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Date and Time: Wednesday, November 6, 2024 7:22:00 AM PST

Job Number: 237933898

Document (1)

1. [Shepard's®: Breckenridge Prop. Fund 2016, LLC v. Wally Enter., 170 Idaho 649,516 P.3d 73, 2022 Ida. LEXIS 96, 2022 WL 3581124 \(Idaho, August 22, 2022\)](#)

Client/Matter: -None-

Requested Categories:

History - Requested

CitingDecisions - None Applied

OtherReferences - None Applied

TableOfAuthority - None Applied



Shepard's®: Report Content

History:Requested



Citing Decisions:None Applied



Other Citing Sources:None Applied

Table Of Authorities:None Applied

Shepard's®: [Breckenridge Prop. Fund 2016, LLC v. Wally Enter.](#), 170 Idaho 649,516 P.3d 73,2022 Ida. LEXIS 96,2022 WL 3581124: (Idaho August 22, 2022)

No subsequent appellate history

History (1)

1.



Citation you Shepardized™

[Breckenridge Prop. Fund 2016, LLC v. Wally Enter.](#), 170 Idaho 649, 516 P.3d 73, 2022 Ida. LEXIS 96, 2022 WL 3581124

Court: Idaho | **Date:** August 22, 2022

Citing Decisions (14)

Analysis: "Cited by" (14)

Headnotes: HN8 (3), HN17 (3), HN16 (2), HN26 (2), HN4 (2), HN21 (1), HN23 (1), HN25 (1), HN24 (1), HN18 (1), HN19 (1)

Idaho Supreme Court

1. [Simmons v. Loertscher](#), 551 P.3d 719, 2024 Ida. LEXIS 59 

LB Cited by: 551 P.3d 719 p.725
... argues section 25-2402 's fencing requirement cannot apply to it. We disagree and conclude that the district court's interpretation of Idaho Code section 25-2402 is consistent with the plain language of the statute. It is well understood that "[t]he interpretation of a statute must begin with the literal words of the statute; those words must be given their plain, usual, and ordinary meaning; and the statute must be construed as a whole." **Breckenridge Prop. Fund 2016, LLC v. Wally Enter.** , 170 Idaho 649 , 657 , 516 P.3d 73 , 81 (2022) (quoting...

Discussion:  **Court:** Idaho | **Date:** June 27, 2024 | **Headnotes:** HN4, HN8

2. [Worthington v. Thunder](#), 541 P.3d 694, 2024 Ida. LEXIS 1 

LB Cited by: 541 P.3d 694 p.703
... when this Court is left with the abiding belief that the entire appeal was brought, pursued, or defended frivolously, unreasonably, or without foundation." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc.** , 170 Idaho 649 , 666 , 516 P.3d 73 , 90 (2022) (quoting *Am. Semiconductor Inc. v. Sage Silicon Sols., LLC* , 162 Idaho 119 , 127 , 395 P.3d 338 , 346 (2017)). Although Crazy Thunder is the prevailing party on appeal, this case presented a novel legal issue; thus, it was not brought...

Discussion:  **Court:** Idaho | **Date:** January 03, 2024

3. [A.C. & C.E. Invs., Inc. v. Eagle Creek Irrigation Co.](#), 540 P.3d 349, 2023 Ida. LEXIS 163 


LB Cited by: 540 P.3d 349 p.366
... to the claim ; and (2) the commercial transaction must be the basis upon which recovery is sought." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc.** , 170 Idaho 649 , 663 , 516 P.3d 73 , 87 (2022) (emphasis in original) (citing *Great Plains Equip., Inc. v. Northwest Pipeline Corp.* , 136 Idaho 466 , 471 , 36 P.3d 218 , 223 (2001)). Here, the amended complaint included two counts. First, AC&CE sought a declaratory judgment essentially asking the district court to declare that the trust...

Discussion:  **Court:** Idaho | **Date:** December 19, 2023

4. [Datum Constr., LLC v. RE Inv. Co., LLC \(In re Petition for Release of Mechanic's Lien.\)](#), 540 P.3d 330, 2023 Ida. LEXIS 161, 2023 WL 8706687 

LB Cited by: 540 P.3d 330 p.336
... intent of the legislature." *Grace at Twin Falls, LLC v. Jeppesen* , 171 Idaho 287 , 519 P.3d 1227 , 123228733 (2022) (quoting **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc.** , 170 Idaho 649 , 516 P.3d 73 , 81 (2022)). Thus, we have no need to review legislative history as part of our analysis. 2. Idaho Code section 5-219 provides the applicable statute of limitations to commence an action against the bond . We recognize that section 45-522 affords an expedited process as part of allowing...

