of Lisa Miller.

4. Mr. Zodhiates further objects to these Requests to the extent they purport to require production of documents that are protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the common-interest privilege, the work product doctrine, or any other privilege or protection.

5. Mr. Zodhiates further objects to these Requests to the extent that he is precluded from making what otherwise might be considered a reasonable search of documents because he has no physical or electronic access.

6. Mr. Zodhiates incorporates these General Objections into each response below.

REQUESTS FOR PRODUCTION

70. All agreements between You and any Defendant or nonparty to engage in a joint defense in this case.

RESPONSE: Zodhiates has no responsive documents. Zodhiates further states that Defendants have an oral joint-defense/common-interest agreement.

71. All Documents that You (or an attorney or agent then acting on Your behalf) received in any way from any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request

does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: Zodhiates objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. Zodhiates further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Zodhiates further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

72. All Documents that You (or an attorney or agent then acting on Your behalf) in any way gave to any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: Zodhiates objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. Zodhiates further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Zodhiates further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

73. All of Your Communications (or those of an attorney or agent then acting on Your behalf) with any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Communications filed on the public docket of any court, Communications that included Plaintiffs (or an attorney or agent then acting on Plaintiffs' behalf), Communications that were served on or produced to Plaintiffs, or Communications that were served or produced by Plaintiffs.

RESPONSE: Zodhiates objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. Zodhiates further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Zodhiates further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Zodhiates further objects to this Request because it is duplicative of Requests 71 and 72. Responsive materials are being withheld based on these objections.

74. All of Your Communications (or those of an attorney or agent then acting on Your behalf) with any current or then-current nonparty (or an attorney or agent then acting on a current or then-current nonparty's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal

or retention of Isabella Miller-Jenkins outside the United States. This request does not include Communications filed on the public docket of any court, Communications that included Plaintiffs (or an attorney or agent then acting on Plaintiffs' behalf), Communications that were served on or produced to Plaintiffs, or Communications that were served or produced by Plaintiffs.

RESPONSE: Zodhiates objects to this Request because it seeks documents subject to the work product doctrine. Zodhiates further objects to this Request to the extent it seeks documents subject to joint-defense privilege or common-interest privilege. Zodhiates further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Zodhiates further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

75. All Documents that You (or an attorney or agent then acting on Your behalf) received in any way from any current or then-current nonparty (or an attorney or agent then acting on a current or then-current nonparty's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: Zodhiates objects to this Request because it seeks documents subject to the work product doctrine. Zodhiates further objects to this Request to the extent it seeks documents subject to joint-defense privilege or common-interest privilege. Zodhiates further

objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Zodhiates further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Zodhiates further objects to this Request because it is duplicative of Request 74. Responsive materials are being withheld based on these objections.

76. All Documents and information You are required to disclose under Rule 26(a)(2) in this case.

RESPONSE: See Zodhiates' Rule 26(a)(2) disclosures and documents he has produced.

77. All Documents and Communications that relate to compensation for Your experts' studies or testimonies in this case.

RESPONSE: Zodhiates has no responsive documents.

78. All Documents and Communications that identify all facts and data that Your experts considered in forming the opinions to be expressed in this case.

RESPONSE: Zodhiates has no responsive documents.

79. All Documents and Communications that identify all assumptions that Your experts relied on in forming the opinions to be expressed in this case.

RESPONSE: Zodhiates has no responsive documents.

September 16, 2020

/s/ Michael R. Hirsh
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Counsel for Defendant Philip Zodhiates

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

JANET JENKINS, et al.,)
Plaintiffs)
)
v.) **Docket No. 2:12-cv-184**
)
KENNETH L. MILLER, et al.,)
Defendants.)

**DEFENDANT VICTORIA HYDEN’S RESPONSES AND OBJECTIONS TO PLAINTIFF
JANET JENKINS’ SECOND SET OF REQUESTS FOR PRODUCTION**

Defendant Victoria Hyden, by and through counsel and pursuant to Federal Rule of Civil Procedure 34 and Local Rules 26 and 34, provides the following responses and objections to Plaintiff Janet Jenkins’s Second Set of Requests for Production.

OBJECTIONS

1. Ms. Hyden objects to these Requests insofar as they purport to impose definitions, instructions, and requirements different from and in addition to those set forth in the Federal Rules of Civil Procedure and/or the Local Rules. Such additional or conflicting definitions, instructions, and requirements constitute improper impositions on Ms. Hyden and impose undue burdens on her in responding to these Requests.
2. Ms. Hyden further objects to these Requests to the extent that they call to for the production of documents that give Ms. Hyden reasonable cause to believe that the production will provide the government with evidence to support a criminal prosecution.
3. Ms. Hyden objects to these Requests to the extent they call for the production of documents already in Plaintiffs’ possession, custody, or control on the ground that they are unduly burdensome. Ms. Hyden further objects to these Requests to the extent they call for the production of documents in the public domain, which have been publicly disseminated, or documents that are already in Plaintiffs’ possession, custody, or control as a result of the numerous civil or criminal

cases related to the dispute between Lisa Miller and Janet Jenkins, or the disappearance of Lisa Miller.

4. Ms. Hyden further objects to these Requests to the extent they purport to require production of documents that are protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint-defense privilege, the common-interest privilege, the work product doctrine, or any other privilege or protection.

5. Ms. Hyden incorporates these General Objections into each response below.

REQUESTS FOR PRODUCTION

70. All agreements between You and any Defendant or nonparty to engage in a joint defense in this case.

RESPONSE: Hyden has no responsive documents. Hyden further states that Defendants have an oral joint-defense/common-interest agreement.

71. All Documents that You (or an attorney or agent then acting on Your behalf) received in any way from any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: Hyden objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. Hyden further objects to this Request

because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Hyden further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

72. All Documents that You (or an attorney or agent then acting on Your behalf) in any way gave to any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: Hyden objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. Hyden further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Hyden further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

73. All of Your Communications (or those of an attorney or agent then acting on Your behalf) with any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case;

or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Communications filed on the public docket of any court, Communications that included Plaintiffs (or an attorney or agent then acting on Plaintiffs' behalf), Communications that were served on or produced to Plaintiffs, or Communications that were served or produced by Plaintiffs.

RESPONSE: Hyden objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. Hyden further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Hyden further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Hyden further objects to this Request because it is duplicative of Requests 71 and 72. Responsive materials are being withheld based on these objections.

74. All of Your Communications (or those of an attorney or agent then acting on Your behalf) with any current or then-current nonparty (or an attorney or agent then acting on a current or then-current nonparty's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Communications filed on the public docket of any court, Communications that included Plaintiffs (or an attorney or agent then acting on Plaintiffs' behalf), Communications that were served on or produced to Plaintiffs, or Communications that were served or produced by Plaintiffs.

RESPONSE: Hyden objects to this Request because it seeks documents subject to the work product doctrine. Hyden further objects to this Request to the extent it seeks documents subject to joint defense privilege or common-interest privilege. Hyden further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Hyden further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

75. All Documents that You (or an attorney or agent then acting on Your behalf) received in any way from any current or then-current nonparty (or an attorney or agent then acting on a current or then-current nonparty's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: Hyden objects to this Request because it seeks documents subject to the work product doctrine. Hyden further objects to this Request to the extent it seeks documents subject to joint-defense privilege or common-interest privilege. Hyden further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. Hyden further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Hyden further objects to this Request because

it is duplicative of Request 74. Responsive materials are being withheld based on these objections.

76. All Documents and information You are required to disclose under Rule 26(a)(2) in this case.

RESPONSE: See Hyden's Rule 26(a)(2) disclosures and documents she has produced.

77. All Documents and Communications that relate to compensation for Your experts' studies or testimonies in this case.

RESPONSE: Hyden has no responsive documents.

