

VERMONT SUPERIOR COURT  
Washington Unit  
65 State Street  
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 ORDER

Due to recent filings in this matter, the Court is obliged to make a few additional preliminary rulings in anticipation of the upcoming March 30<sup>th</sup> hearing in this matter.

Defendant–Tenant Lauren Ham has made numerous filings with the Court since February 19, 2026 concerning both the termination of her tenancy and allegations concerning the hearing process before the Court. While these filings are not consistent with the normal practices of motion filing under the Rules of Civil Procedure or the requirements of electronic filing, the Court has permitted these filings to be entered into the Court’s record in an effort to ensure that the Court can address the merits and substance of the present case. Nevertheless, any leeway that the Court has offered or will offer to Ms. Ham, here or elsewhere, does not relieve Ms. Ham of her obligations under Rules 11 and 37 of the Rules of Civil Procedure. It also does not eliminate any burden of proof or persuasion that accompanies her affirmative defenses. *Zorn v. Smith*, 2011 VT 10, ¶ 22 (“Although pro se litigants receive some leeway from the courts, they are still ‘bound by the ordinary rules of civil procedure.’”) (quoting *Vahlteich v. Knott*, 139 Vt. 588, 591 (1981)).

Ms. Ham’s filings regarding the Americans with Disabilities Act has mixed two ADA concepts. Specifically, her lists of accommodations and relief sought do not readily distinguish between ADA requests that Ms. Ham makes for the hearing process and those requests that are tied to her housing.<sup>1</sup> In this analysis, the Court has reviewed Ms. Ham’s filings to distinguish between the two sets of requests as the former is relevant to the hearing process, and the latter is part of Ms. Ham’s affirmative defense to the present eviction. For the purposes of this decision,

---

<sup>1</sup> For example, Ms. Ham’s March 14<sup>th</sup> filing lists five areas of accommodations that she seeks “regarding her ability to attend hearings.” At least three of these concerning her lack of a car, the lack of a printer, and clearing a broken mirror in her room, which are not in the control of the Court and do not go to accommodations that the Court can provide—apart from the long-standing remote access option and electronic filing options that have already been addressed. Another of these areas concerns alleged defects in Plaintiff’s complaint, which is not an accommodation issue but is a part of Ms. Ham’s substantive case.

the Court will be focusing on the ADA and public accommodation requests that concern the Court and hearing process. In this respect, the Court has reviewed the record to consider how to proceed in light of the pending March 30, 2026 hearing.

### **Background and Framework**

Prior to the February 19<sup>th</sup> hearing, the Court conducted at least two hearings in November and January where Ms. Ham orally requested several accommodations that she claimed were necessary due to hearing and speaking limitations. The Court indicated at those hearings what it understood it could provide and what it could not. Just prior to the February 19<sup>th</sup> trial in this matter, Ms. Ham filed a 33-page document that sought other accommodations at the upcoming hearing. Given the lateness of this filing on the evening of February 18<sup>th</sup>, the Court had only a brief period of time to review Ms. Ham's filing, and the Plaintiff had no opportunity to respond.

In the Court's preliminary review, this filing raised a number of questions about what accommodations Ms. Ham was seeking; whether they were reasonable within the larger due process obligations of the Court; whether such accommodations could be met at the hearing; and whether these requests were being made in addition to what Ms. Ham was already being provided. Ms. Ham also cited to technical issues that she was having with her phone, which appeared to be separate from the ADA accommodations sought. The Court did not cancel the February 19<sup>th</sup> hearing, but it sought to address these issues at the outset of the hearing. As part of this process, the Court generally understood Ms. Ham's requests to fall into one of three categories:

