

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

IN RE: MELVIN FINK

PRB File No. 2021-018

D E P O S I T I O N

-of-

NATHAN MARSHALL

held on Friday, July 9, 2021, at the office of Dakin
& Benelli, 26 Main Street, Chester, Vermont,
commencing at approximately 9:00 a.m.

APPEARANCES:

DAVID C. SLEIGH, ESQUIRE
Sleigh Law, P.O. Box 278, 364 Railroad St., Ste. E
St. Johnsbury, Vermont 05819
On behalf of Respondent;

SARAH KATZ, ESQUIRE
Office of Bar Counsel, 32 Cherry St., Ste. 213
Burlington, Vermont 05401

LINDA C. O'BRIEN, Registered Professional Reporter
and Licensed Court Reporter in NH - #130
Vermont Notary Public License #157.0004436

O'BRIEN REPORTING SERVICES, INC.
1-802-747-0199

EXHIBIT
Respondent's
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I N D E X

DEPONENT: NATHAN MARSHALL

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|----------------|------|
| EXAMINATION BY | Page |
| ATTY. SLEIGH | 4 |

E X H I B I T S

| | | |
|-------------|---|------|
| Exhibit No. | Exhibit Description | Page |
| MARSHALL | | |
| No. 1 | Notice of Appearance, Answer to the Complaint and Counterclaim | 14 |

REPORTER'S NOTE: Exhibit attached to printed
original transcript.

I N F O R M A T I O N R E Q U E S T S

[none]

S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the attorneys of record for the respective parties hereto, as follows:

1. THAT the testimony of NATHAN MARSHALL may be taken and treated as if taken pursuant to notice and order to take deposition and that all formalities of notice and order are waived by the parties and the signatures to this stipulation are in like manner waived.

2. THAT all objections, except as to matters of form and motions to strike, are reserved until the deposition or any part thereof is offered in evidence.

3. THAT the deposition may be signed by the said NATHAN MARSHALL before any Notary Public.

4. THAT all exhibits offered for identification are reserved by counsel until the time of trial.

1 NATHAN MARSHALL,
2 having been duly remotely sworn by the Notary
3 to tell the truth, the whole truth and nothing
4 but the truth, deposes and says as follows:
5

6 EXAMINATION BY ATTORNEY SLEIGH

7 Q. I'm Dave Sleigh. I represent Mel Fink.

8 A. Um-hmm.

9 Q. This is Sara Katz. She represents the
10 Profession Responsibility Board -- is that
11 what it's called now? I still call it the
12 Professional Conduct Board, however.

13 Have you ever been deposed before?

14 A. No. Deposed?

15 Q. That's what's happening here --

16 A. No.

17 Q. -- well, you could have been a king and
18 deposed in a different fashion.

19 A. No, I haven't.

20 Q. So, mercifully, we have a court reporter here
21 so a lot of instructions I give to witnesses
22 before we get started are really not germane,
23 but some would be so. The process here is you
24 have been put under oath. I have an
25 opportunity to ask you questions about the

1 facts of this case. Ms. Katz will, too. It's
2 going to be typed up. You'll be sent a copy
3 of the transcript. You'll have an opportunity
4 to correct that, not an opportunity to add or
5 subtract or modify your testimony, but to make
6 any corrections you think there have been made
7 in the transcription.

8 To try to make sure that the
9 transcript is as good as we can get it, if
10 you're inclined to answer a question
11 affirmatively, a nice clear "yes" is better
12 than an ah-huh.

13 A. Okay.

14 Q. If you're inclined to answer a question
15 negatively, "no" works better than unh-unh.

16 A. Okay.

17 Q. One of the things that happens sometimes in
18 these sort of situations is just like in any
19 natural conversation, you might well
20 understand what my question is going to be
21 before I actually finish it and you may be
22 inclined to answer it because the answer is
23 obvious. Sometimes that means that we're
24 talking at the same time. It just makes it
25 harder for the reporter to get a clearer

1 transcript. So that I will do my level best
2 to let you finish answering a question before
3 I ask another one. And, if you do the same,
4 then it will be a nice, clean transcript.

5 Last, and maybe most importantly for
6 you, when this gets typed up it's going to say
7 question and then answer, and people who read
8 that are going to think that you fully
9 comprehended the question and are responding
10 to that. That's not always the case.
11 Sometimes you might be thinking of another
12 question and an answer pops into your head.
13 Or maybe the question itself really was kind
14 of vague or compound, two questions in one.
15 If for whatever reason you don't understand a
16 question or you think it's stupid, you can
17 just let me know and I'll do my best to try to
18 rectify that, okay?

19 A. Yes.

20 Q. All right. So could you state your name and
21 spell it for the record, please?

22 A. Nathan Marshall, N-A-T-H-A-N, M-A-R-S-H-A-L-L.

23 Q. And where do you currently reside?

24 A. At 23 Boynton Drive in North Springfield,
25 Vermont.

1 Q. And who do you live with?

2 A. My girlfriend, Siobhan Nadler. S-I-O-B-H-A-N,
3 N-A-D-L-E-R.

4 Q. And how long have you lived at your current
5 address?

6 A. One month.

7 Q. Where did you live before that?

8 A. With my father, Weston Marshall, W-E-S-T-O-N,
9 M-A-R-S-H-A-L-L, at 235 Commonwealth Avenue in
10 Springfield, Vermont. And that's where I've
11 been for the last year up until this recent
12 move.

13 Q. Okay. You moved in with your dad shortly
14 after you and Denise split up, is that right?

15 A. Yeah. Yes.

16 Q. All right. And you're currently married to
17 Denise?

18 A. Yes.

19 Q. And her last name is?

20 A. Gebroe. G-E-B-R-O-E.

21 Q. And you and Denise have had a divorce action
22 pending for some time, is that right?

23 A. About a year.

24 Q. Do you know or do you anticipate when that
25 will become final?

1 A. Hopefully soon.

2 Q. Where did you and Denise last live before you
3 separated?

4 A. 155 Quarry Road in Proctorsville, Vermont.

5 Q. And how long did the two of you live there
6 together?

7 A. Um, six years.

8 Q. When were you married?

9 A. I have one question.

10 Q. Sure.

11 A. What does any of this have to do with Mel Fink
12 contact thing me?

13 Q. Well, that's a good question and hopefully it
14 will become apparent soon. So when were you
15 married?

16 A. It would have been, boy, seven years ago --
17 when was it -- April 25th in, ah, 2015.

18 Q. And who initiated the divorce action?

19 A. She did.

20 Q. And when did you become aware that she had
21 initiated a divorce?

22 A. About a month after I had moved out. So I, I
23 left at the end of April. So about, about a
24 month later I received the -- a divorce
25 agreement from Mel Fink.

1 Q. All right. And you think that would have been
2 someplace around May of 2020?

3 A. Yes. Yes, it would have been -- um, it would
4 have been at the end of May, I believe.

5 Q. Okay. What did you -- what did you do in
6 reaction to receiving that correspondence from
7 Mr. Fink?

8 A. I sought out an attorney.

9 Q. When was it that you first engaged an attorney
10 to represent you in the divorce?

11 A. It would have been I believe -- when did I
12 first -- can you ask that question again?

13 Q. Sure. So I asked you what you did when you
14 got the correspondence from Mel.

15 A. Yeah.

16 Q. And then I asked you when -- what you did
17 about that. You said you sought out to engage
18 an attorney. I was asking you when you
19 actually did engage an attorney.

20 A. Okay. So it would have been probably about
21 two weeks, ah, two weeks later, which would
22 have been right at the beginning of June at
23 that point, because I would have got it in
24 May. It only took me maybe a week or so. A
25 week and a half.

