

Allen v Columbus

2025 NY Slip Op 34059(U)

October 22, 2025

Supreme Court, New York County

Docket Number: Index No. 156803/2025

Judge: Phaedra F. Perry-Bond

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. PHAEDRA F. PERRY-BOND PART 35
Justice
INDEX NO. 156803/2025
DEVON ALLEN, LAUREN CLAUS, LAUREN BLOCK Plaintiff, MOTION DATE 06/03/2025
- v - MOTION SEQ. NO. 001
JOSEPH COLUMBUS, Defendant. AMENDED DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 43, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 77, 78, 79, 80, 81, 82, 83, 220, 221, 225, 226, 227, 232, 242, 243, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313 and 314 and were read on this motion sequence 001 for relief under New York Agriculture and Markets Law (AML) § 123.

On May 27, 2025, plaintiffs Devon Allen, Lauren Claus, and Lauren Block (collectively, Plaintiffs) filed a summons and complaint against defendant, Joseph Columbus (Mr. Columbus or Defendant), seeking a determination the two dogs under Mr. Columbus’ ownership and control are “dangerous dogs,” pursuant to AML § 123 (NYSCEF Doc. No. 1).

Plaintiffs alleged Mr. Columbus’ dogs, known as Rambo and Zoey, attacked three dogs, without provocation. In each instance, Mr. Columbus failed to exert the necessary control over his dogs and attempted to leave the scene of each attack without regard for the injuries and harm caused by his dogs (NYSCEF Doc. No. 1, ¶¶7-8, 16-57). Defendant denied the allegations, as well as, ownership of the female dog, known as Zoey, and filed counterclaims against Plaintiffs (NYSCEF Doc. No. 81).

The incidents forming the basis of Plaintiffs’ case occurred on or about the morning of January 4, 2025, and the evening of May 3, 2025 (NYSCEF Doc. No. 1, ¶¶16-26, ¶¶33-41; and NYSCEF Doc. Nos. 312 and 313).

January 4, 2025 –Lauren Block’s Dogs, Grover and Chuckie

On January 4, 2025, Lauren Block (Ms. Block) was walking her two Shih Tzu-mix dogs, Grover and Chuckie (NYSCEF Doc. Nos. 9 and 313). Chuckie, who was off leash, was attacked first, out of Ms. Block’s line of sight (NYSCEF Doc. No. 9, ¶¶6-8; NYSCEF Doc. No. 313). Ms. Block heard a dog’s shriek of pain, and called for Chuckie, who came running and yelping. (NYSCEF Doc. No. 9, ¶7-8); NYSCEF Doc. No. 313).

During a hearing held on September 4, 2025, Ms. Block testified that she picked up her older, blind dog Grover, who was on a leash, and left Chuckie, hiding under a car after being attacked, with bystanders, so she could confront Mr. Columbus as he attempted to leave the park with his dogs. Upon catching up to him, and when she was within approximately five to ten feet, Ms. Block placed Grover on the ground to free her hands to record his contact information, which Mr. Columbus refused to provide (NYSCEF Doc. No. 9, ¶¶9-11; NYSCEF Doc. No. 313). Defendant's dogs attacked Grover, and Mr. Columbus made no attempt to stop, restrain or control his dogs. It was only when a bystander assisted that Defendant's dogs were pulled off Grover (NYSCEF Doc. No. 9, ¶¶12-17; NYSCEF Doc. No. 10 – Video of the attack on Grover; and NYSCEF Doc. No. 313). Ms. Block paid \$12,649.13 in vet bills to treat Chuckie's injuries, and \$9,048.13 in vet bills and, ultimately, euthanasia for Grover on January 11, 2025 (NYSCEF Doc. No. 1, ¶¶21-26; NYSCEF Doc. Nos. 9, 11, 12, 13, 14, 15, 16, 17, and 313).

January to March 2025 - NYPD and DOH Reporting

In the days following the attack on Chuckie and Grover, Ms. Block learned Defendant's identity and address, after showing Defendant's picture to neighbors. She contacted the 20th Precinct of the New York Police Department (NYPD) to confirm receipt of bystander reports of the dog attack. Officers bounced Ms. Block between the 20th and 22nd Precincts and actively refused to take her report of the attack, until she escalated her request to a sergeant in the 20th Precinct. (NYSCEF Doc No. 9, ¶¶33-39; NYSCEF Doc. No. 312.)

