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1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF IOWA
3 WESTERN DIVISION

4 KALI MYERS, an individual,) NO. 5:16-cv-04107-LRR
5))
6) Plaintiffs,)
7))
8) vs.)
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16 DEPOSITION OF KALI MYERS, taken before Nancy
17 S. Jones, a Certified Shorthand Reporter in and
18 for the State of Iowa and Registered Merit
19 Reporter, on January 18, 2018, commencing at 1:04
20 p.m., at 405 Sixth Street, Suite 511, Sioux City,
21 Iowa, pursuant to notice.

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5 Cross-Examination by Mr. Hasan. 35

6 Redirect Examination by Mr. Vondrak 36

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8 9

9 10 EXHIBITS

10 11 Marked

11 Exhibit No. On Page

12 13 107 Photograph of Radar 18

13 14

14 15

15 16

16 17

17 18 (The exhibit is attached to the

18 original transcript.)

19 19

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21 21

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1 - A P P E A R A N C E S -

2

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1 KALI MYERS,

2 being of lawful age, having been first duly

3 cautioned and solemnly sworn by the Certified

4 Shorthand Reporter, was examined and testified as

5 follows:

6 DIRECT EXAMINATION

7 BY MR. VONDRAK:

8 Q. It's Kali. Right?

9 A. Kali.

10 Q. Kali?

11 A. Yeah.

12 Q. Kali, my name is Justin Vondrak. I'm an

13 attorney that represents the city and the

14 defendants in this case.

15 Have you ever had your deposition taken

16 before?

17 A. Yes.

18 Q. Okay. What was that case about?

19 A. It was domestic abuse issue.

20 Q. Okay. Sure. And so you're a little bit

21 familiar with the process?

22 A. Uh-huh.

23 Q. And I'll lay some -- a little bit of

24 ground rules. First of all, are there any

25 physical or emotional or mental conditions that

<p style="text-align: right;">5</p> <p>1 would prohibit you from telling the truth today or 2 taking this deposition? 3 A. No. 4 Q. Okay. Are you on any medication or 5 alcohol that will affect your ability to tell the 6 truth and take a deposition? 7 A. No. 8 Q. Okay. And anything -- anything else 9 that would prevent you from answering truthfully? 10 A. No. 11 Q. Okay. I won't go through all the rules 12 of a deposition, but a simple one is, we just need 13 a yes-or-no answer -- I'm sorry -- we need an 14 audible answer, such as a yes or no. The head nod 15 that you're -- 16 A. Yes. 17 Q. -- you're doing right now -- 18 A. Sorry. 19 Q. -- won't -- won't work very good for 20 Nancy. Okay. 21 Do you mind if I call you Kali? 22 A. Yeah. 23 Q. Okay. Kali, what -- tell me a little 24 bit about your background. Where did you go to 25 school?</p>	<p style="text-align: right;">7</p> <p>1 ban, so I knew it was going on and I wanted to be 2 a part of it. 3 Q. And why didn't you believe in the pit 4 bull ban? 5 A. I've never had an issue with bit bulls 6 at all. All of mine have been amazing dogs, never 7 bit anybody, just most affectionate dogs that, you 8 know, I've ever owned. And I've owned quite a few 9 different breeds. 10 Q. And you like bit bulls the best? 11 A. Uh-huh. Yes. 12 Q. And why is that? 13 A. They're just obedient, they're loyal, 14 they're loving, easiest to train that -- that I've 15 had. 16 Q. Sure. I'm a dog person, too, so, yeah, 17 I can -- I can sympathize with you. 18 How many pit bulls have you had? 19 A. Four or five. 20 Q. Four or five? 21 A. Uh-huh. 22 Q. What were their names? 23 A. We had Lugnut -- he was a rescue -- 24 Tink, Radar, and Dolly. And Dolly's in California 25 with my ex.</p>
<p style="text-align: right;">6</p> <p>1 A. West High. And lived in Arizona for a 2 little while, so I went to a couple high schools 3 there. 4 Q. And what year did you graduate? 5 A. I was supposed to graduate 2008, but I 6 went back and got my diploma in 2011. 7 Q. Sure. And what -- what do you do now? 8 Where are you living? 9 A. I live in Menville. 10 Q. Okay. 11 A. And I work at Thompson Electric. 12 Q. What do you do for Thompson? 13 A. Prefab shop. 14 Q. Oh, okay. How long have you worked 15 there? 16 A. This will be my second week. I just 17 started. 18 Q. Oh, I knew that. I'm sorry. I knew you 19 got a new job, and -- 20 A. Yeah. 21 Q. So sorry if this is cutting into your -- 22 A. That's fine. 23 Q. I'm going to start out with, how -- how 24 did you get involved with this case? 25 A. I don't really believe in the pit pull</p>	<p style="text-align: right;">8</p> <p>1 Q. Lugnut was the first one? 2 A. Yeah. 3 Q. And what time period did you have 4 Lugnut? 5 A. It was like 2010 to about 2011, '12. 6 Q. Was Lugnut registered as a pit bull? 7 A. No. We received him from a family in 8 Lawton that had had a little tragedy happen in 9 their family, so I took him in. But he's actually 10 still around. 11 Q. Was it a tragedy relating to the dog or 12 something else? 13 A. No. 14 Q. Okay. 15 A. Family -- 16 Q. Sure. 17 A. -- thing. 18 Q. And so you got Lugnut in 2010. And 19 sometime in 2011, 2012 -- 20 A. Well, the pit bull ban was going on, so 21 another one of my ex's actually ended up with him. 22 Q. Okay. 23 A. And he lives outside of -- 24 Q. Did you voluntarily do that -- 25 A. Yeah.</p>

