

STATE OF MAINE
ANDROSCOGGIN, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AUBSC-CV-21-58

BARBARA A. HEWINS and)
BARBARA A. HEWINS, as)
Guardian and Next Friend of)
ADALHIA M. HEWINS-BRACY,)
a minor,)

Plaintiff)

v.)

TINA HUTCHINSON and)
TIMOTHY HUTCHINSON,)

Defendants)

47729 28-010
10000 10/10/2020

JUDGMENT

A hearing on damages was held on March 1, 2023. The Plaintiff Barbara A. Hewins was present with her attorney, Scott J. Lynch, Esquire. The Defendant Tina Hutchinson appeared as a self-represented litigant. The Defendant Timothy Hutchinson failed to appear. Following hearing, the Court finds as follows by a preponderance of the evidence:

The Plaintiff, Barbara A. Hewins (“Barbara”), was 43 years of age, on May 17, 2020, when she was assailed by two pit bulls owned and kept by the Defendants as she attempted to protect her granddaughter and her own dog from the sudden and unexpected attack. Barbara was bitten innumerable times over her body with the most severe bites to her left forearm, left hip and right calf.

Barbara was transported by Delta Ambulance to MaineGeneral Medical Center in Waterville formerly known as the Thayer Unit. Barbara was observed to be bleeding heavily and had a large amount of subcutaneous tissue covering her arm and clothing. Barbara sustained multiple puncture wounds, abrasions and scratches. The paramedics noticed that Barbara sustained puncture wounds to the abdomen, as well as severe puncture wounds to

the left forearm with more exposure of subcutaneous fatty tissue. Barbara also sustained a bite mark with bruising to the right upper arm, as well as a large wound to the right calf.

At MaineGeneral Medical Center, Barbara was principally treated by Anita Praba-Egge, M.D. Dr. Praba-Egge observed that Barbara also sustained a small punctate wound around the right inferior scapular region, an abrasion to the right of her spine and lower thoracic region, as well as additional abrasions and puncture wounds to the left lower flank and lateral hip region.

Barbara's left upper arm and forearm was the most brutalized and revealed multiple stellate punctate wounds and lacerations ranging in size from 2 cm. to 4 cm. She also sustained an additional punctate injury higher on the left upper arm, as well as some abrasions in between the web spaces on her right hand. Barbara also had some abrasions and punctate wounds on her right lower extremity distal to the knee, one in the posterior calf and one in the anterior leg. Some of the distal abrasions were more superficial.

Barbara also had multiple abrasions and several hematomas on the left lateral hip and some additional abrasions and punctate wounds more distally in the leg.

Imaging revealed pockets of gas along the left forearm presumably where she had her multiple bite injuries. Dr. Praba-Egge concluded that it was medically necessary to take Barbara to the operating room for thorough washout of the innumerable wounds under anesthesia and for debridement and closure of multiple wounds. A Blake drain and a Penrose drain were placed in the left forearm since the eleven wounds on that limb extended through the skin into the subcutaneous tissue and even down into the fascia.

Barbara's period of convalescence following the attack was four to five months for the wounds to drain, close and heal. The photographs marked as Plaintiff's Exhibit 3 in the "Barbara A. Hewins Exhibits" binder are fair and reasonable representations of her injuries.

Barbara's fair and reasonable medical bills total \$34,352.71. Each of the charges were medically necessary and directly related to the care required as a proximate result of the dog attack.

Barbara's left arm is permanently disfigured as a result of the trauma. Barbara describes ongoing numbness and tingling over the area of the scar. She is prescribed Gabapentin for this nerve pain. Barbara's pain and suffering was not exclusively physical in nature. Barbara's emotional distress manifested itself with nightmares about the attack, flashbacks of her granddaughter attacked by the dogs, and guilt that she was separated from her granddaughter due to treatment at separate hospitals. The scars on her body are daily reminders of the attack. The court finds Barbara has incurred general damages for pain, suffering, loss of enjoyment of life and permanent disfigurement in the amount of \$100,000.00.

Adahlia M. Hewins-Bracy ("Adahlia") was 5 years of age at the time of the dog attack. The Delta Ambulance note observed that Adahlia sustained multiple puncture wounds and stellate dog bite injuries to her right arm, right torso, back, right flank, bilateral buttocks, perineum at the anal verge, right thigh, and right lower leg.

Adahlia was first brought to the emergency room at MaineGeneral Medical Center. However, due to the severity of her injuries, she was transported by ambulance to Maine Medical Center/Barbara Bush Children's Hospital in Portland, Maine. Adahlia required the care of board-certified pediatric surgeon Jeffrey Halter, M.D. Dr. Halter observed that Adahlia had sustained innumerable dog bite wounds. The stellate puncture wounds covered her right arm, right torso, back, right flank, bilateral buttocks, right thigh and right lower leg. Adahlia had a dog bite to her perineum at the anal verge.

