

**In the Matter of:**

*Kali Myers*

*vs.*

*City of Sioux City, Iowa, et al.*

---

*Randall Lockwood, PhD*

*January 23, 2018*

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 **DTI Court Reporting Solutions**

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

-----:  
KALI MYERS, an individual, :  
Plaintiffs, :  
vs. : Case No.:  
CITY OF SIOUX CITY, IOWA; : 5:16-CV-04107-LRR  
ROBERT PADMORE, in his official :  
capacity; and CINDY RARRAT, in :  
her official capacity, :  
Defendants. :  
-----:

Deposition of RANDALL LOCKWOOD, Ph.D.  
Washington, D.C.  
Tuesday, January 23, 2018  
10:00 a.m.

Job No. CH-159385

Pages 1 - 53

Reported by: Robert M. Jakupciak, RPR

1  
2 Deposition of RANDALL LOCKWOOD, Ph.D.,  
3 held at the offices of:  
4 ASPCA  
5 600 Pennsylvania Avenue, S.E.  
6 Suite 450  
7 Washington, D.C. 20003  
8  
9 Pursuant to Notice, before Robert Michael  
10 Jakupciak, RPR, a Notary Public in and for the  
11 District of Columbia, when were present on behalf of  
12 the respective parties:  
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1 A P P E A R A N C E S (Cont'd.)  
2 On behalf of the ASPCA:  
3 (Present by phone.)  
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1 A P P E A R A N C E S  
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12 On behalf of the Defendants:  
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14 JUSTIN VONDRAK, ESQUIRE  
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21  
22  
23  
24  
25

1 C O N T E N T S  
2 THE WITNESS: RANDALL LOCKWOOD, Ph.D.  
3 EXAMINATION PAGE NO.  
4 By Mr. Vondrak 6  
5 By Mr. Summerlin 44  
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Page 6

1 PROCEEDINGS  
 2 Whereupon,  
 3 RANDALL LOCKWOOD, Ph.D.,  
 4 called as a witness, and having been first duly  
 5 sworn, was examined and testified as follows:  
 6 EXAMINATION BY COUNSEL FOR DEFENDANTS  
 7 BY MR. VONDRAK:  
 8 **Q Dr. Lockwood, my name is Justin Vondrak.**  
 9 **I'm an attorney that represents the plaintiff in**  
 10 **this case. Have you ever had your deposition taken**  
 11 **before?**  
 12 A Yes, I have.  
 13 **Q Okay. In what cases did you give a**  
 14 **deposition in?**  
 15 A Many. I think as I've outlined, probably  
 16 at least 20 or 25 cases over the last 20 years.  
 17 **Q Okay. Good. So I won't go through the**  
 18 **whole definition of what we want or what we expect**  
 19 **in a deposition, but a couple formalities. First,**  
 20 **let me ask you are you under any medication or**  
 21 **alcohol that would affect the way you answer**  
 22 **questions today?**  
 23 A No.  
 24 **Q And any physical, emotional or mental**  
 25 **duress that you're currently experiencing that would**

Page 7

1 **affect how you answer questions today?**  
 2 A No.  
 3 **Q And is there anything besides those two**  
 4 **things that would prevent you from answering**  
 5 **truthfully today?**  
 6 A No.  
 7 **Q Okay. Second of all, since this is a**  
 8 **phone deposition and as true with any deposition, we**  
 9 **will need, as you know, audible answers. A head nod**  
 10 **or uh-huh will not work. Yes or no or audible**  
 11 **answers are required. Does that make sense?**  
 12 A Yes.  
 13 **Q Thank you. Doctor, could you tell me a**  
 14 **little about your education?**  
 15 A Yes. I received my Bachelor's degree in  
 16 Psychology and Biology from Wesleyan University in  
 17 Connecticut. I received a Ph.D. in Comparative and  
 18 Physiological Psychology, Animal Behavior from  
 19 Washington University in St. Louis.  
 20 **Q I see you also attended the University of**  
 21 **California, Irvine?**  
 22 A Yes. I spent one year at University of  
 23 California, Irvine in a program in Evolutionary  
 24 Biology. I left that program to go to Washington  
 25 University to work with a new major professor.

Page 8

1 **Q Understood. So specifically at Washington**  
 2 **University tell me about your studies of comparative**  
 3 **and physiological psychology.**  
 4 A I was engaged in two different pathways of  
 5 research. My research dissertation was on social  
 6 behavior in wolves. I spent three field seasons in  
 7 Point Barrow, Alaska, working on wolf behavior, both  
 8 captive and wild wolves, with particular interest in  
 9 aggression and social structure in wolves as it  
 10 related potentially to behavior in dogs.  
 11 In the winter seasons when I wouldn't work  
 12 on wolves in Alaska, I worked on dog bite  
 13 epidemiology in the city of St. Louis, working also  
 14 with the U.S. Postal Service doing a study of dog  
 15 bites to letter carriers and looking at dog bite  
 16 epidemiology in the city of St. Louis.  
 17 **Q Tell me a little bit more about your study**  
 18 **of wolves and aggressiveness. How was that work**  
 19 **performed and what were some of the methods used to**  
 20 **assess that data?**  
 21 A What we did was look at traditional  
 22 descriptions of the wolf pack, the old idea was  
 23 that, you know, you had dominant wolves and a strict  
 24 linear hierarchy of alpha wolf, beta wolf and so on,  
 25 and the use of aggression to maintain order. It was

Page 9

1 kind of an outdated concept of wolf social  
 2 structure.  
 3 I looked at eleven packs of wolves in  
 4 captivity looking at various measures of social  
 5 interaction, displays of aggression and so on. And  
 6 we came up with a much more complex picture of wolf  
 7 social structure that was based more on roles of  
 8 leadership, and aggression actually did not play  
 9 very, play a very big role in maintaining social  
 10 structure. A lot of it was display, bluff and  
 11 deference to animals, older animals or animals that  
 12 had demonstrated various, both physical strength and  
 13 leadership.  
 14 So we kind of changed the view of wolves,  
 15 and in particular, I was interested in the use of  
 16 bite inhibition. Wolves are very powerful animals,  
 17 they are certainly capable of inflicting fatal blows  
 18 to their prey, yet in their social interactions with  
 19 group members it is very ritualized, very stylized  
 20 and they have great restraint on their use of force,  
 21 partly because they have to rely on each other for  
 22 working together to catch prey.  
 23 So wolves are a good model to see what raw  
 24 material is there in the canine genome for  
 25 controlling aggressive behavior because wolves,

Page 10

1 although they are very powerful predators, are very  
 2 rarely aggressive, certainly to members of their own  
 3 group and very rarely get involved in any kind of  
 4 lethal encounters with other wolves.

5 **Q Thank you. Tell me a little bit about**  
 6 **your work in St. Louis in identifying dog bites and**  
 7 **ways to prevent dog bites.**

8 A I did work with Dr. Alan Beck and we  
 9 looked at both dog bite problems in the city of St.  
 10 Louis and particularly looking at dog bites to  
 11 letter carriers. And in general one of the -- I  
 12 think the first epidemiological studies certainly in  
 13 St. Louis looking at incidence of dog bite,  
 14 particularly bites to children and major finding I  
 15 think in that work was that most of these bites were  
 16 taking place in circumstances which we would not  
 17 characterize as being provoked. That the victims in  
 18 these cases, and I don't have the raw data in front  
 19 of me, but the victims were usually engaging in  
 20 normal behavior, not behavior that are would be  
 21 considered provocation under most dog bite laws.

22 And one of the ideas that came out of that  
 23 was the need for not only better insistence on  
 24 responsible dog ownership, but suggestions for doing  
 25 training on dog bite prevention for children to

Page 11

1 avoid getting into situations where bites might take  
 2 place.

3 Again, in the work with letter carriers we  
 4 showed that, that letter carriers often were  
 5 engaging in behaviors that were increasing their  
 6 risk, not necessarily following Postal Service  
 7 regulations. They were cutting across lawns, they  
 8 were basically not following some of the rules and  
 9 they were in some cases encouraging interactions  
 10 with dogs when they should have been attempting to  
 11 avoid interactions.

12 And we were interested also in the  
 13 effectiveness of various repellants, dog bite  
 14 repellants that are still issued by the Postal  
 15 Service, particularly pepper spray, and found that  
 16 the bite rate among letter carriers who always  
 17 carried pepper spray was no different from those who  
 18 never carried it.

19 And one of the best defenses against, best  
 20 protections against dog bite for letter carriers was  
 21 simply being alert to the presence of dogs, being  
 22 better at reading dog behavior in advance and not  
 23 encouraging interactions, and that the use of force  
 24 like pepper spray and so on, was really not a  
 25 powerful deterrent.

Page 12

1 **Q Why do you think that not carrying pepper**  
 2 **spray had an effect -- I'm sorry. Strike that. Why**  
 3 **do you think the data showed that pepper spray**  
 4 **theoretically had little or no effect on dog bites?**

5 A What we found was that some letter  
 6 carriers who frequently used pepper spray were not  
 7 using it in situations where there was really any  
 8 threat. They were perhaps even encouraging an  
 9 interaction, because it's an unpleasant stimulus and  
 10 would annoy the dogs. And those who actually had  
 11 some ambivalence to using pepper spray were I think  
 12 were more alert to reading the signals of dogs, and  
 13 either avoiding encounters or succeeding in  
 14 deescalating encounters through their own behavior.

15 **Q Understood. In any of this work with Dr.**  
 16 **Beck, did you specifically come up with any data to**  
 17 **identify breeds which were responsible for the bites**  
 18 **in St. Louis?**

19 A I don't have that paper in front of me. I  
 20 don't think we really focused primarily on breeds.  
 21 At the time my recollection is we did have an  
 22 overabundance of bites from German shepherds.

23 **Q And what would you attribute that to, if**  
 24 **you have an opinion on that?**

25 A Well, I don't think it was relative to the

Page 13

1 population at the time in St. Louis, particularly in  
 2 some of the urban areas where we were looking at  
 3 bite rates. That was the dog of choice. So I think  
 4 it reflected the overall dog population. We did not  
 5 make any attempt to generate information regarding  
 6 bite rates by breed.

7 **Q Okay. Would you agree then in some cities**  
 8 **one specific breed of dog may be responsible for a**  
 9 **higher proportion of the bites in that city than**  
 10 **would be characteristic of their relation to the**  
 11 **number of other dogs in the city?**

12 A I haven't seen good data that would  
 13 support that. Making that kind of statement, as  
 14 I've put in writing many times, requires good  
 15 information about the biting-dog population  
 16 accurately identified as to breed and good  
 17 information on the prevalence of various breeds in  
 18 the overall population, of the non-biting  
 19 population. So to get bite rates you need a good  
 20 numerator, you need to know how many dogs of a breed  
 21 are definitely confirmed to be involved in bites,  
 22 and how many dogs of that breed accurately  
 23 identified are represented in the general  
 24 population.  
 25 And there is really no such data for any

Page 14

1 city that I've reviewed.

2 **Q But didn't you just tell me that in St.**

3 **Louis German shepherds were responsible for a larger**

4 **proportion of the bites than were reflective of**

5 **their percentage of proportion of the dogs?**

6 A No. I said a larger number, but we don't

7 know the proportion because we don't know how many

8 German shepherds were in St. Louis.

9 **Q I see. So there could have been a very**

10 **large proportion of German shepherds in St. Louis?**

11 **You don't know those numbers. Is that what you're**

12 **saying?**

13 A Correct.

14 **Q Okay. What other work did you do with Dr.**

15 **Beck?**

16 A That was my primary work. Actually, as I

17 said, for my thesis was primarily on my wolf-work,

18 that's what my Ph.D. thesis was on, but that was the

19 work that I conducted with Dr. Beck.

20 **Q And what was your opinion of Dr. Beck when**

21 **you worked with him?**

22 A We were good friends. He was in fact the

23 best man at my wedding.

24 **Q I see. And your opinion of his work?**

25 A His work at the time, you know, I was

Page 15

1 interested in, in -- I actually attended his job

2 interview at Washington University before he was

3 hired, where he gave a seminar on his work on feral

4 dogs in Baltimore, which I thought was very

5 interesting being both trained as an ecologist and

6 interested in human dog interactions, so I thought

7 his work was very interesting and continues to be

8 one of the first studies really looking at urban

9 dogs. Again, that was quite a while ago, in the

10 early '70s.

11 You know, since then we've remained

12 friends, but as you know from my statement, I feel

13 that he has not been as accurate and up to date and

14 current in his work on dog bites.

15 **Q Have you spoken to him about this?**

16 A Not in the last few years. We see each

17 other occasionally at conferences, we have dinner

18 occasionally, but we agree not to discuss dog bites.

19 We talk about family.

20 **Q Fair enough. I think that's probably a**

21 **safe way to handle it.**

22 A Right. No. We, we respect each other

23 professionally, intellectually, we realize we have

24 very distinct differences of opinions, and but I try

25 not to let that impede our friendship. I've got a

Page 16

1 nice New Year's Day greeting from him and sent him a

2 Christmas card, so I still consider him a friend.

3 But we often have friends who we disagree with on

4 significant issues.

5 **Q And what significantly do you disagree**

6 **with Dr. Beck on?**

7 A Well, he's been a leading proponent of

8 breed specific legislation, often I think using

9 outdated or inaccurate information, including

10 misusing some of my own information.

11 **Q Such as?**

12 A Such as our studies of breeds involved in

13 fatal dog attacks, and a key statement I've made

14 many times in agreement with folks from the Centers

15 for Disease Control and the AVMA, that fatal dog

16 attacks are a very aberrant phenomenon and should

17 not be the basis of public policy because they are a

18 very, very rare and very unusual phenomenon that

19 does not reflect the basic problems of dog bites and

20 dog bite epidemiology. And yet Dr. Beck and many

21 others occasionally refer to dog bite fatality data

22 to build essentially stereotypes of specific breeds.

23 **Q Have you ever done any work on**

24 **distinguishing the severity of dog bites among a**

25 **specific breed?**

Page 17

1 A Again, there are lots of different factors

2 that contribute to severity, and often just size is

3 one of those. But I'm not a human physician and in

4 terms of whether or not that gives us useful

5 information on reducing total number of dog bites

6 really hasn't been that effective an approach.

7 Big dogs and powerful dogs can inflict

8 more danger, but that is something that's not

9 totally related to breed.

10 **Q Would it be fair to say though that bigger**

11 **or stronger dogs can inflict a more serious bite**

12 **than a smaller or weaker dog?**

13 A That is true, but that covers a large

14 range of breeds. And in fact in our early days of

15 looking at dog bite epidemiology and looking

16 particularly at fatal dog attacks, most of the dogs

17 that we saw involved either were Saint Bernards,

18 Dobermans, shepherds, and in the 30-plus years I've

19 been looking at dog bite issues, we've seen many

20 changes take place in the dogs that seem to be

21 represented, often reflecting changing selection of

22 dogs by people who may be less responsible as

23 owners.

24 **Q When I, just for future reference, when I**

25 **use the term "pit bull," I'm going to use the**

Page 18

1 **definition that Sioux City has elected to use. Are**  
 2 **you familiar with that definition?**  
 3 A No, but I've got the ordinance in front of  
 4 me or if you want to share that with me.  
 5 **Q Could you refer to 7.10.010?**  
 6 A Okay. Yes. I'm reading that now.  
 7 **Q Do you have any questions about that**  
 8 **section before I move on?**  
 9 A No. It's fairly standard that it has  
 10 often been used, yes.  
 11 **Q Okay. So when I use the term "pit bull,"**  
 12 **that's the definition, that's what I'm**  
 13 **characterizing a pit bull as.**  
 14 A Uh-huh.  
 15 **Q I want to talk a little bit about in your**  
 16 **work I see you've done quite a bit of work with dogs**  
 17 **involved in dog fighting, and I think you were**  
 18 **involved in the Michael Vick incident, as well as**  
 19 **the seizure of 400 pit bulls from I think it was six**  
 20 **states or maybe it was eight states, but anyway, a**  
 21 **large number of pit bulls.**  
 22 A Eight states, yes.  
 23 **Q Tell me a little bit about your work with**  
 24 **that large capture of pit bulls.**  
 25 A Well, starting -- that came I believe

Page 19

1 after the Michael Vick case, but beginning with the  
 2 Vick case, my involvement there was in being part of  
 3 the team that was asked to assess the dogs that were  
 4 seized in the Michael Vick case.  
 5 Each dog -- there were 51 dogs initially  
 6 seized and each of the dogs was cared for by ASPCA  
 7 for a length of time, and I was part of the team  
 8 that was brought in to do evaluation of the behavior  
 9 of those dogs, with the idea of determining proper  
 10 placement, whether they would be suitable for  
 11 adoption, long-term sheltering, and many of them  
 12 wound up with Best Friends Animal Sanctuary in Utah,  
 13 or if necessary euthanasia.  
 14 Of those 51 dogs, only two were  
 15 euthanized; one for medical reasons, one for  
 16 aggressive behavior that really meant that she could  
 17 not be safely handled. And the majority of the  
 18 other dogs were eventually placed, many of them  
 19 achieving canine good citizen status, some being  
 20 used as therapy dogs, some becoming successful  
 21 household pets and some remained held at Best  
 22 Friends for the majority of their lives. That was  
 23 over ten years ago. Most of the dogs now have  
 24 passed on. But a few are still alive.  
 25 And what came out of the Vick case though,

Page 20

1 was a change in the attitude towards dogs that had  
 2 been seized from dog fighting. Previously there was  
 3 the assumption that fighting dogs were somehow  
 4 incurably aggressive and incapable of ever living as  
 5 household pets, and what we soon learned was there  
 6 was as a wide variety of dogs we encountered, even  
 7 from active fighting lines. And it turns out that  
 8 many of Vick's dogs were -- most of Vick's dogs were  
 9 not at all aggressive to people. Some were  
 10 aggressive to other dogs, but one of the reasons why  
 11 I think he was charged with culling or killing so  
 12 many dogs was that his dogs, even though some came  
 13 from champion lines, were not inclined to fight.  
 14 That instilled in the ASPCA a new attitude  
 15 to get away from that. And I admit I had helped  
 16 draft a policy, again 25, 30 years ago with the  
 17 Humane Society of the U.S., that in their own  
 18 interest and the public interest, the most humane  
 19 thing to do with dogs that had been seized from  
 20 fight operations was euthanasia. I radically  
 21 changed my view after working particularly with the  
 22 Vick dogs, but also it changed our view of fighting  
 23 dogs from being instruments of the crime of dog  
 24 fighting to being victims of the crime of dog  
 25 fighting.