<p style="text-align: right;">9</p> <p>1 Q. -- or did animal control get involved?</p> <p>2 A. I voluntarily did that one.</p> <p>3 Q. And you knew at the time that Lugnut was</p> <p>4 a pit bull?</p> <p>5 A. Yeah.</p> <p>6 Q. Had the characteristics of being a pit</p> <p>7 bull?</p> <p>8 A. Yes.</p> <p>9 Q. What color?</p> <p>10 A. He was white with a brown spot around</p> <p>11 his eye.</p> <p>12 Q. And so the next one you listed was Tink.</p> <p>13 Tell me a little bit about Tink and what time</p> <p>14 frames you had him.</p> <p>15 A. Tink -- I received her after my German</p> <p>16 shepherd mix was hit by a car. I received her</p> <p>17 from a friend. She was a gift. That was, let's</p> <p>18 say, 2013. Then the friend that gave her to me</p> <p>19 actually passed away, Jeremy Anderson.</p> <p>20 Q. Okay. And do you still have Tink?</p> <p>21 A. No.</p> <p>22 Q. What happened to Tink?</p> <p>23 A. Tink was outside using the restroom and</p> <p>24 kind of wandered a little further down the road</p> <p>25 and got picked up. And I went to pick her up from</p>	<p style="text-align: right;">11</p> <p>1 going to euthanize her. And...</p> <p>2 Sorry. Last year I went to Buffalo Wild</p> <p>3 Wings with my son. And one of the ladies that</p> <p>4 works at Noah's Hope...</p> <p>5 MR. HASAN: Take your time.</p> <p>6 BY MR. VONDRAK:</p> <p>7 Q. Take all the -- take the time you need.</p> <p>8 We can even take a break if you need it.</p> <p>9 A. Sorry.</p> <p>10 Q. You don't have to apologize to anybody</p> <p>11 here.</p> <p>12 A. Okay. Brenda works at Buffalo Wild</p> <p>13 Wings, but she helps with Noah's Hope.</p> <p>14 Q. Yep.</p> <p>15 A. And we had gone through with her some</p> <p>16 issues, you know, trying to at least know where</p> <p>17 she's going, 'cause she had contacted us and said</p> <p>18 they didn't euthanize her, they're going to send</p> <p>19 her to a rescue or a home, and we can't tell you</p> <p>20 where. We're like, okay.</p> <p>21 Well, last year I ran into her at</p> <p>22 Buffalo Wild Wings. And she gave me her card and</p> <p>23 she said, I still have Tink's collar, if you want</p> <p>24 it. You can call me.</p> <p>25 Q. And so Tink was sent to a rescue?</p>
<p style="text-align: right;">10</p> <p>1 animal control. She was still a puppy then. And</p> <p>2 they gave her back, no problem. Didn't say</p> <p>3 anything about pit bull ban, because we believed</p> <p>4 she was a mix, boxer mix. And then got her back.</p> <p>5 And I think a year later --</p> <p>6 Q. Got her --</p> <p>7 A. Got her back from animal control. Went</p> <p>8 and paid her fine for -- for being impounded.</p> <p>9 Q. So they had her for a year?</p> <p>10 A. No, they didn't have her for a year.</p> <p>11 They picked her up and then I got her back. And</p> <p>12 then about a year later, she was picked up again.</p> <p>13 And then we were told she's a pit bull, can't have</p> <p>14 her back, and she's been deemed not able to be in</p> <p>15 Sioux City. And --</p> <p>16 Q. What did you do at that point?</p> <p>17 A. We had tried with Cindy Rarrat to get</p> <p>18 her back. And Cindy basically told us, no, you're</p> <p>19 not getting the dog back. We're going to</p> <p>20 euthanize her. She's a pit bull. She can't be</p> <p>21 here.</p> <p>22 So there was a little altercation as far</p> <p>23 as, you know, you can't just kill our dog. You</p> <p>24 could at least let us see her. She wouldn't even</p> <p>25 let us go back and see her. Just said, no, we're</p>	<p style="text-align: right;">12</p> <p>1 A. That I know of.</p> <p>2 Q. Okay.</p> <p>3 A. But Cindy told us she was just going to</p> <p>4 euthanize her; wouldn't give us any more</p> <p>5 information.</p> <p>6 Q. Where did you get Tink from?</p> <p>7 A. My friend Jeremy.</p> <p>8 Q. Yeah. But, I mean, you --</p> <p>9 A. Sioux City.</p> <p>10 Q. -- you said it was a gift.</p> <p>11 A. Yeah.</p> <p>12 Q. But -- and it was as a puppy.</p> <p>13 A. Yeah. His dog had puppies. And he had</p> <p>14 seen my post about my dog Lexi that was hit by a</p> <p>15 car and said, come over and pick one out and you</p> <p>16 can have her. So...</p> <p>17 Q. And was she a licensed pit bull, do you</p> <p>18 remember?</p> <p>19 A. Was Tink?</p> <p>20 Q. No. Tink's mother.</p> <p>21 A. I have no -- I don't know.</p> <p>22 Q. Did you ever see the mother?</p> <p>23 A. Yes.</p> <p>24 Q. What --</p> <p>25 A. She was there.</p>

