

SUPREME COURT DECISIONS

KURT AIKELE v. CITY OF BLACKFOOT

No. 42742

Release date September 13, 2016

Idaho Supreme Court

BURDICK, Justice

In a case arising out of the Idaho Industrial Commission (the Commission), the Idaho Supreme Court affirmed the Commission's Order denying Appellant Kurt Aikele's claim for workers' compensation and death benefits. The Commission found that Aikele failed to prove that his occupation as a firefighter caused him to develop lung cancer and he was thus not entitled to compensation. On appeal, Aikele made three primary arguments: (1) the Commission's factual findings were inaccurate and clearly erroneous; (2) the Commission's decision was not supported by substantial and competent evidence; and (3) the Commission applied the incorrect statutory burden of proof. The Idaho Supreme Court affirmed the Commission, holding that the Commission's factual findings were not clearly erroneous, its decision was based on substantial and competent evidence, and the Commission applied the correct legal standard in Idaho Code section 72-438(12).

<http://www.isc.idaho.gov/opinions/42742.pdf>

ROBERT ARON KANTOR v. SONDRALUISE KANTOR

No. 42980

Release date September 13, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from a decision of the Blaine County district court acting in its appellate capacity, the Supreme Court reversed the district court's decision. This case arose from the divorce of Robert Kantor and Sondra Kantor. Upon Sondra's request, the magistrate court entered a Supplemental Decree which merged a Property Settlement Agreement (PSA) with a judgment of divorce more than nineteen months after entry of that judgment. The PSA provided that either party could seek to have the PSA merged with the divorce decree. Sondra then sought to have Robert found in contempt. Robert moved to dismiss the contempt charges, asserting that the original judgment of divorce was res judicata and the Supplemental Decree was void for lack of subject matter jurisdiction. After the magistrate court denied Robert's motion to dismiss, the parties reached a negotiated resolution of the contempt proceedings. That agreement resulted in a judgment that Robert was in contempt of court but provided that Robert could appeal from the

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denial of his motion to dismiss. Robert appealed to the district court, arguing the magistrate court lacked subject matter jurisdiction to enter the Supplemental Decree because the judgment of divorce was a final judgment that could not be modified. The district court affirmed the magistrate court's judgment of contempt. On appeal, the Supreme Court reversed and remanded with instructions to vacate the magistrate's judgment of contempt, deciding that the original judgment of divorce became final forty-two days after it was entered. The Court determined the Supplemental Decree was void because it was entered after the judgment of divorce became final and that Robert could not be in contempt of a void order. The Supreme Court vacated the district court's award of attorney fees to Sondra. The Supreme Court declined to award either party attorney fees or costs, citing the mixed results of this appeal and another appeal involving Robert and Sondra in Docket No. 41946.

<http://www.isc.idaho.gov/opinions/42980.pdf>

ROBERT ARON KANTOR v. SONDRALUISE KANTOR

No. 41946

Release date September 13, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from Blaine County, the Supreme Court reversed the dismissal of Sondra Kantor's counterclaim, affirmed the district court's rulings on summary judgment, and remanded the case for further proceedings. The case was brought in district court based on a Property Settlement Agreement (PSA) between Robert and Sondra Kantor, which was executed as part of a divorce. The case involved the parties' efforts to sell their community residence and various other claims by Sondra that were dismissed on summary judgment. Robert wanted to delay the sale of the community residence to pursue a loan modification with Bank of America that had the potential to result in the forgiveness of substantial debt. Sondra initially stipulated to let Robert pursue loan modification but subsequently sold her half interest in the residence to a third party. The district court ordered Sondra to re-obtain title to the real property from the third party. After she failed to do so, the district court dismissed Sondra's counterclaim with prejudice as a sanction. Sondra appealed and the Supreme Court held: (1) the district court exceeded its authority by effectively re-writing the parties' PSA; (2) the district court abused its discretion by sanctioning Sondra; and (3) the district court did not err in its rulings on summary judgment. The Supreme Court did not award either party attorney fees because of the mixed results between this case and another consolidated case, Docket No. 42980.

<http://www.isc.idaho.gov/opinions/41946.pdf>

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KENNETH EYER and SALLY EYER v. IDAHO FOREST GROUP, LLC

No. 43532

Release date September 12, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from Bonner County, the Supreme Court affirmed a district court's award of attorney fees. Kenneth and Sally Eyer appealed from the district court's award of attorney fees to Idaho Forest Group, LLC (IFG). The Eyers and IFG entered into a Log Purchase Agreement in which IFG agreed to purchase timber harvested from the Eyers' land. Before logging, IFG sent an agent to the Eyers' property to assist them in locating property lines. The loggers mistakenly cut timber located on a neighbors' land. The neighbors sued the Eyers for timber trespass and the Eyers brought a third-party action against IFG for breach of an assumed duty to properly mark the property lines. A jury found in favor of IFG, finding that IFG had not assumed a duty to the Eyers. The district court then awarded IFG \$95,608 in attorney fees pursuant to Idaho Code section 12-120(3). On appeal, the Eyers contended that the district court erred in awarding fees under Idaho Code section 12-120(3), because (1) the gravamen of the Eyers' complaint was not a commercial transaction and (2) the Eyers did not sell timber for a "commercial purpose" since they used the proceeds of the sale to pay medical bills. The Supreme Court held that, because the Eyers' action against IFG arose from a commercial transaction and the purpose to which the proceeds of the transaction were to be applied was irrelevant, the district court properly awarded attorney fees to IFG. The Supreme Court awarded attorney fees and costs on appeal to IFG.

