

BOISE, FRIDAY, DECEMBER 2, 2016 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**DUANE KEMMER, KAREN KEMMER, and)
TIM DOLPH,)**

Plaintiffs-Appellants,)

v.)

**BOB NEWMAN, PHYLLIS MILLER, and)
RUTH SMITH,)**

Docket No. 42566

Defendants-Respondents,)

and)

BOB QUINN,)

Defendant.)

Appeal from the District Court of the First Judicial District, State of Idaho,
Bonner County. Hon. Barbara A. Buchanan, District Judge.

James, Vernon & Weeks, Coeur d'Alene, for appellants.

Featherston Law Firm, Sandpoint, for respondents.

Duane Kemmer, Karen Kemmer, and Tim Dolph (Appellants) appeal the Bonner County District Court's decision that Bob Newman, Phyllis Miller, and Ruth Smith (Respondents) were properly elected at a special meeting of board members and are the rightful directors of the New Life Missions, Inc. (NLM) church, a nonprofit organization. On Appeal, Appellants argue that the district court erred in reaching its decision because the special meeting was improperly called in violation of the Idaho Nonprofit Corporation Act.

BOISE, FRIDAY, DECEMBER 2, 2016 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

GRANT LEE, JASON LEE, and SCOTT)
MCNAB,)
)
Plaintiffs-Respondents,)
)
v.)
)
JEREMY LITSTER and JESSICA)
LITSTER, husband and wife,)
)
Defendants-Appellants.)
)

Docket No. 43554

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

Litster Frost Lawyers, Boise, for appellant.

Stephen Beane, Boise, for respondent.

In a case arising out of Ada County, Jeremy Litster (“Litster”) appeals from a district court dismissal on summary judgment. The underlying case concerned the enforceability of three promissory notes, which were prepared and issued by Litster to Jason Lee, Scott McNab, and a non-party, Rick Lee. In January, February, April, and June 2011, Litster made payments on the promissory notes he issued. However, in July 2011, Litster stopped making payments because he learned that the Idaho Department of Finance had been notified regarding his fundraising activities.

Grant Lee, Jason Lee, and Scott McNab filed a complaint against Litster on July 18, 2014 for breach of contract. On April 7, 2015 Grant Lee, Jason Lee, and Scott McNab filed a motion for summary judgment, which was granted on July 24, 2015.

On appeal, Litster argues that the district court applied the wrong legal standard in granting summary judgment. Specifically, Litster argues: (1) there is a genuine dispute as to whether the money transfers were personal loans or investments; (2) evidence is sufficient to support his claim that the promissory notes are unenforceable because they were issued under duress; and (3) there is a genuine dispute as to whether any consideration was given by Respondents to Litster to form the basis of the promissory notes.