

SUMMARY STATEMENT

Herndon v. City of Sandpoint, Docket No. 48975

This case stemmed from a 2019 lease by the City of Sandpoint (“the City”) to The Festival at Sandpoint (“The Festival”) to operate a multi-day music concert series in War Memorial Field Park. The Festival had a long-standing policy of prohibiting weapons, including firearms, at the event. On August 9, 2019, Scott Herndon and Jeff Avery purchased tickets to the music festival and attempted to enter. Avery openly carried a firearm and Herndon possessed a firearm either on his person or in a bag. Security personnel for the event denied entry to both. Herndon and Avery eventually left the music festival and received a refund for their tickets. Herndon, Avery, the Idaho Second Amendment Alliance, Inc., and the Second Amendment Foundation, Inc. (collectively, “the Appellants”), subsequently sued the City and The Festival. They asserted several claims, including seeking injunctive relief prohibiting the Respondents from violating the Idaho and United States Constitutions, particularly the Second Amendment and the Idaho Constitution’s provision securing the right to keep and bear arms in public for all lawful purposes. The district court ultimately granted the City’s and The Festival’s motions for summary judgment, awarded both attorney fees and costs, and dismissed all the Appellants’ claims with prejudice. The Appellants timely appealed.

The Idaho Supreme Court held that the lease between the City and The Festival was valid and The Festival, as a private tenant, had the authority to limit who visited the premises of the leasehold. The Court further affirmed the district court’s decision granting summary judgment to the City and The Festival on the Appellants’ 42 U.S.C. section 1983 and section 1985 civil rights claims. Finally, the Court affirmed the district court’s decision to award attorney fees to the City and The Festival.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******