

Cover Story: Five-legged puppy lawsuit?

Posted: Jul 23, 2009 7:15 PM EDT

Updated: Jul 23, 2009 7:38 PM EDT

By Jeff Atkinson - [bio](#) | [email](#)

CHARLOTTE, NC (WBTV) - The legal battle over the puppy born with five legs growing just hours after her surgery.

The Coney Island show owner who was trying to buy her wants to sue Lilly's owner Allyson Siegal, the veterinarian, and anyone else who was involved in the surgery.

He claims he lost revenue.

The five-legged puppy, is now a four-legged puppy.

She had surgery Thursday to remove the extra appendage. At the heart of this -- is a verbal agreement between the show owner and the original owners.

The question we're asking how much is your promise worth?

What may give Coney Island Show Owner John Strong a leg to stand on.. is a check the original owner of the puppy-- Calvin Owensby of Gastonia cashed.

The show owner says an implied contract was broken.

But what does the law say and is there a lesson here for any of us who may be buying and selling?

It's been the fodder of talk radio for weeks.

"Who's 5-legged dog is it anyway? Keith's court."

Keith Larson.. NewsTalk 1110 WBT.. brought the original parties together this morning.

Calvin Owensby of Gastonia.. the pup's original owner.

And John Strong.. operator of the Coney Island freak show.. who wanted to add the puppy to his collection.

Says Strong, "It's basically the principle of the whole situation. You don't make a deal on a product and then pay a third of the product. And then have somebody whip it out from you. That's just not the American way."

At the heart of the case may be a check.. a deposit on the puppy.. show owner John Strong sent.. a check that was cashed.

Strong says an implied contract to sell him the dog was broken.

We asked Professor Tony Ketron of the Charlotte School of Law to weigh in.

He says in many cases if the sale of goods is over 500 dollars a contract is required to be in writing.

However there are exceptions and a check signed and cashed.. could possibly suffice.

If that's the case.. can the show owner sue for damages?

"You can sue for damages," says Ketron. "You can even sue for specific performance in certain circumstances. But the idea is that the law would try to put you... if you have a valid claim.. back in the position you would otherwise have been in if the deal had went through."

Strong operates a show that he says features oddities like a two-headed snake and a cow with two heads.

He told Larson's radio show that there are only three 5-legged puppies known in the world.

He believes the loss could cost him revenue.

School of Law Professor Ketron says again.. if there's a valid contract or a substitute for a contract.. a case might be made for Strong to sue parties outside the original owner.. like Allyson Siegel, the puppy's current owner... and the veterinarian who did the surgery to remove the 5th leg.

Damages could exceed the initial sale.

Says Ketron, "If a third party knowing that a valid contractual relationship exists and



interferes with those rights and causes the original parties to breach that contract then you could have a valid claim against those third parties. It would depend on the knowledge and whether parties downstream knew of a contractual relationship and what they did."

The puppy's original owner Calvin Owensby sent back show owner John Strong's deposit once Owensby sold the puppy to Allyson Siegel of Charlotte.

Does Strong still want the puppy now that it has just four legs? And is there going to be a lawsuit?... don't know we weren't able to reach him in New York after repeated attempts.

So the lesson for us when buying and selling is get something in writing?

Exactly.. the law is better able to enforce your agreements - your deals the more it knows about those deals.. put it in writing, make sure it's well documented.



All content © Copyright 2000 - 2009 WorldNow
and WBTV, a [Raycom Media Station](#).
All Rights Reserved. For more information on
this site, please read our [Privacy Policy](#) and [Terms of Service](#).