

**BOISE, MONDAY, NOVEMBER 6, 2017 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>MFG FINANCIAL, INC., an Arizona</b>	)	
<b>corporation,</b>	)	
	)	
<b>Plaintiff-Respondent-Cross Appellant,</b>	)	
	)	<b>Docket No. 44718</b>
<b>v.</b>	)	
	)	
<b>JUSTIN VIGOS, an individual,</b>	)	
	)	
<b>Defendant-Appellant-</b>	)	
<b>Cross Respondent.</b>	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Gerald F. Schroeder, Senior District Judge.

Ballard Law, PLLC, Rexburg and Barkley Smith Law, PLLC, Boise, for appellant.

Eberle, Berlin, Kading, Turnbow & McKlveen, Chartered, Boise, for respondent.

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Justin Vigos appeals a decision of the district court in Ada County reversing a magistrate court's grant of summary judgment. MFG Financial Inc. (MFG) brought this action seeking to recover damages for a breach of contract. Vigos purchased a vehicle from Karl Malone Toyota in 2007. Karl Malone Toyota assigned Vigos's contract to Courtesy Financial (Courtesy). After making payments for a couple years, Vigos defaulted on the loan and the vehicle was repossessed and sold at auction. After the car was sold there was still a deficiency owing on the contract. Courtesy sold the contract to MFG in 2014. In 2015, MFG initiated this action seeking to recover \$10,913.05, the amount owing on the contract. After discovery, both parties filed motions for summary judgment. After a hearing on the motions, the magistrate court granted summary judgment to Vigos along with attorney fees of more than \$16,000. In granting summary judgment, the magistrate court held that MFG was not a real party in interest as it could not show a valid assignment with admissible evidence. MFG appealed to the district court which reversed the magistrate court's grant of summary judgment. Vigos appeals to the Supreme Court arguing that the district court applied the wrong standard in reversing the grant of summary judgment. MFG cross appeals arguing that it was entitled to an award of attorney fees from its appeal to the district court.