COURT OF APPEALS
DECISION
DATED AND RELEASED

January 3, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-0141

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

KATHLEEN E. DOBRZNSKI and NORMAN L. SARACOFF, As Guardian Ad Litem for MOLLY E. WELLS,

Plaintiffs-Appellants,

v.

LITTLE BLACK MUTUAL INSURANCE COMPANY, and DEAN JARVIS,

Defendants-Respondents.

APPEAL from a judgment of the circuit court for Clark County: MICHAEL W. BRENNAN, Judge. *Affirmed*.

Before Eich, C.J., Dykman, P.J., and Vergeront, J.

PER CURIAM. Kathleen E. Dobrzynski, and her minor daughter Molly E. Wells, by her guardian ad litem, appeal from the trial court's grant of summary judgment to respondents Little Black Mutual Insurance Company

and its insured, Dean Jarvis. Because we conclude that the circuit court correctly entered summary judgment for the respondents, we affirm.

On November 8, 1991, Wells and her mother visited Jarvis's game farm. Wells placed her hand to the fence of a bear pen, and the bear drew in her arm, biting and injuring her hand and arm. Wells sued, alleging that Jarvis failed to exercise ordinary care in controlling the animal and that the bear was negligently unguarded and improperly confined. The circuit court granted Jarvis summary judgment, citing ***Hudson v. Janesville Conservation Club***, 168 Wis.2d 436, 484 N.W.2d 132 (1992).

On review of a summary judgment, we adopt the same methodology as the trial court. Our review is therefore de novo. ***Reel Enters. v. City of La Crosse***, 146 Wis.2d 662, 667, 431 N.W.2d 743, 746 (Ct. App. 1988).

Although the parties disagree, we conclude that no material facts are in dispute. Everyone acknowledges that Wells put her hand to the bear pen fence and that the bear bit her, injuring her arm. These facts are sufficient to a determination of the case under ***Hudson,*** 168 Wis.2d at 441-43, 484 N.W.2d at 134-35.[1]

In ***Hudson***, the supreme court held that a wild animal held captive in a game park does not cease to be a wild animal. The court held that § 895.52(2)(b), STATS., therefore immunizes the landowner from liability. ***Id***. at 443, 484 N.W.2d at 134.

Section 895.52(2)(b), STATS., reads in relevant part: "[N]o owner and no officer, employe or agent of an owner is liable ... for any ... injury resulting from an attack by a wild animal."

[1] Specifically, Wells questions whether the bear "attacked" her, but does not dispute that she was injured by the bear's action of drawing her arm into the pen and biting her hand and arm.

We are bound by prior decisions of the Wisconsin Supreme Court, ***Livesey v. Copps Corp.***, 90 Wis.2d 577, 581, 280 N.W.2d 339, 341 (Ct. App. 1979), and the supreme court has decided that landowners in Jarvis's position are immunized from liability under § 895.52(2)(b), STATS., for injuries incurred by wild animals. We therefore affirm.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.