Discussion:  **Court:** Idaho **Date:** December 18, 2023

5. [Midtown Ventures, LLC v. Capone](#), 539 P.3d 992, 2023 Ida. LEXIS 156, 2023 WL 8499308 

LB Cited by: 539 P.3d 992 p.1006


... Court has recently attempted to clarify the requirements for attorney fees under section 12-120(3) . See Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc. **170 Idaho 649** , 516 P.3d 73 (2022) . We have also clarified that "a party can be estopped from denying a commercial transaction in a case when the '[a]llegations in the complaint that the parties entered into a commercial transaction and that the complaining party is entitled to recover based upon that transaction, are sufficient to trigger...


Discussion:  **Court:** Idaho **Date:** December 08, 2023 **Headnotes::** HN24

6. [Rich v. Hepworth Holzer, LLP](#), 172 Idaho 696, 535 P.3d 1069, 2023 Ida. LEXIS 107 

LB Cited by: 172 Idaho 696 p.714; 535 P.3d 1069 p.1087

... belief that the entire appeal was brought, pursued, or defended frivolously, unreasonably, or without foundation." Breckenridge Prop. Fund 2016, LLC v. Wally Enter. , **170 Idaho 649** , 666 , 516 P.3d 73 , 90 (2022) . We conclude that Rich's arguments were made in good faith and did not merely ask this Court to second-guess the decision below. Rich asked this Court to determine the proper standard that applies to a legal malpractice case brought after a medical malpractice case, a standard previously ...

Discussion:  **Court:** Idaho **Date:** September 06, 2023

7. [Herndon v. City of Sandpoint](#), 172 Idaho 228, 531 P.3d 1125, 2023 Ida. LEXIS 71, 2023 WL 4111076 

LB Cited by: 172 Idaho 228 p.241; 531 P.3d 1125 p.1138

... , 519 P.3d 1227 , 1232 (2022) (quoting **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc.** , **170 Idaho 649** , **516 P.3d 73** , **81 (2022)**). Thus, statutory "[p]rovisions should not be read in isolation, but must be interpreted in the context of the entire document. . . . [T]he Court must give effect to all the words and provisions of the statute so that none will be void, superfluous, or redundant." Reclaim Idaho v. Denney , 169 Idaho 406 , 427 , 497 P.3d 160 , 181 (2021) (quoting In Re Doe...


Discussion:  **Court:** Idaho **Date:** June 22, 2023 **Headnotes::** HN16

8. [Greenbriar Estates Homeowners' Ass'n v. Esposito](#), 171 Idaho 862, 526 P.3d 1032, 2023 Ida. LEXIS 35 

LB Cited by: 171 Idaho 862 p.876; 526 P.3d 1032 p.1046

... a commercial transaction was the gravamen of each claim." Id. at 273, 483 P.3d at 330 (italics added); see also Breckenridge Prop. Fund 2016, LLC v. Wally Enter. , **170 Idaho 649** , 665 , 516 P.3d 73 , 89 (2022) . The gravamen of this case was an action to quiet title. The HOA failed to allege or demonstrate how a commercial transaction was the gravamen of each claim. Pointing to Esposito's request for attorney fees at the district court is insufficient to establish the existence of a commercial transaction...


Discussion:  **Court:** Idaho **Date:** March 22, 2023 **Headnotes::** HN17

9. [Brunobuilt, Inc. v. Briggs Eng'g, Inc.](#), 171 Idaho 729, 525 P.3d 1122, 2023 Ida. LEXIS 26, 2023 WL 2375766 

LB Cited by: 171 Idaho 729 p.737; 525 P.3d 1122 p.1130

Shepard's®: Breckenridge Prop. Fund 2016, LLC v. Wally Enter., 170 Idaho 649, 516 P.3d 73, 2022 Ida. LEXIS 96, 2022 WL 3581124 (Idaho, August 22, 2022)

... to determine whether a prevailing party could avail itself of I.C. § 12-120(3) : (1) there must be a commercial transaction that is integral to the claim; and (2) the commercial transaction must be the basis upon which recovery is sought." **Breckenridge Prop. Fund 2016, LLC v. Wally Enter. , 170 Idaho 649 , 516 P.3d 73 , 87 , 516 P.3d 73 , 87 (2022)** (citation and internal quotation marks omitted). Additionally, "[t]here must be a commercial transaction between the parties for attorney fees to be...


