

BOISE, MONDAY, FEBRUARY 10, 2025 at 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**ERIC R. CLARK, an individual; and S.C., a)
minor,)
)
Plaintiffs-Counterdefendants-)
Appellants,)
)
v.)
)
JOHN and DINAH COLEMAN, individually,)
and as husband and wife,)
)
Defendants-Counterclaimants-)
Respondents,)
)
and)
)
UNITED SERVICES AUTOMOBILE)
ASSOCIATION, and BRIAN D. GRAY, its)
agent,)
)
Defendants-Respondents.)
_____)**

Docket No. 51014

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County, Cynthia Yee-Wallace, District Judge.

Clark & Associates, Eagle, for Appellants.

Elam & Burke, PA, Boise, for Respondent USAA and Gray.

Powers Farley, PC, and Litster Frost Injury Lawyers, Boise, for Respondent Coleman.

This appeal arises out of an automobile accident, and a later settlement agreement negotiated and paid out by United Services Automobile Association (“USAA”). While driving her father’s vehicle, sixteen year-old S.C. rear-ended a vehicle driven by Dinah Coleman. Dinah Coleman subsequently submitted a claim with the insurer of S.C.’s vehicle, USAA. While that claim was pending, S.C.’s father, Eric R. Clark, sued Dinah and her husband, John Coleman, alleging negligence and negligence per se. Mr. Clark also advanced a claim for insurance fraud against the Colemans, alleging the Colemans staged the collision and then lied about the

circumstances of the collision to USAA which caused his insurance rates to increase. Dinah Coleman counterclaimed, alleging negligence and negligence per se against S.C., and imputed negligence against Eric Clark.

USAA and Dinah Coleman subsequently reached a settlement agreement on her counterclaims against the Clarks. The Clarks then sued USAA and an adjuster assigned to Ms. Coleman's insurance claim, Brian D. Gray, alleging breach of fiduciary duty and negligence. The Clarks also sought declaratory relief that the settlement agreement between USAA and Dinah Coleman was void. The Clarks' case against the Colemans was consolidated with their case against USAA and, after a series of motions, the district court dismissed all of the Clarks' claims with prejudice.

The Clarks appeal and raise a number of issues, including: (1) whether issues of material fact exist concerning whether Ms. Coleman caused the collision, thus precluding summary judgment to the Colemans on the Clarks' negligence and negligence per se claims; (2) whether the district court erred in concluding there is no private cause of action for insurance fraud under Idaho law, (3) whether the district court erred by denying the Clarks' motions to amend their complaint to add a defamation per se claim against Ms. Coleman; (4) whether the district court erred when it dismissed the Clarks' claim against USAA and then refused to allow Clark to amend his complaint; and (5) whether a new district judge should be assigned on remand.