

Legal counsel to equestrians from equestrians



# Leone Equestrian Law LLC

## In it for the Long Haul: Tips for Safe Horse Transport



**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.



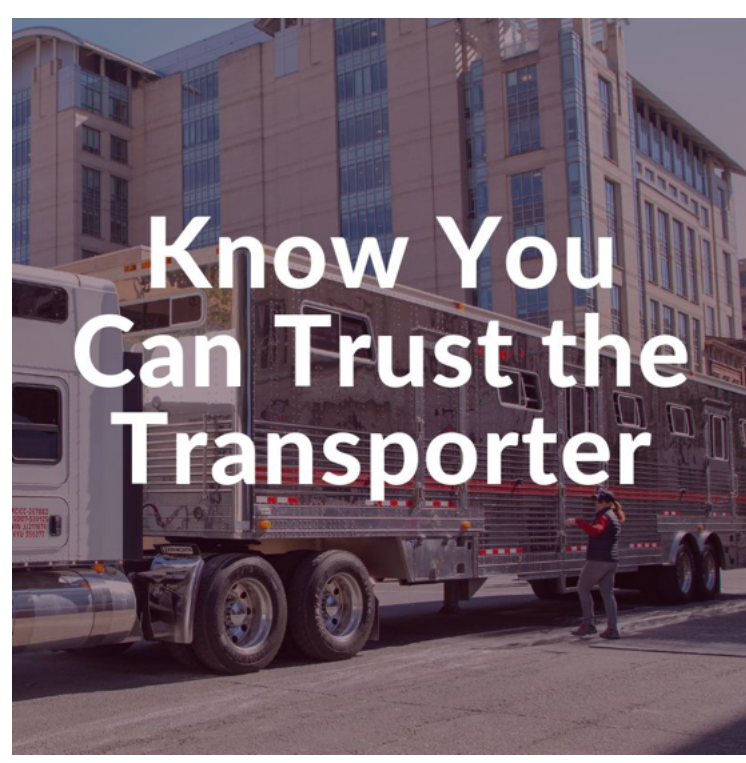
## Ship a Healthy Horse, Maintain a Healthy Horse

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.



## Know You Can Trust the Transporter

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



**CLINIC HOSTING TIP**  
Help protect yourself from liabilities by hanging appropriate signage!

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 month's land involves horses that are sold for \$10,000. Even if it is an "as is" sale, it costs to defend against claims of negligence, fraud, and misrepresentation. These costs can eat up not only the seller's profit on the sale but also waste a lot of the seller's money that was used to buy the sale horse.  
Most sales result in happy new owners, sellers, and trainers. But not always.  
Each year, I work on representing professional horse people defending against claims of negligence, misdisclosure of medical problems



... the most difficult disputes to resolve are those where the price of the horse and the cost of litigation are the same."  
assuming there is any coverage at all. Both the buying parties and the selling party have to be on alert.  
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 all disputes against a claim of fraud or misrepresentation is not an option. If the defendant's attorney with no commercial liability or PICO claims, the seller can be liable for medical damages. When a horse is sold for \$75,000, a potential \$25,000 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 award. In the rare case where legal fees are awarded to the winning side, an court generally has difficulty 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 and obligations, it is possible to minimize or mitigate the damage done by a misrepresentation lawsuit. Consultation with a lawyer is essential to an "As Is" bill of sale, that allows a specific and certain amount from being a much 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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