Discussion:  **Court:** Idaho **Date:** March 07, 2023 **Headnotes::** HN17, HN18, HN19, HN23

10. [State v. Doe \(In re Doe\)](#), 171 Idaho 677, 525 P.3d 715, 2023 Ida. LEXIS 21, 2023 WL 2289825 

LB Cited by: 171 Idaho 677 p.681; 525 P.3d 715 p.719

... -2102 . As we have often said, "[t]he interpretation of a statute must begin with the literal words of the statute; those words must be given their plain, usual, and ordinary meaning; and the statute must be construed as a whole." **Breckenridge Prop. Fund 2016, LLC v. Wally Enter. , 170 Idaho 649 , 516 P.3d 73 , 81 (2022)** (quoting *Verska v. Saint Alphonsus Reg'l Med. Ctr.* , 151 Idaho 889 , 893 , 265 P.3d 502 , 506 (2011)). Moreover, "[i]f the statute is not ambiguous, this Court does not construe...


Discussion:  **Court:** Idaho **Date:** March 01, 2023 **Headnotes::** HN8

11. [Treasure Valley Home Sols. LLC v. Chason](#), 171 Idaho 655, 524 P.3d 1272, 2023 Ida. LEXIS 16, 2023 WL 1978242 

LB Cited by: 171 Idaho 655 p.660; 524 P.3d 1272 p.1277

... discretion standard of review." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc. , 170 Idaho 649 , 516 P.3d 73 , 86 (2022)** (citing *Idaho Transp. Dep't v. Ascorp, Inc.* , 159 Idaho 138 , 140 , 357 P.3d 863 , 865 (2015)). "The burden is on the party opposing the award to demonstrate that the district court abused its discretion." *Lettunich v. Lettunich* , 145 Idaho 746 , 749 , 185 P.3d 258 , 261 (2008) (quoting *Eastern Idaho Agricultural Credit Ass'n v. Neibaur* , 133 Idaho 402 , 412 , 987 P.2d...

Discussion:  **Court:** Idaho **Date:** February 14, 2023 **Headnotes::** HN16, HN21, HN26

12. [Grace v. Jeppesen](#), 171 Idaho 287, 519 P.3d 1227, 2022 Ida. LEXIS 139 

LB Cited by: 171 Idaho 287 p.293; 519 P.3d 1227 p.1233

... discretion standard of review." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc. , 170 Idaho 649 , 516 P.3d 73 , 86 (2022)** (citing *Idaho Transp. Dep't v. Ascorp, Inc.* , 159 Idaho 138 , 140 , 357 P.3d 863 , 865 (2015)). "The burden is on the party opposing the award to demonstrate that the district court abused its discretion." *Lettunich v. Lettunich* , 145 Idaho 746 , 749 , 185 P.3d 258 , 261 (2008) (quoting *Eastern Idaho Agricultural Credit Ass'n v. Neibaur* , 133 Idaho 402 , 412 , 987 P.2d...

Discussion:  **Court:** Idaho **Date:** November 03, 2022 **Headnotes::** HN4, HN8

9th Circuit - U.S. District Courts


13. [Precise Innovations, LLC v. Aero. Eng'g & Support, Inc.](#), 2024 U.S. Dist. LEXIS 184948 

LB Cited by:

... fees. See *Day* , 533 P.3d at 1246 . "[T]he prevailing party must apportion the fees between the claim upon which it was entitled to recover attorney fees and the claim upon which it was not." *Advanced Med. Diagnostics, LLC v. Imaging Ctr. of Idaho , LLC* , 154 Idaho 812 , 303 P.3d 171 , 175 (2013) ; **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc. , 170 Idaho 649 , 516 P.3d 73 , 90 (2022)** . "Where fees were not apportioned between a claim that qualifies under I.C. § 12-120(3) and one that does not, no fees are to be awarded." *Rockefeller v. Grabow* , 136 Idaho 637 , 39 P.3d 577 , 585 (2001) ; **Breckenridge Prop. Fund 2016, LLC , 170 Idaho 649 , 516 P.3d 73 at 89** . A court may award fees for work performed for both claims for which the party is entitled fees and the claims for which it is not entitled to fees if "the efforts expended would have been much the same had the [claims it was not awarded fees for] never been raised." See *Millenkamp v. Davisco Foods Int'l, Inc.*

Shepard's®: Breckenridge Prop. Fund 2016, LLC v. Wally Enter., 170 Idaho 649, 516 P.3d 73, 2022 Ida. LEXIS 96, 2022 WL 3581124 (Idaho, August 22, 2022)

, No...

