

MEMORANDUM

TO: Lawyering Skills I students
FROM: Professor David E. Sorkin
DATE: October 30, 2008
RE: Garfield v. DeVille

Our client, Cliff Garfield, has asked us to bring a lawsuit on his behalf against Edith DeVille, the owner of a dog that attacked him two weeks ago. Garfield and DeVille live on adjacent blocks in Forest Grove, Illinois. On October 12 Garfield was walking his Siamese cat, Sylvester, using a harness and leash. As they approached DeVille's house they were spotted by DeVille's dog, Lola, who was on a leash tied to a light post in front of the house. According to Garfield, Lola suddenly began barking loudly, and her barking set off the alarm on DeVille's Cadillac, which was parked on the street. Sylvester was startled by the alarm and pulled away from Garfield, running away from the car and toward DeVille's house. Garfield chased the cat and picked him up, then tried to calm him, while still standing on DeVille's lawn. Lola then broke away from her leash and ran towards Garfield and Sylvester. Lola started jumping up on Garfield, apparently trying to reach Sylvester, and bit Garfield's wrist. Garfield dropped Sylvester (who, fortunately, landed on his feet) and managed to grab Lola by the collar, holding her until DeVille heard the commotion and came outside to take the dog herself. Garfield's wrist injury required surgery and remains painful.

Forest Grove has enacted a village ordinance requiring all dogs and all outdoor cats to be licensed. Proof of a current rabies inoculation is required, and the annual license fee is \$13, or \$10 for a spayed or neutered animal. However, the ordinance is rarely enforced (mostly by sporadic spot checks at the local dog park), and neither Sylvester nor Lola is licensed. Based upon conversations with other neighbors, Garfield says that he does not believe that Lola had ever attacked anyone before, but she reportedly has a "high prey drive" and frequently chases squirrels and rabbits. One neighbor told Garfield that Lola caught and killed a squirrel in DeVille's back yard last year.

Please write a memorandum addressing the likelihood that DeVille is liable for Garfield's injury under Illinois law.