

SUMMARY STATEMENT

Kelly v. Wagner, Docket No. 42301

In an appeal arising out of Kootenai County, the Idaho Supreme Court affirmed the district court's judgment awarding \$13,762.54 to contractor Michael Kelly ("Kelly"). On appeal, Kelly's former employer, Pamela Wagner ("Wagner"), argued that the district court's judgment was error because: (1) the district court's finding that Kelly was owed \$9,429.64 on account of certain unpaid invoices was not supported by substantial and competent evidence; (2) the district court erred in treating the invoices as individual contracts as opposed to an open account agreement; and (3) the district court erred in awarding prejudgment interest to Kelly because Wagner had prevailed on an unliquidated counterclaim. The Idaho Supreme Court held on appeal that: (1) the invoices in combination with Kelly's testimony constituted substantial and competent evidence supporting the district court's findings; (2) the district court did not err in treating Kelly and Wagner's interactions as a series of individual contracts rather than as an open account agreement; and (3) prejudgment interest was appropriate on Kelly's claim because Wagner's counterclaim was not so interrelated with Kelly's claim to make it incalculable.