

ENTRY ORDER

SUPREME COURT DOCKET NO. 2018-203

NOVEMBER TERM, 2018

Kneebinding, Inc. v. Richard Howell*	}	APPEALED FROM:
	}	
	}	Superior Court, Lamoille Unit,
	}	Civil Division
	}	
	}	DOCKET NO. 74-3-09 Lecv

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

Appellant Richard Howell appealed a contempt finding issued by the trial court on May 23, 2018 relating to appellant’s violation of an August 2017 injunction. While this case was pending, and before briefing, appellant questioned the accuracy of the transcripts. This Court construed his filing as challenging “whether the record truly discloses what occurred in the superior court.” V.R.A.P. 10(f). Accordingly, pursuant to V.R.A.P. 10(f), we remanded so that the difference could be resolved by the trial court and “the record conformed accordingly.”

On remand, the trial court held one hearing, but did not complete its work. The presiding trial judge recused himself during the second hearing. Appellant then filed a “Report and Motion” with this Court, raising various arguments about the transcripts and other issues and seeking various forms of relief.

Upon further jurisdictional screening, the Court has determined that this is an interlocutory appeal and that it must be dismissed for lack of jurisdiction. The trial court has issued an order finding appellant in contempt but it deferred the question of sanctions. “A determination that contempt has occurred is not final if the question of sanctions is postponed.” C. Wright & A. Miller, 15B Fed. Prac. & Procedure § 3917 (2d ed.). Accordingly, the May 2018 order is not a final appealable order subject to our review. We thus dismiss this appeal and terminate the proceedings to correct the transcript pursuant to V.R.A.P. 10(f), which were initiated incident to this appeal. It is for Kneebinding to decide whether to renew its request for sanctions in the trial court.

BY THE COURT:

Paul L. Reiber, Chief Justice

Marilyn S. Skoglund, Associate Justice

Beth Robinson, Associate Justice

Karen R. Carroll, Associate Justice