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STOP THAT LOOSE



E HORSE



A horse who flees your property puts himself and others at risk of accident, injury and worse. Here are more than a dozen ways to keep him safe and protect yourself from a possible lawsuit.

By Bob Kingsbery with Joanne Meszoly

It is the stuff of nightmares: A gate is open or a section of fence is down. The field is empty. Your horses are nowhere in sight. You can feel in your bones that they're headed for trouble. There's a busy road near your farm.

Certainly, it is a tragedy for any loose horse to be injured or killed. And what of a vehicle, its driver and the passengers that might also be involved? Or the owner of property damaged as a result of the equine escape? Dealing with the aftermath of such an incident means more than tending to physical and emotional scars and replacing or repairing property. There is also the prospect of a lawsuit.

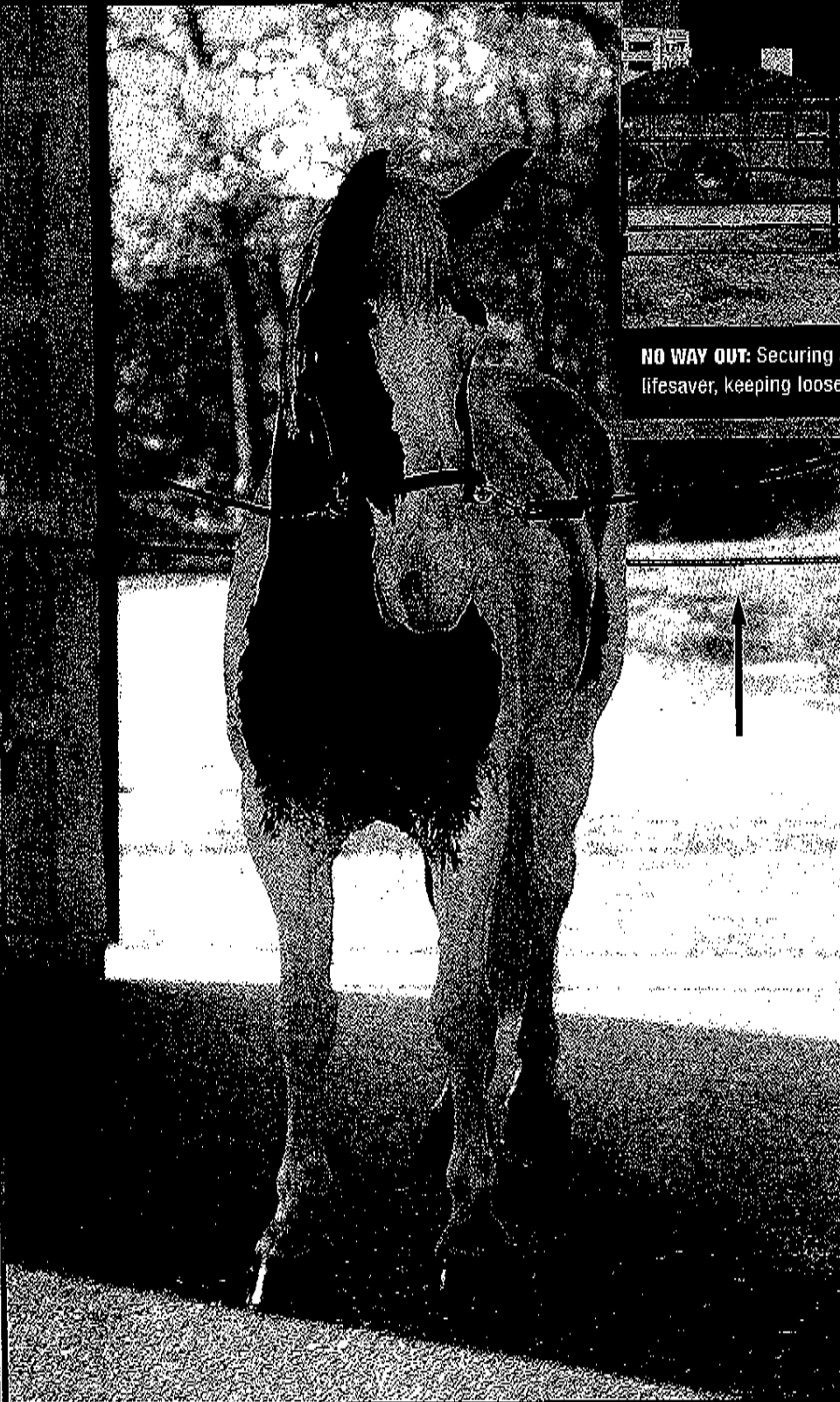
"Statutes vary from state to state, even by county, but the trend over time has been to increase the responsibility toward those keeping livestock," says Jan Dawson, an attorney who consults on equine legal issues and teaches equine law at Texas State University. "Liability may come down to whether or not fences were maintained or checked regularly, or if the landowner knew that the horse was loose, or where the horse ended up. Responsibility depends on a lot of factors."

