STATE OF MINNESOTA **IN DISTRICT COURT**

COUNTY OF CASS **NINTH JUDICIAL DISTRICT**

FILE NO. 11-CV-13-1381

In the Matter of the Search Warrant Executed on July 15, 2013, at 1175 County Road E in the City of Pine River, Minnesota.

TRANSCRIPT OF PROCEEDINGS

Honorable Jana M. Austad Presiding

Cass County Courthouse

Walker, Minnesota

August 7, 2013

A P P E A R A N C E S:

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The above-entitled matter came on for hearing before the Honorable Jana M. Austad, Judge of the District Court, at the Cass County Courthouse, Walker, Minnesota, on August 7, 2013.

Mr. Stephen V. Grigsby, Attorney at Law, Minneapolis, Minnesota, appeared with and on behalf of petitioner, Deborah Rowell.

Mr. Benjamin T. Lindstrom, Assistant Cass County Attorney, appeared on behalf of respondent.

WHEREUPON, the following proceedings were held:

THE COURT: The Court calls In the Matter of the Search Warrant Executed on July 15th, 2013. Let's note the folks present before we get started. You are Mr. Grigsby?

MR. GRIGSBY: Yes, Your Honor. Stephen Grigsby on behalf on behalf of Ms. Rowell, who is here present in court.

MR. LINDSTROM: Your Honor, Benjamin Lindstrom, Assistant Cass County Attorney.

THE COURT: Are the parties ready to proceed?

MR. GRIGSBY: I'm ready. May I ask the Court what the Court's understanding of what the scope of this hearing is? I was initially given a motion

for expedited hearing. And I don't know whether or not we're just simply addressing the matter of the expeditious, when to set it, whether to expedite it, or we're dealing with the merits of the motion.

THE COURT: We're dealing with the merits of both motions. So you brought a motion that sort of covers the panoply of options to challenge the search warrant under the statute.

I think Mr. Lindstrom correctly identified in his response that if part of what you're seeking is return of the animals, it triggers a different statute and a different time frame.

MR. GRIGSBY: Right. My understanding is that there would be -- the motion, I'm not prepared to address the merits of the motion that I filed. This matter was originally scheduled for the 21st. It wasn't, I was served with a motion for an expedited hearing. And I think they're distinct, Your Honor.

I say this because, let's say for some reason the Court were to hypothetically agree with my motion and to say the search warrant was bad and on those grounds, the animals should be returned. If the conditions weren't remedied, I don't think the Court would allow animals to be returned to conditions that would endanger them.

So I think whether they can be placed is distinct from, to be replaced back is distinct from whether or not there's a Fourth Amendment basis, which is essentially what I've done under 626.21, to return the animals. So my understanding is that we would be trying to discuss essentially whether the conditions have been remedied and what to do with the disposition of the animals pending the outcome of the matter.

THE COURT: Mr. Lindstrom, one issue that I don't have immediately available to me is whether or not the State actually pursued charges after the execution of the warrant.

MR. LINDSTROM: There were some criminal charges filed in a separate matter, yes.

THE COURT: Okay. So in terms of the Fourth Amendment violation, are you bringing this separately from seeking the suppression in the criminal matter?

MR. GRIGSBY: There was about a week's or week and half's delay between the time the dogs were taken away and the filing of the criminal charges. So you can file the motion in advance, which essentially addresses the same issues that would address any omnibus or *Rasmussen* issue.

THE COURT: So you want the suppression motion for the criminal matter to essentially be taken

care of here?

MR. GRIGSBY: No. My intention was to handle the motion that I had filed at a later date, because I haven't received sufficient discovery pertinent specifically to that issue. So what I was hoping to be able to address today is the disposition of the dogs pending this matter.

The dogs have to be placed at some point. Either they stay there and my client posts a bond, or the Court orders them returned, or the Court orders them to be permanently placed outside Ms. Rowell's property. That's the 343 issue.

THE COURT: Well, I think to get to 343, we've got to take care of the suppression issue. If there's not a basis to suppress, then it seems to me what was seized is evidence of the crime, and then that stays within the State's control, at least as I'm seeing the issue framed up.

MR. LINDSTROM: Well, I guess maybe I can express my kind of understanding of the procedural posture. We received a notice from Mr. Grigsby. It requested the return of property, seizure and suppression of evidence.

The suppression of evidence issue, you know, I don't care if we decide that two months from now

because that's not important about what happens with these dogs in the interim. But he did bring a motion for return of these animals.

Now under 343 generally when dogs are seized, there is a ten day period in which the Humane Society or some other authority would hold onto the animals unless a request is made for their return in court.

And if that request is not made, then they would be disposed of pursuant to the statute, you know, adopted out or what not. If there is a request, we have to address the issue of does he get the dogs back, because we can't just dispose of them when the Court might order them back.

And so I would agree that we need to address the issue of does he get the dogs back? I think the issue that does need to be addressed today under the statute is was the seizure valid? I think that would go to the search warrant that was issued. Is it valid on its four corners?

I think it would require some testimony from people that did the seizing. Did they observe things that warranted the seizure? And if seizure is valid, I think, I guess you call them the petitioner. I'm sorry if I didn't use the appropriate vocabulary

there.

I'll let them have kind of a burden to show that if they want the animals back, that they were physically fit, and that they not just can take care of them, but will take care of them. And I think that's outlined in 343, I think it's .235 provision.

And maybe to make things easier, I did make copies of what I think are the appropriate, pertinent statutes.

THE COURT: I have the statute books, and I read the statutes. Mr. Grigsby, I think maybe slightly different word usage, but I guess what I heard Mr. Lindstrom say is essentially what I said, and that's that we've got to get to the validity of the search warrant first.

If it's not valid, then there's a suppression issue and that's been ruled on. And if you're not planning on attacking the search warrant, I don't know how we get to the animals.

MR. GRIGSBY: Because the animals, the animals could be returned irrespective of the Fourth Amendment violation. In other words -

THE COURT: Under what? Tell me what the legal theory is for the return of the animals.

MR. GRIGSBY: That they were, that under 343

they shouldn't have been seized. And the seizure is to protect the animals. And when that condition, and that any condition that endangered the animals has been mitigated, the animals can be returned. This is, this is not simply a forfeiture matter.

THE COURT: Okay. So you're challenging the seizure based on the fact that the animals were not in danger as opposed to the fact that the search warrant wasn't valid today?

MR. GRIGSBY: Yes, Your honor. I think that's right. I think there's two separate standards. One's simply the omnibus Fourth Amendment issue. And then there's simply there are the conditions by which they were originally seized under 343.

They can be seized even without a search warrant potentially. That's just on the procedural ways that they get the dogs. So I think that today the appropriate consideration for the Court is that this matter is pending. Other issues will be resolved in the future.

What do we do with the disposition of the dogs now, because they're currently being housed. They're incurring fees. And we're prepared to present evidence that we've mitigated all of the conditions that led to even any claim that they had been

endangered.

THE COURT: So both parties are in agreement that we're proceeding under 343 and the narrow seizure issue is whether or not the dogs were in danger and that that is today's hearing? I understand that you have a broader separate motion.

MR. LINDSTROM: My understanding is I'm trying to follow the terms of the statute, and to do that I think I have to address was the seizure appropriate.

And then in terms of the return of dogs, I think the 343.235, Subdivision 3, does give the Court the authority. It says:

"The court may authorize the return of animals if the judge finds that the animals are physically fit, and the person claiming an interest in the animal can and will provide the care required by law."

In terms of physical fitness, I explained to Mr. Grigsby that I've talked to one of the vets from the Humane Society. And most of the animals are physically fit. I think there may be a half dozen or so that they would consider not placeable, and so I wouldn't contest on the ones that they're saying are physically fit.

I would maybe have some concerns about whether Ms. Rowell will continue to provide care. So I think there would be some burden on her to show that she can and will provide care over time versus just make a few remedies here and there.

THE COURT: But the seizure for the purposes of today's hearing needs to be based on whether the animals essentially were safe as opposed to whether or not it meets the constitutional standards on the four corners. Are you framing today's issue in that way, that a seizure, the standards of seizure as defined by Minnesota Statute 343, not the standard of seizure for the Constitution?

MR. LINDSTROM: Correct. I mean, I think I have to justify why they did what they did. And I think there may be some overlap with the facts and that may be the case.

And I also think that one of the things I requested in my motion was that the Court address a bonding requirement. I think Subdivision 2 suggests that a security should be posted by somebody who is claiming that these animals should be returned.

I know sometimes it takes the Court a little bit of time to make some decisions and stuff and you know, it talks about the actual costs and care.

Certainly there are some costs with keeping the animals. And if she can't afford to pay any costs, I would question whether or not she can and will care for the animals. So I think that issue needs to be addressed too today.

THE COURT: Mr. Grigsby, Mr. Lindstrom has essentially made his opening argument.

MR. GRIGSBY: Yeah.

THE COURT: I don't know if you would like to make one as well.

MR. GRIGSBY: No, Your Honor. I think, I think the Court narrowed the issues, and I think we're in agreement that in the motion where it says seizure, impoundment refers to the seizure probably under 343.235.

THE COURT: And Mr. Lindstrom, you're in agreement timing wise that the broader constitutional issues of suppression would likely be handled under the criminal case? I can certainly, I'm not disagreeing they can properly be in this format in this file, but that that issue would be handled at a later time?

MR. LINDSTROM: Yeah. I don't have an issue if it's handled within this court file versus another court file. It personally doesn't matter to me. The

issues will be the same. I don't think they need to be addressed today because there isn't the urgency there.

So however Mr. Grigsby wants to handle it, if he wants to withdraw that part of the request here and make the motion in another file, he can do that. If he wants to set this matter on for a later date and do some things to address that –

THE COURT: Mr. Grigsby, who has the burden of proof?

MR. GRIGSBY: I don't know.

THE COURT: Mr. Lindstrom?

MR. LINDSTROM: I would suggest that initially I have to show that the seizure was appropriate. In terms of the issue of the return and can and will Ms. Rowell provide care, I think she has the burden on that. She's the only one that can appropriately address that.

THE COURT: Mr. Grigsby, do you take any issue with that statement of the burden of proof?

MR. GRIGSBY: No, I think that's fair.

THE COURT: Mr. Lindstrom, you may proceed.

MR. LINDSTROM: I will. As an initial matter in terms of getting some testimony in, I would be calling Investigator Tony Cyr of the Cass County

Sheriff's Office.

MR. GRIGSBY: And just for the record, I'll stipulate to all your documents, their admissibility.

(The oath was administered to the witness by the Court.)

THE COURT: Go ahead and take the witness stand.

MR. LINDSTROM: In terms of photographs?

MR. GRIGSBY: Yeah, whatever you want to admit, I'll stipulate to it.

MR. LINDSTROM: Okay. I think I still need to get some testimony in.

MR. GRIGSBY: Sure.

INVESTIGATORY ANTHONY CYR,

having been duly sworn to testify the truth and nothing but the truth relative to the cause specified, testified as follows:

DIRECT EXAMINATION BY MR. LINDSTROM:

Q Investigator Cyr, can I get you to state your name?

A Tony or Anthony Cyr. C-Y-R.

Q And with whom are you currently employed?

A Cass County Sheriff's Office.

Q How long have you been employed there?

A I'm in my nineteenth year.

Q And in what capacity are you employed?

A I'm a criminal investigator for the county.
Q Are you a licensed peace officer?
A I am.
Q And when you say nineteen years, have you been an investigator for nineteen years?
A No. I just recently within the last six months have moved to that position.
Q Okay. Prior to that last six months, what were you?
A I was a road deputy.
Q Licensed peace officer during that time?
A Yes, I was.
Q Do you have any training in animal law enforcement?
A Yes, I do. I took a course that was sponsored by the Federated Humane Society as well as Golden Valley's Human Society back approximately two years ago.
Q Okay. What kind of things did that course teach you?
A We covered a lot of things over conditions, animal housing as well as body conditioning for dogs and horses, and even down through poultry and other animals.
Q Do you have any personal experience with animal care?
A Yeah. I've had dogs virtually my entire adult life, and actually had dogs through my family in childhood. I've raised a litter of golden retrievers. Beyond that, I currently have a rescue dog in my home as well

as two trial or hunting springer spaniels.

Q I want to take you to July 15th, 2013. Do you recall procuring a search warrant on that day?

A What day?

Q July 15th, 2013.

A Yes, I do.

Q And what was the nature of that warrant?

A It was to inspect the property known as the Country Pride or Deb Rowell's residence where the kennels were housed at her residence, just inside the city limits of Pine River.

Q Okay. And did you prepare the warrant?

A I did.

Q Do you have a copy of the warrant you prepared?

A I do.

THE COURT: Mr. Lindstrom, I'm just going to have you hold on for a second. We have this sort of inconvenient set-up in the courtroom so it makes it very difficult for me to see witnesses. Okay, go ahead.

MR. LINDSTROM: May I approach?

THE COURT: You may.

Q (By Mr. Lindstrom, continuing) Do you have a copy of the warrant?

A I do.

Q Okay. I'm putting this sticker that has the letter A on it, this document that you're calling the warrant. Did you prepare this document?

A I did.

Q So there's an affidavit on it?

A Yes, there is.

Q And you prepared that affidavit?

A I did.

Q And did you take this to a judge?

A I did.

Q What judge did you take it to?

A Judge Austad.

Q Okay. Does this warrant also contain the receipt?

A It does. The receipt that was prepared by the Humane Society on the scene, copies of that and then also a signed evidence receipt that I turned those dogs over to Wade Hanson of the Humane Society.

Q Okay.

MR. LINDSTROM: I'd be offering Exhibit A.

MR. GRIGSBY: No objection.

THE COURT: Exhibit A is received.

Q (By Mr. Lindstrom, continuing) After procuring that warrant, did you have an opportunity to execute it?

A We did the following day.

Q So that would be July 16th?

A Yes.
Q And what time did you go to execute it?
A Approximately 10:30 in the morning.
Q And where did you go?
A Went to Deb Rowell's house, 1175 County One East, Pine River.
Q Is that in Cass County?
A It is.
Q And you said you went to Deb Rowell's residence?
A I did.
Q Are you familiar with Deb Rowell?
A Yes.
Q How so?
A Over the years I've, she's been a resident of the town and have known her through her riding stable and through other incidents that have occurred.
Q Okay. Do you see her here today?
A Yes.
Q I ask that you just point her out and describe what she's wearing.
A Kind of a pink or fuschia shirt, seated next to counsel.
Q Okay. Upon your arrival at Ms. Rowell's residence on July 16th, was anyone there?
A No.

Q Did you make any efforts to find Ms. Rowell?
A I did. I sent Deputy Richner to her riding stable to locate her and let her know that we were on the property.
Q Okay. Aside from Deputy Richner and yourself, was anybody else on the scene?
A Lieutenant Thompson, Scott Thompson, myself. Richner came back, and we were joined by Chief Sand as well as members of the Humane Society, Wade Hanson and his crew.
Q Upon arriving at the scene and starting of the execution of the warrant, what observations did you make?
A Initial observations, nobody was there. We did go around the back side of the house. At that point just kind of a general overview of the kennels to the rear of the house. Chain link kennels on two sides with a gate, what I call I guess a livestock gate, and a fenced area back there as well as two major outbuildings that were back there.
Q Did you ultimately search those outbuildings?
A We did.
Q And what did you find in the outbuildings?
A There were, in the first, in the first building behind the residence was I guess what I would call the puppy

building or the puppy whelping pen. And there was multiple litters of puppies in there at different rates of growth as well as some other contained dogs that were inside the building.

That building was first entered by Lieutenant Thompson and I believe Wade Hanson. And they had opened the doors and turned on an exhaust fan in there before I had entered that building.

Q How about the other building?

A The other building, it was a garage. Didn't appear to house any animals or anything. On the back side of that was a shelter area that there was a horse in.

Q Investigator, I have two packets of photographs here. I've marked each packet for identification or each photo for identification. I have 1 through 51 and ask that you just take a look at this first packet of photographs.

