

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANIMAL LEGAL DEFENSE FUND,
170 East Cotati Avenue
Cotati, CA 94931,

TRACEY K. KUEHL,
22781 230th Avenue
Davenport, IA 52807, and

LISA K. KUEHL,
1428 270th Street
Madrid, IA 50156,

Plaintiffs,

v.

TOM VILSACK, SECRETARY,
United States Department of Agriculture,
1400 Independence Avenue SW, Room 200-A
Washington, DC 20250, and

ROBERT GIBBENS, WESTERN REGIONAL
DIRECTOR,
Animal and Plant Health Inspection Service,
United States Department of Agriculture,
2150 Centre Ave.
Building B, Mailstop 3W11
Fort Collins, CO 80526-8117,

Defendants.

Case No. 1:14-cv-01462

**AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1
2 1. This is a case under the Administrative Procedure Act (“APA”), 5 U.S.C. §
3 706(2), challenging recurring decisions by the U.S. Department of Agriculture (“USDA”) to
4 renew the Animal Welfare Act (“AWA”) license of a zoo called Cricket Hollow Zoo (“the
5 Zoo”), despite the Zoo’s repeated and ongoing violations of the relevant AWA standards, the
6 numerous animal deaths at the Zoo, and the Zoo’s false certifications to the USDA asserting that
7 it remains in compliance with all applicable standards. Because the Zoo has for many years kept
8 and exhibited animals in inhumane conditions that fall well below the USDA’s standards, the
9 agency itself has noted internally that the Zoo is in “chronic non-compliance” with the AWA
10 and has a “chronic management problem.”

11 2. Simple observations of the animals, as well as internal USDA documents,
12 demonstrate that the Zoo – which is not even accredited by the accrediting zoo industry
13 organization, the Association of Zoos and Aquariums (“AZA”) – is in violation of *numerous*
14 “minimum standards” promulgated by the USDA under the AWA. As a result, the animals kept
15 there suffer in barren, cramped, dimly lit, poorly maintained, and feces-laden enclosures.

16 3. The cumulative effect of the numerous violations leaves the Zoo in constant
17 violation of the AWA, and makes it a facility the USDA could not have licensed without
18 violating the AWA. Since as early as 2004, the Zoo has received multiple non-compliance
19 reports, official warnings, citations and fines from the USDA. The agency continues to rubber-
20 stamp renewal of the Zoo’s license, but in its first full inspection after renewing the Zoo’s
21 license, on May 21, 2014, the USDA found the Zoo conditions to be the most damning: nineteen
22 total non-compliances with AWA regulations, eleven of which were repeat and three “direct.”
23 Direct non-compliances are the most serious violations within an inspection report.

24 4. The USDA misrepresented its 2014 licensing process regarding the Zoo. In
25 response to Plaintiff ALDF’s April 30, 2014 request that the USDA not renew the Zoo’s license,
26 the USDA wrote that it renewed the Zoo’s license on April 27, 2014. Plaintiffs later obtained
27 the Zoo’s 2014 license application through a Freedom of Information Act request and
28 discovered that USDA did not even receive the license application until May 8, 2014.

1 5. The USDA’s “minimum standards” are meant to “insure” that animals used in
2 exhibition “are provided humane care and treatment.” 7 U.S.C. § 2131(1).

3 6. The AWA provides that “no” license may be issued to any exhibitor, such as the
4 Zoo, “until the . . . exhibitor shall have demonstrated that his facilities comply” with such
5 minimum standards. *Id.* § 2133.

6 7. The USDA concedes that despite this statutory language, it does not take into
7 consideration whether an exhibitor is violating the applicable standards when the agency
8 decides to renew an exhibitor’s license, including the Zoo’s license.

9 8. The USDA’s persistent failure to “insure” that the Zoo meets minimum AWA
10 standards before perfunctorily renewing its license each year, and the agency’s most recent
11 decision to renew the Zoo’s license – despite the fact that the Zoo is, and has for many years
12 been, in flagrant violation of numerous AWA standards – violates the plain language of the
13 AWA and is arbitrary and capricious, an abuse of discretion and otherwise not in accordance
14 with law. *See* 5 U.S.C. § 706(2).

15 9. In addition, the agency’s pattern and practice of rubber-stamping the renewal of
16 the Zoo’s AWA license each year, despite the Zoo’s serious and flagrant violations of applicable
17 AWA standards, violates the AWA, is arbitrary and capricious, an abuse of discretion and not in
18 accordance with law. *See id.*

19 **PARTIES**

20 **Plaintiffs**

21 10. Plaintiff ANIMAL LEGAL DEFENSE FUND (“ALDF”) is a national non-profit
22 organization headquartered in Cotati, California, with over one hundred thousand members.
23 ALDF pursues its mission of safeguarding animal welfare by advocating against cruelty and
24 needless harm to animals, and advocating for the protection of animals used in commercial
25 enterprises. ALDF frequently focuses its resources on advocating for animals used for
26 entertainment and exhibition purposes. ALDF has expended significant organizational resources
27 on advocacy and public education efforts to improve the welfare of animals held in captivity,
28 particularly those held for exhibition and entertainment.

1 11. ALDF brings this action on behalf of its members, who enjoy observing,
2 interacting with and otherwise enjoying animals at the Zoo. These interests are harmed by
3 Defendants’ unlawful decisions to renew the Zoo’s AWA license, which allow the Zoo to
4 continue treating the animals inhumanely, which, in turn adversely affects the demeanor and
5 behavior of the animals and ALDF’s ability to enjoy viewing them.

6 12. ALDF’s members’ aesthetic, emotional and educational interests will be redressed
7 if Plaintiffs prevail in this case because the Zoo will not be allowed to have an AWA license and
8 thus to exhibit animals without improving the conditions under which the animals are
9 maintained. If Plaintiffs prevail, the Zoo will either improve the conditions under which the
10 animals are maintained to bring the facility in compliance with the AWA, or, if the Zoo chooses
11 to no longer exhibit the animals, it will likely sell or otherwise transfer them to another facility
12 that will treat the animals more humanely. In either event, ALDF members who have aesthetic
13 interests in observing the Zoo animals could visit them and enjoy the animals living under much
14 more humane conditions. In either event, ALDF members would visit the animals as often as
15 possible to enjoy them in a more humane setting.

