

VERMONT SUPERIOR COURT, CIVIL DIVISION, WINDHAM UNIT

Vecchiarino v. Ridgway

Vecchiarino · No. 23-CV-01112 · Decided February 25, 2026

SUMMARY

The Vermont Superior Court denied Defendant Seton King's motion for summary judgment in a personal injury action arising from a golf ball ricocheting inside an indoor golf simulator room and striking Plaintiff Giovanni Vecchiarino. The court held that genuine factual disputes existed concerning the condition of the simulator, King's intoxication and fatigue, the manner in which he used the equipment, the cause of the ricochet, and whether he breached a duty of care. The court also declined to determine at summary judgment that res ipsa loquitur established negligence.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Windham Unit
WRITING FOR THE COURT	John R. Treadwell
JURISDICTION	Vermont Superior Court, Civil Division, Windham Unit
DECIDED	February 25, 2026
DOCKET	23-CV-01112
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Seton King moved for summary judgment in a personal injury negligence action. Plaintiff opposed the motion, and Snow Mansions, LLC also filed an opposition.
STANDARD OF REVIEW	Summary judgment is appropriate when the record, including the statements and materials submitted under V.R.C.P. 56(c), shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The court views the facts and all reasonable inferences in favor of the nonmoving party.
PRECEDENTIAL VALUE	Unknown; Vermont Superior Court opinion
PARTIES	Giovanni Vecchiarino v. Margit Ridgway, Seton King, Snow Mansions, LLC

TOPICS

- summary judgment
- negligence
- duty of care
- proximate cause
- evidence

PRACTICE AREAS

Torts

Civil Procedure

Evidence

QUESTIONS PRESENTED

1. Whether genuine disputes of material fact precluded summary judgment on Vecchiarino's negligence claim against King.
2. Whether the undisputed facts established as a matter of law that King did not breach a duty of reasonable care to persons in the indoor golf simulator room.
3. Whether the doctrine of *res ipsa loquitur* established or permitted an inference of negligence on the undisputed facts.
4. Whether the evidence was insufficient as a matter of law to establish a causal connection between King's alcohol consumption, fatigue, conduct, and Vecchiarino's injury.

HOLDINGS

1. Summary judgment was improper because genuine disputes of material fact remained concerning whether King acted negligently and whether his conduct caused Vecchiarino's injury.
2. A negligence claim requires proof of a legal duty, breach of that duty, actual injury, and a causal link between the breach and the injury.
3. The court could not conclude on the undisputed facts that *res ipsa loquitur* applied to establish negligence, because factual disputes remained about how the simulator was used, the condition of the room, and whether the ricochet ordinarily could have occurred without negligence.
4. The mere fact that a golf ball failed to travel its intended course does not establish negligence or impose strict liability, but outdoor-golf precedents did not eliminate the factual question whether use of an indoor simulator under the particular circumstances breached a duty of reasonable care to nearby spectators.

KEY QUOTATIONS

"The four elements of a prima facie negligence claim are well established: (1) 'a legal duty owed by defendant to plaintiff,' (2) 'a breach of that duty,' (3) an 'actual injury to the plaintiff,' and (4) 'a causal link between the breach and the injury.'" (3)

"The mere fact that a ball does not travel the intended course does not establish negligence." (5)

"King has not demonstrated that the undisputed facts eliminate the possibility that a finder of fact could decide that King was negligent and that his negligence played a role in causing Plaintiff's injury." (6)

FACTUAL BACKGROUND

The fraternity rented a Vermont property containing an indoor golf simulator. After drinking for several hours, King used the simulator and struck a golf ball with a three-wood; the ball hit the screen, ricocheted, and struck Vecchiarino in the eye while he was in the back of the room. The simulator had not been inspected by King, and

a metal pipe was found behind the screen after the incident. The parties disputed whether King's intoxication and fatigue contributed to the mis-struck shot and whether the condition of the simulator caused the ricochet.

PROCEDURAL HISTORY

Vecchiarino brought a personal injury action alleging that a golf ball struck him after ricocheting from an indoor golf simulator. King moved for summary judgment, arguing that the evidence did not establish breach or proximate causation. The court denied the motion, concluding that genuine disputes of material fact remained concerning the use and condition of the simulator, King's conduct and intoxication, the cause of the ricochet, and causation.

DISPOSITION

other

CASES CITED

- Gallipo v. City of Rutland, 163 Vt. 83, 86 (1994)
- Price v. Leland, 149 Vt. 518, 521 (1988)
- Boulton v. CLD Consulting Engineers, Inc., 2003 VT 72, 2 29, 175 Vt. 413, 427
- Zeno-Ethridge v. Comcast Corp., 2024 VT 16, 2 33, 219 Vt. 121
- Zukatis v. Perry, 165 Vt. 298, 301 (1996)
- Ziniti v. New Eng. Cent. R.R., 2019 VT 9, 2 15, 209 Vt. 433
- Palsgraf v. Long Island R. Co., 162 N.E. 99 (N.Y. 1928)
- Lasek v. Vermont Vapor, Inc., 2014 VT 33, 2 16-17, 196 Vt. 243
- Cyr v. Green Mountain Power Corp., 145 Vt. 231, 235-36 (1984)
- Cook v. Johnston, 688 P.2d 215, 217 (Ariz. Ct. App. 1984)
- Jenks v. McGranaghan, 285 N.E.2d 876, 878 (N.Y. 1972)
- Rinaldo v. McGovern, 587 N.E.2d 264, 267 (N.Y. 1991)
- Nussbaum v. Lacopo, 265 N.E.2d 762, 767 (N.Y. 1970)
- Hennessey v. Pyne, 694 A.2d 691, 698 (R.I. 1997)
- Ludwikoski v. Kurotsu, 875 F. Supp. 727, 731 (D. Kan. 1995)

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