

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

SUPREME COURT DECISIONS

SILVER CREEK SEED, LLC v. SUNRAIN VARIETIES, LLC

No. 43078

Release date November 30, 2016

Idaho Supreme Court

J. JONES, Chief Justice

Sunrain, LLC, appealed a judgment obtained by Silver Creek Seed, LLC, in Blaine County district court based on a contract dispute between the parties. The dispute arose when seed potatoes grown by Silver Creek for Sunrain tested positive for bacterial ring rot. The district court granted partial summary judgment in favor of Silver Creek and a jury awarded a monetary judgment to Silver Creek. On appeal, the Supreme Court affirmed the judgment.

<https://isc.idaho.gov/opinions/43078.pdf>

EAGLE EQUITY FUND, LLC v. TITLEONE CORPORATION

No. 42850

Release date November 23, 2016

Idaho Supreme Court

W. JONES, Justice

In a case arising out of Ada County, the Idaho Supreme Court affirmed the district court's summary judgment dismissal of Eagle Equity Fund's claims for tortious interference with a prospective economic advantage and negligent reconveyance under Idaho Code section 45-1205. The Court further held that the district court had not abused its discretion when it refused to allow Eagle Equity Fund to amend its complaint to add a quiet title claim. Specifically, the Court reasoned that: (1) tortious interference with a prospective economic advantage is a common law cause of action, which is not available in the improper reconveyance context under Idaho Code section 45-1205; (2) the measure of damages for a secured party resulting from the improper reconveyance of a piece of property is the fair market value of the property as of the date of the reconveyance less prior encumbrances, not, however, to exceed the amount secured by the property—Eagle Equity Fund failed to provide sufficient evidence that the fair market value of the security property as of the date of the reconveyance was greater than the amount of higher priority encumbrances; and (3) Eagle Equity Fund had no valid claim to any interest in the

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

property and, accordingly, it could not possibly succeed on a quiet title claim. Attorney's fees on appeal were granted to Respondents under Idaho Code section 12-121.

<https://isc.idaho.gov/opinions/42850.pdf>

INCLUSION, INC. v. IDAHO DEPT OF HEALTH & WELFARE

No. 42245

Release date November 23, 2016

Idaho Supreme Court

BURDICK, Justice

The Idaho Supreme Court vacated the Ada County district court's award of attorney fees to the Idaho Department of Health and Welfare (IDHW) under Idaho Code section 12-120(3). The district court found that IDHW's requested award for \$74,925.00 was based on a reasonable amount of hours and a reasonable hourly rate. The district court, however, awarded only \$30,857.11, attempting to approximate the amount billed by the Attorney General. The Court held that the district court erred by rejecting IDHW's requested award. Because Idaho Code section 12-120(3) authorizes awards of reasonable attorney fees, the Court held that the district court erred by attempting to base the award on the actual amount billed by the Attorney General. Accordingly, the Court vacated the district court's award and granted IDHW's requested award in full.

<https://isc.idaho.gov/opinions/Inclusion%20opinion.pdf>

ROBERT WOLFORD v. SHAWN MONTEE

No. 42719

Release date November 23, 2016

Idaho Supreme Court

BURDICK, Justice

The Idaho Supreme Court affirmed in part and vacated and remanded in part the Kootenai County District Court's grant of summary judgment in favor of Respondent, Robert Wolford. The Court held that a 2009 promissory note between Wolford, as lender, and Shawn Montee, as borrower, was clear and unambiguous on its face. Thus, the district court did not err in granting summary judgment on the 2009 Note. However, the Court held that a 2010 promissory note was ambiguous because it was unclear how interest on the note should be calculated. Consequently, summary judgment on the 2010 Note was vacated and the Court remanded for a determination of the parties intent regarding the interest due on the 2010 Note. The Court also held that the judgment for the 2010 Note improperly included principal when by its plain terms the 2010 Note only included interest.

<https://isc.idaho.gov/opinions/42719X.pdf>

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

ALIK G. TAKHSILOV v. STATE OF IDAHO

No. 44099

Release date November 23, 2016

Idaho Supreme Court

J. JONES, Chief Justice

The Supreme Court affirmed the Ada County district court's judgment dismissing Alik Takhsilov's petition for post-conviction relief. The Court held that Takhsilov received adequate notice of the grounds upon which the State was seeking dismissal. The Court also held that Takhsilov failed to raise a material factual dispute as to his competence at the time he entered his pleas.

