

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

David Wittwer; Linda Wittwer; The Wittwer Family Trust; Daniel Doyle; Sharla Doyle; Daniel L. Doyle and Sharla K. Doyle Trust; Michael Williams; Grace Williams and Lee Wilson v. J & J Development, LLC; Joshua Pilch, individually and in his official capacity; Jacob Marble, individually and in his official capacity; Jeff Connolly, individually and in his official capacity; Steven Bradshaw, individually and in his official capacity; Daniel McDonald, individually and in his official capacity; Milton Ollerton, individually and in his official capacity; Bonner County, a political subdivision of the State of Idaho; Panhandle Health District; Timothy French, individually and in his official capacity; Kathryn Kolberg, individually and in her official capacity; Jason Peppin, individually and in her official capacity; Christopher Irvin; Tyson Glahe; Glahe & Associates, Inc.; James A. Sewell and Associates, LLC; Northstar Construction & Development LLC; Twin W Properties, LLC; Leatherman Development LLC; Pilch Custom Homes Inc.; Tom Duebendorfer; Over Under Title LLC dba TitleOne; Roberta Nutt; Jessica Skiles; Cody Telford; Ruth Barbey; Logan Trail LLC; North Idaho Group, LLC dba Century 21 Riverstone; Christopher Neu; Nancy Dooley; Eric Skinner; Cdare Group LLC dba Keller Williams Realty Coeur d'Alene; Chandler Johnson; John Does 1 through 10; and Doe Companies 1 through 10

Wittwer · No. 2:25-cv-000395-AKB · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Idaho dismissed the plaintiffs' federal RICO claims against all defendants under Federal Rule of Civil Procedure 12(b)(6). The court held that the complaint did not plausibly allege a distinct RICO enterprise or predicate acts of mail or wire fraud

with the particularity required by Rule 9(b), and that the proposed amendment would be futile. The court declined to exercise supplemental jurisdiction over the state-law claims.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	Amanda K. Brailsford
JURISDICTION	United States District Court for the District of Idaho
DECIDED	April 16, 2026
DOCKET	2:25-cv-000395-AKB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed an amended complaint asserting a federal RICO claim and seven state-law claims. Defendants moved to dismiss, moved for summary judgment, and otherwise challenged the pleadings. Plaintiffs moved for leave to file a second amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, disregards conclusory allegations, and determines whether the remaining factual allegations plausibly show an entitlement to relief. Fraud-based RICO allegations are subject to Rule 9(b)'s particularity requirement. Leave to amend may be denied when the proposed amendment would be futile under the Rule 12(b)(6) standard. A decision to decline supplemental jurisdiction under 28 U.S.C. § 1367(c)(3) considers judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	unknown
PARTIES	David Wittwer, Linda Wittwer, The Wittwer Family Trust, Daniel Doyle, Sharla Doyle, Daniel L. Doyle and Sharla K. Doyle Trust, Michael Williams, Grace Williams, Lee Wilson v. J & J Development, LLC, Joshua Pilch, Jacob Marble, Jeff Connolly, Steven Bradshaw, Daniel McDonald, Milton Ollerton, Bonner County, Panhandle Health District, Timothy French, Kathryn Kolberg, Jason Peppin, Christopher Irvin, Tyson Glahe, Glahe & Associates, Inc., James A. Sewell and Associates, LLC, Northstar Construction & Development LLC, Twin W Properties, LLC, Leatherman Development LLC, Pilch Custom Homes Inc., Tom Duebendorfer, Over Under Title LLC dba TitleOne, Roberta Nutt, Jessica Skiles, Cody Telford, Ruth Barbey, Logan Trail LLC, North Idaho Group, LLC dba Century 21 Riverstone, Christopher Neu, Nancy Dooley, Eric Skinner, Cdare Group LLC dba

TOPICS

motions to dismiss

motion to amend

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether plaintiffs plausibly alleged a RICO enterprise under 18 U.S.C. § 1962(c).
2. Whether plaintiffs pleaded mail- and wire-fraud predicate acts with the particularity required by Federal Rule of Civil Procedure 9(b).
3. Whether the failure to state a substantive RICO claim also defeated the RICO conspiracy claim under 18 U.S.C. § 1962(d).
4. Whether plaintiffs' proposed second amended complaint would cure the pleading defects or would be futile.
5. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing the federal RICO claim.

HOLDINGS

1. Plaintiffs failed to plausibly allege that the defendants constituted a distinct RICO enterprise because the complaint did not provide case-specific facts showing that the defendants functioned as a continuing unit, and instead primarily described defendants performing their ordinary business or governmental activities.
2. Plaintiffs failed to plead mail- and wire-fraud predicate acts with the particularity required by Rule 9(b) because they did not identify the time, place, content, participants, or transmission method of specific fraudulent communications and improperly lumped defendants together.
3. Because plaintiffs failed to state a substantive RICO claim under § 1962(c), their claim for conspiracy to violate § 1962(c) under § 1962(d) also failed.
4. Leave to amend was properly denied as futile because the proposed second amended complaint did not cure the absence of a cohesive enterprise or the failure to plead predicate acts with Rule 9(b) particularity.
5. The court declined to exercise supplemental jurisdiction over the state-law claims after dismissing the only claim within its original federal-question jurisdiction.