78. All Documents and Communications that identify all facts and data that Your experts considered in forming the opinions to be expressed in this case.

RESPONSE: Hyden has no responsive documents.

79. All Documents and Communications that identify all assumptions that Your experts relied on in forming the opinions to be expressed in this case.

RESPONSE: Hyden has no responsive documents.

September 16, 2020

/s/ Michael R. Hirsh
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Counsel for Defendant Victoria Hyden

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

JANET JENKINS, <i>et al.</i>,)	
Plaintiffs)	
)	
v.)	Docket No. 2:12-cv-184
)	
KENNETH L. MILLER, <i>et al.</i>,)	
Defendants.)	

**DEFENDANT RESPONSE UNLIMITED INC.'S RESPONSES AND OBJECTIONS TO
PLAINTIFF JANET JENKINS' SECOND SET OF REQUESTS FOR PRODUCTION**

Defendant Response Unlimited Inc. (hereinafter RUL), by and through counsel and pursuant to Federal Rule of Civil Procedure 34 and Local Rules 26 and 34, provides the following responses and objections to Plaintiff Janet Jenkins's Second Set of Requests for Production.

OBJECTIONS

1. RUL objects to these Requests insofar as they purport to impose definitions, instructions, and requirements different from and in addition to those set forth in the Federal Rules of Civil Procedure and/or the Local Rules. Such additional or conflicting definitions, instructions, and requirements constitute improper impositions on RUL and impose undue burdens on it in responding to these Requests.
2. RUL further objects to these Requests to the extent that they call to for the production of documents that give RUL reasonable cause to believe that the production will provide the government with evidence to support a criminal prosecution.
3. RUL objects to these Requests to the extent they call for the production of documents already in Plaintiffs' possession, custody, or control on the ground that they are unduly burdensome. RUL further objects to these Requests to the extent they call for the production of documents in the public domain, which have been publicly disseminated, or documents that are already in Plaintiffs'

possession, custody, or control as a result of the numerous civil or criminal cases related to the dispute between Lisa Miller and Janet Jenkins, or the disappearance of Lisa Miller.

4. RUL further objects to these Requests to the extent they purport to require production of documents that are protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint-defense privilege, the common-interest privilege, the work product doctrine, or any other privilege or protection.

5. RUL incorporates these General Objections into each response below.

REQUESTS FOR PRODUCTION

70. All agreements between You and any Defendant or nonparty to engage in a joint defense in this case.

RESPONSE: RUL has no responsive documents. RUL further states that Defendants have an oral joint-defense/common-interest agreement.

71. All Documents that You (or an attorney or agent then acting on Your behalf) received in any way from any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: RUL objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. RUL further objects to this Request because it is

not proportional to the needs of the case, is unduly burdensome, and is overbroad. RUL further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

72. All Documents that You (or an attorney or agent then acting on Your behalf) in any way gave to any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: RUL objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. RUL further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. RUL further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

73. All of Your Communications (or those of an attorney or agent then acting on Your behalf) with any other current or then-current Defendant (or an attorney or agent then acting on another current or then-current Defendant's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the

removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Communications filed on the public docket of any court, Communications that included Plaintiffs (or an attorney or agent then acting on Plaintiffs' behalf), Communications that were served on or produced to Plaintiffs, or Communications that were served or produced by Plaintiffs.

RESPONSE: RUL objects to this Request because it seeks documents subject to joint defense privilege and common-interest privilege. RUL further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. RUL further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. RUL further objects to this Request because it is duplicative of Requests 71 and 72. Responsive materials are being withheld based on these objections.

74. All of Your Communications (or those of an attorney or agent then acting on Your behalf) with any current or then-current nonparty (or an attorney or agent then acting on a current or then-current nonparty's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Communications filed on the public docket of any court, Communications that included Plaintiffs (or an attorney or agent then acting on Plaintiffs' behalf), Communications that were served on or produced to Plaintiffs, or Communications that were served or produced by Plaintiffs.

RESPONSE: RUL objects to this Request because it seeks documents subject to the work product doctrine. RUL further objects to this Request to the extent it seeks documents subject to joint defense privilege or common-interest privilege. RUL further objects to this

Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. RUL further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. Responsive materials are being withheld based on these objections.

75. All Documents that You (or an attorney or agent then acting on Your behalf) received in any way from any current or then-current nonparty (or an attorney or agent then acting on a current or then-current nonparty's behalf) on or after August 14, 2012, that Concern: this case; or any fact alleged in this case; or any legal claim raised in this case; or any defense raised in this case; or Janet Jenkins; or Isabella Miller-Jenkins; or Lisa Miller; or the removal or retention of Isabella Miller-Jenkins outside the United States; or any charges, convictions, or sentences related to the removal or retention of Isabella Miller-Jenkins outside the United States. This request does not include Documents filed on the public docket of any court, Documents that were served on or produced to Plaintiffs, or Documents served or produced by Plaintiffs.

RESPONSE: RUL objects to this Request because it seeks documents subject to the work product doctrine. RUL further objects to this Request to the extent it seeks documents subject to joint-defense privilege or common-interest privilege. RUL further objects to this Request because it is not proportional to the needs of the case, is unduly burdensome, and is overbroad. RUL further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense. RUL further objects to this Request because it is duplicative of Request 74. Responsive materials are being withheld based on these objections.

76. All Documents and information You are required to disclose under Rule 26(a)(2) in this case.

RESPONSE: See RUL's Rule 26(a)(2) disclosures and documents it has produced.

77. All Documents and Communications that relate to compensation for Your experts' studies or testimonies in this case.

RESPONSE: RUL has no responsive documents.

78. All Documents and Communications that identify all facts and data that Your experts considered in forming the opinions to be expressed in this case.

RESPONSE: RUL has no responsive documents.

79. All Documents and Communications that identify all assumptions that Your experts relied on in forming the opinions to be expressed in this case.

RESPONSE: RUL has no responsive documents.

September 16, 2020

/s/ Michael R. Hirsh
Hirsh & Heuser LLC
125 TownPark Drive
Suite 300
Kennesaw, GA 30144
404.713.4400
mrhirsh@hirshandheuser.com
*Counsel for Defendant Response Unlimited
Inc.*

Subject: RE: Supplement Documents per Plaintiff's Request for Production
Date: Tuesday, March 30, 2021 at 2:36:22 PM Eastern Daylight Time
From: Michael@Hirsh.law
To: 'Sarah Star'
CC: Michael@Hirsh.law
Attachments: image001.jpg, image002.jpg

On the question of Philip Zodhiates, he is no longer at Ashland FCI and has been transferred to a halfway house (my designation, don't know if it goes by another title.) It is in Virginia.

As to your contemplated Motion re: Victoria Hyden, you represent to the Court that she is not invoking her 5th Amendment privilege. No decision has been made on that question.

On the File I have in my possession, I will evaluate our position when I review the brief. While I acknowledge a indemnification provision is atypical, given that whether anything arose from it is solely within SPLC and related counsel's control, I thought it would be an easier alternative.

Michael R. Hirsh
Hirsh Law Office, LLC
2295 Towne Lake Pkwy
Suite 116-181
Woodstock, Georgia 30189
678-653-9907 Office

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From: Sarah Star <sarahstar.esq@gmail.com>
Sent: Tuesday, March 30, 2021 2:19 PM
To: Michael Hirsh <Michael@Hirsh.law>
Cc: Scott McCoy <Scott.McCoy@splcenter.org>; Diego Soto (diego.soto@splcenter.org) <Diego.Soto@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>; Beth Littrell <beth.littrell@splcenter.org>; Joselson, Emily <EJoselson@langrock.com>; Fritz Langrock <FLangrock@langrock.com>; J. Clemons Esq. <Tyler.Clemons@splcenter.org>; Aaron Fleisher <aaron.fleisher@splcenter.org>
Subject: Re: Supplement Documents per Plaintiff's Request for Production

Michael,

Your fear of potential criminal liability from producing grand jury documents lawfully within your and your clients' possession, custody, and control--though unwarranted given our legal arguments below--can easily be

avoided through an unopposed motion to compel production of those documents. Indemnification would not be necessary under those circumstances, and Plaintiff and her counsel will not agree to that method of acquiring these responsive documents from your clients. We intend to file such a motion to compel by close of business today. Please let me know by then whether it is unopposed.

