

SUMMARY STATEMENT

Middleton v. Coleman Homes

Docket No. 45105

The Idaho Supreme Court affirmed the Canyon County district court's ruling that the City of Middleton ("the City") was the prevailing party and awarding the City attorney fees in the amount of \$28,048.17 under Idaho Code section 12-120(3). The Court affirmed that the district court properly ruled that the City was the prevailing party because (1) the declaratory judgment ordering that certain agreements the parties entered into were valid and enforceable was in the City's favor; (2) the 12.8 acre determination was closer to the amount requested by the City than the amount requested by Coleman; and (3) the City avoided liability on Coleman's breach of contract counterclaim. Pursuant to Idaho Code section 12-120(3), the district court awarded the City attorney fees in the amount of \$28,048.17.

The Idaho Supreme Court also affirmed the district court's ruling that the City timely filed and served its petition for attorney fees and costs. In addition, the Court corrected a clerical error in the second amended judgment to list the proper party obligated to provide a financial guarantee pursuant to certain agreements the parties executed.