

SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

MARTHA J. SCUDDER, A single individual,

Plaintiff,

vs.

LARRY GALLAWA, A married individual,
Defendant

Case No.: 04-2-04721-8 SEA

DECLARATION OF Laurella Desborough, Legislative Vice-President and Past President of the American Federation of Aviculture (AFA). Co-founder of the Model Aviculture Program. Legislative Chairman, Organization of Professional Aviculturists. Aviculturist.

I, Laurella Desborough, make the following Declaration under Penalty of Perjury under the laws of the State of Washington.

1. I am over the age of 18, am competent to testify and make this declaration based on my knowledge of the facts;
2. I am the owner of Wildwood Aviary in the State of Florida. I have been Breeding exotic birds for over 20 years, including amazons, grays, cockatoos, brownheaded parrots, hawkheads and mini-macaws. Specializing in Eclectus and Vasa Parrots. I am current CEO of Advocates for Bird Conservation, a 501 ©) 3 organization funding conservation projects of birds in the wild, educational programs for school children, and a captive breeding program for the rare and endangered Vasa Parrots of Madagascar, *Coracopsis vasa*. I am the current Legislative Vice-President and Past President of the American Federation of Aviculture (AFA). I am the co-founder of the Model Aviculture Program (MAP) established in 1990. MAP is a service organization for aviculturists in the United States which provides aviary certification through a voluntary inspection program, involving avian veterinarians as inspectors, and which spurred the organization of similar programs in other countries, including the Canadian Model Aviculture Program.
3. I am published in the following periodicals; Bird Talk, Bird Breeder, AFA Watchbird, Bird World, World of Parrots, ASA Journal, Avixandum (S. Africa), American Cage Bird, and Los Loros (Spain). I Co-Authored "A Complete Guide to Eclectus Parrots" published in 1987, and contributed a chapter to the recent book by Graham Taylor of Australia, "Eclectus Parrots, An Experience." Slide lectures were presented at the conventions of American Federation of Aviculture, The Association of Avian Veterinarians, the Avian Research Fund Seminar, The Canadian Parrot Symposium-West, and The Midwest Avian Research Expo, as well as slide lectures at many bird clubs and societies across the United States.
4. I have visited Martha Scudder's Farm, located at 10013 332nd St. S., in Roy Washington. Although I had heard numerous rumors on the internet about the "abusive" and "horrid" conditions of the birds and aviaries at this farm, I was quite interested to find that these rumors were not verified by the actual situation I observed at the Scudder Farm.

5. I observed the avicultural practices of the caretakers of the farm, including the caging, shelter, perches, nestboxes, food and water service, general environment of the outside aviary buildings and the indoor nursery. I found the Scudder Farm to be typical of a bird farm located in the Northwest, which has a relatively mild winter climate.

6. It is my opinion that the Scudder Farm has been targeted by an individual who is completely uneducated about standard bird farm operations, and who has swallowed the pervasive propaganda of the animal rights movement which posits that ALL bird and animal breeding is wrong, is abusive, and should be stopped.

[EdNote: This is Ms. Desborough's now-familiar stump speech about Animal Rights in which she does not allow herself to be influenced either by the facts of the specific situation (as here) or the general views of various factions fighting for the humane treatment of animals. Readers who wish to read more of this self-serving pontification can go on-line to <http://www.silvio-co.com/cps/articles/1994/1994desborough1.htm> and <http://www.nfss.org/Legis/AFA-Alerts/AR-09-02-A.htm> . More to the point, her personal views are irrelevant to the current situation which has to do not with banning breeding in Pierce County, but with assuring only the most basic livable conditions for breeder birds. Recall Dr. Bennett's Declaration:

"All animals have basic requirements necessary for survival including: a source of clean and freely available water, adequate nutrition which meets the caloric and metabolic needs of the species, adequate space in their enclosure which allows natural movement, a sanitary enclosure free from accumulations of their own fecal material, protection from temperature extremes depending on species and regular medical care that provides treatment or euthanasia for sick/suffering individuals...I state that these basic necessities are not provided to the birds at Martha Scudder's Aviary. "

The hypocrisy of Ms. Desborough's diversion of topic is most readily apparent when one considers that she, along with Dr. Brian Speer, is one of the Board Members of the Model Aviculture Program, MAP (more on this, below).

Consider just a few statements of Mr. Desborough's purported OWN guiding principles:

1. **"The Model Aviculture Program provides for facilities' inspections performed by state-licensed veterinarians."**

So apparently inspections of Parrot Depot by a sensitive vet are actually recommended! Parenthetically, Dr. Scott Macdonald, who regularly toured Parrot Depot, was not licensed in the State of Washington during much of his work for Martha Scudder

2. **"The purpose of quarantine is to protect one's present collection from the introduction of disease, and to determine whether or not new additions are diseased... New birds to be added to one's collection should first be isolated."**

Testimony is presented that there was essentially NO quarantine system at Scudder's Parrot Depot:

Q: When you had access to Martha's farm, the house and the outbuildings, do you know if Martha instituted any quarantine procedures that you've described in the first part of your dep and the quarantine procedures you've described to me today?

