

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

KALI MYERS,
an individual,

Plaintiff,

vs.

THE CITY OF SIOUX CITY,
IOWA; ROBERT PADMORE, in
his official capacity;
and CINDY RARRAT, in her
official capacity,

Defendants.) Case No. 5:16-cv-04107-LRR

DEPOSITION OF
TRAVIS JOHNSON

DATE: Wednesday, January 17, 2018
LOCATION: Sioux City City Hall
Legal Division, Suite 511
405 Douglas Street
Sioux City, Iowa
(712) 279-6318
TIME COMMENCED: 3:55 p.m.
TIME CONCLUDED: 4:47 p.m.

A P P E A R A N C E S

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WITNESS:
TRAVIS JOHNSON
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S T I P U L A T I O N S

It is stipulated and agreed by and between the parties hereto:

1. That the deposition of TRAVIS JOHNSON may be taken before Julie A. Pell, Registered Professional Reporter, Certified Realtime Reporter, Certified Shorthand Reporter, Certified Realtime Captioner, General Notary Public, at the time and place set forth on the title page hereof.
2. That the deposition is taken pursuant to notice.
3. That the original deposition will be delivered to Mr. Kamron Hasan, attorney for the Plaintiff.
4. That all objections except as to form and foundation are reserved until time of trial.
5. That the required elements of Federal Rules of Civil Procedure Rule 30(b)(5)(A) and (C) will be set forth within this transcript and, therefore, do not need to be stated aloud on the record by the court reporter.
6. That the testimony of the witness may be transcribed outside the presence of the witness.
7. That the signature of the witness to the transcribed copy of the deposition is not waived.

1 TRAVIS JOHNSON,
 2 Of lawful age, being first duly
 3 cautioned and solemnly sworn as
 4 hereinafter certified, was examined
 5 and testified as follows:
 6 (Witness' response to oath - "I will.")
 7 DIRECT EXAMINATION
 8 BY MR. HASAN:
 9 Q. Will you please state and spell your name
 10 for the record?
 11 A. **Travis Johnson. T-r-a-v-i-s, J-o-h-n-s-o-n.**
 12 Q. Is it all right if I call you Travis during
 13 this?
 14 A. **That's fine.**
 15 Q. My name is Kamron Hasan. Call me Kamron. I
 16 am an attorney for the plaintiff, Kali Myers, in this
 17 case.
 18 Travis, have you ever had your deposition
 19 taken?
 20 A. **Once before.**
 21 Q. So are you generally familiar with the
 22 process?
 23 A. **(Witness nods head up and down.)**
 24 Q. Good. I will just go over some of the
 25 ground rules and background here. You understand
 26 that you're under oath that Julie just gave you?

1 A. **I do.**
 2 Q. Will you answer truthfully and fully today?
 3 A. **Yes.**
 4 Q. All right.
 5 A. **To the best of my ability.**
 6 Q. Thank you. It's important we give audible
 7 answers –
 8 A. **Okay.**
 9 Q. -- and we don't talk over each other to the
 10 best we're able to. Obviously, that's hard to do in
 11 conversation. I am going to do my best. Will you do
 12 your best?
 13 A. **I will.**
 14 Q. I'm probably going to ask some – especially
 15 if earlier today is any indication – some questions
 16 that may be a little confusing. If you don't
 17 understand my question or it's confusing let me know,
 18 and I will do my best to restate it in a way that
 19 makes more sense to you. Is that fair?
 20 A. **That is fair.**
 21 Q. If you need a break for anything, feel free
 22 to let me know. I may finish the line of questions
 23 that I am currently giving, but I would be happy to
 24 take a break any time you need one.
 25 A. **Okay.**

1 Q. There also may be objections lodged by
 2 either of your attorneys during some of my questions.
 3 Unless one of your attorneys instructs you not to
 4 answer, you're required to answer my question. Does
 5 that make sense?
 6 A. **It does.**
 7 Q. All right. I have got to ask you a few
 8 ground rule questions. Is there anything about your
 9 physical or emotional or mental condition that
 10 would – is going to keep you from understanding my
 11 questions?
 12 A. **I would say no.**
 13 Q. Will you let me know if it changes?
 14 A. **(Witness nods head up and down.)**
 15 Q. Okay. Anything about those same conditions
 16 that's going to keep you from giving me truthful and
 17 complete answers?
 18 A. **No.**
 19 Q. Will you let me know if that changes?
 20 A. **I will.**
 21 Q. Any medication or alcohol that's going to
 22 keep you from understanding my questions?
 23 A. **No.**
 24 Q. Probably know this, but will you let me know
 25 if that changes?

1 A. **Yeah.**
 2 Q. Thanks.
 3 A. **Indeed we will.**
 4 Q. Okay. Same question. Any medical,
 5 medication or alcohol that's going to keep you from
 6 giving truthful answers?
 7 A. **No.**
 8 Q. Okay. Let me know if that changes, please.
 9 A. **(Nods head up and down.)**
 10 Q. Travis, what do you do for a living?
 11 A. **I am an animal control officer.**
 12 Q. Is that your official title?
 13 A. **Yeah.**
 14 Q. Where do you work?
 15 A. **Sioux City Animal Adoption and Rescue**
 16 **Center.**
 17 Q. Is that also Hannah, Inc.?
 18 A. **That would be Hannah, Inc.**
 19 Q. Same place?
 20 A. **Yep.**
 21 Q. How long have you worked there?
 22 A. **Eight and a half years.**
 23 Q. What did you do before that?
 24 A. **A number of different jobs. I have worked**
 25 **many fields. I have worked at a Reich Painting as a**

1 **painter, a professional mover. I have been a miner.**
2 **It's an extensive list.**

3 Q. Your resumé is probably pretty cool to look
4 at.

5 **A. I have been around.**

6 Q. All right. What's your educational
7 background?

8 **A. High school.**

9 Q. Do you have any certificates,
10 certifications, anything like that?

11 **A. Only from on the job here.**

12 Q. What is your on-the-job certificates or
13 training?

14 **A. I would have NACA training, level one, and**
15 **then I got NACA training for immobile – chemical**
16 **immobilization.**

17 Q. Is that level three?

18 **A. That would be level three.**

19 Q. What is level-one certification? What does
20 that entail?

21 **A. Report taking, interrogations, animal**
22 **psychology, more hands on with dealing with**
23 **complaints. So...**

24 Q. Anything regarding animal identification?

25 **A. Not too much, no. Not really.**

1 Q. Okay.

2 **A. I mean, there was a brief segment where they**
3 **went through and did a picture thing, name this dog,**
4 **name this dog, name this dog. It was rather**
5 **interesting to watch everybody throw out answers real**
6 **quick like to be the first one to answer and get it**
7 **wrong. So...**

8 Q. So – okay. That was during the in-person
9 course?

10 **A. Yeah.**

11 Q. And NACA used pictures for that exercise?

12 **A. Yeah. They tried.**

13 Q. Sure. They used pictures, and people tried
14 to get the answer?

15 (Brief interruption.)

