

SUMMARY STATEMENT

Crawford v. Guthmiller

Docket No. 45613

This case involves the Crawfords' failure to timely serve the Guthmillers pursuant to Idaho Rule of Civil Procedure 4(b)(2) and whether good cause exists to justify such failure. Nearly two years after their car was rear-ended by the Guthmillers, the Crawfords filed a complaint seeking to recover against the Guthmillers. In the six months following the filing of the complaint, the Crawfords attempted to effect service on the Guthmillers at the address the Crawfords found on various internet websites. On the last day of the six-month window to effect service of process, the Crawfords filed a motion seeking to extend time to effect service for 90 days or to serve by publication. The district court determined the Crawfords had not shown good cause for failing to serve the Guthmillers within the allowed six-month time-frame. Thus, the district court entered judgment dismissing the Crawfords' claims without prejudice; however, two of the Crawfords were time-barred from re-filing their claims. The Crawfords timely appealed. The Idaho Supreme Court determined the Crawfords had not shown any factors outside of their control to justify their failure to timely serve the Guthmillers and therefore were unable to show good cause for failing to timely serve. Accordingly, the judgment of the district court was affirmed.