

Veterinary Evaluation of Evidence

Professional Review of the Evidence in the Case
of Otter Tail County v. Kathy Bauck, A.K.A “Pick
of the Litter”

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Overview

The following report is a professional veterinary review of evidence in the case of Otter Tail County v. Kathy Bauck, who does business under several names, including “Pick of the Litter.”

The evidence reviewed consisted primarily of video evidence provided by the Otter Tail County Attorney. In total, dozens of hours of video were reviewed. However, this report focuses specifically on a subset of video, which is believed to be consistent with the remainder of the evidence.

This report focuses on several specific animals that were reportedly owned by Kathy Bauck at the time this video was captured. It describes clear evidence of chronic, systemic and wide-spread cruelty to animals at Bauck’s facility by herself, her family and staff. This cruelty can be fit into several basic categories, including:

- Neglect of Animals
- Cruelty to Animals
- Torture of Animals
- Mistreatment of Animals
- Overworking Animals
- Improper Nourishment of Animals
- Practicing Veterinary Medicine without a License

In addition to the video evidence, reports filed with the Otter Tail County Attorney have been reviewed and compared against video and photographic evidence. A summary of the conclusions to be reached from these comparisons is also provided in this report.

Case 1 - American Bulldog

April 23, 2008: Track 4, 8
April 26, 2008: Track 13, 19
May 2, 2008: Track 19

April 23



April 26



May 2



American Bulldog with excoriated lesions on both left and right sides of the face. The disrupted skin tissue is swollen and appears hypertrophic and inflamed. Ulceration of the tissue also appears present.

The animal's left front paw shows marked deformation with swelling and rotation, with animal not wanting to place weight on paw and marked lameness. The observed condition could be a result of the aftermaths of a trauma induced injury or pododermatitis which can be caused by several conditions ranging from trauma to dirty environmental conditions to fungal or parasitic to name a few. Any of the above causations could account for the pain obvious in this animal. There did not seem to be any attention being paid to this problem.

This animal was obviously in severe discomfort and pain not only from the conditions present but also from the treatment regime selected. Without proper veterinary diagnostic tests, there can be no ability to determine what treatments should be followed or medications to be used. At the very least, a culture and sensitivity should have been performed to determine proper topical and systemic treatment (antibiotics, etc.).

This animal was treated with Clorox toweled onto the area. Although sodium hypochlorite at 5.25% (Clorox) is used in specific situations it is always diluted at a 1:10 ratio. Even at that dilution it can cause irritation and pain to denuded surfaces and is contraindicated in inflammatory disorders as it can actually accentuate the condition. There was no measuring of the Clorox solution so no way that the dilution could be established as being within the boundaries of safety.

A more appropriate therapy would have been to take culture and sensitivities to check for primary and secondary infectious, yeast, or fungal agents and then to choose effective topical and systemic drugs. It would also be imperative to keep this dog in a clean environment. Instead, the conditions of the kennel appear to be contaminated with either mud and/or feces.

The animal was videotaped on April 23, April 26, April 28 and May 2, 2008. The facial wounds appear to be more hypertrophic and swollen without any significant improvement. With proper systemic antibiotic and topical treatment significant improvement would have been expected to be seen.

By allowing this condition to reach the stage it did before initiating treatment, and by not getting proper veterinary care, and the subsequent result of unjustifiable pain,

This case meets the criteria for cruelty under 343.20, subd.3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Case 2 - English Bulldog #1

April 26, 2008: Track 15
May 2, 2008: Track 3
May 28, 2008 Track 1



English bulldog with exuberant proliferation of ear tissue with hyperkeratosis. In lay terms, it is occasionally referred to as cauliflower ear and can often involve inflammation and chronic infection. This is a painful condition that can have various causes including but not limited to yeast, bacteria, Candida, otodectes or allergic immune mediated. This case is definitely not an acute case but a chronic condition that has been present in this animal for a significant amount of time.

