

JENNY HALLGREN

v.

SUSAN WALSH et al.

Argued November 19, 2008

Decided December 2, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER,
MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Jenny Hallgren appeals from a summary judgment entered in Superior Court (Kennebec County, *Jabar, J.*) in favor of Susan Walsh, on Hallgren's complaint alleging common law negligence and premises liability for Walsh's failure, as a landlord, to protect against harm caused by her tenant's dog on the leased property. Contrary to Hallgren's contention, the court did not err in granting summary judgment for Walsh because, viewing the facts in the light most favorable to Hallgren, Hallgren failed to make a prima facie showing for either of these claims. *See Parrish v. Wright*, 2003 ME 90, ¶ 18, 828 A.2d 778, 783; *Grover v. Boise Cascade Corp.*, 2003 ME 45, ¶ 8, 819 A.2d 322, 324 (stating the elements of the duty owed by a possessor of land to invitees in order to prevent harm caused by non-obvious dangerous conditions); *Anderson v. Marston*, 213 A.2d 48, 50 (Me. 1965) (stating the duty owed by a landlord to a tenant's invitee for the purposes of premises liability). Specifically, the summary judgment record failed to establish that Walsh knew or had reason to know that her tenant's dog had dangerous propensities. Walsh's awareness of the dog's involvement in a single, non-lethal dog fight is insufficient to constitute the knowledge required for the imposition of landlord liability.

The entry is:

Judgment affirmed.

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