<p style="text-align: right;">13</p> <p>1 Q. -- did she look like?</p> <p>2 A. She was skinnier. She kind of had more</p> <p>3 of a boxer build in the body, but like a blockier</p> <p>4 head. She was a dark brown brindle, as I recall.</p> <p>5 Q. And did Tink have some of those</p> <p>6 characteristics, as well, once she got to be a</p> <p>7 year old?</p> <p>8 A. She was very boxer built in the body,</p> <p>9 like very high hips.</p> <p>10 Q. Okay.</p> <p>11 A. She did have a very blocky head, was</p> <p>12 very muscley in the head, but...</p> <p>13 Q. In your opinion, is that one of the</p> <p>14 characteristics of a pit bull or a Staffordshire</p> <p>15 terrier, a block -- a big, blockier head?</p> <p>16 A. They have a blockier head, uh-huh.</p> <p>17 Q. Whereas, a boxer kind of has a little</p> <p>18 bit of a longer nose. Right?</p> <p>19 A. Yeah. Well, they have a shorter snout</p> <p>20 that just kind of drops down.</p> <p>21 MR. HASAN: Let me interject and make</p> <p>22 sure this is based on her just personal opinion,</p> <p>23 observations throughout life. Right?</p> <p>24 MR. VONDRAK: I don't know what else it</p> <p>25 would be.</p>	<p style="text-align: right;">15</p> <p>1 So I got looking on Craigslist, and I</p> <p>2 sent him some puppies. And he had liked one that</p> <p>3 was brown in color. Couldn't really tell a breed</p> <p>4 on that one. So I called that person, and they</p> <p>5 said, well, she was sold last night. Sorry.</p> <p>6 So I found Radar on Craigslist and sent</p> <p>7 it to him. And he called her Ears, because her</p> <p>8 ears were really big and pointy. And he was, oh,</p> <p>9 I really like Ears. She's cute, whatnot.</p> <p>10 So I went with my friend Neko to pick</p> <p>11 Radar up. And she was just playing in the</p> <p>12 backyard with a stick, and we were watching her</p> <p>13 run around. She wasn't aggressive, nothing.</p> <p>14 Picked her up. The guy said, you can have her for</p> <p>15 free, as long as she's going to a good home. I</p> <p>16 said, yes. Walked her out to the van, and got a</p> <p>17 text from my friend that said, we don't want that</p> <p>18 one. So Radar became mine.</p> <p>19 Q. You got a little bit attached to Radar?</p> <p>20 A. Yeah, I did. Very much. Took her home,</p> <p>21 and she got along great with Dolly. There's no</p> <p>22 aggression there. Because we had Dolly down in</p> <p>23 Arizona. And my son, he was about one year old at</p> <p>24 the time, and those two got along marvelously. I</p> <p>25 have at least five pictures of them laying on the</p>
<p style="text-align: right;">14</p> <p>1 MR. HASAN: Okay. Perfect.</p> <p>2 BY MR. VONDRAK:</p> <p>3 Q. Okay. And so eventually, when Tink grew</p> <p>4 up, she had some of the features of being a pit</p> <p>5 bull, the blockier head?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. Did you ever go get the collar</p> <p>8 back?</p> <p>9 A. I tried calling Brenda and she never</p> <p>10 answered, and I just kind of -- I haven't been in</p> <p>11 contact with her, no.</p> <p>12 Q. Okay.</p> <p>13 A. If I need to, I still have her card in</p> <p>14 my wallet.</p> <p>15 Q. Tell me a little bit about Radar.</p> <p>16 A. Radar I got -- I was living down in</p> <p>17 Arizona, and I had a friend up here asking if I</p> <p>18 could find him a puppy down there, 'cause he</p> <p>19 wanted a puppy.</p> <p>20 Q. What kind of puppy?</p> <p>21 A. I'm trying to remember how he worded</p> <p>22 it. He just said a blue -- like the blue color</p> <p>23 puppy. He didn't really specify breed. He said</p> <p>24 he doesn't really care, as long as it's got the</p> <p>25 blue color. I said, okay.</p>	<p style="text-align: right;">16</p> <p>1 floor, watching TV, where he's laying on top of</p> <p>2 her, and just -- it was -- she was a great dog.</p> <p>3 Q. She was a good dog?</p> <p>4 A. Uh-huh.</p> <p>5 Q. And you said she was a bluish color?</p> <p>6 A. Yeah, she was a bluish color. She</p> <p>7 had --</p> <p>8 Q. I've never seen a bluish color.</p> <p>9 A. It's like a --</p> <p>10 Q. Is that like a common?</p> <p>11 A. It's like a gray with a little hint of</p> <p>12 blue tint to it. She has a --</p> <p>13 Q. Is that kind of an odder pit bull color?</p> <p>14 A. Kind of. It's more rare.</p> <p>15 Q. Does that make them worth more money?</p> <p>16 A. Those ones, yeah, if they're purebred.</p> <p>17 But she had the white chest --</p> <p>18 Q. Was Radar purebred?</p> <p>19 A. No.</p> <p>20 Q. No?</p> <p>21 A. No. She had had a white chest. She had</p> <p>22 really big pointy ears. Her head wasn't as blocky</p> <p>23 at all. It was a lot skinnier. She had a skinny</p> <p>24 body, short hair. She had a white chest and white</p> <p>25 paws with little speckles on them, where I always</p>

