



Pit bull attack leaves child with severe, life-altering injuries

Type: Decision-Plaintiff

Amount: \$7,500,000

State: Ohio

Venue: Hamilton County

Court: Hamilton County, Court of Common Pleas, OH

Injury Type(s):

- *neck*
- *other* - tongue
- *epidermis* - bite mark
- *face/nose* - face; facial laceration; scar and/or disfigurement, face
- *sensory/speech* - speech/language, impairment of

Case Type:

- *Animals* - Dog Bite
- *Premises Liability*

Case Name: Zainabou Drame, Ibnou Drame, Individually and as Parent and Natural Guardian of Zainabou Drame, and Tanina Drame, Individually, and as Parent and Natural Guardian of Zainabou Drame v. Zontae Irby and Volores Lee a/k/a Volores White, No. A-1500088

Date: November 05, 2015

Plaintiff(s):

- Zainabou Drame (Female, 6 Years)

Plaintiff Attorney(s):

- Matt Nakajima; O'Connor Acciani & Levy Co., LPA; Cincinnati OH for Zainabou Drame

Defendant(s):

- Zontae Irby
- Volores White

Defense Attorney(s):

- None reported for Zontae Irby, Volores White

Facts:

On June 4, 2014, plaintiff Zainabou Drame, 6, was playing on the street outside her home in Westwood when she was attacked and mauled by two pit bulls belonging to neighbors. Zainabou suffered severe facial and throat injuries.

Ibnou and Tanina Drame, individually and as parents and natural guardians of Zainabou Drame, sued the dogs' owner, Zontae Irby, who lived with his mother, Volores White, in a house on Aquadale Lane. White was also named as a defendant.

Investigation revealed that the pit bulls were among three watch dogs that guarded the Irby/White home, which law enforcement officials allegedly regarded as a drug house. Irby was arrested after the incident and pleaded no contest to marijuana trafficking charges. He was sentenced to a two-year prison term. His mother claimed the dogs did not belong to her and the attack did not happen on her property. (Neither White nor Irby were charged criminally for the attack.)

Both White and Irby failed to properly respond to the lawsuit, which led to the entry of a default and a referral to a magistrate for a determination of damages.

Injury:

Zainabou Drame was attacked by two pit bulls. Witnesses said one dog was thrashing its head back and forth with Zainabou in its mouth.

The dogs nearly bit off Zainabou's tongue, tore her windpipe and disfigured her face. When police arrived, one officer cleared Zainabou's airway and cradled her in his arms until EMTs arrived. After one of the dogs lunged at an officer, police shot and killed both dogs.

Zainabou was taken to a nearby hospital, where she underwent surgery to repair her wounds. She has undergone at least a dozen surgeries since then. Her medical bills from Cincinnati Children's Hospital Medical Center totaled more than \$1 million.

Medical facilities in the area of Zainabou's home have been providing treatment to her knowing that she and her family do not have the ability to pay. Doctors project that Zainabou will have to undergo multiple facial reconstruction surgeries during her life. Her tongue was nearly severed in the attack and had to be removed.

Zainabou will never be able drink or eat solid food again. She is fed through a tube in her stomach. She will never be able to talk in a normal sense and has great difficulty with any sort of verbal communication. She has learned to communicate through sign language. She will need care the rest of her life.

Zainabou returned to school within several months of the attack and is achieving a very high grade level. In addition to mastering sign language, Zainabou dances ballet and is learning to play the cello.

Result:

After the defendants defaulted, the matter was referred to a magistrate who, following a proof hearing, arrived at a damages award of \$7.5 million. That award was subsequently approved by Judge Jody Luebbers and judgment was entered against defendants Irby and White for that amount.

In a handwritten objection to the proposed judgment, White said her son was living in her house temporarily. White told Judge Luebbers that the dogs belonged to her son and that she did not feed or otherwise tend to them. White also said she did not know how the dogs got loose that day.

Trial Information:

Judge: Jody Luebbers

Editor's Comment: This report is based on information that was provided by plaintiff's counsel. The defendants were not represented by counsel and were not asked to contribute to the report.

Writer Jon Steiger

Attack by German shepherds caused severe leg injuries: suit

Type: Settlement

Amount: \$1,500,000

State: Ohio

Venue: Trumbull County

Court: Trumbull County, Court of Common Pleas, Warren, OH

Injury Type(s):

- *leg* - scar and/or disfigurement, leg
- *other* - infection; laceration; loss of tissue; physical therapy; decreased range of motion
- *neurological* - radiculopathy; nerve damage/neuropathy; reflex sympathetic dystrophy; complex regional pain syndrome
- *arterial/vascular* - embolism; deep vein thrombosis
- *surgeries/treatment* - debridement
- *mental/psychological* - post-traumatic stress disorder

Case Type:

- *Animals* - Dog Bite; Animal Control

Case Name: Rebecca Scofield and Richard Scofield v. David Hanson and Administrator, Ohio Bureau of Workers' Compensation, No. 2018 CV 02104

Date: February 20, 2020

Plaintiff(s):

- Rebecca Scofield (Female, 52 Years)
- Richard Scofield

Plaintiff Attorney(s):

