



LOCAL NEWS

Attorney says judge's decision in dog bite case set precedent for victims


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Dog Bite Precedent

York County



A jury will soon decide if a York County woman can collect punitive damage from the owner of three dogs that attacked her. The attorney for the victim said the judge in the case has set a precedent for dog bite victims.

Civil case

Back in November 2012 a Fed-Ex delivery driver from York County was delivering a package to a home in Dauphin County. While walking in the driveway of the home, three boxers started acting aggressively, according to court documents. She held out the package which fell to the ground. She hoped it would distract the dogs as she tried to walk away. According to records that did not work, and the attack continued until the owner of the dogs came outside and stopped the attack.

"Had she seen an orchard on his property and gone over to pick some apples well then it's a different story," said the victim's attorney, Thomas Newell. He said the law is on her side and the dogs should have been restrained. "The law is clear on this. In areas on your property that are open to the public, which a driveway clearly is, and in this case the man had ordered something through the federal express so he was expecting the delivery," said Newell. Newell said the judge has set two precedents in the case by allowing him to use as evidence, a prior act, and one that happened after the attack, in which the dogs were aggressive to other Fed-Ex workers, but did not actually attack them. "It allows me to say to the public, if you own a dog, and your dog starts pursuing people, you are now put on notice that we have the right to come after you, and to hold you accountable. Even if the victim in the prior incident is not injured," said Newell.

Bigger issue

Newell said the broader issue is how dog attacks are affecting taxpayers. He said a majority of dog bite victims that he sees are children, who often are on CHIP, or government-funded insurance. Often times, Newell said, the owner of the dog does not have insurance to cover the injuries, so the burden falls on taxpayers. "If you want to freedom to own a dog, which we all love, then with that comes an immense responsibility to act responsibility," said Newell.

In their nature

Melissa Smith with the SPCA said she was surprised to read about the case because it is in a dog's nature to protect their home. But, she said she also understands how things can go wrong. She recommends that dog owners be aware and keep their pets restrained. "As a homeowner, and a dog owner, I would say don't put your dogs in that situation where things can happen," said Smith.

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