

VERMONT SUPERIOR COURT
Washington Unit
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Montpelier VT 05602
802-828-2091
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 25-CV-03694

Bapa Keshav Jay, LLC D/B/A New World Inn v. Lauren Ham

ENTRY REGARDING MOTION

Title: Motion to Reconsider (Motion: 3)
Filer: Lauren Ham
Filed Date: February 19, 2026

The motion is GRANTED IN PART and DENIED IN PART.

Defendant Lauren Ham has filed a Motion to Reconsider seeking to vacate the judgment issued against her on February 19, 2026, following a bench trial, and seeking the opportunity to be heard and to present testimony on her behalf. Ms. Ham alleges that her absence at the trial was due to technical issues, issues related to her disabilities, and a lack of accommodations for her disabilities.

As the Court has explained in previous hearings and in its ruling on this matter, there are some reasonable accommodations that it can, has, and will grant Ms. Ham. There are some accommodations, however, that Ms. Ham has requested that cannot be granted. For example, Ms. Ham has sought to have the bench trial conducted by written testimony. Unfortunately, that is not an accommodation that that Court can provide as trials are conducted by live testimony, and the right to such is a fundamental right of due process, which cannot be abrogated.

Similarly, Ms. Ham raises concerns regarding the stress that a large monetary judgment will place on her and the impact it will have on her underlying mental and physical health conditions. Such a basis is not a valid defense or an exception to a judgment. If a party can establish a right to a judgment, then it is entitled to that judgment—even if that judgment has a negative impact on the other party.

However, as the Court often explains, a judgment is different from either an order to pay or a collection action. While the Court cannot take into consideration the impact a judgment may have on a party during the merits phase of a case, it is obligated to consider a defendant's ability to pay and impact any such order to pay would have on the defendant. Under Vermont law, there are numerous protections and provisions designed to ensure that the Court consider

this ability of a party to pay a judgment and the impact such an order would have on the financial circumstances of a party before an order to pay is issued. See, e.g., V.R.C.P. 4.2(l); 12 V.S.A. § 2740.

Two examples merit specific mention. First, all income and property that are derived from social security, disability, retirement, unemployment, or government assistance are exempt from collection. 12 V.S.A. § 2740. That means, regardless of the nature of the judgment or amount, the Court cannot, as a matter of law, order any income that a defendant has from any of these sources be paid over to a judgment creditor. Second, even if the income does not come from an exempt source, it is exempt if the amount is below a certain level that would qualify the individual for government assistance. 12 V.S.A. § 3170.

As the Court often phrases this concept, the Court does not make defendants choose between paying a debt and paying for the essentials of life. The latter comes first, and Vermont law protects individuals from such ruthless results.

Under this framework, the Court cannot set aside a judgment involving money against a defendant due to the impact it might have on them, but these material protections offer substantial protection to individual that may lack the ability to pay. As such, Ms. Ham's issue, while not a basis to set aside the judgment, is a consideration that is important and one that the Court takes seriously, albeit in a slightly different context.

With these concepts in mind, the Court has reviewed Defendant's motion. While the Court finds no grounds to disturb the judgment for issues of accommodation or disability, the Court also understands that Ms. Ham's absence was due, in part to technical issues that she claims she was experiencing on the day of trial.

A motion to reconsider "is addressed to the sound discretion of the trial court . . ." *Chelsea Ltf. P'ship v. Town of Chelsea*, 142 Vt. 538, 540 (1983). In this case, the Court finds that it is important to give Ms. Ham an opportunity to be heard. It is also important to give Plaintiff an opportunity to respond to Ms. Ham's motion and to oppose or concede to the various arguments that she raises in her motion.

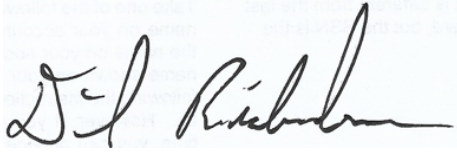
Therefore, the Court will temporarily stay execution of the writ of possession in this case and will schedule this matter for an emergency hearing to consider Ms. Ham's motion and any admissible evidence and testimony she wishes the Court to consider in regard to her motion.

This hearing will be conducted hybrid, and parties may attend in person or by remote access. Defendant's communications facilitator will be provided to assist her.

ORDER

Based on the foregoing, the Motion to Reconsider is **Granted in Part and Denied in Part**. The Court shall schedule an emergency hearing in this matter to allow the parties to put forward evidence and testimony regarding whether there are grounds to re-open the judgment in this matter. Pending this hearing, executing of the Writ of Possession is **Stayed**.

Electronically signed on 2/20/2026 4:32 PM pursuant to V.R.E.F. 9(d)

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

Daniel Richardson
Superior Court Judge