

MONDAY, AUGUST 26, 2024, AT 8:50A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**EDWARD A. EASTERLING and JANICE)
EASTERLING, husband and wife,)**

Plaintiffs-Appellants,)

v.)

**HAL PACIFIC PROPERTIES, LP, and its)
successors in interest, JEREMIAH CLARK)
and AMANDA CLARK, husband and wife,)**

Defendants-Respondents.)

Docket No. 50939

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County. Michael J. Whyte, District Judge.

Hall Angel & Associates, LLP, Idaho Falls, for Appellants.

Pickens Law, P.A., Boise, for Respondents.

This is the second appeal before the Idaho Supreme Court stemming from the underlying litigation originally brought by Edward and Janice Easterling (“the Easterlings”). The Easterlings own three parcels of land in Ammon, Idaho. The Easterlings originally brought suit against Hal Pacific Properties, L.P. (“HAL”), claiming their three parcels were landlocked by the HAL property. The Easterlings requested an easement by necessity over and upon the HAL property in order to access their three parcels. The district court largely ruled in favor of the Easterlings and denied HAL’s affirmative defense that the Easterlings’ claims were barred by a statute of limitations. The district court further held that the Easterlings were entitled to an easement by necessity over and upon the HAL property to all three of the Easterlings’ parcels and determined the location and width of the easement. HAL timely appealed to the Idaho Supreme Court and contended the district court erred by denying its statute of limitations affirmative defense, granting the Easterlings’ claim for an easement by necessity for all three of their parcels, and for the district court’s location and width determination of the easement. This Court agreed with HAL and vacated the district court’s judgment, reversing the decision following the bench trial, reconsideration, and summary judgment. This Court then remanded the case to the district court to determine when the Easterlings knew, or reasonably should have known, of a claim by another “adverse to” the three parcels’ right to an easement by necessity.

In 2022, Jeremiah and Amanda Clark (“the Clarks”) bought the property from HAL and were substituted in as parties on appeal to this Court. On remand, the Clarks filed a motion for summary judgment. The Easterlings objected, arguing there was a question of material fact as to when the statute of limitations accrued regarding when the Clarks or HAL asserted a claim

“adverse to” the Easterlings. The Easterlings also claimed that the Clarks failed to properly raise the statute of limitations as an affirmative defense and that the Clarks should be equitably estopped from raising such defense.

The district court awarded summary judgement to the Clarks, concluding that the statute of limitations barred the Easterlings’ claim for an easement by necessity to access their parcels. On appeal, the Easterlings have raised two main issues: whether the district court erred in (1) granting summary judgment upon a finding that their claim was barred by Idaho Code section 5-224, and (2) finding that the Clarks’ predecessors in interest (HAL) properly plead the statute of limitations as a defense.