

SUMMARY STATEMENT

Kirby v. Scotton

Docket No. 44925

In a case arising out of Ada County, the Court of Appeals affirmed the district court's order denying a motion to set aside a default and judgment. John S. Kirby and Vicky L. Kirby filed a complaint against Mark Scotton and Dawn Scotton asserting claims for trespass, nuisance and negligence and a request for injunctive relief based on damages allegedly caused by the Scottons' irrigation practices. The Kirbys later filed a motion for default, which the district court granted. The Scottons filed a motion to set aside the default, which the district court denied and found that the Scottons' failed to plead, with particularity, a meritorious defense and show good cause for setting aside the default.

On appeal, the Scottons asserted that the district court erred in denying their I.R.C.P. 55(c) motion to set aside the entry of default because the district court failed to address the willfulness and prejudice factors for a showing of good cause and erred in finding that the Scottons failed to present a meritorious defense. Because the district court's finding that the Scottons failed to plead a meritorious defense is dispositive, the Court of Appeals did not address the first two claims of error. The Court of Appeals held that the district court did not abuse its discretion in concluding the Scottons failed to plead, with particularity, facts to indicate a meritorious defense to the Kirbys' claims. Therefore, the Scottons did not meet their burden of showing error in the denial of their motion to set aside the default.