

10-13-2015

Elliott v. Murdock Clerk's Record Dckt. 43410

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IN THE SUPREME COURT OF THE STATE OF IDAHO

FOR THE LOVE OF PETS FOUNDATIONS, INC.,)	
)	
Plaintiff-Respondent,	)	SUPREME COURT NO.
	)	43410
)	
-vs-	)	Jefferson County Case No.
	)	CV-2014-238
STEVE MURDOCK,)	
)	
Defendant-Appellant,)	
_____)	

CLERK’S RECORD ON APPEAL

Appeal from the District court of the 7th Judicial District of the State of Idaho, in and for

**THE COUNTY OF JEFFERSON
ALAN C. STEPHENS
DISTRICT JUDGE**

ATTORNEY FOR APPELLANT

**Kent Whittington
P.O. Box 2781
Idaho Falls, ID 83403**

ATTORNEY FOR RESPONDENT

**Paul Ripple
428 Park Ave.
Idaho Falls, Idaho 83402**

**Ray L. Wong
One Market Plaza, Ste. 2200
San Francisco, CA 94105-1127**

Candace "Andi" W. Elliott, For The Love Of Pets Foundation, Inc. vs. Steve Murdoch

Date	Code	User		Judge
3/19/2014	NCOC	KARLA	New Case Filed - Other Claims	Alan C. Stephens
	ATTN	KARLA	Plaintiff: Elliott, Candace White Attorney Retained Kent E Whittington	Alan C. Stephens
	ATTN	KARLA	Plaintiff: For The Love Of Pets Foundation, Inc., Attorney Retained Kent E Whittington	Alan C. Stephens
		KARLA	Filing: A - All initial civil case filings of any type not listed in categories B-H, or the other A listings below Paid by: Elliott, Candace White (plaintiff) Receipt number: 0001605 Dated: 3/19/2014 Amount: \$96.00 (Cashiers Check) For: Elliott, Candace White (plaintiff)	Alan C. Stephens
	COMP	KARLA	Complaint Filed	Alan C. Stephens
	SMIS	KARLA	Summons Issued	Alan C. Stephens
5/1/2014		MIRIAM	Filing: I1 - Initial Appearance by persons other than the plaintiff or petitioner Paid by: Murdoch, Steve (defendant) Receipt number: 0002515 Dated: 5/1/2014 Amount: \$66.00 (Cash) For: Murdoch, Steve (defendant)	Alan C. Stephens
	ATTN	NANCY	Defendant: Murdoch, Steve Attorney Retained Ray L Wong	Alan C. Stephens
5/27/2014	RESP	NANCY	Plaintiffs responses to defendants first set of requests for admissions directed to plaintiffs	Alan C. Stephens
	NOTC	NANCY	Notice of compliance	Alan C. Stephens
6/11/2014	NOTC	NANCY	Notice of compliance	Alan C. Stephens
6/18/2014	NOTS	NANCY	Amended notice of service of plaintiffs first requests for production of documents	Alan C. Stephens
8/1/2014	NOTC	NANCY	Notice of deposition transcript of Candace Elliott	Alan C. Stephens
2/2/2015		NANCY	Notice of Dismissal of Inactive Case-Civil	Alan C. Stephens
2/11/2015	MOTN	NANCY	Motion for retention	Alan C. Stephens
	AFFD	NANCY	Affidavit in support of motion for retention	Alan C. Stephens
2/12/2015	ORDR	NANCY	Order for retention	Alan C. Stephens
2/17/2015	MOTN	NANCY	Motion for summary judgment	Alan C. Stephens
	MEMOR	NANCY	Memorandum of points and authorities in support of defendant Murdock's motion for summary judgment	Alan C. Stephens
	MISC	NANCY	Compendium of evidence and declarations in support of defendant Murdock's motion for summary judgment	Alan C. Stephens
	MISC	NANCY	Delarcation of Blair Olsen in support of motion for summary judgment	Alan C. Stephens
	MISC	NANCY	Delarcation of Ray Wong in support of motion for summary judgment	Alan C. Stephens
	MISC	NANCY	Delarcation of Robin Dunn in support of motion for summary judgment	Alan C. Stephens

Candace "Andi" W. Elliott, For The Love Of Pets Foundation, Inc. vs. Steve Murdoch

Date	Code	User		Judge
2/17/2015	MISC	NANCY	Delarcation of Steven L. Murdock in support of motion for summary judgment	Alan C. Stephens
2/19/2015	NOTH	NANCY	Notice of Hearing for motion for summary judgment	Alan C. Stephens
	HRSC	NANCY	Hearing Scheduled (Motions 03/16/2015 11:00 AM) motion for summary judgment	Alan C. Stephens
2/23/2015	NOTH	NANCY	Amended notice of hearing for motion for summary judgment	Alan C. Stephens
2/26/2015	MOTN	NANCY	Motion for extention and to continue hearing	Alan C. Stephens
2/27/2015	CONT	NANCY	Continued (Motions 03/16/2015 11:00 AM) motion for summary judgment	Alan C. Stephens
	OBJC	NANCY	Opposition by defendant Steven Murdock to Motion for Extension and to Continue Hearing	Alan C. Stephens
3/2/2015	HRSC	NANCY	Hearing Scheduled (Status Conference 03/09/2015 03:00 PM) regarding plaintiffs motion to extend/continue and defendants objection TELEPHONIC	Alan C. Stephens
	NOTH	NANCY	Notice of Hearing	Alan C. Stephens
3/3/2015	MISC	NANCY	Declaration of Kent E. Whittington in support of motion for extension of time and continuance	Alan C. Stephens
	MOTN	NANCY	Motion for order shortenting time	Alan C. Stephens
	NOTH	NANCY	Notice of Hearing	Alan C. Stephens
3/5/2015	ORDR	NANCY	Order shortening time	Alan C. Stephens
	HRSC	NANCY	Hearing Scheduled (Motions 03/09/2015 03:00 PM) motion for extention of time and motion to continue summary judgment	Alan C. Stephens
3/9/2015	CONT	NANCY	Continued (Motions 04/20/2015 10:45 AM) motion for summary judgment	Alan C. Stephens
	HRHD	NANCY	Hearing result for Motions scheduled on 03/09/2015 03:00 PM: Hearing Held motion for extention of time and motion to continue summary judgment	Alan C. Stephens
	HRHD	NANCY	Hearing result for Status Conference scheduled on 03/09/2015 03:00 PM: Hearing Held regarding plaintiffs motion to extend/continue and defendants objection TELEHONIC	Alan C. Stephens
3/10/2015	NOTH	NANCY	Second amended notice of hearing	Alan C. Stephens
3/12/2015	ORDR	NANCY	Order granting continuance of hearing on motion for summary judgment	Alan C. Stephens
3/25/2015	MOTN	NANCY	Motion for protective order and to quash subpoenas	Alan C. Stephens
	OBJC	NANCY	Objection to motion for protective order and to quash subpoenas with request for emergency hearing	Alan C. Stephens

Candace "Andi" W. Elliott, For The Love Of Pets Foundation, Inc. vs. Steve Murdoch

Date	Code	User	Judge
3/26/2015	RESP	NANCY	Reply memorandum in response and opposition to Alan C. Stephens plaintiffs objection and request for further continuance
4/2/2015	NOTC	NANCY	Notice of hearing
	OBJC	NANCY	Objection and motion to strike hearsay
	MOTN	NANCY	Motion to amend pleadings
	NOTH	NANCY	Notice of Hearing
4/6/2015	BRIF	NANCY	Plaintiffs brief in opposition to summary judgment
	MISC	NANCY	Declaration of plaintiff in opposition to defendants motion for summary judgment
	MISC	NANCY	List of Exhibits (plaintiffs)
4/13/2015	OBJC	NANCY	Opposition of defendant Steven Murdock to Plaintiffs Motion to Amend Pleadings
	RESP	NANCY	Reply Memorandum of Points and Authorities in Support of Defendants Steven Murdock's Motion for Summary Judgment
	OBJC	NANCY	Opposition of Defendants Steven Murdock to Plaintiffs Objection and Motion to Strike Hearsay
	MISC	NANCY	Request for court to take judicial notice of court records
	OBJC	NANCY	Objection and motion to strike of defendant Steven murdock to declaration of plaintiff in opposition to defendants motion for summary judgment
	OBJC	NANCY	Defendant Steven Murdock's objections and motion to strike exhibits offered by plaintiffs in opposition to defendants Murdock's motion for summary judgment
4/15/2015	CERT	NANCY	Certificate Of Service
4/20/2015	MINE	NANCY	Minute Entry on motion for summary judgment
4/30/2015	ORDR	NANCY	Decision and Order RE: Motion for Summary Judgment
	ORDR	NANCY	Decision and Order RE" Plaintiffs Motions to strike hearsay and amend complaint and defendants motion to strike plaintiffs declaration, strike exhibits and take judicial notice of court proceedings
	ORDR	NANCY	Order re: limitation on filing
5/4/2015	CDIS	NANCY	Civil Disposition Entered entered for: Murdoch, Steve, Defendant; Elliott, Candace White, Plaintiff; For The Love Of Pets Foundation, Inc., Plaintiff. Filing date: 5/4/2015
	CSTS	NANCY	Case Status changed: Closed pending clerk action

Candace "Andi" W. Elliott, For The Love Of Pets Foundation, Inc. vs. Steve Murdoch

Date	Code	User		Judge
5/4/2015	HRHD	NANCY	Hearing result for Motions scheduled on 04/20/2015 10:45 AM: Hearing Held motion for summary judgment and motion to strike and motion to amend pleadings (whittington)	Alan C. Stephens
	JDMT	NANCY	Judgment	Alan C. Stephens
	CSTS	NANCY	Case Status changed: Closed	Alan C. Stephens
5/18/2015	MOC	NANCY	Defendant Steven Murdock's Memorandum of Costs by co-counsel	Alan C. Stephens
	MOC	NANCY	Defendant Steven Murdock's Memorandum of Costs	Alan C. Stephens
	MEMOR	NANCY	Verified Memorandum in support of request for attorneys fees for co-counsel	Alan C. Stephens
	MEMOR	NANCY	Verified Memorandum in support of request for attorneys fees	Alan C. Stephens
	MOTN	NANCY	Defendant Steven Murdock's Motion for Attorneys Fees	Alan C. Stephens
6/5/2015	HRSC	DENISE	Hearing Scheduled (Motions 07/06/2015 09:30 AM) Motion for Attorney's Fees	Alan C. Stephens
6/9/2015	CONT	NANCY	Continued (Motions 08/03/2015 10:00 AM) Motion for Attorney's Fees	Alan C. Stephens
6/12/2015		CLORDS	Filing: L4 - Appeal, Civil appeal or cross-appeal to Supreme Court Paid by: Whittington, Kent E (attorney for Elliott, Candace White) Receipt number: 0003217 Dated: 6/12/2015 Amount: \$129.00 (Check) For: Elliott, Candace White (plaintiff)	Alan C. Stephens
		CLORDS	Miscellaneous Payment: For Making Copies Of Transcripts For Appeal Per Page Paid by: Kent Whittington Receipt number: 0003218 Dated: 6/12/2015 Amount: \$125.00 (Check)	Alan C. Stephens
	NOTC	NANCY	Notice of Appeal	Alan C. Stephens
6/16/2015	NOTC	NANCY	Amended notice of appeal	Alan C. Stephens
6/22/2015	CONT	NANCY	Continued (Motions 07/20/2015 11:00 AM) Motion for Attorney's Fees	Alan C. Stephens
6/23/2015	NOTH	NANCY	Notice of Hearing	Alan C. Stephens
7/7/2015	CONT	NANCY	Continued (Motions 08/03/2015 10:30 AM) Motion for Attorney's Fees	Alan C. Stephens
	NOTH	NANCY	Notice of Hearing rescheduled	Alan C. Stephens
7/17/2015	CONT	NANCY	Continued (Motions 08/17/2015 10:00 AM) Motion for Attorney's Fees and objection to motion	Alan C. Stephens
7/21/2015	NOTH	NANCY	Amended notice of hearing rescheduled	Alan C. Stephens

Candace "Andi" W. Elliott, For The Love Of Pets Foundation, Inc. vs. Steve Murdoch

Date	Code	User	Judge
8/4/2015		NANCY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Kent Whittington Receipt number: 0004208 Dated: 8/4/2015 Amount: \$461.50 (Check) balance for clerks record for appeal
	APSC	NANCY	Appealed To The Supreme Court
	CSTS	NANCY	Case Status changed: Reopened
8/7/2015	NOTC	NANCY	Second amended notice fo appeal
8/11/2015	OBJC	NANCY	Objection to attorneys fees and costs and motion to disallow
8/17/2015	MINE	NANCY	Minute Entry
	BRIF	NANCY	Brief Filed on adequate objection under the law (Rippel)
8/28/2015	MEMOR	NANCY	Supplemental verified memorandum in support of request for attorneys fees and costs
9/1/2015	OBJC	KYLEE	Supplemental objection to attorneys fees and costs and motion to disallow
9/9/2015	HRHD	NANCY	Hearing result for Motions scheduled on 08/17/2015 10:00 AM: Hearing Held Motion for Attorney's Fees and objection to motion
9/10/2015	ORDR	NANCY	Decision and order re: request for attorneys fees \$3,550.48 and \$56,000.00
9/14/2015	TRAN	NANCY	Transcript Filed motions from 4/20/2015
9/24/2015	JDMT	NANCY	Amended Judgment - attorney fees \$3,550.48 and \$56,000.00
	CSTS	NANCY	Case Status changed: Closed
	CDIS	NANCY	Civil Disposition Entered entered for: Murdoch, Steve, Defendant; Elliott, Candace "Andi" W., Plaintiff; For The Love Of Pets Foundation, Inc., Plaintiff. Filing date: 9/24/2015

2014 MAR 19 PM 2:47

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Facsimile: (208) 529-8775
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually;)
and FOR THE LOVE OF PETS)
FOUNDATION, INC., an Idaho)
Corporation,)
Plaintiffs,)
vs.)
STEVE MURDOCH,)
Defendant.)

CASE NO. CV-2014-0238

COMPLAINT
(And Demand For Jury Trial)

Plaintiff complains of Defendant and for cause of action alleges:

PARTIES TO THE ACTION

1. That Plaintiff, CANDACE ELLIOTT (ANDI), is an individual, residing in Hamer, Jefferson County, Idaho, and is the president and primary administrator of the FOR THE LOVE OF PETS FOUNDATION, INC.

2. That Plaintiff, FOR THE LOVE OF PETS FOUNDATION, INC., is a non-profit, 501C corporation in good standing, established and operating under the laws of the State of Idaho and in compliance with the rules and regulations of the Internal Revenue Code.

3. That Defendant, STEVE MURDOCH, is an individual, resident of



Hamer, Jefferson County, Idaho.

CLAIM FOR RELIEF

4. That Plaintiff (ANDI) voluntarily investigates complaints of animal abuse, neglect and abandonment in South East Idaho, and assists law enforcement in the notification of, investigation of, and enforcement of the laws regarding such; and with the FOR THE LOVE OF PETS FOUNDATION, INC. ("FOUNDATION"), provides financial support for the treatment, transport, care, feeding and housing of neglected, abused and abandoned animals.

5. That on or about March 22, 2012, Defendant, STEVE MURDOCH, made false and defamatory statements about the Plaintiffs, which were disseminated to the general public via radio on "The Neal Larson Show" (broadcast on both KID NEWS RADIO 590 AM and 92.1 FM).

6. That in his statements to the general public broadcast and disseminated over the radio the defendant accused the Plaintiff (ANDI) of, among other things, of being "above the law;" of committing ("numerous times") repeated criminal acts; of having a judge in Jefferson County "disputed" in an ongoing matter; of "being special;" and of having to have another judge to come in from out of the area; of "her shenanigans" costing the taxpayers of Jefferson County "a[sic] numerous amounts of dollars;" and of her being of the "same mentality" of others, causing the demise of the horse (slaughter) market; and defamed both plaintiffs of malfeasance and misuse of charitable donations and abuse of the public trust, by the foundation ("Andi's humane society") using only ".02 per cent" of the money "they hit people up for," for the care of animals.

7. That said statements were false, and the defendant knew his statements regarding the plaintiffs were false, or reasonably should have known

they were false.

8. That said statements of the defendant were intended to and did have the effect to impugn the honesty and integrity, virtue and reputation of the Plaintiffs (both ANDI and the FOUNDATION), exposing the plaintiffs to public hatred, contempt and ridicule.

9. That by reason of the defendant's defamation of the plaintiffs, each of them, have been damaged in an amount exceeding \$10,000.00.

10. That it has been necessary for plaintiffs to retain an attorney to initiate and prosecute this action, and plaintiffs are entitled to recover their court cost and reasonable attorney's fees incurred herein, pursuant to Idaho Code Sections 12-120, 12-121 and Rules 54 (d), (e), I.R.C.P.

11. That a reasonable minimum sum to award Plaintiffs for their attorney fees in this matter is \$3,000.00 if judgment is entered by default, and such additional sum as may be proper in the event of a legal contest.

WHEREFORE, Plaintiffs respectfully request the following relief against the defendant:

1) For judgment in favor of the plaintiff (ANDI) for damages in an amount exceeding \$10,000.00, or such additional sum as the evidence shall show to adequately compensate her.

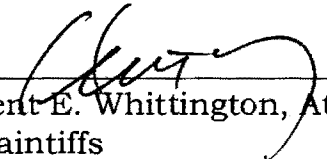
2. For judgment in favor of the plaintiff (FOUNDATION) for damages in an amount exceeding \$10,000.00 or such additional sum as the evidence shall show to adequately compensate the Foundation.

3) For an Order of the Court awarding Plaintiffs, and each of them, attorney fees in the sum of \$3,000.00 if this matter is uncontested, and for a greater sum to be determined by the Court in the event of appearance and/or contest by the defendant, together with all reasonable costs, fees and charges.

4) For such other and further relief as the Court deems just and equitable.

PLAINTIFF REQUESTS TRIAL BY JURY

DATED this 19 day of March, 2014.



Kent E. Whittington, Attorney for
Plaintiffs

STATE OF IDAHO)
) ss.
County of Bonneville)

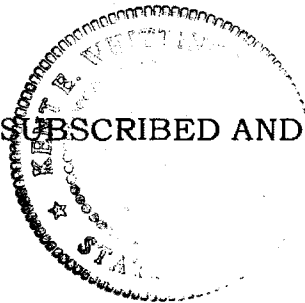
CANDACE ELLIOTT , being first duly sworn on oath, deposes and says:

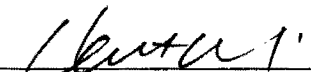
I am one of the plaintiffs above named, and I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.



Candace Elliott

SUBSCRIBED AND SWORN TO before me this 19 day of March, 2014.



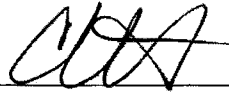


Notary Public For Idaho
Residing at: Edinboro Falls
My Commission Expires: 10/15/16

STATE OF IDAHO)
) ss.
County of Bonneville)

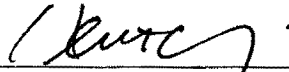
CANDACE ELLIOTT , being first duly sworn on oath, deposes and says:

I am the president of FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation. and am authorized to act in its behalf herein. I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.



Candace Elliott, President
For The Love Of Pets Foundation, Inc.

SUBSCRIBED AND SWORN TO before me this 19 day of March, 2014.



Notary Public For Idaho
Residing at: Elora Falls
My Commission Expires: 12/15/16

Date: 3/19/2014

Seventh Judicial District Court - Jefferson County

NO. 0001605

Time: 02:46 PM

Receipt

Page 1 of 1

Received of: Elliott, Candace White (plaintiff) \$ 96.00

Ninety-Six and 00/100 Dollars

Case: CV-2014-0000238 Plaintiff: Candace White Elliott, etal. vs. Steve Murdoch Amount

A - All initial civil case filings of any type not listed in categories B-H, or the other A listings below 96.00

For: Elliott, Candace White (plaintiff)

Total: 96.00

Check: 3344

Payment Method: Cashiers Check

Amount Tendered: 96.00

Christine Boulter, Clerk Of The District Court

By: _____
Deputy Clerk

Clerk: KARLA

Duplicate

MAGISTRATE/DISTRICT COURT
JEFFERSON COUNTY COURT

2014 MAR 19 PM 2:47

KENT E. WHITTINGTON, ESQ.
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Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually;)
and FOR THE LOVE OF PETS)
FOUNDATION, INC., an Idaho)
Corporation,)
Plaintiffs,)
vs.)
STEVE MURDOCH,)
Defendant.)

CASE NO. CV-2014- 0238

SUMMONS

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF(S).
THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER
NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION
BELOW.

TO: STEVE MURDOCH, South Old Butte Highway, Last House on East, Hamer,
Idaho.

You are hereby notified that in order to defend this lawsuit an appropriate
written response must be filed with the above-designated court within twenty (20)
days after service of this Summons on you. If you fail to so respond the court may
enter judgment against you as demanded by the Plaintiff (s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek
the advice of or representation by an attorney in this matter, you should do so



promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

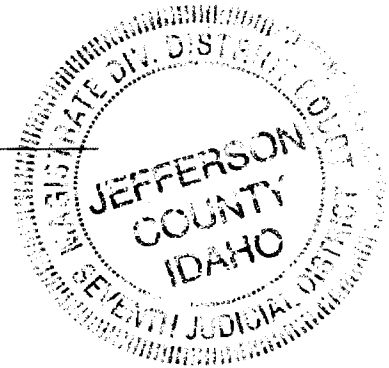
1. The title and number of this case.
2. If your response in an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED this 19 day of March, 2014.

CLERK OF THE COURT

By na
Deputy Clerk



MAGISTRATE DISTRICT COURT
JEFFERSON COUNTY COURT

2014 MAY -1 AM 11:57

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: rlwong@duanemorris.com

ORIGINAL

Attorneys for Defendant Steven L. Murdock
(sued erroneously as Steve Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs,	)	CASE NO. CV-2014-0238
)	
vs.	)	ANSWER OF STEVEN L. MURDOCK
	)	TO COMPLAINT
STEVEN L. MURDOCK,	)	[AND DEMAND FOR JURY TRIAL]
)	
Defendant.)	

Defendant Steven L. Murdock (erroneously sued as Steve Murdoch), by and through his undersigned counsel of record, hereby files this answer to plaintiffs' complaint.

ANSWER

Mr. Murdock responds to each numbered paragraph of the complaint as follows:

1. On information and belief, Mr. Murdock admits that plaintiff Candace Elliott is an individual residing in Hamer, Jefferson County, Idaho. Except as so admitted, Mr. Murdock is without sufficient information to admit or deny the remaining allegations mentioned therein and, therefore, denies the remaining allegations of paragraph 1 of the complaint.



2. Mr. Murdock is without sufficient information to admit or deny the allegations contained in paragraph 2 of the complaint and, therefore, denies the same on that basis.

3. Mr. Murdock admits the allegations contained in paragraph 3 of the complaint.

4. Mr. Murdock is without sufficient information to admit or deny the allegations contained in paragraph 4 and, therefore, denies the allegations of paragraph 4 of the complaint on that basis.

5. Mr. Murdock denies the allegations contained in paragraph 5 of the complaint.

6. Mr. Murdock is without sufficient information to admit or deny the allegations contained in paragraph 6 of the complaint and, therefore, denies the same on that basis.

7. Mr. Murdock denies the allegations contained in paragraph 7 of the complaint.

8. Mr. Murdock denies the allegations contained in paragraph 8 of the complaint.

9. Mr. Murdock denies the allegations contained in paragraph 9 of the complaint.

10. Mr. Murdock denies the allegations contained in paragraph 10 of the complaint.

11. Mr. Murdock denies the allegations contained in paragraph 11 of the complaint.

DEFENSES

In asserting the following defenses, Mr. Murdock does not assume the burden of proving any element thereof, which any applicable case law, common law, statute, rule, regulation or other authority places upon Plaintiffs.

1. Failure to State a Claim. Each and every claim for relief in the complaint fails to state a claim upon which relief may be granted against Mr. Murdock.

2. Truth/Substantial Truth. The statements complained of in the complaint were and are true and/or substantially true.

3. Protected Opinion. The statements complained of in the complaint were and are protected opinion.

4. Constitutional and Other Privileges. The statements complained of in the Complaint were and are protected from liability by Article I, Section 9 of the Idaho Constitution, by the First and Fourteenth Amendments to the United States Constitution, and by other constitutional, statutory and common-law privileges.

5. Absence of Damages. Plaintiffs have suffered no damages as a result of the statements complained of in the Complaint.

6. Failure to Mitigate Damages. Plaintiffs have failed to mitigate any damages that they may have suffered as a result of the statements complained of in the Complaint.

7. Equitable Defenses. Plaintiffs' claims are barred by the equitable defenses of unclean hands, estoppel and/or waiver.

8. Reasonable Belief. Plaintiffs' defamation claim is barred because Mr. Murdock reasonably believed the statements were true when made, and Mr. Murdock was neither reckless, nor negligent in making the alleged statements.

9. Privilege. Plaintiffs' defamation claim is barred because the statements allegedly made were privileged or conditionally privileged.

10. No Special Damages. Plaintiffs' defamation claim is barred because Plaintiffs have not suffered special damages.

11. Setoff. Plaintiffs' claim is barred in whole or in part by the doctrine of setoff.

12. No Defamatory Comment. Plaintiffs' claim of defamation is barred because none of the statements was defamatory.

13. No Attribution to Plaintiffs. Plaintiffs' claim of alleged defamation is barred because the statements allegedly made would not be reasonably understood to refer to Plaintiffs.

14. Single Publication. Plaintiffs' claim of alleged defamation is barred to the extent that the statements complained of in the complaint were made during a single radio broadcast.

15. Judicial Privilege. Plaintiffs' claim of alleged defamation is barred to the extent that any statements complained of in the complaint relate to judicial proceedings to which a privilege attaches.

16. Additional Defenses. Discovery has yet to commence, accordingly Mr. Murdock reserves the right to raise additional defenses as the case proceeds.

DEMAND FOR JURY TRIAL

Mr. Murdock hereby demands a jury trial on all issues so triable pursuant to Idaho Rules of Civil Procedure.

DEFENDANT'S REQUEST FOR ATTORNEY FEES

Mr. Murdock has been required to retain the services of Duane Morris LLP to defend this action and are entitled to recover his costs and attorneys' fees from Plaintiffs pursuant to the Idaho Rules of Civil Procedure, Idaho Code §§ 12-102 and 12-121, as well as other applicable law.

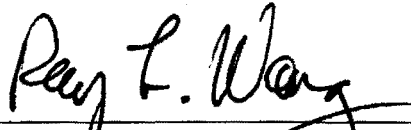
PRAYER FOR RELIEF

WHEREFORE, Mr. Murdock prays for relief as follows:

1. That Plaintiffs' Complaint be dismissed with prejudice and Plaintiffs take nothing thereby;
2. That the Court grant judgment in favor of Mr. Murdock on all causes of action;
3. That Mr. Murdock be awarded his attorneys' fees and costs; and

4. For such other and further relief as the Court deems just and appropriate.

Dated: April 30, 2014



Ray L. Wong (Idaho SBN 4552)
E-mail: rlwong@duanemorris.com
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: rlwong@duanemorris.com
Attorneys for Defendant
Steven L. Murdock

CERTIFICATE OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am an employee of Duane Morris LLP and my business address is Spear Tower, One Market Plaza, Suite 2200, San Francisco, CA 94105-1127. I am readily familiar with this firm's practices for collecting and processing correspondence for mailing with the United States Postal Service and for transmitting documents by FedEx, fax, email, messenger and other modes. On April 30, 2014, I served a true and accurate copy of the following document(s) entitled:

ANSWER OF STEVEN L. MURDOCK TO COMPLAINT

on the interested party in the manner indicated below at the following address:

Kent E. Whittington, Esq.
Whittington Law Office, Chartered
1820 E. 17th Street, Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Email: whittk@ida.net

X **BY U.S. MAIL:** I enclosed the documents in a sealed envelope or package addressed to the person(s) listed above, and placed the envelope for collection and mailing following our ordinary business practices, which are that on the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Diego, California, in a sealed envelope with postage fully prepaid.

BY OVERNIGHT DELIVERY: I enclosed the documents in a sealed envelope or package provided by FedEx and addressed to the person(s) listed above by placing the envelope or package(s) for collection and transmittal by FedEx pursuant to my firm's ordinary business practices, which are that on the same day a FedEx envelope or package is placed for collection, it is deposited in the ordinary course of business with FedEx for overnight delivery, with all charges fully prepaid.

X **BY ELECTRONIC SERVICE:** I caused the documents to be sent to the person(s) at the e-mail addresses listed above.

BY FACSIMILE: Based on a court order or an agreement of the parties to accept service by fax transmission, I faxed the documents to the person(s) at the fax number(s) listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 30, 2014, at San Francisco, California.

Linda L. Rich

Linda L. Rich

Date: 5/1/2014

Seventh Judicial District Court - Jefferson County

NO. 0002515

Time: 12:05 PM

Receipt

Page 1 of 1

Received of: Murdoch, Steve (defendant) \$ 66.00

Sixty-Six and 00/100 Dollars

Case: CV-2014-0000238	Defendant: Candace White Elliott, etal. vs. Steve Murdoch	Amount
I1 - Initial Appearance by persons other than the plaintiff or petitioner		66.00
For: Murdoch, Steve (defendant)		
Total:		66.00

Payment Method: Cash

Amount Tendered: 66.00

Christine Boulter, Clerk Of The District Court

By: _____
Deputy Clerk

Clerk: MIRIAM
Duplicate

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

2014 MAY 27 PM 3:20
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
	)	CASE NO. CV-2014-0238
Plaintiffs,)	
	)	PLAINTIFFS' RESPONSES TO
vs.	)	DEFENDANT'S FIRST SET OF
	)	REQUESTS FOR ADMISSIONS
STEVE MURDOCK,	)	DIRECTED TO PLAINTIFFS
)	
Defendant.)	

COMES NOW Plaintiff, CANDACE ELLIOTT, individually, and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho Corporation, and in response to Defendant's Requests for Admissions, states as follows:

RESPONSE TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Do you admit that Steven L. Murdock never mentioned Candace Elliott by name in the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint?



RESPONSE TO REQUEST FOR ADMISSION NO. 1: Denied. Although he did not specifically refer to her as "Candace Elliott" he referred to "Andi," or Miss Elliott. "Andi" Elliott and Candace Elliott are one and the same.

REQUEST FOR ADMISSION NO. 2:

Do you admit that Steven L. Murdock reasonably believed that his statements during the radio broadcast, referred to as The Neal Larson Show in plaintiffs' complaint, were true?

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Denied.

REQUEST FOR ADMISSION NO. 3:

Do you admit that Candace Elliott is a public figure?

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Denied.

REQUEST FOR ADMISSION NO. 4:

Do you admit that Steven L. Murdock in the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint never mentioned the name For the Love of Pets Foundation, Inc.?

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Denied. Although he did not mention it by name specifically, he referred to "Andi's Humane Society" in clear reference to the For The Love Of Pets Foundation, Inc.

REQUEST FOR ADMISSION NO. 5:

Do you admit that Plaintiffs have not been damaged in any way by the alleged defamatory comments supposedly made by Steven L. Murdock?

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied.

REQUEST FOR ADMISSION NO. 6:

Do you admit that Steven L. Murdock's comments during the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint were true?

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Denied.

REQUEST FOR ADMISSION NO. 7:

Do you admit that Steven L. Murdock believed that his statements during the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint were true?

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Denied.

REQUEST FOR ADMISSION NO. 8:

Do you believe that Steven L. Murdock had no intent to defame Plaintiffs in the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint?

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Denied.

REQUEST FOR ADMISSION NO. 9:

Do you admit that Steven L. Murdock had a constitutional right to express his opinions during the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint?

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Denied. The right to free speech guaranteed by the Constitution does not include the right to defame and individual or an organization.

REQUEST FOR ADMISSION NO. 10:

Do you admit that Candace Elliott has voluntarily reported various persons to the Jefferson County Sheriff's Department for alleged animal cruelty?

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Admitted.

REQUEST FOR ADMISSION NO. 11:

Do you admit that Candace Elliott has voluntarily attempted to investigate how various residents of Jefferson County have treated animals?

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Admitted, as both a private citizen responding to complaints by third parties, as well as at the requests of law enforcement agencies.

REQUEST FOR ADMISSION NO. 12:

Do you admit that Candace Elliott voluntarily spoke on the radio program, referred to as The Neal Larson Show, in plaintiffs' complaint, expressing certain opinions about animal cruelty?

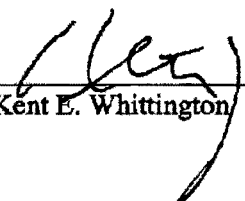
RESPONSE TO REQUEST FOR ADMISSION NO. 12: Admitted.

REQUEST FOR ADMISSION NO. 13:

Do you admit that that the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint is a public forum that solicits public discussion and debate?

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Admitted.

DATED this 27 day of May, 2014.



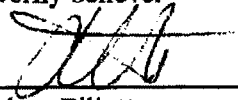
Kent E. Whittington

VERIFICATION

STATE OF IDAHO)
) ss.
County of Bonneville)

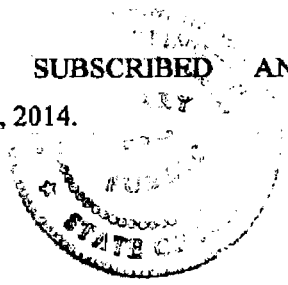
Candace Elliott, being first duly sworn, deposes and says:

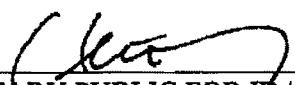
That I am the Plaintiff in the foregoing action; that I have read the foregoing Responses, know the contents thereof, and that the same is true as I verily believe.



Candace Elliott

SUBSCRIBED AND SWORN TO before me this 27 day of
May, 2014.





NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls
Commission Expires: 10/15/16

CERTIFICATE OF SERVICE

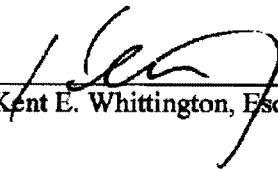
I hereby certify that I served the foregoing document upon the following this 27 day of May, 2014, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

- Mailing
- Hand delivery
- Facsimile: 415-957-3001



Kent E. Whittington, Esq.

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

2014 MAY 27 PM 3:48
REGISTRAR CLERK COURT CLERK
JEFFERSON COUNTY, IDAHO

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE)	
LOVE OF PETS FOUNDATION, INC., an Idaho)	
corporation,)	
	)	CASE NO. CV-2014-0238
Plaintiffs,)	
	)	NOTICE OF COMPLIANCE
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

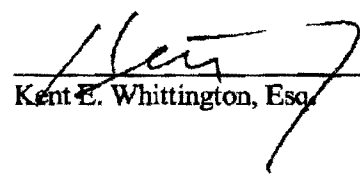
I HEREBY CERTIFY that the following documents were served upon the Plaintiff's counsel of record on the 27 day of May, 2014.

Document Served: Plaintiffs' Response to Defendant's First Request for Admissions

Person Served: Ray L. Wong, Esq., One Market Plaza, Suite 2200, San Francisco, CA 94105-1127

Method of Service: Facsimile: 415-957-3001

DATED this 27 day of May, 2014.



Kent E. Whittington, Esq.

1- Notice of Compliance (Elliott; Plaintiffs' Response to Defendant's First Request for Admissions)



CERTIFICATE OF SERVICE

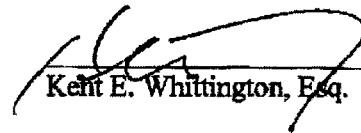
I hereby certify that I served the foregoing document upon the following this 27 day of May, 2014, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

- Mailing
- Hand delivery
- Facsimile: 415-957-3001



Kent E. Whittington, Esq.

2- Notice of Compliance (Elliott: Plaintiffs' Response to Defendant's First Request for Admissions)

MAGISTRATE CLERK
JEFFERSON COUNTY

2014 JUN 11 PM 3:43

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

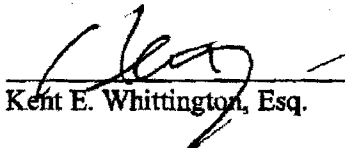
**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs,	)	CASE NO. CV-2014-0238
	)	NOTICE OF COMPLIANCE
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

I HEREBY CERTIFY that the following documents were served upon the Plaintiff's counsel of record on the 9 day of June, 2014.

- Documents Served:
1. Plaintiffs' Response to Defendant's First Interrogatories.
 2. Plaintiffs' Response to Defendant's First Requests For Production.
- Person Served: Ray L. Wong, Esq., One Market Plaza, Suite 2200, San Francisco, CA 94105-1127
- Method of Service: Facsimile: 415-957-3001; email: rlwong@duanemorris.com

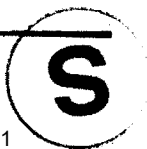
DATED this 9 day of June, 2014.



Kent E. Whittington, Esq.

1- Notice of Compliance (Elliott: Plaintiffs' Response to Defendant's First Interrogatories & Requests For Production)

TO: Court/Wong/Client
 VIA: fax/fax/ema
 DATE: 6/10/14 6/9/14



CERTIFICATE OF SERVICE

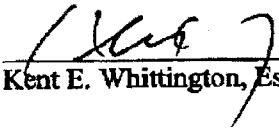
I hereby certify that I served the foregoing document upon the following this 9 day of June 2014, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com



Kent E. Whittington, Esq.

2- Notice of Compliance (Elliott: Plaintiffs' Response to Defendant's First Interrogatories & Requests For Production)

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

2014 JUN 18 PM 2:01
MAGISTRATE / DISTRICT COURT
JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

CASE NO. CV-2014-0238

AMENDED NOTICE OF SERVICE

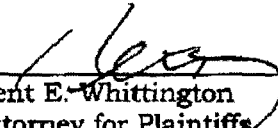
I HEREBY CERTIFY that the following documents were served with a copy of
this Notice of Service upon the Defendant's counsel of record on the 18 day of June,
2014.

Document Served:

- 1. Plaintiffs' First Requests For Production Of Documents;

Original Notice of Service dated June 17, 2014 certified that Plaintiff's Request
for Production of Documents was served on Ray L. Wong, Esq. on June 17, 2014,
however, that document was inadvertently omitted and is being served on Mr. Wong
today, June 18, 2014.

DATED this 18 day of June, 2014


Kent E. Whittington
Attorney for Plaintiffs



CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 18 day of June, 2014, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com



Kent E. Whittington, Esq.

T&T REPORTING

Depositions - Videography - Video Conferencing
P.O. Box 51020
Idaho Falls, Idaho 83405 - 1020

MAGISTRATE / DISTRICT COURT
JEFFERSON COUNTY COURT
2014 AUG -1 PH 1:48

July 14, 2014

Ray L. Wong, Esq.
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

Re: State of Idaho, County of Jefferson
ELLIOTT, et al., vs. MURDOCK
Case No: CV-2014-0238
Deposition of: Candace Elliott
Taken: June 27, 2014

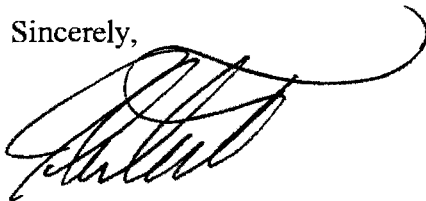
Dear Mr. Wong:

Pursuant to Rule 30 (f) (1), I have enclosed the original and a certified copy of the transcript for the deposition taken in the above captioned matter. The electronic Min-U-Script® PDF transcript has been sent.

Mr. Whittington has been sent a certified copy of the transcript, along with the Verification sheet to obtain the witness' signature, for the deposition taken in the above captioned matter. The electronic Min-U-Script® PDF transcript has been sent.

If you have any questions, please contact our office.

Sincerely,



John Terrill

Enclosures

cc - Kent E. Whittington, Esq.
Clerk of the Court
File



Offices at: 477 Shoup Avenue • Suite 105 • Idaho Falls, ID 83405-1020
TELEPHONE 208.529.5491 • 800.529.5491 • FAX 208.529.5496

**Seventh Judicial District Court, State of Idaho
 In and For the County of Jefferson
 210 Courthouse Way, Suite 120
 Rigby, Idaho 83442**

Feb 2, 2015
 2015 JAN 30 AM 9:10
 JEFFERSON COUNTY DISTRICT COURT
 RIGBY, IDAHO
MMA

Candace White Elliott)
 Plaintiff.)
 v.)
 Steve Murdoch)
 Defendant.)

Case No: CV-2014-0000238

Notice of Dismissal for Inactivity

No Action having been taken in the above case within the time limits, the same is subject to dismissal on call of the calendar on **February 17, 2015**, pursuant to Rule 40(c) I.R.C.P., unless good cause is shown for retention on the calendar.

Monday, February 02, 2015

Colleen C. Poole
 Clerk of the District Court

Nancy Andersen
 Deputy Clerk

CERTIFICATE OF MAILING

STATE OF IDAHO)
 County of Jefferson)

I hereby certify that on Monday, February 02, 2015, I delivered a true and correct copy of the above Notice by depositing it in the U.S. Mail postage prepaid to the following:

Kent E Whittington
 PO Box 2781
 Idaho Falls, ID 83403

Colleen C. Poole
 Clerk of the District Court

N. Andersen
 Deputy Clerk

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

MAGISTRATE COURT
JEFFERSON COUNTY, IDAHO
2015 FEB 11 AM 10:18

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)

Plaintiffs,)

vs.)

STEVE MURDOCK,)

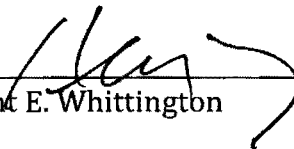
Defendant.)

CASE NO. CV-2014-0238

MOTION FOR RETENTION

COME NOW, Plaintiffs, through their attorney, Kent E. Whittington, Esq., and respectfully move the Court for an Order retaining the above-entitled matter on the Court's docket, that the matter may proceed. This Motion is made for the reason stated in Affidavit of Kent E. Whittington filed herewith.

DATED this 11 day of February, 2015.



Kent E. Whittington

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 11 day of February, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

KENT E. WHITTINGTON, ESQ.
 Whittington Law Office, Chartered
 1820 E. 17th St., Suite 340
 P.O. Box 2781
 Idaho Falls, Idaho 83403
 Telephone: (208) 529-8765
 Idaho State Bar No. 2307

MAGISTRATE JUDGE COURT
 JEFFERSON COUNTY IDAHO
 2015 FEB 11 AM 10:19

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
 LOVE OF PETS FOUNDATION, INC., an Idaho
 corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

CASE NO. CV-2014-0238

**AFFIDAVIT IN SUPPORT OF
 MOTION FOR RETENTION**

STATE OF IDAHO)
) ss.
 COUNTY of Bonneville)

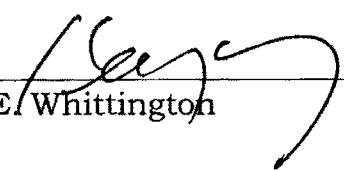
Kent E. Whittington, being first sworn on oath, deposes and says:

1. That I am the attorney for the Plaintiffs in the above-entitled matter.
2. That the Plaintiffs desire to proceed with their causes of action set forth in their complaint.
3. That activity of the case has been going forth, and the parties are in the process of discovery. Depositions of the plaintiff have been undertaken, and are ongoing; and substantial documents are being gathered and examined with a view of being exchanged in discovery.

4. It is anticipated additional discovery will likely or may still be required, as numerous records and documents are being reviewed.

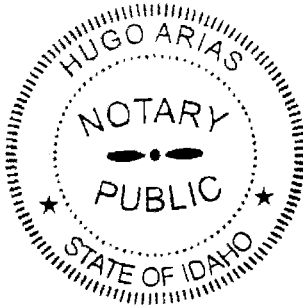
5. Counsel for the plaintiffs requests the Court enter an Order retaining the matter and/or enter an Order Setting a Status Conference to schedule trial, discovery and other cut-off dates.

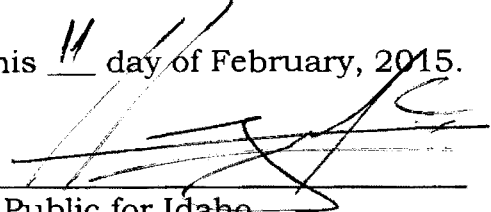
DATED this 11 day of February, 2015.



Kent E. Whittington

SUBSCRIBED AND SWORN TO before me this 11 day of February, 2015.





Notary Public for Idaho
Residing at IDAHO FALLS
My Commission Expires: 02.19.2015

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this ___ day of February, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

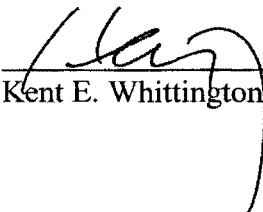
Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

2015 FEB 12 PM 4:44
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

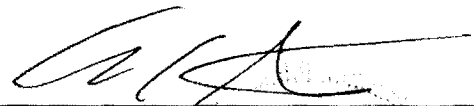
CASE NO. CV-2014-0238

ORDER FOR RETENTION

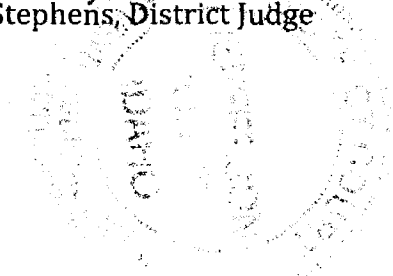
The Court having reviewed the Plaintiffs' Motion For Retention and Affidavit of counsel for the plaintiffs, filed by their attorney, Kent E. Whittington, Esq.,

IT IS HEREBY ORDERED that the Notice Of Dismissal previously entered herein is WITHDRAWN, and the matter shall be retained on the Court's docket for further proceedings.

DATED this 12th day of February, 2015.



Alan C. Stephens, District Judge



CERTIFICATE OF ENTRY

I hereby certify that I served the foregoing document upon the following this 21st day of February, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

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 (sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,	)	CASE NO. CV-2014-0238
)	
Plaintiffs,	)	COMPENDIUM OF EVIDENCE AND
	)	DECLARATIONS IN SUPPORT OF
	)	DEFENDANT STEVE MURDOCK'S
	)	MOTION FOR SUMMARY JUDGMENT
)	
vs.	)	DATE:
	)	TIME:
STEVE MURDOCK,	)	DEPT:
)	
Defendant.)	

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Please take notice that pursuant to Rule 56(b) of the Idaho Rules of Civil Procedure, defendant Steven L. Murdock hereby submits his Compendium of Evidence and Declarations in support of his motion for summary adjudication.

DECLARATIONS

Declaration of Ray L. Wong

Declaration of Steven L. Murdock

Declaration of Jefferson County Sheriff Blair Olsen

Declaration of Jefferson County Prosecuting Attorney Robin Dunn

EXHIBITS ATTACHED (TO WONG DECLARATION)

EXH. NO.	DESCRIPTION
A	June 27, 2014 deposition transcript (volume 1, pages 1-203) of Candace Elliott, with excerpts highlighted.
B	November 13, 2014 deposition transcript (volume 2, pages 203-387) of Candace Elliott, with excerpts highlighted.
C	November 14, 2014 deposition transcript (volume 3, pages 388-570) of Candace Elliott, with excerpts highlighted.
3	Exhibit 3 from Candace Elliott deposition volume 1 – 09/18/11 letter from Elliott to Idaho State Police Headquarters.
6	Exhibit 6 from Candace Elliott deposition volume 1 – Guest Letter authored by Elliott, entitled “Can’t Resist the Opportunity to Look Stupid
7	Exhibit 7 from Candace Elliott deposition volume 1 – July 9 th parody by Elliott regarding Jefferson County Sherriff’s Department and Prosecutor’s Office.
11	Exhibit 11 from Candace Elliott deposition volume 1 – Humane Society Donations article, entitled, “Who is HSUS really protecting?”
17	Exhibit 17 from Candace Elliott deposition volume 2 – Photograph of Elliott
18	Exhibit 18 from Candace Elliott deposition volume 2 – Photograph of Elliott
19	Exhibit 19 from Candace Elliott deposition volume 2 – Photograph of Elliott
20	Exhibit 20 from Candace Elliott deposition volume 2 – Seventh Judicial District Court - Jefferson County PARTY HISTORY re Candace White Elliott

21	Exhibit 21 from Candace Elliott deposition volume 2 – Idaho Repository Case History for Candace White Elliott
22	Exhibit 22 from Candace Elliott deposition volume 2 – Misdemeanor Minute Entry/Log/Order/Judgment re Candace W Elliott
23	Exhibit 23 from Candace Elliott deposition volume 2 – 08/22/08 transcript of proceedings in <i>State of Idaho vs Candace W. Elliott</i> , Case No. CR-08-1568
24	Exhibit 24 from Candace Elliott deposition volume 2 – 03/15/12 Affidavit in Support of Motion for Contempt in <i>State of Idaho vs Candace W. Elliott</i> , Case No. CR 11-3409
26	Exhibit 26 from Candace Elliott deposition volume 2 – 11/07/13 Letter from Elliott to Brenda Murdock
27	Exhibit 27 from Candace Elliott deposition volume 2 – Case No. CV-2014-680 Complaint (And Demand for Jury Trial) against defendants Blair Olsen, et al.
28	Exhibit 28 from Candace Elliott deposition volume 2 – Transcription of the Podcast of the Neal Larson Radio Program that involved Candace Elliott and Neal Larson
30	Exhibit 30 from Candace Elliott deposition volume 2 – Document entitled, “Guest: Andi Elliott, Tea Party Organizer and Animal Welfare Activist”
31	Exhibit 31 from Candace Elliott deposition volume 2 – 11/21/07 Incident Detail by Jefferson County Sheriff’s Office
32	Exhibit 32 from Candace Elliott deposition volume 2 – 04/28/08 Incident Detail by Jefferson County Sheriff’s Office
34	Exhibit 34 from Candace Elliott deposition volume 2 – 04/30/08 Incident Detail by Jefferson County Sheriff’s Office
44	Exhibit 44 from Candace Elliott deposition volume 2 – Post Register article, by Robin Dunn entitled “Heeding the 4 th Amendment”
45	Exhibit 45 from Candace Elliott deposition volume 2 – 04/15/07 Incident Detail by Jefferson County Sheriff’s Office
48	Exhibit 48 from Candace Elliott deposition volume 3 – Elliott article, entitled, “Stop Whining”
49	Exhibit 49 from Candace Elliott deposition volume 3 – Article from North American Equine Services regarding “Where Does Your Money Go When You Donate to the Humane Society”

50	Exhibit 50 from Candace Elliott deposition volume 3 – Elliott v. Brenda Murdock Complaint
54	Exhibit 54 from Candace Elliott deposition volume 3 – Article entitled, “Andi Elliot’s Criminal Trespassing Case In Idaho”
55	Exhibit 55 from Candace Elliott deposition volume 3 – 02/26/10 Copy of Letter to the Idaho Sheriff’s Association re Jefferson County Persecutor Robin Dunn; Jefferson County Sheriff Blair Olsen
56	Exhibit 56 from Candace Elliott deposition volume 3 – Letter entitled, “Summation of My Charges”
61	Exhibit 61 from Candace Elliott deposition volume 3 – Articles of Incorporation of For the Love of Pets Foundation Inc., stamped 06/22/05
63	Exhibit 63 from Candace Elliott deposition volume 3 – Article entitled, “The Saga Continues...30 August 2011 Press Release”
64	Exhibit 64 from Candace Elliott deposition volume 3 – Elliott authored article entitled, “Rewrite of Announcement Sept 2011”
65	Exhibit 65 from Candace Elliott deposition volume 3 – Article entitled, “Charges being pursued in Jefferson County dog case”
66	Exhibit 66 from Candace Elliott deposition volume 3 – Guest Letter authored by Elliott
67	Exhibit 67 from Candace Elliott deposition volume 3 – Article entitled, “Can’t Resist the Opportunity to Look Stupid Sept 2011”
68	Exhibit 68 from Candace Elliott deposition volume 3 – Guest Letter authored by Elliott
69	Exhibit 69 from Candace Elliott deposition volume 3 – Article entitled, “Hang a Few for the Good of the Many April 2011”
70	Exhibit 70 from Candace Elliott deposition volume 3 – 07/29/12 article entitled, “Sheriff Olson”
71	Exhibit 71 from Candace Elliott deposition volume 3 – 08/03/12 article entitled, “To Sheriff Olsen”

Dated: February 17, 2015.

Duane Morris LLP

By Ray L. Wong
Ray L. Wong, Esq.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By Paul B. Rippel
Paul B. Rippel, Esq.

*Attorneys for Defendant,
Steven L. Murdock*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 17th day of February, 2015.

Paul B. Rippel

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 (sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE
 LOVE OF PETS FOUNDATION, INC., an Idaho
 corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

) CASE NO. CV-2014-0238

) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN SUPPORT OF**
) **DEFENDANT STEVEN L. MURDOCK'S**
) **MOTION FOR SUMMARY JUDGMENT**

) DATE:

) TIME:

) DEPT:

I. INTRODUCTION

Defendant Steven L. Murdock moves this Court for summary judgment as to the defamation claim brought by Plaintiffs Candace Elliott (“Ms. Elliott”) and For The Love of Pets Foundation, Inc. (“the Foundation”). Mr. Murdock’s allegedly defamatory comments occurred on March 22, 2012, when Mr. Murdock called a KIDK radio program, following Ms. Elliott’s comments and statements on the same program. In his comments on the radio call-in program, Mr. Murdock made seven statements that plaintiffs contend are defamatory, but which the Court can readily determine were innocuous, constitutionally protected opinions.

Moreover, Ms. Elliott and the Foundation are public figures or limited public figures for the purpose of evaluating their defamation claim. Accordingly, under U.S. and Idaho laws, Plaintiffs must prove not only that the statements were false, but that Mr. Murdock’s comments were made with actual malice by clear and convincing evidence. Instead, Mr. Murdock’s comments to this radio call-in show were constitutionally protected speech, constituting truthful opinion or figurative speech or rhetorical hyperbole that cannot be the subject of defamation as to Plaintiffs, who voluntarily chose to be in the limelight and in the discourse of public controversy. Plaintiff, the Foundation, also has no claim as to Mr. Murdock since, among other things, Mr. Murdock was not even aware of the Foundation and no comments during the radio program even referred to the Foundation. Nor did Mr. Murdock even refer to Ms. Elliott by her full name, but only mentioned the name “Andi.”

As recently as February 4, 2015, Ms. Elliott published a new letter in the Jefferson Star newspaper, boasting of her being charged with trespass and threatening more lawsuits. (See Exhibit E to the accompanying Compendium of Evidence.) It is apparent that Ms. Elliott is not concerned about being accused of trespass or misusing donations (since she herself repeated the allegation). Rather Ms. Elliott clearly craves the attention and the limelight. She continues to

thrust herself into controversy. Mr. Murdock, a lifelong United States and Idaho resident and citizen, has a right to express his opinions as to Ms. Elliott, a public figure, who actively seeks and thrives on publicity and controversy.

Mr. Murdock's innocuous constitutionally protected free speech and expressed opinions cannot be the subject of a defamation claim, and the action for defamation in this case has absolutely no merit whatsoever. Mr. Murdock respectfully asks this Court to grant his motion for summary judgment and put an end to this frivolous, wasteful and meritless litigation.

II. PLAINTIFF CANDACE ELLIOTT

Plaintiff Candace Elliott moved to Idaho in 2001. (Elliott depo. p. 393, lines 20-23).¹ She served as the president of the Humane Society of the Upper Valley from the early 2000's to approximately 2008 or 2009. (Elliott depo. p. 18, line 9 to p. 19, line 16). She has been an Idaho state co-coordinator of a political group, the so-called Tea Party Patriots from 2009 to the present. (Elliott depo. p. 52, lines 12-18). She has organized Party rallies, where she has spoken publicly and disseminated information. (Elliott depo. p. 52, line 22 to 53, line 12). The media has interviewed her in connection with her Tea Party activities. (Elliott depo. p. 301, lines 7 to 25). She is one of the Idaho Tea Party leaders. (Elliott depo. p. 303 lines 4-16).

She is a prolific writer, particularly on the subject of animal welfare. She has written dozens of letters voluntarily to newspapers prior to 2012, often criticizing public officials. (Elliott depo. p. 154, line 16 to p. 158, line 12). (See also, Declaration of Blair Olsen² in support of Motion for Summary Judgment, and Declaration of Robin Dunn in Support of Summary

¹ All of the deposition excerpts and documents have been compiled in a "Compendium of Evidence" that accompanies this motion for summary judgment. See accompanying Declaration of Ray L. Wong, which shall be referred to as "Wong Decl." For the Court's convenience, all deposition exhibits shall be referred to by the same exhibit number in the Compendium of Evidence.

² The declaration of Blair Olsen shall be referred to as "Olsen Decl."

Judgment.³) She has written four so-called e-books regarding animals. (Elliott depo. p. 161, line 21 to p. 162, line 1), and she maintains five different Facebook pages. (Elliott depo. p. 167, lines 13 to p. 169, line 24).

She is a self-appointed protector of animal welfare. Ms. Elliott will survey the property and animals of Jefferson County residents and ask officials to conduct what she calls “welfare checks” on the property owners’ animals and livestock. (Photos of Ms. Elliott conducting these so-called “welfare checks” are set forth in Elliott depo. Exhibits 17, 18 & 19).

From 2008 to 2011, Ms. Elliott admits she has been accused of trespass 3 to 4 times. (Elliott depo. p. 54, line 2 to 23 and Elliott depo. p. 219, line 19 to p. 220, line 9). The Jefferson County Prosecuting Attorney also confirmed that his office “has received complaints from Idaho residents claiming that Ms. Elliott has trespassed on their property. (Dunn Decl. ¶ 4). She has pled guilty to trespass at least once. (Elliott depo. p. 223, lines 3-6); (copy of Ms. Elliott’s trespass case history is set forth in Elliott depo. Exhibits 20, 21, 22 and 23). (See also Dunn Decl. ¶ 5).

She acknowledges that her neighbors do not appreciate their privacy being invaded, but she does so to advocate for the animals. She testified at her deposition as follows:

THE COURT REPORTER: Question, I see. So because of your wish to speak for the animals, or I suppose advocate for the animals, you will take photographs and invade people’s privacy, even though you know that they don’t want their privacy invaded, right?

THE WITNESS: Correct.

(Elliott depo. p. 119, lines 18-24).

³ The declaration of Robin Dunn shall be referred to as “Dunn Decl.”

While Ms. Elliott claimed to have no memory of the following report, Jefferson County Deputy Korin Williams wrote a report regarding Ms. Elliott in 2008, which summarized some of the complaints against Ms. Elliott, based upon her voluntary activities:

Q. Have you ever had any discussions with Deputy Williams?

A. I don't remember, off the top of my head.

Q. Please turn to the second page of Exhibit 34. And in the second to last paragraph, there's a paragraph that reads: This was not the first complaint I had received about Candace Elliott trespassing on fenced or posted land. Candace has been given previous verbal warnings about trespassing. Candace has also been verbally warned about harassing people over unfounded abuse claims.

A. By whom?

Q. Do you see that statement?

A. I see it.

Q. And do you understand this to be a statement written by Deputy Williams?

A. Yes, I see that.

Q. Does that refresh your memory that in 2008 you had discussions with Deputy Williams about those subjects?

A. I don't remember Deputy Williams. I've had quite a few deputies come up to my home. I don't remember Duty Williams specifically.

(Elliott depo. p. 416, line 16 to p. 417, line 21, exhibit 34). (Emphasis added).

Ms. Elliott has chosen to seek publicity and attention. Indeed, she craves attention and the public limelight. Most recently, she has filed a lawsuit in this county, against the following defendants: the Jefferson County Sheriff, the Jefferson County Prosecuting Attorney, a Jefferson County deputy, a Jefferson County deputy prosecutor, the Jefferson County Sheriff's Department, Jefferson County and its Commissioners. (See Elliott depo., ex. 27). (See also Dunn Decl. ¶ 13 and Olsen Decl. ¶ 9). She just published another letter to newspapers, virtually

bragging about her trespass charges and lawsuits she has filed or will file. (See Exhibit E to the Compendium of Evidence). She has filed at least one small claims suit against a witness who testified against her. That lawsuit of course was dismissed. She filed that lawsuit because that witness had testified against her in connection with her 2011 trespass case. (Elliott depo., p. 257, lines 3 to 6; See also Elliott depo p. 411, lines 21 to 24; exh. 50).

Even Ms. Elliott admitted to her extensive involvement with the media. When she decided to oppose Sheriff Olsen and run for Sheriff, she testified as follows:

Q. Did you state in any media that you intended to oppose Sheriff Olsen and run for sheriff?

A. I'm sure that you did, yes.

Q. Why are you sure that you did?

A. You know, I've been involved with so much media that I would just assume it would be my habit to inform the media.

(Elliott depo., p. 288, lines 5-11.) Sheriff Olsen confirmed that Ms. Elliott announced that she intended to oppose him as Sheriff during an election. (Olsen Decl. para. 8)

III. DEFENDANT STEVEN MURDOCK

Steve Murdock was born and raised in the Idaho Falls, Idaho area. He has been a rancher and farmer in Jefferson County since 1975. Mr. Murdock is married and lives in Hamer, Idaho, with his wife, Terese, and son, Chance. (See Murdock Decl. ¶ 2).⁴

Mr. Murdock is a veteran, having served the United States from 1971 to 1973, while stationed in Korea. A copy of his certificate of military service is appended to the Compendium of Evidence as Exhibit D. (Murdock Decl. ¶ 3).

⁴ The accompanying Declaration of Steven L. Murdock shall be referred to as "Murdock Decl."

As a citizen of Idaho and a resident in Jefferson County, Steven Murdock has become aware of the activities of Ms. Elliott, who frequently writes letters to the local newspapers and is depicted in the media. (Murdock Decl. ¶ 4).

Mr. Murdock disagrees with many of Ms. Elliott's actions, activities and opinions, and he believes he has a constitutional right to express his opinions. (Murdock Decl. ¶ 5).

On March 22, 2012, he heard Ms. Elliott's call into the Neal Larsen radio program. He then called the same radio program to express his opinions on the same program. (Murdock Decl. ¶ 6). All the statements which Mr. Murdock made on the radio program were Mr. Murdock's opinions, which he believed to be true. See Murdock Decl. ¶¶ 8-14. Additionally, he had never heard of the "For the Love of Pets Foundation," until the present lawsuit, and his comment on the radio was referring to the humane society in general, not the Foundation. Murdock Decl. ¶ 15.

IV. THE ALLEGED DEFAMATORY STATEMENT

On March 22, 2012, Ms. Elliott called the Neal Larsen show, a KIDK radio program, where the audience is invited to call and express their opinions and views. The subject of that particular program concerned animals, specifically the horse slaughter market, and Ms. Elliott was among the callers who called the show. (A transcript of that particular radio program is set forth in Elliott depo. Exhibit 28). The entire radio program was about one hour long. (Elliott depo. p. 277, lines 22-25).

Hearing Ms. Elliott's statements, Mr. Murdock called the same KIDK radio call-in program. (Murdock Decl. ¶ 6). Even Ms. Elliott understood that Mr. Murdock was responding to items which Ms. Elliott had expressed on the program. (Elliott depo. p. 282, line 6-11). His opinions and views are set forth in the following excerpt, which could not have lasted more than one or two minutes:

If you listen - you know, words have meanings. If you listen to Andi's words, she claims not to be an animal activist or a humane society activist but that's kind of a big windy. When she said that private property just in her statement to you is alright and everything, she thinks she is above the law, she's trespassed numerous times, there's ongoing court case in Jefferson County where she got the judge disputed cause she's special. She has to have a different judge to come in out of the area. Her shenanigans cost Jefferson County taxpayers a numerous amount of dollars. West Jefferson Landfill has a place for deceased livestock. People with the same mentality as Andi is what's done this to this horse market. We used to sell these slaughter horses. And in Portland, Oregon there's a horse meat market. In European countries horses are consumed by people all the time. And Andi's humane society puts .02% of the money they hit everybody up back into the care of animals.

Ms. Elliott's present defamation claim in this action is based entirely upon the preceding statement, made by Mr. Murdock in the radio call-in program, prompted by Ms. Elliott's initial calls to the same program.

Ms. Elliott also has explained in her deposition exactly what statements she regarded as defamatory, which were the following statements:

"She thinks she is above the law."

"She's trespassed numerous times."

"there's ongoing court case in Jefferson County where she got the judge disputed 'cause she's special."

"Her shenanigans cost Jefferson County taxpayers a numerous amount of dollars."

"People with the same mentality as Andi is what's done this to this horse market."

"We used to sell these slaughter horses."

"And Andi's humane society puts .02 percent of the money they hit everybody up back into the care of animals." (Elliott depo. pp. 30-43).

These seven statements by Mr. Murdock are the only ones which Ms. Elliott claimed to be defamatory.

V. THE PRESENT CIVIL ACTION

On March 19, 2014, Ms. Elliott, individually, and the Foundation (collectively “Plaintiffs”) filed the present civil action against Murdock, alleging a single claim for defamation, related to Mr. Murdock’s comments on the March 22, 2012 Neal Larson radio show. Mr. Murdock filed an answer to the complaint on May 1, 2014.

The parties conducted discovery. Mr. Murdock deposed Ms. Elliott on June 27, November 13, and November 14, 2014. The parties also have responded to written discovery and produced certain requested documents. Mr. Murdock has also subpoenaed and received certain documents from the Jefferson County Sheriff and Prosecuting Attorney.

This discovery has established that Plaintiffs’ single claim of defamation, based upon the innocuous opinions and statements made during a radio call-in show, has no merit whatsoever and judgment should be entered in favor of Mr. Murdock as a matter of law.

VI. SUMMARY JUDGMENT MUST BE GRANTED IN FAVOR OF DEFENDANT STEVEN MURDOCK

A. STANDARDS FOR SUMMARY JUDGMENT

The purpose of summary judgment is to avoid useless trials. When there are no genuine issues of material fact and a party is entitled to judgment as a matter of law, a trial court is justified in denying a trial on the merits. Rule 56.c. of the Idaho Rules of Civil Procedure specifies: “The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.”

B. PLAINTIFFS ARE PUBLIC FIGURES, OR AT LEAST, LIMITED PUBLIC FIGURES

1. Ms. Elliott Is a Public Figure or Limited Public Figure

Mr. Murdock's comments during the radio talk show as to Ms. Elliott must be analyzed under the *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S. Ct. 710 (1964) actual malice standard, because Plaintiffs are public figures or, at least, limited public figures for purposes of evaluating the allegedly defamatory comments.

In *Bandelin v. Pietsch*, 98 Idaho 337, 563 P.2d 395 (1977), the Idaho Supreme Court approved of the United States Supreme Court's ruling in *Gertz*⁵ that the designation of a public figure may rest on two alternative bases:

In some instances an individual may achieve such persuasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues. *Gertz v. Robert Welch, Inc.*, *supra*, 418 U.S. at 351, 94 S.Ct. at 3013.

The Idaho Supreme Court explained a public figure may arise in the context of the person who has actively pursued the limelight.

We follow the approach of the Supreme Court in *Gertz*: It is preferable to reduce the public-figure questions to a more meaningful context by looking to the nature and extent of an individual's participation in the particular controversy giving rise to the defamation [or invasion of privacy]. 418 U.S. at 352, 94 S.Ct. at 3013.

In *Wierner v. Rankin*, 117 Idaho 566, 790 P.2d 347 (1990) the Idaho Supreme Court further explained that the second test to determine if a person is a public figure is whether the person has thrust himself "to the forefront of particular public controversies in order to influence the resolution of the issues involved." In that circumstance, the person would be a public figure

⁵ *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S. Ct. 2997 (1974).

for the limited purpose of comment on his connection with, or involvement in, the particular public controversy.

The rationale for this standard is based upon the public policy that debate on public issues should be uninhibited, which is particularly true as to an individual who has chosen actively to generate controversy.

Under these standards, Ms. Elliott is no doubt a public figure. Ms. Elliott served as the president of the Humane Society of the Upper Valley in Idaho from the early 2000's to approximately 2008 or 2009. (Elliott depo., p. 18, line 9 to p. 19, line 16). She is currently one of the co-state coordinators for the political organization called Tea Party Patriots in Idaho. In 2011, Ms. Elliott announced her intention to oppose Jefferson County Sheriff Blair Olsen in the May 2012 election, and thus would be a political candidate. (Elliott depo. Exhibit 64). (Olsen Decl. ¶ 8).

Additionally, Ms. Elliott plainly has thrust herself into the limelight of public controversy. It is apparent she actively craves the limelight. She has vigorously criticized public officials for alleged non-enforcement of animal welfare laws and repeatedly publicizes her own trespass citations.

Ms. Elliott voluntarily has written numerous editorials and letters to newspapers, stating her opinions and alleged facts. (See Dunn Decl. ¶ 12 and Olsen Decl. ¶ 7). In 2010, Ms. Elliott wrote 28 letters to the *Post Register* newspaper; in 2012, 30 letters to the *Post Register*; and in 2013, 31 letters to the *Post Register*. In 2012, Ms. Elliott wrote four letters to the *Jefferson Star*; in 2013, she wrote 19 letters to the *Jefferson Star*. (Wong Decl. ¶ 6). Ms. Elliott has written numerous letters to newspapers for decades. (Elliott depo. P. 153, line 18 to p. 156, line 25). She has testified that she calls radio programs and has appeared on radio talk shows frequently.

(See, for example, a radio program description for Ms. Elliott, set forth in Elliott depo. Exhibit 30). She also has chosen to engage in activities where she surveys her neighbors' animals and reports alleged animal mistreatment to authorities.

Indeed, the forum in which Mr. Murdock's alleged defamatory comments were made was in the context of a radio call-in program, in which Mr. Murdock was merely responding to comments made by Ms. Elliott in the same program. As the Supreme Court has instructed, Ms. Elliott is a person who has actively pursued the limelight and has chosen to participate in the particular controversy giving rise to the alleged defamation. She is clearly a public figure.

2. The Foundation Is Also a Public Figure

The Foundation is a non-profit corporation founded by Ms. Elliott. Ms. Elliott has readily admitted that the Foundation and she are essentially one and the same. (Elliott depo., p. 529, lines 3-12 ("I am president of For the Love of Pets Foundation. We're kind of inextricably intertwined".) The Foundation is essentially Ms. Elliott's alter ego.

Thus, when Ms. Elliott has thrust herself into the limelight, she has done the same as to the Foundation, which has a website (www.petango.com) and solicits donations from the public. For purposes of its defamation claim, the Foundation must be considered a public figure.

Since the plaintiffs are public figures or limited public figures, they have the burden of proof and must prove the following elements in their defamation action: 1. Mr. Murdock communicated information concerning the Plaintiffs to others; 2. the information impugned the honesty, integrity, virtue or reputation of the Plaintiffs or exposed the Plaintiffs to public hatred, contempt or ridicule; 3. the information was false; 4. the Plaintiffs were damaged because of the communication; 5. the amount of damages suffered by the Plaintiffs. Additionally, the Plaintiffs must prove the following additional element by clear and convincing evidence: the defendant (i.e., Mr. Murdock) knew the information was false, or acted with reckless disregard for its truth,

at the time the information was communicated to others. See, *Gertz v. Robert Welch, Inc.*, *supra*, 418 U.S. 323; *Bandelin v. Pietsch*, *supra*, 98 Idaho 337.

C. PLAINTIFFS CANNOT PROVE THAT MURDOCK ACTED WITH ACTUAL MALICE WITH CLEAR AND CONVINCING EVIDENCE

1. There Is No Clear and Convincing Evidence Of Actual Malice In This Case

The historic United States Supreme Court opinion, *New York Times Co. v. Sullivan*, *supra*, 376 U.S. 254, 279-280, held that a public official may not recover damages for a defamatory falsehood relating to his or her official conduct unless it can be proved with clear and convincing evidence that the statement was made with “actual malice” – that is, with knowledge that it was false or with reckless disregard of whether it was false or not. See also, *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 109 S.Ct. 2678 (1989).

Idaho has adopted this rule as to public figures. In cases where the Plaintiffs are public figures, the *New York Times* standard applies and the Plaintiffs can recover only if they can prove the defendant’s actual malice, knowledge of falsity or reckless disregard of truth by clear and convincing evidence. *Clark v. Spokesman-Review*, *supra*, 144 Idaho at 430. See also, *Steele v. Spokesman-Review*, 138 Idaho 249, 61 P.3d 606 (2002).

Accordingly, there is no doubt that this federal constitutional standard of actual malice has been applied in Idaho defamation actions involving public figures and matters of public concern. *Clark v. Spokesman Review*, *supra*, 144 Idaho at 431; *Bandelin v. Pietsch*, *supra*, 98 Idaho 337. See also *Worrell-Payne v. Gannett Co.*, 49 Fed. Appx. 105, 2002 WL 31246121, (C.A. 9 (Idaho) 2002) (finding no evidence of actual malice sufficient to avoid summary judgment). Disputed factual issues, even if resolved in favor of plaintiff, do not overcome summary judgment, if the evidence does not establish malice. *Bandelin v. Pietsch*, *supra*, 98 Idaho 337.

The Idaho Supreme Court has ruled that the “essence” of actual malice is “a knowing state of mind on the part of the publisher.” *Bandelin v. Pietsch, supra*, 98 Idaho at 342. *See also Clark v. Spokesman Review, supra*, 144 Idaho at 431 (“In a defamation action, actual malice is knowledge of falsity or reckless disregard of truth” and this must be demonstrated by clear and convincing evidence): *Wiemer v. Rankin, supra*, 117 Idaho at 576 (in analyzing actual malice, court must determine whether there is sufficient evidence to permit the conclusion that [defendant] in fact entertained serious doubts as to the truth of his statements or that subjectively [defendant] had a high degree of awareness of the probable falsity of the statements).

A “reckless disregard” for the truth, however, requires more than a departure from a reasonably prudent conduct. “There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” *Harte-Hanks Communications, Inc. v. Connaughton, Inc., supra*, 491 U.S. 657, quoting *St. Amant v. Thompson*, 390 U.S. 727, 731, 88 S. Ct. 1323 (1968); *Wiemer v. Rankin, supra*, 117 Idaho 566, 790. The standard is a subjective one – there must be sufficient evidence to permit the conclusion that the defendant actually had a high degree of awareness of probable falsity. “As a result, failure to investigate before publishing, even when a reasonably prudent person would have done so, is not sufficient to establish reckless disregard.” *Id.*

Actual malice is not defined as an evil intent or motive arising from spite. *Masson v. New Yorker Magazine*, 501 U.S. 496, 510 (1991). Mere negligence is insufficient, the plaintiff must demonstrate that “the author in fact entertained serious doubts as to the truth of his publication or acted with a high degree of awareness of probable falsity.” *St. Amant v. Thompson, supra*, 390 U.S. at 731, *Garrison v. Louisiana*, 379 U.S. 64, 74, 85 S.Ct. 209, 215 (1964).

Additionally, this is the standard under which the Court is to evaluate defendant's motion for summary judgment. Under Idaho law, in a defamation case involving a public figure and where the defendant has moved for summary judgment, "the standard against which the evidence must be examined is that of *New York Times v. Sullivan*, *supra*, 376 U.S. 254. *See also*, *Bandelin v. Pietsch*, *supra*, 98 Idaho at 341.

When a defendant's communications are constitutionally privileged, a plaintiff cannot prevail at trial unless he establishes malice with convincing clarity. This is the standard against which the court must examine the evidence on motion for summary judgment because this is the standard that determines materiality of disputed questions of fact. Unless there is evidence which if believed by a jury would establish malice clearly and convincingly, a defendant is entitled to summary judgment. Disputed issues of fact that if resolved in favor of the plaintiff would still fall short of establishing malice with convincing clarity are not material. *Id.*

2. The Court Is to Determine If There Is Evidence of Actual Malice By Clear and Convincing Evidence

The U.S. Supreme Court has held that judges in these cases have a constitutional duty to exercise independent judgment and determine whether the record establishes actual malice with convincing clarity. *See Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, 104 S.Ct. 1949 (1984).

In *Clark v. Spokesman-Review*, 144 Idaho 427, 430, 163 P.3d 216 (2007), the Idaho Supreme Court explained that in a summary judgment motion by defendant, the plaintiff must produce evidence creating a genuine issue of material fact and evidence that a jury could find is clear and convincing evidence the defendant acted with "actual malice." Disputed issues of fact that if resolved in favor of the plaintiff would still fall short of establishing malice with convincing clarity are not material. *See Bandelin v. Pietsch*, *supra*, 98 Idaho 337.

Accordingly, this Court must determine whether the evidence presented is such that a reasonable jury could find that actual malice had been proved with clear and convincing

evidence. *Harte-Hanks Communications, Inc. v. Connaughton*, *supra*, 491 U.S. 657, 658. In this case, there is no evidence – let alone clear and convincing evidence – that Mr. Murdock acted with actual malice (i.e., knowledge of falsity or reckless disregard of truth).

Here, Mr. Murdock did not act with actual malice. His statements either were accurate or he believed in good faith that the statements he made during the radio program were true. (See Murdock Decl., ¶¶ 7-14). There is no evidence that Mr. Murdock made any statements knowing that such statements were false or that he acted with reckless disregard of the truth of such statements. *Id.* For example, as to the statement that Ms. Elliott has trespassed numerous times, Mr. Murdock had received information of Ms. Elliott's prior trespass offenses and allegations. Indeed Ms. Elliott herself had published letters to newspapers, publicizing that she has been cited for trespass. For example, Ms. Elliott wrote letters, available on the internet, freely explaining that she was a defendant in criminal trespass cases. (See Elliott depo. Exhibits 54, 55, 56 and 61). (See Dunn Decl. ¶ 10).

As to the statement that Andi's Humane Society puts .02% of the money they hit everybody up back into the care of animals, Mr. Murdock was referring to the humane society in general -- to which Ms. Elliott has had some connection, since she was president of the Humane Society of the Upper Valley. Mr. Murdock had received information in the public media that the Humane Society contributed less than 1% of its donations to the care of animals. (See Elliott depo. Exhibits 11 and 49). Mr. Murdock had a reasonable belief for his statement and certainly did not act with any actual malice, especially since such information was being disseminated in the public media at that time. (see discussion at pages 26-27, *infra*). Ms. Elliott cannot prove that Mr. Murdock acted with actual malice with clear and convincing evidence, simply because no such clear and convincing evidence exists.

D. MR. MURDOCK'S STATEMENTS WERE OPINIONS

Opinions cannot be defamatory. *See, Hustler Magazine v. Falwell*, 485 U.S. 46, 50 (1988). A writer cannot be sued for simply expressing his opinion of another person, however unreasonable the opinion or the vituperous the expressing of it may be. *See Gertz v. Robert Welch, Inc., supra*, 418 U.S. at 339-440. Only statements of fact are properly the basis for an action sounding in defamation. *Wiemer v. Rankin, supra*, 117 Idaho at 572, 790 P.2d at 352; *Cerda v. Saint Alphonsus Regional Medical Center*, 2007 WL 2384381 (D. Idaho (2007)).

As the U.S. Supreme Court explained:

However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas.

Gertz v. Welch, supra, 418 U.S. 339.

Statements of opinion are constitutionally protected and therefore not actionable. *See Bose Corp. v. Consumers Union, supra*, 466 U.S. 485. "A statement that is incapable of being disproved does not constitute an assertion of fact; it is a 'pure' opinion. A pure opinion is not actionable." *Worrell-Payne v. Gannett Co., Inc., supra*, 49 Fed. Appx. 105. Courts have extended First Amendment protection to opinions in recognition of "the reality that exaggeration and non-literal commentary have become an integral part of social discourse." *Levinsky's Inc. v. Wal-Mart Stores*, 127 F.3d 122, 128 (1st Cir. 1997).

Mr. Murdock expressed various opinions during the radio program. For example, the statement that Ms. Elliott thinks she is above the law clearly is an opinion based upon Ms. Elliott's admitted activities and her own opinions. Mr. Murdock also expressed the opinion that Ms. Elliott's shenanigans cost Jefferson County taxpayers a numerous amount of dollars. Contrary to Ms. Elliott's claims, to characterize her activities as "shenanigans" cannot be defamatory and is an opinion as to the nature of Ms. Elliott's activities. Mr. Murdock has a right

to express an opinion that Ms. Elliott's activities have cost Jefferson County taxpayers a numerous amount of dollars. Similarly, his opinion that "people with the same mentality as Andi is what's done this to this horse market." That clearly is an opinion that cannot be actionable as defamation. He also expressed "we used to sell the slaughter horses," which at the very least is an opinion of factual history and certainly not defamatory.

E. MR. MURDOCK'S COMMENTS WERE NON-LITERAL, FIGURATIVE SPEECH OR RHETORICAL HYPERBOLE

The Constitution provides protection for "rhetorical hyperbole" that "cannot reasonably be interpreted as stating actual facts about an individual." *Horsley v. Rivera*, 292 F.3d 695-701 (11th Cir. Ga. 2002). "This provides assurance that public debate will not suffer for lack of "imaginative expression" or the "rhetorical hyperbole" which has traditionally added much to the discourse of our nation." "This protection reflects the reality that exaggeration and non-literal commentary have become an integral part of social discourse." *Id.*, quoting *Levinsky's, Inc. v. Walmart Stores*, 127 F.3d 122, 128 (1st Cir. 1997). The law has "always differentiated sharply between genuinely defamatory communications as opposed to obscenities, vulgarities, insults, epithets, name calling, or other verbal abuse." Rodney A. Smolla, *Law of Defamation* § 4.03 at 4-12 (1995).

Mr. Murdock's comments were constitutionally protected because he was expressing opinions using figurative speech or rhetorical hyperbole. His comments that "she thinks she is above the law," "people with the same mentality as Andi is what's done this to the horse market" and "we used to sell the slaughter horses" are examples of Mr. Murdock expressing figurative speech or rhetorical hyperbole opinions, as opposed to stating actual facts about Ms. Elliott.

F. MR. MURDOCK'S STATEMENTS WERE TRUE AND NOT DEFAMATORY

To support a defamation claim, Idaho law requires it be proven that a defendant: “(1) communicated information concerning the plaintiff to others; (2) that the information was defamatory; and (3) that the plaintiff was damaged because of the communication.” *Hopper v. Swinnerton*, 155 Idaho 801, 811, 317 P.3d 698, 708 (2013) (citing *Clark v. The Spokesman-Review*, supra, 144 Idaho 427, 430). The Idaho Supreme Court has defined a “defamatory” statement as one “tending to harm a person’s reputation, [usually] by subjecting the person to public contempt, disgrace, or ridicule or by adversely affecting the person’s business.” *Weitz v. Green*, 148 Idaho 851, 862, 230 P.3d 743, 754 (2010) (quoting *Black’s Law Dictionary* 660 (3rd pocket ed. 2006)).

To be defamatory, the communication must be false in a material fashion. This means that the “gist” or “sting” of the communication, when taken in its entirety and in context, must be false. It is not sufficient to prove that some insignificant detail is false if the “gist” or “sting” of the communication is otherwise true. *See Baker v. Burlington Northern, Inc.*, 99 Idaho 688, 587 P.2d 829 (1978); *Laughton v. Crawford*, 68 Idaho 578, 201 P.2d 96 (1948); IDJI 4.88.3.

Truth is a complete defense to a defamation action. *See Baker v. Burlington Northern, Inc.*, supra, 99 Idaho 688, 690; *see also, Hemingway v. Fritz*, 96 Idaho 364, 366, 529 P.2d 267 (1974) (Defendants’ allege malicious motivation in publishing material is irrelevant if the material is true).

If a statement thus is proven to be true, it is not defamatory. *See Steele v. The Spokesman-Review*, supra, 138 Idaho 249, *Worrell-Payne v. Gannett Co.*, supra, 49 Fed. Appx. 105. Idaho courts have recognized the concept of substantial truth, holding in a slander or libel suit it is not necessary for the defendant to prove the literal truth of his statement in every detail,

rather it is sufficient for a complete defense if the substance or gist of the slanderous or libelous statement is true. *Baker v. Burlington Northern, supra*, 99 Idaho 688. In *Steele v. The Spokesman-Review, supra*, 138 Idaho 249, the Idaho Supreme Court held that it is not necessary to establish the literal truth of the precise statement made. Slight inaccuracies or expression are immaterial provided that the defamatory charge is true in substance. The court stated “So long as the substance, the gist, the sting of the allegedly libelous charge be justified, minor inaccuracies do not amount to falsity.” *Id.* at 253.

Mr. Murdock’s statements on the radio program were true and thus could not be defamatory. Nor did the statements harm Ms. Elliott’s reputation, subjecting her to public contempt, disgrace or ridicule.

It reasonably cannot be disputed that Ms. Elliott has trespassed numerous times. The Jefferson County Prosecuting Attorney has charged Ms. Elliott on three prior occasions for trespass (Dunn Decl. ¶ 5). She has admitted that she’s been cited for trespass three to four times from 2008 to 2011. As to one of those trespass citations, she pled guilty, and there is evidence that would have been presented against Ms. Elliott confirming the trespass. (Elliott depo. p. 223, lines 3 to 6, p. 224, lines 22 to 25). (*See also*, Elliott’s depo. Exhibit 23). (*See also*, Dunn Decl. ¶¶ 4-6). Ms. Elliott regularly publicized her own trespass charges herself by writing letters to newspapers, almost boasting of the trespass charges against her. She seemed to be bragging, when she wrote in the newspapers, “Just like clockwork, about every two years Sheriff Olsen and Prosecutor Dunn charge me with trespass”. (Elliott depo. Exhibits 6, 3 and 7). The Jefferson County Prosecuting Attorney confirmed that Ms. Elliott has written a letter, posted on the Internet, stating that she has been charged with trespass. (Dunn Decl. ¶ 10).

As to Mr. Murdock's statement that there's an ongoing court case in Jefferson County where she got the judge disputed because she's special, Mr. Murdock was justified in making such a statement. In the trespass case involving Ms. Elliott, she filed a motion to continue the trial so that the judge handling the case would continue to handle the case as opposed to a new judge. That statement thus was accurate or did not harm Ms. Elliott's reputation since she took such action.

Mr. Murdock's statement that Ms. Elliott's shenanigans cost Jefferson County taxpayers a numerous amount of dollars, also was true. Ms. Elliott has reported alleged animal mistreatment to authorities, who have been required to investigate, finding at least in some of the cases that there was no basis for any claim of animal mistreatment. The Jefferson County Sheriff has explained under oath his understanding that some of the Sheriff's incident reports showed that Ms. Elliott's reports of animal abuse were found to have no basis. (Olsen Decl. ¶¶ 5 & 6).

Ms. Elliott also has chosen to file lawsuits against people that have testified against her at trial. One such lawsuit involved Brenda Murdock who was a witness in Ms. Elliott's 2011 trespass case and then was sued in small claims court. Miss Elliott sent a letter to Ms. Murdock asking for a settlement, which was rejected. The court of course dismissed the small claims action. Ms. Elliott most recently filed in pro per a lawsuit against the Jefferson County Sheriff, prosecuting attorney and other officials. While that action is still pending, there can be no question that such a lawsuit will require Jefferson County taxpayers to incur the expense of having to defend such a lawsuit. During her most recent trespass trial, Ms. Elliott was accused of being in contempt. (Elliott depo. 245, pp. 5-12). The Jefferson County Prosecuting Attorney explained under oath the basis for this contempt charge, in which the prosecuting attorney

believed that Ms. Elliott has violated the court's November 11, 2011 order, by publishing a letter to the Post Register and making comments on a Facebook page. (See Dunn Decl. ¶¶ 7-9).

Finally, Ms. Elliott's voluntary activities of conducting surveillance on her neighbors and reporting alleged mistreatment of animals requires Jefferson County taxpayers to incur the expense of having authorities investigate such claims. There is evidence that neighbors are frustrated and angry at being falsely accused of animal mistreatment. (See Olsen Decl. ¶¶ 4 & 5).

G. MURDOCK BELIEVED HIS STATEMENTS WERE TRUE AND THUS WERE NOT MADE WITH ACTUAL MALICE

As previously discussed, this Court must determine whether the evidence presented is such that a reasonable jury might find that actual malice had been shown with convincing clarity. *Bandelin v. Pietsch, supra*, 98 Idaho at 341. Mr. Murdock's comments were constitutionally protected because they were not defamatory, are constitutionally protected opinions, or non-literal rhetorical hyperbole which are also constitutionally protected. Mr. Murdock's opinions were also protected because they were opinions based upon the truth or were not published with reckless disregard for the truth.

As to each of the following statements, Mr. Murdock has proved that each statement either was true or he believed it to be true. In either event, he cannot be liable for defamation.

1. She thinks she is above the law

Mr. Murdock had reason to believe that Ms. Elliott would invade the privacy of her neighbors and trespass on people's property in order to conduct surveillance as to whether animals allegedly were being mistreated. Ms. Elliott has testified that she engages in this activity even though she appreciated that her neighbors would regard their privacy to be invaded. (Elliott depo., p. 119, lines 18-24). This statement is clearly an opinion based upon Ms. Elliott's own actions and writings and cannot be defamatory.

During one of Ms. Elliott's trespass cases, she was subject to an order not to publicize the trial. Nevertheless, Ms. Elliott wrote a letter to a newspaper, and the prosecuting attorney filed a motion for the court to find Ms. Elliott to be in contempt for violating the court's order. (Elliott depo. p. 244, line 13 to p. 246, line 16, exhibit 24) (See also, Elliott depo. p. 248, line 22 to p. 249, line 2.) (See also Dunn Decl. ¶¶ 7-9). Mr. Murdock had a reasonable basis to believe that Ms. Elliott acts as if she is above the law.

2. She's trespassed numerous times

At the time of his comments during the radio program, Mr. Murdock was aware that his brother and sister-in-law, Brenda Murdock, were being called as witnesses in a trial where Ms. Elliott was accused of trespass. Ms. Elliott herself had written previously that she was accused of trespass and Mr. Murdock was aware of accusations that Ms. Elliott had trespass on neighbors' property in order to determine if animals were being mistreated. Mr. Murdock had a reasonable basis to believe that Ms. Elliott has trespassed numerous times, which Ms. Elliott herself admits that she was accused of trespass three or four times prior to March 2012. (Elliott depo. p. 54, lines 2 to 23).

Prior to 2012, Ms. Elliott herself wrote public letters and articles, stating that she was a defendant in a criminal trespass case. (See Elliott depo, p. 436, lines 1 to 14). (See also, Exhibits 54, 55, 56, 63, 66, 67, 68, 69, 70, and 71). Jefferson County Prosecutor, Robin Dunn, wrote a guest article in the Post Register on June 2, 2011, in which he stated:

The local chapter of the human society, via Andi Elliott, has attempted, from time to time to enter on individual's property without court permission. Individual warnings have gone unheeded by this individual. Those warnings have come from law enforcement in Jefferson County.

(Elliott depo. Ex. 44). (See also Dunn Decl. ¶ 11). It was publicly reported on January 7, 2010 that Ms. Elliott would be charged with trespass in Jefferson County. (See Elliott depo. Exh. 65).

Mr. Murdock had access to numerous sources, which led him to reasonably believe that Ms. Elliott had trespassed numerous times. At the very least, his statements were reasonable, and he had a good faith basis to make such a statement.

3. There's an ongoing court case in Jefferson County where she got the judge disputed cause she's special

Mr. Murdock had learned in the court case where his brother, Dan Murdock, and sister-in-law, Brenda Murdock, were witnesses that Ms. Elliott had filed a motion to continue the case so that she could retain the judge assigned to the case rather than a new judge. Ms. Elliott explained that she filed the motion to continue so that she could retain the existing judge, rather than a new judge. See Elliott depo. p. 250, line 21 to p. 251, line 11. Mr. Murdock accordingly had reason to believe the basis for his statement that she got the judge disputed cause she wanted to retain the prior judge as opposed to allowing the court to appoint or assign another judge.

4. Her shenanigans cost Jefferson County taxpayers numerous amount of dollars

Mr. Murdock again had reasonable basis to believe and make this statement. The word "shenanigans" cannot be defamatory in that it is a common, perhaps old fashioned, phrase. In fact, Ms. Elliott herself used the word "shenanigans" in a letter to the newspaper. (See Elliott depo. Exhibit 48). Moreover, Ms. Elliott has engaged in various activities that undoubtedly have cost Jefferson County taxpayers numerous amounts of money. For example, Ms. Elliott's so-called welfare checks, where she accuses neighbors of animal mistreatment requiring public officials to investigate and conclude that there is no basis for such accusations, costs taxpayers money and the expenditure of public resources.. Ms. Elliott admitted in her deposition that the so-called "welfare checks" she has initiated costs taxpayers. (Elliott depo. p. 111, p. 9-17; p. 129, lines 4 to 9). There are many incidents where Ms. Elliott reports animal owners to the local

authorities, who investigate only to find that any alleged neglect was unfounded. (See Elliott depo exhibits 31, 32, 34 and 45). (See also, Olsen Decl. ¶¶ 5 & 6).

A good example of Ms. Elliott's shenanigans is reflected in exhibit 32, where Jefferson County officer Lynn Parker reported that a Rigby resident was "tired of Andi Elliott harassing him." According to this resident, Ms. Elliott has sent officers to his home multiple times about his dogs, and Ms. Elliott takes photos of his residence. Another example is reflected in exhibit 31, where Jefferson County officer Korin Williams reported that there was no basis for the animal neglect charges made by Ms. Elliott and the officer would not check the animals at this residence unless there were obvious signs of neglect. (See Olsen Decl. ¶ 6).

Most recently, Ms. Elliott has chosen to file a new lawsuit against Blair Olsen, Robin Dunn, John Clements, Amelia Sheets, Jefferson County Sheriff's Department, Jefferson County and Commissioners and Gerald Raymond. (A copy of that complaint is set forth in Elliott depo, ex. 27). (See Olsen Decl. ¶ 9 and Dunn Decl. ¶ 13). To file a lawsuit against witnesses, (i.e., Brenda Murdock) who served as a witness for the local prosecutors and testified against Ms. Elliott at her criminal trespass trial (which of course was dismissed) again costs taxpayers money and consumes public resources. (See Elliott depo. Exhibits 26 and 50). Even Ms. Elliott agreed that there is a cost to Idaho taxpayers in such proceedings. (Elliott depo. p. 145, line 1 to 4).

5. People with the same mentality as Andi is what's done this to the horse market

This statement plainly is opinion in which Mr. Murdock, who has worked in Idaho ranching and farming throughout his life, had a reasonable basis to express an opinion as to the horse market in Idaho and whether certain people with the same mentality as Andi has affected

that market. This statement again was a reasonable opinion for Mr. Murdock to express, and was not defamatory in any way.

Curiously, Ms. Elliott explained that this comment was defamatory because she was “being lumped with the other animal rights people.” (Elliott depo. p. 39, lines 8 to 17). Ms. Elliott believes it is defamatory to be called an animal rights activist, which cannot reasonably expose the plaintiff to public hatred, contempt or ridicule. IDJI 4.82.

6. We used to sell the slaughter horses

Mr. Murdock again was expressing his opinion and such a statement hardly can be regarded as defamatory as to Ms. Elliott or her Foundation. It does not pertain to them at all and is neither defamatory nor untruthful.

7. And Andi’s humane society puts .02% of the money they hit everybody up back into the care of animals

This statement again is an example of Mr. Murdock’s right to express an opinion using non-literal figurative or rhetorical hyperbole. Mr. Murdock was not expressing that Ms. Elliott owned a humane society, but he was expressing the opinion that humane societies, to which Ms. Elliott has been associated since she was the former president of the Humane Society of the Upper Valley, had spent less than 1% of its donations to the care of animals.

Mr. Murdock’s comments regarding humane society donations were consistent with national publicity about the use of donations by the Humane Society. As reported in the magazine, Mother Jones, an ad ran during the Academy Awards show in February 2012, in which Mother Jones reported, in part, as follows:

Americans who endured Sunday night’s Academy Awards ceremony were treated to a surprisingly aggressive campaign-style ad attacking the Humane Society for supposedly spending less than one cent of every dollar it takes in on animal shelters. The ad opens with a blaring siren on one side of the screen and footage from a Humane Society TV spot on the other. “Consumer alert!” a

voiceover declares. "If you've seen this ad or donated to the Humane Society of the United States, you should know that only one penny of every dollar donated goes to local pet shelters."⁶

This ad, shown on the Academy Awards, was broadcast just about one month before Mr. Murdock's comments on the March 22, 2012 Neal Larsen radio show. It cannot be defamatory for Mr. Murdock to join this national debate and state an opinion that he had heard in the public media. There can be no doubt that, at a minimum, he believed the statement to be true and had a reasonable basis to believe it to be true.

Mr. Murdock had received information in the public media regarding such facts and he had a reasonable basis to believe them. Exhibits 11 and 49, are examples of statements made in the public media regarding the amount of donations to this humane society that have been used for the care of animals. One such public article (Elliott depo exh. 11), for example, states that human societies donate less than 1% of their fundraising in the actual care of animals. This statement either was true or Mr. Murdock had a reasonable basis for expressing such an opinion. In either event, based upon the national publicity at that time about the Human Society's use of donations, Mr. Murdock did not express this opinion with any actual malice. Ms. Elliott admitted in her deposition that the public has a right to discuss the amount of donations that are used for actual charitable purposes. (Elliott depo. p. 407, lines 13-25).

H. FOR THE LOVE OF PETS FOUNDATION HAS NOT BEEN DEFAMED IN ANY WAY

In the statements that Mr. Murdock made to the radio program, the For The Love of Pets Foundation was not mentioned in any way. Plaintiffs' theory appears to be that the reference to "Andi's humane society" refers to For The Love of Pets Foundation. There is no support for

⁶ The Court is invited to view the ad, available through the following link: <http://www.motherjones.com/mojo/2012/02/rick-berman-funded-oscar-night-slam-humane-society>

such an assumption. Ms. Elliott admits that Mr. Murdock did not mention the Foundation by name during his comments in the radio call-in program. (Elliott depo. p. 43, line 16 to p. 44, line 4).

Mr. Murdock has stated in his sworn declaration that he was not even aware of the For The Love of Pets Foundation. He was referring to the Humane Society in general. It is apparent that the Foundation, formed on June 22, 2005, is not referred to as a humane society. A copy of the Articles of Incorporation is set forth in Elliott depo, exhibit 61). There is no basis even to suggest that Mr. Murdock was referring to the For The Love of Pets Foundation, of which he was not even aware. Even Ms. Elliott admitted in her deposition that there are many humane societies and she did not know which human society to which counsel was referring. (Elliott depo. p. 46, line 12 to p. 47, line 12). The Foundation's articles of incorporation do not refer to the Foundation as a Humane Society. (See Elliott depo. Exhibit 61).

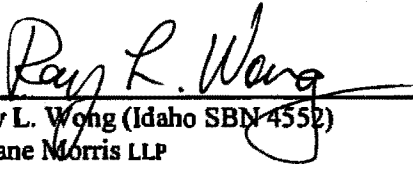
One of the elements of defamation in Idaho is the requirement that there be a communication of information "concerning the Plaintiff." There is simply no evidence that Mr. Murdock was referring to the For The Love of Pets Foundation, a co-plaintiff in the present action. Even Ms. Elliott did not know if the Foundation was referred to as a humane society. (Elliott depo. p. 47, line 23 to p. 48, line 15). Without any evidence that Mr. Murdock was referring to For The Love of Pets Foundation, there is no basis for the argument that Mr. Murdock made some allegedly defamatory comment concerning that plaintiff.

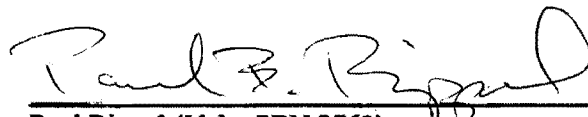
VII. CONCLUSION

For the foregoing reasons, Mr. Murdock's motion for summary judgment must be granted. Plaintiffs are full or limited public figures, and there is no evidence at all to suggest that the innocuous opinions expressed by Mr. Murdock during a call-in radio program were defamatory or made with actual malice. The claims brought by Candice "Andi" Elliott in this

action have been brought or pursued frivolously, unreasonably or without foundation in law or fact, and defendant Steven Murdock is entitled to an award of attorney's fees for having to defend this claim, which was and is, without merit in law or fact.

Dated: February 17, 2015

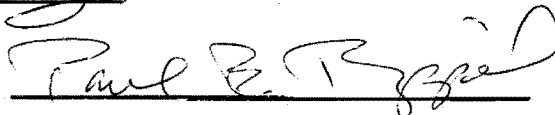

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 17th day of February, 2015.


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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT STEVEN L. MURDOCK'S MOTION FOR SUMMARY JUDGMENT - 29**

MAGISTRATE JUDGE
JEFFERSON COUNTY
2015 FEB 17 PM 4:52

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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs,	)	CASE NO. CV-2014-0238
)	
vs.	)	MOTION FOR SUMMARY JUDGMENT
)	
STEVEN L. MURDOCK,)	
)	
Defendant.)	
)	

COMES NOW the Defendant, Steven L. Murdock, and moves the Court pursuant to Rule 56(b) and 56(c) of the Idaho Rules of Civil Procedure, for summary judgment in his favor on all claims against him in this action as there is no genuine issue as to any material fact and that the Defendant is entitled to a judgment as a matter of law..

This Motion is based upon the following, which are filed concurrently herewith:

1. Memorandum of Points and Authorities in Support of Motion for Summary Judgment

2. Compendium of Evidence
3. Declaration of Ray L. Wong
4. Declaration of Steven L. Murdock
5. Declaration of Blair Olsen
6. Declaration of Robin Dunn; and,
7. Pleadings and admissions on file herein.

Defendant requests an opportunity to present oral argument in support of this Motion.

DATED this 17 day of February, 2015.

DUANE MORRIS LLP

By Ray L. Wong
Ray L. Wong, Esq.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By Paul B. Rippel
Paul B. Rippel

. Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 17th day of February, 2015.

Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

MOTION FOR SUMMARY JUDGMENT - 2

MAGISTRATE COURT
JEFFERSON COUNTY, IDAHO
2015 FEB 17 PM 4:55

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul B. Rippel, ISBN 2762, Co-Counsel
HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC
428 Park Avenue
Idaho Falls, Idaho 83402
Phone: 208-523-4445
Fax: 208-523-4474
Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,	)	CASE NO. CV-2014-0238
)	
Plaintiffs,	)	DECLARATION OF ROBIN DUNN IN
	)	SUPPORT OF MOTION FOR
	)	SUMMARY JUDGMENT
)	
vs.	)	DATE:
	)	TIME:
STEVE MURDOCK,	)	DEPT:
)	
Defendant.)	

I, Robin Dunn, hereby declare as follows:

1. I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify to them competently.
2. I am currently the Jefferson County Prosecuting Attorney and have served as Prosecuting Attorney for Jefferson County since 1983.

DECLARATION OF ROBIN DUNN IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT - 1
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3. The Office of the Prosecuting Attorney (which at times I will refer to as “my office”) prosecutes all actions, applications, and motions in the District Court and the Magistrate’s Division in which the people, the State or the county is a party.

4. As the Jefferson County Prosecuting Attorney, I am familiar with the cases which my office handles. I am also familiar with Candace Elliott. My office has received complaints from Idaho residents claiming that Ms. Elliott has trespassed on their property.

5. My office has charged Ms. Elliott on three prior occasions for trespass. Attached to what I understand to be Exhibit 22 to Ms. Elliott’s deposition is a misdemeanor minute entry/log/order/judgment in the case of *State of Idaho v. Candace Elliott*, case no. CR-08-1568, which indicated that Ms. Elliott was found guilty of Count 1 for trespass.

6. In connection with the case of *State of Idaho v. Candace Elliott*, Case No. CR-08-1568, my office participated in a hearing involving Candace Elliott before the Honorable Robert L. Crowley, Jr. A copy of the transcript of that hearing was attached to what I understand to be Exhibit 23 to Ms. Elliott’s deposition.

7. On November 10, 2011, in another trespass case involving Ms. Elliott, *State of Idaho v. Candace Elliott*, Case No. CR 11-3409, the Court entered an Order in Case No. CR 11-3107, prohibiting certain disclosures which read in relevant part:

IT IS HEREBY ORDERED, in the interest of assuring the fairness of the trial to be held herein and in the interest of maintaining the integrity of the judicial system, that during the pendency of the above-entitled matter, all parties to the above-named matter and their counsel are prohibited from making extra-judicial statements to members of the news media relating to the following matters with regard to the above-entitled case, to-wit:

1. The character, credibility or reputation of a party or its representatives or agents;

DECLARATION OF ROBIN DUNN IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT - 2

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2. The identity or a witness or the expected testimony of a party or a witness;

...

4. The identity or nature of physical evidence to be presented or the absence of such physical evidence;

5. The strengths or weaknesses of the case of either party; and

6. Any other information which counsel for either party knows or reasonably should know is likely to be inadmissible as evidence and would create a substantial risk of prejudice.

8. My office believed that Ms. Elliott had published an opinion letter to the Post Register newspaper in this matter and also included a Facebook page that was accessible to the public. Based upon this information, my office believed that Ms. Elliott had violated the Court's November 11, 2011 Order and submitted the affidavit in support of the motion for contempt.

9. Amelia Sheets, a deputy in my office, prepared and filed an affidavit in support of a motion for contempt against Ms. Elliott. A copy of that affidavit was attached to what I understand to be exhibit 24 to Ms. Elliott's deposition.

10. Ms. Elliott wrote a letter to the Idaho Sheriff's Office regarding Sheriff Blair Olsen and myself. I understand a copy of that letter, posted on the Internet, was attached as Exhibit 55 to Ms. Elliott's deposition. In that letter, Ms. Elliott stated that she had been charged with trespass.

11. On June 2, 2011, I wrote and published a guest column in the Post Register newspaper entitled, "Heeding the Fourth Amendment." A copy of the published article is attached to what I understand to be Exhibit 44 to Ms. Elliott's deposition.

12. Ms. Elliott frequently writes letters to the newspaper and discusses with the media issues that involve alleged animal cruelty, the Jefferson County Sheriff and the Office of the Prosecuting Attorney.

13. It is my understanding that Ms. Elliott has recently filed a lawsuit against Blair Olsen, Robin Dunn, John Clements, Amelia Sheets, Jefferson County Sheriff's Department, Jefferson County and Commissioners and Gerald Raymond. A copy of that complaint is set forth to what I understand to be Exhibit 27 to Ms. Elliott's deposition.

14. I gained my understanding of the Exhibits to Ms. Elliott's deposition from reviewing copies of them provided to my legal counsel in the lawsuit referenced in paragraph 9, and they each are true and accurate copies of the documents identified in this declaration.

15. It is my understanding that these documents have been included in a compendium of evidence, submitted in support of Steve Murdock's motion for summary judgment.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct.

Executed this 11 day of ~~January~~^{February}, 2015.

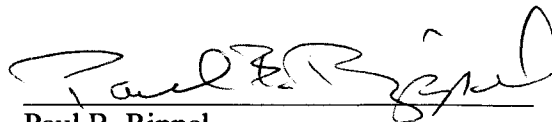


Robin Dunn

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by mail, hand delivery or fax as noted, below.

Dated this 17th day of ~~January~~^{February}, 2015.



Paul B. Rippel

Kent E. Whittington
Address: PO Box 2781
Idaho Falls, ID 83403
FAX: (208) 529-8775

FAX: (208) 529-8775

HAND DELIVERY

DECLARATION OF ROBIN DUNN IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT - 4

DM1\5357653.1

Exhibit 22

7th JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF JEFFERSON
MISDEMEANOR MINUTE ENTRY/LOG/ORDER/JUDGMENT

STATE v. Candace W. Elliott D.L.#: UA306367E DOB: 7/15/1949 CASE NO.: CR-2008-0001568
ADDRESS: 349R E 3100 N Hamer ID 83435

JUDGE: Robert L. Crowley Jr.

TAPE No. _____ BEGIN AT 10:43 am.

DATE: 5.13.08 Defense Attorney: _____

DEFENDANT having been charged with the following:

COUNT 1: Trespass AMENDED: _____ DISMISSED: _____

DEFENDANT: Appeared Failed to appear Send notice Warrant/Bond Forfeiture Ordered Bond: \$ _____
 Advised of rights, penalties, & charges Waived reading of Complaint Read Complaint
 Requested P.D. (Application must be filled out and submitted to Court) Will retain counsel
 Waived counsel Waived jury trial No Contact with Victim(s)

PLEA: GUilty to Counts _____ NOT GUILTY to Counts 1 _____ REMAIN SILENT
 CONTINUANCE TO _____ JURY TRIAL REQUESTED
 ORDERED RELEASED OR BAIL HEARING REQUESTED

ORDERED TO APPEAR FOR: Pretrial Conference June 2 2008 @ 9:30 Court Trial _____ Sentencing _____

JUDGMENT: GUILTY Counts 1 _____ NOT GUILTY Counts _____ WITHHELD JUDGMENT after successful probation

31

ORDERED _____ HRS OF COMMUNITY SERVICE WITH JEFFERSON COUNTY PROBATION W/IN _____ DAYS *** (under 18 yrs of age)
 ORDERED _____ HRS OF COMMUNITY SERVICE WITH NON-PROFIT ORGANIZATION W/IN _____ DAYS *** (18 yrs or older)
 ORDERED TOBACCO EDUCATION THROUGH JEFFERSON COUNTY PROBATION. TO BE COMPLETED WITHIN _____
 ORDERED DRUG/ALCOHOL EDUCATION THROUGH JEFFERSON COUNTY PROBATION. TO BE COMPLETED WITHIN _____
 ORDERED to successfully complete, as soon as possible, a Substance Abuse Screening as recommended by JEFFERSON COUNTY PROBATION and thereafter must complete the recommended level of intervention deemed appropriate pursuant to said screening, including, but not limited to: education, counseling, and/or treatment. Fees are due and payable by the defendant at time of services unless other arrangements are made with the facility.

PROBATION: Formal (See attachment for Conditions) Informal (Conditions are to obey laws & comply with judgment & other _____
for a Period of 6 months/years.

LICENSE(S): ORDERED DEFENDANT'S () Driver's () Hunting () Fishing LICENSE SUSPENDED: for a period of _____ Months
____ Years; Concurrent with _____ Consecutive with _____ Retrospective to _____ Absolute suspension _____ months
(Reinstatement of driving privileges must be completed before you can drive Apply to: Driver's Services, P.O. Box 7129, Boise, ID 43707-1129 Tel: 304-334-8735)
 Proof of a current valid drivers license, or lawful excuse thereof accompanied by a written statement by defendant, must be provided to the Court within _____ days.

FINES: ORDERED DEFENDANT PAY TO THE CLERK:
Count 1: \$ 175.50 Suspends \$ _____ Court Costs included
Count 2: \$ _____ Suspends \$ _____ Court Costs included
*One time \$35 deferred payment agreement costs will be applied if fees not paid in full at time of sentencing
_____ Community Service allowed to be credited towards fines at the rate of \$6.00 an hour - does not eliminate court costs or restitution.

RESTITUTION: to the Court for disbursement to the victim(s) \$ _____ or _____ to be determined

JAIL: ORDERED DEFENDANT TO BE INCARCERATED:
Count 1: 10 days Suspends 10 days SERVE _____ days credit time served
Count 2: _____ days Suspends _____ days SERVE _____ days credit time served
 Consecutive Concurrent Report to jail no later than: _____

WORK RELEASE Once approved by Jefferson County Sheriff - Pay the jail \$125.00 per week in advance if accepted.
 ELECTRONIC ANKLE BRACELET \$100.00 per week in advance
 S.I.L.D ** JUMP Serve _____ days within _____ Pay \$7.00 per day for SILD in advance for insurance and administrative costs.

**The defendant shall make contact with the Sheriff's office @ 745-9220 within 24 hours, pay any required fees(s), follow all rules, policies and instructions of the Sheriff's office, and cooperate fully in the execution of this Court order. Failure to do so may result in the issuance of a Bench Warrant for the defendant or immediate confinement.

OTHER SENTENCE: *** _____

*** It is the defendant's responsibility to provide all documents of completion to the court. Failure to do so will result in Warrant for the defendant.

JUDGE: _____ DATE: 8/22/2008

Defendant/Counsel: _____ DATE: 8/22/2008

Exh. No. 32
Date 11/13/14
Name Elliot
At & N Court Reporting

PA00017

IN THE DISTRICT COURT OF THE 7 JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF Jefferson
MAGISTRATE DIVISION

STATE OF IDAHO,

Case (Docket) No. CR-08-1568

ORDER WITHHOLDING JUDGEMENT

vs.

(PRINT OR TYPE DEFENDANT NAME)

Candace Elliott

Plaintiff,

Defendant,

For Traffic Offenses Only

Ticket No. _____ Issued by

State County City of

224 70 1883
Social Security No. of Defendant

07 15 1949
Date of Birth of Defendant

The defendant having been advised of his right to court-appointed counsel if indigent and

Defendant Waived

Right Against Self-incrimination

Right to:

Counsel

Jury Trial

Confront & Cross Examine Accuser

All Defenses

entered a plea of guilty to TRESPASS

been found guilty of _____ (Name of offense)

a violation of Idaho Code § 18-7008 (Name of offense)

a violation of Ordinance No. _____ of the City of _____

IT IS HEREBY ORDERED that judgment be withheld for a period of 6 mo. from the date hereof upon the following conditions (only the checked conditions are applicable).

- 1. Probation is granted to and accepted by the defendant subject to all its terms and conditions and with the understanding that the Court may at any time in a case of a violation of the terms of the probation cause the probationer to be returned to the Court for entry of judgment and imposition of sentence as prescribed by law.
- 2. That the defendant shall notify the clerk of the court of any change of address during the period of probation.
- 3. That during said period of probation the said defendant shall not violate any law or ordinance of the United States or any City, State, or County therein a fine or bond forfeiture of more than \$70.00 or a jail term could have been imposed as a penalty.
- 4. That during said period of probation the defendant will abstain from the consumption of alcoholic beverages and/or the use of narcotics or drugs in an unlawful manner.
- 5. That the defendant shall pay to the Clerk of the Court the following sums of money:
 - a. Court costs, fees and charges in the sum of \$ 175.50 dollars.
 - b. _____ dollars for restitution to _____, the party injured by defendant's crime herein, for restitution to said party. Said sum shall be paid within _____ from this date.
 - c. _____ dollars as reimbursement for public defender or appointed counsel services, pursuant to I.C. § 19-854 (c).
 - d. _____ dollars for expense incurred in this prosecution, to be distributed in the same manner as the payment of fines and forfeitures, pursuant to I.C. § 19-4705. Said sum shall be paid within _____ from this date.
 - e. _____ dollars fine, to be distributed pursuant to I.C. § 19-4705.

PA000018

- 6. That defendant shall attend and complete a
 - driver education program
 - alcohol education program
 - alcohol treatment program
 as follows: _____
- 7. That defendant's driving privileges are suspended for _____ (days) (months).
- 8. That defendant shall not drive a motor vehicle except _____
- 9. That defendant agrees, as a condition of this withheld judgment, to be incarcerated as follows: _____
- 10. OTHER SPECIAL CONDITIONS

IT IS FURTHER ORDERED that this probation will be terminated on 2.22 2009 unless otherwise ordered by the court.

IT IS FURTHER ORDERED that upon expiration of the probation period as hereinabove prescribed, the defendant shall be discharged from probation and the charges against him dismissed, upon a proper showing of compliance with this order, and in accordance with I.C. §19-2604.

DATED THIS 22nd day of August, 2008. [Signature]
ACCEPTANCE Judge
Judge Number

THIS IS TO CERTIFY THAT I have made the court aware of any prior withheld judgments or convictions which I have had in the past, and that I am aware that if I have not told the court about any prior withheld judgments or convictions, that this judgment can be vacated by the court and another judgment can be imposed.

THIS IS ALSO TO CERTIFY THAT I understand that I have the right to refuse the above conditions of probation and that I have the right to be sentenced by this court.

THIS IS ALSO TO CERTIFY THAT I have read and fully understand and accept all conditions, regulations and restrictions under which judgment is withheld and under which I am being granted probation. I will abide by and conform to them strictly, and fully understand that my failure to do so may result in the revocation of my probation and imposition of sentence upon me. I am also aware that I can appear before the court at the termination of my probationary period if I have lived up to all the conditions to ask to have the judge dismiss the charges against me.

DATED THIS 22 day of Aug, 2008. [Signature]
Probationer

WITNESS
[Signature]

WHITE COPY - Remain in Court case file
YELLOW COPY - Mail to:
Information Systems
Supreme Court Building
P.O. Box 83770
Salem, Maine 03720-0101
2008-334-3850
PINK COPY - May be given to defendant

Exhibit 23

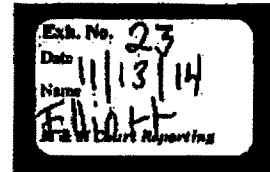
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF JEFFERSON

STATE OF IDAHO,)
)
)
)
Plaintiff,)
)
vs) Case No. CR-08-1568
)
)
)
CANDACE W. ELLIOTT,)
)
)
Defendant.)

August 22, 2008

Rigby, Jefferson County, Idaho

BEFORE THE HONORABLE ROBERT L. CROWLEY, JR.



ORIGINAL

DAVID MARLOW, CSR
Official Court Reporter
Madison County Courthouse
Rexburg, Idaho 83440
TELEPHONE (208) 356-6880 FAX (208) 528-8348

A P P E A R A N C E S

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FOR THE PLAINTIFF:

DUNN LAW OFFICE

By: Penny Shaul

Post Office Box 277

Rigby, Idaho 83442

FOR THE DEFENDANT:

BEARD, ST. CLAIR & GAFFNEY

By: Michael D. Gaffney

2105 Coronado Street

Idaho Falls, Idaho 83404

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August 22, 2008

Rigby, Jefferson County, Idaho

(The following transcript was produced
from a digital recording.)

THE COURT: Ladies and gentlemen, we appreciate your participation and attendance with us this morning. I'm Judge Crowley. I'm the Magistrate Judge here today.

I realize that jury service is not always, and maybe never convenient, but it certainly is critical and essential in our society and we appreciate you being with us this morning.

You've served a role, a greater role than you may know. You're probably not going to be too broken-hearted. We're going to excuse you at this time. This case has been resolved, and many times it takes getting to this point for matters to get resolved. So, again, we want to thank you and express our appreciation to you for taking time out of your busy days to be here. We know, again, it's not convenient.

Before you leave, I'd ask you to stop by the Clerk's office and make such arrangements -- oh, it's

1 the front office. Excuse me. I need to be directed
2 here. It's the front office going out the front door
3 here. So we do excuse you and release you from your
4 service for the day.

5 Thank you very much.

6

7 (Jury excused.)

8

9 THE COURT: Good morning, ladies and gentlemen,
10 this is the Magistrate Division of the Jefferson
11 County District Court. Today's date is August 22,
12 2008. The matter before the Court is entitled State
13 of Idaho versus Candace W. Elliott. This is Jefferson
14 County Case CR-2008-1568.

15 Are you Candace W. Elliott?

16 THE DEFENDANT: Yes, I am.

17 THE COURT: Ms. Elliott is present with her
18 counsel, Mr. Mike Gaffney. The State is present by
19 Penny Shaul. This was the time and place set for
20 trial, jury trial in this particular matter. The jury
21 has now been excused. The Court understands that an
22 agreement's been obtained, or attained, by the
23 parties; is that correct?

24 MS. SHAUL: That is correct, Your Honor. We
25 have reached an agreement wherein the Defendant will

1 enter an Alford Plea to the charge of trespassing as
2 charged in, I believe it's the Second Amended
3 Complaint -- or, I'm sorry, in the Amended Complaint
4 that was filed on August 19th of 2008. In exchange,
5 the State has agreed to recommend \$100 plus court
6 costs as a fine in this matter, six months of informal
7 probation, ten days of jail to be suspended and held
8 at the Court's discretion. We're not opposed to a
9 withheld judgment in this case because the Defendant
10 has no prior criminal history and would be entitled to
11 one if she were to ask the Court for it.

12 I believe that is the substance of the
13 agreement, and after the Defendant has entered her
14 Alford Plea I will then give the Court the facts which
15 the State would have proven had we gone to trial.

16 THE COURT: Very well. Thank you.

17 Mr. Gaffney, is that consistent with your
18 understanding of what has taken place here today?

19 MR. GAFFNEY: Yes, Your Honor.

20 THE COURT: Are there any portions of the
21 agreement that have not been set forth that you
22 thought should have been part of it?

23 MR. GAFFNEY: No, Your Honor.

24 THE COURT: Very well. Ms. Elliott, have you
25 heard what has been discussed between Counsel and the

1 court this morning?

2 THE DEFENDANT: I have, yes, sir.

3 THE COURT: Is that consistent with your
4 understanding of what's to take place?

5 THE DEFENDANT: I believe so, yes, sir.

6 THE COURT: And is there any portion of the
7 agreement that you thought should have been set forth
8 that was not? Are there any additional portions of
9 the agreement you thought was there that hasn't been
10 stated?

11 THE DEFENDANT: No, sir.

12 THE COURT: Before I have you enter your plea,
13 or take your plea as I anticipate you're going to do,
14 has anyone made any threats or promises to you to get
15 you to enter a plea today?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you understand that by pleading
18 guilty you give up a number of your rights that were
19 previously explained to you both by the Court and by
20 your attorney?

21 THE DEFENDANT: That I do.

22 THE COURT: Very well. You understand the
23 Court is not bound by the recommendations of Counsel?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Very well. Have you reviewed a

1 copy of the Amended Criminal Complaint? Have you seen
2 a copy of that?

3 MR. GAFFNEY: I have, Your Honor. I don't
4 believe she has.

5 THE COURT: If you've got that, Counsel, just
6 have her take a look at that for just a moment.

7 (Brief pause in the proceedings.)

8 THE DEFENDANT: Yes, sir, I've seen it.

9 THE COURT: Very well. Do you wish to make any
10 further explanation to you regarding the allegations
11 or do you feel understand those clearly?

12 THE DEFENDANT: I think I'm all right there.

13 THE COURT: You understand the maximum
14 potential penalty of the law allows for violation of
15 this statute that has been set forth in that Complaint
16 that up to one -- excuse me, up to six months in jail
17 and/or \$1,000 fine or both.

18 Do you understand that's the maximum potential?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Very well. To the charges set
21 forth in the Amended Criminal Complaint of trespassing
22 in violation of Idaho Code Section 18-7008(9), how do
23 you plead?

24 MR. GAFFNEY: Your Honor, Ms. Elliott would
25 like to enter an Alford Plea at this time as to the

1 charge in the statute.

2 THE COURT: Very well. Thank you.

3 Ms. Shaul, would you indicate what information
4 the State would present if this were to proceed?

5 MS. SHAUL: Thank you, Your Honor. Had this
6 case gone to trial today the State would have
7 submitted the following evidence in support of the
8 Amended Complaint.

9 We would have presented the testimony of Brenda
10 and Doug Bowman, the landowners, and they would have
11 testified that on April 28th of 2008, they observed
12 the Defendant drive down their private lane, which was
13 posted with two signs, one reading "dead end" and one
14 reading "private property. Keep out." She drove down
15 their private lane, drove past the front of their
16 house, used a turn-around area that is just past the
17 edge of their garage, between their garage and their
18 shop, turned back around and ended up coming to a stop
19 across from the front of their house.

20 She then got out of the vehicle, leaving one
21 foot in the vehicle, stood on their driveway, looked
22 around their property, reached back into the vehicle,
23 picked up what was later found to be a camera, and
24 then got out of the car completely, left the door open
25 and the vehicle running, walked around the front of

1 her vehicle and walked to the edge of their lane to a
2 pasture, a fenced pasture that borders the Bowman's
3 property.

4 The Bowman's property is located at 3745 East
5 800 North in Jefferson County. And she then used her
6 camera to take photographs of some horses that were in
7 the pasture bordering on the Bowman's property. She
8 then got back into her car and left the property.

9 We believe that a jury would have taken that
10 information and applied the law of trespass and found
11 her guilty beyond a reasonable doubt, that she
12 trespassed on the private property of the Bowman's
13 without their permission, because both of the Bowmans
14 would have testified that they never gave her
15 permission to be on their private property to take
16 photographs of animals or to be there for any other
17 reason and that the private lane was clearly posted as
18 being a private lane and that people were not to be on
19 it.

20 The statute in question requires that the point
21 of access onto a piece of property, be posted with no
22 trespassing signs or other like notices and we believe
23 that the dead end and private property/keep out signs
24 would have convinced a jury beyond a reasonable doubt
25 that the property was, in fact, posted and that she

1 was on notice not to be on the property.

2 Those are the facts we would have presented
3 and, as I said, Your Honor, we believe a jury would
4 have found her guilty beyond a reasonable doubt.

5 Thank you.

6 THE COURT: Thank you. Mr. Gaffney, were you
7 and your client aware of those reported facts the
8 State would have presented had we gone to trial?

9 MR. GAFFNEY: Yes, Your Honor.

10 THE COURT: And does your client believe that
11 there's a possibility if the jury were to believe what
12 the State would present that a conviction could have
13 been entered, or a verdict could have been entered in
14 their favor?

15 MR. GAFFNEY: A possibility, yes, Your Honor.

16 THE COURT: Very well. Ms. Elliott, have you
17 heard what your counsel has just stated and what
18 Ms. Shaul has stated?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And is that the reason you entered
21 your Alford Plea, you believe there is a possibility
22 that if the State's evidence were to be believed by
23 the jury that a conviction could have resulted?

24 THE DEFENDANT: I do, yes, sir.

25 THE COURT: Very well. The Court finds there's

1 a factual basis for the entry of the Alford Plea.

2 Ms. Shaul, is there anything further you wish
3 to argue before I proceed to sentencing?

4 MS. SHAUL: No, Your Honor. Thank you.

5 THE COURT: Mr. Gaffney?

6 MR. GAFFNEY: No, Your Honor.

7 THE COURT: Very well. Ms. Elliott, is there
8 anything else you'd like the Court to consider before
9 sentence is imposed?

10 THE DEFENDANT: No, sir.

11 THE COURT: Very well. Based on the
12 information before the Court and the agreement of the
13 parties, the Court does accept the Alford Plea. Based
14 upon that, it's the judgment of the Court that the
15 Defendant is guilty of trespass as set forth in the
16 Amended Criminal Complaint, however, the Court will
17 enter a withheld judgment in this particular matter.
18 The Court will impose a fine of \$100 plus court costs.
19 The Court does impose ten days of jail, but will
20 suspend that and place the Defendant on probation, six
21 months informal probation.

22 Ms. Shaul, are there any other matters the
23 Court should consider here at this time?

24 MS. SHAUL: I don't believe so, Your Honor.

25 THE COURT: Mr. Gaffney?

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MR. GAFFNEY: No, Your Honor. At this point,
no.

THE COURT: Very well. Ms. Elliott, do you
understand what the Court has done here today?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions?

THE DEFENDANT: No, sir, I don't.

THE COURT: Very well. You may be excused.
You need to make sure before you leave, you step
around to the Clerk's office, pick up your paperwork,
make arrangements for payment of your fine.

Thank you. You may be excused.

MR. GAFFNEY: Thank you, Your Honor.

(Hearing adjourned.)

1 REPORTER'S CERTIFICATE

2 STATE OF IDAHO)
3) ss.
4 COUNTY OF MADISON)

5 I, DAVID MARLOW, Certified Shorthand
6 Reporter and Notary Public in and for the State of
7 Idaho, do hereby certify:

8 That the proceedings, at the request of
9 Court or Counsel, having been preserved
10 electronically, were delivered to me for production
11 of a verbatim transcription.

12 That said proceedings were taken down by
13 me in shorthand and thereafter reduced to typewriting
14 under my direction, and that the foregoing transcript
15 contains a full, true, and correct transcript as far
16 as possible.

17 I further certify that I have no interest
18 in the event of that action.

19 WITNESS my hand this 24th day of
20 December, 2009.

21 

22 DAVID MARLOW, CSR
23 in and for the
24 State of Idaho.
25

Exhibit 24

**OFFICE OF THE PROSECUTING ATTORNEY
JEFFERSON COUNTY**

**Robin D. Dunn, Prosecutor ISB# 2903
Amelia A. Sheets, Deputy ISB# 5899
Paul D. Ziel, Deputy ISB 7497
477 Pleasant Country Lane
P. O. Box 277
Rigby, ID 83442
(208) 745-9202 (c)
(208) 745-8160 (f)**

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

STATE OF IDAHO,)

Plaintiff,)

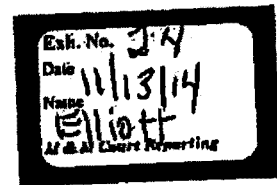
vs.)

CANDACE WHITE ELLIOTT,)

Defendant.)

Case No. CR 11-3409

**AFFIDAVIT IN SUPPORT OF
MOTION FOR
CONTEMPT**



STATE OF IDAHO)

)ss

COUNTY OF JEFFERSON)

AMELIA A. SHEETS, being duly sworn, deposes and says:

- 1. That she is the attorney representing the State of Idaho in the above-entitled matter;**
- 2. That this affidavit is prepared for the purpose of ensuring justice.**
- 3. That the defendant is charged with "Trespass." The court trial regarding said charge is scheduled to continue on March 19, 2012.**
- 4. That on November 10, 2011, this court entered its Order Prohibiting Disclosure. Said Order reads in relevant part as follows:**

PA000184

IT IS HEREBY ORDERED, in the interest of assuring the fairness of the trial to be held herein and in the interest of maintaining the integrity of the judicial system, that during the pendency of the above-entitled matter, all parties to the above-named matter and their counsel are prohibited from making extra-judicial statements to members of the news media relating to the following matters with regard to the above-entitled case, to-wit:

1. The character, credibility or reputation of a party or its representatives or agents;
2. The identity of a witness or the expected testimony of a party or a witness;
- ...
4. The identity or nature of physical evidence to be presented or the absence of such physical evidence;
5. The strengths or weaknesses of the case of either party; and
6. Any other information which counsel for either party knows or reasonably should know is likely to be inadmissible as evidence and would create a substantial risk of prejudice.

