

**IN THE COMMON PLEAS COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION**

CENTER FOR ANIMAL LAW AND
ADVOCACY
c/o 7811 Abraham Lincoln Drive
Dayton, Ohio 45459
Plaintiff

vs.

BRYON F. MAGGARD
C/O Clark County Jail
120 North Fountain
Springfield, Ohio 45502

Defendant

CASE NO.

'02 - CV 0573
JUDGE:

**COMPLAINT IN
INTENTIONAL TORT:
ASSAULT AND
BATTERY; COMPLAINT
IN INTENTIONAL
INFLICTION OF
EMOTIONAL DISTRESS**

(Jury Demand endorsed hereon)

FILED
CLARK COUNTY, OHIO
JAN 10 2002

I STANDING OF PLAINTIFF

Plaintiff, the Center For Animal Law And Advocacy, is an animal welfare organization with the stated purpose of advocating for the welfare and humane treatment of animals, the expansion of legal rights for animals, and the addition of Animal Law to the curriculum of Ohio law schools. The Center currently represents three animals, and their pet guardians, in various courts wherein the purpose of the civil litigation is the redefinition of companion animals from the

status of inanimate "personal property" to the status of "animate property" with certain limited rights under Ohio law that do not currently exist. It is the Plaintiff's position that the Center is within the "zone of interest" regarding the status of "Sadie", (the immediate and direct victim in this factual situation—who is unable to speak for herself), and therefore a legitimate party to the instant lawsuit.

II. FACTUAL BACKGROUND

1. "Sadie" is a two-year old mixed-breed dog who belonged to the Defendant in this case, her pet-guardian.

2. On March 17, 2002, the Defendant returned home drunk and proceeded to beat "Sadie" with a skillet after "Sadie" ate the Defendant's cupcake. The Defendant tried to hang "Sadie" with an electrical cord, and he set her on fire at what was his residence at the time. A family member subsequently found "Sadie" hiding outside with the electrical cord melted and hanging around her neck.

3. "Sadie" has suffered physical injuries and emotional damage which have required professional medical care, the use of antibiotics to fight subsequent infection, and the use of morphine to ease her pain and suffering

III. Count One—Intentional Tort: Assault and Battery

4. The Plaintiff does incorporate by reference, paragraphs 1-3 as if fully rewritten herein.

5. The Defendant's conduct consisting of beating, burning, and the attempted hanging/strangling of "Sadie" does constitute an intentional tort of assault and battery for which the Defendant is civilly liable.

6. Said misconduct of Defendant was the cause of "Sadie's" physical injuries, pain and suffering, and emotional distress,

IV. Count Two—Intentional Infliction of Emotional Distress

7. The Plaintiff does incorporate by reference, paragraphs 1-6 as if fully rewritten herein.

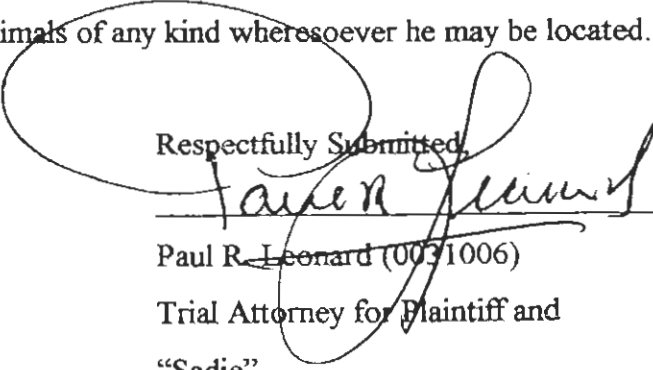
8. The course of conduct of Defendant as alleged above was an intentional act which was extreme and outrageous (retaliation for eating a cupcake); it breached a duty of due care to a companion animal and caused "Sadie" to suffer pain, suffering, shock, emotional distress, and despair.

V. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment on all tort claims against the Defendant. The Plaintiff is requesting the following relief:

1. Compensatory damages for the benefit of "Sadie" in an unspecified amount in excess of \$25,000.00. The Plaintiff is also requesting damages in an amount sufficient to cover any and all veterinarian expenses, past and in the future, related to the treatment of "Sadie's" injuries and rehabilitation as a result of the Defendant's action.
2. Any award of damages should be placed in trust to be used by "Sadie's" new pet-guardian(s) for the continued care and treatment of "Sadie's" physical and emotional damages.
3. The Plaintiff is also requesting that this Court grant an award of reasonable attorney's fees, costs, and any other relief in law or equity to which the Plaintiff is entitled.
4. The Plaintiff further requests an Order from the Court prohibiting the Defendant from any future "ownership" or possession of animals of any kind wheresoever he may be located.

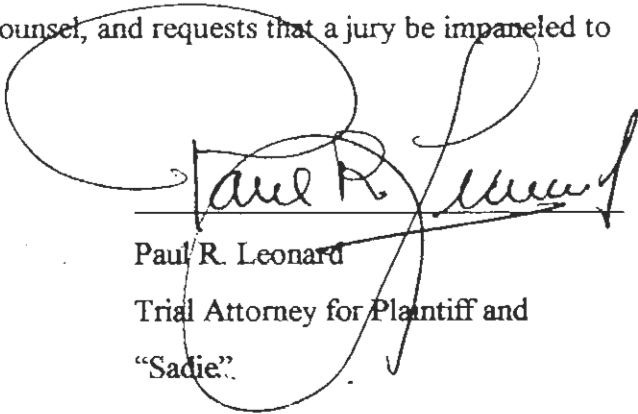
Respectfully Submitted,


Paul R. Leonard (0031006)
Trial Attorney for Plaintiff and
"Sadie"

CENTER FOR ANIMAL LAW
AND ADVOCACY
C/O 424 Patterson Road
Dayton, Ohio 45419
(937) 294-2778

JURY DEMAND

Now comes the Plaintiff, by and through counsel, and requests that a jury be impaneled to hear the claims filed herein.



A handwritten signature in cursive script, appearing to read "Paul R. Leonard", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Paul R. Leonard

Trial Attorney for Plaintiff and

"Sadie".