

VERMONT SUPERIOR COURT, CIVIL DIVISION, WASHINGTON UNIT

Kerrie Johnson v. Christopher Winters et al.

Johnson v. Winters · No. 25-CV-00159 · Decided March 26, 2026

SUMMARY

The Vermont Superior Court granted in part and denied in part Kerrie Johnson’s motion to reconsider an earlier discovery order concerning her Rule 75 mandamus claim against DCF/DAIL. The court granted the defendants’ motion for a protective order, struck the existing discovery requests, and allowed Johnson 30 days to submit narrower requests focused on whether DCF/DAIL properly exercised its discretion in denying access to investigation files.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Washington Unit
WRITING FOR THE COURT	Daniel Richardson
JURISDICTION	Vermont Superior Court, Civil Division, Washington Unit
DECIDED	March 26, 2026
DOCKET	25-CV-00159
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of a prior discovery order and sought a protective order concerning discovery in a Rule 75 mandamus proceeding. The court granted reconsideration in part, denied it in part, granted the protective order, struck the existing discovery requests, and allowed plaintiff to serve revised requests.
STANDARD OF REVIEW	Under Rule 75 mandamus review, the court examines whether DCF/DAIL acted within its discretion or arbitrarily abused the authority vested by law; the review does not permit the court to second-guess the substantive good-cause determination. Discovery is limited to information relevant and proportional to that procedural review under V.R.C.P. 26(b)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kerrie Johnson v. Christopher Winters et al.

TOPICS

discovery dispute

judicial review of agency action

administrative law

civil procedure

remedies

PRACTICE AREAS

civil procedure

administrative law

mandamus

discovery

QUESTIONS PRESENTED

1. What is the permissible scope of discovery in plaintiff's Rule 75 mandamus challenge to DCF/DAIL's denial of requested investigation files?
2. Whether plaintiff may use discovery to obtain the underlying confidential files, information about unrelated or dismissed claims, broader trends, and other investigations.
3. Whether defendants were entitled to a protective order and whether plaintiff's discovery requests should be struck subject to refiling within the proper scope.

HOLDINGS

1. The court's review is limited to determining whether DCF/DAIL exercised its discretion under 33 V.S.A. § 4921(c)(1) in a nonarbitrary manner when denying plaintiff's request for the redacted investigation files; the court may not second-guess the substantive good-cause determination.
2. Discovery in the remaining Rule 75 claim must be relevant to and proportional to the limited procedural review, including how DCF/DAIL processed the request, who made the determination, the nature of the decision-making process, the considerations involved, and the determination with contemporaneous supporting reasoning not otherwise disclosed.
3. The existing discovery requests were properly struck, and defendants' motion for a protective order was granted, but plaintiff was permitted 30 days to revise and re-serve discovery consistent with the limited scope of the Rule 75 claim.

KEY QUOTATIONS

“In other words, the question before the Court in the present matter is strictly limited to whether DCF/DAIL acted within their discretion or in an arbitrary manner.”

“Put plainly, Plaintiff is entitled to discovery relevant to her Rule 75 claim. Such discovery should be proportional to the needs of the case.”

FACTUAL BACKGROUND

Plaintiff requested investigation files from DCF/DAIL, and the agencies denied access to redacted files based on a good-cause determination under 33 V.S.A. § 4921(c)(1). The remaining claim is a Rule 75 mandamus challenge to whether the agencies exercised their discretion properly rather than an action seeking general public access or transparency. Plaintiff served broad interrogatories and document requests seeking the underlying files, information about other investigations and denials, and matters relating to claims no longer active.

PROCEDURAL HISTORY

The action concerns DCF/DAIL's denial of plaintiff's request for redacted investigation files based on good cause under 33 V.S.A. § 4921(c)(1). After a November 4, 2025 order and a discovery hearing that plaintiff did not attend, plaintiff sought reconsideration and defendants sought a protective order. The court limited discovery to the procedural question whether DCF/DAIL exercised its discretion in a nonarbitrary and adequately considered manner.

DISPOSITION

other

CASES CITED

- Sagar v. Warren Selectboard, 170 Vt. 167, 171, 744 A.2d 422, 425 (1999)
- Alger v. Department of Labor & Industry, 2006 VT 115, ¶ 15