

**The Connecticut Horse Council, Inc.**  
**Notice of Recent CT Court Rulings - January 2007**

To keep the horse community current with changes to Connecticut equine law, the Connecticut Horse Council, Inc., monitors recent court decisions as well as legislation. Two significant court ruling were issued in 2006.

**PERMITTED LANGUAGE FOR RELEASES (A/K/A HOLD HARMLESS AGREEMENTS)**

**Reardon vs. Windswept Farm LLC et al** (Connecticut Supreme Court, 280 Conn. 153, October 2006). Ms. Reardon signed up to take riding lessons at Windswept Farm. She was told that she must sign a release form before she could participate in any lessons. At this time, she indicated to the farm that she was an experienced rider. The barn provided her with a horse and trainer, and during the lesson she was severely injured when thrown from the horse. In August 2003, she sued the farm, claiming that they could not remove all of their liability by requiring her to sign a release.

In 2005, the Superior Court ruled in favor of Windswept Farm. However, the ruling was appealed, and later overturned by the CT Supreme Court in October 2006. The change in ruling was based on the “ambiguous” language that appeared in the release. They also found that the release “violated public policy” by indemnifying Windswept Farm and its owners from negligence. They based their decision on a similar case - *Hanks v. Powder Ridge Restaurant Corp.*, 276 Conn. 314, which involved snow tubing liability.

Conclusion: Releases are not valid when they exempt a person or business from “negligence.”

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**HORSES AS AGRICULTURE**

**Cheryl & Mark Sackler vs. Woodbridge Inlands Wetlands Agency.** (CT Unreported, Opinion No.: 95749, Docket Number CV030480471S. October 2006). Cheryl Sackler cleared trees from part of her property to create additional pasture for grazing. In May 2003, an Inland Wetland Agency (IWA) enforcement officer issued a cease and desist order for her clearing activities (because the area was within 100 feet of wetlands, which is a zone regulated by the IWA). An IWA hearing followed and the agency voted to sustain the order. The Sacklers appealed that decision to the Superior Court, claiming that they were exempt because, under §22a-40(a)(1), grazing and farming are permitted in wetlands.

The court agreed with the Sacklers that their activities are protected under the state’s farming laws and that horses are defined as livestock in these statutes.

Conclusion: This ruling affirms that horses are defined as agriculture under state statute and are therefore accorded the same provisions as other types of farming. The Court ruled that the Sackler’s preparatory work of clearing land to make it suitable for agriculture falls within the exemption from wetlands regulation.

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Copies of these rulings will be available via our website [www.cthorsecouncil.org](http://www.cthorsecouncil.org). CHC would like to thank Attorney John Lambert of North Haven Connecticut for providing CHC with a copy of the ruling on the Sackler case. We would also to thank CHC member Attorney Liz Burne for contributing to this information.

**\* NOTE: This information is NOT to be construed as legal guidance. For further information about these cases or any legal issue you may have, please consult a licensed attorney. The Connecticut Horse Council, Inc. does not provide legal advice, and this document is for informational purposes only.**