

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 CARLI WADE

taken by Mr. V. Gene Summerlin, 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 8:06 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. CARLI WADE, Deponent.

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

CARLI WADE

Examination by Mr. Summerlin Page 4

EXHIBIT

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Identified</u>
1	Photographs	76	77

Certificate of Deponent Page 96

Certificate of Court Reporter Page 97

1 (The proceedings commenced at 8:06 a.m.)

2 Whereupon,

3 CARLI WADE,

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 MR. SUMMERLIN:

9 Q. Will you please state your name.

10 A. Carli.

11 Q. What's your full name?

12 A. Carli Wade.

13 Q. Okay. Carli, my name is Gene Summerlin.

14 Is it okay if I call you Carli?

15 A. Mm-hmm (nodding affirmatively).

16 Q. Okay. We met just a moment ago. You
17 understand that you're here to have your deposition
18 taken today in a case that's been filed against the
19 City of Williston involving the pit bull ordinance?

20 A. Okay.

21 Q. What is your current employment?

22 A. Williston Police Department.

23 Q. Okay. What is your job title there?

24 A. Community service officer supervisor.

25 Q. What does your job entail?

1 A. Animal control, parking enforcement, and
2 supervising, oh, three -- four different employees.

3 Q. Okay. Who are the employees that you
4 supervise?

5 A. Chris Dick, Amber Pelzl, Madison
6 Ambrosini, and Yulissa Jimenez.

7 Q. Okay. And the first person you said was
8 Chris?

9 A. Chris Dick.

10 Q. How do you spell that?

11 A. Chris, C-h-r-i-s.

12 Q. Okay. And last name D-i-c-k?

13 A. Yep.

14 Q. Okay. Does Chris work in animal control?

15 A. Negative.

16 Q. Okay. So he just does parking
17 enforcement?

18 A. (The deponent nodded affirmatively.)

19 Q. All right.

20 A. Downtown.

21 Q. How long have you been employed by the
22 City of Williston?

23 A. Hmm, since 2018.

24 Q. Okay. When you first started your
25 employment with Willis -- with Williston in 2018,

1 what was your job title?

2 A. 911 dispatcher.

3 Q. Okay. And how long were you a 911
4 dispatcher?

5 A. One year.

6 Q. And then what was your next job?

7 A. Animal control.

8 Q. Okay. So you started with animal control
9 in 2019?

10 A. Yep (nodding affirmatively).

11 Q. Okay. When you started in 2019, were you
12 a supervisor or did you --

13 A. Negative.

14 Q. Okay.

15 A. There was no supervisor position.

16 Q. Okay. Whom did you work with in the
17 department in 2019 for animal control?

18 A. Susan.

19 Q. Were you and Susan the only animal control
20 officers at that time?

21 A. Yes.

22 Q. Okay. And then my understanding is
23 sometime in 2020, 2021, the office was reorganized
24 so that animal control and parking enforcement all
25 became -- or all fell under the umbrella of

1 community service officers?

2 A. Yes.

3 Q. Okay. And that's the way it is today?

4 A. Yes.

5 Q. Okay. At the time that you started,
6 though, animal control was kind of a separate --

7 A. Correct.

8 Q. How did you go from being a 911 dispatcher
9 to an animal control officer?

10 A. Filled out a job application.

11 Q. Okay. Did you have prior experience in
12 animal control?

13 A. No.

14 Q. Okay. Did you have prior experience
15 working with animals?

16 A. Yep.

17 Q. Okay. Tell me about that.

18 A. I worked with a rescue -- nonprofit rescue
19 in Southern California.

20 Q. What rescue is that?

21 A. I'd rather not say.

22 Q. Well, I'm sorry, but you're going to have
23 to.

24 A. It's called Marley's.

25 Q. I'm sorry. It's called what?

1 A. Marley's.

2 Q. How do you spell that?

3 A. M-a-r-l-e-y-s.

4 Q. Is it just Marley's, or is it Marley
5 Animal -- Marley's Animal Rescue?

6 A. Animal Rescue.

7 Q. Where in Southern California is that
8 located?

9 A. Bakersfield.

10 Q. Why is it that you didn't want to tell me
11 who that was?

12 A. Because it's a rescue that I worked for.
13 Has nothing to do with my current job.

14 Q. You didn't learn anything while working at
15 that rescue that you use as an animal control
16 officer today?

17 A. Hmm. I mean, I fostered animals, but I
18 don't foster animals currently. I --

19 Q. So did you foster animals as part of your
20 duties at Marley's Animal Rescue?

21 A. Well, yeah, but it was -- it's not a
22 paid --

23 Q. It's a volunteer position?

24 A. Volunteer, yeah.

25 Q. Okay. Other than fostering animals, what

1 else did you do for Marley's Animal Rescue?

2 A. We did foster events, like adoption
3 events.

4 Q. Anything else that you did?

5 A. I mean, I -- I worked with dogs that were
6 pulled from the rescue.

7 Q. Okay. When you say you worked with dogs,
8 what do you mean by that?

9 A. Vicious dogs, dogs that were uncivilized,
10 and got them ready to go into a -- a permanent
11 home, I guess.

12 Q. Okay. It's kind of a rehabilitation?

13 A. I'm in no way a rehabilitation person --

14 Q. Okay.

15 A. -- but I worked with people that were
16 trainers.

17 Q. Okay.

18 A. I would never call myself a trainer.

19 Q. All right. So you just assisted --

20 A. Mm-hmm.

21 Q. -- the people that were doing the
22 training?

23 A. Yep. And I had my -- my dogs--like,
24 foster dogs--at my house.

25 Q. Okay. How many foster dogs did you have?

1 A. Oh, I have -- don't have a number.

2 Q. More than 50?

3 A. Oh, yeah.

4 Q. While you were with Marley's, did they
5 also have a kennel at that animal rescue?

6 A. I -- I don't know. I -- that was -- it
7 was a fos -- home-foster based.

8 Q. Oh, okay.

9 A. I never went to a facility.

10 Q. Okay. So it was, like, an individual's
11 home?

12 A. My home.

13 Q. Oh. So is -- all right. Let me go back.

14 A. I'm -- they -- I never went to a facility.
15 The dogs came to my home.

16 Q. Okay.

17 A. I was a foster home. I don't own a
18 rescue.

19 Q. Okay. So the volunteer work that you did
20 with Marley's Animal Rescue, was it only fostering
21 dogs and then working with trainers that were
22 working with your foster dogs?

23 A. Correct.

24 Q. Okay. Did you receive any trai -- well,
25 let me -- let me kind of parse this -- or divide

1 this up. Other than the work that you did with
2 trainers who were rehabilitating the fosters that
3 you had, did you receive any other training while
4 you were volunteering with Marley's Animal Rescue?

5 A. As, like, a course? Like, a -- like, am
6 I --

7 Q. Any kind of training on how to care for
8 dogs.

9 A. Yeah. The -- I was right there when
10 the -- the trainers were there, and I learned from
11 them.

12 Q. Okay. So let me --

13 A. I don't have any certifications or
14 anything like that in dog psychology or anything
15 like that, but learning from them.

16 Q. Okay. So what I'm asking, though, is
17 other than working alongside the trainers with the
18 foster dogs that you were fostering, did you get
19 any other training --

20 A. No.

21 Q. -- while you were with Marley's?

22 A. No.

23 Q. Okay. Who is Lisa Porter?

24 A. Trainer.

25 Q. Where is she located?

1 A. I don't know where she's located now.

2 Q. Where was she located --

3 Well, did you know her at some point in
4 time?

5 A. Yep. So she worked with Marley's and was
6 a trainer.

7 Q. So she was one of -- was she one of the
8 trainers that you worked with on the fosters that
9 you had?

10 A. Correct.

11 Q. Okay. Any other trainers that you worked
12 with?

13 A. Negative.

14 Q. Do you know whether Ms. Porter has any
15 certifications or formal training as a -- as a dog
16 trainer?

17 A. Negative.

18 Q. You don't know?

19 A. No.

20 Q. Okay. So other than Marley's and Lisa
21 Porter, have you worked with any other dog rescues
22 or dog trainers?

23 A. Currently, I give animals to the local
24 rescue here.

25 MR. SUMMERLIN: Would you read back that

1 answer, please.

2 (The previous answer was read back by the
3 court reporter:

4 "A. Currently, I give animals to the
5 local rescue here.")

6 MR. SUMMERLIN: Okay.

7 BY MR. SUMMERLIN:

8 Q. So when you said that you give animals to
9 the local rescue, are you talking about animals
10 that the City of Williston has come into possession
11 of?

12 A. Mm-hmm (nodding affirmatively).

13 Q. Okay.

14 A. Yep. So if they go over a stray hold or
15 something like that.

16 Q. All right. And who is the local rescue
17 that you would donate the --

18 A. Called Mondak Animal Rescue.

19 Q. Would you spell that?

20 A. M-o-n-d-a-k.

21 Q. Is that the humane society?

22 A. No, it's not a humane society.

23 Q. Okay. Is there --

24 A. It's an animal rescue.

25 Q. Okay. So is it -- is there a humane

1 society in Williston?

2 A. Negative.

3 Q. Is there any -- any organization that's
4 affiliated with the humane society in Williston?

5 A. Negative.

6 Q. Okay. And then the City of Williston has
7 a -- a kennel as well; correct?

8 A. Mm-hmm (nodding affirmatively).

9 Q. And that's -- is that generally referred
10 to as the "police pound"?

11 A. Yes.

12 Q. Okay. Is Mondak Animal Rescue and the
13 City's police pound -- are they the only two
14 organizations in town that take in stray dogs?

15 A. I don't know.

16 Q. Are you aware of any other
17 organizations --

18 A. Negative.

19 Q. -- in town --

20 Just to make the court reporter's job a
21 little bit easier, if you could wait to answer the
22 question until I finish the question --

23 A. Yep.

24 Q. -- because she's writing down everything
25 we say, and so when we interrupt each other, it

1 makes her job a little bit harder.

2 A. Okay.

3 Q. Did you ever do any volunteer work with
4 Cesar Millan's facility in Los Angeles?

5 A. So I went there with Lisa, and she did a
6 training course with me, like, with a dog. She
7 helped me with an extremely vicious dog, who I
8 wasn't allowed to bring home until I worked with
9 her with that dog.

10 Q. Okay. And this was a dog that was being
11 cared for by Marley's Animal Rescue?

12 A. Yes.

13 Q. So let me just kind of unpack that a
14 little bit. I think you indicated that you weren't
15 allowed to bring that dog home until Lisa had done
16 some training on the dog?

