

## SUMMARY STATEMENT

*Idaho Dept of Finance v. Zarinigar*, Docket No. 47482

The Idaho Supreme Court affirmed the district court's grant of summary judgment to the Idaho Department of Finance in a civil enforcement action against appellant, Sean Zarinigar, Performance Realty Management, LLC, and other nominal defendants. The district court found Zarinigar and Performance Realty Management had misrepresented and omitted material facts in violation of Idaho Code section 30-14-501(2) and fraudulently diverted investor funds for personal use in violation of section 30-14-501(4). The district court then granted the motion to withdraw to counsel for Zarinigar and PRM, which they filed a few days before the district court was set to hear arguments on the summary judgment motions. The district court entered its final judgment against Zarinigar and PRM on September 30, 2019. Zarinigar, representing himself pro se, appealed the judgment.

On appeal, the Idaho Supreme Court held that (1) the district court had jurisdiction to enter judgment against Zarinigar; (2) the award of summary judgment did not violate Zarinigar's right to a jury trial, nor did the preliminary denial of counsel's motion to withdraw violate his right to proceed pro se; (3) the district court's denial of Zarinigar's motion to strike was not an abuse of discretion; and (4) the district court did not err in granting summary judgment for the Department of Finance. In addition, the Court found sanctions warranted. Zarinigar submitted briefing to that was significantly astray of the arguments made below and lacked any meaningful reference to the record. Thus, the Court ordered Zarinigar to pay to the Department the amount of the reasonable expenses incurred in responding to the frivolous filing of Zarinigar's appellate brief pursuant to Idaho Rule of Appellate Procedure 11.2(a).

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