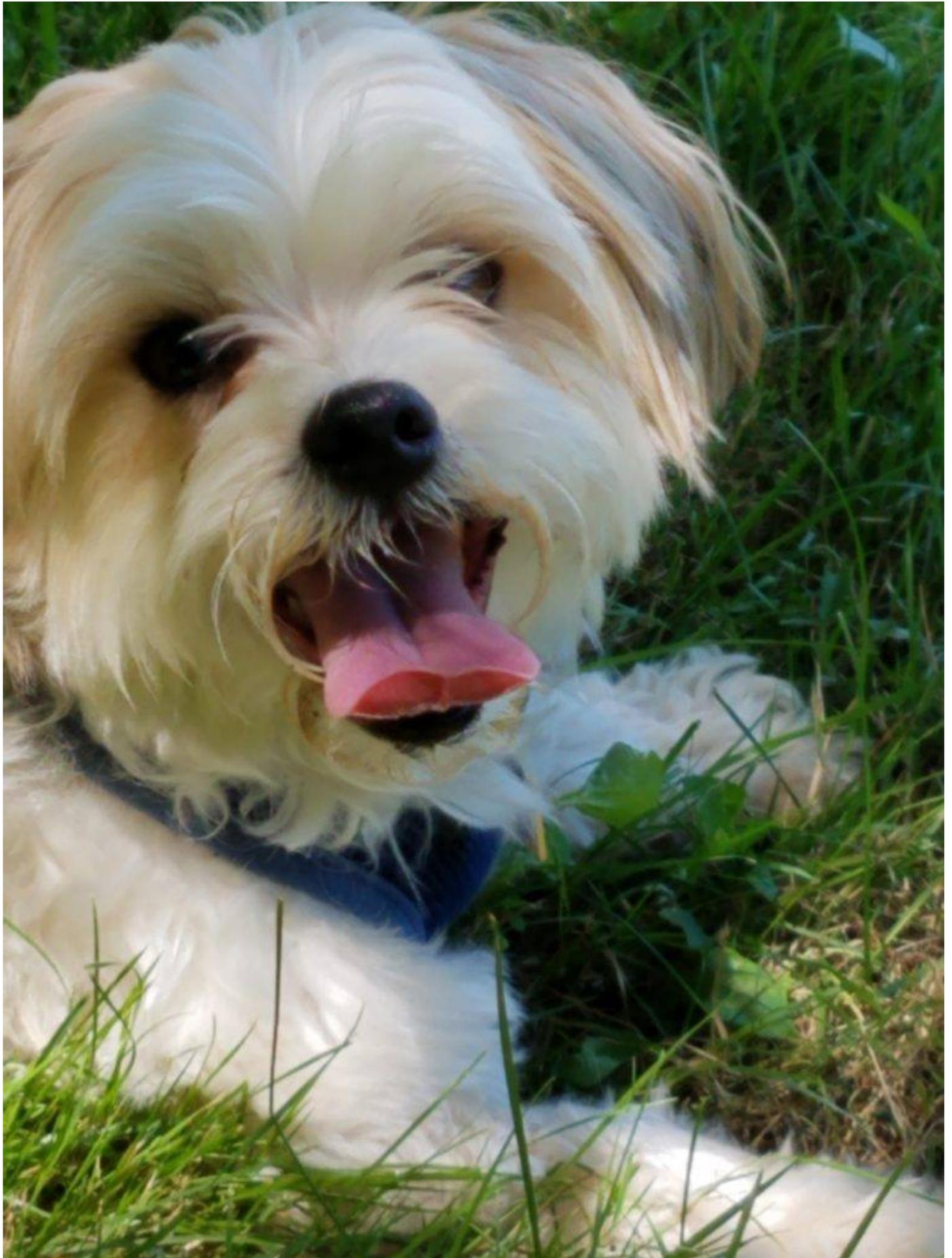




Dog dies following attack on Mount Hebron Road



Mochi was attacked by a neighbor's dog on March 9 and later died from his injuries.