A: No, she did not." [Deposition; K. Scudder]

3. "...Enclosures be appropriate for the species in order to provide **healthy and humane housing**.. Considerations to address include: **Vermin control. Enclosures should be constructed so that mice and rats are discouraged from entry**"

In contrast, the presence of rats and mice are repeatedly described in the testimony of family members; see #4, below (and might have been responsible for the introduction of avian tuberculosis). The cages and nestboxes were described repeatedly as filled with droppings or slime.

As late as March, 2006, a witness observed that an outdoor structure containing birds was covered only with a visquene-like material which had large tears in it and was flapping in the wind, permitting at least one bird to be visible (*see photo below*). The temperature at the time was 39° and there was frost on the car windows and snow on the ground; temperatures had fallen into the 20's at night.



4. The **nest box or nesting area should be cleaned and disinfected or replaced whenever the birds or a clutch of chicks has soiled the area or after a disease outbreak. In the case of birds in a community flight, soiled nests, nest boxes or nesting areas may be cleaned, replaced or disinfected at the end of the breeding season, so as not to disturb other breeding pairs during the breeding season.**

The following (from the Deposition of Kathy Scudder) speaks for itself:

Q. "Now, the birds that you have on your property now that belong to Robin¹ the 30 or some birds that are in quarantine, when did you first have an opportunity to evaluate, examine and determine what condition those birds were in?"

- A. "We did have to clean the cages out. The cages were really nasty."
Q. "What do you mean by really nasty?"
A. "Lots of fecal matter and stuff piled up in the cages."
Q. "Is that acceptable, in your opinion?"
A. "No. And we had to clean out the nest boxes."
Q. "What was in the nest boxes, fecal matter?"
A. "There was a lot of -- there was gross stuff in the nest boxes. ... the Green, slimy mold, decomposing shavings, gunk that we had to -- we had gloves and things, and the gunk had to be dipped out of the nest boxes and wiped off. It was disgusting."

¹[EdNote: Robin Scudder, Martha Scudder's other daughter-in-law]

and from Robin's own Declaration:

"My inspection of the nest boxes showed they were horrific. Several of the nest boxes were wet and had mold in them. Others had signs of mice living in the boxes. It was apparent that the nest box material hadn't been changed in quite sometime"

5. There should be no evidence of malnourished birds... Foods provided to birds will differ according to the type of bird

As far as can be determined, most birds were fed basically the same food mix. This food mix, advertised as "MS Diet" (see *photo below*), was analyzed, with horrifying results (see *Feeding Time*).



Even at necropsy, Dr. Dhillon, noting a number of cases of clostridial enteritis, felt compelled to make recommendations concerning dietary preparations at the M. Scudder Farm. He specifically notes that these cases might have been prevented by Mrs. Scudder if she used a pressure cooker to cook grains, and discarded wet food from the feeders, both of

which would reduce or eliminate *Clostridial* spores. Spores of bacteria grow in deeper layers of grain which is inadequately cooked:

Evidence of starvation was rampant, even when attempts were made to exclude from tabulation any birds which had evidence of possible diseases which might explain the weight loss

"These disturbing findings suggest a strong possibility, if not the likelihood, that (in the absence of any chronic disease to explain the inanition) these 27 birds starved to death over a fairly prolonged period of time. [In addition], even if one rigorously attempts to exclude cases of chronic wasting diseases, or even cases of clinically suspected but not proven diseases, one is still left with 19 [additional] cases out of 120 necropsies in which it is likely that the birds in question died of starvation, representing [at least] 16% of all necropsies in this series (and excluding, of course, any other birds not subjected to examination). *I conclude that both the provision of adequate nutrition and adequacy of vigilance about the nutritional status of birds, were markedly inadequate at this aviary. The birds of even her own family were not immune, as Robin Scudder observed in the empty food bowls of the 11 of her birds which died at Martha Scudder's aviary!*" (Declaration of Dr. Stewart Metz; italics are his; 3 phrases in brackets added for clarity; see also the Necropsy Report: "*Case 02-104, February 2, 2002 (27 birds, an additional 17 birds not necropsied—44 birds total)*".)

6. **Seed and feed containers** for opened bags can be made of metal, plastic, wood, or other appropriate material. Seed and feed containers should not be placed directly on soil or concrete floors in order to prevent condensation inside the container, which would moisten the seeds or feed, creating **molds** and bacterial growth.Some foods require refrigeration.

What was or is done at Parrot Depot?