As for the portion of the motion regarding the order for disclosure of the grand jury testimony not in your possession: This is the substance:

The Court should order disclosure of Hyden’s grand jury testimony transcript. The court “in the district where the grand jury convened,” Fed. R. Crim. P. 6(e)(3)(F), “may authorize disclosure—of a grand-jury matter: (i) preliminarily to or in connection with a judicial proceeding,” Fed. R. Crim. P. 6(e)(3)(E). Disclosure in connection with a judicial proceedings is permissible if “the material . . . is needed to avoid a possible injustice in another judicial proceeding, . . . the need for disclosure is greater than the need for continued secrecy, and . . . the[] request is structured to cover only material so needed.” *Sells Eng’g, Inc.*, 463 U.S. at 443 (quoting *Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 222 (1979)). “[A] court called upon to determine whether grand jury transcripts should be released necessarily is infused with substantial discretion.” *Douglas Oil Co. of Cal.*, 441 U.S. at 223 (citing *Pittsburgh Plate Glass Co. v. United States*, 360 U.S. 395, 399 (1959)).

Plaintiff seeks to use Hyden’s grand jury testimony transcript to impeach Hyden, refresh her recollection, and test her credibility. “[T]he typical showing of particularized need arises when a litigant seeks to use ‘the grand jury transcript at the trial to impeach a witness, to refresh his recollection, to test his credibility and the like’” because “[s]uch use is necessary to avoid misleading the trier of fact.” *Id.* at 222 n.12 (quoting *United States v. Procter & Gamble Co.*, 356 U.S. 677, 683 (1958)); *see also Mitchell v. City of Chi.*, No. 18-cv-7357, 2019 WL 3287844, at *2 (N.D. Ill. July 22, 2019) (holding petitioner showed need for grand jury testimony transcript to avoid possible injustice in § 1983 civil suit because transcript could be used to impeach defendant and refresh defendant’s recollection). Plaintiff adequately alleges that Hyden participated in a conspiracy to interfere with Plaintiff’s parental rights and violate her civil rights by kidnapping her daughter, Isabella. In her testimony before the grand jury, Hyden “admitted being present with Lisa Miller and her father in a Walmart parking lot,” but “denied remembering when it occurred.” Conflict Mot. *7. Evidence presented at Zodiates’s criminal trial showed Lisa and Zodiates met at a Walmart the day before Zodiates drove Lisa and Isabella to the United States–Canada border. Hyden has made clear that she does not plan to plead the Fifth in this case, including at her deposition; therefore, Plaintiff needs Hyden’s prior testimony to impeach her new testimony and to refresh her recollection about events over eleven years ago.^[1] Plaintiff has repeatedly needed to use witnesses’ prior testimony to impeach their new testimony in this case and to refresh their recollection. *See* Star Decl. ¶ [redacted] (Mar. [redacted], 2021); *see also In re Catfish Antitrust Litig.*, 164 F.R.D. 191, 195 (N.D. Miss. Oct. 2, 1995) (holding petitioner showed particularized need for grand jury testimony transcript to refresh recollection because witnesses failed to recall events years later). Hyden should not be incentivized to decline to answer Plaintiff’s questions at her deposition and at trial due to loss of memory—or worse, incentivized to give different, untruthful answers—knowing that Plaintiff could not refresh her recollection or impeach her new testimony with her prior grand jury testimony.

The need for disclosure of Hyden’s grand jury testimony transcript is greater than the need for continued secrecy. “[A]s the considerations justifying secrecy become less relevant, a party asserting a need for grand jury transcripts will have a lesser burden in showing justification.” *Sells Eng’g, Inc.*, 463 U.S. at 443 (quoting *Douglas Oil Co. of Cal.*, 441 U.S. at 223). In *Mitchell*, for example, the court held the need for disclosure outweighed the need for continued secrecy in part because the grand jury had

concluded its investigation, testimony of other grand jury witnesses had already been released, and the defendant did not oppose the petition for release of his grand jury testimony transcript. 2019 WL 3287844, at *3. Like in *Mitchell*, the Vermont grand jury concluded its investigation; since Hyden testified eight years ago, her father, Lisa, and Timothy were indicted in 2014, *see* Indictment, *United States v. Lisa Miller*, No. 1:14-cr-175 (W.D.N.Y. Sept. 19, 2014), ECF 1, and her father and Timothy were adjudged guilty in 2017, *see* Judgment, *Zodhiates*, No. 1:14-cr-175 (W.D.N.Y. Mar. 23, 2017), ECF 183; Judgment, *United States v. Timothy Miller*, No. 1:14-cr-175 (W.D.N.Y. Mar. 28, 2017), ECF 191. Kenneth Miller, the only other person indicted for his role in the kidnapping, was convicted two months before Hyden's grand jury testimony. *See* Verdict Form, *United States v. Kenneth L. Miller*, No. 2:11-cr-161 (D. Vt. Aug. 14, 2012), ECF 72. As in *Mitchell*, other grand jury testimony transcripts related to the kidnapping have been released. Timothy Miller received in discovery in his criminal case, and in turn produced to the parties in this case, transcripts of grand jury testimony in Vermont by Sarah Bloedorn, William Dolack, Ervin Horst, Kenneth Miller, Linda Rose Miller, Terry Miller, Timothy Miller, Barry Shaffer, Janet Stasulli, Douglas Wright, and Andrew Yoder. *See* Star Decl. ¶ [REDACTED] (Mar. [REDACTED], 2021). Timothy also received and produced additional transcripts of grand jury testimony in the Western District of New York by Joel Baugher and Duane Weaver. *See id.* **And like the defendant in *Mitchell*, Hyden does not object to the release of her grand jury testimony transcript. *Mitchell*, 2019 WL 3287844, at *3.**

Finally, like *Mitchell*'s request for only the defendant's grand jury testimony transcript, *id.* at *4, Plaintiff's request is structured to cover only the material needed—Hyden's grand jury testimony transcript. Plaintiff does not request the disclosure of all materials related to the grand jury's investigation of Isabella's kidnapping.

[1] If Hyden later decides to plead the Fifth, that too would create a particularized need for her grand jury testimony transcript. *See, e.g., RF Micro Devices, Inc. v. Xiang*, No. 1:12-cv-967, 2016 WL 3212481, at *3 (M.D.N.C. June 9, 2016) (“[C]ourts have found ... a party's inability to obtain needed discovery due to the invocation of the Fifth Amendment to constitute a ‘particularized need’ for grand jury materials.”).

Please also respond to my questions about the need for a jail deposition of Philip Zodhiates and about the RFPs.

Regards,

Sarah

Sarah R. Star, Esq.
Attorney and Counselor at Law, P.C.
P.O. Box 106
Middlebury, VT 05753

From: Michael@Hirsh.law <Michael@Hirsh.law>

Date: Tuesday, March 30, 2021 at 1:16 PM

To: 'Sarah Star' <sarahstar.esq@gmail.com>

Cc: Michael@Hirsh.law <Michael@Hirsh.law>

Subject: RE: Supplement Documents per Plaintiff's Request for Production

Sarah,

As I have mentioned a couple of times, I think a Motion as to File #5 could be avoided altogether. If SPLC gave me an indemnification agreement as I referenced, I think a Motion could be avoided. I expect most of the contents of that file you already possess or at least know about. As to your other contemplated Motion, I would like to see it before telling you I don't have any objection to it.

