

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC.,)
et al.,)
)
Defendants and)
Counterclaim Plaintiffs,)
)
v.) No. 4:16-CV-2163-CDP
)
TONIA HADDIX,)
) July 14, 2021
Counterclaim Defendant.)

IN-COURT PROCEEDING
BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES

**FOR DEFENDANTS
AND COUNTERCLAIM
PLAINTIFFS:**

Jared S. Goodman, Esq.
PETA Foundation
2154 W. Sunset Blvd.
Los Angeles, CA 90026
(323)210-2266

James P. Martin, Esq.
Polsinelli, PC
100 S. Fourth, Suite 1000
St. Louis, MO 63102
(314)231-1776

**FOR COUNTERCLAIM
DEFENDANT:**

John M. Pierce (by telephone)
Pierce Bainbridge, P.C.
355 S. Grand Avenue, 44th Floor
Los Angeles, CA 90071

REPORTED BY:

CARLA M. KLAUSTERMEIER, RMR, CRR, CSR, CRC, CCR
Official Court Reporter
United States District Court
111 South Tenth Street
St. Louis, MO 63102 | (314)244-7984

1 **(Proceedings convened in open court at 10:05 a.m.)**

2 **THE COURT:** All right. Good morning. We are here
3 in the case of Missouri Primate, et al. v. People for the
4 Ethical Treatment of Animals. The parties before me are PETA
5 and Tonia Haddix. This is Case No. 4:16-CV-2163 -- that is,
6 the parties on this motion.

7 So, I would ask -- first, I would ask, first of all,
8 would counsel for PETA please introduce yourselves for the
9 record. Announce yourself.

10 **MR. GOODMAN:** Good morning, Your Honor. It's Jared
11 Goodman and Jim Martin.

12 **THE COURT:** Jared Goodman and Jim Martin. All
13 right. And I see Ms. Haddix is here in person. And I believe
14 we have a lawyer on the line. Would you state your name for
15 the record, please?

16 **MR. PIERCE:** Yes, Your Honor. This is John Pierce,
17 P-I-E-R-C-E. My motion for pro hac vice admission is pending
18 currently.

19 **THE COURT:** It is. So that is pending and I also
20 saw you filed a motion for a continuance.

21 **MR. PIERCE:** Yes, Your Honor.

22 **THE COURT:** Mr. Goodman, just briefly, before we
23 take up anything else, tell me your position on the request
24 for a continuance.

25 **MR. GOODMAN:** We request that it be denied.

1 There's --

2 **THE COURT:** I think I'm going to have a better time
3 hearing you if you step up to the lectern.

4 **MR. GOODMAN:** Absolutely, Your Honor.

5 **THE COURT:** Sorry.

6 **MR. GOODMAN:** We ask that the motion be denied.

7 There's simply no basis for a continuance at this stage.

8 Ms. Haddix has indisputably violated the Court's orders and
9 unequivocally expressed her intention to continue to do so.

10 As this Court has heard many times, her deadline to
11 meet her final obligations have long since passed. Her
12 initial deadline of March 17th, her extended deadline of
13 April 26th, and here we are now, here at least three months
14 later, where she's requesting a continuance yet again on the
15 morning of the hearing when Your Honor previously declined a
16 motion for a continuance for that very reason.

17 **THE COURT:** All right. So, Mr. Pierce?

18 **MR. PIERCE:** Yes, Your Honor.

19 **THE COURT:** Tell me what you want to tell me about
20 why you -- I mean, everything Mr. Goodman says is correct.
21 You're coming in at the last moment. I haven't yet granted
22 your motion for pro hac vice because I do have some questions
23 about that as well.

24 **MR. PIERCE:** Okay.

25 **THE COURT:** But just tell me why you think a

1 continuance at this time -- I mean, we aren't starting over.
2 Or it sounds from your motion like you think maybe we are
3 starting over.

4 **MR. PIERCE:** Well, Your Honor, of course I just got
5 retained literally probably about 24 to 36 hours ago and, you
6 know, of course we're trying to get our mind and hands wrapped
7 around, you know, a very extensive file and what's going on.
8 I do understand that the Court, you know, requested or
9 directed or advised Ms. Haddix to retain counsel quite some
10 time ago and, as set forth in her declaration, she did undergo
11 a very vigorous attempt to find attorneys.

12 You know, talking to 85 or so and, you know,
13 finally, just literally in the last day or two, you know,
14 found me. And I'm happy to try to get involved in the case if
15 the Court will grant my pro hac vice motion and happy to start
16 working very, you know, directly and quickly with PETA to try
17 to find, you know, a reasonable outcome to this that will
18 ensure the safety of the chimps.

19 I think that the key thing that we're concerned
20 about, as set forth in Dr. Talbot's declaration, is that these
21 chimps have not been, so far, as Dr. Talbot testifies, been
22 socialized to the extent that they will be able to, you know,
23 defend themselves or do so effectively at a center, like for
24 the Center for Great Apes that PETA has. We're very concerned
25 for the safety of the chimps if they're sent there.

1 And, you know, Ms. Haddix -- and I do not know the
2 history as of yet in terms of compliance or non-compliance
3 with the Consent Decree, but it does appear, from what I see
4 so far, that she has worked very, very hard to, you know,
5 construct, you know, this nice shelter which is apparently
6 done now. She's working on, you know, this Primadome that she
7 was not able to finish in the winter because of her
8 submissions. I think she had a contractor, paid the fees.
9 Then she secured funding, and she, of course, didn't want to
10 expend the funding if there was going to be, you know, a
11 serious chance that the chimps would be taken anyway. But now
12 she has that funding and she's in a position where she can
13 construct that and she can make sure, you know, that these
14 chimps are taken care of.