Once she was finally permitted to make a police report, Ms. Block followed up with the Enforcement Division of the New York City Department of Health and Mental Hygiene (DOH) to ensure her report of the attack by Defendant's dogs was being taken seriously (NYSCEF Doc. No. 9, ¶¶39-43; NYSCEF Doc. Nos. 18, 19, 20, 21, 22, 23 and 312). Approximately a month after the incident, NYPD sent the report to DOH, which issued an order of the commissioner dated March 13, 2025 (NYSCEF Doc No. 21).

DOH's order dated March 13, 2025, made a preliminary determination Mr. Columbus' dogs¹, were "dangerous dogs" within the meaning of New York City Health Code § 161.07. Among the administratively ordered measures, such as providing proof of sterilization, rabies vaccination, microchipping, registration, and licensing, Mr. Columbus was to leash and muzzle his dogs with "a basket type muzzle" whenever the dogs were "in a public place or any common area or street" "including all sidewalks. . . or on any public park property" (NYSCEF Doc. No. 21). After failing to comply with the DOH order, a notice of violation and summons returnable on March 31, 2025, was issued (NYSCEF Doc No. 23). This would be one of a total of four DOH violations and summons related to Mr. Columbus' dogs between March 2025 and June 2025.²

May 3, 2025 –Devon Allen's and Lauren Claus' Dog, Penny

On or about the evening of May 3, 2025, Devon Allen (Mr. Allen) was walking a Chihuahua named Penny, which he co-owned with Lauren Claus (Ms. Claus). Mr. Allen was

¹ In DOH's order dated March 13, 2025, Defendant's dogs are described by their coloration and named as "Champagne" and "Second Dog" (NYSCEF Doc. No. 21).

² See NYC Office of Administrative Trials and Hearings, Summons/Notice Nos. 0803523142, 0803496550, 0803430760 and 0803419385. <https://a820-ecbticketfinder.nyc.gov/searchHome.action>

walking Penny on the sidewalk near West 85th Street and Columbus Avenue. While attempting to walk past Mr. Columbus and his dogs, who were not muzzled, Rambo and Zoey began an unprovoked attack on Penny (NYSCEF Doc. No. 1, ¶¶33-36; NYSCEF Doc. No. 24, ¶¶4-12; NYSCEF Doc. No. 312). During the attack, Rambo and Zoey both grabbed Penny in their mouths and began to pull her in a tug-of-war (NYSCEF Doc. No. 24, ¶¶14-15; NYSCEF Doc. No. 312). Mr. Columbus' response when implored to control his dog and stop the attack was "[t]here is nothing you can do" (NYSCEF Doc. No. 24, ¶17).

Once more, it would take assistance from bystanders to get Rambo and Zoey to release Penny, and Mr. Columbus fled the scene before anyone could get his contact information and make a police report (NYSCEF Doc. No. 24, ¶¶16-27; NYSCEF Doc. Nos. 25, 26, 27, 28 and 29). Mr. Allen and Ms. Claus would incur a total of \$12,392.95 in vet bills for Penny (NYSCEF Doc. No. 24, ¶¶28-31; NYSCEF Doc. No. 31, ¶¶8-18; NYSCEF Doc. Nos. 32, 33, 34 and 312).

Again, NYPD's 20th Precinct refused to accept a report of the attack on Penny, and Ms. Claus was not able to file a report until May 15, 2025, when she spoke with the Animal Control Liaison at the 24th Precinct (NYSCEF Doc. No. 31, ¶¶20-25; and NYSCEF Doc. No. 35).

Procedural History

On June 3, 2025, Plaintiffs filed a proposed order to show cause seeking declaratory judgment that Defendant's dogs are "dangerous dogs," pursuant to AML § 108 [24] [a] and § 123, together with a request for temporary injunctive relief pending the hearing and Court's determination of same (NYSCEF Doc. Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36).

On Wednesday, June 4, 2025, the Court held a hearing on the temporary injunctive relief. Plaintiffs appeared by counsel, and Mr. Columbus appeared *pro se*. At the hearing, Mr. Columbus did not disclaim ownership of either dog and repeatedly referred to them on the record as "my dogs" and "my dog" (NYSCEF Doc. No. 88, 7:10-13; 8:3-4; 9:5-7; 9:22-23).

When cautioned he "stood to lose [his] dogs," Columbus replied, "Yes. Yes, Your Honor" (*id.* 10:21-23; 11:10-11). He also inquired about the logistics of seizure, asking, "Depending [on] the decision on Monday they will be seizing the dogs; correct?" and "So the police come and grab, where do they go?" (*id.* 12:15-17; 13:23-25). Based on the hearing, and record provided, the court determined there was probable cause to believe Rambo and Zoey fit the definition of dangerous dogs, pursuant to AML §§ 108(24)(a) and 123(2), and the temporary injunctive relief to have the NYPD seize the dogs pending the hearing and determination was granted on June 4, 2025 (NYSCEF Doc. No. 37).

