

# MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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Dawn Rodriquez and  
James Rodriquez,  
*Appellants-Plaintiffs,*

v.

Angela Sloan,  
*Appellee-Defendant*

December 29, 2023  
Court of Appeals Case No.  
23A-SC-1760  
Appeal from the  
Morgan Superior Court  
The Honorable  
Terry E. Iacoli, Magistrate  
Trial Court Cause No.  
55D03-2301-SC-20

**Memorandum Decision by Judge Vaidik**  
Judges Bradford and Brown concur.

**Vaidik, Judge.**

## Case Summary

- [1] Dawn and James Rodriguez appeal the small-claims court's judgment for Angela Sloan, arguing that the judgment is contrary to the evidence. We affirm.

## Facts and Procedural History

- [2] One evening in December 2022, the Rodriguezes' grandsons came over to their house around 6:00 p.m. When Dawn opened the door to let them in, she saw one of her grandsons petting a black dog at the bottom of the porch stairs. While the door was open, the Rodriguezes' Chihuahua mix, Dixie, ran out of the house and down the stairs. The black dog bit Dixie once in the side. James came outside and took pictures of the dog with his cell phone, but he didn't check the tag on the dog's collar because he thought the dog might bite him. Due to the extent of Dixie's injuries, the Rodriguezes had to put her down.
- [3] Dawn called the police to report the incident and told the dispatcher they weren't sure who the black dog belonged to. When Morgan County Sheriff's Deputy Jordan Gray came, James showed him a picture of the dog and said a similar-looking dog lived a few houses down. The house James suggested turned out to be the wrong house, but the residents there directed Deputy Gray to Sloan's house. Sloan showed Deputy Gray her dog, a German Shepherd named Addy. She explained there was an invisible fence around her yard, and Addy's collar would shock her if she went outside the yard. After examining

Addy, Deputy Gray “determined it was not the same dog that [James] showed [him].” Ex. C. Sloan said there was a similar-looking dog in the neighborhood, but she didn’t know the specific house.

[4] The next day, James searched the neighborhood to try to find the black dog. When he got to Sloan’s house and saw Addy, he believed she was the dog that bit Dixie. He reported to Deputy David Mowery that he had found the dog, and Deputy Mowery went to the Rodriguez house. James showed Deputy Mowery the pictures he’d taken of the black dog and said it had a “shoestring type collar.” Tr. p. 56. Deputy Mowery went to Sloan’s house and showed her James’s pictures, but she couldn’t tell if the dog was Addy. He also spoke with Sloan’s daughter, who said she let Addy inside around 5:50 p.m. the night before, and Addy was in the house the rest of the night. Deputy Mowery noticed some similarities between Addy and the dog in the pictures, but Addy wasn’t wearing a shoestring collar. Deputy Mowery could not definitively say they were the same dog since multiple dogs in the neighborhood fit the description.

[5] The Rodriguezes filed a small-claims suit against Sloan seeking reimbursement for Dixie’s veterinarian bill. At the bench trial, Deputy Gray testified that he spoke to Dawn and James individually the night of the incident, and they both told him they’d never seen the dog that bit Dixie before and didn’t know whose dog it was. Both said the dog had slick hair, and James described it as a black German Shepherd with brown markings. When Deputy Gray went to Sloan’s house, he saw that Addy was wearing a shock collar, she had curlier hair than

the dog in James's picture, and there was no blood on her. Deputy Gray also learned there were at least three to four similar-looking dogs in the neighborhood.

[6] The Rodriguezes each testified that the dog that bit Dixie had a white spot on its chest and was wearing a shoestring collar. Dawn didn't recognize the dog at the time of the incident, but she claimed that once she saw the pictures James took, she realized the dog belonged to someone at the end of the street. James said when he went to Sloan's house the next day, he knew as soon as he saw Addy that she was the dog that bit Dixie, even though Addy had on her red shock collar, not a shoestring collar. Dawn acknowledged she knew of three black dogs in the neighborhood that resembled each other.

[7] Sloan described Addy as black and brown with white marks under her legs and on her chest and stomach. She said Addy was "an inside dog," and Sloan kept her in an enclosed patio. *Id.* at 61. Sloan testified that she got home from work around 5:15 p.m. the night of the incident, and Addy was there. Addy had been outside, and Sloan's daughter let her into the house around 5:50. At 6:00, Sloan saw Addy in the enclosed patio, and Addy was wearing her red shock collar. Sloan testified that the collar was working and the invisible fence was turned on that day.

[8] The small-claims court found that the Rodriguezes failed to prove by a preponderance of the evidence that Addy was the dog that bit Dixie. The court granted judgment for Sloan and ordered the Rodriguezes to pay court costs.

[9] The Rodriguezes now appeal.

## Discussion and Decision

[10] The Rodriguezes argue the small-claims court's judgment for Sloan is not supported by the evidence. Because the Rodriguezes had the burden of proof at trial, they are appealing from a negative judgment. A party who appeals from a negative judgment will prevail only if they establish that the judgment is contrary to law. *Cnty. of Lake v. Pahl*, 28 N.E.3d 1092, 1099 (Ind. Ct. App. 2015); see also *Heartland Crossing Found., Inc. v. Dotlich*, 976 N.E.2d 760, 762 (Ind. Ct. App. 2012) (applying negative-judgment standard to small-claims action). A judgment is contrary to law only when the evidence is without conflict, and all reasonable inferences to be drawn from the evidence lead to only one conclusion, yet the trial court reached a different conclusion. *Pahl*, 28 N.E.3d at 1099.

[11] The Rodriguezes challenge the small-claims court's finding that they failed to prove by a preponderance of the evidence that Addy is the dog that bit Dixie. Since the Rodriguezes are appealing from a negative judgment, if the evidence is in conflict or does not lead to one conclusion—that Addy bit Dixie—then we must affirm. Here, the record shows a conflict in the evidence. After the incident, the Rodriguezes both told Deputy Gray they had never seen the dog before and didn't know whose it was. Sloan and her daughter both said Addy was in their house at the time of the incident. The dog that bit Dixie had a shoestring collar, but Addy had on her red shock collar that night and when

James saw her the next day. After speaking to both parties, Deputy Gray concluded Addy was not the dog in James's picture, and Deputy Mowery couldn't definitively say Addy was the dog that bit Dixie. Though Addy is black and brown with a white spot on her chest, she has curly hair, not slick hair. And there were at least three other black dogs in the neighborhood that looked like her. Because the evidence of what dog bit Dixie was in conflict, the Rodriguezes have not established that the small-claims court's judgment is contrary to law.

[12] Affirmed.

Bradford, J., and Brown, J., concur.