

STATE OF VERMONT

SUPERIOR COURT
LAMOILLE UNIT

CIVIL DIVISION
DOCKET NO.: 25-CV-00222

A.V.,)
)
Plaintiff,)
)
v.)
)
VERMONT DEPARTMENT FOR)
CHILDREN AND FAMILIES,)
COPLEY HOSPITAL, and LUND)
)
Defendants.)

**DEFENDANT COPLEY HOSPITAL'S ANSWER, AFFIRMATIVE DEFENSES AND
JURY DEMAND, IN RESPONSE TO PLAINTIFF'S COMPLAINT**

NOW COMES Defendant, Copley Hospital, by and through its undersigned counsel, and files its Answer to the Plaintiff's Complaint, and respectfully state, and represent as follows:

Introduction

1. Defendant denies that it, or its employees, committed unlawful, discriminatory, or unconstitutional acts. The remainder of Paragraph 1 represents a legal characterization of the lawsuit, to which no response is required of this Defendant.
2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statements in Paragraph 2.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statements in Paragraph 3.
4. Paragraph 4 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 4 appear to be directed to another

- Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant denies the statement in Paragraph 4.
5. The allegations in Paragraph 5 appear directed toward other Defendants and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statements in Paragraph 5.
6. Denied in part; admitted in part. Defendant denies prior knowledge of Plaintiff's birthing plans. Defendant denies disclosing confidential medical records without lawful authorization. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter.
7. Denied in part; admitted in part. Defendant denies advising DCF as to when Plaintiff went into labor, as Plaintiff was in labor upon her arrival. Defendant denies the alleged regularity of its communications with DCF. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter.
8. The allegations in Paragraph 8 appear directed toward other Defendants and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 8.
9. The allegations in Paragraph 9 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 9.

10. Paragraph 10 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 10 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 10.
11. The allegations in Paragraph 11 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 11.
12. Denied in part; admitted in part. Defendant denies having been provided with advanced birthing instructions. Defendant admits Plaintiff declined medically recommended monitoring and birthing options.
13. Denied in part; without knowledge in part. Defendant denies contacting the Vermont Department of Mental Health ("DMH"). Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 13.
14. Denied in part; without knowledge in part. Defendant denies filing the referenced motion. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 14.
15. The allegations in Paragraph 15 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is

- deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 15.
16. Denied in part; admitted in part; in part without knowledge. Defendant denies the chronology suggested by the statement in Paragraph 16. Defendant admits that Plaintiff would consent to a vacuum-assisted delivery and a cesarean surgery, after having earlier declined such procedures. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 16.
17. Defendant admits the statement in Paragraph 17.
18. Admitted in part; denied in part. Defendant admits that S.V. was removed from Plaintiff's custody pursuant to a Court Order. Defendant denies doing so solely at DCF's direction.
19. The allegations in Paragraph 19 constitute a medical opinion, rather than fact; therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 19.
20. The allegations in Paragraph 20 contain a medical opinion, rather than fact; therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 20.
21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 21.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 22.
23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 23.
24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 24.
25. The allegations in Paragraph 25 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 25.
26. Denied in part; admitted in part. Defendant denies routinely disclosing confidential information about pregnant Vermonters. Defendant admits to cooperating with DCF as to active DCF cases, as is required of a mandatory reporter. The remainder of Paragraph 26 of Plaintiff's Complaint contains legal conclusions and editorial commentary for which no response is required. To the extent that a response is deemed to be required, Defendant denies the remainder of the statement in Paragraph 26.
27. The allegations in Paragraph 27 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 27.
28. Defendant denies unlawfully collecting or disseminating sensitive information about pregnant Vermonters. The remainder of Paragraph 28 contains legal conclusions and allegations directed towards another defendant for which no response is required. To

the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 28.

29. Defendant denies violating Plaintiff's statutory and constitutional rights. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 29.

