

SUMMARY STATEMENT

Cook v. Wiebe
Case No. 46732

In an appeal arising out of Canyon County, the Idaho Supreme Court reversed and remanded an administrative order entered by the honorable Susan E. Wiebe, Administrative District Judge (“ADJ”) for the Third Judicial District.

Holly Anne Cook appealed from a prefiling order entered by the ADJ declaring her to be a vexatious litigant pursuant to Idaho Court Administrative Rule 59 and preventing her from filing any new pro se litigation in Idaho without first obtaining the leave of the court in which the litigation would be filed. The ADJ entered the prefiling order after determining that Cook met the criteria to be declared a vexatious litigant under Idaho Court Administrative Rule 59(d)(1), (2), and (3).

On appeal, Cook argued that the ADJ violated her right to due process by improperly serving the proposed prefiling order on her and by entering the final prefiling order prematurely. Cook also argued that the ADJ abused its discretion in declaring her a vexatious litigant pursuant to Idaho Court Administrative Rule 59. The Idaho Supreme Court concluded that Cook was afforded adequate due process, but that the ADJ abused its discretion in declaring Cook a vexatious litigant. Specifically, the Court reasoned that the ADJ failed to make sufficient factual findings to support its determination that Cook was a vexatious litigant. Accordingly, the Court reversed the ADJ’s prefiling order and remanded the case for further proceedings.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.