

**FILED**

LOS ANGELES SUPERIOR COURT

OCT 20 2008

JOHN A. CLARKE, CLERK

*A. Fajardo*

BY A. FAJARDO, DEPUTY

1 EISENBERG RAIZMAN THURSTON & WONG LLP  
 Sheldon Eisenberg (SBN 100626)  
 2 Melissa Bonfiglio (SBN 223172)  
 10880 Wilshire Boulevard, Eleventh Floor  
 3 Los Angeles, California 90024  
 Tel: (310) 445-4400; Fax: (310) 445-4410  
 4 Attorneys for Plaintiffs and Petitioners Cathy Nguyen, Rebecca Arvizu  
 and No Kill Advocacy Center

6 OFFICE OF THE LOS ANGELES COUNTY COUNSEL  
 Raymond G. Fortner, Jr., County Counsel  
 7 Richard K. Mason, Assistant County Counsel  
 Diane C. Reagan, Principal Deputy County Counsel (SBN 98709)  
 8 648 Kenneth Hahn Hall of Administration  
 9 500 West Temple Street  
 Los Angeles, California 90831-2700  
 10 Tel: (213) 964-1868; Fax: (213) 680-2165

11 FORD, WALKER, HAGGERTY & BEHAR  
 Joseph A. Heath (SBN 125826)  
 12 Renee E. Jensen (SBN 206967)  
 13 One World Trade Center, Twenty-Seventh Floor  
 Long Beach, California 90831-2700  
 14 Tel: (562) 983-2500; Fax: (562) 590-3511  
 Attorneys for Defendants and Respondents County of Los Angeles, Los Angeles County  
 15 Department of Animal Care and Control and Marcia Mayeda

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 18 COUNTY OF LOS ANGELES

20 CATHY NGUYEN, et al.  
 21 Plaintiffs,  
 22 v.  
 23 COUNTY OF LOS ANGELES, et al.,  
 Defendants.

Case No. BS 112581  
 [Assigned For All Purposes to the Honorable  
 James C. Chalfant, Department 85]  
 Complaint filed: December 20, 2007  
**STIPULATED ORDER ON PETITION  
 FOR WRIT OF MANDATE AND  
 COMPLAINT FOR INJUNCTIVE RELIEF**

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1 The parties having stipulated to the following resolution of all claims and defenses asserted  
2 in the above-captioned action, and good cause appearing therefore,

3 IT IS HEREBY ORDERED:

4 1. EUTHANIZATION WITHIN HOLDING PERIOD:

5 DACC shall not euthanize any animal within the statutory period unless the animal is  
6 irremediably suffering (as defined in Exhibit A attached hereto), an unweaned newborn taken in  
7 without its mother, or an owner relinquished dog with a history of dangerous or vicious behavior  
8 that was documented by any shelter prior to the date of the animal's present impoundment.

9 2. VETERINARY CARE:

10 Unless an animal is irremediably suffering and is therefore promptly euthanized, DACC  
11 will provide veterinary care to ill or injured animals.

12 3. RELEASE TO RESCUE GROUPS:

13 DACC will release any animal to any statutorily authorized rescue group that requests the  
14 animal before the animal is euthanized. Nothing in this provision is meant to preclude DACC  
15 from enacting any policy that does not restrict existing law.

16 4. ACCESS TO RESCUE ANIMALS:

17 DACC will restore Cathy Nguyen's full right to adopt animals from Los Angeles County  
18 shelters consistent with her right as a private citizen or as a representative of a 501(c)(3)  
19 organization.

20 5. PERIODIC REVIEW OF RECORDS:

21 Beginning January 2009 and ending January 2011, DACC will provide a report, in a form  
22 agreed upon by the parties, to the petitioners' designee on the 10th business day of each month,  
23 pertaining to all animals euthanized within the statutory holding period for the prior month. The  
24 report will include all relevant documents and photos relating to animals euthanized within the  
25 holding period. Redactions permitted by law will be made to the reports.

