

**STATE OF VERMONT
DEPARTMENT OF LABOR**

Estate of Christopher Scott Weinheimer

Opinion No. 02-25WC

v.

By: Beth A. DeBernardi
Administrative Law Judge

Turtle Fur Company and Stockli USA, Inc.

For: Michael A. Harrington
Commissioner

State File Nos. RR-15 and RR-186

**RULING ON DEFENDANT STOCKLI USA, INC.'S
MOTION FOR SUMMARY JUDGMENT**

APPEARANCES:

Christopher McVeigh, Esq., for Claimant
Wesley M. Lawrence, Esq., for Defendant Turtle Fur Company
Bonnie J. Badgewick, Esq., for Defendant Stockli USA, Inc.

ISSUE PRESENTED:

Is Defendant Stockli USA, Inc. entitled to judgment as a matter of law as to whether the decedent suffered a compensable work-related injury arising out of and in the course of his employment for Stockli USA, Inc.?

EXHIBITS:

Stockli's Exhibit A:	Defendant Stockli USA, Inc.'s responses to Defendant Turtle Fur Company's First Interrogatories and Requests for Production
Stockli's Exhibit B:	Medical records of Christopher Hebert, MD from April 2, 2018 through September 23, 2019
Stockli's Exhibit C:	Medical records of Scott Perrapato, DO and Dr. Hebert dated January 10, 2020
Stockli's Exhibit D:	Medical record of Dr. Hebert dated January 28, 2020
Stockli's Exhibit E:	Medical record of Dr. Hebert dated February 20, 2020
Stockli's Exhibit F:	Claimant's responses to Defendant Turtle Fur Company's First Interrogatories and Requests for Production
Stockli's Exhibit G:	August 5, 2024 deposition of Kathleen Weinheimer
Turtle Fur's Exhibit A:	Medical examiner's December 9, 2020 report and December 1, 2020 toxicology report
Turtle Fur's Exhibit B:	Suicide note
Turtle Fur's Exhibit C:	September 15 th texts between Ms. Weinheimer and Dr. Simpatico
Turtle Fur's Exhibit D:	August 5, 2024 deposition of Kathleen Weinheimer

BACKGROUND:

Considering the evidence in the light most favorable to the non-moving parties, *State v. Delaney*, 157 Vt. 247, 252 (1991), there is no genuine issue as to the following material facts, except where indicated:

1. The decedent, Christopher Scott Weinheimer, began working for Turtle Fur Company (“Turtle Fur”) on February 3, 2001. *Defendant Stockli USA, Inc.’s Statement of Undisputed Material Facts (“Stockli’s Statement”), ¶ 1.*¹
2. The decedent also worked for Stockli USA, Inc. (“Stockli”), as the Chief Financial Officer, from February 2017 until the date of his death on November 8, 2020. *Stockli’s Statement, ¶ 2; Stockli’s Exhibit A, at ¶ 3.*
3. The decedent worked for Stockli remotely, part-time. *Stockli’s Statement, ¶ 3; Stockli’s Exhibit A, at ¶ 5.*
4. The decedent’s supervisor at Stockli was the company president, George Couperthwait. *Stockli’s Statement, ¶ 4; Stockli’s Exhibit A, at ¶¶ 1 and 6.*
5. Stockli, by and through George Couperthwait, had no knowledge of the decedent’s having any mental health issues or negative performance issues while he was employed there. *Stockli’s Statement, ¶ 5; Stockli’s Exhibit A, at ¶¶ 6-11.* Therefore, Mr. Couperthwait also had no knowledge of any mental health issues affecting the decedent’s work from May 2020 to November 2020, a period of about six months after the decedent had stopped working for Turtle Fur but continued to work for Stockli. *Defendant Turtle Fur’s Response to Stockli’s Statement (“Turtle Fur’s Response”), ¶ 5.*
6. In a September 23, 2019 medical record, primary care physician Christopher Hebert, MD, noted that the decedent “has some stress and anxiety recently - he is busy at work and also his daughter is getting married this coming weekend.” *Stockli’s Statement, ¶ 6; Stockli’s Exhibit B, at 1.*
7. In a January 10, 2020 medical record, the decedent’s urologist wrote: “Except for incredible stress at work, urologically, urination-wise, he is doing very well.” *Stockli’s Statement, ¶ 7; Stockli’s Exhibit C, at 11.*
8. The decedent presented to Dr. Hebert on January 28, 2020, for “increased stress and anxiety.” The medical record for that visit stated: “He is not sleeping because at night he thinks about all the work that he has to get done. He has taken on too much work recently and has several different companies and so he has some deadlines that are difficult to meet. He gets so overwhelmed with the amount of work he has to do during the day that then he almost cannot function for periods of time which then makes it harder as he gets behind.” *Stockli’s Statement, ¶ 8; Stockli’s Exhibit D, at 1.* Dr. Hebert did not identify

¹ Stockli’s citation to the record for this statement is inaccurate, but in any event, the statement is undisputed.

any specific employer in this medical record; at the time of the medical visit, the decedent was working for Turtle Fur and two other employers. *Turtle Fur's Response*, ¶ 8.

