

STATE OF VERMONT

SUPERIOR COURT
Orange County

CIVIL DIVISION
Docket No. 23-CV-02848

JOHN DURKEE, EXECUTOR
OF THE ESTATE OF DECEDENT
H. BLAISDELL, JR.,
Plaintiff

v.

TRINI BRASSARD, COURTNEY BRASSARD,
BRIAN FALZO, DANIEL BRASSARD, AND
BRASSARD SUGARWORKS AND MAPLE
SUPPLY, LLC,
Defendants

ANSWER FOR DEFENDANT COURTNEY BRASSARD

Now comes Defendant, Courtney Brassard, by and through her attorneys Davis
Steadman Percy & Sluka LLC and respectfully provides this Answer to Plaintiff's
Complaint.

1. Paragraph states legal conclusions, argument and requests for relief no response is required. To the extent one is deemed necessary, denied.

Parties

2. Admitted that an estate has been opened in Vermont and that John Durkee is the Executor of said estate, otherwise denied.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. As this paragraph states legal conclusions, rather than allegation of fact, no response is required.

Venue and Jurisdiction

12. As this paragraph states legal conclusions, rather than allegation of fact, no response is required; notwithstanding, Courtney Brassard does not contest jurisdiction or venue.
13. As this paragraph states legal conclusions, rather than allegation of fact, no response is required; notwithstanding, Courtney Brassard does not contest jurisdiction or venue.

Property

14. Without personal knowledge to admit or deny, therefore denied.
15. Without personal knowledge to admit or deny, therefore denied.
16. Without personal knowledge to admit or deny, therefore denied.
17. Without personal knowledge to admit or deny, therefore denied.
18. Admit the identification of the parcel, all remaining allegations set forth in paragraph 18 are denied.

Factual Background

19. Admit that Decedent Kenneth H. Blaisdell, Jr. suffered a stroke in 2013. Deny that it was a massive stroke. Without personal knowledge to admit or deny the remaining allegations, therefore denied.
20. Without personal knowledge to admit or deny, therefore denied.

21. Without personal knowledge to admit or deny, therefore denied.
22. Without personal knowledge to admit or deny, therefore denied.
23. Without personal knowledge to admit or deny, therefore denied.
24. Without personal knowledge to admit or deny, therefore denied.

Defendant Trini Brassard's self-dealing as agent under the POA

25. Denied.
26. Without personal knowledge to admit or deny, therefore denied.
27. Without personal knowledge to admit or deny, therefore denied.
28. Without personal knowledge to admit or deny, therefore denied.
29. Without personal knowledge to admit or deny, therefore denied.
30. Without personal knowledge to admit or deny, therefore denied.
31. Without personal knowledge to admit or deny, therefore denied.
32. Without personal knowledge to admit or deny, therefore denied.

Direct Compensation by Trini Brassard, POA to Defendant Trini Brassard

33. Without personal knowledge to admit or deny, therefore denied.
34. Without personal knowledge to admit or deny, therefore denied.
35. Without personal knowledge to admit or deny, therefore denied.
36. Without personal knowledge to admit or deny, therefore denied.
37. Without personal knowledge to admit or deny, therefore denied.
38. Without personal knowledge to admit or deny, therefore denied.
39. Without personal knowledge to admit or deny, therefore denied.
40. Without personal knowledge to admit or deny, therefore denied.

Misuse of Decedent's crop income and farm assets

41. Denied.
42. Denied as to the allegations regarding Courtney Brassard. Without personal knowledge to admit or deny the remaining allegations, therefore denied.
43. Without personal knowledge to admit or deny, therefore denied.
44. Without personal knowledge to admit or deny, therefore denied.
45. Without personal knowledge to admit or deny, therefore denied.
46. Without personal knowledge to admit or deny, therefore denied.
47. Without personal knowledge to admit or deny, therefore denied.
48. Without personal knowledge to admit or deny, therefore denied.
49. Without personal knowledge to admit or deny, therefore denied.
50. Without personal knowledge to admit or deny, therefore denied.
51. Without personal knowledge to admit or deny, therefore denied.
52. Without personal knowledge to admit or deny, therefore denied.
53. As this paragraph states a legal conclusion, no response is required.
54. Without personal knowledge to admit or deny, therefore denied.
55. Without personal knowledge to admit or deny, therefore denied.
56. Without personal knowledge to admit or deny, therefore denied.
57. Without personal knowledge to admit or deny, therefore denied.
58. Without personal knowledge to admit or deny, therefore denied.
59. Without personal knowledge to admit or deny, therefore denied.
60. Without personal knowledge to admit or deny, therefore denied.

61. Without personal knowledge to admit or deny, therefore denied.
62. Admit that Decedent's medical condition left him unable to return to active farming immediately following his stroke in 2013, however, Decedent believed he would return to active farming in time and remained active on the farm until the time of his death.
- Except as admitted above, denied.

Brassard Family Transactions

63. Denied as to the allegations regarding Courtney Brassard. Without personal knowledge to admit or deny the remaining allegations, therefore denied.
64. Without personal knowledge to admit or deny, therefore denied.
65. Without personal knowledge to admit or deny, therefore denied.
66. To the extent a response is required, denied.
67. Without personal knowledge to admit or deny, therefore denied.
68. Without personal knowledge to admit or deny, therefore denied.
69. Without personal knowledge to admit or deny, therefore denied.
70. Without personal knowledge to admit or deny, therefore denied.
71. Denied.
72. Admitted that in 2014 a 2013 Commodore Astro mobile home was purchased for \$38,000.00 and that such was titled to Decedent and Courtney Brassard as joint tenants with rights of survivorship. All remaining allegations are denied.
73. Admitted that in 2014 a 2013 Commodore Astro mobile home was purchased for \$38,000.00 and that such was titled to Decedent and Courtney Brassard as joint tenants with rights of survivorship. All remaining allegations are denied.