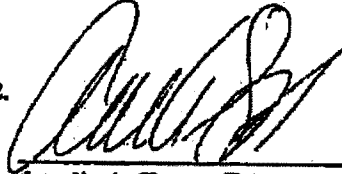
5. The defendant has published an opinion letter to the editor of the Post Register on March 15, 2012 regarding the above entitled matter. A true and correct copy of said letter is attached hereto as Exhibit "A".

6. On or about February 15, 2012, I learned that the defendant has a Facebook page that is accessible to the general public, including any and all media. A true and correct copy of various "posts" from said Facebook page, including alleged references to the pending litigation, is attached hereto as Exhibit "B."

7. Defendant had knowledge of and received a copy of the November 11, 2011 Order Prohibiting Disclosure as evidenced by her counsel being served with the same on the Clerk's

Certificate of Mailing.

DATED this 15 day of March, 2012.



Amelie A. Sheets, Esq.

SUBSCRIBED AND SWORN to before me this 15 day of March, 2012.

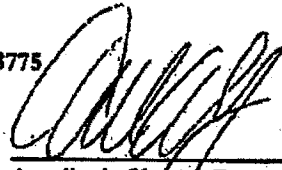


Janal Dild
Notary Public
Residing at: Wesville, TN
Commission Expires: 1/31/14

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of March, 2012, a true and correct copy of the foregoing was delivered to the following person(s) by:

- Hand Delivery
- Postage-prepaid Mail
- Facsimile Transmission 529 8775



Amella A. Sheets, Esq.
Deputy Prosecuting Attorney

Kent Whitington
P.O. Box 2781
Idaho Falls, ID 83403

PA000187

Thursday March 15, 2012

Abuse of power

Received Feb. 29

It's been over a year-and-a-half since the trespassing charges filed against me for offering assistance to an injured dog at the request of the Jefferson County Sheriffs department were dismissed. I had been told by a witness at "the scene" that the dog owner told him it was the sheriff who wanted the trespassing citation signed against me. From comments passed on to me by one of the Jefferson County reserve deputy members, I learned that my prosecution was the result of embarrassment I had previously caused the sheriff regarding the half-starved horses in Menan in 2007. Then there was the gentleman caller from Menan on 590 AM radio who said that folks over his way had heard that the dog owner had been coerced into signing the citation, which he confirmed in his testimony under oath Feb. 24. I might add that the judge was very interested in these comments.

Along with this documentation, I now have in my possession, courtesy of the prosecutor's office, a video in which a deputy confirms that there is a concerted effort by Jefferson County officials to, and I quote, "shut her down." Oh, and then there is the little matter of documentation produced "after the fact" that came out in the testimony during my current "trespassing" trial.

From reading the comments posted on Captain Poole's campaign blog (he's running against Sheriff Olsen), I see that deputies are complaining about the abuse of power too. How interesting. (Word count: 248)

Andi Elliott

Hämér

EXHIBIT A

PA000188

supporters of andi elliot

MIKE MCCOWIN and Friends MIKE OWEN HOLLER

Mc

Mc

Mc

Mc

Mc

Mc

Supporters of Andi Elliott (Animal Welfare Advocate)

Open Group
124 Members 9 Photos 1 Post

Andi Elliott
There was no court today...they haven't told us when the next day is. I think yesterday was only supposed to last part of the day, so it was a big surprise when the trial spilled over to a second day.

Janice, how do I delete a comment?
15 hours ago

[View all 3 comments](#)

Janis Kaffer Moore Andi, hover your cursor to the right of the comment and an X appears. Click on it and you have the choice to delete.
17 hours ago

Andi Elliott Got it! Thank you.
17 hours ago

Andi Elliott
Finally...get it. Fay's "thing" remark was the clue! LOL
18 hours ago

[View all 5 comments](#)

Andi Elliott You're probably right...I'm not known for "discretion".
Andi Elliott

Tom Parry Patriotic Idaho State Co-Coordinator
President of For the Love of Pets Foundation

"... Silence in the face of evil is evil itself. God will not hold us guiltless, not to speak is to speak, not to act is to act."
Baruch Spinoza, a German pastor who stood against the Nazis.
18 hours ago via email

Fay Stoddart It will all work out in the end!
18 hours ago

Andi Elliott
Next week, I'm back in court...only this time it's with Raul Torres. It's on the 26th at 1:30. My life in court. Last time he had it continued...we'll see what happens this time.
19 hours ago

Atty S. Cheney Was this.

Arny S. Chaimov I am of the belief that RT is a pussy! Not the entire type...he lacks testosterone, calcium, whatever and women call it... Perhaps he knows that estrogen bumps testosterone every time! Go Andi!
19 hours ago

Andi Elliott I'm hoping it will be an open/shut situation. I've certainly got plenty of documentation.
18 hours ago

Janis Kaffer Moore
So what happened today? Is it going to go on tomorrow?
19 hours ago near West Valley City, UT

Andi Elliott
Senate Panel OKs Petury For Repeat Animal Cruelty

(We're a step closer to Justice for Idaho Animals.)

By Associated Press
POSTED: 10:51 am MST February 14, 2012
Yesterday at 1:44pm
3 people like this
[View all 7 comments](#)

Ben L. Hall
[Ask to Join Group](#)

Search This Group
Steve Griffin

Members (178)
Craig Johnson Green

Andi Elliott is an animal welfare worker for the Humane Society of the West in Idaho. She is now working for taking pictures of public road of starving horses in Jefferson County regarding horse Sheriff, State Dept, who has charged Andi with testifying save starving and abused animals.

Sponsored
Cavelink Tactical

Competition
The U.S. Like us today

What a F*cking Weapon?
JunkiesoftheWorld.com

Browse
Your Ad
Pamphlets Here!

WFLD Survival Bracelets
Search

This year's hottest gift is Expectation Ready. Made in USA! 50,000 colors. Supports our Wounded Warriors. Wear It-Unleash It-Survive It!
192,195 people like Survival Straps.

Explore Yearbooks
70kyearbooks@chms.com

See if we have your yearbook!

EXHIBIT B

Supporters of Andi Elliott - Just knowing the fact someone is going to the justice system is a strange and needs to be approved by the judge. I think they just want to see the judge's decision on the case. **Mike McEwin** **First Friend** **Rita Dash Madam**

20 hours ago

Andi Elliott Perhaps they thought they'd better be proactive. **10 hours ago via email**

Andi Elliott You're just a kick out of the. When I arrived at the courthouse, I entered through the double doors into the courtroom hallway. Coming from the opposite direction was Captain Poole, Sheriff Owe's right hand man. He loudly barked at me...to be your pocketbook back to the car or I'll search it. I looked down at my pocketbook, opened it with (my peanut butter sandwiches were visible) and told him he could search it. An attorney was standing nearby and he laughed out loud. Just kind of a funny story. **Yesterday at 12:15pm**

3 people like this.

View all 7 comments

Paul Smith Should have asked him if he had a warrant (stickler) **12 hours ago**

Andi Elliott (to paul) That would have been a perfect response. One that he would have deserved. I'm not very quick. **23 hours ago via email**

Andi Elliott Can't wait until the gag order is lifted. I'm about to POP WIDE OPEN with the documentation I have that is now in the court record. **Monday at 7:08pm**

3 people like this.

Fay Standart I can't wait either. **Monday at 7:12pm**

Judy Young Facebooking is there, Andi. You say it's changed! **Monday at 7:19pm via email**

Andi Elliott We're just got home at 4pm. We were in court ALL day. The prosecution thought we'd be finished by lunchtime and we're only half way through. The "Joke" produced that case today. Long day...no news but there was a "blowup" made today which means that I'll be going back to court...into the "jitters"! None of the witnesses were allowed into the courtroom until their time to testify. My poor husband had yet to testify and he sat out in the hallway all day talking with the state vet who shouldn't have been subpoenaed and he didn't find out until 3PM, BUT I finally had a chance to meet the man with whom I've corresponded multiple times with regarding cruelty cases so I'm glad he had a chance to meet.

So, we'll be going back for a second day...not sure when yet. Thanks for hanging in there!

Monday at 6:56pm

Amy S. Cheney likes this.

View all 8 comments

Andi Elliott There were some things said today that shouldn't have been said. That's all I can say at this point. Don't know what our next court date is.

The waste of taxpayer money is incredible. I was looking at the cash performed there. I counted, two clerks, judge, attorney, prosecutor and we're another day to go. I am paying for my cruelty to prosecute me. Go figure!

And

Monday at 7:08pm via email



















Andi Elliott Me too! I am about to POP WIDE OPEN with the documentation I have AND it's in the court record now

And

Monday at 7:12pm via email


Janie Marie Moore Walking patiently to hear about the outcome of court today. **Monday at 5:11pm**

3 people like this.

-  **Ben E. Mt**
-  **Brian Christman**
-  **Bruce Griffin**
-  **Chad Anderson Gilson**
-  **Jaden Mortenson**
-  **Jessica McEwin**
-  **Julie Bob Malley**
-  **Justin W Melissa Far.**
-  **Karen Bell**
-  **Katie Duke**
-  **Lorie Harmon Bryant**
-  **Michelle Darshbaten F.**
-  **Rory Orisk**
-  **Sara Zollinger**
-  **Shari Bash**
-  **Shari Moore**
-  **Trevor McEwin**
-  **Wanda Darden**

Supporters of Andi Elliott 113 comments

Mike McCorwin · First Friends · Heather Dawn Maland


 Linda Kasper I just got a newsletter from the Humane Society Legislative Fund, concerning I donate to. They gave a copy of all the representatives in relation to how they voted/sponsored (or not) the various bills on animal welfare issues. Cooo o...
See More
Monday at 6:12pm via mobile

 Amy S. Conway and I not so patient! Hope Andi is okay....
Monday at 6:47pm




Andi Elliott
Feb 11, 2012
Tonight we had dinner with Senator and Mrs. Jeff Sidloway to discuss the senator's remarks regarding wolf control which has stirred up quite a bit of controversy. I myself was appalled at the news report depicting the use of "live bait" which is why I contacted the Senator. I attempted to be calm but am sure that my anger came through in my vocal. So tonight, I found myself talking with a man who is a 4th generation sheep rancher and who has watched his sheep and his guard dogs slaughtered by wolves year after year. Just last week, 35 of his ewes were killed. Imagine the feeling of helplessness and frustration. Yes, the government reimburses ranchers for livestock lost to these predators but of course, the rancher comes out on the short end. Imagine having 40 of your 200 die...
Continue Reading
February 11 at 11:31pm
View at 28 comments


 Andi Elliott No, not familiar with him.
Sunday at 9:23pm via email

 Jeni Moller Moore I saw a documentary on this guy. His idea is really good.
Monday at 8:55am




Andi Elliott
Senator Bob Blackfoot, ID emailed me yesterday. He wanted to share some of the testimony he had heard in Boise from cattle ranchers up in Salmon. The wolves have been attacking the cows that are in the process of calving and are mauling the calves right out of them. The calves die quickly...the mother's...well, it's horrible. Awful. The pictures are gruesome.
Monday at 6:28am

 Paul Smith I just don't get it. We have the right to protect our lives, our families and our homes with deadly force yet we can't shoot wolves that are destroying our property? Our government is totally out of control.
Monday at 8:12am

 Janis Koller Moore I agree that the ranchers should be able to shoot them if they attack their livestock. It's their livelihood and I'm sure they become attached to them as well. Regardless, they should have the right to protect their investment.
Monday at 1:53am



Andi Elliott
HI HO, HI HO...it's off to court I go...again, with me back
Monday at 8:27am


 Paul Smith Said a little prayer (and got my fingers and toes crossed etc)
Monday at 8:37am



Andi Elliott
Senator Sidloway has invited us to have dinner with him and his wife tomorrow night. I'm looking forward to discussing the situation with him.
February 10 at 11:16am



















4 people like this.
View at 11 comments

 Judy Young I like the way Linda Kasper talks.
February 11 at 11:27am

 Kristy Alvord I agree with Judy.
February 11 at 11:59am



Andi Elliott
I'd never heard of Granite Collars so I researched them. How gruesome! Man's ability to kill never ceases to amaze me

-  Ben E. Bat
-  Arlen Christensen
-  Bruce Griffin
-  Cindy Anderson Gibson
-  Judas Mortenson
-  Jessup McCorwin
-  Julie Bob Bickley
-  Justin H. McCrez PM
-  Karen Hall
-  Kathy Duke
-  Lori Harmon Berris
-  Melissa Dentonson F
-  Rory Drake
-  Sara Zellinger
-  Scott Bush
-  Dawn Mead
-  Trevor McCorwin
-  Vicki Dearden

Upload and tag photos to help identify them.

Search

supporters of Andi Elliott are spring-loaded devices loaded with ball bearings. When an

Idaho State Legislature - Legislative Contact Form

See More
February 11 at 10:36am

View all 5 comments

Fay Stoddart Andi I am out of the loop on the newspaper articles.
February 11 at 11:31am

Andi Elliott Duh.. I forgot. They're coming.

Andi
February 11 at 11:32am via email

Jarin Matler Moore
Saw the Idaho State article to several wildlife orgs and to Cashie Mann who has over
a million viewers.
February 9 at 8:31pm near Salt Lake City, UT

4 people like this.

Andi Elliott WHDAN Andi Elliott

Tea Party Patriots Idaho State Co-Coordinator
President of For the Love of Pets Foundation

"... Silence in the face of evil is evil itself. God will not
hold us guiltless, nor to speak is to speak, nor to act is to act."
Dietrich Bonhoeffer, a German pastor who stood against the Nazis.
February 9 at 7:26am via email

Andi Elliott
POLICE ACTION ALERT...Once again Jefferson County, ID State Senator Slidoway
(Jefferson County state senator) has proposed using LIVE ANIMALS for BAIT to attract
wolves. Sen. Slidoway lives right down the road from where Barbie, the Mathew Dog
with Broken Legs lived. WE ARE ASKING ALL TO CONTACT HIM...Here is his personal
email and contact information and please read the attached article from The
Association Press. His proposal did not go over well in the session this morning (my
friend was an eye witness) and I was told that he tried to cover it up by laughing.
WE NEED TO LET HIM KNOW THAT LISTING LIVE ANIMALS FOR BAIT IS NO
LAUGHING MATTER. Slidoway is also responsible for doing getting the history law
and coal fighting as well as the torture of animals. PLEASE SEND THIS OUT TO ALL
YOUR PRL...

See More

Idaho State Legislature - Legislative Contact Form
legislature.idaho.gov
Information for Idaho's citizens and the general public on all
State legislative matters

Share - February 9 at 2:14pm

View all 4 comments

Andi Elliott I knew you had "ppl". Thankst WHAT AN IDIOTT
UNBELIEVABLE!

And hopefully, no gag order on the other Monday.

Andi
February 9 at 2:33pm via email



















Cherick Hughes Strong
February 9 at 3:45pm

Andi Elliott
Next week the fire, it will be over OR it will be just starting again!
February 6 at 1:19pm

Fay Stoddart I'm thinking it will be over...in your favor!
February 6 at 7:45pm

Andi Elliott Yay, I sure hope so. This will be the first time I will
have actually had a trial in Jefferson County.

Andi Elliott Tea Party Patriots Idaho State Co-Coordinator President
of For the Love of Pets Foundation "... Silence in the face of evil is
evil itself. God will not hold us guiltless, nor to speak is to speak,
nor to act is to act." Dietrich Bonhoeffer, a German pastor who
stood against the Nazis.
February 6 at 7:37pm via email

-  Andi Elliott
-  Robin Christensen
-  Bruce Griffith
-  Cindy Anderson Gibson
-  Jason Mortenson
-  Jessica McCann
-  Julie Ann Blakely
-  Justin H Melissa Far
-  Karen Bell
-  Rachie Drake
-  Lorie Norman Barrett
-  Melissa Dahlstrom J...
-  Barry Drake
-  Sam Zelling
-  Sherri Bach
-  Sherri Hoad
-  Trevor McCann
-  Vicki Denton

Search

 [Jas Kaffer Moore added Andi Kater to the group.](#)

 [Mrs McCuwin](#) [Andi Elliott](#)

 [Peggy Dawn Heford](#)

February 4 at 9:30am

 [Jas Kaffer Moore added Andy Wagner to the group.](#)

 [Ben E. Bost](#)

 [Brien Christman](#)

 [Bruce Griffin](#)

 [Cindy Anderson Gibson](#)

 [Jaden Morrison](#)

 [Jessica McCowle](#)

 [John Bob Blakey](#)

 [Justin N McInish Far...](#)

 [Karen Ball](#)

 [Katie Dure](#)

 [Lorie Morgan Berner](#)


 [Melissa Dancheva E...](#)

 [Rory Drake](#)

 [Sara Zeltner](#)

 [Sherril Bush](#)

 [Sherril Hoad](#)

 [Trevor McCuwin](#)

 [Vivale Dardic](#)

[Search](#)

February 2 at 6:46am

[Andi Wagner](#) [Was this.](#)

 [Anni Elliott](#)

Yes, it'll be in May at the Jefferson County Courthouse. It's Feb 13 at 9:30.

February 1 at 10:14am

 [Pay Stoddart](#) [Is that when the gag order will be over?..but you can't work.](#)

February 1 at 11:13am

 [Anni Elliott](#) [I am assuming it does. There would be no point afterwards in having one BUT I'm not, for sure.](#)

February 1 at 11:17am

 [Patti Campbell](#)

Thanks for all you do, Andi!

January 29 at 11:22am

[Andi Elliott](#) [Was this.](#)

 [Anni Elliott](#) [It takes all of us!](#)


February 1 at 10:15am

 [Anni Elliott](#)

Two hours with my attorney yesterday preparing for my trial.

January 16 at 7:04pm

[View all 5 comments](#)

 [Jas Kaffer Moore](#) [Can you give us the date the trial starts and where?](#)

January 29 at 8:38am

 [Derrick Hughes](#) [Is it gonna be in May?](#)

January 30 at 11:02pm

[Order Posts](#)

Exhibit 55

COPY OF LETTER TO THE IDAHO SHERIFF'S ASSOCIATION

26th February 2010

To: Idaho Sheriff's Association

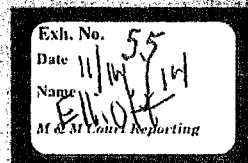
Re: Jefferson County Prosecutor Robin Dunn

Jefferson County Sheriff Blair Olsen

Dear Sir:

As the defendant in a criminal trespass case that has been scheduled since November, I am writing to express my concerns with the actions of the above county officials. It was my intent to wait until after the trial today but now, late yesterday afternoon, (after a witness from Boise and supporters from out of state has traveled to Idaho Falls) I have been told that it is rescheduled until May 4th. This last minute request for delay is inexcusable and especially in light of the fact that just last week in court, Mr. Dunn told the judge that the trial would take an hour. Also, I assume that a timeframe of 6 months is still considered under the Constitution to be a "speedy" trial.

I have been charged with criminal trespass and you would think from the actions of the prosecutor and the time and resources devoted to this case that it is a capital murder offense. A Jefferson County Deputy (we have his written statement) asked me to go offer assistance to the owner of a dog who had been hit by a car and had multiple broken legs



PLP000171

and had been left in the owner's yard in the snow trying to nurse 7 or 8 puppies for, at that point in time, 3 days. Because of the failure of Sheriff Olsen to enforce Ch 25-3511 of the Idaho Codes, the dog was allowed to suffer "needlessly" for 5 days before help from outside of the county arrived and took the dog to the vet.

As the president of The Humane Society of the Upper Valley for 6 or 7 years, I have worked with the JCSD on many animal cruelty issues since 2002 and have even been written into a Jefferson County court order when the cruelty situation warranted it. (Ben Juenke, Animal Cruelty probation violation.) HSUV continues to receive referrals from the JCSD for assistance with animal welfare issues as the county officials have stated that animals are not priority and therefore there no monies have been budgeted to deal with these issues. HSUV has picked up the bill for years and even at one point, with an especially horrendous case, I personally paid \$2000 of a \$2400 bill, so that Sheriff Olsen wouldn't be stuck with such a huge expense.

In this current case in Mud Lake, ID, I was instructed by a JC Deputy to go to the home of the owner and offer assistance to the owner which I did on NOV 22. (The deputy's statement corroborates this.) Upon arrival and seeing the condition of the dog from a neighbor's yard (I had the neighbor's permission to park in her drive). I immediately called for a deputy. The dog obviously needed medical care. It appeared that the dog had two broken legs that later was confirmed by veterinary x-rays. I offered to pay the vet bill and asked that the state vet be called out for an opinion; both of these options were rejected by the Sheriff. And so the dog was left in the snow without care.

PLP000172

I returned home and sent pictures to the media and the Humane Society of the United States who immediately stepped in to try and help this dog. On the 5th day, someone who had seen the story on the media, drove from Boise and with the permission of the owner, took Barbie and her puppies to his vet in Ada County. He was later charged with felony grand theft by Olsen and Dunn. Please note, that to this day, the owner, Raul Torres, has not been charged with animal cruelty.

On the 23rd of Nov, I was cited for criminal trespass. Since then Prosecutor Dunn has amended the charges twice and even yesterday, the eve of the trial. Evidently, he couldn't prove the trespass charge so my charges and dates continue to be "expanded". Mr. Dunn has been reluctant to be forthcoming with my attorney and the judge to say exactly what I am being charged with...multiple days, sending out agents, etc. He appears to be grasping at straws here.

Also, I find it amusing that Mr. Dunn has delivered to my attorney a stack of my editorials and transcripts of radio interviews I have written and discussed on air dealing with animal and political issues over the years...something I have done my entire life. I am under the impression that my First Amendments rights are still in effect, even though I now live in Jefferson County. Nor did I realize that Mr. Dunn is my most ardent "reader".

Additionally, Mr. Dunn has gone out of his way to describe me as an "animal rights activists" though a year and a half ago, I explicitly explained to Sheriff Olsen and a half a dozen others in a meeting in Dunn's office that included a representative of Humane Society of the United States that I am NOT an animal rights' activist. I am however an animal welfare advocate which is especially needed in Jefferson County.

PLP000173

as county officials refuse to do their duty as required by law. It now appears that someone who "advocates" enforcement of Idaho law regarding animal welfare is a criminal only in Jefferson County.

On the 29th of January, Mr. Dunn called Tracie Hotchner, host of Dog Talk Radio that has a listening audience in some 15-20 states. Ms. Hotchner has provided notes of her conversation with Dunn and a follow up podcast. During this interview, he called me a "hillbilly" from "Tennessee" (I am originally from Virginia). He admitted that he did not like me and is biased against me. Mrs. Hotchner would be glad to provide a copy of her notes.

Sheriff Olsen has failed to enforce Idaho law that has been explained to him in depth by The Humane Society of the United State Director of Animal Cruelty, Adam Parascandola in Washinton, DC. And this is not the first time...in a case about a year and a half ago, half-starved horses, (which I am *told* belonged to a friend of Olsen's) were allowed to needlessly suffer. When the state vet saw pictures of these horses, he immediately went to the property and placed the horses under the care of a local vet. No animal cruelty charges were filed against the owner but I was charged with trespass because I drove down a dirt lane with a dead end sign. Pictures indicate a "no trespassing/keep out" sign on a fence post that to a reasonable person would be applicable to the pasture. So, for the first time in my entire life, I have a criminal record...only in Jefferson County would this happen.

It is important to note that several years ago, Sheriff Olsen called me at home and told me four things: he called me a newcomer (I had only lived in Jefferson County since 2001); he told me I was un-welcomed in Jefferson County; he told me that I was to butt out of the animal

PLP000174

welfare business; and I was told that I didn't understand how things were done here in Idaho. I maintain that the concept of humanness is universal to modern society. (Please note that I have lived all over the US and been involved in cruelty cases since I was 15 and have never had a sheriff call my home to try and intimidate me. I told many people about this incident at the time it occurred as a form of "documentation". My former attorney also knows of this incident.)

Additionally, Sheriff Olsen has made a habit of threatening the media on three occasions now as they have covered stories of animal abuse in the county. (Ch 3 KIDK can verify this information.) My copy of the Constitution guarantees freedom of the press. Also, Olsen has written an op-ed piece that appeared in the Post Register while this case is ongoing. Is this acceptable behavior from a sheriff?

As a resident of Jefferson County, I am more than weary for having folks telling me that I need to be careful as it is not good to have a sheriff angry with you. I am well aware that I have a target on my back. I am also aware that ID codes are being enforced arbitrarily by this Sheriff and Prosecutor. Judges and attorneys outside of the county have advised that this is not legal BUT that they were not surprised to hear that this occurred in Jefferson County. A handful of residents have contacted me with their own stories of abuse of power. I am sure that some of these scenarios have reached your office before now.

As I have worked with deputies in surrounding counties on animal welfare issues, I am told that not only is the JDSD uncooperative with concerns of animals but in other areas of law enforcement demanding cooperation between counties. This is something that definitely bears looking into by supervising authorities.

PLP000175

A conclusion can be drawn that here in Jefferson County, we have a sheriff and prosecutor who are out of control and abuse their power. This trespass case is receiving the attention (even at the national level) that one would think would be more deserving of a capital murder case. (31 people subpoenaed) And from reading an article in the newspaper, Jefferson County is the only county in Idaho who refuses to participate in a form of an "insurance pool" to help offset costs should indeed our county have a significant case. This in itself shows unwise leadership and with this current leadership, Jefferson County officials should look into purchasing an "umbrella" policy. Do our Jefferson County officials know better than every other county in this state? I think not.

As a resident and taxpayer of the county, I expect a full accounting of the time and resources that have been devoted to this case to be made available for public scrutiny upon completion of this mockery of our justice system. AND still, no charges have been filed against the owner of the poor animal that suffered immensely.

If this letter does not suffice, please advise me of the formal process for filing a complaint against Sheriff Olsen and Prosecutor Robin Dunn.

Thank you.

Andi Elliott

2498E 2100N

Jefferson County, ID 83425

208-662-5808

PLP000176

Elected officials had to protect a resident's private property rights in the case of the injured dog in Jefferson County, writes Prosecutor Robin Dunn.

Heeding the 4th Amendment



Robin Dunn

Guest columnist

Each elected official in the state of Idaho is required to take an oath upon being placed in office. Part of that oath is to uphold the constitutions of the United States and of the state of Idaho. These documents both have Fourth Amendment rights protecting citizens from unreasonable searches and seizures.

Law enforcement agencies, whether federal or state, make applications to various courts for the right to enter and search individual's real and personal property. The balancing tool is that law enforcement has to make an adequate showing to the court system to enter onto or into the private lives and property of its citizens.

The local chapter of the humane society, via Andi Elliott, has attempted, from time to time, to enter on individual's property without court permission. Individual warnings have gone unheeded by this individual. Those warnings have come from law enforcement in Jefferson County.

Unfortunately, the recent events concerning an injured dog regarding an incident in Jefferson County have received national publicity. In my opinion, the publicity, both local and nationally, was for the purpose of raising funding for animal

licity that Ms. Elliott received, via the television media or written print media, it is believed that more donations could be derived for the humane society.

I do not believe the issue was about animal cruelty or animals in general, but rather the right of the citizens to be protected from unreasonable searches and seizures without judicial authority. I believe, as does the sheriff of Jefferson County, that we have a duty to protect the rights of citizens.

Unfortunately, the media may print or televise only one side of a story. Law enforcement is limited in commenting on active cases. Thus, viewers and readers may only receive one side of a story. The message that should be extended is to be careful about what you view and what you read; another side of the story usually exists. More tragic is the lack of investigative reporting, in recent years, to determine different points of view.

It appears that some of your local media outlets will print or televise the viewpoints of a chosen few whose opinions, correct or not, may not reflect the view and/or positions of the majority. The tail, oftentimes, is wagging the dog.

Sheriff Blair Olsen and I have approximately 60 combined years of law enforcement practice. That does not mean we are always correct, but, it does mean we have seen many circumstances. Both of us care about the Constitution and, by the way, we both love animals.

Ms. Elliott, you have received your 15 minutes of fame — now, give it a rest.

PLP000210

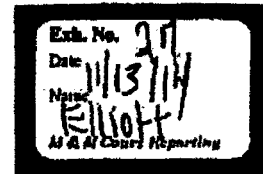
Candace (Andi) W. Elliott
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straighttalkidaho@yahoo.com
Pro Se Litigant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE (ANDI) W. ELLIOTT)
Plaintiff,)
vs.)
BLAIR OLSEN, individually, and in)
his capacity as Jefferson County)
Sheriff, ROBIN DUNN, individually,)
and in his capacity as Jefferson)
County Prosecutor, JOHN)
CLEMENTS, individually, and in)
his capacity as a Jefferson County)
Deputy, AMELIA SHEETS,)
Individually, and in her capacity)
as Jefferson County Deputy)
Prosecutor, JEFFERSON COUNTY)

CASE NO. CV-2014-680

**COMPLAINT
(And Demand For Jury Trial)**



COMPLAINT AND DEMAND FOR JURY TRIAL - 1

PA000705

SHERIFF'S DEPARTMENT,)
 JEFFERSON COUNTY and)
 COMMISSIONERS,)
 Commissioner GERALD)
 RAYMOND, Individually,)
 Defendants.)

COMES NOW, the Plaintiff, CANDACE (ANDI) W. ELLIOTT, for her claims of relief
 and causes of action against Defendants Blair Olsen, Robin Dunn, Amelia Sheets,
 John Clements, Jefferson County Sheriff's Department, Jefferson County and
 Commissioners, and Commissioner Raymond Gerald, COMPLAINS AND ALLEGES
 as follows:

PARTIES, JURISDICTION and VENUE

1. At all material times herein mentioned, Plaintiff, ANDI ELLIOTT is an individual, a citizen of the United States, has been and is residing in Hamer, Jefferson County, Idaho.
2. At all material times herein mentioned, Defendant Blair Olsen, hereinafter, "Sheriff Olsen") was the Sheriff of Jefferson County and is

residing in Jefferson County, State of Idaho.

3. At all material times herein mentioned, Defendant Amelia Sheets (hereinafter, "Prosecutor Sheets") was the Deputy Prosecutor of Jefferson County and is residing in Jefferson County, State of Idaho.

4. Defendant Jefferson County (hereinafter, "Jefferson County") is a political subdivision of the State of Idaho and is also an employer as defined by Idaho Code § 6-2103.

5. At all material times herein mentioned, Defendant Robin Dunn (hereinafter, "Prosecutor Dunn") was the elected Prosecutor of Jefferson County and is residing in Jefferson County, State of Idaho.

6. At all material times herein mentioned, Defendant John Clements (hereinafter, "Deputy Clements") was a Jefferson County Sheriff's Deputy and is residing in Jefferson County, State of Idaho.

7. At all material times herein mentioned, Defendant Gerald Raymond was an elected member of the Jefferson County Commissioners and has been serving as the Chairman at times and is residing in Jefferson County, State of Idaho.

COMPLAINT AND DEMAND FOR JURY TRIAL - 3

PA000707

8. Defendant Jefferson County Commissioners is an elected body of officials within the County currently chaired by Gerald Raymond .

9. Defendant, Jefferson County is a governmental entity organized and existing under the laws of the State of Idaho. In this case, Jefferson County acted through agents and employees including their policymakers and through the Defendants Sheriff Blair Olsen, the Sheriff of the Jefferson County Sheriff's Department and in his individual capacity; Deputy John Clements, a Deputy for the Jefferson County Sheriff's Department and in his individual capacity; Prosecutor Robin Dunn, the Jefferson County Prosecutor and in his individual capacity; Deputy Prosecutor Amelia Sheets and in her individual capacity; Commissioner Gerald Raymond, individually, Jefferson County, and the Jefferson County Commissioners.

10. Defendants Olsen, Dunn, and the County Commissioners possessed the power and authority to adopt policies and prescribe rules, regulations, and practices affecting all facets of the training, supervision, control, employment, assignment and removal of individual members of the Jefferson County Sheriff's Department (herein "JCSD"), and the office of the Jefferson County Prosecutor (herein "JCP"), including those individuals charged with serving as investigators

and prosecutors for the JCSD and JCP and to assure that charges are based on affidavits that contain truthful and factually correct statements within the laws and constitutions of the State of Idaho and the United States.

11. Plaintiff is informed and believes, and thereupon alleges, that at all times mentioned herein Defendants were employees, agents and/or servants of the County of Jefferson, and acted within the course and scope of said employment, agency and/or service, and possessed the power and authority and were charged by law with the responsibility to enact policies and to prescribe rules and practices concerning the operation of the Jefferson County Sheriff's' Department (JCSD) and the Jefferson County Prosecutor's (JCP) office, and concerning the means by which the investigation of the citizen complaints are reviewed and investigated.

12. Plaintiff is informed, believes, and alleges that each of the named defendants is legally responsible, intentionally, negligently, or in some other actionable manner, for the events and happenings hereinafter referred to, and thereby legally caused the injuries, damages, and violations and /or deprivation of rights hereinafter alleged.

13. Plaintiff also is unaware of the names, as of the date of this filing, of the JCSD deputies, captains, lieutenants, commanders, deputy chiefs, and/or civilian employee agents, policy makers and representatives of the JCSD and JCP office, or employees, agents and representatives of Defendant Jefferson County and others, and as such many of their records are protected by state statute and can only be ascertained through the discovery process. Therefore there may be the necessity that this Complaint may be amended.

14. The individual defendants were at all times mentioned herein duly appointed/elected, qualified and/or acting officers of the JCSD or JCP office, and/or acting within the course and scope of such employment with the County and under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Idaho and Constitution of the United States.

15. This Court has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C § 1367 with respect to the Idaho State Constitution and various state law tort claims and 42 U. S. C. § 1983, the First, Fourth, and Fourteenth Amendments of the United States Constitution.

16. Venue is proper in this court as the underlying acts, omissions, events, injuries, and related facts upon which the present action are based, occurred in the County of Jefferson, State of Idaho.

NOTICE OF CLAIM

17. On or about December 18, 2013, Plaintiff filed a timely Notice of Tort Claim against Defendants pursuant to the Idaho Tort Claims Act, Idaho Code §§ 6-901 *et seq.* There has been no response to Plaintiff's claim.

GENERAL FACTUAL ALLEGATIONS

18. Plaintiff voluntarily investigates complaints of animal abuse, neglect, and abandonment in South East Idaho, and assists law enforcement in the notification of, investigation of, and enforcement of the laws (at times acting under the color of law) regarding such; and with her previous capacity as a Member and then President of The Humane Society of the Upper Valley and currently in her capacity as President of For The Love of Pets Foundation, Inc., has provided financial support for the treatment, transport, care, feeding and housing of neglected, abused and abandoned animals in and for the County of Jefferson.

19. Plaintiff has assisted the Jefferson County Sheriff's Department in her above referenced capacity from 2002 continuing through the present.

20. The Jefferson County Sheriff's Department regularly refers callers to Plaintiff regarding county animal welfare concerns.
21. Plaintiff has accompanied Jefferson County Deputies investigating animal welfare concerns.
22. Plaintiff has publically criticized the offices of the JCSD and the JCP for their failure to enforce Idaho Animal Cruelty laws.
23. In November/December 2005 time frame Plaintiff received a telephone call from Jefferson County Sheriff Blair Olsen.
24. Plaintiff was told the following by Sheriff Olsen:
- a) That Plaintiff was a newcomer.
 - b) That Plaintiff was unwelcomed in Jefferson County.
 - c) That Plaintiff was to butt out of the animal welfare business.
 - d) That Plaintiff did not understand how things were done in Idaho.
 - e) That Plaintiff left the Sheriff's Department with an approximately \$2000 plus veterinarian bill for the Ben Juenke animal cruelty case.
 - f) Plaintiff provided proof to the Sheriff a few days after this conversation that Plaintiff paid nearly \$2000 of the veterinarian bill as she knew that the JCSD had no resources allocated for animal care.

25. Plaintiff continued her activities in her capacity as the President of the Humane Society of the Upper Valley and subsequently as the President of For the Love of Pets Foundation, Inc.

26. Plaintiff was charged with Criminal Trespass on 28 April 2008.

a) Plaintiff was charged with trespass for driving down a lane with a Dead End sign.

b) Plaintiff took pictures of horses in poor condition in a pasture to the left of the lane belonging to a friend of Sheriff Olsen.

c) Plaintiff's request for intervention for the horses was ignored by the JCSD.

d) Plaintiff sent pictures of the horses to the Idaho Department of Agriculture Veterinarian, Dr. Tom Williams.

e) Plaintiff posted pictures of the horses on the internet resulting in calls from all over the country to the offices of the Sheriff and Prosecutor criticizing their handling of the horse situation.

f) State Veterinarian, Dr. Tom Williams, examined the horses complained of by Plaintiff.

COMPLAINT AND DEMAND FOR JURY TRIAL - 9

PA000713

g) Dr. Tom Williams placed the horses under the care of Mountain River Veterinarian Clinic in Jefferson County. The horses made multiple trips to Mountain River veterinary hospital for care.

h) The owner of the horses was not charged with Animal Cruelty.

i) Plaintiff was charged with criminal trespass.

j) At trial time and as the jury was being impaneled, former Jefferson County Deputy Prosecutor Penny Shaul asked Plaintiff and her attorney to work out a deal (withheld judgment) to save the County from the embarrassment of prosecuting someone trying to protect the animals. Plaintiff agreed.

27. For a second time, Plaintiff was charged with Criminal Trespass 23 November 2009.

a) On 21 November 2009, Plaintiff was sent by JC Deputy John Clements (as documented in the Deputy's notes) to offer assistance to the owner of a mother dog with broken legs left in the yard for days in subfreezing weather.

b) On or about 22 November 2009 after Plaintiff and husband drove to the Mud Lake/Terreton home of the dog.

c) Plaintiff's husband parked in the next door neighbor's driveway who had given Plaintiff permission to park on the property.

d) The neighbor, Fay Stoddard and her adult daughter, Karen, had reported the dog being hit by a car and left in the yard without care to the Jefferson County Sheriff's Department.

e) Plaintiff and husband observed the injured dog and puppies.

f) Plaintiff knocked on the door of Raul Torres's home. Mr. Torres was the owner of the dog.

g) Finding no one home, Plaintiff left the property and returned to neighbor's property.

h) There were no "No Trespassing" signs posted as Raul Torres testified to on 24 February 2012 in Judge Mark Rammel's court.

i) Plaintiff called the Jefferson County Sheriff's Department and requested assistance from the JCSD as the dog appeared to have two broken legs/hip.

j) Plaintiff and husband remained on neighbor's property awaiting the Deputy.

k) Approximately one and a half hours later, Deputy Caleb Sickinger arrived.

- l) Upon the Deputy's arrival, Plaintiff requested that Deputy Sickinger provide assistance for the injured animal.
- m) Plaintiff offered to pay for the veterinarian bill.
- n) Plaintiff was told by Deputy Sickinger that the Sheriff said there was nothing to be done.
- o) Plaintiff stated that she would send the pictures taken by her husband to the media.
- p) Plaintiff was told by Deputy Sickinger (who was constantly in touch with the Sheriff's Department via his lapel communication device) that Plaintiff was trespassed from the property.
- q) No contact had been made with the property owner by Deputy Sickinger requesting that Plaintiff be trespassed at that point.
- r) Deputy Sickinger instructed Plaintiff that she was not to return to the property.
- s) Deputy Sickinger told Plaintiff that if anyone came to the property or if anyone even came across the street that she would be charged with trespass.
- t) Plaintiff's husband was not trespassed.
- u) Plaintiff left the scene and never returned to the property.

v) Plaintiff returned home and sent the pictures to the media. The news story spread nationwide and concerned people began calling the Jefferson County Sheriff's Department and the office of the Prosecutor requesting intervention for the dog and puppies.

w) Troy Jackson and Eileen Dishazzio from Boise, drove to the dogs' home and with the owner's permission took the dog and puppies to a veterinarian who examined the dog and provided the statement necessary for animal cruelty charges to be filed as required by Idaho law.

x) The medical information was sent to Sheriff Olsen who refused to file animal cruelty charges against Raul Torres, owner of the dog with broken legs.

y) Raul Torres signed a citation for trespass against Plaintiff for allegedly returning to Torres' property.

z) Plaintiff never returned to the property.

aa) Plaintiff never sent any one to the property.

bb) Plaintiff's husband who was with her at the scene was not charged.

cc) Troy Jackson of Boise heard about the dogs' plight through the media as documented in the deputy's notes.

- dd) Subsequently, Sheriff Olsen charged Troy Jackson with Felony Grand Theft.
- ee) Jackson's charges were shortly thereafter dismissed.
- ff) Prior to this incident, Plaintiff was not acquainted with Troy Jackson.
- gg) Raul Torres also signed a trespass citation against Channel 3 TV reporter, Ian Parker, according to the deputy's notes.
- hh) Ch 3 TV reporter, Ian Parker's citation was never served.
- ii) Plaintiff's charge was the only charge prosecuted.
- jj) On 6 December 2009 Jefferson County Sheriff Olsen wrote an editorial published in the Post Register newspaper about Plaintiff.
- kk) Sheriff Olsen wrote in his editorial "When someone is warned not to enter onto someone else's property and they ignore that warning, they can be charged with trespassing."
- ll) Sheriff Olsen editorial was referring to Plaintiff and indicated that she had broken a law and was guilty of trespass.
- mm) Sheriff Olsen's editorial appeared during Plaintiff's pending case.

nn) Sheriff Olsen's editorial was published approximately five months before Plaintiff's trespass charge was dismissed by the Prosecutor.

oo) On or about 5 January 2010, Deputy Prosecutor Sheets amended the Criminal Complaint to "trespass by agency" for sending Troy Jackson/media to the home of Raul Torres.

pp) Plaintiff did not know Troy Jackson nor had requested him to help with the dog.

qq) On or about 23 January 2010, Plaintiff, the Executive Director of the Idaho Humane Society, Dr. Jeff Rosenthal DVM, and the Humane Society of the United States Idaho Representative Lisa Kaufman, participated in an interview with talk show host, Tracey Hotchener of Dog Talk Radio.

rr) The situation about the mother dog with broken legs was the subject of the interview and was discussed at length.

ss) On or about 29 January 2010, at approximately 3:30 pm EST, and while Plaintiff's trespass case was pending, Prosecutor Dunn called the radio talk show host, Ms. Hotchener.

tt) According to Ms. Hotchener's notes, Prosecutor Dunn discussed the situation with Ms. Hotchener for approximately 50 minutes.

uu) Ms. Hotchener sent a copy of her notes of her discussion with Prosecutor Dunn to Plaintiff's attorney, Kent Whittington.

vv) Ms. Hotchener's notes are a part of the court records.

ww) According to Ms. Hotchener's notes, during the nearly hour long conversation, Prosecutor Dunn stated the following:

- 1) That he (Dunn) was biased against Plaintiff.
- 2) That Plaintiff was "already convicted of illegal trespass".
- 3) Prosecutor Dunn accused Plaintiff of stealing property.
- 4) That "I (Prosecutor Dunn) don't like her (Plaintiff) and that she thinks she is above the law."
- 5) That "she (Plaintiff) only selects poor or minority families to go after"
- 6) Prosecutor Dunn referred to Plaintiff as a "hillbilly" from "Tennessee".
- 7) Prosecutor Dunn made his defamatory remarks about Plaintiff during her pending case.
- 8) On 30 January 2010 on Dog Talk Show Podcast #162, Ms. Hotchner "on

air" discussed Prosecutor Dunn's comments with the Executive Director of the Idaho Humane Society, Dr. Jeff Rosenthal, DVM. The podcast is currently available online.

28. On or about 4 February 2010, Prosecutor Dunn told the presiding Judge, Robert Crowley, that Plaintiff was unreliable because Plaintiff had written an editorial stating that the Ch 3 TV reporter, Ian Parker, had been cited for trespass which Dunn said was an untrue statement.

29. Deputy John Clements' notes confirmed that the reporter had been cited for trespass by Raul Torres, owner of the mother dog with broken legs.

30. Plaintiff's statement in her editorial was true.

31. During the 18 February 2010 hearing, Prosecutor Dunn referred to Plaintiff several times as an "animal rights activist".

32. Plaintiff is not nor ever has been an animal rights activist.

33. Prosecutor Dunn's statements were a deliberate attempt to mischaracterize Plaintiff and to prejudice the court against Plaintiff.

34. During the 18 February 2010 hearing, Judge Crowley called the attorneys into his chambers during which the Bar Council was called several times for advice.

35. While in the Judges' Chambers and in front of Plaintiff's attorney, Prosecutor Dunn said that Plaintiff had sent Troy Jackson out to Raul Torres' home yet the Deputy's notes stated that Troy Jackson heard about the dog situation on the TV...not from Plaintiff.

36. Prosecutor Dunn provided false information to the court when he had in his possession the factual information.

37. Again, Prosecutor Dunn showed his bias against Plaintiff and attempted to prejudice the court against the Plaintiff.

38. On 26 February, 2010, Prosecutor Dunn filed a Motion in Limine to prohibit Plaintiff from discussing animal abuse issues in court.

39. The injured animal was the reason Plaintiff was sent to offer assistance by Deputy Clements as documented in his notes.

40. On 26 February 2010, Plaintiff complained about the actions and obvious display of bias against Plaintiff by the Prosecutors and by Sheriff Olsen to the Office of the Attorney General.

41. On 19 April 2010, Prosecutor Dunn filed a Motion to Dismiss after five months of hearings/motions and repeated court appearances and having amended the charge.

42. Plaintiff's attorney was notified of the dismissal right before Plaintiff's trial was scheduled to begin.

43. The Motion to Dismiss was signed by Raul Torres (owner of the dog with broken legs), Prosecutor Dunn, and Sheriff Olsen.

44. The Motion to Dismiss contained five reasons for the dismissal.

45. Plaintiff's attorney immediately (21 April 2010) filed an Objection to the Motion to Dismiss because the reasons included in the Motion to Dismiss were disingenuous, misleading, and mischaracterized the Plaintiff.

46. Meanwhile, Plaintiff sent a letter on 11 May 2010 to the Idaho State Police, Col. Jerry Russell, documenting the actions of the Prosecutors and Sheriff.

47. Prosecutor Dunn was absent on the day a hearing (13 May 2010) was scheduled to hear the Objection to the Motion to Dismiss. Deputy Prosecutor Sheets represented the State.

48. Plaintiff's attorney stated that the Prosecutor was simply attempting to cover his actions and the reasons for dismissal were disingenuous as there was no truth to the reasons for dismissal.

49. As a result of the hearing all reasons for dismissal were removed.

50. On 2 June 2010 an editorial about Plaintiff written by Prosecutor Dunn was published in the Post Register newspaper.

a) Prosecutor Dunn wrote that Plaintiff "Andi Elliott, has attempted, from time to time, to enter on individual's property without court permission."

b) That "Through the extensive publicity that Ms. Elliott (Plaintiff) received, via the television media or written print media, it is believed that more donations could be derived for the humane society."

c) That "Ms. Elliott (Plaintiff), you have received your 15 minutes of fame-now, give it a rest."

d) Prosecutor Dunn's article was published before the final order to Dismiss was issued.

51. On 23 June 2010, Plaintiff's attorney, Kent Whittington, responded to Prosecutor Dunn's editorial about his client, the Plaintiff.

52. In his editorial, Mr. Whittington wrote:

a) "Blinded by their dislike for her (Plaintiff's) efforts to make them enforce Idaho's cruelty law, they (Defendants Olsen and Dunn) violated her (Plaintiff's) rights to equal protection of the law."

b) Prosecutor "Dunn showed his prejudice in an interview with a New York talk show host, accusing Andi (Plaintiff) of bigotry and of being southern white trash."

c) That Prosecutor Dunn's editorial was an attempt to cover his baseless prosecution of Plaintiff.

d) That Prosecutor Dunn failed to mention that the Jefferson County Sheriff's Department had sent Plaintiff out to offer assistance with the dog with broken legs.

53. Prosecutor Dunn has lost his objectivity and become too emotionally involved with Plaintiff to be able to treat her objectively as required by law.

54. On 25 June 2010, Magistrate Judge Robert Crowley signed the Order to Dismiss.

55. There were no "reasons for dismissal" listed in the Court Order.

56. As a result of the above dismissal, on 24 February 2012, Plaintiff successfully sued Raul Torres, the owner of the mother dog with broken legs, for

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PA000725

damages incurred in defending herself against the trespassing citation he signed against her. Jefferson County CV-2011-0001032

57. Judge Mark Rammel was the presiding judge.

a) A partial transcript of Raul Torres' testimony under direct questioning by Judge Rammel is as follows:

b) Judge: 25:50 Why did you (Torres) make a Criminal complaint for trespass against Ms. Elliott (Plaintiff)?

c) Judge: 27:55 You (Torres) signed a paper saying she (Elliott) trespassed on your property.

d) Torres through translator: 28:50 I don't know if she (Plaintiff) went because the policeman told me that he had told her (Plaintiff) that she was not to set foot on my property....or that she could not send anybody to my house either. And she sent Channel 3. They were right there.

e) Torres through translator: 29:95 I did all this because the policeman told me to do it.

f) Judge: 30:08 ...to the translator. What policeman told him to file criminal charges?

COMPLAINT AND DEMAND FOR JURY TRIAL - 22

PA000726

g) Torres through translator: it was...there were two of them.

Miller, is it Miller? And another one, I can't remember.

h) Judge: Just so I understand this. The judge is directing the question to the interpreter... Is he (Torres) telling me that the officers told him to file a trespassing charge?

i) Torres through translator: "Yes, they told me. In the end... But the policeman and I misunderstood each other. Because...when...before court they sent for me. And we were speaking then the policeman I told them I had gone that she had gone to my house but the policeman said "But I went with her." That's what I (Torres) didn't know that the policeman had accompanied her. And that's when I withdrew...."

j) Judge: 32:31 "So Mr. Torres, what I'm still trying to figure out. Are you telling me you would not have filed a trespassing complaint lest that the police officers told you too? I'm not trying to put words in your mouth. I'm trying to find out why you filed the trespassing complaint. Did somebody make you do that do you feel like or was that your choice?"

k) Torres: "All that I did was because they were telling me to do it. But I also thought it was the right thing to do."

l) Torres 44:51 "The only thing I am going to say is between her (Plaintiff) and the Sheriff, they used me. The Sheriff and she (Plaintiff) used me."

m) Plaintiff prevailed and Raul Torres was ordered to pay damages to Plaintiff.

58. During the summer of 2011, Plaintiff published a book documenting the occurrences surrounding the case of the mother dog with broken legs in which Sheriff Olsen and Prosecutor Dunn were portrayed unfavorably for failing to enforce Idaho's animal cruelty laws.

59. On 30 August 2011, Plaintiff was charged with Criminal Trespass for a third time.

60. Plaintiff was charged with Criminal Trespass that allegedly occurred on 24 July 2011:

a) Plaintiff and her husband called in a complaint about the poor condition of Dan Murdock's horses located in Hamer, Jefferson County, Idaho.

b) Plaintiff took pictures of neglected horses from the public road.

c) Plaintiff's husband took pictures of Plaintiff taking pictures of the horses from the roadway.

d) Plaintiff called the JCSD and requested a "welfare check" for the animals whose ribs could be seen from the public road.

e) Plaintiff and her husband told Dispatch that they would wait at their home for the Deputy. Plaintiff and her husband returned to their home a few miles away.

f) Deputy Clements arrived shortly and Plaintiff and her husband gave pictures they took to Deputy Clements.

g) As a result of the incident, Plaintiff was charged with Criminal Trespass by Dan Murdock's neighbor (Kurt Young) who lived across the street from Dan Murdock's horses.

h) Plaintiff's husband was not charged with trespass.

i) Through the Discovery process, Plaintiff and her attorney learned that on or about 20 April 2011, an Anonymous Female Caller made a complaint about Kurt Young's horse to the JCSD.

j) Deputy Clements acted as though it was Plaintiff who had been harassing Kurt Young about the poor condition of Young's horse absence any evidence.

k) Plaintiff knew nothing about Young's horse.

l) Deputy Clements has a well-documented hearing impairment.

m) The Anonymous Female Caller had a distinct Idaho accent.

n) Plaintiff has a distinct Southern accent.

o) Deputy Clements is well acquainted with Plaintiff's Southern accent as he has been to Plaintiff's home many times as they coordinated their efforts regarding animal welfare situations.

p) Based on the 20 April 2011 call to the JCSD Dispatch from the Anonymous Female Caller, Plaintiff should not have been a person of interest regarding Kurt Young's horse.

q) Deputy Clements was negligent as he failed to examine the pictures provided to him by Kurt Young showing Plaintiff on the public road way.

r) Deputy Clements later testified that he had trespassed Plaintiff from Kurt Young's property on 20 April 2011 as a result of the call by the Anonymous Female Caller.

s) Deputy Clements produced no evidence/phone call logs at trial of having called Plaintiff to trespass her.

t) The Deputy's DVD/lapel recorder recorded the Deputy's investigation of the complaint on 24 July 2011.

u) The following statements were made by Deputy Clements on 24 July 2011 about Plaintiff as recorded on his DVD lapel recorder provided to Plaintiff's attorney:

v) As Deputy Clements arrived at the scene (DVD time 12:51:35), Deputy Clements made the following statement... "I'm here for a trespass complaint but I'm also had another complaint called in. I'll give you one guess." His comment was referring to Plaintiff.

w) Property owner Kurt Young told Deputy Clements that he had pictures of Plaintiff on his property.

x) Kurt Young thought his property extended to the middle of the public roadway.

y) Kurt Young pointed out to Deputy Clements twice that Plaintiff was in the roadway.

z) Kurt Young provided pictures to Deputy Clements showing Plaintiff on the public roadway.

aa) As recorded on the Deputy's video, Deputy Clements recklessly ignored Kurt Young's statements/pictures about Plaintiff being on the public roadway.

bb) Deputy Clements failed to examine pictures of Plaintiff on the public roadway taken by Kurt Young.

cc) While at the scene of the alleged trespass, Deputy Clements and the owner of the horses (Dan Murdock) drove over Murdock's property checking the animals.

dd) During the drive around the Murdock property, Deputy Clements made prejudicial statements to Dan Murdock about Plaintiff which were recorded on his DVD lapel recorder.

ee) Deputy Clements made the following statements against Plaintiff...

ff) 12:59:45 Deputy Clements told Murdock who owned the horses, "I'm going to sneak over and get a little better picture just documentation to shut her (Plaintiff) down."

gg) 13:03:07 Deputy Clements told the owner of the horses, "That's been our biggest problem. She (Plaintiff) goes after the ones that don't need...she (Plaintiff) does it as a harassment instead of a help."

hh) 13:09:25 Deputy and Dan Murdock discuss Plaintiff's editorials. Deputy Clements stated that Plaintiff writes about "how bad I (Deputy) do my job".

ii) Deputy Clements stated 13:12:12 "And she (Plaintiff) hasn't been trespassed from your property yet but she will be as of today." There was no request from the property owner to do so.

jj) 13:14:07 Kurt Young (who signed the original trespass complaint) told Deputy Clements that the JC Dispatch seemed to be excited about Plaintiff's possible arrest.

kk) Deputy Clements stated, "They knew who was coming. They was probably expecting Andi Elliott (Plaintiff) to be under arrest in a hurry."

ll) Deputy Clements stated 13:14:20 "If she (Plaintiff) would have still been standing on your property, she would have been."

mm) 13:19:40 Deputy stated, "She (Plaintiff) called in a hurry about the abuse. Usually she (Plaintiff) gets miles and miles away."

nn) 13:20:40 Deputy stated, "And I am assuming you want to sign a citation?"

oo) 13:21:57 Kurt Young tells Deputy that Plaintiff will deny the trespassing. Then the Deputy responds, "Kind of hard to deny when you've got pictures showing it."

pp) There were no pictures of Plaintiff trespassing nor were any produced at trial.

qq) Deputy's Clements' statements were unprofessional, unethical, and served to prejudice future witnesses against Plaintiff.

rr) Deputy's Clements' negligence, recklessness, and failure to examine the evidence or lack of provided to him resulted in the filing of charges against Plaintiff.

ss) On 29 July 2011, Deputy Clements submitted a signed Probable Cause Affidavit stating that he had pictures showing that Plaintiff trespassed.

tt) Deputy Clements Probable Cause Affidavit stated that [REDACTED] a minor child, saw Plaintiff on Young's property.

uu) Deputy Clements' Probable Cause Affidavit stated that Kurt Young said the Plaintiff "had been on his property not on the roadway" which was not documented by the Deputy's lapel DVD.

vv) According to the Deputy's DVD lapel video, Kurt Young showed the Deputy his pictures that Plaintiff was on the roadway and indicated that he (Young) thought the public roadway was his property.

ww) Deputy Clements' statement in the Probable Cause Affidavit is false and predicated by malice.

xx) Deputy Clements' Probable Cause Affidavit omitted information/evidence proving that Plaintiff did not trespass.

yy) Deputy Clements did possess pictures given to him by Kurt Young that showed Plaintiff was on the public roadway.

zz) Deputy Clements' Probable Cause Affidavit contained false information material to the filing of the charge of Criminal Trespass.

aaa) Plaintiff was served with a trespassing citation on 30 August 2011.

bbb) On or about 22 September 2011, Plaintiff announced her intention to oppose Sheriff Olsen in the upcoming May election.

ccc) On or about 10 November 2011, the Prosecutor filed an Order Prohibiting Disclosure against Plaintiff.

ddd) The filing of the Motion of Contempt was an attempt to silence Plaintiff's criticism of the Sheriff who was running for re-election.

eee) Judge Robert Crowley expressed concern about Plaintiff's First Amendment rights.

fff) Prosecutor Sheets told the Judge that the "gag order" would just be temporary so as not to prejudice the jury pool. It was in effect for approximately 7 months.

ggg) Plaintiff's attorney informed the court that Plaintiff had requested a court trial and Plaintiff in fact had a court trial.

hhh) 13 February 2012 was Plaintiff's first day of trial.

iii) Prosecutor Sheets stated in front of Plaintiff's attorney that she had not viewed the Deputy's video.

jjj) Deputy Clements was unable to provide any documentation or any record of a telephone call to Plaintiff during the trial proving that he actually called Plaintiff to trespass Plaintiff.

kkk) Deputy Clements testified that he documented his alleged phone call trespassing the Plaintiff nearly 10 months later.

lll) Deputy Clements testified that he documented his phone call to the Plaintiff shortly before Plaintiff's trial date.

mmm) Prosecutor Sheets attempted to have included in the court record the Deputy's testimony about the documentation of the phone call trespassing the Plaintiff which was made just before the trial.

nnn) During Plaintiff's attorney's cross-examination of Deputy Clements, the Deputy admitted that he had documented the alleged 20 April 2011 call shortly before the trial.

ooo) Prosecutor Sheets was forced to withdraw Deputy Clements' testimony.

61. On 24 February 2012 and while Plaintiff was still involved in litigation, Plaintiff's husband found 5 carcasses on their driveway. The responding deputies stated it appeared to be an attempt to intimidate Plaintiff.

62. Plaintiff's rabbit hutches were also vandalized at a later date (2013) while Plaintiff was still involved in litigation with a witness from the original trial.

63. Plaintiff reported both incidences to the Jefferson County Sheriff's Department. Jefferson County Deputies responded to the scenes and documented the events.

64. On or about 15 March 2012, the Prosecutor filed a Contempt of Court motion against Plaintiff for violating the order Prohibiting Disclosure.

65. The Prosecutor complained about an editorial written by Plaintiff which was published on 15 March 2012 containing public information.

66. Prosecutor Dunn attempted to convince the court that Plaintiff should receive jail time for the alleged violation.

67. Two and a half years have now elapsed and there has been no further action by the Prosecutors regarding the Contempt Citation.

68. Prosecutor Dunn's actions were an attempt to intimidate and silence Plaintiff and prevent criticism of Sheriff Olsen while Olsen was running for re-election.

69. On Plaintiff's 19 March 2012 trial date and in front of Plaintiff's witness and husband who was sitting in the hallway outside of the courtroom, Prosecutor Dunn congratulated one of the State's witness's nephews for writing a derogatory editorial about Plaintiff published in the local papers.

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70. During Plaintiff's trial, Kurt Young, who signed the original citation, testified that he never saw Plaintiff on his property.

71. Kurt Young testified that he thought his property extended to the middle of the public roadway which he had pointed out to Deputy Clements before signing a citation.

72. Deputy Clements and the Prosecutors failed to conduct a reasonable and objective investigation of the evidence.

73. Plaintiff was acquitted 2 July 2013.

74. Plaintiff endured a two year court process which consisted of 5 days of trial over 17 months (13 Feb 2012, March 2012, June 5, 6, & 7, 2013) in addition to multiple hearings/motions for a criminal trespass charge.

75. During the course of Plaintiff's prosecution, Prosecutor Dunn, again demonstrating his bias against Plaintiff, asked Plaintiff's attorney, Kent Whittington, why he continued to represent Plaintiff.

76. On 8 July 2013, at Plaintiff's request, she met with the Jefferson County Commissioners in Executive Session to discuss the actions of the Sheriff, Prosecutors, and the Deputy.

77. Commissioners Farnsworth and Hedsted, Chairman Raymond, and Prosecutor Dunn were present at the Executive Session in addition to clerical staff.

a) Before Plaintiff was allowed to read her prepared statement to the Commissioners detailing the actions of the Sheriff, the Prosecutors and Deputy, Chairman Raymond threatened Plaintiff "under the penalty" of law that matters discussed in Executive Session could not be discussed outside of the meeting.

b) Prosecutor Dunn was present in his capacity as legal consul to the Commissioners.

c) Prosecutor Dunn was aware of Raymond's admonishment to Plaintiff yet failed to inform Chairman Raymond or Plaintiff that there was no such law.

d) Chairman Raymond's statement to Plaintiff was an attempt by Jefferson County officials to intimidate and silence Plaintiff to prevent further criticism of their actions or lack thereof.

e) The Commissioners offered no relief or recourse to the complaints that Plaintiff detailed in her nine page letter outlining the behavior of

County employees and officials and their repeated defamatory statements and biased and unconstitutional actions against Plaintiff.

78. Shortly thereafter, Prosecutor Dunn's former secretary, Shelly Allred, met in Executive Session with the Commissioners and Prosecutor Dunn. Ms. Allred was not told that the law prohibited her from talking about Executive Session matters.

79. The Post Register newspaper wrote a column publically denouncing the Commissioner's and Prosecutor Dunn's attempt to silence Plaintiff and pointed out the differential treatment Plaintiff had received at the hands of the Commissioners.

80. On or about 8 July 2013, after Plaintiff's acquittal, she met at her request with Jefferson County Deputy Steve Anderson concerning the actions of Deputy Clements.

a) Plaintiff discussed with Deputy Anderson the unprofessional and prejudicial comments of Deputy Clements, the "creation" of documentation immediately before trial, and the Deputy's reckless failure to examine the evidence in his possession including the false information he included and the omission of critical information in the Affidavit.

- b) Plaintiff followed up the discussion with a letter to Deputy Anderson dated 11 July 2013.
- c) Subsequently, Deputy Clements was reassigned to another part of Jefferson County.
- d) In September 2013, Plaintiff and Deputy Anderson had a follow up telephone conversation at Plaintiff's request.
- e) Plaintiff was told by Deputy Anderson that Deputy Clements would not be making any further comments about her.

81. On or about 13 December 2013, Plaintiff faxed the offices of the JC Sheriff and the JC Prosecutor, asking that Kurt Young be charged under Idaho code 18-5413 for providing false information to a law enforcement officer.

82. Plaintiff stated in her fax that the Defendants had ignored her request to charge Raul Torres also for violating Idaho code 18-5413.

83. As a result of Plaintiff's fax, Bingham County Detective Mike Marvin contacted Plaintiff at Sheriff Olsen's request (Plaintiff was told) and a meeting was set up at the Bonneville County Sheriff's Department.

84. Plaintiff met with Detective Marvin on 19 December 2013.

85. Detective Marvin asked that Plaintiff reexamine the trial testimony and document pertinent information to save him time.

86. Within two weeks, Plaintiff provided the requested documentation.

87. Plaintiff heard nothing from Detective Marvin and on 7 April 2014, Plaintiff called and left a message for Detective Marvin.

88. Plaintiff received no response and in June of 2014, Plaintiff once again attempted to contact Detective Marvin, Sheriff Olsen, and Prosecutor Dunn as the time limitation for filing the charge was nearing the statute of limitation deadline. Plaintiff has heard nothing about her request.

89. Plaintiff had also contacted POST (Police Officers Standard and Training) Administrator William Flink and POST board members on multiple occasions regarding the failure of Sheriff Olsen and Deputy Clements to uphold the POST Council's Code of Ethics and their adverse actions towards Plaintiff.

90. Sheriff Olsen was Chairman of POST during this period of time.

91. POST's response to Plaintiff's concerns was provided no relief.

92. Plaintiff has sought relief from the concerted and retaliatory actions of the Defendants from every avenue known to her without success.

93. The Defendants have failed to act on behalf of the Plaintiff and as a direct and proximate result of their acts or omissions Plaintiff has endured years of retaliatory behavior at the hands of the Defendants in the form of repeated malicious prosecutions, abuse of power, defamation, and violation of her Constitutional rights.

94. The Defendants Jefferson County Commissioners, Chairman Raymond, the Sheriff's Department, Sheriff Blair Olsen, Deputy John Clements, and the Jefferson County Prosecutors acted with deliberate indifference, gross negligence, and reckless disregard to the safety, security, and constitutional and statutory rights of the Plaintiff and all persons similarly situated, maintained, enforced, tolerated, permitted, acquiesced in, and applied policies or practices of, among other things:

a. Filing factually inaccurate and/or factually incorrect affidavit that violates the holding of *Franks v. Delaware* and its progeny;

b. Failing to adequately discipline deputies or civilian employees in the belief that they can violate the rights of Plaintiff with impunity, and that such conduct will not adversely affect them;

c. Condoning and encouraging officers and civilian employees in the belief that they can violate the rights of Plaintiff with impunity and that such

conduct will not adversely affect their opportunities and other employment benefits.

95. Because the Defendants failed to act on Plaintiff's behalf and have demonstrated a policy of inaction, it has been necessary for the Plaintiff to retain an attorney to protect her interests in the multiple criminal prosecutions.

COUNT I

Malicious Prosecution

96. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

97. The Defendants have charged the Plaintiff with Criminal Trespass three times in a time span of less than four years.

98. The Defendants, Jefferson County Prosecutors Dunn and Sheets and Jefferson County Sheriff's Department, Sheriff Blair Olsen, and Jefferson County Sheriff's Deputy John Clements, were directly involved in institution of and continuation of criminal actions against the Plaintiff.

99. Defendants lacked probable cause to commence proceedings.

100. Defendants acted with malice towards Plaintiff.

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101. The 2009 and 2011 criminal proceedings terminated in Plaintiff's favor.

102. After the Dismissal of the 2009 criminal charge against Plaintiff and while Plaintiff was interviewing attorneys to bring suit against the Defendants, she was charged again before the Complaint could be filed.

103. The Defendants, JC Sheriff's office, Sheriff Olsen, the JC Prosecutors, and Deputy Clements failed to fully investigate the facts surrounding Plaintiff's cases before charging Plaintiff and initiated the charges with improper purpose and with motives other than that of seeking justice.

104. Plaintiff has suffered injury to her reputation, humiliation, embarrassment, mental suffering, financial damages, and inconvenience, all proximately caused by Defendant's actions.

105. The Defendants' tortious actions were malicious, corrupt, or outside the scope of their official duties and constituted improper motives.

106. As a direct and proximate result of the Defendant's acts or omissions, Plaintiff has suffered general damages, emotional damages, and punitive damages in an amount to be proven at trial, but which amount exceeds \$10,000.

107. Additionally, Plaintiff is entitled to compensatory damages against Defendants in their individual capacities

108. WHEREFORE, plaintiff moves this Honorable Court to enter an Order of Final Judgment awarding Plaintiff money damages and such other and further relief as the Court may deem reasonable and just under the circumstances.

COUNT II

Abuse of Power

109. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

110. The Defendants have attempted to use the legal system to attain a wrongful result.

111. The evidence in possession of and ignored by Defendants showed that the Plaintiff was not guilty of criminal trespass.

112. The Defendants knew and acted intentionally and with malice in their repeated prosecutions of Plaintiff.

113. The Defendants' tortious actions were malicious, corrupt, or outside the scope of their official duties.

114. As a direct and proximate result of the Defendant's acts or omissions, Plaintiff has suffered general damages, emotional damages, and punitive damages in an amount to be proven at trial, but which amount exceeds \$10,000.

115. Additionally, Plaintiff is entitled to compensatory damages against Defendants in their individual capacities.

116. WHEREFORE, Plaintiff respectfully requests a judgment in favor of the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

117. For such other and further relief as the Court deems just and equitable.

COUNT III

Violation of Article I Section 9 of the Idaho Constitution

118. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

119. The Plaintiff spoke out on matters of public concern including the lack of enforcement of Idaho Animal Cruelty codes.

120. Plaintiff raised these concerns to Defendants both orally and in writing.

121. As a result, Plaintiff suffered an ongoing pattern of adverse actions that included Plaintiff being charged with Criminal Trespass three times, having defamatory articles written and published about Plaintiff, and defamatory statements were made about her by the Defendants to third parties.

122. These adverse actions were and are reasonably likely to deter Plaintiff from engaging in protected activity under the Idaho Constitution.

123. Defendants did not have adequate justification for treating Plaintiff differently from other members of the general public.

124. Had not Plaintiff been a vocal critic of the Defendants, there would have been no adverse actions on the part of the Defendants.

125. At all times relevant to these matters, Defendants acted under color of law when committing the actions that are complained of.

126. Defendant's retaliatory conduct violated the clearly established Constitutional right of free speech and other rights which a reasonable person would have known.

127. As a result of Defendant's actions, Plaintiff has suffered from a persistent pattern of adverse actions designed to keep Plaintiff from criticizing Defendants' failure to enforce the laws of Idaho regarding animal cruelty.

128. The Defendants' tortious actions were malicious, corrupt, or outside the scope of their official duties.

129. As a direct and proximate result of the Defendants' acts or omissions, Plaintiff has suffered general damages, emotional distress, and punitive damages in an amount to be proven at trial.

130. Additionally, Plaintiff is entitled to compensatory damages against Defendants in their individual capacities.

131. WHEREFORE, Plaintiff respectfully requests a judgment in favor of the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

132. For such other and further relief as the Court deems just and equitable.

COUNT IV

Violation of Civil Rights Pursuant to 42 U.S.C. § 1983

133. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

134. The Plaintiff spoke out on matters of public concern including the lack of enforcement of Idaho Animal Cruelty codes.

135. Plaintiff raised these concerns to Defendants both orally and in writing.

136. As a result, Plaintiff suffered an ongoing pattern of adverse actions and malicious prosecutions leading to Plaintiff being charged with Criminal Trespass multiple times.

137. These adverse actions were and are reasonably likely to deter Plaintiff from engaging in protected activity under the Idaho and United States Constitution.

138. Defendants did not have adequate justification for treating Plaintiff differently from other members of the general public.

139. Had Plaintiff not been a vocal critic of the Defendants, there would have been no adverse actions on the part of the Defendants.

140. At all times relevant to these matters, Defendants acted under color of law when committing the actions that are complained of.

141. Defendants' retaliatory conduct violated the clearly established Constitutional rights of free speech, and the right to petition the government for redress, the right to due process, and equal protection.

142. The above referenced and well-established rights are those which a reasonable person would have known.

143. The Defendant's tortious actions were malicious, corrupt, or outside the scope of their official duties.

144. The Defendants instituted and continued the prosecutions with improper purpose which a reasonable person would regard as completely without merit and for the intentionally wrongful purpose of injuring and silencing Plaintiff.

145. As a direct and proximate result of the Defendants' acts and omissions, Plaintiff has suffered general damages, emotional damages, and punitive damages in an amount to be proven at trial, but which amount exceeds \$10,000 the amount of which is to be proven at trial. Plaintiff is entitled to costs and any other relief allowed by law.

146. WHEREFORE, as a direct and proximate result of the Defendants' actions or omissions, Plaintiff is entitled to relief under U.S.C. § 1983 including compensatory damages against Defendants in their official capacities and applicable State claims.

147. Additionally, Plaintiff is entitled to compensatory damages against the Defendants in their individual capacities.

COUNT V

MONELL CLAIM/COUNTY/MUNICIPALITY LIABILITY

PURSUANT TO 42 U.S.C. § 1983

148. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

149. The unconstitutional actions and/or omissions of the Defendants which were directed, encouraged, allowed, and /or ratified by county policy making officials:

- a) To tolerate the failure to adequately investigate complaints;

- b) To fail to use appropriate and generally accepted law enforcement procedures in handling citizen complaints;
- c) To deny a citizen her right to Due Process and other constitutional rights as set forth in this Complaint;
- d) By ignoring and/or failing to properly and adequately investigate and discipline unconstitutional or unlawful police activity;
- e) By allowing, tolerating, and /or encouraging police officers to fail to file accurate and complete police reports; file false police reports; make false statements; to give false information and withhold and/or conceal material information.

150. Defendants failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate and discipline county personnel with deliberate indifference to Plaintiff's constitutional rights, which were thereby violated as described above.

151. The unconstitutional actions and/or omission of the Defendants, as well as other officers employed by or acting on behalf of the JCSD and the JCP, as described above; were approved, tolerated, and/or ratified by policy-making

officials of Jefferson County. Plaintiff is informed and believes that the details of these incidents have been revealed to the authorized policy makers of Jefferson County, and that such policy makers have direct knowledge of the facts.

Notwithstanding this knowledge, the authorized policy makers within Jefferson County have approved of Defendants Olsen, Sheets, Dunn, and Clements' actions. And by doing so, the authorized policy makers within Jefferson County have shown affirmative agreement with the actions of those listed above.

152. The aforementioned customs, policies, practices, and procedures, the failure to adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline, as well as the unconstitutional orders, approvals, ratification and toleration or wrongful conduct by Defendants were a moving force and/or proximate cause of the Plaintiffs' clearly established and well-settled constitutional rights in violation of 42 USC § 1983.

153. Defendants subjected Plaintiff to their wrongful conduct, depriving Plaintiff of the rights described herein, knowingly, maliciously, and with conscious and reckless disregard for the rights of Plaintiff that would be violated by their acts and/or omissions.

154. As a direct and proximate result of the unconstitutional actions, omissions, customs, policies, practices, and procedures of the Defendants, Plaintiff has sustained serious and permanent injuries and are entitled to damages, penalties, costs as set forth above and punitive damages against the Defendants in their individual capacities.

155. Defendants have an established pattern of the above referenced behavior as indicated in other law suits brought against the county.

156. WHEREFORE, Plaintiff respectfully requests a judgment in favor the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

157. For such other and further relief as the Court deems just and equitable.

COUNT VI

RESPONDEAT SUPERIOR

158. Plaintiff realleges each and every paragraph in this Complaint as if fully set forth here.

159. That Defendant Jefferson County is liable for the tortuous acts of the Defendants under the theory of Respondeat Superior.

COMPLAINT AND DEMAND FOR JURY TRIAL - 52

PA000756

160. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has experienced damages and is entitled to compensation for pain, suffering, and other related costs.

161. As a further and direct result of the Defendants' conduct Plaintiff has incurred and will continue to incur in the future, incidental expenses in a sum to be proven at trial.

162. WHEREFORE, Plaintiff respectfully requests a judgment in favor the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

163. For such other and further relief as the Court deems just and equitable.

ADDITIONALLY....

164. The JC Prosecutors have violated the duties of the Prosecutor as defined by the American Bar Association Standards of Criminal Justice Relating to Prosecution Function specifically as follows:

-Standard 3-1.2

(c) The duty of the prosecutor is to seek justice, not merely to convict.

-Standard 3-1.4 Public Statements

(a) A prosecutor should not make or authorize the making of an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the prosecutor knows or reasonably should know that it will have a substantial likelihood of prejudicing a criminal proceeding.

(b) A prosecutor should exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor from making an extrajudicial statement that the prosecutor would be prohibited from making under this Standard.

(f) A prosecutor should not permit his or her professional judgment or obligations to be affected by his or her own political, financial, business, property, or personal interests.

-Standard 3-3.9 Discretion in the Charging Decision

(a) A prosecutor should not institute, or cause to be instituted, or permit the continued pendency of criminal charges when the prosecutor knows that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction.

-ABA Rule 3.8: Special Responsibilities of a Prosecutor

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees

or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

165. Sheriff Blair Olsen and Deputy John Clements have violated the The Idaho Sheriffs' Association Mission Statement, specifically, as it states that it strives..."to provide equal justice and fair treatment to all citizens".

166. Sheriff Olsen and Deputy John Clements have violated the Idaho POST Council Code of Ethics as it states in part: ..."to respect the Constitutional right of all to liberty, equality and justice."

167. The Defendants through their actions or inactions have broken the Immunity normally granted to officials when acting in their official capacity and acting under the color of law because of their intentional and repeated misconduct towards Plaintiff in order to deprive her of due process and other Federal and State Constitutional rights as demonstrated in this Complaint. (*Tower v Glover*, 104 U.S. 2820, 2825 (1984)).

168. The laws and regulations governing the behaviors of public officials have been clearly established and a reasonably competent public official should know the law governing his conduct. *Harlow*, 457 U.S. 819.

169. As set forth in this complaint, Defendants repeatedly and acting at times in concert deprived Plaintiff of clearly established statutory and/or constitutional rights of which a reasonable person would have known.

170. Wherefore, the Plaintiff is requesting any sanctions that is within the court's purview to be initiated against the Defendants as preventative measures against future unsubstantiated actions on their part.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by a jury composed of no less than twelve (12) persons on all issues so triable.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff Andi Elliott demands for relief as follows:

1. For an award to Plaintiff for economic and non-economic damages against Defendants in an amount to be proven at trial, but which exceeds \$10,000;

2. For compensatory damages to compensate Plaintiff for her emotional distress, loss of enjoyment of life, and other non-pecuniary losses in amounts to be established at trial;
3. For punitive damages in substantial, appropriate, and reasonable amounts;
4. For further and other relief the court deems proper.

DATED this 16 of Sept, 2014.

By: Candace "Andi" Elliott
 Candace "Andi" Elliott
 Pro Se Litigant

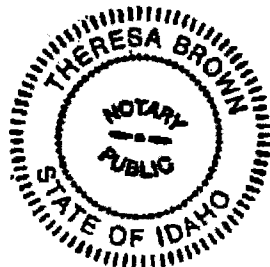
STATE OF IDAHO)

County of Jefferson)

CANDACE (ANDI) ELLIOTT, being first duly sworn on oath, deposes and says:
 I am the plaintiff above named, and I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.

Candace "Andi" Elliott
 Candace (Andi) Elliott

SUBSCRIBED AND SWORN TO before me this 16 day of Sept, 2014.



Theresa Brown
 Notary Public for Idaho
 Residing at Rexburg ID
 My Commission Expires: 01-06-18

COMPLAINT AND DEMAND FOR JURY TRIAL - 57

PA000781

MAGISTRATE JUDGE
JEFFERSON COUNTY
2015 FEB 17 PM 4:55

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Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,	)	CASE NO. CV-2014-0238
)	
Plaintiffs,	)	DECLARATION OF BLAIR OLSEN IN
	)	SUPPORT OF MOTION FOR
	)	SUMMARY JUDGMENT
)	
vs.	)	DATE:
	)	TIME:
STEVE MURDOCK,	)	DEPT:
)	
Defendant.)	

I, Blair Olsen, hereby declare as follows:

1. I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify to them competently.
2. I am currently the Sheriff of Jefferson County, in the State of Idaho. I have been Sheriff of Jefferson County since 1989.

3. The Jefferson County Sheriff's Office (which at times I will refer to as "the Sheriff's Office") is dedicated to protecting the health and safety of county residents and their property. Each member of the Sheriff's Office is committed to enforcing the laws of the State of Idaho, Jefferson County and upholding the United States Constitution.

4. As the Jefferson County Sheriff, I am familiar with documents prepared in the Sheriff's Office. I am also familiar with Candace Elliott, a resident of Jefferson County. The Sheriff's Office has received complaints from residents of Jefferson County that Ms. Elliott has trespassed on their property.

5. We also have received charges by Ms. Elliott that Jefferson County residents supposedly have neglected their animals. When we have received these charges or complaints, the Sheriff's Office has investigated. In connection with these investigations, the Sheriff's Office prepares incident reports. Certain incident reports prepared by deputies in the Sheriff's Office have been attached to what I understand to be Exhibits 31, 32, 34 and 45 of Ms. Elliott's deposition.

6. It is my understanding that some of these incident reports show that Ms. Elliott's charges were found to have no basis and the Sheriff's Office found no actual animal abuse.

7. Ms. Elliott frequently writes letters to newspapers and involves other local media, being critical of the Sheriff's Office and the Jefferson County Prosecuting Attorney. Examples of Ms. Elliott's public letters to newspapers in which she has criticized me are attached to what I understand to be Exhibits 3, 6, 55, 70 and 71 of her deposition.

8. Ms. Elliott announced that she intended to oppose me as Sheriff during an election. A copy of her announcement is attached to what I understand to be Exhibit 64 of her deposition.

9. It is my understanding that Ms. Elliott has recently filed a lawsuit against Blair Olsen, Robin Dunn, John Clements, Amelia Sheets, Jefferson County Sheriff's Department, Jefferson County and Commissioners and Gerald Raymond. A copy of that complaint is set forth to what I understand to be Exhibit 27 to Ms. Elliott's deposition.

10. The basis for my understanding of the Exhibits of Ms. Elliott's deposition was gained by reviewing copies of them provided to my legal counsel in the lawsuit referenced in paragraph 9, and they each are true and correct copies of documents prepared and maintained by the Sheriff's Office in the regular course of its operations.

11. It is my understanding that these documents have been included in a compendium of evidence, submitted in support of Steve Murdock's motion for summary judgment.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct.

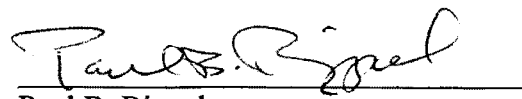
Executed this 11th day of ~~January~~ ^{FEB.}, 2015.


Blair Olsen

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by mail, hand delivery or fax as noted, below.

Dated this 17th day of ~~January~~ ^{February}, 2015.


Paul B. Rippel

Kent E. Whittington
Address: PO Box 2781
Idaho Falls, ID 83403
FAX: (208) 529-8775

~~FAX: (208) 529-8775~~

HAND DELIVERY

DECLARATION OF BLAIR OLSEN IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT - 3
DMI\5357654.1

Exhibit 31

02/21/2014 10:31:43 LE004
ANDERSON, STEVE
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-07384
CAD: 33477
Status/Disp: CLOSED

INCIDENT REPORT

Misdemeanor: Felony: Non Criminal:

Initial NOC: DISTURBANCE HARRASSMENT
Var NOC: DISTURBANCE HARRASSMENT
Location: 3448 E 800 N LEWISVILLE
Cross St:
District: 55
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 11/21/2007 12:48
Occurred Date: 11/21/2007 TO 11/21/2007
Occurred Time: 12:48:00 TO 12:48:00

Reported By: WILLIAMS, JACKIE
3448 E 800 N
LEWISVILLE ID
Phone 1: (208) 252-0915
Phone 2:

Incident Officer

250 WILLIAMS, KORIN

Incident Parties

NAME	Type	Age
ELLIOTT, CANDACE WHITE	SUSPECT	58
WILLIAMS, JACQUELINE SUE	REPORTED PARTY	41

Description

RP IS BEING HARASSED BY SUBJECT FROM HUMANE SOCIETY OVER DOGS
WENT TO RP'S TO LOOK AT ANIMALS ALL WERE IN GREAT SHAPE VET PAPERS ON HAND FOR
ALL ANIMALS. WILL SPEAK WITH 200 ABOUT THE REACURING CALLS ON THIS
RESIDENCE./250WILLIAMS 200 ADVISED NO MORE CHECKES OF THE ANIMALS
AT THIS RESIDENCE UNLESS WE HAVE OBVIOUS SIGNS OF NEGLECT./250WILLIAMS

Activity Log

Accident Report

Incident Citations

Incident Arrests

Incident Property

Incident Vehicles

*****END OF REPORT*****

Exh. No. 31
 Date 11/13/14
 Name Elliott
 M & A Court Reporting

Exhibit 32

10/08/2014 13:00:44 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2008-02504
CAD: 37820
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: DISTURBANCE HARRASSMENT
Ver NOC: DISTURBANCE HARRASSMENT
Location: 160 N 4090 E RIGBY
Cross St:
District: 60
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 04/28/2008 16:00
Occurred Date: 04/28/2008 TO 04/28/2008
Occurred Time: 16:00:00 TO 16:00:00
Rptd By: WISE, JEREMY
160 N 4080 E
RIGBY ID 83442
Phone 1: (208) 351-5588
Phone 2:

[REDACTED]

[REDACTED]

230 PARKER, LYNN

Name
ELLIOTT, CANDACE WHITE
WISE, JEREMY LEE

Type
SUSPECT
REPORTED PARTY
Age
58
00

[REDACTED]

RP IS BEING HARASSED BY HUMANE SOCIETY MEMBER OVER HIS DOGS
I SPOKE TO THE RP ON THE PHONE, HE STATED HE IS TIRED OF ANDI ELLIOTT
HARRASSING HIM. HE STATED SHE HAS SENT OFFICERS TO HIS HOME MULTIPLE TIMES
ABOUT HIS DOGS. RP WANTED TO KNOW WHAT COULD BE DONE TO STOP ELLIOTT FROM
HARRASSING HIM. RP STATED TODAY AT APPROXIMATELY 2:30 OR 3:00 PM, ELLIOTT WAS
ON THE ROAD IN FRONT OF HIS HOUSE WITH A TELEPHOTO LENSE TAKING PICTURES OF
HIS RESIDENCE. RP STATED HE HAS ONE HUSKY AND ONE YELLOW LAB, THEY ARE IN A
6X12 KENNEL, HAVE FRESH WATER AND HE FEEDS THEM EVERY NIGHT. RP STATED HE
WOULD COME INTO THE SHERIFF'S OFFICE TOMORROW AND WRITE A STATEMENT. - 230
PARKER

SHERIFF OLSEN ADVISED. - 230 PARKER

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

Exh. No. 32
Date 11/13/14
Name Elliott
R. J. [unclear] Reporting

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000387

Exhibit 34

10/08/2014 12:59:42
EAMES, MICKEY
PAGE 1

LE006B JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-02661
CAD: 37883
Status/Dispo: CITED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: TRESPASS
Ver NOC: TRESPASS
Location: 3745 E 800 N RIGBY
Cross St:
District: 40
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 04/30/2008 10:34
Occurred Date: 04/30/2008 TO 04/30/2008
Occurred Time: 10:34:00 TO 10:34:00
Rptd By: BOHMAN, DOUGLAS HAL
3745 E 800 N
RIGBY ID 83442
Phone 1: (208) 746-8482
Phone 2:

REPORTING OFFICER

REPORT

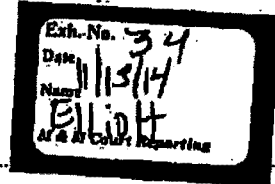
POOLE, JEFF
250 WILLIAMS, KORIN

Name
BOHMAN, DOUGLAS HAL
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY
SUSPECT
Acc
49
58

DESCRIPTION

FEMALE SUBJECT IN VEH 1M84155 IS COMING DOWN RP LANE TO TAKE PICTURES OF HORSES LANE IS POSTED NO
TRESPASSING WANTS THIS TO STOP SEE 2008-02409
SPOKE WITH THE RP WENT TO RESIDENCE AND TOOK PHOTOS OF THE SIGNES POSTED AT
THE ENTRANCE OF THE DRIVEWAY. I TOLD THE RP TO FILL OUT A STATEMENT AND HAVE
HIS WIFE FILL DNE OUT AND WHEN THEY ARE DONE BRING THEM IN TO THE SO AND WE
WILL AHVE THEM SIGN A CITATION./25005/01/2008 ISSUED A CITATION FOR
TRESPASSING GAVE IT TO 275 TO SERVE./250.....FICS IN G DRIVE
RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE /
ARREST 10/08/14 //301



EVENTS

REPORTING OFFICER

REPORT

Name: ELLIOTT, CANDACE WHITE

Arrest No: 2008-02661 Date/Time: 04/30/2008 10:34 Type: SUMMONED-CITED

State Criminal Code

1 COUNT OF 18-7008 TRESPASS

Offense Code

90J TRESPASS OF REAL PROPERTY

Citation #: 12941

Disposition Under 18: NA

REPORTING OFFICER

REPORT

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000384

On 04/30/2008 I was advised that Douglas Bohman wanted to sign a complaint against Candice White Elliot, (A.K.A Andi Elliot), (A.K.A Candice White Grubb) for trespassing. I responded to Douglas's residence at 3745 E 800 N.

When I arrived at that address I immediately noticed several sign's posted on the fence line at the beginning of the driveway. One sign read "Private Property KEEP OUT", the other read "DEAD END". I took photos of the signs and the driveway. Douglas's house is located several hundred yards off the road down the driveway passed the Private Property signs.

I spoke with Douglas and he stated that on Monday 04/28/08 he and his wife were upstairs when they noticed a small blue vehicle driving down their driveway. The vehicle drove passed the signs and the gates all the way to the back of the house by the garage where Douglas stated that the vehicle turned around and drove back up the driveway until it was directly in front of the house. At this point Douglas stated, the driver of the vehicle got out and stood in Douglas's driveway to take pictures of the neighbor's horses. Douglas told me that he went down to the front door to ask the suspect what they were doing. Douglas stated that the suspect saw him come out of the house and hurried back in to her vehicle and started driving off. Douglas was able to write down the license plate number 1M 64155, prior to the suspect leaving the scene.

Douglas called the plate number into dispatch when he made the report. Dispatch advised me the plate number 1M 64155, Douglas had given, returned to a Candace White Grubb and John P. Grubb, (A.K.A Andi Elliot, A.K.A Candice White Elliot) at 2498 E 2100 N Hamer ID. The vehicle description Douglas gave of a small blue newer car match the Registration information of a 2007 Honda Civic 4dr. The physical description given by Douglas matched that of Candice Elliot.

This was not the first complaint I had received about Candice Elliot trespassing on fenced or posted land. Candice has been given previous verbal warnings about trespassing. Candice has also been verbally warned about harassing people over unfounded abuse claims.

Douglas brought his and his wife's written statement in to the Sheriff's Office on 05/01/08. I allowed Douglas to sign a citation for trespassing on Candice.

Nothing Further

Deputy Korin Williams

Jefferson County Sheriff's Office
0802661.001

Officer's Signature

Date

Exhibit 45

10/08/2014 13:11:32 LEM06 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2007-02128
CAD: 26834
Status/Dtsp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 99 N 3500 E RIGBY
Cross St:
District: 50
Rpted to: BURTE SHAW, PATSY
Dispatch: BURTE SHAW, PATSY

Reported Date/Time: 04/15/2007 10:25
Occurred Date: 04/15/2007 TO 04/15/2007
Occurred Time: 10:25:58 TO 10:25:58

Rpted By: UPPER VALLEY HUMANE SOCIETY//ANDI
472 HANSEN #1
IDAHO FALLS ID

Phone 1:
Phone 2:

[REDACTED]

[REDACTED]

GREEN, BRIAN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	67
RICHARDSON, SHAWNIE LU	REPORTED PARTY	22
UPPER VALLEY HUMANE SOCIETY	REPORTED PARTY	

[REDACTED]

HORSES BEING NEGLECTED
I LOOKED AT THE HORSES. THE HORSES LOOKED HEALTHY. // 293

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

Exh. No. 4/5
Date 11/13/14
Name ELLIOTT
M & M Court Reporting

PA000421

10/08/2014 13:06:24 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2007-07375
CAD: 33463
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL
Ver NOC: ANIMAL
Location: 2483 E 2100 N HAMER
Cross St:
District: 20
Rptd to: GROVER, JERILEE
Dispatch: GROVER, JERILEE

Reported Date/Time: 11/20/2007 22:04
Occurred Date: 11/20/2007 TO 11/20/2007
Occurred Time: 22:04:00 TO 22:04:00
Rptd By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER MO
Phone 1: (208) 682-5808
Phone 2:

290 CLEMENTS, JOHN

Name
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY

Age
58

NEIGHBORS DOGS HARRASSING PEOPLE WALKING BY
UNFOUNDED COMPLAINT... 290/CLEMENTS DOGS ARE TAKEN CARE OF AND VERY FREINDLY
THEY HAVE FOOD AND WATER AND HOUSING AVAILABLE... 290/CLEMENTS RP CALLED ON
11/23/2007 STATING DOGS ARE LAYING ON A BALE OF STRAW AND HAVE NO SHELTER
305JG

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000408

Jefferson County Sheriff's Office
0707375.001

THE HUMAN SOCIETY OF THE UNITED STATES
OF AMERICA
1111 HOPKINS ST.

To: [REDACTED]
Re: [REDACTED]
I have [REDACTED]
If you will [REDACTED]
A couple of [REDACTED]
I have [REDACTED]
This is not [REDACTED]
Will it not be [REDACTED]
but I hope it [REDACTED]
I would appreciate [REDACTED]
And you, if he will [REDACTED]
Thank you very much
And [REDACTED]
[REDACTED]
1/22/67

10/08/2014 13:05:24
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-07383
CAD: 33476
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 3450 E 500 N LEWISVILLE
Cross St:
District: 55
Rptd to: RAYMOND, KARRIE
Dispatch: RAYMOND, KARRIE

Reported Date/Time: 11/21/2007 12:48
Occurred Date: 11/21/2007 TO 11/21/2007
Occurred Time: 12:48:00 TO 12:48:00
Rptd By: HUMANE SOCIETY OF THE UPPER VALL
HITT ROAD
IDAHO FALLS ID
Phone 1:
Phone 2: (208) 681-4788

DISPATCH

250 WILLIAMS, KORIN

DISPATCH

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
HUMANE SOCIETY OF THE UPPER	REPORTED PARTY	
WILLIAMS, JACQUELINE SUE	OWNER	41

DISPATCH

2 DOGS CHAINED IN YARD WITH NO SHELTER UNFOUNDED..... THIS IS THE SECOND TIME I HAVE RECEIVED A COMPLAINT FROM ANDI ELLIOT ABOUT THIS SUBJECT ANIMALS AND EACH TIME I FIND THE CLAIMS ARE UNFOUNDED. THE OWNER OF THE ANIMALS STATED THAT SHE IS TIED OF BEING HARASSED BY THIS LADY (ANDI ELLIOT). I INFORMED 200 ABOUT THE PROBLEM WITH US BEING USED TO HARASS THIS LADY OVER HER ANIMALS WHEN THE ANIMALS ARE FINE 200 ADVISED HE WOULD SPEAK WITH ANDI ELLIOT ABOUT THIS MATTER AND IF WE RECEIVED AND FURTHER COMPLAINTS ABOUT THE ANIMALS AT THIS ADDRESS FROM ANDY ELLIOT TO SEND THE COMPLAINTS TO HIM #250WILLIAMS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
///301

ACTIVITY

Date	Time	Officer	Activity	Comments
11/21/2007	13:27	250 WILLIAMS, KORIN	ENROUTE	LOCATION- 3450 E 500 N LEWISVILLE
11/21/2007	13:33	250 WILLIAMS, KORIN	ON SCENE	LOCATION- 3450 E 500 N LEWISVILLE
11/21/2007	13:48	250 WILLIAMS, KORIN	CLEAR FOR CALLS	

OFFICER

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000406

10/08/2014 13:05:50
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-07384
CAD: 33477
Status/Dispatch: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: DISTURBANCE HARRASSMENT
Ver NOC: DISTURBANCE HARRASSMENT
Location: 3448 E 500 N LEWISVILLE
Cross St:
District: 55
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 11/21/2007 12:48
Occurred Date: 11/21/2007 TO 11/21/2007
Occurred Time: 12:48:00 TO 12:48:00
Rptd By: WILLIAMS, JACKIE
3448 E 500 N
LEWISVILLE ID
Phone 1: (208) 252-0815
Phone 2:

REPORTED PARTY

250 WILLIAMS, KORIN

SUSPECT

Name	Type	Age
ELLIOTT, CANDACE WHITE	SUSPECT	58
WILLIAMS, JACQUELINE SUE	REPORTED PARTY	41

DESCRIPTION

RP IS BEING HARASSED BY SUBJECT FROM HUMANE SOCIETY OVER DOGS
WENT TO RP'S TO LOOK AT ANIMALS ALL WERE IN GREAT SHAPE VET PAPERS ON HAND FOR
ALL ANIMALS. WILL SPEAK WITH 200 ABOUT THE REACURING CALLS ON THIS
RESIDENCE //250WILLIAMS 200 ADVISED NO MORE CHECKES OF THE ANIMALS
AT THIS RESIDENCE UNLESS WE HAVE OBVIOUS SIGNS OF NEGLECT //250WILLIAMS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

ADDITIONAL INFORMATION

ADDITIONAL INFORMATION

ADDITIONAL INFORMATION

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000407

10/08/2014 13:04:57 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MUCKEY
PAGE 1

Incident #: 01-2007-07861
CAD: 34083
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 100 N 3500 E RIGBY
Cross St:
District: 50
Rpted to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 12/14/2007 19:44
Occurred Date: 12/14/2007 TO 12/14/2007
Occurred Time: 19:44:48 TO 19:44:48
Rpted By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID
Phone 1: (208) 682-5808
Phone 2: (208) 681-4788

PERSONS

POOLE, JEFF
260 KINDRED, JOHN
290 CLEMENTS, JOHN

PROPERTY

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
FORTNER, TERA JENEA	OWNER	28

TERA BRAMWELL HORSES & DONKEYS TWO FEILDS ACROSS THE ROAD FROM EACH OTHER NO FEED ALL FALL NEIGHBOR
PUT MOLDY HAY IN FEILD 2 DAYS AGO "RP WANTS OFFICER CONTACT"
TALKED WITH ANDI - WANTS SOMEONE DURING DAY SHIFT TO CHECK ON THESE HORSES AND
DONKEYS. REFERRED TODAY SHIFT. - 260 TALKED TO 290/CLEMENTS.... HE SAID
HE WAS TAKING CARE OF THIS COMPLAINT-KR 12-15-07..... 12-15-07 I WENT TO
RESIDENCE AND OBSERVED ALL ANIMALS HAVE FOOD AND WATER ACCESIBLE COMPLAINT IS
UNFOUNDED ADVISED ANDI HORSES SHOWED NO SIGNS OF ABUSE.... 290/CLEMENTS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//1301

ACTIVITY

Date	Time	Officer	Activity	Comments
12/15/2007	14:57	290 CLEMENTS, JOHN	QN SCENE	LOCATION- 3500 E 100 N
12/15/2007	15:04	290 CLEMENTS, JOHN	OFFICER INITIATED INFO	LOCATION- HAS WATER AND FEED ON ALL HORSES AND DONKEYS
12/15/2007	15:04	290 CLEMENTS, JOHN	CLEAR FOR CALLS	

OFFICER'S COMMENTS

REMARKS

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000405

10/08/2014 13:04:33
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-00718
CAD: 35404
Status/Dispo: UNFOUNDED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: INFORMATION
Ver. NOC: INFORMATION
Location: 160 N 4090 E RIGBY
Cross St:
District: 80
Rpted to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 01/22/2008 22:15
Occurred Date: 01/22/2008 TO 01/22/2008
Occurred Time: 22:19:00 TO 22:15:00

Rpted By: HUMANE SOCIETY OF THE UPPER VALL
HITT ROAD
IDAHO FALLS ID

Phone 1:
Phone 2: (208) 681-4788

[REDACTED]

[REDACTED]

200 OLSEN, BLAIR
240 WILLIAMS, AARON

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
HUMANE SOCIETY OF THE UPPER	REPORTED PARTY	

[REDACTED]

DOGS BEING NEGLECTED
I CHECKED ON DOGS AT 160 N 4090 E. THE DOGS KENNEL IS ON A CEMENT PAD. IT HAS A BLACK TARP OVER THE TOP OF IT. INSIDE THE KENNEL IS A PLASTIC SHELTER. THE SHELTER IS LARGE ENOUGH TO HOLD 3 OR 4 DOGS. THE DOGS ALSO HAD WATER AND FOOD. OUTSIDE THE KENNEL THERE WAS A SHOVEL WHICH HAD BEEN USED RECENTLY TO REMOVE SNOW FROM THE INSIDE OF THE KENNEL. BOTH DOGS LOOKED HEALTHY. //240/WILLIAMS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000404

10/08/2014 13:02:14
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-01925
CAD: 36940
Status/Disps: ASSIGNED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL DOG
Ver NOC: ANIMAL DOG
Location: 2470 E 2100 N HAMER
Cross St:
District: 20
Rpted to: IBARRA, KANDIE
Dispatch: IBARRA, KANDIE

Reported Date/Time: 03/31/2008 16:50
Occurred Date: 03/31/2008 TO 03/31/2008
Occurred Time: 16:50:35 TO 16:50:35
Rpted By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID
Phone 1: (208) 882-5808
Phone 2: (208) 881-4788

OWNER INFORMATION

275 FULLMER, ALLEN

Name Type Age
ELLIOTT, CANDACE WHITE REPORTED PARTY 68

DESCRIPTION

OWNERS IN A BLU TRAILER N OF ABOVE ADDRESS HAS A DOG THAT IS CHAINED UP WITH NO MORE THAN 3 FT OF CHAIN TO WALK AROUND IN THE YARD RP WOULD LIKE CONTACT I FOUND NO PROBLEMS, DOG APPEARED IN GOOD HEALTH HAD APPROXIMATELY 12 FT CHAIN STRAW IN SHELTER AND FOOD IN FRONT OF ANIMAL NO FURTHER ACTION 275

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//1301

ACTIVITY

<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Activity</u>	<u>Comments</u>
03/31/2008	16:50	275 FULLMER, ALLEN	DISPATCHED	LOCATION- 2470 E 2100 N HAMER
03/31/2008	16:50	275 FULLMER, ALLEN	CLEAR FOR CALLS	
03/31/2008	17:30	275 FULLMER, ALLEN	ON SCENE	LOCATION- 2470 E 2100 N HAMER
03/31/2008	17:35	275 FULLMER, ALLEN	CLEAR FOR CALLS	

PROPERTY

PROPERTY

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000394

10/08/2014 12:58:20 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2008-02696
CAD: 37936
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 113 N 4400 E RIGBY
Cross St:
District: 80
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 05/01/2008 9:00
Occurred Date: 05/01/2008 TO 05/01/2008
Occurred Time: 09:00:00 TO 09:00:00
Rptd By: HUMANE SOCIETY OF THE UPPER VALL
HITT ROAD
IDAHO FALLS ID
Phone 1:
Phone 2: (208) 681-4788

REPORTING OFFICER

POOLE, JEFF
285 JOHNSON, DUSTIN

INVOLVED PARTIES

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
HANSEN, MICHAEL WAYNE	OWNER	26
HUMANE SOCIETY OF THE UPPER 1	REPORTED PARTY	

DESCRIPTION

HORSE NOT BEING FED
SEE REPORT. 210

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 11/301

ADDITIONAL INFORMATION

OFFICER'S COMMENTS

REMARKS

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA060382

I received a complaint from Andi Elliot in reference to a horse being neglected on 4400E. I had deputy Johnson go with me to that location and we did locate a horse in the field behind a yellow trailer house at 113N. The horse does have some spots on its back where the hair has been missing and is starting to grow back. Other than that the horse looks healthy. I did see a barrel full of green alfalfa hay and a tub with water in the field with the horse. There was no one home at the time. I did speak to a neighbor Ardin Ricks at 107N, and asked him about the horse. He said it belongs to Mike Hansen and he says that he sees Hansen feeding the horse daily and he does not see any problem with the horse. I talked to Hansen on the phone and asked him about the horse. He was upset that his neighbor Aimee Goc and Andi Elliot continue to make false accusations about him and his horses. This is the second complaint we have received about horses at this location that was unfounded. Hansen told me and Sergeant Parker on the prior complaint that the horse had lice and he was medicating the horse. Hansen also stated that the other horse that died during the winter was 30 years old and died of old age not starvation. I advised Hansen we would not bother him again.

Captain J Poole

Officer's Signature

Date

10/08/2014 12:54:18

LE006

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-06498

EAMES, MICKEY

CAD: 43256

PAGE 1

Status/Dispatch: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 259 N 3800 E RIGBY
Cross St:
District: 60
Rpted to: GROVER, JERILEE
Dispatch: GROVER, JERILEE

Reported Date/Time: 10/24/2008 22:04
Occurred Date: 10/24/2008 TO 10/24/2008
Occurred Time: 22:04:28 TO 22:04:28

Rptd By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID 83425
Phone 1: (208) 682-9808
Phone 2:

RESIDENTS

270 WOLFE, JOHN
GREEN, BRIAN

Name
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY

Age
59

DESCRIPTION

SUBJECT CALLED RP STATING THEIR NEIGHBOR HAS A PYRENEES DOG WHOSE FOOT WAS CAUGHT IN A TRAP . SHE LOST HER FOOT GANGRENE HAS SET IN AND THAT OWNER IS NOT PROVIDING MEDICAL CARE FOR THE DOG THIS COMPLAINT WAS FAX ED TO THE SHERIFFS OFFICE AND WAS NOT NOTICED UNTIL 2255 HRS. I WENT BY THE RESIDENCE AT APPROX 2318 HRS. ALL OF THE LIGHTS WERE OFF. I SAW A LARGE WHITE DOG DOWN THE DRIVEWAY WITH THE NIGHT VISION. THE DOG APPEARED TO BE WALKING AND RUNNING NORMAL. I HAVE PASSED THIS COMPLAINT DOWN TO DAY SHIFT FOR FOLLOW UP FIRST THING IN THE MORNING..270

I WENT TO THE RESIDENCE AT APPROX. 08:12 AM. I SPOKE WITH TONY MORGAN. TONY STATED HIS DOGS FOOT WAS IN A TRAP MONTHS AGO. TONY SHOWED ME THE DOG. THE DOG WAS AT THE ADDRESS OF 280 N 3700 EAST, TONY'S MOTHERS RESIDENCE. THE DOG WAS RUNNING AROUND WHEN I SAW IT. THE DOG WOULD NOT STAND OR RUN ON THE LEG THAT WAS HURT BUT WOULD PUT IT DOWN WHEN SITTING. I TOOK PICTURES OF THE DOGS FOOT. THERE WERE NO OPEN SORES ON THE FOOT. I SAW TONY GRAB THE FOOT SO I COULD SEE THE DOG WAS NOT IN PAIN. I SPOKE WITH ANDI ON THE PHONE AND TOLD HER WHAT WAS GOING ON. ANDI SAID THANKS FOR THE HELP. I CALLED 210 THE WEEKEND SUPERVISOR AND ADVISED HIM OF THE SITUATION. // 295

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

ACTIVITY

Date	Time	Officer	Activity	Comments
10/24/2008	23:13	270 WOLFE, JOHN	ENROUTE	LOCATION- 259 N 3800 E RIGBY
10/24/2008	23:17	270 WOLFE, JOHN	LOCATION	LOCATION- IN AREA
10/24/2008	23:22	270 WOLFE, JOHN	CLEAR FOR CALLS	
10/25/2008	8:12	GREEN, BRIAN	ON SCENE	LOCATION- SO
10/25/2008	8:28	GREEN, BRIAN	STATUS CHECK	LOCATION- SO
10/25/2008	8:38	GREEN, BRIAN	CLEAR FOR CALLS	

INCIDENT NOTES

OFFICER COMMENTS

PA000379

10/08/2014 12:54:18
EAMES, MICKEY
PAGE 2
OFFICER

LE006

JEFFERSON CTY SHERIFF'S OFFICE
INCIDENT SUMMARY

Incident #: 01-2008-06498
CAD: 43256
Status/Dispo: CLOSED

REVIEWED BY

*****END OF REPORT*****

PA000380

10/08/2014 12:33:40 LE006
EAMES, MICKY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2010-02015
CAD: 58140
Status/Type: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMALABUSE
Ver NOC: ANIMALABUSE
Location: HAMER- & 2100 N HAMER
Cross St: 2100 N
District: 20
Rpted to: RAYMOND, KARRIE
Dispatch: RAYMOND, KARRIE

Reported Date/Time: 04/23/2010 19:19
Occurred Date: 04/23/2010 TO 04/23/2010
Occurred Time: 19:19:59 TO 19:19:59
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-6808
Phone 2:

PERSONS INVOLVED

290 CLEMENTS, JOHN

Name	Type	Age
CARRILLO, OLIVIA ROSALES	OWNER	62
ELLIOTT, CANDACE WHITE	REPORTED PARTY	60
HUMANE SOCIETY OF THE UPPER	REPORTED PARTY	

INCIDENT NARRATIVE

FAX FROM ANCI ELLIOT GREAT PYRENEES DOG IS ON A VERY SHORT CHAIN AND CANNOT REACH ADEQUATE SHELTER OR FOOD AND WATER.
RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

ACTIVITY

Date	Time	Officer	Activity	Comments
04/23/2010	18:47	290 CLEMENTS, JOHN	NOTIFY	LOCATION- HAMER- & 2100 N HAMER

ADDITIONAL COMMENTS

REMARKS

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000633

On April 23, 2010 I was advised of a possible animal abuse complaint in the Hammer area. I responded to the area and located the animal at 2470 E 2100 N. I spoke with the animal owner Olivia Rosales Carrillo. Olivia gave me permission to walk out and look at the dog.

I walked out to the area the dog was at. I observed the dog had approximately a twenty foot chain to move on. I observed there were multiple five gallon buckets with water in them. I observed the buckets of water were clean and appeared to be freshly filled. I observed there was a chicken coop next to the dog with an opening the dog could get in and out of. I observed the dog had a food dish with food in it. I photographed the animal and the area around the animal. Photos are downloaded on G drive.

I spoke with Olivia again. Olivia showed me a fifty pound bag of dog food and advised she fills the dogs dish daily. Olivia advised she knew Andy Elliot was the one complaining and she wanted her to stay off the property and quit harassing her.

I called Andy Elliot back and advised her of my findings and that Olivia wanted her to stay off the property and to quit harassing her. Andy said she was glad we looked at the animal and felt better about it now. I advised Andy we would check on the dog again in a couple of days.

Officer's Signature

Date

Jefferson County Sheriff's Office
1002015.002

OPEN-28-ZUIR BAIGI PH CAUDS

P.1.1

THE HUMANE SOCIETY OF THE UPPER VALLEY
PO BOX 31031
IDAHO FALLS, IDAHO 83403

2/17/15
E

April 23, 2010

To: Jefferson County Sheriff's Department

Re: Gosnell Pyromaniac Dog

Dear Sir:

The above dog is located on 2100N in Hammer. It is chained behind a trailer just west of where road gravel is stored and yards from the Residence's property. The address is partially obscured. The yard has characteristics of a fence around the property.

Today I have observed this dog on a very short chain and I cannot tell from a distance whether he is tangled or simply does not have a chain adequate for his large breed. He is barking/whining hysterically at being unable to move freely and is frequently barking.

I have indicated this dog all winter. He was chained to a large doghouse, which just simply seems to deteriorate a few weeks ago. Shortly afterwards he was moved to his current location. Apparently another had not been provided. I believe he can crawl under a ramp, which is not proper shelter. His chain may be too short to even do this.

Usually his white waste bucket is placed about 4-6 feet away from where he can currently access it as it usually can be seen from the paved road.

I received a complaint about the dog some weeks ago as the dog is allowed to run freely at home. I have personally noted that the dog is becoming more aggressive than longer it is chained. A neighbor threatened to shoot it as he has grandchildren that frequently visit.

The dog had also been aggressive towards me as I walk from my home to the Hamner Post Office. I've seen small children on the owner's property. It would be too tragic if the dog, by his growing frustration, went to attack a child should it wander into the dog's area.

I would appreciate a "welfare check" on this animal and a call back regarding this situation.

Thank you,

Ann E. Hillon
660-3788
OO: HSUV



12/08/2014 11:36:41 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2011-07531
CAD: 75353
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 2115 N 2497 E HAMER
Cross St:
District: 20
Rptd to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 12/31/2011 12:10
Occurred Date: 12/31/2011 TO 12/31/2011
Occurred Time: 12:10:00 TO 12:10:00
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID: 63425
Phone 1: (208) 682-5808
Phone 2:

REPORTING OFFICER

REPORTING PARTY

260 SMITH, LELAND

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	62
PUNTE, PEDRO	OWNER	45

CONCERNED NEIGHBOR MADE CONTACT WITH THE RP ABOUT SOME HORSES IN THE AREA NOT BEING FED UNKNOWN ADDRESS OR OWNERS NAME/NORTH OF RPS ADDRESS 260 ADV HORSES ARE IN GOOD BODY CONDITION PLENTY OF FOOD AND WATER 260 MADE CONTACT WITH RP AND ADV I RESPONDED AND FOUND THE HORSES IN GOOD CONDITION, THERE WAS ROUGHLY THREE TONS OF HAY IN THE BACK OF THE HORSE SHED AND THEIR FEED TUB HAD ROUGHLY THREE BALES WORTH OF HAY IN IT AT THE TIME I INSPECTED THEM. THERE IS A WATER TUB ROUGHLY 1000 GALLONS IN SIZE THAT IS THREE QUARTERS OF THE WAY FULL OF WATER WITH A TANK HEATER IN IT. I TOOK PHOTOS, CLAIMS ARE UNFOUNDED.....260.....1-17-12 GOT A FAX FROM MRS. ELLIOT WITH CONCERN FOR THE HORSES TODAY. I HAD BEEN OUT AND LOOKED AT THE HORSES AROUND ELEVEN THIS MORNING AND THERE IS STILL HAY IN THE SHED AND THE HORSES LOOKED GOOD. I HAD ALSO LEFT A CARD AND PEDRO CALLED ME AROUND SIX P.M. AND VERIFIED HE HAD FED THEM TONIGHT. HORSES ARE STILL IN GOOD CONDITION AND BEING CAREED FOR....260

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//7301

Date	Time	Officer	Activity	Comments
12/31/2011	17:08	260 SMITH, LELAND	DISPATCHED	LOCATION- HAMER- HAMER
12/31/2011	17:07	260 SMITH, LELAND	CLEAR FOR CALLS	

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000515

10/08/2014 11:25:34 LEC06 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2012-01905
CAD: 77909
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 3933 E 200 N RIGBY
Cross St:
District: 60
Rpted to: WILLIAMS, JENNIFER
Dispatch: WILLIAMS, JENNIFER

Reported Date/Time: 04/17/2012 21:39
Occurred Date: 04/18/2012 TO 04/18/2012
Occurred Time: 12:19:17 TO 12:19:17
Rpted By: ELLIOTT, CANDACE WHITE
2488 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-8808
Phone 2:

[REDACTED]

[REDACTED]

391 WICHMANN, ANDREW

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	62

[REDACTED]

-----VIA FAX----- ANIMAL ABUSE ON DOGS
I WAS ADVISED BY 290 THAT SOME DOGS WERE BEING ABUSED AT THIS RESIDENCE. I
WENT TO THE RESIDENCE AND OBSERVED ONE DOG AND IT APPEARED TO BE HEALTHY
285/WICHMANN

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 11/301

[REDACTED]

Date	Time	Officer	Activity	Comments
04/18/2012	12:21	391 WICHMANN, ANDREW	NOTIFY	LOCATION-3933 E 200 N RIGBY MAP 30/34

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000471

Jefferson County Sheriff's Office
1201905.001

Apr 17 12 09:39p

John Grubb

208-862-5808

P. 1

17 April 2012

To: Deputy Clements

Re: Horse with the long hooves on HWY 48

Deputy Clements;

Just received a call from Marsha McDaniel...she goes by the horse daily on the way to care for her horses. She saw the paint in question today and said that the horse had not received the needed care.

And another complaint about Todd Covington...he's got a litter of puppies you might check on...just so you know.

Thanks,

Andi

Andi

PA000472

10/08/2014 11:25:11 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2012-02816
CAD: 79128
Status/Dtpe: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL HORSE
Ver NOC: ANIMAL HORSE
Location: 2497 E 2100 N HAMER
Cross St:
District: 20
Rptd to: LISA PHIPPEN
Dispatch: LISA PHIPPEN

Reported Date/Time: 05/30/2012 15:33
Occurred Date: 05/30/2012 TO 05/30/2012
Occurred Time: 15:33:28 TO 15:33:28
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2:

OWNER INFORMATION

260 SMITH, LELAND

REPORTING PARTY

Name
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY

Age
62

DESCRIPTION

RP WANTED HORSES CHECKED ON BECAUSE THEY LOOK THIN OFFICER FOUND HORSES IN FIT BODY CONDITION NO PROBLEM I RESPONDED AND FOUND THE FEEDER WITH ROUGHLY THREE BALES IN IT FOR THE TWO HORSES. THEY HAD FRESH WATER ALSO. THE HORSES WERE IN A FIT CONDITION AND I THEN WENT OVER AND ADVISED MRS. ELLIOT. NO FURTHER ACTION NEEDED.....260

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
///301

ACTIVITY

Date	Time	Officer	Activity	Comments
05/30/2012	15:33	260 SMITH, LELAND	DISPATCHED	LOCATION- 2497 E 2100 N HAMER
05/30/2012	15:33	260 SMITH, LELAND	CLEAR FOR CALLS	

REMARKS

ADDITIONAL INFORMATION

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000470

10/08/2014 11:30:42

LE006

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2012-07037

EAMES, MICKEY

CAD: 84673

PAGE 1

Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 1995 N 2500 E HAMER
Cross St:
District: 20
Rptd to: HODGES, RANDY
Dispatch: HODGES, RANDY

Reported Date/Time: 12/20/2012 11:55
Occurred Date: 12/20/2012 TO 12/20/2012
Occurred Time: 11:55:33 TO 11:55:33
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2: (208) 662-5808

INVOLVED PARTIES

290 CLEMENTS, JOHN

REPORTED PARTY

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	63
MURDOCK, DAN E	OWNER	57

DESCRIPTION

HORSES ONLY BEING FED EVERY OTHER DAY
WENT TO THE HOME SPOKE WITH DAUGHTER WAS GIVEN PERMISSION TO GO LOOK AT
ANIMALS. WENT TO PASTURE THERE IS FOOD IN THE PASTURE AND WATER AVAILABLE. I
OBSERVED THE HORSES WERE ALL AT A GOOD BODY WEIGHT AT THIS TIME. PHOTOS LOADED
INTO G DRIVE. 290/CLEMENTS

ANDI ELLIOTT REQUESTED INCIDENT REFERRED TO PROSECUTORS OFFICE BY 200
08/21/13 //301

DAN MURDOCK REQUESTED AND RECEIVED INCIDENT 01/31/14 //301

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/02/14
//301

ACTIVITY

Date	Time	Officer	Activity	Comments
12/20/2012	11:58	290 CLEMENTS, JOHN	NOTIFY	LOCATION- 1995 N 2500 E HAMER
12/20/2012	12:16	290 CLEMENTS, JOHN	ON SCENE	LOCATION- 1995 N 2500 E HAMER
12/20/2012	12:25	290 CLEMENTS, JOHN	STATUS CHECK	LOCATION- 1995 N 2500 E HAMER
12/20/2012	12:28	290 CLEMENTS, JOHN	CLEAR FOR CALLS	

NOTES

REMARKS

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000462

10/08/2014 11:17:36
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2013-00467
CAD: 83306
Status/Dispo: CLOSED

ENGRAD E N E S U M M R Y

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMALABUSE
Ver NOC: ANIMALABUSE
Location: 2484 E 2100 N HAMER
Cross St:
District: 20
Rpted to: HODGES, RANDY
Dispatch: HODGES, RANDY

Reported Date/Time: 01/28/2013 0:38
Occurred Date: 01/28/2013 TO 01/28/2013
Occurred Time: 00:38:20 TO 00:38:20
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 63425
Phone 1: (208) 662-5808
Phone 2:

[REDACTED]

[REDACTED]

240 WILLIAMS, AARON
290 CLEMENTS, JOHN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	63
OSBURN, GRADY EUGENE	OWNER	44
OSBURN, SANDRA	OWNER	43

[REDACTED]

MULTIPLE ANIMALS NOT BEING FED.
WEN TO THE ADDRESS AND SPOKE WITH THE OWNER THEY SHOWED ME THE ANIMALS ALL THE
ANIMALS APPEARED TO BE OF GOOD BODY WEIGHT. I WAS SHOWN THE OWNERS ARE FEEDING
PELET FOOD NOT HAY BALES. VIDEO LOADED TO G DRIVE... 290/CLEMENTS

CALLED AND LEFT A MESSAGE FOR ANDY REGARDING THE FINDINGS... 290/CLEMENTS

GRADY OSBURN REQUESTED AND RECEIVED INCIDENT / NARATIVE 11/07/13
//301

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000451

Jefferson County Sheriff's Office
1300467.001



Jan 27 13 06:04p John Grubb

208-662-5808

P. 1

2013-00467

240 notified.

Westside Had Already
Checked Off.

27 January 2013

To: Deputy John Clements or officer on duty

Re: Animals belonging to Grady and Sandy Osburn, Hamer

(They are located on the curve after you cross the tracks in Hamer on 2100N.)

They have a conglomeration of animals. 3 of the neighbors have expressed concerns to me about the lack of care and feed that the animals receive.

We passed by them on the way from church this afternoon. The cow is trying to find food in an empty feed container, one of the goats is chewing on a stick. The neighbors say that sporadically they receive hay.

I personally have given them feed for their pigs and chickens. Neighbors have complained to me that they have witnessed Grady and one of the boys beating the animals with a chain/board. I've communicated this to Sandy without much success it seems.

So, I've tried to call them today several times but the phone company says the number is temporarily unavailable...whatever that means.

Anyhow, if you could do a welfare check, it would be appreciated and please let me know. I know some of the neighbors would donate a bale or two of hay which would be only a temporary fix.

Thanks,

Andi

Andi

24164 E 2100N

662-5808

419-3064

incident

2012-00467

PA000452

Jefferson County Sheriff's Office
1300467.002

Jan 29 13 10:34p

John Grubb

208-562-5608

P. 1

29 January 2013

To: Deputy John Clements

Re: Hamer Animals

Thanks so much for checking on them. I'll let their neighbors know what's going on with the feed. They've been right concerned and I bet I've had complaints for over two years now about that situation. Even had complaints about the pigs from someone well experienced with pigs. I've been trying to help out especially since they are close neighbors.

Just an FYI: I've been asked by one of my neighbors to trap a litter of kittens in their barn. It's the Neiderer...so, I'll be in and out of their barn for a few weeks trying to round them up and get them over to Cedar Ridge Vet to have them spayed/neutered. They are giving out \$35-\$50 coupons for s/n if you know of anyone needing one. I believe the program continues for another 5 weeks.

Also, I think a "problem" that has been rather persistent over in Madison has moved his ponies over to Jefferson to hide out for awhile because there have been so many complaints about the lack of care about his animals (ponies/llamas/cows)...at least that is what I've been told. Some of the ponies have hooves like the one you dealt with last year...curled up like elf shoes. I've been sent pictures. If I find that they are in your territory, I'll let you know.

Were you ever able to locate the mother dog out in Mud Lake?

Thanks again.

Andi

Andi

PA000453

Jefferson County Sheriff's Office
(300467.003)



Feb 03 13 09:44p

John Grubb

208-662-5808

P. 1

3 February 2013

Deputy John Clements,

Just to let you know that a fourth family has complained about the Grady Osburn animals in Hamer and were greatly relieved to learn that he was feeding them hay pellets. Thanks for checking on them.

An aside: While trapping ferals Wednesday afternoon, I set the trap, left it for ten minutes, and when I returned I had 3 cats in the trap at the same time. I took them to the vet immediately. ALL three were females! What are the odds of that happening?

Andi

Andi

PA000454

10/08/2014 11:16:30 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2013-03184
CAD: 89052
Status/Date: UNFOUNDED

ENCLOSURE SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 70 N 4000 E RIGBY
Cross St:
District: 60
Rptd to: RACKHAM, LESLIE
Dbpatch: RACKHAM, LESLIE

Reported Date/Time: 08/12/2013 14:27
Occurred Date: 08/12/2013 TO 08/12/2013
Occurred Time: 14:27:12 TO 14:27:12
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 3100 N
HAMER ID 83425
Phone 1: (208) 682-5808
Phone 2:

Resident Data

391 WICHMANN, ANDREW

Personnel

Name	Type	Age
BUTLER, CANDICE	OTHER	00
ELLIOTT, CANDACE WHITE	REPORTED PARTY	63
FISHER, JAMES LEE	OWNER	54

Incident Description

FAXED RECEIVED FROM THE RP STATING THAT PERSON THAT LIVES AT ABOVE ADDRESS IS ABUSING HIS HORSES BY NOT GETTING MEDICAL ATTENTION AS NEEDED AND ALSO NOT FEEDING /WATERING THEM I RESPONDED TO THE RESIDENCE THE HOME OWNER WAS NOT HOME, THE HORSES THAT I OBSERVED DID NOT APPEAR TO BE ABUSED 265WICHMANN

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

Activity Log

Date	Time	Officer	Activity	Comments
08/12/2013	14:29	391 WICHMANN, ANDREW	DISPATCHED	LOCATION- 70 N 4000 E RIGBY
08/12/2013	14:34	391 WICHMANN, ANDREW	ON SCENE	LOCATION- 70 N 4000 E RIGBY
08/12/2013	14:54	391 WICHMANN, ANDREW	CLEAR FOR CALLS	

Officer Signature

Supervisor Signature

OFFICER

REVIEWED BY

*****END OF REPORT*****

10/08/2014 11:13:05 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2013-06335
CAD: 93153
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 2484 E 2100 N HAMER
Cross St:
District: 79
Rptd to: TOMCHAK, JANELLE
Dispatch: TOMCHAK, JANELLE

Reported Date/Time: 10/31/2013 11:30
Occurred Date: 10/31/2013 TO 10/31/2013
Occurred Time: 11:30:10 TO 11:30:10
Rptd By: ELLIOTT, CANDACE WHITE
2488 E 2100 N
HAMER ID 83425
Phone 1: (208) 862-5808
Phone 2: (208) 419-8064

REPORTING OFFICERS

260 SMITH, LELAND
270 WOLFE, JOHN

REPORTING PARTY

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	64
OSBURN, GRADY EUGENE	OWNER	45

DESCRIPTION

GRADY OSBOURNE NEIGHBORS ONE OF THE COWS APPEARS TO BE LOSING WEIGHT CHWING ON STICKS NO FOOD VISIBLE BRO-WHT COW 8 RIBS SEEN FROM ROADWAY I RESPONDED AND FOUND THE COW HAD SLIGHT SIGNS OF RIBS SHOWING BUT THAT IT WAS ALSO A DAIRY BREED OF COW SO DID NOT FIND ANY NEGLECT. THERE WAS HAY ON THE GROUND IN WITH THE COW THAT WAS NOT GONE AND THE COW WAS DOWN LAYING DOWN. THERE WERE THREE ONE TON BAIL'S OF HAY NEXT TO THE PEN. I ADVISED THE OWNER THAT I WOULD FOLLOW UP WITH THE COWS CONDITION BUT FOUND NO NEGLECT.....260

GRADY OSBURN REQUESTED AND RECEIVED INCIDENT 11/07/13 //301

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

CALLS

Date	Time	Officer	Activity	Comments
10/31/2013	13:19	270 WOLFE, JOHN	DISPATCHED	LOCATION- 2484 E 2100 N HAMER
10/31/2013	13:19	270 WOLFE, JOHN	CLEAR FOR CALLS	
10/31/2013	13:19	260 SMITH, LELAND	ON SCENE	LOCATION- 2484 E 2100 N HAMER
10/31/2013	13:32	260 SMITH, LELAND	CLEAR FOR CALLS	LOCATION- 2484 E 2100 N HAMER

ADDITIONAL INFORMATION

REPORT

OFFICER _____ REVIEWED BY _____

*****END OF REPORT*****

PA000447

10/08/2014 11:09:38 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2014-03326
CAD: 98839
Status/Date: UNFOUNDED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 3570 E 665 N MENAN
Cross St:
District: 45
Rpted to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 08/17/2014 12:09
Occurred Date: 08/17/2014 TO 08/17/2014
Occurred Time: 12:09:20 TO 12:09:20
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-6808
Phone 2:

PERSONS INVOLVED

290 CLEMENTS, JOHN

Name	Type	Age
BERRY, PETER SHANNON	OWNER	48
ELLIOTT, CANDACE WHITE	REPORTED PARTY	64

DESCRIPTION

290 TO FILL DETAILS
SPOKE WITH THE OWNER OF THE HORSES LOOKED AT THE ANIMALS AND EVERYTHING WAS
10-4 HORSES WERE IN GOOD HEALTH EXCEPT ONE OLD HORSE WITH NO TEETH LEFT...
290/CLEMENTS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

ACTIVITY

Date	Time	Officer	Activity	Comments
08/17/2014	12:10	290 CLEMENTS, JOHN	DISPATCHED	LOCATION- 3570 E 665 N MENAN
08/17/2014	12:10	290 CLEMENTS, JOHN	ON SCENE	LOCATION- 3570 E 665 N MENAN
08/17/2014	12:21	290 CLEMENTS, JOHN	CLEAR FOR CALLS	

OFFICER'S COMMENTS

REMARKS

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000563



Jun 13 14 02:57p

John Grubb

208-662-5808

P. 1

13 June 2014

To: Deputy John Clements

Re: Horses in Menan

This morning I received a call regarding some "rall thin" horses in Menan.

