

SUMMARY STATEMENT

Cummings v. Stephens, Docket No. 43081

In an appeal from Bear Lake County, the Supreme Court affirmed the district court's judgment awarding attorney fees to Northern Title Company of Idaho, Inc., (Northern Title) and affirmed the district court's order granting Northern Title I.R.C.P. 60(b) relief.

In 2013, Steven Cummings initially prevailed in a lawsuit against Northern Title in district court and was awarded attorney fees and costs. Northern Title appealed, and in 2014 this Court reversed the judgment. *Cummings v. Stephens*, 157 Idaho 348, 367, 336 P.3d 281, 300 (2014) (*Cummings I*). In 2015, following remittitur, the district court awarded Northern Title attorney fees and costs and vacated its pre-appeal award of attorney fees and costs in favor of Cummings. The district court did so because our decision in *Cummings I* made Northern Title the prevailing party.

Cummings appealed the district court's award of attorney fees and costs and the district court's order vacating his earlier judgment for damages and attorney fees and costs. The Supreme Court affirmed. It held the district court had post-appeal jurisdiction to vacate its earlier judgment and to award pre-appeal fees to Northern Title and that Cummings failed to demonstrate that the district court abused its discretion by granting Northern Title's request for I.R.C.P. 60(b) relief. The Supreme Court awarded Northern Title attorney fees and costs on appeal.