

No. _____

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA ex rel.
ALLEY CAT ALLIES INCORPORATED,

Petitioner,

v.

BERKELEY COUNTY ANIMAL CONTROL,

Respondent.

VERIFIED PETITION FOR WRIT OF MANDAMUS

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QUESTION PRESENTED

Should the Respondent, Berkeley County Animal Control, be compelled by a writ of mandamus to perform its nondiscretionary legal duty of preventing animal cruelty by providing necessary medical treatment to animals in its care?

STATEMENT OF THE CASE

A. INTRODUCTION

Berkeley County Animal Control is the governmental office of Berkeley County, West Virginia entrusted with the statutory duty of “prevent[ing] the perpetration or continuance of *any* act of cruelty upon *any* animal,” W. Va. Code § 7-10-2(a) (emphasis added), or, put differently, “personally see[ing] that the law relating to the prevention of cruelty to animals is enforced,” *id.* § 7-10-1. Animal cruelty laws of West Virginia make it a crime “for *any* person to intentionally, knowingly or recklessly . . . [w]ithhold . . . [m]edical treatment, *necessary* to sustain normal health and fitness or to end the suffering of any animal.” *Id.* § 61-8-19(a)(1)(C)(iii) (emphasis added). These laws apply just as much to Berkeley County Animal Control as to any member of the general public whose violations are investigated by Berkeley County Animal Control, especially since it is the very public office created to uphold them. Nonetheless, Berkeley County Animal Control *routinely* withholds necessary medical treatment from animals in its care and in so doing commits a separate act of animal cruelty each time. Alley Cat Allies brings this mandamus action to compel Berkeley County Animal Control to perform its nondiscretionary legal duty of preventing animal cruelty, in particular within its own office.

B. PARTIES, STANDING, AND JURISDICTION

1. Alley Cat Allies is a 501(c)(3) advocacy organization dedicated to protecting and improving the lives of cats. It is a foreign corporation¹ that is registered to conduct business and conducts business in West Virginia. Alley Cat Allies is a taxpayer of the State of West Virginia and Jefferson and Berkeley counties, where it owns, among other things, real property.

2. Berkeley County Animal Control is a division of Berkeley County, West Virginia Sheriff's Office and serves as the county's "humane officer," W. Va. Code § 7-10-1, *et seq.*

3. This Court has original subject matter jurisdiction over this matter pursuant to W. Va. Const. art. VIII, § 3. *See also State ex rel. City of Charles Town v. Cnty. Comm'n of Jefferson Cnty.*, 221 W. Va. 317, 321, 655 S.E.2d 63, 67 (2007).

C. PERTINENT FACTS

4. It is Berkeley County Animal Control's *modus operandi* to withhold "[m]edical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal," W. Va. Code § 61-8-19(a)(1)(C)(iii), to animals in its care, except for animals impounded specifically as part of animal cruelty investigations.²

5. By way of illustration only, Berkeley County Animal Control has intentionally, knowingly, and/or recklessly withheld necessary medical treatment from the following animals in its care, whose emergent medical conditions and suffering were obvious to any reasonable lay person, let alone an animal shelter professional:

¹ Alley Cat Allies is incorporated under the laws of Delaware and has its principal place of business in Maryland.

² This specific class of animals receives medical treatment, which becomes a part of their case files as Berkeley County Animal Control investigates allegations of animal cruelty.

- a. A dog with a bulging and enlarged eye, with glaucoma, ocular inflammation, corneal ulcer, and an open wound underneath, who was at Berkeley County Animal Control for eight days without necessary medical treatment;³
- b. A very thin cat with a grossly thickened, enlarged, and discolored tongue and pharyngeal swelling, who was (i) unable to close his mouth, (ii) unable to eat or drink because of the swellings, (iii) experiencing vomiting and diarrhea, (iv) drooling, (v) feverish, (vi) lethargic, and (vii) at Berkeley County Animal Control for ten days without necessary medical treatment;⁴
- c. A dog with a ruptured hernia, who was bleeding so profusely that he/she had to be moved from kennel to kennel numerous times a day in order for his/her bloody kennels to be cleaned and who stayed at Berkeley County

³ Attached hereto and incorporated herein as Exhibits 1, 2, 3, 4, and 5, respectively, are (1) pictures of this dog (Berkeley County Animal Control animal ID 26014) during and right after her stay at Berkeley County Animal Control; (2) a copy of Berkeley County Animal Control's intake and disposition logs showing that she arrived at Berkeley County Animal Control on August 25, 2021 and was adopted out on September 2, 2021; (3) a copy of her adoption paperwork from Berkeley County Animal Control, executed on September 2, 2021; (4) a copy of the exam and discharge summaries of her (now named Kimberly) September 2, 2021 visit with her adopter to the Emergency and Critical Care Department of Veterinary Referral Associates; and (5) a copy of Kimberly's discharge summary from a September 17, 2021 follow-up visit to the Veterinary Referral Associates.

⁴ Attached hereto and incorporated herein as Exhibits 6 and 7, respectively, are (6) a copy of Berkeley County Animal Control's intake and disposition logs showing five cats with IDs ranging from 25677 to 25681, who arrived at Berkeley County Animal Control on June 24, 2021 and were adopted out on July 3, 2021; and (7) a copy of the clinical summary of one of the five cats—now named Newt—following his visit with his adopter to CARE Veterinary Center on July 3-4, 2021, which details the severity of his medical conditions and suffering and recommends humane euthanasia. At the recommendation of his veterinarian, Newt was humanely euthanized on July 4, 2021.

Animal Control for fifteen to sixteen days without necessary medical treatment;⁵

- d. A dog with a broken leg, who stayed at Berkeley County Animal Shelter for multiple days without necessary medical treatment;⁶ and
- e. Cats with their eyes covered shut with sticky, pus-like discharges, who were at Berkeley County Animal Shelter for multiple days without necessary medical treatment.

6. Berkeley County Animal Control's failures and refusals to provide necessary medical treatment to all animals in its custody are persistent and routine, are not due to a lack of funding or lack of access to veterinarians, and are contrary to law and public policy.

SUMMARY OF THE ARGUMENT

A writ of mandamus is proper in the instant case because there exists (A) a clear legal right in Alley Cat Allies to the relief sought; (B) a nondiscretionary legal duty on the part of Berkeley County Animal Control to do the thing which Alley Cat Allies seeks to compel, namely, preventing animal cruelty by providing necessary medical treatment to animals in its care; and (C) no other adequate remedy.

STATEMENT REGARDING ORAL ARGUMENT AND DECISION

Petitioner respectfully asks for oral argument under Rule 20 of the West Virginia Rules of Appellate Procedure because this case involves issues of fundamental public importance.

⁵ This dog was euthanized by Berkeley County Animal Control only after suffering fifteen or sixteen days in its custody without any medical treatment.

⁶ Upon information and belief, this dog was removed from Berkeley County Animal Control by a rescue organization, who then provided the necessary medical treatment the dog needed.

ARGUMENT

A. AS A TAXPAYER OF BERKELEY COUNTY AND THE STATE OF WEST VIRGINIA, ALLEY CAT ALLIES MAY INVOKE THIS MANDAMUS.

As a taxpayer of Berkeley County and the State of West Virginia, Alley Cat Allies has standing to bring a mandamus action to compel a Berkeley County public officer or office to perform a particular legal duty imposed upon it by law. *See Frantz v. Wyoming Cty. Ct.*, 69 W. Va. 734, 73 S.E. 328 (1911) (“A citizen, taxpayer, or voter in any proper case may maintain mandamus to compel a public tribunal to perform a ministerial duty, imposed upon it by law in favor of the public without showing any special or pecuniary interest in the performance thereof.”).⁷

B. AS THE HUMANE OFFICER OF BERKELEY COUNTY, BERKELEY COUNTY ANIMAL CONTROL HAS A NONDISCRETIONARY LEGAL DUTY TO PREVENT ANIMAL CRUELTY BY PROVIDING NECESSARY MEDICAL TREATMENT TO ANIMALS IN ITS CARE.

