

**SUMMARY STATEMENT**  
*Medical Recovery Svcs. v. Moser*

Docket No. 49755

This is an appeal of a reversal of partial summary judgment for a medical debt collection claim. Cierra Moser received medical services at Franklin County Medical Center (“FCMC”) while she was an employee. After her employment at FCMC ended, FCMC assigned Moser’s alleged unpaid medical debt to Medical Recovery Services, LLC (“MRS”) for collection. MRS brought a medical debt collection claim against Moser in the magistrate court. The magistrate court granted partial summary judgment in favor of MRS, holding that Moser owed a minimum principal debt. During a bench trial, the magistrate court then considered whether Moser owed more than the minimum principal debt, based on a disputed issue of whether Moser was entitled to a 50% employee healthcare discount benefit. Following the bench trial, the magistrate court held that Moser was not entitled to the 50% employee discount at the time FCMC assigned the debt to MRS for collection. The magistrate court entered judgment against Moser for \$8,067.88.

On intermediate appeal, the district court reversed the partial grant of summary judgment, finding genuine disputes of material fact in the record on how much, if any, Moser owed to FCMC, which precluded summary judgment. The district court also determined that the issue of whether Moser was entitled to the employee discount was “intertwined” with determining what amount, if any, Moser owes FCMC. Therefore, the district court remanded all issues for retrial and awarded costs to Moser as the prevailing party. MRS appealed, arguing that the district court erred when it: (1) reversed the magistrate court’s grant of partial summary judgment; (2) remanded all issues for retrial; and (3) awarded costs to Moser as the prevailing party.

The Idaho Supreme Court affirmed the district court’s decision. The Court held: (1) the district court did not err in reversing the magistrate court’s partial grant of summary judgment because disputed issues of material fact exist in the record; (2) MRS’ failure to ensure relevant transcripts were included in the record on appeal to the Supreme Court is fatal to its position that the district court erred in remanding for a retrial on all issues; and (3) MRS failed to provide a cogent legal argument in support of its challenge to the district court’s award of costs to Moser on intermediate appeal. The Court declined to award attorney fees and costs to either party in this appeal at this time because the case is not yet resolved. The Court held that the magistrate court may award attorney fees and costs for this appeal once the ultimate prevailing party is determined on remand.

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