

SUMMARY STATEMENT
Carter v. Gateway Parks, LLC
Docket No. 47246

This case involves Scott Carter’s second attempt to litigate the propriety of the use of his investment funds in a proposed snowpark in Eagle, Idaho. Scott Carter, Amelia Carter, and Scott Carter, Inc., dba Carter Dental appeal from the Ada County district court’s grant of summary judgment in favor of Gateway Parks, LLC. Carter sued Gateway for common law fraud in the inducement and under the “general fraud” provisions of the Uniform Securities Act of 2004 (Idaho Code section 30-14-501, et seq). Carter alleged that Gateway misrepresented and failed to disclose its use of Carter’s investment funds in Gateway with an intent to defraud him. Prior to this lawsuit, Carter unsuccessfully brought suit against Ryan Neptune and Neptune Industries, the owner and parent company of Gateway, under a similar theory. The district court granted summary judgment in favor of Gateway, finding Carter’s claims were barred by the statute of limitations and res judicata, and because Carter could not establish the essential elements of a fraud claim.

The Idaho Supreme Court held Carter’s claims were barred by res judicata because this lawsuit involved the same parties and same claims as his first lawsuit and the first lawsuit ended in a final judgment on the merits. Accordingly, the Idaho Supreme Court affirmed the decision of the district court.

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