

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



CIVIL DIVISION
Case No. 24-CV-03631

Patricia Leeds, et al v. Todd Gamble, et al

ENTRY REGARDING MOTION

Title: Motion Emergency Ex-Parte Motion for Temporary Restraining Order (Motion:
1)
Filer: Steven A. Bredice
Filed Date: July 08, 2026

The motion is DENIED.

The present matter in this case arises from allegations of coercion and undue influence exercised by Plaintiffs over the late Arlis Fuglie, who was the Defendants' step-mother and the Plaintiffs' aunt. Ms. Fuglie passed away on July 2, 2026. At the time of her passing, she held a brokerage account fund with Edward Jones consisting of more than \$600,000. Defendants' counterclaims are anchored, in part, on allegations that the surviving Plaintiffs unduly influenced and coerced Ms. Fuglie with false information, at a moment when she was vulnerable, to alter her beneficiaries for this account to exclude Defendants who had previously been named beneficiaries by both Ms. Fuglie and her husband, the late Don Gamble, Defendant's father.

Defendants represent that because of Ms. Fuglie's passing, Ms. Leeds and Ms. Reed as sole beneficiaries of the Edward Jones account have taken actions consistent with removing funds from the account and have refused to commit to either sequestering the disputed portions of these funds or making other guarantees that would ensure that the funds remained available if Defendants were successful.

Defendants' have filed the present motion pursuant to Rule 65(a), which permits a party to seek a temporary restraining order on an ex parte basis to prevent irreparable and immediate harm that would occur if the Court provided time for response.

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 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.” *Id.* 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).

While Defendants’ motion arguably demonstrates at least two of these essential elements for a preliminary injunction, namely, the potential harm to the other parties and the likelihood of success on the merits, there is an issue of irreparable harm. “A preliminary injunction will usually be denied ‘if it appears that the applicant has an adequate alternate remedy in the form of money damages or other relief.’” *Taylor*, 2017 VT 92, at ¶ 40 (quoting 11A C. Wright & A. Miller, *Federal Practice & Procedure* § 2948.1 (3d ed. 2017)).

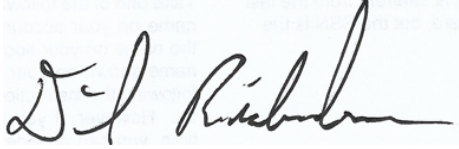
Defendants’ motion makes out the argument that Plaintiffs are taking steps to move the money from Ms. Fuglie’s brokerage account, but there is no representation or evidence as to why this would put the funds out of reach from Defendants. Both beneficiaries are parties to the present action. If they took action to convert the brokerage fund to either their name or to transfer the funds to another account, they would still be liable for any amounts that may be ultimately determined to be due to Defendants. There has been no showing that Plaintiffs are likely to flee or to hide such assets even if they are moved. Plaintiffs selected this forum and are both subject to this Court’s jurisdiction. Even assuming the worst-case scenario that Plaintiffs remove the money from the brokerage account, which causes it to lose value, there has been no showing that they lack sufficient assets to cover a judgment, which would include damages surrounding such a loss in value. Additionally, there is Vermont real estate at issue in this case, which would be available to supplement such a judgment for damages.

Finally, it is unclear why Ms. Fuglie’s death has changed the situation. Ms. Fuglie had the ability to transfer or cash out the account during her life. While she did not take actions to do so, the threat of such movement is not a new or immediate threat. The only immediate threat is the evidence that Plaintiffs may convert these funds to their own name. The concern that Plaintiffs may dissipate, hide, or otherwise waste these funds has no factual basis in the record

before the Court. This concern lacks the necessary evidentiary foundation required under V.R.C.P. 65.

Based on the foregoing, the Court denies Defendant Todd and Amy Gambles' motion for an *ex parte* Temporary Restraining Order under V.R.C.P. 65(a). The Court will set the Gambles' motion for a preliminary injunction and writ of attachment for a hearing at its next available hearing date.

Electronically signed on 7/9/2026 2:03 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", is displayed on a light blue rectangular background.

Daniel Richardson
Superior Court Judge