

VERMONT SUPERIOR COURT
Environmental Division
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Burlington, VT 05401
802-951-1740
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Docket No. 25-ENV-00021

Stowe Country Club, LLC Application for Preliminary Subdivision/PUD Review

ENTRY REGARDING MOTION

Title: Motion to Strike (Motion: 2)
Filer: Christopher D. Roy, Esq., attorney for Stowe Country Club, LLC
Filed Date: July 11, 2025

No response filed.

The motion is DENIED.

This is an appeal of a March 4, 2025 decision of the Town of Stowe (Town) Development Review Board (DRB) denying an application for preliminary subdivision/planned unit development (PUD) review submitted by Stowe Country Club, LLC (Applicant) related to land Applicant owns at 7320 Mountain Road, Stowe, Vermont (the Property). Presently before the Court is Applicant's motion to strike the notice of appearance filed by Meadows at Stoweflake III Owners Association, Inc. (Meadows) because it was signed by a non-attorney. Applicant asserts that Meadows, a corporation, must be represented by an attorney or, alternatively, have been granted leave for non-attorney representation. No response has been filed.

Pursuant to V.R.C.P. 12(f):

Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 21 days after the service of the pleading upon the party or upon the court's own initiative at any time, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

V.R.C.P. 12(f).

First, Meadows' notice of appearance was filed on April 19, 2025. The present motion was filed on July 11, 2025 and is therefore untimely under Rule 12(f). Further, Applicant has failed to identify how Meadows' notice of appearance constitutes an "insufficient defense or . . . [a] redundant, immaterial, impertinent, or scandalous matter." Id.

Functionally, Applicant seeks Meadows' dismissal for failure to be represented by an attorney or have been granted leave to be represented by a non-attorney. A motion to strike is not the proper vehicle for dismissing a party on these grounds. As such, the motion is **DENIED**.

In denying the motion, the Court recognizes that Applicant is correct with respect to Meadows' need for proper representation. For Meadows to continue to appear in this matter it must be represented by an attorney or be granted leave to be represented by a non-attorney. Vt. Agency of Nat. Res. v. Upper Valley Reg'l Landfill Corp., 159 Vt. 454, 455 (1992). As such, should Meadows continue to seek interested party status in this matter and participate in these proceedings, it must retain counsel and have counsel file a notice of appearance in this matter on or before **Friday, October 17, 2025**. If Meadows does not retain counsel and it still wishes to participate in this matter it must file a motion for leave to be represented by a non-attorney. Such a motion must demonstrate the four necessary factors described in Upper Valley Reg'l Landfill Corp.. They are:

- (1) the organization cannot afford to hire counsel, nor can it secure counsel on a pro bono basis, (2) the proposed lay representative is authorized to represent the organization, (3) the proposed lay representative demonstrates adequate legal knowledge and skills to represent the organization without unduly burdening the opposing party or the court, and (4) the representative shares a common interest with the organization.

Id. at 458.

Any motion, with any supporting exhibits, must be filed by **Friday, October 17, 2025**. Responses to any motion must be filed in accordance with the Vermont Rules of Civil Procedure. Failure to file either a notice of appearance by an attorney on Meadows' behalf or to timely seek and be granted leave to be represented by a non-attorney will result in Meadows' dismissal from this action. Electronically signed September 17, 2025 pursuant to V.R.E.F. 9(D).

A handwritten signature in black ink that reads "Tom Walsh". The signature is written in a cursive, somewhat stylized font.

Thomas G. Walsh, Judge
Superior Court, Environmental Division