



Samuel A. Christensen
Clerk

WISCONSIN COURT OF APPEALS
OFFICE OF THE CLERK
110 E. Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Telephone: 608-266-1880
TTY: 800-947-3529
Fax: 608-267-0640
<http://www.wicourts.gov>

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Appeal No. 2024AP001074 W

Ridgland Farms Inc. v. Circuit Court of Dane County

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Samuel A. Christensen
Clerk of Court of Appeals

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CLERK OF WISCONSIN
COURT OF APPEALS

No. _____

IN THE
Wisconsin Court of Appeals
DISTRICT IV

STATE EX REL. RIDGLAN FARMS, INC.,
Petitioner,

v.

CIRCUIT COURT FOR DANE COUNTY,
THE HONORABLE RHONDA L. LANFORD, PRESIDING
WAYNE H. HSIUNG, DANE4DOGS LTD, AND ALLIANCE FOR
ANIMALS,
Respondents.

Dane County Circuit Court Case No. 24JD01

**PETITION FOR SUPERVISORY WRIT
AND SUPPORTING MEMORANDUM**

ERIC M. MCLEOD, SBN 1021730
HUSCH BLACKWELL LLP
33 E. Main Street, Suite 300
Madison, WI 53703
608.255.4440
eric.mcleod@huschblackwell.com

Counsel for Petitioner

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INTRODUCTION

Wis. Stat. § 968.02(3) operates as a rarely used “check” on district attorneys when they decline to bring criminal charges by empowering circuit courts to allow the filing of a criminal complaint proffered by a member of the public. But what happens when a member of the public weaponizes that statute in order to continue targeting the victim of his or her prior alleged crime?

The facts of this case present that precise scenario: where a crime *victim* is transformed in Kafka-esque¹ fashion into a prospective criminal *defendant* under a rarely used Wisconsin statute, in violation of the Wisconsin Constitution.

Located in Dane County, Ridgman Farms is a United States Department of Agriculture (USDA) Class R-licensed animal research facility and USDA Class A-licensed dog breeder serving educational and research institutions. On April 17, 2017, Petitioner Wayne Hsiung and two others intentionally entered Ridgman Farms’ facility without consent and stole three beagles, all the while recording their break-in. Mr. Hsiung heralded this unlawful activity on social media and elsewhere as “open rescue.” The Dane County District Attorney’s Office charged all three individuals with felony burglary and felony theft. (P-App.1-3). A criminal trial was set to begin on March 18, 2024. However, after receiving multiple death threats, Ridgman Farms, the victim,

¹ “The adjective ‘Kafka-esque’ has been used to describe things which are ‘characteristic of Franz Kafka or his writings,’ that is, things ‘[c]haracterized by surreal distortion and usually by a sense of impending danger.’” *State ex rel. Godfrey & Kahn, S.C. v. Circuit Court for Milwaukee County*, 344 Wis. 2d 610, 621, 2012 WI App 120, ¶ 20 (quoting THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 980 (3d ed. 1992)).

requested that the District Attorney drop the charges against the three defendants. Ridglan Farms viewed dismissal of that criminal case as preferable to the ongoing threats and the harm it was sustaining. The Dane County District Attorney's Office, "[i]n granting deference to the victims' wishes," moved to dismiss the case. (P-App.10). Defendant Hsiung opposed the dismissal, preferring to use the criminal trial as a platform to advance his extreme animal liberation agenda. Nevertheless, the circuit court granted the District Attorney's Motion to Dismiss, dismissing the charges without prejudice.

On March 20, 2024, just twelve days after escaping the possibility of facing up to 16 years in prison, defendant Hsiung and Dane4Dogs Ltd. ("Dane4Dogs"), a local organization opposed to the lawful use of animals for research purposes, filed a Petition for Criminal Complaint against *Ridglan Farms*, based on Hsiung's observations from his own charged criminal conduct from 2017. Mr. Hsiung now claims *Ridglan Farms*' otherwise lawful activity violates Wisconsin's animal cruelty statute, Chapter 951.

Ridglan Farms filed an Opposition to the Petition for Filing of a Criminal Complaint, noting that Wis. Stat. § 951.015 contains an exemption for "[t]eaching, 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." As a USDA-licensed research and breeding facility, *Ridglan Farms* is regulated under the Animal Welfare Act, 7 U.S.C. § 2131 *et seq.*, and required to comply with numerous protocols and procedures administered under that law in caring

for its animals, whether through research conducted on-site or by the educational or research institutions it serves.²

The circuit court recently held a status hearing on Mr. Hsiung's petition, during which the circuit court stated that it refused to even review Ridglan Farms' Opposition or otherwise allow Ridglan Farms—the victim of Mr. Hsiung's unlawful actions which formed the basis for his Petition—the opportunity to be heard during the pendency of that proceeding. By refusing to even hear Ridglan Farms' position regarding the statutory exemption for research institutions, the circuit court has clearly expressed an unwillingness to consider the full set of legal issues that may inform the question of whether criminal charges are appropriate in the first instance. Instead, the circuit court, without any deliberation, simply granted Mr. Hsiung his request for an *ex parte* hearing to be held in open court on July 10, 2024, during which Hsiung and his co-Petitioner will be allowed to present evidence they claim support a finding of probable cause that Ridglan Farms committed a crime. The evidence to be proffered appears to include photographs that Hsiung would not possess but for his prior charged criminal acts. Under Wis. Stat. § 968.02(3), Ridglan Farms will not be able to cross-examine witnesses or otherwise participate in any way at this hearing.

ISSUES PRESENTED

Whether the victim of a crime has the right to be heard by the circuit court in the context of a Wis. Stat. § 968.02(3) proceeding.

² See, e.g., *FAQ, Animal Welfare Act*, USDA (last accessed June 3, 2024), available at <https://www.nal.usda.gov/animal-health-and-welfare/animal-welfare-act>.

FACTS

Just twelve days after expressing “profound disappointment” that felony burglary and theft charges were dropped against him,³ defendant Wayne Hsiung filed a Petition for the Filing of a Criminal Complaint against the victim in that prior criminal case. (P-App.12). The District Attorney’s Office had dropped the charges against Hsiung and others for one—and only one—stated reason: the victim, Ridglan Farms, requested it. Specifically, Ridglan Farms was concerned for the safety of its business and employees after receiving multiple death threats. *See* Motion to Dismiss,. Indeed, even Petitioner Hsiung does not deny committing the alleged criminal conduct against Ridglan Farms, the victim. (P-App.108).

Hsiung and Dane4Dogs now brazenly claim that *Ridglan Farms* should be the real criminal defendant in connection with the same set of facts. Purporting to rely on the fruits of their unlawful conduct, Petitioners accuse Ridglan Farms of violating two provisions within Wisconsin Chapter 951, averring that its “criminal conduct has occurred unchecked for over a decade.” (P-App.12-13).

Ridglan Farms filed an Opposition to Petition for the Filing of a Criminal Complaint (“Opposition”), explaining that as a facility regulated under the Animal Welfare Act, 7 U.S.C. § 2131 *et seq.* devoted to research, approved experimentation, and related incidental animal care, Ridglan Farms is statutorily exempt from prosecution under Chapter 951. (P-App.115). Ridglan Farms also noted that despite

³ Jay Caspian Kang, *An Animal-Rights Activist and the Problem of Political Despair*, THE NEW YORKER (Mar. 15, 2024), <https://www.newyorker.com/news/fault-lines/an-animal-rights-activist-and-the-problem-of-political-despair>.

being regularly inspected by multiple state and federal agencies—which have the authority to initiate enforcement actions, including criminal enforcement—Ridglan Farms has never been the subject of any such enforcement action. (P-App.116).

The circuit court held a status hearing on April 18, 2024, during which the circuit court stated, “I’m not going to consider” Ridglan Farms’ Opposition. The circuit court also scheduled an open, *ex parte* hearing on July 10, 2024, with Petitioner’s briefing due on June 28, 2024. (P-App.122). During or following that hearing, the circuit court will likely make two determinations before potentially allowing for the filing of the criminal complaint: (1) a factual finding that the ‘district attorney refuses or is unavailable to issue a complaint’; and (2) a legal conclusion that ‘there is probable cause to believe that the person to be charged has committed an offense.’” *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 2004 WI 58, ¶ 36, 271 Wis. 2d 633, 681 N.W.2d 110 (quoting § 968.02(3)). Ridglan Farms may not present evidence, cross-examine witnesses, or otherwise participate at the hearing.

RELIEF SOUGHT

The Court should immediately issue a supervisory writ directing the circuit court to either a) first allow Ridglan Farms the opportunity to be heard on the issue of its exemption under Wis. Stat. § 951.015; b) to hold the *ex parte* hearing in a manner that is closed to the public and sealed; or c) both.

ARGUMENT

I. The Court should issue a supervisory writ.

To obtain a supervisory writ, a party must establish four factors:

A party seeking the issuance of a supervisory writ must establish four factors: (1) a circuit court had a plain duty and either acted or intends to act in violation of that duty; (2) an appeal is an inadequate remedy; (3) grave hardship or irreparable harm will result; and (4) the party requested relief promptly and speedily.

State ex rel. CityDeck Landing LLC v. Cir. Ct. for Brown Cnty., 2019 WI 15, ¶ 30, 385 Wis. 2d 516, 922 N.W.2d 832. The “plain duty” must be one that is “clear and unequivocal,” and the responsibility to act or refrain from acting must be “imperative.” *State ex rel. Dep't of Nat. Res. v. Wisconsin Ct. of Appeals, Dist. IV*, 2018 WI 25, ¶ 11, 380 Wis. 2d 354, 909 N.W.2d 114.

A. The circuit court has a plain duty to allow crime victims “to be heard in any proceeding during which a right of the victim is implicated.” The circuit court has violated, and will continue to violate, that duty by refusing to read Ridglan Farms’ Opposition brief and by otherwise precluding its participation before the *ex parte* hearing, including any request that the hearing be held closed and sealed.

As explained above, Ridglan Farms is the victim of Petitioner Hsiung’s prior indicted conduct in a case dismissed at Ridglan Farms’ request. As the recently named prospective defendant in the Petition, Ridglan Farms is being re-victim-ized as the circuit court holds its status as a criminal defendant (or not) in limbo. By doing so, the circuit court is preventing Ridglan Farms, a victim, from being heard regarding its statutory exemption from Chapter 951—and at the very least, preventing Ridglan Farms from simply requesting that the *ex parte* hearing (showcasing the very evidence obtained through Petitioner’s prior indicted acts) be closed to the public. The Wisconsin Constitution demands more.

1. The circuit court has a plain duty to allow the “victim to be heard in any proceeding during which a right of the victim is implicated.”

In the April 18 status hearing, the circuit court announced its intention to conduct an *ex parte* hearing on July 10, 2024. The circuit court also announced that it refused to “consider” Ridglan Farms’ Opposition because doing so was “not appropriate.” The circuit court stated that the “case law is clear [and] does not confer upon a person who is the subject of a proposed prosecution the right to participate in any way or to obtain reconsideration of the ultimate decision.”⁴

Recently amended Article 1, Section 9m of the Wisconsin Constitution, known widely as “Marsy’s Law,” requires that “[up]on request, [the victim is] to be heard in any proceeding during which a right of the victim is implicated.” See *State v. Johnson*, 2020 WI App. 73, ¶ 37, 394 Wis. 2d 807, 951 N.W.2d 616, *rev’d on other grounds*, 2023 WI 39, ¶ 37, 407 Wis. 2d 195, 990 N.W. 2d 14 (quoting Wis. Const. Art. I, §9(m)(2)(i)). The same provision explicitly guarantees crime victims the rights “[t]o be treated with dignity, respect, courtesy, sensitivity, and fairness.” Wis. Const. Art. I, §9(m)(2)(a)). Just last year, the Wisconsin Supreme Court concluded that “all of the provisions of Marsy’s Law relate to expanding and defining victim’s rights and tend to effect and carry out this general purpose.” *Wisconsin Just. Initiative, Inc. v. Wisconsin Elections Comm’n*, 407 Wis.2d 87 ¶ 6, 2023 WI 38, 990 N.W.2d 122; *see also id.* ¶ 65 (“The amendment broadly protects and expands crime victims’ rights. This is

⁴ Bill Lueders, *Judge will weigh whether to appoint a special prosecutor for Ridglan Farms*, ISTHMUS (Apr. 18, 2024), available at <https://isthmus.com/news/news/judge-will-weigh-special-prosecutor-for-ridglan-farms/>.

plain from the text and history of its adoption.”). Also last year, in a separate case, the Wisconsin Supreme Court observed that the amendment “reflect[s] increased concern for the rights of crime victims, as well as a broader conception of what it means to be a crime victim.” *See Johnson*, 2023 WI 39, ¶ 45.

The posture of this case could not be more unusual, with a former criminal defendant now designating his former victim as a prospective defendant in a new proceeding. Despite the shuffling around of parties’ positions, the circuit court’s duty to crime victims must remain steadfast. The circuit court’s decision is incompatible with Art. I, § 9m by prohibiting Ridglan Farms’ participation in even the infancy of this process—months before the *ex parte* hearing.

Ridglan Farms acknowledges that case law instructs that it may not participate in the *ex parte* hearing on July 10. *See Kalal*, 2004 WI 58, ¶ 19. While that, too, is incompatible with Art. I, § 9m in this unique scenario when a crime victim is the named defendant, there is, at the very least, a “clear and unequivocal” duty to allow participation of the victim *before* that time. *See State ex rel. Dep’t of Nat. Res.*, 2018 WI 25, ¶ 11. Indeed, allowing Ridglan Farms’ participation to some extent is the only decision that would align with the plain language of Art. I, § 9m, the plain language of Wis. Stat. § 968.02(3), and relevant caselaw. *See* Wis. Stat. § 968.02(3) (not prohibiting participation before the *ex parte* hearing); *Kalal*, 2004 WI 58, ¶ 20 (prohibiting only participation in the hearing itself and a subsequent reconsideration motion).

Notably, the plain language of Art. I, § 9m explicitly encompasses proceedings beyond the typical criminal case, such as the § 968.02(3) procedure at issue here. First, Art. I,

§ 9m refers to “any *proceeding*,” a term that the Wisconsin Supreme Court has used to describe the Wis. Stat. § 968.02(3) process. *See* Art. I, § 9m (emphasis added); *see also Kalal*, 2004 WI 58, ¶¶ 5, 16, Furthermore, Art. I, § 9m provides that “the victim, the victim’s attorney,” or the government, “may seek in any circuit court *or before any other authority* of competent jurisdiction, enforcement of the rights in this section and any other.” Art. I, § 9m(4)(a) (emphasis added). While Wisconsin courts instruct that the § 968.02(3) proceeding “is to be before a circuit judge and there is an express distinction between a judge and a court,” Art. I, § 9m explicitly includes “or before any other authority” to encompass more than a “court” hearing. Any contrary reading would wrongfully render that entire phrase as surplusage. *See, e.g., State v. Matasek*, 2014 WI 27, ¶ 18, 353 Wis. 2d 601, 846 N.W.2d 811 (“We read statutes to avoid surplusage. We are to assume that the legislature used all the words in a statute for a reason. [E]very word appearing in a statute should contribute to the construction of the statute[.]”) (quoting *Johnson v. State*, 76 Wis. 2d 672, 676, 251 N.W.2d 834, 836 (1977)).

Ridgland Farms acknowledges that the precise scope of victims’ rights in a § 968.02(3) proceeding appears to be an issue of first impression before this Court. Just last year, in a case where the Wisconsin Supreme Court overturned precedent in light of the Art. I, § 9m expansion of crime victim rights in a different factual scenario, the Court reached a relatively narrow holding, stating in a footnote that it “need not address . . . other arguments about whether our constitution or victims’ rights statutes grant crime victims standing in the context of a criminal case.” *See Johnson*, 2023 WI 39, ¶ 47. However, in this unique situation where a crime

victim has now been portrayed as the criminal by the original defendant, the time is ripe to consider the standing of victims in the Wis. Stat. § 968.02(3) context.

The Court should hold that the circuit court has violated a plain duty by not considering Ridglan Farms' Opposition brief, and through refusing to allow any additional participation by Ridglan Farms leading up to the *ex parte* hearing.

2. By preventing Ridglan Farms, a victim, from being heard, the circuit court has prevented Ridglan Farms from at least requesting that the *ex parte* hearing be held closed and sealed—similar to similarly situated proceedings under Wisconsin law.

Ridglan Farms maintains that it is statutorily exempt from the Chapter 951 offenses alleged in the Petition, such that the case should be dismissed as a matter of law if the circuit court were to consider the merits of Ridglan Farms' Opposition brief. However, in addition or in the alternative, Ridglan Farms at least requests that the circuit court be directed to close and seal the July 10 *ex parte* hearing. Doing so would honor Ridglan Farms' rights as a victim of the burglary and theft offenses (from which much of the evidence shown at that hearing will likely derive) and would align with similarly situated proceedings under Wisconsin law.

The July 10 hearing is likely to rely on hours of "evidence" in the form of pictures and testimony that only exist because of the prior criminal acts of Hsiung and others. For example, in his own Declaration in support of the Petition, Hsiung acknowledges, "On April 17, 2017, I entered a building to Ridglan Farms ... While inside the facility, I personally took *the photos and videos that are inserted into the petition* in the above-entitled action." (P.App.108). By allowing

this proceeding to be open to the public, the court would effectively condone the notion that activists can use what they view or obtain in their prior admitted criminal acts to later target an entity or individual as an “end justifies the means”-type crusade. Worse yet, this decision would use our already overburdened state court system as a public platform for this tainted parade.

While Ridglan Farms does not dispute that the *ex parte* hearing statute permits this absurd possibility given the presumption of openness of Wisconsin judicial proceedings, the court *does* have discretion to appropriately tailor this proceeding to align with similarly situated proceedings when “compelling” or “substantial” reasons justify closure. *See Newspapers, Inc. v. Circuit Court for Milwaukee Cty.*, 124 Wis. 2d 499, 505, 370 N.W.2d 209 (1985). For example, in a traditional criminal matter, Wisconsin district attorneys have “wide discretion to determine whether to commence a criminal prosecution.” *Kalal*, 2004 WI 58, ¶ 27 (citing *State v. Karpinski*, 92 Wis.2d 599, 607, 285 N.W.2d 729 (1979)). District attorneys may consider a wide range of factors when deciding to bring charges, including “possible improper motives of a complainant” and “the possibility or likelihood of prosecution by another jurisdiction.” *See id.* ¶ 32. The district attorney is generally not required to publicly disclose in court the rationale underlying a particular charging decision, as a district attorney is “generally answerable for those decisions to the people of the state and not the courts.” *State v. Johnson*, 2000 WI 12, ¶ 16, 232 Wis.2d 679, 605 N.W.2d 846 (citing *Karpinski*, 92 Wis.2d at 607-08)).

Similarly, Wisconsin statutes governing the state grand jury procedure emphasize “secrecy” at multiple points in protecting the deliberative process. For example, Wis. Stat. §

968.40(1) commands that the initial list of grand jury participants be “kept secret,” and all grand jurors must affirm before commencing service that “they will keep all matters which come before the grand jury secret.” Wis. Stat. § 968.41. In addition, Wis. Stat. § 968.46, titled “Secrecy,” commands that with limited exception, all motions in the grand jury proceeding must be “heard and decided in complete secrecy and not in open court” if the movant so requests. Wis. Stat. § 968.46.

In other Wisconsin statutes that allow courts to conduct probable-cause hearings, the person being subjected to state power *always has an opportunity to defend themselves*, including through cross-examination. See Wis. Stat. § 970.03(5) (“The defendant may cross-examine witnesses against the defendant, and may call witnesses on the defendant’s own behalf who are then subject to cross-examination.”). As another example, in a hearing to determine whether involuntary commitment is appropriate, Wisconsin law requires that hearings “shall conform to the essentials of due process and fair treatment including . . . the right to request a closed hearing” and “the right to present and cross-examine witnesses.” Wis. Stat. § 51.20(5).

In short, the background law of *a wide range hearings of this type* in Wisconsin is that they either (1) are conducted in closed session upon request, with the record sealed; (2) afford the defendant the ability to defend; or (3) both. As such, there is a plain duty to, at the very least, consider closing this particular proceeding. This is especially the case here, where Ridgland Farms is the *victim* of the prior crime from which the evidence that will be shown derives.

In addition, the harassment Ridgland Farm employees have endured and the harm to Ridgland Farms as a business

will only escalate following a lengthy, publicized proceeding conducted by the prior criminal defendant. Factors the Wisconsin Supreme Court has identified as sufficiently compelling to justify closure of § 968.02(3) proceedings include the potential defendant's "privacy and reputational interests," as "unrefuted false accusations would certainly not serve reputational interest," or a "legitimate fear . . . that substantial publicity would hinder efforts to provide a fair trial should criminal charges be eventually issued." *See Newspapers*, 124 Wis.2d at 508. These same interests and legitimate fear are present here—and made *more* compelling by Ridglan Farms' unique status as a victim, and only magnified by recent amendments to the Wisconsin Constitution based on "increased concerns for the rights of crime victims" and now reflecting a "broader conception of what it means to be a crime victim." *See Johnson*, 2023 WI 39, ¶ 45. If any case were sufficiently compelling to consider closure, it is this particular case being heard at this particular time.

Consider what *public* hearings of this kind would incentivize going forward under this same statutory framework. Opportunistic interest groups will no doubt abuse it. For example, if former President Donald Trump were to lose the election this November, perhaps individuals characterized as right-wing extremists will run to perceived conservative enclaves, petitioning under § 968.02(3) to bring criminal complaints against election workers. With this case as precedent, some judges may feel obligated—or even a few, excited—to hold public hearings to spotlight supposed misdeeds. Of course, shining additional scrutiny on election workers—no matter how frivolous the allegations—will subject them to (additional) threats of harm and worse.

As another example, imagine a parent who attends a school board meeting and learns about a particular initiative, decision, or policy that does not align with his or her own deeply held values. Such an impassioned parent, particularly with a determined lawyer eager to lend support, may view § 968.02(3) as an ideal vehicle to advance that discontent and bring criminal complaints against educators, superintendents, or others, culminating in a public hearing with the potential to go viral in today's polarized social discourse. It is hardly a stretch to speculate that some named individuals would feel threatened or harassed during that process.

Here, by at least allowing for a closed, sealed proceeding, Petitioners' incentive to publicly trumpet the entire process in a way that would subject Ridgland Farms to continued public scrutiny and threats would be diminished. Yet, the court would be able to consider all of Petitioners' arguments just the same. This decision would also square with other probable-cause or charging decisions in Wisconsin—like the prosecutor using his or her discretion in deciding whether to issue a complaint, like the grand jury weighing the evidence presented to decide whether to return an indictment, or a judge weighing the evidence presented to determine whether someone should be involuntarily committed.

B. An appeal is an inadequate remedy.

Wisconsin courts have explicitly held that “there is no right to appeal a decision of a judge on a petition under Wis. Stat. § 968.02(3).” *Kalal*, 2004 WI 58, ¶ 21 (citing *Gavcus v. Maroney*, 127 Wis. 2d 69, 70, 377 N.W.2d 200 (Ct.App.1985)). However, “supervisory writ procedure . . . has been used in limited circumstances to obtain review of a judge's decision under this statute.” *Kalal*, 2004 WI 58, ¶ 21 (citing *State ex*

rel. Unnamed Petitioner v. Cir. Ct. for Walworth Cnty., 157 Wis. 2d 157, 458 N.S.2d 575 (Ct.App.1990)).

Here, Ridglan Farms cannot appeal. It is not allowed to participate in the hearing—or even before the hearing. It is not a party to the case. In all events, a judge’s order under § 968.02(3) is not appealable. *Gavcus*, 127 Wis. 2d at 70. Ridglan Farms’ only recourse would be to appeal only if it were eventually convicted after a full criminal trial and conviction. *See Kalal*, 2004 WI 58, ¶ 20.

Nor is this about whether Ridglan Farms could appeal some hypothetical future criminal charge or conviction. True, such an appeal could reverse the *result*. But the point here is the probable-cause hearing *itself*. No appeal could remedy the fact that it occurred and the damage the hearing will cause. Indeed, particularly if the probable-cause hearing *does not* result in a finding of probable cause, there is no way for Ridglan Farms to appeal—and obtain a remedy for—the publicity of the hearing itself. In short, Ridglan Farms’ inevitable injury resulting from the hearing alone “is not reparable or compensable,” regardless of the outcome of the hearing. *CityDeck*, 2019 WI 15, ¶ 39.

C. Ridglan Farms will suffer irreparable harm if the hearing proceeds in public as planned.

Earlier this year, the Dane County District Attorney’s Office moved to dismiss felony burglary and theft charges against Hsiung and two others due to Ridglan Farms receiving multiple death threats as the March 18, 2024 trial date approached. (P-App.10). In particular, the District

Attorney's Office relayed Ridglan Farms' growing "concerns for their physical safety, as well as for their business."⁵

Before the "status hearing," Petitioner Hsiung wrote:

"What we have learned from 200+ years of history is that words on a page, written by men in robes and suits, are not enough to protect legal rights. *The only real check on corrupt administration of justice is public agitation.*"⁶

Indeed, Hsiung does not plan to stop nationwide "until he can get a court to declare that 'animals are persons under the Fifth and Fourteenth Amendments of the Constitution.'"⁷

Particularly if the hearing is resolved without finding probable cause to allow the filing of a complaint, it is highly likely that Ridglan Farms will continue to be targeted—and likely even more forcefully—by groups such as Dane4Dogs and self-proclaimed activists like Hsiung who believe that "public agitation" is the ultimate solution. Particularly in a case brought by activists who rely on public attention to advance their mission, irreparable harm results from being "forced into public proceedings" that law requires to be handled not in public view. *CityDeck*, 2019 WI 15, ¶ 41.

Closing to the public this *ex parte* hearing, during which photos and testimony based on Petitioners' prior indicted acts will be a prominent feature, strikes the proper balance

⁵ Bill Leuders, *Ridglan Farms beagle 'rescue' case dismissed*, Isthmus (Mar. 8, 2024), available at <https://isthmus.com/news/news/Ridglan-Farms-beagle-rescue-case-dismissed/>.

⁶ Wayne Hsiung, *The (Special) Prosecution of Ridglan Farms*, The Simple Heart (Apr. 10, 2024), <https://blog.simpleheart.org/p/the-special-prosecution-of-ridglan>.

⁷ See *supra* n. 3.

between protection of victim's rights and giving Petitioners the opportunity to present their evidence to the circuit court.

D. Ridglan Farms requested this writ promptly.

The circuit court's "status hearing" occurred on April 18, 2024. The upcoming probable-cause hearing will occur on July 10, 2024. Precedent recognizes this petition filed within a handful of weeks after the status hearing, and well in advance of the probable cause hearing, to be sufficiently timely. *See id.*, ¶ 42.

CONCLUSION

The Court should issue a supervisory writ immediately directing the circuit court to either first allow Ridglan Farms the opportunity to be heard, to hold the *ex parte* hearing in a manner closed to the public and sealed, or both.

Dated: June 4, 2024.

