

BOISE, WEDNESDAY, MAY 13, 2026, AT 8:45 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

MARK HEATH,)	
)	
Plaintiff-Appellant,)	
)	
v.)	
)	Docket No. 52344
TAIT OLAVESON, DO,)	
)	
Defendant-Respondent,)	
_____)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County. Michael J. Whyte, District Judge.

Browning Law, Idaho Falls, for Appellant.

Powers Farley, PC, Boise, for Respondent.

This appeal arises from a medical malpractice action brought by Mark Heath against Dr. Tait Olaveson, DO. The district court granted Dr. Olaveson’s motion for summary judgment after striking both Heath’s first expert affidavit and amended expert affidavit. The district court determined that Heath’s medical expert’s opinion was inadmissible because he failed to demonstrate foundation to testify to the community standard of care under Idaho Code sections 6-1012 and 6-1013. Accordingly, the district court concluded that Heath had failed to present admissible evidence on an essential element of his claim and dismissed the action. After entering judgment, the district court also awarded Dr. Olaveson costs under Idaho Rule of Civil Procedure 54(d).

On appeal, Heath alleges that the district court (i) applied the incorrect summary judgment standard, (ii) abused its discretion in failing to acknowledge that the applicable standard of care in this matter is the national standard of care, (iii) improperly weighed evidence at summary judgment, (iv) failed to take judicial notice that Idaho Falls and Pocatello are the same medical community for purposes of Idaho Code §§ 6-1012 and 6-1013, and (v) prematurely awarded attorney fees or costs to Dr. Olaveson.