

BOISE, MONDAY, NOVEMBER 9, 2020 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

CYNTHIA ANN HILTON,

Petitioner-Appellant,

v.

LANCE R. HILTON,

Respondent.

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Docket No. 47487

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Gerald F. Schroeder, Senior District Judge.

Derek A. Pica, PLLC, Boise, for Appellant.

Leavitt Ryan, PLLC, Boise, for Respondent.

Cynthia Hilton appeals the decision of the magistrate court denying her petition to divide an omitted asset – DataBlaze LLC – a company partially owned by her ex-husband, Lance Hilton. Cynthia alleges their stipulated divorce decree did not include DataBlaze as community property and she is entitled to half of its retained earnings allocated to Lance. The magistrate court denied Cynthia’s motion holding that: (1) an earlier order on summary judgment finding DataBlaze was Lance’s separate property merged into the final divorce decree, even though explicitly not mentioned; and, (2) Cynthia was judicially estopped from asserting DataBlaze was community property after successfully arguing it was Lance’s separate property to obtain a higher child support payment. On appeal, the district court affirmed the magistrate court. Cynthia then timely appealed to this Court.