Page 21

1 And we resolve and continue to resolve in  
 2 fight operations to look at each animal that is  
 3 seized as an individual, assess it as an individual,  
 4 put it in situations where it can show its best or  
 5 its worst.  
 6 Again, of the 400 dogs in the Missouri 400  
 7 case, again I was involved in the teams that  
 8 assessed all of those dogs. We're still doing  
 9 follow-up on the placement, but I think more than  
 10 half of those dogs were eventually successfully  
 11 re-homed. Some had medical issues. I don't know  
 12 the final count on how many were euthanized, but  
 13 very few for behavior reasons or for aggression and  
 14 we did not have any significant issues with  
 15 aggression to people even in those fighting dogs.  
 16 So that changed not only my own opinions  
 17 of fighting dogs, but gave a lot of us experience  
 18 and now our animal behavior staff has probably  
 19 handled several thousand fighting dogs over the last  
 20 ten years. And we remain committed to our view of  
 21 assessing each dog as an individual, recognizing  
 22 that some animals, as with any shelter animals, some  
 23 animals may not be able to be placed for reasons of  
 24 aggression, but many of them can. And we continue  
 25 to see a lot of good outcomes.

1 Jim Gorant, who wrote the book "The Lost  
2 Dogs" did a follow-up on all the dogs from the Vick  
3 case. He recently published a new book called "The  
4 Found Dogs" where he continues to follow up on the  
5 dogs from that case, and again many of them have  
6 happy endings.

7 **Q Sure. What was the breed, the majority of  
8 the dogs of the Vick case? Were they all pit bulls?**

9 A They were primarily American pit bull  
10 terriers. Many of them were registered with the  
11 American Dog Breeders Association. Which is a breed  
12 registry that even though it opposes dog fighting,  
13 is the registry of choice used by dog fighters for  
14 the most part.

15 We had certificates on many of the animals  
16 that were seized in the Missouri 500 and I believe  
17 some of the Vick dogs as well, but they were  
18 registered American pit bull terriers from the  
19 American Dog Breeders Association. That's the  
20 registry of choice.

21 **Q Is that the only place you can register an  
22 American pit bull terrier? I believe there are a  
23 few other registries that do that. And there are  
24 other breeds that aren't even included in the pit  
25 bull definitions, standards of the American bulldog**

1 **knowledgeable. What were the characteristics that  
2 dog fighters are looking for in Staffordshire  
3 terriers?**

4 A Dog fighters are looking for primarily a  
5 characteristic they call gameness. And gameness is  
6 a willingness and a persistence in fighting against  
7 another dog despite injury, despite fatigue. That  
8 basically dog fights, organized dog fights are not  
9 fights to the death. They're basically fights until  
10 one dog is unwilling to continue to fight. If the  
11 action slows down, the referee calls for a break,  
12 the dogs are taken to their opposing corners and  
13 released again. If the dog -- if a dog fails to  
14 come out of its corner to attack the other dog,  
15 basically that's the loser.

16 So gameness is a quality of essentially  
17 persisting, despite serious injury, despite fatigue.  
18 Dog fights can go on for several hours, although  
19 these days most of the fights are much shorter. And  
20 that's a quality that doesn't seem to have any  
21 clear-cut genetic basis.

22 In my experience looking at the records  
23 and stud books the dog fighters have kept, they may  
24 breed a grand champion, that's a dog that's won five  
25 organized fights, to another female grand champion

1 **and things like that.**

2 A But -- and of course the AKC does not  
3 consider, you know, American Staffordshire terrier  
4 to be the same as a pit bull.

5 You know, and even though the original  
6 blood lines that went into registering American  
7 Staffordshire terriers going back probably 60, 70  
8 years did have fighting history.

9 **Q Could you repeat your answer to that? It  
10 broke up just a little bit.**

11 A Okay. What was the question again?

12 **Q Well, my question was Vick's dogs, whether  
13 they were predominantly pit bulls, but at the tail  
14 of end of that you said that those dogs had a dog  
15 fighting history going back 60, 70 years?**

16 A I'm saying the American Staffordshire  
17 terrier, originally the breed lineages, the stud  
18 books that were used to define the American  
19 Staffordshire terrier started out with dogs from  
20 fighting lineages many years, many years ago, but  
21 part of the breeding of the American Staffordshire  
22 terrier has ostensibly been to breed away from those  
23 characteristics, particularly dog-to-dog  
24 aggressiveness.

25 **Q And are you aware -- you sound**

1 and in fact the majority of those pups might show no  
2 interest in fighting and very little aggressiveness.  
3 So even though we have gotten, you know, more than a  
4 hundred years of dog fighting experience and lots of  
5 interest in classic fighting blood lines, the  
6 reality is it's very hard to predict whether or not  
7 a dog will show behavior of gameness.

8 **Q Why do you think it is the pit bull is the  
9 choice of fighters, not only now, but for the last  
10 as you say, hundreds of years?**

11 A That process began back in the  
12 mid-eighteen hundreds when originally pit bull-type  
13 dogs and larger mastiff-type dogs were being used  
14 in, particularly for bear-baiting and bull-baiting.  
15 Bear-baiting, the animals would be turned loose on a  
16 tethered bear and prizes would be awarded for the  
17 dogs who were most persistent, and that's a very  
18 unnatural dog behavior to go after another large  
19 predator. Wolves will not attack bears unless bears  
20 are threatening them or their pups.

21 But when bear-baiting was outlawed in the  
22 1830's in England, other past-times were still  
23 popular. Rattling was very popular with smaller  
24 terriers that were turned loose in a pit with rats  
25 and prizes were awarded based on how rapidly those



Page 26

1 dogs killed rats. And terriers are still used today  
 2 in rat control in many parts of the world.  
 3 When bear-baiting was outlawed, the  
 4 aficionados of that so-called sport started breeding  
 5 the larger bear-baiting type dogs with the smaller  
 6 ratted dogs to produce a more compact, yet strong  
 7 and potentially aggressive dog. It was very popular  
 8 in the coal mining areas around Staffordshire,  
 9 England, where often the past time was to carve out  
 10 a pit in the coal mines and place these now called  
 11 pit and terrier or pit and bull terriers in the pits  
 12 for dog fighting.  
 13 And dog fighting was not made illegal for  
 14 many more years. In the 1830's it was still  
 15 outlawed in London and other areas. And these  
 16 smaller fighting dogs, more compact fighting dogs,  
 17 came over from primarily England beginning around  
 18 the time of the Civil War and continued to be  
 19 popular in urban areas, particularly New York,  
 20 Philadelphia, Boston, and ironically among those who  
 21 were fans of dog fighting were often police, who  
 22 gravitated towards the immigrants from England and  
 23 Ireland often became police and they continued their  
 24 interest in dog fighting, and historically one of  
 25 the primary sources of information and when the

Page 27

1 reporting on dog fights was the Police Gazette.  
 2 Which is one of the reasons why when the  
 3 ASPCA was founded back in 1866, that our founder  
 4 recognized the police might not take dog fighting  
 5 that seriously, so ASPCA was chartered with its own  
 6 police department to enforce the anti-cruelty laws,  
 7 and in fact ASPCA conducted the first dog fight raid  
 8 in history in 1868 in New York City. And we've  
 9 continued to do it ever since.  
 10 **Q My original question was why do you think**  
 11 **dog fighters were drawn to the pit bull? And I**  
 12 **understand now the kind of the inception, the pit**  
 13 **bull was kind of created for these coal mine fights,**  
 14 **but what specific characteristics? Is it their**  
 15 **strength that makes them attractive?**  
 16 A It was size, strength, obedience,  
 17 intelligence, a lot of the things that responsible  
 18 pit bull owners value in their dogs is they form  
 19 strong bonds. It is a dog that quite literally is  
 20 willing to die for you.  
 21 And that courage, that gameness, that  
 22 intelligence, that strength and trainability were  
 23 all qualities that were valued and continue to be  
 24 valued both by responsible pit bull owners, who  
 25 often use their animals in all kinds of other ways,

Page 28

1 including as support dogs, comfort dogs, therapy  
 2 dogs as well as dog fighters.  
 3 So basically there are lots of very strong  
 4 qualities in the terrier breeds in general and in  
 5 pit bull type dogs in general that make them  
 6 attractive, both to people who would abuse those  
 7 tendencies as well as people who recognize the value  
 8 of them and embrace them.  
 9 **Q Do you think they're also attracted to**  
 10 **their jaw strength and jaw size in relation to**  
 11 **the -- the pit bull fighters?**  
 12 **Doctor, do you think that it's possible**  
 13 **that the dog fighters are drawn to the pit bull**  
 14 **because of its jaw strength and jaw size?**  
 15 A No. There is no data that indicates that  
 16 either the jaw strength or jaw size is any different  
 17 in pit bull-type dogs. I have many pit bull skulls  
 18 and other dog skulls. There's nothing remarkable  
 19 about them. There is no magic locking mechanism.  
 20 The notion of jaw strength or bite strength has  
 21 largely been debunked, traced back to some older  
 22 publications that were not based on any scientific  
 23 studies.  
 24 And it is true that dog fighters will  
 25 engage in training and exercise, like hanging from a

Page 29

1 rope or hanging from a strap of meat to strengthen  
 2 the jaw muscles, but inherently there is nothing  
 3 different or unusual about either the jaw or jaw  
 4 strength of the pit bulls.  
 5 **Q I want to talk a little bit about the**  
 6 **traits that are handed down among breeds of dogs.**  
 7 **Frequently, and I'll use the pointing dog, we'll**  
 8 **call it English pointer for example. Those dogs**  
 9 **exhibit an almost uncanny ability to point game and**  
 10 **often it's passed down. Now it's true that all dogs**  
 11 **or a lot of dogs have the ability to point or show**  
 12 **some signs of pointing. But do you have an opinion**  
 13 **as to what makes like a pointing breed continue to**  
 14 **be a pointing breed?**  
 15 MR. SUMMERLIN: I'm going to object to  
 16 form and foundation on that question, to the extent  
 17 that you're asking him I think in your words to  
 18 assume that pointing breeds have an uncanny ability  
 19 to point. But with that objection, you can answer  
 20 the question.  
 21 A Well, interestingly in reviewing the  
 22 literature on ethology, ecology, epidemiology of  
 23 canine aggression, I have done a lot of review of  
 24 the dog genetics literature, and looking for the  
 25 exact reference, but I know one of the leading

Page 30

1 figures in dog genetics very recently had said we  
 2 still don't understand why pointers point, and  
 3 retrievers retrieve and setters set.  
 4 That in general, and I think as some of  
 5 the other experts involved in this case have stated,  
 6 that the genetics of behavior, of dog behavior, is  
 7 very complex and very poorly understood.  
 8 **Q So is your answer that you're not sure why**  
 9 **pointers point, setters set and retrievers retrieve?**  
 10 A Right. There is a potential genetic  
 11 contribution, we don't know whether it's one gene,  
 12 many genes, that is going to be like other behaviors  
 13 influenced by experience, by training. It's not  
 14 simply a breed characteristic. And there are  
 15 probably many pointers who don't point. You don't  
 16 hear about them because they don't make it into  
 17 competition, but they often wind up being, being pet  
 18 grade. And that's one of the things that we see  
 19 with dogs that presumably have been selected for  
 20 particular tasks, many of them do not succeed in  
 21 those tasks, just as many fight-bred pit bulls never  
 22 show any interest in aggressive behavior.  
 23 And again, that's when let's say a pointer  
 24 that doesn't point is not going to enter into field  
 25 trials, but he may be someone's beloved pet.

Page 31

1 **Q Doctor, in some of your work I've noticed**  
 2 **that you will correlate aggressive dogs to poor**  
 3 **ownership; is that correct?**  
 4 A When we've looked at characteristics,  
 5 particularly in the fatal dog attacks, of the kinds  
 6 of factors that potentially contribute to a bite  
 7 situation, many of the human factors really enter  
 8 into it. And again, building on the recent work of  
 9 Dr. Gary Patronek and others, going back and looking  
 10 at some of the dog bite epidemiology, trying to  
 11 identify what were the characteristics that we often  
 12 see in these fatal or severe dog attacks, and many  
 13 of them are owner variables, not related to breed.  
 14 They identified I think six factors that were  
 15 present in more than 80 percent of the fatal dog  
 16 attacks, at least, at least I think three or four of  
 17 these were present in 80 percent of these cases.  
 18 First, there was no able-bodied person  
 19 present to control the dog. So often dog bites are  
 20 issues of supervision; children that are  
 21 unsupervised, dogs at large and children at large.  
 22 The second factor that they found was the  
 23 victim was compromised in their ability to interact  
 24 properly with the dog. Either they were very young  
 25 or very old or infirm. And that's what I've seen in

Page 32

1 my own studies as well, is that dog bites tended to  
 2 be more common among children and the elderly.  
 3 A third very important point is the dog  
 4 was defined as a resident dog, meaning a dog that  
 5 wasn't really part of the family, a dog that was  
 6 either chained, and I think about 30 percent of the  
 7 dogs involved in these fatal attacks had been  
 8 basically kept on chains almost constantly or fenced  
 9 with little human interaction, so they were defined  
 10 as resident dogs, rather than as pets or companions.  
 11 They were, another important factor is  
 12 they were reproductively intact, both male and  
 13 female dogs. Dog bites tend to be related to  
 14 unspayed or unneutered dogs, which may have some  
 15 basis in the dog's physiology and behavior, but also  
 16 it is a reflection of the owner, level of owner  
 17 responsibility. That if someone has gone to the  
 18 trouble and expense of having a dog neutered, that  
 19 is a good indicator of a higher level of responsible  
 20 ownership than a dog that is left intact.  
 21 The fifth factor that often turns up is  
 22 the dog has had a history of mismanagement, frequent  
 23 citations for being at large, being allowed to run  
 24 loose. And then the sixth factor that Patronek and  
 25 his group identified was that the dog had a prior

Page 33

1 history of abuse or neglect.  
 2 So those are all things unrelated to the  
 3 actual physiology or breed of the dog, those are all  
 4 things under human control or human related, which  
 5 were much more predictive of whether or not a  
 6 serious bite might occur.  
 7 **Q I have also seen in your work that you**  
 8 **sometimes or occasionally attribute pit bulls to**  
 9 **poor owners. Is that a fair statement of some of**  
 10 **your work?**  
 11 A No. That's not my work, but there has  
 12 been other epidemiological work looking at dog bites  
 13 as being more prevalent on a per capita basis in  
 14 areas with below mean income levels. That's not  
 15 from my work, that's from others. Poor, if you mean  
 16 economically poor. If you mean irresponsible, yes,  
 17 I do associate dog bites being attributed to  
 18 irresponsible owners.  
 19 **Q I'm specifically referring to pit bulls.**  
 20 **Has any of your work or any of your knowledge shown**  
 21 **that pit bulls are more prevalent in either these**  
 22 **low economic areas you just mentioned or more so in**  
 23 **slum or blighted type of areas in major urban areas?**  
 24 A I think -- I certainly have no data  
 25 specifically related to that. Breed popularity

Page 34

1 certainly varies over time. Again, the choice of  
 2 dog, if you're looking for a dog primarily for  
 3 protection or if you are looking for a dog to convey  
 4 some message as to what it says about you, we have  
 5 seen changes going from Dobermans, to shepherds, to  
 6 pit bulls, to Rottweilers.

