

SUMMARY STATEMENT

Doe v. Boy Scouts of America, Docket No. 42189

This case came to the Idaho Supreme Court on a certified question of law from the United States District Court for the District of Idaho. Specifically, the United States District Court requested the Idaho Supreme Court to answer two questions: (1) which statute of limitations applies to a constructive fraud claim in which the plaintiff alleges that a breach of duty resulted in sexual abuse; and (2) at which point does the clock start to run on the statute of limitations for such claims.

The Idaho Supreme Court held that the three-year fraud statute of limitations applies to constructive fraud claims. The Court also held that because the fraud statute of limitations applies to constructive fraud claims, the discovery rule determines when the clock starts to run on such claims. In other words, the statute of limitations for constructive fraud claims does not begin to run until the plaintiffs know or reasonably should know of the facts that give rise to the constructive fraud.