The Court ordered the Defendant to surrender the dogs to the NYPD pending the outcome of the June 9, 2025, hearing. In addition, the Court informed Defendant that failure to surrender the dogs, pursuant to the Order could result in a contempt finding.

On June 5, 2025, the Court signed an amended order to show cause (NYSCEF Doc. No. 38), and on June 6, 2025, Defendant's counsel, Ikiesha T. Al-Shabazz, filed and served a notice of appearance (NYSCEF Doc Nos. 46 and 47).

The hearing³, as noticed in the orders signed June 4 and June 5, 2025, began Monday, June 9, 2025, after a delay due to Defendant's counsel notifying the court by email, 11 minutes before the hearing start time, she would not appear until 3:30 p.m. When the court inquired if Defendant surrendered the dogs as ordered, counsel claimed Defendant was "confused" about the surrender of his dogs (NYSCEF Doc. No. 86). Defendant sought to distance himself from Zoey with Defendant's counsel repeatedly representing Defendant "does not own Zoey." (*id.*; *see also* NYSCEF Doc. No. 81 ¶¶47–48). At the same time, Rambo was described as an emotional-support animal (NYSCEF Doc. No. 49, ¶¶5–10; NYSCEF Doc. No. 86; NYSCEF Doc. No. 81, ¶49; and NYSCEF Doc. No. 51)⁴.

The Court heard testimony from two NYPD counsel, Amy Robinson and Gulnora Tali, about the NYPD's attempts to seize Defendant's dogs the night of June 5, 2025, 3:00 p.m. on June 6, 2025, and around 2:00 p.m. on Saturday, June 7, 2025. All attempts were unsuccessful, despite hearing noises from the dogs and an occupant, or occupants, in the apartment (NYSCEF Doc. No. 108).

Ms. Claus provided testimony regarding Penny's injuries from the attack on May 3, 2025, describing severe lacerations across Penny's back and shoulders and puncture wounds requiring surgical repair (NYSCEF Doc. No. 86 at 37, lines 2-25; at 38, lines 1-25; at 39, lines 1-25; at 40, lines 1-25; at 41, lines 1-25; at 42, lines 1-25; at 43, lines 1-25; at 44, lines 1-25; and at 45, lines 1-25). Also introduced into the record were Ms. Claus's photographs of Penny's injuries and the veterinary records documenting Penny's hospitalization, which exceeded forty-eight hours, intravenous fluids, antibiotics, and multiple sutures (NYSCEF Doc Nos. 59, 58, 29, 60, 61, 62, 63 and 64).

On June 9, 2025, Jacqueline Barrett ("Ms. Barrett"), who witnessed the attack on Penny and filmed the incident, testified she saw two large dogs attack Penny, and about a dozen people trying to break up the attack (NYSCEF Doc. No. 86 at 19, lines 13-25; at pp. 20-34, lines 1-25; and at 35, lines 1-19). She testified Defendant held a leash, but did not separate the dogs, while the woman accompanying Defendant was on her phone, disinterested in breaking up the fight (*id.* at 20, lines 1-25; and at 21, lines 1-6). Ms. Barrett testified Defendant, and the woman, fled the scene while the crowd screamed after them to "wait for the police" (*id.* at 21, lines 13-18;). She confirmed her video depicted Defendant and his companion fleeing, as well as the make, model, color of the vehicle, and its license plate (*id.* at 24, lines 6-25).

At the conclusion, the Court again ordered Defendant to surrender Rambo and Zoey to the NYPD by 6:00 a.m.—and no later than 5:00 p.m.—on Tuesday, June 10, 2025. A turnover order with a contempt warning was signed by the Court on June 9, 2025 (NYSCEF Doc No. 56).

On Tuesday, June 10, 2025, according to a letter from Plaintiffs' counsel (NYSCEF Doc. No. 57), NYPD officers attempted to seize the dogs in the morning at Defendant's residence, but Defendant neither answered the door nor his telephone. Officers reported no sounds of dogs inside

³ Despite AML § 123 [2] requiring a court hold a hearing "within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint," it would take over 120 days from filing before the hearing would be completed.

⁴ Defendant's documentation Rambo is an emotional support dog are dated March 27, 2025, after the first attack and issuance of DOH's notice of violations and summons (NYSCEF Doc. No. 51).

the residence (NYSCEF Doc. No. 57). Defendant failed to turn over the dogs to the NYPD by 5:00 p.m., as ordered (*id.*).

