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K-9 Officer Can't Sue Plant City Over Dog Bite

SOVEREIGN IMMUNITY COVERS SON'S INJURY

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PLANT CITY — A bomb-sniffing German shepherd acquired by the Plant City Police Department after the Sept. 11 attacks became the center of an unusual lawsuit that culminated this week.

The lawsuit was filed by the dog's handler, Officer John Stasiak.

The dog, whose name is Rex, is from the Czech Republic. Be-

fore taking charge of the new K-9 recruit, Stasiak had to undergo a rigorous training routine that included learning commands in Czech.

As is customary with K-9 teams, Stasiak took the dog home to live with his family.

According to the lawsuit filed by Stasiak in Hillsborough County Circuit Court last year, the dog bit Stasiak's son, Jacob, in July 2003. Jacob was 6 years old.

The bite was serious enough to leave a lasting scar on the child's face.

Stasiak retained attorney David Farash of Tampa to seek compensation from the city.

He said the city should have provided a kennel for the dog.

Representing the city, attorney Tom Scarritt of Tampa contended the officer could not sue the city because governments have sovereign immunity. Scarritt filed a motion for summary judgment, which in effect is a ruling that there is no case to be tried.

In a hearing Wednesday, Judge Claudia Isom granted the city's motion.

Isom said Florida cities had not waived sovereign immunity for "strict liability" claims such as those under the state's dog-bite law.

Farash did not return calls

asking for comment on the case.

Scarritt said sovereign immunity cases are "not all that rare" in Florida, but this is the first time he can recall the city using it. He has represented Plant City for 20 years.

Rex continues to serve as a member of Plant City's K-9 unit. In addition to finding bombs, Rex can sniff out drugs and track people. Stasiak continues to be his handler.

Rex still lives with Stasiak's family. He has not bitten any other family members.

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