

## SUMMARY STATEMENT

*Angelos v. Schatzel*

Docket No. 49788

This appeal considered whether a defendant sued for libel could purchase the plaintiff's interests in the lawsuit in order to gain control of both sides of the action and thereby dismiss the claim. Kerry Angelos brought a defamation lawsuit against Greg and Susan Schatzel, alleging that they created a website that published defamatory comments about Angelos by purported third-parties. However, during the course of the lawsuit, Angelos suffered financial setbacks and his interests in the action were auctioned at a sheriff's sale to satisfy a preexisting judgment held by a third party. At the auction, Greg Schatzel was the highest bidder. After purchasing Angelos's interest in the defamation action, Schatzel substituted himself as party plaintiff and stipulated with the other defendants to dismiss the action with prejudice. Angelos appealed, arguing that since his lawsuit was an unassignable "chose in action" that was personal to him, it is not subject to execution under Idaho Code section 11-201.

The Idaho Supreme Court agreed with Angelos based on its long-standing precedent in *MacLeod v. Stelle*, 43 Idaho 64, 249 P. 254 (1926). In *MacLeod*, the Court held that defamation claims, such as libel and slander, are injuries of such a personal nature that they may not be assigned. Because they were not assignable, the defamation claims also could not be subject to execution—which is effectively an involuntary assignment of property to pay a judgment creditor. However, because Angelos's lawsuit contained multiple causes of action unrelated to defamation, the Court remanded the case to the trial court to determine which of Angelos's claims were assignable to Schatzel and which were not.

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