

**BOISE, IDAHO, MONDAY, NOVEMBER 8, 2021, AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>CHRISTOPHER LUCK, as legal</b>	)	
<b>Guardian and Conservator for</b>	)	
<b>ETHEL LUCK,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	<b>Docket No. 47506</b>
	)	
<b>v.</b>	)	
	)	
<b>SARAH ROHEL,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	

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Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. John T. Mitchell, District Judge.

James, Vernon & Weeks, Coeur d'Alene, for Appellant.

Law Offices of Kathryn Reynolds Morton, Kentucky, for Respondent.

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Christopher Luck (“Christopher”), as legal guardian and conservator for Ethel Luck (“Ethel”), appeals from the district court’s order dismissing a complaint alleging a negligence claim against Sarah Rohel (“Rohel”) for injuries Ethel sustained in a car accident. Ethel’s daughter Amy Clemmons (“Clemmons”), as purported guardian for Ethel, filed the complaint against Rohel on the last day of the statute of limitations. At the time she filed the complaint Clemmons was neither Ethel’s legal guardian, nor an Idaho licensed attorney. Rohel filed a motion to dismiss the complaint because Clemmons was not Ethel’s legal guardian and Clemmons was practicing law without a license. The district court granted Rohel’s motion and dismissed the complaint. An Idaho attorney then appeared in the case and filed a motion for reconsideration and a second amended complaint, requesting the court toll the statute of limitations and declare the second amended complaint to be timely. The district court denied the motion and struck the second amended complaint. Clemmons timely appealed. After the notice of appeal was filed, Ethel’s son Christopher was appointed Ethel’s legal guardian. Clemmons was thereafter dismissed from the appeal and Christopher, as Ethel’s legal guardian, was permitted to intervene on Ethel’s behalf.