

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ORIN DUFFIN,

Plaintiff,

v.

IDAHO STATE UNIVERSITY, *et. al.*,

Defendants.

Case No. 4:16-cv-00209-BLW

ORDER

In the Court's December 21, 2017 Memorandum Decision and Order, the Court determined that it must certify a question to the Idaho Supreme Court regarding Duffin's Negligence and Gross Negligence claims (Counts VI & VII). The Court suggested the following question:

Is there a "special relationship" between Plaintiff Orin Duffin and Defendant Idaho State University which would fulfill the duty prong of a negligence claim?

However, the Court gave the parties an opportunity to suggest changes to the question. The Court has now received the parties' suggestions. After reviewing the parties' briefs, the Court will certify the following question to the Idaho Supreme Court:

ORDER - 1

Does a “special relationship” exist between Plaintiff Orin Duffin, a student athlete, and Defendant Idaho State University, which imposes a duty upon Idaho State University to protect Orin Duffin from discriminatory or harassing conduct by Idaho State University employees?

IT IS SO ORDERED.



DATED: January 29, 2018

B. Lynn Winmill

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Chief U.S. District Court Judge