

Court rejects lawsuit over horse put to sleep

LITITZ — A Federal Court in Maryland recently rejected a claim by owners of a standardbred horse which was "put to death" without the approval of the insurance company or a certificate from a veterinarian stating that immediate destruction was necessary.

The Court also cited the owners' failure to preserve the carcass for inspection by the insurer as an additional ground for sustaining its denial of the claim.

In the case of "Israelow v. Birmingham Fire Insurance Company of Pennsylvania," summary judgment was granted in favor of the insurer, upholding its denial of the claim.

In that case, the Israelows, residents of California, had sent the horse, Saville Road, to Pennsylvania for training. While there, he suffered a fractured cannon bone.

Without notifying either the Israelows or the insurance company or awaiting the arrival of a veterinarian, the trainer destroyed the animal and sent it to the rendering plant.

By the time the veterinarian arrived, the horse had been processed.

After the owners were advised of

the horse's death, they filed a claim with their insurer, which rejected the claim on the ground that the insurance policy wording required, as a condition of the insurance, that its approval be given for euthanasia, or that a licensed veterinarian certify that destruction is immediately necessary, and that in the absence of compliance with those conditions, the loss was not required to be paid.

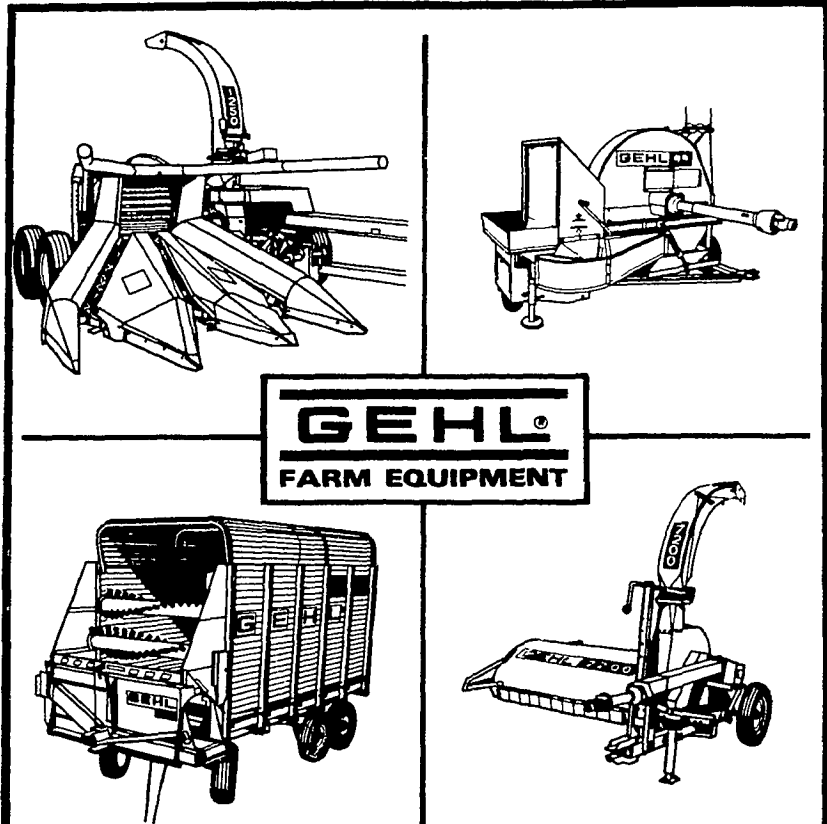
In granting summary judgment, the Court held that there was not compliance with the policy

provisions, and that the insurer's rights could not be eliminated by reason of the owners' absence or lack of knowledge that their trainer directed the euthanasia

without meeting the policy requirements.

In effect, the holding of the Court was that the conditions contained in the policy were important to the

insurer, that it had the right to insist upon compliance and that the alleged extenuating circumstances did not excuse non-compliance.



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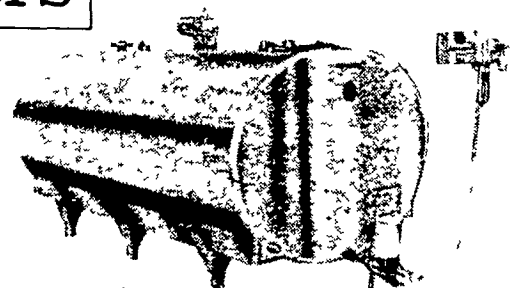
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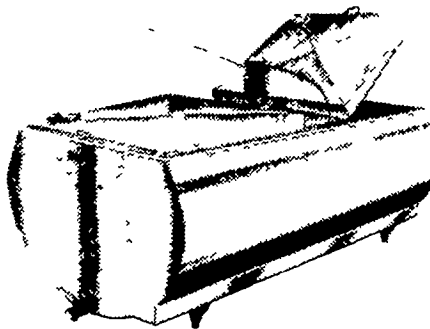
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