

SUMMARY STATEMENT

Gilbert v. Radnovich, Docket No. 49139

This appeal arose from the district court's decision to deny a motion for sanctions and attorney fees against Roy Gilbert's former attorney, William Mitchell, under Idaho Rule of Civil Procedure 11(b) and Idaho Code section 12-123(1). Mitchell filed the initial and amended complaint on behalf of Gilbert against Richard Radnovich in litigation underlying this appeal. Later in the proceedings, a second attorney substituted for Mitchell and sometime after, both sides stipulated to dismiss the case with prejudice. A few weeks later, Radnovich filed a motion for sanctions and attorney fees against Mitchell. The district court denied the motion. Radnovich timely appealed and argued the district court abused its discretion in denying sanctions and attorney fees against Mitchell. The Idaho Supreme Court affirmed the district court's order denying sanctions, concluding that the court did not abuse its discretion in reaching the decision to deny sanctions and attorney fees for each claim Radnovich raised.

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