

SUMMARY STATEMENT

Hansen v. White, Docket No. 45185

This is a case about what constitutes “good cause” for failing to timely serve a defendant in accordance with the Idaho Rules of Civil Procedure. The case began with a May 2014 auto collision in Idaho Falls involving Melanie Hansen and Gary White. Hansen claimed White’s negligence caused the collision, and she filed a complaint against him in May 2016. Process servers attempted to serve White in October 2016 at the address listed on the police report, which was taken from his driver’s license. White had not lived at this address for years. Just days before the six-month deadline, Hansen attempted service by publication without obtaining a court order as required by statute. The process server also left the complaint and summons with White’s daughter-in-law at the address listed on the police report. White filed a motion to dismiss for lack of service in November 2016. The district court initially found that good cause existed for Hansen’s failure to timely serve White, but after holding a hearing on White’s subsequent motion for reconsideration, dismissed the claim without prejudice for failure to timely serve. Hansen appeals the dismissal. The Supreme Court affirms.