

SUMMARY STATEMENT

Lamont Bair Enterprises, Inc. v. City of Idaho Falls, Docket No. 45819

Lamont Bair Enterprises initiated this lawsuit against the City of Idaho Falls (the City) after a broken water main cracked the cement floor and flooded the basement of the company's rental property. Lamont Bair Enterprises alleged the City neglected its water pipes and failed to maintain its water system in a reasonably safe condition. The district court ruled the City was immune from liability under the Idaho Tort Claims Act's (ITCA) discretionary function exception and granted the City summary judgment. Lamont Bair Enterprises appealed, arguing that the ITCA's discretionary function exception does not apply where a city has a duty to maintain its water pipes in a reasonably safe condition. The Supreme Court affirmed the district court's order granting the City summary judgment, holding that the City's plan to replace its aging water pipes qualified as a discretionary function. Costs were awarded to the City as the prevailing party.