On the videotape, staff can be clearly heard describing this dog's condition as "cauliflower ear" and blindness resulting from "allergies". Based solely on the video evidence it is difficult to ascertain if a veterinarian has performed an accurate diagnosis of these conditions.

This animal should have proper diagnostics involving culture and susceptibility/sensitivity lab work. Without these tests, it is difficult to define the proper treatment (immunosuppressives, antifungals, antimicrobials, etc.). It can be an extremely difficult condition to deal with but it can be treated with proper diagnostics, medical

therapy and clean and sanitary living conditions.

Regardless of the cause, it is clear this dog's condition has been extended, exacerbated, or perhaps even created by environment in which it is housed, and the apparent failure of the defendant to either seek veterinary care, or to provide a suitable care to resolve this animal's suffering.

This is a painful condition and often leads to self-mutilation due to the severe irritation. The presentation of this condition shows that it has been neglected for an extended period of time.

Additionally, this dog is in an emaciated state with swollen eyelids and bilaterally infected ears. The dog is in obvious distress.

As far as the swollen eyes and traumatized ears, without necessary diagnostics, it is very difficult to determine the cause of the medical problem. Although it is true that an allergic condition could cause the various presentations, there are a number of other etiologies that could also account for them. With this presentation, there is always significant discomfort and pain involved. Often the irritation leads to additional self-inflicted trauma that seems to be evident in the dog rubbing its face and ears forcefully along the cage. Progressive eye problems, ear problems, systemic infections can be sequelae to this condition even if it starts out as an allergic condition. Although these conditions can be difficult to get under control there are definitive measures that should be taken. It should be determined if systemic or topical antibiotics are needed for secondary bacterial infection. Yeast should be ruled out as a possible causative agent. And if it is allergic in origin, the cause of the allergy should be ascertained in order to properly decrease the allergens present and treat the underlying needs.

This animal is being allowed to exist in a very painful situation. Proper medical care should be instituted. And this does not even take into account the extreme poor body condition of the dog. Whether it is inadequate nutrition causing the problem or inadequate absorption, there is no excuse to allow the dog to be maintained in this body condition. Again, all the situations are chronic and long standing and definitively cause undue suffering for the animal.

Due to the severe situation, I feel that this case meets two possibly three categories of cruelty as stated in 343.20, subd. 3 and 343.21, subd 1 and 343.21 Subd. 2 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

343.21 Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

343.21 Subd. 2. **Nourishment; shelter.** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Case 3 – Emaciated German Shepherd

April 28, 2008

Track 9

Emaciated German Shepherd. This animal is extremely thin and appears weak. The animal is either covered with dirt or scabs. The right ear appears to have sustained an injury and has scab tissue present and there is a lesion on the inner left rear leg that has hair loss and possibly exudative tissue

The body condition of this shepherd shows that the animal has been emaciated for an extended period of time. The only way that this could happen is if the animal has been underfed or has a medical condition that does not allow proper absorption of food. Either scenario represents a situation where the animal was neglected or the proper necessary care was omitted.

I feel this situation is causing unjustifiable suffering and even possible pain which meets the criteria for cruelty under 343.20, subd.3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

If this situation was caused by inadequate food to the animal this case also meets the criteria for cruelty under 343.21, Subd. 2 as follows:

343.21 Subd. 2. **Nourishment; shelter.** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Case 4 – Female Yellow Lab with Puppies

April 30, 2008

Track 9, 10

May 2, 2008

Track 3, 12



Yellow lab female with puppies is lying recumbent. Animal is extremely thin. Hindquarters covered with feces accumulation and possibly dried on afterbirth. She is very lethargic and in poor body condition. She appears weak and is poorly responsive. Respirations are extremely labored. She is not able to stand on her own. When assisted to a standing position she did not attempt to move and only swayed her head slightly.

