

VERMONT SUPERIOR COURT  
Chittenden Unit  
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Burlington VT 05402  
802-863-3467  
www.vermontjudiciary.org



CIVIL DIVISION  
Case No. 23-CV-02410

**Michael Lambert et al v. Kalah Gharouni**

### **ENTRY REGARDING MOTION**

Title: Motion to Dismiss Complaint (Motion: 1)  
Filer: Gregory W. Fox  
Filed Date: July 10, 2023

Defendant seeks to dismiss this eviction for lack of a notice under the federal Violence Against Women Act (VAWA). The motion is granted for the reasons stated in Tolstoi v. Worth, No. 23-CV-1292 (June 13, 2023)(Shafritz, J.) and Weaver Lane v Hart, No. 23-CV-2160 (July 28, 2023)(Toor, J.). The VAWA regulations require “covered housing providers” to send notices of the statute’s protections “[w]ith any notification of eviction.” 24 C.F.R. § 5.2005(a)(2)(iii). Such providers are defined to include “owners” of buildings. Id. § 5.2003(9). While it might be sufficient if the public housing agency, rather than the landlord, sent such a notice when an eviction was initiated, there is no evidence that has occurred here.

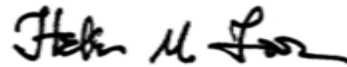
As other courts have held, federal law “makes it clear that the requisite notices must be provided with the notice to quit when served.” Hous. Auth. of Hartford v. Shahine, 2022 WL 2663954 at \*3 (Conn. Super., Apr. 26, 2022); *see also*, DHI Cherry Glen Assocs., L.P. v. Gutierrez, 259 Cal. Rptr. 3d 410, 416 (Cal. App. Dep’t, Super. Ct. 2019)(“The plain and commonsense meaning of the statutory language contained in 24

Code of Federal Regulations part 5.2005 (2019) requires VAWA notices to be served with any notice of termination.”).

Order

The motion is granted. The case is dismissed without prejudice.

Electronically signed on August 31, 2023 pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink, appearing to read "Helen M. Toor".

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Helen M. Toor  
Superior Court Judge