

VERMONT SUPERIOR COURT
Washington Unit
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Montpelier VT 05602
802-828-2091
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 26-CV-00968

Sherry Howes et al v. Jenny Perez

ENTRY REGARDING MOTION

Title: Motion to Dismiss or Strike Counterclaims (Motion: 4)
Filer: Sarah H. Nunan
Filed Date: May 29, 2026

The motion is GRANTED.

The present matter is an ejectment proceeding that Plaintiffs Sherry and Duane Howes began on March 17, 2026. On March 18, 2026, Defendant Jenny Perez filed an answer with the Court that contained a general denial and several affirmative defenses. On April 16, 2026 Defendant Perez filed a counter claim listing five claims but providing absolutely no factual basis for these claims. V.R.C.P. 8(a) (requiring a “a short and plain statement of the claim showing that the pleader is entitled to relief”).

The Court held an initial status conference in this case on April 20, 2026. At the hearing, Plaintiffs’ counsel objected to the counterclaims as insufficient and moved pursuant to V.R.C.P. 12(e) for a more definite statement. The Court agreed with Plaintiffs and gave Defendant 30 days to revise her counterclaims and directed her to include more information about the nature and basis for her counterclaims.

Defendant never filed a revised counterclaim.

On May 29, 2026, Plaintiffs filed a motion to dismiss or strike pursuant to V.R.C.P. 12(b)(6) and (e). The Court has given Defendant 30 days to respond to this motion, but Defendant has not filed a response to this motion.

The Court finds that Defendant’s counterclaims are insufficient as a matter of law. While the threshold for pleadings are low, they must still put the court and the opposing party on notice of not only the category of claims being asserted but the nature and basis of the claim. *Bock v. Gold*, 2008 VT 81, ¶¶ 4, 5. In this case, Defendant has done little more than state certain categories of claims without providing even a scintilla of factual framing.

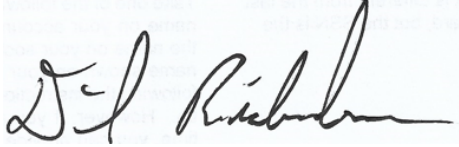
Defendant has now had over two months to file some corrective with the Court or explain the sufficiency of her filing. She has not. The time is now ripe to address the counterclaim. Under Rule 12(e), the Court is authorized to strike any pleading that is not corrected after due notice is given by the Court. V.R.C.P. 12(e). As Rule 12(e) notes, the Court may strike or “make such order as it deems just.” *Id.* In the present case, the Court finds that given Defendants complete failure to comply with the Court’s April 20th Order as well as not

responding to Plaintiffs' May 29th motion to strike, the appropriate action is to strike Defendants' counterclaims for failure to comply with Rule 8 and with the Court's April 20th Order.

ORDER

For the foregoing reasons, Defendant's Counterclaims are struck under V.R.C.P. 12(e), and the Court will proceed to the bench trial in this matter solely on Plaintiffs' claims for damages.

Electronically signed on 7/1/2026 11:13 AM pursuant to V.R.E.F. 9(d)

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

Daniel Richardson
Superior Court Judge