

SUMMARY STATEMENT

Spears v. Antelope Mountain Resort, LLC

Docket No. 52406

Plaintiff-Appellants, the heirs of the late David Flaget, appeal from the district court's order granting summary judgment in favor of Defendant-Respondent Mary Russell and her LLC. Flaget was murdered by James Russell, Mary Russell's grandson, while performing groundskeeping work on property she owns in Clark Fork, Idaho. At the time of the killing, James Russell was living on the Clark Fork property and suffering from severe mental illness. He later pleaded guilty to second-degree murder and is currently serving a life sentence.

The Flaget heirs brought a wrongful-death action against Mary Russell on a negligence theory, asserting that she owed a duty to protect Flaget from James Russell based either on a special relationship arising from their employment relationship or, alternatively, from her prior attempts to mediate conflicts between Flaget and James Russell. They also brought individual claims for intentional infliction of emotional distress and negligent infliction of emotional distress.

Mary Russell moved for summary judgment on all claims. In opposition, the Flaget heirs submitted two declarations aimed at showing that she knew of her grandson's violent tendencies. The district court struck portions of those declarations as inadmissible and ultimately granted summary judgment in Mary Russell's favor. On appeal, the Flaget heirs argue that the district court abused its discretion in striking portions of the declarations and further contend that the court erred in concluding that Mary Russell owed no duty of care to Flaget or to the heirs personally, and that she engaged in no intentionally tortious conduct.

The Idaho Supreme Court affirmed. It held that Mary Russell did not exercise custody or control over Flaget as his employer, defeating any claim that a special relationship existed. The Court also concluded that her attempts to mediate disputes between Flaget and James Russell were insufficient to create a voluntarily assumed duty to protect Flaget. Finally, the Court held that the absence of any intentional conduct by Mary Russell, and the absence of any duty owed to the heirs personally, defeated their IIED and NIED claims.

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