7 The literature from the UK does make that  
 8 assertion. They do talk about combat dogs or bling  
 9 dogs being associated with poor areas. Again, our  
 10 experience in the States is that the breed  
 11 popularity varies over time, and there are plenty of  
 12 pit bull owners at all levels of socioeconomic  
 13 strata.

14 **Q Doctor, what types of -- I'm sorry.**  
 15 **Strike that.**

16 **Have you worked on any breed-specific**  
 17 **cases, specifically breed ban cases in the past**  
 18 **before?**

19 A Yes, I have. Most recently was also  
 20 working with plaintiffs in a case of the Montreal  
 21 SPCA against the city of Montreal that had  
 22 breed-specific legislation, and that case recently  
 23 became moot when the Mayor of Montreal, who had been  
 24 promoting breed-specific legislation, was voted out  
 25 of office. He was replaced by a new mayor who had

Page 35

1 vowed to overturn the pit bull ban, which he did  
 2 recently in Montreal. So as far as I know that case  
 3 is moot. I've basically been told by the plaintiffs  
 4 in that case, which was the Montreal SPCA, that that  
 5 case probably would not go forward. So that's been  
 6 my principle direct involvement in a breed-specific  
 7 legislation lawsuit.

8 **Q And what was, what was the work**  
 9 **specifically that you did in that case? Can you**  
 10 **tell me about that?**

11 A Similar to in this case I was asked to  
 12 review again some of the major points that had been  
 13 offered in support of that legislation, again  
 14 including testimony that Dr. Beck had given in  
 15 Toronto. I think basically he had used the same  
 16 report from Toronto in drafting his report for Sioux  
 17 City, but also reviewed recent literature that had  
 18 been collected within Toronto looking at the impact  
 19 of their ban.

20 And Toronto had shown a marked decrease in  
 21 the number of pit bulls since the initiation of the  
 22 ban in 2005, but had seen a significant increase in  
 23 dog bites. Not only in the number of bites, but  
 24 also the severity of bites and these were not pit  
 25 bull bites because pit bulls were now banned in

Page 36

1 Toronto. But the average length of stay for  
 2 hospitalization for dog bites had increased slightly  
 3 and the number of bites had increased significantly,  
 4 and this was one of many examples I think that we've  
 5 found that when you actually track bite rates or  
 6 bite statistics before and after the invocation of  
 7 breed-specific legislation, they fail to show any  
 8 significant improvement or reduction in dog bites  
 9 and sometimes actually see increases.

10 **Q Sometimes dog bites actually increase you**  
 11 **said?**

12 A Following breed-specific legislation, yes.  
 13 That was the case in Toronto.

14 **Q So in Toronto are you saying that dog**  
 15 **bites increased after the breed ban?**

16 A Yes.

17 **Q Are you aware there are some surveys out**  
 18 **there that say that is not true, that dog bites**  
 19 **actually decrease?**

20 A Well, the main study that claims that is  
 21 Raghavan's Study, and which has been widely  
 22 criticized by myself and others, which does not show  
 23 what they actually state that it showed, and if you  
 24 look at their data carefully and use the city's own,  
 25 the municipalities own pre and post data, it shows

Page 37

1 that.

2 **Q Prior to the Montreal case, what other**  
 3 **cases, what was the case before that? You said**  
 4 **there were several.**

5 A Not on specifically on breed ban. I've  
 6 been involved in a number of bite cases, including  
 7 most of my legal work has been in dog fight cases or  
 8 occasionally in fatal dog attacks.

9 **Q And what type of work have you done in**  
 10 **fatal dog attacks?**

11 A Basically, I have reviewed the  
 12 circumstances involved in those cases and have  
 13 testified, most prominently in the Diane Whipple  
 14 dog-mauling case in San Francisco, which was charged  
 15 as a homicide against the owners of those dogs, and  
 16 several other cases where there had been  
 17 manslaughter charges against the owners of dogs that  
 18 had been involved in fatal dog attacks.

19 **Q And which side were you doing work for in**  
 20 **that Whipple case?**

21 A In the Whipple case I was for the  
 22 prosecution.

23 **Q And what work were you asked to do for**  
 24 **them?**

25 A Again, I reviewed the circumstances

Page 38

1 specifically related to the owner's prior knowledge  
 2 of the dangerous potential of their dogs. In this  
 3 case the dogs were presa canarios. That's  
 4 P-R-E-S-S-A, canario.  
 5 And, in fact, we found 30 prior incidents  
 6 that had been reported against these two dogs and  
 7 their owners, which had given them, we argued,  
 8 plenty of notice of the dangerous potential for  
 9 their dogs.  
 10 **Q What made their dogs dangerous?**  
 11 A These dogs were actually being bred to be  
 12 guard dogs allegedly for the Aryan Brotherhood. The  
 13 owners were in prison. The dogs had been selected  
 14 from guarding bloodlines and were very powerful dogs  
 15 that were not well controlled and, as I say, had a  
 16 repeated history of incidents with people, ending  
 17 finally in a fatal attack on Diane Whipple in her  
 18 apartment building.  
 19 **Q And could -- you kind of broke up or maybe**  
 20 **I just didn't understand. What breed of dogs were**  
 21 **these?**  
 22 A These are presa canarios. It's a -- from  
 23 the Canary Islands, it's a mastiff-type dog.  
 24 **Q Are they similar to the cane corsos?**  
 25 A Somewhat, yes.

Page 39

1 **Q Okay. Doctor, are you aware of the**  
 2 **Virginia mauling death of a Virginia woman by her**  
 3 **two --**  
 4 A I've been trying to get more background  
 5 information on that. But I have been in touch with  
 6 the State's Attorney's Office, but I've not been  
 7 involved in that case.  
 8 **Q The States Attorney's Office has involved**  
 9 **you? Is that what you said?**  
 10 A No. I've contacted them to see whether  
 11 they need any review by me. Part of my concern when  
 12 we have some of these cases with dubious reports or  
 13 conflicting reports about the relationship between  
 14 the victim and the dogs is to at least examine the  
 15 possibility that dog attacks may be used to try to  
 16 conceal a homicide. I've been involved in several  
 17 cases where that in fact was true, including one in  
 18 which we did get a conviction against the dog owner  
 19 who had tried to use an attack by his dog to conceal  
 20 a homicide.  
 21 So that was my interest in this case. I  
 22 don't know whether that's even considered a  
 23 possibility, but I did alert friends in the, in the  
 24 District Attorney's Office as to my potential  
 25 interest involvement if they needed any of my

Page 40

1 insights, and also offered services of another  
 2 colleague of mine who is working on his Ph.D.  
 3 dissertation on fatal dog attacks.  
 4 **Q I want to talk a little bit about breed**  
 5 **bans in areas where they have proven to be**  
 6 **successful. Are you aware of any that, any specific**  
 7 **breed bans in cities where dog bites have actually**  
 8 **been not only reduced, but in some cases**  
 9 **significantly reduced?**  
 10 A Not that I've seen in the published  
 11 scientific literature.  
 12 **Q Are you aware of the Springfield,**  
 13 **Missouri, ban?**  
 14 A No, I'm not.  
 15 **Q Okay. If I told you that in 2006 pit**  
 16 **bulls were responsible for 78 attacks and in 2015**  
 17 **only eleven attacks were from pit bulls, would you**  
 18 **call that a success on a breed ban, if what I'm**  
 19 **telling you, those facts are correct?**  
 20 A You just reported a change in the number  
 21 of bites from pit bulls, not the total change in  
 22 number of bites. What you find in a lot of these  
 23 cities is you ban pit bulls and your Rottweiler  
 24 bites go up or your German shepherd bites go up.  
 25 It's the overall bites. I would also want to know

Page 41

1 how the breeds were identified, how that data was  
 2 collected, who made that designation.  
 3 These are the kinds of comments that have  
 4 been routinely criticized in the scientific  
 5 literature by Dr. Patronek, myself and others. Who  
 6 is doing the breed identification? Is it coming  
 7 from newspaper accounts? Is it coming from police  
 8 reports? Is it coming from DNA records? But also,  
 9 you know, interest is not just -- if the purpose of  
 10 a breed ban is to protect the public from dog bites,  
 11 then just counting the number of bites attributed to  
 12 the breed you're banning doesn't mean anything.  
 13 That was the case in Toronto. Yes, bites from pit  
 14 bulls fell dramatically, but bites from other dogs  
 15 replaced them.  
 16 And, you know, the prevailing issue in any  
 17 data collection like this, as this as been  
 18 identified by Patronek and others, is who has  
 19 identified the breed and on what basis? And when  
 20 you actually pull out the data of true confirmation  
 21 by, as I say, either looking at breed records,  
 22 looking at registration papers, looking at  
 23 identification by let's say an experienced animal  
 24 behavior professional, much of that data kind of  
 25 disappears. And I know in this case we've also had

Page 42

1 considerable testimony regarding the unreliability  
 2 of breed designations even by professionals in  
 3 animal care and control.  
 4 **Q Doctor, how were you retained in this**  
 5 **case?**  
 6 A Through a request that came in to our  
 7 legal department for assistance in this case.  
 8 **Q Okay. And what do you typically charge**  
 9 **per hour for your work in these types of cases?**  
 10 A We don't charge. I don't charge. This  
 11 is -- you know, this is part of my work with the  
 12 ASPCA. My work is on anti-cruelty special projects.  
 13 ASPCA, like other animal protection groups, other  
 14 animal care and control groups and veterinary  
 15 groups, has been opposed to breed-specific  
 16 legislation for many years. So this is part of our  
 17 issues of interest, so it's part of my job to be  
 18 helpful to those who are seeking to counter  
 19 breed-specific legislation. So, no, I don't charge  
 20 for this.  
 21 **Q Sure. What documents have you reviewed in**  
 22 **relation to the Sioux City case?**  
 23 A I did review the other affidavits that  
 24 were provided. I did look through some of the stuff  
 25 that are in these exhibits as well, although most of

Page 43

1 this is just press accounts. But I also reviewed  
 2 the affidavits from Dr. Amy Marder, and Dr. Jessica  
 3 Hekman, and Dr. Vicky Voith, or Victoria Voith, who,  
 4 again, Dr. Voith and I had worked with Dr. Beck in  
 5 the past on some dog bite cases. So again, it's a  
 6 relatively small community of animal behaviorists  
 7 and others who have had a long history of working on  
 8 dog bite issues. I consider Dr. Voith to be a  
 9 leading figure.  
 10 And Dr. Marder I know well, as well. She  
 11 has a good history in animal behavior, was with the  
 12 ASPCA for several years, and then with Tufts and the  
 13 Center for Animals, so she also has a very strong  
 14 reputation.  
 15 **Q I've read your letter addressed To Who it**  
 16 **May Concern on April 25th where you have gone**  
 17 **through Dr. Beck's report --**  
 18 **Doctor, I'm looking at your letter dated**  
 19 **April 25th, 2017 addressed to who -- To Whom it May**  
 20 **Concern. Did you draft that letter?**  
 21 A Yes.  
 22 **Q The one where you are critiquing it looks**  
 23 **like Dr. Beck's work?**  
 24 A Yes, I did.  
 25 **Q And Dr. Skinner?**

Page 44

1 A Yes, I did.  
 2 **Q And did you have any assistance drafting**  
 3 **that letter?**  
 4 A No.  
 5 **Q Did anybody review the letter prior to**  
 6 **sending it out?**  
 7 A I believe I shared it with our, some of  
 8 our corporate counsel that we do on any legal  
 9 involvement.  
 10 **Q Did they make any changes to it?**  
 11 A No.  
 12 MR. VONDRAK: Doctor, I think that's all I  
 13 have. I appreciate your time. Gene, do you want to  
 14 advise him of his opportunity to review and sign?  
 15 MR. SUMMERLIN: Yeah. I'm going to have a  
 16 couple follow-up questions first.  
 17 BY MR. SUMMERLIN:  
 18 **Q You were asked some questions about**  
 19 **opinions that Dr. Beck has generated in the past**  
 20 **relating to dog bite statistics and specifically**  
 21 **attributing bite rates to specific breeds?**  
 22 A Correct.  
 23 **Q Do you believe that those opinions of Dr.**  
 24 **Beck's are based on reliable statistics?**  
 25 A No, I don't. And I think one of the

Page 45

1 things that we've commented on is that I feel Dr.  
 2 Beck's embracing of pit bull bans and breed-specific  
 3 legislation in general stems from a real mistrust of  
 4 the breed and their owners that is partly emotional  
 5 and irrational.  
 6 By his own admission -- he says it's  
 7 irrelevant whether or not he has ever actually  
 8 touched a pit bull. I've probably handled a  
 9 thousand pit bulls or more and know, feel I know  
 10 them well and I know many responsible owners.  
 11 But in his interviews for the book by  
 12 Bronwen Dickey on the pit bull, she had interviewed  
 13 him at length, and he basically said why would that  
 14 matter, whether or not he had ever seen or handled a  
 15 pit bull? I think it's very important if in fact  
 16 your reaction to the dogs and their owners is not  
 17 coming from knowledge or evidence, but coming from  
 18 emotion and fear, like so much of the stereotypes of  
 19 the breed, then I think you need to address that and  
 20 you need to face the reality that is, I feel, not  
 21 really looking carefully at the data and certainly  
 22 not looking at changing data.  
 23 I think it is interesting that among the  
 24 critics of Dr. Beck are two of his former students.  
 25 Gary Patronek was a student of Dr. Beck and I was a

Page 46

1 student of Dr. Beck. And we both feel we've learned  
 2 a lot in the last 20 years, particularly the last 15  
 3 years, about what we know and don't know about dog  
 4 genetics, what we know and don't know about breeds  
 5 and about epidemiology, and our views have evolved.  
 6 And as I indicated in my letter, I don't  
 7 feel that Dr. Beck has tried to embrace changes in  
 8 the literature and new knowledge.  
 9 **Q So, I mean given the fact that people can**  
 10 **have opinions about whether they think dogs are**  
 11 **dangerous or specific breeds are dangerous, set that**  
 12 **aside.**  
 13 **From an epidemiological standpoint, what**  
 14 **is the kind of data that you can rely on or that**  
 15 **others in that field would rely on to make those**  
 16 **kinds of determinations?**  
 17 A I continue to think that some of the best  
 18 work is coming from Dr. Gary Patronek, who had gone  
 19 back and reanalyzed some of the data that I myself  
 20 had published with the Centers for Disease Control,  
 21 a little bit critical partly not of me personally,  
 22 but of the fact that we just didn't have a lot of  
 23 the information that we now have. The Centers for  
 24 Disease Control keeps data differently.  
 25 Also Dr. Patronek was, and his co-authors

Page 47

1 were able to go back in depth to find out much more  
 2 reliable information than we had access to about the  
 3 circumstances of these fatal attacks, the basis of  
 4 identification of the breeds, and so on.  
 5 So that's -- and I hold that as the gold  
 6 standard now for epidemiological studies. You need  
 7 to get accurate numerator and denominator data as  
 8 I've said, but also really dive deep into finding  
 9 out how these dog breeds were identified, what other  
 10 factors were present that might be better at  
 11 explaining.  
 12 And if our ultimate goal is to protect the  
 13 maximum number of people from injury from dog bites,  
 14 what he and others have said is let's look at the  
 15 human behaviors involved, let's look at whether or  
 16 not the dog is neutered, whether or not the dog is  
 17 supervised, whether or not the dog has been abused,  
 18 whether or not there is responsible adults  
 19 supervising a potential victim.  
 20 These are things that are better addressed  
 21 in terms of dog bite prevention and as also Dr.  
 22 Patronek's work as a renowned epidemiologist, he has  
 23 really shown mathematically in a very good paper on  
 24 the numbers needed to ban, that there is no way  
 25 banning an alleged breed can significantly reduce

Page 48

1 bite numbers for a variety of mathematical reasons.  
 2 So that's the level of rigor that I think  
 3 is necessary and that's been lacking in the vast  
 4 majority of information that has often been used to  
 5 justify breed-specific legislation.  
 6 **Q You mentioned that there's a fairly small**  
 7 **community of epidemiologists that are involved in**  
 8 **dog bite study analysis. Other than Dr. Beck, are**  
 9 **you aware of other epidemiologists within your**  
 10 **community that believe breed-specific legislation is**  
 11 **effective?**  
 12 A No, I don't.  
 13 **Q Do you believe that it's rational to, for**  
 14 **a city or a governmental entity to ban a breed in**  
 15 **order to reduce the number of dog bites?**  
 16 A Not rational, but often politically  
 17 expedient. There's a lot of evidence that shows  
 18 that people, and politicians in particular, are very  
 19 bad at risk assessment. We tend to invoke actions  
 20 that give the appearance of addressing a serious  
 21 problem, but really do little to help the problem.  
 22 The example I sometimes give is when I  
 23 talk to a group of people who travel, I asked people  
 24 how many of you took your shoes off before you got  
 25 onto the airplane, if you don't have TSA precheck,

Page 49

1 but -- and all that was based on one failed attempt  
 2 by one individual to have a shoe bomb. Nobody was  
 3 ever injured by a shoe bomb anywhere, ever, and yet  
 4 millions of people have been delayed, inconvenienced  
 5 to do that because it gives the impression that  
 6 well, we're doing something to try to protect  
 7 people. And in fact the money that is spent on  
 8 upgrading screening and all that could I feel be  
 9 better spent on upgrading air traffic control and  
 10 all the other ways of preventing air-related  
 11 problems.  
 12 But what we've seen repeatedly is when  
 13 there is a serious or fatal attack locally, the  
 14 knee-jerk response is to ban the breed, and in some  
 15 cases not even the breed responsible for that  
 16 particular attack. Pit bulls are already targets,  
 17 so let's just ban pit bulls.  
 18 Ultimately if good data is collected, it  
 19 has shown to be pointless and we've seen many  
 20 communities that have reversed that decision, like  
 21 most recently, like Montreal, we see 18 or 19 states  
 22 that specifically prohibit breed-specific  
 23 legislation because they've weighed the evidence and  
 24 found it to be ineffective.  
 25 **Q With respect to the data relied upon by**

Page 50

1 **Dr. Beck to formulate the opinions that he expressed**  
 2 **in his report, is that the kind of data that other**  
 3 **epidemiologists would rely on to reach those**  
 4 **conclusions?**  
 5 A No. Again, they're going to want good  
 6 breed identification, good numerator and denominator  
 7 data, good assessment of not -- changes in bites  
 8 across the board, and sometimes that's coming from  
 9 the epidemiological community, sometimes actually  
 10 good media reporting that gets it, that gets the  
 11 importance of good data has been a good start.  
 12 **Q Is it fair to say that the type of**  
 13 **information relied upon by Dr. Beck to reach his**  
 14 **opinions is not the type of data that other**  
 15 **epidemiologists would generally rely upon to reach**  
 16 **conclusions?**  
 17 A I think that's a fair assessment. And as  
 18 I say, the most recent analysis, which I think is  
 19 the gold standard, was work of not just Dr. Gary  
 20 Patronek, who is a well-known epidemiologist, but  
 21 also Dr. Jeffrey Sacks, also a well-known  
 22 epidemiologist from the Centers for Disease Control  
 23 who I've worked on with several papers. Again,  
 24 those are professional, established epidemiologists  
 25 who really do try to set the highest possible

Page 51

1 standard for examining this data.  
 2 MR. SUMMERLIN: That's all that I have.  
 3 MR. VONDRAK: I don't have any follow-up.  
 4 MR. SUMMERLIN: So, Dr. Lockwood,  
 5 obviously the court reporter has been transcribing  
 6 furiously as we've been talking. He will have a  
 7 booklet printed up as you know.  
 8 THE WITNESS: Right.  
 9 MR. SUMMERLIN: And you'll have the  
 10 ability to review and make changes and then sign  
 11 your deposition. You just need to let the court  
 12 reporter know that you would like to review it and  
 13 sign it.  
 14 THE WITNESS: Yes, I would.  
 15 (Whereupon, at 11:20 a.m., the  
 16 deposition of RANDALL LOCKWOOD, Ph.D.  
 17 was concluded.)  
 18 \* \* \* \* \*  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 52

1 ACKNOWLEDGMENT OF DEPONENT  
 2  
 3  
 4 I, RANDALL LOCKWOOD, Ph.D., do hereby acknowledge I  
 5 have read and examined the foregoing pages of  
 6 testimony, and the same is a true, correct and  
 7 complete transcription of the testimony given by  
 8 me, and any changes or corrections, if any, appear  
 9 in the attached errata sheet signed by me.  
 10  
 11  
 12  
 13  
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 16  
 17  
 18  
 19 \_\_\_\_\_  
 20 Date RANDALL LOCKWOOD, Ph.D.  
 21  
 22  
 23  
 24  
 25

Page 53

1 UNITED STATES OF AMERICA )  
 2 ss:  
 3 DISTRICT OF COLUMBIA )  
 4 I, ROBERT M. JAKUPCIAK, an RPR and Notary  
 5 Public within and for the District of Columbia, do  
 6 hereby certify:  
 7 That prior to being examined, the witness named  
 8 in the foregoing deposition was duly sworn to  
 9 testify the truth, the whole truth, and nothing but  
 10 the truth;  
 11 That said deposition was taken down by me in  
 12 shorthand at the time and place therein named and  
 13 thereafter reduced by me to typewritten form and  
 14 that the same is a true, correct, and complete  
 15 transcript of said proceedings.  
 16 Before completion of the deposition, review of  
 17 the transcript [ ] was [ ] was not requested. If  
 18 requested, any changes made by the deponent (and  
 19 provided to the reporter) during the period allowed  
 20 are appended hereto.  
 21 I further certify that I am not interested  
 22 in the outcome of the action.  
 23 Witness my hand this \_\_\_\_ day of  
 24 \_\_\_\_\_, 2018.  
 25 \_\_\_\_\_

1 UNITED STATES OF AMERICA )

2 ss:

3 DISTRICT OF COLUMBIA )

4 I, ROBERT M. JAKUPCIAK, an RPR and Notary  
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15 transcript of said proceedings.

16 Before completion of the deposition, review of  
17 the transcript  was [ ] was not requested. If  
18 requested, any changes made by the deponent (and  
19 provided to the reporter) during the period allowed  
20 are appended hereto.

21 I further certify that I am not interested  
22 in the outcome of the action.

23 Witness my hand this 6<sup>th</sup> day of

24 February, 2018.

25

*Robert Jakupciak*



A			
<b>a.m</b>	<b>adoption</b>	<b>alive</b>	<b>appear</b>
1:19 51:15	19:11	19:24	52:8
<b>aberrant</b>	<b>adults</b>	<b>alleged</b>	<b>appearance</b>
16:16	47:18	47:25	48:20
<b>ability</b>	<b>advance</b>	<b>allegedly</b>	<b>appended</b>
29:9,11,18 31:23	11:22	38:12	53:20
51:10	<b>advise</b>	<b>allowed</b>	<b>appreciate</b>
<b>able</b>	44:14	32:23 53:19	44:13
21:23 47:1	<b>affect</b>	<b>alpha</b>	<b>approach</b>
<b>able-bodied</b>	6:21 7:1	8:24	17:6
31:18	<b>affidavits</b>	<b>ambivalence</b>	<b>April</b>
<b>abuse</b>	42:23 43:2	12:11	43:16,19
28:6 33:1	<b>aficionados</b>	<b>AMERICA</b>	<b>areas</b>
<b>abused</b>	26:4	53:1	13:2 26:8,15,19 33:14
47:17	<b>aggression</b>	<b>American</b>	33:22,23,23 34:9
<b>access</b>	8:9,25 9:5,8 21:13,15	22:9,11,18,19,22,25	40:5
47:2	21:24 29:23	23:3,6,16,18,21	<b>argued</b>
<b>accounts</b>	<b>aggressive</b>	<b>Amy</b>	38:7
41:7 43:1	9:25 10:2 19:16 20:4	43:2	<b>Aryan</b>
<b>accurate</b>	20:9,10 26:7 30:22	<b>analysis</b>	38:12
15:13 47:7	31:2	48:8 50:18	<b>aside</b>
<b>accurately</b>	<b>aggressiveness</b>	<b>animal</b>	46:12
13:16,22	8:18 23:24 25:2	7:18 19:12 21:2,18	<b>asked</b>
<b>achieving</b>	<b>ago</b>	41:23 42:3,13,14	19:3 35:11 37:23
19:19	15:9 19:23 20:16	43:6,11	44:18 48:23
<b>acknowledge</b>	23:20	<b>animals</b>	<b>asking</b>
52:4	<b>agree</b>	9:11,11,11,16 21:22	29:17
<b>action</b>	13:7 15:18	21:22,23 22:15	<b>ASPCA</b>
24:11 53:22	<b>agreement</b>	25:15 27:25 43:13	2:4 4:2,5 19:6 20:14
<b>actions</b>	16:14	<b>annoy</b>	27:3,5,7 42:12,13
48:19	<b>air</b>	12:10	43:12
<b>active</b>	49:9	<b>answer</b>	<b>assertion</b>
20:7	<b>air-related</b>	6:21 7:1 23:9 29:19	34:8
<b>actual</b>	49:10	30:8	<b>assess</b>
33:3	<b>airplane</b>	<b>answering</b>	8:20 19:3 21:3
<b>address</b>	48:25	7:4	<b>assessed</b>
45:19	<b>AKC</b>	<b>answers</b>	21:8
<b>addressed</b>	23:2	7:9,11	<b>assessing</b>
43:15,19 47:20	<b>Alan</b>	<b>anti-cruelty</b>	21:21
<b>addressing</b>	10:8	27:6 42:12	<b>assessment</b>
48:20	<b>Alaska</b>	<b>anybody</b>	48:19 50:7,17
<b>admission</b>	8:7,12	44:5	<b>assistance</b>
45:6	<b>alcohol</b>	<b>anyway</b>	42:7 44:2
<b>admit</b>	6:21	18:20	<b>associate</b>
20:15	<b>alert</b>	<b>apartment</b>	33:17
	11:21 12:12 39:23	38:18	<b>associated</b>

<p>34:9  <b>Association</b>                  22:11,19  <b>assume</b>                  29:18  <b>assumption</b>                  20:3  <b>attached</b>                  52:9  <b>attack</b>                  24:14 25:19 38:17                  39:19 49:13,16  <b>attacks</b>                  16:13,16 17:16 31:5                  31:12,16 32:7 37:8                  37:10,18 39:15 40:3                  40:16,17 47:3  <b>attempt</b>                  13:5 49:1  <b>attempting</b>                  11:10  <b>attended</b>                  7:20 15:1  <b>attitude</b>                  20:1,14  <b>attorney</b>                  6:9  <b>Attorney's</b>                  39:6,8,24  <b>attracted</b>                  28:9  <b>attractive</b>                  27:15 28:6  <b>attribute</b>                  12:23 33:8  <b>attributed</b>                  33:17 41:11  <b>attributing</b>                  44:21  <b>audible</b>                  7:9,10  <b>Avenue</b>                  2:5 4:6  <b>average</b>                  36:1  <b>AVMA</b></p>	<p>16:15  <b>avoid</b>                  11:1,11  <b>avoiding</b>                  12:13  <b>awarded</b>                  25:16,25  <b>aware</b>                  23:25 36:17 39:1 40:6                  40:12 48:9</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>Bachelor's</b>                  7:15  <b>back</b>                  23:7,15 25:11 27:3                  28:21 31:9 46:19                  47:1  <b>background</b>                  39:4  <b>bad</b>                  48:19  <b>Baltimore</b>                  15:4  <b>ban</b>                  34:17 35:1,19,22                  36:15 37:5 40:13,18                  40:23 41:10 47:24                  48:14 49:14,17  <b>banned</b>                  35:25  <b>banning</b>                  41:12 47:25  <b>bans</b>                  40:5,7 45:2  <b>Barrow</b>                  8:7  <b>based</b>                  9:7 25:25 28:22 44:24                  49:1  <b>basic</b>                  16:19  <b>basically</b>                  11:8 24:8,9,15 28:3                  32:8 35:3,15 37:11                  45:13</p>	<p><b>basis</b>                  16:17 24:21 32:15                  33:13 41:19 47:3  <b>bear</b>                  25:16  <b>bear-baiting</b>                  25:14,15,21 26:3,5  <b>bears</b>                  25:19,19  <b>Beck</b>                  10:8 12:16 14:15,19                  14:20 16:6,20 35:14                  43:4 44:19 45:24,25                  46:1,7 48:8 50:1,13  <b>Beck's</b>                  43:17,23 44:24 45:2  <b>becoming</b>                  19:20  <b>began</b>                  25:11  <b>beginning</b>                  19:1 26:17  <b>behalf</b>                  2:11 3:2,12 4:2  <b>behavior</b>                  7:18 8:6,7,10 9:25                  10:20,20 11:22                  12:14 19:8,16 21:13                  21:18 25:7,18 30:6,6                  30:22 32:15 41:24                  43:11  <b>behaviorists</b>                  43:6  <b>behaviors</b>                  11:5 30:12 47:15  <b>believe</b>                  18:25 22:16,22 44:7                  44:23 48:10,13  <b>beloved</b>                  30:25  <b>Bernards</b>                  17:17  <b>best</b>                  11:19,19 14:23 19:12                  19:21 21:4 46:17  <b>beta</b></p>	<p>8:24  <b>better</b>                  10:23 11:22 47:10,20                  49:9  <b>big</b>                  9:9 17:7  <b>bigger</b>                  17:10  <b>Biology</b>                  7:16,24  <b>bit</b>                  8:17 10:5 18:15,16,23                  23:10 29:5 40:4                  46:21  <b>bite</b>                  8:12,15 9:16 10:9,13                  10:21,25 11:13,16                  11:20 13:3,6,19                  16:20,21 17:11,15                  17:19 28:20 31:6,10                  33:6 36:5,6 37:6                  43:5,8 44:20,21                  47:21 48:1,8  <b>bites</b>                  8:15 10:6,7,10,14,15                  11:1 12:4,17,22 13:9                  13:21 14:4 15:14,18                  16:19,24 17:5 31:19                  32:1,13 33:12,17                  35:23,23,24,25 36:2                  36:3,8,10,15,18 40:7                  40:21,22,24,24,25                  41:10,11,13,14                  47:13 48:15 50:7  <b>biting-dog</b>                  13:15  <b>Blackwell</b>                  3:4  <b>blighted</b>                  33:23  <b>bling</b>                  34:8  <b>blood</b>                  23:6 25:5  <b>bloodlines</b>                  38:14</p>
--	---	--	--

<p><b>blows</b> 9:17 <b>bluff</b> 9:10 <b>board</b> 50:8 <b>bomb</b> 49:2,3 <b>bonds</b> 27:19 <b>book</b> 22:1,3 45:11 <b>booklet</b> 51:7 <b>books</b> 23:18 24:23 <b>Boston</b> 26:20 <b>Box</b> 3:17 <b>break</b> 24:11 <b>bred</b> 38:11 <b>breed</b> 13:6,8,16,20,22 16:8 16:25 17:9 22:7,11 23:17,22 24:24 29:13,14 30:14 31:13 33:3,25 34:10 34:17 36:15 37:5 38:20 40:4,7,18 41:6 41:10,12,19,21 42:2 45:4,19 47:25 48:14 49:14,15 50:6 <b>breed-specific</b> 34:16,22,24 35:6 36:7 36:12 42:15,19 45:2 48:5,10 49:22 <b>Breeders</b> 22:11,19 <b>breeding</b> 23:21 26:4 <b>breeds</b> 12:17,20 13:17 16:12 16:22 17:14 22:24</p>	<p>28:4 29:6,18 41:1 44:21 46:4,11 47:4,9 <b>broke</b> 23:10 38:19 <b>Bronwen</b> 45:12 <b>Brotherhood</b> 38:12 <b>brought</b> 19:8 <b>build</b> 16:22 <b>building</b> 31:8 38:18 <b>bull</b> 17:25 18:11,13 22:9 22:18,22,25 23:4 25:8 26:11 27:11,13 27:18,24 28:5,11,13 28:17 34:12 35:1,25 45:2,8,12,15 <b>bull-baiting</b> 25:14 <b>bull-type</b> 25:12 28:17 <b>bulldog</b> 22:25 <b>bulls</b> 18:19,21,24 22:8 23:13 29:4 30:21 33:8,19,21 34:6 35:21,25 40:16,17 40:21,23 41:14 45:9 49:16,17</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>C</b> 3:1 4:1 5:1 6:1 52:1 <b>California</b> 3:5 7:21,23 <b>call</b> 24:5 29:8 40:18 <b>called</b> 6:4 22:3 26:10 <b>calls</b> 24:11</p>	<p><b>canario</b> 38:4 <b>canarios</b> 38:3,22 <b>Canary</b> 38:23 <b>cane</b> 38:24 <b>canine</b> 9:24 19:19 29:23 <b>capable</b> 9:17 <b>capacity</b> 1:10,11 <b>capita</b> 33:13 <b>captive</b> 8:8 <b>captivity</b> 9:4 <b>capture</b> 18:24 <b>card</b> 16:2 <b>care</b> 42:3,14 <b>cared</b> 19:6 <b>carefully</b> 36:24 45:21 <b>carried</b> 11:17,18 <b>carriers</b> 8:15 10:11 11:3,4,16 11:20 12:6 <b>carrying</b> 12:1 <b>carve</b> 26:9 <b>case</b> 1:7 6:10 19:1,2,4,25 21:7 22:3,5,8 30:5 34:20,22 35:2,4,5,9 35:11 36:13 37:2,3 37:14,20,21 38:3 39:7,21 41:13,25</p>	<p>42:5,7,22 <b>cases</b> 6:13,16 10:18 11:9 31:17 34:17,17 37:3 37:6,7,12,16 39:12 39:17 40:8 42:9 43:5 49:15 <b>catch</b> 9:22 <b>Center</b> 43:13 <b>Centers</b> 16:14 46:20,23 50:22 <b>certainly</b> 9:17 10:2,12 33:24 34:1 45:21 <b>certificates</b> 22:15 <b>certify</b> 53:6,21 <b>CH-159385</b> 1:23 <b>chained</b> 32:6 <b>chains</b> 32:8 <b>champion</b> 20:13 24:24,25 <b>change</b> 20:1 40:20,21 <b>changed</b> 9:14 20:21,22 21:16 <b>changes</b> 17:20 34:5 44:10 46:7 50:7 51:10 52:8 53:18 <b>changing</b> 17:21 45:22 <b>characteristic</b> 13:10 24:5 30:14 <b>characteristics</b> 23:23 24:1 27:14 31:4 31:11 <b>characterize</b> 10:17 <b>characterizing</b></p>
---	---	--	--

