Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2020-040

APRIL TERM, 2020

Paul F. Reis* v. Ben & Jerry's Homemade & Liberty Mutual Insurance Co.	}	APPEALED FROM:
	}	
	}	Superior Court, Windham Unit,
	}	Civil Division
	}	
	}	DOCKET NO. 272-8-19 Wmcv
		Trial Judge: Michael R. Kainen

In the above-entitled cause, the Clerk will enter:

Plaintiff appeals the civil division's dismissal of his complaint seeking compensation for alleged personal injuries resulting from an incident that occurred in 1994 while he was working for defendant Ben & Jerry's Homemade. We affirm.

Plaintiff worked for defendant from 1994 to 1995. He alleges bodily and psychological injury resulting from a hazing incident at work in 1994.

In 1996, plaintiff filed a small-claims action against defendant. Although his small-claims complaint alleged only lost wages, at the January 1996 merits hearing plaintiff made allegations concerning the hazing incident, to which defendant responded in writing. In February 1997, the small-claims court entered judgment for defendant.

In 2016, plaintiff filed a workers' compensation claim in which he sought compensation for alleged injuries stemming from the hazing incident. In June 2017, the Commissioner of the Department of Labor granted defendant's motion for summary judgment, ruling that plaintiff's claim was foreclosed by the applicable statute of limitations and the doctrine of laches. Plaintiff did not appeal that decision.

In August 2019, plaintiff filed the instant personal-injury action, once again seeking compensation for injuries allegedly resulting from the 1994 incident. In a December 13, 2019 decision, the civil division dismissed plaintiff's complaint on grounds that it was barred by the three-year statute of limitations set forth in 12 V.S.A. § 512, the principles of claim and issue preclusion, and the workers' compensation exclusivity provision set forth in 21 V.S.A. § 622.

Regarding the statute of limitations, the civil division concluded that, giving plaintiff every indulgence as to when he discovered or reasonably should have discovered his injuries, the three-year statute of limitations for personal injury actions expired in 2006, thirteen years before he filed his complaint. See Lillicrap v. Martin, 156 Vt. 165, 176 (1989) (stating that statute of limitations begins to run when "a plaintiff discovers or reasonably should discover the injury, its cause, and the existence of a cause of action" (quotation omitted)).

On appeal to this Court, plaintiff makes no attempt to challenge the civil division's rendition of the facts or its reasoning. Rather, he argues his complaint should not be barred by the statute of limitations because he has been seeking compensation for the past twenty-four years. Without addressing the exclusivity provision, claim preclusion, or issue preclusion, we conclude that plaintiff's complaint is barred by the statute of limitations for filing personal-injury actions, for the reasons stated by the civil division. See Mahoney v. Tara, LLC, 2011 VT 3, ¶ 7, 189 Vt. 557 (mem.) (stating that both trial court and this Court on appeal will grant motion to dismiss for failure to state claim only if "it is beyond doubt that there exist no facts or circumstances that would entitle the plaintiff to relief"). Plaintiff does not dispute that he was aware of his alleged injuries long before the statute of limitations expired with respect to his 2019 personal-injury action.*

Affirmed.

BY THE COURT:

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

* We emphasize that our decision to affirm the trial court's dismissal of this case is based on the delay in filing this personal injury claim; we are not making any decision about the accuracy of plaintiff's claims.