

STATE OF VERMONT
Chittenden County, ss.:

SUPERIOR COURT
Docket No. S1046-03 CnC

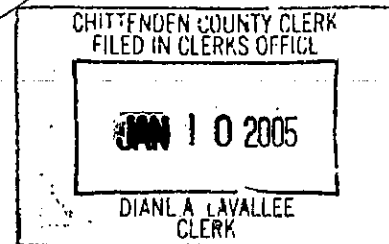
NORTHGATE HOUSING LIMITED

v.

CHRISTA WHITE AND PETER WHITE

v.

NORTHGATE RESIDENTS ASSOCIATION, INC.



ENTRY

Christa and Peter White request that this court reconsider its November 19, 2004 Entry Order in light of an additional argument that they filed on November 18, 2004. The court has reviewed the November 18 submission and denies the Whites' motion.

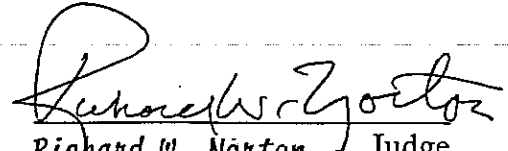
The Whites' November 18 submission argues that the Whites have a right of action under the Supremacy Clause, U.S. Const. Art. VI, cl. 2, to enjoin the Northgate Residents Association from applying its bylaws where the bylaws have been preempted by federal law. This argument lacks merit. As the Supreme Court of the United States has long held, the purpose of the supremacy clause is regulate relations between federal law and the state laws. M'Culloch v. Maryland, 17 U.S. (4 Wheat.) 316, 426-36 (1819). The Supremacy Clause has no bearing on the relation between federal laws and a private entity's policies, whether written in bylaws or otherwise, and it is not a source of substantive rights. See Gottesman v. J.H. Batten, Inc., 286 F. Supp. 2d 604, 615 (M.D.N.C. 2003).

If a private entity's policies violate federal law, as the Whites allege here, then an injured party may seek redress under that law if it provides for a right of action, expressly or impliedly. As this court held in its November 19, 2004 ruling, the federal laws on which the Whites rely do not provide such a cause of action.

ORDER

The Whites' motion for reconsideration is DENIED.

Dated at Burlington, Vermont, January 10, 2005.


Richard W. Norton Judge