

STATE OF VERMONT

SUPERIOR COURT
Orange Unit

CIVIL DIVISION
Case 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.

TRINI BRASSARD'S VERIFIED MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S RULE 37 MOTION TO COMPEL DEFENDANT TRINI BRASSARD [sic]
RESPONSES TO WRITTEN DISCOVERY

Defendant, Trini Brassard (“Ms. Brassard”), by and through her attorneys, Brannen & Loftus, PLLC, hereby files this verified memorandum in opposition to *Plaintiff's Rule 37 Motion to Compel Defendant Trini Brassard [sic] Responses to Written Discovery*, filed March 17, 2025 (hereinafter, “Plaintiff’s Motion”). As alluded to in Plaintiff’s Motion, Ms. Brassard’s delay in the production of the requested documents is due to the need for the Court’s approval of a Confidentiality Stipulation and Order concerning the relevant financial documents. In the underlying Estate action – *In Re: Estate of Kenneth H. Blaisdell, Jr.*, Case No. 21-PR-04895 – Plaintiff has demonstrated an apparent bias in favor of Ms. Brassard’s brother, Thad Blaisdell, who is not a party to this action, and Ms. Brassard has serious and legitimate concerns that the requested financial information will not remain confidential, and, instead, will be passed along to Thad Blaisdell to further his claims in the Estate matter, along with whatever other personal agenda he may have against his sister. Further, the delay in producing the requested documents

stems directly from Plaintiff's own inattentiveness and delay in his review of Ms. Brassard's various discovery responses. Finally, Ms. Brassard reiterates and maintains her objection to the production of her personal income tax returns, given that she files jointly with her husband, Jeff Brassard, who is not a party to this action, and there is no way to redact Mr. Brassard's personal income tax information from the relevant tax returns. In further support of her memorandum in opposition, Ms. Brassard states as follows:

1. Initially, Plaintiff has demonstrated a clear bias in favor of Thad Blaisdell, to the detriment of the other beneficiaries of the Estate, including bringing this civil action against Ms. Brassard and the other Defendants, and Ms. Brassard has serious and legitimate concerns that the financial information Plaintiff requests will not remain confidential.
2. Even before the filing of this action (in fact, almost from the moment he was appointed to administer the Estate of Kenneth H. Blaisdell, Jr.), Plaintiff essentially took the position that Ms. Brassard abused her authority as agent for the Decedent, Kenneth Blaisdell (Ms. Brassard's father), to "loot" Decedent's assets prior to his death. For example, on January 12, 2022, Plaintiff, through his then counsel, John Page, Esq., sent a letter to Jake Thompson, Esq., Ms. Brassard's former counsel, aggressively demanding Ms. Brassard provide "a comprehensive accounting of all transactions undertaken by her under authority of Kenneth's Power of Attorney...until his death[,]" as well as "an accounting for all transactions of any kind involving Kenneth's real or personal property in which Ms. Brassard played a material role since Kenneth's death." *See, Exhibit 1*, attached hereto. Though strongly implied by the tone and substance of his initial demand for documents, Attorney Page fully articulated his allegations against Ms. Brassard in a letter

sent to her undersigned counsel, via email, on May 18, 2022. *See, Exhibit 2*, attached hereto.¹

3. Ms. Brassard attempted to cooperate with Plaintiff at the outset of his administration, including producing more than 1,679 pages of financial records to Plaintiff in response to Attorney Page's January 12, 2022 demand letter (in both hard-copy and digital formats, per Plaintiff's demand). Notwithstanding, Plaintiff made no attempt to communicate with Ms. Brassard regarding the produced documents, to ascertain the facts underlying her claims against the Estate for services she rendered to Decedent, Kenneth Blaisdell, Jr., during his lifetime (as articulated in *Trini Brassard's Counterclaim for Allowance of Claims and Demand for Trial by Jury*, filed August 29, 2023), or to discuss the "concerns" raised and allegations asserted in Attorney Page's May 5, 2022 letter.
4. Instead, commencing almost at the outset of his administration, Plaintiff spent hours discussing Decedent's Estate with Thad Blaisdell and his counsel in the Estate matter, Austin Gray, Esq., even though Thad Blaisdell had comparatively little involvement with Decedent's life or business affairs following Decedent's stroke in 2013. On November 10, 2021, two (2) days after Plaintiff began billing time to the Estate for his activities, Plaintiff had two (2) phone calls with Thad Blaisdell and Attorney Gray, one (1) of which concerned the Estate inventory and the other for which Plaintiff provided no substantive details in his bill to the Estate. *See, Exhibit 3*, attached hereto, at pg. 1.
5. In fact, and in contrast to his abject lack of communication with Ms. Brassard and the other beneficiaries, Plaintiff made contact with Thad Blaisdell and/or his attorney

