

VERMONT SUPERIOR COURT
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CIVIL DIVISION
Case No. 128-10-20 Cacv

Matte vs. Vermont Transco et al

ENTRY REGARDING MOTION

Title: Transco and VELCO Motion for Judgment on the Pleadings (Motion: 3)
Filer: Andrew A. Beerworth
Filed Date: March 17, 2021

The motion is DENIED.

There are insufficient clear and uncontroverted facts in the pleadings to establish a factual basis for a ruling of law on Transco and VELCO's claims that they are statutory employers for purposes of application of the Worker's Compensation bar against suit. The pleadings of Plaintiff on the one hand and Transco and VELCO on the other do not meet each other squarely in a manner that establishes the facts of the relationships with sufficient clarity or detail to make such a ruling. Each describes the relationships differently, and Defendants do not admit all the allegations of Plaintiff. The court declines to make the inferences suggested by Transco and VELCO that would be necessary to lead to a legal conclusion that both were statutory employers of Plaintiff. The network of relationships and obligations between the multiple parties appears complex and calls for discovery and establishment of facts. For the reasons more specifically detailed in Plaintiff's Opposition (except for the material on pages 16-17, which refers to facts outside the pleadings), the motion is denied. This applies to counts IV-VII as well as counts I-II.

Electronically signed pursuant to V.R.E.F. 9(d) on July 7, 2021 at 2:19 PM.

Mary Miles Teachout

Mary Miles Teachout
Superior Court Judge