

SUMMARY STATEMENT

Pinkham v. Plate

Docket No. 48954

This appeal arose from a default judgment awarded to Scott and Natalie Pinkham (“the Pinkhams”) against David Plate, Rebeccah Jensen, and their company, Three Peaks Homes, LLC (collectively “Appellants”). After Appellants’ attorney withdrew from the case, Appellants failed to timely designate new counsel as required by Idaho Rule of Civil Procedure 11.3. A default was entered by the district court, and the court later awarded the Pinkhams a default judgment of almost \$650,000 without (1) an amount of damages being specified in the Pinkhams’ complaint or (2) the presentation of any proof of the amount of damages the Pinkhams were claiming. Appellants’ retained an attorney and attempted to set aside the default and the default judgment, asserting that both were improperly entered. The district court denied both requests.

On appeal, the Idaho Supreme Court affirmed the district court’s judgment in part and reversed it in part. The Court concluded that the district court did not err in denying the Appellants’ motion to set aside the entry of default. However, the district court erred in awarding unpleaded damages without any proof of the amount sought. The Court held that although Idaho Rule of Civil Procedure Rule 11.3 governed the entry of default, Rules 54 and 55 still applied in determining the amount of the default judgment. The unverified complaint merely stated that the Pinkhams were seeking damages “in an amount to be proven at trial.” Thus, since there was no trial, the damages sought on default must be supported by proof.

The Court explained that Appellants had established a right to relief under Rule 60(b)(4) because the judgment was void. The Court explained: “since no amount of damages was pleaded in the unverified complaint, and no proof of damages was provided to the district court when the Pinkhams sought their default judgment, the amount of damages to which the Pinkhams are entitled remains an open question.” Accordingly, the Court vacated the award of damages and remanded the case to the district court for a determination as to the proper amount of damages based on the proof submitted.

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