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September 25, 2023

VIA E-MAIL & U.S. MAIL

Whitney A. Hodges  
Sheppard Mullin Richter & Hampton LLP  
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Re: Request for Information regarding Small Animal Transfer from San Diego  
Human Society (“SDHS”)

Ms. Hodges:

Our firm represents the Humane Society of Southern Arizona (“HSSA”) in connection with the above-referenced “request.” On behalf of HSSA, which is a valued and celebrated part of the Tucson community, I am extremely disappointed by the allegations and falsehoods in your September 18, 2023, letter. The letter itself is yet another in a line of communications perpetuating what is nothing short of a media fiasco of San Diego Humane Society’s own making. The most unfortunate aspect of SDHS’s insistence upon advancing this narrative—beyond the negative light it casts on both organizations and the services humane societies provide to communities across the country—is that a loss of public trust ultimately jeopardizes the well-being of the animals that HSSA and SDHS exist to protect.

I would like to first remind you of the facts leading up to the transfer at issue. As shown in the enclosed correspondence, on July 10, 2023, HSSA Chief Operations Officer, Christian Gonzalez, was contacted by Jessica Des Lauriers, San Diego Humane Society’s Senior Vice President and Chief Operations Officer, asking if there was an opportunity for the two organizations to work together to help SDHS with “over 400 small pets in care” by transferring such pets to HSSA. In what can now be best described as the exemplification of “no good deed going unpunished,” HSSA promptly responded to Ms. De Lauriers and agreed to work with local rescues to try to find places with capacity to take the animals and assist with finding the animals homes.

It was SDHS’s sole decision to load the small animals into crates, haphazardly stack them inside an enterprise moving truck, and invite the media to televise the event. It was also communicated to HSSA by SDHS, that the media would be invited to “bring attention to [SDHS’s] capacity problem.” See August 2, 2023, email from Nina Thompson to Jessica Des Lauriers and Alexa Stanislav. The dire capacity issue faced by SDHS was reiterated by SDHS staff during the news broadcast who pointed out that some of the small animals being transported had been at

SDHS for over a year, and that SDHS was at 170% capacity for dogs and 180% capacity for cats. See <https://www.kusi.com/san-diego-humane-society-transport-300-small-pets-to-arizona-facility/>.

Correspondence between SDHS and HSSA leading up to the transport confirms that SDHS was well aware of, and understood, the importance of anonymity to HSSA and the rescue with which it intended to partner in this instance to avoid an increase in relinquishments, and frankly, opening the door to this very situation. See August 2, 2023, Email from Jessica Des Lauriers to Nina Thompson and Alexa Stanislav. SDHS's feigned ignorance that HSSA intended to work with one rescue, and that SDHS would have objected to such partnership, is patently and demonstrably false.

On July 12, a family-funded, family-run non-501c3 rescue in a very close-knit farming community that works with many families in their community to help animals, stepped up to find homes for all 318 animals. HSSA has worked with this rescue for more than a decade. The rescue insists on no publicity because, among other things, they do not want animals dumped at their door. They also do not want what SDHS created here, which is a media circus that led to these families reading death threats online directed at whoever received the small animals.

The rescue received all 318 small animals on the night of August 7, 2023, immediately following SDHS's transport of the animals to Tucson. One animal was returned to HSSA by the rescue partner due to an eye condition requiring medical treatment. It defies logic that if the rescue had anything other than the best interests of the animals in mind, an animal would be returned to HSSA for veterinary care. Within almost four weeks the rescue had found homes for 256 of the animals. However, due to the online threats made possible by SDHS highlighting the transfer and its subsequent public vilification of HSSA, 62 of the small animals were returned by the rescue to HSSA out of fear for the safety of those associated with the rescue, and the rescue has since expressed its unwillingness to work with HSSA in the future. Notably, all 62 small animals that were returned to HSSA were healthy. Since their return, 55 have found new homes (as you know, some adopted by individuals and/or organizations who, due to SDHS's actions, considered it necessary to "save" animals from HSSA). The remaining 7 are at HSSA receiving veterinary care for minor eye-related conditions.

HSSA provided to SDHS a reasonable amount of information and transparency regarding the rescue and the animals. HSSA does not have records of who adopted each animal through the rescue, and neither HSSA nor SDHS have a right to that information, just like no member of the public has a right to the records of anyone who adopts any animal through HSSA or SDHS – privacy is crucial for adopters. SDHS equally has no right to the personal information of those who adopted the animals. Given the comments on social media threatening harm to those who received the small animals based on the scandal SDHS created, surely SDHS can appreciate the importance of protecting these individuals', families', and the rescue's privacy. Protecting privacy is not obfuscation as you suggest. Indeed, SDHS does not make its adoption records public, nor should it.

At no point in the seven weeks after HSSA answered SDHS's call for help did SDHS express any concern *whatsoever* regarding the rescue HSSA worked with to help find homes for

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the animals SDHS failed to place. And, SDHS never communicated any expectation that HSSA maintain documentation of who adopted the animals through its rescue partner as a condition for the transfer. Thus, SDHS's insinuation that there was any breach of contract, false pretenses, misrepresentation, defamation, or that HSSA "induced" SDHS to relinquish these animals is completely baseless. SDHS reached out to HSSA and HSSA stepped up to help. In exchange, SDHS has dragged HSSA through the mud as SDHS diverts negative attention created by its own spotlight.

If you would like to discuss the merits of your purported legal claims, please do not hesitate to reach out to me. Otherwise, we expect this to be the last time HSSA hears from SDHS regarding this matter. Our respective clients exist for the express purpose of securing the welfare of helpless animals. The position SDHS is taking serves only to put animals at risk in the future by discouraging cooperation between like-minded organizations who will not wish to become the scapegoat in a media frenzy created by SDHS.

Sincerely,

**WATERKOTTE MULLIS MORENO & GARLES, PC**

  
**GRANT WATERKOTTE, ESQ.**

Enc.  
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