

VERMONT SUPERIOR COURT
Environmental Division
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Burlington, VT 05401
802-951-1740
www.vermontjudiciary.org



Docket No. 22-ENV-124

Dousevicz, Inc. CU and Site Plan Approval

ENTRY REGARDING MOTION

Title: Motion to Strike (Motion #6)
Filer: Bridget Remington, Attorney for Neighbors
Filed Date: October 23, 2023

Memorandum in Opposition, filed by Christopher Roy, Attorney for Appellant on November 1, 2023.

Reply to Memo in Opposition, filed by Attorney Bridget Remington on November 3, 2023.

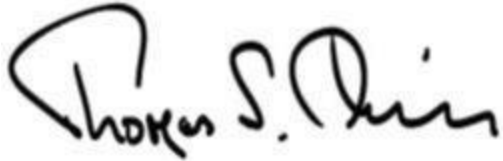
The motion is DENIED.

This is an appeal by Dousevicz, Inc. ("Appellant"), which applied for conditional use and site plan approval for the construction of a new 23,500-square foot, 99-unit senior living facility, with associated infrastructure and landscaping, to be located on Sand Hill Road in Castleton, Vermont (together, the "Project"). Presently before the Court is a motion to strike filed by interested persons Kathleen Culpo, Lara Beth Desjardins, Meredith Fabian, John Gillen, Mary Lee Harris, Wayne E. Pickett, Emilio Rosario, and John G. teRiele Jr. (together "Neighbors"). Specifically, the motion seeks to strike Appellant's September 15, 2023, Supplemental Description of Proposed Facility and Disclosure of Experts (together "Supplement and Disclosure") as being redundant and inadmissible because it goes outside the scope of the DRB's review. Neighbors argue that the Supplement and Disclosure is a supplemental pleading to Appellant's Motion for Summary Judgment which this Court denied on June 21, 2023. Alternatively, Neighbors suggest that if the Court finds the Supplement and Disclosure as merely a part of discovery, we should consider the motion to strike withdrawn.

We need not consider the merits of Neighbors' motion to strike because Appellant's legal counsel has confirmed that the September 15 Supplement and Disclosure was intended as a discovery disclosure and not as a supplemental pleading. Appellant never filed the Supplement and Disclosure with the Court. Rather, they merely filed a Certificate of Discovery. Since there is nothing for us to strike from the record, we hereby **DENY** Neighbors' motion to strike.

So Ordered.

Electronically signed at Newfane, Vermont on Wednesday, November 22, 2023, pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink, appearing to read "Thomas S. Durkin". The signature is written in a cursive, flowing style with a large initial 'T'.

Thomas S. Durkin, Superior Judge
Superior Court, Environmental Division