

Summary of Opinion
Anthony Vendrella et al. v. Astriab Family Limited Partnership et al.
SC 18494

Judicial District of New Haven

The plaintiffs, Anthony Vendrella and his 2-year-old son, sought to recover damages from the defendants, Astriab Family Limited Partnership and Timothy D. Astriab, who owned and operated Glendale Farms in Milford. The plaintiffs wanted to be compensated for personal injuries to the child when he was bit on May 18, 2006, by a horse named Scuppy on the defendants' property. Glendale Farms is a garden center that also provides horse boarding services, and Scuppy was in a fenced area that garden center customers regularly visited to see the horses. After the child's father had stopped petting the horse, Scuppy, without warning, lowered his head over the fence and bit the child's face.

The plaintiffs sought damages for the defendants' alleged negligence and recklessness. In turn, the defendants asked a Superior Court judge to dismiss the lawsuit without a trial (motion for summary judgment), claiming that they did not have any knowledge that Scuppy would either bite the child or have the propensity to do so. The plaintiffs opposed the defendants' motion for summary judgment, claiming that the defendants should have known that any horse, by its very nature, is capable of biting a person without provocation or predisposition. The plaintiffs also provided evidence acknowledging a horse's natural disposition to bite. The Superior Court judge dismissed the lawsuit without a trial, concluding that the plaintiffs had failed to show that the defendants knew that Scuppy, specifically, and not horses in general, had a tendency to bite.

Mr. Vendrella then appealed to the Appellate Court, which reversed the Superior Court judge's decision. The Appellate Court concluded that the trier of fact (the Superior Court judge or jury) must determine first, whether horses as a class of animals possess a natural propensity to bite, and if so, whether it was foreseeable that Scuppy would bite. Accordingly, the Appellate Court returned the case to the Superior Court to determine via the trier of fact whether the child's injury was reasonably foreseeable because Scuppy belonged to a class of animals having naturally dangerous propensities.

The defendants then appealed to the Supreme Court, which heard arguments on Sept. 24, 2013. The justices in a ruling released today upheld the Appellate Court's decision. Chief Justice Chase T. Rogers authored the majority opinion and was joined by Associate Justices Dennis G. Eveleigh, Andrew J. McDonald and Carmen E. Espinosa. Justice Peter T. Zarella and Senior Justice Christine S. Vertefeuille also voted to uphold the Appellate Court's ruling, but disagreed with the majority opinion's reasoning.

The majority *did not* rule that horses have dangerous propensities or are naturally inclined to cause injuries. It did rule, however, 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. According to the majority, the trier of fact must determine whether the plaintiffs met their burden of proof on the issue of dangerousness and, if so, whether the defendants were negligent in controlling Scuppy. As such, the Supreme Court ordered the case back to the Superior Court for further proceedings.

Concurring opinion by Justice Peter T. Zarella

Justice Peter T. Zarella wrote a separate concurrence, in which Senior Justice Vertefeuille joined. He agreed with the majority that, as a matter of public policy, the owner or keeper of a domestic animal has a duty to take reasonable steps to prevent injuries if such injuries are foreseeable because the animal belongs to a species or breed that is naturally inclined to cause such injuries. Justice Zarella also agreed that the owner or keeper may be held liable for negligence if he fails to take such steps and an injury results.

Justice Zarella disagreed, however, with the majority insofar as the majority concluded that there was a genuine issue of material fact about whether the injury to the child in the present case was foreseeable, and thus was an issue of fact for the jury. In Justice Zarella's view, the court should take judicial notice of the fact that domesticated horses have a propensity to nip and bite because such propensity is a matter of common knowledge, and, in any event, witnesses appearing on behalf of both the plaintiffs and the defendants acknowledged in their deposition testimony that horses have a natural propensity to bite.

Thus, the only question that should be presented to the jury in this case is whether, in light of this general propensity, and in light of what the defendants knew about Scuppy's particular propensities, the defendants took reasonable steps to prevent Scuppy from causing foreseeable harm by biting.