1 Q. All right. And was the first attorney that
2 you spoke to Ms. Benelli?

3 A. No.

4 Q. When was it that you retained Ms. Benelli?

5 A. That would have been right in -- either at the
6 end of May or right at the beginning of June.

7 Q. And did you enter into a formal retainer
8 contract with Ms. Benelli at that time?

9 A. I believe so. Yes. I signed, signed whatever
10 contract I was given at the time.

11 Q. Between the time that you got the initial
12 correspondence from Mr. Fink and your
13 retention of Ms. Benelli, did you have any
14 communication with Mr. Fink?

15 A. Um, I had contacted him, um, much sooner
16 beforehand as far as to see if he could
17 represent me in a divorce before I had
18 received paperwork from him. But, so I had
19 gotten a message saying that he was already
20 working with the Denise. So, so then I had
21 gone and sought, sought out more. But did I
22 -- I did not have any contact with him from
23 the paperwork towards when I obtained an
24 attorney.

25 Q. When was it that you reached out to see if he

1 would represent you in connection with the
2 divorce?

3 A. That would have been in the beginning of May.
4 That's when I was told that he was already
5 representing Denise. And then which, a couple
6 of weeks later, then I had gotten the, um, an
7 agreement from him and Denise.

8 Q. All right. And, when you got that agreement
9 in the paper, that's when you went out to seek
10 an attorney?

11 A. That's, that's when I sought out another
12 attorney.

13 Q. All right. Other than Ms. Benelli, did you
14 engage any other attorneys in connection with
15 the divorce?

16 A. The first attorney that I reached out to was
17 Pat Ankuda. But he couldn't -- he's also in
18 Springfield, and he couldn't work with me
19 because it would have been conflict of
20 interest. So I asked who they recommend and
21 they recommended Ms. Benelli. I contacted her
22 and she answered the phone immediately.

23 Q. Do you recall the first date that you met with
24 Ms. Benelli?

25 A. I don't.

1 Q. After receiving the agreement in the mail that
2 Mr. Fink's office sent you, when did you next
3 have any contact with Mr. Fink?

4 A. Ah, when he contacted me, which was August
5 17th. And, before that, everything had been
6 corresponded between him and Ms. Benelli, but
7 I had no contact with him until he called me
8 in, ah, in August.

9 Q. He called you on your cell phone?

10 A. Yep. And I have a picture on my phone of his
11 missed incoming call. I called him back and
12 left a message, and then he called me again
13 and, ah, we spoke for six minutes and eleven
14 seconds. If you'd like to see that at all? I
15 don't know. Is that necessary to bring that
16 or -- but.

17 Q. We'll get to that in a second. You have that
18 with --

19 A. Sure. Yes.

20 Q. Can you just screen shot that and email it to
21 me?

22 A. Yes. So I can -- let's see. And your email?

23 Q. David dot Sleigh, S-L-E-I-G-H, at --

24 A. One second. You said David dot Sleigh?

25 Q. Yeah.

1 A. Could you spell that for me again?

2 Q. Yeah. S-L-E-I-G-H, just like Santa Claus's
3 sleigh.

4 A. Yeah. At?

5 Q. Sleigh Law, just as one word, S-L-E-I-G-H,
6 L-A-W dot com.

7 A. Dot com. Is that correct (indicating)?

8 Q. Yes. Thank you.

9 A. Yes.

10 Q. All right. So just so I'm clear, between the
11 date that you received the initial
12 correspondence from Mr. Fink that included the
13 proposed agreement and the August 17th phone
14 call, you had had no contact or communication
15 with Mr. Fink yourself?

16 A. No.

17 Q. So no emails, no texts, no phone calls --

18 A. No.

19 Q. -- nothing, correct?

20 A. Correct.

21 Q. All right. And, prior to August 17th, had you
22 filed a response to your wife's divorce
23 complaint?

24 A. Did I file a response at that point?

25 Yes. I must have. Ah, as far as a

1 response for it, at that point I'm pretty
2 certain we had. We've -- there had already
3 been so much corresponding between Mr. Fink
4 and Ms. Benelli that I can't remember at that
5 point where in the communication between the
6 two of them what had already, again, been
7 filed.

8 I believe that the response was -- I
9 don't think it took me -- took that long to do
10 a response.

11 Q. Okay.

12 A. I just -- it's now been so long ago I don't
13 remember the time line of when, what was filed
14 at what specific dates.

15 Q. Sure.

16 ATTORNEY SLEIGH: Let's get that
17 marked as an exhibit.

18 (Marshall Exhibit No. 1 marked for
19 identification.)

20 Q. (BY ATTORNEY SLEIGH) Let me show you what's
21 marked as Exhibit 1 and see if you can
22 identify that for me, please?

23 A. This is, yeah, Answer to Complaint. This is
24 my, my answer to the, ah, it looks like my
25 answer to the -- yeah, Notice of Appearance,

1 Answer to the Complaint.

2 Q. Okay.

3 A. Yes? Let's see. Yes. Again, I don't
4 remember --

5 Q. You can look at page 3 of it, too.

6 A. All right. I see that was July 30th.

7 Q. Okay. So you recognize Exhibit 1 as your
8 Answer to Counterclaim and Appearance, is that
9 right?

10 A. Yes.

11 Q. What, if any, materials, documents, cell phone
12 records, et cetera, have you reviewed in
13 preparation for today's testimony?

14 A. I haven't. I've just found what I had on my
15 phone as far as the date and time of when he
16 contacted me, and --

17 Q. All right.

18 A. -- and, again, me calling him back, and us
19 speaking on the phone.

20 Q. So on page 3 of Exhibit 1, it appears to be
21 sort of a cover letter that you sent to the
22 Court. It says: To whom it may concern,
23 enclosed please find my notice of appearance
24 for myself in this matter and my answer to the
25 Plaintiff's Complaint.

1 That's what you wrote to the Court?

2 A. Yes.

3 Q. And on page 2 it appears -- well, otherwise in
4 Exhibit 1 it appears that you entered a pro se
5 appearance?

6 A. Pro se appearance?

7 Q. In other words, you appeared representing
8 yourself?

9 A. Yes.

10 Q. When Mr. Fink contacted you on August the
11 17th, the prosecutor has said in paragraph 22
12 that during the call, Mr. Fink invited you to
13 his office to, quote, sit down and talk. That
14 you responded that that was fantastic and that
15 you really wanted to move forward to try to
16 get the matter resolved. She further
17 represents that you then said, let me get a
18 hold of my lawyer. And Mr. Fink said,
19 technically, she doesn't have to be here, and
20 quote, I see you filed a pro se appearance.

21 Is that a fair summary of what the
22 conversation consisted of?

23 A. Yes.

24 Q. Do you know how this information was acquired?

25 A. I had -- after being I had been working with

1 Penny throughout this time, her and Mr. Fink
2 had been emailing that, after he called me --
3 again, on the phone the first thing I did say
4 that is, that is correct, that I said let me
5 get a hold of Penny so that the three of us
6 can talk together. And he said, whoa, whoa,
7 whoa, she doesn't have to be there, it can
8 just be the two of us.

9 So I called her up immediately and
10 said, you know, Fink just contacted me.

11 Q. Okay. Have you spoken to Ms. Katz or
12 investigators from the Professional
13 Responsibility Board in connection with this
14 case?

15 A. We spoke -- we would have spoken months ago at
16 this point.

17 Q. Okay. I'm just trying to figure out how Ms.
18 Katz knew about the contents of this call. Is
19 that something you told her?

