

VERMONT SUPERIOR COURT
Windsor Unit
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CIVIL DIVISION
Case No. 26-CV-04341

WAYNE MILLS v. THE RIDGE CONDOMINIUM ASSOCIATION

ENTRY REGARDING MOTION

Title: Motion for Preliminary Injunction AND TEMPORARY RESTRAINING
ORDER (Motion: 1)
Filer: WAYNE MILLS
Filed Date: August 11, 2026

The motion is DENIED.

Plaintiff Wayne Mills seeks an ex parte temporary restraining order under V.R.C.P. 65(a) to block Defendants, a private condominium association, from meeting to consult with legal counsel.

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).

The present motion is denied for three separate reasons.

First, Plaintiff reads the provisions of 27A V.S.A. § 3-108 too narrowly. Under Section 3-108(a)(4), an Association may call a meeting in less than 10 days to deal with an emergency. The word emergency is not defined in Section 3-108 or in the general definition section of 27A V.S.A. § 1-103. Nevertheless, its plain meaning encompasses an issue that requires immediate

action or attention. See The Oxford American Desk Dictionary and Thesaurus, 257 (2d ed. 2001). In this case, Plaintiff admits that he has made a request for certain Association records under 27A V.S.A. § 3-118(b), which requires the Association to make the records available after five days' notice.¹ Such a deadline puts the Association in the position of needing to take immediate action and a limited time to seek legal counsel to advise it on such matters. Once the deadline has passed or the documents have either been produced or denied, then the legal assistance is no longer timely. For these reasons, the Court finds that Plaintiff is unlikely to succeed on the merits of his claim to block an emergency meeting called under the plain language of 27A V.S.A. § 3-108(a)(4).

Second, Plaintiff fails to show what kind of irreparable and immediate harm will flow to him from the Association consulting with legal counsel. Plaintiff presents the argument as self-evident, but if legal counsel provides support to the Association in how to respond to Plaintiff's request for documents, there is no harm. Plaintiff presumes that such advice or resulting position would be harmful to his desire to obtain these documents, but it is equally plausible given the plain language of Section 3-118 that the Association will, with the assistance of counsel provide the documents. If the Association, with the advice of counsel, refuses the request, presumably asserting one or more exemptions under 27A V.S.A. § 3-118(c), or takes a nuanced response, there is nothing in the exchange of advice that is necessarily a harm to Plaintiff. If such a position proves to be wrong, then Plaintiff can seek legal remedies to enforce his right of access. As such, the Court finds that Plaintiff cannot show the necessary prong of immediate or irreparable harm.

Third, the Court finds that Plaintiff's goal, to block the Association from consulting with legal counsel in a timely manner, is against public policy. A client's mere consultation with counsel, without more, does not represent any type of harm to Plaintiff, but granting a motion to deny the Association the right to consult and meet with counsel would be detrimental to its ability to understand and assert its rights or comply with its obligations under the law. See *Cody v. Cody*, 2005 VT 116, ¶ 23 (noting that courts must safeguard the "sacrosanct privacy of the attorney-client relationship"). Plaintiff does not cite to any legal precedent that would suggest the contrary or suggest that there is good reason to prevent an association from meeting with

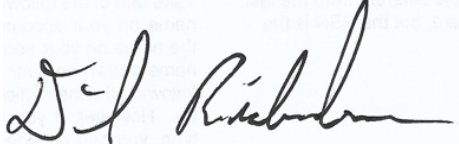
¹ The Court will not opine at this time whether the 5 days in this statute should be interpreted as calendar or business days.

legal counsel of its choice. As such, the Court declines to prevent or limit the Association on public policy grounds from accessing legal counsel and guidance.

ORDER

For these reasons, Plaintiff's motion is **Denied**.

Electronically signed on 8/11/2026 5:09 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

Vermont Superior Court
Filed 08/12/26
Windsor Unit