15 I do want to also note -- and again, please forgive
16 me for not being terribly familiar with the history of the
17 case -- but I think there was some suggestion at some point
18 that there was a chimp named Tonka that had passed away and
19 there's some suggestion that she was not -- that that's not
20 accurate. But, you know, it does appear from Dr. Talbot's
21 declaration that was, in fact, accurate.

22 So, basically, Your Honor, all we're really asking
23 for is a little bit of time so that we can work with PETA and
24 I intend to do that in a very amicable way just to make sure.
25 And the bottom -- you know, the bottom line that I think

1 everybody is concerned about here is to make sure that the
2 chimps are safe. I know that that is Ms. Haddix' primary
3 concern. It's certainly going to be my primary concern.

4 And I would just ask for a brief continuance so we
5 can wrap our minds around the record and start trying to work
6 with PETA in an amicable way to just make sure that the chimps
7 are in the best possible situation. So that kind of sums it
8 it up from a 10,000 foot, Your Honor, but I'd be happy to try
9 to answer any other questions.

10 **THE COURT:** Well, I mean, the -- from what you've
11 said, I think you understand that your client signed a
12 Consent Decree almost a year ago now -- well, ten months --
13 agreeing to do certain things within six months and has
14 completely failed to do that. You do understand that's the
15 current -- and I've held her in contempt already. You do
16 understand that's the current status of the case.

17 And so, your talks about we're going to do something
18 need to be -- you would have to address those issues. And I
19 don't know what PETA's position is on that, but you seem to
20 think that it's just -- I mean, Ms. Haddix, throughout, has
21 seemed to think that she can continue negotiating whenever she
22 came to court. But, you know, she's way past her obligations
23 on the agreement that she, herself, agreed to, and that she,
24 herself, had told me she wished to represent herself on in
25 this matter.

1 So, you know, I urged her to get a lawyer, but I
2 certainly -- she has the right to represent herself and she
3 told me repeatedly that she was choosing to do that. So, what
4 are you telling me about the Consent Decree? Are you telling
5 me that, oh, you think you'll just negotiate with PETA but
6 maybe -- I mean, what, you think they're going to agree to
7 just do away with it?

8 **MR. PIERCE:** I'm not necessarily suggesting that,
9 Your Honor. I'm just suggesting that, you know, as a lawyer
10 and an officer of the court, literally, and I can't
11 overemphasize this, Your Honor, just coming into this hearing
12 kind of on the spot, you know, I will work with Ms. Haddix and
13 I will work with PETA to ensure that, you know, the provisions
14 of the Consent Decree are met and/or cured.

15 And I understand that there may be -- and again, I
16 just don't know this for sure, but I'm taking Your Honor at
17 her word, of course, that there are violations that have
18 occurred and, you know, all I can say at this point is that,
19 as an officer of the court, I will work, you know, night and
20 day with Ms. Haddix and PETA to ensure that we cure those as
21 best as possible and make sure that we get into compliance
22 with that as -- you know, despite the fact that it may be
23 late. And, again, I just don't know that personally
24 firsthand, but I take Your Honor's word for it. That's kind
25 of all I can say on that at this point.

1 But I'm not suggesting that I'm coming in trying to
2 negotiate anything that the Court has ordered, that PETA, you
3 know, has agreed and Ms. Haddix has agreed to. I'm just
4 coming in as a lawyer at the last second, you know, with the
5 concerns of the chimps in mind actually and just trying to see
6 if we can come up with a situation that doesn't send them to
7 an unsafe environment, Your Honor.

8 **THE COURT:** All right. And so let's talk about this
9 officer of the court business because I have not yet granted
10 your motion for pro hac vice, although, obviously, I've
11 allowed you to appear by telephone here this morning --

12 **MR. PIERCE:** Yes, Your Honor.

13 **THE COURT:** -- so we can talk about it.

14 But you filed an affidavit saying that you're in a
15 certificate of good standing with the California bar. Does
16 your -- are you telling me that there are no disciplinary
17 proceedings or motions for sanctions pending related to your
18 conduct anywhere in the country at this time?

19 **MR. PIERCE:** There is a letter of inquiry that is --

20 **THE COURT:** I'm sorry. I'm sorry. A letter of
21 what?

22 **MR. PIERCE:** There is no -- so, as far as I
23 understand the technical meaning of these things, there is no
24 disciplinary action or sanctions anywhere in the country in
25 any court. There is a letter of inquiry that is pending with

1 the California State Bar with respect to one matter that, you
2 know, I have retained counsel and we are in the process of
3 responding to. But insofar as I understand the meanings of,
4 you know, discipline or sanctions, that does not constitute
5 discipline or sanctions whatsoever.

6 **THE COURT:** Mr. Goodman, anything you wish to say on
7 the motion for pro hac vice admission?

8 **MR. GOODMAN:** Frankly, Your Honor, there is no
9 reason for Mr. Pierce to appear at this time because of the
10 stage of litigation that we're at. I mean, to the extent that
11 he wants to be present for the chimpanzees' transfer, we don't
12 object to that and for him being admitted for that purpose.
13 But this Consent Decree is not being renegotiated. The ship
14 has sailed on that. Your Honor gave Ms. Haddix the
15 opportunity to renegotiate with the plaintiffs and she
16 declined to do that within the requested period of time.

17 I think it's notable that while her declaration
18 states that she was advised to retain counsel at the end of
19 April this year, you'd actually been suggesting that she do so
20 since last June.

