

ITEM 55

**DISCUSSION FOR POSSIBLE ACTION REGARDING  
THE CITY'S DESIGNATED ANIMAL SHELTER  
OPERATED BY THE ANIMAL FOUNDATION (TAF)**

CHIEF JASON POTTS, DEPARTMENT OF PUBLIC SAFETY  
RUDY TOVAR, DPS ADMINISTRATOR  
JEFF DOROCAK, ASSISTANT CITY ATTORNEY  
DIMITRI DALACAS, DEPUTY CITY ATTORNEY



Submitted at Meeting  
Date: 10/19/22 Item: 55  
By Staff

## CALLS TO DPS ANIMAL PROTECTION SERVICES

**21,830 CALLS COMPLETED IN 2021**

**ANIMAL PROTECTION SERVICES ADVOCATES COMPLIANCE FIRST  
IMPOUND ONLY IF A FAVORABLE OUTCOME FOR THE ANIMAL IS NOT POSSIBLE**

**CALL TYPES THAT TYPICALLY RESULT IN IMPOUNDS (53%)**

**ASSISTS, INJURED,  
CONFINED, CRUELTIES,  
BITES & RUNNING AT LARGE**



APS OFFICER AVERSA



## IMPOUNDS BY DPS ANIMAL PROTECTION SERVICES

OVER 12,000 TOTAL IMPOUNDS IN 2021

ANIMAL SURRENDERS BY RESIDENTS ARE 26% HIGHER THAN  
LIVE-ANIMAL IMPOUNDS BY ANIMAL PROTECTION SERVICES



APS OFFICER RICHARDSON



## IDENTIFICATION & TAGGING

## MICROCHIPS & SCANNERS

ALL ANIMAL PROTECTION SERVICES OFFICERS CARRY A SCANNER  
EVERY ANIMAL IS REQUIRED TO BE SCANNED

## ISSUES

NO NATIONAL DATABASE

CONFLICTING CALLS FOR SERVICE

NO TAG OR MICROCHIP, OUTDATED INFORMATION, OR CHIP NEVER REGISTERED  
PRIORS AND ANIMAL CONDITION CONCERNS

## HOW WE HELP

DOCUMENT CHIP NUMBER FOR TAF TAGS DEPARTMENT  
TAF EXAMINES CHIP FOR OWNER & COORDINATES ANIMAL'S RETURN



**SHELTER INTAKE PROCEDURES FOR  
ANIMAL PROTECTION SERVICES AT THE ANIMAL FOUNDATION**

**ANIMAL PROTECTION SERVICES DELIVERS ANIMALS DIRECTLY  
TO TAF STAFF DURING REGULAR OPERATING HOURS  
DURING NON-REGULAR OPERATING HOURS (AFTER HOURS),  
ANIMAL PROTECTION SERVICES ENTERS ANIMALS  
INTO A RECEIVING CAGE & PROVIDES WATER, BEDDING**



## COMMUNICATION WITH THE ANIMAL FOUNDATION

**APS OFFICERS REPORT ANY CONCERNS  
REQUIRING IMMEDIATE ATTENTION**

**UNANNOUNCED FORMAL INSPECTIONS  
BY ANIMAL PROTECTION SERVICES OCCUR EVERY MONTH &  
MAY INCREASE IF SIGNIFICANT CONCERNS ARE IDENTIFIED**

**ANIMAL PROTECTION SERVICES CONDUCTS  
MONTHLY MEETINGS WITH TAF LEADERSHIP**





**ENGELSTAD FOUNDATION  
ADOPTION CENTER**

**LIED ANIMAL SHELTER**



AGREEMENTS BETWEEN THE CITY AND THE ANIMAL FOUNDATION

**ANIMAL CARE AND SHELTER SERVICES AGREEMENT**

**ANIMAL SHELTER/CAMPUS LEASE AGREEMENT**

**INTERLOCAL AGREEMENT**

**GROUND LEASE AMENDMENT**

**COLLATERAL ASSIGNMENT AGREEMENT**





ANIMAL CARE AND SHELTER SERVICES AGREEMENT

**TERM: FEBRUARY 18, 2015 – FEBRUARY 17, 2025**

GENERAL CARE OBLIGATIONS FOR THE ANIMAL FOUNDATION

**HOLDING PERIOD: GENERALLY UP TO 72 HOURS**

**HUMANE AND REASONABLY APPROPRIATE CARE AND SHELTER**

**ANIMAL CARE STANDARDS (EXHIBIT C)**

**GROUND, ENCLOSURES, FOOD AND WATER, SANITATION,  
DISEASE CONTROL, VETERINARY EXAMINATIONS**



## HOURS OF OPERATION

**FOR THE PUBLIC: MINIMUM 48 HOURS/WEEK (8/WEEKEND)**

**FOR CITY ANIMAL PROTECTION SERVICES: ALWAYS OPEN**

## ANIMAL CARE & TREATMENT INSPECTIONS

**CITY ALLOWED TO INSPECT DURING REGULAR BUSINESS HOURS**

**CITY PROVIDES WRITTEN INSPECTION FINDINGS**

## DEFAULT & NOTICE TO CURE

**WRITTEN NOTICE OF VIOLATION**

**CURE PERIOD: 48 HOURS**



## CITY FUNDING (IN DOLLARS)

FISCAL YEAR	BOND	CAPITAL IMPROVE.	CAPITAL RESERVE	LIFESAVING	TOTAL MONTHLIES	SERIES A FEES	SPECIAL	FY TOTAL
2015		543,885			1,689,748			2,233,633
2016				300,000	1,670,760			1,970,760
2017				500,000	1,807,232			2,307,232
2018	659,999		166,612	500,000	1,765,498			3,092,109
2019	660,000		173,787	500,000	1,784,919	1,502	2,350	3,122,558
2020	660,000		60,200	500,000	2,017,404	1,402		3,239,006
2021	660,000		121,138	500,000	1,995,884	1,773		3,278,795
2022	660,000		124,922	500,000	1,859,511	480		3,144,913



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# The Animal Foundation & the impact to the Las Vegas Community




Submitted at Meeting  
Date: 10/19/22 Item: 55  
By Councilwoman Seaman

# 2007

The New York Times

## 1,000 Dogs and Cats Killed After Outbreak at Shelter

 Give this article



By Steve Friess

Feb. 16, 2007

LAS VEGAS, Feb. 15 — An outbreak of disease that national experts say was of an unusual magnitude prompted a weeklong closing of the region's main animal shelter and the killing of about 1,000 dogs and cats.

Managers of the Lied Animal Shelter, where the outbreak occurred, said the severity of the crisis came as a surprise. They had invited

*Animal Services Consultation  
The Animal Foundation Lied Animal Shelter*



Dogs in general population with respiratory disease, below (the dog on the left was in stray dog holding LFA, the one on the right was in stray dog holding LFB, neither of which were designated isolation areas for sick dogs). Both photos were taken during open hours at the shelter. Canine distemper is not an environmentally persistent virus; therefore it is maintained in populations by keeping sick dogs in the general population as depicted here.



Dogs dying in the general population: both the black and tan dog in the cage on the left and the black dog in the cage on the right were dying. These laterally recumbent dogs were found to be non-responsive with shallow breathing and eyes scanning. The red chow in the cage on the right had severe nasal discharge and was severely lethargic and reluctant to stand or move.

# 2021

13 INVESTIGATES



## **Whistleblowers detail a shelter in crisis at The Animal Foundation**

LVMPD has opened an animal cruelty case

**Animal Foundation CEO announces  
retirement amid intensifying pressure and  
criticism of shelter operations**



**Las Vegas animal rights advocates protest  
Animal Foundation after 13 investigation**

**Pet owners seeking to reclaim lost pets at  
The Animal Foundation face heartache,  
frustration**

# 2022

77 dogs with respiratory illness symptoms at Animal Foundation in Las Vegas

LOCAL NEWS

By Elaine Emerson

[Click here for updates on this story](#)

**Employees walk out on The Animal Foundation to protest 'appalling' conditions**

**The Animal Foundation: Number of dogs with possible respiratory illness nearly doubles from previous report**



**Report: Animal Foundation 'on the brink of a crisis'**

City of LV says shelter in violation of contract

BY: DANA GENTRY - SEPTEMBER 21, 2022 6:08 AM



**City of Las Vegas notifies Animal Foundation of Agreement violation following surprise inspection**





# Guidelines for Standards of Care in Animal Shelters

“Effective population management requires a plan for intentionally managing each animal’s shelter stay that takes into consideration the organization’s ability to provide care”



**Must:** It is believed that without adherence to this recommendation, the delivery of a minimum level of acceptable or humane care is not possible.



**Should:** A strong recommendation is implied for these standards.



**Ideal:** While these may not be possible in all circumstances, they would certainly enhance care for animals and are ideal for an agency to excel in the animal sheltering field; shelters should strive to meet all ideal practices wherever possible.



**Unacceptable:** No sheltering organization, regardless of its circumstances, should engage in any unacceptable practices, and they must be corrected without delay.

# Capacity for Care

- “Capacity to provide humane care has limits for every organization, just as it does in private homes. Effective population management requires a plan for intentionally managing each animal’s shelter stay that takes into consideration the organization’s ability to provide care. Operating beyond an organization’s capacity for care is an **unacceptable practice.**”

# Capacity for Care (C4C) & why it matters

- C4C insist on conditions that are kind to animals & people
- Know how many animals you can manage at any one time within those kind conditions, and develop strategies to stay within this limit
- Maximize efficiency to serve as many animals as possible over time
- Ultimately serve more animals & provide better care for each one



The Veterinary Journal

Available online 7 August 2017

In Press, Accepted Manuscript



Original Article

An observational study of the relationship between Capacity for Care as an animal shelter management model and cat health, adoption and death in three animal shelters

C.L. Karsten <sup>a</sup>, D.C. Wagner <sup>a</sup>, P.H. Kass <sup>b</sup>, K.F. Hurley <sup>a</sup>

# Immediate Recommendations

1. Conduct a comprehensive 360 community assessment including the field and shelter services by Team Shelter USA lead by Dr Sara Pizano the author of The Best Practice Playbook for Animal Shelters. The results should be published publicly, and a monthly report card provided publicly.
2. Return to Owner fees should be waived and processes streamlined for first time offenders. Allow for 3 months fix it tickets for S/N compliance.
3. Ensure that staffing is provided to track and return Lost and Found inquiries within 24hrs. Develop an online ticket system to track lost and found request.

# Immediate Recommendations

4. The National Animal Care & Control Association's position statements on [community free roaming cats](#), [intake of healthy wildlife](#), and [appointment-based pet intake to shelters](#) should be endorsed by the city council and implemented by TAF and animal protection services.
5. Weekly meetings to monitor capacity between the jurisdictions and TAF should be conducted between empowered decision makers for each agency. Decisions can be reached to avoid disruptions in priority services or exceeding capacity for care.
6. Identify alternative agencies to house/handle our animals including looking at opening our own facility.

# Daily Capacity Report Card

## Code Red

- 5% or less open capacity.
- 5 mins per animal of staff time.

## Code Orange

- 10% open capacity.
- 10 mins per animal of staff time.

## Code Yellow

- 15% open capacity.
- 15 mins per animal of staff time.

## Code Green

- 20% open capacity.
- 20 mins per animal of staff time.

# C4C = Hospital Capacity

Linda V. Green

## How Many Hospital Beds?

*For many years, average bed occupancy level has been the primary measure that has guided hospital bed capacity decisions at both policy and managerial levels. Even now, the common wisdom that there is an excess of beds nationally has been based on a federal target of 85% occupancy that was developed about 25 years ago. This paper examines data from New York state and uses queueing analysis to estimate bed unavailability in intensive care units (ICUs) and obstetrics units. Using various patient delay standards, units that appear to have insufficient capacity are identified. The results indicate that as many as 40% of all obstetrics units and 90% of ICUs have insufficient capacity to provide an appropriate bed when needed. This contrasts sharply with what would be deduced using standard average occupancy targets. Furthermore, given the model's assumptions, these estimates are likely to be conservative. These findings illustrate that if service quality is deemed important, hospitals need to plan capacity based on standards that reflect the ability to place patients in appropriate beds in a timely fashion rather than on target occupancy levels. Doing so will require the collection and analysis of operational data—such as demands for and use of beds, and patient delays—which generally are not available.*

In the face of diminishing government subsidies and regulations, increasing competition to ob-

“too many” hospital beds, and that given decreasing lengths of stay and fewer inpatient ad-

Home > Q&A > Hospital capacity and adverse events: Is there a connection?

## Hospital capacity and adverse events: Is there a connection?

By Jay Greene - November 2007



Published in the November 2007 issue of *Today's Hospitalist*

The patient safety literature is crowded with studies that delve into the many causes “confusing abbreviations, poor hand hygiene” of adverse events in hospitals.

But until recently, none had assessed the impact that hospitals’ capacity “whether they are full or not” have on adverse event rates. That factor is proving to be increasingly potent as workload (defined as patient volume, throughput and case severity) continues to rise.

# Further Recommendations

1. Increase pet limits for responsible owners pet limits.
2. In home quarantine for dogs/cats to avoid pet and family separation.
3. Alternatives to paying impound/boarding fees.
4. Remove 24-hour hold for owner surrenders.
5. Remove 3-day stray hold for animals 12 weeks & under.
6. Invest in proactive programs like subsidized spay/neuter, affordable veterinary care, pet support services.

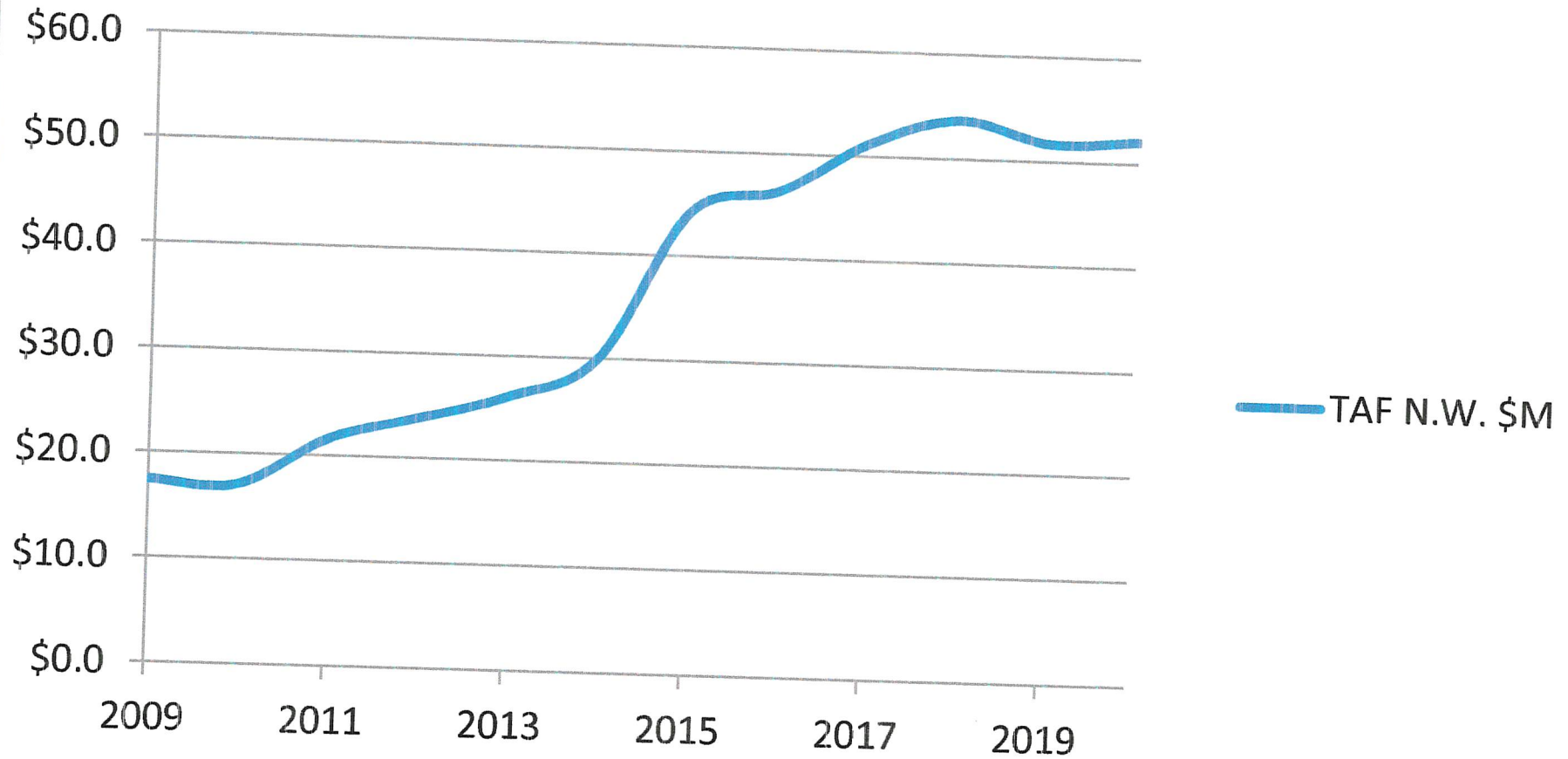


# Investing in subsidized spay/neuter services

Municipality	Human Population	Poverty rate	# subsidized surgeries needed per year
Las Vegas	623,000	17.7%	3,100
North Las Vegas	234,000	16.9%	1,200
Clark County	1.2 million	15.6%	6,200

\*Per 2016 TAF Assessment

# TAF N.W. \$M

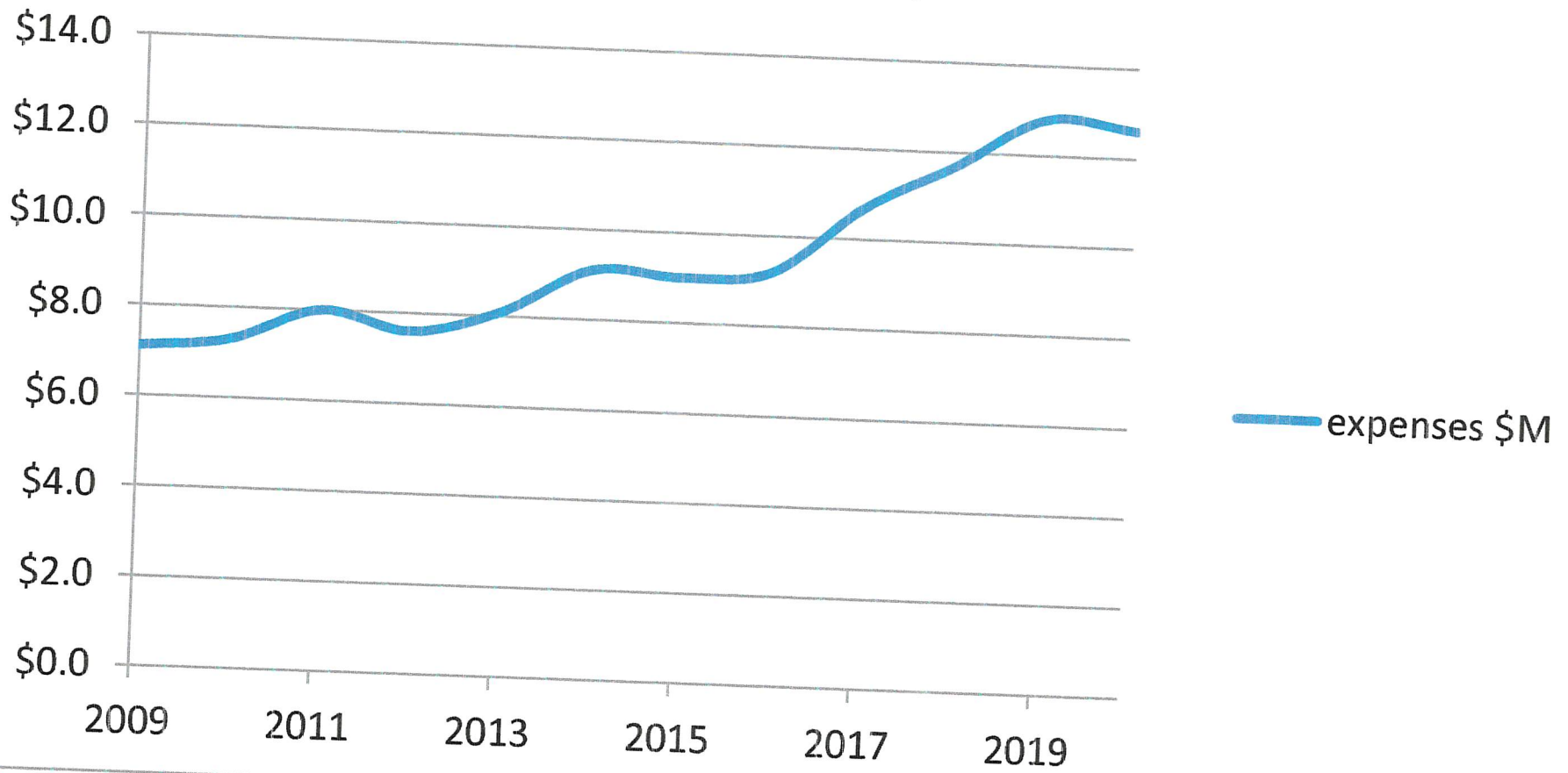


Submitted at City Council

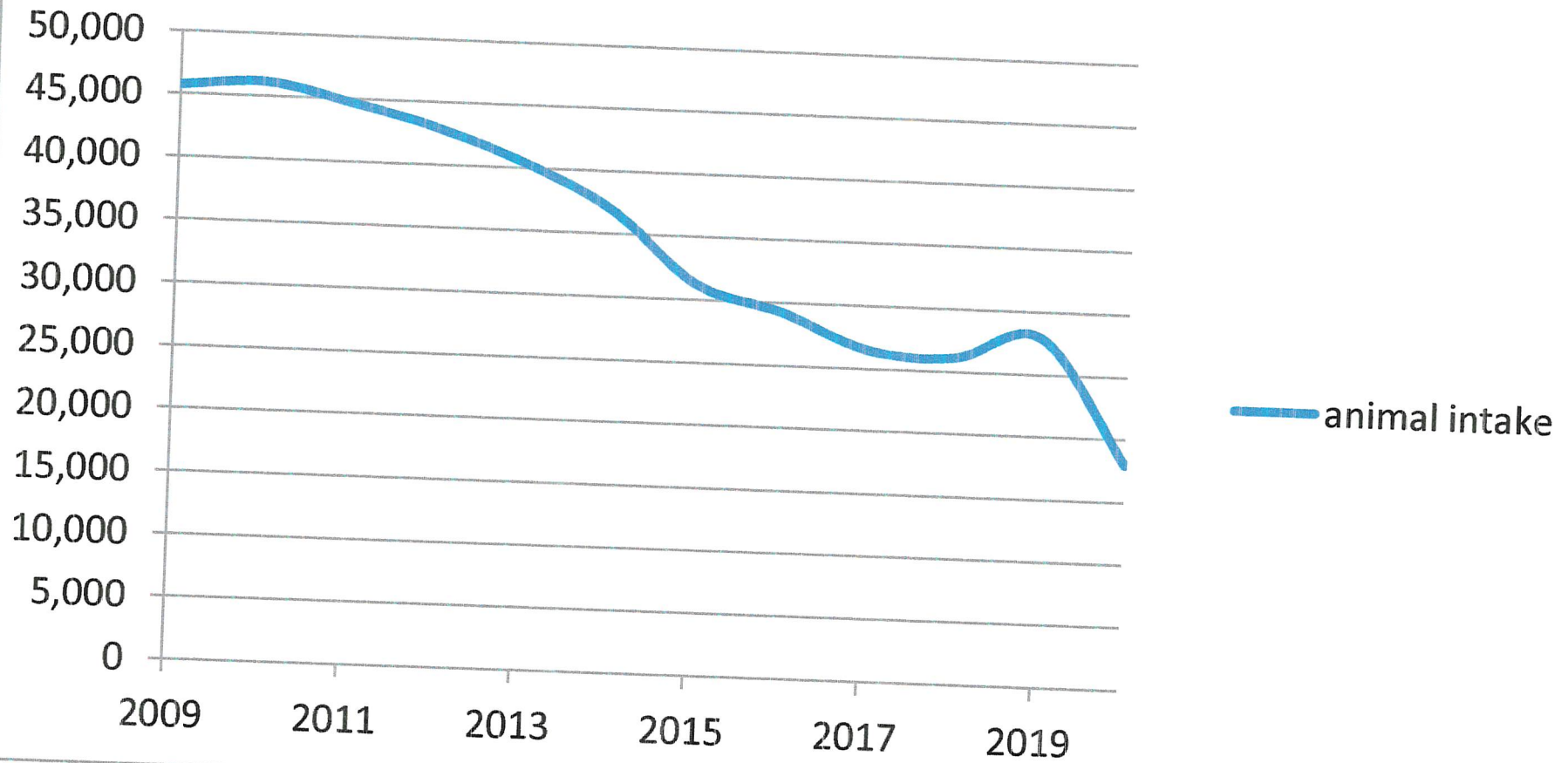
Date 10/19/22 Item 55

By: Keith Williams

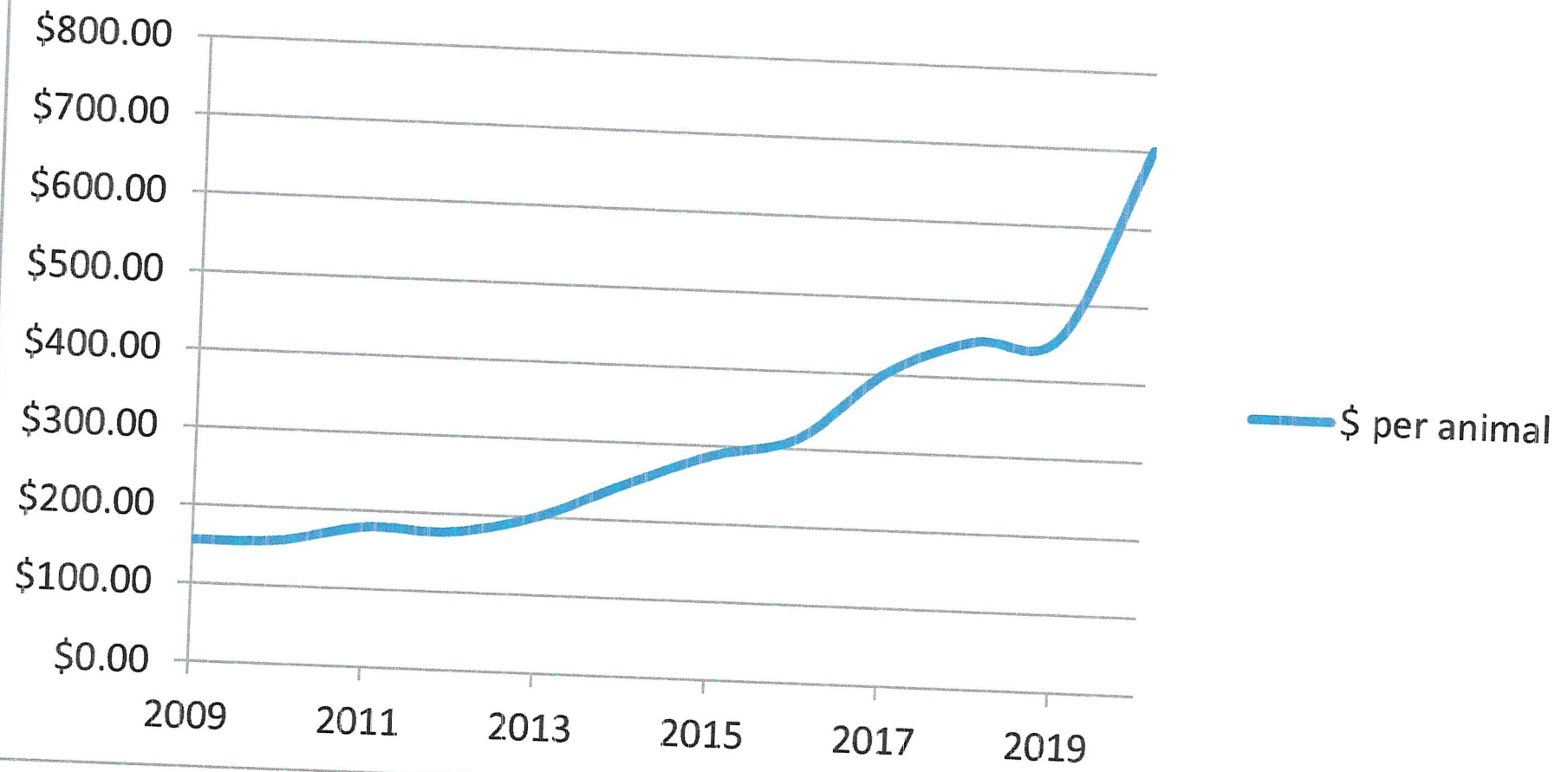
# expenses \$M



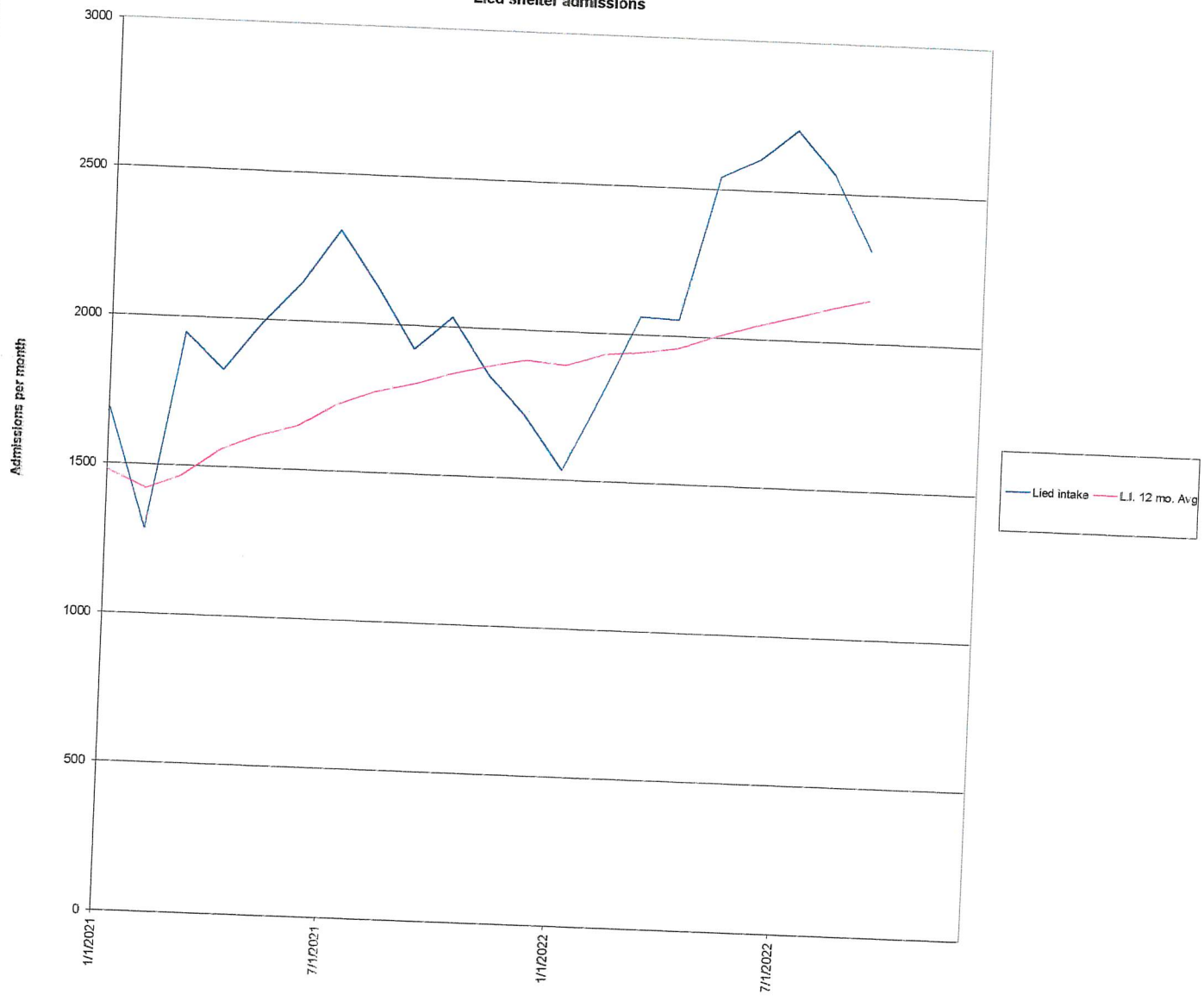
# animal intake



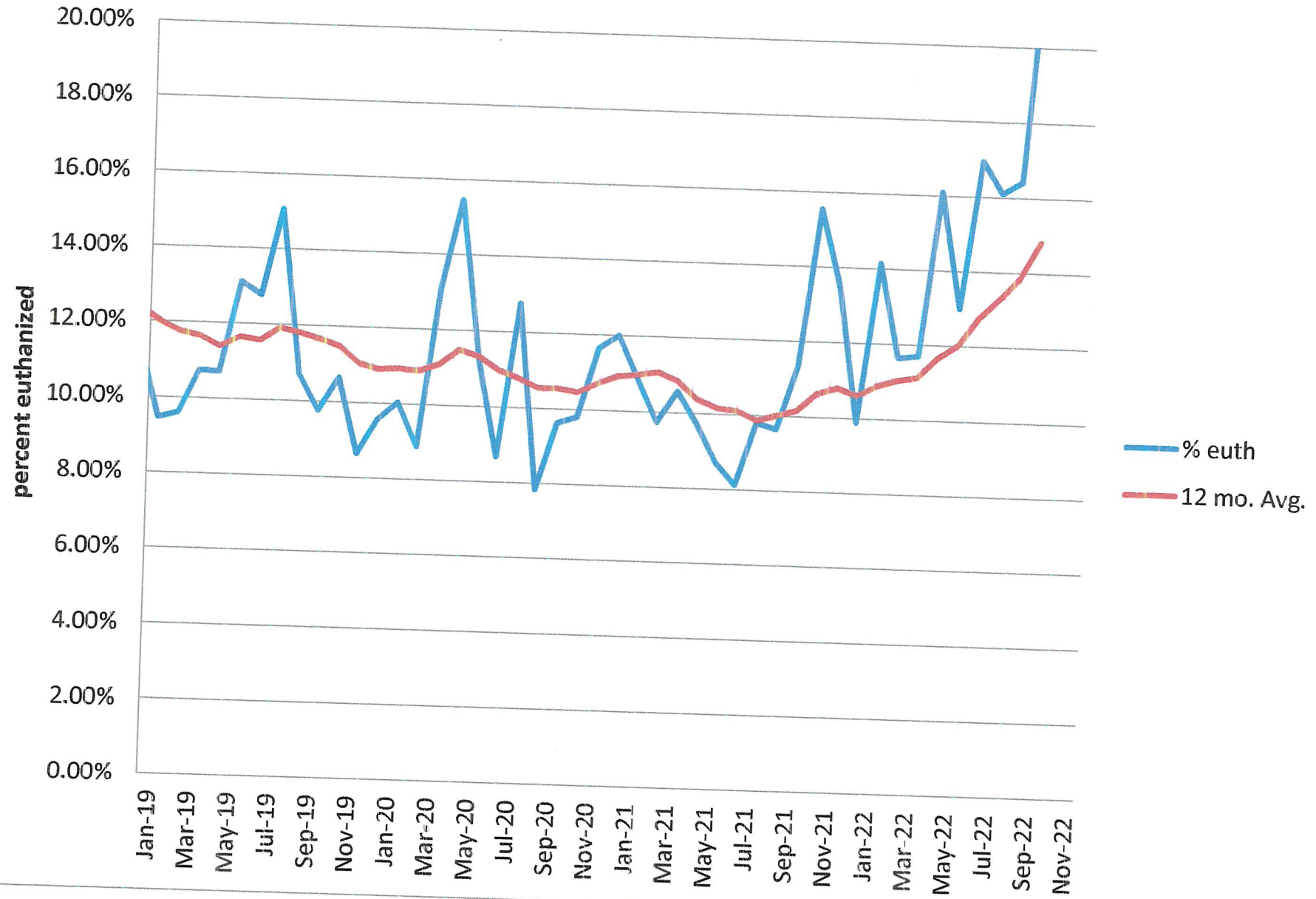
# \$ per animal



Lied shelter admissions



# Lied euthanasia



**Brianna Ramirez**

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**From:** Rachael Martin  
**Sent:** Tuesday, October 18, 2022 3:47 PM  
**To:** Brianna Ramirez  
**Subject:** FW: CLV Contact Form: Ward 2

**From:** Contact the City Form <noreply@formstack.com>  
**Sent:** Tuesday, October 4, 2022 4:17 PM  
**To:** Ward 2 Staff <ward2@LasVegasNevada.GOV>  
**Subject:** CLV Contact Form: Ward 2

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**Formstack Submission For: Contact the City**  
Submitted at 10/04/22 4:17 PM

**Who to contact?:** Ward 2

**Your name:** Kathy Dellinger

**Comments:** I would like to speak to city council member Victoria Seaman.  
I would like to remain anonymous at this time.  
I'm a volunteer at the animal foundation and have seen some terrible things happen there!  
They have been euphanizing so many animals!  
These are direct orders from Hilarie Grey and her assistants.  
This whole summer ALL kittens under 2 weeks old are euphanized to save money on employees that would have to feed them.  
Today they have been euphanizing so many cats and dogs. It's just so upsetting.

**Phone:** (818) 625-2998

**Email:** [kdtwnzees@yahoo.com](mailto:kdtwnzees@yahoo.com)

Submitted at City Council  
Date 10/19/22 Item 55  
By: Victoria Seaman



**Brianna Ramirez**

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**From:** vegas@ronniland.com  
**Sent:** Tuesday, October 18, 2022 5:04 PM  
**To:** Ward 2 Staff  
**Subject:** TAF

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Hi Victoria,

I know your focus is going to be on the law and contracts, but I have a couple of basic points that I would like someone to bring up at the meeting, if possible.

Due to physical limitations and covid, I am unable to attend the meeting personally but I admin the largest lost and found dog page on Facebook. We have over 28,000 members so we get most of the complaints and questions about the animal foundation and their policies.

1) REFUSING HELP. On the evening of your town hall meeting ( long before the virus outbreak) I walked out with Hilarie Grey. My main goal was to speed up the process of returning dogs to their rightful owners because at that point in time, it was taking as much as 5,6 and up to eight days for people to be able to get their dogs. This was well past the 3-day hold and many were lost in the shuffle.

I offered to put 2 VOLUNTEERS there simply to answer phones. When you call the Henderson shelter, you get a live person. You can ask if your dog is there, they will go back and look and return and give you accurate information. But No one ever answers the phone at TAF and it was taking days to get responses to voice mails.

Hilarie gave me a dedicated email address and promised me that all calls would be responded to promptly. I questioned her and she promised that was the fastest way to get a response because it was a dedicated email address. There were witnesses. I went back to my computer and posted that information on the Lost Dogs of Las Vegas page and three people tested it. Perhaps we have different ideas of what immediate response means, but the three people got emails back in 25 hours, 27 hours and 29 hours! That's a long time for an individual to wait simply to find out if their dog was even there because people were having to stand in line for 4 hours.

She either deliberately gave out the wrong information or she has no idea what the correct response should have been. I called to speak with her because if you recall, at the meeting, she kept saying reach out to me and we will "drill down" and find out what the truth is. She would not return my calls.

She had Dede call me. Hilarie has zero interest in fixing the problems or even hearing what they are.

I have since had two conversations with Dede where I again offered volunteer help. I wish Ms fiori would stop saying we should volunteer because we have been trying for literally years! TAF has refused our help.

I completely understand that they will not allow people to handle the animals without being fully trained nor will they allow access to their computer without training and vetting. Let's face it, safety is a concern and they don't want spies.

***All I asked for was a telephone and a table to sit at so that someone could answer the phone, get the description of the animal, hand the description to someone to find out if the animal was in fact at the shelter and make arrangements for the owner to claim it.***

If you are waiting for an elevator and the doors open and it's full of people, it is only common sense to let the people out first because then there's more room to let new people in. If you let 40 dogs go back to their owners or be adopted out, that's 40 dogs you can take in to those same kennels! I was totally stonewalled. Very politely and very emphatically. Dede said they are "working on it". No space 😊 not even for a phone!! Seriously?

2) LACK OF TRANSPARENCY I know this is getting long and I'd be happy to speak with someone if you want more details, but in my conversations with Dede Stewart, I was trying to track a couple of dogs that had reportedly been mishandled. We had specific names and dates.

One example of many: In one instance someone was there to adopt a dog that wasn't available for adoptions yet. She connected with the dog and said she would be back the following day when the dog would be available. She left all of her information. She went back the following day and the dog was gone and no one would tell her where it was. DeDe's explanation to me was that the dog went to one of the rescue partners and the rescue partner wanted to remain anonymous. This makes absolutely no sense at all. This girl was willing to go to the rescue and pay the \$300 or \$400 instead of getting a free dog from the shelter but no one would tell her where the dog was! Why?

If you can get anyone from TAF to explain why a rescue would wish to remain anonymous, I would love to hear it! This is not a case where a dog was transferred out before the owner could get it back. This was an adopter who was willing to adopt from wherever the dog was and went to Great Lengths to find out that information.

A rescue's primary function is to find an appropriate home for the dog. Why on earth would they want to "hide" the dog? Unless they're selling these dogs off to breeders or Fighters or foreign countries to do God only knows what, why would they not want to give the dog every opportunity to go to a good home? They could always turn down the adopter if she was not suitable. But to refuse to tell any of us where the dog is located is absurd! Certainly is not transparency.

Please look into this.

My conversations with Dede were cordial and somewhat informative ( I needed to hear both sides of the story) but when they repeatedly refuse help and then blame the deplorable conditions on lack of help, someone needs to be held accountable.

Thanks for everything you are trying to do.

3) one last thing which I understand is not on this agenda but should be considered in the future is the 3-day hold. That is really not enough time for people who are out of town and often are not even notified that their dog is missing until they get back. I'm not talking about the irresponsible owners who don't lock their gates, don't walk their dogs on leashes and in general just probably shouldn't own a pet. I'm talking about the responsible people who are on an airplane somewhere and have no recourse because often they are not aware. Los Angeles has a seven day hold and they are a pretty large shelter. That certainly is not the answer to the current problems but it really should be considered.

Thanks for your time.

