



Note: In the case title, an asterisk () indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

ENTRY ORDER

OCTOBER TERM, 2026

Tim Dasler* v. Jennifer Knapp	}	APPEALED FROM:
	}	Superior Court, Windsor Unit, Civil Division
	}	
	}	CASE NO. DOC-25-00141
	}	
	}	Trial Judge: Kerry Ann McDonald-Cady

In the above-entitled cause, the Clerk will enter:

Putative plaintiff Timothy Dasler, self-represented, appeals from a civil division order denying his request for permission to file tort claims against his ex-wife Jennifer Knapp. Dasler is subject to an order under Vermont’s abusive-litigation statute, 15 V.S.A. §§ 1181-1185, that imposes prefiling restrictions on legal proceedings he seeks to initiate against Knapp. We conclude that the trial court did not err in concluding that Dasler’s proposed civil complaint constituted abusive litigation under § 1181(1) and denying permission on this basis. We therefore affirm.

I. Background¹

Dasler and Knapp were previously married and share one minor child. In May 2017, Knapp filed a complaint for relief from abuse (RFA) against Dasler. The family division found that Dasler had abused Knapp by stalking her and causing her physical harm and that there was a danger of further abuse. On this basis, the court issued a final RFA order in August 2017.

Knapp filed for divorce in June 2017. The family division issued a final divorce order in August 2018, Dasler appealed to this Court, and we affirmed. Dasler v. Dasler (Dasler I), No.

¹ The following procedural background is drawn from the record in this case and those of related proceedings. See Doe v. Camacho, 2024 VT 72, ¶ 2 n.1, 220 Vt. 226 (“A court may take judicial notice of the docket entries in a separate, related case.”); V.R.E. 201(b) (providing that judicial notice may be taken of fact “not subject to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned”).

2018-301, 2019 WL 2359608 (Vt. June 3, 2019) (unpub. mem.), <https://www.vtcourts.gov/sites/default/files/documents/eo18-301.pdf>, cert. denied, 589 U.S. 1122 (2019).

Dasler’s subsequent efforts to litigate various issues connected to the divorce and related circumstances are detailed in our decision in Knapp v. Dasler (Knapp I); we do not repeat that history here. 2024 VT 65, ¶¶ 2-16, 220 Vt. 371, cert. denied, 145 S. Ct. 2738 (2025); see, e.g., Dasler v. Dasler (Dasler II), No. 2020-124, 2020 WL 6542001 (Vt. Nov. 6, 2020) (unpub. mem.), https://www.vtcourts.gov/sites/default/files/documents/eo20-124_0.pdf (affirming family court’s denial of Dasler’s motion to hold Knapp in contempt of divorce order for allegedly failing to return certain personal items); Dasler v. Dasler (Dasler III), No. 2020-146, 2021 WL 840982 (Vt. Mar. 5, 2021) (unpub. mem.), <https://www.vtcourts.gov/sites/default/files/documents/eo20-146.pdf> (affirming family court’s denial of Dasler’s request to vacate divorce order due to alleged fraud by Knapp), cert. denied, 142 S. Ct. 340 (2021); Dasler v. Washburn (Dasler IV), No. 2:21-cv-194, 2022 WL 18542310 (D. Vt. Aug. 2, 2022) (dismissing Dasler’s suit against daughter’s therapist in federal court alleging, among other things, conspiracy and negligence), aff’d, 2024 WL 1787123 (2d Cir. Apr. 25, 2024), cert. denied, 145 S. Ct. 1893 (2025); Dasler v. Knapp (Dasler V), No. 2:21-cv-135, 2021 WL 4134398 (D. Vt. Sept. 10, 2021) (dismissing Dasler’s federal lawsuit alleging constitutional claims and torts against Knapp); Dasler v. Knapp (Dasler VI), No. 2:21-cv-135, 2023 WL 8354441 (D. Vt. Oct. 13, 2023) (denying Dasler’s motion for leave to amend federal complaint against Knapp); Dasler v. Knapp (Dasler VII), No. 23-22 (L), 23-7895 (Con), 2024 WL 4924967 (2d Cir. Jul. 12, 2024) (summarily affirming federal district court’s decisions in Dasler VI and Dasler VII), cert. denied, 145 S. Ct. 1909 (2025); Knapp v. Dasler (Knapp II), 2025 VT 66 (affirming family court’s award of attorney’s fees and costs to Knapp under abusive-litigation statute, 15 V.S.A. § 1184(b)(1)); Dasler v. Knapp (Dasler VIII), No. DOC-24-00150, slip op. (Vt. Super. Ct. Nov. 6, 2024) (denying Dasler’s application for permission to file tort claims against Knapp).

