Vermont Superior Court
Filed 10/16/26
Washington Unit

VERMONT SUPERIOR COURT
Washington Unit
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CIVIL DIVISION
Case No. 26-CV-04413

Anne de Bever v. Patty Cooper

ENTRY REGARDING MOTION

Title: Motion to Continue Emergency Motion for Extended Continuance and Indispensible Accommodations (Motion: 2)
Filer: Patty Cooper
Filed Date: October 13, 2026

The motion is DENIED IN PART.

Defendant Patricia Cooper has filed an emergency motion that seeks to continue this eviction proceeding to the Spring of 2027. The Court finds that Defendant's motion lacks good cause or legal basis for such an extension, and the request is **Denied.** See *Zorn v. Smith*, 2011 VT 10, ¶ 22 (granting self-represented litigants leeway but not suspension of the rules of civil procedure); see also *Bhatt v. University of Vermont*, 2008 VT 76, ¶¶ 13, 14 (defining the reasonableness of an accommodation). The Court will, however, appoint Defendant a communications specialist, and it shall discuss at the October 19th hearing what options for communication are necessary to proceed in this case.

The Stay Request

In this case, Defendant Cooper proposes a five-to-eight-month stay of the present proceedings to allow her to (1) physically heal from her November 2025 hip surgery; (2) recover from an "anesthesia fog" that she claims resulted from the same surgery; (3) properly mourn the passing of family members who appear to have passed away in June 2025; and (4) continue to shop for a private attorney. Plaintiff Anne de Bever objects to this delay and notes that it would constitute substantial procedural unfairness if her case was effectively frozen for this time without the ability to advance the process and requiring her to effectively keep Defendant on her property without remedy or recourse.

Defendant has framed her request for a stay as a reasonable accommodation, but it is not clear from the filings that the request is either. As the Court noted in its prior order, courts are

not obliged to grant a accommodation that alters the fundamental nature of a public proceeding. A blanket stay in this case would fundamentally alter the process and would shift the balance of equities in the court process as Plaintiff notes in her opposition. This runs contrary to the Constitutional right Vermonters have "to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character . . . promptly and without delay . . ." Vt. Const. Ch. 1, Art. 4. While the Court is willing to explore a reasonable amount of time for Defendant to prepare her answer and to secure counsel, the Court will not grant what is, effectively, an open-ended stay and delay in proceedings.

Conducting All Proceedings in Writing

Defendant has also requested that the Court and all parties "must conduct all notices filings, inquires, and communications strictly in writing via text message or email." To begin, all filings and Orders to or from the Court are done in writing. Such communications are made through written motions and filings by the parties, and through written decisions issued by the Court.

The exceptions to this general rule are three-fold. The first are communications that the parties may have with each other, which are generally not regulated by the Court. To the extent that Defendant only wants Plaintiff to communicate through writing, she is welcome to work that out with Plaintiff's counsel, but the Court will not issue an order dictating how such communications, which again are not formal communications to the court, are handled.

The second are informal questions that parties have with court staff. Such communication can range from a call to the court to say that a party is having technical difficulties logging into a hearing to making formal requests for copies or assistance with a filing. Such communications have traditionally been a mixture of oral phone calls and written emails. Such communications are also not substantive but part of the logistics of case management. The Court finds no basis to regulate such communications because they exist to facilitate the process and are largely driven by the parties.

The third type of non-written communications are hearings and trials where the parties appear in-person or remotely through the Zoom platform. The expectation for these hearings is that they will involve oral presentations of information or testimony. In this respect, any request to only conduct such hearings and trials through text or email would fundamentally alters the

nature of a court proceeding. Hearings and trials are comprised of live testimony, and the right to such is a fundamental right of due process, which cannot be lightly abrogated. V.R.C.P. 43; see also *Nichols v. Brattleboro Retreat*, 2009 VT 4, ¶ 6 ("The preference for live, in-court testimony is well settled in our jurisprudence.").

As Rule 43 points out in the Reporter's Notes, the Americans with Disabilities Act permits the Court to offer communications specialists and translators to assist individuals communicating with the Court during such hearings, but it does not permit the Court to convert hearings into written proceedings or abrogate the right to live testimony. Given that such a request would violate both the specifics of Rule 43 and the fundamental principles of due process, the Court must deny the request. Nevertheless, the Court will assign a communications specialist to Ms. Cooper, and that specialist will work with her at the October 19th hearing. The Court will also use the October 19th hearing to explore the right pacing to avoid either a cacophony of sound during the hearing or to overwhelm the parties by moving too fast.

As other courts have noted, the steps for requesting a reasonable accommodation may be defined as follows:

(1) The Court may inquire with the litigant to understand the accommodation being sought and to gather sufficient information from the individual to determine what accommodations are necessary. *Duvall v. County of Kitsap*, 260 F.3d 1124, 1136–37 (9th Cir. 2001) (applying the ADA standard for accommodations for a hearing-impaired litigant in a courtroom).

(2) Then the accommodations need only be provided to provide what is "necessary to afford an individual with a disability an equal opportunity to participate." Id. at 1137.

On this basis, Ms. Cooper's request to conduct all proceedings in writing is **Denied in part**, but the Court will appoint Ms. Cooper a communications specialist and will use the October 19th hearing to follow this process to secure the next steps in the litigation.

Electronic Filing Accommodations

Defendant Cooper next seeks that all "ongoing filings must be handled through written or electronic means to completely eliminate the severe physical danger of vehicle travel to

Montpelier." This request is **Denied in part** to the extent that it is an extension of her prior request to conduct all hearings in writing. As explained above, the Court cannot cancel hearings under the law, and a request to do so is per se unreasonable. The Court will note that there is an electronic filing system in place through the Court's Enterprise Justice system that allows parties to make electronic filings with the Court. The Court will also note that most hearings, including the upcoming hearing on October 19th, are conducted as hybrid hearings that permit parties to attend remotely through the Zoom platform. Therefore, any travelling hardship is abated by appearing remotely. The Court will further note that remote appearances allow a party to adjust the volume of a hearing, choose a comfortable place to be during the hearing, and control their immediate environment. If Defendant has further communication issues, we can explore them at the October 19th hearing.

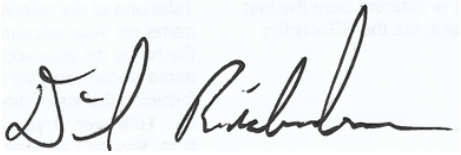
Recognition of Sovereign Direct Personal Care

The Court is unclear what Defendant's final request concerns. In part, it appears to be an argument that she has a right to remain at the property. That is an issue to the merits of the present dispute, and the Court will consider evidence and arguments in support of this position, but it cannot make a definitive ruling on such issues at this time.

ORDER

For the foregoing reasons, Defendant's motion to stay the proceedings is **Denied.** Her motion to conduct all court processes in writing is also **Denied in part**. The Court will assign Ms. Cooper a communications specialist. The Court also **Denies in part** Ms. Cooper's request for special order concerning electronic filings as such services are available. The Court has already sent notice to Ms. Cooper of the Zoom platform for the October 19th hearing.

Electronically signed on 10/15/2026 5:49 PM pursuant to V.R.E.F. 9(d)



Daniel Richardson
Superior Court Judge