A Just initially without looking at every one of these, I can generally say these were the photos that I took that day.

Q Okay.

A I mean I can keep going, but in the interests of time –

Q Do they accurately, the ones you're looking at, do they accurately reflect what you saw?

A Yes, they do.

Q Okay.

MR. LINDSTROM: You can have him look at every single –

MR. GRIGSBY: No.

MR. LINDSTROM: All right.

MR. GRIGSBY: I'll stipulate to their admissibility.

MR. LINDSTROM: Okay. I'd offer Exhibits 1 through 51.

THE COURT: Exhibits 1 through 51 are received.

MR. LINDSTROM: I also have a second packet, Exhibits 52 through 71. If there is no objection, I'll just offer those.

MR. GRIGSBY: No objection.

THE COURT: Exhibits 52 through 71 are also received. I would ask that Investigator Cyr take a quick look at those as well. I understand there's not an objection, but I still think it's appropriate to have foundation.

MR. LINDSTROM: And my intent is to go through some of these photos with him. And I do have a projector, in terms of how the Court wants to do it, so he can explain what he's seen and still allow Ms.

Rowell. I brought a projector screen here if that works.

THE COURT: And Deputy Cyr, similar to the last packet, I'm not requiring that you look at every one. Just take a look at them, do you recognize that constellation of photos?

THE WITNESS: Yeah. And I guess I would add, Your Honor, I didn't take these photos. These photos were taken by the Humane Society, and so that's why I was looking at them individually.

THE COURT: Okay.

THE WITNESS: The other side of this is that, you know, these were pictures that were taken inside that whelping building. And the only reason I didn't take photos of those is that the seizure process had already started prior to me getting back there with a camera.

THE COURT: Mr. Lindstrom, do you plan on calling anybody from the Humane Society?

MR. LINDSTROM: I do have one officer here from the Humane Society. I can ask a quick follow-up of the investigator here.

THE COURT: Certainly.

Q (By Mr. Lindstrom, continuing) Investigator Cyr, did you go into that whelping building?

A Yes, I did.
Q Did you have an opportunity to observe what was inside?
A I did.
Q And in looking at these photographs, do they accurately depict in terms of the structure and the animals --
A Yes.
Q -- what you saw?
A Yes.
Q Okay.
MR. LINDSTROM: So I would offer them on that basis of foundation.
THE COURT: Thank you.
MR. LINDSTROM: I think I'm going to set up the projector if the Court would grant me the opportunity to do that.
THE WITNESS: Your Honor, can I assist him here?
THE COURT: Yes.
MR. GRIGSBY: May I be excused for a quick restroom break?
MR. LINDSTROM: I think that makes sense while I'm setting up equipment.
MR. GRIGSBY: Okay.

THE COURT: We'll take a five minute recess.

(After a brief recess, the following proceedings were held.)

THE COURT: Resume the hearing. Mr. Lindstrom, you may proceed.

Q (By Mr. Lindstrom, continuing) Investigator Cyr, before I get into some of the specific pictures, I just want to recap. You arrived at the property. You said you saw some kennels?

A Yes.

Q What type of kennels were those?

A Chain link kennels with dog houses, full runs.

Q Okay. Do you remember how many there were?

A Twenty-two, I believe we counted. Might have been a question of twenty-three based on a small narrow kennel.

Q Were there dogs in these kennels?

A Yes.

Q And on average, how many were in each kennel?

A Four. Some of the smaller dogs, there were up to five and six I believe.

Q And ultimately you had an opportunity to walk through the kennels and inspect them?

A We did.

Q I'm putting Exhibit 1 here on the screen. Could you

please describe what this photo depicts?
A That's a view out the back door of Ms. Rowell's house, and the puppy whelping building with the log siding on it, the second outbuilding that you can see the fence in between.
Q Okay. I want to have you describe this building. Are there any doors or windows?
A In the log-sided, this building?
Q Yes.
A That building there was this door. I believe there is a window across from here, a door on the north side, and then the exhaust fan there.
Q And when you arrived, what was the status of the doors?
A This door that you see open was open.
Q When you got there?
A Yes.
Q Okay. How about the other door?
A The other door was closed.
Q And how about any of the windows?
A No. There was nothing else, and the fan wasn't on.
Q Now when you say that door was open when you got there, was that when you personally got there or when the first person got there?
A I guess you'd have to ask the first person that got

there, I'm sorry.
Q Okay. So you weren't the first person into this building?
A No.
Q Okay. And can you just describe when you went in there, what did you see inside that building?
A Well, you enter into this door there's kind of a vestibule area I'll call it I guess. I don't know how else to identify a small room. Had open, open dog containers on the floor and with some medical, dog medical stuff up on a shelf, and a sink and shelving with some other dog food on it.
Q Okay. Putting Exhibit 52 up here, can you describe what this picture shows?
A Yeah. That's looking in from the north door. That's the hallway or the pathway into the center of the building with dog pens on both sides.
Q Okay. Showing you Exhibit 53, what's this?
A Those are elevated, elevated pens that were above those rungs that you initially saw in the alley pictures. And they, some of them had smaller dogs in them.
Q Okay.
A They weren't all filled.
Q Go back to the pictures you took, this is Exhibit 2.

What is this?
A This is one of the pens that was closest, would have been on the east, northeast side of that hallway that you saw initially going in. There was two pens there that had the tops with what looked like shipping pallets and material on top of it. And this was the only visual area. This was the only visual area into the width of the pen.
Q Okay. So that black line across the center of the photo is essentially a slit through which you can look into the pen?
A Exactly.
Q Any other openings in this particular pen?
A No.
Q How many pens were like this in that whelping building?
A Two.
Q Showing you Exhibit 3.
A That's an attempted view at looking inside those dark areas, and there are dogs in here.
Q Okay. Showing you Exhibit 4, what is this photo?
A That's that vestibule area looking from the inside out. The door that you see where the knobs are on the outside here is the, looking in that door was a picture I took from the house looking back.

Q Okay. So this is inside that whelping building?
A Yes.
Q And what else is depicted in this picture?
A Just the open dog food containers, not sealed up and kind of out available for any type of contamination, rodents or otherwise.
Q So you had some concerns?
A This is other, yeah, this is other dog food here that's just stacked.
Q Okay. But that dog food is in packaging, correct?
A Right.
Q What is this a picture of, Exhibit 5?
A It's a bottle of ivermectin, which is I know from having horses and from other things, is a product used for worming or controlling parasites.
Q Okay. And was this in that building?
A Yes, it was. It was on the shelf across from the dog food, or it's labeled as ivermectin.
Q You didn't have it tested?
A I did not.
Q Showing you Exhibit 9, what does that picture depict?
A That's both of those two pens that I initially addressed with the small slits and the covering over the top.
Q And you had stated there was no other way for light to

get in there?
A No.
Q Was there any venting system in those?
A I didn't find any.
Q Were there dogs in those pens?
A Yes.
Q Showing you Exhibit 10, taking you outside, what does that depict?
A Those are the chain link kennels behind the outbuildings, looking through the livestock gate that I had mentioned earlier.
Q Okay. And these are the twenty-two pens you saw?
A Yes.
Q Just kind of two rows, one on the right, one on the left?
A Right, yes. Correct, sorry.
Q And did you have occasion to photograph each individual pen?
A I did.
Q Okay. Showing you Exhibit 11, what's this?
A This is the first pen on the right as you walked in through that gate. And this is, I believe there was three or four larger German shepherds in here, inside this enclosure.
Q Okay. And in looking at this pen, ultimately were the

dogs in this pen seized?
A Yes.
Q And why were they seized?
A There's muddy conditions, you know, there's issues of feces in here as well as poor drainage. Green water, water here that's green and algae, algae caked as well as a lack, or excuse me, lack of shade.
Q Okay.
A That's the biggest reasons.
Q Okay.
A That stand out.
Q When you say lack of shade, what do you mean? There appears to be some shade in this picture provided.
A If you look at that photo, you've got a dog there that's taking up probably over half of the shade. And I don't know where you could put more dogs inside that if you had, and there was multiple dogs, three or four shepherds in that containment area. They wouldn't all have access to shade.
Q Okay. Was there a dog house attached to this?
A There is behind here the blue, that blue is a cut-out barrel that was used for a barrier on the dog house to prevent wind and stuff going in there.
Q Do you recall the specific conditions of that dog house?

A It was wood, wood interior, wood. That one did have the ability to open up the top of the dog house. And there was no bedding in it, which it's not required. But there was no bedding in it, and it was bare wood on the interior.

Q Did you have any concerns with the bare wood in there?

A As far as having an impervious surface, something that you could disinfect and clean as kind of covered under 346, yes.

Q Okay. So your thought was that that was appropriate or not appropriate?

A It was an elevated dog house and it met that criteria, but it did not meet the criteria of impervious surfaces.

Q Okay. Showing you Exhibit 12, what's this?

A That was just kind of an odd thing. This is an electric fencer that had a line run along the top of that, that kennel. Not necessarily, just kind of was a point of interest for me.

Q Is this the same kennel as Exhibit 11?

A Same kennel, yes.

Q Showing you Exhibit 13, what is this?

A That's the same, same pen, just kind of depicting the mud and the water that's standing within the kennel, and again that area of shade.

Q Exhibit 14?

A This is the next pen up, or the next run up I should say. I think I refer to them as runs. Obviously you have a muddy condition again, poor drainage issues. Some holes that were dug by the dog. You can see the dog in the back and trying to get in the shade.

A dog sitting in some type of dish. He's actually encompassing the whole dish, which would be a parasite issue if that was ever used for water or anything else. Just a kind of overall low area of shade again as well.

Q Okay. Were all the dogs in this pen seized?

A Yes.

Q And maybe I can speed along. In terms of the twenty-two kennels that were on this location, were all of those animals seized?

A Yes.

Q And in terms of that whelping building as you called it, were all the dogs in that building seized?

A Yes.

Q And were there any other dogs on the property?

A Yeah, there was a dog in the house.

Q Okay. And did you seize that dog?

A No, I did not.

Q Why didn't you seize that dog?

A The dog was in good condition living in an appropriate environment.

Q Okay. And going back to Exhibit 14, what were your concerns with these animals again?

A Just the muddy surface for the most part. The fact that we have this dog sitting in a water, or what assumed to be a water bucket. There is another water bucket in here, in this enclosure as well, and that was also kind of green with algae.

Q Okay. And did you say anything about the structure that's in there?

A Well, this is, yeah, it just kind of appears to be a shipping pallet with a small, you know, with a small amount on there. And as you can see the size of this dog would not, you would not get more than two dogs into that shaded area.

Q Okay. So you had some concern about sufficient shade?

A Yes.

Q Do you recall what the conditions were on July 16th?

A As part of the case file, I did print off the weather report for that day, and it was 90s and humid.

Q Exhibit 15?

A Same kennel. You can still see the dog sitting in the pen here. Just more of the kind of the same, same ground conditions and lack of drainage, mud and kind

of overall poor conditions.
Q Exhibit 16, what's this?
A This is the edge of the fence where it's been pulled back. And obviously kind of, just, the dogs obviously had tried to pull away from it or dug at it or something at some point. Kind of an injury prone area, and this is also something that I had seen in the USDA reports of her kennels.
Q Okay.
A And also kind of noted the water was kind of muddy, murky. It's not clear.
Q And what did the muddy, murky, not clear water indicate to you?
A Well, it, it's a lack of, it's an algae growth issue, and it's just not clean pot of water I guess.
Q Okay. So you had concern about whether it would be appropriate water?
A I did.
Q Exhibit 17, what is this?
A This is the next run up. And again, same shelter type issues, bulk feeding issues, four by four dog house. And this is actually a water bucket that's been, it's wired into the fence actually. And I don't know if this was an attempt to get elevated areas for the dogs or what that was. Almost seems more like an

injurious, injury type area that the dogs were in.
Q Okay. You made a comment about bulk feeding. What do you mean by bulk feeding?
A There's several pounds of dog food in each one of these, these containers, barrels that you see in here with the sides cut out. And the dogs have free will, free will feeding there.
Q Okay.
A And that can propose some problems as well.
Q What type of problems?
A Well, they can, you know, it's not real shelter. If you do have a driving rain, you've got wet food, spongy food. You could end up with mold issues and other things in those as well as, as well as just kind of overall contamination.
Q Okay. Would it be fair you checked the food in there?
A I did.
Q And it was dry?
A It was dry and in good shape. And most every, well, every barrel was full.
Q Okay.
A Or as full it could be with the aspect of the opening.
Q Okay. Do you recall anything specifically about this structure that's in the back of this photograph?
A It's a four by four dog house. We weren't able to

open those at all, you know. And further testimony from Wade probably tell you more about those interior.

Q Okay. Showing you Exhibit 18.

A The next run. Again same type of conditions, multiple dogs in this run. This is a little drier, but obviously it's been muddy and kind of poor conditions overall. And this, again this pallet kind of seems like an attempt to get them up off the ground, but would probably injure themselves stepping through that.

Q Okay. Do you have any concerns with the ground in this picture?

A Other than the fact it just, it's obviously not something that's been replaced or is able to be cleaned. It's not impervious. You could pick up, you know, feces from the top of it, but you're not going to be able to really sanitize or clean it at all or remove it and replace it.

Q Okay. Did you have that same concern with all twenty-two of the kennels?

A I did.

Q Exhibit 19, what's this?

A This is a photo that I took of the dog in the next kennel. And I was trying to show the ear areas and the flies and the bites that had come across the ears.

When we had it on the computer, we could blow that up a little bit better I guess on this deal, but that's what I was trying to show here, you know. And again the ground around it was just obviously in poor condition and muddy. But, yes, there's kind of some fly issues there and bites and whatever else.

Q Exhibit Number 20?

A This is a dog in the next run that was lame, hobbled, and it was hobbling around within there. It hobbled I guess is the best form of description that I can give to you. Obviously was uncomfortable. Again you've got the same type of conditions here. Shade and shade being an issue again, as well as there's multiple dogs in this run as well.

Q Okay. And did you have occasion to speak with Ms. Rowell?

A I did.

Q Did you ask her about this dog?

A I did.

Q And what did she have to say?

A She was aware of the dog, and she said it was young and it should be fine.

Q She didn't view it as a problem in your mind?

A I didn't see an overall concern for it, no.

Q Exhibit 21?

A Same fly issues again. Tips of the ears were actually scabbed and bloody at times, you know. Just an overall fly issue and bites on the animals. Again you can see the conditions behind it, muddy and just not, not real clean.

Q Exhibit 22?

A This is the same two dogs, same run. Just an overall view of the run, and the mud that's in there. Obviously you can see three dogs at least there, same shade issues.

Q Exhibit 23?

A This is the next kennel down with several smaller dogs in here. There is feces here. Little drier, but kind of the same type of conditions that you've seen in all the other kennels. Also the water bucket wired to the fence was obviously was not something that was being picked up and cleaned every time.

Q Okay. And what kind of water bucket is that?

A Just a five-gallon bucket that sticks up, you know. It's kind of dug into the ground a little bit, but sticks up, you know, the height of the five gallon bucket.

Q And you described these dogs as smaller?

A Well, some of these dogs are smaller. And smaller dogs you have issue where they, as the water level

goes down, they've got to get up top of the bucket to get down to the water. And after walking through feces, putting that on top you get that type of transfer of feces into the water.

Q Okay. Exhibit 24?

A This is the, this is the next kennel, second to last on this side. Again just kind of a poor shade conditions. I was trying to get pictures of these dogs back there, and they kept moving around on me. But again dirt floors, dirt floors. You're going to have some feces I understand, but it's not just the dirt floor that hasn't really been replaced and not able to be cleaned.

Q Exhibit 25?

A Same. This is the run again with water standing in the background. Again the same shade issue, multiple large dogs and just not an overall big enough area of shade for them. And again the mud and issues in there. You can kind of see some mud on the haunches of that into its coat.

Q Exhibit 26?

