

## SUMMARY STATEMENT

*D.L. Evans Bank v. Dean*

Docket No. 50134-2022

The Idaho Supreme Court affirmed the district court's decision granting summary judgment to D.L. Evans Bank in the action it filed against Henry W. Dean. D.L. Evans obtained a judgment against Dean in 2010 ("2010 Judgment"). D.L. Evans obtained orders renewing the 2010 Judgment in 2015 and 2019. In 2020, D.L. Evans sued Dean for an action on the 2010 Judgment, seeking a new judgment for the outstanding debt on the 2010 Judgment plus accrued interest.

Dean initially moved the district court to dismiss D.L. Evans' claim for lack of personal jurisdiction, but the district court denied this motion. D.L. Evans then moved for summary judgment. In opposition to D.L. Evans' motion, Dean argued that the 2020 lawsuit was untimely because the six-year statute of limitations on D.L. Evans' claim began to run in 2010. Dean also argued that the 2010 Judgment was void because it was entered without due process and should, therefore, be set aside pursuant to Idaho Rule of Civil Procedure 60(b)(4). The district court rejected Dean's arguments and entered judgment in favor of D.L. Evans. Dean appealed to the Idaho Supreme Court.

On appeal, Dean argued that the district court (1) did not have personal jurisdiction over him, (2) erred in concluding that the 2015 and 2019 renewals restarted the statute of limitations on D.L. Evans' claim for an action on the 2010 Judgment, and (3) erred in denying his motion to set aside the 2010 Judgment as void. The Supreme Court affirmed the district court on all three issues.

The Court concluded that Dean voluntarily submitted to the district court's jurisdiction when his attorney filed a notice of appearance that did not comply with the requirements for filing a special appearance under Idaho Rule of Civil Procedure 4.1(b)(7). The Court also held that the 2015 and 2019 renewals restarted the statute of limitations on D.L. Evans' claim pursuant to the plain language of Idaho Code section 10-1111. Finally, the Court affirmed the district court's decision denying Dean's Rule 60(b)(4) motion because Dean failed to demonstrate that the 2010 Judgment was entered without due process. Accordingly, the Court affirmed the district court's judgment in favor of D.L. Evans.

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