

STATE OF NORTH CAROLINA

COUNTY OF WAKE

ANIMAL LEGAL DEFENSE FUND,
WAKE COUNTY, A NORTH
CAROLINA BODY POLITIC and KELLI
FERRIS, D.V.M.,

Plaintiffs,

v.

JANIE CONYERS,

Defendant.

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

NO.

2007 OCT 31 P 3:14

WAKE COUNTY, CSC

**VERIFIED COMPLAINT AND MOTION
FOR PRELIMINARY AND PERMANENT
INJUNCTION**

INTRODUCTORY STATEMENT

1. Approximately 106 dogs and nine birds lived in Defendant Janie Conyers' ("Defendant") house until October 19, 2007, when they were seized pursuant to a duly-authorized warrant. The animals were experiencing constant, chronic pain and suffering, caused by Defendant's knowing neglect and failure to provide the animals with even the most basic care. Defendant's wrongful acts have created serious medical problems and a threat to the public health that were completely preventable if she had provided even minimal care to the animals.

2. Most of the roughly seventy adult dogs have chronic, severe oral disease which has caused, among other things, tooth destruction, deep bone infections, the disintegration of their upper and lower jaws and broken jaws from bacterial destruction due to neglect. The degree of tooth root infection and destruction of bone found in these dogs caused deep, intractable and inescapable pain and suffering and is a result of neglect for a period of months to years.

3. Most of the dogs were caked in feces which, on information and belief, had been

embedded in their coats for a period of weeks or months.

4. Most of the dogs' coats were soaked in urine that they had been forced to lie in. The dogs' skin was burned by the long-term exposure to urine, feces and a moist unsanitary environment. Such a volume of urine had been left to evaporate around the caging and pen areas that it was forming a syrup of urine concentrate that had congealed on the floors of the residence.

5. Many of the dogs had moist matted hair stuck to the sensitive tissues of their eyes and lids, a condition which causes irritation, ulceration and in some cases irreversible damage of the cornea, lids and skin around the eyes, and a state of constant discomfort.

6. Many of the dogs had hair entwined with tartar and calculus of their teeth, creating and exacerbating infection of the gums, tooth root and surrounding bone, and causing relentless pain. As with humans, tooth root abscesses cause extreme pain. In many cases, hair was incorporated into tartar and abscesses surrounding the teeth.

7. On information and belief, the dogs apparently rarely left the house to defecate or urinate. Feces and urine that appeared to be weeks old were also spread throughout Defendant's house, including her kitchen.

8. Defendant did not have any current proof of rabies vaccinations for any of the dogs.

PARTIES AND JURISDICTION

9. Plaintiff Animal Legal Defense Fund ("ALDF") is a nonprofit corporation dedicated to preventing animal cruelty. ALDF is a real party in interest as defined by N.C. Gen. Stat. § 19A-2.

10. Wake County controls and operates the Wake County Animal Care, Control and Adoption Center ("WCACCA"), which is the county shelter and is responsible for the care and

control of animals within the county. Among other things, WCACCA runs pet adoption programs and spay-neuter clinics, and is responsible for the licensing of animals and the management of stray and abandoned animals within the county. WCACCA is also authorized to investigate suspected animal cruelty, seize animals subject to cruelty, and enforce the anticruelty laws. Wake County is a real party in interest as defined by N.C. Gen. Stat. § 19A-2.

11. Plaintiff Dr. Kelli K. Ferris, DVM, is a Clinical Assistant Professor in the Department of Clinical Sciences at the North Carolina State University, College of Veterinary Medicine in Raleigh. She is also an Animal Cruelty Investigator for Wake County, appointed pursuant to N.C. Gen. Stat. § 19A-45, and has extensive experience investigating circumstances involving animal cruelty. Dr. Ferris has been directly involved in many cases of “animal hoarding,” a national threat to companion animals. Animal hoarders neglect and abuse large numbers of animals and deny the suffering and neglect that is severe in most animal hoarding cases. This denial, coupled with the pain and suffering of animals, is a hallmark of animal hoarding. Dr. Ferris is a real party in interest as defined by N.C. Gen. Stat. § 19A-2, and is further authorized to bring this action pursuant to N.C. Gen. Stat. § 19A-46(c).

