

Samuel C. Severin (Alaska Bar No. 0606035)
MUNSON, CACCIOLA & SEVERIN, LLP
1029 West Third Avenue, Suite 402
Anchorage, Alaska 99501
(907) 272-8401
sseverin@bcfaklaw.com
Attorneys for City of Unalaska

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT UNALASKA

CITY OF UNALASKA, an Alaska municipal
corporation,

Plaintiff,

vs.

DUSTIN EQUEVILLEY,

Defendant.

Case No. 3UN-24-____ CI

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

The City of Unalaska, by and through city attorney Samuel Severin of Munson, Cacciola & Severin, LLP, for its Complaint pleads and alleges as follows:

1. The City of Unalaska, (“City” or “Unalaska”) is an Alaska municipal corporation in all ways entitled to maintain this action.
2. On information and belief, Mr. Equevilley is a resident of the Third Judicial District.
3. This Court has jurisdiction pursuant to AS 9.05.015, AS 22.10.020(a) and (c) and AS 22.10.050.

4. Defendant is the owner of three malamute dogs, deemed vicious under UCO § 12.04.060 based on their unprovoked violent attacks on other animals.

5. On or about October 26, 2023, one or more of the three Malamute dogs attacked another dog.

6. During October 26 incident, the dogs were not leashed. The attack was unprovoked.

7. The dog that was attacked had a laceration to its neck, but was treated and was expected to make a full recovery.

8. Based on the October 26 incident, Mr. Equevilley was issued a minor offense citation for violation of UCO 12.04.060, for having an unconfined vicious dog, in the amount of \$150. Judgment against Mr. Equevilley was entered April 10, 2024.

9. On or about October 27, 2023, the Unalaska Department of Public Safety sent a certified letter to Mr. Equevilley, deeming all three of the dogs vicious and requiring the dogs to be leashed and muzzled whenever in public.

10. The letter was returned undelivered. On or about December 15, 2023, the vicious dog letter was hand delivered to Mr. Equevilley by Animal Control Officer Peters.

11. On or about April 3, 2024, Mr. Equevilley was walking his dogs, unrestrained, when they ran away from him and would not respond to voice commands.

12. One of more of the dogs attacked, without provocation, a dog named Oliver. The dog was eviscerated, with its intestines exposed. The dog was treated initially at Iliulik clinic, with guidance from Dr. Colwell, a veterinarian, and assistance from Ms. Hoxworth, a veterinary assistant.

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13. Hoxworth operated on Ollie, finding, among other things, that Ollie's colon was dissected and in 3 separate pieces, one of which was fully detached, and another of which was hanging on by a string. After the emergency surgery, the dog was transported to Anchorage for additional surgery. The dog died the following day.

14. Hoxworth relayed to police that she is familiar with the dogs. She has offered to spay them, which, Mr. Equevilley has declined.

15. During the April 3 incident, the injured dog's owner was bitten. One or more of Mr. Equevilley's dogs inflicted bite marks to the owner's cheek, a two-centimeter laceration to his left ear, and bite marks to the owner's hands.

16. As a result of the April 3 incident, Mr. Equevilley was issued six citations for violations of Unalaska Code of Ordinances (UCO) 12.04.070 (Dog at Large) and UCO 12.04.060 (A) (Unconfined Vicious Dogs). The three dogs were off leash, in violation of city code, immediately prior to the fatal attack.

17. The citations have not been contested. They are Case No. 3UN-24-00076MO; Case No. 3UN-24-00077MO; Case No. 3UN-24-00081MO; Case No. 3UN-24-00084MO; Case No. 3UN-24-00085MO; Case No. 3UN-24-00086MO.

18. The dogs were not muzzled, despite prior notification that they must be muzzled, per the vicious dog determination in October of 2023.

19. On April 4, Chief Hankins wrote to Mr. Equevilley again reiterating the previous vicious dog determination. The letter was personally served on April 7, 2024 by Officer Dowty at Mr. Equevilley's residence on Lear Road.

20. The letter of a vicious dog determination was made pursuant to UCO §

12.04.060(B) which states:

Any dog shall be deemed vicious which, when unprovoked, has bitten or attacked, or attempted to bite or attack any person or animal. A dog shall be deemed to be attempting to attack if it is restrained by a leash, fence, or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence, or other means of restraint is preventing the dog from making an immediate attack.

21. The letter notified Mr. Equevilley of his obligations in light of being an owner of vicious dogs, per UCO § 12.04.060 (A): No person shall permit any vicious dog of which he or she is the owner, keeper, caretaker, or custodian to be unconfined unless securely muzzled and led by a leash. A copy of the letter is attached as Exhibit A.

22. Impound of the dogs would be lawful under UCO §12.04.040. Because the dogs are so vicious, impound has not been possible due to officer safety concerns.

23. Dr. Colwell, a licensed veterinarian, believes that destruction of the animals is necessary to protect the public.

24. Presently, the dogs are considered vicious under AS 3.55.020, having bitten or attacked the dog owner on April 3, 2024.

25. Per AS 3.55.010, any person can lawfully kill the dogs if they are running at large. To date, the Department of Public Safety has refrained from exercising this right, preferring a more orderly approach to animal control matters.

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26. The City realleges each and every allegation of paragraphs 1-25 above.

27. Mr. Equevilley has violated city code on multiple occasions by allowing vicious dogs to be unrestrained and without muzzles.

28. The Unalaska City Code at § 1.24.010 (B) states, in part:

In addition to any other remedies or penalties which may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code....An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction. The City shall be entitled to collect all reasonable attorney's fees in any successful civil action to enforce the laws of the City.

29. Injunctive relief, ordering impound and destruction of the dogs, or an alternative order sufficient to protect public safety, is lawful and necessary. The behavior of the dogs and their owner has not changed with multiple citations and lawful orders; judicial intervention is urgently needed.

PRAYER FOR RELIEF

WHEREFORE, having stated its Complaint, the City requests the following relief:

1. Injunctive relief ordering Defendant to immediately cease violating the Unalaska Code of Ordinances and ordering impound and destruction of the dogs. All other necessary orders to protect public safety, to protect the public, and to provide for humane treatment of the dogs.

2. A judgment of civil penalties and damages in favor of City and against Defendants in an amount according to proof.

3. A judgment in favor of City and against Defendant for full costs and attorney fees as allowed by ordinance, statute, and court rule.

4. Other and further relief as this court deems just and equitable under the circumstances.

DATED this _____th day of June 2024.

MUNSON, CACCIOLA & SEVERIN, LLP

By: _____
Samuel C. Severin
AK Bar No. 0606035