

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.

DANIEL BRASSARD AND BRASSARD SUGARWORKS AND MAPLE SUPPLY, LLC'S
JOINT MOTION TO HAVE REQUESTS FOR ADMISSION DEEMED ADMITTED

Defendants, Daniel Brassard and Brassard Sugarworks and Maple Supply, LLC, hereby move for the Court to enter orders that certain requests for admission, propounded on Plaintiff on September 24, 2024, are deemed admitted in this matter by virtue of Plaintiff's failure to provide responses to the requests within 30-days of the date of service, pursuant to V.R.C.P. Rule 36(a). In further support of this motion, Defendants state as follows:

1. On September 24, 2024, Defendants propounded *Defendants [sic] Interrogations [sic]*, requests to produce and Admit to Plaintiff John Durkee, Executor of the estate of decedent Kenneth Blaisdell, JR, Discovery Certificate, dated September 24, 2024, and Plaintiff's responses were due within thirty (30) days – i.e., no later than October 24, 2024. V.R.C.P. Rules 33(a), 34(b) & 36(a). Plaintiff did not produce his responses to Defendants' discovery requests until January 24, 2025, *Discovery*

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Certificate, dated January 24, 2025, and at no time did Plaintiff ever request an extension of the deadline to respond to Defendants' discovery requests.

2. Defendants' discovery requests included thirteen (13) requests to admit, and each request to admit is reproduced below:

- 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."
- 2) Admit to not selling the "Bulldozer" because one beneficiary "claims" it was gifted to them.
- 3) Admit there is no actual evidence of the Bulldozer being gifted, and the "Deadman statute" should apply.
- 4) Admit even with invoice copies and cancelled checks you still refuse to investigate the Sugaring equipment listed on the decedent's depreciation schedule.
- 5) Admit to contracting 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.
- 6) Admit that you have not once had a one-on-one conversation of the role I played in my grandfather's haying operations from 2013-2021[.]
- 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.
- 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[.]"

- 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.
 - 10) Admit to selling the remainder of the estates round bales at a considerably lower
price than what they were sold for that winter.
 - 11) Admit to letting the estates enrollment in current use expire for only one parcel,
resulting in a withdrawal penalty and higher tax's.
 - 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.
 - 13) Admit to meeting Thad on estate property in the spring of 2024 with no
representation present on either side.
3. Plaintiff's discovery responses, produced on January 24, 2025, contain various objections
to the above requests, but, ultimately, deny each request to admit.
 4. Given Plaintiff's responses to Defendants' requests to admit were produced long after the
expiration of the 30-day deadline and Plaintiff never sought an extension of the deadline
from Defendants or the Court, Defendants respectfully request the Court enter orders
deeming that each request is admitted, pursuant to V.R.C.P. Rule 36(a) ("The matter is
admitted unless, within 30 days after service of the request...the party to whom the
request is directed serves upon the party requesting the admission a written answer or
objection").

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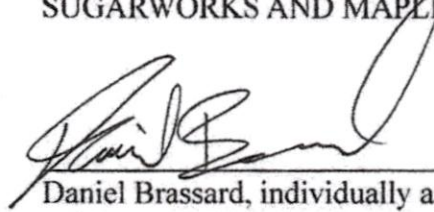
WHEREFORE, Daniel Brassard and Brassard Sugarworks and Maple Supply, LLC,
respectfully request this Honorable Court enter orders:

- A. Deeming each of the requests to admit, enumerated above, are admitted by
Plaintiff in this matter; and
- B. Granting such other relief as is deemed fair and just.

Dated at East Randolph, Vermont, this 13 day of February, 2025.

Respectfully submitted,

DANIEL BRASSARD and BRASSARD
SUGARWORKS AND MAPLE SUPPLY, LLC

A handwritten signature in black ink, appearing to read 'Daniel Brassard', is written over a horizontal line.

Daniel Brassard, individually and in his capacity
as Manager of Brassard Sugarworks and
Maple Supply, LLC