- Ryan H. Fisher; Lowe Scott Fisher Co., LPA; Cleveland OH for Richard Scofield, Rebecca Scofield
- Kyle B. Melling; Lowe Scott Fisher Co., LPA; Cleveland OH for Richard Scofield, Rebecca Scofield

Plaintiff Expert(s):

- Alex L. Constable; Economics; Hudson, OH called by: Ryan H. Fisher, Kyle B. Melling
- Jung M. Kim M.D.; Occupational Therapy; Boardman, OH called by: Ryan H. Fisher, Kyle B. Melling
- Heidi Peterson C.R.C.; Vocational Rehabilitation; Peninsula, OH called by: Ryan H. Fisher, Kyle B. Melling
- Thomas B. Jones Jr., M.D.; Orthopedics; Warren, OH called by: Ryan H. Fisher, Kyle B. Melling
- Michael Shikashio; Dogs; Mystic, CT called by: Ryan H. Fisher, Kyle B. Melling
- Jennifer L. Kos Psy.D.; Psychology/Counseling; Boardman, OH called by: Ryan H. Fisher, Kyle B. Melling
- Marianne Boeing R.N.; Life Care Planning; Chagrin Falls, OH called by: Ryan H. Fisher, Kyle B. Melling
- Stephanie A. Kopey D.O.; Physical Medicine; Warren, OH called by: Ryan H. Fisher, Kyle B. Melling

Defendant(s):

- David Hanson
- Administrator, Ohio Bureau of Workers' Compensation

Defense Attorney(s):

- Bartholomew T. Freeze; Freund, Freeze & Arnold; Columbus, OH for David Hanson
- None reported for Administrator, Ohio Bureau of Workers' Compensation
- Harry J. DePietro; The DePietro Law Office LLC; Girard, OH for David Hanson

Defendant Expert(s):

- Katie L. Costello R.V.T.; Dogs; Hubbard, OH called by: for Bartholomew T. Freeze, Harry J. DePietro
- Kenneth A. Mankowski D.O.; Neurology; Westerville, OH called by: for Bartholomew T. Freeze, Harry J. DePietro
- Michael A. Murphy Ph.D.; Psychology/Counseling; Cleveland, OH called by: for Bartholomew T. Freeze, Harry J. DePietro
- Stanley D. Gehrt; Wildlife; Columbus, OH called by: for Bartholomew T. Freeze, Harry J. DePietro

Insurers:

- PURE Insurance

Facts:

On Jan. 22, 2018, plaintiff Rebecca Scofield, 52, a laborer, was walking in her employer's parking lot on Warren Road, in Newton Falls. She alleged that she was attacked and bitten by three German shepherds. Scofield claimed injuries to her legs.

Scofield sued David Hanson, who was believed to be the owner of the German shepherds. Scofield alleged that Hanson negligently failed to control his dogs. The Ohio Bureau of Workers' Compensation was also sued for subrogation purposes.

Hanson lived adjacent to Scofield's employer. Several of Hanson's co-workers stated in depositions that the dogs belonged to Hanson. The co-workers further maintained that Hanson often allowed the dogs to run loose outside his home.

While Hanson admitted that he owned three German shepherds, he maintained that the dogs were kept in an enclosed area. The defense additionally retained a dog behavior expert who claimed that Hanson's pets had no dangerous or vicious tendencies. The defense thus contended that the dogs that attacked Scofield must have been strays.

The defense retained a wildlife biologist who disputed whether Hanson was mauled by dogs at all. The expert opined that the incident did not have the trademarks of a typical dog attack.

Injury:

Scofield was placed in an ambulance and transported to St. Joseph Warren Hospital. She was treated and released. She did not receive stitches out of concern for infection.

Scofield suffered severe lacerations on both of her legs. The lacerations went down to the bone, causing tissue loss and nerve damage. The lacerations became infected, necessitating surgery within two months of the incident. The procedure included debridement of damaged tissue.

Scofield also developed deep vein thrombosis and a pulmonary embolism. She had two short hospital admissions following her initial emergency room visit.

Scofield was ultimately diagnosed with bilateral complex regional pain syndrome. She received nerve block injections and had a pain stimulator implanted. She also underwent various tests, received physical therapy and pain management treatment, and treated at a wound care clinic.

Scofield additionally began seeing a psychologist after the attack. She was diagnosed with post-traumatic stress disorder. This treatment was ongoing at the time of the settlement.

Scofield claimed she will need continued psychological treatment, plus pain management care and physical therapy, for the rest of her life. She alleged that she has limited range of motion in her legs and can barely walk. She also claimed that she needs her husband's assistance with daily activities such as bathing and getting dressed, and that she is no longer able to work.

Scofield sought recovery of past and future medical expenses, past and future lost earnings, damages for past and future pain and suffering, and punitive damages. Her husband, Richard Scofield, filed a derivative claim. Scofield's gross medical expenses were \$135,000.

The defense disputed whether Scofield had post-traumatic stress disorder or complex regional pain syndrome. The defense also maintained that Scofield could return to work.

Result:

The parties negotiated a pretrial settlement. Hanson's insurer agreed to tender its \$1.5 million policy. The settlement resolved both Rebecca and Richard Scofield's claims.

