

IN RE: PETITION TO APPOINT A SPECIAL	)	
PROSECUTOR TO COMMENCE	)	Case No. 2024JD000001
PROSECUTION OF RIDGLAN	)	
FARMS	)	POST-HEARING BRIEF
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POST-HEARING BRIEF

In an evidentiary hearing on October 23, 2024, Petitioners Dane4Dogs, Alliance for Animals, and Wayne Hsiung presented evidence that Ridgland Farms committed animal cruelty and that the Dane County District Attorney refused to prosecute. Accordingly, Petitioners now move the Court to appoint a special prosecutor to commence prosecution of Ridgland Farms.

Wisconsin Statute § 968.02(3) provides: “If a district attorney refuses or is unavailable to issue a complaint, a circuit judge may permit the filing of a complaint, if the judge finds there is probable cause to believe that the person to be charged has committed an offense after conducting a hearing.” Thus, Petitioners must show that: (1) the Dane County District Attorney’s Office has refused to prosecute Ridgland; and (2) there is probable cause to believe that Ridgland has committed a criminal offense. As set out below, Petitioners have met both prongs. Despite six years of repeated efforts, including sharing the evidence provided to this Court, the District Attorney has refused to even open an investigation into Ridgland. And the evidence of animal cruelty at Ridgland far surpasses the probable cause threshold, as testimony from former employees, government inspection reports, and footage from inside the facility amply

demonstrate conditions and practices that inflict unnecessary, excessive, and unlawful suffering on dogs.

I. The Dane County District Attorney Has Refused to Prosecute Ridglan Farms

a. The Meaning of “Refusal”

The Wisconsin Supreme Court addressed the meaning of “refuse” in § 968.02(3) in *State ex rel. Kalal v. Circuit Court for Dane County*. 271 Wis. 2d 633 (2004). The Court adopted the standard dictionary definition of “refuse” as “[t]o indicate unwillingness to do, accept, give, or allow.” *Id.* at 668 (quoting *The American Heritage Dictionary of the English Language* 1519 (3d ed. 1992)). “Refusal” thus “involves a decision to reject a certain choice or course of action.” *Id.*

The crucial question is what evidence is necessary to show a decision to reject prosecution. On this, too, the Court provided guidance: “[A] refusal under this statute may be proven directly or circumstantially, by inferences reasonably drawn from words and conduct. Thus, a refusal . . . can be indirect and inferred, as in a long silence or period of inaction that, under the totality of circumstances, gives rise to a reasonable inference that the district attorney intends not to act.” *Id.* at 668-69.

Crucially, a refusal does not require “an explicit statement of refusal from the district attorney.” *Id.* at 669. Indeed, requiring an explicit statement would be “contrary to and could defeat the purpose of the statute. The district attorney could block the use of Wis. Stat. § 968.02(3) by simply responding to the complainant in vague and uncertain terms.” *Id.* at 670. Because the purpose of the statute is to hold the district attorney accountable, the court need not take his word at face value but is empowered to make a contextual judgment of whether he refused or not.

Finally, it is worth briefly addressing the role of a “referral” in the refusal determination. At a hearing on September 12, 2024, District Attorney Ozanne stated that he had never received a referral. But there are a number of issues with this claim. First, as discussed at length below, Mr. Ozanne has received *several* referrals, including, most recently, a criminal referral from a former federal prosecutor, attached to the initial Petition as Exhibit I.

If Mr. Ozanne meant that he never received a referral from a local law enforcement agency, then it is unclear why such a referral is necessary. *Nothing in § 968.02(3) or any other statute or case requires a law enforcement referral before a district attorney can commence a prosecution.* Moreover, accepting Mr. Ozanne’s apparent referral requirement would undermine § 968.02(3) by allowing law enforcement and the District Attorney to escape accountability by simply refusing to issue a referral despite evidence of a crime.¹

b. The Evidence of Refusal

There is overwhelming evidence that the District Attorney has refused to prosecute Ridgland. The District Attorney’s Office was first made aware of criminal activity at Ridgland *six years ago*. Petitioners have gone well beyond what is ordinarily required to show refusal, including sending multiple complaints to the District Attorney’s Office; attempting to meet with members of the Office, including actually meeting with Mr. Ozanne and an investigator; and sharing evidence of criminal activity with other law enforcement agencies, such as the Sheriff

¹ To make matters worse, Petitioners shared evidence of criminal activity at Ridgland with the Sheriff in addition to the District Attorney’s Office. *See* Ex. 20. Permitting Mr. Ozanne to avoid accountability because he never received a referral specifically from local law enforcement would validate a problematic catch-22: the District Attorney’s Office can claim it only prosecutes crimes if the Sheriff conducts an investigation, and the Sheriff can claim that he only conducts an investigation if the District Attorney’s Office will prosecute. This impossible situation allows both parties to disclaim responsibility for enforcing the law—precisely what § 968.02(3) is meant to protect against.

and animal control. Despite these efforts and despite being well aware of the cruelty unfolding at Ridgland, the District Attorney has refused to even open an investigation.²

At the evidentiary hearing, Mr. Hsiung testified about the following attempts to get the District Attorney to open an investigation into Ridgland:

- In May 2018, a Pulitzer Prize-winning journalist published a widely read feature-length article on the deplorable conditions at Ridgland, using footage obtained by Mr. Hsiung and others during a 2017 investigation.³ Immediately after the article's publication, in May of 2018, a member of Mr. Hsiung's organization contacted the Dane County District Attorney's Office, the Dane County Sheriff, and Dane County Animal Control. The agencies were called to request an investigation, to inform them of the news article, and to offer additional evidence. Mr. Hsiung and his fellow activists never received a response.
- In October of 2022, The Animal Law Firm, an independent law firm with expertise in animal law, submitted a complaint to Animal Control, the Sheriff, and the District Attorney's Office and requested that criminal charges be filed against Ridgland. A copy of the complaint was attached to the First Amended Petition for the Filing of a Criminal Complaint (hereinafter "Petition") as Exhibit F. They never received a response.
- In May of 2023, a law clerk working with Mr. Hsiung submitted a follow-up complaint to the District Attorney's Office. The complaint again included evidence from the 2017 investigation into Ridgland, now supplemented with recent government inspection reports

² It is worth noting that despite all of these interactions with the District Attorney's Office—including an in-person meeting with Mr. Ozanne himself—at no point did he inform Petitioners that he would only prosecute upon referral by law enforcement.

³ Some of the footage was played during the hearing and admitted as Exhibits 6-13.

corroborating the investigation. A copy of the complaint was attached to the Petition as Exhibit G. They never received a response.

- In March of 2024, Mr. Hsiung provided additional evidence of animal cruelty to the District Attorney's Office, Sheriff, and Animal Control, including reports from former employees of surgical mutilations at Ridgland. Mr. Hsiung called and emailed the agencies and also filed a complaint through the Sheriff's online portal. He did not receive a response.
- On March 18, 2024, Mr. Hsiung visited the District Attorney's Office, Sheriff's Office, and Animal Control in-person and delivered a complaint and a criminal referral from a former federal prosecutor with expertise in animal cases. The complaint was attached to the Petition as Exhibit H, and the referral was attached as Exhibit I. Exhibit 20, admitted during the hearing, is a video of Mr. Hsiung delivering the complaint and referral to the Sheriff's Office. In the video, Mr. Hsiung mentions that "[w]e've tried to reach out to the county sheriff a few times with some of this evidence and haven't had a lot of success." Mr. Hsiung never received a response from the District Attorney, Sheriff, or Animal Control.
- On April 18, 2024, shortly after a scheduling hearing for this matter, Mr. Hsiung and one of the undersigned attorneys, Kristin Schrank, met with District Attorney Ozanne and an investigator from his office. The meeting lasted about ten minutes, during which Mr. Hsiung presented evidence of Ridgland's criminal activity. Mr. Ozanne's only response was: "You will hear from us." Mr. Hsiung and Ms. Schrank have received no further responses from Mr. Ozanne.

- On October 22, 2024, Petitioners received the results of an open records request to the District Attorney’s Office regarding communications about Ridgland. The request revealed that the District Attorney’s Office had received 983 separate emails asking them to investigate Ridgland for animal cruelty. Petitioners are not aware of any response.

These repeated efforts, detailed in Mr. Hsiung’s testimony, indicate that Petitioners have done everything they possibly can to persuade the District Attorney to prosecute Ridgland. Indeed, Petitioners have done more—and over a longer period of time—than petitioners in any other § 968.02(3) proceeding with which Petitioners are familiar. The District Attorney has been on notice about criminal activity at Ridgland for over *six years* but has not even opened an investigation. Such sustained and willful inaction amounts to a refusal to prosecute.

II. There is Probable Cause to Believe that Ridgland Has Violated Wisconsin’s Animal Cruelty Laws.

A. Felony Violation of Wisconsin Statute § 951.02 (“Mistreating Animals”)

Wisconsin Statute § 951.02 provides: “No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.” “‘Cruel’ means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.” *Id.* § 951.01(2). If the cruel treatment results in the “mutilation” or “disfigurement” of an animal—even if that mutilation or disfigurement was not itself intended—then the violation of § 951.02 is a Class I felony. *Id.* § 951.18(1); *see also State v. Klingelhoets*, 341 Wis. 2d 432 (noting that “the final outcome of the intentional cruel treatment by the actor . . . increases the penalty exposure” but “the plain language of Wis. Stat. § 951.18(1) does not require a defendant to have intentionally mutilated, disfigured or caused an animal’s death for that defendant to be guilty of the Class I felony”).

Petitioners presented substantial evidence that Ridgland has committed felony animal cruelty by intentionally mutilating or disfiguring dogs. The elements of § 951.02 are set out by Wis JI – Criminal 1980, attached as Attachment 1. The evidence for each element is provided below.