As we explained in Knapp I, Knapp ultimately moved in the family division for an order against abusive litigation under 15 V.S.A. § 1182(a). The court granted the request after finding, among other things, that Dasler:

had attempted to relitigate the final divorce order in a New Hampshire court; he had tried to reopen that order and the 2017 RFA order through Rule 60 motions; he made “horrible” unsubstantiated allegations against plaintiff in his filings; he filed motions to reconsider nearly every order issued by the court, virtually all of which had been denied for failure to present new facts or cognizable legal arguments; his numerous appeals to this Court were unsuccessful; and he had initiated litigation in six different courts over issues that were the same or similar to those raised in this proceeding.

2024 VT 65, ¶ 28. It determined that the litigation was being initiated, advanced, or continued by Dasler primarily for the purpose of abusing, harassing, intimidating, threatening, or maintaining contact with Knapp. See Knapp II, 2025 VT 66, ¶ 14 (explaining that purpose of Vermont’s abusive-litigation statute is “to protect victims from continuing to be abused, harassed, threatened, or intimidated by their abuser through the litigation process”). Dasler appealed, and we affirmed. Id. ¶ 20.

Under the abusive-litigation order, Dasler is restricted “from filing, initiating, advancing, or continuing litigation against” Knapp unless he does so through a duly licensed attorney or, in the alternative, “files a petition to obtain pre-filing approval from the court requesting permission to file a motion or other action involving [] Knapp AND the court grants the petition to file.” See 15 V.S.A. § 1184(b)(2) (providing that order restricting abusive litigation “may include conditions deemed necessary and appropriate,” including “imposing prefiling restrictions upon the party found to have engaged in abusive litigation that pertains to any future litigation against the protected party”).

In September 2025, Dasler filed the application for permission to file a civil suit against Knapp giving rise to this appeal. The accompanying proposed complaint asserted claims of intentional infliction of emotional distress (IIED), abuse of process, defamation, invasion of privacy through intrusion upon seclusion, interference with visitation and parental rights, false imprisonment, assault, breach of contract in relation to a stipulation regarding parent-child-contact that was adopted by family division order, and “prima facie tort.” The claims were based on Knapp’s alleged conduct in connection with the dissolution of the marriage and the family division proceedings that followed.

The civil division reviewed the proposed complaint and issued an order concluding that a hearing was unnecessary and denying Dasler’s application for permission to file. It first noted that Dasler’s application failed to conform to applicable procedural requirements in that he did not explicitly state that he was subject to an order restricting abusive litigation and identify the relevant order by decision date or case number. It then found that the proposed complaint met the statutory definition of abusive litigation set forth at 15 V.S.A. § 1181(1).

On December 15, 2025, Dasler filed: a motion to reconsider; a motion to correct his initial filing, to include the required information, which he alleged was inadvertently omitted when he uploaded the court form; and a notice of appeal. See *id.* § 1185(d) (providing that party subject to prefiling restrictions “may seek review of the decision” denying permission to file “as provided by the applicable court rules”). On the same date, the civil division transmitted the appeal to this Court without ruling on either motion.

II. Analysis

Before turning to the merits of Dasler’s appeal, we address his threshold argument that the civil division erred by transmitting his notice of appeal to this Court before ruling on his accompanying motions to reconsider and correct the record. He asserts that he filed a “protective notice of appeal” with his motions to avoid any risk that the deadline to appeal would expire while the motions were pending.