**Electronically signed by
Eric M. McLeod**

ERIC M. MCLEOD, SBN 1021730
HUSCH BLACKWELL LLP
33 E. Main Street, Suite 300
Madison, WI 53703
608.255.4440
eric.mcleod@huschblackwell.com

Counsel for Petitioner

FORM AND LENGTH CERTIFICATION

I hereby certify that this petition and memorandum conforms to the rules contained in Wisconsin Statutes section 809.51(1) for a petition and memorandum produced with a proportional serif font. The length of this petition and memorandum is 4,602 words.

Dated this 4th day of June, 2024.

Electronically signed by
Eric M. McLeod

CERTIFICATE OF SERVICE

I certify that on June 4, 2024, I electronically filed this brief and accompanying appendix using the Court's E-filing system and will effect service on all parties of record by hand delivery.

Dated this 4th day of June, 2024.

Electronically signed by
Eric M. McLeod

FILED
06-04-2024
CLERK OF WISCONSIN
COURT OF APPEALS

No. _____

IN THE
Wisconsin Court of Appeals
DISTRICT IV

STATE EX REL. RIDGLAN FARMS, INC.,
Petitioner,

v.

CIRCUIT COURT FOR DANE COUNTY,
THE HONORABLE RHONDA L. LANFORD,
WAYNE H. HSIUNG, DANE4DOGS LTD,
Respondents.

**APPENDIX PETITION FOR SUPERVISORY WRIT
AND SUPPORTING MEMORANDUM**

ERIC M. MCLEOD, SBN 1021730
HUSCH BLACKWELL LLP
33 E. Main Street, Suite 300
Madison, WI 53703
608.255.4440
eric.mcleod@huschblackwell.com

Counsel for Petitioner

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**FILED
08-18-2021
CIRCUIT COURT
DANE COUNTY, WI
2021CF001837**

ALR - Warrant

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

STATE OF WISCONSIN
Plaintiff,

Ref. Agency: Dane County Sheriff's Office
DA Case No.: 2020DA005659
Assigned DA/ADA:
Agency Case No.: DCSD 17-126128
Court Case No.: 21 CF
ATN:

vs.

EVA C HAMER
3436 N Lincoln Ave Apt
Chicago, IL 60657
DOB: 05/22/1991
Sex/Race: F/W
Eye Color: Hazel
Hair Color: Brown
Height: 5 ft 4 in
Weight: 150 lbs
Alias:

For Official Use

WAYNE H HSIUNG
1466 Eighth St
Berkeley, CA 94710
DOB: 06/08/1981
Sex/Race: M/A
Eye Color: Brown
Hair Color: Black
Height: 5 ft 9 in
Weight: 165 lbs
Alias:

Court Case No.: 21 CF
ATN:

PAUL D PICKLESIMER
1891 Catalina Ave
Berkeley, CA 94707
DOB: 12/16/1977
Sex/Race: M/W
Eye Color: Brown
Hair Color: Black
Height: 5 ft 9 in
Weight: 165 lbs
Alias:

Court Case No.: 21 CF
ATN:

CRIMINAL COMPLAINT

Defendants,

The below-named complaining witness being first duly sworn states the following:

Count 1: BURGLARY OF A BUILDING OR DWELLING - PTAC (As to defendant Eva C Hamer)

The above-named defendant on or about Monday, April 17, 2017, in the Town of Blue Mounds, Dane County, Wisconsin, as a party to a crime, did intentionally enter a building, Ridglan Farms on West Blue Mounds Road, without the consent of the person in lawful possession of the place, and with intent to steal, contrary to sec. 943.10(1m)(a), 939.50(3)(f), 939.05 Wis.

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Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 2: THEFT - MOVABLE PROPERTY (> \$2500 - \$5000) - PTAC (As to defendant Eva C Hamer)

The above-named defendant on or about Monday, April 17, 2017, in the Town of Blue Mounds, Dane County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Ridgland Farms, having a value greater than \$2500 but less than \$5000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(bf), 939.50(3)(i), 939.05 Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 3: BURGLARY OF A BUILDING OR DWELLING - PTAC (As to defendant Wayne H Hsiung)

The above-named defendant on or about Monday, April 17, 2017, in the Town of Blue Mounds, Dane County, Wisconsin, as a party to a crime, did intentionally enter a building, Ridgland Farms on West Blue Mounds Road, without the consent of the person in lawful possession of the place, and with intent to steal, contrary to sec. 943.10(1m)(a), 939.50(3)(f), 939.05 Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 4: THEFT - MOVABLE PROPERTY (> \$2500 - \$5000) - PTAC (As to defendant Wayne H Hsiung)

The above-named defendant on or about Monday, April 17, 2017, in the Town of Blue Mounds, Dane County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Ridgland Farms, having a value greater than \$2500 but less than \$5000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(bf), 939.50(3)(i), 939.05 Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 5: BURGLARY OF A BUILDING OR DWELLING - PTAC (As to defendant Paul D Picklesimer)

The above-named defendant on or about Monday, April 17, 2017, in the Town of Blue Mounds, Dane County, Wisconsin, as a party to a crime, did intentionally enter a building, Ridgland Farms on West Blue Mounds Road, without the consent of the person in lawful possession of the place, and with intent to steal, contrary to sec. 943.10(1m)(a), 939.50(3)(f), 939.05 Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

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STATE OF WISCONSIN - VS - Eva C Hamer, Wayne H Hsiung, Paul D Picklesimer

Count 6: THEFT - MOVABLE PROPERTY (> \$2500 - \$5000) - PTAC (As to defendant Paul D Picklesimer)

The above-named defendant on or about Monday, April 17, 2017, in the Town of Blue Mounds, Dane County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Ridglan Farms, having a value greater than \$2500 but less than \$5000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(bf), 939.50(3)(i), 939.05 Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

FACTS:

Your complainant is a Court Officer with the Dane County Sheriff's Office and for this complaint is relying on the written report(s) submitted by Dane County Sheriff's Deputy(ies) Brian Mrochek, Deputy Roger Finch, Detective Steve Wegner, and Detective Brian Lukens.

Deputy Mrochek operating a marked squad in full police uniform, reports on April 17, 2017, he was dispatched to Ridglan Farms, 10489 West Blue Mounds Road, Township of Blue Mounds, Dane County, Wisconsin, reference a report of a burglary involving three individuals who were later identified as EVA C. HAMER, WAYNE H. HSIUNG, and PAUL D. PICKLESIMER, the Co-Defendants herein.

CONTACT WITH VICTIM RJV:

Deputy Mrochek reports that upon arrival, he made contact with the reporting party, an individual who was identified and for this complaint is referred to as RJV, who is the facility manager/veterinarian who oversees the facility. RJV stated that he wanted to report some unusual activity that occurred last night and now further wants to report that two dogs are missing from the facility. RJV stated that he does not know who is responsible for the missing dogs.

RJV stated that last night, he had been contacted by their security company, Midwest Wisconsin Security, to advise that there were two door alarms that had gone off: one at 12:22 a.m. and the other at 12:33 a.m. involving building 7 and door 9. RJV stated that there are multiple buildings on this site and this particular door alarm and building alarm were coming from the building where the dogs are now missing from.

RJV stated that he did respond out to the facility, arriving around 12:44 a.m., which would have been on April 17, 2017. RJV stated that he stayed at the facility until about 12:51 a.m., looked around the facility, and did not hear or see anything out of the ordinary other than seeing two black garbage bags placed next to one of the alarm door sites, which was by door 9. RJV stated that he didn't think anything of it at the time and figured that it was just his maintenance people who had left some garbage or trash on the outside of the building. RJV stated that when he arrived at work the next morning, he had asked the maintenance personnel about these garbage bags and nobody was familiar with what he was talking about. RJV stated that the garbage bags were now gone. RJV stated that each garbage bag was black in color, weighed at least five pounds, and one weighed approximately ten pounds. RJV stated that he

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did not open any portion of the garbage bag to find out what the contents were inside of the bags, and he just left them on the ground by door 9.

RJV stated that later on after leaving the facility, which was at 12:51 a.m., he had received another door alarm from the security company. This alarm was building 7, door 2. This followed active door alarms at 1:34 a.m., 1:43 a.m., 2:38 a.m. and 2:45 a.m. RJV stated that he had been contacted by the security company the second time around at 1:35 a.m. and advised the security company to ignore the alarms. RJV stated that he did not respond out to the facility. RJV stated that after investigating the incident more when he had come in and also had been given information from one of the employees who manages this particular building, it was found that two dogs were now missing from their cages. RJV stated that door 2 was found to be open, which was definitely unusual, and door 9 was secure. RJV stated that he believed that at the time he arrived at the facility earlier that morning, the individual or individuals were probably on scene.

RJV stated that he did not give consent for anyone to enter onto the property or to remove property (i.e. the dogs) from the facility.

Deputy Mrochek reports that out of the "numerous" dogs that are located at this facility, there were only two dogs missing and identified as missing. Deputy Mrochek reports that RJV provided him the following information about the dogs that are missing:

Dog #1 is identified as DPS6. This information is tattooed on the right inside of the ear. This particular dog is a female, born on September 5, 2016, further identified as a beagle with also identifying mark of USDA tag letters WIAE tattooed on it. This tattoo is on the right inside flank of the rear leg.

Dog #2 is identified as BIE1. This information is also tattooed on the right inner ear. This dog is a female born on March 19, 2011, further identified as a beagle with the same USDA tag number of WIAE tattooed on the right inside flank.

Deputy Mrochek reports that both dogs are valued at \$1,200.00, with a total loss of \$2,400.00.

Deputy Mrochek reports that on April 20, 2017, he made contact with RJV, who stated that a third dog was found to be missing from the facility out of the same building. Dog #3 is a female Beagle with HZS-0 tattooed on the inner right ear. This dog also has USDA tag letters WIAE tattooed on the right inside flank of the rear leg. This dog was born on September 17, 2010, and valued a \$1,200.00.

FOLLOW-UP WITH VICTIM RJV:

Deputy Finch reports that on May 17, 2018, he made phone contact with RJV, who stated that the facility had contact with a group known as Information Network Associates (INA) out of Harrisburg, Pennsylvania. RJV stated that INA was able to locate video which had been put on YouTube and that video showed the group of individuals claiming responsibility for the burglary to the Ridgman Farms facility back in April of 2017. RJV stated that the group that was claiming responsibility was a group by the name of Direct Action Everywhere, which goes by the acronym of DxE. RJV stated that an individual possibly involved in this incident is a subject by the name of Wayne Hsiung, a co-defendant.

STATE OF WISCONSIN - VS - Eva C Hamer, Wayne H Hsiung, Paul D Picklesimer

CONTACT WITH INFORMATION NETWORK ASSOCIATES (INA):

Deputy Finch reports that he made phone contact with INA and spoke with an individual who was identified and for this complaint is referred to as JS. JS stated that INA is an organization which monitors online and general activity of extremist groups around the country and in different areas of the world.

JS stated that INA was contacted by Ridglan Farms to assist in possibly locating suspects involved in the burglary to their facility back in April of 2017. JS stated that on May 15, 2018, there was a YouTube video posted concerning the theft of the dogs from the Ridglan Farms facility. JS stated that the YouTube video, which is approximately two minutes and 14 seconds in length, specifically mentions Ridglan Farms and shows documentation of taking animals from the facility. JS stated that the initial video was taken down and INA was able to get a copy of it prior to its removal. JS stated that since that time, the video has gone live again on YouTube. JS stated that the footage is partially of the burglary to the Ridglan Farms facility, as well as additional footage added that is not part of the facility. JS stated that in their investigation of the organization which was taking responsibility for the burglary, an organization known as Direct Action Everywhere (DxE), a subject by the name of Wayne Hsiung is one of the individuals responsible for taking the dogs. JS stated that there were two other suspects in the video as well; a female suspect and a male suspect with a beard.

SUSPECTS' SOCIAL MEDIA POSTS:

Detective Wegner reports that on October 24, 2018, he received an email from Public Information Officer Schaffer. On May 17, 2018, a person named Eva Hamer admits to being part of the team that broke into Ridglan Farms. Detective Wegner reports that this is a Facebook post in the comment section from the DxE Facebook site. Hamer's comments are as follows: "I was on the team that rescued Julie. The sound and smell of the place will always be haunting, and I'm so grateful that I was able to be there when she discovered the world outside of her cage for the first time. No one deserves the life she had! Thank you for supporting #JuliesLaw and for sharing her story. julieslaw.org."

On May 19, 2018, Eva Hamer posts on her personal Facebook site the following: "Precious Anna. We rescued Anna from Ridglan, a facility that breeds Beagles for use in experiments, holding nearly 4,000 dogs at a time. Please read the article in the comments to understand her rescue and the industry she is in refuge from. Beagles are used for experimentation because they are so kind, forgiving, and docile. Anna lived for years in a cage and had her babies taken away from her time and time again, to be used in cruel experiments, which may have included being starved and force fed detergent, and yet she is still the sweetest, most loving individual I've ever met. How could she forgive humans? We owe her the best. Please sign the petition at julieslaw.org to ban dog experimentation and grant them the rights they deserve. #julieslaw #openrescue #animalliberation #DxE."

Detective Wegner reports that he was forwarded a link to a Facebook post of another suspect, Paul D. Picklesimer, which is dated May 17, 2018. This shows a photograph of Picklesimer holding one of the Beagle dogs. Detective Wegner reports that another link forwarded to him from Picklesimer's Facebook page is a post/comment from October 17, 2018, which stated the following: "I saw this desperate look hundreds of times while documenting the unimaginable cruel conditions on this factory farm. These poor dogs all wanted to be rescued from this life of exploitation. We rescued Julie and two others and if anyone on the outside treated them like the farm did, they'd face charges of criminal animal abuse. We must shut these farms down

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and ban experimentation on cats and dogs NOW on the way to banning all animal experimentation.”

CONTACT WITH RJV:

Detective Wegner reports that on November 7, 2018, he received a phone call from RJV. RJV forwarded an updated Facebook post by Eva Hamer. The post included a photo of a person believed to be Hamer with a Beagle dog.

Detective Wegner reports that the post is as follows: “This is me and Anna, who we rescued from Ridglan Farms. The referendum that would ban animal testing in the Town they are located didn’t pass today, after lots of money was invested in the election by the farm. Animal testing might be the hardest fight in all of animal rights because of the perception of the legitimacy and necessity, but it’s still on the short side of history.”

Detective Wegner reports that based on the “referendum” referenced, it is believed that the post was dated on November 6, 2018 (Election Day). This referendum was presented to voters in the Village of Mount Horeb that would amend language in an ordinance.

ARTICLE:

Detective Wegner reports that the following was written in an article titled, Inside the Barbaric U.S. Industry of Dog Experimentation: Last spring, activists with DxE entered a door that was ajar at the Ridglan facility in order to investigate conditions inside, document what they saw, and rescued a sampling of dogs in particular distress. What they found horrified even these hardened activists, who have seen years’ worth of severe animal abuse. DxE activists spent a year investigating the facility and the industry it serves. One of the DxE investigators, Wayne Hsiung, told The Intercept, “As you approach the facility, the smell is overwhelming – exactly the same smell from a dog meat slaughterhouse in China.” The first thing the investigators saw upon entering – as demonstrated by the photo at the top of this article – was that “the dogs are housed in huge industrial sheds with massive ventilation fans, very similar to the sheds used in factory farms. The rescue of these dogs saved them from a short but hideously painful life as lab objects.” In the report published today, provided in advance to The Intercept, DxE explains, “Ridglan says on their website, ‘We do not conduct toxicology studies or studies which require euthanasia at the conclusion of the study.’ But the company does not deny, and to The Intercept refused to provide comment, that it sells dogs to universities and other researchers who do use them for toxicology studies and kill them when the study is concluded.

IDENTIFICATION:

Detective Lukens reports that he identified Picklesimer, Hamer, and Hsiung via social media posts and FBI records.

Hsiung:

Detective Lukens reports that in reviewing the video, he observed an Asian male, identified as Hsiung, who is the founder of DxE and has a large social media footprint. In researching this group, Hsiung’s photo and name come up often. Detective Lukens reports that he compared a California driver’s license photo as well as social media photos to him, which he believes are all the same person. Hsiung has admitted in multiple articles and posts that he broke into the facility where he was able to rescue “Julie,” who he described as a blind beagle.

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Detective Lukens reports that during the video, he observed Hsiung at one minute and 14 seconds into the video. He was wearing his DxE shirt and walking/running between cages full of beagles. Detective Lukens reports that he was able to see Hsiung's face, and again at one minute and 23 seconds, as he was leaving the facility. At 1 minute and 40 seconds, Hsiung is on video playing with a beagle reportedly at a park. Finally, Hsiung is on again at 1 minute and 48 seconds playing with a beagle inside what looks like a house.

On May 23, 2019, Hsiung posted, "For my birthday help me win a groundbreaking court case for animals!" In the comment section he wrote, "The loudest place I've ever been inside of is Ridglan Farms, a dog breeding facility that raises dogs specifically to be used for experimentation." It also shows a picture of what's purported to be Ridglan Farms. In the photo, Hsiung is wearing the same blue shirt that is seen as people entered Ridglan Farms in the video that they posted on their website reference the initial break in.

On December 31, 2018, Hsiung posted another photo of Ridglan Farms with beagles in the background. Hsiung writes, "When we left Ridglan, a line of dogs stood up in their cages. Their eyes told us the entire story: 'Please don't leave us. The men here will hurt us. We've seen where they take the others, and we don't want to be left behind.' It's a scene that will haunt me for the rest of my life. We had no choice but to leave these 3,000 souls behind. The three we saved were the most we could take out that night, especially after we set off an alarm."

Hsiung posted also on May 18, 2018, "Never before seen footage from inside of the United States' three largest breeders of dogs for experimentation. The thousands of dogs bred at Ridglan Farms live inside of wire or plastic cages from the day they are born, leading many of them to exhibit compulsive disorders like constantly turning in circles. These dogs NEVER get to go outside. Their paws are swollen red from living in a wire cage for their entire lives. They have to breathe noxious air - - the facility smells terrible of feces and urine." Further down he wrote, "We took out Julie and two other dogs, but in order to help animals like Julie, we need your help." Attached to the posting is a video of dogs racing up and down wire cages with numbers on the outside of the cages. Detective Lukens reports that this looks like it is inside of Ridglan Farms.

Picklesimer:

Detective Lukens reports that there is a short story associated with this video and in the printed version, there is an image of Paul Picklesimer. He is dressed in the same blue shirt that Hsiung was wearing. Detective Lukens reports that he was able compare that photo to his California driver's license and social media photos he posted. The images are of the same person.

Detective Lukens reports that there was an article that was published by Direct Action Everywhere, and on the third page of the article, there was a photo of Picklesimer holding a beagle inside of Ridglan Farms. There is another picture of Picklesimer on page six. The caption of that picture says, "DxE Team Member Paul Darwin Picklesimer and a beagle share a moment across the wire." Detective Lukens reports that this is inside of the facility.

On October 17, 2018, Picklesimer posted another article that included a picture of a dog poking its face out of a cage regarding the Direct Action Everywhere article that was posted earlier. Picklesimer wrote, "I saw this desperate look hundreds of times while documenting the unimaginable cruel conditions on this factory farm. These poor dogs all wanted to be rescued

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from this life of exploitation. We rescued Julie and two others and if anyone on the outside treated them like Farm did, they would face charges of criminal animal abuse.”

Hamer:

Detective Lukens reports that in this same article and at the end, is a picture of another subject, Eva Hamer. Detective Lukens reports that he was able to identify Hamer via her California driver's license and social media posts. Hamer has also self-reported being at the scene of the incident. On May 17, 2018, she posted on the DxE Facebook site that she was part of the team that broke into Ridglan Farms. In Hamer's post, she said Julie, “a beautiful puppy we rescued from a life of animal testing.” This picture shows Hamer holding a beagle that she's purporting as Julie.

On May 19, 2018, Hamer also posted to her personal Facebook page, “Precious Ana. We rescued Ana from Ridglan, a facility that breeds beagles for use in experiments holding nearly 4,000 dogs at a time.” Hamer then posts a link to the Intercept.com article previously mentioned. In the comments to that, an individual asked, “How can we adopt a beagle from a situation like this?” Hamer replied, “The dogs we rescued already have loving homes.”

Detective Lukens reports that in watching the video previously mentioned, there is a white female that is consistent with Hamer that appears at one minute and 16 seconds. She is wearing the same blue shirt Hsiung was wearing. She is running down an aisle filled with beagles. At two minutes and three seconds, the video shows that Hamer is holding onto a beagle.

****THIS COMPLAINT IS BASED ON** the information and belief of your complainant, who is a Court Officer for the Dane County Sheriff's Department, and who learned of the above offense from the reports of Dane County Sheriff's Deputy(ies) Brian Mrochek, Deputy Roger Finch, Detective Steve Wegner, and Detective Brian Lukens, which report(s) your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the Deputy(ies) official duties.

Further, your complainant believes the information furnished by RJV and JS to be truthful and reliable inasmuch as they are citizen informant(s) and witnessed the events described.

Your complainant believes the statements of the Defendant(s) to be truthful and reliable insofar as they are admissions against penal interest.

Subscribed and sworn to before me on
08/18/21

Electronically Signed By:

Kyle P. Olsen

Assistant District Attorney

State Bar #: 1115861

Electronically Signed By:

SHILAH CONKLIN

Complainant

STATE OF WISCONSIN - VS - Eva C Hamer, Wayne H Hsiung, Paul D Picklesimer

STATE OF WISCONSIN

**CIRCUIT COURT
BRANCH 7**

DANE COUNTY

STATE OF WISCONSIN

Plaintiff,

Court Case No.: 2021CF001837;
2021CF001838;
2021CF001839

vs.

Eva C Hamer
Wayne H Hsiung
Paul D Picklesimer

Defendants,

For Official Use

THE STATE OF WISCONSIN'S MOTION TO DISMISS

The State of Wisconsin, by Assistant District Attorney Alexandra Keyes, requests the Court to dismiss the above-entitled case without prejudice.

As the Court is aware, this case was filed on August 18, 2021. At no fault of the victims in this case, the jury trial has been adjourned multiple times and the case has been pending for well over 3 years. Up until very recently, the victims in this matter were supportive of the prosecution of the case and wanted the matter to proceed to trial.

On March 4, 2024, the victims contacted the State, through counsel, and indicated a desire to no longer have the case proceed to trial. A meeting was held with the victims and their counsel on March 5, 2024. At that time, the victims indicated they had concerns for their physical safety, as well as for their business, if the case proceeded to trial. The victims asked the State to dismiss the matter and not proceed to trial. On March 6, 2024, the victims again confirmed a desire for the case to be dismissed.

In granting deference to the victims' wishes, the State is moving to dismiss the case without prejudice at this time. The State is in Chapter 950 and Marsy's Law compliance.

STATE OF WISCONSIN - VS - Eva C Hamer

Wayne H Hsiung

Paul D Picklesimer

Date Signed: 03/07/24

Electronically Signed By:

Alexandra Keyes

Assistant District Attorney

State Bar #: 1097641

FILED
03-20-2024
CIRCUIT COURT
DANE COUNTY, WI
2024JD000001

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY

IN RE: PETITION TO APPOINT A SPECIAL PROSECUTOR TO COMMENCE
PROSECUTION OF RIDGLAN FARMS

PETITION FOR THE FILING OF A CRIMINAL COMPLAINT

INTRODUCTION

This case confronts a simple question: can a corporation get away with hoarding and abusing thousands of dogs? The facts presented in this petition, including the surgical mutilation of dogs without anesthetic, would unquestionably be criminal animal abuse if undertaken by an ordinary citizen. The question facing this court is whether, after years of governmental inaction, corporations also will be held accountable to the law.

The Petitioners, Dane4Dogs Ltd., a nonprofit 501(c)(3) organization based in Madison, WI, and Wayne Hsiung, a nationally-recognized animal cruelty investigator, hereby move the Circuit Judge pursuant to Wis. Stat. § 968.02(3)¹ to permit the filing of a complaint against Ridglan Farms, Inc., a corporation located in Dane County, Wisconsin, that engages in breeding and experimentation upon beagles (“Ridglan Farms”). Petitioners move for the filing of a complaint for violations of Chapter 951, *Crimes Against Animals*, that have occurred and continue to occur at the facility. The known victims of this conduct are thousands of beagles held at Ridglan Farms.

¹ Wis. Stat. § 968.02(3) provides: “If a district attorney refuses or is unavailable to issue a complaint, a circuit judge may permit the filing of a complaint, if the judge finds there is probable cause to believe that the person to be charged has committed an offense after conducting a hearing. If the district attorney has refused to issue a complaint, he or she shall be informed of the hearing and may attend. The hearing shall be ex parte without the right of cross-examination.”

According to the determinations of an expert veterinarian, many of the beagles are in dire circumstances that necessitate immediate intervention, including removal and the provision of appropriate veterinary care. Ridglan Farms' criminal conduct has occurred unchecked for over a decade, claiming the lives and welfare of thousands of dogs, and the criminal conduct continues today. There is, moreover, overwhelming evidence to substantiate these allegations, including: inspection reports from state and federal agencies, testimonial evidence from eyewitnesses, and photos and videos from inside the facility. This evidence does not just meet the standard of probable cause but of proof beyond a reasonable doubt.

The District Attorney (DA), Ismael Ozanne, has been repeatedly provided with information detailing conduct in violation of Wis. Stat. §§ 951.02 and 951.14, which require animals to be provided adequate shelter and prohibit cruel treatment. Despite knowing about these violations and the need for prompt action since at least May 2018, the DA has failed to prosecute the violations. This in legal effect is a refusal or inability to file a complaint that should be remedied by the Circuit Court Judge. Petitioner Wayne Hsiung has attested to his knowledge of the facts alleged throughout this petition in his Declaration, attached as **Exhibit J**.

Accordingly, the Circuit Court Judge is authorized, under Wis. Stat. § 968.02(3), to permit the filing of a complaint against Ridglan Farms. The Circuit Court Judge should exercise their discretion to hold an ex parte evidentiary hearing and permit the filing of a complaint because of Ridglan Farms' ongoing, flagrant criminal conduct; because the welfare of thousands of beagle victims depends upon it; and because the interests of justice and the rule of law require that no one, even a corporation in a powerful industry, is above the law. A proposed complaint is attached at **Exhibit H**.

THE PETITIONERS

Dane4Dogs Ltd. is a nonprofit 501(c)(3) organization based in Madison, Wisconsin. Its mission is to end the breeding, sale, and use of dogs and cats in experimentation and to promote modern scientific alternatives. Dane4Dogs has worked with 6 Wisconsin cities and villages to pass legislation to ban research puppy mills and experimentation on dogs and cats, and also works to find loving homes for dogs released from experimentation facilities.

Wayne Hsiung is an animal cruelty investigator, former law professor at Northwestern School of Law, and co-founder and Executive Director of The Simple Heart Initiative. He has led teams that have investigated and rescued animals from animal-abusing enterprises across the nation – challenging unconstitutional “ag-gag” laws in the process – and has organized successful campaigns to ban fur in San Francisco and California. He served as lead counsel in three “right to rescue” trials in which activists were prosecuted after being charged for giving aid to sick and dying animals in factory farms, garnering media attention from The New York Times. He is also a co-founder and former lead organizer of the grassroots animal rights network Direct Action Everywhere. Hsiung has published scholarship on animal law in the Harvard Law Review and the University of Pennsylvania Law Review, and his investigative work has been featured by WIRED, ABC’s Nightline, and on The Ezra Klein Show. In November 2023, he was convicted of felony conspiracy and sentenced to 90 days in jail for his role in organizing a nonviolent demonstration at a Whole Foods egg factory farm; that case is currently on appeal.