In many states an owner can be found negligent when a horse gets loose through an open gate or a poorly maintained or inadequate enclosure. In some instances, a horse owner is liable even when an animal does not directly cause an accident. In Illinois, for example, loose horses were standing alongside a highway in broad daylight. A driver stopped to make sure the horses didn't cross the road, and his car was rear-ended by another vehicle. The horses' owners were sued for causing the accident.

As the boundaries between rural and suburban communities fade, incidents involving horses and cars are becoming more commonplace. Ranches and farms are increasingly surrounded by development, heightening the risk that a loose horse will find his way onto a busy road. And as more people grow up in urban settings, fewer are familiar with livestock. They don't know what to do when they encounter a horse on the road. It's up to horse owners and horsekeeping operations to do everything possible to prevent the animals in their care from getting loose and causing an injury, damaging property or worse.

PHOTOILLUSTRATOR BY DELIA STRAIN; IMAGE PHOTO (HORSE); ARTHUR LADDA/ISTOCKPHOTO.COM (TRUCK); TIKOTRY BOGOWIK/ISTOCKPHOTO.COM (HORSE)

Around the barn



MAXIMUM SECURITY: Installing a sliding wooden rail or hanging a chain across the ends of a barn aisle can help contain a horse who escapes from cross ties or his stall.



NO WAY OUT: Securing a barnyard with perimeter fencing can be a lifesaver, keeping loose horses from venturing off the property.

Foil attempts to escape

Even if you believe that your property is safe and secure, review your management practices with a critical eye to see what changes you might make to better protect your horses. Consider these 12 tips.

1. Securely close all doors and gates. Simple and obvious advice? Yes. But the fact is most horses escape just by walking through a stall door or gate that's accidentally been left open. Make a habit of double-checking that you've closed entryways and exits each time you use them. Then verify that they're secure before leaving the barn, pasture or paddock.

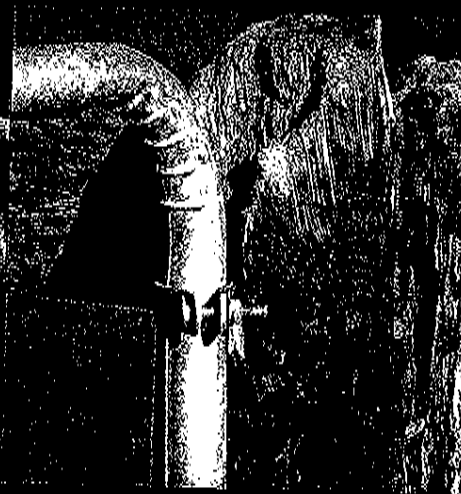
2. Install devices to thwart breakouts in the barn. Mount an extra latch on the lower portion of each stall door. Add a stall guard to keep a horse from ducking out as you feed or fill a water bucket. If you leave the aisle doors open for airflow, hang a chain across each jamb or install a sliding board to prevent a wayward horse from wandering out of the barn.

