

Tenants: Complex failed to properly react to bedbug infestation

December 14, 2017

Amount: \$3,538,331 **Type:** Verdict-Mixed

Actual Award: \$3,417,636

Court: Superior Court of Los Angeles County, Los Angeles, CA

Case Name: Vivian Hsu; Abraham Bernato; Guillermina Bernato; Lee Ellis; Ayal Erlich; Ethan Erlich, a minor; Kyle Johnson; Airika Kimble; David Kozin, a minor; Dmitriy Kozin; Likun Lin; Justine Poon; Alexander Shmulevich; Alla Shmulevich; Jason Stewart; and Mingming Yan v. La Park La Brea LLC; PLB Management LLC; Round The Clock Pest Control Inc.; and Does 1-20, No. BC496349

Plaintiff Attorney(s):

- Brian J. Virag; MyBedbugLawyer Inc.; Encino CA for Ayal Erlich, Mingming Yan, Alexander Shmulevich, Alla Shmulevich, Lee Ellis, Justine Poon, Airika Kimble, Jason Stewart, Dmitriy Kozin, Likun Lin, David Kozin, Philip Suhr, Fumi Suhr, Coby Suhr, Vivian Hsu, Abraham Bernato, Guillermina Bernato

Defense Attorney(s):

- Steven D. Di Saia; Sedgwick LLP; Los Angeles, CA for La Park Brea LLC, PLB Management LLC, Prime/Park Labrea Titleholders LLC, Round the Clock Pest Control Inc.

Facts: In 2011, the plaintiffs, tenants of two different tower structures of Park La Brea, an apartment community with 4,255 units located in 18 13-story towers and 31 two-story "garden apartment buildings," were allegedly exposed to bedbugs in their apartments. Nineteen tenants, who lived in eight separate units and ranged in ages from 1 to 87 years old, claimed that, at various times between 2011 and 2013, they received bites, and suffered from rashes and itchiness related to bedbug exposure.

Sixteen plaintiffs sued the operator of Park La Brea apartment complex, La Park La Brea LLC; the management company that operated the complex, PLB Management LLC; and a pest-control company that was on site, Round the Clock Pest Control Inc. Philip Suhr, Fumi Suhr, and their minor son, Coby Suhr, were later added as plaintiffs, and Prime/Park La Brea Titleholders LLC was added as a defendant.

Plaintiffs' counsel argued that since 2008, the management company, PLB Management, was aware of bedbugs on the premises, as Round the Clock Pest Control was on site since 2003 and had made recommendations to the management. Counsel contended that Round the Clock Pest Control told management to educate its tenants, and to use heat treatments and K-9s as a first response to bedbugs, but that PLB Management did not follow the pest control company's advice. Plaintiffs' counsel also argued that the defendants were negligent for failing to notify the tenants about the presence of bedbugs in the complex and for not following the recommendations of the pest control company.

The plaintiffs' expert entomologist and property-management expert opined that the property-management company has to follow the recommendations of a pest-control company and that dogs and heat should have been used as a best option. The plaintiffs' property-management expert also opined that PLB Management's actions fell below the standard of care.

Defense counsel contended that the defendants acted reasonably and that they retained Round the Clock Pest Control, which responded in a timely manner. Counsel also contended that the defendants provided notice to tenants of the nationwide increase in issues related to bedbugs, as well as education and direction as to the proper means to report and address any suspected activity in the tenants' units. Counsel further contended that the defendants followed all directions and recommendations from Round the Clock Pest Control as to inspections and treatment for bedbug activity at the premises.

The defense's pest-control expert opined that PLB Management acted reasonably, and the defense's property management expert opined that PLB Management acted reasonably and within the standard of care.

In addition, defense counsel argued that two of the tenants, plaintiff Alla Shmulevich, a woman in her 50s, and her son, plaintiff Alexander Shmulevich, a man in his 20s, refused all treatment and obstructed all proposed means to inspect and treat their unit. However, the Shmulevichs claimed that they chose to self-treat in order to obtain an organic method of bedbug removal because Mr. Shmulevich has asthma.

Injury:

The 19 plaintiffs, who lived in various units, claimed that at various times, they suffered from bites, rashes and itchiness. The subject incidents allegedly occurred in two different towers, with the majority of the cases allegedly occurring in one tower. Some plaintiffs had allergic reactions, as people respond differently to insect bites. Most plaintiffs claimed they had bites, itchiness and rashes, while others claimed more severe injuries. However, of all the plaintiffs, there was less than \$2,000 in claimed medical expenses, including the fact that some plaintiffs presented to an emergency room, while others saw dermatologists. Only five of the 19 plaintiffs sought medical treatment, including medications for allergic reactions and itchiness, and many claimed they purchased over-the-counter medications. However, all of the plaintiffs claimed that they suffered from emotional distress as a result of the bedbug exposure.

The plaintiffs' dermatology expert opined that plaintiffs' bites were caused by bedbugs and that the exposure caused anxiety, insomnia, and emotional distress for the plaintiffs.

Plaintiff Ayal Erlich, an architect in his 30s, and his wife, plaintiff Mingming Yan, a digital media manager in her 30s, were both fearful of contaminating their respective workplaces with bedbugs. Mr. Erlich, in particular, was fearful that he would lose his job, as he worked so hard to obtain his status and did not want anyone to know about his housing condition. Their son, plaintiff Ethan Erlich, a minor, was not at the property when the infestation occurred, so he was removed from the case via a motion for non-suit. The Erlich family ultimately moved from the subject apartment complex.

Plaintiff Alla Shmulevich, a woman in her 50s, and her son, plaintiff Alexander Shmulevich, a man in his 20s, claimed that they suffered from emotional distress as a result of the bedbug exposure. They also claimed that they were worried about Alexander Shmulevich's asthma being impacted as a result of the exposure. The Shmulevichs both sought therapy after they moved.

Plaintiff Lee Ellis, a customer service representative in his 20s, and his girlfriend, plaintiff Justine Poon, a customer service representative in her 20s, both worked for a moving company and suffered severe bites from their exposure to bedbugs in their apartment. They claimed that as a result of the bite marks, they had to deal with the humiliation at work. They also claimed that every time they had to prepare for the bedbug treatments, they had to relocate their two cats and one bearded dragon and that they were humiliated and inconvenienced by the fact that they had to ask friends to watch their pets. They eventually moved.

Plaintiff Airika Kimble, an employed woman in her 30s, and her boyfriend, plaintiff Jason Stewart, an employed man in his 30s, both claimed that they experienced shame and humiliation at work as a result of the bite marks they sustained. They also claimed that they were very concerned about bringing any bedbugs to their work. They eventually moved out.

Plaintiff Dmitriy Kozin, a mechanical engineer in his 40s, and his wife, plaintiff Likun Lin, a nurse in her 40s who worked in the neonatal intensive care unit, claimed that they suffered from emotional distress as a result of the bedbug exposure. They also claimed that their son, plaintiff David Kozin, a 1-year-old child, also suffered from emotional distress. In addition, Lin claimed that she had major issues with the housing condition, as she takes care of babies who are sick, and was worried and traumatized about being near them due to the bedbugs. They ultimately moved out.

Plaintiff Philip Suhr, a securities salesman in his 30s, and his wife, plaintiff Fumi Suhr, a massage therapist in her 30s, claimed that they suffered from emotional distress as a result of the bedbug exposure. They also claimed that their son, Coby Suhr, a 1-year-old child, also suffered from emotional distress as a result of the incident. In addition, Mr. and Ms. Suhr claimed that they were concerned about transporting bedbugs to their work. They ultimately moved.

Plaintiff Vivian Hsu, an education data analyst in her 30s, claimed that she had to leave work and go to the emergency room due to a severe allergic reaction to the bedbug bites. She claimed she suffered from emotional distress as a result of the incident and that she was humiliated and distressed because she had to tell her supervisors and coworkers about everything that had occurred. She ultimately moved.

Plaintiff Abraham Bernato, an 87-year-old retiree, and his wife, plaintiff Guillermina Bernato, a 71-year-old retiree, both claimed that they suffered severe emotional distress as a result of the bedbug exposure. Mr. Bernato was in the beginning stages of dementia. They claimed that they used to be visited by their grandchildren and family for dinners every Friday night at their unit, but that their grandchildren would no longer visit them due to the housing condition. They claimed that they remained at their unit and did not move and that as a result, their grandchildren never returned to see them.

Plaintiff Kyle Johnson did not participate in the trial and was subsequently eliminated from the case by a motion for non-suit.

Result:

Of the 19 original plaintiffs, two plaintiffs (Kyle Johnson and Ethan Erlich) were eliminated by non-suit.

The jury rendered a mixed verdict. It determined that PLB Management was negligent and that the remaining plaintiffs' damages totaled \$3,538,331. However, Coby Suhr and David Kozin, both minors, were not awarded any damages due to their young age. In addition, the jury found that PLB Management was 75 percent liable for the condition of the Shmulevichs' unit and that the Shmulevichs were 25 percent liable because the Shmulevichs chose to self-treat in order to obtain an organic method of bedbug removal as a result of Alexander Shmulevich's asthma.

After a reduction for the Shmulevichs liability, the plaintiffs' recovery should total \$3,417,635.50.