On June 11, 2025, Plaintiffs' counsel filed a letter to the Court, in response to an email sent by Defendant's counsel the evening of June 10, 2025 (NYSCEF Doc. Nos. 58 and 59). Defendant's counsel claimed the NYPD did not come to the apartment at 6:00 a.m. on June 10th, nor did they attempt to contact him by phone (NYSCEF Doc Nos. 59), which strained the Court's credulity due to the news and media presence attracted by this case.

On June 12, 2025, Plaintiffs filed an affirmation from an unaffiliated witness, Karen Kramer, who arrived at Defendant's residence at 6:00 a.m. and took photos. She observed officers enter Defendant's apartment building, stay for approximately 12 minutes before exiting without the dogs (NYSCEF Doc. Nos. 60, 61, 62, 63, and 64). In response, Defendant's counsel submitted a letter to the Court disputing noncompliance, asserting Mr. Columbus had been at home the morning of June 10, 2025, was never contacted by NYPD, and alleged a violation based on an unverified, text message with plaintiff Lauren Claus and another party, purported to encourage a false report of Defendant's dogs biting a person (NYSCEF Doc. No. 65)⁵.

On June 13, 2025, the Court intended to continue the hearing, however, Ms. Al-Shabazz informed the Court, while en route to the courthouse, Defendant had a panic attack and could not appear. No proof was provided by Ms. Al-Shabazz regarding her client's infirmity. Before adjourning, the Court inquired why the dogs had not been surrendered to the NYPD, and Ms. Al-Shabazz represented her client told her the NYPD never came to his apartment and that he left his apartment at 6:05 a.m. (NYSCEF Doc. No. 65). That same day, the Court issued a civil contempt arrest warrant for Defendant (NYSCEF Doc. No. 68), which was later reversed on procedural grounds (NYSCEF Doc. Nos. 77 and 221).

On Monday, June 16, 2025, the Court sent an email to remind the parties about the contempt hearing scheduled for 2:30 p.m. on June 17, 2025. That afternoon, Defendant's counsel responded she was "confused," and thought there would be no contempt hearing if Defendant was not arrested before the hearing. Ms. Al-Shabazz stated she was not available to appear and was "in the process of preparing a recusal motion." (*see* NYSCEF Doc. Nos. 68 and 103). After receiving this communication, a Court Notice was posted to reminding the parties of the contempt hearing on June 17, 2025 (NYSCEF Doc. No. 69).

On June 17, 2025, the Court took testimony on Defendant's contempt and refusal to turn over the dogs on June 10, 2025. Defendant and his counsel failed to appear at the hearing.

On Monday, On July 28, 2025, the Court attempted to reconvene the AML § 123 hearing. Defendant did not appear. Defendant's counsel informed the Court she filed an emergency application in the Appellate Division seeking a stay and leave to appeal from this Court's order denying her motion to recuse (motion seq. 002) (NYSCEF Doc. Nos. 70, 71, 72, 73, 74, 75, and

⁵ On August 26, 2025, Ms. Claus admitted to asking Mr. Allen's girlfriend, Anna, to lie about Defendant's dogs biting her (NYSCEF Doc. No. 312 at 17, lines 6-25; at 18, lines 1-25; at 19, lines 1-25; at 20, lines 1-25; at 21, lines 1-25; at 22, lines 1-25; at 23, lines 1-25; at 24 lines 1-25; at 25 lines 1-25; and at 26, lines 1-25).

76). The Court noted absent a signed order from the Appellate Division, no stay was in effect, and the hearing would continue.⁶ Due to Defendant's failure to appear, no testimony was taken.

On Tuesday, August 26, 2025, the Court heard continued testimony from Ms. Claus, who previously testified on June 9, 2025, and from plaintiff Devon Allen. The Court also scheduled the remaining witnesses for the AML § 123 hearing. Defendant was unable to appear, as counsel represented, he was in the emergency room with a broken ankle. (*see* NYSCEF Doc. No. 312.)

On Thursday, September 4, 2025, the AML § 123 hearing continued. The Court limited impeachment of Ms. Claus' testimony to Penny's injuries and expenses (NYSCEF Doc. No. 313). Ms. Block testified regarding her own dogs, and the video of the January 4 attack on Grover was admitted into evidence. Plaintiffs rested their case, and Ms. Al-Shabazz did call any witnesses, despite making an oral application on the prior Court date for her witness "Ashley" to appear virtually. In addition, Ms. Al-Shabazz informed the Court that she intended to recall the Plaintiffs as her witnesses on the next Court date. Ms. Al-Shabazz represented to the court, that Mr. Columbus would be having ankle surgery on September 9, 2025, and would not be available for an in-person appearance on September 12, 2025. The Court, over Plaintiffs' objection, would allow Mr. Columbus to appear virtually on the next Court date, September 12, 2025. Testimony from Defendant's witnesses was scheduled for September 12, 2025.

