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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Colleton County
Carmen T. Mullen, Circuit Court Judge

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SC Court of Appeals

CASE NO. 2017-001017

LYNNE VAN HOUSE, APPELLANT

V.

COLLETON COUNTY, RESPONDENT

RECORD ON APPEAL

VOLUME NO. 2

Lynne Van House
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195 F. Supp. 68 (1961)
Chester A. MILEWSKI, Plaintiff,
v.
ROFLAN COMPANY, Defendant.
Civ. A. No. 59-705-C.

United States District Court D. Massachusetts.
June 13, 1961.

***69** Maurice F. Maher, Boston, Mass., for plaintiff.

Martin W. Cohen, Boston, Mass., for defendant.

CAFFREY, District Judge.

This is an action of contract brought by Chester A. Milewski, a citizen of the State of New Jersey, against The Roflan Company, a corporation organized under the laws of the Commonwealth of Massachusetts, with a principal place of business located in Topsfield, Massachusetts. Plaintiff alleges that the matter in controversy exceeds the sum of $10,000 and bases his action upon an alleged written agreement executed by the parties on or about June 24, 1955, under the terms of which plaintiff claims that he was to act as exclusive sales representative for the defendant corporation in the Philadelphia area. Plaintiff alleges performance on his part and breach on the part of the defendant.

The defendant has answered, in substance has denied plaintiff's affirmative allegations, and has counterclaimed for damages based on an alleged breach of loyalty on the part of plaintiff.

The action was filed on September 11, 1959, and thereafter the parties through their counsel engaged in certain pretrial discovery, consisting of the filing and answering of interrogatories, filing and argument of motions, etc. On December 7, 1960, the plaintiff and the president of the defendant corporation, with their respective attorneys, met at the courthouse in Springfield, Massachusetts, for the purpose of taking the deposition of the plaintiff. A stenographer was present for this purpose. Prior to the commencement of the actual taking of the deposition, a conference took place between Attorneys Sokol and Teahan, the then attorneys of record for plaintiff, and Attorney Cohen, counsel for defendant. The attorneys discussed the possible out-of-court settlement of this case. After this conference the attorneys conferred with their respective clients for some period and then returned for a further discussion amongst the attorneys. After this second conference among the attorneys they again returned to their respective clients, each of whom was physically present in the courthouse, and after the second conference between the attorneys and their respective clients, a third and final conference of the attorneys alone took place. At this final conference, Attorney Teahan informed Attorney Cohen that the plaintiff would accept Two Thousand Dollars ($2,000) in full settlement of the case, and the attorneys agreed that papers would be executed disposing of both the claim and the counterclaim. It was further agreed that the necessary papers and releases would be prepared by Attorney Cohen.

Thereafter, Attorney Cohen, after conferring with the deputy clerk of this court, prepared releases and an agreement for judgment, and forwarded same to Attorney Sokol. These papers were never returned, executed or unexecuted, to Attorney Cohen. After some period of time Attorney Sokol advised Attorney Cohen that his client was busy and stated that the papers would be returned in a week or so. As time went by, plaintiff refused to execute the papers, and Attorneys Sokol and Teahan withdrew their appearances as counsel for the plaintiff, Attorney Sokol specifically basing his motion for leave to withdraw his appearance on the fact that the plaintiff had failed to cooperate with him.

The defendant has filed a motion for judgment in which it seeks in effect an order requiring the plaintiff to accept the $2,000 tendered by defendant in full settlement of the case and an order directing plaintiff to execute a release of his cause of action in exchange therefor. It is defendant's position that the

various conferences above-described amount to a contractual undertaking on the part ***70** of plaintiff to compromise this litigation in consideration of a cash payment of $2,000. Plaintiff now resists the motion on the grounds of lack of authority on the part of Attorneys Sokol and Teahan to bind him to such an undertaking. Defendant's counsel filed a memorandum of law in support of the motion for judgment, but cited no Massachusetts cases which tend to establish the authority of Attorneys Sokol and Teahan to bind the plaintiff by the oral agreement of settlement of the case which they made with Attorney Cohen.

I find as a fact that Attorney Cohen was informed on December 7, 1960, by Attorneys Sokol and Teahan, that the plaintiff had agreed to settle the case for $2,000. I likewise find that Attorneys Sokol and Teahan were acting in good faith on their part in so advising Attorney Cohen. I rule that whether or not an enforceable contract was made is a matter to be determined by the law of the Commonwealth of Massachusetts. In Hahn v. Loker, 229 Mass. 363, at page 365, 118 N.E. 661, at page 662, L.R.A. 1918D, 807, the Massachusetts Supreme Judicial Court stated:

"'The weight of authority in this country seems to be against' the authority of an attorney at law by virtue of his employment to agree to a compromise of a suit out of court without his client's sanction."

This position was reiterated in a more forceful manner in Precious v. O'Rourke, 270 Mass. 305, at page 308, 170 N.E. 110, at page 111, where the Massachusetts court said:

*"It was not within the general powers of the attorney employed to represent the plaintiff in the litigation to settle the plaintiff's cause of action by entering into the compromise agreement for judgment and judgment satisfied filed in the case * * *. When the attorney undertakes to bind his client by an agreement to compromise his client's substantial rights, the opposing party must ascertain at his peril whether the attorney has the authority to make the settlement."*

To the same effect, see Friedberg v. Jablon, 287 Mass. 510, at page 514, 192 N.E. 49, at page 51, where the court said,

"[An attorney] cannot do things which impair the cause of action without specific authority from his client."

In the absence of any evidence that the $2,000 figure was approved by the plaintiff, or that the plaintiff was a party to the conversation between the attorneys at the time the $2,000 settlement was agreed upon by the attorneys, and in the absence of any evidence of ratification or adoption of the settlement by the plaintiff, the motion for judgment upon the alleged agreement to compromise must be denied.

United States Supreme Court

MILLER v. UNITED STATES, (1958)

No. 126

Argued: January 28, 1958 Decided: June 23, 1958

In the District of Columbia, officers without a warrant knocked on the door of petitioner's apartment and upon his inquiry, "Who's there?" replied in a low voice, "Police." Petitioner opened the door but quickly tried to close it, whereupon the officers broke the door, entered, arrested petitioner and seized marked bills which were later admitted as evidence over petitioner's objection at a trial in which he was convicted of violations of the narcotics laws. Held: Petitioner could not lawfully be arrested in his home by officers breaking in without first giving him notice of their authority and purpose, the arrest was unlawful, the evidence seized was inadmissible, and the conviction is reversed. Pp. 302-314.

(a) The validity of an arrest without a warrant for violation of federal law by local peace officers is to be determined by reference to local law. Pp. 305-306.
(b) Under District of Columbia law, peace officers, otherwise authorized to break the door of a home to make an arrest, may do so only if denied admittance after notice of their authority and purpose. Pp. 306-310.
(c) Since no express announcement was made and since the evidence in this case was not sufficient to prove that petitioner knew the purpose of the arresting officers, the arrest was unlawful. Pp. 310-313.
100 U.S. App. D.C. 302, 244 F.2d 750, reversed.

De Long Harris argued the cause and filed a brief for petitioner.

Leonard B. Sand argued the cause for the United States. On the brief were Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg. [357 U.S. 301, 302]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Petitioner, William Miller, together with Bessie Byrd and her brother, Arthur R. Shepherd, was tried and convicted in the District Court for the District of Columbia for conspiracy to commit violations, and violations, of the federal narcotics laws. 26 U.S.C. (Supp. V) 4704 (a), 21 U.S.C. 174, 18 U.S.C. 371. The Court of Appeals for the District of Columbia Circuit affirmed, one judge dissenting, 100 U.S. App. D.C. 302, 244 F.2d 750. We granted certiorari, 353 U.S. 957 , to determine whether evidence seized at the time of petitioner's arrest was properly admitted against the petitioner. The evidence was $100 of marked currency which was seized by the federal officers who arrested the petitioner and Bessie Byrd at their apartment.

On March 25, 1955, at 1:35 a. m., Clifford Reed was arrested, under an arrest warrant, on a Washington, D.C., street on suspicion of narcotics offenses. Reed revealed to Wilson, a federal narcotics agent, that he purchased heroin in 100-capsule quantities from the petitioner through Shepherd. Agent Wilson knew of the petitioner as one who had trafficked in narcotics and had been convicted for a narcotics offense in 1953. Reed said that he was to meet Shepherd later that morning to make a purchase. Agent Wilson enlisted his aid to apprehend Shepherd and the petitioner. About 3 a. m. another federal narcotics agent, Lewis, carrying $100 of marked currency, went with Reed in a taxicab to Shepherd's home. Reed introduced Lewis to Shepherd as a buyer. Shepherd accepted the $100 and agreed to secure 100 capsules of heroin from the petitioner and deliver them to Lewis at Reed's apartment. Shepherd proceeded alone in the taxicab to the petitioner's apartment. [357 U.S. 301, 303]

The taxicab was followed by agent Wilson, officer Wurms of the Metropolitan Police Department, and other officers in police cars. 1 Shepherd was seen to leave the taxicab in front of the apartment house where the petitioner and Bessie Byrd occupied a two-room-and-bath basement apartment. The taxicab waited. Shepherd entered the basement but agent Wilson, who looked into the basement hall, could not see where he went. Shepherd came out of the basement within a few minutes and re-entered the taxicab. The taxicab was proceeding toward Reed's apartment when the officers following in the police cars intercepted it. Shepherd was arrested and searched. He did not have the marked bills on his person but admitted to agent Wilson and officer Wurms that a package of 100 capsules of narcotics found under the taxicab's front seat was put there by him when the police cars stopped the taxicab. He said that he had taken the package from behind a fire extinguisher in the basement hall where he had been sent by a "fellow" with Reed who had promised him $10 for getting it.

The federal officers returned immediately to the apartment building. About 3:45 a. m. agent Wilson and officer Wurms went to the door of the petitioner's apartment. Officer Wurms knocked and, upon the inquiry from within - "Who's there?" - replied in a low voice, "Police." The petitioner opened the door on an attached door chain and asked what the officers were doing there. Before either responded, he attempted to close the door. Thereupon, according to officer Wurms, "we put our hands inside the door and pulled and ripped the chain off,[357 U.S. 301, 304] and entered." *The officers had no* arre st or *search warrant. They did not expressly demand admission or state their purpose for their presence, 3 nor did they place the petitioner under arrest until after they entered the apartment.*

The petitioner's argument breaks down into three contentions: (1) that the officers had no probable cause to arrest the petitioner without a warrant; (2) that the search was not justified as being an incident of a lawful arrest; (3) that the arrest, and therefore the search, was in any event unlawful because the officers broke the door of petitioner's home without first giving notice of their authority and purpose in demanding admission. If any one of these contentions prevails, it is agreed that the marked money was inadmissible in evidence. In the view we take, we need consider only petitioner's third contention.

But the Government agrees with petitioner that the validity of the entry to execute the arrest without warrant must be tested by criteria identical with those embodied in 18 U.S.C. 3109, which deals with entry to execute a search warrant. 5 That section provides that an officer, executing a search warrant, may break open a door only if, "after notice of his authority and purpose," he is denied admittance. The Government states in its brief that, "where an arrest is made on probable cause rather than a warrant, these statutory requirements must be met before an officer can force entry into an apartment."

From earliest days, the common law drastically limited the authority of law officers to break the door of a house [357 U.S. 301, 307] to effect an arrest. **6** Such action invades the precious interest of privacy summed up in the ancient adage that a man's house is his castle. As early as the 13th Year-book of Edward IV (1461-1483), at folio 9, there is a recorded holding that it was unlawful for the sheriff to break the doors of a man's house to arrest him in a civil suit in debt or trespass, for the arrest was then only for the private interest of a party. Remarks attributed **7** to William Pitt, Earl of Chatham, on the occasion of debate in Parliament on the searches incident to the enforcement of an excise on cider, eloquently expressed the principle:

"The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England cannot enter - all his force dares not cross the threshold of the ruined tenement!"

"The claim and exercise of a fundamental right cannot be converted into a crime"

Miller v. Mueller ,343 A.2d 922

MARIE DOROTHY MILLER v. LOIS H. MUELLER.

No. 1093, September Term, 1974.

Court of Special Appeals of Maryland.

Decided December 9, 1975

The cause was argued before MOYLAN and LOWE, JJ., and *142 JOHN C. ELDRIDGE, Associate Judge of the Court of Appeals of Maryland, specially assigned.

Sidney Blum for appellant.

Paul Mark Sandler for appellee.

ELDRIDGE, J., delivered the opinion of the Court.

This case concerns the authority of an attorney to enter into a contract for the sale of his client's property.

Lois Mueller and Marie Miller are sisters. In 1969, they acquired a parcel of real estate, improved by a house, as joint tenants, assuming an existing mortgage on the property. Differences arose between the sisters, and in January 1961 Lois Mueller moved from the house. Marie Miller has made the mortgage payments on the property since February 1971. In the latter part of 1971 Lois Mueller was approached by Sidney Blum, an attorney, in the clerk's office of the Circuit Court of Baltimore City where she was employed. Blum told Mrs. Mueller that he represented her sister who was having difficulty in making the mortgage payments. Mrs. Mueller replied that she would make the mortgage payments if she could have access to the house. Mr. Blum said nothing and left. Mrs. Mueller was again approached by Mr. Blum in the beginning of 1973, and he asked what amount she would take in settlement. She told Blum that she did not know what she would take and that an appraisal would be necessary.

In February 1973, Mrs. Mueller spoke with John P. O'Ferrall, an attorney and an auditor in chancery for the Supreme Bench of Baltimore City, when he visited the clerk's office in his official capacity. The two were friends, and Mrs. Mueller told him of her difficulties with her sister and her conversations with Mr. Blum. She asked him to help her reach a settlement with her sister, and they discussed the value of the property and a possible sale price. O'Ferrall sent Blum a letter, dated February 27, 1973, stating that he represented Lois Mueller and that she would convey her interest in the real estate for $4,750. Enclosed with the letter *143 was a sheet prepared by Mrs. Mueller showing the expenditures

she had made for house repairs and her share of the down payment and mortgage payments. These expenditures and payments totaled $4,750, the price quoted in the letter. No copy of this letter was sent to Mrs. Mueller, but O'Ferrall testified that he did tell Mrs. Mueller that he had passed her suggestion on to Mr. Blum.

Blum wrote to O'Ferrall on August 21, 1973, stating that Mrs. Miller had agreed to pay Lois Mueller $2,500 for her interest in the property and that settlement had been set for August 24, 1973. According to O'Ferrall, he called Lois Mueller the day he received the letter from Blum to inform *144 her of the settlement. He requested that she come to his office to sign a power of attorney so that she would not have to attend the settlement. She told him that she had not authorized such a settlement and that she would not sign a power of attorney to sell her interest for $2,500. When, during the telephone conversation in August 1973, Mrs. Mueller told O'Ferrall that she would not settle for $2,500, O'Ferrall informed her that he could no longer act as her attorney. She asked him for a bill, but he replied that she owed him nothing. Mr. O'Ferrall brought Mrs. Mueller the file concerning the case, and she testified that this was the first time she had seen either the February 27 or July 9 letters. Lois Mueller did not attend the settlement scheduled for August 24.

Marie Miller filed a bill of complaint in the Circuit Court for Baltimore County, seeking specific performance as well as damages.

"It is well established that absent some expressed authority, the attorney has no implied power to make, enter into, or alter a contract on behalf of his client"

United States Supreme Court

MIRANDA v. ARIZONA, (1966)

No. 759

Argued: Decided: June 13, 1966

1. The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the Fifth Amendment's privilege against self-incrimination. Pp. 444-491.

2. The limitations on the interrogation process required for the protection of the individual's constitutional rights should not cause an undue interference with a proper system of law enforcement, as demonstrated by the procedures of the FBI and the safeguards afforded in other jurisdictions. Pp. 479-491.

3. In each of these cases the statements were obtained under circumstances that did not meet constitutional standards for protection of the privilege against self-incrimination. Pp. 491-499.

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

The cases before us raise questions which go to the roots of our concepts of American criminal jurisprudence: the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime. More specifically, we deal with the admissibility of statements obtained from an individual who is subjected to custodial police interrogation and the necessity for procedures which assure that the individual is accorded his privilege under the Fifth Amendment to the Constitution not to be compelled to incriminate himself. [384 U.S. 436, 440]

"Another fundamental right I then contended for, was, that no man's conscience ought to be racked by oaths imposed, to answer to questions concerning himself in matters criminal, or pretended to be so." Haller & Davies, The Leveller Tracts 1647-1653, p. 454 (1944).

"In criminal trials, in the courts of the United States, wherever a question arises whether a confession is incompetent because not voluntary, the issue is controlled by that portion of the Fifth Amendment . . . commanding that ***no person `shall be compelled in any criminal case to be a witness against himself.'***"

An attorney is compelled by law and oath to defend his client's constitutional rights.

U.S. Supreme Court

Murdock v. Pennsylvania, 319 U.S. 105 (1943)

Murdock v. Pennsylvania

No. 480

Argued March 10, 11, 1943

Decided May 3, 1943*

319 U.S. 105

Syllabus

1. A municipal ordinance which, as construed and applied, requires religious colporteurs to pay a license tax as a condition to the pursuit of their activities, is invalid under the Federal Constitution as a denial of freedom of speech, press and religion. Pp. 319 U. S. 108-110.

2. The mere fact that the religious literature is "sold", rather than "donated" does not transform the activities of the colporteur into a commercial enterprise. P. 319 U. S. 111.

3. Upon the record in these cases, it cannot be said that "Jehovah's Witnesses" were engaged in a commercial, rather than in a religious, venture. P. 319 U. S. 111.

4. A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution. P. 319 U. S. 113.

5. The flat license tax here involved restrains in advance the Constitutional liberties of press and religion, and inevitably tends to suppress their exercise. P. 319 U. S. 114.

6. That the ordinance is "nondiscriminatory," in that it applies also to peddlers of wares and merchandise, is immaterial. The liberties guaranteed by the First Amendment are in a preferred position. P. 319 U. S. 115.

7. Since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state authority, the inquiry as to whether the State has given something for which it can ask a return is irrelevant. P. 319 U. S. 115.

8. A community may not suppress, or the State tax, the dissemination of views because they are unpopular, annoying, or distasteful. P. 319 U. S. 116.

Page 319 U. S. 106

9. The assumption that the ordinance has been construed to apply only to solicitation from house to house cannot sustain it, since it is not narrowly drawn to prevent or control abuses or evil arising from that particular type of activity. P.319 U. S. 117.

149 Pa.Super. 175, 27 A.2d 666, reversed.

State ex rel. Montgomery v. Goldstein,

109 Or. 497, 220 P. 565, 567 (1923).

From: The Journal of the Legal Profession:

An attorney will have no authority whatsoever to bind interests or waive rights of a person as his client until that person retains or employs him or until he is assigned by the court to be that person's co~nsel.~ In most instances it is said that employment or retainer of a lawyer for one purpose gives that attorney no authority regarding matters separate and collateral to the employment or the accomplishment of its objective.Because the attorney serves as a special agent,' the scope of his authority is confined to only those actions necessary to accomplish the specific purpose for which he is emplayed. As a result of his employment, retainer, or assignment to the case, the attorney will have implied authority in regard to the general conduct of litigation to do or take all steps or actions which are necessary or incidental to the orderly prosecution, defense, or conduct of litigation or court proceeding^.^ This implied authority includes the power to bind the client's interests in some areaslo and waive certain of the client's rights." These implied powers, however, are limited only to matters of procedure or remedies and may not be used to impair a client's substantive rights or the cause of action.12 Thus within the sphere of counsel's implied authority to bind his client are the choice of proceedings, manner of trial and the like.':{ If, however, the result of the exercise of the attorney's authority would clearly be a denial of due process to the client, the attorney's actions do not bind the client.14 Judson v. State, 227 So. 2d 554 (Fla. Dist. Ct. App. 1969) (defendant denied effective appellate review because attorney failed to file insolvency affidavit would be allowed full appellate review by means of habeas corpus).

"An attorney at law . . . is a special agent limited in duty and authority to the vigilant prosecution or **defense of the rights of his client."**

United States Court of Appeals,Sixth Circuit.

Tanya MIXON, Denise Thomas, and the National Association for the Advancement of Colored People, Plaintiffs-Appellants, v. The STATE OF OHIO and Michael White, Mayor of the City of Cleveland, Defendants-Appellees.

No. 98-3368.

Decided: September 30, 1999

Before: KEITH, KENNEDY, and GILMAN, Circuit Judges.

OPINION

Plaintiffs in these two consolidated cases are voters and taxpayers of the Cleveland School District who seek to have Ohio Substitute House Bill 269 ("H.B.269") declared unconstitutional.1 H.B. 269 changed the composition and number of the Cleveland School Board by allowing the Mayor of Cleveland to appoint a new school board for the Cleveland School District, consisting of Cleveland and four adjacent areas. Prior to this legislation, school district residents voted in a public election for school board members. Plaintiffs brought claims under (i) the Equal Protection Clause of the United States Constitution; (ii) 42 U.S.C. § 1983, alleging violations of the Equal Protection Clause of the United States Constitution, (iii) the Voting Rights Act, 42 U.S.C. § 1971, (iv) the Ohio Constitution and (v) Ohio common law. After careful consideration of the merits of this case, we agree with the district court's well-reasoned determinations. We hold, however, that the Eleventh Amendment bars the state law and federal Equal Protection claims against the State of Ohio and we DISMISS those claims. We AFFIRM the district court in all other respects.

I. BACKGROUND

The history behind this case is detailed and complex, stretching back nearly twenty years to a time when a federal district court in Ohio issued a desegregation order for the Cleveland public schools. On August 31, 1976, Federal District Court Chief Judge Battisti, after a lengthy bench trial, determined that the Ohio and Cleveland Boards of Education, the Cleveland School District, the Ohio Department of Education, and the State Superintendent had condoned and contributed to a policy of segregation in the Cleveland public schools. That same day, he permanently enjoined the board of education "from discriminating on the basis of race in the operation of the public schools of the City of Cleveland, and from creating, promoting, or maintaining racial segregation in any school or other facility in the Cleveland School System." Reed v. Rhodes, 422 F.Supp. 708, 797 (N.D.Ohio 1976).

A. Standard of Review

We review de novo a district court's grant of a motion for judgment on the pleadings under Fed.R.Civ.Pro. 12(c) in the same manner as a motion to dismiss under Rule 12(b)(6). See Grindstaff v. Green, 133 F.3d 416, 421 (6th Cir.1998). ***We "construe the complaint in the light most favorable to the plaintiff[s] . and determine whether the plaintiff[s] undoubtedly can prove no set of facts in support of the claims that would entitle [them to] relief." Id. We accept all of Plaintiffs' factual allegations as true, United States v. Moriarty, 8 F.3d 329, 332 (6th Cir.1993), but we need not accept as true legal conclusions or unwarranted factual inferences. Morgan v. Church's Fried Chicken, 829 F.2d 10, 12 (6th Cir.1987).9***

Munn v.Illinois, 94 U.S. 113 (1876)

The case developed as a result of the Illinois legislature's responding in 1871 to pressure from the National Grange, an association of farmers, by setting maximum rates that private companies could charge for the storage and transport of agricultural products. The Chicago grain warehouse firm of Munn and Scott was subsequently found guilty of violating the law but ***appealed the conviction on the grounds that the Illinois regulation represented an unconstitutional deprivation of property without due process of law.***

The Supreme Court heard the appeal in 1877. Chief Justice Morrison Remick Waite spoke for the majority when he said that state power to regulate extends to private industries that affect the public interest. Because grain storage facilities were devoted to public use, their rates were subject to public regulation. Moreover, Waite declared that even though Congress alone is granted control over interstate commerce, a state could take action in the public interest without impairing that federal control. **Munn v. Illinois,** one of the Granger cases (see Granger movement), **was a watershed in the struggle for *public regulation of private enterprise.*** Later court decisions, however, sharply *curtailed the government's power to regulate business.*

"The State cannot deprive a citizen of his private property without due process of law"

U.S. Supreme Court

Murdock v. Pennsylvania, 319 U.S. 105 (1943)

No. 480

Argued March 10, 11, 1943

Decided May 3, 1943*

The mere fact that the religious literature is "sold", rather than "donated" does not transform the activities of the colporteur into a commercial enterprise. P. 319 U. S. 111.

Upon the record in these cases, it cannot be said that "Jehovah's Witnesses" were engaged in a commercial, rather than in a religious, venture. P. 319 U. S. 111.

1. A municipal ordinance which, as construed and applied, requires religious colporteurs to ***pay a license tax as a condition to the pursuit of their activities,*** is invalid under the Federal Constitution as ***a denial of freedom of speech, press and religion.*** Pp. 319 U. S. 108-110.

That the ordinance is "nondiscriminatory," in that it applies also to peddlers of wares and merchandise, is immaterial. ***The liberties guaranteed by the First Amendment are in a preferred position. P. 319 U. S. 115.***

Since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state authority, the inquiry as to whether the State has given something for which it can ask a return is irrelevant. P. 319 U. S. 115.

A community may not suppress, or the State tax, the dissemination of views because they are unpopular, annoying, or distasteful. P. 319 U. S. 116.

CERTIORARI, 318 U.S. 748, to review affirmances of orders in eight cases refusing to allow appeals from judgments and sentences for violations of a municipal ordinance.

"A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution. P. 319 U. S. 113. "

SUPREME COURT OF THE UNITED STATES

RODRIGUEZ v. UNITED STATES

certiorari to the united states court of appeals for the eighth circuit

No. 13–9972. Argued January 21, 2015—Decided April 21, 2015

Officer Struble, a K–9 officer, stopped petitioner Rodriguez for driving on a highway shoulder, a violation of Nebraska law. After Struble attended to everything relating to the stop, including, *inter alia*, checking the driver's licenses of Rodriguez and his passenger and issuing a warning for the traffic offense, he asked Rodriguez for permission to walk his dog around the vehicle. When Rodriguez refused, Struble detained him until a second officer arrived. Struble then retrieved his dog, who alerted to the presence of drugs in the vehicle. The ensuing search revealed methamphetamine. Seven or eight minutes elapsed from the time Struble issued the written warning until the dog alerted.

Rodriguez was indicted on federal drug charges. He moved to suppress the evidence seized from the vehicle on the ground, among others, that Struble had prolonged the traffic stop without reasonable suspicion in order to conduct the dog sniff. The Magistrate Judge recommended denial of the motion. He found no reasonable suspicion supporting detention once Struble issued the written warning. Under Eighth Circuit precedent, however, he concluded that prolonging the stop by "seven to eight minutes" for the dog sniff was only a *de minimis* intrusion on Rodriguez's Fourth Amendment rights and was for that reason permissible. The District Court then denied the motion to suppress. Rodriguez entered a conditional guilty plea and was sentenced to five years in prison. The Eighth Circuit affirmed. Noting that the seven or eight minute delay was an acceptable "*de minimis* intrusion on Rodriguez's personal liberty," the court declined to reach the question whether Struble had reasonable suspicion to continue Rodriguez's detention after issuing the written warning.

Held:

1. Absent reasonable suspicion, police extension of a traffic stop in order to conduct a dog sniff violates the Constitution's shield against unreasonable seizures.

A routine traffic stop is more like a brief stop under *Terry* v. *Ohio*, 392 U. S. 1 , than an arrest, see, *e.g.*, *Arizona* v. *Johnson*, 555 U. S. 323 . Its tolerable duration is determined by the seizure's "mission," which is to address the traffic violation that warranted the stop, *Illinois* v. *Caballes*, 543 U. S. 405 and attend to related safety concerns. Authority for the seizure ends when tasks tied to the traffic infraction are—or reasonably should have been—completed. The Fourth Amendment may tolerate certain unrelated investigations that do not lengthen the roadside detention, *Johnson*, 555 U. S., at 327–328 (questioning); *Caballes*, 543 U. S., at 406, 408 (dog sniff), but a traffic stop "become[s] unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission" of issuing a warning ticket, *id.*, at 407.

Beyond determining whether to issue a traffic ticket, an officer's mission during a traffic stop typically includes checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance. These checks serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly. See *Delaware* v. *Prouse*, 440 U. S. 648 –659. Lacking the same close connection to roadway safety as the ordinary inquiries, a dog sniff is not fairly characterized as part of the officer's traffic mission.

In concluding that the *de minimis* intrusion here could be offset by the Government's interest in stopping the flow of illegal drugs, the Eighth Circuit relied on *Pennsylvania* v. *Mimms*, 434 U. S. 106 . The Court reasoned in *Mimms* that the government's "legitimate and weighty" interest in officer safety outweighed the "*de minimis*" additional intrusion of requiring a driver, lawfully stopped, to exit a vehicle, *id.*, at 110–111. The officer-safety interest recognized in *Mimms*, however, stemmed from the danger to the officer associated with the traffic stop itself. On-scene investigation into other crimes, in contrast, detours from the officer's traffic-control mission and therefore gains no support from *Mimms*.

The Government's argument that an officer who completes all traffic-related tasks expeditiously should earn extra time to pursue an unrelated criminal investigation is unpersuasive, for a traffic stop "prolonged beyond" the time in fact needed for the officer to complete his traffic-based inquiries is "unlawful," *Caballes*, 543 U. S., at 407. The critical question is not whether the dog sniff occurs before or after the officer issues a ticket, but whether conducting the sniff adds time to the stop. Pp. 5–8.

2. The determination adopted by the District Court that detention for the dog sniff was not independently supported by individualized suspicion was not reviewed by the Eighth Circuit. That question therefore remains open for consideration on remand. P. 9.

741 F. 3d 905, vacated and remanded.

Ginsburg, J., delivered the opinion of the Court, in which Roberts, C. J., and Scalia, Breyer, Sotomayor, and Kagan, JJ., joined. Kennedy, J., filed a dissenting opinion. Thomas, J., filed a dissenting opinion, in which Alito, J., joined, and in which Kennedy, J., joined as to all but Part III. Alito, J., filed a dissenting opinion.

SIEBERT v. SEVERINO

97 F.Supp.2d 882 (2000)

Robert SIEBERT and Pamela Siebert, Plaintiffs, v. David SEVERINO, Bill Meyers, Deputy Waters and Unknown Illinois State Trooper, Defendants.

United States District Court, C.D. Illinois.

May 24, 2000.

Background

This action arises from the seizure of three of Plaintiff Pamela Siebert's ("P.Siebert") horses and the investigation that preceded the seizure. She and her husband, Plaintiff Robert Siebert ("R.Siebert"), have brought an action pursuant to 42 U.S.C. § 1983, alleging that Severino, an approved humane investigator for McLean and Woodford Counties, Illinois, violated their Fourth Amendment right to be free from unreasonable searches and seizures and have deprived them of property without due process in violation of the Fourteenth Amendment. In addition to the § 1983 claims, each of the Sieberts has brought pendent state law claims for trespass and violation of the Humane Care for Animals Act.

Prior to December 16, 1996, Severino "received a communication that the horses at the Siebert location were in a fenced area with no shelter or water." (Severino Aff., ¶ 5). On December 16th, Severino inspected the horses in the paddock and the pasture. While inspecting the horses in the paddock, he entered the Sieberts' barn, which is located approximately 60 feet from their residence. ***Severino did not have a warrant when he entered the barn. In the barn were the feed and hay for the horses kept in the paddock. He found no problems with the horses in the paddock.***

However, after he inspected the horses in the pasture, he ***taped a Notice of Apparent Violation on the door of the Sieberts' home.*** The Notice stated that Sieberts had failed to provide the three horses in the pasture with adequate shelter and protection from the weather and failed to provide them with humane care and treatment. (Dft.Ex.A-2). The Notice also informed the Sieberts that the horses were standing in the mud, there were no dry areas where they could stand, and they were drinking from the creek because there were no water receptacles. (*Id.*). ***The Sieberts were given 72 hours to take corrective action.***

On December 19, 1996, Severino went back to the pasture and impounded the horses. The Notice of Impoundment described the three horses that were impounded and listed the alleged deficiencies by referencing the deficiencies listed in the Notice of Apparent Violation.

Federal Rule of Civil Procedure 56(e) requires the non-moving party to go beyond the pleadings and produce evidence of a genuine issue of fact for trial. *See Celotex Corp.*, 477 U.S. at 324, 106 S.Ct. 2548.

he last Fourth Amendment claim is whether Severino's impoundment of the horses was constitutionally unreasonable. This claim presents two issues since P. Siebert asserts that Severino had neither probable cause nor a warrant when the impoundment occurred.

Section 3 of the Humane Care for Animals Act provides:

Each owner shall provide for each of his animals:

(a) sufficient quantity of good quality, wholesome food and water;

(b) adequate shelter and protection from the weather;

(c) veterinary care when needed to prevent suffering; and

(d) humane care and treatment.

At oral argument, Severino's attorney represented that the Sieberts' attorney had ***failed to propound any interrogatories, requests to produce, or requests to admit and further failed to depose Severino. The Sieberts' attorney did not contend otherwise.***

Assuming ***Severino did not have a warrant when he seized the horses, a strong argument could be made that the seizure was unreasonable. See Coolidge v. New Hampshire, 403 U.S. 443, 454-55, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971) (a warrantless seizure is per se unreasonable unless justified by an exception to the warrant requirement).***

As the owner of the horses, P. Siebert does have standing, and she claims that she was deprived of due process because there was no predeprivation hearing prior to the seizure taking place.

As a general rule, predeprivation process is required before a person is deprived of his property by the State. P. Siebert argues that the deprivation in this case—the taking of her horses— was anything other than random or unauthorized since she was given 72 hours to take corrective action and because the Humane Care for Animals Act authorizes the impoundment of animals from owners who fail to take corrective action. Moreover, although neither party really addresses the issue, ***a reasonable argument can certainly be made that the condition of the horses was not sufficiently serious as to necessitate an emergency deprivation. At oral argument, Severino's attorney admitted that the horses were not malnourished, there is no evidence in the record that the horses were in poor health,*** and, again, P. Siebert was given 72 hours to take corrective action. Each of these facts, collectively and individually, cuts against any claim of exigent circumstances.

... it is well-established that a predeprivation hearing is required absent an emergency situation or a random, unauthorized deprivation; hence, she should prevail on her due process claim because Severino violated clearly established constitutional law.

Eleventh Amendment sovereign immunity does not shield individual defendants like Severino from federal court jurisdiction over pendent state law tort claims. *See Benning v. Board of Regents of Regency Univ.*, 928 F.2d 775, 778-79 (7th Cir.1991). § 12 of the Act provides:

(a) *When ... the violator* ***fails or refuses to take corrective action*** *necessary for compliance* pursuant to Section 11 of this Act, the Department may authorize a humane society impound the animal in a facility which will provide the elements of good care as set forth in Section 3 of this Act, where such animals shall be examined by a licensed veterinarian.

1. This statement of fact is contained in both Severino's and the Sieberts' Statements of Undisputed Facts. The Court is *perplexed by Severino's offering of this statement* in his Statement of Undisputed Facts and *his subsequent objection on relevance grounds when the same statement is offered by the Sieberts* in ¶ 4 of their Statement of Additional Undisputed Facts.

An owner has a great deal of interest in his animals—and ***my rights*** in keeping them from being subjected to tests and treaments that were *not* necessary ***were violated by the lack of a written complaint of a "deficiency" and a set amount of time to "correct" it.*** Simply saying they were "coming back" after admitting ***no deficiencies were noted;*** and obtaining a warrant based on facts gathered duing an alleged illegal trespass is ***not sufficient to claim an exercise of due process. In addition, none of Appellant's Motions of Discovery of Exculpatory evidence were ever fulfilled.***

U.S. Court of Appeals for the Ninth Circuit - 481 F.2d 945 (9th Cir. 1973)

July 3, 1973. Rehearing Denied Aug. 13, 1973

Archie P. Sherar, Appellant, v. Joseph M. Cullen, District Director Internal Revenue service Appellees, 481 F.2d 945 (9th Cir. 1973)

Archie P. Sherar pro se.

Stephen F. Eilperin (argued), Dept. of Justice, Washington, D. C., L. Patrick Gray, III, Asst. Atty. Gen., Dept. of Justice, Washington, D. C., James L. Browning, Jr., U. S. Atty., San Francisco, Cal., Walter H. Fleischer, Thomas J. Press, Dept. of Justice, Washington, D. C., for appellees.

OPINION

Before ELY and KILKENNY, Circuit Judges, and SKOPIL,* District Judge.

ELY, Circuit Judge:

Appellant Sherar was discharged from his position as an Internal Revenue Service field agent following his refusal to furnish records for a personal tax audit. After fully exhausting his administrative remedies, Sherar filed this action in the United States District Court seeking restoration of his government position together with the back pay and other benefits lost because of the discharge. The District Court granted the appellees' motion for summary judgment, and this appeal followed.
Sherar contends that dismissal from government service, based solely upon a refusal to submit to an allegedly unwarranted and unreasonable audit request, constitutes a penalty wrongfully imposed upon the exercise of fourth amendment rights. He also argues that the Internal Revenue Service was particularly anxious to see him dismissed because he had allegedly given a Senate Subcommittee information that would later be used in public hearings to the embarrassment of the Service. The Government, to the contrary, argues that appellant's dismissal followed substantial compliance with applicable procedures, that dismissal is a matter solely within executive discretion, that the termination was not arbitrary or capricious, and that Sherar's claim that the requested audit was unreasonable under the Fourth Amendment is wholly without merit.
The District Court did not reach appellant's fourth amendment contentions, ruling, instead, that:
". . . the scope of review in the District Court of this type of administrative proceeding is limited, probably limited as you can get, to the determination of the existence of past due process and a substantial basis for the results of the procedure which is employed in connection with the exercise of discretion."

We disagree.

More specifically, in Reisman v. Caplin, 375 U.S. 440, 84 S. Ct. 508, 11 L. Ed. 2d 459 (1964), the Court held that when a challenge to an administrative summons for a tax audit is "rejected by the hearing examiner and the witness still refuse(s) to testify or produce, the examiner is given no power to enforce compliance or to impose sanctions for noncompliance."

Thus, contrary to the administrative procedure followed in Sherar's case, under Sec. 7402(b) the taxpayer is afforded the complete protection of a judicial determination based upon adversary proceedings in which any of his challenges to the summons can be fully aired. "In such a proceeding

only a refusal to comply with an order of the district judge subjects the witness to contempt proceedings." 375 U.S. at 446, 84 S. Ct. at 512. Furthermore, the governmental interest in conducting a reasonable tax audit is also protected because the court, based upon its hearing, has full power to determine if the administrative summons should be enforced.

The See and Reisman decisions, and the statutory procedures of Sec. 7402(b), reflect the obvious concern that there be *no sanction or penalty imposed upon* ***one*** *because of his exercise of constitutional rights.* In Spevack v. Klein, 385 U.S. 511, 87 S. Ct. 625, 17 L. Ed. 2d 574 (1967), for example, the Supreme Court held that an attorney could not be disbarred solely because he claimed his privilege against self-incrimination in refusing to provide records and testimony for an investigation into his alleged professional misconduct. "In this context 'penalty' is not restricted to fine or imprisonment. It means, as we said in Griffin v. California, 380 U.S. 609, 85 S. Ct. 1229, 14 L. Ed. 2d 106 (1965), the imposition of any sanction which makes assertion of the Fifth Amendment privlege 'costly.'" Id. at 515, 87 S. Ct. at 628.

"For a crime to exist, there must be an injured **party (Corpus Delicti)** There can be no sanction or penalty imposed on one because of this Constitutional right." Sherer v. Cullen 481 F. 945:

"With no injured **party,** a complaint is invalid on its face". Gibson v. Boyle, 139 Ariz. 512

"As a general principal, standing to invoke the judicial process requires an actual justiciable controversy as to which *the complainant has a real interest in the ultimate adjudication because* ***he or she*** *has either suffered or is about to suffer an injury. " People v. Superior Court, 126 Cal.Rptr.2d 793.*

the standing inquiry requires careful judicial examination of a complaint's allegations to ascertain whether the particular **plaintiff** is entitled to an adjudication of the particular claims asserted. " (Allen v. Wright, (1984) 468 U.S. 737, 752…Whether **one** has standing in a particular case generally revolved around the question whether that **person** has rights that may suffer some injury, actual or threatened. " Clifford S. v. Superior Court, 45 Cal.Rptr.2d 333, 335.

This case is cited because there is no 'body of evidence" that has been injured. The "party" himself, in each citation, was not injured by the lack of production of the paperwork .
A "party" is a PERSON, animals cannot be accused of a crime, because they cannot be held responsible for their actions, like a person can be.

Court of Appeals of Wisconsin.

STATE of Wisconsin, Plaintiff-Respondent, v. Sylvester HUGHES, Defendant-Appellant.†

No. 97-0638-CR.

Decided: April 07, 1998

Before WEDEMEYER, P.J., and SCHUDSON and CURLEY, JJ.On behalf of the defendant-appellant, the cause was submitted on the briefs of Michael H. Kopp of Kopp, Arena & Bishop, S.C. of Milwaukee. On behalf of the plaintiff-respondent, the cause was submitted on the brief of James E. Doyle, Attorney General, and Warren D. Weinstein, Assistant Attorney General.

Sylvester Hughes appeals from the judgment of conviction, following his guilty plea, for theft from person, party to a crime, and from the order denying his motion for postconviction relief.2 Hughes argues that the trial court erred in denying his motion to withdraw his guilty plea. He contends that the criminal complaint, used as the factual basis for his plea, failed to establish one of the elements of the crime. Specifically, he claims that the complaint's allegation that he took the victim's purse "off the handle of her wheelchair" does not satisfy the element of taking property "from the person." We conclude, however, that for the crime of theft from person, "from the person" does encompass the wheelchair in which the victim is sitting. Accordingly, we affirm.

Subsections 943.20(1)(a) and (3)(d)2, Stats., provide that ***"[w]hoever ... [i]ntentionally takes and carries away ... movable property ... from the person of another" is guilty of theft from person.6*** The supreme court recently clarified:

Hughes argues that if the statute is ambiguous, then Wis J I-Criminal 1442 supports his narrow interpretation of "from the person." He quotes the instruction's specification that the element "requires that the property must have been taken from the body of the person in possession of the property."

Harvard University Law Professor Martha Minow acknowledges the cynical view that accommodations for those who use wheelchairs, and legal interpretations regarding the status of persons of different circumstances generally, result in unfair, preferential treatment. ***It is possible to replace a norm that excludes with a norm that includes.***

See, e.g., People v. Williams, 9 Cal.App.4th 1465, 12 Cal.Rptr.2d 243, 247 (1992) ("property taken from the actual and immediate control of the victim is not taken from 'the person' of the victim ... unless the property is physically attached to the victim in some manner").

The client is not bound by the actions of his attorney if there is a substantial interest in the subject matter involved, or where there is a conflict of interest between the client and attorney. My animals were not kept in a manner that my attorney supported, but the manner produced results that were appropriate. An "unconventional" method of keeping a specific species of animal for breeding does not make it wrong. Removing my animals because he didn't approve of the method was not reasonable. Replacing the norm that excludes with a norm that includes has merit.

Court of Appeals of South Carolina.

Terry STOKES, as Personal Representative of the Estate of Jennings E. Stokes, Appellant, v. SPARTANBURG REGIONAL MEDICAL CENTER; and Robert A. Cochran, Jr., M.D., and David C. Hull, M.D., each individually and as Agents/Employees of Hull, Green, Woods, Cochran and Woollen; and Hull, Green, Woods, Cochran and Woollen; and John Graham, CRNA, Defendants, of whom SPARTANBURG REGIONAL MEDICAL CENTER is Respondent.

No. 4078.

Decided: January 23, 2006

Kristi F. Curtis, David W. Goldman, Diane M. Rodriguez, all of Sumter, for Appellant. Perry Boulier and Ginger D. Goforth, both of Spartanburg, for Respondent.

In this medical malpractice action, Terry Lee Stokes, the personal representative of Jennings E. Stokes's estate, appeals from a jury verdict in favor of Spartanburg Regional Medical Center (the Hospital). Appellant argues the trial judge erred in failing to instruct the jury that it could draw a negative inference from the Hospital's failure to preserve critical pieces of medical evidence. We reverse and remand.

FACTS

On June 10, 1998, Jennings Stokes, age seventy-seven, underwent surgery to remove his thyroid and lymph nodes, which were cancerous. Dr. Hull performed the surgery at the Hospital. No complications arose during the surgery, and according to Dr. Hull, Stokes's prognosis was very good.

After surgery, Stokes was transferred to the post-anesthesia care unit (recovery room), where he remained for two hours. While there, he received oxygen through a mask, and nurses monitored his oxygen saturation levels with a device called a pulse oximeter. During this two-hour stay in the recovery room, Stokes received five doses of morphine for pain, and nurses called Dr. Hull two times because of bloody drainage coming from the neck incision.

From the recovery room, Stokes was transferred to the third floor of the Hospital, which is designated "pediatrics." 1 While on the third floor, Stokes no longer had an oxygen mask and was not being monitored with a pulse oximeter. Stokes arrived on the third floor at 6:45 p.m., and according to the nurse's notes, by 7:30 p.m., his neck was "swollen" and his wound dressing was "saturated." Thirty minutes later, Stokes complained of pain and received Demerol combined with Phenergan, a narcotic medication. According to the nurse, Stokes began having "difficulty breathing" at 8:30 p.m., and at 8:55 p.m., his breathing stopped. Five minutes later, a "code" was initiated.

During the code, a nurse anesthetist tried to intubate Stokes in order to provide him with oxygen, but the intubation was unsuccessful. The nurse anesthetist called the anesthesiologist for help. Dr. Cochran, a partner of Dr. Hull's, was also notified of the code, and took charge of the resuscitation. At 9:21 p.m., Dr. Long, the anesthesiologist, arrived and successfully intubated Stokes. Despite the

intubation, Stokes could not be revived. Dr. Cochran signed the death certificate, stating the cause of death was "respiratory failure."

Stokes's daughter-in-law, Ann, is a registered nurse and has worked in the Hospital's recovery room for fifteen years. Ann was by Stokes's side while he was in the recovery room, and she stayed with him even when he was transferred to the third floor. While Ann was there, other nurses were charged with caring for Stokes, but Ann monitored him as well.

After Stokes died, his son, Terry, served as the personal representative of Stokes's estate, and it was in this capacity that Terry (hereinafter Appellant) brought a survivorship action and wrongful death action against the Hospital and other defendants who are not parties to this appeal. At trial, Appellant and the Hospital disputed the cause of Stokes's death.

Appellant argued that Stokes died from a lack of oxygen, which could have been prevented if the Hospital's staff had not deviated from the standard of care for a patient recovering from a thyroidectomy. It was the Appellant's position that the Hospital deviated from the standard of care by transferring Stokes to the third floor, where the nurse in charge had never cared for a thyroidectomy patient before and was not instructed to continue administering oxygen to Stokes. The Appellant further argued Stokes's third floor placement was unacceptable because there was no tracheotomy kit at his bedside.

The Hospital argued that Stokes died from a sudden and unexpected event, most probably a heart attack. It relied heavily on Ann, who testified as both an eyewitness and an expert witness. According to Ann, Stokes showed no signs of respiratory distress, though his respirations did slow down after he received pain medication. Ann found this reaction normal, but out of an abundance of caution, she stepped outside the room and asked for a pulse oximeter to measure his oxygen saturation level. She testified she left the room for less than a minute, and when she returned, she found Stokes's condition had deteriorated rapidly. His breathing was shallow, his pulse weak, and he was unresponsive. The Hospital also presented evidence that Stokes had suffered a minor heart attack sometime prior to the surgery.

During trial, Appellant pointed out two pieces of medical documentation that were missing from Stokes's medical records. First, there was evidence that blood had been drawn from Stokes's artery during the code. This blood sample was drawn so that an arterial blood gas could be performed, which would indicate whether oxygen was reaching Stokes's bloodstream. The medical records, however, did not contain the results from this test. The second piece of missing evidence was the vital signs flow chart prepared by the floor nurse at the time of Stokes's death. The Hospital was unsure why the chart was missing, but speculated that it was misplaced during the code.

At trial, the judge held a conference to discuss jury charges. One of Plaintiff's requested charges was a "spoliation of evidence" charge, which allowed jurors to draw a negative inference if it found the Hospital's explanation regarding the missing records unsatisfactory. The trial judge agreed to the charge, and the Hospital did not object. However, when it came time to charge the jury, the trial judge

failed to give the "spoliation of evidence" instruction. Appellant objected, but the court overruled the objection, explaining: "That charge I have some problems with this."

When the jury came back with a defense verdict, Appellant's counsel moved for a new trial based on the jury charge. The trial judge denied the motion, stating: "I could not have charged it as written I don't believe. I would have had to have modified it. And hopefully, my charge as a whole covered it and didn't prejudice your case in any way I hope." This appeal followed.

STANDARD OF REVIEW

A trial court is required to charge the current and correct law. Burroughs v Worsham, SC v SEd Ct App When reviewing a jury charge for alleged error our court must consider the charge as a whole in light of the evidence and issues presented at trial. Id An erroneous jury charge wil not result in a verdict being reversed unless the charge prejudiced the appellants case. Id

LAW/ANALYSIS

Appellant argues the trial court erred in failing to instruct the jury on "spoliation of evidence," especially when the Hospital did not object to the proposed charge.2 We agree.

In Welsh v. Gibbons, 211 S.C. 516, 46 S.E.2d 147 (1948), distinguished by Ex parte Goodyear Tire & Rubber Co., 248 S.C. 412, 415-16, 150 S.E.2d 525, 526-27 (1966), our supreme court recognized circumstances under which a jury should be able to consider missing evidence. In Welsh, the plaintiff sued a bottling plant, alleging it sold a soft drink which contained poison. The plaintiff had in his possession the bottled drink, but neither tested the contents himself nor allowed the defendant to test its contents. The supreme court held "the evidence excluded was a circumstance which the jury should have been permitted to consider." Id. The court also noted, "it is open to the plaintiff to explain his refusal to allow a chemical analysis to be made of the contents of this bottle and on another trial he is at liberty to do so."

Relying on the holding in Welsh, our supreme court later upheld a jury charge which advised that *"when evidence is lost or destroyed by a party an inference may be drawn by the jury that the evidence which was lost or destroyed by that party would have been adverse to that party."* Kershaw County Bd. of Educ. v. U.S. Gypsum Co., 302 S.C. 390, 394, 396 S.E.2d 369, 372 (1990). In Kershaw, the school board sued the manufacturer of the ceiling plaster that had been installed in many of Kershaw County's schools, alleging the plaster contained asbestos. The trial court issued an order requiring the manufacturer be notified prior to any asbestos being removed. Despite this order, the school board did not notify the manufacturer before asbestos abatement was conducted at one of its schools, so the manufacturer moved for judgment in its favor on the claims related to that school. The trial court denied the motion, but charged the jury as described above. In upholding the charge, the supreme court stated: "[T]he trial court's decision was proper under the facts of this case." Id.