Judge:

Mark V. Mooney

Trial Length:

5 weeks

Mail carrier said his fractures resulted from dog attack

January 22, 2010

Amount:	\$941,359	Type:	Verdict-Plaintiff
Court:	Superior Court of Los Angeles County, Central, CA		
Case Name:	Robert Thomas v. Jovita Sosa, Manuel Sosa, Del Sol Property Management and Hector Navarez, No. BC398586		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Silvio Natale; Nelson & Natale LLP; Los Angeles CA for Robert Thomas• Daniel L. Nelson; Nelson & Natale LLP; Los Angeles CA for Robert Thomas		
Defense Attorney(s):	<ul style="list-style-type: none">• Alvin Andrade; Mark R. Weiner & Associates; Los Angeles, CA for Jovita Sosa, Manuel Sosa, Hector Navarez, Del Sol Property Management		
Insurers:	<ul style="list-style-type: none">• State Farm Insurance Co.• Uninsured		
Facts:	<p>On Nov. 3, 2006, plaintiff Robert Thomas, 47, a postal carrier, delivered mail to a Los Angeles location that was owned and operated by Del Sol Property Management and Hector Navarez. A German sheppard mix owned by tenants Jovita and Manuel Sosa came out of the gate and jumped on Thomas as he walked by on the sidewalk. As trained, Thomas protected himself with his mail satchel; however the weight of the 80-pound dog caused him to fall back onto the sidewalk.</p> <p>Thomas sued Del Sol, Navarez and the Sosas for negligent maintenance. (Manuel died during the proceedings.)</p> <p>Plaintiff's counsel argued that the gate had no self-locking latch point for the gate to close due to the property owner's negligence.</p> <p>The plaintiff animal behavior expert testified that the dog was vicious.</p> <p>The defendant property owner claimed that there was no prior actual notice of the dog's vicious tendencies and that Jovita was solely responsible, pursuant to the Dog Bite Statue. (Jovita was uninsured and defaulted.)</p> <p>Jovita testified that the dog got out of the gate because she had forgotten to lock the gate's chain and padlock.</p>		
Injury:	<p>Thomas sustained a right, dominant distal radius and ulnarstyloid fracture with deformity to his right wrist. He had decreased range of motion and carpal tunnel syndrome.</p> <p>The fractures were treated via surgery and pain medication.</p> <p>As a result of the surgery, Thomas was out of work for eight months.</p> <p>He claimed \$24,558 in medical specials as well as \$16,800 in lost earnings.</p>		
Result:	<p>The jury found for the plaintiff and awarded \$941,358.50.</p> <p>The jury apportioned 12-percent liability to Jovita and 88-percent to the property owner on pain and suffering and 100-percent liability to the property owner on economic damages.</p>		
Judge:	Richard L. Fruin Jr.		
Trial Length:	2 days		

Plaintiff sustained dog bite, resulting in facial lacerations

April 03, 2013

Amount:	\$541,000	Type:	Settlement
Court:	Superior Court of Santa Clara County, San Jose, CA		
Case Name:	Kelly Force v. Nicole Burke, Edgewater Networks, Inc., and Does 1 through 10, No. 1-11-cv-204090		
Plaintiff Attorney(s):	<ul style="list-style-type: none">William L. Schmidt; William L. Schmidt Attorney at Law, P.C.; Fresno CA for Kelly Force		
Defense Attorney(s):	<ul style="list-style-type: none">Kenneth L. Dziesinski; Bragg & Kuluva; San Francisco, CA for Edgewater Networks, Inc.Andrew M. Lauderdale; Pedersen, Eichenbaum, Lauderdale & Siehl; San Jose, CA for Nicole Burke		
Insurers:	<ul style="list-style-type: none">Mid-Century Insurance Co.Chubb Group of Insurance Cos.		
Facts:	<p>On Oct. 15, 2010, plaintiff Kelly Force, 46, a UPS driver, was making a delivery to Edgewater Networks Inc., where Nicole Burke worked and brought her dog.</p> <p>Edgewater Networks, a San Jose company, had a policy that allowed employees to bring in their dogs with them during work hours. In addition, Force had previously made deliveries to the premises and interacted with Burke's dog. However, on this occasion, Force sat down in an office chair with the dog sitting in between her legs and started to lightly rub the dog's ears. She also exchanged "kisses" with the dog, but this time, the dog then snapped at her face, biting her.</p> <p>Force sued Burke and her employer, Edgewater Networks. Force alleged that the defendants were strictly liable and negligent for the incident, and that Edgewater Networks created a dangerous condition by allowing employees to bring their dogs to work.</p> <p>Plaintiff's counsel contended that Burke's dog, an Australian Shepard, had two other instances of biting and had been deemed "dangerous" by the city of San Jose. Counsel further contended that as a result, the city required that insurance be obtained for the dog, and required that the dog be muzzled when off of Burke's property or in a public place. However, Force claimed that the dog was not muzzled, that Burke never warned her about any potential danger in interacting with the dog, and that in any of their previous interactions, the dog had never behaved in a threatening way. In addition, plaintiff's counsel contended that Edgewater Networks did not inquire about the potential dangerousness of any dogs allowed on its premises, thereby creating a dangerous condition.</p>		
Injury:	<p>Force sustained facial lacerations, as the flesh of her right nostril and upper lip had been torn during the dog bite. Following the incident, she received medical attention.</p> <p>Force claimed that despite her facial injuries healing well, she continues to experience lasting facial numbness. She also claimed that she suffers post-traumatic stress disorder as a result of the incident.</p>		
Result:	After approximately two years of litigation, the parties agreed to a \$541,000 settlement. Of the total settlement, Edgewater Networks agreed to pay \$101,000 out of its insurance policy, while Burke agreed to pay \$440,000 out of her insurance policy.		
Judge:	Patricia M. Lucas		

Plaintiff: Complex violated rules allowing dog in apartment

April 25, 2012

Amount:	\$465,000	Type:	Settlement
Court:	Superior Court of San Francisco County, San Francisco, CA		
Case Name:	Jane Doe v. Roe Apartment Owner, ABC Property Management Company, Xoe Community Director, Yoe Marketing Associate, and Zoe Dog Owner, No.		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Michael E. Gatto; The Veen Firm, P.C.; San Francisco CA for Jane Doe• Eustace de Saint Phalle; The Veen Firm, P.C.; San Francisco CA for Jane Doe		
Defense Attorney(s):	<ul style="list-style-type: none">• None reported for Roe apartment owner, ABC property management company, Xoe Community director, Yoe marketing associate, Zoe dog owner		
Facts:	<p>On Dec. 12, 2008, the plaintiff, a 34-year-old technical service specialist, was attending a dinner party and seated at a table along with the host and another guest, while a dog owned by the lessor of the apartment was between him and the plaintiff. The party guest claimed that when she leaned down to pet the German Shepherd sitting next to her, the dog rose up and bit her in the face. She claimed that she then tried to bury her face between her knees, but that the dog continued to bite her about the ear and back of the neck.</p> <p>The party guest sued the dog owner, the apartment owner, the property management company, the community director, and the marketing associate. She alleged that the dog owner was negligent in control of his animal, making him strictly liable for the attack. She also alleged that the apartment owner, management company, community director and marketing associate were liable for the incident by allowing the dog on the premises, in violation of the apartment complex rules.</p> <p>Plaintiff's counsel contended that the apartment community rules prohibited the German Shepherd breed, and any mix of that breed, from being in the apartment complex. Counsel also contended that the complex had a policy prohibiting dogs with a history of aggression, as well as certain large dogs that are disproportionately responsible for inflicting severe injury. However, plaintiff's counsel asserted that despite these rules, the marketing associate processed the dog owner's application, while the community director approved the application.</p> <p>Plaintiff's counsel maintained that the community director and the marketing associate each had a duty to make an independent determination of the dog's breed, because of the foreseeability that tenants would intentionally or unwittingly deceive them. Counsel further contended that the apartment owner and property management company had a financial incentive to approve the dog owner's application.</p> <p>Counsel for the apartment owner and property management company asserted that <i>Chee v. Amanda Goldt Property Management</i> (2006) was directly on point and precluded liability. Therein, the Court of Appeals held that neither a landlord nor a property management company could be held liable for bites by a tenant's dog absent actual knowledge of the dog's vicious propensities.</p> <p>The apartment defendants claimed that the plaintiff could not establish the dog was a German Shepherd mix and that visual identification is fraught with error and imprecise. They also claimed that the dog owner was 100 percent at fault for the incident, since he allegedly lied to them by "certifying" that the dog was not a prohibited breed when he first executed the application.</p> <p>The marketing associate and community director claimed that their employer provided them no training or resources, such as exemplar photos or lists of any physical characteristics, to aid them in the identification of prohibited breeds.</p> <p>Plaintiff's counsel countered that the <i>Chee</i> decision did not apply because the apartment defendants had adopted a policy prohibiting German Shepherd mixes and, thus, did not "cede dominion" of the apartment unit to the dog owner. Counsel further contended that the defendants' violation of their own "Pet Policy" constituted evidence of negligence and was an independent theory of liability not addressed by the <i>Chee</i> decision.</p>		
Injury:	<p>The dinner party guest sustained facial lacerations, primarily a 7-centimeter laceration from the corner of her left mouth in curvilinear fashion back toward the left ear under the mandible, as a result of the dog bites. She also claimed lacerations to her left ear lobe and nose, and a wedge laceration to her lower lip. She was subsequently transported to a hospital, where she underwent surgical repair of her injuries.</p> <p>The plaintiff claimed that she is now left with a prominent scar from the corner of her mouth to below her chin. She stated she saw four plastic surgeons, who recommended various treatments to minimize the appearance of the scar, including surgical excision (z-plasty or w-plasty), laser treatment, liposuction above the scar to smooth out the contour, fat injection in the scar to smooth out the contour, and a face lift. However, she claimed that the plastic surgeons all agreed that there would be permanent residual scarring, despite the recommended care.</p> <p>As a result of the scarring, the plaintiff claimed she would face both conscious and sub-conscious prejudice, which would adversely impact her earning capacity, as she was working toward receiving her MBA. She also claimed the incident delayed her graduation and subsequent career. Thus, she claimed approximately \$11,000 in damages for her past medical costs, \$3,000 in damages for her past therapy, \$100,000 in damages for her future therapy, \$3,000 in damages for her past lost earnings, and \$250,000 in damages for her future lost earnings.</p>		
Result:	On the fourth day of trial, the parties negotiated a settlement for \$465,000, in which the apartment defendants paid \$435,000 and the dog owner paid \$30,000.		
Judge:	Kay Tsenin		
Trial Length:	4 days		

Respondents failed to prevent dog attack, claimant alleged

November 02, 2012

Amount: \$439,686 **Type:** Arbitration

Actual Award: \$100,000

Court: Arbitration Company, CA

Case Name: Clara Silva v. Tony Gucciardi, Lilia Gucciardi and Vince Patrino dba Advance Investments, No.

Plaintiff Attorney(s):

- Renee J. Nordstrand; Law Offices of Renee J. Nordstrand; Santa Barbara CA for Clara Silva

Defense Attorney(s):

- Gina M. Weihert; Mark R. Weiner & Associates; Glendale, CA for Tony Gucciardi, Lilia Gucciardi, Vince Patrino

Insurers:

- State Farm Insurance Co.

Facts: On May 20, 2011, claimant Clara Silva, 62, a bookkeeper, was attacked by a 75-pound, unneutered pitbull-mastiff as she passed by an apartment where the dog's owners lived. When its owners went to take out the trash, the dog pushed open the door and bit into Silva's right knee. Silva was eventually able to jerk her knee from the dog's mouth, but the animal then bit into her calf area, braced its hind legs in a crouch and yanked on her leg for possibly 5 minutes before the dog's owner appeared and the dog let go.

Silva brought a binding arbitration against the dog's owners, Tony Gucciardi and Lilia Gucciardi, and the owner of the triplex Silva lived at, Vince Patrino, who was doing business as Advance Investments. Silva alleged that the Gucciardis were negligent in the control of their dog. She also alleged that Patrino was liable for the attack because he knew of the dog's vicious propensities and failed lived to address the dangerous condition.

