

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

* * * * *

Brandy Suckley, Reannan)	
Suckley, Natasha)	
Calderon, Shoghi Farr,)	
Blake Ish, Jyl)	
Albertson, Mathew)	Case No.
Baumstark, Danika Owan,)	21-cv-00012-CRH
Doc Ritchie, Lynette)	
Cole-Perea, Manuel)	
Perea, Emily Holly, and)	
Bryan Fleming,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
The City of Williston,)	
North Dakota,)	
)	
Defendant.)	

* * * * *

DEPOSITION OF BRANDY SUCKLEY

taken by Mr. Brian D. Schmidt, 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 Friday,
May 20, 2022, commencing at 10:50 a.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. BRANDY SUCKLEY,
Deponent.

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

BRANDY SUCKLEY

Examination by Mr. Schmidt Page 4

EXHIBIT

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Identified</u>
1	PowerPoint Presentation, City 815-826	22	23

Certificate of Deponent Page 54

Certificate of Court Reporter Page 55

1 (The proceedings commenced at 10:50 a.m.)

2 Whereupon,

3 BRANDY SUCKLEY,

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

7 EXAMINATION

8 BY MR. SCHMIDT:

9 Q. Please state your name.

10 A. Brandy Suckley.

11 Q. Ms. Suckley, do you have a preference if I
12 call you -- is it okay if I call you Brandy?

13 A. You can call me Brandy.

14 Q. Okay. Brandy, have you ever had your
15 deposition taken before?

16 A. No.

17 Q. Okay. I'm going to go over just a couple
18 of ground rules to just make this easy today.

19 Okay?

20 A. Okay.

21 Q. I'm sure your attorney has probably talked
22 to you a little bit about this before, but I'm just
23 going to repeat them just as maybe a friendly
24 reminder. Fair enough?

25 A. Sure.

1 Q. First rule, we can't talk over each other,
2 so please let me finish my question before you give
3 your answer, because she's going to write down
4 everything that's said today, and if we're talking
5 at the same time, it doesn't work.

6 Do you understand?

7 A. Sure do.

8 Q. Second question -- or second point is I
9 may ask you questions you don't understand. If you
10 give me an answer, I'm going to assume you
11 understood the question. Is that fair?

12 A. It is fair.

13 Q. Okay. If you don't understand the
14 question, let me know.

15 A. Okay.

16 Q. And then I don't think we're going to go
17 terribly long today, but if you need a break, I'm
18 just going to ask that you answer any pending
19 question, and then we can get up and stretch or
20 whatever you need to do.

21 Fair enough?

22 A. It is fair.

23 Q. Now, you understand that we're here today
24 to talk about a federal lawsuit where you're a
25 plaintiff suing the City of Williston; correct?

1 A. That is correct.

2 Q. And as we introduced ourselves prior, my
3 name is Brian Schmidt. I represent the City of
4 Williston in this lawsuit. Do you understand?

5 A. I do understand.

6 Q. Now, is it correct that you've never been
7 personally issued a citation for violation of the
8 City's pit bull ordinance?

9 A. That is correct.

10 Q. But your daughter was; right?

11 A. My daughter was, and I paid her fine.

12 Q. And your daughter's name is Reannan?

13 A. Reannan.

14 Q. Reannan?

15 A. (The deponent nodded affirmatively.)

16 Q. That citation was issued in February of
17 2020. Does that sound about right?

18 A. Yes.

19 Q. Do you recall the circumstances that --
20 that led to Reannan's citation?

21 A. Vaguely, because I was out of town.

22 Q. And what's your understanding?

23 A. She was at my house babysitting. She was
24 dropping the kids off, and the puppy got out of the
25 car, and, apparently, she went to go get the dog,

1 and the dog was taken to the police department.

2 Q. And she received a citation after she went
3 to the police department to get the dog?

4 A. That is what she said, yes.

5 Q. Do you know whether your daughter hired an
6 attorney to represent her with respect to the pit
7 bull charge?

8 A. Me and my husband did, yes.

9 Q. Okay. So you and your husband hired an
10 attorney for your daughter with respect to the pit
11 bull charge; correct?

12 A. Yes.

13 Q. So you were involved in the process of
14 selecting the attorney?

15 A. Yes.

16 Q. And then ultimately, your daughter entered
17 into a guilty plea with respect to the pit bull
18 ordinance violation; correct?

19 A. I'm not really positive. I did not go to
20 the court hearings.

21 Q. So whatever happened in court, you don't
22 have any firsthand knowledge of; is that fair?

23 A. No. I was not there.

24 Q. Did you pay your daughter's fine, though?

25 A. Yes, I did.

1 Q. So you paid the attorney, too, I presume?

2 A. Yes, I did.

3 Q. So other than paying the attorney -- the
4 attorney and paying your daughter's fine, did you
5 assume any other financial responsibility with
6 respect to your daughter's citation?

7 A. The citation, no.

8 Q. How about with respect to any plea?

9 A. The plea? Well, when she pled guilty, it
10 caused her not to be able to be in the city, and I
11 had to, financially, find another babysitter.

12 Q. Another babysitter for your kids?

13 A. For my younger children, because she
14 watched them, yes.

15 Q. And whom did you find?

16 A. Haille Ruth and Autumn -- her last name
17 starts with an "F," and I can't pronounce it.

18 Q. That's fine.

19 Were there any other financial
20 implications to you as a result of your daughter's
21 citation and guilty plea?

22 A. Other than having to find another
23 babysitter.

24 Q. Correct.

25 A. No.

1 Q. Were you aware of the City's prohibition
2 on pit bulls prior to your daughter receiving a
3 citation?

4 A. No, I was not.

5 Q. So fair to say that prior to February of
6 2020, you had no idea that the City of Williston
7 had an ordinance that banned pit bulls?