3. Beef up the hardware on field and paddock gates. Install a bolt or bracket above the top hinge to prevent a gate from being lifted off. (It's surprising what horses can accomplish in their idle time.) Consider

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DUSTY YERIN

Gates and fencing



WEAR AND TEAR: Over time, exposure to the elements can cause fencing materials to deteriorate, requiring regular maintenance.



DAMAGE CONTROL: Consider installing a string of electrified wire across the top of wood fences to discourage horses from chewing.

replacing an existing latch with one that engages automatically when the gate swings shut, or choose one that can't easily be opened by a wily horse.

You also can wrap a short length of chain with a snap around a gate for additional security. If your fields have multiple gates, padlock those that border public roads to prevent a passerby from opening them.

4. Enclose your property with a perimeter fence. Essentially that means surrounding your buildings, fields and existing fence with a single strong barrier. Several strands of inexpensive electric tape may prevent a horse from escaping, but a more solid material—wood, pipe or vinyl—will better withstand the force if he's moving at a frenzied pace.

In cases where cost is prohibitive or it's necessary to build a perimeter enclosure a section at a time, start by fortifying any portion of fence line that borders a road. The double protection here will help to contain a horse who breaks through the first fence. It also will slow or halt the progress of a car that swerves off the road.

5. Invest in a gated entry. Install a gate at the entrance to your driveway and open it only to allow vehicles to pass through. Choose a hand-operated gate or select an auto-

matic model that is triggered by a sensor. Dawson recommends the latter option. "It's expensive," she says, "but it can be the best investment you ever make. It's only a matter of time before someone forgets to shut a gate."

6. Maintain paddock and pasture fences. Most run-of-the-mill damage is caused by pressure—a horse leaning on the boards or scratching himself on them. A weakened or damaged fence can't be counted on to hold any horse. Installing a strand of electric wire or electric tape on the inside top rail will encourage equine occupants to keep their distance.

In addition, walk your fence line regularly, looking for broken posts, boards and wires. Use a fence tester daily to check that electric fencing is carrying a charge.

"One thing that will help keep horses in and can influence a jury [should a legal case arise] is keeping a regular schedule to check your perimeter fences," says Dawson. "Do it the same day of the week, every week, without fail. Maintain your fences, and nine times out of 10, they will keep your horses in."

7. Build new fence to code. Before choosing what you'll use, familiarize yourself with the legal requirements for livestock fencing in your

DUSTY PERIK

IMAGE PHOTO

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DUSTY PERIK



SOCIAL UNREST: Strife within a herd increases the chances that horses will try to escape, particularly if space is limited.

What insurance can do for you

IMAGE PHOTO

Liability insurance is intended to cover claims of bodily injury or property damage as a result of activities involving a horse both on and off your premises. A standard homeowners insurance policy may cover horse-related damage or claims, but check with your insurance agent to be sure. Many will not cover accidents that occur away from home.

Insurance policies can be tailored for barn and farm structures, liability, and care, custody and control if you are looking after horses owned by others. Some companies offer private horse owner liability coverage.

ALLEY, JOURNALIST/STOCKPHOTO.COM

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... about **insurance**, see "Got it Covered?" (EQUUS 309), also available on

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area. Typically, livestock laws require a minimum fence height of four to 4 1/2 feet. Contact your county agriculture extension agent for specific information about your locale. If you live within city limits, minimum fence heights for livestock may be higher.

8. Encourage herd harmony. Lessen the risk of a horse attempting to flee the pasture by maintaining a stable and happy herd. Introduce newcomers slowly, turning them out in a corral with just one other horse at a time. Integrate the new horses into the herd during the day in a spacious field, where they are less likely to be trapped in a corner by a domineering pasturemate. Time the introduction so it occurs between meals to avoid aggressive behavior.

9. Reduce the urge to roam. Hungry, thirsty or bored horses may look for ways to escape their encl-

quality hay. See that plenty of fresh water is available. A few pasture toys can provide diversion. Regular riding or other frequent exercise will also help to keep horses content.

