

SUMMARY STATEMENT

Henrie v. LDS Church, Docket No. 44091

In an appeal arising out of Bannock County, the Idaho Supreme Court affirmed the district court's granting of summary judgment in favor of the Church of Jesus Christ of Latter-day Saints (the "Church"). On appeal, Bryan Henrie ("Henrie") argued, *inter alia*, as follows: (1) the district court erred in determining that there was no special relationship between Henrie and the Church sufficient to create an affirmative legal duty for the Church to control Henrie's actions or to protect him from harm; and (2) even if Henrie did not have a special relationship with the Church, the Church still owed him, and violated, a general duty not to act in a way that would create an unreasonable, foreseeable risk of harm.

The Idaho Supreme Court held on appeal that: (1) the district court correctly held that no special relationship existed because Henrie voluntarily participated and the Church did not have the right to control him; and (2) the district court correctly concluded that no duty existed based on a lack of foreseeability. Costs were awarded to the Church.