Trial Information:**Trial Length:** 0**Trial
Deliberations:** 0**Editor's
Comment:** This report is based on information that was provided by plaintiffs' counsel. Additional information was gleaned from court documents. Hanson's counsel did not respond to the reporter's phone calls, and the Ohio Bureau of Workers' Compensation's counsel was not asked to contribute.**Writer** Melissa Siegel

Dog bite led to permanent injury to dominant hand: lawsuit

Type: Mediated Settlement

Amount: \$200,000

State: Ohio

Venue: Clermont County

Court: Clermont County, Court of Common Pleas, Batavia, OH

Injury Type(s):

- *other* - laceration; physical therapy; nondisplaced fracture
- *hand/finger* - hand; fracture, finger
- *surgeries/treatment* - debridement

Case Type:

- *Animals* - Dog Bite; Animal Control

Case Name: Patricia Harrington and Robert Harrington v. William T. Miller and John Does 1 through 5 Inclusive, Defendants Whose Names are Unknown to Plaintiffs at this time, No. 2018 CVC 00839

Date: March 11, 2019

Plaintiff(s):

- Robert Harrington
- Patricia Harrington (Female, 55 Years)

Plaintiff Attorney(s):

- William J. Price; Elk & Elk Co., Ltd.; Mayfield Heights OH for Robert Harrington, Patricia Harrington

Plaintiff Expert(s):

- Scott Zimmer M.D.; Hand Surgery; Chardon, OH called by: William J. Price

Defendant(s):

- William T. Miller

Defense Attorney(s):

- Matthew M. Duffy; Hanover Insurance Co.; Independence, OH for William T. Miller

Insurers:

- Hanover Insurance Co.

Facts: On July 23, 2016, plaintiff Patricia Harrington, 55, a sales representative, visited the home of William Miller, on Clemons Lane, in Batavia. Harrington was attacked by a Belgian Malinois dog, which latched onto her left hand, resulting in injuries to that hand.

Harrington sued Miller. She alleged that Miller was strictly liable for the action of the dog that was under his care.

Miller was a professional dog trainer who specialized in training police dogs. Harrington was at Miller's home to visit her son, who was helping Miller with his training. At the time, Miller was training the Belgian Malinois to become a K-9 dog. The attack reportedly happened while Miller was demonstrating the tricks the dog could perform. Since Miller was training the animal to be a police dog, Harrington believed Miller knew about the dog's vicious tendencies.

Injury: Harrington's husband drove her to Mercy Health - Clermont Hospital from the scene. She had a laceration to the palm of her left, dominant hand. She also had a non-displaced fracture to the fourth finger of that hand.

Harrington had surgery on her hand that day. The procedure included stabilization of the fracture and debridement of the wound. She was released the same day.

Harrington then began treating with a hand surgeon. She had six months of post-surgery treatment, which included pain management care and physical therapy.

Harrington said that the injury caused permanent loss of use to her hand. She specifically said that she has loss of movement in her finger. She also has no grip strength and is unable to squeeze items. She said this makes it hard for her to pick up items, as well. Specifically, she claimed she is now unable to knit, help her husband with his mechanic's business, grip a coffee cup or remove a bottle top. She was recommended for tendon surgery on her hand, though she had not had this procedure at the time of the settlement.

Harrington missed three months of work after the dog attack. She also claimed that her injuries now make her job more difficult.

Harrington sought \$15,379.78 in past medical expenses and \$10,963.46 in past lost earnings. She also sought future medical expenses and damages for her past and future pain and suffering. Her husband sought damages for loss of consortium.

The defense disputed the nature and extent of Harrington's injuries.

Result: The parties negotiated a pretrial settlement. Miller's insurer agreed to pay \$200,000, from a policy that provided \$300,000 of coverage. The negotiations were mediated by James P. Carrabine.

Trial Information:

Judge: James P. Carrabine

**Editor's
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

Writer Melissa Siegel

Animals - Dog Bite - Settlement

Type: Settlement

Amount: \$175,000

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *elbow*
- *wrist - fracture, wrist*

Case Type:

- *Animals - Dog Bite*

Case Name: John Doe 1, et al. v. John Roe Dog Owner, et al., No. WITHHELD

Date: November 01, 2011

Plaintiff(s):

- John Doe 1, et al. (Male, 32 Years)

Plaintiff Attorney(s):

- Rubin Guttman; ; Cleveland OH for John Doe 1, et al.

Plaintiff Expert (s):

- John Shaffer M.D.; Orthopedics; Cleveland, OH called by:

Defendant(s):

- John Roe Dog Owner, et al.

Defense Attorney(s):

- Withheld upon request of the counsel. for John Roe Dog Owner, et al.

Facts: A personal injury suit was brought by a pedestrian who was attacked by a dog. The plaintiff alleged the dog attack was unprovoked and this was not the first time the dog had bitten someone. The case settled for \$175,000.

Plaintiff, age 32, was walking on a sidewalk. Defendant's dog got loose, charged at plaintiff and then grabbed plaintiff's arm with its teeth. Plaintiff fell to the ground.

Plaintiff alleged that defendant was liable for the actions of his dog. Plaintiff claimed he suffered a fractured left wrist, which required internal fixation with pins and plates. He also suffered bruises and lacerations to his elbow, A second surgery was also required. Plaintiff achieved a nearly-full recovery, with minimal permanent impairment. Defendant agreed to settle the case without admitting liability.

Plaintiff was a 32-year-old married male who was a professional.

