

December 14, 2007

VIA FACSIMILE AND FIRST CLASS MAIL
(562) 422-3408

Marcia Mayeda, Director
Los Angeles County Department of Animal Care and Control
5898 Cherry Avenue
Long Beach, California 90805

Re: Changes to L.A. County Department of Animal Care and Control

Dear Ms. Mayeda:

On November 21, 2007, we wrote to you on behalf of our clients, No Kill Advocacy Center, Cathy Nguyen and Rebecca Arvizu, demanding that you take immediate steps to ensure that the Los Angeles County Department of Animal Care and Control ("DACC") ceases and desists from its ongoing violation of California laws concerning the care and treatment of impounded animals. On December 4, 2007, we sent you a request under the Public Records Act on Ms. Nguyen's behalf, seeking disclosure of records pertaining to two particular dogs that died under DACC's care. As of today, we have received no response from you to either letter.

It has come to our attention, however, that over the last few days you have taken illegal retaliatory actions against Ms. Nguyen and her rescue partner, Janet Taylor, including, but not limited to, (i) indefinitely suspending Ms. Taylor's status as a volunteer at the Carson shelter, (ii) refusing to release any animals to either Ms. Nguyen or Ms. Taylor, either in their capacity as volunteers for nonprofit animal rescue groups that are willing to care for those animals, or as members of the public, (iii) revoking the "rescue partner" status of the Irvine Animal Care Center, for which Ms. Nguyen and Ms. Taylor volunteer, and which has the capacity and is willing to house animals that DACC plans to kill, and (iv) ordering that no DACC animals may attend an adoption event sponsored by the Irvine Animal Care Center to be held on Sunday, December 16, 2007.

Each and every one of these actions is in direct violation of your legal obligations to the animals entrusted to your care and to the public at large. For example, California law requires you to promote adoption and reduce the rate of shelter killing, and to work cooperatively with nonprofit animal rescue and/or adoption organizations to achieve these goals, including but not only by releasing animals scheduled to be put to death for any reason other than irremediable suffering to

such organizations when the organizations request to redeem those animals. (*See* Food & Ag. Code, §§ 31108(b), 31752(b), 31753). Refusing to release animals to Ms. Nguyen and Ms. Taylor, both as individual members of the public and as representatives of qualified nonprofit animal rescue groups, revoking the "rescue partner" status of the Irvine Animal Care Center, such that it is unable to take in animals that DACC plan to kill, and barring DACC animals from attending an adoption event where they might find new homes, does not promote adoption, reduce the rate of killing by DACC, or satisfy the obligation to work cooperatively with rescue groups to save animals. In fact, those actions directly undermine and subvert DACC's ability to fulfill its statutory obligations. The same goes for the suspension of Ms. Taylor's volunteer status, which for no reason other than pure vindictiveness prevents her from working within the DACC system to identify the animals most in need of rescue and network them with the appropriate rescue groups. Moreover, your retaliatory actions against Ms. Nguyen and Ms. Taylor violate, among other things, their constitutional rights to free speech, petition for redress of grievances and due process.

We demand that you immediately reinstate Ms. Nguyen's and Ms. Taylor's adoption "privileges" (as your staff has referred to their right to redeem animals on behalf of rescue organizations), reinstate Ms. Taylor's volunteer status, reinstate the "adoption partner" status of the Irvine Animal Care Center, revoke the order barring DACC animals from attending the Irvine Animal Care Center's upcoming adoption event, and refrain from taking any further retaliatory actions against Ms. Nguyen and/or Ms. Taylor that interfere with their ability to rescue animals from DACC shelters.

We are putting you on notice that your failure to respond as indicated in this letter will result in claims against DACC for its violations of laws and policies concerning the care and treatment of impounded animals. In addition, your failure to respond will subject DACC, and you personally, to potential liability for depriving Ms. Nguyen and Ms. Taylor of their constitutional rights under color of law. (*See, e.g.*, 28 U.S.C. § 1983.)

Very truly yours,

Eisenberg Raizman Thurston & Wong LLP
Sheldon Eisenberg
Orly Degani
Melissa B. Bonfiglio

By: _____

Orly Degani

OD:mta

cc: Raymond G. Fortner, Jr., Esq., County Counsel