

DOCKET NO: HHBCV246090291S

SUPERIOR COURT

TOWN OF BURLINGTON, EX REL. KATIE
MESKUN, ANIMAL CJUDICIAL DISTRICT OF NEW BRITAIN
AT NEW BRITAINV.
SCHULER, SHANE Et Al

1/30/2025

ORDER

The following order is entered in the above matter:

ORDER:

The petitioner, Katie Meskun, brought this action by verified petition pursuant to General Statutes § 22-329a (c) alleging neglect and/or cruel treatment of a male Doberman-mix dog known as Broccoli (the dog) by the respondent, Shane Schuler. The petitioner is seeking various forms of relief including relinquishment of the respondent's ownership of the dog, vesting of permanent ownership of the dog with the Animal Control Authority of the Burlington Police Department, and reimbursement for certain expenses associated with the dog's care and temporary custody.

The verified petition alleges the following facts, among others. The petitioner is the animal control officer for the town of Burlington. The respondent is the dog's owner. On September 20, 2024, the dog was found by the Burlington Police on the side of a road in Burlington. The dog was found in "bad shape" – appearing to be in pain and unable to stand. The police transported the dog to the Burlington Animal Shelter, where a determination was made that the dog needed immediate medical attention. The dog was transported to an emergency veterinary facility in Canton for care. Upon examination, the dog was severely dehydrated and lethargic with a low heart rate and low body temperature. The dog required overnight care to stabilize his heart rate and body temperature. Thereafter, the dog was transferred to a veterinary facility in West Hartford for care. Laboratory testing revealed that the dog was suffering from severe THC toxicity, which was causing the low heart rate and low body temperature. The dog required overnight care and intravenous fluids to remove the THC from his system. Veterinary personnel cleared the dog to leave the facility on September 21, 2024, after which the dog was returned to the Burlington Animal Shelter for further recovery. On September 22, 2024, the petitioner located and approved a medical foster home for placement and continued recovery.

On October 10, 2024, the court (Knox, J.) issued an order to show cause why the relief sought in the verified petition should not be granted and a related summons for a hearing on October 21, 2024. When the respondent failed to appear at that hearing on October 21, 2024, this court found that the respondent had been properly served with process and notice of the hearing. A rescheduled evidentiary hearing was duly noticed thereafter for December 16, 2024. The petitioner appeared at that hearing through counsel, testified under oath, and submitted documentary evidence that included a veterinary report and a veterinary invoice. The respondent did not appear at the hearing and has not filed an appearance.

General Statutes section 22-329a is titled: "Seizure and custody of neglected or cruelly treated animals. Vesting of ownership of animal. Animal abuse cost recovery account." The statute provides a mechanism by which animal control officials may take physical custody of an animal. Under subsection (a), if an animal control officer has reasonable cause to believe that an animal "is in imminent harm and is neglected or is cruelly treated" in violation of one or more specified statutes, the officer may take physical custody of the animal and, not later than ninety-six hours after taking custody, shall file with the Superior Court, in accordance with subsection (c), a verified petition "plainly stating such facts of neglect or cruel treatment . . . and praying for appropriate action by the court" "Upon the filing of such petition, the court shall cause a summons to be issued requiring the owner or owners or person

having responsibility for the care of the animal, if known, to appear in court at the time and place named.” General Statutes § 22-329a (c). If the court finds, after hearing, “that the animal is neglected or cruelly treated, it shall vest ownership of the animal in any state, municipal or other public or private agency which is permitted by law to care for neglected or cruelly treated animals or with any person found to be suitable or worthy of such responsibility by the court.” General Statutes § 22-329a (g)(1). The statute further provides that if an animal, seized or put in temporary care and custody, was found to be neglected or cruelly treated, then the owner is responsible for payment of the expenses incurred by the agency in providing proper food, shelter and care to such animal. See General Statutes § 22-329a (h).

The statute does not define “neglected” or “cruelly treated,” but our Supreme Court has interpreted the statute in light of the language contained in the criminal statutes regarding cruelty to animals. See *State ex rel. Gregan v. Koczur*, 287 Conn. 145, 152–153, 947 A.2d 282 (2008); see also General Statutes § 53-247. “[T]o determine what constitutes neglect under § 22-329a under the circumstances of this case, we must look to the language of § 53-247.” *State ex rel. Gregan v. Koczur*, *supra*, 287 Conn. 153. Section 53-247 sets forth the elements of criminal liability for any person who “overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water, or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be done, or, having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection from the weather or abandons it or carries it or causes it to be carried in a cruel manner, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition.” “It is reasonable to conclude, therefore, that the neglect referred to in § 22-329a includes the failure to provide necessary sustenance, proper care, wholesome air, food and water under § 53-247 (a).” (Internal quotation marks omitted.) *State ex rel. Gregan v. Koczur*, *supra*, 287 Conn. 153–54.

With these legal principles in mind, the court has carefully considered the evidence presented. The court finds the testimony of the petitioner to be credible and credits it. The court finds that the petitioner’s documentary evidence is credible and credits it. The court finds that the respondent deprived the dog of necessary sustenance, failed to give the dog proper care, unjustifiably injured the dog, failed to supply the dog with wholesome air, food and water, and unjustifiably administered or exposed the dog to a poisonous or noxious substance with the intent that the same be taken by the dog or by causing it to be done. Accordingly, the court finds that the dog has been subjected to neglect and cruel treatment by the respondent, and finds further that such neglect and cruel treatment was a proximate cause of the dog’s deteriorated and life-threatening condition as of September 20, 2024, and the dog’s need for veterinary care and rehabilitation.

Based on the foregoing and pursuant to General Statutes § 22-329a (g)(1), the court orders that permanent ownership of the dog is hereby vested in and granted to the Animal Control Authority of the Burlington Police Department. In addition, pursuant to General Statutes § 22-329a (h), the court orders the respondent to pay the sum of \$5,000.41, which is comprised of \$2,380.41 for the dog’s veterinary care and \$2,620.00 for the dog’s care and custody over 131 days (commencing on September 20, 2024) based on a rate of \$20 per day.

Judicial Notice (JDNO) was sent regarding this order.

445560

Judge: ERIC P SMITH
Processed by: J. Errico

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.