

VERMONT SUPERIOR COURT
Washington Unit
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www.vermontjudiciary.org



CIVIL DIVISION
Case No. 21-CV-01859

Estate of James Alger by Virginia Alger, Administrator v. United Ohio Insurance Co.

ENTRY REGARDING MOTION


Title: Motion to Bifurcate (Motion: 8)
Filer: Susan J. Flynn
Filed Date: October 04, 2023

Defendant seeks to bifurcate the issue of insurance coverage from the issue of Plaintiff's damages. The motion is not opposed.

Per Vt. R. Civ. P. 42, the Court may bifurcate issues for trial. The Court's discretion in considering such a request is "broad." *Gardner v. Hokenson*, No. 2019-410, 2021 WL 2545407, at *5 (Vt. Feb. 5, 2021) (non-precedential 3-Justice Opinion). The Court can consider many concerns in connection with a motion to bifurcate. See 9A C. Wright, *et al.*, *Fed. Prac. & Proc. Civ.* § 2388 (3d ed.). In this instance, the Court perceives that the issue of coverage is wholly separate from the question of Plaintiff's damages, information concerning the latter may well prejudice the consideration of the former, and examination of damages would also take additional time and be potentially difficult evidence for all involved.

The Court agrees with Plaintiff that bifurcating these issues is the path most "likely to result in a just and expeditious final disposition of the litigation." *Gardner*, 2021 WL 2545407, at *5 (internal quotation omitted); accord *Mowry v. Badger State Mut. Cas. Co.*, 385 N.W.2d 171, 183 (Wis. 1986) (endorsing notion of separating insurance coverage and damages issues).

Electronically signed on Wednesday, November 8, 2023, per V.R.E.F. 9(d).


Timothy B. Tomasi
Superior Court Judge