17 A. Yep. So I met her at Cesar Millan's
18 facility. She helped me with the dog. I then
19 brought the dog home.

20 Q. Whom did you work with, in addition to
21 Lisa, at Cesar Millan's facility?

22 A. No one.

23 Q. Did Lisa work with someone else at Cesar
24 Millan's facility?

25 A. I don't know.

1 Q. Okay. So just kind of -- I'm trying to
2 figure out in my own head, you know, what was going
3 on here. So you physically met with Lisa at Cesar
4 Millan's facility?

5 A. Correct.

6 Q. And the dog was there?

7 A. Correct.

8 Q. And Lisa was there?

9 A. Correct.

10 Q. And no one else from Cesar Millan's
11 facility was there, at least with you guys, working
12 with that dog?

13 A. Not that I recall.

14 Q. Okay. Was Lisa affiliated with Cesar
15 Millan's facility, if you know?

16 A. I don't know.

17 Q. Okay. Do you know why the dog was taken
18 to Cesar Millan's facility?

19 A. I don't know.

20 Q. Okay.

21 A. I know she, like, does a lot of work with
22 him. I don't know her job title or anything like
23 that.

24 Q. Okay. So she might be affiliated with
25 them?

1 A. She may be. I don't know.

2 Q. I got it. Okay.

3 And was that just one occasion where you
4 met with Lisa and the dog at Cesar Millan's
5 facility?

6 A. At that facility, yes.

7 Q. Okay. Did you -- so you said "at that
8 facility." Were there other facilities that you
9 went to with Lisa?

10 A. We -- it -- we'd go to parks. We'd go to
11 her house. She lived in the same town I did, which
12 was -- it's, like, an hour or so away from the big
13 facility. We've done trainings in a -- like, a --
14 I don't -- a rec center, I guess, is -- I would
15 call it. I've done multiple classes with her.

16 Q. Okay. And when you say "classes," they're
17 classes between Lisa and the dog, and you're
18 providing some assistance or at least observing?

19 A. I would be handling the dog.

20 Q. Okay. So is she kind of training you and
21 the dog?

22 A. Correct.

23 Q. Were all of these training sessions that
24 you had with Lisa related to aggressive dogs?

25 A. Hmm, that -- that one was, and other ones,

1 no. So I would say no.

2 Q. Okay. So the ones that -- so it was only
3 one that was an aggressive dog?

4 A. No. I've had multiples.

5 Q. Okay. So about how many do you think
6 where you -- how many sit -- how many dogs did you
7 foster where you worked with Lisa because the dog
8 was aggressive?

9 A. I would say a couple. I can't --

10 Q. Okay.

11 A. I'm -- I can't give an exact number.

12 Q. And you said that you -- well, let me ask
13 this: You mentioned earlier that you had more than
14 50 foster dogs.

15 A. Mm-hmm (nodding affirmatively).

16 Q. Did all of them require training?

17 A. No.

18 Q. Okay. So for the dogs that required
19 training, were -- was all of the training done with
20 you and Lisa?

21 A. Yes.

22 Q. Okay. About how many dogs do you think
23 you fostered that required some level of training
24 with you and Lisa?

25 A. I'd say a couple.

1 Q. Okay.

2 A. I can't have a number.

3 Q. When you worked with Lisa, how long would
4 your training sessions generally last?

5 A. Maybe an hour and a half or so.

6 Q. Okay.

7 A. I don't have an exact time.

8 Q. And can you give me a general idea of how
9 many total training sessions you had with Lisa?

10 A. Oh, gosh. That was years ago. Like,
11 two -- prior to 2012. I don't have a number. I
12 don't keep a record of anything like that.

13 Q. Do you think it was -- well, you said
14 there were only a couple dogs that you did
15 training --

16 A. Mm-hmm.

17 Q. -- with Lisa on; correct?

18 A. May -- I would -- maybe five. I --

19 Q. Okay.

20 A. Like I said, I don't keep track of any of
21 that.

22 Q. When you were -- when you were working
23 with a dog with Lisa, would you have, like, a
24 weekly training session with her?

25 A. Nothing was set in stone (shaking her head

1 negatively).

2 Q. Okay. So it just varied?

3 A. Yep.

4 Q. Do you think you had more than 50 total
5 training sessions with Lisa?

6 A. Negative.

7 Q. Do you think it was more than 25?

8 A. Negative.

9 Q. More than ten?

10 A. Hmm. I -- I don't know.

11 Q. Okay.

12 A. I don't have an exact number.

13 Q. Okay.

14 A. I apologize.

15 Q. No. No. No. That -- no, it's -- I don't
16 expect you to be able to remember those kinds of
17 details. I'm just trying to get a sense of how
18 often you worked with Lisa.

19 MR. SUMMERLIN: Do not take the last
20 Kleenex.

21 MS. WALL: I know.

22 BY MR. SUMMERLIN:

23 Q. Okay. So other than the work that you did
24 with Lisa and Marley's Animal Rescue, any other
25 training you received, prior to becoming an animal

1 control officer in Williston, on caring for dogs?

2 A. Negative.

3 Q. Okay. And the period when you worked with
4 Marley's Animal Rescue and Lisa, that was roughly
5 what years?

6 A. 2012, '13, maybe '14 and '15.

7 Q. So about three years?

8 A. It -- yeah --

9 Q. Give --

10 A. -- about.

11 Q. -- or take?

12 A. Yep.

13 Q. Okay. Prior to working with Marley's, did
14 you have experience caring for dogs?

15 A. Yeah. I've had dogs all my life.

16 Q. Not counting fosters, but dogs that you
17 consider to be your pet --

18 A. Mm-hmm.

19 Q. -- how many dogs do you think you've had?

20 A. Throughout my lifetime?

21 Q. Yeah.

22 A. Oh, Lord. A lot. Ten, twelve, fifteen.

23 Q. Okay. Now, as I was asking that question,
24 I was just thinking, like, if I had to do that -- I
25 have been, like, a two- to three-dog person most of

1 the time, so it would -- it would add up to
2 probably 15 or more, too, for me, so --

3 Any particular breeds that you've had more
4 of than others?

5 A. Bracco Italianos.

6 Q. How many braccos have you had?

7 A. Let's see. I have had, in the house, two
8 of those. I've had a yellow Lab, and I've had --
9 one, two -- a golden retriever -- one golden
10 retriever, and, let's see, three -- three pit bulls
11 or pit bull mixes, I believe. I don't know.

12 Q. Okay.

13 A. I have to --

14 Q. Yeah.

15 A. Right. Those are --

16 Q. So, generally, you -- you -- you've had a
17 variety?

18 A. Yeah.

19 Q. Were the braccos purebred?

20 A. Yeah. They're imported from Italy.

21 Q. Yeah.

22 What about the yellow Lab? Was that a
23 purebred?

24 A. He's from the pound.

25 Q. So a mix?

1 A. I have no idea.

2 Q. Okay. The golden retriever?

3 A. Purebred.

4 Q. Okay. And the pit bulls?

5 A. One of them, I would say, is purebred, the
6 other one is 11 percent, and then the third one, he
7 was -- I would say he was full-bred.

8 Q. Okay. For the dogs that you identified as
9 purebreds, did you have papers on them?

10 A. So my braccos had -- they're --

11 Q. Yeah.

12 A. -- registered. The golden retriever, no.
13 And then the pitties, nope. I have no papers on
14 them.

15 Q. Okay. So when you say -- let's -- let's
16 cut the braccos out --

17 A. Mm-hmm.

18 Q. -- because they were registered. So for
19 the other dogs that you identify as purebred,
20 what's your basis for saying that they were
21 purebred?

22 A. Their -- just their breed standard, I
23 would say.

24 Q. Okay. So just their physical appearance?

25 A. Mm-hmm (nodding affirmatively).

1 Q. Okay. And then I take it, because you
2 identified one of the pit bulls as 11 percent, did
3 you -- have you done DNA --

4 A. Yeah (nodding affirmatively).

5 Q. -- breed on some of your dogs?

6 A. Gosh, yeah.

7 Q. Okay. Which dogs --

8 A. Not some. One.

9 Q. Okay. Just that one pit bull?

10 A. Correct.

11 Q. Do you recall whether you did GeneSeek or
12 Embark --

13 A. Oh. It --

14 Q. -- or a different test?

15 A. Wisdom Panel™.

16 Q. Okay. So it was GeneSeek.

17 And do you know approximately when that
18 was?

19 A. It's been years. I don't -- I don't have
20 an exact date --

21 Q. Okay.

22 A. -- or a year. I don't even --

23 Q. Do you currently own a dog?

24 A. Mm-hmm (nodding affirmatively).

25 Q. Which dog do you own now?

1 A. I have three dogs.

2 Q. Okay.

3 A. I have a heeler mix -- heeler-shepherd
4 mix, I would say, yellow Lab, and a pit bull.

5 Q. Okay. So is the heeler mix one of the
6 dogs that you identified before?

7 A. Negative.

8 Q. Okay. So the heeler mix is in addition to
9 those dogs, and then the yellow Lab that you
10 identified just a moment --

11 A. Same dog.

12 Q. -- ago?

13 A. Sorry.

14 Q. Yeah.

15 A. Same dog.

16 Q. Okay. And then is one of the -- what's
17 the third dog?

18 A. The pit bull.

19 Q. Okay. Which one? Is it one of the
20 purebreds or the --

21 A. Eleven percent.

22 Q. The 11 percent. Okay.

23 So I take it you live outside of
24 Williston?

25 A. I don't even live in the state of North

1 Dakota.

2 Q. Oh, really?

3 A. Negative.

4 Q. Where do you live?

5 A. Montana.

6 Q. How long is your commute?

7 A. A little over an hour.

8 Q. Okay. I bet that's fun in the wintertime.

9 A. It is not fun in the wintertime. Today
10 wasn't even fun.

11 Q. Yeah. Well, I understand.

12 A. It's a lot of wind today.

13 Q. Okay. So let's talk about when you were
14 hired by Williston as an animal control officer.
15 What kind of training did you receive?

16 A. That would have been the 12-week field
17 training.

18 Q. And did that field training consist of
19 doing ride-alongs with Susan?

20 A. Correct.

21 Q. Okay. So generally--and I'll just kind of
22 summarize what I heard from some other witnesses,
23 and you can tell me if yours was different--you'd
24 come to work, you would just shadow Susan as she
25 did her job, and you would go to whatever calls she

1 went on and kind of -- she would provide training
2 to you as you just went about your business?

