

SUMMARY STATEMENT

Wickel v. Chamberlain, Docket No. 41514

In an appeal from Bonneville County, the Supreme Court vacated the district court's order denying Plaintiff's Second Motion for Reconsideration and the final judgment dismissing Plaintiff's lawsuit. Plaintiff John Wickel filed a medical malpractice action against Dr. David Chamberlain. After the district court granted summary judgment in Dr. Chamberlain's favor, both parties appealed. The Supreme Court remanded the matter to the district court for entry of a final judgment conforming to the requirements of I.R.C.P. 54(a). Wickel filed a motion for reconsideration of the order granting summary judgment. The day after Wickel filed this motion, the district court entered a final judgment which complied with the court rule. The district court then denied Wickel's motion for reconsideration, concluding that it lacked jurisdiction because Wickel's motion was not timely under I.R.C.P. 11, which sets the time for such motions to be filed. The Supreme Court held that the district court erred because the motion for reconsideration was filed before entry of a final valid judgment and was therefore timely under I.R.C.P. 11(a)(2)(B).