

SUMMARY STATEMENT

Medical Recovery Services, LLC v. Solomon Gepford
Docket No. 47208

Medical Recovery Services, LLC (MRS), a debt collector, sued Solomon for a \$416.00 debt that Solomon Gepford owed to his medical care provider. After MRS sued Solomon for this amount, Gepford paid his medical care provider directly. Thereafter, MRS filed a motion for summary judgment for \$0.00. After receiving a judgment for \$0.00, MRS moved for an award of attorney fees under Idaho Code §§ 12-120(1) and 12-120(3) as the prevailing party under Rule 54(d)(1)(B) of the Idaho Rules of Civil Procedure. The magistrate court denied MRS's motion, and the district court affirmed that denial.

MRS timely appealed the district court's decision, arguing it was the prevailing party entitled to attorney fees under I.C. § 12-120(3) and that substantial and competent evidence did not support the magistrate court's findings. MRS failed to preserve these issues for appeal, however. Because of MRS's numerous procedural errors, the Idaho Court of Appeals declined to address the merits of MRS's arguments, affirmed the district court's decision, and awarded attorney fees and costs to Solomon.