

## **SUMMARY STATEMENT**

*Western Community Insurance Company & DNJ, Inc.*  
*v. Burks Tractor Company, Inc. & Krone NA, Inc.*

Docket No. 44372

In an appeal from a decision of the Twin Falls County District Court, the Supreme Court affirmed the district court's decisions to dismiss Western Community Insurance Company's (Western Community) Idaho Consumer Protection Act (ICPA) claims and to deny Western Community's motion for a new trial. The Supreme Court held, first, that the district court's reliance on *Trinity Universal Ins. Co. of Kansas v. Ohio Cas. Ins. Co.*, 312 P.3d 976 (Wash. Ct. App. 2013), was in error and that the ICPA does allow for claims in subrogation. However, the Court recognized that while it was error to dismiss the ICPA claims, the jury's findings on the special interrogatories at trial rendered this error harmless. Additionally, the Supreme Court found that the district court properly denied Western Community's motion for a new trial because it had failed to attach a supporting affidavit as required by Idaho Rule of Civil Procedure 59(a)(2). Lastly, the Supreme Court awarded Burks Tractor Company, Inc. and Krone NA, Inc. attorney fees under Idaho Code section 12-120(3).