21 Further, it was recorded on June 22nd in the Gateway
22 Pundit that Mr. Pierce had offered to represent Ms. Haddix.
23 Regardless of when that representation was actually formalized
24 and she returned the paperwork to actually formalize
25 that representation, she's been aware of this hearing date

1 since June 30th, and notwithstanding that and Mr. Pierce's
2 supposed interest in the case, weeks ago at this point, we're,
3 again, here on the morning of the hearing where we're
4 discussing not only Ms. Haddix' contempt, but the planned
5 transfer of the chimpanzees and she's asking, yet again, for
6 this case to be delayed further with no basis to do so with
7 respect to the Consent Decree and the subsequent Court's
8 orders.

9 **THE COURT:** All right. Well, so here's what I'm
10 going to do on these preliminary issues of the motion for
11 pro hac vice and the motion to continue. I'm going to grant
12 the motion for pro hac vice, and so you will -- you are now,
13 as of now, counsel of record unless the clerk's office has
14 anything they need from you which they'll -- you can talk to
15 them about.

16 **MR. PIERCE:** Thank you, Your Honor.

17 **THE COURT:** But I expect you to comply with all of
18 our rules. I will note that your motion itself did not, but
19 I'm accepting it anyway. In the past -- past practice, we
20 had, you know, a local lawyer filed a motion for pro hac vice
21 on someone else's behalf. That's what you did. That has not
22 been the practice in this court for a number of years. But I
23 did not -- I told the clerk's office not to, you know, send it
24 back because things were too confusing. So I do expect you to
25 be current and comply with all the current requirements.

1 **MR. PIERCE:** Yes, Your Honor.

2 **THE COURT:** And I'm doing this based on your
3 representation that there are no disciplinary proceedings
4 against you right now and that the letter of inquiry is
5 whatever it is under California proceedings. But I -- you
6 know, if there's any change in that, I'm requiring you to
7 notify me.

8 **MR. PIERCE:** Yes, of course. Yes, Your Honor.

9 **THE COURT:** So the motion number -- this is -- I'm
10 not going to -- this will be a minute entry done by the clerk
11 for this hearing and the Motion No. 314, which is the motion
12 for pro hac vice admission, is granted provided you've paid
13 the money, which there's a fee. There's a fee for that. I
14 don't know if you have or not. But provided you've paid the
15 money. And also on the condition that if any disciplinary
16 action in any court or in any state bar is taken against you
17 that you notify this Court within five days in writing --

18 **MR. PIERCE:** Yes, Your Honor.

19 **THE COURT:** -- by filing something in the court
20 file. So don't have your associates e-mail us about stuff.
21 We need to see things in the court file. Because I believe we
22 did start getting e-mails from someone in your office
23 yesterday, but nothing was actually filed here until after
24 3:00 yesterday afternoon and your entry of appearance was not
25 filed until then, and then of course the motion to continue

1 was filed, you know, this morning sometime.

2 So on the motion to continue, I am going to deny it.
3 We have continued this matter multiple times and, you know,
4 when -- the last time -- when we had the hearing, the earlier
5 hearing on April 7th, Ms. Haddix told me that she actually had
6 lawyers she was talking to at that time and she believed one
7 of them was going to represent her, but couldn't do it then.
8 And she asked for two weeks to obtain counsel and I did not
9 continue the hearing, but I continued the monetary sanction
10 since the contempt order at that time really just ordered her
11 to do what she already agreed to do. So there was no real
12 detriment to her at that time. And so I -- but I delayed the
13 imposition of the sanctions for more than two weeks to give
14 her time to do that. And nothing, of course, happened.

15 And so here we are. So, Mr. Goodman, I'll hear what
16 you wish to say about -- well, I guess, I'm curious. Do you
17 know where all these chimpanzees are?

18 **MR. GOODMAN:** Not with certainty, Your Honor. I
19 have reason to believe that they are all in Festus at this
20 time. Ms. Haddix represented to the Court previously that
21 Tonka, Crystal, and Mikayla had been moved to Eldon, but then
22 Dr. Talbot informed me that when he treated Tonka at May 21st,
23 it was at the Festus facility. So between this Court's
24 acknowledgment that no evidence has ever been presented of the
25 existence of this Eldon facility, plus that statement from

1 Dr. Talbot, we have no reason to believe that anyone is in
2 Eldon and we believe they're all in Festus.

3 **THE COURT:** All right. And, Mr. Pierce? Where are
4 these --

5 **MR. PIERCE:** Yes, Your Honor.

6 **THE COURT:** Where are these chimpanzees? All seven
7 of them, where are they?

8 **MR. PIERCE:** Well, I believe that one of them has --
9 I believe that Tonka has passed away is my understanding,
10 Your Honor, and so I believe that there are six chimpanzees.
11 Without having any firsthand knowledge whatsoever, I do
12 believe that the chimpanzees are in Festus.

13 **THE COURT:** And so do you believe they have been
14 recently moved or do you believe they've been there all along?

15 **MR. PIERCE:** I honestly do not have any knowledge
16 whatsoever with respect to that question, Your Honor. I'm
17 sorry.

18 **THE COURT:** Okay. Well, that might be something you
19 want to inquire into if you're going to continue to represent
20 Ms. Haddix and if there might end up being further proceedings
21 since she made different representations to me the last --
22 when she was in court previously. And so -- but that's --
23 that was my first question, so I think we, at least, believe
24 that's where they are.

25 And there was some question about Tonka's -- whether

1 Tonka truly passed away. And I -- Mr. Goodman, do you have
2 anything to add on that?

3 **MR. GOODMAN:** Yes, Your Honor. Especially in light
4 of the representation made in the motion today. I think it's
5 particularly notable that we have inquired with Ms. Haddix
6 repeatedly for some sort of proof that he was deceased. She,
7 ultimately, indicated that he was cremated. And when we
8 requested proof of that cremation, even just the name and
9 contact information of the company that did it, she refused to
10 provide that.

