

E Court Case type: On-the-Record Appeal

| 0 – 30 Days 1 Month | 30 – 60 Days 2 Months | 60 – 90 Days 3 Months | 90 – 120 Days 4 Months | 120 – 150 Days 5 Months | 150 – 180 Days 6 Months | 180 – 210 Days 7 Months |
|--|--|---------------------------------|---|---|----------------------------|----------------------------|
| Notice of Appeal Filed Docket number assigned Judge assigned Case entered into computer Initial letters sent Tracking system activated Interested Parties served Within 10 Days of filing, Appellant must order Transcript (copy of order is filed with Court) Within 20 Days of filing, 1)Appellant files SOQ; 2)Appearances Filed | Notice of Pre-Trial conference issued Initial pre-trial conference held with judge Scheduling Order issued Municipal Clerk/Officer Files the Record Any Cross Appeal must be filed | Mediation Complete (if ordered) | Appellant Brief filed Appellee Brief filed | Appellant Reply Brief filed Oral Argument (If Requested) | Under Advisement | Decision Issued |

Useful Abbreviations: SOQ – statement of questions

Env. Court Case type: Municipal Enforcement Cases

| Case Sub-Types | 0 - 30 Days | 30 - 60 Days 2 months | 60 - 90 Days 3 months | 90 - 120 Days 4 months | 6 Months | 7 months | 9 months | 10 months |
|--|--|---|--|--|---|---|--|-----------------------|
| 1) Municipal enforcement action (no NOV issued or appeal filed.) | Docket # and judge assigned; service verified. | conduct initial conference; issue Scheduling Order. | Set and conduct trial. (Note: only issues are penalties & injunctive relief. | Decision & JO issued. | | | | |
| 2) Appeal from Notice of Violation (NOV), With or without municipal enforcement action | [same] | [same] | Parties complete discovery process; stipulate to mediator | Results of mediation reported; conduct follow-up conference. Remaining discovery completed; Pre-trial motions filed. | Responsive memoranda filed; Motions U/A | Pretrial decisions issued; Trial set for any remaining issues. | Trial held (historically 1-3 days). If enf. action also pending, must decide penalty and inj. relief claims, as well as NOV issues. | Decision & JO issued. |

Useful Abbreviations: NOV – notice of alleged zoning violation; JO – judgment order.

Env. Court Case type: ANR/NRB Environmental Enforcement Cases

| Case Sub-Types | 0 to 30 Days | 30 to 60 Days 2 months | 60 to 90 Days 3 months | 90 to 120 Days 4 months | 120 – 180 days 6 months | 7 months | 8 months |
|---|--|---|---|--|---|---|-----------------------|
| 1) AOD (Stip. Settlement) | Docket # and judge assigned. (Interveners may appear w/i 15 days. If none, Issue Order). | If interveners appear, Court decides if merits hearing is necessary. If so, move to sub-type #4, below. | | | | | |
| 2) AO-no hrg. Requested/ UC | [same]; Service verified. | Issue Order, approving AO. (same rights of intervention) | | | | | |
| 3) Emergency Orders requested (can be CC or UC) | [same & same] | Conduct hrg and issue Em. Order w/i 10 days. | | | | | |
| 4) AO – expedited hearing required (CC) | Confirm contest by R.; conduct initial conference w/i 10 days. R. is entitled to hrg w/i 30 days, unless waived; if no waiver, hold hearing. If R. waives, issue Sched. Order. | | If expedited hearing waived, then parties complete discovery & mediation. | Results of mediation reported; Final conf.; Pre-trial motions filed. | Motions U/A; pretrial decisions issued; Remaining issues, if any set for trial | Trial held (historically 1-3 days of trial) | Decision & JO issued. |

Useful Abbreviations: R-Respondent

Env. Court Case type: Municipal De Novo Appeals¹

| Classifications | 0 to 30 Days | 30 - 60 Days 2 months | 60 - 90 Days 3 months | 90 - 120 Days 4 months | 120 to 180 days 4 - 6 months | 7 mos. | 8 mos. | 10 mos. | 12 mos. |
|---|--|---|--|---|--|--|---|-------------------------------------|-----------------------|
| a.) "Expedited" appeals (i.e.: no detailed discovery or substantive motions). | Docket # and judge assigned; service verified. Notice of pre-trial conf. issued. | conduct initial conference; Scheduling Order issued (may or may not include mediation) Any cross-appeal must be filed | Parties complete discovery process; stipulate to mediator. | Results of mediation reported; Remaining discovery completed; Parties asked to submit unavailable days for trial. | Trial held (usually not more than 1 day). | Decision & JO issued. | | | |
| b) Standard appeals (i.e.: detailed discovery, substantive pre-trial motions, or both). | [same as above] | [same as above]; SO to also include pre-trial motion sched | Preliminary motions and responses filed. | Preliminary issues decided: Dismiss, party status. Supplemental Sched. Order issued. | Final pre-trial motions filed; Responsive memoranda filed; Motions U/A | Pretrial decisions issued; Trial set for any remaining issues. | Trial held (historically 1-3 days). | Decision & JO issued. | |
| c) Complex appeals (i.e.: Appeal from DRB/PC decision on subdivision). | [same as above] | [same as above]; if necessary b/c of # of parties, hold conf. in-person. | Address coordination of multiple appeals | Preliminary Issues decided: Dismissal, party status. Parties complete discovery | Supplemental conf. held Supp. Sched. Order issued. | Final pre-trial motions filed; Responsive memoranda filed; Motions U/A | Pretrial decisions issued; Trial set for any remaining issues. | Trial held (historically 1-8 days). | Decision & JO issued. |

