

Two Leggins v. Gatrell (verdict)

DISTRICT COURT

VERDICT: \$3,000, shopping cart pushed into Plaintiff following altercation over Defendant shooting Plaintiff's dog that was chasing his calf.

Defendant's report: Mark Gatrell was moving his cattle in 2019 when he alleges that his neighbor's dog and another dog had separated a calf from the herd and were chasing it down to kill it. Dogs had killed his calves on numerous occasions over the 30 years of his ranching in the Dunmore area. He shot and killed Hubert Two Leggins's family dog. 30 minutes later Two Leggins and his son followed Gatrell to a gate where one or both admit they punched Gatrell. Gatrell alleged that he was punched until unconscious. The BIA refused to charge Two Leggins. Gatrell obtained a permanent restraining order.

On 5/29/20 Gatrell encountered Two Leggins in the Hardin IGA while Gatrell was pushing a shopping cart full of water and heavy items. Two Leggins alleges that Gatrell rammed the cart into him, knocking him to the ground and permanently injuring his back. Gatrell testified that he pushed the cart forward to create a defensive barrier out of fear of Two Leggins.

Two Leggins sued Gatrell for assault, battery, and IIED. He alleged permanent, severe, and debilitating physical and mental injury.

Judge Wald excluded criminal charges, TRO proceedings, newspaper accounts, and argument, comment, testimony, or evidence about racial comments or possession of firearms.

Plainti's additions: A Native American panelist asked to be excused because Defense attorney Randy Nelson was a "bully." Other Native American panelists then asked to be excused for the same reason.

Several witnesses testified that Gatrell was drunk when he shot the dogs and battered Two Leggins in the IGA.

Two Leggins testified that he has been employed by the Crow Tribe as a drug & alcohol recovery counselor for 30 years and has been sober for 40 years.

The Hardin jury found that Gatrell was liable to Two Leggins for battery and assault and not liable for in iction of emotional distress. It found that Gatrell's liability was a cause of injury to Two Leggins and that Gatrell acted with malice or conscious disregard for the high likelihood of injury. It awarded \$1,000 damages to Two Leggins in the compensation phase and \$2,000 in the punitives phase. The jury was not polled.

Plainti's experts: none.

Defendant's expert: Anastasios Saliaris, Billings (cardiology and electrophysiology, trial preservation deposition).

Demand, \$8.5 million; oer, \$20,000. Jury request, \$5 million; jury suggestion, \$500. Greg Murphy, mediator.

Jury deliberated 2 hours compensatory phase, 20 minutes punitives phase, 2nd day.

Two Leggins v. Gatrell, Big Horn DV-2020-44, 11/3/22.

John Meyer (Cottonwood Environmental Law Center), Bozeman, for Two Leggins; Randall Nelson & Thomas Bancroft (Nelson Law Firm), Billings, for Gatrell (Mountain West Farm Bureau Mutual Ins.).