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SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

MARTHA SCUDDER, a single individual,
Plaintiff,

vs.

LARRY GALLOWA, a married individual
Defendant

NO.: 04-2-04721-8SEA

DECLARATION OF LARRY GALLAWA
IN SUPPORT OF HIS MOTION FOR
SUMMARY JUDGMENT

I, Larry Gallawa, make the following Declaration under Penalty of Perjury under the
Laws of the State of Washington:

- 1. I am over the age of 18, and am competent to testify;
- 2. I am the defendant in the above-entitled action;
- 3. I am familiar with the facts and issues surrounding the above-entitled action and I
make this Declaration based on personal knowledge;
- 4. My family has always had animals as pets and having grown up on a farm, I realized at
an early age that animals fill a special role in this world. I love animals and respect them. I have
been privileged to have had dogs, cats, pigs, cows, chickens and of course, my wonderful parrots
Tigger and Bailey, in my life. It has been my experience that sometimes, people with good
intentions take in so many animals that they are unable to care for all of them adequately, and I
have seen animals suffer at the hands of owners and breeders;
- 5. Some years ago, a close friend (who runs an animal sanctuary) told me about 2 aviaries
in Roy, Washington, that had terrible conditions for the birds at those aviaries. She had recently
visited one of the aviaries and stated that it was so bad that she left in tears at what she had seen;

1 6. I later learned that the breeder in question was John Scudder, Sr., and his wife Martha
2 Scudder. These people had up to 600 birds at any one time and the **stories in the pet industry**
3 **were rampant about the horrid conditions at the Scudder Aviary.**

4 [One might consider such stories are mere hearsay, were they not so widespread and were
5 they not confirmed by others, including several breeders, who **are** familiar with the inside of
6 the facility, and support Mr. Gallawa's allegations. Despite what Martha Scudder and a small
7 circle of friends and mostly business acquaintances would have one believe, her **current**
8 reputation among the majority of local breeders is apparently quite poor:

9 *Q. "You had made a statement at some point, or perhaps I saw it in an e-mail, which
10 you did not like and didn't appreciate Larry Gallawa, my client, linking the two farms
11 together, correct?"*

12 *A. "Not at all."*

13 *Q. " Why is that?"*

14 *A. " Because Martha has a very bad reputation within the avian community".....*

15 *Q. " Why did you defend Martha and say that Larry and others that posted were
16 wrong?"*

17 *A. "Because at the time I didn't know that some of the things that Martha was doing
18 were not considered acceptable avian practices". [from Deposition of Kathy Scudder]*

19 —Editors.]

20 I did not know these people and would not have recognized them if I walked past them
21 on the street, nor did I care to interfere in their business ventures or profits, but I did know that
22 the stories were so prevalent that I wanted to see for myself what was going on, and so perhaps
23 protect the birds who were alleged to be suffering;

24 7. As a result of a PAWS visit to the aviary, and complaints about the conditions at the
25 aviary to the Pierce County Humane Society ("PCHS"), the Martha Scudder aviary was
26 inspected by PCHS and a respected, local, board-certified avian veterinarian, Dr. Tracy Bennett;

 8. Through the Freedom of Information Act, and also, eventually through my attorneys, I
obtained the report of Dr. Tracy Bennett's inspection of Martha Scudder's aviary. Several
recommendations were made by Dr. Bennett for the improvement of the conditions for the birds
at the aviary. Dr. Bennett's report also set forth detrimental conditions that she found at Martha

1 Scudder's aviary, a report she enclosed in a letter to Wally Hall of the PCHS, that she felt were
2 cruel under the law. Martha Scudder was advised to implement these recommendations, and
3 reduce her flock;

4 9. During the course of my work in trying to help the birds at Martha Scudder's aviary, I
5 was served with legal papers, and was **sued by Martha Scudder for defamation and interference**
6 **with her business;**

7 10. **My only purpose has been to assist the birds at the aviary and end their suffering. I**
8 **have no idea what Martha Scudder's business relationships entail, how much she charges or**
9 **makes in profits on these birds, and I have no interest whatsoever in interfering with her**
10 **business.** My goal is to make certain that the birds do not suffer and that the aviary is cleaned up
11 as recommended by Dr. Bennett and the PCHS;

12 11. Through the course of investigating Martha Scudder's lawsuit against me, my
13 attorneys have obtained many necropsy reports from Dr. Dhillon at the Washington State
14 University Avian Laboratory. These necropsies show, to present date, birds that are dying of
15 preventable diseases, starvation and dehydration. Reports from these and other records, as well
16 as depositions and declarations of witnesses (Kathy and Robin Scudder) speak to ongoing,
17 deplorable conditions at the aviary. These documents and statements show that the conditions I
18 was concerned about at Martha Scudder's aviary were indeed true, continue to be true, and
19 worse, that the **birds continue to suffer at this facility.**

20 *[Based on necropsy records, evidence of starvation and/or dehydration continued to*
21 *accumulate until at least the first quarter of 2005, at which point the public record ceases;*
see overview in Declaration of Dr. Stewart Metz.—Editors.]

22 Dated this ___ day of _____, 2005, at _____, Washington.

23 _____
24 Larry Gallawa
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