

**BOISE, MONDAY, MAY 6, 2024, AT 11:10A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**SCOTT PINKHAM, an individual; and )  
NATALIE PINKHAM, an individual, )**

**Plaintiff-Counterdefendants- )  
Respondents, )**

**Docket No. 48954**

**v. )**

**DAVID PLATE, an individual; THREE )  
PEAKS HOMES, LLC, an Idaho limited )  
liability company; REBECCA JENSEN, an )  
individual, )**

**Defendants-Counterclaimants- )  
Appellants, )**

**and )**

**LEGACY MANAGEMENT ENTERPRISES, )  
LLC, a Wyoming limited liability company, )**

**Defendants-Counterclaimants, )**

**and )**

**DOUG HALL, an individual; REBEL CREW )  
CONSTRUCTION, LLC, a Wyoming limited )  
liability company, )**

**Defendants. )**

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

Hawley, Troxell, Ennis & Hawley, LLP, Pocatello, for Appellants.

Parsons, Behle & Latimer, Idaho Falls, for Respondents.

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This case concerns a dispute arising from Scott and Natalie Pinkham’s custom home construction contract with Three Peaks Homes, LLC, which is owned by David Plate and Rebeccah Jensen (collectively, “the Appellants”). The Pinkhams sued the Appellants, asserting

several causes of action. As litigation progressed, the Appellants' attorney filed a motion to withdraw from the case under Idaho Rule of Civil Procedure ("I.R.C.P.") 11.3. The district court granted the motion to withdraw, triggering a twenty-one-day window for the Appellants to secure new counsel or risk having default judgment entered against them under I.R.C.P. 11.3. After failing to timely secure new counsel, the district court entered default judgment against the Appellants without providing additional notice. The district court found the Appellants were jointly and severally liable for damages totaling \$647,311.95. On appeal, the Appellants contended that (1) the district court acted outside its authority to enter a default judgment under I.R.C.P. 11.3 and 55; (2) abused its discretion in entering a default against the Appellants; and (3) improperly awarded damages in excess of those demanded in the pleadings and without explanation.

On appeal, the Idaho Supreme Court affirmed the district court's judgment in part and reversed it in part. The Court concluded that the district court did not err in denying the Appellants' motion to set aside the entry of default. However, the district court erred in awarding unpleaded damages without any proof of the amount sought. The Court held that although Idaho Rule of Civil Procedure Rule 11.3 governed the entry of default, Rules 54 and 55 still applied in determining the amount of the default judgment. The unverified complaint merely stated that the Pinkhams were seeking damages "in an amount to be proven at trial." Accordingly, the Court vacated the award of damages and remanded the case to the district court for a determination as to the proper amount of damages based on the proof submitted. Pinkham filed a petition for rehearing, which the Court granted. Pinkham argues on rehearing that the majority opinion erred in concluding the judgment was void under the Idaho Rules of Civil Procedure. Alternatively, Pinkham argues that rehearing should be granted to withdraw the directive for the district court's judgment to be vacated so that the district court can instead enter an amended judgment.