Ronni Land

Admin, Lost Dogs of Las Vegas  
Ward 2 resident  
Animal lover

Sent from my Verizon Wireless 4G LTE smartphone

**Brianna Ramirez**

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**From:** askthedag@aol.com  
**Sent:** Tuesday, October 18, 2022 12:16 PM  
**To:** Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4 Staff; Cedric Crear; Michele Fiore  
**Cc:** DistrictA@clarkcountynv.gov; DistrictB@clarkcountynv.gov; DistrictC@clarkcountynv.gov; DistrictE@clarkcountynv.gov; DistrictF@clarkcountynv.gov; DistrictG@clarkcountynv.gov  
**Subject:** Animal Foundation - Animal Welfare

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Madam Mayor and City Council Members:

Your watch, a sweater, and your shoes...those are objects that you own. Animals are not objects! They are living beings with hearts and minds and should be treated as such. The care and welfare of our animals **must change** beginning with The Animal Foundation!

The animals as well as the employees deserve better treatment. Current tragic conditions for all have gone on long enough.

Stricter laws for animal abuse and neglect as well as the investigation of same are sorely needed. **Time to step up and do the right thing!**

Martin Luther King said...and I quote " Never, never be afraid to do what's right, especially if the well-being of a person or animal is at stake. Society's punishments are small compared to the wounds we inflict on our soul when we look the other way"

Please do not let the needless deaths and horrific conditions at The Animal Foundation continue. **Save lives! Act now! Time is of the essence!**

Submitted by:  
Allen Karol  
4009 Hazel Brooks St.  
Las Vegas, NV. 89129

**David McGowan**

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**From:** Contact the City Form <noreply@formstack.com>  
**Sent:** Thursday, October 13, 2022 7:50 PM  
**To:** Ward 2 Staff  
**Subject:** CLV Contact Form: Ward 2

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RESPONDED TO

**Formstack Submission For: [Contact the City](#)**

Submitted at 10/13/22 7:50 PM

**Who to contact?:** Ward 2

**Your name:** concerned citizen

**Comments:**

I appreciate your concern over the situation at Animal Foundation.

Since the Foundation has been shut down because of the epidemic of dog flu, I don't know if you are aware but Animal Control has stopped responding to calls for anything but vicious dogs or severely injured dogs. Services for lost dogs and strays are discontinued with no date to resume operations.

I was contacted by a friend about a dog that she found on a busy roadway. I was told by a vet's office to contact animal control to coordinate return to the owner, since this dog was chipped but the owner info was withheld for privacy reasons. When I called 702-229-6444, I was told by the dispatcher on a recorded line that because of the Animal Foundation situation they don't respond to anything but vicious dogs or injured dogs and would not coordinate. When I asked what I was supposed to do this civil servant told me to take the dog off leash and drive away leaving it on the sidewalk.

This is very irresponsible. There are ordinances against leaving an animal without access to food water and shade in over 90 degree weather, should a dispatcher advise a citizen to drive away and leave an animal unprotected like this?

Also, contingency and continuity have been " a thing " since Hurricane Katrina. The foundation has been shut down for several weeks. If a contractor fails to perform, shouldn't government agencies have a plan to continue operations? This has been

going on since 9/28/22. Why have contingency plans not gone into effect?

Please help.

**Email:** shadowmountain@protonmail.com

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

**David McGowan**

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**From:** Politics for Animals <politicsforanimals@yahoo.com>  
**Sent:** Tuesday, October 18, 2022 2:32 PM  
**To:** Ward 1; Ward 2 Staff; Ward 3; ward4@lasvegasnevada.gov  
**Subject:** Meeting 10-19-22 Agenda Item-Animal Foundation

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Nevada Political Action for Animals Stacia Newman,

**Subject:** From Stacia Newman re Animal Foundation

Dear City Council Members,

I am appalled by the current situation at the Animal Foundation. This is nothing new for them. I have had dealings with them for the exact same complaints as far back as 2001, as they were just transitioning over to the Lied shelter on Mohave Street.

I am very familiar with their operating procedures. I was involved with the investigation conducted in 2007. Again, it was the same complaints. I documented many of the witness reports, including testimonies from the Animal Foundation employees of the cruelty & inhumane treatment taking place behind closed doors at the shelter.

I witnessed the deplorable living conditions first hand. Not only were the restricted areas sub-standard, but there were sick & injured animals tucked away in small rooms deprived of medical treatment. The Animal Foundation has now designed the building so securely that you can not see what's really going on at the facility.

Through the years I have met with the Executive Directors & the outcome was always the same. They would reassure me that the necessary changes would be made but nothing ever happened. It seems that the

CEO is just there to pacify the public.

For the safety and welfare of the animals, I am urging you to vote in favor of an immediate AUDIT of the Animal Foundation.

Please assign a committee to oversee the shelter and make recommendations for the necessary changes.

Please feel free to call me with any questions you may have.  
775-419-8076

Thank you for your time and consideration in this important matter.

Sincerely,  
Stacia Newman, President  
Nevada Political Action for  
Animals  
8635 W. Sahara Ave # 418  
Las Vegas, Nevada 89117



## David McGowan

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**From:** Donna McDonald <ddmcd712@gmail.com>  
**Sent:** Tuesday, October 18, 2022 7:06 AM  
**To:** Ward 2 Staff; Office of the Mayor; DistrictF@clarkcountynv.gov  
**Subject:** The Animal Foundation

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Please as a resident, voter and volunteer with a local animal non profit organization I implore you to speak out loudly and demand changes in the current operations of The Animal Foundation. Simply put, it is not working! There needs to be an outside audit and complete revamping of the current operation. What is needed now.

- IMMEDIATELY Bring in an Outside Animal Organization to Assess TAF and temporarily take over operations
- Replace TAF ASAP (break up the contracts. This sheltering model isn't working).
- PUT Together a Diverse Task Force which includes, Elected Officials, Animal Control officers, Rescues, Veterinarians, shelter professionals, to collaborate on Solutions for OUR shelter(s) moving forward.

NO MORE secrecy, mistrust, retaliation, politics over pets, closed boards, deadly debacles, lack of accountability & lack of transparency. Our Animals deserve MORE, NOW!!!

Our community, families and most of all the animals in our City and surrounding areas are suffering due to the mismanagement and in my opinion criminal acts of those currently in charge of The Animal Foundation.

Respectfully,  
Donna McDonald

**Brianna Ramirez**

---

**From:** jkhackler@comnett.net  
**Sent:** Monday, October 10, 2022 9:19 PM  
**To:** Ward 2 Staff  
**Subject:** animal foundation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Hello,

The city of Las Vegas needs to withhold their taxpayer generated funds from the animal foundation until the board addresses ongoing problems. Money needs to be redistributed from a top heavy administrative staff to staff that come into direct contact with the animals. Eliminate or reduce unnecessary administrative positions and give those funds to the veterinarian staff, kennel staff, and any others that deal directly with the animals. I have been a donor to the animal foundation for over thirty years. This is the first year I did not donate to them. I have received requests for donations with cute little writing pads and address labels. This is totally wrong when animals are suffering.

Respectfully,

Karen Hackler

jkhackler@comnett.net

**David Wray**

---

**From:** ateisa perkins <ateisaperkins@gmail.com>  
**Sent:** Thursday, July 21, 2022 10:22 PM  
**To:** hgrey@animalfoundation.com; Ward 2 Staff; Pawzlivesmatter@yahoo.com  
**Subject:** Adoption problems

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

To whom it may concern:

Today, I went to the Animal Foundation to potentially adopt a beautiful Rottweiler, Shelby. Up on entering they said to "get on the list because she isn't in the yard." I waited 4 hours just to be told I could not meet her and if I wanted to see her I had to adopt her, sight unseen. I have 4 children and that makes me so uncomfortable. Then they said if I bring her back she gets a negative mark on her record! How is that her fault? The whole situation rubbed me the wrong way. They are just adopting dogs without introducing them to kids or their potential dog mates. Doesn't sit well with me. All we wanted was to give a dog a forever home but we need to make sure our children are safe.

Thank you for listening.

Ateisa Perkins

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Saturday, October 1, 2022 7:12 AM  
**To:** David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Animal Causes

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Please get us a meeting.

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Anthony Phillips <anthonyluxadvisors@gmail.com>  
**Date:** September 30, 2022 at 8:22:07 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** **Animal Causes**

Councilwoman Seaman,

Thank you for your efforts related to animal welfare.

My team is engaged in this segment and shares intel or directly collaborates with the Chief Legal Officer of the Humane Society of the United States, The Federal Trade Commission (regarding pet stores' online review manipulation), and the FBI related to puppy mill breeders, who are knowingly transporting sick animals across state lines, a crime.

My intel resulted in this <https://www.ftc.gov/news-events/news/press-releases/2021/10/ftc-puts-hundreds-businesses-notice-about-fake-reviews-other-misleading-endorsements>

Moreover, our firm donates and promotes local, adoptable animals on our website by funding a dedicated budget to drive visitors to Petfinder.com, which displays animals from the Animal Foundation.

Our ads receive significant exposure and are cost-effective.

<https://www.luxrealestateadvisors.com/pet-adoptions/>

## View results

### Performance

\$2,339.59 spent over 310 days.

Link clicks

42,175

Reach

392.1K

Cost per Link Click

\$0.06

### Activity

Post engagement

42570

Link clicks

42175

Post reactions

386

Landing page views

55

See all

### Details

Status

Active

Goal

Get more website visitors

Daily budget

\$5.00

Duration

Continuous

See all

### Preview

"Chimney" is seeking a forever home. Be a hero: save an animal via adoption. View adoptable animals located across the US, Canada, and Mexico. #adopt #adoptdontshop

Learn more

Edit ad

### Audience

This ad reached 392,126 people in your audience.

I began following animal cause issues, including operations at the Animal Foundation, 13 years ago, when I adopted my BFF Roxy.

Animal Foundation is now in crisis.

The following is a comprehensive strategy to provide immediate impact.

## Regulatory | Enforcement

It is my understanding that many of the animals which end up at AF, especially pits, are the derivative of backyard breeders who sell on Craigslist. Moreover, Animal Control is far from proactive. As of 9/27/2022, there are 1183 ads in the pet section of Las Vegas Craigslist.

My team shared that we could identify a breeder's home address via geo-location data embedded in Craigslist posts. Animal Control simply needed to cross-reference the address with licensed breeders' addresses; if an address lacked a license, a fine could be issued. We offered to provide ongoing intel, free, yet were ignored entirely.

## Fees/Fines

Even if AC were proactive, it is challenging to determine fees for Breeders to obtain permits, so it is simpler to ignore regulations. It is my understanding that fines are grossly inferior to creating a deterrent. If a fine were \$5,000 and ENFORCED, 80% of unlawful Breeders would quit immediately, allowing AC to focus on significant offenders.

## **Community Assistance**

Most cannot adopt or foster animals; however, all businesses can display adoptable animals on their websites and promote adoptions with a modest budget. Their Customers will appreciate their philanthropy. If City leaders encouraged businesses to participate, most would agree.

## **Lack Of City Resources**

I understand that resources are limited, so I offer my team's resources for free. With the backing of the City Council and given a simple title like an "*assistant for animal causes*," I could make a significant and immediate impact benefiting our pets.

I would be happy to meet to discuss this further; again, my efforts would be complimentary. This strategy addresses both supply and demand.

See attached for supporting images.

Thank you

## **Anthony Phillips**

President | Realtor

The Luxury Companies

[Advisors](#) | [Management](#) | [Charities](#)

3960 Howard Hughes Pkwy Suite 500

Las Vegas, NV 89169

Phone: 702.482.8885

Email: [anthonyluxadvisors@gmail.com](mailto:anthonyluxadvisors@gmail.com)

[www.LuxRealEstateAdvisors.com](http://www.LuxRealEstateAdvisors.com)

License # S.0168880

## **Sales | Property Management | Administration Office**

4625 Polaris Ave #114

Las Vegas NV 89103

Phone: 702.482.8885

[TeamLuxAdvisors@gmail.com](mailto:TeamLuxAdvisors@gmail.com)



**Kimberly Ockene**

to me ▾

Hi Anthony,

Sorry I've been out of touch! That is great that your work resulted in FTC's notice to busir

Thanks for that document. I'm having a law clerk research the labor and employment law expose Petland's inhumane animal care practices and the fact that they source from pupp

Kim

...

...



**Levine, Samuel**

to me ▾

Thanks for sharing, Anthony.

## Re: CLV Contact Form: Animal Control ▷



**Anthony Phillips** <anthonyluxadvisors@gmail.com>

to rtovar, DPSAnimalControlSupervisors1, Brandy ▾

Mr. Tovar

Thank you for the data shared with Brandy Glasgow.

As you know, unlawful backyard breeding is a problem and there are between 1200-1500 animals for sale on Craigslist

Craigslist provides mechanisms to keep the Sellers semi-anonymous and they often meet Buyers at neutral locations so

I found a solution.

When you view a Craigslist ad's source code, it identifies the poster's geolocation, which can be used to pinpoint the B  
a violation letter or issue a fine.

I understand that staffing is limited so I am offering this, free. My offshore team will collect the street addresses of per

Please let me know?

```
<meta charset="UTF-8" >
<meta http-equiv="X-UA-Compatible" content="IE=Edge" >
<meta name="viewport" content="width=device-width,initial-scale=1" >
<meta property="og:site_name" content="craigslist" >
<meta name="twitter:card" content="preview" >
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<meta name="description" content="Ready to go! Text for rehoming info . . . 4 males left—2 blue and 2 black. Big pups! Very sweet, great demeanor, family orientec
<meta property="og:description" content="Ready to go! Text for rehoming info . . . 4 males left—2 blue and 2 black. Big pups! Very sweet, great demeanor, family or
<meta property="og:image" content="https://images.craigslist.org/00R0R_6TB4XulO+rqr_OCj0t2_600x450.jpg" >
<meta property="og:url" content="https://lasvegas.craigslist.org/pet/d/las-vegas-pitbull-cane-corso-puppies/7492023894.html" >
<meta property="og:type" content="article" >
<meta name="robots" content="noarchive,nofollow,unavailable_after: 20-Jul-22 19:45:38 PDT" >
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<meta name="smartbanner.button" content="view" >
<meta name="smartbanner.close-label" content="close" >
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<meta name="smartbanner.button-url-google" content="https://play.google.com/store/apps/details?id=org.craigslist.CraigslistMobile" >
<meta name="smartbanner.enabled-platforms" content="android,ios" >
<title>Pit bull/ Cane Corso Puppies - pets</title>
<link rel="canonical" href="https://lasvegas.craigslist.org/pet/d/las-vegas-pitbull-cane-corso-puppies/7492023894.html" >
```



## Address

5571 West Flamingo Road, Spring Valley, NV 891

[Get GPS Coordinates](#)

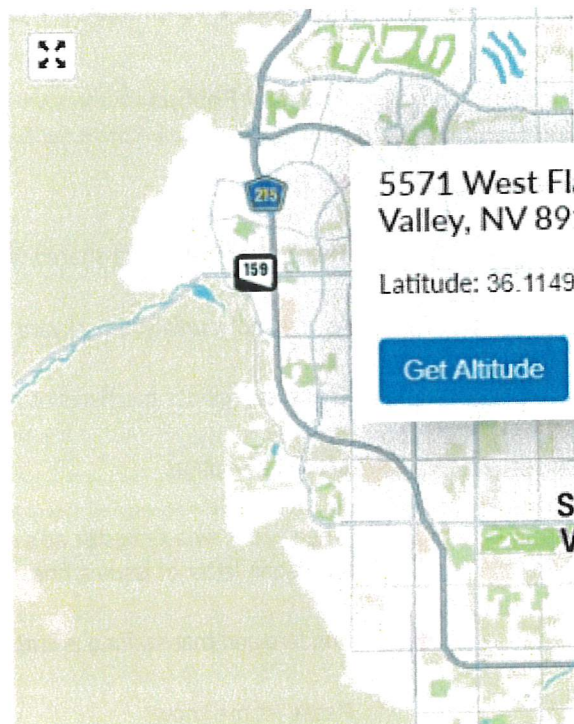
## DD (decimal degrees)\*

Latitude 36.1149

Longitude -115.2161

[Get Address](#)