1. The defendant treated an animal in a cruel manner.

- Scott Gilbertson, a former employee of Ridgland, testified that in January of 2022, he participated in so-called “cherry eye” removal surgeries as part of his employment duties. He held down the dog while another Ridgland employee, Leah Staley, cut an eye gland from the dog without anesthesia, blood control, or aftercare. Mr. Gilbertson testified: “The dog would be thrashing around in pain, often yelping, crying out. Then we just put them back in the cage.” He also testified that the procedure caused substantial bleeding: “There would usually be a puddle on the floor—a pretty good size puddle.” He saw these cherry eye removal surgeries performed on a near daily basis.
- Matthew Reich, who was an employee of Ridgland from 2006-2010, testified that he held down dogs while Jim Hiltbrandt or Al Olson, two other Ridgland employees, conducted cherry eye removal surgeries without anesthesia, blood control, or aftercare on a near daily basis. Mr. Reich held down the dogs because they thrashed and yelped when their eye gland was cut off. He testified: “It would bleed profusely for several minutes. Sometimes it would start pouring onto my hand before I even let go of the dog.” No blood control or aftercare was provided, according to Mr. Reich, and the dog would usually “go to the side of the cage where their neighbor was and the other dog would lick the blood off them. It was a very graphic scene.”

- Matthew Reich also testified that he saw so-called “devocalization surgeries,” in which dogs were given a paralytic agent—but no anesthesia—and then Jim Hiltbrandt or Al Olson cut and removed their vocal cords. The dogs were not given pain relief or other care after these procedures. Mr. Reich testified that he saw this procedure conducted for thirty to forty dogs at a time on a monthly basis.
- Exhibit 10 is a video from 2017, admitted through the testimony of Mr. Hsiung, that shows a dog with a hoarse, hollow bark, indicative of devocalization surgery.
- Dr. Lowell Wickman, a Wisconsin-based and licensed veterinarian, testified that he reviewed the Wisconsin Department of Agriculture, Trade and Consumer Protection’s list of licensed veterinarians and veterinarian technicians and that Leah Staley, Jim Hiltbrandt, and Al Olson were not on the list. As a result, Dr. Wickman testified that these three individuals who conducted cherry eye and devocalization surgeries at Ridgland were not veterinarians or veterinarian technicians.
- Dr. Sherstin Rosenberg, a licensed veterinarian, testified that the cherry eye procedure, as conducted by Ridgland, causes unnecessary and excessive pain to dogs. By failing to use anesthesia, blood control, or aftercare, Ridgland subjects the dogs to significant pain because the eye is a highly sensitive organ. The wholesale removal of the nictating membrane also leaves the dogs with a chronic painful condition known colloquially as “dry eye.”
- Dr. Rosenberg also testified that the devocalization procedure, as conducted by Ridgland, causes unnecessary and excessive pain and suffering to dogs because it is a painful and risky procedure. She testified that the procedure is unnecessary because other solutions—like additional enrichment, larger spaces, or sound dampening—can reduce the noise of

barking instead of a dangerous procedure that leaves dogs unable to properly interact with their environment.

2. The defendant *intentionally* treated an animal in a cruel manner.

- This Section incorporates by reference Section II.A.1, *supra*. Mr. Gilbertson and Mr. Reich testified that cherry eye removal and devocalization procedures were conducted intentionally: the dogs were removed from their cages, held down, and had an eye gland or vocal cords deliberately removed.
- Mr. Gilbertson and Mr. Reich testified that cherry eye removal surgeries were conducted on a near daily basis. Mr. Gilbertson testified that a whiteboard was used to keep track of the planned cherry eye removal procedures.
- Mr. Reich testified that devocalization surgeries occurred on a planned, monthly basis.
- Mr. Gilbertson testified that cherry eye removal procedures were a “standard operating practice” at Ridgland.

3. Treating the animal in a cruel manner resulted in the mutilation or disfigurement of the animal.

- Dr. Sherstin Rosenberg testified that the cherry eye procedure, as conducted by Ridgland, amounts to a mutilation of the dog because the procedure is conducted by a non-veterinarian without anesthesia, blood control, or aftercare. She testified that the procedure removes an important organ—the nictating membrane—without any therapeutic benefit to the dog.
- Dr. Sherstin Rosenberg testified that the devocalization procedure, as conducted by Ridgland, amounts to a mutilation because the procedure is conducted by a non-veterinarian without anesthesia or aftercare. She testified that the procedure removes an important organ without any therapeutic benefit to the dog.

4. The cruel treatment was not a normal and accepted veterinary practice.

- Dr. Rosenberg testified that the cherry eye removal procedures, as conducted by Ridgman, are not a normal and accepted veterinary practice. She testified that only veterinarians should conduct surgeries, and the proper response to an inflamed nictating membrane is treatment or otherwise a delicate procedure in which the membrane is tucked under the eye to prevent the dog from suffering from chronic dry eye. She testified that failure to use anesthesia, blood control, or aftercare is also completely inconsistent with normal and accepted veterinary practices.
- Dr. Rosenberg testified that the devocalization procedures, as conducted by Ridgman, are not a normal and accepted veterinary practice because even the American Veterinary Medical Association strongly discourages such procedures. She also testified that surgeries by non-veterinarians without anesthesia or aftercare are always improper.
- Dr. Wickman testified that he had reviewed Dr. Rosenberg's veterinary opinion on the impropriety of Ridgman's surgical procedures and that he agreed with it in full.
- Dr. Wickman also testified that Ridgman's surgical practices violated Wisconsin's normal and accepted veterinary practices—and state law. Exhibit 25 sets out which veterinary medical acts can be delegated. "Performing surgery, which means any procedure in which the skin or tissue of the patient is penetrated or severed" "may not be delegated to or performed by veterinary technicians or other persons not holding" a veterinary license. Wis. Admin. Code VE 1.44 ("Delegation of veterinary medical acts").