I'm told they belong to a "Teach"?? and Janet Berry and the driving directions are as follows:

-driving eastward, turn left at Watson's Bar

-go to the next block

-take a right

-1st house has some black horses which caller says are fine

-next house has 3 Appaloosa/whitish horses including a filly

-no feed present/thin horses/neighborhood kids have been sticking grass through the fence to them.

I won't be able to get over that way until probably after church on Sunday.

Thought I'd give you a heads up.

Thanks,

Andi

445-9212

PA000564

Jefferson County Sheriff's Office
1403326.001



Jun 18 14 11:59a

John Grubb

206-662-5808

P. 1

17 June 2014

Deputy Clements,

Thanks for the follow up call. I think you are right about those horses. Wasn't sure about the old horse though.

I have to wonder how many times these situations are reported because of possible "neighbor conflicts".

Just an FYI: I haven't received any inquiries about the dog abandoned out at Market Lake a few weeks ago. I've had him vaccinated and his teeth cleaned, so I'll be looking to rehome him.

Andi

745-9212

PA000565

Exhibit 3

Andi Elliott September 18, 2011

To: Idaho State Police Headquarters

700 S Stratford Drive

Meldian, Idaho 83642

Re: Citizen Harassment by Sheriff Blair Olsen and Prosecutor Robin Dunn

Jefferson County, Idaho

Dear Sir:

For the third time in a handful of years, I have been charged with trespass by the Sheriff and Prosecutor. The first time involved some half-starved horses belonging to a friend of the Sheriff in Menan, where Olsen lives. Neighbors had made repeated complaints to the Sheriff's Department that went unheeded. Eventually, I was called (I am a life-long animal welfare advocate and been involved in animal cruelty cases for decades.)

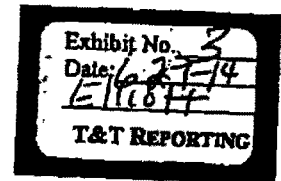
While obtaining pictures of the starved horses, I drove down a gravel and dirt lane with a dead end sign posted on it. Thinking there was a turn around, I drove down the lane and took pictures which I sent to the state vet who immediately responded and the dozens of horses were put under the care of a local veterinarian. The story went nationwide and it caused a great deal of embarrassment for Olsen and Dunn.

I was charged with trespass and while the jury was being selected then Prosecutor Penny Shaul spoke with my then attorney, Mike Gaffney and told him that they were only prosecuting the case because it was "Andi" as most of these situations would have resulted in a warning. Mrs. Shaul also said that if Jefferson County were to prosecute me successfully that they would be perceived poorly by the public and if I were to win, JC would refuse to work on enforcing state animal cruelty laws. She said that if I were to "settle" they would set up a procedure to handle county animal cruelty and neglect cases. They did not keep their word.

Also, for a misdemeanor trespassing charge, Mrs. Shaul indicated to me personally that they had examined aerial photographs of my home. Is this standard operating procedure for a trespassing charge?

NOTE: Even with a veterinarian's statement, as required by Idaho Law, no animal cruelty charges were filed against the owner.

In 2009/2010, again I was charged with trespassing after having been sent out by the Jefferson County Sheriff's Department to offer assistance for a mother dog with multiple broken legs left in the cold and snow nursing 7/8 puppies for 5 days. This was later amended to a "trespassing" by agency charge since



the first charge was ridiculous. Olsen and Dunn, after six months of court appearances, filed a Motion to Dismiss containing utterly absurd reasons which my attorney immediately protested. Dunn and Olsen capitulated and the case was dismissed.

This was after Olsen wrote an editorial that appeared in the local newspaper and Dunn called a radio talk show host to discuss my case calling me Southern White trash, a hillbilly from Tennessee and a bigot, WHILE IT WAS AN ACTIVE CASE. And Dunn admitted that he was biased against me to the talk show host (heard in 18 states) and Olsen stated in his editorial that I was guilty and we hadn't even gone to trial yet. It's totally inappropriate and prejudicial for a sheriff and prosecutor to behave in such a reckless manner without regard to my Constitutional protections.

Over the years, I have been told as I go about my business in Jefferson County to "watch my back", that Dunn is "out for blood", to be sure that no one has a chance to "plant drugs" in my possession (I barely know what drugs look like). One of the members of the reserve sheriff's association told a friend of mine that Olsen is still angry over the national publicity received on the horse starvation case in Menan. (Folks from all over the world bombarded Olsen and Dunn's offices for a week...the Deputy Prosecutor, Penny Shaul, personally told me this.)

Again, a national embarrassment for Olsen and Dunn and again, no cruelty charges were filed even with a veterinarian's statement of bones/legs broken in four places.

The complainant told the rescuer that came to take the dog to the vet (Olsen charged him with felony grand theft) that he didn't charge "Andi" but that it was the sheriff. There is evidence that Olsen "coaxed" the complainant and a person who called in to a local radio talk show, said on air that it was common knowledge in Menan that Olsen had threatened to charge the owner of the animal if he didn't sign a complaint against me.

Both of the latter times, my husband was with me as a witness and he was not charged. There was also a trespass charge against a Channel 3 reporter that strangely "disappeared".

Now, July/August of 2011 and once again I have been charged with trespass and I have NEVER been on the complainant's property and now they say I returned to the property. This is ludicrous. And the timing is also suspect as in mid-July, I made public that my book about the mother dog with broken legs was ready to be published which is certainly not favorable to Olsen and Dunn as it reveals their attempts to manipulate, distort and hide the facts of the case. Shortly thereafter, I was charged for the third time.

Please note: Other than minor traffic infractions (speeding), I have managed to have go a lifetime without a criminal record. I work successfully with officers/deputies in other counties on cruelty cases all the time even currently. Olsen and Dunn have repeatedly refused to enforce Idaho's animal cruelty laws which is negligence of duty on their part and in such cases, not only have I contacted the state vet but also the media. Currently, they are trying to place a "gag order" on me for speaking with the media.

All of this was preceded by a personal phone call from Sheriff Olsen to me at my home a couple of years after the Menan dog starvation case of 2003/04 (another embarrassment for Olsen) in which he told me four things: I was a newcomer (I moved here in 2001), I was unwelcomed in Jefferson County, to butt out of the animal cruelty business, and that I failed to understand how things were done here in Idaho. Unfortunately, I understand all too well.

As you can tell, this situation has gone on for years now and I have pictures, names, and dates and just about anything you could want in regards to these situations. We have, in Jefferson County, a sheriff and a prosecutor who fail to uphold the law and are intent upon punishing anyone that forces them to do so...they are out of control and in their blind hatred of me are themselves infringing upon the law.

And if this doesn't suffice for a request for a formal investigation, please inform me of the protocol and I will comply promptly. These county officials are infringing on my Constitutional rights; they have repeatedly attempted to intimidate and silence me as they also have Channel 3 TV. They have attempted to destroy my reputation. It is time that they are stopped.

Thank you for your prompt attention to this matter. I'll be looking forward to your reply and will also inform my attorney and hope that he won't be angry.

Sincerely,

Andi Elliott

2498E 2100N

Hamer, ID 83425

662-5808

September 18, 2011 at 7:27pm · 1

Exhibit 6

Exhibit No. 6
Date: 6-27-14
Elliott
T&T REPORTING

GUEST LETTERS

Can't resist the opportunity to look stupid

To The Editor, The Jefferson Star:

Just like clockwork, about every two years Sheriff Olsen and Prosecutor Dunn charge me with trespass. If that doesn't work, then it's trespass by agency, meaning I sent someone else out there. It's happened twice before.

This time it's one of my neighbors in Hamer who lives right down road from me. I didn't know he existed and I have never been on his property, but I'm betting he thinks I'm the one that filed a complaint about his ragged looking horse.

No, sir, it wasn't me, but your neighbors, a couple of them, as I was told again last night. I didn't even know about it until the deputy told me your horse was in poor shape. I did see the

pictures posted by someone on Facebook though, but it wasn't me.

I'm including this case in my latest book. I just finished one about the mother dog with broken legs, and I've got time now to concentrate on a new one.

I received a call from Olsen himself a few years back telling me that I was unwelcome in Jefferson County and to butt out and that I didn't understand how things were done in Idaho. It looks like our county officials could focus on enforcing Idaho's sparse animal cruelty laws instead of, as a friend said, "being incapable of resisting the opportunity to look stupid." Perhaps third time's the charm.

Andi Elliott
Hamer

Exhibit 55

COPY OF LETTER TO THE IDAHO SHERIFF'S ASSOCIATION

26th February 2010

To: Idaho Sheriff's Association

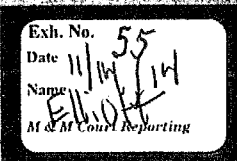
Re: Jefferson County Prosecutor Robin Dunn

Jefferson County Sheriff Blair Olsen

Dear Sir:

As the defendant in a criminal trespass case that has been scheduled since November, I am writing to express my concerns with the actions of the above county officials. It was my intent to wait until after the trial today but now, late yesterday afternoon, (after a witness from Boise and supporters from out of state has traveled to Idaho Falls) I have been told that it is rescheduled until May 4th. This last minute request for delay is inexcusable and especially in light of the fact that just last week in court, Mr. Dunn told the judge that the trial would take an hour. Also, I assume that a timeframe of 6 months is still considered under the Constitution to be a "speedy" trial.

I have been charged with criminal trespass and you would think from the actions of the prosecutor and the time and resources devoted to this case that it is a capital murder offense. A Jefferson County Deputy (we have his written statement) asked me to go offer assistance to the owner of a dog who had been hit by a car and had multiple broken legs



PLP000171

and had been left in the owner's yard in the snow trying to nurse 7 or 8 puppies for, at that point in time, 3 days. Because of the failure of Sheriff Olsen to enforce Ch 25-3511 of the Idaho Codes, the dog was allowed to suffer "needlessly" for 5 days before help from outside of the county arrived and took the dog to the vet.

As the president of The Humane Society of the Upper Valley for 6 or 7 years, I have worked with the JCSD on many animal cruelty issues since 2002 and have even been written into a Jefferson County court order when the cruelty situation warranted it. (Ben Juenke, Animal Cruelty probation violation.) HSUV continues to receive referrals from the JCSD for assistance with animal welfare issues as the county officials have stated that animals are not priority and therefore there no monies have been budgeted to deal with these issues. HSUV has picked up the bill for years and even at one point, with an especially horrendous case, I personally paid \$2000 of a \$2400 bill, so that Sheriff Olsen wouldn't be stuck with such a huge expense.

In this current case in Mud Lake, ID, I was instructed by a JC Deputy to go to the home of the owner and offer assistance to the owner which I did on NOV 22. (The deputy's statement corroborates this.) Upon arrival and seeing the condition of the dog from a neighbor's yard (I had the neighbor's permission to park in her drive). I immediately called for a deputy. The dog obviously needed medical care. It appeared that the dog had two broken legs that later was confirmed by veterinary x-rays. I offered to pay the vet bill and asked that the state vet be called out for an opinion; both of these options were rejected by the Sheriff. And so, the dog was left in the snow without care.

PLP000172

I returned home and sent pictures to the media and the Humane Society of the United States who immediately stepped in to try and help this dog. On the 5th day, someone who had seen the story on the media, drove from Boise and with the permission of the owner, took Barbie and her puppies to his vet in Ada County. He was later charged with felony grand theft by Olsen and Dunn. Please note, that to this day, the owner, Raul Torres, has not been charged with animal cruelty.

On the 23rd of Nov, I was cited for criminal trespass. Since then Prosecutor Dunn has amended the charges twice and even yesterday, the eve of the trial. Evidently, he couldn't prove the trespass charge so my charges and dates continue to be "expanded". Mr. Dunn has been reluctant to be forthcoming with my attorney and the judge to say exactly what I am being charged with...multiple days, sending out agents, etc. He appears to be grasping at straws here.

Also, I find it amusing that Mr. Dunn has delivered to my attorney a stack of my editorials and transcripts of radio interviews I have written and discussed on air dealing with animal and political issues over the years...something I have done my entire life. I am under the impression that my First Amendments rights are still in effect, even though I now live in Jefferson County. Nor did I realize that Mr. Dunn is my most ardent "reader".

Additionally, Mr. Dunn has gone out of his way to describe me as an "animal rights activists" though a year and a half ago, I explicitly explained to Sheriff Olsen and a half a dozen others in a meeting in Dunn's office that included a representative of Humane Society of the United States that I am NOT an animal rights' activist. I am however an animal welfare advocate which is especially needed in Jefferson County

PLP000173

as county officials refuse to do their duty as required by law. It now appears that someone who "advocates" enforcement of Idaho law regarding animal welfare is a criminal only in Jefferson County.

On the 29th of January, Mr. Dunn called Tracie Hotchner, host of Dog Talk Radio that has a listening audience in some 15-20 states. Ms. Hotchner has provided notes of her conversation with Dunn and a follow up podcast. During this interview, he called me a "hillbilly" from "Tennessee" (I am originally from Virginia). He admitted that he did not like me and is biased against me. Mrs. Hotchner would be glad to provide a copy of her notes.

Sheriff Olsen has failed to enforce Idaho law that has been explained to him in depth by The Humane Society of the United State Director of Animal Cruelty, Adam Parascandola in Washinton, DC. And this is not the first time...in a case about a year and a half ago, half-starved horses, (which I am *told* belonged to a friend of Olsen's) were allowed to needlessly suffer. When the state vet saw pictures of these horses, he immediately went to the property and placed the horses under the care of a local vet. No animal cruelty charges were filed against the owner but I was charged with trespass because I drove down a dirt lane with a dead end sign. Pictures indicate a "no trespassing/keep out" sign on a fence post that to a reasonable person would be applicable to the pasture. So, for the first time in my entire life, I have a criminal record...only in Jefferson County would this happen.

It is important to note that several years ago, Sheriff Olsen called me at home and told me four things: he called me a newcomer (I had only lived in Jefferson County since 2001); he told me I was un-welcomed in Jefferson County; he told me that I was to butt out of the animal

PLP000174

welfare business; and I was told that I didn't understand how things were done here in Idaho. I maintain that the concept of humanness is universal to modern society. (Please note that I have lived all over the US and been involved in cruelty cases since I was 15 and have never had a sheriff call my home to try and intimidate me. I told many people about this incident at the time it occurred as a form of "documentation". My former attorney also knows of this incident.)

Additionally, Sheriff Olsen has made a habit of threatening the media on three occasions now as they have covered stories of animal abuse in the county. (Ch 3 KIDK can verify this information.) My copy of the Constitution guarantees freedom of the press. Also, Olsen has written an op-ed piece that appeared in the Post Register while this case is ongoing. Is this acceptable behavior from a sheriff?

As a resident of Jefferson County, I am more than weary for having folks telling me that I need to be careful as it is not good to have a sheriff angry with you. I am well aware that I have a target on my back. I am also aware that ID codes are being enforced arbitrarily by this Sheriff and Prosecutor. Judges and attorneys outside of the county have advised that this is not legal BUT that they were not surprised to hear that this occurred in Jefferson County. A handful of residents have contacted me with their own stories of abuse of power. I am sure that some of these scenarios have reached your office before now.

As I have worked with deputies in surrounding counties on animal welfare issues, I am told that not only is the JDSD uncooperative with concerns of animals but in other areas of law enforcement demanding cooperation between counties. This is something that definitely bears looking into by supervising authorities.

PLP000175

A conclusion can be drawn that here in Jefferson County, we have a sheriff and prosecutor who are out of control and abuse their power. This trespass case is receiving the attention (even at the national level) that one would think would be more deserving of a capital murder case. (31 people subpoenaed) And from reading an article in the newspaper, Jefferson County is the only county in Idaho who refuses to participate in a form of an "insurance pool" to help offset costs should indeed our county have a significant case. This in itself shows unwise leadership and with this current leadership, Jefferson County officials should look into purchasing an "umbrella" policy. Do our Jefferson County officials know better than every other county in this state? I think not.

As a resident and taxpayer of the county, I expect a full accounting of the time and resources that have been devoted to this case to be made available for public scrutiny upon completion of this mockery of our justice system. AND still, no charges have been filed against the owner of the poor animal that suffered immensely.

If this letter does not suffice, please advise me of the formal process for filing a complaint against Sheriff Olsen and Prosecutor Robin Dunn.

Thank you.

Andi Elliott

2498E 2100N

Jefferson County, ID 83425

208-662-5808

PLP000176

Exhibit 70

29 July 2012

Sheriff Olsen

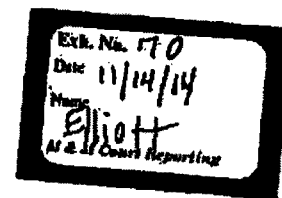
Sheriff Olsen, as arguably the most powerful sheriff in Idaho with your decades of service and your position as chairman of POST (Police Officers Standards and Training), where do you go from here? You are the top law enforcement officer in Jefferson County and you have abused our trust. It'll never be the same. I've read the deputies' comments about you and the newspaper reports. How do you look your colleagues and constituents in the eye?

In reading the Star today, I see that the commissioners are trying to cover for you. No surprise there. I am however a bit disappointed in Commissioner Raymond...I expected a bit better from him. I wonder though why, if it was legitimate for your wife to have a taxpayer-funded cell phone (not that any thinking person believes that), would you feel the need to "hide" it in the name of an unsuspecting county employee and why the cell phone records that the judge forced the county to submit contained missing pages. And tell me, why did it take the Commissioners four months to respond to the accusations? Sounds "fishy", doesn't it? The Commissioners state that they trust the elected officials. President Reagan had it right... "trust but verify". It sounds like the Board needs to begin "micromanaging" so that our taxes are not ill-used.

You've spent 6 years trying to "catch me" trespassing while all along you've been abusing the public trust. You've wasted monumental county resources trying to prove me guilty...the man hours that have been misspent trying to build a case against me is phenomenal. And you charged Troy Jackson (the man that took the dog with broken legs to the vet) with felony grand theft because you said the dogs were valued at over \$1000 (not even close). Two years of illegitimate cell phone use would also constitute a felony causing you to lose your pension, I bet.

You know, there were people who still believed in you. My neighbor who played high school football with you and the kids that you have talked to in your capacity as our sheriff...what are they to think now? You dedicated your life to law enforcement and this is how it ends? Any faith that we've had in our elected officials has been fractured. The Jefferson County "good ole boy" club machine has kicked into high gear.

Andi Elliott



ELLIOTT000283

Exhibit 71

3 August 2012

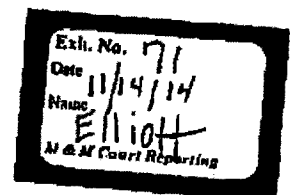
To Sheriff Olsen

As arguably the most powerful sheriff in Idaho with your decades of service and your position as chairman of POST (Police Officers Standards and Training), where do you go from here? You are the top law enforcement officer in Jefferson County and you have abused our trust. Fine example you've set for our deputies.

You've spent 6 years trying to "catch me" trespassing while all along you've been misusing my taxpayer money. Not that you haven't wasted monumental county resources trying to prove me guilty...the man hours that have been misspent trying to build a case against me is phenomenal...and all the while you've been operating underhandedly. If the cell phone use were on the up and up, then why was it "disguised" in an unsuspecting subordinate's name? Is this the reason that you refused to take action against a deputy that created documentation against me "after the fact" because you too are guilty of abuse of power? Our commissioners are scrambling to cover for you as evidenced by their lame statement. And is there anyone who believes what Prosecutor Dunn says? Your "power trip" has now placed our county in the position of becoming a defendant in a law suit and once again costing county taxpayers. Is this what comes with unfettered authority?

I remember that you charged Troy Jackson with a felony for taking the dog with broken legs and her puppies to the vet. You said they were valued at over \$1000. Really? Mutts? I was thinking that a \$50 a month cell phone bill for almost two years adds up to over \$1000. If you are charged with a felony, will you lose your pension?

You know, there were people who still believed in you. My neighbor who played high school football with you and the kids that you have talked to in your capacity as our sheriff...what are they to think now? And the question of who knew what and when begs to be asked. Congratulations...we now have our own "Jeffersongate".



ELLIOTT000002

Exhibit 64

Rewrite of Announcement Sept 2011

I have announced my intention to oppose Sheriff Blair Oisen of Jefferson County in the forthcoming spring election. I've watched over the years how Idaho law has been manipulated and literally ignored by this county official, along with others, in spite of concrete evidence. Having experienced the "inside of the system" firsthand and witnessed the distortion of facts in multiple animal cruelty cases, it's past time for the situation to be addressed.

To provide some background...I have extensive experience dating back decades with animal cruelty cases and not one in which I initiated action, was the case not successfully prosecuted...which is also true while I worked in Child Protective Services.

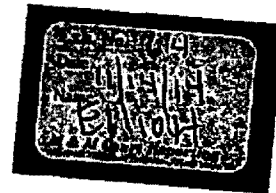
Even though experts in the field of animal cruelty law enforcement have talked extensively with the sheriff, he continues to ignore the law. After having listened to the "defenders of the law", and don't assume it is just limited to the Sheriff, lie and distort the facts, I feel that I must stand up against this miscarriage of justice. Justice cannot be served when the scales of justice are tainted by county officials putting their fingers on the scales. Having been contacted by others, I realize that these are not isolated instances and have requested an investigation by the Idaho State Police.

Jefferson County has been controlled by those too long in power and who feel that they are accountable to no one. I've decided that "I am the one I have been waiting for".

Andi Elliott

Hamer

662-5808



ELLIOTT000251

Exhibit 27

Candace (Andi) W. Elliott
2498E 2100N
Hamer, Idaho 83425
Ph: (208) 662-5808
straighttalkidaho@yahoo.com
Pro Se Litigant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE (ANDI) W. ELLIOTT)

Plaintiff,)

vs.)

BLAIR OLSEN, individually, and in)

his capacity as Jefferson County)

Sheriff, ROBIN DUNN, individually,)

and in his capacity as Jefferson)

County Prosecutor, JOHN)

CLEMENTS, individually, and in)

his capacity as a Jefferson County)

Deputy, AMELIA SHEETS,)

Individually, and in her capacity)

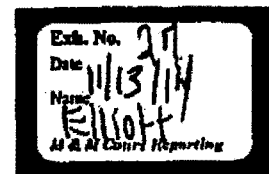
as Jefferson County Deputy)

Prosecutor, JEFFERSON COUNTY)

CASE NO. CV-2014-680

COMPLAINT

(And Demand For Jury Trial)



COMPLAINT AND DEMAND FOR JURY TRIAL - 1

PA000705

SHERIFF'S DEPARTMENT,)
 JEFFERSON COUNTY and)
 COMMISSIONERS,)
 Commissioner GERALD)
 RAYMOND, Individually,)
 Defendants.)
 _____)

COMES NOW, the Plaintiff, CANDACE (ANDI) W. ELLIOTT, for her claims of relief
 and causes of action against Defendants Blair Olsen, Robin Dunn, Amelia Sheets,
 John Clements, Jefferson County Sheriff's Department, Jefferson County and
 Commissioners, and Commissioner Raymond Gerald, COMPLAINS AND ALLEGES
 as follows:

PARTIES, JURISDICTION and VENUE

1. At all material times herein mentioned, Plaintiff, ANDI ELLIOTT is an individual, a citizen of the United States, has been and is residing in Hamer, Jefferson County, Idaho.
2. At all material times herein mentioned, Defendant Blair Olsen, hereinafter, "Sheriff Olsen") was the Sheriff of Jefferson County and is

residing in Jefferson County, State of Idaho.

3. At all material times herein mentioned, Defendant Amelia Sheets (hereinafter, "Prosecutor Sheets") was the Deputy Prosecutor of Jefferson County and is residing in Jefferson County, State of Idaho.

4. Defendant Jefferson County (hereinafter, "Jefferson County") is a political subdivision of the State of Idaho and is also an employer as defined by Idaho Code § 6-2103.

5. At all material times herein mentioned, Defendant Robin Dunn (hereinafter, "Prosecutor Dunn") was the elected Prosecutor of Jefferson County and is residing in Jefferson County, State of Idaho.

6. At all material times herein mentioned, Defendant John Clements (hereinafter, "Deputy Clements") was a Jefferson County Sheriff's Deputy and is residing in Jefferson County, State of Idaho.

7. At all material times herein mentioned, Defendant Gerald Raymond was an elected member of the Jefferson County Commissioners and has been serving as the Chairman at times and is residing in Jefferson County, State of Idaho.

8. Defendant Jefferson County Commissioners is an elected body of officials within the County currently chaired by Gerald Raymond .

9. Defendant, Jefferson County is a governmental entity organized and existing under the laws of the State of Idaho. In this case, Jefferson County acted through agents and employees including their policymakers and through the Defendants Sheriff Blair Olsen, the Sheriff of the Jefferson County Sheriff's Department and in his individual capacity; Deputy John Clements, a Deputy for the Jefferson County Sheriff's Department and in his individual capacity; Prosecutor Robin Dunn, the Jefferson County Prosecutor and in his individual capacity; Deputy Prosecutor Amelia Sheets and in her individual capacity; Commissioner Gerald Raymond, individually, Jefferson County, and the Jefferson County Commissioners.

10. Defendants Olsen, Dunn, and the County Commissioners possessed the power and authority to adopt policies and prescribe rules, regulations, and practices affecting all facets of the training, supervision, control, employment, assignment and removal of individual members of the Jefferson County Sheriff's Department (herein "JCSD"), and the office of the Jefferson County Prosecutor (herein "JCP"), including those individuals charged with serving as investigators

and prosecutors for the JCSD and JCP and to assure that charges are based on affidavits that contain truthful and factually correct statements within the laws and constitutions of the State of Idaho and the United States.

11. Plaintiff is informed and believes, and thereupon alleges, that at all times mentioned herein Defendants were employees, agents and/or servants of the County of Jefferson, and acted within the course and scope of said employment, agency and/or service, and possessed the power and authority and were charged by law with the responsibility to enact policies and to prescribe rules and practices concerning the operation of the Jefferson County Sheriff's' Department (JCSD) and the Jefferson County Prosecutor's (JCP) office, and concerning the means by which the investigation of the citizen complaints are reviewed and investigated.

12. Plaintiff is informed, believes, and alleges that each of the named defendants is legally responsible, intentionally, negligently, or in some other actionable manner, for the events and happenings hereinafter referred to, and thereby legally caused the injuries, damages, and violations and /or deprivation of rights hereinafter alleged.

13. Plaintiff also is unaware of the names, as of the date of this filing, of the JCSD deputies, captains, lieutenants, commanders, deputy chiefs, and/or civilian employee agents, policy makers and representatives of the JCSD and JCP office, or employees, agents and representatives of Defendant Jefferson County and others, and as such many of their records are protected by state statute and can only be ascertained through the discovery process. Therefore there may be the necessity that this Complaint may be amended.

14. The individual defendants were at all times mentioned herein duly appointed/elected, qualified and/or acting officers of the JCSD or JCP office, and/or acting within the course and scope of such employment with the County and under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Idaho and Constitution of the United States.

15. This Court has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C § 1367 with respect to the Idaho State Constitution and various state law tort claims and 42 U. S. C. § 1983, the First, Fourth, and Fourteenth Amendments of the United States Constitution.

16. Venue is proper in this court as the underlying acts, omissions, events, injuries, and related facts upon which the present action are based, occurred in the County of Jefferson, State of Idaho.

NOTICE OF CLAIM

17. On or about December 18, 2013, Plaintiff filed a timely Notice of Tort Claim against Defendants pursuant to the Idaho Tort Claims Act, Idaho Code §§ 6-901 *et seq.* There has been no response to Plaintiff's claim.

GENERAL FACTUAL ALLEGATIONS

18. Plaintiff voluntarily investigates complaints of animal abuse, neglect, and abandonment in South East Idaho, and assists law enforcement in the notification of, investigation of, and enforcement of the laws (at times acting under the color of law) regarding such; and with her previous capacity as a Member and then President of The Humane Society of the Upper Valley and currently in her capacity as President of For The Love of Pets Foundation, Inc., has provided financial support for the treatment, transport, care, feeding and housing of neglected, abused and abandoned animals in and for the County of Jefferson.

19. Plaintiff has assisted the Jefferson County Sheriff's Department in her above referenced capacity from 2002 continuing through the present.

20. The Jefferson County Sheriff's Department regularly refers callers to Plaintiff regarding county animal welfare concerns.
21. Plaintiff has accompanied Jefferson County Deputies investigating animal welfare concerns.
22. Plaintiff has publically criticized the offices of the JCSD and the JCP for their failure to enforce Idaho Animal Cruelty laws.
23. In November/December 2005 time frame Plaintiff received a telephone call from Jefferson County Sheriff Blair Olsen.
24. Plaintiff was told the following by Sheriff Olsen:
- a) That Plaintiff was a newcomer.
 - b) That Plaintiff was unwelcomed in Jefferson County.
 - c) That Plaintiff was to butt out of the animal welfare business.
 - d) That Plaintiff did not understand how things were done in Idaho.
 - e) That Plaintiff left the Sheriff's Department with an approximately \$2000 plus veterinarian bill for the Ben Juenke animal cruelty case.
 - f) Plaintiff provided proof to the Sheriff a few days after this conversation that Plaintiff paid nearly \$2000 of the veterinarian bill as she knew that the JCSD had no resources allocated for animal care.

25. Plaintiff continued her activities in her capacity as the President of the Humane Society of the Upper Valley and subsequently as the President of For the Love of Pets Foundation, Inc.

26. Plaintiff was charged with Criminal Trespass on 28 April 2008.

a) Plaintiff was charged with trespass for driving down a lane with a Dead End sign.

b) Plaintiff took pictures of horses in poor condition in a pasture to the left of the lane belonging to a friend of Sheriff Olsen.

c) Plaintiff's request for Intervention for the horses was ignored by the JCSD.

d) Plaintiff sent pictures of the horses to the Idaho Department of Agriculture Veterinarian, Dr. Tom Williams.

e) Plaintiff posted pictures of the horses on the internet resulting in calls from all over the country to the offices of the Sheriff and Prosecutor criticizing their handling of the horse situation.

f) State Veterinarian, Dr. Tom Williams, examined the horses complained of by Plaintiff.

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g) Dr. Tom Williams placed the horses under the care of Mountain River Veterinarian Clinic in Jefferson County. The horses made multiple trips to Mountain River veterinary hospital for care.

h) The owner of the horses was not charged with Animal Cruelty.

i) Plaintiff was charged with criminal trespass.

j) At trial time and as the jury was being impaneled, former Jefferson County Deputy Prosecutor Penny Shaul asked Plaintiff and her attorney to work out a deal (withheld judgment) to save the County from the embarrassment of prosecuting someone trying to protect the animals. Plaintiff agreed.

27. For a second time, Plaintiff was charged with Criminal Trespass 23 November 2009.

a) On 21 November 2009, Plaintiff was sent by JC Deputy John Clements (as documented in the Deputy's notes) to offer assistance to the owner of a mother dog with broken legs left in the yard for days in subfreezing weather.

b) On or about 22 November 2009 after Plaintiff and husband drove to the Mud Lake/Terreton home of the dog.

- c) Plaintiff's husband parked in the next door neighbor's driveway who had given Plaintiff permission to park on the property.
- d) The neighbor, Fay Stoddard and her adult daughter, Karen, had reported the dog being hit by a car and left in the yard without care to the Jefferson County Sheriff's Department.
- e) Plaintiff and husband observed the injured dog and puppies.
- f) Plaintiff knocked on the door of Raul Torres's home. Mr. Torres was the owner of the dog.
- g) Finding no one home, Plaintiff left the property and returned to neighbor's property.
- h) There were no "No Trespassing" signs posted as Raul Torres testified to on 24 February 2012 in Judge Mark Rammel's court.
- i) Plaintiff called the Jefferson County Sheriff's Department and requested assistance from the JCSD as the dog appeared to have two broken legs/hip.
- j) Plaintiff and husband remained on neighbor's property awaiting the Deputy.
- k) Approximately one and a half hours later, Deputy Caleb Sickinger arrived.

- l) Upon the Deputy's arrival, Plaintiff requested that Deputy Sickinger provide assistance for the injured animal.
- m) Plaintiff offered to pay for the veterinarian bill.
- n) Plaintiff was told by Deputy Sickinger that the Sheriff said there was nothing to be done.
- o) Plaintiff stated that she would send the pictures taken by her husband to the media.
- p) Plaintiff was told by Deputy Sickinger (who was constantly in touch with the Sheriff's Department via his lapel communication device) that Plaintiff was trespassed from the property.
- q) No contact had been made with the property owner by Deputy Sickinger requesting that Plaintiff be trespassed at that point.
- r) Deputy Sickinger instructed Plaintiff that she was not to return to the property.
- s) Deputy Sickinger told Plaintiff that if anyone came to the property or if anyone even came across the street that she would be charged with trespass.
- t) Plaintiff's husband was not trespassed.
- u) Plaintiff left the scene and never returned to the property.

v) Plaintiff returned home and sent the pictures to the media. The news story spread nationwide and concerned people began calling the Jefferson County Sheriff's Department and the office of the Prosecutor requesting intervention for the dog and puppies.

w) Troy Jackson and Eileen Dishazzio from Boise, drove to the dogs' home and with the owner's permission took the dog and puppies to a veterinarian who examined the dog and provided the statement necessary for animal cruelty charges to be filed as required by Idaho law.

x) The medical information was sent to Sheriff Olsen who refused to file animal cruelty charges against Raul Torres, owner of the dog with broken legs.

y) Raul Torres signed a citation for trespass against Plaintiff for allegedly returning to Torres' property.

z) Plaintiff never returned to the property.

aa) Plaintiff never sent any one to the property.

bb) Plaintiff's husband who was with her at the scene was not charged.

cc) Troy Jackson of Boise heard about the dogs' plight through the media as documented in the deputy's notes.

- dd) Subsequently, Sheriff Olsen charged Troy Jackson with Felony Grand Theft.
- ee) Jackson's charges were shortly thereafter dismissed.
- ff) Prior to this incident, Plaintiff was not acquainted with Troy Jackson.
- gg) Raul Torres also signed a trespass citation against Channel 3 TV reporter, Ian Parker, according to the deputy's notes.
- hh) Ch 3 TV reporter, Ian Parker's citation was never served.
- ii) Plaintiff's charge was the only charge prosecuted.
- jj) On 6 December 2009 Jefferson County Sheriff Olsen wrote an editorial published in the Post Register newspaper about Plaintiff.
- kk) Sheriff Olsen wrote in his editorial "When someone is warned not to enter onto someone else's property and they ignore that warning, they can be charged with trespassing."
- ll) Sheriff Olsen editorial was referring to Plaintiff and indicated that she had broken a law and was guilty of trespass.
- mm) Sheriff Olsen's editorial appeared during Plaintiff's pending case.

nn) Sheriff Olsen's editorial was published approximately five months before Plaintiff's trespass charge was dismissed by the Prosecutor.

oo) On or about 5 January 2010, Deputy Prosecutor Sheets amended the Criminal Complaint to "trespass by agency" for sending Troy Jackson/media to the home of Raul Torres.

pp) Plaintiff did not know Troy Jackson nor had requested him to help with the dog.

qq) On or about 23 January 2010, Plaintiff, the Executive Director of the Idaho Humane Society, Dr. Jeff Rosenthal DVM, and the Humane Society of the United States Idaho Representative Lisa Kaufman, participated in an interview with talk show host, Tracey Hotchener of Dog Talk Radio.

rr) The situation about the mother dog with broken legs was the subject of the interview and was discussed at length.

ss) On or about 29 January 2010, at approximately 3:30 pm EST, and while Plaintiff's trespass case was pending, Prosecutor Dunn called the radio talk show host, Ms. Hotchener.

tt) According to Ms. Hotchener's notes, Prosecutor Dunn discussed the situation with Ms. Hotchener for approximately 50 minutes.

uu) Ms. Hotchener sent a copy of her notes of her discussion with Prosecutor Dunn to Plaintiff's attorney, Kent Whittington.

vv) Ms. Hotchener's notes are a part of the court records.

ww) According to Ms. Hotchener's notes, during the nearly hour long conversation, Prosecutor Dunn stated the following:

- 1) That he (Dunn) was biased against Plaintiff.
- 2) That Plaintiff was "already convicted of illegal trespass".
- 3) Prosecutor Dunn accused Plaintiff of stealing property.
- 4) That "I (Prosecutor Dunn) don't like her (Plaintiff) and that she thinks she is above the law."
- 5) That "she (Plaintiff) only selects poor or minority families to go after"....
- 6) Prosecutor Dunn referred to Plaintiff as a "hillbilly" from "Tennessee".
- 7) Prosecutor Dunn made his defamatory remarks about Plaintiff during her pending case.
- 8) On 30 January 2010 on Dog Talk Show Podcast #162, Ms. Hotchner
"on

air" discussed Prosecutor Dunn's comments with the Executive Director of the Idaho Humane Society, Dr. Jeff Rosenthal, DVM. The podcast is currently available online.

28. On or about 4 February 2010, Prosecutor Dunn told the presiding Judge, Robert Crowley, that Plaintiff was unreliable because Plaintiff had written an editorial stating that the Ch 3 TV reporter, Ian Parker, had been cited for trespass which Dunn said was an untrue statement.

29. Deputy John Clements' notes confirmed that the reporter had been cited for trespass by Raul Torres, owner of the mother dog with broken legs.

30. Plaintiff's statement in her editorial was true.

31. During the 18 February 2010 hearing, Prosecutor Dunn referred to Plaintiff several times as an "animal rights activist".

32. Plaintiff is not nor ever has been an animal rights activist.

33. Prosecutor Dunn's statements were a deliberate attempt to mischaracterize Plaintiff and to prejudice the court against Plaintiff.

34. During the 18 February 2010 hearing, Judge Crowley called the attorneys into his chambers during which the Bar Council was called several times for advice.

35. While in the Judges' Chambers and in front of Plaintiff's attorney, Prosecutor Dunn said that Plaintiff had sent Troy Jackson out to Raul Torres' home yet the Deputy's notes stated that Troy Jackson heard about the dog situation on the TV...not from Plaintiff.

36. Prosecutor Dunn provided false information to the court when he had in his possession the factual information.

37. Again, Prosecutor Dunn showed his bias against Plaintiff and attempted to prejudice the court against the Plaintiff.

38. On 26 February, 2010, Prosecutor Dunn filed a Motion in Limine to prohibit Plaintiff from discussing animal abuse issues in court.

39. The injured animal was the reason Plaintiff was sent to offer assistance by Deputy Clements as documented in his notes.

40. On 26 February 2010, Plaintiff complained about the actions and obvious display of bias against Plaintiff by the Prosecutors and by Sheriff Olsen to the Office of the Attorney General.

41. On 19 April 2010, Prosecutor Dunn filed a Motion to Dismiss after five months of hearings/motions and repeated court appearances and having amended the charge.

42. Plaintiff's attorney was notified of the dismissal right before Plaintiff's trial was scheduled to begin.

43. The Motion to Dismiss was signed by Raul Torres (owner of the dog with broken legs), Prosecutor Dunn, and Sheriff Olsen.

44. The Motion to Dismiss contained five reasons for the dismissal.

45. Plaintiff's attorney immediately (21 April 2010) filed an Objection to the Motion to Dismiss because the reasons included in the Motion to Dismiss were disingenuous, misleading, and mischaracterized the Plaintiff.

46. Meanwhile, Plaintiff sent a letter on 11 May 2010 to the Idaho State Police, Col. Jerry Russell, documenting the actions of the Prosecutors and Sheriff.

47. Prosecutor Dunn was absent on the day a hearing (13 May 2010) was scheduled to hear the Objection to the Motion to Dismiss. Deputy Prosecutor Sheets represented the State.

48. Plaintiff's attorney stated that the Prosecutor was simply attempting to cover his actions and the reasons for dismissal were disingenuous as there was no truth to the reasons for dismissal.

49. As a result of the hearing all reasons for dismissal were removed.

50. On 2 June 2010 an editorial about Plaintiff written by Prosecutor Dunn was published in the Post Register newspaper.

a) Prosecutor Dunn wrote that Plaintiff "Andi Elliott, has attempted, from time to time, to enter on individual's property without court permission."

b) That "Through the extensive publicity that Ms. Elliott (Plaintiff) received, via the television media or written print media, it is believed that more donations could be derived for the humane society."

c) That "Ms. Elliott (Plaintiff), you have received your 15 minutes of fame-now, give it a rest."

d) Prosecutor Dunn's article was published before the final order to Dismiss was issued.

51. On 23 June 2010, Plaintiff's attorney, Kent Whittington, responded to Prosecutor Dunn's editorial about his client, the Plaintiff.

52. In his editorial, Mr. Whittington wrote:

a) "Blinded by their dislike for her (Plaintiff's) efforts to make them enforce Idaho's cruelty law, they (Defendants Olsen and Dunn) violated her (Plaintiff's) rights to equal protection of the law."

b) Prosecutor "Dunn showed his prejudice in an interview with a New York talk show host, accusing Andi (Plaintiff) of bigotry and of being southern white trash."

c) That Prosecutor Dunn's editorial was an attempt to cover his baseless prosecution of Plaintiff.

d) That Prosecutor Dunn failed to mention that the Jefferson County Sheriff's Department had sent Plaintiff out to offer assistance with the dog with broken legs.

53. Prosecutor Dunn has lost his objectivity and become too emotionally involved with Plaintiff to be able to treat her objectively as required by law.

54. On 25 June 2010, Magistrate Judge Robert Crowley signed the Order to Dismiss.

55. There were no "reasons for dismissal" listed in the Court Order.

56. As a result of the above dismissal, on 24 February 2012, Plaintiff successfully sued Raul Torres, the owner of the mother dog with broken legs, for

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damages incurred in defending herself against the trespassing citation he signed against her. Jefferson County CV-2011-0001032

57. Judge Mark Rammel was the presiding judge.

a) A partial transcript of Raul Torres' testimony under direct questioning by Judge Rammel is as follows:

b) Judge: 25:50 Why did you (Torres) make a Criminal complaint for trespass against Ms. Elliott (Plaintiff)?

c) Judge: 27:55 You (Torres) signed a paper saying she (Elliott) trespassed on your property.

d) Torres through translator: 28:50 I don't know if she (Plaintiff) went because the policeman told me that he had told her (Plaintiff) that she was not to set foot on my property....or that she could not send anybody to my house either. And she sent Channel 3. They were right there.

e) Torres through translator: 29:95 I did all this because the policeman told me to do it.

f) Judge: 30:08 ...to the translator. What policeman told him to file criminal charges?

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g) Torres through translator: It was...there were two of them.

Miller, is it Miller? And another one, I can't remember.

h) Judge: Just so I understand this. The judge is directing the question to the interpreter... Is he (Torres) telling me that the officers told him to file a trespassing charge?

l) Torres through translator: "Yes, they told me. In the end... But the policeman and I misunderstood each other. Because...when...before court they sent for me. And we were speaking then the policeman I told them I had gone that she had gone to my house but the policeman said "But I went with her." That's what I (Torres) didn't know that the policeman had accompanied her. And that's when I withdrew...."

j) Judge: 32:31 "So Mr. Torres, what I'm still trying to figure out. Are you telling me you would not have filed a trespassing complaint lest that the police officers told you too? I'm not trying to put words in your mouth. I'm trying to find out why you filed the trespassing complaint. Did somebody make you do that do you feel like or was that your choice?"

k) Torres: "All that I did was because they were telling me to do it. But I also thought it was the right thing to do."

l) Torres 44:51 "The only thing I am going to say is between her (Plaintiff) and the Sheriff, they used me. The Sheriff and she (Plaintiff) used me."

m) Plaintiff prevailed and Raul Torres was ordered to pay damages to Plaintiff.

58. During the summer of 2011, Plaintiff published a book documenting the occurrences surrounding the case of the mother dog with broken legs in which Sheriff Olsen and Prosecutor Dunn were portrayed unfavorably for failing to enforce Idaho's animal cruelty laws.

59. On 30 August 2011, Plaintiff was charged with Criminal Trespass for a third time.

60. Plaintiff was charged with Criminal Trespass that allegedly occurred on 24 July 2011:

a) Plaintiff and her husband called in a complaint about the poor condition of Dan Murdock's horses located in Hamer, Jefferson County, Idaho.

b) Plaintiff took pictures of neglected horses from the public road.

-
- c) Plaintiff's husband took pictures of Plaintiff taking pictures of the horses from the roadway.
- d) Plaintiff called the JCSD and requested a "welfare check" for the animals whose ribs could be seen from the public road.
- e) Plaintiff and her husband told Dispatch that they would wait at their home for the Deputy. Plaintiff and her husband returned to their home a few miles away.
- f) Deputy Clements arrived shortly and Plaintiff and her husband gave pictures they took to Deputy Clements.
- g) As a result of the incident, Plaintiff was charged with Criminal Trespass by Dan Murdock's neighbor (Kurt Young) who lived across the street from Dan Murdock's horses.
- h) Plaintiff's husband was not charged with trespass.
- i) Through the Discovery process, Plaintiff and her attorney learned that on or about 20 April 2011, an Anonymous Female Caller made a complaint about Kurt Young's horse to the JCSD.

j) Deputy Clements acted as though it was Plaintiff who had been harassing Kurt Young about the poor condition of Young's horse absence any evidence.

k) Plaintiff knew nothing about Young's horse.

l) Deputy Clements has a well-documented hearing impairment.

m) The Anonymous Female Caller had a distinct Idaho accent.

n) Plaintiff has a distinct Southern accent.

o) Deputy Clements is well acquainted with Plaintiff's Southern accent as he has been to Plaintiff's home many times as they coordinated their efforts regarding animal welfare situations.

p) Based on the 20 April 2011 call to the JCSD Dispatch from the Anonymous Female Caller, Plaintiff should not have been a person of interest regarding Kurt Young's horse.

q) Deputy Clements was negligent as he failed to examine the pictures provided to him by Kurt Young showing Plaintiff on the public road way.

r) Deputy Clements later testified that he had trespassed Plaintiff from Kurt Young's property on 20 April 2011 as a result of the call by the Anonymous Female Caller.

s) Deputy Clements produced no evidence/phone call logs at trial of having called Plaintiff to trespass her.

t) The Deputy's DVD/lapel recorder recorded the Deputy's investigation of the complaint on 24 July 2011.

u) The following statements were made by Deputy Clements on 24 July 2011 about Plaintiff as recorded on his DVD lapel recorder provided to Plaintiff's attorney:

v) As Deputy Clements arrived at the scene (DVD time 12:51:35), Deputy Clements made the following statement... "I'm here for a trespass complaint but I'm also had another complaint called in. I'll give you one guess." His comment was referring to Plaintiff.

w) Property owner Kurt Young told Deputy Clements that he had pictures of Plaintiff on his property.

x) Kurt Young thought his property extended to the middle of the public roadway.

y) Kurt Young pointed out to Deputy Clements twice that Plaintiff was in the roadway.

- z) Kurt Young provided pictures to Deputy Clements showing Plaintiff on the public roadway.
- aa) As recorded on the Deputy's video, Deputy Clements recklessly ignored Kurt Young's statements/pictures about Plaintiff being on the public roadway.
- bb) Deputy Clements failed to examine pictures of Plaintiff on the public roadway taken by Kurt Young.
- cc) While at the scene of the alleged trespass, Deputy Clements and the owner of the horses (Dan Murdock) drove over Murdock's property checking the animals.
- dd) During the drive around the Murdock property, Deputy Clements made prejudicial statements to Dan Murdock about Plaintiff which were recorded on his DVD lapel recorder.
- ee) Deputy Clements made the following statements against Plaintiff...
- ff) 12:59:45 Deputy Clements told Murdock who owned the horses, "I'm going to sneak over and get a little better picture just documentation to shut her (Plaintiff) down."

gg) 13:03:07 Deputy Clements told the owner of the horses, "That's been our biggest problem. She (Plaintiff) goes after the ones that don't need...she (Plaintiff) does it as a harassment instead of a help."

hh) 13:09:25 Deputy and Dan Murdock discuss Plaintiff's editorials. Deputy Clements stated that Plaintiff writes about "how bad I (Deputy) do my job".

ii) Deputy Clements stated 13:12:12 "And she (Plaintiff) hasn't been trespassed from your property yet but she will be as of today." There was no request from the property owner to do so.

jj) 13:14:07 Kurt Young (who signed the original trespass complaint) told Deputy Clements that the JC Dispatch seemed to be excited about Plaintiff's possible arrest.

kk) Deputy Clements stated, "They knew who was coming. They was probably expecting Andi Elliott (Plaintiff) to be under arrest in a hurry."

ll) Deputy Clements stated 13:14:20 "If she (Plaintiff) would have still been standing on your property, she would have been."

mm) 13:19:40 Deputy stated, "She (Plaintiff) called in a hurry about the abuse. Usually she (Plaintiff) gets miles and miles away."

nn) 13:20:40 Deputy stated, "And I am assuming you want to sign a citation?"

oo) 13:21:57 Kurt Young tells Deputy that Plaintiff will deny the trespassing. Then the Deputy responds, "Kind of hard to deny when you've got pictures showing it."

pp) There were no pictures of Plaintiff trespassing nor were any produced at trial.

qq) Deputy's Clements' statements were unprofessional, unethical, and served to prejudice future witnesses against Plaintiff.

rr) Deputy's Clements' negligence, recklessness, and failure to examine the evidence or lack of provided to him resulted in the filing of charges against Plaintiff.

ss) On 29 July 2011, Deputy Clements submitted a signed Probable Cause Affidavit stating that he had pictures showing that Plaintiff trespassed.

tt) Deputy Clements Probable Cause Affidavit stated that [REDACTED] a minor child, saw Plaintiff on Young's property.

uu) Deputy Clements' Probable Cause Affidavit stated that Kurt Young said the Plaintiff "had been on his property not on the roadway" which was not documented by the Deputy's lapel DVD.

vv) According to the Deputy's DVD lapel video, Kurt Young showed the Deputy his pictures that Plaintiff was on the roadway and indicated that he (Young) thought the public roadway was his property.

ww) Deputy Clements' statement in the Probable Cause Affidavit is false and predicated by malice.

xx) Deputy Clements' Probable Cause Affidavit omitted information/evidence proving that Plaintiff did not trespass.

yy) Deputy Clements did possess pictures given to him by Kurt Young that showed Plaintiff was on the public roadway.

zz) Deputy Clements' Probable Cause Affidavit contained false information material to the filing of the charge of Criminal Trespass.

aaa) Plaintiff was served with a trespassing citation on 30 August 2011.

bbb) On or about 22 September 2011, Plaintiff announced her intention to oppose Sheriff Olsen in the upcoming May election.

ccc) On or about 10 November 2011, the Prosecutor filed an Order Prohibiting Disclosure against Plaintiff.

ddd) The filing of the Motion of Contempt was an attempt to silence Plaintiff's criticism of the Sheriff who was running for re-election.

eee) Judge Robert Crowley expressed concern about Plaintiff's First Amendment rights.

fff) Prosecutor Sheets told the Judge that the "gag order" would just be temporary so as not to prejudice the jury pool. It was in effect for approximately 7 months.

ggg) Plaintiff's attorney informed the court that Plaintiff had requested a court trial and Plaintiff in fact had a court trial.

hhh) 13 February 2012 was Plaintiff's first day of trial.

iii) Prosecutor Sheets stated in front of Plaintiff's attorney that she had not viewed the Deputy's video.

jjj) Deputy Clements was unable to provide any documentation or any record of a telephone call to Plaintiff during the trial proving that he actually called Plaintiff to trespass Plaintiff.

kkk) Deputy Clements testified that he documented his alleged phone call trespassing the Plaintiff nearly 10 months later.

lll) Deputy Clements testified that he documented his phone call to the Plaintiff shortly before Plaintiff's trial date.

mmm) Prosecutor Sheets attempted to have included in the court record the Deputy's testimony about the documentation of the phone call trespassing the Plaintiff which was made just before the trial.

nnn) During Plaintiff's attorney's cross-examination of Deputy Clements, the Deputy admitted that he had documented the alleged 20 April 2011 call shortly before the trial.

ooo) Prosecutor Sheets was forced to withdraw Deputy Clements' testimony.

61. On 24 February 2012 and while Plaintiff was still involved in litigation, Plaintiff's husband found 5 carcasses on their driveway. The responding deputies stated it appeared to be an attempt to intimidate Plaintiff.

62. Plaintiff's rabbit hutches were also vandalized at a later date (2013) while Plaintiff was still involved in litigation with a witness from the original trial.

63. Plaintiff reported both incidences to the Jefferson County Sheriff's Department. Jefferson County Deputies responded to the scenes and documented the events.

64. On or about 15 March 2012, the Prosecutor filed a Contempt of Court motion against Plaintiff for violating the order Prohibiting Disclosure.

65. The Prosecutor complained about an editorial written by Plaintiff which was published on 15 March 2012 containing public information.

66. Prosecutor Dunn attempted to convince the court that Plaintiff should receive jail time for the alleged violation.

67. Two and a half years have now elapsed and there has been no further action by the Prosecutors regarding the Contempt Citation.

68. Prosecutor Dunn's actions were an attempt to intimidate and silence Plaintiff and prevent criticism of Sheriff Olsen while Olsen was running for re-election.

69. On Plaintiff's 19 March 2012 trial date and in front of Plaintiff's witness and husband who was sitting in the hallway outside of the courtroom, Prosecutor Dunn congratulated one of the State's witness's nephews for writing a derogatory editorial about Plaintiff published in the local papers.

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70. During Plaintiff's trial, Kurt Young, who signed the original citation, testified that he never saw Plaintiff on his property.

71. Kurt Young testified that he thought his property extended to the middle of the public roadway which he had pointed out to Deputy Clements before signing a citation.

72. Deputy Clements and the Prosecutors failed to conduct a reasonable and objective investigation of the evidence.

73. Plaintiff was acquitted 2 July 2013.

74. Plaintiff endured a two year court process which consisted of 5 days of trial over 17 months (13 Feb 2012, March 2012, June 5, 6, & 7, 2013) in addition to multiple hearings/motions for a criminal trespass charge.

75. During the course of Plaintiff's prosecution, Prosecutor Dunn, again demonstrating his bias against Plaintiff, asked Plaintiff's attorney, Kent Whittington, why he continued to represent Plaintiff.

76. On 8 July 2013, at Plaintiff's request, she met with the Jefferson County Commissioners in Executive Session to discuss the actions of the Sheriff, Prosecutors, and the Deputy.

77. Commissioners Farnsworth and Hedsted, Chairman Raymond, and Prosecutor Dunn were present at the Executive Session in addition to clerical staff.

a) Before Plaintiff was allowed to read her prepared statement to the Commissioners detailing the actions of the Sheriff, the Prosecutors and Deputy, Chairman Raymond threatened Plaintiff "under the penalty" of law that matters discussed in Executive Session could not be discussed outside of the meeting.

b) Prosecutor Dunn was present in his capacity as legal counsel to the Commissioners.

c) Prosecutor Dunn was aware of Raymond's admonishment to Plaintiff yet failed to inform Chairman Raymond or Plaintiff that there was no such law.

d) Chairman Raymond's statement to Plaintiff was an attempt by Jefferson County officials to intimidate and silence Plaintiff to prevent further criticism of their actions or lack thereof.

e) The Commissioners offered no relief or recourse to the complaints that Plaintiff detailed in her nine page letter outlining the behavior of

County employees and officials and their repeated defamatory statements and biased and unconstitutional actions against Plaintiff.

78. Shortly thereafter, Prosecutor Dunn's former secretary, Shelly Allred, met in Executive Session with the Commissioners and Prosecutor Dunn. Ms. Allred was not told that the law prohibited her from talking about Executive Session matters.

79. The Post Register newspaper wrote a column publically denouncing the Commissioner's and Prosecutor Dunn's attempt to silence Plaintiff and pointed out the differential treatment Plaintiff had received at the hands of the Commissioners.

80. On or about 8 July 2013, after Plaintiff's acquittal, she met at her request with Jefferson County Deputy Steve Anderson concerning the actions of Deputy Clements.

a) Plaintiff discussed with Deputy Anderson the unprofessional and prejudicial comments of Deputy Clements, the "creation" of documentation immediately before trial, and the Deputy's reckless failure to examine the evidence in his possession including the false information he included and the omission of critical information in the Affidavit.

- b) Plaintiff followed up the discussion with a letter to Deputy Anderson dated 11 July 2013.
- c) Subsequently, Deputy Clements was reassigned to another part of Jefferson County.
- d) In September 2013, Plaintiff and Deputy Anderson had a follow up telephone conversation at Plaintiff's request.
- e) Plaintiff was told by Deputy Anderson that Deputy Clements would not be making any further comments about her.

81. On or about 13 December 2013, Plaintiff faxed the offices of the JC Sheriff and the JC Prosecutor, asking that Kurt Young be charged under Idaho code 18-5413 for providing false information to a law enforcement officer.

82. Plaintiff stated in her fax that the Defendants had ignored her request to charge Raul Torres also for violating Idaho code 18-5413.

83. As a result of Plaintiff's fax, Bingham County Detective Mike Marvin contacted Plaintiff at Sheriff Olsen's request (Plaintiff was told) and a meeting was set up at the Bonneville County Sheriff's Department.

84. Plaintiff met with Detective Marvin on 19 December 2013.

85. Detective Marvin asked that Plaintiff reexamine the trial testimony and document pertinent information to save him time.

86. Within two weeks, Plaintiff provided the requested documentation.

87. Plaintiff heard nothing from Detective Marvin and on 7 April 2014, Plaintiff called and left a message for Detective Marvin.

88. Plaintiff received no response and in June of 2014, Plaintiff once again attempted to contact Detective Marvin, Sheriff Olsen, and Prosecutor Dunn as the time limitation for filing the charge was nearing the statute of limitation deadline. Plaintiff has heard nothing about her request.

89. Plaintiff had also contacted POST (Police Officers Standard and Training) Administrator William Flink and POST board members on multiple occasions regarding the failure of Sheriff Olsen and Deputy Clements to uphold the POST Council's Code of Ethics and their adverse actions towards Plaintiff.

90. Sheriff Olsen was Chairman of POST during this period of time.

91. POST's response to Plaintiff's concerns was provided no relief.

92. Plaintiff has sought relief from the concerted and retaliatory actions of the Defendants from every avenue known to her without success.

93. The Defendants have failed to act on behalf of the Plaintiff and as a direct and proximate result of their acts or omissions Plaintiff has endured years of retaliatory behavior at the hands of the Defendants in the form of repeated malicious prosecutions, abuse of power, defamation, and violation of her Constitutional rights.

94. The Defendants Jefferson County Commissioners, Chairman Raymond, the Sheriff's Department, Sheriff Blair Olsen, Deputy John Clements, and the Jefferson County Prosecutors acted with deliberate indifference, gross negligence, and reckless disregard to the safety, security, and constitutional and statutory rights of the Plaintiff and all persons similarly situated, maintained, enforced, tolerated, permitted, acquiesced in, and applied policies or practices of, among other things:

a. Filing factually inaccurate and/or factually incorrect affidavit that violates the holding of *Franks v. Delaware* and its progeny;

b. Failing to adequately discipline deputies or civilian employees in the belief that they can violate the rights of Plaintiff with impunity, and that such conduct will not adversely affect them;

c. Condoning and encouraging officers and civilian employees in the belief that they can violate the rights of Plaintiff with impunity and that such

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conduct will not adversely affect their opportunities and other employment benefits.

95. Because the Defendants failed to act on Plaintiff's behalf and have demonstrated a policy of inaction, it has been necessary for the Plaintiff to retain an attorney to protect her interests in the multiple criminal prosecutions.

COUNT I

Malicious Prosecution

96. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

97. The Defendants have charged the Plaintiff with Criminal Trespass three times in a time span of less than four years.

98. The Defendants, Jefferson County Prosecutors Dunn and Sheets and Jefferson County Sheriff's Department, Sheriff Blair Olsen, and Jefferson County Sheriff's Deputy John Clements, were directly involved in institution of and continuation of criminal actions against the Plaintiff.

99. Defendants lacked probable cause to commence proceedings.

100. Defendants acted with malice towards Plaintiff.

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101. The 2009 and 2011 criminal proceedings terminated in Plaintiff's favor.
102. After the Dismissal of the 2009 criminal charge against Plaintiff and while Plaintiff was interviewing attorneys to bring suit against the Defendants, she was charged again before the Complaint could be filed.
103. The Defendants, JC Sheriff's office, Sheriff Olsen, the JC Prosecutors, and Deputy Clements failed to fully investigate the facts surrounding Plaintiff's cases before charging Plaintiff and initiated the charges with improper purpose and with motives other than that of seeking justice.
104. Plaintiff has suffered injury to her reputation, humiliation, embarrassment, mental suffering, financial damages, and inconvenience, all proximately caused by Defendant's actions.
105. The Defendants' tortious actions were malicious, corrupt, or outside the scope of their official duties and constituted improper motives.
106. As a direct and proximate result of the Defendant's acts or omissions, Plaintiff has suffered general damages, emotional damages, and punitive damages in an amount to be proven at trial, but which amount exceeds \$10,000.

107. Additionally, Plaintiff is entitled to compensatory damages against Defendants in their individual capacities

108. **WHEREFORE**, plaintiff moves this Honorable Court to enter an Order of Final Judgment awarding Plaintiff money damages and such other and further relief as the Court may deem reasonable and just under the circumstances.

COUNT II

Abuse of Power

109. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

110. The Defendants have attempted to use the legal system to attain a wrongful result.

111. The evidence in possession of and ignored by Defendants showed that the Plaintiff was not guilty of criminal trespass.

112. The Defendants knew and acted intentionally and with malice in their repeated prosecutions of Plaintiff.

113. The Defendants' tortious actions were malicious, corrupt, or outside the scope of their official duties.

114. As a direct and proximate result of the Defendant's acts or omissions, Plaintiff has suffered general damages, emotional damages, and punitive damages in an amount to be proven at trial, but which amount exceeds \$10,000.

115. Additionally, Plaintiff is entitled to compensatory damages against Defendants in their individual capacities.

116. WHEREFORE, Plaintiff respectfully requests a judgment in favor of the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

117. For such other and further relief as the Court deems just and equitable.

COUNT III

Violation of Article I Section 9 of the Idaho Constitution

118. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

119. The Plaintiff spoke out on matters of public concern including the lack of enforcement of Idaho Animal Cruelty codes.

120. Plaintiff raised these concerns to Defendants both orally and in writing.

121. As a result, Plaintiff suffered an ongoing pattern of adverse actions that included Plaintiff being charged with Criminal Trespass three times, having defamatory articles written and published about Plaintiff, and defamatory statements were made about her by the Defendants to third parties.

122. These adverse actions were and are reasonably likely to deter Plaintiff from engaging in protected activity under the Idaho Constitution.

123. Defendants did not have adequate justification for treating Plaintiff differently from other members of the general public.

124. Had not Plaintiff been a vocal critic of the Defendants, there would have been no adverse actions on the part of the Defendants.

125. At all times relevant to these matters, Defendants acted under color of law when committing the actions that are complained of.

126. Defendant's retaliatory conduct violated the clearly established Constitutional right of free speech and other rights which a reasonable person would have known.

127. As a result of Defendant's actions, Plaintiff has suffered from a persistent pattern of adverse actions designed to keep Plaintiff from criticizing Defendants' failure to enforce the laws of Idaho regarding animal cruelty.

128. The Defendants' tortious actions were malicious, corrupt, or outside the scope of their official duties.

129. As a direct and proximate result of the Defendants' acts or omissions, Plaintiff has suffered general damages, emotional distress, and punitive damages in an amount to be proven at trial.

130. Additionally, Plaintiff is entitled to compensatory damages against Defendants in their individual capacities.

131. WHEREFORE, Plaintiff respectfully requests a judgment in favor of the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

132. For such other and further relief as the Court deems just and equitable.

COUNT IV

Violation of Civil Rights Pursuant to 42 U.S.C. § 1983

133. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

134. The Plaintiff spoke out on matters of public concern including the lack of enforcement of Idaho Animal Cruelty codes.

135. Plaintiff raised these concerns to Defendants both orally and in writing.

136. As a result, Plaintiff suffered an ongoing pattern of adverse actions and malicious prosecutions leading to Plaintiff being charged with Criminal Trespass multiple times.

137. These adverse actions were and are reasonably likely to deter Plaintiff from engaging in protected activity under the Idaho and United States Constitution.

138. Defendants did not have adequate justification for treating Plaintiff differently from other members of the general public.

139. Had Plaintiff not been a vocal critic of the Defendants, there would have been no adverse actions on the part of the Defendants.

140. At all times relevant to these matters, Defendants acted under color of law when committing the actions that are complained of.

141. Defendants' retaliatory conduct violated the clearly established Constitutional rights of free speech, and the right to petition the government for redress, the right to due process, and equal protection.

142. The above referenced and well-established rights are those which a reasonable person would have known.

143. The Defendant's tortious actions were malicious, corrupt, or outside the scope of their official duties.

144. The Defendants instituted and continued the prosecutions with improper purpose which a reasonable person would regard as completely without merit and for the intentionally wrongful purpose of injuring and silencing Plaintiff.

145. As a direct and proximate result of the Defendants' acts and omissions, Plaintiff has suffered general damages, emotional damages, and punitive damages in an amount to be proven at trial, but which amount exceeds \$10,000 the amount of which is to be proven at trial. Plaintiff is entitled to costs and any other relief allowed by law.

146. WHEREFORE, as a direct and proximate result of the Defendants' actions or omissions, Plaintiff is entitled to relief under U.S.C. § 1983 including compensatory damages against Defendants in their official capacities and applicable State claims.

147. Additionally, Plaintiff is entitled to compensatory damages against the Defendants in their individual capacities.

COUNT V

MONELL CLAIM/COUNTY/MUNICIPALITY LIABILITY

PURSUANT TO 42 U.S.C. § 1983

148. The allegations set forth in the preceding paragraphs of this Complaint are realleged in this paragraph as if fully set forth in their entirety herein.

149. The unconstitutional actions and/or omissions of the Defendants which were directed, encouraged, allowed, and /or ratified by county policy making officials:

- a) To tolerate the failure to adequately investigate complaints;

- b) To fail to use appropriate and generally accepted law enforcement procedures in handling citizen complaints;
- c) To deny a citizen her right to Due Process and other constitutional rights as set forth in this Complaint;
- d) By ignoring and/or failing to properly and adequately investigate and discipline unconstitutional or unlawful police activity;
- e) By allowing, tolerating, and /or encouraging police officers to fail to file accurate and complete police reports; file false police reports; make false statements; to give false information and withhold and/or conceal material information.

150. Defendants failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate and discipline county personnel with deliberate indifference to Plaintiff's constitutional rights, which were thereby violated as described above.

151. The unconstitutional actions and/or omission of the Defendants, as well as other officers employed by or acting on behalf of the JCSD and the JCP, as described above, were approved, tolerated, and/or ratified by policy-making

officials of Jefferson County. Plaintiff is informed and believes that the details of these incidents have been revealed to the authorized policy makers of Jefferson County, and that such policy makers have direct knowledge of the facts.

Notwithstanding this knowledge, the authorized policy makers within Jefferson County have approved of Defendants Olsen, Sheets, Dunn, and Clements' actions.

And by doing so, the authorized policy makers within Jefferson County have shown affirmative agreement with the actions of those listed above.

152. The aforementioned customs, policies, practices, and procedures, the failure to adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline, as well as the unconstitutional orders, approvals, ratification and toleration or wrongful conduct by Defendants were a moving force and/or proximate cause of the Plaintiffs' clearly established and well-settled constitutional rights in violation of 42 USC § 1983.

153. Defendants subjected Plaintiff to their wrongful conduct, depriving Plaintiff of the rights described herein, knowingly, maliciously, and with conscious and reckless disregard for the rights of Plaintiff that would be violated by their acts and/or omissions.

154. As a direct and proximate result of the unconstitutional actions, omissions, customs, policies, practices, and procedures of the Defendants, Plaintiff has sustained serious and permanent injuries and are entitled to damages, penalties, costs as set forth above and punitive damages against the Defendants in their individual capacities.

155. Defendants have an established pattern of the above referenced behavior as indicated in other law suits brought against the county.

156. WHEREFORE, Plaintiff respectfully requests a judgment in favor the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

157. For such other and further relief as the Court deems just and equitable.

COUNT VI

RESPONDEAT SUPERIOR

158. Plaintiff realleges each and every paragraph in this Complaint as if fully set forth here.

159. That Defendant Jefferson County is liable for the tortuous acts of the Defendants under the theory of Respondeat Superior.

COMPLAINT AND DEMAND FOR JURY TRIAL - 52

PA000756

160. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has experienced damages and is entitled to compensation for pain, suffering, and other related costs.

161. As a further and direct result of the Defendants' conduct Plaintiff has incurred and will continue to incur in the future, incidental expenses in a sum to be proven at trial.

162. WHEREFORE, Plaintiff respectfully requests a judgment in favor the Plaintiff for an amount exceeding \$10,000 or such additional sum as the evidence shall show to adequately compensate the Plaintiff.

163. For such other and further relief as the Court deems just and equitable.

ADDITIONALLY...

164. The JC Prosecutors have violated the duties of the Prosecutor as defined by the American Bar Association Standards of Criminal Justice Relating to Prosecution Function specifically as follows:

-Standard 3-1.2

(c) The duty of the prosecutor is to seek justice, not merely to convict.

-Standard 3-1.4 Public Statements

(a) A prosecutor should not make or authorize the making of an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the prosecutor knows or reasonably should know that it will have a substantial likelihood of prejudicing a criminal proceeding.

(b) A prosecutor should exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor from making an extrajudicial statement that the prosecutor would be prohibited from making under this Standard.

(f) A prosecutor should not permit his or her professional judgment or obligations to be affected by his or her own political, financial, business, property, or personal interests.

-Standard 3-3.9 Discretion in the Charging Decision

(a) A prosecutor should not institute, or cause to be instituted, or permit the continued pendency of criminal charges when the prosecutor knows that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction.

-ABA Rule 3.8: Special Responsibilities of a Prosecutor

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees

or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

165. Sheriff Blair Olsen and Deputy John Clements have violated the The Idaho Sheriffs' Association Mission Statement, specifically, as it states that it strives... "to provide equal justice and fair treatment to all citizens".

166. Sheriff Olsen and Deputy John Clements have violated the Idaho POST Council Code of Ethics as it states in part: ... "to respect the Constitutional right of all to liberty, equality and justice."

167. The Defendants through their actions or inactions have broken the Immunity normally granted to officials when acting in their official capacity and acting under the color of law because of their intentional and repeated misconduct towards Plaintiff in order to deprive her of due process and other Federal and State Constitutional rights as demonstrated in this Complaint. (*Tower v Glover*, 104 S. Ct. 2820, 2825 (1984).

168. The laws and regulations governing the behaviors of public officials have been clearly established and a reasonably competent public official should know the law governing his conduct. *Harlow*, 457, U. S. 819.

169. As set forth in this complaint, Defendants repeatedly and acting at times in concert deprived Plaintiff of clearly established statutory and/or constitutional rights of which a reasonable person would have known.

170. Wherefore, the Plaintiff is requesting any sanctions that is within the court's purview to be initiated against the Defendants as preventative measures against future unsubstantiated actions on their part.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by a jury composed of no less than twelve (12) persons on all issues so triable.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff Andi Elliott demands for relief as follows:

1. For an award to Plaintiff for economic and non-economic damages against Defendants in an amount to be proven at trial, but which exceeds \$10,000;

2. For compensatory damages to compensate Plaintiff for her emotional distress, loss of enjoyment of life, and other non-pecuniary losses in amounts to be established at trial;
3. For punitive damages in substantial, appropriate, and reasonable amounts;
4. For further and other relief the court deems proper.

DATED this 16 of Sept, 2014.

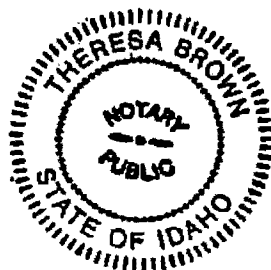
By: Candace "Andi" Elliott
 Candace "Andi" Elliott
 Pro Se Litigant

STATE OF IDAHO)
 County of Jefferson)

CANDACE (ANDI) ELLIOTT, being first duly sworn on oath, deposes and says:
 I am the plaintiff above named, and I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.

Candace "Andi" Elliott
 Candace (Andi) Elliott

SUBSCRIBED AND SWORN TO before me this 16 day of Sept, 2014.



Th. Brown
 Notary Public for Idaho
 Residing at Rexburg ID
 My Commission Expires: 01-06-18

MAGISTRATE JUDGE
JEFFERSON COUNTY
2015 FEB 17 PM 4:54

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
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Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE	)	CASE NO. CV-2014-0238
LOVE OF PETS FOUNDATION, INC., an Idaho)	
corporation,	)	DECLARATION OF STEVEN L.
	)	MURDOCK IN SUPPORT OF MOTION
Plaintiffs,	)	FOR SUMMARY JUDGMENT
)	
vs.	)	DATE:
	)	TIME:
STEVE MURDOCK,	)	DEPT:
)	
Defendant.)	

I, Steven L. Murdock, hereby declare as follows:

1. I am a party to this action. I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify to them competently.

2. I was born and raised in the Idaho Falls, Idaho area. I have been a rancher and farmer in Jefferson County since 1975. I am married, and my wife, Terese, and I have raised a son, Chance, in Idaho.

3. I am a veteran, having served our country from 1971-1973 in Korea. A true and correct copy of my certificate of military service is attached as Exhibit D to the compendium of evidence, which has been filed in support of my motion for summary judgment.

4. As a citizen of Idaho and a resident in Jefferson County, I have become aware of the activities of Candace Elliott, who frequently writes letters to the editor and publicizes her opinions and activities, including political activities, in the local media.

5. I disagree with many of Ms. Elliott's opinions and activities and I believe I have a constitutional right to express my opinions.

6. On March 22, 2012, I heard Ms. Elliott call into the Neal Larsen radio program. I called the program to express my opinions on the same radio program.

7. To my best knowledge, all the statements that I made on the radio program were true to my knowledge and belief. I did not say anything or express any opinions on the program which I did not believe to be true.

8. I made the statement: "She thinks she is above the law." This was my opinion of Ms. Elliott, and I believed that opinion to be true.

9. I made the statement: "She's trespassed numerous times." This was my opinion of Ms. Elliott, and I believed that opinion to be true.

10. I made the statement: "there's ongoing court case in Jefferson County where she got the judge disputed 'cause she's special." This was my opinion of Ms. Elliott, and I believed that opinion to be true.

11. I made the statement: "Her shenanigans cost Jefferson County taxpayers a numerous amount of dollars." This was my opinion of Ms. Elliott, and I believed that opinion to be true.

12. I made the statement: "People with the same mentality as Andi is what's done this to this horse market." This was my opinion of Ms. Elliott, and I believed that opinion to be true.

13. I made the statement: "We used to sell these slaughter horses." This was my opinion, and I believed that opinion to be true.

14. I made the statement: "And Andi's humane society puts .02 percent of the money they hit everybody up back into the care of animals." This was my opinion of the humane society, and I believed that opinion to be true.

15. I have never heard of a foundation called "For the Love of Pets Foundation," until I received the civil complaint in this lawsuit. When I made the foregoing comment, I was not referring to the For the Love of Pets Foundation, but the humane society in general. I had heard through the public media that less than 1% of donations to humane societies went to the treatment of animals. That was the basis for my statement.

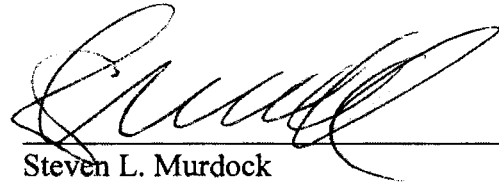
16. I also attended the depositions of Candace Elliott, taken in this action. The depositions of Candace Elliott, taken in this action, confirmed to me that the statements which I made on the March 22 radio program were true and accurate.

17. On February 4, 2015, I saw in the Jefferson Star newspaper, a letter to the editor published by Candace Elliott. A true and correct copy of that letter is attached as Exhibit E to

the compendium of evidence, which has been filed in support of my motion for summary judgment.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct.

Executed this 17th day of February, 2015.

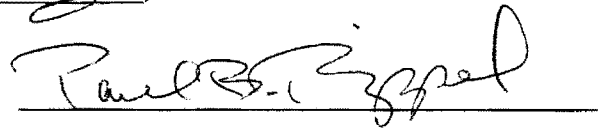


Steven L. Murdock

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 17th day of February, 2015.



Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

MAGISTRATE JUDGE
 JEFFERSON COUNTY DISTRICT COURT
 2015 FEB 17 PM 4:56

Ray L. Wong (Idaho SBN 4552)
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Attorneys for Defendant, Steven L. Murdoch
 (sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation, <p style="text-align: right;">Plaintiffs,</p> vs. STEVE MURDOCK, <hr style="width: 25%; margin-left: 0;"/> <p style="text-align: right;">Defendant.</p>)))))))))))))	CASE NO. CV-2014-0238 DECLARATION OF RAY L. WONG IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
--	---	--

I, Ray L. Wong, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of Idaho. I am a partner with the law firm, Duane Morris LLP, and am counsel of record for defendant Steven Murdock. I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify to them competently.

2. On June 27, 2014, November 13, 2014 and November 14, 2014, I took the deposition of plaintiff Candace Elliott. During the deposition, various documents were marked as exhibits to Ms. Elliott's deposition.

3. In support of Mr. Murdock's motion for summary judgment, we have complied what we have called a "Compendium of Evidence," which includes excerpts from Ms. Elliott's deposition and exhibits referred to during the deposition.

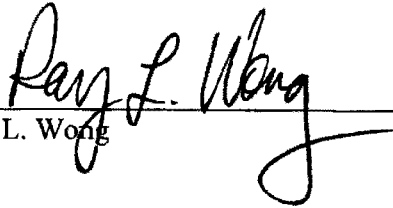
4. Exhibits A, B, and C in the Compendium of Evidence are true and correct copies of excerpts from Ms. Elliott's deposition, taken on June 27, 2014, November 13, 2014 and November 14, 2014.

5. Exhibits 3, 6, 7, 11, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32, 34, 44, 45, 48, 49, 50, 54, 55, 56, 61, 63, 64, 65, 66, 67, 68, 69, 70 and 71 are true and correct copies of deposition exhibits marked as exhibits to the depositions that I took of Candace Elliott in this action.

6. To the best that I can determine, by reviewing her letters to the *Jefferson Star* and *Post Register*, I believe in 2010, Ms. Elliott wrote 28 letters to the *Post Register* newspaper; in 2012, 30 letters to the *Post Register*; and in 2013, 31 letters to the *Post Register*. In 2012, Ms. Elliott wrote four letters to the *Jefferson Star*; in 2013, she wrote 19 letters to the *Jefferson Star*.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing
is true and correct.

Executed this 13th day of February, 2015.



Ray L. Wong

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 17th day of February, 2015.

Paul B. Rigel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

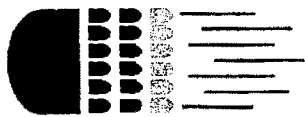
Exhibit A

In The Matter Of:
ELLIOTT, et al., vs.
MURDOCK

CANDACE ELLIOTT
June 27, 2014



T&T Reporting, LLC
477 Shoup Avenue, Suite 105
Idaho Falls, Idaho 83402



COPY

Reported By: DiAnn E. Prock CSR, RPR, CCR

Min-U-Script® with Word Index

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1 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL
 2 DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
 3 COUNTY OF JEFFERSON
 4 * * * * *

6 CANDACE ELLIOTT, individually and)
 7 FOR THE LOVE OF PETS FOUNDATION,
 8 INC., an Idaho corporation,
 9 Plaintiffs,
 10 vs. CASE NO.:
 11 STEVE MURDOCK, CV-2014-0238
 12 Defendant.

14 DEPOSITION OF CANDACE ELLIOTT
 15 Friday, June 27, 2014; 11:00 o'clock a.m.

18 BE IT REMEMBERED that the deposition of
 19 CANDACE ELLIOTT was taken by the attorney for the
 20 defendant at the office of HOPKINS RODEN CROCKETT
 21 HANSEN & HOOPES, PLLC, 428 Park Avenue, Idaho Falls,
 22 Idaho, before DiAnn Erdman Brock, Court Reporter and
 23 Notary Public, in and for the State of Idaho, in the
 24 above-entitled matter.
 25

Page 2

1 A P P E A R A N C E S

2 For the Plaintiff:
 3 WHITTINGTON LAW OFFICE, CHARTERED
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 9 (208) 529-8765
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11 For the Defendant:
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 13 BY: RAY L. WONG
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 15 One Market Plaza
 16 Suite 2200
 17 San Francisco, California 94105
 18 (415) 957-3000
 19 E-mail: RLWong@DuaneMorris.com

20 Also Present:
 21 STEVEN L. MURDOCK
 22
 23
 24
 25

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1 (The deposition proceeded at 11:00 a.m.
2 as follows:)
3
4 WHEREUPON,
5 CANDACE ELLIOTT, having been first duly
6 sworn to tell the truth, the whole truth and nothing
7 but the truth, testified as follows:
8 * * * * *
9 EXAMINATION
10 BY MR. WONG:
11 Q. Good morning, Miss Elliott.
12 A. Hi, Mr. Wong.
13 Q. My name is Ray Wong, and I represent
14 Steven Murdock in connection with this lawsuit.
15 Have you ever had your deposition taken
16 before?
17 A. No, sir.
18 Q. So this is the first time.
19 A. Correct.
20 Q. Have you ever testified in court
21 before?
22 A. Yes, sir, I have.
23 Q. Do you remember giving -- taking an oath
24 in court?
25 A. Yes.

Page 6

1 Q. How many times have you testified in
2 court?
3 A. Oh, my gosh, I was in court quite a bit
4 with my ex-husband. Ten, twelve times, something
5 like that.
6 Q. So you testified in court about
7 twelve -- ten to twelve times?
8 A. Yeah. He and I would be up in front of
9 the judge, you know, standing next to one another
10 and the judge would ask us questions.
11 Does that count?
12 Q. But you were testifying under oath; is
13 that right?
14 A. I don't remember that we were sworn in.
15 I don't remember.
16 Q. Do you ever recall giving testimony in
17 court in which you took an oath and gave
18 testimony?
19 A. I'm going to say no right now, but I
20 just -- I simply don't remember whether we were
21 sworn in because I was in four different courts in
22 three different states simultaneously, and I just
23 don't remember.
24 Q. Okay. So, you understand that you have
25 just taken an oath today?

Page 7

1 A. Oh, yes, sir.
2 Q. And I'm going to be asking you a series
3 of questions, and the court reporter is going to be
4 taking down my questions and your answers and
5 anything that your counsel may wish to state on the
6 record, and will be transcribing that testimony into
7 a book of your testimony, and I want to impress upon
8 you that you're testifying as if you were in court
9 under oath.
10 The oath that you just took is the same
11 oath that you would take if you were testifying at a
12 trial or a court proceeding in which sworn testimony
13 is given.
14 Do you understand that?
15 A. Yes.
16 Q. Notwithstanding the relative informality
17 of this conference room, you are testifying as if
18 you were in court. Your testimony can be used in
19 court, and so I want to make sure that you
20 understand that you are under oath, sworn to tell
21 the truth.
22 A. Yes, sir.
23 Q. And if there's any reason that you can't
24 understand the question or answer a question
25 truthfully, please explain to me what the difficulty

Page 8

1 is, and I will do my best to clarify the question or
2 to eliminate the difficulty so that we have an
3 accurate transcription of your sworn testimony.
4 Do you understand that?
5 A. Yes, sir.
6 Q. Can you think of any reason that would
7 prevent you from understanding or answering
8 questions truthfully today?
9 A. Sometimes the legal terms may be a bit
10 confusing, and I may have to ask for
11 clarification.
12 Q. Anything else?
13 A. Not that I can think of offhand.
14 Q. Have you taken or ingested anything that
15 in your mind would prevent you from understanding or
16 answering questions truthfully today?
17 A. No, sir.
18 Q. So with regard to any questions in which
19 you are confused or do not understand, please tell
20 me when you are confused or you don't understand
21 something, and I will do my best to clarify the
22 question so again we can have an accurate
23 transcription of your testimony.
24 Is that acceptable?
25 A. Yes, sir. That would be appreciated.

Page 9

1 Q. Okay. Good. What is your name on your
2 birth certificate?
3 A. Candace Barnes White, C-a-n-d-a-c-e,
4 B-a-r-n-e-s, W-h-i-t-e.
5 Q. Where were you born?
6 A. Newport News, Virginia.
7 Q. What is the date of your birth?
8 A. 7-15-49.
9 Q. Have you been known by any other
10 names?
11 A. Yes, sir.
12 Q. Tell me the names in which you have been
13 known?
14 A. Well, when I was little and cute they
15 called me Candy, and now it's Andi.
16 Q. Any others?
17 A. No, sir.
18 Q. I see. So as I understand it, you have
19 gone by the name Candy and the name Andi, Andi being
20 spelled A-n-d-i, and your formal name is Candace
21 Barnes White; is that correct?
22 A. That's the name on my birth
23 certificate.
24 Q. Okay. How about Candace Elliott? Have
25 you ever used that name?

Page 10

1 A. Yes, sir.
2 Q. Well --
3 A. That's the name that's on my papers.
4 Q. You didn't mention that name.
5 A. Oh, I'm sorry.
6 Q. So Candace Elliott is another name
7 you've gone by.
8 A. Yes.
9 Q. Tell me about that name.
10 A. It's my married name.
11 Q. Okay.
12 A. Candace White Elliott.
13 Q. Let me ask it again. Other than the
14 names you've already told me, are there any other
15 names in which you've gone by?
16 A. Candy has been spelled two ways,
17 C-a-n-d-y and C-a-n-d-i.
18 MR. WHITTINGTON: He's asking do you go
19 by Andi Elliott.
20 THE WITNESS: I go by Andi Elliott. And
21 then, I had a brief marriage, and I didn't take his
22 name, but the name there would have been Lilly,
23 L-i-l-l-y. L-i-l-l-y, that was his last name.
24 Q. (BY MR. WONG:) Have you gone by any
25 other names that you haven't told me about?

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1 A. No, sir. In Idaho, yes, it's been
2 Elliott, Andi, yes.
3 Q. I'm sorry. You just said in Idaho it
4 has been Elliott, Andi.
5 What did you mean by that?
6 A. Oh, in Idaho it's Candace White Elliott,
7 and my nickname has been Andi, and there are a
8 couple people that have called me Elliott.
9 Q. So some people call you Elliott.
10 Is that what you said?
11 A. They have, yes, sir.
12 Q. Okay.
13 A. When I worked at the hospital, when I
14 was nineteen, they called me Elliott.
15 Q. Have you gone by any other names?
16 A. I think that about does it. If I think
17 of anything else, I will correct the record.
18 Q. Please. What does the word shenanigans
19 mean to you?
20 A. Shenanigans. Let's see, pranks. Kind
21 of a trickster. Tricks, trickster.
22 Q. Anything else?
23 A. Devious activities.
24 Q. Anything else?
25 A. Not off the top.

Page 12

1 Q. Do you regard the word shenanigans to be
2 defamatory?
3 A. I have -- yes. I have a negative
4 connotation of the word.
5 Q. Have you ever used the word?
6 A. Yes.
7 Q. Were you being defamatory when you used
8 the word?
9 A. Can we clarify "negative connotation"
10 and "defamatory".
11 Q. In the same way that you just used it.
12 You just said you had a negative connotation.
13 A. Right.
14 Q. So I'm using it in that context.
15 A. And so the question again is?
16 MR. WONG: Could you read the question
17 back, please.
18 THE COURT REPORTER: Question: Were you
19 being defamatory when you used the word?
20 THE WITNESS: In order to answer that, I
21 think that I would have to go back and remember the
22 exact circumstances that I was using it in.
23 Shenanigans is not a positive term.
24 Q. (BY MR. WONG:) A term you've used. So
25 my question --

Page 13

1 A. I'm sure that I have.

2 Q. So my question to you now is that in

3 your prior use of the word shenanigans, were you

4 ever defaming someone by using that word?

5 A. Define defamatory.

6 MR. WHITTINGTON: I'm going to object to

7 this point. I'm not sure what context you're

8 asking, or what context the word was used. It

9 sounds like you're asking for a legal conclusion,

10 and so I'm going to enter an objection on that

11 basis.

12 But having entered that objection, you

13 may go ahead and answer it if you can.

14 MR. WONG: Please do.

15 MR. WHITTINGTON: And subject to that

16 objection, but go ahead and answer.

17 THE WITNESS: I am going to say yes

18 because I have a negative connotation of that

19 word.

20 Q. (BY MR. WONG:) I see. So you when you

21 used the word shenanigans in prior usage by you, you

22 were being defamatory. That's your testimony,

23 right?

24 A. Again, I would have to go back to the

25 circumstances and see in which context I was using

Page 14

1 it.

2 Q. I'm talking about your circumstances.

3 This is what you said.

4 MR. WHITTINGTON: Are you asking about a

5 specific instance? Maybe you ought to ask her

6 about --

7 MR. WONG: No. I'm asking about

8 generally, her prior uses of the word shenanigans.

9 THE WITNESS: All I can say is that it

10 has a negative connotation.

11 MR. WONG: That's not my question, so I

12 move to strike as not responsive.

13 THE WITNESS: Okay.

14 Q. (BY MR. WONG:) My question is: In your

15 prior use of the word shenanigans, were you defaming

16 someone?

17 MR. WHITTINGTON: Do you know?

18 THE WITNESS: Can I have a definition of

19 defamatory, and then I think I could better answer

20 the question.

21 Q. (BY MR. WONG:) Do you understand the

22 word defamatory?

23 A. I do.

24 Q. I'm using it in that context, the way

25 you understand it.

Page 15

1 MR. WHITTINGTON: Are you asking in

2 terms of a legal term or just saying a negative

3 connotation? I'm going to object to the form of the

4 question because I think we are asking for a legal

5 conclusion, which she's unable to give.

6 MR. WONG: I think the record is clear,

7 so can you answer the question.

8 THE WITNESS: The problem I'm having

9 here is that I'm thinking of it in a legal aspect.

10 If I were to walk out in my yard and tell my husband

11 the dogs were up to their shenanigans again, some

12 like that.

13 Q. (BY MR. WONG:) Would that be

14 defamatory?

15 A. That would not be defamatory to my dogs,

16 no.

17 Q. That would not be defamatory?

18 A. No.

19 Q. I see. Are you presently employed,

20 Miss Elliott?

21 A. No, sir.

22 Q. When was your last outside employment,

23 if you had outside employment?

24 A. Five years ago.

25 Q. And what was that position?

Page 16

1 A. I was teaching chemistry.

2 Q. Have you ever been appointed by any

3 governmental body to be a protector of animals?

4 A. No, sir.

5 Q. Have you been appointed by anyone to be

6 a protector of animals?

7 A. Appointed? Appointed, no.

8 MR. WHITTINGTON: Can we have a

9 definition of appointed? Are you asking as to -- I

10 mean, she's been asked by repeated people, but are

11 you asking for an official appointment?

12 MR. WONG: She's answered the question.

13 We can move on.

14 MR. WHITTINGTON: I'm going to object to

15 the form of the question, so....

16 Q. (BY MR. WONG:) All right. Do you

17 regard yourself as a protector of animals?

18 A. That's not the way I would frame it,

19 no.

20 Q. So you do not protect animals; is that

21 right?

22 A. I would use that -- whoops, I would say

23 the protector of animals. I would say that I

24 advocate for animal welfare.

25 Q. Have you been appointed by any

Page 17

1 governmental body to be an advocate for animal
2 welfare?
3 A. No, sir.
4 Q. Have you been appointed by any
5 organization to be an advocate for animal welfare?
6 A. Okay. Again, the word appointed.
7 Elected? Yes.
8 Q. Well, my word was appointed, or my
9 question was appointed.
10 MR. WHITTINGTON: That's my objection is
11 the form of the question, so...
12 THE WITNESS: Yeah.
13 Q. (BY MR. WONG:) Have you been appointed
14 by any entity to be an advocate for animal
15 welfare?
16 MR. WHITTINGTON: Do you understand his
17 question?
18 THE WITNESS: I do.
19 Appointed, no. Elected, yes.
20 Q. (BY MR. WONG:) All right. So tell me,
21 who elected you to be an advocate for animal
22 welfare.
23 A. Members of an organization that I was
24 connected with some years ago.
25 Q. And what was the name of that

Page 18

1 organization?
2 A. The Humane Society of the Upper
3 Valley.
4 Q. Located where?
5 A. Idaho Falls. Well, I say Idaho Falls.
6 When I was president, we did -- or a member, too, we
7 didn't have any specific location. We were just
8 simply an organization of volunteers.
9 Q. And when were you elected?
10 A. You know, that I can't remember. I have
11 thought about that several times, but I don't
12 remember. It's gotta be -- oh, goodness. I'm
13 going to say in the early 2000's, and I just -- and
14 I just -- I can reference that period of time
15 because of some animal cruelty cases that I've
16 heard.
17 Q. And what was the title of the position
18 to which you were elected?
19 A. President.
20 Q. And did you serve as president of the
21 Humane Society of the Upper Valley for a certain
22 term?
23 A. Yes, sir.
24 Q. And did that term expire?
25 A. I resigned years ago. They kept

Page 19

1 electing me, but I resigned years ago.
2 Q. When was your resignation?
3 A. Years ago. You know, I can't give you a
4 definitive date on that.
5 Q. What's your best estimate?
6 A. Oh, very rough guess, 2008, '9. I
7 just -- I don't know.
8 Q. All right.
9 A. I do not know. I'm sorry.
10 Q. I appreciate that is a guess or an
11 estimate.
12 So, approximately, since either 2008 or
13 2009 to the present, you have not been the president
14 of the Humane Society of the Upper Valley; is that
15 correct?
16 A. Correct, yes, sir. In quite a while.
17 Q. So you don't hold any elected position
18 today as an advocate for animal welfare, do you?
19 A. I am president of the For The Love of
20 Pets Foundation.
21 Q. Were you elected to that position?
22 A. No, sir.
23 Q. Okay. My question --
24 A. I know, but I was just telling you.
25 Q. And we're going to get to that.

Page 20

1 A. Okay. All right.
2 Q. Let me make sure that I'm clear.
3 A. I just want to make sure that we don't
4 leave any base uncovered.
5 Q. So, Miss Elliott, since approximately
6 2008 or 2009, is it accurate that you have not held
7 an elected position with the Humane Society of the
8 Upper Valley?
9 A. Yes, sir. And that's approximate dates.
10 Please understand that.
11 Q. I do understand that. So, would this be
12 an accurate statement that since either 2008 or
13 2009, you have been an advocate for animal welfare
14 but not appointed or elected by any body or
15 organization, true?
16 A. Could you read that again, please.
17 THE COURT REPORTER: Question: I do
18 understand that. So, would this be an accurate
19 statement that since either 2008 or 2009, you have
20 been an advocate for animal welfare but not
21 appointed or elected by any body or organization,
22 true?
23 THE WITNESS: Correct, yes. But I have
24 been a life-long animal welfare advocate.
25 Q. (BY MR. WONG:) So in terms of the work

Page 21

1 that you do as an advocate for animal welfare today,
 2 you do that based upon your own decision to do that
 3 work, right?
 4 A. Yes, sir.
 5 Q. So that's something you choose to do.
 6 It's not that you've been appointed or elected by
 7 some body or organization to do that work, right?
 8 A. Correct.
 9 Q. Now, what this lawsuit seems to be about
 10 is a radio talk show that involved Neal Larson, do
 11 you recall that?
 12 A. I do.
 13 Q. And do you recall the date of this Neal
 14 Larson show, radio show?
 15 A. I'm going to say 22 March, 2012, if my
 16 memory is correct.
 17 Q. So --
 18 A. I can check my records though.
 19 Q. So March 22, 2012; is that right?
 20 A. Yes, sir, I believe that is.
 21 MR. WHITTINGTON: If you want to check
 22 your records, you can.
 23 THE WITNESS: On or about then.
 24 Q. (BY MR. WONG:) And could you tell me
 25 what records you're checking?

Page 22

1 A. Oh, I keep records of everything. This
 2 is a timeline that I have. And wouldn't you know, I
 3 have March, 2012. That's what I have.
 4 Q. And what timeline is this?
 5 A. I just -- I have to keep notes and
 6 records, you know, for all the things that I
 7 participate in, you know, if the sheriff's
 8 department calls me and they ask me to intervene in
 9 a situation, I'll keep a record on it, and, you
 10 know, often send them a fax to follow up so we can
 11 have a hard copy of it. I just have notebooks of
 12 records.
 13 Q. Have you produced -- the records you
 14 were just consulting, have you produced that in this
 15 case?
 16 MR. WHITTINGTON: Not that I know of.
 17 THE WITNESS: Huh-uh.
 18 MR. WONG: Any objection to producing
 19 that?
 20 MR. WHITTINGTON: I'd like to examine it
 21 first.
 22 MR. WONG: Why don't we do this: During
 23 a break, why don't you take a look at what she's
 24 brought, and to the extent that there's an
 25 objection, let me know. If there's not an

Page 23

1 objection, we'll make arrangements for copies.
 2 MR. WHITTINGTON: We'll see if there's
 3 any relevancy.
 4 Q. (BY MR. WONG:) Well, what you're
 5 looking at, Miss Elliott, as I understand it, is
 6 some sort of time record or chronology of certain
 7 events related to this dispute?
 8 A. Yes, sir. This and others.
 9 Q. I would think that would be relevant,
 10 but I'll let you decide. All right. Let's go back
 11 to this, so March, 2012, this was a radio program
 12 where listeners would then call in and express views
 13 and opinions, correct?
 14 A. Correct.
 15 Q. And that's what you did that day?
 16 A. Correct.
 17 Q. And do you have a written transcription
 18 of the radio program?
 19 A. No, sir.
 20 Q. Have you ever seen a transcription of
 21 the radio program?
 22 A. No, sir.
 23 Q. Have you ever seen a transcription of
 24 the comments that Steve Murdock made that day on
 25 that radio program?

Page 24

1 A. No, sir.
 2 Q. Now, Steve Murdock apparently, after you
 3 called in, called in to the same radio program,
 4 right?
 5 A. Yes, sir.
 6 Q. And you heard what Steve Murdock said?
 7 A. Yes, sir.
 8 Q. How long were the comments that Steve
 9 Murdock made on this radio program in March of
 10 2012?
 11 A. My husband was home on that day, and he
 12 was listening to the Neal Larson radio show, and I
 13 had gone out to care for the dogs, and I walked
 14 in.
 15 MR. WHITTINGTON: To the best of your
 16 knowledge.
 17 THE WITNESS: -- walked in off of our
 18 deck, and John said: Be quiet. So Steve's comments
 19 had already started, so I don't know. I can't tell
 20 you what length of time.
 21 Q. (BY MR. WONG:) Okay. What did you hear
 22 when you were -- so I take it what happened was that
 23 Mr. Murdock's comments on the Neal Larson radio show
 24 had begun, and you started listening during a
 25 portion of those comments, right?

Page 25

1 A. Yes, sir.
 2 Q. During the portion that you listened to,
 3 how long were the comments?
 4 A. I don't think I can honestly answer
 5 that, because by now I have listened to the entire
 6 podcast so long, I don't think I could give you a
 7 good answer on that.
 8 Q. I see. So since listening to the radio
 9 comments at that time, you have gotten a podcast of
 10 the radio show and listened to it in its entirety,
 11 correct?
 12 A. Neal -- yes, sir. Neal sent me a
 13 podcast immediately.
 14 Q. "Neal" being Neal Larson?
 15 A. Correct.
 16 Q. All right. And is that the same podcast
 17 that through your counsel you sent to me?
 18 A. Yes, sir.
 19 Q. So, having listened to Mr. Murdock's
 20 comments through this podcast, first of all, how
 21 many times did Mr. Murdock call in to the Neal
 22 Larson show that day?
 23 A. I can't tell you that because part of
 24 the time I was out in the yard.
 25 Q. Well, you've listened to the podcast.

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1 A. Not the entire thing.
 2 Q. You've listened to the portion that you
 3 have -- you brought this lawsuit based upon comments
 4 that he made on this radio program.
 5 A. Correct.
 6 Q. And you've listened to the entirety of
 7 those comments, right?
 8 A. Yes, sir.
 9 Q. So how long is the comments that have
 10 caused you to bring this lawsuit?
 11 A. Several minutes.
 12 Q. Several minutes being how long? Was he
 13 talking for an hour?
 14 A. No, sir.
 15 Q. Was he talking for a half hour?
 16 A. No, sir.
 17 Q. Was he talking for fifteen minutes?
 18 A. No, sir.
 19 Q. Was he talking for five minutes?
 20 MR. WHITTINGTON: Did you time it?
 21 THE WITNESS: No, sir.
 22 MR. WHITTINGTON: Okay.
 23 Q. (BY MR. WONG:) Okay. But answer my
 24 question.
 25 A. It would be pure speculation, several

Page 27

1 minutes.
 2 Q. Okay. Can you be anymore specific?
 3 A. I have a copy of the podcast I can
 4 listen to and then time it.
 5 MR. WONG: Well, let me do this: Let me
 6 ask the court reporter to mark as an exhibit, and
 7 we'll mark this as Elliott Exhibit 1, a
 8 transcription that I will tell you our office
 9 prepared.
 10 (Deposition Exhibit 1 was marked for
 11 identification.)
 12 THE COURT REPORTER: Exhibit 1.
 13 Q. (BY MR. WONG:) Miss Elliott, I'm
 14 handing you what the court reporter has marked as
 15 Exhibit 1, and please take a look at this document.
 16 A. Thank you. All right.
 17 Q. You've had the opportunity to view what
 18 has been marked as Elliott Exhibit 1?
 19 A. Yes, sir.
 20 MR. WHITTINGTON: Is this copy for me,
 21 Ray?
 22 MR. WONG: It is.
 23 THE WITNESS: Is this copy for me?
 24 MR. WONG: No. That is what the court
 25 reporter needs.

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1 Q. (BY MR. WONG:) So is this an accurate
 2 transcription of the podcast that you heard?
 3 MR. WHITTINGTON: Or do you know?
 4 THE WITNESS: I do not know.
 5 MR. WONG: Mr. Whittington, I would
 6 appreciate if you wouldn't coach the witness.
 7 MR. WHITTINGTON: I didn't mean to coach
 8 her. I apologize.
 9 MR. WONG: All right. So let me try it
 10 again.
 11 Q. (BY MR. WONG:) Is this an accurate
 12 transcription of the podcast that you heard?
 13 A. I cannot say that. I would have to
 14 listen to the podcast and then read this.
 15 Q. Do you recall Mr. Murdock making any
 16 comments to which you took offense that's not
 17 contained in what has been marked as Exhibit 1?
 18 A. Oh, okay. Let me see. Offhand, I think
 19 everything is in here.
 20 Q. Does this document refresh your memory
 21 as to when you started listening to the comments
 22 that Mr. Murdock made on the radio program when it
 23 was occurring in March of 2012?
 24 A. Are you asking me do I know at what
 25 point I began listening?

Page 29

1 Q. Exactly.
 2 A. It was towards the beginning, but I
 3 can't say specifically.
 4 Q. Okay.
 5 A. I can't give you an indication as to a
 6 word or a sentence.
 7 Q. Okay. All right. Looking at the
 8 portion of Exhibit 1, there's two boxes: One that
 9 has the word Steve, and then there's the text that's
 10 associated with Steve that starts with the words,
 11 "If you listen..."
 12 Do you see that?
 13 A. Yes, sir.
 14 Q. So I'm going to ask you, the first
 15 sentence is, "If you listen -- you know, words have
 16 meanings."
 17 Do you see that?
 18 A. Correct.
 19 Q. Do you regard that as defamatory?
 20 A. No, sir.
 21 Q. The next sentence, "If you listen to
 22 Andi's words, she claims not to be an animal
 23 activist or a humane society activist, but that's
 24 kind of a big windy."
 25 Do you see that?

Page 30

1 A. Yes.
 2 Q. Do you regard that statement to be
 3 defamatory?
 4 A. Let me think for a minute. I believe
 5 that I would have to say not defamatory because I'm
 6 not an animal activist, but the last part,
 7 derogatory.
 8 Q. Okay. My question is whether you regard
 9 that statement to be defamatory, and if I understand
 10 your sworn testimony, your answer is you do not
 11 regard it to be defamatory; is that right?
 12 A. I will concur, yes.
 13 Q. Next sentence, "When she said that
 14 private property just in her statement to you is all
 15 right and everything, she thinks she is above the
 16 law..."
 17 I'll stop there. Do you believe that to
 18 be defamatory?
 19 A. Oh, most definitely.
 20 MR. WHITTINGTON: I'm going to object to
 21 the form of the question because it is a continuous
 22 sentence, but go ahead and answer.
 23 THE WITNESS: Most definitely.
 24 Q. (BY MR. WONG:) Okay. So the statement,
 25 "When she said that private property just in her

Page 31

1 statement to you it is all right and everything," is
 2 that portion defamatory?
 3 A. No, sir.
 4 Q. The portion of the statement that says,
 5 "She thinks she is above the law," is that portion
 6 in your mind defamatory?
 7 A. Absolutely.
 8 Q. The next statement, "She's trespassed
 9 numerous times..." do you regard that as
 10 defamatory?
 11 A. Definitely.
 12 Q. The next statement, "...there's ongoing
 13 court case in Jefferson County where she got the
 14 judge disputed 'cause she's special."
 15 Do you regard that as defamatory?
 16 A. Most definitely, yes, sir.
 17 Q. Now, on that statement, the reference
 18 to, "...there's ongoing court case in Jefferson
 19 County..." let me stop there.
 20 Was there an ongoing court case in
 21 Jefferson County that involved you in March of
 22 2012?
 23 A. Yes, sir.
 24 Q. So that portion of the statement is
 25 true, right?

Page 32

1 A. Yes, sir.
 2 Q. And the comment about "she's special,"
 3 do you regard that to be defamatory?
 4 A. I do, yes.
 5 Q. So you don't regard yourself as
 6 special?
 7 A. Not in the context in which Mr. Murdock
 8 intended it to be.
 9 Q. Oh, so you know what Mr. Murdock
 10 intended this to be?
 11 A. I have been the subject of some of
 12 Mr. Murdock's editorials, and yes.
 13 Q. So if I were to say that you're special,
 14 you regard that comment as defamatory; is that
 15 right?
 16 A. I would say derogatory, but you will say
 17 defamatory.
 18 Q. My question, Miss Elliott, is specific.
 19 I want to know about defamatory comments.
 20 Do you regard the words "she's special"
 21 to be defamatory?
 22 MR. WHITTINGTON: That's not the
 23 question you asked. You asked in the context of his
 24 statement.
 25 THE WITNESS: In the -- yes, in the

1 context of this statement and this -- this soliloquy
 2 here by Mr. Murdock, yes, it is defamatory.
 3 Q. (BY MR. WONG:) I appreciate that with
 4 the assistance of your counsel. Let me ask you this
 5 question.
 6 A. Okay.
 7 Q. The phrase she's special, is that
 8 defamatory?
 9 A. No.
 10 Q. If you were to say that a child was
 11 special or has special needs, would that be
 12 defamatory?
 13 A. Not if you were saying it in a
 14 professional sense.
 15 Q. How about in the casual sense?
 16 A. Some of my students would have said that
 17 would be derogatory.
 18 Q. Would that be defamatory?
 19 A. No. I'll say no.
 20 Q. And have you, in the course of your
 21 conversations, ever said to someone that they were
 22 special?
 23 A. Ever?
 24 Q. Yes.
 25 A. I'm sure that sometime in my life I

1 A. Phrase it -- I mean, repeat that
 2 question, please.
 3 THE COURT REPORTER: Question, What
 4 shenanigans did Mr. Murdock mean when he used that
 5 word?
 6 THE WITNESS: Okay. I'm going to refer
 7 to the fact that I had asked for a welfare check on
 8 his brother's horses who were in poor condition.
 9 Q. (BY MR. WONG:) And that's what
 10 Mr. Murdock was referring to when he used the word
 11 shenanigans associated with you?
 12 A. I don't know. He could probably tell
 13 you, but that's the -- I mean, that's one of the
 14 connotations I would gather from that.
 15 Q. Why?
 16 A. Why?
 17 Q. Why? He doesn't say that in this
 18 statement, does he?
 19 A. No.
 20 Q. He uses the word shenanigans.
 21 A. Correct.
 22 Q. My question to you is: What is your
 23 understanding of what Mr. Murdock meant when he used
 24 the word shenanigans in this context?
 25 MR. WHITTINGTON: I'm going to object to

1 have, yes, sir.
 2 Q. Were you defaming those people?
 3 A. I would have to go again back to the
 4 individual situation and put it into context to see
 5 whether it would be defamatory or not.
 6 Q. And your prior use of the word she's or
 7 he's special, have you ever defamed anyone by using
 8 that phrase?
 9 A. Yes.
 10 Q. Have you ever used those phrase she's or
 11 he is special and not defamed someone?
 12 A. I would say probably, yes, sir.
 13 Q. So, the next sentence, "She has to have
 14 a different judge to come in out of the area," do
 15 you regard that as defamatory?
 16 A. Yes, sir.
 17 Q. And the next statement, "Her shenanigans
 18 cost Jefferson County taxpayers a numerous amount of
 19 dollars," do you regard that as defamatory?
 20 A. I do.
 21 Q. What shenanigans did Mr. Murdock mean
 22 when he used that word?
 23 A. Well, at the time -- I don't know. Do
 24 you want me to tell you what Mr. Murdock meant?
 25 Q. Yes.

1 the form of the question. I don't think my client
 2 can say what is in Mr. Murdock's mind. I think she
 3 could say how she interpreted it.
 4 Is that what you're asking?
 5 MR. WONG: I think my question is clear.
 6 Q. (BY MR. WONG:) Can you answer my
 7 question?
 8 A. If it were clear, I could answer it a
 9 little bit better.
 10 Q. All right.
 11 A. Can you restate it, perhaps?
 12 Q. Sure. When you heard the statement that
 13 Mr. Murdock said that your shenanigans cost
 14 Jefferson County taxpayers a numerous amount of
 15 dollars, what did you understand Mr. Murdock to mean
 16 by the word shenanigans in this context?
 17 A. What I thought he meant was that the
 18 situation with my reporting his brother's horses was
 19 one of the shenanigans he was referring to.
 20 Q. Anything else?
 21 A. I suppose it's inappropriate that you
 22 and I -- that I ask you a question.
 23 Q. That's right. Well, I mean --
 24 MR. WHITTINGTON: I can't answer a
 25 question when there's a question pending. If you

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1 answer, then you and I can --
 2 THE WITNESS: Oh, okay.
 3 Q. (BY MR. WONG:) The question to you,
 4 Miss Elliott, is: Anything else other than what
 5 you've just said in sworn testimony in answer to my
 6 question?
 7 A. Well, I'm thinking. Well, what I see
 8 here is that shenanigans is plural. So I am
 9 thinking that he was not only referring to the
 10 situation in which I reported his brother's poor
 11 horses, but could also be meant to include a prior
 12 situation in which the Jefferson County Sheriff's
 13 Department sent me out to help to offer assistance
 14 to a mother dog with broken legs.
 15 Q. Anything else?
 16 A. Not that I can think of right now.
 17 Q. The second situation that you refer to,
 18 why do you believe that Mr. Murdock was referring to
 19 that situation when he used the word shenanigans?
 20 A. The previous situation made national
 21 news.
 22 Q. Okay.
 23 A. So that's what makes me think of that.
 24 Q. Has Mr. Murdock communicated in any way
 25 to you that he was aware of that situation, the

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1 the same mentality as Andi is what's done this to
 2 this horse market."
 3 Do you see that statement?
 4 A. I do.
 5 Q. Do you regard that statement to be
 6 defamatory?
 7 A. Oh, yes.
 8 Q. What did you understand Mr. Murdock to
 9 mean by the word "same mentality"?
 10 A. By the phrase "same mentality"? Okay.
 11 You want my inference here, right?
 12 Q. Your --
 13 A. He was lumping me with those animal
 14 rights people that have attempted --
 15 Q. And you regard being lumped with the
 16 other animal rights people to be defamatory?
 17 A. Most definitely.
 18 Q. What did you understand Mr. Murdock to
 19 mean with the phrase, "...what's done this to this
 20 horse market"?
 21 A. Well, having listened to and read this
 22 several times now, of course, I realize he was
 23 referring to the horse slaughter market.
 24 Q. Did you understand that, too, at the
 25 time did you listen to this radio program?

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1 second situation?
 2 A. Mr. Murdock and I don't communicate.
 3 Q. When you say you don't communicate, you
 4 mean communicate directly; is that right?
 5 A. Correct.
 6 Q. Have you ever spoken directly to
 7 Mr. Murdock?
 8 A. At the Lyon's Club bizarre, I believe I
 9 said -- I might have said hi to him, but I can't be
 10 sure.
 11 Q. Anything else?
 12 A. Perhaps in passing in the hallway at
 13 court, and then asking him to produce his
 14 editorials. I think that might be all.
 15 Q. Has he ever spoken to you directly?
 16 A. I don't remember.
 17 Q. Let's go on. Looking at Exhibit 1, the
 18 next sentence says, "West Jefferson landfill has a
 19 place for deceased livestock."
 20 Do you see that?
 21 A. I do.
 22 Q. Do you regard that statement to be
 23 defamatory?
 24 A. No, sir.
 25 Q. The next statement says, "People with

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1 A. Yes, sir.
 2 Q. And what is the horse slaughter
 3 market?
 4 A. What's the horse slaughter market? It's
 5 where horses are taken to be slaughtered.
 6 Q. And why is that a market?
 7 A. Because anything that has value, people
 8 are going to buy.
 9 Q. I see. So these are horses that are
 10 slaughtered, and the horse meat is sold; is that
 11 right?
 12 A. I have no personal knowledge of that.
 13 Q. Well, what tells you that that's what
 14 Mr. Murdock was referring to?
 15 A. Because after he talks about people with
 16 the same mentality as I, he talks about slaughter
 17 horses.
 18 Q. I see. So let me make sure I
 19 understand.
 20 What's defamatory about that sentence is
 21 that Mr. Murdock is lumping you with animal rights,
 22 people that advocate animal rights, correct?
 23 A. Yes, sir.
 24 Q. And I take it that you find that that is
 25 defamatory being lumped with animal rights people?

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1 A. And tree huggers, and people like that,
2 yes, sir.
3 Q. I see. Next sentence, "We used to sell
4 these slaughter horses."
5 Do you see that statement?
6 A. Yes, sir.
7 Q. Is that defamatory?
8 A. In the context of the same mentality as
9 the others, yes.
10 Q. Well, in that sentence, "We used to sell
11 these slaughter horses," is that defamatory?
12 A. If that were just picked out with
13 nothing else around it, no, sir.
14 Q. I see. But in the context of the
15 preceding sentence, you're saying that that's
16 defamatory?
17 A. Yes, sir. He's accusing me of
18 interfering with selling horses, slaughter horses,
19 horses to be slaughtered.
20 Q. The next sentence, "And in Portland,
21 Oregon, there's a horse meat market."
22 Do you see that?
23 A. I do.
24 Q. Is that a defamatory statement?
25 A. Not in and by itself, no.

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1 Q. Well, do you regard that statement to be
2 defamatory to you in any way?
3 A. No, sir.
4 Q. The next sentence says, "In European
5 countries, horses are consumed by people all the
6 time."
7 Do you see that statement?
8 A. Correct. Yes, sir.
9 Q. Do you regard that statement to be
10 defamatory as to you?
11 A. I don't.
12 Q. The next sentence says, "And Andi's
13 humane society puts .02 percent of the money they
14 hit everybody up back into the care of animals."
15 Do you see that statement?
16 A. I do.
17 Q. Do you regard that to be defamatory?
18 A. Absolutely. Untrue.
19 Q. This reference to Andi's humane society,
20 what is your understanding as to what Mr. Murdock
21 was referring to?
22 A. For the Love of Pets, my humane
23 society.
24 Q. Why do you say that?
25 A. It's the only humane society that I'm

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1 associated with.
2 Q. Well, weren't you the president of the
3 Humane Society of Upper Valley?
4 A. Years ago.
5 Q. What leads you to believe that
6 Mr. Murdock was referring to the For the Love of
7 Pets Foundation?
8 A. He said, "Andi's humane society." It
9 was nothing past tense in there.
10 Q. Does he use the words For the Love of
11 Pets Foundation?
12 A. No, sir.
13 Q. In these comments, does he use the name
14 Candace Elliott?
15 A. No.
16 Q. So you would agree with me that in the
17 radio program comments that Mr. Murdock made on
18 March of 2012, that he did not use the name For the
19 Love of Pets Foundation, right?
20 A. No, sir. He did not use the name For
21 the Love of Pets Foundation.
22 Q. Okay. So let me ask it again so we have
23 a clear record.
24 A. Please.
25 Q. During the comments that Mr. Murdock

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1 made during this radio program in March of 2012, did
2 Mr. Murdock use the name For the Love of Pets
3 Foundation?
4 A. No, sir.
5 Q. In those same radio comments, did he use
6 or refer to Candace Elliott?
7 A. No, sir.
8 Q. You would agree with me that of the
9 various names that you have gone by in the course of
10 your life, that the only name that he uses is Andi,
11 right?
12 A. Yes, sir.
13 Q. No last name, right?
14 MR. WHITTINGTON: You mean Andi in the
15 radio show or Andi elsewhere.
16 MR. WONG: Just talking about the radio
17 show.
18 MR. WHITTINGTON: On the radio show,
19 yes, sir. He refers to me as Andi.
20 Q. (BY MR. WONG:) And not by your last
21 name, right?
22 A. No, sir.
23 Q. He didn't use Andi Elliott or Andi White
24 or any other names that you've gone by, right?
25 A. Just Andi.

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1 Q. Now, with regard to this humane society
2 in general, can you tell me the amount of money that
3 the humane society receives that is used for the
4 care of animals?
5 MR. WHITTINGTON: Be more specific who
6 you're referring to on that as the humane society.
7 MR. WONG: Any humane society that
8 you're aware of.
9 MR. WHITTINGTON: Are we talking about
10 For the Love of Pets Foundation or are we talking
11 about Upper Valley Humans Society or the National
12 Humane Society?
13 MR. WONG: I think I tried to clarify
14 the question. Let he try it again.
15 Q. (BY MR. WONG:) With regard to the
16 humane society in general at the present time, do
17 you have any knowledge as to the amount of money
18 that is collected by the humane society that is used
19 for the care of animals?
20 A. For the Love of Pets uses ninety-nine
21 percent of any of the meager donations we get for
22 the care of pets. Most of it is funded by myself
23 and my husband.
24 MR. WONG: Move to strike as
25 nonresponsive.

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1 MR. WHITTINGTON: It was very
2 responsive.
3 Q. (BY MR. WONG:) Could you answer my
4 question?
5 MR. WONG: Why don't you repeat my
6 question.
7 THE COURT REPORTER: Question, With
8 regard to the humane society in general at the
9 present time, do you have any knowledge as to the
10 amount of money that is collected by the humane
11 society that is used for the care of animals?
12 MR. WHITTINGTON: I'm going to object to
13 the question because it's not specific. We have no
14 idea what humane society.
15 MR. WONG: Do you agree with your
16 counsel's objection?
17 THE WITNESS: There are many humane
18 societies. I don't know which one you are referring
19 to.
20 Q. (BY MR. WONG:) How many humane
21 societies are there?
22 A. I have no idea.
23 Q. How do you know there's more than one?
24 A. Because I'm always getting E-mails from
25 lots of them.

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1 Q. And so would you say that there's more
2 than one humane society?
3 A. Yes, sir.
4 Q. Would you say there's more than six
5 humane societies?
6 A. Yes, sir.
7 Q. Would you say there's more than a
8 dozen?
9 A. Yes, sir.
10 Q. Would you say there are hundreds of
11 humane societies?
12 A. There are lots of them.
13 Q. So going back to this last sentence and
14 the statement, how do you know that Mr. Murdock was
15 referring to For the Love of Pets Foundation when he
16 refers to Andi's humane society?
17 A. Because he specifically says, "Andi's
18 humane society." Andi only has one humane
19 society.
20 Q. So the For the Love of Pets Foundation
21 is a humane society?
22 A. Yes, sir.
23 Q. Oh. On the For the Love of Pets
24 website, do you describe it as a humane society?
25 A. It's probably described as a rescue.

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1 Q. Could you answer my question?
2 A. I don't remember.
3 Q. Lies. You do have a website?
4 A. I do.
5 Q. And who prepared the text in the
6 website?
7 A. Me.
8 Q. And when was the website prepared?
9 A. I can't tell you that.
10 Q. And as you sit here today, do you know
11 if you describe the For the Love of Pets Foundation
12 as a humane society?
13 A. I don't know. I don't remember. I
14 don't go look at it. You know, I don't look at
15 those things.
16 Q. Okay. And you're -- do you have any
17 flyers or brochures regarding For the Love of Pets
18 Foundation?
19 A. Do I have any? No.
20 Q. Do you have any written materials
21 describing For the Love of Pets Foundation?
22 A. No. Because all the money goes to the
23 care of the animals. I don't take time to spend
24 money on things like that.
25 Q. Okay. So in your -- so what I'm hearing

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1 you tell me under oath is that For the Love of Pets
2 Foundation has no written materials other than this
3 website that describes it as -- and it's work,
4 right?
5 A. It has Articles of Incorporation. Is
6 that what you're referring to?
7 Q. I'm asking for any written materials
8 that you're aware of that describes the For the Love
9 of Pets Foundation?
10 A. Articles of Incorporation.
11 Q. Anything else?
12 A. Not that I can recall currently.
13 Q. And in the Articles of Incorporation,
14 does it describe the For the Love of Pets Foundation
15 as a humane society?
16 A. I haven't read those in years.
17 Q. Do you remember whether it does or
18 doesn't?
19 A. I do not remember.
20 Q. What information do you have, or
21 evidence do you have, that Mr. Murdock was aware of
22 For the Love of Pets Foundation as of March of
23 2012?
24 A. I -- this transcript right here refers
25 to Andi's humane society. Evidently, he knew that I

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1 have a humane society.
2 Q. Just using -- relying on the words that
3 are set forth in this transcription, right?
4 A. That would be one thing, yes, sir.
5 Q. Is there anything else?
6 A. Repeat that question, please.
7 THE COURT REPORTER: Question, What
8 information do you have, or evidence do you have,
9 that Mr. Murdock was aware of For the Love of Pets
10 Foundation as of March of 2012?
11 THE WITNESS: Okay. I think my answer
12 sufficed.
13 Q. (BY MR. WONG:) You told me with the
14 words Andi's humane society.
15 A. Yes.
16 Q. Can you think of any other evidence or
17 information that you have that that's what he was
18 referring to?
19 A. Okay. Can I think of any information
20 that what?
21 Q. Let me try it again.
22 A. Okay.
23 Q. So we're talking about any information
24 or evidence that you have that Mr. Murdock was
25 referring to For the Love of Pets Foundation when he

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1 referred to Andi's humane society.
2 A. I cannot think of any other information
3 at this point, no, sir.
4 Q. Going back to the allegedly defamatory
5 comment of you being lumped with other animal rights
6 people, tell me why that's defamatory.
7 A. It's untrue. I am not a animal rights
8 activist. I have never been an animal rights
9 activist. I don't agree with their basic tenets.
10 Q. Their basic tenets being what?
11 A. That animals should have rights, and
12 some folks think they should supersede those of
13 humans, and I'm not a believer in that.
14 Q. And so by calling you an animal rights
15 activist, that's defamatory?
16 A. Most definitely, and especially out here
17 in the west.
18 Q. Are you involved in the Tea Party?
19 A. Yes, sir.
20 Q. Tell me what your involvement is with
21 the Tea Party.
22 A. This would be Tea Party --
23 MR. WHITTINGTON: Object to relevance,
24 but you may answer it.
25 THE WITNESS: This would be Tea Party

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1 Patriots. There are quite a few spinoffs from it
2 now. So what's my involvement? I'm kind of the
3 unofficial Tea Party person in the area. I'm also
4 the state co-coordinator for Tea Party Patriots.
5 A. Would you read that back, please.
6 THE COURT REPORTER: Answer, This would
7 be Tea Party Patriots. There are quite a few
8 spinoffs from it now. What's my involvement? I'm
9 kind of the unofficial Tea Party person in the area.
10 I'm also the state co-coordinator for Tea Party
11 Patriots.
12 Q. (BY MR. WONG:) And how long have you
13 been the state coordinator for the Tea Party
14 Patriots?
15 A. Probably, I'm going to say around
16 2009.
17 Q. To the present?
18 A. Correct.
19 Q. What kind of activities do you do as the
20 state coordinator for the Tea Party Patriots?
21 A. Currently or over the --
22 Q. During that period of time.
23 A. During that period of time. Okay. In
24 coordination with others, I have organized Tea Party
25 rallies. I used to set up meetings, and we'd have

1 speakers and informative meetings for the Tea Party
 2 members, but they don't like to come to meetings.
 3 So basically what I do now, is
 4 disseminate information to the people that are local
 5 members. We don't have official members, but local
 6 supporters of the Tea Party. One of the things I do
 7 is to -- when Tea Party Patriots reads out
 8 information, then I forward it on to other people.
 9 Basically, I just forward E-mails.

10 Q. Do you do any public speaking in
 11 connection with Tea Party activities?

12 A. With the rallies, yes, sir.

13 Q. Have you ever been accused of
 14 trespass?

15 A. Yes, sir.

16 Q. How many times?

17 A. In -- oh, my dates, okay.

18 Q. Let me --

19 A. 2000 --

20 MR. WHITTINGTON: Let me help you. You
 21 mean officially accused or accused by the public
 22 or --

23 Q. (BY MR. WONG:) That's a good question.
 24 Let me -- let me narrow the question, see if I can
 25 clarify.

1 A. No, sir.

2 Q. Have you ever been jailed for
 3 trespass?

4 A. No, sir.

5 Q. Have you ever been sentenced to jail,
 6 but that sentence suspended?

7 A. Not that I know of.

8 MR. WONG: Let me ask the court reporter
 9 to mark as next in order a document entitled case
 10 history.

11 (Deposition Exhibit 2 was marked for
 12 identification.)

13 THE COURT REPORTER: Exhibit 2.

14 THE WITNESS: Can I look at that?

15 Q. (BY MR. WONG:) Yes. The court reporter
 16 will be marking exhibits from time to time, and
 17 these are for you to review, and I'm going to ask
 18 you some questions about them.

19 A. Yes, sir.

20 Q. Have you ever seen Exhibit 2 prior to
 21 today?

22 A. This is on the Idaho Repository, so I am
 23 sure, yes, I have probably been there. Yes.

24 Q. What is the Idaho Repository?

25 A. It's where they have the case histories

1 A. Okay.

2 Q. Prior to March of 2012, how many times
 3 have you been accused by anyone of trespass?

4 A. 2008, 2009, 2011. That's all I'm
 5 bringing to mind right now.

6 Q. Are you saying three times prior to
 7 March of 2012?

8 A. That's all that's coming to mind right
 9 now, but if I could think of anything else -- let's
 10 see, we moved here to -- I'm thinking back in the
 11 1990's. Okay? In Virginia. Yes. There was a time
 12 there, too.

13 Q. I appreciate that, actually. So let me
 14 go back to my original question.

15 Prior to March of 2012, how many times
 16 have you been accused of trespass by anyone?

17 A. I believe that would be four.

18 Q. And what you're recalling would be in --
 19 sometime in 1990's in Virginia?

20 A. Yes.

21 Q. In 2008, in 2009, and 2011; is that
 22 right?

23 A. I believe I have my dates correct.

24 Q. All right. Have you ever been convicted
 25 of trespass?

1 of things.

2 Q. And this sets forth the case history for
 3 Candace White Elliott, correct?

4 A. Correct.

5 Q. Do you understand that to be referring
 6 to you?

7 A. Yes, sir.

8 Q. And the very first case refers to a case
 9 against Steve Murdock, and that's a reference to the
 10 case for which your deposition is being taken today,
 11 right?

12 A. Correct.

13 Q. And there's -- the second case that's
 14 listed here, involves a Brenda Murdock?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes, sir. I'm sorry, yes, sir.

18 Q. And was a case you brought, right?

19 A. Yes, sir.

20 Q. Against Brenda Murdock?

21 A. Yes.

22 Q. And you brought that case -- and you
 23 understood Brenda Murdock to be a sister-in-law to
 24 Steven Murdock?

25 A. That's what I'm told. Yes, sir.

1 Q. And that case was dismissed, was it
2 not?
3 A. Yes, sir. Judge Rammell told me I had
4 to take it to a higher court.
5 Q. And according to this, it was dismissed
6 for lack of viable small claims action.
7 A. Yes, sir.
8 Q. Would you agree with that?
9 A. Yes.
10 MR. WHITTINGTON: I'm going to object
11 the question. I don't think she can give a legal
12 conclusion.
13 Q. (BY MR. WONG:) Looking at the bottom of
14 the first page of Exhibit 2, there's a reference to
15 a case, State of Idaho versus Candace Elliott.
16 Do you see that?
17 A. There's two of them at the bottom. Do
18 you have a case number, counsel?
19 MR. WONG: The second from the bottom on
20 the first page.
21 THE WITNESS: In which the defendant was
22 Raul Torres.
23 Q. (BY MR. WONG:) No. In which it
24 indicates that this is State of Idaho versus Candace
25 White Elliott.

