

**SOUTHEAST**

**BRAZOS COUNTY**

**PREMISES LIABILITY**

Animals — Dog Bite — Negligence Per Se

**Man permanently disabled after attack by two pit bulls**

**DECISION**      **\$5,137,657**

**CASE**            Joseph Mooring v. Michael Gonzalez, Sandra Gonzalez, and Gregory Flores Gonzalez, No. 16-000061-CV-85  
**COURT**          Brazos County District Court, 85th, TX  
**JUDGE**          Kyle Hawthorne  
**DATE**            1/20/2017

**PLAINTIFF**  
**ATTORNEY(S)**   J. Davis Watson, Watson Law Firm, College Station, TX

**DEFENSE**  
**ATTORNEY(S)**   None reported

**FACTS & ALLEGATIONS** On Nov. 2, 2015, plaintiff Joseph Mooring, 55, was walking to work along Old Kurten Road in Bryan. Mooring claimed that as he walked in front of a house located at 3706 Old Kurten Road, suddenly and without warning, two pit bull dogs attacked him. The dogs attacked Mooring for about five minutes before a neighbor came outside and hit the dogs to get them to release him. Mooring sustained multiple severe and deep puncture wounds. The property owner is Sandra Gonzalez. The dogs are owned by Gregory Flores.

Mooring sued Gonzalez and Flores, for negligence per se and strict liability. Michael Gonzalez was initially named in the suit until it was determined that he wasn't a homeowner with Sandra Gonzalez.

Mooring claimed that the two dogs escaped from the defendants' yard and attacked him. Mooring alleged that the dogs were known in the neighborhood to have had numerous problems attacking others. He alleged that the dogs were known to be vicious.

Mooring alleged that the property owners and owner of the dogs failed to confine, restrain and control the dogs. He alleged that they had a duty to prevent the dangerous dogs from making an attack. He also alleged strict liability. He alleged that at all times prior to, and at the time of the attack, the dogs owned, possessed and/or controlled by the defendants had vicious and dangerous propensities abnormal to its class, and such propensities were the producing cause and proximate cause of the injuries and damages he complained of. He alleged that because they should have

known and/or had reason to know of the vicious propensities of the dogs, they are strictly liable for his injuries and damages.

The Gonzalez defendants maintained that the dogs were properly restrained. They also claimed the dogs were not vicious.

**INJURIES/DAMAGES** *arm; bite mark; face; hand; laceration; leg; puncture wound; scar and/or disfigurement; skin graft; tendon, severed/torn*

Mooring was taken by ambulance to a local emergency room. He sustained multiple bites and puncture wounds all over his body. He received severe nerve and tendon damage in his right arm. Mooring underwent multiple surgeries and several skin grafts to his arms and legs. Mooring also had to have a section of muscle and tendons removed from his back to help repair function to his right bicep. Mooring was left permanently disabled. He can no longer walk on his own and requires use of a walker or wheelchair to be mobile. Mooring also has to wear a brace on his right hand to assist function of his fingers and hand. His right hand is permanently frozen in a downward position. He requires assistance with basic activities of daily living such as buttoning his shirt. Mooring has had to remodel his home to make it handicap accessible. He can no longer chase or pick up his grandchildren. Mooring can no longer play pool or go bowling. He claimed these were activities he enjoyed doing prior to the attack.

Mooring sought to recover damages for past and future medical expenses; past and future pain and suffering; past and future loss of earnings; past and future physical impairment; and past and future mental pain and suffering.

The defendants did not actively dispute Mooring's damages.

**RESULT** The judge found Sandra Gonzalez and Flores negligent., negligent per se and strictly liable. He awarded \$5,137,657.

<b>JOSEPH</b>	
<b>MOORING</b>	\$29,737 past medical cost
	\$750,000 past physical impairment
	\$1,500,000 future physical impairment
	\$29,920 past lost earnings
	\$228,000 future lost earnings
	\$500,000 past pain and suffering
	\$350,000 future pain and suffering
	\$750,000 past disfigurement
	\$500,000 future disfigurement
	\$250,000 past mental pain and suffering
	<u>\$250,000 future mental pain and suffering</u>
	\$5,137,657

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel.

—Gary Raynaldo