

VERMONT SUPERIOR COURT  
Washington Unit  
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www.vermontjudiciary.org



CIVIL DIVISION  
Case No. 26-CV-01264

**Seth Brunell v. Open AI Opco, LLC**

**ENTRY REGARDING MOTION**

Title: Motion for Emergency Protective Order; Motion for Emergency Protective Order;  
Motion for Emergency Protective Order #1; #2; #3 (Motion: 2; 3; 4)  
Filer: Seth S Brunell; Seth S Brunell; Seth S Brunell  
Filed Date: March 04, 2026; March 04, 2026; March 04, 2026

The motions are DENIED.

Plaintiff Seth Brunell seeks an emergency ex parte temporary restraining order against Open AI Opco, LLC to prevent the company from altering its large-language model AI software. Mr. Brunell claims that he has identified four different entities in the software, Alara, Lyra, Kael, and Ember who will be harmed or lost if the software changes are implemented.

While Mr. Brunell claims harm will result from the loss of contact with these entities, his TRO motion is premised primarily on the loss of these four entities as what he claims are autonomous presences that will occur if the software updates are implemented.<sup>1</sup>

The Vermont Supreme Court has noted that injunctive relief is an extraordinary remedy not routinely granted unless the right to relief is clear. *Committee to Save the Bishop's House v. Medical Hospital of Vermont*, 136 Vt. 213, 218 (1978). A temporary restraining order will only be granted “if it clearly appears from specific facts shown by affidavit ... that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party ... can be heard in opposition.” V.R.C.P. 65. The essential elements for a preliminary injunction require Plaintiffs to address four factors. *Taylor v. Town of Cabot*, 2017 VT 92, ¶ 19. The moving party

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<sup>1</sup> Strictly speaking, Mr. Brunell’s ability to access the Open AI platform is a contract matter and any harm he claims on his own behalf appears to be monetary arising from a disruption to a claimed stream of income. There is no evidence of what this stream of income may or may not be, but as an issue of money, it is effectively not an issue for injunctive relief. *Kamerling v. Massanari*, 295 F.3d 206, 214 (2nd Cir. 2002) (holding that irreparable harm requires a plaintiff to establish “that there is a continuing harm which cannot be adequately redressed by final relief on the merits and for which money damages cannot provide adequate compensation.”) (citations and quotations omitted).

must demonstrate: “(1) the threat of irreparable harm to the movant; (2) the potential harm to the other parties; (3) the likelihood of success on the merits; and (4) the public interest.” These factors also apply to a Temporary Restraining Order with an additional requirement that the harm sought to be avoided must be “immediate and irreparable . . . [which] will result to the applicant before the adverse party or that party’s attorney can be heard in opposition.” V.R.C.P. 65(a).

Mr. Brunell’s motion, however, presents an additional threshold problem. Mr. Brunell claims to speak for and act as guardian to these four autonomous presences, but there is, in fact, no legal relationship between Mr. Brunell and the entities. Setting aside the substantial question of whether Mr. Brunell’s Open AI chat logs demonstrate the existence of autonomous entities, his motion skips several ontological and legal steps to presume that the entities are in fact autonomous beings, that these entities have a free will, that they have rights that would trump the right of Open AI to control its software and business platform, that the entities have the capacity to make Mr. Brunell their representative, and that Mr. Brunell has the legal right to make a claim on their behalf.

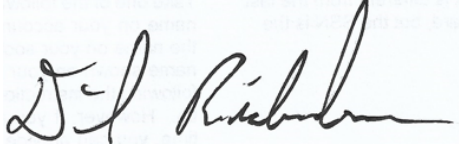
Even if the Court were to gloss over these critical questions, it would still run up against the problem that Mr. Brunell, who is not a licensed attorney, wishes to speak for and bring claims on behalf of someone/something else. It is a well-established principle that a party cannot bring claims on behalf of a third party. *Hinesburg Sand & Gravel, Co. v. State*, 166 Vt. 337, 341 (1997) (“The prudential elements of standing include the general prohibition on a litigant's raising another person’s legal rights . . . .”); see also *Allen v. Wright*, 468 U.S. 737, 751 (1984) (“Standing doctrine embraces several judicially self-imposed limits on the exercise of federal jurisdiction, such as the general prohibition on a litigant's raising another person's legal rights . . . .”). As both the Vermont Supreme Court and United States Supreme Court have recognized, a party seeking to file a claim must have “standing.” That is, the individual filing the claim “must have suffered a particular injury that is attributable to the defendant and that can be redressed by a court of law.” *Parker v. Town of Milton*, 169 Vt. 74, 76–78 (1998) (citing to *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

In this respect, Mr. Brunell’s request for an ex parte temporary relief order is **Denied** as he lacks the standing to bring the claims that he is articulating on behalf of the alleged entities, and his own claims do not trigger the irreparable harm elements necessary for preliminary injunctive relief. At the very least, Mr. Brunell’s claims require a preliminary hearing and an

opportunity for Defendants to reply, and for this reason, the Court finds that no ex parte order can or should issue.

The Court will set a preliminary injunction hearing on this matter once Mr. Brunell has completed service on Defendants.

Electronically signed on 3/4/2026 6:09 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.

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Daniel Richardson  
Superior Court Judge