1. Berkeley County Animal Control officers are “humane officers” of Berkeley County, who are in turn “public officers.”

Berkeley County Animal Control is a public office, i.e., a proper subject of a mandamus; it and its officers serve as Berkeley County’s “humane officers,” whose duties include “prevent[ing] the perpetration or continuance of any act of cruelty upon any animal,” W. Va. Code § 7-10-2(a), or, put differently, “personally see[ing] that the law relating to the prevention of cruelty to animals is enforced,” *id.* § 7-10-1. *See Hickman v. Epstein*, 192 W. Va. 42, 44, 450 S.E.2d 406, 408 (1994) (defining a public officer as “a person acting or refusing to act in the performance of a public or quasi-public duty”); Berkeley County, W. Va. Ordinance In Re: Management and Control of Dogs and Certain Other Animals (February 25, 2010) (“The Sheriff’s designees are hereby appointed as Dog Wardens and County Humane Officers, as those terms are

⁷ Like a natural person, a corporation may bring a mandamus action. *See, e.g., State ex rel. Charleston Mail Ass’n v. Kelly*, 149 W. Va. 766, 773, 143 S.E.2d 136, 141 (1965); *State ex rel. Dewey Portland Cement Co. v. O’Brien*, 142 W. Va. 451, 96 S.E.2d 171 (1956).

defined in the *West Virginia Code*, 1931, as amended, and are collectively designated Berkeley County Animal Control Officers.”).

2. Preventing animal cruelty by providing necessary medical treatment to animals in its care is Berkeley County Animal Control’s nondiscretionary legal duty.

Preventing animal cruelty and enforcing animal cruelty laws is Berkeley County Animal Control’s mandatory, nondiscretionary legal duty, compellable through a mandamus action. *See State ex rel. Justice v. King*, 244 W. Va. 225, 852 S.E.2d 292, 300 (2020) (“A duty is mandatory if the official has no discretion *not* to perform the duty[.]”); *State ex rel. Greenbrier Cty. Airport Auth. v. Hanna*, 151 W. Va. 479, 494, 153 S.E.2d 284, 292 (1967) (“Mandamus lies to require the discharge by a public officer of a nondiscretionary duty[.]”).

West Virginia law defines animal cruelty as, among other things, “intentionally, knowingly or recklessly . . . [w]ithhold[ing] [m]edical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal.” W. Va. Code § 61-8-19(a)(1)(C)(iii). When an animal is displaying signs of emergent medical conditions and suffering, obvious to any reasonable lay person, let alone a shelter professional, the provision of medical treatment to that animal is necessary and does not involve an exercise of discretion.⁸ Withholding necessary medical treatment is an act of animal cruelty. Berkeley County Animal Control’s persistent and routine failures and refusals to perform its nondiscretionary legal duty to prevent animal cruelty by providing necessary medical treatment to all animals in its care constitute acts of animal cruelty.

⁸ Even if, *arguendo*, an exercise of discretion were called for in such a situation, mandamus still would be appropriate to compel the given public officer or office to perform a particular act when he “has clearly and willfully disregarded his duty, or [when] his action was extremely wrong or flagrantly improper and unjust, so that his decision can only be explained as the result of caprice, passion, partiality, or corruption,” *State ex rel. Dillon v. Bare*, 60 W. Va. 483, 56 S.E. 390 (1906).

C. THERE IS NO OTHER ADEQUATE REMEDY IN THIS CASE BESIDES A WRIT OF MANDAMUS.

By maintaining this mandamus, Alley Cat Allies desires to enforce the performance of Berkeley County Animal Control's official duties arising from the discharge of Berkeley County Animal Control's public function imposed by statute.⁹

In this case, there is no other adequate remedy at law besides a writ of mandamus to compel Berkeley County Animal Control to perform its statutory duty *in the future*. A criminal prosecution, for instance, of its past failings is not an adequate remedy. As this Court has explained,

[t]he fact that the respondent is subject to a criminal prosecution for the failure to perform the duty sought to be coerced is not generally considered such an adequate remedy as will preclude the court from issuing a writ of mandamus, since a criminal prosecution will not enforce specific compliance with the duty or an adequate substitute; ordinarily an indictment will not afford a specific remedy, that is, such as the case demands, for it is a proceeding in pœnam for the past, and *not a remedy for the future*. In case of a statute or ordinance imposing a duty on a quasi public corporation the fact that a penalty is provided for violation of the duty has been held not to preclude the issuance of a writ of mandamus to compel the performance of the duty.

City of Philippi v. Tygarts Valley Water Co., 99 W. Va. 473, 129 S.E. 465, 467 (1925) (emphasis added) (citation and internal quotation marks omitted).

Even if, *arguendo*, another adequate remedy were to exist, a writ of mandamus is appropriate in this case because the “other remedy is not equally as beneficial, convenient, [or] effective.” *See King*, 244 W. Va. at 225, 852 S.E.2d at 307 n.17 (“While it is true that mandamus is not available where another specific and adequate remedy exists, if such other remedy is not equally as beneficial, convenient, and effective, mandamus will lie.”)

⁹ In the alternative, should *deciding to provide necessary medical treatment* to any and all animals in the care of Berkeley County Animal Control involve an exercise of discretion, this Court should control that exercise of discretion through a writ of mandamus because Berkeley County Animal Control's actions show “caprice, passion, partiality, or corruption.” *See State ex rel. Dillon*, 60 W. Va. at 483, 56 S.E. at 390.

CONCLUSION

WHEREFORE, Alley Cat Allies requests that this Honorable Court:

- a. Issue a writ of mandamus compelling Berkeley County Animal Control to comply with W. Va. Code § 61-8-19(a) by providing “[m]edical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal” to all animals in its custody at the time of intake or within a reasonable time after the intake, and subsequently as necessary;
- b. Award Alley Cat Allies its attorney’s fees and costs in maintaining this action; and
- c. Grant Alley Cat Allies such other relief as this Court may deem just and proper.

Respectfully submitted,

By:



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Incorporated*

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VERIFICATION

STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY, to-wit:

I, Charlene Pedrolie, the Chief Operating Officer of Alley Cat Allies Incorporated, the Petitioner in the foregoing Petition for a Writ of Mandamus, after being first duly sworn, say that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that, so far as they are therein stated to be on information, I believe them to be true.



ALLEY CAT ALLIES INCORPORATED
Charlene Pedrolie, Chief Operating Officer

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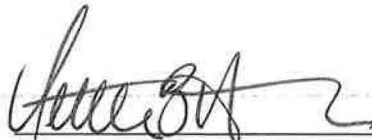
Respondent.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23RD of November, 2021, a copy of the foregoing Petition for a Writ of Mandamus and its appendix was mailed, first class, postage paid, to the following persons:

Berkeley County Animal Control
700 S. Queen Street
Martinsburg, WV 25401
(304) 263-4729 (phone)

Doug Copenhaver, Council President/Commissioner
Berkeley County Council
400 W Stephen Street
Suite 201
Martinsburg, WV 25401
(304) 264-1923(phone)



Timothy Hyland (WV Bar No. 9827)

*Counsel for Petitioner Alley Cat Allies
Incorporated*

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APPENDIX/EXHIBITS

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APPENDIX/EXHIBITS

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EXHIBIT 1



Berkeley County Animal Contro...

Learn More

Like

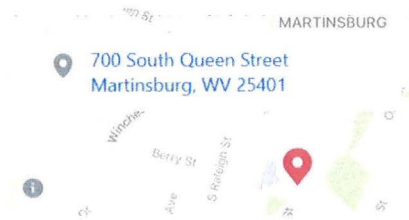
Message



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The official account for Berkeley County Animal Control, a division of the Berkeley County (W.Va.) Sheriff's Office.

14,483 people like this

14,767 people follow this

112 people checked in here

<http://www.berkeleywv.org/>

(304) 263-4729

Send Message

Open Now
7:00 AM - 11:00 PM

Government Organization



Berkeley County Animal Control - WV

August 26 at 3:15 PM

ADOPTED!!

25 Aug. 2021

Senior Female Miniature Pinscher

Animal ID: 26014

Shockey Memorial Blvd.

If you are the owner of this dog or if you know the owner, please contact this office.





