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## Judge orders Lambsy returned to rescue agency

By Daniel Tepfer Updated 4:42 pm EST, Wednesday, December 18, 2019



A poster that went up all over lower Fairfield County after Lambsy went missing.

STAMFORD - Lambsy could be returned to the fold — maybe.

After a three-day trial, a Superior Court judge ruled the small, brown spaniel mix must be returned to the New York agency that **rescued him from the slums of Cyprus** before he was spirited away to the woods of New Hampshire.

Former Darien resident Cheryl Baity is accused of adopting the dog under false pretenses and New York-based Abandoned Angels Cocker Spaniel Rescue Inc. was demanding it back.

"The defendant is ordered to return Lambsy to the plaintiff within 30 days," Judge David Tobin ruled Wednesday.

New York lawyer Daniel Rosen, who represents the rescue agency, said his client was pleased with the outcome. "We are looking forward to the return of the dog," he said.

But Danielle DiBerardini-Albrecht, of Norwalk, who represents Baity, raised a question on whether it is truly over.

"I don't believe the court here has jurisdiction over the dog," she said. "The adoption agency is going to have to go to New Hampshire and get an order there to take the dog."

DiBerardini-Albrecht said the rescue agency presented no evidence during the trial to support allegations her client had mistreated her previous dogs. She said the judge based his verdict on the fact that Baity did not notify the rescue agency when Lambsy went missing.

"And now they want to rip the dog from a happy home," she added.

In October 2018, Baity, who was then living in Darien, submitted an online application to Abandoned Angels to adopt Lambsy, according to court documents. In her application, Baity stated that she had previously owned three dogs each which she said had died of old age.

Based on her application, a telephone interview, a veterinary reference and a video of her home, Baity was approved to foster the dog pending further approval for adoption. Baity was instructed to keep Lambsy away from public places for two weeks while the dog settled to a new place and not to take the dog to a groomer during that time.

However, the lawsuit claims that less than 48 hours later the rescue organization learned that Baity had disregarded their instructions by not only having a groomer shave down the dog but by taking her to various stores.

Then, less than a week after taking Lambsy, Baity notified the organization that she had lost the dog two days earlier while taking the dog for a walk, the suit states.

The suit continues that when the organization tried to investigate her story on the loss of the dog Baity became hostile and erratic and blocked calls from the organization's volunteers. Abandoned angels later learned from Baity's father that she had lied about the deaths of her previous dogs, the suit states.

The rescue organization subsequently contacted Darien police in an effort to get Lambsy back. Cheshire police were later contacted when the organization learned Baity had taken the dog to an animal hospital in Cheshire for a massive tick infestation, the suit states.

But before volunteers could get to Cheshire, Baity and the dog were off again.

This time, the organization learned that Baity had taken the dog to New Hampshire.

"Abandoned Angels contacted New Hampshire police to request assistance but other than confirming Lambsy was alive, they were unable to help secure

Lambsy's return," the suit states.

In August, Superior Court Judge Robert Genuario, who was assigned to try the case, ordered Baity to allow Lambsy to be examined by a veterinarian in New Hampshire selected by the rescue agency.

Although Baity subsequently complied with the order, in October, just days before the trial was to start, DiBerardini-Albrecht asked Genuario to step down from the case, contending he had exhibited a bias towards the rescue agency.

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