

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT
OF CARROLL COUNTY, MISSISSIPPI

SUSIE JAMES

PLAINTIFF

VS.

CAUSE NO.:

2011-0077(k)

IN DEFENSE OF ANIMALS, INC.,
DOLL STANLEY, INDIVIDUALLY
and IN HER CAPACITY AS AGENT
and REPRESENTATIVE FOR IN DEFENSE
OF ANIMALS and CARROLL COUNTY
SHERIFF'S DEPARTMENT and JOHN
AND JANE DOES Defendants to be
identified A,B,C,D,E and F

DEFENDANTS

COMPLAINT FOR DISCOVERY

The Plaintiff, Susie James ("Plaintiff James"), files this her Complaint for Discovery against the Defendants In Defense of Animals, Inc. (hereinafter sometimes "Defendant IDA"), Doll Stanley, (hereinafter sometimes "Defendant Stanley") both individually as well as in her capacity as agent and representative of "Defendant IDA"), and Carroll County Sheriff's Department (hereinafter sometimes "Defendant Department"), and presents the following in support:

I.
PARTIES

- a. At all times relevant to this **COMPLAINT** Plaintiff James was an adult, resident citizen of the First Judicial District of Carroll County, State of Mississippi having an address of 790 CR 121 Carrollton, Mississippi 38917.
- b. Defendant Stanley is an adult, resident citizen of the First Judicial District of Carroll County, Mississippi who may be served with the process of this Court at Route 1, Box 122-A, Grenada, Mississippi 38901.
- c. Defendant IDA is an out of state, foreign corporation, doing business in the state of Mississippi having a registered agent for service of process, Doll Stanley, Route 1, Box 122-A, Grenada, Mississippi 38901.
- d. The Carroll County Sheriff Department is a body politic and chief law enforcement

FILED
8/18 2011
STANLEY S. "SUGAR" MULLINS
CHANCERY CLERK
BY Shawna McBeal c.d.c.

agency of Carroll County, Mississippi, which may be served with process upon the person of the Sheriff of Carroll County, Mississippi, Jerry Carver, or any other duly appointed agent for said purpose by and under Mississippi law and authority.

e. John and Jane Does whose names the Plaintiff James is ignorant of and, at this point, are being sued herein pursuant to Rule 9(h) and (i) MRCivP. When the names and identities of said parties are discovered or must be added by necessity, these pleadings will be amended by substituting the true name or names of said party or parties and giving proper notice to the opposing parties of said proceedings.

II. **JURISDICTION**

a. The Court has jurisdiction over each Defendant because either the Defendant is a resident citizen of the First Judicial District of Carroll County, Mississippi or is doing business in Mississippi, or has committed a tort in whole or in part in Mississippi, and has continuing minimum contacts within the State of Mississippi. Each identified Defendant is amenable to service of process by a Mississippi Court.

b. The Court further has subject matter jurisdiction of this action in that the Plaintiff seeks the remedy of equity discovery against the named Defendants as more fully outlined hereinbelow.

III. **VENUE**

This Court has venue of this action due to Defendant Stanley's residency in the First Judicial District of Carroll County, Mississippi as aforesaid. Moreover, the venue of this suit in equity is further governed by MCA §11-5-1, which provides in relevant part that all "suits respecting real or personal property may be brought in the Chancery Court in the County in which property, or some portion thereof may be."

IV. **FACTUAL BACKGROUND**

1.

On or about May 16, 2011, a document was generated by the Carroll County Justice

Court, State of Mississippi to Plaintiff Susie James and one William Ferguson (deceased at the time) at an address of 790121 Carrollton Road, Carrollton, Carroll County, Mississippi. This document purported to be issued by and in accordance with the provisions contained in MCA §97-41-2 relative to allegations of neglect or abuse to non-specified "animals" again specifically located at Carrollton Road, Carroll County, Carrollton, Mississippi. A true and correct copy of this document is attached hereto and made a part hereof as Exhibit "A".

2.

