

BOISE, MONDAY, MAY 12, 2025, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**GUY DEKLOTZ, for himself and GUY)
DEKLOTZ on behalf of all others similarly)
situated,)**

Docket No. 51326-2023

**Plaintiff-Appellant,)
)**

**v.)
)**

**NS SUPPORT, LLC, dba NEUROSCIENCE)
ASSOCIATES; PAUL MONTALBANO,)
M.D., and NORTHWEST OCCUPATIONAL)
MEDICINE AND NEUROSURGICAL)
SPINE INSTITUTE, LLC,)**

**Defendants-Respondents.)
)**

Appeal from the District Court of the Fourth Judicial District of the State of Idaho,
Ada County. James Cawthon, District Judge.

Hepworth Holzer, LLC, Boise, for Appellant.

Powers Farley, PC, Boise, for Respondents.

Guy DeKlotz appeals from the judgment of the district court dismissing his claims that Paul Montalbano, M.D., and NS Support, LLC, dba Neuroscience Associates (“NSA”) improperly filed a medical lien against him. DeKlotz was injured in a car accident. He was transported to St. Alphonsus Regional Medical Center. Dr. Montalbano is a medical doctor and co-owner of NSA. He was the on-call trauma neurosurgeon for St. Alphonsus that night. Dr. Montalbano surgically repaired spinal fractures that DeKlotz had suffered from the accident.

Although DeKlotz had health insurance, Dr. Montalbano and NSA did not bill the insurance and instead filed a medical lien under Idaho Code section 45-704B for \$183,829.60. DeKlotz challenged the lien, claiming that it violated the Idaho Patient Act (“IPA”) because his insurance was not billed first. He also claimed the lien was invalid because \$183,829.60 was not a reasonable charge for the services rendered.

The district court dismissed DeKlotz’s IPA claim on summary judgment. It determined that compliance with the IPA was not required before a medical lien is filed pursuant to Idaho Code section 45-704B. Later, following a bench trial, the district court determined that the lien was valid because Dr. Montalbano’s charges were reasonable. Although the district court

determined that the charges for nursing care should be deducted from the lien, it concluded that the lien was still valid because it substantially complied with Idaho Code section 45-704B.

DeKlotz appeals, arguing that the plain language of the IPA required Dr. Montalbano to submit the bill to his insurance before filling a medical lien. Alternatively, he argues that the lien is invalid because the charge is not reasonable.