

## “KEEPING PACE” - #71

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### ROTTWEILER-CLEVELAND:



In 1993, a case in Cleveland received a lot of national attention. It was widely reported that a Rottweiler had bitten off a boy's ear because the Invisible Fence electronic dog containment system had malfunctioned to let the dog reach the boy.

The photograph is a view of the lane in the woods the Rottweiler traveled to reach the boy, by his own account. The transmitter's antenna wire ran underneath this narrow lane diagonally for a distance of 46 feet. Thus, the electronic collar on the dog would have shocked the dog over that entire distance, if it had been operating.

When the owner of the dog called to it, the Rottweiler ceased biting the boy's face and ran back through this same lane of travel, crossing the 46 feet of antenna again.

Two hours later when the police began to investigate, they found the dog's electronic collar hanging on a nail inside the garage. The battery in it had a "like new" voltage. The police tested the Invisible Fence system, and found it to be operating perfectly. So did I. On at least one other occasion, the Rottweiler had been found outside the Invisible Fence system with a dead battery in his collar.

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For all these reasons, I opined in my deposition that the actual cause of this incident was a dead battery in the Rottweiler’s collar. Three months later, the case settled. Today, some manufacturers have included a red light on the collar which illuminates to indicate a dead battery.

### LITTLE BROWN JUG:

You may remember another case which received national attention circa 1987. At the Little Brown Jug horse race in Delaware, Ohio the extended wings on a starting gate attached to a moving Cadillac failed to retract as the race began. One wing struck a fence and a number of onlookers. This was captured on videotape, and the gate operator and the national press claimed that the starting gate had malfunctioned.

The starting gate was manufactured by a one-man company, my insured, whom everyone was blaming for the injuries which had occurred. Three forensic experts berated this poor man before they even tested it. Later, I arrived and these three experts and I determined that the system still operated properly, with no evidence at all of a malfunction. The other experts did make some comments about bad electrical relay contacts and the like.

But to make a long story short, when my client insurance company’s attorney was finally able to subpoena the entire videotape a year or two later, I discovered that the starting gate’s wings did close roughly 20 seconds after the accident, as the Cadillac was backing up. This amplified my opinions that the wings failed to retract because of operator error. Then we learned that the operator had been drinking.

As Paul Harvey used to say, now you know the rest of these stories. I doubt that the national media ever did learn their true causes.

Sincerely,



Frederick F. Franklin, P.E.  
Forensic Engineer