"And Martha has what she calls her seed container. What they are is they're like plaster or cement mixers, the little ones, and you put your seed mixture in and you mix it all up and then you dump it into another — like we use big garbage cans with lids because it keeps the rodents out of it." (K.Scudder Deposition)

The use of these containers—certainly not air-tight—may explain some of the grotesque results of the seed analysis (see "Feeding Time") of the products used to feed the parrots at the Parrot Depot—which they actually sell over the internet:

(http://www.parrotspantry.com/catalog/scudder_farm_monthly_feed_subscription_program_4461218.htm).

7. **Young in the nursery** must be managed in a manner that **minimizes the potential spread of infectious disease**.

Kathy Scudder notes that "*these birds were in the advanced stages of PDD...[yet]were inside the house in an area adjacent to where the baby birds and what we call juvenile birds were kept.*" And elsewhere:

Q. *"-- you believe were in the advanced stages of PDD that were kept near, adjacent to, babies?"*

A. *" Adjacent to the room in which the babies' isolettes were, and then adjacent to the room in which the cages in which the juvenile birds were, which means the feathered birds."*

So, it is with considerable dismay to this Editorial Board to see the hypocrisy of Ms. Desborough in dismissing her very own stated principles as founding member of the Model Aviculture Program when it suits her own personal agenda. This approach is in accord with the overt disinformation—caught on videotape—which Ms. Desborough disseminated at the first meeting of the Pierce County Council meeting in 2004 while claiming to represent the American Federation of Aviculture (AFA). Among her statements was the central implication that the Pierce County Council did not need to pass a local ordinance to protect breeder birds because the USDA, acting under the Animal Welfare Act, was going to carry out such local policing for them.

Sadly, the Pierce County Council was apparently swayed by this deception. The AFA, as far as it is understood by this Editorial Board, did not invite Ms. Desborough to represent them in any such positions.]

Consequently, this individual perceives any bird farm activities through the lens of the animal rights philosophy, “better dead than bred”. This animal rights philosophy has energized otherwise well meaning individuals into taking actions that are antithetical to the American way of doing things. The animal rights folks do not believe that people have a right to own, keep, and breed animals for pets, or for food, or for fiber, or for transportation, or for entertainment such as rodeos and circuses. Taken at face value, most people think of animal rights as simply an extreme form of concern for animal welfare, that is, a concern for humane treatment and the need for a good quality of life for an animal. However, the animal rights philosophy only appears to have a concern for animal welfare. Animal rights is incompatible with animal welfare and is actually antithetical to it. The individuals who espouse the animal rights philosophy in regard to birds and animals, are quite willing that animals die, rather than exist in breeding situations or pet situations. (Reference: Animal Rights: The Inhumane Crusade by Daniel Oliver).

The ongoing harassment endured by Martha Scudder in relation to her bird farming and sales of birds into the pet community presents a classic example of the work of the animal rights fanatics. Misinformation, rumors, spinning of facts into half-truths, and taking all these lies and making them public, ...

[*EdNote*: It should by now be quite evident to the reader Ms. Desborough is describing quite well her *own* statements at the 2004 meeting of the Pierce County Council, as well as the statements of a substantial number of people who chose self-interest over ethics in circling the wagons around Mrs. Scudder and Mr. Vincent. All of the facts are therefore presented on this website for the objective reader. The Editorial Board is certain that only by presenting the complete picture will such cherry-picking of facts, disinformation by omission and disinformation by outright fabrication, become quite evident when the light of day is shined on them.]

... while harassing they intermediate buyers, such as pet stores, is a typical ploy of the animal rights followers. In fact, the FBI has now designated the animal rights terrorists as a serious concern for the American public and field offices of the FBI are on the alert for AR activities. We have seen newspaper articles about animal rights people releasing mink from mink farms, removing chickens and ducks from poultry farms, harassing animal research laboratories and their workers, and putting forward laws to restrict routine farming practices such as farrowing crates for sows. All this is done in the name of concern for the animals, but the real concern is to remove the animals from the control of owners, breeders, and farmers. Such is the situation with regard to the Scudder Farm. This farm has been targeted by an active and

enthusiastic follower of the animal rights philosophy, who even called upon the services of some more experienced animal rights individuals to go to the farm and gather information for use in the ongoing harassment of Martha Scudder. And, incredibly, this individual behind this harassment has never set foot on Martha Scudder's Farm. That did not stop him from sending a blizzard of emails to many different internet discussion lists on birds, claiming that the Scudder Farm was so terrible that the birds should be removed immediately, even though some would die in the process! The goal of "saving" even a few birds from the horrors of a breeding situation was considered more important than the fact that the birds would be under great stress if they were captured from their aviaries and transported to a new location, and thus some would be likely to sicken and die in the process because of the stress of the move.

