

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

\* \* \* \* \*

BRANDY SUCKLEY, REANNAN	)	
SUCKLEY, JYL ALBERTSON,	)	
MATHEW BAUMSTARK,	)	
DANIKA OWAN, LYNETTE	)	
COLE-PEREA, MANUEL	)	Case No.
PEREA, and EMILY HOLLY,	)	21-cv-00012-CRH
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
THE CITY OF WILLISTON,	)	
NORTH DAKOTA,	)	
	)	
Defendant.	)	
	)	

\* \* \* \* \*

DEPOSITION OF YULISSA NICOLASA JIMENEZ

taken by Ms. Amanda L. Wall, Attorney At Law,  
pursuant to notice and pursuant to the Federal  
Rules of Civil Procedure, before Lori L. Hauge, a  
Notary Public in and for the County of Williams and  
State of North Dakota, at the Second Floor  
Conference Room of Williston City Hall, 22 East  
Broadway, Williston, North Dakota, on Thursday,  
May 19, 2022, commencing at 2:38 p.m.

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\*Appearances as noted herein.

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A P P E A R A N C E S

MR. V. GENE SUMMERLIN, Attorney At Law,  
and MS. AMANDA L. WALL, Attorney At Law, of Husch  
Blackwell LLP, 13330 California Street, Suite 200,  
Omaha, Nebraska, appeared as counsel for and on  
behalf of the Plaintiffs.

MR. BRIAN D. SCHMIDT, Attorney At Law, of  
Smith Porsborg Schweigert Armstrong Moldenhauer &  
Smith, 122 East Broadway Avenue, P.O. Box 460,  
Bismarck, North Dakota, appeared as counsel for and  
on behalf of the Defendant.

ALSO APPEARING: MS. YULISSA NICOLASA  
JIMENEZ, Deponent.

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T A B L E O F C O N T E N T S

YULISSA NICOLASA JIMENEZ

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1 (The proceedings commenced at 2:38 p.m.)

2 Whereupon,

3 YULISSA NICOLASA JIMENEZ,

4 called as a witness by the plaintiffs, after having  
5 been first duly sworn, was examined and testified  
6 as follows:

7 EXAMINATION

8 BY MS. WALL:

9 Q. Can you please state your full name for  
10 the record.

11 A. Yulissa Nicolasa Jimenez.

12 Q. Beautiful name.

13 A. Thank you.

14 Q. My name is Amanda Wall. We just met a  
15 couple minutes ago.

16 A. Mm-hmm.

17 Q. I am an attorney for a group of plaintiffs  
18 who have brought a case against the City of  
19 Williston regarding their pit bull ban, and today  
20 you are here to be deposed regarding that matter.

21 A. Okay.

22 Q. Do you understand that?

23 A. Yes, ma'am.

24 Q. Okay. What is your title?

25 A. Animal -- or community service officer,

1 CSO.

2 Q. And how long have you been in that  
3 position?

4 A. October of last year.

5 Q. 2021?

6 A. Yes.

7 Q. Okay. And have you held other positions  
8 with the City of Williston?

9 A. Yes. I was a dispatcher in 2018, and then  
10 I moved to the police department.

11 Q. When did you move to the police --

12 A. Oh.

13 Q. -- department?

14 A. So I was a dispatcher for two years, and  
15 then I came over here in October -- that same  
16 October.

17 Q. Okay. So you went straight from your  
18 dispatcher position in 2018 to then being a CSO in  
19 October 2021?

20 A. Yes.

21 Q. Okay. And when you became a CSO, was that  
22 just a title change within the City, or did you  
23 have to actually apply for that position?

24 A. I applied for parking enforcement at the  
25 beginning, and then the position came up -- up on

1 when we were, like, hired. They asked me if I was  
2 comfortable with animals, and I said yes.

3 Q. Okay. When did you apply to do parking  
4 enforcement?

5 A. It was a month before I got hired; I  
6 applied, and then I got hired.

7 Q. Okay. So roughly, yeah, September of  
8 2021?

9 A. Yes.

10 Q. Okay. And what was your interview process  
11 like?

12 A. It was -- there was a board of, like --  
13 not board, I guess. There was different people in  
14 the interview process, and each of them asked me a  
15 question, and I answered, and they liked me.

16 Q. How many interviews did you have?

17 A. I only had the one.

18 Q. Okay. Do you remember who conducted that  
19 interview?

20 A. Ooh, no. I don't remember.

21 Q. Okay. No problem.

22 Were you asked to take a breed  
23 identification test during your interview process?

24 A. I was not. No.

25 Q. Okay. So then about a month after you

1 applied, you started the position in October --

2 A. October.

3 Q. -- 2021. What do your duties entail?

4 A. Right now?

5 Q. Correct.

6 A. I -- I do parking enforcement and animal  
7 control, so I write parking tickets on the parking  
8 enforcement side, and then I en -- enforce the  
9 parking laws of the City of Williston within the  
10 wood -- city of Williston, and then I also do  
11 animal control and enforce those laws as well for  
12 animal control.

13 Q. And when I asked the question, you said,  
14 "Right now?" Were you implying that your job  
15 duties have changed within -- while you've been  
16 a -- a CSO?