Injury: Multiple compound fracture of the left wrist, requiring two surgeries; and bruises and lacerations to the left elbow. Plaintiff claimed \$43,215 in past medicals.

Result: \$175,000

Trial Information:

Editor's Comment: Per plaintiff's attorney, the fact that the dog had previously bitten someone else influenced the outcome of this case.

Writer

Animals - Dog Bite - Strict Liability

Type: Verdict-Plaintiff

Amount: \$126,900

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *epidermis*
- *face/nose* - scar and/or disfigurement, face

Case Type:

- *Animals - Dog Bite*
- *Premises Liability*

Case Name: Madison H. Szakacs and Brandi Szakacs v. Cynthia Ratajczak, No. CV-09-682171

Date: November 19, 2009

Plaintiff(s):

- Brandi Szakacs
- Madison H. Szakacs (Female, 4 Years)

Plaintiff Attorney(s):

- Gary Cowan; ; Mayfield Heights OH for Brandi Szakacs

Plaintiff Expert (s):

- Arun Gosain M.D.; Pediatric Plastic Surgery; Cleveland, OH called by:

Defendant(s):

- Cynthia Ratajczak

Defense Attorney(s):

- Thomas M. Coughlin Jr.; Cleveland, OH for Cynthia Ratajczak

Insurers:

- State Farm

Facts: A young girl was bitten on the face by a dog and sought damages under a strict liability theory. The defendant disputed damages. A Cuyahoga County jury awarded the child \$126,900.

Plaintiff Madison Szakacs, age 4, and her father were guests at the home of Defendant Cynthia Ratajczak. Defendant owned an Akita dog that bit Madison on the face. This lawsuit was filed on behalf of Madison by her mother, Plaintiff Brandi Szakacs.

Plaintiffs alleged that defendant was strictly liable under Ohio's dog bite statute. Plaintiffs argued that Madison would have permanent facial scarring, even after future scar revision surgery is performed.

Defendant admitted liability, but contested plaintiff's damages. Specifically, defendant questioned the value of the scarring suffered by plaintiff.

Plaintiff Madison was a 4 year old female.

Injury: Dog bite to the face requiring stitches and future scar revision. Plaintiff Madison had a permanent scar near her eye and cheek. She incurred \$13,644 in past medicals.

Result: \$126,900. Breakdown: \$13,644 for past medical specials, \$52,428 for past pain and suffering \$8,400 for future medical expenses and \$52,428 for future pain and suffering.

Trial Information:

Judge: John P. O'Donnell

**Trial
Deliberations:** 3 hours

Writer

Animals - Loose Dogs - Strict Liability

Type: Decision-Plaintiff

Amount: \$112,197

State: Ohio

Venue: Lorain County

Court: Lorain County, Court of Common Pleas, Elyria, OH

Injury Type(s):

- *shoulder* - rotator cuff, injury (tear)

Case Type:

- *Animals* - Dog Bite
- *Civil Rights* - Police as Defendant

Case Name: Raymond Starks v. Samuel White, No. 11CV173896

Date: October 23, 2012

Plaintiff(s):

- Raymond Starks (Male, 36 Years)

Plaintiff Attorney(s):

- Jeffrey D. Lojewski; ; Cleveland OH for Raymond Starks

Defendant(s):

- Samuel White

Defense Attorney(s):

- Pro Se for Samuel White

Facts:

A man was injured when a police vehicle struck a bike he was pushing. The police officers were attempting to scare off three dogs that had approached the plaintiff and his daughter. A Lorain County Court of Common Pleas judge found that the owner of the dogs' in default and awarded \$112,197 to the plaintiff.

Plaintiff Raymond Starks was walking along a street in his neighborhood with his daughter. They were approached by three dogs, one of which was owned by Defendant Samuel White. Plaintiff, who was walking with his bike, used the bike to shield himself and his daughter from the dogs. Two police officers arrived. They sounded an air horn and used their vehicle in an attempt to chase off the dogs. One police vehicle struck the front tire of plaintiff's bike, resulting in an injury to the plaintiff's shoulder. Initially the police officer that drove and his employer were named as parties. They received a summary judgment.

Plaintiff alleged that he suffered a rotator cuff tear, for which White was strictly liable in that he allowed vicious dogs to run loose. Plaintiff had also pursued this case against the officer driving the police vehicle, as well as the officer's employer, but they were dismissed on summary judgment

Plaintiff was a 36-year-old male who was unemployed.

Injury:

Torn rotator cuff, necessitating surgery. Plaintiff had ongoing complaints of limitation of motion. He claimed approximately \$28,000 in medicals.

Result:

Bench trial award of \$112,197 for plaintiff.