B. Misdemeanor Violation of Wisconsin Statute § 951.02 ("Mistreating Animals")

Ridgman also committed a misdemeanor violation of Wisconsin Statute § 951.02 by confining dogs in cages that routinely and inevitably caused foot injuries. "[I]ntentionally or

negligently violat[ing]” § 951.02 is a Class A misdemeanor. Wis. Stat. § 951.18. Petitioners presented substantial evidence that Ridglan’s flooring systemically causes foot injuries in dogs, and despite being on notice about these recurring injuries, Ridglan has done nothing to ameliorate the problem.

1. The defendant treated an animal in a cruel manner.

- Mr. Hsiung testified that he saw dogs with foot injuries when he entered Ridglan in 2017. Several dogs had inflamed paws and walked gingerly. Mr. Hsiung testified about the following exhibits, which show dogs suffering from foot injuries and the conditions that produce those injuries:
 - Exhibit 7 is a video showing the mesh flooring and the buildup of feces, which the dogs inevitably step in, increasing the likelihood of painful infections.
 - Exhibit 8 is a video showing a dog walking gingerly in a rusty wire cage.
 - Exhibit 9 is a video showing a dog with a large lesion between its toes.
 - Exhibit 21 is a video showing a dog shortly after she was rescued from Ridglan whose paws are inflamed.
 - Exhibits 23 and 24 are videos showing a dog rescued from Ridglan walking awkwardly on solid ground for the first time.
- Mr. Hsiung testified about inspection reports obtained via open records requests that showed repeated flooring issues:
 - Exhibit 14 is an inspection report from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) from October 26, 2016, finding that “puppies’ feet and legs were passing through the gaps in the flooring.”

- Exhibit 16 is a DATCP inspection report from July 6, 2022, noting that “[a]pproximately 30% of the enclosures with walls constructed of coated wire had some degree of rust or the wire coating was worn off.” Dr. Rosenberg testified that this high prevalence of rusty wiring increases the odds of painful infections and thus causes unnecessary and excessive pain.
- Exhibit 17 is a USDA inspection report from December 5, 2023, finding that “[s]ome of the weaned puppies and preweaning-aged puppies in eleven enclosures were observed to have feet or legs pass through the smooth-coated mesh floors when they walked.” Ridgman was cited for the exact same issue by DATCP in 2016 (Exhibit 14, *see supra*).
- Exhibit 18 is a DATCP inspection report from June 6, 2024, finding that a dog “was limping and keeping weight off her front right paw, which had what appeared to be a ruptured interdigital cyst. No documentation of the cyst was present on the information cards located outside of the enclosure(s) or the dry erase board(s) utilized to document interdigital cysts.”
- Exhibit 19 is a DATCP inspection report from September 16, 2024, finding that a dog “was limping while moving through the enclosure, not bearing any weight on the right front leg. Two partially healed scratches and/or puncture wounds and swelling were present on the leg near the carpal joint. No documentation of the injury was present on the enclosure card or the whiteboard documenting ongoing or necessary treatment(s).”



Top left: An interdigital cyst on a dog at Ridgland in 2017 (Ex. 9)

Bottom left: Dried blood and evidence of a foot infection in a dog rescued from Ridgland (Ex. 21)

Right: A ruptured interdigital cyst documented by a DATCP inspector. The inspector noted: “No documentation of the cyst was present.” (Ex. 18)

- Scott Gilbertson, a former employee at Ridgland in the winter of 2021-22, testified that the flooring in the cages was wire flooring with rust in some spots. He also testified that he saw dogs with inflamed feet or lying down for long periods of time to relieve pressure on their feet on a daily basis. He was not aware of Ridgland ever changing their flooring to alleviate these foot issues.
- Matthew Reich, a former employee at Ridgland from 2006-10, testified that he saw dogs with large blisters or ulcers—sometimes the size of golf balls—between their toes on a daily basis. In his five-year tenure with Ridgland, he never saw anyone remove or replace a cage.

- Dr. Rosenberg testified that Exhibit 22, a vet record for a dog recently rescued from Ridglan in 2017, showed that the dog had infected feet causing her to limp and feel pain.
- Dr. Rosenberg testified that flooring in which dogs' legs fall through the holes causes unnecessary and excessive pain or suffering. The dogs can injure themselves physically, and the inability to find sure footing causes psychological trauma.
- Dr. Rosenberg also testified that Ridglan's flooring has a high likelihood of causing lacerations between dogs' toes and painful infections. She testified that these injuries cause dogs to experience unnecessary and excessive pain. She found it especially concerning that Ridglan was repeatedly cited for these issues, indicating understaffing and systemic neglect.

2. The defendant *negligently* treated an animal in a cruel manner.

- This Section incorporates by reference Section II.B.1, *supra*. Ridglan was repeatedly made aware of flooring problems through government inspection reports in 2016, 2022, 2023, and 2024.
- Mr. Gilbertson and Mr. Reich both testified that foot issues due to the flooring were well known, yet Ridglan never replaced the cages or fixed the flooring to prevent such injuries.

