Vermont Superior Court
Filed 05/14/26
Rutland Unit

VERMONT SUPERIOR COURT
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CIVIL DIVISION
Case No. 22-CV-02054

Mary Emilius, et al v. Derrick Walton, et al

ENTRY REGARDING MOTION

Title: Motion for Interlocutory Appeal from the Courts Denial of Motions for Reconsideration, Joint (Motion: 33)
Filer: Shapleigh Smith
Filed Date: April 13, 2026

The motion is DENIED.

Defendants World (World Insurance Associates, LLC) and True (True & Kookogey, Inc.) request this court to certify the following question for interlocutory appeal under Vermont Rule of Appellate Procedure 5 (b)(1): "Whether the Due Process Clause of the U.S. Constitution permits a Vermont court to exercise personal jurisdiction over World and True in this case."

Plaintiffs are Vermont residents seeking damages resulting from a car crash with an uninsured motorist. The Defendants World and True are New Jersey companies that provided brokerage services to the named owner/insured GEOD, also a New Jersey Company. The vehicle was garaged in Vermont. The account manager for World and True apparently handled brokerage tasks such as issuing insurance ID cards with proof of insurance as required for showing eligibility for vehicle registration and inspection in Vermont. Plaintiffs allege that their brokerage services contributed to policies that failed to provide uninsured motorist coverage as required by Vermont law. World and True have sought dismissal on the grounds that they are New Jersey companies who do their work in New Jersey and they provided services to GEOD, also a New Jersey company, such that Vermont does not have personal jurisdiction over them.

This court initially ruled that Vermont did not have personal jurisdiction over them, but later reversed that ruling after additional submissions. It denied World and True's Motions to Dismiss, ruling, based on submissions with factual allegations but without fact-finding by the court, that personal jurisdiction was warranted. (Decision on Motions to Dismiss, February 3, 2026, page 3.)

True and World filed Motions to Reconsider, and the court declined to change its rulings. It noted that: no party had requested an evidentiary hearing on the issue of personal jurisdiction, the court was not bound to engage in factfinding, and Plaintiffs only had the burden to make a *prima facie* showing of personal jurisdiction on a motion to dismiss. (Rulings on Motions to Reconsider, March 30, 2026, page 1.) It stated:

> . . . this ruling does not finally settle the issue of personal jurisdiction over True, World, and Mr. Richards. It means only that Plaintiffs have survived motions to dismiss. Defendants may seek summary judgment, on grounds that personal jurisdiction is lacking, and they may seek to prove at a trial that Plaintiffs have not met their burden of showing personal jurisdiction by a preponderance of the evidence.

Id. at page 3.

Thus. no fact-finding has occurred to establish a set of facts upon which a legal ruling can be made on the issue of personal jurisdiction. World and True seek to have the Vermont Supreme Court review the trial court ruling on interlocutory appeal, but that ruling was only that a *prima facie* case had been articulated by Plaintiffs, and the task of fact-finding to determine a foundation on which a final ruling could be made on the issue of personal jurisdiction has not yet occurred. "If factual distinctions could control the legal result, the issue is not an appropriate subject for interlocutory appeal." *In re Pyramid,* 141 Vt. 294 at 304 (1982). The record so far in this case indicates that pertinent facts are at least incomplete, and perhaps disputed.

Without a set of established facts on the issue of personal jurisdiction, a ruling of law on the issue would be premature. Indeed, the question as framed in the Motion for Interlocutory Appeal would call for the Supreme Court to make a decision as to facts as well as law. A legal ruling could not be made without reference to facts, and the facts are undetermined. Interlocutory appeal should not take place unless there is a reasonable disagreement as to the controlling question of law only, not facts. VRAP 5 (b)(1). It is not warranted where relevant facts have not yet been established. *Id.* In this case, no facts have been found by the court as to the acts or obligations of New Jersey insurance brokers when managing coverage for a vehicle garaged in Vermont and used by a Vermont resident as the listed driver of the Vermont vehicle, nor have facts been found as to what acts were or were not undertaken by World or True.

Factual distinctions relevant to the issue of personal jurisdiction are not yet resolved. This is a necessary predicate for a ruling of law on the issue of personal jurisdiction. While there was a ruling that Plaintiffs had pled a *prima facie* case for personal jurisdiction sufficient to survive a motion to dismiss, there has not yet been a determination of facts sufficient for a ruling on the controlling question of law. This is required for an interlocutory appeal by V.R.A.P. 5 (b)(1)(A).

Therefore the motion for interlocutory appeal is *denied.*

Electronically signed May 13, 2026 pursuant to V.R.E.F. 9 (d).

Mary Miles Teachout

Mary Miles Teachout
Superior Judge (Ret.), Specially Assigned