16 13. Plaintiff TRACEY K. KUEHL has spent the majority of her life in Davenport,
17 Iowa, where for the last twenty years of her career she worked as the director of a children’s
18 museum. From her earliest memories of caring for cows and pigs on her family’s farm, she has
19 felt a strong connection of respect, stewardship and love for animals.

20 14. Ms. Kuehl derives personal, recreational, educational and aesthetic value from
21 being in the presence of animals and observing animals in humane conditions. She has visited
22 nearly every zoo within 300 miles of the Quad Cities because of her personal, recreational,
23 educational and aesthetic interest in observing animals that she knows she will never have the
24 opportunity to see in the wild, and because she believes zoos are enjoyable places to go with her
25 friends. She has also visited numerous zoos for events put on by professional museum
26 organizations of which she was a member. During her many zoo visits she has learned the
27 importance of a safe and clean zoo experience for both the captive animals and human visitors.
28

1 Ms. Kuehl suffers personal distress when she witnesses animals in conditions that physically or
2 psychologically harm the animals or are otherwise inhumane.

3 15. When traveling in northeast Iowa in early 2012, Tracey Kuehl saw an
4 advertisement for the Zoo in a local newspaper. Around the same time, she also heard about the
5 Zoo from her sister, Lisa Kuehl. Because of her interest in observing animals, she visited the
6 Zoo in June 2012. The first thing that struck her when arriving at the Zoo was the horrific
7 stench, which was worse than any odor she had experienced at any hog farm she had ever
8 visited. The enclosures and pens containing animals had standing water and accumulating
9 excrement, and there were flies everywhere. Garbage bins were open and garbage was strewn
10 about. Walking through the Zoo, she observed animals who exhibited signs of physical and
11 psychological suffering and who were held in inhumane conditions. She observed bears
12 confined in a small corncrib enclosure that was dirty and contained standing water and piled up
13 feces. She observed the white tiger in similar conditions, inside a nearly barren cage with
14 standing water and lots of feces lying around, and she noted that the white tiger enclosure was in
15 major disrepair. Ms. Kuehl also observed a small wire cage containing an albino raccoon draped
16 over a bucket attempting to drink water, with lots of feces accumulating in the corner of the
17 cage. As she was visiting other animals, she heard a ruckus at the lion enclosure and saw a
18 group of teenagers jumping away from the enclosure as a lion was repeatedly ramming itself
19 against the cage wall. She did not observe any Zoo staff assisting the obviously distressed lion
20 or advising the teenage visitors. Ms. Kuehl experienced distress and anguish as a result of her
21 trip to the Zoo and her observations of animals held in inhumane and harmful conditions who
22 engaged in abnormal behaviors that indicated they were suffering severe psychological distress.
23 The conditions under which the animals were kept at the Zoo seriously impaired Ms. Kuehl's
24 aesthetic enjoyment of the animals. Because of what she saw at the Zoo, she was unable to stop
25 thinking about the animals, how they were mistreated and haunted by the need to help them.

26 16. Worried about the animals and hoping that she had simply visited the Zoo on an
27 "off week," Tracey Kuehl decided to return to the Zoo on July 6, 2012. Unfortunately, she saw
28 more of the same conditions. The standing water remained, and the excrement was similarly

1 piled up in many of the enclosures. At this point, Ms. Kuehl developed a strong emotional
2 connection with the animals and resolved to help them in any way that she could.

3 17. Because she cared about the animals she observed at the Zoo and had concerns
4 about their conditions, health and welfare, Ms. Kuehl began spending significant time trying to
5 improve their situation. She wrote letters to the state agency with jurisdiction over these matters,
6 the Iowa Department of Agriculture and Land Stewardship (“IDALS”), and to the USDA. She
7 spoke with two of the County Supervisors about the conditions of the animals’ enclosures. She
8 left messages with the Sheriff when the weather reached extremes – cold temperatures during
9 the winter and hot temperatures during the summer – asking for welfare checks on the Zoo
10 animals. In early September 2012, she met with Iowa Secretary of Agriculture Bill Northey, and
11 told him her belief that the Zoo is not the type of “agriculture” that Iowa should be promoting.

12 18. On June 26, 2013, Ms. Kuehl visited the Zoo to check on the condition of the
13 animals and to see if any changes had been made in the year since her previous visit. She
14 observed a young baboon named Obi acting wildly and in a bizarre fashion in an enclosure by
15 himself, and lemurs, a serval (wildcat) and several other animals living in sordid conditions that
16 were either the same or had worsened from her previous visit. The enclosures she observed were
17 still filthy, with some containing standing water and piled up excrement. She noted that none of
18 the objects provided for the animals to play with – including logs in the lemur, serval and tiger
19 enclosures – had been moved, replaced or supplemented with other items of enrichment. In
20 addition, Ms. Kuehl was concerned that the Meishan pigs did not have readily accessible water
21 for drinking. She also noticed that the fencing around the enclosures had sharp edges, which she
22 feared would hurt either the animals or the visitors. The conditions under which Ms. Kuehl
23 observed the animals seriously impaired her aesthetic enjoyment of the animals.

24 19. In October 2013, after learning that three Meishan piglets had died in their
25 enclosure and that their bodies had not been removed before the facility was opened to the
26 public, Ms. Kuehl wrote letters to the USDA and IDALS asking for investigations of the
27 conditions at the Zoo. Along with Lisa Kuehl and the Animal Legal Defense Fund, Tracey
28 Kuehl also sent a letter of concern to the Sheriff and County Attorney.

1 20. On April 28, 2014, Tracey Kuehl wrote the USDA to express concerns about the
2 Zoo's persistent non-compliance with the AWA and its implementing regulations, leading to
3 dangerous and deadly conditions for the Zoo's animals. She asked the agency to "carefully
4 review the consistent poor record of compliance and not renew [the Zoo's] license to exhibit the
5 animals to the public." In a letter of response on May 23, 2014 the Administrator of the USDA
6 Animal and Plant Health Inspection Service ("APHIS"), Kevin Shea, indicated that while the
7 agency had "recently" opened an official investigation, the agency would nevertheless renew the
8 Zoo's license and "will determine an appropriate course of action regarding [the Zoo] once the
9 current investigation is completed."