A This is on the other side coming back now again, several small dogs in that kennel. Same type of water issues here, also feed issues with that. And I think the next photo will show that a little better.

Q Okay. I just want to stop you there. You say same type of water issues. What's the concern with the water on this?
A Again small dogs. And as the water gets lower, they have to get up on top, and they're transferring from their feet into the water.
Q Okay. And what's the concern with food receptacle?
A Food receptacle with these small dogs, they may have to actually get into the receptacle to eat as the food goes down. Or you know, they have the ability of jumping into those. And again that would transfer disease or feces and stuff off their feet.
Q And did you have the same concerns about adequate shade?
A I did. You know, there's more, even though they're small dogs it's, there's still more dogs in here. I think there was five or six in this kennel.
Q Same concerns about the ground?
A Yes. Still a dirt floor with, you know, no ability to clear or remove.
Q Above grade, below grade?
A At grade.
Q At grade?
A I call it at grade.
Q You're suggesting it's the same level as the

surrounding outside ground?
A Yes.
Q Exhibit 27, what is this?
A This is a dog house between the last run and the next run. What we were trying to depict here is that there's actually a hole on the top of that kennel right there, obviously letting water and other snow, whatever else enter the dog house.
Q Was there any water in this dog house?
A I didn't climb inside that one. Maybe again Wade could attest to that.
Q Okay.
A He was in, more hands on with that.
Q Did you see water in any dog houses?
A Yes, I did.
Q Showing you Exhibit 44, what is this?
A This is a picture shooting inside the door of a dog house shooting downward. You can see the water standing, murky, mucky, almost looks to be soiled water.
Q Now this wasn't the same dog house that was just depicted?
A No. It was, actually it was on the other side of the run.
Q Okay.

A That was something that we went back after later.
Q Showing you Exhibit 28.
A This is the dogs in that, in that run. Was really trying to get the pictures of the ears here that are flea bit or excuse me, fly bitten and kind of bloody, scabbed up. There's, you know, kind of what you, I guess you get from fly infestation.
Q And when you say that kennel, you mean the one with the open –
A With the hole in the roof.
Q Okay. Exhibit 29?
A Next kennel, it's the next kennel down. And the biggest thing I was showing here is that with this type of feeding, you have feed scattered all the way out through, through the floor. And as that goes down, they may be forced into eating that. Obviously eating off the floor of a dirt kennel would be uncleanliness, would be poor feeding conditions.
Q Okay. Exhibit 30?
A That's the same kennel, just a large view of it, larger view of it.
Q What concerns do you have here?
A Again the shading issue, that food on the ground and the dirt floors. This is, you know, there's still some mud back here from the previous rains. Again the

same type of water bucket issues. Those buckets again are wired in so they can't tip over. I understand that. But they're not being cleaned I guess, still algae in those.

Q Exhibit 31?

A This is the next kennel up with at least three large shepherds, and I don't remember if there's four in here or not. Obviously the bucket that's been tipped over in the mud, then laying in the mud. Coats are muddy here, and just the overall poor condition of the ground there.

Q 32?

A 32, this is the same kennel. Again with the large amount of mud, low amount of shade. The bucket still tipped over. They do have a separate water bucket here. Just you can kind of see the dirt and stuff around the top of the water bucket, same type of conditions.

Q 33?

A Dogs laying in the mud next run down. Again the same shelter issues, same bucket. But this dog is actually laying in the mud, and the coats of these dogs are matted with mud, covered.

Q Do you have the same ground concerns?

A Same ground concerns, same feeding concerns. You can

see the mud way up here on the bucket here even, you know, which is above the opening.

Q Same shade concerns?

A Same shade concerns. Actually more so there because it's up against the fence, and even less shade that they have access to.

Q Exhibit 34?

A This is the next run up. And again just the same conditions and holes dug in the earth here and stuff where pooling of water can be. Obviously you've got a large dog here taking up over half that shade, and there was multiple dogs in this run.

Q 35?

A This is the next kennel, and obviously with a large amount of green water standing here which is a big concern for disease and other issues. Again a muddy run, same type of mud up on the buckets. Just a cleanliness issue overall and the shade issue where most of, some of your shade is actually into that green water.

Q 36?

A Next kennel up. Again you have these platforms that I think were supposed to help them get out of the mud. You have mud on the ground here, feces issues again. And again the shade issue where, you know, some of

it's actually almost into the other kennel.
Q 37?
A This I believe is the next run. Again the same shade issues. You can see the mound, you know, the holes dug in the soil and stuff. Obviously not a clean or impervious removable surface on the floors again. Same type of water conditions. A little drier in that area, but it was a little higher there.
Q When you say shade concerns, what do you mean again?
A Shade concerns?
Q Yeah.
A Enough shade for all the animals to be able to access that shade at the same time.
Q 38?
A Next kennel up, same type of conditions. Again, you know, not really a shade, there's not really a point of shade that I see in here. And again the water bucket was muddy up at the sides as well as throughout the kennel, just kind of poor conditions.
Q 39?
A This is, again is the next kennel up. Same conditions, still kind of muddy here. You can see the mounded soil around where the dogs have dug to try to get under the shade, or get some cool from the ground. And again a small amount of shade again, and the water

again was an issue there.
Q Exhibit 40?
A This is the last run back, back towards the gate. And again the same type of conditions. You know, bulk feeding. A little more shade involved in this one. There was more than just these two dogs in that kennel. But again the muddy surfaces are still here, and the inability to clean that.
Q Exhibit 41?
A On the way back out, this was a dumpster that was located right at the, right by the whelping building. And I just took this photo to show that, you know, there was food and food being, appeared that food was being fed.
Q Okay. And in terms of all these outside kennels, they all had food in them didn't they?
A They did.
Q And it was all dry food?
A Yeah. It appears that it had been recently done. There was a statement made that they'd been fed and watered that morning.
Q Okay. And who made that statement?
A Deb Rowell.
Q Did she make that statement to you?
A She did.

Q Okay. Exhibit 42, what does that depict?
A This is just a picture of that exhaust fan on the building, that's all it is. And there's some clean bedding here for the inside of the building. That's what they were, some of the kennels were lined with.
Q Inside this building?
A Yes.
Q Exhibit 43?
A This was one of the dogs that came, small dogs that came out of the outside kennels but towards the back. And it was just, kind of a poor photo and I apologize for that, but with some mattering around the eyes here. There was apparently flies around his eyes, and this dog actually had fleas jumping off it. She was brushing fleas off herself. That's how infested it was with fleas.
Q When you say mattering around the eyes, what do you mean?
A Mucus coming from the eyes, watering coming from the eyes, you know. I guess the best way is similar to explain to the Court is like maybe if you get a cold in your eye, you get that mattering around your eye and it turns to hard crustiness. I don't know a better way to explain it I guess.
Q Showing you Exhibit 45?

A This was a water bucket that was in a kennel on the right hand side about midway down. And what's tough to see here, you can see it better, I think there's a better photo of it. Dark water in here to start with, but there's a dead mouse floating right in the center of it.

Q Did that give you any concern?

A Yeah, definite concerns. Decay of the mouse, bacteria. Just overall poor, I mean you can transfer disease. Yeah, I mean just doesn't seem to be a healthy option I guess. Same bucket, you can kind of see the mouse a little bit better there.

Q And this is Exhibit 46?

A Yes, same bucket though.

Q Exhibit 47?

A This is actually looking inside, second, third dog house on the, what I would call on the left side as you were looking in. And it's the remains of a dead dog inside that, inside that dog house.

Q So this is a dog house attached to a kennel?

A Yes, with three other golden retrievers in it.

Q Number 48?

A This is the carcass that Wade had drug out. And unable to really locate a head to it, but it's an obvious dog carcass. Appears to be golden retriever,

but hard to tell I guess when it's in that state of decay.
Q Again this was in a kennel with dogs?
A Yes. And dogs were travelling in and out of that dog house.
Q 49?
A Same, same animal rolled over. And what you see here are white maggots that are on the underside of, where the underside of the animal was. And I think there's, the next photo is actually a little more of a close-up and depicts that a little better.
Q Did you form an impression of how long this dog had been in that particular house?
A I'm not an expert at it, but it had been some time.
Q Okay. This is Exhibit 50?
A Yes. And that's a close-up of the maggots that were on the carcass.
Q Did you have an occasion to speak with Ms. Rowell about that dead dog?
A I don't recall if I did.
Q Exhibit 51?
A This was just another photo after the dogs had been pulled out of there, that green water on the same, it would be on the left side kind of transferring between kennel to kennel. Just really kind of a bad, I wanted

to emphasize that because it was just, it was so green.

Q You had some concerns about?

A About cleanliness, disease, feces, urination and just kind of overall cleanliness there.

Q With regard to the dogs inside, what you referred to as the whelping building?

A Uh-huh.

Q Did you have any concerns for the well-being of those dogs?

A I did. There was issues of bedding inside the food, inside the water dishes that were placed inside there. Obviously the two dogs that were, or the two runs that were on the north side, or the northeast side were, had issues with lighting, ventilation. Just kind of, again under the statutes you have to have lighting and ventilation, and there was very little of that in either one of those runs.

Q Showing you Exhibit 67, is this familiar to you?

A Yeah. This is one of the runs inside the building there. You can see down at the bottom here where the food dishes had a lot of the bedding actually mixed in with the food, you know, and not the most cleanliness and probably poor condition to feed in.

There are, this dog with some puppies in

there. It looks like this had been elevated at one time maybe, but I'm not sure but it wasn't at this time. There was some other bedding, a rug or something I believe in there.

Q Deputy, after making some of these observations, did you have occasion to contact a veterinarian at all?

A I contacted two separate vets.

Q While on the scene?

A While on scene.

Q And what was the name of the first vet?

A Dr. Ebert, and he's Matt Ebert. He's a veterinarian, he's a vet out of Lakeland Animal Hospital in Brainerd. And he had been to the property before which made me select him.

Q Okay. And so you called him from Ms. Rowell's residence?

A I did.

Q Or property?

A I did.

Q And did you describe the conditions you were observing?

A I did.

Q And based on that, did he inform you of anything?

A He said it sounded like the same conditions –

MR. GRIGSBY: I'm going to object, Your

Honor. Mr. Ebert's not here to be cross examined.

THE COURT: Sustained.

MR. LINDSTROM: If I may just address that specific issue? My position would be that its effect on listener. He's getting that information and then acting on that information as opposed to the truth of the matter asserted.

MR. GRIGSBY: If I may respond?

THE COURT: You may.

MR. GRIGSBY: It's the same thing. He's going to say that he acted on it because the vet indicated it was dangerous.

THE COURT: I'm going to sustain, Mr. Lindstrom.

MR. LINDSTROM: Okay.

Q (By Mr. Lindstrom, continuing) You stated you had the opportunity to speak with Ms. Rowell?

A I talked to her several times during the day, yes.

Q Okay. And did you ask her about the whelping building?

A I'm sure I did at one point. I don't recall the conversation unless you can be more specific about something.

Q Okay. In terms of ventilation on the whelping building, did you ask her about that?

A I did.
Q And what did you ask her about it?
A I asked her about the doors being open and that ventilation fan being on. And she had stated that it's the girls, I think it was girls must have forgot.
Q Based on your observations and your training, did you form an impression about Ms. Rowell's ability to care for these animals?
A In those conditions, yes. I mean food wasn't the issue here. There were a few injuries that appeared that could have been better taken care of, but the overall condition of the kennels and the conditions that the dogs were living in was extremely poor.

MR. LINDSTROM: At this point I don't have any further questions for Investigator Cyr.

THE COURT: Mr. Grigsby?

MR. GRIGSBY: Thank you, Your Honor.

CROSS EXAMINATION BY MR. GRIGSBY:

Q You got the search warrant on July 15th, correct?
A I did.
Q Executed on the 16th, correct?
A Right.
Q Did it rain in between the issuance of the search warrant and the execution?
A I believe it rained that evening or that night, yes.

Q Was it your recollection it rained about four inches?
A It rained a lot in that period, around that period of time.
Q In fact if, for example, it was a four inch rain, this would be a near record type rainfall, correct?
A Your words I guess, sure.
Q Well –
A It's a lot, I'll give you that. Whether it would be a record, I can't attest to that.
Q Fair enough. When you have extraordinary amounts of rainfall, houses get flooded, correct?
A They can.
Q Do you know of any houses that flooded on July 16th?
A I do not.
Q Okay. But you're certainly aware that an extraordinary rainfall produces extraordinary results, correct?
A It can.
Q Okay. You arrived there at 10:30 a.m. in the morning, correct?
A I did.
Q Did you notice, at the very far end of the outdoor kennels, a large pile of sand?
A I did not.
Q Did you notice that today when you were there?

A I did.
Q Okay. Did it appear that it had perhaps been there since the 15th or 16th, or did it look brand new to you?
A It looked new to me.
Q Okay. After it rains things are going to get muddy, correct?
A They can, yes. I mean some things can, some things can't, yes.
Q Right. If you've never experienced a four inch rain, you can't really anticipate it until it happens and then you can correct for it, correct?
A If you're asking my opinion, is that what you're asking?
Q Well, I'm asking when you get an extraordinary amount of rain that exceeds the normal conditions, you correct for it after you experience what it does, correct?
A Some people do, some people don't. I guess, yeah. I mean that would be common sense.
Q You talked, answered a lot of questions about the dirt floors?
A Yes.
Q Okay. And your testimony was that they're dirty, correct?
A Yes.

Q They attract disease?
A Yes.
Q Okay. Is there a law in Minnesota that requires non-dirt floors?
A There is a law under 346 that does require some type of either replace or a surface that could be sanitized I think is the way the statute reads.
Q Right. But that applies to the dog houses, correct, not the outdoor runs?
A I didn't interpret it that way I guess.
Q Okay. So anyways 346 what?
A I don't know off the top of my head.
Q Okay. So it's your impression that there was a violation of 346 in simply having the dirt floors period, correct?
A Well, you know, you could have a dirt floor if it could be something that could be replaced and, you know, replaced from time to time.
Q Well, can those be?
A I didn't see that they had been. They were virgin soil ground level.
Q Well, I'm asking are they capable of replacement?
A I think they could be, yes.
Q Okay.
A I mean you have to dig them out and, yeah, excavation

is a possibility.
Q Okay. Did you actually look at the quality of the stuff that was there? Was it just bare dirt or was it actually sand?
A It was just loamy soil.
Q Loamy soil? You're certain there was no sand in there?
A I surely didn't see any.
Q Okay. You referred to in your testimony the dog food that was in what appeared to me to be totes.
A The fifty-five gallon plastic drums, is that or the totes in the building?
Q In the whelping building?
A Yes, yes.
Q Okay. And they weren't covered when you were in there, correct?
A No, they were not.
Q Two hours before you got there, were they covered?
A I don't know that, sir, I wasn't there.
Q I know. And is it possible that they would have been covered two hours after you left?
A Possibility, yes.
Q Correct. They were coverable, correct?
A Yeah. I didn't see the covers there, but they were coverable, yes.

Q Now you also talked about, you looked inside one of the dog houses inside the pens in the outdoor area, correct?
A I looked in several of them, but, yeah.
Q Yeah. And you said there was no bedding in it?
A Right.
Q Is there a, in fact is there a requirement for bedding?
A I think under my testimony I just said that it wasn't a requirement for it.
Q Right. So why did you mention it?
A Because it has, as a non-impervious surface in there. If there was bedding, I think the argument would be that you could remove the bedding or remove whatever waste or material, bad materials that would be there.
Q Did you find any waste in the dog houses?
A In that one photo that we took, I would argue that may be waste. It's really kind of -
Q Do you know?
A No, I don't, do not.
Q I mean, yeah, it's mud, right?
A It's mud and it could be feces. It could be a lot of things.
Q Sure. But were you able to distinguish what it is?
A No.

