

VERMONT SUPERIOR COURT

Washington Unit

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CIVIL DIVISION

Case No. 25-CV-04047

Matt Gosselin v. State of Vermont et al

ENTRY REGARDING MOTION

Title: Motion to Dismiss (Motion: 1)

Filer: Alison L. T. Powers

Filed Date: October 21, 2025

The motion is GRANTED.

The State of Vermont moves to dismiss any claims in the present action pending against the State pursuant to Rule 12(b)(6), which permits a party to seek dismissal for the failure to state a claim. V.R.C.P. 12(b)(6). In reviewing Plaintiff's pleading, the motions, and documents filed in the present case, the Court finds that Plaintiff Matt Gosselin has failed to make a claim against the State of Vermont, and the motion to dismiss is **Granted** as a matter of law.

Plaintiff filed the present complaint against the State of Vermont, Northeast Kingdom Human Services, Inc. and the Greensboro Nursing Home seeking "Payment for the work that was due." He bases his claim on the following: (1) that he was

Entry Regarding Motion

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placed in a dangerous situation; (2) placed his friend in a dangerous situation; and (3) did not pay him. Plaintiff further states:

I should not have been told I was an employee until I was going to be paid as one. Client should not have been released from nursing home unless he had a place to go. I should not have been deterred from entering another program. I should not have been threatened with arrest if I left the client.

Pltf. Complaint. In response to the State's Motion to Dismiss, Mr. Gosselin filed 22 pages of documents that provide some additional information. It appears that in November of 2021, Mr. Gosselin began the process of becoming a shared living provider for an elderly acquaintance who was living at the Greensboro Nursing Home. Mr. Gosselin worked with the Northeast Kingdom Human Services to obtain approval as a shared living provider, which involved training and inspection of his house. This process continued into early January of 2022. As part of the process, Mr. Gosselin installed a ramp and made other improvements to his house.

By mid-January 2022, it appears that Mr. Gosselin's plan to take his friend into his home fell through. It is not clear from the documents, but it appears from Mr. Gosselin's statements that the friend was returned home and was not approved to be transferred to Mr. Gosselin's home.

The standard for a motion to dismiss is high. *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 the present case, there are few strands to Plaintiff’s case that require some untangling.

First, a portion of Plaintiff’s complaint appears to be concerned with decisions made concerning his friend, specifically, allegations that some of the Defendants may have put the friend in a dangerous situation, may have improperly sent him home, or improperly released him from the nursing home. While the Court is not in a position to weigh these claims, Mr. Gosselin does not have the standing to bring these claims on his friends behalf.

Plaintiffs in every case or controversy must have standing to bring their claims against the government. *Parker v. Town of Milton*, 169 Vt. 74, 77 (1980) (“An

element of the case or controversy requirement is that plaintiffs must have standing, that is, they must have suffered a particular injury that is attributable to the defendant and that can be redressed by a court of law.”). If a party lacks standing, then it lacks the immediacy of injury and the need for a remedy, and it is effectively asking the Court to rule on the law in the absence of a live dispute. This, in turn, renders any decision by the Court into an advisory opinion, which is disallowed.

Brod v. Agency of Natural Resources, 2007 VT 87, ¶ 8 (“Vermont courts are without constitutional authority to issue advisory opinions.”) (citing *Parker*, 169 Vt. at 77).

The standing requirement also enforces the separation of powers between the branches of government. *Parker*, 169 Vt. at 77.

To determine whether a plaintiff has standing, the Court applies the test articulated in *Lujan*, which the Vermont Supreme Court has expressly adopted. *Hinesburg Sand & Gravel Co., Inc., v. State*, 166 Vt. 337, 341 (1997) (adopting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)). This test requires a plaintiff to establish three elements: (1) an injury in fact; (2) a causative link between the injury and the actions for the defendants; and (3) redressability. *Hinesburg Sand & Gravel Co., Inc.*, 166 Vt. at 341. Plaintiffs who are challenged on standing must show that their claim complies with all three elements. The test for standing seeks to weed out those who have personalized injuries and claims from those who allege a “generalized harm to the public.” *Parker*, 169 Vt. at 78. The doctrine also limits

parties from bringing claims on behalf of others who have suffered harm. *Baird v. City of Burlington*, 2016 VT 6, ¶ 14 (rejecting plaintiff’s free speech claims on behalf of those who could not attend her rally).