12. Defendant Janie Conyers resides at 8252 Holly Springs Road, Raleigh, North Carolina. Defendant is a real party in interest as defined by N.C. Gen. Stat. § 19A-2.

JURISDICTION

13. The district court has jurisdiction over the subject matter pursuant to N.C. Gen. Stat. §§ 19A-3 and 19A-4.

FACTS

14. On information and belief, for many years Defendant has been in the business of breeding, selling and housing dogs in Wake County, North Carolina.

15. Defendant was, until October 19, 2007, in possession of over 100 dogs and nine birds.

16. The birds and the dogs in Defendant's home on October 19, many of them young puppies, have been abused, neglected, and cruelly treated by Defendant, causing the animals extreme pain and suffering.

17. Defendant has failed to provide the dogs and birds with the most basic care, or any proper and reasonable veterinary care, resulting in pain, suffering and potential death. By way of example:

a. "Lover," an adult poodle, was soaked in urine when removed from Defendant's residence. He was completely blind with a cataract in his left eye and his hair was so matted to the surface of his right eye that it caused irreversible damage. His tongue was hanging out of his mouth, and half his jaw had completely disintegrated from infection and decay due to chronic neglect. He was alone, in a dirty cage, with a urine-soaked bed to lie on, in the filthy basement. His coat was soiled and matted with old and new feces and urine, as well as dried pus from his mouth. He was forced by the conditions of his close confinement to helplessly urinate and defecate where he lay. Because of his disability, and because he was treated in this fashion, he had soiled himself repeatedly. Dogs are fastidious animals who normally make every effort to avoid their own excretions, and so this dog was in obvious pain and suffering in multiple ways. Additionally, his penis was ulcerated due to adhesions caused by hair matted to the surface of his penis. This was caused

by severe neglect and the fact that he was forced to lie in his own excrement in his wet bed for an extended period of time;

b. The majority of the adult dogs were afflicted with various stages of dental disease including deep infection, causing pain and suffering;

c. In many cases the degree of disease was so great that the dogs had an extremely painful, active infections and/or evidence of previous infections of the mandibular (lower) jaw bone known as osteomyelitis, an extremely painful bone infection. Because of this condition, many of the dogs' lower jaws were in various stages of disintegration;

d. Many dogs had matted hair stuck to their teeth. In some cases, their hair, combined with years of tartar and decay, was acting as a glue to hold their teeth to their jaw; and tooth sockets. The dogs' hair adhered to their teeth because of a continued lack of appropriate and necessary grooming, and because the dogs were chewing themselves to alleviate the distress caused by flea infestation.;

e. Many of the dogs were missing teeth as a result of the dental disease – that is, the teeth had rotted out of the dogs' mouths because of the infection and poor care. One dog did not have a single tooth in his mouth, and others had just a few. Many dogs had teeth that were entirely engulfed in blackened bricks of tartar, as well as loose teeth that will fall out soon or need to be removed to prevent further disease;

- f. Several of the dogs had broken jaws, the result of advanced periodontal disease. Their jaws had rotted out and the bone died causing fractures and significant suffering. Other dogs' jaws were so brittle that they could fracture if handled;
- g. Many of the dogs had hair stuck to the tissues of the sensitive corneas, eyelids, and periocular tissue (around the eyes). The matted hair was fixed in place by normal discharge from the dogs' eyes, which normally would drain without a problem if groomed properly. Serious bacterial infections were found in the dogs' eyes and surrounding skin, caused by the inexcusable neglect to which the dogs were subjected;
- h. The corneal scarring and damage found in the dogs could have been caused or worsened by the significant levels of ammonia found in Defendant's house;
- i. Because the male dogs helplessly urinated on themselves, they had irritated skin (known as "scalding" because it burns the skin) and secondary bacterial skin infections from the urine;
- j. A majority of the dogs in some areas of the house had skin and genital areas that were scalded by fecal and urine contamination. Scalding is caused by prolonged contact with their own excrement, which they were unable to escape;
- k. Many of the mature male dogs had matted hair directly covering their penises due to a lack of necessary grooming. The matted hair prevents normal