Exhibit "A" again purports to have been issued by and pursuant to MCA §97-41-2. Initially, on its face, Exhibit "A" reflects no finding or evidence of any finding of "probable cause" to believe that any of the unspecified animals were being "cruelly treated, neglected or abandoned." MCA §97-41-2 further provides that "such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal". Based upon all information known and available to Plaintiff James, no such sworn testimony was adduced from any person, persons, witness or witnesses establishing such animal neglect or cruel treatment, thereby providing no basis, probable cause, or criteria existing at law for the issuance of this document under date of May 16, 2011.

3.

Moreover, Exhibit "A", on its face, does not call for any seizure of any specific animals at issue, but merely provides that these unspecified animals were subject to "surrender" by Plaintiff James to Defendant Department, again in complete contravention of the clear dictates of MCA §97-41-2, the statutory authority upon which Exhibit "A" purports to be based and founded.

4.

Moreover, the document attached hereto as Exhibit "A" was not served upon Plaintiff James until the day following, May 17, 2011, with said "service" being accomplished by Deputy Sheriff, Brad Carver, of Defendant Department, by service upon Plaintiff James while in her automobile.

5.

Further, Exhibit "A" purportedly reflects certain animals "seized" on Plaintiff James' property of 790 CR 121, Carrollton, Mississippi 38917, and her domicile located therein, having been wrongfully entered into without any authority of law, and clearly not even provided for by and under the document attached hereto as Exhibit "A". Moreover, a pet carrier was removed from Plaintiff James' home, all without justification, authority or foundation at law or equity.

6.

Subsequently, on May 22, 2011, another document was issued by the Carroll County Justice Court, State of Mississippi, to Plaintiff James with an address of 790121 Carrollton Road, Carrollton, Carroll County, Mississippi. This document was again purportedly issued by and under the provisions of MCA §97-41-2 "ordering" Plaintiff James to "surrender" to the Carroll County Sheriff Department any and all abused animals located at 790121 Carrollton Road as aforesaid. A true and correct copy of the document is attached hereto and made a part hereof as Exhibit "B". As outlined hereinabove, Exhibit "B" on its face, does not comport with the specific provisions of MCA §97-41-2, the statutory basis upon which Exhibit "B" was evidently issued or at least referenced. Again, based upon all information known and/or discoverable to and by Plaintiff James, no probable cause was adduced for the issuance of "Exhibit B" as specifically required by MCA §97-41-2. Again, Exhibit "B" reflects no such probable cause finding by the Carroll County Justice Court based upon or established by "sworn testimony of any person who has witnessed the condition of said animal". Moreover, no specific alleged neglected or abused animal is identified in Exhibit "B".

7.

On May 22, 2011, Defendant Stanley, both in an individual capacity and as agent and representative of Defendant IDA again appeared on Plaintiff's property having an address of 790 CR 121 Carrollton, Mississippi 38917. Defendant Stanley, along with other agents, employees

and representatives of Defendant IDA were again accompanied by Carroll County Deputy Sheriff Brad Carver, an agent and employee of Defendant Department. Without authority at law or equity, said Defendants entered on and upon Plaintiff James' property and again forced their way into Plaintiff James' home and again seized certain animals from Plaintiff James' property. On this occasion, Defendant Stanley, acting in her individual capacity as well as agent, employee and representative of Defendant IDA, caused certain photographs and videos to be taken, all without any authority or bases in law.

On May 22, 2011, certain animals were "seized" from Plaintiff James' property and home located at 790 CR 121 all without authority at law and even in contravention of the document issued by the Carroll County Justice Court attached hereto and made a part hereof as Exhibit "B".

8.

On May 22, 2011, Carroll County Deputy Sheriff Brad Carver, acting by and pursuant to his authority and agency relationship with Defendant Department, appeared on Plaintiff James' property in support of and in conspiracy with, Defendant Stanley and Defendant IDA. Deputy Carver, on this occasion, caused Plaintiff James to physically be pulled, or in other ways caused Plaintiff James to lose her balance from the front porch or steps of her own property and ultimately fall to the ground. Deputy Carver's actions were without authority at law, constituted an unlawful assault upon Plaintiff James, and facilitated the wrongful taking and "seizing" of additional animals from Plaintiff James' property and/or domicile.

9.

