

BOISE, IDAHO, SEPTEMBER 28, 2023, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ADAM DAVIS,

Plaintiff-Appellant,

V.

Docket No. 49535-2022

**GEORGE AND JESSE'S LES SCHWAB
TIRE STORE, INC., BRUCE BYRAM,
RICHARD BYRAM, GEORGE BYRAM,
and JESSE BYRAM,**

Defendants-Respondents.

Appeal from the District Court of the Seventh Judicial District of the State of Idaho,
Jefferson County. Stevan H. Thompson, District Judge.

Browning Law, Idaho Falls, for Plaintiff-Appellant.

Hawley Troxell Ennis & Hawley LLP, Boise, for Defendants-Respondents.

This case arises from a dispute between Appellant Adam Davis and his former employer, Respondent George & Jesse's Les Schwab Tire Store, Inc. and two of its owners, Respondents Bruce Byram and Richard Byram. Davis had been employed by Respondents for several years when Respondents offered Davis a pay raise and additional benefits in an email to begin in 2019. The email also provided a list of expectations and responsibilities for Davis moving forward.

Soon thereafter, Respondents noticed a shortage between the cash invoices and cash deposit from the previous day's business operations. Respondents reviewed camera footage of Davis alone inside Les Schwab that showed him bending down out of camera view near where the cash deposit is kept. Davis then disappeared into the camera's blind spot for a short period. Respondents discovered Davis acting similarly on camera footage from several other dates. Respondents contacted law enforcement to report the details of their personal investigation, and Davis was subsequently arrested and charged with grand theft. Respondents fired Davis after he was formally charged, but the charges were eventually dropped.

Davis then sued Respondents asserting four causes of action: (1) breach of an alleged employment contract, (2) false imprisonment or arrest for allegedly making false statements to law enforcement, (3) defamation per se for allegedly falsely accusing Davis of theft, and (4) violation of Idaho Code section 18-705 for allegedly giving a false police report. Respondents moved for

summary judgment on all of Davis's claims, which the district court granted. Davis attempted to appeal the district court's order granting summary judgment, but his appeal was dismissed for lack of a final judgment. Months later, the district court entered a final judgment, and Davis once again appealed. Davis argues the district court erred in granting Respondents' motion for summary judgment on all four of his claims.