

## **SUMMARY STATEMENT**

*Davis v. Tuma*

Docket No. 46721

This case arises from a 2009 purchase of real property located in rural Boundary County by Jefri and Debbie Davis (the Davises). While living in California, the Davises sought to purchase a home in northern Idaho, and hired Charles Tuma (Tuma) and Tuma's broker, Donald McCanlies (McCanlies), to help them. Tuma and McCanlies both worked for Johnson House Company, which in turn was doing business as Coldwell Banker Resort Realty. Some years after purchasing the property in question, the Davises learned to their distress that the road they believed provided access to their home, did not in fact do so. The Davises filed suit against Tuma, McCanlies, and Coldwell Banker Resort Realty (collectively, the Defendants), alleging fraud and constructive fraud. The Defendants successfully moved for summary judgment against the Davises. The Davises responded, filing several declarations, portions of which the Defendants moved to strike. The Davises also sought to amend their complaint to add new claims. The district court granted the Defendants' motions for summary judgment and to strike, but did not specifically identify which portions of the declarations were being stricken. The district court also denied the Davises' motion to amend their complaint without explaining its reasoning.

This timely appeal followed. The Idaho Supreme Court reversed the district court's order granting summary judgment, and vacated the district court's order denying the motion to amend. The Idaho Supreme Court also vacated the judgment entered and remanded the case for further proceedings.