

*Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2004-063

SEPTEMBER TERM, 2004

|  |   |                               |
|--|---|-------------------------------|
|  | } | APPEALED FROM:                |
|  | } |                               |
| Charles Chandler                             | } | Windham Superior Court        |
|  | } |                               |
| v.   | } |                               |
|  | } | DOCKET NO. 345-7-03 Wmcv      |
| Central Vermont Public Service Corp., et al. | } | Trial Judge: Karen R. Carroll |
|  | } |                               |
|  | } |                               |

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

Plaintiff Charles Chandler appeals pro se from the trial court's order dismissing his complaint pursuant to V.R.C.P. 12(b)(6). He asserts that the trial court erred because his complaint complied with the requirements of V.R.C.P. 8(a). We affirm.

In July 2003, plaintiff, the manager and part-owner of Chandler Electric Co., filed a complaint against defendants Central Vermont Public Service Corporation and eight of its staff members. In his complaint, plaintiff alleged, among other things, that defendants were conducting anti-competitive and monopolistic business practices; defendants were discouraging others from doing business with him; defendants had caused work stoppages through a variety of tactics; defendants were disregarding the law; and defendants had slandered him in an effort to drive him out of business. Defendants filed a motion to dismiss pursuant to V.R.C.P. 12(b)(6), arguing in part that plaintiff had failed to identify the specific allegations upon which his complaint was based. Plaintiff responded by filing an amended complaint, and defendants renewed their motion to dismiss.

In a January 2004 entry order, the trial court granted defendants' motion to dismiss. The court found that plaintiff's complaint was disorganized, conclusory, and ambiguous. It stated that the causes of action that plaintiff had attempted to identify remained latent, and they were insufficiently developed to allow defendants to formulate a response. The court explained that the central theme of plaintiff's complaint was his allegation that defendants had been conducting anti-competitive and monopolistic business practices, but plaintiff failed to identify any specific examples of such conduct. Instead, plaintiff gave vague and generalized allegations that failed to satisfy the minimal requirements of notice pleading. The court noted that plaintiff had added some additional dates, places, and names in his amended complaint, but it found that plaintiff had failed to do so in a manner that systematically addressed his allegations in enough detail to fully support any one allegation. The court thus concluded that plaintiff's complaint failed to satisfy the minimal requirements of V.R.C.P. 8(a), and granted defendants' motion to dismiss. This appeal followed.

Plaintiff argues that the court erred in dismissing his complaint. He asserts that the complaint and causes of action raised therein are clear, and they satisfy the requirements of V.R.C.P. 8(a). According to plaintiff, defendants were required to provide him with utility line specs, and he has suffered damages as a result of their failure to do so. Plaintiff acknowledges that portions of his complaint are somewhat vague or generalized, but argues that these generalizations would have been cleared up in discovery.

We conclude that the trial court properly granted defendants' motion to dismiss. " The purpose of a Rule 12(b)(6) motion is to test the law of a claim, not the facts [that] support it. Thus, when considering a Rule 12(b)(6) motion, the Court's attention is directed toward determining [if] the bare allegations of the complaint constitute a statement of a

claim under V.R.C.P. 8(a)." Bethel v. Mount Anthony Union High Sch. Dist., 173 Vt. 633, 634 (2002) (mem.) (internal quotation marks, ellipses, brackets, and citation omitted). Rule 8(a) requires that a complaint contain a short and plain statement of the claim showing that the pleader is entitled to relief, and a demand for judgment for the relief that the pleader seeks. A pleading is sufficient under Rule 8(a) if it " gives fair notice of the claim and the grounds upon which it rests. Sufficient detail must be given so that the defendant, and the court, can obtain a fair idea of what the plaintiff is complaining, and can see that there is some legal basis for recovery." Mancini v. Mancini, 136 Vt. 231, 234 (1978) (internal quotation marks, brackets, and citation omitted).

In this case, plaintiff' s complaint did not provide defendants with fair notice of plaintiff' s claims or the specific grounds upon which the claims were based. It did not contain specific factual allegations as to each individual defendant. Contrary to plaintiff' s assertion, the dates that he provided in his amended complaint, i.e. " on or before August 1, 2003" were not specific enough to allow defendants to respond to his allegations. We are equally unpersuaded by plaintiff' s contention that his cause of action was clear. Plaintiff' s complaint contained general and vague allegations such as " defendants have been conducting anticompetitive and monopolistic business practices" and " defendants have been harming or injuring my customers in an effort to discourage anyone else from doing business with me." Plaintiff failed to satisfy the requirements of V.R.C.P. 8(a), and we find no error in the trial court' s dismissal of plaintiff' s complaint.

Affirmed.

BY THE COURT:

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Marilyn S. Skoglund, Associate Justice

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Paul L. Reiber, Associate Justice

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Frederic W. Allen, Chief Justice (Ret.),

Specially Assigned