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EXHIBIT

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**Re: Systemic Violations of Wisconsin Penal Code Section 951.01 et seq. at
Ridglan Farms Blue Mounds, Dane County, Wisconsin**

Dear Sir/Madame:

By this letter, and on behalf of The Simple Heart ("TSH"), I wish to report the presence of long-term, extensive violations of Wisconsin's animal cruelty laws at Ridglan Farms, located at 215 S Hamilton St # 3000, Madison, WI 53703 ("Ridglan"). By way of background, I am an attorney licensed to practice in California, New York and Washington D.C. I am also admitted in federal courts in Florida, New York, California, the District of Columbia and Texas. I am a graduate of the University of Pennsylvania and Berkeley School of Law. From 1988 to 2012, I was a federal prosecutor, first in the Central District of California and then in the Eastern District of New York. My duties as a federal prosecutor included evaluating evidence and witness testimony to determine whether charges should be filed against individuals or entities suspected of crimes. I retired from federal service in 2012 and began my own criminal defense practice. About fifty percent of my work includes pro bono work for animal rights organizations, animal shelters, dog rescues around the world and sanctuaries. As a result of my criminal law background and my work for these non-profits, I have made an extensive study of the laws governing animal cruelty in the United States.

After reviewing video and photographic evidence, an opinion from an expert veterinarian, USDA and AAALAC inspection reports and responses, and the relevant statutes and case law, I have concluded that several of the conditions at Ridglan violate Wisconsin Penal Code Section Chapter 951, Sections 951.02 and 951.14. We are therefore asking that you immediately investigate these conditions at Ridglan, and, upon finding violations of the law, prosecute for animal cruelty.

This letter, which contains photographs documenting the criminal animal cruelty, summarizes: (A) Wisconsin's animal cruelty statutes and (B) our findings of animal cruelty at Ridglan.



A. Wisconsin Law Broadly Prohibits Cruelty to Animals

Wisconsin Penal Code Section 951.01 et seq. addresses various forms of criminal animal cruelty. The statutes provides, in pertinent part, as follows:

951.01 Definitions. In this chapter:

(1) "Animal" includes every living:

(a) Warm-blooded creature, except a human being;

....

(2) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

....

951.02 Mistreating animals. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.

....

951.14 Providing proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section.

851.14(3) SPACE STANDARDS. Minimum space requirements for both indoor and outdoor enclosures shall include:

(b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

....

Section 951.18 sets forth the penalties for violating the animal cruelty statute:

951.18 Penalties

(1) Any person violating s. 951.02 . . . 951.14 is subject to a Class C forfeiture. Any person who violates any of these provisions within 3 years after a humane officer issues an abatement order under s. 173.11 prohibiting the violation of that provision is subject to a Class A forfeiture. Any person who intentionally or negligently violates any of those sections is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.02, resulting in the **mutilation, disfigurement or death** of an animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.02 or 951.06, knowing that the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class I felony.

See Section 951.1 et seq. (emphasis added).

The Animal Welfare Act and specifically, Title 9, Code of Federal Regulations, Section 3.6, also sets forth minimum conditions for dogs held in confinement: Title 9 CFR Section 3.6 states, in pertinent part:

Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) General requirements.

(2) Primary enclosures must be constructed and maintained so that they:

(v) Enable the dogs and cats to remain dry and clean;

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

In summary, Wisconsin law prohibits the treatment of animals in a manner causing unnecessary and excessive pain or suffering or unjustifiable injury or death. It also prohibits confining animals without proper shelter. Animal cruelty is treated as a felony if an animal is mutilated, disfigured or killed, punishable by a term of three and one-half years in custody and a fine of up to \$10,000. Otherwise, it is treated as a misdemeanor punishable by a term of nine months in custody and a fine of up to \$10,000. See Wisconsin Penal Code Section 939.50(3)(i) and 939.51(3)(a). A person can be found guilty of felony animal cruelty for intentionally mistreating an animal, resulting in the animal's death, without having intended the dog's death; a jury only need find that the defendant intended to treat the dog in a cruel manner and that the dog's death resulted. See State v. Klingelhoets (App. 2012) 814 N.W.2d 885, 341 Wis.2d 432, review denied 822 N.W.2d 881, 344 Wis.2d 303

The citizens of Wisconsin have expressed their concerns about the welfare of dogs in the state. In 2009, the Wisconsin State Legislature unanimously passed Act 90, a law regulating dog breeders and sellers in the state. The statute requires breeders who sell 25 dogs or more in the state to register and be subjected to regular inspections. There are many groups in Wisconsin fighting for better treatment of dogs, including one right in Ridgland's "backyard," Dane4Dogs.

