BLACKFOOT, WEDNESDAY, OCTOBER 8, 2025, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

CAMP MAGICAL MOMENTS, CANCER CAMP FOR KIDS, INC., an Idaho non-profit corporation,	)	
Plaintiff-Appellant-Cross-Respondent,	)	**Docket No. 51061**
v.	)	
TOM WALSH and ANN T. WALSH, husband and wife,	)	
Defendants-Respondents-Cross-Appellants.	)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Canyon County. Bruce L. Pickett, District Judge.

Smith, Driscoll & Associates, PLLC, Idaho Falls, attorneys for Appellant.

Carey Law, PLLC, Idaho Falls, attorneys for Respondent.

This appeal arises from a dispute between Camp Magical Moments, Inc. ("CMM") and Tom and Ann Walsh ("the Walshes") concerning the valuation and disposition of buildings owned by CMM but situated on real property held by the Walshes. CMM initiated the underlying action seeking monetary damages for the alleged shortfall between the appraised value of its buildings and the amount it received following the sale of the property. Following a bench trial, the district court entered judgment in favor of CMM on its claims of constructive fraud, unjust enrichment, and breach of fiduciary duty. The court found that CMM had sustained $309,506.84 in damages but reduced the award by fifty percent based on the doctrines of comparative negligence and avoidable consequences, resulting in a final judgment of $154,753.42. The court denied attorney fees to both parties. After the judgment was entered, CMM registered the judgment in North Carolina and received payment in full, including post-judgment interest. Notwithstanding this satisfaction, CMM appealed the district court's decision to reduce its damages and to deny fees. In response, the Walshes cross-appealed, arguing that the election of remedies doctrine bars CMM's appeal. They further contend the district court erred by failing to apply various affirmative defenses and by finding that Ann Walsh breached her fiduciary duties.