

SPOKESMAN-REVIEW  
October 13, 2010

## **CUSTODY BATTLE OVER DOG ENDS IN COUPLE'S FAVOR**

[Runaway Pomeranian was at center of lawsuit over pet's adoption](#)

Harlee has come home.

The black Pomeranian who ran away more than three years ago has been reunited with a Spokane County family after a court battle that went all the way to the Washington state Court of Appeals.

On Tuesday, Richard and Marcia Graham greeted Harlee – who was a little heavier and a little grayer than they remember – at SpokAnimal Care, which featured prominently in a lawsuit the Grahams filed against a Spokane man who adopted the dog in July 2007.

Superior Court Judge Sam Cozza ruled on Monday that Harlee should be returned to the Grahams because SpokAnimal did not have the authority to adopt him out to James Notti, of Spokane, in the first place.

“The judge let me tell my whole story,” Marcia Graham said. “That was surprising because our case was based solely on where the dog was found.”

In November 2007, the Court of Appeals for Division III remanded the case back to Superior Court after Judge Gregory Sypolt dismissed it, leaving Harlee with Notti.

The Appeals Court ruled the case hinges on whether Harlee was found in Spokane city or county. The woman who found him turned him over to SpokAnimal.

Harlee's tale began July 17, 2007, when he wandered away from the Grahams' Marshall-area home. The Grahams posted signs, contacted animal shelters, and placed ads in the Cheney Free Press and on Web sites, including the one run by SpokAnimal.

Fewer than two weeks after he disappeared, Harlee was found by Jolee Wilke, who turned the dog over to SpokAnimal on July 29.

On the day SpokAnimal accepted Harlee, Notti requested the dog. He adopted the Pomeranian after the requisite 72-hour waiting period.

About a month later, the Grahams learned their dog's fate from Wilke's daughter, a former classmate of the Grahams' daughter. The family went to SpokAnimal, where officials contacted Notti. But he would not give up his new pet.

However, Richard Graham had caught a glimpse of the dog's new owner's name on a SpokAnimal computer screen, and the family went looking for Harlee.

The Grahams found the dog at Notti's home, but Notti wouldn't give him up, even after the Grahams' offered to buy him a replacement Pomeranian.

So the Grahams sued Notti, claiming through their attorneys at Gonzaga University Legal Assistance that Notti did not obtain a valid title to Harlee because SpokAnimal has no authority to adopt out a dog found outside the city.

SpokAnimal officials said they were told at the time that the dog was found in the city, where it has authority to impound and adopt out stray animals.

But Wilke, who lives not far from the Grahams' Marshall-area home, said she found Harlee chasing chickens in her backyard in Spokane County, where SCRAPS has authority over animal control.

Cozza was convinced and ordered the transfer.

The trial was the first for third-year law student Jason Perdue, who represented the Grahams before Cozza, and the first dog trial for the GU legal clinic.

"It felt good to be able to reunite the Grahams with their dog," said Perdue, whose name means "lost" in French.

"I feel good about having him back," Richard Graham said as Harlee nuzzled his wife.

Notti declined comment.

After leaving SpokAnimal with their pet, the Grahams dropped by the law school to show the staff what they had worked three years to achieve.

About a dozen professors, students and staff members gathered in the lobby of the law clinic's offices to see the dog, including law professor George Critchlow, whose argument convinced the Appeals Court, and Terry Sawyer, who supervises Perdue.

Sawyer said legal assistance should take more dog cases because "people are willing to litigate to the end."

As for Harlee – he turns 5 years old today. That's only about 37 in dog years.