

PET OWNERS CANNOT RECOVER EMOTIONAL DISTRESS OR LOSS OF COMPANIONSHIP DAMAGES FOR INJURY OR DEATH OF PET

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Kaufman v. Langhofer

Ct. Appeals, Div. One, December 22, 2009

Authored By [The JSH Appellate Team](#)

Plaintiff owned a macaw (Salty) for approximately nine years. The macaw was diagnosed with cloacal prolapse. After numerous consultations with Defendant Dr. Langhofer, two surgeries were performed to correct the condition. Salty never recovered from the second surgery and passed away. Plaintiff sought damages for emotional distress and for the loss of Salty's companionship. Defendant moved to dismiss those damages on the grounds that the proper calculation for damages for the tortious loss of property is the property's fair market value. The trial court dismissed Plaintiff's emotional distress and loss of companionship claims.

The court of appeals affirmed. A plaintiff can recover emotional distress damages for the tortious loss of property only when the act directly harmed the plaintiff, and affected or burdened a personal, as opposed to economic, interest. The court of appeals held that Defendant's negligence did not directly harm Plaintiff in that it did not affect or burden a personal right or interest belonging to him. The court declined Plaintiff's request to broaden the law. It is not reasonable to allow a pet owner to recover emotional distress or loss of companionship damages when such damages cannot be recovered for the injury to or loss of close human friends, siblings, and non-nuclear family members such as grandparents, grandchildren, nieces, nephews and aunts.