8 A. No, I did not.

9 MR. SCHMIDT: Okay. This is going to be
10 the --

11 MR. SUMMERLIN: All right.

12 MR. SCHMIDT: -- I'll mark this part,
13 so --

14 MR. SUMMERLIN: Start the confidential,
15 attorneys'-eyes-only designation.

16 (Confidential portion redacted in a
17 separate transcript.)

18 BY MR. SCHMIDT:

19 Q. Do you currently live in Williston?

20 A. I do.

21 Q. How long have you lived in Williston?

22 A. In the city limits or in the county?

23 Q. Well, let's start with the county, and
24 then we'll go to the city.

25 A. 2015. Let's see. Somewhere around there.

1 Q. So you moved to Williams County in 2015,
2 and you lived outside of the city limits of
3 Williston?

4 A. Yes.

5 Q. Okay. And then I presume, based on your
6 answer before, that you moved into the city limits
7 of Williston at some point after 2015. Is that
8 correct?

9 A. Correct.

10 Q. And when was that?

11 A. 2018.

12 Q. And do you currently reside in the city --
13 within the city limits of Williston?

14 A. I do.

15 Q. Do you currently own any dogs?

16 A. I do not.

17 Q. Do you have any dogs that reside at your
18 home?

19 A. I do.

20 Q. But they're not your dogs?

21 A. No, they're not.

22 Q. Whose dogs are they?

23 A. They are Reannan's. It is one dog.

24 Q. Do you know the breed of that dog?

25 A. An American bully.

1 Q. Is that the same dog that was the subject
2 of the citation that Reannan got?

3 A. Yes.

4 MR. SCHMIDT: Okay. That will be the end
5 of the --

6 MR. SUMMERLIN: Okay.

7 MR. SCHMIDT: -- that part of it.

8 (End of confidential portion.)

9 BY MR. SCHMIDT:

10 Q. Now, I understand that after your daughter
11 received a citation, that you undertook some steps
12 in an attempt to change the City's pit bull
13 ordinance. Is that correct?

14 A. Clarify "steps" for me.

15 Q. Did you do anything to try to get the
16 ordinance changed after your daughter received her
17 citation?

18 A. Yes.

19 Q. Okay. What -- what did you do?

20 A. I gathered a petition.

21 Q. Okay. Anything else?

22 A. I met with the city council and -- to try
23 to talk to them after -- after the petition.

24 Q. Okay. Did you work with any members of
25 the community at all?

1 A. I did.

2 Q. Was Jyl Albertson one of those
3 individuals?

4 A. She was.

5 Q. What about Lynette Cole-Perea?

6 A. I do not know her.

7 Q. Other than Jyl, was there anyone else in
8 the community that you worked with, outside of the
9 city commission and city representatives?

10 A. What do you mean by "working with"?

11 Q. Did you consult with anybody about, "I
12 need to get petitions," or, "Should I go to talk to
13 someone at the City?" Anybody that you consulted
14 with outside of a government official?

15 A. Yes.

16 Q. Okay. Who were they?

17 A. I contacted the capitol down in Bismarck
18 to ask how a petition needs to be started --

19 Q. Okay.

20 A. -- a formal petition, and then I
21 emailed -- I don't -- I think it -- I don't know
22 the exact name. I'm not sure of it. I just
23 googled some stuff on, you know, how to start a
24 petition, and I just kind of emailed some stuff to
25 see who needs to start the petition and why it --

1 what the in -- you know, details need to be done.

2 Q. Do you know whom you spoke with at the
3 capitol in Bismarck?

4 A. I do not. I don't remember.

5 Q. Do you know if it was the secretary of
6 state's office or what office you spoke with?

7 A. I'm really unsure at the moment.

8 Q. Okay. You said you did a -- a Google
9 search. Was the purpose of your Google search just
10 to find out more information about, "How do I start
11 a petition to change a law?"

12 A. It was just a petition for an ordinance.

13 Q. Okay. So you're looking at changing a
14 city ordinance?

15 A. (The deponent nodded affirmatively.)

16 Q. And your search was specific to that
17 issue; is that fair to say?

18 A. That is fair to say.

19 Q. Did you also reach out to Dave Tuan with
20 the City of Williston?

21 A. I did.

22 Q. And what was the point -- what was your
23 intent, I guess, in reaching out to Mr. Tuan?

24 A. To talk to the city council about their
25 ordinance and how we could potentially better their

1 ordinance.

2 Q. Now, you previously indicated that you
3 worked with Jyl Albertson some throughout this
4 process as well; right?

5 A. Yes.

6 Q. Can you just explain to me what your work
7 with Ms. Albertson all entailed?

8 A. We just collaborated on the petition, what
9 sounded good/what didn't, before we got it
10 together, and then we agreed on days that we would
11 meet in the park for people to sign the petition.

12 Q. And when you say "what sounded good and
13 what wouldn't," what are you talking --

14 A. Wording.

15 Q. -- about?

16 Wording on the petition?

17 A. Yes.

18 Q. Do you recall what you ultimately put on
19 that petition?

20 A. Verbatim, I do not.

21 Q. Just generally.

22 A. Generally, just how the BSL was not really
23 good for the city and the citizens; just some
24 general language about how BSL was, you know, like,
25 discriminating against dog breeds.

1 Q. Okay. So it was your -- it probably still
2 is. It's your opinion that --

3 And when I say "BSL," we mean
4 breed-specific legislation; right?

5 A. Yes.

6 Q. -- that BSL is not good for the city?

7 A. That is my opinion.

8 Q. Okay. Why -- why do you believe it's not
9 good for the city?

10 A. Personal opinion is all dogs tend to act
11 the same. It's not just a breed that acts a
12 certain way.

13 Q. And that's based off your own personal
14 experiences?

15 A. That is.

16 Q. Are there any other ordinances that you
17 feel are not good for the city?

18 A. I haven't really looked through all of the
19 ordinances in the city. They haven't really caused
20 me anything to look through them to see.