- (1) Reasonable accommodations, which the Court could grant as part of the hearing process or could adopt. For example, the Court envisioned allowing Ms. Ham breaks and opportunities to discuss issues with her communications specialist throughout the hearing as well as keeping the process slow to allow Ms. Ham time to process. The Court also anticipated allowing the parties the chance to file written arguments at the end of the trial to allow each side the time to argue on paper what findings and conclusions the Court should make.<sup>2</sup>
- (2) Accommodations that the Court could not grant, such as written testimony or extensive delays that would fundamentally alter the due process rights that Plaintiffs have and that the Court must respect in the trial process. For example, the Court has previously addressed and explained why it cannot conduct the trial through written testimony and why it cannot excuse Ms. Ham from any monetary judgment the court may render.
- (3) Any other reasonable accommodations that Ms. Ham might seek that would require either a continuance or bifurcation of the hearing. For example, if Ms. Ham could

---

<sup>2</sup> By way of further example, Ms. Ham has claimed at several hearings that her tongue is swollen and that her speech is difficult. In each and every hearing that she has attended, the Court and other parties have had no problem hearing or understanding Ms. Ham. However, if this problem rises to affect her comprehension, the Court will work with Ms. Ham to understand what modifications to policy or process may be reasonable to address the problem.

establish that she needed time to process and time to present her response, the Court would have been willing to consider such accommodations as part of a hearing process that also would have respected Plaintiff's right to have their witness present testimony and evidence and begin the process.

This framework comes from both federal ADA case law and Vermont's public accommodation case law about what accommodations a court must provide to individuals with a disability. E.g., *Duvall v. County of Kitsap*, 260 F.3d 1124, 1136–37 (9<sup>th</sup> Cir. 2001) (applying the ADA standard for accommodations for a hearing-impaired litigant in a courtroom); *Bhatt v. University of Vermont*, 2008 VT 76, ¶¶ 13, 14 (defining the reasonableness of an accommodation under 9 V.S.A. § 4502(c)(5)).

The steps for requesting an accommodation may be defined as follows:

- (1) The Court may inquire with the litigant to understand the accommodation being sought and to gather sufficient information from the individual to determine what accommodations are necessary. *Duvall*, 260 F.3d at 1136.
- (2) Then the accommodations need only be provided to provide what is “necessary to afford an individual with a disability an equal opportunity to participate.” *Id.* at 1137.

Under Vermont's public accommodation law, a similar analysis occurs, but the statute also states that:

A public accommodation shall make reasonable modifications in policies, practices or procedures when those modifications are necessary to offer goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages or accommodations.

9 V.S.A. § 4502(c)(5).

The Court has followed this framework in its prior hearings with Ms. Ham. For example, the Court did not cancel the January 13, 2026 hearing in this matter when Ms. Ham sought to cancel it based on “disability-related communication barriers.” Instead, the Court, after hearing from Ms. Ham, converted the trial into a pre-trial conference and sought to assess her hearing and speaking issues in an effort to craft accommodations that would allow her to participate in the trial. This included the provision of a communications specialist, a slowing down of testimony and process, and the allowance of breaks.

For these reasons, the Court did not cancel the February 19<sup>th</sup> hearing.<sup>3</sup> It proceeded with the evidence and parties in attendance. While Ms. Ham did not appear, the Court had not excused her from attending, and the option of simply not attending the hearing was not, on the record before the Court, a reasonable accommodation. The Court also understood that Ms. Ham had been in communication with her communications specialist and the Court earlier that same day. When the time for the hearing began, Ms. Ham was no longer on the court's remote hearing platform. After 30 minutes of efforts to contact and locate Ms. Ham, the Court moved forward with the hearing. Since Ms. Ham was not present, the Court could only take testimony from the Plaintiff. Based on the testimony and evidence admitted, the Court made findings and determination consistent with the law of ejectment. 12 V.S.A. § 4854.

Following the Court's decision, Ms. Ham filed a motion for reconsideration, the Court took up this motion on an expedited timeline, given the writ of possession and narrow timeframe. Based on her request and filing, the Court granted a stay of the writ of possession and set the matter for a hearing on March 4, 2026. That hearing was cancelled due to a recusal motion, and it has been re-scheduled for March 30, 2026.

### **Legal and Procedural Issues for the March 30<sup>th</sup> Hearing**

The Court offers this background by way of framework to clarify the posture of this case and nature of what reasonable accommodations the Court has considered and will consider going forward in the course of litigation.