This standing requirement prevents parties from raising claims on behalf of others asserting injuries that that Plaintiff has not suffered and for which any remedy awarded would go to another. *Baird v. City of Burlington*, 2016 VT 6, ¶ 15 (generally parties may not bring actions on behalf of another unless they can establish an exception to this rule). Therefore, the Court is obligated to dismiss any and all portions of Mr. Gosselin’s complaint that concern any harms that he believes that his friend has suffered. This is not to express an opinion about the harms his friend may or may not have incurred, but it is to say that Mr. Gosselin cannot bring them on the friend’s behalf.¹

Therefore, the Court dismisses any portion of Mr. Gosselin’s complaint that seeks to bring a claim on behalf of his friend.

This leads the Court to the second issue, which is the remaining claim. Taken in a light most favorable to Plaintiff, Mr. Gosselin’s complaint appears to make out a claim for either breach of contract or promissory estoppel. Specifically, he alleges that he made improvements to his house and expended money to make these

¹ To the extent that Mr. Gosselin is acting as an agent for his friend, the law does not allow a non-lawyer to bring a claim on behalf of another. *Snelgrove v. LeBlanc*, 2023 VT 114, ¶ 5.

improvements based on the promise that he would be able to host his friend and receive compensation for such housing. It appears that Mr. Gosselin received initial approval for this program in November 2021. While the Court does not **necessarily** understand that approval to constitute a promise, it appears that Mr. Gosselin felt it carried some weight and justified his reliance for making the expenditures. Again, the Court is limited as to the timeline of these events, but the pleadings make out this basic claim and states it with some degree of clarity in his October 24th filing where he states: “Defendant 2 [Northeast Kingdom Human Services, Inc.] promised Plaintiff a job if requirements for the job were fulfilled. Plaintiff fulfilled all of the requirements.”

This brings us to the third issue, what role the State of Vermont played in these events. In his October 24th filing, Mr. Gosselin suggests that the State’s liability comes from its regulatory role and that the other Defendant’s acted in compliance with these regulations and standards. He also alleges racketeering activity under 18 U.S.C. § § 1961, et seq. and peonage under 18 U.S.C. § 1581. Plaintiff also cites to two cases involving immigration and visas, *Tanedo v. East Baton Rouge Parish School*, 790 F.Supp.2d 1134 (C.D. Cal. 2011) (class action by Filipino teachers against teacher recruiting service for fraud and human trafficking), and *David v. Signal International, LLC*, 37 F.Supp,3d 822 (E.D.La. 2014) (class action

by foreign workers against their employer seeking damages for false promises and representations).

It is a general principal that the State cannot be held liable for enforcing its duly enacted laws and regulations. By extension, the State does not have liability to an individual who is affected by a party that is subject to state regulation.

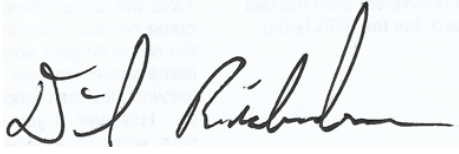
Therefore, Plaintiff's first basis cannot, in and of itself, create liability. Given that there are no allegations that any of the facts in Mr. Gosselin's claim directly involve the State of Vermont, there is no liability. Similarly, the second set of allegations regarding racketeering and peonage are not supported by any facts plead in the present case. Merely citing to cases is not sufficient to give rise to a claim. *Leeds v. Meltz*, 85 F.3d 51, 53 (2d Cir. 1996) (noting that pleadings must go beyond "Bald assertions and conclusions of law").

For these reasons, the Court is unable to find any facts or claims in Mr. Gosselin's pleading that can be sustained against the State of Vermont. As a result, the State is entitled to be **Dismissed** as a matter of law.

ORDER

Based on the foregoing, the State's motion to dismiss is **Granted** pursuant to V.R.C.P. 12(b)(6). The State of Vermont is dismissed as a party, and any claims against the State are **Dismissed**.

Electronically signed on 11/19/2025 6:08 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.

Daniel Richardson
Superior Court Judge