

SUMMARY STATEMENT

Litke v. Munkhoff, Docket No. 44735

In an appeal arising out of Kootenai County, the Supreme Court affirmed the district court's order denying Mark and Robin Munkhoffs' (the "Munkhoffs") motion for new trial, remittitur, or relief from judgment under Idaho Rule of Civil Procedure 60(b). On July 30, 2013, Klaus Kummerling ("Kummerling"), Baerbel Litke's ("Litke") husband, was attacked by a pit bull dog named "Bo." Bo belonged to the Munkhoffs' adult son, Sam. On July 29, 2015, Kummerling and Litke filed a claim against the Munkhoffs alleging negligence. The jury returned a special verdict, finding that the Munkhoffs were negligent, negligent per se, and the proximate cause of Kummerling's injuries. In a unanimous decision, the Court held that the jury's verdict was not the result of passion or prejudice, and that the verdict and damages awarded were supported by substantial and competent evidence. Additionally, the Court held the district court did not abuse its discretion when it denied the Munkhoffs' motion because the verdict was supported by the evidence, the injuries to Kummerling were commensurate with the damages awarded, and there was no factual or legal error during the presentation of the evidence. Accordingly, the Court affirmed the judgment of the district court.