Silva claimed that other tenants complained about the dog's dangerous and aggressive nature, and that one of those tenants to move out because they were afraid of the dog. Thus, she claimed that the defendants failed to take proper action to prevent a possible attack.

The respondents contended that they had no prior notice of the dog's aggressive behavior.

Injury: Silva sustained puncture wounds around the knee, as well as a dog bite wound on her left leg, near her shin. She claimed that she was too afraid of the dog to leave her apartment until her friend forced her to go to a hospital 48 hours after the mauling. For treatment of her wounds, she was seen at Olive-View Medical Center in Los Angeles. However, the wounds became infected and took six months to heal.

Silva claimed that she is left with unsightly and prominent scarring on her left leg, particularly near her left shin, measuring 1.5 inches at the largest point. She also claimed that she is left with puncture wound scars around her left knee. In addition, Silva claimed post-traumatic stress disorder and adjustment disorder caused by the subject attack and mauling. She alleged that as a result, she experiences depression, a fear of large dogs and withdrawal from society.

The claimant's plastic surgeon submitted a report that recommended fat injections to smooth out the area; a scar revision, which he opined would not make a huge impact; and laser therapy with bleaching. The claimant's neuropsychiatric expert opined that Silva's difficult upbringing made her more susceptible to the trauma and less able to cope. Thus, the expert testified that Silva would benefit from six to 12 months of psychotherapy and psychiatric medication management for at least two years.

The respondents' counsel contended that the infection was due to a lack of follow-up on Silva's part.

According to claimant's counsel, the respondents' counsel asserted that the psychological damages presentation was an attempt to trump up the amount of damages sought and that the claimant's wage loss claim was unrelated to the incident.

Result: The arbitrator found for Silva and awarded her \$439,685.66.

The case was arbitrated pursuant to the parties' stipulation for binding arbitration with a mini-maxi of \$100,000 low and \$300,000 high. However, the arbitrator was unaware of the mini-maxi agreement and the \$100,000 was paid by the respondents' insurance carrier after the stipulation was signed.

Judge: Patricia L. Collins

Plaintiff claimed landlords knew of renter's vicious pit bulls

October 19, 2010

Amount:	\$435,000	Type:	Settlement
Court:	Superior Court of Fresno County, Fresno, CA		
Case Name:	Dari L. Bourdase v. Langley Family Trust, Noil Langley and Sharon Langley, No. 09CECG04718DSB		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Christopher C. Watters; Miles, Sears & Eanni, P.C.; Fresno CA for Dari L. Bourdase		
Defense Attorney(s):	<ul style="list-style-type: none">• Paul C. Kwong; Law Offices of Thomas O'Hagan; Glendale, CA for Langley Family Trust, Noil Langley, Sharon Langley		
Facts:	<p>On Oct. 28, 2009, plaintiff Dari Bourdase, 58, an in-home health aide, was riding her bicycle in the alleyway behind a home at 2931 North Adoline Ave. in Fresno, which was owned by Noil Langley and Sharon Langley and rented to Louis Silva, when Silva's two pit bulls got loose and attacked Bourdase by pulling her off the bike and clawing and biting both her legs.</p> <p>The Fresno Police Department came out and Fresno Animal Control/CCSPCA also investigated. The dogs were quarantined and later destroyed.</p> <p>Bourdase sued Noil Langley and Sharon Langley for premises liability and for vicarious liability for the negligent control of the pit bulls.</p> <p>Bourdase claimed that the Langley rental agreement with Silva stated that he could keep one dog. She alleged that Silva owned two pit bulls when he moved in and they had a litter of puppies. She claimed that he kept two of the puppies, who matured into the full-grown subject pit bulls, both six years old. Bourdase alleged that Silva informed the Langleys that he was keeping the two pit bulls and that they agreed. Bourdase also claimed that by the testimony of a neighbor, the Langleys observed the dogs during monthly visits to the residence to collect rent and conduct repairs and maintenance.</p> <p>Bourdase contended that the pit bulls were vicious and had a prior multiple-bite encounter on Dec. 4, 2007, when they attacked a next-door neighbor in his walkway, and that there were reports by Fresno Police and the SPCA.</p> <p>Bourdase claimed that after the subject attack, the investigating parties noted that the gate leading from the backyard of the house to the alley was open and swinging and was in very poor repair. Bourdase contended that according to the rental agreement, the Langleys were responsible for repairs and maintenance and Silva was not permitted to make any alterations or repairs.</p> <p>Bourdase contended that the Langleys had knowledge of the vicious propensities of the dogs and took no steps to protect against them and that the Langleys were negligent in the repair and/or maintenance of the rear gate.</p> <p>The defense initially argued that the Langleys would not have had notice of the dangerous animals.</p> <p>The plaintiff responded that the Langleys knew or should have known of the animals due to the plaintiff's findings during discovery.</p>		
Injury:	<p>Bourdase was taken to the emergency room at Community Regional Medical Center where her wounds were irrigated, cleaned, medicated, bandaged/dressed and she was prescribed medications.</p> <p>After a consultation with a plastic surgeon, on Nov. 17, 2009, the surgeon removed large areas of dead tissue and the underlying soft-tissue from both of Bourdase's legs. She has been unable to have skin grafting procedures after the initial surgery because of a resulting infection and her high blood pressure, which surfaced after the infection.</p> <p>Bourdase claimed she has been left with chronic pain. She also said she suffered severe emotional and mental distress and has post-traumatic stress and depressive disorders.</p> <p>Bourdase sought recovery for medical billings of \$24,808.15, a life care plan and future therapy costs calculated at a range of \$12,232 to \$17,411, and potential future cosmetic surgery of \$30,000.</p> <p>Bourdase's plastic surgeon testified that the swelling in Bourdase's legs and feet are permanent and she has been left with significant scarring. The surgeon expert also testified that cosmetic surgery could increase the pain or tightness and there would be a new injury site from skin grafting.</p>		
Result:	The case went to mediation on Oct. 5, 2010. The case later settled without a mediator on Oct. 19, 2010 for \$435,000, to include an annuity of \$207,900.		
Judge:	Donald Black		

Plaintiff claimed dog owner and property owners liable for attack

November 13, 2012

Amount: \$336,535 **Type:** Verdict-Mixed

Actual Award: \$100,000

Court: Superior Court of Santa Cruz County, Santa Cruz, CA

Case Name: Virginia Kinninger and Ron Kinninger v. Salvador Carrillo, Maria Carrillo, Bob Gera, Mark Gera and Ane Gera, No. CISCV171659

Plaintiff Attorney(s):

- David A. Fulton; Cartwright, Scruggs, Fulton & Walther; Santa Cruz CA for Virginia Kinninger, Ron Kinninger

Defense Attorney(s):

- David J. Stock; Rankin, Landsness, Lahde, Serverian & Stock; San Jose, CA for Salvador Carrillo, Maria Carrillo
- Richard E. Eichenbaum; Pedersen, Eichenbaum, Lauderdale & Siehl; San Jose, CA for Bob Gera, Mark Gera, Ane Gera

Insurers:

- Allstate Insurance Co.
- Farmers Insurance Group of Cos.

Facts: On Jan. 1, 2010, plaintiff Virginia Kinninger, 64, a retiree, was walking on Virginia Street in Watsonville when a pit bull ran out onto the sidewalk from the backyard of the home of Salvador and Maria Carrillo and attacked her. Kinninger's left leg was then bitten by the Carrillos' dog while she was struggling to fight the animal off until Mr. Carrillo came to removed it.

Kinninger sued the Carrillos, as well as Bob Gera, Mark Gera and Ane Gera. Bob Gera owned the home, which he rented to the Carrillos, while his son, Mark, acted as the property manager. Kinninger alleged that the Carrillos were strictly liable under the dog bite statute and that the Geras were liable for the Carrillos' actions.

Both Ane Gera and Maria Carrillo were voluntarily dismissed from the case, and the matter went to trial against Salvador Carrillo, Bob Gera, and Mark Gera only.

Kinninger claimed that Salvador Carrillo failed to protect the public from his pit bull, which had dangerous propensities, in that Carrillo tethered the dog's leash to a pole, which the dog broke loose from and ran onto the sidewalk. Kinninger also claimed that Bob and Mark Gera had notice that they were renting to a family with a dog with violent propensities. He alleged that the Geras knew that the Carrillos' dog had a history of fighting with other dogs, and that the prior landlord told them about the dog's violent background.

Salvador Carrillo admitted liability for the incident.

Bob and Mark Gera contended that they knew the Carrillos owned a dog, but did not know it had vicious propensities. They also denied a conversation ever existed with the prior landlord about the dog.

Injury: Kinninger was taken by ambulance to an emergency room, having sustained deep puncture wounds and lacerations down to the bone of her left leg. She underwent two debridements to clean out the macerated tissue within a week of the incident. She then underwent a skin graft on Jan. 26, 2010, and a second skin graft in April 2010, both taken from her left hip. Kinninger later underwent a scar revision surgery in November 2010.

Kinninger claimed that despite the revision surgery, she still has major disfigurements to her left leg and hip. She also claimed she has mild physical limitations in range of motion, and can no longer go hiking or walk long distances.

Thus, Kinninger claimed \$105,000 in stipulated past medical costs. She also sought \$60,000 to \$100,000 for lost household services and attendant aid, \$500,000 for past pain and suffering, and \$190,000 for future pain and suffering. Kinninger's husband, Ron, originally presented a derivative claim, but ultimately discontinued his claim.

The defendants stipulated to Ms. Kinninger's past medical costs, but argued that the value of her lost household services and attendant care was roughly \$24,000.

Result: The jury rendered a defense verdict as to the Geras, finding that they were not liable for the dog attack. However, the jury awarded a verdict of \$336,535 against Salvador Carrillo, who admitted liability.

