

**VERMONT DEPARTMENT OF LABOR AND INDUSTRY**

Laura Badger ) State File Nos. F-09780 & G-00253  
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 )  
 v. ) By: J. Stephen Monahan  
 ) General Counsel  
 )  
 Cabot Hosiery Mills ) For: Steve Janson  
 ) Commissioner  
 )  
 )  
 ) Opinion NO. 21B-97WC

**ORDER ON MOTION TO VACATE**

The parties in the above-captioned matter, through counsel, submitted a Stipulation to Vacate portions of (1) the August 13, 1997 decision of the Commissioner and (2) the amended decision dated August 22, 1997. The Stipulation requested that the Commissioner vacate that portion of both decisions which related to the possibility that Cabot Hosiery, or its counsel, would be responsible for payment of attorney's fees to Commercial Union pursuant to V.R.C.P. Rule 11.

The proposed Stipulation to Vacate and Motion did not express the reasons therefore. In a telephone conference with the hearing officer, set up at request of the Department, the hearing officer was informed that Cabot had agreed to pay Commercial Union's attorney's fees contingent upon the Commissioner agreeing to vacate certain portions of both orders.

The Commissioner's decision dated August 13, with respect to any findings or conclusions of a Rule 11. The findings and conclusions on that issue were reached without the requisite hearing. To the extent the amended order of August 22 did not vacate such findings and conclusions (expressed in Legal Conclusions 23-29 and Order paragraph c. of the August 13 decision, they are hereby vacated and of no force and effect.

With respect to the amended order of August 22, those portions relating to possible sanctions are vacated on the express understanding that Commercial Union's request for fees and costs has been satisfied. The show cause hearing, scheduled for September 30 and postponed September 29, is not canceled.<sup>1</sup> The remaining portions of the August 22 decision remain in full force and effect, subject to whatever appeal rights may already have been exercised.

Dated in Montpelier, Vermont, this 9th of July, 1998.

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Steve Janson, Commissioner  
Department of Labor & Industry

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<sup>1</sup> If my understanding is not correct, the appropriate party should request a rescheduling of the show cause hearing.