We first note that the filing of a notice of appeal to protect the appeal deadline was unnecessary. Under Vermont Rule of Appellate Procedure 4(b)(5), the timely filing of a motion to alter or amend tolls the deadline to file a notice of appeal and the full time to appeal begins to run from the entry of the trial court order disposing of the motion. On the other hand, the filing of a notice of appeal serves to “invoke[] appellate jurisdiction by accomplishing the transfer of the cause to the reviewing authority.” *Casella Constr., Inc. v. Dep’t of Taxes*, 2005 VT 18, ¶ 6, 178 Vt. 61 (quotation omitted). Consistent with this purpose, Appellate Rule 11 provides that, within fourteen days after a notice of appeal is filed in the superior court, “the superior court clerk must transmit the appeal to the Supreme Court.” V.R.A.P. 11(b)(1) (emphasis added). The trial court did not err in adhering to the mandatory language of this rule and promptly transmitting the appeal to this Court.

Moreover, Dasler could have moved this Court to hold his appeal in abeyance and remand to the civil division for resolution of those motions. See, e.g., In re VT Real Est. Holdings 1 LLC, 2026 VT 13, ¶ 15 (explaining that if timely motion to reconsider did not toll appeal deadlines, “[t]he party filing the motion will be forced to file a notice of appeal at the same time the motion is filed and then ask this Court to hold the appeal in abeyance and remand to the [lower tribunal] for resolution of the motion to alter or amend”). He did not do so. And in any event, as he acknowledges, the civil division’s consideration of his motion to correct would not have changed the result because it denied permission not solely based on the procedural deficiencies addressed by the motion to correct, but on the merits.

With this understanding, we consider Dasler’s challenges to the civil division’s conclusion that his proposed complaint constituted abusive litigation and its denial of permission to file on this basis. The statute requires an individual who is subject to an abusive-litigation order including prefiling restrictions and “wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions,” to “make an application to a judicial officer.” 15 V.S.A. § 1185(b). The judicial officer “shall review such application and determine whether the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based.” *Id.* The judicial officer may resolve the application without a hearing if the judicial officer “determines the proposed litigation is abusive based on reviewing the files, records, and pleadings.” *Id.* § 1185(b), (c)(1).

“If the judicial officer believes the litigation that the party is subject to the prefiling order is making application to file will constitute abusive litigation, the application shall be denied, dismissed, or otherwise disposed of with prejudice.” *Id.* § 1185(c)(2). As we explained in interpreting analogous statutory language in § 1184(a), the Legislature’s use of the word “shall” indicates that the action is mandatory. Knapp I, 2024 VT 65, ¶ 18. “The propriety of an order dismissing litigation therefore depends on whether the court’s findings that a party is engaging in abusive litigation and that the pending motions or actions are abusive litigation are supported by the record.” *Id.* We will not disturb the trial court’s factual findings unless they are clearly erroneous. *Id.* “Findings are clearly erroneous if there is no credible evidence in the record to support them.” *Id.* (quotation omitted). Whether the court correctly interpreted the abusive-litigation statute, however, is a question of law that we review without deference. See Morton v. Young, 2023 VT 29, ¶ 10, 218 Vt. 96 (“Whether the trial court correctly interpreted the statute is a question of law that we review de novo.”).

“Abusive litigation, as defined by the statute, has four elements.” Knapp I, 2024 VT 65, ¶ 28 (citing 15 V.S.A. § 1181(1)(A)-(D)). Dasler does not challenge the civil division’s determination that the first three were satisfied here. As the court concluded, plaintiff and defendant were previously married. 15 V.S.A. § 1181(1)(A) (providing that first element is met where “[t]he opposing parties have a current or former family or household member relationship”). In the August 2017 final RFA order, the family division found that Dasler abused Knapp. *Id.* § 1181(1)(B)(i) (providing second element met where proponent of litigation “has been found by a court to have abused . . . the other party” in a final RFA order). He also raises no challenge to the court’s finding that the third element was satisfied because his proposed complaint was filed “primarily for the purpose of abusing, harassing, intimidating, or maintaining contact with the other party.” *Id.* § 1181(1)(C).