17 A. Well, they went from just parking  
18 enforcement to parking enforcement and animal  
19 control.

20 Q. Okay. Great.

21 When did that happen?

22 A. Hmm, shortly after I got hired. I don't  
23 remember the time difference.

24 Q. Okay. So you were initially hired as just  
25 parking enforcement, and then you -- your job

1 duties of animal control --

2 A. Yes.

3 Q. -- were added to that?

4 A. Mm-hmm (nodding affirmatively).

5 Q. Okay. And you said "shortly after." Was  
6 it within -- like, before the end of the year in  
7 2021?

8 A. I don't remember when we signed over to  
9 that position exactly, but it wasn't very long  
10 after. So I don't know what kind of time frame.

11 Q. Okay. When you switched over to have  
12 duties that included the animal control, were you  
13 provided additional training?

14 A. Yes.

15 Q. And what was that training?

16 A. It was with Carli. We did a ride-along  
17 together, and then we also did, like, a -- a class.

18 Q. Is "Carli" Carli Wade?

19 A. Yes. Sorry. Carli Wade.

20 Q. Tell me about the ride-along.

21 A. Ride-along consisted of, I mean, riding  
22 along with her and kind of going to animal calls  
23 with her.

24 Q. How many ride-alongs did you do?

25 A. One.



1 Q. And then you said you attended a class; is  
2 that correct?

3 A. Yeah, with her as well.

4 Q. Who else was in the class besides --

5 A. It was just me and her, because I got  
6 hired on.

7 Q. Okay. Do you recall roughly when that  
8 was?

9 A. No.

10 Q. Would that have been close in proximity to  
11 the time that your job duties --

12 A. Yes.

13 Q. -- started to include animal control  
14 duties?

15 A. Yes.

16 Q. Okay. And who is Carli Wade in relation  
17 to your job?

18 A. She's my supervisor.

19 Q. Okay. And she would supervise you both  
20 for animal control and parking enforcement duties?

21 A. Yes, ma'am.

22 Q. Okay. During the class that you took with  
23 Carli, what did that entail?

24 A. It was a PowerPoint of anything that we  
25 could potentially come across in the field. It

1 just kind of showed us the basics of what animal  
2 control duties are, and then we also got a packet  
3 of our ordinances that we enforce and, like, the  
4 fees and things that came with.

5 Q. Oh.

6 MS. WALL: Let's go ahead and pull out  
7 Ambrosini Exhibit 1, please.

8 BY MS. WALL:

9 Q. All right. You were just handed what was  
10 marked in Madison Ambrosini's deposition as  
11 Exhibit 1.

12 A. Okay.

13 Q. You can flip through that.

14 A. Mm-hmm.

15 Q. Is this the PowerPoint that you reviewed  
16 with Carli Wade that you were just describing to  
17 me?

18 A. Yes, ma'am.

19 Q. And give me some more information on how  
20 she went through this. Was it page by page?

21 A. Yeah, so it was slide by slide. I guess  
22 it was on a PowerPoint.

23 Q. Okay. So you didn't have the -- the  
24 physical printout; it was on -- up on a screen?

25 A. Yes. And we also got one too.

1 Q. You have a physical copy of it as well?

2 A. Mm-hmm (nodding affirmatively).

3 MS. WALL: Okay. Then let's go to  
4 Ambrosini Number 5.

5 BY MS. WALL:

6 Q. You were just handed what was marked in  
7 Madison Ambrosini's deposition as Exhibit 5.

8 A. Okay.

9 Q. Do you want to take a -- flip through  
10 that, and if -- if you look at the bottom, what's  
11 stamped City 7 -- I'm sorry -- 479 to 499, I  
12 believe, is specific to animal control.

13 A. (The deponent complied with Counsel's  
14 request.) Mm-hmm.

15 Q. Would this have been the packet of  
16 information you mentioned that you received during  
17 training?

18 A. I believe we have one of these. We have a  
19 binder of our own in each vehicle, and it has a lot  
20 of the information that we got from training.

21 Q. But this is not the packet of information  
22 that you reviewed during that training day with  
23 Carli?

24 A. It could be the whole thing, yes. I'm not  
25 sure.

1 Q. Okay. Other than the one ride-along, your  
2 class with Carli, what other training were you  
3 provided related to your animal control duties?

4 A. We went to a class out of state, in  
5 Nevada, through ACCA Academy.

6 Q. Do you know what the ACCA stands for?

7 A. No.

8 Q. Okay. What was the class about?

9 A. Basic animal control. It was the basic  
10 class.

11 Q. Can you recall some of the sessions?

12 A. Not predom -- no, not anything that really  
13 stands out. It was a lot of stuff that we already  
14 handled in the field and --

15 Q. Who attended that class with you?

16 A. Wade did.

17 Q. Okay. So just you and Carli Wade?

18 A. Yes.

19 Q. And when was this?

20 A. Summer of -- ooh, I don't remember. It  
21 would have been the summer that I got hired --  
22 after -- summer after. So 2020, last year. Wait.  
23 '21. It's so hard to remember dates. It would  
24 have been the summer after I got hired.

25 Q. Okay. Hired on --

1 A. Animal, like --

2 Q. -- patrol?

3 A. Yeah, the PD.

4 Q. Which was in October of 2021?

5 A. No. So I would have hire -- gotten hired  
6 2020.

7 Q. Okay.

8 A. Yes, so 2020, and then the summer would  
9 have been '21.

10 Q. Okay.

11 A. Sorry.

12 Q. You're okay. So just to -- to make sure  
13 we're on the same page so we've got the record  
14 correct, you were hired as a dispatcher in  
15 Williston in 2018?

16 A. Yes.

17 Q. And --

18 A. Two years after, I got hired by PD, yes.  
19 So it would -- 2020, not '21.

20 Q. Okay. So then you became a -- what -- I  
21 guess, what was your -- what was your actual title  
22 when you -- was it parking enforcement?

