

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



CIVIL DIVISION
Case No. 24-CV-04496

**Quinn McDonagh, Trustee of the Luellen McDonagh Real Estate Trust Dated
October 21, 2016 v. Damian Renzello**

ENTRY REGARDING MOTION

Title: Motion to Stay; Motion ; Motion For: File Adverse Possession Case (Motion: 6;
7)
Filer: Damian Renzello; Damian Renzello
Filed Date: August 20, 2026; August 20, 2026

The motions are DENIED.

Defendant Damian Renzello has filed a post-judgment motion seeking various relief from the Court's final judgment in this matter. The Court will address each issue in turn.

Adverse Possession Claim

Defendant seeks permission to file a claim of adverse possession as he contends that he initially raised this issue but did not follow through on the claim during this litigation and at trial. This motion is denied on two grounds. First, final judgment means final, and a party is not entitled to re-open or collaterally attack at judgment or seek to re-open a matter once decided. *Town of Pawlet v. Banyai*, 2024 VT 13, ¶ 8. In this case, the time for raising new claims or arguments in this case has passed. Mr. Renzello had a full and fair opportunity to litigate his claims, and he is not entitled to re-open a final judgment simply because he did not follow through on his earlier arguments.

Second, Mr. Renzello has already raised the claim of adverse possession in the companion case to the present eviction. In Docket No. 24-CV-4159, Mr. Renzello made an adverse possession argument at the summary judgment stage. The Court reviewed the undisputed material facts and found in its January 22, 2026 decision granting summary judgment to Ms. McDonagh that Mr. Renzello could not satisfy the elements of adverse possession. Particularly, the Court found:

The element of hostility requires a party claiming adverse possession to show that his or her use and possession was exclusive and not merely permissive. *Lawrence v. Pelletier*, 154 Vt. 29, 33 (1990). In this case, the Court looks to the controlling

deeds, which gave Ms. McDonagh, and later her trust, title to the property. From this title, the law gives constructive possession of the land to the record owners. *Laird Properties New England Syndicate v. Mad River Corp.*, 131 Vt. 268, 278 (1973). Such possession continues until such a time as the owners are expelled from the property or another individual plants his or her flag of ownership through a separate claim which is at odds with the owners' claim of title and possession. *Id.* In this case, there is no evidence that Plaintiff ever attempted, prior to this lawsuit, to remove Defendants from the property or act as an exclusive owner in a manner that was hostile to Defendants.

Renzello v. Browning, Dckt. No. 24-CV-4159, at 6 (Jan. 22, 2026). Nothing in Mr. Renzello's current filings alter this analysis as Mr. Renzello seems to claim that Ms. McDonagh's and her predecessors' allowing him to live at the property constituted hostility, which is inconsistent with the meaning of the term "hostility" within the law of adverse possession. More importantly, this prior litigation shows that Mr. Renzello has made the adverse possession argument, and that the Court has already rendered judgment as a matter of law on the claim in favor of Ms. McDonagh.

For either one of these reasons, Mr. Renzello's request to raise adverse possession claims in the present matter is **Denied.**

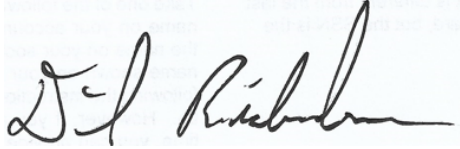
Motion for a Stay

Mr. Renzello also request permission for a stay of the writ of possession. The basis for this request is his desire to raise an adverse possession claim. Given that this request has been denied, the request for a stay appears to be largely moot. The Court will further note that a writ of possession is not automatically stayed by the filing of an appeal. V.R.C.P. 62(d)(3). In such cases, the Vermont Supreme Court requires a party seeking a stay for the purpose of taking an appeal to first file their motion with the Superior Court. V.R.A.P. 8(a)(1)(A). In the case of an ejectment action, like the present one, the Vermont Supreme Court has instructed the trial court to consider an application for a stay of a writ of possession under 12 V.S.A. § 4854, which permits the trial court to exercise its discretion and to stay a writ of possession if the trial court finds "good cause" and under the conditions that it finds reasonable. See *Mongeon Bay Properties, LLC v. Malletts Bay Homeowner's Association, Inc.*, 2017 VT 27, ¶ 12. At this stage, there is no "good cause" before the Court, and the motion for a stay is **Denied.**

ORDER

Based on the foregoing, Defendant Renzello's motions are **Denied**.

Electronically signed on 8/20/2026 6:59 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. The signature is fluid and cursive.

Daniel Richardson
Superior Court Judge