COURTESY TRACEY DIAMOND

By Jaimie Julia Winters

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A 4-year-old Zuchon-Shih Tzu-Bichon dog, Mochi, was attacked by an American bulldog Saturday, March 9, in the area of Mount Hebron Road and has since died from his injuries. The bulldog, Clyde, remained under quarantine until Monday, March 18, after biting one of Mochi's owners as well.

Fifteen-year-old Julia Rotman was walking Mochi on Mount Hebron Road at around 2:30 p.m. March 9 when he stopped at grassy area on the corner of Carlisle Road, where the attack occurred. According to Julia's mother, Tracey Diamond, the bulldog broke free of the leash owner Frank Cano was using, and attacked Mochi. Cano and Rotman struggled to stop Clyde and free Mochi. The dog somehow broke free and ran back to their house. Rotman's finger was bit by the bulldog in the struggle. As she ran after Mochi, she fell and hurt her hands, said Diamond.

According to the police report, Cano noticed the girl and the dog on the same side of the street, and as they got nearer to one another, the girl moved over to a grassy area to give them more room and that is when the attack occurred. Cano confirmed that the leash broke.

Hearing the screams, Diamond came out of the house, wrapped up Mochi and headed to the veterinarian. Rotman went to urgent care.

In the meantime, Diamond left word with a neighbor to keep an eye out for the owner of Clyde, and also posted a message on Facebook asking for help in locating him.

Mochi sustained two broken ribs and a collapsed lung. At around 11:45 p.m., the vet called to say Mochi was not going to make it, and the family headed over to the hospital to say their goodbyes.

"All he did was go out to the bathroom and to his favorite spot," said Diamond adding the family is still in shock. "We didn't do anything to deserve this."

While the family was at the veterinarian's office, the neighbor saw Cano heading to Diamond's home and told him they were at the vet, and gave him Diamond's cell phone number. Cano, who as described as very shook-up in the incident report, sent screenshots of Clyde's paperwork showing he was up to date on his shots. Cano also paid the vet bill.

"He was cooperative, but where does that leave us? His dog is vicious," Diamond said. "He couldn't control his dog. He should have been on the other side of the street. I don't know if he broke the leash/harness or what, but the owner told my neighbor how he bought the most expensive heavy-duty one he could and doesn't understand why it broke."

According to the animal control report, Cano, who has owned Clyde for nine years, was advised to keep a muzzle on the dog when walking him. Cano agreed to muzzling him, and said he would let him go in the backyard or walk him on off-peak times.

But Rotman, who fought off Clyde trying to save Mochi, is having trouble dealing with the ordeal, said Diamond.

“She keeps asking herself if she did something differently, maybe this wouldn’t have happened,” said Diamond.

Because Clyde was on a leash, Cano was not cited by the township. Diamond could file a civil complaint contending the incident resulted from the dog owner’s negligence.

New Jersey has a strict liability law that makes a dog’s owner liable in a civil lawsuit when the animal bites someone, as long as the victim was on public property or was legally on private property when the incident happened. It doesn’t matter whether the owner knew the dog had ever been vicious before, according to the legal website Nolo.

The injured person must prove that the owner had a duty to take reasonable care to control the dog’s behavior, that the owner failed to meet that duty, and that as a result of that failure, the dog caused harm to the injured person, according to the law.

A dog’s history of aggressive behavior may be important in a negligence claim, because it helps the court determine what measures are reasonable for the owner to take. For instance, if a dog has never chased or attacked people before, it may be enough control if the owner walks the dog with a leash. But when a large dog has a history of trying to attack strangers, a court may conclude that the owner didn’t use reasonable care if the dog wasn’t also muzzled in public, or if the owner allowed a child to hold the leash, according to the website.

Township officials said this report was the first taken on Clyde.

Diamond said the family is currently trying to heal from their loss, but questioned the law.

“They are looking at this from the dog’s rights, but what about us?”