



TETON COUNTY OFFICE OF THE
PROSECUTING ATTORNEY

FOR IMMEDIATE RELEASE

October 25, 2022

Teton County Prevails in Federal Court Against Developer TCR, LLC's Request for Preliminary Injunction

Today, Judge Claire R. Kelly of the United States District Court for the District of Idaho denied plaintiff TCR, LLC's request for preliminary injunction against Teton County.

On June 16, 2022, following defeat in two previous lawsuits against Teton County, TCR, LLC ("TCR"), the developer of Teton Creek Resort in Driggs, filed a third lawsuit against the county related to the Teton County Board of County Commissioners' October 2020 denial of a plat amendment filed by TCR in September 2020. TCR's newest complaint alleged a breach of contract claim, a promissory estoppel claim and a deprivation of rights claim under 42 U.S.C. § 1983. The complaint also requested a preliminary injunction to require Teton County to rescind its April 2022 stop work order and change of status for building permits associated with Lot 12B (the property that is the subject of the rejected plat amendment) and enjoin the county from taking any further action to prevent TCR from moving forward with construction work on Lot 12B. Teton County removed the case to federal court from state court on June 28, 2022 and successfully opposed TCR's motion for preliminary injunction.

In her decision to deny TCR's request for preliminary injunction, Judge Kelly found that TCR failed to show that it was probable its case would succeed on the merits, that it would suffer irreparable harm if the preliminary injunction was not granted or that the balance of hardships or public interest weighed in TCR's favor.

Teton County has asked Judge Kelly to stay the remainder of the case pending TCR's appeal to the Idaho Supreme Court of the prior case (CV41-20-0281) decided by the District Court of the Seventh Judicial District of the State of Idaho.

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

Links:

Judge Kelly's October 25, 2022 Memorandum Decision and Order Re: Motion for Preliminary Injunction can be found [here](#).

Additional information and documents regarding this case, 4:22-cv-000268-CRK, can be found on PACER [here](#).



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Additional information and documents regarding the case on appeal, CV41-20-0281, can be found on the iCourt Portal [here](#).