In the case at hand, there was evidence that two pieces of medical evidence were missing from Stokes's record: results from a blood test and the floor nurse's chart detailing Stokes's vital signs on the evening of his death. Rebutting that evidence, the Hospital suggested the blood drawn from Stokes's artery on

the night of his death may never have been sent to the laboratory for testing. As for the missing chart, the Hospital speculated it may have been lost during the code.3 While the jury may well have accepted the Hospital's explanations, it was also in its province to draw a negative inference from the Hospital's failure to produce those pieces of evidence. See id.

We believe this language reflects the law of South Carolina and should have been charged based on the evidence presented in this case. While we recognize that no exact language is required, the charge as given made no mention of missing evidence at all. Thus, we cannot say, as the Hospital urges, that the substance of the request was included in the trial judge's general instructions.

In addition to being erroneous we find the failure to charge on "spoliation of evidence" was prejudicial to Appellant. Appellants malpractice claim against the Hospital hinged on the jury believing Stokes died from lack of oxygen rather than from a sudden and unexpected heart attack. Both pieces of evidence the Appellant alleges are missing would have helped determine how Stokes died Thus it was crucial to Appellants case that the jury know it could draw a negative inference from the Hospital's failure to produce those important pieces of evidence. We therefore find the Appellant was prejudiced by the trial court's failure to instruct the jury on "spoliation of evidence" See eg. Baker v Weaver SC SE d Ct App finding trial courts erroneous jury charge prejudicial where requested instruction involved a substantial feature of the case.

CONCLUSION

Based on the foregoing, we find that the trial court erred in failing to charge the jury on "spoliation of evidence" and that this error was prejudicial. Accordingly, we reverse and remand for a new trial.

REVERSED and REMANDED.

HEARN, C.J.:

HUFF and WILLIAMS, JJ., concur.

"The effect of the Doctrine of spoliation, when applied in a defensive manner, is to allow a defendant to exculpate itself from liability because the plaintiff has barred it from obtaining evidence"

[S.F. No. 23217. Supreme Court of California. November 23, 1976.]

SOUTHERN PACIFIC TRANSPORTATION COMPANY, Petitioner, v. PUBLIC UTILITIES COMMISSION, Respondent.

(Opinion by Clark, J., with Wright, C. J., McComb, Tobriner and Richardson, JJ., concurring. Separate concurring and dissenting opinion by Mosk, J., with Sullivan, J., concurring.) **[18 Cal. 3d 309]**

COUNSEL

Harold S. Lentz for Petitioner.

William M. Siegel, County Counsel (Santa Clara), Gerald J. Thompson, Assistant County Counsel, Peter G. Stone, City Attorney (San Jose), Richard K. Karren, Assistant City Attorney, Donald C. Atkinson and William B. Mayfield, Deputy City Attorneys, as Amici Curiae on behalf of Petitioner.

Richard D. Gravelle, J. Calvin Simpson and John S. Fick for Respondent.

OPINION--CLARK, J.

Concurring and Dissenting.

I concur with the result reached by the majority, but disagree with their opinion that the Public Utilities Commission (PUC) may declare a duly enacted statute unconstitutional. Absent authorization in the state charter itself, such formidable action is beyond the power of any administrative agency. Indeed, it is incongruous for the will of the people of the state, reflected by their elected legislators, to be thwarted by a governmental body which exists only to implement that will.

Case law is sparse in this area because administrative agencies are understandably reluctant to assert the power to hold statutes unconstitutional, and accordingly the question rarely is resolved in court. (Davis, Administrative Law Treatise (1958) § 20.04, p. 74, fn. 1 (hereinafter Davis).) *What precedent there is, however, lends but scant support to the assertion of authority by the PUC.*

The United States Supreme Court, on at least three occasions, has considered whether an administrative agency has the power to declare a statute unconstitutional. In each instance, the high court has concluded, as in Davies Warehouse Co. v. Bowles (1944) 321 U.S. 144, 153 [88 L. Ed. 635, 642, 64 S. Ct. 474], that "*State statutes, like federal ones, are entitled to the presumption of constitutionality until their invalidity is judicially declared. Certainly no power to adjudicate constitutional issues is conferred on the Administrator." (Accord, Johnson v. Robison (1974) 415 U.S. 361, 368 [39 L. Ed. 2d 389, 398, 94 S. Ct.* 1160]; California Comm'n. v. United States (1958) 355 U.S. 534, 539 [2 L. Ed. 2d 470, 475, 78 S. Ct. 446] (a decision involving the California Public Utilities Commission); see also Oestereich v. Selective Service Bd. (1968) 393 U.S. 233, 242 [21 L. Ed. 2d 402, 408-409, 89 S. Ct. 414] (Harlan, J., concurring).) *In other jurisdictions, the conclusion is virtually unanimous that administrative agencies lack the powers appropriated in this case. (Metcalf v. Swank (7th Cir. 1971) 444 F.2d 1353, 1356;* New York State Broadcasters Assn. v. United States (2d Cir. 1969) 414 F.2d 990,

994; Central Nebraska Pub. P. & I. Dist. v. Federal Pow. Comn. (8th Cir. 1947) 160 F.2d 782, 783; Todd **[18 Cal. 3d 317]** v. Securities and Exchange Commission (6th Cir. 1943) 137 F.2d 475, 478; Panitz v. District of Columbia (D.C.Cir. 1940) 112 F.2d 39, 41-42 [72 App.D.C. 131]; United States v. Branigan (S.D.N.Y. 1969) 299 F. Supp. 225, 235; Reed v. Gardner (C.D.Cal. 1966) 261 F. Supp. 87, 92; Schwartz v. Essex County Board of Taxation (1942) 129 N.J.L. 129 [28 A.2d 482, 484]; East Ohio Gas Co. v. Public Utilities Commission (1940) 137 Ohio St. 225 [18 Ohio Ops. 10, 28 N.E.2d 599, 606]; State v. State Board of Equalizers (1922) 84 Fla. 592 [94 So. 681, 30 A.L.R. 362]; contra, Commonwealth v. Atlantic Coast Line R. Co. (1906) 106 Va. 61 [55 S.E. 572].) fn. 2 Professor Davis agrees: *"Only the courts have authority to take action which runs counter to the expressed will of the legislative body." (Davis, at § 20.04, p. 74.)*

But in either case the judicial power of the commission is derived from and circumscribed by the same source: the Constitution. An attempt to exercise judicial power in a manner neither expressly nor impliedly sanctioned by the Constitution would offend the doctrine of separation of powers as provided in article III, section 3: "The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." In short, it appears that *no constitutional authority, express or implied, can be found in support of the PUC's assertion of power.*

It may be urged that administrative agencies must be granted such power in order to avoid injustice in some cases. *Obsolete and patently unconstitutional laws remain on the statute books, and according to this argument they should be removed by the governmental body with the first opportunity to do so.* This is particularly desirable with regard to the **[18 Cal. 3d 320]** PUC, because the commission's decisions may be reviewed only by this court.

In a developing nation groping toward a constitutional form of government, the question might be debatable. But in our established democracy the resolution is not difficult. Laws passed by a legislature represent the will of the people, and courts in a democratic society are understandably reluctant to nullify that will. Consequently, in California as in all American jurisdictions, not only do courts presume that statutes are constitutional until clearly proven otherwise, but they normally will not decide constitutional challenges unless the responsibility is unavoidable. (Marin Municipal Water Dist. v. Dolge (1916) 172 Cal. 724, 726 [158 P. 187]; Bayside Timber Co. v. Board of Supervisors (1971) 20 Cal. App. 3d 1, 5-6 [97 Cal. Rptr. 431].) In addition,

This situation might also arise, of course, when a civil court deciding litigation between private parties invalidates a statute. Yet when a court undertakes constitutional review, there is reasonable assurance that it is aware of the gravity of its task. In order to qualify for service on the superior court or the appellate courts of this state, a person must have at least 10 years' experience as an attorney. (Const., art. VI, § 15.) In sharp contrast, there is no requirement that PUC commissioners have a law education or legal experience, and few do.

In summary, the action of the PUC cannot be justified from either a constitutional or policy standpoint. *Declaring a statute unconstitutional "represents the highest exercise of judicial power and one even the judiciary is reluctant to exercise." (Panitz v. District of Columbia (D.C.Cir. 1940) supra, 112 F.2d 39, 41.)* Our traditional reluctance to invoke the most awesome power in the spectrum of the judicial process should induce us to resist its assertion by a lay commission, which, for all its trappings of authority, is simply not a court of law.

"Public servants, I.E. Police, etc. must obey the laws the same as private citizens must"

United States Supreme Court

TRUPIANO V. U. S., (1948)

No. 427

Argued: March 9, 1948 Decided: June 14, 1948

[Trupiano v. U. S. 334 U.S. 699 (1948)] [334 U.S. 699 , 700]

Mr. Frank G. Schlosser, of Hoboken, N.J., for petitioners.

Mr. Philip B. Perlman, Sol. Gen., of Washington, D.C., for respondent.

Mr. Justice MURPHY delivered the opinion of the Court.

This case adds another chapter to the body of law growing out of the Fourth Amdndment to the Constitution of the United States. That Amendment provides: 'The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.' In other words, the Fourth Amendment is a recognition of the fact that in this nation individual liberty depends in large part upon freedom from unreasonable intrusion by those in authority. It is the duty of this Court to give effect to that freedom. [334 U.S. 699 , 701] In January, 1946, the petitioners sought to lease part of the Kell farm in Monmouth County, New Jersey, and to erect a building thereon. Kell suspected that they intended to build and operate an illegal still. He accordingly reported the matter to the appropriate federal authority, the Alcohol Tax Unit of the Bureau of Internal Revenue. The federal agents told Kell to accept the proposition, provided he did nothing to entice or encourage the petitioners into going ahead with their plans and provided he kept the agents informed of all developments. Nilsen, one of the agents, was assigned in February to work on the farm in the desiguise of a 'dumb farm hand' and to accept work at the still if petitioners should offer it.

Three federal agents then drove to within three miles of the farm, at which point they were met by Kell. The remainder of the distance was traversed in Kell's automobile. They arrived at the farm at about 11:45 p. m. The agents stated that the odor of fermenting mash ans the sound of a gasoline motor were noticeable as the car was driven onto the farm premises; the odor became stronger and the noise louder as they alighted from the car and approached the building containing the still. Van De Car, one of the agents, went around one end of the building. Looking through an open door into a dimly lighted interior he could see a still column, a boiler and gasoline pump in operation. He also saw Antoniole bending down near the pump. He entered the building and placed Antoniole under arrest. Thereupon he 'seized the illicit distillery.'

The agents engaged in this raid without securing a search warrant or warrants of arrest. It is undenied that they had more than adequate opportunity to obtain such warrants before the raid occurred, various federal judges and commissioners being readily available.

we cannot agree that the seizure of the contraband property was made in conformity with the requirements of the Fourth Amendment. *It is a cardinal rule that, in seizing goods and articles, law enforcement agents must secure and use search warrants* wherever reasonably practicable. Carroll v. United States, supra, 267 U.S. at page 156, 45 S.Ct. at page 286; Go-Bart Importing Co. v. United

States, supra, 282 U.S. at page 358, 51 S.Ct. at page 158; Taylor v. United States, 286 U.S. 1, 6 , 52 . Ct. 466, 467; Johnson v. United States, 333 U.S. 10 , 14, 15, 369, 370. This rule rests upon the desirability of having magistrates rather than police officers determine when searches and seizures are permissible and what limitations should be placed upon such activities. United States v. Lefkowitz, supra, 285 U.S. at page 464, 52 S.Ct. at page 423. *In their understandable zeal to ferret out crime and in the excitement of the capture of a suspected person, officers are less likely to possess the detachment and neutrality with which the constitutional rights of the suspect must be viewed.* To provide the necessary security against unreasonable intrusions upon the private lives of individuals, the framers of the Fourth Amendment required adherence to judicial processes wherever possible. And subsequent history has confirmed the wisdom of that requirement. [334 U.S. 699 , 706] The facts of this case do not measure up to the foregoing standard. *The agents of the Alcohol Tax Unit knew every detail of the construction and operation of the illegal distillery long before the raid was made.* One of them was assigned to work on the farm along with the illicit operators, making it possible for him to secure and report the minutest facts. In cooperation with the farm owner, who served as an informer, *this agent was in a position to supply information which could easily have formed the basis for a detailed and effective search warrant.* Concededly, there was an abundance of time during which such a warrant could have been secured, even on the night of the raid after the odor and noise of the distillery confirmed their expectations. And the property was not of a type that could have been dismantled and removed before the agents had time to secure a warrant; especially is this so since one of them was on hand at all times to report and guard against such a move. See United States v. Kaplan, 2 Cir., 89 F.2d 869, 871.

What was said in Johnson v. United States, supra, 333 U.S. at page 15, 68 S.Ct. at page 369, is equally applicable here: '*No reason is offered for not obtaining a search warrant except the inconvenience to the officers and some slight delay necessary to prepare papers and present the evidence to a magistrate. These are never very convincing reasons and, in these circumstances, certainly are not enough to by-pass the constitutional requirement.* * * * If the officers in this case were excused from the constitutional duty of presenting their evidence to a magistrate, it is difficult to think of a case in which it should be required.'

In the case before us, however, *no reason whatever has been shown why the arresting officers could not have armed themselves during all the weeks of their surveillance of the locus with a duly obtained search warrant-no reason, that is, except indifference to the legal process for search and seizure which the Constitution contemplated.*

The Fourth Amendment was designed to protect both the innocent and the guilty from unreasonable intrusions upon their right of privacy while leaving adequate room for the necessary processes of law enforcement. The people of the United States insisted on writing the Fourth Amendment into the Constitution because sad experience had taught them that the right to search and [334 U.S. 699 , 710] seize should not be left to the mere discretion of the police, but should as a matter of principle be subjected to the requirement of previous judicial sanction wherever possible.

A search warrant must describe with particularity the place to be searched and the things to be seized. Without such a warrant, however, officers are free to determine for themselves the extent of their search and the precise objects to be seized. This is no small difference. It is a difference upon which depends much of the potency of the right of privacy. And it is a difference that must be preserved even where contraband articles are seized in connection with a valid arrest. It follows that it was error to refuse petitioners' motion to exclude and suppress the property which was improperly seized. But since this property was contraband, they have no right to have it returned to them. Reversed.

[Footnote 1] *Subsequently, petitioners moved the District Court to order the return of the property seized and to suppress its use as evidence. 1947, 70 F.Supp. 764.* The motion was denied. *The order was affirmed by the Circuit Court of Appeals in a per curiam statement. 1947, 3 Cir., 163 F.2d 828.*

"Property should not be entered without a valid search warrant in hand, which should describe with paticularity the place to be searched and the things to be seized. Individual liberty depends on freedom from unreasonable invasion."

United States Court of Appeals,Tenth Circuit.

UNITED STATES of America, Plaintiff-Appellee, v. Dale L. ADAMS, Defendant-Appellant.

No. 00-3411.

Decided: November 27, 2001

Before KELLY and ANDERSON, Circuit Judges and STAGG **, District Judge.Nancy Landis Caplinger, Assistant United States Attorney (and James E. Flory, United States Attorney, on the briefs), Topeka, Kansas, for Plaintiff-Appellee *. Timothy J. Henry, Assistant Federal Public Defender (and David J. Phillips, Federal Public Defender, on the briefs), Wichita, Kansas, for Defendant-Appellant.

Defendant-Appellant Dale L. Adams was found guilty by a jury of possession of a firearm by a felon in violation of 18 U.S.C. § 922(g)(1), and sentenced to 51 months and three years supervised release. At trial, the government relied upon a series of incriminating statements made by Mr. Adams immediately following his arrest. On appeal, he contends that the district court's exclusion of expert testimony by a clinical psychologist denied his right to due process and a fair trial. He also claims that his conviction under 18 U.S.C. § 922(g)(1) exceeds the scope of congressional power.

Discussion

A. Adequacy of the Offer of Proof

At the outset we are faced with the question of whether Mr. Adams made an offer of proof to the trial court adequate to preserve the claimed error of excluding the psychologist's testimony. *"Error may not be based on a ruling excluding evidence unless 'the substance of the evidence was made known to the court by offer [of proof] or was apparent from the context within which questions were asked.' " Inselman v. S & J Operating Co., 44 F.3d 894, 896 (10th Cir.1995) (quoting Fed.R.Evid. 103(a)(2)).* ***On numerous occasions we have held that " 'merely telling the court the content of . proposed testimony' is not an offer of proof."*** Polys v. Trans-Colorado Airlines, Inc., 941 F.2d 1404, 1407 (10th Cir.1991)(quoting Gates v. United States, 707 F.2d 1141, 1145 (10th Cir.1983)). ***In order to qualify as an adequate offer of proof, the proponent must, first, describe the evidence and what it tends to show and, second, identify the grounds for admitting the evidence.*** *Phillips v. Hillcrest Med. Ctr., 244 F.3d 790, 802 (10th Cir.2001); Polys, 941 F.2d at 1407. If the proponent's offer of proof fails this standard, then this court can reverse only in instances of plain error that affected appellant's substantial rights. Phillips, 244 F.3d at 802; Fed.R.Evid. 103(d).*

A twofold purpose underlies these required showings. First, an effective offer of proof enables the trial judge to make informed decisions based on the substance of the evidence. Polys, 941 F.2d at 1406. Second, an effective offer of proof creates ***"a clear record that an appellate court can review to 'determine whether there was reversible error in excluding the [testimony].' "*** Id. at 1407 (quoting New Mexico Sav. & Loan Assoc. v. United States Fidelity & Guar. Co., 454 F.2d 328, 334 (10th Cir.1972)).

As for the additional requirements set out in Phillips and Polys, counsel **did not explain the significance of the proposed evidence or what he expected the evidence to show.** Phillips, 244 F.3d at 802; Polys, 941 F.2d at 1407. **Nor did counsel clearly identify "the grounds for which [he] believes the evidence to be admissible." Id.**

"Documents and other exhibits are usually marked for identification and become part of the record on appeal, even if excluded."

Responents in this appeal have NOT given Appellant ANY documented evidence of virtually any of the claims, accusations, or negative descriptions as listed in the Respondent's Initial Brief. Therefore, Appellant asserts that any verbal or written comments about these claims, accusdations, and descriptions should be considered hearsay and eliminated from consideration by this Court.

United States Supreme Court

UNITED STATES v. AGURS, (1976)

No. 75-491

Argued: April 28, 1976 Decided: June 24, 1976

Respondent was convicted of second-degree murder for killing one Sewell with a knife during a fight. Evidence at the trial disclosed, inter alia, that Sewell, just before the killing, had been carrying two knives, including the one with which respondent stabbed him, that he had been repeatedly stabbed, but that respondent herself was uninjured. Subsequently, respondent's counsel moved for a new trial, asserting that he had discovered that Sewell had a prior criminal record (including guilty pleas to charges of assault and carrying a deadly weapon, apparently a knife) that would have tended to support the argument that respondent acted in self-defense, and that the prosecutor had failed to disclose this information to the defense. The District Court denied the motion on the ground that the evidence of Sewell's criminal record was not material, because it shed no light on his character that was not already apparent from the uncontradicted evidence, particularly the fact that he had been carrying two knives, the court stressing the inconsistency between the self-defense claim and the fact that Sewell had been stabbed repeatedly while respondent was unscathed. The Court of Appeals reversed, holding that the evidence of Sewell's criminal record was material and that its nondisclosure required a new trial because the jury might have returned a different verdict had the evidence been received. Held: The prosecutor's failure to tender Sewell's criminal record to the defense did not deprive respondent of a fair trial as guaranteed by the Due Process Clause of the Fifth Amendment, where it appears that the record was not requested by defense counsel and gave rise to no inference of perjury, that the trial judge remained convinced of respondent's guilt beyond a reasonable doubt after considering the criminal record in the context of the entire record, and that the judge's firsthand appraisal of the entire record was thorough and entirely reasonable. Mooney v. Holohan, 294 U.S. 103 ; Brady v. Maryland, 373 U.S. 83 , distinguished. Pp. 103-114.

(a) A prosecutor does not violate the constitutional duty of [427 U.S. 97, 98] disclosure unless his omission is sufficiently significant to result in the denial of the defendant's right to a fair trial. Pp. 107-109.
(b) Whether or not procedural rules authorizing discovery of everything that might influence a jury might be desirable, the Constitution does not demand such broad discovery; and the mere possibility that an item of undisclosed information might have aided the defense, or might have affected the outcome of the trial, does not establish "materiality" in the constitutional sense. Pp. 109-110.
(c) Nor is the prosecutor's constitutional duty of disclosure measured by his moral culpability or willfulness; if the suppression of evidence results in constitutional error, it is because of the character of the evidence, not the character of the prosecutor. P. 110.
(d) The proper standard of materiality of undisclosed evidence, and the standard applied by the trial judge in this case, is that if the omitted evidence creates a reasonable doubt of guilt that did not otherwise exist, constitutional error has been committed. Pp. 112-114.
167 U.S. App. D.C. 28, 510 F.2d 1249, reversed.

STEVENS, J., delivered the opinion of the Court, in which BURGER, C. J., and STEWART, WHITE, BLACKMUN, POWELL, and REHNQUIST, JJ., joined. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined post, p. 114.

Deputy Solicitor General Frey argued the cause for the United States. With him on the briefs were Solicitor General Bork, Assistant Attorney General Thornburgh, John F. Cooney, Jerome M. Feit, and Robert H. Plaxico.

Edwin J. Bradley argued the cause for respondent. With him on the brief were Michael E. Geltner, William Greenhalgh, and Sherman L. Cohn.

MR. JUSTICE STEVENS delivered the opinion of the Court.

After a brief interlude in an inexpensive motel room, respondent repeatedly stabbed James Sewell, causing his death. She was convicted of second-degree murder. The question before us is whether the prosecutor's failure[427 U.S. 97, 99] to provide defense counsel with certain background information about Sewell, which would have tended to support the argument that respondent acted in self-defense, deprived her of a fair trial under the rule of Brady v. Maryland, 373 U.S. 83 .

The answer to the question depends on (1) a review of the facts, (2) the significance of the failure of defense counsel to request the material, and (3) the standard by which the prosecution's failure to volunteer exculpatory material should be judged.

The rule of Brady v. Maryland, 373 U.S. 83 , arguably applies in three quite different situations. Each involves the discovery, after trial, of information which had been known to the prosecution but unknown to the defense.

The second situation, illustrated by the Brady case itself, is characterized by a pretrial request for specific evidence. In that case defense counsel had requested the extrajudicial statements made by Brady's accomplice, one Boblit. This Court held that the suppression of one of Boblit's statements deprived Brady of due process, noting specifically that the statement had been requested and that it was "material." 10 A fair analysis of the holding in Brady indicates that implicit in the requirement of materiality is a concern that the suppressed evidence might have affected the outcome of the trial.

In Brady the request was specific. It gave the prosecutor notice of exactly what the defense desired. Although there is, of course, no duty to provide defense counsel with unlimited discovery of everything known by the prosecutor, if the subject matter of such a request is material, or indeed if a substantial basis for claiming materiality exists, it is reasonable to require the prosecutor to respond either by furnishing the information or by submitting the problem to the trial judge. When the prosecutor receives a specific and relevant request, the failure to make any response is seldom, if ever, excusable.

As the District Court recognized in this case, *there are situations in which evidence is obviously of such substantial value to the defense that elementary fairness requires it to be disclosed even without a specific request.* 18 For though the attorney for the sovereign must prosecute the accused with earnestness and vigor, he [427 U.S. 97, 111] must always be faithful to his client's overriding interest that "justice shall be done." He is the "servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer." Berger v. United States, 295 U.S. 78, 88 . This description of the prosecutor's duty illuminates the standard of materiality that governs his obligation to disclose exculpatory evidence.

On the one hand, *the fact that such evidence was available to the prosecutor and not submitted to the defense places it in a different category than if it had simply been discovered from a neutral source after trial.* For that reason the defendant should not have to satisfy the severe burden of demonstrating that newly discovered evidence probably would have resulted in acquittal.

The proper standard of materiality must reflect our overriding concern with the justice of the finding of guilt.20 Such a finding is permissible only if supported by evidence establishing guilt beyond a reasonable doubt. It necessarily follows *that if the omitted evidence creates a reasonable doubt that did not otherwise exist, constitutional error has been committed.* This means that the omission must be evaluated in the context of the entire record.

"The total *failure* of the prosecution to turn over *any* evidence to the Appellant—much less all that was requested by Motions, indicates a clear intent to *avoid the exculpatory value of it*"

180 U.S. 343 (1901)

UNITED STATES
v.
BEEBE.

No. 71.

Supreme Court of United States.

Argued November 6, 7, 1900.
Decided February 25, 1901.

APPEAL FROM THE CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT.

348*348 *Mr. W.S. Reese, Jr.*, and *Mr. Robert A. Howard* for appellants. *Mr. Solicitor General* was on their brief.

Mr. Alexander Troy and *Mr. Henry S. Cattell* for appellees, except the Henshaw heirs. *Mr. W.A. Gunter* filed a brief for the Henshaw heirs.

MR. JUSTICE PECKHAM, after making the above statement of facts, delivered the opinion of the court.

The principal claim against the defendants is based upon the manner in which the two separate judgments were obtained against the defendant Beebe, and the administrator of Henshaw, in the Circuit Court of Alabama on February 6, 1885. The amount due on one of those judgments (that against Beebe) was paid into the United States Treasury on July 1, 1886, and this suit was commenced in March, 1890.

The grounds upon which the court is asked to set aside the judgments so entered are (1) fraud in procuring them, and (2) *the absence of power on the part of the district attorney to make the compromise, and the consequent invalidity of the judgments entered thereon.*

The only ground which the allegation of fraud in relation to the judgments is based consists in the averment in the bill that the defendants came into court and represented that they were poor men; that Beebe and the estate of Henshaw were without property out of which any judgment could be collected or paid; that no part of any judgment could be collected by due process of law; that nothing could be made out of them or 349*349 either of them or their estates by execution, but that if the court would allow a jury and a verdict to be entered against them for $100 they and each of them would pay said judgments and costs. Accordingly judgments were so taken without any evidence given or hearing had upon the merits of the claim.

It is manifest that these allegations would furnish no defence to the cause of action on the part of the United States against the defendants as sureties on the bond of Widmer. The statements had no tendency to prevent full preparation for trial on the part of complainant, nor did they tend in any way to obstruct the full presentation of the cause of action against the defendants on the trial. It is plain, therefore, that the representations, assuming them to have been false, could not constitute such a fraud as upon well settled principles a court of equity will relieve against by setting aside a judgment in a case where such representations were made. *United States* v. *Throckmorton*, 98 U.S. 61; *Ward* v. *Town of Southfield*, 102 N.Y. 287, 292. The first case has also been cited with approval in *Moffat* v. *United States*, 112 U.S. 24, 32, although a distinction is therein made taking it out from the rule recognized in *Throckmorton's* case.

"Although an attorney at law, merely as such, has, strictly speaking, no right to make a compromise; yet a court would be disinclined to disturb one which was not so unreasonable in itself as to be

exclaimed against by all, and to create an impression that the judgment of the attorney has been imposed on, or not fairly exercised in the case. *But where the sacrifice is such as to leave it scarcely possible that, with a full knowledge of every circumstance, such a compromise could be fairly made, there can be no hesitation in saying that the compromise, being unauthorized 352*352 and being therefore in itself void, ought not to bind the injured party."*

The same has been held in Massachusetts in *Lewis* v. *Gamage*, 1 Pick. 347; and in New York in *Barrett* v. *Third Avenue Railroad Company*, 45 N.Y. 628, 635, and *Mandeville* v. *Reynolds*, 68 N.Y. 528, 540. And see *Kilmer* v. *Gallaher*, Supreme Court of Iowa, December 22, 1900, 52 Cent. L.J. 150, and note; *Bigler* v. *Toy*, 68 Iowa, 688. *Indeed, the utter want of power of an attorney, by virtue of his general retainer only, to compromise his client's claim, cannot, we think, be successfully disputed.*

"A judgment entered upon such a compromise is subject to be set aside on the ground of the lack of authority in the attorney to make the compromise upon which the judgment rests. *Prima facie*, the act of the attorney in making such compromise and entering or permitting to be entered such judgment is valid, because it is assumed the attorney acted with special authority, but when it is proved he had none, the judgment will be vacated on that ground. "

UNITED STATES of America, Plaintiff-Appellee,
v.
Richard Douglas CRAVERO, a/k/a "Ricky," Sharon Willets, Marianne Cook, Phillip Siegal, Ronald Clifford Chandler, and Bobby Eugene Miller, Defendants-Appellants.

No. 75-2718.

United States Court of Appeals, Fifth Circuit.

Aug. 6, 1976.

As a general rule, ***before entering a specific place to conduct a search for "objects," police officers must obtain a search warrant,*** Agnello v. United States, 269 U.S. 20, 32-33, 46 S.Ct. 4, 70 L.Ed. 145 (1925), which thereby insures a prior judicial determination that there is ***probable cause to believe that the object sought is within the place to be searched,***

II. Unconstitutional Vagueness of the Continuing Conspiracy Statute

Appellants Chandler and Cravero argue that the "continuing criminal enterprise" statute, 21 U.S.C. § 848(b)(2) (1970), ***which makes a crime any violation of the statute if (it)***

(2) such violation is a part of a continuing series of violations of this subchapter or subchapter II of this chapter7

(A) which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and(B) from which such person obtains substantial income or resources ***is unconstitutionally vague in using the terms (1) "a continuing series of violations," (2) "a position or organizer, a supervisory position, or any other position of management," and (3) "substantial income or resources."***

The Second and Sixth Circuits have upheld the statute against precisely this attack in United States v. Manfredi, 488 F.2d 588, 602-03 (2d Cir. 1973), cert. denied, 417 U.S. 936, 94 S.Ct. 2651, 41 L.Ed.2d 240 (1974), and United States v. Collier, 493 F.2d 327 (6th Cir.), cert. denied, 419 U.S. 831, 95 S.Ct. 56, 42 L.Ed.2d 57 (1974) (quoting Manfredi as the sole basis for its decision).5 We agree with these decisions on the grounds stated in Manfredi.
From a DEFENSIVE position, regarding the Officers who carried out the search and seizure operations from Appellant's property;
Although Appellant would NOT necessarily characterize the continuing and on-going seizure and disposal of private citizen's personal property by officers of the court as a criminal activity; there is much circumstantial evidence that what actually happened to Appellant has been going on for many years: one example being the interrogation during which the Appellant's then-attorney, Mr. Sapp, and the then-chief investigating officer from the Sheriff's Dept. Ms.Taylor—admitted that they had been "working together...doing this kind of thing" for over 20 years. (from the Interrogation video of Appellant, requested by Discovery Motion and never received)

United States Court of Appeals,Sixth Circuit.

Karen WAESCHLE, individually and on behalf of others similarly situated, Plaintiff-Appellee, v. Ljubisa J. DRAGOVIC, individually and in his official capacity as Medical Examiner of Oakland County, Michigan, and Oakland County, Michigan, a municipal corporation, Defendants-Appellants.

No. 08-2228.

Decided: August 14, 2009

Before GILMAN and McKEAGUE, Circuit Judges; BARRETT, District Judge. *ARGUED: William H. Horton, Giarmarco, Mullins & Horton, P.C., Troy, Michigan, for Appellants. Patrick J. Perotti, Dworken Bernstein Co., LPA, Painesville, Ohio, for Appellee. Steven M. Jentzen, Steven M. Jentzen, P.C., Ypsilanti, Michigan, for Amici Curiae. ON BRIEF: William H. Horton, Elizabeth A. Favaro, Giarmarco, Mullins & Horton, P.C., Troy, Michigan, Keith J. Lerminiaux, Oakland County Corporation Counsel, Pontiac, Michigan, for Appellants. Patrick J. Perotti, Dworken Bernstein Co., LPA, Painesville, Ohio, John Henry Metz, Law Office, Cincinnati, Ohio, for Appellee. Steven M. Jentzen, Steven M. Jentzen, P.C., Ypsilanti, Michigan, B. Eric Restuccia, Office of the Michigan Attorney General, Lansing, Michigan, Daniel A. Ophoff, Kent County, Grand Rapids, Michigan, Joanne G. Swanson, Kerr, Russell and Weber, PLC, Detroit, Michigan, for Amici Curiae.

AMENDED OPINION

After Karen Waeschle's mother died, an autopsy was performed to determine the cause of death. When the mother's remains were returned to Waeschle for cremation, she was not informed that the brain had been removed during the autopsy and was still being studied by the Medical Examiner. Waeschle sued Oakland County and Ljubisa J. Dragovic, the Oakland County Medical Examiner (Dragovic or the Medical Examiner), after discovering that her mother's brain had been incinerated as medical waste once the autopsy was completed. The Medical Examiner, Waeschle maintains, violated the Due Process Clause of the Fourteenth Amendment by depriving her of the right to dispose of her mother's brain.

Oakland County and Dragovic filed for summary judgment, arguing that Waeschle had no constitutionally protected property right to possess her deceased mother's brain because it had been removed for forensic examination. Dragovic also asserted a qualified-immunity defense. In the alternative, the County and Dragovic requested that the district court certify to the Michigan Supreme Court the question of whether Michigan law gives Waeschle a property interest in her deceased mother's brain for the purpose of burial or cremation.

For the reasons set forth below, we REVERSE the portion of the district court's judgment denying Dragovic's qualified-immunity defense, and REMAND the case with instructions to grant his motion for summary judgment with respect to Waeschle's individual-capacity claim against him. We also REVERSE the judgment of the district court denying Oakland County's and Dragovic's motion to certify the question of state law to the Michigan Supreme Court, and REMAND the case with instructions to certify the question and conduct such further proceedings as are necessary for the proper disposition of this case.

I. BACKGROUND

A. Factual background

Karen Waeschle's 88-year old mother, Katherine R. Weins, was a resident of a nursing home in West Bloomfield, Michigan. In August 2006, she fell and hit her head. Weins was taken to a hospital, where she died two weeks later. Waeschle suspected that abuse or neglect caused the fall. To investigate, the West Bloomfield Township Police Department requested that an autopsy be performed on Weins's body. Waeschle did not challenge the request.

Dr. Ruben Ortiz-Reyes was the Deputy Oakland County Medical Examiner who conducted the autopsy. This required Dr. Ortiz-Reyes to remove and examine various organs, including Weins's brain, for clues regarding the cause of her death. To examine a brain, it must be soaked in a formaldehyde-like solution until it becomes stiff enough to dissect. The soaking process normally takes 10 to 14 days. With the exception of the brain, the other organs that Dr. Ortiz-Reyes examined were placed back into the body.

When Weins's body (minus the brain) was made available to Waschle, the latter cremated the remains. Waeschle disposed of her mother's body without knowing that the brain was not included. The Medical Examiner failed to notify Waeschle that her mother's body was being returned without the brain or that the Medical Examiner planned to incinerate it once the examination of that organ was completed.

Several months later, after disposing of her mother's body, Waeschle met with the Deputy Medical Examiner and was provided a copy of the autopsy report. At that time, Waeschle learned that her mother's brain had been incinerated as medical waste without her consent. This litigation followed.

B. Procedural background

As amended, Waeschle's complaint alleged that the Medical Examiner violated Waeschle's Fourteenth Amendment right to due process by not returning her mother's brain for disposal after the autopsy of that organ was completed. Waeschle also claimed that Dragovic negligently and intentionally inflicted emotional distress on her in violation of state law. In June 2008, the Medical Examiner filed a motion for summary judgment on the due process claim based upon the defense of qualified immunity. He also filed a motion to dismiss the state-law causes of action. In the alternative, Dragovic urged the district court to certify the state-law issues to the Michigan Supreme Court.The district court dismissed the state-law claims. As for the due process claim, the court found that Waeschle had established that (1) she had a quasi-property interest in her mother's brain that was protected under the United States Constitution, and (2) the Medical Examiner deprived her of that interest while acting under color of state law. *The court also found that Dragovic was not entitled to qualified immunity because the quasi-property interest was "clearly established" and because the Medical Examiner "reasonably should have known" that he was violating Waeschle's Fourteenth Amendment right.*

B. Section 1983 and the qualified-immunity framework

Section 1983 serves as a vehicle to obtain damages caused by persons acting under color of state law whose conduct violates the U.S. Constitution or federal laws. McQueen v. Beecher Comty. Schs., 433 F.3d 460, 463 (6th Cir.2006). *"A law enforcement officer's key defense to a § 1983 action is encapsulated in the concept of qualified immunity." Drogosch v. Metcalf, 557 F.3d 372, 377 (6th Cir.2009).* "The doctrine of qualified immunity protects government officials from liability for civil damages insofar as *their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.*" Pearson v. Callahan, —U.S. —, 129 S.Ct. 808, 815, 172 L.Ed.2d 565 (2009)

C. Clearly established constitutional rights

The "clearly established" prong of the two-step Saucier analysis is particularly important for the present case. This court has clarified that

> [f]or a right to be "clearly established," the contours of the right must be sufficiently clear that *a reasonable official would understand that his or her conduct violates that right. The unlawfulness of the official or employee's conduct must be apparent in light of pre-existing law.*

Durham v. Nu'Man, 97 F.3d 862, 866 (6th Cir.1996). *"A right is not considered clearly established unless it has been authoritatively decided by the United States Supreme Court, the Court of Appeals, or the highest court of the state in which the alleged constitutional violation occurred." Id.*

III. CONCLUSION

For all of the reasons set forth above, we REVERSE the portion of the district court's judgment denying Dragovic's qualified-immunity defense, and REMAND the case with instructions to grant his motion for summary judgment with respect to Waeschle's individual-capacity claim against him. We also REVERSE the judgment of the district court denying Oakland County's and Dragovic's motion to certify the question of state law to the Michigan Supreme Court, and REMAND the case with instructions to certify the question and conduct such further proceedings as are necessary for the proper disposition of this case.

RONALD LEE GILMAN, Circuit Judge.

*"Appellant had a clearly established due process claim—and this officer violated her Constitutional rights to exercise it by ignoring established pre-existing law"

Court of Appeal, Second District, Division 1, California.

Carey Anthony WILSON and Diane McCord Wilson, Plaintiffs and Appellants, v. James EDDY and Audrey Eddy, Defendants and Respondents.

Civ. 34136.

Decided: December 15, 1969

Leonard Maizlish, Beverly Hills, for appellants. Fierstein & Dolan, Los Angeles, for respondents.

Plaintiffs appeal from an order quashing service of summons and complaint upon defendants who are conceded to have been residents of New York at the time in question and were never personally served. The attempted service was made upon their attorney, Mr. Antin, pursuant to a provision in an agreement, executed by plaintiffs but not by defendants, in which the latter 'hereby irrevocably appoints MICHAEL ANTIN, ESC., as agent to accept service of process upon EDDY (collective) at any time hereafter in connection with any matter arising out of or in connection' therewith. Plaintiffs filed suit when defendants allegedly breached other material portions of the above agreement by the terms of which, generally stated, defendants undertook to sell to plaintiffs their interest in certain residential property.

The motion was heard upon various declarations as to the factual issue of Antin's authority to accept service, and upon points and authorities as to the legal effect of such authority if the court found that it was given; also considered was Antin's deposition taken on plaintiffs' behalf.

This course of conduct was of evidentiary significance in the trial court's determination of whether an ostensible authority had been conferred upon his attorney by the defendant.' (P. 728, 239 P.2d p. 512.) Based upon conflicting evidence, the trial court found that defendant had not allowed plaintiff and plaintiff's attorney to believe that his (defendant's) attorney possessed authority to enter into the contract; the affirmance of the judgment was accordingly rested upon the familiar rule that such implied finding became conclusive on appeal.

Further, even assuming that Antin had the necessary express authority as defendants' agent to sell their property interests,1 the circumstances support the additional implied finding that plaintiffs' execution of the agreement sued upon did not create a contract between the parties. The only document in the record which bears the names of defendants, other than the unsigned instrument attached to the complaint, is the telegram from New York which is likewise made a part of that pleading. As testified to by Antin during the course of his deposition, defendants were about to terminate their marriage by divorce proceedings and each had separate counsel, Samuel Fredman being Mrs. Eddy's attorney. The telegram was signed 'James and Audrey Eddy and approved by Samuel Fredman in behalf of Audrey Eddy,' but the record does not show that defendants sent the telegram or caused it to be sent; to the contrary, in the present posture of the case it was apparently sent by Fredman whose authority to do so has never been established. Although the telegram could have been authenticated (Evid.Code, s 1420), at the time of the hearing below the question of its genuineness was for the trier of fact (House Grain Co. v. Finerman & Sons, 116 Cal.App.2d 485, 493, 253 P.2d 1034), and presumably the trial court found against plaintiffs' contentions in this regard.

There is no showing that defendants ever approved this material alteration from the language used in the prior draft which provided for a telegraphic acceptance and not a telegraphic offer.
For the foregoing reasons the order is affirmed.

FOOTNOTES

1. Such assumption would indeed be a rash one absent any evidence showing compliance with the statute of frauds which *invalidates any agreement for the sale of the present property interest 'unless the authority of the agent is in writing, subscribed by the party sought to be charged.'* (Civ.Code, s 1624, subd. 4.) Such evidence we cannot find. Too, Antin appears to have experienced some qualms in the premises when he mailed the original and copies of the agreement to Maizlish for plaintiffs' execution, his letter concluding as follows: 'For the additional protection of all parties, I will send the revised agreements, executed by Mr. and Mrs. Wilson, to Mr. and Mrs. Eddy for their signatures and return to you a fully executed copy as soon as possible.'

LILLIE, Associate Justice.

WOOD, P.J., and THOMPSON, J., concur.

"The Respondents continually ignored Appellant's repeated motions of discovery, and have never addressed the lack of ANY notification of Appellant of the so-called agreement to surrender her dogs the day after the Court Ordered them held for 2 weeks."

Winters v. Cook, 466 F.2d 1393 (5th Cir. 1972)
, rev'd en 5 banc, 489 F.2d 174 (5th Cir. 1973),

"Holding that the right to testify is "such an inherently personal fundamental right that it can be waived only by the defendant and not by his attorney.""DeLUCA v. LORD, (S.D.N.Y. 1994), 858 F. Supp. 1330 (S.D.N.Y. 1994)

"Case law demonstrates that ***the exceptional circumstances which justify a requirement that the defendant personally waive the right vouched-safe may be grouped in two broad categories: first, where there is evidence of fraud, or gross negligence or incompetence on the part of the defendant's attorney; and, second, where an inherently personal right of fundamental importance is involved."***

CLARK, Circuit Judge:

The factual circumstances of Winters' crime and the procedural context in which his subsequent guilty plea was entered are set out in detail in the district court's opinion, published at 333 F. Supp. 1033, and need not be reiterated at length here. Winters was indicted by the Grand Jury of Holmes County, Mississippi, on a charge of murder arising out of the shooting death of one E. T. Branch. On the advice of retained counsel Winters pled guilty to that charge and was sentenced to life imprisonment. Winters now seeks federal habeas relief alleging that Negroes were illegally excluded from the grand jury which indicted him, ***that his guilty plea was not voluntary and intelligent, and that he was denied effective counsel.***

Both the State courts and the district court in this case held that Winters' plea of guilty waived his right to complain of the array of jurors in Holmes County. The rationale for such view is that Winters' lawyer knew of the right and that by failing to raise the objection counsel effectively waived the right for Winters. ***But it is axiomatic that Winters is the one who must make the waiver, not his attorney. Winters had no idea that he could object to the jury composition. Before a waiver can be effective it must be knowingly given. Since Winters had not been informed of the right, his waiver did not encompass its relinquishment.***

Appellant was never told that her livestock was going to be surrendered, indeed, this was done by e-mail and telephone AGAINST the expressed requirements of Mr. Sapp's hiring, which neither Appellant NOR Magistrate Judge Duffie had any knowledge of. (per Mag. Ct. audio)

Having NOT been told of this development until well after it was effected—Appellant had no ability to demand that it NOT be accomplished.

118 U.S. 356

Yick Wo v. Hopkins ()

Argued:

Decided: May 10, 1886

Syllabus

In a suit brought to this court from a State court which involves the constitutionality of ordinances made by a municipal corporation in the State, this court will, when necessary, put its own independent construction upon the ordinances.

A municipal ordinance to regulate the carrying on of public laundries within the limits of the municipality violates the provisions of the Constitution of the United States if it confers upon the municipal authorities arbitrary power, at their own will, and without regard to discretion in the legal sense of the term, to give or withhold consent as to persons or places, without regard to the competency of the persons applying, or the propriety of the place selected, for the carrying on of the business.

An administration of a municipal ordinance for the carrying on of a lawful business within the corporate limits violates the provisions of the Constitution of the United States if it makes arbitrary and unjust discriminations, founded on differences of race between persons otherwise in similar circumstances.

The guarantees of protection contained in the Fourteenth Amendment to the Constitution extend to all persons within the territorial jurisdiction of the United States, without regard to differences of race, of color, or of nationality.

Those subjects of the Emperor of China who have the right to temporarily or permanently reside within the United States, are entitled to enjoy the protection guaranteed by the Constitution and afforded by the laws.

These two cases were argued as one, and depended upon precisely the same state of facts; the first coming here upon a writ of error to the Supreme Court of the State of California, the second on appeal from the Circuit Court of the United States for that district. The plaintiff in error, Yick Wo, on August 4, 1885, petitioned the Supreme Court of California for a writ of habeas corpus, alleging that he was illegally deprived of his personal[p357] liberty by the defendant as sheriff of the city and county of San Francisco.

If the facts appearing on the face[p363] of the ordinance, on the petition and return, and admitted in the case and shown by *the notorious public and municipal history of the times indicate a purpose to drive out the Chinese laundrymen, and not merely to regulate the business for the public safety, does it not disclose a case of violation of the provisions of the Fourteenth Amendment to the National Constitution, and of the treaty between the United States and China, in more than one particular?* . . . If this means prohibition of the occupation and destruction of the business and property of the Chinese laundrymen in San Francisco -- and it seems to us this must be the effect of executing the ordinance --

and not merely the proper regulation of the business, then there is discrimination and a violation of other highly important rights secured by the Fourteenth Amendment and the treaty. That it does mean prohibition as to the Chinese it seems to us must be apparent to every citizen of San Francisco who has been here long enough to be familiar with the cause of an active and aggressive branch of public opinion and of public notorious events. Can a court be blind to what must be necessarily known to every intelligent person in the State? See Ah Kow v. Nunan, 5 Sawyer, 552, 560; Sparrow v. Strong, 3 Wall. 97, 104; Brown v. Piper, 91 U.S. 37, 42.

But, in deference to the decision of the Supreme Court of California in the case of Yick Wo, and contrary to his own opinion as thus expressed, the circuit judge discharged the writ and remanded the prisoner.[

no impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition; and that, in the administration of criminal justice no different or higher punishment should be imposed upon[p368] one than such as is prescribed to all for like offences. . . . Class legislation, discriminating against some and favoring others, is prohibited, but legislation which, in carrying out a public purpose, is limited in its application if, within the sphere of its operation, it affects alike all persons similarly situated, is not within the amendment.

The Fourteenth Amendment to the Constitution is not confined to the protection of citizens. It says:

Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[p370] to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. *Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but, in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.* And the law is the definition and limitation of power. It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision, and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion or by means of the suffrage. *But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws*, so that, in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth "may be a government of laws, and not of men."

"For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life at the mere will of another seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself. "

"Appellant was only engaged in maintaining her breeding livestock on her private property, and selling their progeny. The income derived helped pay the extra bills derived from her terminal son. She was committing no wrongs, and asked merely to be let alone to pursue her life" She was not.

EXHIBIT # 1

Definition of Grandfather Clause<

Noun

1. A legal provision that exempts a business, enterprise, or class of persons from a new rule, regulation, or law that would affect rights or privileges previously held.

Origin

1895-1900 Americanism

What is a Grandfather Clause

A grandfather clause is a provision in which businesses, enterprises, or class of persons are exempt from the provisions of a new rule, regulation, or law. Usually, a grandfather clause

Grandfather Clause in Statutes or Zoning Ordinances

Grandfather clauses are commonly used in creating new zoning ordinances and city or state statutes. The grandfather clause in statute or zoning ordinances permits a business or landowner to request *an exemption from restrictions on how the land is used, so long as it continues to be used as it was when the zoning ordinance was adopted.*

For example, if the city of Chicago enacts a zoning ordinance that prohibits retails businesses in a certain area, a grandfather clause may allow retail stores already operating in the area to remain. If the business changes to something other than a retail store, the grandfather clause would end. In many cases, such a grandfather clause may end if the existing retail store, or the land, is sold to another person or entity.

specifies a date for the division of exempted entities, making it clear that *situations that occur from that date forward are subject to the new regulations. In basic terms, a grandfather clause allows the current state of something to remain unchanged, regardless of the policy change.*

EXHIBIT #2

trespass

(redirected from *Criminal Trespass*)
Also found in: Dictionary, Thesaurus, Financial, Encyclopedia, Wikipedia.
Related to Criminal Trespass: Criminal Mischief

Trespass

An unlawful intrusion that interferes with one's person or property.

Tort Law originated in England with the action of trespass. Initially trespass was any wrongful conduct directly causing injury or loss; in modern law trespass is an unauthorized entry upon land. A trespass gives the aggrieved party the right to bring a civil lawsuit and collect damages as compensation for the interference and for any harm suffered. Trespass is an intentional tort and, in some circumstances, can be punished as a crime.

In modern law the word *trespass* is used most commonly to describe the intentional and wrongful invasion of another's real property. An action for trespass can be maintained by the owner or anyone else who has a lawful right to occupy the real property, such as the owner of an apartment building, a tenant, or a member of the tenant's family. The action can be maintained against anyone who interferes with the right of ownership or possession, whether the invasion is by a person or by something that a person has set in motion. For example, a hunter who enters fields where hunting is forbidden is a trespasser, and so is a company that throws rocks onto neighboring land when it is blasting.

Every unlawful entry onto another's property is trespass, even if no harm is done to the property. A person who has a right to come onto the land may become a trespasser by committing wrongful acts after entry. For example, a mail carrier has a privilege to walk up the sidewalk at a private home but is not entitled to go through the front door. A person who enters property with permission but stays after he has been told to leave also commits a trespass. Moreover, an intruder cannot defend himself in a trespass action by showing that the plaintiff did not have a completely valid legal right to the property. The reason for all of these rules is that the action of trespass exists to prevent breaches of the peace by protecting the quiet possession of real property.

In a trespass action, the plaintiff does not have to show that the defendant intended to trespass but only that she intended to do whatever caused the trespass. It is no excuse that the trespasser mistakenly believed that she was not doing wrong or that she did not understand the wrong. A child can be a trespasser, as can a person who thought that she was on her own land.

Injury to the property is not necessary for the defendant to be guilty of trespass, although the amount of damages awarded will generally reflect the extent of the harm done to the property. For example, a person could sue birdwatchers who intruded onto his land but would probably receive only nominal damages. A farmer who discovers several persons cutting down valuable hardwood trees for firewood could recover a more substantial amount in damages.

Trespassers are responsible for nearly all the consequences of their unlawful entry, including those that could not have been anticipated or are the result of nothing more wrongful than the trespass itself. For example, if a trespasser carefully lights a fire in the stove of a lake cabin and a fault in the stove causes

the cabin to burn down, the trespasser can be held liable for the fire damage.

