

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

JANET JENKINS,

Plaintiff,

v.

KENNETH L. MILLER, *et al.*,

Defendants.

No. 2:12-cv-184-WKS

PLAINTIFF'S MOTION FOR LEAVE TO DEPOSE DEFENDANT LISA MILLER

Pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, Plaintiff Janet Jenkins moves for leave to depose Defendant Lisa Miller, who is confined in prison. In support, Plaintiff states the following:

1. Plaintiff filed this lawsuit against Defendant for kidnapping their daughter, Isabella, to a foreign country to interfere with Plaintiff's parental rights with respect to Isabella, and against those who conspired with and aided and abetted Defendant. After eleven years as a fugitive, Defendant was returned to the United States on a criminal superseding indictment filed in the United States District Court for the Western District of New York. *See United States v. Lisa Miller*, No. 1:14-cr-00175 (W.D.N.Y.). Defendant currently is confined at the Niagara County Jail in Lockport, New York. *See Ex. 1: Inmate Search.*

2. Plaintiff served Defendant on March 9, 2021. *See Aff./Certificate of Service*, ECF 662. Defendant's response to the complaint was therefore due on March 30, 2021. *See Fed. R. Civ. P. 12(a)(1)(A)(i)*. Four days earlier, on March 26, 2021, Defendant moved for an extension of time to respond to the complaint, ECF 667. That same day, the Court ordered that discovery close within sixty-one days, meaning May 26, 2021. ECF 668.

3. Then, on April 1, 2021, Defendant filed an emergency motion to stay this case. ECF 671. Plaintiff intends to oppose that motion, and unless and until that motion is granted, she will treat the current discovery schedule as remaining in effect. Under that schedule, Plaintiff has proposed deposing Defendant on May 25, 2021—the day before discovery closes—in part to ensure sufficient time for the Court to rule on Defendant’s stay motion before the deposition. *See Ex. 2: Emails 3.* Plaintiff filed this motion today, so the Court may consider it with Defendant’s stay motion and avoid further delay should the Court deny Defendant’s stay motion.

4. Under Rule 30(a)(2), “[a] party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2): (B) if the deponent is confined in prison.” Rule 26(b)(1) defines the general scope of discovery to “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” Defendant’s deposition would be well within the scope of discovery. Her actions lie at the heart of this case; her co-defendants are alleged to have conspired with and aided and abetted her. After failing to convince Vermont’s and Virginia’s courts to strip Plaintiff of any parental rights over Isabella, Defendant, with the agreement and assistance of her co-defendants, including her attorneys and friends, resorted to the crime of kidnapping Isabella to interfere with Plaintiff’s parental rights.

5. Pursuant to Local Rule 7(a)(7), Plaintiff certifies that she made a good-faith attempt to obtain Defendant’s agreement to the requested relief. On March 30, 2021, Plaintiff’s counsel emailed Defendant’s counsel asking whether Defendant would oppose this motion. Soto

Decl. ¶ 4 (Apr. 2, 2021). Defendant's counsel responded that he opposes any effort to depose her at this time. *Id.*

Respectfully submitted.

April 2, 2021

/s/ Frank H. Langrock

Frank H. Langrock
Emily J. Joselson
Langrock Sperry & Wool, LLP
111 S. Pleasant Street
P.O. Drawer 351
Middlebury, Vermont 05753-0351
Phone: (802) 388-6356
Fax: (802) 388-6149
Email: flangrock@langrock.com
Email: ejoselson@langrock.com

Sarah Star
Sarah Star, PC
P.O. Box 106
Middlebury, Vermont 05753
Phone: (802) 385-1023
Email: srs@sarahstarlaw.com

Scott D. McCoy
Southern Poverty Law Center
P.O. Box 10788
Tallahassee, Florida 32302
Phone: (850) 521-3042
Fax: (850) 521-3001
Email: scott.mccoy@splcenter.org

Tyler Clemons
Southern Poverty Law Center
201 St. Charles Avenue, Suite 2000
New Orleans, Louisiana 70170
Phone: (504) 526-1530
Fax: (504) 486-8947
Email: tyler.clemons@splcenter.org

Diego A. Soto
Maya G. Rajaratnam
Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104