10 21. Ms. Kuehl's aesthetic, educational and emotional injuries are caused by the
11 USDA's decisions to allow the Zoo to maintain its numerous animals in inhumane conditions in
12 violation of the AWA, including: keeping the animals in extremely small and dark enclosures;
13 separating members of social primate species from members of their own species and denying
14 them any environmental enrichment, thus causing them psychological harm; and failing to
15 provide animals sufficient veterinary care, or adequate food and water. Because of her devotion
16 to these animals, Ms. Kuehl cannot avoid going to visit them. However, each time she does, she
17 is again aesthetically and emotionally injured by what she sees. She plans to visit them as often
18 as possible as she does everything in her power to improve their conditions.

19 22. Ms. Kuehl's aesthetic and educational injuries will be redressed if Defendants'
20 decision to renew the Zoo's license is set aside, because the Zoo will either have to improve the
21 animals' living conditions so that the Zoo complies with the minimum standards required by the
22 AWA, in order to obtain a new license, or, should it decide no longer to operate as a licensed
23 facility under the AWA, it will likely sell or otherwise transfer the animals to another zoo or
24 sanctuary where they can be provided humane care.

25 23. The Zoo has been operating for many years, and makes a substantial amount of
26 money from exhibiting animals to the public. Accordingly, it is likely that, for financial reasons,
27 the Zoo will want to either continue doing so in the future, or, alternatively will want to
28 minimize its economic losses by selling or transferring the animals to another facility should it

1 choose not to bring the facility into compliance with the applicable standards in order to
2 maintain an AWA license.

3 24. Plaintiff LISA K. KUEHL lives just north of Des Moines. Like her sister Tracey,
4 from her youngest memories of growing up on an Iowa farm in which she had both farmed
5 animals and pets, she has felt a connection of respect, stewardship and love for animals.

6 25. In June 2012, Lisa Kuehl visited the Zoo and experienced distress and anguish
7 from the conditions that she observed there. Some of the animals lacked drinking water, or were
8 drinking out of water receptacles that were very small for the animals' mouths. She observed
9 Angora rabbits with matted fur living in chicken coop enclosures with six to eight inches of
10 feces piled up underneath. She saw clumps of black and moldy hay everywhere, and it appeared
11 that the Zoo owners were feeding the hay to the animals. She also observed the lions and wolves
12 covered with flies, and she saw that flies filled up the interior of the animals' ears. She noted the
13 lions had bite marks from insects, with drops of blood on the lions' faces. While she was
14 visiting the Zoo, one of the lions – an excessively thin female – began retching and throwing up
15 a light brown substance. The conditions under which Ms. Kuehl observed the animals greatly
16 impaired her ability to enjoy observing the animals at the Zoo.

17 26. Because she cared about the animals she had observed at the Zoo and was
18 concerned about their conditions, health and welfare, Ms. Kuehl began spending significant time
19 trying to improve their situation. She met with many public officials and organizations to
20 discuss her concerns about the Zoo, including IDALS, Iowa State Veterinarians David Schmitt
21 and Randy Wheeler, and staff from Blank Park Zoo and the Animal Rescue League of Iowa.

22 27. Concerned about the animals' welfare, Ms. Kuehl returned in August 2012 to the
23 Zoo. She was upset to discover that the conditions at the Zoo were the same as her first visit.
24 She observed the baby baboon Obi at the entrance, separated from the other animals and being
25 continuously handled by humans. Ms. Kuehl observed Obi swarmed with flies on both of her
26 visits. She noted that the other primates' enclosures were filthy and the animals had expressions
27 that looked vacant and defeated. She also observed that the primate enclosures, as well as many
28 other cages and enclosures, had very little vegetation or other objects with which the animals

1 could interact or play. At this point, Ms. Kuehl developed a strong emotional bond with these
2 animals and resolved to help improve their conditions as much as possible.

3 28. In July 2013, Lisa Kuehl again returned to the Zoo to visit the animals. She found
4 that the conditions had not changed from the previous year, with cages becoming rusty and in
5 other forms of disrepair, food rotting in the heat and the obvious presence of rodents and insects.
6 The only difference was that instead of Obi greeting her as she entered the Zoo, there was a
7 raccoon in the entrance area. She soon learned that Obi had been confined by himself in an
8 enclosure. During the same visit, Ms. Kuehl also observed the red ruffed lemur housed by
9 himself. She also saw the ring tailed lemur housed in isolated confinement.

10 29. Because she appreciates and is emotionally attached to the particular animals at
11 the Zoo and is concerned about their welfare, Lisa Kuehl intends to continue visiting these
12 animals as often as possible, but wishes to see the animals in humane conditions. Every time she
13 goes back to see them, her senses are again assaulted by the inhumane conditions in which the
14 animals are held. However, because of her devotion to these animals, she cannot avoid such
15 aesthetic harm by discontinuing her visits to the animals. Defendants' decisions to permit the
16 Zoo to continue to exhibit animals under unlawful and inhumane conditions impair Ms. Kuehl's
17 aesthetic interests in enjoying these animals.

18 30. Lisa Kuehl's aesthetic and emotional interests will be redressed if she prevails in
19 this action because the Zoo will no longer be able to maintain a license under the AWA with
20 regard to its exhibition of animals without improving the animals' living conditions by bringing
21 them into compliance with the minimum standards required by the AWA, or, alternatively,
22 sending the animals to another facility where they will be treated more humanely.

23 **Defendants**

24 31. Defendant TOM VILSACK is the Secretary of the USDA and is responsible for
25 administering the AWA and insuring the humane care and treatment of animals used in
26 exhibition. Secretary Vilsack is ultimately responsible for the agency's decision to renew
27 Cricket Hollow Zoo's AWA license.

28

1 38. The Secretary’s standards set forth in 9 C.F.R. §§ 3.1–3.19 provide
2 “specifications for the humane handling, care, treatment, and transportation of dogs and cats.”

3 39. Potable water must either be “continually available to the dogs and cats” or
4 offered “as often as necessary to ensure their health and well-being,” and water receptacles must
5 be kept clean and sanitized. *Id.* §§ 3.10-3.11.

6 40. The Secretary’s standards set forth in 9 C.F.R. §§ 3.25–3.41 provide
7 “specifications for the humane handling, care, treatment, and transportation of guinea pigs and
8 hamsters.”

9 41. Unless food supplements provide guinea pigs or hamsters their normal water
10 requirements, “potable water shall be provided daily” except as required for veterinary care.
11 Receptacles must be placed in a way to avoid contamination, and must be sanitized when dirty
12 and at least once every two weeks. *Id.* § 3.30.