Two days later, the same yellow lab female is again shown. She is lying recumbent with a liquid material surrounding her muzzle that appears to be vomit. She needs assistance to stand and exit the pool and needs further assistance to get back into the pool. She is still lethargic and poorly responsive and is definitively dehydrated as shown by the slow skin turgor response time. This animal is obviously suffering. This case also demonstrates neglect in its primary care.

Several factors enter this situation. This animal was in a severely depressed state, unresponsive and obviously in distress. This animal should have been given aggressive medical care, not only to rule out conditions that are true emergencies (sepsis, eclampsia), but also to correct life threatening severe dehydration. That is in addition to longstanding

conditions that should have determined this animal inappropriate to breed (age, body condition).

Due to the severe situation, I feel that this case meets two categories of cruelty as stated in 343.20, subd. 3 and 343.21, subd 1 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

343.21 Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

The malnourished state if this animal may also be a situation that meets the criteria for cruelty under 343.21, Subd. 2 as follows:

343.21 Subd. 2. **Nourishment; shelter.** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Case 5 – Pug with Proptosed Eye

April 30, 2008	Track 6
May 2, 2009	Track 5
May 4, 2008	Track 7
May 9, 2008	Track 1
May 10, 2008	Track 27
May 12, 2008	Track 8
May 14, 2008	Track 5



This pug was filmed over a two-week period. Although there are definite concerns about the unsanitary condition of the animal and its apparent non-responsiveness, the main medical situation is the condition of the right eye. There is forward displacement of the globe (exophthalmos) with posterior entrapment of the eyelids. This condition is referred to as proptosis of the globe. The primary cause of such a condition is blunt head trauma, (such as a hit to the head or fighting), but can also occur from improper handling technique.

There is also conjunctival hyperemia or hemorrhage and a high probability of corneal ulceration. It is not apparent, but possible, that there is optic nerve damage.

The first therapeutic goal in a medical situation like this would be to act immediately

upon the trauma event in order to return the eye to its proper anatomic location in order to preserve the eye and vision. This involves repositioning globe with the patient under general anesthesia. If not treated immediately, the cornea needs to be kept lubricated hourly to maintain viable tissue. If condition is allowed to become chronic which is the case with this animal, the least treatment should be topical drugs on the eye every 6 hours, systemic antibiotics, Elizabethan collar placement to prevent self-inflicted trauma. If, as in this case, the globe looks dried and unviable, enucleation would be recommended.

This condition is a true ocular emergency. Over the two-week period this case was documented, the eye became visibly more ulcerated and mydriatic.

This situation would have put the animal in severe pain and discomfort. This case meets the criteria for cruelty as stated in 343.20, subd. 3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Case 6 - Shetland Sheepdog (Sheltie)

May 4, 2008 Track 3



Sheltie with left side wound. The animal is being treated for wound/lesion on left side. The film footage is not exceptionally clear. The only comments I can make on this case is that depending on the severity of the wound, it would be highly inappropriate to perform procedures without some level of anesthesia or pain reduction. This is a procedure that is required to be performed by a veterinarian.

Case 7 - Puppy Restraint/Handling

May 4, 2008 Tracks 12, 15, 16, 17



The tracks all showed Ms. Bauck transferring puppies from cages to handlers. She would grab a front leg (primarily the left front), raise the puppy up with the leg extended and transfer the puppy being held in this manner to the handler. This restraint and handling technique is extremely inappropriate and does not provide adequate support. Besides being capable of causing mental distress to the animal, it can damage the shoulder joint. This damage may not appear at the time of restraint but can appear as the dog matures. This is an unacceptable handling technique which is likely to cause unnecessary pain and discomfort.

This case meets the criteria for cruelty as stated in 343.20, subd. 3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

343.21 Subd. 7. **Cruelty.** No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

Case 8 – Mastiff Restraint/Handling

May 16, 2008 Track 5



This video clip clearly shows Ms. Bauck dragging a large mastiff by the ears. This restraint and handling technique is unnecessarily harsh and potentially harmful. Control of the animal is achieved by deliberately inflicting pain to the animal's ears, thereby gaining compliance. Alternative methods of animal transfer are available that would not be considered inhumane.

