

STATE OF VERMONT

SUPERIOR COURT
Orange Unit

CIVIL DIVISION
Docket No. 23-CV-02848

JOHN DURKEE, EXECUTOR OF)
THE ESTATE OF KENNETH H.)
BLAISDELL, JR.,)
Plaintiff,)
v.)
TRINI BRASSARD, COURTNEY)
BRASSARD, BRIAN FALZO, DANIEL)
BRASSARD, AND BRASSARD)
SUGARWORKS AND MAPLE)
SUPPLY, LLC,)
Defendants.)

**PLAINTIFF'S OPPOSITION TO
DEFENDANT TRINI BRASSARD'S INTENT TO FILE OPPOSITION TO
PLAINTIFF'S MOTION FOR *EX PARTE* ATTACHMENT**

NOW COMES Plaintiff John Durkee, Executor of the ESTATE OF KENNETH H. BLAISDELL, JR., ("Estate"), by and through counsel, PRIMMER PIPER EGGLESTON & CRAMER PC, and pursuant to V.R.C.P 4.1, hereby OBJECTS to Defendant Trini Brassard's Intent to File and Opposition to Plaintiff's Motion for *ex parte* Attachment. In support of this opposition, Plaintiff relies upon the within Memorandum of Law, and further hereby states as follows.

1. Plaintiff's filed the pending *Motion for ex parte Attachment* yesterday. This filing provides ample evidence based in part on documents submitted when this action was initiated over a year ago.
2. Plaintiffs have sought an order *ex parte* as permitted under Vermont Rules of Civil Procedure 4.1(b)(3).
3. The availability of *ex parte* relief is explicitly permitted in this Rule.

4. The legal definition of *ex parte* within the context of motion practice is “a motion that is made in a court with no notice being given to the party opposing.” BLACKS LAW DICTIONARY 4TH ED.

5. As stated in the Reporter’s Note for Rule 4.1 “Rule 4.1(b) [was] amended to provide greater judicial oversight of possessory writs of attachment.” Reporter’s Notes – 1990 Amendment, V.R.C.P. 4.1.

6. Those amendments included the requirement that findings of fact must be issued with any possessory writ, but nowhere in the amendment does it permit delay due to a defendant’s desire to be heard.

7. Therefore, Defendant Trini Brassard’s “intent” to wish to be heard is not permitted in the context of this particular motion, because it was filed as an *ex parte* motion.

WHEREFORE, for all the foregoing reasons and pursuant to V.R.C.P. 4.1, Plaintiff hereby OBJECTS to any further delays in responding to the pending *ex parte* motion and MOVES this Honorable Court for an *ex parte* ORDER attaching certain real estate owned by Defendant Trini Brassard as set forth in the proposed Order Approving Writ of Attachment and proposed Writ of Attachment, both of which are submitted of even date herewith. Plaintiff further requests all such other relief as this Honorable Court deems just and appropriate under the circumstances.

DATED at Woodstock, Vermont, this 25th day of July, 2024.

PRIMMER PIPER EGGLESTON & CRAMER

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