

SUPREME COURT OF VERMONT

Ian Treadway v. Green Mountain Power Corporation

Treadway, 2026 VT 20 (Vt. 2026) · No. 25-AP-067 · Decided June 5, 2026

SUMMARY

The Vermont Supreme Court affirmed summary judgment for Green Mountain Power in a negligence action arising from a child’s severe injuries while trespassing at an electrical substation. The Court declined to adopt the attractive-nuisance doctrine and reaffirmed Vermont’s longstanding rule that landowners generally owe no duty to trespassers, including children, absent willful or wanton misconduct. The Court concluded that any change to this rule should be made by the Legislature.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Eaton, J.; Reiber, C.J.; Waples, J.; Nolan, J.; Drescher, J.
JURISDICTION	Supreme Court of Vermont
DECIDED	June 5, 2026
DOCKET	25-AP-067
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed a civil-division order granting defendant summary judgment in a negligence action arising from injuries plaintiff sustained while trespassing at defendant's electrical substation. Plaintiff asked the Supreme Court of Vermont to adopt the attractive-nuisance doctrine and remand for trial.
STANDARD OF REVIEW	Summary judgment rulings are reviewed de novo under the same standard applied by the trial court. Summary judgment is appropriate where, accepting the nonmoving party's allegations as true, no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Ian Treadway v. Green Mountain Power Corporation

TOPICS

- premises liability
- summary judgment
- standard of review
- appellate procedure
- negligence

PRACTICE AREAS

premises liability

negligence

torts

civil procedure

QUESTIONS PRESENTED

1. Whether Vermont should adopt the attractive-nuisance doctrine in Restatement (Second) of Torts § 339 and impose a duty on landowners to child trespassers under specified circumstances.
2. Whether the existing Vermont common-law rule that landowners owe no duty to trespassers, absent willful or wanton misconduct, should be overruled or modified.
3. Whether summary judgment for Green Mountain Power was proper under the existing Vermont common-law rule.

HOLDINGS

1. Vermont does not adopt the attractive-nuisance doctrine stated in Restatement (Second) of Torts § 339 through judicial decision.
2. Under Vermont common law, a landowner generally owes no duty to a trespasser, whether an adult or child, to protect the trespasser from injury caused by unsafe or dangerous conditions on the premises, except for willful or wanton misconduct.
3. Summary judgment for Green Mountain Power was proper because, under the governing Vermont common-law rule, the defendant owed no duty to Treadway on the undisputed trespasser facts.

KEY QUOTATIONS

“Our rule is that the owner or occupant is under no obligation to a trespasser, whether adult or child, to protect him from injury by reason of the unsafe and dangerous condition of the premises.” (¶ 14)

“Applying this analysis, we conclude that plaintiff has not demonstrated a “plain justification” for altering our common law on landowner liability to trespassers.” (¶ 22)

“Accordingly, we reaffirm that under Vermont’s common law, absent willful or wanton conduct, “[o]ur rule is that the owner or occupant is under no obligation to [protect] a trespasser, whether adult or child,” from injury by reason of the claimed unsafe and dangerous condition of the premises.” (¶ 31)

FACTUAL BACKGROUND

In May 2013, twelve-year-old Ian Treadway entered Green Mountain Power's South Street electrical substation in Springfield, Vermont, despite an approximately eight-foot chain-link fence topped with barbed wire, a locked gate, and multiple high-voltage warning signs. After entering, Treadway attempted to climb a metal lattice structure supporting electrical equipment. He came into contact with energized equipment or approached close enough for electricity to arc to him, causing his clothing to catch fire and inflicting severe burns. The parties agreed that Treadway was a trespasser and that, under existing Vermont common law, the utility owed him no duty absent willful or wanton misconduct.

PROCEDURAL HISTORY

Treadway sued Green Mountain Power alleging negligence after suffering severe burns at an electrical substation. The Superior Court, Windsor Unit, Civil Division, granted Green Mountain Power's motion for summary judgment because Vermont common law imposed no duty to protect a trespasser from dangerous conditions. Treadway appealed, conceding that existing Vermont law required summary judgment but asking the Supreme Court to change that law by adopting Restatement (Second) of Torts § 339.

DISPOSITION

affirmed

CASES CITED

- Baisley v. Missisquoi Cemetery Ass'n, 167 Vt. 473, 708 A.2d 924 (1998)
- Demag v. Better Power Equip., Inc., 2014 VT 78, 197 Vt. 176, 102 A.3d 1101
- Bottum's Adm'r v. Hawks, 84 Vt. 370, 79 A. 858 (1911)
- Trudo v. Lazarus, 116 Vt. 221, 73 A.2d 306 (1950)
- Coburn v. Village of Swanton, 94 Vt. 168, 109 A. 854 (1920)
- Chicoine v. James E. Cashman, Inc., 108 Vt. 133, 183 A. 487 (1936)
- Buzzell v. Jones, 151 Vt. 4, 556 A.2d 106 (1989)
- Zukatis by Zukatis v. Perry, 165 Vt. 298, 682 A.2d 964 (1996)
- In re Constitutionality of House Bill 88, 115 Vt. 524, 64 A.2d 169 (1949)
- Zeno-Ethridge v. Comcast Corp., 2024 VT 16, 219 Vt. 121, 315 A.3d 978
- Haupt v. Triggs, 2022 VT 61, 217 Vt. 382, 295 A.3d 845
- In re Brewster River Mountain Bike Club, Inc., 2025 VT 4, 220 Vt. 485, 331 A.3d 1039
- Crogan v. Pine Bluff Estates, 2021 VT 42, 215 Vt. 50, 257 A.3d 247
- Marshall v. Town of Brattleboro, 121 Vt. 417, 160 A.2d 762 (1960)
- Wesco, Inc. v. Sorrell, 2004 VT 102, 177 Vt. 287, 865 A.2d 350
- diMonda v. Lincoln National Corp., 2025 VT 45, __ Vt. __, 350 A.3d 344
- State v. Roberts, 2024 VT 32, 219 Vt. 414, 323 A.3d 928
- State v. Morris, 165 Vt. 111, 680 A.2d 90 (1996)
- Ferguson v. Town of Sheffield, 52 Vt. 77 (1879)
- Jones v. Billings, 289 A.2d 39 (Me. 1972)
- Haddad v. First National Stores, Inc., 280 A.2d 93 (R.I. 1971)
- Basso v. Miller, 352 N.E.2d 868 (N.Y. 1976)
- Stanley v. Tilcon Maine, Inc., 541 A.2d 951 (Me. 1988)
- Jacobsen v. City of Rathdrum, 766 P.2d 736 (Idaho 1988)
- Herring v. Christensen, 249 A.2d 718 (Md. 1969)

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