

WEDNESDAY, MAY 15, 2024, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

MEDICAL RECOVERY SERVICES,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 KATREINA MELANESE,)
)
 Defendant-Respondent.)
 _____)

Docket No. 49993

Appeal from the District Court of the Seventh Judicial District of the State of Idaho. Bruce L. Pickett, District Judge.

Bryan D. Smith and Bryan N. Zollinger, Smith, Driscoll & Associates, PLLC, Idaho Falls, for Appellant.

Kelly H. Dove and Jennifer L. McBee, Snell & Wilmer, LLP, Las Vegas, Nevada, for Respondent.

This appeal arises from a magistrate court decision that denied Medical Recovery Services' ("MRS"), a medical debt collector, petition to collect \$460 from Katrina Melanese, now Katrina Sullivan, for an emergency room visit in September 2017. MRS argues that the magistrate and district courts erred by concluding that MRS was barred from recovering because Sullivan's debt was not valid under this Court's holding in *Medical Recovery Services, LLC. v. Neumeier*, 163 Idaho 504, 415 P.3d 372 (2018). In *Neumeier*, this Court held that if there is a condition precedent between a patient and a doctor that the doctor will submit the bill to the patient's insurance before the patient is required to pay, then the patient does not have a valid debt until the doctor submits the bill to the patient's insurance. *Id.* at 510, 415 P.3d at 379. MRS argues *Neumeier* does not apply to the facts of this case in part because *Neumeier* is unworkable in emergency room settings. MRS filed a complaint against Sullivan for the medical debt, prejudgment interest, filing fees, and attorney fees. The magistrate court ruled in favor of Sullivan, and on appeal, the district court affirmed the magistrate court's dismissal of the case. MRS asks that this Court reverse and remand to the magistrate court to enter judgment in MRS' favor.