

ALABAMA

SUMMARY JUDGMENT



On August 15, 2023, Attorneys Joseph E. B. (“Jeb”) Stewart and Brennan C. Ohme of our Alabama member firm, Austill, Lewis, Pipkin, & Maddox, P.C. obtained a summary judgment in a dog bite case with serious injuries to a minor in Sanchez and Garcia v. Trinity Mimosa, LLC, and Anita Luna, in the Circuit Court of Jefferson County, Alabama (01-CV-2021-903660).

Plaintiff Arisabet Sanchez, a minor suing through her mother Reyna Garcia, pursued statutory and common law tort claims for negligence and wantonness arising from the September 11, 2021, dog bite incident. Defendant Anita Luna owned a mobile home in a trailer park where the incident occurred. Ms. Luna’s residence was insured by Tower Hill Insurance Company, which defended her.

The dog was a mixed breed that lived at Ms. Luna’s residence. Her roommate, Royce Sparkman, was the dog’s owner. While Sparkman was working out of town, their other roommate, Steven Kirkley, was responsible for the dog. On the day of the incident, Ms. Luna was inside the mobile home. Kirkley took the dog for a walk and allowed the dog off the leash when the attack happened. The Court agreed that the claims against Ms. Luna were due to be dismissed because she was not the owner or keeper of the dog. There was also no evidence presented regarding the allegedly vicious propensities of the dog before the incident and/or that Ms. Luna knew about these propensities. The Court also rejected Plaintiff’s argument that Ms. Luna’s alleged violations of portions of her lease with the mobile home park created a question of fact to support her claims.



Jeb Stewart

205.870.3767
jstewart@maplaw.com



Brennan Ohme

205.870.3767
bohme@maplaw.com