3 A. So I shadowed her, I would say, a week or
4 two --

5 Q. Okay.

6 A. -- and then I started -- as I was
7 learning, I would take over talking and picking up
8 traps and getting out of the car and talking to the
9 people I needed to talk to when taking reports, and
10 as I was doing those reports or -- you know, she
11 would be with me all the time, but I'd be learning
12 at the same time, like, doing as I learn, I guess.

13 Q. Okay. Yeah. Yeah.

14 So, like, you start out for the first week
15 or two, she's kind of doing it; you're watching?

16 A. Correct.

17 Q. And then after that, you started doing it,
18 and she was watching?

19 A. Correct.

20 Q. Got it.

21 And I assume part of that field
22 training -- did -- well, other than the field
23 training, did you do any other training with Susan?

24 A. No.

25 Q. Like, no classroom work or anything like

1 that?

2 A. No. We didn't go to any classes.

3 Or you mean her training me?

4 Q. Yes. Yes.

5 A. She gave me some slideshow that she had
6 made, and that was it.

7 MR. SUMMERLIN: Okay. We've not found
8 that slideshow, have we?

9 MR. SCHMIDT: Not to my knowledge.

10 MR. SUMMERLIN: Okay.

11 BY MR. SUMMERLIN:

12 Q. Well, let me -- I'm going to show you
13 what's been marked as Ambrosini Exhibit Number 1,
14 and I recognize that is not the slideshow you're
15 referring to.

16 A. This -- from Susan?

17 Q. No, that -- well, right. Let me start
18 over.

19 I'm showing you what's been marked as
20 Exhibit 1 in the Ambrosini deposition (doing so).
21 My understanding is that's a PowerPoint
22 presentation you put together.

23 A. Correct.

24 Q. Okay. So that's not the presentation that
25 you got from Susan?

1 A. No. No. No. No.

2 Q. The only reason I grabbed that is I was
3 going to ask you did you base your PowerPoint
4 presentation, Exhibit 1, off Susan's, with
5 modifications, or did you just kind of start all
6 over?

7 A. I more so went off of our actual city
8 ordinance that's online.

9 Q. Hmm.

10 A. There are some photos that were in her
11 slideshow, I would say, like the body language --

12 Q. Okay.

13 A. -- stuff like that, but most of it, I just
14 redid because it needed to be redone.

15 Q. Got it.

16 Okay. So the -- the materials that you
17 went through with Susan, did part of that include
18 walking through the ordinances in Williston that
19 apply to animal control?

20 A. Yes.

21 Q. Okay. Did you also walk through policies
22 that had been adopted by animal control?

23 A. I don't recall a -- a book or anything,
24 except for the one that -- like, there's maybe a
25 couple pages to it. I don't know if you guys have

1 it.

2 Q. Okay.

3 A. I think she gave me a copy of it. Most --
4 most everything was verbal.

5 I believe the policy that Amy Johnson did,
6 I think that was after I was off my field training.

7 Q. Okay. Well, let's take --

8 A. I don't recall getting --

9 Q. Okay. I'm going to hand you what's been
10 marked as Ambrosini Exhibit 5 (doing so), and
11 that's a large packet, but if you go to page 483 --

12 A. Mm-hmm.

13 Q. Actually, wait a second.

14 A. Yeah, I don't --

15 Q. 484.

16 A. Oh.

17 Q. Or 482. I'm sorry. I think that's where
18 it starts. No. 479. That's where the animal
19 stuff starts.

20 A. 479?

21 Q. Yes.

22 A. Okay (complying with Counsel's request).

23 Q. So from 479 to, I think, 499, it's all
24 animal-related stuff.

25 A. Yeah, so as far as I remember, this was

1 typed up by Amy after -- after I was already in
2 animal control --

3 Q. Okay.

4 A. -- so --

5 Q. All right. So --

6 A. I don't recall getting that in any sort of
7 training manual or anything like that.

8 Q. Okay. So Ambrosini --

9 A. Do I just keep these?

10 Q. Yeah, you can just set them up there.

11 A. Okay.

12 Q. So Ambrosini Exhibit 5, you believe was
13 prepared after you'd completed your training?

14 A. Is this 5 that I just --

15 Q. Yeah.

16 A. -- looked at?

17 Q. Yeah.

18 A. Yeah, I think that was after.

19 Q. Okay.

20 A. I don't recall getting that.

21 Q. So the training that you did with Susan,
22 she kind of just told you, you know, "Here's what
23 the ordinances are. Here's how we enforce them"?

24 A. Correct.

25 Q. Okay. And, again, I'm going to summarize

1 some of what we learned in the prior depositions.
2 You can tell me if this comports with your
3 understanding --

4 A. Okay.

5 Q. -- so we don't have to go through
6 everything separately. But when we look at the
7 Williston ordinances that relate to animal
8 control --

9 A. Mm-hmm.

10 Q. -- there are a number of them that are
11 Class B misdemeanors; is that correct?

12 A. Correct.

13 Q. Okay. And at least for a period of time,
14 for those ordinances that were Class B
15 misdemeanors, if somebody violated the ordinance
16 and it was their first offense, they would be
17 issued a citation, but they would not be arrested?

18 A. Correct.

19 Q. Okay. And at least for some period of
20 time, if that first offense was for a pit bull
21 within city limits and the dog was not aggressive,
22 the owner would be allowed to keep possession of
23 the dog?

24 A. Correct. That's how I was trained.

25 Q. Okay. And then sometime in 2021, that

1 policy changed and animal control officers were
2 informed that they should impound any dog that was
3 cited for being a pit bull within city limits?

4 A. That is correct.

5 Q. Okay.

6 A. And that's from the direction of our city
7 attorney.

8 Q. Okay. And with respect to the ordinance
9 violations that were Class B misdemeanors, with
10 maybe one exception, if a person committed a second
11 offense and it was an arrestable offense, they
12 would be arrested upon being cited for a second
13 offense?

14 A. Correct.

15 Q. And I think the exception to that was for
16 failure to register. If you didn't license or
17 register your dog, then it was considered a
18 nuisance violation on the fourth offense?

19 A. I believe it is fourth offense. So say
20 you have an animal at large. You get a ticket.
21 It's a -- just an infraction for \$20. Second is
22 50; third is 100; fourth offense, B misdemeanor,
23 nuisance animal --

24 Q. Okay.

25 A. -- \$400 fine.

1 Q. Okay.

2 A. Used to be 750.

3 Q. All right. And do you know who set those
4 policies prior to the time you became kind of an
5 animal control supervisor?

6 A. Policies for what?

7 Q. Like, when someone gets arrested, when
8 someone's not arrested, when a dog --

9 A. Oh.

10 Q. -- gets impounded.

11 A. I don't have any knowledge of that.

12 Q. Okay.

13 A. I don't know who set those.

14 Q. So when did you become the supervisor of
15 animal control?

16 A. Oh, Lord.

17 Q. Sorry.

18 A. Approximately a year ago.

19 Q. Okay. So sometime in --

20 A. I -- I -- I think it's been over a year.
21 Maybe a year and a half. I honestly can't remember
22 the exact date.

23 Q. Okay. So sometime in 2020, 2021?

24 A. Ish.

25 Q. Ish. Ish.

1 A. Yeah.

2 Q. Okay. We'll make sure that the record
3 reflects an "ish" behind those numbers.

4 So -- and -- and some policies have
5 changed since you've become the supervisor, such as
6 dogs that are cited -- or owners that are cited for
7 having a pit bull within city limits. The policy
8 is now that "We will impound that dog"; correct?

9 A. Correct. Not under my -- not under what I
10 say. It's been from the city attorney.

11 Q. Okay. So that -- I guess that's what I
12 was going to say. You didn't set that policy?

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

14 Q. That policy was dictated to you by the
15 city attorney?

16 A. Yeah.

17 Q. Okay. And then your role as the
18 supervisor is to enforce those policies?

19 A. Yeah.

20 Q. Okay. Same thing with respect to when
21 someone gets arrested for a violation. Is that set
22 by the city attorney, and your role is to enforce
23 whatever policy the city attorney sets?

24 A. Say that again. Sorry.

25 Q. Yeah. No. It was probably a long,

1 complicated, convoluted question. Let me try
2 again.

3 So we talked about the fact that the city
4 attorney sets the policy for when a dog gets
5 impounded, and you simply enforce that policy;
6 correct?

7 A. Correct.

8 Q. Okay. Is the same thing true for other
9 policies, such as when someone gets arrested for a
10 violation of an animal control ordinance?

11 A. Yeah. So if it's a second offense, then
12 they go to jail. I -- like I said earlier, I don't
13 know who set that.

14 Q. Okay.

15 A. That was long before my time.

16 Q. Okay. So that one's never changed; that's
17 always kind of been --

18 A. Second offense --

19 Q. -- second offense --

20 A. -- yeah.

21 The only time there was ever a PR for a
22 second offense or further was when all this COVID
23 stuff happened. We would be giving, still,
24 tickets, but not arresting, on a second offense.

25 Q. Got it. Thank you.

1 A. Mm-hmm.

2 Q. What training did Susan provide you with
3 respect to breed identification?

4 A. Hmm. I feel like I came into it with a
5 little more breed knowledge. I don't recall any
6 breed training from her.

7 Q. Yeah, and I guess -- I'm trying to say
8 this in a polite way. With your background with
9 rescues and owning dogs all of your life --

10 A. Mm-hmm.

11 Q. -- when you started as an animal control
12 officer, would it be fair to say that you had at
13 least as much knowledge as Susan about dog breeds?

14 A. More.

15 Q. More?

16 A. Yeah.

17 Q. Okay. I was trying to be polite.

18 A. No. There was -- there was a time that
19 she wanted me to pull over, and she said, "There's
20 a pit bull. There's a pit bull."

21 And I was like, "That's not a pit bull.
22 I'm not even going to pull over."

23 It was a man walking a Rhodesian
24 ridgeback, not --

25 She's like, "No. It's a red-nosed pit

1 bull."

2 I said, "No, it's not."

3 Q. Okay.

4 A. So, yes, that was my first example.

5 Q. All right. So, if anything, you kind of
6 provided some training to Susan on breed
7 identification?

8 A. You can say that.

9 Q. Yeah.

10 And I know that Susan left, and I think
11 she's in Wisconsin now. How long were you and
12 Susan both at animal control together, roughly?
13 Again, ish.

14 A. A year, maybe.

15 Q. Okay.

16 A. I -- I don't remember when she left.

17 Q. And my understanding from some of the
18 other depositions is that before Susan left, she
19 had indicated to the City that she was going to
20 move back to Wisconsin to, I think, help care for
21 her mom.

