

## SUMMARY STATEMENT

*Abell v. Abell*

Docket No. 49772

This appeal concerns a non-summary contempt proceeding arising out of a divorce and former litigation in Oregon over spousal support Steven Abell owed his ex-wife Debra Abell. After a judgment of contempt was entered against him in Oregon for failure to pay support, Steven allegedly continued to refuse to pay Debra. Roughly one year later, Debra brought the underlying contempt proceeding, charging Steven with contempt for failure to comply with the payment terms in the Oregon contempt judgment, and requesting relief from the district court in northern Idaho, where Steven resided. The district court found Steven in willful contempt of the Oregon contempt judgment and imposed an unconditional sanction of \$5,000, making both determinations through a summary judgment procedure. Steven appealed.

The Idaho Supreme Court vacated the judgment of the district court and remanded the case for further proceedings at the initial pleading stage. The Court concluded: (1) the sanction imposed by the district court was criminal in nature, and (2) the sanction was imposed in error because Steven was not afforded certain protections owed an alleged contemnor in a criminal contempt proceeding. The Court further held that, when an alleged contemnor is not in default and denies the charge of contempt, the non-summary contempt proceeding cannot be adjudicated through a summary judgment procedure pursuant to Idaho Rule of Civil Procedure 75.

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