

SUMMARY STATEMENT

Boswell v. Steele

Docket No. 45454

In an appeal from the district court in Bannock County, the Supreme Court vacated a jury verdict finding Amber and Mary Steele not liable for damages resulting from a dog bite and remanded the case for a new trial. The Boswells initiated this action seeking to recover damages after Stephen Boswell was bit by Amber's dog. The dog was behind a gate in Mary's kitchen and Stephen was reaching down to pet the dog when he was bitten. At trial, the district court held that all of the Boswells' causes of action sounded in negligence and gave only negligence jury instructions and a negligence special verdict form. At the conclusion of the trial, the jury found that the Steeles were not negligent. On appeal, the Boswells argued that the common law cause of action for dog bites in Idaho is strict liability. The Supreme Court held that the district court erred when it reduced all of the Boswells' claims to negligence. The Court articulated the elements of a common law dog bite cause of action and remanded for a new trial. The Supreme Court also held the Boswells' damages may be reduced proportionately based on their comparative legal responsibility pursuant to Idaho Code section 6-801.