Lat,Long 36.1149,-115.2161



Thank  
you

@luxadviso

For the  
generous gift  
of \$25,000





## David McGowan

---

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<meta name="smartbanner:button-url-google" content="https://play.google.com/store/apps/details?id=org.craigslist.CraigslistMobile">
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<title>Pit bull/ Cane Corso Puppies - pets</title>
<link rel="canonical" href="https://lasvegas.craigslist.org/pet/d/las-vegas-pitbull-cane-corso-puppies/7492023894.html">
```



Cell: (702) 827-1660

[RPalmer@PLFLawyers.com](mailto:RPalmer@PLFLawyers.com)

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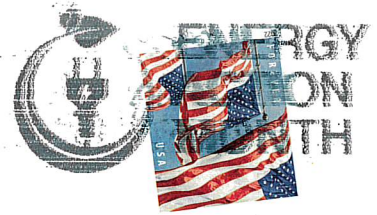
**-IRS Circular 230 Disclosure-** To ensure compliance with IRS requirements, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Are you aware that now there is a deadly outbreak virus that is highly contagious at the animal foundation and dogs are dying. They sent hundreds out to foster and now need to get them back. The place is so filthy they let the disease spread.

Please get thru to management that Hilarie Grey has run the place to the ground and now it is so serious and outbreak hundreds of dogs will die due to her incompetence. Better get the board involved and remove her as CEO and then get the board removed!

oundation

LAS VEGAS NV 890  
4 OCT 2022 PM 4 L



Victoria Seamon  
City Council  
495 S Main St  
Las Vegas NV 89101

89101-631835



## David McGowan

---

**From:** Raelene Palmer <rpalmer@plflawyers.com>  
**Sent:** Tuesday, October 18, 2022 1:06 PM  
**To:** David McGowan  
**Subject:** City Council Meeting Follow-Up re The Animal Foundation  
**Attachments:** 210823 Borenstein (Doc 189) - Second Amended Complaint.pdf; 201208 Borenstein (Doc 129) - Do Not Adopt Warning.pdf

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Good Afternoon, Chief McGowan,

It was a pleasure meeting you, Councilwoman Seaman, and some of her staff at Art in the Park on Saturday. Per your request, I have attached a copy of the operative complaint (#189) in my client's case against The Animal Foundation ("TAF"), the County, and Sunrise Hospital. It is longer than I recalled. Therefore, please let me know if you would prefer something else.

To refresh your recollection, my client went to Sunrise Hospital in May 2019. He had his service dog with him, as he is a disabled person who suffers from mental disabilities. When he learned that the hospital was going to sedate him, he secured his dog in his air-conditioned vehicle with staff standing by, and they called Clark County Animal Control ("CCAC") to retrieve his dog for safekeeping. Less than 15 minutes time lapsed from the phone call until the dog was picked up. A ten-day hold was placed on the dog. My client contacted both CCAC and TAF by telephone and in writing, before the ten-day hold expired and requested that they hold his dog until June 2, 2019, when he anticipated being released. TAF was very familiar with my client, having housed his previous service animal during similar hospital visits.

TAF adopted his dog out just before 6:30 p.m. on June 1, 2019, just one day before my client returned to get his dog, as he had told them. After contacting officers at TAF and CCAC, as well as senators and other people for help to no avail, he filed his own lawsuit without legal counsel. Approximately 10 days later, TAF put a note in the countywide (at least) database placing my client on a do-not-adopt list. See attached (#129 at p. 2). This prevented him from adopting another dog in Clark County, as you can see by the noted from the Henderson Animal Shelter's response. (#129 at p. 1).

The Court solicited pro bono counsel to assist the Plaintiff, and I and another attorney, Robert Melcic, accepted the representation. The litigation is still ongoing.

I will try to attend the meeting tomorrow, if my court hearing ends in time. If for any reason, you wish to reach me, please do so at my cell phone number below or by email.

Respectfully,

Raelene K. Palmer, Esq.



5550 Painted Mirage Road  
Suite 320  
Las Vegas, Nevada 89149  
Tel: (702) 952-9533

Mem M CLAR

Procedures Repons Extras Help

dhorney 2020-01-29 11:21:4

Memo No	Memo ID	ID Type	Date	Type	Subtype	Author
M20-142417	P0702382	PERSON_ID	01/29/20	NOTE		DHARNEY

Extra1 Extra2 Extra3 Extra4 Extra5

Memo Text

01/29/20 11:19 P2087

Brian Borenstein attempted to adopt a german shepherd from the Henderson Animal Shelter. I denied his adoption based on his history and no adopt status with TAF. When speaking with Brian he advised that he is currently using TAF for giving away his service dog. I advised that although I appreciate him coming to a shelter to get a dog that there are other options and at this time the COH will not be allowing him to adopt a dog from us.

Memo No	Memo Date	Memo Type	Subtype	Memo Text
M20-142417	01/29/20 06:00	NOTE		
M18065273	06/25/18 06:00	NOTE		01/29/20 11:19 P2087 Brian Borenstein attempted
M18062065	06/17/19 00:00	NOTE		06/25/19 16:10 Placing P0702382. Brian Borenst
				06/17/18 16:44 Brian Borenstein had several PID

Activity Card

A16-035848-1 ADMIN/WITNESS ST Priority Level: 4-TDY Total Animals: 1 Animal Type: DOG

Activity Address: 6150 SPYGLASS HILL DR

Activity Comment: NEIGHBOR THROWS ROCKS UP AT DOG- UNK UNIT#- PR WILL CALL BACK- MAILED WS TO F

Caller Information:  
 P0702382 BRIAN BORENSTEIN  
 1808 FREMONT ST  
 P0702382 NV 89101

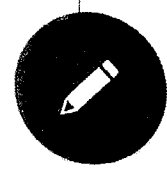
Result Codes:  
1 T

Officer:

Clerk: MADELINE

Call Date: 06/24/16 09:07 AM

New Date: 06/24/16 09:07 AM





1

at CLAR LARA

File Commands Procedures Reports Extras Help

zkcast 2019-06-25 16:12:35.950

Memo No	Memo ID	ID Type	Date	Type	Subtype	Author
N19-065273	P0702302	PERSON_ID	06/25/19	NOTE		ZKCAST
Extra1	Extra2	Extra3	Extra4	Extra5		

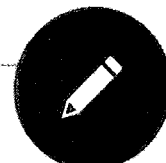
Memo Text

Yarglehes

A R

06/25/19 16:10 Placing P0702302, Brian Borenstein on Do Not Adopt at this time. If Brian comes onto property asking questions about a dog he previously owned "Mana" or interested in adopting another animal, please notify ZK right away. Brian has had dogs here on police holds twice in the past three months, he is combative when not given the answer he wants and will often call Metro PD to attempt to get his way. zk

Memo No	Memo Date	Memo Type	Subtype	Memo Text
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M19-062065	06/17/19 00:00	NOTE		06/17/19 16:44 Brian Borenstein had several PID



1 RAELENE K. PALMER  
Nevada Bar No. 8602  
2 THE PALMER LAW FIRM, P.C.  
5550 Painted Mirage Road  
3 Suite 320  
Las Vegas, Nevada 89149  
4 Phone: (702) 952-9533  
Email: [rpalmer@plflawyers.com](mailto:rpalmer@plflawyers.com)  
5 *Attorney for Plaintiff Brian Borenstein*

6 ROBERT S. MELCIC  
Nevada Bar No. 14923  
7 4930 Mar Vista Way  
8 Las Vegas, Nevada 89121  
Phone: (702) 526-4235  
9 Fax: (702) 386-1946  
Email: [robertmelcic@gmail.com](mailto:robertmelcic@gmail.com)  
10 *Attorney for Plaintiff Brian Borenstein*

The Palmer Law Firm P.C.  
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Las Vegas, Nevada 89149  
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11  
12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 BRIAN BORENSTEIN, an individual,  
16  
Plaintiff,

Case No.: 2:19-cv-00985-APG-DJA

17 vs.

**SECOND AMENDED COMPLAINT**  
**JURY DEMAND**

18 THE ANIMAL FOUNDATION, a domestic  
19 nonprofit corporation; COUNTY OF CLARK, a  
20 political subdivision of the State of Nevada;  
21 SUNRISE HOSPITAL AND MEDICAL  
22 CENTER, LLC, a foreign limited-liability  
23 company domiciled in Delaware; CARLY  
24 SCHOLTEN, an individual; VICTOR ZAVALA,  
an individual; and ROE BUSINESS ENTITIES 1-  
5; and DOE INDIVIDUALS 1-5,  
Defendants.

25 COMES NOW Plaintiff BRIAN BORENSTEIN, by and through his counsel, Raelene K.  
26 Palmer, Esq. of THE PALMER LAW FIRM, P.C., and Robert S. Melcic, Esq., and hereby complains,  
27 alleges, and avers against Defendants THE ANIMAL FOUNDATION, a domestic nonprofit  
28 corporation; COUNTY OF CLARK, a political subdivision of the state of Nevada; SUNRISE

1 HOSPITAL AND MEDICAL CENTER, LLC, a foreign limited-liability company domiciled in  
2 Delaware; CARLY SCHOLTEN, an individual; VICTOR ZAVALA, an individual; and ROE  
3 BUSINESS ENTITIES 1-5; and DOE INDIVIDUALS 1-5 (collectively "Defendants") as follows:

4 **I.**

5 **STATEMENT OF THE CASE**

6 This is a civil rights and disability discrimination case arising under the United States  
7 Constitution, the Americans with Disabilities Act, and Nevada law, as well as a property and personal  
8 injury case for state law claims, including those of negligence, intentional infliction of emotional  
9 distress, interference with the use of a service animal, and conversion. On or about May 12, 2019,  
10 BRIAN BORENSTEIN, (hereinafter, "BORENSTEIN"), was in extremis, so he drove himself to  
11 SUNRISE HOSPITAL AND MEDICAL CENTER, LLC, (hereinafter, "SUNRISE HOSPITAL"), in  
12 Las Vegas, Nevada, accompanied by his service dog, Mana. BORENSTEIN parked his rental car near  
13 the emergency room entrance and went inside with Mana, where the two of them were placed in a  
14 room, and BORENSTEIN received medical triage, during which time Mana became anxious.  
15 BORENSTEIN explained that Mana was not acting right, because of a recent incident with  
16 BORENSTEIN's landlord that arose during BORENSTEIN's eviction. Medical personnel determined  
17 that BORENSTEIN needed immediate medical care, including sedatives, and they explained to  
18 BORENSTEIN that hospital personnel would not be able to care for Mana and had no place inside the  
19 hospital to secure Mana, if BORENSTEIN's medical condition prevented BORENSTEIN from caring  
20 for Mana himself. BORENSTEIN explained that he did not have any family or friends who could care  
21 for Mana on BORENSTEIN's behalf, and, having no other option, he asked medical personnel if they  
22 would call the COUNTY OF CLARK's animal control division, (hereinafter, "CCAC"), and request  
23 them to hold Mana while BORENSTEIN was hospitalized.

24 SUNRISE HOSPITAL medical personnel, including Registered Nurse Ulrike Pasternak,  
25 (hereinafter, "Nurse Pasternak"), agreed to act on BORENSTEIN's behalf, in accordance with his  
26 request. BORENSTEIN agreed to return Mana to his car temporarily, relying on their promise to stay  
27 with Mana until CCAC took possession of him. Thereafter, BORENSTEIN, who was accompanied by  
28 Nurse Pasternak, walked Mana to his car and placed Mana inside, leaving the air conditioning running.

1 Furthermore, having stayed the night before in the vehicle following his eviction, BORENSTEIN  
2 already had food and water in place for Mana. After Mana was safely secured, BORENSTEIN gave the  
3 keys to Nurse Pasternak, who, in turn, handed them over to hospital security. Both Nurse Pasternak and  
4 a hospital security officer stood outside BORENSTEIN's car where Mana was secured inside, as  
5 agreed, and BORENSTEIN returned inside the hospital, where he was placed in an emergency room  
6 and sedated approximately 15 to 19 minutes after his first presentation in triage when he had been  
7 accompanied by Mana.

8 Meanwhile, another hospital security officer telephoned CCAC and advised the dispatch clerk  
9 that BORENSTEIN was going to be admitted to the hospital and that SUNRISE HOSPITAL security  
10 would be standing by the emergency room entrance so that CCAC could take possession of Mana, who  
11 was locked in BORENSTEIN's car. CCAC Officer Rachel Lund, (hereinafter, "Officer Lund"), arrived  
12 at the hospital at about the same time BORENSTEIN was sedated, and she met with Nurse Pasternak  
13 and the security officer standing by BORENSTEIN's car. They advised Officer Lund that  
14 BORENSTEIN had been sedated and that Mana was identified to them as his service dog.

15 Officer Lund obtained permission from CCAC Lieutenant Stephanie Clevinger, (hereinafter,  
16 "Lt. Clevinger"), to remove Mana from the vehicle and place a ten-day hold on him, and Nurse  
17 Pasternak, operating on behalf of patient BORENSTEIN, signed the impound card releasing Mana to  
18 CCAC under those conditions. Officer Lund left a copy of the impound card with Nurse Pasternak to  
19 give to BORENSTEIN and instructed that, if BORENSTEIN needed more time to claim Mana, he  
20 should call CCAC, which information was subsequently entered in BORENSTEIN's medical records.  
21 Officer Lund then took Mana to The Animal Foundation, (hereinafter, "TAF"), a non-profit entity  
22 receiving nearly five million dollars of public funding in 2020 to provide shelter services for local  
23 governments in the greater Las Vegas Valley.

24 The following day, BORENSTEIN was involuntarily committed by SUNRISE HOSPITAL  
25 medical personnel and transported via ambulance/care van to North Vista Hospital in North Las Vegas,  
26 Nevada. Also on May 13, 2019, and again on May 14, 2019, TAF Lost & Found Clerk Isaura Lopez-  
27 Castaneda, (hereinafter "Ms. Lopez-Castaneda"), sent emails to BORENSTEIN with specific  
28 instructions for contacting TAF before 1435 hours on May 22, 2019, to prevent Mana from being



1 processed through the shelter for adoption or euthanasia. The emails stated that, if necessary, it was  
2 BORENSTEIN's responsibility to call or email TAF Animal Admissions Supervisors, Lee Guzman,  
3 (hereinafter, "Supervisor Guzman"), or Nikolas Caldera, to request more time on Mana's hold. The  
4 emails also provided a phone number for CCAC and information about TAF's KEPPT Program, which  
5 is described therein as an owner-surrender intervention program offered by TAF for persons in need of  
6 temporary boarding or other assistance for their animals. Each of the emails sent to BORENSTEIN by  
7 TAF contained different identification numbers for Mana, which number BORENSTEIN was  
8 instructed by TAF to provide when communicating with TAF about Mana.

9 BORENSTEIN called the telephone numbers provided to him by TAF several times and left  
10 messages, as instructed in the emails, including on the ninth day of Mana's hold, May 21, 2019. On that  
11 date, BORENSTEIN also telephoned CCAC and spoke with Lieutenant VICTOR ZAVALA,  
12 (hereinafter, "LT. ZAVALA"). BORENSTEIN explained to LT. ZAVALA that he would be  
13 hospitalized until June 2, 2019, and he requested that Mana be held until then. He further explained that  
14 he did not have access to a telephone where he could be reached. LT. ZAVALA sent an email to TAF  
15 Supervisor Guzman regarding BORENSTEIN's request, explaining that CCAC could not extend its  
16 hold but agreed to relay BORENSTEIN's request to TAF for consideration. Supervisor Guzman  
17 acknowledged receipt of the email that evening, stating that he called SUNRISE HOSPITAL and was  
18 told the hospital had no record of BORENSTEIN. Supervisor Guzman sent a subsequent email minutes  
19 later stating that he just learned BORENSTEIN had been discharged from the hospital. The following  
20 day, LT. ZAVALA sent another email to Supervisor Guzman, explaining that BORENSTEIN had been  
21 transferred to Montevista Hospital and that the hospital social worker there did not know if  
22 BORENSTEIN would be released by the May 24, 2019 review date on Mana's hold. Supervisor  
23 Guzman thanked LT. ZAVALA for the information.

24 On May 24, 2019, BORENSTEIN telephoned CCAC Lt. Clevinger, explained that he had been  
25 transferred to UMC Hospital, and again requested to have the hold extended on Mana. Lt. Clevinger  
26 relayed this information to TAF on May 28, 2019, and TAF's Assistant Director of Operations Zoie  
27 Keast, (hereinafter, "ADO Keast"), agreed to follow up with BORENSTEIN regarding his request.  
28 Supervisor Guzman was copied on the email chain.

1 SUNRISE HOSPITAL, CCAC, LT. ZAVALA, TAF, Supervisor Guzman, and Ms. Lopez-  
2 Castaneda had similar experiences with BORENSTEIN in 2017 and 2018 when he requested extended  
3 holds for his former dog, Rambo, including in October through December 2018, when Rambo was  
4 sheltered at TAF on CCAC holds while BORENSTEIN was hospitalized. During his last impound,  
5 Supervisor Guzman approved Rambo's care through the KEPPT program, but Ms. Lopez-Castaneda  
6 informed BORENSTEIN that if Rambo came back to TAF BORENSTEIN would be responsible for all  
7 shelter fees.

8 Thus, despite BORENSTEIN's May 2019 requests to hold Mana before the initial hold on him  
9 expired, on or about May 30, 2019, TAF, through its officers, directors, managers, supervisors, agents,  
10 and/or employees, removed the hold placed on Mana and made him available for adoption on or about  
11 May 31, 2019. On the evening of June 1, 2019, Mana was adopted by ROE BUSINESS ENTITIES 1-5  
12 and/or DOE INDIVIDUALS 1-5. Thirteen minutes later, BORENSTEIN telephoned CCAC and left a  
13 voice message advising CCAC staff that he was still in the hospital and wanted to reclaim Mana.

14 BORENSTEIN discharged from the hospital on or about June 1, 2019, after leaving the  
15 message at CCAC. On the morning of June 2, 2019, Lt. Clevinger spoke with BORENSTEIN and  
16 advised him that Mana had already been adopted from TAF. BORENSTEIN, who was overcome with  
17 grief, informed her that he was going to kill himself and hung up the telephone.

18 BORENSTEIN drove to TAF and begged them to return Mana to him. CARLY SCHOLTEN,  
19 (hereinafter, "COO SCHOLTEN"), who was present with ADO Keast, told BORENSTEIN that Mana  
20 had already been adopted and stated that BORENSTEIN was "too sick to care for a dog."  
21 BORENSTEIN presented TAF with a demand for Mana's return, but COO SCHOLTEN told  
22 BORENSTEIN that TAF would euthanize Mana before allowing BORENSTEIN to have possession of  
23 him. BORENSTEIN was hospitalized later that day for suicidal ideations and other grief brought on by  
24 the exacerbation of his mental disabilities from the sudden loss of his service dog.

25 Later that afternoon, BORENSTEIN faxed legal documents to CCAC including a previous  
26 court finding documenting Mana as BORENSTEIN's service dog. Lt. Clevinger documented in CCAC  
27 records that she sent an email to TAF advising that she had received a call from BORENSTEIN  
28 requesting his dog to be held. Lt. Clevinger also documented that CCAC had received the court

1 documents finding Mana was a service dog, but she also saw that Mana had been adopted on June 1,  
2 2019 and wrote that she was not sure what TAF could do for BORENSTEIN.

3 BORENSTEIN initiated this litigation on June 10, 2019. BORENSTEIN contacted elected  
4 public officials, community leaders, animal rights organizations, and others seeking assistance in  
5 having Mana returned to him. The president of the Humane Network contacted COO SCHOLTEN to  
6 help BORENSTEIN, but no follow-up came. BORENSTEIN sought injunctive relief on June 20, 2019.  
7 BORENSTEIN has been hospitalized several times thereafter, and his doctor gave him a prescription  
8 for a service or emotional support animal to help him. When BORENSTEIN tried to adopt an animal  
9 from TAF, COO SCHOLTEN or ADO Keast, acting under the direction of COO SCHOLTEN,  
10 retaliated and refused to adopt to him. BORENSTEIN then tried to adopt from the Henderson Animal  
11 Shelter but was told that someone from TAF had entered an electronic note in the database used by  
12 animal organizations, including those located in Clark County, stating that BORENSTEIN had been  
13 placed in a Do-Not-Adopt status and to contact TAF for more information. BORENSTEIN later  
14 learned from a public records request that the database warning had been authored by ADO Keast on  
15 June 25, 2019, just 15 days after this litigation was commenced and five days after BORENSTEIN  
16 sought injunctive relief.

## 17 II.

### 18 JURISDICTION AND VENUE

19 1. The federal claims of this *Complaint* are maintained pursuant to 28 U.S.C. § 1331  
20 (“[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution,  
21 laws, or treaties of the United States”). In particular, this case asserts federal civil rights claims, arising  
22 under the Constitution of the United States, actionable pursuant to 42 U.S.C. § 1983; discrimination  
23 claims, actionable pursuant to 42 U.S.C. § 12101 *et seq.* (the Americans with Disabilities Act and the  
24 Americans with Disabilities Act Amendment Act (collectively, “ADA”)) and 29 U.S.C. § 794 (Section  
25 504 of the Rehabilitation Act of 1973, as amended (“Rehabilitation Act”)). This Court has  
26 supplemental jurisdiction over the state-law claims, pursuant to 28 U.S.C. § 1367(a) (“the district courts  
27 shall have supplemental jurisdiction over all other claims that are so related to claims in the action  
28 within such original jurisdiction that they form part of the same case or controversy under Article III of

1 the United States Constitution”).

2 2. Venue is proper in the U.S. District Court situated in Las Vegas, Nevada, under Local  
3 Rule IA 1-6 and 28 U.S.C. § 1391(b)(2), because this Court is located in the “unofficial Southern  
4 Division” embracing Clark County and because the parties conducted business and/or resided in Las  
5 Vegas, Nevada, where a substantial part of the events or omissions giving rise to the claims of the case  
6 occurred.

7 **III.**

8 **PARTIES**

9 3. At all relevant times herein, Plaintiff, BRIAN BORENSTEIN (“BORENSTEIN”), was  
10 and is a citizen of the state of Nevada, residing in Las Vegas, Nevada, and he was a patient of  
11 Defendant SUNRISE HOSPITAL AND MEDICAL CENTER, LLC, which, through its officers,  
12 directors, managers, supervisors, agents, and/or employees, entrusted Plaintiff BORENSTEIN’s service  
13 animal, Mana, to the custody of Defendant COUNTY OF CLARK’s animal control division.

14 4. On information and belief, Defendant, THE ANIMAL FOUNDATION (“TAF”), is a  
15 domestic nonprofit corporation, authorized to do business in the state of Nevada and actually doing  
16 business as a corporation in the state of Nevada, operating, governing, managing, controlling, and/or  
17 overseeing The Lied Animal Shelter, which houses animals in Clark County, Nevada, including  
18 Plaintiff BORENSTEIN’s service animal, Mana, on behalf of several political subdivisions of the state  
19 of Nevada, pursuant to contracts therewith, including a contract with Defendant, COUNTY OF  
20 CLARK. At all times relevant hereto, Defendant TAF acquiesced in and ratified the decisions and  
21 actions made by its officers, directors, managers, supervisors, agents, and/or employees, including  
22 Defendant CARLY SCHOLTEN, and was bound by them.

23 5. On information and belief, Defendant, COUNTY OF CLARK, governs, manages,  
24 controls, operates, and/or oversees Clark County Animal Control, a governmental agency situated in  
25 Clark County, Nevada. Pursuant to Nev. Rev. Stat. §41.0305, Defendant, COUNTY OF CLARK  
26 (“CCAC”), is a political subdivision of the state of Nevada to which Defendant SUNRISE HOSPITAL,  
27 through its officers, directors, managers, supervisors, agents, employees, and/or government  
28 contractors, entrusted Plaintiff BORENSTEIN’s service animal. At all times relevant hereto, Defendant

1 CCAC acquiesced in and ratified the decisions and actions made by its officers, directors, managers,  
2 supervisors, agents, employees, and/or government contractors, including Defendants VICTOR  
3 ZAVALA and TAF, through its officers, directors, managers, supervisors, agents, and employees,  
4 including Defendant CARLY SCHOLTEN, and was bound by them.

5 6. On information and belief, Defendant SUNRISE HOSPITAL AND MEDICAL  
6 CENTER, LLC ("SUNRISE HOSPITAL"), is a foreign limited-liability company domiciled in  
7 Delaware, authorized to do business in the state of Nevada and actually doing business as a corporation  
8 in the state of Nevada, operating, governing, managing, controlling, and/or overseeing the hospital  
9 where Plaintiff BORENSTEIN was admitted as a patient, in Clark County, Nevada. At all times  
10 relevant hereto, Defendant SUNRISE HOSPITAL acquiesced in and ratified the decisions and actions  
11 made by its officers, directors, managers, supervisors, agents, and/or employees and was bound by  
12 them.

13 7. On information and belief, Defendant CARLY SCHOLTEN ("COO SCHOLTEN"), at  
14 all times relevant to this action, was a citizen of the state of Nevada, residing in the county of Clark,  
15 and she was employed as the chief operating officer of Defendant TAF, at its facility situated at 655  
16 North Mojave Road, Las Vegas, Nevada 89101. At all times relevant hereto, Defendant COO  
17 SCHOLTEN was supervised by Defendants TAF and CCAC, which was responsible for overseeing its  
18 government contractors and their officers, directors, managers, supervisors, agents, and/or employees.  
19 Defendant COO SCHOLTEN is sued in her individual capacity.

20 8. On information and belief, Defendant VICTOR ZAVALA ("LT. ZAVALA"), at all  
21 times relevant to this action, was a citizen of the state of Nevada, residing in the county of Clark, and  
22 he was employed as a lieutenant officer by Defendant CCAC, at its facility situated at 2911 East Sunset  
23 Road, Las Vegas, Nevada 89120. At all times relevant hereto, Defendant LT. ZAVALA was supervised  
24 by Defendant CCAC. Defendant LT. ZAVALA is sued in his individual capacity.

25 9. The true names and capacities of the Defendants sued herein as ROE BUSINESS  
26 ENTITIES 1-5, inclusive, are unknown to Plaintiff BORENSTEIN, who sues these Defendants by such  
27 fictitious names. ROE BUSINESS ENTITIES 1-5, inclusive, were parties in contemplation at the time  
28 of the filing of the *First Amended Complaint*. Plaintiff BORENSTEIN alleges, on information and

1 belief, that each of the Defendants sued herein as ROE BUSINESS ENTITIES 1-5, inclusive, adopted  
2 Plaintiff BORENSTEIN's service animal, Mana, from Defendant TAF, while Mana was entrusted to  
3 Defendant TAF's temporary care and custody, or subsequently acquired possession of  
4 BORENSTEIN's service animal, Mana. Upon information and belief, ROE BUSINESS ENTITIES 1-  
5 5, inclusive, have possession and control of Mana—property lawfully belonging to Plaintiff  
6 BORENSTEIN, over which the district court exercises *in rem* jurisdiction. Plaintiff BORENSTEIN will  
7 seek leave of Court to amend this *Second Amended Complaint* to state the true names and capacities of  
8 ROE BUSINESS ENTITIES 1-5, inclusive, when they have been ascertained.

9         10.    The true names and capacities of the Defendants sued herein as DOE INDIVIDUALS 1-  
10 5, inclusive, are unknown to Plaintiff BORENSTEIN, who sues these Defendants by such fictitious  
11 names. DOE INDIVIDUALS 1-5, inclusive, were parties in contemplation at the time of the filing of  
12 the *First Amended Complaint*. Plaintiff BORENSTEIN alleges, on information and belief, that each of  
13 the Defendants sued herein as DOE INDIVIDUALS 1-5, inclusive, adopted Plaintiff BORENSTEIN's  
14 service animal, Mana, from Defendant TAF, while Mana was entrusted to Defendant TAF's temporary  
15 care and custody, or subsequently acquired possession of BORENSTEIN's service animal, Mana. Upon  
16 information and belief, DOE INDIVIDUALS 1-5, inclusive, have possession and control of Mana—  
17 property lawfully belonging to Plaintiff BORENSTEIN, over which the district court exercises *in rem*  
18 jurisdiction. Plaintiff BORENSTEIN will seek leave of Court to amend this *Second Amended*  
19 *Complaint* to state the true names and capacities of DOE INDIVIDUALS 1-5, inclusive, when they  
20 have been ascertained.

21         11.    On information and belief, at all relevant times herein, each Defendant was the  
22 employer, officer, director, manager, supervisor, agent, and/or employee of the other, and some or all of  
23 Defendants' acts and omissions occurred during the course and scope of such employment and agency,  
24 and such acts and omissions were taken at the instruction of, at the request of, at the behest of, and/or  
25 for the benefit of one or more of the other Defendants.

**IV.**

**GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

26  
27  
28         12.    BORENSTEIN incorporates by reference all documents specifically cited in the

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1 foregoing general allegations, as though attached to this *Second Amended Complaint*.

2 13. BORENSTEIN is a disabled individual within the meaning of the Americans with  
3 Disabilities Act (“ADA”) and the Americans with Disabilities Act Amendments Act (“ADAAA”)  
4 (collectively hereinafter, “ADA”), Nevada Revised Statute § 41.1395 (hereinafter, “Vulnerable Persons  
5 Statute”), and Nevada Revised Statutes § 233.020(3), § 426.068, and § 651.050(1) (collectively, Titles  
6 233, 426, and 651 of the Nevada Revised Statutes are hereinafter referred to as the “State  
7 Discrimination Statutes”).

8 14. BORENSTEIN’s psychological record of impairments include, but are not limited to,  
9 bipolar disorder, manic depression, anxiety, and post-traumatic stress disorder, and his medical record  
10 includes, but is not limited to, cardiovascular impairments.

11 15. BORENSTEIN uses a self-trained service dog to assist him with his disabilities.

12 16. BORENSTEIN is indigent.

13 17. TAF operates the Lied Animal Shelter, which is a facility designated by CCAC for  
14 receiving and holding animals, as defined in Nevada Revised Statute § 574.240.

15 18. TAF is a non-profit entity receiving millions of dollars annually, including nearly five  
16 million dollars in public funding in 2020, to provide shelter services for local governments in the  
17 greater Las Vegas Valley, including CCAC.

18 ***Defendants’ Impound History with Plaintiff’s Dog, Rambo***

19 19. BORENSTEIN adopted a German Shepherd Dog named Rambo, on or about October  
20 16, 2015, from the Nevada SPCA. (TAF000125)<sup>1</sup>.

21 20. Rambo served as a service dog and/or an emotional support dog to BORENSTEIN.

22 21. In or before October 2017, CCAC, TAF, and SUNRISE HOSPITAL, through their  
23 respective officers, directors, managers, supervisors, agents, and/or employees, knew that  
24 BORENSTEIN was disabled and/or had a record of impairment, and/or they regarded him as being  
25 disabled.

26 22. In or before October 2017, CCAC and TAF, through their respective officers, directors,  
27

28 <sup>1</sup> References to “TAF \_\_\_\_\_” refer to the documents produced in discovery by TAF.

1 managers, supervisors, agents, and/or employees, including CCAC LT. ZAVALA and TAF Animal  
2 Admissions Supervisor Lee Guzman, (hereinafter, “Supervisor Guzman”) and Lost & Found Clerk  
3 Isaura Lopez-Castaneda, (hereinafter “Ms. Lopez-Castaneda), initiated a pattern and practice of  
4 safeguarding BORENSTEIN’s dog and extending or facilitating the extension of shelter holds on  
5 BORENSTEIN’s dog while BORENSTEIN was hospitalized, including at SUNRISE HOSPITAL.

6 *First Impound (October 12, 2017, to on or about November 1-5, 2017)*

7 23. Beginning on or about October 12, 2017, BORENSTEIN’s former dog, Rambo, was  
8 safeguarded at the Lied Animal Shelter for weeks when BORENSTEIN was initially hospitalized at  
9 Spring Valley Hospital. (TAF000002).

10 24. On October 16, 2017, Ms. Lopez-Castaneda was copied on an email from Holly Woods  
11 from the Nevada SPCA, (hereinafter, “Ms. Woods”), advising that BORENSTEIN was Rambo’s  
12 adopted owner and was aware of the hold on Rambo and wanted to reclaim him when he was released  
13 from the hospital. (TAF000009).

14 25. On October 19, 2017, Supervisor Guzman approved an additional ten-day hold on  
15 Rambo, which was set to expire on October 22, 2017, after LT. ZAVALA sent an email to Supervisor  
16 Guzman, explaining that LT. ZAVALA had received a phone call from an officer at the hospital where  
17 BORENSTEIN was then receiving treatment and that BORENSTEIN was not expected to be released  
18 from the hospital until November 1, 2017. (ECF No. 158-5<sup>2</sup> at 3 (TAF000088)).

19 26. On October 28, 2017, CCAC Senior Animal Control Officer Darryl Duncan,  
20 (hereinafter, “Senior Officer Duncan”), retrieved a voicemail message left by BORENSTEIN’s aunt,  
21 Gail Tower, requesting an additional four-day hold on Rambo, because BORENSTEIN was still in the  
22 hospital. (TAF000010).

23 27. In response, Senior Officer Duncan sent an email to Supervisor Guzman, and he copied  
24 LT. ZAVALA, wherein he requested TAF to extend the hold on Rambo for another four days, until  
25 November 5, 2017, which Supervisor Guzman agreed to do. (See ECF No. 158-5 at 4-5 (TAF000089-  
26 90)).

27 \_\_\_\_\_  
28 <sup>2</sup> References to “ECF \_\_\_\_\_” refer to the Court’s electronic case file for this matter.



1 28. BORENSTEIN reclaimed Rambo when he was released from the hospital before the  
2 hold expired. (See TAF000010).

3 *Second Impound (November 16, 2017, to December 7, 2017)*

4 29. On or about November 9, 2017, Street Dogz picked Rambo up at SUNRISE HOSPITAL  
5 when BORENSTEIN was admitted following an emergency room visit, and Street Dogz then arranged  
6 for Rambo to be boarded at Creature Comfort Animal Hospital (hereinafter, "Creature Comfort").  
7 (TAF000005).

8 30. Street Dogz is an organization that lists its mission as "to ensure that no pet is  
9 surrendered due to a lack of resources on the part of their human." (<https://streetdogzlv.org/aboutus/>).

10 31. Sometime between November 10 and 14, 2017, BORENSTEIN was released or  
11 transferred from SUNRISE HOSPITAL, and he was hospitalized at Montevista Hospital. (TAF000005-  
12 06).

13 32. CCAC placed Rambo on a quarantine hold between November 14 and 22, 2017, after he  
14 bit a Creature Comfort employee two days earlier. (TAF000006).

15 33. Rambo remained boarded at Creature Comfort between November 14 and 16, 2017,  
16 because BORENSTEIN's Montevista Hospital caseworker, Leslie French, informed CCAC Officer  
17 Angela Padilla that BORENSTEIN requested that Rambo stay there; and CCAC Officer Maria Stenico  
18 reviewed a note left by BORENSTEIN at Creature Comfort stating that he did not want Rambo  
19 sheltered at TAF. (TAF000006).

20 34. On November 16, 2017, when BORENSTEIN was unable to pay for Rambo's care at  
21 Creature Comfort, Rambo was transferred to TAF and placed on a regulation hold per instructions from  
22 CCAC Sergeant James Rodgers, (hereinafter, "Sergeant Rodgers"), which hold required a CCAC  
23 supervisor's signature to lift. (TAF000006).

24 35. BORENSTEIN was subsequently released or transferred from Montevista Hospital, and  
25 he was hospitalized at Seven Hills Hospital, on or before November 17, 2017. (TAF000005).

26 36. Seven Hills Hospital social worker, Rachel Litman, called CCAC to ensure that Rambo  
27 was safeguarded until BORENSTEIN was released. (TAF000005).

28 37. On or about December 5, 2017, Sergeant Rodgers tried unsuccessfully to reach

1 BORENSTEIN and his social worker at Seven Hills Hospital. (TAF000005).

2 38. On that date, BORENSTEIN was admitted to St. Rose Dominican Hospital, San Martin  
3 Campus. (See TAF000014 (reflecting a telephone number belonging to that hospital campus)).

4 39. Later, on December 5, 2017, BORENSTEIN telephoned TAF and spoke with  
5 Admissions Counselor Yoselyn Lopez, (hereinafter, "Ms. Lopez") who informed him that he had to  
6 speak with CCAC to reclaim Rambo and then forwarded the telephone call to a TAF manager  
7 identified as "RJ." (TAF000014).

8 40. BORENSTEIN informed the manager that he would be in to reclaim Rambo in a few  
9 days when he got out of the hospital and wanted to ensure that Rambo was not euthanized. He also  
10 asked about fees, which the manager advised they could discuss with BORENSTEIN when he came to  
11 reclaim Rambo. (TAF000014).

12 41. The hold on Rambo remained December 7, 2017, when Sergeant Rodgers lifted it to  
13 enable BORENSTEIN to reclaim him. (TAF000014).

14 *Third Impound (December 20, 2017, to January 3, 2018)*

15 42. On December 20, 2017, Rambo was picked up by CCAC at Desert Springs Hospital and  
16 placed on a ten-day hold when the Las Vegas Metropolitan Police Department civilly committed  
17 BORENSTEIN, and he was taken to the emergency room. (See TAF000007-14; CC 000159-60<sup>3</sup>).

18 43. On December 21, 2017, Ms. Lopez-Castaneda was copied on a similar email previously  
19 sent to the Nevada SPCA, rather than BORENSTEIN, (see ¶ 24, *supra.*), advising the SPCA of the hold  
20 placed on Rambo and the process for extending the hold and/or claiming Rambo; and Ms. Lopez-  
21 Castaneda was copied on the response from Ms. Woods, again advising that BORENSTEIN was  
22 Rambo's actual owner. (See TAF000125-26).

23 44. On or before December 27, 2017, BORENSTEIN called from University Medical  
24 Center and left a voicemail at TAF requesting TAF to extend its hold on Rambo. (See ECF No. 158-5  
25 at 2 (TAF000086)).

26 45. On or about December 27, 2017, BORENSTEIN telephoned CCAC and spoke with LT.  
27

28 <sup>3</sup> References to "CC \_\_\_\_\_" refer to the documents produced in discovery by CCAC.

1 ZAVALA, who advised BORENSTEIN that he had to speak with someone at TAF to obtain an  
2 extension on Rambo's hold. (ECF No. 158-5 at 2 (TAF000086)).

3 46. After speaking with BORENSTEIN, LT. ZAVALA sent an email to Supervisor  
4 Guzman, explaining that BORENSTEIN's dog was at the shelter again and that BORENSTEIN was in  
5 the hospital trying to contact TAF but kept getting voicemails when he called. LT. ZAVALA wrote that  
6 he told BORENSTEIN to contact TAF to request the extension, and LT. ZAVALA requested  
7 Supervisor Guzman to have someone at TAF return BORENSTEIN's call. (ECF No. 158-5 at 2 (TAF  
8 000086); TAF000018).

9 47. Meanwhile, Ms. Lopez returned BORENSTEIN's call to TAF and left a voicemail for  
10 him, stating that TAF would not extend its hold. (TAF000017).

11 48. Acting on LT. ZAVALA's email, however, Supervisor Guzman telephoned  
12 BORENSTEIN and extended the hold for the three days requested, and then it was extended another  
13 two days, until January 5, 2018, when LT. ZAVALA received a second request from BORENSTEIN  
14 on the day before the hold was set to expire. (ECF No. 158-5 at 2 (TAF000086); TAF000083).

15 49. Supervisor Guzman approved the payment of Rambo's shelter fees through TAF's  
16 "Keeping Every Person and Pet Together" ("KEPPT") program, and Ms. Lopez informed  
17 BORENSTEIN that, if Rambo came back to TAF's shelter, BORENSTEIN would be responsible for  
18 the payment of all fees. (TAF000018).

19 50. BORENSTEIN physically reclaimed Rambo on January 3, 2018. (TAF000083).

20 51. Upon information and belief, BORENSTEIN was unable to pay and did not compensate  
21 TAF for any of the times Rambo was sheltered and safeguarded by TAF.

22 52. Upon information and belief, TAF Chief Operating Officer CARLY SCHOLTEN  
23 (hereinafter, "COO SCHOLTEN"), knew about Rambo's stays at the Lied Animal Shelter and that  
24 BORENSTEIN had not paid any fees resulting therefrom.

25 53. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
26 including COO SCHOLTEN, was displeased by BORENSTEIN's failure to pay.

27 54. BORENSTEIN owned Rambo for several years before Rambo subsequently died in  
28 October 2018, which was unrelated to his hold or the care he received at the Lied Animal Shelter.

1 *Defendants' Impound History with Plaintiff's Service Dog, Mana*

2 55. BORENSTEIN adopted Mana in or about January 2019 from the Henderson Animal  
3 Shelter in Henderson, Nevada.

4 56. Mana is a German Shepard that BORENSTEIN believes resembles Rambo in both  
5 mannerisms and characteristics.

6 57. BORENSTEIN selected Mana, in part, because Mana reminds BORENSTEIN of  
7 Rambo.

8 58. BORENSTEIN trained Mana to assist him with his disabilities.

9 59. Upon information and belief, CCAC, through LT. ZAVALA, vouched for  
10 BORENSTEIN before the Henderson Animal Shelter adopted Mana to him.

11 60. Mana is a service dog, as defined in 28 Code of Federal Regulation § 36.104 and  
12 Nevada Revised Statute § 426.097.

13 *First Impound (April 15, 2019, to April 16, 2019)*

14 61. On April 15, 2019, Mana was picked up by CCAC, through one of its officers, directors,  
15 managers, supervisors, agents, and/or employees, and safeguarded overnight at the Lied Animal Shelter  
16 operated by TAF, when the Las Vegas Metropolitan Police Department civilly committed  
17 BORENSTEIN, and he was taken to University Medical Center. (TAF000034).

18 62. BORENSTEIN physically reclaimed Mana the following afternoon. (TAF000034).

19 63. Upon information and belief, BORENSTEIN did not compensate TAF for Mana's  
20 overnight boarding.

21 64. Upon information and belief, COO SCHOLTEN knew that Mana had stayed at the Lied  
22 Animal Shelter in April 2019, and BORENSTEIN did not pay any fees, thereafter.

23 *Second Impound (May 12, 2019, to June 1, 2019)*

24 65. On or about May 12, 2019, BORENSTEIN was in extremis, so he drove himself to  
25 SUNRISE HOSPITAL and was accompanied by Mana.

26 66. BORENSTEIN parked his rental car near the emergency room entrance and went inside  
27 with Mana, arriving at the registration desk at or about 1354 hours. (ECF No. 159  
28 ///

1 (SUNRISE000350))<sup>4</sup>.

2 67. BORENSTEIN and Mana were placed in a room, and BORENSTEIN was medically  
3 triaged between or about 1403 and 1407 hours. (ECF No. 159 (SUNRISE000350)).

4 68. Mana became anxious, which BORENSTEIN credited to a recent incident with  
5 BORENSTEIN's landlord that arose during BORENSTEIN's eviction. (ECF No. 159  
6 (SUNRISE000360)).

7 69. SUNRISE HOSPITAL medical personnel determined that BORENSTEIN needed  
8 immediate medical care, including sedatives, and they explained to BORENSTEIN that hospital  
9 personnel would not be able to care for Mana and had no place inside the hospital to secure Mana, if  
10 BORENSTEIN's medical condition prevented BORENSTEIN from caring for Mana himself.

11 70. BORENSTEIN explained that he did not have any family or friends who could care for  
12 Mana on BORENSTEIN's behalf, and, having no other option, he asked medical personnel if they  
13 would call CCAC and request CCAC to safeguard Mana while BORENSTEIN was hospitalized. (ECF  
14 No. 159 (SUNRISE000360)).

15 71. SUNRISE HOSPITAL medical personnel, including Nurse Pasternak, agreed to act on  
16 BORENSTEIN's behalf, in accordance with his request. (See ECF No. 159 (SUNRISE000360)).

17 72. BORENSTEIN agreed to return Mana to his car for temporary safeguarding, relying on  
18 SUNRISE HOSPITAL and Nurse Pasternak's promise to stay with Mana until CCAC took possession  
19 of him.

20 73. Thereafter, BORENSTEIN, accompanied by Nurse Pasternak, walked Mana to his car  
21 and placed him inside.

22 74. BORENSTEIN left the air conditioning running and, having recently been evicted and  
23 sleeping in the vehicle accompanied by Mana on the night of May 11, 2019, had already ensured that  
24 food and water was available for Mana's consumption.

25 75. After Mana was safely secured, BORENSTEIN gave the keys to Nurse Pasternak, who,  
26

27  
28 <sup>4</sup> References to "SUNRISE \_\_\_\_" refer to the documents produced by SUNRISE HOSPITAL  
in response to a subpoena duces tecum issued by BORENSTEIN.

1 in turn, handed them over to hospital security at or about 1410 hours. (See **ECF No. 159**  
2 **(SUNRISE000360)**).

3 76. This agreement between BORENSTEIN and SUNRISE HOSPITAL, constituted a  
4 voluntary bailment.

5 77. Meanwhile, another hospital security officer, who identified himself as José, telephoned  
6 CCAC, at or about 1404 hours, and advised the dispatch clerk that BORENSTEIN was going to be  
7 admitted to the hospital and that SUNRISE HOSPITAL security would be standing by the emergency  
8 room entrance so that CCAC could take possession of Mana, who he advised was locked in  
9 BORENSTEIN's car. (See **ECF No. 159 (SUNRISE000404-05)**; **ECF No. 178-6** (transcript of **CC**  
10 **000359**).

11 78. Both Nurse Pasternak and a hospital security officer stood outside BORENSTEIN's car  
12 where Mana was secured inside, as agreed, and BORENSTEIN returned inside the hospital. (**ECF No.**  
13 **158-3 (CC 000031)**; **ECF No. 159 (SUNRISE000360)**).

14 79. BORENSTEIN was placed in a room and medicated at or about 1422 hours,  
15 approximately 15 to 19 minutes after his first presentation in triage when he had been accompanied by  
16 Mana. (See **ECF No. 159 (SUNRISE000360)**).

17 80. SUNRISE HOSPITAL, through its officers, directors, managers, supervisors, agents,  
18 and/or employees, knew that BORENSTEIN was disabled and/or had a record of impairment, and/or  
19 regarded him as being disabled before calling CCAC.

20 81. Upon arrival at SUNRISE HOSPITAL, approximately five minutes after Mana was first  
21 placed in BORENSTEIN's vehicle, at or about 1415 hours, (**ECF No. 159 (SUNRISE000405)**), CCAC  
22 Officer "CE 171" met with SUNRISE HOSPITAL Security Officer Vallan, who advised the CCAC  
23 officer that BORENSTEIN's vehicle was in the emergency room drop-off driveway, that  
24 BORENSTEIN had been admitted inpatient, and that BORENSTEIN's dog was in the vehicle. Officer  
25 Vallan stated he thought the dog seemed aggressive, (**ECF No. 158-3** at 3 (**CC 000031**)).

26 82. Upon information and belief, CCAC Officer "CE 171" is Rachel Lund, (hereinafter,  
27 "Officer Lund").

28 83. After speaking with Security Officer Vallan, Officer Lund went to the vehicle, where

1 she observed Mana inside, barking excessively, while SUNRISE HOSPITAL Security Officer Carrero  
2 and Nurse Pasternak stood nearby. (ECF No. 158-3 at 3 (CC 000031)).

3 84. Security Officer Carrero and Nurse Pasternak advised Officer Lund that BORENSTEIN  
4 was then sedated and that he had identified Mana as his service dog. (ECF No. 158-3 at 3 (CC  
5 000031)).

6 85. Prior to speaking with Officer Lund, Nurse Pasternak knew that BORENSTEIN was  
7 disabled and/or had a record of impairment, and/or she regarded him as being disabled.

8 86. Officer Lund advised CCAC Officer "CE 139" of the information relayed to her by  
9 SUNRISE HOSPITAL staff, including that BORENSTEIN was sedated and had claimed Mana as his  
10 service dog, and she obtained permission from CCAC Officer "CE 139" to remove Mana from the  
11 vehicle and place a ten-day hold on him. (ECF No. 158-3 at 3 (CC 000031)).

12 87. Upon information and belief, CCAC Officer "CE 139" is Lieutenant Stephanie  
13 Clevinger, (hereinafter, "Lt. Clevinger").

14 88. Nurse Pasternak, acting on behalf of BORENSTEIN, signed the CCAC impound card  
15 releasing Mana to Officer Lund under those conditions. (ECF No. 158-3 at 3-4 (CC 000031-32)).

16 89. Officer Lund left a copy of the impound card with Nurse Pasternak to give to  
17 BORENSTEIN and instructed that BORENSTEIN should call CCAC, if he needed more time to claim  
18 Mana. (See ECF No. 158-3 at 3-4 (CC 000031-32)).

19 90. The information relayed by Officer Lund to Nurse Pasternak was subsequently entered  
20 in BORENSTEIN's medical records, (ECF No. 159 (SUNRISE000360)), and the impound card was  
21 placed in his inventory, maintained by the hospital, along with his other possessions, (ECF No. 159  
22 (SUNRISE000397-98)).

23 91. Officer Lund removed Mana from the vehicle using a control stick, and she documented  
24 all the foregoing details in CCAC records, describing Mana as bright, alert, and responsive, with no  
25 obvious injuries. (ECF No. 158-3 at 3-4 (CC 000031-32)).

26 92. Officer Lund, acting under the direction and authority of Lt. Clevinger, took Mana to the  
27 Lied Animal Shelter operated by TAF.

28 93. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,

1 received a copy of the CCAC Impound Card that Officer Lund left with Nurse Pasternak to be given to  
2 BORENSTEIN, which stated, "Owner hospitalized / admitted and currently sedated." (See **ECF No.**  
3 **158-3** at 4 (**CC 000032**)).

4 94. Upon information and belief, COO SCHOLTEN was informed that Mana was sheltered,  
5 accordingly.

6 95. The following day, on May 13, 2019, BORENSTEIN, who was physically restrained  
7 and involuntarily committed for psychiatric care by SUNRISE HOSPITAL medical personnel, was  
8 transported via ambulance/care van to North Vista Hospital in North Las Vegas, Nevada. (**ECF No.**  
9 **159 (SUNRISE000358)**).

10 96. Upon information and belief, SUNRISE HOSPITAL, through its officers, directors,  
11 supervisors, agents, and/or employees, failed to inform medical or other personnel at North Vista  
12 Hospital that Mana was only guaranteed to be safeguarded by CCAC and/or TAF until May 22, 2019.

13 97. SUNRISE HOSPITAL, acting through its officers, directors, supervisors, agents, and/or  
14 employees, failed to ensure that Mana was safely kept until BORENSTEIN could reclaim him, even  
15 after sedating, restraining, and involuntarily committing BORENSTEIN and transferring him to another  
16 hospital for psychiatric care.

17 98. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
18 including Supervisor Guzman and Ms. Lopez-Castaneda, who both had prior interactions with  
19 BORENSTEIN, and, upon information and belief, COO SCHOLTEN, knew that BORENSTEIN had  
20 been hospitalized and sedated and that a ten-day hold on Mana was likely to be insufficient to ensure  
21 his safe return to BORENSTEIN.

22 99. When an officer takes possession of an animal found running at large, section  
23 10.24.010(f) of the Clark County animal ordinance, (hereinafter, "Animal Ordinance"), requires TAF to  
24 make at least three personal attempts to notify the owner of an animal as to why the animal was taken,  
25 where the animal will be sheltered, and the fact that there is a lien on the animal for the cost of shelter  
26 and care.

27 100. At or about 8:49 a.m., on May 13, 2019, TAF, through Ms. Lopez-Castaneda, sent an  
28 email to BORENSTEIN titled "Impounded Animal, ID#A1055232 1st Attempt 'Please read all



1 information.” [sic]. (ECF No. 158-4 at 2-4 (PLF00040-42<sup>5</sup>)).

2 101. “Impounded Animal, ID#A1055232” referred to Mana.

3 102. The email contained specific instructions for contacting TAF before 1435 hours on May  
4 22, 2019, to prevent Mana from being processed through the shelter for adoption or euthanasia. (ECF  
5 No. 158-4 at 2-4 (PLF00040-42)).

6 103. An authorization letter for pick-up and a credit card charge authorization were both  
7 attached to the email.

8 104. The email stated that, if necessary, it was BORENSTEIN’s responsibility to call or email  
9 Supervisor Guzman or Supervisor Nikolas Caldera, (hereinafter, “Supervisor Caldera”), to request  
10 more time on Mana’s hold and further instructed, that if BORENSTEIN received a recorded message  
11 when he called, to leave a message no matter what TAF’s recorded message said. A telephone number  
12 for CCAC was also provided for BORENSTEIN to call. (ECF No. 158-4 at 3 (PLF00041)).

13 105. The email instructed BORENSTEIN to contact TAF for a quote on fees, if he planned  
14 on reclaiming Mana. (ECF No. 158-4 at 2-3 (PLF00040-41)).