Courts have had to consider how far above and below the ground the right to possession of land extends. In *United States v. Causby*, 328 U.S. 256, 66 S. Ct. 1062, 90 L. Ed. 1206 (1946), the U.S. Supreme Court held the federal government liable for harm caused to a poultry business by low-altitude military flights. The Court concluded that because the airspace above land is like a public highway, ordinary airplane flights cannot commit trespass. In this case, however, the planes were flying below levels approved by federal law and regulations, so the government was held responsible. Its activity was a "taking" of private property, for which the Fifth Amendment to the U.S. Constitution requires just compensation.

It may be a trespass to tunnel or mine under another person's property, to force water or soil under the property, or to build a foundation that crosses under the boundary line. Underground encroachments are usually an exception to the rule that no harm needs to be shown in order to prove a trespass. Generally, trespass actions are permitted only where there is some damage to the surface or some interference with the owner's rights to use her property.

In some cases a defendant is not liable for trespass even though she has intruded onto another's property. Public officials, for example, do not have any special right to trespass

Sometimes consent to enter another's land is called a license, or legal permission. This license is not necessarily a certificate and may be in the form of a written agreement. For example, an electric company might have a license to enter private property to maintain electrical lines or to read the electric meter. The employees cannot act unreasonably when they make repairs, and they and the company are liable for any damage they cause to the property.

Criminal Trespass

At common law a trespass was not criminal unless it was accomplished by violence or breached the peace. Some modern statutes make any unlawful entry onto another's property a crime. When the trespass involves violence or injury to a person or property, it is always considered criminal, and penalties may be increased for more serious or malicious acts. Criminal intent may have to be proved to convict under some statutes, but in some states trespass is a criminal offense regardless of the defendant's intent.

Some statutes consider a trespass criminal only if the defendant has an unlawful purpose in entering or remaining in the place where he has no right to be. The unlawful purpose may be an attempt to disrupt a government office, theft, or Arson. Statutes in some states specify that a trespass is not criminal until after a warning, either spoken or by posted signs, has been given to the trespasser. Criminal trespass is punishable by fine or imprisonment or both.

EXHIBIT #5

Amendment 4—US Constitution

Protection from Unreasonable Searches and Seizures

The right of the people to be secure in their persons, houses, papers, and effects against ***unreasonable searches*** *and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.*

The Exclusionary rule is designed to exclude evidence obtained in violation of a criminal defendant's Fourth Amendment rights. The Fourth Amendment protects against unreasonable searches and seizures by law enforcement personnel. ... Theexclusionary rule is a court-made rule. In 1914, the U.S. Supreme Court announced a strong version of the exclusionary rule, in the case of Weeks v. United States, under the Fourth Amendment prohibiting unreasonable searches and seizures.

Fruit of the poisonous tree is a legal metaphor in the United States used to describe evidence that is obtained illegally. The logic of the terminology is that if the source (the "tree") of the evidence or evidence itself is tainted, then anything gained (the "fruit") from it is tainted as well.

EXHIBIT #6

Amendment 5—US Constitution

Protection of Rights to Life, Liberty, and Property

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; *nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.*

Amendment 6 US Constitution

(Referencing General Sessions Ct. proceedings brought up in Magistrate Court)

Rights of Accused Persons in Criminal Cases

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an ***impartialjury*** of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, *and to be informed of the nature and cause of*

the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Amendment 8-US Constitution EXHIBIT #8

Excessive Bail, Fines, and Punishments Forbidden

Excessive bail shall not be required, nor excessive *fines imposed*, nor cruel and unusual punishments *.inflicted*

SC Constitution

Article 1, Section 10. Searches and seizures; invasions of privacy.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, *and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained.* (1970 (56) 2684; 1971 (57) 315.)

SC Constitution

Article 1, Section 13. Taking private property.

Except as otherwise provided in this Constitution, *private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor.*

SC Constitution

Article 1, Section 14. Trial by jury; witnesses; defense.

The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; *to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both.* (1970 (56) 2684; 1971 (57) 315.)

South Carolina Code of Laws

16-5-10 Conspiracy against civil rights.

It is unlawful for two or more persons to band or conspire together or go in disguise upon the public highway or *upon the premises of another with the intent to injure, oppress, or violate the person or property of a citizen* because of his political opinion or his expression or exercise of the same or *attempt by any means, measures, or acts to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State.*

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both. A person convicted under this section is ineligible to hold, and disabled from holding, any office of honor, trust, or profit in this State.

16—5-60 Suits against county for damages to person or property resulting from violation of person's civil rights.

Any citizen who shall be hindered, prevented or obstructed in the exercise of the rights and privileges secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State or shall be injured in his person or property because of his exercise of the same may claim and prosecute the county in which the offense shall be committed for any damages he shall sustain thereby, and the county shall be responsible for the payment of such damages as the court may award, which shall be paid by the county treasurer of such county on a warrant drawn by the governing body thereof. Such warrant shall be drawn by the governing body as soon as a certified copy of the judgment roll is delivered to them for file in their office.

16-11-510 (a) Malicious injury to animals and other personal property.

(A) It is unlawful for a person to wilfully and maliciously cut, shoot, maim, wound, or *otherwise injure or destroy* any horse, mule, cattle, hog, sheep, goat, *or any other kind, class, article, or description of personal property, or the goods and chattels of another.*

16-11-600 Entry on another's pasture or other lands after notice; posting notice.

Every entry upon the lands of another where any horse, mule, cow, hog or *any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor* and be punished by a fine not to exceed one hundred dollars, or by imprisonment with hard labor on the public works of the county for not exceeding thirty days. *When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.*

16-11-640 Unlawful entry into enclosed places.

It shall be unlawful for any person not an occupant, owner or invitee to enter any private property enclosed by walls or fences with closed gates between the hours of six P.M. and six A.M. The provisions of this section shall not apply to any justifiable emergency entry or to premises which are not posted with clearly visible signs prohibiting trespass upon the enclosed premises. *The provisions of this section are supplemental to existing law relating to trespass and punishment therefor.* Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned for not more than thirty days.

16-11-650 Removing, destroying or leaving down fences; penalties; magistrate court jurisdiction; easement holder's rights.

(A) *A person, other than the owner or a person acting under the authority of the owner, who wilfully and knowingly removes, destroys, or leaves down any portion of a fence in this State intended to enclose animals of any kind or crops or uncultivated lands or who wilfully and knowingly leaves open or removes a gate or leaves down bars or other structure intended for the same purpose is guilty of a misdemeanor* and must be punished by a fine of one thousand dollars or imprisonment for thirty days, or both.

16-7-150 Slander and libel.

Any person who shall with malicious intent originate, utter, circulate or publish any false statement or matter concerning another the effect of which shall tend to injure such person in his character or reputation shall be guilty of a misdemeanor and, upon conviction therefor, be subject to punishment by fine not to exceed five thousand dollars or by imprisonment for a term not exceeding one year, or by both fine and imprisonment, in the discretion of the court; provided, that nothing herein shall be construed to abridge any right any person may have by way of an action for damages for libel or slander under the existing law.

17-13-140 Issuance, execution and return of search warrants for property connected with the commission of crime; inventory of property seized.

Any magistrate or recorder or city judge having the powers of magistrates, or any judge of any court of record of the State having jurisdiction over the area where the property sought is located, *may issue a search warrant to search for and seize* (1) stolen or embezzled property; (2) property, the possession of which is unlawful; (3) property which is being used or has been used in the commission of a criminal offense or is possessed with the intent to be used as the means for committing a criminal offense or is concealed to prevent a criminal offense from being discovered; *(4) property constituting evidence of crime or tending to show that a particular person committed a criminal offense;* (5) any narcotic drugs, barbiturates, amphetamines or other drugs restricted to sale, possession, or use on prescription only, which are manufactured, possessed, controlled, sold, prescribed, administered, dispensed or

(4) Reason for issuing warrant.
(5) Description of article sought in the search.
(6) Date and time of return.
(B) Any person who alters or fails to keep for the prescribed period of time the records, warrants, and documents as provided for in subsection (a) shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed thirty days.

17-13-150 Person served search warrant shall be furnished copy of warrant and supporting affidavit.

When any person is served with a search warrant, such person shall be furnished with a copy of the warrant *along with the affidavit upon which such warrant was issued.*

47-1-40 Ill-treatment of animals generally; penalties.

(A) A person who *knowingly or intentionally* overloads, overdrives, overworks, or ill-treats an animal, *deprives an animal of necessary sustenance or shelter,* inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, *is guilty of a misdemeanor and, upon conviction,* must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars.

(C) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.

47-4-20 (7) "Livestock" means all classes and breeds of animals, domesticated or feral, raised for *use, sale,* or display.

47-3-940 Injury, disability, or death; reckless disregard; penalties.

(A) It is unlawful for a person with reckless disregard to *injure, disable, or cause the death of a guide dog or service animal.*

compounded in violation of any of the laws of this State or of the United States. Narcotics, barbiturates or other drugs seized hereunder shall be disposed of as provided by Section 44-53-520.

The property described in this section, or any part thereof, may be seized from any place where such property may be located, or from the person, possession or control of any person who shall be found to have such property in his possession or under his control.

A warrant issued hereunder *shall be issued only upon affidavit sworn to before the magistrate,* municipal judicial officer, or judge of a court of record *establishing the grounds for the warrant.* If the magistrate, municipal judge, or other judicial officer abovementioned is satisfied that the grounds for the application exist or that there is *probable cause to believe that they exist, he shall issue a warrant identifying the property and naming or describing the person or place to be searched.* In the case of a warrant issued by a magistrate or a judge of a court of record, it shall be directed to any peace officer having jurisdiction in the county where issued, including members of the South Carolina Law Enforcement Division, and shall be returnable to the issuing magistrate. In case of a warrant issued by a judge of a court of record, it shall be returnable to a magistrate having jurisdiction of the area where the property is located or the person to be searched is found. If any warrant is issued by any municipal judicial officer to municipal police officers, the return shall be made to the issuing municipal judicial officer. Any warrant issued shall command the officer to whom it is directed to forthwith search the person or place named for the property specified.

Any warrant issued hereunder shall be executed and return made only within ten days after it is dated. *The officer executing the warrant shall make and deliver a signed inventory of any articles seized by virtue of the warrant,* which shall be delivered to the judicial officer to whom the return is to be made, and *if a copy of the inventory is demanded by the person from whose person or premises the property is taken, a copy of the inventory shall be delivered to him.*

This section is not intended to and does not either modify or limit any statute or other law regulating search, seizure, and the issuance and execution of search warrants in circumstances for which special provision is made.

17-13-140 Records to be kept by judiciary officers authorized to issue search warrants; penalty.

(A) Every judiciary official authorized to issue search warrants in this State shall keep a record along with a copy of the returned search warrant and supporting affidavit and documents for a period of three years from the date of issuance of each warrant. The records shall be on a form prescribed by the Attorney General and reflect as *to each warrant:*
(1) Date and exact time of issuance.
(2) Name of person to whom warrant issued.
(3) Name of person whose property is to be searched or, if unknown, description of person and address of property to be searched.

47-3-950 (A) It is unlawful for a person to *wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the guide dog or service animal user of his guide dog or service animal.*

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars or imprisoned not less than one year, or both.

****The spoliation of evidence is the *intentional, reckless, or negligent* withholding, hiding, altering, fabricating, or *destroying of evidence relevant to a legal proceeding.***

SC Constitution

Article 1, Section 15. **Right of bail; excessive bail; cruel or unusual or corporal punishment;** detention of witnesses.

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. *Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained.* (1970 (56) 2684; 1971 (57) 315; 1998 Act No. 259.)

SC Constitution,

Article 1, Section 16. **Libel**

In all indictments or prosecutions for libel, the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and facts.

EXHIBIT #13 A+B

42 U.S. Code § 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, *subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress*, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub. L. 96–170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104–317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

42 U.S. Code § 1985 - Conspiracy to interfere with civil rights

(2)OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

If two or more persons in any State or Territory conspire *to* deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or *if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;*

(3)DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

If two or more persons in any State or Territory conspire or *go* in disguise on the highway or *on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws;* or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

(R.S. § 1980.)

EXHIBIT #7

The 6th Amendment's Confrontation Clause

103 58.7K

The 6th Amendment to the U.S. Constitution sets out many rights for defendants during a criminal prosecution, including ***the right of the accused to confront their accusers.*** The relevant text of the Confrontation Clause of the 6th Amendment reads as follows: In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him.

The *14th Amendment has made the 6th Amendment's right to confrontation applicable to state court as well as federal court.*

The confrontation clause guarantees criminal ***defendants the opportunity to face the prosecution's witnesses in the case against them and dispute the witnesses' testimony. This guarantee applies to both statements made in court and statements made outside of court that are offered as evidence during trial.***

The Right to Cross-Examine

For in-court statements, the confrontation clause essentially means that ***the defendant has a right to cross-examine witnesses in order to challenge their testimony.*** Trial rules can shape or limit the manner of the cross-examination, so long as those rules stand up to a confrontation clause analysis. A trial court may prevent repetitive or unduly harassing cross-examination, but defendants otherwise enjoy a wide latitude when confronting witnesses during a cross-examination. If a trial judge restricts cross-examination too severely, a violation of the confrontation clause may have occurred.

Out-of-Court Statements

In building a case, prosecutors may want to use statements that people have made outside of the courtroom as evidence against the defendant. If the person making the statements does

not appear in court to testify, however, using such statements may constitute a confrontation clause violation.

Here are some examples of out-of-court statements that may run afoul of the confrontation clause:

•Statements by a non-testifying victim made during a police interrogation

•Statements by a non-testifying victim to emergency medical responders, hospital staff or social workers

•An autopsy report by a non-testifying medical examiner

Crawford v. Washington and Out-of-Court Statements

In 2004, the Supreme Court decided an important case, *Crawford v. Washington*, that altered the rules for when prosecutors can use out-of-court statements against a defendant.

Before *Crawford*, the Supreme Court had held that out-of-court statements did not violate the confrontation clause as long as they were adequately reliable. ***In Crawford, the Court changed course and determined that defendants had a right to cross-examine out-of-court statements, regardless of whether or not the statements were reliable.***

After *Crawford*, ***the government cannot use out-of-court statements that are offered as testimony against the defendant unless the witness is unavailable and the defendant has had a previous opportunity to cross-examine the witness.***

The Supreme Court recently carved out an important exception to this general rule for so-called "dying declarations". In *Michigan v. Bryant*, the Court ruled that a statement made by a dying person can be entered into evidence at trial if the statement was made to assist police with an "ongoing emergency" as opposed to merely helping the police investigate a past crime.

Melendez-Diaz v. Massachusetts and Forensic Tests

In *Melendez-Diaz v. Massachusetts*, the Supreme Court extended its rule from *Crawford* to cover reports from forensic analysts. Specifically, the Court ruled that prosecutors cannot use a report on the chemical makeup of a batch of alleged illegal drugs if the laboratory technician who prepared the report does not testify at trial.

The Court upheld, however, the use of "notice and demand" statutes. Notice and demand statutes allow the prosecution to notify the defendant of the prosecution's intent to use a drug report without additional testimony. If the defendant does not object to the prosecution's use of the report, no confrontation clause violation has occurred.

Recently, the Court further enhanced the rules for forensic analyses in a case known as *Bullcoming v. New Mexico*. In that case, the Court clarified the *Melendez* rule by stating that the actual person who performed the forensic test must also give testimony at trial. Testimony from a different forensic analyst from the same lab would not satisfy the 6th Amendment's requirements, according to the Court.

Testimony from a different analyst could constitute an acceptable substitute, however, if the original analyst was not available to testify and the defense had a previous opportunity to perform cross-examination.

Under SC law, it is illegal to willfully or maliciously injure, damage, or destroy the property of another. This includes buildings, animals, land, or any other personal property.

Penalties for Malicious Injury (Property Damage)

The charge and potential penalty you face for this offense depends on the value or cost of the damage committed.

Damage Value	Charge	Potential Sentence
$5,000 or more	Felony	Up to 10 years in prison
$1,000 to $5,000	Felony	Up to 5 years in prison
Less than $1,000	Misdemeanor	Up to 1 year in jail.

Ref: SC Code §16-11-510

personal property

(redirected from *Tangible personal property*)
Also found in: Dictionary, Thesaurus, Financial, Acronyms, Encyclopedia, Wikipedia.
Related to Tangible personal property: Intangible Personal Property

Personal Property

Everything that is the subject of ownership that does not come under the denomination of real property; any right or interestthat an individual has in movable things.

Personal property can be divided into two major categories: (1) corporeal personal property, including such items as animals, merchandise, and jewelry; and (2) incorporeal personal property, comprised of such rights as stocks, bond s,Patents, and copyrights.

Possession

Possession is a property interest under which an individual is able to exercise power over something to the exclusio n of allothers. It is a basic property right that entitles the possessor to (1) the right to continue peaceful possession against
everyone except someone having a superior right; (2) the right to recover a chattel that has been wrongfully taken; and (3)the right to recover damages against wrongdoers.Possession requires a degree of actual control over the ob

ject, coupledwith the intent to possess and exclude others. The law recognizes two basic types of possession: actu al and constructive.

Actual possession exists when an individual knowingly has direct physical control over an object at a given time. Fo rexample, an individual wearing a particular piece of valuable jewelry has actual possession of it. *Constructive poss ession* isthe power and intent of an individual to control a particular item, even though it is not physically in that pers on's control. Forexample, an individual who has the key to a bank safe deposit box, which contains a valuable piece of jewelry that sheowns, is said to be in constructive possession of the jewelry.

Possession of Animals

Animals ferae naturae, or wild animals, are those that cannot be completely domesticated. A degree of force or skill isnecessary to maintain control over them. Gaining possession is a means of obtaining title to, or ownership of, wild animals.

Generally an owner of land has the right to capture or kill a wild animal on her property and upon doing so, the anim al isregarded as belonging to that individual because she owns the soil. The traditional legal principle has been that one whotames a wild animal is regarded as its owner provided it appears to exhibit animus revertendi, or the intent to return to theowner's domicile. Conversely when a captured wild animal escapes and returns to its natural habitat without any apparentintent to return to the captor's domicile, the captor forfeits all personal property right and the an imal may be captured byanyone.

Lost, Mislaid, and Abandoned Property

Personal property is considered to be *lost* if the owner has involuntarily parted with it and is ignorant of its location. *Mislaidproperty* is that which an owner intentionally places somewhere with the idea that he will eventually be able t o find it againbut subsequently forgets where it has been placed. *Abandoned property* is that to which the owner ha s intentionallyrelinquished all rights.

Lost or mislaid property continues to be owned by the person who lost or mislaid it. When one finds lost goods, the finder isentitled to possession against everyone with the exception of the true owner.

The finder of lost articles on land belonging to someone else is entitled to possession against everyone but the true owner,unless the finder is guilty of Trespass. The finder of misplaced goods has no right to their possession. The o wner of theplace where an article is mislaid has a right to the article against everyone but the true owner. Abandone d property can bepossessed and owned by the first person who exercises dominion over it with an intent to claim it as his or her own. In anyevent, between the finder of a lost, mislaid, or abandoned article and the owner of the plac e where it is found, the lawapplies to whatever rule will most likely result in the return of the article to its rightful own er.

Animal Control [HC #6] 4/4/5

6.04.050. - Enforcement.

A.

The animal control director and the animal control officers shall have the authority to enforce all applicable laws concerning animal control as set forth by this chapter or other laws and such additional duties, procedures, and responsibilities as the county administrator or county council shall establish. At its discretion, the county may contract any portion or all of the enforcement and administration of this article, as it deems appropriate. However, nothing herein shall abridge or limit the right and duty of local law enforcement authorities to enforce the provisions of this or any other law concerning animal control to the degree, which their training and expertise may allow them to do. (MY number of years of training and expertise in animal care—particularly of the animals in my care—far outweighs ANY of the officers or contracted personnel involved in this raid, and was not taken into consideration at any time.)

B.

No person shall interfere with, hinder, or molest the duly authorized animal control officer or any such agent of the county in the performance of his or her duty, or seek to release animals in the custody of the duly authorized animal control officer or any agent of the county, except as provided in this chapter. As public employees, animal control officers are protected pursuant to S.C. Code 1976, § 16-3-1040, as amended. No person shall refuse to produce identification when requested to do so by an animal and environmental control officer in the course of an investigation of any violation of this chapter or any other applicable law concerning animal care and control. It is unlawful to tamper with or release animals from traps set out by an animal and environmental control officer.

C.

Any person reporting a violation of this chapter may remain anonymous; however, if the complainant chooses to identify himself to the responding officer, then his identity is subject to release upon any request for that information. (Although the Animal Control Director Mr. McNeil claimed to the Appellant on several occasions that he "knew" the original complainant; (thereby opening disclosure of the identity to anyone who requested it) he and Colleton County et. al.,, which he was representing at the time, has refused to divulge any information about this person—despite several legal Motions of Discovery, and a Motion to Compel To Produce evidence demanding same.)

D.

The animal control officers shall respond to complaints regarding pets or animals. The same complaint from three or more persons within any 12-month period shall be prima facie evidence that a violation has occurred under this chapter. (NO complaints against me in nearly a quarter of a century have ever been produced, much less three or more in the prior year.)

E.

When a pet or animal is found in a condition which evidences a first-time violation of section 6.04.020(A), (G) or (H), or any paragraph contained in section 6.04.030 or 6.04.040 of this chapter, the

animal control officer shall issue a "Notice of Violation" to its owner, if known. The owner shall then have 24 hours to correct the violation. (NONE ever issued—see D. above.)
If this violation occurs a second or subsequent time within any six-month period, or if the owner does not correct or remedy the first-time violation within 24 hours to the satisfaction of the animal control officer, or if the person violates any other section of this chapter within the six-month time period, the animal control officer shall issue a "summons" to such person and the matter shall be heard before a magistrate. However, nothing in this chapter shall limit an animal control officer from taking immediate action as described in subsection (F) of this section when it is deemed to be in the best interest of the pet or animal.

Enforcement.

1.

When permission to enter and examine an animal is not given by the owner, the animal control officer may make, to any magistrate authorized to issue warrants in criminal cases, complaint on oath that he/she believes or has probable cause to believe that there has been a violation of this chapter in relation to animals in any particular building, premises, or place. If the magistrate is satisfied that there is reasonable cause for such belief, he/she shall issue a search warrant authorizing any law enforcement officer accompanied by an animal control officer to search the building, premise, or place, but no search shall be made after sundown unless specifically authorized by the magistrate or other court having jurisdiction. (NO permission was REQUESTED, NOR GRANTED, for either the complainant or officers of Animal Control to enter onto my private, posted, grandfathered, property at ANY time, but particularly on the afternoon of Friday, May 13, 2016—when "evidence" to obtain a warrant to search was gathered, after assuring that I would be ABSENT. Appellant also has never seen either "Affirmation Affidavit" of so-called inhumane treatment signed by Mr. McNeil, and the misdemeanors issued that day do not state this either.)

2.

The animal control officer may then examine such animal or animals and take possession of same when in his/her opinion they are receiving inhumane treatment. The animal may be taken to the animal care and control facility and held for disposition in accordance with this chapter. (Only ONE puppy, the 2-week-old Min Pin that I was bottle feeding—was ever held at the animal shelter in Colleton County, according to the newspaper press release...the balance were taken to "several" other shelters, and Appellant was refused information as to where any of them were—and told that I could NOT see them.)

3.

No wild animal shall be subject to euthanasia unless, through consultation and cooperation with state wildlife officials, it is determined to be the only humane alternative for such animal. The animal control officer and animal care and control facility, in cooperation with state wildlife officials, shall exercise due diligence to return a wild animal to its natural environment or, if the animal is not suitable for return, then alternative and humane placement shall be diligently sought.

4.

The animal control officer may further pursue any violations of this section, which the officer may ascertain as a result of said search or seizure.

It is NOT a violation to have a burial pit in conjunction with an animal breeding operation. Go to ANY fryer chicken house, and you will see a pit by each door in which are thrown the dead animals picked up during the day. This is just one example, there are many. I bred animals there for nearly a quarter of a century.

5.

Following seizure of an animal, the animal control officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten days from the date of the seizure to determine whether the owner, if known, is able to provide adequately for the animal and is a fit person to own the animal. The animal control officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal was found, written notice at least five days prior to the hearing of the time and place of the hearing.

Evidence supposedly obtained on the UNWARRANTED search conducted on Friday, May 13, 2016 was used for the purpose of obtaining the first search warrant. Appellant was never shown this evidence of the supposed ill treatment of her animals, particularly any photos of any of her animals that were "emaciated, dehydrated, and constipated" at the time of this initial unwarranted search (as claimed by the shelter after they were seized that they ALL were)—and therefore cannot verify that any of it is even from her property.

6.

If the owner is not known or cannot be found, the animal control officer shall post a copy of the notice at the property where the animal was seized. The magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Colleton County animal and environmental control department whereby the animal may be put up for adoption or destroyed. The pet or animal shall remain in the custody and care of the animal and environmental control department until such matter is heard before the magistrate.

7.

If the magistrate orders the return of the animal to its owner, the animal control officer shall release the animal upon receipt from the owner of all redemption fees as described in section 6.04.100(A)(3). If the owner does not pay the redemption fees within five days of the magistrate's order, the animal shall become the property of animal care and control and may be placed for adoption or euthanized. However, nothing in this chapter shall be construed to prohibit the euthanasia for humane purposes of a critically injured or ill animal.

G.

The animal control officer shall respond in accordance with established policies and resources to the complaint of any property owner that a feral animal is trespassing upon his or her property, or to the complaint of any person that a feral animal presents a threat to the public's health and/or safety. The

animal control officer shall attempt to capture such animal. If the animal control officer is unable to capture the feral animal or if the animal poses an immediate threat to the safety of a person or other animal, the animal control director or his/her designee may dispose of the feral animal.

H.

If an animal is impounded as the result of an action taken by local, state, or federal law enforcement against the animal's owner, animal care and control will hold that animal for 30 days. If the owner or his/her designee does not make arrangements for the care and custody of the animal before the expiration of that 30-day period, the animal shall become the property of animal care and control and may be placed for adoption or euthanized at the discretion of the animal care and control director. However, any animal impounded in this manner with a severe, contagious, or life-threatening medical condition may be isolated, treated by a veterinarian, or immediately euthanized at the discretion of the animal care and control director. Such medical condition shall be clearly and fully documented in the records of animal care and control. (The ten "tortured animals" as listed in the criminal court, and a number of my other animals, were apparently euthanized, as evidenced by the "black out" of the record as to medical processes performed on them. NONE of these animals were ill, as evidenced by the weight and vital signs chart I assembled from the County's initial Veterinarian exam chart, if one conducts a search of their designated numbers. What these animals WERE was very old, had minor but easily correctable procedures possibly needed, or, mainly—did not like the people handling them, and bit and fought—making them, in the attendant's minds—"unadoptable". My animals had never seen anyone but me—they had every right to fight to get away from strangers, and did not deserve to be killed because of it. Why have these records not been produced as legally required?)

I.

Nothing in this chapter shall be construed to limit any person from bringing a private cause of action against the owner of a pet or animal for violation under this chapter.

J.

Notwithstanding any other provision of this section to the contrary, the court may order a person charged with any violation of the ordinance codified in this chapter to provide necessary food, water, shelter and care for any animals that are the basis of the charge without the removal of the animals from their existing location and until the charges against the person are adjudicated. Until a final determination of the charges is made, any animal control officer, law enforcement officer, or an approved humane investigator may be authorized by the court to make regular visits to the place where the animals are being kept to ascertain if the animals are receiving necessary food, water, shelter and care. Nothing in this section prevents any animal control officer, law enforcement officer or approved humane investigator from applying for a warrant under this section to seize any animals being held by the person charged pending adjudication of the charges if it is determined that the animals are not receiving the necessary food, water, shelter or care.

K.

Nothing in this section shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to animal care and control or to an approved animal humane organization in lieu

Woman charged after 73 animals seized on Augusta Highway | News | The Press and Standard

EXHIBIT #16

by The Press and Standard | May 18, 2016 3:36 pm

Last Updated: May 18, 2016 at 2:41 pm

Colleton County Animal and Environmental Control Director Reggie McNeil says the investigation that led to the seizure of 68 dogs and five cats from a property in the 19000 block of Augusta Highway is continuing.

Wednesday, McNeil was headed back to court to obtain a search warrant to return to the property, this time to collect the remains of dead animals.

A team from animal control and the Colleton County Sheriff's Office served the first search warrant on the property Monday afternoon.

McNeil said the investigation began when someone walking in the woods in the area allegedly found diseased and malnourished dogs in kennels in the woods and contacted animal control. Based on that complaint, McNeil took his own walk in the woods Friday. When he started getting a sense of the scope of problem, he had three other animal control officers join him in the woods.

His impression of what he found in the woods? McNeil paused, "I can't believe this stuff."

When he went in the woods Friday, he first found five dogs being housed in a kennel. But, he added, they could hear barking deeper in the woods. As they continued their search, they found "more dogs stuffed into more kennels." One dog was living in an animal trap.

McNeil said that he didn't need a search warrant to take that Friday walk in the woods but a search warrant had to be obtained to enter the residence on the property and to seize the animals being kept in the woods.

That search warrant was served Monday afternoon. McNeil, four animal control officers, the shelter's medical technician, McNeil's secretary and veterinarian Dr. Lori Campbell made the trip to Augusta

Highway.

McNeil said his secretary came along to help handle all the paperwork. Dr. Campbell, who volunteers at the animal shelter, was asked to come to the site to advise them on the animals' condition. "I was there to verify concerns," Campbell said. "The conditions were deplorable." Their condition justified the decision to seize the animals, she added. Joining the search team were Colleton County Sheriff R.A. Strickland, another command officer, a sheriff's office canine team and an investigator.

The animals were covered in fleas and ticks. "We had to spray ourselves down when we got home that night because we had fleas and ticks on ourselves. You could use all the spray you could, but you can't get rid of all the fleas and ticks out there," McNeil said. All the animals, he added, were malnourished. "We didn't see any bags of food."

McNeil said the searchers began photographing the animals, documenting their condition and placing them in crates at about 6 p.m. Monday. They finished about two-and-a-half hours later.

McNeil sought the assistance of the Hilton Head Humane Association to house and treat the animals. The county shelter could have provided the housing for all the animals, but not medical care for all the dogs and cats. Monday, the Hilton Head organization sent van to Colleton County to tranport the animals.

McNeil said the searchers didn't know that there were cats on the property until the sheriff's canine unit led them to where the cats were being housed. When searchers got inside the residential structure, he added, they found a puppy that was being bottle fed. The puppy is the only rescue being housed at the local shelter.

The seized dogs were primarily miniature pinschers, Chihuahuas and shelties.

Ten citations have been filed against Lynne Lucille Van House for no rabies vaccinations, animal cruelty and having injured or dead animals on the property. McNeil said Van House said she is a breeder, but hasn't provided veterinarian reports, rabies vaccination information or other documentation. "There is a lot of proving she has to do." He added that additional citations could be coming. He points out that his office could file 73 counts of rabies violations, one for each dog and cat taken from the property.

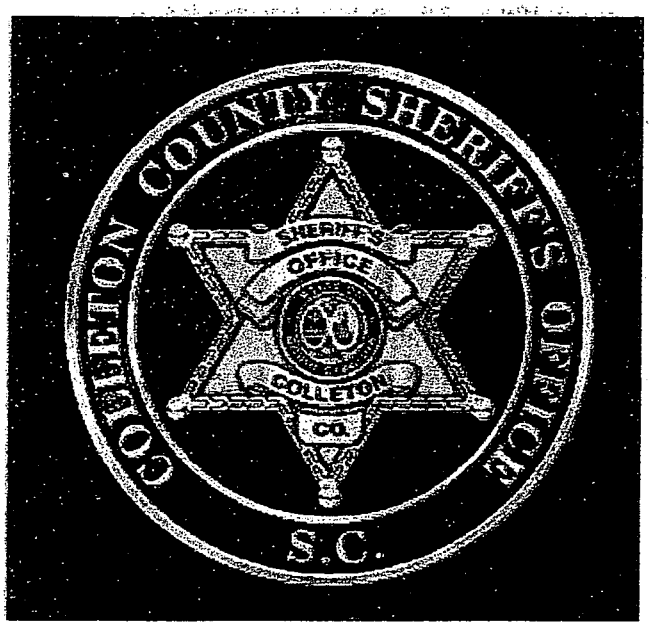
"We have not had a chance to investigate it fully," McNeil said. The ASPCA has also reportedly started its own investigation into the incident.

comments » 3

EXHIBIT AC #19 2 pgs.

by THE PRESS AND STANDARD | June 8, 2016 5:00 PM

Last Updated: June 8, 2016 at 1:11 PM



By GEORGE SALSBERRY

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The Augusta Highway woman who had 73 dogs and cats removed from her property by the Colleton County Animal and Environmental Control and the Colleton County Sheriff's Office in mid-May has relinquished ownership of the animals.

Lt. Jodi Taylor of the Colleton County Sheriff's Office said that Lynne Lucille Vanhouse, 68, of 19897 Augusta Highway in Round O recently agreed to turn over ownership of the 68 dogs and five cats that were found in the woods around her property.

Taylor explained that one of the reasons Vanhouse agreed to turn over ownership of the animals was because she could have been held liable for the costs associated with treating the animals and nursing them back to health.

The animals, with the exception of one kitten, were turned over to an animal shelter in Hilton Head operated by Hilton Head Humane Society. Colleton County Animal Control retained control of the kitten, which had been living inside the residence.

Colleton County Animal and Environmental Control Director Reggie McNeil said officials from the Hilton Head Humane Society have informed him that all the animals are on the mend.

McNeil also reported that the ASPCA has joined the effort and will provide funds to help fund the care for the animals.

He also expects that after the dogs and cats have recovered, the Hilton Head Humane Society will handle the adoption of the animals.

On May 16, members of the Colleton County Animal and Environmental Control and the Colleton County Sheriff's Office went to the property to begin collecting the animals, that had been found to be diseased and malnourished and housed in pens and kennels in the woods around the residence.

McNeil said the county decided to contact the Hilton Head Humane Society about boarding and treating the animals and they readily agreed, sending an air-conditioned truck to Augusta Highway to pick up the animals.

McNeil said the Colleton County Animal Shelter had the space needed to house the animals but could not afford the bill to have all the animals treated and nursed back to health.

After the animals were seized, McNeil filed 10 citations in Colleton County Magistrate's Court against Vanhouse for no rabies vaccinations, animal cruelty and having injured or dead animals on her property. She is scheduled to have a hearing on the charges in magistrate's court on June 21.

On June 3, the Colleton County Sheriff's Office arrested Vanhouse on 10 counts of ill treatment of animals, more serious charges than the misdemeanors McNeil filed in mid-May. At a bond hearing, Vanhouse had a $50,000 personal recognizance bond set.

The county's ill treatment charges, which are felonies, were filed after a in-depth investigation, a sheriff's office press release stated.

MY DEFENSE TO BE READ INTO THE RECORD AND SUBMITTED AS EVIDENCE AT MY SEIZURE HEARING

EXHIBIT #22

My youngest son is 39 years old—he suffers from a dominent genetic disease that is slowly killing him, but mercifully—he does not know that. I've had him near me to care for- for 7 years now- since he got out of prison after supposedly doing something illegal during a seizure. His symptoms range from various types of seizures, MS type jerking, calcium on the brain as dementia patients have, general clumsiness and a lowering IQ—he operates on about a six-year-old level right now.

Late last year—his symptoms suddenly started to accelerate; he had a severe grand mal seizure, and broke both bones in his right leg—and was hospitalized and operated on. Then less than 6 weeks later he developed pneumonia and was again hospitalized, with an IV antibiotic which has a side effect of causing more seizures in epileptics. He got out for 3 days, then had another seizure at his Day Treatment center here in Walterboro--but when he was released, had another severe seizure in a parking lot within 10 minutes, and broke his jaw In 3 places, cut himself deeply in several places, and required transport to MUSC for more operations and hospitalizations.

I tell you all these things to explain why I had to set different priorities when all this started coming down—My time had to be strictly restructured--my child had to come first, then the animals, then me and my surroundings. David was taking nearly all of every day—which left around 2-3 hours a day for the animals.

I immediately cut off all breeding except a couple of litters to pay for their feed and shots—and started only basic daily care: food, water, vaccinations as necessary, and a quick look-over to spot problems--is all I had time for. David finally stabilized a short time before my livestock/property was seized—and I started to breed again to catch up. This is why I had pregnant females and new litters when they were seized. I had finally started to refurbish and repair pens and boxes, to set up new runs, and get the surroundings back into better shape—when they were taken.

This search and seizure activity and resulting citations and criminal charges stemmed from what was supposedly a person walking in the woods, who came upon "dogs stuffed in kennels in the woods" according to a press release statement given by Mr McNeil, the shelter director. This prompted a complaint to Animal Control by this person.

The only "kennels" that this complainant could have seen are at least 100 feet or more INSIDE my property boundaries from any direction, and NONE of my heavily wooded property, my possessions, or my livestock are visible to ANY degree from any portion of my property boundaries--nor are they visible from the air. My property has dozens of various types of No Trespassing signs both at the perimeter and further inside closer to specific areas of it. It is declared agricultural on the tax roles; It is approximately 400' wide and 1000' feet deep—and the complainant had to have passed AT LEAST 2 signs,

or possibly as many as a dozen or more signs—to get to my kenneling.

The complainant could not possibly have seen anything of my livestock or property unless he committed Criminal Trespass, since he did NOT "accidentally" wander onto my property, nor did Mr. McNeil and his officers later.

Based on this illegal complaint—the Animal Control director further stated in his press release that he came out and walked into my property, WITHOUT my knowledge or permission, AND while I was GONE to care for my disabled son in Walterboro. Mr. McNeil says he came upon 5 dogs "in a kennel". The 5 dogs he saw were being housed in 3 large chain link kennels in my BACK YARD (300 feet from the hwy) BUT that he heard barking further back in (MY) property, and brought 3 more Animal Control officers into my property, unlatched my gate, passed about a dozen No Trespassing signs as he walked down my driveway toward the back of my property, and conducted a thorough search of much of my almost 9 acres of property, and of my livestock/personal property which were over 800" from the road. He seized pictures and videos of my livestock and personal property at that time. His claim from the press release that he "didn't need a search warrant" to take that Friday "walk in the woods" onto my clearly marked Posted private property is obviously incorrect. My 4th Amendment Constitutional rights say I should be secure in my property and papers against unreasonable searches—My animals are personal property, my land is real property--and this was all violated; and all 3 "raids" (their words) and subsequent ones were based on initial Criminal Trespass.

When I came back after medicating my son that Friday afternoon, they had been sitting in several vehicles, by my gate UNLATCHED BY THEM , Blue lights flashing in front of a major highway In public view, for some time after this first unconstitutional search. They asked permission to come in (again) and Mr. McNeil asked that I "escort" them down to the dogs so I could "explain" some things they'd already seen. They kept bullying and verbally trying to overwhelm and frighten me, and also told me it'd go "harder" on me if I didn't consent to lead them onto my property. Mention was also made that if I didn't allow them on the place, that I'd never be "allowed" to keep any of my dogs—but that they were "trying to work with (me)" I refused to allow them access several more times. I was informed that they would come back the following Monday and then they verbally threatened and tried to intimidate me some more—but when I asked what they had observed of the conditions of my livestock, at least two officers stated that they saw no animals in any danger, and admitted that they had water, shelter, and shade when I specified those things. I repeated categorically that I was "grandfathered in" with the animals here—for 23 years and that they had walked all over my legally posted land and brought who-knows-what onto it on their feet and clothes and tires, and that I was very upset by that because my property had been closed to stop disease coming in. I later, after the first seizure was complete, requested that they run a

Titer on all of them particularly for Rabies to prove that they had been vaccinated--before re-vaccination. I have learned that that was not done, all dogs were vaccinated immediately instead.

The pictures and videos they obtained in this first unconstitutional search were used to get specific listings on a Search Warrant (including a counted number of dogs)—and on Monday they came back. The first hint that they were back on my land was when I'd been stopped leaving by being blocked at my gate by trucks and blue lights, and walked back into my dwelling to call my daughter. I walked back out of my door and observed one of the Animal Control officers walking down my driveway toward the back of my property. When I asked her what she was doing there she blurted "I have to go join them" and when I started back there myself—said "You can't go back there". I stated it was my land, and walked several hundred feet into my kenneling area back under the live oaks. Our County Sheriff was standing there, surrounded by at least 4 deputies--as Mr. McNeil's press release has stated.

He immediately met me and stood nose to nose and asked "Do you own these animals?" When I said I did—he yelled "This is unacceptable!" but was standing so close to me he literally spit in my face. I was shocked, and stepped back a pace from him. He followed, and then yelled "How would you like to be in a wire pen all your life?" I quietly said "I'm not a dog, and this is all these dogs have ever known". I then told him that what his people were doing was against the law—and he screamed "I AM the law!" THEN he said: "Are you going to unlock that DA*NED gate?" I answered that I was not--until I saw a search warrant. He claimed it was "coming", but I still refused to open the gate before-hand.

At that point, he literally screamed at me: "If you don't unlock that F**KING gate, I'm gonna RIP it off the F**KING hinges and throw it In the G*D DA*NED woods! And THEN I'll TOW your G*D DA*NED car out of my way!" It suddenly occurred to me that I was 800 feet from the road—I was alone and isolated except for him and his employees— nobody could even hear me...and I was suddenly terrified. In an effort to calm him down before he did anything rash, I said I'd go up and do it if the warrant was, indeed, on it's way; and suddenly I realized that all the officers had their hands on the butt of their guns, and one of the officers "volunteered" to "escort" me up to the road—with a smirk on her face. I walked back up, unlocked the gate, moved my van—and went back into my dwelling to try to calm down and to call and tell my daughter what had just happened. There is no question In my mind that I was moments from being shot on my own property—by the Sheriff. When I came back out in a few minutes, to go into town to medicate my son, 2 officers were standing in my back yard with the warrant and showed it to me. By the time I walked back out to the road there were at least 7 vehicles, from all over several Counties—ready to take my animals. They then seized ALL my livestock/personal property over the next several hours—including a litter of 3 Chihuahuas born that morning, and a two-week old Blue Min Pin puppy out of

my dwelling (that was locked when I left) that I was bottle-feeding-which was not listed on that warrant to be searched at all. In addition, several of the dogs seized were NOT adults as specified, but clearly only puppies. They also took my 5 cats and several items of equipment and medicines, also not listed to be seized. I was given a copy of that warrant, along with the cobbled up "descriptions" copies (made at the Church a mile down the road from me) late that night. The first warrant named none of the equipment or meds they took. (see page) When I asked why they were picking up one of my large crates out of my back yard—I was told that they'd "run out of resources" and "had to use these". When I asked how I was going to get them back—one officer looked confused a moment, then said she'd "put (my) initials on them—and I could pick them up at the shelter after all this is over". There were at least 6 of my crates in several sizes-taken and used during the seizure.

I was on the phone with a friend while sitting on my back porch during much of the first seizure of my property—the officers whooped, hollered, sang, danced, gave high fives, commented about specific of my "beautiful" dogs they'd "found"and laughed...Kim said if she didn't know what was happening, she'd have thought I was having a party—all this while I sat and bawled over the loss of my life as I knew it..I also had a stroke about then that paralyzed part of my vocal chords—I can no longer sing or raise my voice.

The press and TV cameras were waiting by the Shelter for a truck to arrive, and this report by Mr. McNeil and the TV footage was apparently done live--so they were clearly pre-warned. The Animal Control and Shelter personnel tried and convicted me in the public forum before I ever had access to any legal means of defense, and seized my personal property without "due process of law"; violating my 14th Amendment Constitutional Rights. I was given NO opportunity or time to "clean up" what they declared to be unacceptable to them, nor did they ever tell me what those things were.

Two days later, again using unconstitutionally obtained pictures and videos for a second warrant—they came back and spent hours going all over my property, my dwelling and all my outbuildings again, and digging up and "finding" carcasses or skeletons (some as much as 23 years old) of long dead animals from "all over" (actually mostly from my burial pit) just as though this had anything at all to do with the health and well being of my personal property which they had seized. I was shown this warrant, but never got a copy; all I got that time when they left was a list of what they took—incomplete--as was the other warrant. (see page) NEITHER warrant had the correct address for most of the animals on it—I have 4 legal addresses associated with this property—as clearly listed on my mailbox.

This was, again, clearly a deliberate Misdirection aimed at demonizing me to the public; almost like a magic show slight-of-hand. They have since returned, well after the 2nd warrant expired, and set up piles of bones (apparently to take pictures of) that were not there when they left after the third search. They also placed in the grass what appeared to be a single vertebrae bone and put a pink "flag" by it to "mark" it—also apparently for pictures as though this was CSI being filmed. Another flag was placed near my dug-

up burial pit.
They completely ignored the newly dead deer right outside my gate, and continually ran over THAT carcass, concentrating only on my buried skeletons.

My animals are my breeding livestock, and PRODUCED pets for sale—they are not, and were never intended to be—pets themselves. Regardless of what surrounding conditions THEY found (illegally) on my Grandfathered and Posted real property—my breeding livestock/personal property were content, peaceful, well fed, dry, had water, companionship, and plenty of shade from the heat in the only environment they have ever known. I also had heating pads for cold nights available at all times (at least one of which was seized). My animals knew nobody but me, and interacted with me, alone, very well.
THEN they were suddenly swooped down upon by several total strangers, some of them men-which they'd never seen before--grasping, grabbing, snaring, snatching,muzzling them with ropes, and shoving them into carrying crates in a totally strange vehicle, EVEN my timid Chihuahua who had just given birth hours earlier to her three puppies! My animals were terribly frightened, very stressed, and so fearful of all this that they screamed and cried in terror, soiled themselves repeatedly, and bit in fear as they were being loaded, and at least one of them was muzzled with a blue nylon rope and her picture put on TV as though I had done it... I was not allowed to comfort them or even identify them. In fact, the pages "detailing" what property they took often didn't even indicate gender—nor correctly name breed, color or age.

The pictures on live five news broadcasts from the shelter at Hilton Head showed several of them in small pens (several to a pen) that were actually MUCH smaller than they had been in with me. NONE of the dogs pictured showed ANY signs of ribs showing or "emaciation" as stated, or any sign of being "dehydrated" as stated unless you count being terrorized in a truck in the dark for hours urinating in fear with no water until they got to Hilton Head. The Vet being interviewed made these claims, but if you shut off the sound and looked only at the dogs—they were NOT as described. With me, they were being fed a No-Soy, little corn, and high meat diet (supplemented with jarred baby meat) as befitted a carnivore--and produced smaller, harder stools because they didn't need to eat a lot of bulk to get sufficient nutrients. They were NOT "constipated" as stated.

My animals/property have been terrorized, thrown into a busy, noisy, possibly diseased environment that they have never known, constantly surrounded by animals and people they don't know, fed food they are not accustomed to, muzzled with ropes, given vaccinations they have already had, had invasive and uncomfortable tests run on them, and were apparently forced to stay in much smaller pens than they were accustomed to--with other animals they may not like--and yet I'M the one from whom they were supposedly "rescued." I have old genetically sound bloodlines I've been carefully

conserving, preserving, and maintaining from decades ago—producing much more sound and genetically healthy dogs than what is generally being produced today—and those bloodlines are in danger of being lost forever. These dogs represent 55 years of my life; I'm nearly 69 years old, and my whole quiet, calm, contented old age was ripped apart and devastated in the space of a few hours, all based on Criminal acts.

I would ask the Court to RESCIND the search orders based on having obtained this new evidence that should have negated signing them if it had been known before; and that all the products and evidence collected on all these unconstitutional searches and seizures, including but not limited to any and all audio and video recordings and photographs made at those times-- be disallowed as "evidence" of any wrong doing by myself under the "exclusionary rule" of the Fourth Amendment inasmuch as they were obtained illegally; and that ALL my dogs, cats, and personal property seized be returned to me, or that full restitution be made immediately if the property is longer available in at least the condition in which it was seized. I also ask that the person who was "walking in the woods" be charged with ALL of the bills incurred unnecessarily from his "complaint"-- as well as that a charge of Criminal Trespass be levied on that person, with possible other charges depending on how much loss of my personal property occured subsequent to the complaint.

7/12/2016

EXHIBIT
AC# 8

On this date, I Lynne Vanhouse did reciere 3 (animal) portable Kennels from Colleton County Animal Control.

Lynne Vanhouse x Refused. 7/12/16

witness x

witness x

* 3 Kennels were offered to Lynne Vanhouse. Vanhouse denied owner ship of 2 Kennels and refused to accept custody. 1 Kennel (small pink/black) was accepted by Vanhouse.

Lynne Vanhouse x Lynne Van House

EXHIBIT
AC#5 (2 pgs.)
<Electric Bills>

9126730009 Group: 2939

COASTAL ELECTRIC COOPERATIVE, INC.
PO BOX 1457
WALTERBORO SC 29488-0014
Your Touchstone Energy® Cooperative

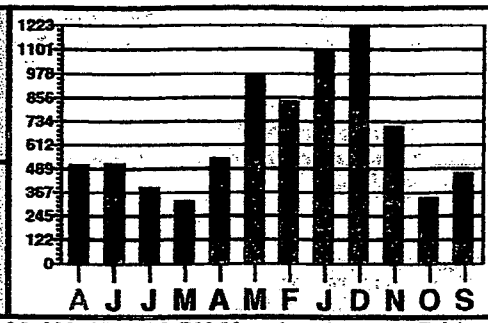
Phone: (843) 538-5700
To report an outage or pay by phone: (843) 538-5800
www.coastal.coop

732 2 MB 0.420 4 732
LYNNE VANHOUSE C-4 P-4 #
19897 AUGUSTA HWY #
ROUND O SC 29474-4129 #

KWH USAGE HISTORY

Current Month's Average KWH Per Day: 16

Average Cost Per Day: 2.74



OFFICE HOURS: 8:00 AM TO 4:30 PM Monday through Friday

- Bills are due when rendered.
- Unpaid bills become delinquent after 4:30 PM on the DELINQUENT DATE.
- Payment is not avoided by failure to receive bill.
- If your service is interrupted, check your fuses or circuit breakers. See if your neighbors have service. Please report promptly if you believe trouble is on CEC lines.
- When reporting trouble or anything unusual, please give your NAME AND ACCOUNT NUMBER as listed on this bill.