20 A. I believe so.

21 Q. Do you know if your conversation with Ms. Katz
22 was recorded?

23 A. I don't know.

24 Q. Where was -- where were you when you had this
25 conversation with Ms. Katz?

1 A. At work, I believe.

2 Q. You were at work?

3 A. Yes, sir.

4 Q. So the conversation was over the telephone?

5 A. Yes.

6 Q. Do you remember if there were follow-up
7 conversations with Ms. Katz or investigators
8 working on behalf of --

9 A. There wasn't. There was not.

10 Q. Just the one phone call?

11 A. Just the one phone call.

12 Q. During the phone call when he -- when Fink
13 invited you to sit down and talk, was there
14 any substantive discussion about the divorce
15 itself or did you say, look, pretty much right
16 away, I'll call Penny and see if we can work
17 this out? I'm just trying to get the nature
18 of it.

19 A. I was -- there was no real talk of the
20 divorce. It was just trying to come in and,
21 and talk and get things settled. But there
22 wasn't a discussion of, of the divorce. It
23 was just, hey, let's set up an appointment.

24 When I called Attorney Benelli,
25 there was still no real conversation other

1 than I just was contacted by Mel Fink. That,
2 that was more or less the end of it.

3 I had agreed to a meeting with Mr.
4 Fink on the phone. I did say, that's
5 fantastic, because I do want to have this
6 moving forward. It's been over a year. So,
7 in my mind I thought that was great the three
8 of us can get together. When he denied her
9 presence there, that was when I felt
10 uncomfortable and set up -- I did set up a
11 date and said we can plan for a date. And I
12 contacted her and just said he contacted me.
13 I don't know. When I -- when I brought your
14 name up, he said he invited me in, just the
15 two of us. And I said that's -- however, him
16 and her have been corresponding, so.

17 Q. Okay. So there are quotes attributable to you
18 in that Complaint that you said to Fink,
19 quote: Let me get a hold of my lawyer. And
20 Fink is represented to have said:
21 Technically, she doesn't have to be here. End
22 quote. I see you filed a pro se appearance.

23 Is that accurate?

24 A. That's, that's about as accurate as I can
25 remember. Yes.

1 Q. Subsequent to this call on August 16th, have
2 you had any other direct communication with
3 Mr. Fink?

4 ATTORNEY KATZ: I think the letter
5 said August 17th.

6 Q. (BY ATTORNEY SLEIGH) Yes, August 17th.
7 Sorry.

8 A. I had no contact with Mr. Fink before.

9 Q. Okay. After -- just I'm confusing myself now.
10 So after that call on August 17th,
11 you have had no conversation with Mr. Fink?

12 A. No.

13 Q. No emails?

14 A. No.

15 Q. No texts?

16 A. No.

17 Q. No communication whatsoever?

18 A. No.

19 Q. Okay. Why did you file a pro se appearance?

20 A. Originally because it seemed like it was going
21 to be a relatively easy divorce, ah, and so I
22 had sought the -- to have an attorney, but at
23 the same time thought that it was going to be
24 resolved without going to court. So I, ah, we
25 had discussed kind of like what would be the

1 minimum as far as like representation as far
2 as -- but, but hopefully -- in hopes that it
3 wouldn't have had to go to court.

4 Q. So it sounds as if you had agreed to sort of a
5 hybrid relationship where you would appear on
6 your own but rely on Ms. Benelli for advice as
7 you went forward?

8 A. That's correct. Yes.

9 Q. Okay. And then --

10 A. With, again, I signed -- I filled out what
11 paperwork I had to. She helped with
12 everything up to that point.

13 Q. But it was your intention and hope that you
14 could have handled it yourself?

15 A. Um, not necessarily myself. I still had her
16 helping me with this. I wouldn't have done
17 this on my own, otherwise it wouldn't be her
18 handwriting on the paperwork. And it's, you
19 know, so there's no way that I would have
20 tried to do this on my own and I was seeking
21 professional help --

22 Q. Okay.

23 A. -- with the hopes that this wouldn't go to a
24 final hearing.

25 Q. So all of that handwriting on Exhibit 1 is

1 Ms. Benelli's?

2 A. Yes. I had done all this. We had sat down
3 and done all this together.

4 Q. All right. So she was aware that you were
5 filing a pro se appearance?

6 A. That is correct.

7 Q. And then I believe it was sometime in October,
8 October 6th, that Ms. Benelli entered a formal
9 appearance on your behalf in the divorce?

10 A. I -- I'm not sure of the dates.

11 Q. Sometime a couple of months after August 17th
12 she entered a formal appearance on your
13 behalf?

14 A. Yes.

15 Q. All right. I don't have any further
16 questions. Thank you.

17 ATTORNEY KATZ: I have no questions
18 for you. Thank you very much for your time.

19 ATTORNEY SLEIGH: Okay. Thanks.

20 COURT REPORTER: Reading and
21 signing?

22 ATTORNEY SLEIGH: Why don't we ask
23 Pat if she's willing to do it and you can send
24 the transcript to her. I think that will make
25 it the easiest. Is that okay with you?

1 THE WITNESS: Yes. Whatever is the
2 easiest for you guys.

3 ATTORNEY SLEIGH: I think, I mean,
4 you have a relationship with Pat. We can send
5 the transcript to her and she can have you
6 come in and read and sign it.

7 THE WITNESS: Okay. Yes.

8 ATTORNEY SLEIGH: Thank you.

9 ATTORNEY KATZ: Thank you.

10

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13 (Whereupon, the deposition was
14 concluded at 9:35 a.m.)

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SIGNATURE PAGE

I, NATHAN MARSHALL, do hereby certify that I have read the foregoing deposition transcript of my testimony, taken on Friday, July 9, 2021, and further certify it is a true and accurate record of my testimony. (Any corrections should be made on the separate errata sheet, which will then be attached to this signed transcript.):

Signed under the pains and penalties of perjury this _____ day of _____ 2021.

NATHAN MARSHALL

STATE OF _____

_____ SS.

At _____, in said county, this _____ day of _____ 2021, personally appeared before me the above-named NATHAN MARSHALL, and made oath that the foregoing answers subscribed by him are true.

_____ Commission # _____

Notary Public

My Commission expires: _____

C E R T I F I C A T E

STATE OF VERMONT

DEPOSITION OF: NATHAN MARSHALL

RE : STATE OF VERMONT, PROFESSIONAL

RESPONSIBILITY PROGRAM, IN RE: MELVIN FINK

PRB FILE NO. 2021-018

I, LINDA C. O'BRIEN, a Registered Professional Reporter and Notary Public in and for the State of Vermont, do hereby certify as follows:

1. That NATHAN MARSHALL, the witness whose testimony is hereinbefore set forth, was duly recorded by me on Friday, July 9, 2021;

2. That such testimony was transcribed by me and is a true and accurate record of the testimony given by the said witness, to the best of my knowledge, skill and ability;

3. I further certify that I am neither attorney for, nor related to or employed by any of the parties, nor financially interested in this matter; and

4. That a dash as used through this transcript is meant to represent an interruption in thought or between a question and answer.

IN WITNESS THEREOF, I hereunto set my hand and Notarial seal this 18th day of July, 2021.

Linda C. O'Brien, RPR
Registered Professional Reporter
and Notary Public
Commission #157.0004436
My Commission Expires: 1-31-2023
Commissioner of Deeds - NH
New Hampshire License #130

WITNESS'S ERRATA SHEET

WITNESS: NATHAN MARSHALL

RE : STATE OF VERMONT, PROFESSIONAL
RESPONSIBILITY PROGRAM, IN RE: MELVIN FINK
PRB FILE NO. 2021-018

INSTRUCTIONS: Enclosed herewith is the original transcription of your deposition to read and sign. Please use this errata sheet to clearly identify any corrections or changes you wish to make, referring to the corresponding page and line number along with your change, and sign the next-to-last page of this transcript before a Notary Public. DO NOT WRITE DIRECTLY ON THIS ORIGINAL TRANSCRIPT! Then return the errata sheet(s) and signed original transcript to either your attorney or the attorney who conducted this deposition.