21 Q. Nothing's come to your attention that
22 warranted you exerting effort to try to change;
23 fair to say?

24 A. There is one.

25 Q. Okay. Which one is that?

1 A. The parking.

2 Q. What -- what don't you like about the
3 parking?

4 A. You can't park for a -- over a 48-hour
5 period without getting a ticket.

6 Q. Do you think that's good for the city?

7 A. For people that don't have adequate
8 parking space in front of their home or a driveway,
9 I don't think that it's fair. That is my opinion.

10 Q. Okay. Okay. So you met with Jyl. You
11 discussed what should go into this petition. Do
12 you recall when these conversations with Jyl first
13 started when this -- let me rephrase that.

14 Do you recall when you first decided, I
15 want to put a petition together about the pit bull
16 ordinance?

17 A. Yep. Jyl had posted something on Facebook
18 about her situation, and that just sparked, Okay.
19 This is enough. It's happened more than once. And
20 so I reached out to her to see what she felt like
21 we could do to better the community and the
22 situation.

23 Q. And do you recall approximately what month
24 it would have been when you decided, Let's do the
25 petition?

1 A. I am not sure of the exact month.

2 Q. Was it snowy? Was there -- was it warm?
3 Was that -- what season?

4 MR. SUMMERLIN: It's North Dakota. It's
5 always snowy. What, like, two months out of the
6 year?

7 THE DEPONENT: I worked a whole bunch, so
8 I -- I want to say, no, there was no snow.

9 BY MR. SCHMIDT:

10 Q. Okay. So either spring or summer, likely,
11 somewhere in that --

12 A. Yes.

13 Q. -- time frame? Okay.

14 MR. SUMMERLIN: How many total weeks is
15 that? Like, three?

16 BY MR. SCHMIDT:

17 Q. That would have been of 2020?

18 A. I'm not really good with dates, but --

19 Q. Okay.

20 A. -- I assume.

21 Q. Was it last summer or the summer before?

22 A. It was definitely not last summer.

23 Q. Okay. It would have been after your
24 daughter got cited; right?

25 A. Yes, it was after.

1 Q. Okay. And it wasn't last summer?

2 A. No, it was not last summer.

3 Q. Okay. So 2020?

4 A. Yes, I --

5 Q. Okay. I'm not trying to trick you. I'm
6 just trying to get a time frame.

7 A. That's -- that's fine.

8 Q. So Jyl posts something on Facebook. You
9 see it. You think, Okay. There's a problem here.
10 I'm a citizen. I want to address this problem.

11 Is that fair?

12 A. That is fair.

13 Q. And you -- at some point, you reached out
14 to the State; right?

15 A. Bismarck, yes.

16 Q. State capitol, state --

17 A. Yes.

18 Q. -- state government.

19 And you said -- and you contacted them and
20 said, "How can I get a petition started?"

21 A. Correct.

22 Q. And you got some information from them, I
23 take it?

24 A. I did.

25 Q. Okay. What did they tell you?

1 A. They told me that to change an ordinance,
2 it needed to be a formal petition, that it had to
3 collect so many signatures based on however many
4 people voted the previous year, something to that
5 nature, and so that's how we started it.

6 Q. Okay. And I suppose you worked with Jyl
7 to put the language of that petition together.
8 Right?

9 A. Yes.

10 Q. Then you started collecting signatures;
11 right?

12 A. We did.

13 Q. And that happened over this course of the
14 summer of 2020 -- spring, summer, even, maybe, fall
15 of 2020?

16 A. Yes. Yes.

17 Q. And you also contacted Dave Tuan with the
18 City; right?

19 A. I did.

20 Q. And at least your initial intent was to
21 try to get some more information so you could go
22 and speak to the city commission; right?

23 A. Mm-hmm (nodding affirmatively).

24 Q. Why did you want to speak to the city
25 commission?

1 A. Just to see about their ordinance and see
2 what we could do to make it a better ordinance for
3 the city.

4 Q. And you were ultimately allowed to speak
5 at a commission meeting about the pit bull --

6 A. Eventually --

7 Q. -- ordinance; right?

8 A. -- I was.

9 Q. And that was in September of 2020,
10 roughly?

11 A. September or October, somewhere through
12 there.

13 Q. Okay. Tell me about that experience with
14 presenting in front of the city commission.

15 A. I was nervous.

16 Q. Sure.

17 A. I presented my little speech. I did have
18 a PowerPoint. It did not get presented. Some --
19 their screen or whatever was down. During my
20 speech, Howard Klug, the mayor, did not look at me.
21 He looked down the entire time. After that, a
22 couple of the other councilmen asked me a few
23 questions, and that was it, and then we left.

24 Q. Did you give your PowerPoint to --

25 A. I did.

1 Q. Was it to Dave Tuan or to somebody with
2 the --

3 A. I gave --

4 Q. -- City?

5 A. -- everything to David Tuan.

6 Q. Okay. What did you do to prepare your
7 PowerPoint presentation?

8 A. I just gathered information off the
9 internet.

10 Q. Did you consult with anybody else, or was
11 it just all your independent research?

12 A. There was a lot of people that reached out
13 to me to give me their opinions on what would look
14 good being presented to the City.

15 Q. And who were those people that aided you
16 in preparing this?

17 A. Ooh, there was a lot, so I can't recall
18 everybody. There was the humane society. ReNae
19 Vorgert, I want to say, is one of -- she was one of
20 them, but she worked with the humane society
21 previously. Just some other people within the
22 city; Animal Farm Foundation; Al Schmidt, which is
23 the police chief of Berthold. Those are the,
24 really, ones that I can really remember because
25 there was a whole lot.

