

[Annotated at end of document]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Honorable NICOLE MACINNES

**SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY**

MARTHA J. SCUDDER, A single individual, Case No.: **04-2-04721-8 SEA**
Plaintiff,

vs.

LARRY GALLAWA, A married individual,
Defendant

DECLARATION OF LESLIE SWALLEY
Administrative Assistant to Councilman
Dick Muri, Pierce County Council

I, Leslie Swalley, 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 employed as Personal assistant to Councilman Dick Muri, Pierce County, Washington
- 3. In the course of my duties, I received a telephone voice message from a person who identified himself as Larry Gallawa, the transcript of which is attached as exhibit A to this document.
- 4. I received above mentioned message on 2 4, 2004.
- 5. On ~~January 18, 2004~~ February 15, 2004, I personally visited the aviary owned by Martha Scudder, at 10013 332nd St. S. in Roy Washington.
- 6. I have received and read allegations that have been supplied to the

DECLARATION OF Leslie Swalley - 1

JACK MAICHEL, ATTY
PMB 130, 10611 CANYON RD. E.
PUYALLUP, WA 98371
253-985-0004

1 council by Larry Gallawa, and compared his allegations to the conditions I
2 observed at the Scudder farm.

3 7. At no time did I observe any condition which caused me to believe the
4 animals on the Scudder farm were abused or in pain or kept in a manner which
5 caused them to suffer.

6 8. It was my impression that the organization of the farm went to great
7 lengths to insure the animals were protected from the natural elements and
8 safeguarded from inadvertent introduction of outside contaminants which would
9 have caused harm to the baby and or adult animals.

10 9. In Review of the information supplied to the Pierce County Council,
11 no evidence was presented to confirm the allegations of Mr. Gallawa, Renee
12 Ward or Dr. Tracy Bennett.

13 10.

14 Signed this day of , 2005, at *9:30 AM*
15 *Leslie A. Swalley August 4, 2005*

16
17
18
19
20
21
22
23
24
25

DECLARATION OF Leslie Swalley - 2

JACK MAICHEL, ATTY
PMB 130, 10611 CANYON RD. E.
PUYALLUP, WA 98371
253-985-0004

Exhibit A

Transcript of telephone message received by Pierce county counsel assistant Leslie Swalley.

.....Yes maam, my names Larry Gallawa, ummm, I'm sure that, uuuh, Mr. Rivera, Mr. Bunny, and some of the other folks around there can tell you who I am. Uuhhm, I've been involved in trying to protect the rights of animals being abused in pierce county, and ummm, I have been forced into that role because the Humane Society has refuses to deal with, perform their function. Ummm The reason I'm calling you is, it was my understanding that they have e implemented new ordinances pertaining to birds, and exotic anima---, well basically exotic birds, parrots, that type, ummm, in the Humane Society for Pierce County. I have requested, repeatedly, copies of those ordinances pertaining to birds, and so far everybody has just kind of ignored me, which they do regularly, and they they haven't quite figured it out yet, if they just give me a little courtesy, and answer my request, ummm I just go away. When they ignore me, I get pissed, and I go after um, and I make their lives miserable. And I've succeeded in doing that to a great extent, and it's going to get even worse in the future if somebody doesn't answer this request. I appreciate the fact that you have not been a party to any of this in the past, nor has your boss, and hopefully, I can get some help from you folks, ummm you know, that's mutually beneficial. I'm I'm not trying to make life tough for people, I just would like to have some simple courtesy, and what I'm asking for now is, a copy of those ordinances. I don't see any reason why I shouldn't be able to get a copy as a citizen. Ummm, my number here is 425-641-4633, or 425-643-1324. Thank you very much, bye.....

[Ms. Swalley is the Administrative Assistant to Councilman Dick Muri. She has no known expertise in the husbandry of exotic birds. We can only surmise that Martha Scudder and Robert Vincent, who deny admission even to members of Martha's own family, granted admission to their farm expecting positive testimony. Ms. Swalley's sworn declaration that birds were not in pain, suffering, harmed or abused is totally inappropriate given her complete lack of expertise. Her statements mirror those by her supervisor, Councilman Muri, after he was invited on a tour of the facility:

"Basing his opinion on the birds's appearance, he said the ones he saw seemed healthy. 'The farm is in good working order, and the birds are real healthy,' said Muri, a retired Air Force pilot. 'Their feathers look good. They look normal, like a bird you'd see in someone's home.' Basing his opinion on the birds' appearance, Muri said the ones he saw seemed healthy.

Before going to Scudder's, Muri was asked whether he intended to take an avian expert with him. 'I don't need a vet,' he said. 'I'm going to make decisions as far as regulations and changing the way things get done, it's up to me. It's my decision. Sure I'm not a veterinarian but I'm still somewhat qualified. People elected me because of my decision-making process. I have two eyes and two ears and a wide variety of experiences so hopefully I'll be able to gather some good information and I'll be able to report back.' (Source: *Tacoma News-Tribune*, Dec. 21, 2005)

That Muri's and Swalley's observations so completely contradict statements by even Martha Scudder's own family at best demonstrates willful ignorance regarding welfare of the birds, at worst, it calls their motives into question. This is seen elsewhere in the alleged pre-notification by a Pierce County Humane Society official of upcoming "surprise" inspections of the M. Scudder farm. (See Kathy Phillips Scudder Deposition, Volume 2, pages 93-94.)]