

MARYLAND STATE BAR ASSOCIATION

ANIMAL LAW SECTION

February 28, 2022

Delegate Luke Clippinger, Chair
Delegate Nicholaus Kipke
House Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

RE: Written Testimony of the Animal Law Section of the Maryland State Bar Association in Support of HB 965

Dear Delegate Clippinger, Delegate Kipke, and House Judiciary Committee Members,

The Animal Law Section of the Maryland State Bar Association supports the passing of HB 965 (“Buddy’s Law”) which increases the maximum amount of compensatory damages that may be awarded to an owner of a pet from a person who tortuously causes an injury to or death of the pet under certain circumstances from a maximum of \$10,000.00 to \$25,000.00.

The valuation of pets is particularly challenging, as the individual characteristics of each animal may dictate an increased or decreased value in the eyes of the finder of fact.¹ However, CJ §11-110 aims to remove this ambiguity and defines compensatory damages based on the fair market value of the pet before death and/or reasonable and necessary cost of veterinary care. In spite of this system of valuation, CJ §11-110 additionally sets a cap on recovery at \$10,000.00.

Instances such as Buddy’s unquestionably demonstrate that a \$10,000.00 cap is fundamentally unjust. In a real-world example, Laurence Sanders and his family incurred veterinary bills in excess of \$15,000.00 after their dog Buddy was shot by a BB gun and passed away in June of 2018.² These damages do not even take into account the fair market value of Buddy, nor the emotional toll that losing a pet in such a violent manner had on Mr. Sanders and his family.

Much in the same way that any of us would expect to recover a fair amount for any damage done to inanimate property, such as a vehicle or home, a plaintiff seeking damages for injury or death to their pet should be permitted to recover the full extent of the damages which they have suffered. Passing HB 965 and increasing the maximum available recovery from \$10,000.00 to \$25,000.00, would address the injustice suffered by people who find themselves in the awful position Mr. Sanders has had to face.

¹ In *Brooks v. Jenkins*, the Court of Special Appeals of Maryland discussed the origin of the Maryland CJ §11-110, which was introduced to remedy an anomalous result of a civil suit wherein a mixed-breed dog was valued at \$250.00, in spite of having cost the plaintiff almost \$2,000.00 in veterinary bills to treat.

² https://mgaleg.maryland.gov/cmte_testimony/2020/jpr/4682_03122020_113249-651.pdf

The need for this legislation was made more apparent in light of the Court of Appeals of Maryland's recent ruling in *Anne Arundel Cnty. v. Reeves* (Md. App. 2021). In *Reeves*, the Court specifically stated that Md. CJ §11-110 did not permit recovery in excess of the cap, and further stated that other forms of recovery, such as claims for non-economic damages, were not available to a Plaintiff seeking damages under said law. As a result, only the legislature has the power to remedy the injustice faced by pet owners with claims for compensatory damages in excess of the current cap.

Thank you for the time and consideration that you have dedicated to this written testimony, and the Animal Law Section of The Maryland State Bar Association is hopeful that you will vote in favor of HB 965.

Respectfully Submitted,

/s/

Kimberly Fullerton,

Immediate Past Chair

Animal Law Section of The Maryland State Bar Association