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A dog-bite aftermath

Monday, May 09, 2005

We've heard it said, "When a dog bites a man, it's not news; when a man bites a dog -- that's news." You decide if that's always true.

Last week the Michigan Court of Appeals affirmed a Livingston County jury's finding that "Pepe (perpetrator-dog) bit Kathleen (victim-human) because she stepped on him and not because of his dangerous propensities." This landmark advance in our understanding of the complex relationship between man (or woman) and mutt arose from a wedding gone awry.

Two couples, Fred and Kathleen Brans and John and Barbara Extrom, were preparing the Extrom yard on Sept. 17, 2000, for the wedding. As John and Kathleen (brother- and sister-in-law) moved chicken wire from a kennel, Kathleen stepped back, trodding on the Extroms' elderly Australian Shepherd.

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Pepe yelped and bit. Kathleen sued her in-laws under Michigan's dog-bite statute, which holds a dog owner liable, but only if a bite occurs without provocation. The issue that prompted the appeal was the lower court's jury instruction that either an intentional or unintentional act may constitute provocation.


Last week the appeals court agreed. So if you step on a dog, don't count your damages before they bark, for you provoked the bite.

It wasn't news that Pepe bit Kathleen. But it is certainly news that a Circuit Court judge and three appellate judges were paid by Michigan taxpayers to warn the public that if you step on a dog, beware the after-bite. Arrgh-f-f.

--The Jackson Citizen Patriot

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