

BOISE, WEDNESDAY, JUNE 3, 2026 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ISAAC LUDWIG, an individual,)	
)	
Plaintiff-Appellant,)	
)	
v.)	
)	
ROBERT HOWARD a.k.a. BOB HOWARD,)	
an individual; HOWARD GRAZING)	Docket No. 52067
ASSOCIATION, LLC, an Idaho limited)	
liability company; IDAHO)	
TRANSPORTATION DEPARTMENT, an)	
executive department in the State of Idaho,)	
)	
Defendants-Respondents,)	
)	
and)	
)	
DOES I -V,)	
)	
Defendants.)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Theodore Fleming, District Judge.

Evan S. Mortimer, Litster Frost Injury Lawyers, Boise, for Appellant, Isaac Ludwig.

Ryan B. Peck, Pocatello, for Respondent, Robert Howard a/k/a Bob Howard.

Raúl R. Labrador, Idaho Attorney General, Tyler D. Williams and Reid K. Peterson, Nelson Williams, Special Deputy Attorneys General, Boise, for Respondent, Idaho Transportation Department.

Robert R. Gates, Eagle, for Respondent, Howard Grazing Association, LLC.

This case arises out of a collision between a motorist and a cow on Interstate 84 (I-84) in Elmore County, Idaho. The motorist, Isaac Ludwig, sued the owner of the cow, Bob Howard, and the owner of the grazing permits near the scene of the accident Howard Grazing Association, LLC (collectively, Howard Defendants), alleging that their negligence caused the cow to enter the fenced federal interstate. Ludwig also sued the Idaho Transportation Department (ITD), alleging

that IDT was negligent in failing to warn motorists of the potential presence of livestock on the interstate. The district court granted summary judgment in Defendants' favor and denied Ludwig's subsequently motion for reconsideration.

On appeal, Ludwig asserts that this case presents a matter of first impression regarding the application of Idaho's open range laws to federal interstate highways and the extent of ITD's responsibility to reasonably repair and maintain the interstate, including fencing, to protect the traveling public. Ludwig raises numerous issues, including (1) whether I-84 qualifies as an "open range" as defined by Idaho Code section 25-2118; (2) whether Idaho's "fence-out" rule applies to personal injury damages; (3) whether federal law preempts Idaho's open range statutes; (4) whether ITD owed or assumed a duty of care to maintain I-84; (5) whether ITD had a duty to warn Ludwig of the potential presence of cattle on I-84; and (6) whether ITD is entitled to highway design immunity or discretionary function immunity.