23 A. Parking enforcement --

24 Q. Okay.

25 A. -- yeah.

1 Q. So parking enforcement started in October  
2 of 2020?

3 A. Yes.

4 Q. And does that help you, then, recall  
5 roughly when those animal control duties were added  
6 and you became a community service officer?

7 A. It would have been roughly the beginning  
8 of that year, because then we got training after.

9 Q. The beginning of 2021?

10 A. Yes.

11 Q. Okay. And then it would have been summer  
12 of 2021 that you would have been --

13 A. Yes.

14 Q. -- in this class out of state from --  
15 from -- put on by the ACCA?

16 A. Yes.

17 Q. Okay. Do you recall if that training had  
18 any information on breed identification?

19 A. No. I don't remember.

20 Q. Have you utilized any of that training --  
21 strike that. Let me start --

22 Were there any materials provided in that  
23 training?

24 A. Like, physical materials?

25 Q. Yes.

1 A. No.

2 Q. Okay. Did either you or Ms. Wade provide  
3 the other animal control officers with information  
4 or a presentation regarding what you learned in  
5 that training?

6 A. We went to the same one, so they went as  
7 well.

8 Q. Other animal control officers went --

9 A. To the ACCA.

10 Q. Okay. At the same time or at a different  
11 time?

12 A. At a different time. I just don't  
13 remember if it was before or after we went.

14 Q. Okay. How many animal control officers  
15 are in the department -- or CSOs are in the  
16 department right now?

17 A. Four.

18 Q. Four. So you, Ms. Wade, and then  
19 Ms. Ambrosini --

20 A. Mm-hmm (nodding affirmatively).

21 Q. -- and Am -- Amber --

22 A. Yes.

23 Q. What's her last name?

24 A. Pelzl.

25 Q. Pelzl. Great.

1                   And all four of you have attended this --  
2 this training?

3           A.    Yes.

4           Q.    Okay.  Do you know if it's been held in  
5 Nevada every time?

6           A.    No.  It's held in different states --

7           Q.    Okay.

8           A.    -- every time.

9           Q.    Does Carli Wade go every time with the  
10 animal control officers?

11          A.    (The deponent shook her head negatively.)

12          Q.    "No"?

13          A.    No.

14          Q.    Okay.  All right.  So we've talked about  
15 the ride-along, your class with Carli that included  
16 the PowerPoint and packet of ordinances, your class  
17 out of state in Nevada.  What other training have  
18 you received?

19          A.    Those are all the trainings that I know  
20 of.

21          Q.    Okay.  Are there any other training  
22 materials, other than what we've already spoken  
23 about, that you've reviewed or been provided?

24          A.    No, ma'am.

25          Q.    Okay.  Outside of your position with



1 animal control, have you had any prior training on  
2 breed identification?

3 A. No, ma'am.

4 Q. Okay. Before you started as a CSO, when  
5 that included your animal control duties, have you  
6 had any background working with animals before  
7 that?

8 A. No, ma'am.

9 Q. Okay. Just generally, what's your  
10 educational background?

11 A. For animals?

12 Q. Just generally.

13 A. Oh.

14 Q. Mm-hmm.

15 A. Generally? So I have my high school  
16 diploma. I went to college for two years here in  
17 Williston--I didn't graduate from there--and then  
18 I'm here. Yeah.

19 Q. Are you from Williston originally?

20 A. No. I'm from Idaho.

21 Q. Okay. What brought you to Williston?

22 A. My parents.

23 Q. Okay.

24 A. Yeah, I was brought at a young age.

25 Q. Is part of your job as a community service

1 officer to enforce the Williston pit bull ban?

2 A. Yes. We have a pit bull law.

3 Q. Okay. And how do you go about enforcing  
4 that?

5 A. When we cite for a pit bull, we enforce  
6 that ordinance.

7 Q. I'm sorry. What did you say?

8 A. Oh. So when we cite for a pit bull, we  
9 cite with the ordinance of 4-89.

10 Q. Okay. And how do you determine that a dog  
11 is a breed that's banned under 4-89?

12 A. It's really hard to describe. I -- when  
13 we see one -- when we see it, we cite for it.

14 Q. We've heard that a couple times. I think  
15 somebody said, "It's hard to describe, but you know  
16 it when you see it."

17 Would you agree with that?

18 A. Yes, ma'am.

19 Q. Okay. Have you ever personally enforced  
20 the pit bull ban?

21 A. Yes.

22 Q. Okay. Do you know approximately how many  
23 times?

24 A. I believe about once.

25 Q. Okay. Do you know when that was?

1           A.     I don't recall when.

2           MS. WALL:   Okay.  I am going to -- like to  
3 mark Johnson -- or give her Johnson Exhibit 1.

4           MR. SCHMIDT:  It's right on top.

5           MS. WALL:   Good eye, Brian.

6 BY MS. WALL:

7           Q.     All right.  You've been handed what was  
8 marked in Amy Johnson's deposition as Exhibit 1.  
9 This was provided through your counsel as a  
10 citation list from pit bull citations, and when I  
11 looked through it, the only citation that I was  
12 able to identify you as the officer was on this  
13 first page.  It looks like August 13, 2021.

14                   Do you see that down at the bottom?

15           A.     Yes, ma'am.

16           Q.     You just testified that you've only  
17 enforced the pit bull ban one time.

18           A.     (The deponent nodded affirmatively.)

19           Q.     Would this have been the one time?

20           A.     Yes, ma'am.

21           Q.     Okay.  Thank you.

22                   Tell me a little bit more about this one  
23 time that you had to enforce the pit bull ban.  
24 What was the situation?

