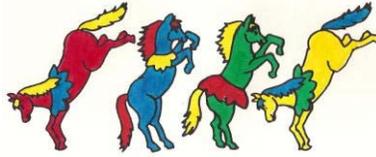


# LOCKET'S MEADOW FARM



755 Litchfield Turnpike, Bethany, CT 06524  
loquetsmeadowfarm@yahoo.com  
www.loquetsmeadow.com

**Testimony of  
Kathleen Schurman  
Locket's Meadow Farm**

**Before the  
Environment Committee  
of the Connecticut General Assembly  
Regarding  
H.B. 5044, AAC Domesticated Horses**

**February 28<sup>th</sup>, 2014**

Dear Senator Meyer, Representative Gentile and members of the Environmental Committee,

I am writing to you to ask your support for House Bill 5044, AAC Domesticated horses. I am sorry I will not be able to testify in person on Friday. As I hope you will understand from the following testimony, I am needed at home and can't take a day to travel to Hartford. My husband, David Melina, and I own Locket's Meadow Farm in Bethany, CT, where more than a hundred animals (46 of which are horses or ponies) are given safe harbor. Most of the animals on the farm have been rescued from slaughter situations or from severe abuse. In addition, Locket's Meadow is a riding center, offering riding lessons on rescued horses, both traditional and therapeutic. The farm is also home to steers rescued from the veal industry, hens and roosters, ducks, burros, sheep, goats, alpacas, dogs, cats and whomever else showed up and said, "please."

As some background, I am pasting below an article I wrote for the Orange times on October 7, 2013 in its entirety, entitled, *Vicious Horses? That's Not What We See in Orange.*

*Is the horse a vicious animal by nature? That is the question the Connecticut Supreme Court seeks to answer while hearing an appeal in the case of Vendrella v. Astriab. According to court documents, Anthony Vendrella was buying plants at Glendale Farm in Milford.*

*After purchasing the plants, he and his 2-year old son walked to a horse paddock and pet a horse through the fence, despite prominent signs that read, "Please do not pet or feed the horses." A brown horse named Scuppy leaned down and bit the child's face, removing a chunk of flesh that resulted in permanent scarring.*

*Vendrella sued farm owner, Timothy Astriab, for damages, but according to state law, the defendant is only liable if he had previous indications that the horse was vicious. If Astriab had known of any biting tendencies, the defendant would have had a "duty of care" to take extra measures to protect the public from that horse.*

*However, according to all testimony, Scuppy was an upstanding equine citizen and had never taken a nip out of anyone, either human or another horse. Because of this, in a summary judgment, the court ruled in favor of the defendant and Astriab and Scuppy were off the hook. Temporarily.*

*During the trial, in an apparent attempt to protect his farm and business, Astriab testified that Scuppy was no different from any other horse and that, "A horse could bite you and cause great damage." He also said it didn't have to be Scuppy, and that any horse was capable of biting. Courts documents read, "Astriab also admitted that he had concerns with horses nipping or biting a person if they put something in front of it. He was repeatedly asked and affirmatively answered questions regarding whether a 'typical reaction' from a 'typical horse' would be to nip or bite something that is put in front of their face." Ultimately Astriab's answers, that all horses have a propensity to be aggressive, may have saved his farm, but it threw the rest of the state's horse industry under the bus as his testimony helped fuel the appeal that is now before the court, which is limited to the following issue:*

*Did the Appellate Court properly conclude that the horse belongs to a species so naturally inclined to do mischief or be vicious to human beings that the minor plaintiff's injuries were reasonably foreseeable regardless of whether the particular horse has shown a prior vicious disposition known to the keeper?*

*Town resident Marjorie Schenk doesn't think so.*

*She is a bit of a horse expert having owned at least one for the past 23 years.*

*"I feel it is a shame that parents do not use good judgment when they expose their child at any age to animals that do not belong to them. Any animal can pose a harmful threat if people don't use their heads. The case in Milford, which is seven years old smacks of dollars and not good sense," Schenk said.*

*Judy Smith is the owner of a New York City retired police department horse, Broadway Bob. "Horses are not vicious animals they are gentle giants," she said.*

*"Like all animals, people need to show them respect and appreciation," she said.*

*If the court decides this is an accurate statement of a horse's nature, the ramifications to the state's horse industry could be enormous, dramatically changing the liability issues of owning or caring for horses. According to state law, as described by the Animal Legal and Historical Center:*

*Connecticut statute limits the liability of equine sponsors by providing that each person engaged in recreational equestrian activities assumes the risk for any injury arising out of the hazards inherent in equestrian sports. However, if the injury was proximately caused by the negligence of*

*the person providing the horse or by the failure to guard or warn against a dangerous condition, use, structure or activity, liability if not limited by law.*

*Current signage required for use by equine facilities state that a person's presence on that property indicates they, "accept the limits of liability resulting from the inherent risks associated with equine activities," would no longer be strong enough as every horse would be considered dangerous.*

