

Boise, Wednesday, September 19, 2018 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BALTAZAR GOMEZ, JR., ESTELLA)	
GRIMALDO, ELENA GOMEZ,)	
ELIZABETH FREEMAN, VERONICA)	
FERRO, ZANDRA PEDROZA, ALICIA)	
GOMEZ, YESENIA GOMEZ, and)	Docket No. 45542
BALTAZAR GOMEZ, III,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	
)	
CROOKHAM COMPANY, an Idaho)	
corporation,)	
)	
Defendant-Respondent.)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Thomas W. Whitney, District Judge.

Skaug Law, PC, Nampa and Dinius & Associates, PLLC, Nampa, for appellants.

Elam & Burke, PA, Boise, for respondent.

The Gomezes appeal a decision from the district court in Canyon County to grant Crookham Company's motion for summary judgment on all claims relating to Mrs. Gomez's death. The district court granted Crookham's motion based on its findings that Mrs. Gomez was working in the scope of her employment at the time of the accident, that all of the Gomezes' claims are barred by the exclusive remedy rule under worker's compensation law, that the exception to the exclusive remedy rule for unprovoked physical aggression does not apply, and that even if the exclusive remedy rule does not bar the Gomezes' product liability claims, these claims fail as a matter of law because Crookham is not a manufacturer for product liability purposes. The Gomezes argue that the district court incorrectly determined that Mrs. Gomez's death meets the definition of accident under Idaho Code Section 72-102(18), that the exclusive remedy rule bars death claims, that Crookham's conduct did not amount to an unprovoked physical aggression upon Mrs. Gomez, and that Crookham is not a manufacturer. Crookham argues that the Gomezes present a new issue on appeal by asserting that Mrs. Gomez's death does not meet the definition of accident, that the district court correctly determined that the exclusive remedy rule applies to death claims, that the Gomezes failed to satisfy their burden to prove that Crookham committed an unprovoked physical aggression upon Mrs. Gomez, and that Crookham is not a manufacturer.