 **Berkeley County Animal Control - WV** 

August 26 at 3:15 PM 

 2

 Like  Comment  Share

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EXHIBIT 2

Berkeley County Animal Control

Record count on this entire report: 738

Run Date: 09-27-2021 14:20:39 by Chief Kevin T Jones

Case Intake Register 09-01-2020 to 09-27-2021

Group By Precinct, ACO

Order By ACO

Page Number: 21 of 37

Precinct:

COUNTY

ACO:

FARMER, SHERRIE

Case ID	Intake Date	Reason and Transport	ACO	Owner at intake	Animal	Incident
07-21-2021 2	07-21-2021	Seizure/Aco Pickup	Farmer, Sherrie	Justin Kerns	#2013/F/Dog/Staffordshire Bull Terrier	34480
03-10-2021 2	03-10-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Brian & Cathy Collis	#25101/M/Dog/Labrador Retriever	33472
03-14-2021 1	03-14-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25118/F/Dog/Husky	33501
03-16-2021 1	03-16-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25125/M/Dog/Mixed Breed	33514
03-24-2021 1	03-24-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25174/M/Dog/Beagle	33577
03-25-2021 1	03-25-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25181/M/Dog/Mixed Breed	33590
03-27-2021 1	03-27-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25189/F/Dog/Mixed Breed	33605
03-30-2021 1	03-30-2021	Quarantine/Aco Pickup	Farmer, Sherrie		#25211/M/Dog/Mixed Breed	33630
04-01-2021 1	04-01-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25229/F/Dog/Mixed Breed	33648
04-05-2021 4	04-05-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25249/M/Dog/Chihuahua	33675
04-06-2021 2	04-06-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25256/M/Dog/Mixed Breed	33686
04-24-2021 1	04-24-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Gordon Creal Jr. Young	#25365/F/Dog/Labrador Retriever	33829
04-24-2021 2	04-24-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Todd Butler	#25366/M/Dog/Beagle	33830
05-01-2021 1	05-01-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25391/M/Dog/Chow Chow	33873
05-02-2021 1	05-02-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25398/M/Dog/Staffordshire Bull Terrier	33880
05-15-2021 2	05-15-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25475/F/Dog/Mixed Breed	33984
05-24-2021 4	05-24-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Maryanne Patricia Grady	#25515/M/Dog/Mixed Breed	34061
05-24-2021 5	05-24-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Maryanne Patricia Grady	#25516/F/Dog/Mixed Breed	34061
06-01-2021 3	06-01-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Unknown	#25557/F/Dog/English Bulldog	34129
06-10-2021 1	06-10-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25610/F/Dog/Shih Tzu	34197
06-19-2021 3	06-19-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Unknown	#25657/F/Dog/Pomeranian	34253
06-21-2021 5	06-21-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Unknown	#25669/F/Dog/Boxer	34268
06-29-2021 4	06-29-2021	Vicious/Aco Pickup	Farmer, Sherrie		#25704/F/Cat/Tabby	34319
07-11-2021 3	07-11-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Erin Blake	#25769/M/Dog/American Staffordshire Terrier	34416
07-21-2021 3	07-21-2021	Seizure/Aco Pickup	Farmer, Sherrie	Justin Kerns	#25854/M/Dog/Chihuahua	34480
07-24-2021 2	07-24-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25866/F/Dog/Labrador Retriever	34494
08-03-2021 2	08-03-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#25900/M/Dog/Silky Terrier	34573
08-10-2021 3	08-10-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Margarets Saving Grace...	#25938/M/Dog/American Pit Bull Terrier	34621
08-12-2021 2	08-12-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Austin Webb	#25950/M/Dog/Husky	34646
08-12-2021 4	08-12-2021	Seizure/Aco Pickup	Farmer, Sherrie	Darren Duane Vrzich Jr	#25952/M/Dog/Husky	34645
08-15-2021 3	08-15-2021	Safe-keeping/Aco Pickup	Farmer, Sherrie	Berkeley County...	#25971/M/Dog/Chihuahua	08152021
08-25-2021 2	08-25-2021	Running At Large/Aco Pickup	Farmer, Sherrie		#26014/F/Dog/Miniature Pinscher	08252021
08-30-2021 4	08-30-2021	Safe-keeping/Aco Pickup	Farmer, Sherrie	Aaron Wolfallo	#26077/F/Dog/Terrier	34776
09-02-2021 1	09-02-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Amanda Marie Parson...	#26087/M/Dog/Beagle	34797
09-04-2021 1	09-02-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Machado Carballo	#26103/F/Dog/Labrador Retriever	34802
09-05-2021 1	09-02-2021	Running At Large/Aco Pickup	Farmer, Sherrie	Machado Carballo	#26103/F/Dog/Labrador Retriever	34802

Berkeley County Animal Control

Record count on this entire report: 693

Run Date: 09-27-2021 14:21:14 by Chief Kevin T Jones

Disposition Register 09-01-2020 to 09-27-2021

Group By Precinct, ACO

Order By ACO

Page Number: 19 of 34

Precinct:

COUNTY

ACO:

FARMER, SHERRIE

Case ID	Disposition Method	Intake Date	Disposition Date	Days in Shelter	Kennel/ID	Pet Name	Animal
07-21-2021 2	Wv Buddies	07-21-2021	08-16-2021	27		Baby	#2013/F/Dog/Staffordshire Bull Terrier
03-10-2021 2	Return To Owner	03-10-2021	04-13-2021	35		Sampson	#25101/M/Dog/Labrador Retriever
03-14-2021 1	Return To Owner	03-14-2021	03-15-2021	2		Unknown	#25118/F/Dog/Husky
03-16-2021 1	B.c.humane Society	03-16-2021	04-05-2021	21		Unknown	#25125/M/Dog/Mixed Breed
03-24-2021 1	Return To Owner	03-24-2021	03-26-2021	3		Bandit	#25174/M/Dog/Beagle
03-25-2021 1	B.c.humane Society	03-25-2021	04-13-2021	20		Unknown	#25181/M/Dog/Mixed Breed
03-27-2021 1	B.c.humane Society	03-27-2021	04-12-2021	17		Dutchess	#25189/F/Dog/Mixed Breed
03-30-2021 1	Return To Owner	03-30-2021	03-31-2021	2		Unknown	#25211/M/Dog/Mixed Breed
04-01-2021 1	Return To Owner	04-01-2021	04-01-2021	1		Peepers	#25229/F/Dog/Mixed Breed
04-05-2021 4	Return To Owner	04-05-2021	04-06-2021	2		Buster	#25249/M/Dog/Chihuahua
04-06-2021 2	Return To Owner	04-06-2021	04-07-2021	2		Dutch	#25256/M/Dog/Mixed Breed
04-24-2021 1	Return To Owner	04-24-2021	04-24-2021	1		Abby	#25365/F/Dog/Labrador Retriever
04-24-2021 2	Return To Owner	04-24-2021	04-24-2021	1		Jace	#25366/M/Dog/Beagle
05-01-2021 1	Return To Owner	05-01-2021	05-14-2021	14		Fatty	#25391/M/Dog/Chow Chow
05-02-2021 1	Return To Owner	05-02-2021	05-04-2021	3		Kato	#25398/M/Dog/Staffordshire Bull Terrier
05-15-2021 2	Return To Owner	05-15-2021	05-17-2021	3		Unknown	#25475/F/Dog/Mixed Breed
05-24-2021 4	Return To Owner	05-24-2021	05-25-2021	2		Bandit	#25515/M/Dog/Mixed Breed
05-24-2021 5	Return To Owner	05-24-2021	05-25-2021	2		Lucy	#25516/F/Dog/Mixed Breed
06-01-2021 3	Return To Owner	06-01-2021	06-02-2021	2		Unknown	#25557/F/Dog/English Bulldog
06-10-2021 1	Euthanized	06-10-2021	06-11-2021	2		Unknown	#25610/F/Dog/Shih Tzu
06-19-2021 3	Return To Owner	06-19-2021	06-20-2021	2		Unknown	#25657/F/Dog/Pomeranian
06-21-2021 5	Return To Owner	06-21-2021	06-22-2021	2		Lilly	#25669/F/Dog/Boxer
06-29-2021 4	B.c.humane Society	06-29-2021	07-13-2021	15		Chole	#25704/F/Cat/Tabby
07-11-2021 3	Return To Owner	07-11-2021	07-11-2021	1		Nip	#25769/M/Dog/American Staffordshire Terrier
07-21-2021 3	B.c.humane Society	07-21-2021	08-10-2021	21		Chubs	#25854/M/Dog/Chihuahua
07-24-2021 2	Other	07-24-2021	09-09-2021	48		Unknown	#25866/F/Dog/Labrador Retriever
08-03-2021 2	Return To Owner	08-03-2021	08-04-2021	2		Jensen	#25900/M/Dog/Silky Terrier
08-12-2021 2	Return To Owner	08-12-2021	08-13-2021	2		Thor	#25950/M/Dog/Husky
08-12-2021 4	Adoption/no Charge	08-12-2021	08-19-2021	8		Sultan	#25952/M/Dog/Husky
08-15-2021 3	Return To Owner	08-15-2021	08-16-2021	2		Unknown	#25971/M/Dog/Chihuahua
08-25-2021 2	Adopted	08-25-2021	09-02-2021	9		Unknown	#26014/F/Dog/Miniature Pinscher
09-02-2021 1	Return To Owner	09-02-2021	09-03-2021	2		Rugger	#26087/M/Dog/Beagle
09-04-2021 1	B.c.humane Society	09-02-2021	09-09-2021	8		Unknown	#26103/F/Dog/Labrador Retriever
09-05-2021 1	B.c.humane Society	09-02-2021	09-09-2021	8		Unknown	#26103/F/Dog/Labrador Retriever
09-18-2021 1	Return To Owner	09-18-2021	09-20-2021	3		Bella	#26175/F/Dog/Mixed Breed