15 106. The email also provided information about the KEPPT program, which is described  
16 therein as an owner-surrender intervention program offered by TAF for persons in need of temporary  
17 boarding or other assistance for their animals. (ECF No. 158-4 at 3 (PLF00041)).

18 107. At or about 9:26 a.m., on May 14, 2019, Ms. Lopez-Castaneda sent another email to  
19 BORENSTEIN. The email was titled “\*\*\*Correct Impounded Animal, ID#A1055232 2nd Attempt  
20 ‘Please read all information.’ [sic]. (ECF No. 158-4 at 5-7 (PLF00045-47)).

21 108. The second email was substantially similar to the first email and included the same two  
22 attachments authorizing pick-up and credit card charges, except in the body of the email it directed  
23 BORENSTEIN to refer to “Animal ID#A1049211” when corresponding with TAF. (ECF No. 158-4 at  
24 5 (PLF00045)).

25 109. “ID#A1049211” was not Mana’s correct TAF identification number.

26 110. Upon information and belief, neither Ms. Lopez-Castaneda nor anyone else acting on

27 \_\_\_\_\_  
28 <sup>5</sup> References to “PLF \_\_\_\_\_” refer to the documents produced in discovery by BORENSTEIN.

1 behalf of TAF and/or CCAC made a third attempt to contact BORENSTEIN.

2 111. However, the two emails, coupled with the mandate and purpose of the Animal  
3 Ordinance, as well as TAF's prior course of dealings with BORENSTEIN and Rambo, constituted an  
4 offer by TAF to BORENSTEIN to safeguard Mana through May 22, 2019, and to extend the period  
5 beyond that date, if BORENSTEIN notified them of his need for an extension prior to the expiration  
6 date on the initial hold.

7 112. TAF's offer expressly or impliedly promised that it would not exercise any right of  
8 ownership that it might otherwise have under contract or statute, so long as BORENSTEIN acted in  
9 accordance with the instructions in the emails.

10 113. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
11 including Ms. Lopez-Castaneda and Supervisor Guzman, and COO SCHOLTEN were tired of dealing  
12 with BORENSTEIN and did not want him to reclaim Mana.

13 114. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
14 including Ms. Lopez-Castaneda and Supervisor Guzman, and COO SCHOLTEN were deliberately  
15 indifferent about ensuring that BORENSTEIN received actual notice and an opportunity to be heard  
16 regarding Mana's hold and TAF's intentions with Mana.

17 115. In fact, BORENSTEIN did not receive these emails on the dates they were sent, because  
18 BORENSTEIN was still in the hospital suffering from a serious medical condition and was unable to  
19 then access his email, because his cell phone was placed in his inventory, maintained by the hospital,  
20 along with his other possessions, (**ECF No. 159 (SUNRISE000398)**).

21 116. However, thereafter, while still in the hospital, BORENSTEIN subsequently contacted  
22 TAF several times before May 22, 2019, including on May 21, 2019, and he left voicemail messages at  
23 the inconsistently monitored phone number listed in the emails, informing TAF that he was in the  
24 hospital and wanted to reclaim Mana but needed TAF to extend Mana's hold.

25 117. These voicemail messages left by BORENSTEIN constituted his acceptance of TAF's  
26 offer to refrain from exercising any ownership rights that TAF might otherwise have had on Mana.

27 118. Despite his repeated efforts, BORENSTEIN was not able to speak with anyone at TAF  
28 directly.

1 119. So, consistent with the email instructions and BORENSTEIN's past dealings with  
2 CCAC, LT. ZAVALA, and TAF, on May 21, 2019, BORENSTEIN also telephoned CCAC and spoke  
3 with LT. ZAVALA. (ECF No. 158-5 at 9 (TAF000106)).

4 120. CCAC, including through LT. ZAVALA and his prior interactions with BORENSTEIN,  
5 already knew that BORENSTEIN was disabled and had a record of impairment and/or regarded  
6 BORENSTEIN as being disabled, prior to LT. ZAVALA speaking with BORENSTEIN.

7 121. During the May 21, 2019 telephone call, BORENSTEIN explained to LT. ZAVALA  
8 that he would be hospitalized until June 2, 2019, that he did not have access to a telephone where he  
9 could be reached, and he requested to extend Mana's hold until June 2, 2019. (ECF No. 158-5 at 9  
10 (TAF000106)).

11 122. This telephone call further constituted BORENSTEIN's acceptance of TAF's offer to  
12 refrain from exercising any ownership rights TAF might otherwise have had on Mana.

13 123. BORENSTEIN relied to his detriment on CCAC, through LT. ZAVALA, and on TAF,  
14 through Supervisor Guzman, to act in conformity with the offer in the emails from Ms. Lopez-  
15 Castaneda and the intended purpose of the Animal Ordinance and in conformity with their prior  
16 dealings with regard to hold extensions on BORENSTEIN's former dog, Rambo.

17 124. On May 21, 2019, LT. ZAVALA sent an email to TAF Supervisors Guzman and  
18 Caldera and TAF's Assistant Director of Operations Zoie Keast, (hereinafter, "ADO Keast"), regarding  
19 BORENSTEIN's request, explaining that CCAC could not extend its hold but agreed to relay  
20 BORENSTEIN's request to TAF for consideration. LT. ZAVALA copied Lt. Clevinger and Officer  
21 Duncan on the email. (ECF No. 158-5 at 9 (TAF000106)).

22 125. Supervisor Guzman acknowledged receipt of the email that evening, stating that he  
23 called SUNRISE HOSPITAL and was told the hospital had no record of BORENSTEIN. Supervisor  
24 Guzman sent a subsequent email minutes later stating that he just learned BORENSTEIN had been  
25 discharged from the hospital. (ECF No. 158-5 at 8 (TAF000105)).

26 126. The following day, on May 22, 2019, LT. ZAVALA sent another email to Supervisor  
27 Guzman, explaining that BORENSTEIN had been transferred to Montevista Hospital and that the  
28 hospital social worker there did not know if BORENSTEIN would be released by the May 24, 2019

1 review date on Mana's hold. (**ECF No. 158-5** at 8 (**TAF000105**)).

2 127. Supervisor Guzman thanked LT. ZAVALA for the information, copying TAF  
3 Supervisors Guzman and Caldera and ADO Keast, as well as CCAC Lt. Clevinger and Senior Officer  
4 Duncan on the complete two-day email thread. (**ECF No. 158-5** at 8 (**TAF000105**)).

5 128. Supervisor Guzman extended the hold on Mana only until May 24, 2019, after  
6 Supervisor Guzman called Montevista Hospital and spoke to someone named "Maryann," and left a  
7 message for BORENSTEIN, even though Maryann told Supervisor Guzman that she could not confirm  
8 whether BORENSTEIN was hospitalized there due to patient confidentiality, and even though  
9 Supervisor Guzman knew that BORENSTEIN was homeless, (**TAF000038**), and had requested an  
10 extension of the hold until June 2, 2019, (**ECF No. 158-5** at 9 (**TAF000106**)).

11 129. But taking no chances that his May 21, 2019 request to LT ZAVALA to extend Mana's  
12 hold until June 2, 2019, had been approved, on May 24, 2019, BORENSTEIN telephoned CCAC and  
13 requested Lt. Clevinger to ensure that Mana was held until BORENSTEIN could reclaim him, and he  
14 told her that he was at University Medical Center and did not have access to a telephone to further  
15 communicate at that time. (See **ECF No. 158-5** at 6 (**TAF000092**)).

16 130. Lt. Clevinger relayed this information to TAF on May 28, 2019, and ADO Keast agreed  
17 to follow up with BORENSTEIN regarding his request to hold Mana. Supervisors Guzman and Caldera  
18 were copied on the email chain. (See **ECF No. 158-5** at 6 (**TAF000092**)).

19 131. After sending the email, Lt. Clevinger also called Montevista Hospital, per the  
20 information in LT. ZAVALA's May 22, 2019 email that BORENSTEIN had then been at that hospital,  
21 and she left a message for the hospital social worker to call her back. (**TAF000033**).

22 132. However, on that date, May 28, 2019—four days after BORENSTEIN had provided Lt.  
23 Clevinger with his location at University Medical Center and six days after LT. ZAVALA had reported  
24 that BORENSTEIN was at Montevista Hospital—BORENSTEIN was hospitalized inpatient at  
25 SUNRISE HOSPITAL, having acquired pneumonia.

26 133. On May 29, 2019, despite having learned from LT. ZAVALA, on May 21, 2019, that  
27 BORENSTEIN had requested an extension on Mana's hold until June 2, 2021, and despite having been  
28 informed by Lt. Clevinger, on May 28, 2019, that BORENSTEIN had reiterated his request to extend

1 Mana's hold on May 24, 2019, ADO Keast only extended Mana's hold until May 31, 2019.  
2 (TAF000038).

3 134. O May 30, 2019—one day before the hold placed by ADO Keast was set to expire—a  
4 TAF employee, identified as "JM", removed the hold on Mana, claiming that he could not locate  
5 BORENSTEIN after calling University Medical Center and Montevista Hospital. (TAF000038).

6 135. Upon information and belief, "JM" is Julio Mejia, TAF's KEPPT Program Supervisor,  
7 (hereinafter "Supervisor Mejia"). (TAF000123).

8 136. BORENSTEIN's requests to hold Mana until June 2, 2019, complied with the offer  
9 instructions provided in the emails from TAF, and thus constituted BORENSTEIN's acceptance of the  
10 offers to extend the hold on Mana.

11 137. BORENSTEIN's requests further amounted to requests for a reasonable accommodation  
12 to hold Mana until that date, pursuant to the ADA and State Discrimination Statutes, so that  
13 BORENSTEIN could reclaim him, after he got out of the hospital.

14 138. Neither CCAC or TAF extended the hold on Mana through June 2, 2019—the date  
15 BORENSTEIN had informed LT. ZAVALA that he expected to be out of the hospital and able to  
16 reclaim Mana.

17 139. Despite their knowledge of the circumstances surrounding Mana's hold, including their  
18 knowledge of BORENSTEIN's disabilities and current hospitalization, their knowledge of Mana's  
19 status as BORENSTEIN's claimed service animal, and their knowledge that Mana's recovery by  
20 BORENSTEIN was imminent following BORENSTEIN's hospitalization, CCAC and LT. ZAVALA  
21 acted intentionally or with deliberate indifference when they failed to agree to ensure that the hold on  
22 Mana was extended, as requested by BORENSTEIN on May 21, 2019, and thereafter, so that  
23 BORENSTEIN could reclaim him at the end of BORENSTEIN's hospitalizations on June 2, 2019.

24 140. CCAC and LT. ZAVALAs' failures to extend the hold on Mana, despite all their  
25 foregoing knowledge about the situation, frustrated BORENSTEIN's permanent possession of his  
26 service animal and made Mana vulnerable to adoption by someone else.

27 141. LT. ZAVALA also failed to document his May 21, 2019 telephone call with  
28 BORENSTEIN and his timely request to extend the hold on Mana in CCAC's official activity records.

1 142. LT. ZAVALA's failure to document that BORENSTEIN timely accepted TAF's offer  
2 by requesting an extension. until June 2, 2019. on Mana's hold, before the initial hold period expired,  
3 was done with intention or with deliberate indifference as to the consequences to BORENSTEIN and  
4 his ownership possession over Mana.

5 143. Upon information and belief, TAF's directors, managers, supervisors, agents, and/or  
6 employees, including but not limited to ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-  
7 Castaneda, were acting under the direction and authority of COO SCHOLTEN, and were aware of  
8 BORENSTEIN's requests to hold Mana until June 2, 2019, but deliberately disregarded them.

9 144. COO SCHOLTEN knew that BORENSTEIN was disabled and/or had a record of  
10 impairment, and/or she regarded him as being disabled, including because of TAF's past interactions  
11 with BORENSTEIN, through its officers, directors, managers, supervisors, agents, and/or employees of  
12 TAF.

13 145. Both CCAC and TAF, through their respective officers, directors, managers,  
14 supervisors, agents, and/or employees, made only pretextual efforts to reach BORENSTEIN, even  
15 though they knew BORENSTEIN did not have access to a telephone and had informed them that he  
16 intended to reclaim Mana on June 2, 2019.

17 146. Furthermore, COO SCHOLTEN acted with deliberate indifference and failed to  
18 reasonably accommodate BORENSTEIN by failing to ensure that Mana was held or otherwise  
19 safeguarded until BORENSTEIN received notice and an opportunity to be heard regarding Mana, even  
20 when BORENSTEIN's repeated requests to TAF and CCAC made it clear to COO SCHOLTEN that  
21 BORENSTEIN had imminent intentions to recover his service animal at the first opportunity, which he  
22 had informed would be June 2, 2019, once he had overcome the limitations of his temporarily  
23 incapacitating disabilities.

24 147. Upon information and belief, converting Mana to the ownership of TAF and then  
25 releasing him for adoption, as though he was unclaimed property, was done with the knowledge and  
26 approval of COO SCHOLTEN, in reckless disregard for BORENSTEIN's safety and well-being, in  
27 reckless disregard for BORENSTEIN's rightful property interests, in reckless disregard for the  
28 reasonable accommodation protections entitled to BORENSTEIN by law, in reckless disregard of

1 TAF's email offers to, and acceptance by, BORENSTEIN, and in reckless disregard for TAF's own  
2 KEPPT program, whose stated purpose is to facilitate animals staying with their rightful owners.

3 148. At or about 6:25 p.m., on June 1, 2019, Mana was adopted from TAF by ROE  
4 BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5. (ECF No. 158-3 at 3 (CC 000031)).

5 149. Approximately thirteen minutes thereafter, at or about 6:38 p.m., on June 1, 2019,  
6 BORENSTEIN telephoned CCAC and left a voice message advising that he was still in the hospital and  
7 wanted to reclaim Mana. (ECF No. 158-3 at 3 (CC 000031)).

8 150. BORENSTEIN discharged from the hospital on or about June 1, 2019, shortly after  
9 placing the telephone call to CCAC.

10 151. At or about 10:59 a.m., on the morning of June 2, 2019, Lt. Clevinger spoke with  
11 BORENSTEIN and advised him that Mana had already been adopted from TAF. (ECF No. 158-3 at 3  
12 (CC 000031)).

13 152. BORENSTEIN, who was overcome with grief, informed Lt. Clevinger that he was going  
14 to kill himself and hung up the telephone. (ECF No. 158-3 at 3 (CC 000031)).

15 153. BORENSTEIN drove to TAF, where he met with COO SCHOLTEN, who was present  
16 with ADO Keast, and he begged them to return Mana to him, reiterating that Mana was his service dog.

17 154. COO SCHOLTEN and/or ADO Keast, acting under COO SCHOLTEN's direction and  
18 authority, told BORENSTEIN that Mana had already been adopted to someone else.

19 155. BORENSTEIN presented them with a written demand for Mana's return.

20 156. COO SCHOLTEN and/or ADO Keast, acting under COO SCHOLTEN's direction and  
21 authority, told BORENSTEIN that TAF would euthanize Mana before allowing BORENSTEIN to have  
22 possession of him, stating that, in her opinion, BORENSTEIN was "too sick" to care for Mana.

23 157. At no point did BORENSTEIN relinquish his legal ownership of Mana to SUNRISE  
24 HOSPITAL, to CCAC, and/or to TAF; instead, SUNRISE HOSPITAL expressly or impliedly asked  
25 CCAC, a publicly-funded, government agency, to act as a temporary steward of Mana's safety and  
26 well-being, because BORENSTEIN did not have family or friends he could rely upon to watch Mana  
27 while he was temporarily incapacitated by disability.

28 158. Neither CCAC, LT. ZAVALA, TAF, nor COO SCHOLTEN, nor any other officer,

1 director, manager, supervisor, agent, or employee of the respective entities, made any effort to contact  
2 ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 to reclaim Mana for return to  
3 BORENSTEIN or otherwise to advise them of the improper adoption.

4 159. BORENSTEIN left TAF and was hospitalized shortly thereafter for suicidal ideations  
5 and other grief brought on by the exacerbation of his mental disabilities from the sudden loss of his  
6 service dog.

7 160. While waiting to be admitted to the hospital, at or about 12:09 p.m., on the afternoon of  
8 June 2, 2019, BORENSTEIN faxed legal documents to CCAC, pertaining to BORENSTEIN's recent  
9 eviction proceedings, which included a written court finding that Mana is BORENSTEIN's service dog.

10 161. Less than an hour later, at or about 1:05 p.m., Lt. Clevinger sent an email to ADO Keast  
11 and Supervisor Guzman at TAF, advising that she had received a call from BORENSTEIN requesting  
12 to hold Mana but noticed that Mana had been adopted on June 1, 2019. She further wrote that she was  
13 not sure what TAF could do for BORENSTEIN but that he asked her to have TAF call him at Spring  
14 Mountain Behavioral Hospital. Lt. Clevinger further advised that CCAC had received the  
15 aforementioned court documents finding that Mana was a service dog. (ECF No. 158-5 at 10  
16 (TAF000110)).

17 162. Sometime, thereafter, on that same day, June 2, 2019, Lt. Clevinger spoke with  
18 Supervisor Mejia, because that evening, Lt. Clevinger forwarded her email to ADO Keast and  
19 Supervisor Guzman from earlier that day, stating to Supervisor Mejia, "This is the email I said I would  
20 forward to you." (TAF000123-24).

21 163. ADO Keast responded to Lt. Clevinger's email the following day, on June 3, 2019,  
22 thanking Lt. Clevinger and writing, "[T]his is an unfortunate case. We can reach out to him. Does he  
23 know the dog was adopted?" (ECF No. 158-5 at 10 (TAF000110)).

24 164. Lt. Clevinger responded affirmatively to ADO Keast that she had informed  
25 BORENSTEIN of the adoption, and Lt. Clevinger copied CCAC Chief Jim Andersen, (hereinafter,  
26 "Chief Andersen"), LT. ZAVALA, and Senior Officer Duncan, as well as TAF Supervisor Guzman.  
27 (ECF No. 158-5 at 10 (TAF000110)).

28 165. Upon information and belief, COO SCHOLTEN was apprised of all the foregoing by



1 ADO Keast, Supervisors Guzman and Mejia, and/or another officer, director, manager, supervisor,  
2 agent, and/or employee of TAF or CCAC.

3 166. The failures of CCAC to act, through its officers, directors, managers, supervisors,  
4 agents, and/or employees, including LT. ZAVALA, and the failures of TAF to act, through its officers,  
5 directors, managers, supervisors, agents, and/or employees, including COO SCHOLTEN, in conscious  
6 disregard of BORENSTEIN's well-established Constitutional rights, caused BORENSTEIN to be  
7 deprived of his possessory interest in Mana and his ability to enjoy his life, liberty, and happiness,  
8 including because of Mana's trained assistance with BORENSTEIN's disabilities.

9 167. On June 6, 2019, ADO Keast sent an email to LT. ZAVALA, Lt. Clevinger, and Senior  
10 Officer Duncan, titled "Brian Borenstein update". (ECF No. 158-5 at 11 (TAF000116)).

11 168. Therein, ADO Keast stated that she received a message from BORENSTEIN stating that  
12 he was coming to the shelter with the police because they did not hold his service dog, as requested,  
13 thereby violating the ADA. She stated that she "Want[ed] to make sure [she has] a good idea of what  
14 [they're] looking at with this." (ECF No. 158-5 at 11 (TAF000116)).

15 169. Lt. Clevinger forwarded the email to Chief Anderson. (ECF No. 158-5 at 11  
16 (TAF000116)).

17 170. On June 8, 2019, BORENSTEIN sent an email to TAF Chief Executive Officer,  
18 Christine Robinson, (hereinafter, "CEO Robinson"), recounting his efforts to ensure the safekeeping of  
19 his service dog over the past several weeks and his inability to speak directly with anyone at TAF. He  
20 finished by stating that he did not want a court battle and that he just wanted his dog returned; he asked  
21 CEO Robinson to please help him and do what is right, adding, "I love [Mana] with all my heart[,] I  
22 have no one else." (ECF No. 158-5 at 13-14 (TAF000118-19)).

23 171. Within hours of receiving the email, CEO Robinson forwarded BORENSTEIN's email  
24 to ADO Keast and asked her if she was familiar with the situation. (ECF No. 158-5 at 13  
25 (TAF000118)).

26 172. ADO Keast replied less than a half hour later, stating, "Yes, this is a really sad case."  
27 She explained that BORENSTEIN's dog, Mana, came to them when he was hospitalized on May 12,  
28 2019, and that CCAC had been in contact with him "throughout this process." She said the hold had

1 been extended multiple times to try and give BORENSTEIN time to reclaim Mana. She said that he  
2 was transferred to at least two different hospitals and that KEPPT tried to find him when he could not  
3 be found at the last known hospital, but they could not find him. She explained that the hold was  
4 released on May 31, 2019, and Mana was adopted on June 1, 2019. She said that BORENSTEIN  
5 brought the police with him on June 3, 2019, to force TAF to return Mana and that BORENSTEIN tried  
6 to involve the news media too. She added, "Brian clearly loves his dog[,] and the dog provides a lot of  
7 emotional support to him, however Brian is unstable and ill." She claimed that BORENSTEIN "tried to  
8 bribe" her to return the dog or give him another dog to avoid legal action. (ECF No. 158-5 at 12-13  
9 (TAF000117-18)).

10 173. BORENSTEIN filed the original *Complaint* commencing this action on June 10, 2019.

11 174. BORENSTEIN contacted elected public officials, community leaders, animal rights  
12 organizations, including the Humane Network, and others, seeking assistance in having Mana returned  
13 to him. (See, e.g., ECF No. 3 at 3-15).

14 175. Bonney Brown, President of the Humane Network, contacted an officer, director,  
15 manager, supervisor, agent, and/or employee of TAF, after receiving BORENSTEIN's email seeking  
16 help, and on June 19, 2019, Ms. Brown advised BORENSTEIN that "the director" was "looking into  
17 it." (ECF No. 3 at 5-6).

18 176. Upon information and belief, when Ms. Brown referenced "the director" in her email,  
19 she was referring to COO SCHOLTEN, who also holds the title of "Shelter Operations Director."

20 177. On June 13, 2019, CEO Robinson received an email from COO SCHOLTEN, which  
21 contained the complete email thread beginning with BORENSTEIN's June 8, 2019 email to CEO  
22 Robinson and continuing with ADO Keast's response to CEO Robinson's inquiry about his email.  
23 Therein, COO SCHOLTEN said that she saw why ADO Keast felt the need to respond to CEO  
24 Robinson but they "have it handled." She added that BORENSTEIN was "reaching out to everyone"  
25 and that COO SCHOLTEN had spoken to Aga in Senator Rosen's office, who understood the situation  
26 and thanked COO SCHOLTEN for calling her. (ECF No. 158-5 at 12 (TAF000117)).

27 178. "Aga" is Agnieszka Pinkerton, Regional Representative and Casework Director for  
28 Nevada Senator Jacky Rosen.

1 179. On June 20, 2019, BORENSTEIN filed a motion for preliminary injunction in this  
2 matter, seeking the return of Mana. (ECF No. 3).

3 180. In the interim period between BORENSTEIN's separation from Mana and the filing of  
4 this *Second Amended Complaint*, (hereinafter, "SAC"), BORENSTEIN has suffered great mental  
5 anguish and other injuries due to his loss of Mana.

6 181. Upon information and belief, BORENSTEIN has also been the victim of two violent  
7 crimes and has been hospitalized several times during this same period, including because he has not  
8 had Mana to protect him and to assist him with his disabilities.

9 182. During one of BORENSTEIN's hospitalizations, a doctor provided BORENSTEIN with  
10 a written prescription for a psychiatric/emotional support animal, from which the doctor said  
11 BORENSTEIN would benefit, (ECF No. 31 at 6), and during another hospitalization, his licensed  
12 social worker provided a recommendation that he would benefit by having a service animal, (ECF No.  
13 52-2 at 2).

14 183. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
15 including COO SCHOLTEN, became aware of BORENSTEIN's doctor's prescription but refused to  
16 allow BORENSTEIN to adopt an animal from TAF, when he attempted to do so.

17 184. Then, on or about January 29, 2020, BORENSTEIN tried to adopt an animal from the  
18 Henderson Animal Shelter but was unable to do so. (ECF No. 129 at 2; CC 000223).

19 185. The person BORENSTEIN spoke with at the Henderson Animal Shelter told him that  
20 there was an electronic warning from TAF in a database, accessible to the staff of the Henderson  
21 Animal Shelter, as well as animal law enforcement agencies and, upon information and belief, other  
22 animal shelters and/or rescue organizations, warning other animal agencies in Clark County not to  
23 adopt an animal to BORENSTEIN.

24 186. When BORENSTEIN requested to have a copy of the warning, the person referred him  
25 to the Henderson Deputy Police Chief in charge of the shelter.

26 187. BORENSTEIN telephoned the Henderson Deputy Police Chief, who confirmed that  
27 someone from TAF had entered an electronic note in the database with a warning not to adopt an  
28 animal to BORENSTEIN, but the Deputy Police Chief told BORENSTEIN that BORENSTEIN would

1 have to get a copy of the record directly from TAF.

2 188. BORENSTEIN also spoke with LT. ZAVALA, who confirmed the existence of the  
3 warning in the database, and he told BORENSTEIN that COO SCHOLTEN was responsible for it. LT.  
4 ZAVALA also told BORENSTEIN that BORENSTEIN would have to obtain a copy of the record from  
5 TAF.

6 189. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
7 including COO SCHOLTEN, did not respond to BORENSTEIN's public records request for  
8 information.

9 190. In November 2020, by way of a public records request to CCAC, BORENSTEIN  
10 obtained a copy of the database warning and the database response from the Henderson Animal Shelter  
11 as to why BORENSTEIN was not allowed to adopt a dog.

12 191. The database warning was authored by ADO Keast on June 25, 2019, (**ECF No. 129** at  
13 1; **CC 000224**)—just 15 days after this litigation was commenced, just twelve days after COO  
14 SCHOLTEN apprised CEO Robinson that she had spoken to a representative in Senator Rosen's office  
15 and had BORENSTEIN's situation "handled," just six days after the President of the Humane Network  
16 informed BORENSTEIN that TAF's Director was looking into his complaint regarding his loss of  
17 Mana, and just five days after BORENSTEIN sought injunctive relief for Mana's return.

18 192. TAF's actions of preventing BORENSTEIN from adopting another animal, through  
19 ADO Keast, who, upon information and belief, was acting under the direction and authority of COO  
20 SCHOLTEN, was done in retaliation for his having first communicated with elected public officials  
21 and other public and private leaders about his loss of Mana at the hands of CCAC and TAF, through  
22 their respective officers, directors, managers, supervisors, agents, and/or employees, and thereafter  
23 filing the instant legal action and request for immediate injunctive relief.

24 193. CCAC, through LT. ZAVALA and/or another officer, manager, supervisor, agent, or  
25 employee, knew that TAF, through its officers, directors, managers, supervisors, agents, and/or  
26 employees, including ADO Keast, acting under the direction and authority of COO SCHOLTEN,  
27 placed the warning not to adopt an animal to BORENSTEIN in the electronic files accessible to CCAC  
28 and other entities responsible for the adoption of animals, and CCAC, through LT ZAVALA and/or

1 another officer, manager, supervisor, agent, or employee, failed to correct the records or otherwise  
2 ensure that BORENSTEIN was not subjected to further discrimination and retaliation from CCAC's  
3 contracted shelter provider, TAF.

4 194. BORENSTEIN's inability to adopt another animal has caused him to suffer additional  
5 great mental anguish and other injuries.

6 **—FEDERAL CLAIMS—**

7 **V.**

8 **FIRST CAUSE OF ACTION**

9 **42 U.S.C. § 1983 Violation of BORENSTEIN's Fourteenth Amendment Rights**

10 **-SUBSTANTIVE DUE PROCESS-**

11 (Deprivation of BORENSTEIN's Constitutional Right to Property)

12 (Asserted against TAF and CCAC)

13 195. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
14 fully set forth herein.

15 196. BORENSTEIN has a property interest in his ownership of Mana.

16 197. CCAC, acting under its police powers and vested with authority under color of law, is  
17 responsible for the illegal actions and damages inflicted upon BORENSTEIN, through its officers,  
18 directors, managers, supervisors, agents, employees and/or government contractors who implemented  
19 and/or enforced relevant ordinances, policies, customs, and practices in an arbitrary and capricious  
20 manner, so as to violate BORENSTEIN's constitutional rights.

21 198. TAF, as a publicly paid contractor and agent of CCAC, took actions of a governmental  
22 nature under the police powers of CCAC that are totally intertwined with government action and vested  
23 with government authority under color of law and, as such, is responsible for the illegal actions and  
24 damages inflicted upon BORENSTEIN, through its officers, directors, managers, supervisors, agents,  
25 and/or employees who implemented and/or enforced relevant ordinances, policies, customs, and  
26 practices in an arbitrary and capricious manner, so as to violate BORENSTEIN's constitutional rights.

27 199. Such ordinances, policies, customs, and practices include the arbitrary and capricious  
28 enforcement of the Clark County Title 10 Animal Ordinance, the ADA, and the State Discrimination

1 and Vulnerable Persons Statutes, thereby resulting in a permanent, widespread, well-settled practice or  
2 custom constituting the standard operating procedures of CCAC and TAF, for which no follow-up  
3 investigations or disciplinary actions are taken against those officers, directors, managers, supervisors,  
4 agents, and/or employees who engage in improper enforcement and no corrective training or  
5 instructions are provided by CCAC or TAF to them.

6 200. At all times relevant hereto, CCAC, through LT. ZAVALA, and TAF, through COO  
7 SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castaneda, were acting  
8 under color of law, were personally involved, as alleged herein, and acted intentionally and/or with  
9 callous and reckless disregard for BORENSTEIN's constitutional rights and engaged in conduct that  
10 shocks the conscience.

11 201. In addition to COO SCHOLTEN's personal actions adversely affecting  
12 BORENSTEIN's constitutional rights, relative to this cause of action, COO SCHOLTEN directed or  
13 knew of the misconduct by her respective subordinates, relative to this cause of action, and facilitated,  
14 approved, condoned, and/or turned a blind eye toward it.

15 202. The intentional or deliberately indifferent actions in callous and reckless disregard for  
16 BORENSTEIN's constitutional rights were unjustifiable by any government interest.

17 203. Such actions caused a loss and effect to BORENSTEIN's constitutional rights of being  
18 able to enjoy his life, liberty, property, and happiness in Mana and those services which Mana provided  
19 related to BORENSTEIN's disabilities, as secured, guaranteed, and incorporated by the Fourteenth  
20 Amendment to the Constitution of the United States Due Process Clause (substantive).

21 204. Defendants should be enjoined from continued arbitrary and capricious enforcement of  
22 Clark County Title 10 Animal Ordinance, the ADA, and/or the State Discrimination and Vulnerable  
23 Person Statutes.

24 205. As a direct and proximate result of the intentional, malicious, willful, deliberately  
25 indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this cause of  
26 action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages, entitling him to  
27 compensatory damages, punitive damages, and prospective injunctive and declaratory relief, as allowed  
28 by law, according to proof at trial.

1 206. As a further, direct and proximate result of the intentional, malicious, willful,  
2 deliberately indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this  
3 cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he  
4 seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

5 **VI.**

6 **SECOND CAUSE OF ACTION**

7 **42 U.S.C. § 1983 Violation of BORENSTEIN's Fourteenth Amendment Rights**

8 ***-EQUAL PROTECTION CLAIM-***

9 (Differential Treatment between BORENSTEIN and other Animal Owners)

10 (Asserted against TAF and CCAC)

11 207. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
12 fully set forth herein.

13 208. BORENSTEIN has a property interest in his ownership of Mana.

14 209. CCAC, including through its officers, directors, managers, supervisors, agents,  
15 employees, and/or government contractors, acting under its police powers and vested with authority  
16 under color of law, is responsible for the deprivation of BORENSTEIN's federal rights, including his  
17 right to equal protection of the laws as secured, guaranteed, and incorporated by the Fourteenth  
18 Amendment to the Constitution of the United States, by implementing and/or enforcing relevant  
19 ordinances, policies, customs, and practices in an arbitrary and capricious manner, so as to violate  
20 BORENSTEIN's constitutional rights.

21 210. TAF, as a publicly paid contractor and agent of CCAC, including through TAF's  
22 officers, directors, managers, supervisors, agents, and/or employees, took actions of a governmental  
23 nature under the police powers of CCAC that are totally intertwined with government action and vested  
24 with government authority under color of law and, as such, is responsible for the deprivation of  
25 BORENSTEIN's federal rights, including his right to equal protection of the laws as secured,  
26 guaranteed, and incorporated by the Fourteenth Amendment to the Constitution of the United States, by  
27 implementing and/or enforcing relevant ordinances, policies, customs, and practices in an arbitrary and  
28 capricious manner, so as to violate BORENSTEIN's constitutional rights.

1           211. BORENSTEIN is in a class of persons who was subjected to the Clark County Title 10  
2 Animal Ordinance.

3           212. CCAC and TAF, through its officers, directors, managers, supervisors, agents, and/or  
4 employees, including LT. ZAVALA, COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia,  
5 and Ms. Lopez-Castaneda, and each of them, motivated by discriminatory purposes, including because  
6 of BORENSTEIN's indigent status, and intending to so discriminate against BORENSTEIN, treated  
7 him in a different manner as compared to other persons who were subjected to the Clark County Title  
8 10 Animal Ordinance, such differential treatment included:

9           A. Failing to place an adequate hold on Mana and failing to extend the hold on Mana  
10 sufficient to enable BORENSTEIN to reclaim him, after BORENSTEIN was released  
11 from the hospital;

12           B. Failing to acknowledge and/or act upon telephone and/or email messages from  
13 BORENSTEIN, including those made in accordance with email instructions provided to  
14 BORENSTEIN by TAF;

15           C. Failing to acknowledge and/or act upon those telephone and/or email messages  
16 between CCAC and TAF concerning Mana or BORENSTEIN;

17           D. Failing to follow-up on communications between CCAC and TAF to ensure  
18 appropriate actions were taken to ensure Mana's safekeeping for BORENSTEIN while he  
19 was incapacitated;

20           E. Failing to make a genuine, rather than a pretextual, effort to locate BORENSTEIN  
21 while he was hospitalized before placing Mana for adoption;

22           F. Failing to place or explore the possibility of placing Mana in the KEPPT program  
23 or a similar foster program until BORENSTEIN could reclaim him;

24           G. Failing to provide adequate notice and an opportunity for BORENSTEIN to be  
25 heard before allowing Mana to be adopted; and

26           H. Failing to notify ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-  
27 5 of Mana's converted adoption in a timely manner to ensure the preservation of  
28 BORENSTEIN's rights and Mana's status as a service animal at the time he was taken



1 from BORENSTEIN.

2 213. Additionally, as to TAF, such differential treatment included refusing to allow  
3 BORENSTEIN to adopt another animal from TAF, and/or thwarting his efforts to adopt from another  
4 shelter and/or rescue organization in Clark County, Nevada and/or elsewhere by placing a warning  
5 about him in the adoption database used by animal adoption facilities, which was effective because  
6 TAF was clothed with authority, under color of law, as a facility designated by CCAC for receiving and  
7 holding animals, as defined in Nevada Revised Statute § 574.240.

8 214. However, CCAC and TAF, by and through its officers, directors, managers, supervisors,  
9 agents, and/or employees, including LT. ZAVALA, COO SCHOLTEN, ADO Keast, Supervisors  
10 Guzman and Mejia, and Ms. Lopez-Castaneda, and each of them, did not treat other persons who were  
11 subjected to the Clark County Title 10 Animal Ordinance in a similar manner, including by making a  
12 genuine effort to locate and provide notification to the animals' owners about their sheltered animals'  
13 whereabouts and the required actions from the owners; by placing adequate holds on their animals and  
14 holding them for extended periods when the animals' owners were identified and the circumstances  
15 made it difficult for the owners to claim them in the prescribed time periods; by communicating with  
16 the animals' owners and between each other to ensure that the animals were not prematurely and  
17 permanently separated from their owners who desired to maintain possession of their animals; by  
18 placing their animals in the KEPPT program or exploring alternative options for the animals instead of  
19 adopting them out; by correcting and/or unwinding improper adoptions upon learning of them, and as  
20 to TAF, by not retaliating and allowing owners to adopt other animals from TAF.

21 215. Such differential treatment between BORENSTEIN and other animal owners was not  
22 rationally related to a legitimate government purpose.

23 216. At all times relevant hereto, CCAC, through LT. ZAVALA, and TAF, through COO  
24 SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castaneda, acting under  
25 color of law, were personally involved, as alleged herein, and acted intentionally and/or with callous  
26 and reckless disregard for BORENSTEIN's constitutional rights.

27 217. In addition to COO SCHOLTEN's personal actions adversely affecting  
28 BORENSTEIN's constitutional rights, relative to this cause of action, COO SCHOLTEN directed or

1 knew of the misconduct by her respective subordinates, relative to this cause of action, and facilitated,  
2 approved, condoned, and/or turned a blind eye toward it.

3 218. Defendants should be enjoined from continued discriminatory conduct.

4 219. As a direct and proximate result of the intentional, malicious, willful, deliberately  
5 indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this cause of  
6 action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages, entitling him to  
7 compensatory damages, punitive damages, and prospective injunctive and declaratory relief, as allowed  
8 by law, according to proof at trial.

9 220. As a further, direct and proximate result of the intentional, malicious, willful,  
10 deliberately indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this  
11 cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he  
12 seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

13 **VII.**

14 **THIRD CAUSE OF ACTION**

15 **42 U.S.C. § 1983 Violation of BORENSTEIN's Fourteenth Amendment Rights**

16 **-PROCEDURAL DUE PROCESS-**

17 **(Asserted against TAF and CCAC)**

18 221. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
19 fully set forth herein.

20 222. BORENSTEIN has a property interest in his ownership of Mana.

21 223. As such, BORENSTEIN could not be divested of his ownership in Mana *before*  
22 receiving proper notice, including the notice required by the Clark County Title 10 Animal Ordinance  
23 and/or Nev. Rev. Stat. § 108.540, and after BORENSTEIN was separated from Mana, he did not  
24 receive an opportunity to be heard, including, but not limited to fair consideration of his request for a  
25 reasonable accommodation of his disabilities and/or for a practice modification, as required under the  
26 ADA and State Discrimination Statutes, as well as the fundamental due process afforded and  
27 incorporated by the Fourteenth Amendment to the Constitution of the United States.

28 224. Nor was BORENSTEIN provided with any post-deprivation remedy *after* the

1 confiscation of Mana, namely a notice requirement informing him of his right to challenge the  
2 government's conduct in divesting him of his ownership right to Mana.

3 225. CCAC, acting under its police powers and vested with authority under color of law, is  
4 responsible for the illegal actions and damages inflicted upon BORENSTEIN through its officers,  
5 directors, managers, supervisors, agents, employees and/or government contractors, including LT.  
6 ZAVALA and those of TAF, who failed to provide BORENSTEIN with *pre*-deprivation remedies,  
7 prior to taking ownership of Mana, and/or *post*-deprivation remedies thereafter, thus violating  
8 BORENSTEIN's fundamental due process rights.

9 226. TAF, as publicly paid contractor and agent of CCAC, took actions of a governmental  
10 nature under the police powers of CCAC that are totally intertwined with government action and vested  
11 with government authority under color of law and, as such, is responsible for the illegal actions and  
12 damages inflicted upon BORENSTEIN, through its officers, directors, managers, supervisors, agents,  
13 and/or employees, including COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms.  
14 Lopez-Castaneda, who failed to provide BORENSTEIN with *pre*-deprivation remedies, prior to taking  
15 ownership of Mana, and/or *post*-deprivation remedies thereafter, thus violating BORENSTEIN's  
16 fundamental due process rights.

17 227. BORENSTEIN has a liberty interest in being able to adopt an animal to train to be his  
18 service animal and/or his emotional support animal, as prescribed by his doctor.

19 228. The fundamental due process afforded and incorporated by the Fourteenth Amendment  
20 to the Constitution of the United States requires that BORENSTEIN not be denied the right to adopt an  
21 animal based on a stigmatization that he is unfit to adopt an animal *before* receiving proper notice and  
22 an opportunity to challenge the determination, which BORENSTEIN was denied.

23 229. *After* TAF placed the warning in the electronic database accessible to animal adoption  
24 facilities stating or implying that BORENSTEIN was unfit to adopt an animal, BORENSTEIN was  
25 denied the fundamental due process afforded and incorporated by the Fourteenth Amendment to the  
26 Constitution of the United States when he was not provided with any *post*-deprivation remedy to  
27 challenge such stigmatization.

28 230. TAF, as publicly paid contractor and agent of CCAC, took actions of a governmental

1 nature under the police powers of CCAC that are totally intertwined with government action and vested  
2 with government authority under color of law and, as such, is responsible for the illegal actions and  
3 damages inflicted upon BORENSTEIN, through its officers, directors, managers, supervisors, agents,  
4 and/or employees, including COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms.  
5 Lopez-Castaneda, who failed to provide BORENSTEIN with *pre*-deprivation remedies, prior to  
6 entering the warning in the database, and/or failed to provide BORENSTEIN with *post*-deprivation  
7 remedies thereafter, thus violating BORENSTEIN's fundamental due process rights.

8 231. At all times relevant hereto, CCAC, through LT. ZAVALA, and TAF, through COO  
9 SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castaneda, acting under  
10 color of law, were personally involved, as alleged herein, and acted intentionally and/or with callous  
11 and reckless disregard for BORENSTEIN's fundamental due process rights.

12 232. In addition to COO SCHOLTEN's direct personal actions adversely affecting  
13 BORENSTEIN's fundamental due process rights, COO SCHOLTEN directed or knew of the actions  
14 and omissions by her subordinates, relative to this cause of action, and facilitated, approved, condoned,  
15 and/or turned a blind eye toward them.

16 233. Defendants should be enjoined from any contemplated action whereby an animal is  
17 taken from a hospitalized individual for subsequent adoption to a third party without a meaningful *pre*-  
18 deprivation remedy before the adoption occurs, and Defendants should be mandated to ensure that  
19 owners are notified of any *post*-deprivation remedies available to them.

20 234. As a direct and proximate result of the intentional, malicious, willful, deliberately  
21 indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this cause of  
22 action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages, entitling him to  
23 compensatory damages, punitive damages, and prospective injunctive and declaratory relief, as allowed  
24 by law, according to proof at trial.

25 235. As a further, direct and proximate result of the intentional, malicious, willful,  
26 deliberately indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this  
27 cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he  
28 seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

VIII.

FOURTH CAUSE OF ACTION

42 U.S.C. § 1983 Violation of BORENSTEIN's Fourth Amendment Rights

*-UNREASONABLE SEIZURE-*

(Asserted against TAF and CCAC)

1  
2  
3  
4  
5  
6 236. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
7 fully set forth herein.

8 237. BORENSTEIN has a possessory interest in Mana.

9 238. CCAC, through its officers, directors, managers, supervisors, agents, and/or employees  
10 and those of its contractor, TAF, acting under its police powers and vested with authority under color of  
11 law, is responsible for the violation of BORENSTEIN's federal rights, by unreasonably infringing on  
12 his possessory interests protected by the Fourth Amendment's prohibition on unreasonable seizures,  
13 through the lawful possession of Mana for safekeeping while BORENSTEIN was hospitalized and then  
14 by unlawfully converting that temporary, authorized deprivation of BORENSTEIN's possessory  
15 interests into a permanent, unlawful deprivation, through the adoption of Mana to ROE BUSINESS  
16 ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 without BORENSTEIN's consent or other lawful  
17 authority.

18 239. TAF, as a publicly paid contractor and agent of CCAC, including through TAF's  
19 officers, directors, managers, supervisors, agents, and/or employees, took actions of a governmental  
20 nature under the police powers of CCAC that are totally intertwined with government action and vested  
21 with government authority under color of law and, as such, is responsible for the violation of  
22 BORENSTEIN's federal rights, by unreasonably infringing on his possessory interests protected by the  
23 Fourth Amendment's prohibition on unreasonable seizures, through the lawful possession of Mana for  
24 safekeeping while BORENSTEIN was hospitalized and then by unlawfully converting that temporary,  
25 authorized deprivation of BORENSTEIN's possessory interests into a permanent, unlawful deprivation,  
26 and then adopting Mana to ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5, without  
27 BORENSTEIN's consent or other lawful authority.

28 240. Such taking of Mana did not implicate any important governmental interest to justify the

1 seizure.

2 241. At all times relevant hereto, CCAC, through LT. ZAVALA, and TAF, through COO  
3 SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castaneda, were acting  
4 under color of law, were personally involved, as alleged herein, and acted intentionally and/or with  
5 callous and reckless disregard for BORENSTEIN's right to be free from such unreasonable seizures.

6 242. In addition to COO SCHOLTEN's direct personal actions adversely affecting  
7 BORENSTEIN's fourth amendment right, COO SCHOLTEN directed or knew of the actions and  
8 omissions by her respective subordinates, relative to this cause of action, and facilitated, approved,  
9 condoned, and/or turned a blind eye toward them.

10 243. Defendants should be enjoined from any contemplated actions where, by decree or  
11 arbitrary action, hospitalized persons would be subject to such a flagrant seizure of their lawfully  
12 owned animals for subsequent adoption.

13 244. As a direct and proximate result of the intentional, malicious, willful, deliberately  
14 indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this cause of  
15 action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages, entitling him to  
16 compensatory damages, punitive damages, and prospective injunctive and declaratory relief, as allowed  
17 by law, according to proof at trial.

18 245. As a further, direct and proximate result of the intentional, malicious, willful,  
19 deliberately indifferent, oppressive, and/or reckless conduct of Defendants, and each of them, for this  
20 cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he  
21 seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

22 **IX.**

23 **FIFTH CAUSE OF ACTION**

24 **42 U.S.C. § 1983 Violation of BORENSTEIN's Fourteenth Amendment Rights**

25 **-PRIVATE TAKING WITHOUT COMPENSATION -**

26 **(Asserted against CCAC and TAF for declaratory and injunctive relief)**

27 246. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
28 fully set forth herein.

1 247. BORENSTEIN has a property interest in his ownership of Mana.

2 248. CCAC, by and through its officers, directors, managers, supervisors, agents, employees  
3 and/or government contractors, acting under its police powers and vested with authority under color of  
4 law, is responsible for the violation of BORENSTEIN's federal rights, by taking Mana for public use  
5 without just compensation to BORENSTEIN in violation of the Fourteenth Amendment to the United  
6 States Constitution.

7 249. TAF, as contractor and agent of CCAC, through its officers, directors, managers,  
8 supervisors, agents, and/or employees, took actions of a governmental nature under the police powers  
9 of CCAC that are totally intertwined with government action and vested with government authority  
10 under color of law and, as such, is responsible for the violation of BORENSTEIN's federal rights, by  
11 taking Mana for public use without just compensation to BORENSTEIN in violation of the Fourteenth  
12 Amendment to the United States Constitution.

13 250. BORENSTEIN seeks a declaratory judgment finding such taking illegal, so as to prevent  
14 the repetition of such policies and practices in the future.

15 251. BORENSTEIN seeks an injunction for the return of Mana.

16 252. BORENSTEIN has had to retain the services of attorneys in this matter, for which he  
17 seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

