

VERMONT SUPERIOR COURT
Caledonia Unit
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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 to Dismiss ECEC's Cross Claim for Indemnity
(Motion: 4)
Filer: Brent D Anderson
Filed Date: March 19, 2021

The motion is DENIED.

While it appears undisputed that there is no express indemnity agreement, whether or not there is a basis for implied indemnity will depend on the development of facts, no matter whether the *Heco* or *Hemond* standard is applied. (In both of those cases, specific facts had been fully developed, and the cases were decided on summary judgment.) Here, there are multiple parties, claims, contractual and other relationships, and many facts to be sorted out. A ruling at this time granting the motion would be based on Transco and VELCO's argument based on projected facts and not on facts established by the pleadings as uncontroverted. The standard for a motion to dismiss has not been met. The court cannot conclude that there are no circumstances under which ECEC would be entitled to relief. *Powers v. Office of Child Support*, 173 Vt. 390 (2002).

Electronically signed pursuant to V.R.E.F. 9(d) on July 7, 2021 at 2:28 PM.

Handwritten signature of Mary Miles Teachout in black ink.

Mary Miles Teachout
Superior Court Judge