

## **Couple hoping dog bite lawsuit can be settled with insurance company**

*BY TOMMY RIGGS Times Staff Writer*

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An attorney representing a Fairfield couple who is seeking payment for damages caused by a pit bull attack is currently in litigation with the homeowners' insurance company.

Andrew and Melissa Boyd, of Fairfield, are seeking damages for severe injuries to one of their children due to a pit bull attack. The pit bull owners are Richard and Joyce Sprouse, of Fairfield, the Boyds' neighbors.

The Boyds' attorney, Thomas J. Newell, said a trial in front of a jury is the last possible step in litigation if earlier steps do not yield a resolution.

“(Filing the complaint) is the ‘A’ of litigation, not the ‘Z,’” said Newell, who said he has represented dog attack victims in 17 different Pennsylvania counties. The next step will involve litigation between Newell and the Sprouse’s home owners’ insurance company.

“If we are unable to resolve it in litigation, we would go to a pretrial conference with a judge,” said Newell. “If, after that pretrial conference, we couldn’t resolve it, we would continue with a jury trial. My goal is to reach a number that is fair so we can all move on. My hope is that this claim will be resolved in a matter of few months.”

“My goal is to be able to work this out and make a settlement with the defendant’s home owners’ insurance company,” said Newell. “I do not want them to pay out of pocket. This is not my goal.”

According to Newell, the arbitration limit in Adams County is \$50,000. However, Newell said this case far exceeds that amount. The complaint says that the “Plaintiffs hereby demand judgment of the Defenders in an amount... in excess of the applicable arbitration limits which Plaintiffs believe to be \$50,000.”

However, no specific monetary amount is being demanded.

According to Newell, “under Pennsylvania Law, when you file a civil complaint for personal injuries, you are not permitted to put down on your legal complaint for a specific amount that you’re looking for. If we believe that the value of the case is not within the arbitration limits of that county, we will ask for money in excess of that limit. This is a case of substantial value that is worth far in excess of the arbitration level of Adams County. The value determines that we go right into the trial track (not the arbitration track).”

Newell filed for the complaint this week to avoid any issues with the statute of limitations, which he said is two years for a regular, adult personal injury claim.

“For a minor, there are aspects of the claim that go until the age of 20. But, in my legal opinion, there are other aspects (of this case) that do not,” said Newell. “I look at every case as a two-year statute of limitations to avoid any issues.”

Since the alleged attack occurred on April 13, 2011, the two-year period for this case ends today. “We did what we needed to do legally to protect ourselves (by filing the complain),” said Newell. “Now, I’m collaborating with the insurance company. Now that we have protected the statue of limitations, hopefully within the next month or two we’ll have significant discussions that will hopefully lead to a resolution. It is not my intention to have the Sprouses pay out of pocket. That’s why they have home owner’s insurance. I hope that we can get a resolution that is fair to everyone.”

The child’s medical procedures to this point have been time-consuming. “We literally got the last of the records on Monday,” said Newell. “There are over 500 pages of medical records. “(The doctors) do everything they can immediately (after the attack),” said Newell. That included two surgeries, one for the nose and one for the cheek. “Then, they have to wait six to eight months for the scar to heal before making an educated analysis about what further reconstruction surgeries need to happen.”

Surgeries three and four, which started on the reconstruction of the right nostril, took place in June 2012. “We have to wait six months to see the progress of that surgery,” said Newell. “Now that (the doctor) had that view in November/December 2012, he was able to give the Boyds a plan of attack for the surgeries three years down the road” when the child’s face has grown more mature.

Newell noted that the Boyds only have one opportunity to get a settlement fair to the injuries and procedures. As of now, there are two surgeries in the next three years, but it is uncertain after that. Future surgeries will include modification to make the disfigurement and scarring less visible and noticeable.

Newell noted that many studies have shown a negative impact on ability of those with facial disfigurement to earn a living in the future.

Newell is seeking damages from the Sprouses’ home owner’s insurance company to compensate for numerous costs including appropriate compensation for injuries that have already occurred that are objectively identified, surgeries, travel costs, psychological trauma, and parents time off from work.

Newell stressed the horror of the dog attacks and the tolls that it takes on a victim’s entire life. “This is an epidemic,” he said. “These pit bills attack, and they attack to kill. They attack the

face.” “She’s been through so much. In these two years, she’s been through a whirlwind of activity that’s just not positive. She has a 74-year life expectancy, and she will have a significant facial disfigurement for those years.”