



What To Do In A “Dog Eat Dog” (or “Dog Eat Cat”) World

By Emily Gardner, Esq.

For Owners of Dogs/Cats Wrongfully Injured or Killed

In the aftermath of an attack, the first things an owner should do are to assess the condition of their animal and seek emergency veterinary care if necessary. If the injuries are serious or have proven fatal, the owner should call 911 and report the incident to the police. Also contact the Humane Society, which will respond to the attack and produce a report as to their opinion of the “dangerousness” of the attacking dog.

The Honolulu Revised Ordinances § 7-7.1 defines a “dangerous dog” as “any dog, which, without provocation, attacks a person or an animal.” If a dog is determined to be a dangerous dog, its owner(s) will often be required to appear in court to respond to charges against them for failure to control their dog, and most likely be fined. While requiring the owner of an attacking dog to pay a fine to the county punishes the owner of the attacking dog, it does little to compensate the owner of the deceased or injured pet for the injuries they have suffered.

Other important actions the owner of a pet wrongfully attacked or killed should take are to: 1) Identify the dog who was the attacker; 2) Get the names and addresses of the owner(s) of the dog; 3) Get the names and addresses of anyone who was in possession and/or control of the dog when the attack occurred. If the individual(s) in possession or control of the animal at the time of the attack was operating in a professional capacity, such as a house sitter, dog walker, dog groomer, veterinarian, they may have professional liability insurance to cover your injuries and damages; 4) Get the names of any persons who may have witnessed the attack; 5) Difficult as it may be, take photos of your pet, showing the extent of the injuries suffered, and, if possible, the “scene” of the crime; 6) Get copies of all veterinary records for your animal both for injuries and illness associated with the attack, and care provided before the attack which can be used to establish the care you pro-

vided for your pet during its lifetime. Another potentially harsh blow to the owner of a dog or cat wrongfully killed may be that the court may only allow the owner of the deceased pet to recover the veterinarian bills associated with the attack up to the pet’s “fair market value.” Thus, a grieving pet owner may not even be able to recover the full veterinary costs associated with trying to “save” the victim of the attack; 7) If it applies, get all medical bills for injuries you or members of your family suffered due to the loss, including any emotional trauma. The Hawaiian Humane Society provides a pet loss support group which can help pet owners through the grieving process.

Things the owner of a dog or cat wrongfully injured or killed by another dog should *not* do are to: 1) Discuss liability or settlement with the owner of the attacking dog without assessing the type and amount of relief you are seeking or consulting with an attorney; 2) Retaliate against the attacking dog or the owner of the dog, as this can get you in trouble and vitiate any claim you may have.

It is important to recognize that the above guidelines are only general, suggested courses of action. Each attack situation will be different and should be evaluated on an individual basis. If the unfortunate does occur, consider seeking advice from a legal professional. Of course it’s always best to try and avoid attacks from occurring in the first place. To this end, be a responsible owner — provide socialization and always properly restrain your dog.

Next Time: Advice for the Owners or Those in Possession of an “Accused” Dangerous Dog

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Unfortunately, it can, as the saying goes literally be a “dog eat dog world.” Each day, numerous dogs (and cats) are injured and killed in their own front lawns, in their backyards, at dog parks, on and off leash. This article is aimed to advise pet owners on what to do if their dog (or cat) is injured or killed by a dog belonging to someone else.

Because the law continues to view pets as property, the owners of dogs or cats that have been killed or injured due to the wrongful or negligent actions of another can in many instances recover only the “fair market value” of their pet. To add insult to injury, the “fair market value” may even reflect depreciation in the amount of money an owner paid for an animal due to the animal’s age or health related problems. For someone who has lost a treasured companion, recovering the “fair market value” does little to compensate for their loss, and in fact, often only adds to the pain they suffer. Owners of dogs and cats wrongfully killed or injured feel the law isn’t treating them justly or being respectful of their loss — and they’re right, it isn’t.

Below I have outlined some of the things owners of dogs that have been wrongfully injured or killed can do to improve their chances of recovery.

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