

Supreme Court Finds Horses are “Naturally” Vicious

By STEPHEN SINGER, Associated Press

Owners of horses and other domestic animals must try to prevent their animals from causing foreseeable injuries, the state’s highest court ruled Wednesday in a decision that avoided the larger issue of whether horses are inherently vicious while siding with a family whose child was bitten by one. The Connecticut Supreme Court ruled 6-0 to uphold an Appellate Court decision that said a horse belongs to “a species naturally inclined to do mischief or be vicious.”

But four of the justices said that the question of whether an animal is naturally dangerous must be considered individually by lower courts. The owner or keeper of a domestic animal “has a duty to take reasonable steps to prevent the animal from causing injuries that are foreseeable because the animal belongs to a class of animals that is naturally inclined to cause such injuries,” the court ruled. Owners may be held liable for negligence if they fail to take reasonable steps and an injury results, the justices said.

Connecticut’s sizable horse industry has warned that classifying the animals as vicious could make owning a horse uninsurable. Legislation is moving through the General Assembly proposing to reduce liability exposure for the owner or keeper of a horse, pony, donkey or mule in civil actions for personal injury damages caused by the animal.

The case began in 2006 when a boy tried to pet a horse named Scuppy at a Milford farm. The animal stuck his neck out from behind a fence and bit the child on his right cheek, “removing a large chunk of it,” according to court papers.

The Supreme Court said the owner or keeper of a domestic animal he does not know to be “abnormally dangerous” is liable if he is negligent in failing to prevent the harm. To conclude otherwise would undermine established legal principles of liability, the court said.

But to determine that that an injury caused by a domestic animal was foreseeable, the person who claims injury does not have to prove that the species as a whole has a natural tendency to inflict harm, “but only that the class of animals to which the specific animal belongs has such a tendency,” the justices said. Hugh D. Hughes, a lawyer who represents Anthony Vendrella, the father of the youngster bitten by the horse, said the Supreme Court “did exactly what it needed to do.”

The justices ordered the case back to a trial court, which “gives us an opportunity to prove our case,” he said.

Steven L. Seligman, the lawyer for the Astriab family that owns the farm, said he is disappointed.

“The net effect is that the case that once was over for my client is now far from over,” he said.

Justices Peter Zarella and Christine Vertefeuille agreed with the majority that the owner or keeper of a domestic animal must prevent injuries that are foreseeable. But horses “nip and bite,” and such issues related to their nature do not need to be considered by juries, they wrote. Instead, jurors should be asked

to determine if the defendants acted to prevent Scuppy from causing foreseeable harm, Zarella and Vertefeuille said.

Attorney Joseph D. Foti, who also represents Vendrella, said he's looking forward to taking the case back to trial court where he hopes it will move on a fast track after an eight-year appeals process.

"This is nothing about a vicious horse," he said. "It's about a horse being a horse, the natural propensity of an animal being dangerous under certain circumstances."

Read more: <http://www.equinejournal.com/index.php/features/3245-supreme-court-finds-horses-are-naturally-vicious#ixzz2xArnAULR>