

**BOISE, WEDNESDAY, MAY 6, 2026, AT 8:45 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**JAMES ROBERT "JIM BOB" and )  
SHARON INFANGER, husband and wife, )  
individually, and as natural parents of )  
CHELSEA BRITTNEY INFANGER, )  
deceased; and JAMES ROBERT "JIM BOB" )  
INFANGER, as Personal Representative of )  
the ESTATE OF CHELSEA BRITTNEY )  
INFANGER, deceased, )**

**Plaintiffs-Appellants,**

**v.**

**THE STATE OF IDAHO, IDAHO )  
DEPARTMENT OF TRANSPORTATION, )  
DIVISION OF AERONAUTICS, )**

**Defendants-Respondents,**

**Docket No. 52692**

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Jonathan Medema, District Judge.

Mossman Law Office, Boise, and Katzman Lampert & Stoll, Broomfield, Colorado, for Appellants.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

Chelsea Brittany Infanger suffered fatal injuries when the Cessna she was piloting struck a set of exhaust stacks on the roof of Gem State Processing, LLC, as she approached the Burley Municipal Airport. Her parents, James Robert Infanger and Sharon Infanger, brought this wrongful death action against the City of Burley; the City of Heyburn; Minidoka County; Gem State Processing, LLC; Burley Park L.C., Gem State's lessor; and the Idaho Department of Transportation's Division of Aeronautics. The Infangers alleged that the defendants negligently allowed the exhaust stacks to be erected into busy airspace adjacent to the Burley Airport.

All of the defendants reached a settlement with the Infangers except the Division of Aeronautics. The Division moved for summary judgment on the grounds that it owed no duty to Ms. Infanger to competently regulate Gem State's exhaust stacks and that it was immune from suit under the Idaho Tort Claims Act. The district court agreed, ruling that the Division owed no duty to Ms. Infanger under negligence per se, special-relationship, or third-party-beneficiary theories.

On appeal, the Infangers contend that the district court erred in its duty rulings. They argue that the Airport Zoning Act created a duty in the Division to effectively regulate Gem State's exhaust stacks to protect Ms. Infanger as a pilot. Alternatively, they assert that the same duty arose from a special relationship between Ms. Infanger and the Division, and that Ms. Infanger was an intended third-party beneficiary of the contract between the Division and the Federal Aviation Administration under which the Division conducts public airport safety inspections.