

ORIGINAL

IN THE COUNTY COURT, THIRD JUDICIAL CIRCUIT
IN AND FOR MADISON COUNTY, FLORIDA

The Hon. BEN STEWART, in his
official capacity as the Sheriff
of Madison County, Florida,

Petitioner,

vs.

CASE NO.: 2012-25-CC

CABOODLE RANCH, INC.,
a Florida not-for-profit corporation,
CRAIG A. GRANT, a/k/a CRAIG GRANT,
individually, and NANNETTE ENTRIEN,
a/k/a NANETTE ENTRIEN, individually,

Respondents.

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EXCERPT of PROCEEDINGS before the Honorable
Gregory S. Parker, **FRIDAY, MAY 4TH, 2012**, commencing
at 9:00 a.m., and concluding at 4:00 p.m., taken at
the Madison County Courthouse, Second Floor Courtroom,
125 Southwest Range Avenue, Madison, Florida, before
Sonia Byrd Garden, Court Reporter and Notary Public in
and for the State of Florida at Large.

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

GEORGE T. REEVES, ESQUIRE
Post Office Drawer 652
Madison, Florida 32341
APPEARING ON BEHALF OF THE
PETITIONER;

DAVID W. COLLINS, ESQUIRE
310 North Jefferson Street
Post Office Box 541
Monticello, Florida 32345
APPEARING ON BEHALF OF THE
RESPONDENT/CRAIG A. GRANT.

I N D E XWITNESS:PAGE

DR. LEWIS

Cross-Examination by Mr. Reeves 4

CERTIFICATE 20

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E X H I B I T SPETITIONER'S:REC'D

No. 18 14

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REPORTER'S KEY TO PUNCTUATION:

-- At end of question or answer references
interruption.

... References trailing off of speaker.

"Uh-huh" References an affirmative sound.

"Un-unh" References a negative sound.

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PROCEEDINGS

May 4th, 2012

9:00 a.m.

* * *

DR. JOHN LEWIS,

was called as a witness on behalf of the Respondent/
Craig Grant, and after having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. COLLINS:

* * *

THE COURT: Mr. Reeves, are you ready for
cross-examination?

MR. REEVES: Yes, Your Honor.

May I proceed, Your Honor.

THE COURT: You may.

CROSS-EXAMINATION

BY MR. REEVES:

Q Dr. Lewis, you've brought up a stack of
records that Mr. Collins has been referring to.

A Yes.

Q And you may need to refer to those records.
Can you give me the number of cats that are
shown in those records?

How many cats do you have records of?

A I do not know off the top of my head. we

1 would have to make a count from my list.

2 Q Could you look at your records and tell us.

3 THE COURT: If you want to use that table
4 there, that's fine.

5 Q And, actually -- do you have to physically go
6 through and count how many?

7 A We'll have to physically go through and count
8 them.

9 Q Do you have an estimate of how many you have
10 between this and this, or something like that?

11 A You know, I would say there's probably, 40 or
12 50 here in this. Those are the deceased ones. The
13 dogs, I think there's two dogs.

14 And this is the herd file. So it's really
15 just all one herd file. And these would be, you know,
16 individual ones. No. 1, 2, 3, 4, 5, 6, you know, so,
17 you're probably -- 60 or 80 dead cats there.

18 And another stack there. It may be a little
19 thicker. It may be 100.

20 Q So, less than 200 for all total?

21 A Yes. Yes, I would say that's probably about
22 right: 200.

23 Q Dr. Lewis, do you know whether all of those
24 cats that you have records for whether or not they
25 were spayed and neutered?

1 A Most of the -- the requirements were that
2 they were to be spayed and neutered before they came.
3 When we came across one that wasn't, we would normally
4 do that if its medical -- medical condition allowed
5 it.

6 So, we did do some spayeds and neutering, but
7 most of them were supposed to come already spayed and
8 neutered.

9 Q All right. Dr. -- Dr. Lewis, do you know who
10 Dr. Levy is? Dr. Julia Levy?

11 A Yes.

12 Q And how did you come to know who Dr. Levy is?

13 A She came up and did a -- a study there at the
14 ranch. I think, maybe, from '09, or three years ago,
15 or something like that, and sent me a copy of her
16 report.

17 Q That was my next question: Do you recall
18 getting a copy of her report?

19 A Yes, I do.

20 Q Do you recall whether or not you did a letter
21 in response to that report?

22 Or about that report?

23 A I do not recall giving one back to her, but I
24 believe I did call and talk to her on the phone.

25 Q Did you disagree with anything in that

1 report?

