

ENTRY ORDER

SUPREME COURT DOCKET NO. 2020-199

AUGUST TERM, 2020

Department of Labor v. Eustis Cable	}	APPEALED FROM:
Enterprises Ltd.*	}	
	}	Superior Court, Orange Unit,
	}	Civil Division
	}	
	}	DOCKET NO. 190-12-19 Oecv

In the above-entitled cause, the Clerk will enter:

In an August 19, 2020 entry order, this Court’s required Eustis Cable Enterprises Ltd. to show cause why the above appeal should not be dismissed for failure to appeal from a final judgment or to seek permission to appeal an interlocutory order. In response, Eustis has filed an untimely motion for permission to appeal with this Court without first seeking permission to appeal from the civil division. In the alternative, Eustis asks this Court to place this appeal on waiting status pending a decision by the Vermont Occupational Safety and Health Act Review Board, which now has this case on remand from the civil division. Eustis’s motion for permission to appeal is denied. Although this Court has the authority under V.R.A.P. 2 to grant permission to appeal even though appellant’s request is untimely and was not filed initially with the civil division, we decline to do so here because the parties have not yet filed appellate briefs and this Court has not yet spent valuable time on the case. Cf. Hayes v. Mt. View Homeowners Ass’n, 2018 VT 41, ¶ 11, 207 Vt. 293. We also decline to place the appeal on waiting status pending the Board’s ruling on remand. The above appeal is dismissed without prejudice to Eustis filing a new appeal with this Court following the Board’s decision on remand and any further appeal to the civil division.

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice