

DUGAN  
BABIJ  
TOLLEY  
& KOHLER LLC



Finding Answers.  
Demanding Justice.

Chairman William C. Smith, Jr.  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

February 7, 2025

ATTORNEYS AT LAW

Henry E. Dugan, Jr.

Retired

Bruce J. Babij\*+++▲

bbabij@medicalneg.com

George S. Tolley, III\*++§

gtolley@medicalneg.com

Alison D. Kohler\*

akohler@medicalneg.com

\* Admitted in MD

† Admitted in WV

‡ Admitted in DC

+ Admitted in PA

§ Admitted in NC

▲ Admitted in OH

**SB 581 Civil Actions – Tortious Injury to or Death of Pet  
– Compensatory Damages (cross-filed with HB 438)**

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee:

For at least five-and-a-half centuries, the common law has held that a person who negligently damages or destroys the property of another is responsible for compensating the owner of that property for the loss. *The Case of the Thorns*, YB 6 Ed 4 (1466).

Today, Maryland law allows the recovery of damages when unreasonably unsafe conduct damages or destroys the property of another person. In every such case – except for injury or death of a “pet” – damages are measured by the fair market value of the loss.

Out of all real or personal property in Maryland – from mansions to boats and planes to livestock – Maryland law treats pets and pet owners uniquely differently, by imposing an artificial and arbitrary cap on the recoverable damages.

The cap on pet damages is absurd, but it is the law. When the Legislature imposes an arbitrary cap on recoverable damages, the cap necessarily must increase over time (unless it is repealed, which would be preferable). SB 581 increases the “pet cap” for the first time in eight years, from \$10,000 (which is too low) to \$25,000 (which may still be too low).

Historically, the only group that opposes increasing this cap are insurers. The insurance industry loves artificial and arbitrary caps on damages, because caps allow insurers to keep money as profit rather than to pay the money out as compensation. Public policy in Maryland should not favor insurance company profits over compensating pet owners.

I respectfully request a FAVORABLE report on SB 581.

Respectfully Submitted,

George S. Tolley III