

## **SUMMARY STATEMENT**

*Coeur d'Alene Tribe v. Kenneth Johnson and Donna Johnson*

Docket No. 44478

In an appeal from Benewah County, the Supreme Court affirmed in part, reversed in part, and remanded for entry of an amended judgment. The Johnsons appealed the district court's judgment recognizing a judgment entered by the Coeur d'Alene Tribal Court. The Johnsons own a dock and pilings on the St. Joe River within the Coeur d'Alene Reservation. After the Johnsons refused to obtain a permit from the Coeur d'Alene Tribe for the dock and pilings, the Tribe brought suit in tribal court. After the Johnsons failed to appear in tribal court, a default judgment was entered against them, imposing a civil penalty of \$17,400 and declaring that the Johnsons were trespassing and the Tribe could remove the dock and pilings. The Tribe then sought to have this judgment recognized in state court. The district court granted the Tribe's motion to recognize the foreign judgment in reliance on the Supreme Court's decision in *Sheppard v. Sheppard*, 104 Idaho 1, 655 P.2d 895 (1982), which held that tribal judgments were entitled recognition under the doctrine of full faith and credit.

The Johnsons appealed, arguing that *Sheppard* was wrongly decided and Idaho courts should consider tribal judgments under the doctrine of comity. The Supreme Court agreed, overruling *Sheppard* and holding that principles of the doctrine of comity govern requests to recognize tribal judgments. Applying those principles, the Supreme Court vacated the judgment to the extent that it recognized the civil penalty but affirmed the judgment declaring the Tribe's right to remove the dock and pilings. The Supreme Court remanded the case for entry of an amended judgment consistent with its decision.