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Seventh Judicial District, Bingham County
Pamela Eckhardt, Clerk of the Court
By: Deputy Clerk - Cammack, Brandee

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM**

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| BINGHAM COUNTY REPUBLICAN CENTRAL COMMITTEE, and MATTHEW THOMPSON,<br><br>Plaintiffs,<br><br>vs.<br><br>IDAHO REPUBLICAN PARTY,<br><br>Defendant. | CASE NO. CV06-23-1418<br><br>**ORDER GRANTING PLAINTIFFS' MOTION TO DISALLOW COSTS AND FEES** |

BEFORE THIS COURT came to be heard[1] the Motion to Disallow Costs and Fees, filed by Plaintiffs the Bingham County Republican Central Committee and Matthew Thompson (hereinafter collectively referred to as the "BCRCC")[2] in response to Defendant the Idaho Republican Party's (hereinafter the "IRP's") attorney fee and cost memorandum.[3] The IRP seeks attorney fees and costs pursuant to Idaho Code §§ 12-120(3), 12-121.[4] The IRP objects to the BCRCC's Motion to Disallow.[5]

[1] Court Minutes, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed March 10, 2025).
[2] Motion to Disallow Costs and Fees, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed February 10, 2025) (hereinafter the **"BCRCC's Motion to Disallow"**).
[3] Memorandum of Attorney Fees and Costs, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed January 27, 2025) (hereinafter the **"IRP'S Fee and Cost Memorandum"**).
[4] IRP's Fee and Cost Memorandum, at p 1.
[5] Brief in Opposition to Motion to Disallow Costs and Fees, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed March 3, 2025) (hereinafter the **"IRP'S Opposition to Motion to Disallow"**).

## Prevailing Party

The prerequisite to any attorney fee or cost award is a finding that the requesting party prevailed in the litigation.[6] The determination of who is a prevailing party, for the purpose of receiving an award of attorney fees and costs, is discretionary with the trial court.[7] In exercising its discretion, a trial court must: (a) correctly perceive the issue as one of discretion; (b) act within the outer boundaries of its discretion; (c) act consistently with the legal standards applicable to the specific choices available to it; and (d) reach its decision by an exercise of reason.[8] Such discretion includes declining to award attorney fees where the trial court finds that both parties prevailed in part.[9]

Under the Idaho Rules of Civil Procedure,

> In determining which party to an action is a prevailing party and entitled to costs, the trial court must, in its sound discretion, consider the final judgment or result of the action in relation to the relief sought by the respective parties. The trial court may determine that a party to an action prevailed in part and did not prevail in part, and on so finding may apportion the costs between and among the parties in a fair and equitable manner after considering all of the issues and claims involved in the action and the resulting judgment or judgments obtained.[10]

In this case, the BCRCC's Original Complaint, filed September 14, 2023,[11] claimed that the IRP breached the Idaho Republican Party State Rules (hereinafter the "State Rules") by interfering with the BCRCC's right to appeal State Chairwoman Dorothy Moon's decision to declare the BCRCC's July 20, 2023 officer election (hereinafter the "Election") invalid.[12] The BCRCC further claimed that the IRP breached the covenant of good faith and fair dealing by

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[6] Idaho Rule of Civil Procedure 54(d)(1)(A); Idaho Rule of Civil Procedure 54(e)(1); Idaho Code § 12-120(3); Idaho Code § 12-121.
[7] *Bradbury v. City of Lewiston*, 172 Idaho 393, 415, 533 P.3d 606, 628 (2023).
[8] *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018).
[9] *Bradbury v. City of Lewiston*, 172 Idaho at 415, 533 P.3d at 628.
[10] Idaho Rule of Civil Procedure 54(d)(1)(B).
[11] Complaint, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed September 14, 2023) (hereinafter the **"Original Complaint"**).
[12] Original Complaint, at p. 6.

acting in a deceptive and conspiratorial manner and by failing to act in a transparent fashion regarding a grievance filed against the BCRCC (hereinafter the "Grievance") regarding the Election.[13] The BCRCC also requested a judgment declaring the Election valid.[14] The BCRCC requested a show cause order requiring the IRP to reveal the name(s) of the person(s) who filed the Grievance.[15] The BCRCC requested a temporary restraining order and a permanent injunction enjoining the IRP from holding its own election of BCRCC officers, permitting the BCRCC to continue to operate as the BRCC, and requiring the IRP to afford the BCRCC the processes guaranteed by the State Rules.[16]

The BCRCC amended its Original Complaint the next day, September 15, 2023,[17] The BCRCC's First Amended Complaint did not substantively alter its claims against the IRP.[18] This Court granted the BCRCC's request for a temporary restraining order.[19] The BCRCC's request for a preliminary injunction was later granted in order to afford the BCRCC its appellate rights under the State Rules.[20] Under the *Preliminary Injunction Order*, the IRP was barred from calling any special meeting to elect a new BCRCC chairperson until after the BCRCC's appeal ran its full course pursuant to the State Rules.[21]

[13] Original Complaint, at pp. 6-7.
[14] Original Complaint, at p. 7.
[15] Original Complaint, at pp. 7-8.
[16] Original Complaint, at p. 8.
[17] Amended Complaint, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed September 15, 2023) (hereinafter the **"First Amended Complaint"**).
[18] Compare: Original Complaint; First Amended Complaint.
[19] Order Granting Temporary Restraining Order, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed September 15, 2023).
[20] Order Granting Plaintiffs' Request for a Preliminary Injunction, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed October 10, 2023) (hereinafter the **"*Preliminary Injunction Order*"**), at pp. 12-19.
[21] *Preliminary Injunction Order*, at p. 19.

