



Justin Haas
Laurie Goldstein
Jenifer L. Measel
Jessica Faber
Diana Basei
Nadia Ragheb-Gonzalez
Michael D. Szparaga
Gurrajan Gill
Dahlia Barkho
Peter L. Schwartz

May 4, 2018

Via email: Brianelder@house.mi.gov

Dear Representative Elder:

Thank you for the opportunity to speak at yesterday's hearing regarding HB5016 and HB5017. Unfortunately, due to the time constraints I was unable to print and provide you with documents I feel are relevant to the discussion surrounding the proposed legislation prior to traveling to Lansing. As discussed during the hearing, the additional regulations as contained in HB5016 would be futile. At first blush, these additional requirements appear to offer an added layer of protection for the consumer. However, there are currently no government agencies that are enforcing any regulations in existence for pet stores.

In 2009, and in response to the housing crisis and its economic shock waves, the Michigan Department of Agriculture stopped inspecting pet stores and responding to complaints. After that, pet store owners were free to operate without any regulations whatsoever. A copy of a letter confirming this will be forwarded to you along with the other documents referenced below.

In 2012, a few clients came to me with horror stories of purchasing animals from a notorious pet store in located in Mt. Clemens. At first I tried directing them to animal control, their local police departments, and the health department. Their concerns included purchasing animals with contagious diseases, congenital defects, worms, and other parasites. Even with my assistance, my clients and I were unable to get anyone to even perform a wellness check at the store. That is when I began researching pet store regulations and how to combat the spread of diseased animals to unwary consumers. Unfortunately, we were told at every turn that "it is a civil matter now."

To that end, I have filed numerous lawsuits against Michigan pet stores to recover the thousands of dollars spent by families who were duped into purchasing animals bred in puppy mill conditions. I am sending you some pleadings which will provide a comprehensive overview of the decline in standards of care in the pet store industry in Michigan. Specifically, I am sending you a copy of my facilitation summary for the first lawsuit our law firm filed against Pollywood Pets and Little Dogz which outlines the numerous violations that went unchecked for years. The appendices to the summary itemize the damages incurred by the clients and summarize the deposition testimony of the pet store owner and her veterinarian. As is confirmed, local veterinarians servicing pet stores basically take the owner's word that the health certificates and shipping documentation match the dogs they are examining.



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Moreover, veterinarians often perform a cursory examination of the dog which includes checking its ears, teeth, and underbelly for hernia. The whole process takes less than three minutes per dog. Shelly Meyers, the owner of Pollywood and Little Dogz, was allowed to operate without any interference from animal control or the police for over 20 years until our lawsuit forced her out of business. She admitted to administering her own vaccines to the animals, to forging health certificates, and to selling animals she knew had parasites and contagious diseases.

I am also sending you the settlement brochure I forwarded to Petland after filing the first lawsuit that is currently pending against them. The settlement brochure outlines the condition of the dogs that Petland sold to seventeen of my current clients. This is only the first lawsuit that was filed. Another lawsuit with nine additional plaintiffs was filed a few weeks after the first. As is itemized, Petland charges thousands of dollars for the dogs it sells. A former employee and whistle blower met with me and disclosed that Petland Novi sells more than three hundred dogs per month. Shortly after purchase, my clients' dogs were diagnosed with a whole host of undisclosed ailments. Some of them decided to investigate the breeders that were listed on their "adoption" papers. What they found out was horrifying. Almost all of the dogs came from breeders listed on the "horrible hundred" list of puppy mill owners. The same Ohio veterinarian certified that the puppies were healthy and safe for interstate transport. The signature on these health certificates is illegible. These families have spent thousands of dollars in veterinary care to save their beloved pets from a lifetime of pain or, even worse, euthanasia. Unfortunately, many of the animals were too sick or malformed and were euthanized.

Contrary to the claims made by Petland employees Melissa Novakowski and Alayna Markle, Petland did not pay for any of the veterinary bills incurred by my clients. Instead, Petland employees referred them to an out of state "claims and warranty department" who refused to reimburse them a single penny. In some cases, the department refused to even return phone calls. My law firm has spent thousands of dollars on these cases which, more often than not, result in no recovery. I wish I never had to represent another family in crisis because of the pet store industry.

I am deeply disturbed that the sponsor of these bills would go on record alleging that the Michigan Department of Agriculture will utilize the regulations promulgated by HB5916 to "raise the bar" for pet stores operating in Michigan. Clearly there is not only no evidence to support that contention but, even worse, based on the documentation I have sent you, it is not a true statement.



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HB5916 is merely the Trojan Horse that contains HB5917 which would allow pet stores to continue to operate with no oversight whatsoever, void validly enacted local ordinances restricting the sale of companion animals, and, perhaps worst of all, take away the right of the citizens of municipalities to engage in the most basic form of democracy – voting and enacting new laws.

Query: why was the committee hearing full of pet store and puppy mill advocates wearing matching shirts with obviously scripted testimony when the bill was not even put on the agenda until the last minute the day before the hearing?

These bills have been in motion for months now and are being introduced to combat the national trend which is a state wide ban on the retail sale of animals. The case law, as it currently stands, relies on centuries old jurisprudence likening animals to chattel. The legal value of an animal's life is equivalent to the market value of its breed. To put it mildly, the law has not yet caught up to society in that most families these days do not chain their dogs outside to serve as protector and deterrent. Rather, they are considered part of the family. At this point, we have states including Maryland and California trying to recognize the societal shift in the humane breeding and treatment of animals with state wide bans on the retail sale of companion animals. Moreover, we have cities and counties in Michigan pushing for same ban.

The reason behind the push is simple – a retailer selling hundreds of dogs per month is unable to keep a sufficient inventory and variety of dogs on hand unless it is purchasing its animals from large scale breeding operations. These large scale breeders place profit above all else; after all, breeding is their business. Unlike small scale "hobby" breeders whose main focus is a loving home for the dogs and preserving the characteristics of a chosen breed, wholesale breeders provide the minimum requirements to keep the breeding females alive and whelping pups. As you heard the manager of the Family Puppy readily admit, their store helps with a program to find breeding females "loving homes to live out the rest of their years."

Query: how bad are the conditions in the wholesale puppy mill warehouse that it takes a special program to re-home the animals that are exploited for profit for the duration of their formative years?



Haas & Goldstein

A Professional Corporation

Attorneys and Counselors

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Jessica Faber
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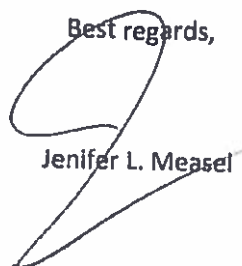
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In sum, these bills would not help to raise the standards in breeding or the retail sale of animals in Michigan. These bills would not help protect Michigan families from the horrors my clients have been through. The pet store and puppy mill industry have misled the sponsor of these bills and your committee about the status of the law, the lack of enforcement of existing regulations, and the conditions in which pet store dogs are bred.

I hope that you have time to digest the pleadings I have sent prior to the committee voting on this bill. I would welcome any questions or comments you may have. My cell number is (586) 909-5655. I look forward to speaking with you.

Best regards,



Jenifer L. Measel