On Thursday, September 11, 2025, at 6:15 p.m., after Court was closed for the day, Ms. Al-Shabazz stated Mr. Columbus could not testify the next day due to being on opioid medication. At 7:51 p.m. Ms. Al-Shabazz emailed the Court again to state there was no need for an appearance, and she was "dealing with a personal matter that will prevent [her] from appearing" (NYSCEF Doc. No. 293).

On Friday, September 12, 2025, Plaintiff's counsel appeared. Neither Defendant nor Ms. Al-Shabazz appeared. Plaintiff entered arguments why Mr. Columbus needed to appear in person to give testimony and conclude the AML § 123 hearing. The Court set the final hearing for 2:30 p.m. on October 2, 2025, and signed an order to that effect (NYSCEF Doc. No. 242).

On Tuesday, September 30, 2025, Defendant's counsel emailed the Court asserting Mr. Columbus could not appear in person due to post-operative recovery, notwithstanding prior representations he attended an in-person, post-operative appointment on September 24, 2025. Defendant's counsel claimed Mr. Columbus was taking opioids and attached a medication list dated September 9, 2025, which did not demonstrate ongoing opioid use (NYSCEF Doc. Nos. 298, 299 and 300).

On Wednesday, October 1, 2025, Ms. Al-Shabazz renewed Defendant's request for remote testimony, attaching a "medication reconciliation" list dated September 3, 2025, and a letter from Dr. Meghan Kelly stating Mr. Columbus "will need to be able to attend court virtually," and he was "currently taking Tramadol 50mg with refills." The Court noted the reconciliation list was outdated, the physician letter was unsworn, and neither established medical incapacity to appear in Court. (*see* NYSCEF Doc. Nos. 301, 302, 303, 304 and 305.) These submissions, along with

⁶ On September 30, 2025, Defendant's appeal and stay were denied by the Appellate Division, First Department (NYSCEF Doc. Nos. 244, 245, 246, and 247).

Ms. Al-Shabazz's correspondence on September 26 and 29, were denied on the record at the hearing on October 2, 2025.

On Thursday, October 2, 2025, the final AML § 123 hearing was held. Defendant's counsel again sought to have Defendant testify remotely, and the Court reiterated Defendant failed to provide proof to support those assertions, thus the Court denied Defendant's request. Defense counsel objected and asserted the Court was "biased." The Court stated this was the final day of the hearing, and no further adjournments would be granted. Over defense counsel's objections, closing arguments were made by both sides. At the conclusion of the hearing the Court deemed the record closed, and the parties were permitted to file post-hearing memorandum on or before October 17, 2025. Both sides filed post-hearing papers (NYSCEF Doc Nos. 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313 and 314).

Legal Standard

Standing to bring an action pursuant to AML § 123 [2] is conferred upon "[a]ny person who witnesses an attack" A "dangerous dog" is defined as one that attacks a person or companion animal, without justification, or "behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons" or companion animals (AML § 108 [24][a][i] and [iii]). Someone's pet dog is included in the statutory definition of "companion animal" (AML § 350 [5]).

For AML statutory purposes, an "owner" may not be the legal owner, but merely the person who houses and feeds the dog on a regular basis. An "owner" is defined as "any person who harbors or keeps any dog" where the term "harbor" is defined as providing food or shelter to any dog (AML § 108 [15] and [10]).

Under section 123 [2] of the AML:

"[t]he petitioner shall have the burden at [an AML § 123] hearing to prove the dog is a 'dangerous dog' by clear and convincing evidence. If satisfied that the dog is a dangerous dog, the judge . . . shall then order neutering or spaying of the dog, microchipping of the dog"

The evidentiary standard of "clear and convincing" is defined "as proof that 'makes it highly probable that the alleged activity actually occurred'" (*Ferreyra v Arroyo*, 35 NY3d 127, 128 [2020] quoting *People v Warrior*, 57 AD3d 1471, 1472 [4th Dept 2008]).

There are exceptions to prevent a dog from being declared dangerous if its actions were justified, such as responding to pain or injury, defending itself, protecting its owner, or reacting to torment or assault (AML § 123 [4]).

