

SUPREME COURT OF THE STATE OF IDAHO

Raymond v. Idaho State Police

Raymond · No. 46272 · Decided October 18, 2019

SUMMARY

The Idaho Supreme Court formally adopted the tort of intentional interference with a prospective civil action by third-party spoliation of evidence. The Court held that Raymond’s complaint sufficiently alleged the elements of the tort under Idaho’s notice-pleading standard and that dismissal under Idaho Rule of Civil Procedure 12(b)(6) was improper. The Court reversed the dismissal, vacated the judgment in favor of Idaho State Police, denied attorney fees, and awarded appellate costs to Raymond.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of Idaho                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Burdick, Chief Justice; Bevan, Justice; Brody, Justice; Stegner, Justice; Moeller, Justice                                                                                                                                                                                              |
| JURISDICTION          | Idaho                                                                                                                                                                                                                                                                                   |
| DECIDED               | October 18, 2019                                                                                                                                                                                                                                                                        |
| DOCKET                | 46272                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Appeal from dismissal under Idaho Rule of Civil Procedure 12(b)(6) of a claim for tortious interference with a prospective civil action by spoliation of evidence by a third party.                                                                                                     |
| STANDARD OF REVIEW    | De novo review of a district court's dismissal under Idaho Rule of Civil Procedure 12(b)(6). The court considers the pleadings, accepts alleged facts as true, determines whether they would entitle the nonmovant to relief, and draws reasonable inferences in the nonmovant's favor. |
| PRECEDENTIAL VALUE    | Published Idaho Supreme Court opinion establishing and defining an Idaho tort.                                                                                                                                                                                                          |
| PARTIES               | Jacqueline Marie Raymond, individually as an heir and as personal representative of the Estate of Barry Johnson v. Idaho State Police                                                                                                                                                   |

TOPICS

torts

evidence

motions to dismiss

civil procedure

appellate procedure

## PRACTICE AREAS

Torts

Civil Procedure

Evidence

Appellate Procedure

Remedies

## QUESTIONS PRESENTED

1. Whether Idaho recognizes an independent tort of intentional interference with a prospective civil action by third-party spoliation of evidence.
2. Whether Raymond's complaint alleged sufficient facts to survive dismissal under Idaho Rule of Civil Procedure 12(b)(6).
3. Whether Idaho State Police was entitled to attorney fees and costs on appeal.

## HOLDINGS

1. Idaho formally recognizes the tort of intentional interference with a prospective civil action by spoliation of evidence by a third party.
2. A plaintiff must prove: (1) a pending or probable lawsuit involving the plaintiff; (2) the defendant's knowledge of the potential or probable lawsuit; (3) wrongful destruction, mutilation, alteration, or concealment of evidence designed to disrupt or defeat the potential lawsuit; (4) disruption of the potential lawsuit; (5) a causal relationship between the spoliation and disruption; and (6) damages proximately caused by the defendant's acts.
3. The indeterminate nature of damages in a third-party spoliation case does not bar recovery if the plaintiff proves the extent of damages by a just and reasonable inference; damages may not rest on mere speculation or guess.
4. Raymond's complaint sufficiently stated a claim for intentional interference with a prospective civil action by third-party spoliation and should not have been dismissed.
5. The court declined to address or recognize negligent spoliation of evidence as a viable cause of action.

## KEY QUOTATIONS

*"That said, to avoid confusion, we now formally adopt the tort of intentional interference with a prospective civil action by spoliation of evidence by a third party."* (at 5)

*"To provide guidance to Idaho's trial courts and to counsel for future cases of this type, we set forth the elements a plaintiff must prove to establish this cause of action:"* (at 6)

*"Stated another way, we hold the indeterminate nature of damages in these cases does not bar a plaintiff's right to recover, so long as the plaintiff can show the extent of the damage as a matter of just and reasonable inference."* (at 7)

*"Therefore, we hold the district court erred in dismissing Raymond's claim for tortious interference with a prospective civil action for failure to state a claim."* (at 10)

## FACTUAL BACKGROUND

Barry Johnson was killed in a vehicular accident while making a lawful left turn into his private driveway as Payette County Deputy Scott Sloan attempted to pass him at high speed. Idaho State Police investigated the accident and Sloan, who was charged with vehicular manslaughter, but the criminal charges were later dismissed. Raymond alleged that Idaho State Police and the other defendants knowingly concealed or destroyed evidence and interfered with a prospective civil action, causing increased litigation costs, delay, and diminished recovery prospects.

