



For Immediate Release
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ANIMAL LOVERS ACHIEVE VICTORY IN LAWSUIT TO PROTECT L.A. ANIMALS

Stipulation reached with County to Ensure Los Angeles County Shelters Now Comply with Law

Los Angeles, CA... Animal activists have achieved an important victory in their lawsuit filed by the national No Kill Advocacy Center, Cathy Nguyen, a volunteer animal rescuer, and Rebecca Arvizu, a Los Angeles County taxpayer and animal rescuer, against Los Angeles County, its Department of Animal Care and Control (DACC), and the DACC's Director, Marcia Mayeda. The lawsuit alleged unlawful and abusive treatment of animals at all six Los Angeles County animal shelters.

Among the allegations in the December 2007 complaint, DACC routinely:

- Killed healthy and treatable animals before their state mandated holding period expires;
- Misclassified animals as "ill" or "injured" in order to kill them before their holding period expires even though the animals are not irremediably suffering as required by state law;
- Killed lost animals without making reasonable attempts to find the animals' owners;
- Failed to provide adequate veterinary care to impounded animals, resulting in animal deaths;
- Failed to provide adequate nutrition, water, shelter and exercise to impounded animals and to treat the animals humanely and kindly;
- Refused to release animals to rescue groups that are willing to care for the animals until adoptive homes can be found and, instead, kills the animals.

In addition, the lawsuit alleged that DACC unlawfully violated the civil rights of Plaintiff Nguyen by retaliating against her for publicizing its unlawful treatment of animals.

The stipulated order entered by the Superior Court today requires that DACC:

1. will not kill an animal during the state mandated holding period unless the animal meets narrow exceptions permitted by law
2. will provide veterinary care to ill and injured animals
3. will release animals to rescue groups instead of killing them
4. will not retaliate against rescue groups and volunteers who publicly expose agency malfeasance
5. will restore the volunteer and rescue rights of plaintiff Cathy Nguyen
6. will provide access to shelter records to ensure compliance

In addition, because state law allows animals who are "irremediably suffering" to be killed immediately upon impoundment, DACC agreed to a specific definition of what constitutes irremediable suffering to eliminate the unlawful killing of animals under this narrow legal exception as follows:

An animal with a medical condition who has a poor or grave prognosis for being able to live without severe, unremitting pain despite necessary veterinary care.



“DACC agrees that it must comply with laws governing humane care and treatment of animals. That alone is a significant victory,” said Nathan J. Winograd, for the No Kill Advocacy Center. “It’s sad we had to go to court to force them to do what they should have been doing all along, but at least we are past the point of empty rhetoric about compliance. We now have a court order that requires them to do it.”

The order also allows plaintiffs to go back to court and force compliance without filing a new lawsuit should DACC fail to follow its mandates. Winograd further added that the next step is to monitor care for the animals to make sure that DACC shelters are in fact complying, and seek changes in existing state law to provide better care and to promote more adoptions. “Too many animals in Los Angeles are still finding in their shelters nothing more than the end of the line. We hope to change that and offer them instead a new chance at life. This lawsuit was only the first step. And we will not rest until we end the systematic killing of animals still ongoing in Los Angeles and other communities nationwide.”

“Of course, we wish we could have succeeded in forcing the County to embrace the No Kill philosophy, to guarantee that animals will find loving new homes, and to ensure that all employees had a genuine fondness for animals,” added Winograd. “But there is no law that currently requires that and, unfortunately, that is not what this lawsuit was about. What the law requires is minimum standards of care and a chance at adoption, it requires shelters to release animals to rescue groups rather than kill them, it requires veterinary care, and humane treatment, and we believe the stipulated court order will help ensure that this occurs. From that standpoint, we scored an important victory for the animals.”

The lawsuit was handled by Sheldon Eisenberg and Melissa Bonfiglio of the Los Angeles based law firm of Eisenberg, Raizman, Thurston & Wong, LLP, and by attorney Orly Degani. “The attorneys handling our case did an outstanding job and we are grateful to them there for achieving this desperately needed victory for the animals,” said Winograd.

The court order signed today effectively ends the litigation.

For a media kit, which including copies of the rulings, Demand Letter the Plaintiffs sent to Ms. Mayeda before filing their lawsuit, letter protesting the Department’s retaliation, Complaint, and high resolution images and video of filthy conditions and animal suffering in Los Angeles County’s shelter system which provided the basis for the lawsuit, go to nokilladvocacycenter.org and click on “Projects & Campaigns.”

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