¹ Attorney Page's letter is dated May 5, 2022, but it was not sent to counsel for Ms. Brassard until May 18, 2022.

concerning the Estate at least fifteen (15) times in 2021 and 2022, and spent at least eight hours² in discussions with Thad Blaisdell and his counsel regarding Thad Blaisdell's concerns about the Estate and Ms. Brassard's claims, including a three-hour discussion on May 19, 2022, the day after Attorney Page sent his demand letter to the undersigned, and another one-hour discussion on June 22, 2022, regarding "moving forward." *Exhibit 3*, at pg. 6. Ms. Brassard is also aware Plaintiff has had meetings with Thad Blaisdell which were not disclosed in his billing records.

6. Further, on June 20, 2023, shortly before Plaintiff filed his *Complaint* in this action on June 30, 2023, Ms. Brassard was contacted by the Vermont State Police concerning a complaint of criminal activity made by Thad Blaisdell. Though Mr. Blaisdell was, of course, free to make a criminal complaint based upon his own information and belief, it subsequently became apparent to Ms. Brassard (after she finally received the *Complaint* herself) that the alleged crimes the Vermont State Police were investigating tracked very closely with the allegations of Plaintiff's *Complaint*, which had not even been filed with the Court yet (much less was a public document). Further, legal invoices billed to the Estate by Plaintiff's counsel for activity in June 2023 make clear that Plaintiff and/or his counsel were responding to emails concerning the criminal investigation at least as early as June 16, 2023, *Exhibit 4*, attached hereto, at pg. 2, four (4) days before Ms. Brassard received notice of any investigation, and a full two (2) weeks before Ms. Brassard received notice of this civil action (through her counsel, who received a "courtesy copy"

² Eight hours is an under-estimate of the time Plaintiff spent in communications with Thad Blaisdell and his counsel and includes only those time entries that were billed separately, as Plaintiff's extensive use of "block billing" makes it impossible to determine the precise amount of time spent.

of the *Complaint* from counsel for the Plaintiff on June 30, 2023, the day the *Complaint* was filed with the Court).

7. Ms. Brassard also believes that Thad Blaisdell provided a copy of the un-filed, unserved *Complaint* to a reporter from the White River Valley Herald.
8. As Mr. Blaisdell could have obtained a copy of the *Complaint* before it became a public document only if it was provided to him by the Plaintiff or his counsel, Ms. Brassard is understandably concerned that any information provided to the Plaintiff may be “leaked” to Thad Blaisdell or others and does not want the same to occur with her personal financial records. As such, she requests the Court permit discovery of her personal financial records only subject to a stringent process of independent review and limited disclosure, as described in the proposed Confidentiality Order she has filed with this objection.
9. With respect to Plaintiff’s attempts to cast blame on Ms. Brassard for the delay in the production of the documents Plaintiff seeks, *Exhibit C* to Plaintiff’s motion makes clear that the delay was, in fact, a result of Plaintiff’s own inaction and inattentiveness.
10. On September 29, 2023, Plaintiff propounded *Plaintiff’s First Set of Interrogatories and Requests to Produce to Defendant Trini Brassard* requesting, among other things, the production of the following documents from Ms. Brassard:
 - a. “[A] complete copy of your Federal and State income tax returns from 2013 to the present, including all depreciation schedules and all source documents related to each return...and all schedules to each such tax return[;]” and
 - b. “[F]rom July 18, 2013 to date, produce a copy of your monthly bank statements of any and all canceled checks, deposit slips, and/or wire transfer confirmations.”