18 **X.**

19 **SIXTH CAUSE OF ACTION**

20 **42 U.S.C. § 1983 Violation of BORENSTEIN's First Amendment Rights**

21 **-UNLAWFUL RETALIATION-**

22 **(Asserted against TAF)**

23 253. BORENSTEIN incorporates by reference all prior allegations of this *SAC*, as though  
24 fully set forth herein.

25 254. After TAF allowed ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 to  
26 adopt Mana, BORENSTEIN engaged in speech and activity that was critical of Defendants, including  
27 TAF and its officers, directors, managers, supervisors, agents, and/or employees, who became aware of  
28 such speech and activity.

1           255. That speech and activity was protected by the First Amendment to the United States  
2 Constitution because it addressed matters of political, social, or other concern to the community,  
3 including matters about inadequate oversight, misconduct, and violations of law infringing on the rights  
4 of a disabled and indigent person by a municipal agency and its government contractor, acting under  
5 color of law.

6           256. BORENSTEIN's protected speech and activity occurred in his capacity as a private  
7 citizen.

8           257. In response to BORENSTEIN's protected speech and activity, TAF, as contractor and  
9 agent of CCAC, COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, Ms. Lopez- Lopez-  
10 Castaneda, and/or another of TAF's officers, directors, managers, supervisors, agents, and/or  
11 employees, took adverse actions of a governmental nature against BORENSTEIN, under the police  
12 powers of CCAC that are totally intertwined with government action and vested with government  
13 authority under color of law, because TAF was clothed with authority, as a facility designated by  
14 CCAC for receiving and holding animals, as defined in Nevada Revised Statute § 574.240.

15           258. These adverse actions under color of law prevented BORENSTEIN from adopting an  
16 animal from TAF and/or from effectively adopting an animal from another Clark County, Nevada  
17 shelter and/or rescue organization, in violation of his First Amendment rights.

18           259. BORENSTEIN's protected speech and activity was a substantial or motivating factor in  
19 the adverse action taken against him, as alleged herein.

20           260. As a direct and proximate result of the intentional, malicious, willful, deliberately  
21 indifferent, oppressive, and/or reckless conduct of Defendant for this cause of action, BORENSTEIN  
22 sustained injury, harm, suffering, mental anguish, and damages, entitling him to compensatory  
23 damages, punitive damages, and prospective injunctive and declaratory relief, as allowed by law,  
24 according to proof at trial.

25           261. As a further, direct and proximate result of the intentional, malicious, willful,  
26 deliberately indifferent, oppressive, and/or reckless conduct of Defendant for this cause of action,  
27 BORENSTEIN has had to retain the services of attorneys in this matter, for which he seeks attorneys'  
28 fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*



XI.

SEVENTH CAUSE OF ACTION

42 U.S.C. § 12132 *et seq.* Violation of the Americans with Disabilities Act and Amendments Act;  
29 U.S.C. § 794 Violation of Section 504 of the Rehabilitation Act of 1973, as amended

***-UNLAWFUL DISCRIMINATION BASED ON BORENSTEIN'S DISABILITIES-***

**(Asserted against CCAC)**

262. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though fully set forth herein.

263. CCAC is a public agency of a local government and a political subdivision of the state of Nevada subject to Title II of the ADA, as defined in 42 U.S.C. § 12131(1)(B).

264. Upon information and belief, CCAC is subject to section 504 of the Rehabilitation Act, having received federal financial assistance that it uses to support the activities and services provided by TAF to CCAC, pursuant to a governmental contract between CCAC and TAF.

265. TAF is subject to Title III of the ADA, as its operations affect commerce as a service establishment or social service establishment and is a public accommodation, as defined in 42 U.S.C. § 12181(7)(F) and/or (K).

266. At all times relevant hereto, CCAC is required to ensure compliance with its obligations under Title II of the ADA, including those obligations arising from the contracted services provided by TAF, as an instrumentality of CCAC, pursuant to 42 U.S.C. § 12131(1)(A)-(B) and § 12132 and as codified at 28 C.F.R. § 35.130(b)(1).

267. Under the ADA's anti-discrimination provision, codified at 42 U.S.C. § 12132, "[n]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

268. CCAC, through its officers, directors, managers, supervisors, agents, and/or employees, including LT. ZAVALA, and through its contractor and agent, TAF, which provided shelter services for CCAC, through its officers, directors, managers, supervisors, agents, and/or employees, including COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castaneda,

1 discriminated against BORENSTEIN on the basis of his disabilities, as follows:

2 A. When, by placing an insufficient hold on Mana, CCAC failed to ensure that  
3 BORENSTEIN's permanent possession of Mana was protected, thereby preventing  
4 BORENSTEIN from reclaiming Mana at the end of BORENSTEIN's hospitalization;

5 B. When CCAC failed to ensure that BORENSTEIN received actual notice  
6 regarding Mana's boarding and TAF's intentions to place Mana for adoption before  
7 BORENSTEIN could reclaim him;

8 C. When CCAC failed to ensure that TAF considered BORENSTEIN's requests for  
9 a reasonable accommodation for additional time to hold Mana so that BORENSTEIN  
10 could reclaim him, after BORENSTEIN got out of the hospital;

11 D. When CCAC failed to ensure that Mana was safeguarded until BORENSTEIN  
12 received notice and an opportunity to be heard;

13 E. When CCAC failed to act upon learning that TAF purportedly called several Las  
14 Vegas hospitals in a pretextual effort to document attempts at reaching BORENSTEIN,  
15 even though BORENSTEIN had already informed CCAC that he expected to retrieve  
16 Mana on June 2, 2019, and did not have access to a telephone in the hospital;

17 F. When CCAC failed to act upon learning that TAF failed to return Mana to  
18 BORENSTEIN, despite that BORENSTEIN had identified Mana as his service animal;

19 G. When CCAC failed to act upon learning TAF told BORENSTEIN that TAF  
20 would euthanize Mana before allowing BORENSTEIN to have possession of him;

21 H. When CCAC failed to act upon learning TAF failed to make any effort to contact  
22 ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 to inquire whether  
23 they would surrender ownership of Mana voluntarily;

24 I. When CCAC failed to act to mitigate BORENSTEIN's injuries, upon learning  
25 TAF failed to advise ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5  
26 of the converted adoption and/or otherwise failed to take action to ensure Mana was  
27 returned;

28 J. When CCAC abdicated their responsibility and authority to TAF to comply with

1 the ADA and Rehabilitation Act, the State Discrimination Statutes, the Vulnerable  
2 Persons Statute, and other legal authorities; and

3 K. When CCAC failed to correct the retaliatory electronic record that prevents  
4 BORENSTEIN from adopting another animal from a shelter or rescue organization or to  
5 otherwise ensure that BORENSTEIN is not subjected to further discrimination on the  
6 basis of his disabilities, because TAF was clothed with authority, as a facility designated  
7 by CCAC for receiving and holding animals, as defined in Nevada Revised Statute §  
8 574.240.

9 269. As a result of this discrimination, BORENSTEIN was excluded from participating in the  
10 community animal shelter services while he was hospitalized without losing ownership of Mana; was  
11 prevented from obtaining a reasonable accommodation to hold Mana for a sufficient period of time  
12 while he was incapacitated; and was denied the benefits ordinarily provided to animal owners to  
13 recover Mana following a temporary hold.

14 270. BORENSTEIN seeks a declaration that CCAC violated his rights under the ADA and  
15 Rehabilitation Act and that he is the rightful owner of Mana.

16 271. BORENSTEIN seeks a permanent injunction requiring CCAC to comply with the ADA  
17 and Rehabilitation Act in the future, including by ensuring that its officers place a sufficient hold on a  
18 hospitalized persons' animal to enable their owners to reclaim their animals after the owners are  
19 discharged and by notifying its contracted animal shelter to hold the animal accordingly; by exercising  
20 sufficient oversight over its contracted shelter to ensure the shelter's compliance under the ADA and  
21 Rehabilitation Act; by ensuring that its contracted shelter engages in the interactive process when a  
22 reasonable accommodation is requested by a disabled person; by ensuring that, if an adoption is  
23 completed in violation of the ADA, the adoptive party is notified of the error, and the contracted shelter  
24 makes reasonable efforts to reclaim the animal; and by taking effective efforts to ensure that Mana is  
25 returned to BORENSTEIN.

26 272. As a direct and proximate result of the unlawful, intentional discrimination, for this  
27 cause of action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages,  
28 entitling him to compensatory damages and any other appropriate equitable relief, as allowed by law,

1 according to proof at trial.

2 273. As a further, direct and proximate result of the unlawful, intentional discrimination, for  
3 this cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which  
4 he seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

5 **XII.**

6 **EIGHTH CAUSE OF ACTION**

7 **42 U.S.C. § 12182 *et seq.* Violation of the Americans with Disabilities Act and Amendments Act**

8 **-UNLAWFUL DISCRIMINATION BASED ON BORENSTEIN'S DISABILITIES-**

9 **(Asserted against TAF)**

10 274. BORENSTEIN incorporates by reference all prior allegations of this *SAC*, as though  
11 fully set forth herein.

12 275. TAF is subject to Title III of the ADA, as its operations affect commerce as a service  
13 establishment or social service establishment and is a public accommodation, as defined in 42 U.S.C. §  
14 12181(7)(F) and/or (K).

15 276. Under the ADA's anti-discrimination provision, codified at 42 U.S.C. § 12182(a), "[n]o  
16 individual shall be discriminated against on the basis of disability, in the full and equal enjoyment of  
17 the goods, services, facilities, privileges, advantages, or accommodations of any place of public  
18 accommodation by any person who owns, leases (or leases to), or operates a place of public  
19 accommodation."

20 277. TAF, through its officers, directors, managers, supervisors, agents, and/or employees,  
21 including COO SCHOLTEN, discriminated against BORENSTEIN on the basis of his disabilities,  
22 including as follows:

23 A. When TAF failed to ensure that BORENSTEIN received actual notice regarding  
24 Mana's boarding and TAF's intentions to place Mana for adoption before BORENSTEIN  
25 could reclaim him;

26 B. When TAF failed to consider BORENSTEIN's requests for a reasonable  
27 accommodation for additional time to hold Mana so that BORENSTEIN could reclaim  
28 him, after he got out of the hospital;

1 C. When TAF failed to ensure that Mana was safeguarded until BORENSTEIN  
2 received notice and an opportunity to be heard;

3 D. When TAF purportedly called several Las Vegas hospitals in a pretextual effort to  
4 document attempts to reach BORENSTEIN, even though TAF knew that BORENSTEIN  
5 had already communicated that he expected to be released from the hospital on June 2,  
6 2019, that he did not have access to a telephone, and that such attempts were inadequate  
7 to constitute actual or constructive notice;

8 E. When TAF failed to return Mana to BORENSTEIN, including when he identified  
9 Mana as his service animal to TAF;

10 F. When TAF told BORENSTEIN that TAF would euthanize Mana before allowing  
11 BORENSTEIN to have possession of him, because, in its non-medical opinion,  
12 BORENSTEIN was too sick to care for Mana;

13 G. When TAF failed to make any effort to contact ROE BUSINESS ENTITIES 1-5  
14 and/or DOE INDIVIDUALS 1-5 to inquire whether they would surrender ownership of  
15 Mana voluntarily;

16 H. When TAF failed to mitigate the injuries to BORENSTEIN by not informing  
17 ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 of the converted  
18 adoption and/or otherwise failed to take action to reclaim Mana; and

19 I. When TAF failed to correct the retaliatory electronic record that prevents  
20 BORENSTEIN from adopting another animal from a shelter or rescue organization or to  
21 otherwise ensure that BORENSTEIN is not subjected to further discrimination on the  
22 basis of his disabilities.

23 278. As a result of the discrimination, BORENSTEIN was excluded from participating in  
24 community animal shelter services while he was hospitalized without losing ownership of Mana; was  
25 prevented from obtaining a reasonable accommodation to hold Mana for a sufficient period of time  
26 while he was hospitalized; and was denied the benefits ordinarily provided to animal owners to recover  
27 Mana following a temporary hold, including temporary fostering by the KEPPT program.

28 279. BORENSTEIN seeks a declaration that TAF violated his rights under the ADA and that

1 he is the rightful owner of Mana.

2 280. BORENSTEIN seeks a permanent injunction requiring TAF to comply with the ADA in  
3 the future, including by ensuring that hospitalized persons receive actual notice regarding their animals  
4 held at Lied Animal Shelter; that hospitalized persons' animals are held for a reasonable period of time  
5 to enable their owners to reclaim them when the owners are incapacitated; that TAF is required to  
6 engage in the interactive process when a reasonable accommodation is requested by such persons; and  
7 that, if a converted adoption is completed in violation of the ADA, TAF notifies the adoptive part(ies)  
8 of the error and liability and takes reasonable efforts to reclaim the animal.

9 281. As a direct and proximate result of the unlawful, intentional discrimination, for this  
10 cause of action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages,  
11 entitling him to equitable relief, as allowed by law, according to proof at trial.

12 282. As a further, direct and proximate result of the unlawful, intentional discrimination, for  
13 this cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which  
14 he seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988 *et seq.*

15 **XIII.**

16 **NINTH CAUSE OF ACTION**

17 **42 U.S.C. § 12203 *et seq.* Violation of the Americans with Disabilities Act and Amendment Act**  
18 **-UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION**  
19 **BASED ON BORENSTEIN'S DISABILITIES-**

20 **(Asserted against COO SCHOLTEN, in her individual capacity,**  
21 **and against CCAC and TAF, for prospective injunctive and declaratory relief)**

22 283. BORENSTEIN incorporates by reference all prior allegations of this *FAC*, as though  
23 fully set forth herein.

24 284. Under the ADA's anti-retaliation provision, codified at 42 U.S.C. § 12203(a), "[n]o  
25 person shall discriminate against any individual because such individual has opposed any act or  
26 practice made unlawful by this chapter . . . ."

27 285. Unlike other provisions of the ADA, this anti-retaliation provision extends liability for  
28 retaliation to any "person," which is defined in 42 U.S.C. § 12111(7) and 42 U.S.C. § 2000e(a) to

1 “include one or more individuals.”<sup>6</sup>

2 286. Accordingly, this claim for unlawful retaliation may properly be maintained against, and  
3 is maintained against, CCAC, as a public agency of a local government and a political subdivision of  
4 the state of Nevada subject to the ADA that is required to ensure compliance with its obligations under  
5 the ADA, including those arising from the contracted services provided by TAF, for which services  
6 CCAC receives federal funding, and TAF, but also against COO SCHOLTEN, individually.

7 287. At all relevant times herein, BORENSTEIN engaged in conduct amounting to “protected  
8 activity” under the anti-retaliation provisions of the ADA, including:

9 A. In June 2019, when BORENSTEIN contacted elected public officials, community  
10 leaders, and animal rights organizations, including the Humane Network, seeking  
11 assistance in having Mana returned to him;

12 B. On June 10, 2019, when BORENSTEIN filed the *Complaint* commencing this  
13 action; and

14 C. On June 20, 2019, when BORENSTEIN filed a motion for preliminary injunction  
15 in this matter, seeking the return of Mana.

16 288. Thereafter, BORENSTEIN suffered adverse actions by CCAC, TAF, and COO  
17 SCHOLTEN, such as:

18 A. When TAF and COO SCHOLTEN refused to allow BORENSTEIN to adopt an  
19 animal from TAF; and

20 B. When, upon information and belief, TAF, through COO SCHOLTEN and/or  
21 another officer, manager, supervisor, agent, or employee, without justification, placed a  
22 warning in the electronic files accessible by CCAC, and other shelters and/or rescue  
23 organizations not to allow BORENSTEIN to adopt an animal from them.

24  
25  
26 <sup>6</sup> See also *Minkley v. Eureka City Sch.*, No. 17-cv-3241-PJH, 2017 U.S. Dist. LEXIS  
27 161338, at \*16 (N.D. Cal. Sep. 29, 2017) (individuals, not merely businesses, can be sued under the  
28 anti-retaliation provisions of the ADA).

1 289. There is a causal link between BORENSTEIN's protected activity and these adverse  
2 actions that he suffered.

3 290. TAF's actions through COO SCHOLTEN and/or another officer, manager, supervisor,  
4 agent, or employee in preventing BORENSTEIN from adopting another animal were done in retaliation  
5 for his participation in such protected activities relating to his disabilities, when these defendants  
6 subjected him to the aforementioned adverse actions.

7 291. CCAC, TAF, and COO SCHOLTEN unlawfully discriminated against BORENSTEIN  
8 by retaliating against him, a disabled individual, as described herein, and violated the anti-retaliation  
9 provisions of the ADA, including as codified at 42 U.S.C. § 12203.

10 292. As a direct and proximate result of the unlawful, intentional discrimination and  
11 retaliation alleged in this cause of action, BORENSTEIN sustained injury, harm, suffering, mental  
12 anguish, and damages, entitling him to compensatory damages, punitive damages, and prospective  
13 injunctive and declaratory relief, as allowed by law, according to proof at trial.

14 293. As a further, direct and proximate result of the unlawful, intentional discrimination and  
15 retaliation, alleged in this cause of action, BORENSTEIN has had to retain the services of attorneys in  
16 this matter, for which he seeks attorneys' fees and costs, including under 42 U.S.C. §§ 1983 and 1988  
17 *et seq.*

18 —STATE CLAIMS—

19 XIV.

20 TENTH CAUSE OF ACTION

21 Nevada Revised Statute § 426.790 *et seq.* Violation of the Persons with Disabilities Chapter

22 -UNLAWFUL INTERFERENCE WITH THE USE OF A SERVICE ANIMAL -

23 (Asserted against CCAC, TAF, LT. ZAVALA, and COO SCHOLTEN)

24 294. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
25 fully set forth herein.

26 295. The state of Nevada has a public policy to protect the welfare, prosperity, health and  
27 peace of all the people of the State and to foster the right of all persons reasonably to seek and be  
28 granted services in places of public accommodation without discrimination, distinction, or restriction



1 because of disability, pursuant to Nevada Revised Statute § 233.010(2).

2 296. The state of Nevada enacted legislation that shall be liberally construed to effect the  
3 objects and purposes for persons with disabilities, including to relieve such persons from the stress of  
4 poverty and to encourage and assist them in their efforts to render themselves more self-supporting,  
5 pursuant to Nevada Revised Statutes § 426.010 and § 426.020.

6 297. LT. ZAVALA and CCAC, through its officers, managers, supervisors, agents, and/or  
7 employees, including LT. ZAVALA, violated Nevada Revised Statutes § 426.790 when, without legal  
8 justification, they failed to ensure that the ownership of BORENSTEIN's service dog was not  
9 converted by its government contractor, TAF, thereby interfering with BORENSTEIN's use of Mana to  
10 assist him with his disabilities and obstructing or otherwise jeopardizing BORENSTEIN's safety.

11 298. LT. ZAVALA and CCAC knew that TAF routinely acted outside the Animal Ordinance  
12 by extending offers, including to BORENSTEIN, to refrain from exercising any contractual or statutory  
13 ownership right, so long as the offeree complied with the instructions in the email offers to TAF, to  
14 contact TAF before the initial hold on the offeree's animal expired.

15 299. LT. ZAVALA and CCAC knew that TAF routinely and deliberately failed to answer its  
16 recorded telephone line and that animal owners wishing to extend the hold on their animals, including  
17 BORENSTEIN, were forced to contact CCAC for such an extension, at which time, LT. ZAVALA and  
18 CCAC assisted in TAF's breach by referring the animal owner back to TAF, frustrating the owner's  
19 ability to ensure that an extension was given, as offered.

20 300. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
21 employees, including COO SCHOLTEN, violated Nevada Revised Statutes § 426.790 when, without  
22 legal justification, they converted the ownership of Mana to TAF and then adopted Mana to ROE  
23 BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5, thereby interfering with BORENSTEIN's  
24 use of Mana to assist him with his disabilities and obstructing or otherwise jeopardizing  
25 BORENSTEIN's safety.

26 301. Thereafter, CCAC, TAF, LT. ZAVALA, and COO SCHOLTEN failed to correct the  
27 unlawful adoption or otherwise failed to make any effort to restore the ownership of Mana to  
28 BORENSTEIN.

1 302. As a direct and proximate result of the unlawful, intentional discrimination alleged in  
2 this cause of action, CCAC, TAF, LT. ZAVALA, and COO SCHOLTEN are civilly liable to  
3 BORENSTEIN for sustained injury, harm, suffering, mental anguish, and other compensatory damages,  
4 for treble punitive damages in an amount equal to or greater than \$750.00 to be decided by a jury, and  
5 for prospective injunctive and declaratory relief, as allowed by Nevada Revised Statute § 426.820,  
6 according to proof at trial.

7 303. As a further, direct and proximate result of the unlawful, intentional discrimination  
8 alleged in this cause of action, BORENSTEIN has had to retain the services of attorneys in this matter,  
9 for which he seeks reasonable attorneys' fees, as allowed by Nevada Revised Statute § 426.820, as  
10 determined by the Court.

11 **XV.**

12 **ELEVENTH CAUSE OF ACTION**

13 **Nevada Revised Statute § 651.070 et seq. Violation of the Public Accommodations Chapter**  
14 **- UNLAWFUL DEPRIVATION OF, INTERFERENCE WITH, AND PUNISHMENT FOR**  
15 **EXERCISING RIGHTS AND PRIVILEGES-**

16 **(Asserted against TAF and COO SCHOLTEN)**

17 304. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though  
18 fully set forth herein.

19 305. The state of Nevada has a public policy to protect the welfare, prosperity, health and  
20 peace of all the people of the State and to foster the right of all persons reasonably to seek and be  
21 granted services in places of public accommodation without discrimination, distinction, or restriction  
22 because of disability, pursuant to Nevada Revised Statute § 233.010(2).

23 306. The state of Nevada enacted legislation to ensure that all persons are entitled to the full  
24 and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of  
25 any place of public accommodation, without discrimination or segregation on the ground of disability,  
26 pursuant to Nevada Revised Statutes § 651.070.

27 307. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
28 employees, including COO SCHOLTEN and ADO Keast, who acted under COO SCHOLTEN's

1 direction and authority, violated Nevada Revised Statutes § 651.090(1)(b) when they intimidated,  
2 threatened, coerced, or attempted to intimidate, threaten, or coerce BORENSTEIN from exercising his  
3 right to pursue recovery of Mana through litigation and/or by seeking assistance from private and  
4 public officials, including by threatening to have Mana euthanized rather than returning him to  
5 BORENSTEIN.

6 308. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
7 employees, including COO SCHOLTEN and ADO Keast, who acted under COO SCHOLTEN's  
8 direction and authority, violated Nevada Revised Statutes § 651.090(1)(c) when they punished or  
9 attempted to punish BORENSTEIN for exercising his right to pursue recovery of Mana through  
10 litigation and/or by seeking assistance from private and public officials, including by placing a warning  
11 about BORENSTEIN in a database accessible to other shelters, law enforcement, and, upon  
12 information and belief, rescue organizations, encouraging them not to adopt an animal to  
13 BORENSTEIN.

14 309. As a direct and proximate result of the unlawful, intentional and retaliatory  
15 discrimination alleged in this cause of action, TAF and COO SCHOLTEN are civilly liable to  
16 BORENSTEIN for sustained injury, harm, suffering, mental anguish, and other compensatory damages  
17 and for prospective injunctive and declaratory relief, as allowed by Nevada Revised Statute §  
18 651.090(2)(a), according to proof at trial.

19 310. As a further, direct and proximate result of the unlawful, intentional and retaliatory  
20 discrimination alleged in this cause of action, BORENSTEIN has had to retain the services of attorneys  
21 in this matter, for which he seeks costs and reasonable attorneys' fees, as allowed by Nevada Revised  
22 Statute § 651.090(2)(b).

23 **XVI.**

24 **TWELFTH CAUSE OF ACTION**

25 **Negligence and/or Gross Negligence**

26 **(Asserted against SUNRISE HOSPITAL, CCAC, TAF,**  
27 **and COO SCHOLTEN)**

28 311. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though

1 fully set forth herein.

2 312. Defendants and each of them owed a legal duty to exercise reasonable care and ordinary  
3 prudence that a reasonably prudent hospital, shelter and government contractor, government entity,  
4 and/or professional or government actor; respectively, would exercise under the same circumstances,  
5 while performing any acts that could foreseeably harm BORENSTEIN, a vulnerable person, including  
6 when agreeing to undertake acts to safeguard BORENSTEIN's medically-necessary property, while  
7 BORENSTEIN was hospitalized, sedated, and involuntarily committed, and unable to care for his dog,  
8 Mana.

9 313. Each of the Defendants, herein, had a lengthy history with BORENSTEIN and/or his  
10 dogs, knew he was a disabled and vulnerable person, and had a duty to act in good faith, and in  
11 accordance with BORENSTEIN's reasonable expectations based on their mutual past dealings and/or  
12 their agreements with him in May 2019, whether the terms were express or implied. Defendants CCAC,  
13 TAF, and COO SCHOLTEN also had a duty to act in accordance with the Animal Ordinance.

14 314. Defendants and each of them failed to exercise reasonable care, breaching that legal duty  
15 owed to BORENSTEIN, as described herein, which breaches were the legal cause of BORENSTEIN's  
16 injuries, and BORENSTEIN suffered resulting damages, in an amount to be proven at trial.

17 315. SUNRISE HOSPITAL, through its officers, managers, supervisors, agents, and/or  
18 employees (including but not limited to Nurse Pasternak and security personnel who were directly  
19 involved, by way of agreement constituting a bailment, in communicating with CCAC dispatch and  
20 officers, and other medical professionals, social workers, caseworkers, and the like) breached its legal  
21 duties by negligently failing to exercise the degree of care that an ordinarily careful and reasonably  
22 prudent hospital would exercise, under the same or similar circumstances, including by failing to  
23 request CCAC or TAF to extend the hold on BORENSTEIN's medically necessary property that had  
24 been entrusted to SUNRISE HOSPITAL, either at the time of Mana's pick-up or upon learning that  
25 SUNRISE HOSPITAL medical professionals were involuntarily committing BORENSTEIN for  
26 psychiatric treatment and transferring him to another hospital.

27 316. But for SUNRISE HOSPITAL's promise to stay with Mana, through its officers,  
28 managers, supervisors, agents, and/or employees, and temporary entrustment of Mana by

1 BORENSTEIN until CCAC took temporary possession of him, BORENSTEIN would not have left  
2 Mana in the car, which served as a temporary holding vessel; instead, BORENSTEIN would have  
3 chosen to ignore his personal medical needs first.

4 317. Implicit in his surrender of Mana to the care and custody of SUNRISE HOSPITAL,  
5 through its officers, managers, supervisors, agents, and/or employees, was BORENSTEIN's  
6 expectation that it would make efforts to ensure that his property would be safeguarded until  
7 BORENSTEIN had the capacity to reclaim Mana, either by ensuring that a sufficient hold was placed  
8 on Mana when he was surrendered to CCAC or by informing hospital personnel at North Vista Hospital  
9 of Mana's hold limitations.

10 318. In fact, BORENSTEIN had come to expect such assistance from hospital personnel, who  
11 had acted accordingly in the past, by exercising reasonably prudent care to ensure that he was not  
12 divested of his ownership interest in his prior service or emotional support dog while he was  
13 hospitalized (including in October 2017, when an officer at the hospital called TAF and CCAC to  
14 obtain an extension on Rambo's hold, and twice in November 2017, when a caseworker at Montevista  
15 Hospital called CCAC to communicate BORENSTEIN's desires and a social worker at Seven Hills  
16 Hospital called CCAC to ensure that Rambo was held until BORENSTEIN was released).

17 319. SUNRISE HOSPITAL, through its officers, managers, supervisors, agents, and/or  
18 employees, breached its legal duties by negligently failing to exercise the degree of care that an  
19 ordinarily careful and reasonably prudent hospital would exercise when assuming a bailment, under the  
20 same or similar circumstances, including by failing to notify someone at North Vista Hospital, when  
21 SUNRISE HOSPITAL involuntarily committed BORENSTEIN for psychiatric care and transferred  
22 him North Vista Hospital, that BORENSTEIN had medically necessary property in the custody of  
23 CCAC and/or TAF and that the hold on Mana would expire in less than ten days, if BORENSTEIN, or  
24 someone acting on his behalf, did not request an extension of time on the hold.

25 320. If someone from SUNRISE HOSPITAL, whose stature in the community would have  
26 commanded more authority than BORENSTEIN's, who is a vulnerable and disabled person who  
27 neither CCAC nor TAF regard with dignity or respect, had exercised even the slightest degree of care,  
28 by calling CCAC or TAF and requesting them to hold Mana longer or notifying North Vista Hospital

1 personnel so that they could contact CCAC or TAF and make such a request, CCAC and/or TAF would  
2 likely have extended the hold, as they had done in the past, when such requests were made by hospital  
3 personnel.

4 321. CCAC, through its officers, managers, supervisors, agents, and/or employees, including  
5 LT. ZAVALA and Lt. Clevinger, breached its legal duties by negligently failing to exercise the degree  
6 of care that an ordinarily careful and reasonably prudent government actor and government entity,  
7 respectively, would exercise, under the same or similar circumstances, including as required by the  
8 Animal Ordinance, and by failing to place a hold on Mana for a period of time sufficient to enable  
9 BORENSTEIN to reclaim Mana, after BORENSTEIN was released from the hospital (including a  
10 regulation hold, as Sergeant Rodgers had done for Rambo in November 2017, or at least until June 2,  
11 2019, as BORENSTEIN had requested from LT. ZAVALA before the ten-day hold on Mana expired)  
12 and to properly document communications with BORENSTEIN in CCAC's database, which was  
13 accessible by TAF, and to follow through with TAF to make sure the requests from CCAC and  
14 BORENSTEIN were extended so that BORENSTEIN's property remained safeguarded, during the  
15 time in which BORENSTEIN was hospitalized.

16 322. Pursuant to the general allegations in this SAC, the facts of this case do not fit squarely  
17 into the provisions of the Animal Ordinance, and for any facts that support a marginal application of  
18 any provision, CCAC, LT. ZAVALA, TAF, and COO SCHOLTEN intentionally or negligently failed  
19 to perform their duties thereunder:

20 A. Pursuant to § 10.04.100(b), Mana was not "at large," by agreement between  
21 BORENSTEIN and SUNRISE HOSPITAL personnel, who had possession of  
22 BORENSTEIN's car keys and agreed to remain with Mana until CCAC took possession  
23 of him. This is so, because "at-large" does not include a location where the animal is  
24 permitted by the lawful occupant within an exclusive access enclosed structure, such as  
25 an automobile—which is where Mana was temporarily "confined" (as defined by §  
26 10.04.150), in an "enclosure" (as defined by § 10.04.182, with adequate feed, pursuant to  
27 § 10.04.020, with adequate water, pursuant to § 10.04.030, and where the ambient  
28 temperature did not exceed 85 degrees Fahrenheit with the air conditioner running,

1 pursuant to § 10.04.182(b).

2 B. Mana was not a “stray animal, as defined by § 10.04.280, which is defined “as  
3 any animal at large.”

4 C. Mana was not impounded under § 10.24.010, because he was not “at large,” he  
5 was microchipped, and he was not found in violation of any section of the Animal  
6 Ordinance. But even if he was impounded under § 10.24.010, TAF, including COO  
7 SCHOLTEN, did not comply with subsection (f), which requires TAF to document at  
8 least three personal attempts to notify BORENSTEIN.

9 D. Mana was not a “voluntary surrender,” because he was not brought to TAF by  
10 BORENSTEIN. Furthermore, subsection (c) of the statute contemplates reclaiming by a  
11 rescue organization only if the owner does not respond upon notification by a shelter,  
12 whereas BORENSTEIN clearly did respond.

13 E. Mana was simply “impounded,” pursuant to § 10.04.210, because he was taken or  
14 received into custody by CCAC for the purpose of confinement at TAF.

15 F. If Mana was “unclaimed,” pursuant to § 10.04.080, because BORENSTEIN was  
16 not physically at TAF when the hold on Mana expired, it is due to TAF’s breach of  
17 contract formed by the offers set forth in the two notifications sent to BORENSTEIN,  
18 pursuant to § 10.24.010(f), and the unmandated process set up by CCAC and TAF, under  
19 the direction of COO SCHOLTEN, wherein TAF offered to extend Mana’s hold, and  
20 BORENSTEIN accepted the offer, via specific performance, by contacting both agencies,  
21 including through LT. ZAVALA, multiple times before the hold expired and requesting  
22 them to extend the hold on Mana, as stated in the offers. CCAC, LT. ZAVALA, and TAF  
23 each failed to affirmatively deny or subsequently honor the agreement, as BORENSTEIN  
24 did return to reclaim Mana on June 2, 2019, the date he had requested through LT.  
25 ZAVALA, but the agreement had already been breached, either intentionally or  
26 negligently, and BORENSTEIN was denied the return of his property, despite his  
27 detrimental reliance thereon.

28 G. Mana, having been neutered, vaccinated, and microchipped, § 10.24.090(d)

1 required CCAC to release Mana to BORENSTEIN, once all conditions of the  
2 Impoundment chapter of the Animal Ordinance had been satisfied. But for the breach of  
3 agreement by TAF and/or CCAC, BORENSTEIN satisfied all the conditions required of  
4 him to have Mana released to him, pursuant to § 10.24.110.

5 H. TAF and/or CCAC's failure to inform BORENSTEIN of their intended breach,  
6 prevented BORENSTEIN from insisting on a regulation hold, pursuant to § 10.24.120,  
7 before ownership transferred to TAF. Thus, TAF was unjustly enriched.

8 I. BORENSTEIN did not "abandon" Mana, as that term is defined § 10.32.010,  
9 because SUNRISE HOSPITAL agreed to act as BORENSTEIN's agent to safeguard  
10 Mana until CCAC arrived, which BORENSTEIN relied upon before agreeing to place  
11 Mana in his vehicle, and BORENSTEIN communicated his desire and intent to reclaim  
12 Mana multiple times thereafter to CCAC, including through LT. ZAVALA, and to TAF.

13 J. Mana was not taken under the animal cruelty provision of § 10.32.020, but if he  
14 had been, and CCAC intended to prosecute, BORENSTEIN must have been given  
15 additional time to petition the Court for release of Mana, which he was not.

16 K. Mana was not confined to the vehicle, pursuant to § 10.32.060, because, in  
17 addition to the allegations in subparagraph A, *supra.*, Mana was in the car for less than 20  
18 minutes.

19 323. CCAC and LT. ZAVALA were derelict in their duties imposed by § 10.40.020, which  
20 mandates enforcement of the Animal Ordinance, which they failed to follow or act under; instead, they  
21 chose a course of action that all but ensured BORENSTEIN would lose possession of Mana.

22 324. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
23 employees, including COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-  
24 Castaneda, breached their legal duties by failing to exercise the degree of care that an ordinarily careful  
25 and reasonably prudent professional and shelter and government contractor, respectively, would  
26 exercise, under the same or similar circumstances.

27 325. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
28 employees, including COO SCHOLTEN, under whose direction and authority ADO Keast, Supervisors



1 Guzman and Mejia, and Ms. Lopez-Castaneda acted upon, outside the Animal Ordinance, when they  
2 entered into a contractual relationship with BORENSTEIN, whereby they agreed to refrain from  
3 exercising any statutory ownership rights TAF might otherwise have under the Animal Ordinance, so  
4 long as BORENSTEIN accepted TAF's offer to extend the hold before the initial hold period expired,  
5 and then they breached that agreement, including by holding Mana for the period of time requested by  
6 BORENSTEIN, which request would have been sufficient to enable BORENSTEIN to reclaim Mana,  
7 after BORENSTEIN was released from his hospitalizations and capable of caring for Mana. See  
8 paragraph 322(F), *supra*.

9 326. When engaging in their culpable conduct described herein, Defendants, and each of  
10 them, were not only negligent, but they were grossly negligent, as they failed to exercise even the  
11 slightest amount of care, with a conscious disregard of the rights or safety of BORENSTEIN.

12 327. When engaging in their culpable conduct described herein, the Defendants sued in this  
13 cause of action, and each of them, acted with malice, express or implied, in that Defendants engaged in  
14 despicable conduct by virtue of the egregious nature of their failures to safeguard Mana for  
15 BORENSTEIN, and these Defendants had a conscious disregard of the rights or safety of  
16 BORENSTEIN and of vulnerable persons similarly situated to BORENSTEIN.

17 328. Defendants exhibited a conscious disregard of BORENSTEIN's rights or safety when  
18 they knew of the probable harmful consequences of their wrongful acts of neglecting to safeguard  
19 Mana while BORENSTEIN was hospitalized, which probable harmful consequences included the loss  
20 of property and actual physical and mental injuries suffered by BORENSTEIN, which Defendants  
21 recklessly, willfully, and/or deliberately failed to act to avoid.

22 329. Accordingly, BORENSTEIN is entitled to recover punitive and exemplary damages, as  
23 allowed by law, in an amount to be determined at trial.

24 330. As a further result of the culpable conduct by Defendants, as alleged in this cause of  
25 action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he seeks  
26 costs and reasonable attorneys' fees.

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**XVII.**

**THIRTEENTH CAUSE OF ACTION**

**Negligent Training, Supervision, and Retention**

**(Asserted against SUNRISE HOSPITAL and TAF)**

331. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though fully set forth herein.

332. On information and belief, at all times relevant hereto, SUNRISE HOSPITAL, through its officers, managers, supervisors, agents, and/or employees, was responsible for training, supervising, and retaining employees, and each of them, including training and supervision pertaining to Nurse Pasternak, medical personnel, caseworkers, social workers, and security officers for:

A. complying with standards and protocols of SUNRISE HOSPITAL, including its policies and procedures for safeguarding assets, the ADA, the State Discrimination Statutes, the Vulnerable Persons Statute, and other requirements; and

B. protecting and otherwise not violating a patient's legal rights, including those rights of BORENSTEIN described herein.

333. On information and belief, at all times relevant hereto, SUNRISE HOSPITAL, through its officers, managers, supervisors, agents, and/or employees, and each of them, owed a general duty to use reasonable care in the training, supervision, and retention of such employees, to make sure that the employees are fit for their positions and to prevent harm to third parties, including BORENSTEIN, by the employees' tortious or wrongful conduct, of the type alleged herein.

334. On information and belief, at all times relevant hereto, SUNRISE HOSPITAL, through its officers, managers, supervisors, agents, and/or employees, and each of them, breached this duty of care when they placed and retained employees in positions necessitating the protection of medically necessary property obtained by the hospital by way of a bailment on behalf of a vulnerable and disabled person, who was involuntarily committed for psychiatric care and transferred to another institution, without properly training and supervising such employees whom they knew or should have known would fail to safeguard property, including Mana, and, in the positions for which they were placed and retained, they could harm someone, including BORENSTEIN, as alleged herein.

1 335. On information and belief, SUNRISE HOSPITAL, through its officers, managers,  
2 supervisors, agents, and/or employees, and each of them, were negligent in the training, supervision,  
3 and retention of such employees, including training in the area of safeguarding valuable assets, the  
4 ADA, the State Discrimination Statutes, the Vulnerable Persons Statute, and other requirements, which  
5 negligence caused the harm and injuries to BORENSTEIN, as alleged herein.

6 336. On information and belief, at all times relevant hereto, TAF, through its officers,  
7 managers, supervisors, agents, and/or employees, was responsible for training, supervising, and  
8 retaining employees, and each of them, including training and supervision pertaining to COO  
9 SCHOLTEN for:

10 A. complying with standards and protocols of CCAC and TAF, including those  
11 policies and procedures for impounding and holding animals, the county ordinances  
12 pertaining to animals, the ADA, the State Discrimination Statutes, the Vulnerable Persons  
13 Statute, and other requirements; and

14 B. protecting and otherwise not violating an animal owner's legal rights, including his  
15 constitutional rights, and including those rights of BORENSTEIN described herein.

16 337. On information and belief, at all times relevant hereto, TAF, through its officers,  
17 managers, supervisors, agents, and/or employees, and each of them, owed a general duty to use  
18 reasonable care in the training, supervision, and retention of such employees, including but not limited  
19 to COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castenada, to make  
20 sure that the employees are fit for their positions and to prevent harm to third parties, including  
21 BORENSTEIN, by the employees' tortious or wrongful conduct, of the type alleged herein.

22 338. On information and belief, at all times relevant hereto, TAF, through its officers,  
23 managers, supervisors, agents, and/or employees, and each of them, breached this duty of care when  
24 they placed and retained COO SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms.  
25 Lopez-Castenada, in the position of communicating or supervising communications with CCAC  
26 regarding Mana's placement in the custody of TAF, without properly training and supervising them,  
27 whom they knew or should have known, would fail to safeguard property, including Mana, and would  
28 retaliate against an animal's owner, and, in the position they were placed in and retained, they could

1 harm someone, including BORENSTEIN, as alleged herein.

2 339. On information and belief, TAF, through its officers, managers, supervisors, agents,  
3 and/or employees, and each of them, were negligent in the training, supervision, and retention of COO  
4 SCHOLTEN, ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castenada, including  
5 training in the area of safeguarding assets, constitutional rights, the ADA, the State Discrimination  
6 Statutes, the Vulnerable Persons Statute, and other requirements, which negligence caused the harm  
7 and injuries to BORENSTEIN, as alleged herein.

8 340. When engaging in their culpable conduct described herein, Defendants sued in this cause  
9 of action, and each of them, acted with malice, express or implied, in that Defendants engaged in  
10 despicable conduct by virtue of the egregious nature of their failures to properly train, supervise, and  
11 retain the individuals responsible for safeguarding Mana and by their failures to ensure that  
12 BORENSTEIN's rights were not violated, and these Defendants had a conscious disregard of the rights  
13 or safety of BORENSTEIN and of vulnerable persons similarly situated to BORENSTEIN.

14 341. Defendants exhibited a conscious disregard of BORENSTEIN's rights or safety when  
15 they knew of the probable harmful consequences of their wrongful acts of neglecting to properly train,  
16 supervise, and retain the individuals responsible for safeguarding Mana while BORENSTEIN was  
17 hospitalized and failing to ensure that BORENSTEIN's rights were not violated, the probable harmful  
18 consequences of which included the loss of property and actual physical and mental injuries suffered by  
19 BORENSTEIN that Defendants recklessly, willfully, and/or deliberately failed to act to avoid.

20 342. Accordingly, BORENSTEIN is entitled to recover punitive and exemplary damages, as  
21 allowed by law, in an amount to be determined at trial.

22 343. As a further result of the culpable conduct by Defendants, as alleged in this cause of  
23 action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he seeks  
24 costs and reasonable attorneys' fees.

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XVIII.

UNLAWFUL INJURY OR LOSS SUFFERED BY A VULNERABLE PERSON (NRS 41.1395)<sup>7</sup>

- *NEGLECT OR ABUSE OF A VULNERABLE PERSON* -

(Asserted against SUNRISE HOSPITAL, CCAC, TAF,  
LT. ZAVALA, and COO SCHOLTEN)

344. BORENSTEIN incorporates by reference all prior allegations of this SAC, as though fully set forth herein.

345. BORENSTEIN is a vulnerable person, within the meaning of Nevada Revised Statute § 41.1395(e).

346. Beginning on May 12, 2019, SUNRISE HOSPITAL, through its officers, managers, supervisors, agents, and/or employees, including Nurse Pasternak and other medical and security personnel, assumed a legal responsibility and/or a contractual obligation to care for BORENSTEIN, as their patient, including through a voluntary bailment, wherein they assumed temporary custody of BORENSTEIN's service animal, after which BORENSTEIN was sedated, involuntarily committed, and transferred to another hospital.

347. Beginning on May 12, 2019, LT. ZAVALA and CCAC, through its officers, managers, supervisors, agents, and/or employees, including LT. ZAVALA, assumed a legal responsibility and/or a contractual obligation, including through a voluntary or involuntary bailment, to care for BORENSTEIN by taking possession of BORENSTEIN's service animal from NURSE PASTERNAK and/or SUNRISE HOSPITAL, while presently knowing that BORENSTEIN was then hospitalized and sedated and, thus, a vulnerable person.

348. Beginning on May 12, 2019, COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or employees, including COO SCHOLTEN, assumed a legal responsibility and/or a contractual obligation, including through a voluntary or involuntary bailment, to

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<sup>7</sup> NRS 41.1395(1) does not constitute an independent cause of action but rather is a provision for special damages. *Doe v. Clark County School District*, No. 2:15-cv-00793-APG-GWF, 2016 WL 4432683 at \*13 (D. Nev, Aug. 18, 2016). Accordingly, this section is not labeled as a cause of action, but it seeks to assign special damages against the Defendants named herein.

1 care for BORENSTEIN by taking possession of BORENSTEIN's service animal from officers,  
2 managers, supervisors, agents, and/or employees of CCAC, while presently knowing that  
3 BORENSTEIN was then hospitalized and sedated and, thus, a vulnerable person.

4 349. SUNRISE HOSPITAL breached its legal responsibilities and/or contractual obligations,  
5 as alleged in the twelfth cause of action, *supra*.

6 350. LT. ZAVALA and CCAC breached their legal responsibilities and/or contractual  
7 obligations, as alleged in the twelfth cause of action, *supra*.

8 351. COO SCHOLTEN and TAF breached their legal responsibilities and/or contractual  
9 obligations, as alleged in the twelfth cause of action, *supra*.

10 352. Furthermore, COO SCHOLTEN and TAF, through its officers, managers, supervisors,  
11 agents, and/or employees, including COO SCHOLTEN, acted abusively by first knowingly depriving  
12 BORENSTEIN from the use of his service animal when allowing ROE BUSINESS ENTITIES 1-5  
13 and/or DOE INDIVIDUALS 1-5 to adopt Mana and then by inflicting pain, injury, or mental anguish  
14 on BORENSTEIN by refusing to correct or attempt to correct the unlawful, converted adoption; by  
15 telling BORENSTEIN that Mana would be euthanized before he would regain possession of Mana,  
16 because he was, in their non-medical opinion(s), "too sick" to own an animal; and by subsequently  
17 thwarting BORENSTEIN's ability to adopt another animal from TAF, the Henderson Animal Shelter,  
18 and/or other entities that house animals for adoption, by placing a warning about BORENSTEIN in a  