ACCOUNT NUMBER	METER NUMBER	BILL MAILED	LOCATION PHONE	OTHER PHONE
9126730009	4826125	08/26/2017	843-835-8038	
ACCOUNT LOCATION	19897 AUGUSTA HWY X 91267300		SERVICE DESCRIPTION	TRAILER

ACTIVITY SINCE LAST BILL	$ AMOUNT	CURRENT BILL INFORMATION	$ AMOUNT
PREVIOUS BALANCE	112.00	ENERGY CHARGE	59.84
PAYMENTS	-151.00	FACILITY CHARGE	10.00
		EPA RIDER	1.77
		FPPCA CURRENT ENERGY	10.61
		ROUND UP	0.78
		**** MONTHLY ELECTRIC SUBTOTAL ****	83.00
		DISCONNECT NOTICE - PAST DUE BALANCE OF $101.00 IS DUE IMMEDIATELY	
BALANCE INTO BILLING	-39.00		

BILLING PERIOD DATES	RATE		
07/18/2017 TO 08/17/2017	RESIDENTIAL	BUDGET AMOUNT DUE	202.00
TO	CODE	BUDGET AMOUNT DUE IF PAID BY 09/14/2017	202.00
	BUDGET ACCOUNT	BUDGET AMOUNT DUE IF PAID AFTER 09/14/2017	202.00

KWH METER READING FROM	TO	MULTIPLIER	USAGE	USAGE 1 YEAR AGO
86640	87145	1.0000	505	540

IF CURRENT CHARGES NOT PAID BY 09/25/2017, YOUR ACCOUNT WILL BE SUBJECT TO DISCONNECTION

9126733000 Group: 2939

COASTAL ELECTRIC COOPERATIVE, INC.
PO BOX 1457
WALTERBORO SC 29488-0014
Your Touchstone Energy® Cooperative

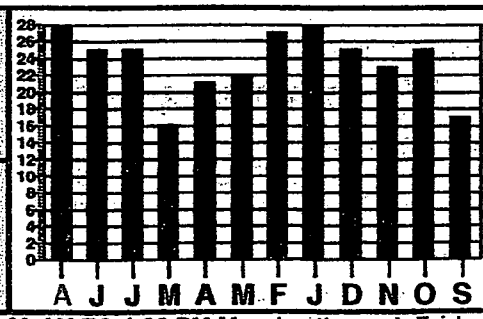
Phone: (843) 538-5700
To report an outage or pay by phone: (843) 538-5800
www.coastal.coop

LYNNE VANHOUSE
19898 AUGUSTA HWY
ROUND O SC 29474-4111

KWH USAGE HISTORY

Current Month's Average KWH Per Day

Average Cost Per Day
0.46



OFFICE HOURS: 8:00 AM TO 4:30 PM Monday through Friday

- Bills are due when rendered.
- Unpaid bills become delinquent after 4:30 PM on the DELINQUENT DATE.
- Payment is not avoided by failure to receive bill.
- If your service is interrupted, check your fuses or circuit breakers. See if your neighbors have service. Please report promptly if you believe trouble is on CEC lines.
- When reporting trouble or anything unusual, please give your NAME AND ACCOUNT NUMBER as listed on this bill.

ACCOUNT NUMBER	METER NUMBER	BILL MAILED	LOCATION PHONE	OTHER PHONE
9126733000	128168236	08/26/2017	843-835-8038	
ACCOUNT LOCATION	19893 AUGUSTA HWY / 91267330		SERVICE DESCRIPTION	DOG PENS

ACTIVITY SINCE LAST BILL	$ AMOUNT	CURRENT BILL INFORMATION	$ AMOUNT
PREVIOUS BALANCE	-16.00	ENERGY CHARGE	3.32
		FACILITY CHARGE	10.00
		EPA RIDER	0.10
		FPPCA CURRENT ENERGY	0.59
		ROUND UP	0.99
		**** MONTHLY ELECTRIC SUBTOTAL ****	15.00
BALANCE INTO BILLING	-16.00		

BILLING PERIOD DATES	RATE		
07/18/2017 TO 08/17/2017	RESIDENTIAL	BUDGET AMOUNT DUE	30.00
TO	CODE	BUDGET AMOUNT DUE IF PAID BY 09/14/2017	30.00
	BUDGET ACCOUNT	BUDGET AMOUNT DUE IF PAID AFTER 09/14/2017	30.00

KWH METER READING FROM	TO	MULTIPLIER	USAGE	USAGE 1 YEAR AGO
823	851	1.0000	28	16
DEMAND RDG:	0.210	1.0000	0.000	0.000

IF CURRENT CHARGES NOT PAID BY 09/25/2017, YOUR ACCOUNT WILL BE SUBJECT TO DISCONNECTION

340

EXHIBIT #31

PET BUSINESS MAGAZINE

Weathering the Storm

The continued availability of pets is under threat, posing a serious problem for all sectors of the industry. To secure their future, retailers, manufacturers and industry associations must come together to tell the public their side of the story.

By Alyssa Brewer

Every year, the pet industry enjoys a healthy growth rate as the pet-owning population grows and pet parents invest greater amounts to ensure their pets' well being. On the surface, the outlook seems sunny, with plenty of potential for the trend to continue. *But despite the many strengths of the pet industry, one major threat looms on the horizon—the growing inability of aspiring pet owners to access and purchase their pet of choice.*

The industry is faced with a public image problem and expanding legislative restrictions on its businesses, issues that can no longer be ignored. All sectors will have to present a unified front in upholding high standards from within and demonstrating commitment to quality pet care to consumers and regulators, or risk the foundation that the industry is built on.

"Where there are no pets, there is no longer a pet industry," says Rob Mellace, co-owner of the Boston-area Pet Express stores, which sell live animals including puppies and kittens.

Although none of his stores were directly affected, Mellace has witnessed the expansion of anti-pet-sale legislation close to home with the city of Boston's recent move to outlaw the sale of commercially bred dogs, cats and rabbits. In a growing number of municipalities, pet stores are only able to source animals from rescues or shelters, or have found themselves unable to operate at all. *While animal welfare organizations often portray the U.S. as having a pet overpopulation problem, with thousands of animals waiting in shelters for permanent homes, projections for the next five to 10 years indicate that a deficit of available pets will soon be the problem instead.*

"Increasingly, this is going to be an issue with dogs," Kevin Fick, CEO of Worldwise, says. *"We've done studies that show, over the next 10 years, the shortage of dogs is going to be in the millions. It's becoming increasingly difficult for people to get access to good, healthy pets and they are being relegated to finding them in places that aren't above board."*

But restrictions on the availability of pets are not limited to dogs—a variety of legislative efforts encroach on responsible pet keeping of all sorts. Mike Bober, president and CEO of the Pet Industry Joint Advisory Council (PIJAC) increasingly sees state restrictions on the keeping of certain species for reptiles and birds. The aquatics trade also faces attempts to restrict or outright ban responsible aquaculture, in the name of preventing irresponsible practices.

As members of the industry at all levels have emphasized, *efforts to close off the supply of pets stem from the pet industry's failure to educate the larger public. Instead, consumers have been left with only*

the messages of activist groups that portray all commercial breeding and the sale of pets in a negative light. While retailers, manufacturers, breeders and others care about pets' wellbeing and seek to promote healthy and sustainable practices, the public conversation has been directed much more by animal welfare organizations. These organizations focus on what Kenneth Oh, vice president of marketing and sales support at Central Aquatics, calls the "bad actors," those whom engage in poor breeding practices or do not properly care for the pets sold in their stores.

"The vast majority of our folks are all good players, they're trying to observe best practices," he says. "But let's face it, there are bad actors out there. *These groups who are against pet ownership, they're focusing on them and making examples of them and creating the perception that that's the norm, instead of the exception."*

At present, the industry is falling short in getting its side of the story out there, allowing outside forces to shape public perception, to the great detriment of the industry. A 2014 survey commissioned by PIJAC revealed that the pet industry had a 30-percent public approval rating, while animal welfare organizations enjoyed a much cheerier 76-percent approval rating.

"Right now we are letting the welfare and animal rights communities define the industry and paint us in the light of being in it for the money and not caring enough about animal welfare," says Bob Vetere, president and CEO of the American Pet Products Association (APPA). "Even though that is far from the truth, we are doing a very poor job of telling our side of the story."

In order to secure the continued availability of healthy pets to all potential pet owners and further growth of the pet market, the industry must find proactive ways to change the public narrative and demonstrate all the good it does for pets and their families.

Changing the Narrative

The industry currently finds itself on the defensive, reacting to frequent and very real attacks on its ability to continue to do business. While the pet industry's history of success and growth is often cited to demonstrate its strength, Vetere points to it as a potential reason for the weak position it has in addressing these threats.

"I think there has been a growing complacency among many in the industry," he says. "Things have been going great for quite an extended time, so the easy position is to assume that the inertia will continue to drive things up. I think that is a dangerous habit to fall into. We all care very much about the health and welfare of pets, and we have to stop keeping it a secret."

While it will be an uphill climb, there are opportunities to turn the fight around. Several organizations and businesses are beginning to step up to tell the industry's side of the story, ensuring a continued supply of healthy pets and growth in all sectors in the coming years. Oh points to efforts to take a research-based approach to breeding best practices, which the industry can then use to show that its practices are backed up by hard science as healthy and sustainable. Currently in the testing phase, a study at Purdue University's Center for Animal Welfare Science is investigating dog-breeding practices with the goal of providing breeders with uniform standards of care and well-being drawn from concrete data.

"We're promoting things like the Purdue study, and those are really good initiatives, but they take time because they are research-based," Oh says. "You don't come up with those answers overnight, which is

what everyone is always looking for."

In some cases, popular culture offers golden opportunities for the industry to make its voice heard and demonstrate its commitment to the animals it provides. With this summer's release of *Finding Dory*, an animated Disney film about a lovably forgetful blue tang, there is sure to be a bump in aquaculture interest, as there was when *Finding Nemo* came out 13 years ago. Manufacturers and retailers can use this opportunity to encourage responsible practices among novice aquarists and demonstrate their own commitment to environmentally friendly and ethical methods in supplying these pets.

"With the release of *Finding Dory* next month, the industry, working with Disney, is proactively launching a campaign promoting the proper acquisition and handling of fish and aquariums," Vetere says. "We need to give retailers the same tools for acquiring other pets like birds, cats and dogs. Being seen as part of the solution rather than part of the problem is the best way for retailers to position the industry side of the pet owning equation."

Pet sale bans or severely restrictive legislation that prevent consumer access to pets through pet stores are one of the most direct consequences of failing to publicize how the industry does best practices and practice quality animal care. PIJAC is attempting to change the industry's position from having to defensively react to proposed legislation to suggesting positive legislation that supports animal well-being through sound science. Bober says that by promoting legislation that supports things like sourcing restrictions, rather than outright bans, the industry can help pet stores continue to operate while building consumer trust.

"Sourcing restrictions allow for greater transparency, they allow for greater engagement with the consumer, they allow consumers to check that the animals come from breeders who have been inspected and regulated," he says. "They acknowledge that a pet store operates not because it wants to make a dollar, but because they actually care about the human-animal bond."

Bober also cites the work of other organizations that help them present their case in dealing with these legislative issues. The Human-Animal Bond Research Initiative Foundation (HABRI), which studies the benefits of pet ownership, service animals and other human-animal relationships, has been particularly helpful.

"We are very grateful that HABRI is out there. That's the kind of story that we hope people are seeing to understand how important animals are in our lives," Bober says. "There are efforts like that throughout the pet industry, like Rising Tide Conservation. They are actively finding ways to captive breed some of the most sought after species in the marine trade to reduce stress on wild populations and show the industry is being responsible."

In an effort to provide a unified forum through which to communicate with the public and other organizations, a group of companies and industry associations formed the Pet Leadership Council (PLC) in 2013. The PLC is making strides in publicizing the industry's passion for pets, bringing together the various efforts from different sectors to form a cohesive voice.

"Going back three to five years now, we got all the key industry organizations banded together," Fick says. "The one thing we recognized is we have different priorities, but this is the most important priority for all of us. The genesis of this is to put it together in one united voice, which is quite powerful."

The group is working to engage those both inside and outside the industry, including making an effort to work with the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals. Although its work is still in the early stages, Fick is optimistic about the direction the PLC is taking.

"We're taking positive steps in communication inside and outside the industry," he says. "We're really starting to see the early signs of success."

The Next Steps

Despite promising initial efforts, there is still a long way to go both in spreading awareness about these issues within the industry, as well as publicizing all that manufacturers, retailers and more do to support healthy pets and responsible pet ownership.

"There's a very concerted effort among the industry leadership, but the vast majority think there's nothing to worry about," Oh says. "It's hard to wrap your head around."

Vetere also points to the importance of acknowledging those within the industry who are not living up to high standards of animal care and work to self-regulate, especially among breeders.

"The industry has to partner with others to begin a very directed and thorough education program for the public to better understand what to look for in a quality breeder and how to find one," he says. "Positioning ourselves as recognizing the problem and being part of the solution puts us, finally, in a stronger position with the public, and, as a result, regulators."

For example, Mellace points to Pet Express' involvement with the American Kennel Club's (AKC) Bred with H.E.A.R.T. program. Through this program, the AKC engages with and recognizes breeders who meet their health standards and participate in continuing education, which can help pet stores identify ethical and responsible breeders from which to source. Pet Express is also part of the AKC retail advisory group, which is a group of top-class retailers that helps pet stores maintain high standards in sanitation, animal care and marketing.

Through industry partnerships like these, retailers can play a critical role in holding the industry to high quality requirements and serve as ambassadors from the industry to pet owners. As a trusted resource in their communities, pet retailers have an opportunity to directly engage in a way that manufacturers and industry associations usually cannot.

"I would say that retailers are our single best resource for combating the idea that the pet industry doesn't care about animals," Bober says. "Every time someone walks into a store, it's an opportunity to educate them about the pets they already have, show them something new and engage them with what the industry is doing. If we can do that consistently, then I think that goes a long way toward answering the accusation that the pet industry is only here for the money."

Overall, the key to success in changing the pet industry's image and ensuring a reliable supply of pets in the long term lies in presenting a unified front to the public. As Mellace and Fick point out, a reduction in access and options in selecting pets has a clear ripple effect that hurts all kinds of pet businesses.

"Manufacturers that don't support breeders and pet shops are soon going to find that we probably

won't need such a large selection of $100 bags of dog food anymore," Mellace says. "We can't have certain organizations sticking up for other organizations that aren't part of the pet industry."

Although the industry is headed in the right direction in facing down this threat, retailers, manufacturers and other members of the industry will have to work together more and more to secure its future.

"Right now there's definitely a lot more unity than there was five years ago, but everyone has to join in," Mellace says. "Everybody has to get involved."

Nestlé PURINA

BODY CONDITION SYSTEM

TOO THIN

1 Ribs, lumbar vertebrae, pelvic bones and all bony prominences evident from a distance. No discernible body fat. Obvious loss of muscle mass.

2 Ribs, lumbar vertebrae and pelvic bones easily visible. No palpable fat. Some evidence of other bony prominence. Minimal loss of muscle mass.

3 Ribs easily palpated and may be visible with no palpable fat. Tops of lumbar vertebrae visible. Pelvic bones becoming prominent. Obvious waist and abdominal tuck.

IDEAL

4 **Ribs easily palpable, with minimal fat covering. Waist easily noted, viewed from above. Abdominal tuck evident.**

5 **Ribs palpable without excess fat covering. Waist observed behind ribs when viewed from above. Abdomen tucked up when viewed from side.**

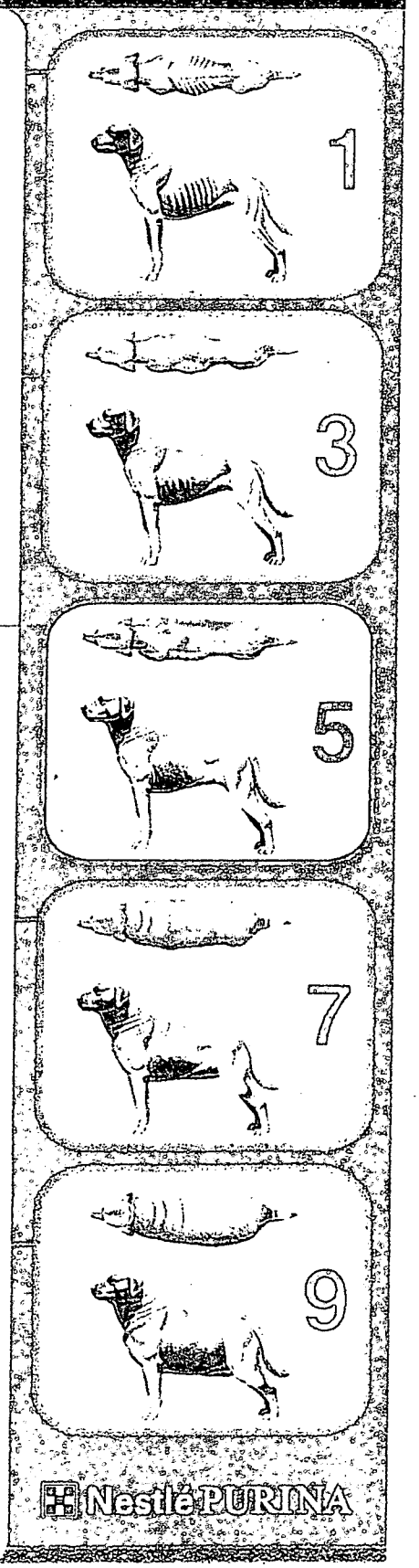
TOO HEAVY

6 Ribs palpable with slight excess fat covering. Waist is discernible viewed from above but is not prominent. Abdominal tuck apparent.

7 Ribs palpable with difficulty; heavy fat cover. Noticeable fat deposits over lumbar area and base of tail. Waist absent or barely visible. Abdominal tuck may be present.

8 Ribs not palpable under very heavy fat cover, or palpable only with significant pressure. Heavy fat deposits over lumbar area and base of tail. Waist absent. No abdominal tuck. Obvious abdominal distention may be present.

9 Massive fat deposits over thorax, spine and base of tail. Waist and abdominal tuck absent. Fat deposits on neck and limbs. Obvious abdominal distention.



The **BODY CONDITION SYSTEM** was developed at the Nestlé Purina Pet Care Center and has been validated as documented in the following publications:

Mawby D, Bartges JW, Moyers T, et. al. *Comparison of body fat estimates by dual-energy x-ray absorptiometry and deuterium oxide dilution in client owned dogs.* Compendium 2001; 23 (9A): 70

Laflamme DP. *Development and Validation of a Body Condition Score System for Dogs.* Canine Practice July/August 1997; 22:10-15

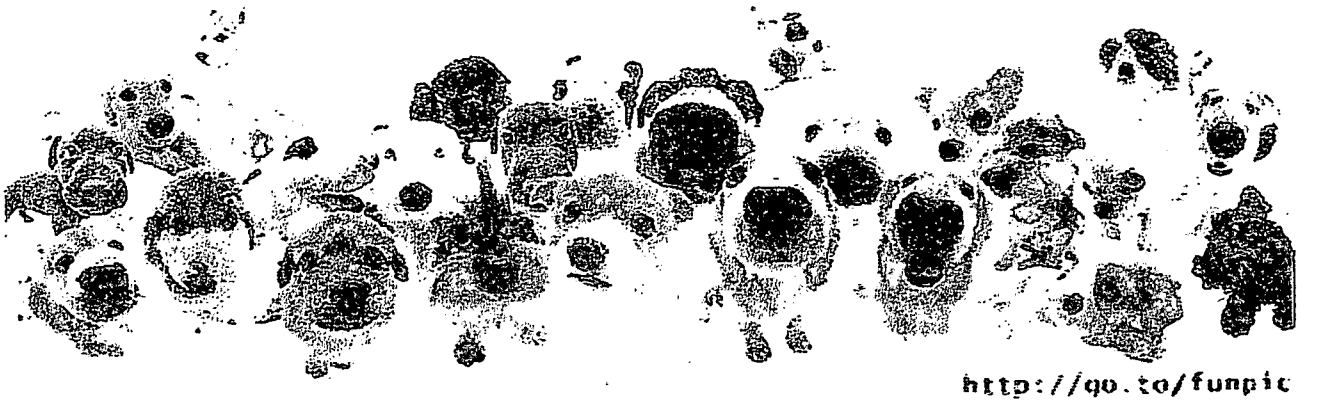
Kealy, et. al. *Effects of Diet Restriction on Life Span and Age-Related Changes in Dogs.* JAVMA 2002; 220:1315-1320

Call 1-800-222-VETS (8387), weekdays, 8:00 a.m. to 4:30 p.m. CT

EXHIBIT
AC #12

EXHIBIT AC#9 EXHIBIT#26

Welcome To Phoenix-Kennel



http://go.to/funpic

I am a small, home based breeder--and I'm retired. I get to spend 24/7 with my babies!
I have raised pet animals for sale to the public for over 50 years, starting when I was only 5 years old. I have raised dogs For nearly 40 years!

I maintain a completely closed 9-acre home site; so my animals are only exposed to what I vaccinate them for! This keeps them from accidentally being exposed to what's on visitor's feet, tires, or clothes. I carefully nurture, cuddle, coddle, supplement feed as necessary, and love on all my babies, and I do not sell any litter lots or groups to anybody!

I want to know who my babies go to--and encourage staying in touch, and pictures of them as they grow! A one on one relationship is the ideal!

I am one of the most inexpensive sites on the Web; and will treat each sale as an individual one--with a pet to last a lifetime!

ENTER

Website Designed & Hosted By Websitesbycindy

[illegible] Pets - Provides a directory of dog breeders advertising puppies for sale with information for 150+ dog breeds and pet supplies. Includes a dogs & puppies website directory, pet friendly hotels and dog names for your new puppy.

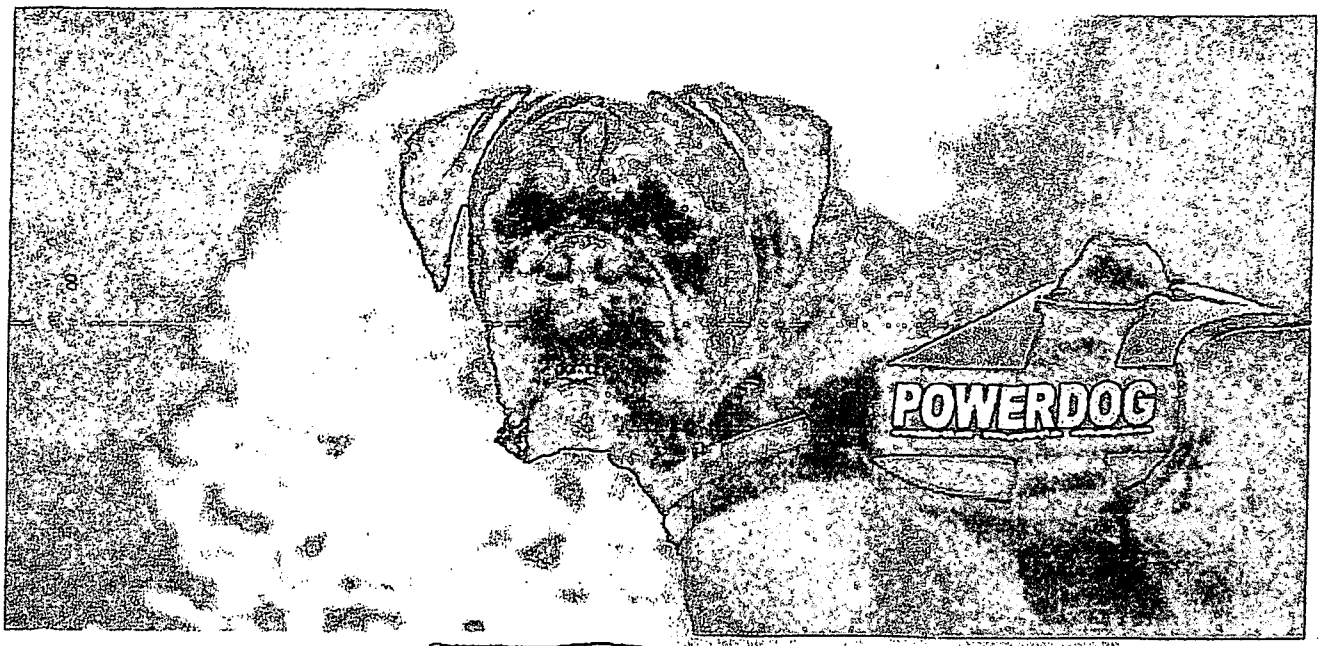
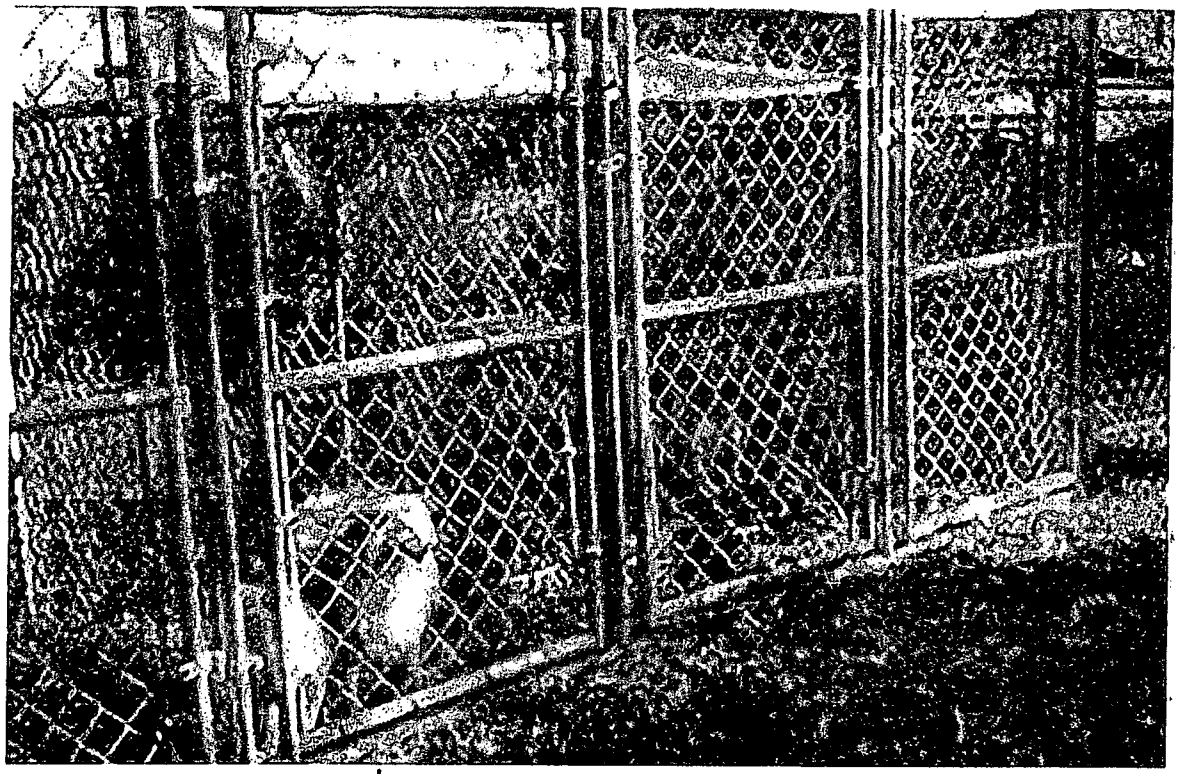


EXHIBIT
AC#13

(OBESE DOGS)

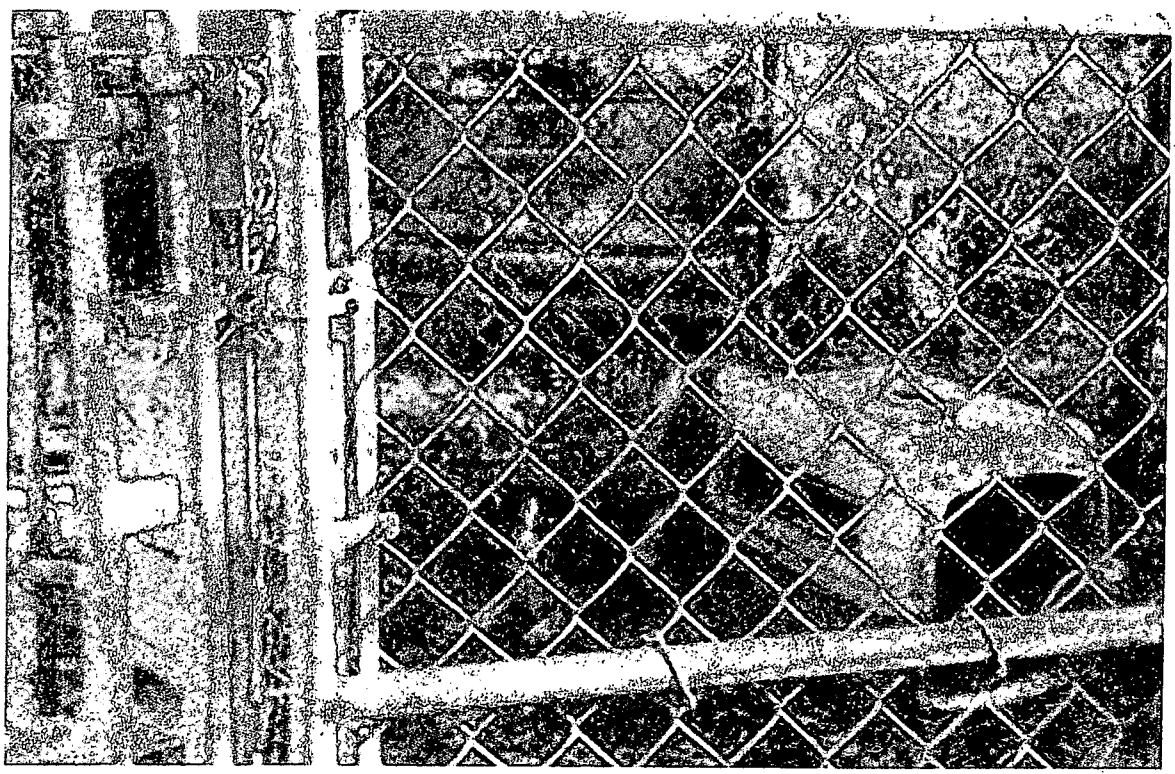
DOGS-obesedogs-pg 2-RECORD 001

Negating EXHIBIT #16



OSCF0032-001

some of dogs just after first raid - 5/13/16

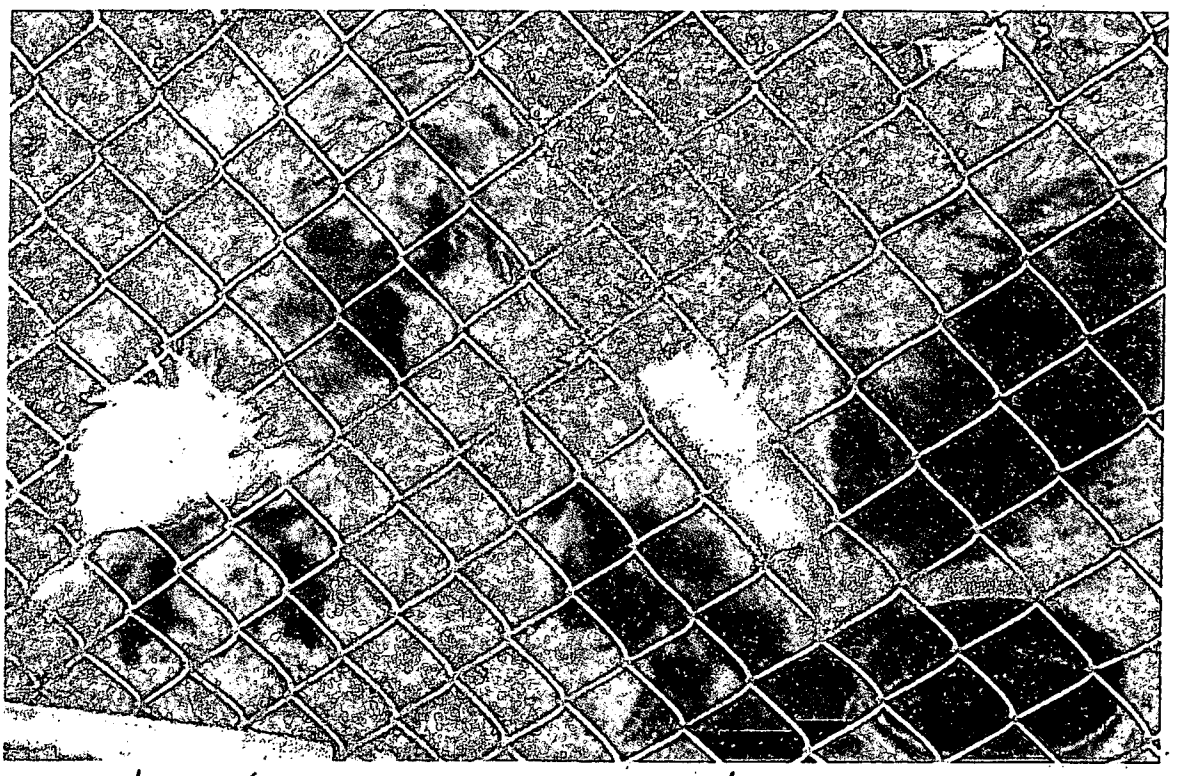


OSCF0033-001

more of dogs just after first raid 5/13/16

more dogs just after 5/13/16 raid

more dogs just after 5/13/16 raid



DSCF0045-002

Kobalt-weak heart-91 in human years.

Autumn

DSCF0060-002

Knight

Sadie Ann (my Service Dog)

EXHIBIT #28

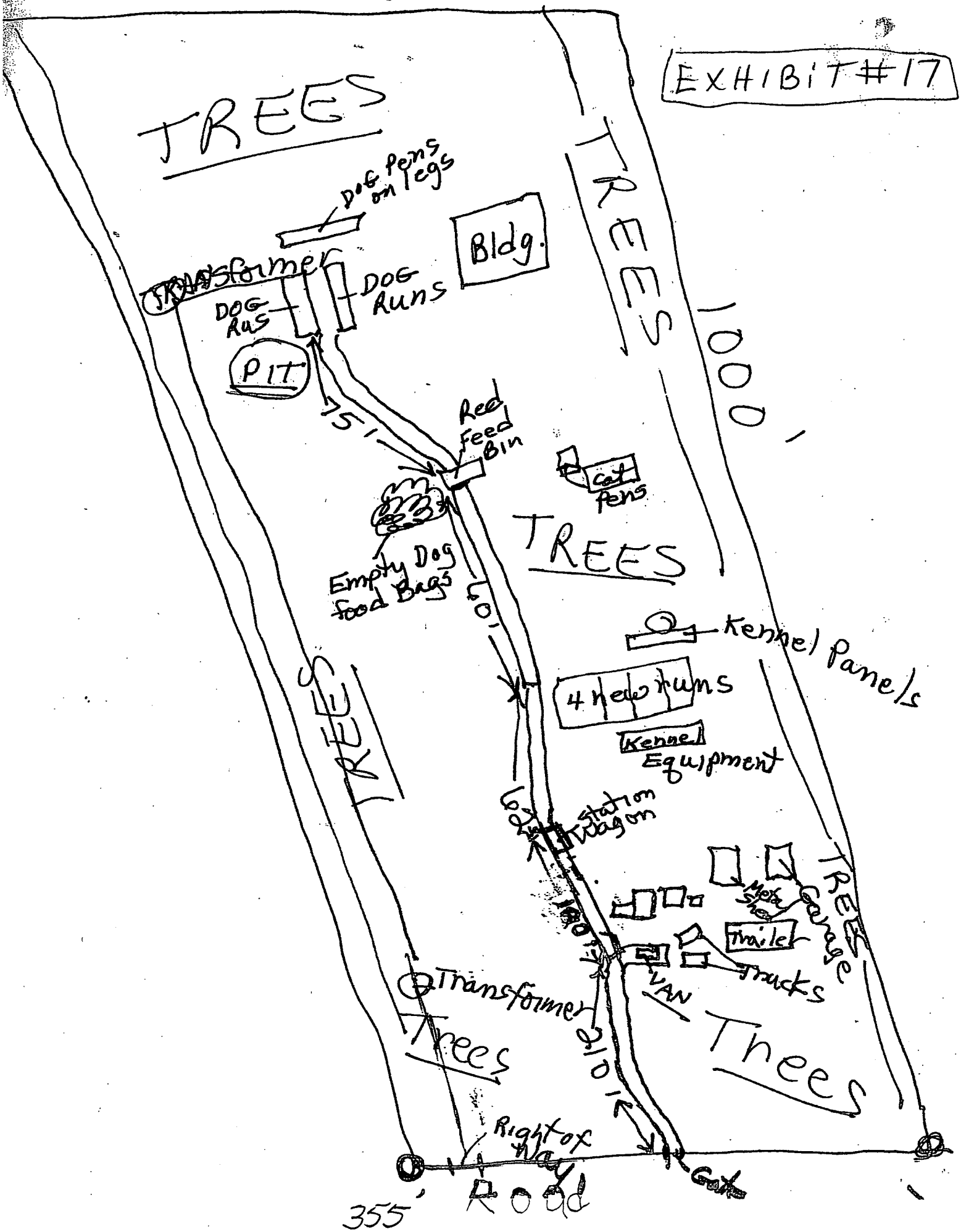
DSCF0025-002

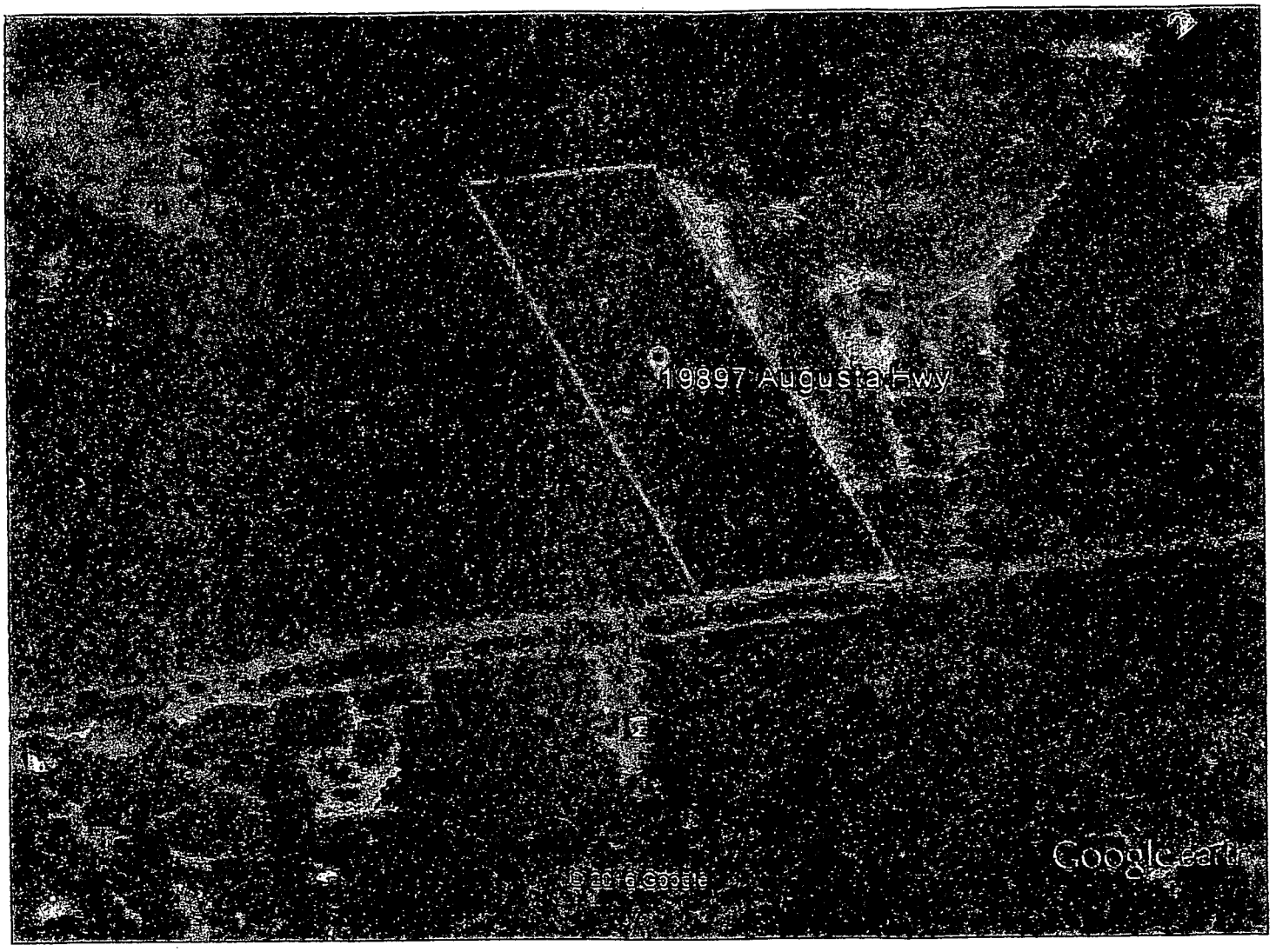
smoke-Blue MinPin Stud

DSCF0020-002

EXHIBIT #28 Tribaby-Dog who was muzzled w/nylon rope Causing deep wounds

EXHIBIT #17


TREES
Dog Pens on Legs
Bldg.
Transformer
DOG RUS
DOG RUNS
PIT
TREES
1000'
75'
Red Feed Bin
Cat Pens
Empty Dog food Bags
TREES
60'
Kennel Panels
4 Hedo runs
Kennel Equipment
CULL
60'
Station Wagon
Garage
Mow Shed
Trailer
Trucks
VAN
Transformer
Trees
210'
Trees
Right of Way
Gate
Road
355'



Google earth

feet 1000
meters 300

EXHIBIT #18

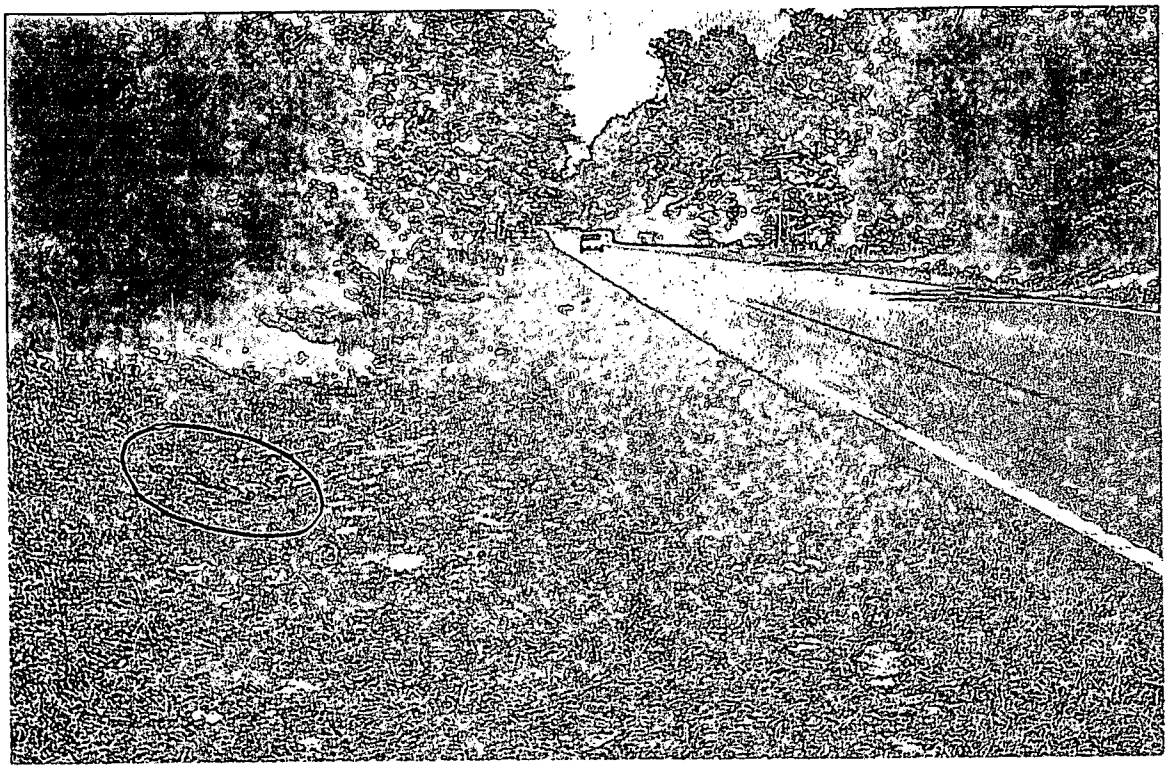
(*) SC Bill of Rights Article 1, Sect. 10

DSCF0035

standing at my gate - looking toward my trailer. Posted signs Circled.

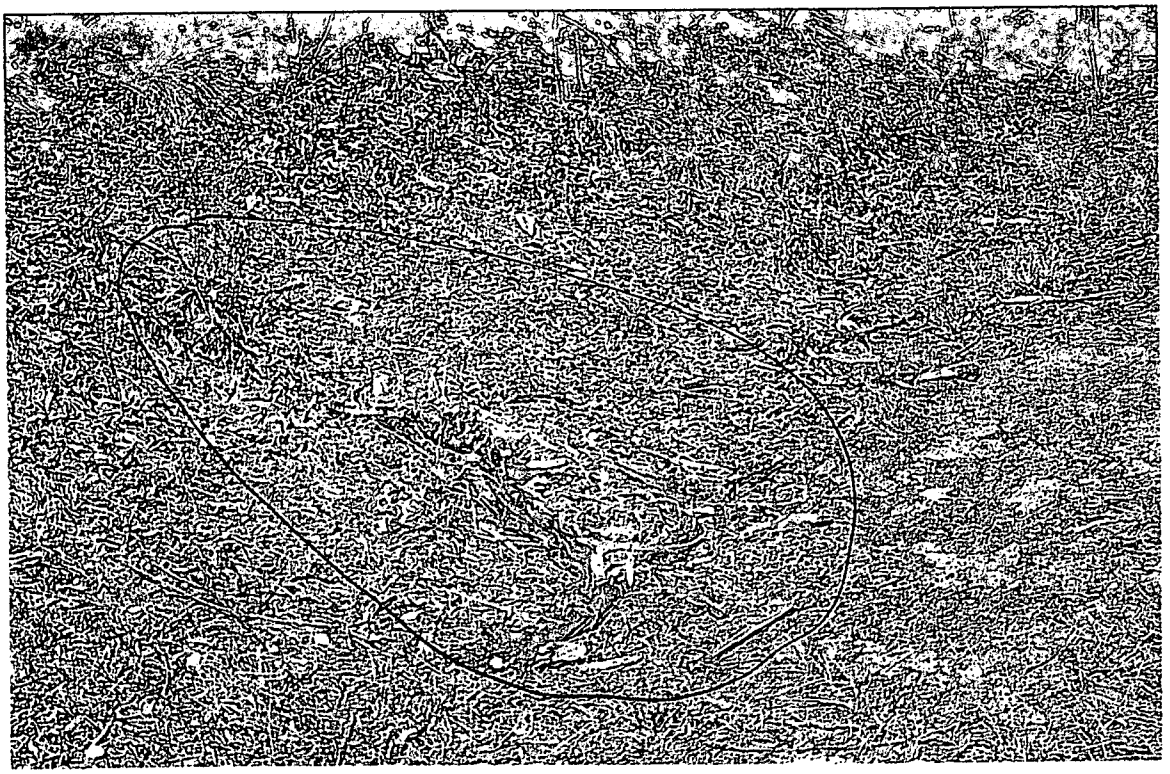
DSCF0036

other side of gate - Same Sign plus one at gate.