Judge: Timothy R. Volkmann

Trial Length: 6 days

Child bit on the face by friend's labrador

March 15, 2005

Amount:	\$275,000	Type:	Settlement
Actual Award:	\$632,565		
Court:	Superior Court of Orange County, Orange, CA		
Case Name:	Monique Ogilve, as guardian ad litem of her minor daughter, Alyssa Scott vs. Linda Andrade, No. A232859		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Gregory G. Rizio; Rizio & Nelson; Santa Ana CA for Alyssa Scott• R. Shawn Nelson; Rizio & Nelson; Santa Ana CA for Alyssa Scott		
Defense Attorney(s):	<ul style="list-style-type: none">• Nancy Schmock; AAA Adjuster for Linda Andrade		
Insurers:	<ul style="list-style-type: none">• AAA		
Facts:	<p>On Oct. 10, 2004, plaintiff Alyssa Scott, age 8, was playing basketball at the home of Linda Andrade. She took a break from playing and sat down next to Andrade, directly in front of Andrade's labrador. When Alyssa turned around, the dog bit her on the face.</p> <p>On Alyssa's behalf, her mother, Monique Ogilve, sued Andrade on a theory of strict liability and, claiming the dog constituted a dangerous condition of her property, premises liability.</p> <p>Andrade admitted liability, but disputed the nature and extent of damages.</p>		
Injury:	<p>Alyssa was taken to Linda Loma Hospital where she received 10 stitches for a facial laceration in her paranasal region and five stitches for a laceration to her lip.</p> <p>According to plaintiffs' expert plastic surgeon, Thomas Zirkle, Alyssa suffered some facial scarring as a result, which cannot be surgically repaired until she turns 14 years old. The main scar is a 2.1 cm red line between her her nostril and cheek.</p> <p>The defense argued that Alyssa's scarring was healing cleanly and that over time it will diminish to the point where it is barely noticeable.</p>		
Result:	<p>The parties agreed to a structured settlement with a present value of \$275,000. Of that, \$18,498.61 was set aside in a blocked bank account in case Alyssa opts to undergo future plastic surgery; \$187,063.71 will be placed in a tax-free, interest-bearing annuity, under the terms of which Alyssa will at age 19 be paid out \$25,000 annually for four years for her college expenses, as well as an additional \$1,000 per month until she turns 29. At ages 25, 30, and 35, she will receive lump sums of \$50,000, \$100,000 and \$244,000 respectively; and the rest is for attorney fees. The total payout of \$632,565</p> <p>The parties settled the case just below the homeowner insurance policy limits due to the close relationship between the Scott family and Andrade. According to the plaintiffs' counsel, the plaintiffs did not want to litigate against their close family friend who is like an aunt to the plaintiff.</p> <p>Plaintiffs' counsel commented that he advised that the Scott family set a bottom-line settlement figure just below the policy limits to prevent the litigation, but not impair the minor's recovery.</p>		
Judge:	Gerald G. Johnston		

Chow-Labrador mix-breed bit girl's nose, cheek arm and finger

March 22, 2005

Amount:	\$241,446	Type:	Arbitration
Court:	Judicate West- Santa Ana, CA		
Case Name:	Debbie Cantu, guardian ad litem for Christine Cantu v. Manuel Flores and Veronica Zamora, No. Z12432203		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Rex P. Sofonio; Hawkins & Sofonio; Irvine CA for Christine Cantu		
Defense Attorney(s):	<ul style="list-style-type: none">• Dennis P. Gauhan; Law Offices of Dennis P. Gauhan; Santa Ana, CA for Manuel Flores, Veronica Zamora		
Facts:	<p>On Oct. 27, 2003, plaintiff Christine Cantu, 13, spent the night at the house of a friend, whose family pet was a chow and Labrador mixed-breed dog. Cantu had spent the night several times at the house and had had contact with the dog on numerous occasions.</p> <p>The next morning, Cantu's friend's sister was rubbing the dog on its belly. She suggested that Cantu pet the dog as she was doing, because the dog liked it. When Cantu bent down to do so, the dog jumped up and bit her nose, right cheek, arm and index finger.</p> <p>On Cantu's behalf, her mother Debbie Cantu agreed with the dog's owners, Manuel Florez and Veronica Zamora, to resolve the case in binding arbitration in lieu of filing suit.</p> <p>As the state's dogbite statutes render strictly liable the owner of the offending dog, liability here was not contested.</p>		
Injury:	<p>Cantu claimed that she sustained scarring on the right side of her nose and a large hockey stick-shaped scar on her lower left lip and chin. She also claimed nerve damage to her lip which caused a crooked smile, a puncture scar on her arm, four chipped upper-front teeth, and a damaged fingernail on her index finger which has since healed.</p> <p>Cantu underwent suturing of the various wounds. She also claimed that she will need future plastic surgeries and that she suffers from emotional distress because of the incident.</p> <p>Cantu claimed \$7,296 in past medical specials and \$9,150 in future medicals. Her counsel asked the arbitrator for a total award of about \$1 million.</p> <p>The defense disputed the extent of Cantu's injuries insofar as general damages, which it argued were only worth \$100,000 to \$150,000.</p>		
Result:	The arbitrator awarded the plaintiff \$241,446.		
Judge:	James Alfano Retired Judge		

Guard Dog Bites Man

October 01, 1999

Amount: \$224,034 **Type:** Verdict-Plaintiff

Court: Superior Court of Los Angeles County, Central, CA

Case Name: Paul Rodriguez v. Cachanilla Auto Sales and Anthony Perricone, No. BC 199 414

Plaintiff Attorney(s):

- Daniel W. Dunbar; ; Torrance CA for Paul Rodriguez

Defense Attorney(s):

- Gloria M. Juarez; Los Angeles, CA for Cachanilla Auto Sales, Anthony Perricone
- John Setchell; Law Offices of John Setchell; Orange, CA for Cachanilla Auto Sales, Anthony Perricone

Insurers:

- Golden Eagle

Facts: October 9, 1998, plaintiff, a 33-year-old truck driver, was out with friends in East Los Angeles. Plaintiff was walking toward the Rondolla bar on Atlantic Avenue when he stopped to examine vehicles outside of the fence at defendant Cachanilla Auto Sales across the street from the bar. Plaintiff bent over to tie his shoe. While tying his shoe, defendant's guard dog was able to fit his mouth through slits in the fence and bite the plaintiff.

Plaintiff contended that defendant Cachanilla Auto Sales was negligent in the management of the property because the guard dog's mouth could fit through the fence.

Defendant contended that the plaintiff was intoxicated and either must have climbed the fence to get into the defendants lot or put his face up to the fence as plaintiff's dogs could not put their mouths through the fence. Defendant Perricone, the property owner, claimed he had no duty to inspect, as he had had no notice of a dangerous condition.

Injury: Injuries: Severe wound and tissue loss to upper lip.

Treatment: Repair of lip, including skin graft; two subsequent outpatient revision surgeries.

Residuals: Minimal scarring of upper lip.

Specials:

Medical to date \$24,038. Future medical None. Wage loss to date Unspecified. Future wage loss None.

Result: Settlement talks:

Demand \$100,000. Offer \$40,000 from Perricone, \$10,000 from Cachanilla.

Result: \$224,034 gross, \$201,634 net; The jury found the plaintiff 10% negligent \$24,038 medical, \$200,000 general damages.

Nonsuit granted in favor of land owner, defendant Anthony Perricone.

12-0

Note: Case was settled for an undisclosed amount following the verdict.

Judge: Frances Rothschild

Trial Length: 4 days

Following surgery, dog lunged at girl in vet's office

December 03, 2010

Amount:	\$171,000	Type:	Settlement
Court:	Superior Court of Nevada County, Nevada City, CA		
Case Name:	Madison Barrett, a minor, by Michael Ciccarella, her guardian Ad Litem, and Joy Barrett v. Leon Shoenhair, Nyla Shoenhair, and Timothy Allan Van Geem, dba Mother Lode Veterinary Hospital, No. 76626		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Alfred H. Buchta; The Buchta Law Offices; San Ramon CA for Madison Barrett, Joy Barrett		
Defense Attorney(s):	<ul style="list-style-type: none">• R. James Miller; Powers & Miller; Sacramento, CA for Leon Shoenhair, Nyla Shoenhair• Tabitha H. Huang; Wood, Smith, Henning & Berman LLP; Concord, CA for Timothy Allan Van Geem, dba Mother Lode Veterinary Hospital		
Facts:	<p>On the afternoon of April 1, 2009, plaintiff Joy Barrett, 30, a homemaker, and her daughter, plaintiff Madison Barrett, 5, were in the waiting room of Mother Lode Veterinary Hospital (MLVH) for the purpose of receiving medical treatment for their dog. Also in the waiting room was Leon Shoenhair with his dog Ammo, an Akita, awaiting treatment for an abscessed paw. While seated in the waiting room, Barrett asked Shoenhair if Ammo was "OK" around children, prompting a yes response, and Madison began to pet the dog without incident.</p> <p>At approximately 5:10 p.m., the plaintiffs and Shoenhair were all standing at the front desk of MLVH, along with their dogs. When Madison again attempted to pet Ammo, who had just returned from surgery, the dog lunged at her and bit her face, tearing the flesh near the left corner of her mouth. Madison began crying hysterically and bleeding profusely. A police officer responded to MLVH and took photographs of Madison.</p> <p>Madison, a minor, by Michael Ciccarella, her guardian ad litem, and Barrett, sued Shoenhair, Nyla Shoenhair (Leon Shoenhair's wife and co-owner of the dog), and Timothy Allan Van Geem, doing business as Mother Lode Veterinary Hospital. The plaintiffs brought a cause of action for strict liability (dog bite statute) against the Shoenhairs as owners of the dog. They also alleged MLVH was in a dangerous condition on the date of the incident, and further alleged the defendant failed to warn of said condition.</p> <p>The plaintiffs contended that as owners of Ammo, the Shoenhairs were strictly liable for the dog's actions under the dog bite statute. They contended that MLVH failed to take reasonable steps to keep its property in a reasonably safe condition. They claimed that the facility should have had a separate exit for owners to use after their pets were treated and/or underwent surgery, as opposed to using the same entrance door to the waiting room. The plaintiffs argued that as a veterinarian, Van Geem should have known that animals are much more unpredictable and potentially dangerous following treatment and/or surgery.</p> <p>The plaintiffs claimed that as a result of having animals like Ammo exit through the same door following treatment, the waiting room became a dangerous condition for other patrons, especially little children. They further alleged that the facility had an existing side door, which should have been used as an exit for impaired animals and their owners.</p> <p>Finally, the plaintiffs argued that MLVH gave no warning to patrons, verbally or through signs, about the dangers of approaching animals that were just treated and/or underwent surgery.</p> <p>All defendants raised the issue of assumption of risk, as well as negligent supervision, on the part of Joy Barrett. MLVH contended that its premises was not in a dangerous condition, and that it was commonplace for veterinarians to have dogs exit through the waiting room after undergoing procedures.</p> <p>The plaintiffs argued the opposite -- that it was commonplace for vet offices have animals exit through separate areas.</p>		
Injury:	<p>Madison sustained multiple abrasions and severe lacerations to the left side of her face as a result of the dog bite attack. She was taken by ambulance to the emergency room, where she received treatment including debridement and filling of the wounds, as well as sutures. She was treated by a plastic surgeon.</p> <p>Madison also received psychiatric counseling from a licensed clinical social worker for a few months post-incident.</p> <p>Although Madison had unsightly wounds and scarring for several months after the incident, the plaintiffs noted that the scarring had healed quite remarkably at the time of trial. She dealt with emotional distress following the incident, but has no residual effects.</p> <p>The plaintiffs claimed \$7,013.39 in damages for past medical costs, and \$9,000 for a possible future scar revision. The plaintiffs also sought damages for their pain and suffering.</p> <p>The defendants did not dispute Madison's injuries or treatment, but they argued that she healed very well, which diminished her damages. They contended that she did not require any future medical damages.</p>		
Result:	<p>The parties negotiated a settlement for \$171,000 in total value.</p> <p>Madison received a structured settlement worth \$161,000 with a present value of \$110,000; \$100,000 of which was apportioned to the Shoenhairs and \$10,000 to MLVH.</p> <p>Barrett settled her claim for \$10,000, with \$7,500 apportioned to the Shoenhairs and \$2,500 to MLVH.</p>		
Judge:	Michael Stenson		