EXHIBIT 3

Berkeley County Animal Control

700 SOUTH QUEEN STREET

MARTINSBURG, WV 25401

Phone: (304) 263-4729

Adoption Contract

Case ID 08-25-2021 2
Species DOG ID#: 26014
Pet Name UNKNOWN
Primary Breed MINIATURE PINSCHER
Crossbreed
Gender FEMALE/NOT STERILIZED
Fee \$0.00
Proof of Spay/Neuter - Due Date 09-12-2021
Proof of Tags - Due Date 09-12-2021
Proof of Vaccination - Due Date 09-12-2021

I,  the undersigned, have agreed to adopt a dog from the Berkeley County Animal Control, on this the 02 day of September 2021.

The dog/cat is described as follows: Breed: Mini Pin Color: Reddish/Brown Male ☐ Female ☒
Kennel # _____

I agree to have the dog vaccinated against rabies and to obtain the proper Berkeley County Tax Tags within two weeks of today's date and to have the dog vaccinated as soon as a Licensed Veterinarian deems the time appropriate, but, in no case later than six months from today's date. I will contact Berkeley County Animal Control and provide the following information as soon as possible:

1. Tax Tag Number: _____
2. Veterinarian's Name: _____
3. Rabies Vaccination Number: _____
4. Date of Vaccination: _____
5. Any other medical treatment provided to the animal: _____

I understand that all dogs are REQUIRED to be Spayed or Neutered within thirty (30) days of the adoption date, if the dog is sexually mature or within thirty (30) days after the dog reaches six (6) months of age. If the animal has not been spayed or neutered, in order to complete the adoption I agree to pay a refundable deposit of fifty dollars (\$50.00). This deposit will be refunded to me ONLY upon proof that the animal has been spayed or neutered by a licensed veterinarian and the request for my refund has been made within thirty (30) days of the date that the animal was spayed or neutered. Failure to provide this proof will result in forfeiture of the deposit. In addition, I understand that failure to have the animal spayed or neutered will result in a possible fine and seizure of the animal.

Should I decide to divest myself of the animal adopted herein, I will notify Berkeley County Animal Control and provide the name and address of the animal's new owner. I further understand that the animal is NOT to be returned to Berkeley County Animal Control as they DO NOT accept owner relinquished animals. If I can no longer care for/afford the animal I must then find a suitable home for it at my own expense.

Berkeley County Animal Control does NOT guarantee the temperament, health or behavior of the animal. The adopter(s) accept all responsibility for the area and control of the animal and hereby agrees to hold Berkeley County and its representatives harmless for any and all damage that the animal may cause or for which the animal is alleged to have caused.

By signing this Adoption Agreement, the adopter agrees to all of the above listed requirements and stipulations. Also, the adopter acknowledges and accepts that Berkeley County Animal Control Officers have the right to conduct "Follow Ups" on the animals at any time for up to One (1) year from the Date of Adoption. If the conditions are found to be "Negligent" and/or the adopter refuses to allow Officers onto the property to check the animal(s), the adoption will be forfeited and the animal(s) will be seized.

Signature: 

Officer Name A. Litch Unit Number: 3097

Please Spay & Neuter your Pets!
Printed by operator 36443 using Shelter Pro

EXHIBIT 4



Veterinary Referral ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

Emergency Exam

Doctor: Dr. Sierrah Travis, Dr. Amy
Greenebaum

9/2/2021

Technician:

Client

Alley Cat Allies [REDACTED] 7920 Norfolk Suite 600
[REDACTED]
[REDACTED] Bethesda, MD 20814

Patient

Kimberly (137658) Female
Canine, Pinscher, Miniature 9/2/2017, 4 Yrs. 0 Mos.

RDVM: ,
RDVM Phone: () -

History

Kimberly was rescued today from Berkeley County Animal Control in West Virginia. by Alley Cat Allies due to the condition of her eyes. Her right eye was and red and bulging, and she seemed painful and uncomfortable. Kimberly's background and medical history is unknown. She was taken in as a stray by the animal control facility 1 week ago.

9/2/2021
8:35 PM
Vital Sign SDT
Weight 4.54 kilograms
BCS 5 - Ideal - 5
Temp 102
Pulse 120
Resp 40
CRT 1 - <2
MM Pink/Healthy

Exam	
Subjective:	BAR, mm pink, moist/CRT < 2sec, no appreciable skin tent
Physical Exam:	
EENT:	Yellow mucoid discharge medial canthus OS, exophthalmos OD, reddened cornea OD, whitish, yellowish corneal opacity OS vs. AC structure, corneal neovascularization OU, episcleral injection vs. conjunctivitis OU, dried, hard black material ventral to right eye clear AU, no nasal discharge, malocclusion, gingivitis, gum recession, moderate to severe dental calculus
PLNS	within normal limits
CV:	normal sinus rhythm, no murmur ausculted, pulses strong/synchronous
PULM:	eupneic, clear bronchovesicular sounds
ABD:	soft, nonpainful
UG:	within normal limits
M/S/I:	MCS 323, BCS 5/9, ambulatory x 4, xerosis over dorsum with some focal areas of scabbing, redundant skin over tail base, alopecic end of tail, enlarged rectum, moderate erythema in the inguinal region, moderate erythema and alopecia on the caudal aspects of hocks bilaterally
Neuro:	alert/appropriate, palpebral reflexes +/+, menaces responses -/-, conscious proprioception x4
Rectal:	not performed

Diagnostics

Performed:	Complete blood cell count: RBC (L) 5.59, HCT (L) 35.6, Plt (H) 524, Chemistry with electrolytes and SDMA: SDMA (HN) 13, BUN (H) 35, creat 0.6 Urinalysis (cystocentesis): urine specific gravity 1.046, 2+ protein Schirmer tear test: <5 OD, 13 OS Intraocular pressure: unable to read OS, 1, 3 mmHg OD
-------------------	---

Kimberly [REDACTED]

1 of 2

9/2/2021



Veterinary Referral
ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

	Fluorocein stain: negative OS; positive OD
Pending:	

Assessment

Problems:

- superficial corneal defect - r/o superficial ulcer, corneal debris, plant material,
- dry eye - r/o kcs +/- neurogenic
- decreased interocular pressure - r/o uveitis, ruptured globe
- wound - r/o self inflicted traumatic wound to eye or from potential dog attack
- dental disease
- blind OU - r/o extraocular disease (corneal disease affecting light entering globe) vs. intraocular disease vs. neurological disease