19 database accessible to multiple agencies.

20 353. Protecting BORENSTEIN's service dog was a service necessary to maintaining  
21 BORENSTEIN's physical and/or mental health, as defined under the Vulnerable Persons Statute.

22 354. As a direct and proximate result of the Defendants' breaches and/or abuses, as alleged in  
23 this cause of action, BORENSTEIN suffered personal injuries of neglect and/or abuse for which  
24 Defendants are liable for double his actual damages, as allowed by Nevada Revised Statute §  
25 41.1395(1).

26 355. As a further result of COO SCHOLTEN's and TAF's reckless, oppressive, or malicious  
27 conduct, as alleged in this cause of action, BORENSTEIN has had to retain the services of attorneys in  
28 this matter, for which he seeks mandatory attorneys' fees and costs, as allowed by Nevada Revised

1 Statute §41.1395(2).

2 **XIX.**

3 **FOURTEENTH CAUSE OF ACTION**

4 **Unlawful Conversion**

5 **(Asserted against TAF and COO SCHOLTEN)**

6 356. BORENSTEIN incorporates by reference all prior allegations of this *SAC*, as though  
7 fully set forth herein.

8 357. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
9 employees, including COO SCHOLTEN, intentionally exerted wrongful dominion over  
10 BORENSTEIN's personal property, Mana, by making an unjustified claim of title to Mana for itself.

11 358. COO SCHOLTEN and TAF, through its officers, managers, supervisors, agents, and/or  
12 employees, including COO SCHOLTEN, entered into a contractual agreement with BORENSTEIN to  
13 refrain from exercising any ownership rights that TAF might otherwise have under the Animal  
14 Ordinance, when BORENSTEIN accepted TAF's offer to request an extended hold on Mana before the  
15 initial hold expired.

16 359. Thereafter, COO SCHOLTEN and TAF, through its officers, managers, supervisors,  
17 agents, and/or employees, including COO SCHOLTEN, adopted Mana to ROE BUSINESS ENTITIES  
18 1-5 and/or DOE INDIVIDUALS 1-5, without disclosing to them BORENSTEIN's actual ownership  
19 interest in Mana, thereby interfering with BORENSTEIN's rights of possession.

20 360. As a direct and proximate result of the Defendants' intentional actions, as alleged in this  
21 cause of action, TAF and COO SCHOLTEN are civilly liable to BORENSTEIN for sustained injury,  
22 harm, suffering, mental anguish, and other compensatory damages, according to proof at trial.

23 361. When engaging in their culpable conduct described herein, TAF and/or COO  
24 SCHOLTEN, acted with malice, express or implied, in that they engaged in despicable conduct by  
25 virtue of the egregious nature of their conversion of Mana to TAF, and they had a conscious disregard  
26 of the rights or safety of BORENSTEIN.

27 362. Accordingly, BORENSTEIN is entitled to recover punitive and exemplary damages, as  
28 allowed by law, in an amount to be determined at trial.





1 D. Placing information in the emails that Mana might be sent to adoption, to a rescue  
2 organization, or to be euthanized, if BORENSTEIN failed to contact TAF by May 22,  
3 2019;

4 E. Providing a telephone number in the emails with a recorded message and an  
5 ability for the caller to leave a message, without regularly monitoring the messages  
6 and/or providing any appropriate follow-up, including when BORENSTEIN left time-  
7 sensitive messages regarding his request to hold Mana until he was out of the hospital  
8 and able to reclaim Mana;

9 F. Providing information in the emails about the KEPPT program but failing to  
10 fulfill the stated promise of that program to help with barriers in finding a temporary  
11 placement for a sheltered animal as an alternative boarding arrangement;

12 G. Disingenuously offering to extend the hold on Mana, with a timely request from  
13 BORENSTEIN;

14 H. Failing to act to ensure that Mana was continually safeguarded upon receipt of  
15 BORENSTEIN's telephone call to LT. ZAVALA on May 22, 2019, and to Lt. Clevinger  
16 on May 24, 2019, wherein BORENSTEIN advised that he needed a reasonable  
17 accommodation to hold Mana until June 2, 2019;

18 I. Deliberately ignoring and/or failing to act on the foregoing emails to TAF,  
19 through ADO Keast, Supervisors Guzman and Mejia, and Ms. Lopez-Castenada, and/or  
20 another of TAF's officers, managers, supervisors, agents, and/or employees, acting under  
21 the direction and authority of COO SCHOLTEN.

22 J. Purportedly calling several Las Vegas hospitals in a pretextual effort to document  
23 additional efforts at reaching BORENSTEIN, knowing BORENSTEIN did not have  
24 access to a telephone and had already requested an extension until June 2, 2019, pursuant  
25 to the offers extended by TAF to extend the hold if timely requested;

26 K. Removing the hold placed on Mana three days prematurely, based on  
27 BORENSTEIN's timely request to LT. ZAVALA, resulting in the conversion of Mana to  
28 TAF, and then making Mana available for adoption the very next day, on May 31, 2019;

1 L. Allowing ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 to  
2 adopt Mana on June 1, 2019, just thirteen minutes before BORENSTEIN left a message  
3 with CCAC advising that he would then soon be released from the hospital to reclaim  
4 Mana;

5 M. Informing BORENSTEIN on June 2, 2019, that Mana had been adopted by a third  
6 party;

7 N. Telling BORENSTEIN that TAF would euthanize Mana before allowing  
8 BORENSTEIN to have possession of him, because COO SCHOLTEN and/or ADO  
9 Keast, acting under the direction and authority of COO SCHOLTEN had made a  
10 discriminatory medical assessment that BORENSTEIN was "too sick" to care for Mana;

11 O. Failing to act to contact ROE BUSINESS ENTITIES 1-5 and/or DOE  
12 INDIVIDUALS 1-5 to reclaim Mana for return to BORENSTEIN or to otherwise advise  
13 them of the illegal converted adoption, in breach of the agreement with BORENSTEIN,  
14 including, after receiving documentation of a court proceeding containing a written  
15 finding that Mana was BORENSTEIN's service dog and, upon knowing that  
16 BORENSTEIN had been hospitalized after telling Lt. Clevinger that he was going to kill  
17 himself;

18 P. Failing to act to contact ROE BUSINESS ENTITIES 1-5 and/or DOE  
19 INDIVIDUALS 1-5 to reclaim Mana for return to BORENSTEIN or to otherwise advise  
20 them of the illegal converted adoption, in breach of the agreement with BORENSTEIN,  
21 including, after receiving communications from the president of the Humane Network,  
22 inquiring about Mana;

23 Q. Refusing to allow BORENSTEIN to adopt another animal from TAF, after he  
24 filed a federal lawsuit against CCAC and TAF;

25 R. Warning other animal shelters, including the Henderson Animal Shelter, animal  
26 law enforcement agencies, and/or rescue organizations not to adopt an animal to  
27 BORENSTEIN;

28 S. Failing to respond to BORENSTEIN's public records request for information

1 about not permitting BORENSTEIN to adopt an animal; and

2 T. Failing to ensure that BORENSTEIN was not subjected to additional ongoing  
3 discrimination.

4 367. CCAC and TAF, through its respective officers, managers, supervisors, agents, and/or  
5 employees, including LT. ZAVALA and COO SCHOLTEN, intended to cause emotional distress to  
6 BORENSTEIN, or they had a reckless disregard for the risk their actions posed for causing emotional  
7 distress to BORENSTEIN.

8 368. BORENSTEIN suffered such extreme and severe emotional distress, which was caused  
9 by Defendants as alleged in this cause of action, including but not limited to:

10 A. Emotional distress resulting in multiple hospitalizations due to the lack of stability  
11 that Mana provided for BORENSTEIN;

12 B. Emotional distress from, upon information and belief, becoming the victim of  
13 violent crimes, following his possessory loss of Mana, who also provided protection to  
14 BORENSTEIN;

15 C. Emotional distress from worrying whether Mana will still be able to perform the  
16 service tasks that Mana was trained to perform for BORENSTEIN;

17 D. Emotional distress from not knowing whether Mana is safe and whether Mana is  
18 receiving good care, including recurrent invasive thoughts that Mana may not be alive,  
19 which causes BORENSTEIN great anxiety;

20 E. Emotional distress from worrying that Mana has developed bonds with ROE  
21 BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5 that will impact Mana's  
22 bond to BORENSTEIN and Mana's ability to act as BORENSTEIN's service animal,  
23 after BORENSTEIN recovers possession of Mana;

24 F. Emotional distress from needing the assistance of a service animal but being  
25 afraid that any replacement animal will jeopardize his ability to recover possession of  
26 Mana and to subsequently care for both animals;

27 G. Emotional distress due to his apparent inability to adopt another shelter animal  
28 inside and outside Clark County, Nevada; and

1 H. Emotional distress from worrying that he could lose possession of Mana and/or  
2 another service animal when he is hospitalized again and is forced to rely on government  
3 entities, such as CCAC, and its contractors, such as TAF.

4 369. As a direct and proximate result of the intentional, malicious, willful, deliberately  
5 indifferent, oppressive, and reckless conduct of Defendants, and each of them, named in this cause of  
6 action, BORENSTEIN sustained injury, harm, suffering, mental anguish, and damages, entitling  
7 BORENSTEIN to compensatory and punitive damages, as allowed by law, according to proof at trial.

8 370. As a further, direct and proximate result of the intentional, malicious, willful,  
9 deliberately indifferent, oppressive, and reckless conduct of Defendants, and each of them, for this  
10 cause of action, BORENSTEIN has had to retain the services of attorneys in this matter, for which he  
11 seeks costs and reasonable attorneys' fees.

12 **XXI.**

13 **RESPONDEAT SUPERIOR LIABILITY<sup>8</sup>**

14 **For the State Claims**

15 **--VICARIOUS LIABILITY FOR CONDUCT OF EMPLOYEES**  
16 **OCCURRING IN THE COURSE AND SCOPE OF EMPLOYMENT -**

17 **(Asserted against SUNRISE HOSPITAL, CCAC, and TAF)**

18 371. BORENSTEIN incorporates by reference all prior allegations of this *FAC*, as though  
19 fully set forth herein.

20 372. At all times relevant hereto, the acts and omissions of the respective officers, managers,  
21 supervisors, agents, and/or employees of SUNRISE HOSPITAL, CCAC, and TAF, including NURSE  
22 PASTERNAK, LT. ZAVALA, and COO SCHOLTEN, respectively, and each of them, were under the  
23 control of SUNRISE HOSPITAL, CCAC, and TAF, accordingly, and their acts and omissions  
24

25 <sup>8</sup> *Respondeat Superior* is not considered to be a "cause of action" but a method of  
26 assigning liability to an employer for the conduct of its employees. Accordingly, this section for  
27 *Respondeat Superior* is not labeled as a cause of action, but it seeks to assign liability to SUNRISE  
28 HOSPITAL, CCAC, and TAF, vicariously, for the acts of its employees.

1 complained of herein occurred within the scopes of their employment.

2 373. Based on the foregoing, BORENSTEIN is entitled to invoke the doctrine of *Respondent*  
3 *Superior* to impose vicarious liability on SUNRISE HOSPITAL, CCAC, and TAF as the employers of  
4 NURSE PASTERNAK, LT. ZAVALA, and COO SCHOLTEN, respectively, for their culpable  
5 conduct that occurred within the course and scope of their employment, as alleged herein.

6 **XXII.**

7 **CLAIM AND DELIVERY AND REPLEVIN<sup>9</sup>**

8 **(Asserted against TAF, ROE BUSINESS ENTITIES 1-5; and DOE INDIVIDUALS 1-5)**

9 374. BORENSTEIN incorporates by reference all prior allegations of this *FAC*, as though  
10 fully set forth herein.

11 375. TAF, through its officers, managers, supervisors, agents, and/or employees, including  
12 COO SCHOLTEN, intentionally exerted wrongful dominion over BORENSTEIN's personal property,  
13 Mana, by making an unjustified claim of title to Mana for itself, after offering to contract outside the  
14 Animal Ordinance and refrain from exercising any authority it would otherwise have to convert such  
15 ownership of Mana to itself, so long as BORENSTEIN timely notified TAF of his need to extend the  
16 hold on Mana.

17 376. BORENSTEIN was denied the benefits of ownership of Mana from the moment TAF  
18 purported to be Mana's owner and converted Mana's ownership to itself.

19 377. Thereafter, TAF, through its officers, managers, supervisors, agents, and/or employees,  
20 including COO SCHOLTEN, adopted Mana to ROE BUSINESS ENTITIES 1-5 and/or DOE  
21 INDIVIDUALS 1-5, without disclosing BORENSTEIN's claimed ownership interest in Mana, thereby  
22 interfering with BORENSTEIN's rights of possession.

23 378. TAF, ROE BUSINESS ENTITIES 1-5, and/or DOE INDIVIDUALS 1-5, have enjoyed  
24

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25 <sup>9</sup> *Claim and Delivery* and *Replevin* are not considered to be "causes of action" but rather  
26 are Nevada State forms of relief, which are also available under Federal Rule of Civil Procedure 64 at  
27 the commencement of and throughout this litigation. Accordingly, this section for *Claim and Delivery*  
28 and *Replevin* are not labeled as causes of action but seek to ensure that the procedures requisite to  
obtaining relief are set forth in detail.

1 the benefit of ownership of Mana during the period BORENSTEIN has been denied ownership.

2 379. Mana has not been returned to BORENSTEIN.

3 380. BORENSTEIN seeks to recover possession of Mana from the businesses or individuals  
4 in possession of Mana, including ROE BUSINESS ENTITIES 1-5 and/or DOE INDIVIDUALS 1-5,  
5 pursuant to Nev. Rev. Stat. § 31.840 and/or § 17.120.

6 381. BORENSTEIN further seeks damages from TAF for the wrongful detention of Mana,  
7 during the time period beginning June 2, 2019, when BORENSTEIN sought Mana's return, through  
8 such time when Mana is returned to him.

9 382. As a result of the culpable conduct by TAF, as alleged in this cause of action,  
10 BORENSTEIN has had to retain the services of attorneys in this matter, for which he seeks costs and  
11 reasonable attorneys' fees.

12 **XVI.**

13 **PRAYER FOR RELIEF**

14 WHEREFORE, BORENSTEIN prays for judgment against Defendants, as follows:

- 15 1. For the issuance of an Order to show cause, pursuant to Nev. Rev. Stat. 31.853 and/or  
16 Fed. R. Civ. P. 64, why Mana should not be taken from ROE BUSINESS ENTITIES 1-5  
17 and/or DOE INDIVIDUALS 1-5 and delivered to BORENSTEIN.
- 18 2. For general damages in an amount in excess of \$10,000.00;
- 19 3. For special damages in an amount in excess of \$10,000.00;
- 20 4. For past and future compensatory damages, and other expenses, including any retraining  
21 of Mana, incurred by reason of intentional misconduct, acts, omissions, carelessness,  
22 recklessness, negligence, gross negligence, deliberate indifference, and/or other culpable  
23 conduct, described herein, in an amount in excess of \$10,000.00;
- 24 5. For punitive and exemplary damages;
- 25 6. For attorneys' fees, costs, and pre- and post-judgment interest;
- 26 7. For experts' fees, costs as allowed by law, in an amount in an amount to be determined  
27 at trial;
- 28 8. For declaratory relief, in the form of declarations that:

1 A. BORENSTEIN is the legal owner of Mana.

2 B. Defendants or any of them, jointly or individually, were negligent, grossly  
3 negligent, reckless, willful, malicious, and/or deliberately indifferent, causing  
4 injury to BORENSTEIN, and, further, that Defendants or any of them, jointly or  
5 individually, acted with actual intent or in reckless disregard of causing injury to  
6 BORENSTEIN;

7 9. For injunctive relief, as follows:

8 A. Mandating the return of Mana to BORENSTEIN;

9 B. Prohibiting CCAC, TAF, and their respective officers, managers,  
10 supervisors, agents, and/or employees, including LT. ZAVALA and COO  
11 SCHOLTEN, and each of them, from arbitrarily and capriciously enforcing Clark  
12 County Title 10 Animal Ordinance, the ADA, and the State Discrimination and  
13 Vulnerable Persons Statutes;

14 C. Prohibiting CCAC and TAF, by and through its officers, directors,  
15 managers, supervisors, agents, and/or employees, including LT. ZAVALA and  
16 COO SCHOLTEN, and each of them, from discriminatorily enforcing Clark  
17 County Title 10 Animal Ordinance, the ADA, and the State Discrimination and  
18 Vulnerable Persons Statutes, including by requiring them to make a genuine effort  
19 to locate and provide notification to all animals' owners about their sheltered  
20 animals' whereabouts and the follow-up actions required from all owners; by  
21 placing adequate holds on sheltered animals, including extended holds when the  
22 animals' owners are identifiable and known circumstances make it difficult for  
23 the owners to claim their animals in the prescribed time periods; by  
24 communicating with all animals' owners who are known or discoverable to them  
25 and communicating between each other to ensure that animals are not prematurely  
26 and permanently separated from their owners who desire to maintain possession  
27 of their animals; by placing certain animals whose owners are known or  
28 identifiable in the KEPPT program or exploring alternative options for the

1 animals instead of prematurely adopting them out; by correcting and unwinding  
2 improper adoptions upon learning of them; and by not retaliating or preventing  
3 people from adopting other animals from TAF;

4 D. Prohibiting action whereby an animal is taken from a hospitalized  
5 individual for subsequent adoption to a third party without a meaningful *pre*-  
6 deprivation remedy before the adoption occurs and notification of any *post*-  
7 deprivation remedies available to such person;

8 E. Prohibiting the unreasonable seizure of an animal through the lawful  
9 possession of the animal for safekeeping while the animal's owner is hospitalized  
10 and then by unlawfully converting that temporary, authorized deprivation of the  
11 animal owner's possessory interest into a permanent, unlawful ownership interest;

12 F. Prohibiting the unlawful taking of an animal for public use, including for  
13 the purpose of adoptions, without just compensation to the animal's owner;

14 G. Mandating the removal of all adverse information and records reflecting,  
15 arising from, and relating to BORENSTEIN's ability to adopt an animal from  
16 TAF and/or from another shelter and/or rescue organization;

17 H. Mandating SUNRISE HOSPITAL and its respective officers, managers,  
18 supervisors, agents, and/or employees, exercise a reasonable duty of care to  
19 safeguard an involuntarily committed disabled and/or person's property as an  
20 extension of the patient care and oversight of valuable property;

21 I. Mandating TAF and its respective officers, managers, supervisors, agents,  
22 and/or employees, including COO SCHOLTEN, engage in the interactive process  
23 when a reasonable accommodation is requested by a disabled person, and if an  
24 adoption is completed in violation of the ADA, to notify an adoptive party of the  
25 error and take reasonable efforts to reclaim the animal;

26 J. Mandating SUNRISE HOSPITAL, CCAC, and TAF properly train and  
27 supervise its respective officers, managers, supervisors, agents, and/or employees,  
28 regarding the rights and obligations of individuals under the United States



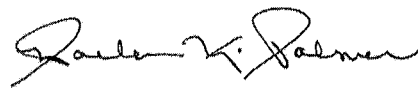
1 Constitution, the ADA, the Vulnerable Persons Statute, and State Discrimination  
2 Statutes;

3 10. For such other relief as the Court may deem just and proper; and

4 11. Pursuant to the *Federal Rules of Civil Procedure*, Rule 38, Plaintiff demands a trial by  
5 jury on all issues triable by right of a jury.

6  
7 Dated this 23rd day of August 2021.

THE PALMER LAW FIRM, P.C.

8 

9  
10 RAELENE K. PALMER, Esq.  
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14 (702) 952-9533  
15 *Attorney for Plaintiff Brian Borenstein*

16 Dated this 23rd day of August 2021.

17 s/ Robert S. Melcic  
18 ROBERT S. MELCIC, Esq.  
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24  
25  
26  
27  
28

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**CERTIFICATE OF SERVICE**

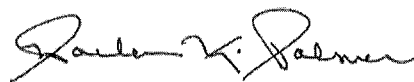
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I hereby certify that on August 23, 2021, I caused to be served a copy of the foregoing *Second Amended Complaint Jury Demand*, by electronic filing through the Court's CM/ECF system, addressed to:

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**Brianna Ramirez**

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**From:** Contact the City Form <noreply@formstack.com>  
**Sent:** Tuesday, September 13, 2022 7:53 AM  
**To:** Ward 2 Staff  
**Subject:** CLV Contact Form: Ward 2

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**



**Formstack Submission For: Contact the City**  
Submitted at 09/13/22 7:52 AM

**Who to contact?:** Ward 2

**Your name:** John

**Comments:** It was nice of you to call out the under staffed and way over worked staff at the animal shelter!  
Did you offer to pick up a shovel or broom?  
Shame on you and Fox5!

**Email:** jr4135@gmail.com

Copyright © 2022 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

## Brianna Ramirez

---

**From:** alicia esken <aesken@earthlink.net>  
**Sent:** Thursday, September 15, 2022 5:37 PM  
**To:** Office of the Mayor; Ward 1; Ward 2 Staff; Ward 4 Staff; Department 5; Department 2; Ward 3; Cedric Crear; Michele Fiore; Jorge Cervantes; Department 1; Randy Robison; hgrey@animalfoundation.com; transfer@animalfoundation.com  
**Cc:** desk@fox5vegas.com; Victoria@victoriaseaman.com  
**Subject:** ADVOCATE REQUEST STAY OF DESTRUCTION & REQUEST APPEAL OF ANIMAL "LUKE" A1242271 DOG @ANIMAL FOUNDATION, LAS VEGAS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Dear Honorable Mayor, Carolyn Goodman, Esteem City Council Members & Judges, Hillarie Grey CEO, Animal Foundation, Joe, Transfer Coordinator, Animal Foundation, Fox 5 Las Vegas,

I am a shelter animal Advocate with great success finding a middle ground in similar situations. I have been made aware that a dog possibly a chow chow was found (possibly abandoned or lost) and brought to the shelter after an alleged bite. The person allegedly bit went to the emergency room. According to my information, the dog Luke was in a 10 day quarantine which would have ended today, 16 September. All the while, the dog Luke was on the Animal Foundation's website in the "Lost & Found" section. As of this writing he is no longer listed.

Several issues are very disturbing. There has been a lack of transparency regarding this animal, many unanswered questions. I interviewed several people in your jurisdiction who said "the foundation does not provide any information" others were afraid to speak.

As a 501c3 Public Charity, there is a sense of widespread availability of relevant, reliable information regarding governance with an ethical obligation to constituents and the public to conduct activities with accountability and transparency. I am not seeing evidence of that. I am also not finding your 990 returns on the highly recognizable and reputable Guidestar and Charity Navigator websites when I decided to take a deeper dive. I could not find the emails of your Board of Directors or even a sentence on their background. I do not like secrets, they make me suspicious.

A review of the current law; A Clark County Animal Control officer can declare a dog **dangerous** if – on two separate occasions in an 18-month period – the dog:

- Behaved menacingly to a degree that would lead a reasonable person to defend him/herself against substantial bodily harm under the circumstances; or
- Bit a person or animal, but without causing substantial bodily harm.
- Dogs will not be classified as **dangerous** for only behaving menacingly towards or biting another animal that – or person who – either
- Provoked the dog; or Was unlawfully upon premises owned or occupied by the dog owner or keeper

Please advise what was the determination and as a non-profit entity did you have the permission of Animal Control to threaten or kill this dog?

We do not know the actual circumstance of this particular situation before the "Foundation" was involved because simply, the "Foundation" is not transparent. The Animal Foundation has hid the circumstance of the alleged bite, the person who received it whether it was an owner or a stranger. The ethical answers would to share with the community not private information but the actual circumstances. Chow Chows are a very intelligent and sensitive breed. And yes people can be put off by their physical attributes and their aloofness.

I am asking as I have done with other shelters and have succeeded to release him (if you haven't killed him) to Dogtown Ranch and Rehabilitation (501c3) in Elgin, Texas as you are not speaking to the rescue community. They are licensed with Elgin Texas Animal Control and have permits to receive behavioral dogs. They receive training and will spend the rest of their lives at the Ranch. I have cc'd the founder, Angela Sera on this email.

If you have destroyed this animal, I am asking for a full investigation into your non-transparent questionable unethical practices. The "Foundation" already has quite the reputation, I would strongly hope you would consider another path and do the right thing for all including Luke and any other animal that has the misfortune of being in your facility. Thank you in advance for your consideration.

Best regards,

Alicia E. Esken  
Mobile: 310.266.0458

[aesken@earthlink.net](mailto:aesken@earthlink.net)

"Animals are reliable, many full of love, true in their affections, predictable in their actions, grateful and loyal. Difficult standards for people to live up to. "

- Alfred A. Montapert

## David McGowan

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:38 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: WEDNESDAY UPDATE: ADVOCATE REQUEST STAY OF DESTRUCTION & REQUEST APPEAL OF ANIMAL "LUKE" A1242271 DOG @ANIMAL FOUNDATION, LAS VEGAS

**Importance:** High

**CAUTION:** This email originated from an **External Source**. Please use caution before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

**From:** alicia esken <aesken@earthlink.net>  
**Sent:** Wednesday, September 21, 2022 3:57 PM  
**To:** officeofthemayor@lasvegasnevada.gov; ward1@lasvegasnevada.gov; ward2@lasvegasnevada.gov; ward4staff@lasvegasnevada.gov; Lvmcdept5@lasvegasnevada.gov; Lvmcdept2@lasvegasnevada.gov; ward3@lasvegasnevada.gov; ccrear@lasvegasnevada.gov; mfiore@lasvegasnevada.gov; jcervantes@lasvegasnevada.gov; Lvmcdept1@lasvegasnevada.gov; rrobison@lasvegasnevada.gov  
**Cc:** Victoria Seaman <Victoria@victoriaseaman.com>; News@news3lv.com; desk@fox5vegas.com; 13investigates@ktnv.com  
**Subject:** WEDNESDAY UPDATE: ADVOCATE REQUEST STAY OF DESTRUCTION & REQUEST APPEAL OF ANIMAL "LUKE" A1242271 DOG @ANIMAL FOUNDATION, LAS VEGAS  
**Importance:** High

Dear Honorable Mayor, Carolyn Goodman, Esteem City Council Members & Judges, News 3LV, Fox5Vegas & 13 investigates KTNV,

Betsy of Animal Foundation telephoned me on Friday and I am still reeling from her failed conversation. First, she was laughing and giggling throughout the conversation which was not only inappropriate on such a matter, it made me ill. I had to think about this for a long time before I would write again. She stated quite vaguely that she (a representative of Animal Foundation) was on contract and following the contract (as a means of communication) of being as transparent as she is allowed to be. Really? In my many years of working with 501c3 charities, the IRS, and legal matters pertaining to them, there is no "contract". I informed her about transparency laws regarding 501c3, and again came the laugh. I tried my best to be professional but it was obvious, Animal Foundation provided their low level clerk to speak to me. Is Betsy working for Animal Foundation or North Las Vegas Animal Protection? There is a apparently a very fine line. I hung up on her.

I have since find out a convoluted story of Luke, who I presumed has been killed. Apparently, it was told to me that owner claims Luke the dog, only a 10 months old puppy had a history of biting. This is ludicrous, why keep a puppy like that? Then I heard a child was involved and wound up in emergency room at a hospital. This has all be cloaked in darkness.

Whether the recipients of this email truly care about the animals caught up in this "partnership" of North Las Vegas Animal Protection Services and Animal Foundation remains to be seen. Maybe some of the television stations will run with this story or be shut down by unknown entities or handshake deals.

So for those who do not know: **What constitutes an Animal Rescue Foundation**

**Animal rescue organizations, so long as they are non-political and run solely for charitable purposes, qualify for 501(c)(3) status under the IRC code. Being a 501(c)(3) means that they qualify for tax exempt status. However, being a 501(c) defines taxability, not reputability; make sure to do appropriate research if you are looking to adopt.**

Then I heard, North Las Vegas Animal Protection Services (what most people would call Animal Control) is in bed with the Animal Foundation.

They park their vehicles on Animal Foundation property.

**Animal Protection Services has many responsibilities including but not limited to:**

- Educating pet owners of their responsibilities
- Enforcing City animal ordinances  
Click here: ["Title 6: Animals" in Municipal Code Book](#)
- Capturing and impounding stray animals
- Animal licensing: [Pet License Information](#)
- Investigating animal cruelty complaints
- Transportation of stray injured animals
- Animal quarantine

**So it appears that a city agency is partnered with a public charity 501c3.** Do you not think this is wrong? Do you not see a conflict of interest? I see one. I do not see how a city agency (as all govt agencies are political in one form or another) can be married to a 501C3 which is against the statutes of any 501c3 including The Animal Foundation.

It would be interesting in memory of the poor puppy and dogs and cats that will certainly come after him to do something. I am planning to file a complaint with the IRS for lack of transparency. I am doing my part and I hope the animal lovers in this group will do their part.

Best regards,

Alicia E. Esken  
Mobile: 310.266.0458

[aesken@earthlink.net](mailto:aesken@earthlink.net)

"Animals are reliable, many full of love, true in their affections, predictable in their actions, grateful and loyal. Difficult standards for people to live up to. "

- Alfred A. Montapert

**Previous Email:**

**From:** alicia esken <[aesken@earthlink.net](mailto:aesken@earthlink.net)>

**Subject:** ADVOCATE REQUEST STAY OF DESTRUCTION & REQUEST APPEAL OF ANIMAL "LUKE" A1242271 DOG @ANIMAL FOUNDATION, LAS VEGAS

**Date:** September 15, 2022 at 5:37:01 PM

**PDTo:** [officeofthemayor@lasvegasnevada.gov](mailto:officeofthemayor@lasvegasnevada.gov), [ward1@lasvegasnevada.gov](mailto:ward1@lasvegasnevada.gov), [ward2@lasvegasnevada.gov](mailto:ward2@lasvegasnevada.gov), [ward4staff@lasvegasnevada.gov](mailto:ward4staff@lasvegasnevada.gov), [Lvmcdept5@lasvegasnevada.gov](mailto:Lvmcdept5@lasvegasnevada.gov), [Lvmcdept2@lasvegasnevada.gov](mailto:Lvmcdept2@lasvegasnevada.gov), [ward3@lasvegasnevada.gov](mailto:ward3@lasvegasnevada.gov), c

[crear@lasvegasnevada.gov](mailto:crear@lasvegasnevada.gov), [mfiore@lasvegasnevada.gov](mailto:mfiore@lasvegasnevada.gov), [jcervantes@lasvegasnevada.gov](mailto:jcervantes@lasvegasnevada.gov), [Lvmcdept1@lasvegasnevada.gov](mailto:Lvmcdept1@lasvegasnevada.gov), [rrobison@lasvegasnevada.gov](mailto:rrobison@lasvegasnevada.gov), [hgrey@animalfoundation.com](mailto:hgrey@animalfoundation.com), [transfer@animalfoundation.com](mailto:transfer@animalfoundation.com)  
Cc: [desk@fox5vegas.com](mailto:desk@fox5vegas.com), [Victoria@victoriaseaman.com](mailto:Victoria@victoriaseaman.com)

Dear Honorable Mayor, Carolyn Goodman, Esteem City Council Members & Judges, Hillarie Grey CEO, Animal Foundation, Joe, Transfer Coordinator, Animal Foundation, Fox 5 Las Vegas,

I am a shelter animal Advocate with great success finding a middle ground in similar situations. I have been made aware that a dog possibly a chow chow was found (possibly abandoned or lost) and brought to the shelter after an alleged bite. The person allegedly bit went to the emergency room. According to my information, the dog Luke was in a 10 day quarantine which would have ended today, 16 September. All the while, the dog Luke was on the Animal Foundation's website in the "Lost & Found" section. As of this writing he is no longer listed

Several issues are very disturbing. There has been a lack of transparency regarding this animal, many unanswered questions. I interviewed several people in your jurisdiction who said "the foundation does not provide any information" others were afraid to speak.

As a 501c3 Public Charity, there is a sense of widespread availability of relevant, reliable information regarding governance with an ethical obligation to constituents and the public to conduct activities with accountability and transparency. I am not seeing evidence of that. I am also not finding your 990 returns on the highly recognizable and reputable Guidestar and Charity Navigator websites when I decided to take a deeper dive. I could not find the emails of your Board of Directors or even a sentence on their background. I do not like secrets, they make me suspicious

A review of the current law; A Clark County Animal Control officer can declare a dog **dangerous** if – on two separate occasions in an 18-month period – the dog

- Behaved menacingly to a degree that would lead a reasonable person to defend him/herself against substantial bodily harm under the circumstances; or
- Bit a person or animal, but without causing substantial bodily harm.
- Dogs will not be classified as **dangerous** for only behaving menacingly towards or biting another animal that – or person who – either
- Provoked the dog; or Was unlawfully upon premises owned or occupied by the dog owner or keeper

Please advise what was the determination and as a non-profit entity did you have the permission of Animal Control to threaten or kill this dog?

We do not know the actual circumstance of this particular situation before the "Foundation" was involved because simply, the "Foundation" is not transparent. The Animal Foundation has hid the circumstance of the alleged bite, the person who received it whether it was an owner or a stranger. The ethical answers would to share with the community not private information but the actual circumstances. Chow Chows are a very intelligent and sensitive breed. And yes people can be put off by their physical attributes and their aloofness.

I am asking as I have done with other shelters and have succeeded to release him (if you haven't killed him) to Dogtown Ranch and Rehabilitation (501c3) in Elgin, Texas as you are not speaking to the rescue community. They are licensed with Elgin Texas Animal Control and have permits to receive behavioral dogs. They receive training and



will spend the rest of their lives at the Ranch. I have cc'd the founder, Angela Sera on this email.

If you have destroyed this animal, I am asking for a full investigation into your non-transparent questionable unethical practices. The "Foundation" already has quite the reputation, I would strongly hope you would consider another path and do the right thing for all including Luke and any other animal that has the misfortune of being in your facility. Thank you in advance for your consideration.

Best regards,

Alicia E. Esken  
Mobile: 310.266.0458

[aesken@earthlink.net](mailto:aesken@earthlink.net)

"Animals are reliable, many full of love, true in their affections, predictable in their actions, grateful and loyal. Difficult standards for people to live up to. "

- Alfred A. Montapert

NO

**Brianna Ramirez**

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, September 19, 2022 6:23 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** September 19, 2022 at 9:00:13 PM EDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** **New Message From Victoria Seaman**  
**Reply-To:** "\"jmaksimik57@gmail.com\"<jmaksimik57@gmail.com>

Name: John A Maksimik Jr  
Email Address: jmaksimik57@gmail.com  
Message: you attacked the animal foundation. cheap shot on something you know nothing about. lost my vote and many others. VERY SAD YOU HAVE BECOME.

**Brianna Ramirez**

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, September 26, 2022 8:10 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Please be on HIGH ALERT with animal inspections at The Animal Foundation going forward

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Dave Schweiger <lvdavekath@hotmail.com>  
**Date:** September 26, 2022 at 6:45:46 AM PDT  
**To:** Jim Andersen <James.Andersen@clarkcountynv.gov>, Animal Protection Services Info <AnimalProtectionServicesInfo@clarkcountynv.gov>, DPS Animal Control Supervisors <DPSAnimalControlSupervisors1@lasvegasnevada.gov>, Brandi Fusch <bfusch@lasvegasnevada.gov>, Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** Please be on HIGH ALERT with animal inspections at The Animal Foundation going forward

The chaos at the Animal Foundation continues with several employees resigning yesterday due to what they stated were horrible working conditions.

Please be on top of animal inspections as there is total chaos going on behind the scenes and with employees continuing to be mistreated and underpaid, it won't be long until more leave.

As you may be aware, the new COO (James Pumphrey) of TAF was fired as he was trying to fix the many problems that the CEO and the board are trying to cover up or spin for the media. Below are some items from James Pumphrey's report.

- TAF is performing 10 or fewer sterilizations a day, but demand is closer to 60 a day,
- Animals, some with serious injuries, are not provided timely medical care, treatment, or even pain management,

- Parvovirus is being spread due to poor infectious disease management,
- Euthanasia was delayed several weeks for more than 80 animals due to no technicians on staff and drugs were unavailable because “key management for drug safes was not adhered to.”
- Veterinary services were out of compliance with state regulations and unpaid invoices to radiologists limited the ability to view x-rays,
- Staff are at odds over releasing stray cats and kittens outdoors,
- Kittens were taken nightly to an emergency vet hospital for overnight feeding at a cost of \$30,000 a month and “returned each morning weighing less,”
- Staff caring for kittens “was inadequate for the volume” and resulted in “preventable suffering and deaths.”
- Highly adoptable puppies and kittens sat for days before being made available for to the public,
- Staff routinely run out of food and cat litter and “scramble to wipe out the shelves of local pet stores,”
- No formal training existed for new hires, who were “being set up to fail,”
- A backlog of voicemails and emails prevent animals from being reunited with owners, and instead adopted or euthanized “before a potential owner was contacted,”
- Animals wait hours or overnight to be processed in makeshift housing “posing a threat to animal and staff safety and health,”
- Only unhealthy or injured animals were being transferred to rescues
- 

Thank you for your attention to this urgent matter.

Dave Schweiger  
[www.bunniesmatter.org](http://www.bunniesmatter.org)  
 725-600-2634

## Brianna Ramirez

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, September 26, 2022 8:21 AM  
**To:** Brianna Ramirez; David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Animal Foundation perspective from a City of Henderson Animal Shelter Worker

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** skmcintyre70@outlook.com  
**Date:** September 24, 2022 at 8:47:08 AM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** Animal Foundation perspective from a City of Henderson Animal Shelter Worker

Hi Councilwoman Seaman:

I submitted the below via your online portal and will probably drop the same in the mail. I sincerely hope you reach out for a meaningful dialog as unlike many people up in arms I actually see the suffering caused by TAF's abdication of not only its contract but its duties to afford animals with the Five Freedoms.

While I am a little heartened at your recent coverage of The Animal Foundation, I am concerned you seem to be glossing over issues much more significant than dirty kennels. The below can be easily obtained via TAF's own reports.

1. TAF took in 22771 in 2021 animals but only has outcome totals for 19386 which is an accounting impossibility. 3,385 animals have simply vanished from the report. Perhaps the most disturbing is there were only a total of 6,884 total spay/neuters for dogs and cats. TAF has been flooding Clark County with unsterilized animals which is against the law. Never minding the thousands of adult shelter animals that will now have to be euthanized for years to come as people rush to adopt all those unwanted litters TAF is responsible for.
2. On a yearly basis for 2021 3520 Animals were sent to foster to adopt but only 1351 were returned from foster to adopt. Having seen probably a dozen unaltered TAF fosters come into the Henderson shelter as strays and as many

with people trying to surrender, I take this to mean 2200 animals are unaccounted for. If 2200 were adopted I believe good accounting would be shown in this breakout as either they were returned to be placed up for adoption or adopted and never returned. No matter any good audit should account for each animals' status even if that is in the wind

3. TAF continues to advertise and fundraise on their website that Mission 2020 was a success and they were able to save all healthy and treatable animals. It is well known TAF closed their doors in 2020 and routinely makes admission virtually impossible for residents.

A 21% increase in animal intake in August 2022 year over year has resulted in a 150% increase in dog euthanasia and 57% increase in cat euthanasia. Of course, most cats just die horrible deaths in the streets, and TAF for years has discouraged residents to bring found cats in for even routine spay/neuter checks and rabies vaccinations. But if you call that Community Cats death stays off the books and cash from a misled public fills the coffers.

Feel free to reach back out if you want to speak with someone that does sheltering in Clark County. That included a year and a half at TAF. I notified the board in 2019 just as I notified elected officials in 2020 that this day would come. It will be a sad day for the animals if TAF is given yet one more chance to get it right.

Scott McIntyre  
919-810-2788

## Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, September 26, 2022 8:22 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** September 24, 2022 at 8:36:13 AM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"skmcintyre70@outlook.com\"<skmcintyre70@outlook.com>

Name: Scott McIntyre

Email Address: skmcintyre70@outlook.com

Message: While I am a little heartened at your recent coverage of The Animal Foundation, I am concerned you seem to be glossing over issues much more significant than dirty kennels. The below can be easily obtained via TAF's own reports.

1. TAF took in 22771 in 2021 animals but only has outcome totals for 19386 which is an accounting impossibility. 3,385 animals have simply vanished from the report. Perhaps the most disturbing is there were only a total of 6,884 total spay/neuters for dogs and cats. TAF has been flooding Clark County with unsterilized animals which is against the law. Never minding the thousands of adult shelter animals that will now have to be euthanized for years to come as people rush to adopt all those unwanted littles TAF is responsible for.

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3520 Animals were sent to foster to adopt but only 1351 were returned from foster to adopt. Having seen probably a dozen unaltered TAF fosters come into the Henderson shelter as strays and as many with people trying to surrender, I take this to mean 2200 animals are unaccounted for. If 2200 were adopted I believe good accounting would be shown in this breakout as either they were returned to be placed up for adoption or adopted and never returned. No matter any good audit should account for each animals' status even if that is in the wind

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Feel free to reach back out if you want to speak with someone that does sheltering in Clark County. That included a year and a half at TAF. I notified the board in 2019 just as I notified elected officials in 2020 that this day would come. It will be a sad day for the animals if TAF is given yet one more chance to get it right.

Scott McIntyre  
919-810-2788



**Brianna Ramirez**

---

**From:** Dorothy Horne <dot.horne13@gmail.com>  
**Sent:** Tuesday, August 30, 2022 6:16 PM  
**To:** Ward 2 Staff  
**Subject:** TAF

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Ms Seaman:

Please let me know how The Animal Foundation complaints were handled and the end results Thank you Dorothy Horne

Sent from my iPhone

TAF

**Brianna Ramirez**

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Thursday, September 15, 2022 10:38 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Lied Animal Shelter - Animal Foundation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Jacqueline Pletscher <lvjackie@yahoo.com>  
**Date:** September 15, 2022 at 3:53:28 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** Lied Animal Shelter - Animal Foundation

Councilwoman Seaman,

I saw the report on the horrific conditions at the Animal Foundation and sadly I was not at all surprised.

This is a long-standing problem in the community. You can look to the Human Society US report that Animal Foundation paid for in 2010. They thought it would be glowing- it was anything but "The conditions are a HOUSE OF HORRORS" was a direct quoted.

This is a lack of leadership according to Best Friends Animal Sanctuary that was also trying to help them.

I blame Janie Greenspun and Dale Wynn. Key board members. This is not a society effort this needs to be a functioning shelter! One like Salt Lake or Reno!

They will whine they need more money or a new Pr team. They have millions in reserves and millions from the tax payer.

We need a new day and a real team that reaches out to the community. Their own vet quit recently. It's bad. Real bad. Please help!

Jacqueline Pletscher

Lvjackie@yahoo.com  
1718 Silver Knoll Ave  
Las Vegas NV 89123

## Brianna Ramirez

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Friday, September 23, 2022 5:37 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Re animal foundation, suggestion

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Heather Cogan <heather.coganlv@icloud.com>  
**Date:** September 23, 2022 at 6:10:08 AM EDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** **Re animal foundation, suggestion**

Good morning. I have been following the news regarding your words and actions with the deplorable condition at the animal foundation and I am compelled to reach out with a voice and suggestion.

As a 10Year resident here in Las Vegas, I have seen news and viral stories constantly about the conditions with that facility, ranging from police investigating puppies being thrown in the trash alive and dogs dying due to neglectfully being forgotten out in the baking sun. It hurts my heart each time. (Google Darcy Spears almost yearly specials on the foundations horrific issues, including former staff insight).

The Animal Foundations excuse will be lack of workers, like always. The fact that this shelter is in such chaos, they can never maintain worker and veterinary people on staff. So the issue can never be fixed and the animals continue suffering. The community here loves animals but no one trust the Animal Foundation. They have broke that trust after so many problems and people don't even want to adopt or donate due to this mistrust. If anything, the only good coming from that place is the absolute fear of my dogs ever having to go there causes a shorter leash.

I spent many years living in a state that the city/county utilized a shelter associated with the Humane Society and the facilities were always immaculate, animals cared for and funds never went unaccounted for. They even built a new facility because the community cared and trusted enough to donate. The Humane society is better managed, trusted and accountable for their behavior.

Please look at the vast previous stories about this place and you will see a pattern, in their conduct, lack of accountability, pathetic replies when questioned and failure of change. It is time the city cuts ties, all funds stop and a trusted place be linked for residents. You definitely have my support with this matter and I hope action is taken. I am so glad a fellow republican is finally going to do something and I look forward to change.

Thank you for your time and if you have any questions or responses, please feel free to respond via email or by phone.

Heather Cogan  
PO Box 46323  
Las Vegas, NV 89114

702)409-1894  
Heather.coganlv@icloud.com

TAF

## Brianna Ramirez

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Saturday, September 17, 2022 10:24 PM  
**To:** Shiningasterisk@yahoo.com  
**Cc:** Brianna Ramirez; David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] Re: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

I am so sorry about your situation. It was heartbreaking to read your email. I don't think I'm the right person to get you that job at the Animal Foundation they're a little upset with me right now but I would definitely go apply there if you can. There are so many job openings right now. Maybe if you can send me your résumé I can recommend a few places. I would love to talk to you about recognizing your daughter sounds like she's a wonderful human being. Please call my office at 702-229-2420.

Best regards,  
Victoria Seaman

> On Sep 16, 2022, at 12:01 PM, Victoria Seaman <Victoria@victoriaseaman.com> wrote:

>

> Name: Jaime pease

> Email Address: Shiningasterisk@yahoo.com

