

SUPREME COURT OF THE STATE OF MONTANA

Chouteau County v. Sayers

2017 MT 94N (Mont. 2017) · No. DA 16-0677 · Decided April 25, 2017

SUMMARY

The Montana Supreme Court affirmed summary judgment for Chouteau County in an action seeking removal of fences and gates obstructing a county road. The court held that Robert Sayers was barred by res judicata from relitigating whether Lippard Road was a county road, an issue decided in prior litigation.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Mike McGrath; James Jeremiah Shea; Michael E. Wheat; Beth Baker; Dirk M. Sandefur
JURISDICTION	Montana
DECIDED	April 25, 2017
DOCKET	DA 16-0677
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robert Sayers appealed from the Chouteau County District Court's order granting summary judgment to Chouteau County in the County's action seeking removal of fences and gates obstructing Lippard Road.
STANDARD OF REVIEW	The Supreme Court reviewed the district court's summary judgment decision and application of res judicata; the memorandum opinion states that the decision was clearly correct and controlled by settled law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Sayers v. Chouteau County

TOPICS

- res judicata
- summary judgment
- municipal law
- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- municipal law
- appellate procedure

QUESTIONS PRESENTED

1. Whether res judicata barred Sayers from relitigating whether Lippard Road was a county road after that issue had been finally determined in prior litigation between the parties.
2. Whether the district court properly granted summary judgment to Chouteau County in the action seeking removal of fences and gates obstructing Lippard Road.

HOLDINGS

1. A final judgment precludes future litigation of the same issues between the same parties; therefore, res judicata barred Sayers from relitigating whether Lippard Road was a county road.
2. The district court correctly granted summary judgment to Chouteau County because Sayers was precluded from relitigating the controlling issue concerning Lippard Road.

KEY QUOTATIONS

“It is established beyond argument that a final judgment in a case precludes future litigation on the same issues between the same parties.” (¶ 5)

“The principle of res judicata prevents piecemeal collateral attacks on prior judgments and upholds the policy that favors a definite end to litigation.” (¶ 5)

FACTUAL BACKGROUND

Sayers previously claimed that Lippard Road was not a county road, or was at least partly his driveway. A prior judgment determined that Lippard Road was a county road, and the Montana Supreme Court affirmed. Chouteau County later sought an order requiring Sayers to remove fences and gates that impinged on the road, while Sayers attempted to challenge the prior determination based on allegedly newly discovered facts.

PROCEDURAL HISTORY

Sayers previously litigated whether Lippard Road was a county road, and the district court granted summary judgment to Chouteau County. The Montana Supreme Court affirmed that judgment in *Sayers v. Chouteau County*. Chouteau County then sued Sayers to require removal of fences and gates impinging on the road; the district court granted the County summary judgment, concluding that res judicata barred Sayers from relitigating the prior determination. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Sayers v. Chouteau County*, 2013 MT 45, 369 Mont. 98, 297 P.3d 312
- *Denturist Ass'n of Mont. v. State*, 2016 MT 119, 383 Mont. 391, 372 P.3d 466
- *Baltrusch v. Baltrusch*, 2006 MT 51, 331 Mont. 281, 130 P.3d 1267

OPINION

Chouteau County v. Sayers

2017 MT 94N

PER CURIAM.

04/25/2017 DA 16-0677 Case Number: DA 16-0677

IN THE SUPREME COURT OF THE STATE OF MONTANA

2017 MT 94N

CHOUTEAU COUNTY, a Political Entity of the State of Montana, Plaintiff and Appellee, v.

ROBERT SAYERS,

Defendant and Appellant. APPEAL FROM: District Court of the Twelfth Judicial District, In and For the County of Chouteau, Cause No. DV-15-042 Honorable Daniel A. Boucher, Presiding Judge COUNSEL OF RECORD: For Appellant: John C. Doubek, Doubek, Pyfer & Fox, PC, Helena, Montana For Appellee: Susan B. Swimley, Attorney at Law, Bozeman, Montana Submitted on Briefs: April 5, 2017 Decided: April 25, 2017 Filed:

Clerk Chief Justice Mike McGrath delivered the Opinion of the Court. ¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports. ¶2 Robert Sayers appeals from the District Court's Order dated October 28, 2016, granting summary judgment to Chouteau County. We affirm. ¶3 Sayers sued the County in 2012 contending that Lippard Road, at least in part, was not a county road but was his "driveway." The district court in that case granted summary judgment to the County, determining that the road was a county road. Sayers appealed and this Court upheld the district court. *Sayers v. Chouteau County*, 2013 MT 45, 369 Mont. 98, 297 P.3d 312. Chouteau County subsequently filed an action against Sayers seeking an order requiring him to remove fences and gates that impinged upon Lippard Road. ¶4 Chouteau County moved for summary judgment in that action, and Sayers responded by contending that the original summary judgment in favor of the County in the 2012 case was in error because of new facts he claimed to have discovered. The district court determined that Sayers was bound by the result in the prior litigation and could not re-litigate the issues determined in that case. ¶5 The District Court decision in this case is clearly correct. It is established beyond argument that a final judgment in a case precludes future litigation on the same issues 2 between the same parties. The principle of res judicata prevents piecemeal collateral attacks on prior judgments and upholds the policy that favors a definite end to litigation. *Denturist Ass'n of Mont. v. State*, 2016 MT 119, ¶ 10, 383 Mont. 391, 372 P.3d 466; *Baltrusch v. Baltrusch*, 2006 MT 51, ¶ 15, 331 Mont. 281, 130 P.3d 1267. ¶6 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, this case presents a question controlled by

settled law. ¶7 Affirmed.

/S/ MIKE McGRATH

We Concur:

/S/ JAMES JEREMIAH SHEA

/S/ MICHAEL E WHEAT

/S/ BETH BAKER

/S/ DIRK M. SANDEFUR

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