

Settlement: \$260,000

*Case: Scott v. Kunau
Court: Superior Court - Los Angeles
Judge: Hon. Ronald Hauptman*

Pltf Atty: Jeffery R. Neubarth, Oakland

Deft Atty: Confidential

Settlement: \$260,000

Breakdown: \$245,000 to child and \$15,000 to father

Facts: On 8/6/96, the then 5 year old minor plaintiff accompanied by his father went to the home of defendant Kunau in Lancaster, CA. When the minor teased the dog, it scratched him, but on the side of his neck. Plaintiff's father claimed to have suffered extreme emotional distress when he saw this occur.

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

Defense: That a recorded statement established that father did not witness the incident and thus his claim for emotional distress was not valid, a father under such circumstances must actually witness- not just hear a child's scream. The recorded statement established that father was not present. Also, argued that father was a responsible party since he was specifically told not to let the minor near the dog, and he nevertheless brought the child into the house with him.

Injury: Scratch to side of neck; barely noticeable residual.

Medicals: \$250

Pltf Experts: Peter Grossman, M.D. Grossman Burn Ctr, Van Nuys

Deft Experts: None

Notes: The case was settled with a prior attorney for \$15,000 in 1997, but there was no minor's compromise hearing as required and thus no bar to bringing suit again, since the minor can sue until age 18 and keep the prior settlement monies as well. The Rule: only a court can reach a binding settlement on behalf of a,minor. The settlement was reached in May 2000, this time with court approval.