

SUMMARY STATEMENT

Samuel Zylstra v. State of Idaho and Boise State University – Docket No. 41421

In a case arising out of Ada County, the Idaho Supreme Court affirmed the district court's grant of summary judgment in favor of defendants, State of Idaho and Boise State University (collectively "BSU"). Samuel Zylstra ("Zylstra") was a student and wrestler at BSU who brought suit under the Idaho Tort Claims Act alleging that BSU employees negligently allowed him to continue wrestling after he was injured during a tournament. The district court granted summary judgment in favor of BSU on the issue of causation and dismissed Zylstra's action. Zylstra appealed the district court's decision to strike expert affidavits offered in opposition to BSU's summary judgment motion, and also alleged judicial bias. The Supreme Court affirmed the district court's decisions to strike the expert affidavits and to grant summary judgment. The Court also held that Zylstra failed to preserve the bias issue for appeal, and the Court refrained from addressing BSU's statute of limitations argument raised on cross-appeal.