

**STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM**

**In re: Thomas Melone
PRB File No. 120-2025¹**

**ENTRY ORDER
SPECIAL MOTION TO STRIKE**

The Petition of Misconduct was filed against the Respondent on September 26, 2025. On October 27, the Respondent filed, *inter alia*, a Special Motion to Strike under 12 V.S.A. § 1041. For the reasons set forth below, The Respondent’s motion is *denied*.

12 V.S.A. § 1041 provides in pertinent part as follows:

(a) A defendant in an action arising from the defendant’s exercise, in connection with a public issue, of the right to freedom of speech or to petition the government for redress of grievances under the U.S. or Vermont Constitution may file a special motion to strike under this section.

Note that the statute, sometimes referred to as the anti-SLAPP statute, affords “a defendant in an action” the right to file a special motion to strike a complaint. An “action” is a civil action. *See*, V.R.C.P 2: “There shall be one form of action to be known as ‘civil action.’” A disciplinary proceeding is not a civil action. A.O. 9, Rule 20 A provides:

A. Nature of Proceedings. Disciplinary proceedings are neither civil nor criminal but are *sui generis*.

Both the Vermont Rules of Civil Procedure and the Vermont Rules of Evidence are generally applicable in disciplinary proceedings. *See*, A.O. 9, Rule 20 B. But no provision of law incorporates 12 V.S.A. § 1041 into these proceedings. Consequently, there is no basis for the Hearing Panel to entertain the Respondent’s Special Motion. Accordingly, Respondent’s Special Motion to Strike is *denied*.

¹ Please note that the correct file number is 120-2025.

Dated this 6th day of November 2025,

Hearing Panel No. 2

By: /s/ Mimi Brill
Mimi Brill, Esq., Chair

By: ae es
Alexander W. Shiver, Esq.

By: Brian Bannon
Brian Bannon, Public Member