*A slew of "horse people" have spoken out against the designation of horses as vicious animals. Equine veterinarian Dr. Stacy Golub, owner of Connecticut Valley Equine Veterinary services, denies horses are born to be aggressive.*

*"Horses are not inherently vicious or even aggressive by nature, Golub said. "As prey animals, their first instinct is to run from anything they perceive as threatening or scary. Like any animal, they can be territorial over things like food, shelter, or when protecting their offspring. The problem is that humans speak a different language than animals and may not heed the warnings they clearly show through body language before they take action (bite, kick, etc). This is true of almost any animals that humans interact with, including dogs and cats. The moral of this story is that if you're unfamiliar with an animal or its language, do not approach it, and certainly don't stick your child in its face. But don't label them as vicious because you don't understand them." Even if the court upholds the appeal and Connecticut horses are deemed vicious, the end of the debate is far from over. Another appeal could send the case to the federal second circuit court of appeals, which also covers the heavily horse-populated states of New York and Vermont. While the United States Supreme Court only takes about 100 of the 10,000 cases put before it each year, a ruling by the Chief Justices would change the face of the horse industry in the entire country.*

*Meanwhile, all eyes are on the owner of a Milford nursery and greenhouse operation who takes in boarder horses for some extra income, as well the potential legacy of a horse named Scuppy that has the potential to change the face and future of the equine industry in this state, and possibly further. <sup>i</sup>*

As my own decades of working with horses and running a farm will attest, horses are not inherently vicious animals. If they were, they would never have become the companions and helpers to humans that they have, over the past ten thousand years. Our horses are used for lessons for able bodied people as well as for therapy for mentally challenged adults, and in the past for bullied children. The enormous good that horses can do while working with adults and children cannot be overstated. In my years of running a program for bullied girls, I received many letters and testimonials like the following:

*My daughter Morgan, now 11 years old, has survived an unimaginable amount of stress in her short life. She has endured all forms of bullying from Pre-K up, but her biggest struggle has been in overcoming what some would say are inherent weaknesses.*

*Morgan was initially thought to be somewhere on the autistic spectrum, the upper end, with a diagnosis of "Non-Verbal Learning Disability", a "sister" to Asperger's syndrome. She was officially diagnosed with ADHD, and auditory processing delays, sensory integration issues, fine*

*and gross motor skill weaknesses and delays, etc. So many labels but not enough help to deal with any of it. She has a 504 plan in place at school, and has had Occupational and Physical therapy on and off since she was a toddler, and some social skills support here and there as we could afford it. Though I'm sure it has made a difference for her, it hasn't been enough. It hasn't changed the way she views herself. Having trouble staying focused is no picnic, and not understanding what someone has just said to you makes it very hard to follow directions, or stay tuned in on a conversation, or make and sustain friendships. Morgan's naiveté and low self-esteem has left her a wide open target, and years of bullying and put downs have her gravitating to the bottom of the social ladder which has only made matters worse. It has been and still is a vicious cycle.*

*Kathleen Schurman is offering us a solution. For the FIRST TIME, Morgan is feeling good about herself in a group setting with other children! There is no bullying here as there has been in school and in Girl Scouts. She doesn't come home dejected and with tales of woe. It has been very slow progress for Morgan over these last couple of months but I KNOW through continued therapy in Kathleen's program, Morgan will find strength (physical as well as inner), discover herself (she is a beautiful, smart and talented girl), and make lasting friendships. This is a crucial juncture, and could make THE difference that we have so desperately sought for so long.*

*Morgan needs this program of horse therapy. It has allowed her to take part without having to put herself out there alone, to be ridiculed or put down. It puts her in the spotlight in a manageable way so she is learning not to hide. She absolutely loves horses and loves being a part of the happenings on the farm. But we've only just begun, and she needs much more time.*

*Please help these girls continue. Please help Kathleen do what she does best, which is to rescue the underdogs and help give them happy lives. She's REALLY good at it.*

*A very concerned and very grateful parent,*

*Marcia Patterson*

If horses are declared to be naturally vicious, riding programs both therapeutic and simply equestrian, will cease to exist due to out of reach insurance premiums. For those of use in the world of animal rescue, every dollar counts. What does \$2,000 mean to me? Two weeks worth of hay. One month of grain. One month of horse shoeing. Four months of vet bills. Six dumpsters worth of manure removal. Processing this year's fleeces from all the sheep and alpacas. And then there are the "luxury" items, like . . . \$2,000 will buy enough lumber for a run-in shed, enough fencing materials for two paddocks, and half the footing for a new outdoor arena. Two grand will also rescue one and a half horses from slaughter (that doesn't sound quite kosher, but that's just the way the numbers fall . . .) and buy four new saddles for the therapeutic riding program.

Any substantial increase in the cost of running the farm would put an end to our ability to offer any riding programs at all. And that would be tragic for both the humans and the horses. I hope

you will seriously consider passing H.B. 5044. Thank you for your consideration and leadership on this matter.

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<sup>i</sup> <http://theorangetimes.com/vicious-horses-thats-not-what-we-see-in-orange-p402-1.htm>