

SUMMARY STATEMENT

Yellowstone v. City of Rigby, Docket No. 49562

The Idaho Supreme Court reversed a district court decision that granted the City of Rigby's motion for summary judgment against Yellowstone Log Homes, LLC ("Yellowstone"). Yellowstone owns a rental home in Rigby, Idaho, that suffered extensive damage after BorTek Utilities and Construction, LLC, bored through a lateral sewer line connected to the home. Yellowstone sued the City, alleging negligence *per se* and common law negligence for the City's failure to have the service lateral marked prior to BorTek's boring. The district court dismissed Yellowstone's action after concluding Yellowstone did not have standing under the Idaho Underground Facilities Damage Prevention Act (Idaho Code sections 55-2201 through 55-2212) ("the Act"), which creates a cause of action for excavators and underground facility owners, but not explicitly for end users like Yellowstone. The district court determined that even if Yellowstone had standing to pursue its claims, it had failed to establish genuine issues of material fact that the City had breached any duty owed to Yellowstone. The Idaho Supreme Court held that Yellowstone had standing to sue, and reversed the district court's grant of summary judgment after concluding issues of material fact existed concerning whether the City breached a duty of care owed to Yellowstone.

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