13 42. The Secretary’s standards set forth in 9 C.F.R. §§ 3.50–3.66 provide
14 “specifications for the humane handling, care, treatment, and transportation of rabbits.”

15 43. Primary enclosures for rabbits must be kept reasonably free of waste, hair,
16 cobwebs and other debris by periodic cleaning, including sanitization by washing enclosures
17 with hot water and soap and detergent or detergent solution every thirty days. *Id.* § 3.56.

18 44. The Secretary’s standards set forth in 9 C.F.R. §§ 3.75–3.92 provide
19 “specifications for the humane handling, care, treatment, and transportation of nonhuman
20 primates.”

21 45. Housing for primates must be structurally sound and in good repair to protect the
22 animals from injury, secure the animals, and restrict other animals from entering the enclosure.
23 This includes keeping housing and food or bedding storage areas free from accumulation of
24 trash and other waste materials. Surfaces within enclosures must be cleaned and sanitized or
25 removed or replaced when worn or soiled, and must be free of excessive rust, jagged edges or
26 sharp points. Hard surfaces with which primates come in contact must be spot-cleaned daily and
27 sanitized regularly to prevent waste accumulation or other disease hazards, and all other
28

1 surfaces must be cleaned and sanitized in order to meet general husbandry standards and
2 practice. *Id.* §§ 3.75, 3.81.

3 46. In addition, all animal and food waste, garbage, and any other waste must be
4 regularly collected to minimize contamination and disease risk. *See id.* §§ 3.75, 3.81.

5 47. Food and bedding for nonhuman primates must be kept from spoilage, including
6 using refrigeration for food that must be refrigerated. *Id.* § 3.75(e).

7 48. Housing conditions must have adequate heating, cooling, ventilation and lighting
8 for the well-being of the primates, as well as running potable water. *Id.* §§ 3.77, 3.80.

9 49. These standards also require exhibitors to develop, document, and follow an
10 appropriate plan for environment enhancement adequate to promote the psychological well-
11 being of nonhuman primates,” through social grouping and environmental enrichment. *Id.* §
12 3.81. For species known to exist in social groups, the plan must address the social needs of the
13 animals, in accordance with currently accepted professional standards. *Id.* Special attention for
14 environment enhancement must be provided to variously situated primates, including those that
15 are infants and young, showing signs of being in psychological distress through behavior or
16 appearance, or individually housed. *Id.*

17 50. Feces and food waste must be removed from inside each indoor primary enclosure
18 daily, and from underneath the enclosures as often as necessary in order to avoid excessive
19 accumulation, keep the primates clean, and reduce disease, insects, pests and odors. For species
20 that engage in scent marking, such as lemurs, hard surfaces must be spot-cleaned daily. *Id.* §
21 3.84(a). Full sanitization of hard surfaces of primary enclosures and food and water receptacles,
22 including either live steam under pressure, washing with hot water and soap or detergent, or
23 washing all soiled surfaces with appropriate detergent solutions or disinfectants, must occur at
24 least once every two weeks and as often as necessary to prevent accumulation of waste, feces or
25 disease hazards. *Id.* § 3.84(b). Enclosures must also be kept free of trash, junk, other waste, and
26 pests. *Id.* § 3.84(c)-(d).

27 51. The Secretary’s standards set forth in 9 C.F.R. §§ 3.125–3.142 provide
28 “specifications for the humane handling, care, treatment, and transportation of warm-blooded

1 animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and marine
2 mammals.”

3 52. Outdoor enclosures must protect animals from direct sunlight, inclement weather
4 and excess water on the ground. *Id.* § 3.127(a). The facilities must also have a perimeter fence
5 of sufficient height and strength to protect animals by restricting unauthorized humans or
6 animals from entering the enclosures, and to contain dangerous animals from escaping. *Id.* §
7 3.127(b).

8 53. Enclosures must be constructed and maintained to provide sufficient space to
9 allow each animal to make normal posture and social adjustments; inadequate space may be
10 indicated by “evidence of malnutrition, poor condition, debility, stress, or abnormal behavior
11 patterns.” *Id.* § 3.128.

12 54. All buildings and enclosures must be “kept clean and in good repair in order to
13 protect the animals from injury” and to facilitate AWA-prescribed husbandry practices,
14 including clearing accumulations of trash in order to protect animal health. *Id.* § 3.131(c).
15 Exhibitors must have a “safe and effective program for the control of insects, ectoparasites, and
16 avian and mammalian pests.” *Id.* § 3.131(d).

17 55. Feces must be removed from primary enclosures as often as necessary to prevent
18 animal contamination, minimize disease hazards and reduce odors. *Id.* § 3.131(a).

19 56. Food must be wholesome, palatable, free from contamination, and of sufficient
20 quantity and nutritive value to ensure all animals are maintained in good health, and animals
21 should be fed at least once a day unless otherwise necessary for hibernation, veterinary
22 treatment or other professionally accepted practices. *Id.* § 3.129(a). The receptacles for food
23 must be located so as to be accessible to all animals in an enclosure and to reduce
24 contamination; the receptacles must be kept clean and sanitary at all times. *Id.* § 3.129(b).

25 57. Potable water must either be “accessibly to the animals at all times” or provided
26 “as often as necessary for the health and comfort of the animal,” and water receptacles must be
27 kept clean and sanitized. *Id.* § 3.130.

28

1 65. The implementing regulations provide that “[t]he failure of any person to comply
2 with any provision of the Act, or any of the provisions of the regulations or standards”
3 promulgated pursuant to the Act “shall constitute grounds for denial of the license” application.
4 9 C.F.R. § 2.1(e).

5 **FACTS GIVING RISE TO THE COMPLAINT**

6 **The Cricket Hollow Zoo**

7 66. Cricket Hollow Zoo is a non-AZA accredited roadside menagerie owned and
8 operated by Tom and Pamela Sellner and located at 1512 210th Street in Manchester, Iowa. At
9 the Zoo, the Sellners confine, exhibit and deal in many species of wildlife and other animals,
10 including but not limited to lions, tigers, bears, baboons, lemurs, dogs, rabbits, pigs and a serval.

11 67. The USDA has designated Tom and Pamela Sellner, doing business as the Cricket
12 Hollow Zoo, as a Class C Exhibitor. The Zoo obtained its initial license on May 27, 1994, and
13 the USDA has renewed that license each year since. The most recent renewal was set to expire
14 on May 27, 2014.