22 A. Oh, I don't know.

23 Q. Okay. That's not anything you're familiar
24 with?

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

1 Q. Do you know whether, when you were hired,
2 you were hired with the expectation that you would
3 take over for Susan?

4 A. No.

5 Q. Okay.

6 A. No. There -- the supervisor position was
7 nonexistent until I got hired.

8 Q. Okay.

9 A. Or promoted, I guess.

10 Q. Okay. So it was after your initial hire?

11 A. Oh, yeah.

12 Q. Yeah.

13 A. Yeah.

14 Q. All right. That makes sense.

15 MR. SUMMERLIN: Oh, well. I was going to
16 clean my glasses, and I thought I had a -- one of
17 those things, but --

18 Thank you.

19 MS. WALL: You're welcome.

20 MR. SUMMERLIN: I can do it with my shirt,
21 but I appreciate the thought.

22 BY MR. SUMMERLIN:

23 Q. Was the supervisor position created at the
24 same time that the reorganization occurred so that
25 ACO and parking enforcement both became community

1 service officers?

2 A. Yes.

3 Q. Okay. So it was all kind of part of the
4 same deal?

5 A. At the same time period, I would say.

6 Q. All right. During the time that you were
7 an ACO officer or a community service officer along
8 with Susan, were there any other ACOs or community
9 service officers who were involved in animal
10 control?

11 A. No. I would say that if Susan needed help
12 with anything, I've heard that Amber would help
13 her. As far as going into depth with that, I do
14 not have -- I don't know what she did to help her.

15 Q. Okay. And when you say "Amber," you're
16 talking about Amber Pelzl?

17 A. Pelzl.

18 Q. Pelzl. Pelzl?

19 A. Pelzl, with a --

20 Q. The z-l without any consonants -- or
21 vowels, it -- it confuses me. Okay.

22 And then after you became the supervisor,
23 some additional people have been add -- added as
24 community service officers with a responsibility
25 for animal control?

1 A. Correct. Yeah, when they all -- when they
2 blended everything, it would have been Yulissa and
3 Amber. And I believe Madison was hired as a CSO.

4 Q. Okay.

5 A. I can't remember.

6 Q. And then what about --

7 A. It might have been before, actually,
8 because -- oh, I wish I had a timeline in front of
9 me. I am sorry.

10 Q. Oh, that's okay. That's all right.

11 And then Amy Johnson was an animal control
12 officer, but that was before?

13 A. That was before me.

14 Q. Okay. I think I have the cast of
15 characters somewhat straight.

16 A. Okay.

17 Q. Thank you.

18 All right. So 2020, 2021ish, when you
19 became the supervisor --

20 A. Mm-hmm.

21 Q. -- did you go about revamping the training
22 that would be provided to community service
23 officers that worked with animal control?

24 A. So what I did is it's just -- is it this
25 one (indicating)? This one is in a binder now

1 (indicating). It's all the animal ordinances in a
2 binder with parking. It's basically two books put
3 to one, I guess. And then I'm currently working on
4 making a new, better one, I guess -- training book.

5 Q. Okay.

6 A. But it's just a draft. It's nothing
7 final.

8 Q. So you took the parking ordinances and the
9 animal control ordinances and put those together in
10 a book?

11 A. Yeah, just so the girls would have
12 something while they're on the road. That way,
13 they don't have to pull up the city ordinances
14 online. It's just a binder with that online
15 (indicating).

16 Q. Okay. And just so -- I don't -- I don't
17 want to trick you. So what you've pointed to was
18 Spitz Exhibit 1, and I'm just going to tell you
19 that's only two of the animal control ordinances,
20 4-89 and 4-90.

21 A. Oh. No. There's -- there's --

22 Q. Yeah. So --

23 A. -- more.

24 Q. Yeah.

25 A. Yeah. It's online.

1 Q. Yeah. No, I -- I get it. I just -- since
2 you referred to the exhibit, I wanted to make it --

3 A. Oh.

4 Q. -- clear that you're --

5 A. Yeah. No. That's not the whole --

6 Q. -- you took --

7 A. -- thing.

8 Q. -- all the animal control ordinances and
9 all the parking ordinances --

10 A. Correct.

11 Q. -- and then put those together?

12 A. Correct.

13 Q. And then did you also prepare the
14 PowerPoint that we looked at just a second ago?

15 A. Yes.

16 Q. All right. So let's grab that. So that
17 is Ambrosini Exhibit 1.

18 MR. SCHMIDT: Gene, would this be a good
19 time to take just a --

20 MR. SUMMERLIN: Sure.

21 MR. SCHMIDT: -- short break?

22 MR. SUMMERLIN: Yeah.

23 MR. SCHMIDT: Seems like a natural
24 stopping point.

25 MR. SUMMERLIN: You bet.

1 (The proceedings recessed at 8:54 a.m. and
2 reconvened with everyone present at 8:59 a.m.)

3 BY MR. SUMMERLIN:

4 Q. All right. So let's take a look at
5 Ambrosini Exhibit 1, which is the animal -- or
6 *Introduction to Animal Control* PowerPoint that you
7 put together. If you look at the first page,
8 that's "Seven Types of Body Languages in Dogs." I
9 was going to say, I think if we go through -- all
10 right. So basically, from page 2 through page 16,
11 it's just a brief description of body language and
12 behaviors that you may see in canines --

13 A. Yes.

14 Q. -- correct?

15 And those came from Jim Osorio?

16 A. Hmm?

17 Q. Well, I -- take a look at page 4.

18 A. (The deponent complied with Counsel's
19 request.)

20 Q. This is on the "Relaxed Dog," but at -- at
21 the top of that, it says "Canine Encounters by Jim
22 Osorio" --

23 A. Google --

24 Q. -- "Canine Body Language Series."

25 A. I don't know who that is, but this is from

1 Google.

2 Q. Oh. Okay. All right.

3 So you've not done any training with

4 Jim --

5 A. No.

6 Q. -- Osorio?

7 A. I don't know --

8 Q. Don't know who he is?

9 A. Nope.

10 Q. Don't know what his qualifications are?

11 A. No.

12 Q. Okay. Don't know that he's currently
13 deceased?

14 A. No.

15 Q. All right. So you just put those in so
16 that you could kind of walk through with people as
17 you trained them --

18 A. Yeah.

19 Q. -- "Here are kind of behaviors you may
20 see" --

21 A. Yeah.

22 Q. -- "and physical manifestations of those
23 behaviors"?

24 A. Yes.

25 Q. All right. All right. Then we've got a

1 section on using a catch pole and bite stick and
2 how to make a muzzle. So that takes us from
3 page 17 to page 22?

4 A. Yes.

5 Q. All right. And then we start a section
6 that walks through the Williston ordinances related
7 to animal control and penalties for violations?

8 A. Yes.

9 Q. All right. All right. So if you go to
10 page 50 --

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

13 Q. -- that begins the section on the
14 Williston ordinance that prohibits the possession
15 of pit bulls within city limits; correct?

16 A. Correct.

17 Q. Okay. And we'll walk through that
18 ordinance in a little bit, but I want to ask about
19 the "Examples of Banned Breeds" that you provide on
20 page 52.

21 A. Correct.

22 Q. There are five photographs. Do you recall
23 where you got these photos from?

24 A. Google.

25 Q. Okay.

1 A. Or internet.

2 Q. Just ran Google searches for dogs that
3 kind of were prototypical of the breeds that you
4 wanted to -- to show?

5 A. Correct.

6 Q. Okay. And then the next page, page 53,
7 you've got examples of dogs that are not pit bulls?

8 A. Correct.

9 Q. And I assume the same thing, you just
10 grabbed those pictures off the internet?

11 A. Correct.

12 Q. Okay. We're going to -- we're going to
13 jump to the statute in a second -- or the ordinance
14 in a second, but I -- I want to just ask about a
15 particular part of the ordinance now. So -- and
16 I'll make available to you Spitz -- Spitz Exhibit 1
17 (doing so), which is 4-89 and 4-90, just so you've
18 got that.

19 Section 4-90 deals with either animals
20 that were registered -- animals of pit bull breeds
21 that were registered with the City after the
22 initial adoption of the ordinance or animals that
23 are service dogs that are made up of the prohibited
24 breeds?

25 A. 4-90?

1 Q. 4-90.

2 MR. SCHMIDT: I'll object to form, but --

3 MR. SUMMERLIN: Okay. Well, let me
4 just --

5 MR. SCHMIDT: -- if she can understand
6 it --

7 MR. SUMMERLIN: -- let me do this a
8 different way. The ordinance -- what did I do with
9 it?

10 MS. WALL: The ordinance?

11 MR. SUMMERLIN: Yeah. Thank you.

12 BY MR. SUMMERLIN:

13 Q. All right. If you look at 4-90, that's
14 titled "Keeping of Registered Pit Bulls"; correct?

15 A. Correct.

16 Q. And the first line of 4-90,
17 Subsection (a), "The provisions of 4-89 of this
18 article are not applicable to owners, keepers, or
19 harborers of pit bull dogs registered with the City
20 of Williston on or before the 1st day of March,
21 1987"; correct?

22 A. Correct.

23 Q. So that was kind of a grandfather clause.
24 When the ordinance --

25 Do you know when the ordinance was

1 adopted?

2 A. Nineteen -- 1987.

3 Q. Correct.

4 So when the ordinance was initially
5 adopted, if you had a pit bull, was it -- do you
6 have an understanding of how that worked? You
7 could register your -- your pit bull with the City,
8 and you could still keep it?

9 A. I do not know.

10 Q. Okay. Long before your time; right?

11 A. Yes.

12 Q. All right. Well, we're not really that
13 interested in that section anyway, so we're going
14 to move on.

15 The second sentence states that "The
16 provisions of this article are not applicable to
17 owners, keepers, or harborers of pit bull dogs
18 registered with the City of Williston who qualify
19 as having a disability or require an animal
20 pursuant to the Americans with Disabilities Act or
21 federal or state fair housing laws."

22 Do you see that section?

23 A. Yes.

24 Q. Okay. So does that provision refer to
25 service dogs that appear to be one of the

1 prohibited breeds under 4-89?

2 A. Yes.

3 Q. All right. And I believe that 4-90 was
4 either adopted or amended in 2019?

5 A. I don't know.

6 Q. Okay. You don't recall a change to the
7 ordinances in 2019 to provide for service dogs?

8 A. I -- no.

9 Q. Okay. As the supervisor of the animal
10 control community service officers, you are
11 responsible for the enforcement, by your officers,
12 of this section; correct? 4-90.