Neighbor attacked by pit bull while looking for cat in yard

March 07, 2007

Amount:	\$150,000	Type:	Mediated Settlement
Court:	Superior Court of San Diego County, San Diego, CA		
Case Name:	Emilia Eneva v. Benjamin Alvarez, Elizabeth Medina, Alberto Quezada, Lydia Quezada, No. GIC 867694		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Debra A. Dominski; Mitchell & Gilleon; San Diego CA for Emilia Eneva• Daniel M. Gilleon; Mitchell & Gilleon; San Diego CA for Emilia Eneva		
Defense Attorney(s):	<ul style="list-style-type: none">• Philip H. Cohen; Bonnie R. Moss & Associates; San Diego, CA for Elizabeth Medina, Lydia Quezada, Alberto Quezada, Benjamin Alvarez		
Insurers:	<ul style="list-style-type: none">• State Farm Insurance		
Facts:	<p>On April 16, 2006, plaintiff Emilia Eneva, 28, a realtor, was living in a San Diego residence located a few doors from a house that Alberto Quezada and Lydia Quezada rented from owners Benjamin Alvarez and Elizabeth Medina. The Quezadas lived with their eight children and a 90-pound, unneutered, male pit bull.</p> <p>Eneva became friendly with the Quezada children, and frequently took them to a local park. Whenever Eneva visited, the pit bull was put in the backyard, because it didn't like strangers.</p> <p>One day, Eneva showed up at the Quezada home to take the children to the park, but Ms. Quezada had already gone there with some of them. Mr. Quezada was also at home then. Eneva's cat was missing, and she asked if she could look for the feline in the backyard. Mr. Quezada told the oldest son to accompany Eneva, but the pit bull attacked Eneva, biting her forearm. Later, the city concluded that the pit bull was dangerous and put him down.</p> <p>Claiming physical damages, Eneva sued the Quezadas, Alvarez and Medina for premises liability, strict liability and negligence.</p> <p>After the lawsuit was filed, Alvarez and Medina evicted the Quezadas.</p> <p>The Quezadas did not answer the complaint and were defaulted. They filed a general denial, contending that the pit bull was not dangerous.</p> <p>Plaintiff's counsel hired a private investigator, who reported that a San Diego Gas & Electric worker refused to read the Quezadas' meter due to fear of the pit bull. The investigator also found out that Alvarez and Medina had a provision to the lease granting all responsibility for harm caused by the pit bull to the Quezadas.</p>		
Injury:	<p>Eneva sustained two scars, each about three inches in length, and minor nerve pain. She had residual scarring.</p> <p>Eneva sought \$15,000 in medical specials, mostly for plastic surgery at a hospital; about \$12,000 in lost wages for three months away from her job; and an unspecified amount for pain and suffering.</p>		
Result:	After discovery, the case settled for \$150,000 with Alvarez and Medina.		
Judge:	Linda B. Quinn, Jonathan Brenner (mediator)		

Dog bit 9-year-old during visit to grandparents' home

March 01, 2004

Amount:	\$125,000	Type:	Settlement
Court:	Superior Court of San Diego County, San Diego, CA		
Case Name:	Natasha Zoll-Pryde v. Bobby Esparza, Lora Esparza, Jerry Zoll and Donna Zoll, No. GIC831582		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Daniel W. Johnson; Berglund, Johnson & Sommer; Woodland Hills CA for Natasha Zoll-Pryde		
Defense Attorney(s):	<ul style="list-style-type: none">• None None for Bobby Esparza, Lora Esparza, Jerry Zoll, Donna Zoll		
Insurers:	<ul style="list-style-type: none">• Allied Insurance Co.		
Facts:	<p>On March 30, 2002, plaintiff Natasha Zoll-Pryde, age 9, was visiting her grandparents, Jerry and Donna Zoll, at their home in El Cajon. Also living at the house was a large labrador/retriever mix owned by Bobby and Lora Esparza. When Natasha arrived at the house, she began playing with the dog. After about 30 minutes, the dog suddenly attacked Natasha, and bit her on the right cheek and under her left eye.</p> <p>Zoll-Pryde sued the Esparzas and the Zolls, alleging strict liability.</p> <p>The Zolls contended that their granddaughter must have provoked the dog.</p>		
Injury:	<p>Natasha suffered a 3-4 cm irregular laceration to her right cheek and a small laceration under her left eye. She received emergency room treatment that included the placement of six sutures. She made an excellent recovery with only a small scar remaining. She claimed past medical specials of \$1,923 and future medical specials of \$6,500 for plastic surgery, as well as unspecified general damages.</p>		
Result:	<p>Shortly after the complaint was filed, Zoll-Pryde settled her claim with the Zolls' insurance carrier for \$125,000. The complaint was filed only for the purpose of conducting a minor's compromise hearing and no defense counsel was involved.</p>		

Jury Awards Damages to Young Girl Bitten by Dog

November 16, 2001

Amount:	\$90,000	Type:	Verdict-Plaintiff
Court:	Superior Court of Calaveras County, San Andreas, CA		
Case Name:	Shawna Conley, a minor, by and through her Guardian ad Litem, Inalea Conley v. Romie Rolleri and Rolleri Landscaping, No. 25913		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• William D. McHugh; McHugh & Chen; San Jose CA for Shawna Conley• Cammie W. Chen; McHugh & Chen; San Jose CA for Shawna Conley		
Defense Attorney(s):	<ul style="list-style-type: none">• David Sanders; Pagliero & Sanders; Sacramento, CA for Romie Rolleri, Rolleri Landscaping		
Insurers:	<ul style="list-style-type: none">• State Farm		
Facts:	<p>A Calaveras County jury awarded \$90,000 to a plaintiff girl who alleged that a defendant's dog bit her on the face as she was walking through the defendant's landscape business with her family.</p> <p>On May 17, 1999, plaintiff Shawna Conley, an 11-year-old student, her 13-year-old sister, Sheena Conley, and their father were customers at defendant Rolleri Landscaping shopping for rocks. The plaintiffs claimed that the owner of the business, defendant Romie Rolleri, had a dog, an Australian shepherd mix that was allowed to roam the premises unrestrained. The plaintiff alleged that the dog bit Shawna on the face unprovoked. The plaintiff and her sister filed a lawsuit against the defendants. Sheena Conley, who filed a <i>Dillon v. Legg</i> claim, settled with the defendants for \$2,501 before trial.</p> <p>The plaintiff maintained that the defendant dog owner was negligent for allowing a dangerous dog to roam his business unrestrained. The plaintiff claimed that the dog had bitten another child on the face about three years earlier. The plaintiff also stated that the defendant failed to warn that the dog was dangerous. The plaintiff's animal behaviorist expert, Maureen Strenfel, testified that the dog was not properly socialized and should not have been allowed on the premises unrestrained. She also stated that this type of dog is known to attack on the face because it is a working cattle dog.</p> <p>The defendant, who did not dispute liability, maintained that the plaintiff should not receive as much money as she demanded.</p>		
Injury:	The plaintiff claimed she suffered a dog bite across her right cheek that left a 4-inch facial scar with permanent nerve damage. The plaintiff's experts stated that the plaintiff should have the W/Z plastic surgery and would require psychological therapy. The plaintiff claimed past medical specials of \$1,411 and future medical specials of \$43,461. The plaintiff also requested punitive damages		
Result:	<p>The jury returned an award of \$90,000. The judgment has been entered and there is a pending minor's hearing with regard to the disbursement of funds in the blocked account.</p> <p>The plaintiff's counsel reported that it is their belief that the economic/geographic location of the trial kept the verdict lower than expected.</p> <p>Shawna Conley \$90,000 verdict award</p> <p>Demand \$175,000 CCP 998</p> <p>Offer \$65,000 CCP 998 with \$100,000 ultimate authority</p>		
Judge:	John E. Martin		
Trial Length:	5 days		

Trailer park visitor's forearms severely slashed in pit bull attack

November 19, 2004

Amount:	\$82,190	Type:	Verdict-Plaintiff
Court:	Superior Court of Stanislaus County, Modesto, CA		
Case Name:	Sharron Renee Adams v. Tami Elliott and Lazy Wheel Trailer Park, No. 345798		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Norman Newhouse; Law Offices of Norman Newhouse; Redwood City CA for Sharron Renee Adams		
Defense Attorney(s):	<ul style="list-style-type: none">• Mark S. Adams; Mayall, Hurley, Knutsen, Smith & Green; Stockton, CA for Lazy Wheel Trailer Park• Tami Elliott; Pro Se for Tami Elliott		
Facts:	<p>On Dec. 26, 2003, at 11 a.m., plaintiff Sharron Adams, 49, a homemaker, was delivering a loaf of bread that she had baked to her casual friend, Tami Elliott, who was a resident of the Lazy Wheel Trailer Park in Ceres. While there, she was attacked by Elliott's pit bull dog, and received more than 20 puncture and slash wounds to her body during the sustained attack.</p> <p>Adams sued Elliott, alleging violation of California's dog bite statute. She also sued the Lazy Wheel Trailer Park, alleging premises liability.</p> <p>Adams contended that Elliott, as the owner of the pit bull, was liable for the dog's actions. She also maintained that the Lazy Wheel Trailer Park was liable for failing to abide by its own rule excluding any dogs weighing more than 20 pounds from the park. Furthermore, Adams asserted that the trailer park knew or should have known that the dog was dangerous before the date of this incident, and that it failed to protect guests on its premises.</p> <p>The trailer park contended that it was not liable because it was Elliott's pit bull, and that it had been reasonable in its attempts to remove the pit bull from the park.</p> <p>Elliott admitted liability.</p>		
Injury:	<p>Adams' forearms were severely slashed during the incident, and she was hospitalized for five days of treatment for the wounds and infection. She claimed that she still had scars and nerve damage numbness as a result. She claimed past medical specials of \$7,190. She asked the jury to award her specials plus \$100,000 in noneconomic damages.</p> <p>Lazy Wheel Trailer asked the jury for a defense verdict. If the jury returned a plaintiff verdict, it asked for an award of the suggested specials and between \$15,00 and \$20,000 in noneconomic damages.</p>		
Result:	<p>The jury found for Adams and awarded her \$82,190 after finding Elliott 60% negligent and Lazy Wheel Trailer Park 40% negligent. Both defendants will be jointly and severally liable for Adams' economic damages of \$7,190. As for Adams' noneconomic damages of \$75,000, each defendant will be responsible for their respective percentage of negligence.</p>		
Judge:	Michael R. Cummins		
Trial Length:	4 days		

