

## SUMMARY STATEMENT

*Petersen v. Millennial Development Partners, LLC, Docket No. 50774*

This appeal concerned a dispute over attorney fees and costs between James and David Hart (Harts) and Millennial Development Partners, LLC (Millennial). The district court struck the Harts' pleadings as a sanction for failing to follow the court's scheduling order and dismissed the case. The district court then awarded Millennial attorney fees as a sanction and because the Harts pursued the case unreasonably. The Harts appealed the award of attorney fees.

The Idaho Supreme Court first held that the Harts' appeal was timely because all claims for relief were resolved upon entry of the second amended judgment. On the merits, the Court held that the district court did not abuse its discretion by awarding attorney fees under Idaho Rule of Civil Procedure 16(e) for failing to follow the district court's briefing schedule and oral order. The Court next held that the district court did not abuse its discretion when it awarded attorney fees on alternate grounds under Idaho Code section 12-121. The Court also held that the district court did not err when it calculated attorney fees. The Court awarded Millennial attorney fees on appeal.

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