

IN THE SUPREME COURT OF THE STATE OF IDAHO

TODD J. PHILLIPS, in his capacity as)
Trustee of Trust “A” of the Elliott Family)
Testamentary Trust,)
)
Plaintiff-Appellant,)
)
v.)
)
RICHARD D. GOMEZ,)
)
Defendant-Respondent.)

Docket No. 44594

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Nicholas Law Offices, Boise, for appellant.

Fisher Law Office, PLLC, Meridian, for respondent.

This case arises from Richard Gomez’ breach of a real estate agreement for the sale and purchase of residential real estate from Todd Phillips in his capacity as Trustee of Trust “A” of the Elliott Family Trust. Phillips appeals the Ada County district court’s denial of Phillips’s request to recover actual damages. After a bench trial, the district court held that Phillips’s claim for breach of contract had been fully satisfied by Phillips’s retention of the non-refundable earnest money as liquidated damages as provided by the agreement. Phillips timely appeals.