

VERMONT SUPERIOR COURT
Lamoille Unit
154 Main Street
Hyde Park VT 05655
802-888-3887
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 100-5-17 Lecv

Sutton et al vs. The Vermont Regional Center et al

ENTRY REGARDING MOTION

Title: Defendants' Motion to Compel (Motion: 53)
Filer: David R. Groff
Filed Date: January 17, 2023

The motion is GRANTED IN PART and DENIED IN PART.

Defendants move to compel Plaintiffs to respond to various Interrogatories to which Defendants contend Plaintiffs' answers were inadequate. The court has reviewed the parties' memos and the Interrogatory questions and each answer for the Plaintiffs who are in Group A and subject to the Pretrial Scheduling Order for Group A issued December 8, 2022.¹

As a result of such review, the court concludes that Defendants are entitled to an order compelling complete responses to the following Interrogatories from the following Plaintiffs:

Charmaine Enslin: 37, 43, 76, 84

Martin Walsh: 57, 60, 63, 74

Richard Simon: 54, 59-60, 73, 75-79

George Bassily: 24-27, 48, 51-52, 54-57, 59-62, 73, 81

Stephen Webster: 42-43, 56, 62-63, 76, 77-81, 85, 87

Felipe Accioly Vieira: 37, 42-43, 56, 62-63, 76, 78-82, 85, 87

¹ A comparable review may be requested by Defendants for Plaintiff Groups B, C, and D. See Entry Order, Pretrial and Trial Plan issued December 8, 2022. While the court required that motions to compel be filed by January 16, 2023 for all discovery disputes related to then current outstanding discovery requests (Pretrial and Trial Plan issued December 8, 2020, page 2,) the court has focused on Group A Plaintiffs at this time in order for Defendants to be able to obtain an order compelling discovery responses to be received by a date consistent with the Group A Pretrial Scheduling Order. Plaintiffs' counsel is encouraged to take heed of this ruling and arrange for Plaintiffs in Groups B, C, and D to supplement their answers in accordance with the standards in this ruling in order to avoid the necessity of further review of the Motion to Compel related to Groups B, C, and D Plaintiffs. However, Defendants' counsel is not foreclosed from requesting that the court rule on its motion with respect to such Plaintiffs.

Defendants sought to compel answers to additional Interrogatories, but if those Interrogatory numbers are not included above, it is because the court has concluded that responses are not required for one or more of the following reasons: the request does not meet the discovery standard in relation to the claims in the case as clarified in the Seventh Amended Complaint;² the answer given was sufficiently responsive to the question; or Plaintiffs' attorney has represented in the Response to the Motion that the information has been provided subsequent to the filing of the Motion.

Order

Plaintiffs are hereby compelled, pursuant to V.R.C.P. 37(a), to submit additional responses to the above-listed Interrogatories no later than March 23, 2023. Failure to do so could result in sanctions set forth in V.R.C.P. 37(h)(2), including such sanctions as: matters may be established in accordance with Defendants' claims or defenses, denial of the opportunity for Plaintiffs to support or oppose pertinent claims or defenses, or denial of the opportunity for Plaintiffs to introduce designated matters into evidence.

Electronically signed February 23, 2023 pursuant to V.R.E.F. 9 (d).



Mary Miles Teachout
Superior Judge (Ret.), Specially Assigned

² This effectively became the Eighth Amended Complaint with the ruling of April 7, 2022 adding six additional Plaintiffs.