Discussion:  **Court:** Dist. Idaho | **Date:** October 08, 2024 | **Headnotes::** HN25

14. [Carbajal v. Hayes Mgmt. Servs.](#), 2024 U.S. Dist. LEXIS 156882, 2024 WL 4008548 

LB Cited by:

... 1 The jury awarded \$36,172.00 in back pay, \$25,000.00 in noneconomic damages, and \$50,000.00 in punitive damages. Dkt. 277. 2 The "Kerr factors" are the factors identified by the Ninth Circuit in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975). 3 As the Idaho Supreme Court recently explained in **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc.**, **170 Idaho 649**, **516 P.3d 73** Idaho Code § 12-120(3) is applied on a claim-by-claim basis. **170 Idaho 649**, **516 P.3d 73**, **87 (Idaho 2022)**. Thus, "if more than one claim is pled, there can be more than one 'gravamen,' and attorney fees can still be awarded for a specific claim, if a claim is of the type covered by I.C. § 12-120(3) [.]" *Id.* (quoting *Great Plains Equip., Inc. v. Northwest Pipeline Corp.*, 136 Idaho 466, 36 P.3d 218, 224 (Idaho 2001)). 4 It is also worth noting that the Special...

Discussion:  **Court:** Dist. Idaho | **Date:** August 30, 2024 | **Headnotes::** HN17, HN26

Other Citing Sources: (16)

Annotated Statutes

1. [Idaho Code sec. 45-1506](#)
... In a suit concerning the legality of an auctioneer providing the terms of sale at the time of the foreclosure sale, without providing earlier notice to potential bidders, the printed conditions of the foreclosure sale were binding on plaintiff when announced by the auctioneer, whether it knew of the conditions beforehand or not. **Breckenridge Prop. Fund 2016, LLC v. Wally Enter., 170 Idaho 649, 516 P.3d 73, 2022 Ida. LEXIS 96(2022)**. RESEARCH REFERENCES A.L.R. Action for damages for attempted ...

Content: Statutes

Briefs

2. [PERRON v. STRONG ARM CONSTR.](#), 2024 ID S. Ct. Briefs LEXIS 581
... , which are awarded when "this Court is left with the abiding belief that the entire appeal was brought, pursued, or defended frivolously, unreasonably, or without foundation." *Worthington v. Thunder* , 541 P.3d 694 , 703 (2024) quoting **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 666, 516 P.3d 73, 90(2022)**. Those circumstances exist when appellants simply ask the "appellate court to second-guess the trial court by reweighing the evidence or ...

Content: Court Filings | **Date:** July 09, 2024

3. [MOUNTAIN VALLEY FLOOR MATS v. v.](#), 2024 ID S. Ct. Briefs LEXIS 578
... (quoting the test, and then analyzing that because the causes of action sounded in tort, "a commercial transaction is not the gravamen of BrunoBuilt's claims."). - This test applies to determine whether a commercial transaction is tangential to the claims set forth in the complaint. See **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 663, 516 P.3d 73, 87(2022)**(quoting this test, and then stating, "It is not enough that a commercial transaction was ...

Content: Court Filings | **Date:** July 09, 2024

4. [SÁNCHEZ v. CITY OF BOISE](#), 2024 ID S. Ct. Briefs LEXIS 362
... statutory language is unambiguous, legislative history and other extrinsic evidence should not be consulted for the purpose of altering the clearly expressed intent of the legislature. Ambiguity occurs where reasonable minds might differ as to interpretations. However, ambiguity is not established merely because the parties present differing interpretations to the court. **Breckenridge Prop. Fund 2016, LLC v. Wally Enter. (Breckenridge Prop.), 170 Idaho 649, 657, 516 P.3d 73, 81(2022)**...

Content: Court Filings | **Date:** April 25, 2024

5. [CLARK v. JOHN & DINAH COLEMAN](#), 2024 ID S. Ct. Briefs LEXIS 268
... . Likewise, "(t)he awarding of attorney fees and costs is within the discretion of the district court and is subject to the abuse of discretion standard of review." *Treasure Valley Home Solutions, LLC v. Chason* , Idaho , 524 P.3d 1272 , 1277 (2023) (quoting **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 651, 516 P.3d 73, 86(2022)**). The test for determining whether the district court abused its discretion is: (1) whether the court correctly ...

Content: Court Filings | **Date:** March 14, 2024

6. [TAYLOR v. CITY OF LAVA HOT SPRINGS](#), 2024 ID S. Ct. Briefs LEXIS 238
 ... "will be awarded to the prevailing party on appeal only when this Court is left with the abiding belief that the entire appeal was brought, pursued, or defended frivolously, unreasonably, or without foundation." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 516 P.3d 73(2022)**. Idaho Code § 12-117 allows for an award of attorney fees to the prevailing party in a proceeding where a governmental entity and a person are adverse parties and the nonprevailing ...
Content: Court Filings | **Date:** March 01, 2024