16 MR. HASAN: Thank you. What was my
17 question? I can't remember where I left off.

18 (The pending question was
19 read by the court
reporter.)

20 Q. (By Mr. Hasan) They used pictures, and
21 people tried to give the answer?

22 **A. Yeah.**

23 Q. Any hands-on training while you were doing
24 that?

25 **A. No.**

1 Q. Just the photographs?

2 **A. Yeah.**

3 Q. Besides the NACA training, do you have any
4 additional training related to your job as an animal
5 enforcement officer?

6 **A. Other than on the job, no, I don't think so.**

7 Q. Besides, I will call it, experience,
8 training, has Hannah, Inc., given you any other
9 training materials?

10 **A. We get a – we had a book when we went**
11 **through NACA that was basically the whole course that**
12 **we were reading through and all that. No, not really**
13 **other than that, I would say.**

14 Q. Is that the NACA – the training manual?

15 **A. Yeah.**

16 Q. I recently read that training manual, a
17 small part of it. It's a very long book.

18 **A. Yes, it is. It's very, very thick.**

19 Q. Yeah. I didn't read the chemical part. I
20 read the animal identification part.

21 Any other experience with – well, have you
22 visited any dog shows?

23 **A. No.**

24 Q. Okay. Watched them on TV, anything like
25 that?

1 **A. From time to time.**

2 Q. The Westminster – is that the green carpet
3 where everyone – all the dogs run around in circles?

4 **A. Yes.**

5 Q. I have heard about it. I haven't watched
6 it. I have just – I have heard that's what it is.

7 **A. It's very long.**

8 Q. Yes. That's it. Can you tell me, aside
9 from the NACA training and your on-the-job experience
10 with – as an animal control officer what other
11 history you have with dogs?

12 **A. I have owned a dog every year of my life.**

13 Q. All right. What kind of dogs?

14 **A. You name it.**

15 Q. You name it.

16 **A. Rottweilers, German Shepherds. I have had**
17 **Chihuahuas, Pekinese, Boston Terriers. It's an**
18 **extensive list.**

19 Q. Sounds like it. Any other ones you can
20 think of?

21 **A. Cockapoo, Cocker Spaniel. I have had Chows.**

22 Q. That is a long list.

23 **A. Yes.**

24 Q. You weren't kidding. So you have your
25 ownership experience, your on-the-job experience and

1 that NACA training. Anything else as far as
 2 experience with dogs?
 3 **A. No.**
 4 Q. Will you describe your job functions as an
 5 animal control officer, please?
 6 **A. Basically responding to calls and complaints**
 7 **from citizens, investigating into their complaints.**
 8 Q. What else?
 9 **A. Not really too much to it.**
 10 Q. So your day-to-day is to kind of drive
 11 around in the truck, and then you get a call, and
 12 then you respond to the call?
 13 **A. Basically. Follow up on complaints that**
 14 **have been seen or, you know, just check welfares of**
 15 **different things. So...**
 16 Q. And then Megan mentioned – Officer Lalk
 17 mentioned taking animals to the vets and to adoptions
 18 and things like that, but...
 19 **A. Well, I work nights. I don't do a lot of**
 20 **the same things that day-shift officers do.**
 21 Q. Okay.
 22 **A. They are usually the ones that go and do the**
 23 **vets and do other things that would require day**
 24 **people to do for the welfare of the animal.**
 25 Q. Okay. So your job is primarily responding

1 to complaints and dealing with those complaints?
 2 **A. Yep. Yeah. And gathering information.**
 3 **Most times at night it's a – not as easy to go about**
 4 **certain things as it is during the day.**
 5 Q. What do you mean by that?
 6 **A. Well, visibility, obviously, and you don't**
 7 **want to be snooping around somebody's backyard at**
 8 **three o'clock in the morning with a flashlight and**
 9 **dark clothes.**
 10 Q. And a beanie and a beard?
 11 **A. (Indicating.) So...**
 12 Q. Okay. I understand that. Do you encounter
 13 dog owners when you are carrying out your duties?
 14 **A. Hit and miss. It just depends on the call.**
 15 Q. I will kind of transition into that. Are
 16 you familiar with the Sioux City Municipal Code?
 17 **A. Not good enough to recite by number.**
 18 Q. Sure.
 19 **A. But, yeah.**
 20 Q. More specifically the ordinances related to
 21 animals, which I think is Chapter 7?
 22 **A. Yeah.**
 23 Q. Are you familiar with the code?
 24 **A. Most of them, yeah.**
 25 Q. We're here today because of the lawsuit

1 filed by Kali Myers against all of the defendants
 2 here regarding the pit bull prohibitive ban. Are you
 3 familiar with that ban?
 4 **A. I am.**
 5 Q. What's your experience or what's your
 6 understanding of the ban?
 7 **A. Well, basically you can't keep a pit bull in**
 8 **the city of Sioux City unless it was registered prior**
 9 **to the ban going into effect in – was it '9? I...**
 10 Q. That sounds right. '08, '09, something like
 11 that.
 12 **A. Okay. It has to be registered every year.**
 13 **Should you miss on that, that dog is no longer**
 14 **privileged to the not being banned part. Dogs have**
 15 **to be kept in certain kennels and confinements if you**
 16 **do own one. Basically, it covers most mixes of pit**
 17 **bulls that show predominant traits of a pit bull.**
 18 Q. Sure. So on that, I have got a copy here if
 19 you want to refer to the specific wording of the
 20 statute, the ordinance, I should say, but what is it
 21 that you look for for one of the prohibited breeds?
 22 Do you refer to the code when determining whether or
 23 not a dog is one of the prohibited breeds, or is that
 24 something that you just know off of the top of your
 25 head?

1 **A. Well, after dealing with them for several**
 2 **years, you kind of understand what you're looking**
 3 **for. Not something I can quite articulate very**
 4 **adequately.**
 5 Q. So I will show you here, we'll look to
 6 what's already been marked as Exhibit 4. I will
 7 place that in front of you. It's Section 7.10.010,
 8 the pit bull defined.
 9 (At 4:06 p.m.
 10 Mr. Christopherson entered
 the conference room.)
 11 Q. (By Mr. Hasan) Read that to yourself and
 12 let me know if that is your understanding of the ban
 13 of the pit bull dogs that are prohibited.
 14 **A. That would be correct.**
 15 Q. Is it fair to say that it encompasses
 16 American Pit Bull Terriers, American Staffordshire
 17 Terriers, Staffordshire Bull Terriers, or a dog that
 18 displays the appearance or characteristics of
 19 predominantly one of those breeds?
 20 **A. That's correct.**
 21 Q. All right. Thank you. You said you have
 22 been with Hannah for eight and a half years?
 23 **A. Correct.**
 24 Q. So that would be close to when the pit bull
 25 ban was passed. Were you with Hannah, Inc., when it

1 was passed?