<p>18:13  <b>charge</b>                  42:8,10,10,19  <b>charged</b>                  20:11 37:14  <b>charges</b>                  37:17  <b>chartered</b>                  27:5  <b>children</b>                  10:14,25 31:20,21                  32:2  <b>choice</b>                  13:3 22:13,20 25:9                  34:1  <b>Christmas</b>                  16:2  <b>CINDY</b>                  1:10  <b>circumstances</b>                  10:16 37:12,25 47:3  <b>citations</b>                  32:23  <b>cities</b>                  13:7 40:7,23  <b>citizen</b>                  19:19  <b>city</b>                  1:8,8 3:15,18 8:13,16                  10:9 13:9,11 14:1                  18:1 27:8 34:21                  35:17 42:22 48:14  <b>city's</b>                  36:24  <b>Civil</b>                  26:18  <b>claims</b>                  36:20  <b>classic</b>                  25:5  <b>clear-cut</b>                  24:21  <b>co-authors</b>                  46:25  <b>coal</b>                  26:8,10 27:13</p>	<p><b>colleague</b>                  40:2  <b>collected</b>                  35:18 41:2 49:18  <b>collection</b>                  41:17  <b>Columbia</b>                  2:11 53:3,5  <b>combat</b>                  34:8  <b>come</b>                  12:16 24:14  <b>comfort</b>                  28:1  <b>coming</b>                  41:6,7,8 45:17,17                  46:18 50:8  <b>commented</b>                  45:1  <b>comments</b>                  41:3  <b>committed</b>                  21:20  <b>common</b>                  32:2  <b>communities</b>                  49:20  <b>community</b>                  43:6 48:7,10 50:9  <b>compact</b>                  26:6,16  <b>companions</b>                  32:10  <b>comparative</b>                  7:17 8:2  <b>competition</b>                  30:17  <b>complete</b>                  52:7 53:14  <b>completion</b>                  53:16  <b>complex</b>                  9:6 30:7  <b>compromised</b>                  31:23  <b>conceal</b></p>	<p>39:16,19  <b>concept</b>                  9:1  <b>concern</b>                  39:11 43:16,20  <b>concluded</b>                  51:17  <b>conclusions</b>                  50:4,16  <b>conducted</b>                  14:19 27:7  <b>conferences</b>                  15:17  <b>confirmation</b>                  41:20  <b>confirmed</b>                  13:21  <b>conflicting</b>                  39:13  <b>Connecticut</b>                  7:17  <b>consider</b>                  16:2 23:3 43:8  <b>considerable</b>                  42:1  <b>considered</b>                  10:21 39:22  <b>constantly</b>                  32:8  <b>Cont'd</b>                  4:1  <b>contacted</b>                  39:10  <b>continue</b>                  21:1,24 24:10 27:23                  29:13 46:17  <b>continued</b>                  26:18,23 27:9  <b>continues</b>                  15:7 22:4  <b>contribute</b>                  17:2 31:6  <b>contribution</b>                  30:11  <b>control</b>                  16:15 26:2 31:19 33:4</p>	<p>42:3,14 46:20,24                  49:9 50:22  <b>controlled</b>                  38:15  <b>controlling</b>                  9:25  <b>convey</b>                  34:3  <b>conviction</b>                  39:18  <b>corner</b>                  24:14  <b>corners</b>                  24:12  <b>corporate</b>                  44:8  <b>correct</b>                  14:13 31:3 40:19                  44:22 52:6 53:14  <b>corrections</b>                  52:8  <b>correlate</b>                  31:2  <b>corsos</b>                  38:24  <b>counsel</b>                  6:6 44:8  <b>count</b>                  21:12  <b>counter</b>                  42:18  <b>counting</b>                  41:11  <b>couple</b>                  6:19 44:16  <b>courage</b>                  27:21  <b>course</b>                  23:2  <b>court</b>                  1:1 51:5,11  <b>covers</b>                  17:13  <b>created</b>                  27:13  <b>crime</b></p>
--	---	---	--

<p>20:23,24  <b>critical</b>                  46:21  <b>criticized</b>                  36:22 41:4  <b>critics</b>                  45:24  <b>critiquing</b>                  43:22  <b>culling</b>                  20:11  <b>current</b>                  15:14  <b>currently</b>                  6:25  <b>cutting</b>                  11:7</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>D</b>                  6:1 52:1,1  <b>D.C</b>                  1:17 2:7  <b>danger</b>                  17:8  <b>dangerous</b>                  38:2,8,10 46:11,11  <b>data</b>                  8:20 10:18 12:3,16                  13:12,25 16:21                  28:15 33:24 36:24                  36:25 41:1,17,20,24                  45:21,22 46:14,19                  46:24 47:7 49:18,25                  50:2,7,11,14 51:1  <b>date</b>                  15:13 52:20  <b>dated</b>                  43:18  <b>day</b>                  16:1 53:23  <b>days</b>                  17:14 24:19  <b>death</b>                  24:9 39:2  <b>debunked</b></p>	<p>28:21  <b>decision</b>                  49:20  <b>decrease</b>                  35:20 36:19  <b>deep</b>                  47:8  <b>deescalating</b>                  12:14  <b>Defendants</b>                  1:12 3:12 6:6  <b>defenses</b>                  11:19  <b>deference</b>                  9:11  <b>define</b>                  23:18  <b>defined</b>                  32:4,9  <b>definitely</b>                  13:21  <b>definition</b>                  6:18 18:1,2,12  <b>definitions</b>                  22:25  <b>degree</b>                  7:15  <b>delayed</b>                  49:4  <b>demonstrated</b>                  9:12  <b>denominator</b>                  47:7 50:6  <b>department</b>                  3:15 27:6 42:7  <b>deponent</b>                  53:18  <b>deposition</b>                  1:16 2:2 6:10,14,19                  7:8,8 51:11,16 53:8                  53:11,16  <b>depth</b>                  47:1  <b>descriptions</b>                  8:22  <b>designation</b></p>	<p>41:2  <b>designations</b>                  42:2  <b>despite</b>                  24:7,7,17,17  <b>determinations</b>                  46:16  <b>determining</b>                  19:9  <b>deterrent</b>                  11:25  <b>Diane</b>                  37:13 38:17  <b>Dickey</b>                  45:12  <b>die</b>                  27:20  <b>differences</b>                  15:24  <b>different</b>                  8:4 11:17 17:1 28:16                  29:3  <b>differently</b>                  46:24  <b>dinner</b>                  15:17  <b>direct</b>                  35:6  <b>disagree</b>                  16:3,5  <b>disappears</b>                  41:25  <b>discuss</b>                  15:18  <b>Disease</b>                  16:15 46:20,24 50:22  <b>display</b>                  9:10  <b>displays</b>                  9:5  <b>dissertation</b>                  8:5 40:3  <b>distinct</b>                  15:24  <b>distinguishing</b>                  16:24</p>	<p><b>District</b>                  1:1,2 2:11 39:24 53:3                  53:5  <b>dive</b>                  47:8  <b>DIVISION</b>                  1:3  <b>DNA</b>                  41:8  <b>Dobermans</b>                  17:18 34:5  <b>Doctor</b>                  7:13 28:12 31:1 34:14                  39:1 42:4 43:18                  44:12  <b>documents</b>                  42:21  <b>dog</b>                  8:12,14,15 10:6,7,9,10                  10:13,21,24,25                  11:13,20,22 12:4                  13:3,4,8 15:6,14,18                  16:13,15,19,20,21                  16:24 17:5,12,15,16                  17:19 18:17 19:5                  20:2,23,24 21:21                  22:11,12,13,19                  23:14 24:2,4,7,8,8                  24:10,13,13,14,18                  24:23,24 25:4,7,18                  26:7,12,13,21,24                  27:1,4,7,11,19 28:2                  28:13,18,24 29:7,24                  30:1,6 31:5,10,12,15                  31:19,19,24 32:1,3,4                  32:4,5,13,18,20,22                  32:25 33:3,12,17                  34:2,2,3 35:23 36:2                  36:8,10,14,18 37:7,8                  37:10,18 38:23                  39:15,18,19 40:3,7                  41:10 43:5,8 44:20                  46:3 47:9,13,16,16                  47:17,21 48:8,15  <b>dog's</b>                  32:15</p>
---	---	---	---

<p><b>dog-mauling</b> 37:14</p> <p><b>dog-to-dog</b> 23:23</p> <p><b>dogs</b> 8:10 11:10,21 12:10 12:12 13:11,20,22 14:5 15:4,9 17:7,7 17:11,16,20,22 18:16 19:3,5,6,9,14 19:18,20,23 20:1,3,6 20:8,8,10,12,12,19 20:22,23 21:6,8,10 21:15,17,19 22:2,2,4 22:5,8,17 23:12,14 23:19 24:12 25:13 25:13,17 26:1,5,6,16 26:16 27:18 28:1,1,2 28:5,17 29:6,8,10,11 30:19 31:2,21 32:7 32:10,13,14 34:8,9 37:15,17 38:2,3,6,9 38:10,11,12,13,14 38:20 39:14 41:14 45:16 46:10</p> <p><b>doing</b> 8:14 10:24 21:8 37:19 41:6 49:6</p> <p><b>dominant</b> 8:23</p> <p><b>Dr</b> 6:8 10:8 12:15 14:14 14:19,20 16:6,20 31:9 35:14 41:5 43:2 43:2,3,4,4,8,10,17 43:23,25 44:19,23 45:1,24,25 46:1,7,18 46:25 47:21 48:8 50:1,13,19,21 51:4</p> <p><b>draft</b> 20:16 43:20</p> <p><b>drafting</b> 35:16 44:2</p> <p><b>dramatically</b> 41:14</p> <p><b>drawn</b></p>	<p>27:11 28:13</p> <p><b>dubious</b> 39:12</p> <p><b>duly</b> 6:4 53:8</p> <p><b>duress</b> 6:25</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E</b> 3:1,1 4:1,1 5:1 6:1,1 52:1,1,1,1</p> <p><b>early</b> 15:10 17:14</p> <p><b>ecologist</b> 15:5</p> <p><b>ecology</b> 29:22</p> <p><b>economic</b> 33:22</p> <p><b>economically</b> 33:16</p> <p><b>education</b> 7:14</p> <p><b>effect</b> 12:2,4</p> <p><b>effective</b> 17:6 48:11</p> <p><b>effectiveness</b> 11:13</p> <p><b>eight</b> 18:20,22</p> <p><b>either</b> 12:13 17:17 28:16 29:3 31:24 32:6 33:21 41:21</p> <p><b>elderly</b> 32:2</p> <p><b>elected</b> 18:1</p> <p><b>eleven</b> 9:3 40:17</p> <p><b>embrace</b> 28:8 46:7</p> <p><b>embracing</b> 45:2</p>	<p><b>emotion</b> 45:18</p> <p><b>emotional</b> 6:24 45:4</p> <p><b>encountered</b> 20:6</p> <p><b>encounters</b> 10:4 12:13,14</p> <p><b>encouraging</b> 11:9,23 12:8</p> <p><b>endings</b> 22:6</p> <p><b>enforce</b> 27:6</p> <p><b>engage</b> 28:25</p> <p><b>engaged</b> 8:4</p> <p><b>engaging</b> 10:19 11:5</p> <p><b>England</b> 25:22 26:9,17,22</p> <p><b>English</b> 29:8</p> <p><b>enter</b> 30:24 31:7</p> <p><b>entity</b> 48:14</p> <p><b>epidemiological</b> 10:12 33:12 46:13 47:6 50:9</p> <p><b>epidemiologist</b> 47:22 50:20,22</p> <p><b>epidemiologists</b> 48:7,9 50:3,15,24</p> <p><b>epidemiology</b> 8:13,16 16:20 17:15 29:22 31:10 46:5</p> <p><b>errata</b> 52:9</p> <p><b>ESQUIRE</b> 3:3,14 4:4</p> <p><b>essentially</b> 16:22 24:16</p> <p><b>established</b> 50:24</p>	<p><b>ethology</b> 29:22</p> <p><b>euthanasia</b> 19:13 20:20</p> <p><b>euthanized</b> 19:15 21:12</p> <p><b>evaluation</b> 19:8</p> <p><b>eventually</b> 19:18 21:10</p> <p><b>evidence</b> 45:17 48:17 49:23</p> <p><b>Evolutionary</b> 7:23</p> <p><b>evolved</b> 46:5</p> <p><b>exact</b> 29:25</p> <p><b>EXAMINATION</b> 5:3 6:6</p> <p><b>examine</b> 39:14</p> <p><b>examined</b> 6:5 52:5 53:7</p> <p><b>examining</b> 51:1</p> <p><b>example</b> 29:8 48:22</p> <p><b>examples</b> 36:4</p> <p><b>exercise</b> 28:25</p> <p><b>exhibit</b> 29:9</p> <p><b>exhibits</b> 42:25</p> <p><b>expect</b> 6:18</p> <p><b>expedient</b> 48:17</p> <p><b>expense</b> 32:18</p> <p><b>experience</b> 21:17 24:22 25:4 30:13 34:10</p> <p><b>experienced</b></p>
--	--	--	---

<p>41:23  <b>experiencing</b>                  6:25  <b>experts</b>                  30:5  <b>explaining</b>                  47:11  <b>expressed</b>                  50:1  <b>extent</b>                  29:16</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>F</b>                  52:1  <b>face</b>                  45:20  <b>fact</b>                  14:22 17:14 25:1 27:7                  38:5 39:17 45:15                  46:9,22 49:7  <b>factor</b>                  31:22 32:11,21,24  <b>factors</b>                  17:1 31:6,7,14 47:10  <b>facts</b>                  40:19  <b>fail</b>                  36:7  <b>failed</b>                  49:1  <b>fails</b>                  24:13  <b>fair</b>                  15:20 17:10 33:9                  50:12,17  <b>fairly</b>                  18:9 48:6  <b>familiar</b>                  18:2  <b>family</b>                  15:19 32:5  <b>fans</b>                  26:21  <b>far</b>                  35:2</p>	<p><b>fatal</b>                  9:17 16:13,15 17:16                  31:5,12,15 32:7 37:8                  37:10,18 38:17 40:3                  47:3 49:13  <b>fatality</b>                  16:21  <b>fatigue</b>                  24:7,17  <b>fear</b>                  45:18  <b>feel</b>                  15:12 45:1,9,20 46:1,7                  49:8  <b>fell</b>                  41:14  <b>female</b>                  24:25 32:13  <b>fenced</b>                  32:8  <b>feral</b>                  15:3  <b>field</b>                  8:6 30:24 46:15  <b>fifth</b>                  32:21  <b>fight</b>                  20:13,20 21:2 24:10                  27:7 37:7  <b>fight-bred</b>                  30:21  <b>fighters</b>                  22:13 24:2,4,23 25:9                  27:11 28:2,11,13,24  <b>fighting</b>                  18:17 20:2,3,7,22,24                  20:25 21:15,17,19                  22:12 23:8,15,20                  24:6 25:2,4,5 26:12                  26:13,16,16,21,24                  27:4  <b>fighths</b>                  24:8,8,9,9,18,19,25                  27:1,13  <b>figure</b>                  43:9</p>	<p><b>figures</b>                  30:1  <b>final</b>                  21:12  <b>finally</b>                  38:17  <b>find</b>                  40:22 47:1  <b>finding</b>                  10:14 47:8  <b>first</b>                  6:4,19 10:12 15:8                  27:7 31:18 44:16  <b>five</b>                  24:24  <b>focused</b>                  12:20  <b>folks</b>                  16:14  <b>follow</b>                  22:4  <b>follow-up</b>                  21:9 22:2 44:16 51:3  <b>following</b>                  11:6,8 36:12  <b>follows</b>                  6:5  <b>force</b>                  9:20 11:23  <b>foregoing</b>                  52:5 53:8  <b>form</b>                  27:18 29:16 53:13  <b>formalities</b>                  6:19  <b>former</b>                  45:24  <b>formulate</b>                  50:1  <b>forward</b>                  35:5  <b>found</b>                  11:15 12:5 22:4 31:22                  36:5 38:5 49:24  <b>foundation</b>                  29:16</p>	<p><b>founded</b>                  27:3  <b>founder</b>                  27:3  <b>four</b>                  31:16  <b>Francisco</b>                  37:14  <b>frequent</b>                  32:22  <b>frequently</b>                  12:6 29:7  <b>friend</b>                  16:2  <b>friends</b>                  14:22 15:12 16:3                  19:12,22 39:23  <b>friendship</b>                  15:25  <b>front</b>                  10:18 12:19 18:3  <b>furiously</b>                  51:6  <b>further</b>                  53:21  <b>future</b>                  17:24</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G</b>                  4:4 6:1 52:1  <b>game</b>                  29:9  <b>gameness</b>                  24:5,5,16 25:7 27:21  <b>Gary</b>                  31:9 45:25 46:18                  50:19  <b>Gazette</b>                  27:1  <b>gene</b>                  3:3 30:11 44:13  <b>gene.summerlin@h...</b>                  3:8  <b>general</b>                  10:11 13:23 28:4,5</p>
--	---	--	---

