

SUMMARY STATEMENT

PHH Mortgage v. Nickerson, Docket No. 42163

In an appeal from Clearwater County, the Supreme Court affirmed the judgment of the district court and the district court's denial of the Nickersons' Rule 60(b) motions to set aside the judgment. The underlying suit involved an action for judicial foreclosure of a loan by PHH Mortgage against the Nickersons, and third-party claims against J.P. Morgan Chase by the Nickersons.

On appeal, the Nickersons argued the district court erred in a number of respects, including: granting summary judgment in favor of PHH; denying the Nickersons' motion for summary judgment; denying the Nickersons' motion for a continuance; not instructing the Nickersons to amend their pleadings to include fraud at the summary judgment hearing and later denying the Nickersons' motion to amend their pleadings; denying the Nickersons' motions for reconsideration; and denying the Nickersons' Rule 60(b) motions for relief.

The Supreme Court held that the district court did not err when it granted PHH's second motion for summary judgment and denied the Nickerson's motion for summary judgment. Further, the district court did not abuse its discretion when it denied the Nickersons' motion to continue and was not required to instruct the Nickersons during the summary judgment hearing to amend their pleadings to include the affirmative defense of fraud. The district court did not err when it denied the Nickersons' motions for reconsideration and did not abuse its discretion when it denied the Nickersons' Rule 60(b) motions to set aside judgment. Finally, the Supreme Court determined that the Nickersons raised several issues on appeal that were not properly before the Court, concluded that the Nickersons' appeal was frivolous under Idaho Code section 12-121, and awarded Chase attorney fees on appeal.