Plaintiff James, at this juncture has no knowledge or information relative to what has been the ultimate fate of the animals or other property wrongfully seized from her property as well as the present whereabouts or location of a pet carrier identified nowhere as any of the property "seized" under the documents identified and attached hereto as Exhibit "A" and/or Exhibit "B".

10.

Based upon all information presently known to Plaintiff James, Defendant Stanley, subsequent to these unlawful, unwarranted and unfounded actions, both without authority at either law or equity, published these activities and "seizures" by and from Plaintiff James and on her property and domicile on the internet as well by local area newspapers and related media.

11.

Therefore, these Defendants, acting individually or in concert with each other, wrongfully and without authority at law entered upon Plaintiff James' premises and domicile and conducted wrongful "seizures" and the taking of Plaintiff James' properties. The incident of May 16, 2011 was conducted without any prior notice to Plaintiff James at all, and both the May 16, 2011 and May 22, 2011 documents (Exhibits "A" and "B" attached hereto) were not, and are not, authorized as provided specifically by and under MCA §97-41-2. Therefore, the Defendants, acting individually or in concert with each other, unlawfully deprived the Plaintiff James of her properties without due process, and engaged in acts of both commission and omission proximately causing and contributing to damages suffered by Plaintiff James. The conduct of the Defendants herein, based upon all information available to Plaintiff James, was grossly negligent and/or was attended by circumstances of malice, willful and wanton conduct, and/or was committed with reckless and callous disregard for the rights of the Plaintiff James, thereby entitling Plaintiff James to punitive damages in an amount sufficient to punish and set an example of Defendants, and each of them, and to deter Defendants and those similarly situated from engaging in similar conduct in the future.

V.

DISCOVERY CLAIMS

A.

AS TO DEFENDANTS IN DEFENSE OF ANIMALS, INC. AND DOLL STANLEY

12.

The Plaintiff James has a meritorious case for the enforcement of a civil right or rights and other claims against Defendant IDA and Defendant Stanley consisting of both equity and law claims arising out of the documents generated by the Carroll County Justice Court and the actions taken by these Defendants, both before and after the issuance of these documents. Certain additional documents are material and relevant to the Plaintiff's claims for the enforcement of her civil rights and other claims for relief against the Defendants for the purpose of establishing proof of the background, processing and actions resulting from the documents generated by and through the Carroll County Justice Court under dates of May 16, 2011 and May 22, 2011, Exhibits "A" and "B", respectively. These files and documents are exclusively within the custody of Defendant IDA and Defendant Stanley and/or their agents, subsidiaries, servants and/or employees.

13.

Plaintiff James therefore brings this Complaint for Discovery requesting that the Defendants IDA and Stanley produce the following documents, to-wit:

"Documents" shall mean every document within the custody, possession or control of the person or entity to whom this request is directed, and his, her or its attorneys, representatives, subsidiaries, employees, and/or agents, whether an original or copy, known to Defendants and every such document or writing which Defendants can locate or discover by reasonably diligent efforts. In producing documents, Defendants are requested to produce the original of each document together with all non-identical copies and drafts of that document. If the original of any document cannot be located, a copy shall be provided in lieu thereof, and shall be legible and

bound or stapled in the same manner as the original. Documents shall be produced as they are kept in the usual course of business. All documents shall be produced in the file folder, envelope or other container in which the documents are kept or maintained. All documents employed during the conduct of the ordinary course of business and during the subsequent maintenance of the documents are to be produced.

(a) Any and all files (and all documents contained therein) relating to the documents generated by and through the Carroll County Justice Court under dates of May 16, 2011 and May 22, 2011 attached hereto and made a part hereof as Exhibits "A" and "B" respectively.

