

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

Dave Emmons v. Town of Hinesburg, et al.

Emmons · No. 25-CV-04681 · Decided February 12, 2026

SUMMARY

The Vermont Superior Court considered Champlain Valley Union School District's motion to dismiss claims arising from allegations that a former school employee sexually abused the plaintiff. The court denied dismissal of the negligence/gross-negligence claim under 12 V.S.A. § 522 and the intentional infliction of emotional distress claim, but dismissed the breach-of-fiduciary-duty claim. The court ordered the school district to answer within 21 days.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Colin Owyang
JURISDICTION	Vermont Superior Court, Civil Division, Chittenden Unit
DECIDED	February 12, 2026
DOCKET	25-CV-04681
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims against Champlain Valley Union School District and the Town of Hinesburg arising from alleged childhood abuse by a deceased school employee. The school district moved to dismiss under V.R.C.P. 12(b)(6); the Town of Hinesburg took no position.
STANDARD OF REVIEW	On a V.R.C.P. 12(b)(6) motion, the court assumes the complaint's well-pleaded facts are true and draws all reasonable inferences in the plaintiff's favor, but does not accept conclusory allegations or legal conclusions masquerading as factual allegations. Dismissal is proper only when it appears beyond doubt that no facts or circumstances could entitle the plaintiff to relief.
PRECEDENTIAL VALUE	Trial-court decision; precedential status is not established in the supplied metadata.
PARTIES	Dave Emmons v. Town of Hinesburg, Champlain Valley Union School District

TOPICS

motions to dismiss

pleadings

negligence

intentional infliction of emotional distress

civil procedure

PRACTICE AREAS

civil procedure

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municipal law

QUESTIONS PRESENTED

1. Whether the complaint stated a gross-negligence claim under 12 V.S.A. § 522(d) based on the allegation that a CVU counselor ignored Emmons's report of abuse.
2. Whether Vermont law permits a student to assert a breach-of-fiduciary-duty claim against a school district when the school district owes the student a duty of ordinary care.
3. Whether the allegations that CVU ignored Emmons's report of abuse stated a claim for intentional infliction of emotional distress.

HOLDINGS

1. Count I adequately stated a claim for gross negligence and could not be dismissed at the pleading stage because the allegation that a CVU counselor ignored Emmons's report of abuse could, if proven, support a finding of gross negligence.
2. Count II failed to state a claim because Vermont schools owe students a duty of ordinary care, not a fiduciary duty.
3. Count III adequately stated a claim for intentional infliction of emotional distress because the allegations could support each element, including intentional or reckless disregard of the probability of causing emotional distress.

KEY QUOTATIONS

“Gross negligence is ordinarily a question of fact for the jury, and an allegation of gross negligence may be dismissed by the court only if reasonable minds cannot differ.” (at 3)

“Vermont schools do not owe their students anything other than a duty of ordinary care.” (at 4)

“If the jury finds that CVU acted with gross negligence under 12 V.S.A. § 522(d) when its counselor ignored Emmons’ report of Lestage’s abuse under Count I, it may also find on the same basis that CVU acted with reckless disregard sufficient to establish element (2) for IIED in Count III.” (at 6)

FACTUAL BACKGROUND

Emmons alleged that Leon Lestage groomed and physically and sexually abused him between 1976 and 1983 while Lestage worked for Champlain Valley Union School District. Emmons alleged that he reported the abuse to a school counselor and that the allegations were ignored. He asserted that the school district's conduct supported negligence and gross-negligence theories under 12 V.S.A. § 522(d), breach of fiduciary duty, and intentional infliction of emotional distress.

PROCEDURAL HISTORY

Emmons filed a complaint asserting negligence-related theories, breach of fiduciary duty, and intentional infliction of emotional distress. Champlain Valley Union School District moved to dismiss. The court denied dismissal of Counts I and III, granted dismissal of Count II, and ordered the school district to answer within 21 days.

DISPOSITION

other

CASES CITED

- Montague v. Hundred Acre Homestead, LLC, 2019 VT 16, ¶¶ 10-11
- Vitale v. Bellows Falls Union High Sch., 2023 VT 15, ¶ 28
- Davis v. American Legion, Dept. of Vermont, 2014 VT 134, ¶ 12
- Powers v. Off. of Child Support, 173 Vt. 390, 395
- Levinsky v. Diamond, 140 Vt. 595, 600
- Bock v. Gold, 2008 VT 81, ¶ 4
- Kennery v. State, 2011 Vt. 121, ¶¶ 41-42
- In re LaTour, 2009 WL 4278798, No. 2008-242 (Vt. Feb. 4, 2009) (unpub. mem.)
- Sutton v. Vermont Reg'l. Ctr., 212 Vt. 612, ¶ 57 (2020)
- Langdon-Davies v. Stalbird, 122 Vt. 56 (1960)
- Steinberg v. Sahara Sam's Oasis, LLC, 226 N.J. 344, 366, 142 A.3d 742, 755 (2016)
- Stopford v. Milton Town Sch. Dist., 2018 Vt. 120, ¶¶ 13, 15
- Crump v. P & C Food Markets, Inc., 154 Vt. 284, 296 (1990)
- Marshall v. Nat'l Bank of Middlebury, No. 5:19-CV-246, 2021 WL 6803284, at *11 (D. Vt. Dec. 3, 2021)
- Cate v. City of Burlington, 2013 VT 64, ¶ 28, 194 Vt. 265
- Carroll v. Tropical Aquaculture Prods., Inc., No. 1:08-CV-138, 2009 WL 385430, at *5 (D. Vt. Feb. 13, 2009)
- Denton v. Chittenden Bank, 163 Vt. 62, 66 (1994)
- Canutillo Indep. Sch. Dist. v. Leija, 101 F.3d 393, 396, 399-401 (5th Cir. 1996)
- Washburn v. Fowlkes, Docket No. 2015-089, 2015 WL 4771613, at *3 (Vt. Aug. 2015)

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