Adahlia was hospitalized for four days and underwent three operations for her wounds. On May 18, 2020, Dr. Halter performed dog bite wound exploration, debridement

and partial closure of several wounds with 3-vessel loops under anesthesia. The perineal injury at the posterior 6 o'clock position was about 2 cm. in length with 0.5 cm. extending above the anal verge up to the level of the dentate line. There was a devitalized bridge of anoderm at the anal verge that was excised sharply to obtain healthy bleeding edges. This wound was also a stellate wound that was closed with interrupted chromic sutures, leaving adequate space between sutures for drainage. Of the remaining wounds, the largest were closed loosely with interrupted chromic sutures or interrupted Monocryl sutures with adequate space at each of the wounds for drainage, if necessary. Several of the wounds on Adahlia's extremities tunneled from entry and exit sites which placed Adahlia at risk for compartment syndrome.

On May 19, 2020, Adahlia developed the complication of compartment syndrome in her right lower leg. She required an immediate fasciotomy to relieve the pressure on the blood vessels and nerves in that extremity. Under general anesthesia, Dr. Pandya completed a three-compartment fasciotomy to the right lower leg with a single large incision. This wound was left open for several days to relieve the tightness in the limb.

On May 21, 2020, Adahlia was required to be sedated for dressing changes and for skin closure of the fasciotomy site.

On May 22, 2020, Adahlia was discharged from the hospital and was cared for by her legal guardian, Ms. Hewins. However, Adahlia required skilled nursing care and physical therapy from May 26, 2020, through August 19, 2020, delivered by Androscoggin Home Health Care and Hospice.

Adahlia's fair, reasonable and necessary medical bills total \$57,632.46.

Adahlia's right lower leg is permanently disfigured as a result of the fasciotomy scar. Adahlia was disabled and largely inactive for the entire summer of 2020. The photographs

marked as Plaintiff's Exhibit 3 in the "Adahlia M. Hewins-Bracy Exhibits" binder are fair and reasonable representations of her injuries.

The wound care, dressing changes and bathing were particularly painful for her. Also, Adahlia's pain and suffering was not exclusively physical in nature. Barbara describes that Adahlia was frightened of dogs for a time which has gradually improved. Adahlia was also frightened by the short separation from her guardian while they were at different hospitals. The scars on her body will also be daily reminders of the attack. The court finds Adahlia has incurred general damages for pain, suffering, loss of enjoyment of life and permanent disfigurement in the amount of \$175,000.00.

The Court enters judgment against the Defendants, jointly and severally, in favor of Barbara for her individual injuries in the amount of \$134,352.71.

The Court enters judgment against the Defendants, jointly and severally, in favor of Barbara Hewins in her representative capacity as guardian and next friend of Adahlia Hewins-Bracy, a minor, in the amount of \$ 232,632.46.

It is FURTHER ORDERED that out of the proceeds of the judgment relating to Adahlia Hewins-Bracy a sum totaling one-third of the judgment plus out-of-pocket costs will be paid to the Plaintiff's attorney as that money is collected by Plaintiff's counsel.

It is FURTHER ORDERED that out of the proceeds of the judgment relating to Adahlia Hewins-Bracy a sum will be paid to the State of Maine in satisfaction of the MaineCare lien as that sum may be negotiated by Plaintiff's counsel which will not likely be in lump sum form as there is no liability insurance.

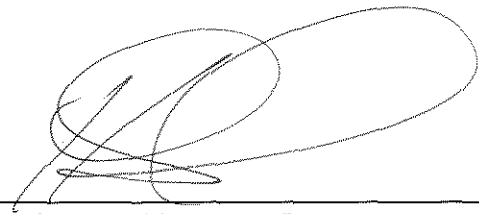
With the exception of the aforesaid, all funds collected on behalf of the minor shall be deposited by her guardian into an interest-bearing account, cash investment, certificate of deposit or similar type of investment for the exclusive use and benefit of said minor Plaintiff.

Said funds shall be used for the exclusive use and benefit of the said minor Plaintiff and are to be withdrawn only for the purposes as set forth hereinabove, or upon order of this Court, or at such time as the minor Plaintiff attains the age of eighteen (18) years, whichever first occurs.

Within thirty (30) days from receiving the settlement monies, the guardian, Barbara Hewins, in accordance with Rule 17A(e) of the Maine Rules of Civil Procedure, shall file a sworn Affidavit verifying that she has opened such an account and provide the depository financial institution and account number, and certifying that a copy of this Order which contains restrictions on withdrawal has been provided to the depository financial institution.

The Clerk is instructed to enter this Judgment on the docket for this case, incorporating it by reference.

Dated: March 20, 2023



Justice Harold Stewart, II
Maine Superior Court