The IRP moved to dismiss the BCRCC's lawsuit for failure to exhaust administrative remedies.[22] This Court denied the IRP's motion to dismiss, holding *inter alia* that Chairwoman Moon failed to adhere to State Rules regarding the Grievance.[23]

The IRP then moved for summary adjudication of the BCRCC's claims on the merits.[24] This Court granted the IRP's summary judgment motion as to the BCRCC's breach of contract and declaratory judgment claims.[25] This Court held that the BCRCC's request for "the right under [State Rules] to appeal [Chairwoman Moon's] decision" to void the Election had been granted by the *Preliminary Injunction Order*.[26] However this Court determined that BCRCC's Election was invalid on a number of grounds.[27] This Court determined that the Grievance was valid under State Rules,[28] and that Chairwoman Moon had authority under State Rules and statutory law to hold an election to fill the vacant BCRCC chairmanship position.[29]

The IRP's summary judgment motion was denied as to the BCRCC's breach of the covenant of good faith and fair dealing claim.[30] The BCRCC's request for an order disclosing the names of the persons who filed the Greivance was resolved in the BCRCC's favor through the discovery process.[31]

The BCRCC then moved, and was granted permission over the IRP's objection, to amend its First Amended Complaint to add four (4) additional claims for breach of the covenant of good

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[22] See: Order Denying Defendant's Motion to Dismiss (Considered as a Motion for Summary Judgment), *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed January 16, 2024) (hereinafter the **"*Order Denying Dismissal*"**), at p. 3.
[23] *Order Denying Dismissal*, at pp. 12-13.
[24] Order Granting in Part Defendant's Motion for Summary Judgment, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed February 16, 2024) (hereinafter the **"*Order Granting in Part the IRP's Summary Judgment Motion*"**).
[25] *Order Granting in Part the IRP's Summary Judgment Motion*, at pp. 18-36; and at pp. 37-41.
[26] *Order Granting in Part the IRP's Summary Judgment Motion*, at p. 18.
[27] *Order Granting in Part the IRP's Summary Judgment Motion*, at p. 19.
[28] *Order Granting in Part the IRP's Summary Judgment Motion*, at pp. 38-40.
[29] *Order Granting in Part the IRP's Summary Judgment Motion*, at p. 40.
[30] *Order Granting in Part the IRP's Summary Judgment Motion*, at pp. 36-37.
[31] *Order Granting in Part the IRP's Summary Judgment Motion*, at pp. 43-44.

faith and fair dealing.[32] Approximately nine (9) months later, the BCRCC moved to, and was granted, dismissal of its remaining claims against the IRP.[33]

The BCRCC argues that the IRP was not the prevailing party on each count of the BCRCC's claims.[34] The IRP takes the position that this Court ruled in its favor on the main issues in the case; that is the validity of the Election and Chairwoman Moon's authority to hold an election in the absence of a BCRCC chairperson.[35] The IRP further asserts that the BCRCC obtained no benefit from the litigation.[36]

The BCRCC filed this lawsuit for a number of reasons, including lack of information whether the Grievance was filed by an "aggrieved party or parties," as required under the State Rules.[37] Further, the BCRCC believed its right to appeal Chairwoman Moon's decision to void the Election and call a special election meeting was being thwarted by the IRP.[38] In addition, the BCRCC believed its Election was valid, and that Chairwoman Moon lacked authority to declare the Election void.[39]

Thus, although the BCRCC's Election was ultimately deemed void, the BCRCC came away with the names of those persons who filed the Grievance, as well as a protected right to appeal Chairwoman Moon's decision to void the Election.

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[32] Order Granting in Part Plaintiff[s'] Motion to Amend Pleading, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed May 1, 2024).
[33] Order of Dismissal, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed January 24, 2025); Judgment of Dismissal with Prejudice, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed January 24, 2025).
[34] Memorandum in Support of Motion to Disallow Costs and Fees, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed February 10, 2025) (hereinafter the **"BCRCC's Memorandum in Support of Motion to Disallow"**), at pp. 2-3.
[35] Brief in Support of Memorandum for Award of Attorney Fees and Costs, *Bingham County Republican Central Committee v. Idaho Republican Party*, Bingham County case no. CV06-23-1418 (filed January 27, 2025) (hereinafter the **"IRP's Brief in Support of Fees and Costs"**), at p. 2.
[36] Id.
[37] First Amended Complaint, at p. 4, ¶¶ 11, 12.
[38] First Amended Complaint, at p 4, ¶¶ 18-22
[39] First Amended Complaint, at pp. 5-6, ¶¶ 26-28.

In summary, both parties prevailed in part on BCRCC's claims. Where both parties are partially successful, it is within this Court's discretion to decline an attorney fee award to either side.[40] Given the results detailed above, neither party prevailed and each shall bear its own attorney fees and costs.

**Order**

Based upon the foregoing analysis, the BCRCC's Motion to Disallow is **granted**. The parties to this litigation shall bear their own costs and fees.

**IT IS SO ORDERED.**

DATE: 4/23/2025 4:18:01 PM.

DARREN B. SIMPSON
District Judge

[40] *Jorgensen v. Coppedge*, 148 Idaho 536, 538, 224 p.3d 1125, 1127 (2010); *Israel v. Leachman*, 139 Idaho 24, 27, 72 P.3d 864, 867 (2003).

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on April 24, 2025, that a full, true and correct copy of the foregoing Order Granting Plaintiffs' Motion to Disallow Costs and Fees was served on the parties listed below by ICourt e-mail.

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PAMELA W. ECKHARDT, Clerk of the Court

By: Brandee Cammack
Deputy Clerk
**4/24/2025 9:47:22 AM**

DISTRICT COURT SEVENTH JUDICIAL DISTRICT STATE OF IDAHO BINGHAM COURT