Vermont Superior Court
Filed 10/07/26
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-02337

Amica Mutual Insurance v. Kristopher Morris, et al

ENTRY REGARDING MOTION

Title: Motion for Entry of Default Judgment (Motion: 2)
Filer: Vikram S. Vilkhu
Filed Date: October 01, 2026

The motion is DENIED.

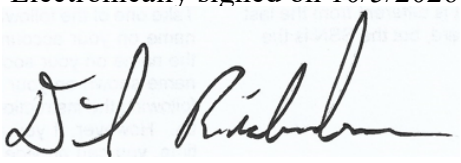
Plaintiff seeks default judgment in the present matter, however, in reviewing Plaintiff's filings the Court understands that the complaint, motion, summons, and all service has indicated that this case was filed in Caledonia County Superior Court, which is located in St. Johnsbury, Vermont. The case, however, was filed in Washington County Superior Court located in Montpelier, Vermont.

Given this discrepancy, the Court finds that the case has not been properly filed and the service has been defective as all formal notice advised Defendants that the matter was to be filed in Caledonia County, rather than Washington County. Such substantial defects create a void ab initio situation. *Howe v. Libson Sav. Bank & Trust Co.*, 111 Vt. 201, 208–09 (1940) ("Process which fails to comply substantially with statutory requirements is void, even though not prohibited."). Given these defects, default judgment is inappropriate, and the matter is ripe for dismissal. V.R.C.P. 12(b)(4) and (5).

The present matter is, therefore, **Dismissed without Prejudice.** Plaintiff may re-file with the proper paperwork and summons that conforms with V.R.C.P. 4 and provides the correct courthouse address and denotes proper county where this action has been filed.

So Ordered.

Electronically signed on 10/5/2026 1:53 PM pursuant to V.R.E.F. 9(d)



Daniel Richardson
Superior Court Judge