2 Or do you recall disagreeing with it?

3 MR. COLLINS: Your Honor, I would ask that he
4 show him the report before he asks him that
5 question. Otherwise it's speculation.

6 MR. REEVES: Your Honor, I can ask him what
7 the report says?

8 MR. COLLINS: He was asking him without it.

9 THE COURT: well, it's overruled.

10 A I don't really recall disagreeing with it.
11 The thing I do remember most about it is that both the
12 well cats and the sick cats were all harboring similar
13 abodes.

14 Q I'm not following that.

15 A They -- they did testing, swabs of the cats'
16 nasal oral cavities, and of some of the well cats that
17 weren't sick and some of the sick ones.

18 And then the well cats were also carrying the
19 same bugs as the sick cats.

20 Q Okay. So, does that mean the well cats
21 weren't really well? Or does that mean the test was
22 wrong? Or is that something --

23 A well, that means that cats are often
24 symptomatic carriers of these diseases, and so when
25 they're stressed, they become ill. They carry the bug

1 around.

2 It's very similar to staff infection in
3 humans. You don't get the staff at the hospital:
4 You're carrying the staff, and when you become
5 stressed or ill, you come down with staff.

6 Q Now, over the years --

7 A Now, that doesn't mean that they couldn't
8 spread it, you know, spread it to other cats that
9 didn't have it. But there was a sizeable amount of
10 disease already present at that time.

11 MR. REEVES: Your Honor, may I approach.

12 THE COURT: You may.

13 MR. REEVES: And, Your Honor, I believe this
14 is Petitioner's 18.

15 THE WITNESS: Yes, I remember this was --

16 MR. REEVES: Wait a second. We've got to get
17 it marked. I'm sorry.

18 THE COURT: I'm looking -- I've got all of
19 that out of order, so I'm not quite sure what the
20 last one was. But that sounds about right. We
21 had 16, and we had -- it's either 17 or 18.

22 I'm showing the last one was 16, but in an
23 abundance of caution, we'll call it 18. That's
24 fine with me.

25 MR. REEVES: Yes, I'll call it Petitioner's

1 18.

2 THE COURT: All right.

3 BY MR. REEVES:

4 Q Dr. Lewis, have you ever seen Petitioner's 18
5 before?

6 A (The witness nods head.)

7 Q Yes?

8 A Yes.

9 Q And what is that?

10 A This is a letter that I wrote to Craig after
11 Dr. Levy's visit, and after we did some blood work on
12 some cats in trying to get started on improving the
13 facilities.

14 Q Now, I would just like to call your attention
15 to the bottom of the page.

16 A Uh-huh.

17 Q And you list out problems there: No. 1,
18 ear mites, fleas.

19 Do you see that?

20 A Yes, sir.

21 Q And was it your opinion that those were
22 problems at the ranch at that time?

23 A Yes.

24 Q I would ask you to look at the next page.
25 And it says, "(b) action plan."

1 A Uh-huh.

2 Q Does this show the action plan you were
3 recommending?

4 A Yes.

5 Q And I want to draw your attention to 1(a),
6 and can you read that for the Court.

7 A You want me to read it?

8 Q Yes, sir.

9 A Action plan 1(a): "No new cats admitted."

10 Q By that, were you recommending that Mr. Grant
11 cease accepting new cats?

12 A Yes, we were.

13 Q Did Mr. Grant in fact comply with that
14 recommendation?

15 A He did for a while.

16 Q Has he since?

17 A No.

18 Q Okay. And, in fact, at the time, at the time
19 of this, did you have any idea of how many cats were
20 at the facility?

21 A No, I did not.

22 Q At the time -- you said at the time of the
23 seizure, did you have an estimate, like you gave the
24 estimate to Mr. Collins, about the number of cats?

25 A We were thinking 400 at that time.

1 Q So, if it had turned out, in fact, 650 cats,
2 if Mr. Grant had new -- I mean, 650 cats that were
3 seized, he must have taken a significant number of new
4 cats, hadn't he?

5 A It would appear so.

6 Q Now, I'd like to go down to No. -- to (b).
7 Can you read that for the Court.

8 A "All sick cats with respiratory problems or
9 serious debilitation should be euthanized and removed
10 from the herd."

11 Q Did Mr. Grant in fact do that?

12 A We did euthanize some, but we did not do all
13 of them.

14 Q Now, I would like to look at (e). And (e)
15 has a list of things that were listed, and I'd rather
16 go down each one.

