

SUMMARY STATEMENT

Elsaesser v. Riverside Farms, Inc.

Docket No. 48701

The Idaho Supreme Court affirmed the district court's decision denying Riverside Farm's motion for reconsideration and determining that the Rule 70(b) judgment issued in *Matter of Estate of Smith*, 164 Idaho 457, 432 P.3d 6 (2018) (Ada County Case No. CV-IE-2014-15352) (the "Probate Case") was not precluded by the dismissal of *Smith v. Smith* (Ada County Case No. CV-OC-2015-2348). In the Probate Case, the personal representative was granted ownership of multiple properties through the Rule 70(b) motion. In this case, Riverside Farms challenged the personal representative's ownership. The Idaho Supreme Court determined that it is clear from *Smith* that the disputed ownership of the properties awarded to the personal representative was not an issue in that case. Therefore, the Idaho Supreme Court concluded that a dismissal of *Smith*, even with prejudice, could not reasonably be viewed as having any preclusive effect against resolution of that dispute in the Probate Case. Accordingly, the Idaho Supreme Court awarded the personal representative attorney fees pursuant to Idaho Code section 12-121.

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