

SUMMARY STATEMENT

South Hill Meat Lockers Incorporated v. Idaho Transportation Department

Docket No. 50906-2024

This appeal concerns an Idaho Transportation Department's ("ITD") project designed to improve a section of Highway 95 in Bonners Ferry. Construction of the project required excavating a trench, moving a gas line, and backfilling the trench to build a bypass road adjacent to a building owned by South Hill Meat Lockers ("South Hill"). The excavation came within 12 to 18 inches of South Hill's property. This excavation, coupled with the use of heavy machinery, led South Hill to believe that the construction was causing damage to its building. After negotiations failed, South Hill sued ITD. South Hill alleged that ITD was liable under seven different causes of action for damages to its building.

ITD moved for summary judgment based predominantly on the affirmative defense of "plan or design immunity" under the Idaho Tort Claims Act ("ITCA"). I.C. § 6-904(7). In ITD's first motion for summary judgment on the tort claims, the first district judge assigned to the case struck portions of the affidavits submitted and denied the request for summary judgment. However, the district judge granted ITD's second motion for summary judgment and dismissed four of South Hill's seven claims. When the first judge subsequently retired, a second judge took the bench and both parties moved for reconsideration. The second judge granted ITD's motion for reconsideration and dismissed South Hill's complaint with prejudice. South Hill appealed, challenging the rulings of both judges pertaining to the motions for summary judgment and the motion for reconsideration.

On appeal, the Idaho Supreme Court affirmed in part and reversed in part. The Court agreed with the district court that ITD's subcontractors were independent contractors, not agents of ITD, but did not find this fact alone to be dispositive because a genuine issue of material fact remained whether the gas line relocation and other project change orders were meaningfully reviewed by ITD. As to the other issues raised from ITD's first motion for summary judgment, the Supreme Court held that the district court had discretion to consider declarations that might have been submitted untimely, and that there was not a genuine dispute about whether ITD's policies properly delegated authority to approve highway improvement plans.

On the issues raised by ITD's second motion for summary judgment, the Supreme Court ruled that the district court had erred when it concluded South Hill's nuisance claim failed as a matter of law because such a claim may be maintained even after the nuisance has abated. The Supreme Court affirmed the district court's rulings that Idaho Code section 55-310 is not a strict liability cause of action and that sections 55-1310 and 6-202 are subject to ITD's immunity defense. Lastly, the Court affirmed the district court's order granting ITD's motion to bifurcate the trial.

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