STATE OF VERMONT

SUPERIOR COURT **CIVIL DIVISION**

Unit **Case No. _____**

Petitioner	V.	**Respondent**

PETITION / MOTION TO RESTRICT ABUSIVE LITIGATION

15 V.S.A. § 1181 et seq.

Petitioner Information:

Name: _____ Date of Birth: _____

Street Address: _____ City/State/Zip: _____

Mailing Address *(if different from Street Address)*: _____

City/State/Zip: _____ Email Address: _____

Home/Cell Phone: _____ Work Phone: _____

Attorney Name: _____ Attorney Phone: _____

Respondent Information:

Name: _____ Date of Birth: _____

Street Address: _____ City/State/Zip: _____

Mailing Address *(if different from Street Address)*: _____

City/State/Zip: _____ Email Address: _____

Home/Cell Phone: _____ Work Phone: _____

Attorney Name: _____ Attorney Phone: _____

☐ I am filing a Petition to Restrict Abusive Litigation as a new case.

☐ I am filing a Motion to Restrict Abusive Litigation as part of an existing case.

1. I ask the court for an order to restrict abusive litigation from _____ *(name)*.
2. **Relationship of the Parties** *(Choose (a) or (b) or both.)*

☐ (a) The other party is a current or former family or household member *(Choose all that apply)*:

If Petition is filed by a family or household member, what is the relationship of the Parties (*Household members means persons who are living together, are sharing occupancy of a dwelling, are engaged in a sexual relationship, or minors or adults who are dating. "Dating" means a social relationship of a romantic nature.)*

☐ Spouses
☐ Former Spouses
☐ Persons who are or have been living together or sharing occupancy
☐ Persons who are or have been engaged in a sexual relationship
☐ Persons who are or have been dating
☐ Family Member *(describe relationship)* _____
☐ Other *(describe relationship)*: _____

OR

☐ (b) There has been a civil order or criminal conviction determining that _____ (*name*) stalked or sexually assaulted me.

The Docket Number for this case is _____.

3. **Abuse Finding** The other party _____ (*name*) has been found by a court to have abused, stalked, or sexually assaulted the other party pursuant to (*Choose all that apply*):

Case type	Case number
☐ A final abuse prevention order in a relief from abuse case (15 VSA § 1101 et seq.).	
☐ A final stalking prevention order (12 VSA § 5131 et seq.).	
☐ A final sexual assault prevention order (12 VSA § 5131 et seq.).	
☐ A final abuse prevention order from another U.S. state, the District of Columbia, Puerto Rico, a U.S. territory, or a federally recognized Indian tribe. *(Specify jurisdiction)*	
☐ An order which is part of conditions of parent-child contact in cases involving domestic violence (15 VSA § 665a).	
☐ Conviction for domestic assault (13 VSA § 1041 et seq.).	
☐ Conviction for stalking (13 VSA § 1061 et seq.).	
☐ Conviction for sexual assault (13 VSA § 3251 et seq.).	
☐ A court determination of probable cause for a charge of domestic assault in which the court imposed criminal conditions of release pertaining to my safety.	

4. **Abusive Litigation**

The litigation is being initiated, advanced, or continued primarily for the purpose of abusing, harassing, intimidating, threatening, or maintaining contact with me. The litigation is abusive because *(Choose all that apply)*:

☐ **Claims not warranted by law**

The other party's claims, allegations, or other legal contentions are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law.

☐ **Claims not supported by evidence**

The other party's allegations and other factual contentions are without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation.

☐ **Claims already decided**

An issue or the issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the other party.

5. **Proof of Abusive Litigation** *(Choose all that apply):*

☐ **Same issues previously litigated**

The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction. *(Describe and include case number. Attach additional pages if needed.)*

_____

_____

☐ **Same issues already decided**

The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were decided on the merits or dismissed. *(Describe and include case number. Attach additional pages if needed.)*

_____

_____

☐ **Party previously sanctioned**

Within the last 10 years, the party allegedly engaging in abusive litigation has been sanctioned by any court for filing one or more cases, petitions, motions, or other filings that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party. *(Attach a copy.)*

☐ **Pre-filing restriction**

Any court has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefiling restrictions. *(Attach a copy.)*

☐ **Other** *(Describe and include case numbers if applicable.)*

_____

_____

6. **Request**

I ask the court to:

☐ Find the following motions or actions to be abusive litigation.

(*Specify motions or actions. Provide case numbers if not this case. Attach additional pages if needed*):

_____

_____

☐ Dismiss, deny, strike, or otherwise dispose of all the abusive motions or actions with prejudice.

☐ Enter an order restricting abusive litigation.

☐ Award me reasonable attorney's fees and costs of responding to the abusive litigation, including the cost of seeking the order restricting abusive litigation.

☐ Impose pre-filing restrictions on the other party related to any future litigation against me or my dependents.

☐ Other (*specify)* .

_____ _____

Date Signature of Petitioner

_____

Printed Name

Notice to Party

If you disagree with the Petition or Motion:

- You must file a written response with the court by the deadline.
    - If the other party filed a **Petition**, you have **21 days** to file a written Answer. *
    - If the other party filed a **Motion**, you have **14 days** to file a written Response to Motion. *
- You must deliver a copy to (serve) the other party (or their attorney, if they have one) by mail, email, or in person. If there is a court order prohibiting you from contacting the other party, you can ask the court to serve the other party for you.
- You must file a Certificate of Service* describing how you served the other party.
- If you are representing yourself, you must also file a Notice of Appearance* form.

If you do not file a written response by the deadline, the court can issue orders against you without your input.

The court will schedule a hearing. If you do not attend the hearing, the court can issue orders against you without your input.

Talk to an attorney
This process can be complicated. Consider talking to an attorney for help. You can find information about the ways to get the help of an attorney on the Judiciary's Finding Legal Help web page: www.vermontjudiciary.org/self-help/finding-legal-help.

* **Forms**

Answer

- Civil Answer (form 100-00051), https://www.vermontjudiciary.org/media/11266
- Family Division Answer (no generic version)

Response to Motion

- Civil Division Response to Motion (in development)
- Family Division Response to Motion (form 400-00903), https://www.vermontjudiciary.org/media/12534

Certificate of Service (form 600-00264), https://www.vermontjudiciary.org/media/11

Notice of Appearance

- Civil Division (form 100-00265), https://www.vermontjudiciary.org/media/33
- Family Division (form 400-00831), https://www.vermontjudiciary.org/media/295