

SUMMARY STATEMENT

Day v. Idaho Transportation Department

Docket No. 48898

This appeal arose from an inverse condemnation and breach of contract action filed by the Day Family against the Idaho Transportation Department (“ITD”), and concerned the Days’ real property near the Isaacs Canyon Interchange in Ada County. It is the Days’ second appeal to the Idaho Supreme Court. The district court originally dismissed the Days’ claims because they were time barred by the statute of limitations and the plaintiffs lacked standing on the breach of contract claim. On the Days’ first appeal, the Supreme Court reversed the district court, holding that there were genuine issues of material fact regarding whether the claim was timely filed. It remanded the case to the district court to evaluate the entirety of the parties’ course of dealing in determining whether the statute of limitations had been tolled. *Day v. Transportation Dep’t*, 166 Idaho 293, 458 P.3d 162 (2020).

Following a 14-day trial on remand, the district court found that while a taking had occurred, the Days’ claim was untimely filed and barred by the statute of limitations. The district court concluded that the parties’ actions did not support a tolling of the statute of limitations. The Days appealed a second time to the Idaho Supreme Court. ITD cross-appealed, arguing that the district court erred in denying its request for attorney fees under Idaho Code section 12-120(3).

The Supreme Court affirmed the decisions of the district court. It concluded that the district court (1) correctly and implicitly rejected the Days’ quasi-estoppel argument that ITD was barred from asserting a statute of limitations defense; (2) there was no error in finding that the Days did not rely on ITD’s agreement to toll the statute of limitations; and (3) the district court properly addressed the entirety of parties’ course of dealing when considering whether the limitation period for bringing the action was tolled. Additionally, the Supreme Court concluded that the district court did not err in declining to award attorney fees to ITD under Idaho Code section 12-120(3) because the gravamen of the claim was constitutional (inverse condemnation) rather than commercial.

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