

## SUMMARY STATEMENT

*Tidwell v. Blaine County, Docket No. 48799*

This appeal arose from a dispute over the meaning of the term “public use” in a deed. Kiki Leslie Tidwell (“Tidwell”) and the Madison Jean Tidwell Trust (collectively “Plaintiffs”) opposed an affordable housing project on land dedicated to Blaine County for public use. Plaintiffs contend the Final Plat contemplated the land be held for open space and recreational use, but Blaine County contracted with ARCH Community Housing Trust (“ARCH”), and Blaine County Housing Authority (“BCHA”) to donate a parcel—Parcel C—to BCHA to construct community housing. Plaintiffs filed a complaint against the County, ARCH, and BCHA (collectively “the County”) seeking declaratory relief, injunctive relief, and damages to Tidwell under 42 U.S.C. section 1983. The district court ultimately dismissed Tidwell’s section 1983 claim, but the district court allowed Plaintiffs to pursue the remaining claims, despite the County’s contention that Plaintiffs lacked standing to bring the complaint. Following a series of unsuccessful dispositive motions seeking summary and partial summary judgment on both sides, the case proceeded to court trial, where Plaintiffs prevailed on both claims for declaratory and injunctive relief. The district court denied Tidwell’s request for attorney fees. The County appealed, and Tidwell cross-appealed the dismissal of her section 1983 claim and both Plaintiffs appeal the district court’s denial of attorney fees.

The Idaho Supreme Court affirmed in part, and reversed in part, vacating the district court’s judgment and remanding the case for entry of a dismissal. The Court first held that the district court erred in concluding Plaintiffs had standing because there was no fairly traceable causal connection between Plaintiffs’ claimed injury and the proposed duplex. The Court then affirmed the district court’s decision to dismiss Tidwell’s procedural due process claim under 42 U.S.C. section 1983 because Tidwell failed to allege a property interest sufficient to establish a constitutional violation. Because Plaintiffs lacked standing to bring their claims, the Court declined to reach the County’s remaining claims or Plaintiffs’ claim on cross-appeal about attorney fees.

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