2 **A. Right after.**

3 Q. Right after. So you were there from kind of

4 the ground up?

5 **A. I want to say it was three months after,**

6 **yeah, when we were still dealing with the early**

7 **stages of it.**

8 Q. Will you tell me about that, please?

9 **A. It was rather busy.**

10 Q. In what way?

11 **A. A lot of at large calls at – constant pit**

12 **bulls coming through the shelter. Yeah.**

13 Q. Did the Hannah, Inc., give you any

14 additional training on how to identify a dog that

15 could be subject to the pit bull ban?

16 **A. I would say no.**

17 Q. How did they go about training you to

18 enforce that code section?

19 **A. Basically on the job, other officers.**

20 Q. Will you just elaborate on that for me, tell

21 me about how that experience, that on-the-job

22 experience went?

23 **A. We did ride-arounds. We'd walk through, and**

24 **in the kennels they'd have – always there's certain**

25 **breeds of dogs that are constantly coming through.**

1 **There are high numbers of them in the city. And**

2 **you'd be asked, what do you think that dog is? So a**

3 **lot of that would be about it.**

4 Q. So you'd have another animal control officer

5 there with you, and there would be a dog that both of

6 you would look at, and the more experienced officer

7 would ask you your opinion of what the breed was?

8 **A. Kind of, yeah.**

9 Q. And then what would happen? Would they tell

10 you about what to look for for that specific breed?

11 **A. No.**

12 Q. So how did you come to learn that a certain

13 dog would be a certain breed?

14 **A. Just years of dealing with it, I guess.**

15 Q. Kind of know it when you see it?

16 **A. Yeah.**

17 Q. So how do you identify a situation in which

18 the pit bull ban may be in violation?

19 **A. Well, I would suppose the head, the jaws,**

20 **certain characteristics of the body.**

21 Q. So we'll kind of get to the characteristics

22 in a minute, but I mean more that – how is it that

23 you come to encounter these dogs. Is it only

24 complaints?

25 **A. Mostly mine are through complaint. Like I**

1 **say, a lot of times at night it's dark. I am not**

2 **just randomly walking through yards looking for a**

3 **dog. Most of mine are usually at large or in**

4 **custody.**

5 **I will come to a house that somebody would**

6 **have found a dog. They'll give me the dog and –**

7 **well, when I have to fill in the thing of what breed**

8 **the dog is, at that point I make a determination is**

9 **this a Cocker Spaniel or is it a pit bull, is it a**

10 **Rottweiler. And at that point I make the**

11 **determination, well, it looks like it would be a pit**

12 **mix.**

13 Q. So you make that determination when you

14 first come in contact with that dog?

15 **A. Not usually.**

16 Q. When is it that you make that determination?

17 **A. Usually when I am back at the shelter and I**

18 **have light on it.**

19 Q. So you pick up the dog – you respond to the

20 call. You pick up the dog, go back to the shelter,

21 and that's when you make the determination?

22 **A. Usually, yeah.**

23 Q. You make that determination on your own?

24 **A. Well, I am the only one there.**

25 Q. So you...

1 **A. Yes.**

2 Q. So it's fair to say you make that decision

3 on your own?

4 **A. Yes. Yes.**

5 Q. It's – are there ever situations where

6 you're just not sure?

7 **A. There has been, yeah.**

8 Q. What do you do then?

9 **A. Usually I will just put a mix on it, and I**

10 **will leave a question mark, and then I will leave it**

11 **for somebody else to make a determination on.**

12 Q. Would that determination – would you be

13 involved in that determination?

14 **A. No. No.**

15 Q. Something like the next day?

16 **A. They might ask me what it is, and I'll be**

17 **like (indicating) – in the morning, and I'll be**

18 **like, I am not a hundred percent sure, you know.**

19 **Like I said, that could go for any dog that – so...**

20 Q. Have there been times where you think that

21 it's not specifically pit bulls but a breed of dog

22 and then someone else will tell you, no, it's a

23 different breed of dog?

24 **A. Yeah.**

25 Q. Does that happen regularly?

- 1 **A. Yeah.**
 2 Q. You mentioned – I asked you earlier about a
 3 situation where you think that a code section, the
 4 pit bull ban may be in violation. I think your
 5 answer incorporated I think the jaws or the look of
 6 the dog, characteristics.
 7 **A. Yeah.**
 8 Q. I want to talk about the characteristics of
 9 dogs generally –
 10 **A. Okay.**
 11 Q. – and how those characteristics of dogs
 12 will lead you to the determination of whether you
 13 think a dog is a pit bull or not. Okay?
 14 **A. Okay.**
 15 Q. So we read the language of the definition.
 16 It's the prohibited purebreds, the American Pit Bull
 17 Terrier, American Staffordshire Terrier or
 18 Staffordshire Bull Terrier. Are you familiar with
 19 the breed standards for those purebreds?
 20 **A. Not an actual standard, no.**
 21 Q. Have you ever read the breed standards from
 22 the UKC or AKC for those breeds?
 23 **A. No.**
 24 Q. Have you ever done research or training on
 25 identifying what those purebreds are, like looking at

- 1 a picture and saying that's a purebred or...
 2 **A. No, not by looking at a picture.**
 3 Q. In your time and your experience as a
 4 control officer, have you ever encountered a purebred
 5 American Pit Bull Terrier?
 6 **A. I couldn't tell you.**
 7 Q. How about the American Staffordshire
 8 Terrier?
 9 **A. I would say there's probably been a couple
 10 that would be very close.**
 11 Q. But for...
 12 **A. But I don't know if they were ever UKC or
 13 AKC registered.**
 14 Q. Specifically my question would be for
 15 whether they are known to be purebreds with purebred
 16 paperwork.
 17 **A. That would come, basically, in the morning,
 18 well long after I am gone.**
 19 Q. Okay. Is it the same answer for the
 20 Staffordshire Bull Terrier?
 21 **A. I would say yes.**
 22 Q. Okay. So we have those breed standards.
 23 Are you generally familiar with what those standards
 24 say?
 25 **A. Probably for the most part. It's hit and**

