

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DAVID M. EVANS, an individual; RON
PICKENS, an individual, d/b/a P & D
CONSTRUCTION, an Idaho sole
proprietorship; SAGE CONSTRUCTION, LP,
an Idaho limited partnership;

Plaintiffs,

v.

SHOSHONE-BANNOCK LAND USE
POLICY COMMISSION; NATHAN SMALL,
as Chairman of the Fort Hall Business Council;
GLENN FISHER, as a member of the Fort Hall
Business Council; LEE JUAN TYLER, as a
member of the Fort Hall Business Council;
DEVON BOYER, as a member of the Fort Hall
Business Council; TINO BAIT, as a member of
the Fort Hall Business Council; BLAINE
EDMO, as a member of the Fort Hall Business
Council; DARRELL DIXEY, as a member of
the Fort Hall Business Council; TONY
GALLOWAY, SR., as Chairman of The
Shoshone-Bannock Land Use Policy
Commission; CASPER APPENAY, as a
member of the Shoshone-Bannock Land Use
Policy Commission; JOHN FRED, as a member
of the Shoshone-Bannock Land Use Policy
Commission; ARNOLD APPENAY, as a
member of the Shoshone-Bannock Land Use
Policy Commission; and GEORGE
GUARDIPEE, as a enforcement official of the
Shoshone-Bannock Land Use Policy
Commission; TRIBAL JUDGES JOHN DOES,
as a Tribal Judicial officer(s),

Defendants.

Case No. 4:12-CV-417-BLW

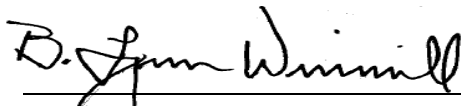
ORDER

The defendants seek attorney fees, arguing that the plaintiffs brought this action in bad faith. The Court disagrees. As the Court's decision made clear, the law governing this case is far from clear. *See Memorandum Decision (Dkt. No. 62)*. The plaintiffs' legal arguments raised difficult issues that were not definitively addressed by the existing case law. Consequently, the Court cannot find that the plaintiffs proceeded in bad faith. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion for attorney fees (docket no. 69) is DENIED.



DATED: April 19, 2013


Honorable B. Lynn Winmill
Chief U. S. District Judge