Upon the Court determining a dog as "dangerous" under AML § 123, the statute grants the Court a variety of additional options to protect the public, including, but not limited to, ordering

the dog be evaluated by a board-certified veterinary behaviorist, muzzling the dog whenever it is on public premises and/or requiring an owner maintain a liability insurance policy not to exceed \$100,000, for personal injury or death resulting from an attack by such dangerous dog (AML § 123 [2]). In circumstances where “a dog, without justification, caused serious physical injury or death to a companion animal, . . .” humane euthanasia or permanent confinement is also an available remedy (AML § 123 [3]). Additionally, AML § 123 [10] imposes strict liability on the owner, or lawful custodian, of a dangerous dog for the medical expenses stemming from the injury of a person or companion animal caused by the dangerous dog.

Plaintiffs’ Arguments

Plaintiffs argue Defendant’s dogs are “dangerous dogs” under AML §§ 108 and 123, because they seriously injured two companion animals, and killed a third, without justification. Plaintiffs contend Grover’s fatal mauling alone warrants a dangerous dog finding, citing *People v Horvath*, 205 AD2d 927, 927 [3d Dept 1994], (euthanasia warranted where a dog mauled another to death) (NYSCEF Doc. No. 4). Plaintiffs’ argue none of the exceptions for a dangerous dogs finding, under AML § 123 [4], apply.

Chuckie and Penny both sustained significant physical injuries—Chuckie required emergency hernia surgery and hospitalization, while Penny suffered severe lacerations and was hospitalized over forty-eight hours (NYSCEF Doc. No. 1, ¶¶21-26; NYSCEF Doc. No. 24, ¶¶28-31; NYSCEF Doc. No. 31, ¶¶8-18; NYSCEF Doc. Nos. 9, 11, 12, 13, 14, 15, 16, 17, 32, 33, 34, 251, 309 and 310). Plaintiffs maintain these repeated, unprovoked attacks demonstrate dangerous propensities, justifying the Court’s seizure, confinement, and humane euthanasia under the statute.

Mr. Allen testified that on May 3, 2025, while walking Penny on a leash near West 85th Street and Columbus Avenue, Defendant’s two dogs charged, without provocation, knocked Penny to the ground, and mauled her. Mr. Allen described Penny’s severe injuries, including deep lacerations across her back and shoulders requiring sutures, intravenous fluids, and over 48 hours of hospitalization (NYSCEF Doc. No. 312 at 43, lines 11-25; at 44, lines 1-25; at 45, lines 1-25; at 46, lines 1-25; at 47, lines 1-25; at 48, lines 1-25, at 49, lines 1-25; at 50, lines 1-25; at 51, lines 1-25; at 52, lines 1-25; at 53, lines 1-25; at 54, lines 1-25; at 55, lines 1-25; and NYSCEF Doc. Nos. 1 ¶¶ 33–41, 29 [veterinary records]). He testified Defendant left the scene in a vehicle with the dogs while bystanders screamed for him to wait for the police (NYSCEF Doc. No. 312 at 61, lines 6-19).

Ms. Claus testified regarding Penny’s injuries and recovery. She identified photographs showing the extent of Penny’s wounds and corroborated the veterinary records reflecting emergency surgery, hospitalization, and follow-up treatment (NYSCEF Doc. No. 86, at 37, lines 14-25, pp. 38-45, lines 1-25; and NYSCEF Doc. Nos. 59, 60, 61, 62, 63 and 64 [photographs and veterinary records]).

Ms. Claus greatly damaged her credibility by her attempts to encourage the filing of a false report after the incident on May 3, 2025 (NYSCEF Doc. No. 312 at 17, lines 6-25; at 18, lines 1-25; at 19, lines 1-25; at 20, lines 1-25; at 21, lines 1-25; at 22, lines 1-25; at 23, lines 1-25; at 24 lines 1-25; at 25 lines 1-25; and at 26, lines 1-25). However, it does not void the entirety of her

testimony. The only portion of Ms. Claus's testimony the Court found credible was Penny's veterinary bills, recovery, and photographs of Penny's post-veterinary stay.

Ms. Block testified concerning the incident on January 4, 2025, in Central Park, when Defendant's dogs attacked her Shih Tzu mixes, Chuckie and Grover. She recounted Chuckie sustained puncture wounds and a traumatic hernia requiring immediate emergency surgery and a four-day hospitalization, while Grover suffered multiple puncture wounds, critical blood loss, and ultimately had to be euthanized one week later (NYSCEF Doc. No. 313 at pp. 4-43, lines 1-25; and NYSCEF Doc. No. 1 ¶¶ 16-26; NYSCEF Doc. No. 24 ¶¶ 28-31). Ms. Block also described the emotional impact of witnessing Grover's fatal injuries and the substantial veterinary expenses she incurred as a result (NYSCEF Doc. Nos. 9, 11-13).