1 Q. Did you contact them, or did they contact
2 you?

3 A. They contacted me. Apparently, after they
4 cir -- the circulation of the petition got around,
5 they got -- they contacted me, questioning me about
6 my petition.

7 Q. Did you actually prepare the PowerPoint
8 yourself, or did one of those groups prepare it and
9 then just send it to you?

10 A. I did.

11 Q. So at the end of the day, the PowerPoint
12 that was given to the City was your work product?

13 A. It was.

14 MR. SCHMIDT: Okay. Let's take a look at
15 it. We'll mark this as Suckley Exhibit 1.

16 MR. SUMMERLIN: Thank you.

17 (Deposition Exhibit Number 1 was marked
18 for identification by the court reporter. There
19 was a discussion off the record. Mr. Summerlin
20 left the conference room at 11:12 a.m.)

21 BY MR. SCHMIDT:

22 Q. Okay. So what you have just been given is
23 Suckley Exhibit 1. Do you see that?

24 A. I do.

25 Q. And in the bottom right-hand corner right

1 below the PowerPoint slide, do you see where it
2 says City 815?

3 A. I do.

4 Q. And if you turn to the very back of this
5 packet --

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

8 Q. -- do you see the number City 826?

9 A. I do.

10 Q. Is this the PowerPoint presentation that
11 you compiled to present to the City of Williston?

12 A. Yep (nodding affirmatively).

13 Q. Okay. So I have a few questions for
14 you --

15 A. Okay.

16 Q. -- about it. Let's turn to page 816. So
17 the second page of Suckley Exhibit 2 [sic].

18 A. Mm-hmm.

19 Q. You have "Fargo Ordinance 12-0117," and
20 then you have a -- a link, and it says, "Repealed
21 in 2004."

22 Did you do that research yourself to come
23 up with that?

24 A. Yep. That was part of my Google search.

25 Q. Okay. And do you know how that ordinance

1 was repealed? Was that done by the city
2 commission?

3 A. I did not look into it. All I did was
4 look for the ordinances.

5 Q. And is -- that link that you have, is that
6 the link that shows that the ordinance was
7 repealed?

8 A. That is the link to the ordinance.

9 Q. Okay. Now, if you flip the page to
10 City 817 --

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

13 Q. -- looks like you did some -- some
14 research in Bismarck, and I think in very faint
15 font under "Prohibited Dogs," it reads "Repealed,"
16 and I presume it's faint because of the printing.

17 A. Mm-hmm (nodding affirmatively). Correct.

18 Q. So you did some research and found that
19 the City of Bismarck repealed a pit bull ordinance
20 as well?

21 A. Correct.

22 Q. Do you know how that ordinance was
23 repealed?

24 A. I do not. I just researched their
25 ordinance.

1 Q. Okay. Flip the page to City 818.

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

4 Q. And Dickinson. It appears that, at least
5 based on your research, Dickinson had a pit bull
6 ordinance at one time that was repealed --

7 A. Correct.

8 Q. -- in 2007?

9 A. Correct.

10 Q. And do you know how that was repealed?

11 A. I do.

12 Q. Okay. How was that ordinance repealed?

13 A. That was repealed by -- I cannot remember
14 her name. I did speak to one of the ladies at the
15 animal control place about her -- about the
16 ordinance and how it got repealed. The lady that
17 helped get it repealed is no longer with Dickinson.
18 I cannot remember the lady's name that works with
19 the animal control shelter. We just spoke over the
20 phone, and she told me how it happened and how her
21 ordinance was, and I just went on their ordinance
22 page and just print -- got their link.

23 Q. Do you know if it was repealed by a city
24 council or city commission vote, or was it done
25 through a petition type of process?

1 A. It was done by vote, and she told me that
2 I could go onto their City site and look at their
3 minutes from whenever it was voted against --

4 Q. Okay.

5 A. -- or voted on.

6 Q. So the city commissioners voted on it?

7 A. Yes.

8 Q. So it wasn't a vote of the entire public;
9 it was just the city commission. Right?

10 A. Yes. From what I can recall, when I did
11 look at some of the minutes -- I just kind of
12 glanced over them; I didn't really get into
13 detail --

14 Q. Okay.

15 A. -- that's what I can remember.

16 Q. Sure.

17 So based on your understanding, the city
18 commission took the issue up on their agenda, they
19 voted on it, and the ordinance was repealed based
20 on the city commission's vote; is that fair?

21 A. That is fair.

22 Q. Okay. Let's flip the page here to 819.

23 A. (The deponent complied with Counsel's
24 request.)

25 Q. Grand Forks, and we just have a -- just

1 have a link here.

2 (Mr. Summerlin returned at 11:16 a.m.)

3 BY MR. SCHMIDT:

4 Q. So what was your intent of putting the
5 Grand Forks ordinance into there?

6 A. It's just a link to their ordinance to
7 show that they -- their -- how their ordinance is
8 written.

9 Q. Does the City of Grand Forks have a pit
10 bull prohibition?

11 A. No, they do not.

12 Q. So what ordinance would this be
13 referencing?

14 A. This is -- from what I can remember, they
15 just have, like, an aggressive dog-type ordinance.
16 It's not any type of breed-specific ordinance.

17 Q. Do you know if the City of Grand Forks has
18 ever had a breed-specific ordinance?

19 A. I'm not positive. I did not look into
20 that.

21 Q. Let's flip the page to City 820.

22 A. (The deponent complied with Counsel's
23 request.) Mm-hmm.

24 Q. Berthold/Carpio Ordinance Number C-22, and
25 you have a -- looks like a Facebook link there.

1 What was that Facebook link supposed to direct an
2 individual --

3 A. That --

4 Q. -- to?

5 A. -- is linked to the new ordinance in
6 Berthold/Carpio that was listed on their Facebook
7 website.

8 Q. And the Berthold/Carpio information, did
9 you get that from the city police chief?

10 A. Yep, Allen Schmidt.

11 Q. And you have here that it was repealed in
12 2018 and 2019.

13 A. Somewhere through that time frame, Allen
14 had told me that he is the one that got the
15 ordinance appealed [sic], and it was -- I couldn't
16 remember the exact date that he had given me, but I
17 knew it was somewhere through that time frame.
18 That's why I put those dates.