7. As an aviculturist, actively engaged in the breeding of a variety of parrots for well over twenty years, specializing in the eclectus parrot species for over twenty years, and working with other aviculturists to put forward good information on standard husbandry practices for bird breeding farms, I am alarmed and concerned about the contents of the report submitted by Tracy Bennet[t], DVM, Diplomate ABVP in regards to the Scudder Farm. The reason for my alarm and concern are some of the statements made by Dr. Bennett in regards to the birds of Scudder Farm and their care.

First, let's consider the Judgments made by Dr. Bennett in regard to birds that died and her interpretation of the necropsy results: For instance, it is not uncommon for birds that die to stop eating and drinking fluids during the days prior to their death. . . thus they will exhibit evidence of starvation and dehydration on necropsy. Birds are notoriously careful to hide their illness, so it is not easy to view the birds in the aviary setting and determine that a bird needs medical attention until that bird has reached an extremely serious condition. Often, the evidence of illness is not apparent until one finds a dead bird in the cage. In nature if birds display weakness, they become a predator's meal, so they disguise their condition until it is impossible to disguise. When a bird reaches a seriously ill state to the point that you can observe it is ill, it is already to[o] far gone and impossible to save it with medical care.

[EdNote: While it is actually true that parrots will instinctually attempt to hide signs of illness, many are quite obvious through diligent and responsible observation. Ms. Desborough appears to have stated her opinion based on her experience as a breeder in defense of another breeder; below is information on the same subject from The Avian and Exotic Animal Hospital:

Disease

Most disease in caged birds is either directly or indirectly related to three important factors: **poor hygiene, malnutrition and/or stress**. All caged bird owners must understand that birds tend to "hide" their symptoms for fear of being thrown out of the flock or possibly even being killed by other birds living in the same group. Consequently, it is important to realize that when you recognize one or more symptoms, your bird may well have been sick for one or perhaps two weeks. You **CAN NOT** take the wait and see approach if you notice something is not right with your bird. As a general rule of thumb, any caged bird that that appears to be ill to its owner is seriously ill. Make an appointment and get them to a qualified Avian veterinarian promptly.

The following list includes clinical symptoms, easily recognizable by the concerned bird owner, that either alone, or in combination, signify potential illness in you bird:

- Discharge from eye/eyes
- Change in clarity or color of eye/eyes

- Closing of eye/eyes
- Swelling of eye/eyes
- Discharge from nostril/nostrils or vent
- Plugged nostril/nostrils
- Soiling of feathers around nostrils or of the head feathers
- Sneezing
- Inability to adequately manipulate food within the mouth
- Reduction in appetite or complete cessation of eating
- Fluffed feathers
- Inactivity
- Droopy wings
- Decrease in preening activity and maintenance of feathers
- A break in the bird's routine
- Cessation of vocalization
- Change of vocal quality (may be very serious)
- Weight loss
- Equilibrium problems (very serious)
- Inability to perch (bird on bottom of cage)
- Limping or lack of full weight-bearing on one limb
- Swollen foot/feet and or joint/joints
- Change in quality and of quantity of droppings
- Open-mouthed breathing when at rest (very serious)
- Tail pumping (up and down motion of the tail when at rest)
- Visible lumps or masses anywhere on the body
- Bleeding - always an emergency situation (regardless of the origin of the blood)

The above information was provided courtesy of
[Avian & Exotic Animal Hospital](http://www.birdsandmore.com/healthTips.html)
 (source: <http://www.birdsandmore.com/healthTips.html>)

Clearly, reviewing the list of symptoms above, a diligent caretaker of parrots need not wait to find a bird “dead in their cage” as the first indication of a problem in most cases.

Regardless, the 120-plus birds we do have necropsies on were **dead**. Not “targeted by an active and enthusiastic follower of the animal rights philosophy”; in fact, many of these necropsies on record precede Mr. Gallawa’s ever having entered the picture.

Now, that only leaves two options—either the birds in question starved to death or the birds died of disease from which they also wasted away and with which they were diagnosed at necropsy. Either way, Ms. Desborough, Dr. Speer and Mrs. Scudder cannot argue that there is no problem with disease and starvation at the Farm. We would also add that instead of just “evidence” of starvation which could result from a number of days of not eating, the necropsies repeatedly indicate a *total absence* of fat stores, specifically described in the necropsies as the result of long-term conditions.]

Another concern about Dr. Bennett's report on the Scudder Farm is in regard to the diet recommendations. Birds in outside flights in the winter need to have extra calories and fat in their diet and one way to achieve that is to provide seeds with a high fat content, such as black sunflower seeds. It appears that Dr. Bennett did not ask Martha Scudder about the diet she prepared for the birds daily, but assumed that what she saw in the food dishes was the totality of what was presented to the birds.

[*EdNote*: The poor quality of the diet fed at the Farm has been brought to light elsewhere on this site. It is discussed in most detail for the timeframe of Dr. Bennett’s inspection in

the deposition of Kathy Phillips Scudder. For up to date information on the sub-standard mix they are feeding currently, please see the detailed analysis of the Parrot Depot Diet under "Feeding Time". It is far from healthy and wholesome.]