<p style="text-align: right;">17</p> <p>1 thought she was like an Australian cattle dog mix, 2 the way she looked to me, with maybe -- I don't 3 know -- couldn't tell you whatever breed she could 4 have been mixed with. But Cindy told me, no, 5 she's pit bull. 6 Q. Did you disagree with Cindy that she was 7 a pit bull? 8 A. Yes. Cindy had me fill out paperwork -- 9 Q. You had pit bulls in the past, and this 10 wasn't the first one you had. You had Lugnut and 11 then Tink. 12 A. Uh-huh. 13 Q. And this one didn't look -- didn't have 14 the same looks as -- 15 A. No, all my other pit bulls had the 16 floppy ears and the blockier heads. And Radar 17 just didn't have many of those qualities. 18 Q. I'm going to show you a picture here. I 19 think we had it in your -- your file. I haven't 20 marked that yet. Is -- which -- is that -- is 21 that Radar? 22 A. That's Radar. Of course, her ears are 23 back. But her ears always stood way up. Made her 24 head look a lot skinnier. 25 (An off-the-record discussion was held.)</p>	<p style="text-align: right;">19</p> <p>1 A. Yeah. 2 Q. -- that would make her look more like... 3 A. If I can look at my phone. 4 MR. HASAN: Yeah. 5 A. If I can get it out. 6 BY MR. VONDRAK: 7 Q. I'm sorry if I'm making your hand hurt. 8 A. No, you're fine. It's a pinched nerve. 9 MR. HASAN: Can we go off the record 10 just real quick? 11 MR. VONDRAK: Sure. 12 (An off-the-record discussion was held.) 13 A. She's got a speckled chest and feet, and 14 her ears stand way up. 15 BY MR. VONDRAK: 16 Q. Yeah, I can see what you mean. It looks 17 a little different. 18 A. These are pictures from the guy that has 19 her now. 20 Q. Is this -- does this look a little bit 21 similar to Tink or Lugnut in any way? 22 A. No. 23 Q. No? 'Cause the color of Tink was? 24 A. She was like a cream, honey color. 25 Q. Like you're -- like possibly like a</p>
<p style="text-align: right;">18</p> <p>1 (Exhibit No. 107 was marked for 2 identification.) 3 BY MR. VONDRAK: 4 Q. So this is Radar, and that's the blue 5 color you're talking about? 6 A. Yeah. 7 Q. Does the picture kind of make it look 8 browner than what -- 9 A. Yeah, she had a little hint of brown on 10 her back, but in the sun you can really -- 11 Q. Now, I'm not trying to get in an 12 argument with you. 13 A. No, you're fine. 14 Q. But I have Australian shepherds, I live 15 on a cattle ranch, so -- and -- 16 A. That's not a good picture of her at all. 17 Q. Okay. Because I'm just -- I'm -- I'm 18 missing that part of it. 19 A. Yeah. 20 Q. And I'll be honest you. And like I 21 said, I'm not -- I don't want to argue with you. 22 That's not what we're here for today. But, yeah, 23 unless there's just a different line down that -- 24 A. Yeah. 25 Q. Do you have any other pictures --</p>	<p style="text-align: right;">20</p> <p>1 boxer colorish, is what you're saying? 2 A. She was kind of like this color (witness 3 indicating). 4 Q. Okay. I want to go through our pictures 5 and just double-check. 6 And so when did you get Radar? You 7 thought 2013? 8 A. 2015. 9 Q. '15? 10 A. Yep. 'Cause I had my son already. 11 Q. And tell me what happened with Radar. 12 Because Radar was running loose and picked up by 13 animal control, as well. Right? 14 A. Radar was in my front yard with a friend 15 of mine's dog, Ryan McGinty. And Ryan McGinty's 16 dog was pit bull. His name is Ghost. He's white. 17 They were playing in the front yard. And 18 apparently somebody had called and said they saw a 19 pit bull in our yard. 20 And so I had animal control in my front 21 yard. And then I had three police officers knock 22 on my door. And Radar and Ghost were standing 23 right by the door when they showed up, and I 24 opened up the door, outside, not doing anything 25 wrong, not being aggressive, not even towards the</p>