26 6. ENFORCEMENT:

27 (a) Initial Notice of Noncompliance: Before petitioners may enforce any alleged  
28 noncompliance with this order, petitioners must provide written notice of noncompliance with the

1 order's terms to the Chief Deputy Director of the Department of Animal Care and Control (with  
2 copies to the Department's Executive Assistant and to a designee of the Office of the County  
3 Counsel). The Notice shall be accompanied by supporting documentation. DACC shall have 45  
4 days to investigate and respond to the Petitioner's designee regarding its findings. If DACC fails  
5 to respond within 45 days, petitioners may enforce this order pursuant to ¶ 6(b) below.

6 (b) Mediation and Meet and Confer: If there is a contention that the Department has  
7 not cured the noncompliance, the parties agree that either side may request mediation with David  
8 Casselman or another agreed-upon mediator. If neither party requests mediation, or if either party  
9 does not wish to engage in mediation, the parties shall meet and confer regarding their differences  
10 in person within 30 days after DACC's deadline to respond under ¶ 6(a) above.

11 (c) Court Enforcement: If a dispute remains after the parties have exhausted their  
12 remedies under 6(a) and 6(b), this order may be enforced in the same manner as any other order of  
13 the superior court until January 1, 2013. The parties agree to abide by the statutory requirements  
14 relating to the filing, service and briefing schedule of a motion under the Code of Civil Procedure.

15 7. FEES AND COSTS:

16 Each Party shall each bear its own attorneys fees, expenses, and costs incurred in  
17 connection with this action and the enforcement of any order.

18 8. EXTINGUISHMENT OF CLAIMS:

19 This stipulation contemplates and results in the extinguishment of any claims or causes of  
20 action in the above-captioned case. All existing orders of the court are merged into and  
21 superseded by this stipulation and order.

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Dated: 10/20/08 *J. Chalfant*  
HON. JAMES C. CHALFANT  
JUDGE OF THE SUPERIOR COURT

1 CATHY NGUYEN, Petitioner  
2 Cathy Nguyen  
3  
4 Dated: September 22, 2008

5 NO KILL ADVOCACY CENTER, Petitioner  
6  
7 By: \_\_\_\_\_  
8 Nathan J. Winograd  
9  
10 Its: \_\_\_\_\_

11 Dated: September \_\_\_\_, 2008  
12  
13  
14 REBECCA ARVIZU, Petitioner  
15  
16 Dated: September \_\_\_\_, 2008

17 COUNTY OF LOS ANGELES, LOS ANGELES COUNTY  
18 DEPARTMENT OF ANIMAL CARE AND CONTROL, Respondent  
19  
20 By: \_\_\_\_\_  
21 [Authorized Representative]  
22  
23 Its: \_\_\_\_\_

24 Dated: September \_\_\_\_, 2008  
25  
26 MARCIA MAYEDA, an individual, Respondent  
27  
28 \_\_\_\_\_

Dated: September \_\_\_\_, 2008

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CATHY NGUYEN, Petitioner

Dated: September \_\_, 2008

NO KILL ADVOCACY CENTER, Petitioner

By: *Nathan J. Whograd*  
Nathan J. Whograd  
Its: President

Dated: September 22, 2008

REBECCA ARVIZU, Petitioner

Dated: September \_\_, 2008

COUNTY OF LOS ANGELES, LOS ANGELES COUNTY  
DEPARTMENT OF ANIMAL CARE AND CONTROL, Respondent

By: \_\_\_\_\_  
[Authorized Representative]