15 68. In each annual “application for a license under the Animal Welfare Act,”
16 prospective licensees must “certify to the best of [their] knowledge [they are] in compliance
17 with all regulations and standards set forth” in the AWA regulatory scheme.

18 69. The Zoo has repeatedly falsely certified in its annual applications to renew its
19 license that it is in compliance with the AWA and its regulations.

20 70. The Zoo charges the public a fee to view the animals. It charges visitors
21 additional fees to play with and have photographs taken with baby tigers, as well as to buy what
22 appears to be dog food to feed to the bears, wolves and primates.

23 71. Many of the animals kept at the zoo are members of species listed as endangered
24 or threatened under the Endangered Species Act (“ESA”). By keeping listed animals in
25 conditions that fall well short of AWA standards and cause physical and psychological injury to
26 the animals, the Zoo also violates the ESA. Plaintiffs have sued the Zoo in an ESA citizen action
27 for the facility’s treatment of lemurs, tigers, gray wolves, African lions and a serval.
28

1 72. Nearly all of the animal enclosures at the Zoo are poorly maintained. As a result,
2 enclosures are structurally impaired, undersized, lack vegetation, contain a floor surface of
3 packed dirt and feces, fail to provide adequate shelter from weather and temperature, lack
4 appropriate lighting, and fail to provide adequate enrichment objects for the animals.

5 73. The Zoo also keeps open boxes of fruit and produce, which often become moldy and
6 overrun with flies. The Zoo often provides the old and moldy food to its animals.

7 74. Not all of the Zoo's animals survive Iowa's harsh weather in the Zoo's inadequate
8 enclosures. For example, one of the lions at the Zoo that had been observed with severely
9 protruding hip and spinal bones in October 2012 died soon thereafter. Three Meishan piglets
10 also died in their barren enclosure during cold weather in October 2013, despite the Zoo
11 owners' knowledge that the sow was due to give birth in an inadequate setting.

12 75. The Zoo's understaffing, inability to maintain the enclosures, and inability to care
13 for its animals all constitute violations of the AWA that harm primates, rabbits, dogs, guinea
14 pigs or hamsters, and other warm-blooded animals, including but not limited to the following
15 violations:

16 **The Zoo Animals Live in Unsanitary Enclosures that Accumulate Waste, Are Not Kept**
17 **Clean, and Are Not in Good Repair**

18 76. The AWA standards require (a) daily spot cleaning of primate enclosure surfaces
19 to avoid accumulating disease hazards, (b) the provision of sanitized food and water receptacles,
20 (c) pest control and (d) removal of animal waste from all enclosures. *See* 9 C.F.R. §§ 3.75, 3.84,
21 3.131.

22 77. The Zoo has an abysmal record of meeting the sanitation standards of the AWA
23 and its implementing regulations, as its enclosures are consistently piled with feces, and the
24 animals are forced to walk on packed layers of their own waste.

25 78. Failure to remove excess feces and other animal waste has a deleterious effect on
26 the Zoo animals. Accumulating waste increases the risk of disease transfer, and attracts flies that
27
28

1 bite the animals. Visitors to the Zoo have observed flies covering the lions' and wolves' ears
2 and noses.

3 79. Certain smells, such as the stench from accumulating feces, can lead animals to
4 express evidence of psychological harm, such as documented exhibitions of "neophobia," or the
5 fear of the new, and stress in young tigers exposed to catnip, as well as increased anxiety in
6 lemurs exposed to other animals' feces. *See Clark & King, A Critical Review of Zoo-based*
7 *Olfactory Enrichment, Chemical Signals in Vertebrates II* 391, 394 (2008).

8 80. Immediately prior to the Defendants' renewal of the Zoo's license on or around
9 May 8, 2014, feces and animal waste were piled up in many of the Zoo enclosures, including the
10 tiger and lemur enclosures.

11 81. Since the USDA renewed the Zoo's AWA license on or around May 8, 2014, the
12 USDA inspected the Zoo on May 21, 2014 and found unmanaged pile-ups of feces and other
13 waste in many enclosures. The inspection report noted the Zoo owner Sellner conceded that
14 many of the piles had "been there for a long time." Along with the accumulation of feces and
15 other waste, the USDA inspector observed an excessive number of flies present throughout the
16 entire facility. On June 1, 2014, a visitor to the Zoo also observed accumulating feces and
17 unmaintained conditions in a wide range of animal enclosures.

18 82. Immediately before, during and after Defendants' most recent decision to renew
19 the Zoo's AWA license, the Zoo showed that it simply cannot adequately remove feces and
20 animal waste at a steady rate and keep enclosures and food and water receptacles properly
21 sanitized.

22 **Potable Water is not Continually Available to the Animals, nor Does the Zoo Offer Water**
23 **as Often as Necessary to Ensure Health and Well-Being**

24 83. Under the Secretary's standards, potable water must be provided as often as
25 necessary for the health and comfort of the animals, and placed in clean, sanitary receptacles. 9
26 C.F.R. §§ 3.10, 3.30, 3.130.

1 84. The USDA has repeatedly cited the Zoo for failing to provide clean, potable water
2 to the animals as required by the standards, including in December 2011, June 2013 and
3 September 2013. The Zoo has not demonstrated an ability to consistently ensure that its animals
4 are drinking sufficient clean, potable water, and the Zoo had recurring violations of this standard
5 up until the date the USDA again decided to renew the Zoo’s AWA license in April 2014.

6 85. While visiting the Zoo in 2012 and 2013, Plaintiffs and other visitors observed
7 animals deprived of water on hot days, including cows who cried out for water, and dogs
8 drinking from water bowls empty of water and filled with refuse. Immediately after Defendants
9 renewed the Zoo’s AWA license, the Zoo continued to demonstrate that it could not provide
10 sufficient water for its animals, in flagrant violation of the AWA and the applicable regulations.
11 On May 21, 2014, USDA inspectors noted “direct” non-compliances related to the Zoo’s failure
12 to provide sufficient and potable water to guinea pigs, degus (brush-tailed rat), coyote,
13 porcupines and gerbils. In addition, on June 1, 2014, a Zoo visitor observed enclosures with
14 empty water receptacles.

15 86. A “direct” or “direct violation” is “one that has a high potential for adversely
16 affecting the health of an animal.” USDA Office of Inspector General, Audit Report 33002-4-
17 SF, APHIS Animal Care Program – Inspection of Problematic Dealers 8 (May 2010).

