

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

October 2019

Statewide Jury Verdict Coverage

20 IJVR 10

Unbiased and Independently Researched Jury Verdict Results

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Indiana including court, division, presiding judge, parties, cause number, attorneys and results.

Dog Bite - An 11 year-old boy was seriously injured when he was bitten on the head by defendants' dog while the boy played with defendants' son in their home

Foreman v. Bieneman,
79C01-1705-CT-72

Plaintiff: Duran L. Keller, *Keller Law*, Lafayette; and Zachary T. Williams, *Withered Burns, LLP.*, Lafayette
Defense: Travis W. Montgomery and Leslie B. Pollie, *Kopka Pinkus Dolin, P.C.*, Carmel
Verdict: \$1,133,333 for plaintiff less 25% comparative fault

County: **Tippecanoe**, Circuit Court: J. Persin, 7-18-19

In August of 2015, Elliott Foreman, then age 11, was living with his mother, Belinda Foreman, in their home located at 329 Indian Bead Road in Lafayette. Among their neighbors were Jeff and Tonya Bieneman, who lived at 293 Indian Bead Road with their 11 year-old son, Ryan, and the family's Alaskan Malamute dog, Max.

Elliott and Ryan were friends and would often play together. On 8-16-15, the two boys were in Ryan's home playing with remote control cars. As the boys played, Tonya was a few feet away cooking dinner, while Max lounged nearby.

At some point, Elliott drove the toy car with which he was playing near Max. This apparently startled Max, and he reacted by lunging at Elliott and biting him on the head and ears. Tonya immediately dropped what she was doing and attempted to rescue Elliott.

Max's jaws remained latched onto Elliott's head for approximately five seconds before he let go and went to lie down in a corner. It would later be alleged that he lunged at Elliott a second time, but apparently without success.

Following the biting incident, Elliott ran home bleeding. Belinda immediately took him to IU Hospital where the medical staff placed eight staples and five sutures in his head. The staff then released Elliott and instructed Belinda to take him to Riley Hospital in Indianapolis to have his ear treated.

Belinda's boyfriend drove the family to Indianapolis while Belinda attempted to calm Elliott. The boy had sustained injuries to both ears, and he suffered lacerations to his scalp. He also complains of headaches, tinnitus in his right ear, and lingering psychological trauma. Elliott ultimately had surgery to repair the physical damage. His medical expenses are not known.

Acting through Belinda as his next friend, Elliott filed suit against the Bienemans and blamed them for failing to restrain their dangerous dog. According to plaintiff, the Bienemans were aware that Max had dangerous propensities and a history of biting, yet they took no steps to protect Elliott.

Plaintiff supported this claim by noting that Max had a history of at least three previous biting incidents. In one of those incidents in October of 2014 – i.e., less than a year before the present incident – Max had bitten