

Judge needs Solomon's wisdom to settle squawk

Identity crisis causes parakeet lovers' clash

By Bill Casper
staff writer

The Goodhue family was optimistic about their chances of winning a civil lawsuit filed against them by the Trotters.

"My wife described it to a tee, including the crack on its bill," said Harry Goodhue as he and his family of four huddled in a dimly lit hall of Redford's 17th District Court building.

"He flew to me first, then to my daughter, Donna," said Gail Goodhue. "It's her bird, but we were all happy to find him. When we got him home, he flew straight to the pillow he always perched on and then to his friend, our dog, Bear."

The Goodhue family knew for sure they had found their pet bird, Peanuts, at that moment, but last week they were awaiting an emotional trial date before Judge Robert Brang.

THEY KNEW he had the power to snatch Peanuts away and place him in the custody of the Trotter family, who were huddled near the Goodhues and claiming they knew the parakeet better as Petey, their pet.

The tension mounted as a preceding court matter delayed by 15 minutes the start of the parakeet custody battle.

Shortly after the double doors of the courtroom opened allowing the respective parties and their witnesses to enter, Brang emerged through a door of his adjoining office and apologized for the delay, noting that he was busy with court business and not enjoying coffee and doughnuts.

Janet Yarling, attorney for the Goodhues, Redford Township residents, said in her opening statement to the court that Brang would need the wisdom of Solomon, who was once called on to determine custody of an infant child between two women claiming to be the mother.

ONE MIGHT tend to make light of such litigation, but not so in Brang's courtroom where all participants, including the judge, treated the proceedings as if the custody of an infant child was at stake.

"This case may seem frivolous, but there are strong emotions felt by both parties," said a serious Tom Frost, attorney for the Trotters, Livonia residents, in his opening statement to the court.

The facts:

- In August, Peanuts, pet parakeet of the Goodhue family, flew the coop, never to return.
- On Sept. 30, Petey, the pet parakeet of the Trotter family, also flew to freedom.
- On that day, a parakeet was found by Livonia resident, Andrea Farrell, who took the bird home and cared for it while running a classified advertisement in the Observer & Eccentric Newspapers to search for its owner.
- The Goodhue family answered the ad on Oct. 7.

• When the Trotter family saw the ad, the Goodhue family already had the bird in their possession. So the Trotters placed an Observer ad requesting that the Goodhues call.

• That ad culminated with a visit by the Trotters to the Goodhues to see the bird, and they claimed the bird was really Petey.

• The Goodhues, however, maintained the bird to be their parakeet, Peanuts, and refused to part with him. The Trotters filed suit in district court to gain custody of the bird they believe to be Petey.

THE KEY points of evidence introduced during the trial boiled down to descriptions of the parakeet's physical appearance, the bird's own words and the manner in which he lived.

However, the problem Brang faced was that the physical descriptions given for both birds by the respective family members were very similar. Both birds uttered similar-sounding expressions

and the family members taught both birds similar tricks.

Irene Trotter testified that when she visited the Goodhue family and the bird in question, she asked the parakeet for a kiss and it gave her a peck, a trick she said she taught Petey.

She also testified that she taught her parakeet to mimic expressions like "Petey is a pretty boy. I love you and kissy kiss."

"He (the bird) also said his name clearly so that it couldn't be mistaken for Peanuts," said Trotter of her visit with the parakeet at the Goodhue home.

However, it was brought out in testimony that the bird's speech is mumbled. And without the testimony of the parakeet in question, who did not appear for the trial, the testimony of Trotter or Goodhue concerning their bird's words could not be verified.

As for the bird's lifestyle, the Goodhues testified that their bird had always perched on a particular living room pillow, on their pet dog Bear and dined with the dog. They said the bird that was returned to them began doing those things immediately upon entering their home.

AND BOTH birds were trained to fly to, and perch on, the finger of the person who calls it.

But the Goodhues brought with them three witnesses to testify that the parakeet the family now possesses is the same bird, namely Peanuts, that used to bathe in the family bathtub and eat from the dog's bowl.

In summary, Trotter's attorney Frost suggested to Brang that he put aside the parakeet's character and color and consider instead the fact that the Trotters' bird flew away on the same day it was found four or five blocks from their home.

In previous testimony, the Harry Goodhues stated Peanuts flew away some time in August and he estimated the location of the recovered bird, in a wooded area near Whitman and Grant schools in Livonia, to be about five miles distance from his home.

Brang admitted after the trial that he wished he had more facts regarding the behavior of parakeets.