(b) Any and all files (and all documents contained therein) relating to the actions of Defendants leading to the issuance or generation of Exhibits "A" and "B" attached hereto, including, but not limited to any and all documents and files evidencing sworn testimony of any person who witnessed the conditions of any animals allegedly being cruelly treated, neglected, or abandoned and establishing any probable cause for the issuance of the documents attached hereto as Exhibits "A" and "B" respectively;

(c) Any and all files (and all documents contained therein) relating to any actions undertaken by Defendants causing or contributing to the issuance or generation of those documents attached hereto as Exhibits "A" and "B" respectively;

(d) Any and all documents and files reflecting the specific relationship between Defendant IDA and Defendant Stanley, including but not limited to the relationship as it existed at the time of the generation and issuance of those documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively;

(e) Any and all files (and all documents contained therein) reflecting the relationship between Defendant IDA and Stanley and Defendant Department and specifically Deputy Brad Carver at the time of the generation and issuance of the documents attached hereto and made a part hereof as Exhibits "A" and "B", respectively;

(f) Any and all files (and all documents contained therein) that in any way relate to

actions undertaken by Defendants IDA and Stanley resulting from the generation and issuance of the documents attached hereto and made a part hereof as Exhibit "A" and "B" respectively;

(g) Any and all files (and all documents contained therein) that in any way relate to the investigation, identification, and/or methodology utilized by Defendant IDA or Defendant Stanley resulting in the address reflected on Exhibits "A" and "B" respectively of 790121 Carrollton Road, Carrollton, Carroll County, Mississippi;

(h) Any and all files (and all documents contained therein) of any kind, by any name, that in any way relate to communications by Defendant IDA, its subsidiaries, agents and assigns and Defendant Stanley with Plaintiff Susie James prior to the generation of those documents attached hereto as Exhibits "A" and "B"; respectively;

(i) Any and all files (and all documents contained therein) of any kind, by any name, that relate in any way to communications by Defendant IDA, its subsidiaries, agents and assigns, and Defendant Stanley with Plaintiff Susie James prior to, and during, any actions, however described, undertaken by Defendants by and as a result of the generation of the documents attached hereto and made a part hereof as Exhibits "A" and "B", respectively;

(j) Produce any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain the original notes generated by or on behalf of Defendants IDA, its subsidiaries, agents and assigns and Stanley relative to the generation of the two documents attached hereto and made a part hereof as Exhibits "A" and "B", respectively, as well as any of the actions undertaken by Defendants as a result of the generation of these documents;

(k) Any and all files (and all documents contained therein) reflecting any and all similar documents as Exhibits "A" and "B" respectively, generated in any Court, however described, in the State of Mississippi and/or Carroll County, Mississippi, with the participation of Defendants, however described, in the possession, custody and control of Defendants;

(l) Any and all documents and files reflecting similar documents as reflected in Exhibits "A" and "B" respectively as generated by the Carroll County Justice Court, State of Mississippi,

within the care, custody or control of Defendants;

(m) Any and all files (and all documents contained therein) that reflect and identify the names and addresses or any other identification, however described, of any and all individuals who complained about Plaintiff Susie James' neglect of animals at 790121 Carrollton Road, Carrollton, Carroll County, Mississippi prior to the issuance and/or generation of those documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively;

(n) Any and all files (and all documents contained therein) relating to the identification of those individuals accompanying Defendant Stanley to and on the property or domicile of Plaintiff Susie James as a result of those documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively;

(o) Any and all files (and all documents contained therein) that in any way reflect the present whereabouts, condition, location, and/or disposition, however described, of those specific animals listed as being "seized" as a result of the generation of those documents attached hereto and made a part hereof as Exhibit "A" and "B" respectively;

(p) Any and all files (and all documents contained therein) relating to any communications, however described, between Defendant IDA and Defendant Stanley with any employee, agent or representative of Defendant Department and/or the Justice Court of Carroll County, Mississippi prior to the generation of the documents attached hereto as Exhibits "A" and "B" and any actions undertaken as a result of these communications and generation of these Exhibits;

(q) Any and all files (and all documents contained therein) constituting e-mails, text messages, facebook or other social media messages, audio recordings, chat logs, pictures, digital files, video footage, affidavits, phone call messages, however described, pertaining to Plaintiff Susie James or her property or domicile prior to, at the time of, and subsequent to, the generation of those documents attached hereto as Exhibits "A" and "B" and relating to any actions or activities taken by of Defendants from the generation of these documents and Exhibits "A" and

“B”;

(r) Any and all files (and all documents contained therein) that in any way relate to contacts by Defendants IDA and/or Stanley with any agent, employee of Defendant Department and Deputy Sheriff Brad Carver in particular relating to those documents attached thereto as Exhibits "A" and "B", respectively, and any actions undertaken by said Defendants as a result of the generation of these documents and exhibits;

