ENTRY ORDER

SUPREME COURT DOCKET NO. 2008-445

APRIL TERM, 2009

Robert Zorn	}	APPEALED FROM:
	}	
v.	}	Windsor Superior Court
	}	
Mary K. Ryan, Estate of Thomas Ryan and James Brown	}	DOCKET NO. 327-7-05 Wrcv
	}	
		Trial Judge: Mary Miles Teachout

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

Plaintiff filed a timely notice of appeal following the superior court's order sanctioning him by refusing to accept for filing any future pleadings or other documents submitted by him and not signed by an attorney. We affirm the court's order insofar as plaintiff fails to challenge it, and we find no basis to overturn it.

Plaintiff filed a pro se complaint in July 2005. In June 2006, the superior court dismissed the complaint, stating that plaintiff's filings could not be understood sufficiently for adjudication, and, in any event, were being pursued in federal court. In a March 2007 order, in response to plaintiff's filings opposing dismissal of his complaint, the superior court ruled that plaintiff had failed to show any grounds for reopening the case. Plaintiff never appealed from the dismissal of his complaint or the superior court's refusal to reopen the case.

In March 2008, in response to plaintiff's multiple and voluminous filings, the superior court ordered plaintiff to show cause why he should not be sanctioned for filing frivolous motions unsupported by law or fact. See V.R.C.P. 11(c) (after providing reasonable notice and opportunity to respond, court may sanction attorneys or parties who have violated Rule 11(b)'s requirement that all filings have reasonable basis in fact or law and are not done for improper purpose). The court stated that plaintiff had continuously submitted filings that were unintelligible, frivolous, and inconsistent with the procedural posture of the case. The court gave plaintiff fifteen days to file a response not exceeding five pages. Instead of responding to the court's order, plaintiff continued to submit voluminous filings that, in part, appeared to seek disqualification of the presiding superior court judge. The judge referred the matter to the administrative judge for the trial courts, who, in turn, specially assigned another judge to consider the matter. The specially assigned judge concluded that plaintiff's complaints about the presiding judge amounted to nothing more than unhappiness over the judge's rulings, which was not a basis for disqualification.

The matter was then sent back to the presiding judge, who entered an order sanctioning plaintiff by refusing to accept for filing any future pleading or other document from him unless signed by a licensed attorney. The court noted that in the six months since its show cause order,

plaintiff had not filed anything addressing the court's proposal of sanction under Rule 11, but instead filed numerous additional documents, totaling almost 300 pages that, to the extent they could be understood, appeared to challenge the original dismissal of his complaint and to allege conspiracy and fraud on the part of defendants, various attorneys, governmental officials, and several judges. The court explained that its sanction would permit plaintiff continued access to the courts, but conditioned upon an attorney's certification of compliance with Rule 11 warranties against frivolous, unsupported, and legally meritless filings. See V.R.C.P. 11(b)(1)-(4) (mandating lawyer certification, based on due diligence, that all pleadings and papers presented to court are proper, warranted under existing law or nonfrivolous extension of the law, and reasonably supported). Thus, the court sought to foreclose plaintiff from further taxing the court's limited resources with voluminous and frivolous filings.

Ten days later, on October 16, 2008, plaintiff filed a notice of appeal to this Court.* Here, plaintiff has filed a number of documents, none of which appear to challenge the imposition of the sanction imposed by the superior court. The documents are difficult to decipher, but appear to address plaintiff's original complaint dismissed two years ago, and from which no timely appeal was filed. Plaintiff does not address the Rule 11 sanction imposed by the superior court. The sanction is not unreasonable on its face, and is supported by the record. Cf. Jackson v. Fla. Dep't of Corr., 790 So. 2d 398, 402 (Fla. 2001) (sanctioning inmate for filing numerous frivolous petitions by refusing to accept future filings absent representation of counsel). Accordingly, and insofar as plaintiff fails to present any claim of error with respect to that ruling, we find no basis to overturn the court's sanction, the only issue on appeal before this court. When an issue has not been included in a party's brief "we will not generally consider" it. State v. Yoh, 2006 VT 49A, ¶ 36, 180 Vt. 317.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice

* Since perfecting his appeal, plaintiff has continued to inundate the Court with papers captioned as "motions," "notices," and "entries," which he believes relate to the appeal, in addition to the required briefing. We cannot discern their relevance and so do not rely on them.