



EQUESTRIAN QUESTION FORUM by Lisa L. Lerch, Esq.

My horse died from a colic complication. I believe the vet was negligent and I would like to pursue the matter. What is my next step?

If possible, obtain a complete copy of your file from your vet. Next, you should seek the advice of legal counsel to determine whether your case has merit.

One of the most important issues to be aware of is the statute of limitations on your matter. A statute of limitation is a state law that establishes the timeframe within which a lawsuit must be filed. Typically, the statute begins when the injury occurred or from the date of discovery.

In California, *any lawsuit for professional malpractice against a vet must be filed within one (1) year from the injury or death of the animal. Cal. Civ. Proc. §340(c).*

Another consideration, before filing a lawsuit is the animal's monetary value. If successful in your lawsuit, you will typically receive the value of the animal. If your horse had more sentimental value than dollar value, it may not be prudent to proceed in court. Despite how much we love our horses, they are still considered personal property and the courts generally will not award damages for any emotional distress you or your family has suffered due to the horse's death.

If a court proceeding does not seem warranted, but you still feel the vet was professionally negligent and would like the matter investigated, you can contact the California Veterinary Medical Board at (916) 263-2610 to lodge a complaint. You can also submit your complaint online at <https://app.dca.ca.gov/cru/gencomplaint.asp>.

Finally, if you are tempted to file your malpractice claim in small claims court, I would strongly urge against it. Small claims court has its challenges with regard to presenting evidence and chances are you will not have an adequate platform to prove your vet did something wrong. Remember, you are not a vet nor are you an expert on veterinary medicine and without clear-cut evidence from an expert showing your vet did something wrong, your claim with most likely fail.

If you would like more information on this or other topics, please feel free to visit my website or contact my office.

*This article is meant to provide general information only and is not intended to constitute legal advice. The information in this article is not intended to establish an attorney-client relationship between attorney and reader. The contents of this article are not a substitute for seeking the advice of legal counsel.*