"I'd like to know things like do they tend to stay in one area or are they inclined to travel far from their homes," Brang said. "And can they exist on the food nature provides, and, if so, for how long. But I can't speculate on these facts so I had to base my decision on the available evidence."

In court, he told the two parties that the plaintiff has the burden of proof under the law and must show a preponderance of the majority of evidence in support of the contention in order for a favorable ruling.

"BUT IN this case, I can't say the plaintiff (the Trotter family) has done that," Brang said. "The evidence provided by both parties is equally strong."

And so he awarded custody of Peanuts to the Goodhue family.

There was no outward reaction of jubilation on the part of the Goodhues, just smiles of relief and satisfaction.

"There were no emotional breakdowns among members of the Trotter family, but there were long faces and tear-welled eyes."

"I don't feel it's fair," said Irene Trotter. "I still think that's our parakeet. Our daughter, Kathy, bought him for \$22 and we think he's irreplaceable."

"But I have no hard feelings toward the Goodhue family. Mrs. Goodhue is a nice woman and I know they take good care of the bird," said a saddened Trotter.

She said the family has no plans to appeal Brang's decision.

"We're very happy," said a smiling Gail Goodhue. "We feel sorry for the Trotter family, but we know this is our bird. We're most happy for our children because they are closely attached to Peanuts."



The dog's name is Bear but is that Petey or Peanuts the parakeet? A circuit court judge was called upon to determine whether the pet is the Trotter family's Petey or the Goodhues' Peanuts. Below are Harry, Mike, Gail and Donna Goodhue and, possibly, Peanuts.



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INSIDE ANGLES

CROSS COUNTRY enthusiasts will want to schuss on over to a seminar Friday at the Farmington Hills Library, 32737 W. 12 Mile. The seminar, from 7 to 9 p.m., will introduce participants to all aspects of cross country skiing, including where to ski and what type of equipment and clothing to buy. A movie will be shown — "Downhill Racer" — one would think. The seminar is free.

NEIL TRATT can't go to the party, so the party will come to him Wednesday, Tratt, 102 years old, is a resident of the Oak Hill Nursing Home. The party gives are members of the Highland Park Lions Club, and they're bringing a Christmas lunch to the annual party. The Lions sometimes hold their meetings at the Farmington nursing home in honor of their oldest member, and when they come the Lions always bring gifts and candy for the other residents.

DARSH ARORA of Farmington recently was named winner of the Avon Product's Sales Challenge, the company's largest sales competition of the year. Her prize is a five-day Hawaiian vacation, or she has the option of accepting a cash award instead. Arora was one of 700 Avon representatives out of 450,000 nationwide to be honored.

DR. ROBERT D. Allaben of Farmington Hills has been named to the Transplantation Society of Michigan's board of trustees. Allaben is vice chief of staff and vice chief of surgery at Harper-Grace Hospitals and associate professor of surgery at Wayne State University School of Medicine. The Transplantation Society was created in 1971 to provide statewide coordination of protocols for organ — and especially kidney — transplants.

THE GRAPHICS, a Farmington-based rock group, will furnish the music for a dance party Tuesday for Fairlawn Center residents. The holiday gift of music to the emotionally disturbed teens at the center comes from Mark Pulgini, Don Miles, John Rummier, Tim Reid and Mike Murzynski.

MASSACHUSETTS Mutual Life Insurance reports that Howard B. Sherston is among a select group of 40 insurance professionals attending the Business and Estate Planning Seminar in Springfield, Mass., this week.

MEMBER MIXER: Members and prospective members of the Oakland County Chamber of Commerce are invited to a Christmas member mixer from 5:30 to 8 p.m. today at the Dear Lake Racquet and Country Club, 8167 White Lake Road, Clarkston. This is the last opportunity for potential members to attend a Chamber mixer before the cut-off date for inclusion in the 1983 directory listings. Call 335-6148 or 644-3693 for information.

ENID MUHME of the Farmington Hills law firm of Davison, Gathall, Kohl, Secret, Wardle, Lynch and Clark has successfully completed the two-day certified legal assistant examination and is now entitled to use of the CLA designation, according to the National Association of Legal Assistants.

HIGH SCHOOL students from the North Farmington Center of Junior Achievement attended a luncheon meeting of the Economic Club of Detroit at Cobo Hall recently. Rick Foster, Rhonda Stella, Tracy Gutowski, Beth Kadushin and Julie Brown were the guests of Frank Zimmerman of Michigan Bell.

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