ARGUMENT

- I. **Wis. Stat. § 968.02(3) authorizes the Circuit Judge to permit the filing of a complaint if the district attorney refuses or is unavailable to issue a complaint and the Judge finds probable cause to believe that the person charged has committed an offense.**

Wis. Stat. § 968.02(3) empowers a circuit judge to authorize the issuance of a criminal complaint. By its terms, the statute requires the circuit judge to make two determinations prior to authorizing the filing of a complaint: (1) that “the district attorney refuses or is unavailable to issue a complaint;” and (2) that “there is probable cause to believe that the person to be charged has committed an offense.” Wis. Stat. § 968.02(3). The procedure thus “requires a judge to assume two functions: investigation of alleged violations of the law and, upon a finding of probable cause, initiation of prosecution.” *State v. Unnamed Defendant*, 150 Wis. 2d 352, 359 (1989).

The sections below proceed in reverse order: first, establishing that probable cause exists that Ridglan Farms has committed criminal animal cruelty and, second, establishing that the District Attorney, Ismael Ozanne, refuses to prosecute those crimes. Accordingly, the Circuit Judge is authorized to “direct[] the filing of a complaint consistent with the criminal complaint that is proposed . . . [and to] appoint[] . . . a special prosecutor.” *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 271 Wis. 2d 633, 646 (2004).

II. There is more than probable cause to believe that Ridglan Farms committed violations of Wis. Stat. §§ 951.02 and 951.14, directly or as party to the crime.²

As detailed below, there is probable cause—and indeed, proof beyond a reasonable doubt—that Ridglan Farms violated §§ 951.02 and 951.14, specifically by the following cruelty:

- Conducting painful surgical procedures, including the so-called “cherry eye” surgery on dogs’ red, irritated eyes without anesthetics or veterinary supervision and devocalization surgery to mutilate dogs’ vocal cords;

² Petitioner Wayne Hsiung has attested to his knowledge of the facts alleged throughout this petition in his Declaration, attached as **Exhibit J**. This includes, inter alia, authentication of the photos and videos contained in the petition.

- Confining dogs to small metal cages, often in solitary confinement and without meaningful enrichment, to the point that many dogs exhibit signs of extreme psychological torment, including endless spinning, pacing, and wall bouncing;
- Housing dogs on inadequate flooring, through which the dogs' feet often fall and which results in serious and painful injuries and infections for the dogs.

Wisconsin law is clear that probable cause is present when the facts and circumstances available justify a reasonable belief that a crime has been committed. *See Mahnke v. Garrigan*, 428 F. App'x 630, 634 (7th Cir. 2011) (citations omitted) (applying Wisconsin law to determine presence of probable cause in animal abuse case.) It “does not take much to establish probable cause”; it requires “more than a bare suspicion” but does not require “enough evidence to support a conviction or even to show that [Petitioner’s] belief is more likely true than false.” *Fox v. Hayes*, 600 F.3d 819, 833 (7th Cir. 2010) (citation omitted). The “test is not whether the inference drawn is the *only* reasonable inference. The test is whether the inference drawn is a reasonable one.” *State v. Gralinski*, 2007 WI App 233, ¶ 25, 306 Wis. 2d 101, *review denied*, 2008 WI 6, 306 Wis. 2d 46 (citation omitted, emphasis in original). Moreover, “the showing sufficient to establish probable cause . . . is less than the evidence which would justify conviction and less than the evidence required in a preliminary examination.” *State v. Benoit*, 83 Wis. 2d 389, 394-395 (1978).

As such, probable cause is established when there are facts and inferences that “allow a reasonable person to conclude that a crime was probably committed and that the defendant is probably culpable.” *State v. Jensen*, 2004 WI App 89, ¶95, 272 Wis. 2d 707, *aff’d*, 2005 WI 31 ¶95, 279 Wis. 2d 220. “Where reasonable inferences may be drawn establishing probable cause that supports the charge, and equally reasonable inferences may be drawn to the contrary, the criminal complaint is sufficient.” *Id.* The facts are not viewed “in a hypertechnical sense but in a

minimally adequate way through a commonsense evaluation by a neutral judge making a judgment that a crime has been committed.” *Id.*

A. The charges are Class A misdemeanor violations of Wis. Stat. §§ 951.02 and 951.14 and Class I felony violations of Wis. Stat. § 951.02.

There is probable cause that violations of Wis. Stat. §§ 951.02 and 951.14 have been and continue to be committed against thousands of beagles currently warehoused in wholly inadequate and substandard cages at Ridglan Farms. The beagles are also subjected to cruel treatment through intentional and negligent conduct that causes infection and injury, including surgical mutilation without anesthetics or veterinary supervision.

Wis. Stat. § 951.02 criminalizes 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.” “‘Animal’ includes every living warm-blooded creature, except a human being.” Wis. Stat. § 951.01(1)(a). “‘Cruel’ means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.” *Id.* § 951.01(2).

Wis. Stat. § 951.14 establishes the minimum requirements for proper shelter of animals: “The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals. . . . 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.” State and federal administrative rules provide additional guidance on what constitutes adequate housing for dogs. Chapter 16 of the Agriculture, Trade and Consumer Protection Code (ATCP) requires that any wire flooring “shall be of an adequate gauge . . . to prevent injury to the dogs’ feet” and “[f]loor openings, if any, shall be small enough to prevent the feet of the smallest dog kept in the enclosure from passing through or becoming entangled in the openings.” ATCP § 16.22(1)(b). Likewise,

Section 3.6 of Title 9 of the Code of Federal Regulations requires: “Primary enclosures for dogs . . . must be constructed and maintained so that they: . . . [e]nable the dogs . . . to remain dry and clean . . . [and] [h]ave floors that are constructed in a manner that protects the dogs’ . . . feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs’ . . . feet to pass through any openings in the floor.” 9 C.F.R. § 3.6.

Finally, Wis. Stat. § 951.18 provides the penalties for violating Wisconsin’s animal cruelty laws: “Any person who intentionally or negligently violates any of those sections [including §§ 951.02 and 951.14] is guilty of a Class A misdemeanor. Any person who intentionally violates § 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty of a Class I felony.”

Criminal negligence alone is enough for a Class A misdemeanor; intentional conduct is only required for the Class I felony. *Id.* “‘Intentionally’ means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.” *Id.* § 939.23. What must be intentional is the cruel treatment; the mutilation, disfigurement or death of an animal need not be intended. *See State v. Klingelhoets*, 2012 WI App 55, ¶ 15, 17, 341 Wis. 2d 432 (noting that “the final outcome of the intentional cruel treatment by the actor . . . increases the penalty exposure” but “the plain language of Wis. Stat. § 951.18(1) does not require a defendant to have intentionally mutilated, disfigured or caused an animal’s death for that defendant to be guilty of the Class I felony”).

Given the nature of the conduct described below, there is probable cause to believe that Ridglan Farms’ cruelty is intentional, with some acts rising to the level of felony violations of Wis. Stat. § 951.02 because they resulted in mutilation.

B. The evidence establishes that there is probable cause to believe that Ridglan Farms violated Wis. Stat. §§ 951.02 and 951.14.

The evidence discussed below establishes that there is probable cause to believe that Ridglan Farms has violated Wis. Stat. §§ 951.02 and 951.14 by improperly conducting painful surgical mutilations, confining dogs to small metal cages and thereby inducing extreme psychological distress, and housing dogs on inadequate and harmful flooring. Indeed, given that the evidence comes from multiple sources over a period of many years, it clearly establishes proof beyond a reasonable doubt can be shown in a criminal trial.

1. Ridglan Farms has engaged in, and continues to engage in, intentional mutilation of beagles by conducting surgeries without anesthetics or veterinary supervision or that are patently unnecessary in violation of Wis. Stat. § 951.02.

Ridglan Farms regularly performs so-called “cherry eye” surgery on beagles without anesthetics or veterinary supervision. An expert veterinarian, Dr. Sherstin Rosenberg, reviewed footage, inspection reports, and internal documents from Ridglan Farms, including information related to the performance of “cherry eye” surgery. Dr. Rosenberg is a licensed veterinarian who has practiced veterinary medicine for over 25 years; examined and cared for thousands of animals, including dogs; and has served as an expert veterinary witness in 9 criminal and civil cases and testified in multiple legislative hearings regarding animal welfare issues. Dr. Rosenberg’s affidavit is attached as **Exhibit A**. As Dr. Rosenberg explains, “cherry eye” is “a congenital eye condition” in which a dog’s third eyelid gland protrudes from the eye and becomes red and irritated. Ex. A. at 3. In Dr. Rosenberg’s telling, “a former Ridglan employee revealed that as recently as 3 years ago the nictitating membrane (third eyelid) of dogs was routinely removed without anesthesia or hemostasis (control of bleeding) as a ‘treatment’ for cherry eye.” *Id.* Dr. Rosenberg’s affidavit is worth quoting at length for its description of Ridglan Farms’ standard practices with respect to “cherry eye” surgery:

According to a former employee at Ridglan, the procedure is done by staff (not a veterinarian) using a pair of scissors. Instead of blocking pain with anesthesia, the employee told me that dogs were held firmly in place to prevent them from squirming in response to the pain. The dogs would yelp during the procedure and since no attempt was made to clamp or ligate tissue, there was profuse hemorrhage. The employee told me that the dogs would be put aside and the blood would be hosed off later.

It should be noted that the eye is one of the most highly innervated, vascularized, and sensitive parts of a dog's body. Performing surgery on the eye without anesthesia causes severe pain and constitutes unnecessary cruelty. Failure to control bleeding could lead to life-threatening complications or death due to severe blood loss.

Id. at 4. In Dr. Rosenberg's expert opinion: "I would characterize the cherry eye "surgeries" performed at Ridglan as mutilations rather than surgeries. The procedures are highly painful in the absence of anesthesia and do not benefit the dogs, who later suffer chronic painful eye conditions as a result of having their third eyelids removed." *Id.*

In addition, Ridglan Farms regularly performs "devocalization" surgeries on beagles. The surgeries "debark" dogs "by cutting or removal of the laryngeal cartilage." *Id.* The American Veterinary Medical Association "strongly discourages the devocalization (non-therapeutic ventriculocordectomy) of dogs because of the surgery's negative impacts on animal welfare. Barking is a natural behavior and an important canine communication method. Devocalization deprives the dog from normal engagement in this natural behavior. . . . [S]ignificant risks and complications, including pain, are associated with the surgery" *Canine Devocalization*, AMERICAN VETERINARY MEDICAL ASS'N, <https://www.avma.org/resources-tools/avma-policies/canine-devocalization> (last accessed March 18, 2024). Devocalization surgery is done for human convenience—that is, it is not a medically necessary procedure for dogs. Ex. A at 4. To make matters worse, Ridglan Farms has failed to meet even the most minimal standards for the care and safety of the beagles on whom this invasive procedure is performed. At a site visit in 2013, for

example, an inspector for the Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) noted Ridglan Farms' failure to use sterile procedures during devocalization surgeries, including failure to sterilize surgical instruments. Ex. B. at 3. Ridglan Farms' letter to AAALAC summarizing the report is attached as **Exhibit B**. In addition, in footage from April 2017—much of which is in the possession of the DA's Office—dogs can be heard straining to bark and issuing the hoarse, hollow sounds that are evidence of devocalization surgery.

Ridglan Farms' practices with respect to "cherry eye" surgery and devocalization surgery reflect the policies of the company and amount to felony violations of Wis. Stat. § 951.02. As Wis. Stat. § 951.18(1) makes clear: "Any person who intentionally violates § 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty of a Class I felony." Ridglan Farms' surgical operations are repeated, planned, and intentional. As Dr. Rosenberg concludes in her report: "Cherry eye removal and devocalization as commonly practiced at Ridglan Farms are mutilations leading to unnecessary pain, risk of complications, lifelong negative impact on welfare, and do not benefit the animals." Ex. A at 5. Put simply, these policies and practices amount to felony animal cruelty.

2. Ridglan Farms confines dogs in a manner that induces psychological torment in violation of Wis. Stat. §§ 951.02 and 951.14.

Ridglan Farms has a policy and practice of confining dogs in small metal enclosures, often in solitary confinement and without meaningful enrichment, to the point that many dogs are in a state of extreme psychological torment. On October 26, 2016, an inspector with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) noted: "A number of adult dogs in the facility were displaying prominent stereotypical behaviors; such as: circling, pacing, and wall bouncing." Ex. C at 10. Based on observations of the dogs, the inspector concluded: "Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are

an indicator of the dog's welfare." *Id.* at 11. The full DATCP report is attached as **Exhibit C**. But despite the government's report, Ridglan Farms did not correct these problems.³ On April 17, 2017, animal rights activists observed the same problem: numerous dogs spinning in cages or exhibiting other forms of stereotypical, repetitive behaviors. Then again, in the 2021-2022 timeframe, an employee at Ridglan Farms noted the persistence of these conditions.

A video taken by animal activists in 2017, attached hereto as **Exhibit D**, provides a representative example of the psychological distress of dogs at Ridglan Farms. The video shows a dog kept alone in a small metal cage, deprived of the outdoors and the ability to engage in natural behaviors or socialize with other dogs. The dog has developed an abnormal coping mechanism to deal with the abnormal surroundings: the dog spins in an endless circle, around and around and around. As Dr. Rosenberg has noted based on her review of the evidence, this is a systemic and recurring problem: "Dogs at Ridglan Farms are systematically housed in tiny enclosures, often alone, devoid of enrichment, causing dogs to display repetitive behaviors—spinning, pacing, and wall bouncing. This behavior indicates severe psychological torment and distress." Ex. A at 1. This is just one of dozens of instances of stereotypic behavior observed and documented by Petitioner Hsiung in a span of 2 hours.

³ In fact, Ridglan Farms claims in the report that it did fix these problems, but the company's claims are belied by the findings of animal activists in 2017 and an employee in 2021-2022.



A beagle at Ridglan Farms engaging in stereotypic behavior: endless spinning.

These blatant signs of psychological distress are evidence that Ridglan Farms' policies and practices—in particular, the way it cages dogs—violate Wisconsin law. Wis. Stat. § 951.14 establishes mandatory requirements for housing animals: “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.” As Dr. Rosenberg has indicated—and as common sense confirms—Ridglan Farms subjects many dogs to “[i]nadequate space,” resulting in abnormal, stress-induced behaviors like circling, pacing, and wall bouncing. The “evidence of debility, stress or abnormal behavior patterns” is plain.



A traumatized beagle at Ridglan Farms.

Ridglan Farms has been given notice more than once about the inadequacy of its housing, but it has refused to fix the problem. By continuing to subject dogs to these conditions, Ridglan Farms is engaging in intentional or negligent conduct in violation of Wis. Stat. § 951.14, a Class A misdemeanor. *Id.* § 951.18. Ridglan Farms' actions also violate Wis. Stat. § 951.02, which prohibits "treat[ing] any animal . . . in a cruel manner." Subjecting dogs to intensive and often solitary confinement—and then failing to address that confinement when dogs exhibit clear signs of psychological distress—is not standard veterinary practice and constitutes cruel treatment.



A representative example of dog enclosures at Ridglan Farms: small metal cages without enrichment, in which dogs are often kept alone. The dogs are never permitted outdoors.

3. Ridglan Farms' improper flooring and inadequate veterinary care causes serious infections and ailments to dogs in violation of Wis. Stat. §§ 951.02 and 951.14.

Ridglan Farms causes serious infections and ailments to dogs, and, despite repeated warnings, the company has refused to ameliorate harmful conditions. On October 26, 2016, an inspector with the DATCP found that: "Within several enclosures the feet and legs of puppies were found to be repeatedly passing through the floor openings. In these instances the legs of puppies were observed to have passed completely below the mesh flooring up to the puppy's chest. Puppies were observed to have noticeable difficulty standing or moving comfortably and naturally upon the floored surface due to the large size of the openings." Ex. C at 12. Despite this notice, Ridglan Farms failed to remedy the problem because, in December of 2023, a USDA inspector observed that: "Some of the weaned puppies and preweaning-aged puppies in eleven enclosures were observed to have feet or legs pass through the smooth-coated mesh floors when they walked." Ex.

E at 1. The full USDA report is attached as **Exhibit E**. After reviewing this evidence, as well as evidence obtained from animal activists on site in 2017 and from a whistleblower employee on or around 2021-2022, Dr. Rosenberg opined: “Inadequate flooring for puppies is a serious animal welfare violation. When a puppy falls through holes in their enclosure, it inhibits their ability to move freely, express normal behaviors, and to reach food and water. Being forced to live on this type of flooring is a form of psychological and physical cruelty.” Ex. A at 3.

This cruelty is not limited only to puppies. The DATCP inspector in 2016 noted: “Several observed dogs within the facility were being treated for foot health problems.” Ex. C at 10. And in 2017, when animal activists investigated the facility and removed three dogs, all three of the dogs “suffered from severe interdigital pododermatitis (foot infections) requiring veterinary care.” Ex. A at 3. Dr. Rosenberg provided the following analysis of the dogs’ conditions and welfare:

By my own experience and consultations with veterinary specialists in the field of canine laboratory research, dogs living on mesh flooring repeatedly bump the area between toes on the uneven flooring, causing irritation and injury. In addition, fecal matter accumulates on the floor surface because the holes are not large enough for most feces to pass through. In a 2’ x 4’ cage it is impossible for a dog to avoid walking through feces and irritated/damaged skin exposed to feces frequently leads to infection. Interdigital dermatitis is highly irritating and even painful for dogs suffering from this infection.

Ridglan Farms was notified of these problems at least as far back as 2016. Since then, animal activists on site observed the same problems in 2017, a whistleblower employee observed them on or around 2021-2022, and the USDA observed them in 2023. All of the evidence indicates that improper flooring and lack of adequate veterinary care is an ongoing problem that Ridglan Farms has refused to address, resulting in unnecessary pain and suffering for thousands of dogs over the years and into the present day.



Above: Dried blood and evidence of a foot infection in a beagle rescued from Ridglan Farms.

Right: A beagle's infected paw at Ridglan Farms.



These failures by Ridglan Farms are violations of both Wis. Stat. § 951.14 and Wis. Stat. § 951.02. Wis. Stat. § 951.14 requires housing facilities for animals “to protect the animals from injury,” and state and federal administrative rules specifically require flooring that prevents injuries, including preventing dogs’ feet from passing through openings. *See* ATCP § 16.22(1)(b); 9 C.F.R. § 3.6. Ridglan Farms’ flooring does not protect dogs from injury—on the contrary, it is the *cause* of injury, as at least two government inspections have made clear. Ridglan Farms’ failure to fix its flooring, despite repeated notices, amounts to intentional or negligent conduct in violation of Wis. Stat. § 951.14, a Class A misdemeanor. *See* Wis. Stat. § 951.18. Ridglan Farms’ improper flooring and inadequate care is also intentional or negligent conduct in violation of Wis. Stat. § 951.02, which forbids “treat[ing] any animal . . . in a cruel manner.” Permitting dogs to fall

through flooring, injure themselves, and develop serious and painful foot infections is cruel treatment, especially when remedial action is not taken after repeated notices.

C. The crimes alleged took place in Dane County, Wisconsin, within the statute of limitations.

The violations are ongoing and have been taking place at Ridglan Farms, located at 10489 W. Blue Mounds Rd., Blue Mounds, WI 53517, in the County of Dane. The statute of limitations is three years for misdemeanors and six years for felonies. Wis. Stat. § 939.74(1). Ridglan Farms' practices with respect to "cherry eye" surgery and devocalization surgery are felony violations of Wis. Stat. § 951.02. There is evidence from 2021-2022 that practices were regularly occurring, and they continue to this day. Ridglan Farms' improper flooring and inadequate housing, as well as its infliction of injury, infection, and psychological distress upon dogs, are misdemeanor violations of Wis. Stat. §§ 951.02 and 951.14. There is evidence from as recently as 2023 for these practices, and they continue to this day. But all of the evidence referenced in this Petition, including government reports from 2016 and 2023, footage from activists from 2017, and whistleblower information from on or around 2021-2022, is relevant to the misdemeanor and felony charges, even if the evidence itself falls outside of the statute of limitations. Evidence of past violations can give rise to an inference of present violations, especially when Ridglan Farms has repeatedly ignored notices of wrongful conduct from government inspectors and others. For example, the fact that dogs' feet were falling through wire floors in 2016, 2017, and on or about 2021-2022, and that Ridglan Farms took no action despite government inspections calling for better flooring, justifies an inference that Ridglan Farms' flooring is still inadequate today. And indeed, the most recent government inspection—from 2023—confirms that dogs' feet are still passing through the floor. See Ex. E at 1.

Further, Wis. Stat. §§ 951.02 and 951.14, which require ongoing care and adequate housing for animals, establish continuing offenses, so the statute of limitations has not even begun to run. “Often a continuing offense may be distinguished by a duty to perform an act which the defendant fails to do.” *John v. State*, 96 Wis. 2d 183, 188 (1980). Ridglan Farms has failed—and continues to fail—to comply with its legal duties. Ridglan Farms’ violations are the result of policies and practices that are still in place, including painful surgical procedures and cruel confinement of dogs. Notably, “the statute of limitations for a continuing offense does not begin to run until the last act is done which viewed by itself is a crime.” *Id.*

D. Ridglan Farms can be held criminally liable for the acts of its agents.

Wisconsin law recognizes that a corporation, like Ridglan Farms, is a legal entity that can be held criminally liable for the acts of its agents. *See, e.g., State v. Steenberg Homes, Inc.*, 223 Wis. 2d 511, 518 (Ct. App. 1998) (holding a corporation criminally liable for negligent homicide); *State v. Richard Knutson, Inc.*, 196 Wis. 2d 86, 102–03 (Ct. App. 1995) (same); *Vulcan Last Co. v. State*, 194 Wis. 636 (1928) (holding a corporation criminally liable for attempting to influence votes of employees at election). “Agents are officers, directors, employees, or other people who are authorized by a corporation to act for it.” Wis. JI-Criminal 420, *Criminal Liability of a Corporation*. “A corporation can be held liable for the acts of its employees committed within the scope of employment. . . . Employees act within the scope of employment when they perform acts which they have express or implied authority to perform and their actions benefit or are intended to benefit the employer.” *Steenberg Homes, Inc.*, 223 Wis. 2d at 520. In fact, “[a]n employer can be held responsible for the acts of an employee performed within the scope of employment, even though the conduct of the employee is contrary to the employer’s instructions or stated policies.” *Id.* In other words, it is not the policies on the book that are dispositive; rather, what matters is

whether the individual acted with the corporation's express or implied authority and intended to benefit the corporation. Alternatively, a corporation can be held criminally liable if it acted through its officers, including a failure by those officers to comply with existing statutory duties. *See Wis. JI-Criminal 420, Commentary to Criminal Liability of a Corporation.*

The criminal practices described above, including “cherry eye” and devocalization surgery, confining dogs to inadequate enclosures, and housing dogs on harmful flooring, are paradigmatic instances of corporate wrongdoing. Surgeries require planning and procedure, and Ridglan Farms’ “cherry eye” and devocalization surgeries occurred repeatedly. They were not the result of rogue contractors but the planned operations of employees. Staff acted with Ridglan Farms’ authority, and their actions benefited or were intended to benefit Ridglan Farms. Likewise, confining dogs to inadequate and harmful enclosures—enclosures that resulted in infections, injuries, and psychological torment—was done with Ridglan Farms’ authority and benefited or was intended to benefit Ridglan Farms. Agents of Ridglan Farms, including Richard J. VanDomelen, the Staff Veterinarian and Facility Manager for Ridglan Farms, received and responded to reports from AAALAC, the DATCP, and the USDA. *See Exs. B, C & E.* Thus, through its agents, Ridglan Farms was aware of its violations but failed to take corrective action in violation of Wis. Stat. §§ 951.02 and 951.18.

E. The exemption under Wis. Stat. § 951.015 does not apply to the conduct at issue, so Ridglan Farms is not insulated from prosecution for its violations.

Wisconsin law provides an exemption from prosecution for cruelty to animals for “[t]eaching, research, or experimentation conducted pursuant to a protocol or procedure approved by an educational or research institution, and related incidental animal care activities.” Wis. Stat. § 951.015(3)(a). But the conduct described above does not fall under this exemption. Ridglan

Farms houses approximately 3,000 dogs at any one time, and the dogs can be roughly divided into two groups. The vast majority of the dogs are bred and raised to be sold to research universities and private corporations for testing. While at Ridglan Farms, these dogs are not used for “[t]eaching, research, or experimentation conducted pursuant to a protocol or procedure approved by an educational or research institution.” They are born, grown, and sold away. A smaller, separate group of dogs is used for experiments at Ridglan Farms. These two sets of dogs are housed in separate buildings. This Petition focuses only on the dogs being bred for sale at Ridglan Farms, not the ones on whom Ridglan Farms performs experiments; as a result, the exemption in Wisconsin law for animals subjected to experiments does not apply.

Put more specifically, none of the violations described above are related to teaching, research, or experimentation, nor are they part of any protocol or procedure approved by an educational or research institution. The “cherry eye” and devocalization surgeries are not experimental or educational. Likewise, the small and harmful enclosures are not part of an experimental or educational program. The fact that experimental or educational institutions later purchase some of these dogs does not immunize Ridglan Farms. As a beagle breeder, Ridglan Farms is subject to the animal cruelty laws of Wisconsin—without exception—and it is flagrantly and repeatedly violating those laws.

III. The District Attorney has refused to issue a complaint.

The Dane County District Attorney, Ismael Ozanne, has failed to issue a complaint since first being made aware of the violations by Ridglan Farms nearly *six years* ago. This failure to prosecute Ridglan Farms constitutes a refusal to file a complaint under Wis. Stat. § 968.02.(3).

The word “refuse” in Wis. Stat. § 968.02.(3) is given its plain meaning, namely “[t]o indicate unwillingness to do, accept, give, or allow.” *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*,

271 Wis. 2d 633, 668 (2004). Importantly, the Wisconsin Supreme Court has rejected the “argument that only a direct and unequivocal statement from the district attorney—e.g., ‘I refuse to issue a complaint’—can satisfy the statute.” *Id.* at 644. Indeed, “requiring an explicit statement of refusal from the district attorney . . . is contrary to and could defeat the purpose of the statute. The district attorney could block the use of Wis. Stat. § 968.02(3) by simply responding to the complainant in vague and uncertain terms.” *Id.* at 669-70. Accordingly, a refusal under Wis. Stat. § 968.02.(3) “does not necessarily require an express statement from the district attorney”; “a long silence or period of inaction that, under the totality of circumstances, gives rise to a reasonable inference that the district attorney intends not to act” is sufficient. *Id.* at 669. Refusal can thus “be proven directly or circumstantially, by inferences reasonably drawn from words and conduct.” *Id.* at 668-69.

In this case, the circumstantial evidence that the DA, Ismael Ozanne, has refused to issue a complaint against Ridglan Farms is overwhelming. The DA has engaged in “a long silence” and “period of inaction” that can give rise to only one inference: a refusal to prosecute.