25           A.     I -- I honestly don't remember.  It was so

1 long ago. I do remember that I did get a second  
2 opinion on the identification, and then I cited for  
3 it.

4 Q. Who gave you that second opinion?

5 A. Carli Wade.

6 Q. Do you recall if this was a first offense  
7 for the offender?

8 A. I believe it was, yes.

9 Q. All right. Why did you feel like you  
10 needed to get a second opinion?

11 A. I guess I wanted to double-check.

12 Q. And when Carli Wade gave a second opinion,  
13 was that her coming, seeing the dog in person, or  
14 through a photograph?

15 A. I don't remember.

16 Q. Okay. Since you've only had one  
17 occurrence that you've enforced the pit bull ban,  
18 what other types of, I guess, animal control duties  
19 are you typically tasked with?

20 A. We just enforce the ordinances that are in  
21 our ordinance. Examples could be, like, animal at  
22 large, not having a city license for your pets,  
23 vaccinations, and stuff like that, and then we go  
24 to any animal call that's provided to us. If  
25 someone calls something in, we go to it. So it

1 kind of just goes from there.

2 Q. Okay. I'm trying to get a feel for if  
3 certain CSOs --

4 A. Mm-hmm.

5 Q. -- have, like, certain duties that maybe  
6 differ from others. Are you all tasked the same?

7 A. Yep.

8 Q. Okay.

9 A. Yeah.

10 Q. Is there a reason why some officers that  
11 have even started after you've started have more  
12 experience enforcing the pit bull ban?

13 A. No. It just kind of rolls -- it's very, I  
14 guess, random what calls we go to, who's available  
15 at the time, what officer gets there first, which  
16 one cites and which one doesn't.

17 Q. Okay. So it's not a situation where one  
18 has more expertise, so they go out --

19 A. No.

20 Q. -- and/or one feels more comfortable so  
21 they go out?

22 A. Yeah. It's just when the calls come in.

23 Q. Do you -- do you have a sense for what  
24 percentage of your job is the, like, code  
25 enforcement/parking enforcement and how much of it

1 is animal control?

2 A. I wouldn't say there's a percentage. I  
3 just know there's, like, seasons where one is more  
4 predominant than the other. Wintertimes are slower  
5 animal calls, and summer is usually when the animal  
6 calls start picking up. And then parking  
7 enforcement is the complete opposite, so --

8 Q. Okay. So although you've only had one pit  
9 bull citation -- or only written one pit bull  
10 citation, have you been on calls with other  
11 officers --

12 A. Yes, ma'am.

13 Q. -- that have involved enforcement of the  
14 pit bull ban?

15 A. Yes.

16 Q. How many of those have you been involved  
17 in?

18 A. Hmm, I don't know the exact number. I  
19 would say roughly double digits, like 10, 15,  
20 maybe.

21 Q. Okay.

22 A. Not very many.

23 Q. So the one that we just looked at on  
24 Johnson Exhibit 1 that lists you as the -- the  
25 officer, would you have had somebody with you or --

1 A. No.

2 Q. No? Okay.

3 A. I would have ridden by myself.

4 Q. Okay. So why -- why -- what is the  
5 difference between having one officer and having,  
6 you know, multiple officers--two officers--that  
7 come to a call?

8 A. Oh, it depends on the call. I mean, if --  
9 every call's different, whether one shows up, two  
10 show up; if someone's off because of vacation; if  
11 one of the trucks is down, one of us has to ride  
12 with the other person. Just really depends on,  
13 like, the situation.

14 Q. Mm-hmm.

15 A. Yeah.

16 Q. Are the roughly 10 to 15 other pit bull  
17 enforcement actions that you've been involved in  
18 with other officers -- have they been a variety of  
19 the different other officers, or is there --

20 A. Yeah, it could be a regular officer, like  
21 patrol, or it could be ACOs or -- it's not --

22 Q. So sometimes police officers?

23 A. Yes --

24 Q. Okay.

25 A. -- sometimes, if -- it's a day thing.

1 Q. Okay. How much of your animal control  
2 duties would you say involves enforcement of the  
3 ban?

4 A. It's a very low percentage.

5 Q. And we've heard from other community  
6 service officers that the pit bull ban offense is a  
7 Class B misdemeanor. Is that correct?

8 A. Yes.

9 Q. And that's an arrestable offense; correct?

10 A. Yes.

11 Q. Okay. And I understand that the policy is  
12 there isn't an arrest on the first offense, but you  
13 are arrested on your second offense. Is that  
14 correct?

15 A. Yes, ma'am.

16 Q. Okay. But the animal control officers  
17 don't physically perform the arrests; those are  
18 performed by sworn police officers. Is that  
19 correct?

20 A. Yes, ma'am.

21 Q. Okay. Have you -- in any of the pit bull  
22 ban enforcement situations that you've been  
23 involved in, have any of those included an arrest  
24 based on the ban?

25 A. No, ma'am.



1 Q. Okay. All right. And we talked -- I -- I  
2 understand it is hard to describe when you -- when  
3 you see a pit bull. Are there certain physical  
4 characteristics, though, that you've been taught to  
5 kind of look out for?

