

SUPREME COURT OF IDAHO

Thomson v. City of Lewiston, 137 Idaho 473

50 P.3d 488 (2002) · No. No. 26881 · Decided July 1, 2002

SUMMARY

The Supreme Court of Idaho affirmed summary judgment dismissing Brent Thomson’s complaint challenging the City of Lewiston’s urban renewal plan for lack of standing. The court held that Thomson, who alleged only resident and taxpayer status and no particularized injury, lacked traditional standing and that Idaho Code § 50-2027 did not eliminate common-law standing requirements. The court awarded costs on appeal to the City and denied Thomson’s requests for attorney’s fees.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Trout, Chief Justice; Schroeder, Justice; Walters, Justice; Eismann, Justice; Kidwell, Justice
JURISDICTION	Idaho
DECIDED	July 1, 2002
DOCKET	No. 26881
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a summary judgment dismissing a declaratory-judgment action for lack of standing.
STANDARD OF REVIEW	The Supreme Court reviews an order granting summary judgment under the same standard used by the district court. Summary judgment is appropriate when the record, viewed in the light most favorable to the nonmoving party, shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; majority holdings are precedential.
PARTIES	Brent Thomson v. City of Lewiston, Urban Renewal Agency, City of Lewiston

TOPICS

standing

summary judgment

statutory interpretation

appellate procedure

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PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether the district court properly converted the City's motion to dismiss into a motion for summary judgment after considering matters outside the pleadings.
2. Whether summary judgment is a proper procedural method for dismissing an action based on lack of standing.
3. Whether Thomson had traditional standing to challenge the City's urban-renewal ordinance as a resident and taxpayer.
4. Whether Idaho Code section 50-2027 eliminates or alters traditional standing requirements for a person in interest challenging an urban-renewal plan.

HOLDINGS

1. A motion under Idaho Rule of Civil Procedure 12(b)(6) must be treated as a motion for summary judgment when the court considers matters outside the pleadings.
2. Summary judgment is a proper procedural method for dismissing an action based on lack of standing.
3. A citizen and taxpayer lacks standing to challenge a governmental enactment when the alleged injury is suffered alike by all citizens and taxpayers and the plaintiff alleges no particularized injury.
4. Idaho Code section 50-2027 does not eliminate the requirement that a plaintiff satisfy traditional standing requirements.
5. Thomson was not entitled to attorney fees under either the private-attorney-general doctrine or Idaho Code section 12-117 because the City prevailed on appeal.

KEY QUOTATIONS

“Because the district judge specifically stated that he considered material outside of the pleadings, he properly treated the motion as one for summary judgment.” (491)

“By using the term “any person in interest” rather than “any person,” we hold that the legislature intended to limit the number of possible plaintiffs, and incorporate common law standing principles.” (493)

“We hold that the district judge did not err when he dismissed Thomson's complaint based on a lack of standing and we award costs to the City on appeal.” (494)

FACTUAL BACKGROUND

Lewiston adopted resolutions creating an urban-renewal agency and designating the Nez Perce Terrace Urban Renewal Area No. 1 as an urban-renewal area. The agency developed a plan for a business and technology park funded through grants, private investment, public-private financing, local public investment, and tax-increment

financing. The City approved the plan by Ordinance No. 4261. Thomson, identifying himself as a city resident and taxpayer, sought to invalidate the ordinance but alleged no particularized injury beyond an injury shared by citizens and taxpayers generally.

PROCEDURAL HISTORY

Thomson challenged a Lewiston ordinance approving an urban-renewal plan, alleging that the plan area did not satisfy the statutory definition of a deteriorating condition. The City moved to dismiss under Idaho Rules of Civil Procedure 12(b)(1) and 12(b)(6), submitting materials outside the pleadings. The district court treated the motion as one for summary judgment and dismissed the complaint for lack of standing; Thomson appealed.

DISPOSITION

affirmed

CASES CITED

- McDonald v. Paine, 119 Idaho 725, 810 P.2d 259 (1991)
- Meridian Bowling Lanes v. Meridian Athletic Ass'n, Inc., 105 Idaho 509, 670 P.2d 1294 (1983)
- Badell v. Beeks, 115 Idaho 101, 102, 765 P.2d 126, 127 (1988)
- City of Kellogg v. Mission Mountain Interests Ltd., Co., 135 Idaho 239, 243, 16 P.3d 915, 919 (2000)
- Petricevich v. Salmon River Canal Co., 92 Idaho 865, 452 P.2d 362 (1969)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Fort Hall Water Users Ass'n v. U.S., 129 Idaho 39, 41, 921 P.2d 739, 741 (1996)
- Hays v. State, 132 Idaho 516, 519, 975 P.2d 1181, 1184 (Ct. App. 1999)
- Hellickson v. Jenkins, 118 Idaho 273, 276, 796 P.2d 150, 153 (Ct. App. 1990)
- Scott v. Buhl Joint School Dist. No. 412, 123 Idaho 779, 782, 852 P.2d 1376, 1379 (1993)
- State v. Continental Casualty Co., 126 Idaho 178, 186, 879 P.2d 1111, 1119 (1994)
- Selkirk-Priest Basin Ass'n, Inc. v. State ex rel. Batt, 128 Idaho 831, 834-35, 919 P.2d 1032, 1035-36 (1996)
- Miles v. Idaho Power Co., 116 Idaho 635, 641, 778 P.2d 757, 763 (1989)
- Boundary Backpackers v. Boundary County, 128 Idaho 371, 375, 913 P.2d 1141, 1145 (1996)
- Crawford v. Department of Correction, 133 Idaho 633, 635, 991 P.2d 358, 360 (1999)
- State v. Watts, 131 Idaho 782, 963 P.2d 1219 (1998)
- Atkinson v. State, 131 Idaho 222, 953 P.2d 662 (Ct. App. 1998)
- Allen v. Blaine County, 131 Idaho 138, 953 P.2d 578 (1998)
- Black v. Reynolds, 109 Idaho 277, 280, 707 P.2d 388, 391 (1985)
- Stewart v. Rice, 120 Idaho 504, 817 P.2d 170 (1991)
- Williams v. Blakley, 114 Idaho 323, 325, 757 P.2d 186 (1988)
- Fox v. Board of County Commissioners, 121 Idaho 686, 692-93, 827 P.2d 699, 705-06 (Ct. App. 1991)
- Hellar v. Cenarrusa, 106 Idaho 571, 577-78, 682 P.2d 524, 530-31 (1984)

- Young v. City of Ketchum, 137 Idaho 102, 44 P.3d 1157 (2002)
- Van Valkenburgh v. Citizens For Term Limits, 135 Idaho 121, 15 P.3d 1129 (2000)

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