13 A. Correct.

14 Q. All right. So if an animal control -- let
15 me try and short-circuit this a little bit. So
16 we've talked to a number of animal control officers
17 this week. What they have indicated is that if
18 they see an animal that they suspect to be a
19 prohibited breed and the owner says that animal is
20 a service dog, that then falls under Section 4-90.
21 Do you agree with that?

22 A. Correct.

23 Q. Okay. And then to determine whether the
24 animal is actually a service dog, the animal
25 control officer may ask the person if they have a

1 disability. Do you agree with that?

2 A. Mm-hmm (nodding affirmatively).

3 Q. And if the dog provides some task or
4 function related to that disability?

5 A. Correct.

6 Q. Okay. Is there anything else that the
7 animal control officer can ask the person about the
8 service dog status of that animal?

9 MR. SCHMIDT: Object to form.

10 But you can go ahead.

11 BY MR. SUMMERLIN:

12 Q. Based on your understanding.

13 A. You're going to have to ask that again.

14 Q. Okay. I will try.

15 I guess I -- I'm just trying to get to,
16 like, as the supervisor of the animal control
17 portion of the community service officers, what do
18 you deem it appropriate for your animal control
19 officers to ask a person about a service dog that
20 might fall under 4-90?

21 A. Those two questions.

22 Q. Those two questions. Perfect. All right.

23 And so if the person has said, "I have a
24 disability. This dog performs some function or
25 task related to my disability," then the dog is

1 considered a service dog pursuant to 4-90?

2 MR. SCHMIDT: Form.

3 Go ahead.

4 THE DEPONENT: Correct.

5 BY MR. SUMMERLIN:

6 Q. All right. And if a dog is a service dog
7 under 4-90, that dog still has to be registered
8 with the City; correct?

9 A. Correct.

10 Q. And then these provisions in 4-90 (a)(1)
11 through (8) or (9) all still apply to that service
12 dog --

13 A. Correct.

14 Q. -- correct?

15 And so, for example, if someone had a
16 service dog under 4-90, but they refused to
17 register that service dog with the City or abide by
18 these other provisions in (a)(1) through (9), they
19 could be cited for that?

20 A. Correct.

21 Q. All right.

22 MR. SCHMIDT: Just for clarification,
23 you're asking all those questions based on her
24 understanding of the ordinance; correct?

25 MR. SUMMERLIN: Yeah.

1 BY MR. SUMMERLIN:

2 Q. So I'm -- I'm asking that's the way that
3 you train your officers to enforce the ordinance;
4 correct?

5 A. Correct.

6 Q. Okay. And it's your belief that the
7 officers follow the direction that you give them;
8 correct?

9 A. Correct.

10 Q. And you wouldn't be happy if they ignored
11 you?

12 A. Correct.

13 Q. Okay. So let's go to 4-89 now, the -- the
14 primary ordinance that says pit bulls can't be kept
15 in the city. The ordinance defines a pit bull dog
16 to mean a bull terrier breed of dog; correct?

17 A. Correct.

18 Q. A Staffordshire bull terrier breed of dog;
19 correct?

20 A. Correct.

21 Q. An American pit bull terrier breed of dog;
22 correct?

23 A. Correct.

24 Q. An American Staffordshire terrier breed of
25 dog; right?

1 A. Correct.

2 Q. And then it includes, "Dogs of mixed breed
3 or of other breeds than above listed, which breed
4 or mixed breed is known as pit bulls, pit bull
5 dogs, or pit bull terriers"; correct?

6 A. Correct.

7 Q. Okay. And then, finally, the ordinance
8 prohibits, "Any dog which has the appearance and
9 characteristics of being predominantly of the
10 breeds of bull terrier, Staffordshire bull terrier,
11 American pit bull terrier, American Staffordshire
12 terrier, or any other breed commonly known as pit
13 bulls, pit bull dogs, or pit bull terriers, or a
14 combination of any of those breeds"; correct?

15 A. Correct.

16 Q. All right. So my understanding, based on
17 other depositions, is that sometime in 2021, the
18 City began DNA-testing any suspected pit bull that
19 was picked up by animal control if the owner didn't
20 admit that the dog was one of the prohibited
21 breeds?

22 A. Correct, but only after we were told to by
23 our city attorney.

24 Q. Right. Right.

25 So that was a -- another policy that came

1 down to the --

2 A. And that wasn't two thousand -- I believe
3 it would have been prior. 2021.

4 Q. Okay. So whenever that policy changed is
5 when it changed, but before that policy change --

6 Well, when you first started as an animal
7 control officer, did the City DNA-test every dog
8 that it picked up as a suspected pit bull if the
9 owner had not admitted that it was a pit bull?

10 A. Not that I re -- not that I remember.

11 Q. Okay. So sometime between 2018 and today,
12 there was a change in that policy such that you
13 now -- the City now does DNA-test those dogs?

14 A. Only if she requests it.

15 Q. And by "she," do you mean Ms. Olson?

16 A. Correct.

17 Q. Okay. So not every dog would necessary --
18 let me -- excuse me.

19 So my understanding may have been
20 incorrect. What I thought was that any dog that
21 animal control picked up as a suspected banned
22 breed was DNA-tested unless the owner admitted to
23 an animal control officer that the dog was one of
24 the banned breeds, and that's not correct?

25 A. So I -- me personally, I DNA-test if I've

1 been requested to DNA-test. As far as everyone
2 else goes, I do not know what --

3 Q. Okay. So at least for the calls that
4 you're personally responsible for, you would only
5 DNA-test if Ms. Olson requested that you --

6 A. Correct.

7 Q. -- DNA-test?

8 A. Correct.

9 Q. It's hard--right?--because we always
10 interrupt each other when we talk.

11 So I assume, based on that, that you've
12 had some dogs that you've picked up as being
13 suspected of a banned breed that you've not
14 DNA-tested?

15 A. Correct.

16 Q. Okay. Is there a policy that you're aware
17 of that requires an animal control officer to
18 inform the owner or a person in possession of the
19 dog of their ability to get a DNA test if the dog
20 is suspected of being a prohibited breed?

21 A. Not a policy.

22 Q. Okay. Is it your practice to tell an
23 owner that they could get a DNA test of a dog
24 that's suspected to be a banned breed?

25 A. Absolutely.

1 Q. Okay. Do you know if all of your other
2 officers do that as well?

3 A. I do not know.

4 Q. All right. And then in those situations
5 in which a DNA test is performed, is there a policy
6 that requires that the results of that DNA test be
7 provided to the owner of the dog?

8 A. I do not know.

9 Q. Okay. Is it your practice to provide the
10 results of the DNA test to the owner of the dog in
11 those situations where you've obtained a DNA test?

12 A. Negative.

13 Q. So you don't provide --

14 A. We have --

15 Q. -- them?

16 A. Negative.

17 Q. All right. And you don't necessarily
18 inform the owner that a DNA test was conducted?

19 A. Only if -- if they would -- were to ask --

20 Q. Okay.

21 A. -- but --

22 Q. So if -- if Ms. Olson requested that you
23 perform a DNA test on a dog or, I guess, you don't
24 do the test, but you take the sample --

25 A. Mm-hmm.

1 Q. -- and send it, you don't necessarily tell
2 the owner the results of that test?

3 A. No.

4 Q. Okay. I assume you tell Ms. Olson the
5 results of the test?

6 A. Correct.

7 Q. Okay. Do the test results come to you, or
8 do they go to Ms. Olson?

9 A. They come to me.

10 Q. All right. So in -- in those situations
11 in which a DNA test is not performed, my
12 understanding is that animal control makes a
13 determination as to whether the dog is one of the
14 banned breeds based on a visual inspection of the
15 dog.

16 A. Correct.

17 Q. Okay. And not only as a supervisor but in
18 your job function of carrying out animal control
19 duties, that's what you do as well; right?

20 A. Do what?

21 Q. You make a determination that a dog either
22 does or does not fall into one of the banned breeds
23 based on a visual inspection of the dog?

24 A. Correct.

25 Q. Okay. And you mentioned, I think, earlier

1 today, there have been situations where, for
2 example, Susan said, "Oh, that's a banned breed,"
3 and you looked at the dog and said, "No, that's not
4 a banned breed"?

5 A. Correct.

6 Q. Okay. When you look at a dog to determine
7 whether it is one of the banned breeds, what are
8 you looking for?

9 A. Characteristics.

10 Q. Okay. So you're looking for physical
11 characteristics of the dog that would indicate to
12 you it's one of the banned breeds?

13 A. Correct.

14 Q. Okay. And I think what -- what we've
15 heard from all of the other animal control officers
16 is that they can't necessarily describe exactly
17 what it is they're looking for, but they know it
18 when they see it.

19 A. Correct.

20 Q. Is that your feeling as well?

21 A. Correct.

22 Q. Okay. Are there -- you know, recognizing
23 that you can't tell me, "This is exactly what I'm
24 looking for," are there certain physical
25 characteristics that you look for?

1 A. I just know. I feel like I just know when
2 I see a pit bull mix.

3 Q. Okay. And your feeling that you just know
4 when you see a pit bull mix is based on your
5 general experience with dogs?

6 A. Correct.

7 Q. Okay. Do you have an opinion on whether
8 the majority of the dogs that you encounter,
9 whether you determine that they're a prohibited
10 breed or not -- but the dogs that you encounter
11 that are suspected of being a banned breed, are a
12 majority of those dogs purebreds or mixed breeds?

13 A. The pit bulls that I encounter or just
14 dogs in general?

15 Q. Well, let -- let's talk about just the
16 suspected pit bulls first. Okay?

17 A. Mm-hmm.

18 Q. So for those dogs that you look at--you --
19 you do a visual inspection of them because they may
20 be a banned breed--are the majority of those
21 purebreds or mixed breeds?

22 A. Hmm, I would say majority, mixed.

23 Q. Okay. You may not know this, but I'm
24 going to ask. Do you know whether the majority of
25 dogs in the United States are mixed breeds?

1 A. I do not know.

2 Q. Okay. Based on your experience in
3 Williston as an animal control officer, do you have
4 an opinion as to whether a majority of the dogs in
5 Williston, whether they're suspected pit bulls or
6 not, are mixed-breed dogs?

7 A. I don't have an opinion.

8 Q. All right. I think that when you say that
9 you look at a dog, particularly a mixed-breed dog,
10 to look at its physical characteristics to decide
11 whether it's one of the banned breeds or not, is
12 there an implicit assumption there that the dog's
13 physical characteristics are reflective of its
14 actual breed makeup? And it sounds kind of like an
15 obvious question, but I want to make sure we're
16 clear on that. Let me ask it again. You look
17 confused.