This case meets the criteria for cruelty as stated in 343.20, subd. 3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Case 9 – Post Partum Bichon

May 7, 2008 Tracks 2, 12



Bichon in pen lying on her side appears to be extremely weak and debilitated. The animal is too weak to stand on her own. In track 12 when she is placed upright, she cannot maintain postural stance and falls back down. Finally she was able to stand, took a few steps, could not sustain standing position. Besides the obvious dirty body and environmental conditions, this animal is extremely lethargic and poorly responsive. My main concern in this case is that the animal is in shock, resulting from various possible primary causes including one or more of the following: hypothermia, internal hemorrhaging, dehydration, septicemia, and other possible causes. An immediate, emergency examination, by a licensed veterinarian, should have been performed, including a physical with temperature, hydration and blood work to rule out post partum complications, (retained placentas, hemorrhaging, etc.) and any other life-threatening conditions. The animal's body posture, movement and disposition is highly indicative of depression, pain and one or more potential life-threatening conditions.

To allow this animal to be in unnecessary pain over the course of several days is unconscionable.

I feel this case meets the criteria for cruelty under 343.20, subd.3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Case 10 - English Bulldog #2

May 7, 2008 Track 26, 27

May 9, 2008 Track 1

May 10, 2008 Track 27



English Bulldog lying on the floor of its enclosure. The dog is extremely unresponsive, with swollen rear left leg and left ear. Even while manipulating the dog and the leg there was virtually no response from the dog. Although not technically catatonic, the animal's condition is extremely close. The left leg is extremely swollen.

Ms. Bauck stated she was going to treat the animal with penicillin (an antibiotic) and banamine (an anti-inflammatory, pain med). At this point, it might be worth noting that not only was there not a veterinarian assessing and treating, but that Ms. Bauck withdrew the medications from the bottles, injected the animal and then replaced the unsterile needle back into the bottles thus contaminating the medications. This is not acceptable sterile protocol.

A licensed veterinarian should have given this animal a thorough exam. Without the proper diagnostics the treatment given was insufficient. There was nothing done to determine the cause of the swollen leg or the ear, (culture swabs, aspirates, scrapings, radiographs, etc.). And there was nothing done to evaluate the reasons for the unresponsiveness and depressed state of the animal, (with the follow-up of possibly fluids, etc.). In this mental and physical state, the animal had passed beyond being capable of showing a pain response. This situation does not mean the animal is not suffering, but that it was allowed to progress to a point where it was incapable of

expressing pain.

Three days later the animal is still lethargic and when lifted will not stand.

This case meets the criteria for cruelty as stated in 343.20, subd. 3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Case 11 – Husky with Flank Laceration

May 9, 2008

Track 10

May 12, 2008

Track 12



In this series of video clips, Ms. Bauck is presented with a Husky suffering from a severe major flank laceration. Ms. Bauck states that the wound is such that she “can’t hardly sew it up” and its “gonna have to heal.” Ms. Bauck then proceeds to pour hydrogen peroxide directly from the bottle onto the wound.

This wound should have received veterinary intervention with appropriate surgical treatment. To leave a wound open in environmental conditions that exist at this facility is contraindicated. The use of hydrogen peroxide on such a wound is highly controversial. Ms. Bauck stated that the peroxide was food grade and that it doesn’t burn.

Food grade peroxide is sold at 35% concentration. It must be handled carefully and without substantial dilution causes major irritation and burning with direct skin contact. Immediate flushing with water is recommended if contact with skin, eye or mucosal tissue occurs. If such contact occurs with open wounds the pain and damage caused by this product would be magnified, and could lead to tissue necrosis.

The treatment in this case was to pour the hydrogen peroxide (H₂O₂) directly from the bottle.

