

VERMONT SUPERIOR COURT
Windham Unit
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CIVIL DIVISION
Case No. 23-CV-02763

Jeffrey Rivard v. Town of Brattleboro et al

ENTRY REGARDING MOTION

Title: Motion to Join; Motion to Join; Motion to Join (Motion: 3; 4; 5)
Filer: Jeffrey M Rivard; Jeffrey M Rivard; Jeffrey M Rivard
Filed Date: August 06, 2023; August 06, 2023; August 06, 2023

Plaintiff filed three almost identical motions titled “Motion to Enjoin,” which Plaintiff presents as motions for joinder. Defendants oppose Plaintiff’s motion. The motion is **DENIED**.

Background

On August 6, 2023, Plaintiff filed three almost identical motions titled “Motion to Enjoin.” See Plaintiff’s Motions to Enjoin dated August 6, 2023. Plaintiff does not specify under which rule he seeks to pursue joinder, though he appears to be seeking to join the present docket with dockets 22-CV-03222 and 23-CV-01280. *Id.* at 2. Plaintiff also states that he wishes to “enjoin,” though presumably join, Ryan Washburn as a defendant. Plaintiff’s First Motion to Enjoin dated August 6, 2023, at 1. Plaintiff also states that he wishes to “enjoin,” though presumably join, Brattleboro Police Department as a defendant. Plaintiff’s Second Motion to Enjoin dated August 6, 2023, at 1. Plaintiff also states that he wishes to “enjoin,” though presumably join, the Town of Brattleboro as a defendant. Plaintiff’s Third Motion to Enjoin dated August 6, 2023, at 1. Engaging in speculation, the court finds that as grounds for joinder, Plaintiff 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, [failure to respond to a grievance by the Town of Brattleboro], [refusal to acknowledge a wrong] ... unlawful search and seizure, ... Americans with Disabilities Act, ... failure to provide accommodations with Vermont statute, ... [and a]n unlawful arrest....

Plaintiff’s Motions to Enjoin at 1–2.

Plaintiff cites no applicable rule supporting his motions.

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 his motions 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 motions appears to be concise, Plaintiff does not include a concise statement of law upon which he relies. As a result, despite earnest review of the motions, the court cannot be sure how they support joinder. As the court had already stated in one of Plaintiff’s related cases,

[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 motions fail to establish that joinder is appropriate, and also that Plaintiff has failed to follow Rule 7(b)(1) of Vermont Rules of Civil Procedure. Accordingly, based on the foregoing, all three of Plaintiff’s motions for joinder are **DENIED**.

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



David Barra
Superior Court Judge