

THURSDAY, NOVEMBER 06, 2025, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52413

MARK JACOB MISKIN,

Plaintiff-Appellant,

v.

TIA C. MORRELL,

Defendant-Respondent.

Appeal from the District Court of the Seventh Judicial District, State of Idaho,
Bingham County. Hon. Darren B. Simpson, District Judge.

Wood Law Group, PC; T. Jason Wood, Idaho Falls, for appellant.

Haman Law Office, PC; Michael L. Haman, Coeur d'Alene, for respondent.

This case arises from an automobile accident in which Mark Jacob Miskin was rear-ended by Tia C. Morrell. Three and one-half years later, Miskin filed a complaint for personal injury and property damage. Morrell moved for summary judgment based on a statute of limitations defense. Miskin filed the expert affidavit to support his claim of tolling of the statute of limitations under Idaho Code § 5-230, claiming to be incompetent at the time of the accident. The district court granted summary judgment, finding the affidavit insufficient to raise a genuine issue of fact as to Miskin's incompetence. On reconsideration, Miskin filed a more detailed expert affidavit, however, the district court refused to consider the affidavit and, alternatively, again found the affidavit insufficient.

On appeal, Miskin claims that the district court erred in declining to consider the second expert affidavit filed in support of his motion for reconsideration. Miskin also argues that the district court erred in finding that Miskin failed to raise a genuine issue of material fact as to his incompetency for purposes of tolling the applicable statutes of limitation. Both Miskin and Morell claim attorney fees on appeal.