Jurisdiction and Venue

30. Paragraph 30 of Plaintiff's Complaint constitutes a legal characterization of Plaintiff's claims and, therefore, no response is required of this Defendant.
31. Paragraph 31 of Plaintiff's Complaint represents a legal conclusion for which no response is required of this Defendant.
32. Paragraph 32 of Plaintiff's Complaint represents a legal conclusion for which no response is required of this Defendant.

Parties

A. Plaintiff

33. Defendant admits Plaintiff is a 36-year-old female and a mother. Defendant is without knowledge of Plaintiff's current residency.

B. Defendants

34. Upon information and belief, Defendant admits the statement in Paragraph 34.
35. Defendant admits the statement in Paragraph 35.
36. Upon information and belief, Defendant admits the statement in Paragraph 36.

Factual Allegations

A. DCF Surveils A.V. and Conducts an Unlawful Assessment on a Fetus

37. Upon information and belief, Defendant admits the statement in Paragraph 37.

38. The allegations in Paragraph 38 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 38.
39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 39.
40. The allegations in Paragraph 40 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 40.
41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 41.
42. The allegations in Paragraph 42 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 42.
43. The allegations in Paragraph 43 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 43.
44. Denied in part; in part without knowledge. Defendant denies prior knowledge as to where Plaintiff planned to deliver. Defendant is without knowledge or information

sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 44.

45. The allegations in Paragraph 45 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 45.
46. Denied in part; admitted in part. Defendant denies the unlawful disclosure of medical information/records. Defendant denies advising DCF as to when Plaintiff went into labor, as Plaintiff was in labor upon her arrival. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter.
47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 47.
48. The allegations in Paragraph 48 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 48.
49. Paragraph 49 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 49 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 49.

50. Paragraph 50 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 50 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 50.
51. Paragraph 51 of Plaintiff's Complaint represents a legal conclusion for which no response is required. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 51.
52. Paragraph 52 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 52 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 52.
53. Paragraph 53 of Plaintiff's Complaint contains legal conclusions and editorial comments for which no response is required. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 53.
54. Paragraph 54 of Plaintiff's Complaint contains legal conclusions for which no response is required. To the extent that a response is deemed to be required, this

Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 54.

55. Paragraph 55 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 55 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 55.

56. Paragraph 56 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 56 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 56.

57. The statement in Paragraph 57 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 57.

B. DCF Moves for an Ex Parte Emergency Care Order Transferring Temporary Custody of the Fetus

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 58.

59. The first sentence of Paragraph 59 is admitted. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter. Defendant

admits Plaintiff declined to push and declined fetal monitoring recommended by the applicable standard of care.

60. Admitted in part; denied in part; in part without knowledge. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter. Defendant denies the frequency of the updates alleged in Paragraph 60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 60.
61. The statement in Paragraph 61 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 61.
62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 62.
63. The statements in Paragraph 63 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 63.
64. The statement in Paragraph 64 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 64.
65. The statement in Paragraph 65 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is

deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 65.

66. The statement in Paragraph 66 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 66.

67. The statement in Paragraph 67 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 67.

68. The statement in Paragraph 68 appears to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 68.

C. Having Obtained Custody of A.V.'s Fetus, DCF Moves for an Ex Parte Injunction to Force A.V. to Undergo a Cesarean Surgery and Prevent Her from Leaving the Hospital

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 69.

70. The statement in Paragraph 70 is denied. Defendant specifically denies the allegation that Plaintiff provided Defendant with her advanced birthing preferences.

71. Admitted in part; denied in part. Defendant admits that, during her care at Copley Hospital, Plaintiff at first declined recommendations that she undergo cesarean surgery. However, Defendant admits that Plaintiff would later consent to the procedure.