PAGE _____ CORRECTION _____

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LINE _____ REASON _____

NATHAN MARSHALL

O'BRIEN REPORTING SERVICES, INC.
P.O. BOX 711
RUTLAND, VERMONT 05702
802-747-0199

July 19, 2021

Patricia Benelli, Esquire
Dakin & Benelli
26 Main Street, P.O. Box 499
Chester, Vermont 05143

In Re: PRB File No. 2021-018 - In Re Melvin Fink
Deposition of NATHAN MARSHALL

Dear Attorney Benelli:

Enclosed is the printed original deposition transcript, including the exhibits, of the above-identified deponent taken in the above matter to read and then sign before a Notary Public. An Errata Sheet is also enclosed for any changes/corrections. Kindly follow the instructions on this Errata Sheet.

Upon completion of the reading and signed by the witness, please return this transcript to Attorney David Sleigh.

If you have any questions, please call.

Regards,

Linda C. O'Brien, RPR

e-cc: Atty. David Sleigh

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| <p>A</p> <p>a.m 1:12 23:14</p> <p>ability 25:12</p> <p>above-identified 27:13</p> <p>above-named 24:19</p> <p>accurate 19:23,24 24:5 25:11</p> <p>acquired 16:24</p> <p>action 7:21 8:18</p> <p>add 5:4</p> <p>address 7:5</p> <p>advice 21:6</p> <p>affirmatively 5:11</p> <p>ago 8:16 14:12 17:15</p> <p>agreed 3:3 19:3 21:4</p> <p>agreement 8:25 11:7,8 12:1 13:13</p> <p>ah 8:17 9:21 12:4,8 12:13 13:25 14:24 20:21,24</p> <p>ah-huh 5:12</p> <p>Ankuda 11:17</p> <p>answer 2:13 5:10 5:14,22,22 6:7,12 14:23,24,25 15:1 15:8,24 25:16</p> <p>answered 11:22</p> <p>answering 6:2</p> <p>answers 24:21</p> <p>anticipate 7:24</p> <p>apparent 8:14</p> <p>appear 21:5</p> <p>appearance 2:13 14:25 15:8,23 16:5,6,20 19:22 20:19 22:5,9,12</p> <p>APPEARANCES 1:14</p> <p>appeared 16:7 24:19</p> <p>appears 15:20 16:3 16:4</p> <p>appointment 18:23</p> <p>approximately 1:12</p> | <p>April 8:17,23</p> <p>asked 9:13,16 11:20</p> <p>asking 9:18</p> <p>attached 2:17 24:8</p> <p>attorney 4:6 9:8,9 9:18,19 10:1,24 11:10,12,16 14:16 14:20 18:24 20:4 20:6,22 22:17,19 22:22 23:3,8,9 25:13 26:9,9 27:11,16</p> <p>attorneys 3:4 11:14</p> <p>attributable 19:17</p> <p>Atty 2:6 27:23</p> <p>August 12:4,8 13:13,21 16:10 20:1,5,6,10 22:11</p> <p>Avenue 7:9</p> <p>aware 8:20 22:4</p> <p>B</p> <p>B 2:10</p> <p>back 12:11 15:18</p> <p>Bar 1:18</p> <p>beginning 9:22 10:6 11:3</p> <p>behalf 1:16 18:8 22:9,13</p> <p>believe 9:4,11 10:9 14:8 17:20 18:1 22:7</p> <p>Benelli 1:12 10:2,4 10:8,13 11:13,21 11:24 12:6 14:4 18:24 21:6 22:8 27:4,5,11</p> <p>Benelli's 22:1</p> <p>best 6:1,17 25:12</p> <p>better 5:11,15</p> <p>Board 4:10,12 17:13</p> <p>Box 1:15 27:1,5</p> <p>boy 8:16</p> <p>Boynton 6:24</p> <p>bring 12:15</p> <p>brought 19:13</p> <p>Burlington 1:19</p> | <p>C</p> <p>C 1:15,21 25:1,1,8 25:20 27:21</p> <p>call 4:11 12:11 13:14 16:12 17:18 18:10,11,12,16 20:1,10 27:18</p> <p>called 4:11 12:7,9 12:11,12 17:2,9 18:24</p> <p>calling 15:18</p> <p>calls 13:17</p> <p>case 5:1 6:10 17:14</p> <p>cell 12:9 15:11</p> <p>certain 14:2</p> <p>certify 24:2,5 25:9 25:13</p> <p>cetera 15:12</p> <p>change 26:7</p> <p>changes 26:6</p> <p>changes/correcti... 27:14</p> <p>Cherry 1:18</p> <p>Chester 1:12 27:6</p> <p>Claus's 13:2</p> <p>clean 6:4</p> <p>clear 5:11 13:10</p> <p>clearer 5:25</p> <p>clearly 26:5</p> <p>com 13:6,7</p> <p>come 18:20 23:6</p> <p>commencing 1:12</p> <p>Commission 24:23 24:25 25:21,22</p> <p>Commissioner 25:22</p> <p>Commonwealth 7:9</p> <p>communication 10:14 13:14 14:5 20:2,17</p> <p>complaint 2:14 13:23 14:23 15:1 15:25 19:18</p> <p>completion 27:16</p> <p>compound 6:14</p> <p>comprehended 6:9</p> <p>concern 15:22</p> <p>concluded 23:14</p> | <p>Conduct 4:12</p> <p>conducted 26:9</p> <p>conflict 11:19</p> <p>confusing 20:9</p> <p>connection 11:1,14 17:13</p> <p>consisted 16:22</p> <p>contact 8:12 10:22 12:3,7 13:14 20:8</p> <p>contacted 10:15 11:21 12:4 15:16 16:10 17:10 19:1 19:12,12</p> <p>contents 17:18</p> <p>contract 10:8,10</p> <p>conversation 5:19 16:22 17:21,25 18:4,25 20:11</p> <p>conversations 18:7</p> <p>copy 5:2</p> <p>correct 5:4 13:7,19 13:20 17:4 21:8 22:6</p> <p>CORRECTION 26:11,14,17,20</p> <p>corrections 5:6 24:6 26:6</p> <p>corresponded 12:6</p> <p>correspondence 9:6,14 10:12 13:12</p> <p>corresponding 14:3 19:16 26:6</p> <p>counsel 1:18 3:23</p> <p>Counterclaim 2:14 15:8</p> <p>county 24:17</p> <p>couple 11:5 22:11</p> <p>court 1:22 4:20 15:22 16:1 20:24 21:3 22:20</p> <p>cover 15:21</p> <p>current 7:4</p> <p>currently 6:23 7:16</p> <p>D</p> <p>D 1:8 2:1</p> <p>dad 7:13</p> <p>Dakin 1:11 27:5</p> | <p>dash 25:15</p> <p>date 11:23 13:11 15:15 19:11,11</p> <p>dates 14:14 22:10</p> <p>Dave 4:7</p> <p>David 1:15 12:23 12:24 27:17,23</p> <p>day 24:10,18 25:17</p> <p>Dear 27:11</p> <p>Deeds 25:22</p> <p>denied 19:8</p> <p>Denise 7:14,17,21 8:2 10:20 11:5,7</p> <p>deponent 2:3 27:13</p> <p>deposed 4:13,14,18</p> <p>deposes 4:4</p> <p>deposition 3:9,16 3:19 23:13 24:3 25:3 26:5,9 27:8 27:12</p> <p>Description 2:11</p> <p>different 4:18</p> <p>direct 20:2</p> <p>DIRECTLY 26:8</p> <p>discussed 20:25</p> <p>discussion 18:14,22</p> <p>divorce 7:21 8:18 8:21,24 9:10 10:17 11:2,15 13:22 18:14,20,22 20:21 22:9</p> <p>documents 15:11</p> <p>dot 12:23,24 13:6,7</p> <p>Drive 6:24</p> <p>duly 4:2 25:10</p> <p>E</p> <p>E 1:8,15 2:1,10 25:1,1</p> <p>e-cc 27:23</p> <p>easiest 22:25 23:2</p> <p>easy 20:21</p> <p>either 10:5 26:9</p> <p>eleven 12:13</p> <p>email 12:20,22</p> <p>emailing 17:2</p> <p>emails 13:17 20:13</p> <p>employed 25:13</p> <p>enclosed 15:23 26:4</p> |
|---|---|---|---|--|