(s) Any and all files (and all documents contained therein) constituting logs, lists, reports, memoranda, log entries, e-mails however described, relative to the generation of the documents attached hereto as Exhibits "A" and "B" respectively, and any of the actions taken as a result of the generation of these documents;

(t) Any and all files (and all documents contained therein) that reflect any and all medical/veterinary reports, including, but not limited to, feeding schedules, notes or reports taken of observation of the animals identified as being "seized" in those documents attached hereto as Exhibits "A" and "B" respectively, or any other animals so "seized" from Plaintiff's property or domicile;

(u) Any and all files (and all documents contained therein) of any kind, by any name, that in any way reflect the current location or locations of the animals "seized" as reflected in those documents attached hereto as Exhibits "A" and "B" respectively and the present condition or conditions of the animals so "seized", or any other animals so "seized" from Plaintiff's property or domicile;

(v) Any and all files reflecting the corporate structure, including the officers, directors, partners and/or shareholders of Defendant IDA for the three (3) year time period prior to the generation of the documents attached hereto as Exhibits "A" and "B" respectively;

(w) Any and all files (and all documents contained therein) that relate or reflect to notices, however described, and the dates of the generation and service of said notices, as provided by Defendants IDA and Stanley prior to the actions undertaken by said Defendants by

and pursuant to those documents attached hereto as Exhibits "A" and "B" respectively;

(x) Any and all files (and all documents contained therein) that in any way relate to Defendants' compliance with MCA §97-41-2 relative to the procurement and/or generation of those documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively;

(y) Any and all files (and all documents contained therein) that in any way identify the specific animals believed to be the subject of cruel treatment, neglect or abandonment which were the specific subject of any sworn testimony given to the Carroll County Justice Court prior to the issuance of the documents attached hereto as Exhibits "A" and "B" respectively;

(z) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain the authority or authorities upon which Defendants entered upon Plaintiff James' property and/or domicile on May 16, 2011 and May 22, 2011 and "seized" any animals located on Plaintiff James' property and domicile located at 790 Cr 121 Carrollton, Mississippi 38917;

(aa) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain the identity and name of the individual or individuals conducting the "seizures" of animals on Plaintiff James' property and domicile on May 16, 2011 and May 22, 2011 and the specific authority or authorities upon which said individual or individuals relied upon in being present and participating in the conduction and processing of said animal "seizures" on both of the aforesaid dates;

(bb) Certain animals are identified as being the subject of "seizure" in both of the documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively and these "seized" animals are material and relevant to the Plaintiff's claim or claims for the enforcement of her civil rights as well as her claims at laws in equity against these Defendants for the purpose of making and showing proof of a wrongful, illegal, unfounded and improper "seizure" or "seizures". The aforesaid animals, based on all information available to Plaintiff James, are exclusively within the control of Defendants, or within the reasonable reach and/or location by

Defendants, or each of them;

(cc) The aforesaid "seized" animals have not now, nor have been, within the reasonable reach of the Plaintiff James, particularly since the institution and processing of Exhibit "A" attached hereto and made part hereof. Therefore discovery of the aforesaid "seized" animals is practically indispensable to the ends of full and exact justice. Without the opportunity to examine and/or ascertain the exact location and/or disposition of the animals so "seized", (as well as any other animals so "seized" from Plaintiff's property and domicile), Plaintiff cannot fully and adequately ascertain the full measure of her damages flowing from the wrongful "seizure" of the animals at issue. Without such disclosure, no full and adequate proof of these damages, and the extent thereof, can be made.

WHEREFORE, PREMISES CONSIDERED, Plaintiff James prays that the Court will enter its Judgment against Defendants In Defense of Animals, Inc. and Doll Stanley, ordering said parties to produce the aforesaid hereinabove identified files and documents for examination and inspection to the Plaintiff James in a time and manner to be determined by the Court. Moreover, Plaintiff James prays that the Court will enter its judgment against Defendants In Defense of Animals, Inc. and Doll Stanley ordering said parties to produce the aforesaid and identified animals as "seized" for examination and inspection, to the Plaintiff James in a time and manner and within the parameters to be set and determined by the Court.