Trial Information:**Judge:**

James M. Burge

Writer

Animals - Dog Bite - Nanny

Type: Settlement

Amount: \$75,000

State: Ohio

Venue: Lorain County

Court: Lorain County, Court of Common Pleas, Elyria, OH

Injury Type(s):

- *leg*
- *epidermis*

Case Type:

- *Animals - Dog Bite*
- *Premises Liability*

Case Name: Nicole Peairs v. Stephanie Lasker-Hubert and William Hubert, No. 09CV163656

Date: March 25, 2011

Plaintiff(s):

- Nicole Peairs (Female, 21 Years)

Plaintiff Attorney(s):

- David P. Miraldi; ; Lorain OH for Nicole Peairs

Plaintiff Expert (s):

- Roman Ringel M.D.; Plastic Surgery/Reconstructive Surgery; Cleveland, OH called by:

Defendant(s):

- Stephanie Lasker-Hubert and William Hubert

Defense Attorney(s):

- Terrence J. Kenneally; Fairview Park, OH for Stephanie Lasker-Hubert and William Hubert
- Bethanie E. Ricketts; Cleveland, OH for Stephanie Lasker-Hubert and William Hubert

Insurers: • None

Facts: A nanny was bitten by her employers' dog and sought damages for her injuries. Defendants did not dispute the incident occurred, but disputed damages. However, defendants did agree to a \$75,000 settlement, plus payment of a \$7,798 workers' compensation lien.

Plaintiff Nicole Peairs worked as a nanny for Defendants Nicole Lasker-Hubert and William Hubert. Plaintiff and one of the children were playing with defendants' Akita dog when the dog attacked her. Plaintiff sustained serious wounds from the attack, which required 200 stitches to repair.

Plaintiff was bitten on the elbow by defendants' dog several months prior to this incident and was allegedly told by defendants that the dog had never bitten before. However, evidence indicated that the previous nanny's son was also bitten by the dog. Plaintiff filed suit for common law negligence and strict liability. She argued that defendants' failure to disclose the prior bite incident entitled her to punitive damages. Plaintiff claimed permanent disfigurement as a result of the attack and claimed the need for future revision surgery.

After the attack, defendants initially maintained that plaintiff was an independent contractor and that they did not need to pay premiums for her into the workers' compensation system. After plaintiff filed her lawsuit, defendants sought to retroactively enroll in the workers' compensation program (one year post-accident), claimed that plaintiff was their employee and sought employer immunity for the lawsuit. The Bureau of Workers' Compensation found that the defendants were non-complaint employers at the time of the attack. As a result, defendants could not rely on that immunity defense and could be sued directly in state court.

Prior to trial, both parties filed partial motions for summary judgment on the issue of statutory liability. Defendants claimed the nanny was either a keeper or harbinger of the dog as a matter of law and not entitled to bring a claim under the statute. Plaintiff claimed she was neither a keeper or harbinger as a matter of law. The trial court agreed with plaintiff, granting plaintiff's motion for partial summary judgment and denying defendants' motion. The case was to proceed on the issue of common law liability and damages, but was settled on the eve of trial.

Plaintiff was a 21-year-old single female who worked as a nanny.

Injury: Dog bites to plaintiff's legs, arms, chest and back, which required 200 stitches. Wounds to plaintiff's thighs were serious and future revision surgery was recommended. Plaintiff had a workers' compensation lien of \$7,798. She sought future medicals of \$10,000 to \$12,000, as well as damages for pain and suffering and permanent disfigurement.

Result: \$75,000, plus payment of a workers' compensation lien of \$7,798.

Trial Information:

Judge: Christopher R. Rothgery

Writer

House guest had been warned not to touch dog: defense

Type: Verdict-Plaintiff

Amount: \$65,946

Actual Award: \$46,162

State: Ohio

Venue: Lucas County

Court: Lucas County, Court of Common Pleas, OH

Injury Type(s):

- *arm* - scar and/or disfigurement, arm
- *other* - laceration
- *epidermis* - bite mark
- *neurological* - nerve damage/neuropathy
- *surgeries/treatment* - skin graft

Case Type:

- *Animals* - Dog Bite
- *Premises Liability* - Residence

Case Name: Stephen Wolfe v. Russell Adkins and Richard Helminiak, No. G-4801-CI-20140430-000

Date: February 10, 2016

Plaintiff(s):

- Stephen Wolfe (Male, 40 Years)

Plaintiff Attorney(s):

- Kevin J. Boissoneault; Gallon, Takacs, Boissoneault & Schaffer Co., LPA; Toledo OH for Stephen Wolfe

Defendant(s):

- Russell Adkins
- Richard Helminiak

**Defense
Attorney(s):**

- None reported; None reported for Russell Adkins
- J. Mark Trimble; Rohrbachers, Cron, Manahan, Trimble & Zimmerman Co., LPA; Toledo, OH for Richard Helminiak

Insurers:

- State Farm Insurance Cos.

Facts:

On June 6, 2011, plaintiff Stephen Wolfe, 40s, a road construction worker, was at Russell Adkins' house. Adkins was assisting Wolfe with changing his motorcycle tire. They, along with three other friends, were in the garage. At the same time, Adkins' four-year-old Akita dog, weighing 90 to 100 pounds, was in the back yard. There was a gate between the side garage door and the yard. Wolfe reached over the gate to pet the dog and was bitten on the inner forearm.

Wolfe filed suit against Adkins, alleging negligence and strict liability. He also sued Richard Helminiak, the landlord and owner of the rental home in which Adkins resided.

Wolfe alleged that the dog had a history of two prior bites and that Adkins was strictly liable for Wolfe's injury.

At trial, Wolfe presented a letter from an attorney to Helminiak to evidence that Helminiak knew of at least one prior dog bite. As a result, Wolfe argued that Helminiak was negligent in allowing the dog to remain at the premises.