<p>30:4 45:3  <b>generally</b>                      50:15  <b>generate</b>                      13:5  <b>generated</b>                      44:19  <b>genes</b>                      30:12  <b>genetic</b>                      24:21 30:10  <b>genetics</b>                      29:24 30:1,6 46:4  <b>genome</b>                      9:24  <b>German</b>                      12:22 14:3,8,10 40:24  <b>getting</b>                      11:1  <b>give</b>                      6:13 48:20,22  <b>given</b>                      35:14 38:7 46:9 52:7  <b>gives</b>                      17:4 49:5  <b>go</b>                      6:17 7:24 24:18 25:18                      35:5 40:24,24 47:1  <b>goal</b>                      47:12  <b>going</b>                      17:25 23:7,15 29:15                      30:12,24 31:9 34:5                      44:15 50:5  <b>gold</b>                      47:5 50:19  <b>good</b>                      6:17 9:23 13:12,14,16                      13:19 14:22 19:19                      21:25 32:19 43:11                      47:23 49:18 50:5,6,7                      50:10,11,11  <b>Gorant</b>                      22:1  <b>gotten</b>                      25:3</p>	<p><b>governmental</b>                      48:14  <b>grade</b>                      30:18  <b>grand</b>                      24:24,25  <b>gravitated</b>                      26:22  <b>great</b>                      9:20  <b>greeting</b>                      16:1  <b>group</b>                      9:19 10:3 32:25 48:23  <b>groups</b>                      42:13,14,15  <b>guard</b>                      38:12  <b>guarding</b>                      38:14</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>half</b>                      21:10  <b>hand</b>                      53:23  <b>handed</b>                      29:6  <b>handle</b>                      15:21  <b>handled</b>                      19:17 21:19 45:8,14  <b>hanging</b>                      28:25 29:1  <b>happy</b>                      22:6  <b>hard</b>                      25:6  <b>head</b>                      7:9  <b>hear</b>                      30:16  <b>Hekman</b>                      43:3  <b>held</b>                      2:3 19:21</p>	<p><b>help</b>                      48:21  <b>helped</b>                      20:15  <b>helpful</b>                      42:18  <b>HENSLEY</b>                      4:4  <b>hereto</b>                      53:20  <b>hierarchy</b>                      8:24  <b>higher</b>                      13:9 32:19  <b>highest</b>                      50:25  <b>hired</b>                      15:3  <b>historically</b>                      26:24  <b>history</b>                      23:8,15 27:8 32:22                      33:1 38:16 43:7,11  <b>hold</b>                      47:5  <b>homicide</b>                      37:15 39:16,20  <b>hospitalization</b>                      36:2  <b>hour</b>                      42:9  <b>hours</b>                      24:18  <b>household</b>                      19:21 20:5  <b>human</b>                      15:6 17:3 31:7 32:9                      33:4,4 47:15  <b>humane</b>                      20:17,18  <b>hundred</b>                      25:4  <b>hundreds</b>                      25:10,12  <b>Husch</b>                      3:4</p>	<hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>idea</b>                      8:22 19:9  <b>ideas</b>                      10:22  <b>identification</b>                      41:6,23 47:4 50:6  <b>identified</b>                      13:16,23 31:14 32:25                      41:1,18,19 47:9  <b>identify</b>                      12:17 31:11  <b>identifying</b>                      10:6  <b>illegal</b>                      26:13  <b>immigrants</b>                      26:22  <b>impact</b>                      35:18  <b>impede</b>                      15:25  <b>importance</b>                      50:11  <b>important</b>                      32:3,11 45:15  <b>impression</b>                      49:5  <b>improvement</b>                      36:8  <b>inaccurate</b>                      16:9  <b>incapable</b>                      20:4  <b>inception</b>                      27:12  <b>incidence</b>                      10:13  <b>incident</b>                      18:18  <b>incidents</b>                      38:5,16  <b>inclined</b>                      20:13  <b>included</b>                      22:24</p>
--	---	---	---



<p><b>including</b> 16:9 28:1 35:14 37:6 39:17</p> <p><b>income</b> 33:14</p> <p><b>inconvenienced</b> 49:4</p> <p><b>increase</b> 35:22 36:10</p> <p><b>increased</b> 36:2,3,15</p> <p><b>increases</b> 36:9</p> <p><b>increasing</b> 11:5</p> <p><b>incurably</b> 20:4</p> <p><b>indicated</b> 46:6</p> <p><b>indicates</b> 28:15</p> <p><b>indicator</b> 32:19</p> <p><b>individual</b> 1:5 21:3,3,21 49:2</p> <p><b>ineffective</b> 49:24</p> <p><b>infirm</b> 31:25</p> <p><b>inflict</b> 17:7,11</p> <p><b>inflicting</b> 9:17</p> <p><b>influenced</b> 30:13</p> <p><b>information</b> 13:5,15,17 16:9,10 17:5 26:25 39:5 46:23 47:2 48:4 50:13</p> <p><b>inherently</b> 29:2</p> <p><b>inhibition</b> 9:16</p> <p><b>initially</b> 19:5</p>	<p><b>initiation</b> 35:21</p> <p><b>injured</b> 49:3</p> <p><b>injury</b> 24:7,17 47:13</p> <p><b>insights</b> 40:1</p> <p><b>insistence</b> 10:23</p> <p><b>instilled</b> 20:14</p> <p><b>instruments</b> 20:23</p> <p><b>intact</b> 32:12,20</p> <p><b>intellectually</b> 15:23</p> <p><b>intelligence</b> 27:17,22</p> <p><b>interact</b> 31:23</p> <p><b>interaction</b> 9:5 12:9 32:9</p> <p><b>interactions</b> 9:18 11:9,11,23 15:6</p> <p><b>interest</b> 8:8 20:18,18 25:2,5 26:24 30:22 39:21 39:25 41:9 42:17</p> <p><b>interested</b> 9:15 11:12 15:1,6 53:21</p> <p><b>interesting</b> 15:5,7 45:23</p> <p><b>interestingly</b> 29:21</p> <p><b>interview</b> 15:2</p> <p><b>interviewed</b> 45:12</p> <p><b>interviews</b> 45:11</p> <p><b>invocation</b> 36:6</p> <p><b>invoke</b> 48:19</p>	<p><b>involved</b> 10:3 13:21 16:12 17:17 18:17,18 21:7 30:5 32:7 37:6,12,18 39:7,8,16 47:15 48:7</p> <p><b>involvement</b> 19:2 35:6 39:25 44:9</p> <p><b>Iowa</b> 1:2,8 3:18</p> <p><b>Ireland</b> 26:23</p> <p><b>ironically</b> 26:20</p> <p><b>irrational</b> 45:5</p> <p><b>irrelevant</b> 45:7</p> <p><b>irresponsible</b> 33:16,18</p> <p><b>Irvine</b> 7:21,23</p> <p><b>Islands</b> 38:23</p> <p><b>issue</b> 41:16</p> <p><b>issued</b> 11:14</p> <p><b>issues</b> 16:4 17:19 21:11,14 31:20 42:17 43:8</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>Jakupciak</b> 1:25 2:10 53:4</p> <p><b>January</b> 1:18</p> <p><b>jaw</b> 28:10,10,14,14,16,16 28:20 29:2,3,3</p> <p><b>Jeffrey</b> 50:21</p> <p><b>Jessica</b> 43:2</p> <p><b>Jim</b> 22:1</p>	<p><b>job</b> 1:23 15:1 42:17</p> <p><b>JR</b> 4:4</p> <p><b>justify</b> 48:5</p> <p><b>Justin</b> 3:14 6:8</p> <p><b>jevondrak@siouxcit...</b> 3:20</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>K</b> 52:1</p> <p><b>KALI</b> 1:5</p> <p><b>keeps</b> 46:24</p> <p><b>kept</b> 24:23 32:8</p> <p><b>key</b> 16:13</p> <p><b>killed</b> 26:1</p> <p><b>killing</b> 20:11</p> <p><b>kind</b> 9:1,14 10:3 13:13 27:12,13 38:19 41:24 46:14 50:2</p> <p><b>kinds</b> 27:25 31:5 41:3 46:16</p> <p><b>knee-jerk</b> 49:14</p> <p><b>know</b> 7:9 8:23 13:20 14:7,7 14:11,25 15:11,12 21:11 23:3,5 25:3 29:25 30:11 35:2 39:22 40:25 41:9,16 41:25 42:11 43:10 45:9,9,10 46:3,3,4,4 51:7,12</p> <p><b>knowledge</b> 33:20 38:1 45:17 46:8</p> <p><b>knowledgeable</b></p>
---	--	--	--

24:1			
<b>L</b>			
<b>L</b>	<b>level</b>	13:2 15:8 17:15,15	<b>male</b>
52:1	32:16,19 48:2	17:19 24:2,4,22	32:12
<b>lacking</b>	<b>levels</b>	29:24 31:9 33:12	<b>man</b>
48:3	33:14 34:12	34:2,3 35:18 41:21	14:23
<b>large</b>	<b>lineages</b>	41:22,22 43:18	<b>manslaughter</b>
14:10 17:13 18:21,24	23:17,20	45:21,22	37:17
25:18 31:21,21	<b>linear</b>	<b>looks</b>	<b>Marder</b>
32:23	8:24	43:22	43:2,10
<b>largely</b>	<b>lines</b>	<b>loose</b>	<b>marked</b>
28:21	20:7,13 23:6 25:5	25:15,24 32:24	35:20
<b>larger</b>	<b>literally</b>	<b>loser</b>	<b>mastiff-type</b>
14:3,6 25:13 26:5	27:19	24:15	25:13 38:23
<b>lawns</b>	<b>literature</b>	<b>Lost</b>	<b>material</b>
11:7	29:22,24 34:7 35:17	22:1	9:24
<b>laws</b>	40:11 41:5 46:8	<b>lot</b>	<b>mathematical</b>
10:21 27:6	<b>little</b>	9:10 21:17,25 27:17	48:1
<b>lawsuit</b>	7:14 8:17 10:5 12:4	29:11,23 40:22 46:2	<b>mathematically</b>
35:7	18:15,23 23:10 25:2	46:22 48:17	47:23
<b>leadership</b>	29:5 32:9 40:4 46:21	<b>lots</b>	<b>matter</b>
9:8,13	48:21	17:1 25:4 28:3	45:14
<b>leading</b>	<b>lives</b>	<b>Louis</b>	<b>mauling</b>
16:7 29:25 43:9	19:22	7:19 8:13,16 10:6,10	39:2
<b>learned</b>	<b>living</b>	10:13 12:18 13:1	<b>maximum</b>
20:5 46:1	20:4	14:3,8,10	47:13
<b>left</b>	<b>LLP</b>	<b>low</b>	<b>mayor</b>
7:24 32:20	3:4	33:22	34:23,25
<b>legal</b>	<b>locally</b>	<b>M</b>	<b>mean</b>
3:15 37:7 42:7 44:8	49:13	<b>M</b>	33:14,15,16 41:12
<b>legislation</b>	<b>locking</b>	1:25 52:1 53:4	46:9
16:8 34:22,24 35:7,13	28:19	<b>magic</b>	<b>meaning</b>
36:7,12 42:16,19	<b>Lockwood</b>	28:19	32:4
45:3 48:5,10 49:23	1:16 2:2 5:2 6:3,8	<b>main</b>	<b>meant</b>
<b>length</b>	51:4,16 52:4,20	36:20	19:16
19:7 36:1 45:13	<b>London</b>	<b>maintain</b>	<b>measures</b>
<b>let's</b>	26:15	8:25	9:4
30:23 41:23 47:14,15	<b>long</b>	<b>maintaining</b>	<b>meat</b>
49:17	43:7	9:9	29:1
<b>lethal</b>	<b>long-term</b>	<b>major</b>	<b>mechanism</b>
10:4	19:11	7:25 10:14 33:23	28:19
<b>letter</b>	<b>look</b>	35:12	<b>media</b>
8:15 10:11 11:3,4,16	8:21 21:2 36:24 42:24	<b>majority</b>	50:10
11:20 12:5 43:15,18	47:14,15	19:17,22 22:7 25:1	<b>medical</b>
43:20 44:3,5 46:6	<b>looked</b>	48:4	19:15 21:11
	9:3 10:9 31:4	<b>Making</b>	<b>medication</b>
	<b>looking</b>	13:13	6:20
	8:15 9:4 10:10,13		<b>members</b>

<p>9:19 10:2  <b>mental</b>                  6:24  <b>mentioned</b>                  33:22 48:6  <b>message</b>                  34:4  <b>methods</b>                  8:19  <b>Michael</b>                  2:9 18:18 19:1,4  <b>mid-eighteen</b>                  25:12  <b>millions</b>                  49:4  <b>mine</b>                  27:13 40:2  <b>mines</b>                  26:10  <b>mining</b>                  26:8  <b>mismanagement</b>                  32:22  <b>Missouri</b>                  21:6 22:16 40:13  <b>mistrust</b>                  45:3  <b>misusing</b>                  16:10  <b>model</b>                  9:23  <b>money</b>                  49:7  <b>Montreal</b>                  34:20,21,23 35:2,4                  37:2 49:21  <b>moot</b>                  34:23 35:3  <b>move</b>                  18:8  <b>municipalities</b>                  36:25  <b>muscles</b>                  29:2  <b>MYERS</b>                  1:5</p>	<hr/> <p><b>N</b></p> <hr/> <p><b>N</b>                  3:1 4:1 5:1,1 6:1 52:1                  52:1,1,1  <b>name</b>                  6:8  <b>named</b>                  53:7,12  <b>Nebraska</b>                  3:6  <b>necessarily</b>                  11:6  <b>necessary</b>                  19:13 48:3  <b>need</b>                  7:9 10:23 13:19,20                  39:11 45:19,20 47:6                  51:11  <b>needed</b>                  39:25 47:24  <b>neglect</b>                  33:1  <b>neutered</b>                  32:18 47:16  <b>never</b>                  11:18 30:21  <b>new</b>                  4:7,7 7:25 16:1 20:14                  22:3 26:19 27:8                  34:25 46:8  <b>newspaper</b>                  41:7  <b>nice</b>                  16:1  <b>nod</b>                  7:9  <b>non-biting</b>                  13:18  <b>normal</b>                  10:20  <b>NORTHERN</b>                  1:2  <b>Notary</b>                  2:10 53:4  <b>notice</b>                  2:9 38:8</p>	<p><b>noticed</b>                  31:1  <b>notion</b>                  28:20  <b>number</b>                  13:11 14:6 17:5 18:21                  35:21,23 36:3 37:6                  40:20,22 41:11                  47:13 48:15  <b>numbers</b>                  14:11 47:24 48:1  <b>numerator</b>                  13:20 47:7 50:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O</b>                  5:1 6:1 52:1,1,1  <b>obedience</b>                  27:16  <b>object</b>                  29:15  <b>objection</b>                  29:19  <b>obviously</b>                  51:5  <b>occasionally</b>                  15:17,18 16:21 33:8                  37:8  <b>occur</b>                  33:6  <b>offered</b>                  35:13 40:1  <b>office</b>                  4:5 34:25 39:6,8,24  <b>offices</b>                  2:3  <b>official</b>                  1:9,11  <b>Okay</b>                  6:13,17 7:7 13:7                  14:14 18:6,11 23:11                  39:1 40:15 42:8  <b>old</b>                  8:22 31:25  <b>older</b>                  9:11 28:21</p>	<p><b>Omaha</b>                  3:6  <b>operations</b>                  20:20 21:2  <b>opinion</b>                  12:24 14:20,24 29:12  <b>opinions</b>                  15:24 21:16 44:19,23                  46:10 50:1,14  <b>opportunity</b>                  44:14  <b>opposed</b>                  42:15  <b>opposes</b>                  22:12  <b>opposing</b>                  24:12  <b>order</b>                  8:25 48:15  <b>ordinance</b>                  18:3  <b>organized</b>                  24:8,25  <b>original</b>                  23:5 27:10  <b>originally</b>                  23:17 25:12  <b>ostensibly</b>                  23:22  <b>outcome</b>                  53:22  <b>outcomes</b>                  21:25  <b>outdated</b>                  9:1 16:9  <b>outlawed</b>                  25:21 26:3,15  <b>outlined</b>                  6:15  <b>overabundance</b>                  12:22  <b>overall</b>                  13:4,18 40:25  <b>overturn</b>                  35:1  <b>owner</b></p>
--	---	--	--

