



Seeking Justice in Kobi's Memory

In the aftermath of a local dog's death, a local law professor hopes to see state laws changed.

By [Bryan McGonigle](#) | [Email the author](#) | 6:00am

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At just after 7:45 p.m. on Wednesday, Oct. 5, Kim Oswald received a horrifying call from a neighbor. The Oswalds' dog, Kobi, had been hit by a truck on Waverly Road.

Oswald, who hadn't even known that Kobi had gotten out of the house, rushed to Andover Animal Hospital, where Kobi had been taken by police. But it was too late. Kobi had been euthanized.

Even more heartbreaking than Kobi's death was the way in which he died. The driver of the truck reportedly didn't stop after hitting Kobi.

"It's hard," Oswald said. "And my husband is devastated. Kobi was something he looked forward to coming home to every day. And my kids are having a hard time."

Kobi, a playful family pet of the Whippet breed, was killed on his 8th birthday, Oswald added.

A Legislative Mission

Police did not release the name of the driver, but the man was reportedly issued a \$50 citation.

Attorney Diane Sullivan, law professor at the Massachusetts School of Law in Andover, is hoping to help change laws in Massachusetts to reflect the emotional anguish suffered when a pet is killed.

"Right now in Massachusetts, we treat animals as equivalent to any inanimate object, same legal value of your desk, clock or iPod," Sullivan said. "Pets are sentient creatures. For us to say they're property is wrong."

Currently, the law states that if someone hits a pet they must report it to the owner. If they don't, they face a fine. If a pet is not an expensive breed, the fine for killing that pet is \$50.

Sullivan and Oswald would like to see tougher penalties.

Oswald said the driver of that truck said his father told him to keep driving, thinking the dog was dead, but Oswald said she doesn't believe that.

"My neighbor could hear dog yelping," Oswald said.

Long Battle

Sullivan is also looking into the possibility of classifying hit-and-run of a pet as animal cruelty.

"If you are convicted of animal cruelty, it is punishable by fine and/or prison sentence," said Sullivan, who frequently works on animal rights issues.

"Leaving an animal in pain, I wonder if that is cruelty under the Massachusetts general laws. So that's something I want to delve into."

Under state animal cruelty law, it is illegal to intentionally kill or inflict pain on someone's pet.

"I have a colleague who does nothing but animal cases, mostly dog cases, and I've consulted with him," Sullivan said. "I want to talk with MSPCA about the case, and I wanna talk further with the witness [in Kobi's case]. That's kind of where I'm at, and we're still fairly early in our review of the case."

Legislation has been proposed a few times before which would remove the classification of pets as property in Massachusetts. Therefore anyone who killed a pet through intent or negligence would be tried accordingly. But the legislation hasn't gained momentum before.

But for animal law advocate Sullivan, Kobi's story just adds more fuel to her fire.

"The thought of a beloved pet who most people treat as a family member writhing in pain on the side of the road is just so unacceptable on so many

levels."

Tracey Zysk, owner of Wiggles & Jiggles Pet Care, walked Kobi and had a message for drivers everywhere in her recent [blog post dedicated to Kobi's memory](#).

"If you are ever in the situation and this type of accident does occur, please pull over immediately and call the police," Zysk wrote. "Think before you leave, this dog or cat is more than just an animal, this is a family member, this is a loved one, this dog or cat has a loving home and a family that cares and deserves the respect to say their goodbyes."

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