<p style="text-align: right;">21</p> <p>1 police, not towards animal control. 2 And they said, we have a complaint about 3 a pit bull. And they pointed directly to Ghost. 4 Never pointed at Radar. Never said anything about 5 Radar. She was standing there the whole time. 6 They said, we need to talk to the owner. I said, 7 well, he's at work right now. I can call him. 8 And I called Ryan, and he was there in 9 15 minutes. They're like, we need to take the 10 dog. And Ryan said, no, and proceeded to grab 11 Ghost and took him over to South Sioux to his 12 house. Radar was standing there the whole time. 13 They left. Didn't say anything about Radar. 14 And then I couldn't tell you how long 15 after, it might have been a month, she got loose 16 and was picked up. And I went down to get her, 17 and Cindy said, no, she's pit bull. You can't 18 have her. She said, you need to find somebody to 19 either adopt her out of city limits, or we'll keep 20 her and send her to another rescue somewhere else. 21 Q. I'm guessing you didn't want that? 22 A. Right. So I called my friend Ryan 23 Boehmer, who I was actually dating at the time, 24 and he came right down and adopted her, because he 25 was in love with her, anyway. And he adopted her</p>	<p style="text-align: right;">23</p> <p>1 Dolly when she was about eight weeks old. 2 Q. What time -- what year would this have 3 been? 4 A. We got Dolly before we had Collin, so 5 Dolly would have been early 2014. 6 Q. So you had Radar and Dolly at the same 7 time? 8 A. Yes. For a very little bit. And then I 9 left Arizona. 10 Q. Okay. So you were -- I'm sorry. 11 A. We got -- 12 Q. I'm putting it all together now. 13 A. We got Dolly. 14 Q. You were living in Arizona? 15 A. Yes. 16 Q. Gotcha. And got Dolly there? 17 A. Yep. 18 Q. From a -- from the Crazy Pit Bull Lady? 19 A. Uh-huh. We were fostering her. 20 Q. And you were fostering her. And then -- 21 A. Ended up owning her. 22 Q. I'm getting it now. 23 A. So we got Dolly, and then we had my son. 24 And then things were getting bad with my ex, and 25 then got Radar, and then had them together for a</p>
<p style="text-align: right;">22</p> <p>1 and took her to Le Mars and has had her ever 2 since, because there's no ban in Le Mars. 3 Q. Now, this Ryan McGinty at the time, did 4 he -- did he live with you, or he was just 5 visiting or -- 6 A. He was kind of back and forth staying 7 with me. 8 Q. Okay. 9 A. But he didn't live with me, no. 10 Q. And so his dog stayed there frequently? 11 A. Not as often. It was very rarely he 12 brought Ghost over. Otherwise, Ghost stayed with 13 his uncle at his house in South Sioux. 14 Q. Because of the ban? 15 A. Uh-huh. 16 Q. Tell me a little bit about Dolly. 17 A. Dolly is an Arizona dog. She's in 18 California now. I got her from a rescue. I have 19 a friend down in Arizona who owns Crazy Pit Bull 20 Lady Rescue. Her name is Delaina White. 21 Q. Crazy -- 22 A. Crazy Pit Bull Lady. 23 Q. -- Pit Bull Lady Rescue? 24 A. Uh-huh. And I had fostered a couple 25 dogs for her. And they were all mixed. I got</p>	<p style="text-align: right;">24</p> <p>1 couple -- maybe a month. And then I left and came 2 back here and brought Radar with me and he kept 3 Dolly. 4 Q. Gotcha. So Dolly never lived in Sioux 5 City? 6 A. No. Dolly's never been -- 7 Q. -- out of Arizona? 8 A. Yeah. 9 Q. What were the characteristics of Dolly? 10 A. Dolly is very skinny, tall. She kind of 11 had the grayish blue color to her. 12 Q. Uh-huh. 13 A. She didn't really have much of a blocky 14 head. Like I said, Delaina said she was a mix 15 that was brought in from the street. 16 Q. But you said she was a pit bull? 17 A. Well, I got her from the pit bull 18 rescue, so... 19 Q. One might assume? 20 A. Yeah. 21 Q. But again, pit bull without the blocky 22 head and skinnier, you said? 23 A. She looked more like a Lab to me. But 24 since I got her from Delaina, Delaina said she was 25 probably a pit bull mix, so I just went off of</p>

