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## Volunteer Wins \$\$

### Walks Dogs in SH, Gets Fired, Sues and Wins Big

By Dan Rattiner



Four years ago, a woman named Alice Lynch volunteered her time to become a dog walker at the Southampton Town dog pound. She loves dogs. She was given a dog to walk and she did so. Then she was given another dog and she walked that. Other volunteers would come in when Lynch went home and they too would be given dogs to walk. It saved the Town money and it gave Lynch and the other dog walkers pleasure.

Lynch, however, was appalled by the way this facility, which is located in Hampton Bays, takes care of the dogs. She told people it was horrible. She told the local newspapers that it was horrible.

The director of the dog pound politely told Lynch that she was "fired" from being a volunteer dog walker. No dogs for you, to paraphrase the Soup Nazi, if you will.

Heartbroken, Lynch felt, rightly, that this was no way to fix problems at the dog pound. And so she sued the Town for violating her human rights. She was humiliated, held up to public ridicule, fired for being a whistle blower and this, it

seemed, was her only recourse to try to help the dogs.

Two years later, a district court ruled in her favor, stating that people hired as volunteers had the same rights as people hired on a paid basis, and they awarded her \$251,000 in damages for pain and suffering and \$71,000 in attorney's costs.

The Town appealed to a circuit court. Lynch, who did not hire an attorney to fight this appeal, watched from the sidelines as the circuit court judge still upheld her case, but reduced the award from \$251,000 to \$50,000, plus attorney's costs.

The Town appealed again to an appellate court, determined to not pay anything. But this time, Lynch decided to fight and hired another lawyer for her defense. This time, which was last Friday, the appellate court upheld the \$50,000 award and again upheld the attorney's fees, which, now, will surely be even higher than the \$71,000.

Will the Town appeal again? They could. From the appellate court, they could appeal it to the State Supreme Court. And maybe the result of that would be that the award would be reduced to \$25,000, plus attorney's fees. From there, the Town could appeal to the United States Supreme Court, which might throw out the financial award and possibly the attorney's fees, but who knows?

Why spend all the Town's money defending this? Instead, I, on behalf of all of us at Dan's Papers, would like to propose a settlement.

We get the litigants all in one room. Lynch says she wants the \$50,000 plus the legal fees, and the right to walk the dogs seven days a week at the shelter.

The Town counters with an offer that they give no money, but they would allow her to walk the dogs one day a week, but only little tiny dogs.

Lynch says she's willing to give up the \$50,000 and the legal fees if instead she gets an apology, they clean up the shelter, allow her to go dog walking full time and it has to be for all dogs.

The Town says they will give her an apology, they won't clean up the shelter, but they will allow her to walk the dogs Monday and Friday, and then only for small and medium size dogs to 20 pounds.

Finally, they reach a settlement. Lynch gets an apology, in writing, the shelter gets cleaned up a little and she can return to walk all dogs up to 30 pounds Monday, Wednesday and Friday.

Everybody gets a half a loaf. Nobody is happy. But that's how the law works.

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