Phone: (334) 956-8200
Fax: (334) 956-8481
Email: diego.soto@splcenter.org
Email: maya.rajaratnam@splcenter.org

Jessica L. Stone
Southern Poverty Law Center
P.O. Box 1287
Decatur, Georgia 30031
Phone: (404) 221-5837
Fax: (404) 221-5857
Email: jessica.stone@splcenter.org

Counsel for Plaintiff Janet Jenkins

[VIEW OUR APP](#)

[PAY FINES & FEES](#)



Inmate Search

[← Back to Home](#)

[← Back to List](#)

Miller, Lisa Ann

Personal Information:

Age: 52
Sex: Female
Height: 5 Ft. 2 In.
Weight: 162
Race: White
Hair Color: Salt and Pepper
Eye Color: Brown

Criminal Charges Information:

Booking Date/Time: 02/25/2021 13:46:53
Statute Code: USM Remand
Statute Description: United States Marshal Remand
Bail Amount:



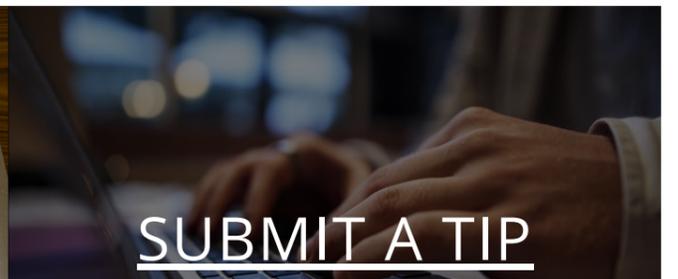
EXHIBIT
1



[WHO'S IN JAIL](#)



[WARRANTS](#)



[SUBMIT A TIP](#)



General
 MAIN - **(716) 438-3393**

Fax
 MAIN - **(716) 438-3302**

Administration
Civil Division

About NCSO
Resources
COVID-19

Inmate Information
Contact Us



Niagara County Sheriff's Office

5526 Niagara Street Ext., PO Box 496, Lockport, NY 14095-0496

(716) 438-3393

Hours: 8:00 AM to 4:30 PM • M-F



Copyright ©2021. Powered by  **THESHERIFFAPP.COM**
CUSTOM SHERIFF APPS

Diego Soto

From: Sarah Star <sarahstar.esq@gmail.com>
Sent: Friday, April 2, 2021 9:08 AM
To: Michael J. Tierney; Brooks G. McArthur
Cc: Adam Hochschild; 'Anthony Biller'; 'Horatio Mihet'; 'Michael Hirsh'; Beth Littrell; Emily Joselson; flangrock; Diego Soto; Jessica Stone; Maya Rajaratnam; 'Duncan Kilmartin'; Tyler Clemons; Cassie Parah; 'Anthony Duprey'; 'Daniel Schmid'; 'Roger Gannam'; 'Norman Smith'; 'Richard Boyer'; 'Lesley Biller'; 'Lauren Wells'; Aaron Fleisher; Scott McCoy
Subject: Re: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.) [WSP-ACTIVE.FID39922]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Tierney,

Prior to your email, Attorney Hirsh asked that we reserve May 17 for Victoria Hyden. Please give us some other dates that work in April and May for Timothy Miller.

Sarah

From: Michael J. Tierney <mtierney@wadleighlaw.com>
Date: Thursday, April 1, 2021 at 10:15 PM
To: Brooks G. McArthur <bmcarthur@jarvismcarthur.com>
Cc: Sarah Star <sarahstar.esq@gmail.com>, Adam Hochschild <adam@hochschildlaw.com>, 'Anthony Biller' <ajbiller@envisage.law>, 'Horatio Mihet' <hmihet@lc.org>, 'Michael Hirsh' <Michael@Hirsh.law>, 'Beth Littrell' <beth.littrell@splcenter.org>, 'Emily Joselson' <ejoselson@langrock.com>, 'flangrock' <flangrock@langrock.com>, 'Diego Soto' <Diego.Soto@splcenter.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Duncan Kilmartin' <rexkilvt@together.net>, 'Tyler Clemons' <Tyler.Clemons@splcenter.org>, 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>, 'Lesley Biller' <lbiller@envisage.law>, 'Lauren Wells' <lwells@envisage.law>, 'Aaron Fleisher' <aaron.fleisher@splcenter.org>, 'Scott McCoy' <Scott.McCoy@splcenter.org>
Subject: Re: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.) [WSP-ACTIVE.FID39922]

Sarah:

My client can't do April 20th but can do May 17th. Please put Timothy Miller down for May 17th.

