

SUPREME COURT OF THE STATE OF IDAHO

Doble v. Interstate Amusements, Inc.

160 Idaho 307 (2016) · No. 42744 · Decided May 3, 2016

SUMMARY

The Idaho Supreme Court affirmed an award of attorney fees to Interstate Amusements under Idaho Code section 12-121 after concluding that Doble’s Idaho Consumer Protection Act claims concerning expiration dates on movie vouchers were frivolous, unreasonable, and without foundation. The court also awarded Interstate attorney fees and costs on appeal, finding that Doble failed to support his claims with evidence or a well-grounded argument for extending Idaho law.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Justice; Burdick; J. Jones; Eismann; W. Jones; Horton
JURISDICTION	Idaho
DECIDED	May 3, 2016
DOCKET	42744
DISPOSITION	affirmed
PROCEDURAL POSTURE	Doble appealed from the district court's award of attorney fees to Interstate under Idaho Code section 12-121 after the district court granted Interstate summary judgment on Doble's Idaho Consumer Protection Act claim.
STANDARD OF REVIEW	An award of attorney fees under Idaho Code section 12-121 is reviewed for abuse of discretion. The reviewing court asks whether the trial court perceived the issue as discretionary, acted within the outer boundaries of its discretion and consistent with applicable legal standards, and reached its decision through the exercise of reason.
PRECEDENTIAL VALUE	published Idaho Supreme Court opinion
PARTIES	H. Peter Doble II, M.D. v. Interstate Amusements, Inc.

TOPICS

- consumer protection
- remedies
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

consumer protection

appellate procedure

attorney fees

statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by awarding Interstate attorney fees under Idaho Code section 12-121 after finding Doble's Idaho Consumer Protection Act claim frivolous, unreasonable, and without foundation.
2. Whether Interstate was entitled to attorney fees and costs on appeal under Idaho Code section 12-121.

HOLDINGS

1. The district court did not abuse its discretion in awarding Interstate attorney fees because Doble's Idaho Consumer Protection Act claim lacked evidentiary foundation and his proposed extension of Idaho law was unfounded and unreasonable.
2. Interstate was entitled to attorney fees and costs on appeal because Doble's appeal was frivolous, unreasonable, and without foundation and merely invited the Supreme Court to reweigh the evidence.

KEY QUOTATIONS

“This court has held that in deciding whether an award of attorney’s fees is proper, ‘the sole question is whether the losing party’s position is so plainly fallacious as to be deemed frivolous, unreasonable, or without foundation.’” (at 2)

“The legislature, and the legislature only, under our constitution, has power to legislate.” (at 4)

“Accordingly, we hold this appeal to be “frivolous, unreasonable, and without foundation” and award costs and fees to Interstate.” (at 5)

FACTUAL BACKGROUND

Interstate sold Cinema Cash vouchers in one-dollar increments for movie tickets and concessions, and the vouchers clearly stated expiration dates. In December 2013, Doble attempted to redeem an expired voucher at an Interstate theater, but the voucher was rejected. Doble alleged that issuing vouchers with expiration dates was an unconscionable or deceptive practice under the Idaho Consumer Protection Act, but he presented no evidence that the program was fraudulent, deceptive, or misrepresented, and no competent evidence that he had purchased the vouchers he attempted to redeem.

PROCEDURAL HISTORY

Doble sued Interstate, alleging that selling Cinema Cash vouchers with expiration dates violated the Idaho Consumer Protection Act. The district court granted Interstate summary judgment and later awarded Interstate \$7,972.50 in attorney fees and \$320.44 in costs under Idaho Code section 12-121, finding Doble's claims frivolous, unreasonable, and without foundation. The Idaho Supreme Court affirmed the fee award and awarded Interstate fees and costs on appeal.

DISPOSITION

affirmed

CASES CITED

- Auto. Club Ins. Co. v. Jackson, 124 Idaho 874, 879, 865 P.2d 965, 970 (1993)
- Sun Valley Shopping Ctr., Inc. v. Idaho Power Co., 119 Idaho 87, 92, 803 P.2d 993, 998 (1991)
- Idaho Military Historical Soc'y, Inc. v. Maslen, 156 Idaho 624, 629, 329 P.3d 1072, 1077 (2013)
- Anderson v. Ethington, 103 Idaho 658, 660, 651 P.2d 923, 925 (1982)
- White v. Mock, 140 Idaho 882, 890, 104 P.3d 356, 364 (2004)
- Stevenson v. Windermere Real Estate/Capital Group Inc., 152 Idaho 824, 830, 275 P.3d 839, 845 (2012)
- Kiebert v. Goss, 144 Idaho 225, 228-29, 159 P.3d 862, 865-66 (2007)
- Taylor v. McNichols, 149 Idaho 826, 846, 243 P.3d 642, 662 (2010)
- Thomas v. Riggs, 67 Idaho 223, 228, 175 P.2d 404, 407 (1946)
- In re Dampier, 46 Idaho 195, 207, 267 P. 452, 455 (1928)
- Harris v. State, ex rel. Kempthorne, 147 Idaho 401, 406, 210 P.3d 86, 91 (2009)
- Kelley v. Yadon, 150 Idaho 334, 338, 247 P.3d 199, 203 (2011)

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