

Woman wins trial over dog bite injury

Relative's animal had just been struck by car

A Madison County, Ill., jury last month sided with the plaintiff in a dog bite case.

The jury awarded Trena Wells, of Moro, Ill., \$140,000 for injuries sustained three years ago in a bite from a black Labrador mix owned by her half-brother and sister-in-law.

K. Lindsay Rakers, one of Wells' attorneys, gave the following account of the incident that resulted in the dog bite:

Wells was visiting her sister-in-law, Amy Cooper, when the dog, Tank, escaped from the back yard and was hit by a car. The dog ran back to the yard after the accident, but when he saw Wells, he started running toward the street again. Wells, who knew the dog well, tried to stop him by bending down, interlocking her fingers, and placing her arms around him. Then, the animal stopped walking, collapsed and bit both of her thumbs. He died within minutes of biting her of his injuries from the car collision.

Wells suffered puncture wounds to her left thumb and multiple fractures and a torn nail bed on her right thumb. Because of a recurrent nail growth, Wells had to have two surgeries after repair in the emer-

gency room.

During the trial, Rakers said, the defense counsel argued that Wells wasn't entitled to damages because state law defined her as the dog's owner in the situation and because she provoked the dog.

Michael Bedesky, the attorney for defendants Matthew and Amy Cooper, couldn't be reached for comment.

Rakers said jury instructions stated that "owner" was defined as "any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian." The instructions also said, "'Provoked' means any action or activity, whether intentional or unintentional, which would reasonably be expected to cause a normal animal in similar circumstances to react in a manner similar to that shown by the evidence," Rakers said.

The unanimous verdict came down Oct. 19 after a three-day trial. Jurors awarded Wells \$50,000 for past and future pain and suffering, \$45,000 for past and future loss of normal life, \$40,000 for past and future medical costs and \$5,000 for disfigurement.

■ \$140,000 verdict

OUT-OF-STATE

PERSONAL INJURY

■ **Venue:** Madison County, Ill.

■ **Case Number/Date:** 10-L-952/Oct. 19, 2011

■ **Judge:** Clarence Harrison

■ **Plaintiff's Experts:** Dr. Craig McKee, Maryville, Ill. (plastic surgery); Dr. Thomas Francel, St. Louis (plastic surgery)

■ **Special Damages:** \$22,341 in past medical bills, \$17,659 for future surgery

■ **Last Pretrial Demand:** \$60,000

■ **Last Pretrial Offer:** \$30,000

■ **Insurer:** Grinnel Mutual Reinsurance Co.

■ **Caption:** Trena Wells v. Matthew and Amy Cooper



K. Lindsay Rakers



Andrew Mundwiller

■ **Plaintiff's Attorneys:** K. Lindsay Rakers and Andrew Mundwiller, The Cagle Law Firm, St. Louis

■ **Defendants' Attorney:** Michael Bedesky, Reed Armstrong Gorman Mudge Morrissey, Edwardsville, Ill.

SEARCH ONLINE AT [HTTP://VERDICTS.MOLAWYERSMEDIA.COM](http://verdicts.molawyersmedia.com)

Andrew Mundwiller, the other plaintiff's attorney, said he and Rakers intentionally selected an insurance claims adjuster and a former client of the defense attorney's law firm for the jury.

Mundwiller said he feared that the injuries, while serious to Wells, wouldn't be seen as serious by others, but he was happy with the outcome.

Rakers said she was glad the jury rejected the defense argument that because Wells was helping a dying dog, she "owned" the dog under Illinois law and provoked the animal.

"This was a fair result for Ms. Wells, who was forced to endure almost three years of waiting for resolution," Rakers said.

— Laura Girresch