6 A. No. It's kind of, like, just an umbrella  
7 of them all together. There's not a specific one  
8 that we target.

9 Q. What -- can you list those kinds of  
10 umbrella characteristics that you look for?

11 A. Like, again, like, it's really hard to  
12 describe in words. You just know when you see one.

13 Q. Okay. You can't provide any --

14 A. No.

15 Q. -- any description of any type of physical  
16 characteristic?

17 A. Not by --

18 Q. I understand not --

19 A. -- themselves --

20 Q. -- one --

21 A. -- no.

22 Q. Okay. What about, if we're looking at a  
23 dog altogether, what are the -- if you're -- if  
24 you're thinking in your mind right now what a  
25 perfect pit bull looks like, what are -- what are

1 the -- how do you describe that for me?

2 A. Again, it's really hard to describe in  
3 words --

4 Q. Okay.

5 A. -- and articulate into words.

6 Q. You just know it when you see it?

7 A. Yes.

8 Q. Okay. Is it correct that the behavior of  
9 a pit bull is irrelevant under the ban?

10 A. I wouldn't say it's the first -- no. I  
11 mean -- I guess, how would you word that? It --

12 MR. SCHMIDT: I'll object to the form.

13 But you can go ahead and answer.

14 MS. WALL: And I can -- I'll -- I'll  
15 correct that.

16 BY MS. WALL:

17 Q. You're familiar with the ordinance -- the  
18 pit bull ordinance that bans pit bulls in the  
19 city of Williston; correct?

20 A. Yes, ma'am.

21 Q. Is there any requirement, that you're  
22 aware of, under the ban that is specific to a dog's  
23 demeanor or behavior?

24 A. Can you ask that question again? Sorry.

25 Q. Probably not.

1 MS. WALL: How about we -- let's mark --  
2 or let's give her Spitz 1, please.

3 BY MS. WALL:

4 Q. All right. You've been handed what was  
5 marked in Officer Spitz' deposition as Exhibit 1.  
6 Are you familiar with this document as the  
7 Williston pit bull ban?

8 A. Yes, ma'am.

9 Q. Okay. And that would be under  
10 Section 4-89; correct?

11 A. Yes.

12 Q. Okay. And I'll go ahead and give you a  
13 minute if you want to read through that.

14 A. (The deponent complied with Counsel's  
15 request.) Okay.

16 Q. So I won't be able to repeat my question  
17 again. I'll just ask a different question.

18 A. Okay.

19 Q. So now that you've kind of -- I know  
20 you're familiar with the -- the ordinance, but now  
21 just reading it again, is there anything in this  
22 ordinance, in 4-89, that specifies a violation  
23 based off of a dog's demeanor or behavior?

24 A. No.

25 Q. Okay. So is it correct that behavior is

1       irrelevant when you're considering if you enforce  
2       this section of the pit bull ban?

3           A.     Yes, ma'am.

4           Q.     Thank you.

5                    Have you been in a situation where --  
6       either in the one that you were alone on or the --  
7       the 10 to 15 times that you've been with somebody  
8       to enforce the pit bull ban where the -- there are  
9       multiple people who reside in the home?

10          A.     Hmm, I -- no, I don't think I've ever been  
11       on a call with multiple people in the home.

12          Q.     So when you've answered a call related to  
13       the pit bull ban, it's always been one person --

14          A.     That we've -- yeah, that I've talked to.

15          Q.     -- that's been there with the -- with the  
16       pit bull?

17                    If there were multiple people in a home --

18          A.     Okay.

19          Q.     -- well, let's say even a husband and a  
20       wife with a pit bull, how do you decide whom to  
21       write the citation for?

22          A.     Whoever states they're the owner of the  
23       dog.

24          Q.     Okay. What if nobody was willing to state  
25       they were the owner of the dog?

1           A.     If we can't determine the owner, we  
2 usually cite both.

3           MS. WALL:   Okay.   I have two page 1's.   I  
4 was like, "Wait."

5 BY MS. WALL:

6           Q.     In any of the enforcement actions that  
7 you've been involved in, do you know if there's  
8 been DNA testing?

9           A.     Yes.

10          Q.     Yes, there has been DNA testing?

11          A.     Yes.

12          Q.     How is it determined when a dog is  
13 DNA-tested?

14          A.     When either, one, we're told to DNA-test,  
15 or when we've -- I believe it's almost always when  
16 we're told to.

17          Q.     What situations would you be told to  
18 DNA-test?

19          A.     After impoundment.

20          Q.     Okay.   And who tells you to?

21          A.     It's either -- I believe it's either Carli  
22 Wade or Olson -- Taylor Olson.

23          Q.     Taylor Olson is the city attorney;  
24 correct?

25          A.     Yes, ma'am.

1 Q. Okay. And I believe you just testified  
2 that when a dog's impounded, they're always  
3 DNA-tested. Is that correct?

4 A. Yes.

5 Q. Is that every dog or just every dog that  
6 is impounded for a pit bull-related citation?

7 A. Mostly every dog that's impounded for  
8 4-89.

9 Q. Okay. So if you picked up a stray dog  
10 that was at -- at large and it had to be impounded  
11 because you couldn't locate the owner --

12 A. Mm-hmm.

13 Q. -- if you didn't think that it was a --  
14 that it had pit bull characteristics, it wouldn't  
15 automatically be DNA-tested --

16 A. No, ma'am.

17 Q. -- because it was impounded? Okay.

18 Is the -- is the policy to DNA-test the  
19 impounded dogs that were -- that were impounded due  
20 to 4-89, is that a new policy?

21 A. It's one that came up recently, yes.

22 Q. Okay. Do you recall about when?

23 A. Uh-uh (shaking her head negatively).

24 Q. Okay.

25 A. No. Sorry.

1 Q. Okay. And you -- you started your -- your  
2 animal control duties started, I believe we've  
3 determined, January of 2021, approximately;  
4 correct?

