

— Legal



*Kids and Dogs
In the Barn*

Who's Responsible?



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*Photography Mackenzie
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Pay a visit to just about any horse boarding facility and you're sure to find any combination of horses, dogs, and children mingling about. This is a normal scene at many barns, but what happens when this causes a problem that leads to an injury? We consulted with attorney Armand Leone Jr., of Leone Equestrian Law in Glen Rock, N.J., for his perspective on liability for

dogs, children, and horses.

Liability is one of the most common legal terms used when it comes to horses, Armand explained. It is a property owner's responsibility to try to maintain a safe environment for people to ride and enjoy their horses. It is also the responsibility of parents and dog owners to ensure they're properly monitored to prevent accidents.

The reality, however, is that accidents happen, and it's important to know what's considered in determining

legal liability.

Dogs at the Barn

Dogs and horses seem to go hand in hand, but not all facility owners have rules for dogs on their property. The first thing that a barn owner can do to protect themselves against lawsuits for accidents caused by dogs is to put up signs and enforce rules.





“Common sense comes into play a lot here,” said Armand. “Signage that states that dogs must be on a leash puts people on notice that dogs cannot run loose. It is the first step in protecting the facility owner from liability for an injury. However, posting

the sign(s) is not enough: you have to enforce that rule. Facility owners who do not enforce their rules are opening the door to issues because then the incident comes down to facts.”

Let's say a dog runs into the arena during a lesson, spooking the horse and causing the rider to fall off and injure themselves. Whose responsibility would this be?

“If there are stated rules that a dog must be on a leash, and a customer's dog running loose causes

injury to a rider on the property, then the dog's owner may be liable for the injuries. In this situation, the dog owner's failure to leash the dog was the foreseeable cause of the accident. The leash rule may also protect the facility owner from liability," Armand said. "If the facility owner does not enforce the leash rule, then the facility may be liable with the dog owner, in part for failing to implement its own rule to protect horses and riders on the property. Plaintiffs will go after the party who can pay, whether it is the

dog owner, the facility owner or both.”



Hopefully the facility owner has insurance on the property to cover alleged negligence. Another important factor to consider is, was the accident preventable with reasonable care?

“The foreseeability of someone getting hurt or something getting damaged and that an opportunity to prevent it was not taken is one of the first things a lawyer will look at in a case,” he said. “Most reasonable people would say that it’s dangerous to have a dog running about loose in the ring or on the property where people are riding. If facility owners don’t have a leash rule or have a rule but don’t enforce it, they expose themselves to a lawsuit for damages if someone gets hurt.”

Children at the Barn

You can put a dog on a leash or keep them in a stall, but you can't do that with a child.

Injuries to riders caused by children are more sensitive and liability is not as easy to prove. Armand says that foreseeability comes into play immediately. The age of the child, what the child was doing, what the parent or guardian was doing at the time of the accident are all factors to be considered.

Let's say a horse is in the cross-ties, waiting to be tacked up. A small child runs up the barn aisle, spooking the horse and causing the horse to get injured; or the horse spooks and the child gets hurt. Where does the responsibility for the injury lie?



“(A horse injury) is a bit tougher to litigate over than an injury to the child,” Armand explained. “The horse owner must sue for damages and likely pay the attorney by the hour with significant litigation costs. Most people cannot pursue an action to recover damages for injury to a horse this unless the damage is significant enough to go through the expense of the lawsuit.”

A trainer or property owner may have insurance that could cover this kind of injury if the incident is determined a “negligent

act,” Armand says, but it isn’t always easy to determine that.

“What could have been done to prevent it? That is the biggest question to ask in this situation,” he said.

On the flip side, what if a child is injured at the barn? Injuries to a child are costly and can be catastrophic.

“Most facilities have their state’s equine liability statute posted around the property,” Armand said. “The parent - or

whoever was in charge of supervising the child at the time - has a responsibility to watch the child. Now, if there was a groom or trainer present who was in a position to stop the child from spooking the horse and getting hurt, the facility may have some exposure. So, the age of the child, what the child was doing, who was present, and how long the child had been unsupervised are some of the factors to consider.”

