

SUMMARY STATEMENT

Westby v. Schaefer, Docket No. 40587

The Idaho Supreme Court vacated the Canyon County district court's order denying (1) Christian Westby, James Westby, and Kristina Westby's (collectively "the Westbys") motion to reconsider the district court's protective order grant and (2) the Westbys' motion to limit the number of expert witnesses. This was a permissive appeal that arose from the Westbys' claim that Dr. Schaefer and Mercy Medical's negligence resulted in lifelong brain damage to Christian Westby. Near the end of discovery, the district court granted Mercy Medical and Dr. Schaefer's motion for a protective order to prohibit the Westbys from deposing their expert witnesses. The district court later denied the Westbys' motion to reconsider that protective order. The Idaho Supreme Court held the district court abused its discretion in denying the Westbys's motion to reconsider because the district court based its decision on mistaken facts, did not articulate its reasoning, and gave no particular facts to support the good cause necessary for a protective order. We vacate and remand to the district court for further proceedings.