

City lawsuit seeks to have dog accused of attacks put down

Written by KRISTYN HALBIG ZIEHM
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Port couple's pet bit man, animal in west-side neighborhood, suit says

Port Washington officials are asking a judge to order a couple's dog be euthanized, saying it seriously injured a man visiting the family's west-side neighborhood late last year and previously bit another dog.

The civil case, filed Monday in Ozaukee County Circuit Court against dog owners Allyn and Tina Schoenfeld of Woodland Avenue, outlines two incidents during the past 1-1/2 years in which the dog attacked and threatened people and other dogs.

"It's my understanding the neighborhood is in fear of the dog," City Attorney Eric Eberhardt said. "It's just an aggressive dog. It's a threat to public safety and a public nuisance.

"The immediate removal of the dog in the interest of public safety is the city's goal. Euthanization is a last resort, not a first choice. Euthanization will be the choice of the owner or a determination of the court."

The dog is described in the complaint as a Boxer-type breed named Rex.

According to the complaint, the most serious incident occurred on Nov. 22, when Timothy Froh was in the front yard of his parents' home on Woodland Avenue. Rex, who was on a leash, broke free from Tina Schoenfeld. As the dog ran toward Froh, Schoenfeld allegedly yelled, "Don't move. He bites."

The animal lunged at Froh, knocking him to the ground, then bit him in the head and neck, the complaint states. Froh, who suffered multiple bites, cuts and bruises, required emergency medical care, including stitches to the top of his head and behind his ear.

About a year earlier, on Dec. 8, 2011, a neighbor was outside with his two dogs and Tina Schoenfeld was outside with two dogs when Rex, who was on a leash, pulled her into the street and attacked one of the neighbor's dogs, biting its front leg, the complaint states.

Two other incidents are outlined in the complaint. Last summer, the dog "aggressively charged" a neighbor sitting in his garage but was brought under control before he attacked anyone.

And on June 4, the dog "viciously barked" and lunged at a woman and her two young children who were walking on the sidewalk.

According to the complaint, Tina Schoenfeld was convicted in municipal court of having a dog at large in January 2011 and of having an unlicensed dog and keeping a vicious dog in December 2012.

The complaint also accuses the Schoenfelds of keeping three dogs, none of which have been licensed since Jan. 1, 2011.

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Eberhardt said the couple has been cited for keeping three dogs in violation of city ordinances, which allow a maximum two dogs.

Allyn Schoenfeld, who said he had not seen the lawsuit, said Tuesday that “Ninety-percent of that is not true.”

He acknowledged that in November Rex broke free from his leash and bit someone, adding the dog had been startled.

“It was the first time he’s ever done that,” Schoenfeld said.

In the other incident, he said, Rex was on a leash while the other dog was not.

“They (the other dogs) ran into our yard. He was on a leash, protecting my wife,” Schoenfeld said.

The city’s lawsuit asks that the dog be found a public nuisance and that the couple be ordered to remove the dog from the home, as well as an order to have the dog euthanized.

The city also cites seven ordinance violations ranging from having a vicious dog to failing to report a dog bite, and asks the court to fine the Schoenfelds as much as \$500 for each incident.