11 Now, today in this motion, we have a representation
12 from Dr. Talbot stating he wouldn't be surprised if Tonka died
13 based on what Tonka looked like on May 21st. But, again,
14 notwithstanding the fact that we've represented in this motion
15 that Ms. Haddix has failed to provide any evidence, she, still
16 in her motion for continuance, has failed to do so.
17 Dr. Talbot specifically informed me that he had no knowledge
18 of Tonka's death.

19 **THE COURT:** Okay. And that's -- yeah. I didn't see
20 anything that changed that from what you had provided
21 previously based on his affidavit that we received today.

22 All right. You may proceed on your motion, the one
23 we actually originally started out on. Oh, you had a motion
24 for leave to seal, and under our rule, wait a certain number
25 of days. But there's been no opposition filed to the motion

1 for leave to file that portion under seal and you've already
2 filed the redacted copy. So I will grant motion No. 310 which
3 is leave to file under seal, and so that is granted.

4 **MR. GOODMAN:** Thank you, Your Honor.

5 **THE COURT:** And then the document that actually is
6 the motion requesting transfer, et cetera, is an attachment to
7 the memorandum. It's No. 311-3. And so that's really what I
8 want to hear from. And then also -- well, if there are
9 further contempt remedies or sanctions that you think are
10 necessary aside from the transfer order, I want to hear that,
11 too. But go ahead and talk to me about transfer order now.

12 **MR. GOODMAN:** Sure. Just given the issues that
13 we've had in this case in terms of veracity of certain
14 representations and information that has been provided to us,
15 we're very concerned about Ms. Haddix' conduct leading up to
16 the time of the transfer. And I just want to note, I'm not
17 going to reference the date or time of the transfer because
18 there are non-parties present in the courtroom.

19 **THE COURT:** Yes. And I -- we are on the public
20 record. And I assume, Mr. Pierce, that you are fully aware --
21 I didn't ask you this at the beginning -- that any recording
22 or broadcasting of this proceeding by you is strictly
23 forbidden and that you are not recording this in any way. Is
24 that correct?

25 **MR. PIERCE:** That's correct, Your Honor. I am not

1 and I will comply with that order.

2 **THE COURT:** Okay. And then, additionally, I want to
3 make sure that Ms. Haddix and you both know that they are not
4 to mention, as Mr. Goodman just stated, the date or time set
5 out in the issue for the suggested transfer. So that's not to
6 be told to anyone.

7 And, Mr. Pierce, can you verify to us whether your
8 client has already told anybody that date or has already put
9 it up on Facebook or anything like that?

10 **MR. PIERCE:** I cannot verify that one way or
11 another, Your Honor. I can tell you that I don't -- I don't
12 even -- I don't know what that date or time is myself. But I
13 have no knowledge or awareness that Ms. Haddix has done that
14 or has not done that.

15 **THE COURT:** All right. Go ahead, Mr. Goodman.

16 **MR. GOODMAN:** Thank you, Your Honor.

17 So, because of the concerns that we have about the
18 veracity of representations that were made about --

19 **THE COURT:** Can you pull that microphone a little
20 closer to you?

21 **MR. GOODMAN:** Sure. The concerns that we've had
22 about the veracity of representations that were made, about
23 the Eldon facility, and about Tonka, we are concerned that
24 even just being placed under oath doesn't necessarily assure
25 Ms. Haddix' honesty and we just want to take appropriate

1 measures to make sure that all the chimpanzees are there and
2 this goes smoothly when the transfer actually happens.

3 So we've set forth in the motion the details that we
4 believe are necessary to decrease the likelihood of -- or any
5 of her associates obstructing the transfer and in terms of
6 potential sanctions in relation to that, you know, would ask
7 that the Court specifically inform Ms. Haddix that if, at the
8 time of the transfer, not all of the chimpanzees are present,
9 that she will be jailed until they're all transferred to the
10 Center for Great Apes.

11 **THE COURT:** All right. And so you also have
12 requested that I request the United States Marshals -- well,
13 the order you proposed would require that the marshal service
14 be present at the Festus facility during the time of the
15 procedure. Are you -- of the transfer, because of concerns
16 for safety of everyone involved, which I have to tell you, I'm
17 concerned about because I believe, based on news reports, that
18 Ms. Haddix made some statements about bringing the sheriff and
19 you don't want to mess with me and stuff like that, that could
20 be interpreted, but not necessarily, as threats of violence.
21 And then for that reason, you've requested that she also be
22 ordered to remain away at least 2 miles away from the facility
23 during the time this is happening; correct?

24 **MR. GOODMAN:** That's correct, Your Honor.

25 **THE COURT:** All right. So Mr. Pierce, do you wish

1 to make any response to his motion?

2 **MR. PIERCE:** Well, yes, Your Honor. First of all,
3 as Mr. -- I believe it's Goodman. I apologize if I didn't
4 catch the name. But as he indicated and he seemed to offer,
5 you know, I certainly would, you know, like the opportunity to
6 be present at the time and place of the transfer, which, as of
7 now, I'm not aware of what that -- you know, what that is.
8 So, I mean, I'm assuming he's going to keep that confidential.
9 I can coordinate with Mr. Goodman, you know, offline with
10 respect to that.

11 Also, I mean -- and with all due respect in the
12 world, Your Honor, we'd request a short stay on this order so
13 that we can potentially file an emergency motion for a stay
14 with the Eighth Circuit U.S. Court of Appeals. And, you know,
15 other than that, I don't -- you know, I don't think there's a
16 reason for us to have Ms. Haddix jailed. I can assure that if
17 there needs to be steps taken to, you know, have a notation
18 that shows the Court that there will not be, you know, issues
19 that were referenced, I will answer to that.