Q Okay. Feces have a smell?
A The whole kennel smelled, sir.
Q But the feces, feces have smell, correct?
A And the whole kennel smelled like feces.
Q So you couldn't distinguish whether the odor was coming from places outside the photo that we looked at, correct?
A Right.
Q Or the photo, or what the photo depicts?
A Can you define that a little bit better?
Q Well, I don't remember what exhibit it was, but there was one in which you said it was soiled?
A Okay.
Q Okay. It looked like the dog house had gotten flooded, and there was dirt on the bottom of it, correct?
A Right.
Q And you're suggesting that there may have been feces in it, correct?
A That's what I just said.
Q Right. And feces have a smell, correct?
A Right.
Q And you got close enough to take a picture of it, correct?
A Yes.

Q And there was no indication from the general odor that those were in fact feces?
A And my point is is that the whole entire area smelled of feces. So to define that it came from that specific spot would be impossible for me to do.
Q Correct. So you don't know?
A Your words.
Q Do you know?
A No.
Q Now when you looked on the bottom of the dog houses, you found no bedding, correct?
A Yeah. There was no bedding.
Q And did you, and you're saying that it was a bare wood floor?
A Bare wood floor.
Q Right. Do you know whether that floor was seal-coated with Thompson's water seal or not?
A Your client told me that she had done that in the houses. Now, she didn't say specifically which house.
Q Right. My question is did you observe it sufficiently to know whether it had Thompson's water seal on it or not?
A It's a clear finish, sir. I don't know how I would determine that.
Q So you don't know?

A No.
Q Could have been sealed?
A Could have been.
Q Could not have been?
A Could not have been.
Q And if it had been sealed, it would be an impervious surface?
A I would question Thompson water seal as an impervious surface that could be cleaned and sterilized.
Q Okay. So in your opinion, Thompson water seal is not sufficient for inside of kennels?
A I would question that. I mean it's –
Q Okay.
A I would question that.
Q Okay. But in the end, it may have been Thompson's water seal, it may not have been, correct?
A It may have been.
Q Okay. You looked at some USDA reports, correct?
A Yes, through the complaint that I received.
Q Right. And what period of time did the reports that you saw encompass?
A They were from a large period of time actually back to into the 2000s, '97. There was some back in those times. But I think I have requested and had not received at the time of this hearing, but I have

requested those from the USDA themselves. So I'm getting those from a direct source.

Q Did you see them until the 2012 or 2013?

A I saw them up I know through 2010.

Q Okay.

A Or a few of them anyways. And that's why I'm requesting them all from the USDA at this point to make sure that I have all of them.

Q Okay. Now you also talked about bulk feeding, correct?

A Yes.

Q And one of your concerns was there would be wet food, correct?

A Yes.

Q And you knew it rained the night before, correct?

A Yes.

Q And none of the food was wet, correct?

A No, I actually dug down in the bottom to make sure in those that it wasn't.

Q So it wasn't wet, correct?

A No, it was not.

Q So your concern was that it could be wet. It rained and it wasn't wet. How do you explain that?

A They had fed that morning.

Q Right. So they're monitoring, they're monitoring the

food, correct?
A Could be.
Q So –
A It could just be the time that they fed.
Q So if there had been food left there from the night before, bulk food, your term, and it had rained and it had gotten wet, it had been removed by the time you got there, correct?
A Right.
Q Because they're being attentive to this concern that you have, correct?
A (The witness did not answer audibly.)
THE COURT REPORTER: I didn't get an answer.
A (By the witness) Yes. I'm agreeing with him I guess for the most part. I don't know how to answer that.
Q You referred to a dog that you said was a lame dog, correct?
A Yes.
Q How, what was, what lamed it?
A Well, it was hobbling, or I guess in a human term it was limping.
Q Sure. Could have had a sprain, correct?
A Could have had a lot of things.
Q But if it was a sprain, you don't necessarily have to take it to a doctor, correct?

A I guess it depends on your personal views and what the level of injury would be.

Q Was it whimpering?

A I didn't hear it whimper, no.

Q So it wasn't vocalizing any kind of pain?

A No.

Q You've had dogs you said, correct?

A I do, but dogs also have a much higher tolerance of pain than humans do.

Q Right, right. But you never had a dog go fetch a ball and temporarily sprain its ankle?

A I don't think I ever have, sir.

Q Okay. But they can, you know that don't you?

A I'm sure they could.

Q You were suggesting that because the buckets are wired to the fence that they couldn't be cleaned. Was that your suggestion?

A Yeah.

Q Is that your belief?

A Yes.

Q So is it possible, is it possible that there's other ways of cleaning it that you're not aware of?

A Well, the evidence in the photos didn't show that to me.

Q Okay. Now you also mentioned that there was a pen

with the bulk feeding with smaller dogs, correct?
A Yes.
Q And you're suggesting that some of the dogs would jump into the, jump into the bulk feeder to feed, correct?
A They could, yes.
Q All the dogs could get in there?
A Okay, maybe.
Q Put their paws in there?
A They could.
Q Okay. Let me ask you this. How do you suggest that she feed them?
A If I had the kennel?
Q Yeah.
A This is just purely my opinion.
Q Well, I mean, you have some concerns that you voiced to this Court about suggesting she's doing something wrong. Well, how should she do it?
A One on one feeding.
Q So you go to each dog?
A Yes.
Q Wait till it eats?
A You go to each dog and give them a bowl of food and the amount that they need, yes.
Q Okay. But not all dogs have the same appetite at the same time, correct?

A They do it, I hand feed my dogs. And other kennels I know hand feed their dogs like that, and you know they eat when it's given to them.

Q Okay. The smaller dogs, you're suggesting they may have to jump up in there to eat. Did they have to jump up there to eat or could they have –

A Not at the time we were there because the feeders were full.

Q Right. And you don't know how often they're filled or not filled?

A No.

Q But they were full when you got there?

A They were.

Q And every dog was capable of eating without contaminating the food, correct?

A Right.

Q Now you also, you talked about mud on the water buckets and mud on the feeding, bulk feeding materials, correct?

A Yes.

Q Those are, those are water proof materials, correct?

A They were plastic material, yes.

Q Correct.

A I agree that they're water proof.

Q So if there's mud on the outside, it's there to

protect the food from getting mud on the inside, correct?

A Yes.

Q But you're suggesting this is a dirty kennel because it rained the night before and mud got splattered against the bulk feeder. That's doing its job, correct?

A It could be, but the mud was higher than the opening on the feeder, so it could have had mud splattered into the food. I'm not saying that it just physically happened that night, but it surely could.

Q It could. Was there any mud splattered in the food?

A I guess I didn't take samples of the food to find that out.

Q Well you know what mud looks like?

A Uh-huh.

Q Did you see any mud on the food?

A I did not, but I didn't take samples of the food as I said.

Q Well, you were there to find out whether the food, they were being appropriately fed though, right?

A Yeah. And I think I already testified to the fact that I didn't feel any of the animals were mal-nutritioned.

Q Okay. What's your concern about algae?

A Algae?
Q Yeah.
A Well, it's bacteria, it's growth. It indicates the fact that the water is not being changed. It might be being added to, but it's surely not being changed.
Q Is algae harmful to dogs?
A I think so. I think it spreads disease, but I guess the vet could probably answer that better than I can.
Q Okay. Well, you mentioned it, that's why I'm asking. What in algae hurts a dog?
A I guess again that's something for the vet to answer, but clean potable water is part of the statute.
Q Right. Does algae make a water not potable?
A I wouldn't want, I keep it clean. And you or I wouldn't want to drink it, so I keep it that way.
Q Okay. Algae has color that can just simply be residual color even when you clean the bucket. You're aware of this?
A Yes.
Q Okay. Could it be that that colored the water?
A It could, but in some buckets we actually saw algae floating in it.
Q Sure. Well, it looked like there was algae floating in the bucket with the dead mouse. Do you recall that one?

A Yes, I do.

Q That was pretty dirty water there, correct?

A Yes, it was.

Q Were you also aware –

THE COURT REPORTER: Could you slow down please?

MR. GRIGSBY: Sorry, I will.

Q (By Mr. Grigsby, continuing) In that kennel with the mouse floating in the bucket, did you see another water bucket?

A I don't recall. You're asking something I don't recall.

Q Okay. Is it because you don't recall that it's possible there was another clean water bucket in there?

A I don't know that I saw what I would consider a clean water bucket in any of the runs.

Q Okay. Aside from my characterization of clean, could there have been another water bucket without a dead mouse in it there?

A Yes, could have been.

Q Okay. Now you talked about there were doors closed in the whelping pen, correct?

A Yeah, the north door was closed.

Q And as a result there wasn't adequate circulation

there, correct?
A Right.
Q The moment the doors would be opened, they're on opposite ends, and it would circulate air?
A If you open them. It definitely improved the conditions when we did that.
Q Right. And that's why you did it?
A Right.
Q So structurally it was sound. Somebody just had the doors closed for a period of time, correct?
A Yes.
Q You don't know whether this is a common occurrence or whether it's their routine to close all the doors?
A I'm not there every day to check that out.
Q It could have been just, just that moment you happened to walk in at 10:30 on the 16th, correct?
A I guess it could have been, sir.
Q Okay. You also referred to two in the whelping building, there were two dark pens?
A Right.
Q Covered with materials?
A Uh-huh.
Q What were the materials? Did you say pallets?
A They looked like shipping pallets to me. And then there was also, you know, some other materials stacked

on top of that.
Q So a shipping pallet has slots in it, right?
A Yeah, these were covered with materials.
Q Just on top?
A On top.
Q So that if the shipping pallet, you know, it's got beams or joists, whatever that goes to the bottom, and there's air that goes through there, correct?
THE COURT REPORTER: You have to say yes or no.
THE WITNESS: Yes. I'll speak louder, I'm sorry.
Q (By Mr. Grigsby, continuing) And also there are slats between the things going in this direction, whatever they're called on the pallet too, correct?
A Yeah. The pallet is constructed with a crisscross material. Is that more what you're trying to -
Q Yeah. I'm trying to establish a pallet is not solid, it's got holes in it?
A Right. But these had other material on top of them that sealed those.
Q But not on the bottom of the pallet?
A I don't remember it on the bottom, no.
Q And there was a space of a typical, right?
A A two by four width. A width of a two by four would

be three and a half inches.
Q Okay.
MR. GRIGSBY: Nothing further, Your Honor.
THE COURT: Mr. Lindstrom, any redirect?
MR. GRIGSBY: Oh, sorry. May I ask one more question?
THE COURT: You may.
MR. GRIGSBY: Actually two.
Q (By Mr. Grigsby, continuing) You referred to one in the whelping kennel, the whelping building, there were kennels that had about five dogs in, chiwawas, right?
A Yes.
Q Okay. And there were a couple of those elevated pens that were empty, correct?
A Right.
Q You don't really know whether the five dogs, or remaining five dogs or whether they separated them at different times of the day?
A No, just the conditions that were there when I got there.
Q Thank you.
THE COURT: Mr. Lindstrom?
REDIRECT EXAMINATION BY MR. LINDSTROM:
Q Investigator Cyr, I want to just ask you some quick questions about the soil conditions you observed. I

think you referred to it as virgin soil?
A Virgin or at grade, loamy soil.
Q Did it appear that it had been replaced any time recently?
A No.
Q You stated in terms of the whole kennel, when asked about smell, that the whole kennel smelled like feces?
A Yes, it did.
Q Now I just want to kind of -
A Whole kennel area.
Q Whole kennel area. So you're standing in, there was an exhibit that shows two rows of kennels on each side, and you're standing in the middle of them. Can you smell the feces?
A Yes.
Q Is there a particular distance from which you could no longer smell the feces?
A I guess I don't recall. But, you know, when we did get away from it, you know, towards the whelping pen and the house, I didn't smell it there.
Q How far is the house from these kennels?
A Hundred fifty feet, maybe a little more.
Q How far is the whelping pen?
A A little closer, half that distance.
Q When you went into the whelping building for the first

time, you suggested you weren't the first person in there?

A No, I wasn't.

Q By the time you went in there, had the doors been opened?

A Yes.

Q And in terms of any smells, what did you observe?

A You know, there wasn't, wasn't an overabundance of odor in there with the doors open, and I wasn't in there until those doors were open.

Q Okay. Did you take any temperature readings or anything inside that building?

A I did not, but Wade Hanson did.

Q Okay.

MR. LINBDSTROM: I don't have any further questions for the investigator.

THE COURT: Mr. Grigsby?

(Mr. Grigsby shook his head in the negative.)

THE COURT: Mr. Lindstrom, any additional witnesses?

MR. LINDSTROM: Yes, I would call Wade Hanson.

(The oath was administered to the witness by the Court.)

THE COURT: Have a seat in the witness stand. Mr. Lindstrom?

MR. LINDSTROM: Are you situated there, sir?

THE WITNESS: I think so.

MR. LINDSTROM: okay.

WADE HANSON,

having been duly sworn to testify the truth and nothing but the truth relative to the cause specified, testified as follows:

DIRECT EXAMINATION BY MR. LINDSTROM:

Q Can I get you to state your name for the court reporter?

A Wade Hanson. H-A-N-S-O-N.

Q And with whom are you currently employed?

A Animal Humane Society of Golden Valley.

Q And how long have you been employed there?

A Approximately twenty years.

Q And in what capacities have you been employed there?

A I've been a humane agent.

Q Okay. When you say humane agent, what would your duties be?

A Receive calls, e-mails, walk-in complaints on animals not being cared for properly, and then determine whether or not to open up an investigation on that complaint.

Q Okay. And then would you do the investigation on that complaint?
A Generally, yes. We do work with sheriffs' departments in all counties. I work the whole northern part of Minnesota, and I have relationships with each one of the sheriffs' departments.
Q Do you have any training in what I would animal law?
A Yeah. Prior to being certified as a humane agent in Minnesota, you have to go through schooling. And I attended the National Animal Cruelty Investigation school that's given by the University of Columbia in Missouri Law Enforcement Training Center.
Q And that was twenty some years ago?
A Probably twenty-three years ago.
Q Okay. Is there any continuing education you do?
A Yes, I do continuing education. I develop relationships with different vets that let me do education with them. I've been to Rockford, Illinois, on a specific large animal investigation school.
Q I want to take you to time, July 16th, 2013. Do you recall participating in the execution of a search warrant on that day?
A Yes, I do. Basically what happened is Investigator Cyr contacted me probably a week prior to that day and requested that we would come up and assist them on the

warrant, and be prepared if we had to remove any animals.

Q And so on the 16th you met with Investigator Cyr?

A I believe I met with Investigator Cyr the week prior.

Q Okay. And in terms of actually executing the search warrant on July 16th, were you present at a residence described as Ms. Rowell's residence?

A Yes.

Q And upon your arrival, did you make any initial observations?

A We kind of stayed back until Investigator Cyr went to the house and sent a deputy to find Ms. Rowell. And at that time, after the deputy had called and said that he had found her and was on their way back, myself, I think I followed a lieutenant, and I don't remember his name. We actually went to the whelping building to begin the investigation.

Q Okay.

MR. LINDSTROM: May I approach?

THE COURT: You may.

Q (By Mr. Lindstrom, continuing) And Mr. Hanson, when you say whelping building, I'm showing you Exhibit 1. Is that the building you're referring to?

A Yes, it is.

Q When you went to that building, were any of the doors

open?
A I don't believe so. I believe the lieutenant entered the building and opened the door all the way, and then I entered the building after him.
Q Okay. And did you observe any windows in the building?
A There are two windows in the building.
Q Were those buildings open?
A No, they were not.
Q Did you observe any air circulating devices?
A There was a ventilation fan on the other end from this door, I'm not going to say north, south, east or west, but on the building which is operable that we eventually did turn on.
Q Okay. So when you entered the building, the fan wasn't on?
A No, it was not.
Q When you went inside the building, what observations did you make?
A Well, my first approach through the door I noticed that there were two tubs there, Rubbermaid tubs with food in them in a bucket to take food out and bring it to the kennels or whatever that were uncovered. I looked around. I didn't see any covers for these.
And then basically went through the doorway

into where the pens are, and just kind of walked up and down and kind of observed the pens. The pens had clean bedding in them. There was wood shavings. Some of the problems I seen that the plywood sides and backs were not completely sealed as required.