<http://www.isc.idaho.gov/opinions/43532.pdf>

STEVEN B. CUMMINGS v. NORTHERN TITLE CO. OF IDAHO, INC.

No. 43081

Release date September 12, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from Bear Lake County, the Supreme Court affirmed the district court's judgment awarding attorney fees to Northern Title Company of Idaho, Inc., (Northern Title) and affirmed the district court's order granting Northern Title I.R.C.P. 60(b) relief. In 2013, Steven Cummings initially prevailed in a lawsuit against Northern Title in district court and was awarded attorney fees and costs. Northern Title appealed, and in 2014 this Court reversed the judgment. Cummings v. Stephens, 157 Idaho 348, 367, 336 P.3d 281, 300 (2014) (Cummings I). In 2015, following remittitur, the district court awarded Northern Title attorney fees and costs and vacated its pre-appeal award of attorney fees and costs in favor of Cummings. The district court did so because our decision in Cummings I made Northern Title the prevailing party. Cummings appealed the district court's award of attorney fees and costs and the district court's order vacating

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his earlier judgment for damages and attorney fees and costs. The Supreme Court affirmed. It held the district court had post-appeal jurisdiction to vacate its earlier judgment and to award pre-appeal fees to Northern Title and that Cummings failed to demonstrate that the district court abused its discretion by granting Northern Title's request for I.R.C.P. 60(b) relief. The Supreme Court awarded Northern Title attorney fees and costs on appeal.

<http://www.isc.idaho.gov/opinions/43081.pdf>

ANDREW KIRK v. ANN B. WESCOTT

No. 42593

Release date September 12, 2016

Idaho Supreme Court

J. JONES, Chief Justice

The is an appeal from a judgment issued by the Blaine County District Court denying Andrew and Kimberly Kirk's claim for quiet title. The district court had granted partial summary judgment to Wescott, concluding that an easement encumbering the Kirks' property for the benefit of Wescott's property was created and had not terminated. The Supreme Court reversed, concluding that under its terms, the easement was to terminate one year after the deed granting the easement had been delivered.

<http://www.isc.idaho.gov/opinions/42593.pdf>

DEPT OF HEALTH & WELFARE v. JANE DOE (2016-17)

No. 44174

Release date September 12, 2016

Idaho Supreme Court

The Idaho Supreme Court affirmed the Latah County magistrate court's judgment terminating Jane and John Doe's parental rights to their two children. The Court held that substantial and competent evidence proved by clear and convincing evidence that Jane and John Doe neglected their children and, therefore, terminating their parental rights was in the children's best interests. The Court further held that Jane and John Doe's parental rights were properly terminated even though the petition for termination was filed before the order for permanency was entered and the children had not been in the Idaho Department of Health and Welfare's custody for fifteen months before the petition for termination was filed.

<http://www.isc.idaho.gov/opinions/44174.pdf>

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EDWARD JORDAN v. DEAN FOODS

No. 43281

Release date September 9, 2016

Idaho Supreme Court

HORTON, Justice

In an appeal from the Idaho Industrial Commission (Commission), the Supreme Court affirmed the Commission's decision that Edward Jordan was not entitled to additional benefits for his 2012 cervical spine surgery. The Commission determined that Jordan failed to prove that the medical cause of his cervical spine surgery was accidents that occurred while he was employed with Dean Foods. On appeal, the Supreme Court held that: (1) the Commission did not err by holding that Jordan had the burden of proving medical causation, and (2) substantial and competent evidence supported the Commission's conclusion that Jordan failed to prove that a 2010 accident caused his need for surgery.

<http://www.isc.idaho.gov/opinions/43281.pdf>

TASHA JEFFCOAT v. IDAHO DEPARTMENT OF CORRECTION

No. 43161

Release date September 9, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from the Idaho Industrial Commission (Commission), the Supreme Court affirmed the Commission's decision and order which affirmed the decision of an Appeals Examiner for the Idaho Department of Labor (IDOL). Tasha Jeffcoat appealed the decision of the Commission that found Jeffcoat ineligible for unemployment benefits that she received and required her to repay those benefits and statutory penalties. The Supreme Court held that Jeffcoat failed to support her appeal with argument or authority. Therefore, the Supreme Court affirmed the Commission's decision. The Supreme Court awarded IDOL its costs on appeal.

