

Court of Appeals rules horse can't sue

By MATEUSZ PERKOWSKI
Capital Press



Animal Legal Defense Fund/Contributed Photo

Justice, the horse that animal activists wanted to be able to sue its former owner for support.

SALEM — The Oregon Court of Appeals has ruled that animals can't file lawsuits, a relief to farm advocates who had worried about potentially expansive new litigation over livestock production.

The appellate court has determined a horse lacks the legal right to sue its former owner, who'd pleaded guilty to neglecting the animal.

The Oregon Farm Bureau, Oregon Cattlemen's Association and Oregon Dairy Farmers Association feared the case could set a precedent, exposing meat and dairy producers to lawsuits from activists.

"If you look at the mission of most of these groups, that is the ultimate goal: to stop the ownership of animals," said Mary Anne Cooper, the Farm Bureau's vice president of government affairs.

The Animal Legal Defense Fund, which sought to represent the horse, is planning to petition the Oregon Supreme Court to review the dismissal, said Christopher Berry, the group's managing attorney.

"It's an unjust result to say an animal cruelty victim can't have their day in court," Berry said.

A three-judge appellate panel has

unanimously rejected the argument that Kim Mosiman, the executive director of an animal rescue nonprofit, could seek damages on the horse's behalf from Gwendolyn Vercher, who surrendered the animal in 2017.

Vercher was sentenced to three years probation and ordered to pay \$4,000 in fees, including restitution for the veterinary treatment of the horse's malnourishment, lice and infections, but the animal still needs specialized medications

and care, according to court documents.

In 2018, a judge in Washington County dismissed a tort complaint against Vercher ostensibly filed by Justice, the horse, because a "non-human animal" doesn't have the "legal qualifications necessary for the assertion of legal rights and duties in a court of law."

Mosiman, who now cares for the horse, admitted that Justice cannot independently file a lawsuit

but argued that she could represent the animal's interests in court as a guardian.

However, the appeals court said the situation isn't sufficiently similar to those in which a guardian is appointed for a child or a person with cognitive disabilities.

An animal "inherently lacks self-determination and the ability to express its wishes in a manner that the legal system would recognize," the ruling said.

Allowing attorneys to represent animals this way would be "susceptible to abuse," with the animal potentially serving as a "pawn to be manipulated on a chessboard larger than his own case," the appellate court said, citing legal precedents.

Only human beings and their legal entities can pursue lawsuits while animals "are neither natural nor artificial persons," the ruling said.

Despite animal welfare laws that recognize them as "sentient beings capable of experiencing pain, stress and fear," animals nonetheless remain a form of property without "substantive or procedural rights," the ruling said.

"That the legislature intended to protect animals from needless suffer-

ing does not change that legal reality, and neither we nor the Oregon Supreme Court has suggested otherwise," the appellate court said.

The Animal Legal Defense Fund claimed the appellate court could have recognized the limited procedural right of animals as crime victims to sue their offenders.

"The lawsuit is fundamentally about an animal's right to be free from illegal animal cruelty," said Berry, the group's managing attorney. "It does not extend any further than that."

However, farm and livestock organizations were concerned a broad ruling could throw open the door for other lawsuits on behalf of animals, such as cattle suing ranchers to challenge their confinement.

Even a narrower ruling could have served as a foot in the door, inviting additional cases that sought "limitless" legal recourse for animals, said Cooper, the Farm Bureau's vice president of government affairs.

It's unlikely that state lawmakers are prepared to give animals the right to file lawsuits, as the ruling suggests is possible, but "it's absolutely something we will be watching for," she said.

COPS AND COURTS

Arrests and citations in the Blue Mountain Eagle are taken from the logs of law enforcement agencies. Every effort is made to report the court disposition of arrest cases.

Oregon State Police

Aug 25

2:11 p.m.: Trooper responded to Highway 26, milepost 126, and took Shae Romano, 45, into custody without incident. Romano was transported to Grant County Jail and cited for driving while suspended, speeding and driving uninsured.

Aug 26

3:42 p.m.: Trooper stopped a car for speeding on Highway 26 near milepost 157. Driver reportedly showed signs of impairment and admitted to using a narcotic and stimulant. Driver agreed to do a standardized field sobriety test. At the conclusion of the test, Carina Galvin, 34, of Lake Oswego was arrested for DUII-controlled substance. Galvin reportedly resisted arrest on the way to jail. At the Grant County Jail Galvin consented to a breath test with a final blood alcohol level of 0.00%. She refused a urine test, a warrant was applied for and granted; subject was taken to Blue Mountain Hospital where a blood draw was performed. Galvin was lodged at the Grant County Jail on charges of DUII and two counts of resisting arrest. Galvin was also cited for speed and for refusing to take a test for intoxicants.

Aug 30

4:25 p.m.: Trooper stopped a flat-bed truck near U.S. 26 and Third Street in John Day for traffic offenses. Justin Scheidegger, 28, of John Day was subsequently arrested for driving while suspended and unlawful possession of Oxycodone.