11. On August 1, 2024, Plaintiff issued a *Notice of Deposition Duces Tecum* to Ms. Brassard, scheduling her deposition for September 26, 2024, and requesting, among other things, the production of the following documents by no later than September 18, 2024:
- a. “All personal banking records from July 2013 – April 2021 where funds from Kenneth Blaisdell, Jr. or the Estate of Kenneth H. Blaisdell, Jr. were deposited[;]” and
 - b. “Credit card statements from July 2013 – April 2021 where funds from Kenneth Blaisdell, Jr. or the Estate of Kenneth H. Blaisdell, Jr. were used to pay these same account balances.”
12. Ms. Brassard produced certain documents responsive to Plaintiff’s *Notice of Deposition Duces Tecum* on September 18, 2024, and, in response to the above-identified requests, stated, “[w]e have Bates Numbered and are prepared to produce [the requested bank and credit card statements]...subject to the execution of a mutually agreeable confidentiality stipulation and order to be filed with the Court, and a proposed stipulation is being produced concurrently with these responses.” Ms. Brassard produced a copy of her proposed Confidentiality Stipulation and Order concurrently with the production of her responses.
13. The first day of Ms. Brassard’s deposition took place on September 26, 2024. However, Plaintiff’s counsel did not respond to Ms. Brassard’s proposed Confidentiality Stipulation and voiced no objections (at that time) to the withheld statements.
14. On December 13, 2024, counsel for Ms. Brassard had a phone conference with Plaintiff’s counsel to discuss Ms. Brassard’s outstanding responses to Plaintiff’s first set of discovery requests, at which time counsel for Ms. Brassard voiced certain objections to

the requested information and documents, including reiterating and maintaining the objections outlined in Ms. Brassard's responses to Plaintiff's *Notice of Deposition Duces Tecum*, and agreed to produce Ms. Brassard's discovery responses by no later than December 31, 2024. Those objections were subsequently reiterated and incorporated into *Trini Brassard's Responses to Plaintiff's First Set of Interrogatories and Requests to Produce*, produced on December 31, 2024 and attached to Plaintiff's Motion as *Exhibit B*.

15. Immediately following the conclusion of the phone conference, counsel for Ms. Brassard re-forwarded a copy of her proposed Confidentiality Stipulation and Order to Plaintiff's counsel, and, as before, Plaintiff's counsel did not respond to the proposed Confidentiality Stipulation.
16. On November 15, 2024, Plaintiff issued his *Notice of Continued Deposition Duces Tecum* to Ms. Brassard, scheduling the second day of her deposition for January 16, 2025, and requesting the production of the same documents requested by his initial *Notice of Deposition Duces Tecum*, dated August 1, 2024, by no later than January 9, 2025. On January 9, 2025, Ms. Brassard produced her supplemental responses to the deposition notices, *Discovery Certificate*, filed January 9, 2025, and, again, withheld the requested statements due to Plaintiff's ongoing failure to respond to her proposed Confidentiality Stipulation. As before, Plaintiff did not respond to the proposed Stipulation and voiced no objections (at that time) to the withheld documents.
17. On January 13, 2025, Plaintiff's counsel contacted counsel for Ms. Brassard, via email, stating as follows:

From: Elizabeth Willhite <ewillhite@primmer.com>
Sent: Monday, January 13, 2025 4:53 PM
To: Barney Brannen (<bbrannen@brannen-loftus.com> <bbrannen@brannen-loftus.com>; Joseph D. Tremblay <jtremblay@brannen-loftus.com>; Todd Steadman <Steadman@whiteriverlawyers.com>

Cc: Richard Windish <rwindish@primmer.com>; Maura Snell <msnell@primmer.com>
Subject: Blaisdell v Brassard - Request to Postpone Depositions

Dear Barney, Joseph and Todd,

Rich and I need to post-poner the depositions scheduled for later this week. We have not had time to review Ms. Brassard's discovery responses or her production. We also are inundated with work in other cases.

We apologize for any inconvenience this causes you or your clients.

Best regards,
Beth

18. Ms. Brassard's deposition was subsequently rescheduled for March 11, 2025, and on March 5, 2025, less than a week before the deposition and almost six (6) months after Ms. Brassard initially provided the proposed Confidentiality Stipulation to Plaintiff, Attorney Willhite sent the following email, announcing her unilateral "agreement" to the proposed Confidentiality Stipulation, as modified by her:

From: Elizabeth Willhite <ewillhite@primmer.com>
Sent: Wednesday, March 5, 2025 10:05 AM
To: Barney Brannen <bbrannen@brannen-loftus.com>; Joseph D. Tremblay <jtremblay@brannen-loftus.com>; Todd Steadman (Steadman@whiteriverlawyers.com) <Steadman@whiteriverlawyers.com>; Daniel Brassard (brassardsugarworks@gmail.com) <brassardsugarworks@gmail.com>; firefighter82093@aol.com
Cc: Richard Windish <rwindish@primmer.com>; Maura Snell <msnell@primmer.com>; Jamie Pinkham <jpinkham@primmer.com>
Subject: Estate of Blaisdell v T.Brassard et al - CONFIDENTIALITY AGREEMENT
Importance: High

Morning,

We received a proposed confidentiality agreement from Attorney Brannen's firm, and based on recent filings believe all Parties are seeking this protection.