1 A. Oh, yes. I was.
2 Q. Was that a case that was tried?
3 A. No, sir.
4 Q. I see. So you were just -- you were
5 caught speeding?
6 A. I was speeding, and I did it, yes,
7 sir.
8 Q. And then the next case is one in which
9 it talks about a misdemeanor for trespass in which
10 the finding is guilty.
11 Do you see that?
12 A. Finding, guilty, withheld disposition.
13 Yes, sir, I see that.
14 Q. And is that one of the cases that you're
15 recalling?
16 A. Yes, sir. That -- that's the 2008
17 case.
18 Q. And according to this, it indicates that
19 you were found guilty; is that right?
20 A. Yes.
21 Q. And was that a true statement?
22 A. You know, that wasn't the way that the
23 prosecutor presented it to me.
24 Q. So you believe that's inaccurate, that
25 you weren't found guilty of trespass in 2008?

1 A. Oh, yes, sir.
2 Q. And that's a reference to a case that
3 was made against you --
4 A. Yes.
5 Q. -- for trespass?
6 A. Yes, sir.
7 Q. And then let's flip the page to the next
8 page. There's a reference to a case in 2009 for
9 trespass, and it seems to be dated November 23,
10 2009.
11 Do you see that?
12 A. I do.
13 Q. Do you recall that being one of the
14 trespass cases against you?
15 A. Yes, sir.
16 Q. Or, excuse me, trespass accusations
17 against you?
18 A. Yes, sir.
19 Q. And then going to the next case, it
20 refers to it a driving citation, speed exceeding the
21 maximum posted limit.
22 Do you see that?
23 A. I do.
24 Q. And you were found guilty in that
25 case?

1 A. I just knew that it was a withheld
2 disposition, whatever that was.
3 Q. Okay. But this does indicate that it
4 says guilty?
5 A. It does. I see it, yes.
6 Q. It also talks about a ten-day jail
7 sentence --
8 A. I see that.
9 Q. -- that was suspended, correct?
10 A. I see that. Yes, sir.
11 Q. Does that refresh your memory that in
12 2008 you were found guilty and sentenced for ten
13 days with a suspended sentence for trespass?
14 A. That's what it says here.
15 Q. So, Miss Elliott, prior to -- let's go
16 back to the 1990's in Virginia. You recall that
17 there was an accusation of trespass against you
18 during that time period, right?
19 A. I do, yes, sir.
20 Q. And can you be more specific as to when
21 in the 1990's you were accused of trespass?
22 A. Late -- late '90's.
23 Q. And who accused you of trespass on that
24 occasion?
25 A. You know, I don't remember.

1 Q. Do you recall whether you were accused
2 by a private individual or by a governmental
3 entity?

4 A. No. It was my neighbor. He was a truck
5 driver, yes, but I don't recall his name.

6 Q. What do you recall the circumstances of
7 that accusation?

8 A. Whatever his name was, it'll come to me
9 in a few minutes. He often drove trucks, you know,
10 long distance trucks, and so the neighbors would
11 kind of help care for his animals. And, you know,
12 at times I'd be over there helping to feed his
13 horses and things like that.

14 And once, one day, probably a Sunday,
15 I'm thinking, after church, John and I were walking
16 down the street, and he had a dog that was chained
17 up, and the dog was all wound up, and he couldn't
18 move. And a tree, that was like a tree had fallen
19 or something, and the dog was all whatever, you
20 know, could barely move. And so John and I went
21 over there to untangle the dog, and -- and what do
22 you want me to tell you now?

23 Q. Well, this all talks -- this all related
24 to trespass, so I take it at some point --

25 A. Yes. When he got back, somebody said

1 Q. All right. And what is the trespass
2 accusation that occurred in 2008?

3 A. In 2008, I drove down a lane with a dead
4 end sign on it, and drove past a horse belonging to
5 a friend of Sheriff Olsen's, and I took a picture of
6 the horse. It was a pretty sad looking creature.
7 And then I asked Sheriff Olsen to intervene on
8 behalf of the horse.

9 Q. So this led to some accusation of
10 trespass?

11 A. And then he didn't. And then I sent the
12 picture to -- pictures to the state veterinarian,
13 and the state veterinarian immediately went out --
14 well, when I say "immediately," not right then, but
15 soon thereafter, the state veterinarian, Dr. Tom
16 Williams, went out and examined the horses and he
17 immediately put them under the care of Dr. George
18 Olaveson of Mountain River Vet, and the horses made
19 multiple trips to the vet, lots of money for Sheriff
20 Olsen's friend, and I was then charged with
21 trespass.

22 Q. By whom?

23 A. By a deputy whose name I don't remember,
24 but it's probably there somewhere.

25 Q. And this deputy charged you with

1 that they had seen us on his property and he filed a
2 trespassing charge.

3 Q. Against you?

4 A. Yes. My husband and me, yes.

5 Q. And what was the resolution of that
6 charge?

7 A. Oh, it was thrown out. We were there to
8 help the dog. The judge told me next time just call
9 the police and have them do it.

10 Q. But you did trespass on his property?

11 MR. WHITTINGTON: I object. I don't
12 know that she -- again, that calls for a legal
13 conclusion.

14 MR. WONG: You did trespass.

15 MR. WHITTINGTON: I don't know if there
16 were -- property posted or what.

17 MR. WONG: So that we're clear, and
18 Mr. Whittington, I would appreciate if you would
19 refrain from any speaking objections. Let me try it
20 again.

21 Q. (BY MR. WONG:) So, I take it that in
22 connection with this accusation, you did go on to
23 the neighbor's property, in your mind, to untangle
24 this dog, right?

25 A. That is correct.

1 trespass at the request of Sheriff Olsen, right?

2 A. That I don't know.

3 Q. Well, was it your understanding that
4 Sheriff Olsen was the complaining party, that is the
5 person complaining that you had trespassed?

6 A. No. It seems like there were a couple
7 other people there.

8 Q. So there were other people that were
9 complaining about that?

10 MR. WHITTINGTON: Will Exhibit 2 help
11 you?

12 THE WITNESS: Officer Williams.

13 MR. WHITTINGTON: Do we get a break for
14 lunch?

15 MR. WONG: Why don't we finish this line
16 of questioning, and then we'll talk about a lunch
17 break.

18 Q. (BY MR. WONG:) So let me go back to the
19 2008 incident, because I'm confused.

20 A. You mean to --

21 Q. You referred to a Sheriff Olsen.

22 A. Yes, sir.

23 Q. But then Sheriff Olsen wasn't the
24 complaining party is what you're telling me; is that
25 right?

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1 A. I'll tell you, back then I wasn't as
2 familiar with the court system or the paperwork back
3 then, so I don't have any documentation of things
4 that went on back then.
5 Q. What is your best understanding or
6 recollection as to who accused you of trespass in
7 connection with that incident?
8 A. I - I think it was somebody that lived
9 on that dead end road.
10 Q. I see.
11 A. I think, but I can't be sure.
12 Q. So Sheriff Olsen had no involvement; is
13 that right?
14 A. Well, we had plenty of involvement.
15 Q. So, let me ask it again.
16 A. Okay.
17 Q. Did Sheriff Olsen make any accusation
18 against you for trespass?
19 A. I'm unable to answer that. I don't
20 know.
21 Q. All right. Identify Sheriff Olsen by
22 his full name, if you know it.
23 A. Blair - I don't remember. Blair
24 Olsen.
25 Q. And he was sheriff of what county?

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1 A. Jefferson.
2 Q. And is he sheriff today?
3 A. He is.
4 Q. And tell me about the trespass
5 accusation of 2009.
6 A. 2009, that would have been Barbie, the
7 Mud Lake, the dog with broken legs.
8 2009, it was November, 2009, and - do
9 you want the whole story?
10 Q. No. You're volunteering all this
11 information, which is helpful, but what I'm really
12 focused on is, you know, the circumstance of the
13 charge of -- the charge or accusation of trespass.
14 A. Oh.
15 Q. So who accused you of trespass?
16 A. Okay. The owner of the dog with the
17 broken legs is named Raul Torres. Raul Torres
18 signed a citation against me and a TV reporter for
19 trespass.
20 Q. And in 2011, who accused you of
21 trespass?
22 A. Kurt Young.
23 MR. WONG: Let me ask the court reporter
24 to mark as next in order this document. And, yeah,
25 let me do this before our lunch break.

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1 (Deposition Exhibit 3 was marked for
2 identification.)
3 THE COURT REPORTER: Exhibit 3.
4 MR. WONG: Thank you. Okay. Did I not
5 give you a copy?
6 MR. WHITTINGTON: No.
7 MR. WONG: I'm sorry. Here's a copy.
8 MR. WHITTINGTON: Thanks.
9 THE WITNESS: Is this - I can't ask you
10 a question.
11 MR. WHITTINGTON: There's no question
12 pending, so....
13 MR. WONG: There's no question
14 pending.
15 MR. WHITTINGTON: If you want to ask me
16 a question, yeah.
17 THE WITNESS: I was just going to say,
18 is this what the judge read in court that day?
19 MR. WHITTINGTON: I don't have a clue.
20 Q. (BY MR. WONG:) When you've had an
21 opportunity, Miss Elliott, to review Exhibit 3, I'm
22 going to ask you some questions about it.
23 A. Okay.
24 Q. Have you had a opportunity to review
25 it?

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1 A. No, sir.
2 Q. Okay. Please do it.
3 A. Okay. I've given it a quick reading.
4 Q. Have you ever seen Exhibit 3 prior to
5 today?
6 A. Yes.
7 Q. Did you write Exhibit 3?
8 A. I did.
9 Q. What is Exhibit 3?
10 A. It is a letter of complaint to the ISP
11 against the harassment I've experienced by
12 Sheriff Olsen and Prosecutor Dunn.
13 Q. This is a letter that you wrote?
14 A. Correct.
15 Q. Dated September 18, 2011?
16 A. Yes, sir.
17 Q. And you were complaining about alleged
18 harassment?
19 A. Correct.
20 Q. And you say in the first sentence, "For
21 the third time in a handful of years, I've been
22 charged with trespass by the sheriff and
23 prosecutor."
24 A. Yes, sir.
25 Q. Is that a true statement?

1 A. Well, I would say offhand, yes. But
 2 what I think you're trying to get at is who has
 3 actually signed the citation.
 4 Q. No. What I was getting at --
 5 A. That's not what you're getting at.
 6 Q. What I was getting at was what I asked
 7 you. Was that a true statement, the statement, "For
 8 the third time in a handful of years I have been
 9 charged with trespass by the sheriff and
 10 prosecutor"?"
 11 A. No, sir.
 12 Q. So that was not a true statement?
 13 A. Correct.
 14 Q. Okay. So this is the final letter that
 15 you sent to the Idaho State Police headquarters,
 16 right?
 17 A. I can't say that. I don't know. I
 18 don't remember.
 19 Q. Do you still have this letter?
 20 A. When you -- the word I'm hung up on is
 21 final.
 22 Do you mean is that the last time I
 23 corresponded with the ISP?
 24 Q. No.
 25 A. What do you mean?

1 the third time in a handful of years prior to
 2 September of 2011, you've been charged with trespass
 3 by the sheriff and prosecutor.
 4 That's either an accurate statement or
 5 not. You tell me.
 6 A. I'm hung up on the legalistics of this
 7 thing. They did not sign the trespass citation, but
 8 yes.
 9 MR. WHITTINGTON: I think he's just
 10 asking had you been charged three times --
 11 THE WITNESS: Three times.
 12 MR. WHITTINGTON: -- in the last -- in
 13 the handful of years prior to September 18, 2011.
 14 THE WITNESS: Correct. Yes, sir.
 15 Q. (BY MR. WONG:) So prior to March of
 16 2012, you had been accused of trespass numerous
 17 times, right?
 18 A. Yes.
 19 MR. WONG: Okay. Why don't we take our
 20 lunch break.
 21 Off the record.
 22 (A luncheon recess from 12:47 p.m. to
 23 1:32 p.m. was had.)
 24 MR. WONG: Back on the record.
 25 Q. (BY MR. WONG:) Miss Elliott --

1 Q. Let me try it again. So do you recall
 2 sending -- writing and sending a letter to the Idaho
 3 State Police headquarters making a complaint about
 4 alleged harassment?
 5 A. Yes, sir.
 6 Q. You sent that letter?
 7 A. Yes, sir.
 8 Q. You --
 9 A. Probably faxed it.
 10 Q. You wrote and sent a letter, whether it
 11 was fax or by mail, you sent such a letter.
 12 A. To the ISP, yes, sir.
 13 Q. And in the letter that you wrote in
 14 September of 2011, did you state that for the third
 15 time in a handful of years, you've been charged with
 16 trespass by the sheriff and prosecutor?
 17 A. Correct.
 18 Q. And that was a true statement when you
 19 sent that letter, right, in 2011?
 20 A. Well, let me qualify that. The person
 21 that trespassed -- the person that in 2009, Raul
 22 Torres, signed the citation; and in 2011, Kurt Young
 23 signed the citation, if you're being that specific.
 24 Q. I'm being -- I'm using -- I'm following
 25 up on words that you use in which you said that for

1 A. Yes, sir.
 2 Q. -- we will continue your deposition, and
 3 I remind you that you're still under oath, and do
 4 you understand that?
 5 A. I do, yes, sir.
 6 MR. WONG: Okay. Let me ask the court
 7 reporter to mark as next in order a single-page
 8 document that appears to be a complaint and summons.
 9 (Deposition Exhibit 4 was marked for
 10 identification.)
 11 THE COURT REPORTER: Exhibit 4.
 12 Q. (BY MR. WONG:) Miss Elliott, tell me
 13 when you've had a opportunity to review this
 14 document, Exhibit 4.
 15 A. I have. What does that last sentence
 16 say? Right here.
 17 MR. WHITTINGTON: Referred for.
 18 THE WITNESS: Referred. Okay.
 19 MR. WHITTINGTON: I think -- I can't
 20 testify.
 21 MR. WONG: That's right.
 22 Q. (BY MR. WONG:) So, Miss Elliott, have
 23 you ever seen Exhibit 4 prior to today?
 24 A. No. But I have tried to get a copy of
 25 this.

1 Q. Well, I'm glad to accommodate that.
 2 A. Thank you.
 3 Q. Do you have any understanding what
 4 Exhibit 4 is?
 5 A. Yes, sir.
 6 Q. What is your understanding?
 7 A. That is -- I think it's a citation. Is
 8 that what y'all would call it, the police officers
 9 would call it?
 10 Q. All I can ask is your understanding.
 11 A. Okay. So a uniform citation, that's
 12 what it says.
 13 Q. And what does that mean to you?
 14 A. That they allege you've broken some
 15 law.
 16 Q. And this is a citation against you,
 17 right?
 18 A. Yes, sir.
 19 Q. It's addressed to Candace W. Elliott,
 20 right?
 21 A. Yes, sir.
 22 Q. And was this a citation relating to a
 23 violation of trespass and a violation of disturbing
 24 the peace?
 25 A. That's what it says, yes, sir.

1 take a few moments to review what has been marked as
 2 Exhibit 5 and tell me when you've had the
 3 opportunity to review this document.
 4 A. Do you want me to read the entire thing?
 5 Q. Just read it to the extent necessary to
 6 tell me if you've ever seen it before.
 7 A. Yes, sir.
 8 Q. Have you ever seen this document
 9 before?
 10 A. Yes, sir.
 11 Q. And this was a decision that was
 12 rendered as a result of a trial against you,
 13 right --
 14 A. Yes, sir.
 15 Q. -- involving claims made by the State of
 16 Idaho?
 17 A. Based on the citation signed by Kurt
 18 Young.
 19 Q. And so this was a case, based on the
 20 citation signed by Kurt Young, brought by the State
 21 of Idaho against you, Candace White Elliott,
 22 correct?
 23 A. Correct.
 24 Q. That included a charge of trespass --
 25 A. Yes, sir.

1 Q. And you were accused of that in
 2 February -- I'm sorry, in July of 2011, by Kurt
 3 Young?
 4 A. Yes, sir.
 5 Q. And this was brought against you by the
 6 State of Idaho, right?
 7 MR. WHITTINGTON: The State prosecuted
 8 it.
 9 THE WITNESS: Okay.
 10 Q. (BY MR. WONG:) Is that right?
 11 A. Yes, sir.
 12 Q. And there was a trial in connection with
 13 this action, right?
 14 A. Yes, sir.
 15 Q. And there was a decision following that
 16 trial.
 17 Would you also agree with that?
 18 A. Yes, sir.
 19 MR. WONG: Let me ask the court reporter
 20 to mark as the next exhibit a document entitled
 21 Decision Following Trial.
 22 (Deposition Exhibit 5 was marked for
 23 identification.)
 24 THE COURT REPORTER: Exhibit 5.
 25 Q. (BY MR. WONG:) Miss Elliott, please

1 Q. -- in violation of Idaho law, right?
 2 A. Yes, sir.
 3 Q. And that trial occurred on February 13,
 4 2012; March 19, 2012; and June 5, 6, and 7, 2013,
 5 right?
 6 A. It did.
 7 Q. And this decision, now marked as
 8 Exhibit 5, was rendered by the Court on July 2,
 9 2013, right?
 10 A. Correct.
 11 Q. So, as of March of 2012, there was this
 12 charge brought by the State of Idaho against you for
 13 trespass, true?
 14 A. As of March, 2012, yes, sir.
 15 Q. So as of March, 2012, no decision had
 16 been made about the trespass -- trespass charge that
 17 had been brought against you by the State of Idaho,
 18 right?
 19 A. Correct.
 20 Q. Now, looking at the first page of
 21 Exhibit 5, there is a footnote, footnote number one.
 22 Do you see that?
 23 A. Yes, sir.
 24 Q. Now, there's some reference to the
 25 State's Motion for Contempt.

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1 Do you see that?
 2 A. I do.
 3 Q. Do you know what this referred to
 4 there?
 5 A. Yes, sir.
 6 Q. What is that?
 7 A. I wrote an editorial, and it was
 8 criticizing, as I recall, the sheriff -- the
 9 sheriff. It's been a long time since I read it.
 10 But anyhow, the prosecutor was unhappy with it.
 11 Q. And had brought a motion against you for
 12 contempt?
 13 A. Yes. Even though all the information I
 14 had published was public information at that
 15 point.
 16 Q. And this was an editorial that you
 17 wrote?
 18 A. Yes, sir.
 19 Q. In connection with this trial that is
 20 referred to in this decision now marked as
 21 Exhibit 5, Mr. Whittington represented you, right?
 22 A. Yes, sir.
 23 MR. WONG: Let me ask the court reporter
 24 to mark as next in order a single-page document with
 25 the heading Guest Letters.

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1 (Deposition Exhibit 6 was marked for
 2 identification.)
 3 THE COURT REPORTER: Exhibit 6.
 4 Q. (BY MR. WONG:) Have you had the
 5 opportunity, Miss Elliott, to review Exhibit 6?
 6 A. I have.
 7 Q. And can you tell me, have you ever seen
 8 Exhibit 6 before?
 9 A. Yes.
 10 Q. What is Exhibit 6?
 11 A. It is a letter to the editor that I
 12 wrote, but I don't know when it was written.
 13 Q. Is this the writing that led to the
 14 Motion for Contempt that's referred to in the first
 15 paragraph of Exhibit 5?
 16 A. No, sir, I don't think it is.
 17 Q. Do you recall going back to the writing
 18 that led to the Motion for Contempt? What do you
 19 recall with that writing; for example, the title of
 20 it, or what the subject matter is?
 21 A. See, whenever they print them, they make
 22 up their own titles.
 23 Q. Okay.
 24 A. Gee, what do I recall about it? I'd
 25 have to see it in order to clarify.

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1 Q. Do you have a copy of it?
 2 A. I have a CD with all my editorials on
 3 there.
 4 Q. Have you produced that?
 5 MR. WHITTINGTON: We brought it.
 6 THE WITNESS: And you have should have
 7 gotten it.
 8 MR. WONG: That's all right. We'll come
 9 back to that.
 10 THE WITNESS: Oh, okay.
 11 Q. (BY MR. WONG:) So, let me ask you: In
 12 terms of Exhibit 6, this is a letter to the editor
 13 that you wrote, right?
 14 A. Yes, sir.
 15 Q. When did you write this?
 16 A. I don't know.
 17 Q. And this is a letter to the editor
 18 written to the Post Register?
 19 A. I don't know.
 20 Q. Do you recall writing this article or
 21 letter at all?
 22 MR. WHITTINGTON: May I interject? From
 23 the printing of it, I would say it was the Jefferson
 24 Star, but I can't testify, and I understand if that
 25 helps, I guess, is the way it's written here and

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1 printed, I would guess it's the Jefferson Star.
 2 Q. (BY MR. WONG:) Does that assist you?
 3 A. Well, I can't say that either, but
 4 probably. I'll say probably.
 5 Q. Well, looking at the --
 6 A. To the editor, Jefferson Star.
 7 Q. I was just going to point that out to
 8 you.
 9 A. Right.
 10 Q. So it does say the Jefferson Star.
 11 Does that refresh your memory that this
 12 is a letter to the editor of the Jefferson Star?
 13 A. Yes, sir.
 14 Q. And tell me what the Jefferson Star is.
 15 A. The Jefferson Star is our little
 16 Jefferson County newspaper. The Jefferson Star is
 17 owned by the Post company who also publishes the
 18 Post Register.
 19 Q. And the first sentence under the heading
 20 to the editor of the Jefferson Star, the sentence
 21 reads, quote, Just like clockwork, about every two
 22 years, Sheriff Olsen and Prosecutor Dunn charge me
 23 with trespass, end quote.
 24 Did I read that correctly?
 25 A. You did.

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1 Q. Those were your words, right?
 2 A. Yes, sir.
 3 Q. And does that help you? Does that
 4 refresh your memory as to when you wrote this?
 5 A. 2011, '12, or '13.
 6 Q. And then it talks about, "If that
 7 doesn't work, then it's trespass by agency meaning I
 8 sent someone else out there. It's happened twice
 9 before."
 10 What did you mean by that statement?
 11 A. That when they couldn't find enough
 12 evidence to charge me with trespass, then they
 13 amended the complaint to trespass by agency, and
 14 because the -- the deputy had said, if anybody went
 15 out to the Torres property, that I would be the one
 16 that would be charged with trespass.
 17 Q. Because you had asked others to go
 18 trespass on that property, right?
 19 A. Never.
 20 Q. Then what did you understand that
 21 statement to mean?
 22 A. It meant that if I were to send anybody
 23 else out there, then I would be held accountable.
 24 Q. For what?
 25 A. For those people going there.

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1 Q. To do what?
 2 A. To take pictures, even across the
 3 street.
 4 Q. So how many times have Sheriff Olsen and
 5 Prosecutor Dunn charged you with trespass?
 6 A. I have been involved in three trespass
 7 actions involving Jefferson County Sheriff's
 8 Department and Prosecutor Dunn.
 9 Q. And that was prior to March of 2012?
 10 A. Yes, sir.
 11 Q. Now, apart from being cited for a
 12 criminal complaint, have any of your neighbors ever
 13 accused you of trespassing on their property?
 14 A. Kurt Young.
 15 Q. Anyone else?
 16 A. That I know of?
 17 Q. Right.
 18 A. Not that I can think of.
 19 Q. So, Miss Elliott, as I understand it,
 20 the accusation against you of trespass involves you
 21 conducting some surveillance on your neighbor's
 22 property, right?
 23 A. State that again.
 24 Q. Let me rephrase it. So you go around,
 25 and you basically look at the animals and livestock

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1 on the property of your neighbors and of private
 2 citizens, right?
 3 A. Usually it's somebody's request, either
 4 by the sheriff's department or perhaps if a neighbor
 5 has called in a complaint, yes, sir.
 6 Q. Okay. Have you ever done it on your
 7 own?
 8 A. I don't know if I can drive by to
 9 somebody where, you know, place like on the way to
 10 the grocery store or something like that and I see
 11 something I question, yeah, I'll notify animal
 12 control.
 13 Q. Okay. And how often have you done
 14 that?
 15 A. How often?
 16 MR. WHITTINGTON: Can you be more
 17 specific?
 18 MR. WONG: Sure.
 19 Q. (BY MR. WONG:) I mean, how many times
 20 between -- well, let me start if this way: When did
 21 you first begin to engage in that activity?
 22 MR. WHITTINGTON: Again, can you be more
 23 specific? At the request of the sheriff or the
 24 request of others or just on her own?
 25 Q. (BY MR. WONG:) At any time that you

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1 would look at livestock or animals of private
 2 citizens for whatever reason.
 3 A. Sixteen or seventeen.
 4 Q. What does that mean, "sixteen or
 5 seventeen"? I asked you when you started doing
 6 this.
 7 A. When I was sixteen or seventeen.
 8 Q. Oh, I see. Do you recall the
 9 approximate year?
 10 A. Let's see, I'm going to say maybe
 11 1965.
 12 Q. So would it be fair to say you've been
 13 doing this activity continuously from 1965 to the
 14 present?
 15 A. No, sir.
 16 Q. Okay. Was there a period of time that
 17 you didn't engage in that activity?
 18 A. When my children were young and we were
 19 involved in their activities. Yes, sir.
 20 Q. All right. So then after -- at a
 21 certain point you stopped, and then you resumed,
 22 right?
 23 A. (Nods head.)
 24 Q. Is that right?
 25 A. Yes, sir. I'm sorry. Yes, sir.

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1 Q. When did that happen, that you
2 resumed?
3 A. When my children were older, probably.
4 Q. Why don't you give me a year.
5 A. A year, 1980's. Just a general time
6 frame.
7 Q. So sometime in the 1980's you resumed
8 this activity.
9 A. I remember there was one situation, and
10 then there was another long lapse because I was
11 going through a divorce and, you know, that stuff.
12 Q. Okay.
13 A. So --
14 Q. So sometime in the 1980's you resumed
15 this activity, correct?
16 A. I remember that one situation, and then
17 nothing for a long period of time.
18 Q. Okay. Was there a period of time that
19 you started engaging in this activity of conducting
20 some surveillance on your neighbors' livestock and
21 animals?
22 A. Neighbors? Specifically neighbors?
23 Q. Any private citizen.
24 A. Oh.
25 Q. Miss Elliott, I want to be clear about

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1 this. What I understand that you do is you conduct
2 some surveillance of animals and livestock of
3 private citizens, whether they're your neighbors or
4 other people, and you take photographs, and you
5 report people to the authorities, and things of that
6 sort. You do that right?
7 A. I do. Sometimes at the request of the
8 sheriff's department, and sometimes by people's
9 neighbors or passersby.
10 Q. And sometimes on your own volition?
11 A. Yeah, if I see something, yes, sir.
12 Q. Okay. And I'm just trying to
13 understand, when you start doing this actively,
14 after your children were grown, when did that
15 happen? When did that begin?
16 A. Well, let's say when I moved here to
17 Idaho, I immediately became involved with the Humane
18 Society of Upper Valley, and we got a lot of
19 complaints through -- through that.
20 And then sometimes I would assist other
21 humane societies, like Bonneville County Humane
22 Society.
23 Q. Okay. Give me a year.
24 A. We moved here in 2001.
25 Q. So would it be fair to say from 2001 to

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1 the present, you've engaged in this activity of
2 conducting surveillance on private citizens' animals
3 and livestock.
4 A. Yes.
5 Q. And can you estimate the number of times
6 that you have conducted surveillance of private
7 citizens' animals and livestock during that period
8 of time?
9 A. Dozens.
10 Q. Do you keep a record every time you do
11 it?
12 A. I've started to in the last handful or
13 so years, since Sheriff Olsen and Prosecutor Dunn
14 have been after me. I've started keeping very
15 detailed records.
16 Q. Now, when you say they've been after
17 you, what do you mean?
18 A. Well, back in 2005, I received this
19 phone call from Sheriff Olsen that was -- I reported
20 to the ISP, and that was a result of a 2003 -- 2003
21 and '4 animal cruelty case involving a Ben Jones of
22 Menan.
23 And that was a situation where the judge
24 had the Humane Society of the Upper Valley written
25 into the court order so that the confiscated animals

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1 could be turned directly over to the humane society.
2 And so I accompanied them -- I accompanied the
3 deputies out there, and when they told me to come on
4 the property and get the dogs because the dogs
5 wouldn't allow the officers to handle them.
6 That resulted in a two thousand and plus
7 dollar veterinarian bill for the county, and
8 Sheriff Olsen was really angry with me. And during
9 part of that phone call, he accused me of leaving
10 him with that two thousand dollar and some
11 veterinary bill.
12 And I told him -- I told the sheriff, I
13 said, you know, I said, I know you have no
14 resources; and I said, so I paid most of that bill
15 by myself. I paid almost two thousand dollars of
16 it.
17 And, of course, he was really angry on
18 the phone with he. And his words to me were: Well,
19 prove it. And so I got all the information from the
20 veterinarian and had it on his desk the next week.
21 Subsequently, I appeared at a
22 commissioners' meeting, Jefferson County
23 Commissioners' meeting, and the commissioner was
24 harassing me over that, quote, bill, and how I stuck
25 them with that two thousand some dollar bill.

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1 And to his credit, Sheriff Olsen stood
2 up and said: No, that was just a minor matter. So
3 because of that, well, Sheriff Olsen has had it in
4 for me ever since.
5 **Q.** Has Sheriff Olsen ever asked you to
6 conduct surveillance of private citizen's livestock
7 or animals?
8 **A.** Personally?
9 **Q.** Yes.
10 **A.** No, sir.
11 **Q.** And I'm interested in whether you have a
12 record of the number of times that you conducted
13 such surveillance.
14 **A.** I --
15 **MR. WHITTINGTON:** Just so the record is
16 clear, I want to make sure that she's answered
17 Sheriff Olsen personally has not, but you should be
18 aware his deputies have.
19 **THE WITNESS:** Oh, all the time.
20 **MR. WONG:** Okay. I will come back.
21 **MR. WHITTINGTON:** Sorry to interrupt.
22 **MR. WONG:** I will come back to that.
23 **Q. (BY MR. WONG:)** Let me get an answer to
24 my question about the records of surveillance that
25 you've conducted.

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1 had a huge animal cruelty case right before the --
2 right before the call in to the radio station. It
3 was the defendant, the person that was charged was
4 Sharon Kay Wilson, and it was a fifteen,
5 twenty-year-old -- twenty-year long case of animal
6 cruelty, and lots of people were involved with it.
7 **Q.** Miss Elliott, I'm happy to take as long
8 as you like. My question is who has complained to
9 you about --
10 **A.** Sharon Wilson.
11 **Q.** Okay. Anyone else?
12 **A.** Well, you know, I'm sure there have been
13 others; but, you know, to recall on the spot like
14 this, I'd have to go back and check.
15 **Q.** But you recall the Sheri Wilson --
16 **A.** Sharon.
17 **Q.** Sharon Wilson --
18 **A.** Yes, sir.
19 **Q.** -- complained about your surveillance,
20 right?
21 **A.** Yes, sir.
22 **Q.** And you say that there must have been
23 others?
24 **A.** (Nods head.)
25 **Q.** Why do you say that?

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1 **A.** Surveillance. That's an onerous term.
2 Are you -- the question was are you
3 asking me do I have a record?
4 **Q.** Yeah.
5 **A.** I have lots of records.
6 **Q.** We'll make a request, and we're going to
7 want to get those records in terms of the number of
8 times they've done this?
9 **A.** You can probably get them from the
10 Jefferson County Sheriff's Department.
11 **Q.** I'd rather get them from you.
12 **A.** Deputy Clements has asked me to fax him
13 so that way he has a hard copy of our working
14 together.
15 **Q.** Okay. I'd like to get all of your
16 records regarding surveillance, both at the request
17 of any authorities or work that you've done on your
18 own. Okay?
19 **A.** Okay.
20 **Q.** Okay. And has anyone ever expressed to
21 you that they're unhappy or annoyed with your
22 surveillance of them?
23 **A.** Yes.
24 **Q.** Who's done that?
25 **A.** Well, you wouldn't remember this, but we

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1 **A.** Because I get comments from neighbors
2 and phone calls.
3 **Q.** What kind of comments?
4 **A.** What kind of comments? Neighbors will
5 call me and say: Hey, will you go look at
6 so-and-so's dog, or something like that.
7 **Q.** I'm talking about complaints.
8 **A.** And then the people will be unhappy with
9 me because I got the complaint, you know, something
10 like that.
11 **Q.** Okay. So you have received complaints
12 from private citizens where you conducted this
13 surveillance of their animals and livestock, true?
14 **Correct?**
15 **A.** Yes, I'm sure.
16 **Q.** And those are numerous complaints,
17 right?
18 **A.** No, not to me.
19 **Q.** Are you aware that there have been
20 frequent complaints made against you with regard to
21 the surveillance that you've conducted of private
22 citizens, animals, and livestock?
23 **A.** Am I aware that there have been -- no,
24 I've not been made aware there were frequent
25 complaints.

1 Q. So you're aware of complaints that have
2 been made. Well, let me just ask it this way --
3 A. Okay.
4 Q. -- isn't it true, Miss Elliott, that
5 your neighbors are unhappy with you because of your
6 surveillance of their animals and livestock and
7 accusations that you make against them? Isn't that
8 a true statement?
9 A. There were two that I can think of, yes,
10 sir.
11 Q. Okay. And beyond neighbors, there are
12 other people that have expressed unhappiness with
13 you because of that activity; isn't that right?
14 MR. WHITTINGTON: I guess I'm going to
15 object. It assumes facts not in evidence, but you
16 can go ahead and answer if you know.
17 THE WITNESS: Okay. Say that again.
18 MR. WONG: Could you read the question
19 back, please.
20 THE COURT REPORTER: Question, Okay.
21 And beyond neighbors, there are other people that
22 have expressed unhappiness with you because of that
23 activity; isn't that right?
24 THE WITNESS: Expressed to whom? I'm
25 sure there have been, yes.

1 Q. But generally, the accusations of
2 trespass against you arise from your surveillance of
3 private citizens' animals and livestock, correct?
4 A. Correct.
5 Q. And the accusation essentially is that
6 you've gone on private citizens' property to conduct
7 the surveillance, taking photographs and so forth of
8 animals and livestock, and people were unhappy with
9 that activity, right?
10 A. I've been accused.
11 MR. WHITTINGTON: Pretty strong and long
12 question. I'll object to the form of question, but
13 you can answer if you understand it.
14 THE WITNESS: I've been accused of
15 trespassing on public property.
16 Q. (BY MR. WONG:) Answer my question.
17 Isn't it true that people have accused you of
18 trespass by coming onto their property while you're
19 conducting the surveillance of their livestock and
20 animals?
21 A. That's not always true.
22 Q. That is partially true, right?
23 A. Partially true, yes.
24 Q. Okay. And you do, do the surveillance
25 in which you take photographs of animals and

1 Q. (BY MR. WONG:) Why are you sure there
2 have been?
3 A. Because, you know, people talk, or you
4 get threats, or, you know, things happen to your
5 animals on your property.
6 Q. You've received threats?
7 A. Oh, yes, sir.
8 Q. Threats of what nature?
9 A. Well, a newspaper reporter and I were
10 almost run over by Miss Wilson on public property.
11 There was a puppy mill situation south of Idaho
12 Falls that the lady made some threats. I can't
13 remember her name right now, but I should as much as
14 I was involved with that.
15 I have been notified that Mr. Murdock
16 has made threats against me.
17 Q. Anyone else? Anyone else?
18 A. Not offhand.
19 Q. The trespass accusation that's been made
20 against you arise from you conducting this
21 surveillance of private citizens' animals and
22 livestock, right?
23 A. In a couple of instances. It's been a
24 vendetta from the sheriff that these things have
25 occurred, because I haven't trespassed.

1 livestock, right?
2 A. At times, yes.
3 Q. And sometimes, as I understand it, you
4 do this at the request of public authorities?
5 A. Oh, yes.
6 Q. And there are times you do it on your
7 own volition, correct?
8 A. Yes.
9 Q. And tell me the number of times prior to
10 March of 2012, in which you've conducted this
11 activity at the request of public officials?
12 A. Oh, my gosh, with the Humane Society of
13 Upper Valley, we were getting lots of requests, a
14 number of times. You know, any answer I would give
15 you would be just speculation.
16 Q. Since you left the Humane Society of the
17 Upper Valley up to the present, how many times have
18 public officials asked you to conduct the
19 surveillance?
20 A. When you say "surveillance," are you
21 also including when they ask me to -- to take some
22 animals or to help out some people? Is that what
23 you're asking also? Because that's mainly what I
24 do.
25 Q. I'm talking about the activity where you

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1 go and conduct surveillance of private citizens'
 2 animals and livestock, whether you do it on their
 3 property or on adjoining property or on public
 4 property, that activity?
 5 MR. WHITTINGTON: Is your question
 6 limited to surveillance?
 7 MR. WONG: Yes.
 8 MR. WHITTINGTON: Does that help?
 9 THE WITNESS: Yes, but I have no idea.
 10 Q. (BY MR. WONG:) Is it frequent?
 11 A. No, no, no, it's not. Mainly -- well,
 12 like, Deputy Fulmer, you know, a month or so ago he
 13 said: Hey, we've got some animals that are
 14 abandoned, will you go get them, and things like
 15 that.
 16 Q. So give me a percentage of the amount of
 17 time that you conducted -- or the number of
 18 occasions where you conducted this activity, what
 19 percentage of that time has been at the request of
 20 public officials?
 21 MR. WHITTINGTON: And, again, this
 22 activity being the surveillance?
 23 MR. WONG: That's correct. During the
 24 period of time since this Humane Society of the
 25 Upper Valley to the present. So that's a

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1 complicated question.
 2 THE WITNESS: It is, and I don't think I
 3 can give you a reasonable answer. I'm sorry.
 4 Q. (BY MR. WONG:) All right. Let me
 5 restate it so we have a record in terms of when you
 6 can answer.
 7 A. Okay.
 8 Q. So from the period that you --
 9 A. 2001.
 10 Q. You left the Humane Society of the Upper
 11 Valley to the present. I'm interested in the number
 12 of times that you conducted the surveillance on
 13 private citizens' animals and livestock at the
 14 request of a public official?
 15 A. There haven't been too many situations
 16 that I've needed to do such. I don't know,
 17 Mr. Wong. I really don't know.
 18 Q. Okay.
 19 A. I can't answer that.
 20 Q. During that same period of time, can you
 21 give me an estimate as to the number of times you've
 22 done this surveillance of private citizens' animals
 23 and livestock?
 24 A. You know, I can't. I really can't. I
 25 mean, when we give -- when I give you the

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1 documentation or the notes that I have kept on the
 2 different cases, perhaps that will be of some
 3 help.
 4 Q. Okay. I take it it's been more than one
 5 time?
 6 A. Oh, yeah.
 7 Q. It's been more than a dozen times?
 8 A. That I have --
 9 Q. That --
 10 A. -- done welfare checks? Oh, yes.
 11 Q. During the period of time that I've
 12 described, that you've conducted the surveillance of
 13 private citizens' animals and livestock.
 14 A. More than a dozen times, yes, sir.
 15 Q. More than two dozen times?
 16 A. In five or six years, yes, sir.
 17 Q. More than six dozen times?
 18 A. I will have to check. I will have to
 19 check my records in order to be able to give you a
 20 decent answer on that.
 21 Q. Okay. But it's more than two dozen
 22 between two thousand -- I'm sorry, between two dozen
 23 and six dozen times that has occurred, right?
 24 A. Yes, sir.
 25 Q. Okay. And you made an accusation

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1 against Dan Murdock, did you not?
 2 A. No -- Well, his horses, yes, sir.
 3 Q. Well, it wasn't an accusation against
 4 Dan Murdock's horses.
 5 A. That's true.
 6 Q. It was an accusation against Dan
 7 Murdock, wasn't it?
 8 A. Yes, regarding the horses, yes.
 9 Q. When did you make that accusation?
 10 A. When?
 11 Q. When?
 12 A. July 24th, 2011.
 13 Q. And what was your accusation?
 14 A. My husband and I drove by after church,
 15 and we saw, at the request of Mr. Murdock's
 16 neighbor, and we saw these horses. And so I took
 17 those pictures from the public roadway, and I called
 18 deputy -- or I called dispatch, and asked that a
 19 welfare check be conducted.
 20 Q. And was that done?
 21 A. Yes, sir.
 22 Q. And who did it?
 23 A. Deputy Clements, because we have his
 24 DVD. So he was the one that conducted it.
 25 Q. And what were the findings?

1 A. Well, you know, they don't -- sometimes
2 they don't tell me the end results.
3 Q. So you don't know what the end result
4 was.
5 A. I know the state veterinarian because I
6 happened to see Dr. Tom Williams -- the state
7 veterinarian, Dr. Tom Williams, in the hallway, and
8 I know that he went out, and Deputy Clements told me
9 that Dan Murdock would be feeding his animals from
10 then on.
11 Q. Do you know what the result was?
12 A. I guess not.
13 Q. Okay. You said the state veterinarian
14 came out?
15 A. Yes, sir.
16 Q. And do you know if the state
17 veterinarian reached any conclusions or opinions?
18 A. I can tell you what Deputy Clements told
19 me, but it would be hearsay.
20 Q. Can you answer my question?
21 A. No.
22 Q. Okay.
23 A. Not personally.
24 Q. So do you know if the state veterinarian
25 found that there was any problem for abuse of these

1 later, I'll let you know. Okay?
2 Q. Okay. Did Deputy Clements tell you that
3 the state veterinarian came and concluded that there
4 was no problem or issue with the horses? Did he
5 tell you that?
6 A. You know, I don't recall him saying
7 that, I just remember that they had to be
8 monitored.
9 Q. Did you ever ask him that question?
10 A. Well, I always ask him to follow up with
11 me, but he just ignores me. But I don't remember
12 that. I don't remember. I'm sorry.
13 Q. What do you mean he just ignores you?
14 MR. WHITTINGTON: You don't know
15 Deputy Clements. Excuse me.
16 THE WITNESS: Deputy Clements uses me
17 when it's to his advantage, but at other times, he
18 gets ticked off and just ignores me.
19 Q. (BY MR. WONG:) Why does he get ticked
20 off at you, in your words?
21 A. In my words, why does he get ticked off
22 at me?
23 MR. WHITTINGTON: Do you know?
24 THE WITNESS: In my own words, I feel
25 like -- because he's really a funny guy. I mean, he

1 horses?
2 A. No. I have no direct knowledge of
3 that --
4 Q. What did deputy --
5 A. -- on what Deputy Clements told me.
6 Q. And what did Deputy Clements tell you?
7 A. Deputy Clements indicated that they went
8 out some weeks after I had provided these pictures
9 to him, and that the horses had started gaining
10 weight. He told me that Dan was out of hay, and,
11 you know, so there's what his horses look like.
12 He told me that by the time the state
13 veterinarian got out there, that the animals had
14 started gaining weight.
15 Q. Anything else?
16 A. He told me that some cows had hump
17 jaw.
18 Q. Anything else?
19 A. He told me that he would be monitoring
20 them.
21 Q. Anything else?
22 A. He told me they were really thin.
23 Q. Anything else?
24 A. You know, I feel like there is, but I
25 just can't bring it up right now. If I think of it

1 comes over my house and sits in the kitchen. He
2 comes in the TV room. He comes late at night. And,
3 you know, you would think he was my friend.
4 I mean, one night I met him at the door
5 with a gun, and I said: You've got to call me
6 before you come. So it's kind of that type of
7 relationship, but then at other times I could tell
8 I'm in -- I annoy him. So, I don't know what to
9 say.
10 I just know that I can't trust him.
11 Whatever he tells me, I just have to take it with a
12 grain of salt.
13 Q. (BY MR. WONG:) Do you know how much it
14 costs the taxpayers for that investigation to occur
15 with regard to Dan Murdock's horses?
16 A. I have absolutely no idea.
17 Q. Do you know if it cost the taxpayers
18 anything for an investigation to occur?
19 A. I'm sure the taxpayers are paying for
20 the deputy's time.
21 Q. How about the veterinarian?
22 A. That's the State, yeah.
23 Q. So there would be a cost associated with
24 that?
25 A. Yes.

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1 Q. Okay.
 2 A. In addition to the trials, too.
 3 Q. So there would be a cost associated with
 4 that?
 5 A. Uh-huh.
 6 Q. Is that right?
 7 A. Yes.
 8 Q. To the taxpayers?
 9 A. Yes.
 10 Q. And how many complaints have you made
 11 against owners of livestock and animals, since 2001
 12 to the present?
 13 A. I have no idea.
 14 Q. More than one?
 15 A. In my capacity with Humane Society of
 16 Upper Valley, we got quite a few, but I just can't
 17 put a number to it. Of course more than one.
 18 Q. Well, my question was since 2001 --
 19 A. Yes, I know.
 20 Q. -- to the present. So as I understand
 21 it, you are no longer associated with the Humane
 22 Society of the Upper Valley after 2001, right?
 23 A. No, sir. That's when I became
 24 president.
 25 Q. Oh, I see.

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1 A. Yes.
 2 Q. All right.
 3 A. So I was president for six or seven
 4 years, and we got a lot of calls.
 5 Q. I'm sorry. Then I misunderstood.
 6 When did you stop serving as president
 7 of the Humane Society of the Upper Valley?
 8 A. I couldn't give you a specific date, but
 9 I'm kind of going to say around 2008 or '9. I think
 10 that's what I testified to earlier.
 11 Q. I think you did.
 12 A. Yeah.
 13 Q. So let's go with that period.
 14 A. Okay.
 15 Q. From the time period in which you left
 16 and present to the Humane Society of the Upper
 17 Valley to the present, how many complaints have you
 18 made against private citizens similar to the
 19 complaint that you made against Dan Murdock?
 20 A. I'm not.
 21 MR. WHITTINGTON: When you say
 22 "complaint," do you mean a referral?
 23 THE WITNESS: When you say -- yes,
 24 complaint, you mean requesting an animal welfare
 25 check? That's what I do. I don't sign complaints,

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1 if that's what you're referring to.
 2 Q. (BY MR. WONG:) Take a look at
 3 Exhibit 6.
 4 A. Yes, sir.
 5 Q. So, in the second paragraph it says,
 6 "I'm betting he thinks I'm the one that filed a
 7 complaint against his ragged looking horse."
 8 A. Yes.
 9 Q. So, have you ever filed a complaint
 10 about a citizen as to their animal?
 11 A. I don't ever recall signing a complaint,
 12 no, sir.
 13 Q. Okay.
 14 A. I just ask -- I ask that the deputies go
 15 out and check it out, because sometimes from the
 16 roadway you can't see things very well.
 17 Q. So with regard to the Dan Murdock
 18 situation --
 19 A. Yes, sir.
 20 Q. -- you didn't file a complaint?
 21 A. No, sir.
 22 Q. You asked the authorities to conduct an
 23 investigation, right?
 24 A. I just ask the deputy to do the welfare
 25 check.

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1 Q. A welfare check?
 2 A. A welfare check. Yes, sir.
 3 Q. How many times have you asked
 4 authorities to do a welfare check of a private
 5 citizen as to their animals between 2008 or 2009 to
 6 the present?
 7 A. I need to go look at my records so that
 8 I can give you a in-the-ballpark figure.
 9 Q. What's your best estimate?
 10 A. More than twelve.
 11 Q. The situation with Dan Murdock being one
 12 of them?
 13 A. Yes, sir.
 14 Q. Do you know the results of any of those
 15 welfare checks?
 16 A. Yes, sir.
 17 Q. Do you recall whether any of the results
 18 of the welfare checks lead to a conclusion that
 19 there was not a problem?
 20 A. Okay. I'm sorry, say that again.
 21 Q. Sure. Actually, I'll withdraw the
 22 question.
 23 Let me ask this question: Do you have a
 24 record of the number of times that you've made this
 25 request for welfare checks?

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1 A. No, sir.
 2 Q. And your records -- you don't keep a
 3 record of when you made that request.
 4 Is that what you're saying?
 5 A. I have a paper that I write down -- you
 6 know, I have a sheet of paper that I write down the
 7 information on and --
 8 Q. All right.
 9 A. -- and then I fax it over to the
 10 Jefferson County Sheriff's Department or whatever
 11 sheriff department I'm dealing with.
 12 Q. Do you keep a copy of that record?
 13 A. Yes. That's what I wanted to look at so
 14 I could give you kind of a clue, a decent number.
 15 Q. Okay.
 16 A. So I wouldn't be pulling one out of the
 17 air.
 18 Q. Okay. But your best recollection right
 19 now is that more than a dozen times you've made this
 20 request for welfare checks?
 21 A. Yes, sir.
 22 Q. And I want the record to be clear, when
 23 you're talking about welfare checks, you're asking
 24 authorities to conduct a check on a private
 25 citizen's animals or livestock; is that right?

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1 A. Yes.
 2 Q. And we're not talking about a welfare
 3 check, like, a monetary check in the mail?
 4 A. No.
 5 Q. Okay.
 6 A. No, just to see that they are in
 7 compliance with the law.
 8 Q. Okay. And in the records that you have,
 9 do you keep track of what the results are of the
 10 welfare checks that you initiate?
 11 A. Often I don't know. Mainly what I do is
 12 if somebody calls in a complaint to me or the deputy
 13 asks me to do something, then I will either do it if
 14 I can, like if he's asking me to provide doghouses
 15 or something like that for a dog in need, or if they
 16 refer me to some people that need help and just need
 17 some questions answered and all.
 18 Say your question again. I'm losing my
 19 train of thought.
 20 Q. I'll move to strike as nonresponsive.
 21 I'll ask the question to be repeated so you can
 22 answer my question.
 23 A. Okay.
 24 THE COURT REPORTER: Question, Okay.
 25 And in the records that you have, do you keep track

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1 of what the results are of the welfare checks that
 2 you initiate?
 3 THE WITNESS: On some of the cases.
 4 Q. (BY MR. WONG:) And those are in the
 5 records that you have, right?
 6 A. Yes, sir. And the ones where they're
 7 found guilty of animal cruelty, yes, I know about
 8 those.
 9 Q. Okay. And in these welfare checks that
 10 you initiated, there's a cost to taxpayers and
 11 public officials conducting this investigation,
 12 right?
 13 A. It's in their normal salary.
 14 Q. But there is a cost, right?
 15 A. Uh-huh.
 16 Q. Is that right?
 17 A. Yes, sir.
 18 MR. WONG: Let me ask the court reporter
 19 to mark as next in order a single-page document
 20 dated July 9.
 21 (Deposition Exhibit 7 was marked for
 22 identification.)
 23 THE COURT REPORTER: Exhibit 7.
 24 MR. WONG: Thank you.
 25 Q. (BY MR. WONG:) Miss Elliott, have you

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1 ever seen Exhibit 7 before?
 2 A. Yes.
 3 Q. Did you write it?
 4 A. I did.
 5 Q. And did you publish this document?
 6 A. No.
 7 Q. When did you write this?
 8 A. July 9th.
 9 Q. Of what year?
 10 A. I don't know.
 11 Q. And why did you write this?
 12 A. I am a prolific writer about all kinds
 13 of things. I think I got it from my daddy, and so
 14 this is just something I wrote. I don't recall that
 15 it was published.
 16 Q. And the first sentence says, "Once
 17 again, and for the third time, the Jefferson County
 18 Sheriff's Department and prosecutor's office have
 19 failed to prove me guilty of trespass, so I wrote
 20 this little parody," is that right?
 21 A. Yes.
 22 Q. And when you say for the third time, the
 23 Jefferson County Sheriff's Department and the
 24 prosecutor's office failed to prove you guilty of
 25 trespass, was that a true statement?

1 A. From what I believe, yes, it is.
 2 Q. So there were three times that they
 3 prosecuted you unsuccessfully for trespass?
 4 A. Yes.
 5 Q. And was that --
 6 A. See --
 7 Q. Was that prior to March of 2012?
 8 A. Yes.
 9 Q. And the prosecutor is Prosecutor Dunn,
 10 right?
 11 A. Yes, sir.
 12 Q. And the sheriff, it refers to the
 13 Sheriff Olsen, correct?
 14 A. Yes, sir.
 15 Q. Where do you currently reside,
 16 Miss Elliott?
 17 A. In Hamer.
 18 Q. What's the address?
 19 A. 2498 East 2100 North.
 20 Q. How long have you resided there?
 21 A. Twelve years.
 22 Q. Steve Murdock is a neighbor of yours,
 23 correct?
 24 A. Well, I didn't know it, but yes.
 25 Q. Dan Murdock is a neighbor of yours,

1 A. Yes, sir.
 2 Q. Do you believe that other private
 3 citizens in Hamer have a right to privacy?
 4 A. Yes, within the bounds of the law,
 5 certainly.
 6 Q. Do you believe that private citizens
 7 have that a right to be free of surveillance?
 8 MR. WHITTINGTON: Object to the
 9 question. It calls for a legal conclusion. And
 10 also object to the form of the question. I'm not
 11 sure what kind of surveillance you're talking about
 12 whether it's open and -- open view from the street
 13 or and/or more violative investigation or
 14 surveillance where there's no expectation or whether
 15 there is expectation of privacy.
 16 MR. WONG: I think that's a speaking
 17 objection, and I would ask you to refrain from that.
 18 Q. (BY MR. WONG:) But let me ask the
 19 witness: Can you answer the question?
 20 A. Please repeat the question.
 21 MR. WONG: Could you repeat it,
 22 please?
 23 THE COURT REPORTER: Question, Do you
 24 believe that private citizens have that a right to
 25 be free of surveillance?

1 correct?
 2 A. Same thing. I didn't know who these
 3 people were before they --
 4 Q. They're a neighbor of yours, right?
 5 A. Four or five miles down the road or
 6 something, yes, sir.
 7 Q. Now, at your property, do you have any
 8 signage about trespassing?
 9 A. All over.
 10 Q. What's the signage say?
 11 A. No trespassing.
 12 Q. Why do you have those signs?
 13 A. Someone came up on our property and --
 14 we have a very tall American flag, and somebody came
 15 up and stole my flag. And they stole some groceries
 16 from the neighbors, so we put up no trespassing
 17 signs.
 18 Q. And when did you do that?
 19 A. Years and years ago. In fact, one of
 20 them blew down this winter.
 21 Q. And do you believe -- you have a right
 22 to prevent trespassing on your property, right?
 23 A. Yeah. I have learned that, yes, sir.
 24 Q. Okay. Do you also have a right to
 25 privacy?

1 THE WITNESS: Well, to be snarky, I
 2 would bring up the NSA, but taking pictures from the
 3 public roadway is not illegal.
 4 Q. (BY MR. WONG:) So that's why you do
 5 it?
 6 A. What I do is legal.
 7 Q. So would you like it if people were
 8 taking pictures of you and your property from the
 9 public roadway?
 10 A. I don't think this concerns what I would
 11 like or not. I think it's concerning the law, and I
 12 have not broken the law by taking pictures from a
 13 public domain.
 14 Q. Answer my question, Miss Elliott.
 15 A. I would not -- okay. Tell me again.
 16 MR. WONG: Could you read it back
 17 please.
 18 THE COURT REPORTER: Question, So would
 19 you like it if people were taking pictures of you
 20 and your property from the public roadway?
 21 THE WITNESS: That would be fine with
 22 me. I have nothing to hide.
 23 Q. (BY MR. WONG:) Do you have an
 24 understanding that some people would object to
 25 others taking photographs of them or their property

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1 from the public roadway?
 2 A. I definitely know people that have
 3 things to hide, yes.
 4 Q. And there are people that would object
 5 to that?
 6 A. Yes.
 7 Q. And there are people that would regard
 8 that as an invasion of their privacy?
 9 A. Yes.
 10 Q. And not withstanding that, you engage in
 11 that activity, don't you?
 12 A. What I do is not illegal.
 13 Q. I didn't ask whether it was illegal or
 14 not.
 15 Do you know that there are people that
 16 would want their privacy to be respected, and you
 17 don't respect their privacy by taking pictures of
 18 them or their animals, right?
 19 A. I know that there are people that want
 20 their privacy, and --
 21 Q. Let's have the question read back so
 22 that you have it.
 23 A. Thank you.
 24 THE COURT REPORTER: Question, I didn't
 25 ask whether it was illegal or not. Do you know that

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1 there are people that would want their privacy to be
 2 respected, and you don't respect their privacy by
 3 taking pictures of them or their animals, right?
 4 THE WITNESS: Yes, I do know that.
 5 Q. (BY MR. WONG:) And why do you decide
 6 that you can violate someone's wish for privacy by
 7 taking pictures of them, their property, or their
 8 animals?
 9 MR. WHITTINGTON: Object to the
 10 question, assumes facts that are not in evidence.
 11 Q. (BY MR. WONG:) Can you answer that
 12 question?
 13 A. Repeat it, please.
 14 Q. Let me rephrase it so we have a clear
 15 record.
 16 You just told me that you appreciate
 17 that there are people that wanted to have privacy
 18 and want -- do not want to have them or their
 19 animals photographed --
 20 A. Correct.
 21 Q. -- but yet you do it.
 22 A. Yes.
 23 Q. So contrary to what you understand these
 24 people to want, why do you do it?
 25 A. Why do I do it? Because I'm a voice for

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1 those who cannot speak for themselves.
 2 Q. And that would be the animals?
 3 A. Correct.
 4 Q. I see. So because of your wish to speak
 5 for the animals, or I suppose advocate for the
 6 animals, you will take photographs and invade
 7 people's privacy, even though you know that they
 8 don't want their privacy invaded, correct?
 9 MR. WHITTINGTON: And I'm going to
 10 object to the form of the question. I think by
 11 saying invading their privacy -- I'm just objecting
 12 to the form of the question. I'm not trying to
 13 educate. We'll leave it at that.
 14 You can answer if you can.
 15 Q. (BY MR. WONG:) Can you answer that
 16 question?
 17 A. Okay. Tell me again.
 18 THE COURT REPORTER: Question, I see.
 19 So because of your wish to speak for the animals, or
 20 I suppose advocate for the animals, you will take
 21 photographs and invade people's privacy, even though
 22 you know that they don't want their privacy invaded,
 23 right?
 24 THE WITNESS: Correct.
 25 Q. (BY MR. WONG:) All right. Let's --

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1 MR. WHITTINGTON: Maybe, just for the
 2 record before you go on, my objection is to the term
 3 invasion of privacy. I think it implies a legal
 4 concept.
 5 MR. WONG: Your objection is noted,
 6 Counsel.
 7 Q. (BY MR. WONG:) Let me ask you, in
 8 connection with the trial involving trespass, Dan
 9 and Brenda Murdock testified at that trial, right?
 10 A. Yes, sir.
 11 Q. And they testified that you had
 12 trespassed on private property, correct?
 13 A. Correct.
 14 Q. Were there any other witnesses at that
 15 trial that testified that you had trespassed on
 16 private property?
 17 A. The property owner testified he never
 18 saw me on his property and that he thought the
 19 middle of the road was his property.
 20 Q. So, let me ask my question again, see if
 21 I can get an answer to my question.
 22 In addition to Dan and Brenda Murdock,
 23 did anyone else testify that you had trespassed on
 24 private property in that trial?
 25 A. No, sir.

1 Q. And you understand Dan Murdock to be
2 Steve Murdock's brother?
3 A. That's what neighbors tell me.
4 Q. You have no reason to doubt that at this
5 point?
6 A. Small town, you learn stuff.
7 Q. And you sued Brenda Murdock but not Dan
8 Murdock because she testified against you, right?
9 A. She testified falsely, yes.
10 Q. You sued Brenda Murdock but not Dan
11 Murdock, right?
12 A. Correct.
13 Q. Was their testimony different?
14 A. Yes. Their testimony was not
15 identical.
16 Q. Oh, okay.
17 A. Yes.
18 Q. So Dan Murdock testified that you had
19 trespassed on private property, right?
20 A. Yes.
21 Q. Brenda Murdock testified that you had
22 trespassed on private property, right?
23 A. Yes.
24 MR. WONG: Let me ask the court reporter
25 to mark as next in order an incident report.

1 anything in evidence because we're not at trial.
2 What I'm doing is asking her some questions about a
3 document.
4 MR. WHITTINGTON: Well, I'm reserving
5 objections other than the form of the question.
6 MR. WONG: Counsel, you seem to know how
7 to make objections, so, you know, if you think an
8 objection is appropriate, then make the objection.
9 But I haven't entered into any
10 stipulations with you about anything, so, you know,
11 let's proceed.
12 So, Miss Elliott --
13 MR. WHITTINGTON: Just for the record,
14 I'll object to hearsay, but you go ahead and
15 answer.
16 THE WITNESS: Excuse me.
17 Q. (BY MR. WONG:) Miss Elliott, have you
18 ever seen Exhibit 8 before?
19 A. No, I have not.
20 Q. Do you know what Exhibit 8 refers to?
21 A. Yes.
22 Q. What does it refer to?
23 A. It refers to an incident where one of
24 the Barnes, and I forget, asked me to come out to
25 the property because they had a relative that had

1 (Deposition Exhibit 8 was marked for
2 identification.)
3 THE COURT REPORTER: Exhibit 8.
4 Q. (BY MR. WONG:) Miss Elliott, have you
5 had an opportunity to review Exhibit 8?
6 A. I have.
7 Q. Exhibit 8 is an incident report,
8 right?
9 A. Yes, sir.
10 Q. And it involves you?
11 A. It does.
12 Q. And was this an incident report that
13 involved an accusation of a trespass by you?
14 A. No, sir.
15 Q. So this is --
16 A. Oh, well, it does say that --
17 MR. WHITTINGTON: Maybe just for the
18 record --
19 MR. WONG: Hold it a second, Counsel.
20 MR. WHITTINGTON: Are we reserving
21 objections like hearsay, I presume? I'm not raising
22 those at this point. I don't mind if you question
23 her about it as long as you're not trying to
24 introduce it as evidence.
25 MR. WONG: Well, I'm not introducing

1 trouble with a bunch of cats.
2 Q. And was there an accusation that you had
3 trespassed on the property?
4 A. No, sir.
5 Q. And there's a reference in the middle of
6 the description that says, "I told Steve and Andi
7 that the family wanted them trespass from the
8 property, and if they went on property, they could
9 be arrested for trespassing."
10 Do you see that?
11 A. I did, but I didn't trespass.
12 Q. But you were warned about trespassing,
13 right?
14 A. Yes, sir.
15 Q. I see.
16 A. And -- and I will note also --
17 MR. WHITTINGTON: Don't.
18 THE WITNESS: Nothing.
19 MR. WHITTINGTON: I think you've
20 answered his question.
21 THE WITNESS: Okay.
22 Q. (BY MR. WONG:) And this incident
23 occurred prior to 2012, right?
24 A. It was in 2009, yes, sir.
25 Q. And this was a disturbance that

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1 occurred, that's what this --
 2 A. That's what it states, yes, sir.
 3 MR. WONG: Okay. Is this a good time
 4 for a break?
 5 MR. WHITTINGTON: Fine.
 6 MR. WONG: Okay.
 7 (A brief recess was had from 2:43 p.m.
 8 to 2:50 p.m.)
 9 MR. WONG: Back on the record.
 10 Let me ask the court reporter to mark as
 11 next in order a single-page document.
 12 (Deposition Exhibit 9 was marked for
 13 identification.)
 14 THE COURT REPORTER: Exhibit 9.
 15 Q. (BY MR. WONG:) Miss Elliott, please
 16 look at what has been marked as Exhibit 9, and tell
 17 me when you've had a opportunity to review this.
 18 A. Okay. I'm ready.
 19 Q. Have you ever seen Exhibit 9 prior to
 20 today?
 21 A. I'm going to say I think I have seen
 22 it.
 23 Q. And in what context?
 24 A. Did I get a copy of this?
 25 MR. WHITTINGTON: I'd ask you not to

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1 speculate. Answer truthfully, but --
 2 THE WITNESS: I don't remember.
 3 Q. (BY MR. WONG:) Well, you say that you
 4 believe you've seen it before. Tell me why you
 5 would say that.
 6 A. Possibly through discovery.
 7 Q. What do you mean by that?
 8 A. That we might have obtained the deputy's
 9 notes through discovery.
 10 Q. Discovery in what context?
 11 A. In the Kurt Young trespass case.
 12 Q. Oh, I see.
 13 A. Okay. Yes.
 14 Q. And what is your understanding of what
 15 Exhibit 9 is?
 16 A. It is notes from Deputy John Clements.
 17 MR. WHITTINGTON: I mean, let me just
 18 interject here, I've never seen this. I represented
 19 her. I've never seen this document to my
 20 recollection, so....
 21 MR. WONG: Well, I'm glad you get the
 22 chance to see it now.
 23 MR. WHITTINGTON: Thanks.
 24 MR. WONG: Yeah.
 25 Q. (BY MR. WONG:) So in connection with

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1 seeing this document, Miss Elliott, do you know
 2 whether this relates to the welfare check relating
 3 to Dan Murdock?
 4 A. It appears to be so, yes, sir. And it
 5 would correspond with the time that Deputy Clements
 6 told me that he and Dr. Williams went back out.
 7 Q. Dr. Williams, the state veterinarian?
 8 A. Correct.
 9 Q. And looking at the bottom portion --
 10 A. Yes.
 11 Q. -- of Exhibit 9, there is a sentence
 12 that says, "This case will be closed and is
 13 unfounded."
 14 Do you see that?
 15 A. I do.
 16 Q. Does that refresh your memory that the
 17 conclusion of the state veterinarian was that the
 18 case was unfounded?
 19 MR. WHITTINGTON: Hold on. Assumes
 20 facts not in evidence.
 21 If you understand, you may answer.
 22 THE WITNESS: If you will look at the
 23 date at the top it's dated 8-15-2011. When I made
 24 the complaint it was 24 July, 2011. Approximately
 25 three weeks had ensued since this.

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1 Deputy Clements in a follow-up told me
 2 that the horses had gained weight, which is a good
 3 thing.
 4 MR. WONG: I'll move to strike as
 5 nonresponsive.
 6 Q. (BY MR. WONG:) Does this refresh your
 7 memory that the case would be closed and was
 8 unfounded?
 9 A. No. Well, wait a minute. Does this
 10 paper refresh my memory?
 11 Q. That's the question.
 12 A. Does it refresh my memory?
 13 MR. WHITTINGTON: It assumes do you have
 14 a memory of it.
 15 THE WITNESS: I remember -- I think I
 16 remember seeing this before. I don't know that I
 17 particularly remember that statement.
 18 Deputy Clements comes by so many times
 19 and tells me stuff, so I'm just going to say I don't
 20 remember. I don't know.
 21 Q. (BY MR. WONG:) Isn't it true,
 22 Miss Elliott, that you made a welfare check claim
 23 that led to an investigation involving Dan Murdock
 24 and the conclusion from that investigation or
 25 welfare check was that the case was unfounded and

1 the case was closed?
 2 A. Correct. That's what this says right
 3 here.
 4 Q. And based upon your request for this
 5 welfare check that led to this investigation, there
 6 were taxpayer dollars that were expended to conduct
 7 this investigation finding that the case was closed
 8 and unfounded, right?
 9 A. Yes. I'm sure that there were.
 10 Q. All right. And let's go on to this --
 11 first of all, you were kind enough to hand me this
 12 timeline. I'm going to hand the original back to
 13 you so you have it.
 14 A. Thank you. Yes, sir.
 15 MR. WONG: And I'm going to ask the
 16 court reporter to mark as next in order, a two-page
 17 document that we will have stapled during a break,
 18 and this will be the next exhibit.
 19 (Deposition Exhibit 10 was marked for
 20 identification.)
 21 THE COURT REPORTER: Exhibit 10.
 22 Q. (BY MR. WONG:) With regard to the
 23 situation involving Dan Murdock, there was no agency
 24 or authority that asked you to conduct that
 25 surveillance or investigation, right?

1 Do you see that?
 2 A. Correct.
 3 Q. And are you referring to Dan Murdock?
 4 A. I am.
 5 Q. And is my understanding correct that
 6 there's a timeline that chronicles certain events in
 7 connection with what you call the welfare check
 8 involving Dan Murdock's horses?
 9 A. Yes, sir.
 10 Q. And does that end at a certain time in
 11 this timeline?
 12 A. Over here on June 20th, 2014. Can you
 13 read my writing?
 14 Q. I can. So let me make sure I
 15 understand. Are all of the events that are captured
 16 in this timeline, now marked as Exhibit 10, relating
 17 to the Dan Murdock welfare check work?
 18 A. Welfare check work? Is this --
 19 Q. That's a bad question. Let me try
 20 again.
 21 A. Okay.
 22 Q. So this timeline now marked as
 23 Exhibit 10 --
 24 A. Yes, sir.
 25 Q. -- do all of the events that are

1 A. No official agency, correct.
 2 Q. Okay. Let's go to the timeline, which
 3 is Exhibit 9.
 4 A. Nine? Ten?
 5 Q. Oh, I'm sorry. You're absolutely right.
 6 So the record is clear, the next exhibit is entitled
 7 Time Line and has been marked as Exhibit 10 to the
 8 deposition.
 9 That's what you have in front of you?
 10 A. I do.
 11 Q. And you have the original of this
 12 document, which has text and writing on the front
 13 and back of the original, correct?
 14 A. Correct.
 15 Q. So what has been attached as Exhibit 10
 16 is basically a two-page document that represents
 17 your front and back of this document.
 18 A. Correct.
 19 Q. So tell me what Exhibit 10 is.
 20 A. It's notes to myself about things that
 21 happened, so that sometimes there's several cases
 22 going on, and I just need to make sure that I'm
 23 accurate as much as possible.
 24 Q. Now, the first line in the timeline
 25 refers to 24 July, 2011, so Murdock's horses.

1 captured in this timeline relate to the Dan Murdock
 2 horse situation?
 3 A. No. No, sir.
 4 Q. So my question is: What are -- tell me
 5 the entries that relate to the Dan Murdock horse
 6 situation.
 7 A. You just want me to go down and read
 8 them?
 9 Q. Or tell me what the last one is.
 10 A. The last one on June 20th?
 11 Q. The last one that relates to the Dan
 12 Murdock horse situation.
 13 A. Oh.
 14 Q. Sorry. Let me withdraw that question and
 15 ask it another way.
 16 So, in looking at this timeline, it
 17 occurs to me that the entries from July 24, 2011, to
 18 August 15, 2011, relate to the Dan Murdock horse
 19 situation.
 20 Would you agree with that?
 21 A. Yes.
 22 Q. And, sorry. Go ahead.
 23 A. I was going to say, actually, all of
 24 this is as a result of that because had I not
 25 complained about Dan's horses, we wouldn't be here

1 today.
 2 Q. I see. Okay. And why do you say
 3 that?
 4 A. Well, because Steve's comments on the
 5 radio were, you know, obviously a retaliation for my
 6 reporting his brother's horses.
 7 Q. And when you say, "obviously a
 8 retaliation," why do you say that?
 9 A. Because Steve has never, to my
 10 knowledge, made any other comments or written any
 11 other editorials until after I -- about me until
 12 after I asked for a welfare check of his brother's
 13 horses.
 14 Q. So you tie those events together,
 15 right?
 16 A. Yes. I think there's a direct causal
 17 effect there. I mean, had not that happened, I
 18 would not have had dead animals placed in my
 19 driveway or my rabbit hutches vandalized.
 20 Q. What evidence do you have that the
 21 Murdocks were involved with dead animals?
 22 A. None.
 23 Q. What evidence do you have that rabbit
 24 hutches were vandalized by the Murdocks?
 25 A. None.

1 A. Oh, yes.
 2 Q. Who?
 3 A. Prosecutor Dunn, repeatedly, in an
 4 effort to try to prejudice the court against me.
 5 Even though he's been told I'm not.
 6 Q. When did Prosecutor Dunn say that?
 7 A. Many times during the hearings on the
 8 Barbie case, even though Mr. Whittington has told
 9 him that I'm not an animal rights activist. I can't
 10 give you specific dates because there were so many
 11 hearings during that court process; but, yes,
 12 Mr. Dunn repeatedly refers to me as an animal rights
 13 activist.
 14 And, if I'm not mistaken --
 15 MR. WHITTINGTON: Was it Dunn or
 16 deputies.
 17 THE WITNESS: If I'm not mistaken, did
 18 he refer to me in that editorial that he wrote?
 19 MR. WHITTINGTON: I can't testify.
 20 THE WITNESS: Oh, sorry.
 21 Q. (BY MR. WONG:) So let's go back to
 22 Prosecutor Dunn.
 23 A. Yes.
 24 Q. How many times has he referred to you as
 25 an animal rights activist?

1 Q. Now, going back to the case that you
 2 brought against Brenda Murdock --
 3 A. Yes, sir.
 4 Q. -- you brought that case against Brenda
 5 Murdock for testifying against you in connection
 6 with the prior trespass trial, right?
 7 A. Because of her testimony, yes, sir.
 8 Q. And in connection with that trial of
 9 the -- I guess it was the small claims action,
 10 right?
 11 A. Yes.
 12 Q. The judge in that case said that he knew
 13 you as being an animal rights activist, right?
 14 MR. WHITTINGTON: Objection.
 15 THE WITNESS: No.
 16 Q. (BY MR. WONG:) He didn't say that?
 17 A. Not that I recall.
 18 Q. Has any judge ever said to you that he
 19 recognized you as an animal rights activist?
 20 A. The judge -- I don't ever recall any
 21 judge referring to me as an animal rights
 22 activist.
 23 Q. (BY MR. WONG:) Has anyone other than
 24 Mr. Murdock ever referred to you as an animal rights
 25 activist?

1 A. I would say a handful or so, and I'd
 2 have to go back and listen to the hearings so I
 3 could actually count them.
 4 Q. And I think you were just referring to
 5 some writing or editorial in which he made the same
 6 reference.
 7 A. I believe he did, but I would have to go
 8 back and check the original op. ed.
 9 Q. Has anyone else referred to you as an
 10 animal rights activist?
 11 A. The people that know me, know I'm not,
 12 so I can't recall that anyone has. They know I
 13 would be very offended.
 14 Q. When Prosecutor Dunn referred to you as
 15 an animal rights activist, did he defame you?
 16 A. Oh, yes. The tactics that the animal
 17 rightists employ are illegal.
 18 Q. Did he --
 19 A. I mean, excuse me, go ahead.
 20 Q. Did you sue Prosecutor Dunn for defaming
 21 you by calling you an animal rights activist?
 22 A. Not yet.
 23 Q. How many lawsuits have you brought
 24 against anyone?
 25 A. Oh, there's my husband, my ex-husband.

1 Q. Let's start with the number and then
 2 we're going to go through each one of them. Maybe
 3 that will help.
 4 A. As I said before, I was in court with my
 5 ex-husband for years. It was like the divorce that
 6 never ended.
 7 Q. And, really, it would help if you answer
 8 my question.
 9 A. I don't know. What I'm trying to tell
 10 you is I don't know a number.
 11 Q. Let me rephrase it so we have it.
 12 Do you remember how many lawsuits you
 13 have brought against others?
 14 A. No.
 15 Q. Okay. Has it -- you have brought
 16 lawsuits against others?
 17 A. Yes.
 18 Q. The lawsuit that brings us here today is
 19 one.
 20 A. Correct.
 21 Q. You brought a lawsuit against Brenda
 22 Murdock.
 23 A. Correct.
 24 Q. That's two.
 25 A. Yes, sir.

1 A. Yes.
 2 Q. Okay. Tell he how many other lawsuits
 3 have you brought against the others.
 4 MR. WHITTINGTON: Can we exclude her
 5 divorce?
 6 Q. (BY MR. WONG:) We'll get to -- let's
 7 include it, and we'll discuss these different
 8 lawsuits. Well, you seem to be struggling with
 9 this.
 10 A. I am. I want to be accurate.
 11 Q. Okay. I want you to be accurate since
 12 you're under oath.
 13 How many lawsuits do you have pending at
 14 the current time?
 15 A. One.
 16 Q. Okay. How many lawsuits have you filed
 17 in the last year?
 18 A. Two.
 19 Q. Okay. Name the two lawsuits?
 20 A. Brenda and Steve.
 21 Q. Okay. Have you ever filed a lawsuit
 22 against any public officials?
 23 A. No.
 24 Q. So, no lawsuits against any supervisors
 25 or commissioners or anyone like that?

1 Q. Are those the only two?
 2 A. There was a stolen dog case.
 3 Q. Yes or no?
 4 A. Are those the only two? No.
 5 Q. Does that refresh your memory as to how
 6 many other lawsuits you have brought against others?
 7 A. Well, no, it doesn't, because you would
 8 have to tell me are the times I took my ex- to court
 9 for nonpayment of child support, would that be a
 10 lawsuit?
 11 Q. Well, you know what a lawsuit is,
 12 right?
 13 A. Yes.
 14 MR. WHITTINGTON: I think she's saying,
 15 no. That's what she's asking you.
 16 Q. (BY MR. WONG:) Do you know what a
 17 lawsuit is?
 18 A. Well, I thought I did.
 19 Q. You know that you have brought a lawsuit
 20 against Mr. Murdock?
 21 A. Yes.
 22 Q. Have you brought any other lawsuits
 23 against other people other than --
 24 A. Brenda.
 25 Q. -- Mr. Murdock and Miss Murdock?

1 A. Correct. No, sir.
 2 Q. Any other lawsuits that you can
 3 remember?
 4 A. Yes.
 5 Q. Yes. Please tell me.
 6 A. Yes. One.
 7 Q. How many others?
 8 A. Well, two. Two.
 9 Q. You told me about the Brenda Murdock and
 10 the Steve Murdock lawsuits.
 11 Are there others?
 12 A. Yes.
 13 Q. Okay.
 14 A. After the -- you want any details.
 15 Q. How many others?
 16 A. Two. Two that I can remember, yes.
 17 Q. And we get confused because I'm not sure
 18 if you're including the Brenda and Steve Murdock
 19 lawsuits. So let's go through this. Let's start
 20 over.
 21 A. Okay.
 22 Q. How many lawsuits do you recall filing
 23 against anyone?
 24 A. I cannot give you a number on that.
 25 Q. Is it more than two?

1 A. Yes.
 2 Q. So, we talked and we've identified this
 3 lawsuit --
 4 A. Correct.
 5 Q. -- against Steve Murdock.
 6 We've talked about the Brenda Murdock
 7 lawsuit.
 8 Other than those two, how many other
 9 additional lawsuits do you remember that you
 10 brought?
 11 A. Two plus whatever I did that dealt with
 12 my ex-husband.
 13 Q. Okay. So what's the -- now you can give
 14 me some details.
 15 A. Okay. I'm sorry.
 16 Q. As far as the two, shall we say,
 17 non-Murdock related lawsuits, tell me about the
 18 other lawsuits.
 19 A. During the Mud Lake -- the mother dog
 20 with broken legs situation in which the deputy sent
 21 me out, the owner of the property signed a
 22 trespassing citation against me.
 23 Is that enough, or can I give you more
 24 details?
 25 Q. Well, was that a lawsuit that was

1 Tell me the next lawsuit that you recall
 2 bringing?
 3 A. The next lawsuit involved a lady in
 4 Virginia. Her dog was stolen, and ended up out here
 5 with a trucker, and I was able to retrieve the dog
 6 for her and return it home.
 7 Q. And you brought a lawsuit?
 8 A. Well, I paid for the transport and the
 9 flight for the dog back, and she said she would
 10 repay me, and she didn't.
 11 Q. Okay. So you brought a lawsuit against
 12 her.
 13 A. I did.
 14 Q. And where was that lawsuit filed?
 15 A. It has to be in Virginia where she
 16 lives, Bedford County rings a bell.
 17 Q. And what was the name of the defendant
 18 in that lawsuit?
 19 A. You know, I'm going to say off the top
 20 of my head Denise Shields, but I bet it's on the
 21 Idaho Repository sheet that you have. But don't
 22 hold me to that name. That's just a name that pops
 23 in my mind. But this has been quite a while ago.
 24 Q. Are you referring to the Idaho
 25 Repository sheet which is Exhibit 2?

1 brought against you or that you brought against --
 2 A. That I brought against him for filing a
 3 false complaint against me.
 4 Q. Oh, okay.
 5 A. And I prevailed.
 6 Q. Okay. And who was the name of the
 7 defendant?
 8 A. Raul Torres. R-a-u-l, T-o, double r,
 9 e-s.
 10 Q. I see. And that was the case that went
 11 to trial and you won?
 12 A. Correct.
 13 Q. And was it a jury verdict?
 14 A. No, sir. It was a small claims.
 15 Q. And there was a judge that rendered a
 16 decision in your favor?
 17 A. Judge Mark Rammell. Yes, sir.
 18 Q. And do you have a copy of that decision
 19 in your favor?
 20 A. I do. Not with me, but you will see it
 21 on the Idaho Repository information you have, I
 22 believe.
 23 Q. Okay. And so that's one lawsuit that
 24 you -- or another lawsuit that you brought against
 25 someone else.

1 A. Oh, yes, sir, I am. The second page at
 2 the very bottom.
 3 Q. So this is a small claims action against
 4 Denise Shields that's referred to as the last entry
 5 on the second page of Exhibit 2, right?
 6 A. Correct.
 7 Q. And that ended in a default judgment,
 8 right?
 9 A. Yes, sir. Now, where do you see
 10 default. Oh, there. I see it. I got it. Okay.
 11 Q. All right. So with regard to the Torres
 12 suit that you're referring to, that is on the middle
 13 of the first page of Exhibit 2, right?
 14 A. Oh, just a minute, please. Yes, sir.
 15 Q. And that was a judgment in the amount of
 16 three hundred and seventy-one dollars, right?
 17 A. Yes, sir.
 18 Q. And the Denise Shields default judgment
 19 was in the amount of three hundred and seventy-one
 20 dollars, right?
 21 A. Yes, sir.
 22 Q. With regard to the suit that you brought
 23 against Brenda Murdock, do you know how much that
 24 suit cost the taxpayers of Idaho?
 25 A. No, sir.

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1 Q. There was a cost to the taxpayers of
2 Idaho in terms of that proceeding. Would you agree
3 with that?
4 A. I'm sure there is -- was.
5 MR. WHITTINGTON: Now, I'm going to ask
6 you not to speculate. Did you pay filing fees? Did
7 you pay --
8 THE WITNESS: Oh, yes.
9 MR. WONG: I don't know if that's an
10 objection, Counsel, but anyway, we have an answer to
11 the question.
12 Q. (BY MR. WONG:) All right. So with
13 regard to the suit involving your husband, what was
14 that suit about?
15 A. Divorce.
16 Q. So it was just a divorce proceeding,
17 right?
18 A. Correct. Yes, sir.
19 Q. And you filed that against your
20 husband?
21 A. I don't remember if he filed, I filed,
22 whatever.
23 MR. WONG: Okay. Let me ask the court
24 reporter to mark as next in order a two-page
25 document that is this entitled, Who is HSUS Really

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1 Protecting, Humane Society Donations.
2 (Deposition Exhibit 11 was marked for
3 identification.)
4 THE COURT REPORTER: Exhibit 11.
5 MR. WHITTINGTON: Can we go off the
6 record for a minute?
7 MR. WONG: Do you want a break?
8 MR. WHITTINGTON: Yeah. Just for a
9 second. We won't be long.
10 (A brief recess was had from 3:18 p.m.
11 to 3:20 p.m.)
12 MR. WHITTINGTON: We're back.
13 MR. WONG: Good.
14 Q. (BY MR. WONG:) I appreciate that the
15 text is small, but tell me, after you've had a
16 chance to review this, whether you've ever seen it
17 before.
18 A. Is there a date on this? Am I not
19 seeing it?
20 Q. Have you had a chance to review this
21 document, Miss Elliott?
22 A. Yes, sir, I have.
23 Q. Have you ever seen this document
24 before?
25 A. Not that I recall, no.

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1 Q. Looking at the first paragraph of the
2 first page of Exhibit 11, there is a reference to,
3 "Apart from spending less than one percent of their
4 fundraising in the actual care of animals..."
5 Do you see that?
6 A. I do.
7 Q. Have you ever heard that statement or
8 claim prior to today?
9 MR. WHITTINGTON: I'm going to object to
10 any relevance in this document or any questioning
11 regarding it. I think there's no foundation for it.
12 It's hearsay and no relevance, assumes facts not in
13 evidence. So I'm going to object to it.
14 MR. WONG: You can answer the question.
15 MR. WHITTINGTON: She may answer the
16 question if she wants.
17 MR. WONG: Okay. Not if she wants.
18 She'll answer the question.
19 MR. WHITTINGTON: One minute.
20 THE WITNESS: One way or the other, the
21 question --
22 MR. WONG: Could you repeat the
23 question?
24 Your objections are noted, Counsel.
25 THE COURT REPORTER: Question, Have you

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1 ever heard that statement or claim prior to today?
2 THE WITNESS: No, not that I ever
3 recall.
4 Q. (BY MR. WONG:) Have you ever heard any
5 suggestion, apart from this case, that donations to
6 the humane society were not being used sufficiently
7 for the care of animals?
8 A. No, sir.
9 Q. To your knowledge, there's never been a
10 criticism of the humane society that their donations
11 have been used for more administrative expense than
12 for the care of animals.
13 Is that your testimony?
14 A. Correct.
15 Q. And if someone were to express an
16 opinion that they thought that the administrative
17 expenses of humane societies were excessive and not
18 being used for the care of animals, would that be --
19 would that be defamatory in your view?
20 Let me repeat that. If someone were to
21 express an opinion that, in essence, this was a low
22 amount that was spent for the care of animals, would
23 that be defamatory?
24 A. Yes. I think I would want to see
25 proof.

1 Q. And that would be defamatory to the
 2 humane society for the expression of that opinion,
 3 right?
 4 A. To this -- yeah, to HSUS, yes, sir.
 5 Q. So is it your view that humane societies
 6 are immune from any criticism or negative opinion?
 7 MR. WHITTINGTON: Objection, asking for
 8 a legal conclusion, and I don't see the relevance.
 9 MR. WONG: You can answer the question.
 10 MR. WHITTINGTON: Go ahead and answer if
 11 you want, but --
 12 THE WITNESS: No, they are not immune
 13 from criticism.
 14 Q. (BY MR. WONG:) And from negative
 15 opinions, right?
 16 A. To a point as allowed by law, right.
 17 Q. And your counsel made objections from
 18 time to time about legal opinions. I appreciate
 19 you're not a lawyer, right?
 20 A. Correct.
 21 Q. You've not had any legal training,
 22 correct?
 23 A. Just what I've learned through all my
 24 cases.
 25 Q. All right. But you've not had any

1 Q. In the course of your work with the
 2 humane society --
 3 A. No, not this humane society.
 4 Q. That's not my question, so listen to my
 5 question.
 6 A. Okay.
 7 Q. All right. I'll try again. Okay. So
 8 in connection with your work with any humane
 9 society --
 10 A. Okay.
 11 Q. -- have you ever heard anyone express an
 12 opinion or criticism that the donations to any
 13 humane society was not being used for the animals?
 14 Have you ever heard that?
 15 A. Of any humane society?
 16 Q. Correct.
 17 A. Not that I can recall.
 18 Q. Have you ever heard an opinion expressed
 19 that any charitable donation was not being used for
 20 charitable purposes but for administrative
 21 expense?
 22 A. Yes.
 23 Q. In what context have you heard that?
 24 A. What context? I have heard that the
 25 Salvation Army has the lowest administrative

1 formal legal training, correct?
 2 A. No formal legal training.
 3 Q. So you are not qualified to render any
 4 opinions about what is within the law or outside the
 5 law, right?
 6 MR. WHITTINGTON: Objection. I think
 7 she can give an opinion. She can't give a legal
 8 opinion perhaps.
 9 Q. (BY MR. WONG:) That's what I'm asking.
 10 Are you qualified to give a legal opinion? Your
 11 lawyer has made objections that -- I'm asking for a
 12 legal opinion. I want to make sure it's clear.
 13 You're not qualified to give legal
 14 opinions.
 15 A. Correct.
 16 Q. Okay. So whether -- for example, taking
 17 pictures of your neighbors from the public roadway,
 18 you're not qualified to give a legal opinion of
 19 whether that's legal or illegal, right?
 20 A. Correct.
 21 Q. And whether or not it is legal or
 22 illegal to conduct surveillance of your neighbors
 23 and their animals and livestock, you're not
 24 qualified to give that legal opinion, are you?
 25 A. Legally, no.

1 expenses of any of the major charitable
 2 organizations.
 3 Q. And have you heard the opposite that
 4 there are charitable organizations where the
 5 administrative expense seems to be excessively
 6 high?
 7 A. Yes, sir.
 8 Q. And what organizations are you thinking
 9 of?
 10 A. I don't think that I can recall the name
 11 of one.
 12 MR. WHITTINGTON: How about your own?
 13 Q. (BY MR. WONG:) Have you ever expressed
 14 that opinion yourself?
 15 A. The opinion that some charitable
 16 organizations abuse the donations?
 17 Q. Right.
 18 A. Yes.
 19 Q. And what organizations were you
 20 referring to?
 21 A. They were -- it was a -- the instance I
 22 can recall was a general reference, because I had
 23 seen a listing of charitable organizations and their
 24 overhead expenses, and I was amazed at how some of
 25 the charitable organizations had excessive

1 administrative charges.
 2 Q. And is that an area where it is
 3 appropriate for people to comment on whether
 4 charitable organizations have excessive
 5 administrative expense as opposed to donations being
 6 for charitable purposes?
 7 A. Is that what kind of comment?
 8 Q. A legitimate, appropriate comment?
 9 A. A legitimate, appropriate comment. As
 10 long as they're not specifically referring to a
 11 specific organization, yes; without documentation,
 12 yes.
 13 Q. I have shown you some letters that
 14 you've written. Take a look at Exhibit 6 as an
 15 example. This was the letter to the Jefferson Star
 16 that we talked about earlier.
 17 A. Oh, got it.
 18 Q. Now, you have written letters to various
 19 newspapers for publication, right?
 20 A. For decades.
 21 Q. When did you start doing that?
 22 A. Decades ago.
 23 Q. In the 1980's?
 24 A. Perhaps I wrote one or two. My daddy
 25 was a big editor.

1 Register have a limit as far as the number of
 2 letters to the editor they will publish from a
 3 single writer?
 4 A. Two a month.
 5 Q. And have you exceeded that?
 6 A. Usually they publish just two a month.
 7 Q. And you've submitted more than two a
 8 month?
 9 A. I think one year I submitted an extra
 10 one, yes.
 11 Q. So would it be fair to say that last
 12 year in 2013, you published the maximum number of
 13 letters allowed in the Post Register?
 14 A. Yes, sir.
 15 Q. And does the Jefferson Star also have a
 16 maximum limit?
 17 A. Not that I'm aware of.
 18 Q. How many letters to the editor did you
 19 publish in the Jefferson Star in 2013?
 20 A. I will say as a rough guesstimate, maybe
 21 one a month.
 22 Q. In a Jefferson Star?
 23 A. Correct. Maybe, because sometimes they
 24 shut me down.
 25 Q. They shut you down in what way?

1 Q. In the 1990's?
 2 A. 1990's? I don't recall any.
 3 Q. All right. Well, let's go the other
 4 direction.
 5 Have you written any letters to the
 6 editor or letters to the newspapers this year?
 7 A. Oh, yes.
 8 Q. How many?
 9 A. Maybe one or two a month.
 10 Q. And what newspapers have you written to
 11 this year?
 12 A. The Star and The Post Register.
 13 Q. Any others?
 14 A. I don't think this year. I don't think
 15 so.
 16 Q. How many letters to newspapers have you
 17 written under the decades of the 2000's?
 18 A. To clarify, I think I really began
 19 writing editorials after Sheriff Olsen's attacks on
 20 me, and that would have been about 2004 or '5 or '6
 21 or '7, something like that. So you want a number.
 22 I'm not very good with numbers. Dozens.
 23 Q. Pm sorry?
 24 A. Dozens.
 25 Q. All right. In fact, does the Post

1 A. Oh, they say, you know, sometimes they
 2 ask people not to write so many, or if they don't
 3 have enough, they will pull one in. It's just kind
 4 of what's in the news. You know, they just kind of
 5 work it that way.
 6 Q. Okay.
 7 A. So I don't get offended if they don't
 8 publish right away.
 9 Q. So last year in 2013, would it be fair
 10 to say that you sent letters to the editor in both
 11 the Jefferson Star and the Post Register, up to the
 12 maximum amount that they allow?
 13 A. For the Post Register for sure, for the
 14 Star, maybe because they don't have a number that I
 15 know of. But, I submitted some, yes, sir.
 16 Q. How many letters to the editor did you
 17 publish in the Post Register - sorry, send to the
 18 Post Register in 2012?
 19 A. Approximately, maybe eighteen.
 20 Q. How many did you send to the Post
 21 Register in 2011?
 22 A. I'm going to say about the same amount,
 23 just, you know, roughly.
 24 Q. How about 2010?
 25 A. Don't remember.

1 Q. How many letters did the editor -- did
2 you publish in the Jefferson Star in 2012?
3 A. I have no idea.
4 Q. More than one?
5 A. Oh, yes, yes.
6 Q. In fact, you sent numerous letters for
7 the editor to both newspapers, right?
8 A. Oh, yes.
9 Q. And you've been doing that for, as you
10 say, decades, right?
11 A. Yes. I can remember writing some, you
12 know, from my early years; but, as I said before,
13 mainly since I had this conflict with
14 Sheriff Olsen.
15 Q. And these letters to the editor involve
16 your interest in animals, right?
17 A. Among other things, yes, sir.
18 Q. Most of them involve your interests in
19 animals, right?
20 A. Yes.
21 Q. And most of your letters involve issues
22 that have alleged animal cruelty, right?
23 A. Animal welfare concerns, yes, sir.
24 Q. All right. And are you paid to write
25 these letters?

1 production?
2 MR. WHITTINGTON: Which letters? You
3 mean the three hundred and ten?
4 MR. WONG: Yeah.
5 MR. WHITTINGTON: No, I didn't send you
6 that many. I only sent you what I had. We got
7 the CD that she provided me --
8 THE WITNESS: Tuesday.
9 MR. WHITTINGTON: -- Tuesday.
10 THE WITNESS: Yes.
11 MR. WONG: Okay. Why don't we go off
12 the record so we can get this sorted out.
13 (Discussion off the record.)
14 MR. WONG: We can go on the record.
15 Q. (BY MR. WONG:) So I'm not marking these
16 as an exhibit to the -- well, actually, let me go
17 off the record for a second.
18 Is that all right?
19 MR. WHITTINGTON: Sure.
20 (Discussion off the record.)
21 (Deposition Exhibit 12 was marked for
22 identification and retained by
23 Mr. Wong.)
24 THE COURT REPORTER: Exhibit 12.
25 (A brief recess was had.)

1 A. Oh, I wish. No, sir.
2 Q. So you write these letters
3 voluntarily?
4 A. Yes.
5 Q. And you submit them voluntarily?
6 A. I do.
7 Q. Have you ever been paid by a newspaper
8 for submitting any of these letters?
9 A. No.
10 Q. Have you ever been paid to write an
11 editorial for a newspaper?
12 A. No.
13 Q. And the copies of the letters to
14 newspapers are included in a CD that you have; is
15 that right?
16 A. I have included all of the things that I
17 wrote that I kept a copy of, it's three hundred and
18 four editorials. Well, not all of them are
19 editorials. Some of them are, like, stories. Not
20 all of them have been published. Some are just my
21 own reasons such as that parody.
22 Q. I see. And now there were documents
23 that were produced by your counsel.
24 Do you know if they were -- these
25 letters to the editor were included in that

1 MR. WONG: All right. Back on the
2 record.
3 Q. (BY MR. WONG:) So, we've had an
4 off-the-record discussion with regard to some
5 documents that Miss Elliott's attorney E-mailed to
6 me, and what I have done is I've had copies printed
7 and marked with a code and a number so that we can
8 keep track of the documents, and a full set of the
9 documents that were sent to me have been marked by
10 the court reporter as Exhibit 12, and Miss Elliott
11 has the court reporter's copy, and then by
12 agreement, the original of Exhibit 12 will be
13 maintained by my office, and I will have them
14 available for further use in this case, if
15 necessary, but I have given a copy to
16 Mr. Whittington.
17 So the record is clear, Exhibit 12 is a
18 voluminous document. The first page bears the
19 number PLP000001 and the last page bears the number
20 PLP001147.
21 Would you agree with that,
22 Mr. Whittington?
23 MR. WHITTINGTON: Yes.
24 Q. (BY MR. WONG:) Okay. All right. So,
25 Miss Elliott, you've had an opportunity to review

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1 what's been marked as Exhibit 12?
 2 A. Yes.
 3 Q. And, again, the record obviously
 4 reflects this is a voluminous document, but I
 5 certainly would not expect -- I don't know that it's
 6 humanly possible to read this in detail in the short
 7 period of time we have, but have you been able to
 8 skim this document to generally answer the question
 9 whether you know what these documents are?
 10 A. Yes, sir, I have.
 11 Q. All right. So can you generally tell me
 12 what Exhibit 12 is?
 13 A. Exhibit 12 consists of four E-books. Do
 14 you want me to identify them by name?
 15 Q. Not yet. Just tell he generally what
 16 they consist of.
 17 A. Four E-books, and the ledgers to For the
 18 Love of Pets, my 501(c)(3) determination letter, and
 19 it contains Facebook postings of the Facebooks that
 20 I deal with.
 21 Q. So let's talk about the four E-books.
 22 A. Yes, sir.
 23 Q. These are books that you have written?
 24 A. Written or compiled, yes, sir.
 25 Q. And there are four of them?

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1 A. Yes, sir.
 2 Q. Okay. So would you identify them by the
 3 number at the bottom right-hand corner, so let's do
 4 these one at a time.
 5 A. And you don't want a name to it, you
 6 just want the number.
 7 Q. Well, let's -- direct me to the number,
 8 and then we'll talk about names in a moment.
 9 A. Okay. The first one is P -- PLP000001.
 10 Q. And what is the title of this E-book?
 11 A. This book is entitled, And None Would
 12 Help, Barbie, the mother dog with broken legs.
 13 Q. And this E-book concludes on what
 14 page?
 15 A. PLP000259.
 16 Q. And when did you write this E-book
 17 called And None Would Help?
 18 A. After my trespassing case was
 19 dismissed.
 20 Q. What trespassing case are you referring
 21 to?
 22 A. That would be the one with Raul Torres
 23 and the mother dog with the broken legs.
 24 Q. Earlier you talked about the lawsuit
 25 that you brought against Mr. Torres --

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1 A. Yes, sir.
 2 Q. -- in small claims court.
 3 A. Yes, sir.
 4 Q. And if you told me, I missed it.
 5 A. Okay.
 6 Q. Was that small claims action something
 7 that arose from a trespass case that Mr. Torres had
 8 brought against you?
 9 A. Yes, sir.
 10 Q. I see. And where was that trespass case
 11 brought?
 12 A. You mean what court?
 13 Q. Yes.
 14 A. Jefferson County.
 15 Q. Okay. And when did Mr. Torres bring
 16 that trespass case against you?
 17 A. November, 2009; and I'm thinking the
 18 23rd, I think. On or about the 23rd.
 19 Q. And was Mr. Whittington your attorney
 20 for that?
 21 A. Yes, sir. Thankfully.
 22 Q. And the E-mail book, And None Would
 23 Help, somehow relates to that trespass case?
 24 A. It is a documentary of everything I went
 25 through at the hands of Sheriff Olsen and Prosecutor

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1 Duna, that I and others went through. Because I
 2 wasn't the only one charged with trespass.
 3 Q. What's the next E-book?
 4 A. Well, there's one here called, Dogs, All
 5 They Need is Love, PLP000413 ending with PLP000517.
 6 Q. And when did you write this book?
 7 A. I'm thinking after or about the time --
 8 or maybe simultaneously when I was writing the
 9 Barbie book.
 10 Q. When you say "the Barbie book," you're
 11 referring to the first E-book?
 12 A. Yes, sir, And None Would Help.
 13 Q. Okay. And the second E-book that you
 14 just referred to, what's the subject of that book?
 15 A. It's pictures of dogs that I've rescued
 16 over the years, and every one has a story behind
 17 them.
 18 Q. What's the --
 19 (Pause in the proceedings.)
 20 THE WITNESS: I'm sorry, next
 21 question.
 22 Q. (BY MR. WONG:) What's the next E-book
 23 that you wrote?
 24 A. I'm sorry. Say that again.
 25 Q. What is the next E-book that you

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1 wrote?

2 A. The next E-book, I don't remember the

3 order, but we'll go with -- Oh, I've got them

4 backwards. All They Need is Someone Who Cares,

5 PLP000307 and PLP000412.

6 Q. Is the last page of that E-book; is that

7 right?

8 A. Yes, sir. 412.

9 Q. And what's the subject -- when did you

10 write that E-book?

11 A. About the same time, because after I

12 wrote Barbie, I was on a roll.

13 Q. And what's the subject of that book?

14 A. Dogs. My rescues, my little stories

15 with them.

16 Q. What's the next E-book that you wrote?

17 A. Dog Talk, The Voices of the Dogs,

18 PLP000260 to PLP000360.

19 MR. WHITTINGTON: And Dog Talk -- what

20 is it?

21 THE WITNESS: Yes, sir.

22 Q. (BY MR. WONG:) And when did you write

23 that book?

24 A. All of these were written about the same

25 time.

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1 Q. Well, same time being what?

2 A. After the Mud Lake dog case.

3 Q. That involved Mr. Torres?

4 A. Yes, sir.

5 Q. No.

6 A. I don't think I can stand this.

7 Q. Now, so we've covered your E-books --

8 A. Yes, sir.

9 Q. -- that you've written, right?

10 A. Yes, sir.

11 Q. So you also said that included in these

12 documents are documents involving your Internet

13 postings, right?

14 A. My Facebook pages, yes, sir.

15 Q. And identify for me the Facebook pages

16 that you're referring to.

17 A. Okay. Let's see here, the pages at the

18 bottom. I was looking for a title, too. PLP001056

19 to PLP001086.

20 Q. So do you have a Facebook page?

21 A. Yes, sir.

22 Q. And so these are excerpts from postings

23 on your Facebook page?

24 MR. WHITTINGTON: Now, these are

25 postings of other people on her Facebook page, as I

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1 understand; is that right?

2 THE WITNESS: These are all the postings

3 that people send to me and I respond and things like

4 that. Yes, sir.

5 Q. (BY MR. WONG:) Okay. How about

6 postings that you've made?

7 A. They are contained within these

8 things.

9 Q. All right. Tell me what else is

10 included in these materials?

11 A. Okay.

12 MR. WHITTINGTON: Is this the same?

13 THE WITNESS: No, sir. There are five

14 different Facebook pages.

15 MR. WONG: Okay. Five different

16 Facebook pages.

17 THE WITNESS: Five different Facebook

18 entities.

19 Q. (BY MR. WONG:) Okay.

20 A. Okay.

21 Q. And why are there five?

22 A. Well, one is for my foundation, For the

23 Love of Pets Foundation, one is called -- let me

24 know if I'm going too quickly -- one is called

25 Idaho's Faces of Cruelty, where I document animal

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1 cruelty cases across the state. People kind of use

2 that as a resource. And all these other people post

3 to, so it's not just all me.

4 There is the Facebook page of

5 advancing -- Advancing Awareness -- The Alliance for

6 Advancing Awareness for -- A-5 is what it's

7 nicknamed. Alliance for Advancing Awareness for

8 something in Action. And that's a group to which I

9 belong, and that's more like a preparedness page,

10 Facebook.

11 Okay. And then I have --

12 Q. Hold on. I want to make sure we're

13 clear.

14 So I've heard you say that there are

15 five Facebook entities, for lack of a better phrase.

16 A. Okay.

17 Q. And I have For the Love of Pets

18 Foundation, being one --

19 A. Yes, sir.

20 Q. --right? Idaho Faces of Cruelty being

21 another one.

22 A. Yes, sir.

23 Q. And Advancing Awareness for Action being

24 a third.

25 A. Yes, sir.

1 Q. And what are the last two?
 2 A. Idaho Falls Tea Party.
 3 Q. And?
 4 A. And the last one is -- well, it's kind
 5 of a private thing for my family, but others have
 6 kind of picked up on it. It's where I put some of
 7 my editorials. It's nowhere near complete. The CD
 8 would have everything on it.
 9 Q. And what's it called?
 10 A. Andi Elliott's Editorials.
 11 MR. WHITTINGTON: Is that the Facebook
 12 page, or is that the --
 13 THE WITNESS: Yes, sir. Someday my kids
 14 will appreciate it.
 15 Q. (BY MR. WONG:) And the Andi Elliott's
 16 Editorial Facebook page, what's the name of that
 17 page?
 18 A. That's it.
 19 Q. Okay. What's the name of the Advocating
 20 or Advancing Awareness for Action?
 21 A. That's it.
 22 Q. And is the name of the Facebook page
 23 Idaho Faces of Cruelty?
 24 A. Correct.
 25 Q. I see. All right. What else have you

1 informed of when?
 2 A. September 7th, 2005. At least that's
 3 the date of the letter.
 4 Q. And so you applied for this status as --
 5 your foundation applied for this status as a
 6 501(c)(3)?
 7 A. Yes, sir.
 8 Q. And this was the decision that granted
 9 that status, correct?
 10 A. Correct.
 11 Q. And when was this application made?
 12 A. Before September of 2005.
 13 Q. On exhibit -- on this document, which
 14 has the production number PLP001122, do you see the
 15 words humane society anywhere on this document?
 16 A. No, sir.
 17 Q. Do you have the application for tax
 18 exempt status for the foundation?
 19 A. I don't know whether I still possess
 20 that or not.
 21 Q. When did you form the For the Love of
 22 Pets Foundation?
 23 A. Before September of 2005.
 24 Q. Do you recall more specifically when?
 25 A. I don't, but it takes a while to get the

1 produced?
 2 A. Let's see, I told you about my IRS
 3 letter, and then --
 4 Q. Let's identify that by a number, please.
 5 A. Page PLP001121.
 6 Q. Okay. I'm not sure we're looking at the
 7 same thing?
 8 A. There it is. You've got it right there,
 9 you flipped it up.
 10 Q. Well, then that's 22. I think you said
 11 21?
 12 A. 1122.
 13 Q. Right.
 14 A. Okay.
 15 MR. WHITTINGTON: Okay. What was that?
 16 THE WITNESS: PLP -- that's my IRS --
 17 MR. WHITTINGTON: Idaho.
 18 THE WITNESS: -- determination letter.
 19 MR. WHITTINGTON: What's that number?
 20 THE WITNESS: PLP001122.
 21 Q. (BY MR. WONG:) So what is this
 22 letter?
 23 A. The IRS tells me I'm a tax exempt public
 24 charity.
 25 Q. And that was a decision that you were

1 status.
 2 Q. And do you recall whether you formed
 3 that foundation in 2005?
 4 A. I don't recall specifically.
 5 Q. Do you recall that you formed it in
 6 2004?
 7 A. I don't recall specifically.
 8 Q. Do you recall generally when you formed
 9 this foundation?
 10 A. It would have been months and months
 11 before the date of this letter because it takes
 12 quite a while to get this.
 13 Q. And the date of this letter is
 14 September 7, 2005?
 15 A. Correct.
 16 Q. And this foundation is incorporated,
 17 right?
 18 A. Yes, sir.
 19 Q. In the State of Idaho?
 20 A. Yes, sir.
 21 Q. Who did the incorporation for you?
 22 A. Secretary of State -- oh, who did it
 23 with me, for me? I did.
 24 Q. So you did it yourself?
 25 A. Correct.

1 Q. Do you recall when the foundation was
2 incorporated?
3 A. It had to be incorporated before this.
4 I believe the -- I believe the order is you have to
5 do with it with the state first and then the IRS,
6 but it's been almost nine years now, so....
7 Q. Do you recall when it was
8 incorporated?
9 A. Just before this -- no, sir, I can't be
10 more specific.
11 Q. Sometime in 2005?
12 A. 2000 --
13 MR. WHITTINGTON: Is that your best
14 estimate?
15 THE WITNESS: 2004 or '5.
16 Q. (BY MR. WONG:) Do you have the papers
17 of incorporation?
18 A. I'm thinking I do. Not with me, but I'm
19 thinking I do.
20 Q. Okay.
21 A. I think you can obtain those on the
22 Secretary of State's web page.
23 Q. Well, I'm not sure of what she has,
24 but -- well, let me ask you: Do you have a file of
25 documents in connection with the articles -- excuse

1 the end or not?
2 THE WITNESS: Yes, sir.
3 Q. (BY MR. WONG:) And how is your position
4 as an officer?
5 A. The president.
6 Q. And have you been president since its
7 incorporation to the present?
8 A. Yes.
9 Q. What is John Grubb's --
10 A. Vice president.
11 Q. -- position?
12 And the third person you mentioned?
13 A. Secretary.
14 Q. And what was her name again?
15 A. Corson, C-o-r-s-o-n.
16 Q. And where does Miss Corson reside?
17 A. She moved to Virginia last year.
18 Q. And she continues to serve as
19 president -- excuse me, as secretary?
20 A. Yes, sir.
21 Q. Are there any employees of the For the
22 Love of Pets Foundation?
23 A. No, sir.
24 Q. Does the For the Love of Pets Foundation
25 keep any financial records?

1 me, of the incorporation of the For the Love of Pets
2 Foundation?
3 A. Yes, sir, I do have documents.
4 Q. In a file?
5 A. Yes, sir.
6 Q. What's the file called?
7 A. For the Love of Pets. FTLOP, I think.
8 Q. How voluminous is the file?
9 A. Maybe two inches thick.
10 Q. And I take it For the Love of Pets
11 Foundation, has existed from the date of this
12 incorporation to the present time, correct?
13 A. Correct. Yes, sir.
14 Q. How many officers are involved with the
15 For the Love of Pets Foundation?
16 A. Three.
17 Q. Please name them?
18 A. Candace W. Elliott.
19 Q. That would be you?
20 A. Yes, sir. And it may be listed as Andi.
21 I'm not quite sure. John F. Grubb, G-r-u-b-b,
22 Brooke A. Corson.
23 MR. WHITTINGTON: How do you spell that?
24 THE WITNESS: C-o-r-s-o-n.
25 MR. WHITTINGTON: Brooke have an E on

1 A. Yes, sir.
2 Q. What financial records are kept?
3 A. The checkbook ledger online.
4 Q. Any others?
5 A. No, sir.
6 Q. Does the For the Love of Pets Foundation
7 maintain any financial statements?
8 A. Yes, sir. The ledger.
9 Q. Any others?
10 A. No, sir. If you have donations under
11 twenty-five thousand dollars, you don't even have to
12 fill out all the paperwork necessary. It's just a
13 very short form if you do it online.
14 Q. And has the For Love of Pets Foundation
15 filed any tax returns?
16 A. Because we get less than twenty-five
17 thousand dollars in donations, all we're required to
18 do is file the short form online with both the IRS
19 and the Secretary of State.
20 Q. So there is a short form tax return
21 that's filed, correct?
22 A. Yes, sir. Basically, there are no
23 figures involved, as I recall. You just check --
24 they just want to know if the officers have changed
25 status and that you're still alive.

1 Q. Have you produced copies of this short
2 form tax return?
3 A. No, sir.
4 Q. You haven't done that today?
5 A. No, sir. Wait a minute, are you saying
6 to you?
7 Q. Yeah.
8 A. No, sir.
9 Q. Are you planning to do so?
10 A. Yes. Of course I will.
11 MR. WHITTINGTON: Did you give them to
12 me?
13 THE WITNESS: No.
14 MR. WHITTINGTON: Okay.
15 THE WITNESS: No. I hadn't even thought
16 about it. There's no figures on there. It's just
17 the names and address.
18 MR. WHITTINGTON: So is that a tax form
19 or just a --
20 THE WITNESS: We don't fill out a tax
21 form.
22 MR. WHITTINGTON: It's a registration,
23 annual registration.
24 THE WITNESS: Yes, sir. That's what it
25 would be called, yes.

1 That's your testimony, correct?
2 A. Correct. Yes, sir.
3 Q. No other financial books or records with
4 regard to any accounting of contributions or
5 payments, right?
6 A. Correct. And now you're not including
7 receipts I have for expenses or things like that.
8 That would be voluminous.
9 Q. Let me -- let's pass on that for the --
10 so I take it you do have those records --
11 A. Oh, yes.
12 Q. -- that have not been produced?
13 A. All the -- the receipts for everything I
14 spend for the animals, yes, sir.
15 Q. Okay.
16 MR. WHITTINGTON: Those have not been
17 produced, have they?
18 Q. (BY MR. WONG:) That was my question.
19 They have not been produced.
20 A. No, sir.
21 Q. So let's make sure we're clear on the
22 financial records. You have this checkbook ledger,
23 and we talked about the registration, and there are
24 some expense receipts.
25 Are there any other financial records,

1 Q. (BY MR. WONG:) Any objections to
2 producing that?
3 A. No, sir.
4 Q. So let me make sure I understand, you're
5 now saying that this is a registration, so that
6 the -- does that mean that the For the Love of Pets
7 Foundation, Inc., does or does not file a short form
8 tax return?
9 A. It does not file a short form tax
10 return. We have to register every year with the IRS
11 and the SOS.
12 Q. And so we would request copies of all
13 those registrations.
14 A. For how long?
15 Q. Since 2005 to the present.
16 A. Okay.
17 Q. And you have that?
18 A. I should, yes, sir.
19 Q. Okay.
20 A. Or you can get it on the website, I'm
21 sure.
22 Q. All right. Now, as I understand, your
23 testimony, the only financial record that For the
24 Love of Pets Foundation, Inc., has is the checkbook
25 ledger.

1 profit and loss statements, income statements,
2 anything like that?
3 A. No, sir.
4 Q. Does the foundation have an in-house
5 accountant?
6 A. No, sir.
7 Q. In-house bookkeeper?
8 A. Me. I put it in QuickBooks.
9 Q. Well, if you have QuickBooks, then are
10 there any documents that are generated through
11 QuickBooks?
12 A. I believe that we've produced those to
13 you.
14 Q. And would that be the ledger?
15 A. The ledger to me referred to what the
16 bank statement is.
17 And I believe we've produced those, too.
18 So we have the ledger, and then I keep the list of
19 the receipts in the QuickBooks.
20 Q. And is there a QuickBook report relating
21 to financial records of For the Love of Pets
22 Foundation?
23 A. Yes, sir. And I believe you have
24 those.
25 Q. Okay. Can you identify -- are they in

1 this set of materials?
 2 A. They should be. Let's see. You have my
 3 bank statements there.
 4 Q. And can you identify the document
 5 number?
 6 A. Yes, sir. It would be -- oops. Well,
 7 the financial information would be located on
 8 PLP001128 and PLP -- okay, that document finishes on
 9 PLP001136.
 10 MR. WHITTINGTON: And what is that? Is
 11 that your checkbook ledger.
 12 THE WITNESS: Yes, sir.
 13 Q. (BY MR. WONG:) Sorry. So the document
 14 that you've just identified is part of Exhibit --
 15 A. 12.
 16 Q. -- 12, that is pages 111 -- I'm sorry,
 17 pages 1128 through 1136, are what again?
 18 A. Checkbook ledger.
 19 Q. Okay. And then the next document I see
 20 has the number ending with 1137 through 1147?
 21 A. Yes, sir.
 22 Q. What is that document?
 23 A. That is my Scenic Falls Credit Union
 24 statement.
 25 Q. Okay. Now, I'm confused. You have

1 A. Some of them are probably located on
 2 the -- the ledger there, that you have a copy of,
 3 and --
 4 Q. I'm sorry, and we're looking at part of
 5 Exhibit 12, page ending?
 6 A. 1128.
 7 Q. Through 1136?
 8 A. Through 1136. And possibly 1137 through
 9 1147.
 10 Q. Okay. So, Miss Elliott, what I'd like
 11 you to do now is to use this highlighter, and go
 12 through those pages and highlight for me the entries
 13 that reflect contributions that the foundation has
 14 received from outside donations.
 15 A. The ones that I can --
 16 Q. Sure.
 17 A. The ones that I actually deposited.
 18 Let's see --
 19 MR. WONG: We can go off the record for
 20 this, unless, Kent, do you want to stay on the
 21 record?
 22 MR. WHITTINGTON: I think we can go off
 23 the record.
 24 MR. WONG: Okay. So we're off the
 25 record.

1 talked about some QuickBooks documents.
 2 Where are they?
 3 A. That's a good question. That's with my
 4 tax forms, I bet. Of course, my tax forms because I
 5 keep it all together. The QuickBook statements is
 6 like if I go to Lowes, WINCO, buy something for
 7 them. I can get those to you.
 8 Q. Okay. But they haven't been produced
 9 yet; is that right?
 10 A. Unless they're in something we haven't
 11 gotten to yet, I don't see them offhand.
 12 MR. WHITTINGTON: Making a note.
 13 MR. WONG: Okay. All right.
 14 Q. (BY MR. WONG:) So, Miss Elliott, from
 15 2005 to the present, does the foundation receive
 16 contributions?
 17 A. Well, it did. Yes, sir. I -- I've
 18 never gotten a whole lot of contributions. It's
 19 mostly been self-effort, but every so often I'd
 20 write an editorial, and I would get little letters
 21 like with, you know, ten dollars, twenty dollars,
 22 something like that in them.
 23 Q. So, tell me how I would identify
 24 contributions that the foundation has received from
 25 2005 to the present?

1 (A brief recess was had from 4:33 p.m.
 2 to 4:42 p.m.)
 3 MR. WONG: All right. So we are now on
 4 the record.
 5 Q. (BY MR. WONG:) While we were off the
 6 record, Miss Elliott was kind enough to take a look
 7 at an excerpt of Exhibit 12 with the pages with the
 8 production number beginning with the number
 9 PLP001128 and ending with number PLP001136, which,
 10 as I understand your testimony, Miss Elliott, these
 11 are the ledger pages; is that right?
 12 A. Yes, sir.
 13 Q. So I'm handing this back to you.
 14 A. Okay.
 15 Q. And I've asked you to, with yellow
 16 highlighting, identify the entries that reflect
 17 donations to the foundation, and you've done so?
 18 A. Yes, sir.
 19 Q. And these ledger pages cover what
 20 period?
 21 A. December, 2005, to May, 2011.
 22 Q. And how about that the period after
 23 2011?
 24 A. Oops, there's another page here. Then
 25 it would be reflected on this document.

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1 Q. This document being the pages with the
2 production number of ending with 1137 through
3 1147?
4 A. Probably, yes, sir.
5 Q. All right. And going back to the ledger
6 pages, I think you had mistakenly highlighted one
7 entry and then you corrected it in red; is that
8 correct?
9 A. Yes, sir. And I made a notation and
10 initialed it.
11 Q. Okay. What page is that on?
12 A. That is on page PLP – excuse me,
13 001135.
14 Q. Okay. Very good. Thank you.
15 So, with regard to – Miss Elliott, are
16 you done?
17 A. Yes, sir.
18 Q. Okay.
19 MR. WHITTINGTON: And you were going to
20 scan and copy and send that to me?
21 THE WITNESS: Yes, I will.
22 Q. (BY MR. WONG:) And as I understand it,
23 you've got a CD of some additional documents you're
24 producing today?
25 A. Yes, sir.

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1 MR. WHITTINGTON: I would like to review
2 them and E-mail them to you, if you wouldn't mind.
3 MR. WONG: That's fine.
4 MR. WHITTINGTON: I have them ready. I
5 brought them.
6 THE WITNESS: There's three hundred of
7 them.
8 MR. WONG: Okay. That's fine.
9 MR. WHITTINGTON: If that would be
10 okay.
11 MR. WONG: I want the record to reflect
12 that there were additional documents that you
13 brought today in a form of a CD, so that you've not
14 produced them, and we will be able to have that
15 production to us prior to the next deposition.
16 MR. WHITTINGTON: Yes.
17 Q. (BY MR. WONG:) Okay. Let me ask the
18 court reporter to mark as next in order a document
19 that's entitled Responses to Defendant's First
20 Requests for Production.
21 (Deposition Exhibit 13 was marked for
22 identification.)
23 THE COURT REPORTER: Exhibit 13.
24 MR. WONG: All right. So we're on the
25 record, and you're looking at Exhibit 13.

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1 MR. WHITTINGTON: Is this 137
2 MR. WONG: Yes.
3 MR. WHITTINGTON: Thank you.
4 Q. (BY MR. WONG:) Miss Elliott, let me ask
5 you to look at the document that is marked as
6 Exhibit 13 and specifically page number 5.
7 A. I'm there.
8 Q. Exhibit 5 is a verification that was
9 signed by you, correct?
10 A. Correct.
11 Q. And you signed this verification under
12 oath on June 6th, 2014, correct?
13 A. Yes, sir.
14 Q. And these are Responses to Requests for
15 Production of Documents, right?
16 A. Yes, sir.
17 Q. And you were asked to produce copies of
18 all documents that support allegations in the
19 complaint that you filed against Mr. Murdock,
20 right?
21 A. Yes, sir.
22 Q. And there are documents that are
23 attached to this – these answers, right?
24 A. Yes, sir. There seem to be.
25 Q. And the documents that are attached that

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1 include some of the financial records, are these the
2 same as the financial records that have been
3 produced and are a part of Exhibit 12?
4 A. They are.
5 Q. I see. So they are just duplicates of
6 those financial records?
7 A. Yes, sir. It appears that's exactly
8 what we've got here.
9 Q. Oh, I see. Now, in connection with the
10 request for you to produce documents to support your
11 contention that Mr. Murdock knew that the statements
12 that he made were false, and I'm looking at request
13 for production number four, do you see that one?
14 A. I see it, yes, sir.
15 Q. You said, "See letters to the editor
16 scanned and E-mailed to defendant's counsel
17 herewith."
18 That's the response, right?
19 A. Yes, sir.
20 Q. Tell me what letters to the editor
21 you're referring to?
22 A. I believe you will find them at the back
23 of this request for production.
24 MR. WHITTINGTON: We hope they are.
25 THE WITNESS: Yeah, they are.

1 Q. (BY MR. WONG:) Okay. So I see a
2 document or a page that has been marked in the
3 bottom right-hand corner, Exhibit A.
4 Do you see that?
5 A. Yes, sir.
6 Q. Is that one of the documents you're
7 referring to?
8 A. Yes, sir.
9 Q. And then how about the next document?
10 A. Well, they're illegible. Okay.
11 Q. So what I understand Exhibit A to be is
12 a set of letters to the editor that you are
13 producing in support of your contention that these
14 are the documents that support your claim that
15 Mr. Murdock knew the statements that he made on the
16 Neal Larson show were false, right?
17 A. Yes, sir.
18 Q. Are there any other documents that
19 you're relying on in making that accusation other
20 than what's set forth in Exhibit A to these
21 responses to document requests now marked
22 collectively as Exhibit 13?
23 MR. WHITTINGTON: Well, we're still
24 conducting discovery, so there may be others, but --
25 THE WITNESS: Okay. You asked me were

1 charged with trespass on 24 July, 2011, and
2 Mr. Murdock wrote a letter to the editor that
3 appeared in August of 2011, and then it precipitated
4 on from that point.
5 I do not recall -- I don't recall
6 anything before. We haven't had anything -- I
7 didn't even know these people before July 24,
8 2011.
9 Q. My question is different. Let me ask
10 the question again, and that is: Is it true that
11 Mr. Murdock wrote letters to the editor in response
12 to letters to the editor that you wrote?
13 A. Some, yes.
14 Q. Isn't that true?
15 A. But I would like to see a copy of his
16 August, 2011, letter to read that so that I could be
17 more accurate.
18 Q. Okay.
19 A. -- in order to answer that correctly.
20 Q. Well, without doing that today, and
21 taking the time right now, are you aware of any?
22 A. Without copies of those letters, without
23 legible copies, I don't know that I could answer
24 that at this point.
25 Q. Okay.

1 there any other things to disprove the statement
2 that he made?
3 MR. WONG: No.
4 MR. WHITTINGTON: No.
5 Q. (BY MR. WONG:) So what I've asked you,
6 in connection with these requests, is to produce to
7 us all the documents that you contend prove that
8 what Mr. Murdock said he knew were false?
9 A. Okay. We've also produced financial
10 documents that would serve to indicate that the
11 amount of money spent is false.
12 Q. Okay.
13 A. The editorials serve to indicate that he
14 is vindictive and as a reason, and, therefore --
15 let's see, what's a better way to say that? That he
16 has a pattern of displaying hostility against me.
17 Q. Okay. Anything else?
18 A. Not that I can think of right now.
19 Q. The letters to the editor that you've
20 attached to your responses to the requests for
21 production now marked as Exhibit 13, these letters
22 to the editor by Mr. Murdock were all written in
23 response to a letter to the editor that you wrote,
24 were they not?
25 A. Correct me if I'm wrong, but I was

1 A. I'd have to go back and check dates and
2 verify. My question being: Was his August, 2000,
3 letter to the editor in response to one of my
4 editorials, had occurred right after -- right during
5 the period of time that I had asked for a welfare
6 check of his brother's horses.
7 Q. So let me ask you, with regard to the
8 statements that Mr. Murdock made on the radio show,
9 how have they damaged you?
10 A. Oh, my gosh, well, the minute I got into
11 church a few days later, people started asking me
12 questions about what in the world was going on. I'm
13 constantly having to field questions about what is
14 going on between us, you know, currently, too.
15 This has been two-and-a-half years ago,
16 and I keep getting sporadic comments about what is
17 going on and the comments that he made.
18 Donations have dramatically dropped off.
19 I think you will find that verified in the financial
20 information that we have provided.
21 Q. Anything else?
22 A. Yes. Harassment.
23 Q. Tell me about the harassment.
24 A. Well, since July 24th, 2011, the date
25 that I reported -- or that I asked for welfare check

1 on his brother's horses, I have lost several
 2 friendships over this. I have had carcasses, five
 3 carcasses, placed in my driveway. I have had --
 4 December 18th, I have had my rabbits killed and
 5 injured and my rabbit hutches vandalized there.
 6 We've had to re-up our security system.
 7 Some of his friends have been making very unkind
 8 comments, and there have been intimidation of my
 9 friends by Mr. Murdock, and they, too, now are
 10 having -- afraid of having carcasses placed on their
 11 driveway or their property. So these are some of
 12 the things that I've experienced.
 13 Q. Anything else?
 14 MR. WHITTINGTON: Well, they're listed
 15 in our responses.
 16 Q. (BY MR. WONG:) Are they all listed in
 17 your responses, Miss Elliott?
 18 A. I'm thinking. All -- I don't know that
 19 all of them are. I would have to go back and
 20 check.
 21 Q. Okay. You said that comments were made
 22 after church, right?
 23 A. Before church actually, yeah. The
 24 minute I got into church people started asking me
 25 about what they had heard on the radio.

1 about Steve's comments, and they said something
 2 about, you know, I bet you were really mad, and I'm
 3 just -- this is just a paraphrase because it's been
 4 quite a while ago.
 5 Q. I want you to tell me exactly what they
 6 said you.
 7 A. I can't tell you the exact verbiage.
 8 Q. Okay. Because you don't remember?
 9 A. Because I don't remember, right.
 10 Q. So what's your best recollection of what
 11 they said?
 12 A. That they had heard me on the radio, and
 13 they could tell that I was real upset, and they were
 14 just wondering what was going on.
 15 Q. Anything else?
 16 A. Not at this time.
 17 Q. Other than that comment on that day, do
 18 you recall any other comments from any other persons
 19 at the church?
 20 A. At the church on that day, no, sir.
 21 Q. Do you recall any comments made to you
 22 by anyone other than the Bernals?
 23 A. Yes. I meet people in the grocery
 24 stores and WalMart and places like that, but I can't
 25 recollect all their names or any of their names. I

1 Q. What was the date of those comments?
 2 A. Okay. If I recall correctly, at this
 3 time -- do you have a calendar?
 4 MR. WHITTINGTON: 2012?
 5 THE WITNESS: 2012, if I recall
 6 correctly, Steve called in on the radio show, and I
 7 think it was the latter part of the week, and I want
 8 to say Thursday, but don't hold me to that, so that
 9 would have been the 22nd. Friday would have been
 10 the 23rd, Saturday the 24th, so this would have been
 11 the 25th of March.
 12 Q. (BY MR. WONG:) And what church?
 13 A. Crown of Life Lutheran church, Rigby,
 14 Idaho.
 15 Q. How many people made comments to you?
 16 A. Two to my face.
 17 Q. And name those people that made the
 18 comments?
 19 A. Do I have to?
 20 MR. WHITTINGTON: I -- yeah, I think it
 21 would be appropriate.
 22 THE WITNESS: Janet and Jim Bernal
 23 (phonetic).
 24 Q. (BY MR. WONG:) And what did they say?
 25 A. Well, they heard -- they questioned me

1 just remember Jim and Janet on that Sunday
 2 morning.
 3 Q. Okay. And what do you recall -- when do
 4 you recall these comments and people at the
 5 WalMart?
 6 A. When?
 7 Q. Yes.
 8 A. Subsequent to his --
 9 Q. That Sunday? A month later? A year
 10 later?
 11 A. A month -- months later.
 12 Q. Months later?
 13 A. Yes. Just comments I get from people as
 14 I see them.
 15 Q. And what comments do you recall
 16 receiving?
 17 A. They wanted to know what was going on.
 18 Q. So the question?
 19 A. They heard the derogatory comments, and
 20 they wanted to know what was going on and why. Why
 21 anybody would go on the radio and say things like
 22 that.
 23 Q. And can you identify any of those
 24 people?
 25 A. Not after all this time, no.