Adkins was in prison for murder at the time of the trial and had no representation. In the interim, the dog had been euthanized when Adkins could no longer take care of him.

Helminiak denied he knew of any prior dog bites and testified that he had never received the attorney's letter. Also, eyewitness testimony was presented that Wolfe had been told not to go near the dog, but he nonetheless reached over the gate to pet the dog.

Injury:

Wolfe suffered a dog bite to his inner forearm. He was rushed to the hospital by his friends and was admitted for four days for treatment of a laceration measuring approximately 1/4 to 1/2" in a circular dimension in the crux of the elbow of his right arm. Treatment included a wound vac and general monitoring.

A few weeks after the dog bite, Wolfe underwent skin grafting to the area of the wound. He followed up two times with a plastic surgeon.

Wolfe claimed permanent nerve damage on the outside of his arm to wrist and into the right thumb. He claimed \$33,024.11 in gross medicals (\$16,673.41 under Robinson v. Bates) and \$5,945.64 in lost wages. He also sought damages for pain and suffering.

Result:

The jury apportioned 30-percent liability to Wolfe, 60-percent liability to Adkins and 10-percent liability to Helminiak. The jury's award of \$65,945.64 was reduced to \$46,161.94 to reflect Wolfe's comparative negligence.

Trial Information:

Demand: \$100,000

Offer: None (Adkins); \$10,000 (Helminiak)

Trial Length: 3 days

Trial 1 hours

Deliberations:

Editor's This report is based on information that was provided by defense counsel for Helminiak.
Comment: Adkins was not represented by counsel and was not asked to contribute to the report.
Plaintiff's counsel did not respond to a request for comment.

Writer Carol Meirow

Animals - Pit Bull Dog - Facial Bite

Type: Verdict-Plaintiff

Amount: \$50,000

State: Ohio

Venue: Hamilton County

Court: Hamilton County, Court of Common Pleas, Cincinnati, OH

Injury Type(s): • *face/nose* - face; scar and/or disfigurement, face

Case Type: • *Animals* - Dog Bite
• *Domestic Relations*
• *Premises Liability*

Case Name: Tony Taylor, Lisa Taylor and Jet Taylor, Minor v. Julie Gallagher, et al., No. A0607943

Date: January 22, 2009

Plaintiff(s): • Jet Taylor (Male, 5 Years)
• Lisa Taylor
• Tony Taylor

Plaintiff Attorney(s): • G. Ernie Ramos Jr.; ; Cincinnati OH for Jet Taylor

Plaintiff Expert(s): • Lawrence Kurtzman M.D.; Plastic Surgery/Reconstructive Surgery; Cincinnati, OH called by:

Defendant(s): • Julie Gallagher, et al.

Defense Attorney(s): • Harry B. Plotnick; West Chester, OH for Julie Gallagher, et al.

Insurers: • None

Facts: A young boy was bitten in the face by defendant's dog, resulting in permanent injuries. The court returned a default judgment of \$50,000 in favor of plaintiffs.

Plaintiff Jet Taylor was 5 years old when he was visiting at a friend's house and was bitten on the face by a pit bull dog. Plaintiffs, including the child's parents, alleged the animal was owned by Defendant Julie Gallagher's boyfriend, who was visiting her home at the time. Plaintiffs argued that the child was attempting to pet the dog when the bite occurred and that there was no provocation.

Plaintiffs alleged that Defendant Julie Gallagher was responsible for the incident by not keeping the dog away from the child and/or should not have allowed the dog near plaintiff child. Plaintiffs alleged the child suffered permanent facial scarring as a result of the incident and faced future revision surgery at the time of this trial. The defenses presented at trial were unavailable for publication.

Plaintiff was a 5 year old male.

Injury: Dog bite to plaintiff child's face resulting in residual scarring. Future revision surgery was possible. Plaintiffs sought \$3,157 in past medicals, unspecified future medicals, and damages for pain and suffering and disfigurement.

Result: \$50,000 (default judgment)

Trial Information:

Judge: Steven E. Martin

Writer

Animals - Dog Bite - Strict Liability

Type: Verdict-Plaintiff

Amount: \$34,167

State: Ohio

Venue: Franklin County

Court: Franklin County, Court of Common Pleas, Columbus, OH

Injury Type(s):

- *face/nose - face*

Case Type:

- *Animals - Dog Bite*
- *Domestic Relations*
- *Premises Liability*

Case Name: Sally Trait Meyers, et al. v. Thomas Alexander and Kathleen Alexander, No. 10 CV 012259

Date: February 23, 2012

Plaintiff(s):

- Sally Trait Meyers, et al. (Male, 4 Years)

Plaintiff Attorney(s):

- Adam P. Richards; ; Columbus OH for Sally Trait Meyers, et al.

Defendant(s):

- Thomas Alexander and Kathleen Alexander

Defense Attorney(s):

- Heather R. Zilka; Columbus, OH for Thomas Alexander and Kathleen Alexander

Insurers:

- Auto-Owners

Facts:

A youngster visiting family members was bitten by a dog. This lawsuit was filed on his behalf against the relatives. The primary disagreement was over the extent of facial scarring. A Franklin County jury returned a \$34,167 verdict for the child.