B.

AS TO DEFENDANT CARROLL COUNTY SHERIFF'S DEPARTMENT

14.

The Plaintiff James has a meritorious case for the enforcement of a civil right or rights and other claims against Defendant Department consisting of both equity and law claims arising out of the documents generated by the Carroll County Justice Court and the actions taken by this Defendant, both before and after the issuance of these documents. Certain additional documents are material and relevant to the Plaintiff's claims for the

enforcement of her civil rights and other claims for relief against the Defendant for the purpose of establishing proof of the background, processing and actions resulting from the documents generated by and through the Carroll County Justice Court under dates of May 16, 2011 and May 22, 2011, Exhibits "A" and "B", respectively. These files and documents are exclusively within the custody of Defendant Department and/or its agents, subsidiaries, servants and/or employees.

15.

Plaintiff therefore brings this Complaint for Discovery requesting that the Defendants Carroll County Sheriff's Department produce the following documents, to-wit:

"Documents" shall mean every document within the custody, possession or control of the person or entity to whom this request is directed, and his, her or its attorneys, representatives, subsidiaries, employees, and/or agents, whether an original or copy, known to Defendant and every such document or writing which Defendant can locate or discover by reasonably diligent efforts. In producing documents, Defendant is requested to produce the original of each document together with all non-identical copies and drafts of that document. If the original of any document cannot be located, a copy shall be provided in lieu thereof, and shall be legible and bound or stapled in the same manner as the original. Documents shall be produced as they are kept in the usual course of business. All documents shall be produced in the file folder, envelope or other container in which the documents are kept or maintained. All documents employed during the conduct of the ordinary course of business and during the subsequent maintenance of the documents are to be produced.

(a) Any and all files (and all documents contained therein) relating to the documents generated by the Carroll County Justice Court as attached hereto and made a part hereof as Exhibits "A" and "B";

(b) Any and all documents and files reflecting the relationship between Defendant IDA, Defendant Stanley and Defendant Department relative to the generation and/or

promulgation of Exhibits "A" and "B" attached hereto and made a part hereof;

(c) Any and all files (and all documents contained therein) that in any way relate to contact by Defendant Department, its agents or employees with Plaintiff James relating to the documents attached hereto as Exhibits "A" and "B", respectively;

(d) Any and all files (and all documents contained therein) of any kind, by any name, that in any way relate to any actions, however described, undertaken by Defendant Department, its agents, deputies or employees as a result of the generation and promulgation of the documents attached hereto and made a part hereof as Exhibit "A" and "B" respectively;

(e) Any and all files (and all documents contained therein) of any kind, by any name, that in any way relate to communications by Defendant Department, any of its agents, deputies or employees and Defendants IDA and Stanley relating to the documents attached hereto as Exhibits "A" and "B", respectively, and any actions taken by and pursuant to these documents and Exhibits by Defendant Department, its agents, deputies or employees;

(f) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain the identity and the name of any individuals or the identities and names of any individuals conducting the animal "seizures" on Plaintiff James' property on May 16, 2011 and May 22, 2011; respectively;

(g) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain any and all notices, however described, provided to Plaintiff James by Defendant Department both prior to the animal seizures conducted on May 16, 2011 and May 22, 2011 as well as during the course of the animal "seizures" conducted on May 16, 2011 and May 22, 2011;

(h) Any and all files (and all documents contained therein) of any kind, by any name, that in any way reflect or contain the identity and name of the deputy and/or identities and names of the deputies assisting in the animal "seizures" on Plaintiff James' property on

May 16, 2011 and May 22, 2011;

(i) Any and all files (and all documents contained therein) that in any way relate to communications, notices or other contacts by Defendant Department, its agents, employees and/or deputies with Plaintiff James by and pursuant to MCA §97-41-2 both prior to, and at the time of, the animal "seizures" of May 16, 2011 and May 22, 2011;

(j) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain the authority or authorities upon which Defendant Department, its agent, employees and/or deputies handled, processed, and/or assisted in the completion of the animal "seizures" occurring on Plaintiff James' property on May 16, 2011 and May 22, 2011;