urination, so that urine is constantly retained in the hair mats against the abdomen. This causes unrelenting burning and pain;

l. Localized infections in the genital area can also lead directly to kidney infection, kidney failure, uterine infection, and death, if the infection moved up the urinary or reproductive tract;

m. Many of the older adult dogs were undernourished and underweight;

n. A strong odor of canine urine and feces could be smelled outside of Defendant's house, and the stench inside was overwhelming, causing respiratory problems, headaches, and irritation to the animal care workers who rescued the animals. This was caused by over 100 dogs urinating and defecating in the house. Feces and urine covered the floors, cages, walls and furniture;

o. There was an overwhelming degree of flea infestation, which is highly abnormal for a group of dogs living inside. This indicates an unhealthy and unsanitary environment. The absence of an established preventative flea control increases the dogs' risk of contracting diseases carried by fleas;

p. Based on the extent of their diseases, on information and belief most of the older adult dogs on the property had been suffering for an estimated for years, every minute of every day;

q. The dogs were all in progressive stages of decline and pain and suffering because of knowing neglect and a complete lack of routine, preventative health care for most of their lives;

- r. There was no indication that the dogs had been seen by a veterinarian for treatment at any time. When asked to produce medical records for over 100 dogs and approximately ten birds, Defendant provided a single sheet of paper dated from 1996 with very little information. The prescribed medications that were found in the house were long expired;
- s. There was no evidence the dogs had been dewormed or received heartworm preventative medication. Deworming prevents intestinal parasites that can cause serious illness or death. Heartworm infection is a potentially deadly but easily preventable disease;
- t. Defendant was breeding animals with known heritable diseases and disorders, which means there is a good chance that she was endangering the health of future generations;
- u. Nine birds were housed in cages that had not been cleaned in months, threatening them with disease;
- v. Under the parrots' perches, there were eight to ten inch mounds of feces that looked like volcanoes, piled high and ashen-colored. Cockroaches were crawling through the old food, feathers, and other debris that was composting in the bottom of the cage. The insect infestation jeopardized the health of the birds in significant ways by threatening them with transmissible diseases;
- w. The ammonia level in the house was calculated at a level higher than is safe for humans or animals. Birds are especially affected by high ammonia

levels, which may cause compromise of their immune system and damage to their eyes and feathers;

x. Defendant state that she did not understand why the dogs and birds were being removed. She insisted that they were fine and that there was no problem; and Defendant seemed oblivious to the fact that the contaminated and filthy conditions were great threats to the health and welfare of the animals and herself.

18. Virtually all of the problems identified and diagnosed in the animals could have been prevented or alleviated with routine care, adequate nutrition, and proper grooming, and basic sanitation.

19. If not removed, all the animals in Defendant's residence could become even sicker with diseases including worsening of eye diseases, dental disease, septicemia (blood poisoning), and deadly bacterial infections such as endocarditis, glomerulonephritis (a type of kidney disease), pyometria, pneumonia, and chronic bronchitis.

20. The dogs and birds in Defendant's possession suffered from health and psychological problems, and the conditions were inhumane and constitute cruelty under Chapter 19A-1(2).

21. Because there were puppies and pregnant dogs in Defendant's residence, plaintiffs are informed and believe Defendant continued to breed dogs.

22. On October 19, 2007, acting pursuant to a duly-authorized warrant and her authorities pursuant to N.C. Gen. Stat. § 19A-46(a), Dr. Ferris seized 106 dogs and nine birds from Defendant's residence.

23. All the animals in Defendant's possession had been subjected to extensive and long-term cruelty as defined in N.C. Gen. Stat. § 19A-1(2), as described in part above and as supported by the affidavits filed with this complaint and additional evidence to be submitted by documentary and testimonial evidence.