7. [MOUNTAIN VALLEY FLOOR MATS v. v.](#), 2024 ID S. Ct. Briefs LEXIS 63
 ... I.C. § 12-120(3) . 1. Standard of Review . "The awarding of attorney fees and costs is within the discretion of the district court and is subject to the abuse of discretion standard of review." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 662, 516 P.3d 73, 86(2022)**. In an abuse-of-discretion review, the Court employs a four-part test: (1) whether the district court correctly perceived the issue as discretionary; (2) whether the district ...
Content: Court Filings | **Date:** January 16, 2024

8. [GENHO v. RIVERDALE HOT SPRINGS](#), 2023 ID S. Ct. Briefs LEXIS 1055
 ... illegal contract did not exist with Riverdale, Genho would not be expending work or materials on Riverdale's property. Awarding attorney fees for the mechanic's lien is awarding fees to a party in an illegal transaction. Finally, Respondent does not even attempt to address Appellants' argument in its opening brief about how attorney fees for the tort of conversion cannot be reconciled with **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 516 P.3d 73(2022)**...
Content: Court Filings | **Date:** November 28, 2023

9. [LITSTER v. LITSTER FROST INJURY LAWYERS](#), 2023 ID S. Ct. Briefs LEXIS 1077

Content: Court Filings | **Date:** November 27, 2023

10. [BABE VOTE & LEAGUE OF WOMEN VOTERS OF IDAHO v. MCGRANE](#), 2023 ID S. Ct. Briefs LEXIS 1083
 ... (2017) . Under that standard, "[s]ummary judgment is proper if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 654-55, 516 P.3d 73, 78-79(2022)**(internal quotations and citations omitted). And "conclusory assertions unsupported by specific facts are insufficient to raise a genuine issue of material fact precluding summary ...
Content: Court Filings | **Date:** November 21, 2023

11. [MOUNTAIN VALLEY FLOOR MATS v. v.](#), 2023 ID S. Ct. Briefs LEXIS 940
 ... trial. The reason for this is that the primary thrust of this lawsuit was the negligence and products liability claims, which had effectively no connection to the purchase of the dryer. Indeed, as a foreseeable user of the product, Mountain Valley could have pursued the negligence and product liability claims even if it was not the initial purchaser of the dryer. This result is supported by **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 516 P.3d 73(2022)**...
Content: Court Filings | **Date:** November 20, 2023

12. [DODD v. JONES](#), 2023 ID S. Ct. Briefs LEXIS 1053

... may also be "awarded to the prevailing party on appeal only when this Court is left with the abiding belief that the entire appeal was brought, pursued, or defended frivolously, unreasonably, or without foundation." **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 666, 516 P.3d 73, 90(2022)**. The trial court acted well within its discretion in determining that Simon 's expert testimony was not admissible, and therefore Dodds could not meet their burden ...

Content: Court Filings | **Date:** November 07, 2023

13. [GENHO v. RIVERDALE HOT SPRINGS](#), 2023 ID S. Ct. Briefs LEXIS 762

... assert that the district court erred in not directing the verdict on all counts and that the verdicts in count II, Unjust enrichment/Quantum Meruit, Count III, conversion, and IV, Foreclosure of Mechanic's Lien, must be vacated. II . THE DISTRICT COURT ERRED WHEN IT AWARDED ATTORNEY FEES FOR RECOVERY ON AN ILLEGAL CONTRACT A. Standard of review As this Court recently said in **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 516 P.3d 73(2022)**...

Content: Court Filings | **Date:** September 13, 2023

14. [BRUNOBUILT, INC. v. RICHARDSON](#), 2023 ID S. Ct. Briefs LEXIS 511

...] will be awarded to the prevailing party on appeal only when this Court is left with the abiding belief that the entire appeal was brought, pursued, or defended frivolously, unreasonably, or without foundation." **Breckenridge Prop. Fund 2016, LLC v. Wally Enter., Inc., 170 Idaho 649, 516 P.3d 73(2022)** quoting Am. Semiconductor., Inc. v. Sage Silicon Sols., LLC , 162 Idaho 119 , 127 , 395 P.3d 338 , 346 (2017) . "This Court will not award fees when good-faith arguments are raised ...

Content: Court Filings | **Date:** August 02, 2023

15. [SEVERINSEN v. THOMAS & MICHELLE TUELLER](#), 2023 ID S. Ct. Briefs LEXIS 497

... . Likewise, "(t)he awarding of attorney fees and costs is within the discretion of the district court and is subject to the abuse of discretion standard of review." *Treasure Valley Home Solutions, LLC v. Chason* , Idaho , 524 P.3d 1272 , 1277 (2023) (quoting **Breckenridge Prop. Fund 2016, LLC v. Wally Enterprises, Inc., 170 Idaho 649, 651, 516 P.3d 73, 86(2022)**). The test for determining whether the district court abused its discretion is: (1) whether the court correctly ...

