

VERMONT SUPERIOR COURT  
Windham Unit  
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CIVIL DIVISION  
Case No. 23-CV-00255

**Pele Rivard et al v. Town of Brattleboro**

**ENTRY REGARDING MOTION**

Title: Motion to Join (Motion: 4)  
Filer: Jeffrey M Rivard  
Filed Date: August 06, 2023

Plaintiff Jeffrey Rivard filed a motion titled “Motion to Enjoin,” which the court interprets as a motion for joinder with three other docket numbers. Defendant opposes Plaintiffs’ motion. The motion is **DENIED**.

Background

On April 25, 2023, Plaintiffs Pele Rivard and Jeffrey Rivard filed a motion requesting joinder of parties pursuant to V.R.C.P. 20 and an amendment of the complaint to include Jeffrey Rivard and minor child R.R as plaintiffs. Request for Joinder of Parties dated April 25, 2023. On May 8, 2023, this court granted the motion in part only with respect to amending the complaint. Entry Regarding Motion dated May 8, 2023.

On August 6, 2023, Plaintiff Jeffrey Rivard filed a motion titled “Motion to Enjoin.” Plaintiffs’ Motion to Enjoin dated August 6, 2023. Plaintiff Jeffrey Rivard does not specify under which rule he seek to joinder of these other matters, though he appears to be seeking to join the present docket with dockets 22-CV-03222, 23-CV-01280, and 23-CV-02763. *Id.* at 2. Engaging in speculation, the court finds that as grounds for joinder, Plaintiff Jeffrey Rivard cites

a pattern of negligence and a denial of Constitutional protections by a department Brattleboro Police and by it [sic] Citizens [sic] Police Communication Committee, ... police report written in a manner which indicates negligence or bias, ... unlawful search and seizure, ... Americans with Disabilities Act, ... failure to provide accommodations with Vermont statute, ... [and a]n unlawful arrest....

*Id.* at 1–2.

Plaintiff cites no applicable rule supporting his motion.

## Analysis

Rule 7(b)(1) of Vermont Rules of Civil Procedure requires a motion to “state with particularity the grounds [on which Plaintiff relies], including a concise statement of the facts and law relied on. The fragmented general assertions that Plaintiff provides in the motion do not state *with particularity* the grounds on which Plaintiff wishes to rely. To the extent that Plaintiff’s assertions could be considered “stated with particularity,” the court is not able to divine in what way they would support joinder under any rule. And while the statement of facts in Plaintiff’s motion appears to be concise, Plaintiff does not include a concise statement of law upon which he relies. As a result, the court cannot be sure how the content of the motion supports joinder. As the court had already stated in another case involving Plaintiff Jeffrey Rivard,

[t]he court will try very hard to give effect to the motion of self-represented litigant and will make reasonable inferences in order to try to help the self-represented litigant accomplish what he or she is trying to accomplish; however even self-represented litigants are required to abide by Rule 7. That means providing what law the litigant relies on and stating with particularity the facts that relate to the law in concise statement so the court can figure out whether the facts as asserted by the litigant qualify for the legal remedy the litigant is seeking.

Entry Regarding Motion in 22-CV-03222 dated July 24, 2023.

## Order

In the present case, the court concludes that the motion fails to establish that joinder is appropriate, and that Plaintiff has failed to follow Rule 7(b)(1) of Vermont Rules of Civil Procedure. Accordingly, based on the foregoing, Plaintiff’s motion for joinder is **DENIED**.

**Signed electronically October 26, 2023 pursuant to V.R.E.F 9(d).**



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**David Barra**  
**Superior Court Judge**