

**BOISE, MONDAY NOVEMBER 9, 2020 AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**CHOICE FEED, INC., an Idaho Corporation,** )  
 )  
 **Plaintiff-Respondent-Cross Appellant,** )  
 )  
 **v.** )  
 )  
 **EDWARD R. MONTIERTH, aka RAY** )  
 **MONTIERTH,** )  
 )  
 **Defendant-Appellant-Cross Respondent,** )  
 )  
 **and** )  
 )  
 **SUSAN L. MONTIERTH, GARY JOHNSTON,** )  
 **Trustee of the Peckham Road Trust,** )  
 )  
 **Defendants.** )

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**Docket No. 46544**

Appeal from the District Court of the Third Judicial District of the State of Idaho,  
Canyon County. Andrea Courtney, District Judge.

Eismann Law Offices, Nampa, for Appellant.

Fisher and Hudson, Boise, for Respondent.

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Choice Feed sued Ray Montierth and Susan Montierth for fraud alleging that Ray fraudulently made statements to Choice Feed indicating he would sell his feedlot property to Choice Feed once he arranged a 1031 tax deferred agreement. Meanwhile, Ray collected money from Choice Feed to go toward the purchase of the feedlot property and he did not make a 1031 tax deferred arrangement. Ray then sold the feedlot property to someone else while continuing to accept payments from Choice Feed. After a jury trial, the jury found in favor of Choice Feed in its count of fraud against Ray and assessed compensatory and punitive damages. Ray appeals the jury's verdict and the compensatory and punitive damages. Choice Feed cross-appeals the district court's decision granting Ray's motion for Judgment Notwithstanding the Verdict and reducing the compensatory and punitive damages awarded.