

SUMMARY STATEMENT
Johnson v. SRM-Double L, LLC
Docket No. 51893-2024

Harry Johnson's son, Colby, died in an accident involving a self-unloading bed installed on a truck owned by Colby's employer. Johnson filed a negligence and product liability suit against various defendants, including SRM-Double L, LLC, the manufacturer of the conveyor belt. SRM filed a motion to compel discovery responses from Johnson and filed a motion for summary judgment, seeking to dismiss Johnson's claims. SRM scheduled both motions for hearing on August 8. Johnson filed a motion to continue the hearing. Johnson's pro hac vice counsel asserted that he was unavailable on August 8 because he had depositions in another case scheduled on that day and because SRM's responses to Johnson's discovery were inadequate. Johnson requested that the hearing be rescheduled to August 22. The district court granted the motion and offered three possible hearing dates, including August 22. SRM issued an amended notice of hearing for August 22.

Johnson then filed a "Notice of Nonavailability," followed by a second motion to continue. Both asserted that Johnson's pro hac vice counsel was unavailable on the August 22 hearing date, again due to depositions that pro hac vice counsel had scheduled in another case for that same day. The district court denied the motion.

Johnson later filed a late response to the summary judgment motion and provided his late discovery responses to SRM. SRM moved to strike Johnson's summary judgment response as untimely. The district court granted SRM's motion to strike, determined that its motion for summary judgment was unopposed and granted the motion, and dismissed Johnson's claims.

SRM then moved for sanctions under Idaho Rules of Civil Procedure 11 and 37. SRM argued that sanctions were appropriate under Rule 37 because Johnson failed to provide discovery responses until after SRM filed a motion to compel. SRM argued that sanctions were appropriate under Rule 11 because Johnson's pro hac vice counsel made misrepresentations and orchestrated conflicts to create the basis for his motions to continue. SRM supported its motion with emails from opposing counsel in the other cases cited by pro hac vice counsel, which asserted that Johnson either had no conflict or that he specifically requested to set conflicting depositions after SRM had issued its notices of hearing. The district court granted the motion for sanctions. Johnson appealed the district court's decisions.

The Idaho Supreme Court affirmed in part and reversed in part. First, the Court determined that the district court did not err by striking Johnson's untimely summary judgment opposition. However, it reversed the district court's decision granting summary judgment because the district court did not analyze whether SRM met the requirements of Rule 56(a). Next, the Court held that the district court did not err when it granted SRM's motion for fees under Rule 37 because Johnson failed to respond to SRM's discovery requests until after it filed a motion to compel. Finally, the Court reversed the decision granting SRM's motion for sanctions under Rule 11 because the district court relied solely on inadmissible evidence to grant the motion.

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