

SUMMARY STATEMENT

Jones v. Sligar

Docket Nos. 50096 & 50097

This consolidated appeal arose out of the termination of a joint venture between Mike Jones, Jeremy Sligar, and Overtime Garage, LLC (collectively, “Sligar”) to buy and sell used cars, tractors, and other equipment. In *Sligar I*, Jones sought a declaratory judgment as to the nature of the business relationship, dissolution of the joint venture, an appointment of a receiver, among other claims against Sligar. Jones also filed separate small claim actions against Sligar regarding alleged damage to two vehicles. During the litigation, Jones’s interest in the lawsuit was sold at a sheriff’s sale to Safari’s Unlimited, LLC, Jones’s counsel withdrew, and Jones defaulted in the case. The remaining parties agreed to consolidate the small claim actions into the case and to dismiss the case. Several months after the case was dismissed, Jones brought a motion to set aside the default judgment and judgment of dismissal under Idaho Rule of Civil Procedure 60(b). The district court denied Jones’s motion as untimely and determined that Jones was not entitled to relief under Rule 60(b). It also awarded attorney fees jointly and severally against Jones and his counsel.

Jones appeals from the district court’s denial of his motion and the award of attorney fees to Sligar. On appeal, Jones argues the district court erred in denying his motion because Jones is entitled to relief from the judgment based on surprise, fraud on the part of Sligar and Safaris Unlimited, LLC, and/or the catchall exception in Rule 60(b)(6). The Idaho Supreme Court affirmed the district court’s denial of Jones’s Rule 60(b) motion because Jones failed to bring the motion within a reasonable time. The Idaho Supreme Court also affirmed the award of attorney fees to Sligar.

In *Sligar II*, Jones filed a request for an accounting related to the joint venture. Sligar filed a motion to dismiss/motion for summary judgment and argued Jones’s request for an accounting was barred by the doctrine of res judicata. Jones opposed the motion for summary judgment and argued res judicata did not bar his request for an accounting because an accounting never took place. The district court granted summary judgment to Sligar and found res judicata barred Jones’s request for an accounting because an accounting is an integral part of the dissolution of a joint venture and Jones had already had the opportunity to litigate that claim in the first case. The district court awarded attorney fees to Sligar under Idaho Code section 12-121 but declined to award attorney fees jointly and severally against Jones’s counsel under Idaho Rule of Civil Procedure 11 or Idaho Code section 12-123.

Jones appeals from the district court’s grant of summary judgment to Sligar and the district court’s award of attorney fees. On appeal, Jones argues that the district court erred because an accounting never took place and as a result, his claim is not barred by res judicata. Sligar cross-appeals the district court’s award of attorney fees and argues that the district court erred because it did not consider Sligar’s request for attorney fees under Idaho Code section 12-123(1)(b)(ii). The Idaho Supreme Court affirmed the district court’s grant of summary judgment to Sligar because Jones’s claim was barred under claim preclusion. The Idaho Supreme Court also affirmed the district court’s award of attorney fees to Sligar finding that the district court considered Sligar’s request for attorney fees and acted within its discretion when it declined to award attorney fees against Jones’s counsel. The dissenting opinion dissents from the Idaho Supreme Court’s decision with respect to this Court’s affirmation of the district court’s award of attorney fees in *Sligar II*.

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