- 1 **miss, the characteristics of said dog.**
 2 Q. What do you mean by that?
 3 **A. Bull Terriers are short. American
 4 Staffordshire Terriers, short, stout, big head, big
 5 jaws, very flat top.**
 6 Q. Okay. I want to ask you about a number –
 7 well, that's – I think over 20 different potential
 8 characteristics or traits that I can think of a dog
 9 possessing, and I'd like to ask you for each one of
 10 these if you consider – factor in this trait when
 11 making the determination about what type of breed the
 12 dog is or the predominant breed in a dog. Okay?
 13 **A. Okay.**
 14 Q. How about the coloring?
 15 **A. Not normally.**
 16 Q. The pattern of the coloring at all?
 17 **A. Not normally.**
 18 Q. Okay. The coat texture?
 19 **A. Yeah.**
 20 Q. The coat length?
 21 **A. Yeah.**
 22 Q. The body size?
 23 **A. Hit and miss.**
 24 Q. The type of body?
 25 **A. Yeah.**

- 1 Q. What about the length of the body?
 2 **A. Be hit and miss.**
 3 Q. The weight?
 4 **A. Yeah.**
 5 Q. Muscle mass?
 6 **A. Yeah.**
 7 Q. Chest size?
 8 **A. Yeah.**
 9 Q. The topline angles or the angle from the
 10 shoulders back to the hips?
 11 **A. I mean, if we're talking about a purebred,
 12 yeah.**
 13 Q. Not for mixed breeds?
 14 **A. No.**
 15 Q. Okay. How about leg length?
 16 **A. Yeah.**
 17 Q. Head shape?
 18 **A. Mostly.**
 19 Q. Okay. Head length?
 20 **A. That would be hit and miss.**
 21 Q. What about the width?
 22 **A. Yeah.**
 23 Q. The muzzle shape?
 24 **A. Including back to the jawline, yes.**
 25 Q. Going back to the jaws. Okay. So that's

- 1 included with muzzle? You would include jaw?
 2 **A. Yeah.**
 3 Q. Eye color?
 4 **A. No.**
 5 Q. Ear shape?
 6 **A. No.**
 7 Q. Ear size?
 8 **A. No.**
 9 Q. Neck?
 10 **A. Hit and miss.**
 11 Q. You already mentioned the jaws. How about
 12 the teeth?
 13 **A. No.**
 14 Q. Tongue color?
 15 **A. No.**
 16 Q. The tail shape?
 17 **A. No.**
 18 Q. The tail size?
 19 **A. No.**
 20 Q. Do you look at the animal's gait, how it
 21 walks?
 22 **A. No.**
 23 Q. Any agility, anything like that?
 24 **A. No.**
 25 Q. Behavior?

- 1 **A. No.**
 2 Q. Okay. Do you ever do any DNA?
 3 **A. I personally, no.**
 4 Q. Would that factor into your determination?
 5 **A. If I did DNA?**
 6 Q. Yes.
 7 **A. Well, I'd imagine DNA would come from a**
 8 **hundred different animals. So, no, I would not.**
 9 Q. Okay. Anything else we can...
 10 **A. It would all track back to the wolf; right?**
 11 **So – DNA?**
 12 MR. VONDRAK: Fair enough.
 13 Q. (By Mr. Hasan) I think there's a movie
 14 coming out right now that's talking about how dogs
 15 became domesticated. I think that I saw a preview
 16 for that recently.
 17 **A. I don't know how they breed a wolf down to a**
 18 **Chihuahua, but apparently it's there.**
 19 Q. I don't know. Taco Bell?
 20 **A. That would be like saying you're a hundred**
 21 **percent Italian and then doing a DNA test on you, and**
 22 **come to find out you're Middle Eastern and you're**
 23 **this – you're European and you're this and that, but**
 24 **your ancestry all comes from Italy.**
 25 Q. So using that analogy, if you were to say

- 1 for a person that looks a certain way that the
 2 ancestry comes out a different way, would you say
 3 that the physical characteristics or the ancestry is
 4 the more accurate determination of what that person
 5 is?
 6 **A. No.**
 7 Q. Which one would you say? Would you say it's
 8 the physical characteristics or the ancestry?
 9 **A. I would – I would go with more physical.**
 10 Q. For a person?
 11 **A. Yeah.**
 12 Q. So if a person looks to be Hispanic but it
 13 turns out to be they're Mediterranean, you would say
 14 the physical characteristics are more important?
 15 **A. They would all have certain characteristics**
 16 **that would vary.**
 17 Q. Okay.
 18 **A. If you get down real fine-tuning, I suppose.**
 19 Q. Well, we're talking about dogs.
 20 **A. Yeah.**
 21 Q. I was just curious about the ani- -- or, the
 22 people. Let's get back to that. I mentioned 25, 26,
 23 something like that, different physical traits or
 24 characteristics. And you said yes to a lot of them,
 25 hit or miss to some of them and no to some of them.

- 1 **A. It's a – it's like a combination lock. You**
 2 **can't put in a hundred codes and think it's going to**
 3 **open it.**
 4 Q. Yeah. Okay. So if it's like a combination
 5 lock – first off, is there anything that I didn't
 6 mention that you would take into consideration?
 7 **A. No.**
 8 Q. I was just looking at my dog and looking at,
 9 okay, she's got a tail, she's got legs, and trying to
 10 figure out, okay, here are all of the different
 11 things.
 12 Your combination lock analogy, how is it
 13 that you determine your belief of the predominant
 14 breed in a mixed-breed dog based on all of those
 15 different factors?
 16 **A. Mine mostly would consist of the head and**
 17 **down into their shoulders. Like I say, if we're**
 18 **going by purebred, each one would be different now,**
 19 **wouldn't it, because those are all, what, four**
 20 **different dogs in there?**
 21 Q. Three. Yeah.
 22 **A. Yeah. So you start mixing that combination**
 23 **up, and you're going to have different traits**
 24 **predominant out of each one.**
 25 Q. So I guess talking about that specifically,

1 obviously, if you're going to mix -- if you're going
2 to mix the American Pit Bull Terrier with the
3 Staffordshire Bull Terrier, you're going to have two
4 purebreds that if you look at the DNA is going to be
5 50 percent one and 50 percent the other. So we've
6 got that situation. I don't particularly care about
7 that situation for this question.

8 **A. Okay.**

9 Q. I want to ask about one of these purebreds
10 mixed with a completely different breed and the
11 traits that that dog is physically displaying, a
12 mixed breed dog and that mixed breed comes from not
13 necessarily two purebred pit bulls.

14 How do you determine whether the dog is
15 predominantly one of these three breeds?

16 **A. Like I say, if it would have the head of a
17 Staffordshire Terrier, the more thicker, big jawed,
18 wider head than the body, that's usually the most
19 predominant trait that you're going to find.**

20 Q. Okay.

21 **A. At that point, yet again, this would be
22 speculation into what the dog was mixed with.**

23 Q. Sure. But if you're -- I mean, if you're
24 picking up a mixed-breed dog, you don't know what the
25 dog's been mixed with, right, unless you have got

1 the -- the dog happens to have on its collar its
2 parentage information? Which would be an interesting
3 OCD owner.