Worker said property owner had duty to tell him about pit bull

December 03, 2009

Amount:	\$80,000	Type:	Settlement
Court:	Superior Court of Contra Costa County, Contra Costa, CA		
Case Name:	Steve Salinas v. Paolo Martin and Armand Sanchez, No. MSC06-01023		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Alfred H. Buchta; The Buchta Law Offices; San Ramon CA for Steve Salinas• Ryan J. Otis; The Buchta Law Offices; San Ramon CA for Steve Salinas• R. Steven Condie; Law Offices of R. Steven Condie; Oakland CA for Steve Salinas		
Defense Attorney(s):	<ul style="list-style-type: none">• Scott C. Stratman; Valerian, Patterson & Stratman; Alameda, CA for Paolo Martin• None reported for Armand Sanchez		
Insurers:	<ul style="list-style-type: none">• Fire Insurance Exchange		
Facts:	<p>On Aug. 1, 2005, plaintiff Steve Salinas, 41, a construction worker and musician, was at 403 McLaughlin St., a property in Richmond owned by Paolo Martin, when he was attacked by a pit bull owned by Armand Sanchez, another worker hired by Martin. Sanchez typically kept the dog in his van while he worked at the property.</p> <p>Salinas sued Martin and Sanchez. Sanchez was uninsured and judgment proof.</p> <p>Originally, at the trial court level, Martin prevailed on a motion for summary judgment when the trial judge held that Salinas had failed to produce sufficient evidence that Martin had knowledge of the dangerous propensities of the pit bull. Salinas appealed the summary judgment in favor of Martin.</p> <p>Salinas contended that Sanchez negligently failed to control the dog and that Martin knew that the dog was a guard dog kept in Sanchez's van because the van had been broken into in the past. He argued that Martin had a duty of care to Salinas, as Salinas was a worker on his property.</p> <p>Salinas claimed he never encountered Sanchez's pit bull before the subject incident and was unaware that the pit bull was ever on the job site. He also claimed he did not know that Martin gave permission to Sanchez to allow his pit bull to run free in the backyard of the house that day. Martin did not specifically know that Salinas would be going on site that particular day, but he had authorized Salinas and his employer to come and go unannounced as needed, and was aware that they did so at times.</p> <p>Martin contended that Salinas did not have permission to go into his gated backyard without prior notice. Furthermore, Martin maintained he did not know the dog was a pit bull and did not know it was dangerous.</p> <p>Sanchez never filed an answer to the complaint, could not be served with a subpoena, never testified and was not a part of this settlement.</p>		
Injury:	<p>Salinas claimed the pit bull bit him repeatedly on the arms and torso, ripping flesh from his right forearm. He sustained an open laceration to his right forearm and hand, a laceration to his hip and a laceration to his side. He underwent surgical repair of the forearm laceration and had the right hip and side lacerations cleaned.</p> <p>Salinas claimed \$28,749.16 in medical expenses. He also claimed a loss of enjoyment of life and worry as he feared he will be limited in his ability to provide for his family and he is just as worried that he will lose his greatest enjoyment in life -- music. Throughout his entire adult life Salinas earned a living playing keyboards with bands and in music recording studios. He worked with performers such as Carlos Santana, Eddie Money and Robin Trower, and he is regularly recruited for studio work by music producers such as Jim Gainers (who has done production work for Steve Miller, Journey and Stevie Ray Vaughan). Salinas was unable to play the keyboards for a period after the attack. His plastic/reconstructive surgeon told him that playing the keyboards was actually good therapy for his healing right forearm, however, he is still unable to play long four-hour gigs like he did before his injuries. Now he must take breaks every hour which limits his ability to take certain jobs which require continuous playing for longer periods. Salinas is also now experiencing a tightening in his right hand which is beginning to affect his playing. He is worried that condition will worsen to the point that he will be unable to continue with his music career. Currently 46 years-old, Salinas claimed he still has the potential for a long career in the rock music world with band members now regularly playing well into their 60s, but he wonders if he will be able to.</p>		
Result:	<p>The District Court of Appeal reversed the summary judgment in 2008 and found that Martin had a duty of care to Salinas with regard to the condition of his property where Salinas was injured based on the previous court analysis of Rowland v. Christian. The court further found that the trial judge had inappropriately applied the standard for landlords when in fact this case did not involve a landlord, but rather a property owner with knowledge of the pit bull on his property.</p> <p>Salinas and Martin agreed to settle for \$80,000 on Dec. 3, 2009, almost a full year after reversal on appeal.</p>		
Judge:	Barbara Zuniga		

Landlord should have known about dog on property: plaintiff

April 04, 2016

Amount:	\$75,000	Type:	Settlement
Court:	Superior Court of Los Angeles County, Los Angeles, CA		
Case Name:	Nicholas Alvarez, a Minor, by and through his Guardian Ad Litem, Oscar Alvarez v. Tiffany Monique Claudio, Santiago Cano, Nellie Soto, Rodolfo Soto, and Does 1 to 100, No. BC559834		
Plaintiff Attorney(s):	<ul style="list-style-type: none">Atticus N. Wegman; Aitken * Aitken * Cohn; Santa Ana CA for Nicholas Alvarez, Oscar Alvarez		
Defense Attorney(s):	<ul style="list-style-type: none">Stephen M. Ziemann; Early, Maslach, & Sepe; Los Angeles, CA for Nellie Soto, Rodolfo SotoNone reported; Los Angeles, CA for Tiffany Monique Claudio, Santiago Cano		
Insurers:	<ul style="list-style-type: none">Farmers Insurance Group of Cos.		
Facts:	<p>At around 6:15 p.m. on July 26, 2013, plaintiff Nicholas Alvarez, 12, a student, was walking down Progress Lane, a residential street in Irwindale, when an American bulldog escaped through the front yard fence of a neighboring property. The dog was owned by the neighbors Tiffany Claudio and Santiago Cano, who leased the property from their landlords, Rodolfo Soto and Nellie Soto. The bulldog ultimately attacked Alvarez, allegedly causing injuries of the left thumb.</p> <p>Nicholas, through his guardian ad litem, sued Claudio, Cano, Mr. Soto, and Ms. Soto.</p> <p>Plaintiff's counsel contended that the Sotos knew or should have known that the tenants' dog had dangerous propensities. Counsel also contended that the Sotos had actual knowledge of the dangerous and unsafe condition posed by the broken front yard fence, thus allowing the dog to escape.</p> <p>Mr. Soto testified via video deposition that he had no idea that his tenants, Claudio and Cano, owned a dog and that he had never seen the dog on the premises when he visited. He also claimed that he told the tenants that dogs were not allowed on premises. In addition, Mr. Soto claimed that he was in the process of evicting the tenants.</p> <p>The Sotos' counsel moved for summary judgment regarding landlord liability, asserting that the Sotos had no knowledge of the dog being on the property and that the subject dog had no prior history of biting.</p> <p>Cano and Claudio initially did not respond to the lawsuit or to multiple attempts from plaintiff's counsel. However, after Mr. Soto gave his deposition, plaintiff's counsel sent a letter to Claudio and Cano with an image of the landlord, taken from his video deposition, asking whether Mr. Soto's testimony regarding his knowledge of the subject dog was accurate. Soon thereafter, Claudio and Cano, now homeless, responded, claiming that the testimony of Mr. Soto was untruthful and that Mr. Soto, himself, had seen the dog on the property in the past.</p>		
Injury:	<p>Nicholas sustained a dog bite wound to his left thumb, causing the tip to be partially severed. He was immediately taken to an emergency room, where the hospital attempted to reattach it. However, the tip of the thumb turned black and did not take. As a result, Nicholas had to undergo an amputation of the distal phalanx bone of his left thumb during a subsequent surgery. Thus, Nicholas is left without the tip of his thumb, not including the nail bed.</p> <p>Nicholas claimed that he may require a future minor surgery to correct his nail bed.</p> <p>Thus, Nicholas sought recovery of approximately \$10,000 in past medical costs and approximately less than \$5,000 in future medical costs. He also sought recovery of damages for his past and future pain and suffering.</p>		
Result:	<p>After the depositions of Cano and Claudio were coordinated, and while the Sotos' counsel's summary judgment motion was pending, the matter settled. The Sotos' insurer agreed to pay Nicholas \$75,000, and Cano and Claudio were dismissed from the case.</p>		

Plaintiff bitten by dog that had already attacked her pet

December 10, 2008

Amount:	\$61,694	Type:	Verdict-Mixed
Actual Award:	\$31,934		
Court:	Superior Court of Tuolumne County, Sonora, CA		
Case Name:	Juanita Finch v. Edward Geritz, Marjorie Geritz, Kelly Coppel, Valley View Villas Owners Association and Gibbs Ranch Villas Master Property Association, No. CV52934		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• David L. Axelrod; Sierra Law Office of David L. Axelrod; Sonora CA for Juanita Finch		
Defense Attorney(s):	<ul style="list-style-type: none">• James R. Donahue; Caulfield, Davies & Donahue, LLP; Sacramento, CA for Edward Geritz, Marjorie Geritz• D. Lee Hedgepeth; Curtis & Arata, APLC; Modesto, CA for Gibbs Ranch Villas Master Property Association• Josephine Baurac; Hanger, Steinberg, Shapiro & Ash, ALC; Woodland Hills, CA for Valley View Villas Owners Association		
Insurers:	<ul style="list-style-type: none">• State Farm• Scottsdale Insurance Company		

