

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re: Norman E. Watts, Esq.
PRB File Nos. 102-2019, 011-2020

**ORDER ON SPECIAL DISCIPLINARY COUNSEL'S MOTION TO EXTEND
RESPONSE TIME TO RESPONDENT'S MOTION FOR DISMISSAL OR
ALTERNATIVELY FOR A NEW HEARING**

The merits hearing in the above-referenced matter was held on June 7, 8, and 9, 2023. The parties filed proposed findings of fact and conclusions of law on July 24, 2023. On July 24, 2023, Respondent also filed a Motion for Dismissal or Alternatively for a New Hearing ("Motion for Dismissal"). Special Disciplinary Counsel filed a Motion to Extend Response Time to Respondent's Motion for Dismissal or Alternatively for a New Hearing ("Motion to Extend") on August 2, 2023.

In filing the Motion to Extend, Special Disciplinary Counsel relied on Vt. R. Civ. P. 7(b)(4), which provides, "A memorandum in opposition to any nondispositive motion shall be filed not more than 14 days after service of the motion, unless otherwise ordered by the court." Assuming a 14-day deadline to oppose Respondent's Motion for Dismissal applied, she requested the Hearing Panel extend the August 7, 2023, by 11 days to August 18, 2023.

Respondent's Motion for Dismissal is a dispositive motion. The deadline for Special Disciplinary Counsel to file a memorandum in opposition to the motion is therefore 30 days after he served the motion, or Wednesday, August 23, 2023. *See* Vt. R. Civ. P. 7(b)(4) ("Any party opposed to the granting of a written dispositive motion... shall file a memorandum in opposition thereto not more than 30 days after service of the motion, unless otherwise ordered by the court."); A.O. 9, Rule 20(B).

Respondent has 14 days thereafter to file a reply to Special Disciplinary Counsel's memorandum. *Id.* The Panel has discretion to allow a party to file a surreply but does not at this time find a surreply is warranted. *See id.*


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Special Disciplinary Counsel's Motion to Extend Response Time to Respondent's Motion for Dismissal or Alternatively for a New Hearing, dated August 2, 2023, is DENIED as moot. The deadline for Special Disciplinary Counsel to file a memorandum in opposition to the motion is August 23, 2023. The deadline for Respondent to file a reply to the memorandum is September 6, 2023. Neither party may file a surreply or additional memoranda.


IT IS SO ORDERED.

Dated August 7, 2023.

Hearing Panel No. 9

By: 
Karl C. Anderson, Esq., Chair

By: 
Eric A. Johnson, Esq.

By: 
Thomas J. Sabotka, Public Member