CLAIM FOR RELIEF PURSUANT TO N.C. GEN. STAT. § 19A

24. Plaintiffs incorporate by reference each and every paragraph above.

25. The inhumane conditions, the absence of sanitation and disease control, and the withholding of routine and necessary medical care by the Defendant has caused and continues to cause the animals unnecessary pain, suffering, and emotional distress. Thus, as described above, Defendant has engaged in cruel treatment of animals resulting in unjustifiable physical pain, suffering, or death, in violation of N.C. Gen. Stat. § 19A-1.

26. N.C. Gen. Stat. § 19A-1 provides that "the term 'animals' includes every living vertebrate in the classes Amphibia, Reptilia, Aves and Mammalia except human beings." "[C]ruelty' and 'cruel treatment' include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted."

27. N.C. Gen. Stat. § 19A-2 provides that "it shall be the purpose of this Article to provide a civil remedy for the protection and humane treatment of animals in addition to any criminal remedies that are available and it shall be proper in any action to combine causes of action against one or more defendants for the protection of one or more animals" and that "a real party in interest as plaintiff shall be held to include any person even though the person does not have a possessory or ownership right in an animal" and that "[a] real party in interest as defendant shall include any person who owns or has possession of an animal."

28. Based on the foregoing, plaintiffs can and will prove Defendant's callous and indifferent lack of consideration of the health and welfare of the animals in her ownership and possession, and that Defendant's conduct has resulted in pain, suffering and likely death of over one hundred animals.

29. Based on the advanced stage of disease in these animals, Defendant has also demonstrated an inability to care for any animals. The evidence of this long and broad history of abuse proves Defendant should no longer be entitled to be in the possession of animals. On that basis, plaintiffs seek relief pursuant to N.C. Gen. Stat. §§ 19A(3)-(4) in the way of a preliminary and permanent injunction removing all animals from Defendant and enjoining her from engaging in further cruel and inhumane activity.

30. Based on experience with multiple situations involving animal hoarding, it is clear from the facts in this complaint as well as others that will be presented to the Court that Defendant is an animal hoarder and should be barred from owning or possessing any animals whatsoever for a minimum of ten years. Animal hoarders cannot even own or possess a small number of animals, because of her obsession and compulsion to own larger and larger numbers of animals, if she is allowed to have any animals.

31. Immediately upon the seizure and removal of the animals, plaintiffs have had multiple veterinarians and shelter staff examine every animal removed from Defendant's possession to determine the medical condition of each animal. Each animal has been treated in an attempt to deliver the animal from the states of pain and suffering found upon removal from the Defendant's residence.

32. Wake County incurred significant costs for the care and treatment of these animals,

as further detailed in its Petition for Recovery of Costs of Care, filed simultaneously with this Complaint.

MOTION FOR PRELIMINARY INJUNCTION

33. Plaintiffs incorporate by reference each and every paragraph above.

34. Pursuant to N.C. Gen. Stat. § 19A-3 and Rule 65 of the North Carolina Rules of Civil Procedure, Plaintiffs move for and are entitled to a preliminary injunction awarding temporary custody of all animals found at Defendant's residence to plaintiffs and their agents, for rehabilitation, care, safe and healthy housing and eventual permanent placement.

35. Plaintiffs further move for an order that Defendant be enjoined from further violations of N.C. Gen. Stat. §§ 14-360 and 19A-1 *et seq.*

36. Plaintiffs further move for an order that Defendant be enjoined from acquiring any animals during the pendency of the litigation.

37. Plaintiffs have prepared for the granting of the relief requested here and are able to continue to provide foster housing and care for any and all birds and dogs removed from Defendant's possession and property.

38. Without this preliminary injunctive relief, many dogs and birds possessed by Defendant would suffer ongoing, immediate and irreparable harm, and any animals (of any species) acquired by Defendant in the future will suffer repeated neglect and irreparable harm, pain, suffering and death.