Grant County Sheriff

The Grant County Sheriff's Office reported the following for the week ending Aug. 31:

- Concealed handgun licenses: 3
- Average inmates: 9
- Bookings: 6
- Releases: 6
- Arrests: 1
- Citations: 1
- Fingerprints: 2
- Civil papers: 17
- Warrants processed: 13
- Assist/welfare check: 1
- Search and rescue: 0

Justice Court

The Grant County Justice Court reported the following activity for the week ending Aug. 31:

- Traffic citations filed: 18
- Misdemeanors filed: 4

Hearings held: 13
Driver's license suspensions: 5
Cases on probation: 29
Small claims filed: 3
Warrants issued: 4

Violation of the basic rule: Charles Quarterman, 67, Portland, Aug. 5, 80/65 zone, fined \$265; Mitchell Sevy, 42, Nyssa, Aug. 14, 79/55 zone, fined \$265; Karen Miller, 68, Caldwell, Idaho, June 24, 79/55 zone, fined \$265; James Bleaney, 68, High River, Alberta, Canada, Aug. 15, 75/65 zone, fined \$165; Wyatt Case, 18, Prairie City, July 13, 45/25 zone, fined \$165; Jill Janicek, 55, Meridian, Idaho, July 23, 80/65 zone, fined \$115; Abigail Teel, 32, Prairie City, July 29, 87/65 zone, fined \$265; Aaron Woosley, 33, Woodland, California, Aug. 6, 54/35 zone, fined \$165.

Driving uninsured: Dakota Winn, 30, Mt. Vernon, June 12, fined \$265; Nicholas Humphrey, 32, Marysville, Washington, July 22, fined \$265.

Failure to renew registration: Bree Meyers, 35, John Day, fined \$115; Nicholas Humphrey, 32, Marysville, Washington, fined \$115.

Dispatch

Grant County dispatch worked 158 calls during the week ending Aug. 31, including:

• Oregon State Police Aug 24

6:50 a.m.: Advised of a cow creating a road hazard on Highway 26 near milepost 166.

Aug 25

8:43 a.m.: Advised of a steer on the roadway at Lower Yard Road in John Day

Aug 26

3:56 p.m.: Report of a suspicious subject in John Day.

8:51 p.m.: Advised of an injured calf on the highway on Highway 395 near milepost 110.

Aug 27

1:51 p.m.: Advised of a trespassing/illegal hunt complaint in Monument.

• Grant County Sheriff Aug 24

10:28 a.m.: Advised of a suicidal individual at Northwest Canton Street in John Day.

10:38 a.m.: Advised of a trespass in Prairie City.

11:46 a.m.: Investigated a non-injury accident on Council Street in Mt. Vernon.

3:01 p.m.: Advised of a theft of wood on Dixie Creek Road in Prairie City.

3:23 p.m.: Advised of an abandoned vehicle on Bridge Street in John Day.

4:27 p.m.: Advised of a civil situ-

ation on South Adams Road in Canyon City.

5:15 p.m.: Advised of cows on the highway on Highway 26 near milepost 129.

8:39 p.m.: Received information regarding a stolen ATV on Highland Drive in John Day.

10:44 p.m.: Responded with OSP to a report of a dispute near the trail on the Third Street extension in John Day.

Aug 25

7:52 a.m.: Advised of an animal complaint on West Bench Road in John Day.

1:51 p.m.: Advised of a disabled vehicle and two people walking on County Road 1516.

3:50 p.m.: Removed a hazard off the roadway on Highway 26 near milepost 160.

4:35 p.m.: Report of an abandoned vehicle on East Main Street in John Day.

9:13 p.m.: Traffic stop on Highway 26 near milepost 153. Michael Berry of Portland was cited for driving while suspended.

Aug 26

8:48 a.m.: Responded to a trespassing complaint at Park Avenue in Mount Vernon.

11:20 a.m.: Responded to a driving complaint at the Kiddie Kastle in Canyon City.

1:53 p.m.: Report of a suspicious vehicle on Scenic Drive in Canyon City.

3:37 p.m.: Report of dogs that attacked goats on Johnson Street in Prairie City.

4:49 p.m.: Assisted an outside agency on Highway 26 near milepost 158.

4:58 p.m.: Report of illegal burning on Ritter Road.

5:20 p.m.: Report of a non-injury accident in Prairie City.

6:38 p.m.: Obtained drug information on West Main Street in John Day.

7:32 p.m.: Advised of a disorderly conduct on West Main Street in Mount Vernon.

7:40 p.m.: Investigated a burglary on South Washington Street in Prairie City.

8:23 p.m.: Arrested Ryan Chapman on a warrant on South Washington Street in Prairie City.

8:30 p.m.: Advised of a motorist assist on Dayton Street in John Day.

Aug 27

9:19 a.m.: Advised of a civil issue on East Main Street in John Day.

11:07 a.m.: Report of harassment at Bull Prairie Campground.

11:50 a.m.: Traffic stop on Highway 26 near milepost 176. Michael

Griffin, 46, of John Day cited.