(k) Any and all files (and all documents contained therein) of any kind, by any name that reflect photographs or videos taken by or in the presence of Defendant Department, its employees, agents or deputies at the time of the animal "seizures" occurring on Plaintiff James' property on May 16, 2011 and May 22, 2011;

(l) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain the disposition, processing and/or present whereabouts of those animals identified and listed on the documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively, or any animals "seized" on Plaintiff's property;

(m) Any and all files (and all documents contained therein) of any kind, by any name, that reflect the names, addresses and identities of any individuals who lodged complaint or complaints with Defendant Department relative to animal neglect and abuse by Plaintiff Susie James both before the animal "seizures" of May 16, 2011 and May 22, 2011 and after the animal seizures of May 16, 2011 and May 22, 2011;

(n) Any and all files (and all documents contained therein) of any kind, by any name, that reflect the number of times, occasions and instances in which Defendant Department, its agents, employees and/or deputies assisted and/or cooperated, in other

animal "seizures", no matter where located, as a result of documents such as those reflected in Exhibits "A" and "B" attached hereto;

(o) Any and all files (and all documents contained therein) of any kind, by any name, that reflect any letters, e-mails, facebook or other social media messages, chat files, audio recordings, pictures, digital files, video footage, affidavits, and phone call messages generated by or within the care and custody of Defendant Department pertaining to, or relating to, the documents attached hereto and made a part hereof as Exhibits "A" and "B" respectively, or any actions taken by Defendant Department, its agents, employees and/or deputies pursuant to said documents and exhibits;

(p) Any and all files (and all documents contained therein) of any kind, by any name, that reflect the authority obtained by or given to Defendant Department and/or its Deputy Sheriff Brad Carver, to make physical contact with Plaintiff James and to cause Plaintiff James to fall to the ground during the course of the animal "seizure" on her property of May 22, 2011;

(q) Any and all files (and all documents contained therein) of any kind, by any name, that reflect any reports generated or provided to Defendant Department by Deputy Sheriff Brad Carver as a result of the animal "seizures" of May 16, 2011 and May 22, 2011 on Plaintiff James' property and domicile;

(r) Any and all files (and all documents contained therein) of any kind, by any name, that reflect or contain any and all reports to the Defendant Department generated by its agents, employees, and/or deputy sheriffs as they relate to similar animal "seizures" conducted by and pursuant to similar documents generated by the Justice Court of Carroll County, Mississippi as reflected in Exhibit "A" and "B" respectfully;

WHEREFORE, PREMISES CONSIDERED, Plaintiff James prays that the Court will enter its judgment against Defendant Carroll County Sheriff's Department, ordering said party to produce the aforesaid files and documents for examination and inspection to

AD DAMNUM

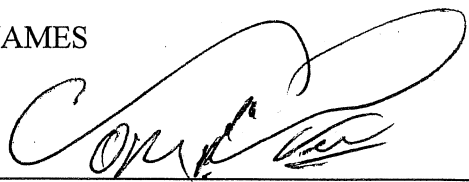
WHEREFORE, PREMISES CONSIDERED, Plaintiff Susie James respectfully submits that discovery of the aforesaid documents described and identified hereinabove is practically indispensable to the ends of full and exact justice. Without such disclosures, Plaintiff James will not be able to make full and adequate proof of her meritorious case for the enforcement of a civil right or rights and/or other claims and damages at law and equity against Defendants herein. Therefore, Plaintiff James prays that on her claims for discovery, the Court enter an Order requiring said Defendants to produce for inspection, examination and/or copying those files and all documents contained therein as identified hereinabove, within a time and manner to be determined and fixed by this Honorable Court. Additionally, Plaintiff respectfully prays that this Court enter a judgment requiring said Defendants to produce those animals and related property taken from Plaintiff James' property and domicile on May 16, 2011 and May 22, 2011 or at minimum, provide all information and documents available to them as to the disposition, condition and/or treatment of said animals and property so seized.

Plaintiff James further prays for such other relief as in equity and good conscience she may be entitled to have in the premises herein, together with attorney's fees and costs of this action, and any and all additional relief in favor of the Plaintiff James deemed appropriate by this Honorable Court.

