



In a case that impacts dog bite cases brought under KRS 258.235(4), the Kentucky Supreme Court held in *Maupin vs Tankersley*, 2016 CA-001259 MR (February 15, 2018), that the Kentucky's comparative fault statute, KRS 411.182(2), requires a jury to conduct a comparative fault analysis between the parties despite the strict liability on a dog owner for damages pursuant to KRS 258.235(4). In *Maupin*, Plaintiff was out hunting. As she returned to her vehicle, she crossed over part of the 42 acre tract owned by the Defendant. She was attacked by a pack of 4-5 dogs owned by the Defendant. The jury, following the instruc-

tion, found that the Defendant had no reason to believe Plaintiff would be in the vicinity. Thus, the jury rendered a defense verdict. The Kentucky Supreme Court determined the trial court improperly instructed the jury on the law. In reversing and remanding, the Kentucky Supreme Court noted that KRS 258.235(4) imposes strict liability on the owner of the dogs. However, that liability can be reduced by a comparative negligence analysis under KRS 411.182(2).

This case impacts the value of dog bite cases brought under Kentucky's strict liability statute. In evaluating these claims, it is imperative to investigate and assess the actions of the claimant and not be distracted by what appears to be reasonable handling of the dog by its owner. If you have any questions related to this case or other insurance related matters in Kentucky, please contact Pat Trombetta, ESQ.

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