B. The Conditions in Which Dogs Are Kept at Ridgland Farms Constitute Criminal Animal Cruelty

Ridgland was founded in 1966 is one of the three largest firms in the U.S. that provides beagles to research facilities. It is a multi-million dollars business owned by three men: James A. Burns, David Williams and Jeffrey Balmer.¹ Ridgland breeds beagles for experimentation and also conducts its own experiments on the dogs it breeds.² Ridgland houses the dogs it breeds in one building and the dogs on which it performs experiments in another building. At any one time, there are approximately 4000 dogs confined at Ridgland. This referral focuses only on the dogs being bred at Ridgland; as a result, the

¹ <https://www.wpr.org/animals/mount-horeb-dogs-are-ballot>

²<https://www.ridgland.net/about/>

exemption in Wisconsin law for animals subjected to experiments does not apply to this analysis.³

All of the dogs at Ridglan, regardless of where they are housed, suffer horribly. However, this analysis only addresses those conditions which rise to the level of criminal animal cruelty taking place in the breeding building.



Performing Surgery on Dogs Without Anesthetics by Non-Veterinary Personnel Violates Wisconsin Law and Constitutes Criminal Animal Cruelty

Documents obtained from Ridglan as well as whistleblower testimony have revealed that employees without veterinary licenses and with only a few days' training are performing cherry eye surgery at Ridglan, removing the third eye lid on thousands of dogs over the years. Based on veterinary studies discussing the treatment of cherry eye, the number of surgeries as compared to the number of dogs under Ridglan's control is excessive and most likely indicates that Ridglan is performing unnecessary surgery for cosmetic reasons to make the dogs more saleable. The whistleblower also reported that the surgery was being done without anesthesia or hemostasis (techniques to control bleeding). See Letter of Dr. Sherstin Rosenberg, attached hereto.

As noted in the opinion of Dr. Sherstin Rosenberg, attached hereto, cherry eye surgery should be done **only** by trained medical personnel, under the supervision of a

³ See Section 951.015(3)(a): 3) This chapter does not apply to:
(a) Teaching, research, or experimentation conducted pursuant to a protocol or procedure approved by an educational or research institution, and related incidental animal care activities, at facilities that are regulated under 7 USC 2131 to 2159 or 42 USC 289d.

licensed veterinarian and while a dog is under anesthesia and with hemostasis. The whistleblower reports that the dogs being operated on yelped in pain when their third eye lid was simply cut away with a scissor. The whistleblower also reported excessive amounts of blood during surgery, as it was done without any proper controls to prevent the bleeding.

Unsupervised employees cutting away dogs' eyelids without anesthesia, causing the dogs extreme pain, falls squarely in the definition of cruelty under Wisconsin law which states that: "[c]ruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death."

Another surgery [routinely performed on dogs at Ridglan](#) is "devocalization" surgery, commonly referred to as debarking. Devocalization surgery is entirely unnecessary and done only for the convenience of those who work at Ridglan. It is highly disfavored by the American Veterinary Medical Association ("AVMA"):

The AVMA strongly discourages the devocalization (non-therapeutic ventriculocordectomy) of dogs because of the surgery's negative impacts on animal welfare. Canine devocalization does not address the primary motivators for the unwanted behavior. Barking is a natural behavior and an important canine communication method. Devocalization deprives the dog from normal engagement in this natural behavior. Because canine devocalization can decrease, but not eliminate, the intensity, pitch, and volume of a dog's bark, the procedure is frequently ineffective in preventing inappropriate or excessive barking.

See <https://www.avma.org/resources-tools/avma-policies/canine-devocalization>. In 2013, during a site visit by the AAALAC, a nonprofit which promotes humane treatment of animals through inspections and accreditations, found that Ridglan was performing these surgeries without properly sterilized equipment.

Devocalization is unnecessary, poses a risk of infection, carries with it the risk of respiratory complications and causes dogs pain during their recovery. See Letter of Dr. Sherstin Rosenberg. If it is to be performed at all, it must be done by a trained veterinarian with sterilized instruments. While the performance of the surgery itself is not unlawful, it appears to be part of a pattern of unnecessary surgeries at Ridglan, rising to the level of mutilation.

