

SUPREME COURT DECISIONS

ALAN GOLUB v. KIRK-HUGHES DEVELOPMENT, LLC

No. 41501

Release date: February 4, 2015

Idaho Supreme Court

J. JONES, Justice

The Supreme Court upheld the district court's decision in this Kootenai County case that Alan and Marilyn Golub's judgment was a first-priority lien against Kirk-Hughes' real estate because Kirk-Scott's deed of trust, although dated prior to the recording of the judgment, was not recorded until after the judgment. The Court also upheld the district court's imposition of sanctions against Kirk-Hughes.

<http://www.isc.idaho.gov/opinions/41501.pdf>

KEITH A. SIMS v. DAN S. JACOBSON

No. 40474

Release date: January 26, 2015

Idaho Supreme Court

BURDICK, Chief Justice

The Idaho Supreme Court affirmed the Kootenai County district court's attorney fees award to Dan S. Jacobson, Sage Holdings, LLC, Steven G. Lazar, the Mitchell A. Martin and Karen C. Martin Family Trust, and Devon Chapman (collectively "the Jacobson group"). This appeal arose after Keith A. Sims, dba Kasco of Idaho, LLC ("Sims") asserted claims against the Jacobson group for lien foreclosure, breach of contract, and quantum meruit. The district court dismissed all of Sims's claims with prejudice and awarded the Jacobson group attorney fees for the breach of contract and quantum meruit claims under Idaho Code sections 12-120(3) and 12-121.

Sims appealed, but subsequently withdrew several of his initial issues on appeal. The issues remaining were the district court's attorney fees award and attorney fees on appeal. The Supreme Court concluded that the district court correctly awarded reasonable attorney fees under section 12-120(3) because Sims's claims were based on an alleged commercial transaction. As to attorney fees on appeal, the Court awarded the Jacobson group attorney fees as sanctions on Sims's withdrawn lien foreclosure issue and awarded the Jacobson group attorney fees on all other issues under section 12-120(3).

<http://www.isc.idaho.gov/opinions/40474.pdf>

*Summary of Supreme Court and Court of Appeals Published Opinions
January 22 – February 4, 2015
Compiled by Stephen Kenyon, Clerk of the Courts*

ALAN GOLUB v. KIRK-SCOTT, LTD.

No. 41505

Release date: January 30, 2015

Idaho Supreme Court

J. JONES, Justice

The Supreme Court upheld the district court's decision in this Kootenai County case that Alan and Marilyn Golub's judgment was a first-priority lien against Kirk-Hughes' real estate because Kirk-Scott's deed of trust, although dated prior to the recording of the judgment, was not recorded until after the judgment. The Court held that the good faith and valuable consideration requirements in Idaho Code section 55-606 do not apply to valid judgment liens. The Court also disposed of a number of claims that the Golub judgment was void.

<http://www.isc.idaho.gov/opinions/41505.pdf>

DEPT OF HEALTH & WELFARE v. JANE DOE (2014-22)

No. 42442

Release date: January 26, 2015

Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court affirmed the judgment of the magistrate court. This is an appeal out of Payette County from a judgment terminating the appellant's parental rights in her child. We affirm the judgment of the magistrate court.

<http://www.isc.idaho.gov/opinions/42442.pdf>

MOSELL EQUITIES, LLC v. BERRYHILL & COMPANY, INC.

No. 41338

Release date: January 26, 2015

Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court reversed the order of the district court. This is an appeal out of Ada County from an order granting respondent a new trial. We reverse the order of the district court and remand this case for entry of a judgment that is consistent with the jury verdict.

<http://www.isc.idaho.gov/opinions/41338.pdf>

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JIM & MARYANN PLANE FAMILY TRUST v. JASON SKINNER
No. 42529
Release date: January 23, 2015
Idaho Supreme Court

J. JONES, Justice

The Supreme Court affirmed the decision of a Payette County magistrate judge, terminating the parental rights of Jane Doe to her son. The Court held there to be substantial evidence in the record that the Idaho Department of Health & Welfare had made active efforts to prevent the breakup of the family as required by the federal Indian Child Welfare Act and that a preponderance of evidence standard of proof applied under that act.

