

SUMMARY STATEMENT

Sherman Storage, LLC v. Global Signal Acquisitions II, LLC, Docket No. 41077

In an appeal from Kootenai County the Supreme Court affirmed the district court's decision denying Sherman Self Storage, LLC's (Sherman) claims for contractual damages, mesne profits, and ejectment, and holding Global Signal Acquisitions II, LLC (Global) had a leasehold interest in a disputed strip of land underlying its cell tower site. The strip is located in Coeur d'Alene inside of the east edge of the abandoned 24th Street right-of-way, but not on land once occupied by 24th Street itself, and is fenced in by a six foot high fence. The land underlying the cell tower site was originally leased in 1996 by Sherman's predecessors in interest, the Wallace Family Trust (Trust), who did not dispute the location of the cell tower site and extended the term of the lease until 2041. Sherman acquired the strip of land and the other property underlying the lease site in 2010, during the pendency of this litigation.

The Supreme Court affirmed the district court's decision that laches precludes Sherman's ejectment claim, deciding that the inaction of the Trust precludes Sherman, as a successor in interest with knowledge of Global's claims, from seeking ejectment. Further, the Supreme Court affirmed the district court's finding that Sherman could not recover contract damages and mesne profits because it failed to challenge the district court's finding that it had not proved those damages. The Supreme Court affirmed the district court's award of \$250,000 in attorney fees to Global and awarded attorney fees and costs on appeal.