Michael R. Hirsh
Hirsh Law Office, LLC
2295 Towne Lake Pkwy
Suite 116-181
Woodstock, Georgia 30189
678-653-9907 Office

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From: Sarah Star <sarahstar.esq@gmail.com>
Sent: Tuesday, March 30, 2021 9:41 AM
To: Michael@Hirsh.law
Cc: 'Diego Soto' <Diego.Soto@splcenter.org>; 'J. Clemons Esq.' <Tyler.Clemons@splcenter.org>; 'Scott McCoy' <Scott.McCoy@splcenter.org>; 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>; 'Jessica Stone' <jessica.stone@splcenter.org>; 'flangrock' <FLangrock@langrock.com>; 'Emily Joselson' <EJoselson@langrock.com>; 'Beth Littrell' <beth.littrell@splcenter.org>; Michael@Hirsh.law
Subject: Re: Supplement Documents per Plaintiff's Request for Production

Michael,

I am following up for your position on these requests from yesterday, below. Do you oppose the motions? We plan to file the motions by close of business today, so please get back to me as soon as possible.

Can you also confirm that Mr. Zodiates has in fact been released from prison and that we do not need to make special arrangements with BOP for his deposition?

We are also awaiting a response on Mr. Soto's question about whether you intend to serve amended responses to the Plaintiff's First Set of Requests for Production now that your clients are not invoking the fifth amendment privilege.

Regards,

Sarah

From: Sarah Star <sarahstar.esq@gmail.com>

Date: Monday, March 29, 2021 at 8:46 AM

To: Michael@Hirsh.law <Michael@Hirsh.law>

Cc: 'Diego Soto' <Diego.Soto@splcenter.org>, 'J. Clemons Esq.' <Tyler.Clemons@splcenter.org>, 'Scott McCoy' <Scott.McCoy@splcenter.org>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'flangrock' <FLangrock@langrock.com>, 'Emily Joselson' <EJoselson@langrock.com>, 'Beth Littrell' <beth.littrell@splcenter.org>, Michael@Hirsh.law <Michael@Hirsh.law>

Subject: Re: Supplement Documents per Plaintiff's Request for Production

Michael,

Thank you for your response and for confirming that you and your clients do not have Ms. Hyden's grand jury testimony transcript in your possession, custody, or control.

Plaintiff is preparing a filing with two separate requests: (1) a motion to compel your clients to produce the fifth folder totaling 2,281 pages, which you represented contains a substantial amount of grand jury material; and (2) a petition under Rule 6 of the Federal Rules of Criminal Procedure for the Court to authorize the disclosure of Ms. Hyden's grand jury testimony transcript by that transcript's custodian.

1. Motion to compel your clients to produce the fifth folder.

We appear to be in agreement that Rule 6 of the Federal Rules of Criminal Procedure does not prohibit you or your clients from disclosing grand jury materials in their possession, custody, or control because they are not among the persons governed by that rule. As we understand your position, you believe, based on your reading of Forman and Jeter, that there nonetheless is a risk, entirely separate of Rule 6, of prosecution for obstruction of justice if you or your clients disclose those grand jury materials.

Forman and Jeter do not prevent Defendants from disclosing grand jury materials lawfully within their possession, custody, or control. Unlike Forman and Jeter, who unlawfully obtained the grand jury transcripts, Defendants lawfully obtained these grand jury materials from the government through Mr. Zodiates's criminal prosecution, and their disclosure to the parties in this case would not be for the corrupt purpose of obstructing justice.

In any event, it appears that you and your clients would not object to producing the grand jury materials pursuant to a court order. If that is correct, then may we represent that your clients do not oppose a motion to compel them to produce the fifth folder, including the grand jury materials within it? Because these grand jury materials are in your clients' possession, custody, or control, we believe a motion to compel, rather than a petition to disclose under Rule 6, is the appropriate vehicle for this request.

Could you also clarify why your clients are withholding the documents within the fifth folder that are not grand jury materials? As we understand your description of that folder, not everything is grand jury material. Is that correct?

2. Petition to disclose Ms. Hyden's grand jury testimony transcript.

Because you and your clients deny having Ms. Hyden's grand jury testimony transcript in your possession, custody, or control, Plaintiff does not intend to move to compel your clients to produce that transcript; instead, she intends to petition the Court under Rule 6 to authorize the disclosure of that transcript by the custodian of that transcript. We agree with your earlier observation that Rule 6 would authorize disclosure "in connection with" this "judicial proceeding." Would your clients oppose this petition?

Regards,

Sarah

Sarah R. Star, Esq.
Attorney and Counselor at Law, P.C.
P.O. Box 106
Middlebury, VT 05753

From: Michael@Hirsh.law <Michael@Hirsh.law>

Date: Tuesday, March 23, 2021 at 12:18 PM

To: 'Sarah Star' <sarahstar.esq@gmail.com>

Cc: 'Diego Soto' <Diego.Soto@splcenter.org>, 'J. Clemons Esq.' <Tyler.Clemons@splcenter.org>, 'Scott McCoy' <Scott.McCoy@splcenter.org>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'flangrock' <FLangrock@langrock.com>, 'Emily Joselson' <EJoselson@langrock.com>, 'Beth Littrell' <beth.littrell@splcenter.org>, Michael@Hirsh.law <Michael@Hirsh.law>

Subject: RE: Supplement Documents per Plaintiff's Request for Production

Sarah,

I apologize for the delay in getting this response to you. I have conducted a search of all the files that are in my possession. I do not have in my care, custody, or control the transcript of Victoria Hyden's testimony before the grand jury. In addition, I have already followed up with Mr. Hemley's office. I was told that I have everything that they have.

Based on your email of last Wednesday, it appears that you misunderstand my position. Back in November of last year, Attorney Tyler Clemons offered an opinion regarding the transcripts; I responded with my own. Here was the substance of my response (That, do date, has not been replied to):

As to the Grand Jury proceedings file:

I appreciate you giving me the cite to the *Forman* case. It is instructive, but while it seems to limit the exposure to criminal contempt by anyone not on the list in Fed. R. Crim. P. 6(e)(2), it did note that:

United States v. Jeter, 775 F.2d 670 (6th Cir. 1985), cert. denied, 475 U.S. 1142, 106 S. Ct. 1796, 90 L. Ed. 2d 341 (1986), this court made two holdings relevant to this appeal: 1) only those persons covered by the language of Rule 6(e) (2) can be charged with criminal contempt stemming from disclosure of grand jury materials; and 2) **those persons not subject to Rule 6(e) (2)'s secrecy requirement can nevertheless be prosecuted for obstruction of justice for obtaining and divulging grand jury material.** *Jeter* did not involve a defendant who had been a government attorney. . . ." (emphasis mine). Presumably other federal rules and statutes could also be used to prosecute as well.

In addition, Rule 6(3)(E-G) separately outlines the basis and process of disclosure "preliminarily to or in connection with a judicial proceeding" which seems to me to be what we have here.

I trust you can understand my concern about incurring the attention that Mr. Forman, notwithstanding his eventual acquittal, had to deal with. It seems like an abundance of caution is appropriate.

And, I personally appreciate the collegiality and professional courtesy extended from you and other

Plaintiff's counsel in this matter. Every one of Plaintiff's Counsel I have interfaced with has been professional and cordial.

But I am also acutely aware of the . . . shall we say . . . political and ideological polarity that serves as the underpinnings of this litigation. Indeed, it was an executive officer with SPLC that commented (on this case), "We don't just want to win, we want to destroy them."

That, of course, is neither professional nor cordial. To be consistent, I think SPLC should add that Executive Officer to its own "Hate List."

I can imagine the fundraising fodder that might ensue: "*One of the opposing attorneys is currently under investigation for violating federal law.*" I don't live in fear, but I certainly don't need that expense or aggravation.

