

**SUMMARY STATEMENT**  
*Carmen Garshelis v. Aaron Dane Bennett*  
Docket No. 51782

In this case arising out of Ada County, the Court of Appeals affirmed in part, vacated in part, and remanded for further proceedings the district court's amended judgment entered following a default judgment against Aaron Dane Bennett. The case arises from the shooting death of Carmen Garshelis's dog, Stanley, while he was in Bennett's care. Following a hearing on damages, the district court issued amended findings of fact and conclusions of law awarding compensatory damages, nominal damages for intentional infliction of emotional distress, and costs as a matter of right.

On appeal, Garshelis argued the district court abused its discretion by denying her motion for leave to amend the complaint to add a claim for punitive damages. Garshelis also argued the district court erred in its treatment of damages following default (including limiting damages to fair market value for the loss of Stanley and his remains, denying loss-of-use damages, limiting emotional distress damages for conversion, trespass to chattels, and fraud) by awarding only nominal damages for intentional infliction of emotional distress, dismissing her negligent infliction of emotional distress claim, and denying discretionary costs. Garshelis further requested that the Court reassign the case to a different judge on remand.

The Court held that the district court did not abuse its discretion in denying leave to amend to seek punitive damages and properly applied Idaho Code § 6-1604. The Court further held the district court did not err in its treatment of damages following default (including limiting damages to fair market value, denying loss-of-use damages, restricting emotional distress damages to independent torts) by awarding nominal damages for intentional infliction of emotional distress and denying discretionary costs. The Court also declined to reassign the case to a different judge on remand. However, the Court concluded the district court failed to make sufficient findings of fact and conclusions of law addressing Garshelis's negligent infliction of emotional distress claim. Because the absence of findings precluded meaningful appellate review, the Court remanded for the limited purpose of entry of adequate findings of fact and conclusions of law on that claim.

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