The water, some of the water dishes and food dishes were completely full of the bedding that was in there, which would make it very difficult for the animal to either drink or get the few morsels of food that you could see on top of bedding out of there.

There wasn't, I mean there was not an extreme ammonia smell, but there was some smell. The lighting was insufficient.

Q When you say lighting was insufficient, what do you mean?

A Well, you're supposed to have enough lighting in your kennels, indoor kennels to able to see and clean all the areas properly. There was no lighting in the two end kennels. There was lighting in the ceiling, there was light on a pole, but there wasn't enough lighting to be able to see all the areas to make sure you sanitized and disinfected properly.

One of the other problems that we seen is that some of the mothers and stuff were not caring for their babies. They had been pushed off of the mothers

and over in a corner, and the mother had some of the babies with, with her.

Q Did you have occasion to record any temperatures inside this building?

A I did use what is called, and I got to look the name up again because I wrote it down. Oh, Raytek, a Raytek laser thermometer is basically what it is. Basically it's a gun that we normally use for taking temperatures inside cars and stuff to determine whether or not the car is too hot for the dogs to be left in.

But in many cases we use it in kennels and stuff to make sure that the temperatures are good for the dogs. So I did take the temperature inside that whelping building. And I believe it was, I believe it was ninety, ninety some degrees in there. I can't find it right now.

Q Okay. Would it refresh your recollection if you did review your report?

A Ninety-seven degrees.

Q Is that your recollection that it was ninety-seven degrees?

A That's in my report is ninety-seven degrees.

Q Okay. Would you have lied in your report?

A No, I would not.

Q Okay. And you stated that the fan was ultimately turned on in that whelping building?

A Yes. I believe the lieutenant exited the opposite side of the building where there was another, like a service door. And as he exited that, he did turn on the vent fan, and we left both doors open at the time.

Q Did that have any effect on the environment inside the building?

A Not immediately, but after a while it did, it did start doing the air exchange in the building.

Q I'm going to go through some photographs in what you referred to as the whelping building. Showing you Exhibit 52, are you able to see that?

A Yeah. It's, what it is is the inside the whelping building with the dog cages on both sides or pens and some of the recovery staff from the animal humane society.

Q Showing you Exhibit 53, what does this picture depict?

A That's smaller animal cages that are stacked above the dog pens on the bottom inside the whelping building.

Q Does this set-up give you any concerns?

A Just basically the lighting.

Q Okay.

A And ventilation, if the ventilation and stuff isn't on.

Q Exhibit 54, what does this depict?
A It's a mom and some pups inside the whelping building on the bottom. And then I believe if can see it properly, a chiwawa in another cage on top of that.
Q Any concerns here?
A Again just the same, you know, the ventilation. Lighting obviously for the bottom isn't a major issue, but for the top is an issue. And you know, not having the walls sealed so there's no bacteria build-up in the wood.
Q And you suggested you had concern on the wall sealing on all of these pens?
A I believe most of the pens.
Q Okay.
A I couldn't see in the pens that were covered with pallets. Even with the flashlight, we didn't see very well.
Q So if I showed you Exhibit 52, you couldn't say which pens had sealed and which ones didn't?
A No.
Q Exhibit 55, what does this depict?
A That's one of the smaller cages for the smaller breed of dogs up on top of the lower cages inside the whelping building.
Q Any concerns here?

A You know, there's always going to be some concerns when it's not a sealed area. You can see the raw wood on the side there. The dogs from the top, if they're males, could urinate out that screen and down onto the dogs in the bottom.
Q Exhibit 57?
A That's one of the pens in the whelping building. You can see where the paint and stuff has been scratched off, and it's not sealed. There's shavings, wood shavings in the food bowl there.
Q Would it be fair to expect a certain amount of wood shavings?
A Well, it would be if you keep them on the floor. But most kennels I have visited that our reputable breeders have their bowls up off the floor. And they're little stainless steel racks so that the dogs, you know, can reach them but don't walk through them and stuff like that.

MR. LINDSTROM: Exhibit 58, I'm going to just hand it to him.

MR. GRIGSBY: Sure.

Q (By Mr. Lindstrom, continuing) I'm going to just hand you Exhibit 58. What does that depict?
A That's another one of the pens on the ground floor.
Q Do you have any concerns in that photo?

A Again it's not a sealed structure. There was dog food there, and there's water there that has algae and it's just dirty water. It's not clean potable water.
Q And you're making that conclusion based on a visual observation, correct?
A Correct.
Q You didn't have it tested or anything like that?
A No, we haven't.
MR. GRIGSBY: Can I see that?
MR. LINDSTROM: Yeah. I'm just going to wait.
MR. GRIGSBY: I'm sorry, go ahead.
Q (By Mr. Lindstrom, continuing) Showing you Exhibit 60, what does this depict?
A A dog in one of the lower kennels in the whelping building. Some of the sides in the back of it scratched off, no sealer. I don't see any water or food in there, so I couldn't tell you if there was any in there or not.
Q It's possible, it's just not in the picture though, right?
A Correct. And you know it appears darker than some of the other kennels.
Q Showing you Exhibit 62, what does this depict?
A It's one of the kennels inside the whelping building.

Again the sides are all scratched up. They haven't been sealed recently. And I believe that's my arm sticking in there just kind of showing, you know, this hasn't been cleaned recently. The water hasn't been changed recently. And the dogs are shy, fearful in the back there. Definitely not enough light in that picture to be able to clean that kennel property.

Q Exhibit 63?

A It's one of the kennels. You can barely see the dogs in the back. But it's one of the kennels that has the pallets on top and the rest of the debris on top, so no light is going down through there.

And just to let you know that you can't just take those pallets off. They are screwed down, so they're a permanent fixture. It's not like you can slide them off and clean the kennels. It's a permanent pallet there.

Q Exhibit 67, what does this depict?

A It's another cage or kennel in the whelping building. That's on floor level, scratched up, not sealed. The dog food in the bottom, you can see in the bowl area it has a lot of shavings in it.

And unfortunately, dogs don't have thumbs so they can't pick the morsels out. To eat it, they have to eat shavings along with dog food. Not enough light

in the kennel.
Q Mr. Hanson, I'm going to have you just take a look at Exhibits 52 through 71. The question I have for you is were all those photos taken from what you referred to as the whelping building?
A Yes.
Q And in terms of all the dogs in that building, were you part of the group that was seizing those dogs and ultimately transporting them out of that location?
A Yes.
Q Okay. After going into the whelping building, did you have occasion to go to any outdoor kennels?
A Yes. After the whelping building was, the dogs were being removed from there, I went along with two of the recovery crew and I believe the lieutenant to go to look at the outdoor kennels.
Q And so you observed all those outdoor kennels?
A Yes, I did.
Q And do you recall how many kennels you observed?
A I counted eleven kennels on each side.
Q Okay, so twenty-two?
A Chain link kennels.
Q And in terms of your observations, you sat here when Investigator Cyr testified didn't you?
A Yes.

Q Did you hear what he had to say about all the conditions there?
A Yes.
Q Do you have any of the same observations or different observations --
A Well –
Q -- of the conditions?
A I have, if I could elaborate a little bit. I have, I have some of the similar observations. And I guess I can say that I had a closer look than most people that were on the property because I was on my hands and knees looking inside the dog houses, and basically to try and get to make sure that there were no dogs left in the dog houses.
Q Did you look inside every single dog house?
A I looked in every single dog house. I took a temperature in every single dog house.
Q And in terms of taking the temperature in every single dog house, do you have a reading for each dog house?
A I have a reading from the beginning of the dog houses to the end of the dog houses. So I took readings throughout, and the average was ninety-one to ninety-nine. That's the temperatures in the dog houses.
Q Okay. I just want to make sure I'm getting this straight. You're suggesting there was a range of

temperatures from ninety-one degrees to ninety-nine degrees?
A Right.
Q Okay. But you didn't specifically document in each house what the temperature was?
A We did. Unfortunately that information went with the recovery crew, and it is now gone. The only thing I have left is the readings off the Raytek done myself.
Q Did you measure all of the dog houses?
A Myself and Investigator Cyr went along after the dogs were removed and measured the dog houses.
Q And what were the sizes of those dog houses?
A Some were three by four feet, and some were four by four feet, nothing larger than that.
Q And do you have a list of like dog house in kennel one was X amount of size, or do you just have the suggestion that they range from?
A They range from three by four feet to four by four feet.
Q Okay. And you observed all those dog houses? You observed all the kennels?
A Yes.
Q You observed the dogs in the kennels?
A Yup, yes.
Q Did you see a dog house that I guess in your training

and experience was sufficient size to house the dogs that were in that kennel associated with it?

MR. GRIGSBY: I'm going to object as to foundation unless I can voir dire.

THE COURT: Overruled, you may answer.

A (By the witness) What was the question again?

Q The question was you observed all the dog houses, you observed all the kennels, you observed the number of dogs in each kennel. Was there a dog house that was sufficient in size given the number of dogs in the particular kennel?

A I would say there were two kennels with two dogs only in them, that those dog houses were, could be sufficient size. The kennel with the smaller, I think there was five dogs, five small breed dogs, that dog house was also sufficient size. The rest of the dog houses were not.

Q And when we talk about sufficient size, what does that mean?

A Well, there is -

Q What do you mean is what I mean.

A Well, what I mean is it's not large enough for all the dogs in the kennel to go into the dog house, lay down comfortably without being laid on top of or pushed out. I noticed several times that these dogs are

unsocialized. And when we would approach a kennel, they'd all try to pile in a dog house. And in several different kennels, one dog out of the group couldn't get in the dog house. So they're just not sufficient size.

And there is a statute that gives you a specific size per dog. I believe it's under 343.40 there's a formula you figure out, you measure the dog from tip of the tail to the tip of the nose.

Q Did you measure any of these dogs?

A We did not.

Q Okay.

A I can tell you that a normal size labrador retriever measures forty inches from the tip of the nose to the base of the tail.

Q Okay. Based on I guess what you observed, was it your opinion that most of the dog houses, except for the three you talked about, would not have been able to accommodate all the animals?

A Correct.

Q In terms of I guess the base material I'd call it in the kennels, did that give you any concern?

A Yeah. You know, I kept hearing the word mud here. But we have to remember this is a mud, manure, urine mixture. And you know, we heard that there was sand

in there. There wasn't a dirt, this stuff was packed down hard. It was wet, it was slippery. It's certainly not the surface that you would house dogs in. The current concern on that is for bacteria. You can't sanitize, you can't clean stuff like that.

Q Did it appear to you that the surface had been replaced recently?

A No.

Q Did it appear that the surfaces would accommodate drainage if it were to rain?

A No.

Q Did you make observations about shade requirements on these kennels?

A Yes.

Q What were those observations?

A Basically for I would say every kennel there wasn't enough shade. Those structures that had the four by four legs and the pallet or tin on top, they would work fine for one dog, possibly two dogs. But in this case there were just too many dogs in each kennel for that amount of shade.

Q Do you remember how many dogs were in each specific kennel?

A Not in each specific kennel. But I can say that there was three, for large breed dogs there were three to

four dogs per kennel. The small breed dogs, I think there was five dogs in one kennel.

Q Did you make any observations about the water that was provided in these kennels?

A Yes.

Q Did you observe the water in every single kennel?

A I did.

Q And do you have a specific recollection of each individual kennel?

A Not each individual kennel, just basically from kennel to kennel to kennel. While we were moving dogs and stuff, I was looking at the water, looking at shelter, looking at shade, conditions inside the dog house.

I did not see one bucket or tub or anything of that nature that had water in it that was clean water without either something floating in it or algae or the mud, manure mixture type chocolate water. There was no water that I seen in any of the kennels that would be an acceptable drinking water.

Q You observed the one water bucket with the mouse in it?

A Yes.

Q And investigator testified about how you were involved with unearthing the one dog from, the dead dog from the dog house?

A Yes.
Q And from your recollection, were there dogs living in that kennel with that dead dog?
A Yes, there was.
Q Based on the overall conditions you observed, did you have any concerns about the dogs' health, welfare?
A I did. I didn't have concerns about their body condition as far as being fed. But as far as the environmental living conditions and the possibilities of bacteria and the lack of parasite control and pest control, it concerned me that these dogs are living in a situation which is not healthy for them.
Q Did you have any concerns about Ms. Rowell's ability to care for all of these animals?
MR. GRIGSBY: Objection. He has no foundation to give an opinion about Ms. Rowell.
MR. LINDSTROM: It's based on the whole observation of her set-up would be my suggestion.
THE COURT: Overruled, he may answer.
A (By the witness) This is hard to answer, but I've known Ms. Rowell for quite some time. And I've been to her property several times in the past. I've seen the same conditions in the past, I see the same conditions now.
So my answer is I don't think there is a

willingness or the effort being made to keep things under control. I believe there is too many animals on the property. Most other kennels have hired workers that help them with this many animals, and I just don't believe Ms. Rowell has any intentions of continuing to care for animals.

MR. LINDSTROM: I don't have any further questions for Mr. Hanson at this time.

THE COURT: Mr. Grigsby?

MR. GRIGSBY: Thank you.

CROSS EXAMINATION BY MR. GRIGSBY:

Q Did you yourself transport some of the dogs that were taken from the property down to Golden Valley?

A I didn't transport any of the animals.

Q How did they get down there from Ms. Rowell's property?

A They went down in several vehicles.

Q Okay. Were they crated?

A They were crated.

Q So you had a hundred and thirty-three crates?

A Eventually.

Q Okay. Did you know what size dogs you'd have per crate before you arrived at the property?

A No, no.

Q You didn't know when you arrived if you were going to

take all the dogs, correct?
A No. We were previously told that there's approximately eighty dogs and that they, most of the dogs would be large breed dogs.
Q Okay. How many crates did you bring?
A I couldn't tell you because I didn't set that up.
Q Did you help put dogs in crates?
A I did help put dogs in crates.
Q Were the crates of adequate size for all the dogs that were placed in the crates?
A I believe so.
Q Were there any dogs that were placed in the crates, were they given water?
A There was little water, they're plastic water cups that hang on the front doors.
Q Every single crate?
A Every single crate.
Q And they all had water in them?
A Yes, they did.
Q If the animal knocked the water, you're talking about something this shallow, right?
A Approximately, yeah.
Q Right. And how much, and how much water? Cup, half cup, how much water do they accommodate?
A I'm not sure, maybe a cup.

Q Okay. And you're telling me that they all had water in their crates the entire time they were crated?
A Yes, I am.
Q Okay. One of the things you mentioned was that you gave your opinion to the Court about Ms. Rowell has simply no will or intention to care for dogs. Is that what you said?
A I believe so.
Q And that she has too many dogs for herself, correct?
A I believe so.
Q And that reputable kennels hire workers to help them with that, correct?
A Correct.
Q So if Ms. Rowell hired workers, that would be a step in the direction of caring for her animals better, correct?
A It would help her, yes.
Q How do you know whether she's hired workers or not?
A We have never seen a worker on her property.
Q Well, how often are you on her property?
A Actually I go past her property quite frequently because I work up in that area.
Q Okay. Did you see any workers today?
A Today?
Q Yeah.

A I wasn't there today.
Q Yesterday?
A I haven't been there since the 16th.
Q When before the 16th did you go past her property?
A I couldn't tell you.
Q Now when you drive past her property, how often during the month would you do that?
A Maybe two or three times.
Q Okay. So two or three times a month over the course of a year is the average?
A Correct.
Q So twelve months –
A Less in the winter probably.
Q Okay. So you see, you drive past her property twenty, thirty times a year?
A All right.
Q Is that roughly what you say?
A It could be, yeah.
Q Okay. And I mean do you stop and look?
A I slow down and look.
Q All right. And if the workers were inside the whelping pen doing work, would you see them?
A No, I would not.
Q If they were back in the pens doing something, would you see them?