KEY QUOTATIONS

“RICO was “intended to combat organized crime, not to provide a federal cause of action and treble damages to every tort plaintiff.””

“A Rule 12(b)(6) dismissal can be based on the lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory.”

FACTUAL BACKGROUND

Plaintiffs purchased residential lots in the Mountain Homestead development in Sandpoint, Idaho, developed by J&J Development, LLC and related defendants. They alleged problems involving the septic system, wells, drainage, utilities, access roads, lot configuration, and ownership or use of Logan Drive. Plaintiffs characterized these matters as part of a fraudulent scheme and asserted RICO predicate acts based on mail and wire fraud, along with seven state-law claims.

PROCEDURAL HISTORY

The court considered J&J Development, LLC and other defendants’ motions to dismiss the RICO claim under Rule 12(b)(6), plaintiffs’ motion to amend under Rule 15, and the effect of dismissal of the federal claim on the state-law claims. The court dismissed the RICO claim against all defendants with prejudice, denied leave to amend as futile, declined supplemental jurisdiction over the state-law claims and dismissed them without prejudice, and denied the remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Godecke v. Kinetic Concepts, Inc., 937 F.3d 1201, 1208 (9th Cir.)
- Eclectic Props. E., L.L.C. v. Marcus & Millichap Co., 751 F.3d 990, 995–97 (9th Cir.)
- Oscar v. University Students Co-op. Ass’n, 965 F.2d 783, 786 (9th Cir.)
- Diaz v. Gates, 420 F.3d 897 (9th Cir.)
- Odom v. Microsoft Corp., 486 F.3d 541, 546–47, 552–54 (9th Cir.) (en banc)
- United States v. Turkette, 452 U.S. 576, 583 (1981)
- In re JUUL Labs, Inc., Marketing, Sales Practices, & Products Liability Litigation, 497 F. Supp. 3d 552, 599–600 (N.D. Cal. 2020)
- Shaw v. Nissan North America, Inc., 220 F. Supp. 3d 1046, 1054 (C.D. Cal. 2016)
- In re Jamster Marketing Litigation, 2009 WL 1456632, at *5 (S.D. Cal. May 22, 2009)
- In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, & Products Liability Litigation, 826 F. Supp. 2d 1180, 1202–03 (C.D. Cal. 2011)

- *Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 557, 559 (9th Cir.)
- *Lancaster Community Hospital v. Antelope Valley Hospital District*, 940 F.2d 397, 405 (9th Cir.)
- *Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1124 (9th Cir.)
- *Destfino v. Reiswig*, 630 F.3d 952, 958 (9th Cir.)
- *Swartz v. KPMG L.L.P.*, 476 F.3d 756, 764–65 (9th Cir.)
- *Wool v. Tandem Computers Inc.*, 818 F.2d 1433, 1439 (9th Cir.)
- *Yagman v. Gabbert*, 684 F. App'x 625, 627 (9th Cir.)
- *U.S. ex rel. Grenadyor v. Ukrainian Village Pharmacy, Inc.*, 772 F.3d 1102, 1108 (7th Cir.)
- *U.S. ex rel. Sikkenga v. Regence Bluecross Blueshield of Utah*, 472 F.3d 702, 727 (10th Cir.)
- *Chochise Consultancy, Inc. v. U.S. ex rel. Hunt*, 587 U.S. 262 (2019)
- *Silverton v. Department of Treasury of United States*, 644 F.2d 1341, 1345 (9th Cir. 1981)
- *Abagninin v. AMVAC Chemical Corp.*, 545 F.3d 733, 742–43 (9th Cir.)
- *Omar v. Sea-Land Service, Inc.*, 813 F.2d 986, 991 (9th Cir.)
- *Eminence Capital, L.L.C. v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir.)
- *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir.)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Stripling v. Jordan Production Co., L.L.C.*, 234 F.3d 863, 873 (5th Cir.)
- *Broemer v. Tenet*, 2003 WL 27382056, at *11 (C.D. Cal. Sept. 30, 2003)
- *Friends of Lubavitch v. Baltimore County*, 2021 WL 2260287, at *6 (D. Md. June 3, 2021)
- *Wright v. Santander Consumer USA, Inc.*, 2020 WL 7391734, at *4 (N.D. Ga. Jan. 24, 2020)
- *Thornton v. Lashbrook*, 2018 WL 3861619, at *1 (S.D. Ill. Aug. 14, 2018)
- *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 350 (1988)
- *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22 (2025)
- *City of Chicago v. International College of Surgeons*, 522 U.S. 156, 172–73 (1997)