DSCF0037

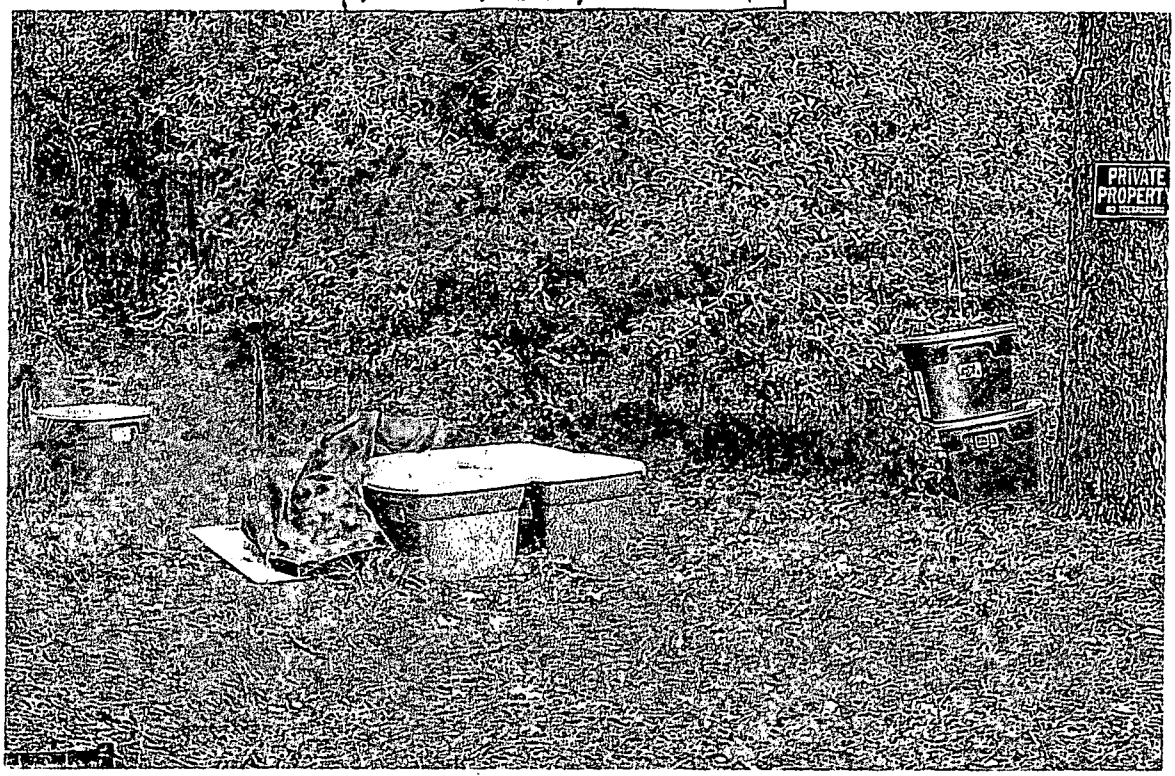
Deer Carcass - Just east of Driveway -
DRIVEN OVER - 5/16/16



DSCF0038

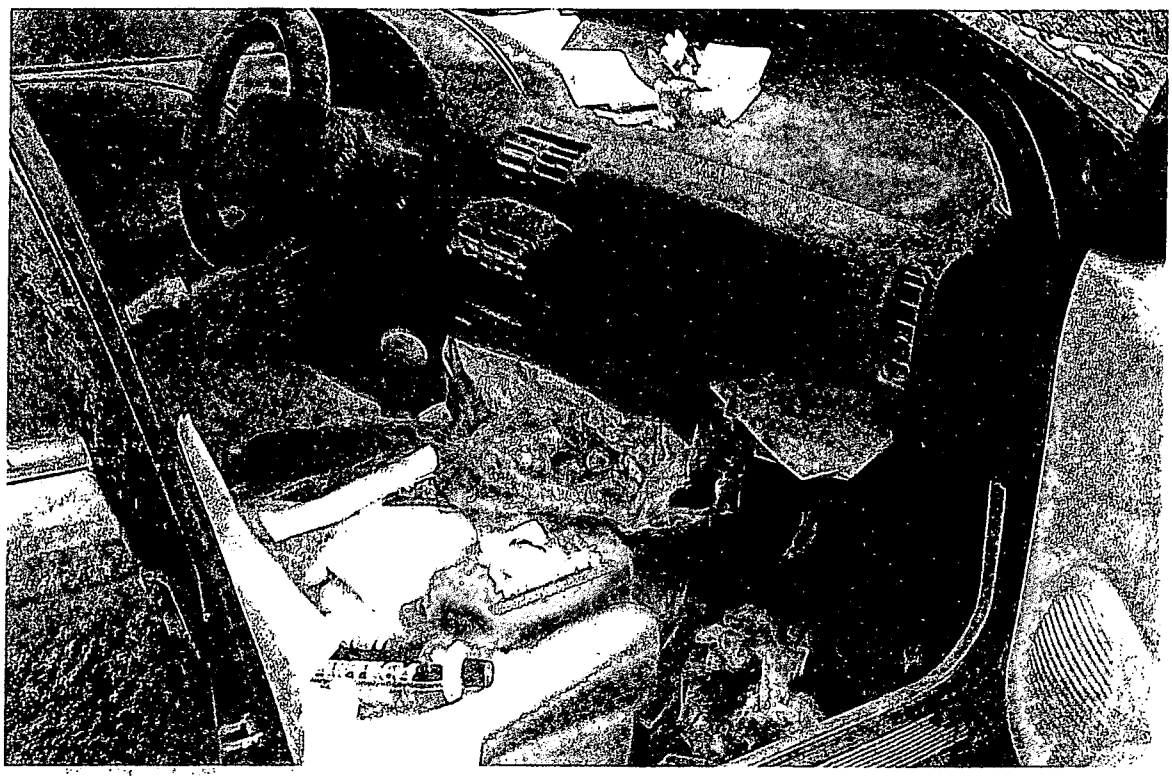
Deer Carcass - Close up

EXHIBIT #24



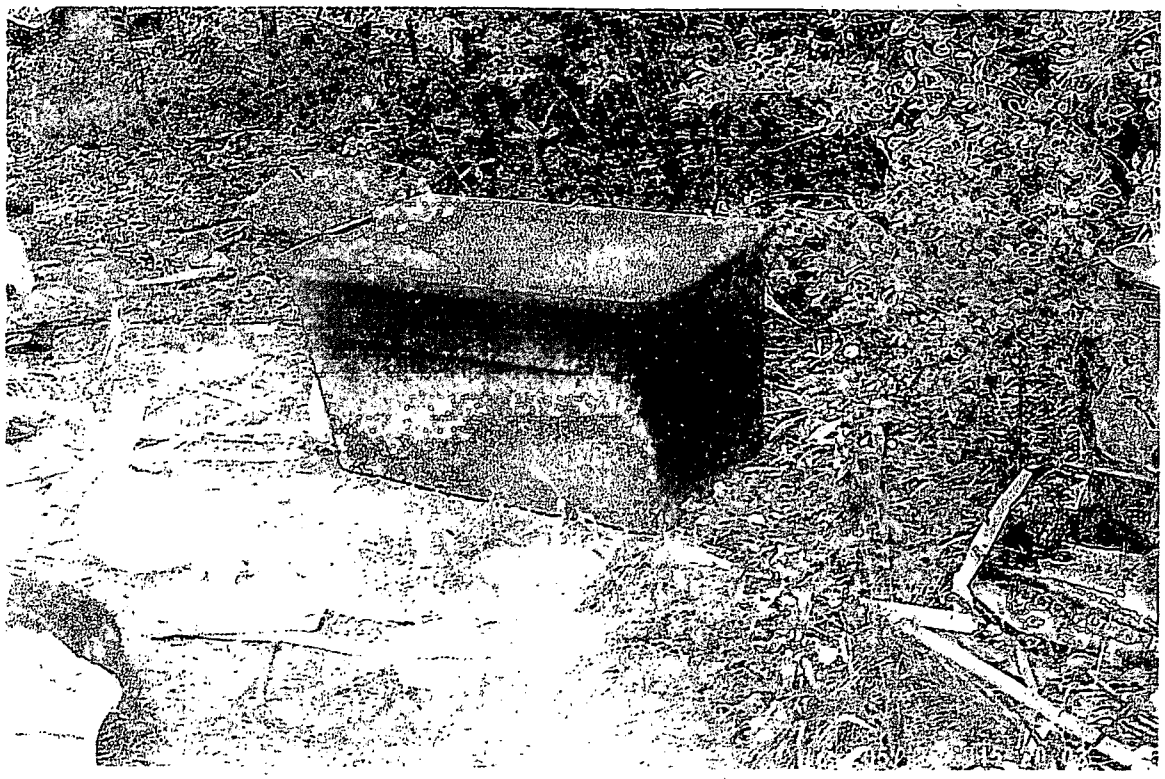
DSCF0070

Stack of Covered Storage bins - After Raids - torn up + Left



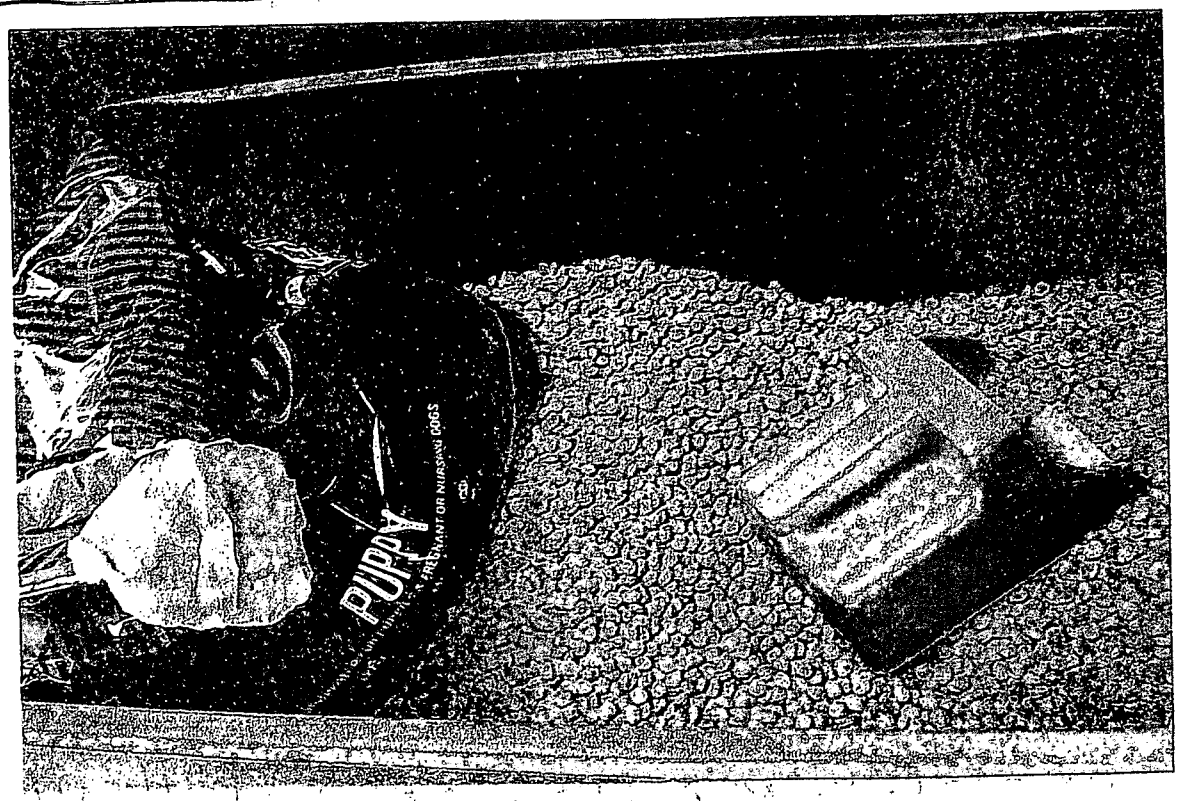
DSCF0072

Car - Glove box left open - battery ruined - tag receipt + Insur. Card taken. Seats + back pawed over.



Feed bin - in Path - Closed

EXHIBIT #24



Feed bin - open - both Adult + Puppy Feed.

SC Const. Art. 1 Sect. 10

DSCF0003

300' from road - driveway leading left down toward back of Property

DSCF0009

my fridge - Showing Partial Boxes of Vaccines of Various types. EXHIBIT #24

<SC Cont, Art. 1 Sect 10>

DSCF0004

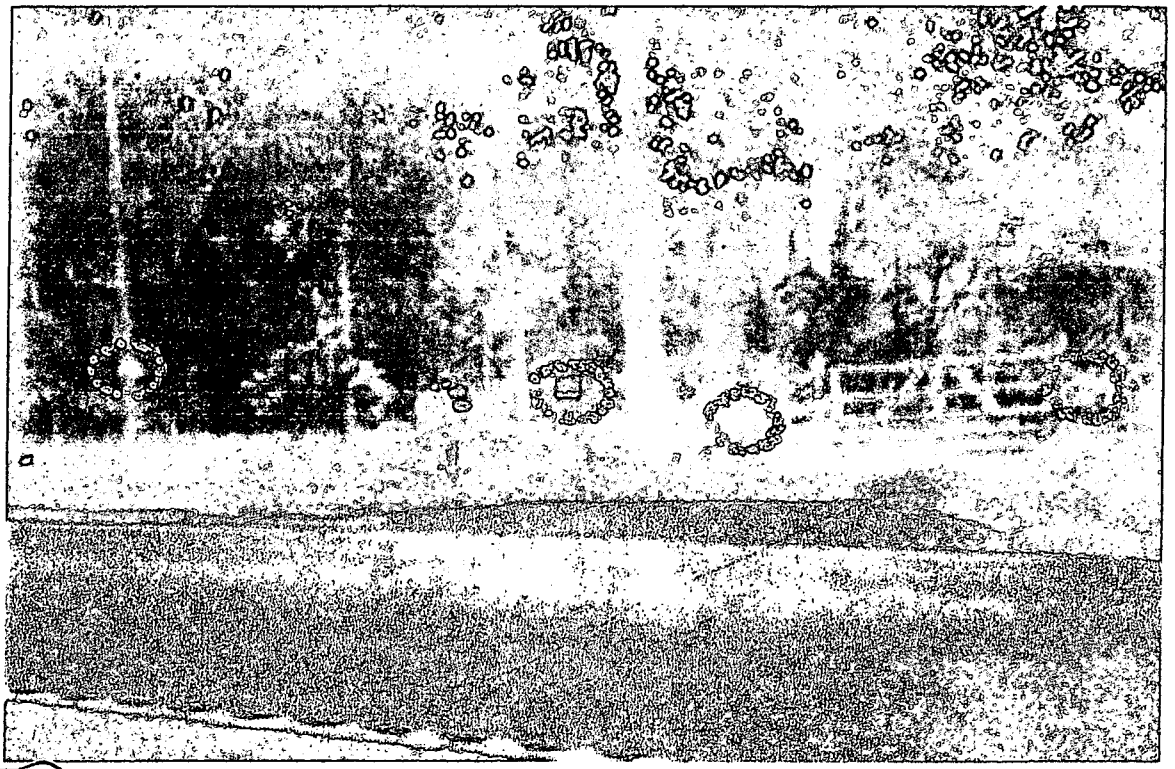
Backyard Pens after raids - 300' ft. from Road (5/19/16)

DSCF0011

350' from road - Looking directly toward main Kenneling area - 400' further.

EXHIBIT #24

SC Code 16-11-600

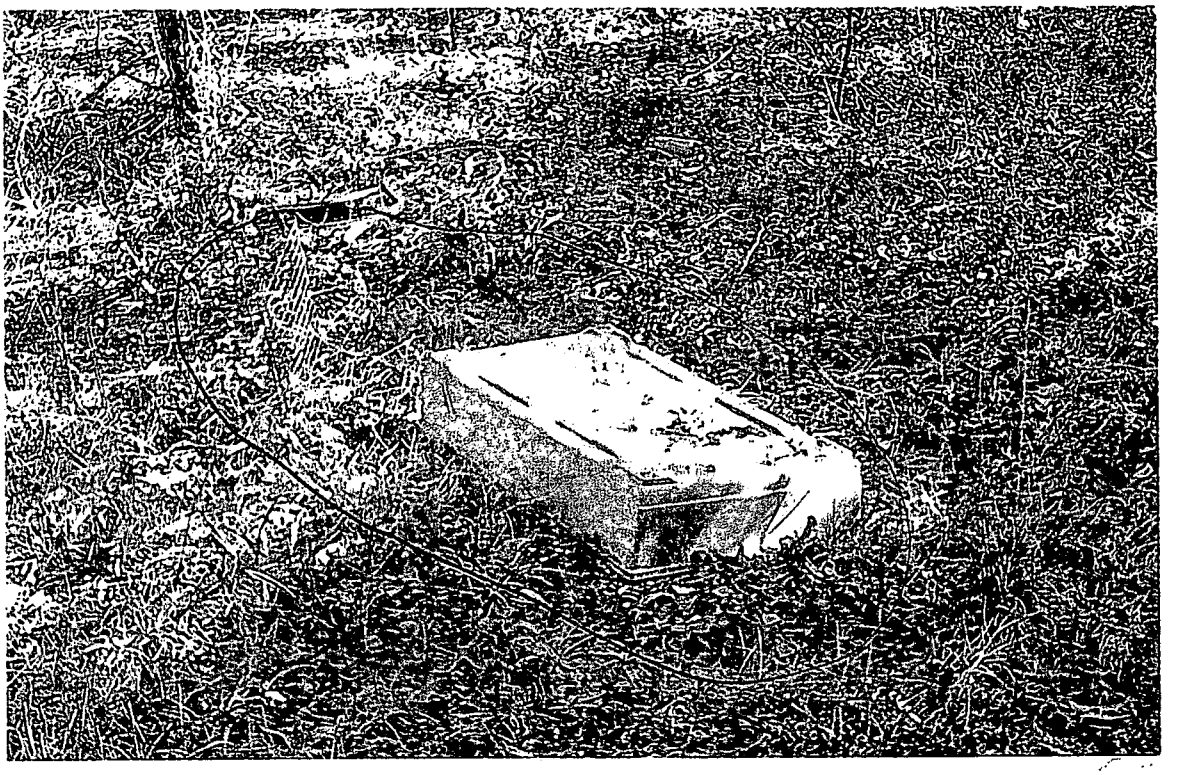


DSCF0063-081

(4) Posted Signs at my gate

DSCF0062-001

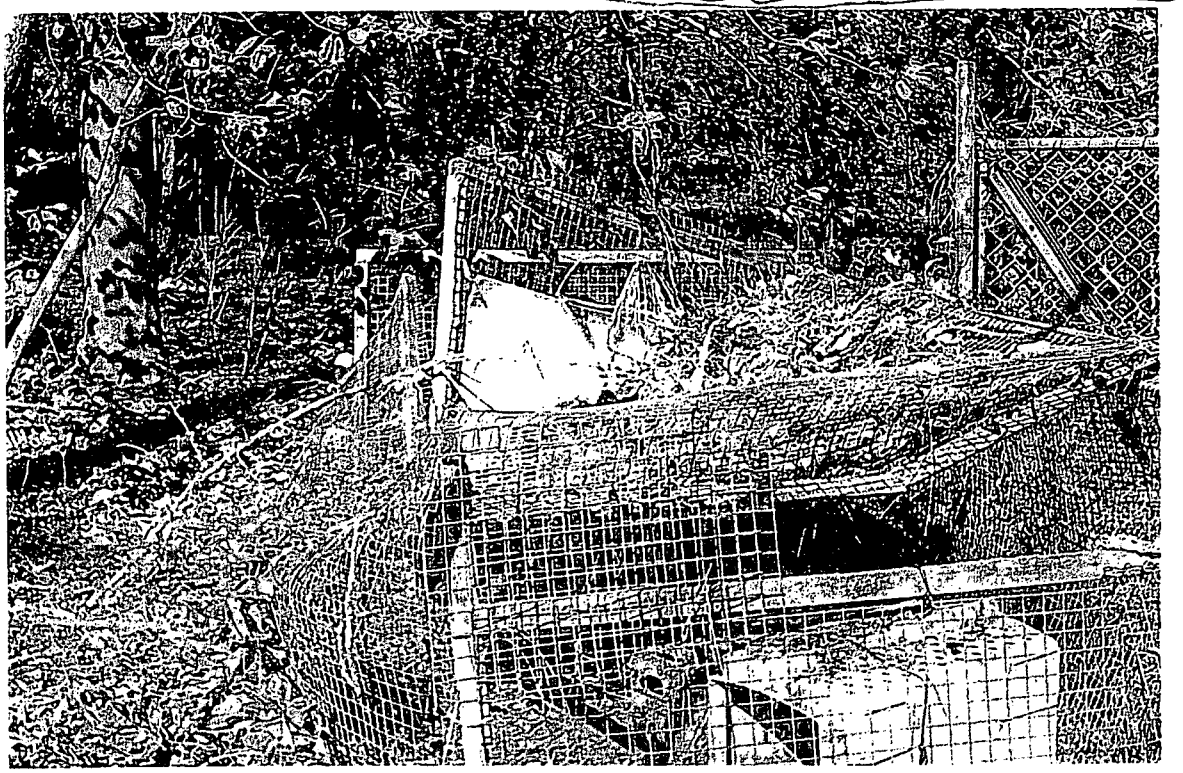
mailbox with (4) numbers



DSCF0026

Damage after raids - Cage thrown and broken

EXHIBIT # 16-11-650
SC



DSCF0032

4X8 Pen - broken down and Destroyed

364

DSCF0022-001

EXHIBIT #24 Posted Signs

DSCF0023-001

Showing 2 layers of Posted Signs around main Kenneling area. Bldg. behind Second layer.

DSCF0028-001

EXHIBIT #24 Posted Signs

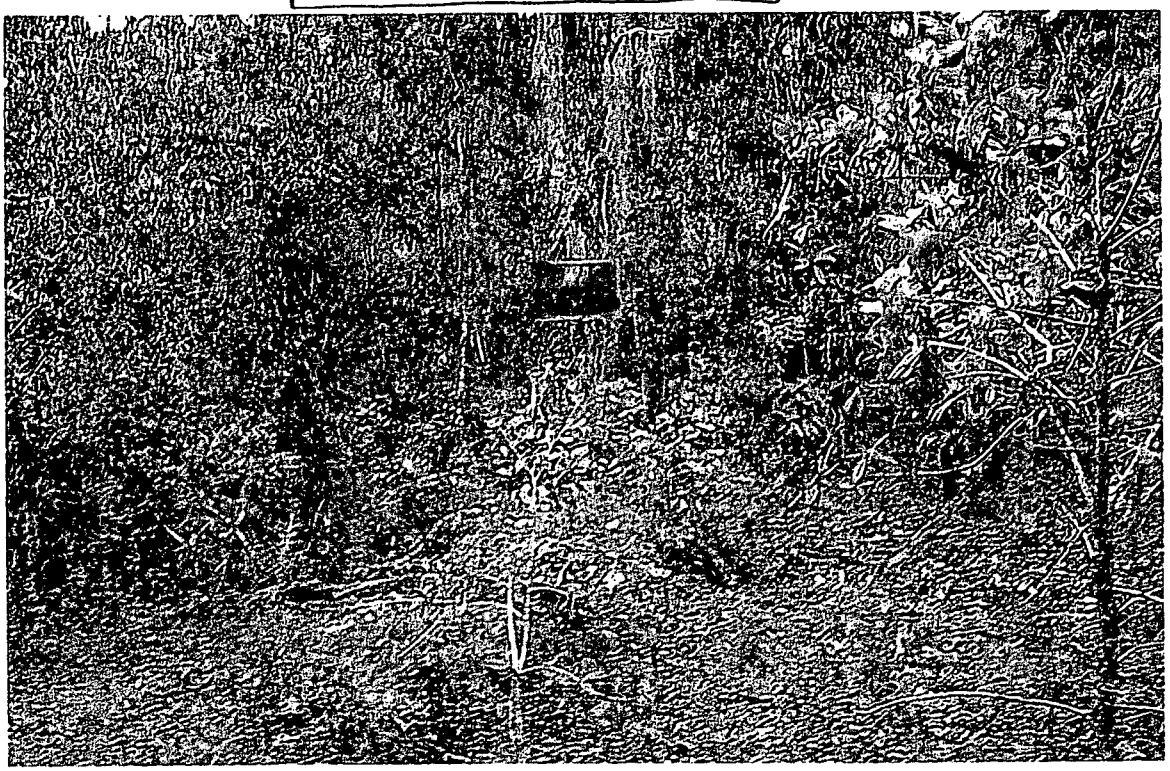
DSCF0032-001

DSCF0018-001

EXHIBIT #24 - Posted Signs

DSCF0021-001

EXHIBIT #24



DSCF0029-001

Posted Signs only 9 pictured - Actually dozens. ALL PICS from Property line.

DSCF0033-001

EXHIBIT #24

DSCF0035-001

ransacked outbuilding (most of Crates taken from here)

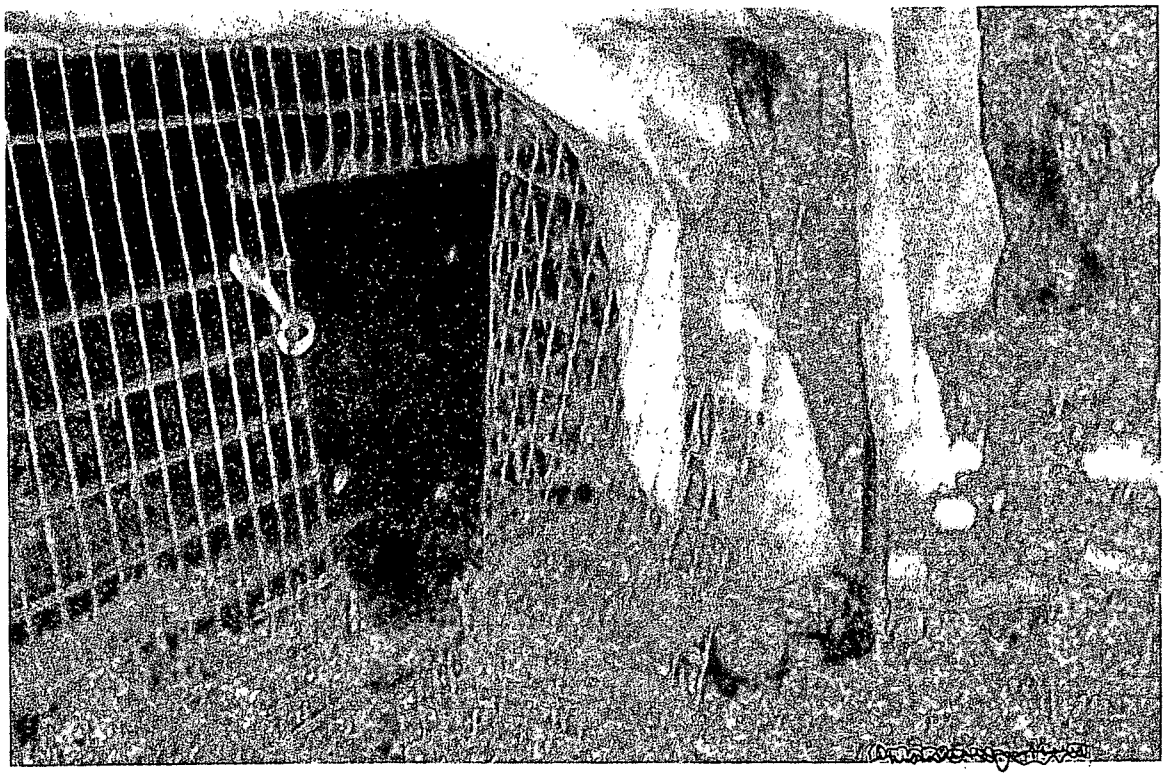
DSCF0039-001

Another ransacked outbuilding

EXHIBIT #SC Code 16-11-650

DSCF0043-001

Gate torn off hinges & thrown overhead into run (top toward me)



DSCF0054-001

whelping pen door after seizure - Bent open instead of unlatching.

YOUR DOG'S BEST FRIEND MAY BE HIS ATTORNEY

by Diane Amble, We The People USA

Warrantless seizures plague animal owners! If contacted by animal control authorities SEEK LEGAL COUNSEL IMMEDIATELY to prevent illegal confiscation and impoundment.

In fact, you may want to find a good attorney now. Why?" you ask. The answer is by the time the knock comes at your door, it may be too late to protect your animals and prevent them from being seized. Often times, seizure of animals results in the injury and death of the animals by the same authorities that claim to be "rescuing" said animals.

*Once your animals are seized they will be subjected to stress and disease if not outright abuse and even death at the hands of callous animal control workers or overzealous animal "rescuers". **Do you have an elderly dog or a litter of tiny kittens?** How do you think they will fare at the pound where **disease is usually rampant and the stress of impoundment may very well make your dog more susceptible to disease.** Will your dog be able to handle an attack by another dog as they are often thrown in together in a kennel regardless of age or size?*

Too many believe that the law protects their rights and their property as we were taught in Civics and Government class in middle school.

Too many believe that because they provide optimal care for their animals and live in a nice neighborhood or a rural countryside that they will never be subjected to the onerous raids one hears about. "Those people" you assume did not properly care for their animals. We are told "those people" are hoarders.

The reality is that even people with four animals have been labeled "hoarders" by rogue raiders. ***Once they release often contrived raid details to the press, you will be presumed guilty by the media and the public.***

Trying Your Animal Abuse, Limit Laws, or Hoarding Case:

You assume you will prevail in a court of law. That may be the case if you have deep pockets to appeal in a court of law. However, like child protective cases, most animal cases are heard by your accusers, in a private hearing within the animal control department without the legal protections provided in a courtroom setting. ***The reality is often that the animal control agency alone is the judge, jury and executioner - literally.***

If you are lucky enough to have your case heard in front of a magistrate, chances are they will take the word of the officers over yours and they nearly always know nothing about animal care and its intricacies.

If you have children, child protective services will be contacted and without warning they will appear. You may have to fight two fronts: allegations by animal control and allegations from child protective services. And in both cases, ***your animals*** and your children ***may be seized immediately. You may be taken to jail and have to post bond in order to be released to begin your defense of what often amounts to "guilty until proven innocent."***

Often another agency is also used to levy fines and put obstacles in your case: code enforcement. In some locales these officers now even legally carry guns! They will often declare your property condemned simply due to "blight", refuse or even "odor". You may be forced to leave your own property under their authority.

If your home is a mess, or maybe you are "hoarding" too many recyclables, they may contact Mental Health Services and you may be placed under evaluation (hospitalized) ***due to their perception of your inability to care properly for yourself. This is not uncommon is cases where the person is elderly.***

You will be billed for each of these services.

Fines, Fees, and Court Costs of Illegal Animal Seizures:

In fact, many people cannot retrieve their animals due to the high cost of per diem exacted by animal services along with exorbitant veterinary fees. Code enforcement may charge $200 per hour to evaluate and re-inspect you monthly on violations and repairs. They can place a lien on your home. In some areas, just breeding animals for consumption is deemed "illegal agricultural activities" and fines can be as high as $1000.00 per day.

Are you now asking yourself if all these seizures or fines are legal? Most are not but that does not stop them from happening. In fact, animal officer training includes instruction on ways "around the law" based on drug seizure precedent cases. Sure "those people" are the "bad guys" dealing drugs to the neighborhood" but law enforcement is now teaching and applying the same interpretations to animal seizures.

Just as in cases where rogue narcotics officers place incriminating evidence in the alleged criminal's car or home, so may an overzealous animal officer kick over a water bowl, tighten a chain, or even flood your barn to prove animal abuse or neglect. If a pet is ***placed in a carrier and set out in the heat of the day for hours, how will your precious pampered pet look once they finally arrive at the animal control facility for veterinary examination?*** Your pet may be near death at that point. **How can you prove your pet's *condition was due to mistreatment following* the seizure rather than your poor care?**

At this point, most of us would be shouting out the Declaration of Independence: "We hold these truths to be self-evident, that ***all men are created equal***, that they are endowed by their Creator with certain unalienable Rights, that among these are *Life, Liberty and the pursuit of Happiness* or reciting the Constitution! Are you prepared to hire a Constitutional attorney to uphold your rights under the law?

U.S. CONSTITUTION – Amendment 5. Self-Incrimination; Double Jeopardy; Due process. "No person shall…be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

California Penal Code § 1548(d): "Laws of the United States" means (1) those laws of the United States passed by Congress pursuant to authority given to Congress by the Constitution of the United States where the laws of the United States are controlling, and (2) those laws of the United States not controlling the several states of the United States but which are not in conflict with the provisions of this chapter. ***CONGRESS makes laws, NOT counties, cities, code enforcement, or dog-catchers.***

Yet, we are aware of countless ordinances that subject animal owners to excessive fees, which are really taxes, and unreasonable stipulations along with arbitrary and often

ridiculous numbers; 4 dogs, 3 cats, 1 chicken, no roosters! Such ordinances are based on a whim or the agenda of animal rights fanatics with unrestrained, autocratic use of authority by elected or hired personnel or merely appointed commissions or agencies!

Where will it stop? Will such illegal agencies soon tell us how many acres we can own? How many cattle we can have? How many pairs of shoes? How about how many children you can have? Sound incredulous? Well, in China it is not only a reality but a living nightmare from which you cannot awaken.

In the state of California not one case has been won that resulted in all animals returned to the owner. This is also true across the United States. The only two cases that were successfully won with all animals returned were in South Dakota. ***Cases have been won, but too late. The animals were destroyed, sold for profit, disappeared, or the SPCA refused to return the animals.***

You see it on the news every day: "The poor animals were too ill and had to be destroyed". The favorite of the six o'clock news is "The hoarder had very unsanitary conditions so the house had to be condemned and bulldozed'. "Restitution was ordered by the judge to be paid to the SPCA/Animal Control" (What they don't tell you is, a six digit figure was awarded to the SPCA/Animal Control, who promptly placed a lien on the Home & Property. The owner was sent to jail so they couldn't fight them.)

Can't believe it could happen to you? Stay tuned - we have hundreds of cases from California and across the nation. Not one state is immune. In Part II, we will discuss how you may be able to prevent any seizure and minimize fines by being pro-active.

References:

2008 - 2009 Significant Animal Law Cases. Author Rebecca F. Wisch Animal Legal & Historical Michigan State University College of Law

WARRANTLESS SEIZURE PROVISION OF ANIMAL CRUELTY STATUTE CONSTITUTIONAL. Author Julie Fothergill, Attorney, VLCT Municipal Assistance Center VLCT News, May 2004

California Criminal Animal Protection Laws by Alison Schiebelhut; George Washington University (GWU) Law School's Animal Welfare Project 2008

California Child Abuse and Neglect Reporting Law Handbook (Penal Code 11164-11174.3)

Code Enforcement Unit inspections temporarily suspended by Jessie Faulkner/The Time-Standard April 9, 2008

Police Shooting Pets by Pamela L. Roudebush Animal Legal and Historical Center, 2002 Michigan State University College of Law

117g142

EXHIBIT #30

THE SHELTER GAME

Animal Shelter, Humane Society, Breed Rescue, Animal Control are terms with new meaning for those who see the business end of such entities.

April 2013 | TheDogPress Editorial

Barbara J. Andrews, Editor-In-Chief

Hobby and show breeders are on the brink of failure as the market for well bred purebreds dries up. The economy is a factor but the real reason is treason!

We call it back-biting and it goes like this *"Who wants a fancy pedigree dog when you can save a life instead of satisfying selfish wants? Adopt a shelter dog!" It's the newest shell game.*

That's right, from AKC to Animal Planet, the public is inundated with "adoptathons" and pro-shelter messages. PeTA's message that *anyone who buys from a breeder kills a shelter dog* has never been counteracted by AKC - the only entity with enough bucks to refute that devilish "adopt from a shelter" logic. But wait, AKC's primary registration income is from puppy mills, many of which sell "purebred" puppies to the shelters. Oh, you forgot that in 2005 AKC invited mutts to compete in "non-regular classes" and by 2008 we reported that AKC was registering "anything" including mutts [1].

What's in it for Animal Planet? Who knows? It still features purebred dogs but with voice-overs that sound like the script writer misread the Breed Standard. *I think it fair to say that second only to HSUS, the once-favorite channel for every animal lover has become the animal shelter's biggest advocate.*

Everyone loves a mutt, me included. I've owned several shelter dogs. But I ask you, who is speaking up for carefully created, lovingly raised purebred puppies? Has AKC changed the rules of the game? It allowed Pedigree Foods to advertise shelter adoptions [2] as official sponsor of the Westminster Dog Show. Pedigree "showed" adorable mutts instead of purebreds. The fancy rebelled and AKC changed to Purina as a sponsor. Still, the AKC CAR funds "non profit animal shelters".

A WELL-bred purebred offers no disappointments to those who know what they want and are willing to share the cost of creating it. People that just want a dog "for the kids" or "for protection" too often decide that it is too big, too hairy, too noisy, too rough with the children, too expensive to feed, or needs too much grooming, and they "get rid of it" at the animal shelter where (if it is big, ugly, or dark colored) it will be humanely euthanized instead of left to starve or be run over. Sadly, for every rescue or shelter dog that finds a life-long home, there are dozens that do not.

Did you know that feral cats are trapped so they can be spayed, medicated, and returned to the wild? Why not spend that money to help elderly citizens or poor children afford vet bills for the loving pet they desperately need?

Challenge The Shelter Myth.

Support no-kill shelters but *never, ever,* those places that do business under other names. *I'm talking about some breed rescue groups and most of today's shelters and humane societies. Legally, most rescues and shelters should quit hiding behind non-profit status because increasingly, they are actually profitable business enterprises if you don't deduct exorbitant management salaries.*

Before you blow up, ask yourself... *How in the name of sanity can we afford to pay dog catchers to round up strays so that our tax dollars can be used to medicate, neuter, and then kill them? Oh wait, I forgot about the newest wrinkle – "animal control officers" who are well paid to confiscate purebred dogs so shelters can sell them back to a gullible public??*

Think about that. *Why not reduce the number of strays and shelter turn-ins by using tax dollars to provide assistance and guidance to those who could be wonderful owners? Why not collect a nominal fee from those who turn in animals? Why not locate and fine the people who let their dogs run loose? Then use those funds to provide no-cost neutering or veterinary care for people who would love to have a dog or cat but can't afford the adoption fees and other associated expenses of pet ownership?*

Play The Shelter Game YOUR Way!

Before you donate to a shelter or rescue group, take a minute to verify a few basics: *Is there a dog catcher or animal control officer? Who pays them? When the Humane Society of the U.S. (a misnomer if there ever was one!) goes out to raid a breeder's home, are they accompanied by a police officer or sheriff's deputy and is the adoption fee higher for a purebred animal?* What are the shelter hours? Are they open on the weekends so that working folks can go there to adopt a pet. *Would they offer a little assistance to a poor person rather than kill the animal? If not, why not?*

I'm sure you can think of many financial breaks animal shelters receive right in your area even though, in actual fact, they compete with breeders who DO NOT get free advertising and taxpayer support.

Call and ask how much to "adopt" a pet from your shelter. *By the time adoptive families get the bill, the cost can be more than what they would have paid for a healthy, socialized, well-adjusted purebred puppy.* If you are in an urban area, you will be unpleasantly surprised..

*More than a few shelters "swap stock" with each other in order to meet demand created by advertising paid for with your tax dollars. M*any large urban shelters are now part of the Canine Underground Railroad [3] which is not the same as loving transportation provided by devoted breed rescue people who rehome needy dogs. Some shelters watch the paper for "free to good home" ads for small breed puppies or "pure breed" kittens.

Like many things in a world moving too fast to keep track of today, not all shelters shelter. Not all survive on DONATIONS instead of tax-payer support and animal sales. *An animal shelter should be just that – a shelter for ALL animals in need of help from loving, caring people who donate their time, expertise, and money. When a shelter becomes a business, it can no longer serve the animals.*

Get related information and dig for gold below.

[1] AKC Registered Anything Including Mutts

[2] Pedigree Sponsors Mutts For WKC Dog Show

[3] CUR: Canine Underground Railroad

EXHIBIT #29

AC#16

AC#17

October 2017 update | TheDogPress.com

Compiled by Staff | first published February 2011

Since the early 90s, the NetPlaces Network has repeatedly warned[1] that Animal Rights Advocates prefer subversive legislative action to overt terrorism. Campaign contributions (payoff) to carefully chosen legislative leaders such as Rick Santorum of PAWS fame are much more effective than raiding animal research laboratories in outright acts of terrorism.

The political goals of **ii Animal Rights** insurrection came under scrutiny by the Department Of Homeland Security due to the potential for acts of violence and terrorism. Depending on how politically informed you are, you may see us as going backward under DHS leadership but be assured, the FBI ranks **ELF** as the #1 Domestic Terror Threat[2]. As reported by TheDogPlace, both **ELF** and **ALF** (Animal Liberation Front) are repeatedly referenced in the DHS document to which our staff has gained access.

The seriousness of the threat and the scope of the Animal Rights agenda is revealed in the internal report below. Just this week, news of the subversive, secretly formed ANIMAL RIGHTS CAUCUS in the California legislature has surfaced.

First, read the internal Department of Homeland Security report, then learn more about how the "animal rights" movement was funded[3] and as the picture comes into focus in the Animal Rights Legislation[4] section be prepared to decide how "secure" you feel about your right to own animals.

Department of Homeland Security [DHS] Report: Title: "DHS: Eco Terrorism in US 2008"

UNIVERSAL ADVERSARY DYNAMIC THREAT ASSESSMENT

Ecoterrorism: Environmental and Animal-Rights Militants in the United States 7 May 2008

EXECUTIVE SUMMARY

The term ecological terrorists, 1/ or ecoterrorists, refers to those individuals who independently and/or in concert with others engage in acts of violence and employ tactics commonly associated with terrorism to further their sociopolitical agenda aimed at animal and/or environmental protection. The ecoterrorist movement is a highly decentralized transnational network bound and driven by common ideological constructs that provide philosophical and moral justification for acts of violence against what it perceives to be the destructive encroachment of modern society on the planet's habitat and its **living organisms**. 2/ [*Ref. opening paragraph at p.1 of report]*

[Ref. beg. at p. 8 of report]

INTERNAL STRUCTURES AND ORGANIZATIONAL DYNAMICS

The ecoterrorist movement operates as a sophisticated and highly decentralized network. It has no overarching hierarchical structure, nor does it have an elaborate organizational infrastructure. Rather, the movement embraces the concept of leaderless resistance, an organizational model that has no uniform authority or centralized control and command structure.[44] Shared ideology and a willingness to engage in illegal and violent activities in pursuit of environmental and **animal protectionism** provide independent actors with structural cohesion through a commonality of purpose. After all, any individual willing to take direct action in support of the movement's overall aim—to counter environmental and **animal exploitation**—is automatically considered to be part of the movement.[45] (U//FOUO)

Organizational dynamics are barely present, and, to a great extent, activists operate underground. Personal contacts may play into organizational dynamics, to the extent that individual cells or activists exchange information with each other. However, in the vast majority of cases individuals involved in acts of ecoterrorism are not in contact with other individuals or cells engaged in similar activities. Although autonomous cells and individuals are known to take guidance from Internet materials, which provide the parameters and, often, instructions for an action, they tend to execute their activities independently of one another and the movement at large, yet they are consistent with the overarching slogan, "Think global, act local!"[46] (U//OUO)

EXTERNAL RELATIONSHIPS AND INTERORGANIZATIONAL TIES

External relationships and inter-organizational ties are difficult to assess because the groups that constitute the ecoterrorist movement have highly decentralized structures and do not require conventional membership. Yet, it is clear that there is some degree of interaction between various ecomilitant groups and/or individuals. After all, **ELF and ALF are considered to be sister organizations and the newer, more radical groups, such as Arissa and SHAC, are their respective derivatives**. The following radical environmental and animal-rights groups share some ideological tenets and operational aims; however, the precise nature of their ties remains unclear:

- ELF
- ALF
- Arissa
- Stop Huntingdon Animal Cruelty (SHAC)
- Sea Shepherd Conservation Society
- Animal Rights Militia
- Animal Liberation Brigade
- Direct Action Front
- Band of Mercy (U//FOUO)

In addition, various groups that constitute the ecoterrorist movement are also believed to interact, to one degree or another, with mainstream environmental and **animal-rights organizations and/or individuals**. Although none of the mainstream organizations officially endorses or participates in the illegal and violent activities championed by ecomilitants, some prominent members of mainstream groups are known to sympathize with the ecoterrorist movement. [see

reference below]

*"According to Martosko, an FBI evidence recovery log from the search of San Diego's automobile describes a check written to him by **Ariana M. Huemer, an employee of HSUS** at the time."*

Mainstream organizations with known or possible links to ecoterrorism include the following:

- People for the Ethical Treatment of Animals (PETA)

  The Sierra Club
- National Wildlife Federation
- Audubon Society

  Humane Society of the United States (HSUS) [Emphasis added.]
- Friends of the Earth
- Greenpeace
- Earth First[47]
- Coalition to Save the Preserve (CSP)
- Environmental Task Force
- The Frogs
- In Defense of Animals
- New Jersey Animal Rights Alliance
- Fund for Animals (U//FOUO)

Among the highlighted organizations, **PETA**, **the Fund for Animals**, **In Defense of Animals**, the **New Jersey Animal Rights Alliance**, and certain individuals within the **HSUS** are known or suspected of having financial ties to individuals and groups associated with ecoterrorism.[48]

In addition to financial ties to ecomilitancy, both **HSUS** and **PETA**, or individuals within those organizations have an established record of supporting individuals and/or groups commonly associated with ecoterrorism.

David Martosko, director of research for the *Center for Consumer Freedom*, in his testimony before the U.S. Senate Committee on the Environment and Public Works in 2005, gives examples of **HSUS's** links to ecomilitants:[49]

- According to Martosko, **Miyun Park, an HSUS employee** listed as a benefactor, has been named in at least six federal wiretap warrants in connection with a **Federal Animal Enterprise Terrorism trial**. Martosko claims that these warrants also include University of Texas at El Paso (UTEP) professor Steven Best, PETA grantee (and terror defendant at the time) Joshua Harper (convicted ecoterrorist), and **PETA employee Joe Haptas.**
- Martosko further claimed that Daniel Andreas San Diego, wanted by federal authorities for involvement in the detonation of ten-pound shrapnel bombs in 2003 at two California biomedical research companies, also had links to the **HSUS**. According to Martosko, an FBI evidence recovery log from the search of San Diego's automobile describes a check written to him by Ariana M. Huemer, an employee of HSUS at the time.

- Martosko recounts the story of **John Paul "J.P." Goodwin** to illustrate another tie between the HSUS **and violent animal-rights activists**. In 1997, when Goodwin was the national director of the Coalition to Abolish the Fur Trade, he wrote in **No Compromise** that he and his group *"support these [ALF] actions 100%. We will never, ever, ever work with anyone who helps the FBI stop the ALF....this is one of the best things to happen in a long time."*[50]

In March 1997, after the **ALF** arson of a fur farmers' feed co-op in Utah that resulted in $1 million in damages, Goodwin told reporters, "We're ecstatic." In 2000, the **HSUS** sent Goodwin as its emissary on a tour of Chinese fur farms.

By 2001, Goodwin was an HSUS employee and remains on the **HSUS's full-time staff.** (U//FOUO)

EXHIBIT #23

This Growing Movement Is Pitting Vets vs. Pet Owners

- September 27, 2017 • 11,725 views

- A recent article in a conventional veterinary journal attempted to paint people who are cautious about vaccinating their pets as uninformed "hipsters" given to fits of paranoia
- The facts are that an increasing number of concerned, not paranoid, pet parents are objecting to the routine re-vaccination of their dogs. "Anti-vaxxers" and "responsible vaxxers" are two entirely different populations the media has confused
- Younger pet owners and those who've seen an animal become ill after a vaccination are showing more concern than their vets about the dangers of over vaccinating pets
- The goal of veterinarians and pet owners should be to immunize companion animals against disease, and confirm enduring immunity through antibody titer tests
- Repeatedly vaccinating dogs against core canine diseases does not enhance their immunity, and amplifies the risk of adverse vaccine reactions

By Dr. Becker

Recently I ran across an annoying article in a conventional veterinary journal about pet-owning anti-vaxxers. I thought I would share it with you, because sadly, it's a good example of what I know many of you are up against when dealing with your own veterinarians.

To prove her case, instead of using examples of diseases directly linked to veterinary vaccines, the author of the article, Kerry Lengyel, used examples of dog owners concerned their pets might develop autism after being vaccinated, "even though autism has never been diagnosed in a dog."[1]

Her point, apparently, was to demonstrate what the conventional veterinary community considers to be the utter stupidity of pet owners who are concerned about the potential for vaccine adverse reactions, as well as the unstudied and unknown immunologic side effects of unnecessary annual revaccinations over the lifetime of a pet.

Shouldn't Vets Be at Least as Concerned About Vaccine Reactions as Pet Owners?

For her article, Lengyel talked with a veterinarian in California who says he has seen an increase in the number of pet owners who don't want their dogs vaccinated "for conditions such as distemper and parvovirus."

Of course, we don't know whether this vet was talking about pet owners balking at initial vaccinations (puppy shots), or lifelong re-vaccinations for the same diseases. In my experience, most people don't object to the initial series of puppy shots or the booster at one year.

However, an increasing number of concerned pet owners are definitely objecting to repeated re-vaccinations on an every one-year or three-year schedule, because veterinarians can't give them an honest answer as to why those vaccines need to be given over and over and over.

Younger Pet Parents 'Just Feel That Injecting Chemicals Into Their Pet Is Going to Cause Problems'

According to Lengyel, some of the skepticism about vaccines "may correspond to the more holistic

lifestyle of the younger generation that has flocked to the trendy city" (Brooklyn, NY, in this case). Looks to me like she's taking a shot at holistic lifestyles (however she defines them), and younger pet parents who she assumes are being influenced by life in the "trendy city."

Once again, she seems to be trying to illustrate the utter stupidity of pet parents who dare to doubt the necessity of re-vaccinations. Another veterinarian Lengyel interviewed for her article chimes in with this gem: "It's actually much more common in the hipster-y areas. I really don't know what the reasoning is, they just feel that injecting chemicals into their pet is going to cause problems."

Gee, you think maybe that's it? I mean, what a crazy notion! Well-educated people thinking their 4-pound Yorkie may not need the same booster shot as their 150 pound Mastiff, crazy, right?!

Vaccines 'Tank Immune Systems, Allowing a Welcome Mat for Illnesses'

Lengyel did redeem herself somewhat toward the end of her article by interviewing one savvy dog owner who is "strongly against over-vaccination for pets because vaccines '**tank immune systems**, allowing a welcome mat for illnesses.'" Maureen Murray of San Francisco told Lengyel, "Previously, I had one young dog form an aggressive type of brain cancer shortly after [receiving] vaccinations. That cancer was probably encouraged by a weakened immune system caused by over-vaccination."

Murray told Lengyel she remains a strong advocate for vaccination of puppies and young dogs, but not for all adult dogs. Murray is exactly the type of pet owner I mentioned earlier — she believes in initial puppy vaccinations, but not repetitive vaccinations of adult dogs. Murray also talked to Lengyel about the importance and value of **titer testing** as an alternative to booster vaccinations. Lengyel cited an excerpt from the American Animal Hospital Association's vaccine guidelines:

> *"... [T]iter testing is an appropriate way to determine whether previously administered vaccines in dogs are still providing immunity to parvovirus, distemper, and adenovirus. Titer tests can enable veterinarians to devise customized vaccine protocols for individual pets."*

The Goal Should Be to Immunize Pets, Not to Vaccinate Them Over and Over

I'm guessing Lengyel's article appeared in the August edition of the veterinary journal because the veterinary community uses the CDC's National Immunization Awareness Month of August to promote pet vaccination awareness.

The goal is to encourage vaccinations, though the word they use is immunization, not vaccination. This is a hugely important distinction. Vaccination and immunization are not one and the same. Immunization is the outcome of effective vaccination against disease and/or exposure to a disease that the animal recovers from.

The act of administering a vaccine doesn't automatically mean the animal has been immunized against the disease, however, that is the assumption. Since I don't like to assume a dog is protected against disease, I make it a practice to run titer tests within a few weeks of the last round of puppy shots to ensure immunity has been achieved.

Sterile Immunity Can Last a Lifetime

When an animal is successfully vaccinated against certain diseases (distemper, **parvo** and adenovirus in dogs) and becomes immunized, she receives what we call sterile immunity. Sterile immunity lasts a minimum of seven to nine years, up to a maximum of lifetime immunity as measured by titer tests. This

means the dog cannot become infected, nor will she shed the virus should she be exposed. Since the diseases of distemper, parvo and hepatitis (adenovirus) are everywhere, the risk of exposure is constant.

Other types of vaccines, typically non-core vaccines (called bacterins) against bacterial derived diseases such as **Lyme disease**, leptospirosis, bordetella (kennel cough), canine influenza (a virus, but one that mutates constantly so vaccine is not consistently protective) and others, do not produce sterile immunity.

These vaccines last a year at most, and antibody levels against these diseases (as measured by titer tests) decrease with each passing year, meaning lifelong protection is questionable. I prefer to run IFA (immunofluorescence antibody) titer tests for parvo and distemper because they give a clear-cut answer, either "yes the animal is protected" or "no the animal is not protected."

Serology and other testing methods can be confusing for owners. For example, a low serology score doesn't mean the pet isn't protected against disease. It's possible an animal may still be protected for up to a year or longer thanks to immune memory cells.

For purposes of comparison, veterinary core vaccines are similar to human polio and MMR (measles, mumps, rubella) vaccines that provide lifetime immunity. Non-core veterinary vaccines can be compared to the human tetanus vaccine, which is also a bacterin and may not last for a lifetime.

How to Play It Safe and Smart With Your Dog's Vaccinations

Discuss what kinds of vaccines your pet needs, and how often, with your veterinarian. I strongly encourage you to try to find a **holistic vet** to care for your pet, especially when it comes to vaccinations.

If you can't locate a holistic vet in your area, make sure not to take your pet to any veterinary practice that promotes annual or more frequent re-vaccinations. Also try to avoid any boarding facility, groomer, training facility or other animal service that requires you to vaccinate your pet more than necessary. Look for pet care providers who accept antibody titer tests in lieu of proof of vaccination.

The Golden Rule: Those Who Have the Gold Rule

Where Animal Rights get funding to threaten Your Rights

The Tides Foundation and family of closely related organizations are a driving force behind social change in this country, for better and for worse.

AC #14

Sept. 27, 2011 | TheDogPress Side Effects

Sue Beaulieu, Political Research Editor

The Tides Foundation works primarily as a money clearinghouse, receiving money from various sources, including other foundations, non-profits and individuals. Organizations or individuals can donate money to the Tides Foundation which will then forward the money to the intended recipient per specific request. These are known as "donor assisted" funds because the original funder remains anonymous. Other groups that do not want to set up a 501(c)(3) or (c)(4) will allow Tides to manage their money. The Tides Foundation makes a percentage from these organizations' profits and these are known as "Tides projects."

