

IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 52552-2024

DPW ENTERPRISES LLC and MOUNTAIN PRIME 2018 LLC,

Plaintiffs-Respondents,

JEREMY L. BASS,

Defendant-Appellant,

and

DWAYNE PIKE, and CURRENT OCCUPANT; and Unknown Parties in Possession of the real property commonly known as 1515 21st. Ave., Lewiston, ID 83501,

Defendants.

SUPPLEMENTAL STATEMENT OF ISSUES ON APPEAL

COMES NOW the Defendant-Appellant, Jeremy L. Bass, appearing pro se, pursuant to Idaho Appellate Rule 34(e), and hereby submits this Supplemental Statement of Issues on Appeal to augment the issues previously identified in the Notice of Appeal filed December 18, 2024, as follows:

I. CONSTITUTIONAL ISSUES

A. Procedural Due Process Violations

1. Whether the District Court's systematic denial of discovery rights and evidence submission opportunities violated Appellant's fundamental right to procedural due process under Article I § 13 of the Idaho Constitution and the Fourteenth Amendment to the United States Constitution, particularly in light of Appellant's pro se status and the complexity of the underlying foreclosure proceedings. (R. at [pending], Motion for Reconsideration Hearing, December 6, 2024).
2. Whether the cumulative effect of the District Court's procedural rulings created an insurmountable barrier to the presentation of a meaningful defense, thereby violating constitutional guarantees of access to courts and due process of law. (R. at [pending], Summary Judgment Hearing, October 22, 2024).

II. PROCEDURAL ISSUES

A. Discovery Violations

1. Whether the District Court abused its discretion in denying Appellant's Rule 56(d) motion to defer summary judgment pending essential discovery, particularly regarding:
 - a. Pre-auction communications between parties;

- b. Documentation of statutory compliance with Idaho Code § 45-1506;
 - c. Evidence of auction irregularities and procedural defects;
 - d. Trustee's records and communications regarding sale procedures.
- 2. Whether the District Court's restrictive interpretation of Rule 26(b)'s scope of discovery improperly prevented Appellant from developing evidence crucial to defending against summary judgment, particularly in light of the presumption favoring liberal discovery in civil proceedings. (R. at [pending], Order Denying Motion for Reconsideration, December 16, 2024).

B. Evidentiary Rulings

- 1. Whether the District Court abused its discretion under Idaho Rule of Evidence 403 by excluding:
 - a. Video evidence documenting auction proceedings and irregularities;
 - b. Documentary evidence of pre-auction communications;
 - c. Witness affidavits attesting to procedural violations;
 - d. Electronic communications evidencing coordination between parties.
- 2. Whether the District Court's exclusion of evidence, particularly in Sections C, D, and E of Appellant's filings, constituted reversible error by preventing the development of a complete record for appellate review. (R. at [pending], Opinion and Order on Motion to Dismiss, October 18, 2024).

III. SUBSTANTIVE ISSUES

A. Statutory Interpretation and Application

- 1. Whether the District Court erred in its interpretation and application of Idaho Code § 45-1508 by:
 - a. Failing to distinguish between procedural deficiencies and substantive defects that could void a foreclosure sale ab initio;
 - b. Improperly extending "good faith purchaser" protections without adequate examination of the underlying sale's validity;
 - c. Misapplying statutory requirements for notice and sale procedures under Idaho Code § 45-1506.
- 2. Whether the District Court's interpretation of Idaho Code § 45-1508 creates an impermissible shield for potentially fraudulent conduct by elevating form over substance in foreclosure proceedings. (R. at [pending], Memorandum Opinion and Order on Summary Judgment, November 5, 2024).

B. Summary Judgment Standards

1. Whether the District Court erred in granting summary judgment despite the existence of genuine issues of material fact regarding:
 - a. Compliance with statutory foreclosure requirements;
 - b. The validity of the underlying sale procedures;
 - c. The existence of substantive defects in the foreclosure process;
 - d. Evidence of coordination between parties affecting the sale's validity.

IV. RESERVATION OF RIGHTS AND CERTIFICATION

A. Reservation of Rights

1. Pursuant to Idaho Appellate Rule 34(e), Appellant expressly reserves the right to:
 - a. Supplement this statement with additional issues identified upon review of the complete record;
 - b. Modify or refine issue statements based on development of the appellate record;
 - c. Present additional authority or argument in support of identified issues;
 - d. Raise related issues necessary for complete resolution of the appeal.

B. Request for Certification

1. Whether the following questions should be certified to the Idaho Supreme Court:
 - a. The scope of procedural protections required for pro se litigants in complex foreclosure proceedings;
 - b. The relationship between procedural barriers and substantive rights in foreclosure challenges;
 - c. The proper balance between finality of foreclosure sales and protection against fraudulent conduct.

V. PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Accept and consider these supplemental issues in conjunction with those previously identified in the Notice of Appeal;
2. Grant specific relief as follows:
 - a. REVERSE the District Court's denial of discovery under Rule 56(d) and REMAND with instructions to permit reasonable discovery necessary for development of Appellant's defenses;

- b. REVERSE the District Court's exclusion of critical evidence and REMAND with instructions to admit and consider:
 - i. Video documentation of auction proceedings;
 - ii. Pre-auction communications;
 - iii. Witness affidavits;
 - iv. Documentary evidence of procedural violations;
 - c. REVERSE the District Court's application of Idaho Code § 45-1508 and REMAND for proper consideration of:
 - i. Substantive defects that may void the sale;
 - ii. The distinction between procedural and substantive violations;
 - iii. The proper scope of good faith purchaser protections;
 - d. CERTIFY questions regarding procedural fairness and access to justice to the Idaho Supreme Court as outlined above;
3. Grant such other and further relief as this Court deems just and proper under the circumstances.

Dated this ____ day of January, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of January, 2024, I caused a true and correct copy of the foregoing SUPPLEMENTAL STATEMENT OF ISSUES ON APPEAL to be served by the method indicated below, and addressed to the following:

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