

SUMMARY STATEMENT

Bray v. Idaho Dept. of Juvenile Corrections Docket No. 50935

This case concerns the tolling of the statute of limitations governing a wrongful death suit filed in state court more than two years after the death occurred. In 2019, Colby James Bray tragically died while he was in the custody of the Idaho Department of Juvenile Corrections (“IDJC”). The day before Idaho’s two-year statute of limitations was set to expire, Colby’s parents, Jeffrey and Michelle Bray (collectively “the Brays”), acting as the personal representatives of Colby’s estate, filed a complaint in the United States District Court, for the District of Idaho, naming IDJC and several individuals as defendants.

About a year later, the Brays filed a voluntary dismissal motion in the federal action and filed a similar lawsuit in state court. Because nearly three years had now passed since Colby’s death, IDJC and the other named defendants filed motions for summary judgment based on the 2-year statute of limitations for wrongful death, common law negligence, and section 1983 claims. The district court granted the motions and dismissed the complaint with prejudice. The Brays appealed the dismissal, arguing that the district court erred when it concluded that (1) Idaho Code section 5-234 did not toll the time for them to file their complaint in state court; (2) the tolling provision in U.S.C. section 1367(d) did not toll the time for them to file their complaint in state court; and (3) Respondents were entitled to costs and attorney fees in excess of \$17,000. The Idaho Supreme Court affirmed in part and reversed in part.

The Idaho Supreme Court affirmed the district court’s conclusion that Idaho Code section 5-234 does not operate to toll a statute of limitations during the time between a plaintiff’s filing of an NOTC and receipt of a denial of the NOTC. It also affirmed the district court’s ruling that even with the tolling provision in 28 U.S.C. section 1367(d) properly applied, the time for the Brays to file suit against Meacham and the Individual Defendants had expired. However, the Court concluded that the district court erred in its conclusion that section 1367(d) did not toll the time for the Brays to file their complaint against IDJC in state court. Nevertheless, the Court held that because IDJC was entitled to immunity under Idaho Code section 6-904B(5), the district court’s decision to grant summary judgment could be affirmed on alternate grounds. Finally, the Court affirmed the district court’s award of attorney fees to Respondents below and further awarded costs and attorney fees to Respondents 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.******