Thanks,

Michael

On Apr 1, 2021 4:35 PM, "Brooks G. McArthur" <bmcarthur@jarvismcarthur.com> wrote:

Sarah,

EXHIBIT
2

I'm waiting to hear back from Ken Miller. Brooks

Get [Outlook](#) for iOS

From: Michael J. Tierney <mtierney@wadleighlaw.com>

Sent: Thursday, April 1, 2021 4:32:42 PM

To: Sarah Star <sarahstar.esq@gmail.com>; Adam Hochschild <adam@hochschildlaw.com>; 'Anthony Biller' <ajbiller@envisage.law>; 'Horatio Mihet' <hmihet@lc.org>; Brooks G. McArthur <bmcArthur@jarvismcarthur.com>; 'Michael Hirsh' <Michael@Hirsh.law>

Cc: 'Beth Littrell' <beth.littrell@splcenter.org>; 'Emily Joselson' <ejoselson@langrock.com>; 'flangrock' <flangrock@langrock.com>; 'Diego Soto' <Diego.Soto@splcenter.org>; 'Jessica Stone' <jessica.stone@splcenter.org>; 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>; 'Duncan Kilmartin' <rexkiltv@together.net>; 'Tyler Clemons' <Tyler.Clemons@splcenter.org>; 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>; 'Lesley Biller' <lbiller@envisage.law>; 'Lauren Wells' <lwells@envisage.law>; 'Aaron Fleisher' <aaron.fleisher@splcenter.org>; 'Scott McCoy' <Scott.McCoy@splcenter.org>

Subject: RE: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.) [WSP-ACTIVE.FID39922]

Sarah:

I am still waiting to hear back from my client regarding his availability for April 20th. As long as that date works for all of the counsel that needs to be there, I am presuming that Timo can make it happen but still waiting on his confirmation.

Michael

Michael J. Tierney, Esq.

Wadleigh, Starr & Peters, PLLC

95 Market Street

Manchester, NH 03101

603-669-4140

603-206-7239 (Direct)

603-669-6018 (Fax)

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

Sent: Thursday, April 1, 2021 1:21 PM

To: Adam Hochschild <adam@hochschildlaw.com>; 'Anthony Biller' <ajbiller@envisage.law>; 'Horatio Mihet' <hmihet@lc.org>; Michael J. Tierney <mtierney@wadleighlaw.com>; 'Brooks McArthur' <bmcArthur@jarvismcarthur.com>; 'Michael Hirsh' <Michael@Hirsh.law>

Cc: 'Beth Littrell' <beth.littrell@splcenter.org>; 'Emily Joselson' <ejoselson@langrock.com>; 'flangrock' <flangrock@langrock.com>; 'Diego Soto' <Diego.Soto@splcenter.org>; 'Jessica Stone' <jessica.stone@splcenter.org>; 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>; 'Duncan Kilmartin' <rexkilvt@together.net>; 'Tyler Clemons' <Tyler.Clemons@splcenter.org>; '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>; 'Lesley Biller' <lbiller@envisage.law>; 'Lauren Wells' <lwells@envisage.law>; 'Aaron Fleisher' <aaron.fleisher@splcenter.org>; 'Scott McCoy' <Scott.McCoy@splcenter.org>

Subject: Re: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Counsel,

Thank you for your responses. I believe that leaves Brooks for Kenneth Miller and Michael Tierney for Timothy Miller.

Harry: We'll notice Mr. Daniel's deposition for Tue Apr 13 at 10am Eastern. Please let me know whether a subpoena will be necessary or if the notice will suffice. Tue May 11 or Wed May 12 works for Ms. Lindevaldsen; we're proposing below to Michael Hirsh that we move Mr. Zodiates to Fri May 14, given that Liberty Counsel and Mr. Staver are not available that day. Could you clarify whether you or Roger are available on Fri May 14 for other depositions? Wed May 19 works for Ms. Jenkins. As for the deposition of an AT&T custodian, we fully intend to comply with the Court's order on our motion to compel.