<http://www.isc.idaho.gov/opinions/43161.pdf>

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IDAHO DEPARTMENT OF HEALTH AND WELFARE v. JANE DOE (2016-14)

No. 44092

Release date September 9, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from Canyon County, the Supreme Court vacated and remanded the magistrate court's judgment terminating Jane Doe's parental rights as to her son, M.R. The Supreme Court held that the magistrate court applied erroneous legal standards to the two grounds for termination that it found to exist. The Supreme Court found that the magistrate court erred when it held that impossibility was not a defense to a claim of neglect based upon failure to comply with the requirements of a child protection act case plan. The Supreme Court further found that the magistrate court erred by considering the entire time that Doe had been and would be incarcerated rather than focusing on the time that Doe will be incarcerated in the future. Therefore, the Supreme Court remanded for further findings of fact and conclusions of law with the magistrate court applying the correct legal standards. The Supreme Court also strongly cautioned Idaho's trial judges against adopting proposed findings of fact and conclusions of law submitted to them by parties without careful consideration of those submissions.

<http://www.isc.idaho.gov/opinions/44092.pdf>

TURNER HOUSE v. TREASURE VALLEY AREA OF NARCOTICS ANONYMOUS

No. 43191

Release date September 9, 2016

Idaho Supreme Court

J. JONES, Chief Justice

The Supreme Court reversed the Elmore County District Court's denial of Treasure Valley Area of Narcotics Anonymous' request for attorney fees under Idaho Code section 12-120(3). The Court held that all of the claims in Turner House's third-party complaint were based on the allegation that Treasure Valley Area of Narcotics Anonymous assumed certain duties by entering into a commercial lease agreement with Turner House, which is sufficient to trigger the application of section 12-120(3).

<http://www.isc.idaho.gov/opinions/43191.pdf>

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STAFFORD L. SMITH v. WOODRUFF D. SMITH
No. 42621
Release date September 9, 2016
Idaho Supreme Court

HORTON, Justice.

In an appeal from Bonneville County, the Supreme Court affirmed the district court's grant of judgment on the pleadings and award of attorney fees to Stafford Smith against Woodruff Smith (Woody). Woody argued whether he and Stafford formed a contract for the sale of real property was a genuine issue of material fact, and that the district court erred when it granted Stafford attorney fees as the prevailing party below. The Supreme Court determined that Woody's appeal on the issue of contract formation was moot due to satisfaction of the judgment and that Stafford was entitled to attorney fees under Idaho Code section 12-120(3).

<http://www.isc.idaho.gov/opinions/42621.pdf>

MEDICAL RECOVERY SERVICES, LLC v. ALLISON OLSEN
No. 43147
Release date September 9, 2016
Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court reversed the appellate decision of the district court. This is an appeal out of Bonneville County from an appellate decision of the district court upholding a decision by the magistrate court that an agreement to pay a judgment impliedly included an agreement to waive any claim for an award of post-judgment costs and attorney fees. The Court reversed the decision of the district court.

<http://www.isc.idaho.gov/opinions/43147.pdf>

CHELSEA REED v. ZANE REED
No. 44056
Release date September 9, 2016
Idaho Supreme Court

EISMANN, Justice

The Idaho Supreme Court affirmed the amended judgment of the magistrate court. This is an appeal out of Bingham County from an amended judgment in a divorce action permitting the mother to move to Montana with the parties' two children. The Court affirmed the amended judgment.

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COURT OF APPEALS DECISIONS

JOHNNY JAY DIAMOND v. STATE OF IDAHO

No. 43336

Release date September 12, 2016

Idaho Court of Appeals

GRATTON, Judge Johnny Jay Diamond appeals from the district court's judgment summarily dismissing his petition for post-conviction relief. Diamond filed a pro se petition for post-conviction relief, seeking release and alleging his continued incarceration violated the Eighth Amendment and his trial counsel was ineffective for failing to file an appeal. The district court appointed counsel and ordered Diamond to amend his petition. The Court held that the district court did not address the claims in Diamond's original petition that were incorporated into the amended petition by reference. Thus, the court's notice of intent to dismiss was insufficient to allow Diamond a meaningful opportunity to respond. The court's judgment summarily dismissing Diamond's petition for post-conviction relief was reversed.

<http://www.isc.idaho.gov/opinions/43336.pdf>

STATE OF IDAHO v. SCOTT JEFFERY SAMS

No. 43357

Release date September 12, 2016

Idaho Court of Appeals

GRATTON, Judge
Scott Jeffery Sams appeals from the judgment of conviction finding him guilty of disturbing the peace. Sams tried to get evidence of a police standoff excluded from the trial under 404(b). The Court held that Idaho Rule of Evidence § 404(b) and its notice provisions do not apply. The correct analysis with respect to the evidence in question is relevance, which Sams did not challenge. Affirmed.

<http://www.isc.idaho.gov/opinions/43357.pdf>