Often bird breeders will serve their birds a morning bowl with a variety of seeds, cooked beans and rice, some pellets, and some fresh veggies and fruits on top of the other foods. parrots will generally take these fresh foods and consume them first, leaving no trace of the items in the bowl. Anyone viewing the bowl contents at a later time in the day would have no way of determining exactly what was being fed to the birds as what would remain would be the "leftovers" which the birds will often eat later in the day or in the early evening. Additionally, Dr. Bennett made strong recommendations concerning the importance of feeding pellets to these birds. Consider that the Scudder Farm houses a variety of parrots and not a single species. We aviculturists have learned through experience that not all parrots do well on a diet consisting of a lot of pellets, in fact, with some species, they tend to develop gout and die from an over consumption of pellets; this includes the pionus parrots, eclectus parrots and gray checked parrots. Some species do very well on pellets. Others do not. Therefore, it is not a good idea to simply state that the Scudder Farm birds need pellets.

Lastly, I found it extremely strange that. Dr. Bennett would make a determination that Martha Scudder should ONLY have xxx number of parrots at the Scudder Farm on the theory that Martha could not take proper care of more than that number of birds. This judgment stated in Dr. Bennett's report did not indicate that she had any knowledge of Martha Scudder's ability to hire workers, bring in family members to help, or choose some other method of servicing the birds if she found the work too burdensome for herself alone. These kinds of opinions stated by veterinary professionals carry great weight with authorities and completely ignore the property rights of the individual as well as ignore the individual's ability to obtain help if needed.

8. Disturbances in the aviary caused by strangers is a cause for concern for every bird breeder with any experience in managing a bird farm. This one event, a stranger in the aviary, can cause the loss of eggs, trauma and death of chicks, and even mate trauma and death. Parrots simply do not tolerate strangers in the vicinity of their nest during the breeding season. This situation is so serious that it has been addressed in detail in the Draft Regulations submitted to the USDA/APHIS in October of 2004, by the National Avian Welfare Alliance, a network of representatives from 31 different avicultural organizations, from pheasant breeders to parrot breeders. Here are a few quotes from that document:

Page 5. Paragraph 2. "The Unique Needs of Birds and Bird Facilities

Unlike many mammals, nesting birds are negatively affected by disturbances. Many Birds are so hypersensitive while nesting that they will immediately destroy their own chicks and eggs upon any unusual occurrence including the entrance of unfamiliar people (inspectors). Stress from the appearance of unfamiliar individuals can also lead to displaced aggression in some species that will result in injury or death to an adult mate. The licensing of bird breeding facilities must consider not only the economic loss to the facility operator from damage to eggs, chicks and mates that can result from the appearance of unfamiliar people, but also the loss of valuable bloodlines and years of effort if bird breeding facilities are inspected. At minimum, these injuries and deaths would represent a net decrease in the welfare of birds in captivity."

Page 6. Paragraph 1 “a) Inspections would cause disruption to the breeding birds resulting in unacceptable losses due to damage to eggs, chicks or mates or loss of production.

b) Many bird breeders are working with rare species and such losses could destroy irreplaceable bloodlines that are valuable for the protection of avian genetic biodiversity.”

The problem of disturbances in aviaries by strangers is so serious that the Organization for Professional Aviculturists is conducting a survey of bird breeders to collect and publish detailed data on this problem. Anecdotal information from individual bird breeders known to this writer has provided the following information on specific incidents:

a) California bird breeder had a fence blow down during the winter storms of 2004. He arranged for a fence contractor to come out and provide an estimate on costs and scheduling of repairs. The bird breeder and the contractor stood in the aviary area approximately 40 feet away from a nesting pair of cockatoos with two two week ,old chicks in the nest. There were rows of trees and bushes to help conceal the breeding cages and provide privacy for the breeding pairs. Later that day the bird breeder inspected the nests during the evening feed, and discovered the two chicks were dead, destroyed by the parents. The following day, the breeder discovered the female cockatoo dead, killed by her mate due to the stress of the intrusion.

b) A bird breeder with a large number of breeding pairs of conures hired a new worker and showed the worker exactly how the aviaries should be serviced by demonstration. The new worker was trained to do the work exactly as the owner did. During his first few days on the job, six pairs out of 40 pairs broke their eggs and abandoned their nests. The birds were agitated because the worker was new to them.

c) A bird breeder wanted to test and vaccinate a large number of breeding pairs of caiques. The veterinarian came and drew blood and vaccinated the birds prior to the breeding season. That year, none of the pairs went to nest. The following year about half the pairs went to nest.

