

COEUR D'ALENE, WEDNESDAY, SEPTEMBER 17, 2025, AT 10:00 A.M.
IN THE SUPREME COURT OF THE STATE OF IDAHO

ACORN INVESTMENTS, LLC,)
an Idaho limited liability company,)
as successor in interest to LEWIS)
PATRICK and MICHELLE)
SIVERTSON, and the marital)
community composed thereof; AHR,)
LLC, an Arizona limited liability)
Company; FETCHINGLY GOOD,)
LLC, an Idaho limited liability company)

Docket No. 52007

Plaintiff-Appellant,)

v.)

FORD ELSAESSER and ELSAESSER)
ANDERSON, CHTD.,)

Defendants-Respondents.)

Appeal from the District Court of the First Judicial District of the State of Idaho,
Bonner County. Susie Jensen, District Judge.

Witherspoon Brajcich McPhee, PLLC, Coeur d'Alene, attorneys for Appellant.

Benoit, Mollerup, Danielson & Grieve, PLLC, Twin Falls, attorneys for Respondents.

This appeal concerns the assignability of a legal malpractice claim. Acorn Investments, LLC appeals from the district court's judgment dismissing its legal malpractice lawsuit against Ford Elsaesser and Elsaesser Anderson, Chtd. (Elsaesser). The suit was originally filed by Lewis Patrick, Michele Sivertson, AHR, LLC, and Fetchingly Good, LLC (the Original Plaintiffs) whom Elsaesser represented in previous litigation against Acorn Investments, LLC. The legal malpractice claim stemmed from that lawsuit. After Original Plaintiffs filed the legal malpractice suit, Original Plaintiffs and Acorn executed a settlement agreement. Under the terms of the agreement, Original Plaintiffs assigned their causes of action in the legal malpractice suit to Acorn, a money judgment in the amount of \$910,617.16, and Acorn agreed not to execute on the money judgment in consideration for the assignment of the legal malpractice claims. Over Elsaesser's objection, the district court in the legal malpractice suit allowed Acorn to substitute as the plaintiff, as Original Plaintiffs' successor in interest. The district court found Original Plaintiffs' malpractice claims were not assignable and entered summary judgment in Elsaesser's favor. Acorn now challenges the district court's ruling, arguing that, under *St. Luke's Magic Valley Regional Medical Center v. Luciani*, 154 Idaho 37, 293 P.3d 661 (2013) and public policy considerations, the legal malpractice claim was assignable because it was transferred to Acorn in a commercial transaction, along with other business assets.