

## SUMMARY STATEMENT

*Hepworth Holzer, LLP v. Fourth Jud. Dist.*, Docket No. 48766

The law firm Hepworth Holzer, LLP (“Hepworth Holzer” or “the firm”), petitioned this Court for a writ of mandamus or prohibition, seeking relief from a district court order disqualifying it as counsel for Dr. Gary Tubbs in a personal injury lawsuit against Bogus Basin Recreational Association, Inc. (“Bogus Basin”). Bogus Basin was represented by Elam & Burke in the proceedings. Elam & Burke moved to disqualify Hepworth Holzer after an associate attorney who worked at Elam & Burke when Tubbs initiated his lawsuit went to work for Hepworth Holzer and assisted the firm on a memorandum in support of a motion to reconsider filed in the case. The district court granted Elam & Burke’s motion. The district court ordered that “[a]ny attorney associated with Hepworth Holzer, LLP, including [the associate attorney], are disqualified from any further representation of [Dr.] Gary Tubbs in this matter and from providing any information from its files after January 21, 2021, and cannot relay any information discussed or received about this case after January 21, 2021[,] to Tubbs or any new attorney/firm representing Tubbs.” Hepworth Holzer contends the district court’s disqualification and gag order is clearly erroneous and unconstitutional.

The Idaho Supreme Court granted Hepworth Holzer’s petition for a writ of mandamus and ordered the following relief: (1) the disqualification and gag order and all related subsequent orders are vacated; (2) Hepworth Holzer may continue to serve as counsel of record for Tubbs, should he elect to have the firm continue to serve in that capacity; (3) Hepworth Holzer is allowed to communicate with Tubbs or his future counsel without limitation, either as counsel or former counsel; (4) the memorandum in support of the motion for reconsideration, previously stricken from the record by the district court, is reinstated; (5) the case is remanded for further proceedings on the motion for reconsideration before a new district judge; and (6) the administrative district judge will appoint another qualified judge in the judicial district to oversee further proceedings.

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