18 When you look at a dog to say, "I'm going
19 to decide if this dog is one of the banned breeds
20 based on its physical appearance" --

21 With me so far?

22 A. Mm-hmm.

23 Q. Okay.

24 -- you're using physical appearance as a
25 proxy to tell you what that dog's breed is;

1 correct?

2 A. Correct.

3 Q. All right. And so that's also an
4 indication that "When I look at this dog and its
5 physical characteristics to determine if it's one
6 of the banned breeds, that dog will have physical
7 characteristics that come from its parents";
8 correct?

9 A. Correct.

10 Q. And so the breed of the parents and the
11 physical characteristics associated with that breed
12 will be passed down to the dog -- its offspring?

13 MR. SCHMIDT: Foundation.

14 Go ahead. You can answer.

15 THE DEPONENT: Correct.

16 MR. SUMMERLIN: Okay. Let me -- let me
17 try and address the foundation objection.

18 BY MR. SUMMERLIN:

19 Q. So we've already agreed that when you look
20 at a dog's physical characteristics to determine
21 what breed that dog is, we've got -- we're assuming
22 that the dog's physical characteristics are related
23 to that dog's actual breed genetic makeup; correct?

24 A. Correct.

25 Q. All right. And so also a part of that

1 assumption is that if we have a mixed breed--for
2 example, a mother of one breed and a father of
3 another breed--the offspring of that mating will
4 reflect physical characteristics, some of which
5 look like the mom, some of them look like the dad;
6 correct?

7 A. I -- yes.

8 Q. All right. And when you base your
9 physical inspection of a dog's physical
10 characteristics to determine breed, you're looking
11 at how closely that dog's physical characteristics
12 look like the physical characteristics of the
13 breeds you're concerned about?

14 A. Correct.

15 Q. Okay. And if the dog's physical
16 characteristics match the breeds you're concerned
17 about, you assume that dog is at least partially
18 that breed?

19 A. Correct.

20 Q. All right. Okay. I want to look at --
21 we're just going to go through some pictures. So
22 I'm going to hand you what's been marked as
23 Deposition Exhibit 4 from the Ambrosini deposition
24 (doing so). You can take a look at those, and then
25 I'm going to ask you some questions. But just so

1 you kind of know where I'm going with this, I'm
2 just going to have you look at these pictures and
3 then tell me whether, based on your inspection of
4 the photograph --

5 (Cell phone interruption at 9:27 a.m.)

6 MR. SUMMERLIN: Sorry.

7 MR. SCHMIDT: Can we get that on the
8 record? The lyrics -- the song lyrics.

9 MR. SUMMERLIN: All right. So I like Lady
10 Gaga. Sorry. And I -- actually, I didn't until my
11 wife took me to a concert, and I was like, no,
12 she's really good.

13 BY MR. SUMMERLIN:

14 Q. Okay. So what I've asked you to do is --
15 is look at the photographs, and then I want you to
16 tell me, based on the dog's physical appearance, if
17 you can indicate what you think the predominant
18 breed or breeds are of these dogs.

19 So if we look at page 1, that's a
20 brindle-colored dog with a red collar and a leash.
21 Looking at that photograph, do you have an opinion
22 as to what the predominant breed or breeds of that
23 dog would be?

24 A. A mixed breed.

25 Q. Okay. So -- but you can't identify any

1 specific breed?

2 A. I don't have an opinion on that one.

3 Q. Okay. And then for pages 2 and 3, that's
4 the same dog. So same question: Can you look at
5 that dog and say, "Yeah, I think the predominant
6 breeds are X"?

7 A. Predominant? A husky of some sort. Husky
8 mix for -- possibly. It's got back dewclaws, so --

9 Q. Okay.

10 A. -- it's mixed with something.

11 Q. And then 3 and --

12 A. 3?

13 Q. -- 4 --

14 Pages 3 and 4. Well, wait. Sorry. Gosh.
15 Pages 4 and 5.

16 A. Okay.

17 Q. And those are the same dog.

18 A. Mm-hmm.

19 Q. So any thoughts on -- on that dog's breed
20 makeup?

21 A. To me, that looks like a mix of -- may not
22 be a lot, but a mix of a pit bull --

23 Q. Okay.

24 A. -- umbrella breed.

25 Q. So 4 and 5, you think there -- that's a

1 pit bull mix?

2 A. Possibly.

3 Q. Okay. So let me ask you this: If -- if
4 you were to see this dog in Williston--so the dog
5 on pages 4 and 5--is that a dog that you would
6 cite?

7 A. I would speak with the owner first.

8 Q. Okay. And if the owner --

9 A. And when I --

10 Q. -- said, "I don't know what kind of dog it
11 is. I got it from a rescue"?

12 A. To me, it's not predominantly.

13 Q. Yeah, so let -- let's talk about that a
14 little bit. So when the ordinance says that a
15 dog's got to be predominantly of one of these
16 breeds, what does that mean to you?

17 A. Most.

18 Q. So does that mean its physical
19 characteristics have to mostly look like that
20 breed?

21 A. Correct.

22 Q. Okay. And is there, like, some
23 percentage -- like, you can tell when it's 48
24 percent like that breed and 50 -- or versus 52
25 percent like the breed?

1 A. Not without doing a DNA test.

2 Q. Okay. I guess what I'm trying to dig into
3 here, though, is the fact that you're making that
4 initial decision on whether you're going to impound
5 the animal and charge the owner based upon your
6 visual inspection; right? You don't have a DNA
7 test when you make the charging decision?

8 A. Correct.

9 Q. So where is that line where you say,
10 "Okay. Now, this dog, to me, appears to be
11 predominantly of a prohibited breed"?

12 A. Appearance.

13 Q. Right. But, like, how -- where do you get
14 to the -- like, this dog on pages 4 and 5, you're
15 saying, "Looks like it might have" -- "might be a
16 pit bull mix"?

17 A. Mm-hmm.

18 Q. Are you saying -- is this dog
19 predominantly a pit bull?

20 A. Oh, I wouldn't say predominantly.

21 Q. So you wouldn't charge this dog?

22 A. I -- as I said, I would talk to the owner
23 first and see if they admitted to it or --

24 Q. Okay. So if the owner admitted it was a
25 pit mix, then you'd charge the dog?

1 A. Correct.

2 Q. All right. But if the owner said, "I have
3 no idea" --

4 A. Mm-hmm.

5 Q. -- would you charge the dog?

6 A. Probably not.

7 Q. Okay. And why not?

8 A. Because, to me, it's not predominant.

9 Q. Okay. So it doesn't have just -- it
10 doesn't have quite enough of the physical
11 characteristics?

12 A. Yeah. Negative.

13 Q. All right. But if you had a DNA test on
14 this dog that showed it was 15 percent of a
15 prohibited breed --

16 A. Mm-hmm.

17 Q. -- would you then charge the dog?

18 A. Correct.

19 Q. Okay. All right. So then we go to
20 pages 6 and 7. Same dog on those two pages.

21 Looking at this dog, do you have a sense of what
22 you would think its predominant breed or breeds
23 are?

24 A. That would fall under the pit bull
25 umbrella.

1 Q. Okay. So with this dog, is this dog's
2 physical appearance sufficient to justify a
3 charging decision?

4 A. Yes.

5 Q. So you would charge this dog?

6 A. Yes.

7 Q. All right. And then 8 and 9, same dog.

8 Any opinion on the predominant breeds of this dog?

9 A. Not pit bull.

10 Q. Not pit bull. Okay.

11 And then 10?

12 A. Mix.

13 Q. All right. I assume, based on this
14 photograph, you don't think you've got enough in --
15 you don't see enough of any specific breed to say,
16 "I think this is what it is"?

17 A. Negative.

18 Q. Okay. So you would not charge this dog?

19 A. Negative.

20 Q. All right. Now, if the owner said, "Oh,
21 no. This dog's 35 percent pit bull," you would
22 charge the dog?

23 A. Yes.

24 Q. Okay. All right. 11?

25 A. That's a mix as well.

- 1 Q. Okay. No specific breed, just a mix?
- 2 A. Yeah.
- 3 Q. Okay.
- 4 A. Looks like he has some pit bull in him.
- 5 Q. Okay. And --
- 6 A. Not enough to cite.
- 7 Q. Not enough to cite?
- 8 A. (The deponent shook her head negatively.)
- 9 Q. So you would not charge that dog.
- 10 And then 12 and 13, same dog.
- 11 A. Cite.
- 12 Q. Cite? So pit bull, and you would cite
- 13 that dog.
- 14 Then 14 and 15 are the same dog.
- 15 A. That's not enough for me to say.
- 16 Q. Okay. Any sense of, like -- as you look
- 17 at this dog, do you see breeds that you would
- 18 suspect in -- in this dog's pedigree?
- 19 A. Maybe -- maybe a Catahoula mix.
- 20 Q. A what?
- 21 A. Catahoula mix.
- 22 Q. Catahoula?
- 23 A. Yeah.
- 24 Q. All right. And then 16 and 17, same dog.
- 25 A. No.

1 Q. Can't tell what breed that is?

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

3 Q. And would not charge that dog?

4 A. No.

5 Q. All right. Thanks. It's -- that's just
6 really helpful to help us kind of understand how
7 you interpret and apply the ordinance.

8 So now I'm going to do something similar
9 with Exhibit 6 from the Ambrosini deposition, and
10 this one, you'll see that there are photos on the
11 top of the page, and then we get to cheat. You get
12 to see the Embark DNA breed determination for each
13 one of these dogs.

14 A. Okay.

15 Q. So take a moment and just kind of quick --
16 take a -- take as much time as you need and take a
17 look at the pictures. I think there are only 14
18 pages.

19 A. (The deponent complied with Counsel's
20 request.)

21 Q. Oh. Sorry.

22 So if you didn't know the DNA of any of
23 these dogs, so just looking at the photos, are
24 there any of the dogs in Exhibit 6 that you would
25 charge based on their physical appearance?

1 A. Any of them?

2 Q. Any of them.

3 A. Is this -- can I ask a question?

4 Q. Sure.

5 A. Where is this from?

6 Q. Oh, I'll tell you. They're -- those are
7 photographs from Embark with Embark DNA tests on
8 breed composition.

9 A. Mm-hmm. So what's a supermutt?

10 Q. So Embark has a -- like, with every breed
11 composition test --

12 A. Mm-hmm.

13 Q. -- it looks at markers -- genetic markers
14 that are specific to a breed, and when they look at
15 the DNA, they're looking at what markers that
16 specific animal has, and that's what gives them the
17 indication of breed.

