

SUPREME COURT OF THE STATE OF MONTANA

Runkle v. Allen

2016 MT 55N (2016) (Supreme Court of the State of Montana 2016) · No. DA 15-0336 · Decided March 8, 2016

SUMMARY

The Montana Supreme Court affirmed summary judgment in favor of Duane Allen and Rule 11 sanctions against John D. Runkle in a dispute involving a cabin straddling their properties. The court held that Runkle failed to establish genuine issues of material fact supporting his contract, trespass, conversion, waste, and emotional-distress claims, and declined to consider theories raised for the first time on appeal. The court also upheld the sanctions, concluding that Runkle had notice and a reasonable opportunity to respond, while declining to award Allen additional sanctions for the appeal.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Beth Baker; Beth Baker; Patricia Cotter; Michael E. Wheat; Laurie McKinnon; Jim Rice
JURISDICTION	Montana
DECIDED	March 8, 2016
DOCKET	DA 15-0336
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from orders granting summary judgment to Duane Allen and imposing Montana Rule of Civil Procedure 11 sanctions against John D. Runkle.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under M. R. Civ. P. 56(c)(3). The determination that a pleading violates Rule 11 is reviewed de novo; underlying factual findings are reviewed for clear error; and the choice of sanction is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion expressly designated noncitable under the Montana Supreme Court's Internal Operating Rules.
PARTIES	John D. Runkle v. Duane Allen

TOPICS

summary judgment

sanctions

preservation of error

appellate procedure

civil procedure

PRACTICE AREAS

Civil procedure

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Real property

Torts

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QUESTIONS PRESENTED

1. Whether the District Court properly granted summary judgment against Runkle's claims for breach of contract, conversion, trespass, waste, and intentional infliction of emotional distress.
2. Whether the District Court erred in denying Runkle's request to file a third amended complaint.
3. Whether the District Court properly imposed Rule 11 sanctions and whether Runkle was denied due process by the absence of a hearing before sanctions were imposed.
4. Whether appellate attorney's fees and costs should be awarded to Allen for defending the appeal.

HOLDINGS

1. Summary judgment for Allen was proper because Runkle failed to establish substantial evidence creating a genuine issue of material fact or demonstrating entitlement to relief on his claims.
2. The Supreme Court will not address substantive or procedural issues, including a change in the theory of the case, that were raised for the first time on appeal.
3. The District Court did not violate Runkle's due process rights by imposing Rule 11 sanctions without a separate hearing because Runkle received notice of the sanctions request and a reasonable opportunity to respond, and he did not timely object to the lack of a hearing.
4. Allen was not awarded attorney's fees and costs on appeal because the Supreme Court determined that the appeal did not warrant appellate sanctions under M. R. App. P. 19(5).

KEY QUOTATIONS

“We will not address an issue raised for the first time on appeal.” (¶ 15)

“We will not review a district court’s procedural error unless the appellant has made a timely objection.” (¶ 19)

FACTUAL BACKGROUND

Runkle acquired property in Yaak, Montana, and Allen later purchased an adjacent five-acre parcel containing several cabins. Runkle believed that part of one cabin encroached on his property and claimed to own the entire cabin because its entrance was located on his land. After obtaining a survey, Allen removed the cabin from its foundation and relocated it off the property line, leaving the porch and entry on Runkle's property. Runkle sued Allen, asserting contract and tort claims and seeking damages, while retaining personal property inside the cabin.

PROCEDURAL HISTORY

Runkle sued Allen for breach of contract, conversion, trespass, intentional infliction of emotional distress, and treble damages for waste arising from Allen's relocation of a cabin near their adjoining properties. The District Court denied Allen's motion to dismiss, later granted summary judgment to Allen, imposed Rule 11 sanctions totaling \$12,513.30 in attorney's fees and costs, denied Runkle's motion to set aside the sanctions as untimely, and entered final judgment. Runkle appealed, challenging summary judgment, denial of leave to amend, the sanctions, and the lack of a sanctions hearing.

DISPOSITION

affirmed

CASES CITED

- Bailey v. State Farm Mut. Auto. Ins. Co., 2013 MT 119, ¶ 18, 370 Mont. 73, 300 P.3d 1149
- Byrum v. Andren, 2007 MT 107, ¶ 19, 337 Mont. 167, 159 P.3d 1062
- Hansard Mining, Inc. v. McLean, 2014 MT 199, ¶ 10, 376 Mont. 48, 335 P.3d 711
- Hansen Trust v. Ward, 2015 MT 131, ¶ 19, 379 Mont. 161, 349 P.3d 500
- D'Agostino v. Swanson, 240 Mont. 435, 445, 784 P.2d 919, 925 (1990)
- Brandt v. Sade, 2000 MT 98, ¶ 36, 299 Mont. 256, 1 P.3d 929
- Kinsey-Cartwright v. Brower, 2000 MT 198, ¶¶ 19-20, 300 Mont. 450, 5 P.3d 1026
- Hilten v. Bragg, 2010 MT 273, ¶ 30, 358 Mont. 407, 248 P.3d 282
- Wolf's Interstate Leasing & Sales, L.L.C. v. Banks, 2009 MT 354, ¶ 13, 353 Mont. 189, 219 P.3d 1260

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