18 **The Nonhuman Primates Lack Sufficient Promotion of Psychological Well-Being**

19 87. The Secretary’s AWA standards require facilities like the Zoo to develop,
20 document and follow plans for adequate environmental conditions that promote psychological
21 well-being of nonhuman primates. *See* 9 C.F.R. § 3.81. Facilities must pay special attention to
22 social grouping, physical enrichment and the particular needs of infants, young juveniles,
23 individuals showings signs of psychological distress and individually housed primates. *Id.*

24 88. In addition, primates may not be housed with other species of primates or animals
25 unless they are compatible, do not prevent the other’s access to food, water, or shelter, and are
26 not known to be hazardous to the health and well-being of each other. *See id.* § 3.81(a)(3).
27
28

1 89. Primates that are social by nature that are deprived of social companions manifest
2 evidence of chronic stress, including elevated cortisol levels, arteriosclerosis, heart disease and
3 premature death. *See, e.g.,* Deborah Gust et al., *Relationship between Social Factors and*
4 *Pituitary-Adrenocortical Activity in Female Rhesus Monkeys (Macaca mulatta)*, 27 *Hormones &*
5 *Behavior* 318 (1993); Jaak Panskepp, *Affective Neuroscience: The Foundations of Human and*
6 *Animal Emotions* (1998); Cheney & Seyfarth, *Stress and coping mechanisms in female*
7 *primates*, 39 *Advances in the Study of Behavior* 1 (2009).

8 90. Many primates at the Zoo known to be social in the wild, and in particular, the
9 young baboon named Obi, suffer psychological harm because they are housed in isolation and in
10 insufficiently enriched housing -- as evidenced by their loss of hair from over-grooming and
11 other stereotypic behavior.

12 91. Stereotypic behavior is repetitive abnormal behavior that indicates the animal is
13 suffering severe psychological harm. Social primates deprived of the company of others of their
14 species, including those that are exhibited at the Zoo, suffer from numerous social pathologies,
15 including stereotypic behaviors like pacing, excessive self-grooming, the loss of hair and an
16 inability to form social bonds or rear their own offspring.

17 92. Since as early as 2005, the substandard conditions of housing at the Zoo have greatly
18 impaired the primates' psychological well-being.

19 93. In 2006, the USDA cited the Zoo for housing a carnivorous predator in the same
20 location as its primates. *See* 9 C.F.R. § 3.81(a)(3).

21 94. Inadequate enclosure conditions – ranging from keeping primates in social isolation
22 to lack of lighting, to feces-strewn cages – repeatedly recur at the Zoo. The Zoo has not altered or
23 added to the meager enrichment objects in the enclosures. As a result, the primates suck on their
24 toes, overly groom themselves, causing hair loss and wounds, and they pace, shriek and rattle their
25 cages. In September 2013, an inspector from the state agency IDALS found that “[t]here was some
26 over-grooming resulting in hair loss due to lack of enrichment, which was discussed at length with
27 the owner, Ms. Sellner.” Visitors have also observed animals at the Zoo missing hair, fur and
28 feathers.

1 95. Since at least 2005 and continuing to date, Obi, the lemurs, and many other
2 primates still live in isolation, cramped and dimly lit conditions, with no enhancement of their
3 enrichment objects. The solitary housing conditions of the social primates, coupled with
4 improper food provisions and care, result in the Zoo primates being highly stressed,
5 psychologically impaired, and very susceptible to disease. These conditions existed in May
6 2014, when Defendants again renewed the Zoo's AWA license.

7 **Understaffing and Mismanagement at the Zoo**

8 96. According to the AWA, exhibitors like the Zoo must ensure that a "sufficient
9 number of employees" are utilized to "maintain the prescribed level of husbandry practices set
10 forth in this subpart." 9 C.F.R. § 3.32; *see also id.* §§ 3.12, 3.57, 3.85, 3.132. Such practices
11 "shall be under the supervision of an animal caretaker who has a background in animal
12 husbandry or care." *Id.* § 3.32.

13 97. According to myriad USDA inspection reports, the Zoo does not have the staffing
14 resources to provide for even minimal ongoing care of its animals. In August 2011, USDA
15 inspectors found many instances of animals harmed by violations of the AWA and its
16 regulations. Noting that the Zoo then had 161 regulated animals under its care, the inspectors
17 wrote:

18
19 Giving consideration to the demands on the facility owners, the
20 number of animals, the species of animals, and inspection history; it
21 is apparent that there is *not a sufficient number of employees at this
22 facility*. This does not provide for the health and well-being of the
23 animals. The staffing level must be increased to include adequately
24 trained employees or the facility shall decrease the number of
25 animals until such point the present staff can accommodate the
26 needs of the animals.

27 (Emphasis added.)

28 98. Four months later, in December 2011, USDA inspectors returned and discovered
that, despite the Zoo's continued inability to provide staff to care for animals, the Zoo had
actually increased the number of regulated animals kept at the facility to 179.

1 99. In July 2013 the USDA again found that staffing at the Zoo was inadequate. A
2 USDA inspector wrote:

3 *There are not an adequate number of employees at the zoo. The*
4 *current and past inspection reports demonstrate that the work load*
5 *exceeds the staffing level. There are not enough attendants present*
6 *when the public has access to the animals, and there are not enough*
7 *employees to clean to meet appropriate husbandry standards. This*
8 *does not provide for the health and well-being of the animals. The*
9 *staffing level must be increased to include additional adequately*
10 *trained employees or the numbers of animals must be decreased to*
11 *the point so the present staff can accommodate the needs of the*
12 *animals and meet the requirements of the Animal Welfare Act.*

13 (Emphases added.)

14 100. Visitors to the Zoo consistently only observe one official working at the facility
15 during their visit – *i.e.*, Zoo owner Pamela Sellner, who collects money at the entry office.

16 101. The USDA’s first full inspection of the Zoo after the USDA renewed the Zoo’s
17 license occurred on May 21, 2014. The USDA cited two separate AWA regulations in noting
18 *twice* that the “high number of serious noncompliant items, including directs and repeated
19 problems, on [this] current inspection report demonstrates that the work load at the facility
20 continues to exceed the current staffing level.”

21 102. The chronic understaffing, inability to maintain enclosures, and inability to care
22 for the animals at the Zoo all result in continuous violations of many of the AWA standards that
23 apply to the Zoo.

