



# MondayMonday

## Androcles In Central Park

January 6, 2014

In the vast realm of things, we know it doesn't amount to very much, but music has a way of acting as a convenient bookmark to parts of our life and those who write it do too. Every morning when they were young, we would delight in sneaking into the early morning sleep of our daughters and sing them awake (the Heir to the Throne was awakened by a water gun, a double standard, we admit.) There were many songs that suited that purpose, from *Oklahoma's* "Oh, What a Beautiful Morning" to *Singing in the Rain's* "Good Morning." Sometimes we just made up songs. It all depended on how the morning looked when we went out to the driveway to get the daily newspaper.

Among those songs, however, was "Wake Up Little Susie," that teenaged "uh oh" which threatened all sorts of horrible punishments resulting from having stayed out on a date too late. The message was clear: Love had its consequences and no amount of good times could erase the inevitable reality of a sunrise. The song was clear, incisive and seemingly innocent in the way only the Everly Brothers could do it, with harmonies born of a



common DNA and pompadours that declared in as bold a manner as tattoos, the generational loyalties of the wearers.

Phil Everly died last week, but nothing has really changed. While teenagers don't worry about their "reputations [being] shot." There was real depth to an Everly Brothers' song. It always operated on a much deeper, perhaps even darker, level than at first appeared. Listen to "All I Have To Do Is Dream" and see if it still doesn't resonate, unearthing feelings you haven't thought about since summer camp or that sophomore year in college. Popular music doesn't have to be trite, as the Everly Brothers proved time and time again.

We are a sucker for a dog bite case and we don't apologize one bit. One man's pup is another man's Cujo. All it takes is a certain something in the air for a dog to turn, making the promise "Oh, he doesn't bite," into as hollow as a judge's evidentiary ruling of "I'll take it for what it's worth." In both cases, it means you're on your

own.

Dogs, though we might think differently, are no better than people in most situations and it seems unfair to expect more from them than we expect from ourselves. Defendant was walking her dog in Central Park, apparently off-leash. Plaintiff, also walking in Central Park, but sans animal, saw defendant's dog with its hind paw caught in a fence. Bending down, our modern day Androcles sought to free the dog from the fence. However, instead of thanks, the dog acted, well, like a dog, and bit or scratched plaintiff on the face. So much for Aesop.

The dog, however, had no vicious propensities. The animal even had the AKC's "Good Citizen" certification, which demonstrated that the dog was cooperative without a history of attacking or biting humans, an imprimatur which, we must admit, is new to us. The best that plaintiff could muster was that a neighbor reported that defendant's dog had "scuffled" with and growled at the neighbor's dogs (after being bitten by one,) but had to admit that defendant's dog had never been aggressive to the neighbor at all.

You know the drill. Growling at other dogs doesn't count and dismissal is granted. *Gervais v. Laino*, 2013 NY Slip Op 08819 (2d Dep't 12/31/13).

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