I understand that the Executive Officer who made this statement is no longer with SPLC. But the point is, this statement was part of the fundraising fodder that was vetted before publication. It was a part of the SPLC's \$100,000,000+ annual fundraising haul. And while the chap who made the statement has been disavowed, I note that the agenda behind the statement has not. In addition, you and I spoke on the phone a month or so about this topic. While you and I agree that it would be ridiculous for the SPLC to at once seek the transcripts and initiate directly or indirectly an "investigation" into me disclosing it, I am not as confident as you appear to be that "ridiculous" equates with "unlikely." It was also part of our conversation where I suggested that if SPLC offered to defend, indemnify, and hold me harmless, that such a guarantee might make any motion you are contemplating unnecessary.

Finally, I note that it was Plaintiff's counsel that has brought a Motion to Stay Discovery . . . and unilaterally cancelled the several depositions that were agreed upon. While I understand Plaintiff's counsel proceeding with caution, it seems reasonable to continue that caution in light of the still pending Motion. Discovery closes March 31, unless and until the Court orders otherwise. We will not agree to conduct freewheeling discovery, inside or outside of the court-imposed deadline, without definite and firm deadlines in place. Please come back to us if and after the motion to stay is decided and a new discovery schedule is entered.

Very truly yours,

Michael R. Hirsh
Hirsh Law Office, LLC
2295 Towne Lake Pkwy
Suite 116-181
Woodstock, Georgia 30189
678-653-9907 Office

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From: Sarah Star <sarahstar.esq@gmail.com>

Sent: Tuesday, March 23, 2021 10:23 AM

To: Michael Hirsh <Michael@Hirsh.law>

Cc: Diego Soto (diego.soto@splcenter.org) <Diego.Soto@splcenter.org>; J. Clemons Esq. <Tyler.Clemons@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>; flangrock <FLangrock@langrock.com>; Emily Joselson <EJoselson@langrock.com>; Beth Littrell <beth.littrell@splcenter.org>

Subject: Re: Supplement Documents per Plaintiff's Request for Production

Michael,

I am following up on my question from last week. Can you please tell me whether you oppose our motion to compel production of your "fifth folder" and if you oppose a motion to order disclosure of Victoria Hyden's grand jury testimony (which, if you don't have it would not be a motion to compel, but a motion to disclose under F.R.C.P. 6.)

We plan to file by COB today, so please get back to me.

Thanks,

Sarah

From: Sarah Star <sarahstar.esq@gmail.com>

Date: Wednesday, March 17, 2021 at 8:03 AM

To: Michael Hirsh <Michael@Hirsh.law>

Cc: Diego Soto (diego.soto@splcenter.org) <Diego.Soto@splcenter.org>, J. Clemons Esq. <Tyler.Clemons@splcenter.org>, Scott McCoy <Scott.McCoy@splcenter.org>, Maya Rajaratnam <maya.rajaratnam@splcenter.org>, Jessica Stone <jessica.stone@splcenter.org>, flangrock <FLangrock@langrock.com>, Emily Joselson <EJoselson@langrock.com>, Beth Littrell <beth.littrell@splcenter.org>

Subject: Re: Supplement Documents per Plaintiff's Request for Production

Dear Michael,

We're now preparing to file a motion to compel your clients to produce the fifth folder and Victoria's grand jury testimony transcript. We'd like to confirm our understanding of your position.

Is it correct that your clients believe Rule 6 of the Federal Rules of Criminal Procedure prohibits them from disclosing grand jury materials in their possession, custody, or control, unless they are ordered to produce those materials, and therefore, they do not oppose this motion except to deny that they have Victoria's grand jury testimony transcript in their possession, custody, and control?

Can you also confirm that Mr. Hemley's firm does not have Mrs. Hyden's grand jury testimony transcript in its possession, custody, or control either?

Thank you.

Sarah

Sarah R. Star, Esq.

Attorney and Counselor at Law, P.C.

P.O. Box 106
Middlebury, VT 05753

From: mrhirsh@hirshandheuser.com <mrhirsh@hirshandheuser.com>
Date: Monday, January 18, 2021 at 10:38 AM
To: 'Sarah Star' <sarahstar.esq@gmail.com>
Cc: 'Diego Soto' <Diego.Soto@splcenter.org>, 'J. Clemons Esq.' <Tyler.Clemons@splcenter.org>, 'Roger Gannam' <rgannam@lc.org>, 'Scott McCoy' <Scott.McCoy@splcenter.org>, 'Fritz Langrock' <FLangrock@langrock.com>, 'Joselson, Emily' <EJoselson@langrock.com>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'Michael J. Tierney' <mtierney@wadleighlaw.com>, 'Adam Hochschild' <adam@hochschildlaw.com>, 'Horatio Mihet' <hmihet@lc.org>, 'Brooks G. McArthur' <bmcarthur@jarvismcarthur.com>
Subject: RE: Supplement Documents per Plaintiff's Request for Production

Sarah,

As I mentioned to you on the phone, I have already followed up with prior counsel on the completeness of the file no fewer than two times.

Also, at this point – For all the reasons I've articulated in writing and in our phone conversation – do not consent to produce this remaining file (that includes grand jury testimony transcripts).

Very truly yours,

PLEASE NOTE NEW ADDRESS

Michael R. Hirsh
Hirsh & Heuser, LLC
2295 Towne Lake Pkwy
Suite 116-181
Woodstock, Georgia 30189
404-713-4400

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From: Sarah Star <sarahstar.esq@gmail.com>
Sent: Wednesday, January 13, 2021 10:03 AM
To: mrhirsh@hirshandheuser.com
Cc: 'Diego Soto' <Diego.Soto@splcenter.org>; 'J. Clemons Esq.' <Tyler.Clemons@splcenter.org>; 'Roger Gannam' <rgannam@lc.org>; 'Scott McCoy' <Scott.McCoy@splcenter.org>; 'Fritz Langrock'

<FLangrock@langrock.com>; 'Joselson, Emily' <EJoselson@langrock.com>; 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>; 'Jessica Stone' <jessica.stone@splcenter.org>; 'Michael J. Tierney' <mtierney@wadleighlaw.com>; 'Adam Hochschild' <adam@hochschildlaw.com>; 'Horatio Mihet' <hmihet@lc.org>; 'Brooks G. McArthur' <bmcarthur@jarvismcarthur.com>

Subject: Re: Supplement Documents per Plaintiff's Request for Production

Michael,

Thank you very much for following up on this. Will you now be willing to turn over the fifth folder, since you have confirmed that there is no previously undisclosed grand jury material? If so, when can we expect that production?

Also, I believe Ms. Hyden's 10-18-12 grand jury transcript was listed as an exhibit in the Zodiates criminal trial. Perhaps it did not make it from Mr. Hemley's file to yours? Will you follow up with prior counsel to obtain this document? I understand that you maintain your objection to producing at this time, due to confidentiality concerns about grand jury material.

Regards,

Sarah

From: mrhirsh@hirshandheuser.com <mrhirsh@hirshandheuser.com>

Date: Wednesday, January 13, 2021 at 9:30 AM

To: 'Sarah Star' <sarahstar.esq@gmail.com>

Cc: 'Diego Soto' <Diego.Soto@splcenter.org>, 'J. Clemons Esq.' <Tyler.Clemons@splcenter.org>, 'Roger Gannam' <rgannam@lc.org>, 'Scott McCoy' <Scott.McCoy@splcenter.org>, 'Fritz Langrock' <FLangrock@langrock.com>, 'Joselson, Emily' <EJoselson@langrock.com>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'Michael J. Tierney' <mtierney@wadleighlaw.com>, 'Adam Hochschild' <adam@hochschildlaw.com>, 'Horatio Mihet' <hmihet@lc.org>, 'Brooks G. McArthur' <bmcarthur@jarvismcarthur.com>

Subject: RE: Supplement Documents per Plaintiff's Request for Production

Sarah,

Thanks for your phone call of yesterday. At your request, I searched the pdf file (~2200 pages) for Grand Jury testimony of Victoria Hyden and James Hershburger. I do NOT have any Grand Jury transcripts of either of these individuals.

