

BOISE, IDAHO, FEBRUARY 14, 2025, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**LAURA MILUS, in her individual capacity)
and as Guardian of the Minor Child Plaintiff,)
D.L.J.,)**

Plaintiff-Appellant,)

v.)

**SUN VALLEY COMPANY, a Wyoming)
corporation,)**

Defendant-Respondent.)

Docket No. 49693-2022

Appeal from the District Court of the Fifth Judicial District of the State of Idaho,
Blaine County. Ned C. Williamson, District Judge.

Rossman Law Group, PLLC, Boise, for Appellant.

Lake City Law Group PLLC, Coeur d’Alene, for Respondent.

The Idaho Supreme Court agreed to rehear this case following the issuance of its opinion in December 2023. This case concerns the interpretation of the Responsibilities and Liabilities of Skiers and Ski Area Operators Act. Laura Milus, on behalf of herself and her minor son, D.L.J., brought a wrongful death action against Sun Valley Company after her husband died following his collision with a snow gun while skiing at the Sun Valley Ski Resort. Sun Valley moved for summary judgment on Milus’ claims. The district court granted the motion, holding that Sun Valley fulfilled its duty under Idaho Code section 6-1103(2) to mark snowmaking equipment by surrounding the snow gun in yellow padding. Next, the district court held that Sun Valley did not have any duty under Idaho Code section 6-1103(6) to place a notice at the top of the trail where Mr. Milus struck the snowmaking equipment because the snowmaking equipment was not actively discharging snow. Milus appealed the district court’s decision, arguing that the district court misinterpreted the language of section 6-1103(2) and (6) and incorrectly ruled on questions of fact that should have been reserved for a jury.

In its December 2023 opinion, the Idaho Supreme Court reversed the grant of summary judgment and remanded for further proceedings. The Court held that ski area operators are held to an ordinarily prudent person standard of care when undertaking the duties enumerated in Idaho Code section 6-1103(1) through (9) and that whether the yellow padding surrounding the snow gun constitutes a “warning implement” under Idaho Code section 6-1103(2) is a question of fact

for the jury. Next, the Court held that Idaho Code section 6-1103(6) imposes a duty on ski area operators to place a conspicuous notice at or near the top of the trail or slope when snowmaking equipment is placed on the ski run or slope, not only when the snowmaking equipment is actively discharging snow, and that there was a genuine issue of material fact whether Sun Valley complied with that duty. Lastly, the Court held that there was a genuine issue of material fact whether Sun Valley may avail itself of the assumption of the risk defense provided in Idaho Code section 6-1106.

Sun Valley filed a Petition for Rehearing, arguing that the Court erred in (1) imposing a standard of care with respect to the duties enumerated in section 6-1103(1) through (9); (2) determining that the location of the snow gun created an issue of fact; (3) interpreting and applying section 6-1106; and (4) determining that there was a genuine issue of material fact as to whether Sun Valley placed a conspicuous notice at or near the top of the ski run. The Court granted Sun Valley's Petition for Rehearing.