

Court: Horse Owners Need To Protect Public From Injury

By EDMUND H. MAHONY, emahony@courant.com

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The state Supreme Court concluded Wednesday that the owners of domestic animals must take reasonable steps to prevent them from causing injuries – regardless of where an animal is kept or whether it had ever shown signs of dangerousness.

The decision, in a case involving a two-year old bitten by a horse at a Milford garden center, found inconsistencies in a handful of century old farm negligence cases and established what the court said will be a standard for injuries caused by domesticated animals.

Essentially, the court said owners of domesticated animals have no immunity from liability when their animals cause injury, are expected to take reasonable steps to restrain the animals and that claims for negligence should be examined on a case-by-case basis.

"We therefore conclude," the court wrote, "that one who possesses or harbors a domestic animal that he does not know or have reason to know to be abnormally dangerous, is subject to liability for harm done by the animal if, but only if, he is negligent in failing to prevent the harm, regardless of whether the animal was roaming or at large."

Early in its decision, the court took the unusual step of devoting a long paragraph to dispelling what it asserted was a misconception about the case – that the court was being asked to rule on the question of whether horses are inherently dangerous creatures.

Horse owners had voiced concerns that such a ruling would dramatically increase their insurance rates, concerns that led Gov. Dannel P. Malloy to propose legislation that would require, when a civil suit is brought against a horse owner, that there be a presumption that a horse is not inherently dangerous.

The court said it was not considering the question, nor had the state Appellate court, which heard the matter earlier.

"Moreover, contrary to the defendants' suggestion, the Appellate Court did not hold, and the plaintiffs make no claim, that injuries from horse bites are foreseeable as a matter of law because all horses have a natural propensity to bite under all circumstances," the court wrote. "In other words, neither the Appellate Court nor this court concludes that horses may be presumed to be dangerous. Rather, that issue must be decided on a case-by-case basis."

The two-year old boy was bitten on his cheek in 2006 while he and his father visited a Milford garden center that also contained an area the owners used to board horses. After buying garden goods, the father brought the child to a paddock where customers and their families commonly stopped to watch horses.

While the two stood about a foot from the paddock fence, the father petted one of the horses. When the father stopped, the horse dropped its head and bit the child.

The father and son sued for damages for what is expected to be a permanent scar and other distress. They argued that it is reasonable to believe that any horse is capable of inflicting a bite and the owners of the garden/equestrian center should have foreseen the potential danger and taken steps to protect against the danger.

The owners of the center, Glendale Farms, referred to some of the old law in their defense when they argued that the horse in question had shown no propensity for causing injury and that they were protected from liability because they had not allowed the horse to roam freely on their property.

A Superior Court judge had previously ruled in favor of Glendale Farms and dismissed the suit. The state appellate court reversed the Superior Court judge. The Supreme Court's decision upheld the appellate ruling in the plaintiff's favor.

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