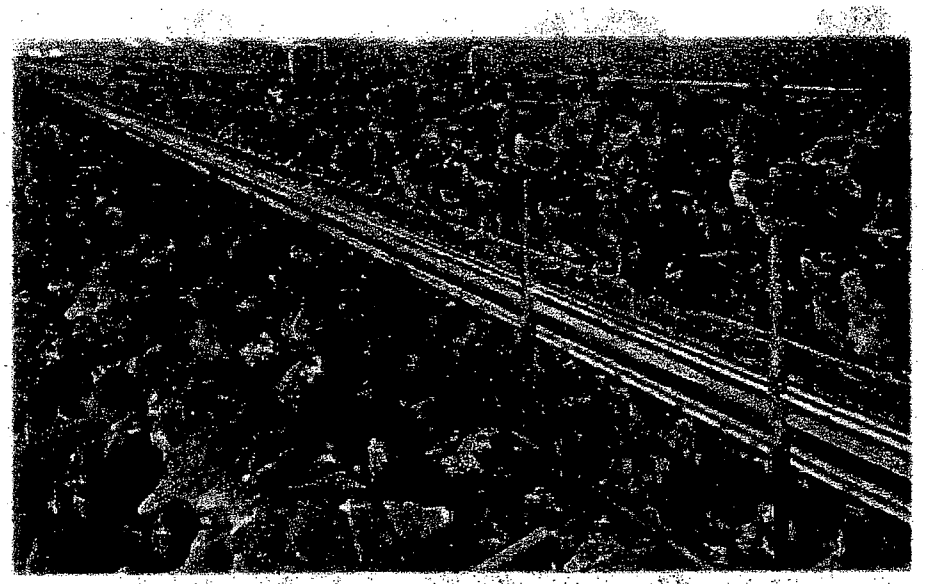
The Tides organizations are instrumental in orchestrating social change in many key political arenas. Their influence can be felt across a wide range of current ideologies including direct donations, funding animal rights groups, as documented in the Tides Foundation 990's. But keep in mind that the animal rights groups may take that money and pass it on to other like-minded organizations through Donor Assisted transactions. The reverse can hold true for all of the donations listed on the Tides Foundation 990s.

Tides monies ends up in the hands of animal rights groups

From 2005 - 2010, Tides made relatively small grants of $1,000 to $2,000 a year to the *Animal Alliance, Animal Legal Defense Fund, Doris Day Animal Fund, In Defense of Animals* and the *ASPCA*. **A few other groups received one time grants of various amounts under $5,000 such as**

the Animal Place, *Best Friends Animal Sanctuary*, East Bay Animal Advocates, Espanola Valley Humane Society, Friends of Santa Cruz Animals, Hopalong Animal Rescue, and the Native Animal Rescue. The Wildlife Animal Orphanage[1]) got $1,942 in 2006, then went bankrupt and closed down. There were similar one time grants and funding to other animal organizations.

The East Bay Animal Advocates, based in California, were very active in the cage free eggs campaign. So is the Humane Farming Association which received nearly $11,000 from Tides. The *Humane Society of the United States (HSUS)* received $8,000 in 2006 and $5,000 in 2009 from the Tides Foundation, **funding possibly designated for their work in this same campaign. And indeed, after years of working to change public opinion on the subject, the animal groups were successful. California and Michigan have passed laws to outlaw the cage confinement of hens, and California passed a law requiring all whole eggs used in the state to be cage-free by 2015.**



Numerous corporations succumbed to the new political correctness and are now committed to using only cage-free eggs. These include General Mills' Haagen-Dazs products, Kraft, Otis Spunkmeyer, Sara Lee and Hellmann's mayonnaise. Restaurant and supermarket chains joined the ranks to court consumers of a new age. Subway, Burger King, Wendy's, Denny's, Sonic, Quiznos, Hardee's, Carl's Jr. and Red Robin, Wal-Mart, Costco and Safeway increased cage-free egg sales. The cost for these changes will of course be passed on to the consumer.

Mercy for Animals received $33,000 during 2009 and 2010. This group is focused on eliminating cruelty to farm animals by promoting a strict vegetarian diet. Animal rights groups and animal welfare groups still debate the definition of cruelty even as they fund practices many would consider cruel. Common sense should dictate what "cruelty" is but often does not. To groups like these, with a definite political agenda, i.e. vegetarianism, cruelty is subjective and most anything can be spun to create the illusion of *cruelty to animals*. The demands will never end until there are no animals left to regulate!

Which brings us to *PeTA* - the mother of all animal rights groups. PeTA received the most direct funds from the Tides Foundation. In 2005 and 2006 the amount was small - under $2,000. But then PeTA received $32,953 in 2007; $149,336 in 2008; $73,790 in 2009 and $150,483 in 2010.

There are no records to tell us what these specific donations were used for. With total assets of

$22 million or more (**and this does not include the closely related monies of their affiliates PCRM (Physicians for Responsible Medicine) and FSAP (Foundation to Support Animal Protection),** these donations could be used to fund any number of campaigns.

Was the money used to help make the 2007 HBO documentary, "*I Am an Animal: The Story of Ingrid Newkirk and PeTA*, or was the money used instead for video "investigations" made during ALF raids - some of which led to lawsuits or pressure on government agencies to enforce changes? Or maybe the money was applied to the payroll of directors, vets, attorneys, consultants and professional fundraisers?

PeTA even receives money for mailing list royalties! **A few of the groups that pay for this list are the Humane Society Legislative Fund, Bay Area Organic Express, American Anti-Vivisection Society, California Humane Farming, Obama for America and the "Committee to Restore..." which may be another Tides related organization.** PeTA transfers approximately $6 to $8 million dollars each year to their affiliate FSAP. However, FSAP's 990s are rather vague as to where that money actually goes.

PETA's tax filing lists over $34 MILLION in expenses

Included in PeTA's 2007 990 is a general breakdown of expenditures that lists over $8 million for international grassroots campaigns, over $7 million to research, investigations and rescue and $8 million for public outreach and education. An approximate half million dollars is for postage, computers and mailing list maintenance. Another $10 million+ is spend on various contractors such as KAA Design Group (architecture and design), Interactive Systems (home theater, audio and security), Four Roads LLC (social media and commerce website design), Convio Inc (fundraising software) and Comprehensive Resources (IT services) and numerous others.

PeTA's millions are NOT used to shelter and re-home pet animals. This fact has been documented by the PeTA Kills{2} website. Evidence clearly shows that PeTA has put to death over 90% of the animals it took in during a five year period. This should not shock anyone who knows PeTA means it when they say, "Better Dead than Bred." PeTA is a well oiled machine that learned very early that it takes money to make money. Masters of media and purveyors of extremist propaganda, they will do anything to grab the public's attention. PeTA means business and their business is to control your business out of existence.

Tide Foundation made two large donations to *PEACE* (Protect Educate Animal Culture Environment) of $32,960 in 2008 and $15,407 in 2009. PEACE partners with Tides Canada so that funding donations can be tax deductible. The organization is registered as a non-profit in both the U.S. and Mexico.

PEACE was born from the group, Ayuda los Animales (Help the Animals), in 2003 when it ran its first spay/neuter program in the Bahia de Banderas. It was one woman's vision for a grassroots community where government, influential community members, dedicated volunteers and other

non-profit organizations could work together towards common goals, and it soon transformed into PEACE. The vision began with one village but now includes 30+ towns where mobile spay and neuter clinics are held.

Could it be that when animals have the same rights as people - and vice versa - human populations will similarly be controlled.....with mandatory sterilization clinics that go from town to town? The vision of human sterilization has been well documented.

In closing, please note that Brave New Films[3] receives money from the Tides Advocacy Fund. In 2008 alone, they received $150,000. The Tides Advocacy Fund is the Tides' 501(c)(4) Lobbying Arm and so the money from this group is visibly directed toward Tides' sanctioned policies and politics. BNF covers a wide range of liberal-biased topics. Their animal related films include such offerings as "How Food Companies Have Created Obesity", "Charlie Rose: Who Murdered Mountain Gorillas", "Animal Rights Activist Treated as Terrorist", "Animals, the Forgotten Victims of the Bush Administration" and "Global Warming Displaces Alaskan Walrus." Take a look for yourself. Does Brave New Films want to illuminate - or burn?

Difference between animal rights and animal welfare

Before donating money to an organization, do some research to find out what the funds are being used for. Is the money used for genuine animal welfare (food, shelter, medicine) or is it used for lobbying, lawsuits, more fundraising, administrative costs (phones, computers, postage, pension funds, salaries, travel etc) and printing "educational materials" which are thinly disguised propaganda? Will proposed legislation actually enhance the lives of animals or will it take away rights of people?

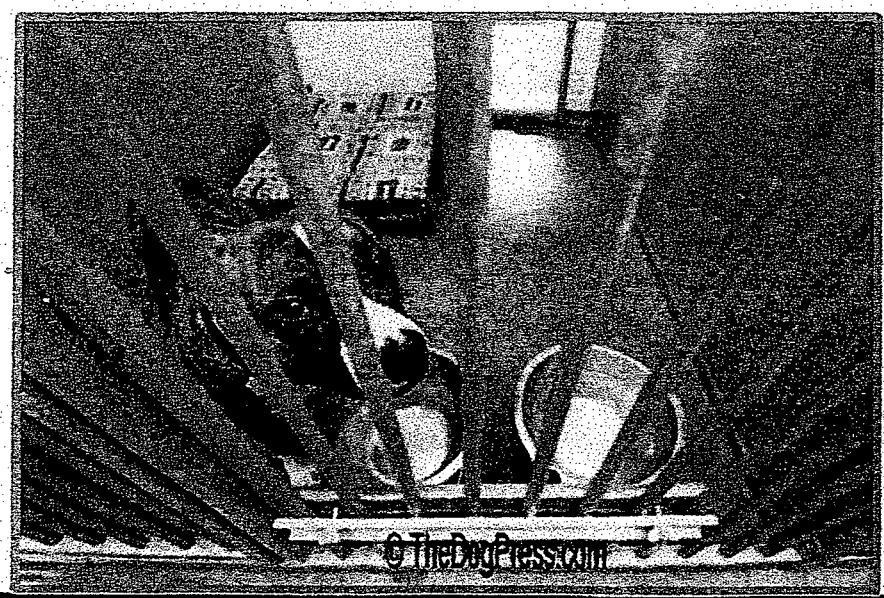


EXHIBIT
AC#14
3 pgs.

ANIMAL SHELTER FRAUD

Humane Watch exposes widespread SPCA, HSUS, Humane Society, animal shelter and animal welfare fraud in these specific income-expense financial charts.

December 2016 UPDATE - Oct 2014 | TheDogPress Editorials

Barbara J. Andrews, Editor-In-Chief

HumaneWatch.org sent out an interesting *donation income vs. money spent* bulletin which said in part:

> *"HSUS and its affiliate organizations had a combined budget of about $165 million in 2013. And between them, HSUS claims to have cared for about 170,000 animals last year, or a cost of about $1,000 per animal provided "direct care."*

Humane organizations demean dog breeders to pump up donations by generating sympathy for shelter dogs they claim to help. TheDogPress.com has exposed a lot about the Humane Society Of The U.S. and the SPCA but this financials chart raises questions about the validity of other major groups using "help the animals" fund raising to defraud contributors.

Humane Watch says *"HSUS doesn't run a single pet shelter anywhere, so it's not as if "direct care" simply means long-term care of dogs and cats."* The fact is, HSUS rescues are often dumped off on other groups for longer-term care and adoption.

We thank HumaneWatch.org for exposing HSUS's nebulous claim because it leads to a startlingly clear conclusion about how animal owners are being scammed for donations! This 2014 chart provided by Humane Watch exposes the immense amount of $$$ the Humane Society Of The U.S. takes in by "benefitting from name confusion". Read, and realize these are compelling reasons to verify and then donate to your **local animal shelter** or **rescue group**.

Organization Name	Budget	Animals Helped
Animal Welfare League (Chicago)	$5,808,854	20,000
SPCA of Texas	$12,034,320	46,000
Associated Humane Societies (NJ)	$8,951,165	15,000
Houston SPCA	$7,375,217	100,000
San Diego Humane Society and SPCA	$39,278,778	10,233
Louisiana SPCA	$6,399,933	16,447
Washington Humane Society (DC)	$6,467,739	43,000
Erie County SPCA (NY)	$6,186,599	15,300
Michigan Humane Society	$16,947,365	85,000
Sacramento SPCA	$7,352,025	30,000
Humane Society of Utah	$3,515,141	11,288
Denver Dumb Friends League	$11,643,716	17,568
Humane Society of Missouri	$18,653,992	61,907
Wisconsin Humane Society	$7,390,822	34,000
Animal Humane Society (Minnesota)	$12,778,907	23,242

Arizona Humane Society	$12,053,287	44,000
Total	**162,837,860**	**572,985**

The chart proves what TheDogPlace.org has said (since 1998) about most animal shelters – go to your LOCAL shelter, check them out and ask for an accounting before you donate! Based on the cost-per-dog information secured by Humane Watch, why would ANYONE donate to any "humane" group other than the local folks that you can monitor???

Do the math: the above figures reveal an average cost-per-animal of $284 with some animal shelters averaging $1600 to $1800 per animal per year. Even more revealing, the numbers include healthy kittens/puppies born or dumped at the shelter AND animals taken there specifically to be euthanized. The first category generates excellent income; the second, negligible expense.

TheDogPress.com advises against donating to any "national" animal shelter. Instead, seek out LOCAL animal rescue and shelter groups. Then visit them at least twice, including a weekday. Meet the people in charge. Affirm that all animals are from *local sources* and have a look at figures on the kill rate vs. adoption rate.

If satisfied that the animal shelter or rescue group is really about helping the animals and the local community, then please give generously!

DOGS-Art. animal shelter fraud pg 3-RECORD 001

42 rescued beagles are looking for homes in San Diego

City News Service
10:30 AM, Nov 19, 2016
1:16 PM, Nov 21, 2016

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SAN DIEGO - A van-load of beagles rescued from a commercial breeder arrived in San Diego County Monday to be put up for adoption.

According to the Rancho Coastal Humane Society, the dogs were taken in by National Mill Dog Rescue from a large breeder in the Midwest.

John Van Zante of the RCHS said those operations produce as many puppies as they can, and when the market becomes saturated, they switch to different breeds. The rescue organization stepped in just in time, he said.

"They could have become excess inventory at the large commercial breeding operations," Van Zante told a local media outlet. "(The breeders) have to get rid of their inventory one way or another."

He said National Mill Dog Rescue has been reaching out to such breeders in order to collect the "discards." ?

Most of the canines brought to San Diego are males, with adults up to 10 years old and puppies 4-8 months old.

"Those we got at Rancho Coastal Humane Society, they'll have medical exams, vaccinations, spay and neuter, microchips -- and hopefully, if everything goes the way we want it to, they should be available (for adoption) starting in about 10 days to two weeks," Van Zante said.

He said the public can submit adoption applications at any time. Interested families can meet with adoption counselors to discuss whether a beagle is a good match for them.

The Rancho Coastal Humane Society received 13 of the dogs. Others went to Four Paws Coonhound Rescue and Friends in El Cajon.

EXHIBIT
AC#11

EXHIBIT AC #10 3 pgs.

Whole Dog Journal's Blog March 9, 2017

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Titer Tests, and Preventing Overvaccination

Posted at 03:29PM - Comments: (10)

By Nancy Kerns

Every year since I adopted Otto from my local shelter (on June 16, 2008), I have sent out his blood to a lab for a "vaccine titer test." The test I ask for detects circulating antibodies that defend against two canine diseases: distemper and parvovirus. Veterinary immunologists feel that the results of this particular test offers a reliable indication of whether the dog is adequately protected against the diseases he has been vaccinated for, or whether he no longer has a detectible number of antibodies to those diseases in his body.

To make this a tad more complicated than it needs to be, you should also understand that if a dog once had a positive test for these antibodies, but, years later, no longer tests positive, he is probably still protected from those diseases. If he were to be exposed to one of those diseases again, the immune memory cells in his body would almost certainly spark into action and begin to produce antibodies against those diseases again. So, as long as he's had a positive titer test in the past, he's likely still protected from disease, even if his current vaccine titer test is negative.

However, while most veterinarians today can wrap their heads around a current positive vaccine titer test, and will comfortably "allow" their clients to take a pass on a vaccine "booster" at their dogs' annual visit as long as they have this positive test result, few are willing to trust a *past* positive vaccine titer test when it is paired with a current negative. At that point, the vast majority of veterinarians would recommend that a vaccine be administered again, to refresh the dog's immune memory and stimulate the production of disease antibodies anew.

For this reason, in our opinion, it's not necessary to run a titer test every year. A few sturdy souls are comfortable with their dog's *past* positive results, especially when the dog is healthy and seems to have a vital immune system working for him, and would only run a titer test again if the dog's health began to decline. Other people choose to run a vaccine titer test every few years, even if only to keep their veterinarian from nagging them to revaccinate.

I run a vaccine titer test on Otto annually, really, for you guys. And for every veterinarian who ever sees Otto, and wonders why I haven't vaccinated him (except for rabies, which is required by law – and is

the *only* vaccine required by law) since I adopted him. I do it for every vet tech who has stamped "OVERDUE" on Otto's records, and every vet office assistant who sends me annual reminder postcards that Otto is "OVERDUE" for vaccines. (He was vaccinated a *lot* at the shelter in the couple of months that they had him before I adopted him. Shelter vaccine protocols tend to be much more heavy-handed than what vets suggest for most pet owners, because they take in so many sick animals.)

I do it because I think people (especially those who work in veterinary offices) need to be more educated about vaccines. As the sick dogs who are routinely brought into my shelter demonstrate, not all dogs are adequately vaccinated; many lack basic healthcare. But I think most pet dogs who see veterinarians on a regular basis are overvaccinated.

Don't get me wrong: I strongly believe that every dog should be properly immunized – and I think vaccine titer tests are the only legitimate way to determine whether their bodies responded properly to the vaccines they received and developed protective antibodies. But vaccinating *annually* or even semi-annually (every two or three years) for the core vaccines that are *not* required by law (distemper, parvo, adenovirus) is unnecessary and, in my opinion and that of a growing number of veterinary immunologists and holistic practitioners, potentially harmful.

Anyway, long story short: I had Otto's vaccine titer test run again recently, and his results indicate he still has a healthy population of antibodies for distemper and parvo, more than EIGHT years since his last vaccine for diseases. He's just one dog, it's very anecdotal – but, I'd bet, pretty typical, too.

A note about where I get this done:

To run the vaccine titer test, I use the Companion Animal Vaccine and Immuno Diagnostic Service Laboratory at the University of Wisconsin, Madison, School of Veterinary Medicine. This is the lab founded by Ronald Schultz, Ph.D., one of the world's leading authorities on animal vaccines. The lab charges just $25 for the distemper/parvo vaccine titer test.

I had my veterinarian collect a blood sample and prepare it as per the directions posted on the lab's website. My veterinarian charged $30 for this. Had I gone to the vet just for this reason alone, I would have had a pay for an exam, too, but I had actually taken Otto in to have a lump checked, so I'm not including the exam fee cost here.

I paid to have it overnighted to Wisconsin; I could have sent it two-day, but I had missed the cutoff time, and it had to be there Friday morning, so I paid a premium at the post office: $28.75.

Total: $83.75. That seemed like a lot, until I called the vet to find out what they charge if they send the blood sample to their usual lab: $161! That's just nuts.

For more information, see some of our past articles:

"Vaccine Titer Tests for Dogs" (June 2014)

"Puppy Shots," (March 2014)

"Time to Vaccinate the Dog?" (March 2013)

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
2	Black and Tan	Min Pin	F	99.1	13.2 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms, Hookworms	Positive	5/18/16		3.2 ml	5/18/16	1/2 Tablet	5/20/16	Negative	5/20/16
PR	Condition:	Pronounced sinus arrhythmia, Mammary mass that needs removal, 3+ tartar - missing teeth, grooming											3.2 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/19/16											3.2 ml	5/21/16				
	Picture #	122, 123			BCS:	3	Est Age:	8+ yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
3	Black and Tan	Min Pin	F	100.7	9.6 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Negative	5/18/16	5/18/16	2.5 ml	5/18/16	1/4 Tablet	5/20/16	2+	5/20/16
PR	Condition:	Hairloss, large ticks all over											2.5 ml	5/20/16		6/3/16		Mites +2
	Examined by:	Dr. Berry on 5/19/16											2.5 ml	5/21/16				
	Picture #	41, 42			BCS:	3	Est Age:	7 yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
4	Red Merle w/White	Sheltie	F	99.9	21 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Negative	5/19/16	5/19/16	5.25 ml	5/19/16	1 Tablet	5/20/16	Negative	5/20/16
PR	Condition:	Calm, thin, mild tartar											5.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											5.25 ml	5/21/16				
	Picture #	181, 182			BCS:	3/9	Est Age:	5 yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
5	Sable & White w/Blk	Sheltie	F	99.9	17.0 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/19/16	5/19/16	4.5 ml	5/19/16	1/2 Tablet	5/20/16	1+	5/20/16
PR	Condition:	Calm, Extremely matted and long nails, mild tartar											4.5 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											4.5 ml	5/21/16				
	Picture #	174 - 180			BCS:	4/9	Est Age:	3 yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
6	Black w/Tan & Gray	Chihuahua	M	100.5	10.7 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	2.75 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
PR	Condition:	Calm, long, curled nails, dental tarter											2.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											2.75 ml	5/21/16				
	Picture #	21			BCS:	5/9	Est Age:	4 yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
7	White	Chihuahua	F	99.6	8.4 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms, Hookworms	Negative	5/18/16	5/18/16	2.25 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
PR	Condition:	Calm, teeth extraction and bloodwork needed, mild dermatitis on back, long nails, hairloss on tail, scaring on rt cornea											2.25 ml	5/20/16				
	Examined by:	Dr. Dixon on 5/20/16											2.25 ml	5/21/16				
	Picture #	33			BCS:	4/9	Est Age:	6-7 yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
8	Tri Color	Sheltie	M	100.8	27 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	6.5 ml	5/18/16				
PR	Condition:	5/19 Discharge from eyes, needs skin scrape potential biopsy of skin, send to Port Royal Vet											6.5 ml	5/21/16				
	Condition:	5/19 Severe dental disease, emaciated, deformed claws, cleaned ears, gave antibiotics and eye ointment / needs skin biopsy and dental																
	Examined by:	Dr. Berry on 5/19/16, Dr. Campbell on 5/19/16																
	Picture #	113-117, 149-150			BCS:	2/9	Est Age:	10+ yrs							Flea Treatment			

DEAD ?

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
9	Tri Color	Sheltie	F	100.9	33 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworm, Roundworms	Negative	5/19/16	5/19/16	8.25 ml	5/19/16	1 1/2 Tablet	5/20/16	Negative	5/20/16
PR	Condition:	Calm, long nails											8.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											8.25 ml	5/21/16				
	Picture #	183, 184			BCS:	6/9	Est Age:	2-3 yrs							Flea Treatment		5/20/16	

#	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
10	White head, Rt blue eye	Sheltie Pom	F	101.0	13 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworm, Roundworms	Negative	5/18/16	5/18/16	3.2 ml	5/18/16	1/4 Tablet	5/20/16	3+	5/20/16

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PLAINTIFF'S EXHIBIT #9

HPR Condition:	Calm, Severe matting, mild tartar												3.2 ml	5/20/16		6/3/16			
Examined by:	Dr. Dixon on 5/20/16												3.2 ml	5/21/16					
Picture #	118,119			BCS:	4/9	Est Age:	2								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
11	Sable w/white and black	Sheltie	M	100.3	16.6 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/19/16	5/19/16	4.25	5/19/16	1/4 tablet	6/20/16	3+	5/20/16	
HPR Condition:	4+ tartar, running nose, recommend HCT, matted												4.25	5/20/16		6/3/16			
Examined by:	Dr Berry 5/19/2016												4.25	5/21/16					
Picture #	129, 130			BCS:	2	Est Age:	5								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
12	Blonde (Larger)	Pomeranian	M	99.8	14 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Positive	5/19/16		3.5 ml	5/19/16	1/4 tablet	6/20/16	3+	5/20/16	
HPR Condition:	4+ tartar, Scaring on ears, Severe ear debris and mites visible, mats all over, recommed repair luxating patella												3.5 ml	5/20/16		6/3/16			
Examined by:	Dr. Berry on 5/19/2016												3.5 ml	5/21/16					
Picture #	131-136			BCS:	2	Est Age:	5 yrs								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
13	Blonde (Smaller)	Pomeranian	M	98.6	7.8 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Puppy	5/19/16	5/19/16	2 ml	5/19/16	1@22.7 mg	5/20/16	2+	5/20/16	
HPR Condition:	Puppy, calm, moderate ear debris												2 ml	5/20/16		6/3/16			
Examined by:	Dr. Dixon on 5/20/16												2 ml	5/21/16					
Picture #	201-203			BCS:	4/9	Est Age:	8-10 wks								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
14	Blue Merle	Sheltie	M	97.9	14.6 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Positive	5/19/16		3.75 ml	5/19/16	1/4 tablet	6/20/16	3+	5/20/16	
HPR Condition:	Skiddish, nippy, severe matting, poor muscule development, mild tartar, severe ear debris, recommend bloodwork												3.75 ml	5/20/16		6/3/16			
	PRVH - suspect visual issues, emaciated, suspect stress circling, shaved and betned, gave Dexdom												3.75 ml	5/21/16					
Examined by:	Dr. Dixon on 5/20/16, Port Royal Vet 5/20/16																		
Picture #	166-168			BCS:	1/9	Est Age:	5 yrs								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
15	Sable and White	Sheltie	F	101.0	21.3 lbs	5/17/2016	5/17/2016	5/17/2016	Roundworms, Hookworms	Positive	5/18/16		4.5 ml	5/18/16					
HPR Condition:	Severe debris, dermites visible, hemorrhagic area on neck from tick, 4+ tartar, lots of mats, sent for bloodwork												4.5 ml	5/21/16					
	Abnormal bleeding - suspect VWD, Otitis, cleaned ears, groomed, ticks collected, recommend dental														DEAD ?				
Examined by:	Dr. Berry on 5/16/2016, Sent to Port Royal Vet on 5/20/16																		
Picture #	93-95, 137			BCS:	2	Est Age:	5 yrs								Flea Treatment				
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
16	Blonde	Pomeranian	F	100.4	8.6 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Negative	5/19/16	5/19/16	2.25 ml	5/19/16	1@22.7 mg	5/20/16	Negative	5/20/16	
HPR Condition:	Calm, moderate ear debris, mild dental disease, in heat, matted and long nails												2.25 ml	5/20/16		6/3/16			
Examined by:	Dr. Dixon on 5/20/16												2.25 ml	5/21/16					
Picture #	151-153			BCS:	4/9	Est Age:	1-2 yrs								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
17	Brown w/black	Pomeranian	F	99.9	10.4 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms, Whipworms	Negative	5/19/16	5/19/16	2.75 ml	5/19/16	1/4 tablet	6/20/16	Negative	5/20/16	
HPR Condition:	Calm, moderate ear debris, mild tartar, long nails, thin hair coat, I rear patella												2.75 ml	5/20/16		6/3/16			
Examined by:	Dr. Dixon on 5/20/16												2.75 ml	5/21/16					
Picture #	154-155			BCS:	4/9	Est Age:	2 yrs								Flea Treatment		5/20/16		
nimal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin	
18	Black (Smaller)	Pomeranian	F	100.8	10.8 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms, Hookworms	Negative	5/19/16	5/19/16	2.75 ml	5/19/16	1/4 tablet	6/20/16	3+	5/20/16	
HPR Condition:	Calm, moderate ear debris, moderate tartar, long nails, moderate matting, bilateral luxating patellas												2.75 ml	5/20/16		6/3/16			
Examined by:	Dr. Dixon on 5/20/16												2.75 ml	5/21/16					
Picture #	161-164			BCS:	4/9	Est Age:	3 yrs								Flea Treatment		5/20/16		

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Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
19	Black (Larger)	Pomeranian	M	99.3	11.2 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms, Hookworms	Negative	5/19/16	5/19/16	2.75 ml 2.75 ml 2.75 ml	5/19/16 5/20/16 5/21/16	1/4 tablet	5/20/16 6/3/16	3+	5/20/16
Condition:	Calm, moderate ear debris, mild matting														Flea Treatment		5/20/16	
Examined by:	Dr Dixon on 5/20/16																	
Picture #	105				BCS: 4/9	Est Age: 2 yrs												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
20	White	Schnauzer	F	100.4	18.2 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms, Whipworms	Negative	5/19/16	5/19/16	3.75 ml 3.75 ml 3.75 ml	5/19/16 5/20/16 5/21/16	1/2 tablet	5/20/16 6/3/16	Negative	5/20/16
Condition:	Calm, cataracts bilatera, mild ear debris, severe dental desease, severe matting w/fecal material														Flea Treatment		5/20/16	
Examined by:	PRVH - Severe bacterial otitis R, shave and bathed, Gave dexmedetomidine, Torb, Antisedan																	
Picture #	Dr. Dixon on 5/20/16, PRVH on 5/29/16																	
	189-194, 199-198				BCS: 3/9	Est Age: 7+ yrs												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
21	Salt and Pepper	Schnauzer	F	100.3	11.6 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Negative	5/19/16	5/19/16	3 ml 3 ml 3 ml	5/19/16 5/20/16 5/21/16	1/4 tablet	5/20/16 6/3/16	1+	5/20/16
Condition:	Calm, mild dental tartar, long nails, very matted and dirty														Flea Treatment		5/20/16	
Examined by:	Urinalysis, Shaved and bathed, Gave Dexdom, Antisedan, Clavamox																	
Picture #	Dr. Dixon on 5/20/16, PRVH on 5/29/16																	
	197-200				BCS: 3/9	Est Age: 3 yrs												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
22	Salt and Pepper	Schnauzer	M	100.7	18.4 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms, Hookworms	Negative	5/19/16	5/19/16	3.5 ml 3.5 ml 3.5 ml	5/19/16 5/20/16 5/21/16	1/2 tablet	5/20/16 6/3/16	3+	5/20/16
Condition:	Calm, moderate ear debris, dirty, cryptorchid														Flea Treatment		5/20/16	
Examined by:	Dr. Dixon on 5/20/16																	
Picture #	159-160				BCS: 3/9	Est Age: 5												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
23	Blonde (Mom)	Chihuahua	F	102.8	7lbs					Negative								
Condition:	Nervous, moderate dental tartar, long nails, recommends dewormer														Flea Treatment	DEAD?		
Examined by:	Dr. Dixon on 5/16/16, 5/17/16, 5/18/16, 5/19/16, 5/20/16																	
Picture #					BCS: 5/9	Est Age: 4 yrs												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
24	Puppy	Chihuahua	M		7.5 oz													
Condition:	Normal, alert, responsive, fleas														Flea Treatment	DEAD?		
Examined by:	Dr. Dixon on 5/16/16, 5/17/16, 5/18/16, 5/19/16, 5/20/16																	
Picture #					BCS: 5/9	Est Age: 1 wk												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
25	Puppy	Chihuahua	M		7.5 oz													
Condition:	Normal, alert, responsive, fleas														Flea Treatment	DEAD?		
Examined by:	Dr. Dixon on 5/16/16, 5/17/16, 5/18/16, 5/19/16, 5/20/16																	
Picture #					BCS: 5/9	Est Age: 1 wk												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
26	Puppy	Chihuahua	F		7.5 oz													
Condition:	Fleas														Flea Treatment	DEAD?		
Examined by:	Dr. Dixon on 5/16/16, 5/17/16, 5/18/16, 5/19/1																	
Picture #					BCS: 5/9	Est Age: 1 wk												

Kennel #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin

27	Dark Blonde	Chihuahua	M	99.9	6.5 lbs	5/17/2016	5/17/2016	5/17/2016		Positive	5/18/16	5/18/16	1.75 ml	5/18/16	1@22.7 mg	5/20/16	Negative	5/20/16
	Condition:	Eyes epiphora, ear debris, 3+ tartar, missing teeth, grade 3-4 holistolic murmur, bilateral luxated patellas,											1.75 ml	5/20/16		6/3/16		
		Recommend repair of patellas, chest x-ray and ekg/echo											1.75 ml	5/21/16				
	Examined by:	Dr. Berry on 5/19/16																
	Picture #	47-49			BCS:		Est Age:	10 yrs							Flea Treatment		5/20/16	

DEAD?

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
28	Dark Brown	Chihuahua	M	99.2	3.2 lbs	5/17/2016	5/17/2016	5/17/2016	Roundworms	Puppy	5/18/16		.75 ml	5/18/16				
	Condition:	Under 10 wks, calm, mild debris											.75 ml	5/20/16				
	Examined by:	Dr. Dixon on 5/20/16											.75 ml	5/21/16				
	Picture #	40			BCS:	4/9	Est Age:	10 wks							Flea Treatment			

DEAD?

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
29	Black and White	Long Hair Chihuahua	F	100.3	0.7 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.75 ml	5/18/16	1@22.7 mg	5/20/16	1+	5/20/16
	Condition:	Mild epiphor, moderate ear debris, 2+ tartar											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/19/16											1.75 ml	5/21/16				
	Picture #	105-107			BCS:	3	Est Age:	4 yrs							Flea Treatment		5/20/16	

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
30	Brown and White	Chihuahua	M	100.2	5.5 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Negative	5/18/16	5/18/16	1.25 ml	5/18/16	1@22.7 mg	5/20/16	Negative	5/20/16
	Condition:	Moderate ear debris, 3+ tartar, inguinal hernia/soft mass, long nails											1.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/19/16											1.25 ml	5/21/16				
	Picture #	101-102			BCS:	3	Est Age:	5+ yrs							Flea Treatment		5/20/16	

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
31	Black Brindle w/white	Chihuahua	F	99.7	6.9 lbs	5/17/2016	5/17/2016	5/17/2016	Roundworms	Negative	5/18/16	5/18/16	1.75 ml	5/18/16	1@22.7 mg	5/20/16	1+	5/20/16
	Condition:	Nervous, moderate ear debris, mild tartar, bilateral luxating patellas, long nails											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.75 ml	5/20/16				
	Picture #	103-104			BCS:	5/9	Est Age:	5 yrs							Flea Treatment		5/20/16	

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
32	Red	Min Pin	F	99.9	10 lbs	5/17/2016	5/17/2016	5/17/2016	Roundworms, Whipworms	Negative	5/18/16	5/18/16	2.5 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
	Condition:	Nervous, mild debris, long nails											2.5 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											2.5 ml	5/21/16				
	Picture #	50			BCS:	5/9	Est Age:	1 yr							Flea Treatment		5/20/16	

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
33	Black and Tan	Min Pin	F	98.4	9 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	2.25 ml	5/18/16	1/4 tablet	5/20/16	2+	5/20/16
	Condition:	Nervous, hairloss on ears and sever debris, mild tartar, long nails, hairloss on hocks											2.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											2.25 ml	5/21/16				
	Picture #	86-88			BCS:	3/9	Est Age:	3 yrs							Flea Treatment		5/20/16	

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
34	Tan and Brown	Min Pin	F	99	6.4 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.75 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
	Condition:	Calm, moderate ear debris, under bite, long nails											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.75 ml	5/21/16				
	Picture #	62			BCS:	4/9	Est Age:	10 mns							Flea Treatment		5/20/16	

				Intake	Intake					Heartworm		HW								
Dog #	Color	Breed	Sex	Temperature	Weight	Distemper	Bordetella	Rabies	Fecal Results	Test	Capstar	Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
35	Black and Tan	Min Pin	M	99.9	6 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.5 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
	Condition:	Nippy, skiddis, nervous, mild dehydration, mild ear debris, mild tartar, long nails, scabes all over											1.5 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.5 ml	5/21/16				
	Picture #	63-66			BCS:	3/9	Est Age:	4 yrs							Flea Treatment		5/20/16	

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Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
36	Black and Tan	Min Pin	F	99.0	7.3 lbs	5/17/2016	5/17/2016	5/17/2016	

HPR Condition: 2+ tarter, both inguinal nodes enlarger, expressed anal glands, recommend skin scraping
Examined by: Dr. Berry on 5/19/16
Picture # 63-64
BCS: 3 Est Age: 6

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
37	Gray	Min Pin	F	98.8	3.75 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms

HPR Condition: Calm, moderate ear debris, very long nails
Examined by: Dr. Dixon on 5/20/16
Picture # 35
BCS: 5/9 Est Age: 5 mns

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
38	Black and Tan (puppy)	Min Pin	F	101	6.3	5/17/2016	5/17/2016	5/17/2016	

HPR Condition: Very nervous, moderate ear debris, long nails, sores on body and head
Examined by: Dr. Dixon on 5/20/16
Picture # 36-39
BCS: 5/9 Est Age: 3 mns

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
39	Black	Min Pin	M	101.3	12.3 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms

HPR Condition: Nippy, moderate ear debris, hairloss on nose, green discharge from penis, pre pus more than expected
Examined by: Dr. Berry on 5/19/16
Picture # 20
BCS: 4 Est Age: 2 yrs

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
40	Tan w/floppy ears	Min Pin	F	99.9	16.8 lbs				Hookworms

Mommy's Condition: Pregnant, moderate ear debris, notches and hairloss on ears, beginning to lactate, gave birth on 5/22/16
7 puppies, 1 died and is with Port Royal Vet, PRV oked vaccines on 5/25/16
Examined by: Dr. Berry on 5/19/16
Picture # 23
BCS: 3 Est Age: 2 yrs

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
41	Blonde and White	Chihuahua	F	100.6	9.1 lbs	5/17/2016	5/17/2016	5/17/2016	

HPR Condition: Nervous, mild ear debris, very long nails
Examined by: Dr. Dixon on 5/20/16
Picture # 69
BCS: 5/9 Est Age: 3 yrs

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
42	Tan and Black Dapple	Chihuahua	F	101	5 lbs	5/17/2016	5/17/2016	5/17/2016	

HPR Condition: Nervous, Fecal tarry, moderate ear debris and old wounds, moderate dental, hairloss at base of tail
Examined by: Dr. Dixon on 5/20/16
Picture # 71
BCS: 5/9 Est Age: 5 yrs

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results
43	Black and White	Long Hair Chihuahua	M	100	5 lbs	5/17/2016	5/17/2016	5/17/2016	

HPR Condition: Nervous, bilateral cataracts, mild ear debris and hair missing, flakey skin, thin hair, long nails, moderate tarter
Examined by: Sent to PRV because fecal was cream colored, Malnutrition/maldigestion, put on I/D w/synucare
Picture # Dr. Dixon on 5/20/16, Port Royal Vet Hospital on 5/24/16
77-79
BCS: 2/9 Est Age: 4-5 yrs

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Negative	5/18/16	5/18/16	1.75 ml	5/18/16	1/4 tablet	5/20/16	1+	5/20/16
			1.75 ml	5/20/16		6/3/16		
			1.75 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Negative	5/18/16	5/18/16	1.5 ml	5/18/16	1/8 tablet	5/20/16	2+	5/20/16
			1.5 ml	5/20/16		6/3/16		
			1.5 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Puppy	5/18/16	5/18/16	1.5 ml	5/18/16	1/4 tablet	5/20/16	1+	5/20/16
			1.5 ml	5/20/16		6/3/16		
			1.5 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Negative	5/18/16	5/18/16	3 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
			3 ml	5/20/16		6/3/16		
			3 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Negative	5/18/16	5/18/16	4.25 mls	5/18/16			Negative	5/20/16
			4.25 mls	5/20/16				
			4.25 mls	5/21/16				
					Flea Treatment		5/20/16	Revolution

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Negative	5/18/16	5/18/16	2.25 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
			2.25 ml	5/20/16		6/3/16		
			2.25 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Negative	5/18/16	5/18/16	1.25 ml	5/18/16	1@22.7 mg	5/20/16	3+	5/20/16
			1.25 ml	5/20/16		6/3/16		
			1.25 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
Positive	5/18/16	5/18/16	1.25 ml	5/18/16	1@22.7 mg	5/20/16	1+	5/20/16
			1.25 ml	5/20/16		6/3/16		
			1.25 ml	5/21/16				
					Flea Treatment		5/20/16	

Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin

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44	Dark Blonde (Tan)	Chihuahua	M	98.5	7 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.75 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, moderate ear debris and hairloss, moderate dental disease, generalized mild hair thinning											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.75 ml	5/21/16				
	Picture #	73-76			BCS:	4/9	Est Age:	5 yrs							Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
45	Tan	Chihuahua	F	97.8	5.8 lbs	5/17/2016	5/17/2016	5/17/2016		Positive	5/18/16		1.5 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, l eye dry, tonometry recommended, moderate ear debris, missing teeth, moderate tartar, long nails											1.5 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.5 ml	5/21/16				
	Picture #	67			BCS:	5/9	Est Age:	7-8 yrs							Flea Treatment		5/20	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
46	Dapple and White	Chihuahua	F	100.7	6.9 lbs	5/17/2016	5/17/2016	5/17/2016		Positive	5/18/16		1.75 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, mild ear debris, mild tartar, long nails, bilateral luxating patella											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.75 ml	5/21/16				
	Picture #	85			BCS:	5-6/9	Est Age:	4-5 yrs							Flea Treatment		5/20	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
47	White w/gray ears	Long Hair Chihuahua	M	100.5	4.8 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.25 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, epiphora, mild ear debris, mild tartar, long nails, hairloss on tail											1.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.25 ml	5/20/16				
	Picture #	81			BCS:	3/9	Est Age:	3 yrs							Flea Treatment		5/20	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
48	Black and Tan	Chihuahua	F	101.5	4.9 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.25 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, mild ear debris, moderate tartar, long nails, missing hair on tail											1.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.25 ml	5/21/16				
	Picture #	83			BCS:	4/9	Est Age:	5 yrs							Flea Treatment		5/20	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
49	Blonde w/white	Chihuahua	M	102.1	6.8 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.75 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Nervous, mild ear debris, periodontal disease, long nails											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.75 ml	5/21/16				
	Picture #	82			BCS:	4/9	Est Age:	6 yrs							Flea Treatment		5/20	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
50	Light Tan w/white face	Chihuahua	F	98.6	7.2 lbs	5/17/2016	5/17/2016	5/17/2016		Positive	5/18/16		1.75 ml	5/18/16	16@22.7 mg	5/20/16	1+	5/20/16
HPR	Condition:	Calm, moderate ear debris, severe dental disease, missing teeth, scar on l and r flank											1.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.75 ml	5/21/16				
	Picture #	24-26			BCS:	4/9	Est Age:								Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
51	Tan	Chihuahua	M	100.5	6 lbs	5/17/2016	5/17/2016	5/17/2016		Positive	5/18/16		1.5 ml	5/18/16	16@22.7 mg	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, epiphora, moderate ear debris, missing teeth, long nails, uniform hair thinning all over,											1.5 ml	5/20/16		6/3/16		
		Grade 3 holosystolic murmur																
	Examined by:	Dr. Dixon on 5/20/16											1.5 ml	5/21/16				
	Picture #	30-31			BCS:	3/9	Est Age:	7 yrs							Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
52	Red	Chihuahua	F	100.9	6.5 lbs	5/17/2016	5/17/2016	5/17/2016	Roundworms	Negative	5/18/16	5/18/16	1.75 ml	5/18/16				
HPR	Condition:	Moderate ear debris, 4+ tartar, suspect abscess tooth at side upper, thin hair r side, draining trach under l eye, amputated at distalitibia or not present l hind, recommends dental rads, antibiotics																
		PRV - severe dental disease w/probable apical abscess, chronic missing distal; ticks collected, gave metacam, clavamox																

DEAD?

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Examined by: Dr. Berry on 5/19/16, Port Royal Vet Hospital or
Picture # 77-29, 146-147 BCS: 3 Est Age: 8-9 yrs

Flea Treatment

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
53	Dapple	Chihuahua	F	102.2	6 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	1.5 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Calm, hairloss on ears, mild tarter, long nails											1.5 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											1.5 ml	5/20/16				
	Picture #	32			BCS: 5/9		Est Age: 5 yrs								Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
54	Merle	Sheltie	F	100	21.8 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	5.5 ml	5/18/16	1/4 tablet	5/20/16	3+	5/20/16
HPR	Condition:	Moderate ear debris, odor and visible mites, 3+ tarter, worn teeth, totally matted over dorsum, hairloss on belly, backlegs and perineum											5.5 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/19/16											5.5 ml	5/21/16				
	Picture #	108-110			BCS: 3		Est Age: 8 yrs								Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
55	Blue Merle	Sheltie	F	99.9	18.4 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Negative	5/19/16	5/19/16	4.25 ml	5/18/16	1/2 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Moderate ear debris, 1+ tarter, areas of thinkened scaly skin w/hairloss generalized, matted coat on esp on top											4.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/19/16											4.25 ml	5/21/16				
	Picture #	124-128, 185-186			BCS: 2		Est Age: 2 yrs								Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
56	Sable w/white	Long Hair Sheltie Chi	M	100.8	7.7 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms	Negative	5/18/16	5/18/16	2 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
HPR	Condition:	Nervous/muzzled, moderate to large amt debris, front foot flushing cut, laceration/irritation between pads on both feet, cryptorchid											2 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/20/16											2 ml	5/21/16				
	Picture #	43-46			BCS: 3		Est Age: 4-5 yrs								Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
57	Blue Merle	Sheltie	F	99.6	16 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms	Negative	5/18/16	5/18/16	4 ml	5/18/16	1/2 tablets	5/20/16	2+	5/20/16
HPR	Condition:	Mild mucopurlent discharge from both eyes, 2+ tarter, generalized hairloss											4 ml	5/20/16		6/3/16		
	Examined by:	Dr. Berry on 5/19/16											4 ml	5/21/16				
	Picture #	121			BCS: 2		Est Age: 6-7 yrs								Flea Treatment		5/20/16	

(No Seizure Paper)

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
58	Blue Merle	Sheltie	F	100.4	25 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworm, Whipworm	Negative	5/18/16	5/18/16	6.25 ml	5/18/16	3/4 tablet	5/20/16	1+	5/20/16
HPR	Condition:	Nervous, mild ear debris, mild tarter, long nails, r rear nail missing, filthy and matted											6.25 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											6.25 ml	5/21/16				
	Picture #	11-12			BCS: 4/9		Est Age: 4 yrs								Flea Treatment		5/20/16	

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
59	Black and White	Sheltie	M	100	21.4 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms, Roundworms	Negative	5/18/16	5/18/16	5.5 ml	5/18/16				
HPR	Condition:	Mild ear debris, 3+ tarter, laceration on R Pinna, hairloss L shoulder, thorax 1 1/2 inch oozing scabbing, lon on R side											5.5 ml	5/21/16				
		L ear healed laceration, recommend antibiotics and bloodwork																
		PRV - Severe anemia, neutrophilia skin infection, possible OM otitis, gave Cephalexin, groomed, ticks collected																
	Examined by:	Dr. Berry on 5/19/16, Port Royal Vet Hospital on 5/19/16																
	Picture #	57-61, 148			BCS: 2		Est Age: 8 yrs								Flea Treatment			

DEAD?

Animal #	Color	Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Drontal	Dates	Ear Mites	Ivermectin
60	Tri Color	Sheltie	F	100.1	18.6 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms	Positive	5/19/16		4.75 ml	5/19/16	1/2 tablet	5/20/16	2+	5/20/16
HPR	Condition:	Calm, severe ear debris, flea dirt behind ear, long nails, matted and filthy, thin minimal muscle mass											4.75 ml	5/20/16		6/3/16		
	Examined by:	Dr. Dixon on 5/20/16											4.75 ml	5/21/16				

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Picture # 109-173 BCS: 3/9 Est Age: 2 yrs

Animal # Color
01 Blue Merle
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Sheltie	M	100.9		5/17/2016	5/17/2016	5/17/2016	Coccidia, Whip/Hookworms	Negative	5/19/16							

Flea Treatment 5/20/16

Hairless around eyes, moderate ear debris, 4+ tartar, sore R front and R rear paw, skin torn under mat on dorsal shoulders, CP deficits in both rear, severe mats over body, has hunched stance, abnormal bunny hop gait, scabs on face, recommend rads on spine/hip, antibiotics
PRV - dental disease, possible DM, abnormal mobility, emaciation, otitis, flea nest in between cervical matts, shaved down, carprofin, cephalexin, cleaned ears, recommended skin biopsy, mobility assessment, dental
Dr. Berry on 5/19/16, Port Royal Vet Hospital on 5/19/16
135-145, video BCS: 2 Est Age: 7 yrs

(Sable Merle)
No Paper — Peter?

DEAD?

Examined by:
Picture #

Animal # Color
02 Black and White
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Sheltie		100.3	21.7 lbs	5/17/2016	5/17/2016	5/17/2016			5/18/16	5/18/16	5.5 ml	5/18/16				

Flea Treatment

Moderate ear debris, +1 tartar, mats all the way down the back
Very fearful, emaciated, otitis, mild anemia - gave dexmeditomadine, butorphanol, shaved down, cleaned ears
Dr. Berry on 5/19/16, Port Royal Vet Hospital on 5/19/16
96-99 BCS: 2 Est Age: 4 yrs

DEAD?