4 **A. Right.**

5 Q. So the head -- you mentioned the head as the
6 predominant trait. If the head doesn't match your
7 conception of what the Staffordshire head should look
8 like, does that mean that you don't think it's
9 predominantly a Staffordshire?

10 **A. I would say, yeah.**

11 Q. So it's like a disqualifying feature? If it
12 doesn't have the head, then it's not predominantly
13 one of the pit bulls?

14 **A. For a Staffordshire, that's a very specific
15 dog with a very specific stance, shoulders, body.
16 They're very stout --**

17 Q. Okay.

18 **A. -- like I said.**

19 Q. So any of those, the American Pit Bull
20 Terrier, Staffordshire Bull Terrier or the American
21 Staffordshire Terrier, if the head didn't match what
22 you're -- what you think of for those breeds, then
23 that would be disqualifying? You wouldn't say it's a
24 pit bull?

25 **A. I'd go 50/50 on that.**

1 Q. Okay. But the -- for just the Staffordshire
2 Bull Terrier, you'd say for that one, if that one
3 doesn't have -- if you look at a dog and it doesn't
4 have that head, then you're going to say that that's
5 not predominantly a -- one of those breeds?

6 **A. Yeah. Yeah.**

7 Q. Any other disqualifying features?

8 **A. That would be purely mostly based off the
9 dog itself. We're talking about a fictional dog. I
10 would have to look at -- like I say, it's not easy to
11 articulate exactly what it is you see in a dog when
12 you see it.**

13 Q. I have some pictures that we'll go through
14 today, but I'd like to stick with my hypothetical
15 right now just because I want to try to understand
16 for animal control purposes when you look at a dog
17 what it is that factors into how you determine what
18 that dog is. Does that make sense?

19 **A. I get that. Yes.**

20 Q. Do you ever compare the dog that you have
21 picked up or impounded with other dogs?

22 **A. Not normally.**

23 Q. How about with pictures of other dogs?

24 **A. No.**

25 Q. I think that I heard earlier that Hannah,

1 Inc., has a --

2 **A. Dog chart?**

3 Q. -- a chart -- is that what it is, a dog
4 chart?

5 **A. Yeah.**

6 Q. Do you ever look at that dog chart when
7 you're trying to figure out the dog's breed?

8 **A. I have. There's a big array of Chesapeakes
9 and different little hunting dogs that are very hit
10 and miss with me.**

11 Q. Do they look similar to each other?

12 **A. No. Just trying to remember which names are
13 which.**

14 Q. Okay. How about other photos besides that
15 chart? Do you ever look at other photos of the dogs?

16 **A. No.**

17 Q. So I am just thinking about your combination
18 lock, the analogy, and thinking about the head of a
19 Staffordshire, and I am trying to think of
20 circumstances that could come up, because are you up
21 to date or do you -- have you ever looked into the
22 science behind how different purebred dogs can mix
23 and how their offspring can look?

24 **A. No.**

25 Q. And I am by no means an expert in that

1 field. I have looked into it just a little bit. And
 2 I am just thinking, you know, if you have two
 3 purebred dogs that mate, you're going to have a dog
 4 that, chances are, is going to be a purebred dog, you
 5 know, unless there's some sort of genetic mutation or
 6 something like that, but if you have got mixed-breed
 7 dogs mating, you're going to have a wide range of
 8 characteristics that the dogs' genes carry, which
 9 means that dog may display different physical
 10 characteristics. Are you still with me?

11 **A. Oh, yeah.**

12 Q. Yeah. So I am thinking that if the dog --
 13 two mixed-breed dogs are mating and one of those dogs
 14 has Staffordshire in its lineage and the offspring
 15 comes out with the Staffordshire head but the rest of
 16 it is -- you know, looks like a Golden Retriever body
 17 what you stereotypically think of as a Golden
 18 Retriever body but the head is nice and big and bulky
 19 as you were describing, would that -- would that lead
 20 you to believe that dog was predominantly
 21 Staffordshire?

22 **A. It would.**

23 Q. It would? So it's really in the head then,
 24 that if you see that head that's got you thinking...

25 **A. Well, I've seen generations of poor breeding**

1 **regardless of purity of it, and there is no way**
 2 **you're going to tell me that a purebred dog from one**
 3 **generation does not have horrible pups in there that**
 4 **don't come out with funny things and they're purebred**
 5 **and AKC registered. So I would predominantly say**
 6 **yes, that that dog had the trait of it.**

7 Q. Okay. So I guess this kind of goes back to
 8 what we were talking about with the Hispanic versus,
 9 like, Mediterranean human being. Let's -- if we talk
 10 about dogs, though, and you have got your dog that
 11 you're looking at and it has that Staffordshire head
 12 that you're describing but the dog -- the owners or
 13 Hannah, Inc., performs a DNA test on it and it comes
 14 back that the dog has 12 and a half percent
 15 Staffordshire in it and the other, you know,
 16 80-whatever percent is American Bulldog, if they were
 17 to show you that paperwork and say, yeah, it's got 12
 18 and a half percent Staffordshire in it but 87 and a
 19 half percent American Bulldog, would your conclusion
 20 that it's predominantly one of those prohibited
 21 breeds change?

22 **A. Probably not.**

23 Q. So it's...

24 **A. But I am not the final say in that.**

25 Q. Who is?

1 **A. That's just my perception.**

2 Q. Who is the final say?

3 **A. I would imagine it comes to a group**
 4 **hearing-type thing.**

5 Q. A group hearing?

6 **A. Like I say, I am not there during the day**
 7 **when all of those get said and everybody sits around**
 8 **and debates it.**

9 Q. Okay. But for you personally, as the animal
 10 control officer who's going to be picking up and
 11 making the determination, the initial determination
 12 on the dog's breed, if you were presented with the
 13 DNA test right there at the same time as you're
 14 visually identifying what you think this dog's
 15 predominant breed is and the DNA test shows no -- the
 16 DNA is not predominantly one of these prohibited
 17 breeds, would your determination still be that is
 18 banned under the statute?

19 **A. I would hold the dog until somebody else**
 20 **made the determination.**

21 Q. Okay. If you...

22 **A. Like I say, I was not there when they took**
 23 **the blood and ran it and did everything with it.**

24 Q. Okay. Sure. Would you still write down on
 25 the impound card pit bull?

1 **A. I would write down it was a mix.**

2 Q. Pit bull mix or just mix?

3 **A. I would -- I would put a mixture of whatever**
 4 **they said was on that card.**

5 Q. On -- oh, you mean like the DNA? So if the
 6 DNA said 40 percent bulldog, 40 percent boxer, 20
 7 Staffordshire Bull Terrier, would you put...