In conclusion, allowing employees to do cherry eye surgery, unsupervised by a medical professional, without anesthesia or hemostasis, causes unnecessary and excessive pain or suffering in violation of Section 951.01(2). The excessive number of surgeries for cherry eye, coupled with the unnecessary devocalization surgery, results in the mutilation of animals, in violation of Sections 951.01(2), 951.02 and 951.18.

The Dog Housing at Ridglan Violates Wisconsin Law and the Animal Welfare Act and Constitutes Criminal Animal Cruelty

As noted above, Wisconsin law requires that dogs should be held in enclosures which provide sufficient space to allow each animal freedom of movement. noting that inadequate space may be indicated by evidence of stress or abnormal behavior patterns. See Section 951.14(3)(b). Federal regulations also require that flooring must protect the dogs' feet and legs from injury and must now allow dogs' feet to pass through openings in the floor. See Title 9. Section 3.6.



The dogs at Ridglan live in small, two by four cages, stacked one on top of the other, with mesh wire floors.. They have no access to the outside They do not ever see grass or the sky. They do not have the opportunity to run or play. They rarely have the opportunity to socialize with other dogs. The dogs are kept in unsanitary conditions, with cages filled with feces and feces dropping down from cages to a collecting layer underneath each dog. Inspections by the USDA and the Wisconsin Department of Agriculture (“ATCP”), whistleblower testimony and footage obtained by animal rights activists revealed that the dogs at Ridglan displayed stereotypical behavior of dogs suffering from high levels of psychological distress, including incessant [spinning](#), chewing on the metal cage bars and bouncing off the sides of the cages.

Multiple inspections by the USDA and the ATCP revealed that dogs are forced to step and live in their own feces and feces which drop down from the stacked cages. Most significant for this referral, young puppies were repeatedly found to have had their paws and legs stuck in the floor openings, causing difficulty standing, pain and suffering, distress and a high incidence of foot infections/foot injuries. The issue is compounded by the fact that puppies with foot infections are made sicker because they must [walk in the feces](#)

accumulating in their cages. See Letter of Dr. Sherstin Rosenberg, citing numerous USDA and Wisconsin Department of Agriculture (“ATCP”) inspection reports.



The issue with the flooring and the problems it causes, especially for young puppies, was noted over and over again in inspections from 2016 inspection and to at least 2023. Inadequate flooring is a serious violation of the Animal Welfare Act. Despite this fact, and despite multiple inspection reports from DATCP and the USDA, Ridglan has failed to correct this problem. As Dr. Rosenberg notes in her letter:

Failure to rectify inadequate flooring at the Ridglan facility has resulted in unnecessary pain and suffering to thousands of dogs over the years. Ridglan has known about these problems for nearly a decade, yet has not taken effective action.

As noted above, Section 951.14 requires that owners or those responsible for dogs must provide the animal with property shelter and provides some examples for indoor enclosures.⁴ The AWA more broadly sets forth what those standards are. The same section requires that dog enclosure must have sufficient space to allow the dog freedom of movement. Ridglan's continuous and intentional failure to correct the flooring and space deficiencies, housing dogs in filthy, feces-ridden cages and failure to provide the dogs in its care with socialization and enrichment, resulting in pain, suffering, infections and psychological and emotional distress for the dogs, clearly constitutes criminal animal cruelty in violation of Section 951.14. See also U.S. v. Envigo RMF, 2022 WL 2195030 (22-CV00028) (W.D.Va 2022)(upholding finding that Envigo RMS, a beagle breeding and experimentation business, violated 9 C.F.R. Section 3.6(a)(2)(v) by keeping dogs in unsanitary enclosures)

Conclusion

Law enforcement should immediately commence an investigation into the ongoing conditions at Ridglan and into its owners' intentional failure to address these conditions. There is far more than probable cause to believe that Ridglan, and by extension, its owners, is engaging in intentional acts of criminal animal cruelty, causing the dogs in their care intense physical and psychological pain, suffering, mutilation and sickness. We stand ready to provide you with whatever additional proof you may need.

Thank you for your consideration. We hope to hear from you very soon; every day that passes is another day of torment for the dogs at Ridglan.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Bonnie S. Klapper', with a long horizontal flourish extending to the right.

Bonnie S. Klapper, Esq.

⁴ The statute lists by way of example minimum requirements for providing proper shelter but it is not all-inclusive. Meeting these minimum standards does not exempt Ridglan from prosecution for criminal animal cruelty. See Section 951.14(1)