<p style="text-align: right;">25</p> <p>1 what Delaina said.</p> <p>2 Q. Being the pit bull lady, she....</p> <p>3 A. Yeah.</p> <p>4 Q. Do you currently have any dogs now?</p> <p>5 A. No.</p> <p>6 Q. How come?</p> <p>7 A. Me and my fiance work full time,</p> <p>8 basically, and just don't have time right now.</p> <p>9 Q. Where's your fiance work?</p> <p>10 A. Mid Country Machinery.</p> <p>11 Q. Oh, sure. Is he --</p> <p>12 A. On -- he's a service truck guy, so...</p> <p>13 Q. And you guys live in Menville?</p> <p>14 A. Uh-huh. Yes.</p> <p>15 Q. Going back to Tink, I have in my notes</p> <p>16 that a gentleman named James Ward had Tink for a</p> <p>17 while.</p> <p>18 A. James Ward.</p> <p>19 Q. He had signed an agreement with -- must</p> <p>20 have been Kevin Myers, your father?</p> <p>21 A. Jim Wade?</p> <p>22 Q. Jim -- Jim -- James Wade. Sorry. Did I</p> <p>23 say Ward? It's got two different spellings here.</p> <p>24 James Wade. Jim Wade.</p> <p>25 A. Uh-huh. That was a friend of my dad's.</p>	<p style="text-align: right;">27</p> <p>1 you reach out to somebody else on -- on how to get</p> <p>2 involved in this lawsuit?</p> <p>3 MR. HASAN: Just to the extent it calls</p> <p>4 for any attorney-client privilege, I'll just ask</p> <p>5 her not to answer any aspects with conversations</p> <p>6 with attorneys. But other than that, please go</p> <p>7 ahead.</p> <p>8 A. I had started a pit bull ban petition.</p> <p>9 And I got -- I think it's up to about 3,000</p> <p>10 signatures. And I just kind of heard about it and</p> <p>11 was told that I might have a chance in getting</p> <p>12 this dropped or, you know, saving my dogs,</p> <p>13 basically. So I said, I'm in, you know. Just</p> <p>14 let --</p> <p>15 BY MR. VONDRAK:</p> <p>16 Q. Who did you tell -- who did you tell you</p> <p>17 were in?</p> <p>18 A. What's her name?</p> <p>19 Q. Would it be Jennifer Frost?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. Because her and I had talked quite a bit</p> <p>23 about our dogs and how --</p> <p>24 Q. She had the same feelings as you, I'm --</p> <p>25 A. Yeah. We love our dogs.</p>
<p style="text-align: right;">26</p> <p>1 He lived in Oregon. Tink got out when I was</p> <p>2 living --</p> <p>3 Q. The -- the state?</p> <p>4 A. Yeah. Uh-huh. And he had come back to</p> <p>5 visit, because he was originally from Sioux City.</p> <p>6 And Tink got out when I was living down in</p> <p>7 Arizona, so my dad had him for a little while --</p> <p>8 or had her for a little while while I was down</p> <p>9 there. And she got out, and he took Jim down</p> <p>10 there to get Tink out.</p> <p>11 Q. And then Jim was back visiting, and then</p> <p>12 Tink got picked up again. Right?</p> <p>13 A. (Witness nods head affirmatively.)</p> <p>14 Q. Yeah. Tink -- Tink was -- was a pit</p> <p>15 bull? Well, you said all --</p> <p>16 A. A mix.</p> <p>17 Q. -- all four were basically pit bull</p> <p>18 mixes or -- pit bull or pit bull mixes?</p> <p>19 A. What I've been told by Cindy Rarrat,</p> <p>20 yes.</p> <p>21 Q. Okay. Earlier on you said you obviously</p> <p>22 didn't agree with the pit bull ban, and that's how</p> <p>23 you got involved in this lawsuit.</p> <p>24 A. Yes.</p> <p>25 Q. Did somebody reach out to you, or did</p>	<p style="text-align: right;">28</p> <p>1 Q. Understood.</p> <p>2 A. They're like family and they've never</p> <p>3 hurt a soul.</p> <p>4 Q. And Jennifer's not involved anymore.</p> <p>5 How come?</p> <p>6 A. I don't know.</p> <p>7 Q. Don't know. You don't -- Would you</p> <p>8 call Jennifer a friend of yours?</p> <p>9 A. Acquaintance.</p> <p>10 Q. Acquaintance.</p> <p>11 A. Through the pit bull ban page that I had</p> <p>12 created.</p> <p>13 Q. When did you first become aware of the</p> <p>14 city's pit bull ban?</p> <p>15 A. I'm trying to remember. It's been a</p> <p>16 while. I want to say I was staying in Arizona</p> <p>17 when I heard about it, but I don't remember.</p> <p>18 Q. Was it before or after you acquired</p> <p>19 Lugnut?</p> <p>20 A. I'm trying to remember. It's been a</p> <p>21 long time.</p> <p>22 Q. Take your time.</p> <p>23 A. It was before, but we were living in</p> <p>24 Smithland, and that's where we had Lugnut.</p> <p>25 Q. Who were you living with in Smithland?</p>