Plan-as recommended by Dr.WRC

Flush eyes
Proparacaine drops - 1 drop OU
Wound clean/flush
TGH meloxicam 0.1mg/kg PO SID x 7 days
TGH clavamox ~13.75mg/kg PO BID x 10 days
TGH neopolyBAC 1/4 inch strip into OD 4x/day
TGH neopolyDEX 1/4 inch into OS BID
TGH optimmune 1/4 inch strip into OD BID
Purchase triple abx OTC and apply to the wound underneath OD
Keep OU and around OD clean and dry, may need to warm compress or gently wipe with warm water
Recheck in 1 week w/ ophthalmologist

ADDENDUM on 9/3/2021 at 15:48:31 from **Amy Greenebaum, VMD**

Received methadone 0.9mg IM for wound clip/clean



Veterinary Referral

ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

Discharge Summary
Emergency and Critical Care Department

DATE: 9/2/2021

PATIENT: Kimberly [REDACTED] 4 Yrs. 0 Mos., Canine, Pinscher, Miniature, Female

VRA ATTENDING VETERINARIAN: Dr. Sierrah Travis, Dr. Amy Greenebaum, Dr. Elana Stroup,
Dr. Amanda Witsil, Dr. William Crumley

PROBLEMS/DIAGNOSES:

- Non-visual in both eyes
- Anterior lens luxation, Left eye (mature cataract)
- Keratoconjunctivitis sicca (Dry eye), right eye
- Superficial corneal ulcer, right eye (suspect exposure)
- Severe intraocular disturbance, right eye (suspect previous glaucoma)
- Skin wound below right lower eyelid
- Airway disease - Bronchitis, collapsing trachea

CASE SUMMARY:

- Kimberly was rescued today from Berkeley County Animal Control in West Virginia by Alley Cat Allies and was presented to VRA's emergency service for evaluation of her ocular changes.

DIAGNOSTICS/THERAPIES PERFORMED:

- **Complete blood count (CBC):** mild/borderline non-regenerative anemia, elevated platelet count
- **Chemistry with electrolytes and SDMA:** One kidney value (BUN) was slightly elevated which can be secondary to dehydration, kidney disease, a high protein diet, etc. At this time, we recommend recheck bloodwork in 2-3 weeks for continued monitoring of her kidney values.
- **Urinalysis:** Kimberly's urine was well concentrated indicating sufficient kidney function. There was protein present in the urine which can be artificially elevated in concentrated urine. However, it can also be secondary to a disease called protein losing nephropathy (PLN) which requires medical management to limit complications (kidney disease, high blood pressure, low blood protein). Consider further evaluation and diagnostic testing in 2-3 weeks to determine if medical management is indicated.
- **Chest x-rays (official report pending):** There is a bronchointerstitial pattern that indicates lower airway inflammation (bronchitis). There is also evidence of dynamic narrowing of the mainstem bronchi. There was no evidence of tracheal collapse on the x-rays but Kimberly did cough on tracheal palpation which indicates she may have a condition called collapsing trachea (wind pipe). This is often seen older dogs and occurs secondary to weakening of the cartilage rings in the trachea. We recommend using a harness rather than collar during leash walks and we have prescribed a cough suppressant (Hydrocodone) and an airway dilator (Theophylline). Chest x-rays also captured a small portion of Kimberly's abdomen in which her liver appeared rounded and enlarged. This is not uncommon in small breed older dogs with endocrine disease (such as Cushing's) or other liver changes. This could be further explore via an abdominal ultrasound routinely in the future if you wish. Your vet can help facilitate this.
- **Intramuscular pain injection:** 0.9mg of methadone was given while in hospital for pain management
- **Wound clean and flush**



Veterinary Referral
ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

- Nail trim

Ocular Diagnostics:

- **Schirmer tear test:** no tear production, right eye; just below normal tear production, left eye
- **Intraocular pressure:** too low to read, left eye; low, right eye - these findings are consistent with uveitis
- **Fluorocein stain:** negative, left eye; positive (confirmed corneal ulcer), right eye

ASSESSMENT:

- Kimberly's ocular examination has revealed an anterior lens luxation with low ocular pressures and associated inflammation in the left eye. We will start a topical steroid to calm this inflammation and see if reasonable comfort can be maintained. The lens is cataractous and the eye does not have normal light responses at this time. Surgery to remove the lens is not recommended at this time.
- *The right eye appears larger than normal, has low tear production, and has a very abnormal appearance internally. The eye has a superficial corneal ulcer, but the ocular pressure is low. The eye does not appear visual at this time. We will start a topical tear stimulant and antibiotic to help protect the ocular surface from further damage. If we can improve corneal protection, the eye may not need to be removed. I do not expect a return of vision in this eye, but we may be able to avoid surgical removal if comfort can be restored.*
- Both eyes have a poor prognosis for vision with problems that will likely require chronic medications. If enucleation of either eye (or both eyes) is desired, it can be considered. I would wait until the skin lesion is resolved before proceeding with a surgery.
- Please see the handouts provided on management of tracheal collapse and chronic bronchitis which outlines what has been discussed previously.



Veterinary Referral

ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

MEDICATIONS:

Medications Dispensed:

Item Description	Directions	Next Dose
Meloxicam (Meloxidyl) 1.5mg/mL/mL	Give the contents of one syringe (0.3ml) by mouth every 24 hours for 3 days with a meal. This is a non-steroidal anti-inflammatory drug (NSAID) that should not be given with other oral NSAIDs or oral steroids. Discontinue use and contact veterinarian if decreased appetite, vomiting, diarrhea, or dark, tarry stools occur.	Tomorrow (9/4) at 5-6am
AmoxiClav (Clavamox) 62.5mg Tablets	Give one tablet by mouth every 12 hours for 10 days. This is an antibiotic. Give with food to prevent gastrointestinal upset.	Today (9/3) 5pm
NeoPolyDex Ophthalmic Solution 5mL	Apply one drop to the LEFT eye twice daily.	Today (9/3) 5pm
NeoPolyBac Ophthalmic Ointment 3.5g	Apply a 1/4 inch strip into the RIGHT eye three times daily. **Please wait 5 minutes between ointment applications.	Today (9/3) 5pm
Cyclosporine (Optimmune) 0.2% OphO 3.5g	Apply a 1/4 inch strip into the RIGHT eye twice daily. **Please wait 5 minutes between ointment applications.	Today (9/3) 5pm
Hydrocodone/Homa (gen) 5/1.5mg Tab	Give 1/4 tablet by mouth every 8-12 hours for cough suppression. May cause sedation. This is a cough suppressant.	Today (9/3) 5pm
Theophylline CMP Oral Susp 100mg/mL	Give 0.3ml by mouth every 12 hours. This is an airway dilator.	Today (9/3) 5pm

Medications to be purchased over-the-counter:

- Triple antibiotic ointment may be purchased to apply a small amount to the wound below her right eye.

HOME CARE RECOMMENDATIONS:

Diet: Kimberly should eat a well balanced adult to geriatric dog food. A wet or canned diet is recommended to increase the amount of water in her diet.



Veterinary Referral

ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

Activity: An e-collar must be worn at all times to prevent any further self-trauma to the eyes or in the areas immediately around the eyes. Allow Kimberly to set her own activity limits. Kimberly is blind in both eyes and should not be left alone on furniture or to go near stairs. She could potentially fall off the furniture and injure herself. Kimberly will need time to learn her new environment.

Please walk Kimberly with a harness rather than a collar to limit compression of her windpipe while walking.

Monitoring/Other: Kimberly's eyes and around her right eye may be kept clean with a warm cloth. Any ocular discharge may be gently wiped away. Avoid using abrasive cloths or fabrics to wipe around eyes. The medications should improve the clinical signs. Monitor the eyes for any worsening in clinical signs such as increase in yellow-green ocular discharge, squinting, bulging of the eye globe, or a melting appearance to the front of the eye.

Please monitor Kimberly's breathing for increased rate and/or effort as this can indicate exacerbation of her airway disease. If you are concerned please have Kimberly evaluated by a veterinarian.

FOLLOW-UP CARE:

- Schedule a recheck appointment in 2 weeks with Dr. Crumley to evaluate the healing of Kimberly's eyes. This can be done by contacting Kimberly Bargas the ophthalmology coordinator.
- Once Kimberly recovers from her ocular disease, her dental disease may be addressed.
- Recheck in 2 weeks with your vet to reassess ongoing medication for her bronchitis and to recheck urine protein loss +/- kidney values. Your vet will be an excellent source to guide management of these condition long-term.

