

VT SUPERIOR COURT
WASHINGTON UNIT
CIVIL DIVISION

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

RW

2018 NOV -7 1 P 3:29

CIVIL DIVISION

Docket No. 618-11-18 Wncv

Commissioner of the Department of Disabilities,
Aging, and Independent Living
Plaintiff

FILED

v.

Homestead at Pillsbury, Pillsbury Manor–South,
and Allenwood at Pillsbury Manor
Defendants

ORDER APPOINTING TEMPORARY RECEIVER

The State of Vermont Department of Disabilities, Aging, and Independent Living has filed an application for a receivership over the operation of three residential care facilities, Defendants Homestead at Pillsbury, Pillsbury Manor–South, and Allenwood at Pillsbury Manor, which it alleges are at imminent risk of financial insolvency and whose residents are at risk of imminent “death or serious physical and mental harm.” See 33 V.S.A. §§ 7201–7217. The State seeks the appointment of a temporary receiver, *id.* § 7203, on an emergency *ex parte* basis until a hearing on the merits pursuant to § 7204.

The State’s motion for a temporary receiver is supported by affidavits and other record evidence establishing a reasonable likelihood that a situation exists at each facility presenting a substantial risk of “imminent danger of death or serious physical or mental harm to residents” and that the “situation must be remedied immediately to ensure the health, safety, and welfare of the residents.” 33 V.S.A. § 7203(b)(1)(B), (2). The court so finds.

Mr. Douglas J. Wolinsky, Esq., is hereby appointed temporary receiver pending a hearing on the merits of the State’s complaint. He shall assume responsibility immediately for the management of all defendant facilities with full statutory powers provided at 33 V.S.A. § 3207(b). He shall be compensated from facility revenues of the defendant facilities at a customary and reasonable rate as determined by the court at the hearing on the merits.

The licensee, owners, managers, employees, and their agents shall cooperate with the receiver. No person shall obstruct or interfere with the receiver’s conduct of the receivership. 33 V.S.A. § 7215(a).

In compliance with 33 V.S.A. § 7203(c), the complaint and this order shall be served on the owner, licensee, or administrator and shall be posted in a conspicuous place in each facility no later than 24 hours after this order is issued.

A hearing on the merits will be scheduled within 10 days in compliance with 33 V.S.A. § 7204.

So ordered.

Dated at Montpelier, Vermont this 7th day of November 2018.

Mary Miles Teachout (by dw)
Mary Miles Teachout,
Superior Judge