



TETON COUNTY OFFICE OF THE
PROSECUTING ATTORNEY

FOR IMMEDIATE RELEASE

April 21, 2022

Teton County Defeats Developer TCR, LLC's Claim for Attorney's Fees and Costs

Today, District Judge Steven Boyce denied an award of attorney's fees and costs claimed by TCR, LLC's in an appeal action against Teton County.

On January 4, 2021, TCR, LLC ("TCR"), the developer of Teton Creek Resort in Driggs, filed a petition seeking judicial review of the Teton County Board of County Commissioners' October 2013, 2020 denial of a plat amendment filed by TCR on September 21, 2020. On January 27, 2022, Judge Boyce remanded the case to the Teton County Board of County Commissioners (the "Board") to provide written findings of fact and conclusions of law supporting the denial of the application in accordance with the requirements of the Local Land Use Planning Act. TCR then filed a memorandum on February 10, 2022 requesting an award of \$37,236.00 in attorney's fees and costs.

In his decision to deny TCR attorney's fees and costs, Judge Boyce agreed with Teton County's argument that TCR was not the prevailing party in the case because TCR never sought remand in its prayer for relief and nothing in the Court's January 27 decision reversed the Board's decision or required the plat amendment to be approved or recorded, as request by TCR.

Teton County was represented in this case by outside counsel Hall Angell & Associates LLP, as overseen by Teton County Prosecuting Attorney Bailey Smith.

Links:

Judge Boyce's January 27, 2022 Memorandum Decision on Petition for Judicial Review can be found [here](#).

Teton County's Memorandum in Support of Motion to Disallow Petitioner's memorandum or Costs and Fees can be found [here](#).

Judge Boyce's April 21, 2022 Order re: Attorney's Fees and Costs can be found [here](#).

Additional information and documents regarding this case, CV41-21-0001, can be found on the iCourt Portal [here](#).