| | | | | |
|--|---|---|--|--|
| 27:12,14 engage 9:17,19 11:14 engaged 9:9 enter 10:7 entered 16:4 22:8 22:12 errata 24:7 26:1,5 26:8 27:14,15 Esquire 1:15,18 27:4 et 15:12 evidence 3:17 EXAMINATION 2:5 4:6 exhibit 2:11,11,17 14:17,18,21 15:7 15:20 16:4 21:25 exhibits 3:22 27:12 expires 24:25 25:22 | 20:8,11 25:5 26:2 27:8 Fink's 12:2 first 9:9,12 10:1 11:16,23 17:3 follow 27:14 follow-up 18:6 follows 3:5 4:4 25:9 foregoing 24:3,20 form 3:15 formal 10:7 22:8 22:12 formalities 3:10 forth 25:10 forward 16:15 19:6 21:7 found 15:14 Friday 1:11 24:4 25:10 fully 6:8 further 16:16 22:15 24:5 25:13 | hearing 21:24 held 1:11 help 21:21 helped 21:11 helping 21:16 hereinbefore 25:10 hereto 3:5 hereunto 25:16 herewith 26:4 hey 18:23 hold 16:18 17:5 19:19 hope 21:13 hopefully 8:1,13 21:2 hopes 21:2,23 hybrid 21:5 | K Katz 1:18 4:9 5:1 17:11,18,21,25 18:7 20:4 22:17 23:9 kind 6:13 20:25 Kindly 27:14 king 4:17 knew 17:18 know 6:17 7:24 12:15 16:24 17:10 17:21,23 19:13 21:19 knowledge 25:12 | 2:12 3:7,20 4:1 6:22 7:8 14:18 24:2,13,20 25:3,9 26:1,25 27:8 materials 15:11 matter 15:24 16:16 25:14 27:13 matters 3:15 mean 23:3 means 5:23 meant 25:15 meeting 19:3 Mel 4:7 8:11,25 9:14 19:1 Melvin 1:5 25:5 26:2 27:8 mercifully 4:20 message 10:19 12:12 met 11:23 mind 19:7 minimum 21:1 minutes 12:13 missed 12:11 modify 5:5 month 7:6 8:22,24 months 17:15 22:11 motions 3:15 move 7:12 16:15 moved 7:13 8:22 moving 19:6 |
| F F 25:1 facts 5:1 fair 16:21 fantastic 16:14 19:5 far 10:16 13:25 15:15 21:1,1 fashion 4:18 father 7:8 felt 19:9 figure 17:17 file 1:5 13:24 20:19 25:6 26:3 27:8 filed 13:22 14:7,13 16:20 19:22 filing 22:5 filled 21:10 final 7:25 21:24 financially 25:14 find 15:23 finish 5:21 6:2 Fink 1:5 4:7 8:11 8:25 9:7 10:12,14 12:3 13:12,15 14:3 16:10,12,18 17:1,10 18:12 19:1,4,18,20 20:3 | G G-E-B-R-O-E 7:20 Gebro 7:20 germane 4:22 girlfriend 7:2 give 4:21 given 10:10 25:12 go 21:3,23 going 5:2,20 6:6,8 20:20,23,24 good 5:9 8:13 gotten 10:19 11:6 great 19:7 guys 23:2 | I identification 3:23 14:19 identify 14:22 26:5 immediately 11:22 17:9 importantly 6:5 inclined 5:10,14,22 included 13:12 including 27:12 incoming 12:11 indicating 13:7 information 2:22 16:24 initial 10:11 13:11 initiated 8:18,21 instructions 4:21 26:4 27:14 intention 21:13 interest 11:20 interested 25:14 interruption 25:15 investigators 17:12 18:7 invited 16:12 18:13 19:14 | L L 3:1 L-A-W 13:6 Law 1:15 13:5 lawyer 16:18 19:19 left 8:23 12:12 let's 12:22 14:16 15:3 18:23 letter 15:21 20:4 level 6:1 License 1:22 25:23 Licensed 1:22 Linda 1:21 25:8,20 27:21 line 14:13 26:6,12 26:15,18,21 live 7:1,7 8:2,5 lived 7:4 long 7:4 8:5 14:9,12 look 15:5 18:15 looks 14:24 lot 4:21 | N N 1:8 2:1 3:1 N-A-D-L-E-R 7:3 N-A-T-H-A-N 6:22 Nadler 7:2 name 6:20 7:19 19:14 Nathan 1:10 2:3 3:7,20 4:1 6:22 24:2,13,20 25:3,9 26:1,25 27:8 natural 5:19 nature 18:17 necessarily 21:15 necessary 12:15 negatively 5:15 |
| | H H 2:10 half 9:25 Hampshire 25:23 hand 25:16 handled 21:14 handwriting 21:18 21:25 happening 4:15 happens 5:17 harder 5:25 head 6:12 | J Johnsbury 1:16 July 1:11 15:6 24:4 25:10,17 27:3 June 9:22 10:6 | M M-A-R-S-H-A-L-L 6:22 7:9 mail 12:1 Main 1:12 27:5 manner 3:12 marked 14:17,18 14:21 married 7:16 8:8 8:15 Marshall 1:10 2:3 | |

