

SUMMARY STATEMENT

Duncan v. Long, Docket No. 46930

The Idaho Supreme Court affirmed a district court's decision that declined to extend premises liability to an injury that occurred on land adjacent to the landowner's property. Appellant Sky Duncan's daughter, K.R., attended a daycare Anna McCowin ran out of a residence she leased from Respondent Scott Long. On October 18, 2014, McCowin left K.R. unattended in the backyard, which allowed K.R. to allegedly escape through a broken gate to a nearby canal where she drowned. Duncan sued McCowin and Long for negligence. Long moved for summary judgment, arguing that he did not owe Duncan or her daughter a duty to repair the broken gate. The district court granted Long's motion after holding that premises liability did not apply. Duncan filed a motion for reconsideration, which the district court denied. The Idaho Supreme Court affirmed, holding that Long did not owe K.R. a duty of care to protect against an injury that occurred on adjacent property.