A It's quite possible.
Q Quite possibly you couldn't too?
A Well, that's also possible.
Q All right. Mr. Hanson, it's fair to say driving, slowing down to drive past the property is not really a way to document whether workers are working there, correct?
A And I'm not documenting whether workers are working there or not. I'm saying that it would help her to have workers there, and she has never mentioned that she has any workers hired.
Q Correct. You don't know whether she has workers or not though do you?
A No, I do not.
Q Okay. You don't know how many times water is changed a day there either do you?
A By the look of what I've seen, no, I don't. But algae don't grow in twelve hours.
Q No?
A No.
Q Okay. And so you're saying the water had to have been, you're suggesting the water was just simply neglected, and it was allowed to stay stagnant for how long?
A I couldn't tell you how long. All I can tell you is

that it hadn't been changed recently.
Q Okay. When you opened the door on the whelping pen, did you take a temperature after that?
A When we went in.
Q Did you take a temperature after?
A No, we did not.
Q After it cooled down?
A No.
Q Okay. You talked about lighting is insufficient, correct?
A Yes.
Q Lighting is insufficient, is that harmful to the dogs?
A It depends. The statute requires eight hours of illumination a day.
Q Okay.
A Whether it's harmful or not, I don't know. It also requires that you have enough lighting to properly clean, sanitize and disinfect your kennels.
Q Sure. Let's get to the dog safety issue. They have to be illuminated eight hours a day, correct?
A Yes. That's what it says, yes.
Q Right. Does it say what intensity of light has to provide that?
A It does not.
Q Okay. Do you know how many light bulbs she had inside

that whelping building?
A I'm not sure.
Q Okay. It's fair to say that some of the pictures you took don't necessarily represent what it would have appeared to the eyes?
A I didn't take any of the pictures.
Q Well, but, you know generally pictures don't reproduce the same light conditions you see with your eyes?
A That's a possibility.
Q You commented in response to the County Attorney's questions that they didn't, they weren't sealed, those pens?
A Correct.
Q Do you recall one of the exhibits in which the back had looked like it had chipped paint, and there was a white outer coating and a blue under coating? Do you recall that picture at all? Do you have the exhibits?
A It's possible.
MR. LINDSTROM: They're right up there.
MR. GRIGSBY: May I approach and grab the exhibits?
MR. LINDSTROM: The file on the right should be the ones in the whelping building.
MR. GRIGSBY: Right, okay. Thank you.
Q (By Mr. Grigsby, continuing) I just want to show you

57. Is that 57?
A 54.
Q 54. Was that sealed?
A I couldn't tell you from the picture.
Q Well, why did you take it?
A I didn't take the picture.
Q Well, who took it? What's the purpose of taking it?
A I'm not sure who took the picture.
Q Okay. So you can't tell it's not sealed, correct?
A I can't tell it's not sealed, no.
Q There appears to be paint on all three sides, correct?
A From the part of the kennel I can see, yes.
Q Sure. So in the off chance there is, everything in the picture is sealed, you're suggesting there's some possibility that everything that happens to be outside the picture may be unsealed?
A It's a possibility.
Q Showing you Exhibit 56, is that your observation of the whelping pen?
A Yes.
Q Does it appear to be sealed?
A I do see places that are missing paint.
Q Can you point those out to me?
A Down here. There's some scratches over here.
Q Okay, sure, there's scratches. And can you tell me,

that's just, that just looks like a smudge doesn't it?
A No, it's not smudge, it is paint that's missing off the wood.
Q Well, how do you know that?
A Because I was there and observed this.
Q Okay. So you're telling me that you recollect now number 56?
A Well, I don't know by number. I remember by dog.
Q Okay. And so there's, what portion of that part is missing paint of the entire pen, one percent?
A Six inches by two inches probably.
Q Correct. So tiny portion?
A Still not sealed.
Q Sure. That little bit's not sealed?
A Correct.
Q The rest of it's sealed. Okay, this is what I was getting at here. Does that appear sealed to you? That's Exhibit 50, your thumb's over it.
A Oh.
Q 57?
A Partially.
Q You see the blue in the back?
A I do.
Q And there's white paint on the outside, correct? I'm not asking you about that -

A Okay.
Q I'm asking if you see the white paint on the outside?
A I'm sorry, yeah.
Q You see the blue paint there?
A Yeah.
Q Okay. This is what the prosecutor asked you about there, correct?
A Yes.
Q Right. And so those blue areas are not unsealed areas, they're actually sealed with blue paint?
A These are the unsealed areas here.
Q Right. And that's another again a very small portion of it, correct?
A This whole border on the side, the boards in the back and the side up here.
Q Okay. I'm asking –
A There's enough there –
Q Do you see a two by four here?
A I see a, I believe it's a four by four.
Q Or a four by four, you see paint all over?
A No, I do not. I see wood chips on it.
Q Okay. You don't see the same color?
MR. GRIGSBY: Can we put this up on the screen? I don't know how.
MR. LINDSTROM: Yeah. Then if you want it

to refresh, you just push this light blue button.

MR. GRIGSBY: That's not it.

A (By the witness) Yeah, you can't see it.

Q Can you see it?

A I can see it. It's pretty dark on there.

Q Sure. Hard for me to do it, but you're talking about there's some scratches up there, correct?

A Correct.

Q Okay. If that's not sealed, what's the danger of something get up there? What can get up there?

A It's not just up there, it's on the back wall.

Q Okay.

A On the bottom on the back wall.

Q But up there, what can contaminate that?

A Any moisture that gets in there can build bacteria.

Q But how do you get moisture up there?

A Humidity.

Q But not from the dogs?

A Not from the dogs.

Q Not from the dogs' waste?

A Not up there.

Q Dogs can't soil that up there?

A No, I don't believe so.

Q Okay. This is what -

A Unless the dogs from above.

Q Unless, right?
A Can soil down through.
Q Did you examine to see whether it was soiled?
A No, I did not.
Q Okay. This is the four by four you're talking about here?
A Yes.
Q Okay. That you say is covered with wood chips, correct?
A Yes.
Q But it's also the same color as the wall?
A I don't believe so, so we're seeing a different thing evidently.
Q So you're saying that's, that's naked wood there?
A I'm saying it's scratched up and unsealed. It's got to be sealed.
Q Correct. My question is this, does it appear to be painted?
A No, it does not to me.
Q Does it appear to be naked wood to you, unpainted, naked wood?
A It appears it had been painted at one time.
Q Okay.
A And parts of the paint are missing.
Q Okay. So it had been painted?

A At one time.
Q And it's got missing paint on it?
A And it's got missing paint.
Q So it's not just wall wood?
A It's unsealed.
Q Not all of it?
A Well –
Q Parts of it?
A Okay.
Q Correct?
A We can agree on that.
Q Okay. You noticed clean bedding inside the whelping, you noticed clean bedding inside the whelping pens?
A Yes.
Q That would suggest people are routinely cleaning the beds, correct?
A That would suggest bedding was put in there prior to the day we arrived.
Q Or, I mean dogs defecate usually every twelve hours or so, correct?
A Correct.
Q So it means it was put in there within twelve hours of you being there roughly?
A I couldn't tell you that.
Q Well, if they defecate every twelve hours, there's no

defecation in it and they're clean?
A No, that's not what that means.
Q No?
A That means it was put in there prior to when we came. I couldn't tell you how often they clean their kennels or how often they replace the bedding.
Q Often enough to have cleaned it from the dog droppings, correct?
A It's a possibility.
Q Okay, all right. So you met with Tony Cyr about a week prior to the execution of the warrant?
A I believe it was about a week, yeah.
Q And where did you meet?
A In his office.
Q Cass County Sheriff's Office here in Walker?
A No, it was, I'm trying to remember what city it was in.
Q You don't know?
A Could Investigator Cyr respond to that?
Q No.
A No?
Q No, you're on the stand.
A Well, I don't remember what city I stopped in.
Q That's okay. If you don't know, you say you don't know.

MR. GRIGSBY: Nothing further, Your Honor.

THE WITNESS: Backus, I betcha it was Backus.

MR. GRIGSBY: Good, fair enough, thank you.

THE COURT: Mr. Lindstrom?

MR. LINDSTROM: I don't have any further questions.

THE COURT: Thank you, Mr. Hanson. We are going to take a ten minute break at this time.

(After a brief recess, the following proceedings were held.)

THE COURT: Mr. Lindstrom, do you have another witness?

MR. LINDSTROM: I do. I think we can be brief with him based on our discussions. I'd be calling Dr., is it Graham Brayshaw?

(The oath was administered to the witness by the Court.)

THE COURT: Have a seat in the witness stand.

DR. GRAHAM BRAYSHAW,

having been duly sworn to testify the truth and nothing but the truth relative to the cause specified, testified as follows:

DIRECT EXAMINATION BY MR. LINDSTROM:

Q Dr. Brayshaw, can I get you to state your name for the court reporter?

A Graham Brayshaw.

Q And how do you spell both those?

A Graham is G-R-A-H-A-M. Brayshaw is B-R-A-Y-S-H-A-W.

Q And with whom are you currently employed?

A The Animal Humane Society in Golden Valley.

Q In what capacity?

A I'm a senior veterinarian there.

Q What kind of training and schooling do you have to go through to become a veterinarian?

A For becoming a veterinarian you have an undergraduate degree, usually a bachelor of arts or sciences in something, and then there's a four year professional school you go to. I was trained down at Texas A&M, graduated 2004.

Q How long have you been a veterinarian?

A Nine and a half years.

Q Is there some kind of licensure process you had to go through?

A Yup, yes. There's a license for each state. It's taken care of for each state. So when I moved to Minnesota in 2008, I had to get a Minnesota license then, and then I've had to update every year since

then.

Q So you're a licensed veterinarian in the State of Minnesota?

A Yes, sir.

Q Are you familiar with, I guess I would characterize, the case involving a number of dogs belonging to a Deborah Rowell?

A Yes, I am.

Q And how did you become familiar with that?

A I was contacted by Wade Hanson that there was a case he was working on, and he informed me of the basics behind the case.

Q Okay. And what exactly was your involvement? What did you do in terms of this case?

A My involvement was helping logistically handle any transport that would have been necessary for the animals. And then in this case when the animals did get to the Humane Society, making sure that they had proper care, specifically proper veterinary care.

Q Okay.

A And then examining and further doing diagnostics on any issues that may arise.

Q Okay. So you, on July 16th were you at Ms. Rowell's residence?

A No, I was not.

Q So you were not present during the seizure of any of the animals?
A No, I was not.
Q You just had the opportunity to examine the animals after the fact?
A Yes.
Q Where did that take place?
A That took place in, at the Animal Humane Society.
Q And you have a way of recording, kind of recording and tracking your examination of animals for any particular case?
A Yes, we do two things. One, any animal is recorded in our computer system. But specifically with any case we have, we have a spreadsheet for that case which is just an Excel document, but lets us know all the identifying features and lets us take note of all the animals we have.
Q Did you make a spreadsheet for this particular case involving Ms. Rowell's dogs?
A Yes, I did.
Q Did you bring it with you?
A Yes, I did.

MR. LINDSTROM: May I approach?

THE COURT: You may.

MR. LINDSTROM: Okay.

Q (By Mr. Lindstrom, continuing) How many pages is that?
A Seven I believe. Yup, seven pages.
Q I'm going to staple those seven pages together. I'm going to put an exhibit sticker with the number 72 on it. Just lay some foundation to describe the document before I offer it. Actually this is the spreadsheet you created in this case?
A Yes, it is.
MR. LINDSTROM: Okay, I would offer Exhibit 72.
MR. GRIGSBY: No objection.
THE COURT: Exhibit 72 is received.
Q (By Mr. Lindstrom, continuing) Just briefly run through what we're talking about here. We got something on the top called it says tag number, what's that?
A That is the number that corresponds to the tag that they came in with for identifying each individual animal. When they were transported to us, each animal had an individual tag.
Q Okay. So it came to you with that number on it?
A Yes.
Q Okay. And breed, I'm assuming that's the breed of the dog. Gender is female, male?

A Or unknown in the case of brand new puppies.
Q Ages, how old you estimate them to be. Attitude, what's BAR?
A BAR is bright, alert and responsive.
Q QAR?
A Quiet, alert and responsive.
Q I apologize if I'm talking too fast. Disposition, what do you put in that column?
A That is where they currently are moving through our shelter. Hold means they're in holding. Will need foster means they are puppies that are too young to be adopted, so they would need foster depending on where they end up.
Q Okay. And deceased would mean they're deceased?
A Uh-huh.
Q And what's the date column mean?
A The dates is when the most recent exam was done. So we know that the comments which are three columns over, what date they would have been entered.
Q Okay. And what's heartworm test?
A Heartworm test would be if they were heartworm tested. Animals under six months of age, a heartworm test really doesn't mean much.
Q Okay. And then the result, would that be result of that heartworm test?

A Yes, it would.
Q And does this Exhibit 72, which is the seven pages, list every dog that came into your facility?
A It lists every dog including the ones that were also born at our facility since they came in.
Q Including the puppies and all that?
A Yes.
Q Any of them test positive for heartworm?
A No.
Q Okay. In terms of just their overall physical fitness presently, do you have any concerns about that?
A There are none that have an immediate urgent medical, that need medical care this instant, today, tomorrow. Some, actually there are several mentioned that do have medical issues with them, anything from ear infections to umbilical hernias or hernias of the belly button.
Q Okay. In terms of physical fitness, assuming they have proper care, you don't have any concerns?
A If they get proper care, no, I don't have any concerns.
Q Okay. Ultimately all the animals would be adoptable?
A For medical parts, yes. Behaviorally, there are a few that did not have the best behavior. They showed aggression towards people or towards other dogs. But

in those situations, if we were able to work with them, yes, they would be adoptable as well.

Q Okay. So your testimony is every dog, if you worked with them, would be adoptable?

A Yes. Has a potential to be adopted, yes.

Q Okay. On July 16th did you communicate with any of the people that were at Ms. Rowell's residence in terms of the conditions at that residence?

A In terms of condition, no. I did communicate, but it was exclusively for –

Q Logistics of moving the dogs?

A Yes. Logistics of them getting them, correct.

Q Okay.

MR. LINDSTROM: I don't have any further questions for the doctor.

THE COURT: Mr. Grigsby?

CROSS EXAMINATION BY MR. GRIGSBY:

Q How many dogs arrived alive?

A We had a hundred and thirty-three.

Q And how many of those, did any of those die?

A We have had, I believe of the ones that arrived alive it has been, and I'd have to double check through the spreadsheet to see cause some of the puppies that have been born since then, some of those have passed away as well.

Q So hundred and thirty-three dogs once they were seized were alive?

A Yes.

Q They were delivered to the Humane Society, correct?

A Correct.

Q And there was a portion of those dogs that were dead while they were in the custody of the Humane Society?

A We did have puppies pass after they were in our custody.

Q Five, six, seven, how many?

A We have had, of seventy-four total puppies, the ones that were, the twenty-nine we received and the forty-five that were born since then, thirteen of those have passed.

MR. GRIGSBY: Nothing further.

MR. LINDSTROM: I don't have anything further.

THE COURT: Thank you, Dr. Brayshaw.

MR. LINDSTROM: In terms of the issues of the seizure and physical fitness, I wouldn't have any other witnesses. I guess I'd rest on the issue of the seizure and it being appropriate.

MR. GRIGSBY: I have two witnesses, Your Honor.

THE COURT: Mr. Grigsby, go ahead.

MR. GRIGSBY: I would call John Rowell. Go in front of the judge and she'll swear you in.

(The oath was administered to the witness by the Court.)

THE COURT: Have a seat.

JOHN ROWELL,

having been sworn to testify the truth and nothing but the truth relative to the cause specified, testified as follows:

DIRECT EXAMINATION BY MR. GRIGSBY:

Q Good afternoon. You're John Rowell?

A Correct.

