Justices Issue Ruling In 'Vicious Horse' Case

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A lawsuit seeking damages for a child who was bitten on the face by a horse will proceed in the Superior Court, after the Connecticut Supreme Court upheld an Appellate court ruling that found horses belong to "a species naturally inclined to do mischief or be vicious."

In a summary of the opinion released today in Anthony Vendrella et al. v. Astriab Family Limited Partnership et al., a court spokeswoman said the court "did not rule that horses have dangerous propensities to cause injuries."

Rhonda Stearley-Hebert, the spokeswoman, said that the court did rule "that the question of whether an animal has dangerous propensities or is naturally inclined to cause injuries must be made on a case-by-case basis before the trier of fact in the Superior Court."

The case dates back to 2006, when a small boy named Anthony Vendrella Jr. was bitten on the cheek when he tried to pat a horse named Scuppy through a fence at a Milford farm.

Vendrella's family sued the farm, claiming negligence. But for more than seven years, their ability to pursue that claim has been entangled in legal arguments over whether the owner or keeper of a horse — in this case, the Milford farm — needs some sort of prior warning that a horse could be dangerous before it is liable for its actions.

When the case was argued to the high court in September 2013, horse-owners shared concerns that upholding the state Appellate Court decision would deem all horses as inherently dangerous, and open them up to increased liability or an inability to insure their animals.

Stearley-Hebert said that under the majority decision released today, it will be up to the trial court judge to determine whether the plaintiffs met their burden of proof "on the issue of dangerousness." If that proof has been met, the trial judge must then determine whether the defendants were negligent in controlling the horse.

Under the ruling, the case was ordered back to the Superior Court.

Steven Seligman, who represented the farm in arguing against the appeal to the Supreme Court, said he and his clients were disappointed by the result. "My client and I need an opportunity to digest this lengthy opinion in order to determine whether we should take further action in the Supreme Court," he said.

During oral arguments in the case, Seligman argued on behalf of the farm that the lawsuit should not be permitted to proceed, because there was no prior warning that this individual horse— Scuppy — would bite.

The defense in the original lawsuit noted that Scuppy had never previously shown any interest in biting anything but bits of grass. Nor had any other horse in the 28 years the farm had been in operation. Therefore, the defendant's argued, they were under no legal obligation to post a sign warning the public to stay away from Scuppy.

The trial court agreed, accepting a motion for summary judgment on behalf of the defendants. But in 2012, the Connecticut Appellate Court, in a first-in-the-nation type of decision, found that all horses have a tendency to bite and all people should be wary of them. In its decision, the Appellate Court ruled that horses are a class of domestic animal that have "a propensity to bite and be vicious."

That led to the appeal to the Supreme Court. During the oral arguments in the case, lawyers for the Vendrella family argued for their right to be able to pursue their lawsuit at the Superior Court level. "It should be a question for a jury," the Vendrella's lawyer, Hugh D. Hughes, told the Supreme Court at the time.