20 **THE COURT:** All right. Well, I do want Ms. Haddix
21 to know that if, when this does take place, there is -- you
22 know, there is interference by anyone or if it turns out that
23 not all of these six chimpanzees are there, that she must --
24 that she will be held in further contempt and it will be
25 summary contempt where I would ask -- I will do a body

1 attachment and ask the marshals to go arrest her if that is
2 what happened until she can purge herself of the contempt by
3 telling us where the chimpanzees are so that they could be
4 transported. I hope none of that is necessary. I hope that
5 when you get there, they will be there and it will be a
6 peaceful transfer.

7 As everyone here agrees, I know that all the parties
8 in this case care about these chimpanzees and do not want
9 them in danger. But this is not -- this is a delicate
10 process. It takes a whole lot of people. It takes a whole
11 lot of organization. And everyone needs to cooperate on this.

12 So I'm going to sign the proposed order. The exact
13 date, I understand, Mr. Pierce, since you were not yet
14 admitted pro hac vice, you would not have had access to the
15 materials filed under seal with the time and day, but
16 Mr. Goodman -- you must make arrangements with Mr. Goodman as
17 soon as this hearing is over to, you know, obtain the
18 information you need and to --

19 **MR. PIERCE:** Yes. Yes. Yes, Your Honor.

20 **THE COURT:** -- and make sure that your client is
21 prepared to comply.

22 I am -- I'm going to sign two orders today. The
23 order for motion for leave to file under seal -- well,
24 actually, I'm going to sign that order that was proposed as
25 well, and so I'll just read it to everyone so it's clear,

1 which is that the counterclaim plaintiff's motion for sealing
2 the motion requesting transfer order and attendance of the
3 United States Marshals Service is granted, and that is -- will
4 be filed under seal and remain under seal.

5 And, additionally, that motion for sealing
6 requesting transfer order and attendance will remain under
7 seal until the transfer is completed and the counterclaim
8 plaintiffs, that is, PETA, must notify the Court of the
9 completed transfer within two business days after its
10 completion, at which time the Court will direct the clerk to
11 unseal the docket entry. And so I am signing that order here
12 today and the Clerk of Court will make sure it's provided to
13 everyone, including to Mr. Pierce.

14 And then the other order that they've requested, I
15 am signing two versions of this order. One of them will be
16 filed under seal and the other one will be filed in the court
17 record. The one in the court record has the time and date
18 redacted as proposed by the counterclaim plaintiffs.

19 And I will note that one thing I am additionally
20 going to order, and I'll go into more detail in this order,
21 I'm going to order that within seven days of today's date,
22 Ms. Haddix provide to Mr. Goodman proof that the chimpanzee,
23 Tonka, has -- is deceased. And I don't know what that proof
24 will be, but we need something.

25 And, additionally -- then the -- so that's an

1 additional part of this order. I'm just telling you that
2 orally now. It will be in the minute entry here that that is
3 a part -- that is ordered as a separate order.

4 Now, what the -- I'm going to summarize this order
5 since it appears that -- well, I don't know if you've seen
6 Mr. Pierce's -- with the docket sheet, you should be able to
7 have read the redacted copy and know everything in it except
8 for the time and date. But it is that the legal and physical
9 transfer, loading, and transport of all seven chimpanzees, or
10 six if they are all still living, must occur at the time and
11 date set in the sealed order.

12 And Ms. Haddix and anyone working with her or any of
13 the other people who were originally counterclaim defendants
14 in this case may not move, transfer, or relocate any of these
15 seven chimpanzees other than as provided in the orders and
16 must cooperate so this can happen in a safe manner and must
17 not interfere at all with anyone working to implement this
18 transfer or anyone who is on the premises.

19 They must continue to provide food, water, and other
20 care pending this removal. And defendants -- however, they
21 must withhold food and water for a period right before the
22 transfer which would be set out in the sealed order. And,
23 also, they must provide clean drinkable water at all times
24 before the transfer.

25 The defendants must allow -- counterclaim defendants

1 must allow representatives of PETA and the Center for
2 Great Apes and their designees and their vehicles and
3 equipment full access to the chimpanzees and entry to their
4 enclosures and all facility entrance and exit points in order
5 to allow for this to happen. And they must also provide any
6 keys, codes, or other means necessary to access those
7 chimpanzees when -- so they can arrive and do this. And those
8 will be returned to either Ms. Casey or to a law enforcement
9 officer upon the conclusion of the transfer process.

10 They must cooperate with any reasonable requests or
11 instructions from the counterclaim plaintiffs and the Center
12 for Great Apes about the chimpanzees and the enclosures,
13 anything that's necessary to effectuate a safe transfer.

14 And they may not -- Ms. Haddix and the other
15 counterclaim defendants may not -- or any of their agents or
16 employees shall not permit any of the other enclosures or
17 cages to be unlocked other than at the request of the
18 representative of the Center for Great Apes or United States
19 Marshal. And they must not allow any other animals to be in
20 the area at the time to ensure that no other animals or dogs
21 or anything like that are outside of any enclosed spaces or
22 roaming freely while these activities are going on.

23 And this, again, is a summary. The written order
24 will contain exactly what you're to do. And I am going to
25 request that representatives of the United States Marshals

1 Service be present at the Festus facility for the duration of
2 this transfer. This is to ensure the safety and non-violence
3 of this proceeding and to ensure that it is -- that no one
4 attempts to stop this from happening.

