

FILED

2002 OCT 15 P 1:15

STATE OF VERMONT  
WASHINGTON COUNTY, SS.

SUPERIOR COURT  
WASHINGTON COUNTY

LORAINÉ GUINARD, )  
Plaintiff, )  
v. )  
RICHARD BOWEN and )  
JULIA BOWEN, )  
Defendants. )

WASHINGTON SUPERIOR COURT  
DOCKET NO. 66-2-01 Wncv

Entry Order

In this landowner liability case, Plaintiff alleges that she tripped over a stake remaining in the ground while walking backwards and helping Defendants and others fold up a yard tarp. The accident occurred during a family reunion at the home of Plaintiff's daughter, Defendant Julia Bowen. Plaintiff seeks damages for her injuries, asserting Defendants' negligence in not particularly drawing cautionary attention to the location of the stake over which she allegedly tripped. Defendants have moved for summary judgment arguing that the record is devoid of evidence supporting a breach of any applicable duty of care.

Plaintiff concedes and the court concludes that Defendants owed her no duty greater than that owed to a social guest. "[A] landowner is liable to social guest when the guest suffers injury as a result of active or affirmative negligence of the [landowner]." Menard v. Lavoie, 13 Vt. L. W. 184, 184 (2002). In this case, Plaintiff, walking backwards, tripped over a stake still in the ground during the short period of time in which the tarp was being taken down. At a minimum, the stakes were visible, Plaintiff knew that stakes had been in the ground to secure the tarp, and Plaintiff actively participated in taking down the tarp. On this record, no evidence of active negligence on Defendants' part is apparent.

Defendants' motion for summary judgment is GRANTED.

Dated at Montpelier, Vermont, this 11th day of October, 2002.

*Mary Miles Teachout*  
\_\_\_\_\_  
Hon. Mary Miles Teachout  
Superior Court Judge