

SUMMARY STATEMENT

Day v. State of Idaho, Transportation Department, Docket No. 45552

The Idaho Supreme Court affirmed in part and vacated in part the judgment of the Ada County district court dismissing Bennett G. Day, Trustee of Trust B of the Donald M. Day and Marjorie D. Day Family Trust, John Day, Dan E. Day, Holcomb Road Holdings, LLC, Donna Day Jacobs, and David R. Day's (collectively, the Day family) claims against the State of Idaho and the Idaho Transportation Department (Department) relating to certain property owned by the Day family near Isaacs Canyon in Ada County. In the proceedings below, the Day family asserted claims against the Department for inverse condemnation, breach of contract, and breach of the implied covenant of good faith and fair dealing. The district court granted summary judgment in favor of the Department and dismissed the Day family's claims. On appeal, the Day family argued that the district court erred by considering the Department's motion to dismiss without notifying them that it would consider matters outside of the pleadings and that the court erred in dismissing their claims for lack of standing and untimeliness. The Supreme Court vacated the district court's judgment on the inverse condemnation claim with respect to Donna Day Jacobs and David R. Day and vacated the district court's judgment in favor of the Department on the Day family's contractual claims.