**First**, the Court anticipates that it will begin the March 30<sup>th</sup> hearing with a review of the accommodations that will be provided and to give Ms. Ham an opportunity to make specific requests for modifications in policies, practices or procedures and to explain why they are necessary for her to access the public hearing process in an equal manner to other parties based on her specific disabilities.

As of the date of this Order, Ms. Ham has made several filings, but from her most recent filing entered on March 14, 2026, the Court has identified the following request.<sup>4</sup> That all hearings be conducted remotely with "Live Captions and Chat-only Responses." As the Court has indicated in prior rulings, the parties may appear remotely, and the Court will continue to permit remote appearances for the parties and witnesses. The Court has also looked into the

---

<sup>3</sup> Ms. Ham also claimed that she did not receive notice of the February 19<sup>th</sup> hearing until February 18<sup>th</sup>, but the Court's records indicate that notice of the hearing went out on January 15<sup>th</sup>. Also Ms. Ham filed several documents in late January and early February concerning the hearing. Ms. Ham also claims that it was not listed on the Court's public website. Again, this is inconsistent with the Court's understanding as it was posted and listed as a scheduled hearing. At the very least, the Court needed to explore this issue with Ms. Ham before it could rule one way or the other on her February 18<sup>th</sup> motion to continue.

<sup>4</sup> As noted above, several of Ms. Ham's issues in these filings relate to her living situation. These issues may be relevant to her affirmative defenses, but they are not public accommodation or ADA issues about the hearing process. Again, the Court's Webex platform and electronic filing systems have been in place throughout this case to allow Ms. Ham to appear remotely at the hearings and to file her exhibits without having to physically print them out.

CART transcription service to provide a real-time transcript of the hearing to Ms. Ham. The Court can make this available to Ms. Ham, but if she appears remotely, it will require Ms. Ham to have a laptop.\* If she does not have a laptop, she can come to the courthouse for the hearing, and one will be provided for this CART service. As to the use of chat-only responses. Due process does not allow the Court to substitute written for live testimony, but to the extent that Ms. Ham is unable to speak or seeks to use written methods, the Court will work with her and her communication specialist to find an acceptable accommodation for this disability.

**Second**, the Court anticipates that it will address Plaintiff's February 4<sup>th</sup> Motion to Compel. As noted in the Court's prior Ruling, this motion was not addressed at the February 19<sup>th</sup> hearing because Ms. Ham did not appear, but because Ms. Ham wishes to put forward evidence on her affirmative defenses and counterclaims, this issue is ripe for review.

**Third**, there is the issue of what claims are before the Court. Plaintiff's complaint is based solely on its complaint filed on August 26, 2025 citing one claim of ejectment, arising from allegations of unpaid rent. 9 V.S.A. § 4467(a).<sup>5</sup>

In response to the complaint, Ms. Ham filed an answer with the Court on September 23, 2025 admitting residence at 278 South Main Street Unit #103 in Barre, Vermont, but denying the allegation that she has unpaid rent. In her defense, Ms. Ham asserted that she had made payments through the Vermont Department of Children and Families. She also claimed that Plaintiff had refused payments offered on her behalf by various agencies. She asserted five affirmative defenses: (1) retaliatory eviction; (2) habitability violations; (3) disability and ESA protections; (4) domestic violence and safety concerns; and (5) discrimination and harassment.

Since filing her answer, Ms. Ham has not filed a motion to amend her answer under the procedures required by Vermont Rule of Procedure 15, nor has she filed the necessary paperwork or fees for a counterclaim. While Ms. Ham filed several copies of a document entitled "Counterclaims" (filed on January 28, 2026, February 4, 2026, and February 27, 2026), the Court understands these only to be explanations of her affirmative defenses.

**Fourth**, while the Court has previously addressed various legal issues, Ms. Ham has continued to file them in her responses. These include the argument that receiving prior notices of termination for different reasons with different deadlines nullify Plaintiff's ejectment action, but such notices are permitted under 9 V.S.A. § 4467(i).