1 Q. Can you identify the names of any
2 persons that made any comments to you after this
3 radio program other than the Bernals?
4 A. I don't think I can bring up any names,
5 no, sir.
6 Q. Well, it's not a question of can you
7 bring up names. Do you know of any names?
8 A. No, sir -- yes.
9 Q. Okay. How many of other comments are
10 you alleging that you received other than the
11 Bernals related to comments about the radio show?
12 A. Oh, I would say less than five.
13 Q. Including the Bernals?
14 A. No. Less than five. I'd say around
15 five. Yeah.
16 Q. So including the Bernals, about five
17 comments, correct?
18 A. Yes.
19 Q. And you've told me what you generally
20 recall about those five comments, correct?
21 A. Yes.
22 Q. Now, with regard to the situation with
23 the vandalism that you're alleging with the rabbits
24 and the dead carcasses and so forth --
25 A. Yes, sir.

1 persecution that I have suffered ever since I
2 reported his brother's horses.
3 Q. (BY MR. WONG:) And my question is:
4 With regard to the vandalism and the dead carcasses
5 that you're alleging, do you attributed that to be
6 the result of the radio comments?
7 A. Directly?
8 Q. Yes.
9 A. No. Indirectly, yes.
10 Q. The donations --
11 MR. WHITTINGTON: Okay. She's answered.
12 MR. WONG: Fair enough. All right. Let
13 me say, the record should be clear that we have
14 agreed to adjourn at 5:00 o'clock. We are a minute
15 or two after that.
16 We are -- I'm not done with my
17 questioning of the witness, and so we are adjourning
18 the deposition for the day --
19 MR. WHITTINGTON: For another time.
20 MR. WONG: -- for another time to be
21 rescheduled.
22 And it's clear that there are additional
23 documents that are owed, and among those documents,
24 Mr. Whittington, I would say that to the extent that
25 the witness has this red binder, I would ask you to

1 Q. -- do you attribute that directly to the
2 radio comment?
3 A. I attribute it to the pattern of
4 comments and the things that the Murdocks have gone
5 around the neighborhood talking to my friends and
6 things like that. I think it's part of the pattern.
7 I don't have any -- what's the --
8 MR. WHITTINGTON: Proof.
9 THE WITNESS: Yeah. I was going to say
10 what's the date? Yeah, I don't have any proof, or
11 else we'd be in court again, and actually some new
12 information has come up just in the past two or
13 three weeks.
14 MR. WHITTINGTON: I hate to call it, but
15 our bewitching hour has arrived.
16 MR. WONG: Well, we can't cut this off
17 in the middle of an answer.
18 MR. WHITTINGTON: She can finish her
19 answer, but --
20 MR. WONG: So please finish your answer.
21 I'm sorry, we've had an interruption here. Why
22 don't you read what we've gotten so far so she can
23 continue.
24 THE WITNESS: The pattern of
25 persecution, this is a part of the pattern of

1 take a look at it because I'll be asking for the
2 production of that binder, and you can review it to
3 see if there's any objection to producing it.
4 THE WITNESS: What red binder?
5 MR. WHITTINGTON: Right there that he's
6 referring to.
7 THE WITNESS: Oh, pink.
8 MR. WHITTINGTON: And we also had
9 the CD's and as I said, there was a registrations,
10 QuickBook statements.
11 THE WITNESS: SOS and IRS
12 registrations.
13 MR. WONG: Correct.
14 THE WITNESS: So those are the things
15 that you want.
16 MR. WONG: Everything that we've talked
17 about in the course of the deposition.
18 MR. WHITTINGTON: I have written notes.
19 I'll get these to you as soon as I can review them.
20 I haven't had a chance. We do have these additional
21 documents that if you want us to give them to you
22 now or just in the next deposition.
23 MR. WONG: Well, I'll tell you, I don't
24 know.
25 MR. WHITTINGTON: I can supplement the

1 answer and give you --
 2 MR. WONG: I'll tell you what I'm
 3 thinking, and it would be easier. Why don't we,
 4 without questioning the witness, and mark them as
 5 exhibits as additional documents, and we'll ask her
 6 about them at the next deposition.
 7 MR. WHITTINGTON: That's fine with me.
 8 MR. WONG: And that way we'll have --
 9 THE WITNESS: Well, I don't want to lose
 10 the originals.
 11 MR. WHITTINGTON: No. You're going to
 12 keep the originals. We've got copies made, so
 13 let's -- I don't know how many copies we have
 14 here.
 15 MR. WONG: There should be enough.
 16 MR. WHITTINGTON: I think two. Do you
 17 want to mark those? Or maybe three, so --
 18 MR. WONG: Okay. Hang on.
 19 MR. WHITTINGTON: So this will be marked
 20 as what? Fourteen? Do we want to do them
 21 separately or collectively?
 22 MR. WONG: Let's do them separately.
 23 That way we can keep track of them. So this will be
 24 14.
 25 (Deposition Exhibits 14, 15, and 16 were

1 marked for identification.)
 2 MR. WONG: So this will be 15. This
 3 will be 16.
 4 Okay. So the record is clear -- we're
 5 on the record -- there are additional documents that
 6 have been discussed that need to be produced prior
 7 to the resumption of the deposition.
 8 Mr. Whittington has produced a
 9 document -- additional documents today, in which we
 10 have had marked as Exhibit 14, 15, and 16. We're
 11 not going to question the witness today about those
 12 documents, but at least we've identified them as
 13 documents that were produced today.
 14 With that, I think we are adjourned for
 15 the day and I think we can go off the record.
 16 (Discussion off the record.)
 17 (Whereupon, the deposition concluded at
 18 5:15 p.m. sine die.)
 19 *****
 20
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2 STATE OF IDAHO }
 3 COUNTY OF BONNEVILLE } ss.
 4
 5
 6 I, DiAnn Erdman Prock, CSR, CCR, RPR, a
 7 duly commissioned Notary Public in and for the State
 8 of Idaho, do hereby certify:
 9 That prior to being examined, CANDACE
 10 ELLIOTT, the witness named in the foregoing
 11 deposition, was by me duly sworn to testify to the
 12 truth, the whole truth, and nothing but the truth;
 13 That said deposition was taken down by me
 14 in shorthand at the time and place therein named and
 15 thereafter reduced to typewriting under my
 16 direction, and that the foregoing transcript
 17 contains a full, true, and verbatim record of said
 18 deposition.
 19 I further certify that I have no interest
 20 in the event of the action.
 21
 22 WITNESS my hand and seal this 9th day of
 23 July, 2014.
 24
 25

DiAnn Erdman Prock
 Idaho CSR SRL 963, CCR, RPR
 Notary Public in and for
 the State of Idaho

My Commission Expires: 11-14-2019

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REPORTER'S CERTIFICATE

STATE OF IDAHO)
) ss.
COUNTY OF BONNEVILLE)

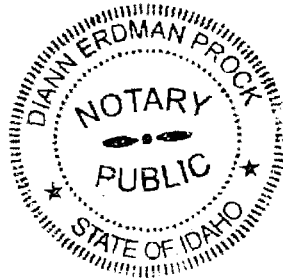
I, DiAnn Erdman Prock, CSR, CCR, RPR, a
duly commissioned Notary Public in and for the State
of Idaho, do hereby certify:

That prior to being examined, CANDACE
ELLIOTT, the witness named in the foregoing
deposition, was by me duly sworn to testify to the
truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me
in shorthand at the time and place therein named and
thereafter reduced to typewriting under my
direction, and that the foregoing transcript
contains a full, true, and verbatim record of said
deposition.

I further certify that I have no interest
in the event of the action.

WITNESS my hand and seal this 9th day of
July, 2014.



DiAnn Erdman Prock

DiAnn Erdman Prock
Idaho CSR SRL 963, CCR, RPR
Notary Public in and for
the State of Idaho

My Commission Expires: 11-14-2019

Exhibit B

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR)	
THE LOVE OF PETS FOUNDATION, INC., an)	
Idaho corporation,)	Case No. CV-2014-0238
Plaintiffs,)	
vs.)	
STEVE MURDOCK,)	
Defendant.)	
_____)	

DEPOSITION OF CANDACE ELLIOTT

VOLUME II

IDAHO FALLS, IDAHO

NOVEMBER 13, 2014

REPORTED BY:

MARY (RAINEY) STOCKTON, CSR No. 746

1 THE DEPOSITION OF CANDACE ELLIOTT was taken on
 2 behalf of the Defendant at the offices of Hopkins Roden
 3 Crockett Hansen & Hoopes, 428 Park Avenue, Idaho Falls,
 4 Idaho, commencing at 11:06 A.M. on November 13, 2014,
 5 before M. Rainey Stockton, Certified Shorthand Reporter
 6 and Notary Public within and for the State of Idaho, in
 7 the above-entitled matter.
 8
 9 APPEARANCES:
 10 For the Defendant:
 11 DUANE MORRIS LLP
 12 BY: RAY L. WONG
 13 Spear Tower
 14 One Market Plaza, Suite 2200
 15 San Francisco, California 94105-1127
 16
 17 For the Plaintiffs:
 18 KENT E. WHITTINGTON
 19 BY: WHITTINGTON LAW OFFICE
 20 1820 E. 17th Street, Suite 340
 21 P.O. Box 2781
 22 Idaho Falls, Idaho 83403
 23
 24 ALSO PRESENT: Steve Murdock
 25

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1 EXHIBITS (CONTINUED)
 2 30 - A document entitled Guest: Andi Elliott, Tea Party; Organizer and Animal Welfare Activist 304
 3
 4 31 - Incident Detail; occurred date: 11/21/2007 314
 5
 6 32 - Incident Summary; occurred date: 04/28/2008 317
 7
 8 33 - Witness Statement dated 5-1 322
 9 34 - Incident Summary; occurred date: 04/30/2008 325
 10
 11 35 - Letter dated April 30, 2008 332
 12
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1 CANDACE ELLIOTT,
 2 first duly sworn to tell the truth relating to said
 3 cause, testified as follows:
 4
 5 EXAMINATION
 6 QUESTIONS BY MR. WONG:
 7 Q. Good morning, Ms. Elliott.
 8 A. Hi, Mr. Wong.
 9 Q. This is the continuation of your deposition
 10 that was taken on June 27, 2014.
 11 And unless your counsel has an objection, I
 12 would suggest that we call this Volume II and that the
 13 pagination and the exhibit numbering will be sequential
 14 from the last deposition.
 15 MR. WHITTINGTON: I have no objection to that.
 16 MR. WONG: Great.
 17 Q. (BY MR. WONG) Similar to your last
 18 deposition, Ms. Elliott, you realize that you're under
 19 oath?
 20 A. Yes, sir, I do.
 21 Q. And you know you are testifying as you would
 22 be testifying in court under oath, and that the
 23 testimony that you're giving today would have the same
 24 effect as testimony that you would give in court.
 25 Notwithstanding the relative informality of

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1 this conference room, I want to impress upon you that
 2 you're testifying as if you are in court.
 3 You understand that; do you not?
 4 A. I do understand that.
 5 Q. Can you --
 6 MR. WHITTINGTON: We'll reserve any and all
 7 objections except to the form of the question; is that
 8 correct? I mean --
 9 MR. WONG: That's fine with me, Counsel.
 10 MR. WHITTINGTON: Okay.
 11 Q. (BY MR. WONG) So, Ms. Elliott, can you think
 12 of any reason that would prevent you from understanding
 13 or answering questions truthfully today?
 14 A. No, sir.
 15 Q. Have you taken, ingested, eaten, or drunk
 16 anything that, in your mind, would impair your ability
 17 to understand or answer questions truthfully today?
 18 A. No, sir.
 19 Q. Did you have an opportunity to review your
 20 deposition testimony taken on June 27, 2014?
 21 A. I have not.
 22 MR. WONG: Let me ask the court reporter to
 23 mark as the next exhibit a photocopy of a photograph --
 24 excuse me, what appears to be a photocopy of a
 25 photograph.

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1 (Exhibit No. 17 marked.)
 2 MR. WONG: Let me ask the --
 3 MR. WHITTINGTON: I recognize that.
 4 MR. WONG: Let me ask the court reporter to
 5 mark as next in order another photocopy of a photograph.
 6 (Exhibit No. 18 marked.)
 7 MR. WONG: Here's another photocopy of a
 8 photograph that will be marked as Exhibit 19.
 9 (Exhibit No. 19 marked.)
 10 Q. (BY MR. WONG) Ms. Elliott, you've had the
 11 opportunity to review Exhibit 17, 18 and 19; have you
 12 not?
 13 A. Yes, sir.
 14 Q. Have you ever seen these photographs before?
 15 A. I have.
 16 Q. Can you tell me, when was the last time you
 17 saw these photographs?
 18 A. Well, I know I saw them during the court --
 19 the trial. I don't know that I have, perhaps, looked at
 20 them since then. I don't know, but I know I saw them
 21 during my trial.
 22 Q. What trial?
 23 A. The trial that commenced as a result of my
 24 taking pictures on July 24, 2011.
 25 Q. Do you know who took these photographs

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1 depicted in Exhibit 17, 18 and 19?
 2 A. I think my husband did.
 3 Q. What is your husband's name?
 4 A. John Grubb, G-R-U-B-B.
 5 Q. And looking at Exhibit 17, where was this
 6 photograph taken?
 7 A. It was taken on Old Butte Highway on public
 8 property.
 9 MR. WHITTINGTON: Just answer the question.
 10 THE WITNESS: Okay.
 11 Q. (BY MR. WONG) And I take it that Exhibits 18
 12 and 19 are photographs taken at about the same location?
 13 A. Yes, sir.
 14 Q. Exhibit 17 and 18 and 19 depict you taking
 15 photographs, right?
 16 A. Well, that's -- yes.
 17 Q. And do these photographs, Exhibits 17, 18 and
 18 19, generally depict what you did prior to 2012 in terms
 19 of conducting surveillance on your neighbor's property?
 20 A. The year 2012?
 21 Q. 2012 or prior to 2012.
 22 A. State that again, please.
 23 Q. Sure. I'd be happy to.
 24 A. Yes.
 25 Q. So, prior to the year 2012, you would drive

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1 around and you would stop and you would conduct
 2 surveillance on your neighbor's property, right?
 3 A. No. When I would be asked by neighbors to
 4 come out and look at the situation, then I would go and
 5 look and see if it was worth asking Jefferson County
 6 Sheriff's Department to investigate, to do a welfare
 7 check on.
 8 Q. So, let me get this straight.
 9 Prior to 2012, you have never driven around
 10 Jefferson County and stopped and conducted some
 11 surveillance on your neighbor's property? Is that your
 12 testimony?
 13 A. Usually at the request of people.
 14 Q. That's not my question. So, answer my
 15 question.
 16 A. Have I ever done it? Yes.
 17 Q. All right. What you've done, prior to 2012,
 18 is to drive around in Jefferson County, stop, get out of
 19 your car and spy on your neighbors, right?
 20 MR. WHITTINGTON: Objection. Assumes facts
 21 not --
 22 A. No.
 23 MR. WHITTINGTON: -- in evidence and also is
 24 inaccurate.
 25 Q. (BY MR. WONG) Can you answer my question?

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1 question, and that is: Have you ever, prior to 2012,
 2 conducted surveillance on your neighbor's property
 3 without being asked by anyone to do so?
 4 A. Without receiving a complaint about them?
 5 Q. That's my question.
 6 A. I cannot think of an instance where I did.
 7 Q. I see. So, you never drive around -- prior to
 8 2012, you never drove around Jefferson County,
 9 basically, driving around, stopping and conducting
 10 surveillance of your neighbor's property on your own
 11 volition? Is that your testimony?
 12 A. I will say usually it's done at the request of
 13 someone.
 14 Q. That's not my question.
 15 A. I know.
 16 Q. So, answer my question.
 17 A. Surveillance. Surveillance, is that a
 18 one-time situation? Or are you asking is it a continual
 19 thing?
 20 Q. Let me ask it again.
 21 Prior to 2012, have you ever, without anyone
 22 asking you, driven around Jefferson County; stopped, as
 23 depicted in these photographs; gotten out of your car
 24 and conducted some surveillance of neighbor's property?
 25 MR. WHITTINGTON: What kind of surveillance,

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1 A. No.
 2 Q. So, looking at Exhibits 17, 18 and 19, these
 3 are photographs depicting you getting out of your car
 4 and taking pictures of your neighbor's property; isn't
 5 that true?
 6 A. Yes.
 7 Q. And that was done in 2011, right?
 8 A. Correct.
 9 Q. And you've done this before 2011; did you not?
 10 A. Yes.
 11 Q. How many times?
 12 A. I have no idea.
 13 Q. After 2011, have you ever done this?
 14 A. Yes.
 15 Q. And your husband was with you on this occasion
 16 in 2011 where you drove around Jefferson County and
 17 stopped at the Old Butte Highway and conducted
 18 surveillance on your neighbor's property, right?
 19 A. No. We were requested by Mr. Murdock's
 20 neighbors to come out and look at some horses.
 21 So, we got in the car. Drove down to where he
 22 told me. We saw these horses with the ribs. Took
 23 pictures. Called in a welfare complaint to the
 24 Jefferson County Sheriff's Department and left.
 25 Q. And I would be interested in you answering my

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1 if I could have you specify?
 2 Q. (BY MR. WONG) Have you ever gotten out of
 3 your car, prior to 2012, after driving around Jefferson
 4 County, and made any observations of your neighbor's
 5 property or livestock?
 6 A. Yes.
 7 Q. Or animals?
 8 A. Yes.
 9 Q. And have you ever done that without receiving
 10 any complaints or requests by any neighbors to do so?
 11 A. Oh, yes. From the Jefferson County Sheriff's
 12 Department, yes.
 13 Q. Without anyone asking you to do so, have you
 14 ever --
 15 A. I'm sure there's been an instant, yes.
 16 Q. Okay. So, that's what I'm interested in.
 17 A. Okay.
 18 Q. And you've done that prior to 2012?
 19 A. Yes.
 20 Q. And you've done that after 2012, right?
 21 A. Again, usually at the request of someone
 22 because, you know, I don't know about a lot of these
 23 things.
 24 Q. You keep adding that, Ms. Elliott.
 25 A. I know.

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1 Q. And I'm asking a different question. So, it
 2 would be helpful if you would answer my question.
 3 A. You're saying "ever"?

4 Q. That's right.

5 A. Ever, I'm going to say probably; but I
 6 couldn't tell you a situation.

7 Q. Okay. So, looking at the photographs in
 8 Exhibits 17, 18 and 19 --

9 A. Yes, sir.

10 Q. -- these were photographs taken by your
 11 husband in which you got out of the car and you're
 12 standing on the road and you're taking photographs; is
 13 that right?

14 A. Yes, sir.

15 Q. Now, looking at Exhibit 17, what are you
 16 holding in your hand?

17 A. Well, I'm assuming it's a camera, but I can't
 18 really see that from the picture.

19 Q. Can you tell, from either Exhibit 18 or 19,
 20 what you're holding in your hand?

21 A. Well, I can't see an object, but I'd say -- I
 22 mean, I know what I was doing. I was taking pictures.

23 Q. So, Exhibits 17, 18 and have 19 depict you
 24 standing on the road taking pictures of your neighbor's
 25 property, right?

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1 MR. WHITTINGTON: He's not her neighbor.
 2 THE WITNESS: Yeah.

3 MR. WONG: All right. I'll withdraw that.

4 Q. (BY MR. WONG) Exhibits 17, 18 and 19 are
 5 photographs of you standing on the road taking pictures
 6 of the property and livestock owned by other people,
 7 right?

8 A. Correct.

9 Q. This is not the first time you've ever done
 10 this, right?

11 A. No.

12 Q. Do you have other pictures of you conducting
 13 this surveillance of animals, livestock and property
 14 owned by other people?

15 A. Well, I object to the term "surveillance"
 16 because, in my mind, that indicates that it's a
 17 continual thing.

18 Usually it's -- you know, I see something or
 19 have been requested to go out and look at something.
 20 And then I take pictures and turn it into the Sheriff's
 21 Department.

22 Now, repeat your question again so I can
 23 answer it directly.

24 MR. WONG: Could you read the question back,
 25 please?

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1 (The record was read.)

2 A. Yes.

3 Q. (BY MR. WONG) Have you produced those in this
 4 case?

5 A. No.

6 Q. Why not?

7 MR. WHITTINGTON: I don't know if they were
 8 requested, were they?

9 Q. (BY MR. WONG) What pictures do you have?

10 A. I have pictures of animal welfare situations
 11 dating back for years. I have been involved in animal
 12 welfare for -- like, since I was 17 or 18.

13 Q. And perhaps I wasn't clear.

14 Exhibits 17, 18 and 19 depict you taking
 15 photographs of people's property, animals and livestock,
 16 right?

17 A. Yes, sir.

18 Q. Do you have similar photographs in your
 19 possession of you taking pictures of other people's
 20 property, animals and livestock?

21 MR. WHITTINGTON: You didn't get pictures of
 22 you.

23 THE WITNESS: Oh, pictures of me?

24 A. No, no, I don't believe so. I don't think so.

25 Q. (BY MR. WONG) All right.

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1 MR. WONG: Let me ask the court reporter to
 2 mark as next in order a document that's entitled Party
 3 History.

4 (Exhibit No. 20 marked.)

5 Q. (BY MR. WONG) Ms. Elliott, have you ever seen
 6 Exhibit 20 before?

7 A. No, sir.

8 Q. Are you familiar with lawsuits that have been
 9 filed either by you or against you?

10 A. Yes, sir.

11 Q. And do you recall filing a lawsuit against
 12 Denise Shields?

13 A. I do.

14 Q. And I think we talked about this at your last
 15 deposition.

16 You filed lawsuits against Brenda Murdock and
 17 Raul Torres, right?

18 A. Correct.

19 Q. And according to Exhibit 20, you've been named
 20 as a defendant in three trespass cases, right?

21 A. Yes, sir.

22 Q. In Jefferson County?

23 A. Yes, sir.

24 Q. Have you ever been cited for trespass in any
 25 county other than Jefferson County?

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1 A. As I said during the last deposition, my
 2 husband and I were cited for trespass in Virginia years
 3 and years and years ago and it was dismissed.
 4 Q. And that was prior to 2008, correct?
 5 A. A long time, yes.
 6 Q. Just so we're clear, the case in which you and
 7 your husband were cited for a trespass in Virginia was
 8 prior to 2008, correct?
 9 A. Yes, sir.
 10 Q. What was the name of your husband at that time
 11 who was also cited for trespass in Virginia?
 12 A. John.
 13 Q. John Grubb?
 14 A. Yes, sir.
 15 MR. WONG: Let me ask the court reporter to
 16 mark next in order a document entitled Case History.
 17 (Exhibit No. 21 marked.)
 18 Q. (BY MR. WONG) Ms. Elliott, tell me when
 19 you've had an opportunity to review Exhibit 21.
 20 A. Well, just at a cursory glance, I've got it.
 21 Q. Have you ever seen Exhibit 21 before?
 22 A. I have seen the information on the Idaho
 23 Repository, and this appears to be taken directly from
 24 that.
 25 Q. And is it your understanding that Exhibit 21

1 not referring to that?
 2 MR. WHITTINGTON: I think he's referring to
 3 the case on the page --
 4 THE WITNESS: Bottom of Page 20?
 5 MR. WHITTINGTON: Correct.
 6 THE WITNESS: Oh, okay.
 7 A. Yes, sir.
 8 Q. (BY MR. WONG) And according to this document,
 9 you were found guilty in that trespass case, right?
 10 A. Yes, that's what the document says.
 11 Q. And this was a case, the violation date being
 12 April 28, 2008, right?
 13 A. Yes, sir.
 14 Q. And there was a fine of \$175.50?
 15 A. Correct.
 16 Q. So, the documentation in this case history
 17 would indicate that you've been cited in Jefferson
 18 County for trespass three times and found guilty in one
 19 of those cases, true?
 20 A. The prosecutor -- I see what you're saying
 21 there, and I understand what you're getting at.
 22 The prosecutor asked me to agree to a --
 23 THE WITNESS: Plea bargain?
 24 MR. WHITTINGTON: A withheld judgment.
 25 THE WITNESS: Okay.

1 sets forth certain information regarding various court
 2 cases in which you were involved?
 3 A. Yes, sir. It appears that that is so.
 4 Q. And if you look at the page of Exhibit 21,
 5 Page 19, there's a reference to a case called State of
 6 Idaho versus Candace Elliott. Do you see that?
 7 THE WITNESS: Did he say Page 19?
 8 MR. WHITTINGTON: Yeah. He's marked it in the
 9 lower right-hand corner.
 10 THE WITNESS: Oh, gotcha.
 11 MR. WHITTINGTON: In the upper right, it says
 12 Page 9.
 13 THE WITNESS: Right. That's what I was going
 14 by.
 15 Q. (BY MR. WONG) Oh, okay.
 16 A. Yeah. Okay. Yes, sir. I got it.
 17 Q. All right. Good. So, if you flip the page,
 18 and in the upper right-hand corner, it says Page 10 of
 19 11. And at the bottom right-hand corner, there's the
 20 number 20. Do you see that?
 21 A. Yes.
 22 Q. That relates to -- that's information relating
 23 to a case that involved you and a claim of trespass,
 24 right?
 25 A. I'm seeing my speeding ticket here. You're

1 A. To save the county from embarrassment. And
 2 that's what I did.
 3 Q. (BY MR. WONG) You pleaded guilty, right?
 4 A. Evidently.
 5 Q. And that was prior to 2012, true?
 6 A. Yes, 2008.
 7 MR. WONG: I'll ask the court reporter to mark
 8 as next in order a document that's called Misdemeanor
 9 Minute Entry.
 10 (Exhibit No. 22 marked.)
 11 Q. (BY MR. WONG) Ms. Elliott, have you had the
 12 opportunity to review what's been marked as Exhibit 22?
 13 A. Yes, sir.
 14 Q. Have you ever seen this document before?
 15 A. I signed it, yes, sir.
 16 Q. And tell me where you signed this document.
 17 A. On the front and the back pages.
 18 Q. So, we're looking at a two-page document --
 19 MR. WHITTINGTON: Three.
 20 THE WITNESS: I've got three.
 21 Q. (BY MR. WONG) Oh, I've got two. Oh, I beg
 22 your pardon. I've got three, as well.
 23 So, let's look at the first page of
 24 Exhibit 22. Please tell me where your signature
 25 appears.

1 A. At the bottom.
 2 Q. And there's a line that says
 3 Defendant/Counsel, right?
 4 A. Yes, sir.
 5 Q. And is that where your signature appears?
 6 A. Yes, sir.
 7 Q. And you signed this document on August 22,
 8 2008?
 9 A. Yes, sir. That's what it says.
 10 Q. Where else did you sign this document?
 11 A. On the back.
 12 Q. That is, the last page?
 13 A. Yes, sir.
 14 Q. So, looking at the last page of Exhibit 22,
 15 there is a signature that appears associated with the
 16 date August 22, 2008. And is that your signature?
 17 A. It is.
 18 Q. And looking at the second page of Exhibit 22,
 19 in the middle of that page there is a reference to an
 20 entry of a plea of guilty to trespass.
 21 A. I see that.
 22 Q. So, when you signed this document, you were
 23 agreeing to an entry of a plea of guilty to trespass,
 24 right?
 25 A. Yes, sir.

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1 Q. There was a hearing in connection with this
 2 case, was there not, where you entered a plea of guilty?
 3 A. Are you talking about a pre-trial conference?
 4 Q. I'm talking about a hearing on August 22,
 5 2008.
 6 A. You know, I remember being out in the court
 7 hallway, and I remember being taken around to the
 8 clerk's office to sign paperwork, and I remember the
 9 jury being empanelled, but that's about all I remember
 10 of that situation.
 11 I remember the prosecutor asking us to work
 12 out a deal while the jury was being empanelled because
 13 it would embarrass the county for prosecuting somebody
 14 trying to protect the animals.
 15 You know, I've been in a courtroom so many
 16 times, I don't remember.
 17 MR. WONG: Let me ask the court reporter to
 18 mark as next in order what appears to be a transcript
 19 dated August 22, 2008.
 20 (Exhibit No. 23 marked.)
 21 MR. WHITTINGTON: Which page are you on?
 22 THE WITNESS: I'm on Page 8. This is so
 23 helpful. This is exactly what I needed to tell them of
 24 its existence.
 25 MR. WHITTINGTON: All right. Let me take a

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1 look at it. The Alford plea. Well, good.
 2 THE WITNESS: I remember that term.
 3 MR. WHITTINGTON: This is exhibit what?
 4 MR. WONG: 23.
 5 Q. (BY MR. WONG) Ms. Elliott, did you have the
 6 opportunity review this document?
 7 A. Well, very scantily.
 8 MR. WHITTINGTON: Take your time.
 9 Q. (BY MR. WONG) Tell me when you've completed
 10 your review.
 11 A. Well, I guess I should read it in-depth then.
 12 Q. Ms. Elliott, as you're reading this in-depth,
 13 would you make sure that you make a note of --
 14 Oh, Ms. Elliott...
 15 A. Yes, sir.
 16 Q. You shouldn't be writing on the exhibit.
 17 A. Oh, I'm sorry.
 18 Q. If you would like a Post-it note, that might
 19 be better.
 20 A. No, I -- I need my own copy of this, so I will
 21 get one. Thank you.
 22 MR. WHITTINGTON: Your counsel has a copy.
 23 THE WITNESS: Yes.
 24 MR. WHITTINGTON: I'm marking it up.
 25 THE WITNESS: That's okay.

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1 Q. (BY MR. WONG) Would you, as you review this
 2 transcript, point out to me what you've testified in
 3 your sworn testimony that you pled guilty to save
 4 embarrassment to the county, or words to that effect.
 5 I want to see where that's noted in the
 6 transcript. Okay?
 7 A. That was out in the court hallway.
 8 Q. So, it's not in the court --
 9 A. I haven't finished reading it, but I doubt
 10 that it was because this was discussed between Mrs.
 11 Shaul and my attorney and myself.
 12 Q. Okay. That's very good.
 13 Could you tell me, though, after you've read
 14 this, if it is noted in the transcript of the hearing,
 15 Will you do that for me?
 16 A. I will, yes, sir.
 17 Q. And if you need a Post-it note --
 18 A. Yeah, I'm sorry.
 19 Q. -- you're more than welcome to one.
 20 A. I'm sorry.
 21 Q. Yeah.
 22 THE WITNESS: Right here.
 23 THE COURT REPORTER: Do you want this on the
 24 record?
 25 MR. WONG: If she is saying something that's

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1 audible, you should transcribe it.
 2 MR. WHITTINGTON: You have to respond, I
 3 think.
 4 THE WITNESS: Okay.
 5 MR. WHITTINGTON: On this Post-it note.
 6 THE WITNESS: Okay.
 7 MR. WHITTINGTON: While you do that, off the
 8 record.
 9 (Discussion off the record.)
 10 Q. (BY MR. WONG) Have you completed your
 11 review --
 12 A. Yes, sir.
 13 Q. -- of Exhibit 23?
 14 A. Yes, sir, I have.
 15 Q. So, would you agree with me that Exhibit 23 is
 16 a transcript of a hearing in a court case that occurred
 17 on August 22, 2008?
 18 THE WITNESS: Where's the date on this thing?
 19 MR. WHITTINGTON: Right here.
 20 A. Yes, sir.
 21 Q. (BY MR. WONG) And you were present at that
 22 hearing; were you not?
 23 A. I was.
 24 Q. And that was a hearing in connection with your
 25 trespass case in which you pled guilty, right?

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1 A. Yes, sir.
 2 Q. And you were represented by counsel; were you
 3 not?
 4 A. Mike Gaffney, yes.
 5 Q. And Mr. Gaffney is -- was an attorney in Idaho
 6 Falls in 2008 that represented you in that trespass
 7 case, right?
 8 A. Correct.
 9 Q. And you were present during this hearing; were
 10 you not?
 11 A. Yes.
 12 Q. Looking at the fourth page of Exhibit 23, Line
 13 17 and 18.
 14 MR. WHITTINGTON: That's marked Page 6,
 15 though?
 16 THE WITNESS: Yeah.
 17 MR. WHITTINGTON: Is that --
 18 MR. WONG: Right.
 19 A. Okay.
 20 Q. (BY MR. WONG) The court notes that: Ms.
 21 Elliott, referring to you, was present with your
 22 attorney, Mike Gaffney, correct?
 23 A. Yes, sir.
 24 Q. And you were present during the course of the
 25 remainder of that hearing; were you not?

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1 A. Yes.
 2 Q. And do you recall the prosecutor explaining
 3 what the evidence would show to support the trespass
 4 case against you?
 5 A. As I previously stated, I can recall the
 6 conversations out in the hallway as they were empaneling
 7 the jury, but I have --
 8 I don't have any recollection of this.
 9 Q. Okay. Well, then go to Page 8 where the
 10 production number is PA000010 and we'll start with Line
 11 5. Are you on that page?
 12 A. Yes, sir.
 13 Q. And the line starts with: Thank you, Your
 14 Honor. Had this case gone to trial today, the State
 15 would have submitted the following evidence in support
 16 of the amended complaint. Do you see that?
 17 A. I do.
 18 Q. Does that refresh your memory that at this
 19 hearing, where you were present with your counsel, that
 20 the prosecutor outlined for the Court what the evidence
 21 would have been presented against you with regard to
 22 trespass?
 23 MR. WHITTINGTON: From the prosecutor's
 24 viewpoint, yes. I mean --
 25 A. No, I don't. I don't remember this at all.

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1 Q. Okay.
 2 A. I don't remember going into the courtroom.
 3 This is the first time I've seen some of this
 4 information.
 5 Q. Well, you were present during this hearing.
 6 A. I know.
 7 Q. Okay.
 8 A. I know.
 9 Q. And at this hearing, do you remember the
 10 prosecutor saying: This is what we would have presented
 11 in terms of the evidence against Ms. Elliott with
 12 regards to the charge of trespass?
 13 A. Absolutely not.
 14 Q. Okay.
 15 A. I don't remember that.
 16 Q. All right. So, let's go through this
 17 transcript and see if it refreshes your memory.
 18 A. Okay.
 19 Q. On Page 8 of Exhibit 23, starting at Line 9,
 20 the prosecutor says: We would have presented the
 21 testimony of Brenda and Doug Bohman, the landowners, and
 22 they would have testified that on April 28th of 2008,
 23 they observed the Defendant drive down their private
 24 lane, which was posted with two signs; one reading "Dead
 25 End" and one reading "Private property, Keep out." She

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1 drove down their private lane, drove past the front of
 2 their house, used the turn-around area that is just past
 3 the edge of their garage, between their garage and their
 4 shop, turned back around and ended up coming to a stop
 5 across from the front of their house. I'll stop there.
 6 Does that refresh your memory that that's what
 7 the prosecutor presented to the Court at this hearing?
 8 A. Not at all.
 9 Q. Let's keep going.
 10 The prosecutor then says: The evidence would
 11 have shown that she then got out of the vehicle, leaving
 12 one foot in the vehicle, stood on their driveway, looked
 13 around their property, reached back into the vehicle,
 14 picked up what was later found to be a camera, and then
 15 got out of the car completely, left the door open and
 16 the vehicle running, walked around the front of her
 17 vehicle and walked to the edge of their lane to a
 18 pasture, a fenced pasture that borders the Bohman's
 19 property. Let me stop there.
 20 Does that refresh your memory, Ms. Elliott,
 21 that that's what the prosecutor presented as to what the
 22 evidence would have been in this 2008 trespass case?
 23 A. Not at all, no.
 24 Q. Let's keep going. The prosecutor then says:
 25 The Bohman's property is located at 3745 East 800 North

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1 statute in question requires that the point of access
 2 onto a piece of property be posted with "No Trespassing"
 3 signs or other like notices and we believe that the
 4 "Dead End" and "Private Property/Keep Out" signs would
 5 have convinced the jury beyond a reasonable doubt that
 6 the property was, in fact, posted and that she was on
 7 notice not to be on the property.
 8 Does that refresh your memory as to what the
 9 prosecutor presented to the Court?
 10 A. No, sir.
 11 Q. In your presence?
 12 A. No, sir.
 13 Q. And then the prosecutor ended by saying:
 14 Those are the facts we would have presented and, as I
 15 said, Your Honor, we believe a jury would have found her
 16 guilty beyond a reasonable doubt. Thank you.
 17 Does that refresh your memory as to what the
 18 prosecutor presented at this hearing?
 19 A. I have no recollection of this at all.
 20 Q. And do you recall the Court asking your
 21 counsel and you a question that's reflected on Page 10
 22 of this transcript, now marked as Exhibit 23, at Line
 23 10?
 24 The Court asked: And does your client believe
 25 that there's a possibility, if the jury were to believe

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1 in Jefferson County. And she then used her camera to
 2 take photographs of some horses that were in the pasture
 3 bordering on the Bohman's property. She then got back
 4 into her car and left the property. Let me stop there.
 5 Does that refresh your memory as to what the
 6 prosecutor presented as to the evidence of your trespass
 7 in 2008?
 8 A. No, and that's also incorrect.
 9 Q. Let me -- but it doesn't refresh your memory?
 10 A. No, huh-uh.
 11 Q. Okay. The prosecutor then says: We believe
 12 that a jury would have taken that information and
 13 applied the law of trespass and found her guilty beyond
 14 a reasonable doubt, that she trespassed on the private
 15 property of the Bohman's without their permission,
 16 because both of the Bohman's would have testified that
 17 they never gave her permission to be on their private
 18 property to take photographs of animals or to be there
 19 for any other reason and that the private lane was
 20 clearly posted as being a private lane and that people
 21 were not to be on it. I'll stop there.
 22 Does that refresh your memory as to what the
 23 prosecutor said at this hearing?
 24 A. No, sir.
 25 Q. The prosecutor then goes on and says: The

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1 what the State would present, that a conviction could
 2 have been entered, or a verdict could have been entered
 3 in their favor.
 4 Do you recall the Court asking that question?
 5 A. No, sir.
 6 Q. Do you recall your attorney, Mr. Gaffney,
 7 responding on Line 15: A possibility, yes, Your Honor.
 8 Do you recall that?
 9 A. No, sir.
 10 Q. Do you recall the Court asking you on Line 16
 11 on Page 10: Very well, Ms. Elliott. Have you heard
 12 what your counsel has just stated and what Ms. Shaul has
 13 stated?
 14 Do you recall that?
 15 A. No.
 16 Q. Do you recall you responding on Line 19 on
 17 Page 10 of Exhibit 23: Yes, sir.
 18 A. No, sir.
 19 Q. You don't recall that?
 20 A. No, sir.
 21 Q. Do you have any doubt that this is an accurate
 22 transcription of what happened at that hearing?
 23 A. I am -- I am flummoxed that I don't remember
 24 any of this.
 25 I just remember being out in the court hallway

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1 discussing the deal with the prosecutor.
 2 **Q. Do you see any reference in this transcript**
 3 **that the reason why you pled guilty was to save the**
 4 **county embarrassment? Do you see any reference to that**
 5 **at all?**
 6 A. No.
 7 **Q. I'm sorry, your answer?**
 8 A. No, no, sir.
 9 **Q. And the reference to Defendant in this**
 10 **transcript, you understand to be a reference to you,**
 11 **right?**
 12 A. I do.
 13 **Q. And on Page 10 of Exhibit 23, this transcript**
 14 **of this hearing, the Court asks you a question at Line**
 15 **20, right?**
 16 A. Yes, sir.
 17 **Q. And the question was: And is that the reason**
 18 **you entered your Alford Plea, you believe there is a**
 19 **possibility that if the State's evidence were to be**
 20 **believed by the jury, that a conviction could have**
 21 **resulted.**
 22 **Do you remember that question being asked of**
 23 **you?**
 24 A. No. I simply did what my attorney told me to
 25 do.

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1 **the reason you entered your plea was that you believed**
 2 **there was a possibility that if the State's evidence**
 3 **were to be believed by the jury that a conviction could**
 4 **have resulted?**
 5 A. And that I responded like that, no, I don't
 6 have any reason to doubt that.
 7 **Q. And do you recall the Court then saying at the**
 8 **end of this exchange on Line 25 on Page 10: Very well.**
 9 **The Court finds that there's a factual basis for the**
 10 **entry of the Alford Plea.**
 11 **Do you recall that?**
 12 A. No, sir. I remember the Alford Plea being
 13 discussed out in the hallway, but that's all I can
 14 recollect.
 15 **Q. Do you recall whether there was ever any**
 16 **mention when the Court asked you about your plea that**
 17 **the Court said anything other than what is reflected in**
 18 **this transcript: That the Court finds that there is a**
 19 **factual basis for the entry of the Alford Plea?**
 20 A. Just rephrase that for me, please.
 21 **Q. I'll tell you what, let me withdraw that and**
 22 **let me just go to something else.**
 23 A. Okay.
 24 **Q. So, looking at the same transcript of this**
 25 **hearing, on Page 11, Line 13, there's a reference to the**

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1 **Q. Do you recall answering the Court's question?**
 2 A. No.
 3 **Q. This transcript reflects on Line 24 on Page 10**
 4 **that your answer was: I do, yes, sir. Do you see that?**
 5 A. I do.
 6 **Q. Do you believe that that's an inaccurate**
 7 **transcription of your response?**
 8 A. No.
 9 **Q. So, do you have any memory at this hearing in**
 10 **connection with your 2008 trespass citation that you**
 11 **were asked whether you entered a guilty plea because**
 12 **there was -- you believed there was a possibility that**
 13 **if the State's evidence were to be believed by a jury**
 14 **that a conviction could have resulted.**
 15 **And you answered: Yes, sir.**
 16 **Isn't that true?**
 17 **MR. WHITTINGTON: Do you understand that**
 18 **question?**
 19 **THE WITNESS: Well, it's kind of convoluted.**
 20 **MR. WONG: It was convoluted. Let me withdraw**
 21 **it.**
 22 **Q. (BY MR. WONG) Do you have any recollection --**
 23 **let me withdraw that.**
 24 **Do you have any reason to doubt that at this**
 25 **hearing on August 22, 2008 that the Court asked you that**

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1 **Court saying: Based upon that, it's the judgment of the**
 2 **Court that the Defendant is guilty of trespass as set**
 3 **forth in the amended criminal complaint. However, the**
 4 **Court will enter a withheld judgment in this particular**
 5 **matter. Do you see that?**
 6 A. Yes, sir, I do.
 7 **Q. Do you recall being at this hearing where the**
 8 **Court said that it was the judgment of the Court that**
 9 **the Defendant is guilty of trespass as set forth in the**
 10 **amended criminal complaint?**
 11 A. I don't recall this taking place.
 12 I know that the Alford Plea and the withheld
 13 judgment were discussed with the prosecutor and my
 14 attorney out in the hallway.
 15 **Q. That's interesting, but I want to make sure I**
 16 **have an answer to my question.**
 17 **At this hearing where you were present with**
 18 **your attorney, do you recall the Court saying, as**
 19 **reflected in this transcript: It's the judgment of the**
 20 **Court that the Defendant is guilty of trespass as set**
 21 **forth in the amended criminal complaint?**
 22 A. No, sir, I don't.
 23 **Q. And do you have reason to doubt the accuracy**
 24 **of the transcription that's set forth in Exhibit 23?**
 25 A. No.

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1 Q. And this hearing in which this transcript of
 2 August 22, 2008 is dated. This hearing relates to the
 3 order of -- or plea of trespass that's set forth in
 4 Exhibit 22, right?
 5 A. It refers to this paper here, yes, sir.
 6 Q. Now, at the hearing in which you were present
 7 and your attorney was present on August 22, 2008, did
 8 you ever tell the Court that you were entering a plea of
 9 guilty to save the county embarrassment?
 10 A. I don't remember the Court situation at all.
 11 I'm sorry.
 12 Q. Now, let's go to another court case and this
 13 is the court case in which you were charged with
 14 trespass and you were represented by Mr. Whittington and
 15 if you look at Exhibit 20 which lists your prior
 16 cases --
 17 A. Okay.
 18 Q. -- that case involved trespass.
 19 And it's the fourth case that's listed on
 20 Exhibit 20; is it not?
 21 A. 7/24, 2011? Yes, sir.
 22 Q. That was the violation date.
 23 MR. WHITTINGTON: CR-2011-3409? Is that the
 24 one you're referring to?
 25 MR. WONG: Yes.

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1 MR. WHITTINGTON: Do you see that, Andi?
 2 THE WITNESS: Yes, sir, I do.
 3 MR. WHITTINGTON: Okay.
 4 Q. (BY MR. WONG) So, that's the case in which
 5 you were charged with trespass and Mr. Whittington
 6 represented you, right?
 7 A. Yes, sir.
 8 Q. And the case number was CR-2011-0003409,
 9 right?
 10 A. Correct.
 11 Q. And the violation date was July 24, 2011?
 12 A. Yes, sir.
 13 Q. The case that we've just been talking about in
 14 which you pled guilty to trespass, that was case number
 15 CR-2008-0001568, right?
 16 A. Correct.
 17 Q. And the violation date was April 28, 2008,
 18 correct?
 19 A. Yes, sir.
 20 Q. So, looking at the case that Mr. Whittington
 21 represented you, do you recall a motion for contempt
 22 against you --
 23 A. I do.
 24 Q. -- in that case?
 25 A. Yes, sir.

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1 Q. And this was a motion that was brought by the
 2 prosecutor -- let me -- so, let me make sure I
 3 understand.
 4 In this 2011 case, you're charged with
 5 trespass, right?
 6 A. Yes, sir.
 7 Q. And in connection with that proceeding, the
 8 prosecutor then brought a motion charging you with
 9 contempt, right?
 10 A. It wasn't the prosecutor that was prosecuting
 11 the case. It was another prosecutor. Does that make
 12 sense?
 13 Q. No. Let me try -- let me see if I understand
 14 it.
 15 So, the prosecutor -- well, let me do it
 16 this --
 17 MR. WHITTINGTON: Same prosecutor's office,
 18 but different personnel.
 19 MR. WONG: Right.
 20 THE WITNESS: Yes, sir.
 21 MR. WONG: Okay.
 22 THE WITNESS: Yes.
 23 MR. WONG: Let me ask the court reporter to
 24 mark as next in order a document entitled Affidavit in
 25 Support of Motion for Contempt.

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1 (Exhibit No. 24 marked.)
 2 Q. (BY MR. WONG) Ms. Elliott, tell me when
 3 you've had the opportunity to review what's been marked
 4 as Exhibit 24.
 5 THE WITNESS: I don't know if I can read that.
 6 MR. WONG: Would you note the laughter,
 7 please?
 8 MR. WHITTINGTON: I'm laughing at "Perhaps he
 9 knows that estrogen trumps testosterone every time. Go,
 10 Andi."
 11 Q. (BY MR. WONG) Ms. Elliott, tell me when
 12 you've had an opportunity to review Exhibit 24.
 13 A. I'm just about through reading the Facebook
 14 pages.
 15 Okay. I'm ready.
 16 Q. Good. Have you ever seen Exhibit 24 prior to
 17 today?
 18 A. Yes.
 19 Q. And do you understand Exhibit 24 to be an
 20 Affidavit in Support of a Motion for Contempt in
 21 connection with your 2011 trespass case?
 22 A. Yes, sir.
 23 Q. And so, there was some confusion about the
 24 prosecutor. The office of the prosecuting attorney,
 25 according to Exhibit 24, involved three attorneys; Robin

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1 Dunn, Amelia Sheets and a Paul Ziel, right?
 2 A. Yes, sir.
 3 Q. And those were the attorneys involved in
 4 prosecuting your 2011 trespass case, right?
 5 A. I don't believe that Paul was involved.
 6 Q. All right. But you do recall that Amelia
 7 Sheets was involved, right?
 8 A. Amy, yes, sir.
 9 Q. And in connection with that case "they," that
 10 is, the prosecutor, brought a motion to find you in
 11 contempt of a court order, right?
 12 A. Correct.
 13 Q. And this is a document that was submitted in
 14 support of a motion to find you in contempt, right?
 15 A. It appears to be that. I'm assuming it is
 16 since it's attached here. Yes, sir.
 17 Q. And you were aware at that time that the
 18 prosecutors felt that you were in contempt of court
 19 order, right?
 20 A. Correct.
 21 Q. Now, you and Mr. Whittington were laughing.
 22 Do you find being charged with contempt to be
 23 a laughing matter?
 24 MR. WHITTINGTON: That's not what we were
 25 laughing at.

1 Q. And looking at the second page of Exhibit 24,
 2 it says forth the order that the Court entered
 3 prohibiting the parties from making certain judicial -
 4 excuse me - extrajudicial statements to the media,
 5 right?
 6 A. Yes, sir.
 7 Q. And you understood that at the time, correct?
 8 A. Yes, sir.
 9 Q. And do you remember that after this court
 10 order you published an opinion letter to the Post
 11 Register regarding this case?
 12 A. I'd have to see a copy of it, as I write quite
 13 frequently. Do you have a copy?
 14 Q. Yeah. Take a look at Exhibit A to this
 15 affidavit now marked as Exhibit 24.
 16 A. Oh, I see it right here.
 17 MR. WHITTINGTON: Before we go further, let me
 18 indicate to Mr. Wong this contempt is still pending.
 19 It's never been resolved. I do believe they were asking
 20 for a jail -- imposition of jail time.
 21 So, I would remind Andi, I think that she
 22 would have the right not to answer these questions under
 23 the Fifth Amendment, if she chooses not to. But that is
 24 her decision.
 25 MR. WONG: Okay.

1 A. No, it was about some of the comments on
 2 Facebook.
 3 Q. (BY MR. WONG) Oh, all right.
 4 A. Yeah.
 5 Q. So, this is a serious charge; is it not?
 6 A. Yes.
 7 Q. And you understood it to be a serious charge
 8 at that time?
 9 A. Yes, sir.
 10 Q. And do you understand the basis for the claim
 11 that you were in contempt in connection with that
 12 trespass case?
 13 A. Do I understand why Rob Dunn did it?
 14 Q. Yes.
 15 A. Yes.
 16 Q. And do you understand that Mr. Dunn and his
 17 office believed that there was a court order that
 18 prohibited the parties from making extrajudicial
 19 statements to the media with regard to certain subjects
 20 involved in the case and that you had violated that
 21 order?
 22 A. Yes, sir.
 23 Q. And you understood that the Court had made
 24 such an order; had you not?
 25 A. Yes, sir.

1 Q. (BY MR. WONG) Looking at this Exhibit A to
 2 this affidavit now marked as Exhibit 24, that is a
 3 letter that you wrote to the Post Register, right?
 4 MR. WHITTINGTON: That's up to you to answer
 5 -- whether you want to answer or not.
 6 THE WITNESS: Well --
 7 MR. WHITTINGTON: You have the right not to.
 8 You can invoke your right under the Fifth Amendment.
 9 THE WITNESS: Then I'll do as my attorney
 10 says.
 11 MR. WHITTINGTON: I'm not directing you to.
 12 I'm advising you that you have the right.
 13 THE WITNESS: Okay.
 14 A. Well, then let's not go there.
 15 Q. (BY MR. WONG) Well, let me ask you this
 16 question, and that is: In your prior deposition, I
 17 think we established that you've written numerous
 18 letters to newspapers, correct?
 19 A. My whole life, yes, sir.
 20 Q. And that includes the Post Register?
 21 A. Yes, sir.
 22 Q. Is this document that's marked Exhibit A,
 23 that's part of this affidavit now marked as Exhibit 24,
 24 one of the letters to the editors that you've written to
 25 the Post Register?

1 A. Yes, sir.
 2 Q. At the time that you wrote this letter to the
 3 Post Register, did you understand that the Court, in
 4 your 2011 trespass case, had entered an order
 5 prohibiting the parties from making certain
 6 extrajudicial statements to the media?
 7 A. This editorial was written about public
 8 information.
 9 MR. WONG: Move to strike as nonresponsive.
 10 Q. (BY MR. WONG) Answer my question.
 11 A. Yes.
 12 Q. All right.
 13 MR. WONG: So, could you read the question --
 14 I'll ask the court reporter to read the question back so
 15 we'll have a clear answer to my question.
 16 (The record was read.)
 17 A. Yes.
 18 Q. (BY MR. WONG) And notwithstanding that
 19 knowledge, you nevertheless wrote this letter to the
 20 editor that was published on March 15, 2012, right?
 21 A. Yes. It contained public information, yes.
 22 Q. And is it your understanding that the
 23 prosecutor felt that you had violated a court order by
 24 publishing such information and that's the reason why
 25 they were asking and bringing this motion against you

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1 (The record was read.)
 2 A. I do remember something about that, yes, sir.
 3 Q. (BY MR. WONG) So, at some point in your 2011
 4 trespass case, do you recall that another judge was to
 5 preside over that case?
 6 A. It seems like -- it's kind of foggy.
 7 Q. Okay. Let me show you a document and maybe
 8 that will refresh your memory.
 9 MR. WONG: We'll mark as next in order a
 10 document called Motion to Continue Trial.
 11 (Exhibit No. 25 marked.)
 12 MR. WHITTINGTON: I had forgotten about that.
 13 THE WITNESS: Did they want to take a vacation
 14 or something? I don't know.
 15 Q. (BY MR. WONG) Have you had the opportunity to
 16 review Exhibit 25, Ms. Elliott?
 17 A. Yes, sir, I have.
 18 Q. Does Exhibit 25 refresh your memory as a
 19 Motion to Continue Trial?
 20 A. Yes, sir.
 21 Q. And do you now recall that your attorney, Mr.
 22 Whittington, made a motion on your behalf to continue
 23 the trial of your 2011 trespass case because of a desire
 24 to have the previously assigned judge handle the case as
 25 opposed to a new judge?

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1 for contempt?
 2 A. Yes.
 3 MR. WHITTINGTON: Can we take a break? I need
 4 to get another pen.
 5 MR. WONG: Let's go off the record for a
 6 minute.
 7 (A recess was taken from 12:15 P.M. to
 8 12:21 P.M.)
 9 MR. WONG: Back on the record.
 10 Q. (BY MR. WONG) Ms. Elliott, as you know, we'll
 11 take breaks from time to time and I will remind you
 12 that, notwithstanding those breaks, you will remain
 13 under oath during the course of your deposition.
 14 You understand that; do you not?
 15 A. Yes, sir, of course.
 16 Q. In connection with your 2011 trespass case, do
 17 you recall whether there was a new judge that was to be
 18 appointed to preside over that case?
 19 A. No, sir. Judge Crowley was the judge during
 20 the entire trial.
 21 Q. Do you recall that your attorney made a motion
 22 to continue the trial because you wanted to proceed with
 23 Judge Crowley as opposed to a new judge?
 24 A. Say that again.
 25 MR. WONG: Could you repeat the question?

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1 A. Yes, sir. We requested that we stay with the
 2 same judge.
 3 Q. And if you look at the second paragraph of
 4 Exhibit 25, it says: This motion is made for the reason
 5 the Defendant desires to proceed with the previously
 6 assigned judge in this matter; and for the further
 7 reason that Defendant's counsel believes that the trial
 8 will require more time than the presently set trial has
 9 allotted. Do you see that?
 10 A. I do.
 11 Q. So, if I understand correctly, Judge Crowley
 12 was the previously assigned judge, right?
 13 A. Yes, sir.
 14 Q. And there was an assignment of the case to
 15 another judge, right?
 16 A. I don't know that it was assigned. I have no
 17 knowledge of that.
 18 Q. Okay. Were you ever told that there was going
 19 to be a judge handling the case other than Judge
 20 Crowley; and that, for that reason, Mr. Whittington, on
 21 your behalf, filed a motion to continue the trial so
 22 that you would be able to proceed with Judge Crowley,
 23 the previously assigned judge?
 24 A. I guess my recollection was that there was
 25 some question about that, but that Mr. Whittington

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1 wanted to stay with Judge Crowley.
 2 **Q. There was some question as to whether a judge**
 3 **other than Judge Crowley would be handling the case,**
 4 **right?**
 5 A. Yes, sir.
 6 **Q. And you wanted to continue the trial so that**
 7 **you could keep Judge Crowley on the case?**
 8 A. Yes, sir. We wanted to, yes, sir, stay with
 9 him.
 10 **Q. I see. And that's what happened, right?**
 11 A. Correct. Yes, sir.
 12 **Q. Now, in connection with this 2011 trespass**
 13 **case, the property that was the subject of that trespass**
 14 **was not the property owned by Dan or Brenda Murdock,**
 15 **right?**
 16 A. Correct.
 17 **Q. Whose property was it?**
 18 A. Well, as I found out later, it belonged to a
 19 Kurt Young. K-U-R-T was his name.
 20 **Q. So, Mr. Young was the person in 2011 that**
 21 **believed that you had trespassed on his property, right?**
 22 A. He was the one that signed the citation, yes,
 23 sir.
 24 **MR. WHITTINGTON: Is this the one on Raul**
 25 **Torres? Or is this the one on Kurt Young?**

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1 THE WITNESS: Kurt Young.
 2 **MR. WHITTINGTON: Oh, okay.**
 3 THE WITNESS: Yes, sir. Kurt Young.
 4 **Q. (BY MR. WONG) And Brenda Murdock was a**
 5 **witness in that case, right?**
 6 A. Yes, sir.
 7 **Q. And Dan Murdock was a witness in that case?**
 8 A. Yes, sir.
 9 **Q. So, if I understand correctly, the 2011**
 10 **trespass case, where Mr. Whittington represented you,**
 11 **involved a complaint or a citation signed by Kurt Young**
 12 **that went to trial?**
 13 A. Yes, sir.
 14 **Q. And the involvement of Brenda and Dan Murdock**
 15 **were as witnesses in connection with that trial?**
 16 A. Correct.
 17 **Q. And then you, in 2013, threatened a lawsuit**
 18 **against Brenda Murdock; did you not?**
 19 A. Yes, I filed one.
 20 **Q. For being a witness in the --**
 21 A. In the wrong court, by the way.
 22 **Q. We'll get to that.**
 23 **But you filed a lawsuit against Brenda Murdock**
 24 **for being a witness in the trespass case against you,**
 25 **right?**

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1 A. No. She testified to some things that never
 2 happened and it was never documented.
 3 **Q. Well, let me back up because that's not my**
 4 **question. It would really be helpful, Ms. Elliott, for**
 5 **you to answer my question. I'm trying to understand.**
 6 **Brenda Murdock testified in this 2011 trespass**
 7 **case, right?**
 8 A. She did. Yes, sir.
 9 **Q. And I understand that you don't believe her**
 10 **testimony and things of that sort, but that was what her**
 11 **involvement was, right?**
 12 A. Correct. Yes, sir.
 13 **Q. And you then filed a lawsuit against her?**
 14 A. I did.
 15 **Q. And prior to filing that lawsuit, you asked**
 16 **whether she wanted to settle with you?**
 17 A. Yes, sir.
 18 **Q. And you sent a letter to that effect?**
 19 A. I did.
 20 **Q. And you wanted money from Brenda Murdock**
 21 **because she testified against you in the trespass case?**
 22 A. She and her husband were the key elements as
 23 to why I went to trial.
 24 Because the person that signed the complaint,
 25 which would be Kurt Young, testified that I was in the

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1 middle of the road and that I was never on his property.
 2 So, the trial continued because of Dan and
 3 Brenda's continued insistence that I was where I was
 4 never -- where I never was.
 5 **MR. WONG: I'll move to strike that as**
 6 **nonresponsive.**
 7 **Q. (BY MR. WONG) Answer my question, Ms.**
 8 **Elliott.**
 9 A. Yes.
 10 **MR. WONG: Could you read it back, please?**
 11 **MR. WHITTINGTON: She did answer the question.**
 12 **MR. WONG: Read the question back, please.**
 13 **(The record was read.)**
 14 **Q. (BY MR. WONG) Yes or no.**
 15 A. Yes.
 16 **MR. WONG: I'm going to ask the court reporter**
 17 **to mark as next in order a document dated November 7,**
 18 **2013.**
 19 **(Exhibit No. 26 marked.)**
 20 A. Are you waiting for me?
 21 **Q. (BY MR. WONG) I'd like you to review**
 22 **Exhibit 26, please. Have you had an opportunity to do**
 23 **so?**
 24 A. Yes, sir.
 25 **Q. Have you ever seen Exhibit 26 before?**

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1 A. I wrote it.
 2 Q. And your name appears at the bottom of
 3 Exhibit 26; does it not?
 4 A. Andi Elliott does, yes, sir.
 5 Q. So, you wrote this letter and you signed it
 6 Andi?
 7 A. Yes, sir.
 8 Q. And this was a letter that you wrote to Brenda
 9 Murdock?
 10 A. Yes.
 11 Q. And it's dated November 7, 2013?
 12 A. It is.
 13 Q. And you state in the last paragraph: Please
 14 let me know by 30 November 2013 if you would like to
 15 resolve this issue between the two of us. If I don't
 16 hear from you by that date, I will proceed to seek
 17 relief through the court system.
 18 Is that what you wrote?
 19 A. It is.
 20 Q. So, you were asking Ms. Murdock whether she
 21 was willing to settle with you, right?
 22 A. Correct.
 23 Q. And by "settlement," you were asking her to
 24 pay you some money, right?
 25 A. Yes, sir.

1 Denise Shields. She lived in Virginia.
 2 Do you want the story behind that?
 3 Q. Give me the names of the other people that you
 4 have demanded money from.
 5 A. As president of the Humane Society Upper
 6 Valley, we had a case against --
 7 Q. Can you answer my question, Ms. Elliott?
 8 MR. WHITTINGTON: She is.
 9 Q. (BY MR. WONG) Give me the names.
 10 A. I don't know the names.
 11 Q. You mentioned Denise Shields.
 12 A. Correct.
 13 Q. We have Brenda Murdock?
 14 A. Correct.
 15 Q. Anyone else?
 16 A. Let's see, I wrote a letter to Kurt Young.
 17 Q. Demanding money?
 18 A. I don't think so. I asked him if we could
 19 work out some type of settlement between us.
 20 Q. Okay.
 21 A. I don't -- I don't think so, but perhaps you
 22 could refresh my memory if there are other cases.
 23 Q. How about Raul Torres?
 24 A. I don't think I wrote him a letter. I think I
 25 just sued him.

1 Q. Is that right?
 2 A. Yes, sir.
 3 Q. And the reason why you were asking her to pay
 4 you money was because she testified against you in
 5 connection with the 2011 trespass case, right?
 6 A. Yes, sir.
 7 Q. Now, you have a history of demanding money
 8 from people that have testified against you; is that
 9 right?
 10 A. I do?
 11 Q. I'm asking.
 12 A. No, sir.
 13 Q. You've never done that before. Right?
 14 MR. WHITTINGTON: That's a different question.
 15 MR. WONG: No, it is a different question.
 16 I'd like an answer to that question.
 17 Q. (BY MR. WONG) Have you ever done that before?
 18 Let me withdraw the question. I may have
 19 confused you.
 20 Is this demand that you made to Brenda Murdock
 21 the first time you ever threatened to sue someone unless
 22 they settled with you?
 23 A. No.
 24 Q. Who else have you made such a demand to?
 25 A. On one of the exhibits we have, there's a

1 Q. Why did you sue Raul Torres?
 2 A. Because he filed a false complaint against me.
 3 Q. Why did you sue Denise Shields?
 4 A. You want me to tell you the story now.
 5 I got a call from Denise and she -- she and
 6 her husband --
 7 I think they live in Bedford, Virginia.
 8 And she and her husband own a small trucking
 9 firm. And one of her trucks had been stolen, and along
 10 with that was her red nosed Pit bull, and they had found
 11 the truck abandoned but they had yet to find the dog.
 12 And they traced the dog up here to Madison
 13 County.
 14 And she called me and asked if I would pick up
 15 the dog for her.
 16 So, I went from here to there, wherever she
 17 told me. Kind of followed the trail and finally found
 18 the dog that the truck driver had.
 19 And I explained the situation to him and so he
 20 turned Red over to me.
 21 And then Red had to go to the veterinarian.
 22 She was very sick.
 23 After she got well, Denise and I made
 24 arrangements to fly the dog back to her. And she never
 25 reimbursed me for the cost of the flight.

1 Q. So, going back to Mr. Torres, he filed a false
 2 complaint against you for what?
 3 A. Trespass, under pressure from the Sheriff's
 4 Department.
 5 Q. And when did he make this complaint for
 6 trespass against you?
 7 A. November 2009. I believe that's it.
 8 Q. And you brought a complaint against him in
 9 Small Claims Court?
 10 A. I did.
 11 Q. And you settled that complaint?
 12 A. Yes, sir.
 13 Q. And he paid you some money?
 14 A. Yes, sir. By court order, yes, sir.
 15 Q. And he --
 16 MR. WHITTINGTON: Strike that. Hold that --
 17 When you say "settled," she got a judgment
 18 against him. I mean, they didn't settle pre-judgment.
 19 I just want the record to be clear.
 20 And I don't want to testify, but that's --
 21 MR. WONG: Well, you just did, but let me --
 22 THE WITNESS: I wondered about that, if it
 23 settled.
 24 Q. (BY MR. WONG) How much did he pay you?
 25 A. I don't know. 2, \$300. Anyhow, it was to

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1 be in the deposition.
 2 Q. And then in connection --
 3 A. Or the repository.
 4 Q. Sorry?
 5 A. Excuse me. It should be in the Idaho
 6 Repository. I think it is.
 7 Q. In connection with the Denise Shields' case,
 8 there was a default judgment entered in that case,
 9 right?
 10 A. Correct.
 11 Q. So, Ms. Shields did not appear in that case,
 12 right?
 13 A. No, sir.
 14 Q. And the case against Brenda Murdock has been
 15 dismissed; has it not?
 16 A. Yes, sir. Judge Rammell said I had to take it
 17 to District Court.
 18 Q. And you filed a new lawsuit; have you not?
 19 A. Yes, I have.
 20 Q. And looking at Exhibit 20, this is the list of
 21 cases.
 22 A. I've got it.
 23 Q. This list of cases doesn't include the new
 24 lawsuit that you just filed, does it?
 25 A. No, sir. It doesn't appear to be.

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1 cover the cost of the subpoenas or something. I forget
 2 exactly.
 3 Q. How much did you want from Brenda Murdock?
 4 A. \$5,000 is what the maximum in Small Claims
 5 Court would allow.
 6 Erroneously, I thought that the money figure
 7 was the determining factor in bringing something to
 8 small claims.
 9 Q. Did the case against Raul Torres go to trial?
 10 A. Yes, sir.
 11 Q. And was there evidence taken?
 12 A. Evidence? Testimony?
 13 Q. Yes.
 14 A. Evidence in the way -- in the expenditures
 15 that I had, yes.
 16 I mean, I had to present my checkbook ledger
 17 to Judge Rammell.
 18 Q. And was Mr. Torres present?
 19 A. Oh, yes, sir.
 20 Q. And did he present evidence?
 21 A. He testified, yes, sir.
 22 Q. And you were paid, you said, 2 to \$300 in
 23 connection with that case, right?
 24 A. Yeah, I'm thinking. That sounds about right,
 25 but I'm sure I've got documentation somewhere. Should

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1 MR. WONG: Let me ask the court reporter to
 2 mark next in order a document entitled Complaint and
 3 Demand for Jury Trial. Candace Elliott versus Blair
 4 Olsen and other Defendants.
 5 (Exhibit No. 27 marked.)
 6 Q. (BY MR. WONG) Exhibit 27 is a lengthy
 7 document.
 8 Would you please review it to the extent
 9 necessary and tell me if you've ever seen it before?
 10 A. Yes, sir. It appears to be the complaint that
 11 I filed against Jefferson County.
 12 Q. And looking at the last page of Exhibit 27
 13 which bears the production number PA000761, your name
 14 appears; does it not?
 15 A. Yes, sir.
 16 Q. In two places?
 17 A. Candace Andi Elliott, yes.
 18 Q. And your name appears at the middle of the
 19 page, as well as at the bottom portion of the page,
 20 right?
 21 A. Yes, sir.
 22 Q. So, this is a copy of the complaint that you
 23 signed on September 16, 2014, correct?
 24 A. Correct.
 25 Q. Where you sued Blair Olsen, Jefferson County

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1 **Sheriff; Robin Dunn, Jefferson County Prosecutor; John**
 2 **Clements, Jefferson County Deputy; Amelia Sheets,**
 3 **Jefferson County Prosecutor; the Jefferson County**
 4 **Sheriff's Department, Jefferson County --**
 5 A. Commissioners.
 6 **Q. -- and Commissioners; and then Commissioner**
 7 **Gerald Raymond, right?**
 8 A. Correct.
 9 **Q. Those are the Defendants?**
 10 A. Correct.
 11 **Q. Now, have you filed any other lawsuits not**
 12 **listed in Exhibit 20, excluding this new complaint that**
 13 **has been marked as Exhibit 27?**
 14 A. No, sir.
 15 **Q. Have you made any demands that any of these**
 16 **Defendants, named as Defendants in the complaint now**
 17 **marked as Exhibit 27, settle with you?**
 18 A. Well, I was required to file a tort claim, if
 19 that's what you're speaking of.
 20 **Q. And you filed a tort claim?**
 21 A. I think it was the 18th of December 2013.
 22 **Q. And what did you claim in your tort claim?**
 23 MR. WHITTINGTON: I've provided you a copy of
 24 that this morning.
 25 MR. WONG: Thank you.

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1 A. Yes, sir.
 2 **Q. Now, looking at Exhibit 27, there is a**
 3 **statement with regard to general factual allegations**
 4 **starting with numbered paragraph 18. Do you see that?**
 5 A. I do.
 6 **Q. And if I'm reading this correctly, you state**
 7 **on numbered paragraph 20 on Page 8 that the Jefferson**
 8 **County Sheriff's Department regularly refers callers to**
 9 **you regarding county animal welfare concerns?**
 10 A. Oh, yes, sir.
 11 **Q. And that's the same Jefferson County Sheriff's**
 12 **Department that you're suing in connection with this**
 13 **lawsuit, right?**
 14 A. Correct.
 15 **Q. Now, I want to be clear. You're not an**
 16 **employee of Jefferson County, are you?**
 17 A. No, sir.
 18 **Q. Have you ever been an employee of Jefferson**
 19 **County?**
 20 A. No, sir.
 21 **Q. Have you ever been an employee of the**
 22 **Sheriff's Department?**
 23 A. No, sir.
 24 **Q. Have you ever been paid for doing any, what**
 25 **you call, animal welfare investigations?**

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1 A. What did I claim? Well, I don't remember. I
 2 don't have a copy with me.
 3 **Q. (BY MR. WONG) So, you were asking these**
 4 **Defendants to pay your claim; otherwise, you would**
 5 **proceed with this lawsuit, right?**
 6 A. Correct. Yes, sir.
 7 **Q. Now, Mr. Whittington is not representing you**
 8 **in connection with this case, is he?**
 9 A. No, sir. He only did the 2009, 2013 and the
 10 2014 cases.
 11 **Q. So, I'm sorry, Mr. Whittington has represented**
 12 **you in connection with the 2011 trespass case that we've**
 13 **talked about, right?**
 14 A. Yes, sir.
 15 **Q. And what other cases?**
 16 A. The 2009.
 17 **Q. Trespass case?**
 18 A. Correct.
 19 **Q. And what other case?**
 20 A. Well, the current litigation here.
 21 MR. WHITTINGTON: This case.
 22 **Q. (BY MR. WONG) This case?**
 23 A. Yes, sir.
 24 **Q. And the 2009 trespass case involved Raul**
 25 **Torres, right?**

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1 A. No, sir.
 2 **Q. So, looking at Page 9 of your complaint, you**
 3 **refer to work, in Paragraph 25, in your capacity as**
 4 **President of the Humane Society of the Upper Valley,**
 5 **right?**
 6 A. Past tense; is that correct?
 7 **Q. Yes.**
 8 A. Is that what you said?
 9 **Q. Yes.**
 10 A. Yes, sir.
 11 **Q. And we talked about that in your prior**
 12 **deposition.**
 13 **Then on Paragraph 26, you talk about a**
 14 **criminal trespass on 28 April 2008, right?**
 15 A. Yes, sir.
 16 **Q. And that was the 2008 trespass which we've**
 17 **discussed in which you pled guilty, right?**
 18 A. A withheld judgment. An Alford Plea was the
 19 way it was described to me.
 20 **Q. But that's the case that you're referring to?**
 21 A. Correct. Yes, sir.
 22 **Q. Where you pled guilty, right?**
 23 **We won't go through all of that prior**
 24 **testimony, but that's what we're talking about.**
 25 A. Okay.

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1 **Q. Is that right?**
 2 MR. WHITTINGTON: That's the case.
 3 **Q. (BY MR. WONG) That's the case.**
 4 A. That's the case we're referring to.
 5 **Q. Okay. And then in Paragraph 27, you talk**
 6 **about being charged with criminal trespass in November**
 7 **of 2009, right?**
 8 A. Yes, sir.
 9 **Q. And that was the case involving Raul Torres?**
 10 A. Correct.
 11 **Q. And then on Page 24, Paragraph 59, you say**
 12 **that you were charged with criminal trespass for a third**
 13 **time?**
 14 A. Correct.
 15 **Q. And that was on August 30, 2011, right?**
 16 A. That's when I was served a citation, yes, sir.
 17 **Q. Amelia Sheets is one of the Defendants in this**
 18 **lawsuit?**
 19 A. Yes, sir.
 20 **Q. And she is the person that was involved in one**
 21 **of the prior trespass cases, right?**
 22 A. Mr. Dunn and Mrs. Sheets both were involved in
 23 the 2009 trespass case.
 24 **Q. And why are you suing Ms. Sheets?**
 25 A. She filed charges against me and stated in

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1 A. Exceedingly inconsistent.
 2 And then they allow me to pay the veterinarian
 3 bills for the county animals, too.
 4 **Q. Have you ever asked them why they do that?**
 5 **Why they ask you to do these investigations, allegedly,**
 6 **and then put pressure on others to sue you for trespass?**
 7 A. No.
 8 **Q. Could it be that they're not asking you to**
 9 **conduct these investigations and that you're doing this**
 10 **on your own volition?**
 11 MR. WHITTINGTON: And I'd ask her not to
 12 answer that and not to speculate.
 13 **Q. (BY MR. WONG) Isn't it true, Ms. Elliott,**
 14 **that the Sheriff's Department receives numerous**
 15 **complaints by Jefferson County citizens that you are**
 16 **harassing them and conducting surveillance and**
 17 **trespassing on their property against their wishes?**
 18 **Isn't that true?**
 19 A. No, I haven't seen the numerous complaints.
 20 **Q. You'll see them.**
 21 A. Thank you.
 22 **Q. But isn't it true that sheriffs and sheriff**
 23 **deputies have said to you that they've received numerous**
 24 **complaints against you for trespassing, invading their**
 25 **privacy and spying on them?**

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1 front of Judge Crowley and my attorney that she had
 2 never looked at the evidence before doing so.
 3 MR. WHITTINGTON: It's, basically, laid out in
 4 this complaint, isn't it?
 5 THE WITNESS: I think it is. Yes, sir.
 6 **Q. (BY MR. WONG) Why are you suing Sheriff**
 7 **Olsen?**
 8 MR. WHITTINGTON: Again, isn't that laid out
 9 in the complaint?
 10 THE WITNESS: It is. The direct testimony.
 11 MR. WONG: Is that an objection, Counsel? Let
 12 me put it this way: I would ask you to refrain from
 13 coaching the witness.
 14 MR. WHITTINGTON: That's fair.
 15 MR. WONG: Okay.
 16 MR. WHITTINGTON: That's fair.
 17 A. Okay. Then what I will say is that I have
 18 quoted in this complaint the direct testimony taken at
 19 trial -- the Raul Torres trial as to the pressure that
 20 the Sheriff's Department applied to Mr. Torres in
 21 getting him to sign a citation against me.
 22 **Q. (BY MR. WONG) Do you find it inconsistent**
 23 **that the Sheriff's Department, according to you, asks**
 24 **you to conduct welfare checks on animals and then brings**
 25 **pressure on others to charge you with trespassing?**

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1 A. Never.
 2 **Q. You've never heard anybody say to you that**
 3 **they don't want you to spy on them, to conduct the**
 4 **surveillance of animals or to invade their privacy?**
 5 **You've never heard that before?**
 6 A. The question before, you just said it was the
 7 sheriff or the sheriff's deputies.
 8 **Q. I'm asking a different question.**
 9 A. Is this just the general public now?
 10 **Q. This is just the general public.**
 11 A. I remember one person.
 12 **Q. Okay. So, you recall, in the course of all**
 13 **the times you've done this, one person suggesting to you**
 14 **that they didn't like you spying on them, conducting**
 15 **surveillance and trespassing onto their property; is**
 16 **that right?**
 17 A. Nobody but you uses the words "spying" or
 18 "surveillance."
 19 **Q. Okay.**
 20 MR. WHITTINGTON: I'll object to the form of
 21 the question.
 22 MR. WONG: Fair enough.
 23 **Q. (BY MR. WONG) Let me ask you: This one**
 24 **person that you remember, what do you remember that**
 25 **person complaining about?**

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1 A. Me telling him that the neighbors have been
 2 complaining about his animals persistently.
 3 Q. And who was that person?
 4 A. Brady Osborne.
 5 Q. And so, it's your recollection that Jefferson
 6 County property owners and animal owners are happy that
 7 you're going around and taking photographs of their
 8 animals and property and conducting the surveillance; is
 9 that right?
 10 A. I have no idea whether they're happy or not.
 11 Q. I see. So, you don't know whether they're
 12 happy or not, right?
 13 A. Well, let me restate that. I get a lot of
 14 thank you's from my neighbors and people in general
 15 about the efforts I go to for the animals.
 16 Q. Do you get thank you's from the people that
 17 you're taking photographs of and where you're conducting
 18 the surveillance or spying of their property and
 19 animals?
 20 A. No.
 21 Q. Do you ever hear from any of those people that
 22 they object to your activities?
 23 A. Do I ever?
 24 Q. Yeah.
 25 A. I'm sure during the course of my lifetime,

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1 yes.
 2 Q. Do you recall how many people have made those
 3 objections to you?
 4 A. Not even a handful.
 5 Q. So, if I were to tell you that there are a lot
 6 of people in Jefferson County that object to your
 7 activities, whether you're asked to do it or whether you
 8 do it on our own volition, of driving around, stopping
 9 and taking pictures of animals and conducting this
 10 surveillance of people's property and animals and
 11 livestock, that's all a big surprise to you; is that
 12 right?
 13 A. When you say "driving around," I don't just
 14 drive around, you know, just looking for stuff.
 15 I'm either on my way somewhere or have been
 16 asked to go out there, you know, to a specific point;
 17 like Deputy Holtner just asked me to go somewhere.
 18 Q. Was this before or after you sued the
 19 Sheriff's Department?
 20 A. After.
 21 Q. Oh, okay. Okay. So, let me -- I think you
 22 missed the point of my question.
 23 A. Would it surprise me that people were upset
 24 when I called them on things that they might be doing
 25 wrong?

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1 Q. No, no. My question is: Is today the first
 2 time that you've heard of people being unhappy with you
 3 stopping and taking pictures of their animals,
 4 conducting surveillance and spying as reflected in the
 5 documents?
 6 MR. WHITTINGTON: I'm going to object to the
 7 form of the question.
 8 Q. (BY MR. WONG) Can you answer the question?
 9 MR. WHITTINGTON: You can answer the question.
 10 THE WITNESS: Oh, okay.
 11 A. No.
 12 Q. (BY MR. WONG) No, that you're not surprised?
 13 A. Correct.
 14 Q. Why are you not surprised?
 15 A. Well, whenever you take a stand on anything,
 16 even my Tea Party activities, I get flak.
 17 Q. What kind of flak?
 18 A. I think any time you take a stand, people are
 19 going to push back.
 20 Q. What kind of flak?
 21 A. I get carcasses put on my driveway. I have my
 22 animals killed. I have my gate posts pulled up. I get
 23 anonymous letters. I get snubbed at the post office.
 24 You know, things of that nature.
 25 Is that what you're speaking of?

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1 Q. I've asked you questions about whether or not
 2 it's a surprise to you that there may be people that
 3 object to your activities.
 4 A. No.
 5 Q. It's not a surprise?
 6 A. It's not.
 7 Q. And you have, on your property, no trespass
 8 signs, right?
 9 A. Ever since somebody came up on our property
 10 and stole some items, yes.
 11 Q. And you do not want people trespassing on your
 12 property, right?
 13 A. Not unwelcome people, correct.
 14 I mean, I have neighbors that come up, but --
 15 Q. Sure.
 16 A. Which is fine.
 17 Q. You can invite people to come on your
 18 property, but you don't want people to trespass on your
 19 property?
 20 A. No, I don't. No, I don't.
 21 Q. And you understand that there are people that
 22 may object to you taking photographs of their animals,
 23 spying on them and their property?
 24 MR. WHITTINGTON: I'm going to object.
 25 Q. (BY MR. WONG) You understand that, right?

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1 A. Well, yes. We've talked about that many times
 2 this morning.
 3 Q. Okay.
 4 MR. WONG: Why don't we take our lunch break
 5 and we'll come back after lunch.
 6 Should we go off the record?
 7 MR. WHITTINGTON: Sure.
 8 (A recess was taken from 1:01 P.M. to
 9 2:07 P.M.)
 10 MR. WONG: Back on the record.
 11 Q. (BY MR. WONG) Welcome back, Ms. Elliott.
 12 Looking at Exhibit 27, who prepared Exhibit 27?
 13 A. Oh, I did.
 14 Q. Did you receive any assistance from anyone?
 15 A. No, sir.
 16 Q. So, I take it you wrote all of the text in
 17 Exhibit 27?
 18 A. Yes, sir.
 19 Q. And, to your knowledge, is everything stated
 20 in Exhibit 27 true?
 21 A. I found an error.
 22 Q. Tell me what the error is.
 23 A. The error is December of 2005 and it should be
 24 December 2007.
 25 Q. And point out what page that error appears?

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1 A. Oh, my gosh. I don't know that offhand.
 2 Q. If you look at Page 8, which has the Butes
 3 Nos. PA --
 4 A. There it is.
 5 Q. -- 0007112, there's a reference in
 6 Paragraph 23 to December 2005.
 7 A. And that's exactly what I'm speaking of.
 8 Thank you for pointing that out.
 9 Q. I see. So, in that paragraph as part of
 10 Exhibit 27, Page 8, December 2005 should be
 11 December 2007, right?
 12 A. Yes, sir. I've been doing some research and I
 13 found some documentation that indicated the date to me.
 14 Q. Other than that change, did you see any other
 15 errors in this document?
 16 A. Not today, no, sir.
 17 Q. So, with the exception of that one date, do
 18 you believe that the statements set forth in this
 19 complaint that you wrote, now marked as Exhibit 27, are
 20 true and accurate?
 21 A. I believe that it is.
 22 Q. Now, with regard to the Neal Larson Radio
 23 Program that is the subject of the present lawsuit, do
 24 you recall how long that entire program was?
 25 A. The 9 to 10 hours, an hour long.

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1 Q. And this was a radio program that was
 2 broadcast on March 22, 2012, right?
 3 A. I believe that's the date. It sounds about
 4 right. Yes, sir. I don't have my documentation right
 5 in front of me.
 6 Q. And did someone invite you to speak on this
 7 radio program that day?
 8 A. During the 9 to 10 hours, they invited anybody
 9 to call in.
 10 Q. Did they ask you to call in?
 11 A. Not that I recall, no.
 12 Q. And why is it that you called into that radio
 13 program that day?
 14 A. They were talking about the Sharon Wilson
 15 animal cruelty case down in Bonneville County. It was
 16 an ongoing case for, like, 15 years. And I had been --
 17 I had accompanied news reporters down there on one
 18 occasion, as I recall. It's been quite awhile. But
 19 they were discussing that case.
 20 Q. So, you were a featured speaker on this radio
 21 program?
 22 A. No, I was just a regular caller.
 23 Q. So, you called into this radio program
 24 previously?
 25 A. Oh, yes. It has a lot of politics on there.

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1 which I'm very interested in.
 2 Q. I see. And did you listen to the entire
 3 program from its beginning to its end?
 4 A. I seldom do. I would say no.
 5 MR. WHITTINGTON: You mean at the time of the
 6 -- when it was going on or later?
 7 MR. WONG: At the time it was going on.
 8 Q. (BY MR. WONG) Let me rephrase the question so
 9 we have a clear question/answer.
 10 On March 22, 2012, this Neal Larson radio
 11 program occurred. And I'm wondering, at that time,
 12 whether you were listening into the program and decided
 13 to call in or whether you tuned in during -- while the
 14 program was underway and then called in. What happened?
 15 A. I heard the discussion about the Sharon Wilson
 16 animal cruelty case. And I don't recall if that was at
 17 the beginning of the program or what. But I heard
 18 discussion about that, so I called in.
 19 MR. WONG: And let me ask the court reporter
 20 to mark as next in order what I believe to be a
 21 transcription of the Podcast of the radio program.
 22 (Exhibit No. 28 marked.)
 23 MR. WHITTINGTON: Let me ask, Counsel, if I
 24 could, who transcribed it?
 25 MR. WONG: I think our office attempted to do

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1 so.

2 MR. WHITTINGTON: And do you know if this is a

3 certified transcription from a reporter or...

4 MR. WONG: No, no, just something that our

5 office tried to do internally.

6 MR. WHITTINGTON: Okay.

7 Q. (BY MR. WONG) So, Ms. Elliott, I will note

8 that Exhibit 28 is a long document, approximately 23

9 pages long. I would not expect you to read it, but

10 could you review it to the extent necessary to tell me

11 if this is generally consistent with what you recall

12 being the radio program on March 22, 2012.

13 A. It appears -- I would say yes, from a cursory

14 glance.

15 Q. And does this refresh your memory as to

16 whether you listened to the radio program on March 22nd

17 from the beginning?

18 A. And I'm assuming you're talking about "the

19 beginning," the very first of it? I don't know. I

20 don't remember.

21 Q. Does this transcription refresh your memory as

22 to when you began listening to the radio program?

23 A. Not to the minute, no, sir.

24 Q. Well, regardless of whether it's to the

25 minute, does it refresh your memory in any way as to

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1 when you began listening to the radio program?

2 A. In any way, yes, sir.

3 Q. What do you remember?

4 A. I remember some of these topics here. I

5 remember about the -- I think they were talking about

6 the Iranian pasture over in Iran, things like that.

7 Q. What page are you referring to?

8 A. Page 2 down at the bottom.

9 Q. Okay. Did you listen to the program to its

10 conclusion?

11 A. Let me check back there and see if something

12 jars my memory. I don't think I can give you a valid

13 answer on that.

14 Q. So, you just don't remember at this point,

15 right?

16 A. Correct. Yes, sir. I think that would be the

17 best answer I could offer.

18 Q. Now, this is the radio program that Steve

19 Murdock called into; is that right?

20 A. Yes, sir.

21 Q. Now, did you hear Mr. Murdock's comments at

22 the time that they occurred during the radio program?

23 A. I did.

24 Q. And where were you at that time?

25 A. I was either in my living room or the kitchen

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1 area.

2 Q. Was anyone with you?

3 A. My husband.

4 Q. Anyone else?

5 A. No, sir.

6 Q. And Mr. Murdock called into the radio program

7 after your call; is that true?

8 A. Yes, sir.

9 Q. Did you understand that Mr. Murdock was

10 responding to things that you had said?

11 A. Yes, sir.

12 Q. Now, as you listened to this radio program,

13 did you hear people call in and express their opinion

14 about certain subjects?

15 A. Yes, sir.

16 Q. When you called into the radio program, did

17 you express your opinion about certain subjects?

18 A. I did.

19 Q. And you've listened to the Neal Larson program

20 previously; have you not?

21 A. Yes, sir.

22 Q. And is it your understanding that -- and I

23 think you said this in your prior testimony -- that this

24 is a program in which, during a certain portion of the

25 program, listeners are invited to call in and express

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1 their opinions, right?

2 A. Correct.

3 Q. So, that's a common feature of this program?

4 A. It is.

5 Q. And you've taken the opportunity to call in

6 and express your opinion?

7 A. Correct.

8 Q. And you've heard other people call in and

9 express their opinion?

10 A. Yes.

11 Q. Do you know if Mr. Murdock had called into

12 this radio program previously?

13 A. I don't.

14 Q. Do you know how long Mr. Murdock's comments

15 were in this radio program in relation to the entire

16 program?

17 A. No, sir, I don't.

18 Q. Do you know how long Mr. Murdock's comments

19 lasted?

20 A. No, sir, I don't.

21 Q. You have no memory about that? I mean, did he

22 go on --

23 MR. WHITTINGTON: Ask her a question.

24 Q. (BY MR. WONG) Did he go on for, let's say,

25 20 minutes?

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1 A. No.
 2 **Q. Did he go on for an hour?**
 3 A. No.
 4 **Q. Was it short?**
 5 A. Less than 20 minutes.
 6 **Q. Was it short?**
 7 A. Yes.
 8 **Q. Was it less than five minutes?**
 9 A. Last time I was here, you provided me with a
 10 transcript. I'm going to say, from reading that, it
 11 didn't take five minutes.
 12 **Q. Do you have any memory, as you were in your**
 13 **living room listening to Mr. Murdock's comments, how**
 14 **long his comments lasted?**
 15 A. You want a guess?
 16 **Q. No, I don't want a guess. I want your best**
 17 **recollection.**
 18 MR. WHITTINGTON: If you know.
 19 A. I don't have one.
 20 MR. WONG: Let me ask the court reporter to
 21 mark as next in order a single-page document entitled
 22 Notice of Hearing.
 23 (Exhibit No. 29 marked.)
 24 **Q. (BY MR. WONG) Have you ever seen Exhibit 29**
 25 **before?**

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1 **not been involved; is that right?**
 2 A. Yes, correct. I do not remember seeing her in
 3 the hallway.
 4 **Q. So, tell me then, what was your involvement**
 5 **with Ms. Sheets?**
 6 A. Back then?
 7 **Q. At any time. At any time prior to you suing**
 8 **her.**
 9 A. Well, she's been a deputy prosecutor -- had
 10 been a prosecutor of record for my cases for the 2011
 11 and 2009 cases.
 12 **Q. So, Ms. Sheets was the prosecutor for**
 13 **Jefferson County that was involved in the 2011 and 2009**
 14 **trespass cases, right?**
 15 A. Yes. She was on the record; but realize that
 16 Robin Dunn was often there.
 17 **Q. So, with regard to the 2008 trespass case,**
 18 **she's listed as the prosecutor; but your dealings with**
 19 **the prosecutor really was with Penny Schultz (sic)?**
 20 A. Correct.
 21 MR. WHITTINGTON: Shaul.
 22 MR. WONG: Shaul.
 23 A. As I was saying, I didn't even remember
 24 knowing there was an Amy Sheets back then.
 25 **Q. (BY MR. WONG) Have you ever run for any**

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1 A. I don't think I have. I might have, but I
 2 can't say for sure. How is that for an answer? I don't
 3 know. I've seen a lot of court papers, though.
 4 **Q. Do you recall whether Exhibit 29 entitled**
 5 **Notice of Hearing relates to your 2008 trespass case?**
 6 A. I see that it is referred to the case number
 7 up at the top.
 8 **Q. So, is the answer --**
 9 A. So, I would assume that it is, yes.
 10 **Q. And the prosecutor is Amelia Sheets, right?**
 11 A. Yes, sir.
 12 **Q. And Amelia Sheets was your -- was the**
 13 **prosecutor in the 2008 trespass case, right?**
 14 A. 2008?
 15 MR. WHITTINGTON: It says Mike Gaffney on
 16 here, so...
 17 THE WITNESS: Well, I know, but it was Penny
 18 Shaul that we worked with.
 19 MR. WHITTINGTON: It probably was Penny Shaul.
 20 A. I didn't even know that Amy Sheets existed
 21 then.
 22 **Q. (BY MR. WONG) Oh, okay.**
 23 A. It was Penny Shaul that we worked with.
 24 **Q. I see. So, your recollection is, that in**
 25 **connection with the 2008 trespass case, Ms. Sheets had**

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1 **political office?**
 2 A. Yes.
 3 **Q. What political office have you run for?**
 4 A. I stood up to oppose Sheriff Olsen when nobody
 5 else would.
 6 **Q. So, you ran for sheriff?**
 7 A. I was getting ready to file the papers, but
 8 his Chief Deputy, Jeff Poole, then filed to run against
 9 Olsen. So, I told Jeff I would back out and I would
 10 support him.
 11 So, since I didn't file, would that make me
 12 -- so, I guess the answer would be, no, I've never run
 13 for political office.
 14 **Q. Well, you intended to run for --**
 15 A. Sheriff.
 16 **Q. Sheriff.**
 17 A. Yes, sir.
 18 **Q. Right?**
 19 **And you didn't file the papers to actually**
 20 **run; is that right?**
 21 A. Correct, because Jeff threw his name in the
 22 pot.
 23 **Q. What election was that?**
 24 A. I think that was the 2012 May election. I
 25 believe I'm correct there.

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1 **Q. And you say Jeff -- who was it?**
 2 A. Jeff Poole was Blair Olsen's Chief Deputy.
 3 **Q. And he ran?**
 4 A. Yes. And Blair fired him for that, too.
 5 **Q. Did you state in any media that you intended**
 6 **to oppose Sheriff Olsen and run for sheriff?**
 7 A. I'm sure that you did, yes.
 8 **Q. Why are you sure that you did?**
 9 A. You know, I've been involved with so much
 10 media that I would just assume it would be my habit to
 11 inform the media.
 12 **Q. When you say "you've been involved in so much**
 13 **media," tell me what you mean by that?**
 14 A. Well, when Sheriff Olsen refuses to enforce
 15 Idaho codes in regards to the animal cruelty codes, the
 16 statutes, sometimes I have to ask the media to become
 17 involved and I give them information and furnish them
 18 with pictures and all.
 19 **Q. When did you start doing that?**
 20 A. I think it was the Ben Juenke case -- and that
 21 would be J-U-E-N-K-E -- back in 2003 and '4, I believe
 22 it was.
 23 **Q. So, you started working with the media in 2003**
 24 **or 2004 to advise the media that Sheriff Olsen, in your**
 25 **view, was not enforcing animal cruelty laws, right?**

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1 **Q. Anything else?**
 2 A. I don't -- I think I've just about covered
 3 everything. If something comes up later, I'll interject
 4 that.
 5 **Q. So, you just mentioned Facebook. What**
 6 **activities do you do on Facebook?**
 7 A. Well, I'm the administrator for the Hamer
 8 Lions Club Facebook page.
 9 **Q. Anything else?**
 10 A. And for the advancing -- the American Alliance
 11 for Advancing Awareness and Action Facebook page.
 12 **Q. Anything else?**
 13 A. Andi Elliott's Editorials.
 14 **Q. Anything else?**
 15 A. For the Love of Pets Foundation.
 16 **Q. That's a Facebook page?**
 17 A. Yes, sir.
 18 **Q. Anything else?**
 19 A. Idaho's Faces of Cruelty.
 20 **Q. So, that's five Facebook pages, right?**
 21 A. Yes, sir. I think that would be all. That's
 22 enough.
 23 **Q. And how long --**
 24 MR. WONG: Actually, could you read that back
 25 -- that answer back, please?

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1 A. Correct. And that would have been in my
 2 capacity as president or a member of the Humane Society
 3 Upper Valley.
 4 **Q. And since then to the present, you have**
 5 **frequently communicated with the media with regard to**
 6 **issues of concern to you. Is that true?**
 7 A. Yes, in animal welfare and politics, I
 8 certainly have.
 9 **Q. So, explain to me, please, the work that you**
 10 **do in working with the media with regard to the issues**
 11 **that are of concern to you.**
 12 A. I merely inform them of the situation and they
 13 always like for me to send them pictures, so I send them
 14 pictures, if I have them.
 15 Sometimes I've accompanied the media out on
 16 animal welfare situations.
 17 I write lots of editorials about the
 18 situations that I encounter.
 19 **Q. That's the letters to the editor?**
 20 A. Yes. Op-Ed's. They've published a few
 21 Op-Ed's.
 22 **Q. What else have you done?**
 23 A. Are you referring to the book that I wrote?
 24 **Q. Anything that you can think of.**
 25 A. And then, of course, you know, Facebook.

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1 (The record was read.)
 2 A. And may I add to that? I think I also -- I
 3 think I did a Facebook page for my church. I think I
 4 did. I think.
 5 **Q. (BY MR. WONG) The Idaho Faces of Cruelty**
 6 **Facebook page, how long has that been in existence?**
 7 A. I cannot give you a date on that.
 8 **Q. Were you the one that created that Facebook**
 9 **page?**
 10 A. Yes.
 11 **Q. Is that Facebook page open to the public?**
 12 A. Yes, sir. I think.
 13 **Q. And you have no memory as to whether that is a**
 14 **Facebook page that existed at a certain time; is that**
 15 **right?**
 16 A. No. But if you scroll down, you can probably
 17 find out about, you know, the time that I posted that.
 18 **Q. Do you know if it existed prior to 2012?**
 19 A. You know, I don't. I can't tell you because
 20 I'm involved in so many Facebook pages.
 21 **Q. So, anyone can go onto that page and view the**
 22 **contents on that page, right?**
 23 A. Correct. Yes, sir.
 24 **Q. For the Love of Pets Foundation, is that open**
 25 **to the public?**

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1 A. Yes, sir.
 2 **Q. And how long has that Facebook page been in**
 3 **existence?**
 4 A. I would have to give the same answer. I'd
 5 have to go check.
 6 **Q. Andi Elliott's Editorials, how long has that**
 7 **Facebook page been in existence?**
 8 A. I don't think as long as the others; but
 9 again, I'd have to go check the date.
 10 **Q. And is that Facebook page open to the public?**
 11 A. Yes, sir. I don't think it was supposed to
 12 be. It was for my family, but I see other people
 13 checking in on it.
 14 **Q. Is it open to the public today?**
 15 A. Yes. I haven't changed anything. So, yes, I
 16 would say yes.
 17 **Q. And in your last deposition, I think we**
 18 **established that you've written four so-called eBooks,**
 19 **right?**
 20 A. Yes. Well, written or compiled, yes, sir.
 21 Some of them are just a collection of pictures of
 22 animals, dogs.
 23 **Q. Has that changed since your last deposition to**
 24 **today?**
 25 A. No.

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1 **you write to the Post Register?**
 2 A. I don't know.
 3 **Q. Give me your best estimate.**
 4 A. Well, you can't write more than 24. So, it
 5 had to be less than 24. So, I'm saying 20-ish. I don't
 6 know. Just a guess.
 7 **Q. Of course. How many Letters to the Editor did**
 8 **you write to the Jefferson Star in 2012?**
 9 A. I have no idea about that. I just -- yeah, I
 10 don't even have a clue.
 11 **Q. In 2011, how many Letters to the Editor did**
 12 **you write to the Post Register?**
 13 A. It would be about the same answer as 2012.
 14 **Q. So, about 20-ish?**
 15 A. Yeah.
 16 **Q. Is that a yes?**
 17 A. Maybe a little bit less. Yes. I'm sorry,
 18 yes.
 19 **Q. And how many Letters to the Editor did you**
 20 **write to the Jefferson Star?**
 21 A. I don't know. I keep no records on that.
 22 **Q. In 2010, how many Letters to the Editor did**
 23 **you write to the Post Register?**
 24 A. Again, I do not have a clue. The only reason
 25 I know 2011, '12 and '13 is because I saw it published

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1 **Q. And in your last deposition, I asked you about**
 2 **Letters to the Editor.**
 3 **Do you have any better recollection today in**
 4 **terms of the number of Letters to the Editor that you**
 5 **have written in any given year?**
 6 A. Well, I just remember 2013, I wrote 25 or 26
 7 -- I think it was 25 to the Post Register because I got
 8 that award. I believe I told you about that.
 9 **Q. So, in 2013, you've written 25 Letters to the**
 10 **Editor to the Post Register, right?**
 11 A. Correct. Yes, sir.
 12 **Q. How many Letters to the Editor did you write**
 13 **to the Jefferson Star in 2013?**
 14 A. You know, I couldn't tell you that.
 15 The only reason I know the Post Register is
 16 because they published the information.
 17 **Q. In 2012, do you have any better recollection**
 18 **as to how many Letters to the Editor you've written?**
 19 A. To Post Register?
 20 **Q. To any newspaper.**
 21 A. 2011 and 2012, I was up near the top of being
 22 one of the most published LTE writers.
 23 **Q. That's helpful, but let me go back to my**
 24 **question.**
 25 **In 2012, how many Letters to the Editor did**

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1 in the paper.
 2 **Q. Would it be your best recollection in 2012 you**
 3 **wrote 20-ish Letters to the Editor to the Post Register?**
 4 MR. WHITTINGTON: 2012 or 2010?
 5 MR. WONG: I'm sorry, 2010.
 6 **Q. (BY MR. WONG) Let me withdraw the question so**
 7 **I have a clean record.**
 8 **Would it be your best recollection, Ms.**
 9 **Elliott, that in 2010 you wrote approximately 20-ish**
 10 **Letters to the Editor to the Post Register?**
 11 A. I don't think so. And the reason I say that
 12 is because, if my name appears in the paper at the end
 13 of the year or the first of the year when they publish
 14 those numbers, people say things to me about it. And
 15 that's what makes me look.
 16 And so, I just remember 2011, '12 and '13. I
 17 don't recall anything beyond that.
 18 **Q. What's your best recollection as to the number**
 19 **of Letters to the Editor you wrote to the Post Register**
 20 **in 2010?**
 21 A. I have -- it would be purely conjecture on my
 22 part, if I were to give you an answer.
 23 **Q. What's your best recollection of the number of**
 24 **Letters to the Editor that you wrote to the Jefferson**
 25 **Star in 2010?**

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1 A. I have no way of determining that at all.
 2 **Q. Now, you did write Letters to the Editor to**
 3 **both of those newspapers in 2010, right?**
 4 A. The Barbie case was going on then. Yes, I'm
 5 sure that I did. But I don't recollect how many.
 6 **Q. Did you write Letters to the Editor to either**
 7 **the Post Register or the Jefferson Star in 2009?**
 8 A. You know, I don't know, but I'm going to say,
 9 since Sheriff Olsen called me at home in December of
 10 2007 and tried to intimidate me, that really started my
 11 letter writing career.
 12 So, I would say I'm sure that I wrote
 13 something in 2009.
 14 **Q. I thought you said in your prior testimony**
 15 **that you've always written Letters to the Editor.**
 16 A. I have.
 17 **Q. Your entire adult life?**
 18 A. Yes.
 19 **Q. Even when you were young?**
 20 A. Yes.
 21 **Q. So, writing Letters to the Editor is something**
 22 **you've commonly done over the course of your life?**
 23 A. Yes. I thought I had made that clear.
 24 **Q. I did, too. But it sounded like in 2009 is**
 25 **when you started because of some alleged intimidation.**

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1 yes.
 2 **Q. And you've been continuously doing that from**
 3 **2007 to the present?**
 4 A. Correct, as of this week.
 5 **Q. And the subjects that you write about include**
 6 **issues about animal cruelty and animal welfare?**
 7 A. That is part, yes, sir. In part.
 8 **Q. And in these writings, you're expressing your**
 9 **opinion, right?**
 10 A. Sometimes. Sometimes it's factual. Yep.
 11 **Q. Have you ever expressed your opinion in these**
 12 **writings?**
 13 A. Yes.
 14 **Q. And I think there are Letters to the Editor**
 15 **where you express you have a constitutional right to do**
 16 **so.**
 17 A. Correct. But the constitution does not allow
 18 me to accuse somebody of being a criminal, when they're
 19 not; or to accuse them of misusing public funds, when
 20 they don't. People go to jail for that.
 21 MR. WONG: Move to strike as nonresponsive.
 22 **Q. (BY MR. WONG) But you have contended in your**
 23 **writings that people have a constitutional right to**
 24 **express their opinions, right?**
 25 A. Correct.

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1 **That's wrong because --**
 2 A. 2007, I think that's when I really became
 3 prolific.
 4 As I said before, I've written letters all my
 5 life, as did my daddy.
 6 But it was in 2009, after the call that I got
 7 from the sheriff, that's when I really began writing
 8 letters in earnest.
 9 **Q. Now, you just said 2007 --**
 10 A. 7.
 11 **Q. -- and 2009.**
 12 A. 7, I'm sorry. 2007 was when I received the
 13 call from Sheriff Olsen because I think I found
 14 documentation that gave me a better date.
 15 Remember, we had to correct that in my
 16 complaint from December 2005 to December 2007?
 17 **Q. We didn't have to. You apparently did.**
 18 A. Well --
 19 **Q. Yeah.**
 20 A. We corrected -- yes, I corrected it.
 21 **Q. So, in 2007, you recall that you began**
 22 **writing -- in your words -- prolifically, Letters to the**
 23 **Editor to the Post Register and the Jefferson Star about**
 24 **different subjects of interest to you?**
 25 A. Yes. Education, politics, animal welfare,

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1 **Q. Including yourself?**
 2 A. Correct.
 3 **Q. As far as your Tea Party activities, you've**
 4 **given speeches at Tea Party rallies or meetings; have**
 5 **you not?**
 6 A. I have.
 7 **Q. How often has that happened?**
 8 A. Just a few times. Maybe a handful of times.
 9 **Q. And you are the State coordinator of what you**
 10 **call the Tea Party Patriots?**
 11 A. I'm the State co-coordinator.
 12 **Q. Well, the last time we took -- we were**
 13 **together for a deposition, you indicated that you were**
 14 **the State coordinator.**
 15 **Now you're the co-coordinator; is that right?**
 16 A. Well, then I should have said co-coordinator
 17 because there's two of us. There's one for Southern
 18 Idaho and one for Northern Idaho. And I understand now
 19 we have a third one over in the Boise area.
 20 **Q. All right. So, how long, then, have you been**
 21 **the State co-coordinator for the Tea Party Patriot**
 22 **group?**
 23 A. It would be in the 2009 time frame.
 24 **Q. And you would be the co-coordinator for**
 25 **Southern Idaho; is that right?**

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1 A. Yes, sir. We're not split up very
 2 definitively; but yeah.
 3 Q. Well, you just said there was a Northern Idaho
 4 and a Southern Idaho --
 5 A. There is. I can't give you a definitive
 6 boundary, but we -- yeah, we coordinate together.
 7 Q. Nor did I ask you for one.
 8 But you're the State co-coordinator for
 9 Southern Idaho for the Tea Party Patriots?
 10 A. Except that I just told you, they have added a
 11 third position, I believe, over in Boise. So, he would
 12 cover part of Southern Idaho also.
 13 Q. Now, with regard to your Tea Party activities,
 14 tell me what you do in connection with those activities.
 15 A. Well, usually on 15th of April I try to hold a
 16 Tea Party rally in conjunction with rallies held all I
 17 cross the country.
 18 Q. Anything else?
 19 A. To the people that have signed up on the Tea
 20 Party e-mail list, I send out updates, you know,
 21 information from the Tea Party Patriots headquarters.
 22 You know, keep people informed on issues.
 23 Sometimes we get action alerts, so I send out
 24 action alerts to folks saying, you know: Hey, we need
 25 to call this representative, this Congressman.

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1 At times, if Tea Party Patriots ask for
 2 financial support of a candidate, I will forward that
 3 e-mail out to the list and try to generate some
 4 donations for that candidate.
 5 Q. Anything else?
 6 A. Not at this point.
 7 Q. Have you ever spoken to the media about the
 8 Tea Party?
 9 A. Oh, yes. The Tea Party -- I mean, the media
 10 has covered some of our events.
 11 Q. So, what work have you done with the media as
 12 to your activities associated with the Tea Party?
 13 A. I ask them to come to our events.
 14 Q. Anything else?
 15 A. Been interviewed by them.
 16 Q. How many times have you been interviewed by
 17 the media in connection with the Tea Party?
 18 A. I'll say maybe a half a dozen, you know, real
 19 interviews.
 20 But sometimes Neal Larson, on his radio
 21 program, you know, he'll say, you know: If the Tea
 22 Party guys or And's out there, can she answer this
 23 question or address this or something like that?
 24 You know, if I'm listening, I'll give him a
 25 call.

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1 Q. Have you ever been contacted by the media to
 2 express your opinions about Tea Party issues or
 3 activities?
 4 A. Well, I just said that sometimes Neal will say
 5 something on his program; and I'll call in response to
 6 that to answer a question or direct --
 7 Or Neal will ask if he can give out my phone
 8 number, something like that.
 9 Q. I've heard that.
 10 And I guess what I'm wondering is, in
 11 connection with a rally or some other activity, has the
 12 media ever interviewed you and asked for comment with
 13 regard to --
 14 A. Oh, yes. I thought I had already told you
 15 that.
 16 Yes, I have been interviewed by the media in
 17 regards to the Tea Party.
 18 Q. How many times has that happened?
 19 A. I thought I answered that. Maybe a handful.
 20 Q. Did that occur -- have the activities that
 21 you've discussed in connection with the Tea Party, did
 22 any of that occur prior to 2012?
 23 A. Oh, yes. Yes.
 24 Q. And when you say "oh, yes," why do you say
 25 that?

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1 A. Because the Tea Party originally began in 2008
 2 under President Bush. And so, I became active in it
 3 pretty soon after.
 4 Q. And you would regard yourself as one of the
 5 leaders in Idaho with regard to the Tea Party, right?
 6 A. Perhaps more so by others than myself; but
 7 yes.
 8 Q. Why do you say that?
 9 A. Because the Tea Party's a grassroots effort
 10 and, you know, everybody's supposed to be involved.
 11 But a lot of people, you know, don't. Don't
 12 do much in the way of support, supporting it.
 13 Q. But you're very active with the Tea Party?
 14 A. Yeah.
 15 Q. And you've been so since 2008, right?
 16 A. I think 2009.
 17 Q. Okay.
 18 A. Yes. The Tea Party was formed, I think, in
 19 2008. And it was 2009 that I became involved in it.
 20 Q. Although -- I understand.
 21 A. Okay.
 22 Q. So, the Tea Party in Idaho was formed around
 23 2008 and your involvement and activity really began in
 24 2009?
 25 A. Okay. Let me explain it to you.

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1 The Tea Party Patriots, I believe, was founded
 2 in 2008 -- I'm not absolutely sure of that -- but in
 3 2008 under President Bush. Okay?
 4 I became active in it in 2009. And so, does
 5 that clarify it for you?
 6 Q. And you were a state co-coordinator of Tea
 7 Party Patriots beginning in 2009 to the present?
 8 A. Yes, sir.
 9 Q. Engaging in the various activities that you've
 10 explained to me?
 11 A. Correct.
 12 Q. Have you ever heard of a program called a
 13 Politics Conservative?
 14 A. Can you spell that first word for me?
 15 Q. Politics?
 16 A. Oh, I thought you said "a politics."
 17 Politics Conservative? Perhaps.
 18 Q. Do you recall a broadcast about four years ago
 19 in a program called Politics Conservative?
 20 A. You know, I don't. Can you -- what radio
 21 station or --
 22 MR. WONG: Let me ask for the court reporter
 23 to mark this as next in order.
 24 (Exhibit No. 30 marked.)
 25 A. Oh, I know Halli & Friends, but I don't recall

1 A. Yes.
 2 Q. And did you --
 3 A. And other topics.
 4 Q. And did you speak on that program?
 5 A. Yes.
 6 Q. And this was on what's called Blog Talk Radio;
 7 is that right?
 8 A. Apparently, yes, sir.
 9 Q. So, can you explain to me this radio program
 10 that Halli Stone had on Blog Talk Radio?
 11 A. She had various guests on on all different
 12 types of topics.
 13 Q. And one of those guests being you?
 14 A. Correct.
 15 Q. Do you recall speaking on this program?
 16 A. Yes.
 17 Q. When did that happen?
 18 A. I couldn't tell you.
 19 Q. Was it four years ago?
 20 A. That would be an approximate date, yes.
 21 Q. So, sometime around 2010?
 22 A. Well, it looks like that, yes.
 23 Q. And you were described as being the guest,
 24 Andi Elliott, Tea Party Organizer and Animal Welfare
 25 Activist. Do you see that?

1 the name Politics Conservative.
 2 Q. (BY MR. WONG) So, you're looking at a
 3 document that's marked as Exhibit 30. And what do you
 4 recognize about this document?
 5 A. The name Halli & Friends.
 6 Q. And what is it that you recall about Halli &
 7 Friends?
 8 A. That Halli's my friend.
 9 Q. And that's a name of a person?
 10 A. Yes, sir.
 11 Q. And what's the full name of that person?
 12 A. Halli Stone.
 13 Q. And who is or was Halli Stone?
 14 A. She's a friend of mine.
 15 Q. Does she do anything other than to be your
 16 friend? Does she have a radio program?
 17 A. She did. And, you know, she might have a new
 18 radio program now.
 19 Q. And what was the radio program that she had
 20 four years ago?
 21 A. I'm thinking, just from looking at this and a
 22 slight recollection, it was called Halli & Friends; but
 23 that's not definite there.
 24 Q. And this was a radio program that Halli Stone
 25 had concerning politics?

1 MR. WHITTINGTON: Counsel, can I ask you a
 2 question? What is this and where did you get it so that
 3 I can --
 4 MR. WONG: Just off the internet.
 5 MR. WHITTINGTON: So, it was just -- we don't
 6 know who prepared it. We don't know -- was it in
 7 reference to 40 years ago? I mean, like I say, I'm just
 8 trying to understand whether this is a result of a
 9 Google search? Is that it?
 10 MR. WONG: I'm just asking the witness what
 11 she remembers.
 12 Q. (BY MR. WONG) Let me ask you this, Ms.
 13 Elliott: Have you ever seen this before, this
 14 description about this program?
 15 A. Seen it? I don't think so.
 16 I remember Blog Talk. You know, I see that on
 17 the internet at times. I don't really know what it is;
 18 but at any rate --
 19 But, yes, I know that Halli and I have talked
 20 over the radio about animal welfare and Tea Party
 21 activities.
 22 Q. How often have you talked on her program?
 23 A. Three, four, five times.
 24 MR. WHITTINGTON: Let me ask you a question.
 25 Was this on her public radio program or was this on her

1 Blog Talk Radio? I know she's had -- she used to be
 2 on -- I'm not sure --
 3 THE WITNESS: 590.
 4 MR. WHITTINGTON: Was it 590?
 5 THE WITNESS: When I first moved to the
 6 valley, yeah.
 7 MR. WHITTINGTON: So, are you referring to the
 8 blog talk thing or when she was on the radio?
 9 THE WITNESS: I've talked to Trish and Halli
 10 several times on 590.
 11 And then after that program was discontinued,
 12 I talked to her on the next thing that she did.
 13 MR. WHITTINGTON: Can you just be more
 14 specific in your answer? I was just -- so that he gets
 15 an accurate picture.
 16 THE WITNESS: Yeah. I can't give you the
 17 dates, if that's what you're trying to get to.
 18 MR. WHITTINGTON: No. When he asked you if
 19 you have ever spoken on their program, I would just like
 20 to know if we're talking about the blog on the internet
 21 or if we're talking about KID Radio 590 or...
 22 THE WITNESS: 590 at first; and then Halli's
 23 -- Halli & Friends, I think, is what it's called. Then
 24 her program.
 25 Q. (BY MR. WONG) All right.

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1 Q. On radio station 590?
 2 A. 590, yes, sir.
 3 Q. Was this a public affairs/public interest-
 4 type radio program where viewers would call in?
 5 A. Yes, sir.
 6 Q. Similar to the Neal Larson Show?
 7 A. Correct.
 8 Q. And I take it you called into that program
 9 from time to time?
 10 A. Yes.
 11 Q. Expressing opinions, including opinions about
 12 animal rights and animal cruelty?
 13 A. No. I don't believe in animal rights.
 14 Q. Oh, I beg your pardon.
 15 A. Animal welfare, yes, sir.
 16 Q. Okay. So, you called in from time to time on
 17 this radio program on 590 discussing animal welfare?
 18 A. Correct.
 19 Q. Do you recall how long that program on the
 20 radio station 590 lasted?
 21 A. I don't.
 22 Q. And then I take it that after that program was
 23 discontinued on 590, then there was this Blog Talk
 24 Radio, right?
 25 A. At some point. I don't think it was a

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1 A. Does that clarify?
 2 Q. Let me see if --
 3 A. Clear as mud?
 4 Q. Let me see if I can help with this.
 5 A. Okay.
 6 Q. First of all, you mentioned somebody named
 7 Trish.
 8 A. Yes.
 9 Q. Who's Trish?
 10 A. Trish and Halli are sisters.
 11 Q. So, it's Trish Stone and Halli Stone?
 12 A. Trish Oak.
 13 Q. And did Trish Oak have some sort of radio
 14 program?
 15 A. She and Halli did together.
 16 Q. I see.
 17 A. Yes.
 18 Q. So, I take it from some of your responses to
 19 Mr. Whittington, Halli Stone had a radio program on a
 20 station 590?
 21 A. A.M., yes, sir.
 22 Q. And when did she have that program?
 23 A. We moved here in 2011 and it was soon after
 24 that -- and I don't remember the year -- that I became
 25 aware of their program.

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1 continuum. I don't think. But I can't -- I would be
 2 unable to give you any accurate information there.
 3 Q. And you called into that Blog Talk Radio,
 4 similar to what you do with the radio station 590? Is
 5 that true?
 6 A. Actually, I would go down there and be
 7 interviewed.
 8 Q. Oh, I see.
 9 A. Yes.
 10 Q. This is on Blog Talk Radio?
 11 A. Yeah. I'm not sure about the "blog talk"
 12 part; but it was on Halli's program, so...
 13 Q. I'm sorry. I'm now confused.
 14 When you said "you would go down and be
 15 interviewed," was that on the radio program 590 or on
 16 the Blog Talk Radio?
 17 A. Well, actually, both.
 18 Q. Okay.
 19 A. Yeah.
 20 Q. How often did that happen?
 21 A. Not often because I lived such a far distance
 22 away.
 23 Q. How often did that occur prior to 2012?
 24 A. Not often.
 25 Q. Give me your best estimate as to --

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1 Well, first of all, prior to 2012, was this
 2 radio program on 590, if you remember?
 3 A. I don't know that I -- I don't know that I
 4 remember that. I don't know when Trish and Halli's
 5 program discontinued. I know there was a lapse. I
 6 can't give you the dates.
 7 Q. Do you remember the number of times that you
 8 were interviewed on a radio program --
 9 A. No.
 10 Q. -- with Halli Stone prior to 2012?
 11 A. No.
 12 Q. You do know that that occurred prior to 2012?
 13 A. Yeah, I'm pretty sure it was -- yes.
 14 Q. And do you recall, prior to 2012, being
 15 interviewed on a radio program discussing animal
 16 welfare?
 17 A. Yes.
 18 Q. Okay. I'm going to move to a different
 19 subject.
 20 MR. WONG: Why don't we take a short break.
 21 (A recess was taken from 3:00 P.M. to
 22 3:07 P.M.)
 23 MR. WONG: Back on the record.
 24 Q. (BY MR. WONG) Ms. Elliott, who is Keller
 25 Elliott?

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1 unofficial role with the For the Love of Pets
 2 Foundation?
 3 A. No, sir.
 4 Q. What does Keller Elliott do?
 5 A. He battles MS.
 6 Q. Is he employed?
 7 A. No.
 8 Q. And what does Brooke Elliott do?
 9 A. She's a stay-at-home mom.
 10 Q. Has your employment status changed since your
 11 last deposition to today?
 12 A. No, sir.
 13 Q. So, you are still unemployed, right?
 14 A. Yeah. I'm a stay-at-home mom.
 15 Q. All right.
 16 MR. WONG: I'll ask the court reporter to mark
 17 as next in order a document that's entitled Incident
 18 Detail.
 19 (Exhibit No. 31 marked.)
 20 Q. (BY MR. WONG) Ms. Elliott, have you ever seen
 21 this document before?
 22 A. I don't think so, no. I would say no; but I
 23 don't know.
 24 Q. Have you ever heard of a Jacqueline Williams?
 25 A. It's not ringing a bell right off the top of

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1 A. My son.
 2 Q. And how old is Keller Elliott?
 3 A. 40.
 4 Q. 40?
 5 A. Yes, sir.
 6 Q. How many children do you have?
 7 A. Two.
 8 Q. And what's the name of your other child?
 9 A. Brooke with an "E."
 10 Q. Elliott?
 11 A. Yes.
 12 Q. How old is Brooke Elliott?
 13 A. 36.
 14 MR. WHITTINGTON: I take it, it's a girl?
 15 THE WITNESS: Yes, sir.
 16 Q. (BY MR. WONG) Do either of your children have
 17 any role with the For the Love of Pets Foundation?
 18 A. Brooke is on the form somewhere because you
 19 need three people in order to do -- what do I want to
 20 say -- to be a nonprofit, I think you need three officer
 21 positions filled. And I think Brooke is on one of those
 22 forms.
 23 Q. Anything else?
 24 A. No, I don't think so.
 25 Q. Does Keller Elliott have any official or

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1 my head.
 2 Q. Do you recall someone in November 2007 making
 3 a report to the Jefferson County Sheriff's Office that
 4 he or she were being harassed by you with regard to
 5 dogs?
 6 A. Not that I recall, no, sir.
 7 Q. Would you agree with me that this document
 8 marked as Exhibit 31 refers to you, Candace Elliott?
 9 A. Yes.
 10 Q. And would you also agree that there is a
 11 description that says: RP is being harassed by subject
 12 from Humane Society over dogs?
 13 A. That's what it says.
 14 Q. And it goes on to say: Went to RP's to look
 15 at animals. All were in great shape. Vet papers on
 16 hand for all animals.
 17 Do you recall that?
 18 A. I don't.
 19 Q. Does this refresh your memory that in 2007
 20 there was a person by the name of Jacqueline Williams
 21 that believed that she was being harassed by you over
 22 dogs?
 23 A. I don't, no. I'm sorry.
 24 Q. Does this refresh your memory that in 2007
 25 that an officer examined the dogs and found them to be

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1 in great shape?
 2 A. No, huh-uh. I have no recollection of this.
 3 Q. Does this refresh your memory that in 2007
 4 that somebody was accusing you of harassing them?
 5 MR. WHITTINGTON: It's been asked and
 6 answered.
 7 A. No.
 8 Q. (BY MR. WONG) Sorry?
 9 A. No, sir.
 10 Q. Have you ever heard of a Jeremy Wise?
 11 A. I saw the name on the -- some of the paperwork
 12 that you gave us. Is it Jeremy Wise?
 13 Q. Wise.
 14 A. Wise?
 15 Q. Yeah. W-I-S-E.
 16 A. No, I don't. The last name doesn't sound
 17 familiar to me.
 18 MR. WHITTINGTON: "W-I" or "Y"? I didn't
 19 catch that. I apologize.
 20 MR. WONG: Not a problem. The name is Jeremy
 21 Wise, W-I-S-E.
 22 Q. (BY MR. WONG) Does that refresh your memory?
 23 A. No, it doesn't.
 24 Q. Do you remember Mr. Wise claiming that you
 25 were harassing him in 2008?

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1 A. I don't.
 2 MR. WONG: I'll ask the court reporter to mark
 3 as next in order a document entitled Incident Summary.
 4 (Exhibit No. 32 marked.)
 5 A. Are you waiting on me?
 6 Q. (BY MR. WONG) Yes, I'd like to know when --
 7 A. I'm good.
 8 Q. Have you had the opportunity to review
 9 Exhibit 32?
 10 A. Yes, sir.
 11 Q. It's entitled an Incident Summary, right?
 12 A. I see that.
 13 Q. Right?
 14 A. Yes, sir.
 15 Q. Have you ever seen this document before?
 16 A. Not that I recall.
 17 Q. This is a document to refresh your memory
 18 about a Jeremy Wise.
 19 A. The name -- I'm not familiar with the name at
 20 all. Not that I recall.
 21 Q. Do you recall that in 2008 a person in Rigby
 22 was complaining that you were harassing them over dogs?
 23 A. No.
 24 Q. Looking at the description section --
 25 Well, first of all, Exhibit 32 does refer to

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1 you as the suspect; does it not?
 2 A. It does, yes, sir.
 3 Q. And it refers to a Jeremy Lee Wise?
 4 A. I see that.
 5 Q. Right?
 6 A. Yes, sir.
 7 Q. And in the description, it says that: Mr.
 8 Wise is being harassed by Humane Society member over his
 9 dogs. I spoke to Mr. Wise on the phone. He stated he
 10 is tired of Andi Elliott harassing him. Do you see
 11 that?
 12 A. I see that.
 13 Q. Does that refresh your memory that there was a
 14 complaint that you received that someone in Rigby was
 15 claiming you were harassing them?
 16 A. I don't recall getting reports of these last
 17 two documents you've shown me.
 18 Q. Well, regardless of whether you got these
 19 reports, do you recall in 2007 or 2008 ever being told
 20 that there were people that were objecting to you
 21 harassing them over their animals?
 22 A. No.
 23 Q. This is the first time you've ever heard of
 24 that?
 25 A. No.

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1 Q. I'm sorry. When was the first time you've
 2 heard that there were people objecting to you harassing
 3 them over their animals?
 4 A. When was the first time? I don't recall.
 5 But anybody who is neglecting their animals
 6 would really be upset about somebody complaining about
 7 it.
 8 Q. And that's you?
 9 A. At times, yes.
 10 Q. Yeah. So, you felt that somebody in Rigby in
 11 2008 was neglecting their animals and you were harassing
 12 them?
 13 MR. WHITTINGTON: No, that's not what she
 14 said. I object to the form of the question.
 15 Q. (BY MR. WONG) Is that right?
 16 A. No, that's not what I said.
 17 Q. I'm not asking what you said.
 18 I'm asking: Isn't it true that in 2008 that a
 19 person in Rigby was complaining to the sheriff that that
 20 person was tired of you harassing them over their
 21 animals?
 22 MR. WHITTINGTON: What person are you talking
 23 about? Jeremy Wise?
 24 MR. WONG: Well, she had --
 25 MR. WHITTINGTON: I object to the form of the

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1 question.
 2 MR. WONG: She apparently does not recall
 3 Jeremy Wise.
 4 THE WITNESS: No, I don't.
 5 MR. WONG: So, I'm interested in whether she
 6 recalls, in 2008, anyone in Rigby being tired of her
 7 harassing them over their dogs.
 8 A. No.
 9 Q. (BY MR. WONG) So, this is the first time
 10 you've heard of that complaint or objection, right?
 11 A. Correct.
 12 Q. And according --
 13 A. That I recall, yes.
 14 Q. According to this description, he says that
 15 you sent officers to his home multiple times about his
 16 dogs.
 17 Does that refresh your memory?
 18 A. No. I'm sorry, it doesn't.
 19 Now, go down to where it says: One Husky and
 20 one yellow Lab. Now, that rings a bell with me.
 21 Q. Okay. Before we get to that, this person in
 22 Rigby apparently wanted to know what could be done to
 23 stop Ms. Elliott from harassing him.
 24 And that he stated that approximately at 2:30
 25 or 3:00 o'clock, Ms. Elliott was on the road in front of

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1 his house with a telephoto lens taking pictures of his
 2 residence.
 3 And it goes on to say that he has one Husky
 4 and one yellow Lab. They are in a kennel, have fresh
 5 water and he feeds them every night. Do you see that?
 6 A. Yes, sir.
 7 Q. So, in 2008, do you recall sending officers to
 8 some person's home in Rigby complaining about his
 9 treatment of a Husky and a yellow Labrador dog?
 10 A. I can't verify the date. It seems like I
 11 remember the Husky and the Lab. It seems like I do
 12 remember that.
 13 Do you have the statement from the
 14 veterinarian? Seems like there was a statement from the
 15 veterinarian about these dogs.
 16 Q. Does this refresh your memory that in 2008
 17 that this person from Rigby objected to your activities?
 18 A. No.
 19 Q. And wanted you to stop the harassment?
 20 A. No.
 21 MR. WHITTINGTON: Apparently it's not the
 22 person who claimed this harassment.
 23 MR. WONG: Let me ask the court reporter to
 24 mark as next in order a document that's entitled Witness
 25 Statement.

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1 (Exhibit No. 33 marked.)
 2 Q. (BY MR. WONG) Now, Ms. Elliott, I appreciate
 3 this is difficult to read, but let me ask you if you
 4 have ever seen this document before?
 5 A. I don't recall that I have.
 6 Q. Looking at the last page, there is the name
 7 that appears to be Jeremy Wise; and there's another
 8 name, maybe Brandi Wise?
 9 A. Okay. I see that, yes, sir.
 10 Q. Does that refresh your memory with regard to
 11 either Jeremy or Brandi Wise?
 12 A. I do not remember the names at all. I'm
 13 sorry. Often, I don't even know.
 14 Q. Does this refresh your memory that in 2008
 15 that there were residents in Rigby that objected to your
 16 activities?
 17 A. I don't ever recall seeing this.
 18 MR. WHITTINGTON: Can we take a minute and let
 19 us read it?
 20 MR. WONG: Sure. Of course. And again,
 21 it's --
 22 MR. WHITTINGTON: It's hard to --
 23 MR. WONG: It's difficult to read; but if you
 24 want to take a look at it and see if it refreshes your
 25 memory...