As to money judgment for medical expenses, Plaintiffs argue Ms. Block's expenses should be paid, and Ms. Claus' and Mr. Allen's expenses should be paid in full, per CPLR 4545 [b]. It is Plaintiffs' argument that the Court should not consider any collateral source of payment to reduce the amount of an award (NYSCEF Doc. No. 309). Plaintiffs did not cite any case law in support of the use of CPLR 4545 [b] regarding the award of damages.

Defendant's Arguments

Defendant asserts Plaintiffs lack standing and are barred from recovery (NYSCEF Doc. No. 81, ¶11), and Plaintiffs did not meet the clear and convincing standard for a "dangerous dog" finding under AML §§ 108 [24] [a] and 123. Further, Defendant argues Plaintiffs failed to establish or prove "[he] owns the dog named Zoey, and as such, this Court has no jurisdiction of another person's property" (NYSCEF Doc. No. 311, p. 5). Defendant's argument on ownership looks to New York's well established case law that pets are classified as chattel but fails to address the definition of owner under AML § 108 [15] and [10]. (*see id.*, pp. 5-6.)

Defendant asserts his dogs' actions were justified and fell into the exemptions under AML § 123 [4]. Defendant, through his counsel, argued Rambo and Zoey were provoked when Chuckie was off leash and came into the area where Defendant's dogs were off leash, when Penny approached from behind in the confined area of the sidewalk, and when Ms. Block placed Grover on the ground while attempting to communicate with Defendant (NYSCEF Doc. No. 311). Pursuant to AML § 123 [4], "[t]estimony of a certified applied behaviorist, . . . , or another recognized expert shall be relevant to the court's determination as to whether the dog's behavior was justified." Defendant did not provide any such testimony to the Court.

Defendant also raised arguments the exemptions under AML §§ 123-a and 123-b apply but provided no proof Rambo and/or Zoey meet the AML statutory definition of a service animal.

Defendant did not call any witnesses, nor did he appear in Court to testify, despite having multiple opportunities. Indeed, of the nine Court appearances, Mr. Columbus appeared at the first two (2) only. The only testimony provided directly by Defendant is his affirmation dated June 6, 2025 (NYSCEF Doc. No. 49), and the annexed exhibits (NYSCEF Doc. Nos. 50, 51, 52, and 53). All other statements to the Court were made by Defendant's counsel, who lacks first-hand knowledge.

Defendant's post-hearing memorandum included various *ad hominem* attacks on Plaintiffs, including stating Ms. Block had "Karen energy" and shockingly equating Ms. Claus with Carolyn Bryant (NYSCEF Doc. No. 311, pp. 4-5)⁷.

Discussion

AML § 123 [2] expressly authorizes "any person who witnesses" an attack to commence proceedings, thus Plaintiffs have standing to bring this action.

Defendant admitted legal ownership of Rambo (NYSCEF Doc. No. 49, ¶5). On June 13, 2025, Defendant's counsel acknowledged Zoey remained in Defendant's home and was not surrendered to the NYPD notwithstanding two court orders (NYSCEF Doc No. 108). And in his answer, Defendant admits he "would foster Zoey on weekends and such" (NYSCFE Doc. No. 81, ¶48).

Plaintiffs need not prove Defendant has legal title, registration, or exclusive ownership of both Rambo and Zoey. It is sufficient Defendant "harbored" or kept the dogs within the statute's broad definitions. (*see also Strunk v. Zoltanski*, 62 NY2d 572, 575 [1984] [liability may rest on harboring/keeping rather than legal title].) The Court finds Defendant meets the definition of an owner for both Rambo and Zoey, pursuant to AML § 108 [15] and [10].

Plaintiffs proved, by clear and convincing evidence, the aggravating circumstances under AML § 123 [3] [c] were met through their testimony, video and eyewitness testimony, and filings on NYSCEF. These incidents constitute "physical injury" within the meaning of AML § 108 [28], and Grover's death alone suffices to support a dangerous dog finding under AML § 123. Defendant's argument Rambo's and Zoey's conduct was justified, pursuant to AML § 123 [4], lacks the evidentiary support as required within the statute.

As the owner, AML § 123 [10], imposes strict liability for medical costs on owners of dangerous dogs. Plaintiffs provided documentary evidence that Ms. Block spent \$12,649.13 for Chuckie's injuries, and \$9,048.13 for Grover's injuries and euthanasia, and Ms. Claus spent \$12,392.95 for Penny's injuries. Ms. Block's medical costs were paid out-of-pocket with no reimbursement from any other sources, and as the owner of the dangerous dogs, Mr. Columbus is strictly liable for these expenses. The Court finds Mr. Columbus is strictly liable for the entirety of Ms. Block's veterinary expenses for Gover and Chuckie.

