

Man's Best Friend Gets No Love from New Jersey Supreme Court

by [DonaldScarinci](#)

Watching a pet die can be a devastating experience, but does it legally qualify as emotional distress? New Jersey recently joined a number of other states in ruling that these [emotional distress claims are strictly limited to human relationships](#).

“Although we recognize that many people form close bonds with their pets, we conclude that those bonds do not rise to the level of close familial relationship or intimate, marital-type bond,” the Supreme Court held in [McDougall v. Lamm](#).

The facts of the case are disturbing for any pet owner. Plaintiff Joyce McDougall was walking her maltipoo, Angel, when a large dog belonging to defendant Charlot Lamm ran out and grabbed McDougall's dog by the neck. The larger dog picked up Angel and shook it several times before dropping it. Angel ultimately died. In her lawsuit, McDougall alleged that, as a result of witnessing the dog's death, she suffered significant emotional distress for which she should be entitled to damages.

Although [New Jersey's cause of action for emotional distress](#) has been expanded beyond parents and spouses, the court was unwilling to include the furriest members of our families. Louisiana, Florida, and Hawaii are the only states that have allowed emotional distress claims for pets.

While the New Jersey Supreme Court did acknowledge that pets are not valued as mere property, it also said that the bonds they have with humans “do not rise to the level of a close familial relationship or intimate, marital-like bond.” So even if the pet sleeps on the bed, eats dinner with the family, and is loved like a second child, there is a distinction between people and animals.

“Not even all humans are engaged in a relationship that is sufficiently close to support such an award, Justice Helen Hoens aptly noted, “It would make little sense, we think, to permit plaintiff to recover for her emotional distress over the loss of her dog when she would be precluded from any such recovery if she instead had the misfortune of watching a neighbor's child, whom she regarded as her own, torn apart by a wild animal,” she added.

Cases involving pets are very difficult to decide. In this case, the New Jersey Supreme Court denied the claims. Perhaps they were thinking if they allowed an emotional distress cause of action for the death of a dog it would inevitably lead to a flood of new claims. Once that floodgate opens the court would then need to revisit this difficult issue.