Evan Meyers, age 4, and his parents were visiting the father's aunt and uncle, Defendants Thomas Alexander and Kathleen Alexander, over the Christmas holiday in 2007. While the child was opening a present, defendants' Australian Shepherd dog lunged at him and bit his cheek. The dog had no prior history of biting.

Plaintiff Sally Trait Meyers, who filed this lawsuit on behalf of her son, sued under Ohio's strict liability dog bite statute. Plaintiff sought economic and non-economic damages. Plaintiff claimed her son suffered severe lacerations that required sutures at Children's Hospital and that he had permanent, visible scarring. Plaintiff had filed a claim for negligent infliction of emotional distress, but the claim was dismissed on summary judgment. The court did grant summary judgment to plaintiff on the issue of liability.

Defendants did not dispute that the incident occurred as described and stipulated that the scarring was permanent, but contended that the scarring was limited. According to defendants, the scar was not visible unless the boy became flushed.

Evan Meyers was a 4-year-old male.

Injury:

Dog bite to plaintiff's cheek, necessitating sutures resulting in a scar which was only visible when Evan became flushed. No revision surgery was recommended. Plaintiff sought \$1,167 in past medicals, as well as damages for pain and suffering. Plaintiff's attorney asked the jury for \$250,000.

Result:

\$34,167. Breakdown: \$33,000 in non-economic damages and \$1,167 in economic damages.

Trial Information:**Judge:**

David E. Cain

**Trial
Deliberations:**

3 hours

**Editor's
Comment:**

There was no appeal and this case is closed.

Writer

Animals - Dog Bite - Toddler

Type: Settlement

Amount: \$27,000

State: Ohio

Venue: Hamilton County

Court: Hamilton County, Court of Common Pleas, Cincinnati, OH

Injury Type(s):

- *epidermis*
- *face/nose* - scar and/or disfigurement, face

Case Type:

- *Animals - Dog Bite*
- *Domestic Relations*

Case Name: Carly Jackson v. Robert Broderick and Mary Broderick, No. A 1102527

Date: July 18, 2012

Plaintiff(s):

- Carly Jackson (Female, 3 Years)

Plaintiff Attorney(s):

- Michael D. Weisensel; ; Cincinnati OH for Carly Jackson

Defendant(s):

- Robert Broderick and Mary Broderick

Defense Attorney(s):

- Carrie L. Budinger; Cincinnati, OH for Robert Broderick and Mary Broderick

Insurers:

- Allstate

Facts:

A woman who was bitten by a dog when she was a toddler filed this lawsuit against the dog's owners on her own behalf after reaching the age of majority. The parties agreed to a \$27,000 settlement.

Plaintiff Carly Jackson was three years old when she was bitten on the face by a Golden retriever dog owned by Defendants Robert and Mary Broderick. The injury occurred on August 24, 1994. Plaintiff was taken to the hospital, where she received 50 to 60 stitches.

Plaintiff alleged that scar revision was recommended by a plastic surgeon. She sought approximately \$7,500 in future medicals for the surgery. Plaintiff claimed emotional distress from the incident and complications for an infection at the time. Defendants disputed the extent of plaintiff's damages.

Plaintiff was a 3-year-old female at the time of the injury. She was 18 years old when she filed this lawsuit.

Injury:

Dog bite to the face that required 50 to 60 stitches. The original horseshoe-shaped scar was the size of a silver dollar, which spanned from one cheek to the hairline. As plaintiff grew older, the scar moved into the hairline and could only be seen when her hair was pushed back. Plaintiff claimed approximately \$7,500 in future medicals for a scar revision.

Result:

\$27,000

Trial Information:**Writer**

Dog bite victim denied trespassing at friend's house

Type: Verdict-Plaintiff

Amount: \$20,000

State: Ohio

Venue: Medina County

Court: Medina County, Court of Common Pleas, OH

Injury Type(s):

- *other* - sutures; laceration; hyperesthesia
- *face/nose* - facial laceration; scar and/or disfigurement, face

Case Type:

- *Animals* - Dog Bite; Animal Control

Case Name: Stephanie N. Mangus v. Jon A. Mack and Rebecca G. Konrad, No. 21CIV0222

Date: November 12, 2021

Plaintiff(s):

- Stephanie N. Mangus , (Female, 17 Years)

Plaintiff Attorney(s):

- Michael P. Lewis; Spangenberg Shibley & Liber LLP; Cleveland OH for Stephanie N. Mangus
- Emily Davis; Spangenberg Shibley & Liber LLP; Cleveland OH for Stephanie N. Mangus

Plaintiff Expert (s):

- Stephen P. Smith, Jr. M.D.; Plastic Surgery/Reconstructive Surgery; Gahanna, OH called by: Michael P. Lewis, Emily Davis

Defendant(s):

- Jon A. Mack
- Rebecca G. Konrad

Defense Attorney(s):

- Brandon O. Trent; Milligan Pusateri Co., LPA; Canton, OH for Jon A. Mack, Rebecca G. Konrad

Insurers:

- Motorists Mutual Insurance Co.

Facts:

On Feb. 8, 2019, plaintiff Stephanie Mangus, 17, a high school student, arrived at her friend's home on East Drive, in Brunswick. Mangus had previously texted her friend to tell her she was coming over. She knocked on the front door, but her friend did not answer because she was in the shower. Mangus then opened the door slightly to inform her friend that she had arrived. Mangus subsequently was attacked and bitten by the family's Great Dane. She suffered injuries to her face.