Its: \_\_\_\_\_

Dated: September \_\_, 2008

MARCLA MAYEDA, an individual, Respondent

Dated: September \_\_, 2008

1 CATHY NGUYEN, Petitioner

2

3 \_\_\_\_\_  
4 Dated: September \_\_, 2008

5 NO KILL ADVOCACY CENTER, Petitioner

6

7 By: \_\_\_\_\_  
8 Nathan J. Winograd

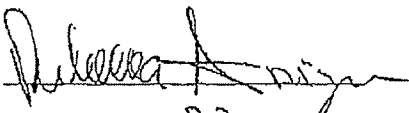
9 Its: \_\_\_\_\_

10 Dated: September \_\_, 2008

11

12 REBECCA ARVIZU, Petitioner

13

14 

15 Dated: September 22, 2008

16 COUNTY OF LOS ANGELES, LOS ANGELES COUNTY  
17 DEPARTMENT OF ANIMAL CARE AND CONTROL, Respondent

18

19 By: \_\_\_\_\_  
[Authorized Representative]

20 Its: \_\_\_\_\_

21 Dated: September \_\_, 2008

22

23 MARCIA MAYEDA, an individual, Respondent

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25 \_\_\_\_\_  
26 Dated: September \_\_, 2008

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1 CATHY NGUYEN, Petitioner

2

3 \_\_\_\_\_  
4 Dated: September \_\_, 2008

5 NO KILL ADVOCACY CENTER, Petitioner

6

7 By: \_\_\_\_\_  
8 Nathan J. Winograd

8

9 Its: \_\_\_\_\_

10 Dated: September \_\_, 2008

11

12 REBECCA ARVIZU, Petitioner

12

13

14 \_\_\_\_\_  
15 Dated: September \_\_, 2008

15

16 COUNTY OF LOS ANGELES, LOS ANGELES COUNTY  
17 DEPARTMENT OF ANIMAL CARE AND CONTROL, Respondent

18 By: Marcia Mayeda  
19 [Authorized Representative]

19

20 Its: Director

21 October  
22 Dated: September 15, 2008

22

23 MARCIA MAYEDA, an individual, Respondent

24 Marcia Mayeda

25 October  
26 Dated: September 15, 2008

26

27

28

1 APPROVED AS TO FORM AND CONTENT:

2 EISENBERG RAIZMAN THURSTON & WONG LLP

3  
4  
5 By: \_\_\_\_\_  
6 Melissa B. Bonfiglio  
7 Attorneys for the Petitioners

8 OFFICE OF THE LOS ANGELES COUNTY COUNSEL

9  
10 By: Diane C. Reagan 10/17/08  
11 Diane C. Reagan  
12 Attorneys for Respondents

13 FORD WALKER HAGGERTY & BEHAR LLP

14 By: J. A. Heath  
15 Joseph A. Heath  
16 Attorneys for Respondents

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APPROVED AS TO FORM AND CONTENT:

EISENBERG RAIZMAN THURSTON & WONG LLP

By: Sheldon Eisenberg  
~~Melissa B. Bonfiglio~~ Sheldon Eisenberg  
Attorneys for the Petitioners

OFFICE OF THE LOS ANGELES COUNTY COUNSEL

By: Diane C. Reagan 10/15/08  
Diane C. Reagan  
Attorneys for Respondents

FORD WALKER HAGGERTY & BEHAR LLP

By: \_\_\_\_\_  
Joseph A. Heath  
Attorneys for Respondents

## Exhibit A

1  
2 **Irremediably Suffering:**

3 (1) An "irremediably suffering" animal is an animal with a medical condition who has a poor or  
4 grave prognosis for being able to live without severe, unremitting pain despite necessary  
5 veterinary care.  
6

7 (2) "Irremediable suffering" may include: End Stage Renal Failure, Panleukopenia (Feline  
8 Distemper) in kittens, Canine Parvovirus in puppies, severe blood loss, unconsciousness, severe  
9 head trauma and unmanageable pain.  
10

11 (3) None of the following symptoms, standing alone, constitute "irremediable suffering:" diarrhea,  
12 vomiting, skin conditions such as ringworm or mange, ocular infection or conjunctivitis, nasal  
13 discharge, coughing or gagging, labored respiration which can be stabilized, and arthritis or  
14 weakness. A combination of any of these symptoms is not necessarily "irremediable suffering"  
15 unless the animal cannot live without severe, unremitting pain despite necessary veterinary care.  
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