

Legal counsel to equestrians from equestrians



# Leone Equestrian Law LLC



**Question: I'm preparing to have my horse commercially shipped across the country. Having never shipped a horse a long distance before, I'm admittedly quite nervous. What can I do to reduce risks to my horse?**

**Answer from Jessica Choper, Esq., Leone Equestrian Law:** It's normal to be nervous, as any time a horse or human enters a vehicle, particularly for a long duration of time, there is always an inherent risk. Fortunately, safe transports outweigh the horror stories, and there are numerous steps and precautions you can take before shipping to ensure a positive outcome for both you and your horse.

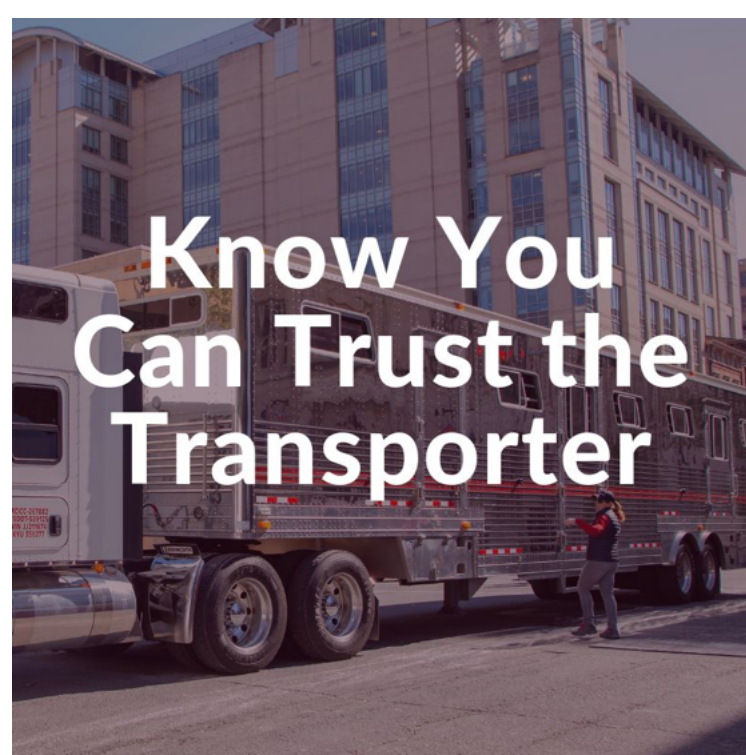


First, minimize risk by sending a healthy horse, and take the basic measures to promote the horse's safety and welfare prior to transport. Ensure that the horse is up to date on immunizations and has received a proper veterinarian examination prior to departure. Since you are shipping your horse across states, this is not only a helpful precaution, but also likely a requirement.

Know in advance whether a layover is planned, and if so, the location and estimated duration.

Once you have taken the necessary health measures on your end and discussed travel arrangements with the transporter or transporting company, your horse's well-being is ultimately left largely in their hands – which is why it is so crucial to take great care in selecting the right transporter from the beginning.

Explore or ask whether the driver has a commercial driver's license (class A or B) and find out what amount of commercial liability insurance the transportation company may carry.



Finally, it can also be useful to understand a few shipping and liability legalities in advance, should a problem arise down the road.

In the event that an accident and injuries culminate in litigation, many circuit courts have held that federal law preempts a state law claims for negligence, fraud, or breach of contract actions when a horse is being transported across state lines. One of the most important legalities to understand is the "bill of lading," the detailed documentation of the animals or goods being shipped.

[Read More on All Three Tips Here!](#)

## Legal Issues in Hosting an Equine Clinic on Your Farm



This May, Leone Equestrian Law's Armand Leone and Jessica Choper will be speaking at the National Conference on Equine Law on the topic of "Legal Issues in Hosting an Equine Clinic on Your Farm!"

Leading up to the conference, follow the [Leone Equestrian Law Facebook page](#) for tips to keep in mind when planning your own clinic or event!

[Find Tips Here!](#)

## In the News

**The Five Figure Sale Danger Zone**  
An "as is" bill of sale in not sufficient protection on its own.  
Looking back over "horse deals gone bad" which my personal and professional career representing horse owners and trainers, the most difficult disputes to resolve are those where the price of the horse and the cost of litigation are the same. This means that the price of the horse and the cost of litigation are the same. Each year, I work on representing professional horse people defending against claims of negligence, non-disclosure of medical problems or other misrepresentations in the sale of a horse. At the end of the day, the purchaser has a horse or problem horse and the money back. The seller has spent the money paying bills or another horse and feels no obligation to take back a horse that was sold and that has no injuries and no training problems. Both sides lost on principle, and litigation follows. A lawsuit can also involve claims of intentional torts such as fraud and misrepresentation in the sale of a horse, in addition to regular negligence claims. However, claims of fraud and misrepresentation can trigger demand of coverage claims by the insurance company assuming there is any coverage at all. Both the buying purchaser and the selling seller have to lose anyway. The problem for the buyer is that the cost to bring the lawsuit is about equal to that sought to be obtained in the lawsuit. The problem for the seller is that the cost to defend against the lawsuit is about equal to the price he received for the horse in the first place. These cases are difficult to win for the buyer because for the seller, even if he wins, he loses the money he got for the horse. But not settling against a claim of fraud or misrepresentation is not an option. If the purchaser's attorney wins in common law and contract or FDCI claims, the seller can be liable for double damages. When a horse is sold for \$75,000, a potential \$250,000 liability, such a claim must be defended against vigorously. On the other hand, the purchaser is unlikely to get legal fees out of any settlement or verdict. In the rare case where legal fees are awarded to the winning side, an court generally has litigants to pay their own legal fees. Unfortunately, most cases end and either one of ways they can protect themselves from getting stuck in a lawsuit and sue the seller over a small priced horse. It is an important consideration for the seller's attorney. By making sure the bill of sale covers the seller's interests comprehensively, it is possible to minimize or mitigate the damage done by a misrepresentation lawsuit. Damages done by a misrepresentation on an "As Is" bill of sale, that often is insufficient to cover a lawsuit from getting a match or more than the horse.



Thanks to [California Riding Magazine](#) for sharing Leone Equestrian Law's take on how to handle 'the five-figure-sale danger zone!'

[Read The Article Here!](#)



Led by Armand Leone, Jr., MD, JD, MBA, Leone Equestrian Law LLC provides legal services and consultation for equestrian professionals ranging from riders and trainers to owners and show managers in the FEI disciplines on a wide variety of issues.

Visit [www.equestriancounsel.com](http://www.equestriancounsel.com) to learn more.

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