



unable to show that the dog's owner knew or should have known of the dog's "vicious propensities." In Bard v Jahnke (6 NY3d 592, 599 [2006]), we held that "when harm is caused by a domestic animal, its owner's liability is determined solely by application of the rule articulated in Collier."

Since there is no evidence in this case that the dog's owner had any knowledge of its vicious propensities, the Appellate Division was correct in affirming the dismissal of the complaint against defendants. Plaintiff's claims against third-party defendant were also properly dismissed, because there is no evidence that third-party defendant was negligent.

\* \* \* \* \*

Order affirmed, with costs, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided March 18, 2008