8 **A. I -- that -- it wouldn't be the first time I**
 9 **put just mix on there --**

10 Q. Okay.

11 **A. -- and leave it to somebody else to make**
 12 **that determination --**

13 Q. Okay. So...

14 **A. -- if it's in question to me.**

15 Q. Would you say, then, there are circumstances
 16 that the DNA analysis would trump your visual
 17 identification of the dog?

18 **A. I am not a scientist to say yes or no to**
 19 **that.**

20 Q. Sure. And...

21 **A. My perception of what that is compared to**
 22 **somebody else's or what a scientist would say, this**
 23 **is a specific dog, that's -- it's purely a**
 24 **perspective on --**

25 Q. Sure.

1 **A. – what I know to be and what they know to**
2 **be.**

3 Q. I am just asking – yeah. I am not a
4 scientist either.

5 **A. That's...**

6 Q. But just as to your personal...

7 **A. I couldn't give you an honest answer on**
8 **that, though. Like I say, it's – you know, that's**
9 **what I know a pit bull to look like and have the**
10 **traits of. And like I said with the DNA the first**
11 **time, I would imagine it will come back with quite a**
12 **bit of different things in there that will show**
13 **predominantly smaller pieces than more.**

14 Q. So I guess I am asking for you personally if
15 there's a circumstance where the DNA test shows that
16 it's not predominantly the pit bull you think it is,
17 would that change your determination at the time?

18 **A. It could.**

19 Q. It could?

20 **A. Maybe.**

21 Q. Okay.

22 **A. Yeah. Like I say, it just – it still comes**
23 **down to what it looks like. Yeah. If it look...**

24 Q. Okay. So I guess the converse of my
25 question is is whether...

1 **A. How predominant are we talking in looking,**
2 **you know? It just – we're talking about a**
3 **hypothetical situation where I can't look at one dog**
4 **and say, well, okay, and then you hand me a test.**
5 **Like I said, I do not see this dog right now. So I**
6 **can't say whether or not it would be overturned by a**
7 **test.**

8 Q. Yeah.

9 **A. So...**

10 Q. Then is it – the flip side of that
11 question. Would there be circumstances where your
12 visual identification and the – your belief of the
13 predominant breed based on the visual identification
14 could not be changed based on the DNA test?

15 **A. I suppose, yeah.**

16 Q. Okay. So talking about picking up a dog,
17 you mentioned you're on the night shift and you're
18 the only one working during the night shift. Do you
19 impound all of the dogs you pick up?

20 **A. If I pick them up, yeah, and I have no**
21 **owner.**

22 Q. Are there ever circumstances where you'd
23 return them to the owner at that time?

24 **A. Oh, if the dog's current on everything and I**
25 **don't think I have ever seen the dog before, most of**

1 **the times, yes. If there's an owner that's like, oh,**
2 **hey, that's my dog. Like I said, but if you come out**
3 **and you're going to be mean and your dog's out here**
4 **running loose and causing problems, no, I'm probably**
5 **not going to give it back to you. You can come down**
6 **and go through the proper things.**

7 **There's a lot to that. You know, you're**
8 **asking a real big question here. There's a lot of**
9 **things that could take place there.**

10 Q. There are a lot of people out there. That's
11 why.

12 **A. Sure. But –**

13 Q. There's a lot of people.

14 **A. – it's probably 50/50. If I have a nice**
15 **owner that comes out and claims their dog, I will**
16 **probably be more inclined to give it back to them.**

17 Q. So if my dog ever gets loose back in Omaha,
18 be nice to the animal control officer? I hope I
19 would do that anyway, but good to know.

20 **So if you pick up the dog and the owner**
21 **comes out – I think earlier you said you don't make**
22 **the determination on breed until you get back to the**
23 **shelter; is that right?**

24 **A. That's true most times, yeah.**

25 Q. Have there ever been circumstances in your

1 experience where you have picked up a dog and made
2 the determination – like, let's say you pick up an
3 at large that's right outside the owner's house and
4 you look at it and you go, that thing's got to be a
5 pit bull, and the owner comes out, would you give the
6 dog back?

7 **A. Oh, it would have to be a pretty**
8 **predominantly looking pit bull to me before I'd be**
9 **like – yeah, I'd say I would need to see a city**
10 **license and rabies and then I would let somebody else**
11 **make that determination.**

12 Q. Okay.

13 **A. Because it very well could not be a pit bull**
14 **in the dark, depending on lighting, everything.**

15 Q. Sure.

16 **A. So...**

17 Q. Okay. Do you issue of citations?

18 **A. Do I?**

19 Q. Yes.

20 **A. Yeah.**

21 Q. Warnings?

22 **A. Huh?**

23 Q. Warnings also?

24 **A. I do.**

25 Q. Do you ever take pictures of the dogs?

1 **A. No.**
 2 Q. Any particular reason why not?
 3 **A. Oh, not – not in – not in quite a while.**
 4 **Like I say, you'd be hard-pressed to find that I**
 5 **wrote a citation for an illegal pit bull. So...**
 6 Q. Would there ever be a circumstance where you
 7 would pick up a dog that you believe fits the
 8 definition of pit bull under the orientation and you
 9 wind up giving the dog back to the dog owner?
 10 **A. It's quite possible.**
 11 Q. In what circumstances, do you think?
 12 **A. Well, I am not necessarily saying it was a**
 13 **pit bull, but if I didn't believe it to be enough pit**
 14 **bull, I might have returned it back.**
 15 Q. How about if you picked it up and you -- you
 16 know, if you look at it and you're like, that's got
 17 to be a pit bull. You just -- you know, that thing's
 18 got to be a pit bull. Are there ever circumstances
 19 where you would give that dog back to the owner?
 20 **A. If he showed me a city license for that dog.**
 21 Q. Okay.
 22 **A. Yeah.**
 23 Q. Are you familiar -- I understand since you
 24 work night shift and that this may not be a hundred
 25 percent applicable -- but of the appeal process or an

1 owner's ability to challenge the determination of a
 2 breed of a dog?
 3 **A. I am not a hundred percent on that, no.**
 4 Q. Has Hannah, Inc., anyone there told you
 5 about that process at all?
 6 **A. I am not a hundred percent on that, no.**
 7 Q. Do you ever -- well, I want to make sure
 8 that when you say you're "not a hundred percent"
 9 we're on the same page here. Are you aware that dog
 10 owners are allowed to challenge the determination?
 11 **A. Yes.**
 12 Q. How are you aware of that?
 13 **A. Well, because, like I say, that's a whole**
 14 **different set of things. My determination is not a**
 15 **final determination. It's just what I see.**
 16 Q. Okay.
 17 **A. So you could come in and claim whatever you**
 18 **want.**
 19 Q. Because you're aware that dog owners can
 20 challenge -- well, also, are you aware that dog
 21 owners can appeal a determination?
 22 **A. Yeah, I am pretty sure. Yeah.**
 23 Q. Do you ever tell the owners -- if you run
 24 into them and you impound the dog, do you ever tell
 25 them of those rights?