Petitioner Hsiung’s organization contacted the District Attorney’s Office and the Dane County Sheriff on or around May 2018 by phone to indicate concerns about the above-mentioned cruelty. The Petitioner’s organization directed the authorities to a report by a Pulitzer Prize winning journalist regarding the cruelty at Ridglan Farms. *See* Glenn Greenwald & Leighton Akio Woodhouse, *Bred to Suffer*, INTERCEPT (May 17, 2018), <https://theintercept.com/2018/05/17/inside-the-barbaric-u-s-industry-of-dog-experimentation>. The report provides a detailed description of the criminal activity discussed in this Petition, including devocalization surgery, confinement that brought about “extreme psychological

torment,” and “skin and foot conditions from walking on wire.” *Id.* Petitioner Hsiung and his organization received no response to these inquiries.

In October 2022, an animal cruelty complaint was submitted to the District Attorney’s Office. The complaint, attached as **Exhibit F**, discusses violations of Wis. Stat. §§ 951.02 and 951.14 by Ridglan Farms. The DA did not issue a response.

Again, in May 2023, an animal cruelty complaint was sent by email to the District Attorney’s office, in part based on additional records obtained through state open records laws. The complaint is attached hereto as **Exhibit G**. As before, the DA did not issue a response.

And then again, on March 14, 2024, Petitioners submitted a proposed criminal complaint to the District Attorney’s office, Dane County Animal Control, and the Dane County Sheriff by email and web form. The complaint is attached as **Exhibit H**. Animal Control indicated that it would not be able to begin an investigation and referred Petitioners to the Department of Agriculture, Trade and Consumer Protection. The Sheriff failed to reply. The District Attorney’s office indicated that it would not prosecute without a referral from the Sheriff. Later, on March 18, 2024, a supervisor with the Dane County Sheriff’s office said to Petitioner Hsiung that the Petitioners would need to speak to the District Attorney’s office in order to address his concerns about the Ridglan dogs.

The District Attorney’s Office and Sheriff have thus trapped Petitioners in a Catch-22: the District Attorney’s Office will only prosecute the crimes if the Sheriff conducts an investigation, and the Sheriff will only conduct an investigation if the District Attorney’s Office will prosecute. This impossible situation allows both parties to disclaim responsibility for enforcing the law and amounts to a refusal on the part of the District Attorney to issue a complaint.

Finally, on March 18, 2024, Petitioners brought further evidence to the Dane County District Attorney's office, along with a criminal cruelty referral written by a former federal prosecutor, Bonnie Klapper. Ms. Klapper, who spent 24 years evaluating evidence for probable cause as a federal prosecutor, opined: "There is far more than probable cause to believe that Ridgland, 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." Ex. I at 9. Ms. Klapper's referral is attached as **Exhibit I**. When Petitioners delivered the criminal cruelty referral on March 18, investigator Ryan Greeno met briefly with the Petitioners and indicated that his office would decline to bring charges unless an investigation was performed by law enforcement with "jurisdiction" over the case. Again, the District Attorney's Office is hiding behind this Catch-22, and their inaction amounts to a refusal to issue a complaint.

Perhaps most revealing, the District Attorney's office, with knowledge of most of the evidence above, elected to prosecute Petitioner Hsiung in a case that was dismissed on March 8, 2024. The case concerned an investigation conducted by Hsiung, in which he documented examples of criminal animal cruelty like those discussed above. Rather than hold Ridgland Farms accountable for demonstrable animal cruelty, the District Attorney's Office chose to shield the company and prosecute those who exposed its criminal practices. Given that the facts at issue in this petition are intertwined with Petitioner Hsiung's own criminal defense arguments, which the District Attorney characterized as "shameful" and "lunacy" in public filings, the appointment of a special prosecutor is necessary to avoid actual or positional conflicts of interest.

IV. Proceedings pursuant to Wis. Stat. § 968.02(3) are judicial, and the accused has no right to participate, request reconsideration, or appeal.

A proceeding under Wis. Stat. § 968.02(3) is not a court proceeding but a judicial proceeding, "and there is an express distinction between a judge and a court." *Gavcus v. Maroney*,

127 Wis. 2d 69, 70 (Ct. App. 1985) (internal citation omitted). Hence, a judge’s decision on a petition brought under Wis. Stat. § 968.02(3) “is not a judgment or order of a circuit court” and hence is not appealable by either the petitioner or the accused. *Id.* at 70-71. Similarly, because Wis. Stat. § 968.02(3) expressly specifies an ex parte proceeding, it “does not confer upon the person who is the subject of a proposed prosecution the right to participate in any way or to obtain reconsideration of the ultimate decision reached.” *Kalal*, 271 Wis. 2d, at 650. “To the extent that a circuit judge’s decision to permit the filing of a complaint under Wis. Stat. § 968.02(3) is legally or factually unsupported, the defendant named in the complaint may seek its dismissal in the circuit court after it has been filed, and may pursue standard appellate remedies thereafter.” *Id.* at 652. While there is no right to appeal, the supervisory writ procedure is available “in limited circumstances to obtain review of a judge’s decision under [§ 968.02(3)].” *Id.* at 651. Thus, neither Ridglan Farms nor the District Attorney’s office is entitled to participate in an ex parte hearing related to this petition.

V. The need for the filing of a complaint is urgent, as there is probable cause to believe the law will continue to be violated, causing unnecessary pain and suffering to thousands of dogs.

Ridglan Farms’ crimes are ongoing and systemic. After Dr. Rosenberg reviewed voluminous evidence about Ridglan Farms’ polices and practices, she concluded her report as follows: “Due to poor management practices and improper housing, thousands of Ridglan dogs have been and continue to be subjected to psychological torment, painful infections, and surgical mutilations. The persistence of these problems over nearly a decade suggests that the facility has no intention of improving the situation, and that they will continue business as usual unless further action is taken.” Ex. A at 5. Indeed, as this Petition has chronicled, government inspectors,

activists, journalists, and others have brought these problems to the attention of Ridglan Farms again and again, but the company has refused to take action.

The Judge's ability to authorize the issuance of a complaint under Wis. Stat. § 968.02(3) plays an important role in Wisconsin's constitutional order. This role dates back to before the Wisconsin Constitution was adopted and "has remained, substantially unchanged, in our statutes for over one hundred and fifty years." *State v. Unnamed Defendant*, 150 Wis. 2d 352, 363 (1989). As the Wisconsin Supreme Court has recognized, "A hearing conducted under this statute is not only a check upon the prosecutor's decision not to file charges; additionally, it is a check performed under the tradition of judicial fairness and openness that our American system of law provides." *State ex rel. Newspapers, Inc. v. Cir. Ct. for Milwaukee Cnty.*, 124 Wis. 2d 499, 509 (1985). In other words, appointing a special prosecutor under Wis. Stat. § 968.02(3) is not a disfavored remedy but an essential means of upholding the rule of law.

This function of the judge is especially important in cases like this one, where the victims of the criminal conduct cannot speak for themselves or petition the government for redress. Thousands of dogs at Ridglan Farms continue to suffer criminal mistreatment, yet the company and District Attorney refuse to take action. In such circumstances, the Circuit Judge is authorized to permit the issuance of a criminal complaint. A proposed complaint is attached as **Exhibit H**.

CONCLUSION

Probable cause exists to believe that Ridglan Farms has violated Wis. Stat. §§ 951.14 and 951.02. The company has mutilated dogs, confined them in torturous conditions, and subjected them to flooring that has caused injuries and infections. Even though Ridglan Farms has received repeated notices to fix these problems, it has refused to take action, prioritizing its bottom line over animal welfare or compliance with the law. Despite being made aware of these crimes as far back

as May 2018, the Dane County District Attorney has not prosecuted Ridglan Farms. This long period of silence and inaction amounts to a refusal to prosecute.


Accordingly, Petitioners respectfully request that the Judge grant the relief requested herein, namely that a special prosecutor be appointed and a complaint issued against Ridglan Farms for their violations of Wis. Stat. §§ 951.14 and 951.02.

Signed and sworn on this 20th Day of March, 2024.

Respectfully submitted,



Rebekah Robinson
President, Dane4Dogs Ltd.



Wayne Hsiung

EXHIBIT A

Sherstin Rosenberg, D.V.M.
3940-7 Broad Street
PMB #215
San Luis Obispo, CA 93401
(805) 458-6102

3-14-24

I have been asked by the Simple Heart Legal Team to review footage, inspection reports, and internal documents from Ridglan Farms in Dane County, Wisconsin and to evaluate animal welfare practices at the facility. Ridglan Farms is a large, commercial facility which breeds and sells thousands of beagles annually to research laboratories across the U.S. Ridglan also conducts its own research on the dogs on a contract basis.

I have been a licensed veterinarian in the state of California for more than 25 years. I graduated from the UC Davis School of Veterinary Medicine in 1998 after completing my undergraduate education at Stanford University. For the past 10 years I have been the chief veterinarian at an animal sanctuary where I have examined and cared for thousands of dogs, cats, goats, sheep, birds, and other animals. I have served as an expert veterinary witness in 9 criminal and civil cases, and have also testified in multiple legislative hearings regarding animal welfare issues.

Summary: Review of the data reveals a pattern of repeatedly recurring criminal animal welfare violations. Failure to provide adequate housing, exercise, and socialization has induced psychological torment in thousands of dogs. Puppies routinely become trapped in flooring, and older dogs incur injuries and foot infections due to the flooring. Painful surgical mutilations are routinely performed without anesthesia or sterile technique for procedures that do not benefit the dogs and induce chronic pain and psychological distress. Based upon willful failure to improve practices as demonstrated over a number of years, in my opinion Ridglan is unlikely to take corrective action of its own accord.

Dogs at Ridglan Farms are systematically housed in tiny enclosures, often alone, devoid of enrichment, causing dogs to display repetitive behaviors- spinning, pacing, and wall bouncing. This behavior indicates severe psychological torment and distress.

Widespread display of spinning, pacing, and wall bouncing behaviors observed at Ridglan indicate high levels of psychological distress in the animals.

Repetitive, stereotypic behaviors are widely understood by animal welfare experts to be a sign of inadequate housing and poor management. See [Guide for the Care and Use of Laboratory Animals eighth edition.](#), pg 63.

According to an inspection performed on 10/26/2016 by the Wisconsin Department of Agriculture (ATCP)

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“A number of adult dogs in the facility were displaying prominent stereotypical behaviors; such as: circling, pacing, and wall bouncing.”... “Efforts should be taken to address dog’s abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog’s welfare.”

This same inspector recorded that adult dogs at the facility are housed in cages that are 2’ x 4’. They never leave their cage and, as noted by the state inspector, there are no outdoor exercise facilities.

Animal Activists on site in 2017 took extensive footage of dogs displaying these same repetitive behaviors.

On 2/27/2019 an AAALAC site inspector wrote:

“Numerous Animals were found single housed in enclosures that did not fulfill their daily exercise requirement.”

Failure to provide adequate space, exercise, and meet social needs at the Ridglan facility has led to the psychological torment of thousands of dogs over the years. Moreover, Ridglan has failed to improve their management practices despite repeated notification of the issues.

Dogs living in tiny cages are forced to step in their feces while puppies fall through large floor openings; dogs spend their lives on mesh floors and the uneven flooring causes painful foot injuries and infections.

Coated mesh flooring with openings for passage of feces has led to serious welfare issues at the facility for many years, including puppies’ legs and feet getting stuck and a high incidence of foot infections (interdigital pododermatitis). Despite claims by Ridglan to have rectified these issues, inspectors from different agencies noted serious violations in October of 2016 and again in December of 2023, as well as by animal activists in 2017 and an employee in 2021.

Flooring violations were flagged during an inspection performed on 10/26/2016 by the Wisconsin Department of Agriculture (ATCP) and were noted again as recently as December 2023. The Animal Welfare Act States:

9 CFR, Chapter 1, Subchapter A (Animal Welfare Act) § 3.6 - Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements: General requirements. (2) Primary enclosures must be constructed and maintained so that they: (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;

According to the **ATCP inspector** on **10/26/16**:

Within several enclosures the feet and legs of puppies were found to be repeatedly passing through the floor openings (see pictures 3-4). In these instances the legs of puppies were observed to have passed completely below the mesh flooring up to the

puppy's chest. Puppies were observed to have noticeable difficulty standing or moving comfortably and naturally upon the floored surface due to the large size of the openings.

On **12/5/23** a **USDA inspector** noted:

Some of the weaned puppies and preweaning-aged puppies in eleven enclosures were observed to have feet or legs pass through the smooth-coated mesh floors when they walked.

Inadequate flooring for puppies is a serious animal welfare violation. When a puppy falls through holes in their enclosure, it inhibits their ability to move freely, express normal behaviors, and to reach food and water. Being forced to live on this type of flooring is a form of psychological and physical cruelty.

In addition, a Wisconsin ATCP inspector noted foot infections in some of the dogs in 2016, and all 3 dogs removed from the facility by animal activists in 2017 suffered from severe interdigital pododermatitis (foot infections) requiring veterinary care. By my own experience and consultations with veterinary specialists in the field of canine laboratory research, dogs living on mesh flooring repeatedly bump the area between toes on the uneven flooring, causing irritation and injury. In addition, fecal matter accumulates on the floor surface because the holes are not large enough for most feces to pass through. In a 2' x 4' cage it is impossible for a dog to avoid walking through feces and irritated/damaged skin exposed to feces frequently leads to infection. Interdigital dermatitis is highly irritating and even painful for dogs suffering from this infection.

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.

Inappropriate "surgical" mutilations are performed routinely at Ridglan without the use of anesthesia or sterile technique:

Examination of breeding documents at Ridglan reveals that hundreds of dogs bred there each year have a congenital eye condition known as prolapsed nictitating membrane or "cherry eye." The term "cherry eye" was coined because of the mass of red, irritated membrane protruding from the eye. Not all cases of cherry eye require treatment, but in severe cases the protruding tissue will become dry and irritated without proper care.

My conversation with a former Ridglan employee revealed that as recently as 3 years ago the nictitating membrane (third eyelid) of dogs was routinely removed **without anesthesia or hemostasis (control of bleeding)** as a "treatment" for cherry eye.

Excision or removal of the prolapsed eye tissue is not an accepted technique for treating cherry eye within the veterinary profession. And of course failure to provide anesthesia or hemostasis for dogs undergoing surgery is never acceptable.

According to an [article](#) in the Clinician's Brief (a well respected veterinary publication), "Surgical removal of the third eyelid is strictly reserved for neoplasia of the nictitans and its gland or for traumatic injury severe enough to interfere with function of the nictitans and globe; *removal for "cherry eyes" or cosmetic reasons is inappropriate.*" (emphasis added)

Accepted technique for cherry eye surgery is complex and requires the skill of a veterinarian. According to a former employee at Ridglan, the procedure is done by staff (not a veterinarian) using a pair of scissors. Instead of blocking pain with anesthesia, the employee told me that dogs were held firmly in place to prevent them from squirming in response to the pain. The dogs would yelp during the procedure and since no attempt was made to clamp or ligate tissue, there was profuse hemorrhage. The employee told me that the dogs would be put aside and the blood would be hosed off later.

It should be noted that the eye is one of the most highly innervated, vascularized, and sensitive parts of a dog's body. Performing surgery on the eye without anesthesia causes severe pain and constitutes unnecessary cruelty. Failure to control bleeding could lead to life-threatening complications or death due to severe blood loss.

Current veterinary standards for cherry eye surgery require retention of the gland for tear production. Modern methods include surgical reattachment of the membrane beneath the eyelid to prevent protrusion. Without a nictitating membrane, most dogs will go on to suffer from a painful lifelong condition known as dry eye (keratoconjunctivitis sicca).

I would characterize the cherry eye "surgeries" performed at Ridglan as mutilations rather than surgeries. The procedures are highly painful in the absence of anesthesia and do not benefit the dogs, who later suffer chronic painful eye conditions as a result of having their third eyelids removed.

In addition, Ridglan routinely devocalizes dogs by cutting or removal of the laryngeal cartilage. The American Veterinary Medical Association (AVMA) strongly discourages devocalization surgery "because of the surgery's negative impacts on animal welfare."

The devocalization "surgeries" are presumably done at Ridglan for human convenience- to decrease noise level by muting barking sounds. (Note that devocalized dogs are usually still able to make barking sounds and footage from the facility reveals that the noise level is deafening). Rather than providing more space for the dogs and enrichment that would distract from barking, they are subjected to a painful, risky procedure that is not endorsed by the nation's leading veterinary association.

Failure to sterilize instruments used to devocalize the dogs, along with failure to wear surgical masks, sterile gloves, or otherwise practice sterile technique is another issue that has been flagged at Ridglan: An AAALAC site visit in 2013 noted Ridglan's failure to use sterile technique during devocalization surgeries, including failure to sterilize surgical instruments. Devocalization surgery poses risks of severe respiratory and other complications, and failure of sterile technique introduces a substantial risk of painful and life threatening infection.

Cherry eye removal and devocalization as commonly practiced at Ridglan Farms are mutilations leading to unnecessary pain, risk of complications, lifelong negative impact on welfare, and do not benefit the animals.

Conclusions: A persistent pattern of animal cruelty emerges from the data reviewed. More concerning is Ridglan's failure to rectify these matters despite awareness over a number of years. Due to poor management practices and improper housing, thousands of Ridglan dogs have been and continue to be subjected to psychological torment, painful infections, and surgical mutilations. The persistence of these problems over nearly a decade suggests that the facility has no intention of improving the situation, and that they will continue business as usual unless further action is taken.

I thank you for your attention. Please feel free to contact me with questions.



Sherstin Rosenberg, DVM
Executive Director/Veterinarian
Happy Hen Animal Sanctuary
sherstin@happyhen.org

EXHIBIT B

April 4, 2013

Dr. Kathryn Bayne
Global Director
AAALAC International
5283 Corporate Drive, Suite 203
Frederick, MD 21703-2879

RE: File# 1501 Post Site Visit Communication

Dear Dr. Bayne,

During the exit briefing of the March 27, 2013 AAALAC site visit of Ridglan Farms, Inc. (Unit 1501) two Mandatory Items for Correction and six Suggestions for Improvement were communicated by the site visit team (Marc Hulin and Lois Zitzow). In this Post Site Visit Communication I will be addressing all of them with a plan to correct all eight.

Mandatory Items for Correction

1) Occupational Health and Safety Program

The site visit team indicated that Ridglan Farms, Inc. had an Occupational Health and Safety Program in place, but identified multiple deficiencies that must be corrected to attain AAALAC accreditation. These deficiencies included hazard identification and risk assessment, inclusion of an occupational health professional in the medical surveillance and periodic surveillance program and lack of a hearing conservation program. The following is how we plan to address these findings and improve our occupational health and safety program.

Concentra Urgent Care (358 Junction Rd. Madison, WI 608-829-1888) has been contracted to provide the following services to Ridglan Farms, Inc. The program containing these three services will be implemented by the end of April 2013 for all on-site employees.

- a) Risk assessment and hazard identification of the facility.
- b) Medical surveillance / risk assessment of the employees to be conducted by an occupational health medical professional.
- c) Periodic surveillance / risk assessment follow up of the employees by an occupational health medical professional. The frequency of the follow up will be determined by the occupational health medical professional.

Chad Breaker (Cincinnati Insurance) will be conducting a noise assessment of the facility on April 9, 2013 and providing hearing protection recommendations for employees.

American Industrial Medical (Greenfield, WI) will be conducting individual, baseline hearing assessments for all employees that work in animal rooms on April 18, 2013. Periodic reevaluations will be conducted at a frequency to be determined by an occupational health medical professional.

2) IACUC Protocol Review

The site visit team indicated that Ridglan Farms, Inc. had an IACUC Program and Protocol Review process in place, but identified multiple deficiencies that must be corrected to attain AAALAC accreditation. These deficiencies included documentation of “alternative searches”, a report to the Institutional Officer of the IACUC semi-annual program review and facilities inspection, annual and *de novo* review of protocols, documentation of committee deliberations and official votes related to animal care and use protocols/proposals and documentation of information regarding the justification for the species and number of animals used in a study. The following is how we plan to address these findings and improve our IACUC protocol review program.

- a) Information regarding “alternative searches” will be required to be documented in the sponsor’s protocol submitted to Ridglan Farms, Inc. If such documentation is not provided, Ridglan Farms, Inc. will have the option of refusing to conduct the study or performing the literature search and documenting the key words, data bases searched, date time frame of the search and the date the search was performed in the Ridglan Farms protocol review form. A Literature Review section will be added to the Ridglan Farms Animal Care and Use Protocol Form.
- b) A report of the IACUC semi-annual program review and facilities inspection, signed by the IACUC members, will be submitted to the Institutional Officer. This report will include any minority reports and be signed by a majority of IACUC members.
- c) In addition to annual protocol review of ongoing studies, a *de novo* review of ongoing studies will be done every three years by the IACUC.
- d) IACUC meeting minutes will include documentation of committee deliberations and official votes related to animal care and use protocols/proposals.
- e) Information regarding the justification for the species and number of animals used in a study will be required to be documented in the sponsor’s protocol submitted to Ridglan Farms, Inc. This information will also be added and captured on the Ridglan Animal Care and Use Protocol Form.

Suggestions for Improvement

- 1) *Several expired items were found* - There will be a monthly check of expiration dates on all products used at the facility including, but not limited to: prescription and OTC medications, surgical supplies, cleaning supplies and vaccines. All expired items and items due to expire before the next schedule monthly check will be discarded appropriately.
- 2) *Sanitation Verification was done only by visual inspection* - Effectiveness of Sanitation Verification will be assessed by an ATP device such as Fire Fly (Charm Technologies) or a swab and culture method.
- 3) *Autoclave effectiveness was being assessed using autoclave indicator tape inside and outside of surgical packs* - Autoclave effectiveness will be assessed by using a biological indicator which will be placed in the autoclave during operation, as well as, using autoclave indicator tape inside and outside of packs. Biological indicators will be used on a semiannual basis due to the low number of packs which are autoclaved annually at the facility.

- 4) *Surgical gowns, caps and masks are not being worn by the veterinarian during surgical procedures* - In addition to a surgical scrub in by the surgeon and donning sterile gloves, aseptic technique for surgery will include the surgeon wearing a gown, sterile gloves, mask and cap. In regards to devocalizing animals, the instruments used will be sterilized in the autoclave prior to being used to devocalize the first dog and if subsequent dogs are to be devocalized immediately following, the instrument will be submersed in a disinfectant for a period of time between animals. SOP PRD-200-32 (Devocalization of Dogs) will be revised to reflect this change in procedure.
- 5) *Instances of not recording medical treatments were found* - Veterinary records which are kept for each animal on their individual health card will accurately reflect the animal's diagnosis, treatment plan and that the condition has been resolved.
- 6) *IACUC protocols did not include experimental and humane end points* - All IACUC protocols will include experimental and humane end points. The protocols will include a list of potential problems or adverse events which may occur during the study and possible courses of action for each of these. An IACUC policy will also be written addressing how these common adverse events will be handled in study situations.

Ridglan Farms, Inc. will provide a follow-up PSVC after meeting with Concentra, Chad Breaker and American Industrial Medical indicating the specific recommendations and what will be implemented by the institution. Hopefully these actions and proposals will close out the concerns.

Respectfully submitted,

Richard J. VanDomelen DVM
Staff Veterinarian/Facility Manager
Ridglan Farms, Inc.
P.O. Box 318
Mount Horeb, WI 53572
[608-437-8670](tel:608-437-8670)
Rickvan@mhtc.net

Cc: Dr. Marc Hulin
Dr. Lois Zitzow

EXHIBIT C



**Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health**

Phone: (608) 224-4872

Fax: (608) 224-4871

Email:

Website: <http://datcp.wi.gov/>

Dog Seller and Dog Facility Operator Inspection

s.173.41, Wis. Stats and ch.16, Wis. Admin. Code

Inspection: Dog Seller Routine Inspection

Inspection Date: 10/26/2016

Inspector: Colin Benell

Legal Entity: Ridglan Farms, Inc.

License # / DBA: 267262-DS / Ridglan Farms, Inc.

Location: 10489 W. Blue Mounds Rd, Blue Mounds, WI 53517

Personal information you provide may be used for purposes other than that for which it was originally collected s.15.04(1)(m), Wis. Stats.