- 74. Admit that the mobile home was sold. All remaining allegations are denied.
- 75. Admit that a 101.7-acre parcel was transferred to Courtney Brassard and Brian Falzo, all remaining allegations set forth in paragraph 75 are denied.
- 76. Admitted that the transfer was accomplished by Quitclaim Deed, the contents of the deed and Property Transfer Tax Return speak for themselves. All remaining allegations are denied.
- 77. Admit that the land, hayfields, and gravel pit were transferred to Courtney Brassard and Brian Falzo, all remaining allegations set forth in paragraph 77 are denied.
- 78. Without personal knowledge to admit or deny, therefore denied.
- 79. Admit that Courtney Brassard retains title, all remaining allegations set forth in paragraph 79 are denied.
- 80. Denied.

Post-Morten Theft

- 81. Denied as to the allegations regarding Courtney Brassard. Without personal knowledge to admit or deny the remaining allegations, therefore denied.
- 82. Without personal knowledge to admit or deny, therefore denied.
- 83. Without personal knowledge to admit or deny, therefore denied.
- 84. Without personal knowledge to admit or deny, therefore denied.
- 85. Without personal knowledge to admit or deny, therefore denied.
- 86. Without personal knowledge to admit or deny, therefore denied.
- 87. Denied.
- 88. Without personal knowledge to admit or deny, therefore denied.

Count 1 – Breach of Fiduciary Duty
Defendant Trina Brassard

89. Courtney Brassard repeats and incorporates all responses set forth above as if fully stated herein.
90. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
91. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
92. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied. .
93. Allegation does not involve Courtney Brassard therefore no response is required. To the extent one is required Courtney Brassard is without personal knowledge to admit or deny, therefore denied.
94. Allegation does not involve Courtney Brassard therefore no response is required. To the extent one is required Courtney Brassard is without personal knowledge to admit or deny, therefore denied.
95. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
96. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
97. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
98. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.

99. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
100. Allegation does not involve Courtney Brassard; no response is required. To the extent one is required Courtney Brassard is without personal knowledge to admit or deny, therefore denied.
101. Allegation does not involve Courtney Brassard; no response is required. To the extent one is required Courtney Brassard is without personal knowledge to admit or deny, therefore denied.

Count II – Conversion
Defendants Trii Brassard, Courtney Brassard, Daniel Brassard, Brian Falzo,
and Brassard Sugarworks and Maple Supply, LLC

102. Courtney Brassard repeats and incorporates all responses set forth above as if fully stated herein.
103. Denied as to the allegations regarding Courtney Brassard. Without personal knowledge to admit or deny the remaining allegations, therefore denied.
104. Admit that Defendant Courtney Brassard received income from the sale of gravel, the remaining allegations set forth in paragraph 104 are denied.
105. Admit that Defendants Courtney Brassard and Brian Falzo hold title and possession of 101.7 acres of land, the remaining allegations set forth in paragraph 105 are denied.
106. Without personal knowledge to admit or deny, therefore denied.
107. Without personal knowledge to admit or deny, therefore denied.
108. Without personal knowledge to admit or deny, therefore denied.
109. Without personal knowledge to admit or deny, therefore denied.

110. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
111. Without personal knowledge to admit or deny, therefore denied.
112. As this paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.
113. Paragraph does not contain an allegation; no response is required; to the extent a response is required, denied.

Count III – Trespass to Chattels
Defendants Trini Brassard, Courtney Brassard, Daniel Brassard,
and Brassard Sugarworks and Maple Supply, LLC

114. Courtney Brassard repeats and incorporates all responses set forth above as if fully stated herein.
115. Denied.
116. Denied.
117. Denied.
118. Denied.
119. Denied.

Count IV – Embezzlement
Defendants Trini Brassard, Courtney Brassard, and Daniel Brassard

120. Courtney Brassard repeats and incorporates all responses set forth above as if fully stated herein.
121. Denied.
122. Without personal knowledge to admit or deny, therefore denied.
123. Denied
124. Without personal knowledge to admit or deny, therefore denied.

125. Denied.

Count V - Fraud

126. Courtney Brassard repeats and incorporates all responses set forth above as if fully stated herein.

127. Without personal knowledge to admit or deny, therefore denied.

128. Without personal knowledge to admit or deny, therefore denied.

129. Without personal knowledge to admit or deny, therefore denied.

130. Without personal knowledge to admit or deny, therefore denied.

131. Denied.

Count VI – Trespass to Land
Defendants Courtney Brassard, Brian Falzo, Daniel Brassard,
and Brassard Sugarworks and Maple Supply, LLC

132. Courtney Brassard repeats and incorporates all responses set forth above as if fully stated herein.

133. Denied.

134. Admitted that the land has not been owned for more than fifteen (15) years. As the remainder of the paragraph states legal conclusions, rather than allegations of fact, no response is required; to the extent a response is required, denied.

135. Paragraph contains a request for relief, not an allegations, therefore no response is required.

Affirmative Defenses

1. Ratification.

2. Consent.

3. License.

4. Laches.
5. Waiver.
6. Release.
7. Set off.

JURY TRIAL

Defendant Courtney Brassard hereby demands a jury trial on all counts and issues so triable.

Dated at White River Junction, Vermont this 5th day of September, 2023.

COURTNEY BRASSARD

/s/ Todd C. Steadman

By:

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