5 I will direct Mr. Goodman to meet with the
6 representatives of the United States Marshals Service in this
7 district. Some of them are present in the courtroom here
8 today. And so as soon as we are finished with this
9 proceeding, you need to discuss with them -- and I guess
10 Mr. Giraud -- but they'll tell you -- they'll identify
11 themselves to you, but make sure you discuss with them
12 whatever needs to be done because this is a big burden on
13 them. And I'm sorry that it comes to this that we have to
14 burden our law enforcement officers with taking care of
15 something like this in a civil manner, but frankly, there's no
16 other way to assure that it will be done safely.

17 And so there are a number of issues that Mr. Goodman
18 has asked for. I will put these in the order. But if the
19 marshal's service say that any of these are impractical, then,
20 you know, I'm going to be guided by that and would modify this
21 without notice to you. I'm not going to send notice to the
22 parties of any modifications, but if the marshals tell me they
23 need modifications, I may enter them in a modified order. But
24 I expect that they would have already discussed that with
25 Mr. Goodman.

1 And, Mr. Pierce, you may be present at that time,
2 but you must -- if you're going to be present at the time, you
3 must notify Mr. Goodman 48 hours in advance and tell him
4 exactly when and where you will be so that there is no
5 confusion about that. And if you tell him you're coming and
6 you don't show up, they'll move forward. They won't wait for
7 you. But you may be present as an officer of the court
8 assuming you're going to comply with all the -- you won't
9 interfere or do anything else.

10 **MR. PIERCE:** What -- what --

11 **THE COURT:** Yeah. Go ahead.

12 **MR. PIERCE:** I'm sorry, Judge. But will I be able
13 to be a part of these discussions that Mr. Goodman is going to
14 have with the U.S. Marshals here imminently so I'm, you know,
15 sort of part of the process as Ms. Haddix' counsel?

16 **THE COURT:** Not initially, but if there's anything
17 different from what's in the order, then Mr. Goodman's
18 required to call you as an officer of the court and tell you.
19 But, no, I don't believe you need to be involved in the
20 security arrangements.

21 You know, frankly, if this were an easier process,
22 we wouldn't let any of you all know when it's going to happen.
23 But because of the need to have Ms. Haddix removed from the
24 area or make sure she's not in the area, you know, we're not
25 picking a date that we wouldn't tell any lawyers. You know,

1 I mean, when the marshals move prisoners, they don't tell them
2 the date and time. But this is a civil matter and we're
3 expecting everyone to comply.

4 So I'm not going to let you be involved in the
5 negotiations Mr. Goodman has with the marshals, but I'm asking
6 him to share any information with you that's appropriate and
7 not be unreasonable in doing that.

8 **MR. GOODMAN:** Absolutely, Your Honor.

9 **MR. PIERCE:** Okay.

10 **THE COURT:** And, additionally, because of the things
11 that have been reported publicly that Ms. Haddix has said
12 about the transfer and the implications of potential violence
13 or harassment, Ms. Haddix may not be present at the facility
14 during the transfer and must be located a sufficient distance
15 away from the facility to allow for the transfer. She must
16 remain at least 2 miles away from the transfer and the times
17 will be set out in the sealed order and must not come there
18 until it is completed and all persons associated with the
19 transfer have left the facility.

20 The defendants also -- Ms. Haddix and her agents or
21 representatives or Ms. Casey or any of the defendants may not
22 administer any sedation drug to any chimpanzee until the
23 transfer dates except if it's required in the event of a
24 medical or public safety emergency. If they do administer or
25 cause a third party to administer any drug to any of the

1 chimpanzees, they must notify Plaintiff's counsel within
2 24 hours.

3 No one may record this by video, including any
4 surveillance cameras, or shall take photographs or monitor by
5 any drone or any other manner, this transfer. This must -- so
6 none of -- this will not be videoed by anyone.

7 And Ms. Haddix, because she is -- the reason we're
8 doing this, must reimburse the plaintiffs for all costs
9 associated with securing the services of the U.S. Marshals if
10 there are any and all parties must keep the time and date of
11 the transfer confidential except to the extent necessary for
12 PETA to do what it needs to do here. But the defendants are
13 prohibited from sharing this date and time with any non-party.

14 And any violation of this -- if I'm notified of a
15 violation, I would expect Mr. Goodman would file an affidavit
16 telling me what it is, and based on his affidavit, if there is
17 a violation that interferes, it will be my intention to order
18 the marshal service to take Ms. Haddix or anyone who is
19 violating this into custody. Based on -- and I would do that
20 based on the affidavit of Mr. Goodman as an officer of the
21 court.

22 But I'm expecting that there will be no problems.
23 So I am signing this order, and as I say, the redacted copy
24 will be filed in the public file. The unredacted copy will be
25 filed under seal, but will be provided to Mr. Pierce as I have

1 granted his motion for pro hac vice admission.

2 And I do want to mention one other thing, and that
3 is that it is my understanding that after the last proceeding,
4 Ms. Haddix posted my chamber's contact information on her
5 Facebook page and urged her supporters to contact my office.
6 And I want to inform you all that many people did do so. It
7 has not yet risen to the level where I felt that I needed to
8 have the U.S. Marshals Service investigate or take action.
9 But I do want to state that I do not -- and it's public
10 information. What she posted was not private information. It
11 is public. The phone -- you know, this is the court. We're
12 open to the public.

13 But harassing phone calls to my staff are not
14 appropriate. And if Ms. Haddix does anything to encourage her
15 supporters as she did last time by telling them that I was a
16 biased judge and they should call me and tell me what they
17 thought of me -- that's paraphrasing what the Facebook post
18 said -- but if she should do that again, I will consider my
19 own issue of whether I should impose further contempt
20 sanctions.

21 I don't -- you know, people have a First Amendment
22 right to do what they do, but as long as it's not a threat,
23 and if it is a threat, I will notify the U.S. Marshals
24 service. Nothing was a threat so far, but it was harassment.
25 So please don't do anything like that. Okay?

