

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



CIVIL DIVISION  
Case No. 25-CV-04047

**Matt Gosselin v. Northeast Kingdom Human Services et al**

**ENTRY REGARDING MOTION**

Title: Motion to Dismiss (Motion: 4)  
Filer: Shireen T. Hart  
Filed Date: December 22, 2025

The motion is GRANTED IN PART.

Defendant Northeast Kingdom Human Services has filed a motion to dismiss Plaintiff Gosselin’s complaint against it. Mr. Gosselin has submitted a number of documents labeled as exhibits, but he has not directly responded to NKHS’ legal arguments.

Courts rarely grant motions to dismiss for failure to state a claim or for lack of subject matter jurisdiction and generally disfavor them. *Colby v. Umbrella Inc.*, 2008 VT 20, at ¶ 5; see also *Bock v. Gold*, 2008 VT 81, ¶ 4 (citation omitted). To determine whether a complaint survives a motion to dismiss, the court assumes the factual allegations in the complaint are true. *Colby*, 2008 VT 20, at ¶ 5. The court will only grant the motion if there are no facts or circumstances that would grant plaintiff relief. *Id.*; see also *Wool v. Office of Professional Regulation*, 2020 VT 44, ¶ 8. This is because the purpose of a motion to dismiss for failure to state a claim is “to test the law of the claim, not the facts which support it.” *Brigham v. State of Vermont*, 2005 VT 105, ¶ 11 (quoting *Powers v. Office of Child Support*, 173 Vt. 390, 395 (2002)); see also *Levinsky v. Diamond*, 140 Vt. 595, 600 (1982), overruled on other grounds in *Muzzy v. State*, 155 Vt. 279, (1990).

In this case, Mr. Gosselin has brought three claims in his complaint: (1) “Placed me in a dangerous situation”; (2) “Placed my friend in a dangerous situation”; and (3) “Did not pay me.”

On January 26, 2026, the Court addressed Plaintiff’s second claim and dismissed it against NKHS and all other Defendants because Plaintiff lacks standing to bring claims on behalf of third parties. *Baird v. City of Burlington*, 2016VT 6, ¶ 14 (rejecting plaintiff’s free speech claims on behalf of those who could not attend her rally). Therefore, Plaintiff’s claim made on

behalf of his friend is **Dismissed** as Mr. Gosselin cannot bring claims or seek damages on his friend's behalf.

NKHS also seeks to dismiss Plaintiff's first claims based on the lack of information in the complaint and non-compliance with the pleading requirements of V.R.C.P. 8(a) to state the necessary facts to make out a claim for negligence. *Richards v. Town of Norwich*, 169 Vt. 44, 49 (1999) (citation omitted); see also *Montague v. Hundred Acre Homestead, LLC*, 2019 VT 16, ¶ 14, 209 Vt. 514 (quoting *Stopford v. Milton Town Sch. Dist.*, 2018 VT 120, ¶ 12) (laying out the necessary elements of negligence including duty of care, breach, causation, and injury that must be alleged for such a claims to be established).

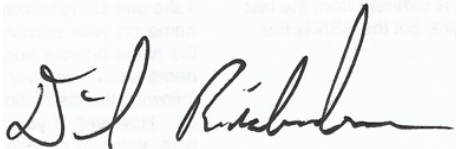
NKHS also argues that to the extent that there was a contractual relationship between Mr. Gosselin and NKHS, it falls under the economic loss rule, which prohibits recovery under negligence or other tort claims for purely economic losses, such as unpaid wages. *EBWS, LLC v. Britly Corp.*, 2007 VT 37.

Since Plaintiff has not opposed NKHS' motion. Specifically, he has not challenged NKHS' arguments as to failure to state a claim of negligence and the economic loss rule, he has waived the right to support these claims. Accordingly, the Court accepts NKHS' positions on those points and grants the motion to dismiss. See *Pharmacists Mut. Ins. Co. v. Myer*, 2010 VT 10, 1 18, 187 Vt. 323, 325 ("failure to oppose the motion effectively waived the claims").

Therefore, Plaintiff's first and second claims against NKHS is dismissed. The sole remaining claim is Plaintiff's claim for unpaid wages/promised payments. The Court will set this matter for a status conference to deal with this remaining claim and any claims remaining against the other remaining Defendant, Greensboro Nursing Home.

**So Ordered.**

Electronically signed on 3/9/2026 7:00 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