Attached is the agreement sent to us from Attorney Brannen's firm, with redlined changes to include all Parties. We suggest all Parties review this document and confirm their assent to the contents of the same. If we have assent from all Parties, we will add signature lines for everyone and request permission to apply e-signatures for all parties to file with the Court.

Best regards,
Beth

19. On March 10, 2025, the day before Ms. Brassard's scheduled deposition,

Attorney Willhite sent a follow-up email to the parties, stating:

[W]e requested the remaining production documents from Trini Brassard, and have not received these. Similarly, we have not received any response back to the Confidentiality Agreement which your clients requested. If we do not have these issues resolved by tomorrow, we are notifying the parties that we will reserve the right to suspend Trini Brassard's deposition and reconvene once those materials are received.

Exhibit C to Plaintiff's Motion, at pg. 5.

20. Undersigned counsel emailed Attorney Willhite in response, as outlined in Plaintiff's

Exhibit C, at pg. 3, noting Ms. Brassard originally offered to produce the requested documents, subject to a confidentiality order, on September 18, 2024, and heard nothing in response until March 5, 2025, at which time Plaintiff unilaterally modified the agreement to include all parties, and made a last-minute demand to produce the relevant documents immediately. More importantly, Ms. Brassard never agreed (and still does not agree) to produce documents reflecting her (and her husband's) personal financial information to any other persons, and the draft agreement circulated by Attorney Willhite was not agreed to by the parties, signed by Plaintiff's counsel, or approved by the Court.

21. On March 17, 2025, Plaintiff moved to compel the production of the requested

documents from Ms. Brassard, and, at a hearing conducted on March 24, 2025 concerning Plaintiff's separate motion to compel discovery requests from Defendants Courtney Brassard and Daniel Brassard, the Court ordered the parties to work together to resolve the confidentiality issues and file any proposed stipulation concerning the same within fifteen (15) days.

22. On April 3, 2025, Ms. Brassard, through counsel and after receiving Courtney Brassard and Daniel Brassard's agreement, sent her revised proposed Confidentiality Stipulation

and Order to all parties, to which, Plaintiff objected. It appears now the parties will be unable to come to an agreement on the terms of a Confidentiality Stipulation and Order, and Ms. Brassard submits her revised proposed Confidentiality Order, agreed to by both Courtney Brassard and Daniel Brassard, concurrently with this memorandum in opposition for the Court's consideration and approval. As before, Ms. Brassard remains willing to produce the bank and credit card statements Plaintiff requests, but only following the Court's approval of her proposed Confidentiality Order, filed herewith.

23. Finally, though Plaintiff argues he is entitled to Ms. Brassard's personal tax returns, Plaintiff's Motion completely omits any argument relative to the actual substance of Ms. Brassard's objection, namely, that she files her personal tax returns jointly with her husband, Jeff Brassard, who is not a party to this action or the underlying Estate matter, and there is no way to redact or otherwise separate out Mr. Brassard's personal income information from the joint tax returns. Plaintiff has asserted no claims against Mr. Brassard, Mr. Brassard is not a named party to this action, and Plaintiff is not entitled to Mr. Brassard's sensitive, personal income tax information and documents. As such, Ms. Brassard reiterates and maintains her objection to the production of the requested personal tax returns.

WHEREFORE, Ms. Brassard respectfully requests this Honorable Court enter orders:

- A. Denying *Plaintiff's Rule 37 Motion to Compel Defendant Trini Brassard [sic] Responses to Written Discovery*, filed March 17, 2025;
- B. Approving her proposed Confidentiality Order, filed herewith; and
- C. Granting such further relief as is deemed fair and just.

ATTESTATION OF TRINI BRASSARD

(Pursuant to 4 V.S.A. § 27b and Vt. R. Elec. Filing. Rule 9)

Pursuant to 4 V.S.A. § 27b, I have reviewed the facts set forth above and hereby state that they are true to the best of my knowledge and belief. I understand that if the foregoing responses are false, I will be subject to the penalty of perjury or to other sanctions in the discretion of the Court.

Dated: April 8, 2025

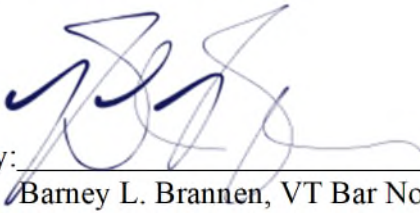
/s/ Trini Brassard

Trini Brassard

DATED at Hanover, New Hampshire this 8th day of April, 2025.

Respectfully submitted,

TRINI BRASSARD

By: 

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