5 A. Approximately, yes.

6 Q. So when you started, it was not the -- the  
7 policy to DNA-test every impounded potential pit  
8 bull dog?

9 A. No.

10 Q. Okay. Can you give me a rough estimate of  
11 when that started? Has it been within -- it's been  
12 super recently, like, within the last month?

13 A. I feel like it's been a few months that  
14 has passed. I don't know exactly how long. It  
15 wasn't, like, too recent.

16 Q. Okay. Do you know why that new policy was  
17 implemented?

18 A. I do not know the reason. No.

19 Q. Do you know who implemented the new  
20 policy?

21 A. I believe it was Taylor Olson.

22 Q. Okay. Do you know if owners are notified  
23 that their dogs have been DNA-tested or may be  
24 DNA-tested?

25 A. I have never physically -- I haven't

1 DNA-tested a dog before --

2 Q. Mm-hmm.

3 A. -- for a pit bull, so I wouldn't know what  
4 our procedures would be.

5 Q. Okay. When you're on a call and a dog  
6 needs to be impounded based off of the ordinance,  
7 have you personally or heard others tell owners  
8 that they -- that their dog's going to be  
9 DNA-tested?

10 A. I mean, if it's not my case, I really  
11 don't know.

12 Q. Okay.

13 A. I don't question anything.

14 Q. Yeah.

15 What is your role on the call when -- when  
16 it's not your case?

17 A. I just assist with impoundment, and then  
18 after that citation, anything that's for owners or  
19 anything, I -- I don't know of just because --

20 Q. Mm-hmm.

21 A. -- I'm not in contact with the owner. I  
22 usually assist with the impoundment of the dog.

23 Q. Okay. But you'd be physically -- like,  
24 these 10 to 15 that we talked about, you're  
25 physically, like, on-site when the citation is



1 given and --

2 A. Yes.

3 Q. Okay. If you're not the lead officer, do  
4 you not have to write a report?

5 A. We write a supportive narrative, yes.

6 Q. Okay. In the one case that you were the  
7 lead officer on, did you say you did not have to  
8 DNA-test that dog?

9 A. We DNA-tested him after.

10 Q. You did?

11 A. Yes.

12 Q. Okay. And why was that done?

13 A. Because the dog was cited for 4-89, so we  
14 were told to DNA-test the dog.

15 Q. Okay. And if we look back at Johnson  
16 Exhibit 1, that was in August -- or that was on  
17 August 13, 2021, was that one citation that you're  
18 listed as the lead officer; correct?

19 A. Yes.

20 Q. So at the -- at that time, in August of  
21 2021, would the new DNA test policy have been in  
22 place?

23 A. I believe so.

24 Q. Okay.

25 A. We did DNA-test it --

1 Q. Okay.

2 A. -- then.

3 Q. And what is -- what is the process once  
4 that DNA test comes back?

5 A. I don't know anything. So when we  
6 DNA-test it, it's -- the dog gets swabbed --

7 Q. Mm-hmm.

8 A. -- and then the swab gets sent out, and  
9 then we wait for the results. The results come  
10 back. I don't necessarily know who those results  
11 go to or if they're just kept in our system.

12 Q. Have you ever seen DNA test results from  
13 any of the 4-89 citations?

14 A. I've only seen the one from mine.

15 Q. Okay. So the lead officer maybe --

16 A. Yeah.

17 Q. -- receives it?

18 A. Yeah.

19 Q. What are you looking for when a DNA test  
20 comes back?

21 A. Any of the banned breeds --

22 Q. Okay.

23 A. -- in 4-89.

24 Q. And what percentage of a banned breed  
25 is -- is needed?

1 A. Any.

2 Q. Any percent at all?

3 A. (The deponent nodded affirmatively.)

4 Q. Is there any amount that's too low?

5 A. No.

6 Q. Even if it comes back .001 percent of a  
7 banned breed?

8 A. I've never had that before, so I don't --

9 Q. Okay. Hypothetically speaking, if you did  
10 have one that came back that low, would that still  
11 qualify as a violation under the ordinance?

12 MR. SCHMIDT: Object to form.

13 But go ahead.

14 THE DEPONENT: No, I -- I -- yes. So we  
15 would cite if any percentage came back, but I've  
16 never had a percentage that low to determine.

17 BY MS. WALL:

18 Q. Okay. So any -- any percentage of a  
19 banned breed would be a violation of the  
20 ordinance --

21 A. Yes --

22 Q. -- correct?

23 A. -- ma'am.

24 Q. Okay.

25 MR. SCHMIDT: Object to form.

1                   Go ahead.

2       BY MS. WALL:

3           Q.     Can you repeat your answer so -- did you  
4     say "yes"?

5           A.     Yes.

6           Q.     Okay. All right. I'm going to show you  
7     some puppy pictures. That would be Exhibit 4. All  
8     right. I'm going to hand you what was marked in  
9     Madison Ambrosini's deposition as Exhibit 4 (doing  
10    so). And go ahead and spend some time looking  
11    through those pictures real quick if you want to  
12    flip through them.

13          A.     (The deponent complied with Counsel's  
14    request.)

15          Q.     All right. So starting with page 1, we  
16    have the dog with the red leash and collar.

17          A.     Uh-huh.

18          Q.     Looking at this picture -- and I -- I  
19    recognize this is -- you know, you're not --

20          A.     Hard.

21          Q.     -- physically looking at a dog--a picture  
22    makes it a little bit more difficult--but can you  
23    identify a predominant breed or breeds in this dog?