17 If you could, look at that list and see if
18 Mr. Grant did each and every one of those.

19 A We made several upgrades to the fence, that
20 was No. 1. No. 2 was the pond with the standing
21 water; that was taken care of fairly early on. A
22 feeding station where we could trap them; that was not
23 done, and he used the buildings as a stop gap for
24 that.

25 we had problems with No. 4, keeping cats in

1 -- from coming in and out of the sick ward. We did
2 put new pervious surfaces, No. 5, on the inside of the
3 walls, but the facility still was scheduled to be
4 replaced.

5 Now, No. 6, the soft sandboxes; that was done
6 early on. No. 7, the animal I.D.; we did establish a
7 system of collars. That was not really satisfactory
8 but it helped, and it would be microchipping was the
9 route we were going with.

10 We did do No. 8, the indoor storage room. I
11 think he kind of set up a little storage container for
12 that.

13 Q Well, what's the -- for lack of a better
14 term, what's the big deal with having them identified
15 where you can make sure which cat is which?

16 A Well, it made us keeping records easier
17 because we could easily identify them with the
18 microchip. We could also determine when they had been
19 vaccinated last.

20 Because they were all supposed to be
21 vaccinated when they came in, but after they've been
22 there a year, they were scheduled to be boosted on
23 their vaccinations.

24 It would also allow us to track if he had
25 problems coming from a specific area or a donation

1 that maybe these cats didn't get what they were
2 supposed to have. Now --

3 Q Dr. -- I'm sorry. Go ahead.

4 A -- that's the bulk of it there.

5 Q Now, the records that you have here, I think
6 we've estimated, or I think you estimated -- correct
7 me if I'm wrong -- less than 200?

8 A A couple of hundred, yes.

9 Q Now, are there any other records that
10 identify these cats, that you know of?

11 A well, the stack of deleted ones, they are
12 dead ones, so.

13 Q Live cats?

14 A Those are live cats, yes.

15 Q That's it. Okay.

16 A well, we do have one under the herd issues.
17 when we went and vaccinated them, we listed them
18 individually on a sheet of paper. Some of those may
19 be duplicates from these that were named.

20 So, we were in the process of converting from
21 naming them -- Tommy, Patches, Fluffy, Fang -- to No.
22 832794, right down the line.

23 Q I'm not asking you to do it, but is it
24 possible to collate the two lists to say that a cat
25 listed in this stack is the same cat that got

1 vaccinated?

2 Is there a way to do that?

3 A Only if they were previously microchipped,
4 and we had read that microchip. And when we went to
5 vaccinate them, we'd also -- or we would check to see
6 for a microchip. Those that were already
7 microchipped, we put that microchip in rather than
8 giving them a new one.

9 Q Now, I think you testified to Mr. Collins --
10 MR. REEVES: Oh, I'm sorry. We would like to
11 move, Your Honor, move Petitioner's 18 into
12 evidence, please.

13 THE COURT: You're on cross. Is there any
14 objection to that?

15 MR. COLLINS: Judge, it is kind of improper,
16 but I don't care.

17 THE COURT: Okay. If not then, I'll stop
18 there and admit it without objection.

19 (Petitioner's Exhibit No. 18 was admitted
20 into evidence.)

21 THE WITNESS: You know, I would say that we
22 had real good luck with the first five on the list
23 when we put the cats, all of the cats, on
24 Revolution, and they -- that has not been a form
25 of concern. The majority has mostly cleared up.

1 BY MR. REEVES:

2 Q Now, I think you testified to -- in response
3 to Mr. Collins', that during the last -- some amount
4 of time before the seizure of the cats, that you had
5 been working with Mr. Grant trying to comply with the
6 County's Excess Animal Habitat?

7 A That's correct. It was scheduled to go into
8 effect January 1st and then it was postponed. At the
9 implementation of Mr. Grant, it was postponed by the
10 graciousness of the county commissioners and the
11 authorities while we were trying to do this work.

12 Q Now, you've got files there for 200 cats.
13 Was it -- and the deadline was when, in
14 March?

15 A The original deadline, I think, was January
16 1st; and then we got an extension until the first of
17 February or so, and then it was extended to March.

18 Q Okay. Do you know what day in March?

19 A No, I don't. Not at this time. I may have
20 it in my appointment calendar, but I don't recall.

21 Q Was it going to be possible to get all of the
22 cats microchipped and vaccinated and spayed and meet
23 the other requirements of that ordinance by the
24 deadline if you only had records for 200 cats, and the
25 total number of cats were over 650?