<p>31:13 32:16,16 39:18 <b>owner's</b> 38:1 <b>owners</b> 17:23 27:18,24 33:9 33:18 34:12 37:15 37:17 38:7,13 45:4 45:10,16 <b>ownership</b> 10:24 31:3 32:20</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 3:1,1 4:1,1 6:1 52:1 <b>P-R-E-S-S-A</b> 38:4 <b>P.O</b> 3:17 <b>pack</b> 8:22 <b>packs</b> 9:3 <b>PADMORE</b> 1:9 <b>PAGE</b> 5:3 <b>pages</b> 1:24 52:5 <b>paper</b> 12:19 47:23 <b>papers</b> 41:22 50:23 <b>part</b> 19:2,7 22:14 23:21 32:5 39:11 42:11,16 42:17 <b>particular</b> 8:8 9:15 30:20 48:18 49:16 <b>particularly</b> 10:10,14 11:15 13:1 17:16 20:21 23:23 25:14 26:19 31:5 46:2 <b>parties</b></p>	<p>2:12 <b>partly</b> 9:21 45:4 46:21 <b>parts</b> 26:2 <b>passed</b> 19:24 29:10 <b>past-times</b> 25:22 <b>pathways</b> 8:4 <b>Patronek</b> 31:9 32:24 41:5,18 45:25 46:18,25 50:20 <b>Patronek's</b> 47:22 <b>Pennsylvania</b> 2:5 <b>people</b> 17:22 20:9 21:15 28:6 28:7 38:16 46:9 47:13 48:18,23,23 49:4,7 <b>pepper</b> 11:15,17,24 12:1,3,6 12:11 <b>percent</b> 31:15,17 32:6 <b>percentage</b> 14:5 <b>performed</b> 8:19 <b>period</b> 53:19 <b>persistence</b> 24:6 <b>persistent</b> 25:17 <b>persisting</b> 24:17 <b>person</b> 31:18 <b>personally</b> 46:21 <b>pet</b></p>	<p>30:17,25 <b>pets</b> 19:21 20:5 32:10 <b>Ph.D</b> 1:16 2:2 5:2 6:3 7:17 14:18 40:2 51:16 52:4,20 <b>phenomenon</b> 16:16,18 <b>Philadelphia</b> 26:20 <b>phone</b> 3:13 4:3 7:8 <b>physical</b> 6:24 9:12 <b>physician</b> 17:3 <b>physiological</b> 7:18 8:3 <b>physiology</b> 32:15 33:3 <b>picture</b> 9:6 <b>pit</b> 17:25 18:11,13,19,21 18:24 22:8,9,18,22 22:24 23:4,13 25:8 25:12,24 26:10,11 26:11 27:11,12,18 27:24 28:5,11,13,17 28:17 29:4 30:21 33:8,19,21 34:6,12 35:1,21,24,25 40:15 40:17,21,23 41:13 45:2,8,9,12,15 49:16 49:17 <b>pits</b> 26:11 <b>place</b> 10:16 11:2 17:20 22:21 26:10 53:12 <b>placed</b> 19:18 21:23 <b>placement</b> 19:10 21:9 <b>plaintiff</b></p>	<p>3:2 6:9 <b>plaintiffs</b> 1:6 34:20 35:3 <b>play</b> 9:8,9 <b>plenty</b> 34:11 38:8 <b>point</b> 8:7 29:9,11,19 30:2,9 30:15,24 32:3 <b>pointer</b> 29:8 30:23 <b>pointers</b> 30:2,9,15 <b>pointing</b> 29:7,12,13,14,18 <b>pointless</b> 49:19 <b>points</b> 35:12 <b>police</b> 26:21,23 27:1,4,6 41:7 <b>policy</b> 16:17 20:16 <b>politically</b> 48:16 <b>politicians</b> 48:18 <b>poor</b> 31:2 33:9,15,16 34:9 <b>poorly</b> 30:7 <b>popular</b> 25:23,23 26:7,19 <b>popularity</b> 33:25 34:11 <b>population</b> 13:1,4,15,18,19,24 <b>possibility</b> 39:15,23 <b>possible</b> 28:12 50:25 <b>post</b> 36:25 <b>Postal</b> 8:14 11:6,14</p>
--	--	--	--

<p>30:10 38:2,8 39:24 47:19 <b>potentially</b> 8:10 26:7 31:6 <b>powerful</b> 9:16 10:1 11:25 17:7 38:14 <b>pre</b> 36:25 <b>precheck</b> 48:25 <b>predator</b> 25:19 <b>predators</b> 10:1 <b>predict</b> 25:6 <b>predictive</b> 33:5 <b>predominantly</b> 23:13 <b>presa</b> 38:3,22 <b>presence</b> 11:21 <b>present</b> 2:11 3:13 4:3 31:15 31:17,19 47:10 <b>press</b> 43:1 <b>presumably</b> 30:19 <b>prevailing</b> 41:16 <b>prevalence</b> 13:17 <b>prevalent</b> 33:13,21 <b>prevent</b> 7:4 10:7 <b>preventing</b> 49:10 <b>prevention</b> 10:25 47:21 <b>Previously</b> 20:2</p>	<p><b>prey</b> 9:18,22 <b>primarily</b> 12:20 14:17 22:9 24:4 26:17 34:2 <b>primary</b> 14:16 26:25 <b>principle</b> 35:6 <b>printed</b> 51:7 <b>prior</b> 32:25 37:2 38:1,5 44:5 53:7 <b>prison</b> 38:13 <b>prizes</b> 25:16,25 <b>probably</b> 6:15 15:20 21:18 23:7 30:15 35:5 45:8 <b>problem</b> 48:21,21 <b>problems</b> 10:9 16:19 49:11 <b>proceedings</b> 53:15 <b>process</b> 25:11 <b>produce</b> 26:6 <b>professional</b> 41:24 50:24 <b>professionally</b> 15:23 <b>professionals</b> 42:2 <b>professor</b> 7:25 <b>program</b> 7:23,24 <b>prohibit</b> 49:22 <b>projects</b> 42:12 <b>prominently</b></p>	<p>37:13 <b>promoting</b> 34:24 <b>proper</b> 19:9 <b>properly</b> 31:24 <b>proponent</b> 16:7 <b>proportion</b> 13:9 14:4,5,7,10 <b>prosecution</b> 37:22 <b>protect</b> 41:10 47:12 49:6 <b>protection</b> 34:3 42:13 <b>protections</b> 11:20 <b>proven</b> 40:5 <b>provided</b> 42:24 53:19 <b>provocation</b> 10:21 <b>provoked</b> 10:17 <b>psychology</b> 7:16,18 8:3 <b>public</b> 2:10 16:17 20:18 41:10 53:5 <b>publications</b> 28:22 <b>published</b> 22:3 40:10 46:20 <b>pull</b> 41:20 <b>pups</b> 25:1,20 <b>purpose</b> 41:9 <b>Pursuant</b> 2:9 <b>put</b> 13:14 21:4</p>	<hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualities</b> 27:23 28:4 <b>quality</b> 24:16,20 <b>question</b> 23:11,12 27:10 29:16 29:20 <b>questions</b> 6:22 7:1 18:7 44:16 44:18 <b>quite</b> 15:9 18:16 27:19</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 3:1 4:1 6:1 <b>radically</b> 20:20 <b>Raghavan's</b> 36:21 <b>raid</b> 27:7 <b>RANDALL</b> 1:16 2:2 5:2 6:3 51:16 52:4,20 <b>range</b> 17:14 <b>rapidly</b> 25:25 <b>rare</b> 16:18 <b>rarely</b> 10:2,3 <b>RARRAT</b> 1:10 <b>rat</b> 26:2 <b>rate</b> 11:16 <b>rates</b> 13:3,6,19 36:5 44:21 <b>rational</b> 48:13,16 <b>rats</b> 25:24 26:1</p>
---	--	--	--

<p><b>ratting</b> 25:23 26:6</p> <p><b>raw</b> 9:23 10:18</p> <p><b>re-homed</b> 21:11</p> <p><b>reach</b> 50:3,13,15</p> <p><b>reaction</b> 45:16</p> <p><b>read</b> 43:15 52:5</p> <p><b>reading</b> 11:22 12:12 18:6</p> <p><b>real</b> 45:3</p> <p><b>reality</b> 25:6 45:20</p> <p><b>realize</b> 15:23</p> <p><b>really</b> 11:24 12:7,20 13:25 15:8 17:6 19:16 31:7 32:5 45:21 47:8,23 48:21 50:25</p> <p><b>reanalyzed</b> 46:19</p> <p><b>reasons</b> 19:15 20:10 21:13,23 27:2 48:1</p> <p><b>received</b> 7:15,17</p> <p><b>recognize</b> 28:7</p> <p><b>recognized</b> 27:4</p> <p><b>recognizing</b> 21:21</p> <p><b>recollection</b> 12:21</p> <p><b>records</b> 24:22 41:8,21</p> <p><b>reduce</b> 47:25 48:15</p> <p><b>reduced</b> 40:8,9 53:13</p>	<p><b>reducing</b> 17:5</p> <p><b>reduction</b> 36:8</p> <p><b>refer</b> 16:21 18:5</p> <p><b>referee</b> 24:11</p> <p><b>reference</b> 17:24 29:25</p> <p><b>referring</b> 33:19</p> <p><b>reflect</b> 16:19</p> <p><b>reflected</b> 13:4</p> <p><b>reflecting</b> 17:21</p> <p><b>reflection</b> 32:16</p> <p><b>reflective</b> 14:4</p> <p><b>regarding</b> 13:5 42:1</p> <p><b>register</b> 22:21</p> <p><b>registered</b> 22:10,18</p> <p><b>registering</b> 23:6</p> <p><b>registration</b> 41:22</p> <p><b>registries</b> 22:23</p> <p><b>registry</b> 22:12,13,20</p> <p><b>regulations</b> 11:7</p> <p><b>related</b> 8:10 17:9 31:13 32:13 33:4,25 38:1</p> <p><b>relating</b> 44:20</p> <p><b>relation</b> 13:10 28:10 42:22</p> <p><b>relationship</b> 39:13</p>	<p><b>relative</b> 12:25</p> <p><b>relatively</b> 43:6</p> <p><b>released</b> 24:13</p> <p><b>reliable</b> 44:24 47:2</p> <p><b>relied</b> 49:25 50:13</p> <p><b>rely</b> 9:21 46:14,15 50:3,15</p> <p><b>remain</b> 21:20</p> <p><b>remained</b> 15:11 19:21</p> <p><b>remarkable</b> 28:18</p> <p><b>renowned</b> 47:22</p> <p><b>repeat</b> 23:9</p> <p><b>repeated</b> 38:16</p> <p><b>repeatedly</b> 49:12</p> <p><b>repellants</b> 11:13,14</p> <p><b>replaced</b> 34:25 41:15</p> <p><b>report</b> 35:16,16 43:17 50:2</p> <p><b>reported</b> 1:25 38:6 40:20</p> <p><b>reporter</b> 51:5,12 53:19</p> <p><b>reporting</b> 27:1 50:10</p> <p><b>reports</b> 39:12,13 41:8</p> <p><b>represented</b> 13:23 17:21</p> <p><b>represents</b> 6:9</p> <p><b>reproductively</b> 32:12</p>	<p><b>reputation</b> 43:14</p> <p><b>request</b> 42:6</p> <p><b>requested</b> 53:17,18</p> <p><b>required</b> 7:11</p> <p><b>requires</b> 13:14</p> <p><b>research</b> 8:5,5</p> <p><b>resident</b> 32:4,10</p> <p><b>resolve</b> 21:1,1</p> <p><b>respect</b> 15:22 49:25</p> <p><b>respective</b> 2:12</p> <p><b>response</b> 49:14</p> <p><b>responsibility</b> 32:17</p> <p><b>responsible</b> 10:24 12:17 13:8 14:3 17:22 27:17,24 32:19 40:16 45:10 47:18 49:15</p> <p><b>restraint</b> 9:20</p> <p><b>retained</b> 42:4</p> <p><b>retrieve</b> 30:3,9</p> <p><b>retrievers</b> 30:3,9</p> <p><b>reversed</b> 49:20</p> <p><b>review</b> 29:23 35:12 39:11 42:23 44:5,14 51:10 51:12 53:16</p> <p><b>reviewed</b> 14:1 35:17 37:11,25</p>
--	--	--	---

<p>42:21 43:1  <b>reviewing</b>                  29:21  <b>Right</b>                  15:22 30:10 51:8  <b>rigor</b>                  48:2  <b>risk</b>                  11:6 48:19  <b>ritualized</b>                  9:19  <b>Robert</b>                  1:9,25 2:9 4:4 53:4  <b>robert.hensley.aspc...</b>                  4:9  <b>role</b>                  9:9  <b>roles</b>                  9:7  <b>rope</b>                  29:1  <b>Rottweiler</b>                  40:23  <b>Rottweilers</b>                  34:6  <b>routinely</b>                  41:4  <b>RPR</b>                  1:25 2:10 53:4  <b>rules</b>                  11:8  <b>run</b>                  32:23</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b>                  3:1 4:1 5:1 6:1  <b>S.E</b>                  2:5  <b>Sacks</b>                  50:21  <b>safe</b>                  15:21  <b>safely</b>                  19:17  <b>Saint</b></p>	<p>17:17  <b>San</b>                  37:14  <b>Sanctuary</b>                  19:12  <b>saw</b>                  17:17  <b>saying</b>                  14:12 23:16 36:14  <b>says</b>                  34:4 45:6  <b>scientific</b>                  28:22 40:11 41:4  <b>screening</b>                  49:8  <b>seasons</b>                  8:6,11  <b>second</b>                  7:7 31:22  <b>section</b>                  18:8  <b>see</b>                  7:20 9:23 14:9,24                      15:16 18:16 21:25                      30:18 31:12 36:9                      39:10 49:21  <b>seeking</b>                  42:18  <b>seen</b>                  13:12 17:19 31:25                      33:7 34:5 35:22                      40:10 45:14 49:12                      49:19  <b>seized</b>                  19:4,6 20:2,19 21:3                      22:16  <b>seizure</b>                  18:19  <b>selected</b>                  30:19 38:13  <b>selection</b>                  17:21  <b>seminar</b>                  15:3  <b>sending</b>                  44:6</p>	<p><b>sense</b>                  7:11  <b>sent</b>                  16:1  <b>serious</b>                  17:11 24:17 33:6                      48:20 49:13  <b>seriously</b>                  27:5  <b>Service</b>                  8:14 11:6,15  <b>services</b>                  40:1  <b>set</b>                  30:3,9 46:11 50:25  <b>setters</b>                  30:3,9  <b>severe</b>                  31:12  <b>severity</b>                  16:24 17:2 35:24  <b>share</b>                  18:4  <b>shared</b>                  44:7  <b>sheet</b>                  52:9  <b>shelter</b>                  21:22  <b>sheltering</b>                  19:11  <b>shepherd</b>                  40:24  <b>shepherds</b>                  12:22 14:3,8,10 17:18                      34:5  <b>shoe</b>                  49:2,3  <b>shoes</b>                  48:24  <b>shorter</b>                  24:19  <b>shorthand</b>                  53:12  <b>show</b>                  21:4 25:1,7 29:11</p>	<p>30:22 36:7,22  <b>showed</b>                  11:4 12:3 36:23  <b>shown</b>                  33:20 35:20 47:23                      49:19  <b>shows</b>                  36:25 48:17  <b>side</b>                  37:19  <b>sign</b>                  44:14 51:10,13  <b>signals</b>                  12:12  <b>signed</b>                  52:9  <b>significant</b>                  16:4 21:14 35:22 36:8  <b>significantly</b>                  16:5 36:3 40:9 47:25  <b>signs</b>                  29:12  <b>similar</b>                  35:11 38:24  <b>simply</b>                  11:21 30:14  <b>Sioux</b>                  1:8 3:15,18 18:1                      35:16 42:22  <b>situation</b>                  31:7  <b>situations</b>                  11:1 12:7 21:4  <b>six</b>                  18:19 31:14  <b>sixth</b>                  32:24  <b>size</b>                  17:2 27:16 28:10,14                      28:16  <b>Skinner</b>                  43:25  <b>skulls</b>                  28:17,18  <b>slightly</b>                  36:2</p>
--	--	--	---

