



Delivery man injured when the dog is inside the house - Is the homeowner still liable?

Posted by Doug Landau
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A delivery man was bitten through storm door and received a puncture wound to his hand. The innocent delivery man had to undergo surgery for the tendon and nerve damage caused by the dog's attack.

In this case, the plaintiff was a UPS delivery man who was bitten in the hand by the defendant's white Labrador Retriever. The defendant denied negligence and defense counsel argued that the dog had no vicious propensities and was secured behind a locked storm door, which unexpectedly broke. The innocent plaintiff was a 55-year-old delivery driver who was attempting to make a delivery to the defendant's basement door. As the plaintiff's hand was on the doorknob, the defendant's dog came down the stairs and struck the door, causing a small triangle of the plexiglass to break from the corner of the storm door. The dog then got its muzzle through the broken section of the door and bit the plaintiff's hand.

The plaintiff's doctor testified that the injury partially damaged two tendons and a nerve in the right index finger. The plaintiff's doctor also testified that the plaintiff has regained full function of his right index finger but has been left with a permanent loss of motion of approximately ten degrees. The plaintiff's wage loss and medical expenses was stipulated, meaning there was no argument about the amounts claimed by the dog bite victim's counsel. The defendant's counsel argued that the dog was properly confined within the home behind a locked storm door and exhibited no prior behavioral problems.

The defendant's lawyer called an animal behavior expert to testify and this witness opined that the incident was completely unforeseeable in light of the dog's nature and past history which did not include exhibition of any vicious propensities. After the evidence was submitted, the jury found for the plaintiff and awarded a substantial verdict. Dog attacks can occur on Defendant homeowners' property, on public property and even inside private homes. If you or someone you know has been the victim of a dog bite or animal attack, call us at once so that we can help.

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