

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF VERMONT

_____)	
JANET JENKINS, ET AL.,)	
)	
Plaintiffs,)	
)	Docket No. 2:12-cv-00184
v.)	
)	
KENNETH L. MILLER, ET AL.,)	
)	
Defendants.)	
_____)	

**DEFENDANTS LIBERTY COUNSEL AND RENA M. LINDEVALDSEN’S
NOTICE OF LOSS OF SUBJECT MATTER JURISDICTION OVER
PLAINTIFF JANET JENKINS’ NEXT FRIEND CLAIMS**

Pursuant to Fed. R. Civ. P. 12(h)(3), Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen, by and through the undersigned counsel, herby notify the Court that, on April 16, 2020, Isabella Miller reached the age of majority under Vermont law, and any purported authority or standing that Plaintiff Janet Jenkins might have had to sue on Isabella’s behalf automatically expired. (*See* Defendants’ Statement of Undisputed Material Facts in Support of Motion for Partial Summary Judgment, dkt. 494; Defendants’ Motion for Partial Summary Judgment As to All Claims Plaintiff Janet Jenkins Purports to Bring As Next Friend of Isabella Miller, dkt. 495).

Because Janet Jenkins has no standing to maintain next-friend claims on behalf of an adult, this Court now lacks subject matter jurisdiction over those purported claims. *Plante v. Dake*, 621 F. App’x 67, 69 (2d Cir. 2015) (“the standing issue goes to this Court’s subject matter jurisdiction.”). Pursuant to Fed. R. Civ. P. 12(h)(3), “[i]f the court determines **at any time** that it lacks subject-matter jurisdiction, the court **must** dismiss the action.” *Id.* (emphasis added); *see also Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999) (“subject-matter delineations must be

policed by the courts on their own initiative.”); *Ebrahimi v. City of Huntsville Bd. of Ed.*, 114 F.3d 162, 165 (11th Cir. 1997) (“Federal courts have an independent obligation to police the constitutional **and statutory** limits on our jurisdiction.” (emphasis added)).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2020, I caused a true and correct copy of the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court’s ECF/electronic notice system.

/s/ Horatio G. Mihet
Horatio G. Mihet