Inspection of your operation on revealed the following results.

| Regulation | Result | Comment |
|--|----------------|------------|
| 0. General License Information, s. ATCP 16.02, Wis. Adm. Code | | |
| General License Information | | |
| 0.1.1 Dog seller license and report are posted in a prominent place. | Compliant | See report |
| 0.1.2 Dog Seller license number is in advertisements. | Compliant | See report |
| I. Record Keeping, s. ATCP 16.14, Wis. Adm. Code | | |
| General Dog Records | | |
| 1.1.1. Records present and in written or readily readable electronic form. | Compliant | |
| 1.1.2. Records retained for at least 5 years and / or made available to the department. | Compliant | |
| Locations at Which Dogs are Kept | | |
| 1.2.1. Address of each location where dogs are kept. | Compliant | |
| 1.2.2. Name of individual responsible for administering that location. | Compliant | |
| 1.2.3. Name and address of home custody provider, if applicable. | Not applicable | |
| Dog Records | | |
| 1.3.1. Breed of dog recorded. | Compliant | |
| 1.3.2. Sex of dog recorded. | Compliant | |
| 1.3.3. Date of birth recorded. | Compliant | |
| 1.3.4. Approximate age of dog recorded. | Compliant | |
| 1.3.5. Color of dog recorded. | Compliant | |
| 1.3.6. Distinct markings on dog recorded. | Compliant | |
| 1.3.7. Location at which dog is kept (including home custody provider, if applicable) recorded. | Compliant | |
| 1.3.8. Record of official individual animal identification (tag, tattoo, microchip) if any assigned. | Compliant | |
| 1.3.9. Statement that the dog was born under license holder's custody or legal control, if that is the case. | Compliant | |
| 1.3.10. Dog was not born under the license holder's custody / control, date on which license holder acquired custody or control. | Compliant | |
| 1.3.11. Dog was not born under the license holder's custody / control, name and address of person from whom dog was acquired. | Compliant | |

| | | |
|--|-----------|--|
| 1.3.12. Dog was not born under the license holder's custody / control, person's USDA animal care facility license or registration number (if any). | Compliant | |
| 1.3.13. If dog is no longer under the license holder's custody or control, date on which the dog left custody / control of licensee. | Compliant | |
| 1.3.14. If dog is no longer under the license holder's custody or control, disposition of dog. | Compliant | |
| 1.3.15. If dog is no longer under the license holder's custody or control, identity of the person whom assumed custody / control. | Compliant | |
| 1.3.16. CVI that accompanied dog when it entered or left the licensee's custody / control. | Compliant | |
| 1.3.17. Records include vaccination information. | Compliant | |
| 1.3.18. Records include observation information. | Compliant | |
| 1.3.19. Records include any treatment that occurred & who administered the healthcare. | Compliant | |
| 1.3.20. Breed registration records kept if applicable. | Compliant | |

Behavior and Socialization Plan

| | | |
|--|-----------|--|
| 1.4.1. Behavior and socialization plan which meets requirements of 4.5.1 – 4.5.5 | Compliant | |
|--|-----------|--|

II. Dog Sales; Certificate of Veterinary Inspection, s. ATCP 16.16, Wis. Adm. Code

Dogs Sold are Accompanied by a Valid CVI

| | | |
|---|----------------|--|
| 2.1.1. Dogs sold are accompanied by a valid CVI. | Compliant | |
| 2.1.2. CVI contains signature of certified veterinarian. | Compliant | |
| 2.1.3. CVI is a valid form issued by the department. | Compliant | |
| 2.1.4. CVI contains name and address of seller. | Compliant | |
| 2.1.5. CVI contains the number, breed, sex and age of dog(s). | Compliant | |
| 2.1.6. CVI contains information regarding whether the dog is spayed, neutered or sexually intact. | Compliant | |
| 2.1.7. Dog(s) vaccination record contains the type of vaccine. | Compliant | |
| 2.1.8. Dog(s) vaccination record contains the manufacturer of the vaccine, | Compliant | |
| 2.1.9. Dog(s) vaccination record contains the serial and lot numbers of the vaccine. | Compliant | |
| 2.1.10. Dog(s) vaccination record contains the date administered & person administering. | Compliant | |
| 2.1.11. Information required for import under ss. ATCP 10.06(4) and ATCP 10.80, Wis. Adm. Code | Not Applicable | |
| 2.1.12. Valid negative Brucellosis test if dog(s) sold at public auction & is not spayed / neutered. | Not Applicable | |
| 2.1.13. Veterinarian statement, signature and date of signature on CVI. | Compliant | |
| 2.1.14. Valid issuance and expiration dates. | Compliant | |
| 2.1.15. Distribution of CVI copies to buyer, seller and issuing veterinarian. | Compliant | |
| 2.1.16. Re-issued CVIs updated, as necessary and copies distributed to buyer, seller an issuing veterinarian. | Not applicable | |
| 2.1.17. CVI incorporating information from prior CVI includes a statement identifying prior CVI. | Not applicable | |

III. Age at Which Dogs May be Sold, s. ATCP 16.18, Wis. Adm. Code

Dog(s) Sale and Custody Transfer Meets Necessary Criteria

| | | |
|-------------------------------------|-----------|-------------------|
| 3.1.1. Dog is at least 7 weeks old. | Compliant | Approved variance |
|-------------------------------------|-----------|-------------------|

IV. Dog Care; General, s. ATCP 16.20, Wis. Adm. Code

Food and Water

| | | |
|--|-----------|--|
| 4.1.1. Feeding frequency adequate. | Compliant | |
| 4.1.2. Size of ration and / or nutritional content adequate. | Compliant | |
| 4.1.3. Wholesome, uncontaminated and / or palatable. | Compliant | |

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| | | |
|--|-----------|--|
| 4.1.4. Amount and quality of fresh water adequate. | Compliant | |
| 4.1.5. Food and water containers suitable. | Compliant | |
| 4.1.6. Adequate sanitization of food and water containers. | Compliant | |

Animal Health and Veterinary Care

| | | |
|--|-----------|--|
| 4.2.1. Proper handling. | Compliant | |
| 4.2.2. Daily body, mobility and behavior checks completed. | Compliant | |
| 4.2.3. Dogs suspected of communicable disease are isolated. | Compliant | |
| 4.2.4. Adequate grooming. (nails trimmed, no hair matting) | Compliant | |
| 4.2.5. Veterinarian exams or adherence to veterinarian recommendations. | Compliant | |
| 4.2.6. Sick or injured dogs receiving timely veterinarian care or humanely euthanized. | Compliant | |

Exercise

| | | |
|--|-----------|--|
| 4.3.1. Daily access to exercise area where a running stride can be achieved. | Compliant | |
| 4.3.2. Supervised physical activity. | Compliant | |

Dog Grouping and Separation

| | | |
|--|-----------|--|
| 4.4.1. Compatible grouping of dogs. | Compliant | |
| 4.4.2. Females in season appropriately separated. | Compliant | |
| 4.4.3. Aggressive dogs separated. | Compliant | |
| 4.4.4. Puppies under 4 months appropriately separated. | Compliant | |

Behavior and Socialization

| | | |
|--|-----------|-----------|
| 4.5.1. Daily contact with other compatible dogs without good cause. | Compliant | |
| 4.5.2. Daily positive human contact and socialization other than feeding time. | Compliant | See notes |
| 4.5.3. Play objects or other forms of inanimate enrichment in primary enclosure. | Compliant | See notes |
| 4.5.4. Dogs have contact, activity, enrichment. | Compliant | |
| 4.5.5. Written plan for meeting behavior and socialization requirements. | Compliant | |

V. Dogs Kept Indoors, s. ATCP 16.22, Wis. Adm. Code

| | | |
|---|----------------|----------------------|
| 5.1.1. Enclosure is structurally sound and maintained in good repair. | Not applicable | See ATCP 16.20(3)(c) |
|---|----------------|----------------------|

Floors and Interior Surfaces

| | | |
|--|----------------|----------------------|
| 5.2.1. Enclosure does not have dirt floor. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.2. Metal wire mesh floor is coated and / or has adequate gauge to prevent injury | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.3. Floor openings small enough to prevent dog's foot from passing through. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.4. Floor and interior surfaces keep dogs clean, dry, and safe from injuries. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.5. Floor and interior surfaces regularly cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |

Stacked Primary Enclosures

| | | |
|--|----------------|----------------------|
| 5.3.1. Floor of top enclosure is not higher than 52 inches from floor of room, when enclosures are stacked. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.2. Stacked enclosures adequate for safe handling, ventilation, temperature control, easy cleaning, sanitation and easy inspection. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.3. Front side of stacked enclosures ventilated and / or have solid floor that can be easily cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.4. Stacked enclosures stable when filled to maximum capacity with dogs. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.5. Dog(s) in stacked enclosures not exposed to excreta, urine, dirt or debris falling from higher enclosures. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 30 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.4.1. Floor area of enclosure adequate for largest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.2. Floor area of enclosure adequate to accommodate all dogs in the enclosure without crowding. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.3. Height of enclosure adequate for tallest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.4. Dogs have adequate time (at least 30 minutes) per day in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.5. Run or exercise area of adequate size to achieve running stride. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 120 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.5.1. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.2. Floor area of enclosure is adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.3. Height of enclosure adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.4. Dogs have adequate time (at least 120 minutes per day) in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.5. Run or exercise area of adequate size for achieving running stride. | Not applicable | See ATCP 16.20(3)(c) |

Whelping Enclosure

| | | |
|--|----------------|----------------------|
| 5.6.1. Enclosure appropriate for breed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.2. Appropriate solid floor in area accessible to puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.3. Height of enclosure is adequate for the dam to stand normally. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.4. Length and width of enclosure adequate for the dam to lay down, and stretch out to allow all pups to nurse. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.5. Size of enclosure is adequate for number and temperament of puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.6. Enclosure includes an area that is only accessible to dam and large enough for dam. | Not applicable | See ATCP 16.20(3)(c) |

Nursery Enclosure

| | | |
|---|----------------|----------------------|
| 5.7.1. Large enough to allow all puppies to turn around, stand up, lie down and exercise normal postural movements. | Not applicable | See ATCP 16.20(3)(c) |
| 5.7.2. Large enough to encourage socialization and exercise. | Not applicable | See ATCP 16.20(3)(c) |

Temporary Enclosure for One Dog

| | | |
|---|----------------|----------------------|
| 5.8.1. Dog is kept in enclosure for no more than 12 hours. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.2. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.3. Floor area & height of enclosure adequate for the dog. | Not applicable | See ATCP 16.20(3)(c) |

Lighting, Temperature, and Ventilation

| | | |
|---|----------------|----------------------|
| 5.9.1. Adequate light for proper care, maintenance and inspection and / or diurnal lighting cycle. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.2. Adequate heating and cooling to protect dogs from temperatures and humidity that may be injurious to their health. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.3. Adequate fresh or filtered air to maintain health of dogs and minimize odor, drafts, ammonia levels and moisture. | Not applicable | See ATCP 16.20(3)(c) |

Cleaning and Sanitation

| | | |
|---|----------------|----------------------|
| 5.10.1. Excreta removed daily or more often as needed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.2. Enclosures and areas cleaned rinsed and sanitized appropriately to be free of dirt, debris and disease hazards. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.3. Primary enclosure cleaned and sanitized before new dog placed in it. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.4. Dogs removed from primary enclosure before it is cleaned and sanitized and / or are returned to the area after it is dry. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.5. Solid surface or bedding is appropriate for breed and maintained in clean, dry condition. | Not applicable | See ATCP 16.20(3)(c) |

VI. Dogs Kept Outdoors, s. ATCP 16.24, Wis. Adm. Code

Dogs Kept in Outdoor Primary Enclosure

| | | |
|--|----------------|--|
| 6.1.1. Dog's breed, age, health and / or physical condition suited to outdoor temperatures and conditions. | Not applicable | |
| 6.1.2. Dog(s) acclimated to outdoor temperatures and variations that may occur in primary enclosure. | Not applicable | |

Outdoor Primary Enclosure; Minimum Area

| | | |
|--|----------------|--|
| 6.2.1. Size of enclosure meets requirements for an individual dog. | Not applicable | |
| 6.2.2. Size of enclosure meets requirements for additional dogs. | Not applicable | |

Outdoor Primary Enclosure; Construction

| | | |
|---|----------------|--|
| 6.3.1. Constructed and / or maintained to prevent escape. | Not applicable | |
| 6.3.2. Roof or overhead screen of appropriate height. | Not applicable | |

Shelter, Shade, and Wind block

| | | |
|---|----------------|--|
| 6.4.1. Outdoor primary enclosure contains at least one dog shelter that complies with dog shelter requirements below. | Not applicable | |
| 6.4.2. Adequate to shade all dogs in primary enclosure from direct sunlight during all sunlight hours without crowding. | Not applicable | |
| 6.4.3. Adequate to shelter all dogs in primary enclosure from wind. | Not applicable | |

Dog Shelter

| | | |
|--|----------------|--|
| 6.5.1. Made with durable material with 4 sides, a roof and solid flat floor. | Not applicable | |
| 6.5.2. Interior accessible by all dogs in primary enclosure. | Not applicable | |
| 6.5.3. Large enough to prevent crowding. | Not applicable | |
| 6.5.4. Large enough to allow tallest dog to stand. | Not applicable | |
| 6.5.5. Adequate to prevent injury, retain or dissipate enough body heat, allow dogs to remain clean and dry and / or provide reasonable protection from predators. | Not applicable | |

Tethering

| | | |
|---|----------------|--|
| 6.6.1. Appropriate for breed. | Not applicable | |
| 6.6.2. Dog can tolerate based on age, health and / or physical condition. | Not applicable | |
| 6.6.3. Dog can easily enter and lie down in a dog shelter that complies with dog shelter requirements above. | Not applicable | |
| 6.6.4. Dog is not a pregnant or nursing female. | Not applicable | |
| 6.6.5. Tether cannot become entangled with an object. | Not applicable | |
| 6.6.6. Tether has an anchor swivel. | Not applicable | |
| 6.6.7. Tether is at least 6 feet long and of sufficient length for size of dog. | Not applicable | |
| 6.6.8. Tether is attached to a non-tightening collar or harness of sufficient size. | Not applicable | |
| 6.6.9. Tether is used for a dog at an animal control facility or animal shelter for no more than 4 hours in a day, complies with above tethering requirements, and has caretaker on premises. | Not applicable | |

Runs and Exercise Areas

| | | |
|--|----------------|--|
| 6.7.1. More than 30 minutes a day of access to run or exercise area. | Not applicable | |
| 6.7.2. Adequate size for dog's size and temperament (considering number of dogs using at a given time) and large enough to achieve a running stride. | Not applicable | |
| 6.7.3. Adequate to shade all dogs from direct sunlight during hours in use without crowding. | Not applicable | |

Facility Maintenance

| | | |
|--|----------------|--|
| 6.8.1. Excreta removed from outdoor primary enclosures daily or more often as necessary. | Not applicable | |
| 6.8.2. Pests and parasites controlled as necessary to maintain dog health and comfort. | Not applicable | |
| 6.8.3. Bedding maintained in clean, dry condition or bedding is not provided but solid resting place is appropriate for dog's breed, age, health & physical condition. | Not applicable | |

| | | |
|--|----------------|--|
| 6.8.4. Facilities maintained to protect health / safety of dogs. | Not applicable | |
|--|----------------|--|

VII. Transporting Dogs, s. ATCP 16.26, Wis. Adm. Code

Portable Enclosures

| | | |
|---|-----------|--|
| 7.1.1. Constructed of a water-resistant and cleanable material. | Compliant | |
| 7.1.2. Adequate to keep dogs clean and dry. | Compliant | |
| 7.1.3. Adequate to protect dog's health and safety. | Compliant | |
| 7.1.4. Adequate ventilation openings. | Compliant | |
| 7.1.5. Securely closed when in use. | Compliant | |
| 7.1.6. Cleaned and sanitized frequently enough. | Compliant | |
| 7.1.7. Positioned for each dog to have access to sufficient air for normal breathing. | Compliant | |
| 7.1.8. Positioned for emergency removal of dogs. | Compliant | |
| 7.1.9. Positioned to protect dog from excreta falling from above. | Compliant | |
| 7.1.10. Secured as necessary to prevent reasonably foreseeable movement that may injure dogs. | Compliant | |

Care of Dogs During Transport

| | | |
|--|-----------|--|
| 7.2.1. Dogs protected from hypothermia or hyperthermia. | Compliant | |
| 7.2.2. Adequate space to turn, stand and lie down (except in transport for training, trialing and hunting). | Compliant | |
| 7.2.3. Food and water in accordance with s. ATCP 16.20(1), Wis. Adm. Code. | Compliant | |
| 7.2.4. Dogs separated from each other if required by s. ATCP 16.20(5), Wis. Adm. Code | Compliant | |
| 7.2.5. Dogs visually inspected every 4 hours. | Compliant | |
| 7.2.6. Dogs removed from vehicle at least once every 12 hours and allowed to urinate, defecate and exercise. (Unless vehicle is equipped for such needs) | Compliant | |
| 7.2.7. Dogs removed from vehicle in a timely fashion upon reaching destination. | Compliant | |

Transport Vehicles

| | | |
|---|-----------|--|
| 7.3.1. Vehicle equipped to provide fresh or filtered air without injurious drafts to all dogs transported in the vehicle. | Compliant | |
| 7.3.2. Cargo space construction and maintenance adequate to minimize the ingress of exhaust from the vehicle's engine. | Compliant | |

Ridglan Farms, Inc.

- License type: Dog Seller (Dog Breeder/ Dog Breeding Facility)
- Breed(s): Beagle
- Website: <http://www.ridglan.com>
- Hours of operation: Upon appointment
- Previous inspection: 9/24/2014 (routine)
- Veterinarian/ veterinary care provider:
 - Veterinarian onsite (Ridglan Farms, Inc.)

Facility Information:

Ridglan Farms, Inc. (RF) operates as a 'Dog Breeder' within the state who is also licensed with the US Department of Agriculture (#35-A-0009). RF breeds and sells beagles for the purposes of biomedical research.

Dogs are kept in four separate buildings on the property. Each of these buildings has artificial lighting, mechanical ventilation, and temperature control. Dogs are primarily separated between the buildings based upon their age class.

PRIMARY ENCLOSURES – Adult and sub-adult dogs are kept in various size enclosures. Many adult dogs are kept in two-level, stacked enclosures constructed of metal fencing and mesh flooring (floor area: approximately 8 ft², 2' x 4'). Other adult dogs may be kept in enclosures constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 25 ft², 5' x 5'). Younger stock are kept in enclosures constructed of chain-link fencing and mesh flooring (floor area: approximately 80 ft², 8' x 10').

WHELPING / ENCLOSURES – One of the buildings serves as the facility's nursery with approximately 20 nursery rooms. Each of these isolated rooms has two-levels of stacked enclosures for dams and their litters. Each of these enclosures is constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 16 ft², 4' x 4'). Dams whelp and nurse their litters in large plastic bins. After puppies are weaned they are moved to different buildings. Nursery enclosures in these buildings are constructed of chain-link fencing and a mesh flooring (floor area: approximately 25 ft², 5' x 5').

EXERCISE – Dogs are not removed from enclosures for exercise. Partitions between smaller enclosures are removed daily to allow for space to achieve a running stride. Other enclosures are large enough to allow dogs to achieve a running stride.

OUTDOOR FACILITIES – This facility has no outdoor enclosures.

- This facility has two approved variances on file with the Department, ATCP 16.18(1) and ATCP 16.20(3)(c)3.
- Some dogs on the property may be participants in research and have no breeding purpose.

Inspection summary:

October 26, 2016 (11:45 am) - Colin Benell (Companion Animal Inspector, DATCP) conducted a routine inspection of the dog breeding facility and relevant dog records at 10489 W. Blue Mounds Road in Blue Mounds, WI. Benell was accompanied by Amber Becker (Regulatory Specialist, DATCP) for training purposes. During the inspection of the facility Benell and Becker were assisted and accompanied by the Facility manager/veterinarian. The Office manager assisted during the records review. For the inspection of the facility RF provided a Tyvec suit, boot covers, and ear protection. During this inspection non-compliance was found which requires corrective action.

Dog inventory: 1,429 (over 6 months of age); 1,422 (under 6 months of age)

A FOLLOW-UP inspection shall be done to verify that corrective actions have been taken to address areas of non-compliance (see 'inspection result' below). Licensee is to email photographs of enclosure improvements by 11/15/2016 to complete the inspection.

Violation(s):

ATCP 16.20 Dog care; general. The following standards of care apply to all dogs kept pursuant to a license under s. ATCP 16.02 (1), including any dogs that the license holder consigns to a home custody provider:

(3) Housing and transportation.

(c) Paragraph (a) does not apply to a facility that is used only for the purpose of breeding, raising and selling dogs for scientific research, provided that all of the following apply:

4. The dogs are kept in enclosures that comply with 9 CFR, Chapter I, subchapter A (animal welfare).

9 CFR, Chapter 1, Subchapter A (Animal Welfare Act)***§ 3.6 - Primary enclosures.***

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

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

(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;

- Puppies within multiple nursery rooms were found to be upon coated, non-solid flooring with round openings; approximately 1.5" x 1.0" in size (see pictures 1-2). Within one of the nursery rooms each of the occupied enclosures were housing a dam and her litter of young puppies. Within several enclosures the feet and legs of puppies were found to be repeatedly passing through the floor openings (see pictures 3-4). In these instances the legs of puppies were observed to have passed completely below the mesh flooring up to the puppy's chest. Puppies were observed to have **noticeable difficulty standing** or moving comfortably and naturally upon the floored surface due to the large size of the openings. No injuries were observed.



Picture 1: Mesh flooring within whelping enclosure.



Picture 2: Puppies on top of same mesh flooring.



Pictures 3-4: Note white feet and legs of puppies passing through floor openings (view from below flooring). Pictures taken from two separate enclosures.

Inspection result:

The following corrective actions must be taken as soon as possible or no later than November 15, 2016:

- Floors within whelping enclosures must be constructed at all times in a manner that do not allow puppies' feet to pass through any openings in the floor as required under § 3.6(2)(x), CFR.

Photographs of the corrections must be submitted to Benell via email (colin.benell@wisconsin.gov) by 11/15/2016 to complete the follow-up inspection.

Discussion:

Floor openings – During the inspection Benell demonstrated to the facility manager that puppies' feet and legs were passing through the gaps in the flooring. Benell explained to the facility manager that within other licensed facilities in the state such findings would be a violation of ATCP Chapter 16. Benell explained that he was aware that RF was exempt from ATCP 16.22 according to ATCP 16.20(3)(a). Benell stated that under ATCP 16.20(3)(c)4 required provisions under CFR Chapter 1 must be met instead. Benell took photographs and stated that he was going to determine whether such flooring was compliant with CFR Chapter 1 following the inspection. The facility manager replied that in such instances the flooring was permitted by his USDA inspector as it allowed for better sanitation. Benell was then shown sheets of a floor covering with smaller gaps that was not in use. The facility manager stated that these sheets have been used in the past, but that they require very regular cleaning. Benell told the facility manager that he would contact him following the inspection.

On 10/31/2016 Benell spoke on the phone with the facility manager. The facility manager stated that he had reviewed CFR following the inspection and intended to take corrective action to address the non-compliance. The facility manager stated that RF would resume using the floor covering with smaller gaps and safely secure the material. The facility manager stated that he would provide photographs for the follow-up inspection within the coming days.

Notes:

- All records reviewed by Benell appeared complete and accurate. Dogs sold appeared to be covered under valid CVIs under ATCP 16.16(1). Dogs sold appeared to be at least 7 weeks of age or compliant with the approved variance under ATCP 16.18(1). All facilities were observed to be in good condition and clean. All facilities had adequate temperature, lighting, and ventilation. All observed dogs on premises were found to be in good body condition, well groomed, and in good health (or receiving appropriate veterinary care). All observed dogs were found to have adequate access to food and water.
 - Small portions of mesh flooring within some enclosures was found to have its coating removed. The facility manager stated that such damage is patched or the flooring is replaced as necessary.
 - Several observed dogs within the facility were being treated for foot health problems.
 - **A number of adult dogs in the facility were displaying prominent stereotypical behaviors; such as: circling, pacing, and wall bouncing.** This was discussed with the facility manager and office manager following the inspection. The facility manager stated that RF would consider Benell's recommendations. See 'recommendations' below.
- Benell informed the facility manager and office manager that a copy of the most recent inspection report needed to be posted prominently in addition to the Dog Sellers (DS) license in accordance with ATCP 16.12(5)(b). Only the DS license was posted. The facility manager stated that the matter would be addressed.
- Benell informed the facility manager that RF's DS license number must be posted on their website in accordance with ATCP 16.02(5). The facility manager stated that the matter would be addressed.

Recommendations:

- Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog's welfare. Modifications to housing and husbandry practices should be evaluated, such as: keeping adult dogs in pairs and providing additional forms of effective inanimate enrichment.

****A copy of this report must be posted in a prominent location at your facility in accordance with ATCP 16.12(5)(b)****

Inspector / Consultant Signature



10/31/2016

Owner / Operator / Manager Signature

A copy of this report was mailed to the licensee on 10/31/16

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Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
PO Box 8911, Madison WI 53708-8911
Phone - (608) 224-4872 Fax - (608)-224-4871

OFFICE USE ONLY

OFFICIAL WARNING NOTICE

Issued under s. 93.06(10), Wis. Stats.

| | |
|---|---|
| NAME RIDGLAN FARMS, INC. | DATE OF VIOLATION 10/26/2016 |
| STREET ADDRESS 10489 W BLUE MOUNDS RD | INCIDENT LOCATION OR ADDRESS DOG BREEDING FACILITY |
| CITY / STATE / ZIP BLUE MOUNDS, WI 53517 | LICENSE OR PERMIT NUMBER 267262-DS |

VIOLATION(S) (describe):

ATCP 16.20 Dog care; general. The following standards of care apply to all dogs kept pursuant to a license under s. ATCP 16.02 (1), including any dogs that the license holder consigns to a home custody provider:
 (3) Housing and transportation.
 (c) Paragraph (a) does not apply to a facility that is used only for the purpose of breeding, raising and selling dogs for scientific research, provided that all of the following apply:
 4. The dogs are kept in enclosures that comply with 9 CFR, Chapter I, subchapter A (animal welfare).

9 CFR, Chapter 1, Subchapter A (Animal Welfare Act)

§ 3.6 - Primary enclosures.

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

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

(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;

- Puppies within multiple nursery rooms were found to be upon coated, non-solid flooring with round openings; approximately 1.5" x 1.0" in size. Within one of the nursery rooms each of the occupied enclosures were housing a dam and her litter of young puppies. Within several enclosures the feet and legs of puppies were found to be repeatedly passing through the floor openings. In these instances the legs of puppies were observed to have passed completely below the mesh flooring up to the puppy's chest. Puppies were observed to have noticeable difficulty standing or moving comfortably and naturally upon the floored surface due to the large size of the openings. No injuries were observed.

| | |
|---|---|
| In violation of Wis. Admin. Code section(s) ATCP: ATCP 16.20(3)(c)4 – HOUSING & TRANSPORTATION | In violation of Wis. Stats. section(s): |
|---|---|

By this date, notify the Department representative listed below, in writing or by telephone, of the actions you have taken to correct and prevent future violations of law.


Where the above violation can be corrected, correction must be made by (date): November 15, 2016.

- Floors within whelping enclosures must be constructed at all times in a manner that do not allow puppies' feet to pass through any openings in the floor as required under § 3.6(2)(x), CFR.

Photographs of the corrections must be submitted to Benell via email (colin.benell@wisconsin.gov) by 11/15/2016 to complete a follow-up inspection.

This is an official notice that you are operating in violation of the law(s) of the State of Wisconsin described above. This notice will be forwarded to department offices in Madison for review and evaluation. Further violations of law may result in penalties. Chapters 93 and 95, Wis. Stats., provide penalties for violations of the law, which are listed on the back of this form.

WARNING NOTICE ISSUED BY

| | |
|---|--|
| NAME  COLIN BENELL | ADDRESS / CITY / STATE / ZIP 2811 AGRICULTURE DR. PO BOX 8911 MADISON, WI 53708 |
| SIGNATURE & TITLE COMPANION ANIMAL INSPECTOR | TELEPHONE NUMBER (608) 575-3207 |
| FAX NUMBER (608) 224-4871 | DATE ISSUED 10/31/2016 |

COPY OF ABOVE WARNING NOTICE RECEIVED BY

I understand that this is an official notice that will be placed in department files. Any further violations of these laws may result in immediate penalties (see back of form). You may appeal this decision by requesting a hearing on this decision before the Secretary of the Department of Agriculture, Trade and Consumer Protection (DATCP). A request for such a hearing must be in the form of a written petition filed with the DATCP Secretary within 10 days of receipt of this notice. The written petition must state the legal and factual grounds for your hearing request, including identification of the facts you dispute, why you dispute them, the factual basis for the dispute and the remedy you are requesting. An appeal does not stop this action.

| | |
|-----------|---------------|
| NAME | TITLE |
| SIGNATURE | DATE RECEIVED |

FORM DISTRIBUTION: Copy 1 (Office of State Veterinarian) Copy 2 (Consultant/Inspector) Copy 3 (Violator)

Personal information you provide may be used for purposes other than that for which it was originally collected – sec.15.04(1)(m), Wis. Stats.

| LAW | STATUTE | PENALTY |
|--|-----------|--|
| Rabies | 95.21(10) | Failure to obtain rabies vaccination: forfeiture of not less than \$50 nor more than \$100 Refusal to comply with orders or quarantines: fine of not less than \$100, nor more than \$1000, or imprisoned not more than 60 days or both. Other violations: forfeiture of up to \$50. |
| Animal Markets | 95.68(9), | Conducting business after revocation: fine of not less than \$500, nor more than \$1,000 or imprisoned not to exceed 6 months or both |
| Animal Dealers | 95.69(9) | Conducting business after revocation: fine of not less than \$500, nor more than \$1,000 or imprisoned not to exceed 6 months or both |
| Animal Truckers | 95.71(9) | Conducting business after revocation: fine of not less than \$500, nor more than \$1,000 or imprisoned not to exceed 6 months or both |
| All other violations of law or department orders | 95.99(1) | First offense: fine of not more than \$1,000; subsequent offense fined not less than \$500 nor more than \$1,000, or imprisoned not more than 6 months or both |
| | 95.99(2) | Injunction restraining violation of Statute or Rule |
| | 95.99(3) | First offense: forfeiture of not less than \$200, nor more than \$5,000; 2 nd or subsequent offense within 5 years, forfeiture not less than \$400 nor more than \$5,000 [in lieu of criminal penalty under (1)] |

In addition to the above, the division may seek action against any license or registration you hold at the department.



**Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health**

Phone: (608) 224-4872

Fax: (608) 224-4871

Email:

Website: <http://datcp.wi.gov/>

Dog Seller and Dog Facility Operator Inspection

s.173.41, Wis. Stats and ch.16, Wis. Admin. Code

Inspection: Dog Seller Follow-up Inspection

Inspection Date: 11/4/2016

Inspector: Colin Benell

Legal Entity: Ridglan Farms, Inc.

License # / DBA: 267262-DS / Ridglan Farms, Inc.

Location: 10489 W. Blue Mounds Rd, Blue Mounds, WI 53517

Personal information you provide may be used for purposes other than that for which it was originally collected s.15.04(1)(m), Wis. Stats.

Inspection of your operation on revealed the following results.

| Regulation | Result | Comment |
|--|----------------|---------------------|
| 0. General License Information, s. ATCP 16.02, Wis. Adm. Code | | |
| General License Information | | |
| 0.1.1 Dog seller license and report are posted in a prominent place. | Compliant | See previous report |
| 0.1.2 Dog Seller license number is in advertisements. | Compliant | See previous report |
| I. Record Keeping, s. ATCP 16.14, Wis. Adm. Code | | |
| General Dog Records | | |
| 1.1.1. Records present and in written or readily readable electronic form. | Compliant | |
| 1.1.2. Records retained for at least 5 years and / or made available to the department. | Compliant | |
| Locations at Which Dogs are Kept | | |
| 1.2.1. Address of each location where dogs are kept. | Compliant | |
| 1.2.2. Name of individual responsible for administering that location. | Compliant | |
| 1.2.3. Name and address of home custody provider, if applicable. | Not applicable | |
| Dog Records | | |
| 1.3.1. Breed of dog recorded. | Compliant | |
| 1.3.2. Sex of dog recorded. | Compliant | |
| 1.3.3. Date of birth recorded. | Compliant | |
| 1.3.4. Approximate age of dog recorded. | Compliant | |
| 1.3.5. Color of dog recorded. | Compliant | |
| 1.3.6. Distinct markings on dog recorded. | Compliant | |
| 1.3.7. Location at which dog is kept (including home custody provider, if applicable) recorded. | Compliant | |
| 1.3.8. Record of official individual animal identification (tag, tattoo, microchip) if any assigned. | Compliant | |
| 1.3.9. Statement that the dog was born under license holder's custody or legal control, if that is the case. | Compliant | |
| 1.3.10. Dog was not born under the license holder's custody / control, date on which license holder acquired custody or control. | Compliant | |
| 1.3.11. Dog was not born under the license holder's custody / control, name and address of person from whom dog was acquired. | Compliant | |

| | | |
|--|-----------|--|
| 1.3.12. Dog was not born under the license holder's custody / control, person's USDA animal care facility license or registration number (if any). | Compliant | |
| 1.3.13. If dog is no longer under the license holder's custody or control, date on which the dog left custody / control of licensee. | Compliant | |
| 1.3.14. If dog is no longer under the license holder's custody or control, disposition of dog. | Compliant | |
| 1.3.15. If dog is no longer under the license holder's custody or control, identity of the person whom assumed custody / control. | Compliant | |
| 1.3.16. CVI that accompanied dog when it entered or left the licensee's custody / control. | Compliant | |
| 1.3.17. Records include vaccination information. | Compliant | |
| 1.3.18. Records include observation information. | Compliant | |
| 1.3.19. Records include any treatment that occurred & who administered the healthcare. | Compliant | |
| 1.3.20. Breed registration records kept if applicable. | Compliant | |

Behavior and Socialization Plan

| | | |
|--|-----------|--|
| 1.4.1. Behavior and socialization plan which meets requirements of 4.5.1 – 4.5.5 | Compliant | |
|--|-----------|--|

II. Dog Sales; Certificate of Veterinary Inspection, s. ATCP 16.16, Wis. Adm. Code

Dogs Sold are Accompanied by a Valid CVI

| | | |
|---|----------------|--|
| 2.1.1. Dogs sold are accompanied by a valid CVI. | Compliant | |
| 2.1.2. CVI contains signature of certified veterinarian. | Compliant | |
| 2.1.3. CVI is a valid form issued by the department. | Compliant | |
| 2.1.4. CVI contains name and address of seller. | Compliant | |
| 2.1.5. CVI contains the number, breed, sex and age of dog(s). | Compliant | |
| 2.1.6. CVI contains information regarding whether the dog is spayed, neutered or sexually intact. | Compliant | |
| 2.1.7. Dog(s) vaccination record contains the type of vaccine. | Compliant | |
| 2.1.8. Dog(s) vaccination record contains the manufacturer of the vaccine, | Compliant | |
| 2.1.9. Dog(s) vaccination record contains the serial and lot numbers of the vaccine. | Compliant | |
| 2.1.10. Dog(s) vaccination record contains the date administered & person administering. | Compliant | |
| 2.1.11. Information required for import under ss. ATCP 10.06(4) and ATCP 10.80, Wis. Adm. Code | Not Applicable | |
| 2.1.12. Valid negative Brucellosis test if dog(s) sold at public auction & is not spayed / neutered. | Not Applicable | |
| 2.1.13. Veterinarian statement, signature and date of signature on CVI. | Compliant | |
| 2.1.14. Valid issuance and expiration dates. | Compliant | |
| 2.1.15. Distribution of CVI copies to buyer, seller and issuing veterinarian. | Compliant | |
| 2.1.16. Re-issued CVIs updated, as necessary and copies distributed to buyer, seller an issuing veterinarian. | Not applicable | |
| 2.1.17. CVI incorporating information from prior CVI includes a statement identifying prior CVI. | Not applicable | |

III. Age at Which Dogs May be Sold, s. ATCP 16.18, Wis. Adm. Code

Dog(s) Sale and Custody Transfer Meets Necessary Criteria

| | | |
|-------------------------------------|-----------|-------------------|
| 3.1.1. Dog is at least 7 weeks old. | Compliant | Approved variance |
|-------------------------------------|-----------|-------------------|

IV. Dog Care; General, s. ATCP 16.20, Wis. Adm. Code

Food and Water

| | | |
|--|-----------|--|
| 4.1.1. Feeding frequency adequate. | Compliant | |
| 4.1.2. Size of ration and / or nutritional content adequate. | Compliant | |
| 4.1.3. Wholesome, uncontaminated and / or palatable. | Compliant | |

| | | |
|--|-----------|--|
| 4.1.4. Amount and quality of fresh water adequate. | Compliant | |
| 4.1.5. Food and water containers suitable. | Compliant | |
| 4.1.6. Adequate sanitization of food and water containers. | Compliant | |

Animal Health and Veterinary Care

| | | |
|--|-----------|--|
| 4.2.1. Proper handling. | Compliant | |
| 4.2.2. Daily body, mobility and behavior checks completed. | Compliant | |
| 4.2.3. Dogs suspected of communicable disease are isolated. | Compliant | |
| 4.2.4. Adequate grooming. (nails trimmed, no hair matting) | Compliant | |
| 4.2.5. Veterinarian exams or adherence to veterinarian recommendations. | Compliant | |
| 4.2.6. Sick or injured dogs receiving timely veterinarian care or humanely euthanized. | Compliant | |

Exercise

| | | |
|--|-----------|--|
| 4.3.1. Daily access to exercise area where a running stride can be achieved. | Compliant | |
| 4.3.2. Supervised physical activity. | Compliant | |

Dog Grouping and Separation

| | | |
|--|-----------|--|
| 4.4.1. Compatible grouping of dogs. | Compliant | |
| 4.4.2. Females in season appropriately separated. | Compliant | |
| 4.4.3. Aggressive dogs separated. | Compliant | |
| 4.4.4. Puppies under 4 months appropriately separated. | Compliant | |

Behavior and Socialization

| | | |
|--|-----------|---------------------|
| 4.5.1. Daily contact with other compatible dogs without good cause. | Compliant | |
| 4.5.2. Daily positive human contact and socialization other than feeding time. | Compliant | See previous report |
| 4.5.3. Play objects or other forms of inanimate enrichment in primary enclosure. | Compliant | See previous report |
| 4.5.4. Dogs have contact, activity, enrichment. | Compliant | |
| 4.5.5. Written plan for meeting behavior and socialization requirements. | Compliant | |

V. Dogs Kept Indoors, s. ATCP 16.22, Wis. Adm. Code

| | | |
|---|----------------|----------------------|
| 5.1.1. Enclosure is structurally sound and maintained in good repair. | Not applicable | See ATCP 16.20(3)(c) |
|---|----------------|----------------------|

Floors and Interior Surfaces

| | | |
|--|----------------|----------------------|
| 5.2.1. Enclosure does not have dirt floor. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.2. Metal wire mesh floor is coated and / or has adequate gauge to prevent injury | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.3. Floor openings small enough to prevent dog's foot from passing through. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.4. Floor and interior surfaces keep dogs clean, dry, and safe from injuries. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.5. Floor and interior surfaces regularly cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |

Stacked Primary Enclosures

| | | |
|--|----------------|----------------------|
| 5.3.1. Floor of top enclosure is not higher than 52 inches from floor of room, when enclosures are stacked. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.2. Stacked enclosures adequate for safe handling, ventilation, temperature control, easy cleaning, sanitation and easy inspection. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.3. Front side of stacked enclosures ventilated and / or have solid floor that can be easily cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.4. Stacked enclosures stable when filled to maximum capacity with dogs. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.5. Dog(s) in stacked enclosures not exposed to excreta, urine, dirt or debris falling from higher enclosures. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 30 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.4.1. Floor area of enclosure adequate for largest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.2. Floor area of enclosure adequate to accommodate all dogs in the enclosure without crowding. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.3. Height of enclosure adequate for tallest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.4. Dogs have adequate time (at least 30 minutes) per day in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.5. Run or exercise area of adequate size to achieve running stride. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 120 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.5.1. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.2. Floor area of enclosure is adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.3. Height of enclosure adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.4. Dogs have adequate time (at least 120 minutes per day) in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.5. Run or exercise area of adequate size for achieving running stride. | Not applicable | See ATCP 16.20(3)(c) |

Whelping Enclosure

| | | |
|--|----------------|----------------------|
| 5.6.1. Enclosure appropriate for breed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.2. Appropriate solid floor in area accessible to puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.3. Height of enclosure is adequate for the dam to stand normally. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.4. Length and width of enclosure adequate for the dam to lay down, and stretch out to allow all pups to nurse. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.5. Size of enclosure is adequate for number and temperament of puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.6. Enclosure includes an area that is only accessible to dam and large enough for dam. | Not applicable | See ATCP 16.20(3)(c) |

Nursery Enclosure

| | | |
|---|----------------|----------------------|
| 5.7.1. Large enough to allow all puppies to turn around, stand up, lie down and exercise normal postural movements. | Not applicable | See ATCP 16.20(3)(c) |
| 5.7.2. Large enough to encourage socialization and exercise. | Not applicable | See ATCP 16.20(3)(c) |

Temporary Enclosure for One Dog

| | | |
|---|----------------|----------------------|
| 5.8.1. Dog is kept in enclosure for no more than 12 hours. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.2. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.3. Floor area & height of enclosure adequate for the dog. | Not applicable | See ATCP 16.20(3)(c) |

Lighting, Temperature, and Ventilation

| | | |
|---|----------------|----------------------|
| 5.9.1. Adequate light for proper care, maintenance and inspection and / or diurnal lighting cycle. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.2. Adequate heating and cooling to protect dogs from temperatures and humidity that may be injurious to their health. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.3. Adequate fresh or filtered air to maintain health of dogs and minimize odor, drafts, ammonia levels and moisture. | Not applicable | See ATCP 16.20(3)(c) |

Cleaning and Sanitation

| | | |
|---|----------------|----------------------|
| 5.10.1. Excreta removed daily or more often as needed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.2. Enclosures and areas cleaned rinsed and sanitized appropriately to be free of dirt, debris and disease hazards. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.3. Primary enclosure cleaned and sanitized before new dog placed in it. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.4. Dogs removed from primary enclosure before it is cleaned and sanitized and / or are returned to the area after it is dry. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.5. Solid surface or bedding is appropriate for breed and maintained in clean, dry condition. | Not applicable | See ATCP 16.20(3)(c) |

VI. Dogs Kept Outdoors, s. ATCP 16.24, Wis. Adm. Code

Dogs Kept in Outdoor Primary Enclosure

| | | |
|--|----------------|--|
| 6.1.1. Dog's breed, age, health and / or physical condition suited to outdoor temperatures and conditions. | Not applicable | |
| 6.1.2. Dog(s) acclimated to outdoor temperatures and variations that may occur in primary enclosure. | Not applicable | |

Outdoor Primary Enclosure; Minimum Area

| | | |
|--|----------------|--|
| 6.2.1. Size of enclosure meets requirements for an individual dog. | Not applicable | |
| 6.2.2. Size of enclosure meets requirements for additional dogs. | Not applicable | |

Outdoor Primary Enclosure; Construction

| | | |
|---|----------------|--|
| 6.3.1. Constructed and / or maintained to prevent escape. | Not applicable | |
| 6.3.2. Roof or overhead screen of appropriate height. | Not applicable | |

Shelter, Shade, and Wind block

| | | |
|---|----------------|--|
| 6.4.1. Outdoor primary enclosure contains at least one dog shelter that complies with dog shelter requirements below. | Not applicable | |
| 6.4.2. Adequate to shade all dogs in primary enclosure from direct sunlight during all sunlight hours without crowding. | Not applicable | |
| 6.4.3. Adequate to shelter all dogs in primary enclosure from wind. | Not applicable | |

Dog Shelter

| | | |
|--|----------------|--|
| 6.5.1. Made with durable material with 4 sides, a roof and solid flat floor. | Not applicable | |
| 6.5.2. Interior accessible by all dogs in primary enclosure. | Not applicable | |
| 6.5.3. Large enough to prevent crowding. | Not applicable | |
| 6.5.4. Large enough to allow tallest dog to stand. | Not applicable | |
| 6.5.5. Adequate to prevent injury, retain or dissipate enough body heat, allow dogs to remain clean and dry and / or provide reasonable protection from predators. | Not applicable | |

Tethering

| | | |
|---|----------------|--|
| 6.6.1. Appropriate for breed. | Not applicable | |
| 6.6.2. Dog can tolerate based on age, health and / or physical condition. | Not applicable | |
| 6.6.3. Dog can easily enter and lie down in a dog shelter that complies with dog shelter requirements above. | Not applicable | |
| 6.6.4. Dog is not a pregnant or nursing female. | Not applicable | |
| 6.6.5. Tether cannot become entangled with an object. | Not applicable | |
| 6.6.6. Tether has an anchor swivel. | Not applicable | |
| 6.6.7. Tether is at least 6 feet long and of sufficient length for size of dog. | Not applicable | |
| 6.6.8. Tether is attached to a non-tightening collar or harness of sufficient size. | Not applicable | |
| 6.6.9. Tether is used for a dog at an animal control facility or animal shelter for no more than 4 hours in a day, complies with above tethering requirements, and has caretaker on premises. | Not applicable | |

Runs and Exercise Areas

| | | |
|--|----------------|--|
| 6.7.1. More than 30 minutes a day of access to run or exercise area. | Not applicable | |
| 6.7.2. Adequate size for dog's size and temperament (considering number of dogs using at a given time) and large enough to achieve a running stride. | Not applicable | |
| 6.7.3. Adequate to shade all dogs from direct sunlight during hours in use without crowding. | Not applicable | |

Facility Maintenance

| | | |
|--|----------------|--|
| 6.8.1. Excreta removed from outdoor primary enclosures daily or more often as necessary. | Not applicable | |
| 6.8.2. Pests and parasites controlled as necessary to maintain dog health and comfort. | Not applicable | |
| 6.8.3. Bedding maintained in clean, dry condition or bedding is not provided but solid resting place is appropriate for dog's breed, age, health & physical condition. | Not applicable | |

| | | |
|--|----------------|--|
| 6.8.4. Facilities maintained to protect health / safety of dogs. | Not applicable | |
|--|----------------|--|

VII. Transporting Dogs, s. ATCP 16.26, Wis. Adm. Code

Portable Enclosures

| | | |
|---|-----------|--|
| 7.1.1. Constructed of a water-resistant and cleanable material. | Compliant | |
| 7.1.2. Adequate to keep dogs clean and dry. | Compliant | |
| 7.1.3. Adequate to protect dog's health and safety. | Compliant | |
| 7.1.4. Adequate ventilation openings. | Compliant | |
| 7.1.5. Securely closed when in use. | Compliant | |
| 7.1.6. Cleaned and sanitized frequently enough. | Compliant | |
| 7.1.7. Positioned for each dog to have access to sufficient air for normal breathing. | Compliant | |
| 7.1.8. Positioned for emergency removal of dogs. | Compliant | |
| 7.1.9. Positioned to protect dog from excreta falling from above. | Compliant | |
| 7.1.10. Secured as necessary to prevent reasonably foreseeable movement that may injure dogs. | Compliant | |

Care of Dogs During Transport

| | | |
|--|-----------|--|
| 7.2.1. Dogs protected from hypothermia or hyperthermia. | Compliant | |
| 7.2.2. Adequate space to turn, stand and lie down (except in transport for training, trialing and hunting). | Compliant | |
| 7.2.3. Food and water in accordance with s. ATCP 16.20(1), Wis. Adm. Code. | Compliant | |
| 7.2.4. Dogs separated from each other if required by s. ATCP 16.20(5), Wis. Adm. Code | Compliant | |
| 7.2.5. Dogs visually inspected every 4 hours. | Compliant | |
| 7.2.6. Dogs removed from vehicle at least once every 12 hours and allowed to urinate, defecate and exercise. (Unless vehicle is equipped for such needs) | Compliant | |
| 7.2.7. Dogs removed from vehicle in a timely fashion upon reaching destination. | Compliant | |

Transport Vehicles

| | | |
|---|-----------|--|
| 7.3.1. Vehicle equipped to provide fresh or filtered air without injurious drafts to all dogs transported in the vehicle. | Compliant | |
| 7.3.2. Cargo space construction and maintenance adequate to minimize the ingress of exhaust from the vehicle's engine. | Compliant | |

Ridglan Farms, Inc.

- License type: Dog Seller (Dog Breeder/ Dog Breeding Facility)
- Breed(s): Beagle
- Website: <http://www.ridglan.com>
- Hours of operation: Upon appointment
- Previous inspection: 10/26/2016 (routine)
- Veterinarian/ veterinary care provider:
 - Veterinarian onsite (Ridglan Farms, Inc.)

Facility Information:

Ridglan Farms, Inc. (RF) operates as a 'Dog Breeder' within the state who is also licensed with the US Department of Agriculture (#35-A-0009). RF breeds and sells beagles for the purposes of biomedical research.

Dogs are kept in four separate buildings on the property. Each of these buildings has artificial lighting, mechanical ventilation, and temperature control. Dogs are primarily separated between the buildings based upon their age class.

PRIMARY ENCLOSURES – Adult and sub-adult dogs are kept in various size enclosures. Many adult dogs are kept in two-level, stacked enclosures constructed of metal fencing and mesh flooring (floor area: approximately 8 ft², 2' x 4'). Other adult dogs may be kept in enclosures constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 25 ft², 5' x 5'). Younger stock are kept in enclosures constructed of chain-link fencing and mesh flooring (floor area: approximately 80 ft², 8' x 10').

WHELPING / ENCLOSURES – One of the buildings serves as the facility's nursery with approximately 20 nursery rooms. Each of these isolated rooms has two-levels of stacked enclosures for dams and their litters. Each of these enclosures is constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 16 ft², 4' x 4'). Dams whelp and nurse their litters in large plastic bins. After puppies are weaned they are moved to different buildings. Nursery enclosures in these buildings are constructed of chain-link fencing and a mesh flooring (floor area: approximately 25 ft², 5' x 5').

EXERCISE – Dogs are not removed from enclosures for exercise. Partitions between smaller enclosures are removed daily to allow for space to achieve a running stride. Other enclosures are large enough to allow dogs to achieve a running stride.

OUTDOOR FACILITIES – This facility has no outdoor enclosures.

- This facility has two approved variances on file with the Department, ATCP 16.18(1) and ATCP 16.20(3)(c)3.
- Some dogs on the property may be participants in research and have no breeding purpose.

Inspection summary:

October 26, 2016 (11:45 am) - Colin Benell (Companion Animal Inspector, DATCP) conducted a routine inspection of the dog breeding facility and relevant dog records at 10489 W. Blue Mounds Road in Blue Mounds, WI. Benell was accompanied by Amber Becker (Regulatory Specialist, DATCP) for training purposes. During the inspection of the facility Benell and Becker were assisted and accompanied by the Facility manager/veterinarian. The Office manager assisted during the records review. For the inspection of the facility RF provided a Tyvec suit, boot covers, and ear protection. During this inspection non-compliance was found which required corrective action. Photographs of corrections were to be emailed to Benell by 11/15/2016 to complete a follow-up inspection.

October 31, 2016 – An Official Warning Notice was issued to RF.

November 4, 2016 (1:53 pm) - Benell received an email from RF with four photographs attached. The photographs demonstrated how whelping enclosures were improved to comply with § 3.6(2)(x), 9 CFR, Chapter 1, Subchapter A and ATCP 16.20(3)(c)4.

Correction of Violation from 10/26/2016 inspection:**ATCP 16.20(3)(c)4 – HOUSING AND TRANSPORTATION**

Puppies were found to be kept in several whelping enclosures that did not comply with 9 CFR, Chapter I, subchapter A (animal welfare). Puppies' feet and legs were found to pass through the floor openings in mesh flooring.

- On November 4, 2016 RF emailed Benell photographs of the corrective action that had been taken (see pictures 1-4). RF had begun placing a flooring material with much smaller openings on top of the flooring documented in the previous report. This flooring with smaller openings was assessed by Benell on 10/26/2016 and found to be appropriate for use. Based upon this assessment and a review of the provided photographs these smaller openings would prevent the feet of young puppies from passing through.

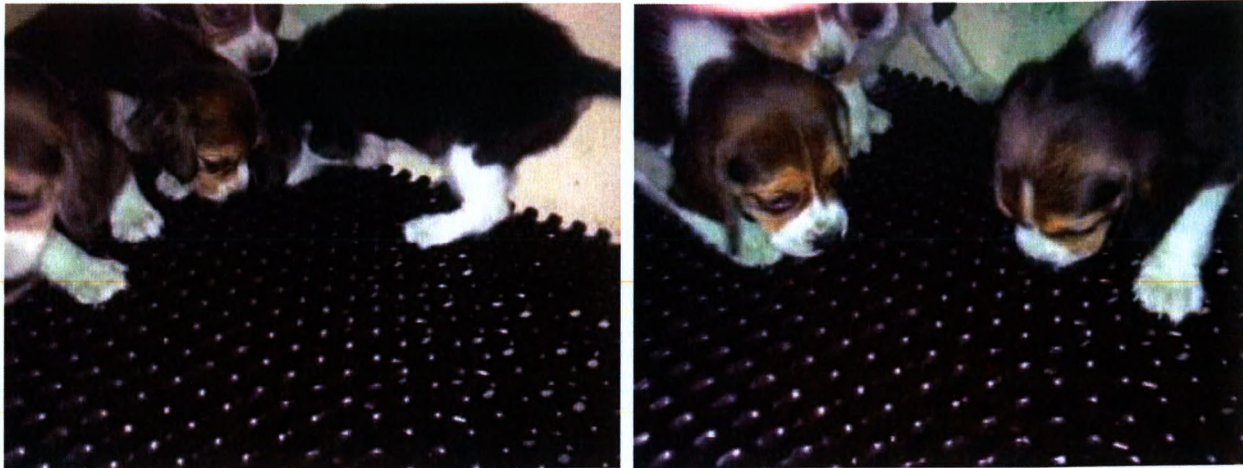
Based upon these findings this violation has been appropriately corrected. No further action required.



Picture 1: Smaller openings (RF)



Picture 2: Puppies on new flooring (taken by RF).



Pictures 3-4: Puppies on flooring with smaller openings. Note size of paws relative to size of gaps (taken by RF).

Notes:

- This was a focused inspection. A physical inspection of the facility was not completed for this follow-up inspection. A review of photographs was utilized to determine compliance. Check boxes above show findings from the follow-up inspection and 10/26/2016 routine inspection.
- See previous report for 'notes.'

Recommendations:

- Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog's welfare. Modifications to housing and husbandry practices should be evaluated, such as: keeping adult dogs in pairs and providing additional forms of effective inanimate enrichment.

