

BOISE, WEDNESDAY, JANUARY 14, 2026, at 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**TAMBER SPEARS, individually, and in her)
capacity as Administrator of the ESTATE OF)
DAVID M. FLAGET; SHANNON FLAGET)
HALL, an individual; CHRISTINE)
WAGNER, an individual; BRIAN)
RANDALL, an individual; PATRICK)
LEACH, an individual; OLY MORRIS, an)
individual; BRITTNEY CORNWELL, an)
individual; KENDY FREEMAN, an)
individual; and COLLEEN CARR, an)
individual,)
Plaintiffs-Appellants,)
v.)
ANTELOPE MOUNTAIN RESORT, LLC,)
an Idaho limited liability company; JAMES)
D. RUSSELL, an individual; MARY)
KATHERINE RUSSELL, an individual,)
Defendants-Respondents,)
and,)
ELIZABETH RUSSELL, an individual;)
ROBERT DAVID RUSSELL and LIANN)
RUSSELL, husband and wife,)
Defendants.)**

Docket No. 52406

Appeal from the District Court of the First Judicial District of the State of Idaho,
Bonner County. Lamont Berecz, District Judge.

Riverside NW Law Group, PLLC, Spokane, Washington, for Appellants.

Paine Hamblen, LLP, Spokane, Washington, for Respondent James D. Russell.

Anderson Julian & Hull, LLP, Boise for Respondents Antelope Mountain Resort,
LLC, Mary Katherine Russell, and Elizabeth Russell.

Cooper & Larsen, Chartered, Pocatello, Idaho, for Respondents Lianna Russell and Robert David Russell.

Plaintiff-Appellant Tamber Spears, along with eight other relatives of the late David Flaget, appeals from an order of the district court granting summary judgment in favor of Defendant-Respondent Mary Russell and her LLC. David Flaget was murdered by James Russell, Mary Russell's grandson, on property she owns in Clark Fork, Idaho. At the time of the murder, James Russell was living on the Clark Fork property and suffering from severe mental illness. He later pleaded guilty to second-degree murder and is currently serving a life sentence for that crime.

Spears and the other plaintiffs also asserted personal claims against Mary Russell for intentional infliction of emotional distress and negligent infliction of emotional distress. In the district court, Mary Russell moved for summary judgment on all claims. In opposition, Spears submitted two declarations tending to show that Mary Russell knew of her grandson's violent tendencies. The district court struck portions of these declarations as inadmissible. It also granted summary judgment in favor of Mary Russell, ruling that she owed neither David Flaget nor the plaintiffs personally any duty of care and had not directed any intentional tortious conduct toward them.

On appeal, Spears challenges the district court's evidentiary rulings on the declarations as an abuse of discretion. She argues that the district court erred in ruling that Mary Russell did not have a duty to protect David Flaget. Spears further contends that the district court erred in granting summary judgment in favor of Mary Russell on the intentional and negligent infliction of emotional distress claims.