

HOLY COW! BULL ATTACKS MAN

Intense research uncovers over 70 prior incidents of defendant's failure to control livestock.

In February 2005, Star Morris was relaxing at home. As she walked through her kitchen, she glanced out her window and saw what appeared to be a cow wandering around the road in front of her home. She ran outside, and sure enough, there was this huge animal. Concerned about the animal's safety, and the motorists traveling on the nearby road, she and one of the motorists that had stopped nearby guided the animal into her yard and she closed the gate behind it. She went inside and called 911 and the local Animal Control, asking them to come remove the animal. Star stayed inside her house waiting for Animal Control to arrive.

In the meantime, Star's husband, Moe, came home from his job as a postal deliveryman. Entering his yard, Moe suddenly came upon the animal. This was not a big cow – it was a very mean and ornery bull. The animal charged at Moe, butting him with its head and launching Moe into the air. Star was looking out of her window, stunned by what was happening to her husband. Moe lay dazed on the ground, gasping for breath. His lung had been punctured and his shoulder, leg, and ribs were broken. He was fighting for his life.

Moe spent the next three weeks in the hospital, most of the time in an intensive care unit. He endured numerous surgeries to repair the damages to his body, but even after months of rehabilitative therapy, Moe could not return to work for the pain he continued to suffer. The bull's vicious attack had changed the Morrisses' lives abruptly.

After the attack, the Morrisses called SDSBS attorney Karen Terry for help in determining responsibility for the damages suffered. Ms. Terry and her team found these cases to be very complex, muddled by laws written many years ago that were crafted more to protect the livestock industry than to protect people harmed by such animals running loose. The injured party bears the burden of proving that the livestock owner failed to construct proper fencing or failed to confine the animal within a fence or gate. It was a daunting task. Many ranchers lease or own numerous parcels of land that require miles and miles of fencing, making the task of inspection arduous and difficult for any enforcement en-



*Photo at left:
bovine bully.*

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tity. Livestock owners often insulate themselves from liability under the law by arguing that the animal jumped over a properly maintained fence that was built to code.

The owner of the bull that attacked Moe Morris had already used that same argument to convince Animal Control to dismiss a ticket issued for failure to confine animals. Pursuing a liability case for the injuries caused by the defendant's uncontrolled bull would require the team to conduct a thorough "hands-on and boots-on" investigation. Witnesses were located and interviewed by paralegal/investigator Vince Leonard and Ms. Terry. Public records were searched in detail, and used to show a chronic history of over 70 other incidents of the defendant's failure to control his animals. By the time the case went before a court in southwest Florida, the data garnered from the intense investigation, combined with a powerful presentation that argued for the relevance of the other incidents in terms of time and similarity, successfully led to a ruling by the judge against the defense's motion for summary judgment.

The judge stated that if the case moved to trial, he would allow plaintiff to present to the jury the prior loose animal incidents. Up to this point, the defendant's insurance carrier had been confident that the case would be dropped on summary judgment, as had occurred so often in the past. The defendant and his insurer had not even offered to pay Mr. Morris' medical bills. The defense learned shortly that Ms. Terry and her team were not "city slickers" or "tenderfoots." In fact, they knew quite well how to corral a reluctant insurance company. On the eve of the trial, the defendant and the insurance company ponied up the total available insurance proceeds of \$1 million for Moe and Star Morris. ■

**\$1 Million
Settlement
FOR INSURANCE
POLICY LIMIT**