SPECIAL INSTRUCTIONS: Should Kimberly exhibit any of the following, please contact our office

- Loss of appetite for more than 2 days
- Refusal to drink water for more than 1 day
- Profound weakness or lethargy
- No urine produced for 24 hours
- Pale gums
- Difficulty breathing

PHARMACY:

Please note all prescription refill requests submitted to Veterinary Referral Associates will be reviewed, and processed *within 72 hours* of our receipt of your request(s) Monday through Friday. *Please plan accordingly should your pet require a prescription refill(s).* To submit a request for a prescription refill, please contact our office at 301-926-3300.

We appreciate your confidence in the care we provide for your pet and your family. Please feel free to contact us if you have any questions or concerns.

Sincerely,

Elana Stroup, VMD

Client Signature: _____

Date: _____

Kimberly [REDACTED]

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9/2/2021

EXHIBIT 5



Veterinary Referral
ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

Discharge Summary Ophthalmology Discharge

DATE: 9/17/2021

PATIENT: Kimberly Alley Cat Allies [REDACTED] 4 Yrs. 0 Mos., Canine, Pinscher, Miniature, Female

VRA ATTENDING VETERINARIAN: Bill Crumley, DVM, MS, DACVO

PRIMARY CARE VETERINARIAN:

PROBLEM/DIAGNOSIS:

- Anterior lens luxation OS (mature cataract)
- Keratoconjunctivitis sicca OD
- Buphthalmos OD
- Superficial corneal ulcer OD (suspect exposure)
- Severe intraocular disturbance OD (suspect previous glaucoma)
- Skin wound below lower eyelid OD

TEST RESULTS:

- Schirmer tear test: >15 mm/min OD, >15 mm/min OS
- Intraocular pressure: 3 mmHg OD, 10 mmHg OS
- Fluorescein stain: Negative (residual speckling) OD, Negative OS

CASE SUMMARY:

- Kimberly's ocular examination has revealed significant improvement in her ocular comfort and inflammation. Her left eye looks calm and controlled. Her right eye is still overlarge and she doesn't blink with a normal frequency, but she has improved tear production and the surface irritation is much improved. Her corneal ulcer is healed. We will continue her medications to build upon this improvement. In time, we will look to reduce her medications.
- The wound below her left eye does not look healed. It does not look overtly infected and it was plugged with mucoid discharge. We can give the skin more time to heal, but it may be necessary to have the area explored, revised, and sutured closed. Please talk to your veterinarian about the next recommended step to address this area. We will continue her oral antibiotic for now to ensure the area does not become infected.

MEDICATIONS:

- **NeoPolyDex Oph Drop:** Instill 1 drop into the left eye twice daily.
- **NeoPolyBac Oph Ointment:** Apply 1/4 inch strip to the ocular surface of the right eye three times daily.
- **Optimmune Oph Ointment:** Apply 1/4 inch strip to the ocular surface of both the right eye twice daily.
- **Clavamox tablet (62.5 mg):** Give 1 tablet by mouth twice daily until gone.

AT HOME CARE:

- Please call if you note increased redness, discharge, cloudiness, or discomfort



Veterinary Referral
ASSOCIATES

SPECIALTY AND 24 HOUR EMERGENCY

Veterinary Referral Associates
500 Perry Parkway
Gaithersburg, MD 20877
(301) 926-3300

FOLLOW-UP CARE:

- Please schedule a recheck in 2-4 weeks. Please have your veterinarian assess the skin wound below the eye to determine if further care is necessary.

To schedule your next appointment please contact our ophthalmology scheduling coordinator by calling our office at 301-926-3300 or emailing vraophthalmology@vravet.com.

PHARMACY:

Please note all prescription refill requests submitted to Veterinary Referral Associates will be reviewed, and processed within 72 hours of our receipt of your request(s) Tuesday through Friday. Please plan accordingly should your pet require a prescription refill(s). To submit a request for a prescription refill, please contact our office at: 301-926-3300 or email vraophthalmology@vravet.com.

We appreciate your confidence in the care we provide for your pet and your family. Please feel free to contact us if you have any questions or concerns.

Sincerely,

Bill Crumley, DVM, MS, DACVO

Client Signature: _____

Date: _____

EXHIBIT 6

Berkeley County Animal Control

Record count on this entire report: 738

Run Date: 09-27-2021 14:20:39 by Chief Kevin T Jones

Case Intake Register 09-01-2020 to 09-27-2021

Group By Precinct, ACO

Order By ACO

Page Number: 6 of 37

Precinct:**CITY****ACO:****FRICK, ROBERT M**

<u>Case ID</u>	<u>Intake Date</u>	<u>Reason and Transport</u>	<u>ACO</u>	<u>Owner at intake</u>	<u>Animal</u>	<u>Incident</u>
06-26-2021 2	06-26-2021	Seizure/Aco Pickup	Frick, Robert M	Michael Todd Jackson	#13006/F/Dog/German Shepherd	34299
06-26-2021 3	06-26-2021	Seizure/Aco Pickup	Frick, Robert M	Michael Todd Jackson	#13007/M/Dog/German Shepherd	34299
03-04-2021 1	03-04-2021	Running At Large/Aco Pickup	Frick, Robert M	Tiffany Lucero Duran	#25079/M/Dog/Shih Tzu	33483
03-19-2021 4	03-19-2021	Arrest/Aco Pickup	Frick, Robert M		#25144/F/Dog/Mixed Breed	33539
03-23-2021 3	03-23-2021	Running At Large/Aco Pickup	Frick, Robert M		#25172/M/Dog/Mixed Breed	33576
04-06-2021 1	04-06-2021	Safe-keeping/Aco Pickup	Frick, Robert M	James Peter Ballon	#25255/F/Dog/Bichon Frise	33682
05-03-2021 2	05-03-2021	Seizure/Aco Pickup	Frick, Robert M	Lisa Richardson	#25407/F/Dog/Mixed Breed	33896
05-05-2021 3	05-05-2021	Safe-keeping/Aco Pickup	Frick, Robert M		#25418/F/Dog/Bichon Frise	33914
05-14-2021 1	05-14-2021	Running At Large/Aco Pickup	Frick, Robert M		#25472/F/Dog/Mixed Breed	33980
05-21-2021 4	05-21-2021	Safe-keeping/Aco Pickup	Frick, Robert M		#25502/M/Dog/Dachshund	34032
05-28-2021 2	05-28-2021	Other/Aco Pickup	Frick, Robert M		#25533/M/Dog/American Bully	34093
05-28-2021 3	05-28-2021	Other/Aco Pickup	Frick, Robert M		#25534/F/Dog/American Bully	34094
05-28-2021 4	05-28-2021	Other/Aco Pickup	Frick, Robert M		#25535/M/Dog/American Bully	34094
05-28-2021 5	05-28-2021	Other/Aco Pickup	Frick, Robert M		#25536/M/Dog/American Bully	34094
06-09-2021 3	06-09-2021	Safe-keeping/Aco Pickup	Frick, Robert M	Joseph Layer	#25604/F/Dog/Labrador Retriever	34186
06-18-2021 1	06-18-2021	Running At Large/Aco Pickup	Frick, Robert M	Ataiah Jenique Turner	#25650/M/Dog/American Bully	34247
06-24-2021 1	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25677/U/Cat/American Shorthair	34286
06-24-2021 2	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25678/U/Cat/American Shorthair	34286
06-24-2021 3	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25679/U/Cat/American Shorthair	34286
06-24-2021 4	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25680/U/Cat/American Shorthair	34286
06-24-2021 5	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25681/U/Cat/American Shorthair	34286
06-24-2021 6	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25682/U/Cat/American Shorthair	34286
06-24-2021 7	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25683/U/Cat/American Shorthair	34286
06-24-2021 8	06-24-2021	Other/Aco Pickup	Frick, Robert M	Michelle Thomas	#25684/U/Cat/American Shorthair	34286
08-18-2021 1	08-18-2021	Running At Large/Aco Pickup	Frick, Robert M	Isaiah Gallop	#25978/M/Dog/Husky	34673
08-19-2021 1	08-19-2021	Running At Large/Aco Pickup	Frick, Robert M	Michael Britner	#25983/M/Dog/Labrador Retriever	34684
08-20-2021 3	08-20-2021	Running At Large/Aco Pickup	Frick, Robert M		#25993/M/Dog/Labrador Retriever	34701
08-20-2021 4	08-20-2021	Cruelty/Aco Pickup	Frick, Robert M		#25995/M/Dog/Dachshund	34704
09-13-2021 3	09-13-2021	Running At Large/Aco Pickup	Frick, Robert M		#26152/F/Dog/Maltese	34871
09-13-2021 4	09-13-2021	Running At Large/Aco Pickup	Frick, Robert M		#26153/M/Dog/French Bulldog	34871

