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New Jersey Law Journal

STATEWIDE LEGAL AUTHORITY SINCE 1878

An ALM Publication

7/22/22,

\$1 Million For Dog A\$1 Million For Dog Attack

Martin v. Henderson. Henderson: A woman whose right arm was left severely disfigured after a dog attack has received \$1.025 million to settle her Union County suit, and was paid the bulk of that sum on June 20.

Jane Martin, now 72, was on the front porch of her Rahway home on Feb. 28, 2020, when she was attacked by her neighbor's Rottweiler, King, which escaped from the neighbor's yard when a section of their fence collapsed.

The dog bit into Martin's right arm and dragged her down the stairs and across her driveway toward her neighbor's house, until a good Samaritan rescued her by striking the dog with a stick, said Martin's lawyer, Howard Lesnik, a solo practitioner in Mountainside.

After the attack, Martin had no right radial pulse, multiple large tears to the tissue of the right upper arm and minimal sensation in the right hand, said Lesnik. She had multiple surgical procedures to save her right upper arm, and she lost a chunk of the arm due to the dog bite, Lesnik said. Martin has also lost the use of her right hand due to the damage to her veins, tendons and arteries. A spinal cord stimulator was surgically implanted into her back for her chronic pain in her right arm, Lesnik said.

Martin has learned to use her left hand to hold a fork and to perform certain household tasks, Lesnik said.

Martin filed suit against the dog's owner, Germaine Henderson, under New Jersey's Dog Bite Statute, N.J.S.A. 4:19-16, which confers strict liability for the owner of a pet that bites someone. She also sued Greatescapes Contractors and its principal, Anthony Pardo, which installed her neighbor's vinyl fence, claiming they were negligent.

Greatescapes relocated the fence from a location three feet from the property line to a point on the property line, Lesnik said. The suit claimed most of the fence posts were leaning to the west and were not plumb, Lesnik said. In addition, scuff marks on the top rail of the fence were observed, indicating excess wobbling of the posts in windy weather, Lesnik said. Martin's suit said the fence was improperly reconstructed, constituting a dangerous, hazardous and nuisance-like condition during normal use, Lesnik said.

Henderson's homeowner insurer tendered its \$300,000 policy limit in December 2020. Greatescapes and Pardo agreed to pay \$725,000 on June 7 of this year, and payment was received on June 20, said Lesnik.

The lawyer for Henderson, Julie Dorfman of Marshall Dennehey Warnerarnar Coleman & Goggin in Roseland, and the lawyer for Greatescapes and Pardo, Evan Rudnicki of Black, Marjeh & Sanford in Elmsford, New York, did not return calls about the case.

— Charles Toutant

<https://www.law.com/njlawjournal/2022/07/21/slip-and-fall-on-black-ice-yields-2-15-million-settlement-in-monmouth/>