

BOISE, FRIDAY, NOVEMBER 6, 2020 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**DAVID M. WEITZ and JOHN R.
TAVARES,**

Plaintiffs-Respondents,

V.

DANIEL P. WEITZ,

Defendant-Appellant,

and

JOHN WENDELL WEITZ,

Defendant.

Docket No. 47483

Appeal from the District Court of the Third Judicial District, State of Idaho,
Canyon County. George A. Southworth, District Judge.

Law Office of Vernon K. Smith, Boise, for Appellant.

Givens Pursley, LLC, Boise, for Respondents.

Daniel P. Weitz appeals an order entered in the Canyon County district court granting summary judgment in favor of David M. Weitz and John R. Tavares in a declaratory action regarding ownership of Treasure Valley Manufacturing and Recycling, Inc. (TVM). TVM is a closely-held corporation started by Phil Weitz and his three sons—Daniel, David, and John Weitz—in 1987. Phil Weitz passed away in spring of 2013 and David was named as personal representative of his estate. The brothers began to dispute over the Weitz family holdings, including ownership of TVM. After Daniel and John claimed ownership interests in TVM during the estate proceedings, David and Tavares brought a separate action asking the district court for a declaratory judgment granting them ownership of all of TVM’s shares. The district court granted summary judgment in favor of David and Tavares, reasoning that the record overwhelmingly supported their position and that Daniel and John had failed to provide any evidence to create a genuine issue of material fact regarding ownership of TVM.

On appeal, Daniel argues that the district court erred in granting David and Tavares's motion for summary judgment because genuine issues of material fact existed. Specifically, he argues that David offered to purchase his shares of TVM in 2015, and that David purchased John's shares in 2019, giving rise to an inference that Daniel has an ownership interest in TVM. David and Tavares argue that the undisputed evidence demonstrates that they have been the exclusive owners of TVM since approximately 1995, and that the district court did not err in granting their motion for summary judgment.