1 was that really going to be possible to do
2 that?

3 A well, we --

4 MR. COLLINS: Your Honor, I object. If he
5 can answer it, fine. But that's about four
6 questions in one. That's called a compound
7 question.

8 THE COURT: I agree. It's sustained.
9 why don't you re-ask it.

10 BY MR. REEVES:

11 Q Do you understand, assuming that there were
12 650 cats on the property --

13 A Right.

14 Q -- that had to be dealt with, would it have
15 been possible to have met all of the EAH -- under all
16 of the requirements of the EAH permit by the deadline
17 in March?

18 A well, at the time we undertook it, we were
19 not thinking there were 650 cats. We were thinking
20 more like 400 or 450.

21 So, we did 120 or 125 of them with the first
22 trip out there. And then we had figured on using the
23 rest of our vaccine, which would have taken us to 200
24 the following week. So, in two weeks, we were
25 expecting to have 200 of them done.

1 The thing we were concerned about is as we
2 went further with the cats that we would have more and
3 more difficulty catching the cats.

4 So, in answer to your question: we were
5 hoping to have 400 cats done in that time period.
6 I don't know that it would have been done, but we
7 would have been substantially done.

8 I had kind of thought if we demonstrate that
9 we had 300 or 350 of them done, I think they would
10 have maybe given us another month to get the rest of
11 them.

12 It was an ambitious undertaking, wasn't it?

13 Q Okay. Dr. Lewis, what's a good limit on this
14 sanctuary?

15 How many cats could Mr. Grant take, in your
16 opinion?

17 Can he take a thousand?

18 A I think it depends on -- on the amount of
19 problems that are going on. I mean, if you don't have
20 any problems, then, you know, the cats -- that's a lot
21 of cats to feed.

22 But then when you have sick cats, that's a
23 monumental time -- monumental time factor there
24 treating 20 or 30 cats a day.

25 Q And --

1 A And I don't know that I can really give you
2 an answer. I mean, I tried to find out, you know, how
3 many cats per acre could they recommend.

4 That information is available for cattle, and
5 it's available for horses, and it's available for
6 pigs, and the size of the crates and the square feet
7 is determined.

8 There are guidelines that tell you how many
9 square feet you should have in a crate. Whether it's
10 allowed 10 square feet per cat. So, if it's ten
11 square feet in a crate is okay, there's 43,000 square
12 feet an acre, so is it safe to say you can put 4,000
13 cats on an acre? I don't -- I don't think so.

14 So, I don't really know. I don't --

15 Q Well, what was -- in 2009 in your letter, you
16 recommended "no new cats."

17 So, why do you feel comfortable recommending
18 that in 2009, and today we're not comfortable setting
19 a limit?

20 A Part of the recommendation in 2009 is because
21 that's what Dr. Levy had recommended, and that's what
22 the animal control agent had recommended; and it felt
23 like that that was what we were trying to do would be
24 to get the existing respiratory problems under control
25 before we started adding new cats.

1 The -- and when I discussed this with Craig,
2 his problem is: He can't get donations unless he
3 takes in new cats.

4 So, it was a "Catch-22" situation. without
5 the donations, we couldn't do the other stuff; without
6 the new cats, you couldn't get the donations.

7 Q So, even -- if he'd had adequate funding, he
8 could have increased the care for the cats?

9 A I think so.

10 Q Do you have any first-hand knowledge of the
11 kind of funding that Mr. Grant had?

12 A No, I do not.

13 MR. REEVES: Nothing further, Your Honor.

14 THE COURT: Redirect?

15 * * *

16 (Proceedings concluded at 4:00 p.m.)

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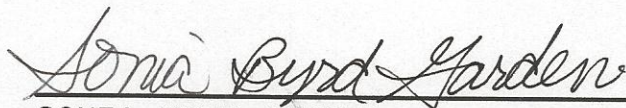
C E R T I F I C A T E

STATE OF FLORIDA)
)
COUNTY OF LAFAYETTE)

I, SONIA BYRD GARDEN, do hereby certify that I was authorized to and did stenographically report the proceedings, and that the foregoing transcript pages 1 through 19 is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

WITNESS my hand and official seal this
14th day of JUNE, 2012 at Mayo, Lafayette County,
Florida.


SONIA BYRD GARDEN
Notary Public - State of Florida
COMMISSION #DD945552
EXPIRES: February 26, 2014