MOTION FOR PERMANENT INJUNCTION

39. Plaintiffs incorporate by reference each and every paragraph above.

40. Pursuant to N.C. Gen. Stat. § 19A-4 and Rule 65 of the North Carolina Rules of Civil Procedure, Plaintiffs move for and are entitled to a permanent injunction enjoining

Defendant from any further violations of N.C. Gen. Stat. § 14-360 and N.C.G. S. §§ 19A-1 *et seq.*

41. Plaintiffs further move for an order that Defendant be enjoined from acquiring any new animals for ten years after the entry of final judgment in this action.

42. Plaintiffs further move for an order pursuant to N.C. Gen. Stat. § 19A-4 terminating all Defendant's ownership and possessory rights in the animals, and awarding final custody and all possessory rights in the animals to the Animal Legal Defense Fund for permanent placement.

43. Without this injunctive relief, many animals possessed by the Defendant will suffer irreparable harm, and any animals acquired by Defendant in the future will suffer repeated neglect and irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs demand judgment against the Defendant as follows:

1. The Court enter preliminary and permanent injunctions against Defendant pursuant to N.C. Gen. Stat. §§ 19A-1 through 19A-4 and Rule 65 of the North Carolina Rules of Civil Procedure, prohibiting Defendant from further violations of North Carolina General Statutes Chapter 19A;

2. The Court enter a preliminary and permanent injunction against Defendant pursuant to N.C. Gen. Stat. §§ 19A-1 through 19A-4 and Rule 65 of the North Carolina Rules of Civil Procedure, terminating all Defendant's ownership and possessory rights and awarding final custody and all possessory rights of the animals to the Animal Legal Defense Fund for permanent placement;

3. The Court award Plaintiffs and charge Defendant all costs, including but not limited

to, the cost of providing food, water, shelter, and care, including medical care to all animals removed from Defendant, including the costs specified in N.C. Gen. Stat. §§ 6-18 and 19A-4(b);

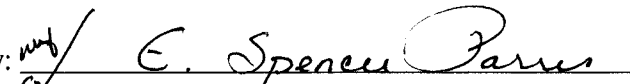
4. The Court award costs to Plaintiffs and charge them against Defendant pursuant to N.C. Gen. Stat. §§ 19A-47 and 44A-4;

5. Any other costs of this action be taxed against the Defendant; and

6. The Plaintiffs recover such other and further relief as the Court deems just and proper.

Respectfully submitted this the 31st day of October, 2007.

JONES MARTIN PARRIS AND TESSENER

By: 
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N.C. State Bar No. 11042

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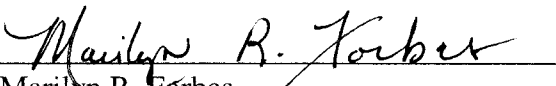
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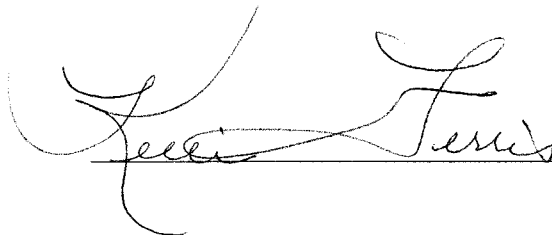
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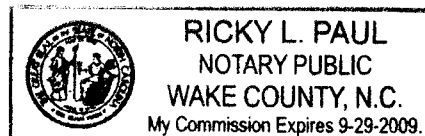
VERIFICATION

Kelli Ferris, D.V.M., being first duly sworn, deposes and says that she is a Plaintiff to the foregoing Complaint, as well as an Animal Cruelty Investigator appointed by Plaintiff Wake County, a North Carolina Body Politic which operates the Wake County Animal Care, Control, and Adoption Center; that she has read the foregoing Complaint, and that the same is true of her own knowledge except as to those matters and things therein which may be stated upon information and belief, and as to those things, she believes them to be true.



Sworn to and subscribed before
me, this the 30th day of October, 2007.


Notary Public



My Commission Expires: 09-29-2009