

SUMMARY STATEMENT

Davis v. George and Jesse's Les Schwab
Docket No. 49535-2022

The Idaho Supreme Court affirmed the district court's grant of summary judgment in favor of Respondents George and Jesse's Les Schwab Tire Store, Inc., Bruce Byram, and Richard Byram. Bruce Byram and Richard Byram are co-owners of George and Jesse's Les Schwab. Adam Davis had been working for Les Schwab for several years when Bruce and Richard sent Davis an email to advise they were increasing his pay and giving him additional benefits effective January 1, 2019. Several months later, Bruce and Richard noticed a shortage between the cash invoices and cash deposit from one day's business operations. They contacted law enforcement to report the details of their personal investigation, and Davis was subsequently arrested and charged with grand theft. Bruce and Richard fired Davis after he was formally charged, but the charges were later dropped.

Davis then sued Respondents, asserting four causes of action: (1) breach of Davis's purported employment contract, (2) false arrest by making false statements to law enforcement that led to Davis's arrest, (3) defamation per se for making false statements accusing Davis of theft, and (4) knowingly giving a false report to the police in violation of Idaho Code section 18-705. Respondents moved for summary judgment on all of Davis's claims, which the district court granted. Davis attempted to appeal the district court's order granting summary judgment, but his appeal was dismissed for lack of a final judgment. Months later, the district court entered a final judgment, and Davis once again appealed. On appeal, Davis argued that the district court erred in granting Respondents' motion for summary judgment on all four of his claims. In addition to disputing Davis's appeal on its merits, Respondents argued that the Court did not have jurisdiction to hear Davis's appeal.

The Court concluded that it had jurisdiction and affirmed the district court's grant of summary judgment in favor of Respondents on all four of Davis's claims. The Court initially noted that business records central to Davis's arguments on appeal were not in the record. The Court concluded that, based on the record, Davis failed to show the district court erred in granting summary judgment on Davis's false arrest, defamation per se, and section 18-705 claims because there was no evidence indicating that Bruce and Richard made a knowingly false statement to law enforcement. The Court affirmed the district court on Davis's breach of contract claim because Davis was an at-will employee whose employment could be terminated without cause. The Court also awarded Respondents a portion of their reasonable attorney fees as a sanction against Davis's counsel for violating Idaho Appellate Rule 11.2.

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