

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 BRIAN FALZO

Now comes Defendant, Brian Falzo, pro se, 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, Brian Falzo does not contest jurisdiction or venue.
13. As this paragraph states legal conclusions, rather than allegation of fact, no response is required; notwithstanding, Brian Falzo 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. 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. Without personal knowledge to admit or deny, therefore denied.
42. Denied as to the allegations regarding Brian Falzo. 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. Without personal knowledge to admit or deny, therefore denied.

Brassard Family Transactions

- 63. Denied as to the allegations regarding Brian Falzo. 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-Mortem Theft

81. Denied as to the allegations regarding Brian Falzo. 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. Brian Falzo 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 Brian Falzo therefore no response is required. To the extent one is required Brian Falzo is without personal knowledge to admit or deny, therefore denied.
94. Allegation does not involve Brian Falzo therefore no response is required. To the extent one is required Brian Falzo 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 Brian Falzo; no response is required. To the extent one is required Brian Falzo is without personal knowledge to admit or deny, therefore denied.

101. Allegation does not involve Brian Falzo; no response is required. To the extent one is required Brian Falzo 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. Brian Falzo repeats and incorporates all responses set forth above as if fully stated herein.
103. Denied as to the allegations regarding Brian Falzo. 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. Brian Falzo 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. Brian Falzo 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. Brian Falzo 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. Brian Falzo 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.

Dated at East Randolph, Vermont this 29th day of August, 2023.

BRIAN FALZO

By: /s/ Brian Falzo
Brian Falzo