Facts:	<p>Plaintiff Juanita Finch, 83, retired, and her small Pomeranian dog, Scottie, lived in unit 107 in a Sonora condominium complex.</p> <p>Kelly Coppel moved into neighboring unit 109, which she rented from Edward and Marjorie Geritz, with her 55-pound German Shepherd, Bear.</p> <p>On May 16, 2005, Scottie and Bear got out of their respective units, and Bear attacked the much smaller Scottie. The altercation was broken up with minor injuries to Scottie.</p> <p>The next day, the Valley View Villa Owners Association sent a letter to both unit owners, advising of the attack and reminding them to keep their dogs under control and on a leash at all times.</p> <p>On June 11, Finch was walking Scottie on a leash. As she passed Coppel's unit, Bear charged through a screen door and began to attack Scottie. Finch picked up Scottie and attempted to retreat into her apartment. In the process, Finch was bitten on the index and middle fingers of her left hand by Bear.</p> <p>Finch sued the Geritzs, Coppel, the owners association and the Gibbs Ranch Villas Master Property Association for negligence. The plaintiff contended that Coppel negligently controlled her dog, that the owners association should have notified the Geritzs that Coppel's dog was vicious, and that Gibbs Ranch was vicariously liable, as the master association owner.</p> <p>Coppel conceded liability. She admitted that Bear was not permitted under the lease, and that she essentially "snuck" the dog onto the premises without the unit owner's knowledge or permission.</p> <p>The Geritzs denied liability on the basis that they had no knowledge of Bear being on the premises in the first instance and had not received the letter from the owners association. As such, they had no knowledge of a dog with dangerous propensities residing at their rental unit.</p> <p>The owners association denied liability on the grounds that it had no duty to protect residents from dogs owned by other residents, and that it had discharged whatever duties it had by sending the subject letter.</p> <p>Gibbs Ranch denied liability on the grounds that it exercised no control over the owners association.</p> <p>After Finch rested her case, the court granted Gibbs Ranch's nonsuit motion.</p> <p>According to plaintiff's counsel, Larry Schrader was also a defendant in this case. He failed to file a responsive pleading, and his default was taken, pending a prove-up hearing for default judgment. Schrader did not participate in the jury trial.</p>
Injury:	<p>Finch sustained bite lacerations to the middle and index fingers of her left (non-dominant) hand. The wounds were sutured and cleaned at a hospital emergency room on the date of the incident.</p> <p>On June 13, Finch's wounds developed an infection, and she was admitted to a hospital, where she was administered intravenous antibiotics for four days before her June 17 discharge.</p> <p>Thereafter, Finch received follow up wound care and underwent 12 physical therapy sessions.</p> <p>Finch claimed medical bills of \$46,694 (reduced to \$16,934 after Medicare adjustment). She sought a six-to-seven figure award for past and future pain and suffering.</p>
Result:	<p>Finch was awarded \$61,694. After a Medicare adjustment, the judgment was \$31,934.</p> <p>The jury concluded that, although Bear had demonstrated a dislike of other dogs before the incident, there was no evidence that Bear had ever injured a human. Accordingly, the jury determined that the dog did not display any propensity to harm others prior to June 11, 2005.</p> <p>The jury also concluded that the Geritzs had no knowledge that Bear was in the unit.</p>
Judge:	James Boscoe
Trial Length:	5 days

Man alleged dog lunged at him when he tried to pet it

August 20, 2010

Amount:	\$60,000	Type:	Settlement
Court:	Matter not filed, CA		
Case Name:	B. Merrill v. D. Johanson and K. Johanson, No. Matter Not Filed		
Plaintiff Attorney(s):	<ul style="list-style-type: none">Casey R. Johnson; Aitken * Aitken * Cohn LC; Santa Ana CA for B. Merrill		
Defense Attorney(s):	<ul style="list-style-type: none">Ray Duran; Adjuster for Mercury Insurance Company; Santa Ana, CA for D. Johanson, K. Johanson		
Insurers:	<ul style="list-style-type: none">Mercury Insurance Company		
Facts:	<p>At 2:30 a.m. on Sept. 27, 2008, plaintiff B. Merrill, 22, an employee of the city of Brea, was bitten by a dog at the residence of D. and K. Johanson in La Mirada..</p> <p>Merrill asserted a claim against the Johansons on account of the dog bite. Merrill contended that his status at the Johanson's home was an invitee and that when he noticed a yellow Labrador Retriever looking into the house from an unscreened window, he approached the dog and bent over to pet it. The dog then unexpectedly lunged at him and bit him on his face.</p> <p>The Johansons argued that Merrill was bitten after he placed his face in close proximity of their dog and that Merrill's intoxication contributed to the incident.</p>		
Injury:	<p>Merrill suffered lacerations to his nose, upper lip and just below his left eye. He sustained a laceration through his left naris (nose), approximately 1 centimeter in length, and a complex laceration under his left lower eyelid, deep into the subcutaneous tissue in a shredded fashion.</p> <p>Merrill had a wage loss claim of \$282.10 and \$4,892.23 in medical bills.</p>		
Result:	<p>The case settled for \$60,000 without the necessity of a lawsuit. The settlement was negotiated directly with the defendants' insurance adjuster.</p>		

Phone service technician alleged dog attacked him

April 06, 2004

Amount:	\$57,500	Type:	Settlement
Actual Award:	\$57,500		
Court:	Superior Court of Los Angeles County, Central, CA		
Case Name:	Joseph Ghazar v. Lisa Margulis, No. BC288594		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Andrew L. Ellis; Law Offices of Andrew L. Ellis; Los Angeles CA for Joseph Ghazar		
Defense Attorney(s):	<ul style="list-style-type: none">• Isolde Plendi Gatto; Law Offices of Marsha Munemura; Glendale, CA for Lisa Margulis		
Facts:	<p>On Feb. 23, 2002, plaintiff Joseph Ghazar, 50s, a service technician for Pacific Bell, went to the home of Lisa Margulis to perform a routine service call. Ghazar claimed that he asked Margulis for access to her telephone equipment, which needed to be repaired, and to lock up her dog, a small mixed breed, which was barking.</p> <p>Ghazar claimed that he then began his service. He walked from the house to the yard to his truck and back again. He alleged that Margulis's dog then approached him and bit his right knee.</p> <p>Ghazar sued Margulis, alleging premises liability. He contended that Margulis should have restrained her dog after he asked her to do so.</p> <p>Margulis contended that her dog did not bite Ghazar. In the alternative, she argued that the dog was too small to cause serious injury to Ghazar.</p>		
Injury:	<p>Ghazar claimed that he suffered injury to his right knee when he had to shake the dog loose from his pants. He later required two surgeries to both knees. His medical specials were covered through workers' compensation.</p> <p>The defense argued that the left knee problem was preexisting.</p>		
Result:	<p>The case was settled for \$57,500 to cover Ghazar's pain and suffering.</p> <p>Margulis purchased the workers' compensation lien in the case, and the case was settled after the medical specials were all covered by the lien.</p>		
Judge:	Fumiko H. Wasserman		

Victim claimed he wasn't warned of dog's ferocity

February 16, 2006

Amount: \$56,093 **Type:** Verdict-Plaintiff

Actual Award: \$19,632

Court: Superior Court of Los Angeles County, Santa Monica, CA

Case Name: Ryan Michaels v. Nancy Zoss, No. SC 081 474

Plaintiff Attorney(s):

- Paul S. Norris; Binder & Norris; Pasadena CA for Ryan Michaels

Defense Attorney(s):

- Mark A. Weinstein; Veatch Huang; Los Angeles, CA for Nancy Zoss

Insurers:

- Farmer's

Facts: On Jan. 18, 2004, plaintiff Ryan "Rhino" Michaels, 30s, an actor and stunt man, was bitten by a mix breed Rottweiler/pit bull belonging to his landlord, Nancy Zoss, in Venice.

Michaels was alone at Zoss' home at the time, performing outdoor household chores which he did to reduce his rent. He was bitten on his buttocks and on both arms while in the dog's fenced-off dog run.

Michaels sued Zoss for negligence, strict liability.

Plaintiff's counsel asserted that the dog had a history of biting, which Zoss didn't share, and that he should have been warned to stay away from the dog.

Michaels claimed that he was told to take care of the dog as part of his chores, and that he had taken care of the dog in the past, performing such tasks as feeding the dog, bathing it and cleaning out its dog run.

Zoss claimed that she repeatedly warned Michaels about the dog, as well as his history of attacking people, which is why he was restricted to a dog run. She denied that Michaels was ever told to take care of the dog, and that he had ever taken it upon himself to take care of the dog.

Injury: Michaels had multiple bite marks to both arms, resulting in nerve damage. He spent three days in the hospital on medication, and received home nurse care for two weeks. Michaels claimed that the nerve damage in both of his arms continues to cause him lingering pain.

One month before the incident, Michaels underwent facial plastic surgery and liposuction on his stomach. He claimed that during his struggle with the dog the internal stitches in both his face and stomach were torn, and that he will need to get the procedures redone.

Michaels sought \$13,000 in past medical specials. A future medical cost claim and a wage loss claim were not established. He also sought an unspecified amount in pain and suffering damages.

Result: The jury found Zoss to be 35% at fault and Michaels to be 65% at fault. It awarded \$56,093, which was reduced to \$19,632.

