

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re Thomas Melone
PRB File No. 120-2025

ENTRY ORDER
MOTION TO DISQUALIFY LAW FIRM
and
MOTION TO STRIKE MOTIONS TO QUASH SUBPOENAS

The Respondent has filed a motion to disqualify the law firm of Woolmington, Campbell, Bent, and Stasny on the following grounds: (1) Attorney Merrill Bent, a member of the firm, is likely to be a witness at trial; and (2) Attorney Bent has a conflict of interest with her client, the Town of Bennington. Respondent further asserts that because the firm must be disqualified, the Hearing Panel must strike various motions to quash which have been filed by the firm. For the reasons set forth below, Respondent's motions are *denied*.

Respondent's motions are denied for lack of standing.

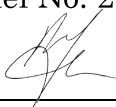
Ordinarily, . . . "a stranger to the attorney-client relationship lacks standing to assert a conflict of interest in that relationship." *Jones v. American Employers Ins. Co.*, 106 Ohio App.3d 636, 641, 666 N.E.2d 1152, 1155 (1995) (citing *Morgan v. North Coast Cable Co.*, 63 Ohio St.3d 156, 586 N.E.2d 88 (1992));


Ex parte Tiffin, 879 So. 2d 1160, 1165 (Ala. 2003). *In accord*, *In re Yarn Processing Pat. Validity Litig.*, 530 F.2d 83, 88 (5th Cir. 1976) ("As a general rule, courts do not disqualify an attorney on the grounds of conflict of interest unless the former client moves for disqualification.")

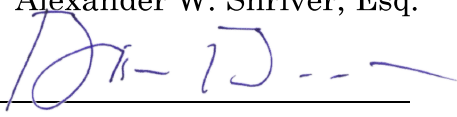
The Respondent is a stranger to the attorney-client relationship between Attorney Bent's firm and the Town of Bennington. Respondent has not shown any reason why the general rule cited above should not apply. Because the law firm will not be disqualified, there is no basis to strike the motions to quash that it has filed. Accordingly, Respondent's motions are *denied*.

Dated this 4th day of May 2026

Hearing Panel No. 2

By: 
Walter G. French, Esq., Chair

By: 
Alexander W. Shriver, Esq.

By: 
Brian Bannon, Public Member