

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

VERMONT SUPREME COURT
FILED IN CLERK'S OFFICE

ENTRY ORDER

JUL 20 2009

SUPREME COURT DOCKET NO. 2008-240

JULY TERM, 2009

Larry Drown	}	APPEALED FROM:
	}	
	}	
v.	}	Windsor Superior Court
	}	
	}	
Marion Ballou and Catherine Boardman	}	DOCKET NO. 666-10-07 Wrcv

Trial Judge: Walter M. Morris, Jr.

In the above-entitled cause, the Clerk will enter:

Plaintiff appeals the superior court's imposition of sanctions under Vermont Rule of Civil Procedure 11 for his filing of a frivolous lawsuit aimed at intimidating defendants. We affirm.

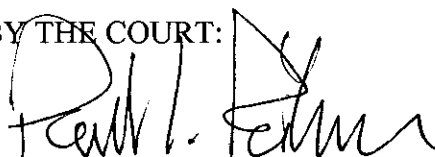
In October 2007, plaintiff filed a pro se lawsuit against two adjoining property owners. His complaint alleged that defendants had engaged in a conspiracy to wrongfully deny him easement rights that would allow him to obtain electric power on his property. In January 2008, the superior court granted defendants' motion to dismiss the complaint for failure to state a claim upon which relief could be granted. In March 2008, the court held a hearing on defendants' motion for sanctions. Following the hearing, the court granted the motion, awarding defendants approximately \$3600, about one-third of their attorneys' fees and costs from the litigation. The court acknowledged that Rule 11 sanctions are not to be imposed lightly, but concluded that they were appropriate in this case because plaintiff had filed a lawsuit that he knew had no legitimate legal basis, for the sole purpose of intimidating the elderly defendants into providing him an easement to which he was not entitled.

Plaintiff filed a motion for reconsideration under Vermont Rules of Civil Procedure 59 and 60, alleging that mental incompetence prevented him from defending himself. The court denied the motion, finding that plaintiff had not exhibited any signs of disorientation, illogic, or disturbance of thought or mood at any time during the proceedings. To the contrary, according to the court, plaintiff consistently demonstrated that he understood the proceedings and actively participated in them. On appeal, plaintiff has not filed a brief that sets forth any claims of error

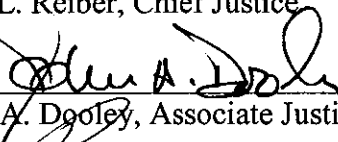
or demonstrates that the superior court erred in imposing sanctions or denying his motion for reconsideration. Accordingly, we find no basis to disturb the court's decisions.

Affirmed.

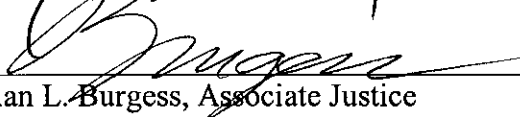
BY THE COURT:



Paul L. Reiber, Chief Justice



John A. Dooley, Associate Justice



Brian L. Burgess, Associate Justice