

SUMMARY STATEMENT

Ciccarello v. Davies

Case No. 46340

The Idaho Supreme Court affirmed the district court's decision granting summary judgment against Mark Ciccarello in his legal malpractice action.

Ciccarello appealed a decision by the district court granting summary judgment in favor of Respondents Jeffrey Bo Davies and Marcus, Christian, Hardee & Davies, LLP ("MCHD"). After determining that Ciccarello had not timely proffered the requisite expert testimony, by affidavit or declaration, to establish a genuine issue of material fact in a legal malpractice action, the district court granted summary judgment in favor of Davies and MCHD.

On appeal, Ciccarello argued that expert testimony was not required to oppose the motions for summary judgment because there were other genuine issues of material fact. Ciccarello further argued that the district court abused its discretion in failing to consider expert declarations he filed after the summary judgment hearing. The Idaho Supreme Court determined that Ciccarello was required to oppose the motion for summary judgment with an expert affidavit or declaration, and that the district court did not abuse its discretion in refusing to consider the declarations that were untimely filed. Accordingly, the Idaho Supreme Court affirmed the final judgment of the district court.