Content: Court Filings | **Date:** July 14, 2023

16. [SCHRIVER v. RAPTOSH](#), 2023 ID S. Ct. Briefs LEXIS 673


... commercial breeding cattery, off whose progeny the Schrivens realized income, then this statute might govern, but not where tort claims are the gravamen of the action which, here, pertain to an unauthorized procedure, recklessly performed, causing death, followed by outrageous and intentional defilement. It is not simply the "exchange of money for services" that creates fee exposure, as Defendants contend at 49. **Breckenridge Property Fund 2016, LLC v. Wally Enters., Inc., 170 Idaho 649(2022)**...

Content: Court Filings | **Date:** June 16, 2023

Table Of Authorities (42)


Analysis: Distinguishing (1), Following (1), Explaining (1), "Citing" (40)

5th Circuit - Court of Appeals


1. [United States v. Bradley](#), 428 F.2d 1013, 1970 U.S. App. LEXIS 8489 

 **Distinguishing**

First Ref: 170 Idaho 649 at p.657

Discussion:  **Court:** 5th Cir. Fla. | **Date:** June 25, 1970


Idaho Supreme Court

2. [Owen v. Smith](#), 168 Idaho 633, 485 P.3d 129, 2021 Ida. LEXIS 79, 2021 WL 1399413 

 **Citing**

First Ref: 170 Idaho 649 at p.654


Discussion:  **Court:** Idaho | **Date:** April 14, 2021

3. [Elsaesser v. Gibson](#), 168 Idaho 585, 484 P.3d 866, 2021 Ida. LEXIS 70, 2021 WL 1323507 

 **Citing**

First Ref: 170 Idaho 649 at p.654


Discussion:  **Court:** Idaho | **Date:** April 09, 2021

4. [Trumble v. Farm Bureau Mut. Ins. Co.](#), 166 Idaho 132, 456 P.3d 201, 2019 Ida. LEXIS 231, 2019 U.S.P.Q.2d (BNA) 481508, 2019 WL 6870935 

 **Citing**

First Ref: 170 Idaho 649 at p.654

Discussion:  **Court:** Idaho | **Date:** December 17, 2019

5. [State v. Yzaguirre](#), 144 Idaho 471, 163 P.3d 1183, 2007 Ida. LEXIS 141 


 **Citing**

First Ref: 170 Idaho 649 at p.654


Discussion:  **Court:** Idaho | **Date:** May 25, 2007

6. [Great Plains Equip. v. Northwest Pipeline Corp.](#), 136 Idaho 466, 36 P.3d 218, 2001 Ida. LEXIS 131 


LB Citing**First Ref:** 170 Idaho 649 at p.655**Discussion:**  **Court:** Idaho **Date:** October 31, 2001

7. [Kivett v. Owyhee County](#), 58 Idaho 372, 74 P.2d 87, 1937 Ida. LEXIS 37 


G Following**B** Explaining**First Ref:** 170 Idaho 649 at p.655**Discussion:**  **Court:** Idaho **Date:** November 26, 1937

8. [Bell v. Idaho Dep't of Labor](#), 157 Idaho 744, 339 P.3d 1148, 2014 Ida. LEXIS 346, Unemployment Ins. Rep. (CCH) P 8522 


LB Citing**First Ref:** 170 Idaho 649 at p.657**Discussion:**  **Court:** Idaho **Date:** December 18, 2014

9. [Verska v. St. Alphonsus Reg'l Med. Ctr.](#), 151 Idaho 889, 265 P.3d 502, 2011 Ida. LEXIS 149 

LB Citing**First Ref:** 170 Idaho 649 at p.657**Discussion:**  **Court:** Idaho **Date:** November 09, 2011

10. [Suits v. Nix](#), 141 Idaho 706, 117 P.3d 120, 2005 Ida. LEXIS 97 

LB Citing**First Ref:** 170 Idaho 649 at p.657**Discussion:**  **Court:** Idaho **Date:** June 15, 2005

11. [Hayden Lake Fire Prot. Dist. v. Alcorn](#), 141 Idaho 307, 109 P.3d 161, 2005 Ida. LEXIS 39 

LB Citing**First Ref:** 170 Idaho 649 at p.657**Discussion:**  **Court:** Idaho **Date:** February 28, 2005

12. [Myers v. Workmen's Auto Ins. Co.](#), 140 Idaho 495, 95 P.3d 977, 2004 Ida. LEXIS 156 

LB Citing**First Ref:** 170 Idaho 649 at p.657**Discussion:**  **Court:** Idaho | **Date:** July 23, 2004

13. [Trotter v. Bank of N.Y. Mellon](#), 152 Idaho 842, 275 P.3d 857, 2012 Ida. LEXIS 84 ▲