Examined by:
Picture #

Animal # Color
03 Black and White
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Cocker Spaniel mix	M	99.9	23.5 lbs	5/17/2016	5/17/2016	5/17/2016	Whipworms	Negative	5/18/16	5/18/16	6 ml	5/18/16	1/4 tablet	5/20/16	2+	5/20/16
											6 ml	5/20/16		6/3/16		
											6 ml	5/21/16				

Flea Treatment 5/20/16

Calm, severe ear debris, moderate tartar, long nails, matted
Dr. Dixon on 5/20/16
89-92 BCS: 3/9 Est Age: 5 yrs

Examined by:
Picture #

Animal # Color
04 Red w/white crest
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Min Pin	F	98.2	9 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	2.25 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
											2.25 ml	5/20/16		6/3/16		
											2.25 ml	5/21/16				

Flea Treatment 5/20/16

Nervous, mild ear debris, long nails
Dr. Dixon on 5/20/16
95 BCS: 6/9 Est Age: 3 yrs

Examined by:
Picture #

Animal # Color
05 Red w/white crest
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Min Pin	F	100.3	8.2 lbs	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	2 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
											2 ml	5/20/16		6/3/16		
											2 ml	5/21/16				

Flea Treatment 5/20/16

Nervous, moderate ear debris, mild tarter, long nails, sporatic hair thinning, on liver
Dr. Dixon on 5/20/16
36 BCS: 4/9 Est Age: 4 yrs

Examined by:
Picture #

Animal # Color
06 Blue Merle
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Min Pin	M	100.4	8.9	5/17/2016	5/17/2016	5/17/2016		Negative	5/18/16	5/18/16	2.25 ml	5/18/16	1/4 tablet	5/20/16	Negative	5/20/16
											2.25 ml	5/20/16		6/3/16		
											2.25 ml	5/21/16				

Flea Treatment 5/20/16

Calm, skittish, mild dehydration, missing left eye, mild ear debris, long nails, generalized hair loss, skin scrape unremarkable
Dr. Dixon on 5/20/16
51-54 BCS: 3/9 Est Age: 8 yrs

Examined by:
Picture #

Animal # Color
07 Tri Color
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	Distemper	Bordetella	Rabies	Fecal Results	Heartworm Test	Capstar	HW Treatment	Panacur	Dates	Oral	Dates	Ear Mites	Ivermectin
Sheltie	F	101.9	20.8 lbs	5/17/2016	5/17/2016	5/17/2016	Hookworms, Whipworms	Negative	5/19/16	5/19/16	5.25 ml	5/19/16	1/4 tablet	5/20/16	Negative	5/20/16
											5.25 ml	5/20/16		6/3/16		
											5.25 ml	5/21/16				

Flea Treatment 5/20/16

Scared, severe ear debris, long nails, dirty and matted, blood in urine in kennel
Dr. Dixon on 5/20/16
156-158 BCS: 4/9 Est Age: 1 yrs

Examined by:
Picture #

Animal # Color
08 Black
HPR Condition:

Breed	Sex	Intake Temperature	Intake Weight	FVRCP	Rabies	Fecal Results	Feiv/FIV Test	Capstar	Panacur	Dates	Oral Feline	Dates	Ear Mites	Ivermectin
DMH	F		3.7 lbs	5/21/2016			Negative x 2					5/20/16	Positive	5/20/16
												6/3/16		

Very scared

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RESULTS OF COUNTY'S INITIAL VET EXAM
By Breed, Number Assigned, Vital signs, and Weight
(Breed standards attached for comparison)

From: Plaintiff's EXHIBIT #9 AC#3

MINIATURE PINSCHERS:

Number:	Gender:	Weight:	Temp.	Heart:	Lungs:	Eyes:	Poss. Age:
			Vital signs				
#1—Number apparently not issued to a dog.-- Possibly Bottle-fed Pup taken from my home 2 wks.							
#2	F	13.2 lbs.	99.1	Arrythmia	Clear	Clear	VERY Elderly
#3	F	9.6 lbs.	100.7	Good	Clear	Clear	Middle aged
#32	F	10 lbs.	99.9	Good	Clear	Clear	Young
#33	F	9 lbs.	98.4	Good	Clear	Clear	Young
#35	M	6 lbs.	99.0	Good	Clear	Clear	Young
#36	F	7.3 lbs.	99.6	Good	Clear	Clear	Middle aged
#37	F	5.75 lbs.	98.8	Good	Clear	Clear	Very Young
#38	F	6.3 lbs.	101.0	Good	Clear	Clear	Puppy
#39	M	12.3 lbs.	101.3	Good	Clear	Clear	Young
#40	F	16.6 lbs.	99.9	Good	Clear	Clear	Preg(7)Young
#64	F	9 lbs.	98.2	Good	Clear	Clear	Young
#65	F	8.2 lbs.	100.3	Good	Clear	Clear	Young
#66	M	8.5 lbs.	100.4	Good	Clear	Blind Left eye	Elderly

SHETLAND SHEEPDOGS:

Number:	Gender:	Weight:	Temp.	Heart:	Lungs:	Eyes:	Poss. Age:
			Vital signs				
#4	F	21 lbs.	99.9	Good	Clear	Clear	Middle aged
#5	F	17.6 lbs.	99.9	Good	Clear	Clear	Middle aged
#8	M	27 lbs.	100.8	?	Clear	Cataracts	VERY Elderly
#9	F	33 lbs.	100.9	Good	Clear	Clear	Middle aged
#14	M	14.6 lbs.	97.9	Good	Clear	Clear	Middle aged
#15	F	21.3 lbs.	101.6	Good	Clear	Clear	Middle aged
#54	F	21.8 lbs.	100.0	Good	Clear	Clear	Elderly
#55	F	16.4 lbs.	99.9	Good	Clear	Clear	Young
#57	F	16 lbs.	99.6	Good	Clear	Clear	Elderly
#58	F	25 lbs.	100.4	Good	Clear	Clear	Middle aged
#59	M	21.4 lbs.	100.0	Good	Clear	Clear	Elderly
#60	F	18.6 lbs.	100.1	Good	Clear	Clear	Young
#61	M	None taken	100.9	Good	Clear	Clear	Middle aged?
#62	Not listed	21.7 lbs.	100.3	Good	Clear	Clear	Middle aged?
#67	F	20.8 lbs.	101.9	Good	Clear	Clear	Young

MINIATURE SCHNAUZERS: Vital signs

Number:	Gender:	Weight:	Temp.	Heart:	Lungs:	Eyes:	Poss. Age:
#20	F	15.2 lbs.	100.4	good	clear	cataracts	Elderly
#21	F	11.6 lbs.	100.3	good	clear	good	middle aged
#23	M	13.4 lbs.	100.7	good	clear	good	young

CHIHUAHUAS: Vital signs

Number:	Gender:	Weight:	Temp.	Heart:	Lungs:	Eyes:	Poss. Age:
#6	M	10.6 lbs.	100.5	Good	Clear	Clear	Near Middle aged
#7	F	8.4 lbs.	99.6	Good	Clear	Scar on Cornea	Elderly
#23	F	7 lbs.	102.8	Good	Clear	Clear	Younger-MOM
#24	M	7.5 oz.	N/A	---	---	---	1 DAY old pup
#25	M	7.5 oz.	N/A	---	---	---	1 DAY old pup
#26	F	7.5 oz.	N/A	---	---	---	1 DAYold pup
#27	M	6.5 lbs.	99.9	Murmur	?	Tearing	Very Elderly
#28	M	3.2 lbs.	99.2	Good	Clear	Clear	Puppy-young
#29	F	6.7 lbs.	100.3	Good	Clear	Mild tearing	Young
#30	M	5.5 lbs.	100.2	Good	Clear	Clear	Middle aged
#31	F	6.9 lbs.	99.7	Good	Clear	Clear	Middle aged
#30	M	5.5 lbs.	100.2	Good	Clear	Clear	Middle aged
#41	F	9.1 lbs.	100.6	Good	Clear	Clear	Middle aged
#43	M	5.0 lbs.	100.0	Good	Clear	Cataracts	Middle aged
#44	M	7 lbs.	98.5	Good	Clear	Clear	Middle aged
#45	F	5.6 lbs.	97.3	Good	Clear	Dry	Elderly
#46	F	6.9 lbs.	100.7	Good	Clear	Clear	Middle aged
#47	M	4.8 lbs.	100.5	Good	Clear	Tearing	Middle aged
#48	F	4.9 lbs.	101.5	Good	Clear	Clear	Middle aged
#49	M	6.5 lbs.	102.1	Good	Clear	Clear	Middle aged
#50	F	7.2 lbs.	98.8	Good	Clear	Clear	NO age est.
#51	M	6 lbs.	100.5	Good	Clear	Tearing	Elderly
#52	F	6.5 lbs.	100.9	Good	Clear	Clear	Elderly
#53	F	6 lbs.	102.2	Good	Clear	Clear	Middle aged

POMERANIANS:

Number:	Gender:	Vital signs: Weight:	Temp.	Heart:	Lungs:	Eyes:	Poss. Age:
#12	M	14 lbs.	99.8	Good	Clear	Clear	Middle aged
#13	M	7.8 lbs.	98.6	Good	Clear	Clear	Very young
#16	F	8.6 lbs.	100.4	Good	Clear	Clear	Younger
#17	F	10.4 lbs.	99.9	Good	Clear	Clear	Young
#18	F	10.8 lbs.	100.8	Good	Clear	Clear	Young
#19	M	11.2 lbs.	99.3	Good	Clear	Clear	Young

BREED OR COLOR INCORRECT OR CAN'T IDENTIFY FROM DESCRIPTION=-PICTURES NOT GIVEN ME

Number:	Gender:	Vital signs: Weight:	Temp.	Heart:	Lungs:	Eyes:	Poss. Age:
#10	F	13 lbs.	101.6	Good	Clear	Clear	Young
#11	M	16.6 lbs.	100.3	Good	Clear	Clear	Young?
#34	F	6.4 lbs.	99.0	Good	Clear	Clear	Young
#42	F	5 lbs.	101.0	Good	Clear	Clear	Middle aged?
#56	M	7.7 lbs.	100.8	Good	Clear	Clear	Middle aged
#63	M	23.5 lbs.	99.9	Good	Clear	Clear	Middle aged
#73	F	9.3 lbs.	101.1	Good	Clear	Clear	Young?

CHIHUAHUA

BREED GROUP: GROUP 12: COMPANION AND TOY BREEDS

WEIGHT: UP TO 7 POUNDS. THE WEIGHT OF A MALE OR FEMALE IS ALWAYS IN PROPORTION TO HEIGHT.

HEIGHT: 6-9 INCHES

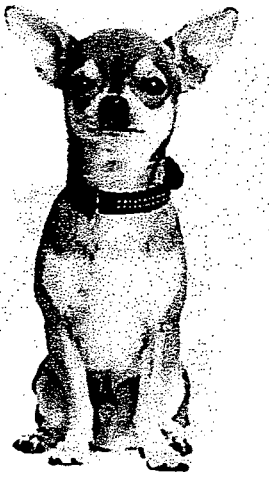


EXHIBIT AC#4

For Comparison by breed to Vital Signs Chart AC#3.

MINIATURE SCHNAUZER

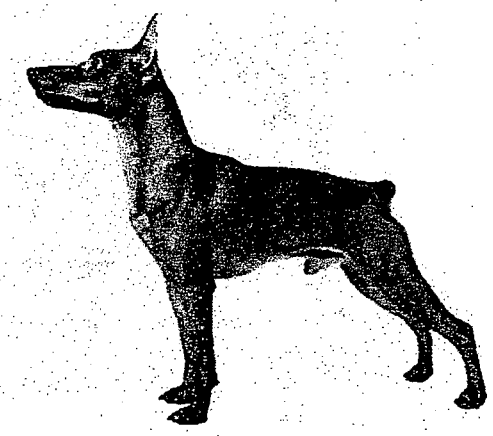
BREED GROUP: GROUP 3: PINSCHERS AND SCHNAUZERS

WEIGHT: 9-18 POUNDS. THE WEIGHT OF A MALE OR FEMALE IS ALWAYS IN PROPORTION TO HEIGHT.

HEIGHT: MALES: 13-14 INCHES, FEMALES: 12-13 INCHES

MINIATURE PINSCHER

BREED GROUP: GROUP 5: PINSCHERS AND SCHNAUZERS
WEIGHT: 9-19 LBS. THE WEIGHT OF A MALE OR FEMALE IS ALWAYS IN PROPORTION TO HEIGHT.
HEIGHT: 10-13 IN.



SHETLAND SHEEPDOG

BREED GROUP: GROUP 10: PASTORAL AND STOCK-DOG BREEDS
WEIGHT: 14-27 POUNDS. THE WEIGHT OF A MALE OR FEMALE IS ALWAYS IN PROPORTION TO HEIGHT.
HEIGHT: MALES: 14-16 INCHES. FEMALES: 13-15 INCHES

POMERANIAN

BREED GROUP: GROUP 2 SPITZ AND NORDIC BREEDS

WEIGHT: MALES: 4-7 POUNDS, FEMALES: 3-6 POUNDS THE WEIGHT OF A MALE OR FEMALE IS ALWAYS IN PROPORTION TO HEIGHT.

HEIGHT: 7-12 INCHES THE PUPPIES I PRODUCED WERE LARGER—MOSTLY 9-12 LBS BECAUSE MY CUSTOMERS WANTED A BIT LARGER PET.

(Derived from breeding records of dogs Seized.)

EXHIBIT AC #7 3pg

NAME OR BREED	*PRODUCTIVE YEARS	NO.OF LITTERS	NO. OF PUPS	VALUE@ FLAT $500 EACH OVER 10 YRS.

SHELTIES: (# of pups based on prior litters per pedigree and prior production-6 per litter, 3 litters every 2 years. studs: 4 litters sired per year)

1) Eclipse	3	4	24	$12,000
2) Glory	5	8	56	28,000
3) Sadie Ann-Service Dog				5,000
4) Volcano (stud)	10	40	240	120,000
5) Kobalt (retired)				0
6)Autumn	2	6	36	9,000
7) Heart (retired)				0
8) Knight (stud)	2	8	48	24,000
9) Tribaby	7	10	60	30,000
10) Memo	8	11	66	33,000
11) Spirit (stud)	7	28	168	84,000
12) Luna	8	11	66	33,000
13) Misty	7	10	60	30,000
14) Stryker (stud)	7	28	168	84,000
15) Peter (stud)	7	28	168	84,000
16) Bitsy	7	10	60	30,000
17) Legacy	8	11	66	33,000
Replacements-3 per yr. only females	30 X 7 litters.	210	1260	630,000

**LOWBALL TOTAL PROFIT LOST BY THEM ALTERING MY SHELTIES: $1,269,000

POMERANIANS: are figured at average 6 per litter, 3 litters per every 2 years, and studs at 3 litters per year, more replacement females (4 per year) were planned.

1)Doggonit (stud)	5	15	90	$ 45,000
2) Dancer	7	10	60	30,000
3) Sounder (stud)	10	30	180	90,000
4) Ink Spot (stud)	8	24	144	72,000
5) Creme'	7	10	60	30,000
6) Happy	7	10	60	30,000
Replacements-4 per yr. Only females	40 X 7 litters.	280	1680	820,000

**LOWBALL TOTAL PROFIT LOST BY THEM ALTERING MY POMERANIANS: $1, 117,000

NAME OR BREED	*PRODUCTIVE YEARS	NO.OF LITTERS	NO. OF PUPS	VALUE@ FLAT $500 EACH OVER 10 YRS.

MINIATURE PINSCHERS: Are figured at average 6 pups per litter, 3 litters per every 2 years, and studs at 3 litters per year sired.
Replacements were planned at 5 per year, because of rare colors and genetics to maintain them.

1) Contessa	6	9	54	$ 27,000
2) Smoke (stud)	7	21	126	63,000
3) MiFee (retired)				0
4) Snickerdoodle	6	9	54	27,000
5) Burnin' Love	7	10	60	30,000
6) Rosa	8	12	72	36,000
7) MiFee Too	10	14	84	42,000
8) Peppermint	10	14	84	42,000
9) Mirror	10	14	84	42,000
10) Sweet Annie	7	10	60	30,000
11) Motives (stud)	8	24	144	72,000
12) BlackHawk	8	24	144	72,000
13) BiddyBop	10	14	84	42,000
14) Cinnomon	8	12	72	36,000
15) Largess'	7	10	60	30,000
16) Bottlebaby (male)	10	30	180	54,000
Replacements-5 per yr. females only	50 X 7 litters.	350	2,100	$1,050,000

**LOWBALL TOTAL PROFIT LOST BY THEM ALTERING MY MINIATURE PINSCHERS: $1,695,000

MINIATURE SCHNAUZERS: are figured at average 5 per litter, 3 litters per every 2 years, and studs at 4 litters per year, more replacement females (5 per year) and 1 male, were planned.

1)Vagabond (stud)	10	40	200	$100,000
2) Milk Glass (retired)				0
3) Silver Birch	6	10	50	25,000
Replacements-5 female	50 X 7 litters	350	1,750	87,500
1 male	10	40	200	100,000
TOTAL replacements:				$187,500

**LOWBALL TOTAL PROFIT LOST BY THEM ALTERING MY MINIATURE SCHNAUZERS: $312,500

NAME OR BREED	*PRODUCTIVE YEARS	NO.OF LITTERS	NO. OF PUPS	VALUE@ FLAT $500 EACH OVER 10 YRS.

CHIHUAHUAS: Are figured at average 5 per litter, 3 litters per every 2 years, and studs at 4 litters per year, 5 replacement females per year because of large range of colors, patterns, and genetics.

1) Dynamite (stud)	10	40	200	$100,000
2) Agenda (stud)	9	36	180	90,000
3) SunSpot (stud)	7	28	112	66,000
4) Blaze (stud)	5	20	100	50,000
5) Bimbo	8	12	60	30,000
6) Allie	5	8	40	20,000
7) Jazzy Ann	2	3	15	6,500
8) Deja Vu'	6	15	75	37,500
9) Athena	6	15	75	37,500
10) Her newborn pup	10	16	80	40,000
11) Her newborn pup	10	16	80	40,000
12) Her newborn pup	10	16	80	40,000
13) Danube	4	6	30	13,000
14) Azure	4	6	30	13,000
15) Speck (stud)	5	20	100	50,000
16) Ace (stud)	5	20	100	50,000
17) Henna	5	7	35	15,000
18) RedBug (retired)				0
19) Sandy (retired)				0
20) Spotz (stud)	7	28	112	66,000
21) OutaDark	8	12	60	30,000
22) BigBoy (pet)				500
23) Oreo (stud)	7	28	112	66,000
24)Tribble	7	10	50	25,000
25) BabyGirl	7	10	50	25,000
Replacements female only	50 X 7 litters	350	1,750	87,500

**LOWBALL TOTAL PROFIT LOST BY THEM ALTERING MY CHIHUAHUAS: $1,749,000

TOTAL PROFIT LOST BY THEIR INVASION, SEIZURE, AND ALTERING OF MY BREEDING STOCK- NEXT TEN YEARS ONLY: $5,142,500

From: Plaintiff's EXHIBIT #9

***THIS INFORMATION ABOUT THE 10 CRIMINAL CITATION SUBJECTS WAS INTRODUCED INTO THE COURT RECORD IN PLAINTIFF'S EXHIBIT #9 IN MAGISTRATE COURT**

****These are all *GENERAL SESSIONS* exhibits—and were *not* proper to be introduced in a Magistrate Court hearing at all. I was *NOT allowed to object* (Mag Ct audio)**

#	SEX	BREED	WEIGHT	TEMP.	HEART	LUNGS	EYES	AGE
8	M	Sheltie	27.0 lbs	100.8	?	clear	cataract	OLD
11	M	?	16.6 "	100.3	good	clear	clear	?
12	M	Pom	14.0 "	99.8	good	clear	clear	OLDER
14	M	Sheltie	14.6"	97.9	good	clear	clear	OLDER
15	F	Sheltie	21.3"	101.6	good	clear	clear	OLDER
43	M	Chihuahua	5.0"	100.4	good	clear	clear	OLDER
55	F	Sheltie	16.4"	99.9	good	clear	clear	YOUNG?
57	F	Sheltie	16.6"	99.6	good	clear	clear	ELDERLY
59	M	Sheltie	21.4"	100.0	good	clear	clear	ELDERLY
62	?	Sheltie	21.7"	100.3	good	clear	clear	OLDER

***These statistics were taken from the initial Vet exams of the dogs as soon as they got to the shelter.**

***They have several things in common:**

They are all at *least* middle-aged males, with the possible exception of two (and I can't identify if they are actually females OR young—since I never got pics.

They are all *within* weight specifications for their breed, and their *vital signs are all good,* except for #8—who was 91 in human years.

In the Respondent's Initial Brief, Dr. Mary Campbell identified these ten dogs as the WORST of the lot, all "scoring a 1 or 2" on the Purina Body Condition chart. There was ONE that "scored a 1" —ALL the rest were "2's".

This is a *subjective* score at best, especially noting the *actual weights and vital signs* as above. It appears that these animals were NOT held as"evidence" as required, and are *all dead.*

OF SOUTH CAROLINA

NTY OF Colleton

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

SEARCH WARRANT

(1st Seizure)

O ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Colleton County South Carolina :

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

19897 Augusta Hwy Round O S.C. 29474

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Approx 63 adult dogs that are not being taken care of by the dog owner

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Walterboro, S.C.

May 16, 20 16

71606 (L.S.)

Signature of Judge

— Seizure list - 2nd warrent - all I ever got —

Kenneth A. Campbell, JI within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of premises searched at the time of such search if practicable, and if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to prominent place on such premises.

Walterboro, S. C.

5-18, 2016 (L.S.)

Signature of Judge

SCCA/513
(3-78)

CASE #

RETURN

I received the attached Search Warrant May 18, 2016, and have executed it as follows:

On May 18th, 2016 at 1:13 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Lynn Vanthouse

Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuit to the warrant:

Box#1-9 - animal skulls, Box#18 Bird cage w/12 bird remains ?
Box#10-11 - misc animal bones/hair samples, 1-bucket misc meds
Box#12-13 - misc animal remains
Box#14 - remains of birds + unknown small mammal
Box#15 - remains of small mammal
Box#16-17 - cat remains ?

This inventory was made in the presence of Lt. Jodi Taylor AND Reggie McNeil

South Carolina
Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor
Mark A. Keel, Chief

ARREST RECORD
In Accordance With Search Criteria Submitted
S.C. LAW ENFORCEMENT DIVISION
SLED cannot guarantee that this information concerns the individual in whom you are interested

CRIMINAL RECORD CHECK

(Please print your completed form and submit to SLED. You may want to print a copy for your records.)

FULL NAME (with middle name): Lynne Lucille VanHouse 2250218

AKA and/or MAIDEN NAMES: _____

DOB: 10/09/1947 SSN: 474-58-1657

(Federal law permits governmental agencies to require a social security number in order to conduct official business; however, private entities may only obtain social security numbers if given voluntarily).

(A self addressed stamped envelope is required for the return of background

COLLETON COUNTY PROBATE COURT
2017 JUL -6 PM 12:09

CHARITABLE ORGANIZATIONS AND SCHOOL DISTRICTS ONLY

NAME OF ORGANIZATION: _____

VERIFICATION NUMBER (as provided by SLED for online checks): _____

SCHOOL DISTRICTS ONLY – POSITION APPLIED FOR: _____

(A self addressed stamped envelope is required for the return of background check)

PLEASE NOTE:
The fee is twenty-five dollars ($25) unless you are a charitable organization approved for a fee of eight dollars ($8). A charitable organization must include its name and User ID number or the request may not be processed. Payment must be business check, certified/cashier's check or money order payable to SLED. PERSONAL CHECKS and CASH WILL NOT BE ACCEPTED. This report contains records of arrests and convictions made by state/local agencies in South Carolina only. Alteration of a completed criminal record check may subject a person to criminal prosecution. A completed criminal records check should not be accepted unless it bears an original SLED stamp.

SLED RECORDS SECTION HAS BEEN CLOSED TO THE PUBLIC SINCE DECEMBER 15, 2008.

(CJ-022) Revised 09/25/15

RECEIVED
SLED/CJIS
JUN 30 2017

ARREST RECORD
In Accordance With Search Criteria Submitted
S.C. LAW ENFORCEMENT DIVISION
SLED cannot guarantee that this information concerns the individual in whom you are interested

TO: REC01A-01221 Fri Jun 30, 2017 12:54:26 0PJH6Z0YP50N
FROM: SCCH-00697 Fri Jun 30, 2017 12:54:26

ICHR REQUEST FOR RAP SHEET
ORI-SCLED0000 SID-2250218 PUR-E
ATN-SELF, AJC

AUTHORIZED USE ONLY. ******** CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME. A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-06/30/2017 TIME-12:54:26
REQ ORI-SCLED0000 S C LAW ENF DIV
SID-SC02250218 FBI-
NAME-VANHOUSE, LYNNE LUCILLE SEX-F RACE-W
HEIGHT-500 WEIGHT-170 EYES-BRO HAIR-GRY SKIN- BORN-MI
FPC- HENRY-
PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--06/03/2016

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
	10091947			

CONTRIBUTOR/SUBJECT	DOA/RCVD	CHARGE/DISPOSITION/ETC
VANHOUSE, LYNNE LUCILLE SC0150000 COLLETON CNTY SO CASE-162347 ATN-15D000523394 WARR-2016A1510100272 CIT-47-1-40(A)-MISDEMEANOR	06/03/2016	ARREST CHARGE -ILL TREATMENT OF ANIMALS OFFENSE DATE-05/16/2016 PHOTOGRAPH AVAILABLE PALM PRINTS AVAILABLE
WARR-2016A1510100273 CIT-47-1-40(A)-MISDEMEANOR		ARREST CHARGE -ILL TREATMENT

WARR-2016A1510100274
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100275
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100276
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100277
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100278

CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT

OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100279
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100280
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

WARR-2016A1510100281
CIT-47-1-40(A)-MISDEMEANOR

ARREST CHARGE -ILL TREATMENT
OF ANIMALS
OFFENSE DATE-05/16/2016

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC02250218
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT

USE OF THIS RECORD IS ALLOWED.

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

** S C CJIS END OF RECORD **

EXHIBIT #36

Receipt

Date: May 26, 2016

From: Lynn VanHouse

Amount: $500.00

Payment Method: Cash

To: Sapp Law Firm

For: Magistrate Court

Sapp Law Firm
By: Lori A. Smoak or Michelle McMillan

EXHIBIT #30

HSUS Says No More Animals

Has your local judicial system been changed through animal rights judges who legislate in favor of mandatory neutering, outrageous license fees, and pet limit laws?

August 2016 update | TheDogPress.com

Teresa Crisman, Morningstar Miniature Schnauzers

Almost all Mandatory Spay-Neuter and Pet Limit Laws originated with HSUS, PETA, or SPCA. People like you and me, well-meaning people, stood by and let it happen until suddenly, we see how such laws have warped our Constitutional Rights, our personal freedom and lifestyle! *Wayne Pacelle, vegan president of HSUS, has said he doesn't understand why people have pets.*

Sure, it is hard to fight slick advertising using heart rending photos of abused, starving, pleading puppies, horses, and kittens. *Those TV and magazine ads entice people to donate their time and $39.99 a month. Hearts (and $$$) go out to the Humane Society of the U.S. with which to fund those mandatory spay and neuter laws and pet limits. Breeders don't have a big budget to refute the HSUS media blitz. AKC's entire operating budget is less than HSUS's animal rights publicity budget, yet AKC spends $millions on canine health research.*

HSUS spends not a penny except on advertising for more money and on lobbying for more restrictive laws.{1} *Neither HSUS nor PETA owns a single shelter, nor do they actually physically care for any animal.*

HSUS, PETA, or a local SPCA mob swoops in, takes footage that is edited to be presented for your donating pleasure, all the while benefiting not one animal. Then they leave the animals and the entire cost for the local shelters and rescues to absorb.

HSUS wanted Michal Vick's fighting pitbulls destroyed but a good judge denied that and the dogs were spayed and neutered, rehabilitated and placed in loving homes by a real rescue. Then, in a

supreme irony, *using donations from pet lovers,* Vick's reputation was rehabilitated by HSUS. Do you remember that? *The Humane Society of The U.S. judged the* ***dogs*** *unworthy of any effort or help effort Michael Vick became a (paid) spokesman for HSUS.*

Here's how HSUS and these animal rights groups are changing our judicial system. Let's examine the *three ordinances Animal Right's groups push relentlessly on the unsuspecting public:*

PET LIMIT LAWS are blatantly unconstitutional. *Make no mistake, animals are property, not people. A rat does NOT equal your child, as Ingrid Newkirk, the president of PETA has stated.* Limit laws make no sense. I know people who have a dozen dogs. They are well taken care of, well behaved and their neighbors rarely know they are there whereas we all know people with one dog who lets it run free and bark all night. *Limit laws are obviously not meant to control noise or animal abuse since those problems have laws against them already. What are they for then? To eventually eliminate all domestic pets through outrageous license fees and mandatory spay and neuter laws.* Numbers mean nothing, care means everything.

MANDATORY SPAY/NEUTER: It is proven that spaying and neutering before puberty have detrimental health effects on dogs. It affects joints, ligaments, growth and even the very chemistry of the brain. ***Spaying or neutering does not 'save' a dog from anything but growing up.***

Spay and Neuter to control overpopulation? Well yes. That would surely eliminate dogs and cats. In the meantime, *small dogs and cute puppies are shipped across country from one shelter to another.* Some shelters and rescues actually follow newspaper classifieds and *troll the local flea markets, "rescuing" merchandise to sell to the public.* One shelter bragged about a profit of over a million dollars last year! Other animal shelters import cute puppies from off offshore. Other countries!! They are frequently disease ridden or anti-social but available for 'adoption' by an unsuspecting family. This practice is great for animal rights veterinarians, members of the Human Society Veterinary Medical Assoc., HSUS, or HSVMA. {2}

Here's something to think about: The number of loose dogs has dramatically dropped since the 1970's but the amount of dogs and cats in shelters rise dramatically after implementation of a mandatory spay and neuter law! Low income families can't afford the surgery which today is outrageously expensive because it is mandated. What a racket! And how sad for dogs to lose a good home because of a profit-motivated unfair, arguably illegal law.

LICENSE FEES AND CITY REGISTRATION laws are a personal property tax on your animals plain and simple. Veterinarians are required to report every dog or cat that comes in to their office, thereby violating your right to privacy. That also means people are afraid to obtain health care for their pet so you can see what that law does to animals. ***Once the law requires licensing of property, its possession becomes illegal without that pet license.***

SEARCH AND SEIZURE! What you don't know is once you obtain that city or county "dog tag" license, *you give animal control, or HSUS as AC's designated representative, the right to search your property without a warrant. No need for a judge to sign a warrant "for cause" no, any piddling reason will do and they can search your property. Notice the 'designated representative' part. That could mean anyone and I do mean any type of person. Not home? No problem! They can legally break down your front door.* See Little Minded Littleton{3}

Animal abuse and neglect is already illegal under the FEDERAL Animal Welfare Law(s) and by State laws (see Legislation section) already enacted. All new animal-related legislation takes away our constitutional rights and we are letting it happen. The HSUS President/CEO is winning. There will be *No More Animals*, domestic or otherwise, unless we take action to stop the animal "rights" legislation that takes away our American heritage, our Rights, and our animals.

MINIATURE PINSCHERS:

1) Contessa—Black & Rust--Female——10/18/2012
2) Smoke—Blue & Tan—Male--2/28/2013
3) Mifee—Black & Rust—Female--6/14/2005
4) Snickerdoodle—Chocolate & Tan—Female--6/11/2012
5) Burnin' Love—Red—Female--10/9/2013
6) Rosa—Fawn—Female--6/6/2015
8) MiFee Too—Black & Rust—Female—7/27/2015
9) Peppermint—Red—Female—7/27/2015
10) Mirror—Blue & Tan—Female—12/26/2015
11) Sweet Annie—Black & Tan—Female—6/1/2013
12) Motives--Black & Tan—Male—8/11/2014
13) BlackHawk—Black & Rust—Male—8/11/2014
14) BiddyBop--Black & Tan—Female—1/28/2016
15) Cinnamon—Red—Female—2/24/2014
16) Largess—Black & Tan—Female—6/1/2013
17) BottleBaby—Blue & Tan—Male—5/5/2016

CHIHUAHUAS:
1) Dynamite--Choco/Red & Tan—Male—3/1/2016
2) Agenda--White W/Brindle spots—LH—Male—8/10/15
3) SunSpot--White W/Brindle spots—Male—5/10/2013
4) Blaze--Brindle & White—LH—Male—9/8/2011
5) Bimbo--Black & Tan, White markings—Female—4/27/2014
6) Allie—White W/Rose spots—Female—8/5/2011
7) Jazzy Ann—Fawn & Cream—Female--5/3/2008
8) Deja Vu'--Fawn & Cream—Female—7/15/2012
9) Athena—White/Cream—Female—5/30/2012
10) Her White puppy—5/17/2016
11) Her White puppy—5/17/2016
12) Her White puppy—5/17/2016
13) Danube—Bi-Blue Merle—Female—9/30/2010
14) Azure—Blue Merle, White, & Tan—Female—6/29/2010
15) Speck—Fawn Merle—Male—1/31/2010
16) Ace—Fawn—Male—1/31/2010
17) Henna—Red—Female—5/2/2011
18) RedBug—Red—Male—8/30/2007
19) Sandy—Cream—Female—11/21/2006
20) Spotz—Black & White—Male—LH—8/19/2013
21) OutaDark—Grizzle—Female—4/27/2014
22) BigBoy—Black & Tan—Male—8/19/2013

MINIATURE SCHNAUZERS:

1) Vagabond—Salt & Pepper—Male—7/25/2015
2) Milk Glass—White—Female—4/19/2006
3) Silver Birch—Platinum & White—Female—8/20/2012

EXHIBIT #27

DOGS AND CATS SEIZED DURING RAID

SHELTIES:

(These were registered, pedigreed, rare color or pattern breeding Animals - whose bloodlines I'd maintained for MANY generations)

1) Eclipse—Sable Merle Female—3/22/2011
2) Glory—Golden Sable Female—5/3/2009
3) SadieAnn—Sable Merle Female—3/22/2011
4) Volcano—Golden Sable—Male—6/12/2014
5) Kobalt—Shaded Sable—Male--
6) Autumn—Shaded Sable—Female--
7) Heart—Shaded Sable—Female--
8) Knight—Bi-Black—Male--
9) TriBaby—Black, White, Tan—Female—12/30/2013
10) Memo—Black, White, Tan—Female—6/14/2014
11) Spirit—Blue Merle, White, Tan—Male—12/30/2013
12) Luna—Blue Merle, White, Tan–Female—4/21/2014
13) Misty—Bi-Blue Merle—Female—12/30/2013
14) Stryker—Bi-Black—Male—12/30/2013
15) Peter—Sable Merle—Male--
16) Bitsy—Sable Merle—Female--
17) Legacy—Blue Merle, White, & Tan—Female-- 6/14/2014

POMERANIANS:

1) Doggonit—Cream Male—8/14/2011
2) Dancer--Red Merle--Female-- 12/16/2013
3) Sounder—Red Merle—Male—3/1/2016
4) Ink Spot—Black—Male—2/1/2014
5) Creme'--Cream--Female--11/23/2013
6) Happy—Black—Female—12/9/2013

CATS:

1) Callie—Tortie/Tabby—Female—5 years
2) Ebony—Black—Female—2 years
3) Chigger—Red Tabby—Male—3 years
4) Seal—Sealpoint Siamese W/White boots—Female—2 years
5) Classy—Classic Brown Tabby—LH—Male—6 months

EXHIBIT #25 (Animal Health Care)
18 pgs. (2007-2016)

437

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 0712311600 **Salesperson:** Taylor, H **Order Taken:** 05/03/2007 **Order Expires:** 09/14/2009 **Hold Until:** 08/15/2009 **Expected:** 08/18/2009 **Ship By:** 08/17/2009	**Order Status:** Closed **PO Number:** WWW468120 **Priority:** Normal **Received By:** Web **Promotion:** CONVERSION **Catalog:** Internet **Backorder:** Complete Before Shipping	

BILL TO	SOLD TO
Company ID: 2833523 Phoenix Kennels **Name ID:** 140502 Lynne Van House **Class:** Dog Breed <5 (31) 19897 Augusta Hwy **Tax Exempt Code:** Round O, SC 29474-4129 **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$130.40

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		31210-233: Safeguard Dewormer	$18.99	$18.99	1.00	$18.99
Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129			**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
2		30306-195: Duramune CvK	$39.99	$32.49	2.00	$64.98
Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129			**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
3		25385-739: All Star Milk Replacer	$19.99	$14.95	1.00	$14.95
Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129			**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
4		22415-354: Rescue Remedy	$12.99	$12.49	1.00	$12.49
Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129			**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			

5	P1: Polar Box 1	$3.00	$2.50	1.00	$2.50

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: Fed Ex
Method: 2nd Day

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$113.91	$0.00	$0.00	$16.49	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$130.40**

438

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	0805744200	**Order Status:**	Closed
Salesperson:	Taylor, H	**PO Number:**	WWW620676
Order Taken:	02/26/2008	**Priority:**	Normal
Order Expires:	09/14/2009	**Received By:**	Web
Hold Until:	08/15/2009	**Promotion:**	RAHINT
Expected:	08/18/2009	**Catalog:**	Internet
Ship By:	08/17/2009	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed <5 (31)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$137.90

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		22157-698: Fish Mycin	$27.49	$26.99	1.00	$26.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				
2		31210-233: Safeguard Dewormer	$18.99	$18.99	1.00	$18.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				
3		19215-673: Capstar	$22.99	$16.99	1.00	$16.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				
4		22150-174: Fish Mox	$13.99	$13.99	1.00	$13.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				

Printed: 06/08/2016

439

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		31350-475: Fish Tapes	$34.99	$29.00	1.00	$29.00
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** Ground			
6		31520-275: Pyrantel 50mg	$19.99	$19.99	1.00	$19.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** Ground			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$125.95	$0.00	$0.00	$11.95	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$137.90**

440

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	0724228100	**Order Status:**	Closed
Salesperson:	Taylor, H	**PO Number:**	WWW526092
Order Taken:	08/30/2007	**Priority:**	Normal
Order Expires:	09/14/2009	**Received By:**	Web
Hold Until:	08/15/2009	**Promotion:**	CONVERSION
Expected:	08/18/2009	**Catalog:**	Internet
Ship By:	08/17/2009	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed <5 (31)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$212.93

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30820-655: PG 600	$32.99	$34.99	1.00	$34.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
2		19215-673: Capstar	$22.99	$16.99	2.00	$33.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
3		63376-475: Breeders Edge Oxy Momma	$18.99	$17.99	1.00	$17.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
4		23550-740: Nutri Drops	$17.99	$17.49	1.00	$17.49
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			

144

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		19122-644: Frontline Spray ORMD	$48.99	$45.99	1.00	$45.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** Ground			
6		31390-608: ProLabs Tapeworm Tabs	$16.99	$17.99	2.00	$35.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
7		P1: Polar Box 1	$3.00	$2.50	1.00	$2.50
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$188.92	$0.00	$0.00	$24.01	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$212.93**

442

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	90099674	**Order Status:**	Closed
Salesperson:	None, N	**PO Number:**	
Order Taken:	12/18/2009	**Priority:**	Normal
Order Expires:	01/17/2010	**Received By:**	Phone
Hold Until:	12/18/2009	**Promotion:**	RAHINT
Expected:	12/21/2009	**Catalog:**	Internet
Ship By:	12/20/2009	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed <5 (31)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********1774		Van House, Lynne	$145.96

Authorization: 121818 **Authorized Amount:** $145.96

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1	IS	70325-12: Lectro Kennel Heat Pad	$44.99	$44.99	3.00	$134.97

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: UPS
Method: Ground

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$134.97	$0.00	$0.00	$10.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$145.96**

443

444

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 0906404800 **Salesperson:** Taylor, H **Order Taken:** 03/04/2009 **Order Expires:** 08/29/2009 **Hold Until:** 07/30/2009 **Expected:** 08/02/2009 **Ship By:** 08/01/2009	**Order Status:** Closed **PO Number:** WWW685826 **Priority:** Normal **Received By:** Web **Promotion:** RAHINT **Catalog:** Internet **Backorder:** Complete Before Shipping	

BILL TO		SOLD TO
Company ID: 2833523 **Name ID:** 140502 **Class:** Dog Breed <5 (31) **Tax Exempt Code:** **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$19.05

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		22154-174: Fish Zole	$13.99	$13.99	1.00	$13.99

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: Fed Ex
Method: Ground

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$13.99	$0.00	$0.00	$5.06	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$19.05**

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	0805916600	**Order Status:**	Closed
Salesperson:	ZZ-Conversion, P	**PO Number:**	
Order Taken:	02/28/2008	**Priority:**	Normal
Order Expires:	09/14/2009	**Received By:**	Phone
Hold Until:	08/15/2009	**Promotion:**	RAHOLD
Expected:	08/18/2009	**Catalog:**	RAH Old
Ship By:	08/17/2009	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed <5 (31)
Tax Exempt Code:
Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$15.20

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30491-174: Rabies Tags 2016	$9.99	$7.99	1.00	$7.99

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: Fed Ex
Method: Ground

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$7.99	$0.00	$0.00	$7.21	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$15.20**

544

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 90099674 **Salesperson:** None, N **Order Taken:** 12/18/2009 **Order Expires:** 01/17/2010 **Hold Until:** 12/18/2009 **Expected:** 12/21/2009 **Ship By:** 12/20/2009	**Order Status:** Closed **PO Number:** **Priority:** Normal **Received By:** Phone **Promotion:** RAHINT **Catalog:** Internet **Backorder:** Complete Before Shipping	

BILL TO		SOLD TO
Company ID: 2833523 **Name ID:** 140502 **Class:** Dog Breed <5 (31) **Tax Exempt Code:** **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********1774		Van House, Lynne	$145.96
	Authorization: 121818	**Authorized Amount:**	$145.96	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1	IS	70325-12: Lectro Kennel Heat Pad	$44.99	$44.99	3.00	$134.97

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: UPS
Method: Ground

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$134.97	$0.00	$0.00	$10.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$145.96**

446

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	0907910800	**Order Status:**	Closed
Salesperson:	Taylor, H	**PO Number:**	WWW688899
Order Taken:	03/20/2009	**Priority:**	Normal
Order Expires:	08/29/2009	**Received By:**	Web
Hold Until:	07/30/2009	**Promotion:**	REV090310PD
Expected:	08/02/2009	**Catalog:**	Internet
Ship By:	08/01/2009	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed <5 (31)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$57.96

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		P1: Polar Box 1	$3.00	$3.00	1.00	$3.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				
2		30374-195: Nobivac Canine 1-Pv (Galaxy Pv)	$16.99	$13.99	1.00	$13.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				
3		22154-174: Fish Zole	$13.99	$13.99	2.00	$27.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$44.97	$0.00	$0.00	$12.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$57.96**

Printed: 06/08/2016

447

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	90429392	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	WWW867463
Order Taken:	06/10/2011	**Priority:**	Web
Order Expires:	07/10/2011	**Received By:**	Replacement
Hold Until:	06/10/2011	**Promotion:**	RAHINT
Expected:	06/13/2011	**Catalog:**	Internet
Ship By:	06/12/2011	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		Van House, Lynne	$4.00
	Authorization: E88536	**Authorized Amount:**	$4.00	
Apply Credit/Balance			Van House, Lynne	$132.97

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1	IS	30305-195: Duramune Max Pv	$31.99	$31.99	2.00	$63.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
2	IS	P1: Polar Box 1	$3.00	$0.00	1.00	$0.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
3	IS	ICE: Extra Ice Packs	$1.00	$0.00	1.00	$0.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
4	IS	30301-415: Duramune Max 5	$72.99	$72.99	1.00	$72.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			

644

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$136.97	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$136.97**

450

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	90443217	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	WWW874349
Order Taken:	07/05/2011	**Priority:**	Web
Order Expires:	08/04/2011	**Received By:**	Web
Hold Until:	07/05/2011	**Promotion:**	REV110705P
Expected:	07/08/2011	**Catalog:**	Internet
Ship By:	07/07/2011	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$88.56

Authorization: **Authorized Amount:** $88.56

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		22142-174: Fish Cillin	$30.59	$30.59	1.00	$30.59
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				
2		19215-673: Capstar	$23.99	$23.99	2.00	$47.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$78.57	$0.00	$0.00	$9.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$88.56**

45/

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	90424723	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	WWW867463
Order Taken:	06/02/2011	**Priority:**	Web
Order Expires:	07/02/2011	**Received By:**	Web
Hold Until:	06/02/2011	**Promotion:**	RAHINT
Expected:	06/05/2011	**Catalog:**	Internet
Ship By:	06/04/2011	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$291.80

Authorization: 303235 **Authorized Amount:** $291.80

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		19215-673: Capstar	$23.99	$23.99	2.00	$47.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground				
2		30390-415: Solo Jec 5 Plus	$64.99	$64.99	1.00	$64.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day				
3		30305-195: Duramune Max Pv	$31.99	$31.99	2.00	$63.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day				
4		27140-129: EMT	$10.99	$10.99	1.00	$10.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground				

Printed: 06/08/2016

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Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		25220-107: Feeding Tube	$1.99	$1.99	2.00	$3.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** Ground			
6		25220-109: Feeding Tube	$1.99	$1.99	2.00	$3.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** Ground			
7		23225-116: GastroMate Canine IgY Plus Gel	$11.99	$11.99	1.00	$11.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** 2nd Day			
8		30967-795: 12cc Syringe w/o Needle Monoject	$0.30	$0.30	2.00	$0.60
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** Ground			
9		30968-795: 12cc Syringe Curved Tip Monoject	$0.80	$0.80	2.00	$1.60
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** Ground			
10		30970-795: 20cc Syringe w/o Needle Monoject	$0.65	$0.65	1.00	$0.65
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** Ground			
11		30972-795: 35cc Syringe w/o Needle Monoject	$0.85	$0.85	1.00	$0.85
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** RateShop **Method:** Ground			

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Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
12		30974-795: 60cc Syringe w/o Needle Monoject	$1.25	$1.25	1.00	$1.25
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
13		31210-233: Safeguard Dewormer	$18.99	$18.99	1.00	$18.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
14		31520-504: Pyrantel 50mg	$29.99	$29.99	1.00	$29.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
15		P1: Polar Box 1	$3.00	$3.00	1.00	$3.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$264.82	$0.00	$0.00	$26.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$291.80**

455

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 90736600 **Salesperson:** Internet, D **Order Taken:** 12/03/2012 **Order Expires:** 01/02/2013 **Hold Until:** 12/03/2012 **Expected:** 12/06/2012 **Ship By:** 12/05/2012	**Order Status:** Closed **PO Number:** WWW989979 **Priority:** Web **Received By:** Web **Promotion:** RAHINT **Catalog:** Internet **Backorder:** Complete Before Shipping

BILL TO	SOLD TO
Company ID: 2833523 Phoenix Kennels **Name ID:** 140502 Lynne Van House **Class:** Dog Breed 5+ (33) 19897 Augusta Hwy **Tax Exempt Code:** Round O, SC 29474-4129 **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********1774		House, Lynne Van	$209.93
	Authorization: 120301	**Authorized Amount:**	$209.93	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30390-415: Solo Jec 5 Plus	$67.99	$67.99	1.00	$67.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
2		30324-195: Vanguard Plus CPv	$33.99	$33.99	2.00	$67.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
3		19215-673: Capstar	$25.99	$25.99	2.00	$51.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
4		P1: Polar Box 1	$4.00	$4.00	1.00	$4.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$191.95	$0.00	$0.00	$17.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$209.93**

Printed: 06/08/2016

457

Revival Animal Health	**Order Number:** 90565086	**Order Status:**	Closed
RevivalAnimalHealth.com	**Salesperson:** Internet, D	**PO Number:**	WWW920569
1700 Albany Place SE	**Order Taken:** 02/04/2012	**Priority:**	Web
P.O. Box 200	**Order Expires:** 03/07/2012	**Received By:**	Web
Orange City, IA 51041 USA	**Hold Until:** 02/06/2012	**Promotion:**	REV120204P
(800) 786-4751	**Expected:** 02/09/2012	**Catalog:**	Internet
	Ship By: 02/08/2012	**Backorder:**	Complete Before Shipping

BILL TO		SOLD TO
Company ID: 2833523	Phoenix Kennels	Phoenix Kennels
Name ID: 140502	Lynne Van House	Lynne Van House
Class: Dog Breed 5+ (33)	19897 Augusta Hwy	19897 Augusta Hwy
Tax Exempt Code:	Round O, SC 29474-4129	Round O, SC 29474-4129
Credit Limit: $0.00		

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$184.94
	Authorization:		**Authorized Amount:** $184.94	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30390-415: Solo Jec 5 Plus	$64.99	$64.99	1.00	$64.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				
2		30324-195: Vanguard Plus CPv	$31.99	$31.99	2.00	$63.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				
3		22142-174: Fish Cillin	$33.99	$33.99	1.00	$33.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				
4		P1: Polar Box 1	$4.00	$4.00	1.00	$4.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$166.96	$0.00	$0.00	$17.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$184.94**

Printed: 06/08/2016

458

Revival Animal Health	**Order Number:** 90816305	**Order Status:**	Closed
RevivalAnimalHealth.com	**Salesperson:** Internet, D	**PO Number:**	WWW1023204
1700 Albany Place SE	**Order Taken:** 04/23/2013	**Priority:**	Web
P.O. Box 200	**Order Expires:** 05/23/2013	**Received By:**	Web
Orange City, IA 51041 USA	**Hold Until:** 04/23/2013	**Promotion:**	REV130423P
(800) 786-4751	**Expected:** 04/26/2013	**Catalog:**	Internet
	Ship By: 04/25/2013	**Backorder:**	Complete Before Shipping

BILL TO		SOLD TO
Company ID: 2833523	Phoenix Kennels	Phoenix Kennels
Name ID: 140502	Lynne Van House	Lynne Van House
Class: Dog Breed 5+ (33)	19897 Augusta Hwy	19897 Augusta Hwy
Tax Exempt Code:	Round O, SC 29474-4129	Round O, SC 29474-4129
Credit Limit: $0.00		

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$277.66
	Authorization: A3D47C	**Authorized Amount:**	$277.66	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		63263-209: Breeders Edge Foster Care Canine Powdered Milk Replacer	$10.79	$10.79	1.00	$10.79
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
2		19215-673: Capstar	$26.99	$26.99	2.00	$53.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
3		31210-233: Safeguard Dewormer	$18.99	$18.99	1.00	$18.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
4		30390-415: Solo Jec 5 Plus	$69.99	$69.99	1.00	$69.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			

459

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		30324-195: Vanguard Plus CPv	$34.99	$34.99	2.00	$69.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
6		25220-106: Feeding Tube	$1.99	$1.99	2.00	$3.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
7		25220-107: Feeding Tube	$1.99	$1.99	2.00	$3.98
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
8		17851-437: Vetericyn Ophthalmic Gel	$22.99	$22.99	1.00	$22.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			
9		P1: Polar Box 1	$4.00	$4.00	1.00	$4.00
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** 2nd Day			

Line Item	Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	Cancelled	Order Total
$258.68	$0.00	$0.00	$18.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$277.66**

460

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	90860552	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	WWW1042464
Order Taken:	07/14/2013	**Priority:**	Web
Order Expires:	08/14/2013	**Received By:**	Web
Hold Until:	07/15/2013	**Promotion:**	RAHINT
Expected:	07/18/2013	**Catalog:**	Internet
Ship By:	07/17/2013	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$134.94

Authorization: E74EBF **Authorized Amount:** $134.94

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		31520-504: Pyrantel 50mg	$36.99	$36.99	1.00	$36.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				
2		63263-209: Breeders Edge Foster Care Canine Powdered Milk Replacer	$11.99	$11.99	1.00	$11.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				
3		19215-673: Capstar	$26.99	$24.99	3.00	$74.97
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** Ground				

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$123.95	$0.00	$0.00	$10.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$134.94**

461

462

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 91037915 **Salesperson:** Internet, D **Order Taken:** 06/03/2014 **Order Expires:** 07/03/2014 **Hold Until:** 06/03/2014 **Expected:** 06/06/2014 **Ship By:** 06/05/2014	**Order Status:** Closed **PO Number:** 1117294 **Priority:** Web **Received By:** Web **Promotion:** RP140603P **Catalog:** Internet **Backorder:** Complete Before Shipping	

