

BOISE, MONDAY, JUNE 3, 2024, AT 11:10A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

KERRY ANGELOS, an individual,)	
)	
Plaintiff-Appellant,)	
)	
and)	Docket No. 49788
)	
GREG SCHATZEL, as successor in interest)	
to KERRY ANGELOS, an individual,)	
)	
Plaintiff,)	
)	
v.)	
)	
GREG SCHATZEL and SUSAN)	
SCHATZEL, husband and wife; RICHARD)	
J. PINEDA, an individual; FRED J. PINEDA,)	
an individual,)	
)	
Defendants-Respondents,)	
)	
and)	
)	
DOES 1 through 10, inclusive,)	
)	
Defendants.)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Patrick J. Miller, District Judge.

McConnell Wagner Sykes & Stacey, PLLC, Boise, and The Schafer Law Firm, PC, San Juan Capistrano, California, for Appellant.

McCarthy & Holthus, LLP, Boise; Garrett Richardson PLLC, Eagle; and Thomas Schatzel, Esq., Los Gatos, California, for Respondents.

Kerry Angelos appeals the district court’s decision to grant a motion to substitute Greg Schatzel as the party plaintiff pursuant to Idaho Rule of Civil Procedure 25(c). Angelos brought a defamation lawsuit against Greg and Susan Schatzel, Fred Pineda, and Richard Pineda, claiming they control a website that published libelous comments on Angelos’s real estate business, prior litigation, and bankruptcy. However, during the course of the lawsuit, Angelos’s interests in the action were auctioned at a sheriff’s sale to satisfy a preexisting monetary judgment held by a

third party. Greg Schatzel was the highest bidder at the auction. He purchased Angelos's interest in the defamation action, substituted himself as party plaintiff, and then stipulated with the other defendants to dismiss the action with prejudice. Angelos appeals, arguing that an alleged tortfeasor cannot purchase the plaintiff debtor's interests in a lawsuit in order to gain control of both sides of the action and extinguish the claim.