

**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

**NOTICE OF RESOLUTION OF DEFENDANT LISA MILLER’S CRIMINAL CASE
AND PLAINTIFF’S MOTION TO STAY DISCOVERY PENDING MEDIATION**

Plaintiff Janet Jenkins respectfully notifies the Court that Defendant Lisa Miller was sentenced on May 24, 2022, in her criminal prosecution, *United States v. Lisa Miller*, No. 1:14-cr-00175 (W.D.N.Y.), and that she was released from incarceration. Therefore, the stays of this case, *see* ECF 686, 695, have automatically lifted. *Cf.* ECF 301 (denying motion to lift stay as moot because stay automatically lifted when judgment was entered against Defendant Philip Zodhiates in his criminal case, and “[n]o additional order lifting the stay is necessary”). Plaintiff now moves to stay discovery in this case pending the parties’ planned mediation. The parties have agreed to attempt to resolve this case with the assistance of Michael Marks, Esq. of MarksPowers LLP and currently are attempting to schedule mediation for October 7, 2022, the earliest date available for all involved. Staying discovery pending mediation would allow “the parties to secure the just, speedy, and inexpensive determination of” this case. Fed. R. Civ. P. 1; *see also Kozlowski v. Experian Info. Sols., Inc.*, No. 19-cv-11640, 2020 WL 5602965 (S.D.N.Y. Sept. 18, 2020) (granting joint motion to stay discovery pending mediation). Plaintiff respectfully proposes that, if the parties are unable to resolve the entirety of this case at mediation, then they would move to lift the stay of discovery upon the completion of mediation

and propose a discovery schedule.

Plaintiff's counsel has sought the positions of Defendants on this motion. Defendant Lisa Miller agrees to the motion. Defendant Kenneth Miller has no objection to the motion.

Defendants Liberty Counsel and Rena Lindevaldsen do not agree to the motion. At the time of this filing, Plaintiff's counsel has not received a response from Defendants Victoria Hyden, Timothy Miller, Response Unlimited, Linda Wall, and Philip Zodhiates.

CONCLUSION

The Court should grant the motion to stay discovery pending mediation.

Respectfully submitted.

May 26, 2022

/s/ Frank H. Langrock

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Counsel for Plaintiff Janet Jenkins

CERTIFICATE OF SERVICE

I hereby certify that, on this date, this Notice of Resolution of Defendant Lisa Miller's Criminal Case and Plaintiff's Motion to Stay Discovery Pending Mediation was served on all counsel of record through the Court's CM/ECF system:

May 26, 2022

/s/ Jessica L. Stone

Jessica L. Stone

Counsel for Plaintiff Janet Jenkins