

SUMMARY STATEMENT

Munden v. Bannock County

Docket No. 47978

Dennis and Sherrilyn Munden (the Mundens) appeal from a district court's grant of a motion to dismiss their lawsuit against Bannock County. The Mundens own approximately 1,430 acres of agricultural land in Bannock County. A road (the Road) at the heart of this dispute connects two large parcels of the Mundens' property. Bannock County enacted an ordinance in 2019 which amended a prior ordinance and allowed the Bannock County Public Works Director to determine when the Road would be closed to motor vehicle use and open only to snowmobile use.

The Mundens sought an ex parte temporary restraining order (TRO) to prevent the County from enforcing this ordinance, alleging that their ranching operation would be significantly harmed if the Road were closed to motor vehicles. The district court granted the TRO, but after a hearing, the court subsequently dissolved it and dismissed the Mundens' action against the County with prejudice.

The Idaho Supreme Court held that the district court did not abuse its discretion in dissolving the TRO. The Court also concluded that the district court's award of attorney fees and costs to the County associated with seeking to dissolve the TRO was proper. However, the Court concluded that the district court erred in awarding attorney fees in excess of the bond amount posted by the Mundens absent a showing of good cause by the County. Next, the Court held that the district court did not err in granting the County's motion to dismiss because the Mundens failed to comply with Idaho Code section 40-208(7) before seeking judicial relief. Despite affirming the district court's granting of the County's motion to dismiss, the Court determined that the district court erred when it dismissed the Mundens' complaint with prejudice. Finally, the Idaho Supreme Court concluded that the district court erred in issuing a writ of execution before it had entered a final, appealable judgment, although this error was harmless.

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