PLEASE NOTE NEW ADDRESS

Michael R. Hirsh
Hirsh & Heuser, LLC
2295 Towne Lake Pkwy
Suite 116-181
Woodstock, Georgia 30189
404-713-4400

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From: Sarah Star <sarahstar.esq@gmail.com>
Sent: Tuesday, January 12, 2021 11:16 AM
To: mrhirsh@hirshandheuser.com
Cc: Diego Soto (diego.soto@splcenter.org) <Diego.Soto@splcenter.org>; J. Clemons Esq. <Tyler.Clemons@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; Fritz Langrock <FLangrock@langrock.com>; Joselson, Emily <EJoselson@langrock.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>
Subject: Re: Supplement Documents per Plaintiff's Request for Production

Michael,

Per your offer below, I would like to discuss the discovery that is still being withheld. I will give you a call shortly.

Sarah

Sarah R. Star, Esq.
Attorney and Counselor at Law, P.C.
P.O. Box 106
Middlebury, VT 05753
802-385-1023

From: mrhirsh@hirshandheuser.com <mrhirsh@hirshandheuser.com>
Date: Friday, November 20, 2020 at 4:57 PM
To: 'Tyler Clemons' <Tyler.Clemons@splcenter.org>
Cc: 'Adam Hochschild' <adam@hochschildlaw.com>, 'Anthony Duprey' <anthony@ndp-law.com>, 'Beth Littrell' <beth.littrell@splcenter.org>, 'Brooks G. McArthur' <bmcarthur@jarvismcArthur.com>, 'Daniel Schmid' <daniel@lc.org>, 'Emily Joselson' <ejoselson@langrock.com>, 'flangrock' <flangrock@langrock.com>, 'Horatio Mihet' <hmihet@lc.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Norman Smith' <norman@normansmithlaw.com>, 'Michael Tierney' <mtierney@wadleighlaw.com>, 'Richard Boyer' <rickboyerlaw@gmail.com>, 'Roger K. Gannam' <rgannam@LC.org>, 'Sarah Star' <sarahstar.esq@gmail.com>, 'Scott McCoy' <Scott.McCoy@splcenter.org>, 'Toddy Ferguson' <cs.fergie@myfairpoint.net>, 'Diego Soto' <Diego.Soto@splcenter.org>
Subject: RE: Supplement Documents per Plaintiff's Request for Production

Tyler,

Glad you were able to access the files. Hopefully everyone else will have the same result.

As to the Grand Jury proceedings file:

I appreciate you giving me the cite to the *Forman* case. It is instructive, but while it seems to limit the exposure to criminal contempt by anyone not on the list in Fed. R. Crim. P. 6(e)(2), it did note that: *United States v. Jeter*, 775 F.2d 670 (6th Cir. 1985), cert. denied, 475 U.S. 1142, 106 S. Ct. 1796, 90 L. Ed. 2d 341 (1986), this court made two holdings relevant to this appeal: 1) only those persons covered by the language of Rule 6(e) (2) can be charged with criminal contempt stemming from disclosure of grand jury materials; and 2) **those persons not subject to Rule 6(e) (2)'s secrecy requirement can nevertheless be prosecuted for obstruction of justice for obtaining and divulging grand jury material.** *Jeter* did not involve a defendant who had been a government attorney. . . ." (emphasis mine). Presumably other federal rules and statutes could also be used to prosecute as well.

In addition, Rule 6(3)(E-G) separately outlines the basis and process of disclosure "preliminarily to or in connection with a judicial proceeding" which seems to me to be what we have here.

I trust you can understand my concern about incurring the attention that Mr. Forman, notwithstanding his eventual acquittal, had to deal with. It seems like an abundance of caution is appropriate.

And, I personally appreciate the collegiality and professional courtesy extended from you and other Plaintiff's counsel in this matter. Every one of Plaintiff's Counsel I have interfaced with has been professional and cordial.

But I am also acutely aware of the . . . shall we say . . . political and ideological polarity that serves as the underpinnings of this litigation. Indeed, it was an executive officer with SPLC that commented (on this case), "We don't just want to win, we want to destroy them."

That, of course, is neither professional nor cordial. To be consistent, I think SPLC should add that Executive Officer to its own "Hate List."

I can imagine the fundraising fodder that might ensue: "*One of the opposing attorneys is currently under investigation for violating federal law.*" I don't live in fear, but I certainly don't need that expense or aggravation.

As to the substance of the remaining file we're discussing, I doubt there's much in there you all don't already have or at least know about. I have no particular desire to not produce it.

Perhaps a telephonic hearing with the Court, to address the concerns would be a reasonable solution. I'm also open to suggestions and alternatives.

Of course, I am happy to discuss this or any other matter.

Cordially,
Michael Hirsh

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

Sent: Tuesday, November 10, 2020 11:33 AM

To: mrhirsh@hirshandheuser.com

Cc: 'Adam Hochschild' <adam@hochschildlaw.com>; 'Anthony Duprey' <anthony@ndp-law.com>; Beth Littrell <beth.littrell@splcenter.org>; 'Brooks G. McArthur' <bmcarthur@jarvismcarthur.com>; 'Daniel Schmid' <daniel@lc.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; 'Horatio Mihet' <hmihet@lc.org>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; 'Norman Smith' <norman@normansmithlaw.com>; 'Michael Tierney'

<mtierney@wadleighlaw.com>; 'Richard Boyer' <rickboyerlaw@gmail.com>; 'Roger K. Gannam' <rgannam@LC.org>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <Scott.McCoy@splcenter.org>; 'Toddy Ferguson' <cs.fergie@myfairpoint.net>; Diego Soto <Diego.Soto@splcenter.org>

Subject: RE: Supplement Documents per Plaintiff's Request for Production

Thanks Michael. I was able to download the files from Dropbox. Please let us know about the grand jury transcripts as soon as you can.

Best,

Tyler

Tyler Clemons she/her/hers
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 504.526.1530 C 504.258.4290 F 504.486.8947
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Admitted in Louisiana & Maryland

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From: mrhirsh@hirshandheuser.com <mrhirsh@hirshandheuser.com>

Sent: Monday, November 9, 2020 3:12 PM

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

Cc: 'Adam Hochschild' <adam@hochschildlaw.com>; 'Anthony Duprey' <anthony@ndp-law.com>; Beth Littrell <beth.littrell@splcenter.org>; 'Brooks G. McArthur' <bmcArthur@jarvismcarthur.com>; 'Daniel Schmid' <daniel@lc.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; 'Horatio Mihet' <hmihet@lc.org>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; 'Norman Smith' <norman@normansmithlaw.com>; 'Michael Tierney' <mtierney@wadleighlaw.com>; 'Richard Boyer' <rickboyerlaw@gmail.com>; 'Roger K. Gannam' <rgannam@LC.org>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <Scott.McCoy@splcenter.org>; 'Toddy Ferguson' <cs.fergie@myfairpoint.net>; Diego Soto <Diego.Soto@splcenter.org>

Subject: RE: Supplement Documents per Plaintiff's Request for Production

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Tyler,

I went back and looked at the Google Drive. There were many copies made of the files (I didn't, but obviously

some corruption there). Sorry for the delay. I've uploaded to DropBox; everyone on this distro list should be able to access.

I will do some research on the grand jury proceedings and advise.

Let me know if this works.