\\10.105.65.6\Users\TKR\KINMY DOCUMENTS\DISPOSITION GUIDELINES-COURT CASE TYPE TIMELINES - MUNICIPAL DE NOVO APPEALS (1ST DRAFT).DOCX

¹ Appeals from appropriate municipal panels (i.e.: zoning boards of adjustment, development review boards and planning commissions; see 24 VSA §§ 4460 and 4471) include review of all different types of municipal permit applications. The majority of the de novo appeals of municipal permit applications fall into four general categories: (1) appeals from a zoning administrator's determination of whether a proposed project is permitted under the ordinance; (2) appeals from decisions on variance or waiver requests; (3) appeals from subdivision decisions; and (4) appeals from decisions on conditional use and site plan applications. Although the nature of the application can affect the timeline to disposition, most de novo appeals can follow a similar timeline to disposition, depending upon whether (a) detailed discovery is requested or substantive pre-trial motions are filed; (b) the de novo appeal follows an "expedited" track (i.e.: no detailed discovery or substantive pre-trial motions); or (c) the appeal is "complex" (i.e.: coordinated with one or more other municipal and state permit appeals or involving 15 or more parties.

E Court Case type: Act 250 and ANR de novo Appeal – Standard Matter

| 0- 30 Days 1 Month | 30 - 60 Days 2 Months | 60 - 90 Days 3 Months | 90 - 120 days 4 Months | 120 - 150 days 5 Months | 150 - 180 days 6 Months | 7 Months | 8 Months | 9 Months | 10 Months | 11 Months | | |
|---|---|--|---|--|---|----------|-----------------|----------|-----------|-----------|--|--|
| Notice of Appeal Filed Docket number assigned Judge assigned Case entered into computer Initial letters sent Tracking system activated Interested Parties served Appellant Publishes Notice of Appeal if required Within 20 Days of filing, 1) Appellant files SOQ; 2) Appearances Filed | Notice of Pre-Trial conference issued Initial pre-trial conference held with judge Scheduling Order issued (Includes Mediation) Any Cross Appeal must be filed Preliminary Issues decided: (Dismiss, Party Status...) | Supplemental Scheduling Order Issued after preliminary issues decided – set deadline for motions for summary judgment filing | Mediation Complete (if ordered) Discovery complete | A) No MSJ – Trial Ready – Notice of Hearing issued | Proposed FCO Filed Hearing held | U/A | Decision Issued | | | | | |
| | | | | B) Motion for Summary Judgment filed | Response to Motion for Summary Judgment | | | | | | MSJ Under Advisement & Decision Issued | i) Appeal Complete |
| | | | | | | | | | | | | ii) Trial Ready – Notice of Hearing Issued |

Useful Abbreviations: MSJ – motion for summary judgment; SOQ – statement of questions; FCO – proposed findings of fact and conclusions of law

E Court Case type: Act 250 and ANR de novo Appeal – Complex Matter*

| 0- 30 Days 1 Month | 30 - 60 Days 2 Months | 60 - 90 days 3 Months | 90 - 120 days 4 Months | 120 - 180 days 6 Months | 7 Months | 8 Months | 9 Months | 10 Months | 11 Months | 12 Months | 13 Months |
|--|--|---|---|---------------------------------|--|---|--|--|--|--------------|-----------------|
| Notice of Appeal Filed | Notice of Pre-Trial conference issued | Opposition to Preliminary Motions filed | Decision on Preliminary Motions | Mediation Complete (if ordered) | A) No MSJ - Trial Ready - Notice of Hearing issued | Proposed FCO Filed Hearing Held | U/A | Decision Issued | | | |
| Docket number assigned | Initial pre-trial conference held with judge | Preliminary Motions U/A | Supplemental Scheduling Order Issued - set deadline for motions for summary judgment filing | Discovery complete | | | | | | | |
| Judge assigned | Scheduling Order issued (Includes Mediation) | | | | B) Motion for Summary Judgment Filed | Response to Motion for Summary Judgment | MSJ Under Advisement & Decision Issued | i) Appeal Complete | | | |
| Case entered into computer | Any Cross Appeal must be filed | | | | | | | ii) Trial Ready - Notice of Hearing Issued | Proposed FCO Filed Hearing Held | U/A | Decision Issued |
| Initial letters sent | Preliminary Motions filed: -dismiss appeal, party, or SOQ -Clarify SOQ | | | | | | | | | | |
| Tracking system activated | | | | | | | | | | | |
| Interested Parties served | | | | | | | | | | | |
| Appellant Publishes Notice of Appeal if required | | | | | | | | | | | |
| Within 20 Days of filing, 1) Appellant files SOQ; 2) Appearances Filed | | | | | | | | | | | |

- Complex due to being coordinated with related appeal (ANR or Municipal appeal), multiple parties, or five or more criteria at issue.