

**BOISE, FRIDAY, OCTOBER 4, 2024, AT 8:50 A.M.**

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

<b>ELANORE VAUGHAN,</b>	)	
	)	
<b>Plaintiff-Respondent-</b>	)	
<b>Cross-Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 50674</b>
	)	
<b>GATEWAY PARKS, LLC, an</b>	)	
<b>Idaho limited liability company,</b>	)	
	)	
<b>Defendant-Appellant-</b>	)	
<b>Cross-Respondent.</b>	)	
_____	)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Samuel A. Hoagland, District Judge.

Scanlan Griffiths + Aldridge, Boise, attorneys for Appellant.

Hepworth Holzer, LLP, Boise, attorneys for Respondent.

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This permissive appeal concerns the applicability of the Idaho Skier Act, Idaho Code section 6-1101, *et seq.* (“the Act”), and the effect of a liability waiver. Respondent Elanore Vaughan purchased a ticket and signed an online liability waiver to go tubing at Appellant Gateway Parks, LLC, which operates a winter tubing and skiing/snowboarding terrain park at Eagle Island State Park. The next day, Vaughan went tubing at Gateway and was injured after the tube she was on went over an embankment and crashed into a trailer where snowmaking equipment was housed. Vaughan sued Gateway for negligence and premises liability. Gateway moved to dismiss, arguing that Vaughan’s claims were either foreclosed under the Act or foreclosed by the online liability waiver she signed. Because issues outside the pleadings were addressed, the district court treated Gateway’s motion to dismiss as a motion for summary judgment, and ultimately denied it. Gateway moved for permissive appeal, which was granted. Now on appeal, Gateway argues (1) the district court erred in finding that the Act did not bar Vaughan’s claims, and (2) the district court erred in finding that the liability waiver that Vaughan signed did not preclude her claims. Vaughan cross-appeals, challenging the district court’s conclusion that Gateway is a “ski area operator” and its tubing hill is a “ski area” under Idaho Code section 6-1102(3), (4).