(Note: This situation in c) above is similar to that which the birds at Martha Scudder's Farm experienced when they underwent the drawing of blood for disease testing based on the complaints of the defendant that the birds at the Scudder Farm were diseased. When a stranger veterinarian goes thru an aviary, pulling individual birds out of cages, one by one, the distress of each of those birds compounds the agitation and distress of all the other birds in the vicinity. This massive stress on the birds in that specific building or within hearing of the birds being handled, is sufficient to cause long lasting consequences, far beyond the event itself, to the point that production in the following years is greatly reduced.)

Disturbances to aviaries can have several long term consequences, besides the obvious short term consequences of losing chicks and eggs for that breeding season. The longer term consequences involve loss of production in the following breeding season, and even in subsequent seasons. If there have been any adult mates killed or damaged to the point that the birds are no longer viable breeding birds, then those birds will need to be replaced. Since birds are not like poultry, you cannot simply call up the poultry producers and order more chicks. In the case of parrots, the birds we have now in the US are all the birds we are going to have, since importation of birds from the wild is illegal. So, the problem then is to locate mates for the single birds. This may not be easy with some species that are already in short supply in the US. However, that isn't the only problem. You may find a single adult bird to pair with the single breeding bird that lost a mate, but the single breeding bird may reject the new mate! Parrots are very selective about their

choice of mates and are extremely unlike dogs, cats, or poultry. If a single adult bird does not like the potential mate, they will ignore them and never breed. Sometimes, they even go further and try to chase the potential mate away. A bird breeder might go thru four or five potential mates before these single birds decide they like each other and will become productive. As you can see, it could prove to be a difficult and expensive task to locate and purchase a series of potential mates for single birds who lost their mate during a disturbance caused by “stranger intrusion”.

[EdNote: Ms. Desborough has cogently pointed out how unskilled and untrained strangers should not stomp through aviaries. Let's look at the history of this problem at the Scudder Parrot Depot, as well as Dr. Bennett's own response, a bit more deeply, because if it turned out to be a recurring issue, then surely Dr. Bennett or Mr. Gallawa did not cause \$600,000+ worth of losses, as Mr. Vincent alleges in his lawsuit:

- a. Dr. Bennett is a knowledgeable Avian-certified vet with experience not only with pet birds but in flock management. As she said in her Declaration, "*It is my understanding that Mrs. Scudder's claim is that her birds failed to breed due to the 3 inspections by animal control (2 including myself). As an avian veterinarian, I declare this is a fabrication. Three respectful and quiet visits to a very small portion of the facility which only included the areas inside Mrs. Scudder's home and approximately 25% of the breeding areas, simply would not affect the breeding performance of these birds.*"
- b. Mrs. Scudder regularly let Dr. Dhillon tromp through the facility with students from Washington State University, and welcomed them without complaint of losses
- c. Mrs. Scudder regularly let Dr. Scott Macdonald do walk-thoughts of her facilities following his surgical sexing 'clinics' at her farm—far more extensive intrusion than Dr. Bennett's --with no complaint of losses
- d. In fact, Mrs. Scudder allowed all SORTS on people to tour the facilities—people who were neither breeders nor veterinarians:

"Well, I've seen people on the property taking tours of the bird houses, and this was prior to there was no communication, and when I asked Mrs. Scudder who it was, she told me it was Dr. Dillon and veterinary students. There was another time when there was a poultry symposium that Dr. Dillon either conducted or was at the poultry extension that there were people who — other veterinarians and other people involved in poultry and avian that came over and toured the facility.

There was specifically one gentleman who I do not know his name, but at one time Mrs. Scudder was discussing raising or having ducks in order to produce baloot, which is where the duck egg is allowed to incubate to a certain point and then it is placed in a brine solution and the embryo is killed and people from like Cambodia and the Indonesian Vietnam and all that is considered a delicacy for them, and ducks and other poultry, because parrots are not poultry, but ducks and chickens have to be vaccinated every year for exotic New Castle's disease, and I was concerned that whether or not it was a live or a killed vaccine, so when this gentleman who was doing the tour, I went over and asked him about it, and she had been giving him a tour of her facility."

and then this

" In fact, in the summer of 2003 she was busy, and the people who own a little business called Taco Gabby's — it's a little Mexican restaurant — she had invited them to come to the facility. However, their basic language is

Spanish, and Mrs. Scudder doesn't speak Spanish, and I speak poor Spanish, but I speak much better Spanish than anybody else around does, so she asked me — once they toured the nursery area and saw the babies in the isolettes, she asked me to take them through the aviaries. " (from the Declaration of K. Scudder)

Taco makers in the nursery. In comparison, to claim that a quiet inspection by a trained avian veterinary doctor, a specialist, would cause more harm (than said taco makers) is, quite frankly, ludicrous.]

