IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

|  |  |
| --- | --- |
| ROBERT MYERS,  Plaintiff,  v.  EUNICE RIVERA,  Defendant. | CIVIL ACTION FILE NO.  JURY TRIAL DEMANDED |

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Robert Myers and files this Complaint against Eunice Rivera, respectfully showing as follows:

Jurisdiction and Venue

Plaintiff Robert Myers (“Plaintiff”) is a resident of the State of Washington, resides in Skagit County, and submits to the jurisdiction and venue of this Court.

Defendant Eunice Rivera (“Defendant”) is a resident of the State of Oregon, resides in Lane County, Oregon, and may be served at 3050 North Delta Highway, Eugene, Oregon, 97408, or wherever she may be found.

The allegations contained herein entitled Plaintiff to damages amounting more than $75,000.

By virtue of the facts and allegations herein, Defendant is subject to the jurisdiction and venue of this Court.

General Allegations

Plaintiff re-alleges and incorporates paragraphs 1-4 above as if they were fully restated verbatim herein.

On June 6, 2024, Plaintiff was walking his golden retriever dog (“Plaintiff’s dog”) on the sidewalk along Goodpasture Island Road toward Delta Ponds in Eugene, Oregon.

While passing 1150 Darlene Lane, Eugene, Oregon, 97401 (the “Defendant’s home”), Plaintiff and Plaintiff’s dog were viciously attacked by a German Shepherd dog or similar breed or breed mix (the “Dog”) owned by Defendant.

At the time of the attack against Plaintiff, Defendant was aware of at least one previous incident wherein the Dog attacked a different person walking past Defendant’s home.

Nevertheless, Defendant permitted the Dog to run at large while Plaintiff and other pedestrians walked past Defendant’s home.

The Dog bit and scratched Plaintiff’s arms and legs and Plaintiff’s right hand, causing numerous deep, contaminated puncture wounds. Plaintiff was forced to undergo extensive surgery on his right hand and left leg in order to repair the damage caused by the Dog’s attack.

The Dog bit and scratched Plaintiff’s dog, causing Plaintiff’s dog to require veterinary treatment.

Defendant is strictly liable in at least the following particulars, for which she is liable as a matter of law:

1. Possessing a domestic animal Defendant knew or had reason to know was abnormally dangerous;

Defendant was negligent per se in at least the following particulars, for which she is liable as a matter of law:

1. Failing to register the Dog with County authorities in violation of Lane County Ordinance 7.005.070;
2. Failing to notify the County dog control officer of the Dog’s bite history in violation of Lane County Ordinance 7.005.090;
3. Permitting the Dog to be at large in violation of Lane County Ordinance 7.005.110;
4. Failing to restrict the dog by physical devise or structure that prevents the dog from reaching any public right-of-way or adjoining property in violation of Lane County Ordinance 7.005.135;
5. Other violations of county and state law.

Defendant was further negligent in at least the following particulars, for which she is liable:

1. Failing to prevent the harm Plaintiff suffered when Defendant’s Dog attacked Plaintiff and Plaintiff’s dog;
2. Defendant was otherwise negligent.

Damages

Plaintiff re-alleges and incorporates paragraphs 1-14 above as if they were fully restated verbatim herein.

The proximate cause of the aforesaid dog attack and the resulting injuries and damages of Plaintiff was the aforedescribed conduct, acts, and omissions of Defendant.

As a result of Defendant’s conduct, acts, and negligence, Plaintiff sustained serious personal injuries from which he has suffered and continues to suffer.

As a result of his injuries, Plaintiff has experienced mental and physical pain, suffering, and disability, and so far, as he presently knows, he will continue to suffer.

As a result of his injuries, Plaintiff has incurred medical expense in excess of $83,566.68 for the care and treatment of his injuries, all of which will be itemized by amendment.

By virtue of her negligence, conduct, acts, and omissions, Defendant has injured and damaged Plaintiff in an amount to be determined by the enlightened conscience of an impartial jury.

WHEREFORE, Plaintiff prays as follows:

1. That summons and service of process be issued as provided by law;
2. That he have a trial by jury;
3. That Plaintiff have judgment against Defendant for his special damages;
4. That Plaintiff have judgment against Defendant for general damages in an amount fixed by the fair and enlightened conscience of an impartial jury;
5. That Plaintiff recover all costs of this action; and
6. That Plaintiff have such other and further relief as the Court deems proper.

Respectfully submitted this Click or tap here to enter text. day of Choose an item., 20Click or tap here to enter text..

*/s/* Click or tap here to enter text.

Click or tap here to enter text.

Oregon Bar No. 999999

Attorneys for Plaintiff