

VERMONT SUPERIOR COURT, CIVIL DIVISION, ORLEANS UNIT

Eric Champagne v. Renata Pickard, et al.

Champagne v. Pickard · No. 23-CV-03268 · Decided December 22, 2025

SUMMARY

The Vermont Superior Court, Orleans Unit, granted in part defendants’ motion to strike and granted judgment on the pleadings in an inmate’s negligence action arising from a choking incident. The court struck a duplicative February 2025 amended complaint, treated the April 2025 amended complaint as operative, dismissed claims against unserved defendants, and addressed claims under the Vermont Tort Claims Act. The court concluded that the complaint did not allege gross negligence or willful misconduct and failed to establish a breach of the duty of reasonable care, requiring judgment for defendants.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Orleans Unit
WRITING FOR THE COURT	Benjamin D. Battles
JURISDICTION	Vermont Superior Court, Civil Division, Orleans Unit
DECIDED	December 22, 2025
DOCKET	23-CV-03268
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed amended complaints arising from an inmate choking incident and sought damages and injunctive relief. Defendants moved to strike the February and April 2025 complaints and moved for judgment on the pleadings.
STANDARD OF REVIEW	Judgment on the pleadings is appropriate when the movant is entitled to judgment as a matter of law based on the pleadings. The court assumes well-pleaded factual allegations and reasonable inferences in the nonmovant's favor are true and opposing assertions are false; the motion should be granted only if the pleadings contain no allegations that, if proven, would permit recovery.
PRECEDENTIAL VALUE	Unknown; Vermont Superior Court trial-level entry with no reporter or neutral citation in the source.

TOPICS

motion for judgment on the pleadings

pleadings

negligence

duty of care

civil procedure

PRACTICE AREAS

civil procedure

torts

remedies

QUESTIONS PRESENTED

1. Whether the February 2025 amended complaint should be stricken as duplicative.
2. Whether judgment on the pleadings was proper on plaintiff's claims against Pickard and former DOC Commissioner Nicholas Deml individually under the Vermont Tort Claims Act and applicable immunity principles.
3. Whether the April 2025 amended complaint adequately pleaded a negligence claim against the State of Vermont based on Pickard's response to plaintiff's choking incident.

HOLDINGS

1. The February 2025 amended complaint was properly stricken in its entirety as duplicative, and the April 2025 amended complaint was treated as the operative pleading.
2. Plaintiff's claims against Pickard and Deml individually could not proceed. Under the Vermont Tort Claims Act, the State was the exclusive defendant absent allegations of gross negligence or willful misconduct, and Deml was independently entitled to absolute immunity from individual claims for money damages.
3. The April 2025 amended complaint failed to state a viable negligence claim against the State because it did not allege sufficient facts to establish that Pickard breached a duty of reasonable care.

KEY QUOTATIONS

“Judgment on the pleadings is appropriate when “the movant is entitled to judgment as a matter of law on the basis of the pleadings.”” (Page 1)

“The standard for granting a motion for judgment on the pleadings is an exacting one” (Page 1)

“if the plaintiff’s pleadings contain no allegations that if proven would permit recovery.” (Page 1)

“To sustain a claim of negligence, a plaintiff must establish four elements: (1) that the plaintiff was owed a legal duty by the defendant; (2) that the defendant breached that duty; (3) that the defendant’s conduct was the proximate cause of the plaintiff’s injuries; and (4) that the plaintiff suffered actual damage as a result of the negligence.” (Page 3)

FACTUAL BACKGROUND

Plaintiff, an inmate at Northern State Correctional Facility, choked on a chicken bone while eating what he believed was boneless chicken in his cell. His cellmates sought help from correctional officer Renata Pickard, who did not personally administer first aid and directed the cellmates to wait for medical staff; one cellmate nevertheless performed the Heimlich maneuver and CPR and removed the bone. Plaintiff alleged that Pickard's

response caused pain and suffering and sought damages and an injunction requiring her to complete first-aid training.

PROCEDURAL HISTORY

The court struck the February 2025 amended complaint as duplicative and treated the April 2025 amended complaint as operative. Plaintiff agreed to dismissal of claims against David Turner and Prime Source, neither of whom had been served. The court permitted addition of the State of Vermont as a defendant, then granted judgment on the pleadings because the complaint did not allege gross negligence or willful misconduct against the individual defendants and did not adequately allege breach of duty by the State.

DISPOSITION

other

CASES CITED

- Huntington Ingalls Indus., Inc. v. Ace Am. Ins. Co., 2022 VT 45, ¶ 17, 217 Vt. 195
- O'Connor v. Donovan, 2012 VT 27, ¶ 16, 191 Vt. 412
- Gilman v. Maine Mut. Fire Ins. Co., 2003 VT 55, ¶ 15, 175 Vt. 554
- Lee v. GNLV Corp., 22 P.3d 209, 213-14 (Nev. 2001)

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