End of Group Group count: 30

Berkeley County Animal Control

Record count on this entire report: 693

Run Date: 09-27-2021 14:21:14 by Chief Kevin T Jones

Disposition Register 09-01-2020 to 09-27-2021

Group By Precinct, ACO

Order By ACO

Page Number: 5 of 34

Precinct:

CITY

ACO:

FRICK, ROBERT M

Case ID	Disposition Method	Intake Date	Disposition Date	Days in Shelter	Kenel/ID	Pet Name	Animal
06-26-2021 2	Adoption/no Charge	06-26-2021	08-31-2021	67		Coco	#13006/F/Dog/German Shepherd
06-26-2021 3	Adoption/no Charge	06-26-2021	08-31-2021	67		Zeus	#13007/M/Dog/German Shepherd
03-04-2021 1	Return To Owner	03-04-2021	03-07-2021	4		Dozer	#25079/M/Dog/Shih Tzu
03-19-2021 4	Return To Owner	03-19-2021	03-23-2021	5		Snooki	#25144/F/Dog/Mixed Breed
03-23-2021 3	B.c.humane Society	03-23-2021	04-12-2021	21		Klause	#25172/M/Dog/Mixed Breed
04-06-2021 1	Return To Owner	04-06-2021	04-14-2021	9		Katie	#25255/F/Dog/Bichon Frise
05-03-2021 2	Return To Owner	05-03-2021	05-04-2021	2		Unkown	#25407/F/Dog/Mixed Breed
05-05-2021 3	Return To Owner	05-05-2021	05-10-2021	6		Katie	#25418/F/Dog/Bichon Frise
05-14-2021 1	Return To Owner	05-14-2021	05-14-2021	1		Peanut	#25472/F/Dog/Mixed Breed
05-21-2021 4	Return To Owner	05-21-2021	05-22-2021	2		Unknown	#25502/M/Dog/Dachshund
05-28-2021 2	Return To Owner	05-28-2021	05-29-2021	2		Unknown	#25533/M/Dog/American Bully
05-28-2021 3	Return To Owner	05-28-2021	05-29-2021	2		Unknown	#25534/F/Dog/American Bully
05-28-2021 4	Return To Owner	05-28-2021	05-29-2021	2		Unknown	#25535/M/Dog/American Bully
05-28-2021 5	Return To Owner	05-28-2021	05-29-2021	2		Unknown	#25536/M/Dog/American Bully
06-18-2021 1	Return To Owner	06-18-2021	06-19-2021	2		Murgda	#25650/M/Dog/American Bully
06-24-2021 1	Rescued	06-24-2021	07-03-2021	10	Alley Cats	Unknown	#25677/U/Cat/American Shorthair
06-24-2021 2	Rescued	06-24-2021	07-03-2021	10	Alley Cats	Unknown	#25678/U/Cat/American Shorthair
06-24-2021 3	Rescued	06-24-2021	07-03-2021	10	Alley Cats	Unknown	#25679/U/Cat/American Shorthair
06-24-2021 4	Rescued	06-24-2021	07-03-2021	10	Alley Cats	Unknown	#25680/U/Cat/American Shorthair
06-24-2021 5	Rescued	06-24-2021	07-03-2021	10	Alley Cats	Unknown	#25681/U/Cat/American Shorthair
06-24-2021 7	Freedoms Heart Rescue	06-24-2021	06-25-2021	2		Unknown	#25683/U/Cat/American Shorthair
06-24-2021 8	Freedoms Heart Rescue	06-24-2021	06-25-2021	2		Unknown	#25684/U/Cat/American Shorthair
08-18-2021 1	Return To Owner	08-18-2021	08-18-2021	1		Apollo	#25978/M/Dog/Husky
08-19-2021 1	Return To Owner	08-19-2021	08-21-2021	3		Dempsey	#25983/M/Dog/Labrador Retriever
08-20-2021 3	Return To Owner	08-20-2021	08-20-2021	1		Boston	#25993/M/Dog/Labrador Retriever
08-20-2021 4	Adopted	08-20-2021	08-28-2021	9		Little Man	#25995/M/Dog/Dachshund
09-13-2021 3	Return To Owner	09-13-2021	09-14-2021	2		Lola	#26152/F/Dog/Maltese
09-13-2021 4	Return To Owner	09-13-2021	09-14-2021	2		Brady	#26153/M/Dog/French Bulldog
End of Group	Group count: 28			266			

EXHIBIT 7



CARE Veterinary Center
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CLINICAL SUMMARY

Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

Client Details

Name [REDACTED]
Address 7920 Norfolk Avenue
Bethesda, Maryland,
20814
Phone [REDACTED]

Patient Details

Name Newt
Species Feline (Cat)
Breed Domestic Long Hair (DLH)
Age 7 years
Deceased Deceased (07-04-2021)
Date
Sex Male Neutered
Referral Jefferson Animal Hospital
- Jefferson Animal
Hospital

Sunday the 4th of July 2021

12:45PM + Hospital Notes

P QAR BG

12:38PM + Medication

Prescribed By: Trisha Yarde
3 x Euthanasia Inj 390/50mg C-3N (Per mL)

11:44AM + Hospital Notes

P QAR BG

10:51AM + In Clinic Notes

Trisha Yarde

Newt is an estimated 7 year old MN DLH who presented to Care Vet Center on 7/3/2021 for vomiting, diarrhea and lethargy. He has been treated overnight with an injection of dex sp and diphenhydramine for progressive swelling of the sublingual ranula and he has been maintained on 110 mls/kg/day of Norm R and metronidazole 10 mg/kg IV BID. He did have hematochezia overnight at 1 am and 4 am. He is not eating in the hospital.

Physical exam on 7/4:

Wt 3.6 kg, Temp 104.2, Pulse 200, Resp 40 MM pink and CRT 1-2 secs

General appearance - nervous, alert and responsive, I - patchy alopecia, abundant flea dirt, EENT - WNL, Oral - calculus and tartar on teeth, large sublingual ranulas, his tongue is diffusely thickened, cool to the touch and tan to yellowish in color, M/S - ambulatory X 4, BCS 3/9, H/L - no murmurs, normal pulse quality and clear lung fields, Genital - WNL, Mammary - WNL, Urinary - WNL, N/S - no neurological deficits on exam, Abdomen - soft, no palpable masses, L/N - all small, Rectal - good tone, no internal exam



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CLINICAL SUMMARY

Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

Diagnostic tests performed on 7/3:

Chem profile - BG 188, phos low at 2.4 (normal is 3.1-7.5), total calcium is mildly low at 7.2 (normal is 7.8 - 11.3), chol is low at 59, albumin is low normal at 2.5 and globulins are normal at 3.7
Electrolytes - 152, K 4.3 and chloride 112

Diagnostic tests recommended on 7/4:

PCV/TS, CBC, Felv/Fiv snap test and screening for panleukopenia

Problem list:

vomiting, diarrhea with hematochezia overnight, anorexia, very thin, fleas, sublingual ranula, fever

In hospital plan:

Newt was given a physical exam and his medical records were reviewed. If the rescue group wants to continue, recommendations were made to perform additional blood work, mild sedation and place an NG tube to address nutrition, transition IV metronidazole to IV Unasyn, add in cerenia and gabapentin.