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1 MR. WHITTINGTON: I can make out Upper Valley
 2 Humane Society. The harassment that Andi Elliott has
 3 given to -- is this 2007?
 4 A. So, this says there were complaints about the
 5 dogs? Is that what they're saying? There were
 6 complaints that we were not taking care of our dogs.
 7 MR. WHITTINGTON: Taking care of the dogs.
 8 Q. (BY MR. WONG) There's no pending question,
 9 Ms. Elliott.
 10 I'm asking you to review this document and
 11 then I'll ask you some questions about it after you've
 12 had a chance to read it.
 13 MR. WHITTINGTON: Put a tarp over the top of
 14 the kennel.
 15 MR. WONG: Do you want this on the record,
 16 Counsel?
 17 MR. WHITTINGTON: No, I'm just trying to read
 18 it out loud.
 19 THE WITNESS: The police suggested that we put
 20 a tarp over the top of the kennels and --
 21 MR. WHITTINGTON: And --
 22 MR. WONG: All right. Why don't we do it this
 23 way.
 24 MR. WHITTINGTON: Put --
 25 MR. WONG: Mr. Whittington, why don't we do it

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1 this way since you're intent on reading this.
 2 I'm going to ask your client.
 3 **Q. (BY MR. WONG) So, Ms. Elliott, there is a**
 4 **narrative that begins on the first page that starts with**
 5 **"this letter."**
 6 A. Yes, sir.
 7 **Q. Can you read that sentence?**
 8 A. This letter has to do with the Upper Valley
 9 Humane Society.
 10 Do you want me to go on?
 11 **Q. If you can.**
 12 A. And the harassment -- I don't know the next
 13 word.
 14 **Q. "That."**
 15 A. That Andi Elliott has done to my family.
 16 This all started something - something -
 17 something - 2007.
 18 MR. WHITTINGTON: This summer of 2007? That's
 19 a question, by the way.
 20 **Q. (BY MR. WONG) All right. So, let me ask you**
 21 **this, Ms. Elliott.**
 22 **Rather than to try to struggle through this**
 23 **text, does this refresh your memory about complaints as**
 24 **to harassment by you as to anyone in Rigby in 2007 or**
 25 **2008?**

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1 A. No, it doesn't.
 2 **Q. In 2008, you were the president of the Humane**
 3 **Society of the Upper Valley, right?**
 4 A. Yes, I believe I was still president then.
 5 **Q. All right. To your knowledge, have you ever**
 6 **seen this witness statement prior to today?**
 7 A. Not to my recollection. I just kind of --
 8 yeah.
 9 **Q. All right. Let's move on.**
 10 MR. WONG: Let me ask the court reporter to
 11 mark as next in order a document entitled Incident
 12 Summary.
 13 (Exhibit No. 34 marked.)
 14 **Q. (BY MR. WONG) Tell me when you've had an**
 15 **opportunity to review what has been marked as Exhibit**
 16 **34.**
 17 A. Yep. This is the situation that we've already
 18 covered; is that correct?
 19 **Q. Have you completed your review of Exhibit 34?**
 20 A. I have.
 21 **Q. Exhibit 34 purports to be an Incident Summary.**
 22 **Would you agree with that?**
 23 A. Yes, sir.
 24 **Q. Have you ever seen this document before?**
 25 A. Didn't you give it to me earlier with another

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1 set of documents?
 2 **Q. Have you ever seen it prior to today?**
 3 A. Maybe, but I'm -- oh, prior to today? I don't
 4 believe so.
 5 **Q. Do you recall the name Douglas Bohman?**
 6 A. Only because it's something you gave me
 7 earlier in depositions. It was unfamiliar to me before
 8 that.
 9 **Q. Do you recall in 2008 a Douglas Bohman,**
 10 **B-O-H-M-A-N, was complaining about your activities?**
 11 A. No, I do not recall that.
 12 **Q. Well, you would agree that Exhibit 34 lists**
 13 **you as a suspect, right?**
 14 A. I see that, yes, sir.
 15 **Q. And Mr. Bohman is indicated as being the**
 16 **reported party in Rigby, Idaho, right?**
 17 A. Correct. What I was referring to is the name
 18 was unfamiliar to me heretofore.
 19 **Q. Now, Mr. -- I'm sorry.**
 20 **This description refers to you going down to**
 21 **Mr. Bohman's lane and taking pictures of horses and that**
 22 **there is a posting of "No Trespassing." Do you see**
 23 **that?**
 24 A. I see that.
 25 **Q. And Mr. Bohman wanted this to stop, right?**

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1 A. Correct.
 2 **Q. Were you told in 2008 that Mr. Bohman or a**
 3 **person in Rigby at that time objected to your activities**
 4 **of taking pictures and trespassing?**
 5 A. I received a citation for that.
 6 **Q. And is that the citation that you eventually**
 7 **pled guilty to?**
 8 A. That is the citation that I have a withheld
 9 judgment for and the prosecutor asked me to cut a deal
 10 for, yes.
 11 **Q. Well, that's not the question that I asked**
 12 **you, so let's make sure we're clear.**
 13 **We've had extensive testimony today -- and we**
 14 **can go through the transcript of the proceeding -- in**
 15 **which you were there, along with your counsel, and there**
 16 **was a plea of guilty, right?**
 17 A. That's what appears on the court record, yes,
 18 sir.
 19 **Q. And this Incident Summary relates to that**
 20 **case?**
 21 A. Yes, it appears to be so.
 22 **Q. So, what happened was that, as a result of a**
 23 **complaint by Mr. Bohman, you were cited and there was a**
 24 **case brought against you for trespass, right?**
 25 A. Correct.

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1 **Q. So, you knew that Mr. Bohman, although you may**
 2 **not have recalled the name, objected to your activities,**
 3 **right?**
 4 A. Correct.
 5 **Q. And that was true in 2008?**
 6 A. Yes. That's when the incident happened.
 7 **Q. So, in 2008, you knew that, at least there was**
 8 **one person in Rigby, Idaho, that objected to your**
 9 **activities of going to the property of various Jefferson**
 10 **County residents and taking pictures of animals and**
 11 **livestock, right?**
 12 MR. WHITTINGTON: Object to the form of the
 13 question. They objected to her coming to their house or
 14 their property. Not --
 15 **Q. (BY MR. WONG) Can you answer the question?**
 16 A. I knew that, from being cited, that this
 17 person was unhappy with the situation.
 18 **Q. And objecting to your activities?**
 19 A. I don't know. But I went down his dead end
 20 lane, yes.
 21 **Q. And they were objecting to that?**
 22 A. Correct.
 23 **Q. And they had you cited for that?**
 24 A. Correct.
 25 **Q. And you knew that in 2008?**

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1 A. Yes.
 2 **Q. And you've been doing this since 2008 up to**
 3 **2012, right?**
 4 MR. WHITTINGTON: Doing what?
 5 MR. WONG: Taking pictures of animals and
 6 livestock and those kinds of activities.
 7 A. Since 2002, I have been taking pictures of
 8 livestock and animals at the request of others,
 9 including the Jefferson County Sheriff's Department.
 10 **Q. (BY MR. WONG) That's a very nice statement.**
 11 MR. WONG: I'll move to strike as
 12 nonresponsive to my question.
 13 MR. WHITTINGTON: I think it is responsive.
 14 MR. WONG: It is definitely not responsive.
 15 **Q. (BY MR. WONG) Listen to my question, Ms.**
 16 **Elliott.**
 17 **In 2008, you knew that there was a complaint**
 18 **about these activities and --**
 19 MR. WHITTINGTON: What activities?
 20 MR. WONG: Counsel, don't interrupt me.
 21 MR. WHITTINGTON: Well, I'm going to object
 22 then.
 23 MR. WONG: Then make your objection, but don't
 24 interrupt me.
 25 MR. WHITTINGTON: I don't know what "these

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1 activities" means.
 2 MR. WONG: Then you haven't been paying
 3 attention.
 4 MR. WHITTINGTON: You keep glossing it over.
 5 MR. WONG: Counsel.
 6 MR. WHITTINGTON: And she --
 7 MR. WONG: Counsel.
 8 MR. WHITTINGTON: -- needs specifics.
 9 MR. WONG: If you would like to make a legal
 10 objection, make a legal objection.
 11 MR. WHITTINGTON: I'm objecting to --
 12 MR. WONG: I'm not going to tolerate you
 13 interrupting a question in the middle of a question.
 14 All right?
 15 MR. WHITTINGTON: I object to the form of the
 16 question.
 17 MR. WONG: Please do at the appropriate time.
 18 So, let's start over.
 19 **Q. (BY MR. WONG) Ms. Elliott, in 2008, you were**
 20 **aware that there were residents of -- let me withdraw**
 21 **that.**
 22 **In 2008, you were aware of at least one**
 23 **resident of Rigby that objected to your activities,**
 24 **right?**
 25 A. Well, this person lived in Menan. Other than

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1 that, yes, because of the citation, I knew that this
 2 person objected to me going down his dead end lane.
 3 **Q. And including taking pictures of his horses,**
 4 **right?**
 5 A. No, sir. That's not true.
 6 **Q. So, he did not object to you taking pictures**
 7 **of his horses?**
 8 A. I did not take pictures of his horses.
 9 **Q. Did he object to you engaging in such**
 10 **activities?**
 11 MR. WHITTINGTON: Object to the form of the
 12 question. I don't know what "such activities" means.
 13 **Q. (BY MR. WONG) Can you answer that question?**
 14 THE WITNESS: Read that again, please.
 15 (The record was read.)
 16 A. He objected to me going down his dead end
 17 lane.
 18 **Q. (BY MR. WONG) And looking at Exhibit 34, when**
 19 **there is this description of you going down to this --**
 20 **coming down the lane to take pictures of horses, that is**
 21 **inaccurate, in your view; is that right?**
 22 A. I took a picture of a horse. To my knowledge,
 23 it wasn't his horse.
 24 **Q. So, you did take pictures?**
 25 A. I took a picture of a horse, yes.

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1 Q. Okay.
 2 A. Yes.
 3 Q. And did you understand that this person in
 4 Rigby objected to that?
 5 A. I did when I received the citation.
 6 Q. And since then, you have engaged in similar
 7 activities, right?
 8 A. Yes. I take pictures of animals that I
 9 receive complaints about, if I can do so from public
 10 property.
 11 MR. WONG: I'll ask the court reporter to mark
 12 as next in order a one-page document that bears the
 13 production number PA000080.
 14 (Exhibit No. 35 marked.)
 15 A. Even my glasses aren't working very well with
 16 this one.
 17 MR. WHITTINGTON: Do you want me to read it to
 18 you?
 19 THE WITNESS: Well, I'm getting the gist of
 20 it.
 21 (An inaudible conversation between Mr.
 22 Whittington and the witness.)
 23 THE WITNESS: I don't know. Who can they say?
 24 I got that part.
 25 MR. WHITTINGTON: "Ducted" back into the car.

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1 correctly.
 2 Q. (BY MR. WONG) Oh, I see what you're saying.
 3 A. Yes.
 4 Q. So, what you're pointing out is that the
 5 pictures you were taking was not of their horses; but of
 6 the neighbor's horses.
 7 A. Yes, it was one neighbor's horse that I took a
 8 picture of.
 9 Q. I see. So, you were accessing the private
 10 drive of the Bohman family and taking pictures of the
 11 neighbor's animal?
 12 A. I went down a drive that said "Dead End." And
 13 I went down there expecting to be able to turn around
 14 and come out.
 15 Q. And is it your understanding that this is a
 16 statement made by Brenda Bohman, basically, explaining
 17 the basis of their complaint against you for your
 18 activities in 2008?
 19 A. Yes.
 20 MR. WONG: I'll ask the court reporter to mark
 21 this as next in order.
 22 (Exhibit No. 36 marked.)
 23 A. I'm ready.
 24 Q. (BY MR. WONG) Ms. Elliott, have you ever seen
 25 Exhibit 36 before?

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1 THE WITNESS: Yeah.
 2 A. Okay. I have somewhat read it.
 3 Q. (BY MR. WONG) So, Exhibit 35 has small text
 4 and it's difficult to read.
 5 Notwithstanding that, have you ever seen this
 6 document before?
 7 A. Not to my recollection.
 8 Q. Do you know who wrote it?
 9 A. It says Brenda BO.
 10 Q. And can you make out the subject line?
 11 A. Trespassing Statement.
 12 Q. And do you believe that this was a statement
 13 made by Brenda Bohman, B-O-H-M-A-N, on April 30, 2008?
 14 A. I would have no other reason -- I mean, no
 15 reason to believe otherwise; so I'm assuming, yes.
 16 Q. This was a statement that she wrote and
 17 submitted in connection with your activities, right?
 18 A. Yes.
 19 Q. And she is saying that you did not have
 20 permission to access their private drive and take
 21 pictures of their horses, right?
 22 MR. WHITTINGTON: You're assuming this is her
 23 statement, correct?
 24 A. Now, does it say "her horses"? I believe it
 25 says "the neighbor's horses," if I make it out

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1 A. I have.
 2 Q. What is Exhibit 36?
 3 A. It's a --
 4 THE WITNESS: Can I say trespassing citation?
 5 Will that do?
 6 MR. WHITTINGTON: You can say whatever you
 7 want.
 8 Q. (BY MR. WONG) Is that what your understanding
 9 is?
 10 A. That's what my understanding is, yes.
 11 Q. And this is a trespassing citation that was
 12 issued to you, right?
 13 A. Correct.
 14 Q. Involving the Bohman residence, right?
 15 A. I was just looking for their address.
 16 Q. Well, and maybe their name would help.
 17 A. I see their name on there, but I was trying to
 18 corroborate the address here amidst the summary for
 19 that.
 20 Yes, it does appear to be so, because I see
 21 the Bohman name on there.
 22 Q. And this was a citation you received in 2008?
 23 A. Yes, sir.
 24 MR. WONG: Let me ask the court reporter to
 25 mark as next in order an Incident Report. The first

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1 page bears the production number PA000636.
 2 (Exhibit No. 37 marked.)
 3 THE WITNESS: What is a white PC?
 4 MR. WHITTINGTON: I don't know where you're
 5 reading. I don't know. I don't know. I haven't read
 6 it before.
 7 Ray, I didn't know you were involved here.
 8 Ray Wong. I'll quit joking.
 9 Kurt Young, Senior.
 10 THE WITNESS: That name?
 11 MR. WHITTINGTON: Here you go. That
 12 answers -- that answers a lot.
 13 MR. WONG: You're noting all the colloquy.
 14 THE COURT REPORTER: Yes.
 15 MR. WONG: Good.
 16 A. Okay. Let's see --
 17 THE WITNESS: I don't know if I've seen this
 18 before. I don't think this was produced.
 19 MR. WHITTINGTON: I've never seen it before.
 20 THE WITNESS: Huh-uh.
 21 MR. WHITTINGTON: Well, isn't this
 22 interesting?
 23 THE WITNESS: Really.
 24 MR. WHITTINGTON: Look at the officer, John
 25 Clements?

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1 THE WITNESS: Of course.
 2 MR. WHITTINGTON: Well, this is interesting.
 3 THE WITNESS: Very interesting.
 4 **Q. (BY MR. WONG) Have you had an opportunity to**
 5 **review Exhibit 37 before?**
 6 A. Before...
 7 **Q. Today.**
 8 A. No, sir. This is the first that I have heard
 9 anything about this.
 10 **Q. You're familiar with Kurt Young, right?**
 11 A. Very.
 12 **Q. And do you recall that Mr. Young made a report**
 13 **as to you in January of 2010?**
 14 A. Absolutely not.
 15 **Q. And looking at the second page of Exhibit 37,**
 16 **there is a discussion of a conversation with Kurt Young**
 17 **in which Mr. Young is reported in saying: You got out**
 18 **of a vehicle and walked to the fence line of the**
 19 **property about 75 yards from his home and you had a**
 20 **camera with big lenses. Do you see that?**
 21 A. I see that.
 22 **Q. Do you recall doing that around January 2010?**
 23 A. I think it was August of 2011 before I had any
 24 idea that there was a Kurt Young or knew anything about
 25 where he lived or anything.

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1 It was proven in court that the lady he was
 2 talking about was somebody else besides me.
 3 MR. WONG: Move to strike as nonresponsive.
 4 Could you read my question back?
 5 MR. WHITTINGTON: I think that was a "no."
 6 MR. WONG: I don't know. She won't answer my
 7 questions, so I'm going to have it read back.
 8 (The record was read.)
 9 A. No, absolutely not.
 10 **Q. (BY MR. WONG) It's not that hard, Ms.**
 11 **Elliott. Just answer my questions and we'll --**
 12 A. Well, sometimes it is because it's frustrating
 13 because you're only trying to get through part of the
 14 information.
 15 **Q. All right. So, in January of 2010, did you**
 16 **have a camera with a big lens?**
 17 A. I've never had one and don't have one today.
 18 No, sir.
 19 **Q. So, you've never had a camera?**
 20 A. With a big lens, no, sir.
 21 **Q. Have you ever had a camera?**
 22 A. I have one of those little point-and-shoot
 23 things.
 24 **Q. So, you do have a camera today?**
 25 A. I do. Would you like to see it?

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1 **Q. No -- sure. Do you have it here?**
 2 A. I do. This isn't the one. This is a newer
 3 model.
 4 **Q. Well, let me see what camera you have.**
 5 A. There you go.
 6 MR. WHITTINGTON: So, this is your current
 7 camera, huh?
 8 THE WITNESS: Uh-huh. This is my current
 9 camera.
 10 **Q. (BY MR. WONG) All right. So, you currently**
 11 **have a Cannon camera that you have brought to the**
 12 **deposition today. Do you carry that with you all the**
 13 **time?**
 14 A. That and a gun, yes, sir.
 15 **Q. All right. How long have you carried that**
 16 **camera?**
 17 A. I got this as a gift. A couple years.
 18 **Q. And did you have a camera prior to that one?**
 19 A. Yeah, but it was little and it was very Mickey
 20 Mouse.
 21 **Q. So, when you say "a couple years," you're**
 22 **saying 2012?**
 23 A. I don't remember the date. I don't.
 24 **Q. And prior to that, what you called the Mickey**
 25 **Mouse camera, you carried that around?**

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1 A. Yes, sir.
 2 **Q. And did you always have that with you?**
 3 A. Always? No.
 4 **Q. How long have you had the so-called Mickey**
 5 **Mouse camera?**
 6 A. It's been within the last 12 years.
 7 **Q. So, you've had that camera for about 12 years?**
 8 A. Maybe not even that long. I don't know. I
 9 can't be explicit.
 10 **Q. What's your best memory as to how long you've**
 11 **had that camera?**
 12 A. Ten years.
 13 **Q. Ten years. Okay.**
 14 **Do you recall, in January of 2010, Mr. Young**
 15 **asking to make charges of trespassing of privacy as to**
 16 **you?**
 17 A. No, sir.
 18 **Q. Does Exhibit 37 refresh your memory that he**
 19 **made such a charge?**
 20 A. Not at all.
 21 I resent that anybody thinks I steal animals.
 22 **MR. WONG:** I'll ask the court reporter to mark
 23 as next in order another Incident Report.
 24 (Exhibit No. 38 marked.)
 25 A. You'd think Deputy Clements would know how to

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1 A. Because he did have the vet follow-up on that
 2 horse. That horse was in really pathetic shape.
 3 **Q. Have you completed your review?**
 4 A. I have.
 5 **Q. And this is an Incident Summary relating to a**
 6 **report that you made, right?**
 7 A. Yes.
 8 **Q. And that was on March 18, 2011, right?**
 9 A. The date sounds like it would be appropriate.
 10 **Q. And there is a reference in the description of**
 11 **you taking pictures, right?**
 12 A. What page are we on here?
 13 **Q. On the first page of Exhibit 38.**
 14 A. Yes. I'm the RP, right? Yes.
 15 **Q. And this has to do with a person by the name**
 16 **of Lyle Albertson?**
 17 A. I see that on the report, but I have not known
 18 that heretofore.
 19 **Q. Do you ever recall a Lyle Albertson**
 20 **complaining that you trespassed on his property?**
 21 A. No. I've never been on his property. Don't
 22 know who he is or was.
 23 **Q. Now, on the first page of Exhibit 38, there is**
 24 **a reference to you taking pictures. Do you see that in**
 25 **the description section? The first page.**

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1 spell my name by now for how many times he's been out to
 2 my home.
 3 **Q. (BY MR. WONG) Why do you say that Deputy**
 4 **Clements has been to your home multiple times?**
 5 A. Well, he comes out and asks me about animal
 6 questions and whether I'll take certain animals or if I
 7 know anything about this or that.
 8 **Q. So, he's asking for your advice?**
 9 A. Oh, yes, sir.
 10 **Q. Was that before or after you sued him?**
 11 A. That was before and before he quit the
 12 Sheriff's Department.
 13 **Q. Oh. Has he asked for your advice after you**
 14 **sued him?**
 15 A. No.
 16 **Q. Oh, okay. Please continue reviewing**
 17 **Exhibit 38. Have you had the opportunity to review**
 18 **Exhibit 38?**
 19 A. Not quite.
 20 **Q. Tell me when you've completed your review.**
 21 A. I'm almost through.
 22 Good for Deputy Clements.
 23 **Q. We didn't get that. Would you repeat it?**
 24 A. I said good for Deputy Clements.
 25 **Q. Why did you say that?**

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1 A. Oh, first page? Yes, sir.
 2 **Q. Does that refresh your memory that you took**
 3 **pictures?**
 4 A. I still have the pictures.
 5 **Q. And this is with your so-called Mickey Mouse**
 6 **camera?**
 7 A. I don't know which camera I had.
 8 **Q. How is it that you had a camera with you when**
 9 **you took these pictures?**
 10 A. How was it that I had a camera with me?
 11 **Q. Yeah.**
 12 A. Doesn't everybody have cameras on their phones
 13 or -- et cetera?
 14 **Q. So, this was a camera on your phone?**
 15 A. No, no. This was a regular camera.
 16 **Q. And so, that's my question: How is it that**
 17 **you had a regular camera with you at this occasion?**
 18 A. I don't know. I was on the way to a doctor's
 19 appointment. I don't know why I had a camera with me.
 20 **Q. You always carry a camera with you, don't you?**
 21 A. Most of the time, yeah.
 22 **Q. And you do so so that you can stop and take**
 23 **pictures of animals that are of concern to you, right?**
 24 A. If necessary, I use it, yes.
 25 I also take lots of pictures of scenery, too.

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1 **Q. And in this occasion in 2011, Mr. Albertson**
 2 **objected to you, in his view, trespassing on his**
 3 **property, right?**
 4 A. That's what the Incident Report says.
 5 MR. WHITTINGTON: After the fact.
 6 THE WITNESS: Yeah, I've never been on his
 7 property.
 8 MR. WONG: Let me ask the court reporter to
 9 mark as next in order an Incident Report with the
 10 production number on the first page, PA000268.
 11 (Exhibit No. 39 marked.)
 12 **Q. (BY MR. WONG) Tell me when you've had an**
 13 **opportunity to review this document.**
 14 A. Yes, sir.
 15 **Q. Have you had an opportunity to review**
 16 **Exhibit 39?**
 17 A. Yes, sir, I have.
 18 **Q. Have you ever seen Exhibit 39 before?**
 19 A. I'm going to say maybe part of it. But part
 20 of this is new information to me, I think. So,
 21 therefore, I will say that I am unsure.
 22 MR. WHITTINGTON: Let me just say this: This
 23 was never produced or the other one --
 24 THE WITNESS: I don't think so.
 25 MR. WHITTINGTON: -- in our case where Kurt --

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1 MR. WONG: All right.
 2 MR. WHITTINGTON: So, I apologize for that,
 3 but...
 4 MR. WONG: I have no comment with regard to
 5 anything that counsel just said.
 6 All I know is that these are documents that we
 7 subpoenaed, obtained and I'm asking the witness about
 8 them.
 9 **Q. (BY MR. WONG) Do you recall, Ms. Elliott,**
 10 **that in April of 2011 that Mr. Young, that is Kurt**
 11 **Young, was complaining about you trespassing?**
 12 A. No, sir. And I testified to that in court.
 13 **Q. Looking at the fourth page of Exhibit 39.**
 14 A. That would be Page 2 of 3?
 15 **Q. It's 2 of 2 and the production number at the**
 16 **bottom right-hand corner is --**
 17 A. 2 of 2.
 18 **Q. -- PA000271.**
 19 A. I am, yes.
 20 **Q. Looking at the first full paragraph, that**
 21 **sentence says: Kurt said he wanted to have (Andi**
 22 **Elliott) charged with trespassing of privacy, disturbing**
 23 **the peace and harassment. Do you see that?**
 24 A. I do.
 25 **Q. Does that refresh your memory that in April of**

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1 THE WITNESS: I know.
 2 MR. WHITTINGTON: -- had charged you with --
 3 And if you will recall, John Clements
 4 acknowledged in the hearing under oath that he had
 5 generated documents just prior to the trial supposedly
 6 relating back to --
 7 THE WITNESS: To these things. Yes, you're
 8 exactly right, yes.
 9 MR. WONG: I don't know if there was an
 10 objection there, but I would object to your coaching the
 11 witness.
 12 MR. WHITTINGTON: I'm not intending to coach
 13 her.
 14 I guess I'm astonished that these documents
 15 that you've been able to get out of the Jefferson County
 16 Sheriff's office; that we did not get when I defended
 17 her on the trespass case. These were requested.
 18 And I would just indicate to you that these
 19 have not been produced before.
 20 And there was testimony at that trial where
 21 Deputy Clements acknowledged that he had generated
 22 documents just prior to the trial, supposedly, a bunch
 23 that he had claimed he had done years before or months
 24 before.
 25 THE WITNESS: Yeah.

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1 **2011 that Mr. Young was complaining about you**
 2 **trespassing?**
 3 A. I've learned that through court.
 4 I learned that on 4/20, 2011 that some
 5 anonymous female had called in and made a complaint.
 6 And that's in Deputy -- John Clements
 7 testified that's why he went out there.
 8 And again, I'll reiterate, I didn't know who
 9 Kurt Young was. Did not know he had a horse, did not
 10 know he had dogs. Knew nothing about these people until
 11 after he signed a citation against me on July 24, 2011.
 12 **Q. So, this Incident Summary that refers to a**
 13 **report of April 2011 is the first time that you heard of**
 14 **Mr. Young making a complaint as to you with regard to**
 15 **trespass, disturbing the peace and harassment?**
 16 A. No, sir.
 17 **Q. Is that right?**
 18 A. No, sir. It was months later after I was
 19 cited. I knew nothing about this. Deputy Clements said
 20 that he called me. I have no information; nor could he
 21 prove anything in trial; nor could he produce anything
 22 in trial that documented that he called to trespass me.
 23 The lady that called in repeated -- and when
 24 we received the DVD, the recording from dispatch, the
 25 lady that called in had an Idaho accent. I don't have

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1 an Idaho accent. And during that call that precipitated
 2 this incident, she repeated -- and you can hear this on
 3 the recording -- that she did not want Andi Elliott
 4 involved. And she repeated that several times on that
 5 dispatch tape.
 6 I knew nothing about this.
 7 **Q. I'm sorry. So, what happened was that you**
 8 **learned about this accusation during your trespass trial**
 9 **in 2011?**
 10 A. Probably during the discovery phase, yes, sir.
 11 **Q. Of that case?**
 12 A. Yes, sir.
 13 **Q. And it was at that time that Officer Clements**
 14 **said that he had received this earlier complaint from**
 15 **Mr. Young about you allegedly trespassing?**
 16 A. "At that time" meaning during the trial?
 17 **Q. No. That is around April of 2011.**
 18 A. Okay. I'm a bit confused.
 19 **Q. All right. Let me -- I'm trying to understand**
 20 **your testimony.**
 21 A. Yes, sir.
 22 MR. WHITTINGTON: Let me stop you. I can try
 23 and help, but I'm not trying to testify.
 24 MR. WONG: No, no. Let me ask the witness.
 25 As you know, you're not under oath.

1 **during your 2011 trespass case.**
 2 A. Yes, sir.
 3 MR. WHITTINGTON: She learned of the
 4 allegations. I just want to make sure that you're not
 5 getting the misimpression that we had received these
 6 documents with the details of it.
 7 THE WITNESS: No, we hadn't. This is new.
 8 MR. WHITTINGTON: This is the first time we've
 9 seen these.
 10 THE WITNESS: And isn't there some
 11 repercussion?
 12 MR. WONG: Let me ask the court reporter to
 13 mark as next in order an Incident Report -- or Incident
 14 Summary and it refers to a report of July 24, 2011.
 15 (Exhibit No. 40 marked.)
 16 A. I have looked through this and it appears, as
 17 of this moment, that this is information that I have
 18 received before.
 19 **Q. (BY MR. WONG) And this is information that's**
 20 **set forth in Exhibit 40 that relates to your 2011**
 21 **trespass case, right?**
 22 A. Correct.
 23 **Q. And --**
 24 A. May I call your attention to something at the
 25 top here of the first page?

1 **Q. (BY MR. WONG) So, what I'm understanding you**
 2 **to be saying is that Officer Clements gave information**
 3 **during the course of your 2011 trespass case --**
 4 A. Yes, sir.
 5 **Q. -- that earlier Mr. Young had made a complaint**
 6 **about you trespassing around April of 2011; is that**
 7 **right?**
 8 A. Yes, sir.
 9 And plus, during that time, we had received,
 10 through the discovery process, information about this
 11 that --
 12 **Q. I understand.**
 13 A. -- I had no knowledge of.
 14 **Q. Okay.**
 15 MR. WHITTINGTON: You had not received this?
 16 THE WITNESS: No.
 17 MR. WHITTINGTON: I want to make sure he
 18 understands that, because I think the impression you're
 19 giving is that you had received this in discovery prior
 20 to your trial. You did not receive this.
 21 MR. WONG: Okay.
 22 A. Some of this information that you're asking
 23 about in 38 and 39 -- Exhibits 38 and 39 are completely
 24 new to me.
 25 **Q. (BY MR. WONG) Well, you learned about them**

1 **Q. Sure.**
 2 A. What is this "arrested" thing? I've never
 3 been arrested.
 4 **Q. So, let me ask you to turn to the page that**
 5 **has production number PA000539.**
 6 A. Okay.
 7 **Q. And you've seen this document before; have you**
 8 **not?**
 9 A. I have, yes, sir.
 10 **Q. And you saw it in connection with your 2011**
 11 **trespass case, right?**
 12 A. Correct.
 13 **Q. And did you understand that the information on**
 14 **that page, and what goes on until the third page of that**
 15 **document which ends with the production number PA000541,**
 16 **is a report from Officer Clements?**
 17 A. Yes, sir.
 18 **Q. And when was the first time that you saw this**
 19 **statement or report from Officer Clements?**
 20 A. I'm probably going to say through -- we
 21 obtained it through discovery.
 22 **Q. And did you see, when you saw it through**
 23 **discovery, that Officer Clements had said in the first**
 24 **page of that report, Page 1 of 3 with the production**
 25 **number of PA000539 as part of Exhibit 40, that there's a**

1 sentence in which he says, quote "I had previously
 2 trespassed Candace from Kurt's property on April 20,
 3 2011 at Kurt's request." End quote?
 4 MR. WHITTINGTON: What page was that, Counsel?
 5 I'm sorry.
 6 MR. WONG: It's the one that ends with the
 7 production number 539.
 8 A. Yes, I see that.
 9 Q. (BY MR. WONG) So, what Officer Clements is
 10 saying, that on April 20, 2011, Mr. Young had asked him
 11 to cite you for trespass on his property at that time,
 12 right?
 13 A. Okay. That was confusing.
 14 Q. Let me try it again.
 15 A. Okay.
 16 Q. So, this is a report by Officer Clements?
 17 A. Yes.
 18 Q. Regarding a report on July 24, 2011?
 19 A. Correct.
 20 Q. Right?
 21 A. Yes, sir.
 22 Q. And in connection with this report, you saw it
 23 in the course of discovery during your 2011 trespass
 24 case, right?
 25 A. Correct.

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1 Q. And this report includes a statement where
 2 Officer Clements said that he had previously trespassed
 3 you from Kurt Young's property on April 20, 2011 at Mr.
 4 Young's request?
 5 A. That's what the report states, yes.
 6 Q. And you're saying you weren't aware of that?
 7 A. No. I testified to that fact, and nor could
 8 the deputy prove that he had done so.
 9 Q. Well, he did write it in his report, didn't
 10 he?
 11 A. We have learned that Deputy Clements is not
 12 always truthful.
 13 Q. So, is it your position, Ms. Elliott, that the
 14 Jefferson County Sheriff's Office is out to get you?
 15 A. Definitely.
 16 Q. And accuse of you trespass wrongfully?
 17 A. Definitely.
 18 Q. And why would they do that?
 19 A. Why?
 20 Q. Yeah.
 21 A. Do you want the short version or the long
 22 version?
 23 Q. This one, I'd like the long version.
 24 A. Back in 2003-4, the Humane Society -- the
 25 Humane Society Upper Valley was called about some hounds

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1 in Menan. Menan is where Sheriff Olsen lives and Deputy
 2 Clements lived.
 3 And these hounds were in atrocious condition.
 4 I mean -- I don't have pictures of them here. And so,
 5 the -- so, Deb Coleman and I -- we were in the Humane
 6 Society together -- we went out with the officers.
 7 The complainant just wouldn't give up. In
 8 fact, he finally said that he was going to shoot the dog
 9 if the Jefferson County Sheriff's Department didn't do
 10 anything.
 11 So, we finally got the Jefferson County
 12 sheriff to go out and look at them. And Sheriff Olsen
 13 refused to do anything.
 14 There were six dogs -- there were six hounds
 15 and there was also a Chow mix and they were chained to
 16 barrels. And there was nothing but skin and bones, and
 17 they were in feces just everywhere.
 18 Then Dr. Bramwell went out because they asked
 19 me to accompany them.
 20 Dr. Bramwell and several of the deputies and I
 21 went out to Ben Juenke's house. And that's J-U-E-N-K-E.
 22 And Olsen wouldn't do anything.
 23 And so, finally, I said: Well, I'm just going
 24 to send the pictures to the media. And I did.
 25 Well, that just kind of set off a firestorm.

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1 Anyhow, we ended up going out late in the
 2 night and the dogs were turned over to the Humane
 3 Society Upper Valley and they were taken to Dr. Clark
 4 Kinghorn's and they received weeks and weeks and weeks
 5 of care because they were in such pathetic condition.
 6 Some required surgery. One, as I remember, had all of
 7 her organs pushed up through her diaphragm. It was sad.
 8 And so -- but because of that embarrassment --
 9 And then later on another situation, again in
 10 Menan, some horses belonged to a friend of Sheriff
 11 Olsen's and the neighbors told me -- and they had
 12 reported the horses many times. But once again, the
 13 sheriff was just ignoring them because they belonged to
 14 his friend.
 15 And I remember driving by one day and didn't
 16 -- I saw some horses out there, but I couldn't see
 17 anything from the roadway.
 18 And believe it or not, I don't trespass.
 19 And a few weeks later, I went by again and
 20 that's when I saw the horses that they were talking
 21 about. Horses that were stunted, horses' ribs were
 22 showing. Again, pathetic looking creatures. And
 23 Sheriff Olsen wouldn't do anything.
 24 So, not only did I send the pictures to the
 25 media, but I posted them online. Not on Facebook, but

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1 there was another site. And those things went
 2 worldwide.
 3 And as a result of that, the Sheriff's
 4 Department and the prosecutor's office got calls from
 5 all over the world; Germany and England.
 6 And the reason I know this is because Penny
 7 Shaul, the former deputy prosecutor, took me back into
 8 her office one day and was fussing at me.
 9 And I told her, I said: Penny, I had no idea.
 10 I said I just put them online.
 11 And Sheriff Olsen has never gotten over that.
 12 And in addition, on May -- I think it's
 13 May 1st, 2012, there was a candidates forum. This was
 14 when Sheriff Olsen was running for re-election. And
 15 there was a candidates forum at the Mustang Center in
 16 Roberts. And they had the audience write questions for
 17 the candidates.
 18 And there was some questions in there that
 19 were really embarrassing for Sheriff Olsen regarding
 20 animal welfare.
 21 And after the candidates forum was over, I
 22 went up to him and I said: I just want you to know I
 23 did not write those questions and I did not intend to
 24 embarrass you like that.
 25 He said: Well, your friends -- and he was

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1 referring to that situation where all those people
 2 called in about his not caring for those dozens of
 3 horses.
 4 And so, he still remembered that and he was
 5 still very bitter over that.
 6 Now, those horses in question, the ones that
 7 I, quote, went down the lane with the "Dead End" sign on
 8 it; the "No Trespassing" sign was on the right side of
 9 the lane. The horse in question was on the left side of
 10 the lane. But the -- there was a pasture on the right
 11 side of the lane. The "No Trespassing" sign was there,
 12 so you couldn't really see it from the roadway. All I
 13 saw was the "Dead End" sign and that's why I felt it was
 14 okay to go down there.
 15 Those horses went to the vet many, many, many,
 16 times. It cost that owner, the friend of Olsen's, a lot
 17 of money. He hasn't gotten over these things.
 18 And then again, with the Barbie case involving
 19 Raul Torres in 2009 when the deputy -- when Deputy
 20 Clements sent me out there -- and it's in his notes --
 21 when he sent me out there and we then waited -- and when
 22 I saw the seriousness of the dogs, she had a couple of
 23 broken legs and she was nursing puppies and had no
 24 shelter. It was snowing and subfreezing.
 25 My husband and I waited at the neighbor's

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1 property. We called a deputy to -- Deputy Sickinger
 2 came out. It took him about an hour-and-a-half to get
 3 there. So, we waited and waited. And Deputy Sickinger
 4 was walking up and said: The sheriff has already said
 5 we're not doing anything about the dogs.
 6 And I said: Look, I said, you can see she's
 7 hurt. Deputy Clements has already told me she's got a
 8 couple broken legs. I said, I will pay the vet bill. I
 9 said, let's just get her some help. I said, you have
 10 the legal authority to help this dog in need.
 11 And he said: Nope, the sheriff says we're not
 12 doing anything.
 13 And so, then I said: Well, is there anything
 14 that we can do? I said, we just can't walk away and
 15 leave her laying here by the side of the road.
 16 And he said: We're not doing anything.
 17 And I said: Okay. I said: Well, I said,
 18 then all I can do is go home and take the pictures --
 19 which my husband had been taking -- I said, all I can do
 20 is go home and send these pictures to the media.
 21 And Deputy Sickinger said: Well, you do what
 22 you gotta do. And then he said -- then he talked on his
 23 little thing on the shoulder and he said: And by the
 24 way, your trespass from the property. And if anybody
 25 even comes to the other side of the road, you will be

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1 charged with trespass. And that's what they did.
 2 So, the sheriff is very bitter and Deputy
 3 Clements is, too, because we've caught him in some lies.
 4 We've caught him doing things that are unethical. I've
 5 complained to Post about him. Made no bones about what
 6 they have done, what they have tried to do to me.
 7 But yet, still, as you pointed out earlier,
 8 they continue to call me for help. They refer others to
 9 me. And they, willingly, let me pay the vet bills for
 10 these dogs.
 11 **Q. Have you completed your answer?**
 12 **A. Yes.**
 13 **Q. And because of the things you've described,**
 14 **you claim that they have accused you of trespass**
 15 **wrongfully.**
 16 **A. Definitely.** And if you watch the DVD that's
 17 taken during this case on Kurt Young's property, you
 18 will see Deputy Clements state that they are out to shut
 19 me down.
 20 **Q. And they made those accusations against you**
 21 **prior to 2012, right?**
 22 **A. Yes, sir.**
 23 **Q. And do you recall --**
 24 **A. No, not prior to 2 -- 2012, yes. July 24,**
 25 **2011 was the Kurt Young case. Yes, sir.**

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1 **Q. Good. Do you recall them ever speaking to the**
 2 **media about your activities?**
 3 A. Yes.
 4 **Q. And tell me what you recall about that.**
 5 A. Sheriff Olsen wrote a -- I want to say an
 6 editorial for the newspaper saying before -- before even
 7 the case went to trial, that I was guilty of trespass.
 8 Robin Dunn went on the -- wrote an op-ed on
 9 June 2, 2000--and --
 10 MR. WHITTINGTON: Don't speculate.
 11 THE WITNESS: Okay.
 12 A. Anyhow, saying that I had trespassed before
 13 even a decision was rendered by the judge.
 14 MR. WHITTINGTON: What about Robin's letter
 15 afterwards?
 16 THE WITNESS: The letter that you responded to
 17 in the paper? Yes, that's the one.
 18 A. Yes, sir, that's it right there.
 19 **Q. (BY MR. WONG) Were those statements made**
 20 **prior to 2012?**
 21 A. Okay. This was -- that was the Barbie case.
 22 That would be 2009, 2000--and -- I think so. I could be
 23 getting my years confused because this is kind of all
 24 running together.
 25 But you should have the date right there.

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1 Dunn.
 2 A. So, it would be -- I believe the answer to
 3 your question is "yes."
 4 **Q. (BY MR. WONG) That is, they made such**
 5 **statements to the media prior to 2012?**
 6 A. Yes, sir. I think I'm correct in the date.
 7 **Q. Okay. And you've just referred to an**
 8 **article --**
 9 **Actually, let me finish this and we'll mark**
 10 **that in a moment.**
 11 A. Okay.
 12 MR. WONG: I'll ask the court reporter to mark
 13 as next in order a document called a Probable Cause
 14 Affidavit.
 15 (Exhibit No. 41 marked.)
 16 A. Are we finished with Exhibit No. 40 then?
 17 **Q. (BY MR. WONG) We may come back to it.**
 18 A. Okay.
 19 MR. WHITTINGTON: How many pages does your
 20 exhibit have? I have some here that don't seem like
 21 they're related. PA000100 through --
 22 THE WITNESS: Six pages.
 23 MR. WHITTINGTON: -- 105?
 24 MR. WONG: Yeah, that's what I have.
 25 MR. WHITTINGTON: Thanks.

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1 **Q. Well, what I'm getting at or what I want to**
 2 **confirm is that, prior to 2012, you believed that the**
 3 **sheriff and the prosecuting attorney in Jefferson County**
 4 **were out to get you and accusing you of trespassing**
 5 **wrongfully and making such statements in the media about**
 6 **you, right?**
 7 A. For quite a few years now, yes, sir.
 8 **Q. Prior to 2012?**
 9 A. Exactly what are you saying "prior to 2012"?
 10 Are you saying he wrote that editorial?
 11 **Q. No. I'm saying, you just explained to me that**
 12 **the sheriff and the prosecuting attorney had made**
 13 **certain statements to the media about you trespassing,**
 14 **right?**
 15 A. Correct.
 16 **Q. And that was prior to 2012, right?**
 17 A. I don't remember the date. I don't remember
 18 the year. It seems like, to me, it was June 2nd. It
 19 seems like that sticks in my mind.
 20 **Q. Of what year?**
 21 A. This was during the Barbie case, so it was --
 22 MR. WHITTINGTON: It was after the Barbie
 23 case.
 24 THE WITNESS: After the Barbie case.
 25 MR. WHITTINGTON: The one letter from Robin

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1 **Q. (BY MR. WONG) Have you ever seen Exhibit 41**
 2 **before?**
 3 MR. WHITTINGTON: Specifically which page? Do
 4 you mean the first page or...
 5 **Q. (BY MR. WONG) Any portion of Exhibit 41.**
 6 A. I don't recall this page number 103 with these
 7 black things on there. I don't know what those are.
 8 **Q. All right. Let's go through the document**
 9 **then.**
 10 **The first page is a document entitled Probable**
 11 **Cause Affidavit. And we're on Exhibit 41, right?**
 12 A. Yes, sir.
 13 **Q. And this relates to a Probable Cause Affidavit**
 14 **as to you, right?**
 15 A. Yes, sir.
 16 **Q. Signed by Officer Clements?**
 17 A. Oh, yes, sir.
 18 **Q. And Officer Clements is stating that there was**
 19 **probable cause, in his view, to cite you for trespassing**
 20 **and disturbing the peace, right?**
 21 A. Correct.
 22 **Q. And he explains in this Probable Cause**
 23 **Affidavit the reasons why he believed there was probable**
 24 **cause to cite you for trespass?**
 25 MR. WHITTINGTON: Before you ask her a

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1 question, can I consult with my client? Or do you want
 2 to finish the question?
 3 MR. WONG: I mean, there is a question
 4 pending.
 5 MR. WHITTINGTON: Okay. So, I won't.
 6 MR. WONG: Why don't you ask -- why don't we
 7 do this: Why don't we get an answer -- let's get an
 8 answer to the pending question.
 9 And if you want to consult with Counsel,
 10 please do.
 11 Would you read the question back, please?
 12 (The record was read.)
 13 A. And that was a question?
 14 Yes. A Probable Cause Affidavit would be --
 15 would furnish information as to why a person would be
 16 cited, yes.
 17 MR. WHITTINGTON: Now if I can just have a
 18 second with my client.
 19 MR. WONG: Why don't we take a short break and
 20 let you consult with your client and then we'll keep
 21 going.
 22 MR. WHITTINGTON: Appreciate that. Thank you.
 23 MR. WONG: Sure.
 24 (A recess was taken from 4:30 P.M. to
 25 4:36 P.M.)

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1 MR. WONG: All right. We're back on the
 2 record.
 3 Q. (BY MR. WONG) Looking at the second to the
 4 last page of Exhibit 41, there is an affidavit that is
 5 dated August 17, 2011.
 6 A. Yes, sir.
 7 Q. Have you ever seen this document prior to
 8 today?
 9 A. That particular page? Are you referring to
 10 that specific page, Page 104?
 11 Q. Yes.
 12 A. I believe that I have.
 13 Q. And did you understand that to be an affidavit
 14 that was signed by Amelia Sheets?
 15 A. Yes, I do.
 16 Q. And looking at the third numbered line in this
 17 affidavit, Ms. Sheets, one of the deputy prosecutors,
 18 stated that you were charged with trespass, right?
 19 A. I see that.
 20 Q. And that was a statement that she made on
 21 August 17, 2011, right?
 22 A. Did you say "she" or "you"?
 23 Q. She.
 24 A. She. Yes, sir.
 25 Q. So, as of August 17, 2011, this document is a

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1 statement by the prosecutor stating plainly that you
 2 were charged with trespass as of that time, right?
 3 A. I see that, yes, sir.
 4 Q. Do you know if that's a public record, this
 5 affidavit?
 6 A. I'm betting it is.
 7 Q. Why do you bet that it is?
 8 A. Because there are very few things that aren't.
 9 Q. So, in other words, this is a document that
 10 would be available to the public, right?
 11 A. Correct.
 12 Q. Showing that you were charged with trespass as
 13 of August 17, 2011, right?
 14 A. Correct.
 15 Q. And the Probable Cause Affidavit, do you know
 16 if that's a matter of public record?
 17 A. Yes, sir.
 18 Q. And how do you know that?
 19 A. Because I requested one.
 20 Q. I see. And how did you obtain it?
 21 A. The county sent it to me.
 22 Q. How did you request it?
 23 A. Public information request.
 24 Q. So, to your knowledge, any person would be
 25 able to request a copy of the Probable Cause Affidavit

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1 that's set forth in Exhibit 41?
 2 A. That is correct.
 3 Q. Prior to talking about this document, I asked
 4 you about statements made by the sheriff and the
 5 prosecuting attorney to the media prior to 2012. Do you
 6 recall that testimony, generally?
 7 A. Generally, yes, sir.
 8 Q. Do you recall the number of times in which the
 9 sheriff and the prosecutor made such statements to the
 10 media prior to 2012 about you?
 11 A. No, I don't.
 12 MR. WONG: Let me ask the court reporter to
 13 mark as next in order an Incident Report.
 14 (Exhibit No. 42 marked.)
 15 Q. (BY MR. WONG) Have you ever seen this
 16 document before?
 17 A. I can say with certainty number -- no, no, I
 18 haven't.
 19 THE WITNESS: Have you seen this? Huh-uh.
 20 Q. (BY MR. WONG) Looking at the second page of
 21 Exhibit 42, there is a report from -- what appears to be
 22 a report from Officer Clements regarding a communication
 23 he had with Kurt Young on September 8, 2011. Do you see
 24 that?
 25 MR. WHITTINGTON: I guess I'd object to the

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1 form of the question. It doesn't say that she was
 2 conversing with Kurt Young. Maybe I misunderstood your
 3 question.
 4 MR. WONG: I didn't say that.
 5 Q. (BY MR. WONG) Let me try it again. Looking
 6 at the second page of Exhibit 42, this purports to be a
 7 report from Officer Clements regarding a communication
 8 that he had with Kurt Young on September 8, 2011, right?
 9 A. Correct.
 10 Q. And Mr. Young is reported in saying that you
 11 had been harassing him and he had received threats from
 12 people on Facebook. Do you see that?
 13 A. For the first time in my life, yes.
 14 Q. Do you recall, in September of 2011, hearing
 15 that Mr. Young was complaining that you were harassing
 16 him?
 17 A. No. I know nothing about this.
 18 And I couldn't have been riding my bicycle
 19 past his house because I had a deteriorating hip at that
 20 point and I wasn't doing any riding off the grounds.
 21 MR. WONG: Let me ask the court reporter to
 22 mark as next in order an Incident Summary.
 23 (Exhibit No. 43 marked.)
 24 Q. (BY MR. WONG) Have you ever seen Exhibit 43
 25 before?

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1 A. Absolutely not.
 2 MR. WHITTINGTON: Isn't this the same thing
 3 that we just saw in 42, the second page?
 4 MR. WONG: Well, the second page may be, but
 5 the first page is an Incident Report.
 6 Q. (BY MR. WONG) You would agree, would you not,
 7 Ms. Elliott, that the first page of Exhibit 43 refers to
 8 a report made on September 8, 2011 by Kurt Young against
 9 you, right?
 10 A. Is this just a different form of the same
 11 information on Exhibit 42?
 12 Q. Answer my question, Ms. Elliott.
 13 MR. WHITTINGTON: She was trying to understand
 14 your question.
 15 A. I'm trying to clarify. I'm asking for
 16 clarification.
 17 Q. (BY MR. WONG) All right. Let me see if I can
 18 clarify. You're looking at Exhibit 43, right?
 19 A. Correct. Yes, sir.
 20 Q. Looking at the first page of Exhibit 43 called
 21 an Incident Summary, have you ever seen that before?
 22 A. No.
 23 Q. Now, looking at the description, it says: RP,
 24 referring to Kurt Young, has questions on getting a
 25 protection order to keep neighbor off his property. Do

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1 you see that?
 2 A. I see it.
 3 Q. Have you ever heard that Mr. Young was
 4 interested in getting a protective order to keep you off
 5 his property?
 6 A. No, nothing like that ever came up during our
 7 trial.
 8 Q. So, this is the first time you've ever heard
 9 of that?
 10 A. Absolutely.
 11 MR. WONG: Let me ask the court reporter to
 12 mark next in order an article called Heeding the 4th
 13 Amendment.
 14 (Exhibit No. 44 marked.)
 15 Q. (BY MR. WONG) So, Ms. Elliott, this is an
 16 article that's well familiar to you?
 17 A. Oh, yes. Yes, sir.
 18 Q. And there is writing on the upper right-hand
 19 corner?
 20 A. Correct.
 21 Q. And can you tell me whose handwriting that is?
 22 A. It looks to be mine.
 23 Q. And can you read in the record what you wrote?
 24 A. Post Reg, R-E-G, 6/2000-and -- it looks to be
 25 an "11" sticking out there.

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1 Q. And what does that mean?
 2 A. That it would have been an article printed in
 3 the Post Register, which is the major newspaper in our
 4 area. And that it was -- that it appeared June 2nd of
 5 2011.
 6 Q. And this was written by a guest columnist,
 7 that is, Jefferson County prosecuting attorney, Robin
 8 Dunn?
 9 A. Correct.
 10 Q. About a number of subjects, including you,
 11 right?
 12 A. Yes, sir.
 13 Q. And this is among the discussion with the
 14 media that you were referring to prior to 2012, correct?
 15 A. Yes, sir.
 16 Q. Do you recall ever conducting a so-called
 17 "welfare check" in which the results were that there was
 18 no basis for the complaint?
 19 MR. WHITTINGTON: Meaning no basis for a
 20 complaint to be charged against the owner? Or no basis
 21 for someone making a complaint about the animals?
 22 A. You mean no cruelty charges being filed? Is
 23 that what you're referring to?
 24 Q. (BY MR. WONG) You obviously would like some
 25 clarification. Let me see if I can clarify.

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1 **Do you recall ever being involved in asking**
 2 **for a welfare check of an animal in which the**
 3 **investigation resulted in a finding that there was no**
 4 **basis for any claim of animal cruelty or neglect?**
 5 A. Yes, yes. I will receive calls at times,
 6 especially neighbors -- neighbor situations, and I'll --
 7 you know, I always ask them to contact the Sheriff's
 8 Department; but, you know -- and I will let the
 9 Sheriff's Department know, you know, sometimes I think
 10 this is just a neighbor thing and that. You know, that
 11 if I had driven by and seen, if I don't see anything, I
 12 let the Sheriff's Department know that.
 13 MR. WONG: Let me ask the court reporter to
 14 mark a group of documents that is a compilation of
 15 various documents; the first one bearing the production
 16 number PA000421. It's entitled Incident Summary.
 17 (Exhibit No. 45 marked.)
 18 A. Some of these things are illegible.
 19 **Q. (BY MR. WONG) Let me -- because of the**
 20 **shortness of time today, we'll come back to this.**
 21 **Let me ask you to look at the page that has**
 22 **the number 406 at the bottom right-hand corner. I**
 23 **believe it's the fourth page of the document.**
 24 A. Yes, sir.
 25 **Q. Do you recall making a report on November 21,**

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1 A. I am not aware of this. I see it printed
 2 there, but I have not been made aware of this.
 3 **Q. Do you recall, in 2007, an officer with the**
 4 **Jefferson County Sheriff's Office telling you that they**
 5 **have a problem with you using them to harass Jefferson**
 6 **County residents over animals when the animals are fine?**
 7 A. Realize that I was president of the Humane
 8 Society Upper Valley and realize that the Humane Society
 9 got a lot of complaints from all over the valley. Okay?
 10 MR. WONG: Move to strike as nonresponsive.
 11 Would you read my question back, please?
 12 (The record was read.)
 13 A. No, I don't.
 14 **Q. (BY MR. WONG) Look at the next page. There**
 15 **is an Incident Report that supposedly occurred on**
 16 **November of 2007, right?**
 17 A. The same date as before, yes, sir.
 18 **Q. And would you agree with me in the**
 19 **"description" that the officer said that he went to look**
 20 **at the animals and they were all in great shape. Do you**
 21 **see that?**
 22 A. I do.
 23 **Q. Would you agree with that statement?**
 24 A. Well, if you look back on page 000406, two
 25 dogs chained in yard with no shelter.

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1 **2007 regarding Jacqueline Williams?**
 2 A. No, sir.
 3 **Q. Looking at this Incident Summary that's part**
 4 **of Exhibit 45, do you see the description that's set**
 5 **forth in this report that says: This is the second time**
 6 **I've received a complaint from Andi Elliott about the**
 7 **subject animals and each time I find the claims are**
 8 **invalid. Do you see that?**
 9 A. I do.
 10 **Q. Was that a true statement in 2007?**
 11 A. That he made the statement?
 12 **Q. Yes.**
 13 A. Well, it's written here, so I would assume
 14 that he -- that it is.
 15 MR. WHITTINGTON: I'm not sure you're
 16 understanding the question.
 17 MR. WONG: I think she perfectly understood
 18 it.
 19 **Q. (BY MR. WONG) The next sentence says: The**
 20 **owner of the animals stated that he is tired of being**
 21 **harassed by this lady (Andi Elliott.) Do you see that?**
 22 A. Yes, sir, I do.
 23 **Q. Does that refresh your memory that in 2007**
 24 **there was a Jacqueline Williams that stated that she was**
 25 **tired of you harassing her?**

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1 The officer references on 407 that the animals
 2 were in great shape.
 3 Well, they may have been in great shape, but I
 4 think the request was, did they have shelter?
 5 Am I correct?
 6 **Q. Well, if you look at that same report, which**
 7 **is the report with the production number 406, there's**
 8 **the words: Two dogs chained in yard with no shelter.**
 9 **And the next word is unfounded. Do you see that?**
 10 A. I see that.
 11 **Q. Does "unfounded" mean to you that there was no**
 12 **basis for the complaint?**
 13 A. If you read on further, you see --
 14 **Q. Can you answer my question, Ms. Elliott?**
 15 MR. WHITTINGTON: I think she's trying to
 16 answer your question.
 17 **Q. (BY MR. WONG) Is that what you understand**
 18 **"unfounded" to mean in that context?**
 19 A. If you're trying to take it out of context,
 20 yes.
 21 But if you'll read further, you'll see that
 22 the officer said the animals are fine.
 23 And he says on the next page, the animals are
 24 in fine condition; where the complaint was about they
 25 have no shelter.

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1 **Q. Let's go to the page which ends 405. And on**
 2 **that particular page, that involves a complaint made on**
 3 **December 14, 2007, right?**
 4 A. Yes, sir.
 5 MR. WHITTINGTON: Where is it?
 6 THE WITNESS: 405.
 7 MR. WHITTINGTON: Oh. PA000405? Is that what
 8 you're talking about?
 9 MR. WONG: Right.
 10 **Q. (BY MR. WONG) In the description section of**
 11 **that report, it says that -- the second to the last**
 12 **sentence of the paragraph: Complaint is unfounded.**
 13 **Right? That's what that says?**
 14 A. Yes. I see that, yes.
 15 **Q. And it also says that Officer Clements advised**
 16 **you that the horses showed no signs of abuse, right?**
 17 A. Yes, it does say that.
 18 **Q. We'll come back to this document.**
 19 Let me ask you about a couple of others so
 20 this will lead us for, hopefully, complete documents
 21 tomorrow.
 22 So, in your prior deposition, you were asked
 23 some questions about certain documents.
 24 MR. WONG: For the record, let me have this
 25 marked as a separate exhibit.

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1 This is a group of documents, the first page
 2 bears the production number of PLP001128. Last page
 3 bears the number PLP001136.
 4 (Exhibit No. 46 marked.)
 5 THE WITNESS: Can we not do anything about
 6 this?
 7 MR. WHITTINGTON: Well, he asked you some
 8 questions about it. It's 24. It's an exhibit.
 9 THE WITNESS: Okay.
 10 MR. WHITTINGTON: I'm not sure if I understand
 11 the questions, but --
 12 MR. WONG: Then I'll ask the court reporter to
 13 mark as Exhibit 47 a document which is entitled Account
 14 History.
 15 (Exhibit No. 47 marked.)
 16 **Q. (BY MR. WONG) Now, Ms. Elliott, you've seen**
 17 **both of these documents previously.**
 18 A. Correct.
 19 **Q. But I am having them marked so that we can**
 20 **keep track of them for the deposition.**
 21 **Exhibit 46 you previously testified was a**
 22 **check ledger, right?**
 23 A. Correct.
 24 **Q. And this is a check ledger for what account?**
 25 A. Wells Fargo Bank and then it was moved to

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1 Scenic Falls Credit Union. Is that what you needed to
 2 know?
 3 MR. WONG: Can you repeat that, please?
 4 (The record was read.)
 5 **Q. (BY MR. WONG) Looking at Exhibit 46, this is**
 6 **the check ledger for a Wells Fargo account.**
 7 A. Yes, sir.
 8 **Q. Who's the account holder?**
 9 A. That would have been me.
 10 **Q. You, personally?**
 11 A. Yes, sir.
 12 **Q. So, this is your checking account?**
 13 A. Correct.
 14 **Q. At that time at Wells Fargo?**
 15 A. Part of it, yes, sir.
 16 **Q. When you say "part of it," what do you mean?**
 17 A. Well, at one point it was moved over to Scenic
 18 Falls Credit Union.
 19 **Q. I promise we're going to get to that.**
 20 **So, let's stick with Wells Fargo.**
 21 A. Okay.
 22 **Q. So, this is your check ledger for Wells Fargo?**
 23 A. Okay.
 24 **Q. And this is on your personal checking account,**
 25 **right?**

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1 A. Yes.
 2 **Q. And during what period did you have this**
 3 **checking account?**
 4 A. Well, let me -- yes, sir. Okay. I'm sorry,
 5 say again?
 6 **Q. During what period did you have this checking**
 7 **account?**
 8 A. About January -- I see dates of January '11
 9 back to '09. Okay. Did I not answer that?
 10 **Q. You did not. So, let's try it again.**
 11 **During what period did you have a Wells Fargo**
 12 **checking account?**
 13 A. I see dates here from January of '11 going
 14 back to -- oh, actually, '08.
 15 MR. WHITTINGTON: 2008 to --
 16 A. To 2011, it looks like.
 17 **Q. (BY MR. WONG) So, this --**
 18 A. Excuse me. Then I also have a notation made
 19 up here on the last page. It goes from December '05 to
 20 May of 2011.
 21 **Q. Now that you've had an opportunity to say**
 22 **these things from the record, what is your best**
 23 **recollection as to when you had a Wells Fargo checking**
 24 **account?**
 25 A. Well, I'll have to go by what is written up

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1 here on the last page, 2005 to 2011.
 2 **Q. So, you believe that this is a complete check**
 3 **ledger for a personal checking account that you had with**
 4 **Wells Fargo from January 2005 to January 2011; is that**
 5 **right?**
 6 A. Yes, sir.
 7 **Q. And you believe this is complete for that**
 8 **period?**
 9 A. I do.
 10 **Q. With regard to the For the Love of Pets**
 11 **Foundation, did that foundation have a separate bank**
 12 **account?**
 13 A. I don't recall whether it did. I don't think
 14 it did with Wells Fargo.
 15 It does with Scenic Falls Credit Union, which
 16 is why it's so confusing.
 17 **Q. All right. So, if I understand correctly, For**
 18 **the Love of Pets Foundation, they never had a Wells**
 19 **Fargo checking account, right?**
 20 A. I hesitate to say "never."
 21 **Q. All I can ask is your best recollection.**
 22 A. My best recollection is I don't think so.
 23 **Q. And so, let us take a look at Exhibit 47.**
 24 A. Okay.
 25 **Q. Now, you've identified Exhibit 47 previously**

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1 as associated with Scenic Falls Federal Credit Union,
 2 right?
 3 A. Yes, sir.
 4 **Q. So, tell me what this document reflects.**
 5 A. A transaction history from June 2011 to
 6 May 2014.
 7 **Q. And so, this is a checking account that**
 8 **reflects the deposits and withdrawals and checks drawn**
 9 **as to that account?**
 10 A. Yes, sir.
 11 **Q. And who's the account holder?**
 12 A. For the Love of Pets. That's the name on the
 13 account, yes.
 14 **Q. So, this is an account in the name of For the**
 15 **Love of Pets Foundation, right?**
 16 A. Yes, sir.
 17 **Q. And how long has this account been in**
 18 **existence?**
 19 A. June 2011 through the current period.
 20 **Q. And when you say "the current period," I note**
 21 **that in terms of the effective date of checking the last**
 22 **entry here is May 5, 2014.**
 23 A. Correct. I would have printed these off for
 24 the deposition in June.
 25 **Q. Are there -- has there been a subsequent**

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1 history?
 2 A. Yes, sir.
 3 **Q. Can we have that produced tomorrow?**
 4 A. I will bring that along with the QuickBooks.
 5 **Q. All right. And just one last question for**
 6 **tonight.**
 7 You said that it was June 2011. I note that
 8 there is some entries here, looking at the last page of
 9 Exhibit 47, that refer to December of 2010. Last page.
 10 A. Last page. You're right. I missed that.
 11 **Q. So, now can you explain to me --**
 12 Well, let me ask it this way, Ms. Elliott:
 13 Looking at the first page of Exhibit 47 in the upper
 14 right-hand corner, I take it that's your handwriting?
 15 A. Correct.
 16 **Q. And tell me what you wrote.**
 17 A. The wrong date.
 18 **Q. Well, just read it into the record.**
 19 A. June 2011 through May 2014.
 20 **Q. Well, you wrote: Scenic Falls Fed Credit**
 21 **Union, June 2011-May 2014, right?**
 22 A. Correct, I did.
 23 **Q. And that was incorrect?**
 24 A. That is incorrect now that I see that. Yes,
 25 sir. You're right.

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1 **Q. Because the account began December 1, 2010,**
 2 **right?**
 3 A. That is right. Yes, sir.
 4 **Q. And it's your testimony that this is an**
 5 **account in the name of For the Love of Pets Foundation?**
 6 A. Correct.
 7 **Q. And is this the first and only account in the**
 8 **name of For the Love of Pets Foundation?**
 9 A. The first was -- it may be so.
 10 **Q. Okay.**
 11 MR. WONG: Why don't we adjourn for the
 12 evening.
 13 And again, Ms. Elliott, I think it's clear
 14 that there are some additional documents that you are to
 15 produce to us; namely, QuickBook records you've
 16 testified to previously that --
 17 THE WITNESS: Yes.
 18 MR. WONG: -- to my knowledge, we have not
 19 received.
 20 And then also an up-to-date account history
 21 with regard to Exhibit 47.
 22 THE WITNESS: Correct.
 23 MR. WONG: Okay. We'll see you tomorrow at
 24 11:00 o'clock. Drive safely.
 25 THE WITNESS: You, too. Thank you.

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<p>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</p>	<p>(The deposition concluded at 5:09 P.M.) (Signature waived.)</p>	
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<p>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</p>	<p>DECLARATION UNDER PENALTY OF PERJURY</p> <p>I, CANDACE ELLIOTT, do hereby certify under penalty of perjury under the laws of the State of Idaho that I have read the foregoing transcript of my deposition taken on November 13th, 2014; that I have made the necessary corrections, additions or changes to my answers that I deem necessary; that my testimony as contained herein, as corrected, is true and correct.</p> <p>Executed this _____ day of _____, 2014.</p> <p>_____ CANDACE ELLIOTT</p>	
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1 CORRECTION CERTIFICATE

2

3 I, CANDACE ELLIOTT, do hereby certify that I have
4 read the foregoing statement and that, to the best of
5 my knowledge, said statement is true and accurate
6 (with the exception of the following changes listed
7 below):

8 PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____
21	_____	_____	_____
22	_____	_____	_____

23
24

25 _____
CANDACE ELLIOTT

REPORTER'S CERTIFICATE

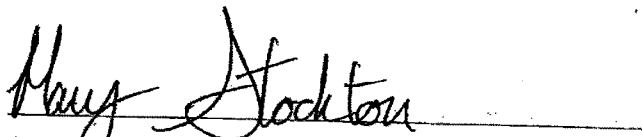
I, MARY (RAINEY) STOCKTON, CSR No. 746,
Certified Shorthand Reporter, certify: That the
foregoing proceedings were taken before me at the time
and place therein set forth, at which time the witness
was put under oath by me;

That the testimony and all objections made were
recorded stenographically by me and transcribed by me or
under my direction;

That the foregoing is a true and correct record
of all testimony given, to the best of my ability;

I further certify that I am not a relative or
employee of any attorney or party, nor am I financially
interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this
3rd day of December, 2014.



MARY (RAINEY) STOCKTON, CSR

Notary Public

P.O. Box 2636

Boise, Idaho 83701-2636

My commission expires February 3, 2017

Exhibit 3

Andi Elliott September 18, 2011

To: Idaho State Police Headquarters

700 S Stratford Drive

Meidian, Idaho 83642

Re: Citizen Harassment by Sheriff Blair Olsen and Prosecutor Robin Dunn

Jefferson County, Idaho

Dear Sir:

For the third time in a handful of years, I have been charged with trespass by the Sheriff and Prosecutor. The first time involved some half-starved horses belonging to a friend of the Sheriff in Menan, where Olsen lives. Neighbors had made repeated complaints to the Sheriff's Department that went unheeded. Eventually, I was called (I am a life-long animal welfare advocate and been involved in animal cruelty cases for decades.)

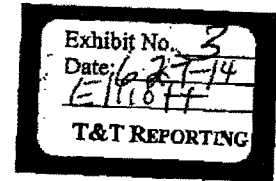
While obtaining pictures of the starved horses, I drove down a gravel and dirt lane with a dead end sign posted on it. Thinking there was a turn around, I drove down the lane and took pictures which I sent to the state vet who immediately responded and the dozens of horses were put under the care of a local veterinarian. The story went nationwide and it caused a great deal of embarrassment for Olsen and Dunn.

I was charged with trespass and while the jury was being selected then Prosecutor Penny Shaul spoke with my then attorney, Mike Gaffney and told him that they were only prosecuting the case because it was "Andi" as most of these situations would have resulted in a warning. Mrs. Shaul also said that if Jefferson County were to prosecute me successfully that they would be perceived poorly by the public and if I were to win, JC would refuse to work on enforcing state animal cruelty laws. She said that if I were to "settle" they would set up a procedure to handle county animal cruelty and neglect cases. They did not keep their word.

Also, for a misdemeanor trespassing charge, Mrs. Shaul indicated to me personally that they had examined aerial photographs of my home. Is this standard operating procedure for a trespassing charge?

NOTE: Even with a veterinarian's statement, as required by Idaho Law, no animal cruelty charges were filed against the owner.

In 2009/2010, again I was charged with trespassing after having been sent out by the Jefferson County Sheriff's Department to offer assistance for a mother dog with multiple broken legs left in the cold and snow nursing 7/8 puppies for 5 days. This was later amended to a "trespassing" by agency charge since



the first charge was ridiculous. Olsen and Dunn, after six months of court appearances, filed a Motion to Dismiss containing utterly absurd reasons which my attorney immediately protested. Dunn and Olsen capitulated and the case was dismissed.

This was after Olsen wrote an editorial that appeared in the local newspaper and Dunn called a radio talk show host to discuss my case calling me Southern White trash, a hillbilly from Tennessee and a bigot, WHILE IT WAS AN ACTIVE CASE. And Dunn admitted that he was biased against me to the talk show host (heard in 18 states) and Olsen stated in his editorial that I was guilty and we hadn't even gone to trial yet. It's totally inappropriate and prejudicial for a sheriff and prosecutor to behave in such a reckless manner without regard to my Constitutional protections.

Over the years, I have been told as I go about my business in Jefferson County to "watch my back", that Dunn is "out for blood", to be sure that no one has a chance to "plant drugs" in my possession (I barely know what drugs look like). One of the members of the reserve sheriff's association told a friend of mine that Olsen is still angry over the national publicity received on the horse starvation case in Menan. (Folks from all over the world bombarded Olsen and Dunn's offices for a week...the Deputy Prosecutor, Penny Shaul, personally told me this.)

Again, a national embarrassment for Olsen and Dunn and again, no cruelty charges were filed even with a veterinarian's statement of bones/legs broken in four places.

The complainant told the rescuer that came to take the dog to the vet (Olsen charged him with felony grand theft) that he didn't charge "Andi" but that it was the sheriff. There is evidence that Olsen "coaxed" the complainant and a person who called in to a local radio talk show, said on air that it was common knowledge in Menan that Olsen had threatened to charge the owner of the animal IF he didn't sign a complaint against me.

Both of the latter times, my husband was with me as a witness and he was not charged. There was also a trespass charge against a Channel 3 reporter that strangely "disappeared".

Now, July/August of 2011 and once again I have been charged with trespass and I have NEVER been on the complainant's property and now they say I returned to the property. This is ludicrous. And the timing is also suspect as in mid-July, I made public that my book about the mother dog with broken legs was ready to be published which is certainly not favorable to Olsen and Dunn as it reveals their attempts to manipulate, distort and hide the facts of the case. Shortly thereafter, I was charged for the third time.

Please note: Other than minor traffic infractions (speeding), I have managed to have go a lifetime without a criminal record. I work successfully with officers/deputies in other counties on cruelty cases all the time even currently. Olsen and Dunn have repeatedly refused to enforce Idaho's animal cruelty laws which is negligence of duty on their part and in such cases, not only have I contacted the state vet but also the media. Currently, they are trying to place a "gag order" on me for speaking with the media.

All of this was preceded by a personal phone call from Sheriff Olsen to me at my home a couple of years after the Menan dog starvation case of 2003/04 (another embarrassment for Olsen) in which he told me four things: I was a newcomer (I moved here in 2001), I was unwelcomed in Jefferson County, to butt out of the animal cruelty business, and that I failed to understand how things were done here in Idaho. Unfortunately, I understand all too well.

As you can tell, this situation has gone on for years now and I have pictures, names, and dates and just about anything you could want in regards to these situations. We have, in Jefferson County, a sheriff and a prosecutor who fail to uphold the law and are intent upon punishing anyone that forces them to do so...they are out of control and in their blind hatred of me are themselves infringing upon the law.

And if this doesn't suffice for a request for a formal investigation, please inform me of the protocol and I will comply promptly. These county officials are infringing on my Constitutional rights; they have repeatedly attempted to intimidate and silence me as they also have Channel 3 TV. They have attempted to destroy my reputation. It is time that they are stopped.

Thank you for your prompt attention to this matter. I'll be looking forward to your reply and will also inform my attorney and hope that he won't be angry.

Sincerely,

Andi Elliott

2498E 2100N

Hamer, ID 83425

662-5808

September 18, 2011 at 7:27pm · 1

Exhibit 6

Exhibit No. 6
Date: 6-27-14
Elliott
T&T REPORTING

GUEST LETTERS

Can't resist the opportunity to look stupid

To The Editor, The Jefferson Star:

Just like clockwork, about every two years Sheriff Olsen and Prosecutor Dunn charge me with trespass. If that doesn't work, then it's trespass by agency, meaning I sent someone else out there. It's happened twice before.

This time it's one of my neighbors in Hamer who lives right down road from me. I didn't know he existed and I have never been on his property, but I'm betting he thinks I'm the one that filed a complaint about his ragged looking horse.

No, sir, it wasn't me, but your neighbors, a couple of them, as I was told again last night. I didn't even know about it until the deputy told me your horse was in poor shape. I did see the

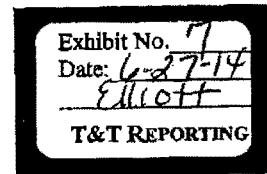
pictures posted by someone on Facebook though, but it wasn't me.

I'm including this case in my latest book. I just finished one about the mother dog with broken legs, and I've got time now to concentrate on a new one.

I received a call from Olsen himself a few years back telling me that I was unwelcome in Jefferson County and to butt out and that I didn't understand how things were done in Idaho. It looks like our county officials could focus on enforcing Idaho's sparse animal cruelty laws instead of, as a friend said, "being incapable of resisting the opportunity to look stupid." Perhaps third time's the charm.

Andi Elliott
Hamer

Exhibit 7



Andi Elliott

July 9.

Once again and for the third time, the Jefferson County Sheriff's Department and the Prosecutor's Office have failed to prove me guilty of trespass...so I wrote this little parody.

SAM I AM Parody

I do not trespass Sam I am

I do not trespass here or there

I do not trespass anywhere

Not in the gutter nor in the yard

Taking pictures from the roadway isn't hard

No matter what the people say

The horses there they need more hay

When ribs from the roadway can be seen

It means the horses are way to lean

You say "these horses are just fine"

Then why can hip bones be seen from behind?

Their hooves are long and in need of care

No wonder people stop and stare

It matters not what people say

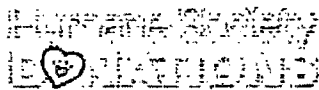
The pictures show the truth, don't they?

So Sam I am, I tell you true

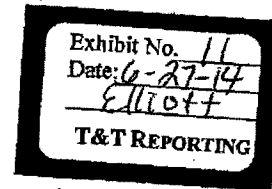
The liar in this case is you!

Exhibit 11

HSUS Facts Sign Petition Take Survey Where To Donate Local Shelters Speak Blog About Us



Who is HSUS really protecting?



The Blog



Who is HSUS really protecting?

Feb 6th No Comments by Kathy Gilbert

For those of us who think that the most powerful animal protection organization in America devotes its time protecting and caring for animals, we are gravely mistaken. Apart from spending less than 1% of their fundraising in the actual care of animals, the animal activist group supports the euthanasia of animal protection—Gas chambers, Michael Vick and euthanasia.

Gas chamber is a draconian method of legally killing an animal. As the name suggests, animals are piled up in a chamber and the chamber is filled with poisonous carbon monoxide gas until the animals drop dead. While the practice is legal in 32 states, most states ban it for dogs and cats. In June 2012, HSUS gave Davidson County Animal Shelter a "Shelter We Love" award. The Davidson County shelter had an 88% kill rate in 2010 and they are said to euthanize using gas chambers! In fact, Davidson County not only gasses animals, they are said to have allegedly gassed young and sick animals.

There is not an animal lover in this country who has not heard and learned with disgust about the misdoings of Michael Vick, former Falcons quarterback. In 2007 Vick pleaded guilty of felony charges of running an illegal dog fighting ring for five years. The day after Vick's arrest, HSUS began their online fundraising campaign for the care of the dogs rescued from Michael Vick. But a short while later, HSUS CEO, Wayne Pacelle recommended the authorities to "put down" the dogs. Once Vick was released from prison, HSUS and Wayne Pacelle were seen championing the cause of Michael Vick as a dog owner! Humanewatch.org recently ran a full page ad in the New York Times, where they blew the lid off a scandal involving convicted dog-fighting kingpin Michael Vick, a \$50,000 check from the Philadelphia Eagles, and Humane Society of the United States CEO Wayne Pacelle. In October 2012 when Michael Vick confirmed to reporters that he was a dog owner again, Wayne Pacelle said, "He would do a good job as a pet owner"

We have seen and witnessed HSUS's alleged deception. As HSUS have made claims and referenced the number of animals being euthanized in the US, they brazenly continue to donate less than 1% of their fundraising for the local shelters taking care of such animals in need. In this video, Jenna Effman specifically states, "The fact is each year over 3 million innocent animals, like Daisy, are destroyed in shelters across America because they cannot find a loving home to adopt them. That's over 6000 animals lost every day... 350 lives every hour! But it is not just dogs and cats that need your help, the HSUS helps ALL ANIMALS whenever they are in need. That is why I am asking you to become a monthly supporting member of the Humane Society of the United States"

Enter a search term... SEARCH

Have You Helped An Animal Lately? Donate Now!

HSUS: Lawyers in Cages



Discussion Topics

Most popular topics Topics with no replies

If you can help save an animal's life for just \$19 a month, why hasn't the \$122 Million donations received by HSUS in 2011, helped save these animals? Why was less than 1% of their fundraising given to local shelters providing for the direct care of these animals? By ignoring to help the local shelters who are involved in the daily care of these abandoned animals, HSUS is actually supporting the euthanasia of these animals.

Comments

Name

Email

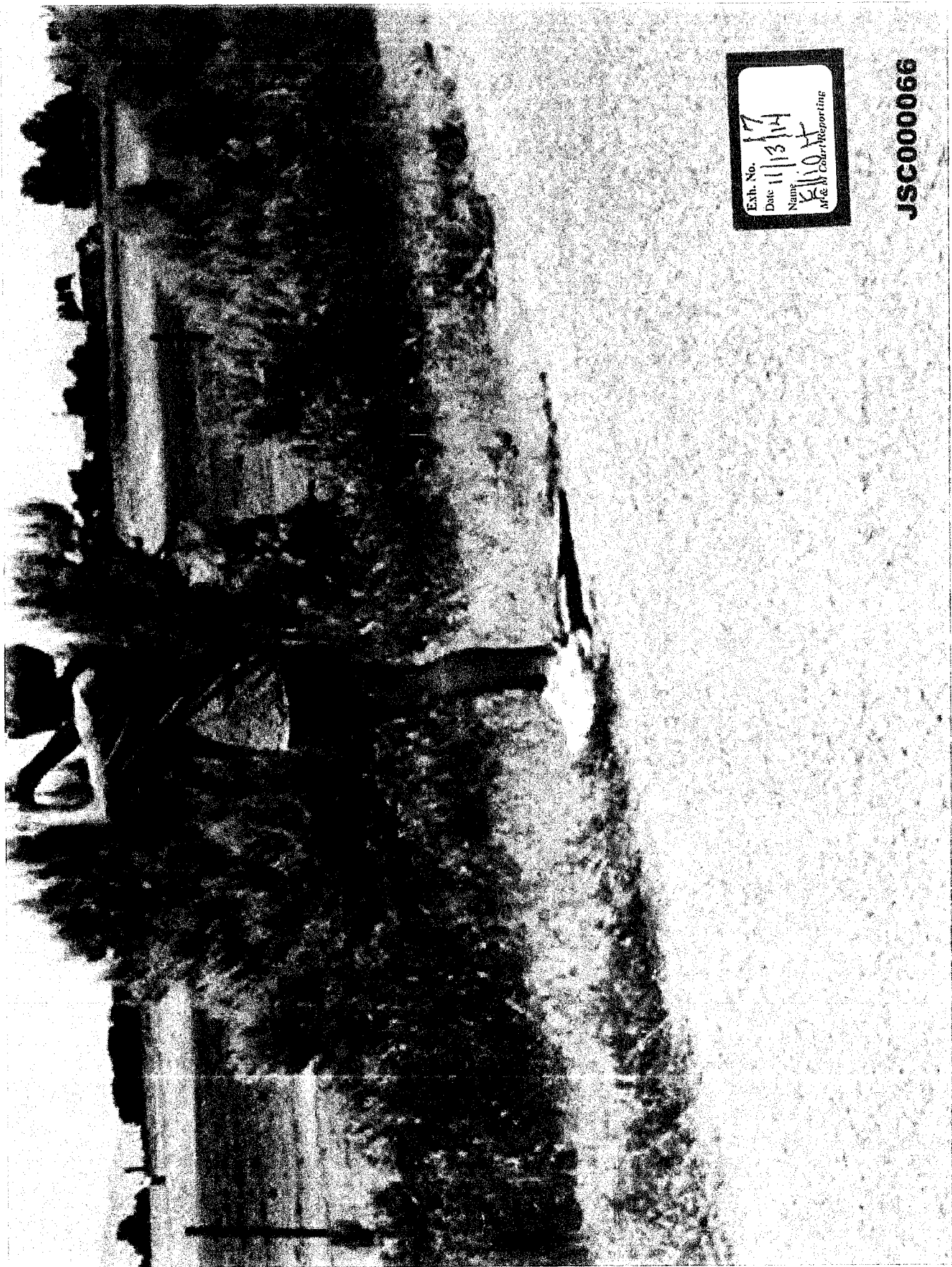
Website

Comment

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The information provided by this website is not legal advice. HumaneSocietyDonations.org is not a law firm. No confidential relationship and/or attorney-client relationship is formed by use of the site. HumaneSocietyDonations.org does not recommend or endorse any particular lawyer or their qualifications.

Exhibit 17



Exh. No. 17
Date 11/13/14
Name E. J. O'H
M&A Dept Reporting

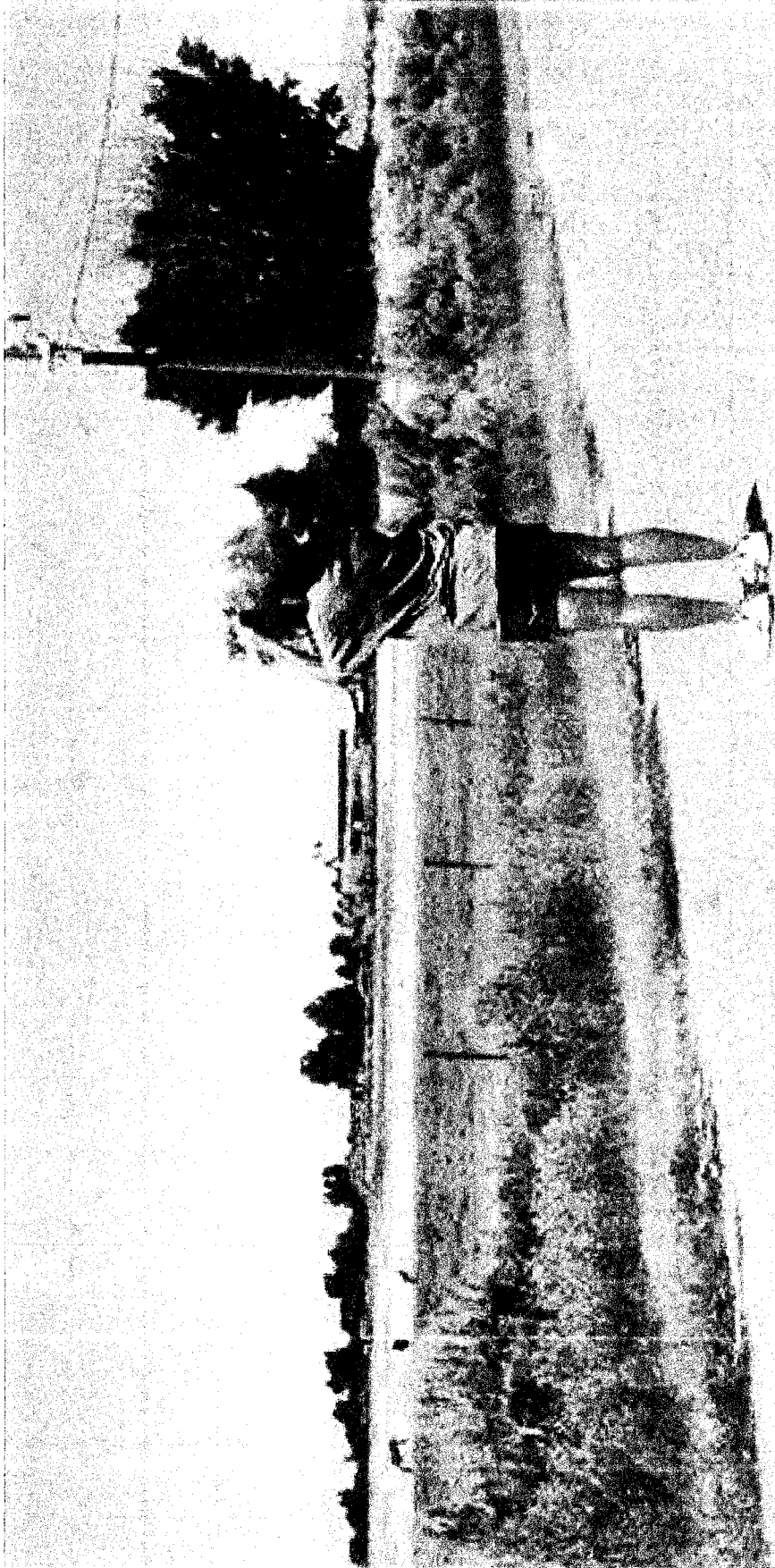
JSC000066

Exhibit 18

Exh. No. 18
Date 11/3/14
Name E. J. Hoff
of or by Court Accounting

152000030

Exhibit 19



Exh. No. 19
Date 11/2/14
Name Elliott
M & M Court Reporting

JSC000059

Exhibit 20

Date: 7/18/2014

Seventh Judicial District Court - Jefferson County

User:
COUNTER

Time: 02:55 PM

PARTY HISTORY

Page 1 of 1

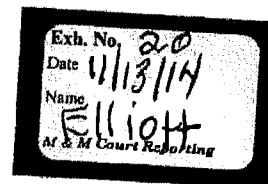
Cases

Elliott, Candace White

Filing Date Range: ALL Case Types: ALL Party Role: ALL

Case	Role	Status	Violation / Filing Date	Restitution Balance Balance Due
CV-2014-000238	Plaintiff	Pending		
Candace White Elliott, etal. vs. Steve Murdoch			Filing date: 3/19/2014	
CV-2013-0001059	Plaintiff	Closed		
Candace White Elliott vs. Brenda L Murdoch			Filing date: 12/18/2013	
CV-2011-0001032	Plaintiff	Closed		
Candace White Elliott vs. Raul Torres			Filing date: 11/7/2011	
CR-2011-0003409	Defendant	Closed		
Trespass			Violation date: 7/24/2011	
CR-2009-0004432	Defendant	Closed		
Trespass			Violation date: 11/23/2009	
CR-2009-0002286	Defendant	Closed		
Driving-Speed-Exceeding the Maximum Posted Speed Limit			Violation date: 6/29/2009	
CR-2008-0001568	Defendant	Closed		
Trespass			Violation date: 4/28/2008	
CV-2004-0000463	Plaintiff	Closed		
Candace White Elliott vs. Denise Shields			Filing date: 6/17/2004	

8 Cases



0010

Exhibit 21

Case History

**Cases for: Elliott, Candace White
Jefferson**

B Cases Found.

Candace White Elliott, etal. vs. Steve Murdoch					
Case: CV-2014-000238	District	Filed: 03/19/2014	Subtype: Other Claims	Judge: Alan C. Stephens	Status: Pending
Defendants: Murdoch, Steve					
Plaintiffs: Elliott, Candace White For The Love Of Pets Foundation, Inc.,					
Register Date of actions:					
03/19/2014	New Case Filed - Other Claims				
03/19/2014	Plaintiff: Elliott, Candace White Attorney Retained Kent E Whittington				
03/19/2014	Plaintiff: For The Love Of Pets Foundation, Inc., Attorney Retained Kent E Whittington				
03/19/2014	Filing: A - All initial civil case filings of any type not listed in categories B-H, or the other A listings below Paid by: Elliott, Candace White (plaintiff) Receipt number: 0001605 Dated: 3/19/2014 Amount: \$96.00 (Cashiers Check) For: Elliott, Candace White (plaintiff)				
03/19/2014	Complaint Filed				
03/19/2014	Summons Issued				
05/01/2014	Filing: 11 - Initial Appearance by persons other than the plaintiff or petitioner Paid by: Murdoch, Steve (defendant) Receipt number: 0002515 Dated: 5/1/2014 Amount: \$66.00 (Cash) For: Murdoch, Steve (defendant)				
05/27/2014	Plaintiffs responses to defendants first set of requests for admissions directed to plaintiffs				
05/27/2014	Notice of compliance				
06/11/2014	Notice of compliance				
06/18/2014	Amended notice of service of plaintiffs first requests for production of documents				
Candace White Elliott vs. Brenda L Murdoch					
Case: CV-2013-0001059	Magistrate	Filed: 12/18/2013	Subtype: Small Claims	Judge: Mark S. Rammell	Status: Closed 02/28/2014
Defendants: Murdoch, Brenda L					
Plaintiffs: Elliott, Candace White					
Disposition: Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
02/28/2014	Other			Murdoch, Brenda L (Defendant), Elliott, Candace White (Plaintiff)	Dismissed
Comment:	Dismissed for lack of viable small claims action				
Register Date of actions:					
12/18/2013	New Case Filed - Small Claims				
12/18/2013	Filing: C- Small Claims Paid by: Elliott, Candace White (plaintiff) Receipt number: 0006886 Dated: 12/18/2013				

Exh. No. 21
Date 11/13/14
Name Elliott
M & M Court Reporting

0011

Amount: \$49.00 (Check) For: Elliott, Candace White (plaintiff)

12/18/2013 Complaint Filed

12/18/2013 Order for mediation

12/18/2013 Summons Issued

12/27/2013 Personal Return of Service to Brenda L Murdoch in Jefferson Co was served the complaint, small claims summons, order of mediation, and def answer on 12/21/13

01/07/2014 Answer Filed

01/08/2014 Hearing Scheduled (Mediation 02/28/2014 01:15 PM) Court Trial may follow

01/21/2014 Certificate of Service in Jefferson County on 1/21/2014, Brenda Murdoch served via US Mail the Request For Admissions

02/11/2014 Subpoena issued to John Clements

02/11/2014 Subpoena issued to Steve Murdoch

02/11/2014 Subpoena issued to Clerk of Court Jefferson County

02/11/2014 Subpoena issued to Chance Murdoch

02/24/2014 Subpoena issued to Tom Williams

02/24/2014 Subpoena issued to John Clements

02/28/2014 Hearing result for Mediation scheduled on 02/28/2014 01:15 PM; Hearing Held Court Trial may follow

02/28/2014 Order of Dismissal

02/28/2014 Civil Disposition Entered entered for: Murdoch, Brenda L, Defendant; Elliott, Candace White, Plaintiff. Filing date: 2/28/2014

02/28/2014 Case Status changed: Closed

Candace White Elliott vs. Raul Torres

Case: CV-2011-0001032 Magistrate Filed: 11/07/2011 Subtype: Small Claims Judge: Mark S. Rammell Status: Closed 02/24/2012

Defendants: Torres, Raul

Plaintiff: Elliott, Candace White

Disposition: Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
02/24/2012	Money Judgment	12/16/2013	Satisfaction	Torres, Raul (Defendant), Elliott, Candace White (Plaintiff)	Plaintiff
Comment:			Judgment, \$371.00		

Register Data of actions:

11/07/2011 New Case Filed - Small Claims

11/07/2011 Filing: C- Small Claims Paid by: Elliott, Candace White (plaintiff) Receipt number: 0007138 Dated: 11/7/2011

11/07/2011 Amount: \$41.00 (Check) For: Elliott, Candace White (plaintiff)

11/07/2011 Order for mediation

11/07/2011 Plaintiff's Instructions

11/07/2011 Summons Issued to each party

11/22/2011 Change Assigned Judge

12/06/2011

0012

Personal Return of Service to Raul Torres in Jefferson county was served the small claims summons and answer sheet on 12/3/11

12/23/2011 Answer Filed by Raul Torres

12/27/2011 Hearing Scheduled (Small Claims Mediation 01/20/2012 01:30 PM)

12/27/2011 Notice Of Hearing, Mediation

01/18/2012 Motion to Continue Hearing

01/19/2012 Continued (Small Claims Mediation 02/24/2012 01:30 PM)

01/19/2012 Order on Motion to Continue Hearing (Reschedule) GRANTED

02/23/2012 Minute Entry Hearing type: Small Claims Mediation Hearing date: 2/23/2012 Time: 2:00 pm Courtroom: Court reporter: Minutes Clerk: Yvonne Fielding Tape Number: Party: Candace Elliott Party: Raul Torres

02/24/2012 Mediation agreement

02/24/2012 Mediation Status Report

02/24/2012 Judgment, \$371.00

02/24/2012 Hearing result for Small Claims Mediation scheduled on 02/24/2012 01:30 PM: Hearing Held

02/24/2012 Civil Disposition Entered entered for: Torres, Raul, Defendant; Elliott, Candace White, Plaintiff. Filing date: 2/24/2012

02/24/2012 Case Status changed: Closed

04/12/2012 Application & Affidavit for a Writ

04/12/2012 Writ Issued in Jefferson County

04/12/2012 Order for Continuing Garnishment Issued

04/12/2012 Miscellaneous Payment: Writs Of Execution Paid by: Elliott, Candace White Receipt number: 0002185 Dated: 4/12/2012 Amount: \$2.00 (Cash)

05/29/2012 Writ Returned Satisfied for Raul Torres in Jefferson co

12/16/2013 Satisfaction Of Judgment

State of Idaho vs. Candace White Elliott
No hearings scheduled

Case: CR-2011-0003409 Magistrate Judge: Robert L. Crowley Jr. Amount due: \$0.00 Closed

Charges:	Violation	Date	Charge	Citation	Degree	Disposition
	07/24/2011	I18-7008	Trespass		Misdemeanor	Finding: Acquittal
			Officer: Clements, John, JCSO			Disposition date: 07/02/2013 Fines/fees: \$0.00

Register of actions:

08/18/2011 Probable Cause Affidavit

08/18/2011 Motion for Order Prohibiting Disclosure

08/22/2011 New Case Filed - Misdemeanor

08/22/2011 Prosecutor Assigned Amelia Anne Sheets

08/26/2011 Summons Issued Elliott, Candace White

08/26/2011 Case Sealed

08/31/2011 Summons Returned Elliott, Candace White

09/01/2011 Defendant: Elliott, Candace White Attorney Retained Kent E. Whittington

09/01/2011 Notice Of Appearance and Written Plea of Not Guilty

0013

09/01/2011 Hearing Scheduled (Pre-Trial Conference 09/26/2011 09:30 AM)
 09/01/2011 Request for Discovery
 09/08/2011 Request for Discovery
 09/08/2011 Response to Request for Discovery
 09/09/2011 Hearing Scheduled (Motions 09/15/2011 01:30 PM) Gag Order
 09/13/2011 Notice of Hearing
 09/14/2011 Hearing result for Motions scheduled on 09/15/2011 01:30 PM: Continued Gag Order
 09/14/2011 Hearing Scheduled (Motions 10/06/2011 01:30 PM)
 09/22/2011 Amended Motion for Order Prohibiting Disclosure
 09/22/2011 Affidavit in Support of Motion for Order Prohibiting Disclosure
 09/26/2011 Hearing result for Pre-Trial Conference scheduled on 09/26/2011 09:30 AM: Continued
 09/26/2011 Hearing Scheduled (Pretrial - continued 10/24/2011 09:30 AM)
 09/30/2011 Case Un-Sealed
 10/05/2011 Supplemental Affidavit in Support of Motion for Order Prohibiting Disclosure
 10/05/2011 Supplemental Response to Discovery
 10/06/2011 Hearing result for Motions scheduled on 10/06/2011 01:30 PM: Hearing Held Gag order
 Minute Entry Hearing type: Motions Hearing date: 10/6/2011 Time: 2:39 pm Courtroom: Large Courtroom #2
 10/06/2011 Court reporter: Minutes Clerk: Miriam Hernandez Tapa Number: Defense Attorney: Kent Whittington Prosecutor: Amelia Sheets
 10/19/2011 Supplemental Response to Discovery
 10/25/2011 Hearing result for Pretrial - continued scheduled on 10/24/2011 09:30 AM: Hearing Held
 10/25/2011 Hearing Scheduled (Court Trial 11/17/2011 01:30 PM)
 11/10/2011 Subpoena Returned served on Kurt E Young on 11-8-2011 by 225/Sickinger
 11/10/2011 Stipulation to continue trial
 11/10/2011 Motion to continue trial
 11/10/2011 Hearing result for Court Trial scheduled on 11/17/2011 01:30 PM: Continued
 11/10/2011 Order Prohibiting Disclosure
 11/14/2011 Hearing Scheduled (Court Trial 12/29/2011 01:30 PM)
 11/15/2011 Supplemental Request for Discovery
 11/23/2011 Motion To Continue
 12/02/2011 Supplemental Response to Discovery
 12/05/2011 Order Continuing Trial
 12/06/2011 Continued (Court Trial 02/06/2012 09:30 AM)
 12/15/2011 Continued (Court Trial 02/13/2012 09:30 AM)
 01/13/2012 Subpoena Returned- KY served
 01/13/2012 Subpoena Returned- KY served
 01/13/2012 Subpoena Returned- BM served
 01/13/2012 Subpoena Returned-DM Served
 01/24/2012 Second Supplemental Request for Discovery
 01/25/2012 Subpoena Returned-TW served 1/20/2012
 01/31/2012 Defendant's Supplemental Response to Discovery
 02/02/2012 Supplemental Response to Discovery

0014

02/13/2012 Minute Entry Hearing type: Court Trial Hearing date:
 2/13/2012 Time: 9:19 am Courtroom: Small Courtroom #1
 Court reporter: Minutes Clerk: Tara Myers Tape Number:
 Defense Attorney: Kent Whittington Prosecutor: Amella
 Sheets
 02/13/2012 Hearing result for Court Trial scheduled on 02/13/2012
 09:30 AM: Hearing Held
 02/14/2012 Hearing Scheduled (Court Trial - continued 03/05/2012
 08:59 AM) ALL DAY
 02/14/2012 Notice of Hearing
 03/09/2012 Subpoena Returned- BM served
 03/09/2012 Subpoena Returned-DM served
 03/09/2012 Subpoena Returned-KY served
 03/09/2012 Subpoena Returned-KY served
 03/14/2012 Defendants Supplemental Response to Request for
 Discovery
 03/15/2012 Notice of Hearing
 03/15/2012 Motion for Contempt
 03/15/2012 Affidavit in Support of Motion for Contempt
 03/16/2012 Hearing Scheduled (Motions 03/19/2012 08:59 AM)
 Contempt
 03/16/2012 Notice of Hearing
 Minute Entry Hearing type: Court Trial - continued Hearing
 date: 3/19/2012 Time: 9:06 am Courtroom: Small
 03/19/2012 Courtroom #1 Court reporter: Minutes Clerk: Tara Myers
 Tape Number: Defense Attorney: Kent Whittington
 Prosecutor: Amella Sheets
 03/19/2012 Hearing result for Motions scheduled on 03/19/2012 08:59
 AM: Hearing Held Contempt
 03/19/2012 Hearing result for Court Trial - continued scheduled on
 03/19/2012 08:59 AM: Hearing Held ALL DAY
 03/20/2012 Hearing Scheduled (Status Conference 04/11/2012 02:45
 PM)
 03/20/2012 Hearing Scheduled (Court Trial 05/14/2012 09:30 AM) 1st
 Setting
 03/20/2012 Notice of Hearing
 03/20/2012 Discovery Cut-Off Order
 03/29/2012 Supplemental Response to Supplemental Request for
 Discovery
 03/29/2012 Request for Judicial Notice
 03/29/2012 Motion to Compel Discovery
 Minute Entry Hearing type: Status Conference Hearing date:
 04/11/2012 4/11/2012 Time: 3:07 pm Courtroom: Court reporter:
 Minutes Clerk: Yvonne Fielding Tape Number: Defense
 Attorney: Kent Whittington Prosecutor: Amella Sheets
 04/11/2012 Hearing result for Status Conference scheduled on
 04/11/2012 02:45 PM: Hearing Held per Judge to set it on
 this day
 04/11/2012 Hearing Scheduled (Motions 05/03/2012 01:00 PM) Motion
 to Compel
 04/12/2012 Notice of Hearing
 04/16/2012 Subpoena Returned-KL served
 04/16/2012 Subpoena Returned-KL served
 04/16/2012 Subpoena Returned-BM served
 04/16/2012 Subpoena Returned-DM served
 04/27/2012 Second Motion to compel Discovery
 04/27/2012 Motion to quash "GAG" order

0015

05/03/2012 Response to motions to compel
 05/03/2012 Affidavit of JC
 Minute Entry Hearing type: Motions Hearing date: 5/3/2012
 05/03/2012 Time: 1:41 pm Courtroom: Court reporter: Minutes Clerk:
 Karla Oswald Tape Number: Defense Attorney: Kent
 Whittington Prosecutor: Amelia Sheets
 05/03/2012 Hearing result for Motions scheduled on 05/03/2012 01:00
 PM: Motion Held Motion to Compel
 05/03/2012 Hearing result for Court Trial scheduled on 05/14/2012
 09:30 AM: Continued 1st Setting
 05/04/2012 Hearing Scheduled (Miscellaneous 06/07/2012 02:00 PM)
 Judicial Notice Hearing
 05/04/2012 Notice of Hearing
 05/04/2012 Notice of Hearing
 05/04/2012 Notice of Hearing
 05/07/2012 Hearing Scheduled (Court Trial 09/10/2012 09:00 AM)
 Three Day Court Trial
 05/07/2012 Notice of Hearing
 Minute Entry Hearing type: Miscellaneous Hearing date:
 6/7/2012 Time: 1:31 pm Courtroom: Large Courtroom #2
 06/07/2012 Court reporter: Minutes Clerk: Miriam Hernandez Tape
 Number: Defense Attorney: Kent Whittington Prosecutor:
 Amelia Sheets
 06/07/2012 Hearing result for Miscellaneous scheduled on 06/07/2012
 01:00 PM: Hearing Held Judicial Notice Hearing
 08/24/2012 Motion to continue
 Minute Entry Hearing type: Miscellaneous Hearing date:
 8/31/2012 Time: 9:16 am Courtroom: Court reporter:
 08/31/2012 Minutes Clerk: Miriam Hernandez Tape Number: Defense
 Attorney: Kent Whittington Prosecutor: Amelia Sheets
 08/31/2012 Order to continue
 09/05/2012 Hearing result for Court Trial scheduled on 09/10/2012
 09:00 AM: Continued Three Day Court Trial
 09/19/2012 Hearing Scheduled (Jury Trial - continued 11/09/2012
 09:00 AM)
 09/19/2012 Hearing result for Jury Trial - continued scheduled on
 11/09/2012 09:00 AM: Hearing Vacated
 10/18/2012 Hearing Scheduled (Court Trial - continued 12/12/2012
 09:00 AM)
 10/18/2012 Notice of Hearing
 11/15/2012 Stipulation to continue trial
 11/26/2012 Hearing result for Court Trial - continued scheduled on
 12/12/2012 09:00 AM: Hearing Vacated
 04/12/2013 Hearing Scheduled (Court Trial - continued 05/29/2013
 09:00 AM)
 04/12/2013 Notice of Hearing-court trial cont
 05/09/2013 Hearing result for Court Trial - continued scheduled on
 05/29/2013 09:00 AM: Hearing Vacated
 05/09/2013 Hearing Scheduled (Court Trial - continued 06/05/2013
 09:00 AM)
 05/09/2013 Notice of Hearing-Court Trial Continued
 05/20/2013 Subpoena Returned served Dan Murdoch- Brenda Murcock-
 Eric Smith
 05/21/2013 Subpoena Returned served Klurissa Young - Kurt Young-
 Kaylene Young
 05/23/2013 Subpoena Returned served -James Boulter-Melvin Levitt
 05/31/2013 Defendant's Supplemental Response to Request for
 Discovery

0016

Minute Entry Hearing type: Court Trial Hearing date: 6/5/2013 Time: 9:04 am Courtroom: Court reporter: Minutes Clerk: Nancy Andersen Tape Number: Defense Attorney: Kent Whittington Prosecutor: Amelia Sheets
 06/05/2013
 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Elliott, Candace White Receipt number: 0003118 Dated: 6/7/2013 Amount: \$10.00 (Cash)
 06/07/2013
 Hearing result for Court Trial - continued scheduled on 06/05/2013 09:00 AM: Hearing Held
 06/10/2013
 Acquitted (after Trial) (118-7008 Trespass)
 07/02/2013 Case Status changed: closed pending clerk action
 07/02/2013 Case Status changed: closed
 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Elliott, Candace White Receipt number: 0006169 Dated: 11/12/2013 Amount: \$10.00 (Cash)
 11/12/2013
 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Elliott, Candace White Receipt number: 0006968 Dated: 12/23/2013 Amount: \$1.00 (Cash)
 12/23/2013
 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, CD Paid by: Dan Murdoch Receipt number: 0000452 Dated: 1/24/2014 Amount: \$10.00 (Cash)
 01/24/2014
 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Murdoch Receipt number: 0001081 Dated: 2/25/2014 Amount: \$8.00 (Cash)
 02/25/2014
 Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Elliott, Candace White Receipt number: 0002257 Dated: 4/18/2014 Amount: \$2.00 (Cash)
 04/18/2014

**State of Idaho vs. Candace White Elliott
 No hearings scheduled**

Case: CR-2009-0004432	Magistrate Judge: Robert L. Crowley Jr.	Amount due: \$0.00	Closed
Charges: Violation	Date Charge	Citation Degree	Disposition
	11/23/2009 Original: I18-7011 Trespass-Criminal Amended: I18-7008 Trespass Officer: Sickinger, Caleb, JCSO	14764 Misdemeanor Misdemeanor	Findings: Dismissed on Motion of Prosecutor Disposition date: 04/20/2010 Fines/fees: \$0.00

Register of actions:

12/01/2009 New Case Filed - Misdemeanor
 12/01/2009 Prosecutor Assigned Amelia Anne Sheets
 12/01/2009 Hearing result for Arraignment held on 12/01/2009 09:30 AM: Arraignment / First Appearance
 12/01/2009 Notification of Rights
 12/01/2009 Plea Entered - NG (I18-7011 Trespass-Criminal)
 12/01/2009

0017

Hearing Scheduled (Pre-Trial Conference 01/04/2010 09:30 AM)

12/15/2009 Defendant: Elliott, Candace W Attorney Retained Kent E. Whittington

12/15/2009 Notice Of Appearance

12/15/2009 Request for Discovery

12/29/2009 Request for Discovery

12/29/2009 Response to Request for Discovery

12/30/2009 Camera request denied

01/05/2010 Hearing result for Pre-Trial Conference held on 01/04/2010 09:30 AM: Hearing Held

01/05/2010 Motion to Amend

01/05/2010 Amended Complaint Filed

01/05/2010 Amended Complaint Filed (I18-7008 Trespass)

01/06/2010 Order to Amend

01/06/2010 Hearing Scheduled (Jury Trial 02/26/2010 09:30 AM) Formal Pretrial 2/18/10

01/06/2010 Hearing Scheduled (Pre-Trial Conference 02/18/2010 01:30 PM) Formal-Jury Trial 2/26/10

01/06/2010 Pretrial Order

01/08/2010 Motion for Extension

01/08/2010 Motion to Dismiss

01/08/2010 Notice of Alibi

01/08/2010 Notice of hearing (Motion to Dismiss)

01/08/2010 Notice of Hearing (Motion for Extension)

01/08/2010 Motion to Compel

01/08/2010 Notice of Hearing (Motion to Compel)

01/08/2010 Hearing Scheduled (Motions 02/04/2010 01:30 PM)

01/19/2010 Response To Motion To Compel

01/19/2010 Objection To Motion For Extension

01/19/2010 Response To Motion to Dismiss

01/21/2010 Notice of Compliance

02/02/2010 Notice of Hearing and Request To Shorten Time Period

02/02/2010 Motion To Compel

02/04/2010 Supplemental Response to Discovery
Minute Entry Hearing type: Motions Hearing date: 2/4/2010
Time: 9:39 am Courtroom: Court reporter: Minutes Clerk: Karla Oswald Tape Number: Defense Attorney: Kent Whittington Prosecutor: Amelia Sheets

02/04/2010 Defendant's Supplemental Response to Discovery

02/04/2010 Hearing result for Motions held on 02/04/2010 01:30 PM: Hearing Held

02/10/2010 Motion and Affidavit In Support of Motion For Out of County Subpoena

02/10/2010 Orders of the Court
Minute Entry Hearing type: Pre-Trial Conference Hearing date: 2/18/2010 Time: 11:30 am Courtroom: Court reporter: Minutes Clerk: Karla Oswald Tape Number: Defense Attorney: Kent Whittington Prosecutor: Amelia Sheets

02/18/2010 Hearing result for Pre-Trial Conference held on 02/18/2010 01:30 PM: Hearing Held Formal-Jury Trial 2/26/10

02/22/2010 Subpoena Returned Stanley Babcock, Daniel Torres, Estela Rodriguez-Torres, Rene Torres, Raul Torres, Fay Joan Stoddart

02/24/2010 Subpoena Returned-Panny North Shaul served 2/17/2010

0018

02/25/2010 Defendant's Revised Witness and Exhibit Lists
 02/25/2010 Hearing Scheduled (Pre-Trial Conference 02/25/2010 01:00 PM)
 02/25/2010 Hearing result for Pre-Trial Conference held on 02/25/2010 01:00 PM: Hearing Held
 02/25/2010 Hearing result for Jury Trial held on 02/26/2010 09:29 AM: Hearing Vacated Formal Pretrial 2/18/10
 02/25/2010 Hearing Scheduled (Jury Trial 05/04/2010 09:00 AM)
 02/25/2010 Pretrial Order
 02/25/2010 Hearing Scheduled (Pre-Trial Conference 04/22/2010 01:30 PM)
 02/26/2010 Subpoena Returned served Ian Parker
 03/02/2010 Subpoena Returned-Lisa Kaufman not served
 03/02/2010 Order on motion in limine
 04/19/2010 Motion to Dismiss
 04/20/2010 Order to Dismiss
 04/20/2010 Hearing result for Jury Trial held on 05/04/2010 09:00 AM: Hearing Vacated
 04/20/2010 Hearing result for Pre-Trial Conference held on 04/22/2010 01:30 PM: Hearing Vacated
 04/20/2010 Dismissed on Motion of Prosecutor (118-7008 Trespass)
 04/20/2010 Case Status changed: closed pending clerk action
 04/20/2010 Case Status changed: closed
 04/22/2010 Objection
 04/29/2010 Hearing Scheduled (Miscellaneous 05/13/2010 01:30 PM) Objection To Dismissal
 04/29/2010 Case Status changed: Reopened
 05/13/2010 Hearing result for Miscellaneous held on 05/13/2010 01:30 PM: Hearing Held Objection To Dismissal
 Minute Entry Hearing type: Miscellaneous Hearing date: 5/13/2010 Time: 1:37 pm Courtroom: Court reporter: Minutes Clerk: Karla Oswald Tape Number: Defense Attorney: Kent Whittington Prosecutor: Amelia Sheets
 06/25/2010 Case Status changed: closed
 03/27/2012 Supplemental request for discovery

State of Idaho vs. Candace White Elliott
No hearings scheduled

Case: CR-2009-0002266 Magistrate Judge: Magistrate Court Clerks Amount: \$0.00 Closed due:

Charges: Violation Date Charge Citation Degree Disposition

06/29/2009 149-654(2) 1400616 Infraction

Driving-Speed-Exceeding the Maximum Posted Speed Limit
 Officer: Stevens, Neil, ISP

Finding: Guilty
 Disposition date: 07/13/2009
 Fines/fees: \$75.00

Register of actions:

07/07/2009 New Case Filed - Infraction
 07/07/2009 Prosecutor Assigned Amelia Anne Sheets

0019

07/13/2009 Gully Plea Or Admission Of Guilt (149-654(2) Driving-Speed-Exceeding the Maximum Posted Speed Limit)
 07/13/2009 Case Status changed: closed pending clerk action
 07/13/2009 Sentenced To Pay Fine 75.00 charge: 149-654(2) Driving-Speed-Exceeding the Maximum Posted Speed Limit
 07/13/2009 Case Status changed: closed

**State of Idaho vs. Candace White Elliott
 No hearings scheduled**

Case: **CR-2008-0001568** Magistrate Judge: **Robert L. Crowley Jr.** Amount due: **\$0.00** Closed
 Charges: Violation Date Charge Citation Degree Disposition
04/28/2008 118-7008 12941 Misdemeanor Finding: Guilty - Withheld
 Officer: **Williams, Korin, JCSO** Disposition date: **08/22/2008**
 Fines/fees: **\$175.50**
 Jail: **10 days**
 Suspended Jail: **10 days**

Register of actions:

05/06/2008 New Case Filed - Misdemeanor
 05/06/2008 Prosecutor Assigned Amelia Anne Sheets
 05/06/2008 Continued (Arraignment 05/13/2008 09:30 AM)
 05/13/2008 Hearing result for Arraignment held on 05/13/2008 09:30 AM: Arraignment / First Appearance
 05/13/2008 Hearing Scheduled (Pre-Trial Conference 06/02/2008 09:30 AM)
 05/19/2008 Notice Of Appearance
 05/19/2008 Motion for Continuance
 05/19/2008 Affidavit of Michael Gaffney
 05/19/2008 Defendant: Elliott, Candace W Attorney Retained Michael D. Gaffney
 05/19/2008 Notice Of Appearance
 05/28/2008 Hearing result for Pre-Trial Conference held on 06/02/2008 09:30 AM: Continued
 05/28/2008 Hearing Scheduled (Pretrial - continued 06/16/2008 09:30 AM)
 05/30/2008 Stipulation for Continuance
 06/16/2008 State's Response to Request for Discovery
 06/16/2008 Request for Discovery
 06/17/2008 Hearing result for Pretrial - continued held on 06/16/2008 09:30 AM: Continued
 06/17/2008 Hearing Scheduled (Pretrial - continued 06/30/2008 09:30 AM)
 07/03/2008 Hearing result for Pretrial - continued held on 06/30/2008 09:30 AM: Hearing Held
 07/03/2008 Hearing Scheduled (Jury Trial 08/22/2008 09:30 AM)
 07/03/2008 Hearing Scheduled (Pre-Trial Conference 08/07/2008 09:30 AM) Formal Pretrial re: Jury Trial
 08/07/2008 Hearing result for Pre-Trial Conference held on 08/07/2008 09:30 AM: Hearing Held Formal Pretrial re: Jury Trial
 08/11/2008 supplemental response to discovery
 08/15/2008 Supplemental Response to Discovery
 08/18/2008 Defendant's Witness and Exhibit List

0020

08/20/2008 Amended Complaint Filed
 08/20/2008 Amended Jury Instructions
 08/20/2008 Amended Witness & Exhibit List
 08/22/2008 Minute Entry Hearing type: Jury Trial Hearing date: 8/22/2008 Time: 9:30 am Audio tape number: 37
 08/22/2008 Hearing result for Jury Trial held on 08/22/2008 09:30 AM: Hearing Vacated
 08/22/2008 Hearing Scheduled (Plea & Sentencing 08/22/2008 10:30 AM)
 08/22/2008 Hearing result for Plea & Sentencing held on 08/22/2008 10:30 AM: Hearing Held
 08/22/2008 Plea Entered - GT (118-7008 Trespass)
 08/22/2008 Probation Ordered (118-7008 Trespass) Probation term: 6 months. (Unsupervised)
 08/22/2008 Withheld Judgment Entered (118-7008 Trespass)
 08/22/2008 Sentenced To Incarceration (118-7008 Trespass) Confinement terms: Jail: 10 days. Suspended jail: 10 days.
 08/22/2008 Case Status changed: closed pending clerk action
 08/22/2008 Sentenced To Pay Fine 175.50 charge: 118-7008 Trespass
 03/24/2009 Case Status changed: closed

Candace White Elliott vs. Denise Shields

Case: CV-2004-0000463 Magistrate Filed: 06/17/2004 Subtype: Small Claims Judge: Colln W. Luke Status: Closed 08/03/2004
 Defendants: Shields, Denise
 Plaintiffs: Elliott, Candace White

Disposition: Date	Judgment	Type	Parties	In Favor Of	Amount
08/03/2004	Default Judgment	None	Elliott, Candace White (P) v. Shields, Denise (D)	Plaintiff	\$371.00

Register Date of actions:

06/17/2004 New Case Filed
 Filing: H - Small Claims Paid by: Elliott, Candace w (plaintiff) Receipt number: 0060350 Dated: 6/17/2004 Amount: \$35.00 (Check)
 06/17/2004 Summons Issued
 Miscellaneous Payment: Registered Mail Fee Paid by: Elliott, Candace w Receipt number: 0060351 Dated: 6/17/2004 Amount: \$15.00 (Check)
 07/07/2004 Summons sent by certified mail-return receipt returned-signed by Denise Shields and dated 7/2/2004
 07/29/2004 Application for Entry of Default Judgment
 07/29/2004 Affidavit of Competency, Non-Military, Amount Due
 08/03/2004 Candace W Elliott, Plaintiff vs Denise Shields, Defendant: Civil Disposition Entered, Default Judgment \$371.00
 08/03/2004 Case Status changed: Closed

Connection: Public

0021

Exhibit 22

7th JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF JEFFERSON
MISDEMEANOR MINUTE ENTRY/LOG/ORDER/JUDGMENT

STATE v. Candace W. Elliott D.L.#: UA306367E DOB: 7/15/1949 CASE NO.: CR-2008-0001568
ADDRESS: 249R E 2100 N Hamer ID 83425 JUDGE: Robert L. Crowley Jr.
TAPE No. _____ BEGIN AT 10:43 am. DATE: 5.13.08 Defense Attorney: _____
DEFENDANT having been charged with the following:
COUNT 1: Trespass AMENDED: _____ DISMISSED: _____

DEFENDANT: Appeared Failed to appear Send notice Warrant/Bond Forfeiture Ordered Bond: \$ _____
 Advised of rights, penalties, & charges Waived reading of Complaint Read Complaint
 Requested P.D. (Application must be filled out and submitted to Court) Will retain counsel
 Waived counsel Waived jury trial No Contact with Victim(s)

PLEA: GUILTY to Counts _____ NOT GUILTY to Counts 1 _____ REMAIN SILENT
 CONTINUANCE TO _____ JURY TRIAL REQUESTED
 ORDERED RELEASED O.R. BAIL HEARING REQUESTED

ORDERED TO APPEAR FOR: Pretrial Conference June 2, 2008 @ 9:30 Court Trial _____ Sentencing _____

JUDGMENT: GUILTY Counts 1 NOT GUILTY Counts _____ WITHHELD JUDGMENT after successful probation

37

ORDERED _____ HRS OF COMMUNITY SERVICE WITH JEFFERSON COUNTY PROBATION W/IN _____ DAYS *** (under 18 yrs of age)
 ORDERED _____ HRS OF COMMUNITY SERVICE WITH NON-PROFIT ORGANIZATION W/IN _____ DAYS *** (18 yrs or older)
 ORDERED TOBACCO EDUCATION THROUGH JEFFERSON COUNTY PROBATION, TO BE COMPLETED WITHIN _____
 ORDERED DRUG/ALCOHOL EDUCATION THROUGH JEFFERSON COUNTY PROBATION, TO BE COMPLETED WITHIN _____
 ORDERED to successfully complete, as soon as possible, a Substance Abuse Screening as recommended by JEFFERSON COUNTY

PROBATION and thereafter must complete the recommended level of intervention deemed appropriate pursuant to said screening, including, but not limited to: education, counseling, and/or treatment. Fees are due and payable by the defendant at time of services unless other arrangements are made with the facility.

PROBATION: Formal (See attachments for Conditions) Informal (Conditions are to obey laws & comply with judgment & other: _____
for a Period of 6 months/years.

LICENSE(S): ORDERED DEFENDANT'S () Driver's () Hunting () Fishing LICENSE SUSPENDED: for a period of _____ Months
_____ Years; Concurrent with _____ Consecutive with _____ Retroactive to _____ Absolute suspension _____ months
(Reinstatement of driving privileges must be completed before you can drive! Apply to: Driver's Services, P.O. Box 7129, Boise, ID 83707-1129 Tel: 208-334-8733)
 Proof of a current valid drivers license, or lawful excuse thereof accompanied by a written statement by defendant, must be provided to the Court within _____ days.

FINES: ORDERED DEFENDANT PAY TO THE CLERK:
Count 1: \$ 175.50 Suspends \$ _____ Court Costs included
Count 2: \$ _____ Suspends \$ _____ Court Costs included
*One time \$35 deferred payment agreement costs will be applied if fines not paid in full at time of sentencing
_____ Community Service allowed to be credited towards fines at the rate of \$6.00 an hour - does not eliminate court costs or restitution.

RESTITUTION: to the Court for disbursement to the victim(s) \$ _____ or _____ to be determined

JAIL: ORDERED DEFENDANT TO BE INCARCERATED:
Count 1: 10 days Suspends 10 days SERVE _____ days _____ credit time served
Count 2: _____ days Suspends _____ days SERVE _____ days _____ credit time served
 Consecutive Concurrent _____ Report to jail no later than: _____

WORK RELEASE Once approved by Jefferson County Sheriff - Pay the jail \$125.00 per week in advance if accepted.

ELECTRONIC ANKLE BRACELET \$100.00 per week in advance

S.I.L.D. **, JUMP Serve _____ days within _____ Pay \$7.00 per day for SILD in advance for insurance and administrative costs.

**The defendant shall make contact with the Sheriff's office @ 745-9210 within 24 hours, pay any required fees(s), follow all rules, policies and instructions of the Sheriff's office, and cooperate fully in the execution of this Court order. Failure to do so may result in the issuance of a Bench Warrant for the defendant or immediate confinement.

OTHER

SENTENCE:*** _____

*** It is the defendant's responsibility to provide all documents of completion to the court. Failure to do so will result in Warrant for the defendant.

JUDGE: _____ DATE 8/22/2008

Defendant/Counsel: _____ DATE 8/22/2008

Exh. No. 22
Date 11/13/14
Name Elliott
At & As Court Reporting

PA000017

IN THE DISTRICT COURT OF THE 7 JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF Jefferson
MAGISTRATE DIVISION

STATE OF IDAHO,

Case (Docket) No. CR-08-1568

Plaintiff,

ORDER WITHHOLDING JUDGEMENT

vs.

(PRINT OR TYPE DEFENDANT NAME)

For Traffic Offenses Only:

Candace Elliott

Ticket No. _____ Issued by

Defendant,

State County City of

224 70 1883

07 15 1949

Social Security No. of Defendant

Date of Birth of Defendant

The defendant having been advised of his right to court-appointed counsel if indigent and

Defendant Waived

Right Against Self-Incrimination

Right to:

Counsel

Jury Trial

Confront & Cross Examine Accuser

All Defenses

entered a plea of guilty to TRESPASS

(Name of offense)

been found guilty of _____

(Name of offense)

a violation of Idaho Code § I18-7008

a violation of Ordinance No. _____, of the City of _____

IT IS HEREBY ORDERED that judgment be withheld for a period of 6 mo. from the date hereof upon the following conditions (only the checked conditions are applicable).

- 1. Probation is granted to and accepted by the defendant subject to all its terms and conditions and with the understanding that the Court may at any time in a case of a violation of the terms of the probation cause the probationer to be returned to the Court for entry of judgment and imposition of sentence as prescribed by law.
- 2. That the defendant shall notify the clerk of the court of any change of address during the period of probation.
- 3. That during said period of probation the said defendant shall not violate any law or ordinance of the United States or any City, State, or County therein a fine or bond forfeiture of more than \$70.00 or a jail term could have been imposed as a penalty.
- 4. That during said period of probation the defendant will abstain from the consumption of alcoholic beverages and/or the use of narcotics or drugs in an unlawful manner.
- 5. That the defendant shall pay to the Clerk of the Court the following sums of money:
 - a. Court costs, fees and charges in the sum of \$175.50 dollars.
 - b. _____ dollars for restitution to _____, the party injured by defendant's crime herein, for restitution to said party. Said sum shall be paid within _____ from this date.
 - c. _____ dollars as reimbursement for public defender or appointed counsel services, pursuant to I.C. § 19-854 (c).
 - d. _____ dollars for expense incurred in this prosecution, to be distributed in the same manner as the payment of fines and forfeitures, pursuant to I.C. § 19-4705. Said sum shall be paid within _____ from this date.
 - e. _____ dollars fine, to be distributed pursuant to I.C. § 19-4705.

PA000018

- 6. That defendant shall attend and complete a
 - driver education program
 - alcohol education program
 - alcohol treatment program
 as follows: _____
- 7. That defendant's driving privileges are suspended for _____ (days) (months).
- 8. That defendant shall not drive a motor vehicle except _____
- 9. That defendant agrees, as a condition of this withheld judgment, to be incarcerated as follows: _____
- 10. OTHER SPECIAL CONDITIONS

IT IS FURTHER ORDERED that this probation will be terminated on 2-22 2009 unless otherwise ordered by the court.

IT IS FURTHER ORDERED that upon expiration of the probation period as hereinabove prescribed, the defendant shall be discharged from probation and the charges against him dismissed, upon a proper showing of compliance with this order, and in accordance with I.C. §19-2604

DATED THIS 22nd day of August 2008 - [Signature]
Judge
ACCEPTANCE
Judge Number

THIS IS TO CERTIFY THAT I have made the court aware of any prior withheld judgments or convictions which I have had in the past, and that I am aware that if have not told the court about any prior withheld judgments or convictions, that this judgment can be vacated by the court and another judgment can be imposed.

THIS IS ALSO TO CERTIFY THAT I understand that I have the right to refuse the above conditions of probation and that I have the right to be sentenced by this court.

THIS IS ALSO TO CERTIFY THAT I have read and fully understand and accept all conditions, regulations and restrictions under which judgment is withheld and under which I am being granted probation. I will abide by and conform to them strictly, and fully understand that my failure to do so may result in the revocation of my probation and imposition of sentence upon me. I am also aware that I can appear before the court at the termination of my probationary period if I have lived up to all the conditions to ask to have the judge dismiss the charges against me.

DATED THIS 22 day of Aug 2008 - [Signature]
Probationer

WITNESS
[Signature]

WHITE COPY - Retain in Court case file
YELLOW COPY - Mail to:
Information Systems
Supreme Court Building
P.O. Box 83720
Boise, Idaho 83720-0101
(208) 334-3850
PINK COPY - May be given to defendant

Exhibit 23

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF JEFFERSON

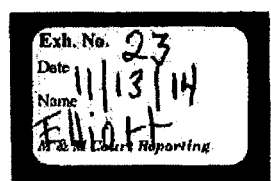
STATE OF IDAHO,)
)
)
)
)
Plaintiff,)
)
vs)
)
)
)
CANDACE W. ELLIOTT,)
)
)
)
Defendant.)

Case No. CR-08-1568

August 22, 2008

Rigby, Jefferson County, Idaho

BEFORE THE HONORABLE ROBERT L. CROWLEY, JR.



ORIGINAL

DAVID MARLOW, CSR
Official Court Reporter
Madison County Courthouse
Rexburg, Idaho 83440
TELEPHONE (208) 356-6880 FAX (208) 528-8348

A P P E A R A N C E S

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FOR THE PLAINTIFF:

DUNN LAW OFFICE

By: Penny Shaul

Post Office Box 277

Rigby, Idaho 83442

FOR THE DEFENDANT:

BEARD, ST. CLAIR & GAFFNEY

By: Michael D. Gaffney

2105 Coronado Street

Idaho Falls, Idaho 83404

1 August 22, 2008

2 Rigby, Jefferson County, Idaho

3
4 (The following transcript was produced
5 from a digital recording.)
6

7 THE COURT: Ladies and gentlemen, we appreciate
8 your participation and attendance with us this
9 morning. I'm Judge Crowley. I'm the Magistrate Judge
10 here today.

11 I realize that jury service is not always, and
12 maybe never convenient, but it certainly is critical
13 and essential in our society and we appreciate you
14 being with us this morning.

15 You've served a role, a greater role than you
16 may know. You're probably not going to be too
17 broken-hearted. We're going to excuse you at this
18 time. This case has been resolved, and many times it
19 takes getting to this point for matters to get
20 resolved. So, again, we want to thank you and express
21 our appreciation to you for taking time out of your
22 busy days to be here. We know, again, it's not
23 convenient.