LB Citing**First Ref:** 170 Idaho 649 at p.658**Discussion:**  **Court:** Idaho | **Date:** March 23, 2012

14. [Fed. Home Loan Mortg. Corp. v. Appel](#), 143 Idaho 42, 137 P.3d 429, 2006 Ida. LEXIS 82 ▲

LB Citing**First Ref:** 170 Idaho 649 at p.658**Discussion:**  **Court:** Idaho | **Date:** May 25, 2006

15. [Spencer v. Jameson](#), 147 Idaho 497, 211 P.3d 106, 2009 Ida. LEXIS 96 ▲

LB Citing**First Ref:** 170 Idaho 649 at p.659**Discussion:**  **Court:** Idaho | **Date:** June 16, 2009

16. [Oswald v. Costco Wholesale Corp.](#), 167 Idaho 540, 473 P.3d 809, 2020 Ida. LEXIS 196, 2020 WL 5884490 ▲

LB Citing**First Ref:** 170 Idaho 649 at p.660**Discussion:**  **Court:** Idaho | **Date:** October 05, 2020

17. [Obendorf v. Terra Hug Spray Co.](#), 145 Idaho 892, 188 P.3d 834, 2008 Ida. LEXIS 82 ◆

LB Citing**First Ref:** 170 Idaho 649 at p.660**Discussion:**  **Court:** Idaho | **Date:** May 01, 2008


18. [O'Guin v. Bingham County](#), 142 Idaho 49, 122 P.3d 308, 2005 Ida. LEXIS 154 ▲

Shepard's®: Breckenridge Prop. Fund 2016, LLC v. Wally Enter., 170 Idaho 649, 516 P.3d 73, 2022 Ida. LEXIS 96, 2022 WL 3581124 (Idaho, August 22, 2022)

LB Citing

First Ref: 170 Idaho 649 at p.660

Discussion:  **Court:** Idaho | **Date:** October 03, 2005

19. [Stevens v. Fleming](#), 116 Idaho 523, 777 P.2d 1196, 1989 Ida. LEXIS 116 

LB Citing

First Ref: 170 Idaho 649 at p.660


Discussion:  **Court:** Idaho | **Date:** July 12, 1989

20. [Silicon Int'l Ore, LLC v. Monsato Co.](#), 155 Idaho 538, 314 P.3d 593, 2013 Ida. LEXIS 335, 82 U.C.C. Rep. Serv. 2d (CBC) 152, 2013 WL 6190607 

LB Citing

First Ref: 170 Idaho 649 at p.661

Discussion:  **Court:** Idaho | **Date:** November 27, 2013

21. [Ogden v. Griffith](#), 149 Idaho 489, 236 P.3d 1249, 2010 Ida. LEXIS 115 

LB Citing

First Ref: 170 Idaho 649 at p.661


Discussion:  **Court:** Idaho | **Date:** June 28, 2010

22. [Lettunich v. Key Bank Nat'l Ass'n](#), 141 Idaho 362, 109 P.3d 1104, 2005 Ida. LEXIS 61 

LB Citing

First Ref: 170 Idaho 649 at p.661


Discussion:  **Court:** Idaho | **Date:** March 28, 2005

23. [Idaho Title Co. v. American States Ins. Co.](#), 96 Idaho 465, 531 P.2d 227, 1975 Ida. LEXIS 426 


LB Citing


First Ref: 170 Idaho 649 at p.661


Discussion:  **Court:** Idaho | **Date:** January 29, 1975

24. [Lunneborg v. My Fun Life](#), 163 Idaho 856, 421 P.3d 187, 2018 Ida. LEXIS 129, 2018 WL 3150964 


LB Citing**First Ref:** 170 Idaho 649 at p.662**Discussion:**  **Court:** Idaho | **Date:** June 28, 2018

25. [Idaho Transp. Dep't v. Ascorp, Inc.](#), 159 Idaho 138, 357 P.3d 863, 2015 Ida. LEXIS 249 


LB Citing**First Ref:** 170 Idaho 649 at p.662**Discussion:**  **Court:** Idaho | **Date:** September 25, 2015

26. [Bach v. Bagley](#), 148 Idaho 784, 229 P.3d 1146, 2010 Ida. LEXIS 44 


LB Citing**First Ref:** 170 Idaho 649 at p.662**Discussion:**  **Court:** Idaho | **Date:** March 17, 2010

27. [Troupis v. Summer](#), 148 Idaho 77, 218 P.3d 1138, 2009 Ida. LEXIS 180 


LB Citing**First Ref:** 170 Idaho 649 at p.662**Discussion:**  **Court:** Idaho | **Date:** October 09, 2009