<https://isc.idaho.gov/opinions/Takhsilov%20opinion.pdf>

STATE OF IDAHO v. JONATHAN ALAN HILL

No. 42719

Release date November 23, 2016

Idaho Supreme Court

HORTON, Justice.

In an appeal from Nez Perce County, the Supreme Court vacated the felony DUI conviction of Jonathan Hill. The Court held that the district court had abused its discretion when it admitted hearsay testimony over an objection from Hill. The challenged testimony came from the sheriff's deputy who administered field sobriety tests to Hill. The district court permitted the deputy to testify that he had been taught that the presence of vertical nystagmus meant that the subject had a blood alcohol content of .10 or higher. The Court further held that the State failed to meet its burden of showing that the error was harmless beyond a reasonable doubt because it failed to address harmless error in its brief on appeal.

<https://isc.idaho.gov/opinions/Hill%20opinion.pdf>

ROBERT WOLFORD v. SHAWN MONTEE

No. 42719

Release date November 18, 2016

Idaho Supreme Court

BURDICK, Justice

The Idaho Supreme Court affirmed in part and vacated and remanded in part the Kootenai County District Court's grant of summary judgment in favor of Respondent, Robert Wolford. The Court held that a 2009 promissory note between Wolford, as lender,

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

and Shawn Montee, as borrower, was clear and unambiguous on its face. Thus, the district court did not err in granting summary judgment on the 2009 Note. However, the Court held that a 2010 promissory note was ambiguous because it was unclear how interest on the note should be calculated. Consequently, summary judgment on the 2010 Note was vacated and the Court remanded for a determination of the parties intent regarding the interest due on the 2010 Note. The Court also held that the judgment for the 2010 Note improperly included principal when by its plain terms the 2010 Note only included interest.

<https://isc.idaho.gov/opinions/42719X.pdf>

DENNIS J. SALLAZ v. EUGENE (ROY) RICE

No. 42698

Release date November 18, 2016

Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court affirmed the judgment of the district court. This is an appeal out of Ada County from an order denying the Plaintiffs' motion for a directed verdict. We affirm the denial of the motion and therefore uphold the jury verdict and judgment in favor of the Defendants.

<https://isc.idaho.gov/opinions/Sallaz%20opinion.pdf>

RONNEL E. BARRETT v. HECLA MINING COMPANY

No. 43639

Release date November 18, 2016

Idaho Supreme Court

BURDICK, Justice

The Idaho Supreme Court upheld the Kootenai County District Court's grant of summary judgment to Hecla Mining Company, et al. (Hecla). Relying on its holding in *Marek v. Hecla*, No. 43269 (Idaho Nov. 18, 2016), the Court held that Barretts' claims were governed by the Idaho Worker's Compensation Act, and because there was no evidence that Hecla's actions amounted to "willful or unprovoked physical aggression" under Idaho Code section 72-209(3), summary judgment was affirmed.

<https://isc.idaho.gov/opinions/43639.pdf>

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

PATRICIA MAREK v. HECLA, LIMITED

No. 43269

Release date November 18, 2016

Idaho Supreme Court

BURDICK, Justice

The Idaho Supreme Court upheld the Kootenai County District Court's grant of summary judgment to Hecla Mining Company, et al. (Hecla). The Court ruled that Marek's claims were governed by the Idaho Worker's Compensation Act; therefore, Marek's were barred from bringing a tort action against Hecla. The Court held that "willful or unprovoked physical aggression" in Idaho Code section 72-209(3) of the Idaho Worker's Compensation Act, required either a "willful," i.e., specific intent to harm, or "unprovoked," i.e., general intent to harm, and because there was no evidence of either standard being met, summary judgment was affirmed.