1:43 p.m.: Traffic stop on Highway 26 near milepost 183. Driver warned.

1:59 p.m.: Responded to a report of loud music and a loud barking dog on Patterson Drive in Canyon City.

6:57 p.m.: Report of dogs running at large in Prairie City.

7:55 p.m.: Advised of cows at large on Childress Loop in John Day.

Aug 28

1:54 p.m.: Responded to a driving complaint on Northwest Canton Street in John Day.

5:30 p.m.: Report of kids playing in a river and possibly damaging property on South Main Street in Prairie City.

7:19 p.m.: Investigated a dog attack on Trafton Lane in John Day.

9:50 p.m.: Advised of a theft at Prairie City Elementary School.

Aug 29

8:12 a.m.: Responded to a report of harassment at Chester's in John Day.

12:02 p.m.: Advised of an abandoned vehicle near milepost 20 on Ritter Road.

12:38 p.m.: Dispatched to assist a motorist in the Murderers Creek area.

4:09 p.m.: Dispatched to a welfare check at Meadowbrook Apartments in John Day.

6:22 p.m.: Report of an abandoned vehicle on East Main Street in John Day.

Aug 30

7:31 a.m.: Dispatched to a report of a theft from a camp at Summit Creek.

7:49 a.m.: Report of a dog complaint on North Johnson Street in Prairie City.

11:42 a.m.: Dispatched to a hit-and-run with vehicle damage at a federal building.

12:33 p.m.: Responded to a report of suspicious circumstances on Pine

Creek Road in John Day.

12:48 p.m.: Request for a welfare check on Patterson Drive in Canyon City.

2:50 p.m.: Dispatched to a dog complaint on East Main Street in John Day.

3:31 p.m.: Removed tire debris from the highway on Highway 26 near milepost 158.

4:14 p.m.: Baker County Sheriff's Office arrested a subject on a Grant County warrant.

5:17 p.m.: Responded to an unwanted subject at the Budget 8 Motel in John Day.

9:22 p.m.: Subject warned regarding a restraining order on South Humbolt Street in Canyon City.

9:33 p.m.: Assisted Blue Mountain Hospital in locating a patient who was supposed to be contacting the emergency room but had not yet arrived.

Aug 31

7:37 a.m.: Report of a scam phone call: attempt to get Medicaid information from the reporting party in Prairie City.

10:26 a.m.: Dispatched to a welfare check on Lamford Drive in John Day.

12:43 p.m.: Responded to a suspicious vehicle on Scenic Drive.

1:31 p.m.: Report of a semi that lost a wheel on Highway 26 near milepost 165.

• **John Day Ambulance**
Aug 26

2:18 p.m.: Dispatched to Riverside Mobile Home Park for a 65-year-old female who was dizzy and had difficulty walking from a previous incident.

8:34 p.m.: Dispatched to Riverside Mobile Home Park. A male subject was transported to Blue Mountain Hospital.

Aug 27

3:24 p.m.: Dispatched to High-

way 7 near milepost 6 for a 64-year-old woman with flu-like symptoms.

Aug 28

3:49 p.m.: Dispatched to South Bridge Street in John Day for a 73-year-old male who collapsed.

4:46 p.m.: Dispatched to Northeast Front Street in Prairie City for a 42-year-old male with chest pains.

5:19 p.m.: Dispatched to Austin Junction for a male subject with a non-life-threatening chainsaw cut.

Aug 30

2:52 p.m.: Dispatched to Meadowbrook Apartments in John Day for a 66-year-old male with chest and abdominal pains.

Aug 31

7:59 a.m.: Dispatched to Best Western in John Day for a juvenile with her hand stuck in the change return.

8:14 a.m.: Paged to Highway 26 for an 85-year-old female who fell.

10:11 a.m.: Dispatched with Prairie City Ambulance to Highway 26 near milepost 183 for a driver who was feeling ill.

3:10 p.m.: Paged with Prairie City Ambulance to South Main Street in Prairie City for an 89-year-old man who fell and hit his head.

• **Dayville Ambulance**
Aug 24

10:21 a.m.: Dispatched to Highway 26 with John Day Ambulance for an 85-year-old female who was very weak. Subject refused transport.

• **Long Creek Ambulance**
Aug 24

3:26 p.m.: Responded to Burnette Lane in Long Creek with John Day Ambulance for an elderly woman with breathing difficulty.

• **Seneca Ambulance**
Aug 25

3:13 a.m.: Dispatched to A Avenue in Seneca for a 66-year-old female with nausea and shoulder pain.

Equipment Purchases - Operating Lines

Time to Plan for Next Season!

See Bob Quinton for Equipment Purchases and Operating Lines of Credit.



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We Understand the Struggle You are not Alone

- WHEN** ● Every other Tuesday of the month
- WHERE** ● 635 East Main Street John Day OR
- HOW** ● Group size max 15 people; cancer patients & caregivers
- DETAILS** ● This group provides a supportive environment as you navigate cancer treatment.

Must register to attend

Contact **Sylvia Ross**
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