

SUMMARY STATEMENT

Sunnyside Park Utilities v. Sorrells, Docket No. 51049

This appeal concerned how water is consumed and discharged on commercial property by a customer of a private water corporation. Donald Sorrells appealed from the district court's judgment, declaring him to be a persistent violator of Sunnyside Park Utilities' (SPU) Sewer Rules and Regulations (Rules and Regulations). Sorrells first argued that SPU's declaratory judgment action should have been dismissed because SPU's petition only alleged past violations of its Rules and Regulations; and thus, it presented no existing justiciable controversy for which a declaratory judgment would provide actual relief. Next, Sorrells argued that there was insufficient evidence to support the district court's finding that he is a persistent and continuing violator under the Rules and Regulations. SPU cross-appealed and argued that the district court erred by determining that the Idaho Public Utilities Commission (IPUC) retains original jurisdiction over SPU's water system and by denying its requests for costs and attorney fees. The Idaho Supreme Court declined to consider the merits of Sorrells' appeal because Sorrells brief contained no issue statements, no citation to the record, and simply recycled, but for minor changes to the headings, the exact brief used before the district court. To SPU's cross-appeal, the Idaho Supreme Court held that the district court did not err in its determination that the IPUC initially held original jurisdiction over SPU's water system. The Court further held that the district court did not err in denying SPU attorney fees below. Based on SPU's failure to prevail on its cross-appeal, it was denied 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.******