Rather, Dasler’s arguments appear to target the civil division’s conclusion that § 1181(1)(D) was satisfied with respect to each of the civil claims he proposed to file. The final prong of the abusive-litigation definition is met where:

[a]t least one of the following applies:

(i) the claims, allegations, or other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) the allegations and other factual contentions made in the litigation are without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation; or

(iii) an issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

15 V.S.A. § 1181(1)(D).

Here, the civil division reviewed each of Dasler’s proposed claims and concluded that they were not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law. *Id.* § 1181(1)(D)(i). Dasler first argues that the court erred in doing so because it allegedly construed § 1181(1)(D)(i) as imposing a standard more stringent than the notice-pleading requirement of Vermont Rule of Civil Procedure 8(a). We do not reach this contention because the fourth element of § 1181(1) is satisfied where “[a]t least one” of its subdivisions applies. *Id.* § 1181(1)(D). In this case, the civil division also concluded that the issues forming the basis of the proposed litigation had “previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably” to Dasler. *Id.* § 1181(1)(D)(iii). As Dasler acknowledged in his complaint, he first filed his tort claims against Knapp in federal court. The civil division concluded that § 1181(1)(D) was satisfied on this ground, and Dasler has not demonstrated that it erred in this analysis.²

In September 2021, Dasler filed a federal lawsuit against Knapp alleging constitutional claims as well as state tort claims including abuse of process, intrusion upon seclusion, false imprisonment, interference with visitation or custodial rights, defamation,³ assault, and IIED.

² Because we conclude that the federal tort claims, standing alone, met this standard, we do not reach Dasler’s argument that the litigation in the family division could not satisfy § 1181(1)(D)(iii) because he could not have filed his tort claims there. See *Ward v. Ward*, 155 Vt. 242, 248 (1990) (holding that certain tort claims were improperly joined with divorce action). But see, e.g., *Quinn v. Schipper*, 2006 VT 51, ¶ 7, 180 Vt. 572 (mem.) (holding breach-of-contract claim concerning separation agreement was appropriate in family division because agreement was “part of the divorce proceedings” and therefore “within the family court’s jurisdiction” (quotation omitted)). Nor do we address his subsidiary contentions that interpreting the statute in this manner would violate his constitutional rights to due process and to access the courts for redress of grievances.

³ Although it appears Dasler described this claim in his federal pleading as one for “slander and libel,” it was in effect a defamation claim, analogous to the one he sought to raise here. This is because, under Vermont law, “[d]efamation is comprised of the complementary

Dasler V, 2021 WL 4134398 at *1. A federal magistrate judge dismissed the constitutional claims and the state-law claims described above except for the claims of IIED, interference with visitation or custodial rights, and intrusion upon seclusion on initial review under 28 U.S.C. § 1915(e)(2)(B). Id.; see Dasler VI, 2023 WL 8354441 at *1. The court then granted Knapp’s motion to dismiss for lack of subject-matter jurisdiction but afforded Dasler permission to move for leave to file an amended complaint. Dasler VI, 2023 WL 8354441 at *1.

Dasler filed a proposed amended complaint including the same claims with additional supporting allegations, as well as new claims including breach of contract. Id. at *4. The federal district court denied permission to amend, concluding that amendment would be futile because he failed to allege facts giving rise to federal subject-matter jurisdiction. Id. at *6-10. It explained that he had not asserted any colorable claim under federal law and declined to exercise diversity jurisdiction over his state-law claims under the domestic-relations abstention doctrine and Younger abstention. Id. at *2, 7-9 (citing Sprint Commc’ns, Inc. v. Jacobs, 571 U.S. 69, 70, 72 (2013) (explaining that principles of federal abstention recognized in Younger v. Harris, 401 U.S. 37 (1971), have been extended to suits implicating state courts’ management of divorce and custody proceedings)).

Dasler appealed to the Second Circuit, which granted Knapp’s motion for summary affirmance. Dasler VII, 2024 WL 4924967 at *1. The Second Circuit concluded that Dasler’s appeal lacked “an arguable basis in either law or fact.” Id. (quotation omitted) (citing United States v. Davis, 598 F.3d 10, 13 (2d Cir. 2010) for proposition that “summary affirmance is available only if an appeal is truly frivolous”).