****A copy of this report must be posted in a prominent location at your facility in accordance with ATCP 16.12(5)(b)****

Inspector / Consultant Signature

11/7/2016

Owner / Operator / Manager Signature

A copy of this report was emailed to the licensee on 11/7/16

Ondercin, Christopher J - DATCP

From: Rick <rickvan@mhtc.net>
Sent: Friday, November 4, 2016 1:53 PM
To: Benell, Colin T - DATCP
Subject: Corrections following inspection
Attachments: photo 1.JPG; photo 3.JPG; photo 4.JPG; photo 5.JPG

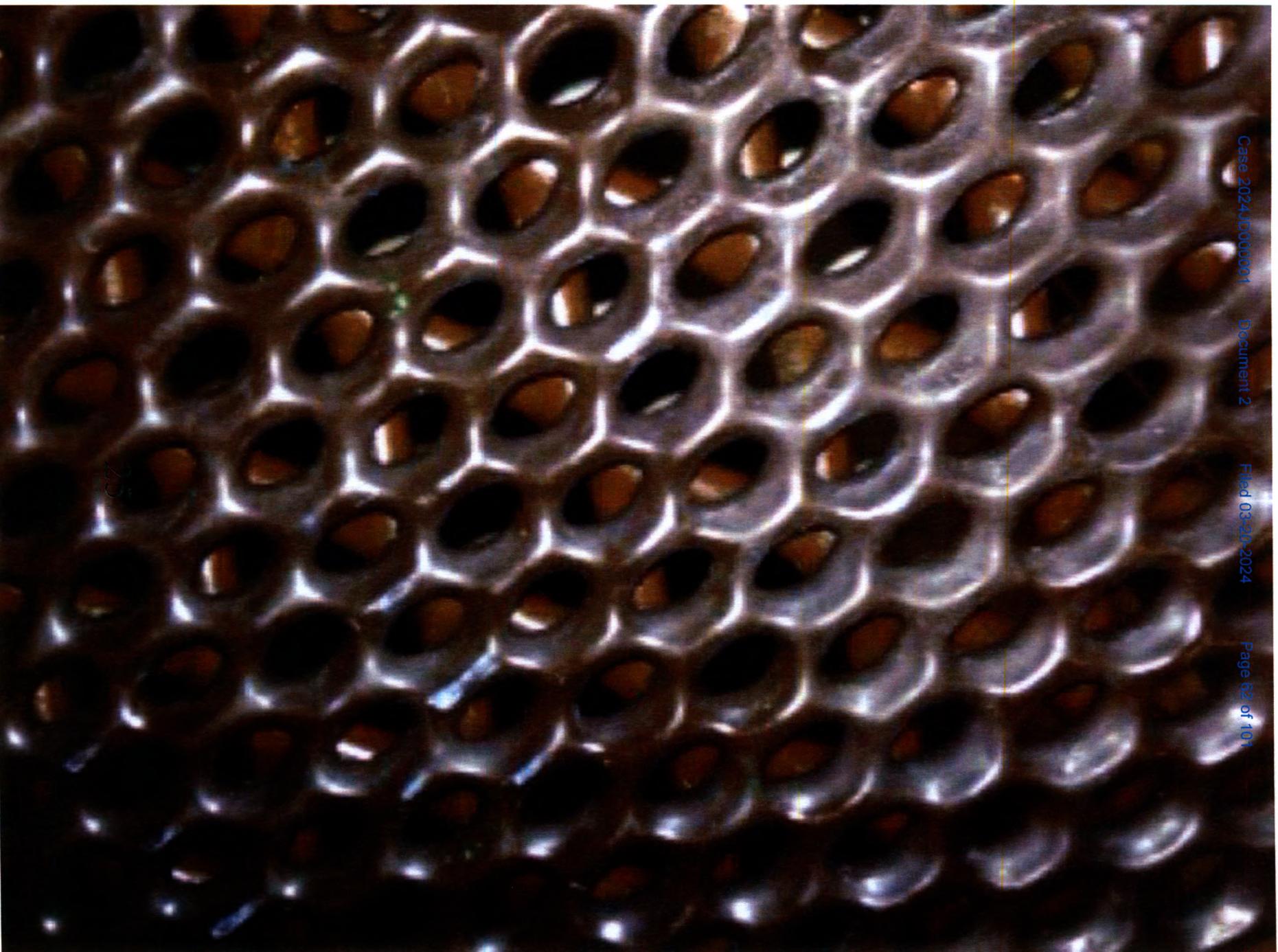
Attached are photographs of corrections made by License #267262-DS following the inspection on 26Oct16 by Colin Benell.

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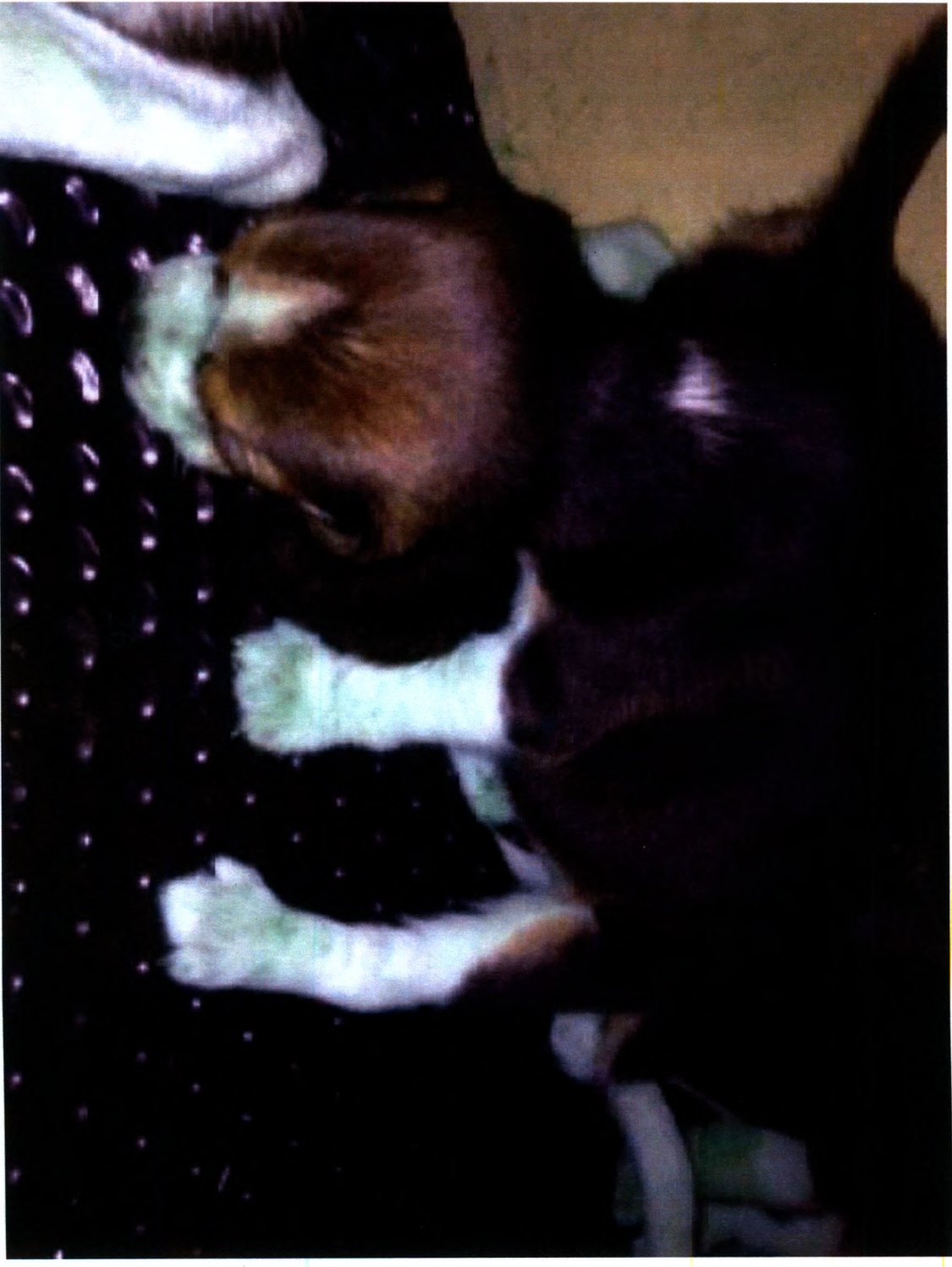
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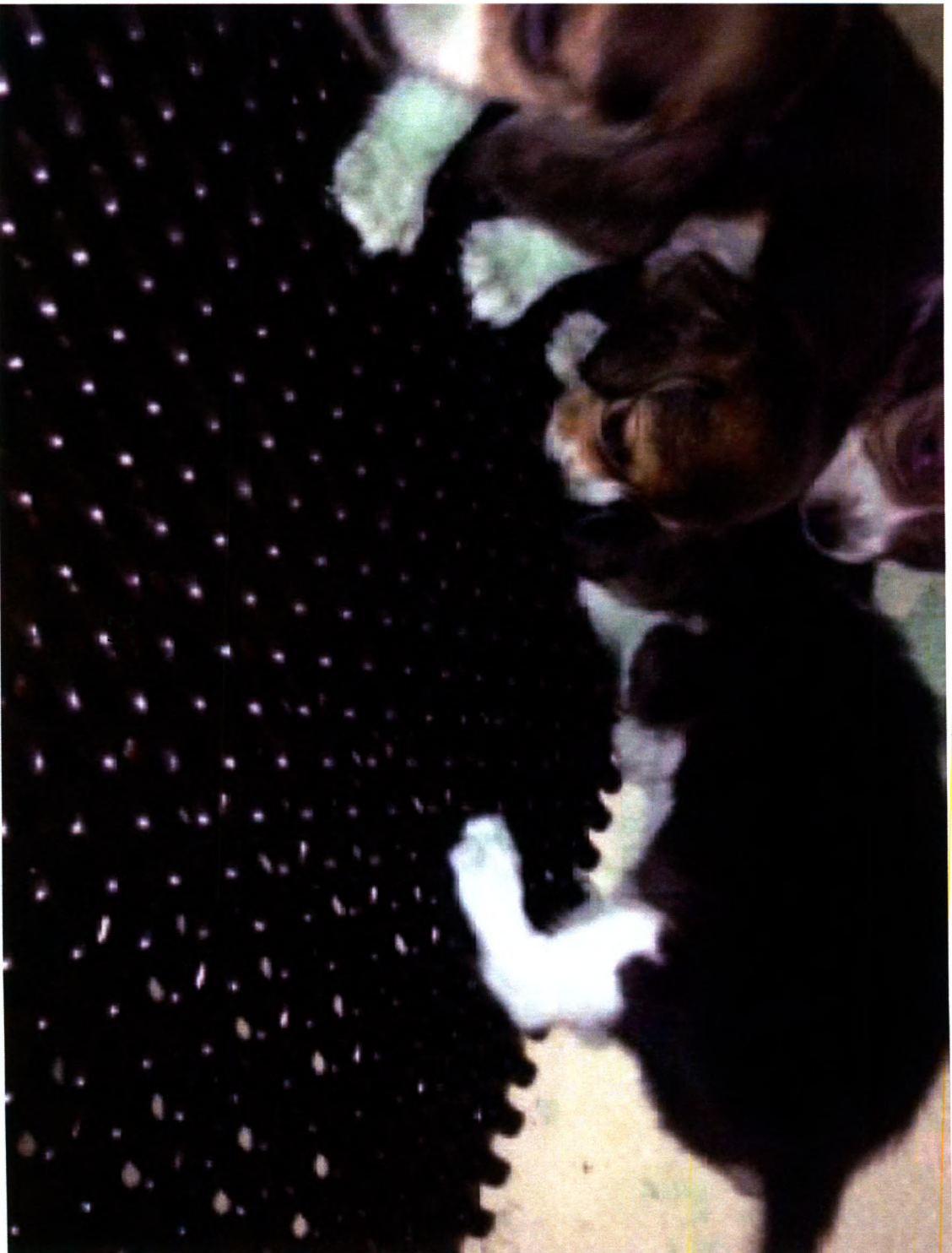


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EXHIBIT D

Exhibit D

Exhibit D is a video of a dog at Ridglan Farms engaging in stereotypical behavior. The video was taken by animal activists in 2017.

The following URL is a Google Drive link to the video:

<https://drive.google.com/file/d/1maNJZ8tp86lJPVfHIraqGVFeTZ4Xqhu/view?usp=sharing>

EXHIBIT E



United States Department of Agriculture
Animal and Plant Health Inspection Service

SWELCH
INS-0000910147

Inspection Report

RIDGLAN FARMS INC
PO Box 318
Mt. Horeb
Mount Horeb, WI 53572

Customer ID: 769
Certificate: 35-A-0009
Site: 001
RIDGLAN FARMS INC

Type: ROUTINE INSPECTION
Date: 05-DEC-2023

3.6(a)(2)(x)

Primary enclosures.

Some of the weaned puppies and preweaning-aged puppies in eleven enclosures were observed to have feet or legs pass through the smooth-coated mesh floors when they walked. The facility reports mats with smaller mesh holes had been removed a little early for these groups for sanitation reasons. While the facility reports no injuries have occurred, floors have to be maintained so that dogs/puppies' feet cannot pass through the floor to prevent risk of injury. Ensure that processes are in place to keep enclosure floors in a manner that prevent feet/legs from passing through.

***Item was promptly corrected by the facility prior to the end of the inspection. Ensure corrective processes remain in place.

This inspection and exit interview were conducted with facility representatives.

Additional Inspectors:

CATHERINE HOVANCSAK, Supervisory Animal Care Specialist

Catherine Beckwith, Supervisory Animal Care Specialist

Prepared By: SCOTT WELCH
USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER

Date:
08-DEC-2023

Received by Title: Facility Representative

Date:
08-DEC-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 769
Inspection Date: 05-Dec-2023

Species Inspected

| Cust No | Cert No | Site | Site Name | Inspection |
|---------|-----------|------|-------------------|-------------|
| 769 | 35-A-0009 | 001 | RIDGLAN FARMS INC | 05-DEC-2023 |

| Count | Scientific Name | Common Name |
|--------|-------------------------|-------------|
| 001608 | <i>Canis familiaris</i> | DOG ADULT |
| 001502 | <i>Canis familiaris</i> | DOG PUPPY |
| 003110 | Total | |

EXHIBIT F

BEFORE THE DISTRICT ATTORNEY OF YORK COUNTY

IN RE PRIVATE CRIMINAL COMPLAINT OF JOSH HARTSFIELD

**Private criminal complaint submitted pursuant to Wis. Stat. § 968.02(3)
requesting criminal charges against Ridglan Farms, Inc.**

October 30, 2022.

I. INTRODUCTION

I submit this complaint on behalf of Direct Action Everywhere pursuant to Wis. Stat. § 968.02(3). This complaint avers that Ridglan Farms, Inc., is in violation of various Wisconsin criminal statutes, including but not limited to Wis. Stat. § 951.02 and § 951.14(3).

Direct Action Everywhere is a nonprofit animal welfare organization based out of San Francisco, California with chapters all around the globe. I am a longtime volunteer with Direct Action Everywhere, a law student at The University of Denver, and the Head Law Clerk at The Animal Law Firm, a private litigation firm based out of Denver, Colorado. I have extensive experience with both civil and criminal litigation surrounding companion animals.

Ridglan Farms, Inc. is a beagle breeding facility that breeds and raises beagles for use in toxicology, pharmacology, and other fields of research. Ridglan Farms is located in Blue Mounds, Wisconsin in Dane County.

II. FACTUAL BACKGROUND

In April 2017, three individuals affiliated with Direct Action Everywhere entered the breeding facility at Ridglan Farms on suspicion of animal cruelty and inhumane practices happening at the facility. The individuals included Wayne H. Hsiung, Paul D. Picklesimer, and Eva C. Hamer. The activists entered an ajar door at the facility to investigate conditions inside, document what they saw, and, if necessary, rescue any dogs that were experiencing dire medical conditions.¹

The conditions that the activists found were deplorable. Wayne H. Hsiung stated:

Thousands of dogs are held in cages, usually 1-2 to a cage and stacked on top of one another, that are about twice the length of the dog's body. We found no facilities for the dogs to step outside or exercise. The dogs sit on their own feces and urine, unable to escape their own waste. Dogs are routinely so desperate to escape that they slam themselves against the cage walls, desperately stretch their paws through the bars, and sometimes chew on the cages. The screams of the dogs in the facility are so loud that we were forced to yell at one another to communicate, even when we were only a foot away from one another.²

The individuals filmed their experience and published the documentation online, including a video asking Ismael Ozanne, the District Attorney of Dane County, to investigate their suspicions and charge Ridglan Farms with animal abuse.³ Rather, despite the events taking place in April 2017, the three individuals were served with criminal charges on August 21, 2021.⁴ I

¹ Glenn Greenwald, *Bred To Suffer, Inside the Barbaric U.S. Industry of Dog Experimentation*, *THE INTERCEPT* (May 17, 2018), <https://theintercept.com/2018/05/17/inside-the-barbaric-u-s-industry-of-dog-experimentation/>.

² *Id.*

³ Direct Action Everywhere, *Felony Charges for Rescuing Beagles from Experimentation*, YouTube (April 20, 2022), <https://www.youtube.com/watch?v=80nC-H5XOWQ>.

⁴ Exhibit A, Criminal Complaint against Hamer, Hsiung, and Picklesimer.

now bring this private criminal complaint in hopes of Ridglan Farms facing similar consequences for the cruel and deplorable conditions that they subject their dogs to.

III. LEGAL ARGUMENT

In Wisconsin, a complaint charging a person with an offense is typically issued by the district attorney of the county where the alleged crime happened.⁵ However, there is a pathway for private citizens to bring criminal complaints:

(3) If a district attorney refuses or is unavailable to issue a complaint, a circuit judge may permit the filing of a complaint, if the judge finds there is probable cause to believe that the person to be charged has committed an offense after conducting a hearing. If the district attorney has refused to issue a complaint, he or she shall be informed of the hearing and may attend. The hearing shall be ex parte without the right of cross-examination.⁶

The Wisconsin Supreme Court has noted that § 968.02(3) requires a circuit judge to make two determinations: “1) that ‘the district attorney *refuses* or is *unavailable* to issue a complaint; and 2) that ‘there is probable cause to believe that the person to be charged has committed an offense.’⁷ Here, both of these criteria are met: Ismael Ozanne has refused to charge Ridglan Farms with animal cruelty and there is probable cause that Ridglan Farms has committed at least one, if not multiple, crimes.

a. The first prong of Wis. Stat. § 968.02(3) is met because Ismael Ozanne has refused to charge Ridglan Farms with any crimes.

The Wisconsin Supreme Court further stated, “a district attorney’s refusal to issue a complaint for the purposes of Wis. Stat. § 968.02(3) may be established directly or circumstantially.”⁸ You do not need an explicit statement of refusal from the district attorney; rather, a successful complaint under § 968.02(3) need only show “unwillingness” from the district attorney to charge and is meant as a “limited check upon the district attorney’s charging power.”⁹

The facility manager for Ridglan Farms, Richard J. Vandomelen, stated to the Dane County Sheriff’s Office on May 17, 2018, that he had seen the videos of Direct Action Everywhere entering the Ridglan facility.¹⁰ The incident report indicates that the sheriff’s office had seen the videos, and Mr. Vandomelen was fearful that the group would “blast the video footage on media tomorrow to try to shut down the Ridglan Farms facility.”¹¹ The criminal complaint against the individuals also indicates that the district attorney’s office has seen the footage from YouTube, and Wayne H. Hsiung’s social media posts, which include statements such as “Their paws are

⁵ Wis. Stat. § 968.02(1).

⁶ *Id.* § 968.02(3).

⁷ *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 681 N.W.2d 110, 115 (Wis. 2004).

⁸ *Id.*

⁹ *Id.*

¹⁰ Exhibit B, Dane County Sheriff’s Office Law Supplemental Narrative at 2.

¹¹ *Id.*

swollen red from living in a wire cage for their entire lives. They have to breathe noxious air - - the facility smells terrible of feces and urine.”¹²

The activists have tried to get District Attorney Ismael Ozanne to investigate and prosecute Ridglan Farms, including a YouTube video asking people to call his office and request that he prosecute them,¹³ without any success. Mr. Ozanne’s refusal, coupled with the evidence that his office has seen the footage from Ridglan Farms and the activists’ statements of the conditions inside Ridglan, demonstrates the “unwillingness” that is necessary to meet the first prong of the requirements to pursue a private criminal complaint under Wis. Stat. § 968.02(3).

b. The second prong of Wis. Stat. § 968.02(3) is met because there is probable cause to believe that Ridglan Farms has violated at least Wis. Stat. § 951.02 and § 951.14(3).

The second prong of the test under § 968.02(3) is that probable cause must exist to believe that the person charged has committed an offense.¹⁴ Probable cause is a fairly low standard to prove. In areas of law such as issuing warrants, a magistrate judge need only have a “substantial basis” for believing that probable cause exists to issue the warrant.¹⁵

Notably, the dogs at Ridglan are “Animal[s],” which includes every living warm-blooded creature except humans,¹⁶ and not “Farm Animal[s],” which includes animals raised for use as “fiber or food.”¹⁷ It is a crime in Wisconsin to “treat any animal, whether belonging to the person or another, in a cruel manner.”¹⁸ Also, it is a crime to have dogs sheltered in adequate space, which “may be indicated by evidence of debility, stress or abnormal behavior patterns.”¹⁹

Probable cause exists to show that Ridglan Farms has potentially mistreated their dogs and also caused their dogs to exist in legally insufficient space for animals. Direct Action Everywhere has publicly released video evidence and written statements, of which the Dane County Sheriff’s Office and the Dane County District Attorney’s office has seen,²⁰ detailing how the dogs inside Ridglan Farms are forced to live their lives in tiny cages, covered in their own urine and feces.²¹ Ridglan Farms has no facilities for the dogs to ever be let outside of their cages.²² Also, many of the animals inside Ridglan Farms exhibited “evidence of debility, stress or abnormal behavior patterns”²³ indicative of insufficient space for their survival. The dogs can be seen spinning endlessly in their cage, biting the cage, and barking and screaming for help.²⁴

¹² Ex. A at 7.

¹³ Direct Action Everywhere, *Supra* note 3.

¹⁴ *State ex rel. Kalal*, 681 N.W.2d at 115.

¹⁵ *State v. Multaler*, 632 N.W.2d 89, 99 (Wis. App. 2001), *aff’d*, 643 N.W.2d 437.

¹⁶ Wis. Stat. § 951.01(1).

¹⁷ *Id.* § 951.01(3).

¹⁸ *Id.* § 951.02.

¹⁹ *Id.* § 951.14(3).

²⁰ Ex. A at 3-8.

²¹ *Id.*; Glenn Greenwald, *supra* note 1.

²² *Id.*

²³ Wis. Stat. § 951.14(3).

²⁴ Direct Action Everywhere, *supra* note 2.

Because of the deplorable living conditions for the dogs inside Ridglan Farms, and the clear patterns of abnormal behavior exhibited by the dogs, probable cause exists under Wis. Stat. § 968.02(3) to charge Ridglan Farms with at least violations of Wis. Stat. § 951.02 and 951.14(3).

IV. CONCLUSION

In conclusion, a facility exists in Dane County, Wisconsin, to wit: Ridglan Farms, Inc., in which thousands of dogs are being mistreated and subjected to subpar living standards including being forced to live in their own feces and urine and never seeing the light of day. Despite the efforts of citizens and activists, the county refuses to even investigate the deplorable conditions of Ridglan Farms.

We respectfully request that criminal charges are filed against Ridglan Farms, Inc. as an entity for mistreatment of animals and insufficient space for animals. If you have any questions or require further information, please contact me at jh@theanimallawfirm.com or (501)538-8951.

Josh Hartsfield
Josh Hartsfield
Head Law Clerk
The Animal Law Firm
jh@theanimallawfirm.com
(501)538-8951

EXHIBIT G

1/31/24, 9:45 AM

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Direct Action E-File Where Mail - Complaint re: Animal Cruelty



Wayne Hsiung <wayne@compassionatebay.org>

Complaint re: Animal Cruelty

Abassi, Andre <andre@uchastings.edu>
To: "danecoda@da.wi.gov" <danecoda@da.wi.gov>

Sat, May 6, 2023 at 12:28 AM

To the Office of the District Attorney of Dane County,

In response to growing local and national outcries concerning Ridglan Farms Inc., I am writing to report clear evidence of animal cruelty and other crimes against animals under chapter 951 of the Wisconsin Statutes, and request that your office open an investigation into Ridglan's practices.

Since it was founded in 1966, Ridglan has sent thousands of dogs to their deaths, including experiments where dogs were force-fed laundry detergent until they vomited blood and died; given experimental artificial sweeteners that caused their testes to shrink to half their normal size; and injected with rabies. In recent years, public records show violations of state and federal animal welfare laws, to include holes in cage flooring so large as to render puppies immobile and cause leg injuries and a lack of enrichment for the dogs, causing psychologically distressed behavior. [1] Julie, a beagle rescued from this facility was found blinded and in a near-constant trauma-induced state of spinning. [2] An investigator who filmed the inside of Ridglan's facilities described the conditions as follow:

Thousands of dogs are held in cages, usually 1-2 to a cage and stacked on top of one another, that are about twice the length of the dog's body. We found no facilities for the dogs to step outside or exercise. The dogs sit on their own feces and urine, unable to escape their own waste. Dogs are routinely so desperate to escape that they slam themselves against the cage walls, desperately stretch their paws through the bars, and sometimes chew on the cages. The screams of the dogs in the facility are so loud that we were forced to yell at one another to communicate, even when we were only a foot away from one another. [3]

These violations are happening in the thousands, which means thousands of counts of animal cruelty, ranging from potential class A misdemeanors to class I felonies, are going unprosecuted in Dane County. Annual reports show that in 2021, Ridglan had nearly 3,000 beagles in their facilities at one time, [4] while experimenting on 848 beagles that same year. [5]

Wisconsin law makes it illegal for any person to "treat any animal, whether belonging to the person or another, in a cruel manner." Wjs. Stat. § 951.02. Cruelty is defined under §

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Direct Action Everywhere v. Mark ... Complaint re: Animal Cruelty

951.01(2) as “causing unnecessary and excessive pain or suffering or unjustifiable injury or death.” Wisconsin also codifies space requirements into its laws, requiring that facilities be structurally sound to “protect the animals from injury” and to allow “freedom of movement.” See Wis. Stat. § 951.14 (3)(a), 951.14(3)(b). “Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.” Wis. Stat. § 951.14(3)(b). As shown in the above sources, thousands of dogs at Ridglan Farms Inc., experience unnecessary and excessive pain and suffering in subpar cages surrounded by their own feces, with many experiencing unjustifiable injury (such as maimed limbs, blindness, or mangled organs) and death.

Finally, exemptions for animal cruelty do not apply in this case. Wisconsin Statute § 951.015, which governs the construction of the chapter, does not exempt *breeding* activities, only research and experimentation. “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.” § 951.015. The Wisconsin Statutes themselves explicitly include an article within § 951.015 that explains “[b]y its plain language, chapter 951 applies to owners and third parties that tend to animals, including animal shelters, *dog breeders*, pet stores, and other such facilities.” [6] The majority of Ridglan beagles, as explained in the above third paragraph, are bred (and presumably sold), rather than experimented on at their facilities. Indeed, Ridglan holds active state and federal licenses with the US Department of Agriculture as a dog-breeding corporation. For the thousands of beagles that experience cruelty and neglect through Ridglan’s breeding-based activities, chapter 951 applies without any exemption.

I respectfully ask that you investigate and prosecute Ridglan Farms Inc. to ensure public justice is achieved in this matter. Please contact me with any questions or requests for additional evidence. Thank you.

Warmly,

Andre Abassi



Andre Abassi

J.D. Candidate | Class of 2024

UC Hastings College of the Law

(949) 842-5322 | andre@uchastings.edu

1/31/24, 9:45 AM Case 2024JD0000001 Document 2 Rec Action Filed 03-20-2024 Plaintiff re: ~~Page 80 of 101~~ **Page 91 of 101**

EXHIBIT H

IN THE CIRCUIT COURT OF WISCONSIN

DANE COUNTY

**PEOPLE OF THE STATE OF
WISCONSIN,**

)

)

)

)

v.

)

CRIMINAL COMPLAINT

)

RIDGLAN FARMS,

)

)

Defendant.

)

The below-named complaining witness being first duly sworn states the following:

**COUNT 1: MISTREATING AN ANIMAL — §§ 951.02 and 951.18(1) (Surgical mutilation
without anesthetics or veterinary supervision)**

The defendant Ridglan Farms beginning at least on April 17, 2017 and through the present day, regularly performs surgical procedures on animals, such as the so-called “cherry eye surgery,” without anesthetics or veterinary supervision. On or around January 10, 2021, defendant had in place a company policy in which employees, with no training and within days of arriving on the job, are required to participate in surgical procedures described by an employee as a “blood bath,” in which a dog is forcibly restrained and has glands cut out of their eye without any painkillers or veterinary supervision. This policy, which has been described by veterinarians as “shocking,” is just one of numerous surgical mutilations performed on Ridglan dogs in direct contradiction to normal and accepted veterinary practices, including the so-called devocalization of dogs – the mutilation of their vocal cords – which has been condemned by

veterinary organizations for its “negative impacts on animal welfare” and for causing “significant risks and complications, including pain.” Defendant’s unlawful actions were taken in violation of Wis. Stats. 951.02, which states that “No person may treat any animal, whether belonging to the person or another, in a cruel manner.” They further constitute a felony under 951.18(1) because they result in “the mutilation, disfigurement, or death of an animal.”