Michael Hirsh: Because Liberty Counsel and Mr. Staver are not available on Fri May 14, but Harry or Roger might be available for other depositions, please also check whether Mr. Zodiates would be available on that day. If so, we propose scheduling him for that day to free up Tue May 11 as a possibility for Liberty Counsel or Mr. Staver. We agree that Ms. Hyden's deposition should be pushed later; we propose either Mon May 10 or Mon May 17 depending on when Mr. Zodiates, Liberty Counsel, Ms. Lindevaldsen, and Mr. Staver are scheduled.

Adam: We propose Thu May 20 for Ms. Wall.

Deponent	Date
Larry Daniel	Tue Apr 13
Timothy Miller	Tue Apr 20
Kenneth Miller	Fri Apr 23
Response Unlimited	Tue May 4
Victoria Hyden	Mon May 10 or Mon May 17
Rena Lindevaldsen	Tue May 11 or Wed May 12
Philip Zodiates	Fri May 14 or Tue May 11
Janet Jenkins	Wed May 19
Linda Wall	Thu May 20
Lisa Miller	Tue May 25

Sincerely,

Sarah

Sarah R. Star, Esq.

Attorney and Counselor at Law, P.C.

P.O. Box 106

Middlebury, VT 05753

From: Adam Hochschild <adam@hochschildlaw.com>

Date: Thursday, April 1, 2021 at 10:17 AM

To: 'Sarah Star' <Sarahstar.esq@gmail.com>, 'Anthony Biller' <ajbiller@envisage.law>, 'Horatio Mihet' <hmihet@lc.org>, 'Michael J. Tierney' <mtierney@wadleighlaw.com>, 'Brooks McArthur' <bmcarthur@jarvismcarthur.com>, 'Michael Hirsh' <Michael@Hirsh.law>

Cc: 'Beth Littrell' <beth.littrell@splcenter.org>, 'Emily Joselson' <ejoselson@langrock.com>, 'flangrock' <flangrock@langrock.com>, 'Diego Soto' <Diego.Soto@splcenter.org>, 'Jessica Stone' <jessica.stone@splcenter.org>, 'Maya Rajaratnam' <maya.rajaratnam@splcenter.org>, 'Duncan Kilmartin' <rexkilvt@together.net>, 'Tyler Clemons' <Tyler.Clemons@splcenter.org>, '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>, 'Lesley Biller' <lbiller@envisage.law>, 'Lauren Wells' <lwells@envisage.law>, 'Aaron Fleisher' <aaron.fleisher@splcenter.org>, 'Scott McCoy' <Scott.McCoy@splcenter.org>

Subject: RE: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Sarah: Ms. Wall is not available May 7. She and I are currently available for her deposition on May 18, 19, or 20.

Adam S. Hochschild

Hochschild Law Firm, LLC

314.503.0326

adam@hochschildlaw.com

www.HochschildLaw.com

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

Sent: Tuesday, March 30, 2021 2:24 PM

To: Anthony Biller <ajbiller@envisage.law>; 'Horatio Mihet' <hmihet@lc.org>; Adam Hochschild <adam@hochschildlaw.com>; Michael J. Tierney <mtierney@wadleighlaw.com>; 'Brooks McArthur' <bmcarthur@jarvismcarthur.com>; Michael Hirsh <Michael@Hirsh.law>

Cc: Beth Littrell <beth.littrell@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Diego Soto <Diego.Soto@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Duncan Kilmartin <rexkiltv@together.net>; Tyler Clemons <Tyler.Clemons@splcenter.org>; '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>; Lesley Biller <lbiller@envisage.law>; Lauren Wells <lwells@envisage.law>; Aaron Fleisher <aaron.fleisher@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>

Subject: Re: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Counsel,

I have not heard back from any of you about your deposition availability. Therefore, Plaintiff proposes the following schedule for rescheduling the depositions that were postponed. Please respond with any conflicts by noon on Thursday, April 1 or we will proceed to notice the depositions on the dates indicated below. We will also be deposing a records custodian from AT&T as a non-party witness. We will be back in touch about that date after consulting with AT&T.

