

VERMONT SUPERIOR COURT

Orange Unit

5 Court Street

Chelsea VT 05038

802-685-4610

www.vermontjudiciary.org



CIVIL DIVISION

Case No. 25-CV-02434

Oxbow Senior Independence Program, Inc. v. Sandra James

ENTRY REGARDING MOTION

Title: Motion to Dismiss; Motion to Amend Plaintiff's Complaint; Answer
(Motion: 1; 2)

Filer: Amber M. Burke; Amber M. Burke

Filed Date: July 24, 2025; July 24, 2025

The motions are GRANTED.

Defendant's unopposed motion to dismiss is **Granted**.

Proof of the applicability and absence of the federal Violence Against Women Act is fatal to Plaintiff's cause of action, and a failure to provide the necessary notices required to effectively terminate a tenancy. *Vermont Small Business Development Corp. v. Fifth Son Corp*, 2013 VT 7, ¶ 15; see also *Weaver Lane, LLC v. Hart*, Dckt. No. 23-CV-02160 (Aug. 22, 2023) (Toor, J.) ("[Federal law] requires the VAWA notice. Its absence means the termination notice was invalid. This requires dismissal."); *Bourne v. Baker*, Dckt. No. 22-CV-00163 (Mar. 30, 2022 (Gerety, J.)

Entry Regarding Motion

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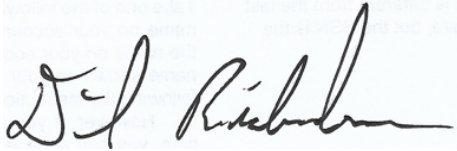
("The federal regulation ... requires that a copy of the written notice of termination be delivered to the VSHA by Plaintiff. . . . Without that, the lease was not terminated"); *Parsons v. Norway*, Dckt. No. 20-2-14 Lecv (Oct. 28, 2018) (Pearsons, J.) ("[F]ailure to provide federally- required notice meant that Defendant's tenancy was not properly terminated at the time suit was filed."); *Wickart v. Goins*, Dckt. No. 47-3-15 Lecv (Apr. 30, 2015) (Pearsons, J.).

Given that this notice was required prior to filing the present action, it is not a defect that can be corrected through a latter filing. Rather, it is a necessary prerequisite, and its absence undermines the necessary elements that give rise to Plaintiff's cause of action. *Andrus v. Dunbar*, 2005 Vt. 48, ¶ 15.

Therefore, the present matter is **Dismissed**. Based on this dismissal, Defendant's motion to amend is moot.

So Ordered.

Electronically signed on 8/28/2025 3:49 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "Daniel Richardson", is written over a light blue rectangular background.

Daniel Richardson
Superior Court Judge