The husky was also viewed three days following the H₂O₂ application. The wound is still completely open. It appears more inflamed. The animal’s posture and attitude show

pain and unwillingness to move freely. The failure to seek prompt, appropriate medical/surgical treatment for this animal and, instead, providing insufficient and potentially painful care absolutely caused unnecessary suffering.

This case meets the criteria for cruelty as stated in 343.20, subd. 3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

343.21 Subd. 7. **Cruelty.** No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

Case 12 - Prolate Lintox Use

May 9, 2008 Track 11



I was asked to comment on the use of prolate lintox on dogs. This insecticidal substance is approved to use on beef cattle, dairy cattle, and swine. The active ingredient is Phosmet and it contains petroleum distillates. It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

The use of this product is to control ticks, fleas, lice, etc. Since phosmet is a cholinesterase inhibitor it is not to be used on sick, convalescent, stressed or animals less than 3 months old. It is not to be used on nursing, pregnant animals.

The labeling on Prolate lintox has a number of precautionary statements. Among them is the definitive statement that it poses hazards to Humans and Domestic Animals. The corrosive properties of this substance can cause irreversible eye damage. It may be fatal if swallowed. It is harmful if absorbed through the skin. It causes eye and skin irritation. It is definitively stated that it is not to get in eyes, or mucous membranes and if so you need to thoroughly rinse with water for an extended period of time. People handling the product should wear protective eyewear, gloves, aprons, etc.

A dog that gets completely submerged in this product could definitely suffer substantial problems. The solution would get into the eyes which would cause significant burning and even eye damage. The animals lick the solution and ingest the product, which causes irritation and inflammation of the mucous membranes. The sensitive nasal, vulvar and

rectal tissues cannot be protected by whole body dipping technique. Even in animals where this product is labeled for, prolate lintox is to be carefully applied by a spray solution to attempt to avoid those problems.

So in conclusion, this product is not legal in domestic animals. It is extremely painful to eye tissue and mucous membranes. It can cause internal damage if ingested. And the technique of full body dipping would subject the dog to the above and cause unnecessary suffering.

Case 13 – Emaciated English Springer Spaniel

May 2, 2008	Track 6
May 4, 2008	Track 11
May 7, 2008	Track 14
May 9, 2008	Track 2
May 10, 2008	Track 27



This English Springer Spaniel is documented over a week long period. The animal is in a severely debilitated condition that worsens over the course of time. She is extremely emaciated, very weak, and has obvious signs of a systemic condition (mucous discharge, labored breathing). Her condition did not happen overnight. It is impossible to definitively determine causation. Possibilities include too frequent breedings without interim recuperation time, postpartum complications, inadequate nutritional support, environmental health risks, or more likely a combination of several of these factors.

The bottom line is that this animal is and has been suffering for a long period of time from significant health concerns the least not being malnutrition. Nutrient-deprived animals often present with a history of inadequate body composition, malaise, diminished immune cell response leading to systemic illnesses among others. Her body posture, movements, body condition and body response all support that this animal is in a situation of pain and suffering .

Due to the severe situation, I feel that this case meets two categories of cruelty as stated in 343.20, subd. 3 and 343.21, subd 1 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

343.21 Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

The malnourished state of this animal may also be a situation that meets the criteria for cruelty under 343.21, Subd. 2 as follows:

343.21 Subd. 2. **Nourishment; shelter.** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Case 14 – Emaciated Mastiff

May 14, 2008

Track 7, 10

May 19, 2008

Track 14



An emaciated mastiff is well documented on the dates listed above. This animal is extremely thin with significant visual rib protrusion and appears weak. The pinna of the left ear appears to have sustained an injury or infection and has scab tissue present and there are lesions on the front elbows.

The body condition of this mastiff shows that the animal has been emaciated for an extended period of time. The animal has either been underfed or has a medical condition that does not allow proper absorption of food. Either scenario represents a situation where the animal was neglected either through failure to provide adequate food to maintain a healthy body weight or through failure to provide adequate veterinary care in order to diagnose and treat a possible medical condition. As a malnutrition condition becomes progressively chronic the prognosis for correction becomes increasingly poor. Any animal in this condition has suffered needlessly.

