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EMINENT DOMAIN - IDAHO

Day v. Idaho Transportation Department

Supreme Court of Idaho, Boise, April 2023 Term - August 14, 2023 - P.3d - 2023 WL 5185613

Property owners brought action against Idaho Transportation Department (ITD) asserting claims for inverse condemnation and breach of contract concerning ITD's alleged failure to provide alternative access to their property near a freeway interchange.

The Fourth Judicial District Court entered summary judgment in favor of Department. Owners appealed. The Supreme Court affirmed in part, and reversed and remanded district court's decision on ITD's statute of limitations defense. On remand, the Fourth Judicial District Court held a bench trial, and after conclusion of owners' case-in-chief, granted ITD's motion for involuntary dismissal, finding there was no breach of contract and that the inverse condemnation claim was untimely. ITD moved for attorney fees, and the District Court denied the motion. Owners appealed, and ITD cross-appealed. Both parties moved for attorney fees on appeal.

The Supreme Court held that:

- Owners' quasi-estoppel argument was preserved for appeal;
- District court's findings did not support conclusion that ITD took inconsistent positions on the statute of limitations defense;
- Facts found by the district court supported finding that ITD did not create an unconscionable disadvantage by asserting statute of limitations defense;
- Owners' conduct did not demonstrate that they relied on ITD's purported waiver of the limitations period;
- It was reasonable for ITD to believe agreement had been reached so as to cease tolling of limitations;
- ITD was not entitled to prevailing party attorney fees; and
- Owners were not entitled to attorney fees related to their appeal.

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