> Message: Hello my name is jaime Pease I just saw the news article in the newspaper about the conditions of the animal shelter. That is such awful news and me being an animal lover myself is saddened by this news. Im gonna tell you a bit about me and then if you wouldnt mind maybe then you can take into consideration a job proposal idea if it is at all possible for a woman in your position to be able to help a person like me looking for a better job opportunity that will in hopes help me at the same time help those poor fragiles is what I helpless innocent furbabies . ok my name is jaime nicole Pease I am 37 years old I currently am employed at smiths food and drug as a cashier I recently just yesterday celebrated my 2 year anniversary . I over the course of the past 2 1/2 years have experienced hardship financially and physically. As many others across our nation have experienced and still continue to experience. The struggle is very real . Just after the start of the pandemic my parents my daughter my fiance and myself had been evicted out of my mothers mobile home where we resided at 2038 palm st The riviera mobile home park they took my parents rent money and still we were evicted .the eviction was not cause of non payment of rent. My parents never were late paying rent over the course of just shy of 5 years of residency anyway after we were forced to move and had no money to get into another place immediately not to mention my mother was sick in the hospital my father had recently got laid of from his job my fiance was sick he had diabetes and was recently diagnosed with rectal cancer i had just started working at smiths. Long story short I was juggling working and taking care of my mother who was a double amputee and had other medical conditions as well . I just recently lost my stepfather give or take 4 or 5 months later lost my mother then lost my father in law 4 or 5 days after my mother passed then I lost my furbaby to cancer about a month if that later then my vehicle got towed from the apartment complex I was staying in and in May lost my best friend the love of my life to cancer mind you through the whole time before and after my stepfather passed we were homeless living out of motel rooms and then living out of my SUV still trying to work as much as possible at the same time taking care of my fiance 2 dogs and a cat .basically what I'm asking of you is if you can help me help myself so I can help others . I am willing to work and if you

give me a chance by helping me get a job at the animal foundation making enough money so I can start moving forward to a better future for me and my 14 year old daughter who mind you through all of this hardship and enduring so much pain with everyone we have recently lost has managed to maintain A 3.8 grade point average has recently started at desert pine high school ,is on the tennis team she has all honors classes with all A's and 2 B's on her recent progress report and my 2 furbabies I would like to change if at all possible the conditions of that animal shelter because its not those furbabies and any other animals fault that they are there and they shouldnt have to live in those conditions . if you can help me help them not only would you not regret it but you would forever make a difference in my life and like I said im not asking to be given any money im willing and wanting to work for it I just need the opportunity to show you and anyone else that a chance at a better future is possible and that our council people really do care about people in our community when they are at theyre lowest. Facing hardship . my number is 702-583-8899 I get alot of spam calls so if it is possible to leave a text or if by chance I am unable to get to your call please leave a message with a number . oh 1 more thing if theres a chance that my daughter can be recognized for all the hard work she has done she is also on the national junior honor society her name is chyann Blankenship she goes to desert pines high school shes 14 years old shes my whole world and she desreves to be recognized for her accomplishments her dream school is UNLV

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Friday, September 23, 2022 1:57 PM  
**To:** Brianna Ramirez; David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] FW: New Message From Victoria Seaman

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

-----Original Message-----

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 13, 2022 4:43 PM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman

**Name:** Oyan Bagan  
**Email Address:** OihanTB@hotmail.com  
**Message:** Hello,

I just wanted to say thank you for looking into getting the issue with the Animal Foundation addressed. Thank you!



## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Friday, September 23, 2022 1:57 PM  
**To:** Brianna Ramirez; David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] FW: New Message From Victoria Seaman

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

-----Original Message-----

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 13, 2022 11:39 AM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman

**Name:** Anna Woods

**Email Address:** thewastrel@cox.net

**Message:** Dear Councilwoman Seaman: I saw the news report where you raised concerns about the Animal Foundation. We were just there on Monday and adopted two cats. We were very impressed with the efficient operation and cleanliness of the adoption center. These people do such a service to the animals and our community. I assume your report was referring to the Lied Building where the animals are dropped off by animal control and the public. From what I have read, there is a contract with Clark County, Las Vegas and North Las Vegas and the Animal Foundation for the intake of animals. Ms. Seaman, people are so irresponsible when it comes to their pets, I can't even imagine the volume the Animal Foundation deals with. Perhaps an increase in the costs of the contract is in order to properly fund staff and facility. Being the caring and kind individual I understand you to be, I hope your concerns about this facility was an attempt to gain more funding versus a negative attack that will yield no results to solve the issue. Please consider the important work they do and the increase in volume they must have with the increase in the cost of living and people having to surrender their beloved pets.

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, September 26, 2022 8:19 AM  
**To:** Brianna Ramirez; David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Animal Foundation.....

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** "cspuds64 (null)" <cspuds64@aol.com>  
**Date:** September 26, 2022 at 3:52:29 AM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** **Animal Foundation.....**

Hello,

I just saw on KTNV News that all the employees walked out of the Animal Foundation! I feel so sad for those animals because if you uncovered horrible conditions, now the animals are left in the building with nobody. Most of the animals there have already had a hard life!

Will it take weeks and weeks to go through all the red tape to get them help? I almost wish a Vet could volunteer and euthanize all of them. To me being euthanized seems better than sitting in feces and not having food & now there is nobody taking care of them!

Is there anything you can do to get the animals caretakers quickly? I wish I could come there and clean up cages and help the dogs, but I am scared of Pit Bulls and that is a huge chunk of the dogs.

I am sure you are trying to do what you can. I do not mean to complain to you, sorry! Just makes me very sad to hear everyone just walked out & left the animals! I will say prayers that God can watch over them, all we can do.

Thank you for listening to me Victoria!

Chrissy

Sent from my iPad

**Brianna Ramirez**

**From:** Contact the City Form <noreply@formstack.com>  
**Sent:** Monday, September 26, 2022 3:43 PM  
**To:** Ward 2 Staff  
**Subject:** CLV Contact Form: Ward 2

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*Done 9/27*

**Formstack Submission For: Contact the City**  
Submitted at 09/26/22 3:43 PM

*THANK HIM  
LOVE HIM  
KNOW WE WILL  
REACH OUT TO  
HIM IF NEEDED*

**Who to contact?:** Ward 2

**Your name:** Ron Murray

**Comments:**

Councilwoman Seaman,  
My family wishes to applaud your efforts on behalf of animals. As the former CEO of Oregon Dog PAC I am intimately familiar with animal politics, although Las Vegas does have a unique slant.  
As well, I am asking of there is anything we can do to assist you in your work.  
Sincerely,  
Ron Murray, Chief, mpa

**Phone:** (971) 340-3940

**Email:** murrayandr@gmail.com

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

## Brianna Ramirez

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**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Thursday, September 15, 2022 9:34 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** September 15, 2022 at 9:25:08 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"carol7982@outlook.com\"" <carol7982@outlook.com>

Name: Carol Cahill

Email Address: carol7982@outlook.com

Message: Councilwoman Seaman,

I read about your extremely disappointing visit to the Animal Foundation. That organization has been under investigation for at least a couple of years. It has been so mismanaged. It is truly pathetic what is allowed to go on there with all these animals at their mercy. Really disgusting. What can be done?? Why hasn't more been done? Are there people I can email to ask??

## Brianna Ramirez

---

**From:** Denise Wonders <psywon@cox.net>  
**Sent:** Monday, September 26, 2022 11:29 PM  
**To:** ccdista@clarkcountynv.gov; ccdistb@clarkcountynv.gov; ccdistc@clarkcountynv.gov; ccdistd@clarkcountynv.gov; ccdiste@clarkcountynv.gov; ccdistf@clarkcountynv.gov; ccdistg@clarkcountynv.gov; Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4 e-newsletter; Cedric Crear; Michele Fiore; leej@cityofnorthlasvegas.com; blacks@cityofnorthlasvegas.com; goynesbrownp@cityofnorthlasvegas.com; barroni@cityofnorthlasvegas.com; cherchior@cityofnorthlasvegas.com  
**Subject:** Enough is enough  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

It's about time for the next "TAF" Town Hall meeting but a bunch of staff at The Animal Foundation walked out today so that is not going to happen anytime soon. When good, loving employees have no choice but to turn their backs on these poor animals, you know The Animal Foundation is in a HUGE CRISIS! I feel so bad for the poor animals as The Animal Foundation have no issues going to sleep tonight because they are disconnected from reality. What a disgrace they are to these poor innocent animals that they are supposed to PROTECT but instead are KILLING them at over 15% rate (NOT a no kill shelter). So sad. They all need to step down and local rescue people need to take over. The board and CEO are a black eye to our city and a disgrace to animal lovers.

Sent from my iPhone

## Brianna Ramirez

---

**From:** Dave Schweiger <lvdavekath@hotmail.com>  
**Sent:** Tuesday, September 27, 2022 1:19 PM  
**To:** Spears, Darcy; ccdista@ClarkCountyNV.gov; ccdistb@ClarkCountyNV.gov; ccdistc@ClarkCountyNV.gov; ccdistd@ClarkCountyNV.gov; District E CC; District F CC; ccdistg@ClarkCountyNV.gov; Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4 e-newsletter; Cedric Crear; Michele Fiore; leej@cityofnorthlasvegas.com; blacks@cityofnorthlasvegas.com; goynesbrownp@cityofnorthlasvegas.com; barroni@cityofnorthlasvegas.com; Richard Cherchio  
**Subject:** Re: PLEASE STOP WITH THE PR SPINS & COVERING UP THE PROBLEMS REGARDING THE ANIMAL FOUNDATION

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Thank you, Darcy, for staying on top of this. Animals are needlessly dying and TAF staff and volunteers have been waiting and waiting for help to arrive that never comes. It's time, this madness must end.

Get [Outlook for iOS](#)

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**From:** Spears, Darcy <darcy.spears@ktnv.com>  
**Sent:** Tuesday, September 27, 2022 1:09:59 PM  
**To:** Dave Schweiger <lvdavekath@hotmail.com>; ccdista@ClarkCountyNV.gov <ccdista@ClarkCountyNV.gov>; ccdistb@ClarkCountyNV.gov <ccdistb@ClarkCountyNV.gov>; ccdistc@ClarkCountyNV.gov <ccdistc@ClarkCountyNV.gov>; ccdistd@ClarkCountyNV.gov <ccdistd@ClarkCountyNV.gov>; District E CC <ccdiste@ClarkCountyNV.gov>; District F CC <ccdistf@ClarkCountyNV.gov>; ccdistg@ClarkCountyNV.gov <ccdistg@ClarkCountyNV.gov>; officeofthemayor@lasvegasnevada.gov <officeofthemayor@lasvegasnevada.gov>; ward1@lasvegasnevada.gov <ward1@lasvegasnevada.gov>; ward2@lasvegasnevada.gov <ward2@lasvegasnevada.gov>; ward3@lasvegasnevada.gov <ward3@lasvegasnevada.gov>; ward4newsletter@lasvegasnevada.gov <ward4newsletter@lasvegasnevada.gov>; ccrear@lasvegasnevada.gov <ccrear@lasvegasnevada.gov>; mfiore@lasvegasnevada.gov <mfiore@lasvegasnevada.gov>; leej@cityofnorthlasvegas.com <leej@cityofnorthlasvegas.com>; blacks@cityofnorthlasvegas.com <blacks@cityofnorthlasvegas.com>; goynesbrownp@cityofnorthlasvegas.com <goynesbrownp@cityofnorthlasvegas.com>; barroni@cityofnorthlasvegas.com <barroni@cityofnorthlasvegas.com>; Richard Cherchio <cherchior@cityofnorthlasvegas.com>  
**Subject:** Re: PLEASE STOP WITH THE PR SPINS & COVERING UP THE PROBLEMS REGARDING THE ANIMAL FOUNDATION

I have a story involving Mr. Pumphrey's July report set to air today at 6 p.m.

So far, other than Councilwoman Seaman and Councilman Cherchio, no elected official has been willing to step up and talk about the shelter's well-documented shortcomings and leadership failures as noted by its then-COO, as well as current and newly former staffers.

Last Nov., the director of the UC Davis Koret Shelter Medicine program, who had been consulting with and advising TAF, said it was time to renegotiate the government contracts because The Animal Foundation could not keep up with intake.

Dr. Kate Hurley said: "It's about getting really tight on priorities and making sure that the work undertaken by the shelter is aligned with what they can actually handle. It's time to re-negotiate those contracts. Even if it means saying you'll compensate us less this year because we are able to do less because we cannot hire the staff to do the things we said we would do. We have to unwind this vicious cycle, bring the shelter's work within the shelter's current capacity and grow that capacity back."

THAT WAS LAST NOVEMBER. Nothing has been done. Nothing has changed.

Where are our elected officials on this?

*Darcy Spears*

Chief Investigative Reporter

KTNV-TV, Channel 13 Action News

3355 S. Valley View Blvd.

Las Vegas, NV 89102

702-335-5096 (cell)

<https://www.facebook.com/Darcy-Spears-494754747351528/>

twitter: @dspinv13

[darcy.spears@ktnv.com](mailto:darcy.spears@ktnv.com)

---

**From:** Dave Schweiger <lvdavekath@hotmail.com>

**Sent:** Monday, September 26, 2022 8:41 PM

**To:** ccdista@ClarkCountyNV.gov <ccdista@ClarkCountyNV.gov>; ccdistb@ClarkCountyNV.gov <ccdistb@ClarkCountyNV.gov>; ccdistc@ClarkCountyNV.gov <ccdistc@ClarkCountyNV.gov>; ccdistd@ClarkCountyNV.gov <ccdistd@ClarkCountyNV.gov>; District E CC <ccdiste@ClarkCountyNV.gov>; District F CC <ccdistf@ClarkCountyNV.gov>; ccdistg@ClarkCountyNV.gov <ccdistg@ClarkCountyNV.gov>; officeofthemayor@lasvegasnevada.gov <officeofthemayor@lasvegasnevada.gov>; ward1@lasvegasnevada.gov <ward1@lasvegasnevada.gov>; ward2@lasvegasnevada.gov <ward2@lasvegasnevada.gov>; ward3@lasvegasnevada.gov <ward3@lasvegasnevada.gov>; ward4newsletter@lasvegasnevada.gov <ward4newsletter@lasvegasnevada.gov>; ccrear@lasvegasnevada.gov <ccrear@lasvegasnevada.gov>; mfiore@lasvegasnevada.gov <mfiore@lasvegasnevada.gov>; leej@cityofnorthlasvegas.com <leej@cityofnorthlasvegas.com>; blacks@cityofnorthlasvegas.com <blacks@cityofnorthlasvegas.com>; goynsbrownp@cityofnorthlasvegas.com <goynsbrownp@cityofnorthlasvegas.com>; barroni@cityofnorthlasvegas.com <barroni@cityofnorthlasvegas.com>; Richard Cherchio <cherchior@cityofnorthlasvegas.com>

**Subject:** PLEASE STOP WITH THE PR SPINS & COVERING UP THE PROBLEMS REGARDING THE ANIMAL FOUNDATION

**This message is from an untrusted sender.**

You have not previously corresponded with this sender.

Report Suspicious

The PR stunt today at The Animal Foundation (TAF) was very disingenuous to the animal rescue community.

The problem isn't that there aren't enough volunteers or fosters at The Animal Foundation, the problem is that you have a CEO and a board that fired one of the few people who could have fixed this sinking ship because he wanted to retain and hire new staff and implement new effective policies and procedures to fix the MANY MANY problems at TAF (The Animal Foundation). Exactly what needs to happen.

While the current economic conditions have increased the surrender rates across the country, that is NOT the reason that The Animal Foundation is in turmoil and to try to blame it on that is very insulting to animal rescuers.

I met with James Pumphrey before he was fired and all I heard from him in that meeting was that they had a budget and they couldn't afford raises for the staff or additional staff. So I didn't think much of James at the time because those types of answers weren't going to solve the problems that we continue to see at TAF.

After he was fired after giving his detailed report to the board/CEO on everything that he thought needed to be done to correct the current shelter problems, I got to hear from him what was actually going on behind the scenes. The CEO and the board would not allow James to hire staff, raise wages or change policies or procedures to make the shelter run smoothly. Even if he didn't agree with the current policies and procedures, he had to act as if he did in public. I'm sorry but we need to have experienced animal people as the CEO and COO and also on the board of directors or this crisis never ends at TAF.

Below are some of the main points from Mr. Pumphrey's report to the board. This needs to stop now.

Only WE can protect the innocent animals and TAF is currently euthanizing 400-500 animals EVERY MONTH!

BELOW ARE SOME POINTS FROM JAMES PUMPHREY'S REPORT TO THE CEO AND BOARD OF DIRECTORS:

- TAF is performing 10 or fewer sterilizations a day, but demand is closer to 60 a day,
- Animals, some with serious injuries, are not provided timely medical care, treatment, or even pain management,
- Parvovirus is being spread due to poor infectious disease management,
- Euthanasia was delayed several weeks for more than 80 animals due to no technicians on staff and drugs were unavailable because “key management for drug safes was not adhered to.”
- Veterinary services were out of compliance with state regulations and unpaid invoices to radiologists limited the ability to view x-rays,
- Staff are at odds over releasing stray cats and kittens outdoors,
- Kittens were taken nightly to an emergency vet hospital for overnight feeding at a cost of \$30,000 a month and “returned each morning weighing less,”



- Staff caring for kittens “was inadequate for the volume” and resulted in “preventable suffering and deaths.”
- Highly adoptable puppies and kittens sat for days before being made available for to the public,
- Staff routinely run out of food and cat litter and “scramble to wipe out the shelves of local pet stores,”
- No formal training existed for new hires, who were “being set up to fail,”
- A backlog of voicemails and emails prevent animals from being reunited with owners, and instead adopted or euthanized “before a potential owner was contacted,”
- Animals wait hours or overnight to be processed in makeshift housing “posing a threat to animal and staff safety and health,”
- Only unhealthy or injured animals were being transferred to rescues

Thank you for your time and attention to this very serious matter!

It's time to stop covering up the problems and let's start fixing them.

Dave Schweiger

[www.bunniesmatter.org](http://www.bunniesmatter.org) [[bunniesmatter.org](http://bunniesmatter.org)]

Bunnies Matter Rescue

725-600-2634

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**Brianna Ramirez**

GIVE HER  
MY NUMBER TO  
CALL

**From:** Susan Russell <susan@premiereamg.com>  
**Sent:** Tuesday, September 13, 2022 8:33 AM  
**To:** Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4 Staff; Cedric Crear; Michele Fiore; Jorge Cervantes; Tom Perrigo; Gary Ameling  
**Cc:** smprussell@aol.com  
**Subject:** Victoria Seaman ~ Animal Foundation ~ Look no further than Mayor Goodman and Michelle Fiore

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Responded 9/27

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Dear Mayor Goodman and City Council Members:

There are tens of thousands of people in Las Vegas who look no further than the Mayor and Michelle Fiore for ANY animal issue at the Animal Foundation regarding overcrowding. All you have to do is Google "Las Vegas City Council puppy mills" to find many stories about what they did that added to the overcrowding at the Animal Foundation. <https://news.yahoo.com/las-vegas-city-council-votes-021135674.html>

From what I recall, and I could be off a little bit but I believe I mostly have this correct; Michelle got on the city council and killed a bill that REAL animal activists had been working on for 2 years that would stop pet stores from bringing in puppies from puppy mills. Lobbyist Jay Brown represented the puppy store owner and from what I saw, that lobbyist, his contacts and clients then donated to Michelle's campaign.

At the same time, Mayor Goodman, in my opinion, should have recused herself from the vote as lobbyist Jay Brown was her husband's business partner for 35-40 years, and Jays son and the mayor's son had a law firm together. How can the Mayor be unbiased?

Instead, Goodman and Fiore wanted to protect this client of Jay's: <https://www.ktnv.com/news/investigations/new-undercover-hsus-video-accuses-petland-chain-of-having-sick-and-dying-puppies>

After decades of asking the elected officials for help control backyard breeders, puppy mill dogs oversaturating the shelters, and people bringing animals in to Las Vegas for adoption from other cities and countries (a Las Vegas attorney just brought two dogs in from Panama) and you do nothing, then in what appears to be a *planned attack* by Victoria and a misguided animal "activist" for her own agenda, it's a big surprise when one council person goes to a shelter for probably the first time in her life and sees what REAL animal shelters and rescues are dealing with. That was dirty. Please don't go that route.

You should all go to these shelters and rescues and meet with REAL people in the trenches dealing with this animal crisis in this recession and not attack this from the wrong side. Then, work with the REAL animal shelters and rescues to put laws and enforcement in place to prevent the animals from being born in the first place (stop backyard breeding).

The way most professionals would have handled this "concern" would have been to call a meeting with the Animal Foundation and gather a lot of information FIRST and give them time to correct things. At the same time, meet with REAL animal activists to understand what is going on in this community. We are dealing with an animal crisis that we have not seen since 2007-2015. The recession is adding to the overcrowding as animals are being owner surrendered in high numbers and includes designer puppies from the puppy mills sold at puppy stores. Backyard breeders are raising

animals in their hot garages, and selling from the trunk of their cars in Walmart parking lots. This all has to be addressed and stopped.

Attacking the Animal Foundation without stopping the issues leading to the crisis does not make sense.

In this situation, I really believe that you were used to create an issue to further someone else's agenda.

Furthermore, whether it is McDonalds, Uber, or my cardiologist's office, EVERYONE is dealing with staff shortages. I am waiting 6-9 months to get into doctor's offices, I am waiting 20 minutes to an hour on hold when calling companies. I am sure the Animal Foundation is no different.

The Animal Foundation may have issues, but it is the end of the chain of issues, not the beginning. Go to the beginning.

**Susan Russell**

STAN OMAN

**David McGowan**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Sunday, September 25, 2022 7:27 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: The animal foundation

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We need a response for this Hass to be something that call them to volunteer we have no control over that we are looking at other options. Something like that. Give it to me for approval and let's start getting it out to these new emails

Best regards,  
Victoria Seaman

Responded 9/27

Begin forwarded message:

**From:** Loretta Campbell <lorepca@gmail.com>  
**Date:** September 25, 2022 at 4:24:39 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** The animal foundation

I have been advised that the entire staff of the animal foundation has called out/quit today and the doors are locked

I am very worried about the animals locked inside the building especially in the heat. I was at the animal foundation lost and found on Friday 9/23/2022 between 1pm and 4 pm.

There were 3 employees in the front office of lost and found. Only one appeared to be working. I was looking for a lost dog for the foster to adopt owner and 2 rescues. One rescue owns the dog and the other is a nationwide breed rescue. I was not allowed in the l&f runs and could only file a lost report. I waited 2 hours to do this. She told me they scan all animals for a microchip which I know is not true. She also told me there was no lost report on file which I also know to be untrue. At 3 pm I walked the dog adoptions runs. Many runs were empty and appeared to me to have been emptied suddenly. There was still food, water, bedding, cage cards but no dogs. Some patio doors were open, some closed. I saw no one working there ( I was there for an hour). A german shepherd had spilled it's water and had nothing to drink. Although the inside runs were clean, the patios were not; there were dried and oxidized feces. I used to volunteer there and was considered an insider at the time. My first thought seeing the conditions on Friday, omg, they have euthanized many of the dog. I left thru the adoption lobby where there were several employees but none seemed to be working. There was a long line of customers but none were called to the desk.

I am concerned about the he well being of the animals, specifically food and water. Even if the runs are locked, food and water can be provided thru the gates. No they may not be cleaned. The patios should also be checked for animals locked outside in the heat.

I am willing to volunteer to provide food and water to any surviving animals on a short term basis.

Thank you for reading my input. This crisis has been a long time coming. It needs to be rectified NOW!!!!

## Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 7:37 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Can you guys please answer this and let her know how hard I was working and we have been thinking outside the box and it's just not possible to break contracts without any due process.

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** September 27, 2022 at 7:20:59 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"Lmrozew13@gmail.com\"" <Lmrozew13@gmail.com>

Name: Lisa

Email Address: Lmrozew13@gmail.com

Message: Why did you wait so long to check out what was happening at the Animal Foundation after 9 months of complaints? Why not hold the board criminally liable for animal cruelty? Why not ask them why they didn't call other shelters to take some of the animals off their hands? Or to ask other Veterinarians to volunteer to help from private practices? Even mobile pet grooming places? House cleaning services? It's just not that hard to think outside the damn box! You asked for this position, now do your job!

## Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:30 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: Animal Foundation

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

Dave and Bri,

I have had several calls and messages about this. Please forward to Jorge, all other council members and Animal control tomorrow.

-----Original Message-----

**From:** Carol Bonifatto <ceebon7@gmail.com>  
**Sent:** Tuesday, September 27, 2022 8:08 PM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** Animal Foundation

Hi Victoria,

I just found out that the Animal Foundation is going to put down 300 dogs this week. I thought that it was a no kill shelter. Why is this happening? This is so upsetting to me. There has to be an alternative to killing. There are so many other rescues that the foundation can reach out to. I have 3 rescues of my own. My house is full otherwise I would adopt. Please help Victoria.

Thank you for looking into this in advance. I have met you a few times and I believe in you. You are honest and trustworthy. Thank you for being an outstanding politician.

Sent from my iPhone

*Responded*

**David McGowan**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:31 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: New Message From Victoria Seaman

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

This is about the Animal Foundation.

-----Original Message-----

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 1:01 PM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman

**Name:** Rocky Elkins

**Email Address:** craftsmanrocky@yahoo.com

**Message:** The only way to inspect anything? Is to not warn them you are coming. I believe anybody with a brain knows this fact. Also dumb people from n.y. think their mafia want a be's. Believe me I know. Then they get taken down by their own stupidity.



**Brianna Ramirez**

---

**From:** crystal Chapman <grandmabossse@gmail.com>  
**Sent:** Tuesday, October 18, 2022 1:53 PM  
**To:** Ward 2 Staff  
**Subject:** Animal Foundation

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Hello, the crisis at the animal foundation is so disturbing. The city of Las Vegas can do better. The leadership is failing and has a condescending attitude towards their employees who are on the front line taking the brunt of this crisis. The animals are suffering and have suffered. The leadership has done very little to nothing to fix the problems that were already in place when they began. We need our city and county leadership to step in and fix the problems. No more excuses, no more, there's nothing to see here from the CEO. Please don't accept the excuses they give because there are no excuses for no progress at this point. Please give it your all for the animals that are stuck in the system now and in the future. Everyone has pets this is disturbing to everyone. Please fix this once and for all. I believe the leadership needs to go, they've had a second chance, enough is enough. We need leadership at AF that has experience and has compassion for the animals and the employees! Thank you, Crystal Chapman.

## Brianna Ramirez

---

**From:** crystal Chapman <grandmabossse@gmail.com>  
**Sent:** Wednesday, September 28, 2022 1:18 PM  
**To:** Brianna Ramirez  
**Subject:** Re: Animal Foundation  
**Attachments:** Screenshot\_20220928-131403.png

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Hello, I just saw this and was wondering is there anyway there truly talking about euthanizing this weekend instead of letting this process of having people adopt and volunteer in Foster proceed into the weekend, some people are working all week. I pray this isn't true, it's very disturbing 😞

On Wed, Sep 28, 2022, 9:16 AM Brianna Ramirez <[brramirez@lasvegasnevada.gov](mailto:brramirez@lasvegasnevada.gov)> wrote:

Dear Crystal,

Thank you for reaching out to Councilwoman Victoria Seaman's office with your concerns about The Animal Foundation. The safety and protection of our animals are a top priority for Councilwoman Seaman. That is why she is continuing to fight for real change at the foundation. Councilwoman has scheduled an audit of The Animal Foundation for discussion at the October 19th City Council meeting. We encourage you to show up and share your concerns with the entire council.

The meeting is at 9:30 am at Las Vegas City Hall (495 S. Main St.) on October 19th. Please park at 500 S. Main Street and bring in your ticket for validation.

If you have any questions, please call the office at 702-229-2420.

Thank you for standing up for our animals.

## Brianna Ramirez

Special Assistant to Councilwoman Victoria Seaman | Ward 2

702-229-2420 | 702-741-6258

**Las Vegas Cats**

Naomi Ammar · 21h · 🌐

There is talk that TAF may start mass euthanizing animals this weekend. Please if you can spare a day, half day, or a few hours, show up Thursday and volunteer. Or take the time to stand in line and foster and animal (or two!). Help saves lives!! No matter what your views of TAF are, the only thing that matters is the animals.



TOMORROW AT 10:30 AM  
**SOS for Animals at TAF**

[Rules](#)

Write a comment...



Responded

**David McGowan**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:30 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: Animal Foundation

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

**From:** crystal Chapman <grandmabossse@gmail.com>  
**Sent:** Tuesday, September 27, 2022 2:25 PM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** Animal Foundation

Hello, I hope all this exposure for what is going on with the animal foundation, gets things fixed once and for all. I sent an email to Mayor Goodman. Praying you give it all you've got for this meeting and hold those leaders at AF accountable. Hillarie Grey needs to go, she has proven that she is not up for the job and nothing has improved but only deteriorated. Thank you for being an advocate for the animals because God knows they need one right now! Give it the good fight and let me know if there's anything I can do to help you! I'm afraid that if she gets through this next meeting in October like she did the last meeting, it will never be fixed!  
Thank you Crystal Chapman

## Brianna Ramirez

---

**From:** David McGowan  
**Sent:** Monday, October 3, 2022 12:26 PM  
**To:** Betsy Laakso  
**Cc:** Hilarie Grey; Brianna Ramirez  
**Subject:** Eden

Hello Betsy

Can you please give me an update on what happened to Eden. This is all the information I have.

First picture shows, my EDEN, confiscation, on 15 of June 2022, from my hand, being on my property, my home, on address 3220 Shoreheight st. 89117. at the time police arrested me. Others pictures, are showing Eden

Thank you  
David

Issuing Office: CPM P# 1135

Violation observed by officer

In response to complaint regarding animal(s) in violation of city of Las Vegas city code as indicated below.

Number of Dogs: 1 712.01 6.05 708.140

Number of Cats: 1 712.01 6.05 708.160

Spay & Neuter Requirements 1 712.01 6.05 714.010

Victims at Large 1 712.01 6.05 716.010

Female in Season at Large 1 712.01 6.05 720.030

Biting Animal & Quarantine 1 712.01 6.05 724.000

Cruelties 1 712.01 6.05 732.000

Noise Annoyance 1 712.01 6.05 736.010

Restraint (collar, tags) 1 712.01 6.05 736.030

Solid Waste, Private/Public Property 1 712.01 6.05 736.050

Sanitation, Animals Laying Area 1 712.01 6.05 738.050

Poultry, Chickens 1 712.01 6.05 738.050

EVERY CAT AND DOG MUST HAVE A VALID DET LICENSE, LAS VEGAS CITY CODE 712.010, AND A CURRENT RABIES VACCINATION, LAS VEGAS CITY CODE 712.010.

Your Animal has been impounded at ANIMAL FOUNDATION, 655 N. Mojave Road, Las Vegas, NV, 89101, 702.381.0383

Disposition of unclaimed animals shall be in accordance with city of Las Vegas ordinance. Proof of ownership is required for redemption.

Other Comments/Violations:

Owner's Name: Walter J. Smith - I JADA

Address: 2274 Canyon St

ID: 1222785 - Eden

SA006-031



Kennel No:  
DF301

# City of Las Vegas Animal Control

www.animalfoundation.com

K22-14

TEN DA



**UNKNOWN**

Color:  
**GRAY & WHITE**

Breed:  
**POODLE MIN**

Sex:  
**NEUTERED**

Age:  
**8Y**

Collar Color:  
**BLUE**

Collar Type:  
**HARNESS**

Tag:  
**SEE RECORD**

Markings:  
**W/LEASH**

Weight:  
**4.6LBS**

**AID#: A122**



Intake Date:	Review Date:	Intake Type:	Intake By:	Intake Time:
04/25/2022	05/05/2022	CONFISCATE / POLICE	1316	9:33

Found at: 3220 SHOREHEIGHT ST, LAS VEGAS NV 89117

Scanned By: \_\_\_\_\_ Intake Shots: \_\_\_\_\_ Moved By: \_\_\_\_\_ Printed On: 4/26

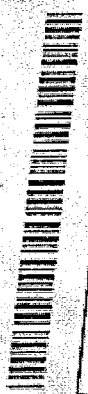
*off Gd*  
*11*



Kennel No:  
DF109

City of Las Vegas  
Animal Control

www.animalfoundation.com



EDEN

Color:  
**GRAY & WHITE**

Breed:  
**POODLE MIN**

Sex:  
**NEUTERED**

Age:  
**7Y**

Collar Color:  
**BLUE**

Collar Type:  
**HARNESS**

Tag  
SE

Markings:  
**W/LEASH**

Weight:  
**4.6LBS**

**AID#**

Intake Date:  
**04/25/2022**

Review Date:  
**05/05/2022**

Intake Type:  
**CONFISCATE / POLICE**

Intake By:  
**1316**

Found at: **3220 SHOREHEIGHT ST, LAS VEGAS NV 89117**

Scanned By:

Intake Shots:

Moved By:

Printed

Sent from my iPhone



**Brianna Ramirez**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 7:37 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Can you guys please answer this and let her know how hard I was working and we have been thinking outside the box and it's just not possible to break contracts without any due process.

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** September 27, 2022 at 7:20:59 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"Lmrozew13@gmail.com\"" <Lmrozew13@gmail.com>

Name: Lisa

Email Address: Lmrozew13@gmail.com

Message: Why did you wait so long to check out what was happening at the Animal Foundation after 9 months of complaints? Why not hold the board criminally liable for animal cruelty? Why not ask them why they didn't call other shelters to take some of the animals off their hands? Or to ask other Veterinarians to volunteer to help from private practices? Even mobile pet grooming places? House cleaning services? It's just not that hard to think outside the damn box! You asked for this position, now do your job!

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:34 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: Animal Foundation

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

**From:** pmialways@aol.com <pmialways@aol.com>  
**Sent:** Monday, September 26, 2022 2:45 PM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** Animal Foundation

First I am so sorry for what you have endured, that is horrific behavior. I know you cannot comment, just know the people know this is wrong.

An investigation needs to take place where employees and volunteers are able to speak freely with investigators.

Some things to note about the Animal Foundation:

The pay has always been low but the turnover in the last couple of years is bad. They have increased the pay a little. Not sure what the real issue is with retaining employees. Is it bad HR, harassment, bullying, or the decisions to euthanize animals for space purposes.

It seems like the Animal Foundation has significant financial resources. Have the funds been appropriately used in the last few years?

They have overburdened the employees there with more work in the same amount of time and constantly want volunteers to be staffed to cover employee days off. Some volunteers pitched in and cleaned kennels, etc. but were expected to continue on a regular basis instead of hiring staff.

These are a few paragraphs from the revised volunteer handbook the Animal Foundation made in August.

This is why some people are hesitant to come forward because there are others who would report back to the staff if we did so. Some of us were asked whether we had been to any community meetings where

One volunteer questioned the practice of putting the dogs in their outdoor potty space (which has not been cleaned) while cleaning the inside first and then putting the dirty dog in the clean kennel and the animal care manager Nick dismissed it and said "they are dogs". Nick is leaving or has left for Boulder City Animal Control, but this is the attitude if volunteers or staff bring anything up. Instead of fixing the issues they target the individual.

## **Confidentiality**

All discussions regarding TAF's policies are to be discussed in private and away from the public. This is especially important concerning our adoption screening policies and procedures. If a volunteer does not understand something, he/she/they must ask the shelter management in the absence of any customers.

**Photographs of any sort are not to be taken unless one's purpose has been approved by shelter management and the Communication and Marketing Department.** Those who want photographs of the animals are welcome to visit our website to see a photograph of any of our adoptable pets.

## **Communication with the Media/Press**

Volunteers must never give interviews, allow the media to take photos at our locations, or answer a question on behalf of TAF. All questions from any media sources or press regarding TAF must be directed to the Marketing & Communications Team.

Public Ambassador - When you are volunteering in any role, you are representing The Animal Foundation. There may be times when a member of the public may ask you questions about the animals at the shelter, questions about animal care, questions about events you are working on, or questions about The Animal Foundation and its programs. You are allowed to answer these questions to the best of your ability.

- If you do not know the exact answer to a question, it is always fine to say that you are unsure. Make sure to ask a staff member if need be.
- If members of the public have questions about adoptions or animal care, please make sure to preface your answer as your opinion and coming from your personal experience. Our Adoptions Counselors provide adopters with information that we as an organization have deemed to be credible and factual. While it is true that no two animals are exactly the same, we do not want to contradict the information that is promoted by The Animal Foundation staff.

## **Pages 8-9**

### **Social Media Policy**

TAF volunteers are encouraged to share their volunteer work on social media outlets provided that they adhere to the following protocols:

- The appropriate handles for our social media would be @AnimalFoundation for Facebook, @TheAnimalFoundation for Instagram, and @animalfndlv for Twitter.
- You are a voice for the animals so please carry that role respectfully. Negative posts go viral in seconds and can be read by the masses for a long time. People run with it, without fairness in mind. It can lead to cyberbullying and unfair judgments.
- Volunteers must not post disparaging or defamatory comments about:
  - o The Animal Foundation
  - o The Animal Foundation's team members, our guests, other volunteers, or pet owners
  - o Pets in our care
- Refer to the shelter as The Animal Foundation instead of TAF.

## **Page 10**

### **Gross Misconduct**

If, after the case has been fully investigated, a person is deemed to have committed an offense including in the following list (though this is not an exhaustive list), then the person will have their contract terminated with immediate effect.

- Theft, fraud or act of dishonesty
- Deliberate and serious damage to property

- Fighting, physical violence or serious abusive behavior towards people
- Incapacity for work due to being under the influence of alcohol or illegal drugs
- Failure or refusal to obey a reasonable instruction without good reason
- **Transmitting confidential information outside the organization**
- Serious breach of health and safety obligations
- Serious breach of organization's rules, policies and procedures
- Serious misuse of computer, email or internet facilities
- Bringing the organization into disrepute

Whilst the alleged gross misconduct is being investigated, a volunteer may be asked to stay away from The Animal Foundation and to not undertake any duties on behalf of TAF at this time.

### **Volunteer General Release and Agreement** **page 13**

1. CONFIDENTIALITY. **During my association with TAF and thereafter**, I will keep confidential, refrain from disclosing to others, and use only in the performance of my volunteer duties, all confidential information of TAF that I develop or learn about during the course of my association. I understand that this agreement covers all confidential business and technical information and know-how of or about TAF which is not generally known to persons outside of TAF and which I have not been specifically authorized to disclose or use. Examples of confidential information includes, but are not limited to, information on finances, membership and donors, volunteer performance, research and development, **the condition of shelter animals**, campaigns, outreach programs and information received from others that TAF has agreed to keep confidential.

### **Page 14**

1. MUTUAL ARBITRATION. Any claim or controversy, including but not limited to claims for any form of damages, attorney's fees, costs, or any amounts whatsoever that either party to this Agreement may claim that arises out of or relating to this Agreement, its breach, Volunteer's volunteer relationship with TAF, or performance of any Services, will be settled by binding arbitration in the State of Nevada, even if the claim or controversy arises from events that predate this Agreement. The substantive and procedural laws of the State of Nevada shall apply to the arbitration, which will be held either by a mutually agreeable arbitrator or, if an arbitrator cannot be mutually agreed upon, by an arbitrator selected by JAMS, so long as the arbitrator is an attorney licensed in the State of Nevada.

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:34 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: New Message From Victoria Seaman

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

-----Original Message-----

From: Victoria Seaman <Victoria@victoriaseaman.com>  
Sent: Monday, September 26, 2022 2:07 PM  
To: Victoria Seaman <Victoria@victoriaseaman.com>  
Subject: New Message From Victoria Seaman

Name: Flower B  
Email Address: Flower321b@yahoo.com  
Message: Dear Councilwoman Seaman,

Thank you for caring about the animals kept at the Animal Foundation. I have a question. Why doesn't Las Vegas have more aggressive spay and neuter programs offered at discounts or free in certain areas of town? Why doesn't Las Vegas do more to discourage the plethora of back yard breeders and "rehoming" that is just a disguise for selling pets?

I appreciate the exposure of what's happening at the Animal Foundation because it's one of the organizations I donate to. I believe in the work they do however, I know it's not an easy task. Shelters across this country are running into the same program -- Overpopulation.

Overpopulation of dogs, cats and other animals is the root of the problem. We are at a point where we are warehousing animals, which affects their quality of life, and that's not fair. We can't adopt and foster our way out of this problem. No one loves animals more than I. I have a special connection to them, but "No Kill" is no longer the solution either especially when quality of life being negatively affected.

It is my hope that Nevada as a whole has a change in perspective regarding animals and the many blessings they add to our lives. Let's promote spay and neutering. Let's making breeding unfashionable. It begins and ends with us. I don't believe any one working at the Animal Foundation intentionally wanted the neglect to happen, which has been exposed. Like many shelters they're being consumed by the problem of overpopulation of pets and animals.

Peace and Blessings My Friend

Flower

*Responed*

**David McGowan**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Tuesday, September 27, 2022 10:37 PM  
**To:** David McGowan  
**Cc:** Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] FW: New Message From Victoria Seaman

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-----Original Message-----

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Friday, September 23, 2022 3:14 PM  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman

**Name:** Bonnie Moore

**Email Address:** lifecoachbonster@gmail.com

**Message:** I just saw the report on the Animal Foundation. Absolutely APPALLING-THANK YOU, Victoria!!! You continue to be a positive leader and proactive, committed, caring professional! You earned my vote, and you will never loose it!

TAF

Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Thursday, September 22, 2022 9:37 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Crystal Rodrigues <crystal.rodrigues@hotmail.com>  
**Date:** September 19, 2022 at 3:35:26 PM EDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Cc:** David McGowan <dmcgowan@lasvegasnevada.gov>, Brianna Ramirez <brramirez@lasvegasnevada.gov>  
**Subject: Re: New Message From Victoria Seaman**

Hi Victoria,

Yes - I finally received my dog back on Thursday, but only after showing up day after day and being in their face about it. As you can imagine, it's been a tough week. I honestly believe she was neglected/abused at the animal shelter. Even though Animal Protection Services and the Animal Foundation 'waived' their fees, that doesn't make up for the emotional roller coaster I've been on for a week trying to get my dog back and dealing with the harassment from our neighbor and the police who have been enabling him.

Since I've gotten Anela back, she has not been the same. She is hesitant to leave my daughter's room without coaxing. She is afraid to eat - even her favorite foods like steak and ribs couldn't get her attention. I've had to hand-feed her for the past 4 days. She's had diarrhea this whole time because I don't think she was taken out regularly to relieve herself. Our dog has not had an accident in the house, since she was a puppy. Since she's been home, she's had two accidents. And I can't take her to the vet until Thursday to get her checked out because animal control put her under quarantine. I've had to keep a close eye on her behavior and eating patterns. She is definitely traumatized from the whole experience.

It's been a complete nightmare. From having the police called on us by a Level III sex offender, to our dog being taken away, being deceived by Animal Control (they told my husband our dog was being taken for quarantine because she bit him), trying to get her back and being harassed

by our neighbor. The whole process with animal control and the Animal Foundation needs to be changed. The primary victim in all of this is my dog, who can't speak up for herself. The animal control officers said their main priority was my dog, yet they were negligent in determining whether she was injured.

When I questioned their methods, they just gave me excuses about why my dog didn't receive a full physical on Monday (when this all started). They told me the vet was on vacation so an x-ray could not be completed. Nothing they told me made sense - beginning with the reason they took my dog to the reason she didn't receive a full physical. The police and Animal Control took the word of a neighbor that was looking over my wall, who happens to be a Level III sex offender.

My first question was, "Why is my neighbor looking over my wall?" and that's how I found out he was a registered sex offender. Why didn't the police ask that same question? Maybe if they had, my whole family wouldn't be traumatized as we are now. I'm suffering from PTSD while trying to cope with all of this. I'm a rape survivor and to know that the police are enabling this sex offender to harass my family is distressing and I have not had one full night's rest for a week.