BILL TO	SOLD TO
Company ID: 2833523 Phoenix Kennels **Name ID:** 140502 Lynne Van House **Class:** Dog Breed 5+ (33) 19897 Augusta Hwy **Tax Exempt Code:** Round O, SC 29474-4129 **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********1774		House, Lynne Van	$352.95
	Authorization: 060301	**Authorized Amount:**	$352.95	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30324-195: Vanguard Plus CPv	$41.99	$41.99	2.00	$83.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
2		19215-702: Capstar	$244.99	$244.99	1.00	$244.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
3		P1: Polar Box 1	$4.00	$4.00	1.00	$4.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
4		ICE: Extra Ice Packs	$1.00	$1.00	1.00	$1.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$333.97	$0.00	$0.00	$18.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$352.95**

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 91095254 **Salesperson:** Internet, D **Order Taken:** 09/15/2014 **Order Expires:** 10/15/2014 **Hold Until:** 09/15/2014 **Expected:** 09/18/2014 **Ship By:** 09/17/2014	**Order Status:** Closed **PO Number:** 1142099 **Priority:** Web **Received By:** Web **Promotion:** RAHGOOGLE **Catalog:** Internet **Backorder:** Complete Before Shipping	

BILL TO	SOLD TO
Company ID: 2833523 Phoenix Kennels **Name ID:** 140502 Lynne Van House **Class:** RAHDefaultImp(899) 19897 Augusta Hwy **Tax Exempt Code:** Round O, SC 29474-4129 **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$179.95
	Authorization: 83548E		**Authorized Amount:** $179.95	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30324-195: Vanguard Plus CPv	$39.99	$39.99	2.00	$79.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day			
2		30301-415: Duramune Max 5	$77.99	$77.99	1.00	$77.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day			
3		P1: Polar Box 1	$4.00	$4.00	1.00	$4.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day			

Line Item	Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	Cancelled	Order Total
$161.97	$0.00	$0.00	$17.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$179.95**

463

Revival Animal Health RevivalAnimalHealth.com 1700 Albany Place SE P.O. Box 200 Orange City, IA 51041 USA (800) 786-4751	**Order Number:** 90970712 **Salesperson:** Internet, D **Order Taken:** 02/04/2014 **Order Expires:** 03/06/2014 **Hold Until:** 02/04/2014 **Expected:** 02/07/2014 **Ship By:** 02/06/2014	**Order Status:** Closed **PO Number:** WWW1089134 **Priority:** Web **Received By:** Web **Promotion:** RP140204DB **Catalog:** Internet **Backorder:** Complete Before Shipping	

BILL TO	SOLD TO
Company ID: 2833523 **Name ID:** 140502 **Class:** Dog Breed 5+ (33) **Tax Exempt Code:** **Credit Limit:** $0.00	Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129
Phoenix Kennels Lynne Van House 19897 Augusta Hwy Round O, SC 29474-4129	

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********1774		House, Lynne Van	$125.96
	Authorization: 020402	**Authorized Amount:**	$125.96	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30390-415: Solo Jec 5 Plus	$68.99	$68.99	1.00	$68.99
Company: 2833523 **Name:** 140502 **Address:** 11367141		Phoenix Kennels Van House, Lynne 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
2		30324-195: Vanguard Plus CPv	$35.99	$35.99	1.00	$35.99
Company: 2833523 **Name:** 140502 **Address:** 11367141		Phoenix Kennels Van House, Lynne 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			
3		P1: Polar Box-1	$4.00	$4.00	1.00	$4.00
Company: 2833523 **Name:** 140502 **Address:** 11367141		Phoenix Kennels Van House, Lynne 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$108.98	$0.00	$0.00	$16.98	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$125.96**

464

465

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	91254077	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	1211122
Order Taken:	06/15/2015	**Priority:**	Web
Order Expires:	07/15/2015	**Received By:**	Web
Hold Until:	06/15/2015	**Promotion:**	RAHBING
Expected:	06/18/2015	**Catalog:**	Internet
Ship By:	06/17/2015	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********7302		House, Lynne Van	$270.94
	Authorization: 08244B	**Authorized Amount:**	$270.94	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		19215-702: Capstar	$249.99	$249.99	1.00	$249.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
2		25220-106: Feeding Tube	$1.99	$1.99	2.00	$3.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			
3		25220-107: Feeding Tube	$1.99	$1.99	2.00	$3.98
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$257.95	$0.00	$0.00	$12.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$270.94**

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	91116815	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	1151722
Order Taken:	10/22/2014	**Priority:**	Web
Order Expires:	11/21/2014	**Received By:**	Web
Hold Until:	10/22/2014	**Promotion:**	RP141021DB
Expected:	10/25/2014	**Catalog:**	Internet
Ship By:	10/24/2014	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$137.19

Authorization: AF3F02 **Authorized Amount:** $137.19

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		22142-174: Fish Cillin	$33.99	$33.99	1.00	$33.99
2		22150-475: Fish Mox	$8.99	$8.99	1.00	$8.99
3		22152-698: Fish Pen	$20.99	$20.99	1.00	$20.99
4		31350-475: Fish Tapes	$26.24	$26.24	1.00	$26.24

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy, Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: Fed Ex
Method: Ground

467

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		31520-504: Pyrantel 50mg	$35.99	$35.99	1.00	$35.99
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** Ground			
6	IS	60435-475-151: Doc Roys Pill Conceal	$6.99	$0.00	1.00	$0.00
Company: 2833523		Phoenix Kennels	**Location:**			
Name: 140502		Van House, Lynne	**Warehouse:** OC Main Warehouse			
Address: 11367141		19897 Augusta Hwy Round O, SC 29474-4129	**Shipper:** Fed Ex **Method:** Ground			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$126.20	$0.00	$0.00	$10.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$137.19**

468

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	91306196	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	1234756
Order Taken:	09/15/2015	**Priority:**	Web
Order Expires:	10/15/2015	**Received By:**	Web
Hold Until:	09/15/2015	**Promotion:**	RP150915DCB
Expected:	09/18/2015	**Catalog:**	Internet
Ship By:	09/17/2015	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Visa	**********7302		Van House, Lynne	$62.07
	Authorization: 09433B	**Authorized Amount:**	$62.07	

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		31350-579: Fish Tapes	$35.09	$35.09	1.00	$35.09
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** US Postal Service **Method:** Priority Mail			
2		31210-233: Safeguard Dewormer	$18.99	$18.99	1.00	$18.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129	**Location:** **Warehouse:** OC Main Warehouse **Shipper:** US Postal Service **Method:** Priority Mail			

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$54.08	$0.00	$0.00	$7.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$62.07**

469

Printed: 06/08/2016

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	91283240	**Order Status:**	Closed
Salesperson:	Internet, D	**PO Number:**	1223991
Order Taken:	08/04/2015	**Priority:**	Web
Order Expires:	09/03/2015	**Received By:**	Web
Hold Until:	08/04/2015	**Promotion:**	RAHINT
Expected:	08/07/2015	**Catalog:**	Internet
Ship By:	08/06/2015	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed 5+ (33)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Master Card	**********1452		House, Lynne Van	$143.97

Authorization: D546AE **Authorized Amount:** $143.97

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30301-415: Duramune Max 5	$89.99	$89.99	1.00	$89.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day				
2		31520-504: Pyrantel 50mg	$34.99	$34.99	1.00	$34.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day				
3		P1: Polar Box 1	$4.00	$4.00	1.00	$4.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day				
4		ICE: Extra Ice Packs	$1.00	$1.00	1.00	$1.00
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** 2nd Day				

174

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		30902-784-176: Free Revival Health Records	$0.00	$0.00	1.00	$0.00

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: RateShop
Method: 2nd Day

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$129.98	$5.00	$0.00	$18.99	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$143.97**

472

Revival Animal Health
RevivalAnimalHealth.com
1700 Albany Place SE
P.O. Box 200
Orange City, IA 51041 USA
(800) 786-4751

Order Number:	0634903400	**Order Status:**	Closed
Salesperson:	Taylor, H	**PO Number:**	WWW403532
Order Taken:	12/14/2006	**Priority:**	Normal
Order Expires:	09/13/2009	**Received By:**	Web
Hold Until:	08/14/2009	**Promotion:**	CONVERSION
Expected:	08/17/2009	**Catalog:**	Internet
Ship By:	08/16/2009	**Backorder:**	Complete Before Shipping

BILL TO

Company ID: 2833523
Name ID: 140502
Class: Dog Breed <5 (31)
Tax Exempt Code:

Credit Limit: $0.00

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

SOLD TO

Phoenix Kennels
Lynne Van House
19897 Augusta Hwy
Round O, SC 29474-4129

Payment Type	Credit Card / Check / Gift #	Expiration Date	Name	Amount Distributed
Conversion				$133.36

Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
1		30320-415: Vanguard Plus 5	$59.99	$49.99	1.00	$49.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** Fed Ex **Method:** 2nd Day				
2		30306-195: Duramune CvK	$39.99	$28.49	1.00	$28.49
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground				
3		31390-608: ProLabs Tapeworm Tabs	$16.99	$16.49	1.00	$16.49
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground				
4		31520-275: Pyrantel 50mg	$19.99	$19.99	1.00	$19.99
		Company: 2833523 Phoenix Kennels **Name:** 140502 Van House, Lynne **Address:** 11367141 19897 Augusta Hwy Round O, SC 29474-4129 **Location:** **Warehouse:** OC Main Warehouse **Shipper:** RateShop **Method:** Ground				

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Line	Status	Product Information	List Price	Adjusted Price	Order Quantity	Extended Price
5		P1: Polar Box 1	$3.00	$2.50	1.00	$2.50

Company: 2833523 Phoenix Kennels
Name: 140502 Van House, Lynne
Address: 11367141 19897 Augusta Hwy
Round O, SC 29474-4129

Location:
Warehouse: OC Main Warehouse
Shipper: Fed Ex
Method: 2nd Day

Line Item	- Discounts	COD	Shipping	Handling	Local Tax	County Tax	State Tax	Country Tax	Additional	- Cancelled	Order Total
$117.46	$0.00	$0.00	$15.90	$0.00	$0.00	$0.00	$0.00	$.00	$0.00	$.00	**$133.36**

474

Bill of Sale

EXHIBIT #20

[redacted]	Lynne Van House
Purchaser	Purchaser
[redacted]	19897 Augusta Hwy
Address	Address
Rowndo, SC 29474	Round O, SC 29474
[redacted]	843-835-8038
Telephone	Telephone
— (Actual customer 6 Mo. before seizure)	Lynne@Phoenix-Kennel.Com
Email	Email

The following dog, on this 9th day of Sept, 20 15, has been sold to the person or persons listed above as purchaser and is free of any liens or encumbrances as a result of stud fee, veterinary fee, etc., except as stated below in Additional Terms.

Pics of Parents, Pedigree, + Food Sent to

Name: Phoenix "TinyGirl" CKC Litter or Registration No.: 1954141-1

Breed: Miniature Pinscher Whelped: 7-8-15 Sex: Female

Color: Black + Tan Eye Color: Brown

Distinctive Body Markings: None - Small Size

Sire: Phoenix Blowin' Smoke Dam: Phoenix Cinnamon Sugar

The consideration for this sale is the sum of $ 400.00, plus the conditions, to be performed by the purchaser as hereinafter set forth. deposit of $200 tendered Earlier - Bal. in Cash today.

Additional Terms:
Wormed at 2-4-6-8 WKS - Pyrantel Pamoate (50 Mg Per ML)
1st Shot - Vanguard Plus MLV Parvo - 6wks.
2nd Shot - Duramune MAX 5 - 8wks. (Copy of Vaccine sticker on back of yellow Copy)

If, within seventy-two hours of the date of this sale, the purchaser believes the dog to be sick, the purchaser agrees to return it to the seller, with a letter from an examining, licensed veterinarian, and the seller will either refund the purchase price, return the dog to the purchaser in well condition, or exchange the dog for another dog of equal value, at the seller's discretion.

Dogs, when introduced into new surroundings, are sometimes strange and are inclined to exhibit shyness and inactivity. In some instances they refuse food to which they may or may not be accustomed. After becoming adapted to the new environment, they will readily accept you as their new master and the food you offer. Your care and attention will aid in overcoming the shyness to new quarters. Please allow at least two weeks.

The sellers assumes no responsibility for this puppy after leaving the premises: medical expenses, landlord's disapproval, allergy to animals, disagreement of family, or for any other reason, other than stated. The purchaser agrees to never sell or give said dog or get of said dog to any pet shop, pet farm or similar institution, but to return to the seller, who will find a new home for it.

This agreement is made for our mutual benefit to protect the purchaser as well as the seller.

*Still Needs 2 5-way boosters + Rabies shot.

Sign in duplicate

Purchaser

Sept 9, 2015 Lynne Van House

(Buyer reviews)

EXHIBIT #21

[redacted] hair girl

My wife and I purchased a long hair Chihuahua from Lynne at Phoenix kennels. The whole experience was great she met us half way which made things great for both of us. We had Rosa at the Vet yesterday and she received a clean bill of health.Lynne takes great care of her puppies and includes a bag of puppy food for you as well as all shot records. Would absolutely recommend Lynne do anyone looking for a new addition to the family. Rosa has a sweet personality which is what Gayle was looking for. Jim and Gayle Railton

Reviewer: [illegible], September 3, 2015 [illegible]

★★★★★ **Excellent Customer Service, Very Happy!**

My teenage son and I took a road trip from Northern Virginia to South Carolina to purchase a 9 week old Blue Min. The 7.5 hour drive was worth it! My son is very proud of his new baby and I am extremely pleased with the sweetness, patience and professionalism of Lynne with Phoenix Kennels. She kindly and willingly met us outside of our hotel, brought two puppies with her for my son to choose from which included a puppy package that had everything that she stated online in her profile along with a small bag of puppy food for the trip back. Thank you Lynne, It was a pleasure meeting and doing business with you!

Reviewer: Linnae, July 3, 2015 [illegible]

★★★★★ **Excellent Experience**

We picked up our little boy about 2 weeks ago and couldn't be happier. Having never purchased before using the internet I was a little skeptical but Lynne was great. She answered all our questions, sent pictures, and kept us updated on his progress. Other than the fleas (which Lynne treated the day of adoption) and needing an additional worming the vet gave him a clean bill of health. He is happy, healthy and thriving!! I would not hesitate to recommend Lynne and Phoenix Kennels.

Reviewer: Sharleen, May 16, 2015 [illegible]

★★★★★ **Awesome Breeder**

Lynne is an awesome breeder.You can tell my little girl was loved and well taken care of by Lynne.We absolutely love her and also thank you for the bag of diamond puppy food.I am definitely suggesting Lynne to anybody wanting to buy a new pup from the internet.The only thing that needs to be stressed to buyers is cash only from locals.Thanks again

Reviewer: wanda, December 6, 2013 [illegible]

★★★★★ **Our New Baby**

I just bought a chihauhau puppy from Phoenix Kennels. She is healthy, full of life, and adorable. We just love her to death. I was so pleased with her all-round good health when we got her. Phoenix Kennels is reliable and a great kennel to get a puppy from. The prices are appropriate and our puppy was worth every penny! Phoenix Kennels is a top-notch place to trust when buying a new puppy! GPeele

Reviewer: [illegible], March 10, 2013 [illegible]

★★★★★ schnauzer

For tips, match advice, and more, follow us!

I [illegible] schn[illegible] from [illegible]. I'am very happy with my little guy. he is just what she said and we talked several times. If anyone is looking for a little friend I would reckomend getting one from her. If I go looking for another one I will more than likly get him or her from Lynn. Thank You so much Lynn Kathy Smith

Reviewer: kathy, December 25, 2012 Delete

★★★★★ **Awesome Breeder**

I have known this person for almost 1.5 years and I have got 5 dogs from her. I will get more in the future when I get a bigger place. I have got to know her like she is family and enjoy talking dog with her all the time. The puppies I got from her are not dogs to me they are my children. My babies are spoiled and they know it. She takes real good care of her dogs. Thank you Lynne.

Reviewer: Lillie, October 27, 2012 Delete

★★★★★ **Thankful and Happy**

I want to Thank Ms Van House for the wonderful little min pin that my Husband and I got . he is a wonderful addition to our Family . ms Lynn Van House did a great job of caring and Loving the little fellow till we got their to pick him up . She a wonderful Person and very compassionate towards the Little animals that she tends too. She calls them her Babies,and I can understand why. Once again Thank You Ms. VanHouse . You keep doing what you are doing with your Babies. THANK YOU Armande (Tina) Mock

Reviewer: Armande, January 4, 2012 Delete

★★★★★ **Sheltie baby**

We got our pup 1 month ago and she has been a ball! I talked with Lynn over email for awhile then called and talked to her on the phone before anything was decided on. She was prompt on email replies and would send pictures whenever asked. We fell in love with the Sheltie pup and decided she was the one for us. We did not want to ship her so instead we made the 10 hour drive to pick her up. We got to meet Lynn and received everything we were told we would receive. The only thing I see someone having a problem with is even though we drove 10 hours there, we were not allowed to go to her house to meet the parents or see where the pups lived, instead she came to meet us at the hotel. The pup also had some roundworms in her system which were taken care of when she got home and also a few fleas dying off that Lynn treated before we got her. Despite this though there are absolutely no health or behavioral problems. She is a healthy happy puppy and we are so glad to have her!

Reviewer: Jessica, June 17, 2011 Delete

★★★★★ **Minature Schnauzer**

I bought a mini schnauzer fom Phoenix Kennels and everything she told me was 100 percent correct I bought strictly from email and web page and have truely fell completely in love with this baby. Lynn is so helpfulful and honest and went above and beyond with meeting me part of the way since I live about 4 hrs from her. A wonderful honest seller and whatever she tells you she stands behind and the ads are exectely what they say. A good caring breeder and cares about the babies!!!! I would recommend her without any hestation!! Just send an email and get a response everytime!!

Reviewer: wanda, April 22, 2011 Delete

Page: 1 | 2 | 3 | 4 | 5 | 6 | >>

For tips, match advice, and more, follow us!

★★★★★ Excellent Breeder I would recommend to anyone

We received our puppy 2 weeks ago. Took her to the vet yesterday and she has a clean bill of health. No problems at all. She is such a good puppy, full of energy and sweet as can be. Thanks Lynn we love our puppy!!!!

Reviewer: Gary, December 22, 2010 [Delete]

★★★★★ I have 2 of lynne babies

i met lynne when i purchased our male his name is roody , we love him he is excatly th size she said he would be he is 2lbs at 7 months old now , we have also contactd her to purchase a female she is a cutie , If any one is looking for those rare tiny pups she is the lady to buy from. both of thepuppies we have purchased are sweet little guys with the best tenp i have found in this breed , They are healthy and they are as tiny as she stated . If you are looking for a pocket pal then i would recommend you to contact this breeder she will go to you if need be to deliver the puppy , great breeder, love her ,I must i have purchase 2 from her . And this little pups are like prigley one is not enough.

Reviewer: amy, December 20, 2010 [Delete]

★★★★★ got the perfect pup!

I wanted a very specific puppy and Lynne had exactly what I was looking for! Her chihuahuas have beautiful conformation and wonderful personalities. As an over the road truck driver Lynne really had to work with us when it came to picking our little girl up and she did. Lynne answered all my questions and was always extremely pleasant and helpful. Oh and if you are looking for tiny phoenix kennel is the place to go. Everyone that sees my little girl is always so shocked that she is over 3 months old and so small. She is a very well adjusted pup and she learns very quickly with minimal effort. I highly recommend Lynne and Phoenix Kennel to anyone looking for the perfect chihuahua companion!

Reviewer: Brooke, October 24, 2010 [Delete]

★★★★★ The Best Breeder in the South

This kennel is great with a super lady breeding the best pups. I have two litle girls from Lynne and they are healthy and precious. She wants you to have the perfect pet. You can buy with confidence that this lady knows everything about breeding and raising puppies. She is only an email away for any questions or concerns. I think anyone would be blessed to have a puppy from this kennel. She is wonderful and loves her puppies.

Reviewer: Jenny, October 12, 2010 [Delete]

★★★★★ Lynn

Thank you so much! We are absolutely in love with our little Emily! You are so knowledgeable and helpful. You were willing to answer any questions I had without hesitation. Thank you again. I highly recommend you to anyone wanting to add to their family. Thanks again!

Reviewer: Kimberly, September 27, 2010 [Delete]

★★★★★ **Best breeder/pet lover**

We have known Lynne for about 3 years. We had a female sheltie that we wanted bred. We found Lynne on-line and called her. She agreed and we brought our dog to her. She kept her for 10 days and after we found we had waited too long we picked her up. She didn't even charge us the breeding fee, yet she had fed, housed and loved our dog for all this time. When our baby died of liver failure, I knew exactly where to go. Luckily Lynne had puppies ready for sale. We picked one out and went the next day to get our baby Anisa. She filled a hole in our hearts and she is a joy to behold. Thanks Lynne, we are looking forward to more new puppies.

Reviewer: [illegible], November 30, 2009 [illegible]

★★★★★ **Great breeder**

I met Lynne about 5 years ago. We traded puppies, one of mine to one of her's. She is an exceptional breeder who really cares about her dogs. With Lynne it's not about the money, it's about the quality of pups/dogs she raises all with constant love and personal attention. I would recommend Lynne for any of the breeds she raises. She is very knowledgable and will answer any questions you may have. She is A OK in my book.

Reviewer: [illegible], February 10, 2009 [illegible]

★★★★★ **Awsome, A+, #1 Seller/Breeder**

I had never bought an animal using internet, say nothing about from so far away. After contacting several breeders and was treated like dirt. I then happened across Lynns ad. After a very respectful and knowledgeable conversation,to be as sure as she could that he was going to a good home, she sent me the most beautiful, well bred, pup. He is everything she said he was and more. A healthy, happy, bouncing baby boy joined our family. Highly recommend this kennel if you want a healthy, happy dog. Will definatley buy from Lynn again and have recommended her to several others. This dog added that extra something to my bloodlines. His awsome offspring is just a bonus to the deal. Thanks Again Lynn!!! FourOwls Farm, VT

Reviewer: [illegible], August 7, 2008 [illegible]

★★★★★ **Great Breeder & Nice Kennel recommend 100%**

This lady has the best kennel I have ever seen. She keeps it clean love all her babies , my highest regards to her. She does go out of her way to make sure a customer is sacrificed and happy. None of her puppies goes to bad homes if she knows it will not be taken good care of, but we all know you can't please everyone all the time. Trust me this is a great kennel . I'm a person that don't normally give reviews but this kennel gets 100% from me. I have nothing but good things to say about this breeder.I can't say enough about her good nature and the care she give her babies.This lady is not in the business just for the money she is a animal lover if there ever was one. So if you want a good healthy baby buy from her, she does abide by her guarantee .

Reviewer: Virginia, July 29, 2008 [illegible]

★★★★★ **Great Breeder!**

Lynne of Pheonix Kennel is an animal lover and takes care of all of her babies. She is a honest and dependable person. I just don't know her from over the internet I have personally met Lynne. She will do you right on whatever pup you buy from her. I highly recommend this breeder.

Reviewer: [illegible], July 29, 2008 [illegible]

★★★★★ **Buy from this breeder**

I have nothing but good things to say about this breeder. If you're going to buy a puppy or 2 buy from her. She will go out her way to make sure she finds you the right match for you to take home. She loves her babies. She is only an email away when you have a question and believe me I had a lot as a new "mommy". I have 2 dogs from her and one of mine is due to have her own puppies in November. This breeder is the best and it's worth paying a little extra to get a puppy that is a good breed. Remember you get what you pay for. So don't look any futher see what she has for you and if she doesn't have any puppy for you she will go out of her way to try and help you find one. Thanks, Lynne Malden, Charleston, SC Lynnern911@aol.com

Reviewer: [illegible], **November 15, 2007** Delete

Page: 1 | 2 | 3 | 4 | 5 | 6 | 7

Seller Reviews

★★★★★ **CHOCLATE MEREL FEMALE**

I RECOMEND THIS BREEDER TO EVERYONE. SHE DOES EVERYTHING TO MAKE THE CUSTOMER HAPPY. HER PUPPIES ARE BEAUTIFUL, SMART AND WELL ADJUSTED TO HOME LIFE. I'VE NEVER BEEN HAPPIER WITH A PUPPY. THANK YOU LYNNE FOR MY BABY!!!!!!

Reviewer: [illegible], June 16, 2007 Delete

★★★★★ **Wonderful dogs and great seller.**

The seller was so great to work with, and our dog was so healthy and has the best tempernient. We would recommend this seller to anyone. A+++++

Reviewer: [illegible], April 1, 2006 Delete

Seller Reviews

★ **teacup smoke**

I PURCHASED A PUPPY FROM THIS KENNEL. SHE SHIPPED HIM WITH A GRADE 4 HEART MURMUR AND SHE KNEW ABOUT THIS BEFORE SHE SHIPPED HIM. NOW TO PUT HER SORRY GUARANTEE INTO EFFECT I HAVE TO PAY TO SHIP HIM BACK AND PAY FOR SHIPPING FOR ANOTHER PUPPY THAT SHE SAYS IS OK. DONT TRUST ANY THING COMING FROM THIS KENNEL. I HAVE CONTACTED A LAWYER TO HAVE HELP WITH THIS.

Reviewer: BEVERLY, July 23, 2008

★★★★★ **You can trust this seller 100%**

It was my first time buying a dog online and i was concerned if the dog will be the same,my boyfiend was concerned about all the moneyscams going on.We bought a chihuahua puppy from her and she's been great trough the whole process,answered all my-emails and explain everything i need to know about caring for the puppy.When the baby arrived it was healthy and looked just like on the recent pictures that she send me earlier.She still stays in touch and gives me info on the right way to raise my baby.Someone you can definitely trust!!!! greatly recomend!!!

Reviewer: irina, June 24, 2008 [Delete]

★★★★★ **Believe what you read and buy with confidence**

Outstanding breeder with a big heart and quality dogs! I've had lots of puppies in my day but the puppy I purchased recently (May 08) is without a doubt one of the best! We love him and he is a healthy, happy little fellow. Lynne really does go the extra mile and loves what she does.

Reviewer: Susan, June 12, 2008 [Delete]

★★★★★ **great puppy.**

we love our pup so much, she is so little, but thinks she is 10 ft tall, she's definatly the boss, and sweet as can be with kisses and a tail that goes crazy. i would definatley buy another puppy from her. our's is perfect!

Reviewer: Erica, January 30, 2008 [Delete]

EXHIBIT #19

BENTON'S FEED & SEED, INC.
Feed • Seed • Fertilizer • Fencing
Animal Health Products • Lawn & Garden Needs
1892 Jefferies Hwy. • Walterboro, SC 29488
(843) 538-4071

Customer's Order No. _____ Date 12-22 20 15
Name Lynn
Address
Phone:

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT

QUAN.	DESCRIPTION	PRICE	AMOUNT
3	Blue Showtime	25.00	75 00
3	BE showtime	25.00	75 00
1-4-16			
2	RL 27-15 NoFly	20.25	40 50
1	Blue Showtime		25 00
			215 50
	1-4-16 payment		75 00
			140 50
1-12-16			
1	diamond puppy		28 00
4	27-15 RR	20.25	81 00
			249 50
2-2-16	pd on account		- 80 00
			169 50
3	RR 27-15	20.25	60 75
1	Diamond Puppy		28 00
		TAX	258 25
		TOTAL	

All claims and returned goods MUST be accompanied by this bill.
0076335 Received By

BENTON'S FEED & SEED, INC.
Feed • Seed • Fertilizer • Fencing
Animal Health Products • Lawn & Garden Needs
1892 Jefferies Hwy. • Walterboro, SC 29488
(843) 538-4071

Customer's Order No. _____ Date 2-10 20 16
Name Lynn
Address
Phone:

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT

QUAN.	DESCRIPTION	PRICE	AMOUNT
	Balance Forward		258 25
	pd on acct ck#		- 150 00
	Bal.		108 25
4	27-15 River Run	20.25	81 00
1	Diamond Puppy		28 00
			217 25
2-17-16			
2	27-15 River Run	20.25	40 50
			257 75
	pd on account		50 00
			207 75
2-22-16			
1	Diamond Puppy		28 00
3	27-15 NoFly RR	20.25	60 75
			296 50
		TAX	
		TOTAL	

All claims and returned goods MUST be accompanied by this bill.
0077062 Received By

384

484

BENTON'S FEED & SEED, INC.
Feed • Seed • Fertilizer • Fencing
Animal Health Products • Lawn & Garden Needs
1892 Jefferies Hwy. • Walterboro, SC 29488
(843) 538-4071

Customer's Order No. _____ Date 2-22 20 16
Name Lynn
Address
Phone:

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT

QUAN.	DESCRIPTION	PRICE	AMOUNT
	Balance		296 50
	pd on Account		100 00
			196 50
	~~Added Returned Check~~ Gm 2-10-16		~~152 00~~
			~~348 50~~
	Pd 3-9-16		27 75
			171 75
3 25-16			
3	27-15 Rim Run	20.25	60 75
1	Dimond Poppy		28 00
			260 50
	pd on account		-100 00
			160 50
2	Snaps	2.75	5 50
2	Snaps	2.65	5 30
			171 30

All claims and returned goods MUST be accompanied by this bill.
TAX
0077114 Received By
TOTAL

BENTON'S FEED & SEED, INC.
Feed • Seed • Fertilizer • Fencing
Animal Health Products • Lawn & Garden Needs
1892 Jefferies Hwy. • Walterboro, SC 29488
(843) 538-4071

Customer's Order No. _____ Date 4/8 20 16
Name Lynn VanHouse
Address
Phone:

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT

QUAN.	DESCRIPTION	PRICE	AMOUNT
	Balance forward		171 30
	paid on Account		-31 25
			140 05
	Pd 4-13-16		19 25
			120 80
3	27-15 RR Nosy	20.25	60 75
2	Plants	3.75	7 50
			189 05
	pd 4-29-16		-50 00
			139 05
	feed		90 25
			229 30
	5/14/16 pd on acct.		-19 25
			210 05

All claims and returned goods MUST be accompanied by this bill.
TAX
0077300 Received By
TOTAL

EXHIBIT AC#1

UNIFORM ORDINANCE SUMMARY 0669

COUNTY OF COLLETON — VERSUS

FIRST NAME: Lynne — MIDDLE NAME: Lucille — LAST NAME: VanHouse

STREET AND NO.: 19897 Augusta Hwy — CITY: Ravenel — STATE: S.C. 29474

STATE LICENSED — DRIVER'S LICENSE NO.: 00796625 — DRI. LIC. CLASS: D

VEH. LIC. NO. — STATE — MAKE OF VEH — YEAR — COMM VEH — HAZ MT — AUTO — MOPED — TRUCK — MTRCYCL — COMB. — OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: Danielle Count — STREET AND NO.: 106 Klein St PO Box 1732

DATE OF TRIAL: 06 21 2016 — TIME OF TRIAL: 10:00 am — CITY: Walterboro — STATE: S.C. — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES — NO — VIOLATION SECTION NO.: 6-28-020

Animal Care

OWNER OF VEHICLE

ADDRESS OF OWNER

DATE OF ARREST: 05 13 2016

DATE OF VIOLATION: 05 13 2016

BOND AMOUNT: 0 — NAME OF ISSUING OFFICER: Reginald Jones — RANK: AC1

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: Colleton — NUMBER: 12

BADGE: AC-1 — DISTRICT: 2

DAY 1 — DATE 1 — MO 2 — YR 3 — WK 4 — YR 5 — P 6 — S 7

TIME OF VIOLATION: 1600 — AM/PM — WEATHER: Clear

DISTANCE IN FEET FROM INTERSECTION OF

AND

MILES — N 1 — E 2 — S 3 — W 4

HWY. NO.: 61 — CITY

$ 485.00

DEFENDANT COPY

UNIFORM ORDINANCE SUMMARY 0670

COUNTY OF COLLETON — VERSUS

FIRST NAME: Lynne — MIDDLE NAME: Lucille — LAST NAME: VanHouse

STREET AND NO.: 19897 Augusta Hwy — CITY: Ravenel — STATE: S.C. 29474

STATE LICENSED — DRIVER'S LICENSE NO.: 00796625 — DRI. LIC. CLASS: D

VEH. LIC. NO. — STATE — MAKE OF VEH — YEAR — COMM VEH — HAZ MT — AUTO — MOPED — TRUCK — MTRCYCL — COMB. — OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: Danielle Count — STREET AND NO.: 106 Klein Street PO Box 1732

DATE OF TRIAL: 06 21 2016 — TIME OF TRIAL: 10:00 am — CITY: Walterboro — STATE: S.C. — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES — NO — VIOLATION SECTION NO.: 6-28-020

Rabies

OWNER OF VEHICLE

ADDRESS OF OWNER

DATE OF ARREST: 05 13 2016

DATE OF VIOLATION: 05 13 2016

BOND AMOUNT: 0 — NAME OF ISSUING OFFICER: Reginald J. McNair — RANK: AC1

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: Colleton — NUMBER: 12

BADGE: AC-1 — DISTRICT: 6

DAY 1 — DATE 1 — MO 2 — YR 3 — WK 4 — YR 5 — P 6 — S 7

TIME OF VIOLATION: 1600 — AM/PM — WEATHER: Clear

DISTANCE IN FEET FROM INTERSECTION OF

AND

MILES — N 1 — E 2 — S 3 — W 4

HWY. NO.: 61 — CITY: Ravenel

$ 485.00

DEFENDANT COPY

485

UNIFORM ORDINANCE SUMMARY 0975

COUNTY OF COLLETON VERSUS

FIRST NAME: LINN MIDDLE NAME: LUCILLE LAST NAME: VANHOUSE

STREET AND NO.: 19897 AUGUSTA HWY CITY: ROUND O STATE: SC ZIP: 29474

STATE LICENSED: SC DRIVER'S LICENSE NO.: # 00741 6355 CHG. LIC. CLASS:

VEH. LIC. NO. STATE MAKE OF VEH. YEAR COMM VEH HAS MT. AUTO MOPED TRUCK MTRCYCL COMB. OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: MAGISTRATE COURT STREET AND NO.: 40 RITTER ST. PO BOX 1232

DATE OF TRIAL: 06/21/16 TIME OF TRIAL: 10:00 AM CITY: WALTERBORO STATE: SC ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES NO VIOLATION SECTION NO.: ANIMAL CARE SEC. 6. 6-04-020

OWNER OF VEHICLE: DATE OF ARREST: 05/16/2016

ADDRESS OF OWNER: DATE OF VIOLATION: 05/16/2016

BOND AMOUNT: 0 NAME OF ISSUING OFFICER: E. SPERRS RANK: OFF NUMBER: 15

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: COLLETON BADGE: AC-2 DISTRICT: 6

DAY: S M T W T F S

TIME OF VIOLATION: 1235 A.M. P.M. WEATHER: CLEAR

DISTANCE IN FEET FROM INTERSECTION OF

AND

MILES: N 1 E 2 S 3 W 4

HWY. NO. CITY: ROUND O

MAX FINE $485.00

DEFENDANT COPY

UNIFORM ORDINANCE SUMMARY 0974

COUNTY OF COLLETON VERSUS

FIRST NAME: LINNIE MIDDLE NAME: LUCILLE LAST NAME: VANHOUSE

STREET AND NO.: 19897 AUGUSTA HWY. CITY: ROUND O STATE: SC ZIP: 29474

STATE LICENSED: SC DRIVER'S LICENSE NO.: # 00741 6355 CHG. LIC. CLASS:

VEH. LIC. NO. STATE MAKE OF VEH. YEAR COMM VEH HAS MT. AUTO MOPED TRUCK MTRCYCL COMB. OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: MAGISTRATE COURT STREET AND NO.: 40 RITTER ST. PO BOX 1232

DATE OF TRIAL: 06/21/16 TIME OF TRIAL: 10:00 AM CITY: WALTERBORO STATE: SC ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES NO VIOLATION SECTION NO.: ANIMAL CARE 6-04-020 SEC. 6

OWNER OF VEHICLE: DATE OF ARREST: 05/16/2016

ADDRESS OF OWNER: DATE OF VIOLATION: 05/16/2016

BOND AMOUNT: 0 NAME OF ISSUING OFFICER: E. SPERRS RANK: OFF NUMBER: 15

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: COLLETON BADGE: AC-2 DISTRICT: 6

DAY: S M T W T F S

TIME OF VIOLATION: 1230 A.M. P.M. WEATHER: CLEAR

DISTANCE IN FEET FROM INTERSECTION OF

AND

MILES: N 1 E 2 S 3 W 4

HWY. NO. CITY: ROUND O

MAX FINE $485.00

DEFENDANT COPY

UNIFORM ORDINANCE SUMMARY 0979

COUNTY OF COLLETON — VERSUS

FIRST NAME: LYNNE — MIDDLE NAME: LUCILLE — LAST NAME: VANHOUSE

STREET AND NO.: 14897 AUGUSTA HWY — CITY: ROUNDO — STATE: SC 29474

STATE LICENSED: SC — DRIVER'S LICENSE NO.: 207466355 — DRI. LIC. CLASS:

VEH. LIC. NO.: — STATE: — MAKE OF VEH.: — YEAR: — COMM VEH / HAZ. MT. / AUTO / MOPED / TRUCK / MTRCYCL / COMB. / OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: MAGISTRATE COURT — STREET AND NO.: 40 KIMMI ST. PO BOX 1732

DATE OF TRIAL: 06/21/20 16 — TIME OF TRIAL: 12:00 AM — CITY: WALTERBORO — STATE: SC — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED (YES) NO — VIOLATION SECTION NO.: Injured or Dead Animal 6.04.020 Sec. 8.

OWNER OF VEHICLE: — DATE OF ARREST: 05/16/20 16

ADDRESS OF OWNER: — DATE OF VIOLATION: 05/16/20 16

BOND AMOUNT: -0- — NAME OF ISSUING OFFICER: E. SPARKS — RANK: OFC — NUMBER: 15

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: Colleton — DISTRICT: 6 — BADGE: AC-2

DAY: S M T W T F S (M) — TIME OF VIOLATION: 1230 AM-1 PM-2 — WEATHER: CLEAR

DISTANCE IN FEET FROM INTERSECTION OF — AND

MILES — N 1 / E 2 / S 3 / W 4 — HWY. NO. — CITY: ROUNDO

MAP Fine $485

DEFENDANT COPY

UNIFORM ORDINANCE SUMMARY 0978

COUNTY OF COLLETON — VERSUS

FIRST NAME: LYNN — MIDDLE NAME: LUCILLE — LAST NAME: VANHOUSE

STREET AND NO.: 14897 AUGUSTA HWY — CITY: ROUNDO — STATE: SC 29474

STATE LICENSED: SC — DRIVER'S LICENSE NO.: 207466355 — DRI. LIC. CLASS:

VEH. LIC. NO.: — STATE: — MAKE OF VEH.: — YEAR: — COMM VEH / HAZ. MT. / AUTO / MOPED / TRUCK / MTRCYCL / COMB. / OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: MAGISTRATE COURT — STREET AND NO.: 40 KIMMI ST. PO BOX 1732

DATE OF TRIAL: 06/21/20 16 — TIME OF TRIAL: 10:00 AM — CITY: WALTERBORO — STATE: SC — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED (YES) NO — VIOLATION SECTION NO.: Rabies Violation 6.04.030

OWNER OF VEHICLE: — DATE OF ARREST: 05/16/20 16

ADDRESS OF OWNER: — DATE OF VIOLATION: 05/16/20 16

BOND AMOUNT: -0- — NAME OF ISSUING OFFICER: E. SPARKS — RANK: OFC — NUMBER: 15

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: Colleton — DISTRICT: 6 — BADGE: AC-2

DAY: S M T W T F S (M) — TIME OF VIOLATION: 1130 AM-1 PM-2 — WEATHER: CLEAR

DISTANCE IN FEET FROM INTERSECTION OF — AND

MILES — N 1 / E 2 / S 3 / W 4 — HWY. NO. — CITY: ROUNDO

MAP Fine $485.00

DEFENDANT COPY

7874

UNIFORM ORDINANCE SUMMARY 0977

COUNTY OF COLLETON — VERSUS

FIRST NAME: LYNN — MIDDLE NAME: LUELLE — LAST NAME: VANHOUSE

STREET AND NO.: 10897 AUGUSTA HWY — CITY: ROUND O — STATE: SC 29474

STATE LICENSED: SC — DRIVER'S LICENSE NO.: 074466355 — ORI. LIC. CLASS:

VEH. LIC. NO. — STATE — MAKE OF VEH. — YEAR — COMM VEH — HAZ. MT. — AUTO — MOPED — TRUCK — MTRCYCL — COMB. — OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: MAGISTRATE COURT — STREET AND NO.: 40 Klickel St. PO Box 1752

DATE OF TRIAL: 06/21/16 — TIME OF TRIAL: 10:00 AM — CITY: WALTERBORO — STATE: SC — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES — NO — VIOLATION SECTION NO.: 6.04.040

OWNER OF VEHICLE: ANIMAL CARE & SEC. — DATE OF ARREST: 05/16/20 16

ADDRESS OF OWNER — DATE OF VIOLATION: 05/16/20 16

BOND AMOUNT: 0 — NAME OF ISSUING OFFICER: E. SPEARS — RANK: OFF

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: COLLETON — NUMBER: K — BADGE: AC-2 — DISTRICT: 6

DAY 1 — MON 2 — TUE 3 — WED 4 — THU 5 — FRI 6 — SAT 7

TIME OF VIOLATION: 1730 A.M. / P.M. — WEATHER: CLEAR

DISTANCE IN FEET FROM INTERSECTION OF — AND

MILES — N 1 — S 2 — E 3 — W 4

HWY. NO. — CITY: ROUNDO

MAX FINE $485.00

DEFENDANT COPY

UNIFORM ORDINANCE SUMMARY 0976

COUNTY OF COLLETON — VERSUS

FIRST NAME: LYNN — MIDDLE NAME: LUELLE — LAST NAME: VANHOUSE

STREET AND NO.: 10897 AUGUSTA HWY — CITY: ROUNDO — STATE: SC 29474

STATE LICENSED: SC — DRIVER'S LICENSE NO.: 074466355 — ORI. LIC. CLASS:

VEH. LIC. NO. — STATE — MAKE OF VEH. — YEAR — COMM VEH — HAZ. MT. — AUTO — MOPED — TRUCK — MTRCYCL — COMB. — OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: MAGISTRATE COURT — STREET AND NO.: 40 Klickel St. PO Box 1752

DATE OF TRIAL: 06/21/16 — TIME OF TRIAL: 10:00 AM — CITY: WALTERBORO — STATE: SC — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES — NO — VIOLATION SECTION NO.: 6.04.040

OWNER OF VEHICLE: ANIMAL CARE 1A — DATE OF ARREST: 05/16/20 16

ADDRESS OF OWNER — DATE OF VIOLATION: 05/16/20 16

BOND AMOUNT: 0 — NAME OF ISSUING OFFICER: E. SPEARS — RANK: OFF

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

COUNTY: COLLETON — NUMBER: 15 — BADGE: AC-2 — DISTRICT: 6

DAY 1 — MON 2 — TUE 3 — WED 4 — THU 5 — FRI 6 — SAT 7

TIME OF VIOLATION: 1730 A.M. / P.M. — WEATHER: CLEAR

DISTANCE IN FEET FROM INTERSECTION OF — AND

MILES — N 1 — S 2 — E 3 — W 4

HWY. NO. — CITY: ROUNDO

MAX FINE $485.00

DEFENDANT COPY

UNIFORM ORDINANCE SUMMARY

0982

COUNTY OF COLLETON — VERSUS

FIRST NAME: LYNN — MIDDLE NAME: Lucille — LAST NAME: Vanhagge

STREET AND NO.: 5897 — CITY: Augusta Hwy — STATE: Ravenna SC 29474

STATE LICENSED: SC — DRIVER'S LICENSE NO.: 35007346355 — DRV. LIC. CLASS:

VEH. LIC. NO.: — STATE: — MAKE OF VEH.: — YEAR: — COMM VEH: — AUTO: — TRUCK: — COMB.: — HAZ. MT.: — MOPED: — MOTORCY.: — OTHER:

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: Magistrate Court — STREET AND NO.: 40 Klein St. PO Box 1232

DATE OF TRIAL: 06/01/16 — TIME OF TRIAL: 10:00 am — CITY: Walterboro — STATE: SC — ZIP CODE: 29488

VIOLATION - COURT APPEARANCE REQUIRED: YES NO — VIOLATION SECTION NO.: Animal Care Sec 4:2 — 6.04.020

OWNER OF VEHICLE:

ADDRESS OF OWNER:

DATE OF ARREST: 05/16/2016

DATE OF VIOLATION: 05/16/2016

BOND AMOUNT: 0 — NAME OF ISSUING OFFICER: E. Spears — RANK: Cpt

COUNTY: Colleton — NUMBER: 15

JUDGE: APJ — DISTRICT: 6

D 0 S 1 M 2 T 3 W 4 T 5 F 6 S 7

TIME OF VIOLATION: 1230 A.M. P.M. — WEATHER: Clear

DISTANCE IN FEET FROM INTERSECTION OF:

AND

MILES: — N 1 E 2 S 3 W 4

HWY. NO.: — CITY: Ravenna

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the issuing officer the exact time and before whom you are to appear. Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine up to $500 or imprisonment for up to 30 days.

MAX FINE $485.00

DEFENDANT COPY

DOGS-first tickets-pg 5 001

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SECTION 47-1-40. Ill-treatment of animals generally; penalties.

(A) A person who knowingly or intentionally overloads, overdrives, overworks, or ill-treats an animal, deprives an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars.

(C) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.

HISTORY: 1962 Code Section 6-4; 1952 Code Section 6-4; 1942 Code Section 1594; 1932 Code Section 1594; Cr. C. '22 Section 559; Cr. C. '12 Section 910; Cr. C. '02 Section 625; G. S. 1703; R. S. 507; 1881 (17) 573; 1883 (18) 388; 1988 Act No. 401, Section 1, eff March 21, 1988; 1992 Act No. 430, Section 1, eff June 2, 1992; 1998 Act No. 367, Section 2, eff May 27, 1998; 2000 Act No. 294, Section 1, eff May 26, 2000; 2008 Act No. 259, Section 2, eff upon approval (became law without the Governor's signature on June 5, 2008); 2014 Act No. 251 (H.3361), Section 3, eff June 6, 2014.

**Pictures of dogs taken on 5/13/16 are of several of the so-called tortured animals—5 of the 10 are in those pics. Included to show that they were NOT tortured.

6.04.010. - Definitions.

Animal means **any live, vertebrate creature, domestic or wild.**

Companion animal hoarder means a person who:

4.

Displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animal's and the owner's health and well-being.

6.04.020. - Animal care.

A.

No owner shall fail to provide his or her animals or pets with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

1.

For the purposes of this section, ***neither cruelty nor animal torture shall include*** the following activities:

a.

Any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian. *Such alteration or destruction shall include, but not be limited to: castration, culling,* ***declawing,*** *defanging,* ***ear cropping,*** *euthanasia, gelding, neutering, shearing, shoeing, slaughtering, spaying and* ***tail docking.***

c.

Any other activity that may be lawfully done to an **animal.**

6.04.140. - Sale of impounded livestock.

D.

Should the animal care and environmental control director, in conjunction with the county administrator, determine that the county's interests and the welfare of *the* ***impounded animals*** are best served by utilizing the adoption ***process as established for small animals (dogs/cats)*** or by ***releasing said animals*** to rescue organizations, then the above sale procedures may be waived.

Figure here

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Thornton v kelly—***Thornton v State***

embedded: ***Strickland v Washington***

6. Appellant's remaining enumerations of error assert trial counsel rendered ineffective assistance of counsel in a number of ways.

The standard for determining ineffective assistance of counsel is whether trial counsel's performance was deficient and, if so, whether the deficient performance prejudiced the defense. ***Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).*** When a defendant challenges a conviction, the question is whether there is a reasonable probability that, absent the errors, the fact finder would have had a reasonable doubt respecting guilt. *Id. at 695, 104 S.Ct. 2052.*

Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).

Sixth Amendment accorded criminal defendants a right to counsel rendering "reasonably effective assistance given the totality of the circumstances." After outlining standards for judging whether a defense counsel fulfilled the duty to investigate nonstatutory mitigating circumstances and whether counsel's errors were sufficiently prejudicial to justify reversal, the Court of Appeals remanded the case for application of the standards.

Held:

1. ***The Sixth Amendment right to counsel is the right to the effective assistance of counsel, and the benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.***

(a) ***The proper standard for judging attorney performance is that of reasonably effective assistance, considering all the circumstances.*** When a convicted defendant complains of the ineffectiveness of counsel's assistance, the defendant must show that counsel's representation fell below an objective standard of reasonableness.

(b) ***With regard to the required showing of prejudice, the proper standard requires the defendant to show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome. A court hearing an ineffectiveness claim must consider the totality of the evidence before the judge or jury. Pp. 2067-2069.***

The court agreed that the Sixth Amendment imposes on counsel a duty to investigate, because reasonably effective assistance must be based on professional decisions and informed legal choices can be made only after investigation of options. The court observed that counsel's investigatory decisions must be assessed in light of the information known at the time of the decisions, not in hindsight, and that "[t]he amount of pretrial investigation that is reasonable defies precise measurement." Id., at 1251

Cuyler v. Sullivan, 446 U.S. 335, 100 S. Ct. 1708, 64 L. Ed. 2D 333 (1980), ...which involved ***a claim that counsel's assistance was rendered ineffective by a conflict of interest,*** the Court has never directly and fully addressed a claim of "actual ineffectiveness" of counsel's assistance in a case going to trial. Cf. ***United States v. Agurs, 427 U.S. 97, 102, n. 5, 96 S. Ct. 2392, 2397, n. 5, 49 L. Ed. 2d 342 (1976).***

In a long line of cases that includes Powell v. Alabama, 287 U.S. 45, 53 S. Ct. 55, 77 L. Ed. 158 (1932), Johnson v. Zerbst, 304 U.S. 458, 58 S. Ct. 1019, 82 L. Ed. 1461 (1938), and Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963), this Court has recognized that the Sixth Amendment right to counsel exists, and is needed, in order to protect the fundamental right to a fair trial. ***The Constitution guarantees a fair trial through the Due Process Clauses, but it defines the basic elements of a fair trial largely through the several provisions of the Sixth Amendment, including the Counsel Clause:***

35"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to ***be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor,*** *and to have the Assistance of Counsel* ***for his defence."***

Thus, a fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues defined in advance of the proceeding. The Court has not elaborated on the meaning of the constitutional requirement of effective assistance in the latter class of cases—that is, those presenting claims of "actual ineffectiveness." In giving meaning to the requirement, however, we must take its purpose—to ensure a fair trial—as the guide. ***The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.***

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Appellant certifies that this Record on Appeal contains all material proposed to be included by Appellant, but *not* certain Plaintiff exhibits requested and listed, but *not* supplied by the Respondent. Not any other material is included.

/s/ Lynne Van House March 19, 2018

(self-represented, acting Pro Se)
Lynne Van House
19897Augusta Hwy
Round O, SC 29474
843-835-8038

RECEIVED
MAR 21 2018
SC Court of Appeals