

SUMMARY STATEMENT

Akers v. Mortensen, Docket No. 42726

In an appeal from Kootenai County, the Supreme Court affirmed the district court's apportionment of attorney fees. The case involved a dispute regarding land ownership and claims of trespass, which had been before the Idaho Supreme Court several times prior to this appeal. The Idaho Supreme Court had recently affirmed the judgment of the district court, but vacated the grant of attorney fees because they had not been properly apportioned in *Akers v. Mortensen*, 156 Idaho 27, 320 P.3d 418 (2014). On remand, the district court apportioned attorney fees, awarding fees for prosecuting the trespass action under Idaho Code section 6-202. Marti Mortensen appealed, and the Supreme Court affirmed the district court's award of attorney fees, holding that Mortensen had waived her challenge to the district court's decision based upon deficiencies in her appellate brief.

The Supreme Court also awarded attorney fees and costs incurred on appeal to the Akers, finding that the appeal was frivolous. The Supreme Court held that Mortensen and the attorney who signed her brief on appeal were jointly and severally liable for the payment of the award of fees and costs.