

## **The \$500,000 Barking Dog: Ignoring Problems Generally Makes Them Worse**

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The legal system is a serious place for people to resolve serious disputes. Still, we hear about presumably ridiculous lawsuits brought for ridiculous reasons. Our legal system gives lawyers tools to weed out frivolous lawsuits. Here's the catch: The legal system does not protect you if you don't act to protect yourself. Sound familiar? "*The Lord helps those who...*" The case that follows shows how one might turn a small problem in to a huge one.

In 2012, a woman was sued by her neighbor. The neighbor claimed that the woman's dog barked "raucously . . . and explosively," resulting in "profound emotional distress." We've been there. The woman supposedly tossed the notice of the lawsuit into the trash, later explaining that she thought it was a joke. Really? Court papers, signed and stamped by the clerk? Did it come with poppers? Nonetheless, because the woman did not contest the lawsuit, the Court entered an Order of Default Judgment and awarded the neighbor damages in the amount of [\\$500,000](#).

You might argue that the legal system is the joke, making a \$500,000 award for the dog's barking. But, here is a **deep thought**: the analogy to *don't judge a book by its cover* is *don't judge a lawsuit by its media coverage*. The infamous McDonald's hot coffee case is an example of this. If you don't know what we mean, you should read about the [true details](#), which include that the coffee was so excessively hot that it could cause third degree burns in as little as three seconds. But, back to the point of this case, the legal system did what it is designed to do: it decided the case.

Defendants aren't allowed to halt the wheels of justice by ignoring or avoiding the system. Like us, the legal system favors people who show up and do their duty over people who don't do either. The system is fair too, courts dismiss cases when a plaintiff files and then fails to prosecute it. Default Judgments are not uncommon. We have secured them for our clients. Once the plaintiff proves service of process, they are allowed to pursue their claim to judgment. After entering an Order of Default Judgment, many courts take over the process by giving the absent party a second chance to come to court, explain its absence, and maybe get back on track.

The court record in this case is hard to decipher. It appears that the defendant eventually did show up with a lawyer. It appears that lawyers have quit (withdrawn), but we can't tell who, how many, or why. I can guess. It also appears that the plaintiff tried to attach real property (the woman's house according to news articles) to pay the judgment. It may be that the, "I thought it was a joke defense" didn't fly. We're not sure. It may be that the woman lost her house. We don't know. If so, it certainly eliminated the dog barking problem. Here's the point. Whether she lost her house or not, by blowing off the lawsuit summons and complaint, this woman may have cost herself \$500,000, or more.

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