3. The cruel treatment was not a normal and accepted veterinary practice.

- Dr. Wickman testified that the conditions at Ridglan, including its flooring, are "very inconsistent" with normal and accepted animal husbandry practices.
- Dr. Rosenberg testified that the conditions at Ridglan, including its flooring, are inconsistent with normal and accepted veterinary practices. She testified that dogs should be provided with proper flooring in which the holes are not large enough for legs to fall

through or to cause interdigital injuries, and that the flooring needs to be cleaned more regularly to prevent the buildup of feces. She also testified that the veterinary care at Ridgland is inconsistent with normal and accepted veterinary practices because the dogs' injuries frequently were not noted on the dogs' charts.

C. Misdemeanor Violations of Wisconsin Statute § 951.14 (“Proper Shelter”)

Wisconsin Statute § 951.14 creates an ongoing duty to provide proper shelter to animals:

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. . . .

(1) Indoor standards. Minimum indoor standards of shelter shall include: . . .

(b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times. . . .

(3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

“[I]ntentionally or negligently violat[ing]” § 951.14 is a Class A misdemeanor. Wis. Stat.

§ 951.18. Petitioners presented substantial evidence that Ridgland violated § 951.14—and continues to do so—in at least four ways: improper ventilation, structurally unsound cages, insufficient space, and insufficient sanitation. In fact, as noted by Dr. Rosenberg, shelter provided by Ridgland was even worse than facilities that have recently been shut down by the federal government.

The elements of § 951.02 are set out by Wis JI – Criminal 1984, attached as Attachment

2. The evidence for each element is provided below.

1. The defendant owned or was responsible for confining an animal.

- Exhibits 1-2 and 14-19 are government inspection reports that note that Ridglan owns and is responsible for approximately 3,000 beagles. Exhibit 19, for example, states that: “Ridglan farms has approximately 3,200 dogs present within the facility. . . .”

2. The defendant failed to provide proper shelter for the animal.

***Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.**

- Mr. Hsiung testified about inspection reports obtained via open records requests that showed repeated ventilation issues:
 - Exhibit 16 is a DATCP inspection report from July 6, 2022, that notes: “The ammonia / odor level in several locations within buildings (7, 1, 2a, 2b and 3) was bad enough that I experienced nausea on one occasion, and my throat and nostrils were irritated for several hours after I left the facility. The lead veterinarian acknowledged that there were dead spots in the ventilation within some of the buildings and stated they were working to address it. From my observation there was a strong correlation between drainage issues in the catch pans and the air quality within that section of the building.”
 - Exhibit 18 is a DATCP inspection report from June 6, 2024, that notes: “In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated, contributing to odors observed by the inspection team.”
 - Exhibit 19 is a DATCP inspection report from September 16, 2024, that notes: “In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated.”

- Dr. Rosenberg testified that high ammonia levels—like the ones described in DATCP inspection reports—raise blood ammonia levels and thus cause nausea in the dogs. Gaseous ammonia injures the mucus lining of the dogs’ airways and can cause tissue to die. This cell death can cause extreme discomfort and pain, even impairing long-term lung functioning. Human and canine respiratory systems are similar, so if the inspector felt irritation from just a brief visit, then dogs likely experience severe discomfort due to chronic exposure. Failure to remove wastewater and excreta also contributes to higher levels of gaseous ammonia. Based on her review of the inspection reports, Dr. Rosenberg concluded that housing with such excessive ammonia gas is not adequately ventilated and is deleterious to the health of the dogs.
- Dr. Patricia McConnell, an ethologist who has extensively studied dogs and published on their behavior, submitted a sworn declaration as Exhibit 26. Dr. McConnell stated that: “Ammonia from large amounts of excrement can also potentially burn the nasal passages of dogs, which can cause suffering, such as discomfort with breathing.”

***Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.**

- This Section incorporates by reference Section II.B.1, *supra*, concerning Ridgland’s harmful flooring.

***Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.**

- Mr. Hsiung testified that he saw dogs confined singly to small cages and that several dogs were spinning endlessly when he entered Ridgland in April of 2017. He also admitted videos showing these conditions and dogs spinning:

- Exhibit 6 is a video of the confinement conditions of Ridgland, in which dogs are housed alone in small cages stacked atop one another. The video also shows a dog repeatedly circling in their cage.
- Exhibit 11 is a video of a dog spinning furiously and without pause.
- Exhibit 12 is a video of a different dog spinning endlessly.
- Exhibit 13 is a video of the same dog as in Exhibit 12. This time, the videographer left the camera outside the dog's cage and walked away. As the humans walk away, the dog spins faster and faster.



A beagle at Ridgland engaging in stereotypic behavior: endless spinning. (Ex. 12)

- Mr. Hsiung testified about inspection reports obtained via open records requests that showed dogs repeatedly engaging in abnormal behaviors:
 - Exhibit 14 is a DATCP inspection report from October 26, 2016, that notes: “A number of adult dogs in the facility were displaying prominent stereotypical

behaviors; such as: circling, pacing, and wall bouncing. . . . Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog's welfare.”

