

SUMMARY STATEMENT

Wandering Trails v. Big Bite, Docket No. 40124

In a case arising out of Canyon County, the Idaho Supreme Court affirmed the district court's grant of summary judgment in favor of Big Bite Excavation, Inc. ("Big Bite") and Tim and Julie Schelhorn in their individual capacity ("Schelhorns"). Big Bite and Piper Ranch, LLC ("Piper Ranch") are both wholly owned by the Schelhorns. Wandering Trails, LLC ("Wandering Trails") was created for the purposes of obtaining and developing certain property. Wandering Trails entered into an agreement with Piper Ranch under which Piper Ranch agreed to pave the roadways for the development in exchange for a 25% interest in Wandering Trails. Piper Ranch did not do any work on the development. Wandering Trails and Liquid Realty, Inc. ("Liquid Realty") brought suit and attempted to pierce the corporate veil of both Big Bite and Piper Ranch. The district court granted summary judgment to Big Bite and the Schelhorns, and refused to pierce the corporate veil. Wandering Trails and Liquid Realty appeal, and Piper Ranch and the Schelhorns cross appeal. The Idaho Supreme Court held that the district court did not err when it dismissed the Schelhorns from the litigation because Piper Ranch is not the alter ego of the Schelhorns and because a veil-piercing claim against Big Bite is improper. The Idaho Supreme Court reversed the district court's denial of the Schelhorns' request for attorney fees below and awarded the defendants attorney fees and costs on appeal.