<p style="text-align: right;">29</p> <p>1 You said, we. 2 A. Boyfriend, his sister, at the time. 3 Q. How did it make you feel the first time 4 you heard of the pit bull ban? 5 A. Angry, confused, is all that -- 6 Q. Angry, because you liked pit bulls and 7 you wanted possibly someday to live in Sioux City, 8 or -- 9 A. Yeah. I didn't think it was right, 10 because all the dogs that I've ever had that were 11 deemed pit bull were never aggressive; they were 12 always loving, never had an issue with them. I've 13 seen aggressive dogs that weren't pit bulls more 14 in my life than any other. 15 Q. Have you seen some of the unfortunate 16 pit bull attacks that have been in the news 17 recently? 18 A. No. 19 Q. No? Didn't hear about the -- the gal in 20 Virginia who got mauled by her two pit bulls right 21 around Christmas? 22 A. No. I've seen a lot of other dog bites 23 and attacks by other dogs other than pit bulls, 24 and it happens with every breed. 25 Q. Do you think pit bulls just get a bad</p>	<p style="text-align: right;">31</p> <p>1 mean, you've done some rescue work. What -- Do 2 you have any insight into that? 3 A. I believe media -- 4 MR. HASAN: Object to foundation. 5 THE WITNESS: Huh? 6 MR. HASAN: Go ahead. 7 A. I believe media and social media 8 portrays them as being mean and scary, because 9 they have muscles. The -- you know, so do 10 rottweilers. 11 BY MR. VONDRAK: 12 Q. They're tough dogs? 13 A. I wouldn't say they're tough dogs. 14 Q. They just look tough? 15 A. Yeah. They look tough, just like 16 rottweilers, just like Dobermans, just like German 17 shepherds. I believe the police force uses German 18 shepherds. Those are tough dogs. 19 Q. Absolutely. 20 A. And I've seen very mean German 21 shepherds. 22 Q. Absolutely. 23 A. My sister has owned a very mean German 24 shepherd. But I've never -- I've never seen a 25 mean pit bull personally.</p>
<p style="text-align: right;">30</p> <p>1 rap? 2 A. Yes. 3 Q. How come? 4 A. People that shouldn't own them that 5 don't know how to -- probably shouldn't own any 6 dog, honestly, either abuse them or -- 7 Q. We've seen the pictures of, you know, 8 chains wrapped around their neck -- 9 A. Yes. 10 Q. -- and tied out to a -- 11 A. Uh-huh. I've seen that. And I've seen 12 a lot of devastating cases when I was living in 13 Arizona helping my friend Delaina with her rescue. 14 Q. What do you mean? Like the actual 15 fighting of pit bulls? 16 A. No. 17 Q. No? 18 A. Just people neglecting and abusing them. 19 They were never aggressive. 20 Q. Why do you think pit bulls are -- Let 21 me back up. 22 Why do you think -- and I don't -- I 23 don't mean this in any way bad to you. Why do you 24 think those type of people are attracted to pit 25 bulls? Is -- is there a common theme there? I</p>	<p style="text-align: right;">32</p> <p>1 Q. Do you have an opinion -- and if you 2 don't, that's okay. Do you have an opinion as to 3 some of these pit bull attacks that you hear in 4 the media, as to how that happens? Do you think 5 it's the way the dog is raised? 6 A. How the dog -- 7 MR. HASAN: Object to foundation. 8 Go ahead. 9 A. How the dog is treated, not respecting a 10 dog's personal space, threatening a dog, that can 11 cause any dog to snap. I mean, Chihuahuas bite 12 every day, but they don't have the muscle to make 13 damage, but they're still aggressive dogs. 14 BY MR. VONDRAK: 15 Q. Ankle biters. 16 A. Ankle biters, yes. But they don't get a 17 bad rap, because they don't hurt that bad when 18 they bite. 19 Q. Pit bulls and rottweilers and German 20 shepherds, Doberman pinschers -- 21 A. Labs. 22 Q. -- Labs. 23 A. Every dog that's bigger than a teacup, 24 yeah. 25 Q. If I told you that in 2007 pit bulls</p>

<p style="text-align: right;">33</p> <p>1 made up 3 percent of the registered dog population 2 in Sioux City and that those pit bulls were 3 responsible for 44 percent of the dog bites -- 4 reportable dog bites in Sioux City, what -- what 5 could you attribute that to? 6 A. How many of them weren't pit bulls? I 7 mean, how many of them weren't pit bulls? You 8 know, like I said, were the dogs threatened? Were 9 the dogs being hurt? Were their personal spaces 10 being, you know, invaded? Were they protecting 11 their family? 12 Q. Yeah. 13 A. Just like -- just like any dog. 14 Q. And I don't have those -- I was just 15 saying that -- that was the statistic. 16 A. Yeah, that's my opinion. 17 MR. VONDRAK: Could we take a break? 18 (A recess was taken from 1:46 to 1:52 19 p.m.) 20 MR. VONDRAK: We're back on the record. 21 BY MR. VONDRAK: 22 Q. I don't -- Kali, I don't have a bunch 23 more questions. I do want to ask, how -- how much 24 do you make a year at Thompson, or hourly or 25 yearly?</p>	<p style="text-align: right;">35</p> <p>1 A. I don't. 2 Q. That's going to wrap it up for us, so 3 hopefully I didn't ruin your whole afternoon. 4 A. No, you're fine. 5 Q. Your attorney will tell you that you 6 have the right to review this deposition. 7 MR. HASAN: Could I ask just one 8 follow-up question? 9 MR. VONDRAK: Yeah. Absolutely. 10 MR. HASAN: It may turn into two. I 11 think it's just one. 12 CROSS-EXAMINATION 13 BY MR. HASAN: 14 Q. For the dogs that you mentioned you 15 thought were pit bulls, the dogs you've owned, did 16 you have any paperwork showing the -- the breeds 17 or the parentage for those dogs? 18 A. No. 19 Q. Any DNA reports or anything like that? 20 A. No. They were all basically rescues, 21 except for Tink. She was a gift. 22 MR. HASAN: Okay. That's it. 23 MR. VONDRAK: I'm going to follow up on 24 that. 25</p>
<p style="text-align: right;">34</p> <p>1 A. I make fourteen forty-nine an hour. 2 Q. And your fiance? 3 A. Twenty-two fifty an hour. 4 Q. He makes pretty good money as -- working 5 for Mid Country. 6 A. Uh-huh. 7 Q. How much have you spent on this case so 8 far? 9 A. Nothing. 10 Q. You haven't paid any legal bills -- 11 haven't incurred any legal feels so far? 12 A. Not yet. I missed work today, but... 13 Q. Yeah. I'm sorry about that. 14 A. That's all right. My boss was okay with 15 it. We're moving to a new prefab shop today, so 16 we're not doing any work. They're just moving. 17 Q. Is somebody else paying your legal 18 bills? 19 A. Yeah. 20 Q. Do you know who? 21 A. Animal Farm Foundation. 22 Q. Animal Farm Foundation? 23 A. Yeah. 24 Q. Do you know how much they've paid so 25 far?</p>	<p style="text-align: right;">36</p> <p>1 REDIRECT EXAMINATION 2 BY MR. VONDRAK: 3 Q. All except for Tink were rescues? 4 A. Uh-huh. 5 Q. Rescues from a pit bull organization? 6 A. No. I got Lugnut from a friend. I was 7 just telling her the story about that. I was 8 messaged by my friend and said she acquired this 9 dog from that family, their tragedy. Both parents 10 tried to -- well, the father killed himself with 11 the kids in the house and Lugnut. And the mom 12 came home from work and found them that way and 13 then tried to do it to herself. So DHS took the 14 kids and I got Lugnut. 15 Q. Oh, I'm very sorry. 16 A. I didn't know the family -- 17 Q. Okay. 18 A. -- but -- 19 Q. Still -- 20 A. -- still sad situation. 21 Q. It is a sad situation. 22 A. As I said, Tink was a gift. Radar I 23 found on Craigslist, looking for a home. 24 Q. So when you say, rescue, it -- it may 25 not be a formal --</p>

