

BOISE, THURSDAY, JANUARY 16, 2025, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51259

KANDI TERRY-SMITH and ROY A. SMITH, JR., husband and wife,)
)
)
 Plaintiffs-Appellants,)
)
)
 v.)
)
 MOUNTAIN VIEW HOSPITAL, LLC,)
 and IDAHO FALLS COMMUNITY)
 HOSPITAL, LLC,)
)
)
 Defendants-Respondents.)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Stevan H. Thompson, District Judge.

Wood Law Group, PC; T. Jason Wood, Idaho Falls, for appellants.

Parsons Behle & Latimer; S. Alex Roll, Idaho Falls, for respondents.

Kandi Terry-Smith and Roy A. Smith (the Smiths) appeal from a judgment dismissing their medical malpractice claim against Mountain View Hospital, LLC (MVH) and Idaho Falls Community Hospital, LLC (IFCH), and the subsequent orders denying the Smiths’ motion for reconsideration and motion for relief. The Smiths failed to serve MVH and IFCH and the case was dismissed due to inactivity. The Smiths were granted relief and a sixty-day extension to effectuate service. A notice of special appearance and a motion to dismiss were filed by MVH and IFCH citing insufficient service as to MVH and failure to state a claim as to IFCH. The district court granted the motion to dismiss. Subsequently, the Smiths filed a motion for partial reconsideration, motion to extend the time for service, and motion for leave to amend the complaint, which the district court denied. The Smiths later filed an Idaho Rule of Civil Procedure 60(b) motion for relief from judgment, which the district court also denied.

On appeal, the Smiths argue that the district court erred in holding that service was insufficient and granting the motion to dismiss. The Smiths argue that MVH was served both by an email sent by the Smiths’ attorney to opposing counsel and by a process server effectuating service on the receptionist at the law firm representing MVH. The Smiths also argue that the district court erred in denying the Smiths’ motion for a second extension of time. The Smiths base

this argument on the process server falsifying his affidavit of service and the fact that MVH did not reveal that the process server failed to serve MVH's registered agent, which the Smiths allege constitutes good cause for the extension. Also, the Smiths argue that the district court erred in denying their Rule 60(B) motion for relief. The Smiths also argue that the district court erred in considering the motion for relief as a motion for reconsideration and for declining to find that the lack of proper service was due to excusable neglect.