

SUMMARY STATEMENT
Greenwald v. Western Surety Co.
Docket No. 45404

Western Surety Company (Western) insured Greenwald Neurosurgical, P.C. (the P.C.) for up to \$100,000 in losses caused by any fraudulent or dishonest acts of the P.C.'s employees. After an employee was found to have committed criminal acts, and Western refused to pay the policy amount, the P.C. sued Western in district court for breach of contract and unjust enrichment.

The district court granted summary judgment in favor of the P.C. after finding that an employee of the P.C. caused over \$100,000 in losses to it while acting in the ordinary course of the P.C.'s business. The district court then issued a judgment to the P.C. for the policy amount of \$100,000. Western appealed the district court's determinations that the employee caused the loss while acting in the ordinary course of business and that the P.C. actually suffered the alleged loss. The Idaho Supreme Court reversed the order granting summary judgment, vacated the judgment, and remanded the case for further proceedings. The Court held that there were genuine issues of material fact regarding what losses were sustained by the P.C.