

EXHIBIT C

STATE OF VERMONT

VERMONT SUPERIOR COURT
Orange Unit

CIVIL DIVISION
Docket No. 23-cv-02848

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

v.)

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

**JOHN DURKEE, EXECUTOR OF
THE ESTATE OF DECEDENT KENNETH H. BLAISDELL, JR'S
RESPONSE TO
DEFENDANT DANIEL BRASSARD'S
FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE**

NOW COMES Plaintiff JOHN DURKEE, EXECUTOR OF THE ESTATE OF
DECEDENT KENNETH H. BLAISDELL, JR., by and through counsel, PRIMER PIPER
EGGLESTON & CRAMER, PC, and pursuant to V.R.C.P. 26 et. seq., hereby RESPONDS to
DEFENDANT DANIEL BRASSARD'S FIRST SET OF INTERROGATORIES, REQUESTS
TO PRODUCE, and ADMIT as follows.

Interrogatories

1. State your full name.

RESPONSE: John Wain Durkee

2. Highest level of education and/or degree awarded.

RESPONSE: Bachelor's Degree

3. Current occupation and experience with probate matters.

RESPONSE: Owner of John Durkee, CPA, PC. I have been serving as an Executor for probate matters in the State of Vermont for approximately 25 years. I am currently the Executor/Administrator for 2 active Probate Division matters.

4. Background in working with the Current use Program.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “background” or “working”. Notwithstanding this objection, I have been managing the current use designation on my own property. Further, the current use plan is controlled by the forestry plan if there is one.

5. Background with complying with ACT 250 and/or gravel extraction sites.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “background”. Notwithstanding this objection, I have contacts at the State of Vermont to discuss Act 250 permit issues, and should a permit application benefit from the opinion of a professional, I would then hire one. *See*, BLA003855 –BLA003858.

6. Background with mining safety.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “background”. This request is outside the scope of discovery pursuant to Rule 26 and is not likely to lead to the discovery of relevant evidence. Notwithstanding this objection, I am aware of mining safety regulations; I have discussed the operation of the Estate’s gravel and sand pits with W.B. Rogers, with an MSHA district office, and a consultant from Associated General Contractors of Vermont.

7. Please produce any/all “Factual” records you have regarding my “Sugaring” business.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “factual”. Notwithstanding this objection, I have previously produced all relevant documents in my possession. For example, on October 4, 2014 Co-Defendant Trini Brassard acting as POA, purchased from Paul Lambert of Silloway Farms a “reverse osmosis” system using funds belonging to the Decedent. The total cost to the Decedent was \$10,500, and the equipment purchased was given to you free of charge to use in your sugaring operations. Co-Defendant Trini Brassard provided a document to me that stated, in part, that the sugarhouse on the Estate’s “Sugarhouse Parcel” was your senior project and used by you in your sugar operations. On November 28, 2015, Co-Defendant Trini Brassard acting as POA, entered into a lease with you to use the Decedents lands for your sugaring operation. The terms of the lease were for 20 years. The cost of the lease to you was \$0. This rate was different from the Decedent’s agreements with Silloway Maple, Green Lantern Solar, and Sprague Farms all of which also leased lands from the Decedent. See BLA002774 – BLA002775; BLA002372; BLA002042; BLA002041; BLA002034 - BLA002037; BLA002029 – BLA002031; BLA001996 – BLA001999.

8. Please produce a list of all persons you have had any conversation or interaction with along with a description of the conversation or interaction about my “Sugaring” activities.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “interaction”. Notwithstanding this objection, I have discussed your “sugaring” activities with you, Co-Defendant Trini Brassard, and Thad Blaisdell (beneficiary to the Estate). During these conversations, I was told many things, and what I now remember are the following: (1) you built the sugarhouse which sat on the Estate’s

property as a class project; (2) you used lumber from the Decedent's lands to build the sugarhouse; (3) you received a free reverse osmosis system from the Decedent's funds as a result of Co-Defendant Trini Brassard's actions as POA; (4) you used the Decedents sugarbush for free for several years; (5) you received a lease from Co-Defendant Trini Brassard, acting as POA, to extract sap from various trees owned by the Decedent; (6) the Decedent paid property insurance and property taxes on these same parcels; (7) your sales from these maple sugaring activities did not get deposited into the Decedent's checking account; (8) you did not reimburse the Decedent or the Estate for any of your maple sugaring activity. Importantly, the Estate has requested additional information from you related to the number of annual taps, quantity of sap collected annually, the quantity of maple syrup created annually, and the gross and net sales from these activities. To date you have failed to provide any meaningful response.

