

*Camila Coppedge v. Curtis Travis (AC 40787)*

The plaintiff brought this case forward seeking damages for injuries she sustained following an incident with the defendant's dog. The plaintiff alleges that at the time the incident occurred, both the plaintiff and the defendant were staying at the same motel. The defendant was accompanied by his unleashed dog outside of the motel. Upon seeing the plaintiff, the defendant's dog charged towards her. The plaintiff, believing the dog to be dangerous and fearful that she may be attacked by the dog, turned to run away. In doing so, the plaintiff fell to the ground and sustained multiple fractures to her arm. The plaintiff brought this action against the defendant pursuant to General Statute §22-357. The trial court rendered judgement in favor of the plaintiff and awarded her \$45,000 in damages. The defendant appealed.

The defendant made two assertions on appeal. First, the defendant claimed that the evidence presented to the court supports a finding that §22-357 does not apply to the present case, as the dog's conduct in approaching the plaintiff was innocent. The plaintiff additionally claimed that the facts presented to the court were insufficient to establish that the dog's behavior was the proximate cause of the plaintiff's injuries. Thus, the issue presented to the Appellate Court in this appeal is whether the trial court properly found the defendant liable for the injuries suffered by the plaintiff pursuant to §22-357. The Court determined that the trial court properly applied §22-357 and affirmed their holding. In reaching this determination, the Court first looked to the defendant's assertion that improperly applied §22-357 to the present case. §22-357 imposes strict liability on dog owners for injuries caused by their dogs, excluding attacks caused by provocation on the part of the injured party. The Court found the defendant's claim that §22-357 is inapplicable because the dog's behavior was innocent, to be unpersuasive. The Court reasoned that although the dog's behavior was not intentionally vicious or mischievous, the

Court inferred from the undisputed facts that the dog's conduct was not passive, innocent, or involuntary. The Court found that such behavior did fall within §22-357. The Court therefore affirmed the decision of the trial court.

The Court next considered the defendant's claim that his dog was not the proximate cause of the plaintiff's injuries. The defendant contends that there was insufficient evidence to make the determination that the dog was the proximate cause of injury because the plaintiff failed to provide evidence establishing how far away the dog was from the plaintiff at the time she fell and sustained her injuries. The defendant argues that if the dog was a considerable distance from the plaintiff at the time she became startled and fell, then the causal nexus between the conduct and the injury would be far too attenuated to justify the conclusion that the dog was the proximate cause of the plaintiff's injury. The Court again found this argument unpersuasive. The Court reasoned that, under the statute, a person who owns a dog, does so at their own risk of liability. The Court determined that the dog running towards the plaintiff was the proximate cause of her injury as it was the incident that set into motion the series of events leading to the plaintiff sustaining her injury. The Court found that the dog running towards the plaintiff cause her to become startled and instinctively attempt to escape from the perceived danger, and in doing so she fell and sustained her injuries. Thus, the evidence is sufficient to establish that the dog running towards the plaintiff began the series of events leading to her injury. The evidence was therefore sufficient to establish that the dog was the proximate cause of injury. The Court found that the trial court properly determined that the dog was the proximate cause of injury.

The Appellate Court affirmed the holding of the trial court.