19 Q. And do you know what Berthold/Carpio's
20 ordinance was before it was repealed?

21 A. I do not.

22 Q. Do you know how it was repealed?

23 A. According to Allen, he had dogs and --
24 some pit bulls, and he wanted to have it repealed
25 so that he could keep his dogs.

1 Q. Do you know if he went to the city council
2 or city commission and asked them to change their
3 ordinance or how that whole process played out?

4 I'm just asking if you know.

5 A. I'm sure he told me, but I don't remember.

6 Q. All right. City 821, the Jamestown
7 Article II, "Dogs and Cats," and then a link which
8 appears to be to the -- a city ordinance; correct?

9 A. Correct.

10 Q. Do you know what city ordinance this was
11 supposed to direct individuals towards?

12 A. Just their animal -- like, their
13 aggressive dog ordinance.

14 Q. Do you know if Jamestown has ever had an
15 ordinance banning any breed of dog?

16 A. I don't know if they ever have. I just
17 looked up their ordin -- their current ordinance.

18 Q. So you just went and looked at whatever
19 their animal control ordinances were and put the
20 link in there so the city commissioners for the
21 City of Williston could go and look at what some
22 other cities have done; is that correct?

23 A. Correct.

24 Q. Okay. Are all of the -- were all of the
25 ordinances the same for all these different cities?

1 A. Pretty close, yes.

2 Q. They were close?

3 A. (The deponent nodded affirmatively.)

4 Q. Do you recall if they were identical, or
5 were there some -- some words that were different?

6 A. They were not identical verbatim. They
7 were pretty similar --

8 Q. Sure.

9 A. -- in character.

10 Q. Same concepts?

11 A. Yes.

12 Q. Okay. And then if we go to City 822, you
13 have a page that says "Resources and Research." I
14 presume this is just a cover page for the next
15 portion of your presentation. Right?

16 A. It is.

17 Q. And on City 823, you have a variety of
18 different entities and then corresponding websites
19 on the other side of the page. Do you see that?

20 A. I do.

21 Q. Why -- what was the purpose of putting
22 together City 823?

23 A. These are links that show that these
24 associations or foundations or whatever -- how they
25 do not agree with the breed-specific legislation.

1 Q. And had you contacted any members from the
2 American Bar Association --

3 A. I did not.

4 Q. -- and -- okay.

5 How about bestfriends.org?

6 A. I did not.

7 Q. Animal Farm Foundation, I think you said
8 you did. Right?

9 A. Correct.

10 Q. American Kennel Club?

11 A. I did not.

12 Q. ASPCA?

13 A. I did not.

14 Q. So the only one out of that list is Animal
15 Farm Foundation that you had contact with?

16 A. Correct.

17 Q. And they reached out to you?

18 A. Correct.

19 Q. Going back to 823, did the information
20 from the American Bar Association, bestfriends.org,
21 American Kennel Club, ASPCA -- was that information
22 you found on your own, or was that stuff that
23 Animal Farm Foundation gave to you?

24 A. That was found on my own through Google
25 search.

1 Q. Okay. Okay. City 824.

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

4 Q. The title of the slide is "Scientific
5 Studies," and then you have four links off on the
6 right. Do you know what studies each of those
7 links is referencing?

8 A. Off the top of my head, I don't. I would
9 have to look at the links.

10 Q. These links, were they provided to you by
11 Animal Farm, or did you find them yourself?

12 A. I found them myself through Google.

13 Q. Flip the page.

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

16 Q. City 825, this looks like it's some
17 information from the American Kennel Club that you
18 found?

19 A. Mm-hmm. Correct.

20 Q. And did you find that on your own?

21 A. I did.

22 Q. Okay. Flip the page to City 826.

23 A. (The deponent complied with Counsel's
24 request.)

25 Q. You have "Myths Debunked and

1 Misconceptions," and then there are two links off
2 to the right. One appears to be Animal Planet; the
3 other one says toptenz.net. Correct?

4 A. Correct.

5 Q. Do you know what the Animal Planet link
6 was included for?

7 A. One of the two is, I want to say, about
8 their biting, about their -- like, the myth of how
9 they have a lockjaw (indicating). I'm not sure
10 which one it is exactly -- which link that is.

11 Q. Do you recall what the other "Myths
12 Debunked and Misconceptions" were?

13 A. I would have to look to see. I can't
14 recall right now.

15 Q. I guess just in your opinion, are --
16 what -- what myths are there that relate to pit
17 bulls? I'm just asking for your opinion.

18 A. My opinion? The lockjaw is a myth. They
19 have the strongest bite is a myth. They're the
20 most aggressive breed is a myth. Those are my
21 opinions.

22 Q. So you said lockjaw, aggressive breed, and
23 the other was a powerful bite?

24 A. Correct.

25 Q. And what leads you to believe that the

1 lockjaw is a myth?

2 A. What leads me to believe that?

3 Q. Mm-hmm (nodding affirmatively).

4 A. Ownership, over the years, of having them.

5 Q. How many pit bulls have you owned over the
6 years?

7 A. Two. They're both deceased.

8 Q. Okay. And then what leads you to believe
9 that it's a myth that pit bulls are the most
10 aggressive?

11 A. What is my opinion on that?

12 Q. What leads -- what -- what -- what's the
13 basis --

14 A. What leads me?

15 Q. -- of your opinion?

16 Yeah.

17 A. Because I've been around a lot of dogs,
18 and I have seen a lot more aggressive dogs.

19 Q. So it's your personal experience?

20 A. Yeah.

21 Q. And powerful bite, is that also based on
22 your personal experience, or is that from outside
23 studies and information?