<p><b>slows</b> 24:11</p> <p><b>slum</b> 33:23</p> <p><b>small</b> 43:6 48:6</p> <p><b>smaller</b> 17:12 25:23 26:5,16</p> <p><b>so-called</b> 26:4</p> <p><b>social</b> 8:5,9 9:1,4,7,9,18</p> <p><b>Society</b> 20:17</p> <p><b>socioeconomic</b> 34:12</p> <p><b>someone's</b> 30:25</p> <p><b>Somewhat</b> 38:25</p> <p><b>soon</b> 20:5</p> <p><b>sorry</b> 12:2 34:14</p> <p><b>sound</b> 23:25</p> <p><b>sources</b> 26:25</p> <p><b>SPCA</b> 34:21 35:4</p> <p><b>special</b> 42:12</p> <p><b>specific</b> 13:8 16:8,22,25 27:14 40:6 44:21 46:11</p> <p><b>specifically</b> 8:1 12:16 33:19,25 34:17 35:9 37:5 38:1 44:20 49:22</p> <p><b>spent</b> 7:22 8:6 49:7,9</p> <p><b>spoken</b> 15:15</p> <p><b>sport</b> 26:4</p> <p><b>spray</b></p>	<p>11:15,17,24 12:2,3,6 12:11</p> <p><b>Springfield</b> 40:12</p> <p><b>ss</b> 53:2</p> <p><b>St</b> 7:19 8:13,16 10:6,9,13 12:18 13:1 14:2,8,10</p> <p><b>staff</b> 21:18</p> <p><b>Staffordshire</b> 23:3,7,16,19,21 24:2 26:8</p> <p><b>standard</b> 18:9 47:6 50:19 51:1</p> <p><b>standards</b> 22:25</p> <p><b>standpoint</b> 46:13</p> <p><b>start</b> 50:11</p> <p><b>started</b> 23:19 26:4</p> <p><b>starting</b> 18:25</p> <p><b>state</b> 36:23</p> <p><b>State's</b> 39:6</p> <p><b>stated</b> 30:5</p> <p><b>statement</b> 13:13 15:12 16:13 33:9</p> <p><b>states</b> 1:1 18:20,20,22 34:10 39:8 49:21 53:1</p> <p><b>statistics</b> 36:6 44:20,24</p> <p><b>status</b> 19:19</p> <p><b>stay</b> 36:1</p> <p><b>stems</b> 45:3</p>	<p><b>stereotypes</b> 16:22 45:18</p> <p><b>stimulus</b> 12:9</p> <p><b>strap</b> 29:1</p> <p><b>strata</b> 34:13</p> <p><b>Street</b> 3:5,16</p> <p><b>strength</b> 9:12 27:15,16,22 28:10,14,16,20,20 29:4</p> <p><b>strengthen</b> 29:1</p> <p><b>strict</b> 8:23</p> <p><b>Strike</b> 12:2 34:15</p> <p><b>strong</b> 26:6 27:19 28:3 43:13</p> <p><b>stronger</b> 17:11</p> <p><b>structure</b> 8:9 9:2,7,10</p> <p><b>stud</b> 23:17 24:23</p> <p><b>student</b> 45:25 46:1</p> <p><b>students</b> 45:24</p> <p><b>studies</b> 8:2 10:12 15:8 16:12 28:23 32:1 47:6</p> <p><b>study</b> 8:14,17 36:20,21 48:8</p> <p><b>stuff</b> 42:24</p> <p><b>stylized</b> 9:19</p> <p><b>succeed</b> 30:20</p> <p><b>succeeding</b> 12:13</p> <p><b>success</b></p>	<p>40:18</p> <p><b>successful</b> 19:20 40:6</p> <p><b>successfully</b> 21:10</p> <p><b>suggestions</b> 10:24</p> <p><b>suitable</b> 19:10</p> <p><b>Suite</b> 2:6 3:5</p> <p><b>Summerlin</b> 3:3 5:5 29:15 44:15 44:17 51:2,4,9</p> <p><b>supervised</b> 47:17</p> <p><b>supervising</b> 47:19</p> <p><b>supervision</b> 31:20</p> <p><b>support</b> 13:13 28:1 35:13</p> <p><b>sure</b> 22:7 30:8 42:21</p> <p><b>surveys</b> 36:17</p> <p><b>sworn</b> 6:5 53:8</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>T</b> 5:1,1 52:1,1</p> <p><b>tail</b> 23:13</p> <p><b>take</b> 11:1 17:20 27:4</p> <p><b>taken</b> 6:10 24:12 53:11</p> <p><b>talk</b> 15:19 18:15 29:5 34:8 40:4 48:23</p> <p><b>talking</b> 51:6</p> <p><b>targets</b></p> <p><b>tasks</b></p>
--	---	--	--



<p>30:20,21  <b>team</b>                  19:3,7  <b>teams</b>                  21:7  <b>tell</b>                  7:13 8:2,17 10:5 14:2                  18:23 35:10  <b>telling</b>                  40:19  <b>ten</b>                  19:23 21:20  <b>tend</b>                  32:13 48:19  <b>tended</b>                  32:1  <b>tendencies</b>                  28:7  <b>term</b>                  17:25 18:11  <b>terms</b>                  17:4 47:21  <b>terrier</b>                  22:22 23:3,17,19,22                  26:11 28:4  <b>terriers</b>                  22:10,18 23:7 24:3                  25:24 26:1,11  <b>testified</b>                  6:5 37:13  <b>testify</b>                  53:9  <b>testimony</b>                  35:14 42:1 52:6,7  <b>tethered</b>                  25:16  <b>Thank</b>                  7:13 10:5  <b>theoretically</b>                  12:4  <b>therapy</b>                  19:20 28:1  <b>thesis</b>                  14:17,18  <b>thing</b>                  20:19</p>	<p><b>things</b>                  7:4 23:1 27:17 30:18                  33:2,4 45:1 47:20  <b>think</b>                  6:15 10:12,15 12:1,3                  12:11,20,25 13:3                  15:20 16:8 18:17,19                  20:11 21:9 25:8                  27:10 28:9,12 29:17                  30:4 31:14,16 32:6                  33:24 35:15 36:4                  44:12,25 45:15,19                  45:23 46:10,17 48:2                  50:17,18  <b>third</b>                  32:3  <b>thought</b>                  15:4,6  <b>thousand</b>                  21:19 45:9  <b>threat</b>                  12:8  <b>threatening</b>                  25:20  <b>three</b>                  8:6 31:16  <b>time</b>                  12:21 13:1 14:25 19:7                  26:9,18 34:1,11                  44:13 53:12  <b>times</b>                  13:14 16:14  <b>today</b>                  6:22 7:1,5 26:1  <b>told</b>                  35:3 40:15  <b>Toronto</b>                  35:15,16,18,20 36:1                  36:13,14 41:13  <b>total</b>                  17:5 40:21  <b>totally</b>                  17:9  <b>touch</b>                  39:5  <b>touched</b></p>	<p>45:8  <b>traced</b>                  28:21  <b>track</b>                  36:5  <b>traditional</b>                  8:21  <b>traffic</b>                  49:9  <b>trainability</b>                  27:22  <b>trained</b>                  15:5  <b>training</b>                  10:25 28:25 30:13  <b>traits</b>                  29:6  <b>transcribing</b>                  51:5  <b>transcript</b>                  53:15,17  <b>transcription</b>                  52:7  <b>travel</b>                  48:23  <b>trials</b>                  30:25  <b>tried</b>                  39:19 46:7  <b>trouble</b>                  32:18  <b>true</b>                  7:8 17:13 28:24 29:10                  36:18 39:17 41:20                  52:6 53:14  <b>truth</b>                  53:9,9,10  <b>truthfully</b>                  7:5  <b>try</b>                  15:24 39:15 49:6                  50:25  <b>trying</b>                  31:10 39:4  <b>TSA</b>                  48:25</p>	<p><b>Tuesday</b>                  1:18  <b>Tufts</b>                  43:12  <b>turned</b>                  25:15,24  <b>turns</b>                  20:7 32:21  <b>two</b>                  7:3 8:4 19:14 38:6                  39:3 45:24  <b>type</b>                  26:5 28:5 33:23 37:9                  50:12,14  <b>types</b>                  34:14 42:9  <b>typewritten</b>                  53:13  <b>typically</b>                  42:8</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>U.S</b>                  8:14 20:17  <b>uh-huh</b>                  7:10 18:14  <b>UK</b>                  34:7  <b>ultimate</b>                  47:12  <b>Ultimately</b>                  49:18  <b>uncanny</b>                  29:9,18  <b>understand</b>                  27:12 30:2 38:20  <b>understood</b>                  8:1 12:15 30:7  <b>UNITED</b>                  1:1 53:1  <b>University</b>                  7:16,19,20,22,25 8:2                  15:2  <b>unnatural</b>                  25:18  <b>unneutered</b></p>
---	--	--	--

32:14 <b>unpleasant</b> 12:9 <b>unrelated</b> 33:2 <b>unreliability</b> 42:1 <b>unspayed</b> 32:14 <b>unsupervised</b> 31:21 <b>unusual</b> 16:18 29:3 <b>unwilling</b> 24:10 <b>upgrading</b> 49:8,9 <b>urban</b> 13:2 15:8 26:19 33:23 <b>use</b> 8:25 9:15,20 11:23 17:25,25 18:1,11 27:25 29:7 36:24 39:19 <b>useful</b> 17:4 <b>usually</b> 10:19 <b>Utah</b> 19:12	<b>veterinary</b> 42:14 <b>Vick</b> 18:18 19:1,2,4,25 20:22 22:2,8,17 <b>Vick's</b> 20:8,8 23:12 <b>Vicky</b> 43:3 <b>victim</b> 31:23 39:14 47:19 <b>victims</b> 10:17,19 20:24 <b>Victoria</b> 43:3 <b>view</b> 9:14 20:21,22 21:20 <b>views</b> 46:5 <b>Virginia</b> 39:2,2 <b>Voith</b> 43:3,3,4,8 <b>Vondrak</b> 3:14 5:4 6:7,8 44:12 51:3 <b>voted</b> 34:24 <b>vowed</b> 35:1 <b>vs</b> 1:7	<b>way</b> 6:21 15:21 47:24 <b>ways</b> 10:7 27:25 49:10 <b>we'll</b> 29:7 <b>we're</b> 21:8 49:6 <b>we've</b> 15:11 17:19 27:8 31:4 36:4 41:25 45:1 46:1 49:12,19 51:6 <b>weaker</b> 17:12 <b>wedding</b> 14:23 <b>weighed</b> 49:23 <b>well-known</b> 50:20,21 <b>went</b> 23:6 <b>Wesleyan</b> 7:16 <b>WESTERN</b> 1:3 <b>Whipple</b> 37:13,20,21 38:17 <b>wide</b> 20:6 <b>widely</b> 36:21 <b>wild</b> 8:8 <b>willing</b> 27:20 <b>willingness</b> 24:6 <b>wind</b> 30:17 <b>winter</b> 8:11 <b>witness</b> 5:2 6:4 51:8,14 53:7 53:23 <b>wolf</b>	8:7,22,24,24 9:1,6 <b>wolf-work</b> 14:17 <b>wolves</b> 8:6,8,9,12,18,23 9:3 9:14,16,23,25 10:4 25:19 <b>woman</b> 39:2 <b>won</b> 24:24 <b>words</b> 29:17 <b>work</b> 7:10,25 8:11,18 10:6,8 10:15 11:3 12:15 14:14,16,19,24,25 15:3,7,14 16:23 18:16,16,23 31:1,8 33:7,10,11,12,15,20 35:8 37:7,9,19,23 42:9,11,12 43:23 46:18 47:22 50:19 <b>worked</b> 8:12 14:21 34:16 43:4 50:23 <b>working</b> 8:7,13 9:22 20:21 34:20 40:2 43:7 <b>world</b> 26:2 <b>worst</b> 21:5 <b>wouldn't</b> 8:11 <b>wound</b> 19:12 <b>writing</b> 13:14 <b>wrote</b> 22:1
<hr/> <b>V</b> <hr/>	<hr/> <b>W</b> <hr/>		<hr/> <b>X</b> <hr/>
<b>value</b> 27:18 28:7 <b>valued</b> 27:23,24 <b>variables</b> 31:13 <b>varies</b> 34:1,11 <b>variety</b> 20:6 48:1 <b>various</b> 9:4,12 11:13 13:17 <b>vast</b> 48:3	<b>W</b> 52:1 <b>want</b> 6:18 18:4,15 29:5 40:4,25 44:13 50:5 <b>War</b> 26:18 <b>Washington</b> 1:17 2:7 7:19,24 8:1 15:2 <b>wasn't</b> 32:5	<b>well-known</b> 50:20,21 <b>went</b> 23:6 <b>Wesleyan</b> 7:16 <b>WESTERN</b> 1:3 <b>Whipple</b> 37:13,20,21 38:17 <b>wide</b> 20:6 <b>widely</b> 36:21 <b>wild</b> 8:8 <b>willing</b> 27:20 <b>willingness</b> 24:6 <b>wind</b> 30:17 <b>winter</b> 8:11 <b>witness</b> 5:2 6:4 51:8,14 53:7 53:23 <b>wolf</b>	<b>woman</b> 39:2 <b>won</b> 24:24 <b>words</b> 29:17 <b>work</b> 7:10,25 8:11,18 10:6,8 10:15 11:3 12:15 14:14,16,19,24,25 15:3,7,14 16:23 18:16,16,23 31:1,8 33:7,10,11,12,15,20 35:8 37:7,9,19,23 42:9,11,12 43:23 46:18 47:22 50:19 <b>worked</b> 8:12 14:21 34:16 43:4 50:23 <b>working</b> 8:7,13 9:22 20:21 34:20 40:2 43:7 <b>world</b> 26:2 <b>worst</b> 21:5 <b>wouldn't</b> 8:11 <b>wound</b> 19:12 <b>writing</b> 13:14 <b>wrote</b> 22:1
			<hr/> <b>Y</b> <hr/>
		<b>Yeah</b>	

44:15	<b>200</b>	<b>5:16-CV-04107-LRR</b>	3:7
<b>year</b>	3:5	1:8	
7:22	<b>20003</b>	<b>500</b>	
<b>Year's</b>	2:7	22:16	
16:1	<b>2005</b>	<b>51</b>	
<b>years</b>	35:22	19:5,14	
6:16 15:16 17:18	<b>2006</b>	<b>520</b>	
19:23 20:16 21:20	40:15	4:6	
23:8,15,20,20 25:4	<b>2015</b>	<b>53</b>	
25:10 26:14 42:16	40:16	1:24	
43:12 46:2,3	<b>2017</b>		
<b>York</b>	43:19	<hr/> <b>6</b> <hr/>	
4:7,7 26:19 27:8	<b>2018</b>	<b>6</b>	
<b>young</b>	1:18 53:24	5:4	
31:24	<b>21101</b>	<b>60</b>	
	3:18	23:7,15	
<hr/> <b>Z</b> <hr/>	<b>224-5207</b>	<b>600</b>	
	3:19	2:5	
<hr/> <b>0</b> <hr/>	<b>23</b>	<b>68154</b>	
	1:18	3:6	
<hr/> <b>1</b> <hr/>	<b>25</b>	<b>6th</b>	
<b>1</b>	6:16 20:16	3:16	
1:24	<b>25th</b>		
<b>10:00</b>	43:16,19	<hr/> <b>7</b> <hr/>	
1:19		<b>7.10.010</b>	
<b>10018</b>	<hr/> <b>3</b> <hr/>	18:5	
4:7	<b>30</b>	<b>70</b>	
<b>11:20</b>	20:16 32:6 38:5	23:7,15	
51:15	<b>30-plus</b>	<b>70s</b>	
<b>13330</b>	17:18	15:10	
3:5		<b>712</b>	
<b>15</b>	<hr/> <b>4</b> <hr/>	3:19	
46:2	<b>400</b>	<b>716-5105</b>	
<b>18</b>	18:19 21:6,6	4:8	
49:21	<b>402</b>	<b>78</b>	
<b>1830's</b>	3:7	40:16	
25:22 26:14	<b>405</b>		
<b>1866</b>	3:16	<hr/> <b>8</b> <hr/>	
27:3	<b>44</b>	<b>80</b>	
<b>1868</b>	5:5	31:15,17	
27:8	<b>447</b>	<b>8th</b>	
<b>19</b>	3:17	4:6	
49:21	<b>450</b>		
	2:6	<hr/> <b>9</b> <hr/>	
<hr/> <b>2</b> <hr/>		<b>917</b>	
<b>20</b>	<hr/> <b>5</b> <hr/>	4:8	
6:16,16 46:2		<b>964-5014</b>	