9. In my opinion, Dr. Tracy Bennett is most probably a very fine pet bird veterinarian. I have heard positive reports about her work with pet birds. However, pet birds and breeder birds in aviary situations are quite different. Their basic dietary needs, caging, perches, shelter, and routine care are different due to the fact that they must be serviced in a different fashion. Many breeding birds in aviaries may be domestic raised, or wild caught imports, which will affect their behavior. Additionally, the great variety of parrot species do require different management techniques in terms of diet, housing and handling[.] Those of us who work with these birds over a period of years do spend a lot of time consulting with breeders who have extensive experience with specific species, and we attend seminars and lectures to learn from these experts. Thus, we have developed a wealth of data in regards to bird husbandry. This same extensive data bank is not necessarily accessed by many avian veterinarians who deal primarily with pet birds. Therefore, many bird breeders do prefer to work with avian veterinarians who are experienced in “flock” veterinary medicine.

[*EdNote: I appears Ms. Desborough did not read Dr. Bennett's resume: she IS experienced in flock management.*]

10. In my opinion, the information submitted by Stewart Metz, M.D. in support of the defendant should be ignored in toto. A professional of integrity does not pretend to be knowledgeable about complex issues outside his area of expertise and does not expound at length on matters far outside his field. A person working as a professional in any field generally recognizes that he or she is not qualified to speak as an expert in another field unless he or she has had education, training and experience in that field. That fact seems to have escaped Stewart Metz because he has gone into great elaborations on the alleged diseases and alleged conditions at the Scudder Farm.

Stewart Metz notes that he has 12 years of experience with pet birds. This in and of itself may qualify him to speak in a limited fashion on the specific pet aspects of the species which he keeps, but not on other species as pets, and certainly not on any aspect of bird breeding or bird farms, nor on the veterinary medical aspects of the Scudder Farm. Proficiency in human medicine does not equate to proficiency in avian veterinary medicine. We do not have medical doctors practicing veterinary medicine or vice versa.

Furthermore, even the most indepth total involvement with several pet birds cannot in any way provide the necessary experience to understand bird breeding or bird farm management. Even trained field biologists are often at a loss when it comes to the necessary protocols or “best practices” of bird farm management. The knowledge and experience gained in one field of endeavor does not simply apply to such a complex area as bird breeding.

In the case of Stewart Metz, although he has professed a profound love of birds, it is unfortunate that his point of view has been dramatically perverted by his enthusiastic embrace of the animal

rights philosophy. With the opportunity to do so much good in regards to avian species, Stewart Metz has chosen to persecute bird breeders, blaming them for all that occurs to pet birds and breeding birds. In fact, he is so dedicated to this animal rights approach to birds and bird breeders, that he has made himself notorious on the internet as a champion of the philosophy that birds should not be bred!

Stewart Metz describes an instance of alleged PDD in a Military macaw at the Scudder Farm. Consider that PDD is a disease that is unknown in its origin, unknown as to the method of transfer, for which there is no diagnostic test, and a disease that a bird can have for months without showing any signs of it. In spite of all of these mysteries surrounding PDD, Stewart Metz presents the information about PDD as if it were somehow due to Martha's failure as a bird breeder to prevent or eliminate the disease!

Furthermore, Stewart Metz makes assumptions without foundation. For example, Metz states: "...Therefore it is clear that many birds had or were exposed to dangerous and communicable infectious disease,The significance of this potentially extends well beyond the aviary in question." (Italics and underline are this author's emphasis.) He discusses diseases that could have been transmitted. These are allegations and intimations, not facts. It is unfortunate that Stewart Metz has joined forces with the defendant in an effort to damage the Scudder Farm's reputation and destroy the ability of Martha Scudder to produce and market the parrots she raises so well.

It is my understanding that, contrary to the contentions of Stewart Metz, professional review by a board certified avian veterinarian of the medical documents has determined that Martha Scudder's Farm had no birds that exhibited Psittacine Beak and Feather Disease, Exotic Newcastle Disease or psittacosis.

[EdNote: The Editorial Board elected to refer Ms. Desborough comments directly to Dr. Metz for response, in view of his extensive involvement in this case. The following responses were returned:

"In response to Laurella Desborough:

- The question is not my credentials; it is whether my conclusions are correct, based on careful review of the facts . Judge MacInnes apparently agreed. Nothing in Ms. Desborough's Declaration convincingly rebuts a single one of my conclusions*
- By now, Ms. Desborough is well aware that her statements about my "philosophy" are just as duplicitous as some of her statements , for example, at the 2004 Pierce County Council meeting [Ed. Note: see "Zone of Despair",Version 2]. Laurella does not let either the facts or the truth get in the way of her demagoguery. Furthermore, one loses sight of the issue at hand from which she is attempting to distract you , the topic is whether birds have been and may again be mistreated in Pierce Country and whether they deserve, therefore, the same local protections under local law as do dogs and cats. The issue is not my personal philosophy*

However, since she brings it up, Ms. Desborough seems fixated on slandering my views in venues wherein I cannot reply. For example, she has implied that my views are so radical as to link me by association with the likes of the Earth Liberation Front and herein she states that I am guilty of " an effort to damage the Scudder Farm's reputation and destroy the ability of Martha Scudder to produce and market the parrots she raises so well." While this and other comments are probably legally actionable, I find these and her other fabrications to be merely pitiable, and the sign of an effete,

desperate person realizing but unwilling to accept that times and attitudes about the treatment of sentient creatures are changing...

