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Essex Dog Bite Case Settles for \$400K

Montanez v. Edone: A man bit while installing an invisible dog fence on a residential property was paid a \$400,000 settlement in his Essex County suit on Sept. 22.

In October 2015, Humberto Montanez, an employee of the Canine Fence Co., was at the Ramsey home of John Edone, and had just installed the fence, according to Montanez's lawyer, Adam Epstein of Mazie Slater Katz & Freeman in Roseland.

Montanez was attempting to train the dog—Apollo, a mixed-breed of moderate size—to acclimate it to the new fence, and, at the instruction of Edone, was in the process of handing a treat to Apollo, who was on a leash held by Edone. Apollo bit Montanez's right hand and held it in his mouth for several seconds before releasing it, according to Epstein.

Montanez, currently 30, lost skin from the back of his right, dominant hand, necessitating plastic surgery using skin grafts from his thigh, Epstein said. Montanez has full use of the hand, but has scarring, numbness and tightness, Epstein said.

The suit asserted a strict liability claim under the dog bite statute, alleging that Edone had control and custody of Apollo when the dog bit. The defense contended that a dog bite was a normal risk of Montanez's employment, though Superior Court Judge Vicki Citrino rejected that position, and last January granted Montanez summary judgment on liability, according to Epstein.

The parties settled on Aug. 23.

Edone, insured by Allstate, was represented by Jill Carlson of the law office of Pamela Hargrove in Cranford. Carlson didn't return a call about the case.

— By David Gialanella



ADAM EPSTEIN

PHOTO BY CARMEN NATALE