| | | | | |
|---|--|--|---|--|
| signing 22:21 Siobhan 7:2 sir 18:3 sit 16:13 18:13 situations 5:18 six 8:7 12:13 skill 25:12 sleigh 1:15,15 2:6 4:6,7 12:23,24 13:3,5 14:16,20 20:6 22:19,22 23:3,8 27:17,23 someplace 9:2 soon 8:1,14 sooner 10:15 Sorry 20:7 sort 5:18 15:21 21:4 sought 9:8,17 10:21 10:21 11:11 20:22 sounds 21:4 speaking 15:19 specific 14:14 spell 6:21 13:1 split 7:14 spoke 10:2 12:13 17:15 spoken 17:11,15 Springfield 6:24 7:10 11:18 SS 24:16 St 1:15,16,18 started 4:22 state 1:1 6:20 24:15 25:2,4,8 26:2 Ste 1:15,18 stipulated 3:3 stipulation 3:11 Street 1:12 27:5 strike 3:15 stupid 6:16 subscribed 24:21 Subsequent 20:1 substantive 18:14 subtract 5:5 summary 16:21 sure 5:8 8:10 9:13 12:19 14:15 22:10 sworn 4:2 | T T 1:8 2:10 3:1,1 25:1,1 take 3:9 taken 3:8,8 24:4 27:13 talk 16:13 17:6 18:13,19,21 talking 5:24 technically 16:19 19:21 telephone 18:4 tell 4:3 testimony 3:7 5:5 15:13 24:4,6 25:10,11,11 texts 13:17 20:15 Thank 13:8 22:16 22:18 23:8,9 Thanks 22:19 thereof 3:16 25:16 thing 8:12 17:3 things 5:17 18:21 think 5:6 6:8,16 9:1 14:9 20:4 22:24 23:3 thinking 6:11 thought 19:7 20:23 25:16 three 17:5 19:7 time 3:24 5:24 7:22 10:8,10,11 14:13 15:15 17:1 20:23 22:18 today's 15:13 told 11:4 17:19 transcribed 25:11 transcript 2:18 5:3 5:9 6:1,4 22:24 23:5 24:3,8 25:15 26:7,8,8 27:12,16 transcription 5:7 26:5 treated 3:8 trial 3:24 tried 21:20 true 24:5,21 25:11 truth 4:3,3,4 try 5:8 6:17 16:15 | trying 17:17 18:17 18:20 two 6:14 8:5 9:21 9:21 14:6 17:8 19:15 typed 5:2 6:6 U U 3:1 um 8:7 9:3 10:15 10:15 11:6 21:15 Um-hmm 4:8 uncomfortable 19:10 understand 5:20 6:15 unh-unh 5:15 use 26:5 V vague 6:14 Vermont 1:1,12,16 1:19,22 6:25 7:10 8:4 25:2,4,9 26:2 27:2,6 W W-E-S-T-O-N 7:8 waived 3:10,12 want 19:5 wanted 16:15 wasn't 18:9,22 way 21:19 We'll 12:17 we're 5:23 We've 14:2 week 9:24,25 weeks 9:21,21 11:6 went 11:9 21:7 Weston 7:8 whatsoever 20:17 whoa 17:6,6,7 wife's 13:22 willing 22:23 wish 26:6 witness 23:1,7 25:9 25:12,16 26:1 27:16 WITNESS'S 26:1 witnesses 4:21 | word 13:5 words 16:7 work 11:18 18:1,2 18:16 working 10:20 16:25 18:8 works 5:15 wouldn't 21:3,16 21:17,23 WRITE 26:7 wrote 16:1 X X 2:1,10 Y yeah 7:15 9:15 12:25 13:2,4 14:23,25 year 7:11,23 19:6 years 8:7,16 Yep 12:10 Z 0 05143 27:6 05401 1:19 05702 27:2 05819 1:16 1 1 2:13 3:7 14:18,21 15:7,20 16:4 21:25 25:9 1-31-2023 25:22 1-802-747-0199 1:25 130 1:22 25:23 14 2:13 155 8:4 157.0004436 1:22 25:21 16th 20:1 17th 12:5 13:13,21 16:11 20:5,6,10 22:11 18th 25:17 19 27:3 | 2 2 3:14 16:3 25:11 2015 8:17 2020 9:2 2021 1:11 24:4,10 24:18 25:10,17 27:3 2021-018 1:5 25:6 26:3 27:8 213 1:18 22 16:11 23 6:24 235 7:9 25th 8:17 26 1:12 27:5 278 1:15 3 3 3:19 15:5,20 25:13 30th 15:6 32 1:18 364 1:15 4 4 2:6 3:22 25:15 499 27:5 5 6 6th 22:8 7 711 27:1 8 802-747-0199 27:2 9 9 1:11 24:4 25:10 9:00 1:12 9:35 23:14 |
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STATE OF VERMONT

SUPERIOR COURT
WINDSOR Unit

FAMILY DIVISION
Docket No. 20-DM-00197

| Plaintiff | Date Of Birth | Defendant | Date Of Birth |
|---------------|---------------|--------------------|---------------|
| Denise Gebroe | 04/18/1975 | v. Nathan Marshall | 09/28/1987 |

NOTICE OF APPEARANCE, ANSWER TO THE COMPLAINT
AND COUNTERCLAIM

I intend to represent myself and hereby enter my appearance with the Court. No attorney will represent me in this case unless an attorney or I notify the Court otherwise.

I understand that IT IS MY RESPONSIBILITY TO:

1. Notify the Court in writing if I change my address or phone number;
AND
2. Send copies of any papers I file with the Court to the other party in this case.

All Court papers may be mailed to me by first class mail at the address listed below.

Name: Nathan Marshall Date of Birth: 09/28/1987
Street Address: 235 Commonwealth Ave. City/State/Zip: Springfield, VT 05156
Mailing Address (if different from Street Address): _____
City/State/Zip: Same Email Address: _____
Daytime Phone: 802-591-2957 Evening Phone: _____

ANSWER TO COMPLAINT
FOR DIVORCE, LEGAL SEPARATION, CIVIL UNION DISSOLUTION

I am the Defendant in this case. This is my answer to the facts in the Plaintiff's Complaint: (Please refer to the Plaintiff's Complaint and check whether you agree or disagree with the facts in each paragraph of the Complaint.)

1. Residence

a. My Residence:

☒ Agree ☐ Disagree

b. Plaintiff's Residence:

☒ Agree ☐ Disagree

2. Date and Place of Marriage or Civil Union:

☒ Agree ☐ Disagree

3. Grounds for Divorce, Legal Separation, Dissolution:

☒ Agree ☐ Disagree

4. Property, Assets and Debts: I have listed all of the property, assets and debts that my spouse and I own either jointly or solely that are known to me, in the Financial Affidavit that I am filing with this Answer. (Form 400-00813A)

I will file this at a later date if necessary.

5. Public Assistance:

☒ Agree ☐ Disagree ☐ Don't know

6. Earlier Actions for Divorce, Legal Separation, Dissolution, or Annulment:

☒ Agree ☐ Disagree

7. Relief from abuse or protective order proceedings:

☐ Agree ☒ Disagree

8. Military Status:

☒ Agree ☐ Disagree

If you disagree with any of the facts in Plaintiff's Complaint, please write the paragraph number below and state the facts you believe to be true:

7. I secured a temporary relief from abuse order against Plaintiff in The Windsor Family Division, and it has been extended for 2 months. There are also criminal charges against Plaintiff pending from the same incident.

COUNTERCLAIM

Based on the facts stated above, I ask that the Family Court grant me: (check each box that applies)

- ☒ Decree of Divorce
- ☐ Decree of Legal Separation
- ☐ Decree of Dissolution
- ☒ Division of Property (divide our marital property, assets and debts).
- ☐ Spousal Maintenance (Alimony).
- ☒ Court costs.
- ☒ Attorney fees.
- ☐ Name change: I would like to resume my former name of _____.

I hereby swear or affirm that the information above is true to the best of my knowledge and belief.

Dated

7/29/20

Nathan Marshall

Signature Defendant

Signed and sworn to or affirmed before me:

| Date | Signature of Notary Public | Expiration Date |
|-----------|----------------------------|-----------------|
| 7/29/2020 | PC Berelli | 6/30/2021 |

Patricia G. Berelli

Notary Public State of Vermont
Commission Expires: 06/30/2021
Commission #: 0061124

**Nathan Marshall
235 Commonwealth Avenue
Springfield, VT 0156**

July 30, 2020

**Vermont Superior Court
Windsor Family & Vermont Divisions
82 Railroad Row
White River Junction, VT 05001**

Re: Docket # 20-DM-00197

To who it may concern:

Enclosed, please find my Notice of Appearance for myself in this matter and my answers to the Plaintiff's complaint.

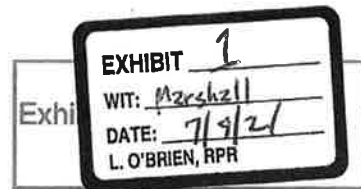
Copies of these documents are being sent today by U.S. First Class mail to Melvin D. Fink, Plaintiff's attorney at his office at Melvin Fink, P.C., P.O. Box 217, Ludlow, VT 05149

Thank you for your time and consideration.

