

[The text of this Vermont trial court opinion is unofficial. It has been reformatted from the original. The accuracy of the text and the accompanying data included in the Vermont trial court opinion database is not guaranteed.]

VERMONT SUPERIOR COURT  
CHITTENDEN UNIT  
CIVIL DIVISION

VICTORIA LUKE, et al., Plaintiffs	
v.	Docket No. 1244-12-14 Cncv
FIRECO, LLC, et al., Defendants	

RULING ON MOTION TO COMPEL

This is an employment discrimination case involving allegations of sexual harassment, race discrimination, and wrongful termination. Plaintiffs seek financial discovery related to their claims for punitive damages; Defendants object.

Plaintiffs' position is that because their complaint seeks punitive damages, they are entitled to discovery at the get-go. The problem with this approach is that a plaintiff could make an entirely frivolous claim for punitive damages and then be entitled to sensitive financial information from a defendant. The court concludes that the more equitable approach is to allow a defendant to move for summary judgment, at least on the punitive damages claim, before such discovery is mandated. Thus, other discovery can be completed and a dispositive motion filed before a defendant is required to disclose its financials. The court is not, however, inclined to delay discovery until after the initial phase of trial as some courts appear to have done (although it *might* consider bifurcating the order of trial so that the jury would address the merits first and damages immediately thereafter). If defendant chooses not to seek summary judgment on this issue by the September 7 motion deadline, the discovery may proceed.

Order

The motion to compel is denied. The motion may be renewed at a later date if necessary.

Dated at Burlington this 12th day of May, 2015.

---

Helen M. Toor  
Superior Court Judge