



CITY OF RUTLAND
LEGAL DEPARTMENT
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MEGAN A. LACHANCE, ESQ.
CITY ATTORNEY
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February 23, 2024

Margaret Villeneuve, Clerk
Superior Court, Washington Unit
65 State Street
Montpelier, VT 05602

Re: Vermont Journalism Trust v. City of Rutland, 23-CV-05003

Via E-File

Dear Margaret,

Enclosed please find an Answer on behalf of the City of Rutland and Rutland City Police Department in the above matter. I have also enclosed a certificate of service for the same.

If you have any questions please feel free to contact me.

Sincerely,

/s/ Megan A. LaChance
Megan A. LaChance, Esq.

CC: Jared K. Carter, Esq.
Heather E. Murray, Esq.
Timothy Cornell, Esq.
Matthew A. Bloomer, Esq.

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION
Docket No. 23-CV-05003

VERMONT JOURNALISM TRUST,)
Plaintiff)
v.)
CITY OF RUTLAND,)
Defendant)

ANSWER

NOW COMES defendant, City of Rutland, by and through its attorney, Megan A. LaChance, Esq., and hereby answers the Complaint by Plaintiff as follows:

1. Admitted that Vermont Journalism Trust LTD is a nonprofit foundation incorporated in Montpelier, Vermont and operator of VTDigger.org. Defendant is without sufficient knowledge to affirm or admit to the truth of the rest of the matter, so therefore denied.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted that Officer Jared Dumas arrived at the scene. Denied as to the remainder of the averment.
6. Admitted.
7. Admitted that the truck entered Woodstock Avenue and headed west, that Officer Jared Dumas pursued the truck for less than two miles, that the truck crossed the center line, and that the truck collided with the cruiser driven by Officer Jessica Ebbighausen at 2:53 p.m.
8. Admitted.
9. Admitted that Officer Jessica Ebbighausen was 19 years old at the time of her death, that she was a part-time Level 2 certified officer, that she commenced her employment with the Rutland City Police Department on May 23, 2023, and that it was her intention to start training at the Vermont Police Academy in August. The remainder of the averment is conjecture and therefore denied.

10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Denied. The matter is a conclusion of law.
15. Denied.
16. Denied. Defendant is without sufficient knowledge to form a belief as to the truth of the matter asserted.
17. Denied. Defendant is without sufficient knowledge to form a belief as to the truth of the matter asserted.
18. Denied.
19. Denied.
20. Denied. Defendant is without sufficient knowledge to form a belief as to the truth of the matter asserted.
21. Denied. The averment is a conclusion of law.
22. Denied. The averment is a conclusion of law.
23. Denied. The averment is a conclusion of law.
24. Denied. The averment is a conclusion of law.
25. Denied. The averment is a conclusion of law.
26. Denied. The Defendant is without sufficient knowledge to form a belief as to the truth of the matter asserted.
27. Admitted that the Rutland City Police Department has in its possession audio recordings and body camera footage of the fatal vehicle collision on July 7, 2023 on Woodstock Avenue that resulted in the violent death of 19-year-old Officer Jessica Ebbighausen. Denied as to the rest of the averment.
28. Admitted.
29. Admitted.

30. Denied.

31. Denied.

32. Denied.

33. Denied. Defendant is without sufficient knowledge to form a belief as to the truth of the matter asserted.

34. Denied.

35. Denied.

36. Denied. Defendant is without sufficient knowledge to form a belief as to the truth of the matter asserted.

37. Denied.

38. Denied.

AFFIRMATIVE DEFENSES

1. Failure to state a claim upon which relief may be granted;
2. Failure to exhaust administrative remedies;

DATED at the City and County of Rutland, Vermont this 23rd day of February, 2024.

CITY OF RUTLAND

/s/ Megan A. LaChance
Megan A. LaChance, Esq.
1 Strongs Avenue
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STATE OF VERMONT

SUPERIOR COURT
RUTLAND UNIT

CIVIL DIVISION
Docket No. 23-CV-05003

VERMONT JOURNALISM TRUST,)
Plaintiff)
v.)
CITY OF RUTLAND,)
Defendant)

CERTIFICATE OF SERVICE

NOW COMES City Attorney Megan A. LaChance, Esq., and hereby certifies that on the 23rd day of February, 2023, the undersigned served an Answer on behalf of the City of Rutland and the Rutland City Police Department via email on the following, pursuant to Rule 5(b)(2) of the Vermont Rules of Civil Procedure:

Heather E. Murray, Esq.
Hem58@cornell.edu

Jared K. Carter, Esq.
Jc2537@cornell.edu

Timothy Cornell, Esq.
tcornell@cornelldolan.com

Dated at the City and County of Rutland, Vermont this 23rd day of February, 2024.

CITY OF RUTLAND

/s/ Megan A. LaChance
Megan A. LaChance, Esq.
1 Strongs Avenue
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