9. At a February 20, 2020, office visit, Dr. Hebert noted:

He has let go of some of his clients as he had too much work, but this has been hard and it is a transition to move some of the information. He is working for Turtle Fur still and thinks that is going well, although he does still does [sic] persevere about a “mistake” that he made, which per his psychiatrist, is relatively minor.

Stockli's Statement, ¶ 9; *Stockli's Exhibit E*, at 1.

10. The decedent's wife, Kathleen Weinheimer, asserts that she was not aware of any stressors related to the decedent's work with Stockli that either caused or contributed to his mental health issues. *Stockli's Statement*, ¶ 10; *Stockli's Exhibit F*, at ¶ 5.
11. Ms. Weinheimer points solely to the decedent's employment with Turtle Fur, with events beginning in January 2020. *Stockli's Statement*, ¶ 11; *Stockli's Exhibit F*, at ¶¶ 2-3, 8-9. Turtle Fur responds that the decedent's stress was documented in his medical records prior to January 2020. *Turtle Fur's Response*, ¶ 11, citing *Estate of Weinheimer v. Turtle Fur Co.*, Opinion No. 18-22WC (October 5, 2022), at Finding of Fact Nos. 6-7, 10-11 (documenting stress from various sources in 2012, 2013 and 2019).
12. Ms. Weinheimer asserts: “The responsibilities he held at Turtle Fur and implementation of the Netsuite program and concerns about how sales taxes were being collected and paid caused Scott significant stress.” *Stockli's Statement*, ¶ 12; *Stockli's Exhibit F*, at ¶ 9.
13. Ms. Weinheimer did not file a claim against Stockli. *Stockli's Statement*, ¶ 13; *Stockli's Exhibit G*, page 134, lines 17-35; page 135, line 19 through page 136, line 7.
14. Stockli asserts that Ms. Weinheimer did not talk to her husband about his employment before January 2020. *Stockli's Statement*, ¶ 14. However, the citation Stockli provides does not support this statement, and I was unable to find support for the statement elsewhere in the record. Further, Turtle Fur disputes this statement. Accordingly, the statement set forth in paragraph 14 is disregarded for purposes of this motion.
15. Ms. Weinheimer describes the decedent's level of stress and anxiety as “growing” from January to March 2020, as it relates to his employment with Turtle Fur. *Stockli's Statement*, ¶ 15; *Stockli's Exhibit G*, page 82, lines 7-23. Turtle Fur disputes the substance of this statement, noting that her testimony related to the transfer of work from the decedent's own CPA practice, not Turtle Fur, and that Ms. Weinheimer also testified: “I don't know how he felt without him answering. I don't know what his feelings were.” *Turtle Fur's Response*, ¶ 14, citing *Stockli's Exhibit G*, page 82, lines 7-16. Accordingly, the statement set forth in paragraph 15 is disregarded for purposes of this motion.

16. The decedent spoke to his wife for several hours every day, making specific references to Turtle Fur and sales tax, and “letting her down.” *Stockli’s Statement*, ¶ 16; *Stockli’s Exhibit G*, page 82, lines 17-23. Turtle Fur correctly notes that the cited section of Ms. Weinheimer’s deposition refers to the decedent’s work for his own CPA firm, not Turtle Fur. *Turtle Fur’s Response*, ¶ 16. My review of the transcript found that the portion of Ms. Weinheimer’s deposition where she discussed the decedent’s mentioning to her, over and over, his concerns about Turtle Fur and the sales tax issue is found in *Stockli’s Exhibit G*, page 95, lines 15-20, and page 96, lines 11-13.
17. The decedent did not speak to his wife at all about any issues with his employment at Stockli. *Stockli’s Statement*, ¶ 17; *Stockli’s Exhibit G*, page 136, line 23 through page 137, line 1; page 138, lines 3-18; page 138, line 23 through page 139, line 11.
18. The decedent committed suicide on November 8, 2020. *See Estate of Weinheimer v. Turtle Fur Co.*, Opinion No. 17-22WC (October 5, 2022), at Finding of Fact No. 9.

Procedural Background

19. Claimant (the decedent’s estate) filed a Notice of Injury and Claim for Compensation (Form 5) asserting a claim for workers’ compensation benefits against Turtle Fur on July 12, 2021, alleging that work stress at Turtle Fur caused his suicide. In November 2021, at Turtle Fur’s request, three additional employers were placed on notice of potential liability for workers’ compensation benefits: CS Weinheimer CPA, P.C.; Four Seasons Realty, LLC; and Stockli USA, Inc. In 2022, Defendants CS Weinheimer CPA, P.C. and Four Seasons Realty, LLC were dismissed from the claim, leaving just Turtle Fur and Stockli as Defendants. *See Estate of Weinheimer v. Turtle Fur Co.*, Opinion Nos. 17-22WC and 18-22WC (October 5, 2022).
20. On November 15, 2024, Stockli filed this summary judgment motion, seeking dismissal from this workers’ compensation claim. Turtle Fur filed a response and cross motion on December 16, 2024, and Stockli filed a reply on December 23, 2024. Claimant did not file any response to Stockli’s motion. The Department is considering Stockli’s summary judgment motion and Turtle Fur’s cross motion separately.