9. Please produce all records of your response to the July 2023 Flooding that occurred on estate property, including extent of damage and what was done for repairs.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term "July 2023 Flooding" or "estate property". Notwithstanding this objection, there were several days in July of 2023 when the county received higher than average rainfall which may have caused local flooding, but other than standing water in fields which subsided when local creeks and rivers returned to their banks, the Estate did not suffer any losses due to the weather event.

10. Please produce a list of all customers of the estate that discontinued any purchases of materials from the estate. Provide any reasons for this discontinuance.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “customers” or “materials”. Notwithstanding this objection, there are none.

11. Please share your reasoning for not selling the estates “Bulldozer” with the rest of the equipment and any evidence you have to support your answer.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “Bulldozer.” Notwithstanding this objection, this issue is moot because the three beneficiaries who had the right to control the sale of equipment entered into an agreement with the Estate on this issue.

12. Provide your education, experience, and any background in the production or sale of hay, permitting of extraction activities, management of aggregate sales and MSHA compliance.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “management of aggregate sales” or “permitting of extraction activities” or “MSHA.” Notwithstanding this objection, I personally have been haying for decades in Orange County Vermont, but as a professional CPA and court appointed executor/ administrator, I am comfortable seeking out experts in various fields should that be necessary to administer an estate.

Requests to Admit

1. Admit the “Bulldozer” is listed on the decedent’s depreciation schedule for tax year 2021 that was provided to you from the “Tax Team”.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the terms “Bulldozer” and “depreciation schedule”. Notwithstanding these objections, Denied. *See*, BLA001941 – BLA001961.

2. Admit to not selling the “Bulldozer” because one beneficiary “claims” it was gifted to them.

RESPONSE: Denied.

3. Admit there is no actual evidence of the Bulldozer being gifted, and the “deadman statue” should apply.

RESPONSE: OBJECTION. These request seeks to obtain a legal opinion, which is an inaccurate use of discovery, as such no response is required. Notwithstanding this objection, Denied.

- 4a. Admit even with invoice copies and cancelled checks you still refuse to investigate the Sugaring equipment listed on the decedent’s depreciation schedule.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “sugaring equipment” and “depreciation schedule.” Notwithstanding this objection, Denied.

- 4b. Admit to contacting Thad directly or requiring others to contact him to discuss all activities on the 102.9-acre parcel even though he does not have any control of it.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “contacting Thad” or “discuss all activities on the 102.9 acre parcel”. Moreover, the request is overly broad and unduly burdensome as it does not limit the response to a set time-period. Notwithstanding these objections, Denied.

5. Admit over the course of your management of the estate you never noticed cows grazing on estate land until 2024.

RESPONSE: Denied.

6. Admit that you have not once had a one-on-one conversation of the role I played in my grandfather's haying operation from 2013-2021.

RESPONSE: Denied. See, BLA001373 – BLA001375; BLA001370 – BLA001371

7. Admit you let an individual you did not know operate the skid steer owned by the estate with no prior knowledge of them, or you knowing if they had any experience of operating one.

RESPONSE: Denied.

8. Admit to having conversations with multiple people outside the estate and claiming "You're losing sleep at night" over this estate and "didn't realize how complicated it would be".

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term "multiple people." Notwithstanding this objection, I do not have any specific memory of making those statements however the lack of transparency from various beneficiaries has made the probating of this Estate unnecessarily complicated, but as I do not remember stating those exact words, Denied.