1 Now -- oh, and Mr. Pierce?

2 **MR. PIERCE:** Yes, ma'am.

3 **THE COURT:** There is -- this is not happening
4 tomorrow. If you want to file a motion -- emergency motion to
5 stay with the Court of Appeals, you may do so. To the extent
6 you're asking me to stay my order, I deny that request. But I
7 urge you to move quickly if you think you're going to do
8 something. I don't think the Court of Appeals likes hearing
9 about things the day before any more than I do or the morning
10 of the hearing to find out that somebody's asking for a
11 continuance. So I urge you not to -- don't dawdle if you
12 think you're going to get a stay of this order. And,
13 obviously, you have a right to seek whatever legal recourse
14 you wish to seek.

15 Mr. Goodman, what else do we need to discuss this
16 morning?

17 **MR. GOODMAN:** With respect to the stay and
18 Mr. Pierce's representations about concern for Mikayla and
19 Crystal's safety, I would just like to address that very
20 briefly.

21 **THE COURT:** Yes, please do. Yeah.

22 **MR. GOODMAN:** So, first of all, Dr. Talbot's
23 speculation in his declaration is littered with problems.
24 Essentially, his firsthand knowledge is the fact that Crystal
25 and Mikayla are not particularly assertive. But his opinion

1 was about the potential danger to them was littered -- excuse
2 me -- was informed by Ms. Haddix' statement as he recognizes
3 in his declaration that they have not meaningfully interacted
4 with other chimpanzees.

5 But I think it's important for Mr. Pierce to know,
6 and perhaps the Court, too, to the extent that he does pursue
7 this, that Chloe and Mikayla were long held together, and only
8 them, at this facility until Chloe was transferred pursuant to
9 a settlement with former counterclaim defendant, Vito
10 Stramaeglia. And only at that time did Ms. Haddix and
11 Ms. Casey introduce Mikayla to Crystal and Tonka. So,
12 clearly, they have had introductions with chimpanzees who were
13 not previously introduced to each other.

14 I also think it's worth noting that the Center for
15 Great Apes specifically constructed these enclosures for these
16 chimpanzees to be transferred. They will be grouped as
17 required in their best interests. And these are professional,
18 experienced staff who have really extensive experience with
19 chimpanzees, far more than Mr. Talbot, and will only put the
20 chimpanzees together as their best interests allows.

21 And the final note on this point is that it's simple
22 untenable for Ms. Haddix to be making this argument about the
23 sanctuary now when she specifically directed that the Center
24 for Great Apes be the sanctuary chosen for the relocation of
25 these chimpanzees if she defaulted.

1 **THE COURT:** Yeah. I also will note, although,
2 obviously, it's not -- well, I mean, it's not these two
3 chimpanzees, but she did repeatedly say -- tell me in one of
4 the more recent hearings that, you know, PETA should come get
5 these chimpanzees. I want them to come get them out of my
6 way. She wasn't talking about those two in particular, but
7 she was somewhat demanding that. So it's not -- you know,
8 I mean, this is not a surprise.

9 **MR. GOODMAN:** Right.

10 **THE COURT:** It's also in the Consent Decree. It was
11 specifically agreed to. And I will say -- and I should have
12 asked you to respond to that before and I -- I simply did not
13 consider the opinion of the veterinarian. I considered it to
14 the extent it was probative or was helpful, but because it was
15 based on secondhand knowledge and limited interactions between
16 him and those particular animals -- I believe he said he
17 visited them twice in his affidavit -- because of that, I
18 don't think -- I think it just didn't carry much weight in my
19 decision and I should have addressed that earlier to make that
20 clear.

21 Obviously, I do not want anything to happen that
22 would be not in the best interests of these chimpanzees. But
23 that's the kind of thing, when you hear about it at the very
24 last moment after all these years of litigation, I find it not
25 very helpful as an expert opinion.

1 **MR. GOODMAN:** Thank you, Your Honor. And one more
2 very brief point on that before Mr. Pierce goes.

3 Again, these were speculative assertions regarding
4 the potential risk if they were introduced improperly,
5 whereas, there is actually evidence that hasn't been submitted
6 to the record because there hasn't been a need to, that
7 chimpanzees are presently at risk in their current conditions.

8 Mikayla, specifically, has escaped from her
9 enclosure twice, in June and August last year, and that a
10 second chimpanzee from the facility was with her in August
11 when that happened. So this, notwithstanding the fact that,
12 quite commonly, escaped chimpanzees end up being shot,
13 including about 15 years ago, a chimpanzee named Suzie escaped
14 from this very location and a neighbor shot and killed her.

15 **THE COURT:** Right. And I do -- I will note,
16 although there's no real explanation in the record of what
17 happened in one of the many filings made by Ms. Haddix, she
18 did tell me that she had -- that because of the escapes last
19 summer, that she was concerned about Jefferson County
20 authorities because she'd been put on notice that if they
21 escaped again, she'd be -- she'd be, I don't know, sanctioned
22 in some way by Jefferson County authorities. So this is
23 not -- this is not something that -- although I've not had
24 formal evidence of it, but Ms. Haddix did make reference to it
25 in at least one of the many things she has filed. So I was,

1 generally, aware that there had been an escape. I didn't know
2 it was these particular chimpanzees, I don't think.

3 **MS. HADDIX:** I think we want to clarify what really
4 took place. First of all --

5 **THE COURT:** Ms. Haddix, hold on just a second.
6 You're represented by a lawyer here and since you've chosen to
7 be represented by a lawyer, I want to ask him if it's okay if
8 I hear from you and allow you to speak. I will do so if your
9 lawyer thinks it's -- if he agrees, but often, lawyers think
10 their clients should not speak except to their lawyers.

