

## **SUMMARY STATEMENT**

*Nelson v. Kaufman*

Docket No. 46027

This case arises from a negligence claim brought by Amey Nelson (Nelson) against Stefani Kaufman (Kaufman), Idaho Falls Anytime Fitness, and AT Fitness, LLC. Nelson was using a weight machine at Idaho Falls Anytime Fitness under the direction of Kaufman, a personal trainer, when Nelson injured a metacarpal bone in her hand. Nelson filed suit alleging that Kaufman had improperly instructed her on the machine's use, which caused her injury. The district court granted summary judgment in favor of Kaufman, holding that Kaufman was an express or apparent agent of Anytime Fitness and therefore released from liability under the terms of the Member Assumption of Risk and Release form Nelson signed when she joined the gym. Nelson unsuccessfully moved for reconsideration.

On appeal, the Idaho Supreme Court held that the district court erred in granting summary judgment in favor of Kaufman on the basis that Kaufman was an express agent of Anytime Fitness. The Idaho Supreme Court also held that the district court erred by applying the apparent agency doctrine to release Kaufman from liability under the terms of the Membership Agreement. Accordingly, the Idaho Supreme Court reversed the district court's grant of summary judgment in favor of Kaufman, vacated the judgment entered against Nelson, and remanded the case for further proceedings.