CONCLUSIONS OF LAW:

Summary Judgment Standard

1. Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment in its favor as a matter of law. *Samplid Enterprises, Inc. v. First Vermont Bank*, 165 Vt. 22, 25 (1996). Summary judgment is appropriate when the facts in question are clear, undisputed or unrefuted. *State v. Heritage Realty of Vermont*, 137 Vt. 425, 428 (1979).
2. The party opposing summary judgment is entitled to the benefit of all reasonable doubts and inferences. *State v. Delaney*, 157 Vt. 247, 252 (1991); *Toys, Inc. v. F.M. Burlington Co.*, 155 Vt. 44, 48 (1990). In determining whether there is a genuine issue as to any

material fact, the Department must accept as true “the allegations made in opposition to the motion for summary judgment, so long as they are supported by affidavits or other evidentiary material.” *Gauthier v. Keurig Green Mountain, Inc.*, 2015 VT 108, ¶ 14. However, “when a party fails, after adequate discovery, to make a showing sufficient to establish an element essential to her case and on which she has the burden of proof, summary judgment is required.” *Estate of George v. Vermont League of Cities and Towns*, 2010 VT 1, ¶ 13, quoting *Edson v. Barre Supervisory Union #61*, 2007 VT 62, ¶ 8.

3. Stockli seeks summary judgment on the grounds that, after an adequate time for discovery, there is insufficient evidence to establish a *prima facie* case that the decedent suffered a compensable injury arising out of and in the course of his employment there.

Insufficient Evidence Supporting a Claim Against Stockli

4. Claimant has asserted no claim against Stockli and has offered no evidence to establish any claim against Stockli.
5. In its response to Stockli’s motion, Turtle Fur agrees that there is no evidence that the decedent suffered any extraordinary and unusual stress from his employment at Stockli; the statute requires “extraordinary and unusual” stress for mental injury claims. *See* 21 V.S.A. § 601(11)(J)(i). Turtle Fur writes:

At Stockli, decedent continued to work without interruption, without disability, and without arousing any concerns to that employer, until his death. If there are no other fact witnesses that may be called besides Ms. Weinheimer and Stockli’s Mr. Couperthwait, decedent’s former boss there, to testify regarding [the decedent’s] employment, then their motion may be granted. If Claimant discloses other fact witnesses to testify about any aspect of [the decedent’s] employment for any employer at any time, then [Stockli’s] motion, even if it [is] ultimately found to be meritorious, may be premature.

Turtle Fur’s Response to Stockli’s Summary Judgment Motion, at 11-12.

6. Accordingly, there is no dispute that the evidence is currently insufficient to support a *prima facie* case that the decedent suffered a compensable mental condition arising out of and in the course of his employment with Stockli.

Adequate Time for Discovery

7. V.R.Civ.P. 56(b) provides that a party may move for summary judgment at any time until 30 days after the close of discovery, unless a different time is set by stipulation or court order. If the opposing party has not had adequate time to conduct discovery before facing a summary judgment motion, then the motion may be premature. *See Al Baraka Bancorp (Chicago), Inc. v. Hilweh*, 163 Vt. 148, 156 (1994).

8. The claim here was asserted in 2021. After the passage of more than three years, neither Claimant nor Turtle Fur contends that it needs additional time for discovery to respond to Stockli's motion. Claimant has not opposed Stockli's motion, and Turtle Fur's response indicates no plan to conduct any additional discovery on Stockli's potential liability. *See Turtle Fur's Response to Stockli's Summary Judgment Motion*, at 12. Accordingly, I conclude that there has been adequate time for discovery prior to the filing of Stockli's motion.
9. Considering the evidence in the light most favorable to Turtle Fur as the non-moving party, and after an adequate time for discovery, I conclude that there is insufficient evidence that the decedent sustained a compensable mental injury arising out of and in the course of his employment with Stockli as a matter of law. Accordingly, Stockli is entitled to summary judgment in its favor.

ORDER:

Based on the foregoing findings of fact and conclusions of law, Defendant Stockli USA, Inc.'s Motion for Summary Judgment is hereby **GRANTED**, and the workers' compensation claim asserted by Turtle Fur Company against Stockli USA, Inc. is hereby **DISMISSED WITH PREJUDICE**.

DATED at Montpelier, Vermont, this 4th day of February 2025.

Michael A. Harrington
Commissioner