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PATTY O. WEEKS
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

DPW ENTERPRISES LLC and
MOUNTAIN PRIME 2018 LLCs,

Plaintiffs,

v.

JEREMY L. BASS; DWAYNE PIKE, and
UNKNOWN PARTIES IN POSSESSION
OF THE REAL PROPERTY KNOWN AS:

1515 21ST Ave., Lewiston, ID 83501

Defendants.

CASE NO. CV35-24-1063

OPINION AND ORDER ON
DEFENDANT BASS'S MOTION
FOR RECONSIDERATION

This matter came before the Court on Defendant Jeremy Bass's Motion for Reconsideration.¹ The Plaintiff is represented by Lewis Stoddard, of the firm Halliday, Watkins & Mann. Defendant Bass is a self represented litigant. Defendant Pike is represented by Ken Nagy, of Idaho Legal Aid.² The Court heard argument on the motion

¹ Bass also filed a Motion for Judicial Admonishment or Warning and a Motion to Strike Inappropriate Statements for Plaintiffs' File. The Court reviewed the motions and the record, and determines there is no basis for these orders, therefore, they will not be addressed by the Court. Defendant Bass also filed a motion to stay, however, the Court determined on the record during the hearing that the Motion to Stay was premature.

² The motion before the Court pertains solely to Defendant Bass, however, Defendant Pike and counsel were present at the hearing.

via Zoom on December 6, 2024. The Court, having heard argument and being fully advised in the matter, hereby renders its decision.

BACKGROUND

The Plaintiffs seek to eject the Defendants from real property located at 1515 21st Street, in Lewiston, Idaho. Following a default under the terms of the Note and Deed of Trust encumbering the property, a Trustee's Sale was conducted and a Trustee's Deed was issued to the Plaintiffs. *Complaint*, at 2. The Trustee's Deed is attached to the Complaint as Exhibit A. The Complaint asserts that the Plaintiffs were entitled to possession of the property on the tenth day following the sale, and the Defendants have refused to surrender the property. *Complaint*, at 2. The Plaintiffs are seeking an Order and Writ of Ejectment authorizing the County Sheriff to return possession of the property to the Plaintiffs. On November 5, 2024, the Court issued a *Memorandum Opinion and Order on Plaintiffs' Motion for Summary Judgment* granting summary judgment in favor of the Plaintiffs and as against Defendant Bass.³ Defendant Bass has filed a motion to reconsider the Court's November 5, 2024 ruling.

STANDARD OF REVIEW

On a motion for reconsideration pursuant to I.R.C.P. 11(a)(2), the court must take into account any new facts that may affect the correctness of the district court's order. *Nationsbanc Mortgage Corp. v. Cazier*, 127 Idaho 879, 884, 908 P.2d 572, 577 (Ct. App. 1995), citing *Coeur d'Alene Mining Co. v. First Nat'l Bank of North Idaho*, 118 Idaho 812, 823, 800 P.2d 1026, 1037 (1990). The burden is on the moving party to bring the new facts to the court's attention; the court is not required to search the record to

³ The pertinent undisputed facts of this case are set forth in the *Memorandum Opinion and Order on Plaintiffs' Motion for Summary Judgment*. No new facts have been presented in support of the motion before the Court.

determine whether there are any new facts that would affect its earlier decision. *Coeur d'Alene Mining Co.*, 118 Idaho at 823, 800 P.2d at 1037. “A motion for reconsideration is a motion which allows the court—when new law is applied to previously presented facts, when new facts are applied to previously presented law, or any combination thereof—to reconsider the correctness of an interlocutory order.” *Johnson v. N. Idaho Coll.*, 153 Idaho 58, 62, 278 P.3d 928, 932 (2012). The decision to grant or deny a motion for reconsideration rests within the sound discretion of the trial court. *Jordan v. Beeks*, 135 Idaho 586, 592, 21 P.3d 908, 914 (2001).

ANALYSIS

Defendant Bass asserts this Court misinterpreted the application of I.C. § 45-1508 and failed to consider issues of material fact when granting summary judgment in favor of the Plaintiffs.⁴ Bass asserts similar arguments to those made at summary judgment—first, he challenges the trustee’s sale, asserting there were “a multitude of procedural and substantive improprieties that fatally compromise the auctions validity” *Memorandum in Support of Reconsideration*, at 2. Second, he contends “the purported transfer of title is void *ab initio* as the process was fundamentally flawed with pervasive irregularities.” *Id.* Third, he reasserts “collusion and misconduct among involved parties, evidenced by improper conduct tainting both the preparatory and execution stages, and the conspicuous

⁴ Self-represented (or “pro se”) litigants must adhere to the same standard as represented parties.

