

The Watchdog

Confidential Information for Gardener

Participants: Complainant: Gardener
Respondent: Dog owner

Summary

The complainant and respondent have been next-door neighbors in a Chicago suburb for ten years. They have had a friendly relationship in the past. However, things deteriorated rapidly when the respondent bought a black Labrador retriever six months ago. The dog is kept in the respondent's yard and it is very large and seems to be an aggressive watchdog. He has a keen sense of hearing and barks frequently when people approach either his home or the neighboring homes. The Complainant has complained about this many times to the dog owner. Two months ago the dog dug a hole underneath the wooden fence that separated the two back yards. He crawled through the hole into the complainant's back yard and uprooted some tulips. Complainant called the respondent and complained. The complainant was very concerned about the prize winning rose bushes, which are located in the far corner of the yard. The respondent filled in the hole under the fence. Nonetheless, the dog got into the complainant's yard once again a week later and uprooted two of the rose bushes. The complainant became hysterical and chased the dog with a broom. This angered the dog and as a result, the dog bit the complainant's hand and barked and growled. The respondent ran to the scene, and unable to calm the complainant and the dog, took the dog off the premises.

The complainant demanded that the respondent pay \$400 in doctor's bills for the four stitches (a result of the dog bite,) and for the value of the two rose bushes, which complainant valued at \$500 each. The respondent refused. Complainant then filed suit in civil court for \$3,000. The judge referred the case to mediation.

Gardener

You are very upset about this dog situation. You asked respondent to quiet down the dog on numerous occasions over the last six months to no avail. The dog's shrieking bark and terrifying growl scare your two young children and annoy you all day long. Every time someone approaches your house or your neighbor's house, the dog goes ballistic. It drives you crazy and scares your guests. The worst part is that the dog barks intermittently at night and wakes you. You get so angry that you have a hard time falling back to sleep.

You are furious about the damage to your prize winning rose bushes. These have been your hobby for the last five years. You won blue ribbons in the countywide competition for the last two years in a row. You are very proud of your efforts and you demand to be paid back for the damage to the two bushes. You are very fearful that the dog will re-enter your yard and damage the remaining four bushes. You are also very afraid of the dog since he "brutally attacked" you and bit you. You were sure he was going to bite your neck and kill you. You cannot tolerate this dangerous animal around you and your children.

You would like the respondent to get rid of the dog and pay you \$3,000, which is what you asked for in the lawsuit. If asked for a breakdown of the \$3,000 claim, it represents \$400 for a medical bill, \$1,000 for the roses (two at \$500 each, which is what you estimate is the value of fully grown rose bushes of the quality you had, even though you know you can buy starter bushes for less than \$20 each.) \$600 for the "nuisance" of having the dog barking and annoying you/depriving you of sleep, and \$1,000 for pain and suffering caused by the dog "attacking and biting and scaring you half to death."

If the mediator asks you for your interests, say that you are really most concerned that the dog will re-enter your yard and harm your remaining rosebushes and perhaps your children. You do not really think the dog is dangerous, and you admit that you shouldn't have hit the dog with the broom. That is probably why he bit you. You just absolutely need to be sure that he won't get in your yard again. You also need this noise issue addressed since it wakes you up at all hours.