

**STATE OF VERMONT
VERMONT SUPREME COURT
AUGUST TERM, 2025**

Order Promulgating Amendment to Rule 65(b)(1) of the Vermont Rules of Civil Procedure

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 65(b)(1) of the Vermont Rules of Civil Procedure be amended as follows (new matter underlined; deleted matter struck through):

RULE 65. INJUNCTIONS

(b) Preliminary Injunction.

(1) *Notice.* The court may issue a ~~No~~ preliminary injunction only on motion, and after shall be issued without notice and hearing at a time and place set by the clerk. ~~The application for preliminary injunction may be included in the complaint or may be made by motion.~~ The notice of hearing may shall be signed by the clerk, or by the court which is to hear the matter, ~~;~~ The movant must and shall be served a copy of the notice of hearing with a copy of the motion upon all parties ~~by the plaintiff~~ in the manner provided by these rules, ~~with a copy of the application.~~

Reporter's Notes—2026 Amendment

Rule 65(b)(1) is amended to eliminate the option to apply for a preliminary injunction in the complaint without a motion. Use of this option resulted in inadvertent scheduling delays. The amended rule requires a motion. This brings an application for preliminary injunction within the uniform motion practice of Rule 7, under which a motion is required in applying for a court order, and in requesting to present evidence. V.R.C.P. 7(b)(1), (6). A motion for preliminary injunction may be filed and served with the complaint or filed and served separately.

The amendment brings forward the existing provision that a copy of the notice of hearing and the motion must be served together upon all parties in the manner provided by these rules. The amendment makes other changes for clarity and consistency intended to be stylistic only.

2. That these amendments be prescribed and promulgated, effective on **January 1, 2026**. The Reporter's Notes are advisory.

3. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 4th day of August, 2025.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice