

VERMONT SUPERIOR COURT
Orange Unit
5 Court Street
Chelsea VT 05038
802-685-4610
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 23-CV-03038

Richard Moses, Jr. v. Gardner Moses, Jr.

ENTRY REGARDING MOTION

Title: Motion for Hearing EMERGENCY (Motion: 7)
Filer: Andrew D. Cliburn
Filed Date: April 24, 2025

The motion is DENIED.

The Court will not consider a discovery motion, such as the present request, until the parties demonstrate their compliance with V.R.C.P. 26(h). This provision requires parties to confer regarding any discovery dispute prior to bringing the issue to the Court.

This Court, like many other Vermont courts interprets the word “confer” to be an in-person or telephone conversation that cannot be satisfied by e-mail or other typed communications. *Passera v. Global Values, Inc.*, Dckt. No. 606-1-19 Wncv (Jun. 2, 2020) (Tomasi, J.); *Johnson v. Smith*, Dckt. No. 573-7-16 Cncv (Oct. 6, 2017) (Mello, J.); *Harleysville Worcester Ins. Co. v. Evergreen Roofing, LLC*, Dckt. No. 43-1-13 Cncv (Nov. 7, 2014) (Toor, J.); *Laberge v. Town of Hinesburg*, Dckt. No. 1641213 Env. (Oct. 21, 2014) (Durkin, J.).

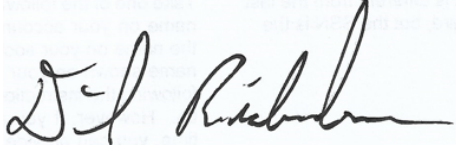
In these cases, communication and problem solving is key. Parties should have a candid and practical conversation that sets aside any performative aspects to address what the Court has directed the parties to do and whether the responses comply in good faith with this direction or to understand the nature of any on-going or newly asserted objections.

In other words, the purpose of the Rule 26(h) conference is for the parties to look at the issues in an objective manner and act in good faith to resolve or narrow.

Both sides have a Rule 11 obligation to go through the discovery requests and objections before this motion is ripe for a hearing before the Court. Only if such a conference cannot satisfy

the dispute will the matter be ripe for hearing. Any further motion will require Rule 26(h) certification. Until such time, the Court will not take up Plaintiff's motion.

Electronically signed on 4/25/2025 4:02 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. A horizontal line extends from the right side of the signature.

Daniel Richardson
Superior Court Judge