“Pro se litigants are not accorded any special consideration simply because they are representing themselves and are not excused from adhering to procedural rules.” *Michalk*, 148 Idaho at 229, 220 P.3d at 585 (quoting *Nelson v. Nelson*, 144 Idaho 710, 718, 170 P.3d 375, 383 (2007)).

Reid’s status as a pro se litigant does not grant him any privileges not accorded to other litigants; he is held to the same standard as a represented party.

Axelrod as Tr. of David W. Axelrod Fam. Tr. dated June 13, 2017 as restated on Sept. 28, 2018 v. Reid Ltd. P’ship, 551 P.3d 777, 788 (Idaho 2024).

absence of a legitimate default.” *Id.* Bass then provided several cases he asserts support his arguments.

Defendant Bass continues to argue there was no valid default, but the record is devoid of evidence which supports this argument. Nothing in the record shows, or raises an issue of material fact, to dispute that Defendant Bass failed to make timely payments due and owing under the Note and Deed of Trust. The record shows that Bass was in default for failing to make monthly payments from January 1, 2020 until the time of the Trustee’s Sale. *See Decl. of Counsel in Support of Plaintiff’s Motion for Summary Judgment, Ex. B.*

Defendant Bass continues to assert there was collusion, but again fails to support this argument with evidence. Defendant Bass provided messaging communication he had with an individual named Glenda Morlan, but he fails to connect Morlan to the Plaintiffs. Defendant Bass also provided video clips of the sale, but again, Defendant Bass fails to show that there were any issues with the sale. *Affidavit of Jeremy L. Bass in Support of Defendant’s Response to Plaintiffs’ Motion for Summary Judgment.*

Defendant Bass makes issue of the fact that the Plaintiffs’ representative had a check with the correct amount of the sale at the trustee’s sale. As explained in *Breckenridge Property Fund 2016, LLC v. Wally Enterprises, Inc.*, 170 Idaho 649, 516 P.3d 73 (2022), this is not an uncommon procedure at Trustee’s Sales. Bass contends that the fact that the Plaintiffs’ representative had a check with the exact amount is evidence of collusion, however, this is simply a conclusory statement with no supporting evidence.

Defendant Bass also contends there was failure to comply with the statutory requirements for non-judicial foreclosure, however, again, these contentions are not supported in this record. A Trustee's Deed is prima facie evidence of the truth of the recitals and the affidavits identified therein and with respect to a purchaser in good faith. I.C. § 45-1510. Defendant Bass fails to identify what failures of the statutory requirements he asserts happened here, beyond conclusory allegations including that the bidder was involved in rigging the auction, and that there was improper handling of the auction process and the involvement of the trustee and the bidder in collusion. Without evidence of these claims, Bass's motion for reconsideration fails.

Finally, Bass asserts this Court failed to consider *Defendant's Response to Plaintiff's Allegations in Section C, Defendant's Response to Plaintiff's Allegations in Section D, and Defendant's Response to Plaintiff's Allegations in Section E*. These three documents were filed on October 21, 2023, three days after this Court entered an *Opinion and Order on Motion to Dismiss and Strike Summons and Complaint*, on October 18, 2024. Defendant Bass makes no reference to these documents in response to the motion for summary judgment. The Court did not consider these filings at summary judgment, and finds no basis to consider the filings in support of the motion to reconsider.

The burden falls to the party seeking reconsideration to show facts or law which allow the court to reconsider the correctness of an interlocutory order. The party may do so by providing new law to previously presented facts, or by showing new facts to previously presented law. Here, Defendant Bass appears to be reiterating the same facts that he asserted in his motion to dismiss and also at summary judgment. Defendant Bass then provided several cases for the Court's review. The Court has considered each case

presented, but fails to find that these cases alter the outcome of the prior ruling on summary judgment. Therefore, Defendant Bass's motion for reconsideration is denied.

ORDER

Defendant Bass's Motion for Reconsideration is hereby DENIED.

IT IS SO ORDERED.

Dated this 16th day of December 2024.



MICHELLE M. EVANS – District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing OPINION AND ORDER ON MOTION FOR RECONSIDERATION was delivered via email by the undersigned at Lewiston, Idaho, this 10th day of December, 2024 to:

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PATTY O. WEEKS, CLERK

By


Deputy