Anthony: Plaintiff intends to file by close of business on April 1 a motion for leave to depose Ms. Miller because she is confined in prison, pursuant to Rule 30(a)(2) of the Federal Rules of Civil Procedure. Please let me know by COB tomorrow whether Ms. Miller opposes.

Witness	Date
Larry Daniel	Tuesday April 13
Timothy Miller	Tue Apr 20
Kenneth Miller	Fri Apr 23
Victoria Hyden	Mon Apr 26
RUL	Tue May 4
Linda Wall	Fri May 7
Philip Zodiates	Tue May 11
Liberty Counsel	Fri May 14
Rena Lindevaldsen	Mon May 17

Mathew Staver	Wed May 19
Lisa Miller	Tue May 25
Janet Jenkins	Wed May 26

Thank you for your attention to this matter.

Sarah

Sarah R. Star, Esq.

Attorney and Counselor at Law, P.C.

P.O. Box 106

Middlebury, VT 05753

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

Date: Friday, March 26, 2021 at 2:24 PM

To: Anthony Biller <ajbiller@envisage.law>, 'Horatio Mihet' <hmihet@lc.org>, Adam Hochschild <adam@hochschildlaw.com>, Michael J. Tierney <mtierney@wadleighlaw.com>, 'Brooks McArthur' <bmcarthur@jarvismcarthur.com>, Michael Hirsh <Michael@Hirsh.law>

Cc: Beth Littrell <beth.littrell@splcenter.org>, Emily Joselson <ejoselson@langrock.com>, flangrock <flangrock@langrock.com>, Diego Soto <Diego.Soto@splcenter.org>, Jessica Stone <jessica.stone@splcenter.org>, Maya Rajaratnam <maya.rajaratnam@splcenter.org>, Duncan Kilmartin <rexkilvt@together.net>, Tyler Clemons <Tyler.Clemons@splcenter.org>, '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>, Lesley Biller <lbiller@envisage.law>, Lauren Wells <lwells@envisage.law>, Aaron Fleisher <aaron.fleisher@splcenter.org>, Scott McCoy <Scott.McCoy@splcenter.org>

Subject: Re: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Counsel,

Please respond with your and your clients' availability for depositions through the close of discovery on May 26, so Plaintiff may attempt to notice depositions on dates that work for everyone.

Regards,

Sarah

Sarah R. Star, Esq.

Attorney and Counselor at Law, P.C.

P.O. Box 106

Middlebury, VT 05753

From: Anthony Biller <ajbiller@envisage.law>

Date: Tuesday, March 23, 2021 at 3:32 PM

To: Sarah Star <sarahstar.esq@gmail.com>, 'Horatio Mihet' <hmihet@lc.org>, Adam Hochschild <adam@hochschildlaw.com>, Michael J. Tierney <mtierney@wadleighlaw.com>, 'Brooks McArthur' <bmcarthur@jarvismcarthur.com>, Michael Hirsh <Michael@Hirsh.law>

Cc: Beth Littrell <beth.littrell@splcenter.org>, Emily Joselson <ejoselson@langrock.com>, flangrock <flangrock@langrock.com>, Diego Soto <Diego.Soto@splcenter.org>, Jessica Stone <jessica.stone@splcenter.org>, Maya Rajaratnam <maya.rajaratnam@splcenter.org>, Duncan Kilmartin <rexkilvt@together.net>, Tyler Clemons <Tyler.Clemons@splcenter.org>, '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>, Lesley Biller <lbiller@envisage.law>, Lauren Wells <lwells@envisage.law>, Aaron Fleisher <aaron.fleisher@splcenter.org>, Scott McCoy <Scott.McCoy@splcenter.org>

Subject: RE: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Sarah,

I am not in a position to agree to engage in discovery within the next month until such time as I have further opportunity to come up to speed on what has occurred in this case to date, confer with my client and determine her response to what she was served. I do not believe I can have that process done by April.

Per my prior email, we plan on requesting an extension of time within which to respond and do not agree to engaging in discovery or discussing the possibility of the same until after my client has responded to the complaint.

Thank you.

