

SUMMARY STATEMENT

Frizzell v. DeYoung, Docket No. 47543

This appeal arose from a dispute between Donald Frizzell, a trust beneficiary, Edwin DeYoung, the trustee, and Darlene DeYoung, a trust beneficiary and Frizzell's half-sister. Frizzell first appealed to this Court in 2018, following the dismissal of his complaint at the district court. In that appeal, the Idaho Supreme Court held the provisions in an agreement entered into pursuant to the Trust and Estate Dispute Resolution Act ("TEDRA"), Idaho Code sections 15-8-101, *et seq.*, clearing Edwin from liability were only enforceable to the extent that they settled past claims of negligence and breach of fiduciary duty committed before the agreement was executed in 2014. *Frizzell v. DeYoung*, 163 Idaho 473, 415 P.3d 341 (2018). In this appeal, Frizzell argued that after the case was remanded, the district court failed to follow the law of the case by erroneously allowing the DeYoungs to introduce evidence, testimony, and argument concerning conduct that occurred before the Agreement was executed. However, the Idaho Supreme Court disagreed with Frizzell's arguments and affirmed the judgment of the district court. The Court concluded that the district court followed the law of the case and did not abuse its discretion in the evidence it admitted. The jury was on notice throughout the parties' arguments and by the court's own instructions that it was only to consider whether Edwin or Frizzell breached the TEDRA Agreement after it was executed. In addition, the jury's verdict that Edwin did not breach the TEDRA Agreement was supported by substantial and competent evidence.

******This summary constitutes no part of the Opinion of the Court, but has been prepared by court staff for the convenience of the public.******