<http://www.isc.idaho.gov/opinions/42529SS.pdf>

JIM & MARYANN PLANE FAMILY TRUST v. JASON SKINNER
No. 41448
Release date: January 23, 2015
Idaho Supreme Court

HORTON, Justice.

In an appeal from Bear Lake County, the Supreme Court affirmed the district court's decision denying the Jim and Maryann Plane Family Trust's motion to void a portion of an earlier stipulated judgment regarding a ten foot wide driveway. The parties' predecessors stipulated to the entry of a judgment creating a five foot easement over land currently belonging to Jason and Janae Skinner. The judgment crafted by the parties' predecessors recognized the other five feet of the driveway might be located on a State highway right-of-way. The Plane Family Trust argued the stipulated judgment was void for lack of jurisdiction and illegal because the State was not a party to the stipulated judgment. The Trust asked the district court to delete portions of the stipulated judgment referring to the location of the driveway on the State right-of-way. This would have had the effect of doubling the width of the Trust's easement across the Skinners' property.

The Supreme Court determined that Rule 60(b)(4) did not authorize the district court to modify a judgment in such a fashion and that the judgment was not void or illegal. The Supreme Court also ruled the district court had not abused its discretion when it awarded attorney fees to the Skinners for their defense of a frivolous action. The Supreme Court found the appeal to be frivolous, and imposed sanctions against the Trust and its attorneys, ordering them to pay the attorney fees and costs incurred by the Skinners in the defense of the appeal.

<http://www.isc.idaho.gov/opinions/41448.pdf>

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FLYING "A" RANCH, INC. v. COUNTY COMMISSIONERS OF FREMONT
COUNTY

No. 41584

Release date: January 23, 2015

Idaho Supreme Court

HORTON, Justice.

In an appeal from Fremont County, the Idaho Supreme Court affirmed the district court's decision that the record of the Fremont County Board of Commissioners (Board) did not contain substantial and competent evidence to support the inclusion of a road as a public road on its official county highway map, under Idaho Code section 40-202. The Court held that although the inclusion of a road on an official county highway map under Idaho Code section 40-202 must originally be supported by "some basis," once the inclusion of the road is challenged a county must support the inclusion of the road with substantial and competent evidence. The Court issued instructions to the district court to remand the matter to the Board with instructions to properly consider the status of the road and issue a new county highway map consistent with the Court's opinion. Additionally, the Court awarded the parties challenging the Board's action attorney fees under Idaho Code section 12-117.

<http://www.isc.idaho.gov/opinions/41584.pdf>

JOAN M. THRALL v. ST. LUKE'S REGIONAL MEDICAL CENTER

No. 41991

Release date: January 21, 2015

Idaho Supreme Court

J. JONES, Justice

The Supreme Court vacated an Idaho Industrial Commission holding that Joan Thrall had voluntarily quit her job at St. Luke's Regional Medical Center. Based on the Commission's findings, it should have concluded that she was discharged when she was presented with the choice of quitting or being fired. The Court remanded the case back for further proceedings.

<http://www.isc.idaho.gov/opinions/41991.pdf>

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TERRI L. BOYD-DAVIS v. MACOMBER LAW, PLLC
No. 41523
Release date: January 21, 2015
Idaho Supreme Court

HORTON, Justice.

The Idaho Supreme Court vacated the decision of the Industrial Commission of the State of Idaho which concluded that Terri Boyd-Davis was ineligible for unemployment benefits due to her failure to provide requested information pursuant to IDAPA 09.01.30.425.07. The Supreme Court concluded that the Commission erred by applying the presumption of delivery set forth in Idaho Code section 72-1368(5) to a letter from the Idaho Department of Labor because, based on the plain language of the statute, the presumption of delivery applies only to notices of determinations, revised determinations, redeterminations, special redeterminations, and decisions, not to letters like the one allegedly sent in this case. The Supreme Court also concluded that the Commission abused its discretion when it denied Boyd-Davis benefits as the Commission failed to recognize the issue of denying benefits pursuant to IDAPA 09.01.30.425.07 was committed to its discretion.

<http://www.isc.idaho.gov/opinions/41523X.pdf>

COURT OF APPEALS DECISIONS

No opinions during this time