24 A. That's just from outside studies.

25 Q. Okay. What outside studies do you rely --

1 A. Just from Google, researching most
2 powerful bite on a dog.

3 Q. Do you know which dog does have the most
4 powerful bite?

5 A. I did at one point, but I don't right this
6 second.

7 Q. Was there anything else with this
8 PowerPoint slide that you presented to the City?

9 A. There was an -- a packet of some other
10 papers. I can't remember everything that I gave to
11 David. It's been a long time.

12 Q. Did he accept everything that you gave
13 him?

14 A. He did. He did not -- I didn't hand it
15 directly to him. I think he was out of the office.
16 I want to say I gave it -- handed it to one of the
17 ladies downstairs, and she put it in his mailbox or
18 whatever, however he gets his stuff.

19 Q. Sure.

20 And you actually met with him in person,
21 didn't you?

22 A. Correct. I did.

23 Q. Was that just once, or was it more than
24 once?

25 A. I only met with David once.

1 Q. Okay. Did you -- was Jyl Albertson
2 present when you met with Dave?

3 A. She was.

4 Q. What did you guys talk about during that
5 meeting?

6 A. Random stuff: The ordinance, how -- his
7 opinion on it, our opinion on it, how we thought we
8 could make it better, just those nature of things.

9 Q. What did he explain to you was his opinion
10 on it?

11 A. He said he didn't really have a true
12 opinion on it. He didn't know any -- much about
13 the BSL. He said that he did know that -- he has a
14 dog that gets questioned quite often about being a
15 pit bull.

16 Q. What was your opinion on the BSL?

17 A. My B -- my opinion?

18 Q. (Mr. Schmidt nodded affirmatively.)

19 A. Is that it's not good for the city.

20 Q. Okay. Did you guys talk about an attack
21 at the Rickard School during that meeting at all?

22 A. We did.

23 Q. Did -- were you informed that that may be
24 somewhat of an obstacle getting the ordinance
25 changed at that time?

1 A. It was.

2 Q. Did you have any contact with Mr. Tuan
3 after you presented to the City? Do you recall
4 sending him a follow-up email?

5 A. I want to say I did follow up, and he
6 emailed back about it, but I can't recall exactly
7 what was said in the email.

8 Q. After you presented to the city
9 commission -- I think you may have already touched
10 on this -- but no action was taken on your
11 presentation by the commission --

12 A. No.

13 Q. -- correct?

14 When you started putting this petition
15 together, was it your goal to get the pit bull
16 ordinance on the ballot for the 2020 election?

17 A. That was my original goal.

18 Q. Did you do that?

19 A. I did not.

20 Q. What did you do with the petition?

21 A. It just ended the petition. We stopped
22 collecting signatures.

23 Q. How many signatures had you collected?

24 A. I couldn't give you an exact amount. A
25 lot.

1 Q. Why did you stop collecting signatures?

2 A. We started litigation.

3 Q. Did you ever submit the petition to any
4 city official?

5 A. I want to say I did give it to them.

6 Q. Do you know whom you gave it to?

7 A. I'm -- I want to say it was in, maybe, the
8 packet of the stuff that I handed to David. There
9 was a copy of it.

10 Q. With all the signatures?

11 A. I want to say I showed it to them, but
12 they didn't take it.

13 Q. When would you have done that?

14 A. I want to say it was at the city meeting
15 that I had--September, October--whatever day that
16 was.

17 Q. Did you ever provide a fully executed--and
18 by "fully executed," I mean signed--petition to the
19 city auditor?

20 A. I did not.

21 Q. Why not?

22 A. Because we started litigation.

23 Q. So instead of submitting your petition in
24 an attempt to get the pit bull question on the
25 ballot, you decided to move forward with

1 litigation; is that correct?

2 A. After there was no response after I
3 presented it to the City, then I moved forward with
4 litigation after I was told that if it failed, we
5 couldn't do it again or something. I can't
6 remember the exact wording.

7 Q. If what failed, you couldn't do it again?

8 A. The voting on the City or if the mayor
9 vetoed it or whatever.

10 Q. Okay. I think we may be talking about two
11 different things. Let me back up.

12 Who told you that?

13 A. I don't remember exactly who because I --
14 so many people were telling me a lot of things, so
15 everything just kind of, like, mashed together.

16 Q. Okay. So it was -- I'm just looking for
17 your understanding why -- based on your own
18 personal belief, why you did not submit the
19 petition to a local governing body official for a
20 determination as to whether it could be put on the
21 ballot or not.

22 A. I was just -- my personal -- I didn't have
23 a true personal opinion on why I didn't submit it.
24 I was just following some things that was told to
25 me.

1 Q. Okay. Was that advice given to you by an
2 attorney?

3 A. No.

4 Q. Okay. Who gave you the advice?

5 A. I -- like I said, I don't remember who all
6 gave me -- everybody was giving me advice at the
7 time, and so it all mushed together.

8 Q. And part of that advice was if the city
9 takes a vote on this and it doesn't -- it doesn't
10 get repealed, it can never be voted on again?

11 A. I don't want to say they said "never." It
12 just -- I want to say it said that it couldn't be
13 put on the ballot again or something to that
14 nature.

15 Q. So the concern was if this issue was put
16 on the ballot and it didn't pass, it couldn't be
17 put on the ballot again?

18 A. Yes.

19 Q. And that ballot would have been a ballot
20 that went out to the entire city of Williston; the
21 public would have been able to vote on this.

