

SUMMARY STATEMENT

Westover v. Cundick, Docket No. 44046

In an appeal from Franklin County, the Supreme Court affirmed the district court's judgment denying Val D. Westover and Laree H. Westover's (Westovers) request for writs of mandate and prohibition against the Franklin County Assessor, Jase D. Cundick. The district court denied the Westovers' request for writs of mandate and prohibition after it concluded that there were other remedies available in the ordinary course of law. The Westovers argued the district court erred by failing to grant injunctive relief that was not requested in their complaint under Idaho Rule of Civil Procedure 54(c).

The Supreme Court held that the district court did not have a duty to *sua sponte* grant the Westovers injunctive relief not requested in their pleadings and the Westovers had misinterpreted the Court's earlier decision in *McKay Const. Co. v. Ada Cnty. Bd. of Cnty. Comm'rs*, 99 Idaho 235, 580 P.2d 412 (1978). Because the issue of whether the district court had a duty to *sua sponte* grant injunctive relief not requested in the Westovers' pleadings based on Idaho Rule of Civil Procedure 54(c) was an issue of first impression, the Court did not award attorney fees to either party on appeal.