72. The statement in Paragraph 72 is denied in its entirety.
73. Denied in part; in part without knowledge. Defendant denies making the referenced requests. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of statement in Paragraph 73.
74. Admitted in part; denied in part. Defendant admits to contact with an Assistant Attorney General, and with DCF attorney Ted Kenney. Defendant denies the remainder of statement in Paragraph 74.
75. Denied in part; in part without knowledge. Defendant denies preventing Plaintiff from leaving the hospital. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of statement in Paragraph 75.
76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 76.
77. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 77.
78. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 78.
79. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 79.
80. Admitted in part; in part without knowledge. Defendant admits that there was testimony. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of statement in Paragraph 80.

81. Admitted in part; in part without knowledge. Defendant admits to providing Plaintiff with a telephone. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of statement in Paragraph 81.

82. Admitted in part; denied in part; in part without knowledge. Defendant admits that Plaintiff consented to a vacuum assist and ultimately consented to a cesarean surgery. Defendant denies knowledge of, or participation in, the referenced hearing. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of statement in Paragraph 82.

D. At DCF's Direction, Copley Staff Seize S.V. Immediately Upon Birth, Denying A.V. Even the Opportunity to Hold Her Baby

83. Defendant admits the statement contained in Paragraph 83.

84. Admitted in part; denied in part. Defendant admits that S.V. was turned over to State authorities as it was required to do pursuant to a Court Order. Defendant denies the remainder of the statement in Paragraph 84.

85. Defendant admits the statements contained in Paragraph 85.

86. In part without knowledge; in part denied. The allegations in Paragraph 86 contain a medical opinion, for which expert testimony is required; therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the medical opinions expressed in Paragraph 86. Defendant denies that it irreparably harmed Plaintiff's ability to bond with her daughter.

87. Admitted in part; denied in part. Defendant admits that Plaintiff signed a consent. Defendant denies the remainder of the statement in Paragraph 87.

88. Denied in part; admitted in part; in part without knowledge. Defendant denies that hospital staff disrespected Plaintiff and extended her little empathy. Defendant admits to the physical layout of the rooms referenced in Paragraph 88. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 88.

E. DCF Continues to Advocate Against Reunification and for Severing Parental Rights

89. The allegations in Paragraph 89 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 89.

90. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 90.

91. The allegations in Paragraph 91 appear directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 91.

92. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 92.

93. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 93.

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 94.

F. After Many Months, DCF Finally Returns S.V. to Her Mother's Care Without Ever Substantiating its CHINS-B Allegations

95. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 95.
96. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 96.
97. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 97.
98. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 98.
99. The statements in Paragraph 99 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 99.
100. The statements in Paragraph 100 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 100.
101. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 101.
102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 102.
103. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 103.

104. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 104.

G. DCF's Pattern and Practice of Unlawfully Surveilling Pregnant Vermonters and Punishing Them for Protected Health Choices

105. The statements in Paragraph 105 appear to be both directed towards another Defendant and editorial in nature, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 105.

106. The statements in Paragraph 106 appear to be both directed towards another Defendant and editorial in nature, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statements in Paragraph 106.

107. The statements in Paragraph 107 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 107.

108. The statements in Paragraph 108 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 108.

109. The statements in Paragraph 109 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is

deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 109.

110. The statements in Paragraph 110 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 110.

111. The statements in Paragraph 111 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 111.

112. The statements in Paragraph 112 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 112.

113. Paragraph 113 of Plaintiff's Complaint represents a legal conclusion for which no response is required. Further, the allegation in Paragraph 113 appears to be directed to another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 113.

114. Paragraph 114 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 114 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant.

- To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 114.
115. The statements in Paragraph 115 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 115.
116. Paragraph 116 of Plaintiff's Complaint contains legal conclusions for which no response is required. Further, the allegations in Paragraph 116 appear to be directed towards another Defendant and, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 116.
117. The statements in Paragraph 117 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 117.
118. The statements in Paragraph 118 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 118.
119. The statements in Paragraph 119 appear to be directed towards another Defendant, therefore, no response is required of this Defendant. To the extent that a response is

deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statements in Paragraph 119.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 120.

