

VERMONT SUPERIOR COURT

Windsor Unit
12 The Green
Woodstock VT 05091
802-457-2121
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 516-12-19 Wrcv

Lyman Hall, Inc. vs. Marshall et al

ENTRY ORDER

The claims in this case were tried before the court on April 12, 2023. Defendants' counterclaims were dismissed with prejudice for failure to appear and present evidence. A Decision was filed on April 18, 2023 setting forth Findings of Fact and Conclusions of Law based on the evidence at trial. It made provision for the preparation of a proposed form of Declaratory Judgment, as well as a process for considering the Plaintiff's claim for attorney fees.

Defendants filed numerous documents after the Decision and before a ruling on attorney fees and the issuance of judgment, but no proper motions were filed pursuant to the Vermont Rules of Civil Procedure. On June 5, 2023, the court issued an Entry Order resolving the claim for attorney fees.

On June 6, 2023, the final Judgment was issued. From then until now, Defendants have filed numerous documents, but neither a proper post judgment motion nor a notice of appeal has been filed pursuant to the Vermont Rules of Civil Procedure or Appellate Procedure.

Thus the case is a closed case. The repeated filings are not permitted by court rules, but cause court staff to expend significant time processing them, resulting in a wasteful use of judicial resources and public funds.

Court rules do not identify a specific procedure applicable to this situation. In such circumstances, V.R.C.P. 81(d) provides for the court to "proceed in any lawful manner not inconsistent with the Constitution of the State of Vermont, these rules, or any applicable statutes." V.R.C.P. 1 provides for the rules to be "construed, administered, and employed by the court and the parties to secure the just, speedy, and *inexpensive* determination of every action." (Emphasis added.)

Filings in closed cases are not authorized except under specifically described circumstances set forth in the Rules of Civil Procedure. In accordance with the rules and in order to prevent wasteful and unauthorized use of court resources, the following is ordered:

ORDER

From this time forward, if any Defendant submits any document for filing that is not a motion seeking an out-of-time appeal or relief under Rule 60(b) as authorized by the Vermont Rules of Civil Procedure, the Judicial Assistant shall disregard such documents as moot and shall not enter them into the court file of the case but may return them to the sender.

Electronically signed July 25, 2023 pursuant to V.R.E.F. 9 (d).



Mary Miles Teachout
Superior Judge (Ret.), Specially Assigned

Vermont Superior Court
Filed 07/25/23
Windsor Unit