24          A.     I can't. No.

25          Q.     Okay. Let's go ahead and flip to 2.

1           A.     (The deponent complied with Counsel's  
2 request.)

3           Q.     And 2 and 3 are going to be a picture of  
4 the same dog.

5           A.     Okay.

6           Q.     What about this dog? Can you identify a  
7 predominant breed or breeds?

8           A.     No, ma'am.

9           Q.     Okay. 4 and 5 are similar -- the same --  
10 same dog. Can you identify a predominant breed or  
11 breeds?

12          A.     No.

13          Q.     Okay. When you say no, you can't identify  
14 a predominant breed or multiple breeds of dogs,  
15 are -- is it fair to say that's because you think  
16 it's a -- it's a mixed-breed dog and there isn't  
17 one predominant breed?

18          A.     Yes, ma'am.

19          Q.     Okay. Thank you.

20                   6 and 7 are the same dog. Can you  
21 identify a predominant breed or breeds?

22          A.     No, ma'am.

23          Q.     Okay. 8 and 9 are the same dog. Can you  
24 identify a predominant breed or breeds?

25          A.     No, ma'am.

1 Q. 10, predominant breed or breeds?

2 A. No.

3 Q. 11, and I think maybe there's one -- no.  
4 11 is by itself. Can you identify a predominant  
5 breed or breeds for 11?

6 A. No, ma'am.

7 Q. 12 and 13 are the same dog.

8 A. No.

9 Q. You cannot identify a predominant breed or  
10 breeds?

11 A. No, ma'am.

12 Q. Okay. 14 and 15 are the same dog. Can  
13 you identify a predominant breed or breeds?

14 A. No.

15 Q. Okay. And pages 16 and 17 --

16 MS. WALL: Bless you.

17 BY MS. WALL:

18 Q. -- are the same dog. Can you identify a  
19 predominant --

20 MR. SUMMERLIN: I'm going to have to sit  
21 at the other end of the table.

22 BY MS. WALL:

23 Q. -- breed or breeds for 16 and 17?

24 A. No, ma'am.

25 MR. SCHMIDT: If we transcribe burps

1 during this deposition, we can transcribe his  
2 sneezes.

3 BY MS. WALL:

4 Q. Okay. We'll do the -- the next dog photo  
5 was -- hand you what was marked in Madison  
6 Ambrosini's deposition as Exhibit 6. So this one,  
7 you'll see up at the top, there are some pictures  
8 of dogs. At the bottom, we have the breakdown of  
9 breed -- a DNA breed test from Embark.

10 Do you see that?

11 A. Yes, ma'am.

12 Q. Okay. Do you want to spend some time  
13 flipping through this, take a look at the dogs, and  
14 then I'll ask you some questions.

15 A. Okay (complying with Counsel's request).  
16 All right.

17 Q. All right. When you flip through these  
18 photos -- we can look through them again --

19 A. Okay.

20 Q. -- as I'm asking questions, but are there  
21 any dogs in Ambrosini Exhibit 6 that when you  
22 looked at the photos -- and, again, recognizing,  
23 you know, photos are -- are different than seeing a  
24 live animal, but based on these photos, if you saw  
25 this dog on the street, would you cite the owner

1 under 4-89 for the pit bull ban?

2 A. No, ma'am.

3 Q. Not any of them?

4 A. No.

5 Q. Okay. So if you take a look at kind of  
6 the DNA tests--I don't know if you did that as you  
7 were going along--but multiple of these dogs have  
8 some of the banned breeds in them; is that correct?

9 A. Yes, ma'am.

10 Q. Okay. So is it fair to say that although  
11 some dogs may have a banned breed in their DNA, if  
12 they don't have a physical characteristic of the  
13 banned breed, then there wouldn't be a citation?

14 MR. SCHMIDT: Object to form.

15 Go ahead.

16 THE DEPONENT: Can you ask that again?

17 BY MS. WALL:

18 Q. Yes, I can.

19 A. Sorry.

20 Q. That's fair.

21 So we have the -- the photos that we just  
22 looked at.

23 A. Correct.

24 Q. Some of the dogs in these photos have  
25 banned breeds in their DNA --



1 A. Yes.

2 Q. -- at least pursuant to this exhibit;  
3 correct?

4 A. Yes.

5 Q. Okay. And you just testified that looking  
6 through the pictures of these dogs, if you saw any  
7 of them on the street, you wouldn't cite for a pit  
8 bull violation; is that correct?

9 A. Yes, ma'am.

10 Q. Okay. So based off of that, is it correct  
11 that there may be dogs that have a banned breed in  
12 their DNA, but because they don't have a physical  
13 characteristic of a banned breed, they wouldn't be  
14 cited?

15 MR. SCHMIDT: Object to form.

16 You can answer.

17 THE DEPONENT: Yes.

18 BY MS. WALL:

19 Q. Thank you.

20 You can keep looking at the cute dog  
21 pictures, but we are done.

22 A. Okay.

23 Q. Do you know who sets the policies for  
24 animal control?

25 A. I do not know.

1 Q. Okay. Have you -- we -- I can't remember  
2 what exhibit number it is now. Let me look.  
3 Ambrosini Exhibit 5. I handed you that big packet  
4 which, I believe, are the animal control policies  
5 and procedures, and I believe you testified you  
6 have -- you have been given or have seen this  
7 policy manual. Correct?

