

Bond Case Briefs

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Hammer v. Ribí

Supreme Court of Idaho, Boise - June 2017 Term - August 25, 2017 - P.3d - 2017 WL 3662477

City administrator brought action against city council member for civil assault.

After granting member's motion to dismiss and administrator's motion for leave to amend, and denying administrator's motion to require member undergo a mental examination, the District Court granted member's motion to dismiss the amended complaint for failure to state a claim. Administrator appealed.

The Supreme Court of Idaho held that:

- The Supreme Court would consider merits of decision to dismiss original complaint;
- Proof of a violent overt action is not a required element of civil assault;
- Administrator was not required to plead facts sufficient to show that member was not entitled to immunity; and
- Member's mental health was not in controversy, and thus denial of motion to compel mental examination was not an abuse of discretion.