Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-271

MARCH TERM, 2008

Lisa Miller-Jenkins	}	APPEALED FROM:
	}	
	}	
v.	}	Rutland Family Court
	}	
	}	
Janet Miller-Jenkins	}	DOCKET NO. 454-11-03 Rddm
		Trial Judge: William D. Cohen

In the above-entitled cause, the Clerk will enter:

Plaintiff, who seeks to prevent her former partner from obtaining parent-child contact with the parties' child, appeals the family court's order dissolving the parties' civil union and awarding parental rights and responsibilities. We affirm.

We remanded this matter to the family court after concluding on interlocutory review in a lengthy opinion that the parties' civil union was valid and that the court had jurisdiction to dissolve the union and issue a temporary custody order. Miller-Jenkins v. Miller-Jenkins, 2006 VT 78, ¶¶ 2, 72, 180 Vt. 441. In so ruling, we rejected plaintiff's arguments that: (1) the family court should have given full faith and credit to a later Virginia court decision; (2) the parties' civil union is void because such a union would have been void in Virginia, the state in which both parties were residents at the time they entered into their civil union in Vermont; (3) defendant is not a parent of plaintiff's child; and (4) defendant's parental status must be decided under Virginia law. Id. ¶¶ 28, 40, 58-60. On remand, the family court dissolved the parties' civil union, distributed the parties' assets, awarded sole physical and legal parental rights and responsibilities to plaintiff, and awarded defendant parent-child contact. On appeal, plaintiff argues that the family court: (1) ignored Vermont's choice-of-law principles in validating the parties' civil union and accepting defendant's parentage; (2) violated her constitutional rights by establishing parentage and awarding parent-child contact to a non-biological, non-adoptive person; (3) erred by not giving full faith and credit to Virginia parentage orders; and (4) abused its discretion by not allowing her to amend her complaint.

We decline to address the merits of any but the last of the issues plaintiff raises because, as the family court noted, we resolved those issues in our previous opinion, and our resolution of the issues establishes the "law of the case." Notwithstanding plaintiff's arguments to the contrary, the issues that she raises in this appeal fall squarely within the scope of this rule of

practice precluding courts from reexamining issues previously decided in the same case by the same court or a higher appellate court. See Coty v. Ramsey Assocs., Inc., 154 Vt. 168, 171 (1990) (defining doctrine). If, in the instant context, we were to regard these questions "as still open for discussion and revision in the same cause, there would be no end to the litigation until the ability of the parties or the ingenuity of their counsel were exhausted." Id. (quotations omitted). None of the exceptions to the doctrine apply. There is no new evidence or facts to consider that would affect our prior legal conclusions. Moreover, plaintiff's argument that the interests of justice compel foregoing the doctrine in this instance because a young child is being forced into contact with a stranger is nothing short of disingenuous in light of the family court's unchallenged findings regarding the child's best interests and plaintiff's contemptuous conduct. In short, there is no basis to revisit the legal challenges to the civil union that plaintiff reasserts in this appeal.

Plaintiff also argues that the family court abused its discretion by refusing to allow her to amend her complaint over three years after it was filed to seek a declaration as to the validity of the parties' civil union and to delete references in the complaint to the minor child. We find no merit to this argument. As the trial court stated, the requested amendment represents an unreasonably delayed change of tactics that would have no effect on the proceedings. The court acted well within its discretion in denying the motion. See Hickory v. Morlang, 2005 VT 73, ¶ 5, 178 Vt. 604 (mem.) ("[W]e will reverse a court's decision to deny [] a motion [to amend a pleading] only where there is an abuse of discretion.").

Affirmed.

BY THE COURT:

_____

John A. Dooley, Associate Justice

_____

Marilyn S. Skoglund, Associate Justice

_____

Brian L. Burgess, Associate Justice