18 There are some markers that Embark
19 uses for their supermutt, which is just a
20 highly mixed portion of an animal's background.
21 So if you have a dog that -- you know, think
22 about -- go back 12 generations, and none of
23 the dogs are purebreds, and all of those
24 great-great-great-great-great-grandparents are
25 mixed breeds, and you breed those dogs together and

1 their offspring together and their offspring
2 together for 12 generations, you get a genomic
3 marker that's not indicative of any specific breed.
4 So they call that -- when they -- when they get
5 that marker, they call that a supermutt.

6 So that -- that's a long explanation to
7 your question.

8 MR. SCHMIDT: And, Carli, just so you
9 know, there's a standing objection to these photos,
10 so --

11 THE DEPONENT: Okay. Oh, sorry.

12 MR. SCHMIDT: You're good.

13 BY MR. SUMMERLIN:

14 Q. So I think the question that's pending is
15 on Exhibit 6, if you didn't know the DNA of any of
16 these dogs --

17 A. Mm-hmm.

18 Q. -- based on the photographs, are there any
19 of these dogs that you would charge as being a
20 prohibited breed?

21 A. Yeah.

22 Q. Okay. Which ones?

23 A. The Lab mix -- chocolate Lab mix.

24 Q. Okay. What page is that?

25 A. Hmm. Thirteen.

1 Q. Thirteen. Okay. So Larkin on page 13,
2 that dog, based on physical appearance alone, you
3 would charge?

4 A. Yeah.

5 Q. Okay. Any of the other dogs on -- in here
6 that you would charge just based on physical
7 experience -- physical appearance?

8 A. No.

9 Q. No. Okay. All right.

10 Now, let's go to page 1. If you were to
11 see that dog in Williston --

12 A. Mm-hmm.

13 Q. -- and you've indicated just based on
14 physical appearance, you wouldn't charge that dog
15 as being a banned breed; correct?

16 A. No.

17 Q. But if the owner told you, "Oh, yeah, I
18 got this dog DNA-tested, and this dog is 20.3
19 percent American pit bull terrier and 3.3 percent
20 Staffordshire terrier," you would charge this dog?

21 A. Yes, if they admitted to it.

22 Q. Okay. And that's true for any of the dogs
23 in Exhibit 6, if they have one of the prohibited
24 breeds in their DNA test and an owner told you
25 that, you would then charge the dog as violating

1 4-89?

2 A. Yes.

3 Q. Okay. Let's talk a little bit about -- so
4 we talked about the -- the training materials that
5 you put together in terms of the PowerPoint. Have
6 you also put together a breed identification test
7 for new hires to take?

8 A. I didn't put that together.

9 Q. Oh, okay. Do you know who put that
10 together?

11 A. Dustin.

12 Q. Dustin --

13 A. Celander.

14 Q. Celander.

15 MR. SCHMIDT: Celander.

16 THE DEPONENT: I provided pictures to
17 him --

18 BY MR. SUMMERLIN:

19 Q. Okay.

20 A. -- but I did not present that nor put it
21 together nor grade it or anything like that.

22 Q. Okay. That makes sense, because you don't
23 interview new hires, do you, for --

24 A. I do.

25 Q. Oh, you do?

1 A. Mm-hmm (nodding affirmatively).

2 Q. Okay.

3 A. I was not in the last interview, though.

4 Q. All right. I'm just constantly confused.

5 Ask Amanda.

6 MS. WALL: It's true.

7 BY MR. SUMMERLIN:

8 Q. So -- let's see.

9 (Deposition Exhibit Number 1 was marked
10 for identification by the court reporter.)

11 MR. SUMMERLIN: Let me just make sure I've
12 got mine in the same order.

13 MS. WALL: Why don't we write page
14 numbers.

15 MR. SUMMERLIN: Do you mind if I -- if I
16 mark the page --

17 MR. SCHMIDT: Why don't we write a page
18 number on --

19 MR. SUMMERLIN: Each one?

20 MR. SCHMIDT: -- each one as we go
21 through.

22 MR. SUMMERLIN: Okay. I'm going to put
23 them on the top right corner.

24 MS. WALL: Gene, show me the pictures as
25 you're going through.

1 MR. SUMMERLIN: Okay.

2 BY MR. SUMMERLIN:

3 Q. All right. I hand you what's been marked
4 as Exhibit 1 (doing so).

5 A. 1.

6 MR. SUMMERLIN: Please hand me the
7 stapler.

8 (The court reporter complied with
9 Counsel's request.)

10 MR. SUMMERLIN: Do you want to staple
11 yours too?

12 MR. SCHMIDT: Yeah. Thank you.

13 MR. SUMMERLIN: You're welcome.

14 BY MR. SUMMERLIN:

15 Q. All right. So, Carli, looking at what
16 we've marked as Exhibit 1, that's eight pages of
17 photographs --

18 A. Mm-hmm.

19 Q. -- that you provided to Dustin Celander;
20 correct?

21 A. Incorrect.

22 Q. Okay. Tell me how that's incorrect.

23 A. Some of these photos are not from me.

24 Q. Ah. All right.

25 A. Some -- so he did the test.

1 Q. Mm-hmm.

2 A. Not all of these pictures are provided
3 from me to him.

4 Q. Okay. Just -- yeah, can you just kind of
5 give me a general description of how this all came
6 down? Right? So --

7 A. For the breed test?

8 Q. Yeah. Yeah.

9 A. We had hired someone who knew nothing
10 about dogs that was hired as an animal control
11 officer--couldn't tell the difference between a
12 male and a female dog--so we decided to get a
13 little stricter, I guess.

14 Q. Okay. No, I was going to make a joke that
15 I'm just not going to make because it ends up in a
16 transcript and it's there forever.

17 Okay. So the -- the purpose of putting
18 this test together was to make sure that people
19 that were hired as animal control officers had at
20 least a minimal level of competence?

21 A. Correct.

22 Q. All right. And so I -- I assume the
23 purpose of this is to test a potential hire's
24 ability to identify dog breeds?

25 A. Correct.

1 Q. Okay. And did Dustin put together the
2 test and then ask you for photographs of certain
3 breeds, or just -- can you kind of generally just
4 tell me what -- how that worked?

5 A. I believe it was we spoke about putting
6 together a breed test so we'd get a general idea of
7 knowledge --

8 Q. Mm-hmm.

9 A. -- how knowledgeable they are. I provided
10 him some pictures, and he added pictures to it.

11 Q. Okay. Can you -- as you walk through
12 Exhibit 1, can you tell me which pictures you
13 provided --

14 A. I provided --

15 Q. -- by page number.

16 A. -- 3, 5, 6, 7, and that's it.

17 Q. Okay. For the pictures that you provided,
18 where did you get those?

19 Let's start -- let's just go through each
20 one. So page 3 --

21 A. Correct.

22 Q. -- we have three dogs.

23 A. Mm-hmm.

24 Q. Where did that picture come from?

25 A. That is -- those dogs are my friend

1 Amanda's dogs.

2 Q. Okay. And what breeds are these dogs?

3 A. Cane corsos.

4 Q. Are these registered dogs?

5 A. I don't know.

6 Q. Okay. So do you know whether these
7 dogs -- well, do you have an opinion as to whether
8 these dogs are a mixed breed or purebred?

9 A. I don't have an opinion.

10 Q. Okay. And then on page 5, where did this
11 photograph come from?

12 A. That is my golden retriever.

13 Q. Okay. So you provided that as an example
14 of a golden retriever?

15 A. Correct.

16 Q. Page 6, is that your yellow Lab?

17 A. That is correct.

18 Q. So you provided that as an example of a
19 yellow Lab?

20 A. Correct.

21 Q. And 7?

22 A. 7, that is my dog.

23 Q. So that's your 11 percent pit bull mix?

24 A. Negative. That is a dog that was never
25 DNA-tested.

1 Q. Okay. So this was one of the other two
2 pit bulls that you --

3 A. Correct.

4 Q. -- had?

5 A. Yeah.

6 Q. Okay. And do you know where Dustin got
7 the other photographs from?

8 A. I'm assuming the internet.

9 Q. Okay. So I'm just going to have you walk
10 through these other photographs and just identify
11 the breed that each dog represents.

12 So on page 1?

13 A. American bulldog.

14 Q. Page 2?

15 A. Bull terrier.

16 Q. We did 3 already.

17 Page 4?

18 A. German shepherd.

19 Q. And page 8?

20 A. Yorkie.

21 Q. Okay. Okay. Are you familiar with Scott
22 and Fuller's *Genetics and Social Behavior of Dogs*?

23 A. No.

24 Q. Okay. Have you ever done any research or
25 education or read anything about how physical

1 characteristics of dogs are transmitted in mixed
2 breeds?

3 A. No.

4 Q. Okay. And we talked earlier that in
5 enforcing the pit bull ban in Williston, you assume
6 that the -- the mother and the father of a dog will
7 each contribute physical characteristics to their
8 offspring, and those physical characteristics will
9 be reflective of the physical characteristics of
10 the mother and father's breed or breeds; correct?

11 A. Correct.

12 Q. All right. I want to ask about when the
13 City impounds a dog as being a suspected prohibited
14 breed, does the City have a policy on how long they
15 can maintain possession of that dog?

16 A. I -- that isn't known.

17 Q. Okay. You're -- that's not a decision
18 that you're involved in?

19 A. No.

20 Q. Okay. Do you know whether the City
21 typically maintains possession of the dog through
22 trial?

23 A. I don't know.

24 MR. SUMMERLIN: Are we going to get kicked
25 out? Sounds like the mayor.

1 BY MR. SUMMERLIN:

2 Q. As the supervisor of animal control, whom
3 do you report to?

4 A. Dustin.

5 Q. Okay. And Dustin is a --

6 A. Administrative lieutenant.

7 Q. Thank you.

8 So he's an administrative lieutenant with
9 the Williston Police Department; correct?

10 A. Correct.

11 Q. And I -- I just want to make sure I kind
12 of understand practically how stuff operates.
13 The -- the policies that you implement as the
14 supervisor of animal control come from Taylor
15 Olson; correct?

16 A. Correct.

17 Q. Okay. So what does Dustin do with respect
18 to your animal control duties, if anything?

19 A. If there's any issues, he'll -- like, if
20 somebody calls him for a complaint or anything like
21 that or texts him, emails him, anything like that,
22 he'll push it through to me, and then I assign it
23 to an animal control officer.