11 Mr. Pierce?

12 **MR. PIERCE:** Let me just ask one clarifying question
13 first, Your Honor, just to make sure I'm clear on the
14 procedure. And, of course, as an officer of the court, I
15 absolutely will comply with every single order that you've
16 given today and the procedures that the Court sets out for,
17 you know, the transfer that needs to occur.

18 But just to be clear, am I going to learn from
19 Mr. Goodman directly, kind of working informally, as to the
20 time and location so I can, you know, make sure I'm present,
21 or is that something I'm going to see because there's going to
22 be sealed filings I'll be able to get access to here
23 imminently so I'm able to plan, you know, if I want to go
24 through the Eighth Circuit, et cetera, and have that if we
25 need, et cetera.

1 **THE COURT:** Right. I'm asking him now. I asked you
2 earlier to talk to him and I would like --

3 **MR. PIERCE:** Okay.

4 **THE COURT:** -- you to before -- I'm going to leave
5 the court and be in recess, but you should stay on the line so
6 that Mr. Goodman and you can agree to call each other
7 afterward and make sure that -- well, how about this? What if
8 he calls the phone number that you gave us to call you today?

9 **MR. PIERCE:** Yes, Your Honor.

10 **THE COURT:** Okay.

11 **MR. PIERCE:** That's absolutely fine.

12 **THE COURT:** He'll do that within the next two hours.

13 **MR. PIERCE:** That's --

14 **THE COURT:** So you be sure you're available so he
15 can talk to you because then that way you all can work out
16 what you'll do. And he -- I will ask him to tell you those
17 dates and times so that if you wish to file a motion of any
18 sort or file -- you know, take some action, you may do so.

19 Obviously, within the -- you know, again, when I
20 say -- I don't know. I am not in charge of the Eighth Circuit
21 Court of Appeals sealing rules and regulations, but you are
22 not allowed to file anything publicly that provides the date
23 and time. Okay?

24 **MR. PIERCE:** I understand. I understand that loud
25 and clear, Your Honor. And I absolutely will not do that.

1 **THE COURT:** Okay.

2 **MR. PIERCE:** And as to -- as to Ms. Haddix, I do
3 think that -- and I would advise and admonish her to be, you
4 know, respectful to the Court and accurate, but I would,
5 you know, suggest to Ms. Haddix to go ahead and be able to
6 address the Court briefly with respect to specific issues that
7 have been raised to that ape. I'm fine with it.

8 Go ahead, Ms. Haddix.

9 **THE COURT:** All right. Go ahead, Ms. Haddix.

10 **MS. HADDIX:** Basically, I just want clarification
11 that Mikayla has not escaped twice out of the Festus facility.
12 It was a one-time escape. It was another set of chimpanzees
13 that was let out of their enclosure the second time. So she's
14 not been at risk twice. That's one thing.

15 So -- and the second thing I want to clarify is the
16 Jefferson County situation. Whenever I approached you about
17 PETA expecting me to take three chimpanzees to another
18 facility and leave four chimpanzees in my custody and in my
19 care and me not be present to take care of those chimpanzees,
20 I addressed concerns with you because of the fact that,
21 because of the escapes, we ended up getting two tickets for
22 wild and -- I think it's wild and dangerous animals loose or
23 at large or I'm not exactly 100 percent sure what the ticket
24 actually said -- but we were ticketed twice for those escapes.

25 And Connie Casey and I both were put on probation

1 with Jefferson County. Well, with the prosecuting attorney.
2 We signed an agreement that we were put on probation 24 months
3 and that we were not to have another escape. And if we did,
4 they were going to take all of the chimpanzees from us.

5 So that was my big concern and that's why I even
6 broached the Courts with that because of the fact that I just
7 wanted to make certain that if I had to take the three
8 chimpanzees that was awarded to me at the time frame that they
9 were supposed to be moved and transferred to a new facility,
10 that you were aware that they were requiring me to maintain
11 custody and be -- not only have physical custody, but actually
12 legal custody of them, and I did not feel comfortable leaving
13 them at the Festus facility without me having some kind of
14 hands-on interaction with those chimpanzees because of the
15 probation issue. Not because I'm afraid -- or not because of
16 Jefferson County or that stuff, but because there was a
17 legality for that reason.

18 **THE COURT:** All right. Thank you, ma'am.

19 **MS. HADDIX:** And then the other thing is, yes, the
20 three chimpanzees were moved to Eldon. And when Tonka started
21 getting ill, I -- because of the fact that I care enough about
22 the chimps to care about them more than I do myself, I moved
23 them back to Festus so that they could have 100 percent care
24 by me and by Ms. Casey instead of some stranger and just one
25 person.

1 So, yeah, that's what happened. And, yes, all the
2 chimpanzees are present and accounted for, well cared for,
3 always on Facebook, and cared for by me at the Festus facility
4 except for Tonka who passed away.

5 **THE COURT:** All right. Thank you, ma'am.

6 Anything further from either counsel?

7 **MR. GOODMAN:** No, Your Honor.

8 **MR. PIERCE:** No. No, Your Honor.

9 **THE COURT:** All right. Then the orders, I have
10 signed, and I'm handing them to the clerk right now. And so
11 they will be docketed, as I said, and we will proceed
12 according to those orders and the plans.

13 Court is in recess.

14 ***(The proceedings concluded at 10:56 a.m.)***

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I, Carla M. Klaustermeier, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 36 inclusive and was delivered electronically and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 15th day of July, 2021.

/s/ Carla M. Klaustermeier
Carla M. Klaustermeier, RMR, CCR, CSR, CRR
Official Court Reporter