10. Plan ways to weather storms. Thunder, lightning, high winds, rain and hail can all unsettle horses, making them prone to panic. When possible, get excitable individuals into the barn before bad weather arrives. However, do not put yourself at risk by attempting to bring in horses during a storm.

Once inclement weather has passed, inspect your fences and buildings for damage, and make whatever repairs you can. Lightning commonly causes electric fence chargers to fail. For safety's sake, refrain from testing your fence until you are absolutely certain that a storm has completely passed and there is no chance of thunder or lightning.

11. Know your neighbors. Introduce yourself. Give them your phone number and urge them to call you if they see that one of your horses is loose, your fence is damaged or some other circumstance may result in one of your animals escaping. In addition, contact local law enforcement with your phone number and a description of your horses—include photos, too—to facilitate their identification should the need arise.

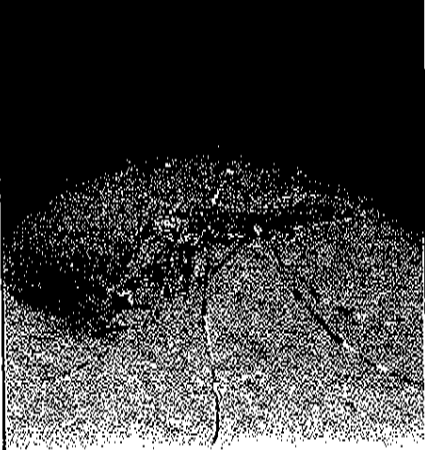
12. Watch for dogs roaming your property. It's wise to report strays to your local animal-control agency and let neighbors know when their dogs are on your property. As several legal cases illustrate, dogs can spook horses, causing them to get free. Even friendly dogs may become more aggressive when roaming in a pack. It's also possible that your own dog could chase your horses when you're out of the vicinity.

A case in Washington State involved a stray dog that ran a horse onto a highway, where he collided with a car.

STORMY WEATHER: If your horses are easily frightened by thunder, lightning, high winds and/or heavy rains, bring them in before thunderstorms arrive.

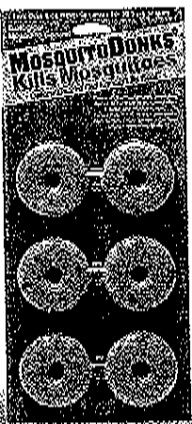


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The occupants sued the horse's owner for damages. Because the man had once owned a dog that chased the horse, the court ruled he could be sued because he should have known that such an episode could occur.

If a horse gets loose

Follow these five tips to recover him as quickly as possible and protect yourself from potential legal action.

1. Secure possible escape points if your horse is within a perimeter fence. Resist the impulse to immediately chase or try to catch him. He may be loose for a longer time, but he will be contained on your property.

2. Call 911 if he has fled the premises. Failure to report the event can be considered negligent if a loose horse is involved in an accident or property damage. Give the police dispatcher your home and cell phone numbers and ask him to call you immediately if anyone reports a wayward horse. Post someone by the home phone when you leave to search.

3. Alert your neighbors. Ask them to be on the lookout for your horse. They may be able to help you find him.

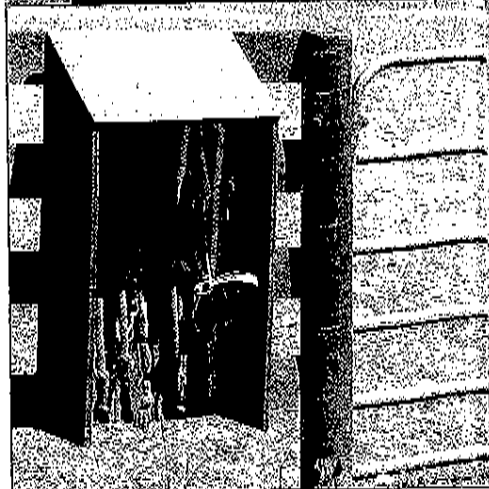
4. Equip yourself. Before heading out, collect a halter, a lead rope, a bucket of grain and a flashlight if you'll be searching in darkness. If possible, wear white or light-colored clothing that is visible at night.

