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# Central Pa. man sued by deliverywoman over dog attack that allegedly left plaintiff physically and psychologically injured

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By JON CAMPISI

A Dauphin County man has been named as a defendant in a civil action brought by a

deliverywoman who says she was mauled by his three adult dogs while she was dropping off a package at the man's central Pennsylvania home.

Mandy S. Bitting, of Etters, Pa., and her husband, Kristopher Bitting, filed suit on Dec. 19 against Millersburg, Pa., resident Clifford M. Schaffner over a Nov. 21, 2012, incident at the defendant's Berry Mountain Road house.

Mandy Bitting was making a delivery in connection with her job for a company that contracts on behalf of Federal Express on that winter day last year when she was attacked by three dogs, believed to be boxers, according to the complaint, which was filed at the Dauphin County Common Pleas Court by personal injury lawyer Thomas J. Newell.



Thomas Newell

Schaffner did not have a drop box at his home, requiring Bitting to deliver the package to the defendant's front door.

As the plaintiff was walking up Schaffner's driveway to make the delivery, the defendant's three dogs came running from the side of the home, with one jumping up and ripping the package out from Bitting's hands, the lawsuit states.

Bitting, who attempted to walk away, believing that the dogs were preoccupied by the package, was then bitten by the dogs multiple times on various parts of her body, including her buttocks, left calf and left thigh.

The defendant came out of his home during the course of the attack, the lawsuit says, and he was able to pry his dogs away from Bitting.

In his suit, Newell, Bitting's attorney, claims his client, who sustained numerous lacerations and dog bite puncture wounds, had to have a tetanus vaccine following the incident.

The woman also required other medical care and medications to treat pain and infection, she experienced permanent scarring, she underwent psychological trauma, and she suffered from insomnia and anxiety.

Schaffner is accused of negligence for failing to act with due regard for the rights and safety of the plaintiff, failing to confine his three boxers in a restricted area on his property to protect the safety of Bitting and others using the driveway to make deliveries, failing to post signs on his property warning the plaintiff and others that the dogs were "vicious, unsupervised, unrestrained, and had unfettered and complete access to his driveway," permitting the dogs to be unconfined on the property when he knew a delivery person would be making his or her way to the home, and creating and permitting a dangerous condition to exist.

Newell also alleges that the defendant's dogs were not currently vaccinated against the rabies virus, which is required under Pennsylvania law.

The suit states that the defendant was found guilty in early 2013 of violating the Pennsylvania Rabies Prevention and Control in Domestic Animals and Wildlife Act, which shows he is guilty of negligence per se and is "legally responsible for the Plaintiffs' injuries as identified in this Complaint."

The defendant was similarly convicted of violating the Pennsylvania Dog Law.

The civil action also contains counts of strict liability and loss of consortium.

The complaint shows that a similar incident occurred at the defendant's home in the fall of 2012, when deliveryman Joel Rosato, who was employed by the

same company as Bitting, was accosted by the same three boxers.

While Rosato wasn't bitten by the dogs, since an attack was prevented when a woman came outside of the home and corralled the animals, the incident showed the aggressive nature of the canines, the lawsuit states.

During another incident, Rosato was nearly attacked by the animals before he dropped his package and fled the property.

Newell claims the situation warrants the awarding of punitive damages because of the entirety of the circumstances; the dogs either attacked, or nearly attacked, visitors on three separate occasions, and the defendant has apparently yet to change his ways.

Newell noted that other visitors to the home, including public workers, law enforcement personnel or neighbors, could meet a fate similar to that of the plaintiff if the defendant continues to keep his property in an unsafe condition.

"Plaintiff Mandy S. Bitting avers that the Defendant had first-hand knowledge of this attack upon Joel Rosato and/or was informed of the attack by said woman who came out of his home to control his three boxers," the complaint reads. "This unprovoked attack upon Joel Rosato by the Defendant's three boxers established their vicious propensities prior to November 21, 2012, which vicious propensities were known to the Defendant prior to November 21, 2012.

In a statement, Newell said that the Bitting incident could have "easily been avoided had the Defendant complied with the requirements of Pennsylvania Law as the vast majority of responsible dog owners do each and every day here in Pennsylvania."

For each count in the 27-page complaint, Bitting and her husband seek in excess of \$50,000 for both compensatory and punitive damages.

*The case number is 2013-cv-11100CV.*

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