

VERMONT SUPERIOR COURT  
Essex Unit  
75 Courthouse Drive  
Guildhall VT 05905  
802-676-3910  
www.vermontjudiciary.org



CIVIL DIVISION  
Case No. 23-CV-02532

**James Gibbons, Jr. v. State of Vermont**  
**ENTRY REGARDING MOTION**

Title: Motion to Dismiss Plaintiff's Amended Complaint (Motion: 3)  
Filer: Patrick T. Gaudet  
Filed Date: July 18, 2024

The motion is GRANTED.

Plaintiff has clarified in his motion practice that he seeks to hold appointed members of the Vermont Judiciary liable for the time that he has spent incarcerated based on procedural failures of the Vermont Superior Court system. As the State notes in its opposition, Plaintiff's claim is based on conduct that is protected by judicial immunity. *LaPlaca v. Lowery*, 134 Vt. 56, 57–58 (1975); see also *O'Connor v. Donovan*, 2012 VT 27, ¶ 6. This immunity extends from judges to clerks and court staff in the performance of their judicial functions. *Rodriguez v. Weprin*, 116 F.3d 62, 66 (2d Cir. 1997). It also extends to the State of Vermont. *Czechorowski v. State*, 2005 VT 40, ¶ 29.

The nature of immunity is that the right of a party to bring a claim is barred, and there is no discovery or analysis as to the quality or evidence supporting the claim. *O'Connor*, 2012 VT 27, at ¶ 29. Claims of immunity should be resolved at the out and are review by the Court as a matter of law. *Id.*

**ORDER**

Based on the foregoing, Plaintiff Gibbons' claims are **Dismissed** as a matter of law under the doctrine of judicial immunity.

Electronically signed on 8/22/2024 6:29 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", written over a light blue rectangular background.

Daniel Richardson  
Superior Court Judge