

**BOISE, WEDNESDAY, APRIL 5, 2023, AT 8:50 A.M.**

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

**JAY F. WRIGHT,**

**Plaintiff-Appellant,**

**v.**

**KRISTIE A. PARISH,**

**Defendant-Respondent.**

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**Docket No. 49605**

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Dane H. Watkins, District Judge.

Banks Gaffney, PLLC, Idaho Falls, for appellant, Jay F. Wright.

Olsen Taggart PLLC, Idaho Falls, for respondent, Kristie A. Parish.

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This case involves the application of *res judicata*. Jay Wright appeals a district court's grants of summary judgment and judgment on the pleadings in favor of his ex-wife, Kristie Parish. Wright and Parish were married in 2002 and divorced in 2019. Before they were married, Wright and Parish purchased two parcels of real property in Island Park (the "Island Park Properties") as tenants in common but failed to deed the property back to themselves as married individuals after their marriage. A magistrate court handled the divorce proceedings and distribution of community property. The magistrate court was able to divide and credit certain loan payments and improvements that had been made for the Island Park Properties but was unable to divide the Island Park Properties themselves because they had not been made part of the community.

Roughly one year after the magistrate court entered its final judgment, Wright filed a complaint in district court, seeking partition of the Properties and for Parish to deed the Properties to him, arguing in part that his interest in the Properties exceeded 50%. In response, Parish filed a motion for summary judgment, arguing that Wright's claims were precluded by the doctrine of *res judicata*. The district court granted in part Parish's motion for summary judgment after determining that the issues in Wright's complaint had already been litigated in prior divorce proceedings. The district court found that Wright's argument that he had a greater than 50% ownership interest in the Island Park Properties was barred by the doctrines of claim and issue preclusion but his claim to partition the Properties was not barred.

Parish subsequently moved the district court to grant her judgment on the pleadings regarding Wright's claim for partition and an order for the sale of the Island Park Properties. The district court granted Parish's motion and ordered an updated appraisal to be completed, sale of the Island Park Properties, and equal distribution of the sale proceeds. Wright timely appealed.