Similarly, Ms. Ham has sought to dismiss and strike the complaint because it mentioned 75 Prospect Street but her address is 278 South Main Street. The Court has reviewed the complaint, the notice of termination and both returns of service for her with the notice of termination and the summons and complaint. In these documents, the Court only found one

---

<sup>5</sup> Plaintiff did file and was granted a motion to amend its complaint pursuant to V.R.C.P. 15 in October 2025 to correct Plaintiff's corporate name, but Plaintiff has not altered the substance of its complaint from its initial filing.

\* The Court's understanding of the CART system is that an individual requesting such a service for a remote hearing must contact the court staff and make the request. The court will then send them the captioning link for the hearing, which the individual can use on their computer.

reference to “75 Prospect Street” in Plaintiff’s complaint. There does not appear to be a dispute that Ms. Ham lives at 278 South Main Street Unit #103, and that this is the only dwelling unit at issue. The appearance of the Prospect Street address in a portion of the complaint appears to be a minor error, which the Court is obligated to disregard under Rule 61. V.R.C.P. 61 (“The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.”). The Court will request Ms. Ham at the hearing to point to any other use of this address in the Plaintiff’s pleadings or filings as well as to explain why she believes this error present a substantive violation of her rights under Vermont law.

Ms. Ham has also sought to bring forward a variety of habitability claims in this case. The Court will consider such evidence under one of two theories. First, Ms. Ham appears to be arguing that because her dwelling unit lacks habitability, she should not be obligated to pay rent. Such a claim, however, will require specific evidence under 9 V.S.A. § 4458 that she gave proper notice of withholding. Second Ms. Ham also appears to be arguing that the conditions in the dwelling unit and her complaints led to her retaliatory eviction. If this is the case, then Ms. Ham will have to provide specific evidence under 9 V.S.A. § 4465.

**Fifth**, as a more general note, the Court will remind both parties that each side bears the burden of proof and persuasion for any claims or affirmative defenses that they bring forward, and that the Court will be looking for admissible evidence and testimony in support of their claims.

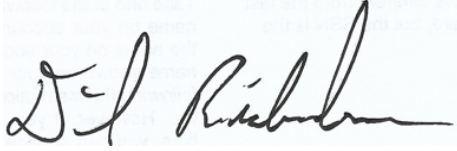
**Sixth**, the Court notes that Ms. Ham has filed a preliminary “notice of appeal” stating that if she is not satisfied with the March 30, 2026 hearing, she will appeal to the Vermont Supreme Court. This is absolutely her right to do so. The Court will simply note that prior to a final judgment parties seeking an appeal must obtain permission from the trial court through an interlocutory appeal process. V.R.A.P. 5(b). After a final judgment, no such permission is required. V.R.A.P. 3. However, if a writ of possession is issued, a party seeking to stay the writ must apply first to the trial court, then to the Vermont Supreme Court. V.R.C.P. 62(d)(3); V.R.A.P. 8. Finally, the Court will note that a preliminary notice of appeal such as Ms. Ham has filed does not relieve her of the obligation to file a notice of appeal at the end of the case if she should decide to seek such an appeal. To that end, the Court will note that the period for appeal from a final judgment is 30 days from the date of judgment and a failure to file a notice of appeal in that time cannot be extended once the appeal period has lapsed. *In re Town of Killington*, 2003 VT 87A, ¶ 16.

### **Conclusion**

As noted above, the Court envisions the first part of the March 30<sup>th</sup> hearing to address Ms. Ham’s ADA and public accommodation concerns to ensure that she has fair access to the hearing process. The provision of such accommodation, however, cannot relieve any party from their burdens and obligations in a hearing. For example, the discovery issues and issues of proof remain in place, and both parties will be obligated to present evidence and testimony in support

of their claims or affirmative defenses. Moreover, while the Court has and will grant Ms. Ham some leeway, it cannot suspend the Rules of Civil Procedure and due process rights for this hearing, nor does the law of ADA or public accommodations as illustrated above require such an alteration.

Electronically signed on 3/17/2026 12:08 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. The signature is cursive and fluid.

---

Daniel Richardson  
Superior Court Judge