



19 November 1997

Honorable Judge George P. Schiavelli  
Dept 56, Los Angeles Superior Court  
111 N Hill St  
Los Angeles CA 12837

Docket No: BC-150953

Dear Judge Schiavelli:

Please accept this "Friend of the Court" letter for the above referenced case.

Project Equus is a national horse protection organization that specializes in investigating abusive horse trainers, compiling evidence for humane societies and law enforcement agencies, and providing training seminars for the same.

On July 23, 1997, Ms. Ellen Aragon of the Los Angeles County District Attorney's office contacted us and asked if Project Equus could provide expert testimony on appropriate and inappropriate horse training methods for the sentencing hearing of Tom Valter, who was convicted of four felony counts of animal cruelty in June. The Honorable Lawrence Mira presided over Valter's trial. Due to budget constraints for both Los Angeles County and for Project Equus, Ms. Aragon found a local horse trainer to testify. However, Project Equus had followed the case extensively, and is quite well-versed with its details, and familiar with many of the individuals involved.

The above referenced case asks that Zooloog, the horse Tom Valter abused and was subsequently convicted for the abuse, be returned to Ms. Katie Thompson and Ms. Peggy Arnone, Ms. Thompson and Ms. Arnone are the previous owners of Zooloog, and according to witnesses in court transcripts, returned Zooloog to Valter requesting that he use abusive training techniques on the horse. Based on testimony during Valter's trial, Project Equus believes that Zooloog's health and well-being will be seriously compromised if he is returned to Ms. Thompson and Ms. Arnone.

Although animals are considered to be "personal property," this notion is now being challenged in courts of law around the country. Earlier this year, a New York court ruled that a dog is not personal property. New York Civil court Judge Karen S. Smith ruled that a dog

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PROJECT EQUUS  
PO Box 6989  
DENVER, COLORADO 80221  
303.388.0219

“is somewhere between a person and personal property.” In *Erwin v. The Animal Medical Center*, the caretaker of a mastiff dog brought the animal to his veterinarian for removal of a callus. The veterinarian ignored the caretaker’s instructions not to use anesthesia, and the dog died as a result.

In ruling on the lawsuit for damages brought by the animal’s caretaker, the court found that “the value of the loss to the plaintiff of the dog’s companionship” is “legally cognizable.” The court also recognized that a dog “is not an inanimate thing that just receives affection; it also returns it.” Likewise, Zooloog receives affection from defendant, Denise McMillan, and returns it. In the best interests of Zooloog, Project Equus believes he should remain in the permanent care of Denise McMillan.

Project Equus is available to provide expert testimony in this case, if you should find it necessary. Thank you for taking the time to review this information.

Sincerely,

Robin Duxbury, Director  
Cruelty Investigations  
Project Equus