24 **The Agency’s Repeated Renewal of the Zoo License Despite Persistent AWA Violations**

25 103. For more than a decade, the USDA has issued numerous citations and multiple
26 official warnings to the Zoo for numerous violations of the AWA and its regulations. The
27 agency also has fined the Zoo several thousands of dollars for AWA violations on two separate
28 occasions in 2007 and 2013.

 104. According to Pamela Sellner herself, the USDA has issued countless citations to
the Zoo for myriad violations of the AWA.

1 105. On December 15, 2004, the USDA sent an Official Warning to Tom and Pamela
2 Sellner for “Violation of Federal Regulations.” The warning described a litany of AWA
3 violations, including, *inter alia*: the Zoo’s “failure to maintain housing facilities for nonhuman
4 primates in good repair,” *see* 9 C.F.R. § 3.75(a); failure to provide adequate “shelter from
5 inclement weather,” *see id.* § 3.127(b); “failure to maintain food supplies wholesome and free
6 from contamination,” *see id.* § 3.129(a); and “failure to remove excreta from animal enclosures
7 as often as necessary to prevent contamination of the animals and to minimize disease hazards,”
8 as well as “adequately sanitize all animal enclosures,” *see id.* § 3.131(a)-(b).

9 106. In a November 2006, Defendant Gibbens stated that, “*it is clear that there is a*
10 *chronic management problem* at the facility, and, for whatever reason, the Sellners either do not
11 understand the regulations, are not willing to comply, or are not able to comply” (emphasis
12 added).

13 107. The USDA issued the Zoo a citation and a fine for \$3,750, which the Zoo
14 ultimately stipulated to and paid on April 19, 2007. The Zoo also stipulated to a suite of
15 violations of the AWA occurring in 2005 and 2006, including, *inter alia*, the Zoo’s failure to
16 clean enclosures from food and animal waste, failure to maintain shelter from the elements,
17 failure to maintain pen areas free of mud and standing water, failure to meet the social needs of
18 primates by housing them with a carnivorous predator in the same location, failure to provide
19 potable water, and inadequate veterinary care.

20 108. On May 26, 2011, just one day before the Zoo’s 2010 AWA license was set *to*
21 *expire*, the USDA sent another Official Warning to the Zoo for “Violation of Federal
22 Regulations.” The warning described “repeated failure to provide adequate veterinary care that
23 uses the appropriate methods to prevent, control, diagnose, and treat diseases and injuries,” as
24 well as “repeated failure to provide natural and artificial shelter appropriate to the local climatic
25 conditions for the species concerned” and “repeated failure to keep premises clean and in good
26 repair in order to protect the animals from injury and to facilitate prescribed husbandry
27 practices.”
28

1 109. Despite having found the Zoo in violation of numerous AWA standards, on or
2 about May 27, 2011, the USDA again renewed the Zoo's AWA license.

3 110. On April 9, 2012, Defendant Gibbens asked the USDA's Investigative and
4 Enforcement Services to investigate the Zoo. He stated that the "[f]acility has been in chronic
5 non-compliance since July 2010." He further stated that they Zoo was "issued a Warning Ticket
6 on May 26, 2011 for veterinary care and facilities," and that "[s]ince that time [it] ha[s] had
7 three routine inspections which record numerous citations. The inspection conducted on
8 December 8, 2011 cited a Direct for not having water available."

9 111. On May 23, 2012, despite the fact that Defendant Gibbens' had again
10 acknowledged that the facility was in patent violation of numerous AWA standards, Defendants
11 again renewed the Zoo's AWA license.

12 112. On April 29, 2013, the USDA issued another official citation and fined the Zoo.
13 As part of the settlement agreement regarding that matter, the Zoo stipulated that it was in
14 violation of several standards, and was assessed a civil penalty of \$6,857.

15 113. On May 8, 2013, despite the USDA's April 29, 2013 issuance of a citation and
16 fine against the Zoo for numerous violations of the AWA and its regulations, Defendants again
17 renewed the Zoo's AWA license.

18 114. Only months after the USDA's \$6,857 fine for inadequate treatment, care,
19 provision of food, and enclosures, in October 2013 a Zoo visitor discovered three dead piglets in
20 the Meishan pig enclosure. Zoo owner Pam Sellner told both the visitor and subsequent USDA
21 inspectors that she knew the mother pig was about to give birth but had not yet moved her into a
22 warm barn for that purpose.

23 115. In a May 23, 2014, letter to Plaintiff Tracey Kuehl, USDA APHIS Administrator
24 Shea stated that "since July 2013, Agency officials have inspected [the Zoo] facility four times
25 and cited the facility for noncompliant items related to outdoor facilities, environmental
26 enhancements, veterinary care, adequate numbers of qualified personnel, and handling of
27 animals. We recently opened another investigation as a result of the *numerous non-compliances*
28 found during these inspections" (emphasis added).

1 116. In December 2013, the USDA noted another “Direct” non-compliance for
2 Defendants’ failure to provide water to three chinchillas.

3 117. Almost a month before the date of the expiration of the Zoo’s license, on April
4 30, 2014, Plaintiffs filed a lengthy submission with USDA urging it not to renew the Zoo’s
5 license when it expired, including a detailed recitation of how the conditions under which the
6 Zoo animals are kept violate various AWA standards. The submission included numerous
7 exhibits, including the USDA’s own internal documents demonstrating that the Zoo was
8 currently in violation of several standards and has been for many years. The submission was
9 also supported by declarations from leading experts on the welfare of lemurs, baboons and big
10 cats, which detailed the physical and psychological harm that the animals suffer as a result of
11 the poor conditions in which they are maintained.

12 118. In a letter dated June 3, 2014, USDA APHIS Deputy Administrator for Animal
13 Care Chester Gipson stated that despite Plaintiffs’ request that the USDA not renew the Zoo’s
14 AWA license, Defendants found that the Zoo had “met the AWA regulatory requirements for
15 renewal of its license by submitting a renewal application and applicable fees on or before the
16 expiration date of its current license,” and that “[t]herefore, [the Zoo’s] license was renewed on
17 April 27, 2014.”

18 119. Plaintiffs later obtained the Zoo’s 2014 exhibitor license application. According
19 to the license application form, the Sellners submitted the form on May 6, 2014. The USDA did
20 not mark the Zoo’s license application as “received” until May 8, 2014.

