

STATE OF VERMONT

SUPERIOR COURT
Bennington Unit

CIVIL DIVISION
Docket No. 85-2-13 Bncv

Hill vs. RT Corporation et al

ENTRY REGARDING MOTION

Count 1, Personal Injury - Auto (85-2-13 Bncv)
Count 2, Personal Injury - Auto (85-2-13 Bncv)
Count 3, Personal Injury - Auto (85-2-13 Bncv)
Count 4, Personal Injury - Auto (85-2-13 Bncv)
Count 5, Personal Injury - Auto (85-2-13 Bncv)
Count 6, Personal Injury - Auto (85-2-13 Bncv)

Title: Motion to Compel (Motion 3)
Filer: Joseph Hill
Attorney: Bernard J. Boudreau
Filed Date: June 24, 2014

Response filed on 07/10/2014 by Attorney Thomas P. Aicher for Defendant Doug's on Main Street/DOMS, INC.

Response filed on 07/14/2014 by Attorney Bernard J. Boudreau for Plaintiff Joseph Hill

The motion is GRANTED.

Decision and Order **Granting Plaintiff's Motion Compel**

Plaintiff served interrogatories and a request to produce to Defendant on March 20, 2014. Plaintiff's Counsel called Defendant's Counsel and sent two letters Defendant's Counsel in May and June to ask for the documents. Defendant did not produce respond to the discovery requests or offer an explanation other than the need for more time. Plaintiff's counsel then moved to compel disclosure on June 24, 2014. Defendant opposed the motion for failure to comply with V.R.C.P. 26(h) on July 10, 2014. Plaintiff responded on July 14, 2014.

Defendant must answer the interrogatories and respond to the request to produce within 10 days. Plaintiff's counsel made a good faith effort to reach out to Defendant's counsel, who offered no explanation for the delay other than the need for more time. More than five months have passed since Plaintiff sent Defendants the interrogatories. Under the circumstances, Plaintiff's counsel behaved reasonably and the Court will not require further communication under V.R.C.P. 26(h).

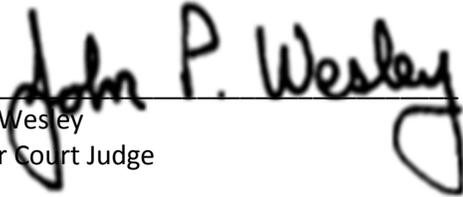
Order

The Court **GRANTS** Plaintiff's motion to compel. Defendant must respond to Plaintiff's discovery requests within 10 days.

So ordered.

Electronically signed on August 29, 2014 at 08:24 AM pursuant to V.R.E.F. 7(d).

John P. Wesley
Superior Court Judge

A handwritten signature in black ink that reads "John P. Wesley". The signature is written in a cursive style and is positioned over a horizontal line that serves as a signature line.

Notifications:

Bernard J. Boudreau (ERN 1145), Attorney for Plaintiff Joseph Hill

Rodney E. McPhee (ERN 3612), Attorney for Defendant RT Corporation

Richard H. Coutant (ERN 2897), Attorney for Defendant JJ& J Inc.

Defendant Chase Eutzy

party 5 Troy Wheeler

Thomas P. Aicher (ERN 3254), Attorney for Defendant Doug's on Main Street/DOMS, INC.