

SUMMARY STATEMENT

Idaho Military Society Maslen, Docket No. 39909

In a case arising from Canyon County, the Idaho Supreme Court affirmed a district court's award of attorney fees below to Idaho Military Historic Society ("IMHS") in a dispute arising from the claim of lien filed by Aeroplanes Over Idaho ("AOI") on a PT-23 Fairchild airplane owned by the Idaho Aviation Hall of Fame ("IAHOF") and transferred to IMHS. Holbrook Maslen, the President of AOI, stored the Fairchild airplane owned by IAHOF for approximately nine months. During that time, IAHOF transferred title of the airplane to IMHS. Defendants refused to surrender possession of the airplane and filed a claim of lien with the FAA seeking compensation for claimed storage and maintenance expenses it occurred on the airplane. IMHS filed suit against defendants. Defendants counterclaimed against IMHS. After a bench trial, the district court ordered the return of the airplane to IMHS and found that IMHS failed to establish damages on its claims. The district court also found that defendants failed to prove their counterclaims. The district court further ruled that AOI and Maslen were jointly liable for attorney fees in the amount of \$73,675, because defendants' defense of this case was frivolous. Defendants appeal. The Idaho Supreme Court held that the apportionment of attorney fees is appropriate for those elements of the case that were frivolous, unreasonable, and without foundation.