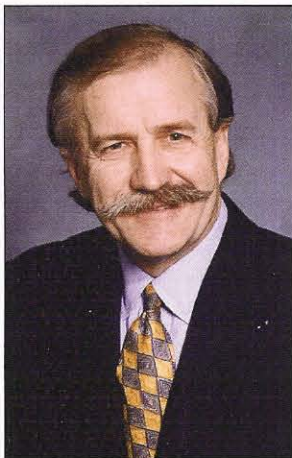


equine lawsuit damages



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HISTORICALLY, THE DAMAGES RECOVERABLE IN A LAWSUIT FOR THE DEATH OR injury of a horse have been limited to the fair market value of the horse. Although this is still the general rule, the boundaries are being pushed.

All animals, including of course horses, are treated by the law as personal property. For example, if the death or injury of your horse was caused by the negligence of a veterinarian, the most you could obtain in damages would be the market value of the horse and out of pocket expenses incurred. The law does not usually recognize non-economic damages such as pain and suffering (of the horse or owner), loss of companionship or grief. Consequently, if the horse is of modest value, it is usually impractical and often impossible to justify a lawsuit.

To counteract this perceived injustice, some lawyers are seeking to apply the concept of "intrinsic value," which typically applies to items like heirlooms. This would allow the jury to consider what the value of the horse was to the plaintiff and not necessarily be limited to the fair market value of the animal. There have also been cases reported where the courts have permitted a claim for negligent infliction of emotional distress. In one particularly sympathetic case, a young girl became distraught over the laming of her horse and attempted suicide.

Even though these untraditional types of damages are still decidedly in the minority, courts are likely to allow broader latitude to plaintiffs in the future. This is particularly true in light of the many high profile cases of animal abuse involving pit bulls and cockfights where animal rights groups demand expanded legal rights for animals and their owners. Invariably, when new laws are enacted for the benefit of cats, dogs and other pets, they will affect horses and their owners as well.

Depending on your frame of reference, this can be a good thing or bad. On the one hand, allowing these more expansive damages recognizes the special relationship between owners and their horses. Namely, horses are very often part of the family. For many people, experiencing the injury or loss of a horse is just as traumatic as if it happened to a family member. One only has to recall the famous thoroughbred horse, Barbaro, who shattered his leg in the 2006 Preakness to understand the emotions that a horse can evoke from humans.

On the other hand, allowing more liberal damages elevates the ownership of a horse to something more than owning personal property. Whether that is a good thing is debatable. Also, permitting the additional types of damages could lead to fraudulent and frivolous claims. In any event, whether the law of damages evolves or not will depend on how we value the relationship between human and equine.

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