I will gladly testify at the hearing on October 19th. The process and handling of animals at the Animal Foundation need to change. The conditions there are horrible. I hear them say that they are at capacity and don't have enough kennels but then sitting in the waiting room, hearing them tell people that they need to make an appointment to pick up their animal just sounds like a way for the Animal Foundation to charge owners more money. If the owner can prove it's their pet, why can't they process the animal to be released? It shouldn't matter what time the owner comes to pick up their pet. Maybe they should be available after hours for owners looking to reclaim their pet. That should help with the overcrowding at the shelter.

I thank you for your time and concern. I absolutely agree that things need to change at the Animal Foundation. There really is no excuse for how these animals are being 'cared' for. I got my dog back at the end of the day, when there were at least 10 people on staff (that I saw) and those kennel conditions were horrendous. There should be more oversight on the Foundation and how tax-payer funds are being used to run this facility.

I left a message for Bri/Dave last week. If they'd like to ask any further questions, I am available via cell at (808)256-9520.

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Thursday, September 15, 2022 10:52 PM  
**To:** crystal.rodriques@hotmail.com <crystal.rodriques@hotmail.com>  
**Cc:** David McGowan <dmcgowan@lasvegasnevada.gov>; Brianna Ramirez <brramirez@lasvegasnevada.gov>  
**Subject:** Re: New Message From Victoria Seaman

Did you get your dog back? Please call my office in the morning 702-229-2420 and talk to Bri or Dave so they can take down the notes of what happened. If you would like to come and testify about the Animal Foundation October 19 we will have a hearing and discussion on counsel.

Best regards,



Victoria Seaman

> On Sep 15, 2022, at 1:03 PM, Victoria Seaman <Victoria@victoriaseaman.com> wrote:

>

> Name: Crystal Rodrigues-Maramba

> Email Address: crystal.rodrigues@hotmail.com

> Message: Good afternoon Victoria,

> I saw your report on the Animal Foundation conditions on Monday night. Ironically, an incident happened at my house that same day and unbeknownst to me Animal Control had removed my dog from my home. I have tried contacting the animal foundation daily since Monday and had to drive there 2 nights in a row, now just to get status of my dog. I am now at the APS facility, again, looking for status. I was told on Tuesday night that my dog showed no signs of injuries but needed to be seen by the vet again on Wednesday for final clearance. On Wednesday, I called APS and was told someone would call me back. By 5pm, I decided to go down to the Animal Foundation again in case there was even a slight chance to get an update and my dog would be released. Again, I had to ask the Foundation manager to call APS for an update and was finally told that my dog needed an x-ray. When I asked why one hadn't been performed yet, I was told that she didn't appear to be in pain so there was no urgent need for it. However, this is also when I found out that they are investigating my husband and need the x-ray. The Animal Foundation has had my dog for 4 days. She was cleared on Monday night, during her initial physical. Now four days later, if they find an injury, they want to charge my husband. My dog has been in their custody for 4 days, what if someone at the Foundation caused the injuries? After seeing your report, I didn't know who else to reach out to. I can't get a direct answer from anyone or an update unless I show up in person. This all started because a neighbor falsely claimed that we had a gun in the backyard, which is false. After doing research on the neighbor, I found out that he's a Level III Sex Offender. Not one of the 4 officers that visited my house on Monday, notified me of this fact. As a mother of 5 girls, that just added to the current stress of not knowing whether my dog is okay. Please, if there is anything you can do, I would really appreciate it. I am considering legal action against the Foundation. After 2 nights of being there, I saw multiple people come in to pick up their lost animal only to be told that they couldn't because it was past 5pm and they would have to make an appointment and pay another day of "boarding" fees. I was told by APS that the animal is the number one concern but if that were true, these animals should be released to their rightful owner...no matter time. The Foundation is open until 7pm. If you have read my entire 'rant', I thank you for your time. If you'd like to reach me, my phone number is (808)256-9520.

> Sincerely,

> An emotional Mom

## Brianna Ramirez

---

**From:** Mark Wayman <mwayman2@cox.net>  
**Sent:** Wednesday, September 28, 2022 9:34 AM  
**To:** Brianna Ramirez  
**Subject:** RE: Animal Foundation  
**Attachments:** image001.jpg

**CAUTION:** This email originated from an **External Source**. Please use caution before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Been like this for years.

Reached out to Christine Robinson when she was Executive Director several times. No response.

Reached out to Jan Jones on the Board months ago – she states there are no issues.

Reached out to CEO Hilarie Grey. Actually got her a job at Allegiant Airlines years ago. Same response – we don't have issues.

Need to replace entire Board of Directors and CEO. Very sad!

---

**From:** Brianna Ramirez [mailto:brramirez@lasvegasnevada.gov]  
**Sent:** Wednesday, September 28, 2022 9:22 AM  
**To:** mwayman2@cox.net  
**Subject:** RE: Animal Foundation

Dear Mark,

Thank you for reaching out to Councilwoman Victoria Seaman's office with your concerns about The Animal Foundation. The safety and protection of our animals are a top priority for Councilwoman Seaman. That is why she is continuing to fight for real change at the foundation. Councilwoman has scheduled an audit of The Animal Foundation for discussion at the October 19th City Council meeting. We encourage you to show up and share your concerns with the entire council.

The meeting is at 9:30 am at Las Vegas City Hall (495 S. Main St.) on October 19th. Please park at 500 S. Main Street and bring in your ticket for validation.

If you have any questions, please call the office at 702-229-2420.

Thank you for standing up for our animals.

## Brianna Ramirez

Special Assistant to Councilwoman Victoria Seaman | Ward 2  
702-229-2420 | 702-741-6258

**From:** Mark Wayman <mwayman2@cox.net>  
**Sent:** Friday, September 16, 2022 10:14 AM

To: Victoria Seaman <[Victoria@victoriaseaman.com](mailto:Victoria@victoriaseaman.com)>

Subject: Animal Foundation

Very sad.

Been like that for years. The former ED must be related to someone, because all the animal advocates in Las Vegas knew there were problems. Tried reaching out to Jan Jones last year to help. She said there are not any issues.

When they hired Hilarie Grey I reached out to her since I placed her in her last job at Allegiant Airlines. More denial. Just a very sad situation.



**The Foundation**  
World Class Talent!

**The Godfather**

**Mark Wayman**

702.349.9630  
mwayman2@cox.net  
www.godfatherlv.com  
P.O. Box 370489  
Las Vegas, NV 89137

## Brianna Ramirez

---

**From:** Get2knowacat Cat <get2knowacat@icloud.com>  
**Sent:** Monday, September 26, 2022 9:32 PM  
**To:** Brianna Ramirez  
**Subject:** Re: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

Will the audit be public. Will  
I have a chance to view.  
Sent from my iPhone

> On Sep 26, 2022, at 11:41 AM, Brianna Ramirez <brramirez@lasvegasnevada.gov> wrote:

>

> Dear Michelle,

>

> Thank you for reaching out to Councilwoman Victoria Seaman's office with your concerns about The Animal Foundation. The safety and protection of our animals are a top priority for Councilwoman Seaman. That is why she is continuing to fight for real change at the foundation. Councilwoman has scheduled an audit of The Animal Foundation for discussion at the October 19th City Council meeting. We encourage you to show up and share your concerns with the entire council.

>

> The meeting is at 9:30 am at Las Vegas City Hall (495 S. Main St.) on October 19th. Please park at 500 S. Main Street and bring in your ticket for validation.

>

> If you have any questions, please call the office at 702-229-2420.

>

> Thank you for standing up for our animals.

>

> Brianna Ramirez

> Special Assistant to Councilwoman Victoria Seaman | Ward 2

> 702-229-2420 | 702-741-6258

>

>

>

> Name: Michelle Varhola

> Email Address: Get2knowacat@icloud.com

> Message: Good Afternoon Councilwoman Seaman, This is Michelle Varhola from get2knowacat. I'm the one who left you the 600 pages of research regarding the animals and I also talked to David about the cats going to Chinatown.

> Hopefully you had a chance to review the info that I left for you!

> I'm so proud of you for doing a surprise visit to the TAF. All there comments from the TAF were all lies and they're trying to cover up so much bullshit and deceive the public. The entire place needs to be cleared out including the board of directors. The ex employees if asked the right questions would tell so much dirty laundry. I would really like to have access to view their contracts that the TAF has with its vendors, transporters and paw partners especially with the Western veterinary conference WVC who is a paw partner listed on their website whom also is A USDA registered

**Brianna Ramirez**

DONE

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Sunday, October 2, 2022 8:45 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** October 2, 2022 at 8:15:48 AM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"Jkhackler@comnett.net\"" <Jkhackler@comnett.net>

Name: Karen Hackler

Email Address: Jkhackler@comnett.net

Message: So glad you are keeping on top of the Animal Foundation. Do you know who we should contact for change. Do you have a list of politicians who are pro animal that will help advocate change.

DONE

**Brianna Ramirez**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, October 3, 2022 6:52 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** October 2, 2022 at 9:26:48 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"ryanjennifer71@gmail.com\"" <ryanjennifer71@gmail.com>

Name: Jennifer Ryan

Email Address: ryanjennifer71@gmail.com

Message: Greetings , I just watched the video on the Animal Foundation . I want you to know that I wrote them an email about 18 months ago . There is no reason for this . They miss out on a lot of opportunities to run the place properly . Here it is , FYI

Greetings. I am a recent visitor to your beautiful shelter, and I wanted to make a suggestion from a business owner's perspective. My son and I visited in June of this year , I believe. We did arrive on a weekday afternoon , with the intent of adopting a small dog . We had no idea at the time that you were sponsoring a "free" dog event , and after finding a lovely little maltese/poodle mix, we went to one of the desks where we were told that the staff could not take on any additional adoptions for the day .

We were informed that we would need to come back early in the morning , prior to opening , and stand in line until the doors opened, and then it would be first come first serve. We were in the middle of a heat wave ( 110 degrees every day ) , and as a senior, there was no way that I could endure that heat . I also didn't especially like the idea of standing in a crowd of people at the peak of a pandemic. I explained that I did not want a free dog, that I was happy to pay for her, but that was not an option .

I ended up purchasing a \$1200 purebred 8 week old puppy . Obviously , I am thrilled with him.. but I would have been just as thrilled with the mixed breed full grown dog from your shelter. I appreciate the fact that at time you have more animals than you have room for, and that at times

you must discount and even eliminate fees in order to find homes for them . But does it not make sense to give those that are willing to pay an option? The dogs still find homes.. and the foundation makes a profit.

## Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, October 3, 2022 5:03 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Please reach back out and ask him to come to the meeting. Copy this email so I can have it with me when I'm talking on the Dias along with the other ones.

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** October 3, 2022 at 10:44:12 AM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"daddystiltskin@gmail.com\"" <daddystiltskin@gmail.com>

Name: Matthew Fink  
Email Address: daddystiltskin@gmail.com

Message: I wanted to send you a note to express my appreciation for the attention you have helped bring to gross mismanagement at The Animal Foundation's shelter in Las Vegas. My son is 19 and secured a job there as part of a vocational rehabilitation program for individuals with special needs (he's on the autism spectrum and has special mental health needs). Today, he left work early after experiencing a panic attack when he discovered that he would be one of two people working at the entire shelter--that's right, shelter management expected my 19-year-old special needs child to run 50% of the entire shelter's operations today! Something needs to change over there, and I hope the spotlight you've helped shine on their operations will result in some long overdue changes.



## Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Wednesday, October 5, 2022 7:29 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** October 5, 2022 at 7:09:38 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** **New Message From Victoria Seaman**  
**Reply-To:** "\"myashie@gmail.com\"" <myashie@gmail.com>

Name: Ashley Adcock-Hill  
Email Address: myashie@gmail.com  
Message: Dear Ms. Seaman,

Thank you for the work you are doing to expose the conditions at the Animal Foundation.

Many of us read a heartbreaking letter from the Admissions team who recently resigned from the organization. It does not sound like the leadership of the Animal Foundation have the staff's best interest in mind which, of course, directly impacts the ability to do right by the innocent animals relying on us.

As a non-profit organization, a significant portion of the Animal Foundation's work and salaries are funded by precious tax dollars of the general population. Is there a way for us to contact the Board of Directors to demand change or any other avenues for reform?

Thank you.

Kind regards,  
Ashley Adcock-Hill

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Sunday, October 2, 2022 8:45 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** October 2, 2022 at 8:15:48 AM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"Jkhackler@comnett.net\"" <Jkhackler@comnett.net>

Name: Karen Hackler

Email Address: Jkhackler@comnett.net

Message: So glad you are keeping on top of the Animal Foundation. Do you know who we should contact for change. Do you have a list of politicians who are pro animal that will help advocate change.

TAF

**Brianna Ramirez**

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Saturday, September 17, 2022 10:21 PM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: New Message From Victoria Seaman

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Date:** September 16, 2022 at 2:01:35 PM PDT  
**To:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** New Message From Victoria Seaman  
**Reply-To:** "\"Get2knowacat@icloud.com\"" <Get2knowacat@icloud.com>

Name: Michelle Varhola

Email Address: Get2knowacat@icloud.com

Message: Good Afternoon Councilwoman Seaman, This is Michelle Varhola from get2knowacat. I'm the one who left you the 600 pages of research regarding the animals and I also talked to David about the cats going to Chinatown.

Hopefully you had a chance to review the info that I left for you!

I'm so proud of you for doing a surprise visit to the TAF. All there comments from the TAF were all lies and they're trying to cover up so much bullshit and deceive the public. The entire place needs to be cleared out including the board of directors. The ex employees if asked the right questions would tell so much dirty laundry. I would really like to have access to view their contracts that the TAF has with its vendors, transporters and paw partners especially with the Western veterinary conference WVC who is a paw partner listed on their website whom also is A USDA registered research facility. And also PIMA medical. I will be at the meeting on Oct 19. What time and where is the meeting. Please if you have any questions call me. Like I said before I would be more than happy To give 15 hours a day for a year of my time to the recovery and I'm the best interest of the animals and the community. The animals thank you for checking on them in the 12 th. How Blackhurst and Grey tried to discredit you was just so amusing none of it was true and then he made a comment about microchips. It's funny the receive 5 million a year and microchips cost a dollar each from China and they can't find it in their budget for a dollar an animal. That comment there just proved they are just bullshitting you, me, the public and the animals. Thanks 7024994791 Michelle Varhola at get2knowacat.

## David McGowan

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Sunday, October 16, 2022 9:47 AM  
**To:** Brianna Ramirez; David McGowan  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Lost and Found Inquiry - A1246310

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

Please see this email and ask her to come on the 19th. Also answer her about the situation.

Best regards,  
Victoria Seaman

RESPONDED  
TO

Begin forwarded message:

**From:** Dena Piña <denapina@gmail.com>  
**Date:** October 16, 2022 at 9:43:37 AM PDT  
**To:** EXT - Lost and Found <lostandfound@animalfoundation.com>, hr@animalfoundation.com, outreach@animalfoundation.com, media@animalfoundation.com  
**Cc:** Victoria Seaman <Victoria@victoriaseaman.com>, chris.way@ktnv.com, darcy.spears@ktnv.com  
**Subject:** Lost and Found Inquiry - A1246310

Please send me additional pics of this dog. Her lost and found I'd # is above in the subject line of this email.

I've repeatedly asked for more information on this dog and a few other dogs at the shelter. I need to have verification if this is my mother's service dog or not and should not still be without the verification two weeks later

I will be filing a formal and legal complaint with your organization if I am still being blocked or no effort is made to properly assist with the claim process of our dog beginning with proper identification and verification of the dog's identity. By refusing to provide this information or disregard attempts made to obtain this information you are blocking our legal rights under various federal, state, and county/city laws and ordinances. You are also disregarding the safety, health, and overall welfare of the dog in your possession as there is a serious outbreak of a respiratory disease in your facility to which Boogy may end up being positive for after her lengthy and unnecessary stay at your facility (given that the dog is positively identified as ours even though your Director Didi says she is not).

Bridget aka Boogey is more to us than just a service animal, or a dog, she is our family. We need her home and everyday kills us she isn't.

Legally, she does fall under the legal definition of what is considered to be deemed as property.

My mother is the property owner of Bridget/Boogey and if this is in fact Bridget you are in possession of her property and refusing to return it could have severe legal implications.

Your organization has no legal right to with hold information or the pet from it's true, original, and only owner.

The only reasonable solution for your organization is to help with the identification process to put the question to rest.

Allow my mother and I to continue our search if you insist this isn't her dog by working with us to properly identify Bridget as one of your shelter dogs or not.

If no genuine help is provided we will seek out legal assistance for this matter. Please note that again this is approximately the 7th attempt to identify and possibly retrieve her. This has been ongoing since the 9th of October.

I have taken the liberty to cc a few parties with a potential interest regarding this situation as well as the suitability of the ability of The Animal Foundation to care for Clark County animals and our larger community including senior citizens, homeless, ada compliance regulations, health and safety etc etc etc.

Again, for the record I have contacted your organization via phone, via email, via direct walk in, and I've even spoken directly to the Director herself who refused to go and look to check out and help us identify this dog as ours or not.

The director, a large full figured woman, with blonde hair, I believe to be named DiDi said it was too much work to go back and suit up and down to confirm the identification of the dog along with a few others.

Didi also looked at the top two profile pictures that I gave her while there at the foundation and she flat out told me repeatedly these two don't even look like Boogey (aka Bridget).

We spoke and I was told I could not see her so I could or couldn't identify her myself nor my mother.

This left me the option of getting director to agree to have some of the staff (coming in the following day) take additional pictures or video and she would get back to me.

I had to insist this suggestion to her by repeatedly asking what her alternative solutions were for owner retrieval and verification during this outbreak at the shelter.

Didi had one simple answer about an alternative for owners to identify and claim their pets. She stated no adoptions and that owners have more time to claim their pets. She however agreed to my suggestion about having staff the following day take additional pictures or footage of the dog(s) I attempted to identify. Then said she would contact me the following day with the updated findings. I never heard another word from her.

My mom and I are both disabled, in process of moving, I'm attempting to finish my last semester finals for graduation from WGU Business College, and attending to the care of other people's homes and pets through Rover.com which has limited my abilities to pursue this any quicker than I am.

This must be my 6th or 7th attempt to identify and claim my 70 year old mother's service dog. The disregard for my mother, our family, Bridget's life, my time, and all around disrespect and disregard to moral and ethical principles by her and the organization is reprehensible and completely unacceptable.

Most certainly the ethical treatment of animals and humans is lacking and will be brought to the attention of the correct governing agency and/or legal/civil action be pursued and sought after and may include criminal charges being sought after for various disregard to the rights of disabled persons, which may include discriminative practices, neglect, theft, abuse and or any or all other legal guidelines intentionally or unintentionally disregarded in this instance.

This is my final request before pursuing the assistance of a higher authority to claim Bridget. Didi does not have the right or legal ability to determine if this is in fact our dog or not.

That is our place and only ours as we know our dog and she is merely a third party preventing the possible reunification of a disabled family with their registered service animal due to her own prejudice.

Please see attached photos of Bridget and copy/screenshot of the last dogs profile we see to still be in your care. The others (shelter pets) I'm unsure what happened to them. I fear the worse with the respiratory infectious disease in their care. I believe one of the dogs at very least was adopted out the day following my visit in person to the foundation (when Didi was supposed to check dogs out and get back to me following day).

Dena D Pina  
808-260-6117

**Brianna Ramirez**

---

**From:** Donna McDonald <ddmcd712@gmail.com>  
**Sent:** Tuesday, October 18, 2022 7:06 AM  
**To:** Ward 2 Staff; Office of the Mayor; DistrictF@clarkcountynv.gov  
**Subject:** The Animal Foundation

**CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.**

Please as a resident, voter and volunteer with a local animal non profit organization I implore you to speak out loudly and demand changes in the current operations of The Animal Foundation. Simply put, it is not working! There needs to be an outside audit and complete revamping of the current operation. What is needed now.

- IMMEDIATELY Bring in an Outside Animal Organization to Assess TAF and temporarily take over operations
- Replace TAF ASAP (break up the contracts. This sheltering model isn't working).
- PUT Together a Diverse Task Force which includes, Elected Officials, Animal Control officers, Rescues, Veterinarians, shelter professionals, to collaborate on Solutions for OUR shelter(s) moving forward.

NO MORE secrecy, mistrust, retaliation, politics over pets, closed boards, deadly debacles, lack of accountability & lack of transparency. Our Animals deserve MORE, NOW!!!

Our community, families and most of all the animals in our City and surrounding areas are suffering due to the mismanagement and in my opinion criminal acts of those currently in charge of The Animal Foundation.

Respectfully,  
Donna McDonald

David Wray

---

**From:** Dave Schweiger <lvdavekath@hotmail.com>  
**Sent:** Tuesday, September 27, 2022 9:36 PM  
**To:** ccdista@ClarkCountyNV.gov; ccdistb@ClarkCountyNV.gov; ccdistc@ClarkCountyNV.gov; ccdistd@ClarkCountyNV.gov; District E CC; District F CC; ccdistg@ClarkCountyNV.gov; Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4 e-newsletter; Cedric Crear; Michele Fiore; leej@cityofnorthlasvegas.com; blacks@cityofnorthlasvegas.com; goynesbrownp@cityofnorthlasvegas.com; barroni@cityofnorthlasvegas.com; Richard Cherchio  
**Subject:** COO James Pumphrey and tonight's investigative report of The Animal Foundation

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

<https://www.ktnv.com/13-investigates/former-animal-foundation-coo-says-prior-warnings-of-crisis-at-shelter-fell-on-deaf-ears>



Former Animal Foundation COO says prior warnings at shelter fell on deaf ears - ktnv.com

A 23-page report written by the former COO of the Animal Foundation detailed a toxic environment where animals and staff alike were, and are, suffering.

[www.ktnv.com](http://www.ktnv.com)

I was not a fan of James Pumphrey when he was COO. He echoed the same "spin" of the current problems to me that the CEO and board of directors are still hoping that you will believe today.

I hope you noticed in yesterday's news conference how quickly Hilarie shifted the blame of the current shelter crisis from the Animal Foundation to the current economic environment. The current economic situation just brought to light how dysfunctional and toxic this shelter really is, it is not the source of their many problems.

Behind the scenes, James was putting together a plan to save this shelter, and I commend him for that. He put together a detailed 23-page report that ultimately led to his unfair and untimely firing. But even if they didn't fire him, they were never going to let him fix the problems at this shelter and that is the real problem here.

So what is the short-term and long-term plan for this shelter? We need to get a plan together because as you have seen, the leadership of TAF is not talking about raising wages and hiring more people, they are currently asking for more volunteers and more fosters to help solve the current crisis. Even if this helps band-aid the



current crisis somewhat, which I am for doing anything to help save these poor innocent animals, it does not solve the toxic problems that still exist today.

Thank you for your time.

Dave Schweiger  
[www.bunniesmatter.org](http://www.bunniesmatter.org)  
Bunnies Matter Rescue  
725-600-2634

Brianna Ramirez

Responed 9/27

THANK HIM FOR  
R.O. INVITE TO  
MEETING

**From:** Dave Schweiger <lvdavekath@hotmail.com>  
**Sent:** Sunday, September 25, 2022 11:52 PM  
**To:** ccdista@ClarkCountyNV.gov; ccdistb@ClarkCountyNV.gov;  
ccdista@ClarkCountyNV.gov; ccdistb@ClarkCountyNV.gov; District E CC; District F CC;  
ccdistg@ClarkCountyNV.gov; Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4  
e-newsletter; Cedric Crear; Michele Fiore; leej@cityofnorthlasvegas.com;  
blacks@cityofnorthlasvegas.com; goynesbrownp@cityofnorthlasvegas.com;  
barroni@cityofnorthlasvegas.com; Richard Cherchio  
**Subject:** Please push for an EMERGENCY MEETING regarding The Animal Foundation  
**Attachments:** Message from the staff.jpg; Note at TAF.jpg; Animal Foundation August numbers.jpg

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

A large group of dedicated, animal-loving employees at the Animal Foundation all resigned today (9/25) in protest of the pay, working conditions, being neglected and ignored, etc.

Hilarie Gray (CEO) needs to be fired immediately as she is not even close to being qualified for this important CEO position. She has no hands-on experience and has no clue about animals in general, based on the interviews I've seen and heard. Nine months after she took over the position and there are basically ZERO improvements at TAF! ANYONE qualified or hard-working could have made a difference by now but very little if anything has improved.

The board needs a major overhaul and needs representatives from the rescue community as well as the local jurisdictions need to be represented on the board. The current board needs to be 100% removed if we are ever going to fix our shelter problem in Las Vegas.

The Animal Foundation "could" be one of the best shelters in the nation but the CEO and current board of directors are stopping this from happening. The CEO and board of directors stopped ALL requests for the hiring of additional personal or raising salaries to help retain valuable employees. PLEASE CALL AN EMERGENCY MEETING NOW!

We can't allow the animals to suffer until 10/19 and beyond. We need to act NOW! The Animal Foundation violates their contract with EVERY jurisdiction everyday. It's time to put a stop to this.

Thank you for your attention to this VERY critical matter. If we aren't watching out for these innocent animals' lives, then who is??? They come here scared and terrified and they are lucky to make it out alive from this place, with 400 to 500 animals being euthanized EVERY MONTH! That is not a typo. (See attached August report)

The Animal Foundation is NOT a no-kill shelter BUT with the right changes AND funding, could be one of the best shelters in the country.

PLEASE CALL AN EMERGENCY MEETING. Every day that goes by, innocent animals are dying at the Animal Foundation.

Thank you for your time,

Dave Schweiger

[www.bunniesmatter.org](http://www.bunniesmatter.org)

Bunnies Matter Rescue

725-600-2634

## Brianna Ramirez

---

**From:** Victoria Seaman <Victoria@victoriaseaman.com>  
**Sent:** Monday, September 26, 2022 8:10 AM  
**To:** David McGowan; Brianna Ramirez  
**Subject:** [SUSPICIOUS MESSAGE] Fwd: Please be on HIGH ALERT with animal inspections at The Animal Foundation going forward

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Best regards,  
Victoria Seaman

Begin forwarded message:

**From:** Dave Schweiger <lvdavekath@hotmail.com>  
**Date:** September 26, 2022 at 6:45:46 AM PDT  
**To:** Jim Andersen <James.Andersen@clarkcountynv.gov>, Animal Protection Services Info <AnimalProtectionServicesInfo@clarkcountynv.gov>, DPS Animal Control Supervisors <DPSAnimalControlSupervisors1@lasvegasnevada.gov>, Brandi Fusch <bfusch@lasvegasnevada.gov>, Victoria Seaman <Victoria@victoriaseaman.com>  
**Subject:** **Please be on HIGH ALERT with animal inspections at The Animal Foundation going forward**

The chaos at the Animal Foundation continues with several employees resigning yesterday due to what they stated were horrible working conditions.

Please be on top of animal inspections as there is total chaos going on behind the scenes and with employees continuing to be mistreated and underpaid, it won't be long until more leave.

As you may be aware, the new COO (James Pumphrey) of TAF was fired as he was trying to fix the many problems that the CEO and the board are trying to cover up or spin for the media. Below are some items from James Pumphrey's report.

- TAF is performing 10 or fewer sterilizations a day, but demand is closer to 60 a day,
- Animals, some with serious injuries, are not provided timely medical care, treatment, or even pain management,
- Parvovirus is being spread due to poor infectious disease management,

- Euthanasia was delayed several weeks for more than 80 animals due to no technicians on staff and drugs were unavailable because “key management for drug safes was not adhered to.”
- Veterinary services were out of compliance with state regulations and unpaid invoices to radiologists limited the ability to view x-rays,
- Staff are at odds over releasing stray cats and kittens outdoors,
- Kittens were taken nightly to an emergency vet hospital for overnight feeding at a cost of \$30,000 a month and “returned each morning weighing less,”
- Staff caring for kittens “was inadequate for the volume” and resulted in “preventable suffering and deaths.”
- Highly adoptable puppies and kittens sat for days before being made available for to the public,
- Staff routinely run out of food and cat litter and “scramble to wipe out the shelves of local pet stores,”
- No formal training existed for new hires, who were “being set up to fail,”
- A backlog of voicemails and emails prevent animals from being reunited with owners, and instead adopted or euthanized “before a potential owner was contacted,”
- Animals wait hours or overnight to be processed in makeshift housing “posing a threat to animal and staff safety and health,”
- Only unhealthy or injured animals were being transferred to rescues
- 

Thank you for your attention to this urgent matter.

Dave Schweiger

[www.bunniesmatter.org](http://www.bunniesmatter.org)

725-600-2634

**Brianna Ramirez**

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**From:** Teresa Chagrin <TeresaC@peta.org>  
**Sent:** Friday, September 30, 2022 10:52 AM  
**To:** Office of the Mayor; Ward 1; Ward 2 Staff; Ward 3; Ward 4 Staff; Cedric Crear; Michele Fiore  
**Cc:** Jorge Cervantes  
**Subject:** Official from PETA RE Animal Shelter - 'No-Kill' Policies, Dangerous and Inhumane  
**Attachments:** image003.jpg; 2019-04-19\_CVMA Statement\_CO Veterinary Leaders Approve SCS, Oppose NK.pdf; 2016-05-16\_Editorial - It's Time for Jody Jones to Go.pdf; Socially Conscious Animal Sheltering.pdf; PETA Letter RE TAF - 'No-Kill' Policies, Dangerous and Inhumane.pdf

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September 30, 2022

The Honorable Carolyn G. Goodman, Mayor of Las Vegas  
Members of the Las Vegas City Council

Dear Mayor Goodman and Council Members:

I hope you're well. I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) in response to recent news reports that have included photos and descriptions of crowded, unhealthy, and inhumane conditions at the city's animal shelter, operated through a contract with The Animal Foundation (TAF). Councilmember Victoria Seaman, who recently visited the facility, reportedly described what she saw as "a horrific sight,"<sup>[1]</sup> and an outgoing leader at TAF alleged that animals are often warehoused without adequate veterinary care, among other cruel—and likely illegal—practices. The ex-employee in question appears to push policies and practices that, if implemented, **would make matters even worse** for the community's animals and tax-paying residents. **We urge you to take immediate action to ensure the implementation of safe, humane policies and practices at the facility, which houses animals who are in the city's legal custody.**

The conditions described at TAF are commonly the result of "no-kill" policies, which result in unintended consequences that endanger humans and other animals alike. Your community certainly isn't alone—these consequences are being seen at animal shelters across the country that have implemented policies designed to "save" one thing only: statistics. **Just a few recent news reports exposing the predictable consequences of these policies include the following.**

- California: "[Exclusive: Shelter Dog Caged for Weeks Without Walks Bites Volunteer](#)"
- Florida: "[Broward Police Say County Animal Shelter Is Refusing to Take in Dogs They Rescue](#)"
- Florida: "[County Animal Shelters Suggest Leaving Stray Pets on the Street](#)"
- New York: "[Protestors Demand Rochester Animal Shelter Takes in Stray, Homeless Animals](#)"
- Texas: "[Overcrowding Crisis Forces Austin Animal Center to Stop Accepting More Pets](#)"
- Texas: "[PETA Statement: Austin's 'Slow-Kill' Policy Will Hurt Strays](#)"
- Texas: "[Protesters Asked El Paso Leaders for Better Care for Abandoned Animals in the City](#)"
- Texas: "[GRAPHIC: Leaked Photos Show How Disgusting San Angelo's Animal Shelter Has Become](#)" (The city announced that it was "no-kill" last year: "[City Animal Services Says San Angelo Is an Official No-Kill Community.](#)")
- Wisconsin: "[Viral Photo of Abandoned Dog Shows Why Open-Admission Shelters Are Vital](#)"

In 2019, the Colorado Veterinary Medical Association issued a statement opposing “no-kill” policies and supporting a socially conscious sheltering model. The statement (attached) explains the following.

**The no-kill movement increases animal suffering and threatens public health with unintended consequences:**

- Animals in need are turned away from shelters because shelters are not able to meet required live release rates if they are admitted.
- Animals languish in cages until they die to avoid euthanasia.
- Dangerous dogs are placed in the community or remain indefinitely in shelters because of release requirements. [As you may be aware, in 2018, just days after he was adopted from TAF, a dog killed his new owner.]
- Shelters can no longer accept lost or homeless animals from the community because cages are full of behaviorally or medically-challenged animals who cannot be placed in homes.
- Animal welfare is at risk because shelters are beyond capacity-of-care.<sup>[2]</sup> [*Emphasis added.*]

The statement was issued “after a no-kill organization running an animal shelter in Pueblo relinquished its license amid a state investigation into shelter conditions and high number of animal deaths.”<sup>[3]</sup>

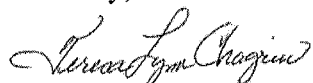
Common policies and schemes used to increase “live release” rates at shelters that boast “no-kill” policies include turning away animals from partially and fully taxpayer-funded sheltering facilities and telling residents to leave homeless and stray cats and dogs to fend for themselves on the streets. The results pose potential liability issues for local governments, and for many animals and sometimes humans, they can be deadly. For example, after a woman was killed by a pack of roaming dogs in Dallas, DallasNews.com opined that the director of animal services there “focused on the shelter’s live release rate—that is, the number of dogs [who] make it out alive—to the exclusion of common sense,”<sup>[4]</sup> leaving animals on the streets, where they were suffering and attacking people, instead of risking an increase in the shelter’s euthanasia statistics.

The tenets of the **socially conscious sheltering** model have been embraced by Suncoast Humane Society in Florida, Monadnock Humane Society in New Hampshire, and several high-profile shelters in California as well as by county resolutions in Los Angeles County, California, and Davis County, Utah, among others. They are detailed in the attached factsheet, “Socially Conscious Animal Sheltering: A Humane, Responsible Approach.”

Recently, elected officials in Sumter County, Florida, scrapped the county shelter’s “no-kill” policies in favor of a socially conscious sheltering model. Commissioners called the “no-kill” plan a “failure” and a “disaster.” We hope Las Vegas will require its contracted animal shelter to embrace a socially conscious sheltering model that strives to protect animals and promote public safety. Please let me know if PETA can help.

Thank you for all your hard work for Las Vegas’ residents. We hope to hear from you soon.

Sincerely,



Teresa Chagrin  
Animal Care and Control Issues Manager  
Cruelty Investigations Department  
443-320-1277  
[TeresaC@peta.org](mailto:TeresaC@peta.org)

**Attachments**

- Katie Kethcart, “Colorado Veterinary Leaders Approve Statement Supporting the Socially Conscious Animal Communities and Opposing the No-Kill Movement in Animal Welfare”
- DallasNews.com, “Editorial: It’s Time for Dallas Animal Services Chief Jody Jones to Go”
- PETA, “Socially Conscious Animal Sheltering: A Humane, Responsible Approach”

cc: Jorge Cervantes, City Manager ([jcervantes@lasvegasnevada.gov](mailto:jcervantes@lasvegasnevada.gov))

<sup>[1]</sup>Joe Vigil, “Las Vegas City Council Member Says She Saw ‘Horrible’ Conditions After Surprise Inspection of the Animal Foundation,” FOX5Vegas.com, September 12, 2022, <https://www.fox5vegas.com/2022/09/13/las-vegas-city-council-member-says-she-saw-horrible-conditions-after-surprise-inspection-animal-foundation/>

<sup>[2]</sup>Katie Kethcart, “Colorado Veterinary Leaders Approve Statement Supporting the Socially Conscious Animal Communities and Opposing the No-Kill Movement in Animal Welfare,” <https://us01.lantigena.com/l/sSz5JiVtDp0sxzM8qq749yL8-y2Epn51g8~2IsLxhF7zeuuFu2fbPq4FJGhiQADCLZX4IZtxnxM9kci1LdD8n~XE-P3f-iW7oqTN98rldZBk4cyNx6> , April 9, 2019 (attached).

<sup>[3]</sup>*Ibid.*

<sup>[4]</sup>DallasNews.com, “Editorial: It’s Time for Dallas Animal Services Chief Jody Jones to Go,” May 16, 2016 (attached).

<sup>[1]</sup>Joe Vigil, “Las Vegas City Council Member Says She Saw ‘Horrible’ Conditions After Surprise Inspection of the Animal Foundation,” FOX5Vegas.com, September 12, 2022, <https://www.fox5vegas.com/2022/09/13/las-vegas-city-council-member-says-she-saw-horrible-conditions-after-surprise-inspection-animal-foundation/>

<sup>[2]</sup>Katie Kethcart, “Colorado Veterinary Leaders Approve Statement Supporting the Socially Conscious Animal Communities and Opposing the No-Kill Movement in Animal Welfare,” <https://us01.lantigena.com/l/sSz5JiVtDp0sxzM8qq749yL8-y2Epn51g8~2IsLxhF7zeuuFu2fbPq4FJGhiQADCLZX4IZtxnxM9kci1LdD8n~XE-P3f-iW7oqTN98rldZBk4cyNx6> , April 9, 2019 (attached).

<sup>[3]</sup>*Ibid.*

<sup>[4]</sup>DallasNews.com, “Editorial: It’s Time for Dallas Animal Services Chief Jody Jones to Go,” May 16, 2016 (attached).



## David Wray

---

**From:** Val <avidliteraryworm007@gmail.com>  
**Sent:** Wednesday, September 28, 2022 12:06 PM  
**To:** Office of the Mayor  
**Cc:** Jorge Cervantes; Tom Perrigo; Gary Ameling; Ward 1; Ward 2 Staff; Ward 3; Ward 4 Staff; Cedric Crear; Michele Fiore  
**Subject:** THE ANIMAL FOUNDATION IS IN CRISIS PLEASE DO SOMETHING  
**Attachments:** Progress-Report-on-Shelter-Assessment-Key-Observations-and-Further-Recommendations\_-.pdf; TAF resignation letter.jpg

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The PR stunt at The Animal Foundation (TAF) was very disingenuous to the animal rescue community. We were very disappointed to see that only the media and certain elected officials were invited. The shelter belongs to the community and we want to be part of the solution. We have been begging for a town hall of some sort where the community could directly express their concerns and possible solutions to the ongoing issues at the shelter to The Animal Foundation leadership.

The problem isn't that there aren't enough volunteers or fosters at The Animal Foundation, the problem is that you have a CEO and a board that fired the COO James one of the few people who actually had hands on rescue experience and could have fixed this sinking ship because he wanted to retain and hire new staff and implement new effective policies and procedures to fix the MANY MANY PROBLEM at The Animal Foundation.

While the current economic conditions have increased the surrender rates across the country, that is NOT the reason that The Animal Foundation is in turmoil and to try and blame it on that is a lie. We cannot volunteer or foster our way out of systemic issues caused by poor leadership.

Please read the attached report by former COO James Pumphrey where he details some of the same issues the 8 staff members who resigned on 9/25 listed in their resignation letter.

Please read the attached resignation letter the 8 staff members submitted which they shared with the media and many rescue organizations. Where they state they asked for help on numerous occasions but were ignored.

The CEO said in an interview she would address the pay gap issues at The Animal Foundation. The year is almost over and the CEO and board members are making over 200,000 while the workers are still making \$12/\$13 an hour. The CEO was asked again at the press conference if she would address the pay gap issue and she gave the same response she did months ago.

The current CEO is completely out of touch with her staff and the rescue community. It took an entire department to walk out for her to hold a press conference and ask for help. She was never the right choice. She is not even close to being qualified for the position as someone who comes from a marketing background with zero hands-on experience when it comes to animal rescue or running a shelter.

- TAF is performing 10 or fewer sterilizations a day, but demand is closer to 60 a day,

- Animals, some with serious injuries, are not provided timely medical care, treatment, or even pain management,
- Parvovirus is being spread due to poor infectious disease management,
- Euthanasia was delayed several weeks for more than 80 animals due to no technicians on staff and drugs were unavailable because “key management for drug safes was not adhered to.”
- Veterinary services were out of compliance with state regulations and unpaid invoices to radiologists limited the ability to view x-rays,
- Staff are at odds over releasing stray cats and kittens outdoors,
- Kittens were taken nightly to an emergency vet hospital for overnight feeding at a cost of \$30,000 a month and “returned each morning weighing less,”
- Staff caring for kittens “was inadequate for the volume” and resulted in “preventable suffering and deaths.”
- Highly adoptable puppies and kittens sat for days before being made available for to the public,
- Staff routinely run out of food and cat litter and “scramble to wipe out the shelves of local pet stores,”
- No formal training existed for new hires, who were “being set up to fail,”
- A backlog of voicemails and emails prevent animals from being reunited with owners, and instead adopted or euthanized “before a potential owner was contacted,”
- Animals wait hours or overnight to be processed in makeshift housing “posing a threat to animal and staff safety and health,”
- Only unhealthy or injured animals were being transferred to rescues,

<https://www.ktnv.com/13-investigates/former-animal-foundation-coo-says-prior-warnings-of-crisis-at-shelter-fell-on-deaf-ears>

<https://www.nevadacurrent.com/2022/09/21/report-animal-foundation-on-the-brink-of-a-crisis/>

## City of Las Vegas Ward 2

**First Name:** Charmaine  
**Last Name:** Yates  
**Address:** Henderson  
**Email:**  
**Home Phone:** \_\_\_\_\_ **Cell Phone:** 702-435-0079

### For Staff Use Below:

<b>Contact Date:</b>	9/14
<b>Contact Time:</b>	3:04 pm
<b>Issue:</b>	Supports CW w/TAF & will help CW if needed w/issue
<b>Overview:</b>	<del>WONDERFUL LADY</del> JUST WANTED TO PRAISE CW.
<b>Follow-up Needed?</b>	

## City of Las Vegas Ward 2

**First Name:** Sheila  
**Last Name:** Vargha  
**Address:** \_\_\_\_\_  
**Email:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Cell Phone:** (702) 524-6205

### For Staff Use Below:

<b>Contact Date:</b>	9/22/2022
<b>Contact Time:</b>	3:35 PM
<b>Issue:</b>	Wants to attend "mtg" for TAF & needs to know time. Going to bring friends.
<b>Overview:</b>	LEFT VM
<b>Follow-up Needed?</b>	Call back when we receive agenda

CA

**Brianna Ramirez**

---

**From:** Sherri L. Wilson- <sherrilwilson13@gmail.com>  
**Sent:** Thursday, September 29, 2022 10:52 AM  
**To:** Ward 2 Staff  
**Subject:** Fwd: City CONTRACTED ANIMAL SHELTER WILL KILL 300 BY THIS WEEKENDTIME IS OF THE ESSENCE 300 dogs will die by friday, Ceo of city contracted shelter is in breach of said contract and breaking City Laws right n left, with no repercussions. SHE, CEO, COO...

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----- Forwarded message -----

**From: Sherri L. Wilson-** <sherrilwilson13@gmail.com>  
**Date:** Thu, Sep 29, 2022, 10:50 AM  
**Subject:** Fwd: City CONTRACTED ANIMAL SHELTER WILL KILL 300 BY THIS WEEKENDTIME IS OF THE ESSENCE 300 dogs will die by friday, Ceo of city contracted shelter is in breach of said contract and breaking City Laws right n left, with no repercussions. SHE, CEO, COO, WHOMEVER, is threatening a mass killing of 300 dogs by this weekend, that's tomorrow Please please pull her out of there asap, theres plenty of helpers and overseers who would set both owners, adopted pets, and new adopted parents up for success, not failure. for temp til new shelter a no kill shelter, is up and running. please do not let another animal, a owned n loved and owner trying to claim their animal, die , or a perfectly wonderful animal, die without knowing love and a kind hand, please stop her abuse and her take her position of terror away. , shes probably has them lined up and bingo dotting their bodies with the mark of death. as I type. please have the UNLUCKY 300, BECOME THE LUCKY 300, 1ST ANIMALS OF  
**To:** <ward1@lasvegasnevada.gov>

----- Forwarded message -----

**From: Sherri L. Wilson-** <sherrilwilson13@gmail.com>  
**Date:** Thu, Sep 29, 2022, 10:39 AM  
**Subject:** City CONTRACTED ANIMAL SHELTER WILL KILL 300 BY THIS WEEKENDTIME IS OF THE ESSENCE 300 dogs will die by friday, Ceo of city contracted shelter is in breach of said contract and breaking City Laws right n left, with no repercussions. SHE, CEO, COO, WHOMEVER, is threatening a mass killing of 300 dogs by this weekend, that's tomorrow Please please pull her out of there asap, theres plenty of helpers and overseers who would set both owners, adopted pets, and new adopted parents up for success, not failure. for temp til new shelter a no kill shelter, is up and running. please do not let another animal, a owned n loved and owner trying to claim their animal, die , or a perfectly wonderful animal, die without knowing love and a kind hand, please stop her abuse and her take her position of terror away. , shes probably has them lined up and bingo dotting their bodies with the mark of death. as I type. please have the UNLUCKY 300, BECOME THE LUCKY 300, 1ST ANIMALS of the 1st Las Vegas No kill Shelter. ty SLW.

[https://m.facebook.com/story.php?story\\_fbid=pfbid02qg6yePv2Rpc5QEnHfPrYDNSyCYWbs16n55B6UB6nSBH733rWrg1uaU378C7CXdf8l&id=1060693374&sfnsn=mo](https://m.facebook.com/story.php?story_fbid=pfbid02qg6yePv2Rpc5QEnHfPrYDNSyCYWbs16n55B6UB6nSBH733rWrg1uaU378C7CXdf8l&id=1060693374&sfnsn=mo)