

## **SUMMARY STATEMENT**

### *Gailey v. Whiting*

The Idaho Supreme Court unanimously affirmed the Ada County district court's decision dismissing Bill Gailey's complaint for lack of personal jurisdiction. The case arose out of Gailey's professional negligence claim against Kim Whiting relating to a life insurance policy. Whiting moved the court to dismiss for lack of personal jurisdiction, which the district court granted. Gailey argued on appeal that the district court could have exercised personal jurisdiction over Whiting under two prongs of Idaho's long-arm statute.

The Idaho Supreme Court held that Idaho's long-arm statute did not provide a basis for personal jurisdiction because the complaint only alleged a tort cause of action, the tort was not committed in Idaho, and neither party was an Idaho resident or physically present in Idaho when the alleged tort was committed. The Court awarded costs to Whiting.