COUNT 2: MISTREATING AN ANIMAL — §§ 951.02 and 951.14(3)(b)

(Confinement-induced psychological torment)

The defendant Ridglan Farms beginning at least on October 26, 2016 and through the present day, confines animals in small metal enclosures, often in solitary confinement, to the point that many animals are in a state of psychological torment, and exhibiting signs of extreme stress, such as circling, pacing, and wall bouncing. On October 26, 2016 an inspector with the Wisconsin Department of Agriculture, during a routine inspection, noted, “A number of adult dogs in the facility were displaying prominent stereotypical behaviors; such as: circling, pacing, and wall bouncing” and also that “Efforts should be taken to address dog’s abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog’s welfare.” The defendant did not address these findings and, on April 17, 2017, animal rights activists observed exactly the same problem: numerous dogs spinning in cages or exhibiting other forms of stereotypical, repetitive behaviors, including a blind beagle puppy who was spinning in a circle for two hours in a solitary cage. An employee at Ridglan Farms noted the conditions persisted in 2021-2022, and there have been no material changes to the confinement practices at Ridglan Farms since that date. Dogs remain trapped in small metal cages, without access to the outdoors or adequate space, and many develop abnormal behaviors due to the torment and isolation they endure.

Defendant's unlawful actions were taken in violation of Wis. Stats. 951.02, which states that "No person may treat any animal, whether belonging to the person or another, in a cruel manner."

They further violate 951.14(3)(b) which provides, "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."

COUNT 3: MISTREATING AN ANIMAL — §§ 951.02 and ATCP 16.22(1)(b)

(Intentionally or negligently causing infection and injury)

The defendant Ridglan Farms beginning at least on October 26, 2016 and through the present day, intentionally or negligently causes serious ailments and infections to beagles, including dogs with swollen feet and puppies whose legs are caught in cage wire. On October 26, 2016 an inspector with the Wisconsin Department of Agriculture, during a routine inspection, noted that the "legs of puppies were observed to have passed completely below the mesh flooring up to the puppy's chest. Puppies were observed to have noticeable difficulty standing or moving comfortably." It was noted that, partly as a result of improper flooring, "observed dogs within the facility were being treated for foot health problems." While the facility claimed to have corrected the problem in an email on November 15, 2016, animal rights activists observed similar foot health problems on April 17, 2017, including dogs with painfully swollen and infected feet forced to walk on wire. An employee noted the same conditions persisting in 2021-2022. Finally, a USDA inspector noted in December of 2023 that "Some of the weaned puppies and preweaning-aged puppies in eleven enclosures were observed to have feet or legs pass through the smooth-coated mesh floors when they walked." Defendant's unlawful actions

were taken in violation of Wis. Stats. 951.02, which states that “No person may treat any animal, whether belonging to the person or another, in a cruel manner.” They are further a violation of ATCP 16.22(1)(b)2 and (b)3, which require that any wire flooring “shall be of an adequate gauge to prevent sagging under the weight of the dog or dogs kept in the enclosure, and to prevent injury to the dogs’ feet” and that “Floor openings, if any, shall be small enough to prevent the feet of the smallest dog kept in the enclosure from passing through or becoming entangled in the openings.”

Dated: March 17, 2024

Respectfully submitted,

Wayne Hsiung

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EXHIBIT I

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Bonnie S. Klapper, Esq.2 Main Street, #124
Sag Harbor, New York 11963bonniesklapper@bskesq.com

Tel: 516-721-0010

*Admitted in NY, California and District of Columbia**Pro hac vice Florida and Texas*

March 18, 2024

Ismael R. Ozanne
District Attorney
215 S Hamilton St # 3000
Madison, WI 53703
ismael.ozanne@da.wi.gov

Kalvin Barrett
Dane County Sheriff
115 West Doty Street
Madison, WI 53703
dane911@countyofdane.com

Joshua L. Kaul
Attorney General
PO Box 7857
Madison WI 53707
Josh.Kaul@doj.state.wi.us

**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.

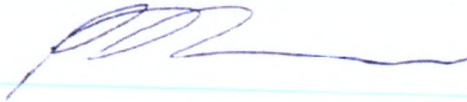
As noted above, Section 951.14 requires that owners or those responsible for dogs must provide the animal with property shelter and provides some examples for indoor enclosures.⁴ The AWA more broadly sets forth what those standards are. The same section requires that dog enclosure must have sufficient 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,



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)

EXHIBIT J

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY

IN RE: PETITION TO APPOINT A SPECIAL PROSECUTOR TO COMMENCE PROSECUTION OF RIDGLAN FARMS

DECLARATION OF WAYNE HANSEN HSIUNG

I, Wayne Hansen Hsiung, am a person of the age of majority and the petitioner in the above-entitled action. I reside at 530 Stockton St. Apt. 104 in San Francisco, CA 94108. I am familiar with the matters involved in this litigation. The facts of which I have knowledge in this matter include:

1. Ridglan Farms is a corporation located at 10489 W. Blue Mounds Road, Blue Mounds, WI 53517, in the County of Dane.
2. Ridglan Farms engages in breeding and experimentation upon beagles for profit.
3. Approximately 3,000 dogs are held at the site on Blue Mounds Road at any given time.
4. The vast majority of the dogs are bred and raised to be sold to research universities and private corporations for testing. A smaller, separate group of dogs is used for experiments at Ridglan Farms. These two sets of dogs are housed in separate buildings.
5. On April 17, 2017, I entered a building at Ridglan Farms where dogs intended for sale were kept, in order to investigate the facility. While inside the facility, I personally took the photos and videos that are inserted into the petition in the above-entitled action. Those photos and videos are a true and correct representation of the circumstances I personally observed at the facility.

6. While inside the facility, I observed dogs held in solitary confinement in small metal cages without any sources of meaningful enrichment inside their cages. These dogs were deprived of the outdoors, with no ability to engage in natural behaviors or socialize with other dogs.
7. I also observed many of the dogs exhibiting stereotypic behaviors, including spinning, pacing, and wall bouncing.
8. I also observed that the dogs were housed on inadequate flooring made of coated metal wire. I observed that many dogs had swollen feet that appeared to be injured and infected.
9. I also heard dogs straining to bark and issuing the hoarse, hollow sounds that are evidence of devocalization surgery, a surgical practice whereby a dog's laryngeal cartilage is cut or removed so that the dogs can no longer bark.
10. In 2021-2022, an employee at Ridglan Farms became a whistleblower after leaving his employment.
11. The whistleblower reported to me and others that he saw the very same conditions that I perceived in 2017. These conditions included dogs held in metal cages without meaningful enrichment, deprived of the outdoors, with no ability to engage in natural behaviors or socialize with other dogs, and many dogs exhibiting stereotypic behaviors.
12. The whistleblower reported to me and others that during his time working at Ridglan, the dogs were still housed on inadequate metal flooring.
13. The whistleblower reported to me and others that he was required to participate in performing "cherry eye" mutilations on dogs, whereby non-veterinarian employees hold dogs down and then use scissors to cut away the dogs' third eyelids, without anesthesia or pain medication, while the dogs cried out in pain. The employee reported that performing

this “cherry eye” mutilation is a standard practice and policy at Ridglan Farms and that it occurred repeatedly with the consent and knowledge of Ridglan management.

14. An organization with which I was affiliated at the time, Direct Action Everywhere, contacted the District Attorney’s Office and the Dane County Sheriff on or around May 2018 by phone to indicate concerns about the above-mentioned cruelty. Direct Action Everywhere directed the authorities to a report by Pulitzer Prize winning journalists Glenn Greenwald & Leighton Woodhouse regarding the cruelty at Ridglan Farms. The report provides a detailed description of the criminal activity at Ridglan, including devocalization surgery, confinement that brought about “extreme psychological torment,” and “skin and foot conditions from walking on wire.” See Glenn Greenwald & Leighton Akio Woodhouse, *Bred to Suffer*, INTERCEPT (May 17, 2018), <https://theintercept.com/2018/05/17/inside-the-barbaric-u-s-industry-of-dog-experimentation>. Neither I nor Direct Action Everywhere received any response to these inquiries.
15. In October 2022, an animal cruelty complaint was submitted to the District Attorney’s Office. That complaint is attached to the petition as **Exhibit F**. The DA did not issue a response.
16. In May 2023, an animal cruelty complaint was sent by email to the District Attorney’s office, in part based on additional records that Petitioner Hsiung obtained through state open records laws. That complaint is attached to the petition as **Exhibit G**. The DA did not issue a response.
17. In August 2021, the District Attorney’s office, with knowledge of the prior complaints filed and the majority of the other evidence discussed above, filed criminal charges against me

for conducting the 2017 investigation at Ridglan Farms and removing three dogs. The charges were later dismissed on March 8, 2024.

18. On March 14, 2024, I submitted a proposed criminal complaint to the District Attorney's office, Dane County Animal Control, and the Dane County Sheriff by email and web form. The complaint is attached to the petition as **Exhibit H**. Animal Control indicated that it would not be able to begin an investigation and referred me to the Department of Agriculture, Trade and Consumer Protection. The Sheriff failed to reply. The District Attorney's office indicated that it would not prosecute without a referral from the Sheriff.

19. On March 18, 2024, a supervisor with the Dane County Sheriff's office told me that I would need to speak to the District Attorney's office in order to address my concerns about the Ridglan dogs.

20. Also on March 18, 2024, I brought further evidence to the Dane County District Attorney's office, along with a criminal cruelty referral written by a former federal prosecutor, Bonnie Klapper, who spent 24 years evaluating evidence for probable cause as a federal prosecutor. That referral is attached as **Exhibit I**. When I delivered the referral on March 18th, investigator Ryan Greeno met briefly with me and indicated that his office would decline to bring charges unless an investigation was performed by law enforcement that had "jurisdiction" over the case.

I declare under penalty of perjury and false swearing under the law of Wisconsin that the foregoing is true and correct.

Executed on the 20th Day of March, 2024 at Madison, Wisconsin.

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Wayne Hansen Hsiung

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Document 5

Filed 03-29-2024

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**FILED
03-29-2024
CIRCUIT COURT
DANE COUNTY, WI
2024JD000001**

**STATE OF WISCONSIN
DANE COUNTY**

**CIRCUIT COURT
BRANCH 16**

For Official Use:

IN RE: PETITION TO APPOINT A SPECIAL
PROSECUTOR TO COMMENCE
PROSECUTION OF RIDGLAN FARMS

Case No. 24JD0001
Case Code: 30703/30914

**RIDGLAN FARMS' OPPOSITION TO PETITION
FOR THE FILING OF A CRIMINAL COMPLAINT**

INTRODUCTION

Days after expressing “‘profound disappointment’ that he no longer faced up to sixteen years in prison”¹ for alleged felony burglary and theft in a recently dismissed criminal case, Petitioner Wayne Hsiung has reignited his years-long crusade against the actual victim in that case.

On March 7, 2024, the Dane County District Attorney’s Office moved to dismiss felony burglary and theft charges against Hsiung and two others. *See* Motion (Mar. 7, 2024), *Wisconsin v. Wayne H. Hsiung*, 2021CF001838. There was no shortage of evidence related to the charges; Hsiung himself admitted to entering the facility.² Rather, as the March 18, 2024 trial date approached, Ridglan Farms, the victim of Hsiung’s actions, had received multiple death threats and expressed growing “concerns for their physical safety, as well as for their business.”³ For that

¹ Jay Caspian Kang, *An Animal-Rights Activist and the Problem of Political Despair*, THE NEW YORKER (Mar. 15, 2024), available at <https://www.newyorker.com/news/fault-lines/an-animal-rights-activist-and-the-problem-of-political-despair>.

² *See, e.g.*, ¶ 5, Ex. J, Declaration of Wayne Hansen Hsiung.

³ *See* Bill Lueders, *Ridglan Farms beagle ‘rescue’ case dismissed*, ISTHMUS (Mar. 8, 2024), available at <https://isthmus.com/news/news/Ridglan-Farms-beagle-rescue-case-dismissed/>.

reason, the DA's office honored Ridglan Farms' desire "to no longer have this case [against Hsiung, et al.] proceed to trial." *See id.* The court dismissed the case the next day. *See Order* (Mar. 8, 2024), *id.*

Petitioners Hsiung and Dane4Dogs now urge this Court to bring criminal charges against Ridglan Farms in their Petition for the Filing of a Criminal Complaint ("Petition"). The Court should deny the relief sought and close this matter, docketed as a John Doe proceeding, for at least three reasons: (1) Ridglan Farms is statutorily exempt from prosecution for the crimes alleged; (2) even if Ridglan were not exempt, Ridglan Farms is already subject to federal and state inspections by agencies with enforcement authority, ensuring compliance with all applicable federal and state laws, making it improper for this Court to provide an extraordinary "check" on the District Attorney's decision not to charge Ridglan with any purported crime; and (3) to the extent this matter is characterized as a John Doe proceeding, the alleged crimes are not among the statutorily enumerated offenses to which the John Doe procedure applies. Each point will be addressed in turn.

I. Ridglan Farms, as a USDA-licensed research facility, is statutorily exempt from the statutory provisions at issue.

At the outset, Petitioners ask hypothetically whether "an ordinary citizen" versus a "corporation," if each were to have committed the acts alleged, would be in violation of Chapter 951. However, Ridglan Farms is neither an "ordinary citizen" nor an ordinary "corporation," but instead a U.S. Department of Agriculture (USDA) Class R-licensed research facility and USDA Class A-licensed dog breeder serving educational and research institutions.⁴

⁴ *See Ridglan Farms* (last accessed Mar. 28, 2024), available at <https://www.ridglan.net/>.

Pursuant to Wis. Stat. § 951.015, Chapter 951 does not apply to “[t]eaching, 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.” *See* Wis. Stat. § 951.015. As a USDA-licensed research and breeding facility, Ridglan Farms is regulated under the Animal Welfare Act, 7 U.S.C. § 2131 *et seq.*, and required to comply with numerous protocols and procedures administered under that law in caring for its animals, whether through research conducted on-site or by the educational or research institutions it serves.⁵ Ridglan Farms is therefore statutorily exempt from the Chapter 951 provisions for the acts alleged. *See* Wis. Stat. § 951.015.

Petitioners’ own proffered exhibits reinforce the fact that Ridglan Farms is regulated under the Animal Welfare Act. *See, e.g.*, Petition, Ex. C, at 8 (Wisconsin Department of Agriculture evaluating compliance under “9 CFR, Chapter 1, subchapter A (Animal Welfare Act)”; Ex. E, at 1 (USDA “routine inspection” report). As to the latter example, USDA “inspectors conduct routine, unannounced inspections of all entities licensed/registered under the Animal Welfare Act.”⁶ In addition, because Ridglan Farms’ customers include federally funded educational and research institutions, Ridglan Farms must ensure that all animals ultimately transferred to such institutions received care in compliance with the Animal Welfare Act.⁷

Accordingly, pursuant to Wis. Stat. § 951.015 Ridglan Farms is exempt from being charged under Chapter 951 for the acts alleged, and the Petition should be dismissed on that basis.

⁵ *See, e.g., FAQ, Animal Welfare Act*, USDA (last accessed Mar. 25, 2024), available at <https://www.nal.usda.gov/animal-health-and-welfare/animal-welfare-act>.

⁶ *See AWA Inspection and Annual Reports*, U.S. DEP’T OF AGRIC. (last modified Apr. 25, 2023), available at <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/awa/AWA-Inspection-and-Annual-Reports>.

⁷ *See, e.g., How NIH Ensures the Care of Research Animals*, NAT’L INSTS. OF HEALTH (last accessed Mar. 28, 2024), available at <https://grants.nih.gov/grants/policy/air/how-nih-ensures> (“All animals used in federally funded research are protected by laws, regulations and policies The rules governing and protecting animal care include” the “Animal Welfare Act”).

II. Even if Ridglan Farms were not exempt from Chapter 951, the Court should exercise its discretion and deny the petition.

Even if Ridglan Farms were not exempt under Chapter 951, the Court should exercise its discretion under Wis. Stat. § 968.02(3) and decline to authorize the filing of a criminal complaint. Every relevant aspect of Ridglan Farms' operation is already subject to both state and federal law and administrative regulation, including USDA and the Wisconsin Department of Agriculture Trade and Consumer Protection. These agencies have authority to levy fines or initiate enforcement actions, including criminal enforcement, as appropriate. Importantly, those agencies also have the expertise to administer the laws that govern Ridglan Farms' operations, and it is telling that Ridglan Farms has never been the subject of any such enforcement action.

Before authorizing the filing of a criminal complaint under Wis. Stat. § 968.02(3), the Court must make two determinations: (1) a factual finding that the 'district attorney refuses or is unavailable to issue a complaint'; and (2) a legal conclusion that 'there is probable cause to believe that the person to be charged has committed an offense.'" *State ex rel. Kalal v. Circuit Court for Dane County ("Kalal")*, 2004 WI 58, ¶ 36, 271 Wis.2d 633, 652, 681 N.W.2d 110 *Kalal*, 2004 WI 58, ¶ 36 (quoting Wis. Stat. § 968.02(3)). As already explained, Ridglan Farms is statutorily exempt from Chapter 951 here. *See supra* Section I. Thus, there can be no probable cause to believe that Ridglan committed an offense. However, even if both conditions were met,⁸ the Court is still not required to authorize the filing of a complaint. Instead, § 968.02(3) "contemplates an exercise of *discretion*," as "the judge '*may* permit' the filing of a complaint." *Kalal*, 2004 WI 58, ¶ 6 (quoting Wis. Stat. § 968.02(3) (emphasis added)).

⁸ Ridglan Farms takes no position here as to whether the district attorney has "refused" to issue a complaint.

“District attorneys in Wisconsin have primary responsibility and wide discretion to determine whether to commence a criminal prosecution.” *Kalal*, 2004 WI 58, ¶ 27 (citing *State v. Karpinski*, 92 Wis.2d 599, 607, 285 N.W.2d 729 (1979)). The law does not mandate “prosecution in all cases where there appears to be a violation of the law ...” *Kalal*, 2004 WI 58, ¶ 30. Furthermore, prosecutors may consider numerous factors when deciding to bring charges, including the fact that “another jurisdiction” has authority to prosecute or enforce applicable law. *Id.* ¶ 32. While Wis. Stat. § 968.02(3) was enacted to “provide[] a check upon the district attorney who fails to authorize the issuance of a complaint, when one should have been issued,” *see id.* ¶ 35 (quoting Chapter 255, Laws of 1969, Judicial Council Committee Note to Wis. Stat. § 968.02), a court must necessarily exercise its own discretion in determining whether to authorize the filing of a criminal complaint where the DA has decided not to.

The Court should properly exercise such discretion here by declining to authorize a complaint. Ridgland Farms has never been the subject of any civil or criminal enforcement action by any federal or state agency—and for good reason. While it is true that from time to time, an inspection has revealed isolated noncompliance or a recommendation for improvement, Ridgland Farms has quickly taken all appropriate action to swiftly come into compliance. To the best of their knowledge, Ridgland Farms is currently in full compliance with all federal and state regulations.

Moreover, the breadth of those “governmental regulations” is “arguably pervasive”—touching essentially every area of Ridgland Farms’ operation as both an independent research facility and as a breeding facility that sells animals to third-party research and educational institutions. *See Lesser v. Espy*, 34 F.3d 1301, 1306-07 (7th Cir. 1994). To the extent Ridgland Farms were to fail to comply with the Animal Welfare Act through its policies or procedures relating to animal welfare, which would come to light through routine or other inspections, Ridgland Farms

could risk losing its license, 7 U.S.C. § 2149(a), incur civil penalties, 7 U.S.C. § 2149(b), or face criminal penalties, 7 U.S.C. § 2149(d), under a federal cause of action. *See Lesser*, 34 F.3d at 1306-07. In other words, “another jurisdiction” already provides an adequate mechanism to ensure proper animal care, such that declining to criminally prosecute here is appropriate under the factors articulated in *Kalal*. 2004 WI 58, ¶ 32.

Not only does Ridglan Farms meet all federal and state regulatory requirements, but it strives to go above and beyond compliance. Ridglan Farms voluntarily applied for—and was awarded—accreditation by the Association for Assessment and Accreditation of Laboratory Animal Care or “AAALAC” in 2013 and has maintained that accreditation ever since. To achieve AAALAC accreditation, an institution must satisfy all applicable laws and regulations, then meet two other sets of private-sector industry standards “which go beyond” what the government requires.⁹ In doing so, applicants must submit a detailed description of its animal care and use program, including housing and veterinary care.¹⁰ Industry evaluators review the written submissions and conduct a comprehensive, on-site assessment, which is then reviewed by an even larger council. Ridglan Farms is proud to be one of more than 1,100 organizations in over 40 countries with this accreditation.¹¹

Ridglan Farms respectfully submits that this is not a rare instance in which the Court must step in and provide a “check” on the Dane County District Attorney, who traditionally maintains “primary responsibility” to exercise prosecutorial discretion. *See Kalal*, 2004 WI 58, ¶¶ 27, 35. The multiple federal and state agencies that routinely inspect Ridglan Farms remain empowered

⁹ *Accreditation Program*, AAALAC INT’L (last accessed Mar. 25, 2024), available at <https://www.aaalac.org/accreditation-program/policies/>.

¹⁰ *What is AAALAC Accreditation?*, AAALAC INTERNATIONAL (last accessed Mar. 28, 2024), available at <https://www.aaalac.org/accreditation-program/what-is-aaalac-accreditation/>.

¹¹ *See id.*

to initiate enforcement actions, including criminal enforcement, in the event Ridglan Farms failed to comply with applicable laws governing animal care. The Court should deny the Petition accordingly.

III. To the extent the Court is evaluating this Petition as a John Doe proceeding, the John Doe statute does not apply to Section 951 offenses.

While the text of the Petition does not explicitly mention “John Doe,” the Petition has been docketed as such a proceeding. *See* “Motion for John Doe proceeding - filed by non-DA” (Mar. 20, 2024), *In RE: 968.02(3) Complaint*, 2024JD0000001. John Doe proceedings are authorized by Wis. Stat. § 968.26, with section (1)(b) of that statute providing a long list of crimes that may be addressed in such a proceeding. *See* Wis. Stat. § 968.26(1b)(a). However, Section 951 is not among those crimes. Therefore, the acts alleged in this Petition do not fall within the purview of a John Doe proceeding.

Even if Chapter 951 were among the enumerated crimes, the purposes of John Doe proceedings would not be served here. A John Doe proceeding “serves two important purposes.” *State ex rel. Two Unnamed Petitioners v. Peterson*, 2015 WI 85, ¶ 83, 363 Wis. 2d 1, 866 N.W.2d 165 (citing *State ex rel. Reimann v. Circuit Court for Dane Cnty.*, 214 Wis.2d 605, 621, 571 N.W.2d 375 (1997)). “First, and most obvious, a John Doe proceeding is intended as an investigatory tool used to ascertain whether a crime has been committed and if so, by whom. Second, the John Doe proceeding is designed to protect innocent citizens from frivolous and groundless prosecutions.” *Id.* (citations omitted). To satisfy that initial inquiry, the judge must ascertain whether the complaint includes “objective, factual assertions sufficient to support a reasonable belief that a crime has been committed.” *In re Doe*, 2009 WI 46, ¶ 14, 317 Wis.2d 364, 766 N.W.2d 542 (quoting *Reimann*, 214 Wis.2d at 621). For the reasons already articulated, Ridglan Farms—the victim in

the prior criminal action against Petitioner Huang—is statutorily exempt here. *See supra* Section I. Enforcement would thus be meritless and with no objective grounding in Wisconsin law. Based on this, initiating a proceeding would run in clear contradiction of the second important purpose of a John Doe proceeding: “protect[ing] innocent citizens from frivolous and groundless prosecutions.” *Peterson*, 2015 WI 85, ¶ 83.

In addition, the Wisconsin Supreme Court has “long recognized the need for secrecy in John Doe proceedings.” *See id.* ¶ 88 (citing *State v. Cummings*, 199 Wis. 2d 721, 736, 546 N.W.2d 406 (1996)). Reasons for such secrecy include, in relevant part, “keeping knowledge from an unarrested defendant” and “preventing testimony which may be mistaken or untrue or irrelevant from becoming public.” *See id.* Having been publicly docketed, Ridglan Farms, the named “John Doe,” is on full notice of Petitioners’ complete arguments and documents submitted in support. Indeed, upon information and belief, Petitioners have publicly disclosed their petition. Worse yet, the general public is on full notice as well, effectively foreclosing any opportunity to adhere now to the “need for secrecy” in such proceedings. In addition, not only are the allegations irrelevant to any chargeable offense, as Ridglan Farms is statutorily exempt, but these untrue and misleading accusations that have been publicized may be damaging to Ridglan Farms’ business reputation. *See id.* Taken together, to the extent the Petition is characterized as a John Doe proceeding, it is not only procedurally flawed, but contradicts its broader purposes and should be dismissed.

CONCLUSION

Respectfully, Petitioners’ quarrel is with existing laws that allow for the use of animals in research. Petitioners are free to advocate for changes in the law that they believe are appropriate. But Ridglan Farms, which plays an important role in research designed to advance medical and

veterinary science, operates in compliance with existing laws and Petitioners should not be allowed to seek criminal enforcement against conduct that the law allows.

For the foregoing reasons, the Petition should be denied.

Respectfully submitted this 29th day of March, 2024

HUSCH BLACKWELL LLP
Attorneys for RIDGLAN FARMS, INC.

Electronically signed
By: s/ Eric M. McLeod
Eric M. McLeod, 1021730

P.O. ADDRESS:
33 East Main Street, Suite 300
Madison, Wisconsin 53703
608.255.4440
608.258.7138 (fax)
Eric.McLeod@huschblackwell.com

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

FILED
04-18-2024
CIRCUIT COURT
DANE COUNTY, WI
2024JD000001

In RE: 968.02(3) Complaint

Notice of Hearing

Case No: 2024JD000001
DA Case No.: 2024DA003592

COURT ORIGINAL

This case is scheduled for: **Hearing**

| | | |
|--|-------------------------|--|
| Date 07-10-2024 | Time 09:00 am | Location 5th Floor, Courtroom 5D - Branch 16 215 S Hamilton Street Madison WI 53703-3285 |
| Circuit Court Judge/Circuit Court Commissioner Rhonda L. Lanford | | |
| Re Criminal Complaints - Permission to File | | |

This matter will not be adjourned by the court except upon formal motion for good cause or with the specific approval of the court upon stipulation by all parties.

Parties to appear in person.

Petitioners to file pre-trial brief along with a summary of evidence, a list of witnesses and a synopsis of what their testimony will be to be filed by June 28, 2024.

Do not efile or pre-mark exhibits, they will be marked as they are offered. Please bring a copy for the Court and a copy to be marked as an exhibit.

If you require reasonable accommodations due to a disability to participate in the court process, please call 608-266-4311 prior to the scheduled court date. Please note that the court does not provide transportation.

Dane County Circuit Court
Date: April 18, 2024

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