

## **SUMMARY STATEMENT**

*Smith v. Smith*

Docket Nos. 44970/45069

The Idaho Supreme Court affirmed the Ada County district court's dismissal of Vernon K. Smith's appeals. Vernon's former wife, Sharon Smith, nka Sharon Bergmann, obtained two judgments against Vernon—one in 1991 and the other in 1999. The judgments remained unsatisfied and were renewed every five years under the applicable statute. In 2015, Sharon sought to collect on the judgments, prompting Vernon to challenge the validity of the judgments. The magistrate court determined the judgments were valid, final judgments, and that any claims of improper renewal were barred by *res judicata*. Vernon appealed to the district court, who determined because Vernon had failed to timely appeal the previous renewals, the court lacked jurisdiction to hear the present appeal. The district court also determined *res judicata* barred Vernon from litigating issues related to the renewal of the 1991 judgment. While the appeal to the district court was pending, a magistrate judge again renewed the 1991 judgment. Vernon appealed the renewal, and the district court dismissed it, again citing *res judicata*. This Court consolidated both appeals. On appeal, the Supreme Court affirmed the district court's dismissal of the appeal of the 1991 judgment renewal, determining that any claims of improper renewal were barred by *res judicata*. Next, the Court affirmed the dismissal of the appeal of the 1999 judgment renewal because Vernon's failure to timely appeal any renewal left the Court without jurisdiction to consider the appeal. Lastly, the Court awarded attorney fees and costs on appeal to Sharon.