

## **SUMMARY STATEMENT**

*Berian v. Berberian*

Docket No. 47122

This appeal arose from a number of disputes between two brothers, Galust Berian and Ovanes Berberian. In 2017, Ovanes reported to law enforcement that Galust and his daughter, Julia, had stolen several items from him. After the reported theft, Galust and Julia were arrested for unlawful entry on property shared by Ovanes and his ex-wife Socorro, and for resisting arrest. After these charges were dropped, Galust and Julia filed suit against Ovanes and Socorro, alleging intentional infliction of emotional distress, negligent infliction of emotional distress, invasion of privacy, malicious prosecution, defamation, breach of contract, fraud, unjust enrichment, quantum meruit, and conversion. Ovanes filed a counterclaim for conversion. Ovanes and Socorro moved for summary judgment on all of Galust's and Julia's claims, which the district court granted except for their conversion claim, certifying its grant of partial summary judgment as final under I.R.C.P. 54(b). Galust and Julia appealed.

In resolving the appeal, the Supreme Court ruled as follows: First, that the district court erred in granting summary judgment on Galust's and Julia's malicious prosecution claims because a genuine issue of material fact remained regarding whether probable cause existed. Second, that summary judgment should not have been granted on the defamation claims because Ovanes' statements to law enforcement were only entitled to a qualified privilege, not an absolute privilege. Third, that Ovanes' statements to law enforcement for the purpose of initiating criminal proceedings are entitled to a qualified privilege for all torts except malicious prosecution. Fourth, that there was no genuine issue of material fact regarding Galust's and Julia's claims of invasion of privacy. Fifth, that there was a genuine issue of material fact regarding Galust's and Julia's claims of intentional infliction of emotional distress. Sixth, that there was no genuine issue of material fact regarding Galust's and Julia's claims of negligent infliction of emotional distress. Seventh, that the district court correctly granted summary judgment in favor of Socorro on all tort claims because she had no independent liability in tort. Eighth, that the district court did not err in concluding that the statute of limitations barred Galust's and Julia's contract claims against Ovanes and Socorro. Finally, that attorney fees would not be awarded on appeal. Ultimately, the Court affirmed in part and reversed in part the district court's grant of partial summary judgment.

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