Dasler has not shown that the civil division erred in finding, on the basis of his federal suit, that 15 V.S.A. § 1181(1)(D)(iii) was satisfied. On this point, he argues only that his federal suit was disposed of on abstention grounds and thus did not constitute “a merits adjudication of Vermont tort liability.”

This contention, however, is at odds with the plain language of the abuse-prevention statute, which requires only that the “issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.” 15 V.S.A. § 1181(1)(D)(iii). Under our familiar principles of statutory interpretation, if the language of a provision is clear on its face, “we accept its plain meaning and will not rely on statutory construction” because we presume that the Legislature intended the ordinary meaning of the language it chose. Shires Hous., Inc. v. Brown, 2017 VT 60, ¶ 9, 205 Vt. 186. Only where the statutory language is ambiguous will we resort to statutory construction to ascertain the underlying legislative intent. Id.

Here, the Legislature did not expressly require the previous litigation to be resolved on the merits, only that it be “disposed of unfavorably” to the party advancing it. 15 V.S.A. § 1181(1)(D)(iii). Dasler thus asks this Court to read words into the statute. “It is a well-settled principle of statutory construction that we will not read words into a statute that are not there, unless it is necessary in order to make [the statute] effective.” State v. Hale, 2021 VT 18, ¶ 14,

torts of libel and slander” and “a private action for defamation” consists of the same “general elements” whether predicated on theories of libel, slander, or both. Lent v. Huntoon, 143 Vt. 539, 545-47 (1983).

214 Vt. 296 (alteration in original) (quotation omitted). Dasler does not, however, contend that the plain language of the statute is ambiguous such that we should resort to statutory construction; nor does he explain why, this being so, reading a requirement of adjudication on the merits would be necessary to make the statute effective—he simply asserts, without further analysis or citation to authority, that this would constitute “forfeiture by procedural circularity.”

“It is the burden of the appellant to demonstrate how the lower court erred warranting reversal,” and this Court “will not comb the record searching for error.” In re S.B.L., 150 Vt. 294, 297 (1988). Because Dasler’s argument regarding federal abstention entirely fails to engage with the plain language of the statute, we decline to address it as inadequately briefed. See V.R.A.P. 28(a)(4) (requiring that appellant’s brief include “the issues presented, how they were preserved, and appellant’s contentions and the reasons for them—with citations to the authorities, statutes, and parts of the record on which the appellant relies”); Pcolar v. Casella Waste Sys. Inc., 2012 VT 58, ¶ 19, 192 Vt. 343 (explaining that self-represented litigants must satisfy minimum briefing standards of Rule 28(a)(4) and declining to address inadequately briefed argument).

Finally, we note that while Dasler did not file his prima facie tort claim in federal court, the principles set forth above lead us to the same conclusion. The statutory language does not require that the “claim” had been filed in the prior proceeding, only that the “issue or issues that are the basis of the litigation” has been. 15 V.S.A. § 1181(1)(D)(iii). In the proposed complaint, Dasler pleaded prima facie tort as an “alternative theory,” arguing that although this Court has yet to recognize such a claim, it should do so if it concluded that his factual allegations were not actionable under his other tort theories. See Felis v. Downs Rachlin Martin PLLC, 2015 VT 129, ¶ 26, 200 Vt. 465 (observing that while Vermont has yet to do so, several states recognize that “a harm intentionally inflicted on another without justification is prima facie actionable” under the principles articulated by Restatement (Second) of Torts § 870 (1979)). Insofar as the proposed complaint expressly recognizes that the prima facie tort claim is predicated on the same “issues” as the tort claims dismissed by the federal court, and because Dasler has not argued that the language of the statute should be read to encompass claims rather than issues, the civil division did not err in concluding that § 1181(1)(D)(iii) was satisfied as to each cause of action he sought to file here.

We have addressed all arguments discernible in Dasler’s brief and conclude that he has not identified grounds to disturb the civil division’s denial of his request for permission to file.

Affirmed.

BY THE COURT:

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice