

BOISE, WEDNESDAY, NOVEMBER 4, 2020, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**DONALD CRAIG FRIZZELL, individually)
and as a beneficiary of the CLIFTON AND)
MAJORIE FRIZZELL FAMILY TRUST,)**

Plaintiff/Appellant,)

v.)

Docket No. 47543

**EDWIN DEYOUNG, individually and in his)
capacity as trustee of the CLIFTON AND)
MAJORIE FRIZZELL FAMILY TRUST;)
DARLENE DEYOUNG, individually and in)
her capacity as a beneficiary of the CLIFTON)
AND MAJORIE FRIZZELL FAMILY)
TRUST; et. al.,)**

Defendants/Respondents.)

Appeal from the District Court of the First Judicial District of the State of
Idaho, Kootenai County. Cynthia K.C. Meyer, District Judge.

GIANLegal PLLC, Spokane, for Appellant.

Scott D. Nass, Coeur d'Alene, for Respondents.

This appeal arises from a district court's alleged failure to follow this Court's holding in *Frizzell v. DeYoung*, 163 Idaho 473, 415 P.3d 341 (2018) (*Frizzell I*) upon remand. In *Frizzell I*, this Court held that a TEDRA Agreement entered into by Donald Craig Frizzell and Edwin and Darlene DeYoung was only enforceable to the extent it settled past claims and that any provisions that purported to exculpate Edwin from liability for future negligence or breaches of fiduciary duty after the TEDRA agreement was executed were void as against public policy. Frizzell argues that after the case was remanded the district court failed to follow the law of the case and erroneously allowed the DeYongs to introduce evidence, testimony, and argument concerning conduct that occurred before the TEDRA agreement was executed that the jury should not have been able to consider. Frizzell urges this Court to set aside the jury's verdict in favor of the DeYongs. Additionally, Frizzell asserts the district court abused its discretion in awarding the DeYongs' attorney fees without considering the factors enumerated in Idaho Rule of Civil Procedure 54(e).