Mangus sued the owners of the dog, Jon Mack and Rebecca Konrad. Mangus alleged that the defendants negligently failed to control the animal.

Konrad was dismissed prior to trial. The case proceeded against Mack only.

Mangus' counsel argued that Mack was strictly liable as the owner of the dog in question, noting that Mack knew the dog had recently become aggressive. Per counsel, once Mangus told her friend that she was coming to visit, Mack failed to lock the front door, put the dog in a cage or take other actions to keep Mangus safe from the animal.

The defense argued that Mack did not want guests just walking into the home since the dog was newly aggressive, and that Mangus criminally trespassed on the property when she opened the front door. Mangus' counsel countered that Mangus had opened the door herself in the past without incident. Mangus' counsel further contended that it was custom and practice for guests to open the door when they arrived at Mack's home.

Injury:

Mangus drove herself to an urgent care facility from the scene. She was then sent to Akron Children's Hospital.

Mangus suffered multiple lacerations to her face. She received stitches at the hospital and was released the same day.

Mangus said that the lacerations caused scarring on her face. She met with a plastic surgeon who determined that Mangus needs revision surgeries to address the scars. Mangus did not have these procedures prior to trial.

Mangus stated that she now has a fear of dogs. She also noted that she had to go to prom and participate in other high school activities with scars on her face. Mangus stated that she remains self-conscious about the scarring, and that she suffers from hyperesthesia, meaning that the scars burn and tingle when the weather changes.

Mangus sought recovery of damages for past and future pain and suffering.

The defense contended that Mangus had recovered from her injuries, and that her scars were minimal.

Result:

The jury found that Mangus was not a trespasser at the time of the incident; Mack's dog was the proximate cause of Mangus' injuries and Mack was liable for those injuries; and Mangus suffered a permanent and substantial physical deformity. It determined that Mangus' damages totaled \$20,000.

Stephanie Mangus

\$ 20,000 total damages

\$ 20,000 Plaintiff's Total Award

Trial Information:

Judge: Christopher Collier

Trial Length: 3 days

**Trial
Deliberations:** 0

Jury Vote: 8-0 on whether the dog was the proximate cause of Stephanie's injuries; 6-2 on other questions

**Editor's
Comment:** This report is based on information that was provided by plaintiff's counsel. Additional information was gleaned from court documents. Defense counsel did not respond to the reporter's phone calls.

Writer Melissa Siegel

Animals - Dog Bite - Facial Scar

Type: Verdict-Plaintiff

Amount: \$1,375

State: Ohio

Venue: Lucas County

Court: Lucas County, Court of Common Pleas, Toledo, OH

Injury Type(s): • *face/nose* - face; scar and/or disfigurement, face

Case Type: • *Animals* - Dog Bite
• *Domestic Relations*

Case Name: John Cole, Rosemary Cole and Elliot Cole v. Mark Scott and Sandra Scott, No. CI-200705535-000

Date: March 17, 2009

Plaintiff(s): • John Cole (Male, 9 Years)
• Elliot Cole
• Rosemary Cole

Plaintiff Attorney(s): • Robert J. Bahret; ; Holland OH for Elliot Cole

Plaintiff Expert (s): • Jeff Kesler M.D.; Plastic Surgery/Reconstructive Surgery; Toledo, OH called by:

Defendant(s): • Mark Scott and Sandra Scott

Defense Attorney(s): • Craig S. Cobb; Cleveland, OH for Mark Scott and Sandra Scott

Insurers: • Farmers Insurance Exchange

Facts: A young boy who was bitten in the face by a puppy pursued damages against the dog owners, who claimed the boy had trespassed on their property. Plaintiffs sought past and future medical expenses, but a Lucas County jury awarded \$1,375, which represented past medical expenses only.

Plaintiffs John and Rosemary Cole lived in suburban Sylvania. Their 9 year old son, Plaintiff Elliot Cole, rode his bicycle to visit a classmate on Wisconsin Avenue. The classmate was a neighbor of Defendants Mark and Sandra Scott. Elliot reached over defendants' fence to play with defendants' one year old lab mix puppy and was bitten in the face.

Plaintiffs alleged that Elliot was invited onto defendants' property by defendants' daughter, with whom Elliot was also a classmate. Plaintiffs argued that defendants were strictly liable under the dog bite statute. Plaintiff Elliot suffered a facial laceration that he said would require scar revision surgery.

Defendants contended that Elliot was trespassing. Defendants also disputed the extent of his injury.

Plaintiff Elliot was a 9 year old male.

Injury: Elliot suffered a six centimeter laceration to the left side of his face. The scar faded, but was still visible. Revision surgery was recommended. Elliot also suffered a smaller laceration (about one centimeter) on the nose, which healed without scarring. Stitches were required at the emergency room. Plaintiffs claimed \$1,375 in past medicals and \$3,000 to \$4,000 in future medicals, including anesthesiology and hospital fees.

Result: \$1,375

Trial Information:

Judge: Ruth Ann Franks

**Trial
Deliberations:** 1.5 hours

**Editor's
Comment:** Per defense counsel, the jury did not believe plaintiff child's scarring was too bad. Counsel also added that an additional undisclosed sum was paid to avoid a possible appeal.

Writer