Respectfully submitted, this the 18th day of August, 2011.

SUSIE JAMES

BY



TOM P. CALHOUN, III, MSB #4964
ATTORNEY FOR PLAINTIFF

OF COUNSEL:

CALHOUN LAW OFFICE
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Susie james complaint for discoverywp12

Carroll County Justice Court
State of Mississippi

Date: May 15, 2011

To: Susie James and William Ferguson (Owner/guardian/property owner)

Address: 790121 Carrollton Road, Carrollton, Carroll County, MS

Based on evidence and testimony presented to this court, and in accordance with the provisions contained in SS 97-41-2 of the Mississippi State Code, you are hereby ordered to surrender to the Carroll County Sheriff's Department any and all animals located at 790121 Carrollton Road, Carrollton, MS that depict evidence of, or have been subjected to neglect or abuse. If said animals are under veterinary care, proof of treatment must be validated by the attending veterinarian, and circumstances must indicate treatment is being provided (this does not apply to an environment of neglect). This court will place the animal(s) in the care of In Defense of Animals the Court's agent for temporary custody for protective custody and rehabilitative care. In further accordance with SS 97-41-2, you have **five (5) working days** from the date of this seizure warrant to **petition the court for a hearing** regarding the custody, and disposition of said animal(s). The District One Carroll County Justice Court is located at 600 Lexington Street, Carrollton, MS.

If granted a hearing, you are required to post a **bond within three (3) working days** sufficient to cover the cost of removal, transport, boarding, and if necessary, veterinary care for animals taken into custody. This court will set the bond under advisement of the appointed agent.

The court appointed guardian may authorize a veterinarian to provide needed medical attention, or if deemed necessary because of untreatable injury, disease, or aggression, under SS 97-41-3 of the Mississippi State Code, to euthanize said animal(s) without liability. If the seized animals do not have current rabies or other State, County, or City required proof of vaccination or testing the animal(s) may be inoculated, or tested at your expense.

If the number or nature of the animals to be removed requires caution for safe and humane transport, or preparation for housing them, they may be removed in shifts, and only authorized law enforcement, or the appointed agent of this court for the care of the animals may remove them. Anyone else removing the animals without express permission of this court will be held in contempt of this court.

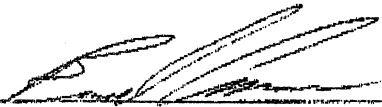
Jimmy Stewart Carroll 5-16-11
Justice Court Judge County Date
[Signature] Carroll Co.
Signature, Title, and Jurisdiction of Law Enforcement Officer Date 5-16-11

Attached List of Animals Seized:

List of Animals Seized: 1 cat whi-grey patch
1 dog hound cross sm-med whi/Brown patch
2 BK pups labx 1 whi chest-center
1 whi stripe on chest

EXHIBIT "A"

Attending Law Enforcement:


 (Signature)


Deputy Sheriff, Clark Co. (Title and Agency)

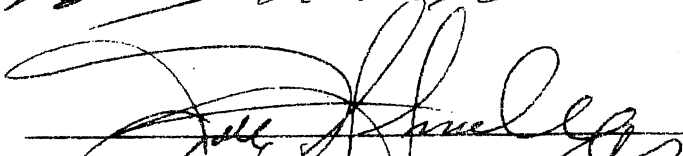
 (Agent appointed for care of animals)

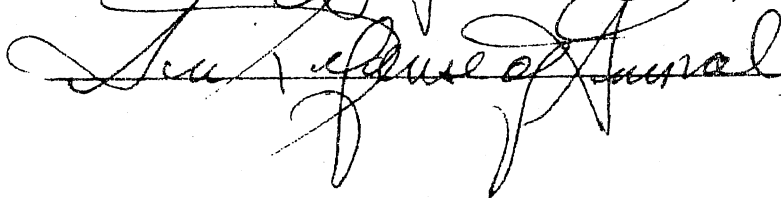
In Charge of Animals (Agency)

Attending Law Enforcement:

 _____ (Signature)

 _____ (Title and Agency)

 _____ (Agent appointed for care of animals)

 _____ (Agency)