28. [Knudsen v. J.R. Simplot Co.](#), 168 Idaho 256, 483 P.3d 313, 2021 Ida. LEXIS 26, 2021 WL 1031370 


LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** March 18, 2021


29. [SilverWing at Sandpoint, LLC v. Bonner Cty.](#), 164 Idaho 786, 435 P.3d 1106, 2019 Ida. LEXIS 43, 2019 WL 925507 


LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** February 26, 2019

30. [Stevens v. Eyer](#), 161 Idaho 407, 387 P.3d 75, 2016 Ida. LEXIS 266 

LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** September 12, 2016

31. [Simono v. Turner House](#), 160 Idaho 788, 379 P.3d 1058, 2016 Ida. LEXIS 248 


LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** September 09, 2016

32. [Garner v. Povey](#), 151 Idaho 462, 259 P.3d 608, 2011 Ida. LEXIS 125 


LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** August 04, 2011

33. [Brooks v. Gigray Ranches](#), 128 Idaho 72, 910 P.2d 744, 1996 Ida. LEXIS 4 


LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** January 29, 1996

34. [Brower v. E.I. DuPont de Nemours & Co.](#), 117 Idaho 780, 792 P.2d 345, 1990 Ida. LEXIS 72, CCH Prod. Liab. Rep. P12640 

LB Citing**First Ref:** 170 Idaho 649 at p.663**Discussion:**  **Court:** Idaho | **Date:** May 24, 1990

35. [Boesiger v. Freer](#), 85 Idaho 551, 381 P.2d 802, 1963 Ida. LEXIS 339 

LB Citing**First Ref:** 170 Idaho 649 at p.664**Discussion:**  **Court:** Idaho | **Date:** May 14, 1963

36. [Smutny v. Noble](#), 78 Idaho 628, 308 P.2d 591, 1957 Ida. LEXIS 180 

Shepard's®: Breckenridge Prop. Fund 2016, LLC v. Wally Enter., 170 Idaho 649, 516 P.3d 73, 2022 Ida. LEXIS 96, 2022 WL 3581124 (Idaho, August 22, 2022)

LB Citing

First Ref: 170 Idaho 649 at p.664

Discussion:  **Court:** Idaho | **Date:** March 15, 1957

37. [Carter v. Gateway Parks, LLC](#), 168 Idaho 428, 483 P.3d 971, 2020 Ida. LEXIS 220, 2020 WL 6387860



LB Citing

First Ref: 170 Idaho 649 at p.665


Discussion:  **Court:** Idaho | **Date:** November 02, 2020

38. [Advanced Med. Diagnostics, LLC v. Imaging Ctr. of Idaho, LLC](#), 154 Idaho 812, 303 P.3d 171, 2013 Ida. LEXIS 200, 2013 WL 3064726 

LB Citing

First Ref: 170 Idaho 649 at p.665

Discussion:  **Court:** Idaho | **Date:** June 20, 2013

39. [Rockefeller v. Grabow](#), 136 Idaho 637, 39 P.3d 577, 2001 Ida. LEXIS 96 

LB Citing

First Ref: 170 Idaho 649 at p.665

Discussion:  **Court:** Idaho | **Date:** August 20, 2001

40. [Am. Semiconductor, Inc. v. Sage Silicon Solutions, LLC](#), 162 Idaho 119, 395 P.3d 338, 2017 Ida. LEXIS 112, 2017 WL 1533653 

LB Citing

First Ref: 170 Idaho 649 at p.666

Discussion:  **Court:** Idaho | **Date:** April 28, 2017

41. [Huber v. Lightforce USA, Inc.](#), 159 Idaho 833, 367 P.3d 228, 2016 Ida. LEXIS 58 

LB Citing

First Ref: 170 Idaho 649 at p.666

Discussion:  **Court:** Idaho | **Date:** March 02, 2016














42. [Caldwell v. Cometto](#), 151 Idaho 34, 253 P.3d 708, 2011 Ida. LEXIS 81 ▲

LB Citing

First Ref: 170 Idaho 649 at p.666

Discussion: ■■■■ **Court:** Idaho **Date:** May 26, 2011

Legend

	Warning - Negative Treatment is Indicated		Red - Warning Level Phrase
	Questioned - Validity questioned by citing references		Orange - Questioned Level Phrase
	Caution - Possible negative treatment		Yellow - Caution Level Phrase
	Positive - Positive treatment is indicated		Green - Positive Level Phrase
	Analysis - Citing Refs. With Analysis Available		Blue - Neutral Level Phrase
	Cited - Citation information available		Light Blue - No Analysis Phrase
	Warning - Negative case treatment is indicated for statute		