Judge: Jacqueline A. Connor

Trial Length: 7 days

Bitten at Retail Store/Admitted Liability

September 29, 1998

Amount:	\$39,082	Type:	Verdict-Plaintiff
Court:	Superior Court of San Diego County, San Diego, CA		
Case Name:	Ramon Valdez, Hilda Valdez, and Imelda Janette Valdez by and through her Guardian Ad Litem, H. Paul Swanson vs. Jim Shaba and Latif Zoura dba Bobar Liquor, No. 713508		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• William J. Ward; Law Offices of William J. Ward; San Diego CA for Ramon Valdez, Hilda Valdez, Imelda Janette Valdez, H. Paul Swanson• H. Paul Swanson; Law Offices of H. Paul Swanson; San Diego CA for Ramon Valdez, Hilda Valdez, Imelda Janette Valdez, H. Paul Swanson		
Defense Attorney(s):	<ul style="list-style-type: none">• John J. Higgins; Higgins, Harris, Sheman & Rohr; Palm Desert, CA for Latif Zoura, Bobar Liquor• Michael L. Smith; Higgins, Harris, Sheman & Rohr; Palm Desert, CA for Latif Zoura, Bobar Liquor• J. Alan Plott; Tegland & Plott; Palm Desert, CA for Jim Shaba		
Insurers:	<ul style="list-style-type: none">• Grocers Insurance for Bobar Liquor		
Facts:	Facts: Admitted Liability 7/1/97 at 8:00 p.m.: Plaintiffs, a 39-year-old laborer and his 5-year-old daughter, were utilizing the water vending machine outside Bobar Liquor in Chula Vista. As Plaintiff was filling a 5-gallon jug at the coin-operated machine, a pit bull attacked his daughter. Plaintiff father, to keep the dog from mauling his daughter, lifted the child up. The beast attacked him. His daughter was bitten on the buttocks, back, and shoulder. The father was bitten on the shoulder, penis, testicles, and scrotum. The dog was finally chased away by passersby. They beat the dog with a car-locking device known as "The Club." People attempted to run over the animal in the parking lot. Both Plaintiffs were treated at the scene by paramedics, and thereafter at the emergency room at Scripps Memorial Hospital in Chula Vista. Defendant Zoura was the storeowner. Defendant Shaba was a store employee and the owner of the dog. Contentions: Plaintiffs claimed Jim Shaba kept several pit bulls on the premises for several months for breeding purposes. Latif Zoura knew or should have known of the dog's presence. Another attack occurred three days prior to this one. A woman or two women were attacked by the same pit bull. Both attacks were reported to the Chula Vista Police Department by 911 calls. Plaintiffs had tape of both calls. Defendants knew of the vicious propensities of the dog because of the prior attack. They failed to remove the dogs prior to the July 1, 1997 attack. Both Plaintiffs suffered extensive scarring and need future plastic surgery. Defendant Zoura argued that he had no knowledge of the dog's presence. After the attack, the dogs were immediately removed from the premises and destroyed. Defendant Shaba admitted the dog that attacked the Plaintiffs was his. The dogs had only been kept on the premises for seven to ten days before the attack. Shaba had no knowledge of the prior attack.		
Injury:	Injuries: Both Ramon and Imelda Janette Valdez claimed physical and emotional injuries as a result of the attack. Loss of consortium for wife. Treatment: Past, present, and future psychiatric care and plastic/cosmetic surgery. Residuals: Continued orthopedic problems and scars on father's arm. Medical Costs: \$7,000 Loss of Earnings: \$230		
Result:	Settlement: Offer: \$15,000 CCP 998 Demand: \$400,000 increased to \$700,000 leading up to the trial. Verdict: \$39,082 total; \$28,057 for Ramon Valdez and \$11,025 for Imelda Janette Valdez. Nothing awarded for loss of consortium. Jury Poll: 11-1 for wife, 12-0 for Ramon Valdez, 10-2 for Imelda Valdez Note: Defendants were able to bar any reference to the prior attack due to Plaintiff's inability to produce any evidence that the same dog was involved and/or the identity/identities of the person/persons allegedly attacked. Furthermore, on an earlier ruling on a Motion for Summary Adjudication barring punitive damages as against the store, it was, pursuant to a Motion in Limine, held to control as to the employee, Jim Shaba.		
Judge:	John C. Meyer		
Trial Length:	4 days		

Teenager attacked by dog needed 22 stitches

March 10, 2005

Amount: \$35,000 **Type:** Settlement

Actual Award: \$35,000

Court: Superior Court of Los Angeles County, Norwalk, CA

Case Name: Esther Mendoza v. Emilio Martinez, No. BC309520

Plaintiff Attorney(s): • Andrew L. Ellis; The Law Offices of Andrew L. Ellis; Culver City CA for Esther Mendoza

Defense Attorney(s): • Kyndra Miller; Law Offices of E. Houston Touceda; Los Angeles, CA for Emilio Martinez

Facts: On Feb. 24, 2002, plaintiff Esther Mendoza, 17, was visiting the home of Emilio Martinez on West 24th Street in Los Angeles. While Mendoza was leaving the house, Martinez's dog attacked her from behind, biting her repeatedly on the legs.

Mendoza sued Martinez alleging that he was strictly liable for her injuries pursuant to California Civil Code Sec. 3342, which provides that a dog owner can be held strictly liable for damages suffered by a person his or her dog has bitten. She also alleged that Martinez was liable on the theory of premises liability.

Martinez alleged that Mendoza was liable for her own injuries as she had assumed the risk by playing with the dog.

Mendoza denied playing with the dog.

Injury: Mendoza was taken by ambulance to Kaiser Hospital in West Los Angeles, where the emergency room staff closed the lacerations on her legs and gave her a tetanus shot. She received 22 stitches.

Mendoza had a depressed scar on her left leg, measuring approximately 2.5cm by about 1.5 cm. Her leg also had a toothmark measuring about 0.5 cm x 0.5 cm., and distal and anterior to this by about 5 cm was another tooth mark measuring approximately 1cm x 0.5 cm. On her right leg, there appeared to be a soft tissue defect with tissue missing in an area measuring about 5 to 6 cm x 3 cm. Mendoza alleged she would require reconstructive surgery to correct the scars, tooth marks, and soft tissue defects.

Mendoza claimed past medical expenses of \$4,967.15, future medical expenses of \$5,000, and unspecified damages for pain and suffering.

Result: The parties settled the case for \$35,000.

Judge: Mary Thornton

Dog bite caused lack of grip strength, plaintiff claimed

November 07, 2011

Amount: \$25,000 **Type:** Verdict-Plaintiff

Court: Superior Court of Riverside County, Riverside, CA

Case Name: Gregory Hopkins v. Paul D. Tierman and Kimberly D. Tierman, No. RIC10008402

Plaintiff Attorney(s):

- Samantha Berryessa; Law Office of Samantha Berryessa; Fallbrook CA for Gregory Hopkins
- Suzanne H. Mindlin; Law Offices of Suzanne Mindlin; Cardiff by the Sea CA for Gregory Hopkins

Defense Attorney(s):

- Vincent M. Onorio; Bevins, Hellesen & Glauser; San Bernardino, CA for Paul D. Tierman, Kimberly D. Tierman

Insurers:

- Farmers Insurance Group of Cos.

Facts: On May 16, 2008, plaintiff Gregory Hopkins, 59, a propane meter reader, entered a property in Temecula through an open gate on a partially fenced property to read a propane meter, pursuant to a contract with his company and the Tiermans, who lived at the home. After entering the property, Hopkins was attacked by the Tiermans' Chesapeake Bay retriever, Boomer, who bit his left hand.

Hopkins sued Paul and Kimberly Tierman. He alleged strict liability under the dog bite statute, as well as premises liability, negligence and negligence per se.

Hopkins claimed that the Tiermans owned three collarless dogs, which they left running loose on the property. He alleged that Boomer lunged at him and pinned him against his company truck three times, during which the dog's large paws pinned his upper torso and attempted to bite his face or throat. Hopkins claimed that as he protected his face with his clipboard the dog bit down on his left hand during the last lunge.

Hopkins claimed that Mrs. Tierman watched the dog attack and did nothing.

Mrs. Tierman testified in her deposition that she kept telling the dog to come, but that Boomer did not respond. Thus, the defendants admitted liability, and the matter proceeded to a trial on causation and damages.

Injury: Hopkins went to an emergency care center, where he was treated for puncture wounds to his index finger and thumb, as well as a ripping of the webbing of his left, non-dominant hand, which was debrided and sutured. He also received shots and followed up with a doctor a few more times to have the sutures removed and have the wound examined. In addition, Hopkins underwent physical therapy.

The plaintiff claimed damage to the sensory nerves in his left hand, causing persistent pain and some numbness involving the ulnar margin of the index finger. He also claimed a lasting loss of capacity to forcefully grip. Hopkins alleged that he was laid off from his job because the company became automated and no longer needed meter readers. Thus, he claimed he has been unable to find other work, in part because of the damage to his left hand, and the anxiety and panic attacks he suffers from as a result of the attack. He subsequently sought recovery of \$243,000 in total damages, including damages for his future lost earnings and pain and suffering.

Defense counsel contended that Hopkins healed well from his injury. He argued that the plaintiff did not suffer motor nerve damage, which would affect grip strength, and only suffered sensory damage, which would not affect his grip strength, despite Hopkins' claim. They further claimed that despite the claim of loss of grip strength, the injury was to the plaintiff's non-dominant hand anyway and that Hopkins was able to return to work after being laid off.

Result: The jury awarded Hopkins \$25,000 in general damages.

Judge: Stephen D. Cunnison

Trial Length: 4 days

Dog bit dog sitter's girlfriend on the lip, necessitating 25 stitches

March 13, 2007

Amount: \$12,664 **Type:** Verdict-Plaintiff

Court: Superior Court of Los Angeles County, Torrance, CA

Case Name: McCracken v. Silva, No. YC052597

Plaintiff Attorney(s):

- Brian C. Nutt; Phillipi & Nutt; Pasadena CA for McCracken

Defense Attorney(s):

- Mark R. Weiner; Michael Maguire & Associates; Glendale, CA for Silva
- Michael A. Nork; Barry Bartholomew & Associates; Glendale, CA for Silva
- Ronald S. Whitaker; Michael Maguire & Associates; Glendale, CA for Silva

Facts: On Jan. 8, 2006, at 6637 Vista Del Mar in Playa del Rey, plaintiff Robin McCracken, while lawfully on the property of John Silva, was attacked and injured by a chocolate-colored Labrador Retriever owned by the defendant. The dog bit McCracken's lip.

McCracken alleged that defendant breached his duty of due care by negligently allowing the dog to be close to her.

The defendant argued that his landlord Ron Brody, who was dismissed as a defendant by the plaintiff, was taking care of the defendant's dog while he was out of town. Brody had done this on numerous occasions. On the date of the incident, Brody's girlfriend, plaintiff Robin McCracken, was visiting. Brody testified in deposition that plaintiff told him that she had leaned down close to the dog's face to give it a kiss, which startled him.

The defendant did not contest liability, but contended that plaintiff was negligent and was partly responsible for her injuries and damages.

Injury: McCracken's lip required 25 stitches. Plaintiff's treating expert, Andrew T. Cohen M.D., a plastic surgeon at Cedars-Sinai, whom plaintiff consulted with on three occasions, opined that plaintiff needed fat grafting to her lower lip to reconstruct the vermilion border and restore the natural appearance of the lips. Cohen estimated that plaintiff would also need tattooing of the lip to replace the permanent tattooing plaintiff had obtained prior to the incident; plaintiff had had tattooing done to permanently eliminate the need for lipstick. Cohen further estimated that each grafting procedure would cost approximately \$4,375, and that plaintiff would need three or four sessions.

The defendant's expert, Jeffrey Rosenberg, a board-certified plastic and reconstructive surgeon, agreed that plaintiff would need additional medical treatment; however, Rosenberg stated that plaintiff would only need a minor out-patient procedure at a cost of approximately \$3,800 to repair a flap on the upper lip.

Result: The jury awarded McCracken \$12,664.

Judge: Andrew Kauffman