- Finally, another bit of smoke and mirrors is the mantra of "Parrot Depot doesn't have Beak and Feather Disease, Newcastle Disease or psittacosis". Dr. Speer (Ms. Desborough's friend and co-author) took the same approach. Of course, I assume that the Editorial Board of this website will by now have convinced the Reader what was apparent to me as I studied the evidence—these were NEVER the major disease entities in question. Those entities are Proventricular Dilatation Disease , Pacheco's Disease, and starvation (although there is the incident of chlamydiosis at The Bird Cage). I do not know whether this is misinformation (they didn't seriously review the facts) or disinformation (an outright deception) but the Reader should know by now that these statements by both Dr. Speer and Ms. Desborough played fast and furious with the truth.*
- Lastly, I find it truly sad that two of the co-authors of the Model Aviculture Program, both of whom sit on its Board of Directors, are willing to see MAP's very principle's decimated yet still come to the defense of the perpetrators. I suppose that ethical choices usually involve conflicts between higher but abstract choices vs. the desire to protect or vouchsafe the status quo or what one sees as inherently their right. But ethics can't be mere talk. Ms. Desborough has written the following:*

*" So, how we care for our companion birds and our breeding collections is important to each individual bird*s health and happiness, but I believe it is also important for the survival of the species. As part of my commitment to the welfare and humane care of pet and aviary birds, I am always interested in sharing knowledge about parrots."
(<http://www.avianclinic.com/desborough.htm>)*

If this is how she shows her concern for each bird's health and happiness, welfare and humane care, God help those birds who starved to death, or who died and were thrown in the garbage like leftover food, or lived as described in the Declaration of Robin Scudder:

"I had the opportunity to really look at the birds and their cages. My inspection of the nest boxes showed they were horrific. Several of the nest boxes were wet and had mold in them. Others had signs of mice living in the boxes. It was apparent that the nest box material hadn't been changed in quite sometime...Upon going into the home of Martha Scudder and Bob Vincent, I witnessed several 10 gallon fish tanks full of mice and babies. The smell in the house was worse than any pet store I had ever been in. There was everything from bird feces to dog urine and feces all over the floor. Cages of baby birds were not cleaned and the birds were not kept in any order... Being the animal lover that I am, this made me sick to my stomach. I don't know how anyone could force any animal to live in conditions like this. No animal should have to live in the conditions I witnessed at Bob Vincent's and Martha Scudder's farm."

(signed) 

Stewart A. Metz, M.D."]

Signed this fourth day of August, 2005, at
Middleburg, Florida

[signature: *Laurella Desborough*]

Laurella Desborough

LAURELLA DESBOROUGH: AVICULTURAL BIOGRAPHY

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Avicultural Activities:

- President of the American Federation of Aviculture, Aug. 1993 to Aug. 1996.
- President of the Advocates for Bird Conservation, (ABC) 1997 to 2005.
- Co-Founder & Board Member, Model Aviculture Program, (MAP) 1990 to 2005.
- Board Member Organization of Professional Aviculturists, (OPA) 2001 to 2005.
- Co-chairman of Avian Research Fund annual seminars, 1988 to 1993.
- Chairman of The Eclectus Group (For Eclectus breeders), 1998 to 2005.
- Legislative Coordinator, National Animal Interest Alliance, 2005
- Breeding eclectus parrots for over 20 years. (Raised a variety of other parrots too)
- Breeding vasa parrots for five years: ABC's breeding project for conservation.
- Speaker at conferences: AAV, AFA, AZA, and Canadian Symposium.

Memberships:

- American Bird Conservancy
- American Federation of Aviculture
- American Pheasant and Waterfowl Society
- National Audubon Society
- Organization of Professional Aviculturists
- National Animal Interest Alliance Trust

Education:

- B.F.A. Southern Illinois University,
- M.A. University of California, Los Angeles.

Publications (an incomplete but representative list):

A Complete Guide to Eclectus Parrots, K.W. Arthur, F. Bauer, L. Desborough, 1987, Parrot Publishing.

“Eclectus Parrots”, BIRD WORLD, May-June 1991, Vol. 14, No. 1, pp. 32-37.

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Addendum to

DECLARATION OF Laurella Desborough - 1

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Companion Eclectus Parrots in the U.S. a chapter in Eclectus Parrots: An Experience, by Graham Taylor, 2003, Wildlife Publishing Press, Knoxville, TN
“Eclectus Parrots”, AFA Conference Proceedings, 2003.
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“The Vasa Parrots of Madagascar” 2004 AFA Proceedings of the Conference.
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