



TETON COUNTY OFFICE OF THE
PROSECUTING ATTORNEY

FOR IMMEDIATE RELEASE

January 31, 2022

**Teton County Wins Summary Judgment and Attorney Fees From Eagle Rock
Timber, Inc.**

On August 13, 2021, Teton County was granted summary judgment in a lawsuit filed by against Eagle Rock Timber, Inc. (“Eagle Rock”) regarding a Public Works contract for a road reconstruction project. Following summary judgment, Eagle Rock filed a Motion to Reconsider, and it was denied on November 17, 2021. On January 27, 2022, Eagle Rock was subsequently ordered by District Judge Stevan Thompson to pay the County’s attorney fees in the amount of \$50,000.00, and the County’s costs, in the amount of \$140.08.

In April 2018, Eagle Rock bid on and was awarded a Public Works contract (the “Contract”) with Teton County to reconstruct a 1.6 mile stretch of county road known as Chapin Lane for a fixed price of \$754,851.08. After completing the project, Eagle Rock alleged that it was owed \$649,600 over the agreed contract price for additional work that was not anticipated in its original bid or the Contract.

Throughout the case, the County maintained that it had paid the contract price and that it was not obligated to pay any additional amount that was not approved or agreed through the change order process specified in the Contract.

At summary judgment, the Court rejected Eagle Rock’s arguments that Teton County had breached an express or implied contract. The Court also found Eagle Rock’s allegations of verbal agreement to changes by the County’s project engineer insufficient to create any genuine issue of material fact where such individual lacked any actual, apparent, or implied authority to bind the County to any modification of the Contract, especially for a modification amount almost equal to the original contract price.

Teton County was represented in this case by Hopkins Roden Crockett Hansen & Hoopes, PLLC, as overseen by Teton County Prosecuting Attorney Bailey Smith

Links:

Eagle Rock’s original Complaint can be found [here](#).

Teton County’s Brief in Support of Teton County’s Motion for Summary Judgment can be found [here](#).



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The District Court's Decision and Order Re: Motion for Summary Judgment can be found [here](#).

Teton County's Brief in Support of Teton County's Second Motion for Summary Judgment can be found [here](#).

The District Court's Decision and Order Re: Second Motion for Summary Judgment can be found [here](#).

Teton County's Motion for an Award of Attorney Fees and Costs on Favor of Defendant can be found [here](#).

The District Court's Decision and Order Re: Attorney Fees and Costs can be found [here](#).

The District Court's Judgment can be found [here](#).

Additional information and documents regarding this case, CV41-20-0117, can be found on the iCourt Portal [here](#).