- Exhibit 19 is a DATCP inspection report from September 16, 2024, that states:
“Ridglan farms has approximately 3,200 dogs present within the facility, and approximately 16 full time employees (at the time of the 6/6/24 routine inspection, not including manager and lead veterinarian). Three of these sixteen employees' duties primarily consist of dog socialization. All dogs within the facility are not receiving daily positive human contact and/or socialization, not limited to feeding time.”⁴
- Mr. Gilbertson, a former Ridglan employee, testified that in January of 2022, he saw hundreds of dogs housed in solitary confinement. The dogs were never taken on walks, never let outside, and never removed from the cages—except to be transferred to a different cage. Mr. Gilbertson testified that he saw a variety of abnormal behaviors on a daily basis, including dogs fighting and spinning endlessly in their cages. Ridglan did not separate the dogs who were fighting.
- Mr. Reich, a former Ridglan employee from 2006-10, testified that he saw dogs spinning and pacing endlessly in their cages on a daily basis. He also testified that he saw the aftermath of an especially violent fight when he conducted a welfare check on the adult-dog barn one weekend. He saw a dead dog lying on its side. When he reached down to drag the dog out of the enclosure, his hand passed through the dog's chest and into the body cavity—the other dogs had apparently devoured a portion of the dog's innards.

⁴ Assuming these employees work 40-hour weeks with no breaks or other tasks, that averages out to a little more than two minutes per dog per week.

- Professor Marc Bekoff, an animal behaviorist and one of the world's leading experts on canine behavior, reviewed footage and inspection reports from Ridgland and testified that the dogs at Ridgland were "extremely stressed to the point where they were behaving in a very abnormal way." He was especially concerned with the manic barking and spinning, which he testified were "off scale" based on the thousands of hours he has spent observing dogs. He testified that the abnormal behaviors were "way beyond anything I've ever seen in what I would consider to be a normal dog." He concluded the dogs were traumatized and suffering unnecessarily and excessively.
- Exhibit 26 is a sworn declaration from Dr. McConnell. Dr. McConnell reviewed footage from Ridgland and concluded that the dogs were engaging in "'stereotypic' behaviors, [which] are universally considered to be a clear indication of suffering and a lack of welfare. The behaviors illustrated in the videos are especially frantic versions of stereotypic behaviors. These types of high arousal, fast, erratic movements are usually the result of constant stress, frustration, or both. In short, these behaviors indicate that the dogs are suffering and are being subjected to abusive conditions." Dr. McConnell stated that the conditions at Ridgland are "torturous for dogs." She ultimately concluded that the "conditions do not constitute proper or adequate shelter, and such treatment causes extreme suffering for dogs."
- Dr. Stacy Lopresti-Goodman, a specialist in the welfare of laboratory animals who has published extensively on the welfare of dogs in laboratories, submitted a declaration as Exhibit 27. Dr. Lopresti-Goodman stated that: "One of the most common forms of stress-induced stereotypies seen in dogs is spinning in circles. . . . [S]tereotypical behavior such as circling may even be symptomatic of Generalized Anxiety Disorder in dogs." Dr.

Lopresti-Goodman concluded that many of the dogs at Ridgland are suffering from “chronic psychological distress,” including canine Post-Traumatic Stress Disorder, “as a result of their housing conditions.”

- Dr. Rosenberg testified that, in reviewing the conditions at Ridgland, they appeared to be significantly worse even than dog production facilities that have recently been shut down by the federal government, such as Envigo.

Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

- Mr. Hsiung testified about inspection reports obtained via open records requests that showed repeated sanitation issues:
 - Exhibit 18 is a DATCP inspection report from June 6, 2024, that notes: “In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated, contributing to odors observed by the inspection team. Low spots where waste accumulates and becomes stagnant were consistent in the catch pans beneath the second-level enclosures where adult dogs were kept, with the exception of the pre-shipment / order dogs area and the whelping rooms. Drainage channels and the graded surfaces beneath the enclosures in the aforementioned areas had excess accumulation of excreta and other organic matter.”
 - Exhibit 19 is a DATCP inspection report from September 16, 2024, that notes: “In several buildings within the facility, the drainage systems are not constructed and/or operated so that animal waste is rapidly eliminated. Excess excreta, low spots where waste and wash water accumulates and becomes stagnant were

consistent in the catch pans beneath the second-level enclosures where adult dogs were kept, and on the concrete flooring beneath the first level enclosures - with the exception of the pre-shipment / order dogs area and the whelping rooms. A film of organic waste material was present on the concrete flooring beneath the enclosures throughout the facility.”

- Exhibit 19 also states: “Ridglan farms has approximately 3,200 dogs present within the facility, and approximately 16 full time employees.”



Top: Pictures of accumulated feces and stagnant waste water taken by a DATCP inspector on June 6, 2024. (Ex. 18)

Bottom: Pictures of accumulated feces and stagnant waste water, taken by a DATCP inspector on September 16, 2024, only three months after Ridglan was cited for this very problem. (Ex. 19)

- Mr. Gilbertson testified that in January of 2022, he regularly witnessed the buildup of feces in the dogs' cages. He was assigned to clean hundreds of cages by himself—a near impossible task given the scale of Ridglan and the understaffing.
- Dr. Rosenberg testified that pictures of fecal buildup—including decomposing feces—in Exhibits 18 and 19 showed that the feces had not been removed for days. Combined with Ridglan's severe understaffing—16 employees for 3,200 dogs—these pictures demonstrate a systemic problem. Dr. Rosenberg concluded that Ridglan's sanitation protocols were inadequate and posed a health risk to the dogs.

