

Recovery: \$660,000

Court: Superior Court - Alameda

Case #: 822318-1

Judge: Dept 1A -Judge Cartwright

Pltf Atty: *Jeffery R. Neubarth, Los Angeles*

Deft Atty: Gayle Gough, of Sedgewick, Detert, Moran & Arnold, San Francisco

Settlement: *\$660,000 (\$30K at age 14, \$20K at age 18, \$30K at age 20, \$40K at age 22, \$70K at age 25, \$90K at age 30 and \$316K at age 35, also \$58K in attorney's fees and litigation costs, plus waiver of \$5K med pay. Present value of payout: \$205,000)*

Facts: Plaintiff, a minor age 8, was bitten by defendants' dog, Rusty, a golden retriever, while touching the dog on the defendant's porch on 10-04-99, in the bay area.

Per Pltf: Plaintiff claimed defendant was strictly liable under the dog bite statute of the Civil Code.

Defense: That the minor did not have permission to be on the property as she was specifically called off the property by her caretaker. Thus, the dog-bite statute imposing strict liability did not apply and negligence must be proved. There was no negligence since the dog had never bitten before and defendants had no reason to believe that the dog ever would bite. Thus plaintiff would not be able to make out a prima facie case.

Injury: 1 and ½ inch scarring to left cheek; future laser or cosmetic surgery claimed necessary

Medicals: \$4500 past; future disputed

LOE: None

Pltf Experts: Glen Lau, M.D., Plastic Surgeon, Oakland

Deft Experts: Edward Falces, M.D., Plastic Surgeon, San Francisco

Notes: Case settled before Judge Cahill, Retired Justice of Superior Court, San Francisco JAMS