9. Admit to asking a customer of the estate months after you were appointed to "Show you the property and the boundaries" as you did not know them.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term "customer." Notwithstanding this objection, I often attempt to gain

relevant knowledge about estate's where I serve as an executor in the most efficient and cost effective manner, which often includes asking questions of various individuals who may have the knowledge I seek. However, I do not remember using those exact words to a customer of the estate, therefore this request is Denied.

10. Admit to selling the remainder of the estates round bales at a considerably lower price that what they were sold for that winter.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the request failed to define the phrase "that winter." This request is overly broad and unduly burdensome because it does not define the time-period about which you are requesting information. Notwithstanding these objections, the Estate has shared all hay sale income and expenses with the beneficiaries in the annual accountings filed in the Probate Division. Further, the final sale of hay by the Estate was to you. In as much as a response is required, Denied.

11. Admit to letting the estates enrollment in the current use expire for only one parcel, resulting in ta withdrawal penalty and higher taxes.

RESPONSE: Denied.

12. Admit to the over extraction of volumes allowed in ACT 250 permit under your management that could result in monetary fines at the most northern gravel pit on Vermont Route 14 owned by the estate.

RESPONSE: Denied.

13. Admit to meeting Thad on estate property in the spring of 2024 with no representation present on either side.

RESPONSE: OBJECTION. This request is vague and ambiguous, as the question does not define the term “estate property” and “representation.” Notwithstanding this objection, since being appointed executor, I have met with Thad Blaisdell, Co-Defendant Trini Brassard, and you on estate property without representation. Therefore, I admit I have met with various beneficiaries on estate property without representation present on either side.

Requests for Production

1. With respect to each and every response to the forgoing Interrogatories and admits, produce all documents identifies in your response.

RESPONSE: See, BLA000001 – BLA003911.

2. Produce any documents and/or photo showing all agricultural equipment owned by the estate shortly after you took over.

RESPONSE: See, there are none.

3. Produce photos or documents of the equipment at the auction site prior to being sold.

RESPONSE: See, the Estate does not have any, but the auction house took photos that were published online as part of their auction.

4. Produce all documents that record any damage that was done to the equipment from the time it left the estate land to the time it was sold.

RESPONSE: See, there are none.

5. Produce all records showing the amount of bale wrap purchased by the estate from 2013-2021.

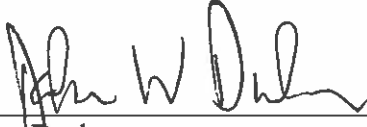
RESPONSE: *See*, BLA000469 – BLA000585; BLA000586 – BLA000661; BLA000703 – BLA000718; BLA000782 – BLA000796; BLA000797 – BLA000851; BLA000852 – BLA000863; BLA 000864 – BLA000912; BLA000913 – BLA000924; BLA000925 – BLA000977; BLA000978 – BLA000989; BLA000990 – BLA001045; BLA001046 – BLA001057; BLA001058 – BLA001110; BLA001111 – BLA001122; BLA001123 – BLA001175; BLA001184 – BLA001212.

6. Produce all records showing the amount of net wrap purchased by the estate from 2013-2021.

RESPONSE: *See*, response number 5.

DATED at Woodstock, Vermont this 24th day of January, 2025.

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

By: 
John Durkee

STATE OF VERMONT)

WINDSOR COUNTY, ss.)

On this 24th day of January, 2025, before me, the undersigned officer, personally appeared Ben Morgan, to me known (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that the information therein contained is true and based upon personal knowledge and belief.

In witness whereof, I have hereunto set my hand and seal.



Notary Public

My Commission Expires:

Maure Lenore Snell
Notary Public State of Vermont
Commission No. 0015878
Commission Exp: 1/31/2025

AS TO OBJECTIONS AND V.R.C.P. 26:

PRIMMER PIPER EGGLESTON & CRAMER PC

By: /s/ Elizabeth A. Willhite
Richard J. Windish, Esq.
Elizabeth A. Willhite, Esq.
43 Lincoln Corners Way, Suite 205
Woodstock, VT 05091
rwindish@primmer.com | 802-457-8128
ewillhite@primmer.com | 802-371-5202
*Attorneys for Plaintiff John Durkee, Executor
of the Estate of Decedent Kenneth H. Blaisdell, Jr.*