

BOISE, MONDAY, APRIL 7, 2025 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JONATHAN & ANGELA MCOMBER,
husband and wife,

Plaintiffs-Appellants,

V.

SHANE & KERI THOMPSON,
husband and wife,

Defendants-Respondents.

Docket No. 50980

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Madison County. Steven W. Boyce, District Judge.

Beard St. Clair Gaffney, PA, Idaho Falls, for Appellants.

Kirton McConkie, Boise, for Respondents.

This appeal stems from a dispute over alleged false statements or omissions made by Shane and Keri Thompson on a property disclosure form. Jonathan and Angela McOmber bought a home from the Thompsons. As part of the sale, the Thompsons completed a property disclosure form, where they indicated that there had been past water intrusion in the home because of a drainage problem that was fixed. They did not indicate any problems with the roof. Although the McOmbers elected to get an independent property inspection, they ultimately relied on the inspection provided by the Thompsons. After the McOmbers moved into the home, they discovered various defects in the home, including water intrusion in the lower levels of the home, and other damage resulting from ice dams that had formed on the roof.

The McOmbers subsequently sued the Thompsons for fraud, breach of contract, and unjust enrichment. After the district court granted the Thompsons motion for partial summary judgment which dismissed Angela McOmber from the case and dismissed the unjust enrichment claim, McOmber filed a motion to amend the complaint to add a claim for constructive trust. The district court denied the motion to amend the complaint, finding that McOmber had failed to adequately state a claim for constructive trust. The Thompsons filed a second motion for summary judgment on McOmber's remaining claims for breach of contract and fraud, which the district court granted. The Thompsons sought an award of attorney fees. McOmber filed a motion for reconsideration and an objection to the Thompsons' request for attorney fees. The district court denied the motion for reconsideration and awarded attorney fees to the Thompsons. On appeal, McOmber argues that the district court erred when it (1) applied the wrong standard when it evaluated the Thompsons'

second motion for summary judgment, (2) denied McOmber's motion to amend the complaint, and (3) awarded attorney fees to the Thompsons. The Thompsons argue that the district court did not err. The Thompsons seek an award of attorney fees on appeal.