Sincerely,

Nathan Marshall

CC: Melvin D. Fink



SUPERIOR COURT
WINDSOR Unit

STATE OF VERMONT

FAMILY DIVISION

Docket No. 20-DM-00197

| Plaintiff | Date Of Birth | Defendant | Date Of Birth |
|---------------|---------------|--------------------|---------------|
| Denise Gebroe | 04/18/1975 | v. Nathan Marshall | 09/28/1987 |

NOTICE OF APPEARANCE, ANSWER TO THE COMPLAINT
AND COUNTERCLAIM

I intend to represent myself and hereby enter my appearance with the Court. No attorney will represent me in this case unless an attorney or I notify the Court otherwise.

I understand that IT IS MY RESPONSIBILITY TO:

1. Notify the Court in writing if I change my address or phone number;
AND
2. Send copies of any papers I file with the Court to the other party in this case.

All Court papers may be mailed to me by first class mail at the address listed below.

Name: Nathan Marshall Date of Birth: 09/28/1987
Street Address: 235 Commonwealth Ave. City/State/Zip: Springfield, VT 05156
Mailing Address (if different from Street Address): _____
City/State/Zip: Same Email Address: _____
Daytime Phone: 802-591-2957 Evening Phone: _____

ANSWER TO COMPLAINT
FOR DIVORCE, LEGAL SEPARATION, CIVIL UNION DISSOLUTION

I am the Defendant in this case. This is my answer to the facts in the Plaintiff's Complaint: (Please refer to the Plaintiff's Complaint and check whether you agree or disagree with the facts in each paragraph of the Complaint.)

1. Residence

a. My Residence:

☒ Agree ☐ Disagree

b. Plaintiff's Residence:

☒ Agree ☐ Disagree

2. Date and Place of Marriage or Civil Union:

☒ Agree ☐ Disagree

3. Grounds for Divorce, Legal Separation, Dissolution:

☒ Agree ☐ Disagree

4. Property, Assets and Debts: I have listed all of the property, assets and debts that my spouse and I own either jointly or solely that are known to me, in the Financial Affidavit that I am filing with this Answer. (Form 400-00813A) *I will file this at a later date if necessary.*

5. Public Assistance:

☒ Agree ☐ Disagree ☐ Don't know

6. Earlier Actions for Divorce, Legal Separation, Dissolution, or Annulment:

☒ Agree ☐ Disagree

7. Relief from abuse or protective order proceedings:

☐ Agree ☒ Disagree

8. Military Status:

☒ Agree ☐ Disagree

If you disagree with any of the facts in Plaintiff's Complaint, please write the paragraph number below and state the facts you believe to be true:

7. I secured a temporary relief from abuse order against Plaintiff in The Windsor Family Division, and it has been extended for 2 months. There are also criminal charges against Plaintiff pending from the same incident.

COUNTERCLAIM

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- ☐ Decree of Legal Separation
- ☐ Decree of Dissolution
- ☒ Division of Property (divide our marital property, assets and debts).
- ☐ Spousal Maintenance (Alimony).
- ☒ Court costs.
- ☒ Attorney fees.
- ☐ Name change: I would like to resume my former name of _____.

I hereby swear or affirm that the information above is true to the best of my knowledge and belief.

Dated

7/29/20

Nathan Marshall

Signature Defendant

Signed and sworn to or affirmed before me:

| | | |
|--------------------------------|----------------------------|-----------------|
| Date | Signature of Notary Public | Expiration Date |
| 7/29/2020 | PG. Benelli | 6/30/2021 |
| Patricia G. Benelli | | |
| Notary Public State of Vermont | | |
| Commission Expires: 06/30/2021 | | |
| Commission #: 0000124 | | |

**Nathan Marshall
235 Commonwealth Avenue
Springfield, VT 0156**

July 30, 2020

**Vermont Superior Court
Windsor Family & Vermont Divisions
82 Railroad Row
White River Junction, VT 05001**

Re: Docket # 20-DM-00197

To who it may concern:

Enclosed, please find my Notice of Appearance for myself in this matter and my answers to the Plaintiff's complaint.

Copies of these documents are being sent today by U.S. First Class mail to Melvin D. Fink, Plaintiff's attorney at his office at Melvin Fink, P.C., P.O. Box 217, Ludlow, VT 05149

Thank you for your time and consideration.

Sincerely,

Nathan Marshall

CC: Melvin D. Fink

Windsor Unit
Case Summary

9 Case No. 20-DM-00197



Denise Gebroe v Nathan Marshall

§
§

Location: Windsor Unit
Filed on: 06/26/2020

Case Information

Case Type: Dissolution Contested with No Minor Children
Subtype: Divorce
Case Status: 11/03/2020 Active - Ready for Final Hearing

Party Information

Plaintiff Gebroe, Denise Lauren **Fink, Melvin D.**
Retained
802-228-4111(W)
melawyer@comcast.net


Defendant Marshall, Nathan Lance **Benelli, Patricia G.**
Retained
802-875-4000(W)
pbenelli@dakinbenelli.com

Events and Orders of the Court

| | | |
|------------|--|-----------|
| 06/26/2020 | Motion for Property Division Filed by: Attorney Fink, Melvin D. | Index # 1 |
| 06/26/2020 | Complaint and Summons for Dissolution Without Children Date of Sep.: 04/23/2020 Filed by: Plaintiff Gebroe, Denise Lauren | |
| 06/26/2020 | Return of Service by Law Enforcement Officer <i>Sheriff's Return of Service: summons not signed</i> Party Served: Defendant Marshall, Nathan Lance | |
| 06/26/2020 | Notice of Attorney's Appearance Filed by: Attorney Fink, Melvin D. Representing: Plaintiff Gebroe, Denise Lauren | |
| 06/26/2020 | Information Sheet Filed by: Attorney Fink, Melvin D. | |
| 06/26/2020 | VT Department of Health Record <i>VT Department of Health Form</i> Filed by: Attorney Fink, Melvin D. | |
| 07/20/2020 | Service Complete Date 2: 07/20/2020 Served Upon: Defendant Marshall, Nathan Lance | |
| 07/21/2020 | Sent to Case Parties <i>Automated by RIS for SOP processing - Melvin D. Fink</i> | |


Case Summary


Case No. 20-DM-00197


07/21/2020  Interim Domestic Order

07/21/2020 Notice to Parties
Recipients: Attorney Fink, Melvin D.


07/21/2020 Letter Sent
IDO sent via FCM to Def
Sent To: Defendant Marshall, Nathan Lance


08/03/2020  Notice of Pro Se Appearance
Filed by: Defendant Marshall, Nathan Lance

08/03/2020  Answer
Filed by: Defendant Marshall, Nathan Lance


08/03/2020  Counter Claim
Filed by: Defendant Marshall, Nathan Lance


08/04/2020 Service Sent - Domestic Case
Counter Claim
To be Served: Attorney Fink, Melvin D.


10/06/2020  Notice of Attorney's Appearance
Notice of Appearance
Filed by: Attorney Benelli, Patricia G.
Representing: Defendant Marshall, Nathan Lance


10/06/2020  Certificate of Service
Certificate of Service for Notice of Appearance
Filed by: Attorney Benelli, Patricia G.
Party for: Defendant Marshall, Nathan Lance


11/03/2020 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink


11/03/2020  Notice to Parties
Recipients: Attorney Benelli, Patricia G.;
Attorney Fink, Melvin D.


11/14/2020  Motion to Enforce
Motion to Enforce Interim Domestic Order
Filed by: Attorney Benelli, Patricia G.

11/16/2020  813A Financial Affidavit
Defendant's Financial Affidavit 813A

11/16/2020  813B Financial Affidavit

11/16/2020  Document(s) Filed
2018 Tax Return
Filed by: Attorney Benelli, Patricia G.

