

BOISE, FRIDAY, OCTOBER 11, 2024, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**JAMIE HART-MILLEN as Personal)
Representative of the Estate of James)
William Hart, deceased and)
DAVID HART,)
)
Plaintiffs-Counterdefendants-)
Appellants,)
)
v.)
)
MILLENNIAL DEVELOPMENT)
PARTNERS, LLC, a Utah limited)
liability company,)
)
Defendant-Counterclaimant-)
Respondent.)
)**

Docket No. 50774

Appeal from the District Court of the Sixth Judicial District of the State of Idaho, Bannock County. Javier Gabiola, District Judge.

Olsen Taggart, PLLC, Idaho Falls, attorneys for Appellants.

Echo Hawk & Olsen, PLLC, Pocatello, attorneys for Respondent.

This appeal concerns a dispute over attorney fees and costs between Hart-Millen and Millennial. For one reason or another, the case below never got off the ground. The district court struck Hart-Millen’s pleadings as a sanction for failing to follow the court’s scheduling order and dismissed the case. The district court then awarded Millennial attorney fees as a sanction and because Hart-Millen pursued the case unreasonably. On appeal, Hart-Millen claims the district court erred in awarding fees and costs for three reasons. First, Hart-Millen claims the district court failed to consider Millennial’s failure to comply with the scheduling order resulting in an inequitable and one-sided award. Second, Hart-Millen claims that it was improper to award Millennial fees because there was no prevailing party. Third, Hart-Millen claims the district court improperly awarded Millennial fees incurred in drafting its own counterclaim.