

Bites from pit bull has family fighting back

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LANSDALE — Danielle Leven's future — and face — may never be the same.

On Friday, she was heading back from the King of Prussia Mall with her friend, Kelly Morgan. They had just bought new outfits for a girls' night out.

They were headed to East Sixth Street in Lansdale to pick up Morgan's friend, Nikki Votta, a 2006 Pennridge High School graduate.

According to Leven, she and Morgan pulled up to the house, and she knocked on Votta's door to let them know she was there.

But Votta apparently was in the shower — and her pet pit bull was not in its cage. Leven first opened the storm door and then the front door a crack to yell to Votta.

"The dog," Leven said, "weaseled its head out until the door was wide open. It jumped on me and latched onto my face."

Leven said she pushed and kicked the dog off. She was then rushed to Lansdale Hospital.

"I thought I was going to die," Leven said. "It punctured underneath my chin. Its teeth were up into my mouth. I was squirting blood. I thought I was going to lose so much blood that I was not going to make it."

Leven needed 70 stitches up her chin and inside her mouth. She will need several plastic surgeries.

Her family is coping with the attack and what steps to take next.

"When I saw her in the ER," said her father, Michael Leven, "half of her lip was missing. It was horrendous. It's a picture that will never go away in my mind."

Votta was contacted for comment, but did not return calls. Her Facebook page shows a quote below her profile picture: "Everybody makes mistakes. Nobody is perfect."

She also made an entry at 12:14 a.m. Jan. 17 on the Facebook fan page of Animal Planet's "Pit Bulls and Parolees."

"Hey ... im looking for help and dont know what to do ...my dog recently bit one of my friends," she wrote. "im not sure if he will be put to sleep or not. if he does not get to put to sleep i think it would be best for me to send him somewhere to get the proper training and guidance he needs. i do not want this, but i feel much more ... comfortable knowing that he was ok."

In a statement released by Lansdale Borough Police, Votta claimed she was in another part of the house and, upon hearing Leven at the door, yelled for her not to come in, knowing that the dog was not in its cage.

"I didn't hear her say anything," Leven, 22, a 2005 Pennridge graduate, said.

Lansdale Police Sgt. Alex Kromdyk said nothing criminal occurred. He said one needs to show culpability in a negligent, reckless, knowing or intentional matter for a criminal charge.

"There's no culpability here," he said. "There might be a civil issue and that is up to others to determine."

Lansdale Police notified the Montgomery County Health Department of the matter for a follow-up investigation.

Harriet Morton of the health department said the communicable disease division has received information regarding the incident. She said the dog owner will quarantine the animal at home for 10 days.

Morton said the county health department will follow up after 10 days if it does not receive a form from a veterinarian after a checkup.

"They've tried to contact (Votta) and have not been able to reach (her)," Morton said.

Michael Leven said Votta told them she does not have homeowner's or renter's insurance.

"All I know is I want to be compensated for my daughter's pain and suffering, her injuries and medical bills," he said. "She just had her insurance dropped from her employer because she was laid off. So that's a major issue."

He said they plan to go after the landlord, which Montgomery County records list as Val Draguinov of Garfield Avenue in Upper Gwynedd. Draguinov's phone number was listed as disconnected.

Thomas Newell, a personal injury lawyer who specializes in cases involving dog bites, car accidents, and slips and falls, said that under state dog law, since the attack occurred inside a home and the dog was confined, there is no violation.

He said a lawsuit could be viable, depending on the outcome of three avenues.

If Votta is proven not to have renter's insurance, then the fault falls on the property owner.

If it can be proven that the property owner knew there were prior vicious acts of the dog and did nothing to remedy it, then the fault is on the property owner.

However, if the owner did not have knowledge, then the argument falls on what exclusions are on the insurance contract for the property that exclude tenant-related negligent acts.

"If the victim comes to me and all three avenues are exhausted — there's no insurance for the owner, the landlord had no prior knowledge and there is an exclusion on the insurance for the property excluding negligent acts on the property, there's nothing I can do," Newell said.