

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 REPLY
to
DEFENDANT COURTNEY BRASSARD'S
MOTION TO CONTINUE OR IN THE ALTERNATIVE APPEAR BY WEBEX

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 ASSENTS to Defendant Courtney Brassard's Motion to Appear by Webex, but OPPOSES Defendant Courtney Brassard's Motion to Continue, and further hereby states as follows.

On March 3, 2025 a *Notice of Hearing* was forwarded to all parties along with Web-ex remote participation hearing instructions. This notice was for Plaintiff's pending *Motion to Compel Courtney Brassard and Daniel Brassard*, and the hearing date was schedule for March 24, 2025 at 11:00 am for 1 hour. Plaintiff intends to appear via web-ex remote link. Therefore, Plaintiff assents to Defendant Courtney Brassard's request to appear by Webex.

Plaintiff opposes continuing this hearing, and incorporates the facts and procedural history in the underlying motion herein¹. Plaintiff has received unsigned discovery responses from Defendant Courtney Brassard yesterday. See Defendant Courtney Brassard's Responses to Plaintiff's Discovery Requests Set Forth in Notice of Deposition Duces Tecum, attached hereto as **Exhibit A**. However, Defendant Courtney Brassard's responses to Plaintiff's First Request for Interrogatories and Request to Produce dated September 29, 2023 remain unanswered.

Legal Analysis

Plaintiff's discovery requests seek information from Defendant Courtney Brassard during the period she claims to have incurred expenses for the care and maintenance of Decedent and his assets. Defendant Courtney Brassard has either failed to provide any response or provided blanket objections with minimal responses. See **Exhibit A**. These objections mimic other defendant's responses claiming (1) Plaintiff has this information; (2) Tax documents are not discoverable; and/or (3) Banking records are not discoverable. Therefore, even the responses fail to meet the baseline criteria set forth in Vermont Rule 26.

Under both Vermont statutory and common law, a party is entitled to discovery through any means outlined in the Rules on any subject that "is relevant to any party's claim." V.R.C.P. 26(b)(1). "A party upon reasonable notice to other parties... may apply for an order compelling discovery..." *Id.* 37(a). "For purposes of this subdivision, an evasive or incomplete answer or response is to be treated as a failure to answer or respond." *Id.* 37(a)(3). Defendant Courtney Brassard has either failed to respond or offer evasive or incomplete answers. **Exhibit A**.

¹ Plaintiff initially sought to resolve these disputes by requesting a Status Conference on June 27, 2024. The motion with exhibits was filed on this same day. The Status Conference was scheduled for September 16, 2024, and the week before Defendants agreed to provide written discovery request by a date certain. Plaintiff withdrew the underlying motion and requested a cancellation of the hearing in a filing made September 16, 2024.

Plaintiff is entitled to a hearing on this issue and an award of expenses including attorney's fees. V.R.C.P. 37(a)(4). "[C]ounsel have the obligation to make good faith efforts among themselves to resolve or reduce all differences relating to discovery procedures..." *Id.* 26(h). Plaintiff argues counsel has made these efforts, and over the course of the past 18 months, Defendant has failed to respond in any way to the pending written discovery requests². As such, Plaintiff now requests an order to compel Defendant Courtney Brassard's responses and an award of expenses.

Conclusion

Plaintiff's claims have been delayed by Defendants actions. Plaintiff filed this case June 31, 2023 and almost two years later is still waiting for written discovery responses. Defendant Courtney Brassard has had ample time to respond, and the hearing notice was sent to all parties in a timely manner. Plaintiff has no issue with the parties appearing remotely, as Plaintiff plans to do so on the hearing day. However, Plaintiff will not agree to delay discovery further, and is seeking costs and attorney's fees for this motion as previously pled.

DATED at Woodstock, Vermont, this 21st day of March, 2025.

PRIMMER PIPER EGGLESTON & CRAMER PC

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

² Defendant did provide unsigned (by party or counsel) responses to the subpoena duces tecum, but has not responded to the written discovery request served to her on September 29, 2023.