<https://isc.idaho.gov/opinions/43269.pdf>

THE DAVID AND MARVEL BENTON TRUST v. DOROTHY B. MC CARTY

No. 43326

Release date November 16, 2016

Idaho Supreme Court

W. JONES, Justice

In a case arising out of Bonneville County, the Idaho Supreme Court affirmed the district court's summary judgment granting the David and Marvel Benton Trust's motion to quiet title to certain property. The Idaho Supreme Court held that a quitclaim deed purporting to transfer property to Dorothy B. McCarty ("McCarty") was unenforceable as a matter of law for failing to contain a legally sufficient property description. Specifically, the Court held that the quitclaim deed violated both Idaho Code section 9-503 and Idaho Code section 9-505(4) (more commonly known as the Statute of Frauds). In coming to this conclusion, the Court reaffirmed a long line of cases establishing that extrinsic evidence is not admissible to supplement a property description in a document conveying property unless the proffered extrinsic evidence is explicitly referenced in said property description. Attorney's fees were awarded to the Trust under Idaho Code section 12-121.

<https://isc.idaho.gov/opinions/43326X.pdf>

STATE OF IDAHO v. JOHN PATRICK LINZE JR.

No. 43960

Release date November 10, 2016

Idaho Supreme Court

W. JONES, Justice

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

In a case arising out of Canyon County, the Idaho Supreme Court vacated the district court's judgment convicting John Patrick Linze Jr. of possession of methamphetamine and reversed an order denying Linze's motion to suppress evidence. The motion to suppress evidence had asserted that Linze's Fourth Amendment rights were violated when a police officer extended a traffic stop in order to aid a second police officer in conducting a drug dog sweep. In a unanimous decision, the Idaho Supreme Court held that Linze's Fourth Amendment rights had been violated. This decision was reached in accordance with the United States Supreme Court's decision in *Rodriguez v. U.S.*, 135 S. Ct. 1609, 1614 (2015), which established that "a police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures."

<https://isc.idaho.gov/opinions/43960.pdf>

COURT OF APPEALS DECISIONS

STATE OF IDAHO v. OSVALDO GUADALUPE ARENAS

No. 43254

Release date November 21, 2016

Idaho Court of Appeals

GUTIERREZ, Judge

Patrick Segundo Oar appeals from his judgment of conviction for grand theft by extortion following a jury trial. Specifically, Oar argues there was insufficient evidence to support his conviction and the district court imposed an excessive sentence. The evidence at trial was sufficient to support the jury's conclusion that fear instilled by the threatening letter caused M.D. to deliver the money to Blake. Further, the district court did not abuse its discretion in sentencing Oar. Accordingly, we affirm Oar's judgment of conviction and sentence.

<https://isc.idaho.gov/opinions/43254.pdf>

Summary of Supreme Court and Court of Appeals Published Opinions

November 10-30, 2016

Compiled by Stephen Kenyon, Clerk of the Courts

STATE OF IDAHO v. OSVALDO GUADALUPE ARENAS

No. 43751

Release date November 16, 2016

Idaho Court of Appeals

HUSKEY, Judge

Osvaldo Guadalupe Arenas appealed from his judgment of conviction for possession of a controlled substance, methamphetamine, arguing the district court erred when it denied, in part, Arenas' motion to suppress the statement he made to officers during a search incident to arrest. Arenas argues the district court erred because Arenas made the statement during a custodial interrogation without the requisite Miranda warnings. The State argues Arenas' claim is moot. The Court Arenas' claim is not moot, and Arenas was subject to custodial interrogation in violation of his Miranda rights. They reversed in part and affirm in part the order denying the motion to suppress.

<https://isc.idaho.gov/opinions/ARENASOPINION.pdf>

CRAIG WILLIAM HAWKINS v. IDAHO TRANSPORTATION DEPARTMENT

No. 43918

Release date November 15, 2016

Idaho Court of Appeals

GUTIERREZ, Judge

The Idaho Transportation Department (ITD) appeals from the district court's order vacating the hearing officer's decision to sustain the suspension of Craig William Hawkins' driver's license. The ITD contends the district court erred in determining that the procedure utilized by the ITD violated Hawkins' constitutional right to procedural due process. The Court held that Hawkins failed to prove that he was prejudiced by not having the video recording before the administrative hearing date. Therefore, the district court's decision vacating Hawkins' administrative license suspension was reversed.

<https://isc.idaho.gov/opinions/43918.pdf>