

**SUMMARY STATEMENT**

*Neeser v. Inland Empire Paper Company*

Docket No. 48567

Gerald Neeser sought a prescriptive easement over forest lands owned by Inland Empire Paper Company (“IEP”) in Kootenai County, Idaho. Both parties moved for summary judgment, and the district court granted summary judgment in favor of Neeser, concluding that he had established the elements necessary for a prescriptive easement. The district court denied IEP’s motion for summary judgment. IEP appealed to this Court.

The Idaho Supreme Court first held that the district court erred in declining to strike portions of Neeser’s declaration supporting his motion for summary judgment because they lacked foundation. Further, the Court vacated the district court’s grant of summary judgment to Neeser, concluding that there were genuine issues of material fact regarding whether Neeser had a prescriptive easement over IEP’s property. The Court remanded the case for further proceedings.

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