24 Q. Okay. So Dustin kind of -- may get
25 calls -- are -- are these, like, calls where

1 someone's reporting a dog at large or --

2 A. No. That would go through our dispatch
3 center.

4 Q. Okay. That's what -- so, like, these may
5 be complaints about, like, an animal control
6 officer?

7 A. Anything.

8 Q. Okay.

9 A. Parking.

10 Q. No one ever complains about parking, do
11 they?

12 A. Oh, yes.

13 Q. So, like, substantively, in terms of your
14 enforcement of animal control ordinances, is Dustin
15 not really involved in that?

16 A. No. Enforcement, no.

17 Q. Okay. So he's just kind of, like,
18 administration of the office and --

19 A. Correct.

20 Q. Got it.

21 I -- I've got another question on
22 Exhibit 1. So these photographs (indicating), how
23 many of the current animal control officers have
24 taken this test?

25 A. One.

1 Q. Okay. And that is?

2 A. Madison.

3 Q. Madison. All right.

4 Did you interview more than one person for
5 Madison's position? Or--not you--did the City?

6 A. I don't know.

7 Q. You don't know. Okay.

8 So there may have been other people that
9 took the test, but they didn't get hired?

10 A. I have no idea.

11 Q. All right. All right. Did -- since you
12 have become an animal control officer, including
13 the time that you became supervisor, have you or
14 your officers undertaken training outside of the
15 direct training that you provided to them?

16 A. Yes.

17 Q. Okay. Tell me about that. What have you
18 done?

19 A. I've done my Shelter Tech Certification
20 and Animal Control 1, and then I've done leadership
21 courses. I've been to -- I just got back from
22 Orlando for -- that was an animal control -- or
23 animal welfare, I guess, convention.

24 Q. Okay. Your Shelter Tech Certification,
25 who provided that certification?

1 A. I can't remember the name of the company.
2 I -- we'd have to get it from my HR.

3 Q. Okay.

4 A. It's a certificate.

5 Q. Are you familiar with the--let's see; it's
6 National Animal Care & Control Association--NACA?

7 A. I've heard of it.

8 Q. Okay. That's a professional organization
9 of animal control officers?

10 A. Okay.

11 Q. You're not familiar enough with it to know
12 what it is?

13 A. No.

14 Q. Okay. Is that whom you got your
15 certification from?

16 A. I -- I don't know. I'd have --

17 Q. Okay.

18 A. -- to look.

19 Q. And there was some mention in one of the
20 other depositions of a training that took place in
21 Nevada?

22 A. Reno. Mm-hmm.

23 Q. Reno?

24 Was that one of the trainings that you
25 just mentioned?

1 A. Yeah.

2 Q. Okay. Which one?

3 A. I -- I believe it was a -- oh, I don't
4 know. I -- we have to get all that information
5 from HR.

6 Q. Okay. And I believe that somebody else
7 mentioned that that training was conducted by the
8 ACCA, Animal Control & Care Academy. Does that
9 sound familiar to you?

10 A. Possibly.

11 Q. Okay. You just don't know?

12 A. Yeah, I -- like I said, all my
13 certificates need to come from HR. I'm not going
14 to answer wrongly. I --

15 Q. No, I -- I -- I get you.

16 When you started --

17 A. Mm-hmm.

18 Q. -- as an animal control officer for the
19 City of Williston, were you being sent out to
20 trainings like the ones you've just talked about?

21 A. No.

22 Q. Okay. So is that something new that came
23 when you took over the supervisory role?

24 A. Yes. I don't think anyone -- I don't
25 think anyone went -- I can't answer for Susan, but

1 prior to me being in a management position, we
2 never did trainings like that out of state.

3 Q. Okay. What's the purpose behind you
4 attending or sending your animal control officers
5 to attend these training sessions?

6 A. Education.

7 Q. Okay. Have you sent any of the -- have
8 you attended or have you sent any of your animal
9 control officers to attend any training sessions
10 that dealt with visual breed identification?

11 A. Not that I recall.

12 Q. Okay. So are the -- the training sessions
13 that you're sending -- that you're attending and
14 other people are attending are related to animal
15 control obligations but not specifically
16 identifying breeds?

17 A. Correct. I -- if there's any breed
18 identification in the course that they have, I
19 don't recall of any.

20 Q. Okay. I wanted to ask about -- so you had
21 mentioned that, you know, your experience in
22 identifying breeds based on visual identification,
23 you know, stems from your general knowledge of
24 breeds and what they look like. And I take it
25 you're -- you feel confident in your ability, at

1 least in some circumstances, to look at a dog and
2 say, "This is that animal's predominant breed"?

3 A. Correct.

4 Q. Okay. How do you determine if you're
5 right or not?

6 A. I just know.

7 Q. You just --

8 A. I --

9 Q. -- know.

10 So you don't make it a practice to do
11 anything to regularly test whether the opinions
12 that you've reached regarding whether an animal is
13 or is not a certain breed is correct?

14 A. What do you mean, "test"?

15 Q. Well, for example, to obtain a DNA breed
16 analysis to see if that breed analysis matches what
17 your opinion was based on visual identification.

18 A. When we do DNA tests.

19 Q. Yeah. So if -- if you do a DNA test, then
20 you're going to get that information eventually;
21 correct?

22 A. Correct.

23 Q. But you -- you don't do DNA tests on dogs
24 that you've determined are not one of the banned
25 breeds; right?

1 A. Correct. We will only do a DNA test if
2 it's something we're dealing with for 4-89.

3 Q. Okay. So you never are testing whether
4 your decisions that a dog is not a banned breed are
5 correct; right?

6 A. I don't test anything that I don't think
7 is a pit bull.

8 Q. Right. That's the --

9 A. I don't --

10 Q. -- point; right?

11 A. Yep.

12 Q. So when you make a determination based on
13 visual inspection --

14 A. Mm-hmm.

15 Q. -- that this particular animal is not a
16 banned breed, you never test that opinion?

17 A. Uh-uh.

18 Q. And if you make a determination that this
19 particular animal is a banned breed and the owner
20 tells you, "It's a pit bull," you never test that?

21 A. Unless it is requested through court.

22 Q. Okay. But my understanding of what you
23 told me earlier is, "If the owner admits that it's
24 a pit bull, then we don't test because the owner
25 admitted it."

1 A. Correct, unless it is requested by the
2 city attorney --

3 Q. Okay.

4 A. -- still.

5 Q. So there could be a circumstance where the
6 owner admitted it and the city attorney still
7 wanted a DNA test?

8 A. Correct.

9 Q. Okay. Do you recall that ever happening?

10 A. I would have to read through all my
11 reports.

12 Q. Okay. But as you sit here today, you
13 can't think of a specific example where an owner
14 admitted a dog was one of the banned breeds and you
15 still went ahead and got a DNA test?

16 A. I'm sure there has been cases where Taylor
17 has asked for a DNA test.

18 Q. When the owner has admitted that it's a
19 banned breed?

20 A. I -- unsure.

21 Q. Okay. So when -- because you just said
22 you were sure that there were cases where that had
23 happened, and now you say you're unsure. So I just
24 want to make sure that we're -- like, I'm not
25 missing --

1 A. I --

2 Q. -- something --

3 A. Yeah.

4 Q. -- here.

5 A. Every case is different, so --

6 Q. Okay. I -- I understand that.

7 As you sit here today, can you think of a
8 single case where the owner admitted a dog was one
9 of the banned -- was a banned breed and you still
10 DNA-tested the dog?

11 A. So not off the top of my head, no.

12 Q. Okay. So as far as you know, in terms of
13 what you can remember today, your determination
14 that that dog was a bran -- banned breed based on
15 visual identification and also as confirmed by the
16 owner, you never do anything to test that; right?

17 A. Correct --

18 Q. Okay.

19 A. -- unless it's requested by my city
20 attorney.

21 Q. Right.

22 And -- and that could ha -- we -- we agree
23 that that's a possibility. That -- that's
24 conceivable that the city attorney could request
25 that, but you don't remember any situation --

1 A. Not off --

2 Q. -- where that's happened?

3 A. -- the top of my head.

4 Q. Okay.

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

6 Q. Okay. And you've never taken any kind of
7 a training class on breed identification?

8 A. No.

9 MR. SUMMERLIN: Can we take a couple
10 minutes?

11 MR. SCHMIDT: Sure.

12 (The proceedings recessed at 10:07 a.m. and
13 reconvened with everyone present at 10:16 a.m.)

14 BY MR. SUMMERLIN:

15 Q. Okay. A couple additional follow-up
16 questions.

17 Do you need to do that?

18 A. No.

19 Q. Okay. You mentioned that you were
20 preparing some additional training materials?

21 A. Mm-hmm (nodding affirmatively).

22 Q. What -- what will those materials relate
23 to?

24 A. All CSO training.

25 Q. Okay. So both animal control and parking?

1 A. Correct.

2 Q. With respect to the animal control aspect
3 of it--I don't really care at all about the
4 parking--what is going to be different in the new
5 materials?

6 A. I don't know. It's not done yet.

7 Q. Okay. So you're just --

8 A. Yeah, it's not even close to done.

9 Q. All right. So are you just kind of -- are
10 you revamping, like, the PowerPoint?

11 A. No. The PowerPoint's done. It's a
12 totally different deal.

13 Q. I'm sorry. I just missed the first part
14 of that answer.

15 A. So the PowerPoint is --

16 Q. Yeah.

17 A. -- with -- by itself.

18 Q. Okay. So the PowerPoint's not being
19 revamped?

20 A. No.

21 Q. So the additional -- I -- I'm just trying
22 to get a sense of, like, with the revisions that
23 you're making --

24 A. Mm-hmm.

25 Q. -- whether it relates to any of the issues

1 in this case, you know, on identifying banned
2 breeds, things like that.

3 A. Oh, I couldn't answer that because it's
4 not done.

5 Q. Okay. When do you anticipate having it
6 done?

7 A. Oh, I have no idea. I have a whole
8 shelter to open first before I worry about that.

9 Q. And that shelter is opening soon; right?

10 A. Yeah.

11 Q. Do you believe that pit bull-type breeds,
12 such as those addressed in 4-89, are more dangerous
13 than other similarly sized breeds of dogs?

14 A. I don't have an opinion on that.

15 MR. SUMMERLIN: Okay. I think that's all
16 I've got.

17 MR. SCHMIDT: All right. We'll read and
18 sign.

19 (The proceedings concluded at 10:18 a.m.)
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CERTIFICATE OF DEPONENT

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I, Carli Wade, the deponent in the foregoing deposition, certify that I have read the attached 95 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.

CARLI WADE

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