11/16/2020  Document(s) Filed
2019 Tax Return
Filed by: Defendant Marshall, Nathan Lance

11/16/2020  Certificate of Service
Certificate of Service for 813A, 813B, Joint Tax Returns 2018 and 2019 to Melvin Fink, Esq.
Filed by: Attorney Benelli, Patricia G.
Party for: Defendant Marshall, Nathan Lance

Index # 2

Windsor Unit

Case Summary

3 Case No. 20-DM-00197


11/17/2020 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink

11/17/2020 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink


11/17/2020 Certificate of Service
Filed by: Attorney Benelli, Patricia G.
Party for: Attorney Fink, Melvin D.


11/17/2020 Cover Sheet
Cover Letter to Court
Filed by: Attorney Benelli, Patricia G.


11/17/2020 Motion with Judge (Judicial Officer: Warren, Lisa A.)


11/17/2020  Entry Order (Judicial Officer: Warren, Lisa A.)

11/17/2020 Notice to Parties
Recipients: Attorney Benelli, Patricia G.;
Attorney Fink, Melvin D.


11/17/2020  Notice to Parties
Recipients: Attorney Benelli, Patricia G.;
Attorney Fink, Melvin D.


11/18/2020  Case Management Conference Call (1:00 PM) (Judicial Officer: Flynn, Daniel)
Hearing Held Off the Record


11/18/2020  813A Financial Affidavit
813A Financial Affidavit
Filed by: Attorney Fink, Melvin D.


11/18/2020  813B Financial Affidavit
813B Financial Affidavit
Filed by: Attorney Fink, Melvin D.

11/18/2020 Hearing Held (Judicial Officer: Flynn, Daniel)


11/19/2020  Motion to Reconsider
Filed by: Attorney Fink, Melvin D.

11/19/2020  Document(s) Filed
Cover Letter
Filed by: Attorney Fink, Melvin D.

11/19/2020  Motion to Enforce
Motion to Enforce
Filed by: Attorney Benelli, Patricia G.

11/19/2020  Certificate of Service
Certificate of Service for Motion to Enforce
Filed by: Attorney Benelli, Patricia G.
Party for: Defendant Marshall, Nathan Lance

11/24/2020 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink

11/24/2020  Motion Reaction - Motion to be Set for Hearing (Judicial Officer: Warren, Lisa A.)

11/24/2020 Notice to Parties
Recipients: Attorney Benelli, Patricia G.;
Attorney Fink, Melvin D.

Index # 3


Index # 4


Windsor Unit

Case Summary

9 Case No. 20-DM-00197

Index # 5


11/25/2020  Motion to Reconsider
and amend the Entry Order
Filed by: Attorney Benelli, Patricia G.

11/25/2020  Certificate of Service
Certificate of Service


11/30/2020 Motion with Judge (Judicial Officer: Warren, Lisa A.)

12/02/2020 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink


12/02/2020 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink


12/02/2020  Motion Reaction - Deferred (Judicial Officer: Warren, Lisa A.)


12/02/2020 Notice to Parties
Recipients: Attorney Benelli, Patricia G.;
Attorney Fink, Melvin D.


12/02/2020  Motion Reaction - Deferred (Judicial Officer: Warren, Lisa A.)


12/02/2020 Notice to Parties
Recipients: Attorney Benelli, Patricia G.;
Attorney Fink, Melvin D.


01/13/2021  Certificate of Service
Certificate of Service

01/13/2021  Document(s) Filed
Exhibit List
Filed by: Attorney Benelli, Patricia G.


01/18/2021  Certificate of Service
Certificate of service of updated exhibit list and Exhibit E
Filed by: Attorney Benelli, Patricia G.

01/18/2021  Exhibits
Revised Exhibit list for Defendant for 1-19-21
Filed by: Attorney Benelli, Patricia G.

01/18/2021  Exhibits
Exhibit E
Filed by: Attorney Benelli, Patricia G.


01/19/2021  **Motion Hearing** (9:00 AM) (Judicial Officer: Gerety, Robert P., Jr.)
Hearing Held


01/19/2021 Hearing Held - Motion (Judicial Officer: Gerety, Robert P., Jr.)

01/19/2021  Document(s) Filed
court record: witness and exhibit list from 1/19/21 hrg

01/19/2021 Motion Under Advisement (Judicial Officer: Gerety, Robert P., Jr.)

04/07/2021 Sent to Case Parties
Automated by RIS for SOP processing - Patricia G. Benelli, Melvin D. Fink

04/07/2021  Order (Judicial Officer: Gerety, Robert P., Jr.)

04/07/2021  Order (Judicial Officer: Gerety, Robert P., Jr.)

> From: pbenelli@dakinbenelli.com pbenelli@dakinbenelli.com
> Date: Mon, 17 Aug 2020 17:02:32 -0400
> To: melawyer@comcast.net
> Subject:

| | |
|-----------------|---------|
| EXHIBIT | 3 |
| WIT: | Benelli |
| DATE: | 7/9/21 |
| L. O'BRIEN, RPR | |

>
>
> Dear Mel:
> Nathan called today to report that you had called him, that he
> called back based on his caller ID, and that you thanked him for calling you back.
> You then went on to invite him to meet with you, one-on-one, at your
> office next Monday at 10:00 to discuss settlement. He reports that
> when he said he would need to contact me about the meeting you said,
> "No, you don't. You entered your appearance for yourself in the
> divorce so you and I can meet alone," (or words to that specific
> effect). You know better: Your contact with Nathan was a gross
> violation of VRPC 4.2. Do not attempt to contact my client directly
> again on any matter related to the pending divorce or relief from
> abuse actions. You are to communicate with my client only through me. Period.
> In spite of your violation of the ethics rules, Nathan still
> wants to settle this divorce action. He was pleased to hear that
> Denise shares that goal, and that you acknowledge that it will require
> that Denise get him off the joint marital debt—as I described in the
> settlement proposal I sent to you a little while ago.
> I am not available next Monday at 10:00, but Nathan and I can be
> available later in the day or at other times next week. We are
> willing to meet at your office as long as you have space for us to
> meet with physical distancing and masks. If you do not, we can meet
> on the porch at my office, or in our large conference room, which will
> safely accommodate three persons. Of course, I can always set up a
> telephone conference if an in-person meeting is not workable.
> I look forward to hearing from you. Penny
>
>
>

—Original Message—

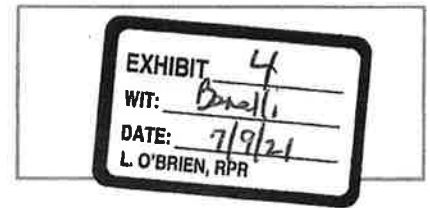
From: melawyer melawyer [mailto:melawyer@comcast.net]

Sent: Friday, August 21, 2020 11:08 AM

To: Patricia Benelli <pbenelli@dakinbenelli.com>

Subject: Re: Gebroe/Marshall

Don't pontificate to me. Nathan Marshall filed a prose appearance. He represents himself, period



Patricia Benelli

From: Patricia Benelli

Sent:

To:

Monday, August 24, 2020 10:01 AM

'melawyer melawyer'

Subject:

TimeMattersID:

TM Contact:

TM Matter Reference:

Mel,

RE: Gebroe/Marshall

M0B87 AC3CD07B601

Melvin Fink

Marshall, Nathan—divorce

Your email implies that you are still not accepting that Nathan is represented. He is, period. You are not to have any

more direct contact with him, period.

You are fully aware that I am representing Nathan. We have been exchanged settlement proposals and other

communications, even after the divorce action was filed. You are fully aware that I do not have to enter an appearance

in court to be representing Nathan. But apparently the Professional Conduct Board will have to remind you.

Penny

Patricia G. Benelli

Dakin & Benelli, PC

PO Box 499

Chester, VT 05143

802-875-4000 (v)

802-875-4200 (f)

pbenelli@dakinbenelli.com

