

VERMONT SUPERIOR COURT
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CIVIL DIVISION
Case No. 23-CV-02848

John Durkee, Executor of the Estate of H. Blaisdell, Jr. v. Trini Brassard, et al
ENTRY REGARDING MOTION

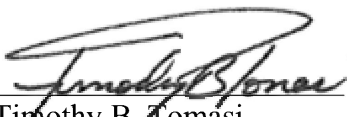
Title: Motion for Sanctions (Motion: 22)
Filer: Elizabeth A. Willhite
Filed Date: October 01, 2025

The motion is denied without prejudice. The Court does not believe the present request for sanctions under Vt. R. Civ. P. 26 and 37 satisfies the requirements of Vt. R. Civ. P. 26(h). Typically, letters and emails between counsel/parties are insufficient, in the Court's view, to meet Rule 26(h)'s demand that counsel/parties "confer" in an attempt to resolve or narrow the scope of any discovery dispute. Indeed, the Reporter's notes to Rule 26 advise that there must be "consultation" between counsel concerning discovery differences. This Court has issued such orders in many prior cases. *See, e.g., Wells Fargo Bank v. Ndibalema*, No. 22-CV-01936, 2024 WL 6067936, at *2 (Vt. Super. Dec. 01, 2024); *Passera v. Global Values, Inc.*, No. 606-11-19 WNCV, 2020 WL 13260817, at *1 (Vt. Super. June 02, 2020). Here, the parties' anticipated conference to discuss these matters did not take place.

The Court has considered Plaintiff's contention that Defendants violated a clear order from the Court and that no conference was required. The Court concludes that the contours of its prior order were not sufficiently clear in this regard to excuse the vital step of counsel attempting to find a path through this discovery dispute.

This ruling is not a safe harbor for those attempting to thwart proper discovery. The Court anticipates that counsel will work together in good faith to provide the needed and non-privileged discovery anticipated by Rule 26.

Electronically signed on Friday, November 21, 2025, per V.R.E.F. 9(d).


Timothy B. Tomasi
Superior Court Judge