22 Right?

23 A. Correct.

24 Q. Do you know what an initiated measure is?

25 A. I don't.

1 Q. Okay. So just maybe to boil this down so
2 I can understand it, you had, really, two prongs of
3 attack to try to get the pit bull ordinance
4 changed. First, you were going to present to the
5 city commission; right?

6 A. Correct.

7 Q. And then the initial thought was you were
8 going to try to get this on the ballot to put it to
9 a public vote; correct?

10 A. No.

11 Q. Okay. Where -- where am I wrong?

12 A. Our initial was to work with the City to
13 get it reworked within the City, and then if that
14 didn't work, then go to a pit -- the ballot.

15 Q. Okay. So did you start collecting
16 signatures before or after you met with the city
17 commission?

18 A. I collected signatures for the petition
19 with -- for the City before I met with the City. I
20 met with -- that's how -- why I called the --
21 Bismarck was to see how to get a petition started.

22 Q. So was the petition your backup plan in
23 case you weren't able to work it out with the city
24 commission?

25 A. The ballot was our backup plan.

1 Q. The petition was to get the issue put on
2 the ballot; right?

3 A. The petition was to get the City to vote
4 on it.

5 Q. On the ballot; correct?

6 A. The -- no.

7 Q. Okay. I -- you have to help me out.

8 A. Okay. So the petition was to -- you had
9 to have enough signatures on a petition to get the
10 City to vote, to my understanding, to have them --
11 to do a vote on -- to change the ordinance. And
12 then if it wasn't --

13 Q. Let me stop you right there. When you say
14 "the City," whom do you mean?

15 A. The commission.

16 Q. Okay.

17 A. The city commission.

18 Q. Okay.

19 A. And then if that didn't work, then we had
20 to have so many signatures also to have it put on a
21 ballot. So we had to have signatures for both.

22 Q. Okay. So you collected the petition
23 for -- for both purposes?

24 A. Yes.

25 Q. Okay. Now I gotcha.

1 So you brought this, I guess, packet of
2 signatures to the city commission and said, "Hey,
3 look. A lot of people have signed this. I have
4 support in the public. I think you should change
5 it," and then you showed them the Pow -- or you
6 presented the PowerPoint -- or at least some of the
7 information that was in your PowerPoint and said,
8 "Here's why," basically; right?

9 A. Mm-hmm.

10 Q. Said --

11 A. Correct.

12 Q. -- "Here's my rationale as to why I think
13 the ordinance should be changed. Please, city
14 commission, do something about this"; fair enough?

15 A. Fair.

16 Q. That didn't work; right?

17 A. No, it did not.

18 Q. And then you still had those signatures --

19 A. (The deponent nodded affirmatively.)

20 Q. -- but you didn't move forward with trying
21 to put it on the ballot; correct?

22 A. Correct.

23 Q. And that was because you were worried if
24 it didn't pass, it couldn't be voted on again;
25 correct?

1 A. Correct.

2 Q. Okay. Did we work through it? Does it
3 make -- does it make sense now?

4 A. Yes.

5 MR. SCHMIDT: Okay. Can we just take a
6 five-minute break?

7 THE DEPONENT: Sure.

8 (The proceedings recessed at 11:35 a.m. and
9 reconvened with everyone present at 11:39 a.m.)

10 MR. SCHMIDT: Okay. We can go back on the
11 record.

12 THE DEPONENT: Okay.

13 BY MR. SCHMIDT:

14 Q. Just looking for your opinion --

15 A. Okay.

16 Q. -- on this. Do you think that cities
17 should be able to make their own laws?

18 A. I do.

19 Q. Do we agree that different cities face
20 different issues? For example, Chicago may have
21 different issues than Williston?

22 MS. WALL: Objection to foundation.

23 BY MR. SCHMIDT:

24 Q. You can answer.

25 A. Yes.

1 Q. Do you think--just asking for your
2 opinion--that it's fair for cities to make laws
3 that address the issues that arise within their
4 jurisdiction?

5 A. My opinion is "within reason."

6 Q. What's a reasonable law, in your opinion?

7 A. A reasonable law? Something that protects
8 the citizens within reason without harming ev --
9 others in the process.

10 Q. Give me a -- can you give me an example?

11 A. I don't really have an example.

12 Q. Speed limits? Are those reasonable?

13 A. Yeah.

14 Q. Not everybody agrees with the speed limits
15 in certain areas of town; right?

16 A. No.

17 Q. Do you think that it's fair for citizens
18 to have the power to change their ordinances?

19 A. I feel they have -- they should have a
20 part in changing.

21 Q. Okay. What part?

22 A. Their opinions brought forth in -- you
23 know, to be decided on -- included into the
24 ordinance before they, like, make an ordinance.

25 Q. Okay. So do you know how ordinances are

1 made?

2 A. I do not.

3 Q. If I told you that they were made by a
4 local governing body, like a city council or a city
5 commission, would you have any reason to disagree
6 with that?

7 A. Potentially.

8 Q. Okay. What would be your disagreement for
9 that?

10 A. My -- would be are they including their
11 constituents in the city in their decision-making
12 on what ordinances are made or vote -- or put into
13 place?

14 Q. Okay. Fair.

15 With the city of Williston, do you know
16 whether the citizens vote for the members of the
17 city commission?

18 A. They do.

19 Q. And do you know what it means to be an
20 at-large elected official?

21 A. I don't.

22 Q. Okay. But, nonetheless, the citizens vote
23 for the members of the city commission in
24 Williston; right?

25 A. Correct.

1 Q. So the citizens get to pick who makes the
2 ordinances for the city of Williston; right?

3 A. They get to pick their councilmen.

4 Q. So that's one way that ordinances can be
5 made is through the city commission; right? You
6 were at least taking the initial steps to try to
7 change the ordinances through a public vote;
8 correct?