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1 A. I didn't buy the dog.
 2 Q. -- rescue, as in -- I guess when I'm
 3 thinking rescue, and I'm probably wrong in that
 4 thinking, that I think a rescue organization like
 5 Noah's Hope or...
 6 A. I didn't get them from an organization,
 7 no.
 8 Q. Okay.
 9 A. But they were trying to find a home for
 10 Radar, because they couldn't keep her anymore.
 11 Q. How come?
 12 A. They were moving, if I remember right.
 13 Q. Okay. Did all of them somewhat have the
 14 characteristics of a pit bull, though? Would you
 15 agree with that?
 16 A. Somewhat, yeah.
 17 Q. Okay.
 18 A. Not so much with Radar.
 19 MR. VONDRAK: I have nothing further.
 20 MR. HASAN: Do you want to do the read
 21 and sign? I got them yesterday.
 22 MR. VONDRAK: You'll have the
 23 opportunity to take a look at this deposition,
 24 check it for truthfulness, check it for any other
 25 errors or something that might have been mis-said

38

1 or misquoted. Once you approve it in its form,
 2 you'll have the ability to sign it.
 3 THE WITNESS: Okay.
 4 MR. VONDRAK: So --
 5 MR. HASAN: We'll get the transcript.
 6 THE WITNESS: Okay.
 7 MR. HASAN: So while we're still on the
 8 record, I don't know if we've entered a protective
 9 order, but the information particularly related to
 10 the financing of the litigation, I just reserve
 11 the right to revisit -- if we haven't entered a
 12 protective order, just to revisit that --
 13 MR. VONDRAK: Okay.
 14 MR. HASAN: -- and keep it confidential,
 15 just so it can't be used outside the litigation.
 16 MR. VONDRAK: Nothing further.
 17 (The deposition concluded at 1:58 p.m.,
 18 January 18, 2018.)
 19
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1 READING AND SIGNING
 2 I, KALI MYERS, do hereby certify that I have
 3 read, examined, and signed the transcript of the
 4 deposition given by me on January 18, 2018, and
 5 have elected to make the changes listed on the
 6 page hereafter and reasons, if any.
 7
 8 Kali Myers
 9
 10
 11 STATE OF)
 :SS
 12 COUNTY OF)
 13 Subscribed and sworn to before me this
 14 day of , 2018.
 15
 16 General Notary Public
 17
 18
 19
 20
 21
 22
 23
 24
 25

40

<p>1 CHANGES & REASONS 2 1. 3 2. 4 3. 5 4. 6 5. 7 6. 8 7. 9 8. 10 9. 11 10. 12 11. 13 12. 14 13. 15 14. 16 15. 17 16. 18 17. 19 18. 20 19. 21 20. 22 23 24 25 DATE: SIGNATURE:</p>	<p style="text-align: right;">PAGE LINE</p>
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1 - C E R T I F I C A T E -

2 STATE OF IOWA)

 :ss

3 COUNTY OF POTTAWATTAMIE)

4 I, Nancy S. Jones, a Certified Shorthand
5 Reporter in and for the State of Iowa and
6 Registered Merit Reporter, do hereby certify that
7 KALI MYERS was by me duly sworn to testify the
8 truth, the whole truth, and nothing but the truth,
9 and that the deposition by her as above set forth
10 was reduced to writing by me.

11 The expressions in parentheses, witness's
12 responses, (witness nods head affirmatively) or
13 (witness shakes head negatively), are
14 interpretations of the court reporter.

15 That the within and foregoing deposition was
16 taken by me at the time and place herein specified
17 and pursuant to notice; the witness did request
18 the opportunity to read and sign the deposition.

19 That I am not counsel, attorney or relative
20 of any of the parties herein or otherwise
21 interested in the outcome of this action.

22 IN TESTIMONY WHEREOF, I have placed my hand
23 this 31st day of January, 2018.

24

25 Nancy S. Jones, CSR-RMR

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