3. The defendant *negligently* failed to supply the animal with proper shelter.

- This Section incorporates by reference Section II.C.2, *supra*, concerning Ridglan's improper shelter. Ridglan was repeatedly made aware of improper shelter through government inspection reports in 2016, 2022, and 2024.
- Mr. Gilbertson and Mr. Reich both testified that they encountered the issues described in Section II.C.2, *supra*, such as foot injuries due to flooring or dogs spinning in their cages, on a daily basis. These problems were well known to Ridglan.
- Despite these well-known issues—and despite explicit directives by government inspectors to fix these shelter problems—Mr. Gilbertson and Mr. Reich testified that Ridglan never replaced its cages or otherwise improved the housing conditions.

Conclusion

In light of the extensive evidence that has accumulated over many years and the thousands of dogs involved, the offenses outlined above are not exhaustive of the potential charges that could be brought against Ridglan. Given the scale, seriousness, and persistence of Ridglan's offenses, and the public interest in enforcing laws to protect animals who cannot speak

for themselves, this Court should exercise its discretion under Wisconsin Statute § 968.02(3) to appoint a special prosecutor.

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ATTACHMENT 1

1980 MISTREATING AN ANIMAL — §§ 951.02 and 951.18(1)**Statutory Definition of the Crime**

Mistreating an animal, as defined in §§ 951.02 and 951.18 of the Criminal Code of Wisconsin, is committed by one who (intentionally) (negligently)¹ treats any animal in a cruel manner.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following two elements were present.

Elements of the Crime That the State Must Prove

1. The defendant treated an animal² in a cruel manner.

"Cruel" means causing (unnecessary and excessive pain or suffering) (unjustifiable injury or death).³

2. The defendant (intentionally) (negligently) treated an animal in a cruel manner.

["Intentionally" requires that the defendant acted with the mental purpose to treat the animal in a cruel manner or was aware that the conduct was practically certain to cause that result.]⁴

["Negligently" requires that the defendant's conduct amounted to "criminal negligence."⁵ "Criminal negligence" means:

- the conduct created a risk of death or great bodily harm; and

- the risk of death or great bodily harm was unreasonable and substantial;
and
- the defendant should have been aware that (his) (her) conduct created the unreasonable and substantial risk of death or great bodily harm.]

Jury's Decision

If you are satisfied beyond a reasonable doubt that both elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

ADD ONE OF THE FOLLOWING QUESTIONS IF A FELONY OFFENSE IS CHARGED⁶

If you find the defendant intentionally treated an animal in a cruel manner, you must answer the following question:

["Did treating the animal in a cruel manner result in the (mutilation) (disfigurement) (death) of the animal?"]⁷

["Did the defendant cause injury to the animal and know that the animal was used by a law enforcement agency to perform agency functions or duties?"]⁸

Before you may answer this question "yes," you must be satisfied beyond a reasonable doubt that the answer to the question is "yes."

If you are not so satisfied, you must answer the question "no."

COMMENT

Wis JI-Criminal 1980 was originally published in 1984 and revised in 1986, 1989, 1995, and 2005. The 2005 revision adopted a new format and changed the definition of "negligently." The 2012 revision updated the Comment and footnote 2. This revision was approved by the Committee in December 2012; it added to the text for felony offenses and added to footnote 4.

1987 Wisconsin Act 332 renumbered the chapter containing crimes against animals from Chapter 948 to Chapter 951. The effective date of the change was July 1, 1989.

2011 Wisconsin Act 32 made changes in Chapter 951 relating to its application to scientific research. § 951.02 Mistreating Animals was amended to read as follows:

No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit ~~bona fide experiments carried on for scientific research or~~ normal and accepted veterinary practices.

And, § 951.015(3) was created to provide that the chapter does not apply to research pursuant to a procedure approved by an educational or research institution.

Simple violations of the statutes relating to cruelty to animals are Class C forfeitures. When a person "intentionally or negligently violates" the statutes, the offense is a Class A misdemeanor. See § 951.18(1). Section 951.18(1) further provides for a felony penalty in two circumstances: "Any person who intentionally violates s. 951.02, resulting in the mutilation, disfigurement, or death of an animal, is guilty of a Class I felony"; and, "Any person who intentionally violates § 951.02 or 951.06, knowing that the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class I felony."

If the felony offense is charged, the Committee suggests adding a special question to address the penalty-increasing fact.

Chapter 951 applies to individuals who used snowmobiles to run down and kill deer. Criminal charges are not superceded by regulations relating to hunting in Chapter 29, Wisconsin Statutes. State v. Kuenzi, 2011 WI App 30, ¶3, 332 Wis.2d 299, 796 N.W.2d 222.

1. "Intentionally" or "negligently" violating the statutes relating to cruelty to animals makes the conduct criminal (see Comment, supra). The instruction is drafted on the premise that one of the alternatives will be selected.

2. The following definition is provided in § 951.01(1):

- (1) "Animal" includes every living:
 - (a) Warm-blooded creature, except a human being;
 - (b) Reptile; or
 - (c) Amphibian.

"The definition of 'animal' is based on § 346.20, Minn. Stats. Anno. (1971). The term includes not only animals strictly so-called but birds and other living warm-blooded creatures except people." Legislative Council Note to 1973 Senate Bill 16.

The definition of "animal" includes non-captive wild animals, such as deer. State v. Kuenzi, 2011 WI App 30, ¶17, 332 Wis.2d 299, 796 N.W.2d 222.

