

# **Bond Case Briefs**

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## **ATTORNEYS' FEES - IDAHO**

### **Hauser Lake Rod and Gun Club, Inc. v. City of Hauser**

**Supreme Court of Idaho, Wallace, April 2017 Term - June 9, 2017 - P.3d - 2017 WL 2491636**

Non-resident, which prevailed in city code violation dispute, appealed ruling by joint board comprised of county board of commissioners and city council members that denied non-resident's request for attorney fees.

The District Court affirmed. Non-resident appealed.

The Supreme Court of Idaho held that:

- Joint board comprised of county board of commissioners and city council members was “political subdivision” within meaning of statute requiring political subdivision hearing proceeding involving political subdivision and person as adverse parties to award attorney’s fees if losing party acted without reasonable basis in fact or law;
- City acted “without reasonable basis in fact or law” by attempting to enforce its code provision outside city limits on non-resident of the city, and thus, non-resident, as prevailing party in code violation dispute, was entitled to statutory award of attorney’s fees for fees incurred at administrative and district court levels; and
- Non-resident was entitled to attorney’s fees on appeal.