Vermont Superior Court
Filed 10/02/26
Washington Unit

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

CIVIL DIVISION
Case No. 26-CV-02307

Hazel Adams v. Nathan Davidson

ENTRY REGARDING MOTION

Title: Motion for Default Judgment (Motion: 1)
Filer: William L. Durrell
Filed Date: September 30, 2026

A motion hearing shall be scheduled

Plaintiff has filed for a default judgment pursuant to Rule 55 for her claims arising from a motor vehicle collision. The motion is defective on at least two grounds and necessitates a hearing on a third.

First, V.R.C.P. 55(c)(1) requires the moving party to file an affidavit "made on personal knowledge and setting forth facts as to liability and damages." No such affidavit has been filed in this case. *M.J. v. V.S.P.*, 2024 WL 4751843, at *2 (Nov. 8, 2024) (unpub. mem.) (affirming dismissal of default judgment for lack of affidavit).

Second, Plaintiff's counsel's affidavit indicates that he is "unable to determine whether [or] not the defendant is in military service." Under V.R.C.P. 55(c)(5), a party must submit an affidavit as to the defendant's military service status. If the Plaintiff reports that it is unable to determine the defendant's military service status, then federal law requires the Court to consider possible protection. 50 U.S.C. § 3931 (b) (3). Specifically, federal law requires:

> If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this chapter.

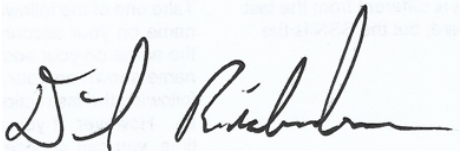
Id. In this case, Plaintiff has not indicated either a willingness to post a bond or seek to have any bond requirements waived.

Third, Plaintiff's demand in this case is for a sum uncertain as it pertains both the medical expense and special damages. To that end, V.R.C.P. 55(c)(3) requires a hearing to investigate and establish the nature of the claim.

For these reasons, the Court will set this matter for a 60-minute hearing to address these issues and allow Plaintiff to supplement her motion at that time with evidence and testimony.

So Ordered.

Electronically signed on 10/2/2026 11:39 AM pursuant to V.R.E.F. 9(d)



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Daniel Richardson
Superior Court Judge