Q You're Deborah Rowell's son?

A Yes.

Q Do you work for her?

A Yes.

Q What do you do for her?

A Many different things. I build, clean, electrical stuff, plumbing stuff, basically -

Q With respect to the dog kennel operation, what do you do, maintenance?

A Maintenance, maintenance, different types of cleaning. I, yeah, I guess maintenance would kind of -

Q Who built the dog houses?

A I did.

Q All of them?

A There might be one I haven't built.

Q Okay. Do you seal the dog houses when you build them?

A Yeah.

Q With what?

A Some type of Thompson water sealer.

Q Each and every one?

A Yeah. That's the bottom, the sides, everything in the inside, and then the outside gets painted.

Q What about the whelping pen, are they sealed?

A Yes.

Q How often have they been sealed since, when were they built, do you know?

A I'm going to try and guess when they were built. I'm not sure.

Q Did you have any responsibility for maintaining them?

A Yeah.

Q Involve painting?

A Painting, I do some painting. The girls do a lot of painting too.

Q Okay. Do you know how often the whelping pens are painted? Do you know this?

A I know they just went through the whole thing in May, everything was painted. And then they do spot painting once in a while when they need it.

Q Okay. Did you help maintain the outside pens?
A Yes.
Q The enclosures within the chain link fence?
A The chain link fence –
Q I'm saying the enclosures within the chain link fence.
A Yes.
Q Did you have any role in preparing them?
A Yes.
Q Did you have any role in preparing the ground on which they stood?
A Yes.
Q What was your role in doing that?
A Let me make sure I understand what you're saying. Like the ground part?
Q Yes.
A Okay. Well, we have a skid-steer. The backs come apart. I can take the skid-steer in there. I dig out, well at least once a year I'll dig out a good solid portion and make sure they get down to, there's no black dirt. And then I bring in sand, which we'd have a sand pit and a dump truck and stuff, and fill back out, level them out.
Q Do you do that once a year?
A That once a year. But then we bring 'em, we have sand there. And the girls or I will manual clean stuff,

you know. Sometimes you go down half inch, inch or whatever, and then more sand is put on top.

Q What was the material that was on the bottom of the pens?

A Sand.

Q And you know that because you put it there?

A Yeah.

MR. GRIGSBY: Nothing further.

THE COURT: Mr. Lindstrom?

MR. LINDSTROM: May I approach and get a couple of exhibits?

THE COURT: You may.

MR. LINDSTROM: I apologize for getting a little out of order here.

CROSS EXAMINATION BY MR. LINDSTROM:

Q Mr. Rowell, you stated that you maintain these pens?

A Correct.

Q Do you have a maintenance schedule in terms of when you check them for deficiencies?

A For what?

Q Deficiencies, problems.

A There's not really a schedule. The other gals that work there, if there's something that's broke or whatever, they say, they tell me and I try to get to it.

Q If you see that something's broken, you fix it? So if there were a hole in the roof of a dog house, you'd fix it?

A Yeah.

Q Okay. I'm showing you Exhibit 27.

A Yeah.

Q The testimony was that this was a hole in a dog house roof.

A Yup.

Q And I guess my question for you is when was the last time you repaired that roof?

A I didn't know that had a hole in it. Nobody had told me it had a hole in it yet.

Q Okay. You stated you put Thompson's water seal on all the dog houses?

A Yeah.

Q Inside and out?

A Yeah.

Q How often do you do that?

A They're done extremely well when they're built and then -

Q Is it every couple years, every couple days?

A No, not every couple days, maybe once a year.

Q Once a year, okay. Did you ever have occasion to inspect a dog house that's depicted in Exhibit 47?

A What do you mean?
Q Do you remember seeing the floor in this dog house?
A Yeah, there's a floor in it.
Q Okay. This one happens to have a dead dog on it; isn't that correct?
A Yeah.
Q Did you see that dog in there when you were Thompson water sealing?
A It hadn't been there that long.
Q Okay. Do you know how long it had been in there?
A From the looks of it when I went out and buried it, three maybe four days.
Q Okay. Showing you Exhibit 47, this is a picture of a dog house. Testimony was that it contained a lot of soupy, muddy, messy water. Would that be a fair description?
A That looks like there's water after four inches of rain, yup.
Q Okay. Is that a dog house that you Thompson water sealed?
A Uh-huh.
Q And that you maintained?
A Uh-huh.
THE COURT REPORTER: You have to say yes or no.

THE WITNESS: Yes, I'm sorry.
Q (By Mr. Lindstrom, continuing) I guess I'll grab Exhibit 33. Fair to say that this is a photograph depicting one of the kennels, the ground?
A Uh-huh.
THE COURT REPORTER: You have to say yes or no.
THE WITNESS: Yes.
Q (By Mr. Lindstrom, continuing) Your testimony was that with regard to this brown material, you replaced that once a year with a bobcat?
A With sand, yes.
Q Okay. And then you also suggested that you go in and remove the top half inch of it occasionally?
A When you do, yeah.
Q Okay. Well, I'm trying to get some clarification.
A Then more sand is put on top of it.
Q Okay. Let me, let me, if I'm making it confusing, I apologize. You suggested once a year you go in with a bobcat and you dig out all these kennels, correct?
A Yeah.
Q And replace good couple inches, I think you had in your hands, correct?
A Yeah.
Q And you do that every year, correct?

A Yeah.
Q And then you also suggested that at other times you remove a half inch of the ground?
A Just go in, I guess nobody sits down there with a measuring tape, but a good cleaning and then more sand is put on top.
Q Okay. And how often do you do that?
A I'm not the one that does it. There's multiple employees that do it.
Q How many people are working there?
A Ten all together, nine.
THE COURT: Ma'am, you cannot signal the witness.
A (By the witness) Eight, nine.
Q Okay. And you're suggesting that these other folks remove the sand once in a while or the top layer half inch?
A Uh-huh, yes.
Q Okay. How often do you remove it?
A How often do I remove it?
Q Yeah.
A I haven't done that since the spring I helped do some.
Q I'm sorry, this spring?
A Yes.
Q When you say spring, do you mean March, April, May?

A Whenever the snow leaves this year.

Q So you don't really remember exactly when?

A I don't have it written down, no.

Q Okay.

MR. LINDSTROM: I don't have any further questions for Mr. Rowell.

MR. GRIGSBY: Nothing further, Your Honor.

THE COURT: Okay. Thank you, Mr. Rowell.

MR. GRIGSBY: Call Katie Crosby, Your Honor.

THE COURT: Raise your right hand.

(The oath was administered to the witness by the Court.)

THE COURT: Go ahead and have a seat.

KATIE CROSBY,

having been duly sworn to testify the truth and nothing but the truth relative to the cause specified, testified as follows:

DIRECT EXAMINATION BY MR. GRIGSBY:

Q Your name's Katie Crosby?

A Yes.

Q You're Deb Rowell's, Deborah Rowell's daughter?

A Yes.

Q And that was your brother that just testified?

A Yes.

Q Do you have an involvement with your mother's kennel?

A Yes.
Q What's your involvement?
A I do a lot of things. I pretty much do whatever needs to be done type thing. I clean, I water, I wash buckets, I feed dogs. I help with the inside feeding, watering, cleaning. I do a large, large variety of things.
Q Do you know how long your mom's had the kennel?
A As long as I can remember.
Q How long is that?
A Well, twenty-six or seven. Yeah, twenty-six.
Q Okay. Are there other people that perform labor at the, with the kennel?
A Yes.
Q How many others?
A Nine people for sure.
Q Okay.
A Ten people.
Q Do you know their names?
A I do.
Q What are their names?
A There's me, my mom, my brother John, my other brother Mike, Sam.
Q Who's Sam?
A Sam is, she lives in town. She's just a friend.

She's been with us for a few years.
Q Okay.
A Bonnie, Jamie, Joe, Rachel, Dawn, that's ten. I think that's about the sum of it.
Q Talk to you about some of the water changing routines. How often is the water, do you change the water?
A I have changed the water, yes.
Q Do you know how often the water is changed at the kennel?
A Every day the water buckets, we have a mop out there.
Q Okay.
A Every day we dump the water out, we fill the bucket partially up. We take the mop, get the dirt, sand, whatever, dump it out again. Spray the bucket, tip it back upright, fill it up with water.
Q Okay. Is that supposed to be done with every bucket every day?
A Yes. It's supposed to be done with every bucket, every day.
Q Okay. There was, Investigator Cyr testified that the buckets are wired to the chain link. Is that true?
A Yes, they are.
Q Why?
A Because if you don't wire them, the dogs will tip them over before you're done watering.

Q Okay. Is it possible to clean them even though they're wired?

A Yes.

Q And is it the procedure you just described?

A Yes.

Q Okay. There was also a suggestion that the floors of the kennels were mud.

A Uh-huh.

Q Do you know what material is on the floor of those outdoor pens?

A The outdoor dog houses?

Q Yes.

A The actual dog houses?

Q No, the kennels.

A Or the outside pens?

Q The chain link enclosures.

A They're sand.

Q Okay. You heard your brother testify about what happens. Did he, is that your understanding, what you know?

A Yes. He does the main cleaning with the bobcat and then he brings in sand. And we usually level it out because the bobcat misses the corners or whatever. And then throughout the spring and the summer, we take shovels and rakes, and we will take out that layer.

And after it rains, like the bad day, the day after when it stops, we'll go out and we'll drain the water from the pens, and we will take that mud out of the pens. We push it out into the roadway for one of my brothers to take the bobcat, the skid steer and clean it all out, put it in the dump truck and take it away.

Q Okay. Was there, is there always sand on your property, on the kennel property?

A For cleaning, yeah, there's usually a pile at the other end.

Q Okay. Investigator Tony Cyr referred to a pile of sand he said looked new. Do you recall what pile of sand he was referring to?

A Yup.

Q How long had it been there?

A Well, there was a pile of sand when they initially came and that had been there since, couple weeks.

Q Okay.

MR. GRIGSBY: May I approach the witness, Your Honor?

THE COURT: You may.

MR. LINDSTROM: Other way, otherwise it's going to be upside down.

MR. GRIGSBY: Okay, thank you.

Q (By Mr. Grigsby, continuing) That's a dog house with a leak in it on the roof, right? Can you see it?

A I don't see it.

Q This is the one that people testified had a leak in the roof.

A Right.

Q It appears to be right there.

A Oh, okay.

Q Okay. That's a shovel, correct?

A Yes.

Q What's that used for?

A Cleaning.

Q Okay. What do you see in this one?

A I see an empty dog pen.

Q Right. You see what's in the back of that?

A The paint smudge?

Q No, I mean the -

A The bag?

Q The bag, yeah.

A Yes.

Q Was that there, was that there when they came?

A No, sir, it was not.

Q Okay. Did you put it there?

A No, sir.

Q There was a dog in there wasn't there?

A There should have been.

Q Now, there was some discussion, I asked Wade Hanson questions about the pen, and he says it's not sealed. Is it sealed?

A Yes, sir.

Q And how is it sealed?

A With paint.

Q Okay. And was this inspected?

A Yes, sir.

Q By whom?

A USDA.

Q When is the last time it was inspected?

A I can't recall the date.

Q Roughly.

A We just got our recertification for this year I believe.

Q Okay. How often, do you know how often the kennel was inspected by the USDA agents?

A They come out at least two to three times a summer I want to say. I'm usually not there for the inspections, but I hear of them.

Q Okay.

A So I'm not a hundred percent sure, but they come out frequently unannounced for inspections.

Q And is sealing a part of the inspection regime?

A Yes.
Q Okay. Now there was testimony that it looks like it's not sealed, and it appears to be brown underneath the paint. What does that tell you? What do you know about that?
A That tells me that it has been scratched by the dogs. But the brown is not, the brown is the original color of the kennel the first time we painted it sometime ago. And instead of removing the paint, we just paint over it. So when the dog scratches it, you see other paint, not the actual wood.
Q How often is it pained?
A We paint it probably at least, let's see, three, four times a year.
Q Okay. There was testimony by Wade Hanson that the dog houses are too small.

MR. GRIGSBY: May I approach the witness?

THE COURT: You may.

MR. GRIGSBY: This is, you referred to Minnesota Statute 343.40. I'm drawing your attention to Subdivision 2. Do you have that counsel?

MR. LINDSTROM: I do have a copy of it.

MR. GRIGSBY: Okay.

Q (By Mr. Grigsby, continuing) Can you read what that says?

A It says building specifications. The shelter shall include a moisture proof and wind proof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with solid, moisture proof floor or a floor that is raised at least two inches from the ground.

Between November 1st and March 31st, the structure must have a wind break at the entrance. The structure shall be provided with sufficient quality of suitable bedding material consisting of hay, straw, cedar shavings, blankets or of the equivalent to provide insulation and protection against the cold, dampness and promote retention of body heat.

Q Okay. Were your dog kennels, do they have moisture proof floors?

A Yes, they do.

Q Okay. There was some testimony by Wade Hanson that in one of the dog kennels there were big labs and they all, they couldn't all fit into the dog house.

A Uh-huh.

Q Is that true?

A I believe they would all fit in one dog house. But most of the dog pens that have bigger dogs with more dogs in it have two dog houses per pen.

Q Okay. Now there was also some mention and some photos

that were shown of water that purported to have algae in it. Did you see the picture with the mouse floating in the water?

A I did.

Q Okay. How many water buckets were in that kennel?

A That particular pen had two.

Q Okay. How do you explain the mouse floating in that thing?

A Well, I had contacted the person that was watering the dogs that day. And she specified to me that there was one water dish right next to the door that she cleaned and watered. And I said there was two water dishes in that particular dog pen. And she strictly just missed, she did not know there was two water dishes in that particular pen. So that is why she did not evidently clean that particular water dish.

Q So it was mistake?

A It was.

Q And it should have been cleaned?

A Right.

Q Okay. There was this photo that was exhibit, Exhibit 11. And there was testimony that there's algae floating in this bucket. Do you recall this photo?

A I do.

Q Okay. You can't really, can you see any algae or

anything in this viewing of it?
A Not particularly, no.
Q Okay. I'm going to take it out and show it to you. Okay. What's, can you see a color?
A I do see, but it's tinted.
Q Okay.
A A greenish color.
Q And if you clean the buckets every day, how possibly could that bucket have a greenish tint to it?
A The only thing is in this particular bucket, there is a bucket inside of a bucket. So if there's water seeping between the two buckets, it would create algae which would give the water bucket a green tint, because those are bubbles on the top, not algae.
Q Okay. Describe what you see here. I'm going to move over here.
A That water bucket with cloudy water in it.
Q Okay. How did it get cloudy?
A That particular pen belongs to a yellow lab named Boomer. He has -
Q Is he in the picture?
A He is in the picture. That's him right over there. And this particular dog loves to play in his water. He won't keep a five gallon bucket up, that's why we have this here. And we fill it up and let him drink

as much as he wants, and then we fill it up for him anyways. But he plays and dances in it, and he's constantly playing in his water.

Q Okay. This picture was taken sometime after 10:30 a.m. on July 16th, correct?

A I believe so.

Q That's what the testimony was, right?

A Yes.

Q Had at this point that water, was this fresh water provided that day or not?

A Yes, it was cleaned and filled this morning, in the morning.

Q Okay. And then when would it have been changed next?

A They would get checked every night. And in the morning they get it rewashed and filled every morning.

Q Okay. There was a dead dog that was found in a kennel that other, found in a dog house that other dogs were sharing with him. Explain how that occurred.

A That came to my attention. I went out there and I was doing chores, and I smelled something. And I looked for it, I could not find it. My mom, you know, moves dogs around frequently, so I didn't at the time know who was housed with what pen. So I went around and I tried to find it.

I just figured, we have an old truck that,

kind of broke down truck that's kind of by there. I figured a rodent maybe got up there or something. I wasn't a hundred percent sure. And I told Bonnie to keep, to look for it the next day. She went out and looked for it the next day.