24 Before you leave, I'd ask you to stop by the
25 Clerk's office and make such arrangements -- oh, it's

1 the front office. Excuse me. I need to be directed
2 here. It's the front office going out the front door
3 here. So we do excuse you and release you from your
4 service for the day.

5 Thank you very much.

6

7

(Jury excused.)

8

9 THE COURT: Good morning, ladies and gentlemen,
10 this is the Magistrate Division of the Jefferson
11 County District Court. Today's date is August 22,
12 2008. The matter before the Court is entitled State
13 of Idaho versus Candace W. Elliott. This is Jefferson
14 County Case CR-2008-1568.

15 Are you Candace W. Elliott?

16 THE DEFENDANT: Yes, I am.

17 THE COURT: Ms. Elliott is present with her
18 counsel, Mr. Mike Gaffney. The State is present by
19 Penny Shaul. This was the time and place set for
20 trial, jury trial in this particular matter. The jury
21 has now been excused. The Court understands that an
22 agreement's been obtained, or attained, by the
23 parties; is that correct?

24 MS. SHAUL: That is correct, Your Honor. We
25 have reached an agreement wherein the Defendant will

1 enter an Alford Plea to the charge of trespassing as
2 charged in, I believe it's the Second Amended
3 Complaint -- or, I'm sorry, in the Amended Complaint
4 that was filed on August 19th of 2008. In exchange,
5 the State has agreed to recommend \$100 plus court
6 costs as a fine in this matter, six months of informal
7 probation, ten days of jail to be suspended and held
8 at the Court's discretion. We're not opposed to a
9 withheld judgment in this case because the Defendant
10 has no prior criminal history and would be entitled to
11 one if she were to ask the Court for it.

12 I believe that is the substance of the
13 agreement, and after the Defendant has entered her
14 Alford Plea I will then give the Court the facts which
15 the State would have proven had we gone to trial.

16 THE COURT: Very well. Thank you.

17 Mr. Gaffney, is that consistent with your
18 understanding of what has taken place here today?

19 MR. GAFFNEY: Yes, Your Honor.

20 THE COURT: Are there any portions of the
21 agreement that have not been set forth that you
22 thought should have been part of it?

23 MR. GAFFNEY: No, Your Honor.

24 THE COURT: Very well. Ms. Elliott, have you
25 heard what has been discussed between Counsel and the

1 court this morning?

2 THE DEFENDANT: I have, yes, sir.

3 THE COURT: Is that consistent with your
4 understanding of what's to take place?

5 THE DEFENDANT: I believe so, yes, sir.

6 THE COURT: And is there any portion of the
7 agreement that you thought should have been set forth
8 that was not? Are there any additional portions of
9 the agreement you thought was there that hasn't been
10 stated?

11 THE DEFENDANT: No, sir.

12 THE COURT: Before I have you enter your plea,
13 or take your plea as I anticipate you're going to do,
14 has anyone made any threats or promises to you to get
15 you to enter a plea today?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you understand that by pleading
18 guilty you give up a number of your rights that were
19 previously explained to you both by the Court and by
20 your attorney?

21 THE DEFENDANT: That I do.

22 THE COURT: Very well. You understand the
23 Court is not bound by the recommendations of Counsel?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Very well. Have you reviewed a

1 copy of the Amended Criminal Complaint? Have you seen
2 a copy of that?

3 MR. GAFFNEY: I have, Your Honor. I don't
4 believe she has.

5 THE COURT: If you've got that, Counsel, just
6 have her take a look at that for just a moment.

7 : (Brief pause in the proceedings.)

8 THE DEFENDANT: Yes, sir, I've seen it.

9 THE COURT: Very well. Do you wish to make any
10 further explanation to you regarding the allegations
11 or do you feel understand those clearly?

12 THE DEFENDANT: I think I'm all right there.

13 THE COURT: You understand the maximum
14 potential penalty of the law allows for violation of
15 this statute that has been set forth in that Complaint
16 that up to one -- excuse me, up to six months in jail
17 and/or \$1,000 fine or both.

18 Do you understand that's the maximum potential?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Very well. To the charges set
21 forth in the Amended Criminal Complaint of trespassing
22 in violation of Idaho Code Section 18-7008(9), how do
23 you plead?

24 MR. GAFFNEY: Your Honor, Ms. Elliott would
25 like to enter an Alford Plea at this time as to the

1 charge in the statute.

2 THE COURT: Very well. Thank you.

3 Ms. Shaul, would you indicate what information
4 the State would present if this were to proceed?

5 MS. SHAUL: Thank you, Your Honor. Had this
6 case gone to trial today the State would have
7 submitted the following evidence in support of the
8 Amended Complaint.

9 We would have presented the testimony of Brenda
10 and Doug Bowman, the landowners, and they would have
11 testified that on April 28th of 2008, they observed
12 the Defendant drive down their private lane, which was
13 posted with two signs, one reading "dead end" and one
14 reading "private property. Keep out." She drove down
15 their private lane, drove past the front of their
16 house, used a turn-around area that is just past the
17 edge of their garage, between their garage and their
18 shop, turned back around and ended up coming to a stop
19 across from the front of their house.

20 She then got out of the vehicle, leaving one
21 foot in the vehicle, stood on their driveway, looked
22 around their property, reached back into the vehicle,
23 picked up what was later found to be a camera, and
24 then got out of the car completely, left the door open
25 and the vehicle running, walked around the front of

1 her vehicle and walked to the edge of their lane to a
2 pasture; a fenced pasture that borders the Bowman's
3 property.

4 The Bowman's property is located at 3745 East
5 800 North in Jefferson County. And she then used her
6 camera to take photographs of some horses that were in
7 the pasture bordering on the Bowman's property. She
8 then got back into her car and left the property.

9 We believe that a jury would have taken that
10 information and applied the law of trespass and found
11 her guilty beyond a reasonable doubt, that she
12 trespassed on the private property of the Bowman's
13 without their permission, because both of the Bowmans
14 would have testified that they never gave her
15 permission to be on their private property to take
16 photographs of animals or to be there for any other
17 reason and that the private lane was clearly posted as
18 being a private lane and that people were not to be on
19 it.

20 The statute in question requires that the point
21 of access onto a piece of property, be posted with no
22 trespassing signs or other like notices and we believe
23 that the dead end and private property/keep out signs
24 would have convinced a jury beyond a reasonable doubt
25 that the property was, in fact, posted and that she

1 was on notice not to be on the property.

2 Those are the facts we would have presented
3 and, as I said, Your Honor, we believe a jury would
4 have found her guilty beyond a reasonable doubt.

5 Thank you.

6 THE COURT: Thank you. Mr. Gaffney, were you
7 and your client aware of those reported facts the
8 State would have presented had we gone to trial?

9 MR. GAFFNEY: Yes, Your Honor.

10 THE COURT: And does your client believe that
11 there's a possibility if the jury were to believe what
12 the State would present that a conviction could have
13 been entered, or a verdict could have been entered in
14 their favor?

15 MR. GAFFNEY: A possibility, yes, Your Honor.

16 THE COURT: Very well. Ms. Elliott, have you
17 heard what your counsel has just stated and what
18 Ms. Shaul has stated?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And is that the reason you entered
21 your Alford Plea, you believe there is a possibility
22 that if the State's evidence were to be believed by
23 the jury that a conviction could have resulted?

24 THE DEFENDANT: I do, yes, sir.

25 THE COURT: Very well. The Court finds there's

1 a factual basis for the entry of the Alford Plea.

2 Ms. Shaul, is there anything further you wish
3 to argue before I proceed to sentencing?

4 MS. SHAUL: No, Your Honor. Thank you.

5 THE COURT: Mr. Gaffney?

6 MR. GAFFNEY: No, Your Honor.

7 THE COURT: Very well. Ms. Elliott, is there
8 anything else you'd like the Court to consider before
9 sentence is imposed?

10 THE DEFENDANT: No, sir.

11 THE COURT: Very well. Based on the
12 information before the Court and the agreement of the
13 parties, the Court does accept the Alford Plea. Based
14 upon that, it's the judgment of the Court that the
15 Defendant is guilty of trespass as set forth in the
16 Amended Criminal Complaint, however, the Court will
17 enter a withheld judgment in this particular matter.
18 The Court will impose a fine of \$100 plus court costs.
19 The Court does impose ten days of jail, but will
20 suspend that and place the Defendant on probation, six
21 months informal probation.

22 Ms. Shaul, are there any other matters the
23 Court should consider here at this time?

24 MS. SHAUL: I don't believe so, Your Honor.

25 THE COURT: Mr. Gaffney?

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MR. GAFFNEY: No, Your Honor. At this point,
no.

THE COURT: Very well. Ms. Elliott, do you
understand what the Court has done here today?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions?

THE DEFENDANT: No, sir, I don't.

THE COURT: Very well. You may be excused.
You need to make sure before you leave, you step
around to the Clerk's office, pick up your paperwork,
make arrangements for payment of your fine.

Thank you. You may be excused.

MR. GAFFNEY: Thank you, Your Honor.

(Hearing adjourned.)

1 REPORTER'S CERTIFICATE

2 STATE OF IDAHO)

3) ss.

4 COUNTY OF MADISON)

5 I, DAVID MARLOW, Certified Shorthand
6 Reporter and Notary Public in and for the State of
7 Idaho, do hereby certify:

8 That the proceedings, at the request of
9 Court or Counsel, having been preserved
10 electronically, were delivered to me for production
11 of a verbatim transcription.

12 That said proceedings were taken down by
13 me in shorthand and thereafter reduced to typewriting
14 under my direction, and that the foregoing transcript
15 contains a full, true, and correct transcript as far
16 as possible.

17 I further certify that I have no interest
18 in the event of that action.

19 WITNESS my hand this 24th day of
20 December, 2009.

21 

22 DAVID MARLOW, CSR
23 in and for the
24 State of Idaho.

PA000016

Exhibit 28

**TRANSCRIPTION OF THE PODCAST OF A RADIO PROGRAM THAT INVOLVED
CANDACE ELLIOTT.**

SPEAKER	
<p>Neal Larson</p>	<p>It's after 8:00 on KID. This is the Neal Larson Show and it is Friday and Fridays, of course, are the days where my stack of stuff is, well thinner, because I want you to be part of the stack of stuff. You can call in and help direct the course of the program. 522-5900 is the number to call if you'd like to be on the show with us today and there – like always – as complex as our world is now, there is a lot going on. It looks like Congress has passed not a budget. In fact, budget is just – a budget is like the theoretical idea now. It's been so long since we've actually had a budget. It's sort of like, that's just a theory that you could actually have a budget. But they have passed a continuing resolution that lasts for longer than just a few weeks. So they've averted this March 27th deadline. And this budget will carry us through until I think September – the end of the current budget year. Anyway and, of course, they wanted to get that out of the way and leading into the budget fight and they're already marking their territory when it comes to the federal budget. Paul Ryan's put a budget out. Somebody on the Senate has put a budget out and the White House says, well they're going to have one soon. They're putting one together and they're going to have one soon. So, we will have at least a budget fight. I highly doubt and I asked Senator Crapo a couple of days ago if he thinks that we're actually going to have a budget and he says, "No, no I'm not optimistic at all that we're going to have a budget." Anyway, I'm kind of happy that we aren't going to be marching right up to this March 27th deadline where we're like, okay what's going to happen? Now I'm not going to imply that common sense has returned to Congress but anyway.</p> <p>There's a story on Local News 8, this is going to be a discussion today and I – this is one of those issues that I think probably divides people not so much along like ideological lines, but maybe along lines of morality or ethics so – but you certainly can incorporate principles of politics into it. But there is a story about a case of suspected animal abuse and neglect in Bonneville County. Local News 8 and KIDK Eyewitness News 3 had the lead on this. Caleb James is the reporter and he says a Facebook firestorm ignited after shocking images of dead and distressed horses on a Bonneville County farm appeared online. Reporter Caleb James went to that farm on Thursday. It started with a few photos on Facebook. The photo shows what appears to be dead and dying horses on a farm in North Bonneville County. Not long after the photographs were taken, dozens of calls came in to our newsroom and a flood of emails filled station inboxes over just a few days. It was clear Eastern Idahoans had seen those pictures and they were not happy. The photos were taken by a woman named Chris Thomas. Our station spoke to her</p>

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 Name Elliott
 M & J Court Reporting

by phone on Wednesday and Thursday in preparation for the story. She says the house on 25th East is owned by Sharon Wilson. Our station confirmed Wilson lives at the home, tried to contact her by calling the listed number. The number was disconnected. A crew went to the house to talk to Wilson but they didn't get far. There were several no trespassing signs posted throughout the property. We do want to go and talk to Sharon and see what her thinking is in keeping these horses and she feels about the condition they are being kept in, but obviously we are going to respect those no trespassing signs while we're here. From a neighbor's property, our crew gathered video of well over two dozen horses all told some appearing to show signs of mistreatment. After a trip to the Bonneville County Sherriff's Office, we learned the property's owner is currently under investigation. Sergeant Karl Casperson said because horses fall into a production animal category in the State of Idaho, Bonneville County Animal Control can only assist in the case. We are doing this investigation along with the Department of Agriculture said Casperson. They have a designated veterinarian who needs to examine the animal to determine if there's been any neglect. Casperson said the state veterinarian scheduled to be on the property on Friday, as that investigation continues. In the meantime, the discussion continues on our Facebook page. So, here's - I guess if we're going to do the set up - is this strictly for you a personal property rights issue? If you want to have horses, cows, whatever and decide to not feed them, to not take care of them, to not get them the care that they need and not put them out of their misery, is that over and done with for you? Or, do we as human beings have an obligation to minimize suffering and to make sure that animals are not kept in a way that they are neglected and that they suffer needlessly? And if so, do laws need to be put into place? Because I'm a person - and maybe this is one of the reasons why I never really got into hunting all that much. I hate seeing animals suffer. I just do. I mean I can hunt. I don't have a terrible problem with that, but I just don't like seeing suffering because I've had pets, dogs, whatever and they've had broken legs and bones and you know that they're suffering and they're miserable and I think and I believe that we do have an obligation to make sure that animals don't suffer especially the animals that are in our care. There are some though who believe that this is nobody's business. That reporters and neighbors and Facebook frequenters should not be poking around in other people's business. So the question is where do you fall? 522-5900 is the number to call if you would like to join us and by the way just a couple of notes here real quick. At the bottom of the hour, I mean we're probably going to get into a pretty healthy discussion here for just a few minutes, we're going to shift gears at 8:35 when we come from Huckabee and the news break. We have scheduled Naghmeah Abedini. She is the wife of that jailed Iranian pastor and she's been working tirelessly to free her husband from that torturous prison and so, we'll talk with her and see what the latest status is. I know that there has

	<p>been growing, even international attention to this story and we'll see if any progress is being made to free Saeed Abedini. But, and also I want to remind people, one call a week – we're going to enforce it. We want to get away from the repeat calls. Now one day a few days ago Cal and I had a first time caller only day and it was awesome. We had lots of new callers and so if you've never called the show or if you haven't called in the last few months, please call in. We love to hear new voices. Let's go to the phones. Your name and where you're calling from.</p>
Caller 1	<p>The problem you got right now is that the legislature or the Congress or whoever went and passed the law that you can't sell horses for meat and so people can't afford to feed them. There's no price for them. Nobody wants to buy them and so when they can't afford to feed them and nobody will buy them, they starve to death.</p>
Neal Larson	<p>You're right. They do starve to death.</p>
Caller 1	<p>People were saying they wanted – that they're supposed to be household pets and all that stuff is the reason they didn't want them to be slaughtered for meat anymore and now it's just causing more problems and more suffering on the horses than there ever would have been if they would have been able to sell them and market them as a feed animal if they couldn't be took care of.</p>
Neal Larson	<p>Yeah. What about putting them out of their misery though?</p>
Caller 1	<p>Well, you ask one of these PETA guys and that's what they're doing selling them for meat. They're just putting them out of their misery.</p>
Neal Larson	<p>Right I understand that, but</p>
Caller 1	<p>Basically they run them through and when they will kill them, they put them out of their misery, but if they're one of your pets, are you going to sit there and shoot it?</p>
Neal Larson	<p>Well, if they're one of your pets and you're not willing to shoot it you're probably not willing to sell it for meat either so,</p>
Caller 1	<p>Well, even you – I would be more likely to sell it than I would be to sit there and look it in the eyes and shoot it.</p>
Neal Larson	<p>Yeah. Well, I think that – I appreciate the call. I think a little bit differently. Because I did grow up on a farm when from time-to-time you had to put animals out of their misery and yeah, that's kind of sad, but it's not any more sad than seeing them not having enough to eat and walk around and hobble around. So, let's go to the next caller. Your</p>

	name and where you're calling from.
Susie	This is Susie from Idaho Falls.
Neal Larson	Hi Susie.
Susie	You know. I fully agree with that fellow before and we have horses and we have managed to come up with a system, if you will, for putting them down once their time has come. But it's very expensive. I happen to live very close to the lady that you were talking about earlier that has the horses that are in sad shape.
Neal Larson	Yeah.
Susie	It's an ongoing problem. This is a long history of this woman doing this to her horses so I'm not going to try to defend her. You know, she has whatever reasons and stuff and that's been a family thing for a long time there, but he's right. What did they do? A friend of mine had a horse that was ill and dying and it was like \$300 to have the vet take care of that matter. It used to be that you could drive to the place in St. Anthony that would take them in and do away with them and as sad as that is for the people with their pets, it's still easier like he said than trying to put them down yourself and I know that it's traumatic and you have to kind of get through it, but it's like anything with your pet, your dog or your cat, but it's a really bad deal and I'll tell you the story started with that racehorse and they started staying "Oh, it's inhumane to put the horses down" and all this stuff. They're no different than any other piece of livestock and in a lot of countries around the world they use them for meat, for humans as well as for dog food and when that stopped, then we started seeing people turning them loose out in the desert to die a really cruel death of starvation and predation and things like this started happening. Well, this is the stuff that nobody wants to talk about in the news of saying well, what are the consequences of us coming up with this law that says now we can't deal with our meats the way that we should. It's much less cruel to take them to the guy that disposes of them for meat, than it is to go through with some of these other things. Now, I've stood here and watched the Sherriff come out and try to put down a horse that was hit badly by a car and needed to be put down. He couldn't even do it right. The poor horse suffered four gunshot wounds before he finally got it right, you know. So, it's not so easy really.
Neal Larson	Right, right and I understand that. That it's probably not easy because if you're going to put an animal out of its misery, you do need to do it right. But, so – what do you do? If you have no resources – you can't pay for feed but you've got these horses? You can't pay to have a vet come and put them down – what do you do?

Susie	Well, I have a few ideas on that. There are some people that will call a person that is interested in using that as bear bait or cat bait and they'll put that animal down quickly and humanely, if they're an expert at it and use that for another purpose. Or they'll take it and it's very difficult if you haven't the horse trailers to do it, you take it up to the landfill and you do it there. You know, there are things to do. But not everybody has that resource.
Neal Larson	Okay, so – but there are people that you can call that would come help you out then?
Susie	Not listed in phone book. There's not. Unless you call your veterinarian. It's underground. It's all underground and it's very difficult to find your way through it.
Neal Larson	Alright. Well, thank you Susie I appreciate the call and your insight but we've got take a break. We're up against the clock. We'll be back.
	[news and weather update, commercial break]
Neal Larson	Alright Cala. You should have seen me in Pilates yesterday.
Cala	Oh really. Was it really something special?
Neal Larson	Oh man. I was at Apple Athletic and Niki Piel is my Pilates Instructor. And we combined two classes so it's four women and Neal and Niki and I'm like right in the middle.
Cala	You loved it.
Neal Larson	And I'm all embarrassed.
Cala	You loved it.
Neal Larson	No I – well I'm on the reformer, but I'm not like – I love Pilates and it's doing great things for me okay. It strengthens your core and I think a lot of guys forget about the importance of their little core muscles. But, anyway I'm in there and I'm like, you know because I'm like [END OF RADIO PROGRAM]
CONTINUATION OF RADIO BROADCAST IN THE ELLIOTT V. MURDOCH CASE.	
Neal Larson	Alright Cala. You should have seen me in Pilates yesterday.

Cala	Oh really. Was it really something special?
Neal Larson	Oh man. I was at Apple Athletic and Niki Piel is my Pilates Instructor. And we combined two classes so it's four women and Neal and Niki and I'm like right in the middle.
Cala	You loved it.
Neal Larson	And I'm all embarrassed.
Cala	You loved it.
Neal Larson	No I – well I'm on the reformer, but I'm not like – I love Pilates and it's doing great things for me okay. It strengthens your core and I think a lot of guys forget about the importance of their little core muscles. But, anyway I'm in there and I'm like, people are going to think I'm gay, you know, because I'm the one guy with all these
Cala	So you're recruiting for friends to join you as a buddy.
Neal Larson	Yes. Guys we need more players.
Cala	Just to represent.
Neal Larson	I've got another - There is another class that I go to and there is a guy in there so I don't want to make you think that it's just Neal and women all the time.
Cala	That might not mean you're gay. That might mean you're very smart.
Neal Larson	Smart?
Cala	Very smart.
Neal Larson	Yeah, I guess so. Maybe so. But it was a lot of fun and it takes about an hour but, I'll tell you. I mean you might hear about Pilates or you see the videos at the store or whatever, you have to try it. You have to just try it and see what the benefits are for you. It's really hard at first. I will warn you of that. It's like I can never do this. But, after a while you get better at it and I've grown to love it and I look forward to my weekly Pilates classes so. Get a hold of Apple Athletic Club today and ask for or you ask for Niki or you could ask just the front desk, you know, about Pilates and they can certainly point you in the right direction and let me get the number real quick. It's 529-8600. That's the number if you'd like to call Apple Athletic. Anyway alright. So, 522-5900 is the number if you'd like to be on our program today. We are - can you imagine being Naghmeh Abedini and her husband is in Iran. He's in a prison, he's being beaten, maybe tortured and you have no idea how to get him out

	and we don't have diplomatic relations so it's very, very hard to do that. What would you do?
Cala	I think a lot of people would want of just like close the door and sit in a dark corner and cry but, you know, you have to respect this woman. She is out there, she is doing everything she can. She's fine. You see her on national networks. She's doing all the interviews she can to get the word out and try and get congress or the President or John Kerry or somebody to take a position up.
Neal Larson	Yeah. Well, and I'll tell you this. I'm sitting here interviewing her and I look up and her story is on Fox News. They're interviewing a couple of the lawyers from the group that is working for her and working to get Pastor Saeed freed and I'm thinking okay. Here's - they're getting Fox News coverage, but she's talking to a local radio station trying to raise awareness - I mean she will do whatever she needs to do and spend her time trying to get the word out and I would just call on everyone to pray and do whatever we can. I mean, it's hard to know what you would do in a situation like this. But certainly pray for the family and hopefully we can get Pastor Abedini back to _____.
Cala	Absolutely. We want her to know that Idaho is definitely behind the family.
Neal Larson	Alright. 522-5900 the number to call and, of course, we were talking about this animal cruelty case in Bonneville County last hour. The horses - they're going hungry. Some of them are stumbling around and they're not doing very well.
Cala	You know what's interesting is I kind of know where this house is. I've driven by there before. And I'm one of those people who doesn't obviously pay close enough attention.
Neal Larson	Yeah.
Cala	Because, you know, you should be - there's that funny line between eaves - you know, like looking in your neighbor's yard and seeing what's going on and being the pesky neighbor and, you know, mind your own business. But, is there a role to play in, you know, making sure that children or animals aren't being abused and I'm just one of those people that just drives by and doesn't pay any attention.
Neal Larson	You're an uncaring
Cala	I know.

Neal Larson	Hate filled.
Cala	It's not that I don't care, I really didn't notice.
Neal Larson	I don't think that I'd notice either. I'm not a details kind of guy so I don't look out and go, look at the ribs on that horse.
Cala	This is the second time in my life that this has happened. When I lived years ago, we lived in Black Foot and I drove down the same county road every day to get home and there was a woman on the ranch near our subdivision and she was arrested and charged because there like - I don't know - 40 or 50 horses that were starving. But I didn't notice it. It was on the news and then I would drive by - Oh, I get it now I see.
Neal Larson	Yeah.
Cala	_____ are we?
Neal Larson	Kind of. But somebody saw this though and now it's getting a ton of attention so let's just go to the phones. Your name and where you're calling from.
Andi	Neal, hi this is Andi from Hamer.
Neal Larson	Hi Andi. How are you?
Andi	I'm fine thanks. I'm calling about the horse situation and Cala, if you ever have any questions you can always call the Sherriff's Department and ask for a welfare check.
Cala	Oh good to know.
Andi	And always be sure - you're entitled to a follow-up report so always be sure of this so be sure to ask for that from the Sherriff's Department.
Cala	Okay.
Andi	But, I just to tell you all this has been going on for 15 to 20 years and I was first involved with this situation back in 2008 and then again in 2009 and this owner is notorious. She's very powerful in the _____ Horse Association and I don't why nobody has tried to follow through with this. I have some really cruel pictures of the horses back in 2008. In 2009 when I was calling back down to _____, she literally - I was - Danica Lawrence, a Channel 3 TV reporter and I were out in the roadway and this owner literally threatened to run us down with a car. Four or five officers came out. Anyhow, somehow the situation was resolved but not much was done. I don't understand.

Neal Larson	So, Andi is this an issue where she doesn't have the money and the resources to buy enough food and to care for the animals properly? I mean, what is going on here that she has these horses even years later that aren't being taken care of?
Andi	Well, as of yesterday I was told by a friend that she has _____ sitting on her place. I was also told by a friend that used to show horses with her that her horses have always looked very marginal, so this is not something new. Of course, she continues to breed and, you know, there comes a point that you just can't afford to feed them anymore, but notwithstanding you need to put a bullet in her head or, you know, you put out a call for help and there will be people that will come in an help.
Neal Larson	Okay. Andi we - I don't know if you heard the last hour but we had a caller call in. She has horses. She lives fairly close to this woman and what does a person do? If they have animals, they can't afford them anymore and even if they're large animals - cows or horses, pigs, whatever it is - they can't afford to feed them anymore - what should they do?
Andi	Well, one person a couple years ago, he had six horses he could no longer take care of. He put them in the trailer. Took them to the Bonneville County Landfill and shot them.
Neal Larson	And that's legal?
Andi	I don't know. It's legal to kill your own animals, yes.
Neal Larson	Okay. You can kill your animals. Is it legal to dispose of them in the landfill?
Andi	You know, that I don't know. But where else would you take them? I mean, within 24 hours the carcass by law is to be removed from the premises, but have you seen the pictures of those animals?
Neal Larson	Yeah, I mean I saw them on line.
Andi	Yeah okay good. Then obviously those animals have been there a long time. _____. I mean, it's like I said, it's being going on for almost two decades.
Cala	Andi, what do you say to people who say hey, you know what, this is her personal property, she can do whatever she wants, it's not our role to interfere with what she's doing on her personal property?
Andi	Well, what I really want to say is hogwash, but what I would say professionally is that we have laws and the laws dictate that you must

	provide proper food, shelter and medical care for these animals in Chapter 25 of the Idaho Code. I think it's 35- (3511) or something like that. So we do have laws that should be enforced. The problem we have and I'm dealing with the situation up in Madison County right now, two little ponies were so neglected, their hooves were so long and curled up like elves shoes and the whole foot has become deformed now and they both had to be euthanized. You know, we have laws but we have trouble getting law enforcement to enforce it and I've always said as meager as the Idaho laws are, if we would just enforce what we have, the animals would be so much better. You know private property rights are great and all, but these are living, breathing, pain feeling animals that we're dealing with here.
Neal Larson	Yeah.
Andi	And I've always said - I'm not a tree hugger, I'm not an animal rights activist. I'm an animal welfare advocate. I just simply treat them humanely. That's all I have.
Neal Larson	Andi thank you for the call. We appreciate it and we know that this issue is near and dear to you and we appreciate you calling in today.
Cala	I looked it up on line and the Bonneville County Landfill does not accept animal carcasses.
Neal Larson	Okay.
Cala	That's at the hatch pit anyway.
Neal Larson	At the well, yeah at the hatch pit. I wonder - so where
Cala	I don't know. Would they really let you just let you leave them there?
Neal Larson	There's got to be a way to get rid of an animal that you can't afford anymore without paying a veterinarian to euthanize it. I mean, you can shoot your own animals.
Cala	Well, what's interesting is a lot of people bring up the slaughter house issue and, you know, they say that they think there's more cases of animal neglect and abuse because there's no slaughter houses in the U.S. anymore but they still - don't people still take horses like to Mexico? So isn't there still a market, they're just not doing it here?
Neal Larson	I don't know.
Cala	But most of the horses that go to slaughter houses, you know, before there was a ban, they were healthy horses. They're not horses like this that are starving to death and can barely stand up because they have to be

	able to survive transport to a slaughter house.
Neal Larson	Right.
Cala	So then it's maybe not the same horses.
Neal Larson	Yeah. I don't know. 522-5900. Next caller. You're name and where you're calling from.
Christine	This is Christine and I'm calling from _____ 20. I'm calling to answer your landfill question.
Cala	Yes please.
Christine	I am calling to tell you that the dead animals in Bonneville County can go to the Peterson Hill Landfill. They do have back in their operation _____, they have a separate disposal area for those animals.
Cala	And what's that called? The what?
Christine	The Peterson Hill Landfill.
Cala	Peterson
Christine	Out by the Wind _____.
Cala	Oh okay.
Christine	You need to call and make special arrangements.
Neal Larson	Okay.
Christine	You can't just show up at their bank with your animal. The _____ Landfill also has dead animal disposal and it's in _____, Madison County. The _____ Landfill has animal composting and Anthony Landfill has dead animal composting so those landfills accept dead animals.
Cala	Christine, how do you know so much about this?
Christine	I work for the Department of Environmental Policy and I am the Regulator for the _____.
Cala	So, is it okay if people just put their horses in a horse trailer and drive up there? I mean, that really is okay? They can just shoot them right there at the landfill?

Christine	I don't know about the _____ laws for driving, whether or not you can kill your own animal. I believe you can, but that would be a _____ rule that need to be looked at. There are also dead animal disposal rules under the Department of Agriculture so there are other ways that you can dispose of your animal on your own property but they have to meet certain requirements with the Department of Agriculture.
Neal Larson	So, if there is somebody with absolutely no resources there's still a way to dispose of the animal then?
Christine	Yes.
Neal Larson	Okay. Alright. Well, Christine thank you. I appreciate it.
Cala	Good information.
Neal Larson	Yeah. That's great info. 522-5900 is the number and we'll go to one more call before our break. Your name and where you're calling from.
Jeff	Hi Neal I'm Jeff Cahney. I'd like to relay a case of where it's necessary to man up and know where to put the bullet. I was working with a guy doing _____. He was telling me about his horses. He had two. He had a thoroughbred horse. A wonderful horse. It was playing around and it broke off its hoof _____. It came up to him, put his head on his shoulder - the horse did - and the guy realized there was nothing he could do. The horse was ruined, you can't repair a hoof. Got his bill of rights gun pistol probably a 357 something that would do the job, put it right between his eyes and that was it. He shot the horse. I know it really hurt but he did what had to be done. You know what I'm saying.
Neal Larson	Yeah.
Jeff	So thanks guys.
Neal Larson	Thanks. Thanks for ruining my Friday. Wow. No, I'm kidding. But that's sad.
Cala	I mean it is sad. You hate to think about a horse getting shot but if it's suffering needlessly, then if that's the only option then it's the right option.
Neal Larson	It's what has to be done. It's the humane thing to do. 9:21. Quick break. We'll come back. More of your calls after this on the Neal Larson show on KID. 9:25 Friday. The Neal Larson Show. 522-5900 is the number to call and Cala I just looked at the picture of that lady whose allergic to exercise.

Cala	Yes?
Neal Larson	She's messed up.
Cala	She's allergic. You can tell. She's all puffy. She can barely open her eyes.
Neal Larson	That's crazy.
Cala	Yes. When she _____ and her heart starts to beat she has an allergic reaction so the doctor says she can't exercise.
Neal Larson	So she can be around me then.
Cala	No.
Neal Larson	That would be a problem for her.
Cala	You just give off that vibe. Her heart would start really beating.
Neal Larson	No. I feel bad for her. I mean, her eyes are all swollen up.
Cala	I know. It's weird. It's apparently very, very rare. I think I might have it. I haven't actually, you know, officially been diagnosed but there's a good chance I have that as well.
Neal Larson	Right. Well, you want to be safe.
Cala	Right.
Neal Larson	It's better to be safe. I wouldn't even get on that treadmill.
Cala	No.
Neal Larson	Because if there's a chance you have that.
Cala	Oh I probably would. I'm sure. I've got to be careful.
Neal Larson	I know. Alright let's go yeah
Cala	Hey before we forget.
Neal Larson	Oh yes.
Cala	Go to the website. We're going to give away two more Lower Bowl Jazz Tickets to Monday Night's game in Salt Lake so if you want to go to the Jazz go to 590 KID.com there's a little icon, you click it, put in your information and we are going to give them away in less than a half

	an hour.
Neal Larson	Okay. They're playing Philadelphia 7:00 pm Lower Bowl Tickets at Energy Solutions Arena so
Cala	On Monday.
Neal Larson	Alright. Let's go back to the phones. 522-5900 is the number. Your name and where you're calling from.
Owen	This is Owen and I'm calling from Utah.
Neal Larson	Hey Owen. How are you?
Owen	Good. I just wanted to say two things. In an animal cruelty case like the one that you've been talking about this morning. You know, sometimes neighbors like to spy on each other and unfortunately the neighborly thing to do is if you think your neighbor is in trouble, is to go and see if you can help them instead of calling the cops and saying hey, you know, these guys they need to be checked up on. If you go and offer help it's obvious there's more going on.
Neal Larson	We don't know that that didn't happen and
Owen	No and that's why I say I don't know if that's the case with this circumstance because obviously it appears this person has had some problems before with this kind of _____, but I mean I encourage people reach out to help your neighbor instead of trying to be the police force against them.
Neal Larson	Yes. I know that advice.
Owen	That doesn't make good things. The other thing is as far as this horse slaughter thing goes, economically I can see how a lot of people get in trouble because (a) it's so expensive. I mean hay is probably the highest it's ever been right now and the economics of it is that people that do haul horses to Canada or to Mexico for slaughter, they won't take anything unless it is a prime animal just because economically they can't make any money on anything unless it's a prime animal. Whereas when we have slaughter - like I think there was a slaughter house fairly close to us, maybe in the Western part of the state that used to be horses - you'd see some animals that were a little older that would go just because they could still make some money from them. That doesn't happen now and so, these people that have horses they don't want to put them down, they can't afford to feed and they get as much feed as they can and try and stretch it through the winter and they just hope and pray that spring will come soon so they can get them back on grass and I mean, I can see how

	people can get in trouble in a hurry and, you know, it wouldn't be bad for a neighbor to step in and say, hey if you need help, I can help you if it means I can give you the \$45 bucks to have the animal put down so be it or if you need somebody to come and pull the trigger - it's a tough thing to do even as a neighbor, but it's a lot easier to do if it's the worst you've never seen before _____ your own horse. Thanks for the conversation guys.
Neal Larson	Hey thanks Owen. We appreciate the call and some good advice there. Now, do they - okay. When I was a kid I always heard that horses - they took them in to make glue out of them and make dog food out of them.
Cala	No. We do not make pet food in the U.S. with horse meat. That's been outlawed since like 1970.
Neal Larson	Why?
Cala	I don't know.
Neal Larson	Because that makes total sense. That makes complete sense to me.
Cala	Well, it's against the law. But the glue thing is true.
Neal Larson	I'm not mad at you.
Cala	I had nothing to do with it. I was very, very - I wasn't even born in 1970.
Neal Larson	You weren't?
Cala	Nope.
Neal Larson	Almost.
Cala	Nope. Long way away from being born.
Neal Larson	Alright. Let's go to the next caller. Your name and where you're calling from.
Garth	Hello my name is Garth and I'm calling _____ Falls.
Neal Larson	How are you?
Garth	I was just curious. I don't know if you can go over the air on this but how do I find out who we're talking about on this horse animal case because I think I have a pretty good idea but I am not sure.

Neal Larson	It named her.
Cala	Local News 8.com has a story on it and it did name the woman who they were investigating.
Garth	Okay. I didn't catch that. Hopefully I can find that and also, is it possible to get a phone number for Andi out in Hamer that you were talking to earlier because I would like to talk to her about some things too.
Neal Larson	Yes. You can go to Local News 8.com and I will get a number for Andi. I've got that somewhere. So, we'll get that and we'll put it out over the air for you.
Garth	I appreciate it.
Neal Larson	Alright. Thank you for the call. 522-5900. Your name and where you're calling from.
Tom	My name is Tom _____.
Neal Larson	Hi Tom.
Tom	I just wanted to say you're talking about this _____. How hard it is to get rid of horses that you no longer can care for. I got a friend of mine who raises lots of horses and for years he hauled his horses that he could not sell commercially to a place out of North Dakota across the Canadian border and he also sold other people horses who could no longer care for them and wanted to put them on the market for slaughter and it got so expensive, he told me, that Canada back then to the point that it costing almost \$200 to \$300 per animal to get all the permits and inoculations and such to take them across the border, plus the cost of transporting it to North Dakota that nobody could to it anymore.
Neal Larson	Right.
Tom	So he just finally dug a large pit on the back of his own property and buries them himself but I just wanted to say the Howe Landfill out here has a huge dead animal pit that all the animal owners around here haul theirs to. But it just keeps costing too much to haul them up to Canada to get rid of them.
Neal Larson	Gotcha. Well Tom I appreciate that. And one of the things that we've learned new today is that there are landfill areas where you can take the horses.
Cala	And remember last year the State Legislature changed the animal cruelty laws so you actually - if you were convicted three times previously on

	misdemeanor animal cruelty, you could be charged with a felony, but there was a case six or seven months ago in Downey where a man had actually pled guilty to a misdemeanor animal cruelty charge because he had like 20 horses or horses he wasn't taking care of and they kind of gave him a warning, he promised he would do better. They went back a few months later and 20 of the horses were dead.
Neal Larson	Yeah.
Cala	Then he got put on one year probation. So I don't know that people really have a lot of fear, you know, if they don't do the right thing and the horses are sick or they're dying. So I'm going to get a misdemeanor. It's like a speeding ticket.
Neal Larson	It's unenforced or under enforced anyway so ...
Cala	Unless it's your third strike, it can be a felony but it - and I don't know if it needs to be tougher, but I don't know if that's a real deterrent.
Neal Larson	Yeah. Fish food. They can use it as fish food.
Cala	Fish food but not for your dog.
Neal Larson	They say for the means of the euthanized animals can be rendered which maintains the value of the skins, bones, fat, etc. for such purposes as fish food. So, not Alpo but for fish food.
Cala	Fish food.
Neal Larson	Yeah.
Cala	Why don't we care about what our fish eat but we care about what our dogs?
Neal Larson	Let's go back to the phones. Your name and where you're calling from.
Steve	Hello?
Neal Larson	Hi. Go ahead.
Steve	It's Steve from Hamer.
Neal Larson	Hi Steve.
Steve	If you listen - you know, words have meanings. If you listen to Andi's words, she claims not to be an animal activist or a humane society activist but that's kind of a big windy. When she said that private property just in her statement to you is alright and everything, she thinks

	<p>she is above the law, she's trespassed numerous times, there's ongoing court case in Jefferson County where she got the judge disputed cause she's special. She has to have a different judge to come in out of the area. Her shenanigans cost Jefferson County taxpayers a numerous amount of dollars. West Jefferson Landfill has a place for deceased livestock. People with the same mentality as Andi is what's done this to this horse market. We used to sell these slaughter horses. And in Portland, Oregon there's a horse meat market. In European countries horses are consumed by people all the time. And Andi's humane society puts .02% of the money they hit everybody up back into the care of animals.</p>
Cala	<p>I don't know if that statistic is true. I don't know if we can blame Andi for the ban of slaughter houses in the country. I'm sure Andi's not perfect, but I'm pretty sure she can't take the blame for that. The statistic is like 90 some percent of Americans think that slaughter houses should be illegal, but they are coming back. There's a couple of states that are thinking about some back on line, so we'll see what happens.</p>
Neal Larson	<p>News is next. We'll come. The Neal Larson Show continues after this.</p> <p>News Radio 590 AM and 921 FM it's the Friday edition of the Neal Larson Show. Once again in a just a few minutes we're going to give away a couple of Utah Jazz tickets to Monday night's game. Lower Bowl Philadelphia 76ers playing at Energy Solutions Arena and just go to 590 KID and you'll see the Win Utah Jazz Tickets link there. Just put your information in. If you've done it before, well just do it again. It will better your chances.</p>
Cala	<p>We're nice like that. We want to give you another chance to win. If you already did win then you probably won't win again, but if you didn't win you have another chance.</p>
Neal Larson	<p>Alright let's go to the phones. Your name and where you're calling from.</p>
Lane	<p>Neal this is Lane.</p>
Neal Larson	<p>Hi Lane.</p>
Lane	<p>From _____. How are you?</p>
Neal Larson	<p>Good. How are you?</p>
Lane	<p>I'm good. Today _____ on the radio and heard what you were talking about. You were talking about surrendering the horses.</p>
Neal Larson	<p>Yes.</p>

Lane	When I was a kid we used to render all the dead beef in the horses and put it in dog food. But a few years ago the homeless people _____ started eating the dog food but now you have to have it the quality of human food to go into dog food.
Neal Larson	Because homeless people might eat the dog food?
Cala	Is that why really?
Lane	That is why.
Neal Larson	Oh man. Really?
Lane	It was about 15 years ago and it put a couple businesses out of business.
Neal Larson	Okay so I can start feeding my kids dog food then?
Lane	Sure if _____. I've got about 300 to 400 pounds of food stored. I'm good.
Neal Larson	You're set man. Alright. Wow. I didn't know that. That's an interesting little tidbit.
Lane	Well, when they made it illegal to kill horses in the U.S.A., you knew this was going to happen. Everybody seen it wrote on the wall.
Neal Larson	Yeah.
Lane	You've got to be able to get those horses killed for people food and ship it overseas.
Neal Larson	Yeah I know. I just don't know how we go backwards though. Maybe if people see enough of this kind of stuff they'll say okay. But
Lane	Well Montana passed a law that said they are exempt from the ____ law and they are working on getting a plant opened up there.
Neal Larson	Yeah. Interesting.
Lane	But I don't know how they're coming with it.
Neal Larson	Well. Alright well Lane thank you for the call. I appreciate it.
Lane	Thank you Neal. Bye, bye.
Neal Larson	Alright. 522-5900.

Cala	If you put milk in dog food, is it like cereal? You could use it for all sorts of things.
Neal Larson	Yeah, it's like
Cala	Put some stew, soup.
Neal Larson	Oh yeah, it would get soft in stew.
Cala	You'd get meatloaf out of it, meatballs.
Neal Larson	Yeah. I will admit
Cala	I feel sick.
Neal Larson	I will admit that when I was in junior high what?
Cala	I am so afraid what you're about to say. Go ahead.
Neal Larson	On a dare I ate a Milk Bone Dog Biscuit.
Cala	Ew. And you liked it.
Neal Larson	I didn't like it. It wasn't as horrible as I thought.
Cala	Really?
Neal Larson	It was just sort of - I don't know.
Cala	_____ don't have the same smell. Like dog food has such a nasty smell.
Neal Larson	Dog food's different.
Cala	I think if I was going to eat - if I was going to have to choose maybe the Milk Bone was the good choice.
Neal Larson	Yeah. I want to look that up. Dog food has to be same quality as human food. Let's Google that and find out for sure. Let's go back to the phones while Cala is looking it up. Your name and where you're calling from.
Andi	Neal this is Andi again. I'm sorry.
Neal Larson	Oh yes. Andi, we had a gentleman that wanted your phone number.
Andi	Oh yes. Go ahead and give it out over the air. Everybody's got my phone number. But the gentleman that called in Mr. Steve Murdoch is a neighbor of mine. His family has had many complaints about their

	horses and they have never proven that I have trespassed. I have never trespassed and this is ludicrous and I am going to ask you for a transcript because I am going to contact my attorney to initiate a slander suit against this person.
Neal Larson	I believe we have a recording of the show so.
Andi	Alright. I will see how I can get that okay.
Neal Larson	And Andi the phone number that I have for you is 662-5808, is that right?
Andi	Yes sir. Perfect.
Neal Larson	Alright. 662-5808. Andi thanks, thanks for the call. I appreciate it.
Andi	Alright Neal. Thanks for that.
Neal Larson	Alright. Bye bye. Andi please. I don't want him calling back and then fighting over this. I mean let's
Cala	Yeah let's not.
Neal Larson	Yeah. That's not what this show is about. So let's go to our next caller. Your name and where you're calling from.
Gerri Ann	Hello,
Neal Larson	Hi go ahead.
Gerri Ann	This is Gerri Ann. I'm calling from Soda Springs and have nothing to do with your subject of the day but there is some information I'd like to put out there for people who don't know this. On all of their cell phone bills and I see even on the landline bill there now, there is another Obama tax imposed on all of those things and it is registered under Federal - let me look right here - Federal Universal Service Fund - and I'm finding on my cell phone and on my landline bill charges ranging all together up into almost \$10 a month and this is an Obama tax imposed through the FCC to pay for welfare telephones and cell phones that we shouldn't have to pay for. He imposed the tax, he can pay it and I'm really angry to think that we continue to get one tax after another because of his redistribution of wealth crap and I think out there ought to know it.
Neal Larson	I love your passion and that thing has been around for a little while hasn't it?
Cala	It has. It was created in 1996 so it was created long before President

	Obama was our fearless leader.
Gerri Ann	Pardon me but this tax - they have confirmed - I got it from a different information - confirmed that this has been imposed because of his free cell phones to even - they have found them issued even to dead people and some people getting two and three of cell phones and this is all because he wants to redistribute wealth. This is part of the plan of making the wealthy pay for those who don't have it. I don't mind at all giving to someone who needs. In fact, I do it often but not forced to through the FCC imposing other things on us.
Neal Larson	Well, you know what thank you for the call. I appreciate that. And we should find out about that. Should I do an impersonation of the Obama _____.
Cala	We need it.
Neal Larson	Obama _____.
Cala	That's good.
Neal Larson	It was alright.
Cala	But the Universal Service Fund - that fee did exist before President Obama but she is right those fees do go to low income people's - initially it was set up so they would have home phones but, of course, now you can get a cell phone with it and the program has been horribly abused. Because a lot of cell phone companies - you just had to go it and say - Oh I qualify for food stamps or I'm low income and they wouldn't even prove it, they would just give you a phone and so they have three or four people in one family or people having multiple phones. It's been terribly abused.
Neal Larson	Alright. Let's go to one more call. Your name and where you're calling from. Hello? Oh maybe I should put on into the board.
Caller 2	Hello? It went to the congress and it was approved by the Obama administration about a year ago that it is legal to kill horses in the United States and it's legal to have a slaughter house, however, they defunded the program. There has to be a U.S.D.A. Meat Inspector there to inspect all the horses before they're killed but there's no money in the budget to do that, so that's what the holdup is. There's a plan under construction and they're trying to get it turned around to where there's money to fund those inspectors _____. It's also illegal to transport horses to either Mexico or Canada but it's cost prohibitive.

Neal Larson	Yeah. It doesn't make sense to travel all the way there.
Cala	Yeah. The U.S.D.A. is currently reviewing applications in New Mexico and Missouri for horse slaughter houses.
Neal Larson	Alright. You've got another few short minutes to sign up for those Lower Bowl Jazz tickets. Go to 590 KID.com. Click on the Utah Jazz ticket link. Submit your information. Even if you have before do it again and we'll pick a winner for Monday night's game when we come back on KID. [END OF RADIO PROGRAM]

Exhibit 30

Guest: Andi Elliott, Tea Party Organizer and Animal Welfare Activist

Broadcast in Politics Conservative

~~XXXXXXXXXX~~

h:94251

s:1019537

archived

<http://www.blogtalkradio.com/idahotalk/2010/04/27/hall-friends>

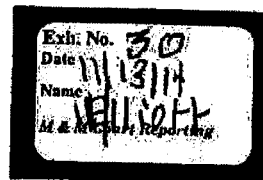


Exhibit 31

02/21/2014 10:31:43 LE004
ANDERSON, STEVE
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-07384
CAD: 33477
Status/Dispo: CLOSED

INCIDENT AND DETAIL

Misdemeanor: Felony: Non Criminal:

Initial NOC: DISTURBANCE HARRASSMENT
Ver NOC: DISTURBANCE HARRASSMENT
Location: 3448 E 500 N LEWISVILLE
Cross St:
District: 56
Rpted to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 11/21/2007 12:48
Occurred Date: 11/21/2007 TO 11/21/2007
Occurred Time: 12:48:00 TO 12:48:00

Reported By: WILLIAMS, JACKIE
3446 E 500 N
LEWISVILLE ID
Phone 1: (208) 252-0915
Phone 2:

Incident Officers

250 WILLIAMS, KORIN

Incident Names

Name	Type	Age
ELLIOTT, CANDACE WHITE	SUSPECT	58
WILLIAMS, JACQUELINE SUE	REPORTED PARTY	41

Description

RP IS BEING HARASSED BY SUBJECT FROM HUMANE SOCIETY OVER DOGS
WENT TO RP'S TO LOOK AT ANIMALS ALL WERE IN GREAT SHAPE VET PAPERS ON HAND FOR
ALL ANIMALS. WILL SPEAK WITH 200 ABOUT THE REACURING CALLS ON THIS
RESIDENCE.//250WILLIAMS200 ADVISED NO MORE CHECKES OF THE ANIMALS
AT THIS RESIDENCE UNLESS WE HAVE OBVIOUS SIGNS OF NEGLECT.//250WILLIAMS

Activity Log

Accident Report

Incident Citations

Incident Arrests

Incident Property

Incident Vehicles

*****END OF REPORT*****

Exh: No. 31
Date 11/13/14
Name ELLIOTT
M & M Court Reporting

Exhibit 32

10/08/2014 13:00:44 EE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-02604
CAD: 37820
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: DISTURBANCE HARRASSMENT
Ver NOC: DISTURBANCE HARRASSMENT
Location: 160 N 4090 E RIGBY
Cross St:
District: 60
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 04/28/2008 16:00
Occurred Date: 04/28/2008 TO 04/28/2008
Occurred Time: 16:00:00 TO 16:00:00
Rptd By: WISE, JEREMY
160 N 4090 E
RIGBY ID 83442
Phone 1: (208) 351-5586
Phone 2:

[REDACTED]

[REDACTED]

230 PARKER, LYNN

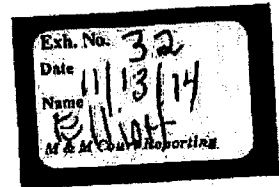
Name	Type	Age
ELLIOTT, CANDACE WHITE	SUSPECT	58
WISE, JEREMY LEE	REPORTED PARTY	00

[REDACTED]

RP IS BEING HARASSED BY HUMANE SOCIETY MEMBER OVER HIS DOGS
I SPOKE TO THE RP ON THE PHONE, HE STATED HE IS TIRED OF ANDI ELLIOTT
HARRASSING HIM. HE STATED SHE HAS SENT OFFICERS TO HIS HOME MULTIPLE TIMES
ABOUT HIS DOGS. RP WANTED TO KNOW WHAT COULD BE DONE TO STOP ELLIOTT FROM
HARRASSING HIM. RP STATED TODAY AT APPROXIMATLEY 2:30 OR 3:00 PM, ELLIOTT WAS
ON THE ROAD IN FRONT OF HIS HOUSE WITH A TELEPHOTO LENSE TAKING PICTURES OF
HIS RESIDENCE. RP STATED HE HAS ONE HUSKY AND ONE YELLOW LAB, THEY ARE IN A
6X12 KENNEL, HAVE FRESH WATER AND HE FEEDS THEM EVERY NIGHT. RP STATED HE
WOULD COME INTO THE SHERIFF'S OFFICE TOMORROW AND WRITE A STATEMENT. - 230
PARKER

SHERIFF OLSEN ADVISED. - 230 PARKER

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301



[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000387

Exhibit 34

10/08/2014 12:59:42 LE006B JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2008-02661
CAD: 37883
Status/Dispo: CITED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: TRESPASS
Ver NOC: TRESPASS
Location: 3745 E 800 N RIGBY
Cross St:
District: 40
Rpted to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 04/30/2008 10:34
Occurred Date: 04/30/2008 TO 04/30/2008
Occurred Time: 10:34:00 TO 10:34:00
Rpted By: BOHMAN, DOUGLAS HAL
3745 E 800 N
RIGBY ID 83442
Phone 1: (208) 745-8482
Phone 2:

[REDACTED]

[REDACTED]

POOLE, JEFF
250 WILLIAMS, KORIN

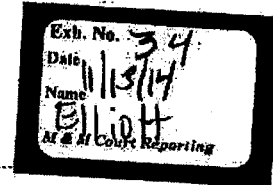
Name
BOHMAN, DOUGLAS HAL
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY
SUSPECT

Age
49
58

[REDACTED]

FEMALE SUBJECT IN VEH 1M64155, IS COMING DOWN RP LANE TO TAKE PICTURES OF HORSES LANE IS POSTED NO
TRESPASSING WANTS THIS TO STOP SEE 2008-02409
SPOKE WITH THE RP WENT TO RESIDENCE AND TOOK PHOTOS OF THE SIGNES POSTED AT
THE ENTRANCE OF THE DRIVEWAY. I TOLD THE RP TO FILL OUT A STATEMENT AND HAVE
HIS WIFE FILL ONE OUT AND WHEN THEY ARE DONE BRING THEM IN TO THE SO AND WE
WILL AHVE THEM SIGN A CITATION.//25005/01/2008 ISSUED A CITATION FOR
TRESPASSING GAVE IT TO 275 TO SERVE.//250PICS IN G DRIVE
RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE /
ARREST 10/08/14 //301



[REDACTED]

[REDACTED]

[REDACTED]

Name: ELLIOTT, CANDACE WHITE
Arrest No: 2008-02681 Date/Time: 04/30/2008 10:34 Type: SUMMONED-CITED
State Criminal Code Offense Code
1 COUNT OF 18-7008 TRESPASS 90J TRESPASS OF REAL PROPERTY
Citation #: 12941
Disposition Under 18: N/A

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000384

Jefferson County Sheriff's Office
0802661.001

On 04/30/2008 I was advised that Douglas Bohman wanted to sign a complaint against Candice White Elliot, (A.K.A Andi Elliot), (A.K.A Candice White Grubb) for trespassing. I responded to Douglas's residence at 3745 E 800 N.

When I arrived at that address I immediately noticed several signs posted on the fence line at the beginning of the driveway. One sign read "Private Property KEEP OUT", the other read "DEAD END". I took photos of the signs and the driveway. Douglas's house is located several hundred yards off the road down the driveway passed the Private Property signs.

I spoke with Douglas and he stated that on Monday 04/28/08 he and his wife were upstairs when they noticed a small blue vehicle driving down their driveway. The vehicle drove passed the signs and the gates all the way to the back of the house by the garage where Douglas stated that the vehicle turned around and drove back up the driveway until it was directly in front of the house. At this point Douglas stated, the driver of the vehicle got out and stood in Douglas's driveway to take pictures of the neighbor's horses. Douglas told me that he went down to the front door to ask the suspect what they were doing. Douglas stated that the suspect saw him come out of the house and hurried back in to her vehicle and started driving off. Douglas was able to write down the license plate number 1M 64155, prior to the suspect leaving the scene.

Douglas called the plate number into dispatch when he made the report. Dispatch advised me the plate number 1M 64155, Douglas had given, returned to a Candace White Grubb and John P. Grubb, (A.K.A Andi Elliot, A.K.A Candice White Elliot) at 2498 E 2100 N Hamer ID. The vehicle description Douglas gave of a small blue newer car match the Registration information of a 2007 Honda Civic 4dr. The physical description given by Douglas matched that of Candice Elliot.

This was not the first complaint I had received about Candice Elliot trespassing on fenced or posted land. Candice has been given previous verbal warnings about trespassing. Candice has also been verbally warned about harassing people over unfounded abuse claims.

Douglas brought his and his wife's written statement in to the Sheriff's Office on 05/01/08. I allowed Douglas to sign a citation for trespassing on Candice.

Nothing Further

Deputy Korin Williams

Jefferson County Sheriff's Office
0802561.001

Officer's Signature

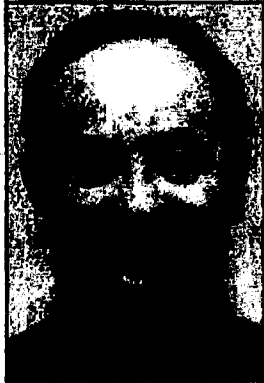
Date

Exhibit 44

Exh. No. 44
Date 12/13/14
Name ENIOT
M & M Court Reporting

Elected officials had to protect a resident's private property rights in the case of the injured dog in Jefferson County, writes Prosecutor Robin Dunn.

Heading the 4th Amendment



Robin Dunn

Guest columnist

Each elected official in the state of Idaho is required to take an oath upon being placed in office. Part of that oath is to uphold the constitutions of the United States and of the state of Idaho. These documents both have Fourth Amendment rights protecting citizens from unreasonable searches and seizures.

Law enforcement agencies, whether federal or state, make applications to various courts for the right to enter and search individual's real and personal property. The balancing tool is that law enforcement has to make an adequate showing to the court system to enter onto or into the private lives and property of its citizens.

The local chapter of the humane society, via Andi Elliott, has attempted, from time to time, to enter on individual's property without court permission. Individual warnings have gone unheeded by this individual. Those warnings have come from law enforcement in Jefferson County.

Unfortunately, the recent events concerning an injured dog regarding an incident in Jefferson County have received national publicity. In my opinion, the publicity, both local and nationally, was for the purpose of raising funding for animal

licity that Ms. Elliott received, via the television media or written print media, it is believed that more donations could be derived for the humane society.

I do not believe the issue was about animal cruelty or animals in general, but rather the right of the citizens to be protected from unreasonable searches and seizures without judicial authority. I believe, as does the sheriff of Jefferson County, that we have a duty to protect the rights of citizens.

Unfortunately, the media may print or televise only one side of a story. Law enforcement is limited in commenting on active cases. Thus, viewers and readers may only receive one side of a story. The message that should be extended is to be careful about what you view and what you read; another side of the story usually exists. More tragic is the lack of investigative reporting, in recent years, to determine different points of view.

It appears that some of your local media outlets will print or televise the viewpoints of a chosen few whose opinions, correct or not, may not reflect the view and/or positions of the majority. The tail, oftentimes, is wagging the dog.

Sheriff Blair Olsen and I have approximately 60 combined years of law enforcement practice. That does not mean we are always correct, but, it does mean we have seen many circumstances. Both of us care about the Constitution and, by the way, we both love animals.

Ms. Elliott, you have received your 15 minutes of fame — now, give it a rest.

PLP000210

Exhibit 45

10/08/2014 13:11:32
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-02128
CAD: 26834
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMALABUSE
Ver NOC: ANIMALABUSE
Location: 99 N 3500 E RIGBY
Cross St:
District: 50
Rpted to: BURTENSHAW, PATSY
Dispatch: BURTENSHAW, PATSY

Reported Date/Time: 04/15/2007 10:25
Occurred Date: 04/15/2007 TO 04/15/2007
Occurred Time: 10:25:58 TO 10:25:58
Rpted By: UPPER VALLEY HUMANE SOCIETY/ANDI
472 HANSEN #1
IDAHO FALLS ID
Phone 1:
Phone 2:

[REDACTED]

[REDACTED]

GREEN, BRIAN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	57
RICHARDSON, SHAWNIE LU	REPORTED PARTY	22
UPPER VALLEY HUMANE SOCIETY	REPORTED PARTY	

[REDACTED]

HORSES BEING NEGLECTED
I LOOKED AT THE HORSES. THE HORSES LOOKEED HEALTHY. // 295

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
///301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

Exh. No. 45
Date 11/13/14
Name ELLIOTT
M & H Court Reporting

PA000421

10/08/2014 13:06:24 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-07375
CAD: 33463
Status/Dispatch: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL
Ver NOC: ANIMAL
Location: 2483 E 2100 N HAMER
Cross St:
District: 20
Rpted to: GROVER, JERILEE
Dispatch: GROVER, JERILEE

Reported Date/Time: 11/20/2007 22:04
Occurred Date: 11/20/2007 TO 11/20/2007
Occurred Time: 22:04:00 TO 22:04:00
Rpted By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID
Phone 1: (208) 662-5808
Phone 2:

[REDACTED]

[REDACTED]

290 CLEMENTS, JOHN

Name
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY

Age
58

[REDACTED]

NEIGHBORS DOGS HARRASSING PEOPLE WALKING BY
UNFOUNDED COMPLAINT... 290/CLEMENTS DOGS ARE TAKEN CARE OF AND VERY FREINDLY
THEY HAVE FOOD AND WATER AND HOUSING AVAILABLE... 290/CLEMENTS RP CALLED ON
11/23/2007 STATING DOGS ARE LAYING ON A BALE OF STRAW AND HAVE NO SHELTER
305JG

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 11/301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000408

Jefferson County Sheriff's Office
0707375.001

THE HUMAN SCRIPT FOR THE BIBLE
BY
DAVID L. RAY

To: Jefferson County Sheriff's Office
Re: An investigation of the...
I have been on the...
If you will...
A couple of the...
I have been on the...
Was it not for the...
I would appreciate knowing...
And yes, if he will...
Thank you once again.
Andi Bligh
06/2/90
11/22/97

10/08/2014 13:05:24 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2007-07383
CAD: 33476
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 3450 E 500 N LEWISVILLE
Cross St:
District: 55
Rpted to: RAYMOND, KARRIE
Dispatch: RAYMOND, KARRIE

Reported Date/Time: 11/21/2007 12:48
Occurred Date: 11/21/2007 TO 11/21/2007
Occurred Time: 12:48:00 TO 12:48:00

Rpted By: HUMANE SOCIETY OF THE UPPER VALL
HITT ROAD
IDAHO FALLS ID

Phone 1:
Phone 2: (208) 681-4788

250 WILLIAMS, KORIN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
HUMANE SOCIETY OF THE UPPER	REPORTED PARTY	
WILLIAMS, JACQUELINE SUE	OWNER	41

2 DOGS CHAINED IN YARD WITH NO SHELTER
UNFOUNDED..... THIS IS THE SECOND TIME I HAVE RECEIVED A COMPLAINT FROM
ANDI ELLIOT ABOUT THIS SUBJECT ANIMALS AND EACH TIME I FIND THE CLAIMS ARE
UNFOUNDED. THE OWNER OF THE ANIMALS STATED THAT SHE IS TIED OF BEING HARASSED
BY THIS LADY (ANDI ELLIOT). I INFORMED 200 ABOUT THE PROBLEM WITH US BEING
USED TO HARASS THIS LADY OVER HER ANIMALS WHEN THE ANIMALS ARE FINE 200
ADVISED HE WOULD SPEAK WITH ANDI ELLIOT ABOUT THIS MATTER AND IF WE RECEIVED
AND FURTHER COMPLAINTS ABOUT THE ANIMALS AT THIS ADDRESS FROM ANDY ELLIOT TO
SEND THE COMPLAINTS TO HIM //250WILLIAMS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

Date	Time	Officer	Activity	Comments
11/21/2007	13:27	250 WILLIAMS, KORIN	ENROUTE	LOCATION- 3450 E 500 N LEWISVILLE
11/21/2007	13:33	250 WILLIAMS, KORIN	ON SCENE	LOCATION- 3450 E 500 N LEWISVILLE
11/21/2007	13:48	250 WILLIAMS, KORIN	CLEAR FOR CALLS	

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000406

10/08/2014 13:05:50 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2007-07384
CAD: 33477
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: DISTURBANCE HARRASSMENT
Ver NOC: DISTURBANCE HARRASSMENT
Location: 3446 E 500 N LEWISVILLE
Cross St:
District: 55
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 11/21/2007 12:48
Occurred Date: 11/21/2007 TO 11/21/2007
Occurred Time: 12:48:00 TO 12:48:00
Rptd By: WILLIAMS, JACKIE
3446 E 500 N
LEWISVILLE ID
Phone f: (208) 252-0915
Phone z:

[REDACTED]

[REDACTED]

250 WILLIAMS, KORIN

Name	Type	Age
ELLIOTT, CANDACE WHITE	SUSPECT	58
WILLIAMS, JACQUELINE SUE	REPORTED PARTY	41

[REDACTED]

RP IS BEING HARASSED BY SUBJECT FROM HUMANE SOCIETY OVER DOGS
WENT TO RPS TO LOOK AT ANIMALS ALL WERE IN GREAT SHAPE VET PAPERS ON HAND FOR
ALL ANIMALS. WILL SPEAK WITH 200 ABOUT THE REACURING CALLS ON THIS
RESIDENCE.//250WILLIAMS200 ADVISED NO MORE CHECKES OF THE ANIMALS
AT THIS RESIDENCE UNLESS WE HAVE OBVIOUS SIGNS OF NEGLECT.//250WILLIAMS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000407

10/08/2014 13:04:57 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2007-07861
CAD: 34088
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 100 N 3500 E RIGBY
Cross St:
District: 50
Rptd to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 12/14/2007 19:44
Occurred Date: 12/14/2007 TO 12/14/2007
Occurred Time: 19:44:48 TO 19:44:48
Rptd By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID
Phone 1: (208) 662-5808
Phone 2: (208) 681-4788

Investigator

POOLE, JEFF
260 KINDRED, JOHN
290 CLEMENTS, JOHN

Witnesses

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
FORTNER, TERA JENEA	OWNER	28

TERA BRAMWELL HORSES & DONKEYS TWO FEILDS ACROSS THE ROAD FROM EACH OTHER NO FEED ALL FALL NEIGHBOR
PUT MOLDY HAY IN FEILD 2 DAYS AGO "RP WANTS OFFICER CONTACT"
TALKED WITH ANDI - WANTS SOMEONE DURING DAY SHIFT TO CHECK ON THESE HORSES AND
DONKEYS. REFERRED TODAY SHIFT. - 260 TALKED TO 290//CLEMENTS.... HE SAID
HE WAS TAKING CARE OF THIS COMPLAINT-KR 12-15-07..... 12-15-07 I WENT TO
RESIDENCE AND OBSERVED ALL ANIMALS HAVE FOOD AND WATER ACESIBLE COMPLAINT IS
UNFOUNDED ADVISED ANDI HORSES SHOWED NO SIGNS OF ABUSE... 290/CLEMENTS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
///301

Date	Time	Officer	Activity	Comments
12/15/2007	14:57	290 CLEMENTS, JOHN	ON SCENE	LOCATION- 3500 E 100 N
12/15/2007	15:04	290 CLEMENTS, JOHN	OFFICER INITIATED INFO	LOCATION- HAS WATER AND FEED ON ALL HORSES AND DONKEYS
12/15/2007	15:04	290 CLEMENTS, JOHN	CLEAR FOR CALLS	

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000405

10/08/2014 13:04:33 LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-00718

EAMES, MICKEY

CAD: 35404

PAGE 1

Status/Disp: UNFOUNDED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: INFORMATION
Var. NOC: INFORMATION
Location: 160 N 4090 E RIGBY
Cross St:
District: 60
Rpted to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 01/22/2008 22:15
Occurred Date: 01/22/2008 TO 01/22/2008
Occurred Time: 22:15:00 TO 22:15:00
Rpted By: HUMANE SOCIETY OF THE UPPER VALL
HITT ROAD
IDAHO FALLS ID
Phone 1:
Phone 2: (208) 681-4788

INCIDENT CONTACTS

CONTACTS

200 OLSEN, BLAIR
240 WILLIAMS, AARON

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
HUMANE SOCIETY OF THE UPPER	REPORTED PARTY	

DESCRIPTION

DOGS BEING NEGLECTED
I CHECKED ON DOGS AT 160 N 4090 E. THE DOGS KENNEL IS ON A CEMENT PAD. IT HAS A BLACK TARP OVER THE TOP OF IT. INSIDE THE KENNEL IS A PLASTIC SHELTER. THE SHELTER IS LARGE ENOUGH TO HOLD 3 OR 4 DOGS. THE DOGS ALSO HAD WATER AND FOOD. OUTSIDE THE KENNEL THERE WAS A SHOVEL WHICH HAD BEEN USED RECENTLY TO REMOVE SNOW FROM THE INSIDE OF THE KENNEL. BOTH DOGS LOOKED HEALTHY. //240/WILLIAMS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

ADDITIONAL INFORMATION

INCIDENT NOTES

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000404

10/08/2014 13:02:14
EAMES, MICKEY
PAGE 1

LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-01925
CAD: 36940
Status/Dispo: ASSIGNED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL DOG
Ver NOC: ANIMAL DOG
Location: 2470 E 2100 N HAMER
Cross St:
District: 20
Rpted to: IBARRA, KANDIE
Dispatch: IBARRA, KANDIE

Reported Date/Time: 03/31/2008 16:50
Occurred Date: 03/31/2008 TO 03/31/2008
Occurred Time: 16:50:35 TO 16:50:35
Rptd By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID
Phone 1: (208) 662-5808
Phone 2: (208) 681-4788

[REDACTED]

[REDACTED]

275 FULLMER, ALLEN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58

[REDACTED]

OWNERS IN A BLU TRAILER N OF ABOVE ADDRESS HAS A DOG THAT IS CHAINED UP WITH NO MORE THAN 3 FT OF CHAIN TO WALK AROUND IN THE YARD RP WOULD LIKE CONTACT I FOUND NO PROBLEMS, DOG APPEARED IN GOOD HEALTH HAD APPROXIMATELY 12 FT CHAIN STRAW IN SHELTER AND FOOD IN FRONT OF ANIMAL NO FURTHER ACTION 275

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//1301

[REDACTED]

Date	Time	Officer	Activity	Comments
03/31/2008	16:50	275 FULLMER, ALLEN	DISPATCHED	LOCATION- 2470 E 2100 N HAMER
03/31/2008	16:50	275 FULLMER, ALLEN	CLEAR FOR CALLS	
03/31/2008	17:30	275 FULLMER, ALLEN	ON SCENE	LOCATION- 2470 E 2100 N HAMER
03/31/2008	17:35	275 FULLMER, ALLEN	CLEAR FOR CALLS	

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000394

10/08/2014 12:58:20 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2008-02696
CAD: 37936
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 113 N 4400 E RIGBY
Cross St:
District: 80
Rptd to: THOMAS, BRENDA
Dispatch: THOMAS, BRENDA

Reported Date/Time: 05/01/2008 9:00
Occurred Date: 05/01/2008 TO 05/01/2008
Occurred Time: 09:00:00 TO 09:00:00
Rptd By: HUMANE SOCIETY OF THE UPPER VALL
HITT ROAD
IDAHO FALLS ID
Phone 1:
Phone 2: (208) 681-4788

[Redacted]

[Redacted]

POOLE, JEFF
285 JOHNSON, DUSTIN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	58
HANSEN, MICHAEL WAYNE	OWNER	26
HUMANE SOCIETY OF THE UPPER V	REPORTED PARTY	

[Redacted]

HORSE NOT BEING FED
SEE REPORT, 210

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 ///301

[Redacted]

[Redacted]

[Redacted]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000382

Jefferson County Sheriff's Office
0802696.001

I received a complaint from Andi Elliot in reference to a horse being neglected on 4400E. I had deputy Johnson go with me to that location and we did locate a horse in the field behind a yellow trailer house at 113N. The horse does have some spots on its back where the hair has been missing and is starting to grow back. Other than that the horse looks healthy. I did see a barrel full of green alfalfa hay and a tub with water in the field with the horse. There was no one home at the time. I did speak to a neighbor Ardin Ricks at 107N, and asked him about the horse. He said it belongs to Mike Hansen and he says that he sees Hansen feeding the horse daily and he does not see any problem with the horse. I talked to Hansen on the phone and asked him about the horse. He was upset that his neighbor Aimee Goc and Andi Elliot continue to make false accusations about him and his horses. This is the second complaint we have received about horses at this location that was unfounded. Hansen told me and Sergeant Parker on the prior complaint that the horse had lice and he was medicating the horse. Hansen also stated that the other horse that died during the winter was 30 years old and died of old age not starvation. I advised Hansen we would not bother him again.

Captain J Poole

Officer's Signature

Date

10/08/2014 12:54:19 LE006

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2008-06498

EAMES, MICKEY

CAD: 43236

PAGE 1

Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 259 N 3800 E RIGBY
Cross St:
District: 60
Rpted to: GROVER, JERILEE
Dispatch: GROVER, JERILEE

Reported Date/Time: 10/24/2008 22:04
Occurred Date: 10/24/2008 TO 10/24/2008
Occurred Time: 22:04:26 TO 22:04:26
Rpted By: ELLIOTT, CANDACE WHITE
2483 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2:

RESIDENTS

REPORTED PARTY

270 WOLFE, JOHN
GREEN, BRIAN

Name
ELLIOTT, CANDACE WHITE
Type
REPORTED PARTY
Age
59

SUBJECT CALLED RP STATING THEIR NEIGHBOR HAS A PYRENEES DOG WHOSE FOOT WAS CAUGHT IN A TRAP. SHE LOST HER FOOT GANGRENE HAS SET IN AND THAT OWNER IS NOT PROVIDING MEDICAL CARE FOR THE DOG THIS COMPLAINT WAS FAX ED TO THE SHERIFFS OFFICE AND WAS NOT NOTICED UNTIL 2255 HRS. I WENT BY THE RESIDENCE AT APPROX 2316 HRS. ALL OF THE LIGHTS WERE OFF. I SAW A LARGE WHITE DOG DOWN THE DRIVEWAY WITH THE NIGHT VISION. THE DOG APPEARED TO BE WALKING AND RUNNING NORMAL. I HAVE PASSED THIS COMPLAINT DOWN TO DAY SHIFT FOR FOLLOW UP FIRST THING IN THE MORNING...270.

I WENT TO THE RESIDENCE AT APPROX. 08:12 AM. I SPOKE WITH TONY MORGAN. TONY STATED HIS DOGS FOOT WAS IN A TRAP MONTHS AGO. TONY SHOWED ME THE DOG. THE DOG WAS AT THE ADDRESS OF 260 N 3700 EAST, TONYS MOTHERS RESIDENCE. THE DOG WAS RUNNING AROUND WHEN I SAW IT. THE DOG WOULD NOT STAND OR RUN ON THE LEG THAT WAS HURT BUT WOULD PUT IT DOWN WHEN SITTING. I TOOK PICTURES OF THE DOGS FOOT. THERE WERE NO OPEN SORES ON THE FOOT. I SAW TONY GRAB THE FOOT SO I COULD SEE THE DOG WAS NOT IN PAIN. I SPOKE WITH ANDI ON THE PHONE AND TOLD HER WHAT WAS GOING ON. ANDI SAID THANKS FOR THE HELP. I CALLED 210 THE WEEKEND SUPERVISOR AND ADVISED HIM OF THE SITUATION. // 295

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
///301

ACTIVITY

Date	Time	Officer	Activity	Comments
10/24/2008	23:13	270 WOLFE, JOHN	ENROUTE	LOCATION- 259 N 3800 E RIGBY
10/24/2008	23:17	270 WOLFE, JOHN	LOCATION	LOCATION- IN AREA
10/24/2008	23:22	270 WOLFE, JOHN	CLEAR FOR CALLS	
10/25/2008	8:12	GREEN, BRIAN	ON SCENE	LOCATION- SO
10/25/2008	8:29	GREEN, BRIAN	STATUS CHECK	LOCATION- SO
10/25/2008	8:38	GREEN, BRIAN	CLEAR FOR CALLS	

INCIDENT VARIANCES

PROPERTY

PA000379

10/08/2014 12:54:18 LE006
EAMES, MICKEY
PAGE 2
OFFICER

JEFFERSON CTY SHERIFF'S OFFICE
INCIDENT SUMMARY

Incident #: 01-2008-06498
CAD: 43256
Status/Dispo: CLOSED

REVIEWED BY

*****END OF REPORT*****

PA000380

10/08/2014 12:33:40 LE006 JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2010-02015
CAD: 58140

EAMES, MICKEY
PAGE 1

Status/Date: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: HAMER- & 2100 N HAMER
Cross St: 2100 N
District: 20
Rptd to: RAYMOND, KARRIE
Dispatch: RAYMOND, KARRIE

Reported Date/Time: 04/23/2010 19:19
Occurred Date: 04/23/2010 TO 04/23/2010
Occurred Time: 19:19:59 TO 19:19:59
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2:

Investigation On 04/23/2010

Investigation On 04/23/2010

290 CLEMENTS, JOHN

Name	Type	Age
CARRILLO, OLIVIA ROSALES	OWNER	62
ELLIOTT, CANDACE WHITE	REPORTED PARTY	60
HUMANE SOCIETY OF THE UPPER	REPORTED PARTY	

Dispatch Record

FAX FROM ANDI ELLIOT GREAT PYRENEES DOG IS ON A VERY SHORT CHAIN AND CANNOT REACH ADEQUATE SHELTER OR FOOD AND WATER.
RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

Activity Log

Date	Time	Officer	Activity	Comments
04/23/2010	19:47	290 CLEMENTS, JOHN	NOTIFY	LOCATION- HAMER- & 2100 N HAMER

Investigation On 04/23/2010

Investigation On 04/23/2010

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000633

Jefferson County Sheriff's Office
1002015.001

On April 23, 2010 I was advised of a possible animal abuse complaint in the Hammer area. I responded to the area and located the animal at 2470 E 2100 N. I spoke with the animal owner Olivia Rosales Carrillo. Olivia gave me permission to walk out and look at the dog.

I walked out to the area the dog was at. I observed the dog had approximately a twenty foot chain to move on. I observed there were multiple five gallon buckets with water in them. I observed the buckets of water were clean and appeared to be freshly filled. I observed there was a chicken coop next to the dog with an opening the dog could get in and out of. I observed the dog had a food dish with food in it. I photographed the animal and the area around the animal. Photos are downloaded on G drive.

I spoke with Olivia again. Olivia showed me a fifty pound bag of dog food and advised she fills the dogs dish daily. Olivia advised she knew Andy Elliot was the one complaining and she wanted her to stay off the property and quit harassing her.

I called Andy Elliot back and advised her of my findings and that Olivia wanted her to stay off the property and to quit harassing her. Andy said she was glad we looked at the animal and felt better about it now. I advised Andy we would check on the dog again in a couple of days.

Officer's Signature

Date

Jefferson County Sheriff's Office
1002015.002

APR 23 2010 04:51 PM CRUBB

2886623888

P.01

THE HUMANE SOCIETY OF THE UPPER VALLEY
PO BOX 31021
IDAHO FALLS, IDAHO 83405

2017.3 F

April 23, 2010

To: Jefferson County Sheriff's Department

Re: Great Pyrenees Dog

Dear Sir,

The above dog is located on 2100N in Hamer. It is chained behind a trailer just west of where road gravel is stored and across from the Nicodero's property. The address is partially obscured. The yard has somewhat of a fence around the property.

Today I have observed this dog on a very short chain and I cannot tell from a distance whether he is tangled or simply does not have a chain adequate for his large breed. He is becoming visibly agitated at being unable to move freely and is frequently barking.

I have watched this dog all winter. He was chained to a large doghouse, which just simply seem to disintegrate a few weeks ago. Shortly afterwards he was moved to his current location. Appropriate shelter has not been provided. I believe he can crawl under a stump, which is not proper shelter; his chain may be too short to even do this.

Usually his white water bucket is placed about 3-5 feet away from where he can currently access it as it normally can be seen from the paved road.

I received a complaint about the dog some weeks ago as the dog is allowed to run freely at times. I have personally noted that the dog is becoming more aggressive the longer it is chained. A neighbor threatened to shoot it as he has grandchildren that frequently visit.

The dog has also been aggressive towards me as I walk from my home to the Hamer Post Office. I've seen small children on the owner's property. It would be too tragic if the dog, in his growing frustration, were to attack a child should it wander into the dog's area.

I would appreciate a "welfare check" on this animal and a call back regarding this situation.

Thank you,

Andi Ellison
662-5808
cc: HSUV

10/08/2014 11:36:41 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2011-07331
CAD: 75353
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 2115 N 2497 E HAMER
Cross St:
District: 20
Rpted to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 12/31/2011 12:10
Occurred Date: 12/31/2011 TO 12/31/2011
Occurred Time: 12:10:00 TO 12:10:00
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID: 83425
Phone 1: (208) 662-5808
Phone 2:

Investigator's Name

260 SMITH, LELAND

Witness Name

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	62
PUEENTE, PEDRO	OWNER	45

Investigation Details

CONCERNED NEIGHBOR MADE CONTACT WITH THE RP ABOUT SOME HORSES IN THE AREA NOT BEING FED UNKNOWN ADDRESS OR OWNERS NAME/NORTH OF RPS ADDRESS 260 ADV HORSES ARE IN GOOD BODY CONDITION PLENTY OF FOOD AND WATER 260 MADE CONTACT WITH RP AND ADV I RESPONDED AND FOUND THE HORSES IN GOOD CONDITION, THERE WAS ROUGHLY THREE TONS OF HAY IN THE BACK OF THE HORSE SHED AND THEIR FEED TUB HAD ROUGHLY THREE BALES WORTH OF HAY IN IT AT THE TIME I INSPECTED THEM. THERE IS A WATER TUB ROUGHLY 1000 GALLONS IN SIZE THAT IS THREE QUARTERS OF THE WAY FULL OF WATER WITH A TANK HEATER IN IT. I TOOK PHOTOS, CLAIMS ARE UNFOUNDED.....260.....1-17-12 GOT A FAX FROM MRS. ELLIOT WITH CONCERN FOR THE HORSES TODAY. I HAD BEEN OUT AND LOOKED AT THE HORSES AROUND ELEVEN THIS MORNING AND THERE IS STILL HAY IN THE SHED AND THE HORSES LOOKED GOOD. I HAD ALSO LEFT A CARD AND PEDRO CALLED ME AROUND SIX P.M. AND VERIFIED HE HAD FED THEM TONIGHT. HORSES ARE STILL IN GOOD CONDITION AND BEING CARED FOR.....260

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
///301

Activity Log

Date	Time	Officer	Activity	Comments
12/31/2011	17:06	260 SMITH, LELAND	DISPATCHED	LOCATION- HAMER- HAMER
12/31/2011	17:07	260 SMITH, LELAND	CLEAR FOR CALLS	

Investigator's Name

Witness Name

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000515

10/08/2014 11:25:34 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2012-01905
CAD: 77909
Status/Date: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 3933 E 200 N RIGBY
Cross St:
District: 60
Rptd to: WILLIAMS, JENNIFER
Dispatch: WILLIAMS, JENNIFER

Reported Date/Time: 04/17/2012 21:39
Occurred Date: 04/18/2012 TO 04/18/2012
Occurred Time: 12:19:17 TO 12:19:17
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2:

[REDACTED]

[REDACTED]

391 WICHMANN, ANDREW

Name
ELLIOTT, CANDACE WHITE

Type
REPORTED PARTY

Age
62

[REDACTED]

*****VIA FAX***** ANIMAL ABUSE ON DOGS

I WAS ADVISED BY 290 THAT SOME DOGS WERE BEING ABUSED AT THIS RESIDENCE. I WENT TO THE RESIDENCE AND OBSERVED ONE DOG AND IT APPEARED TO BE HEALTHY 265WICHMANN

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

[REDACTED]

<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Activity</u>	<u>Comments</u>
04/18/2012	12:21	391 WICHMANN, ANDREW	NOTIFY	LOCATION- 3933 E 200 N RIGBY MAP 30/34

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000471

Jefferson County Sheriff's Office
1201905.001

Apr 17 12 09:39p

John Grubb

208-662-5808

P. 1

17 April 2012

To: Deputy Clements

Re: Horse with the long hooves on HWY 48

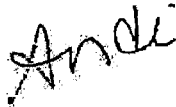
Deputy Clements;

Just received a call from Marsha McDaniel...she goes by the horse daily on the way to care for her horses. She saw the paint in question today and said that the horse had not received the needed care.

And another complaint about Todd Covington...he's got a litter of puppies you might check on...just so you know.

Thanks,

Andi



PA000472

10/08/2014 11:25:11 LE006
EAMES, MICKEY
PAGE 1

JEFFERSON CTY SHERIFF'S OFFICE

Incident #: 01-2012-03816
CAD: 79128
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL HORSE
Ver NOC: ANIMAL HORSE
Location: 2497 E 2100 N HAMER
Cross St:
District: 20
Rpted to: LISA PHIPPEN
Dispatch: LISA PHIPPEN

Reported Date/Time: 05/30/2012 15:33
Occurred Date: 05/30/2012 TO 05/30/2012
Occurred Time: 15:33:26 TO 15:33:26
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2:

260 SMITH, LELAND

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	62

RP WANTED HORSES CHECKED ON BECAUSE THEY LOOK THIN OFFICER FOUND HORSES IN FIT BODY CONDITION NO PROBLEM I RESPONDED AND FOUND THE FEEDER WITH ROUGHLY THREE BALES IN IT FOR THE TWO HORSES. THEY HAD FRESH WATER ALSO. THE HORSES WERE IN A FIT CONDITION AND I THEN WENT OVER AND ADVISED MRS. ELLIOT. NO FURTHER ACTION NEEDED.....260

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

Date	Time	Officer	Activity	Comments
05/30/2012	15:33	260 SMITH, LELAND	DISPATCHED	LOCATION- 2497 E 2100 N HAMER
05/30/2012	15:33	260 SMITH, LELAND	CLEAR FOR CALLS	

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000470

10/08/2014 11:20:42 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2012-07037
CAD: 84673
Status/Disp: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 1995 N 2500 E HAMER
Cross St:
District: 20
Rptd to: HODGES, RANDY
Dispatch: HODGES, RANDY

Reported Date/Time: 12/20/2012 11:55
Occurred Date: 12/20/2012 TO 12/20/2012
Occurred Time: 11:55:33 TO 11:55:33
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2: (208) 662-5808

290 CLEMENTS, JOHN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	63
MURDOCK, DAN E	OWNER	57

HORSES ONLY BEING FED EVERY OTHER DAY
WENT TO THE HOME SPOKE WITH DAUGHTER WAS GIVEN PERMISSION TO GO LOOK AT
ANIMALS. WENT TO PASTURE THERE IS FOOD IN THE PASTURE AND WATER AVAILABLE. I
OBSERVED THE HORSES WERE ALL AT A GOOD BODY WEIGHT AT THIS TIME. PHOTOS LOADED
INTO G DRIVE. 290/CLEMENTS

ANDI ELLIOTT REQUESTED INCIDENT REFERRED TO PROSECUTORS OFFICE BY 200
08/21/13 //301

DAN MURDOCK REQUESTED AND RECEIVED INCIDENT 01/31/14 //301

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

Date	Time	Officer	Activity	Comments
12/20/2012	11:56	290 CLEMENTS, JOHN	NOTIFY	LOCATION- 1995 N 2500 E HAMER
12/20/2012	12:16	290 CLEMENTS, JOHN	ON SCENE	LOCATION- 1995 N 2500 E HAMER
12/20/2012	12:25	290 CLEMENTS, JOHN	STATUS CHECK	LOCATION- 1995 N 2500 E HAMER
12/20/2012	12:28	290 CLEMENTS, JOHN	CLEAR FOR CALLS	

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000462

10/08/2014 11:17:36 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2013-00467
CAD: 85506
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 2484 E 2100 N HAMER
Cross St:
District: 20
Rpted to: HODGES, RANDY
Dispatch: HODGES, RANDY

Reported Date/Time: 01/28/2013 0:38
Occurred Date: 01/28/2013 TO 01/28/2013
Occurred Time: 00:38:20 TO 00:38:20
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2:

[REDACTED]

[REDACTED]

240 WILLIAMS, AARON
290 CLEMENTS, JOHN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	63
OSBURN, GRADY EUGENE	OWNER	44
OSBURN, SANDRA	OWNER	41

[REDACTED]

MUTIPLE ANIMALS NOT BEING FED.
WEN TO THE ADDRESS AND SPOKE WITH THE OWNER THEY SHOWED ME THE ANIMALS ALL THE ANIMALS APPEARED TO BE OF GOOD BODY WEIGHT. I WAS SHOWN THE OWNERS ARE FEEDING PELET FOOD NOT HAY BALES. VIDEO LOADED TO G DRIVE.... 290/CLEMENTS

CALLED AND LEFT A MESSAGE FOR ANDY REGARDING THE FINDINGS... 290/CLEMENTS

GRADY OSBURN REQUESTED AND RECEIVED INCIDENT / NARATIVE 11/07/13
//301

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 //301

[REDACTED]

[REDACTED]

[REDACTED]

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000451

Jefferson County Sheriff's Office
1300467.001



Jan 27 13 06:04P John Grubb

208-662-5808

P. 1

2013-00467

240 notified.

Westside Had Already
Checked Off.

27 January 2013

To: Deputy John Clements or officer on duty

Re: Animals belonging to Grady and Sandy Osburn, Hamer

(They are located on the curve after you cross the tracks in Hamer on 2100N.)

They have a conglomeration of animals. 3 of the neighbors have expressed concerns to me about the lack of care and feed that the animals receive.

We passed by them on the way from church this afternoon. The cow is trying to find food in an empty feed container, one of the goats is chewing on a stick. The neighbors say that sporadically they receive hay.

I personally have given them feed for their pigs and chickens. Neighbors have complained to me that they have witnessed Grady and one of the boys beating the animals with a chain/board. I've communicated this to Sandy without much success it seems.

So, I've tried to call them today several times but the phone company says the number is temporarily unavailable...whatever that means.

Anyhow, if you could do a welfare check, it would be appreciated and please let me know. I know some of the neighbors would donate a bale or two of hay which would be only a temporary fix.

Thanks,

Andi

Andi

24164 E 2100N

662-5808

incident

419-8064

2012-00467

PA000452

Jefferson County Sheriff's Office
1300467.002

Jan 29 13 10:34p

John Grubb

208-562-5808

P. 1

29 January 2013

To: Deputy John Clements

Re: Hamer Animals

Thanks so much for checking on them. I'll let their neighbors know what's going on with the feed. They've been right concerned and I bet I've had complaints for over two years now about that situation. Even had complaints about the pigs from someone well experienced with pigs. I've been trying to help out especially since they are close neighbors.

Just an FYI: I've been asked by one of my neighbors to trap a litter of kittens in their barn. It's the Neiderers...so, I'll be in and out of their barn for a few weeks trying to round them up and get them over to Cedar Ridge Vet to have them spayed/neutered. They are giving out \$35-\$50 coupons for s/n if you know of anyone needing one. I believe the program continues for another 5 weeks.

Also, I think a "problem" that has been rather persistent over in Madison has moved his ponies over to Jefferson to hide out for awhile because there have been so many complaints about the lack of care about his animals (ponies/llamas/cows)...at least that is what I've been told. Some of the ponies have hooves like the one you dealt with last year...curled up like elf shoes. I've been sent pictures. If I find that they are in your territory, I'll let you know.

Were you ever able to locate the mother dog out in Mud Lake?

Thanks again.

Andi

Andi

PA000453

Jefferson County Sheriff's Office
1300467.003



Feb 03 13 09:44p

John Grubb

208-662-5808

P. 1

3 February 2013

Deputy John Clements,

Just to let you know that a fourth family has complained about the Grady Osburn animals in Hamer and were greatly relieved to learn that he was feeding them hay pellets. Thanks for checking on them.

An aside: While trapping ferals Wednesday afternoon, I set the trap, left it for ten minutes, and when I returned I had 3 cats in the trap at the same time. I took them to the vet immediately. ALL three were females! What are the odds of that happening?

Andi

Andi

PA000454

10/08/2014 11:16:30 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2013-03184
CAD: 89052
Status/Disp: UNFOUNDED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 70 N 4000 E RIGBY
Cross St:
District: 60
Rpted to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 08/12/2013 14:27
Occurred Date: 08/12/2013 TO 08/12/2013
Occurred Time: 14:27:12 TO 14:27:12
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 682-5808
Phone 2:

PROPERTY

PROPERTY

391 WICHMANN, ANDREW

Name	Type	Age
BUTLER, CANDICE	OTHER	00
ELLIOTT, CANDACE WHITE	REPORTED PARTY	63
FISHER, JAMES LEE	OWNER	54

DESCRIPTION

FAXED RECIEVED FROM THE RP STATING THAT PERSON THAT LIVES AT ABOVE ADDRESS IS ABUSING HIS HORSES BY NOT GETTING MEDICAL ATTENTION AS NEEDED AND ALSO NOT FEEDING WATERING THEM I RESPONDED TO THE RESIDENCE THE HOME OWNER WAS NOT HOME, THE HORSES THAT I OBSERVED DID NOT APPEAR TO BE ABUSED 265WICHMANN

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT 10/08/14
//301

ACTIVITY

Date	Time	Officer	Activity	Comments
08/12/2013	14:29	391 WICHMANN, ANDREW	DISPATCHED	LOCATION- 70 N 4000 E RIGBY
08/12/2013	14:34	391 WICHMANN, ANDREW	ON SCENE	LOCATION- 70 N 4000 E RIGBY
08/12/2013	14:54	391 WICHMANN, ANDREW	CLEAR FOR CALLS	

OFFICER

REVIEWED BY

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000449

10/08/2014 11:15:05 LE006 JEFFERSON CITY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2013-06335
CAD: 93153
Status/Dispo: CLOSED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 2464 E 2100 N HAMER
Cross St:
District: 79
Rptd to: TOMCHAK, JANELLE
Dispatch: TOMCHAK, JANELLE

Reported Date/Time: 10/31/2013 11:30
Occurred Date: 10/31/2013 TO 10/31/2013
Occurred Time: 11:30:10 TO 11:30:10
Rptd By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-5808
Phone 2: (208) 419-8064

PROPERTY

260 SMITH, LELAND
270 WOLFE, JOHN

Name	Type	Age
ELLIOTT, CANDACE WHITE	REPORTED PARTY	64
OSBURN, GRADY EUGENE	OWNER	45

DESCRIPTION

GRADY OSBOURNE NEIGHBORS ONE OF THE COWS APPEARS TO BE LOSING WEIGHT CHWING ON STICKS NO FOOD VISIBLE BRO-WHT COW 5 RIBS SEEN FROM ROADWAY I RESPONDED AND FOUND THE COW HAD SLIGHT SIGNS OF RIBS SHOWING BUT THAT IT WAS ALSO A DAIRY BREED OF COW SO DID NOT FIND ANY NEGLECT. THERE WAS HAY ON THE GROUND IN WITH THE COW THAT WAS NOT GONE AND THE COW WAS DOWN LAYING DOWN. THERE WERE THREE ONE TON BAIL'S OF HAY NEXT TO THE PEN. I ADVISED THE OWNER THAT I WOULD FOLLOW UP WITH THE COWS CONDITION BUT FOUND NO NEGLECT.....260

GRADY OSBURN REQUESTED AND RECEIVED INCIDENT 11/07/13 ///301

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 ///301

ACTIVITY

Date	Time	Officer	Activity	Comments
10/31/2013	13:19	270 WOLFE, JOHN	DISPATCHED	LOCATION-2464 E 2100 N HAMER
10/31/2013	13:19	270 WOLFE, JOHN	CLEAR FOR CALLS	
10/31/2013	13:19	260 SMITH, LELAND	ON SCENE	LOCATION-2464 E 2100 N HAMER
10/31/2013	13:32	260 SMITH, LELAND	CLEAR FOR CALLS	LOCATION-2464 E 2100 N HAMER

ADDITIONAL INFORMATION

REPORTING OFFICER

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000447

10/08/2014 11:09:38 LE006 JEFFERSON CTY SHERIFF'S OFFICE
EAMES, MICKEY
PAGE 1

Incident #: 01-2014-03326
CAD: 98839
Status (Dh): UNFOUNDED

INCIDENT SUMMARY

Misdemeanor: Felony: Non Criminal:

Initial NOC: ANIMAL ABUSE
Ver NOC: ANIMAL ABUSE
Location: 3570 E 665 N MENAN
Cross St:
District: 45
Rpted to: RACKHAM, LESLIE
Dispatch: RACKHAM, LESLIE

Reported Date/Time: 06/17/2014 12:09
Occurred Date: 06/17/2014 TO 06/17/2014
Occurred Time: 12:09:20 TO 12:09:20
Rpted By: ELLIOTT, CANDACE WHITE
2498 E 2100 N
HAMER ID 83425
Phone 1: (208) 662-6808
Phone 2:

Involved Parties

290 CLEMENTS, JOHN

Involved Parties

Name	Type	Age
BERRY, PETER SHANNON	OWNER	49
ELLIOTT, CANDACE WHITE	REPORTED PARTY	64

Description

290 TO FILL DETAILS
SPOKE WITH THE OWNER OF THE HORSES LOOKED AT THE ANIMALS AND EVERYTHING WAS
10-4 HORSES WERE IN GOOD HEALTH EXCEPT ONE OLD HORSE WITH NO TEETH LEFT..
290/CLEMENTS

RAY WONG ATTORNEY REQUESTED AND RECEIVED INCIDENT / NARRATIVE
10/08/14 11/301

Clears/Status

Date	Time	Officer	Activity	Comments
06/17/2014	12:10	290 CLEMENTS, JOHN	DISPATCHED	LOCATION- 3570 E 665 N MENAN
06/17/2014	12:10	290 CLEMENTS, JOHN	ON SCENE	LOCATION- 3570 E 665 N MENAN
06/17/2014	12:21	290 CLEMENTS, JOHN	CLEAR FOR CALLS	

Investigative Notes

Property

OFFICER

REVIEWED BY

*****END OF REPORT*****

PA000563

Jefferson County Sheriff's Office
1403326.001



Jun 13 14 02:57p

John Grubb

208-662-5808

p. 1

13 June 2014

To: Deputy John Clements

Re: Horses in Menan

This morning I received a call regarding some "rail thin" horses in Menan.

I'm told they belong to a "Teach"?? and Janet Berry and the driving directions are as follows:

-driving eastward, turn left at Watson's Bar

-go to the next block

-take a right

-1st house has some black horses which caller says are fine

-next house has 3 Appaloosa/whitish horses including a filly

-no feed present/thin horses/neighborhood kids have been sticking grass through the fence to them.

I won't be able to get over that way until probably after church on Sunday.

Thought I'd give you a heads up.

Thanks,

Andi

445-9212

PA000564

Jefferson County Sheriff's Office
1403326.001



Jun 18 14 11:59a

John Grubb

208-662-6808

P. 1

17 June 2014

Deputy Clements,

Thanks for the follow up call. I think you are right about those horses. Wasn't sure about the old horse though.

I have to wonder how many times these situations are reported because of possible "neighbor conflicts".

Just an FYI: I haven't received any inquiries about the dog abandoned out at Market Lake a few weeks ago. I've had him vaccinated and his teeth cleaned, so I'll be looking to rehome him.

Andi

Andi

745-9212

PA000565

Exhibit 48

YOUR VIEWS

In Its Infancy

Received Aug. 7

You remember the Wendy's commercial when the little old Lady asked the question: "Where's the beef?" We have a more important question to ask now. "Where is the science?" I am referring to the science used to establish Anthropogenic Global Warming (AGW). It apparently got lost on the way to the laboratory. A better answer is: The science of AGW is still in its infancy.

Although we have a good editorial staff at the Post Register, their scientific abilities are not strong. (Word count: 82)

A.J. MOFFAT
Idaho Falls

Stop whining

Received Aug. 7

I read the Jefferson Star's Aug. 6 story titled, "(Commissioner) Raymond says media has toxic attitude." It is so discouraging to county residents who want our government officials to be above reproach. Raymond continues to obfuscate and ignore the elephant in the room. We have a sheriff under investigation by the attorney general and a knife-wielding prosecutor who has made some very questionable decisions, and Raymond

wants to blame the media for its "toxic attitude."

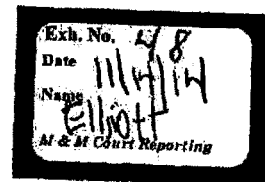
As I see it, Raymond has three courses of action that he can choose from: nothing, clean up the abuse of the public trust that has been documented to widespread in our county government defend those who have caused the no two-and-a-half year seemingly never-ending embarrassing saga that simply reinforces the negative stereotype of Jefferson County. It is the stenographers in the county that have provided the non-ending fodder for the news, not a "toxic attitude" local media.

Commissioner Raymond, had you been willing from the get-go to tackle these issues posed by the "I J good ol' boys," you too would be receiving "kudos" from the local press for your attempts at reform. But you chose another path — that of protecting the status quo.

Old-timers are accustomed to looking the other way at the misdeeds of their friends and relatives. The newcomers, whose taxes you welcome, won't stand for this. So many thanks to the media educating county taxpayers. And Commissioner Raymond, please stop whining. (Word count: 247)

ANDI ELLIOT
Hes

DEFINITIONS Reader letters: 250 words max • Guest columns, solicited: 450 words max • 61



00107

Exhibit 49



North American Equine Services, LLC

Specializing in Equine Litigation Consulting and Horse Appraisals
1-800-575-1669

3rd Quarter 2014

In This Issue

- HSUS
- Equine Insurance
- Endurance Riding
- Star Award
- Ask the Expert
- NAES Scholarship
- About NAES

Where Does Your Money Go When You Donate to the Humane Society?



THE HUMANE SOCIETY
OF THE UNITED STATES

Each of us has seen the heart breaking commercials by the Humane Society of the United States (HSUS) featuring cuddly cats and dogs looking for a new home after a life of abuse and neglect.

But what those commercials don't tell you is that the HSUS does not run or associate with any local shelters and that less than 1% of your charitable donations will ever reach those adorable pets on your TV screen.

It is this discovery that brought federal charges under the Racketeer Influenced

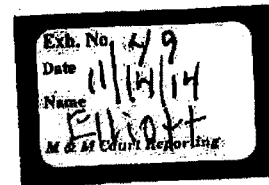


Exhibit 50

**IN THE DISTRICT COURT FOR THE 7TH JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR JEFFERSON COUNTY
SMALL CLAIMS DEPARTMENT**

Case No. _____

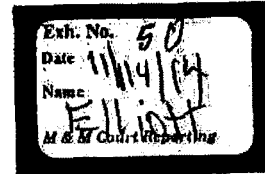
Candace W Elliott AKA Andi Elliott,
Plaintiff,

v.

Claim \$5,000 plus court costs

Brenda Murdoch,
Defendant.

_____ /



COMPLAINT

Andi Elliott Plaintiff sues Brenda Murdoch Defendant for money damages and states:

JURISDICTIONAL ALLEGATIONS

1. This is an action for money damages of \$5000 plus court costs.
2. At all times material to this lawsuit, Andi Elliott Plaintiff was a resident of Jefferson County, Idaho.
3. At all times material to this lawsuit, Brenda Murdoch Defendant was a resident of Jefferson County, Idaho.
4. All acts necessary or precedent to the bringing of this lawsuit occurred or accrued in Jefferson County, Idaho.
5. This Court has jurisdiction.

PLP001087

GENERAL FACTUAL ALLEGATIONS

6. On 24 July 2011 Plaintiff and her husband (driver) drove down Old Butte Highway passing a pen of horses in poor condition and belonging to the Defendant and her family. Exhibit F
7. Plaintiff got out of car and took pictures of the horses from the public roadway.
8. Plaintiff called in a complaint to the Jefferson County Sheriff Department requesting a welfare check. Exhibit D
9. Plaintiff got into the car and went home to wait for the responding deputy. Exhibit D
10. Deputy John Clements responded to the scene. Exhibit D
11. Defendant and her husband filed written statements with the Sheriffs Department. Exhibits A, E
12. Neither statement stated that I trespassed.
13. Plaintiff was subsequently charged with trespass.
14. No evidence was presented during the 5 days of trial that Plaintiff trespassed.
15. Plaintiff was acquitted on 2 July 2013. Exhibit C
16. Plaintiff incurred attorney's bills of \$24,674.17 for her defense. Exhibit B

COUNT ONE: ABUSE OF PROCESS

17. Plaintiff realleges and restates the foregoing jurisdictional allegations and general factual allegations.
18. The Defendant's original complaint made no mention of "trespass". Exhibit A

PLP001088

19. The Defendant later testified that Plaintiff trespassed.

20. No evidence was presented at trial that Plaintiff trespassed.

21. The Defendant gave false testimony during the trial for the purpose of vexation because of the Plaintiff's complaint about her/family's horses which resulted in an investigation conducted by the State Vet, Dr. Tom Williams, and Deputy John Clements in August 2011.

22. Plaintiff was acquitted on 2 July 2013. Exhibit C

23. Plaintiff paid legal fees in the amount of \$24,674.17 for Plaintiff's defense.

Exhibit B

WHEREFORE Andi Elliott Plaintiff demands judgment for money damages against Brenda Murdock Defendant, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

COUNT TWO: PERJURY AND SUBORNATION OF PERJURY

24. Plaintiff realleges and restates the foregoing jurisdictional allegations and general factual allegations.

25. *Defendant committed PERJURY as defined by Idaho Code 18: 5413*

18-5413. Providing false information to law enforcement officers, government agencies, or specified professionals. (1) A person is guilty of a misdemeanor if he knowingly gives or causes to be given false information to any law enforcement officer, any state or local government agency or personnel, or to any person licensed in this state to practice social work, psychology or counseling, concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.

PLP001089

26. Testimony of Defendant during the course of the trial conflicted with Defendant's original written statement and with evidence presented at trial.

Exhibit A

27. Plaintiff was Acquitted on 2 July 2013 Exhibit C

28. Plaintiff suffered damages in the amount of \$24,674.17 paid in attorney's fees incurred in Plaintiff's defense. Exhibit B

WHEREFORE Andi Elliott Plaintiff demands judgment for money damages against Brenda Murdock Defendant, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

COUNT THREE: MALICIOUS PROSECUTION

29. Plaintiff realleges and restates the foregoing jurisdictional allegations and general factual allegations.

30. Defendant was actively instrumental in the commencement and maintenance of a criminal proceeding against the Plaintiff.

31. Defendant acted with malice as the Jefferson County Animal Control Officer Deputy John Clements and State Veterinarian Dr. Tom Williams conducted an investigation of Defendant's horses/cows over concerns of poor quality of care provided to the animals as a result of Plaintiff's complaint to the Jefferson County Sheriffs Department.

PLP001090

32. During the course of the trial, Defendant's nephew wrote derogatory editorial about Plaintiff. Exhibit G

33. During the course of the trial, Defendant's brother-in-law wrote derogatory editorials about Plaintiff. Exhibit H

34. Defendant's brother-in-law called in to 590KID radio during the trial process and stated that Plaintiff trespassed all over the place.

35. No evidence was produced during trial that Plaintiff trespassed.

36. Plaintiff was Acquitted on 2 July 2013 Exhibit C

37. Plaintiff suffered damages in the amount of \$24,674.17 paid in attorney's fees incurred for Plaintiff's defense. Exhibit B

WHEREFORE Andi Elliott Plaintiff demands judgment for money damages against Brenda Murdock Defendant, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

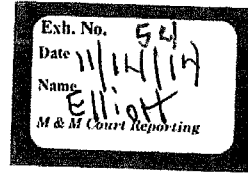
Andi Elliott, Plaintiff

2498 E 2100 N

Hamer, ID 83425

PLP001091

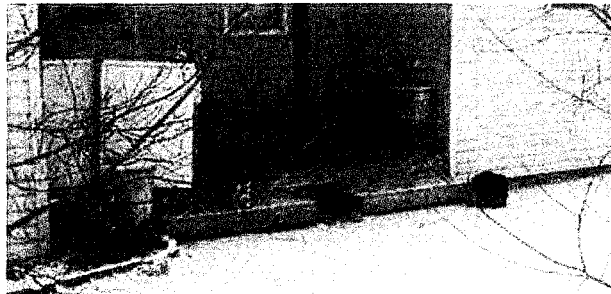
Exhibit 54



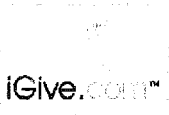
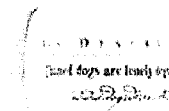
- HOME
- SUCCESSES
- MEMBERSHIP
- GET LAWS!
- DDB STORE
- VOLUNTEER
- DONATIONS
- ADOPT ME!
- AREA REPS
- IN THE NEWS
- IN MEMORY
- PICTURES
- ARTICLES
- INFO/TIPS
- DOG LINKS

Latest News | Send a Letter | How to Rescue | Who has Laws? | From the Founder | Area Reps

Andi Elliot's Criminal Trespassing Case in Idaho



Rescue Angel Temporary Tattoos



You can help Dogs Deserve Better anytime you shop online through iGive.com.

His Letter to Idaho State Bar Idaho Sheriff's Association Office of the Governor Office of the Attorney General

Re: Jefferson County Prosecutor Robin Dunn
Jefferson County Sheriff Blair Olsen

Dear Sir:

As the defendant in a criminal trespass case that has been scheduled since November, I am writing to express my concerns with the actions of the above county officials. It was my intent to wait until after the trial today but now, late yesterday afternoon, (after a witness from Boise and supporters from out of state have traveled to Idaho Falls) I have been told that it is rescheduled until May 4th.

This last minute request for delay is inexcusable and especially in light of the fact that just last week in court, Mr. Dunn told the judge that the trial would take an hour. Also, I assume, that a timeframe of 6 months is still considered under the Constitution to be a "speedy" trial.

I have been charged with criminal trespass and you would think from the actions of the prosecutor and the time and resources devoted to this case that it is a capital murder offense. A Jefferson County Deputy (we have his written statement) asked me to go offer assistance to the owner of a dog who had been hit by a car and had multiple broken legs and had been left in the owner's yard in the snow trying to nurse 7 or 8 puppies for, at that point in time, 3 days. Because of the failure of Sheriff Olsen to enforce Ch 25-3511 of the Idaho Codes, the dog was allowed to suffer "needlessly" for 5 days before help from outside of the county arrived and took the dog to the vet.

As the president of The Humane Society of the Upper Valley for 6 or 7 years, I have worked with the JCSD on many animal cruelty issues since 2002 and have even been written into a Jefferson County court order when the cruelty situation warranted it. (Ben Juenke Animal Cruelty probation violation.) HSUV continues to receive referrals from the JCSD for assistance with animal welfare issues as the county officials have stated that animals are not priority and therefore there no monies have been budgeted to deal with these issues. HSUV has picked up the bill for years and even at one point, with an especially horrendous case, I personally paid \$2000 of a \$2400 bill, so that Sheriff Olsen wouldn't be stuck with such a huge expense.

In this current case in Mud Lake, ID, I was instructed by a JC Deputy to go to the home of the owner and offer assistance to the owner which I did on NOV 22. (The deputy's statement corroborates this.) Upon arrival and seeing the condition of the dog from a neighbor's yard (I had the neighbor's permission to park in her drive). I immediately called for a deputy. The dog obviously needed medical care. It appeared that the dog had two broken legs that later was confirmed by veterinary x-rays. I offered to pay the vet bill and asked that the state vet be called out for an opinion; both of these options were rejected by the Sheriff. And so, the dog was left in the snow without care.

I returned home and sent pictures to the media and the Humane Society of the United States who immediately stepped in to try and help this dog. On the 5th day, someone who had seen the story on the media, drove from Boise and with the permission of the owner, took Barbie and her puppies to his vet in Ada County. He was later charged with felony grand theft by Olsen and Dunn. Please note, that to this day, the owner, Raul Torres, has not been charged with animal cruelty.

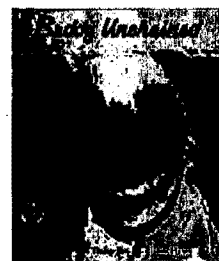
On the 23rd of Nov, I was cited for criminal trespass. Since then Prosecutor Dunn has amended the charges twice and even yesterday, the eve of the trial. Evidently, he couldn't prove the trespass charge so my charges and dates continue to be "expanded". Mr. Dunn has been reluctant to be forthcoming with my attorney and the judge to say exactly what I am being charged with...multiple days, sending out agents, etc. He appears to be grasping at straws here.

Also, I find it amusing that Mr. Dunn has delivered to my attorney a stack of my editorials and transcripts of radio interviews I have written and discussed on air dealing with animal and political issues over the years...something I have done my entire life. I am under the impression that my First Amendments rights are still in affect, even though I now live in Jefferson County. Nor did I realize that Mr. Dunn is my most ardent "reader".

Additionally, Mr. Dunn has gone out of his way to describe me as an "animal rights activists" though a year and a half ago, I explicitly explained to Sheriff Olsen and a half a dozen others in a meeting in Dunn's office that included a representative of Humane Society of the United States that I am NOT an animal rights' activist. I am however an animal welfare advocate which is especially needed in Jefferson County as county officials refuse to do their duty as required by law. It now appears that someone who "advocates" enforcement of Idaho law regarding animal welfare is a criminal only in Jefferson County.

On the 29th of January, Mr. Dunn called Tracie Hotchner, host of Dog Talk Radio that has a listening audience in some 15-20 states. Ms. Hotchner has provided notes of her conversation with Dunn and a follow up podcast. During this interview, he called me a "hillbilly" from "Tennessee" (I am originally from Virginia). He admitted that he did not like me and is biased against me. Mrs. Hotchner would be glad to provide a copy of her notes.

Sheriff Olsen has failed to enforce Idaho law that has been explained to him in depth by the The Humane Society of the United State Director of Animal Cruelty,



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Great Book for
Grade School Children

Order This Art on T-shirts, Gifts, and
More



11/19/14

Dogs Deserve Better And: Elliot Case: NO Untrained Dogs

Adam Parascandola, in Washinton, DC. And this is not the first time...in a case about a year and a half ago, half-starved horses, (which I am told belonged to a friend of Olsen's) were allowed to needlessly suffer. When the state vet saw pictures of these horses, he immediately went to the property and placed the horses under the care of a local vet. No animal cruelty charges were filed against the owner but I was charged with trespass because I drove down a dirt lane with a dead end sign. Pictures indicate a "no trespassing/keep out" sign on a fence post that to a reasonable person would be applicable to the pasture. So, for the first time in my entire life, I have a criminal record...only in Jefferson County would this happen.

It is important to note that several years ago, Sheriff Olsen called me at home and told me four things: he called me a newcomer (I had only lived in Jefferson County since 2001); he told me I was un-welcomed in Jefferson County; he told me that I was to butt out of the animal welfare business; and I was told that I didn't understand how things were done here in Idaho. I maintain that the concept of humanness is universal to modern society. (Please note that I have lived all over the US and been involved in cruelty cases since I was 15 and have never had a sheriff call my home to try and intimidate me. I told many people about this incident at the time it occurred as a form of "documentation". My former attorney also knows of this incident.)

Additionally, Sheriff Olsen has made a habit of threatening the media... three occasions now as they have covered stories of animal abuse in the county. (Ch 3 KIDK can verify this information.) My copy of the Constitution guarantees freedom of the press. Also, Olsen has written an op-ed piece that appeared in the Post Register while this case is ongoing. Is this acceptable behavior from a sheriff?

As a resident of Jefferson County, I am more than weary of having folks telling me that I need to be careful as it is not good to have a sheriff angry with you. I am well aware that I have a target on my back. I am also aware that ID codes are being enforced arbitrarily by this Sheriff and Prosecutor. Judges and attorneys outside of the county have advised that this is not legal BUT that they were not surprised to hear that this occurred in Jefferson County. A handful of residents have contacted me with their own stories of abuse of power. I am sure that some of these scenarios have reached your office before now.

As I have worked with deputies in surrounding countries on animal welfare issues, I am told that not only is the JCSD uncooperative with concerns of animals but in other areas of law enforcement demanding cooperation between counties. This is something that definitely bears looking into by supervising authorities.

A conclusion can be drawn that here in Jefferson County, we have a sheriff and prosecutor who are out of control and abuse their power. This trespass case is receiving the attention (even at the national level) that one would think would be more deserving of a capital murder case. (31 people subpoenaed) And from reading an article in the newspaper, Jefferson County is the only county in Idaho who refuses to participate in a form of an "insurance pool" to help offset costs should indeed our county have a significant case. This in itself shows unwise leadership and with this current leadership, Jefferson County officials should look into purchasing an "umbrella" policy. Do our Jefferson County officials know better than every other county in this state? I think not.

As a resident and taxpayer of the county, I expect a full accounting of the time and resources that have been devoted to this case to be made available for public scrutiny upon completion of this mockery of our justice system. AND still, no charges have been filed against the owner of the poor animal that suffered immensely.

If this letter does not suffice, please advise me of the formal process for filing a complaint against Sheriff Olsen and Prosecutor Robin Dunn.

Thank you.

Andi Elliott
Idaho District 2 Coordinator Anystreet.Org
Member of the American Grand Jury
208-662-5808

The Humane Society of the Upper Valley
208-662-5808
For the Love of Pets Foundation
President 208-419-8064
Petango.com/FTLOP

UPDATES ON STORY

<http://www.dogsdeservebetter.org/andielliottrespass.html>

2/4

11/19/2014

Dogs Deserve Better Andri Elliot Case: No Leashed Dogs

**UPDATE: May 14, 2010 Message from Andi: "We Won!" We guess that says it all!
Congratulations to Andi and animal advocates everywhere for a well-earned victory.**



Contact Info: Dogs Deserve Better, Inc. • P.O. Box 23 • Tipton, PA 16684 • Toll Free 1.877.636.1408 • 814.941.7447
email: info@dogsdeservebetter.org • Website designed and maintained by Crescent Communications

<http://www.dogsdeservebetter.org/andrielliotcase.html>

4/4

Exhibit 55

COPY OF LETTER TO THE IDAHO SHERIFF'S ASSOCIATION

26th February 2010

To: Idaho Sheriff's Association

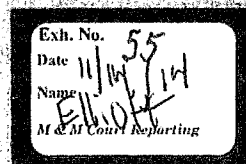
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PLP000171

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PLP000172

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PLP000173

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PLP000174

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PLP000175

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Andi Elliott

2498E 2100N

Jefferson County, ID 83425

208-662-5808

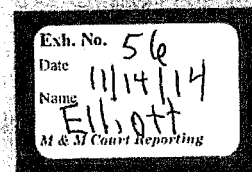
PLP000176

Exhibit 56

SUMMATION OF MY CHARGES

Bottom line: I am being charged with trespassing for sending out Troy Jackson (whom I met for the first time when he brought the puppies back to Idaho Falls for his court date regarding his felony grand theft charges) and Ilene DeShazzio (whom I have never met to this day) to pick up the dogs from Torres (whom I have never seen) which I did not know happened until Barbie and pups were on their way back to Boise. AND, I am alleged to have done this, according to court documents between Feb 20-23...ONLY Troy and Ilene didn't pick up the dogs until the morning of the 24th, Tuesday. THIS is the "twisted" justice we have in Jefferson County!

TRIAL is the 26 of Feb 2009 at 9:30. Should be interesting.



PLP000168

Exhibit 61

FILED EFFECTIVE
2005 JUN 22 05:00

**ARTICLES OF INCORPORATION
OF
FOR THE LOVE OF PETS FOUNDATION, INC.**

KNOW ALL PEOPLE BY THESE PRESENT: That we, the undersigned, being, natural persons of full age and citizens of the United States of America, in order to form a corporation for the purposes hereinafter stated and pursuant to the provisions of Section 30-3-1 through 30-3-145 of the Idaho Code, and all acts amendatory thereto and supplemental thereof, do hereby certify as follows:

ARTICLE I

The name of the corporation is FOR THE LOVE OF PETS FOUNDATION, INC.

ARTICLE II

The purposes for which this corporation is created are charitable and educational. The purposes for which said corporation is formed:

- a. To provide assistance to senior citizens and active duty military to provide food and care for their pets and to educate the public about animal overpopulation, to teach the public about the importance of spaying and neutering their pets, to reduce the needless killing of millions of pets every year, to help local projects supporting the care of animals and humane treatment, to solicit funds for the above purposes, and in all other ways, encourage the humane treatment of all animals, and to help the senior citizens of this country and those who serve in our military to properly care for and maintain their pets.
- b. To generally engage in, conduct, promote, support, or contribute to, any activities, projects, businesses, or endeavors whose purposes are solely charitable, or education and which do not in any way contemplate pecuniary gain or profit.
- c. To receive and maintain a fund or funds of real or personal property, or both and subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, or educational purposes, either directly or by contribution to organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.

Page 1 of 7

Exh. No.	101
Date	11/14/14
Name	Elliot
Attest	Reporting

IDAHO SECRETARY OF STATE
 06/22/2005 05:00
 CK: 1989 CT: 189891 BK: 817479
 I # 38.00 = 38.00 INC NUMP # 2

C101174

PA000684

- d. No part of the net earnings of the corporation shall inure to the benefit of any member, officer of the corporation, or any private individual (except that reasonable compensation be paid for services rendered to or for the corporation affecting one or more of its purpose), and no member, officer of the corporation or private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in, including the publication or distribution of statements, any political campaign on behalf of any candidate for public office.
- e. Notwithstanding any other provision of this certificate, the corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501 (c) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended, or by an organization, contributions to which are deductible under Section 170 (c) (2) of such Code and regulations as they now exist or as they may hereafter be amended.
- f. Upon the dissolution of the corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to charitable, or educational organizations which would then qualify under the provisions of Section 501 (c) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.

ARTICLE III

As a means of accomplishing the foregoing proposes, the corporation shall have the following powers:

- A. To accept, acquire, receive, take and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree of otherwise, for any of its objects and purposes, any property, both real and personal, or whatever kind, nature, or description and wherever situate and to sell, convey and dispose of any such property or funds and to invest or reinvest the principal thereof in such manner as it may see fit and to deal with and expend the income therefrom or any principal for any of the purposes of the corporation without limitation, except such limitations, if any, as may be contained in any instrument under which any property is received, and any limitations under the laws of the State of Idaho regulating the powers of non-profit corporations, providing that such limitations and conditions are not in conflict with the provisions of Section 510 (c) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.

- B. To receive any property, real or personal, in trust under the terms of any Will, Deed of Trust, or any other trust instrument for the purposes of this corporation and in administering the same to carry out the directions and exercise the powers contained in the trust instrument under which any property is received, including the expenditure of principal as well as income for such purposes if authorized or directed in such trust instrument.
- C. To acquire by purchase or lease, or otherwise, land and interest in lands and to own, hold improve, develop and manage any real estate so acquired and to erect or cause to be erected on any lands owned, held or occupied by the corporation, buildings or other structures with their appurtenances, and to rebuild, enlarge, alter, or improve any buildings or structure now or hereafter erected on any lands so owned, held or occupied, and to mortgage, sell, lease or otherwise dispose of any lands of interests in lands and in buildings or other structures and any part of any buildings or other structure of any kind owned or held by the corporation.
- D. To receive, take title to, own, hold, use, invest and reinvest its funds in such stocks, common or preferred, bonds, debentures, mortgages and in such other securities and properties as its Board of Directors shall deem advisable, subject to the limitations and conditions contained in any bequest, devise, grant or gift, provided that such limitations and conditions are not in conflict with the provisions of Section 501 (c) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.
- E. To enter into contracts or obligations of any type or kind essential, necessary or proper to the transaction of its ordinary affairs, or for the purposes of the corporation.
- F. To appoint agents, subagents and enter into all necessary contracts with agents and subagents.
- vbc
G. To borrow money and otherwise incur indebtedness in the manner provided for in the by-law of the corporation and to draw, make, accept, endorse, transfer, assign, guarantee, execute and issue bonds, debentures, notes, checks, drafts, bills of exchange, negotiable instruments and all other instruments and contracts for the payment of money, negotiable or non-negotiable, and whether secured or unsecured.
- H. To convey, exchange, lease, mortgage, encumber, transfer upon trust or otherwise dispose of all property, real or personal; to lend money; to sue and to be sued; to conduct its affairs in the State of Idaho.

- I. In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter maybe conferred by law upon a corporation organized for the purposes hereinabove set forth, or necessary or incidental to the power so conferred, or conducive to the attainment of the purposes of the corporation, subject to the further limitation and condition that, notwithstanding any other provision of this certificate, only such powers shall be exercised as are in furtherance of the tax exempt purposes of the corporation, and as may be exercised by an organization exempt under Section 501 © (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended, and by an organization contributions to which are deductible under Section 170 (c) (2) of such Code and regulations as they now exist or as they may hereafter be amended.

ARTICLE IV

The corporation shall have perceptual existence.

ARTICLE V

The current location and post office address of the registered offices of the corporation shall be: FOR THE LOVE OF PETS FOUNDATION, INC., 2498E 2100N, Hamer, Idaho 83425.

ARTICLE VI

The Board of Directors of the corporation shall consist of such number of directors as shall be provided in the By-Laws, but during their term of office, or thereafter, the number of directors may be increased or decreased from time to time as may be provided by the By-Laws; provided, however, that in no event shall the number of directors be less than three (3) nor more than seven (7), and the directors shall be elected for such terms as shall be provided for in the By-Laws.

ARTICLE VII

This corporation is organized without capital stock. The voting power and property rights and interest of the members of this corporation shall be determined upon the following basis, to-wit:

- A. The voting power of the members shall be equal and each member shall have one vote unless otherwise stated in the by-laws for the purpose of elections.
- B. Members shall have no rights or interest in the property of the corporation, the property of the corporation being dedicated exclusively to charitable, or educational purposes as hereinabove set forth.

- C. The membership of this corporation shall be extended to any personal interested in the prevention of cruelty to animals and the care and proper maintenance of animals as set forth in Article II, Section A above.
- D. Any eligible person may apply for membership and upon approval of such application by the BOARD of DIRECTORS, or by any officer designated by said Board of Directors to pass on applicants for membership shall become a member.
- E. The rights and interest of all members shall be equal and no member shall have or acquire a greater interest than any other member. Said memberships shall not be assigned or transferred.
- F. No member shall be liable for any debt or obligation of the corporation.

ARTICLE VIII

The corporation may provide in its By-Laws the terms and conditions upon which, and the time when, membership may cease; the mode, manner and effect of the expulsion or suspension of a member; the method, time and manner of withdrawal; the rights of members to vote by proxy or by mail; and any other thing in furtherance of, but not in conflict with these Articles.

ARTICLE IX

The names and addresses of the incorporators are as follows:

Candace W. Elliott	2498E 2100N Hamer, Idaho 83425
John P. Grubb	2498E 2100N Hamer, Idaho 83425
Cherene Jacobs	3894 E. 107 N Idaho Falls, ID 83401

ARTICLE X

These articles may be amended by a two-thirds vote of the members of said corporation attending any regular or special meeting called for that purpose.

ARTICLE XI

The registered agent of this corporation is Candace W. Elliott of 2498E 2100N, Hamer, ID 83425.

ARTICLE XII

The Board of Directors is as follows:

Candace W. Elliott
2498E 2100N
Hamer, ID 83425

John P. Grubb
2498E 2100N
Hamer, ID 83425

Cherene Jacobs
3894 E 107N
Idaho Falls, ID 83401

ARTICLE XIII

In the event of the dissolution of this association, or in the event it shall cease to exist, all property and assets shall be distributed to an organization or agency serving the interest of animals as more specifically set forth in Article II, Section A above which has been granted exemption from the Federal Income Tax under the provisions of Section 510 (c) (3) of the Internal Revenue Code of 1954, or to a local, state, or Federal Government for exclusively public purposes committed to spaying and neutering pets..

Under no circumstances shall any of the property or assets of this association during the existence and in upon the dissolution thereof be distributed to any officer, member, or subsidiary of this association.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 15 day of MAY, 2005.

Candace W. Elliott
Candace W. Elliott

John P. Grabb
John P. Grabb

Cherene J. Jacobs
Cherene Jacobs

Exhibit 63

THE SAGA CONTINUES....

30 AUGUST 2011 PRESS RELEASE

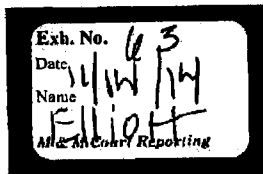
Once again Jefferson County Sheriff Blair Olsen and Prosecutor Robin Dunn have charged animal welfare advocate, Andi Elliott, with trespassing. Neighbors called Andi after multiple complaints of half starved horses had been ignored by the Jefferson County Sheriff's Department.

While Andi was taking pictures of the horses from the roadway, a neighbor, Kent Young, came out to see why his dog was barking. Seeing Andi taking pictures of the horses in poor condition, Young began taking pictures of Andi taking pictures of the horses. Andi's husband was there as a witness and was taking pictures of both Andi on the public roadway and of Young taking pictures of her. All photos were turned over to the JCSD.

The complaint said that Andi had returned to the Young's property after being warned not to by Deputy John Clements. Andi has never even been on the Young's property at all...not even the first time as she was taking pictures of horses across the street. (She did not realize at the time that neighbor's had also made complaints about Young's horse. Deputy Clements told her this information at a later date.) The state veterinarian has now been out to examine the horses and Deputy Clements told Andi that they were now being checked on a monthly basis and that the horses were gaining weight.

It was a little over a year ago, that Sheriff Olsen and Prosecutor Dunn failed miserably in trying to prosecute Andi for trespassing on the property of Raul Torres of Mud Lake, when they sent her out to offer assistance for the Torres' mother dog left in the yard for 5 days before receiving outside help. Animal cruelty charges were never filed against Torres' even with an Ada County veterinarian's documentation of multiple broken legs.

Earlier this month, Andi released information on her newly published book, AND NONE WOULD HELP... Barbie, The Story of the Mother Dog with Broken Legs, which documents the failure of Olsen and Dunn to uphold Idaho's animal cruelty laws and instead embarked on a vendetta against Andi (because of a previous horse starvation case in Menan, ID in which Olsen failed to act) and another rescuer from Boise.



