

STATE OF VERMONT

SUPERIOR COURT  
Washington Unit

CIVIL DIVISION  
No. 21-CV-2095

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VERMONT HUMAN RIGHTS COMMISSION,  
Plaintiff,

v.

STEPHAN POLAK and KRISTINA POLAK,  
Defendants.

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RULING ON THE HRC'S MOTION TO RECONSIDER

On February 2, 2022, the court granted in part and denied in part the Polaks' motion to dismiss. The upshot of the decision is that the Human Rights Commission's housing discrimination claim could proceed under 9 V.S.A. § 4506(e)(4) but that the separately asserted claim under § 4503 is entirely duplicative of the § 4506 claim, which is a better fit for the circumstances of this case. The court dismissed the duplicative § 4503 claim for that reason. The HRC now seeks reconsideration of the dismissal of its § 4503 claim. It does *not* argue that the § 4503 claim is not duplicative. It argues instead that it desires to develop its claim under both provisions, and the court lacks authority under Rule 12(b)(6) to dismiss duplicative claims.

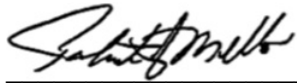
“The standard for granting [a motion to reconsider] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995).

The court has inherent discretion to dismiss a duplicative claim in the interest of judicial economy, and courts routinely do so. See, e.g., *Storman v. CA Alta Regl. Ctr.*, 221CV00380KJMACPS, 2021 WL 847785, at \*2 (E.D. Cal. Mar. 5, 2021); *DTCC Data Repository (U.S.) LLC v. U.S. Commodity Futures Trading Commn.*, 25 F. Supp. 3d 9, 18 (D.D.C. 2014); *McGee v. D.C.*, 646 F. Supp. 2d 115, 121, 2009 WL 2568903 (D.D.C. 2009). Without some showing that the claims are not duplicative, the court sees no reason to revise its February 2 decision.

*Order*

For the foregoing reasons, the HRC's motion to reconsider is denied.

SO ORDERED this 18<sup>th</sup> day of March, 2022.

A handwritten signature in black ink, appearing to read "Robert A. Mello". The signature is written in a cursive style with a horizontal line underneath it.

Robert A. Mello  
Superior Judge