She did find the dog in the house. She had no way of getting it out of the house. Due to the wind break, she could not get in. That would be where my brother John has to remove the wind break so we could get in there. He was not available that day, so we were going to do it the next day.

Well, it rained four inches all day that day. So our plan was to get it out the morning it was supposed to be dry and clear. So he was going to come out and remove the wind break and remove the dog.

Q Okay. Did you observe the dogs being placed in the crates during the execution of the search warrant?

A I did.

Q And were all the dogs in crates? Did you observe any dog in a crate that was, appeared to be too confined, too small for it?

A Yes.

Q And describe what you saw.

A We have a very large German shepherd, his name is Cody. He's just a very large dog. I can't guess a

pound. If I had to, I would guess a hundred and thirty pounds. And he was placed in a crate.

He could not sit upright. He had to sit with his head crouched. He could not lay down right because he was too long. And he had to curl up, and he was very, just very, very squished. He had to sit in a very awkward position. And when it was that hot, he was confining all that heat in there and I felt very bad for him.

Q Okay. Did you try to take pictures of this?

A I did not get a picture of this particular dog because officers came over at the time, and I didn't get a picture of it.

Q Why not?

A Because I was afraid that I might get in trouble. I wasn't aware and then after, yeah, I wasn't aware that I could take pictures at that time.

Q Did you notice if all the dogs had water?

A They were put in crates and they sat there. They were waiting for more transportation vehicles. And I took note at 2:30 when they were placed in the crates. And they sat there and everybody went into their air conditioned vehicle, and they left the dogs out in the crates.

They did come out at about 5:30, 6:00 when

they decided to bring, they had a water, big orange thing they filled up water. They put water dishes on the crates, and they watered them at that time.

Q Okay. Had there been water dishes and water in the crates prior to that?

A No.

Q Okay. Did you notice any other dogs in conditions that were, that appeared to be in discomfort during the crating before they were transported to Golden Valley?

MR. LINDSTROM: I guess I'm going to object on grounds of relevance in connection with the seizure. It sounds like we're talking about what's happening after the seizure.

THE COURT: I'm going to sustain that. I think, Mr. Grigsby, you essentially narrowed the issue with whether the dogs go back and whether the initial seizure was proper, and not whether there was some other misconduct associated with it.

MR. GRIGSBY: Understood, Your Honor. Nothing further.

THE COURT: Cross?

CROSS EXAMINATION BY MR. LINDSTROM:

Q Ms. Crosby, you stated that you work at the kennel owned by your mother?

A Yes, I do.
Q And you're responsible for cleaning, watering and washing all these kennels?
A Yes.
Q And what's your work schedule? How often do you work there?
A When I need to be.
Q Okay. When you say when I need to be, does that mean when you need money and you're looking for a paycheck or –
A No, I am there every day except for Sunday is technically my day off unless needed.
Q Were you there on July 16th?
A I was.
Q Did you do the watering in all the kennels that day?
A I did not, somebody else did that that day.
Q Who did that?
A Sam.
Q What's Sam's last name?
A Zollner.
Q Were you present when she did the watering?
A I was not.
Q How often do you do the watering?
A I, like I say, we have roughly ten employees and we bounce around schedule to schedule. We don't have a

set, we do this at this time. Dogs are more random than that. They need to be taken care of at odds and ends. And we just, people do it when they're able to.

Q Okay. Dogs need to be watered every day don't they?

A Yes. And we make sure every dog is watered every day, but it may be a different person that waters them. The job is done, but like I don't specifically do it Mondays, Wednesdays and Fridays, you know. The people that do it vary.

Q How do you make sure it gets done?

A Because we appoint someone to do it every day.

Q I'm sorry?

A We make, we appoint someone to do it every day.

Q Okay. How do you know that that person does the watering if you personally don't go and look?

A Because Bonnie is someone who's been with us for thirteen years. Escorted here, there and did the inside chores while she did the outside chores and then –

Q You're talking about on July 16th?

A On July 16th.

Q What's Bonnie's last name?

A Savey.

THE COURT REPORTER: Could you spell it?

THE WITNESS: S-A-V-E-Y.

Q (By Mr. Lindstrom, continuing) Did you go with who you referred to as Sam and Bonnie to make sure the watering was done appropriately?

A No.

Q So you don't have any independent knowledge that it was done appropriately?

A No, I was not there.

Q Do you know how often Sam changes the water?

A She's supposed to change the water every morning.

Q Okay.

A Or every time she does it.

Q She's supposed to?

A Yes.

Q And these other folks, this Jamie, Joel, Rachel and Dawn, they're supposed to change the water too?

A When they water, yes.

Q But you don't go out there with them to make sure it happens?

A No.

Q You just trust that it happens?

A Yup.

Q Okay. So when you described this routine of going out there with a mop and cleaning these buckets every day, that's what's supposed to happen, correct?

A Uh-huh.

MR. GRIGSBY: That's a yes or no.

THE WITNESS: Yes. Yes, sir.

Q (By Mr. Lindstrom, continuing) But you don't personally do that yourself every day?

A Not every day, no.

Q Okay.

MR. LINDSTROM: May I approach real quick?

THE COURT: You may.

Q (By Mr. Lindstrom, continuing) For time sake, you recall being shown the picture that had the shovel in it, correct?

A Yes.

Q And that was the same picture that had depiction of a hole in a roof, correct?

A Yes.

Q You suggested that shovel gets used to clean the surfaces?

A The grounds.

Q Okay.

A Amongst other utensils.

Q So when you're picking up and putting that shovel back, did you see the hole in the roof?

A I apparently did not.

Q Okay. You talked about moisture proof floors in the kennels?

A Yes.
Q Are you referring to the dog houses and stuff outside?
A Yes.
Q Okay. You saw the picture with the big puddle of water inside the dog house didn't you?
A Yes.
Q Was that a moisture proof floor?
A Yes.
Q You saw the picture of the dead dog in the dog house?
A I did.
Q Was that a moisture proof floor?
A Yes, it was.
Q With regard to the dead dog, you suggested there was a point in time where you smelled something?
A Yes.
Q And you think it probably was that dog?
A Apparently it was, yes.
Q Okay. When did you notice that, what date?
A Right around the 13th I believe.
Q Of July 2013?
A Yes.
Q And when you smelled that, you suggested that was it, you went looking for the dog?
A I did.
Q Did you look in the dog houses?

A I glanced in there, yes, but I didn't see anything.
Q Okay.
A Where she was, I didn't smell anything anymore. That's why I assumed it came from the truck in the distance.
Q Okay. Do you know what kind of dog that was?
A I do.
Q What kind was it?
A She was a golden retriever.
Q Golden retriever. How big was she in terms of weight?
A Oh, I want to say forty-five pounds maybe, maybe fifty pounds maybe.
Q Okay. Would it be fair to say she's two feet long?
A Probably.
Q And the dog house that that animal was found in, how big was that?
A I don't know the exact measurements. I'm going to guess four by four.
Q Okay. You'd agree that four by four would be sixteen square feet?
A Yes.
Q And you didn't see a two foot dog in a four by four house?
A Like I said, I looked in the dog houses. But by the time I got to that dog house, the smell had

disappeared, so I didn't particularly look in that dog house. I looked in the little dog house which was the dog house right next to it. I looked in back. I looked all around, I could not -

Q So your answer is no?

A No, I didn't look in that dog house.

Q Okay. Who did you say found the dog?

A Bonnie.

MR. LINDSTROM: I don't have any further questions, Your Honor.

MR. GRIGSBY: I neglected one issue on direct. I just want to address the illumination if the Court would allow me.

THE COURT: Mr. Lindstrom, any objection?

MR. LINDSTROM: No.

THE COURT: Go ahead, Mr. Grigsby.

REDIRECT EXAMINATION BY MR. GRIGSBY:

Q How many light bulbs are in the whelping area?

A My best guess would be from nine to thirteen.

Q Okay. Do you ever clean inside those pens?

A Yes.

Q Okay. When they're all illuminated, do you have any trouble seeing any part of it for cleaning?

A No.

Q Okay.

MR. GRIGSBY: Nothing further.

MR. LINDSTROM: Nothing further.

THE COURT: Thank you.

MR. GRIGSBY: I have no further witnesses, Your Honor.

THE COURT: Mr. Lindstrom?

MR. LINDSTROM: I don't have any further witnesses either.

THE COURT: Do the parties want to make oral arguments or submit written arguments? What would you like to do?

MR. LINDSTROM: Well, I would like a decision as fast as possible given the time sensitive nature, so I would prefer to just make some oral arguments here now. That would be my preference. I don't know what Mr. Grigsby's are.

MR. GRIGSBY: Your Honor, this is a matter that's very, very serious for my client. I just don't think I can digest everything sufficiently to actually represent the best position for her.

So if I could just have a very brief amount of time to submit a written argument, I can be very quick. I'll work on it tonight and tomorrow and get it to the Court as soon as the Court would like.

MR. LINDSTROM: You're suggesting a two day

briefing schedule?

MR. GRIGSBY: I'd be happy to do it in two days, Your Honor.

THE COURT: Okay. I am in here, my law clerk is not. I can tell you I would not be available to work on an order until Wednesday if we're looking at submissions on Monday.

MR. LINDSTROM: Okay. Well, if the Court's not going to be able to address it anyway, then -

THE COURT: Well, I would have tomorrow to work on it if it was submitted orally. I am not suggesting by that that I have a preference, only to make you aware of the circumstances, that the earliest possible time I would be able to get an order out would be next Wednesday if briefs are submitted on Monday.

MR. LINDSTROM: I think there's going to be a little bit of disagreement here, and we'll need somebody to decide for us how we should proceed. And my preference would be to get a decision as soon possible, so that would be oral argument.

THE COURT: Explain to me, Mr. Lindstrom, it seems to me the disadvantage would go to the party not having the animals in their possession right now as opposed to the State, although certainly there's costs

that are incurred by the State. Is that the primary timing issue?

MR. LINDSTROM: Correct. There are costs that are being incurred, which is why I think the statute has a bonding requirement. So the costs I think are the concern.

THE COURT: I am not going to require Mr. Grigsby to make an oral argument. I can indicate to you that I would certainly entertain oral argument if you would prefer to argue, but I would leave that choice to you. I think the parties have a choice as to how they want to close it.

MR. LINDSTROM: Okay. Based on that, I can submit a written argument as well. I'll respect the Court's decision on that.

THE COURT: Okay. I will allow the parties until close of business on Monday to do written submissions.

MR. GRIGSBY: 12th?

MR. LINDSTROM: August 12th, yeah.

MR. GRIGSBY: Okay.

THE COURT: And I know that I have an early morning date setting on the 14th. I would move to this as soon as I can, provided I don't have in-custody issues that come up that would take priority.

MR. GRIGSBY: One issue I think the Court may want to hear is that, and I don't know, Mr. Lindstrom, what your position is. But we had another inspection done today by Investigator Cyr. And so here's my concern.

So let's say the Court says, you know, I look at these conditions and there's no way I'm letting dogs go back under these conditions, you know, the mud and everything and all these problems. Well, I think some, most of the things that were addressed here today have been remedied.

And I don't know what Mr. Lindstrom's position is on this, but we spent the morning going over everything with Investigator Cyr. And I think maybe it's important for the Court to understand that if the dogs, if the Court were inclined to return them in some way, that they would be returned to a different set of conditions, not the ones that were exclusively presented here today.

THE COURT: I thought that among the issues that were presented here today is whether or not your client would be a position to take these animals back, and that we took testimony today on that issue if you plan on doing it. If you believe that there's further testimony, I would say you do it now.

MR. GRIGSBY: Well, okay. It's just that it's late, but I think that, you know, the investigator –

THE COURT: If we have a timing issue, it's now.

MR. GRIGSBY: Okay.

THE COURT: Okay.

MR. GRIGSBY: Can we call –

THE COURT: If you have additional testimony, if you want to call another witness, call the other witness.

MR. GRIGSBY: I'll call Investigator Tony Cyr.

THE COURT: Investigator Cyr, you are still under oath.

INVESTIGATOR ANTHONY CYR,

having been previously duly sworn to testify the truth and nothing but the truth relative to the cause specified, testified as follows:

DIRECT EXAMINATION BY MR. GRIGSBY:

Q Investigator Cyr, you inspected the premises this morning, correct?

A I did.

Q Took pictures?

A Yeah. Took a series of photos, yes.

Q Now coincidentally it rained last night too?
A Yes.
Q And did you have a chance to see whether or not there was standing water in any of the pens?
A There was not standing water in any of the pens.
Q Did you notice any improvements in the pens?
A The pens had been, sand had been added.
Q Okay.
A And the grade raised. There was several new dog houses, if not all. I mean I believe there had been improvements to every one of them. And there was a series of that, and there did appear to be an increase in the shade shelters.
Q Okay.
A Sizes of them I should say.
Q So more shade?
A Yes.
Q There was the issue about the pens with the pallets on top?
A Yes.
Q Was that changed from what you saw today?
A That was changed, and there was chain link fence pieces put across the top of those.
Q So more ventilation, more light?
A Exactly.

Q Did you notice how the dog food containers were dealt with?

A Yes, they were sealed now.

Q Okay.

A Looked like new containers, but yes.

Q You had a chance to really inspect all, and you inspected it based upon your prior examination of the premises?

A Right.

Q Did you notice any things that appeared to be ongoing structurally an ongoing problem?

A I guess can you clarify that a little bit?

Q Sure. You noted quite a few things that you thought were of concern to you before that posed some sort of jeopardy to the dogs?

A Right.

Q Are there still things that you think pose jeopardy to the dogs?

A You know, without reviewing the photos again and the quick nature of the inspection, you know. I mean I'll make this statement, that it's much better than it was.

Q Did you note anything that you think would pose an, if the dogs were returned today, anything that would pose an ongoing danger to their health and welfare?

A Immediate? No.

Q Okay.

MR. GRIGSBY: Nothing further.

THE COURT: Mr. Lindstrom?

CROSS EXAMINATION BY MR. LINDSTROM:

Q Investigator Cyr, you went out there this morning, correct?

A I did.

Q And that's when you made these observations?

A I did.

Q Did you see a crew of workers out there?

A No, Steve Koskiniemi, Ms. Rowell's vet, and counsel and John and Katie I believe. I don't recall anybody else being there.

MR. LINDSTROM: I guess I don't have any further questions.

MR. GRIGSBY: Just one.

REDIRECT EXAMINATION BY MR. GRIGSBY:

Q I mean there were no dogs there to take care of today, were there?

A No, there wasn't.

Q Okay.

THE COURT: Mr. Lindstrom, anything additional?

MR. LINDSTROM: No.

THE COURT: Any additional witnesses, Mr. Grigsby?

MR. GRIGSBY: No, Your Honor.

THE COURT: Any additional witnesses, Mr. Lindstrom?

MR. LINDSTROM: No.

THE COURT: Then briefs by 4:30 on Monday.

MR. GRIGSBY: Can I e-mail them to somebody? Is there an e-mail address I can send them to?

THE COURT: You can e-file.

MR. GRIGSBY: Well, yeah, I got to figure out how to do that.

THE COURT: You can certainly file by fax.

MR. GRIGSBY: Okay. Thank you, Your Honor.

THE COURT: Okay. We're adjourned for today.

MR. GRIGSBY: Thank you.

WHEREUPON, the proceedings of August 7, 2013 were concluded.

REPORTER'S CERTIFICATION

I, Janice M. Kosel, do hereby certify that I recorded in stenotype the proceedings In the Matter of the Search Warrant Executed on July 15, 2013, at 1175 County Road E in the City of Pine River, Minnesota, held before the Honorable Jana M. Austad, Judge of District Court, on August 7, 2013;

I further certify that thereafter I transcribed into typewriting the foregoing transcript of the said recorded proceedings, which transcript consists of the preceding one hundred fifty-seven (157) typewritten pages;

I further certify that said transcript is a true and correct transcript of the proceedings taken at the time and place indicated herein.

Dated: October 11, 2013

_____

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