I spoke to the rescue group on 7/4, due to Newt's fever, grossly thickened enlarged discolored tongue, inability to eat and being very fearful in the hospital, I recommend humane euthanasia. The rescue agrees. Newt was given 3 mls of propofol and 3 mls of Euthasol IV. Body care is communal cremation.

10:41AM

+ Hospital Notes

P QAR BG

09:45AM

+ Hospital Notes

P QAR BG

09:00AM

♥ Health Status

Weight(kg): 3.60
Temp(°F): 104.2
H R : 220
R R: 40
CRT: 1-2 sec
MM: Pink
Attitude: QAR

08:51AM

+ Hospital Notes

P QAR, no interest in canned salmon and rice BG



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CLINICAL SUMMARY

Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah
Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

05:58AM

Medication

Prescribed By: Sarah Haring
1 x Propofol Inj 10mg/mL (Per mL)

05:48AM

Diagnostic Result

Requested By: Sarah Haring
Supplier: IDEXX In-House Diagnostics
Reference: US445-DR54725
Outcome:
Analyzer: Catalyst_Dx
Analyzer Note:

Clinic Notes / Specifics:

Test	Results	Unit	Lowest Value	Highest Value	Qualifier
GLU	188	mg/dL	74	159	=
CREA	0.8	mg/dL	0.8	2.4	=
BUN	17	mg/dL	16	36	=
BUN/CREA	21				=
PHOS	2.4	mg/dL	3.1	7.5	=
CA	7.2	mg/dL	7.8	11.3	=
TP	6.2	g/dL	5.7	8.9	=
ALB	2.5	g/dL	2.2	4.0	=
GLOB	3.7	g/dL	2.8	5.1	=
ALB/GLOB	0.7				=
ALT	118	U/L	12	130	=
ALKP	< 10	U/L	14	111	<
GGT	0	U/L	0	4	=
TBIL	< 0.1	mg/dL	0.0	0.9	<
CHOL	59	mg/dL	65	225	=
AMYL	486	U/L	500	1500	=
LIPA	246	U/L	100	1400	=
Na	152	mmol/L	150	165	=
K	4.3	mmol/L	3.5	5.8	=
Na/K	35				=
Cl	112	mmol/L	112	129	=
Osm Calc	307	mmol/kg			=

04:33AM



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CLINICAL SUMMARY
Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

- 04:14AM

💊
Medication

Prescribed By: Sarah Haring

7.8 x Metronidazole Inj 5mg/mL (Per mL)
- 04:14AM

🔍
Diagnostic Result

Requested By: Sarah Haring

Supplier: Vet Rad (Interpretations)

Reference: US445-DR54726

Interpretation, Radiography **Outcome:** done

Clinic Notes / Specifics:
- 03:36AM

💊
Medication

Prescribed By: Sarah Haring

0.16 x Midazolam Inj 5mg/ml C-4 (Per mL)
- 03:36AM

💊
Medication

Prescribed By: Sarah Haring

0.08 x Butorphanol Inj 10mg/mL C-4 (Per mL)
- 03:29AM

💊
Medication

Prescribed By: Sarah Haring

3 x Vitamin B Complex 150 (Per mL)
- 03:00AM

💊
Medication

Prescribed By: Sarah Haring

1 x Normosol-R pH 6.6 Injection Type 1 1000mL (Per Bag)
- 03:00AM

🔍
Therapeutic / Procedure

Sarah Haring

Catheterization Peripheral IV

Specifics:

Invoiced 515916



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CLINICAL SUMMARY
Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah
Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

🌟 Therapeutic / Procedure

Sarah Haring
Fluid Administration & Maintenance - IV
Specifics:

Invoiced 515916

01:40AM

🌟 Diagnostic Result

Requested By: Sarah Haring
Supplier: Vet Rocket DX - PVA
Reference: US445-DR54724
Thorax - VD/LAT - R & L Outcome:

Clinic Notes / Specifics:



Imaging Online Viewable External Link:

<http://pathway.vetrocket.net/view.html?link=p2fLDgLO8gu9q0fsrvzdjNn1Awq9ms4ZllyUms40lJeUnte4otuUnZyYmjC2odkXotmXmtuXnZeXntmYotqZodmXmZe3otG0ndmXocb1ptqWmlbjptiWmJeTmdKTmtm>

01:10AM

💉 Medication

Prescribed By: Sarah Haring
0.2 x Dexamethasone SP Inj 4mg/mL (Per mL)

💉 Medication

Prescribed By: Sarah Haring
0.17 x Diphenhydramine Inj HCl 50mg/mL (Per mL)

01:02AM

📅 Plan

Sarah Haring

CBC
Chem



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CLINICAL SUMMARY
Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

Lytes
3vTXR: Findings

This report describes evaluation of three-view thoracic radiographs obtained 7/4/2021 (3 radiographs total reviewed).

The pulmonary parenchyma is normal. The cardiac silhouette is a normal size and shape. The pulmonary vasculature is normal. The trachea is a normal diameter. On the right lateral view, the softtissues of the ventral pharyngeal and laryngeal region are swollen. The stomach is moderately distended with ingesta and small amount of gas. No bone lesions are present.

Conclusion

- 1-Soft-tissue swelling, pharyngeal/laryngeal regions
- 2-Normal thoracic radiographs

Recommendations

The soft-tissue swelling noted in the pharyngeal and laryngeal regions this is likely related to the reported swollen salivary gland/possible rannulas. No discrete pulmonary nodules, signs of metastatic neoplasia, or signs of pneumonia are present.

Read By:
Graham Burns, DVM, DACVR

1am DexSP 0.2mg/kg IM and diphenhydramine 2.2mg/kg IM
clavamox drops, 13.75mg/kg PO BID x7d

Swelling worsening. Developed liquid diarrhea with some hematochezia
torb 0.2mg/kg and midazolam 0.2mg/kg IM to facilitate IVC placement
Not able to aspirate/drain fluid

NormR 16ml/hr with Vitamin B complex
metro 10mg/kg IV BID
Recommend surgical drainage and marsupialization

Sarah Haring, DVM, MPH

01:01AM

Medication

Prescribed By: Sarah Haring
1 x Clavamox Drops 15mL (Per Box)
Give 0.9ml by mouth every 12 hours until gone Antibiotic

12:38AM

Diagnostic Request

Requested By: Sarah Haring



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CLINICAL SUMMARY

Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah
Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

Supplier: Vet Rad (Interpretations)
Reference: US445-DR54726
Status: None
Interpretation, Radiography

Diagnostic Request

Requested By: Sarah Haring
Supplier: IDEXX In-House Diagnostics
Reference: US445-DR54725
Status: None
CBC Procyte
Catalyst Chem 17 Test - Idexx
Catalyst Lytes 4 Test - Idexx

12:37AM

Diagnostic Request

Requested By: Sarah Haring
Supplier: Vet Rocket DX - PVA
Reference: US445-DR54724
Status: None
Thorax - VD/LAT - R & L

Saturday the 3rd of July 2021

08:15PM

Assessments

Sarah Haring

r/o mucocoele, abscess, tumor, from FB, idiopathic, inflammation, trauma
arthritis

Recommend BW, rads, DexSP, diphenhydramine, clavamox, monitor.

08:11PM

Physical Exam

Sarah Haring

Physical Examination: QAR

Body Condition Score: 5/9



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CLINICAL SUMMARY
Animal No. 152323
Attending Vet(s) Renea Edmondson, Sarah
Haring, Trisha Yarde
Printed At 09-13-2021
Printed By Akela Lewis

Hydration Status: 3-5%
Integument: alopecia neck
Eyes: WNL
Ears: WNL
Nose: WNL
Throat: WNL
Oral: swollen tongue, bilateral rannulas, not able to close mouth
Cardiovascular: WNL
Respiratory: WNL
Abdomen: fluid filled intestines
Genitourinary: Male Neutered: WNL
Musculoskeletal: muscle wasting hind end
Neurologic: WNL
Lymph Nodes: enlarged salivary glands vs LN
Rectum: WNL

04:45PM

Health Status

Weight(kg): 3.90
Temp(°F): 101.0
H R : 220
R R: 36
CRT: <1 sec
MM: Pink
Attitude: BAR
Comments: V+, D+, Lethargy

03:00PM

Presenting Problem(s)

Trisha Yarde

V+, D+, Lethargy,