Cordially,

Michael

From: Tyler Clemons <Tyler.Clemons@splcenter.org>
Sent: Monday, November 9, 2020 3:51 PM
To: mrhirsh@hirshandheuser.com
Cc: 'Adam Hochschild' <adam@hochschildlaw.com>; 'Anthony Duprey' <anthony@ndp-law.com>; Beth Littrell <beth.littrell@splcenter.org>; 'Brooks G. McArthur' <bmcarthur@jarvismcarthur.com>; 'Daniel Schmid' <daniel@lc.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; 'Horatio Mihet' <hmihet@lc.org>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; 'Norman Smith' <norman@normansmithlaw.com>; 'Michael Tierney' <mtierney@wadleighlaw.com>; 'Richard Boyer' <rickboyerlaw@gmail.com>; 'Roger K. Gannam' <rgannam@LC.org>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <Scott.McCoy@splcenter.org>; 'Toddy Ferguson' <cs.fergie@myfairpoint.net>; Diego Soto <Diego.Soto@splcenter.org>
Subject: RE: Supplement Documents per Plaintiff's Request for Production

Hi Michael,

Thanks for sending these. Unfortunately, I can't access these files on Google Drive. Could you grant access to tyler.clemons@splcenter.org, or perhaps use another cloud service?

Regarding the grand jury testimony, I appreciate your caution. Criminal defendants and the subjects of grand jury investigations in general are not among the parties prohibited from disclosing grand jury testimony by Federal Rules of Criminal Procedure 6(e)(2). See, e.g., *United States v. Forman*, 71 F.3d 1214, 1217-20 (6th Cir. 1995). You may want to check with Mr. Zodiates's previous attorneys regarding whether he signed any separate confidentiality agreements with the government. Unless he did, however, Mr. Zodiates is free to provide the grand jury transcripts in his possession. Happy to discuss this further if you would like.

Tyler

Tyler Clemons she/her/hers
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Admitted in Louisiana & Maryland

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From: mrhirsh@hirshandheuser.com <mrhirsh@hirshandheuser.com>

Sent: Tuesday, October 27, 2020 3:03 PM

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

Cc: 'Adam Hochschild' <adam@hochschildlaw.com>; 'Anthony Duprey' <anthony@ndp-law.com>; Beth Littrell <beth.littrell@splcenter.org>; 'Brooks G. McArthur' <bmcarthur@jarvismcarthur.com>; 'Daniel Schmid' <daniel@lc.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; 'Horatio Mihet' <hmihet@lc.org>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; 'Norman Smith' <norman@normansmithlaw.com>; 'Michael Tierney' <mtierney@wadleighlaw.com>; 'Richard Boyer' <rickboyerlaw@gmail.com>; 'Roger K. Gannam' <rgannam@LC.org>; Sarah Star <sarahstar.esq@gmail.com>; Scott McCoy <Scott.McCoy@splcenter.org>; 'Toddy Ferguson' <cs.fergie@myfairpoint.net>; Diego Soto <Diego.Soto@splcenter.org>

Subject: Supplement Documents per Plaintiff's Request for Production

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Tyler:

Pursuant to your Requests for Production as clarified in subsequent communications is the link to the "criminal file" that you requested.

You will find four (4) files consisting of 3,714 pages in pdf format.

In addition, there is a fifth file that I have not included in the link. It totals 2,281 pages.

The reason that I have not provided that document is because it contains a substantial amount of transcripts from grand jury testimony. While I profess I am not totally fluent on the subject, there is a concern about sanctions attached to disclosing grand jury proceedings. Obviously, I don't want to run afoul of any prohibition there. I welcome your input and opinion on the matter. The same goes for any of the other counsel copied on this email. In the meantime I am withholding that file.

Cordially,

Michael R. Hirsh
Hirsh & Heuser, LLC
125 TownPark Drive, Suite 300
Kennesaw, GA 30144
404-713-4400

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This email has been checked for viruses by Avast antivirus software.

www.avast.com

Diego Soto

From: Diego Soto
Sent: Friday, March 12, 2021 11:16 AM
To: Michael@Hirsh.law; 'Adam Hochschild'
Cc: Beth Littrell; Emily Joselson; Jessica Stone; Maya Rajaratnam; Sarah Star; Tyler Clemons; 'Deborah Bucknam'; 'Michael J. Tierney'; flangrock; 'Brooks McArthur'; 'Cassie Parah'; 'Anthony Duprey'; 'Daniel Schmid'; 'Roger Gannam'; 'Norman Smith'; 'Richard Boyer'; 'Anthony Biller'; 'Lesley Biller'; 'Lauren Wells'; Aaron Fleisher; Scott McCoy
Subject: RE: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Post-Hearing Memorandum
Attachments: 18-07-27 Zodiates Response to Plaintiffs 1st Requests for Production.PDF; 20-09-16 Zodiates Response to Jenkins 2d Requests for Production.pdf; 18-07-27 Hyden Response to Plaintiffs 1st Requests for Production.PDF; 20-09-16 Hyden Response to Jenkins 2d Requests for Production.pdf

Adam: That statement was based off our reading of Ms. Wall's responses to Plaintiff's first set of requests for production, in which she invoked that privilege generally and in response to specific requests. We did not interpret your later representation, that Ms. Wall was not withholding any documents in response to those requests on the basis of any assertion of Fifth Amendment privilege, to mean that she was withdrawing that privilege objection altogether. So we appreciate your clarification of Ms. Wall's current and future plans related to that privilege.

Michael: That statement was based off our reading of Mr. Zodiates's and Mrs. Hyden's attached responses to Plaintiff's first set of requests for production, in which they invoked that privilege generally and in response to specific requests, and on their attached responses to Plaintiff's second set of requests for production, in which they invoked that privilege generally. We appreciate your clarification of Mr. Zodiates's and Mrs. Hyden's current and future plans related to that privilege. We would appreciate amended responses to those requests for production withdrawing the Fifth Amendment privilege objections and clarifying whether any additional documents will now be produced.

Sincerely,
Diego



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

From: Michael@Hirsh.law <Michael@Hirsh.law>
Sent: Friday, March 12, 2021 8:47 AM
To: 'Adam Hochschild' <adam@hochschildlaw.com>; Diego Soto <Diego.Soto@splcenter.org>; flangrock <flangrock@langrock.com>
Cc: Beth Littrell <beth.littrell@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Sarah Star <sarahstar.esq@gmail.com>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Deborah Bucknam' <dbucknam@vtlegalhelp.com>; 'Michael J. Tierney' <mtierney@wadleighlaw.com>; 'Brooks McArthur' <bmcArthur@jarvismcarthur.com>; 'Cassie Parah' <cparah@jarvismcarthur.com>; 'Anthony Duprey' <anthony@dupreylaw.com>; 'Daniel Schmid' <daniel@lc.org>; 'Roger Gannam' <rgannam@lc.org>; 'Norman Smith' <norman@normansmithlaw.com>; 'Richard Boyer' <rickboyerlaw@gmail.com>; 'Anthony Biller' <ajbiller@envisage.law>; 'Lesley Biller' <lbiller@envisage.law>; 'Lauren Wells' <lwells@envisage.law>; Aaron Fleisher <aaron.fleisher@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>; michael@hirsh.law
Subject: RE: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Post-Hearing Memorandum

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Diego and Fritz:

I have searched my records, particularly for Victoria Hyden and Philip Zodhiates with reference to your representation to the Court in this matter that those two of my clients had invoked the Fifth Amendment in this litigation. In my search of discovery responses etc., I could find no such assertion by either of them. Since neither has been deposed, I know it wasn't at a deposition. You also represented to The Court that there is a "plan" to do so in the future. What is this "plan" that you speak of?

While I am aware that there was a lot of water that went under the bridge in this case prior to my entry of appearance; likewise, I acknowledge that I might have missed something in my search for some invocation consistent with your representation to Judge Sessions. I could not find anything that I produced that supports that claim.

Can you provide support or evidence of this assertion? If not, is it your "plan" to clarify your representation to the Court?

