

SUMMARY STATEMENT

BRN Development, Inc. v. Taylor Engineering, Inc., Docket No. 40625

In an appeal from the district court of Kootenai County, the Supreme Court unanimously affirmed the decision of the district court dismissing BRN Development's (BRN) claim of negligence against Taylor Engineering (Taylor) following a court trial. The Supreme Court did not review the district court's denial of BRN's summary judgment motion, because an order denying a motion for summary judgment is not subject to review even after the entry of an appealable final judgment. The Supreme Court concluded that substantial evidence supported the district court's finding that Taylor did not owe a duty of care to BRN as BRN failed to show that Taylor assumed a duty to provide land-use planning advice regarding the vesting of a planned unit development and that Taylor did not provide erroneous information regarding steps to vest the planned unit development. The Supreme Court awarded attorney fees to Taylor on appeal pursuant to Idaho Code section 12-120(3).