9 A. Yes.

10 Q. And that would have been an opportunity
11 for the entire city to vote on this pit bull
12 ordinance; right? That was your intent?

13 A. On the BSL ordinance, yes.

14 Q. And that never came to fruition, did it?

15 A. No.

16 Q. And if it would have -- let's just say
17 that you would have gotten the adequate amount of
18 petit -- the required amount of petition
19 signatures, everything in the petition would have
20 been accurate, and it would have been approved and
21 put on the ballot; the entire city would have been
22 able to vote as to whether or not they wanted to
23 have a pit bull ordinance or not. Right?

24 MS. WALL: Object to foundation.

25 THE DEPONENT: To my knowledge.

1 BY MR. SCHMIDT:

2 Q. That was at least your initial intent?

3 A. That was my intent, yeah.

4 Q. And you didn't go through with that;
5 correct?

6 A. I started to go through it, but I didn't
7 finish it, no.

8 Q. And do you recall who told you that if
9 this gets vote -- if it doesn't pass the vote, it
10 can't be voted on again?

11 A. I don't recall.

12 Q. Okay. Do you think it's fair for a city
13 to have any limitations on the types of animals
14 that can be within its jurisdiction?

15 A. As long as they're domesticated.

16 Q. What's a domesticated animal?

17 A. Cat, dog, birds, those natures of animals.

18 Q. What about a chicken?

19 A. They can be domesticated.

20 Q. So if there was an ordinance that banned
21 chickens in the city of Williston, would you
22 disagree with that?

23 A. I think there is an ordinance with
24 chickens or something to that nature within the
25 city already.

1 Q. Okay. Do you disagree with it?

2 A. I don't agree or disagree.

3 Q. Don't have a position on it?

4 A. No.

5 Q. What -- and I'm looking for your opinion.

6 What factors should a governing body take into
7 consideration when they make a decision as to what
8 is a reasonable ordinance?

9 A. Explain that better for me.

10 Q. Sure.

11 Well, earlier, you said that you think
12 that cities should be able to enact ordinances as
13 long as they're reasonable; right?

14 A. Correct.

15 Q. So what factors do you think make a
16 reasonable ordinance?

17 A. As long as they're good for everybody and
18 not harmful for some and good for some.

19 Q. So what about an ordinance that would make
20 it illegal to drive under the influence of alcohol?
21 Would that be good for everybody?

22 A. I think that is good for everybody.

23 Q. Why do you think it's good for everybody?

24 A. Because it protects the person that's
25 driving and everybody else around it.

1 Q. So you think there's a public safety
2 element to that?

3 A. Not just the public safety, but also a
4 person's safety within -- behind the wheel.

5 Q. So there should be a safety factor that
6 comes into play, in your opinion; is that fair to
7 say?

8 A. Under -- for drinking and driving, yeah.

9 Q. In this lawsuit that you're a named
10 plaintiff in, it's my understanding that you're
11 asking the Court to declare the City of Williston's
12 pit bull ordinance to be unconstitutional. Is that
13 fair? Do you know?

14 A. Yes.

15 Q. If you were ultimately to prevail in this
16 lawsuit, how would it impact you personally?

17 A. Prevail, as in "win"?

18 Q. Yes. Court agrees with you. How -- how
19 does it impact you personally?

20 A. Personally, my daughter would be able to
21 visit more often. She would have be -- she would
22 have been able to have her dog at my house.

23 If I wanted to have another dog, I could.
24 I wouldn't have to be looking over my shoulder,
25 scared, or anything to that if I wanted to have

1 another dog, if, you know --

2 Q. Well, you can have another dog in the
3 city; right?

4 A. If I wanted a dog of my choice.

5 Q. If you were to go buy another dog, knowing
6 that the ordinance reads as it does -- Section 4-89
7 is what I mean -- if you were to go buy another
8 dog, could you have it DNA-tested before you
9 brought it into the city of Williston?

10 A. Anybody can have their dogs DNA-tested, so
11 yeah.

12 Q. Sure.

13 So when you go and pick out a dog, you can
14 have a test completed that tells you the breed
15 percentage; right?

16 A. Yeah.

17 Q. And then if ever you were challenged on
18 whether your dog was a pit bull or not, you could
19 present the officer with that DNA test, couldn't
20 you?

21 A. You could.

22 Q. Or you could present that evidence to the
23 Court, couldn't you?

24 A. You could.

25 Q. And, presumably, you would have a defense

1 to the allegation; right?

2 A. You -- yeah.

3 Q. And there's no requirement that people
4 have a dog, is there?

5 A. No, there's not a requirement.

6 Q. It's a choice; right?

7 A. It is a choice.

8 Q. Why do you believe the City's pit bull
9 ordinance is invalid?

10 A. My opinion?

11 Q. Your opinion.

12 A. It limits people of -- to have the dogs of
13 their choice. It restricts animal -- dogs of their
14 breed -- you know, the breed. It just kind of is,
15 like, discriminating on breeds. Pit bull's not
16 really -- my opinion, pit bulls aren't any other --
17 any different than any other dog. So I feel like
18 people should have a choice, and I think it -- it
19 just restricts that.

20 Q. Okay. Do you know if other people
21 disagree with your opinion that pit bulls are not
22 more dangerous than other dogs?

23 A. I'm sure there are.

24 MR. SCHMIDT: I'm done.

25 THE DEPONENT: Okay.

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MR. SUMMERLIN: Perfect.

MS. WALL: Anything?

MR. SUMMERLIN: Read -- read and sign.

MS. WALL: Yes. We'll read and sign.

(The proceedings concluded at 11:51 a.m.)

CERTIFICATE OF DEPONENT

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I, Brandy Suckley, the deponent in the foregoing deposition, certify that I have read the attached 53 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.

BRANDY SUCKLEY

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