21 120. APHIS’ statement that the license was renewed on April 27, 2014 is not borne
22 out by its own record, which demonstrate that it did not even receive the application for renewal
23 until May 8, 2014.

24 121. On May 21, 2014, USDA officials again identified numerous violations of AWA
25 standards at the Zoo. In its most damning inspection report of the Zoo, the USDA noted
26 nineteen total non-compliances, eleven repeat non-compliances and three “Direct” non-
27 compliances – the most “Directs” that the Zoo has received in a single inspection. The Direct
28 non-compliances concerned the failure to make potable water available in five separate

1 enclosures, and the lack of veterinary care for animals suffering hair loss, raw skin and
2 overgrown hooves.

3 122. On August 5, 2014, USDA officials conducted another routine inspection of the
4 Zoo. The inspection report noted thirteen total non-compliances, including eight repeat non-
5 compliances. The Zoo again demonstrated a failure to provide adequate veterinary care, failure
6 to remove animal feces and food waste from animal enclosures, and failure to provide potable
7 water to the animals.

8 123. As demonstrated by Dr. Gipson's June 3, 2014 letter referenced in paragraph 118,
9 when deciding whether to renew a facility's license under the AWA the USDA does not
10 consider any evidence that the facility is in violation of the statute or the agency's implementing
11 standards.

12 124. USDA APHIS Eastern Region Director Elizabeth Goldentyer also made clear in
13 a declaration filed in litigation in the District Court of the Eastern District of North Carolina that
14 when deciding whether to renew an AWA license the USDA does not consider evidence that a
15 facility is violating the AWA standards, and that such evidence is completely irrelevant to such
16 decisions. According to Dr. Goldentyer, "there is no demonstration of compliance required to
17 renew an existing license," and public complaints "are not reviewed or considered during the
18 license renewal process."

19 125. Based on past practice, and the USDA's own declared policy and practice with
20 respect to renewing licenses under the AWA, on information and belief, the agency will
21 continue to renew the Zoo's license next year and again in years to come, regardless of whether
22 the Zoo continues to be in flagrant violation of applicable AWA standards.

23 **CLAIMS FOR RELIEF**

24 **Claim One: Challenge to the May 2014 License Renewal**

25 126. Each and every allegation set forth above is incorporated herein by reference.

26 127. In making the most recent decision to renew Cricket Hollow Zoo's license despite
27 the facility's chronic failure to comply with the AWA and its implementing regulations,
28 Defendants acted in violation of the plain language of the AWA which provides that "no such

1 license shall be issued” unless the facility can demonstrate that it is in compliance with all
2 applicable standards, 7 U.S.C. § 2133, and acted in a manner that is arbitrary and capricious, an
3 abuse of discretion and otherwise not in accordance with law, within the meaning of the APA.
4 *See* 5 U.S.C. § 706(2)(A).

5 128. The decision to renew Cricket Hollow Zoo’s AWA license exceeds Defendants’
6 statutory jurisdiction and authority, within the meaning of the APA. *See* 5 U.S.C. § 706(2)(C).

7 129. Defendants’ unlawful actions injure Plaintiffs in the manner specified in the
8 allegations set forth above.

9 **Claim Two: Challenge to the Agency’s Unlawful Pattern and Practice**

10 130. Each and every allegation set forth above is incorporated herein by reference.

11 131. Defendant USDA’s pattern and practice of routinely renewing Cricket Hollow
12 Zoo’s license each year just prior to its expiration date, despite the facility’s flagrant violation
13 of numerous AWA standards that apply to exhibition of animals at the Zoo, violates the plain
14 language of the AWA, and is arbitrary and capricious, an abuse of discretion and not in
15 accordance with law, within the meaning of the APA. *See* 5 U.S.C. § 706(2)(A).

16 132. The pattern and practice of decisions to annually renew Cricket Hollow Zoo’s
17 AWA license also exceeds the USDA’s statutory jurisdiction and authority, within the meaning
18 of the APA. *See* 5 U.S.C. § 706(2)(C).

19 133. Defendant USDA’s unlawful actions injure Plaintiffs in the manner specified in
20 the allegations set forth above.

21
22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs respectfully request that this Court:

24 1. Declare that Defendants acted arbitrarily and capriciously and not in accordance
25 with law, abused their discretion, and exceeded their statutory jurisdiction and authority when
26 they:

27 a. Renewed AWA Certificate No. No. 42-C-0084 on April 27, 2014;

28 b. Renewed AWA Certificate No. 42-C-0084 in each previous year despite

- 1 documenting repeated, uncorrected violations of the Animal Welfare Act, 7
2 U.S.C. § 2131, *et seq.* and its implementing regulations, 9 CFR Ch. 1;
- 3 c. Engaged and continue to engage in the pattern and practice of renewing
4 licenses under the AWA without regard to whether the applicant for renewal
5 is operating in violation of applicable AWA standards;
- 6 2. Set aside as unlawful the USDA's April 27, 2014, decision to renew Tom and
7 Pamela Sellner's Class C Exhibitor License, AWA Certificate No. No. 42-C-0084;
- 8 3. Order Defendants to refrain from renewing Tom and Pamela Sellner's Class C
9 Exhibitor License, AWA Certificate No. No. 42-C-0084, unless and until Tom and Pamela
10 Sellner can demonstrate compliance with the Animal Welfare Act, 7 U.S.C. § 2131, *et seq.* and
11 its implementing regulations, 9 C.F.R. Ch. 1;
- 12 4. Award Plaintiffs their reasonable attorney fees and costs in this action, and;
- 13 5. Grant Plaintiffs such other and further relief the Court may deem just and proper.

14 Dated: September 23, 2014

Respectfully submitted,

15
16 /s Carter J. Dillard
Carter J. Dillard
17 DC Bar No. 492945
cdillard@aldf.org

18
19 s/ Jessica L. Blome
Jessica L. Blome, *pro hac vice*
20 MO Bar No. 59710
jblome@aldf.org
21 ANIMAL LEGAL DEFENSE FUND

22
23 s/ Katherine A. Meyer
Katherine A. Meyer
24 DC Bar No. 244301
katherinemeyer@meyerglitz.com
25 MEYER GLITZENSTEIN & CRYSTAL
1601 Connecticut Avenue NW, Suite 700
26 Washington, DC 20009
202.588.5206

27 Attorneys for Plaintiffs
28