

## SUMMARY STATEMENT

*Erickson v. Erickson*, Docket No. 48335

This appeal came to the Idaho Supreme Court for a determination of the proper legal standards to assess discovery sanctions against trial counsel and for proving the character of property during divorce proceedings. Appellant Josh Erickson argued the magistrate court erred by applying the community property presumption to three retirement accounts he owned prior to marriage. Josh argued that he failed to produce documents during discovery that could have established these accounts were his separate property because the Respondent, Amy Erickson, did not give timely notice that she was seeking an interest in the retirement accounts. Josh argued the magistrate court then imposed inequitable sanctions at trial for his alleged discovery violations by preventing him from presenting evidence relevant to the claims Amy was permitted to make outside the discovery window. Josh appealed the magistrate court's decision to the district court, which affirmed. Josh then appealed to the Idaho Supreme Court. Amy cross-appealed the district court's denial of her request for attorney fees. The Idaho Supreme Court affirmed the district court's determination that Josh failed to establish that the retirement accounts were his separate property. The Court reversed the district court's denial of Amy's request for attorney fees and remanded for consideration on the merits. Amy was awarded a portion of her attorney's fees on appeal. Costs on appeal were awarded to Amy as the prevailing party.

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