Causes of Action

Count 1—Violation of Article 1 of the Vermont Constitution—DCF’s Intrusion on A.V.’s Fundamental Right to Bodily and Medical Autonomy

121. Defendant repeats and reasserts its responses to Paragraphs 1 through 120 of Plaintiff’s Complaint as if fully stated herein.
- 122-136. Paragraphs 122 through 136 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 122 through 136.

Count 2—Violation of 18 V.S.A. §§ 9493 et seq.—DCF’s Interference with A.V.’s Statutorily Protected Decisions Surrounding Birth

137. Defendant repeats and reasserts its responses to Paragraphs 1 through 136 of Plaintiff’s Complaint as if fully stated herein.
- 138-148. Paragraphs 138 through 148 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 138 through 148.

Count 3—Violation of Article 11 of the Vermont Constitution—DCF’s Unreasonable and Unlawful Search of A.V

149. Defendant repeats and reasserts its responses to Paragraphs 1 through 148 of

Plaintiff's Complaint as if fully stated herein.

150-163. Paragraphs 150 through 163 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 150 through 163.

Count 4—Violation of Article 11 of the Vermont Constitution—DCF's Unreasonable and Unlawful Seizure of A.V.

164. Defendant repeats and reasserts its responses to Paragraphs 1 through 163 of Plaintiff's Complaint as if fully stated herein.

165-171. Paragraphs 165 through 171 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 165 through 171.

Count 5—Violations of the Vermont Fair Housing and Public Accommodations Act, 9 V.S.A. §§ 4500 et seq.—DCF's Unlawful Discrimination Based on A.V.'s Perceived Disability and Failure to Make Modifications

172. Defendant repeats and reasserts its responses to Paragraphs 1 through 171 of Plaintiff's Complaint as if fully stated herein.

173-195. Paragraphs 173 through 195 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 173 through 195.

Count 6—Wrongful Use of a Civil Proceeding—DCF's Unlawful Initiation of Ex Parte Emergency Care Order Proceedings

196. Defendant repeats and reasserts its responses to Paragraphs 1 through 195 of Plaintiff's Complaint as if fully stated herein.

197-207. Paragraphs 197 through 207 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 197 through 207.

Count 7—Rule 75—DCF’s Unauthorized and Ultra Vires Surveillance of Pregnant Vermonters Through its “High-Risk Pregnancy Docket” or “Calendar”

208. Defendant repeats and reasserts its responses to Paragraphs 1 through 207 of Plaintiff’s Complaint as if fully stated herein.

209-222. Paragraphs 209 through 222 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 209 through 222.

Count 8—Violation of Article 11 of the Vermont Constitution—DCF’s Pattern and Practice of Unlawfully Surveilling Pregnant Vermonters Through its “High-Risk Pregnancy Docket” or “Calendar”

223. Defendant repeats and reasserts its responses to Paragraphs 1 through 223 of Plaintiff’s Complaint as if fully stated herein.

224-230. Paragraphs 224 through 230 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 224 through 230.

Count 9—Violation of Article 7 of the Vermont Constitution—DCF’s Unconstitutional Use of Sex in Maintaining its “High-Risk Pregnancy Docket” or “Calendar”

231. Defendant repeats and reasserts its responses to Paragraphs 1 through 231 of Plaintiff’s Complaint as if fully stated herein.

232-243. Paragraphs 232 through 243 contain legal conclusions and allegations asserted against

a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 232 through 243.

Count 10—Violation of Article 4 of the Vermont Constitution—DCF’s Denial of Due Process to Vermonters Included on the “High-Risk Pregnancy Docket” or “Calendar”

244. Defendant repeats and reasserts its responses to Paragraphs 1 through 243 of Plaintiff’s Complaint as if fully stated herein.

245-252. Paragraphs 245 through 252 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 245 through 252.

Count 11—Violation of Article 22 of the Vermont Constitution—DCF’s Pattern and Practice of Unconstitutionally Infringing Personal Reproductive Autonomy Through its “High-Risk Pregnancy Docket” or “Calendar”

253. Defendant repeats and reasserts its responses to Paragraphs 1 through 252 of Plaintiff’s Complaint as if fully stated herein.