The ear lesion has numerous possible causative agents. Without further testing it is impossible to determine proper treatment protocol. But the situation definitely demands medical attention above and beyond tearing tissue from the site. It minimally needs a thorough cleaning and topical ointments applied that would be affective against the causative agent. It is highly likely that the condition is irritating and painful.

The lesions on the elbow are often caused by pressure injury with resulting inflammation, hyperkeratinized ulcerative tissue and ultimately necrosis. This condition is painful and is further exacerbated by improper housing. Dogs of this type place a great deal of weight on their elbows and need to have softer substrate to lay on. Flooring provided to this dog is inadequate to say the least and definitely aggravates the condition. The elbows also are obviously a chronic problem and appear to worsen over the viewed time. This is also a painful condition for the animal.

I feel these situations are causing unjustifiable suffering and pain which meets the criteria for cruelty under 343.20, subd.3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

And/or meets the criteria for cruelty under

343.21 Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

If this situation was caused by inadequate food to the animal this case also meets the criteria for cruelty under 343.21, Subd. 2 as follows:

343.21 Subd. 2. **Nourishment; shelter.** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Case 15 – Mastiff with Head Wound

May 16 Track 7



This animal has a cranial lesion that appears to be a draining abscess. There is no indication of treatment to the area as there has been no hair clipped around the wound to indicate cleaning of the site. The troubling item in this video is that a decision is made by Ms. Bauck to dip the dog because as she states “We don’t dip the head anyway”. Watching several clips of dogs being dipped, it is obvious that the majority are dipped completely including the head. In this situation, the mastiff is dipped by Ms. Bauck and assistant and appears to emerge from the dip with solution on her face and head. This procedure is contraindicated in animals with lesions or open wounds or non intact skin surfaces . It not only is irritating and painful but can cause significant tissue damage.

Besides not doing due diligence on caring for the abscess, there is the concern of causing pain and damage by dipping an animal with a wound. Both these situations are suggestive of cruelty as stated in 343.20, subd. 3 and 343.21, subd 1 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Case 16 – Seizuring Bichon

May 26 Track 10, 13

May 28 Track 3, 4



This bichon was apparently attacked by a yorkie. It is not apparent whether the attack caused the seizure activity or in a more likely and common scenario, the bichon seized first which elicited an aggressive response by the yorkie. The bichon is having a significant convulsive seizure. The seizure is diffuse and bilateral and also includes facial twitching and chomping of the mouth.

Without further data, it is impossible to define whether this seizure fits into focal seizure category or generalized. However, with the obvious involvement of the whole body, it appears to be a generalized seizure. There is copious amounts of bloody material flowing from the mouth.

In any seizure occurrence a complete neurologic examination is mandatory. In this

instance, a thorough exam for damage inflicted by the yorkie and/or self inflicted injury is necessary. Typically, this would be followed up by various medical protocols. At the very least, an animal seizing should not be left alone without observation. A soft environment to protect the animal from further injury is also necessary.

Ms. Bauck's treatment of this animal appears to have been limited to a verbal command to "settle", and instructing staff to place the dog in a cage. The cage the animal was instructed to be placed in had a wire floor and hard sides with no substrate to cushion this animal.

This bichon suffered a severe seizure and potential body injury due to trauma. After two days, the animal was still in an extremely depressed condition, lethargic and its body positioning indicated that the animal was definitively in pain and obviously suffering. The way this animal was handled is well within the parameters of animal cruelty.

I feel these situations are causing unjustifiable suffering and pain which meets the criteria for cruelty under 343.20, subd.3 as follows:

343.20 Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Or meets the criteria for cruelty under

343.21 Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

Summary

After reviewing the material above, and other evidence not included in this report, I believe a clear and obvious case can be made of systemic animal neglect and cruelty to animals at the facility owned and operated by Kathy Bauck.