Tony

Anthony Biller

Partner

Envisage Law

A Pinna Biller Burwell Black and Finch Firm

919.755.1317

2601 Oberlin Rd, Ste 100, Raleigh, NC 27608

www.envisage.law

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

Sent: Thursday, March 18, 2021 2:42 PM

To: Anthony Biller <ajbiller@envisage.law>; 'Horatio Mihet' <hmihet@lc.org>; Adam Hochschild <adam@hochschildlaw.com>; Michael J. Tierney <mtierney@wadleighlaw.com>; 'Brooks McArthur' <bmcarthur@jarvismcarthur.com>; Michael Hirsh <Michael@Hirsh.law>

Cc: Beth Littrell <beth.littrell@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@langrock.com>; Diego Soto <Diego.Soto@splcenter.org>; Jessica Stone <jessica.stone@splcenter.org>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; '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>; Lesley Biller <lbiller@envisage.law>; Lauren Wells <lwells@envisage.law>; Aaron Fleisher <aaron.fleisher@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>

Subject: Re: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Counsel,

Now that Lisa Miller has been served and Mr. Biller is coming on board, and in light of the fact that the motion to disqualify has been resolved, would you now be amenable to discussing a revised discovery order/schedule? I know that some Defendants expressed a strong interest in moving things along, and I would be happy to start discussing dates for party depositions in April.

Please let me know your thoughts on the best way to proceed.

Regards,

Sarah

Sarah R. Star, Esq.

Attorney and Counselor at Law, P.C.

P.O. Box 106

Middlebury, VT 05753

From: Anthony Biller <ajbiller@envisage.law>

Date: Monday, March 15, 2021 at 11:53 AM

To: Diego Soto <Diego.Soto@splcenter.org>

Cc: Beth Littrell <beth.littrell@splcenter.org>, Emily Joselson <ejoselson@langrock.com>, flangrock <flangrock@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>, Adam Hochschild <adam@hochschildlaw.com>, 'Horatio Mihet' <hmihet@lc.org>, '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>, Lesley Biller <lbiller@envisage.law>, Lauren Wells <lwells@envisage.law>, Aaron Fleisher <aaron.fleisher@splcenter.org>, Scott McCoy <Scott.McCoy@splcenter.org>

Subject: RE: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Thank you.

Anthony Biller

Partner

Envisage Law

A Pinna Biller Burwell Black and Finch Firm

919.755.1317

2601 Oberlin Rd, Ste 100, Raleigh, NC 27608

www.envisage.law

From: Diego Soto <Diego.Soto@splcenter.org>

Sent: Monday, March 15, 2021 11:20 AM

To: Anthony Biller <ajbiller@envisage.law>

Cc: Beth Littrell <beth.littrell@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@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>; Adam Hochschild <adam@hochschildlaw.com>; 'Horatio Mihet' <hmihet@lc.org>; '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>; Lesley Biller <lbiller@envisage.law>; Lauren Wells <lwells@envisage.law>; Aaron Fleisher <aaron.fleisher@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>

Subject: RE: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Anthony,

Attached is the service affidavit, which we received and filed today.

Sincerely,

Diego



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

From: Diego Soto
Sent: Thursday, March 11, 2021 4:11 PM
To: Anthony Biller <ajbiller@envisage.law>
Cc: Beth Littrell <beth.littrell@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@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>; Adam Hochschild <adam@hochschildlaw.com>; 'Horatio Mihet' <hmihet@lc.org>; '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>; Lesley Biller <lbiller@envisage.law>; Lauren Wells <lwells@envisage.law>; Aaron Fleisher <aaron.fleisher@splcenter.org>; Scott McCoy <scott.mccoy@splcenter.org>
Subject: RE: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

Anthony,

I can confirm that Plaintiff requested that the jail serve Ms. Miller the attached summons and complaint, but I can't yet confirm whether that has actually occurred; we're still waiting for the proof of service from the jail or other confirmation. We'll file the proof of service once we receive it, and I'd be happy to send you a copy.

Plaintiff opposes a motion to extend the time for Ms. Miller to respond to the complaint. Ms. Miller certainly has known about this case for years while a fugitive but decided only recently to turn herself in. Moreover, the Court has already denied multiple motions to dismiss in the attached orders.