1 **A. Yeah.**
 2 Q. What do you say?
 3 **A. I tell them that -- for the one or -- or**
 4 **twice instance that I have actually had to take an**
 5 **illegal pit bull that they're more than capable of**
 6 **going down there, and I tell them the process of how**
 7 **they can do it.**
 8 Q. Travis, in your opinion are certain breeds
 9 more aggressive than others?
 10 **A. I can't really say that with any certainty.**
 11 Q. When you say you can't say that with any
 12 certainty, do you mean that you don't think there
 13 aren't any because you can't -- you haven't seen
 14 that?
 15 **A. That's kind of a big question to answer.**
 16 **That's...**
 17 Q. Just do your best.
 18 **A. That's also more of a personal question on**
 19 **my own personal experience with dogs.**
 20 Q. Well, yeah. Well...
 21 **A. And I am not really in a position to answer**
 22 **that, being that I deal with predominantly more of**
 23 **one breed of dog than others.**
 24 Q. What's the predominant breed you deal with
 25 more than others?

1 **A. Mostly it's larger breeds. So, like I say,**
 2 **it's -- it would be a biased opinion.**
 3 Q. That's fine. So setting aside your -- just
 4 your personal opinion is what I want to know now,
 5 that opinion. Do you think that certain breeds are
 6 more aggressive than other breeds, you personally?
 7 Do you think that?
 8 **A. Oh, I don't know. I...**
 9 Q. If you have to think of what -- can you
 10 think of certain breeds off the top of your head that
 11 are making you consider that question?
 12 **A. Yeah. Pit bulls would be one of them. Like**
 13 **I say, there's a lot of answers to that question to**
 14 **answer why a breed might be more aggressive, but I**
 15 **think it's a...**
 16 Q. Well, let's -- why do you think a breed
 17 would be more aggressive?
 18 **A. Owners.**
 19 Q. Bad ownership?
 20 **A. Yeah.**
 21 Q. So is the -- is that aggressive behavior due
 22 to the dog's breed or is it due to the upbringing?
 23 **A. People don't research animals enough before**
 24 **they get them. These are working dogs that need to**
 25 **meet certain requirements, and when that's not met,**

1 **that usually turns an animal. I will work with that.**

2 Q. Okay. How about for pit bulls specifically,
3 since you said that's one that comes to mind? On
4 what is that opinion based?

5 **A. High-energy dog, very known to run loose.**
6 **Like I say, it's -- you're talking about personal**
7 **opinion here.**

8 Q. Sure.

9 **A. I have no personal opinion when it comes to**
10 **enforcement of the law.**

11 Q. No. I understand that. But as far as you
12 said high energy, and I was asking more as far as
13 aggression, not high energy.

14 **A. Well, that's the same thing.**

15 Q. Okay. So you think any dog with high energy
16 would have the aggression?

17 **A. No.**

18 Q. So specifically, though, for aggression for
19 pit bulls, are you saying that it's just high energy
20 or something else?

21 **A. There's a mixture of things that create a**
22 **bad dog just like a bad person.**

23 Q. But are those based on physical features of
24 the breed or are those based on the upbringing?

25 **A. I couldn't answer that.**

1 Q. Well, in your experience are certain
2 physical features predictive of how a dog is going to
3 behave?

4 **A. No.**

5 Q. Were you involved at all with Kali Myers'
6 dogs that were picked up?

7 **A. I don't believe so.**

8 Q. So you mentioned earlier you went through
9 the NACA training course --

10 **A. (Witness nods head up and down.)**

11 Q. -- and you have that NACA training manual.
12 I am going to show you in that depositions binder
13 here Exhibit 1. I will represent to you that this is
14 a scan of the quiz that they had and in that training
15 manual, the one I mentioned to you I read recently.

16 And, first off, I am going to ask you, based
17 on the pictures here and the pictures going on
18 forward, and ask you if you can tell me what you
19 think the predominant breed of the dog in the photos
20 are.

21 **A. I didn't do it then, and I am not going to**
22 **do it now because a picture is a flat surface that**
23 **does not tell you nothing more than just what it**
24 **sees.**

25 Q. So let's make sure that we're, you know,

1 clear here. Are you saying that you are unable to
2 tell me from a photograph what the predominant breed
3 of a dog is or what you believe the predominant breed
4 of dog to be?

5 **A. I am saying I wouldn't feel comfortable**
6 **doing so.**

7 Q. Sure. You know, I am asking you more why.

8 **A. Well, you're looking at a 2D surface of a 3D**
9 **animal. It takes more than just looking at a picture**
10 **to define a dog.**

11 Q. What is it -- what else would you need to
12 see in addition to a photograph of a dog? Like what
13 are the in-person features that would enhance the
14 picture that would let you determine?

15 **A. A picture ain't going to do it. You bring**
16 **the dog in here, and we'll go from there.**

17 Q. So is it only going to be in person? That's
18 the only circumstance that you can say this is what
19 the predominant breed of a dog is?

20 **A. I would say you're going to be a lot closer**
21 **to doing so.**

22 Q. A lot closer in the sense that even then you
23 might not be able to say here's what the predominant
24 breed is?

25 **A. No. You're not going to be in more of a**

1 **ballpark. I am not saying that it's not, and I am**
2 **not saying it is.**

3 Q. Yeah. So...

4 **A. I am just saying that's the best guess I**
5 **could give you.**

6 Q. So even then, the best guess you could
7 give -- it would just be the best guess based on in
8 person. It wouldn't be...

9 **A. Well, I have been doing the job a long time.**
10 **I've seen a lot of mixes of different dogs come in.**
11 **It's a pretty educated guess.**

12 Q. For being in person?

13 **A. Yeah. If you showed me a picture of a dog**
14 **on the internet and asked me to go take it for the**
15 **belief that it was something, no. No.**

16 Q. So is it your opinion and belief that an
17 individual cannot accurately identify the predominant
18 breed of a dog based on a photograph?

19 **A. Well, maybe some people can. I wouldn't**
20 **base mine on it.**

21 Q. Sure. But based on your experience, you
22 think that's unreliable?

23 **A. I would say so.**

24 Q. Okay. Will you flip to the next tab there,
25 please? I want to see if maybe the better quality

1 picture may help you out here, and we'll just go
2 through this. I am going to represent to you that in
3 the background of these photos – do you see the
4 boxes? – those are one square foot each to give you
5 a better idea of the size of the dog.