254-263. Paragraphs 254 through 263 contain legal conclusions and allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 254 through 263.

Count 12—Unauthorized Disclosure of Information Obtained During Treatment—Copley Hospital’s Unauthorized Disclosure of A.V.’s Medical Information to DCF

264. Defendant repeats and reasserts its responses to Paragraphs 1 through 263 of Plaintiff’s Complaint as if fully stated herein.

265. Paragraph 265 constitutes a statement of law, for which no response is required. To the extent that a response is deemed to be required, this Defendant admits that

Paragraph 265 accurately quotes the cited statute.

266. Paragraph 266 of Plaintiff's Complaint represents a legal conclusion for which no response is required. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 266.
267. Defendant denies unlawfully disclosing confidential medical information to DCF. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter.
268. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the statement in Paragraph 268.
269. Defendant denies unlawfully disclosing confidential medical information to DCF. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter. Defendant is without knowledge or information sufficient to form a belief as to the truth of the specific details referenced by the statement in Paragraph 269.
270. Defendant admits to cooperating with DCF as to an active DCF case, as is required of a mandatory reporter. Defendant otherwise denies the statement in Paragraph 270.
271. Defendant denies the statement in Paragraph 271. Defendant is a mandatory reporter and is therefore legally obligated to cooperating with DCF as to an active DCF case.
272. Defendant is without knowledge or information sufficient to form a belief as to the truth of the statements in Paragraph 272.
273. Paragraph 273 of Plaintiff's Complaint represents a legal conclusion for which no

response is required. To the extent that a response is deemed to be required, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the statement in Paragraph 273.

Count 13—Unauthorized Disclosure of Information Obtained During Treatment—Lund’s Unauthorized Disclosure of A.V.’s Counseling and Family Planning Information to DCF

274. Defendant repeats and reasserts its responses to Paragraphs 1 through 273 of Plaintiff’s Complaint as if fully stated herein.

275-282. Paragraphs 275 through 282 contain allegations asserted against a Defendant other than the answering Defendant, and therefore no response is required of this Defendant. To the extent that a response is deemed to be required, the answering Defendant denies the allegations contained in Paragraphs 275 through 282.

Request for Relief

The Request for Relief clause in Plaintiff’s Complaint represents legal argument for which no response is required. To the extent that a response is deemed to be required, this Defendant opposes Plaintiff’s Request for Relief.

AFFIRMATIVE DEFENSES

1. Defendant reasonably relied upon the advice and/or authority of public officials.
2. Any disclosure of confidential information was done with legal justification or excuse.
3. Defendant’s actions were performed in reliance on an official interpretation of law.
4. Defendant is immune from liability as a mandatory reporter.
5. Plaintiff fails to state a claim upon which relief can be granted.
6. Defendant is relieved of liability by an intervening or superseding efficient cause.
7. The complained-of conduct constitute the acts or omissions of a third party for which this answering Defendant is not liable.

8. Plaintiff has intentionally and voluntarily waived rights or claims being asserted.
9. Plaintiff has failed to comply with the applicable statute of limitations.

DEMAND FOR TRIAL BY JURY

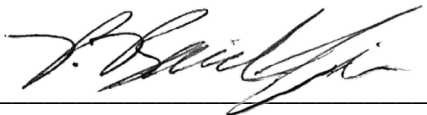
Defendant Copley Hospital, by and through its attorneys, O'Connor, O'Connor, Bresee & First, P.C., hereby demand a trial by jury on all issues triable of right by jury in the above-captioned matter.

WHEREFORE CLAUSE

WHEREFORE, Defendant respectfully requests that the Court dismiss plaintiff's complaint in its entirety, with prejudice.

DATED AT BURLINGTON, VERMONT, THIS 21st DAY OF MARCH 2025.

O'CONNOR, O'CONNOR
BRESEE & FIRST, P.C.

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