

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



CIVIL DIVISION  
Case No. 23-SC-00788

**Cavalry SPV 1, LLC as Assignee of Synchrony Bank v. Chris White**

**ENTRY REGARDING MOTION**

Title: Motion to Transfer Case Motion to Transfer Venue (Motion: 1)  
Filer:  
Filed Date: May 24, 2023

The motion is DENIED.

Plaintiff seeks to transfer venue from Lamoille County Superior Court to Franklin County Superior Court due to the fact that Defendant no longer resides in Lamoille County but appears to reside in Franklin County. If this allegation is true, then venue would appear to be appropriate under 12 V.S.A. § 402(a), but Plaintiff does not cite to any authority in this Court that allow it to transfer venue from one county to another. The remedy under Section 402 for an action filed in the wrong venue is dismissal.

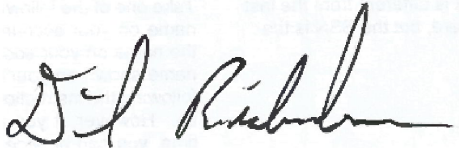
Under 12 V.S.A. § 404(a) (“Removal to Another Unit), the Court may only remove an action from one unit to another if there is “reason to believe that a civil action pending in such court cannot be impartially tried . . . .” There are no other relevant statutory sources that authorize this Court to transfer venue from one Superior Court Unit to another. In fact, the Vermont Supreme Court has noted that statutory authority is required for such a transfer. See *State v. Stacy*, 104 Vt. 379, 388 (1932) (affirming the denial of a change of venue in a criminal case based on the lack of specific statutory authority and rejecting common law authority), abrogated on other grounds by *State v. Blondin*, 128 Vt. 613, 616 (1970); see also *State v. Howard*, 31 Vt. 414, 415 (1858) (noting that the authority to change venue may be warranted in certain cases but requires the authority of the legislature).

As at least one other Superior Court has noted, the Vermont Supreme Court has been given this authority under 4 V.S.A. § 37(b), but it has not enacted any rule or provision for such motions. *U.S. Bank Trust Nat. Ass'n v. Gittens*, 2022 WL 1242621 (Mar. 10, 2022) (Toor, J.).

Based on the foregoing, the Motion to transfer this matter from Lamoille County Superior Court to Franklin County Superior Court is denied. Moreover, based on the lack of residency, the present action is **Dismissed without Prejudice** as a matter of law under 12 V.S.A. § 402(a). Plaintiff may re-file if it so elects in Franklin County Superior Court.

**So Ordered.**

Electronically signed on 5/31/2023 4:17 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", is written over a light blue rectangular background. The signature is fluid and cursive.

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Daniel Richardson  
Superior Court Judge