3. This definition is provided in § 951.01(2).

4. See § 939.23(3) and Wis JI-Criminal 923A and 923B. A charge of intentionally mistreating an animal, resulting in death, under §§ 951.02 and 951.18(1) requires proof of intent to treat the animal in a cruel manner; the state does not have to prove the defendant intended to cause the animal's death. State v. Klingelhoets, 2012 WI App 55, 341 Wis.2d 432, 814 N.W.2d 885.

5. The Committee concluded that "criminal negligence" applies to this offense because § 939.25(2) states: "If criminal negligence is an element of a crime in chs. 939 to 951 . . . the negligence is indicated by the term "negligent" or "negligently." This offense is defined in §§ 951.02 and 951.18 and the latter uses the term "negligently."

If reference to ordinary negligence is believed to be helpful in defining "criminal negligence," see Wis JI-Criminal 925.

6. Intentionally treating an animal in a cruel manner becomes a Class I felony in two situations. See footnotes 7 and 8, below. The Committee recommends that the penalty increasing fact be submitted to the jury in the form of a special question. The following form is suggested for the verdict; one of the bracketed questions should be included:

We, the jury, find the defendant guilty of mistreating an animal, under Wis. Stat. § 951.02, at the time and place charged in the information.

We, the jury, find the defendant not guilty.

If you find the defendant guilty, answer the following question "yes" or "no":

["Did treating the animal in a cruel manner result in the (mutilation) (disfigurement) (death) of the animal?"]

["Did the defendant cause injury to the animal and know that the animal was used by a law enforcement agency to perform agency functions or duties?"]

7. Section 951.18(1) provides: "Any person who intentionally violates s. 951.02, resulting the mutilation, disfigurement or death of an animal, is guilty of a Class I felony."

8. Section 951.18(1) provides: "Any person who intentionally violates s. 951.02 or 951.06, knowing that the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class I felony."

ATTACHMENT 2

**1984 FAILING TO PROVIDE AN ANIMAL WITH PROPER SHELTER — §§
951.14 and 951.18(1)**

Statutory Definition of the Crime

Failing to provide an animal with proper shelter, as defined in §§ 951.14 and 951.18 of the Criminal Code of Wisconsin, is committed by one who owns or is responsible for confining or impounding an animal and (intentionally) (negligently)¹ fails to supply the animal with proper shelter.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present.

Elements of the Crime That the State Must Prove

1. The defendant (owned) (was responsible for confining) an animal.²
2. The defendant failed to proper shelter for the animal.

Shelter is proper when it is sufficient to maintain the animal in good health.³

3. The defendant (intentionally) (negligently) failed to supply the animal with proper shelter.

["Intentionally" requires that the defendant acted with the mental purpose to fail to supply the animal with proper shelter or was aware that the conduct was practically certain to cause that result.]⁴

["Negligently" requires that the defendant's conduct amounted to "criminal negligence."⁵ "Criminal negligence" means:

- the conduct created a risk of death or great bodily harm; and
- the risk of death or great bodily harm was unreasonable and substantial;
and
- the defendant should have been aware that (his) (her) conduct created the unreasonable and substantial risk of death or great bodily harm.]

Jury's Decision

If you are satisfied beyond a reasonable doubt that all three elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

COMMENT

Wis JI-Criminal 1984 was originally published in 1984 and revised in 1989 and 1995. This revision was approved by the Committee in June 2004 and involved adoption of a new format and a change in the definition of "negligently."

1987 Wisconsin Act 332 renumbered the chapter containing crimes against animals from Chapter 948 to Chapter 951. The effective date of the change was July 1, 1989.

Simple violations of the statutes relating to cruelty to animals are punished as Class D forfeitures. When a person "intentionally or negligently violates" the statutes, the punishment is that of a Class A misdemeanor. See § 951.18(1). Section 951.18(1) further provides for a felony penalty in certain circumstances that do not apply to § 951.14, the statute addressed by this instruction.

1. "Intentionally" or "negligently" violating the statutes relating to cruelty to animals makes the conduct criminal (see Comment, supra). The instruction is drafted on the premise that one of the alternatives will be selected.

2. The following definition is provided in § 951.01(1):

(1) "Animal" includes every living:

- (a) Warm-blooded creature, except a human being;
- (b) Reptile; or
- (c) Amphibian.

"The definition of 'animal' is based on § 346.20, Minn. Stats. Anno. (1971). The term includes not only animals strictly so-called but birds and other living warm-blooded creatures except people." Legislative Council Note to 1973 Senate Bill 16.

3. If more detailed explanation of "proper shelter" is required, see subsecs. (1) through (4) of sec. 951.14 which address indoor standards, outdoor standards, space standards, and sanitation standards, respectively.

4. See § 939.23(3) and Wis JI-Criminal 923A and 923B.

5. The Committee concluded that "criminal negligence" applies to this offense because § 939.25(2) states: "If criminal negligence is an element of a crime in chs. 939 to 951 . . . the negligence is indicated by the term "negligent" or "negligently." This offense is defined in §§ 951.02 and 951.18 and the latter uses the term "negligently."

If reference to ordinary negligence is believed to be helpful in defining "criminal negligence," see Wis JI-Criminal 925.