5. Think like a horse. Start by tracking his hoofprints. If weather or terrain makes this impossible, head toward his most likely destination: Most horses instinctively seek out a herd, so check nearby barns and stables. Neighboring hay fields, ponds and streams also may tempt him.

When you find your horse

1. Calm him before trying to catch him. Talk to him and offer him a bucket of feed before you attempt to put a halter on him. If you are carrying a flashlight, turn it off or lower the

Ready and waiting



Keep a halter and lead rope beside each stall or paddock or in an equally visible and accessible location in your barn so you won't be left scrambling for a spare if a horse gets loose. Having the items readily available also allows others to use them if your horse needs to be caught when you're not around. It could mean the difference between an accident or injury and his safe return.

JONNIE MESSZOLY

beam before you approach. Most loose horses are nervous and skittish, and the last thing you want to do is unintentionally scare him away.

2. Notify police if an accident has occurred and await their arrival. Do what's necessary to contain any loose horse—shut a gate or temporarily mend a fence—but avoid moving or changing anything else until the authorities are on the scene.

In addition, refrain from making statements about the incident and be mindful of other comments, such as remarks concerning the condition of your fence or the involvement of your horses in previous incidents. In the chaotic aftermath of an accident, you may say something that could be used against you in a court of law.

In Minnesota, for example, a horse broke through a fence and suffered an

accident with a car; a passenger was seriously injured. The following day, the horse's owner tore down the fence, telling several people, "I never want this to happen to anyone again." It was a sincere gesture but his comment later was used against him when he was sued for negligence.

The best way to protect your horses and yourself is to anticipate problems that might occur and then take steps to try to prevent them. Erecting a closed perimeter fence and maintaining all fencing on a regular basis is vital, says Dawson. In court, a jury may weigh whether an accident was predictable. "If you can reasonably foresee an accident occurring, don't you have a duty to prevent it?" she asks. "There are parts of the country that may interpret a law more favorably [toward the horse owner], but is it really worth the risk? You don't want to be the test case." 🐾

Jan Dawson is president of the American Association for Horsemanship Safety (AAHS). She teaches equine law at Texas State University in San Marcos and serves as a consultant on equine legal issues. For more information on AAHS, go to www.horsemanship.com. For information on equine law and safety issues, go to <http://utopia.utexas.edu/explore/equine/index.html>.

Bob Kingsbery is an expert consultant on livestock fencing. A resident of Frisco, Texas, he conducts seminars on fencing technology and has provided testimony in a number of legal cases involving livestock and fencing. He has contributed to several EQUUS articles. For more information, go to www.FenceExpert.com.

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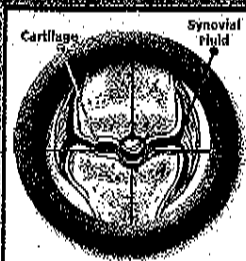
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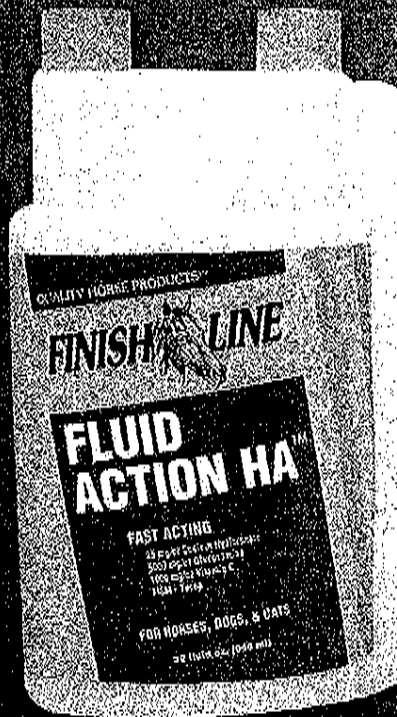
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