8 A. Yes, ma'am.

9 Q. Okay. And if we look down -- let's see.  
10 It is on City 483. Let me know when you get there.

11 A. (The deponent complied with Counsel's  
12 request.)

13 Q. The very last -- very end of the page --

14 A. Mm-hmm.

15 Q. -- (g), indicates that "Dog is left with  
16 an owner"--on "Pit Bull Calls"--"unless vicious and  
17 the owner is cited with pit bull ban in the" -- or  
18 "pit bull"--sorry--"in the city and given a  
19 mandatory court appearance."

20 Do you see that?

21 A. Yes, ma'am.

22 Q. Okay. And you flip the page, and (h)  
23 says, "If the dog is vicious, it is taken to the  
24 city pound and held pending court action. The  
25 owner is cited with pit bull in the city and given

1 a mandatory court appearance. The dog is then held  
2 pending court action."

3 Do you see that?

4 A. Yes.

5 Q. Okay. We understand from speaking with  
6 other animal control officers that this used to be  
7 the policy but is not currently the policy. Is  
8 that correct?

9 A. Yes, ma'am.

10 Q. Okay. Was this the policy when you  
11 started your animal control duties in January of  
12 2021?

13 A. Yes.

14 Q. Okay. Do you recall when the policy  
15 changed?

16 A. I would say recently as well, just not too  
17 recently. I don't remember exactly when it  
18 changed.

19 Q. So when we were looking at -- or  
20 discussing--sorry--the change in the policy of  
21 the -- the DNA policy --

22 A. Mm-hmm.

23 Q. -- and we looked at that citation you  
24 wrote in August of 2021, and I -- I believe you  
25 testified that you believe the DNA policy was

1 changed by that date in Oc -- in August of 2021,  
2 would this policy have also been changed?

3 A. Not at the same time, no.

4 Q. Okay. Was it before or after?

5 A. Ooh, I don't remember.

6 Q. Okay. What is the current policy?

7 A. When we cite for 4-89, the dog is to be  
8 impounded even on first offenses.

9 Q. And that's regardless of the behavior of  
10 the dog being vicious or aggressive; correct?

11 A. Yes. Once it's cited, we impound.

12 Q. Okay. Do you know who changed that  
13 policy?

14 A. Hmm, I don't know exactly who, but it was  
15 told to us, so we -- we implement it.

16 Q. Who told you about the policy change?

17 A. Wade.

18 Q. Okay. Have you seen a written policy  
19 change, or has it all just been verbal?

20 A. It's all been verbal, I believe.

21 Q. Is that the same for the DNA policy  
22 change? Has that been verbal, or is there a  
23 written policy on that?

24 A. That was also verbal.

25 Q. Okay. To your knowledge, looking at this

1 packet, is this the current procedure packet;  
2 there's not an updated or renewed procedure packet?

3 A. Not that I know of.

4 Q. Okay. If you want to take a look back at  
5 Officer Spitz Exhibit 1, that's the ordinance for  
6 you.

7 A. (The deponent complied with Counsel's  
8 request.)

9 Q. Have you been trained on how to handle  
10 coming across a pit bull in the city of Williston  
11 when an owner claims that it's a service animal?

12 A. Trained on it? No.

13 Q. Okay. Have you had an experience where  
14 you've come across an owner -- either in your  
15 ride-alongs or otherwise, where the owner of a  
16 perceived pit bull has been a service animal?

17 A. No, not a service animal. I've had where  
18 people say they're emotional support animals, and  
19 we don't recognize emotional support animals  
20 through the City of Williston. That's -- I haven't  
21 come across any instances where I came -- with a  
22 service dog.

23 Q. Okay.

24 A. Mm-hmm.

25 Q. How did you come to know that Williston

1 doesn't recognize emotional support animals?

2 A. Through our training.

3 Q. Okay. But the training did not include  
4 any training on service animals?

5 A. Not that I recall.

6 Q. Okay.

7 A. I don't remember.

8 Q. Okay. Do you know of -- do you know what  
9 you're supposed to do if you were to come across a  
10 service animal that's a purported pit bull?

11 A. I haven't come across it, so I haven't  
12 actually performed any kind of duties or  
13 anything --

14 Q. Okay.

15 A. -- for a service animal. If I did have  
16 any questions, then I'd ask my supervisor and kind  
17 of help me guide through it.

18 Q. Okay. So if your next call is to a  
19 residence with a potential pit bull and they say,  
20 "This is a service animal," you'd have to call  
21 Carli Wade to kind of walk you through --

22 A. Yes.

23 Q. -- the procedure of that? Okay. Okay.

24 MS. WALL: Can we take a break?

25 MR. SCHMIDT: Sure.

1                   (The proceedings recessed at 3:28 p.m. and  
2 reconvened with everyone present at 3:32 p.m.)

3                   MS. WALL: Are we back on the record?

4                   (The court reporter nodded affirmatively.)

5                   MS. WALL: I have no further questions.

6                   THE DEPONENT: Okay.

7                   MR. SCHMIDT: We'll read and sign.

8                   You're done.

9                   THE DEPONENT: Oh, thank goodness.

10                  (The proceedings concluded at 3:32 p.m.)

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CERTIFICATE OF DEPONENT

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I, Yulissa Nicolasa Jimenez, the deponent in the foregoing deposition, certify that I have read the attached 47 typewritten pages of my deposition upon oral examination, taken at the time and place indicated, and that it is a complete and accurate transcript of my deposition, with corrections, if any, noted herein along with the reason for each correction.

Dated at Williston, North Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
YULISSA NICOLASA JIMENEZ

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