

## SUMMARY STATEMENT

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*Von Lossberg v. State*

Docket No. 48220

Curt and Dara Von Lossberg appealed the dismissal of their wrongful death action against the State of Idaho and the Idaho State Police. The Von Lossberg's son, , Bryan Von Lossberg, ended his life with an unlawfully purchased handgun. They alleged that their son should not have been able to purchase the gun, but he was able to because of systemic failures in the State's case management system. As a result, they claim that the State and the State Police failed to report Bryan's mental health status to the National Instant Criminal Background System (the "NICS") pursuant to state and federal law.

The suit was dismissed for a lack of subject matter jurisdiction after the district court concluded the government defendants were immune from tort action under the immunity provisions of the Brady Handgun Violence Prevention Act, 18 U.S.C. § 922(t)(6). The Idaho Supreme Court reversed and vacated the district court's order. The Court concluded that the Brady Act's plain language only grants immunity to local governments and the employees of federal, state, and local government. Because 18 U.S.C. § 922(t)(6) does not grant immunity to the State and its agencies, the district court erred in dismissing the case.

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