

DISTRICT COURT

McDermott v. Carie LLC (Horse Prairie Ranch), Beaverhead DV 02-12576, 8/5/04.

VERDICT: Defense, guest ranch horse injury, distal third finger amputation.

A 12-0 Dillon jury found that Horse Prairie Ranch was not negligent in connection with injuries sustained by Kieran McDermott in 7/01.

McDermott, then 21, was a guest at the ranch in Beaverhead Co. It is a working cattle ranch which also invites guests to participate in hands-on activities including horseback riding. McDermott, family members, and other guests were preparing to take a horseback ride and were saddling under supervision of 4 wranglers. The horses were tied with lead ropes to hitching posts. Prior to any contact with the horses they had viewed a video and participated in an orientation on horse saddling. The guests all acknowledged in writing the risks inherent in ranch activities, which was provided to the jury. They were also provided a booklet with horse safety information and viewed a live saddling. McDermott's stepmother was saddling her horse at the post next to McDermott's. Her horse became irritated and pulled back, likely causing the lead rope to become caught between the post and a metal brace. A wrangler calmed it. A short time later McDermott's stepmother discovered the caught rope.

McDermott, without asking for a wrangler's assistance as he had been instructed, attempted to assist her in freeing the rope. Witnesses testified that he approached the horse with harsh words and was making abrupt movements near its muzzle. The horse pulled back violently and the distal third of McDermott's right index finger was torn off by the rope. He alleged that the ranch was negligent and sought punitives. The ranch denied negligence, asserted comparative fault by McDermott, and denied liability for punitives.

Plaintiff's experts:none.

Defendant's expert: Mary Reed, Big Sky (guest ranch standard of care).

Demand, \$50,000; offer, \$2,500. Jury request, \$50,000; jury suggestion, 0. Mediator, Charles Cashmore.

Jury deliberated 50 minutes 3rd day: Judge Tucker.

Geoffrey Angel (Angel Law Firm), Bozeman, for McDermott; Jared Dahle (Nelson & Dahle), Billings, for Defendant (Mountain West Farm Bureau Mutual Ins.)