## PROCEDURAL HISTORY

Raymond sued Idaho State Police, Payette County, and Deputy Scott Sloan after the death of Barry Johnson, asserting wrongful-death and tortious-interference claims. The district court dismissed the tortious-interference claims under Rule 12(b)(6), concluding that Idaho did not recognize the asserted tort and that the allegations were too speculative. Raymond appealed only the dismissal of her claim against Idaho State Police; the Idaho Supreme Court reversed the dismissal and vacated the judgment.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The district court's dismissal of Raymond's tortious-interference claim is reversed and the judgment in favor of Idaho State Police is vacated. The claim may proceed; the court did not direct entry of judgment or prescribe further factual proceedings beyond application of the newly adopted tort.

## CASES CITED

- Idaho Wool Growers Association, Inc. v. State, 154 Idaho 716, 302 P.3d 341 (2012)
- Hoffer v. City of Boise, 151 Idaho 400, 257 P.3d 1226 (2011)
- Hammer v. Ribbi, 162 Idaho 570, 401 P.3d 148 (2017)
- Young v. City of Ketchum, 137 Idaho 102, 44 P.3d 1157 (2001)
- Savage v. Scandit Inc., 163 Idaho 637, 417 P.3d 234 (2018)
- Yoakum v. Hartford Fire Insurance Co., 129 Idaho 171, 923 P.2d 416 (1996)
- Cook v. State Department of Transportation, 133 Idaho 288, 985 P.2d 1150 (1999)
- Ricketts v. Eastern Idaho Equipment Co., Inc., 137 Idaho 578, 51 P.3d 392 (2002)
- Waters v. All Phase Construction, 156 Idaho 259, 322 P.3d 992 (2014)
- Hills v. United Parcel Service, Inc., 232 P.3d 1049 (Utah 2010)
- Oliver v. Stimson Lumber Co., 993 P.2d 11 (Mont. 1999)
- Griffith v. Clear Lakes Trout Co., Inc., 146 Idaho 613, 200 P.3d 1162 (2009)
- Story Parchment Co. v. Paterson Parchment Paper Co., 282 U.S. 555 (1931)
- Superior Boiler Works, Inc. v. Kimball, 259 P.3d 676 (Kan. 2011)

- Teel v. Meredith, 774 N.W.2d 527 (Mich. Ct. App. 2009)
- Temple Community Hospital v. Superior Court, 976 P.2d 223 (Cal. 1999)
- Cedars-Sinai Medical Center v. Superior Court, 954 P.2d 511 (Cal. 1998)
- Hannah v. Heeter, 584 S.E.2d 560 (W. Va. 2003)
- Coleman v. Eddy Potash, Inc., 905 P.2d 185 (N.M. 1995)
- Delgado v. Phelps Dodge Chino, Inc., 34 P.3d 1148 (N.M. 2001)
- Smith v. Howard Johnson Co., Inc., 615 N.E.2d 1037 (Ohio 1993)
- Hazen v. Municipality of Anchorage, 718 P.2d 456 (Alaska 1986)
- O'Neal v. Remington Arms Co., LLC, 2012 WL 3834842 (D.S.D. 2012)
- Navo v. Bingham Memorial Hospital, 160 Idaho 363, 373 P.3d 681 (2016)
- Seiniger Law Office, P.A. v. North Pacific Insurance Co., 145 Idaho 241, 178 P.3d 606 (2008)
- Employers Resource Management Co. v. Ronk, 162 Idaho 774, 405 P.3d 33 (2017)
- Bach v. Bagley, 148 Idaho 784, 229 P.3d 1146 (2010)