Please advise.

Michael R. Hirsh
Hirsh Law Office, LLC
2295 Towne Lake Pkwy
Suite 116-181
Woodstock, Georgia 30189
678-653-9907 Office

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From: Adam Hochschild <adam@hochschildlaw.com>

Sent: Thursday, March 11, 2021 6:33 PM

To: 'Diego Soto' <Diego.Soto@splcenter.org>; 'flangrock' <flangrock@langrock.com>

Cc: 'Beth Littrell' <beth.littrell@splcenter.org>; 'Emily Joselson' <ejoselson@langrock.com>; 'Jessica Stone' <jessica.stone@splcenter.org>; 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>; 'Sarah Star' <sarahstar.esq@gmail.com>; 'Tyler Clemons' <Tyler.Clemons@splcenter.org>; 'Deborah Bucknam' <dbucknam@vtlegalhelp.com>; 'Michael J. Tierney' <mtierney@wadleighlaw.com>; 'Brooks McArthur' <bmcarthur@jarvismcarthur.com>; 'Cassie Parah' <cparah@jarvismcarthur.com>; 'Anthony Duprey' <anthony@dupreylaw.com>; 'Daniel Schmid' <daniel@lc.org>; 'Roger Gannam' <rgannam@lc.org>; 'Norman Smith' <norman@normansmithlaw.com>; 'Richard Boyer' <rickboyerlaw@gmail.com>; 'Michael Hirsh' <Michael@Hirsh.law>; 'Anthony Biller' <ajbiller@envisage.law>; 'Lesley Biller' <lbiller@envisage.law>; 'Lauren Wells' <wells@envisage.law>;

'Aaron Fleisher' <aaron.fleisher@splcenter.org>; 'Scott McCoy' <Scott.McCoy@splcenter.org>

Subject: RE: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Post-Hearing Memorandum

Diego and Fritz: Plaintiff stated in her March 10 post-hearing memo that “Lisa, however, can invoke her Fifth Amendment privilege against compulsory self-incrimination in response to discovery requests and oral examination in this case—**just like her co-defendants** Zodhiates, Victoria Hyden, **Linda Wall**, Kenneth Miller, and Timothy Miller **have done and plan to do**” (emphasis added).

Defendant Wall is not withholding any discovery documents or information based on assertion of any Fifth Amendment privilege. She currently has no “plan” to assert any Fifth Amendment privilege in this case in the future, in any oral examination or otherwise, and certainly has not communicated any such “plan” to Plaintiff. Wall has maintained and continues to maintain that she was never a co-conspirator.

Adam

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

From: cmecfhelpdesk@vtd.uscourts.gov [<mailto:cmecfhelpdesk@vtd.uscourts.gov>]

Sent: Wednesday, March 10, 2021 5:55 PM

To: Courtmail@vtd.uscourts.gov

Subject: Activity in Case 2:12-cv-00184-wks Jenkins v. Miller et al Post-Hearing Memorandum

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U.S. District Court

District of Vermont

Notice of Electronic Filing

The following transaction was entered by Soto, Diego on 3/10/2021 at 5:54 PM EST and filed on 3/10/2021

Case Name: Jenkins v. Miller et al

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

Filer: Janet Jenkins

Document Number: [658](#)

:

POST-HEARING MEMORANDUM re: [657] Motion Hearing,,,,, by Janet Jenkins (Attachments: # (1) Declaration of Diego A. Soto (Mar. 10, 2021))(Soto, Diego)

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

Adam S. Hochschild , Esq adam@hochschildlaw.com

Anthony R. Duprey , Esq Anthony@DupreyLaw.com

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

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

Deborah T. Bucknam , Esq dbucknam@vtlegalhelp.com, cbucknam@vtlegalhelp.com

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

JANET JENKINS,

Plaintiff,

v.

No. 2:12-cv-184-WKS

KENNETH L. MILLER, et al.,

Defendants.

**DECLARATION OF SARAH STAR IN SUPPORT OF
PLAINTIFF'S MOTION TO COMPEL DEFENDANTS PHILIP ZODHIATES,
VICTORIA HYDEN, AND RESPONSE UNLIMITED, INC. TO PRODUCE
DOCUMENTS AND PETITION TO DISCLOSE DEFENDANT VICTORIA HYDEN'S
GRAND JURY TESTIMONY TRANSCRIPT**

I, Sarah Star, declare under penalty of perjury that the following is true and correct:

1. I represent Plaintiff Janet Jenkins in this case.
2. Exhibit 1 is a true and correct copy of Defendant Philip Zodhiates's July 27, 2018 responses to Plaintiff's June 27, 2018 first set of requests for production.
3. Exhibit 2 is a true and correct copy of Defendant Victoria Hyden's July 27, 2018 responses to Plaintiff's June 27, 2018 first set of requests for production.
4. Exhibit 3 is a true and correct copy of Defendant Response Unlimited, Inc.'s July 27, 2018 responses to Plaintiff's June 27, 2018 first set of requests for production.
5. Exhibit 4 is a true and correct copy of Defendant Philip Zodhiates's September 16, 2020 responses to Plaintiff's April 24, 2020 second set of requests for production.
6. Exhibit 5 is a true and correct copy of Defendant Victoria Hyden's September 16, 2020 responses to Plaintiff's April 24, 2020 second set of requests for production.
7. Exhibit 6 is a true and correct copy of Defendant Response Unlimited, Inc.'s September 16, 2020 responses to Plaintiff's April 24, 2020 second set of requests for production.

8. Exhibit 7 is a true and correct copy of emails between me and Michael Hirsh, Esq., counsel for Zodiates, Hyden, and Response Unlimited.

9. On January 12, 2021, I conferred by phone with Hirsh. I notified Hirsh that much, but not all, of the known grand jury material had already been lawfully produced. *Id.* Hirsh advised that he had not gone over the folder closely, but that in addition to grand jury material, it appeared to contain investigative documents from the government. *Id.* I advised Hirsh that I was already in possession of many grand jury transcripts, but the transcript of Hyden's grand jury testimony was notably absent from Timothy Miller's discovery, despite the government listing her grand jury testimony and immunity order as potential exhibits in Zodiates's criminal trial. Hirsh agreed to review the final folder to determine if it contained Hyden's transcript and the transcript for James Hershberger's testimony, which had not been located either. He also agreed to produce the fifth folder, including the grand jury materials contained within, if ordered to do so.

10. Plaintiff has repeatedly needed to use witnesses' prior testimony to impeach their new testimony in this case and to refresh their recollection.

11. Timothy Miller received in discovery in his criminal case, and in turn produced to the parties in this case, transcripts of grand jury testimony in Vermont by Sarah Bloedorn, William Dolack, Ervin Horst, Kenneth Miller, Linda Rose Miller, Terry Miller, Timothy Miller, Barry Shaffer, Janet Stasulli, Douglas Wright, and Andrew Yoder. Timothy also received and produced additional transcripts of grand jury testimony in the Western District of New York by Joel Baugher and Duane Weaver.

Executed on March 30, 2021



Sarah Star
Counsel for Plaintiff Janet Jenkins

INDEX OF EXHIBITS

Exhibit	Description
1	Defendant Philip Zodhiates's Responses to Plaintiffs' First Set of Requests for Production
2	Defendant Victoria Hyden's Responses to Plaintiffs' First Set of Requests for Production
3	Defendant Response Unlimited's Responses to Plaintiffs' First Set of Requests for Production
4	Defendant Philip Zodhiates's Responses & Objections to Plaintiff Janet Jenkins's Second Set of Requests for Production
5	Defendant Victoria Hyden's Responses & Objections to Plaintiff Janet Jenkins's Second Set of Requests for Production
6	Defendant Response Unlimited's Responses & Objections to Plaintiff Janet Jenkins's Second Set of Requests for Production
7	Emails