6 Can you tell me in Exhibit 2, number one,
7 you can tell me a breed that you think is in this
8 dog?

9 **A. No.**

10 Q. Okay. You mentioned that during the NACA
11 training – and NACA is National Animal Control
12 Association?

13 **A. Association.**

14 Q. So during the National Animal Control
15 Association training they showed you pictures, and
16 they showed the whole group pictures to try to train
17 you on what the dogs were; is that right?

18 **A. Well, kind of. Yeah.**

19 Q. When you say "kind of," what do you mean?

20 **A. Well, it was on a projector. And it was
21 more just the theory of can you name a dog by looking
22 at a picture.**

23 Q. Okay.

24 **A. Like I said, most were wrong.**

25 Q. Sure. How about – so you had that as an

1 example. And then Hannah, Inc., has that chart up;
2 right?

3 **A. Uh-huh.**

4 Q. Yeah?

5 **A. Yeah.**

6 Q. That chart has pictures on it?

7 **A. Yeah.**

8 Q. And those pictures correspond to what a
9 breed should look like?

10 **A. According to the UFC or multiple – I – I
11 think UKC or whatever, yeah.**

12 Q. Or the AKC?

13 **A. That's it.**

14 Q. Yeah. The – and that's based – those are
15 the breed standards that this statute, the ordinance,
16 is based on?

17 **A. I couldn't tell you what –**

18 Q. If you want to...

19 **A. – what they based it on.**

20 Q. Yeah. I mean, we can actually flip to the
21 statute if you want, but – it should be at the very
22 back of this. I believe if you read the last couple
23 of sentences there it should say, as those breeds are
24 defined by the United Kennel Club and the American
25 Kennel Club.

1 **A. Yes, it does.**

2 Q. So that chart we were talking about that has
3 those purebred dogs on it, that's pictures of
4 purebred dogs; right?

5 **A. That would be correct.**

6 Q. And you said that those – that chart's
7 there to help you identify what a specific dog breed
8 is; right?

9 **A. That's correct.**

10 Q. So Hannah, Inc., is providing that – those
11 pictures for you to compare to help determine what a
12 dog breed is?

13 **A. That's correct.**

14 Q. I think this will save a cleanup question
15 later. Maybe it won't. But is what you're telling
16 me with all these photos that we have in here,
17 it's – you're not telling me that you are refusing
18 to answer. What you're telling me is that you cannot
19 answer because you do not think that based on the
20 photographs presented you can provide me with what
21 you believe the predominant breed of this dog is?

22 **A. I would say for the most part, yeah.**

23 Q. Is there anything else in that answer that
24 you want to – I mean, if there – are there any
25 other reasons that you can't answer?

1 **A. You're looking at different angles,
2 different – you're looking at the side of a dog, not
3 the head of the dog. You can't physically see what's
4 in front of you.**

5 Q. Okay. Did you review any documents before
6 you came here today?

7 **A. Nope. Just the pit bull ordinance.**

8 Q. Did you talk to anyone else, anyone,
9 coworkers – I am not specifically asking about your
10 attorneys here, but any coworkers, Cindy, Chris about
11 this?

12 **A. No. Chris told me that you guys were ready
13 for me, and that was about it.**

14 Q. Yeah. And I hope it wasn't too early for
15 you today. I am sorry if it was. We...

16 **A. It's – that's about it.**

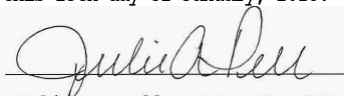
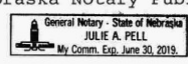
17 Q. I think we covered this, but I want to make
18 sure. When you're determining what you think the
19 breed or predominant breed of a dog that you pick up
20 is, that's based on your personal visual
21 identification?

22 **A. Yeah.**

23 Q. Are you aware that the city code defines
24 what a dangerous, high-risk or vicious animal is?

25 **A. Yeah.**

1 Q. Are you ever called in to enforce those code
 2 sections?
 3 A. I am.
 4 Q. Are those code sections enforced regardless
 5 of if a dog fits under here? Is it regardless of the
 6 breed of the dog?
 7 A. Yeah.
 8 MR. HASAN: That's all I have got. Do you
 9 guys have any follow-up?
 10 MR. VONDRAK: Nope.
 11 MR. CHRISTOPHERSON: Not me.
 12 MR. HASAN: Last one of the day. Do you
 13 want me to go four for four?
 14 MR. VONDRAK: You're doing good.
 15 MR. HASAN: Yeah. Travis, you have the
 16 right to read and sign the transcript from this. It
 17 would be later, once Julie prepares the transcript.
 18 You also have the right to or have the ability to...
 19 MR. VONDRAK: We'll have you read and sign.
 20 So...
 21 MR. HASAN: Yeah. There you go, if you --
 22 read and sign. That's about it.
 23 (The deposition concluded at 4:47 p.m.)
 24
 25

1 C E R T I F I C A T E
 2 I, Julie A. Pell, RPR, CRR, CSR, CCR, duly
 3 commissioned, qualified, and acting under a general
 4 notarial commission within and for the State of
 5 Nebraska, do hereby certify that:
 6 TRAVIS JOHNSON
 7 was by me first duly sworn to tell the truth, the
 8 whole truth, and nothing but the truth; that the
 9 foregoing deposition was taken by me at the time and
 10 place herein specified and in accordance with the
 11 within stipulations; that I am not counsel, attorney,
 12 or relative of either party or otherwise interested
 13 in the event of this suit.
 14 IN TESTIMONY WHEREOF, I have hereunto set my
 15 hand officially and attached my notarial seal at
 16 Lincoln, Nebraska, this 25th day of January, 2018.
 17
 18 
 19 Julie A. Pell, RPR, CRR, CSR
 20 Nebraska Notary Public
 21 
 22
 23
 24
 25

1 AMENDMENT TO DEPOSITION
 2 CASE: Kali Myers v. City of Sioux City, et al.
 3 WITNESS: TRAVIS JOHNSON _____ No Changes
 4 The Witness herein states that he/she wishes
 5 to make the following changes in his/her deposition:
 6 PAGE LINE CURRENTLY SHOULD REASON
 7 READS READ FOR CHANGE
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 DEPONENT'S SIGNATURE _____
 19 ACKNOWLEDGEMENT State of _____
 20 County of _____
 21 The foregoing instrument was acknowledged
 22 before me this _____ day of _____, 20____.
 23 _____
 24 ^ Affix Seal Here ^ GENERAL NOTARY PUBLIC
 25

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