
NEGLIGENCE - IDAHO

GSN Capital, LLC v. Shoshone City & Rural Fire District

Supreme Court of Idaho, Boise - January 11, 2024 - P.3d - 2024 WL 118094

Property owner brought action against fire district, asserting a negligence claim related to destruction of a sawmill from a fire.

The Fifth Judicial District Court granted in part and denied in part fire district's motion for summary judgment. Owner appealed.

The Supreme Court held that:

- Court reviewing summary judgment motion concerning a claim arising under the Idaho Tort Claims Act (ITCA) is free to consider issues related to duty and immunity under ITCA in the order of its choosing, abrogating *Walker v. Shoshone County*, 112 Idaho 991, 739 P.2d 290;
- Fire protection district statute did not impose affirmative duty on fire district in favor of owner;
- Courts conducting special relationship inquiry must first consider whether the hallmarks of a special relationship—custody and control—are present before considering whether the relevant factors justify imposing an affirmative duty in that circumstance;
- No special relationship existed to impose affirmative duty of care on fire district;
- Fire district did not assume a duty of care; and
- Fire district would not be awarded attorney fees.

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