Sincerely,

Diego



Diego Soto he/him/his
Staff Attorney | LGBTQ Rights & Special Litigation
Southern Poverty Law Center
T 334.956.8427 C 334.604.1414 F 334.956.8481
diego.soto@splcenter.org | www.splcenter.org

Admitted in Alabama and the District of Columbia

From: Anthony Biller <ajbiller@envisage.law>
Sent: Thursday, March 11, 2021 2:17 PM
To: Diego Soto <Diego.Soto@splcenter.org>; Scott McCoy <Scott.McCoy@splcenter.org>
Cc: Beth Littrell <beth.littrell@splcenter.org>; Emily Joselson <ejoselson@langrock.com>; flangrock <flangrock@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>; Adam Hochschild <adam@hochschildlaw.com>; 'Horatio Mihet' <hmihet@lc.org>; '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>; Lesley Biller <lbiller@envisage.law>; Lauren Wells <lwells@envisage.law>
Subject: Jenkins et al. v. Miller et al., No. 2:12-cv-184 (D. Vt.)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Diego and Scott,

I have been retained to represent Lisa Miller in the Jenkins/SPLC civil suit. I am in the process of seeking to retain local counsel to facilitate my appearing in the lawsuit for Ms. Miller.

I understand that Ms. Miller was served process in the Buffalo County Jail this past Tuesday, March 9. I would appreciate it if you could confirm whether that is correct and please email to me a copy of the summons, complaint and whatever else she was served.

We also plan on moving the court for a 30 day extension of time within which to respond to the complaint. The docket reflects a fairly involved history, that and my client's relative inaccessibility necessitate additional time for forming my client's response to the complaint. I would appreciate your letting me know by Monday, March 15 whether plaintiff consents to the extension so that I may inform the court accordingly.

Thank you.

Anthony Biller

Partner

Envisage Law

A Pinna Biller Burwell Black and Finch Firm

919.755.1317

2601 Oberlin Rd, Ste 100, Raleigh, NC 27608

www.envisage.law

Email Disclaimer

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Email Disclaimer

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

Email Disclaimer

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Email Disclaimer

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

Email Disclaimer

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

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

JANET JENKINS,

Plaintiff,

v.

KENNETH L. MILLER, *et al.*,

Defendants.

No. 2:12-cv-184-WKS

**DECLARATION OF DIEGO A. SOTO IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE TO DEPOSE DEFENDANT LISA MILLER**

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

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

2. Exhibit 1 is a true and correct copy of the Niagara County, New York Sheriff's Office's online information for Defendant Lisa Miller as of today.

3. Exhibit 2 is a true and correct copy of emails between counsel for the parties.

4. On March 30, 2021, Plaintiff's counsel Sarah Star, Esq. emailed Defendant's counsel asking whether Defendant would oppose this motion. Defendant's counsel responded that he opposes any effort to depose her at this time.

Executed on April 2, 2021

/s/ Diego A. Soto

Diego A. Soto

Counsel for Plaintiff Janet Jenkins

**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.

CERTIFICATE OF SERVICE

I hereby certify that, on this date, Plaintiff's Motion for Leave to Depose Defendant Lisa Miller was served on the following counsel of record through the Court's CM/ECF system:

Richard Boyer
Integrity Law Firm, PLLC
Counsel for Defendant Linda M. Wall

Anthony R. Duprey
Neuse, Duprey & Putnam, PC
Counsel for Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen

Roger K. Gannam
Liberty Counsel
Counsel for Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen

Adam S. Hochschild
Hochschild Law Firm, LLC
Counsel for Defendant Linda M. Wall

Michael R. Hirsh
Hirsh & Heuser, LLC
Counsel for Defendants Philip Zodiates, Victoria Hyden, and Response Unlimited, Inc.

Duncan F. Kilmartin
Rexford and Kilmartin, P.C.
Counsel for Defendant Lisa Miller

Brooks G. McArthur
Jarvis, McArthur & Williams, LLC
Counsel for Defendant Kenneth L. Miller

Horatio G. Mihet
Liberty Counsel
Counsel for Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen

Daniel Joseph Schmid
Liberty Counsel
Counsel for Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen

Norman C. Smith
Norman C. Smith, PC
Counsel for Defendant Linda M. Wall

Michael J. Tierney
Wadleigh, Starr & Peters, PLLC
Counsel for Defendant Timothy D. Miller

April 2, 2021

/s/ Diego A. Soto
Diego A. Soto
Counsel for Plaintiff Janet Jenkins