

SUFFOLK COUNTY**ANIMALS**

Animal control — Dog Bite

Girl bitten by pit bull claimed facial scar**SETTLEMENT** **\$750,000**

CASE Angelica Letteriello, Inft. Under Age of 18 Years by Her m/n/g, Linda Letteriello & Linda Letteriello, Indiv. v. Thomas Zimmardi & Elaine Zimmardi, No. 26100/08

COURT Suffolk Supreme

JUDGE William B. Rebolini

DATE 10/4/2010

PLAINTIFF

ATTORNEY(S) **Kenneth A. Wilhelm**, Law Offices of Kenneth A. Wilhelm, New York, NY

DEFENSE

ATTORNEY(S) Stephen Barry, Penino & Moynihan LLP, White Plains, NY

FACTS & ALLEGATIONS On May 4, 2008, plaintiff Angelica Letteriello, 15, visited the residence of Thomas Zimmardi and Elaine Hill, who resided at 10 Kyle Court, in Middle Island. Angelica was bitten by the family's pit bull, and she sustained injuries of her face.

Angelica's mother, Linda Letteriello, acting individually and as Angelica's parent and natural guardian, sued Hill and Zimmardi. The plaintiffs alleged that the defendants negligently failed to control their dog.

Plaintiffs' counsel claimed that the defendants' dog had previously bitten another young girl. Thus, he contended that the defendants were aware of the dog's vicious propensities, and he suggested that the dog should have been leashed, muzzled and/or better controlled. Angelica claimed that she was petting the dog in a friendly, nonthreatening manner.

Plaintiffs' counsel moved for summary judgment of liability, and the motion was granted. The matter proceeded to damages.

INJURIES/DAMAGES *facial laceration; fibrosis; lip; scar and/or disfigurement, facial*

Angelica sustained lacerations of her nose and upper lip. She was transported to a hospital, where her wounds were stitched.

Plaintiffs' counsel claimed that Angelica's upper lip developed residual scar fibrosis that may necessitate plastic surgery. He contended that the disfigurement caused a psychological adjustment disorder that necessitated a psychiatric evaluation.

Angelica's mother sought recovery of damages for Angelica's past and future pain and suffering. She also presented a derivative claim.

Defense counsel contended that Angelica's scar is barely visible.

RESULT The parties negotiated a pretrial settlement. The defendants' insurer agreed to pay \$750,000.

INSURER(S) State Farm Insurance Cos. for both defendants

PLAINTIFF

EXPERT(S) Nabil K. Kiridly, M.D., plastic surgery/reconstructive surgery, Smithtown, NY (did not testify)
Larry Kirstein, M.D., psychiatry, New York, NY (did not testify)

DEFENSE

EXPERT(S) None reported

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

—Jaclyn Stewart