However, Mr. Allen and Ms. Claus testified pet insurance paid for some of the veterinary bills, and they organized and received reimbursement for Penny's veterinary costs through a GoFundMe campaign. Plaintiffs' argument for full reimbursement to Ms. Claus and Mr. Allen, despite receiving insurance coverage and the GoFundMe account, rests on CPLR 4545 [b], without supporting case law. The Court does not find the arguments for payment to Mr. Allen and Ms.

⁷ Throughout the hearings, Defendant's counsel has asserted Plaintiffs' motivation to bring this action is race-based and now attempts to equate the murder of Emmett Till to this action.

Claus to be availing, and the Court discredits Ms. Claus' affirmation regarding reimbursement to the insurance company.

The record amply demonstrates Defendant's repeated, willful noncompliance with this Court's orders since the inception of this action (NYSCEF Doc Nos. 37, 38, 56, 57, and 68). Despite oral directives in open court to surrender his dogs to the NYPD, explicit deadlines, warnings, and the Court's attempt to arrange a peaceable turnover of the dogs the morning of June 10, 2025, Defendant has never complied with Court orders. Based on these facts, the Court determines it cannot rely on Defendant to comply with orders to restrain and/or muzzle the dogs. Thus, the Court will need to take draconian measures to ensure protection of the public consistent with the directives under AML § 123.

Accordingly, it is hereby:

ORDERED that the dogs harbored by Joseph Columbus, known as Rambo and Zoey, are adjudicated "dangerous dogs" within the meaning of Agriculture and Markets Law § 123; and it is further

ORDERED that within three (3) days of service of this Order, Mr. Columbus is directed to contact his local precinct and or the local sheriff's office and/or peace officer in the state of New York to arrange turnover of Rambo and Zoey. Within three (3) days of contact, the transfer of the dogs must be completed. If Mr. Columbus fails to surrender the dogs in the specified time herein, it is further

ORDERED, that the New York City Police Department, the Sheriff of any county within the state of New York, or any duly authorized peace officer acting within the jurisdiction, is directed and authorized to immediately seize said dogs wherever they may be found within the State of New York by any appropriate means necessary, consistent with the law, to secure the animals, and deliver them to the custody of the New York City Animal Care and Control (ACC); and it is further

ORDERED that, both dogs are to be neutered/spayed and microchipped, in accordance with Agriculture and Markets Law § 123 [2], and are to be placed in the permanent custody of the City of New York, acting through the Department of Health and Mental Hygiene (DOHMH) and ACC, for secure, humane confinement; and it is further

ORDERED that, pursuant to Agriculture and Markets Law § 123 [2] [a], ACC and/or DOHMH are to have both dogs evaluated by a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert in the field, and completion of training or other treatment as deemed appropriate by such expert. Joseph Columbus shall be responsible for all costs associated with evaluations and training ordered; and it is further

ORDERED that the Court reserves its right to make a finding for humane euthanasia, based upon the evaluations performed by ACC and/or DOHMH, and submission of same to the Court; and it is further

ORDERED AND ADJUDGED that Joseph Columbus is strictly liable, under the Agriculture and Markets Law § 123 [10], for Lauren Block’s veterinary expenses totaling \$21,697.26; and it is further

ORDERED the Clerk of the Court is directed to enter judgment in favor of Lauren Block and against Joseph Columbus, in the amount of \$21,697.26, through the date of judgment, plus statutory interest, pursuant to Civil Practice Law and Rules § 5001, as computed by the Clerk from upon entry of this order; and it is further

ORDERED that within three (3) days of the date of this order, Defendant shall report the presence of said dangerous dogs, in accordance with Agriculture and Markets Law § 123 [14], and cooperate fully with all enforcement efforts; and it is further

ORDERED that Plaintiffs shall serve this order, together with notice of entry, within three (3) days of the date of this order by NYSCEF and by overnight express mail to Mr. Columbus’ last known address, and shall serve copies on DOHMH, ACC, the NYPD Legal Bureau, the New York City Sheriff’s Office and upon any other duly authorized peace officer acting within the State of New York where the subject dogs may be harbored.

Any other relief not expressly provided for is denied. This constitutes the Decision and Order of the Court.

10 / 22 / 2025
DATE



PHAEDRA F. PERRY-BOND, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
		<input type="checkbox"/>	DENIED	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE