

SUPREME COURT OF THE STATE OF IDAHO

Ryan M. Mitchell v. State of Idaho

160 Idaho 81 (2016) · No. 41882 · Decided March 3, 2016

SUMMARY

The Idaho Supreme Court reversed summary judgment for the State on Ryan Mitchell’s negligence claim arising from the discontinuation of Gerald Simpson’s mental health services, holding that the record was insufficient to determine whether the State’s conduct was discretionary or operational. The Court held that affidavits and exhibits submitted by the State lacked adequate foundation under the business-records exception to the hearsay rule. The Court affirmed summary judgment on Mitchell’s victims’ rights claim because the issue was moot after the criminal charges against Simpson were dismissed, and remanded the negligence claim for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Justice; Burdick; Eismann; J. Jones; W. Jones; Horton
JURISDICTION	Idaho
DECIDED	March 3, 2016
DOCKET	41882
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mitchell appealed the district court's order granting summary judgment to the State on his negligence claim under the Idaho Tort Claims Act and on his victims' rights claim seeking declaratory and injunctive relief.
STANDARD OF REVIEW	Summary judgment is reviewed under the same standard applied by the district court; disputed facts and reasonable inferences are construed in favor of the nonmoving party. Statutory interpretation and application of facts to law are reviewed freely. Evidentiary rulings and rulings on motions to strike affidavits are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Ryan M. Mitchell v. State of Idaho, Susan Simpson, as Conservator and Guardian of Gerald Durk Simpson, Does 1-25

TOPICS

negligence

summary judgment

hearsay

authentication

mootness

PRACTICE AREAS

negligence

evidence

civil procedure

governmental immunity

victims' rights

QUESTIONS PRESENTED

1. Whether the district court properly granted summary judgment to the State on Mitchell's negligence claim by determining that IDHW's decision to discontinue Simpson's mental-health services was a discretionary function immune under the Idaho Tort Claims Act.
2. Whether the district court properly denied Mitchell's motion to strike the Osborn affidavit for lack of an explicit statement that it was based on personal knowledge.
3. Whether the district court properly admitted the Chadwick affidavit and attached documents under the business-records exception and authentication rules.
4. Whether Mitchell's victims' rights claim for declaratory and injunctive relief presented a justiciable controversy after the criminal charges against Simpson had been dismissed.

HOLDINGS

1. An affidavit supporting or opposing summary judgment need not expressly recite that it is based on personal knowledge when personal knowledge can reasonably be inferred from the affiant's position and the affidavit's contents.
2. A witness's statement that documents were maintained in the ordinary course of an agency's business does not establish the necessary foundation for admission under the business-records exception when the witness does not show custody of the records as part of her regular work or supervision of their creation and the affidavit does not establish the required circumstances of preparation.
3. The district court erred in granting summary judgment to the State on Mitchell's negligence claim because the record lacked sufficient admissible evidence to determine whether IDHW's decision to discontinue Simpson's services was discretionary or operational.
4. Mitchell's victims' rights claim was moot because the criminal charges against Simpson had been dismissed and a favorable decision could not provide Mitchell with practical declaratory or injunctive relief.

KEY QUOTATIONS

“an affidavit need not contain an explicit recital of personal knowledge when it can be reasonably inferred from its contents that the material parts thereof are within the affiant’s personal knowledge.” (at 5)

“If, for example, the evidence on remand indicates that IDHW closed Simpson’s file based on policy reasons such as budgetary constraints or other factors, the decision could be discretionary, as it would involve planning rather than operational activity, and the State would be immune from liability even if the decision was negligently made.” (at 9)

FACTUAL BACKGROUND

Gerald Durk Simpson had received mental-health services from the Idaho Department of Health and Welfare for most of his adult life. IDHW notified Simpson on June 23, 2010, that it was discontinuing his services, and Simpson shot Ryan Mitchell on September 27, 2010. Mitchell alleged that the State negligently discontinued Simpson's services and failed to comply with victims' rights provisions after criminal proceedings were initiated against Simpson.

PROCEDURAL HISTORY

After Gerald Durk Simpson shot Mitchell, Mitchell sued the State, alleging that the State negligently discontinued Simpson's mental-health services and violated Mitchell's constitutional and statutory victims' rights. The Bannock County district court granted the State summary judgment on both claims, concluding that the service-discontinuation decision was discretionary and immune under the Idaho Tort Claims Act and that declaratory and injunctive relief was unavailable for the victims' rights claim. The Idaho Supreme Court reversed the negligence ruling, affirmed the victims' rights ruling because the claim was moot, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must conduct further proceedings on the negligence claim, resolve factual issues concerning the existence and application of policies or procedures for closing client files, determine who made the decision to close Simpson's file and whether that person was authorized, and then apply Idaho's operational/discretionary-function precedents to determine whether the State is immune. The summary judgment on the victims' rights claim remains affirmed because the issue is moot.

CASES CITED

- Kolln v. Saint Luke's Reg'l Med. Ctr., 130 Idaho 323, 940 P.2d 1142 (1997)
- Major v. Sec. Equip. Corp., 155 Idaho 199, 307 P.3d 1225 (2013)
- Dorea Enter., Inc. v. City of Blackfoot, 144 Idaho 422, 163 P.3d 211 (2007)
- Harris v. State Dep't of Health & Welfare, 123 Idaho 295, 847 P.2d 1156 (1992)
- Teurlings v. Larson, 156 Idaho 65, 320 P.3d 1224 (2014)
- Fragnella v. Petrovich, 153 Idaho 266, 281 P.3d 103 (2012)
- Bybee v. Gorman, 157 Idaho 169, 335 P.3d 14 (2014)
- State v. Shama Res. Ltd. P'ship, 127 Idaho 267, 899 P.2d 977 (1995)
- Sprinkler Irrigation Co., Inc. v. John Deere Ins. Co., Inc., 139 Idaho 691, 85 P.3d 667 (2004)
- Oats v. Nissan Motor Corp. in U.S.A., 126 Idaho 162, 879 P.2d 1095 (1994)
- Beco Corp. v. Roberts & Sons Constr. Co., 114 Idaho 704, 760 P.2d 1120 (1988)
- Hurtado v. Land O'Lakes, Inc., 147 Idaho 813, 215 P.3d 533 (2009)

- Christensen v. Rice, 114 Idaho 929, 763 P.2d 302 (Ct. App. 1988)
- Shea v. Kevic Corp., 156 Idaho 540, 328 P.3d 520 (2014)
- Henderson v. Smith, 128 Idaho 444, 915 P.2d 6 (1996)
- Jones v. City of St. Maries, 111 Idaho 733, 727 P.2d 1161 (1986)
- Lawton v. City of Pocatello, 126 Idaho 454, 886 P.2d 330 (1994)
- Sterling v. Bloom, 111 Idaho 211, 723 P.2d 755 (1986)
- Ameritel Inns, Inc. v. Greater Boise Auditorium Dist., 141 Idaho 849, 119 P.3d 624 (2005)
- State v. Hoyle, 140 Idaho 679, 99 P.3d 1069 (2004)
- State v. Rogers, 140 Idaho 223, 91 P.3d 1127 (2004)
- Downing v. Jacobs, 99 Idaho 127, 578 P.2d 243 (1978)

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