PLP000236

My attorney and I have been notified that the first court day is the 26 September 2011 and we've also been told that the prosecutor's office attempted to have a "gag order" placed on me because I often go to the media about animal cruelty cases. The judge refused to do so with a hearing and scheduled that hearing for the 6 of October. So, I have until that date to disseminate as much information as I can. I am writing this on 3rd October.

While waiting for the hearing date, I wrote the following complaint to the Idaho State Police and copied it to the Governor's office and the Idaho Attorney General. The latter two have already told me that they have no jurisdiction over county officials but at least I am able to spread the word about the abuse of justice taking place in Jefferson County.

September 7th ... I appeared on the Mike Adams Radio show. Mike has been wonderful about assisting me in getting the word out to the public.

September 18, 2011

To: Idaho State Police Headquarters

700 S Stratford Drive

Meridian, Idaho 83642

Re: Citizen Harassment by Sheriff Blair Olsen and Prosecutor Robin Dunn

Jefferson County, Idaho

Dear Sir:

For the third time in a handful of years, I have been charged with trespass by the Sheriff and Prosecutor. The first time involved some half-starved horses belonging to a friend of the Sheriff in Menan, where Olsen lives. Neighbors had made repeated complaints to the Sheriff's Department that went unheeded. Eventually, I was called (I am a life-long animal welfare advocate and been involved in animal cruelty cases for decades.)

While obtaining pictures of the starved horses, I drove down a gravel and dirt lane with a dead end sign posted on it. Thinking there was a turn around, I drove down the lane and took pictures which I sent to the state vet who immediately responded and the dozens of horses were put under the care of a local veterinarian. The story went nationwide and it caused a great deal of embarrassment for Olsen and Dunn.

I was charged with trespass and while the jury was being selected then Prosecutor Penny Shaul spoke with my then attorney, Mike Gaffney and told him that they were only prosecuting the case because it was "Andi" as most of these situations would have resulted in a warning. Mrs. Shaul also said that if Jefferson County were to prosecute me successfully that they would be perceived poorly by the public

PLP000237

and if I were to win, JC would refuse to work on enforcing state animal cruelty laws. She said that if I were to "settle" they would set up a procedure to handle county animal cruelty and neglect cases. They did not keep their word.

Also, for a misdemeanor trespassing charge, Mrs. Shaul indicated to me personally that they had examined aerial photographs of my home. Is this standard operating procedure for a trespassing charge?

NOTE: Even with a veterinarian's statement, as required by Idaho Law, no animal cruelty charges were filed against the owner.

In 2009/2010, again I was charged with trespassing after having been sent out by the Jefferson County Sheriff's Department to offer assistance for a mother dog with multiple broken legs left in the cold and snow nursing 7/8 puppies for 5 days. This was later amended to a "trespassing" by agency charge since the first charge was ridiculous. Olsen and Dunn, after six months of court appearances, filed a Motion to Dismiss containing utterly absurd reasons which my attorney immediately protested. Dunn and Olsen capitulated and the case was dismissed.

This was after Olsen wrote an editorial that appeared in the local newspaper and Dunn called a radio talk show host to discuss my case calling me Southern White trash, a hillbilly from Tennessee and a bigot, **WHILE IT WAS AN ACTIVE CASE**. And Dunn admitted that he was biased against me to the talk show host (heard in 18 states) and Olsen stated in his editorial that I was guilty and we hadn't even gone to trial yet. It's totally inappropriate and prejudicial for a sheriff and prosecutor to behave in such a reckless manner without regard to my Constitutional protections.

Over the years, I have been told as I go about my business in Jefferson County to "watch my back", that Dunn is "out for blood", to be sure that no one has a chance to "plant drugs" in my possession (I barely know what drugs look like). One of the members of the reserve sheriff's association told a friend of mine that Olsen is still angry over the national publicity received on the horse starvation case in Menan. (Folks from all over the world bombarded Olsen and Dunn's offices for a week...the Deputy Prosecutor, Penny Shaul, personally told me this.)

Again, a national embarrassment for Olsen and Dunn and again, no cruelty charges were filed even with a veterinarian's statement of bones/legs broken in four places.

The complainant told the rescuer that came to take the dog to the vet (Olsen charged him with felony grand theft) that he didn't charge "Andi" but that it was the sheriff. There is evidence that Olsen "coaxed" the complainant and a person who called in to a local radio talk show, said on air that it was common knowledge in Menan that Olsen had threatened to charge the owner of the animal IF he didn't sign a complaint against me.

Both of the latter times, my husband was with me as a witness and he was not charged. There was also a trespass charge against a Channel 3 reporter that strangely "disappeared".

PLP000238

Now, July/August of 2011 and once again I have been charged with trespass and I have NEVER been on the complainant's property and now they say I returned to the property. This is ludicrous. And the timing is also suspect as in mid-July, I made public that my book about the mother dog with broken legs was ready to be published which is certainly not favorable to Olsen and Dunn as it reveals their attempts to manipulate, distort, and hide the facts of the case. Shortly thereafter, I was charged for the third time.

Please note: Other than minor traffic infractions (speeding), I have managed to have go a lifetime without a criminal record. I work successfully with officers/deputies in other counties on cruelty cases all the time even currently. Olsen and Dunn have repeatedly refused to enforce Idaho's animal cruelty laws which is negligence of duty on their part and in such cases, not only have I contacted the state vet but also the media. Currently, they are trying to place a "gag order" on me for speaking with the media.

All of this was preceded by a personal phone call from Sheriff Olsen, to me at my home a couple of years after the Menan dog starvation case of 2003/04 (another embarrassment for Olsen) in which he told me four things: I was a newcomer (I moved here in 2001), I was unwelcomed in Jefferson County, to butt out of the animal cruelty business, and that I failed to understand how things were done here in Idaho. Unfortunately, I understand all too well.

This situation has gone on for years now and I have pictures, names, and dates and just about any details you could want in regards to these situations. We have, in Jefferson County, a sheriff and a prosecutor who fail to uphold the law, and are intent upon punishing anyone that forces them to do so...they are out of control and in their blind hatred of me are themselves infringing upon the law.

And if this doesn't suffice for a request for a formal investigation, please inform me of the protocol and I will comply promptly. These county officials are infringing on my Constitutional rights; they have repeatedly attempted to intimidate and silence me as they also have Channel 3 TV. They have attempted to destroy my reputation. It is time that they are stopped.

Thank you for your prompt attention to this matter. I'll be looking forward to your reply and will also inform my attorney and hope that he won't be angry.

Sincerely,

Andi Elliott

NOTE: The Idaho State Police responded within a few days and said that they do not respond to such complaints by private citizens.

PLP000239

Exhibit 64

Rewrite of Announcement Sept 2011

I have announced my intention to oppose Sheriff Blair Olsen of Jefferson County in the forthcoming spring election. I've watched over the years how Idaho law has been manipulated and literally ignored by this county official, along with others, in spite of concrete evidence. Having experienced the "inside of the system" firsthand and witnessed the distortion of facts in multiple animal cruelty cases, it's past time for the situation to be addressed.

To provide some background...I have extensive experience dating back decades with animal cruelty cases and not one in which I initiated action, was the case not successfully prosecuted...which is also true while I worked in Child Protective Services.

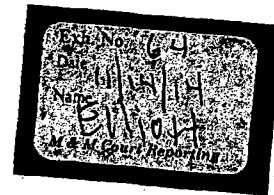
Even though experts in the field of animal cruelty law enforcement have talked extensively with the sheriff, he continues to ignore the law. After having listened to the "defenders of the law", and don't assume it is just limited to the Sheriff, lie and distort the facts, I feel that I must stand up against this miscarriage of justice. Justice cannot be served when the scales of justice are tainted by county officials putting their fingers on the scales. Having been contacted by others, I realize that these are not isolated instances and have requested an investigation by the Idaho State Police.

Jefferson County has been controlled by those too long in power and who feel that they are accountable to no one. I've decided that "I am the one I have been waiting for".

Andi Elliott

Hamer

662-5808



ELLIOTT000251

Exhibit 65

Charges being pursued in Jefferson County dog case

Posted Jan 7, 2010

Jefferson County prosecutor Robin Dunn says the county will pursue charges against Upper Valley Humane Society member Andi Elliott. Elliot is facing a misdemeanor trespassing charge after she went onto a dog owner's property to check on a female dog who had reportedly been injured.

More information will be posted as it is made available. Also read more in Friday's Idaho State Journal.

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We Recommend

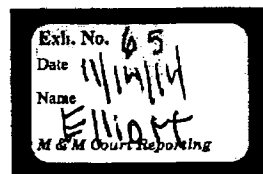
[Two dead in crash on I-15 south of Idaho Falls](#)

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Exhibit 66

MARKS HAVE CLEANING, SUPERHEATING, and air-conditioned, and the floor is level. And even though you have to face irate shoppers, you don't have to face mosquitoes the size of jumbo jets.

Besides, I never shop the day after Thanksgiving, so the only irate shoppers I encounter are the ones from whose cart I accidentally take something thinking it is the clearance basket.

The continuing problem I face is that it has become an annual tradition to hike Table Mountain. I have ten children and the youngest is still three. I don't take them until they are twelve, so I still have at least 9 years of this insanity left. This dawned on me about two miles into the hike, when muscles, long dormant and atrophied, started coming out of

Outtakes

by Daris Howard



their slumber and attacking me. I wondered why my wife couldn't have had all ten children at the same time and saved me this grief.

I finally reached the last 100 yards and crawled onto the top. I looked at my feet. My blisters had blisters. In fact, I think the blisters on my feet had a five-generation family reunion.

After catching our breath, we pulled out loaves of bread and peanut butter. We had forgotten the jam. No one complained. No

were still three loaves left. Since I was hauling the lunch, I coerced some college students into taking the leftovers.

A half hour after we arrived on top, my children were ready to start the trek down. My muscles had gone back to sleep and, as I stood up, they attacked with more venom than before. I looked down from that height, realizing I had no choice this time; turning back was not an option. That was when the over-the-hill moment hit me. My son looked at me walking like a duck, and offered to carry my pack.

When they were small I carried their packs and almost all of the food and water. This year, even though I had to admit I was tired, I did make it down off of the

way. Weary, we crawled into our van, and my children vowed they would never make that trip again.

That was good news, but it didn't last long. Just like a woman in labor who swears she will never have another baby, the pain soon passed and they are already planning next year's hike. So if you are up on the mountain on Labor Day, watch for me. I'll be there; at least as long as I can still carry my own pack.

—Daris Howard is an author and playwright who grew up on a farm in rural Idaho. "Life's Outtakes" consists of short stories from his life and the lives of those he has known.

Guest Column

We have a responsibility to care for Idaho's most vulnerable citizens

At the beginning of the 2011 legislative session, Idaho Governor Butch Otter expressed his determination to attack the "Tyranny of Entitlement." What does that mean, and what has he done?

It would seem that the Governor thinks folks should be able to stand on their own feet. To achieve that goal, they need the tools to be self-sufficient. How to proceed? Steps forward would include strong support for education - early childhood, K-12, and higher education. Look for ways to help young people gain access to higher education without accumulating massive debt from student loans. Look for ways to replace low-paying jobs with living-wage career opportunities. Look for ways to support and strengthen Idaho individuals and families. Help people move from welfare to work.

But instead, our Governor's action amounts to an attack on Idaho's most vulnerable citizens - folks dealing with mental and physical disabilities and those in extreme poverty.

The guidelines of the 2011 House Bill 260, supported by Governor Otter and the majority of Idaho legislators, brought about the following directives from the Department of Health and Welfare: Beginning July 21, adults on Medicaid are only covered for emergency dental needs. (Except for people with chronic disease such as diabetes.) Similarly, adults do not receive coverage for routine vision care, corrective lenses or hearing aids. Many other cuts impose hardships upon a popu-

Idaho State Representative D-District 68



Shirley Ringo

lation already facing enormous challenges.

Our governor claims these changes and others are working superbly. We are the envy of other states, he claims. The question must be asked: For whom are these changes working so well? I have surveyed clients extensively who receive these services, and they don't share the Governor's euphoria.

Many cannot afford treatment they need. Some feel isolated because they cannot afford

glasses or hearing aids. Appropriate therapy is not available for individuals with physical or mental disabilities. Individuals fear they will lose the independence they strive to achieve. In addition, service providers find their ability to care for clients limited, as they deal with new regulations and fees. Many donate hours of service. Some have lost their jobs or gone out of business.

These cuts in service will be costly in the long run. When one does not receive treatment in a timely manner, health problems and costs escalate. Those with mental illnesses must have support for their needs or there will be dire consequences. More people will land in institutions - an option much more expensive than helping them stay in their

homes and communities. There will be greater burdens on our emergency rooms, correction system, and county indigent funds. There is the threat of greater numbers of suicides and more domestic violence.

We have the resources to restore vital support cut through House Bill 260. By the end of 2010, Idaho reported \$85 million in revenue that was not budgeted. Governor Otter wants to use \$15 million of that to increase the Grocery Tax Credit by \$10 per year for everybody, regardless of income.

For now, it would be more responsible to use that \$15 million to address Medicaid needs. It could potentially be used to obtain \$35 million in federal

SEE RINGO PAGE 12

GUEST LETTERS

Can't resist the opportunity to look stupid

To The Editor, The Jefferson Star:

Just like clockwork, about every two years Sheriff Olsen and Prosecutor Dunn charge me with trespass. If that doesn't work, then it's trespass by agency, meaning I sent someone else out there. It's happened twice before.

This time it's one of my neighbors in Harner who lives right down road from me. I didn't know he existed and I have never been on his property, but I'm betting he thinks I'm the one that filed a complaint about his ragged looking horse.

No, sir, it wasn't me but your neighbors, a couple of them, as I was told again last night. I didn't even know about it until the deputy told me your horse was in poor shape. I did see the

pictures posted by someone on Facebook, though, but it wasn't me.

I'm including this case in my latest book. I just finished one about the mother dog with broken legs, and I've got time now to concentrate on a new one.

I received a call from Olsen himself a few years back telling me that I was unwelcome in Jefferson County and to butt out and that I didn't understand how things were done in Idaho. It looks like our county officials could focus on enforcing Idaho's sparse animal cruelty laws instead of, as a friend said, "being incapable of resisting the opportunity to look stupid." Perhaps third time's the charm.

Andi Elliott
Harner

0022

Ext. No. _____
Date _____
Name Andi Elliott
M & M Court Reporting

Exhibit 67

CAN'T RESIST THE OPPORTUNITY TO LOOK STUPID Sept 2011

Well, It must be time for my biannual "anal" exam from Jefferson County Sheriff, Blair Olsen. About every two years it happens...he charges me with "trespass" and if that doesn't work then it's "trespass by agency" (meaning I sent someone else out there).

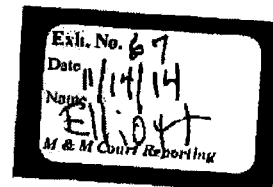
First, it was because I went down a lane with a Dead End sign to take pictures of 30 some horses in Menan where Olsen lives. Complaints to his office had gone unheeded as the poor horses were starved and stunted. The state vet immediately put them under vet care when I sent him pictures. No charges filed against the owner. (It pays to be a friend of Olsen's.) Nationwide embarrassment for Jefferson County.

Last time, it was because the Sheriff's Department sent me out to offer help with a mother dog in Mud Lake left in the yard for 5 days by its owner with broken legs. You probably remember...I was charged with trespassing and the person that took them to the vet WITH the owner's permission was charged with felony grand theft. Vet x-rays verified broken legs and pelvis. No charges were filed against the owner. Nationwide embarrassment for Jefferson County.

This time it's one of my "neighbors" in Hamer...Kurt Young. Didn't know he existed nor have I ever been on his property but I'm betting he thinks I'm the one that filed a complaint about his ragged looking horse. No, Kurt...wasn't me but your neighbors...a couple of them, I'm told. Didn't even know about it until the deputy told me your horse was in poor shape. Now more folks are stepping up to tell me of what they've seen out your way. Kind of sad.

These instances were all proceeded by a call to me from Olsen himself a few years back telling me that I was unwelcomed in Jefferson County and to butt out and that I didn't understand how things were done in Idaho. This was after a horrendous cruelty case spanning years, once again in Menan (does the sheriff know what's going on in his tiny town?) in which 7 dogs were starved to nothingness. The vet confiscated the dogs on the spot. We'll see what happens in this one but Kurt, I'm about to try and make you somewhat famous. I'm including this case in my latest book. Just finished the one about the mother dog with broken legs...I've got time now to concentrate on a new one.

Looks like our county officials could focus on enforcing Idaho's sparse animal cruelty laws instead of being incapable of resisting the opportunity to look stupid. Guess we'll see how it goes...perhaps third time's the charm.



ELLIOTT000047

Exhibit 68

and had leaked snow melt and spring rains through into it. My father assigned me to see if the cows would eat any of it.

I dug through the slack, but found almost all of it to be stale and musty. Still, I took a portion

one pickup load. The slack around the old feedlot was dilapidated, so I quickly patched it. I wasn't too worried about the cows eating the hay, but I wasn't anxious to have them make a mess that would be harder to clean up later. When I finished, I sloppily slapped the gate up, and headed on my way to milk.

The next morning, I had a

questioned whether I had accidentally moved the wrong hay. I reassured him that I didn't.

After some thoughtful consideration, he said, "Let's try something. Let's take a load of the bad hay, and put half of it in their manger and half in the old feed lot. Then we'll leave the gate so they can knock it down and see what happens."

Usually I did the feeding

though they normally wouldn't touch it, the challenge of eating what they think is off limits makes it sweeter."

"Why don't we just stack the hay in there and leave the gate open?" I asked.

He smiled. "It wouldn't work. If they thought we wanted them to eat it, they wouldn't want it."

I guess forbidden fruit still makes good milk.

—Daris Howard is an author and playwright who grew up on a farm in rural Idaho. "Life's Outtakes" consists of short stories from his life and the lives of those he has known.

THE JEFFERSON STAR

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GUEST LETTERS

Don't tolerate crime

To the Editor, The Jefferson Star

I often heard my father say, "Hang a few for the good of the many." We see this all too applied aggressively for selected crimes. Bernie Madoff was prosecuted to the maximum extent of the law as an example to send a message that this behavior would not be tolerated in our society.

Exactly what our colonial ancestors did as people were subjected to humiliation in stocks and pillories in the town squares. Public humiliation is an effective and inexpensive way to control behavior.

Economic times are tight and our prisons overflow with drug dealers, rapists and murderers. Animal cruelty in Idaho ranks low on the state's list of offenses for enforcement, but more than 100,000 animals are

needless suffering, or "to negligently fail to provide sustenance, water or shelter to an animal," though some would like to ignore the fact.

Last year I was charged with "trespassing by agency" in the animal cruelty case regarding Raul Torres and his mother dog with broken legs that was left without care. During one court date, I heard the prosecutor tell the judge that they were dropping the charge because Torres was tired of the

negative publicity. It works, so let's use it.

Citations should be issued to hold folks accountable; examples need to be made of these people so that others will think before committing animal cruelty. The public can be a valuable tool in applying pressure. Let's send the message that animal cruelty won't be tolerated.

Andi Elliott
Hamer

Policies

Submissions

All submissions must be received no later than 5 p.m. Friday the week before publication. Legal notices and display ads must be received by noon Monday. Classified ads are due by 5 p.m. Friday.

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Our office hours are: Monday to Friday, 9 a.m. to 5 p.m.

Letters to the Editor

We welcome letter from our readers, particularly those that address local topics, unless they are libelous, obscene, blatantly prejudiced against a minority or ethnic group or attach or endorse a specific person or business. We strongly encourage letter writers to use a civil tone and refrain from the use of epithets or name-

calling. You must include your last name and either your first name or first and middle initials. The letter also must include an address and daytime phone number, which we will use to verify authorship but keep confidential. E-mailed letters are preferred.

Letters are limited to one per person, per month, per topic and must be concise, preferably 400 words or less. Letters may be edited for length or clarity, wholly rejected or returned to the author

for revision. If space is limited, preference will be given to local letter writers addressing local issues.

Opinions expressed in letters are those of the writers and not of The Jefferson Star.

E-mail

E-mail The Jefferson Star at info@jeffersonstarnews.com. Please call the office to confirm e-mailed material has been received.

Exh. No. 68
Date 11/14/14
Name Andi Elliott
M. M. Hamer Publishing

Exhibit 69

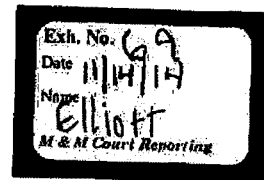
HANG A FEW FOR THE GOOD OF THE MANY April 2011

I often heard my father say, "Hang a few for the good of the many". We see this adage applied aggressively for selected crimes... Bernie Madoff was prosecuted to the maximum extent of the law as an example to send a message that this behavior won't be tolerated in our society. This is exactly what our colonial ancestors did as people were subjected to humiliation in stocks and pillories in the town squares. Public humiliation is an effective and inexpensive way to control behavior.

Economic times are tight and our prisons overflow with drug dealers, rapists, and murderers. Animal cruelty in Idaho ranks low on the scale when it comes to enforcement but nonetheless, it is against the law "To subject an animal to needless suffering"; to negligently fail to provide sustenance, water or shelter to an animal"...though some would like to ignore the fact.

Last year I was charged with "trespassing by agency" in the animal cruelty case regarding Raul Torres and his mother dog with broken legs that was left without care. During one court date, I heard the prosecutor tell the judge that they were dropping the charge because Torres was tired of the negative publicity. It works, so let's use it.

Citations should be issued to hold folks accountable; examples need to be made of these people so that others will think before committing animal cruelty. The public can be a valuable tool in applying pressure. Let's send the message that animal cruelty won't be tolerated.



ELLIOTT000147

Exhibit 70

29 July 2012

Sheriff Olsen

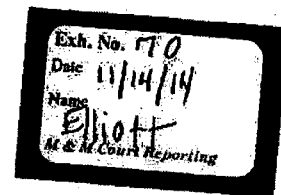
Sheriff Olsen, as arguably the most powerful sheriff in Idaho with your decades of service and your position as chairman of POST (Police Officers Standards and Training), where do you go from here? You are the top law enforcement officer in Jefferson County and you have abused our trust. It'll never be the same. I've read the deputies' comments about you and the newspaper reports. How do you look your colleagues and constituents in the eye?

In reading the Star today, I see that the commissioners are trying to cover for you. No surprise there. I am however a bit disappointed in Commissioner Raymond...I expected a bit better from him. I wonder though why, if it was legitimate for your wife to have a taxpayer-funded cell phone (not that any thinking person believes that), would you feel the need to "hide" it in the name of an unsuspecting county employee and why the cell phone records that the judge forced the county to submit contained missing pages. And tell me, why did it take the Commissioners four months to respond to the accusations? Sounds "fishy", doesn't it? The Commissioners state that they trust the elected officials. President Reagan had it right..."trust but verify". It sounds like the Board needs to begin "micromanaging" so that our taxes are not ill-used.

You've spent 6 years trying to "catch me" trespassing while all along you've been abusing the public trust. You've wasted monumental county resources trying to prove me guilty...the man hours that have been misspent trying to build a case against me is phenomenal. And you charged Troy Jackson (the man that took the dog with broken legs to the vet) with felony grand theft because you said the dogs were valued at over \$1000 (not even close). Two years of illegitimate cell phone use would also constitute a felony causing you to lose your pension, I bet.

You know, there were people who still believed in you. My neighbor who played high school football with you and the kids that you have talked to in your capacity as our sheriff...what are they to think now? You dedicated your life to law enforcement and this is how it ends? Any faith that we've had in our elected officials has been fractured. The Jefferson County "good ole boy" club machine has kicked into high gear.

Andi Elliott



ELLIOTT000283

Exhibit 71

3 August 2012

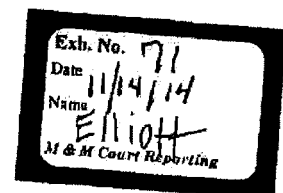
To Sheriff Olsen

As arguably the most powerful sheriff in Idaho with your decades of service and your position as chairman of POST (Police Officers Standards and Training), where do you go from here? You are the top law enforcement officer in Jefferson County and you have abused our trust. Fine example you've set for our deputies.

You've spent 6 years trying to "catch me" trespassing while all along you've been misusing my taxpayer money. Not that you haven't wasted monumental county resources trying to prove me guilty...the man hours that have been misspent trying to build a case against me is phenomenal... and all the while you've been operating underhandedly. If the cell phone use were on the up and up, then why was it "disguised" in an unsuspecting subordinate's name? Is this the reason that you refused to take action against a deputy that created documentation against me "after the fact" because you too are guilty of abuse of power? Our commissioners are scrambling to cover for you as evidenced by their lame statement. And is there anyone who believes what Prosecutor Dunn says? Your "power trip" has now placed our county in the position of becoming a defendant in a law suit and once again costing county taxpayers. Is this what comes with unfettered authority?



I remember that you charged Troy Jackson with a felony for taking the dog with broken legs and her puppies to the vet. You said they were valued at over \$1000. Really? Mutts? I was thinking that a \$50 a month cell phone bill for almost two years adds up to over \$1000. If you are charged with a felony, will you lose your pension?

You know, there were people who still believed in you. My neighbor who played high school football with you and the kids that you have talked to in your capacity as our sheriff...what are they to think now? And the question of who knew what and when begs to be asked. Congratulations...we now have our own "Jeffersongate".



ELLIOTT000002

Paul

 Microsoft Word - 00290631.DOCX
 02/17/15 02:02 PM



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this ____ day of _____, 2015.

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

Exhibit C

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR)	
THE LOVE OF PETS FOUNDATION, INC., an)	
Idaho corporation,)	Case No. CV-2014-0238
Plaintiffs,)	
vs.)	
STEVE MURDOCK,)	
Defendant.)	
_____)	

DEPOSITION OF CANDACE ELLIOTT

VOLUME III

IDAHO FALLS, IDAHO

NOVEMBER 14, 2014

REPORTED BY:

MARY (RAINEY) STOCKTON, CSR No. 746

Notary Public

1 THE DEPOSITION OF CANDACE ELLIOTT was taken on
 2 behalf of the Defendant at the offices of Hopkins Roden
 3 Crockett Hansen & Hoopes, 428 Park Avenue, Idaho Falls,
 4 Idaho, commencing at 11:06 A.M. on November 14, 2014,
 5 before M. Rainey Stockton, Certified Shorthand Reporter
 6 and Notary Public within and for the State of Idaho, in
 7 the above-entitled matter.
 8
 9 APPEARANCES:
 10 For the Defendant:
 11 DUANE MORRIS LLP
 12 BY: RAY L. WONG
 13 Spear Tower
 14 One Market Plaza, Suite 2200
 15 San Francisco, California 94105-1127
 16
 17 For the Plaintiffs:
 18 KENT E. WHITTINGTON
 19 BY: WHITTINGTON LAW OFFICE
 20 1820 E. 17th Street, Suite 340
 21 P.O. Box 2781
 22 Idaho Falls, Idaho 83403
 23
 24 ALSO PRESENT: Steve Murdock
 25

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1 MR. WONG: Back on the record. And I assume
 2 it's not necessary to re-swear Ms. Elliott.
 3
 4
 5 EXAMINATION
 6 QUESTIONS BY MR. WONG:
 7 Q. So, Ms. Elliott, you appreciate that this is
 8 the continuation from your deposition yesterday. You
 9 remain under oath and you're testifying as if you were
 10 testifying in court.
 11 A. I understand that.
 12 Q. Now, yesterday your counsel produced, on your
 13 behalf, some additional documents. And I have these
 14 documents here.
 15 And then you've just produced some of the
 16 documents that we talked about at the end of yesterday's
 17 deposition and those are being copied now. So, we'll
 18 come back to that.
 19 Let me ask you some questions. What is your
 20 date of birth?
 21 A. [REDACTED]
 22 Q. Where were you born?
 23 A. Newport News, Virginia.
 24 Q. How long did you live there?
 25 A. Well, I went to college in Virginia and then I

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1 moved away and then I moved back and then I moved away
 2 and then I moved back. So, off and on. Probably the
 3 majority of my life.
 4 I spent 15 years in Rock Hill, South Carolina.
 5 About 15 years, something like that.
 6 I went to grad school in South Carolina.
 7 Then I went to grad school in New Mexico. So,
 8 I lived there for a little while.
 9 And I lived a little bit in Arizona.
 10 A little bit in California.
 11 And I lived briefly in Texas.
 12 And no, I'm not Military.
 13 **Q. Where did you live immediately before you came**
 14 **to Idaho?**
 15 A. Poquoson, P-O-Q-U-O-S-O -- well, I take that
 16 back.
 17 We moved from Poquoson to Blacksburg, Virginia
 18 to spend the last year with my daughter at Virginia
 19 Tech. So, we left Blacksburg and moved here.
 20 **Q. That is, you moved from Virginia to Idaho?**
 21 A. Correct.
 22 **Q. And that was when?**
 23 A. May of 2001.
 24 **Q. And did you move to Jefferson County?**
 25 A. We moved to Bear Lake County first.

1 **Q. How long did you live there?**
 2 A. A handful of months.
 3 **Q. And then you moved from there to where?**
 4 A. To Jefferson County.
 5 **Q. So, you came to Jefferson County when?**
 6 A. In the fall of 2001.
 7 **Q. Have you lived at different residences in**
 8 **Jefferson County?**
 9 A. We rented a home in southern Jefferson County
 10 until we found a home to purchase.
 11 **Q. And when did you purchase your home in**
 12 **Jefferson County?**
 13 A. July of '02.
 14 **Q. And is that the home where you reside today?**
 15 A. Correct.
 16 **Q. What is the highest level of education you've**
 17 **achieved?**
 18 A. I have 44 hours beyond a second master's.
 19 **Q. In what subject?**
 20 A. One of my master's was in social sciences.
 21 And the second one was an MAT, which enables
 22 me to teach all of the physical sciences and all of the
 23 histories and the social sciences.
 24 **Q. Where did you obtain your first master's?**
 25 A. Winthrop University, Rock Hill, South

1 Carolina.
 2 **Q. Where did you obtain your second master's?**
 3 A. Excuse me, let me flip that.
 4 My first one was New Mexico Highlands
 5 University in Las Vegas, New Mexico.
 6 And my second one was in Rock Hill.
 7 **Q. Where did you attend college?**
 8 A. Virginia Tech, William and Mary, Christopher
 9 Newport. I took courses at Thomas Nelson. I've taken
 10 online courses at UVA. Some school up in Washington.
 11 **Q. Did you obtain a degree from any college?**
 12 A. Yes.
 13 **Q. And what degree did you obtain?**
 14 A. An MA and an MAT and a BS.
 15 **Q. Where did you obtain your BS degree?**
 16 A. Christopher Newport University.
 17 **Q. In what subject?**
 18 A. Psychology with a minor in biology.
 19 **Q. Do you hold any degrees with regard to the**
 20 **care, treatment and handling of animals?**
 21 A. No.
 22 **Q. How many times have you spoken to Steven**
 23 **Murdock face-to-face?**
 24 A. Boy, not many.
 25 **Q. Have you ever?**

1 A. I think one time when I entered the Lions Club
 2 bazaar, he was looking at me as I walked in and I nodded
 3 to him. I don't know if I said "hi" or not.
 4 **Q. Have you ever had a substantive face-to-face**
 5 **conversation with Steven Murdock?**
 6 A. No, not that I recall.
 7 **Q. Have you ever written a letter directly to Mr.**
 8 **Murdock?**
 9 And I'm excluding from this question any
 10 letters to newspapers, Letters to the Editor, that kind
 11 of thing.
 12 What I'm interested in now is whether you've
 13 ever written a letter directly to Mr. Murdock.
 14 A. No, sir.
 15 **Q. Has Mr. Murdock ever written a letter directly**
 16 **to you?**
 17 A. Not that I'm aware of. I don't know who the
 18 anonymous letter comes from.
 19 **Q. Have you ever received an e-mail from Mr.**
 20 **Murdock directly?**
 21 A. Huh-uh. No, sir. Excuse me.
 22 **Q. Have you ever sent an e-mail directly to Mr.**
 23 **Murdock?**
 24 A. I don't know his e-mail address.
 25 **Q. I'm sorry?**

1 A. I don't know his e-mail address or if he has
 2 one.
 3 Q. So, I take it the answer's "no"?
 4 A. No.
 5 Q. So, to your best recollection, you've never
 6 had a direct communication with Mr. Murdock other than
 7 through Letters to the Editor and newspapers; is that
 8 correct?
 9 MR. WHITTINGTON: Have there been Letters to
 10 the Editor? I don't know. That's assuming a fact not
 11 in evidence.
 12 MR. WONG: I'm happy to exclude that.
 13 Q. (BY MR. WONG) Have you ever had any direct
 14 communications with Mr. Murdock or from Mr. Murdock in
 15 any form?
 16 A. No, sir.
 17 MR. WONG: Let me ask the court reporter to
 18 mark next in order a one-page document.
 19 (Exhibit No. 48 marked.)
 20 Q. (BY MR. WONG) Ms. Elliott, please tell me
 21 when you've had an opportunity to review Exhibit 48.
 22 A. Yes.
 23 Q. Do you recognize Exhibit 48?
 24 A. I do.
 25 Q. What is it?

1 A. It's an editorial written by me.
 2 And note that some of the words are cut off
 3 over here to the right, by the way.
 4 Q. And was this a Letter to the Editor to a
 5 newspaper?
 6 A. Yes, sir.
 7 Q. And do you recall which newspaper you sent
 8 this to?
 9 A. Do I recall? No.
 10 But I see "YOURVIEWS." I'm thinking it's got
 11 to be the Post Register.
 12 Q. Do you recall when you sent this Letter to the
 13 Editor?
 14 A. Sometime in August, but it doesn't have a year
 15 on it, so... So, I don't know the year.
 16 Q. What is the subject of this Letter to the
 17 Editor?
 18 A. Commissioner Raymond's comments to the media
 19 about a toxic attitude.
 20 Q. Who is Commissioner Raymond?
 21 A. He is the Chairman of the Jefferson County
 22 Board of Commissioners.
 23 Q. That you've just sued, right?
 24 A. I'm in the process, yes, sir.
 25 Q. When you say "you're in the process," you

1 filed a lawsuit that names him, among others?
 2 A. Yes.
 3 Q. Okay.
 4 A. What I mean is it's ongoing.
 5 Q. Right. But you have filed a lawsuit that
 6 names a number of government officials, including
 7 Commissioner Raymond, right?
 8 A. Yes, sir.
 9 Q. And so, this is an article -- excuse me -- a
 10 Letter to the Editor that you wrote concerning some
 11 comments that he made?
 12 A. Yes, sir.
 13 Q. In the second column, there is a paragraph
 14 that begins with the words "As I see it"?
 15 A. I see that.
 16 Q. And those are your words, right?
 17 A. I wrote the entire article.
 18 Q. You wrote the entire Letter to the Editor?
 19 A. Yes, sir.
 20 Q. The last sentence of that paragraph reads: It
 21 is the shenanigans in the county that have provided the
 22 non-ending -- and I can't make out the rest of it -- for
 23 the news, not a toxic attitude local media.
 24 And I agree with you. There's certain words
 25 that have been cut off.

1 Can you tell me what the complete sentence is?
 2 A. You know, I can't. It's the shenanigans in
 3 the county that provided the non-ending --
 4 MR. WHITTINGTON: Fodder?
 5 THE WITNESS: I was going to say maybe it's
 6 fodder.
 7 A. I'm just saying that from the DER there for
 8 the news. Not a toxic attitude local media.
 9 Q. (BY MR. WONG) And those were your words?
 10 A. Yes.
 11 Q. In this Letter to the Editor?
 12 A. Yes.
 13 Q. You used the word "shenanigans."
 14 A. I did.
 15 Q. Was that defamatory?
 16 A. Yes. A negative connotation there.
 17 Q. So, you were defaming Commissioner Raymond by
 18 making that statement?
 19 MR. WHITTINGTON: I object. You're asking her
 20 to give you a legal conclusion and she has no idea on
 21 that.
 22 Q. (BY MR. WONG) Can you answer the question?
 23 MR. WHITTINGTON: You can answer it, if you
 24 can.
 25 THE WITNESS: Okay.

1 A. You're saying I'm defaming the commissioner?
 2 MR. WHITTINGTON: That's what he's asking.
 3 A. Yes, yes. That is a defamatory comment about
 4 an elected official.
 5 Q. (BY MR. WONG) And you made that defamatory
 6 comment?
 7 A. I did.
 8 Q. And at the time that you wrote this article
 9 and used the word "shenanigans," you knew that you were
 10 defaming Commissioner Raymond in this Letter to the
 11 Editor, correct?
 12 A. Well, not being a legal person, I wouldn't say
 13 that I was saying: Oh, this is defamatory towards him.
 14 I just know that has a negative connotation
 15 and that I was pointing out something that -- I was
 16 talking about something that he had commented on in the
 17 news.
 18 MR. WHITTINGTON: Maybe I could interpose a
 19 question to Counsel. Are you asking her: Is this
 20 actionable defamation? Is that what you mean? Or do
 21 you just mean a negative connotation?
 22 MR. WONG: I have an answer to the question.
 23 We'll move on.
 24 Q. (BY MR. WONG) So, Ms. Elliott, when you wrote
 25 the words, "it is the shenanigans in the county," you

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1 wrote those words with the intent of defaming
 2 Commissioner Raymond and the county, correct?
 3 A. I wrote the words with the intent --
 4 MR. WHITTINGTON: Again, I'm going to have to
 5 have a definition of what you mean by "defaming."
 6 Whether she meant to embarrass him? Yes.
 7 Or if you're asking for a legal definition.
 8 Q. (BY MR. WONG) Do you understand the question?
 9 A. Yes.
 10 Q. Answer the question, please.
 11 A. Okay. I used the word "embarrassing saga"
 12 here and that's what I was intending to do.
 13 MR. WONG: Could you read back my question so
 14 I can get an answer to my question?
 15 (The record was read.)
 16 Q. (BY MR. WONG) That's a yes or no question,
 17 ma'am.
 18 A. No.
 19 Q. And why did you not have that intent when you
 20 wrote those words?
 21 A. Because I had the intent of embarrassing them,
 22 as I stated up above.
 23 Q. Have you ever heard of the entity called the
 24 North American Equine Services, LLC?
 25 A. It doesn't ring a bell offhand. Is there --

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1 MR. WHITTINGTON: North American what?
 2 MR. WONG: You'll see a document in a moment,
 3 Counsel.
 4 MR. WHITTINGTON: Okay.
 5 Q. (BY MR. WONG) So, I don't know if your answer
 6 was complete, Ms. Elliott.
 7 A. I don't -- it's as complete as I can make it.
 8 It doesn't ring a bell right now.
 9 Q. All right.
 10 MR. WONG: Let me ask the court reporter to
 11 mark next in order a single page document.
 12 (Exhibit No. 49 marked.)
 13 Q. (BY MR. WONG) This is 49.
 14 A. I'm ready.
 15 Q. Does this document refresh your memory as to
 16 whether you've ever heard of the North American Equine
 17 Services, LLC?
 18 A. I don't believe that I've ever heard of this
 19 group.
 20 Q. Have you ever seen the statement that's set
 21 forth in this document with regard to the Humane Society
 22 of the United States?
 23 A. Not that I recollect, no.
 24 Q. The first paragraph -- or there is a paragraph
 25 in this statement that says: Each of us have seen the

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1 heart breaking commercials by the Humane Society of the
 2 United States featuring cuddly cats and dogs looking for
 3 a new home after a life of abuse and neglect. Do you
 4 see that?
 5 A. I see that paragraph.
 6 Q. Does that refresh your memory as to whether
 7 you've ever seen that paragraph before?
 8 A. It really doesn't. I don't watch TV so I
 9 haven't seen the commercials. So far, it's not ringing
 10 a bell with me.
 11 Q. All right.
 12 A. Understand that I have a lot of information
 13 come across my desk.
 14 Q. The next paragraph says: But what those
 15 commercials don't tell you is that the HSUS, referring
 16 to the Humane Society of the United States, does not run
 17 or associate with any local shelters and that less than
 18 one percent of your charitable donations will ever reach
 19 those adorable pets on your TV screen. Do you see that?
 20 A. I see it.
 21 Q. And do you agree with that statement?
 22 A. I have no knowledge.
 23 My personal experience with HSUS has been
 24 totally to the contrary because when I needed them, they
 25 were forthcoming with donations for, in one particular

Page 404

1 instance, when a senior citizen died and left nine or 10
 2 cats.
 3 **Q. Do you have any knowledge as to whether or not**
 4 **that is an accurate statement or not an accurate**
 5 **statement?**
 6 **A.** I do have -- now, understand, I don't know
 7 about this group, this NAES that you're referring to.
 8 But I do have some information or have read
 9 some information that the HSUS uses most of its funds to
 10 help go to the direct care of legislative purposes for
 11 improving animal welfare laws. And I know at one point
 12 years and years ago -- I think before I became
 13 involved -- they gave a big grant to the Humane Society
 14 Upper Valley.
 15 And then, like I said, they gave me a \$500
 16 grant to help with that senior lady's cats.
 17 But other than that, I know nothing about
 18 this.
 19 I do know -- I believe also that they're one
 20 of the top 10 charities. I don't want to misstate that.
 21 They're listed as one of the top 10 most responsible
 22 charities.
 23 But other than that, it's just what I've read
 24 here and there.
 25 **Q. So, I take it that, based upon what you've**

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1 **A.** Okay.
 2 **THE WITNESS:** Read it back to me.
 3 (The record was read.)
 4 **A.** Most definitely. I mean -- and I'm sure it
 5 interferes with their donations also.
 6 **Q. (BY MR. WONG) Is it your view that if a**
 7 **statement interferes or disrupts a purportedly**
 8 **charitable organization's donations, then that would be**
 9 **defamatory?**
 10 **MR. WHITTINGTON:** Same objection as I
 11 expressed before.
 12 **A.** You're asking for my view? Definitely.
 13 **Q. (BY MR. WONG) Do you have a view whether the**
 14 **public has a right to discuss the amount of donations**
 15 **that are used for actual charitable purposes?**
 16 **A.** In a general way, yes.
 17 **Q. And why do people have the right to discuss**
 18 **that?**
 19 **A.** Why do people have the right?
 20 **Q. Right. In your view.**
 21 **A.** What would be a good answer? Let's see, in my
 22 view, why is it right that people are able to discuss
 23 things of this nature?
 24 Well, I know what you want me to say and it
 25 has to do with the constitution.

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1 said, you do not know whether the statement that I've
 2 just read in Exhibit 49 is accurate or not accurate. Is
 3 that true?
 4 **A.** From the information I have, it's totally
 5 inaccurate.
 6 **Q. Okay. You would agree that that is a**
 7 **statement that's made in this document, right?**
 8 **A.** Well, I see it written there, yes, sir.
 9 **Q. Do you believe that this is defamatory for**
 10 **them to make this statement?**
 11 **A.** Oh, I think it would be devastating.
 12 **Q. Do you believe that it's defamatory?**
 13 **A.** Yes.
 14 **Q. So, the organization called the North American**
 15 **Equine Services, LLC would be defaming the Humane**
 16 **Society of the United States for expressing the view**
 17 **that less than one percent of its charitable donations**
 18 **would ever reach those adorable pets on the TV screen.**
 19 **Is that your view?**
 20 **MR. WHITTINGTON:** Again, I'm going to object.
 21 You're asking for a legal conclusion. I think whether
 22 it's defamatory or not would depend upon the -- whether
 23 or not it's true. So, to the extent you're asking for a
 24 legal conclusion, I would object.
 25 **Q. (BY MR. WONG) Can you answer the question?**

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1 **Q.** I'm asking for your view.
 2 **A.** Okay. That's my view.
 3 **Q. And what do you mean "it has to do with the**
 4 **constitution"?**
 5 **A.** That we have certain freedoms in this country.
 6 **Q. Including the freedom of expression?**
 7 **A.** Yes. But it is limited.
 8 **Q. And that would be a First Amendment right,**
 9 **correct?**
 10 **A.** Correct.
 11 **Q. As well as a right that's guaranteed under the**
 12 **Idaho Constitution, right?**
 13 **A.** It is in the Idaho Constitution, correct.
 14 And so is the statement that you're also
 15 responsible for the repercussions of such statements.
 16 **Q. Have you ever donated any money to the United**
 17 **Way?**
 18 **A.** Yes.
 19 **Q. And the United Way is a charitable**
 20 **organization; is it not?**
 21 **A.** Yes.
 22 **Q. As a donor in the United Way, would you be**
 23 **interested in knowing the amount of money that the**
 24 **United Way expends for administrative expense as opposed**
 25 **to funding charitable causes?**

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1 A. Absolutely. And I'm one of those people that
 2 check on things like that.
 3 But let me backtrack a minute. You say I give
 4 to the United Way. I think, through my husband's
 5 business -- excuse me, employment -- I think they're
 6 kind of, like, pressured to make a donation through
 7 United Way.
 8 So, I, personally -- but through his work, I
 9 think we do, but I'm not absolutely certain if it's
 10 still continuing.
 11 Q. But your answer is the same, that you would be
 12 interested in knowing the percentage of monies and
 13 donations that are expended for administrative purposes
 14 as opposed to charitable purposes; is that right?
 15 A. Yes.
 16 Q. Yesterday we discussed a letter that you sent
 17 to Brenda Murdock. And you indicated that you filed a
 18 complaint against Brenda Murdock. In the documents that
 19 you have produced --
 20 And, by the way, let me ask you to look at
 21 these documents. I will note that I placed a number --
 22 production number at the bottom right-hand corner. So,
 23 the documents that you produced yesterday start with the
 24 number PLP001087 and they end with the number PLP001293.
 25 And I'll hand you this group of documents and

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1 I'm just asking you to verify that those are the
 2 documents that you produced yesterday.
 3 THE WITNESS: I wasn't aware this was in the
 4 group. Did you see that yesterday?
 5 MR. WHITTINGTON: I don't remember, to be
 6 honest with you.
 7 A. Is there a reason that these are separated?
 8 They just couldn't fit in the --
 9 Q. (BY MR. WONG) That's the way they were given
 10 to us.
 11 A. Oh, okay. I believe these to be.
 12 MR. WHITTINGTON: I think we have some
 13 duplications there now, but...
 14 THE WITNESS: Okay.
 15 A. It appears to be such, yes.
 16 Q. (BY MR. WONG) "Such" in that these are the
 17 documents that you produced yesterday?
 18 A. Well, I haven't looked at each one; but I
 19 think in general, yes, I think that they -- yes.
 20 Q. Okay.
 21 MR. WHITTINGTON: I'll try to shuffle them for
 22 you.
 23 MR. WONG: Let me ask the court reporter to
 24 mark as next in order one of the documents that was in
 25 the group that you produced yesterday. And that is a

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1 copy of what appears to be a complaint.
 2 (Exhibit No. 50 marked.)
 3 A. Yes, sir.
 4 Q. (BY MR. WONG) And would you agree with me
 5 that this was one of the documents that you produced
 6 yesterday?
 7 A. Yes, sir.
 8 Q. And this is a copy of the complaint that you
 9 filed against Brenda Murdock?
 10 A. Correct.
 11 Q. And you filed this complaint in Small Claims
 12 Court?
 13 A. Erroneously, yes.
 14 Q. Bringing claims of abusive process, perjury
 15 and subordination of perjury.
 16 A. Uh-huh.
 17 Q. And malicious prosecution?
 18 A. Correct.
 19 Q. And you filed this complaint, correct?
 20 A. I did.
 21 Q. And you filed this complaint when Ms. Murdock
 22 did not pay you the money that you were demanding; is
 23 that right?
 24 A. Yes.
 25 MR. WONG: Let me ask the court reporter to

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1 mark as next in order a document that's entitled Animal
 2 Activist Finds Animal Carcasses Outside Home.
 3 (Exhibit No. 51 marked.)
 4 Q. (BY MR. WONG) Ms. Elliott, tell me when
 5 you've had an opportunity to review what has been marked
 6 as Exhibit 51.
 7 A. I have.
 8 Q. Have you ever seen Exhibit 51 before?
 9 A. I probably have. I don't remember this
 10 specific document, but...
 11 Q. When you say "you probably have," why do you
 12 say that?
 13 A. Because I've had so many documents presented
 14 to me and newspaper articles and things of that nature
 15 written that I could not specifically identify it.
 16 But I'd say, in general, I've seen something
 17 like this.
 18 Q. Do you know what Exhibit 51 is?
 19 A. It is an article about the dead animals I
 20 found out on my driveway on a court date.
 21 Q. Do you know who wrote the article?
 22 A. Where's the "by" line? I don't see a name.
 23 Is there a name there that I should see?
 24 Well, I didn't write it because I wouldn't use
 25 the word "activist."

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1 Q. Do you know who wrote it?
 2 A. No.
 3 Q. Do you know where this appeared?
 4 A. Online? No, I don't.
 5 Q. Have you ever heard of NPG of Idaho?
 6 A. NPG?
 7 Q. Yes.
 8 A. Not offhand, I don't recall.
 9 Q. Looking at this article that's entitled Animal
 10 Activist Finds Animal Carcasses Outside Home.
 11 If you look at the bottom right above the word
 12 "recommended," it talks about copyright 2012 NPG of
 13 Idaho.
 14 A. I see that.
 15 Q. Does that assist you in any way in terms of
 16 identifying the author of this article?
 17 A. No, it doesn't.
 18 Q. And you've never heard of NPG of Idaho?
 19 A. I don't know that I've ever heard of it. It's
 20 not coming to my mind right now.
 21 Q. So, this title refers to you as an animal
 22 activist, right?
 23 A. Correct.
 24 Q. Were they defaming you by calling you an
 25 animal activist?

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1 possibly made enemies through your work?
 2 A. Yes.
 3 Q. Why do you say that?
 4 A. Because I've had death threats made against
 5 me.
 6 Q. Prior to February 2012?
 7 A. Yes.
 8 Q. And that was based upon your work, in your
 9 view, advocating for animals, right?
 10 A. Yes.
 11 Q. So, prior to 2012, you were aware that there
 12 were people that were upset with work that you were
 13 doing as, in your words, an animal welfare advocate,
 14 right?
 15 A. Yes. Yes. I was the one that --
 16 MR. WHITTINGTON: Just answer his question.
 17 THE WITNESS: Okay.
 18 Q. (BY MR. WONG) And did you ever try to obtain
 19 information as to why people were upset with your work
 20 as an animal welfare advocate?
 21 A. Did I try to obtain information?
 22 Q. As to why people were upset with your work
 23 prior to 2012?
 24 A. I did not try to obtain information.
 25 As I stated a moment ago, any time you call

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1 A. Definitely, because when I see the word
 2 "activist," I automatically think of animal rights. And
 3 that, I am not.
 4 Q. And you regard that to be defamatory?
 5 MR. WHITTINGTON: Are you asking in a legal
 6 sense or just derogatory?
 7 Q. (BY MR. WONG) Can you answer the question?
 8 A. I think it defames my purpose and my
 9 character, yes.
 10 Q. Now, there is a sentence that says: Elliott
 11 has ruffled feathers in the past, and quite possibly
 12 made enemies through her work as an animal activist,
 13 believes this incident was one of intimidation. Do you
 14 see that?
 15 A. I do.
 16 Q. Now, do you agree that, prior to February of
 17 2012, you may have ruffled feathers in the past?
 18 A. Yes. Any time you call out somebody for
 19 wrongdoing, naturally you're going to make enemies.
 20 Q. And it says that you quite possibly made
 21 enemies through your work as an animal activist. Do you
 22 agree with that statement?
 23 A. No, because I'm not animal activist. I am an
 24 animal welfare advocate.
 25 Q. Do you think, prior to February 2012, that you

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1 out anybody for wrongdoing, naturally you're going to
 2 make enemies.
 3 Q. And that was it?
 4 A. Yes.
 5 Q. Prior to 2012, isn't it true that people were
 6 upset with you based upon work that you had done which
 7 they believed to invade their privacy and trespass on
 8 their property?
 9 A. I don't know what they were thinking.
 10 Q. So, prior to 2012, you had never heard that
 11 people were unhappy with you because of concerns that
 12 you were trespassing; is that true?
 13 A. No. We discussed the 2008 case yesterday.
 14 Q. So, you were aware of that?
 15 A. Yes.
 16 Q. Let me ask you to turn to a document that I
 17 referred to yesterday. And this is Exhibit 34.
 18 A. Okay.
 19 Q. First of all, have you ever heard of a Deputy
 20 Koria Williams?
 21 A. I saw his name on the Idaho Repository.
 22 And then recently I understand that he was
 23 accused of roughing up a suspect.
 24 Q. Have you ever had any discussions with Deputy
 25 Williams?

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1 A. I don't remember, off the top of my head.
 2 Q. Please turn to the second page of Exhibit 34.
 3 And in the second to last paragraph, there's a paragraph
 4 that reads: This was not the first complaint I had
 5 received about Candace Elliott trespassing on fenced or
 6 posted land. Candace has been given previous verbal
 7 warnings about trespassing. Candace has also been
 8 verbally warned about harassing people over unfounded
 9 abuse claims.
 10 A. By whom?
 11 Q. Do you see that statement?
 12 A. I see it.
 13 Q. And do you understand this to be a statement
 14 written by Deputy Williams?
 15 A. Yes, I see that.
 16 Q. Does that refresh your memory that in 2008 you
 17 had discussions with Deputy Williams about those
 18 subjects?
 19 A. I don't remember Deputy Williams. I've had
 20 quite a few deputies come up to my home. I don't
 21 remember Deputy Williams specifically.
 22 Q. Does this statement that I've just read to you
 23 refresh your memory that a deputy of Jefferson County
 24 Sheriff's Office, in 2008, had previously given you
 25 verbal warnings about trespassing and verbally warned

1 Q. And looking at the last page of Exhibit 52,
 2 there's no signature, but it says -- there's the name
 3 Andi Elliott a/k/a Candace White Elliott. And I take it
 4 that refers to you?
 5 A. It does.
 6 Q. So, did you prepare this Tort Claim now marked
 7 as Exhibit 52?
 8 A. I did.
 9 Q. Did anyone assist you in preparing this
 10 document?
 11 A. No.
 12 Q. So, I take it that you prepared this entire
 13 document yourself?
 14 A. Yes, sir.
 15 Q. All the text and the wording is yours, right?
 16 A. Unless I copied something. Well, for example,
 17 on Page 1175, I quoted something from an article. So,
 18 unless it was something like that.
 19 Q. Now, there's a list of incidents that are set
 20 forth in Exhibit 52. Do you see that?
 21 A. I see it.
 22 Q. And where did that come from?
 23 A. The list of incidents?
 24 Q. Yes.
 25 A. The experiences that I have had with the

1 you about harassing people over unfounded abuse claims?
 2 A. No, I don't remember that happening.
 3 Q. Yesterday we discussed a complaint that you
 4 just filed against certain officials of Jefferson
 5 County. And you refer to a Tort Claim. And I believe
 6 that it was included among the documents that were
 7 produced yesterday.
 8 MR. WONG: Let me ask the court reporter to
 9 mark as next in order a document called Tort Claim dated
 10 December 16, 2013.
 11 (Exhibit No. 52 marked.)
 12 A. And this was in the information that I
 13 provided you yesterday?
 14 MR. WHITTINGTON: Yeah.
 15 A. Okay.
 16 Q. (BY MR. WONG) Exhibit 52 is entitled Tort
 17 Claim.
 18 Well, let me ask you: Can you tell me what
 19 Exhibit 52 is?
 20 A. It's entitled Tort Claim.
 21 Q. And have you ever seen it before?
 22 A. Yes, sir.
 23 Q. What is it?
 24 A. It is a Tort Claim that I submitted to
 25 Jefferson County 16, December 2013.

1 county over the years.
 2 Q. So, the description of all those incidents
 3 that are set forth in Exhibit 52 were written by you,
 4 right?
 5 A. Yes, sir.
 6 Q. And were they true and accurate?
 7 A. To the best of my knowledge, yes, sir.
 8 And you'll see I included extensive
 9 documentation.
 10 Q. Do you have copies of this documentation?
 11 A. I'm sure I do.
 12 Q. Have you produced it?
 13 A. I don't know.
 14 Q. Well, I'll note that Exhibit 52 does not have
 15 any documentation attached and there are references to
 16 exhibits to this Tort Claim.
 17 A. They were -- when I submitted it, they were
 18 attached to this document.
 19 Q. Do you have a copy of this Tort Claim with the
 20 exhibits?
 21 A. Not with me.
 22 Q. Do you have them in your possession?
 23 A. I do.
 24 MR. WONG: We would request that it be
 25 produced so we have a complete Tort Claim or a complete

1 document with all the exhibits.
 2 Any problems with that?
 3 MR. WHITTINGTON: I don't think so.
 4 THE WITNESS: Could you request one from the
 5 county because they've got everything?
 6 MR. WHITTINGTON: I'm sure they could.
 7 A. Would that be easier to do that?
 8 Q. (BY MR. WONG) It would be easier for you to
 9 produce a complete document.
 10 A. Not for me. Okay. So, basically, you want
 11 the exhibits. Is that what I understand?
 12 MR. WHITTINGTON: Yes.
 13 Q. (BY MR. WONG) Well, I want a complete copy of
 14 your Tort Claim; and so I take it that's the exhibits.
 15 I don't know if there's other things, as well.
 16 A. Okay.
 17 Q. Do you have a copy of your June 27, 2014
 18 deposition transcript with you?
 19 A. No, sir.
 20 Q. Okay. Do you have a copy of your June 27,
 21 2014 deposition transcript with you?
 22 A. No.
 23 Q. Okay. Let me hand you a copy of this. This
 24 is a photocopy of that transcript and I'm going to ask
 25 you to turn to Exhibit 13.

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1 MR. WHITTINGTON: You can go ahead, if you'd
 2 like.
 3 MR. WONG: Oh, okay.
 4 Q. (BY MR. WONG) So, Ms. Elliott, I've asked you
 5 about Exhibit 13 previously and that's Responses to
 6 Defendants' First Request for Production of Documents.
 7 So, I'm just directing your attention to that
 8 exhibit. You have it in front of you, right?
 9 A. What page are you on?
 10 Q. It's Exhibit 13, if you look at the tabs.
 11 A. I've got that, yes.
 12 Q. Right. So, I'm specifically going to ask you
 13 about response to request for production number three.
 14 A. I see that.
 15 Q. Actually, let me ask you about request for
 16 production number four.
 17 A. Okay.
 18 Q. Request for production number four asks you to
 19 produce all documents to support all facts that Steven
 20 L. Murdock knew that the statements he made during the
 21 radio broadcast, referred to as the Neal Larson Show, in
 22 Plaintiffs' complaint were false.
 23 And your response was: See Letters to the
 24 Editor scanned and e-mailed to Defendant's counsel
 25 herewith, right?

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1 A. Yes, sir.
 2 Q. And I take it that you're referring to the
 3 Letters to the Editor that were attached to your
 4 responses that somebody's written the word Exhibit A?
 5 A. Are they in here? Yes, I see it.
 6 Q. All right. Now, these are difficult copies.
 7 Would you agree with that?
 8 A. I would say they are.
 9 MR. WHITTINGTON: Very difficult.
 10 A. You can't read it.
 11 Q. (BY MR. WONG) Right.
 12 A. Okay.
 13 MR. WONG: And so, I'm going to ask the court
 14 reporter to mark as next in order more legible copies of
 15 some of these Letters to the Editor. So, this will be
 16 the next exhibit in order.
 17 MR. WHITTINGTON: You received that CD I sent
 18 you, didn't you? I think it was a week-and-a-half ago
 19 or a week ago that --
 20 MR. WONG: Yes.
 21 MR. WHITTINGTON: All right. You asked for
 22 her publications and I believe those should have been
 23 included in those CDs.
 24 MR. WONG: Well, I can show you what I've
 25 received.

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1 MR. WHITTINGTON: Okay.
 2 (Exhibit No. 53 marked.)
 3 A. Okay. I have them.
 4 Q. (BY MR. WONG) So, you're looking at what has
 5 been marked as Exhibit 53, right?
 6 A. Yes, sir.
 7 Q. And Exhibit 53 are documents that were among
 8 those produced yesterday. Would you agree with that?
 9 MR. WHITTINGTON: Or if not, earlier.
 10 MR. WONG: Well --
 11 A. They have been produced. I'm not quite sure
 12 when.
 13 Q. (BY MR. WONG) Okay. But you have produced
 14 them. In other words, Exhibit 53 came from you, right?
 15 A. That looks like my handwriting up at the top
 16 in regards to the date, yes.
 17 Q. And you're looking at the first page of
 18 Exhibit 53 in which there's a date of April 7, 2012,
 19 right?
 20 A. Yes, sir. As written, it's 4/7/12.
 21 Q. And what does that date mean to you?
 22 A. April 7, 2012.
 23 Q. And why did you write that date there?
 24 A. It let's me know when it was published or when
 25 I saw it, I should say.

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1 Q. And looking at the second page of Exhibit 53,
 2 there's a handwritten date which I interpret to be
 3 March 21, 2012.
 4 A. Correct.
 5 Q. What does that date represent?
 6 A. The day that it was either published or that I
 7 saw the letter.
 8 Q. And look at the third page of Exhibit 53. I
 9 take it you wrote "August 27, 2011."
 10 A. Yes, sir.
 11 Q. And what was the purpose of writing that date?
 12 A. Well, the same answer as before. Either when
 13 I saw it or when it was published.
 14 Q. And looking at the next page of Exhibit 53,
 15 there is the handwritten date of March 3, 2012, right?
 16 A. Correct.
 17 Q. What does that date represent?
 18 A. The same.
 19 Q. That is, the date that you either saw this
 20 Letter to the Editor or that it was published, right?
 21 A. Correct.
 22 Q. And then the same would be true with regard to
 23 the last date on the last page of Exhibit 53; that is,
 24 March 14, 2012, would be the date that you either saw
 25 this Letter to the Editor or that it was published?

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1 A. Correct.
 2 Q. Now, again, since the Letters to the Editor
 3 that are attached to your responses to production of
 4 documents are so difficult to read, would you agree with
 5 me that the Letters to the Editor that you identified in
 6 Exhibit A to your responses to the document request are
 7 included in Exhibit 53?
 8 A. Exhibit A is, yes.
 9 Q. So –
 10 A. And that includes all of them, correct?
 11 Q. Well, let's go through them then.
 12 So, we're looking at your documents attached
 13 to your responses to the document request, Exhibit A,
 14 and the first Letter to the Editor is entitled
 15 "Questioning Andi," right?
 16 A. Yes, sir.
 17 Q. And is that included in Exhibit 53?
 18 A. It is.
 19 Q. The next Letter to the Editor is entitled
 20 "Publicity Stunt." Do you see that?
 21 A. I do.
 22 Q. Is that included in Exhibit 53?
 23 MR. WHITTINGTON: Page 1, Page 2, is that the
 24 same?
 25 A. I see it.

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1 Q. (BY MR. WONG) So, the answer is "yes"?
 2 A. Correct.
 3 Q. The next Letter to the Editor in Exhibit A to
 4 your responses to the document request is entitled "Mind
 5 Your Own Business."
 6 A. I see that.
 7 Q. And that's also included in Exhibit 53, right?
 8 A. Yes, sir. I'm checking right now. Yes, sir.
 9 Q. Then the next Letter to the Editor is
 10 entitled, but it's addressed to the editor, Jefferson
 11 Star, right?
 12 A. Correct.
 13 Q. And is that included in Exhibit 53?
 14 A. And you're referring to the Elliott, March 7th
 15 letter with my name misspelled, yes.
 16 MR. WHITTINGTON: Which page is that?
 17 THE WITNESS: Page 10.
 18 MR. WHITTINGTON: Oh, here?
 19 THE WITNESS: Yes. That's where we are.
 20 Q. (BY MR. WONG) The next Letter to the Editor
 21 is entitled "Confused by Andi," right?
 22 A. Yes, sir.
 23 Q. And is that included in Exhibit 53?
 24 A. One moment, please.
 25 Q. I think it's the first one.

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1 A. Oh, yes. Thank you.
 2 Q. So, you would agree with me that the five
 3 Letters to the Editor that you identified in your
 4 responses to the document request are all included in
 5 Exhibit 53, right?
 6 A. Yes, sir.
 7 Q. Looking at Exhibit 53, the first Letter to the
 8 Editor entitled "Confused by Andi," that was either
 9 published or seen by you on April 7, 2012, right?
 10 A. Yes, sir.
 11 Q. That was after the Neal Larson radio program,
 12 correct?
 13 A. Correct.
 14 Q. Look at the second letter which begins with
 15 the words "In my opinion." Do you see that?
 16 A. The second letter? Yes, sir.
 17 Q. And that appears on the page, PLP001152.
 18 Do you understand that to be a Letter to the
 19 Editor from Steve Murdock in which he begins: "In my
 20 opinion?"
 21 A. Correct. Yes, I do.
 22 Q. Did you understand that Mr. Murdock was
 23 expressing his opinion in connection with this Letter to
 24 the Editor?
 25 A. I see his verbiage there, yes.

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1 Q. If you look at the last two Letters to the
 2 Editor as part of Exhibit 53, would you agree with me
 3 that the signatory in that letter -- in those letters
 4 are Chance Murdock?
 5 A. Yes.
 6 Q. Not Steve Murdock, right?
 7 A. Correct.
 8 Do you need this back?
 9 Q. Yes. Thank you.
 10 Ms. Elliott, are you familiar with the term
 11 "Blog"?
 12 A. Well, yes.
 13 Q. What is your understanding as to what a Blog
 14 is?
 15 A. It's something to do with the internet and
 16 it's where people go in there and post comments.
 17 Q. And are you involved in Blogs in any way?
 18 A. Would you consider Facebook a Blog?
 19 Q. Would you?
 20 MR. WHITTINGTON: I think she's asking you.
 21 Apparently, she doesn't understand.
 22 MR. WONG: Well, I don't know. I'm asking.
 23 A. No, I think that Facebook is separate from a
 24 Blog.
 25 I consider a Blog something like a person sets

1 Q. Because that particular site is open to the
 2 public, right?
 3 A. Yes.
 4 Q. Are you engaged in any other social media that
 5 we have not discussed in the course of your deposition?
 6 A. You know, I think I have a LinkedIn account,
 7 but I really don't do anything and I tell people not to
 8 include me.
 9 And I have a Twitter account, but I probably
 10 haven't tweeted -- I don't know -- three or four times.
 11 I don't know.
 12 Usually Facebook is my main mode of
 13 communication.
 14 Q. When did you open a LinkedIn account?
 15 A. I have no idea. Probably years ago. I don't
 16 know. I couldn't even give you an educated guess.
 17 Q. When did you open a Twitter account?
 18 A. The same answer would be applicable to both.
 19 Q. But you still have those accounts?
 20 A. Yeah, if I can find my password.
 21 Q. Do you do any other social media?
 22 A. I don't think so. Not that comes to mind.
 23 Q. Have you ever Googled yourself?
 24 A. Yes.
 25 Q. When was the last time you Googled yourself?

1 up and then they have a specific topic and people
 2 comment on it. That's what I think of as a Blog.
 3 But I'm not really good at that stuff, so I
 4 don't know for sure.
 5 Q. So, are you involved in any Blogs?
 6 A. Involved in?
 7 MR. WHITTINGTON: In what way?
 8 A. They have -- after an article is -- like,
 9 after a TV article comes out and they're posted on their
 10 sites and people comment after that is -- you know, I've
 11 done something like that.
 12 I know former Chief Deputy Jeff Poole set up a
 13 Blog during his campaign and I probably posted on
 14 something like that.
 15 But I don't have a lot of time for blogging, I
 16 guess, is what you call it.
 17 Q. Yesterday you identified a Facebook page or
 18 site that was referred to as Andi Elliott's Editorials.
 19 Do you recall that?
 20 A. Yes.
 21 Q. Are people able to make comments to those
 22 editorials?
 23 A. Yeah, I'm pretty sure they are. Yes.
 24 I thought you had to be invited; but evidently
 25 not.

1 A. A couple years.
 2 Q. Couple of years ago?
 3 A. Yeah. That's just an approximation.
 4 Q. I see.
 5 MR. WONG: Let me ask the court reporter to
 6 mark as next in order a document that's entitled "Andi
 7 Elliott's Terminal Trespassing Case in Idaho."
 8 (Exhibit No. 54 marked.)
 9 Q. (BY MR. WONG) Ms. Elliott, tell me when
 10 you've had the opportunity to review this document.
 11 A. Okay. I see it.
 12 Q. Have you ever seen this document before?
 13 A. I wrote it.
 14 Q. And this is a letter to the Idaho State Bar,
 15 the Idaho Sheriff's Association, Office of the Governor
 16 and Office of the Attorney General, right?
 17 A. I was looking to see where it says that.
 18 Q. Well --
 19 A. Where does it say that? Am I missing
 20 something?
 21 Q. Maybe the first page.
 22 A. Okay. Where?
 23 MR. WHITTINGTON: His letter. Not sure --
 24 THE WITNESS: Oh.
 25 MR. WHITTINGTON: Are you a "he?"

1 THE WITNESS: His letter. Okay. Okay. His
 2 letter? How about her letter?
 3 A. Yes, I see that.
 4 Q. (BY MR. WONG) So, was this a letter that you
 5 wrote to those entities?
 6 MR. WHITTINGTON: Which entities?
 7 MR. WONG: The ones that are identified,
 8 Counsel. The Idaho State Bar, the Idaho Sheriff's
 9 Association, the Office of the Governor, and the Office
 10 of the Attorney General.
 11 MR. WHITTINGTON: Thank you.
 12 A. Correct.
 13 Q. (BY MR. WONG) So, you wrote this letter to
 14 those four entities and you posted it on the internet,
 15 right?
 16 A. Yes.
 17 Q. And when did you do that?
 18 A. I don't know. I have to see if there's a date
 19 on here. The date on this page is 11/14/14, but
 20 obviously I didn't do it then.
 21 MR. WHITTINGTON: That's today.
 22 THE WITNESS: I know.
 23 A. Is there a date on there that I don't see?
 24 Q. (BY MR. WONG) I will tell you, Ms. Elliott,
 25 that I found this on the internet doing a search

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1 yesterday and it was turned out this morning. So, I
 2 don't know if that helps you or not.
 3 What I'm interested in is your recollection as
 4 to when you first posted this letter.
 5 A. Look at the very last page, if you will. It
 6 says "Update, May 14, 2010." So, I'm thinking it was
 7 before then.
 8 Q. So, this letter that you posted on the
 9 internet was posted on the internet sometime prior to
 10 May 14, 2010?
 11 A. I'm assuming that's correct from that date on
 12 that last page, yes. That would give me a guide there.
 13 Q. And when you posted it on the internet, how
 14 did you do that?
 15 A. Copy and pasted.
 16 Q. On what? I mean, onto a site? What I'm
 17 trying to clarify -- and maybe I've confused you -- is
 18 that this is a letter that you posted on the internet.
 19 And did you attach it or post it on a
 20 particular web site?
 21 A. This web site is Dogs Deserves Better --
 22 (An inaudible conversation between Mr.
 23 Whittington and the witness.)
 24 MR. WONG: Counsel, Ms. Elliott is about to
 25 give an answer and you interrupted her.

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1 A. This web site is Dogs Deserve Better and it is
 2 a group that's based in Virginia.
 3 In fact, they are -- Michael Vick, they bought
 4 the home where he trained his fighting dogs. And that's
 5 where they're now located I have found out.
 6 And so, it looks like this is something that
 7 they have posted on their site.
 8 Q. (BY MR. WONG) I appreciate that
 9 clarification.
 10 Let me go back to the original question: and
 11 that is, when you wrote this letter directed to these
 12 four entities, you posted that letter on the internet
 13 sometime prior to May 14, 2010.
 14 And my question is: How did you do that?
 15 A. Copy and pasted.
 16 Q. Onto what site?
 17 A. I don't remember.
 18 Q. Okay. And would I understand you to be
 19 saying, is that there's a web site that relates to Dogs
 20 Deserve Better and they somehow picked up your letter
 21 and posted it on their web site?
 22 A. That's what it looks like, apparently, has
 23 happened, yes.
 24 Q. I see. And you don't know when they did that?
 25 A. No

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1 Q. Why did you post your original letter on the
 2 internet?
 3 A. To inform people about what was going on.
 4 Q. And the very first sentence of the letter that
 5 you chose to post on the internet stated: As the
 6 Defendant in a criminal trespass case that has been
 7 scheduled since November, I am writing to express my
 8 concerns with the actions of the above county officials.
 9 Right?
 10 A. Yes, sir.
 11 Q. So, you chose to publish on the internet a
 12 letter announcing that you were a Defendant in a
 13 criminal trespass case, right?
 14 A. Yes, I did.
 15 MR. WONG: This is probably a good time for a
 16 break.
 17 (A recess was taken from 12:18 P.M. to
 18 12:33 P.M.)
 19 MR. WONG: Back on the record.
 20 Q. (BY MR. WONG) So, we've just been talking
 21 about Exhibit 54, Ms. Elliott. And this is the letter
 22 to the four entities, including the Idaho Sheriff's
 23 Association.
 24 And as I recall your prior testimony, you
 25 don't recall when you wrote that letter, right?

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1 A. I can't give you a specific date, no, sir.
 2 MR. WONG: Let me ask the court reporter to
 3 mark as next in order a document that's entitled Copy of
 4 letter to the Idaho Sheriff's Association.
 5 (Exhibit No. 55 marked.)
 6 Q. (BY MR. WONG) Ms. Elliott, have you ever seen
 7 Exhibit 55 before?
 8 A. It appears to be something that I've written.
 9 Q. Why do you say that?
 10 A. Because it has my name on the final page and
 11 my address.
 12 Q. On the last page of Exhibit 55?
 13 A. Yes, sir.
 14 Q. And it appears -- well, it's entitled Copy of
 15 Letter to the Idaho Sheriff's Association, right?
 16 A. Yes, sir.
 17 Q. Is this a format that's familiar to you?
 18 A. Format? I'm thinking about margins and things
 19 like that. Is that --
 20 Q. Well, what I'm getting at is that this is a
 21 document which has a title; this particular title being
 22 Copy of Letter to the Idaho Sheriff's Association. It
 23 has a date and is addressed to the Idaho Sheriff's
 24 Association regarding Jefferson County Prosecutor, Robin
 25 Dunn; and Jefferson County Sheriff, Blair Olsen.

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1 you posted this letter on the internet?
 2 A. It doesn't, but it would have to have been
 3 after the 26th of February 2010.
 4 Q. Would it have been shortly after February 26th
 5 of 2010?
 6 A. I have no way to give you -- to make a
 7 definitive statement about that.
 8 Q. Do you believe that it was posted in 2010 on
 9 the internet?
 10 A. I do, because of the last page of Exhibit 54.
 11 Q. Now, I noticed that Exhibit 55 purports to be
 12 a copy of a letter to the Idaho Sheriff's Association.
 13 But Exhibit 54 refers to, not only the Idaho
 14 Sheriff's Association; but also the Idaho State Bar, the
 15 Office of the Governor and the Office of the Attorney
 16 General. Do you see that?
 17 A. I do.
 18 Q. So, did you send the same letter to each of
 19 those four entities?
 20 A. It seems that I did, yes, sir.
 21 Q. Were they four separate letters?
 22 A. I can't tell you whether I faxed them or
 23 attached them as an e-mail and sent them and just copied
 24 everybody. I'm not sure.
 25 MR. WHITTINGTON: Mine's nice and clear.

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1 A. Yes, sir.
 2 Q. And then at the end of this document appears
 3 to be your name and address and phone number.
 4 Is this a format of a document that you
 5 prepared?
 6 A. Yes. But that's not the way I think of the
 7 word "format" being used. But yes, this is a letter I
 8 wrote.
 9 Q. And you wrote this letter and it's dated
 10 February 26, 2010, right?
 11 A. I see that, yes, sir.
 12 Q. Does that refresh your memory as to when you
 13 wrote this letter?
 14 A. I see that it says I wrote it on the 26th of
 15 February 2010.
 16 Q. Does that refresh your memory as to when you
 17 wrote it?
 18 A. No, it doesn't.
 19 Q. Do you have any reason to doubt that you wrote
 20 this letter on February 26, 2010?
 21 A. No, I don't.
 22 Q. And this is the letter, a copy of which is set
 23 forth in Exhibit 54, right?
 24 A. It appears to be.
 25 Q. Does Exhibit 55 refresh your memory as to when

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1 THE WITNESS: I noticed that. I thought we
 2 had different documents.
 3 Q. (BY MR. WONG) And did you post each of the
 4 four letters on the internet?
 5 A. I can't say that I did.
 6 You mean the same letter four times?
 7 Q. Yes. In other words, did you write a letter
 8 -- essentially the same letter addressed to the Idaho
 9 State Bar and then the same letter to Idaho Sheriff's
 10 Association and the same letter to the Office of the
 11 Governor and the same letter to the Office of the
 12 Attorney General?
 13 A. I don't remember.
 14 MR. WONG: Let me ask the court reporter to
 15 mark as next in order a document that has the title
 16 Summation of my Charges.
 17 (Exhibit No. 56 marked.)
 18 Q. (BY MR. WONG) Ms. Elliott, before we move on,
 19 your last answer was "you can't remember."
 20 So, I take it by that answer you may have sent
 21 and posted four separate letters or you may have just
 22 sent and posted one letter; is that right?
 23 A. Correct. I can't imagine I did four separate
 24 letters, but I can't recall exactly.
 25 Q. Okay.

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1 A. So, we'll leave it like that.
 2 Q. All right. So, it's either one letter or four
 3 letters that you posted on the internet, right?
 4 A. Would probably have been one letter.
 5 Q. Okay.
 6 A. Okay.
 7 Q. So, let's move onto Exhibit 56. Have you ever
 8 seen this document before?
 9 A. I have.
 10 Q. What is Exhibit 56?
 11 A. It's a Summation of my Charges.
 12 Q. Is this a document you wrote?
 13 A. It is.
 14 Q. And why did you write this document?
 15 A. It appears to be part of my Barbie book.
 16 Q. And did you post this document on the
 17 internet?
 18 A. My book is on the internet, yes, sir.
 19 MR. WHITTINGTON: That's not the question he
 20 asked.
 21 THE WITNESS: Did I post this on the internet?
 22 MR. WHITTINGTON: Did you post this on the
 23 internet? Do you remember, I sent him all the documents
 24 you'd -- everything you've ever written.
 25 THE WITNESS: Oh.

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1 A. Did I post this specific thing on the
 2 internet? No.
 3 It is part of my Barbie book.
 4 Q. (BY MR. WONG) So, I take it that this
 5 document now marked as Exhibit 56 is part of an eBook
 6 that you wrote, right?
 7 A. Yes, it appears to be so.
 8 Q. And that book is posted on the internet?
 9 A. Yes, sir. It is in eBook form.
 10 Q. Is it available to the public?
 11 A. It is.
 12 Q. How would the public access that book?
 13 A. They would go and buy it.
 14 Q. Through something like Amazon?
 15 A. Yes, sir.
 16 Q. So, it's publicly available?
 17 A. It is.
 18 Q. Now, you have produced some additional
 19 documents this morning.
 20 MR. WONG: Let me ask the court reporter to
 21 mark as next in order a two-page document.
 22 The first page bears the production number
 23 PLP001295.
 24 (Exhibit No. 57 marked.)
 25 MR. WONG: I'll ask the court reporter to mark

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1 as next in order another document.
 2 The first page bears the production number
 3 PLP001297.
 4 (Exhibit No. 58 marked.)
 5 Q. (BY MR. WONG) Ms. Elliott, looking at
 6 Exhibit 57 and Exhibit 58, would you agree with me that
 7 these are copies of documents that you produced this
 8 morning?
 9 A. Yes, sir.
 10 Q. And what is Exhibit 57?
 11 A. It is the Scenic Falls Federal Credit Union
 12 statement for For the Love of Pets Foundation.
 13 Q. It sets forth a checking account history for
 14 that account, right?
 15 A. It is, yes, sir.
 16 Q. And yesterday I asked you for updated
 17 information from what was previously marked as
 18 Exhibit 47, right?
 19 A. Well, I'll take your word on that, yes, sir.
 20 You asked for updates for my accounts.
 21 Q. Right. And so, this is what you produced in
 22 response to that request?
 23 A. Yes, sir.
 24 Q. What is Exhibit 58?
 25 A. It's For the Love of Pets Foundation's

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1 QuickBook ledger.
 2 Q. And it covers what period?
 3 A. Let's see, January 2nd, 2013 to November 10th,
 4 2014.
 5 MR. WONG: Could you read that back?
 6 (The record was read.)
 7 Q. (BY MR. WONG) Did the For Love of Pets
 8 Foundation exist prior to January 2, 2013?
 9 A. Yes. I provided documentation to you that it
 10 was created in 1995.
 11 Q. Do you mean 2000-and --
 12 A. Oh.
 13 MR. WHITTINGTON: He's asking 2005 or 1995?
 14 THE WITNESS: I was just thinking that.
 15 A. No. 2005. Sorry about that. I may have to
 16 go back and look at that paper.
 17 Q. (BY MR. WONG) Ms. Elliott, why does the
 18 QuickBook ledger that you produced begin in January 2013
 19 when For the Love of Pets Foundation apparently existed
 20 prior to that time?
 21 A. Because it was -- because I finally realized
 22 that it was easier for me to do it this way in order to
 23 have records for the purposes of expenses that we pay
 24 out-of-pocket. So, that's when I began the QuickBook
 25 accounts.

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1 Q. And how did you obtain Exhibit 58?
 2 A. Opened up my account and hit print.
 3 Q. On your computer?
 4 A. Correct.
 5 Q. So, I take it from your prior answer that
 6 there are no QuickBook records for For the Love of Pets
 7 Foundation prior to January 2, 2013?
 8 A. That is correct.
 9 Q. Let's turn to Exhibit 47 again.
 10 And, Ms. Elliott, it might be helpful to have
 11 Exhibits 46, 47 and Exhibit 57 together.
 12 A. Could you repeat those numbers, please?
 13 Q. Sure. Exhibit 46, 47 and 57.
 14 A. Okay. I think I have them all.
 15 Q. So, looking at Exhibit 47, you testified
 16 yesterday that this is an account for For the Love of
 17 Pets Foundation, right?
 18 A. Correct.
 19 Q. And it covers the period June -- actually,
 20 December 2010 to May 2014, right?
 21 A. I see that, yes, sir.
 22 Q. And then if I understand what you provided
 23 today, Exhibit 57 sets forth an account history for the
 24 same account from June 2014 to the present, right?
 25 A. Correct.

1 Q. And the account history set forth in
 2 Exhibit 57 is also for For the Love of Pets Foundation,
 3 correct?
 4 A. Correct.
 5 Q. Now, looking at Exhibit 47, I see that there
 6 are withdrawals to a Kent Whittington, right?
 7 A. Yes.
 8 Q. And that is your attorney, Kent Whittington,
 9 true?
 10 A. That is correct.
 11 Q. And looking at the first page of Exhibit 47, I
 12 see that there is a withdrawal to Kent Whittington on
 13 May 1, 2014 of \$750, right?
 14 A. I see that.
 15 Q. And it says "bill pay." What does that mean
 16 to you?
 17 A. The bank automatically sends a check or an
 18 electronic fund transfer to the designee.
 19 Q. So, there is an automatic transfer to Mr.
 20 Whittington of \$750?
 21 A. Well, it's not automatic. I say when it goes
 22 out. I don't have it set up automatically. I do it
 23 every month.
 24 Q. Oh, I see. So, when you authorized the
 25 transfer, there's a transfer of \$750 to Mr. Whittington

1 that occurred on May 1, 2014.
 2 And I note that it also occurred on April 1,
 3 2014.
 4 A. On the 1st, yes, uh-huh.
 5 Q. And these were payments to Mr. Whittington,
 6 right?
 7 A. That's correct.
 8 Q. For professional services that he rendered?
 9 A. Correct.
 10 Q. And I note that the first payment to Mr.
 11 Whittington was on April 2, 2012. Would you agree with
 12 that?
 13 A. On this account? Is that --
 14 What page are you on?
 15 Q. Bottom left-hand corner says 8 of '11.
 16 A. Okay. 4/2/12. I see that.
 17 Q. So, you would agree with me that on April 2,
 18 2012, there was a payment that you authorized from the
 19 For the Love of Pets' account to Mr. Whittington in the
 20 amount of \$250, right?
 21 A. Correct.
 22 Q. And from that point on, there have been
 23 various payments to Mr. Whittington reflected on this
 24 account, true?
 25 A. Correct.

1 Q. Do you know the total amount of payments to
 2 Mr. Whittington from the For the Love of Pets' account?
 3 A. You know, I don't.
 4 Q. Can you tell me why the For the Love of Pets
 5 Foundation is paying Mr. Whittington?
 6 A. For services.
 7 Q. What kind of services?
 8 A. Representing me in various animal welfare
 9 cases.
 10 Q. Are these the trespass cases?
 11 A. Correct.
 12 Q. So, Mr. Whittington has represented you as a
 13 Defendant in criminal trespass cases, and the For the
 14 Love of Pets Foundation account has been paying Mr.
 15 Whittington for those services, right?
 16 A. Correct. I'm the president of For the Love of
 17 Pets, yes.
 18 Q. And that began in 2012?
 19 A. On this account.
 20 Q. Were there payments to Mr. Whittington for
 21 services in representing you in other criminal trespass
 22 cases paid by the For the Love of Pets Foundation?
 23 A. I don't know.
 24 Q. I noticed that there's also a payment to a
 25 Keller Elliott.

1 A. Yes, sir.
 2 Q. And you identified Mr. Elliott as being your
 3 son, right?
 4 A. Correct.
 5 Q. And can you tell me -- well --
 6 A. Why?
 7 Q. Well, before we get there, for example, on the
 8 first page of Exhibit 47, I see a payment to Keller
 9 Elliott of \$100, right?
 10 A. Correct.
 11 Q. That was on May 1, 2014?
 12 A. Okay.
 13 Q. And there have been payments to Keller Elliott
 14 noted throughout Exhibit 47, right?
 15 A. Yes, sir.
 16 Q. And tell me why payments were made by the For
 17 the Love of Pets Foundation to Keller Elliott?
 18 A. He takes care of the web site for For the Love
 19 of Pets. His company, I should say.
 20 Q. And what web site is that?
 21 A. It would be one of the petfinder.com web
 22 sites.
 23 Q. Can you tell me which web site it is by name?
 24 A. I can't. Petfinder.com just has a list of
 25 shelters, you know, all over the country. You can go

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1 there and put in a zip code and go to a shelter.
 2 Q. Is that a web site that's maintained by the
 3 For the Love of Pets Foundation?
 4 A. Yes.
 5 Q. So, this is a web site created by the For the
 6 Love of Pets Foundation, right?
 7 A. Yes.
 8 Q. And you say "Keller Elliott's company," what
 9 company is that?
 10 A. Web Forest Magic.
 11 MR. WHITTINGTON: What?
 12 THE WITNESS: Web Forest Magic.
 13 Q. (BY MR. WONG) And is there a certain amount
 14 that's paid to Mr. Keller Elliott's company each month?
 15 A. The \$100, yes.
 16 Q. Is there an invoice for those services?
 17 A. No.
 18 Q. So, if I understand correctly, Mr. Keller
 19 Elliott, your son, has a company called Web Forest Magic
 20 that is paid \$100 a month for maintaining a web site,
 21 right?
 22 A. For For the Love of Pets.
 23 Q. Is that right?
 24 A. Correct.
 25 Q. And there's no invoice for those services?

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1 A. They don't bill me monthly. That's just the
 2 way we set it up in the beginning.
 3 Q. You just pay them monthly?
 4 A. Correct.
 5 Q. Or pay him monthly, right?
 6 A. I think it goes to his company's account, I
 7 think.
 8 Q. Well, according to this account history, it
 9 doesn't refer to Web Forest Magic; it refers to Keller
 10 Elliott, true?
 11 A. Yeah, I just put Keller's name down.
 12 Q. I also notice that there is -- there are
 13 payments to USAA.com. Do you see that?
 14 A. Where would this be?
 15 Q. Sorry?
 16 A. Where would this be?
 17 Q. Well, if you look at, for example, the second
 18 page of Exhibit 47, there's an entry on November 12,
 19 2013.
 20 A. Oh, yes. Yes.
 21 Q. And tell me what USAA.com is.
 22 A. That is a USAA credit card. And at times, I
 23 charge things for For the Love of Pets on there and have
 24 to do the reimbursement thing and things like that.
 25 Q. And the credit card is issued to whom?

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1 A. Me.
 2 Q. You, personally?
 3 A. Uh-huh.
 4 Q. Is that right? You have to answer audibly.
 5 A. Oh, excuse me. Me.
 6 Q. So, you have a personal credit card issued by
 7 USAA, right?
 8 A. Yes, sir.
 9 Q. And how long have you had this credit card?
 10 A. I don't know. I don't remember.
 11 Q. Did you have it prior to 2012?
 12 A. I would have to check on that before I could
 13 give you a correct answer.
 14 Q. I take it, you have the credit card presently.
 15 MR. WHITTINGTON: You mean on her or --
 16 MR. WONG: No.
 17 MR. WHITTINGTON: -- just it's still in
 18 existence?
 19 Q. (BY MR. WONG) It's still in existence.
 20 A. It's still in existence, yes.
 21 Q. But you don't know how long you've had the
 22 USAA credit card?
 23 A. I don't.
 24 Q. And is this a credit card that you use for
 25 your personal expenses?

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1 A. Yes.
 2 Q. As well as expenses for the foundation?
 3 A. Correct.
 4 Q. So, to that extent, there are charges on the
 5 credit card that are commingled between your personal
 6 expenses and expenses that you purport to be related to
 7 For the Love of Pets Foundation, correct?
 8 A. Exactly. And I have to keep a detailed paper
 9 trail.
 10 Q. But those expenses are commingled, right?
 11 A. They're on the same credit card.
 12 Q. Okay.
 13 MR. WONG: And let me ask the court reporter
 14 to mark as next in order an account history. It appears
 15 to be a three-page document.
 16 (Exhibit No. 59 marked.)
 17 Q. (BY MR. WONG) Ms. Elliott, I will tell you
 18 that Exhibit 59 is a summary that my office prepared and
 19 it relates to Exhibit 47.
 20 And to the best that we could, we tried to
 21 total the amount of payments to Mr. Whittington as
 22 reflected in Exhibit 47 and we came up with the number
 23 of \$22,619.17.
 24 A. I see that.
 25 Q. Would you agree that that seems to be an

1 Q. Any objection to producing those in this case?
 2 A. Well, I think it's burdensome to do so.
 3 Q. Well, why don't I discuss this with your
 4 counsel? I think that this should have been produced,
 5 but we won't debate about it. I'll talk to your counsel
 6 about getting those produced.
 7 A. Okay.
 8 Q. Let me ask you to look at the last page of
 9 Exhibit 59. And this indicates \$500 from the For the
 10 Love of Pets' account paid to your son, Keller Elliott.
 11 Do you agree with that?
 12 A. I see that, yes.
 13 Q. Does that seem to be accurate to you?
 14 A. Yes, sir.
 15 Q. Let me ask one question before -- one more
 16 question before we take our lunch break.
 17 So, if I understand correctly, looking at
 18 Exhibit 57, this would be a continuation of payments to
 19 Keller Elliott, Mr. Whittington, as well as to the USAA
 20 credit card for the period June 2014 through
 21 November 2014, right?
 22 A. Correct. Yes, sir.
 23 Q. And, again, the account history reflected in
 24 Exhibit 57 is the same account that's reflected in
 25 Exhibit 47?

1 accurate total of payments to Mr. Whittington from the
 2 For the Love of Pets' account for the period from
 3 April 2, 2012 to May 1, 2014?
 4 A. I have not added it up, personally. But I'm
 5 assuming that this is a correct calculation.
 6 Q. And the payments that are reflected in this
 7 summary on the first page of Exhibit 59 was for
 8 professional services rendered by Mr. Whittington in
 9 defending you as a criminal Defendant in trespass cases
 10 during that period, right?
 11 A. Correct.
 12 Q. Was the For the Love of Pets Foundation named
 13 as a Defendant in any of those cases?
 14 A. No.
 15 Q. With regard to the second page of Exhibit 59,
 16 there are payments that relate to the USAA credit card.
 17 A. I see that.
 18 Q. And you've just told me that you have detailed
 19 records with regard to the expenses charged on that
 20 card, right?
 21 A. Yes, I keep receipts for everything, yes.
 22 Q. And you have receipts for each of the payments
 23 that are reflected on the second page of Exhibit 59,
 24 right?
 25 A. Every one of them.

1 A. Correct.
 2 MR. WONG: All right. Why don't we take our
 3 lunch break now. Off the record.
 4 (A recess was taken from 1:07 P.M. to
 5 2:12 P.M.)
 6 MR. WONG: So, let's get started on the
 7 record.
 8 Let me ask the court reporter to mark as next
 9 in order a document that's entitled withdrawals
 10 regarding -- or, I'm sorry, Account History Withdrawals.
 11 (Exhibit No. 60 marked.)
 12 MR. WHITTINGTON: This would be 60?
 13 MR. WONG: 60.
 14 Q. (BY MR. WONG) Ms. Elliott, looking at
 15 Exhibit 60, this is a summary that our office prepared
 16 based upon information that appears on Exhibit 47.
 17 And it's simply a total of, as best as we can
 18 tell, payments to Kent Whittington, Keller Elliott and
 19 the USAA credit card.
 20 And if you look at the second page, there's a
 21 total of \$28,802.67.
 22 A. I see that.
 23 Q. Now, I certainly would not expect that you
 24 would be able to verify the addition that's reflected in
 25 Exhibit 60.

1 But based upon your knowledge of the
 2 information that's set forth in Exhibit 47, would it be
 3 your general belief that the combination of payments to
 4 Mr. Whittington, Keller Elliott and the USAA credit card
 5 would approximate close to \$29,000?
 6 A. I would see no reason why it would not.
 7 Q. Now, if I understand what you've testified to
 8 previously, the check ledger that's reflected in
 9 Exhibit 46 was in an account in your name; not in the
 10 name of For the Love of Pets Foundation, right?
 11 A. You know, when I was looking at this
 12 information yesterday, I see mainly For the Love of
 13 Pets' expenses, but I see some personal expenses there,
 14 too, which is why I have to keep all my receipts.
 15 Okay. All right. By and large.
 16 Q. So, let's be sure we're clear. Looking at
 17 Exhibit 46 --
 18 A. I am.
 19 Q. -- is my understanding correct that this is a
 20 checkbook ledger for an account at Wells Fargo that was
 21 in your name?
 22 A. Yes, sir, I believe it is -- was.
 23 Q. Was there a separate account prior to
 24 December 1, 2010 in the name of For the Love of Pets
 25 Foundation?

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1 A. I don't recall that there was.
 2 MR. WHITTINGTON: Is that December 1, 2010,
 3 you say?
 4 MR. WONG: Yes.
 5 Q. (BY MR. WONG) Now, looking at Exhibit 46, you
 6 identified some donations, and I don't know if you
 7 remember this, but you went through and did some
 8 highlighting of donations that were made.
 9 A. Yes, sir.
 10 Q. So, looking at the first page of Exhibit 46,
 11 there is an entry that you highlighted that appears
 12 associated with January 25th. Can you read that entry
 13 for me?
 14 A. 1/25, Dep, Vonnie, \$50.
 15 Q. What does that mean?
 16 A. I deposited a check from Vonnie for \$50.
 17 Q. And who's Vonnie?
 18 A. Vonnie was a donor to For the Love of Pets.
 19 Q. What's Vonnie's full name?
 20 A. Vonnie Collingwood. I don't know. It's been
 21 a divorce situation.
 22 Q. And this was done on January 25th?
 23 A. Yes, sir.
 24 Q. Of what year?
 25 A. Let me see here. I think '11. Oh, okay. It

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1 should have been 2011.
 2 Q. Why do you say that?
 3 A. Because I see an entry before on the former
 4 page and below that, that indicates the full date there.
 5 Q. Now, on the same page, there's another
 6 highlighted entry. And can you read that entry?
 7 A. Dep, 1/22, Dep, Vonnie, \$50.
 8 Q. And there's an entry underneath that that's
 9 been highlighted.
 10 A. Trevor Belnap? Is that the one you're
 11 speaking of?
 12 Q. I can't read it.
 13 A. Talking about 142. I believe I mentioned at
 14 the time, that I highlighted that in error.
 15 Q. And why was that an error?
 16 A. Because one of our neighbors that we're both
 17 familiar, Trevor Belnap, asked me to assist him with
 18 spaying his lab.
 19 Q. I see. So, that was not a donation?
 20 A. Correct. That was just to cover the bill that
 21 I incurred, because, see, I get a discount.
 22 Q. The next day -- or I'm sorry, the next page of
 23 Exhibit 46, I see there's another entry for Vonnie,
 24 right?
 25 A. Yes, it's highlighted.

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1 Q. And then if you go to the next page, I see
 2 that there's an entry for Vonnie, right?
 3 A. Yes.
 4 Q. Of \$55?
 5 A. I see that.
 6 Q. And then I see that there's another entry
 7 that's been highlighted, again, Vonnie for \$50, right?
 8 A. I see that.
 9 Q. And what year was that donation?
 10 A. 2011.
 11 Q. Why do you say that?
 12 A. 10/11. Okay. That would be a date; not a
 13 year.
 14 MR. WHITTINGTON: Which are you referring to?
 15 THE WITNESS: I think he's talking about these
 16 two here.
 17 MR. WHITTINGTON: These here?
 18 A. Is that right? I'm not sure this --
 19 Q. (BY MR. WONG) Let me clarify on the record.
 20 We're looking at Exhibit 46. I'm directing
 21 Ms. Elliott to the page where there's a production
 22 number PLP001130. And as I see it, there are two
 23 entries that have been highlighted.
 24 A. Correct, yes.
 25 Q. And so, my question with regard to those two

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1 entries, which I read both to be Vonnie, what year were
 2 those donations?
 3 A. I'm thinking it's 2011. I don't see any --
 4 MR. WHITTINGTON: May I interject and ask one
 5 question?
 6 Do you have the original ledgers that would
 7 help you determine what years those were?
 8 THE WITNESS: These are copies of them.
 9 MR. WHITTINGTON: Do you have the originals?
 10 Would that help you if you had them?
 11 THE WITNESS: No, because, basically, I'd have
 12 to go back through here and see where I put the year in
 13 there.
 14 MR. WHITTINGTON: What about the bank accounts
 15 and bank records?
 16 THE WITNESS: Yes, that probably would help.
 17 Q. (BY MR. WONG) Have those bank records been
 18 produced?
 19 A. I'm assuming they have.
 20 Q. Well, if they have, I haven't seen them.
 21 MR. WHITTINGTON: I'm not sure they've been
 22 requested. We've given you the ledger that we thought
 23 was sufficient to your request, so...
 24 A. I thought we had covered everything that you
 25 had wanted.

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1 Q. (BY MR. WONG) There are bank records for this
 2 account that have not been produced; is that right?
 3 A. No, I can't say that. I think that I have
 4 given you everything that I have.
 5 Q. Okay. All right. So, if you have bank
 6 records for this account, they should have been
 7 produced, right, because you believe they have been
 8 produced?
 9 A. I think they have been produced, yes, sir.
 10 Q. All right. I'll discuss that with Mr.
 11 Whittington at the appropriate time.
 12 As I read Exhibit 46, I see one donation that
 13 you've highlighted for someone other than Vonnie. Would
 14 that be accurate?
 15 A. No, sir.
 16 Q. Who else have you received donations from?
 17 A. If you'll look at Page 1135 --
 18 Q. Yes.
 19 A. -- at the top, you've got that in red. Is
 20 that in red on everybody's?
 21 Q. Yes.
 22 A. Okay. Donna Allen, \$50.
 23 Highlighted down below that, you see a
 24 donation from a Thomas Kime.
 25 Q. For \$50?

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1 A. Correct.
 2 Q. Well, going back to the first entry on that
 3 page, you circled that entry in red. And I believe the
 4 transfer reflects that you did that to indicate that
 5 that was an error.
 6 Are you now saying that that wasn't an error?
 7 A. Oh, I don't recall that. I don't.
 8 Q. Okay.
 9 A. Okay. I'm sorry.
 10 Q. All right. Let's move onto Exhibit 58 which
 11 you produced this morning.
 12 (An inaudible conversation between Mr.
 13 Whittington and the witness.)
 14 MR. WHITTINGTON: Why don't you tell him that.
 15 A. And I see here on the last page, 1136, that
 16 these records from Wells Fargo go back to 2006 -- well,
 17 actually, 2005, I guess, because check 1000001 was dated
 18 12/16. So, these should be -- this should be all the
 19 records I have.
 20 Q. (BY MR. WONG) And looking at the last page of
 21 Exhibit 46, you've written in Wells Fargo,
 22 December 2005-May 2011, right?
 23 A. I see that, yes, sir.
 24 MR. WHITTINGTON: Where are you at, Counsel?
 25 MR. WONG: Last page of Exhibit 46.

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1 MR. WHITTINGTON: Oh, I see that up there in
 2 the right-hand corner.
 3 THE WITNESS: Yeah.
 4 Q. (BY MR. WONG) And why did you write that date
 5 in?
 6 A. Because you asked for records and I guess I
 7 did that so you would know which period this covers.
 8 But I'm just guessing. I don't remember
 9 exactly.
 10 Q. So, this would reflect your records for this
 11 Wells Fargo account for the period December 2005 to
 12 May 2011, right?
 13 A. Yes, sir.
 14 Q. An account that, during that period, was in
 15 your name, right?
 16 A. You know, that, I just -- I need to check on
 17 that. I can't remember whether I had --
 18 Q. That's what you testified to yesterday. Are
 19 you changing that testimony?
 20 A. I don't know. There have just been so many
 21 documents, it can be confusing at times.
 22 Q. Okay. Speaking of documents, why don't you
 23 turn to Exhibit 58. And this is a document you produced
 24 this morning.
 25 A. Okay.

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1 Q. It's from your QuickBook records, right?
 2 A. Oh, 58. Correct, yes, sir.
 3 Q. And this was certain business expenses for For
 4 the Love of Pets Foundation, right?
 5 A. Correct.
 6 Q. And can you tell me why Mr. Whittington isn't
 7 listed in this document?
 8 A. Because he's paid from the other account and
 9 these expenses here are expenses that come directly out
 10 of my pocket that -- let's see what -- these are
 11 expenses that my husband and I absorb.
 12 Q. Well, first of all, you agree with me that Mr.
 13 Whittington is not listed in Exhibit 58, right?
 14 A. Correct.
 15 Q. And neither is there an entry for Keller
 16 Elliott, right?
 17 A. Correct, yes.
 18 Q. And there are no entries here for the USAA
 19 credit card, right?
 20 A. Correct.
 21 Q. So, these alleged business expenses of For the
 22 Love of Pets Foundation that you've printed from your
 23 QuickBook records, what do these expenses reflect?
 24 A. Money that we have spent for the care of the
 25 animals.

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1 So, in regards to accounts payable or
 2 liabilities or things like that, I just -- I don't
 3 really pay attention to that.
 4 I just wanted something that I could enter the
 5 expenses on and keep a record and have it so I could
 6 print it out quickly.
 7 Q. Do you have other QuickBook accounts?
 8 A. This is my first adventure with QuickBooks; so
 9 no.
 10 Q. Have you, on behalf of the For the Love of
 11 Pets Foundation, ever prepared a list of donations that
 12 the foundation has received?
 13 A. I have not.
 14 Q. Has anyone, on behalf of the foundation, ever
 15 prepared a list of donations that the foundation has
 16 received?
 17 A. No.
 18 Q. So --
 19 A. It's listed in the ledger in what I've given
 20 you so far.
 21 Q. When you say "listed in the ledger," you're
 22 referring to Exhibit 46?
 23 A. Correct.
 24 Q. Are there any donations that are listed in
 25 Exhibit 47?

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1 Q. And this covers the period January 2, 2013 to
 2 April 17, 2014, right?
 3 A. It starts at 01/01/2013 through what I gave
 4 you this morning because it goes to November 10, 2014.
 5 Q. Oh, I beg your pardon. So, this covers the
 6 period from January 2, 2013 to November 10, 2014,
 7 correct?
 8 A. Correct, yes.
 9 Q. And where are such expenses that you paid for
 10 the care of animals prior to January 2, 2013?
 11 A. In handwritten notes with receipts attached.
 12 Finally, I learned how to use QuickBooks so I
 13 could enter them in there which makes for much better
 14 recordkeeping.
 15 Q. Have those handwritten notes been produced?
 16 A. No.
 17 Q. Why not?
 18 A. I didn't think to produce them.
 19 Q. Now, this account refers to accounts payable
 20 in the upper left-hand corner, true?
 21 A. It does, but what I did, when I go into
 22 QuickBooks, because I'm not very familiar with the
 23 program, I just went down to check register and then
 24 entered something where I could just have a list of the
 25 expenses that I have.

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1 A. 47?
 2 Q. 47. This is the account history of the Scenic
 3 Falls Credit Union.
 4 A. No. No, sir.
 5 Q. There are no donations that are listed in
 6 Exhibit 47, correct?
 7 A. Well, I haven't looked at every specific line
 8 item, but... Let's see, deposits -- you know, I can't
 9 say that.
 10 Q. Sorry. You can't say what?
 11 A. I can't say that there are no donations listed
 12 in there.
 13 Q. All right. Then take a look at Exhibit 47 and
 14 point out to me the donations that are set forth in
 15 Exhibit 47.
 16 A. There are none that are listed as donations.
 17 There were deposits and probably they are from
 18 my account -- our personal account.
 19 Q. Take a look at Exhibit 57.
 20 A. 57. Okay. Got it.
 21 Q. Tell me what donations are listed in
 22 Exhibit 57.
 23 A. You know, this document is so small, I can
 24 barely see it, even with my glasses.
 25 Q. The document you produced?

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1 A. Correct.

2 Q. Doing the best you can with the document you

3 produced, can you identify for me the donations that you

4 can identify in Exhibit 57?

5 A. At a cursory glance, I don't see any.

6 Q. Are you aware of any summary list or document

7 that sets forth donations that have been received by the

8 For the Love of Pets Foundation at any time?

9 A. The check ledger.

10 Q. Which is Exhibit 46?

11 A. I'm assuming so, yes.

12 Q. Other than Exhibit 46, are you aware of any

13 such list, summary or writing that sets forth a list of

14 donations For the Love of Pets Foundation?

15 A. Not at this moment, no.

16 MR. WONG: Off the record.

17 (A recess was taken from 2:34 P.M. to

18 2:36 P.M.)

19 MR. WONG: So, back on the record.

20 Q. (BY MR. WONG) Ms. Elliott, with regard to the

21 QuickBook records -- and I apologize if I've asked you

22 this before -- but I want to make sure that I've covered

23 it.

24 And that is, there are no other QuickBook

25 accounts or records that relate to For the Love of Pets

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1 Foundation other than what you've produced today as

2 Exhibit 58?

3 A. I just started to learn QuickBooks at the

4 beginning of this so I could keep a better roster; and,

5 no, there are no others.

6 And also -- and something I asked Mr.

7 Whittington about -- I assume that you're talking about

8 donations from others in regards to the foundation; is

9 that correct?

10 Q. Correct.

11 A. Okay. You're not interested in what my

12 husband and I put in there.

13 Q. No.

14 A. Okay.

15 Q. So, with that clarification, is it true that

16 Exhibit 58 sets forth the only QuickBook records that

17 you have for For the Love of Pets Foundation at any

18 time?

19 A. Correct. Yeah, I believe that's so.

20 Q. Okay.

21 MR. WONG: Let me ask the court reporter to

22 mark as next in order a multi-page document entitled

23 Articles of Incorporation of For the Love of Pets

24 Foundation, Inc.

25 (Exhibit No. 61 marked.)

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1 Q. (BY MR. WONG) Ms. Elliott, please review what

2 has been marked as Exhibit 61 and tell me when you've

3 had the opportunity to review it.

4 A. Did you want me to read the entire document or

5 just certify that I know what it's about?

6 Q. Let's start with the latter. So, take a look

7 at it to the extent necessary and tell me if you've ever

8 seen it before.

9 A. Okay. Yes, I have.

10 Q. What is Exhibit 61?

11 A. It's the Article of Incorporation of For the

12 Love of Pets Foundation, Inc.

13 Q. And looking at the last page of Exhibit 61,

14 there are some signatures that appear there.

15 A. Correct.

16 Q. Can you identify those signatures?

17 A. Yes. Myself, my husband and then a board

18 member, Cherene Jacobs.

19 Q. And who is Cherene Jacobs?

20 A. She is someone that is active in animal

21 rescue.

22 Q. And these are Articles of Incorporation that

23 are dated May 15, 2005, right?

24 A. Correct. Yes, sir. I think. Let me take a

25 look at this. Yes, sir.

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1 Q. And has the board of directors changed For the

2 Love of Pets Foundation since --

3 A. It has.

4 Q. -- 2005 to the present?

5 A. Yes.

6 Q. And you've been a board member continuously,

7 right?

8 A. Yes, sir.

9 Q. How about your husband?

10 A. Yes, sir.

11 Q. How has it changed since 2005 to the present?

12 A. Cherene has dropped off and has been replaced

13 by Brooke Elliott -- excuse me, Brooke Corson.

14 Q. Your daughter?

15 A. Yes.

16 MR. WHITTINGTON: What's her name? Corson?

17 THE WITNESS: Corson, C-O-R-S-O-N.

18 Q. (BY MR. WONG) When did your daughter become

19 the board member replacing Ms. Jacobs?

20 A. I would have to go back and check records for

21 that. I don't recall.

22 Q. What records would you check?

23 A. I would check those little cards that we

24 furnished to you that we give to, like, the Secretary of

25 State, I believe it is, if I remember correctly. I

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1 think that's where we have to report any changes.
 2 MR. WONG: I haven't received any such
 3 documents, to my knowledge.
 4 MR. WHITTINGTON: You can get them off the
 5 internet on the Secretary of State's web site.
 6 MR. WONG: Yeah. Well, I just want the record
 7 to be clear, I haven't received anything like that.
 8 A. I know that I copied them off. I printed them
 9 off and a saw them in a file the other day, the
 10 information that should have been furnished to you.
 11 Q. (BY MR. WONG) Well, let's get into that.
 12 For the Love of Pets Foundation keeps various
 13 books and records, right?
 14 A. It's getting better at it. It keeps the -- it
 15 has the Scenic Falls Credit Union account and then it
 16 has the QuickBooks I keep for these things.
 17 Q. How about minutes of meetings?
 18 A. Very -- you know, very sparsely, no.
 19 Q. Are there any minutes of any meetings?
 20 A. Yes.
 21 Q. Have you produced those?
 22 A. No.
 23 Q. How many minutes are there?
 24 A. I don't know. I would have to go back and
 25 check.

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1 Q. Where are they kept?
 2 A. At my home.
 3 Q. Where at your home?
 4 A. Upstairs.
 5 Q. In 2014, how many board meetings have there
 6 been For the Love of Pets Foundation?
 7 A. That we have actually kept minutes of? I'm
 8 not very good about doing that, no.
 9 Q. Well, how many meetings have there been?
 10 A. You know, we just kind of discuss expenditures
 11 as they come up. Maybe a couple times a year.
 12 Q. I'm talking about 2014. Let me try it again.
 13 This seems to be a confusing question.
 14 In this year, 2014, how many times have the
 15 Board of Directors of the For the Love of Pets
 16 Foundation met?
 17 A. Maybe a couple of times.
 18 Q. And are there minutes?
 19 A. Minutes? No, I have not kept minutes.
 20 Q. In the year 2013, how many times have the
 21 Board of Directors of the For the Love of Pets
 22 Foundation met?
 23 A. It would be a couple of times to discuss, you
 24 know, expenditures.
 25 Q. And are there minutes --

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1 A. No.
 2 Q. -- kept?
 3 A. I have been with counsel trying to do that.
 4 Q. In 2012, how many times has the Board of
 5 Directors met?
 6 A. Same answer.
 7 Q. Are there minutes for those meetings?
 8 A. Same answer.
 9 Q. Do you recall any minutes for any meeting of
 10 the For the Love of Pets Foundation?
 11 A. I believe I do, yes.
 12 Q. You do have some?
 13 A. I do think so, yes.
 14 Q. Do you know what year they are?
 15 A. I don't. I haven't checked in a long time.
 16 Q. Do you recall any written board resolutions
 17 for For the Love of Pets Foundation?
 18 A. I believe at first, yes. I think so. Again,
 19 I would have to go check records.
 20 Q. Does The Love of Pets Foundation maintain some
 21 sort of corporate record book?
 22 A. We have -- yes, we have a record book with all
 23 the documentation in there and the necessary filings
 24 with the state, yes.
 25 Q. And do you recall whether there was a decision

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1 of the board whether it was appropriate For the Love of
 2 Pets Foundation to pay Mr. Whittington for professional
 3 services incurred in representing you as a criminal
 4 Defendant in a trespass case?
 5 A. I do remember that because I checked with an
 6 out-of-town attorney to make sure that that would be a
 7 legitimate expenditure.
 8 Q. My question is: Was there a board meeting?
 9 A. Yes.
 10 Q. And when was that board meeting?
 11 A. I don't know. I can't tell you that.
 12 Q. Are there minutes of the board meeting?
 13 A. Probably not.
 14 Q. Was there a board resolution reflecting that
 15 decision?
 16 A. I doubt it.
 17 Q. Looking at Exhibit 59 -- I'm sorry.
 18 Let me ask you: You just said that you
 19 consulted with an outside attorney. Can you name the
 20 attorney that you consulted with?
 21 A. Yes. I think I mentioned him yesterday. Mr.
 22 Bron Rammell.
 23 Q. Could you spell the name, please?
 24 A. B-R-O-N, R-A-M-M-E-L. {sic}
 25 Q. And where is that attorney located?

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1 A. Pocatello.
 2 **Q. Is that attorney with a law firm?**
 3 A. Rammell, May, something like that.
 4 **Q. When did you consult with this attorney?**
 5 A. I can't give you a date. It's been several
 6 years now.
 7 Understand that this matter -- these matters
 8 have been going on for so long that it's hard for me to
 9 -- the dates can become confusing.
 10 **Q. Okay. Do you recall ever writing anything to**
 11 **the public advising the public that, if they made a**
 12 **donation to the For the Love of Pets Foundation, that**
 13 **some of that money would be used to pay for legal**
 14 **services to defend you in criminal trespass cases?**
 15 A. That would have been unnecessary, because my
 16 husband and I, personally, donate that money.
 17 MR. WONG: I'll move to strike as
 18 nonresponsive.
 19 **Q. (BY MR. WONG) Answer my question.**
 20 MR. WHITTINGTON: I move to keep it in there.
 21 But you can go ahead.
 22 A. No.
 23 MR. WONG: Repeat the question --
 24 A. No.
 25 MR. WONG: -- and let's get an answer to my

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1 question.
 2 MR. WONG: Repeat the question, please.
 3 (The record was read.)
 4 A. No. All donations go for animal care.
 5 **Q. (BY MR. WONG) So, you have never issued that**
 6 **in writing?**
 7 A. No, correct.
 8 **Q. Now, looking at Exhibit 59 --**
 9 A. Okay.
 10 **Q. -- do you see the words "Humane Society"**
 11 **anywhere in Exhibit 59?**
 12 A. No.
 13 MR. WHITTINGTON: Exhibit 59?
 14 MR. WONG: Yes.
 15 **Q. (BY MR. WONG) In Exhibit 59, there is a list**
 16 **of purposes for which the corporation is created. Do**
 17 **you see that?**
 18 MR. WHITTINGTON: I don't see it in 59. The
 19 59 I have is the --
 20 THE WITNESS: Are you talking --
 21 MR. WHITTINGTON: -- payments to me.
 22 MR. WONG: Oh, I beg your pardon. I think
 23 I've got the wrong number. The Articles of
 24 Incorporation would be...
 25 THE WITNESS: 61.

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1 MR. WHITTINGTON: 61.
 2 MR. WONG: Oh, 61.
 3 **Q. (BY MR. WONG) Sorry. Let me re-ask the**
 4 **question so we have a good record.**
 5 **So, I was mistaken in terms of the exhibit**
 6 **number. The Articles of Incorporation for For the Love**
 7 **of Pets Foundation has been marked as Exhibit 61 to Ms.**
 8 **Elliott's deposition.**
 9 **Do you see the name or words "Humane Society"**
 10 **anywhere in Exhibit 61?**
 11 A. Anywhere in there?
 12 **Q. Yes.**
 13 A. Do you want me to read the whole thing?
 14 **Q. No. I'd like you to tell me if you remember**
 15 **it being in Exhibit 61, "Humane Society."**
 16 A. I would have to read the whole thing. I don't
 17 remember. I don't remember.
 18 **Q. Okay.**
 19 A. Okay?
 20 **Q. You would certainly agree with me that these**
 21 **are Articles of Incorporation for For the Love of Pets**
 22 **Foundation, right?**
 23 A. Yes, that's what it states on the first page.
 24 **Q. And it's not called For the Love of Pets**
 25 **Humane Society, right?**

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1 A. You are correct.
 2 **Q. There are a list of purposes set forth in**
 3 **Exhibit 61 for For the Love of Pets Foundation, right?**
 4 A. Correct.
 5 **Q. And do you see one of the purposes to defend**
 6 **you in criminal trespass cases?**
 7 A. Yes.
 8 **Q. And where is that?**
 9 A. Under Paragraph A: To help local projects
 10 supporting the care of animals and humane treatment, to
 11 solicit funds for the above purposes, and in all other
 12 ways, encourage the humane treatment of all animals.
 13 That would cover animal welfare situations and
 14 all.
 15 **Q. And you interpret that to cover defending you**
 16 **in criminal trespass cases?**
 17 A. Absolutely. Which would be incurred because
 18 of animal welfare situations that have, in part, been
 19 requested by the Jefferson County Sheriff's Department.
 20 **Q. So, in connection with what you call "animal**
 21 **welfare checks," if you're accused of criminal trespass,**
 22 **that would be part of the purpose of the For the Love of**
 23 **Pets Foundation?**
 24 A. It would involve the humane treatment of
 25 animals, yes. Yes. It would involve seeing to the

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1 humane treatment of animals.
 2 **Q. Defending you in criminal trespass cases?**
 3 A. Correct. Which is why I checked with an
 4 outside attorney.
 5 **Q. Have you ever written anything to the general**
 6 **public advising the general public that the care of**
 7 **animals supposedly includes defense of yourself in**
 8 **criminal trespass cases?**
 9 A. No.
 10 **Q. Would you agree with me that the word**
 11 **"trespass" does not appear in Exhibit 61?**
 12 A. I haven't read it, but I would doubt that it
 13 would.
 14 **Q. Why would you doubt it?**
 15 A. Well, because it's all covered in Paragraph A
 16 there when it talks: In all other ways, encourage the
 17 humane treatment of all animals.
 18 **Q. And you would agree that Article 2,**
 19 **Paragraph A doesn't use the word "trespass," does it?**
 20 A. No.
 21 **Q. Now, For the Love of Pets Foundation is a**
 22 **501(c)(3) entity, correct?**
 23 A. Yes, sir.
 24 **Q. And is it your understanding there are certain**
 25 **obligations with being a 501(c)(3) entity?**

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1 A. Correct.
 2 **Q. Tell me what your understanding is of some of**
 3 **those obligations.**
 4 A. For one, you don't spend donations for
 5 personal expenditures.
 6 **Q. Anything else?**
 7 A. Well, when I was president of the Humane
 8 Society Upper Valley, which is also a 501(c)(3), I made
 9 sure that upwards of 95 percent of the funds -- of the
 10 donate funds went to the care of the animals, as I do
 11 for For the Love of Pets.
 12 **Q. Anything else?**
 13 A. Not off the top of my head.
 14 **Q. Is there any reporting that you have to make**
 15 **regarding expenditures as being a 501(c)(3) nonprofit?**
 16 A. Yes.
 17 **Q. Looking at Exhibit 46, the check register --**
 18 A. Yes, sir.
 19 **Q. -- is that something that you have submitted**
 20 **as part of that reporting?**
 21 A. No, sir.
 22 **Q. Is that a document that is publicly available?**
 23 MR. WHITTINGTON: Which document?
 24 MR. WONG: Exhibit 46.
 25 A. The checkbook register?

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1 **Q. (BY MR. WONG) Yeah.**
 2 A. If anybody asked, I would certainly make it
 3 available to them.
 4 **Q. All right. Is it publicly available?**
 5 A. Yes.
 6 **Q. Oh, okay. So, have you posted this on the**
 7 **internet?**
 8 A. No, I have not.
 9 **Q. Have you published it in any way?**
 10 A. No.
 11 **Q. So, in terms of confidentiality, you're saying**
 12 **that you have no confidentiality issues with regard to**
 13 **Exhibit 46; is that right?**
 14 A. I don't want any account numbers going out.
 15 Is that what you're speaking of?
 16 **Q. No. I'm speaking about Exhibit 46.**
 17 A. Oh, the check register?
 18 **Q. Yeah.**
 19 A. No, I don't think so.
 20 **Q. But this is not published to the general**
 21 **public?**
 22 A. No.
 23 **Q. Okay.**
 24 A. No, I don't -- you know, I haven't published
 25 this.

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1 **Q. Okay. Let's look at Exhibit 57. Is that**
 2 **published to the general public?**
 3 A. No.
 4 **Q. Have you put it on the internet?**
 5 A. No.
 6 **Q. Have you published it in any way?**
 7 A. No.
 8 **Q. Look at Exhibit 47.**
 9 A. I am.
 10 **Q. Is that published in any way to the general**
 11 **public?**
 12 A. No.
 13 **Q. Have you put it on the internet?**
 14 A. No, it's not published in any way to the
 15 general public.
 16 **Q. And your QuickBook ledger, Exhibit 58, is that**
 17 **published to the general public?**
 18 A. That's merely a list of expenditures I keep to
 19 help me keep receipts straight, et cetera.
 20 **Q. Is that published to the general public?**
 21 A. No.
 22 **Q. Is it -- have you put it on the internet?**
 23 A. No.
 24 **Q. So, I'm confused about something, Ms. Elliott.**
 25 **Explain to me, again, why Mr. Whittington's**

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1 legal expenses are not included in Exhibit 58.
 2 A. These are -- 58. Sorry. 60.
 3 Q. I know we've got a number of documents. Let
 4 me make sure the record's clear.
 5 Exhibit 58 is a list of expenses called
 6 Business Expenses and the title is For the Love of Pets
 7 Foundation. The first page bears the production number
 8 PLP001297.
 9 And I think you agreed with me that Mr.
 10 Whittington's legal expenses are not listed there,
 11 right?
 12 A. Correct.
 13 Q. Why are they not listed there?
 14 A. These are expenses, for example, if I go to
 15 town and I purchase something for the animals;
 16 medications, bones, dog food, and things like that, I
 17 list there and I pay for out-of-pocket.
 18 Q. Is your answer complete?
 19 A. I believe so.
 20 Q. Okay. Tell me the amount of donations that
 21 For the Love of Pets Foundation received from a source
 22 other than you and your husband in 2005?
 23 A. I don't have that information available.
 24 Q. Do you have that information available for any
 25 year starting in 2005 to the present?

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1 A. Same.
 2 Q. 2010?
 3 A. Same.
 4 Q. 2011?
 5 A. Same.
 6 Q. 2012?
 7 A. Same.
 8 Q. 2013?
 9 A. Same.
 10 Q. 2014?
 11 A. Same.
 12 Q. So, that same answer, meaning that, as you sit
 13 here today, you can't tell me the amount of outside
 14 donations to the For the Love of Pets Foundation for any
 15 year beginning 2005 to 2014, right?
 16 A. Not without examining my records, correct.
 17 Q. And the records are the records that you've
 18 brought today?
 19 A. Correct.
 20 Q. There are no other records, right?
 21 A. No.
 22 Q. Is that correct?
 23 A. Correct.
 24 MR. WONG: Let me ask the court reporter to
 25 mark as next in order a document entitled "Rescue

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1 A. I probably can go back and look on the
 2 register.
 3 Q. The register being...
 4 A. The check register. Was that 46?
 5 Q. Yes, that was Exhibit 46.
 6 A. Yes.
 7 Q. That would be the only information that you
 8 have?
 9 A. That and perhaps the -- the Scenic Falls
 10 Credit Union.
 11 Q. All right. Then, I'm sorry, we'll have to do
 12 this, I guess, the hard way.
 13 Can you tell me the amount of -- when I say
 14 "outside donations," I mean other than you and your
 15 husband --
 16 A. Correct.
 17 Q. -- that the For the Love of Pets Foundation
 18 received from outside sources in 2006?
 19 A. Not off the top of my head.
 20 Q. How about 2007?
 21 A. Same answer.
 22 Q. '08?
 23 A. Ditto.
 24 Q. Same answer.
 25 2009?

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1 Me"... Help Idaho's Unwanted Pets.
 2 (Exhibit No. 62 marked.)
 3 Q. (BY MR. WONG) Ms. Elliott, have you had the
 4 opportunity to examine Exhibit 62?
 5 A. I have.
 6 Q. Have you ever seen it before?
 7 A. Yes, sir.
 8 Q. Do you know what Exhibit 62 is?
 9 A. Yes.
 10 Q. What is it?
 11 A. It is a picture of the "Rescue Me" GoFundMe
 12 fundraising page.
 13 Q. What is the "Rescue Me" fundraising page?
 14 A. It is -- well, GoFundMe is a vehicle by which
 15 folks can raise funds for organizations.
 16 Or they even have a section for helping people
 17 specific with medical needs or educational needs or I
 18 think, like, disaster relief. They do all kinds of
 19 things like that.
 20 MR. WHITTINGTON: You can even set one up to
 21 pay your attorney.
 22 THE WITNESS: How about For the Love of Pets?
 23 MR. WONG: Would you repeat that, please, so
 24 we have that on the record?
 25 MR. WHITTINGTON: I'm teasing.

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1 MR. WONG: Well --
 2 MR. WHITTINGTON: Calm down.
 3 MR. WONG: I have to say, Mr. Whittington, you
 4 make a comment like that, it deserves to be on the
 5 record.
 6 MR. WHITTINGTON: No, it does not.
 7 Q. (BY MR. WONG) Ms. Elliott, with regard to
 8 this page, what was your involvement in creating it?
 9 A. I created it.
 10 Q. And this was a fundraising effort for this
 11 "Rescue Me" project?
 12 A. Correct.
 13 Q. And when was this fundraising effort
 14 initiated?
 15 A. Does this have a date on it? Because I've
 16 done a handful of them and I don't recall the --
 17 Created February 26, 2014 by me.
 18 Q. And you're looking at the right column on the
 19 first page of Exhibit 62, right?
 20 A. I am, yes, sir.
 21 Q. When you say "it was created by you," what do
 22 you mean by that?
 23 A. Well, I discovered the GoFundMe fundraising
 24 site and I thought that this was -- this would be a
 25 great way to raise money for foundations for rescue

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1 organizations in the area. And we've even included
 2 Jackson and went up in Northern Idaho.
 3 Q. And I take it that the animals "Rescue Me"
 4 activity is different from the For the Love of Pets
 5 Foundation?
 6 A. Absolutely, yes.
 7 Q. And the date of February 26, 2014 was when
 8 this fundraiser was initiated; is that right?
 9 A. Yes, sir. That's probably when -- that's
 10 probably the date that I created the GoFundMe site.
 11 Q. And the purpose of the site for this specific
 12 purpose was to raise a goal of some money, right?
 13 A. Yes.
 14 Q. And how much -- what was the goal, if you
 15 remember?
 16 A. I think just in general I put \$1,000. I think
 17 that's about what I do for every -- that seems to be
 18 what I remember, yes.
 19 Q. I see. So, you had this solicitation for a
 20 goal of \$1,000 and you put that out around February of
 21 2014, true?
 22 A. Correct.
 23 Q. And you were successful; were you not?
 24 A. In this case, we exceeded the goal, yes.
 25 Q. And if you look at the bottom portion of the

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1 first page of Exhibit 62, it says: We surpassed our
 2 goal. Right?
 3 A. It does, yes.
 4 Q. And that was a true statement?
 5 A. Yes, sir.
 6 Q. And your name appeared on this page; did it
 7 not?
 8 A. I created this site, yes, sir.
 9 Q. But in addition to creating the site, your
 10 specific name appeared on this page, right?
 11 A. Yes, sir.
 12 Q. And do you remember engaging in a similar
 13 fundraising effort for any similar cause in 2013?
 14 A. I think I became acquainted with GoFundMe this
 15 year.
 16 Q. So, was this the first GoFundMe campaign that
 17 you've been engaged in?
 18 A. That I have initiated, yes.
 19 Q. And in this one fundraising effort where your
 20 name appears on the site, you were able to surpass your
 21 goal?
 22 A. Correct.
 23 Q. Now, in your prior testimony you indicated, as
 24 a 501(c)(3) nonprofit, there are certain reports that
 25 you have submitted, right?

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1 A. Are you speaking of the cards?
 2 Q. I'm speaking of whatever you were referring
 3 to.
 4 A. Well, I don't know exactly what, but if I was
 5 talking about the cards that we have to submit, yes.
 6 Q. Well, let me ask it this way then: So, when
 7 did For the Love of Pets Foundation become a 501(c)(3)
 8 nonprofit?
 9 A. I think we have a date there on the form that
 10 I submitted to you.
 11 Q. And if you look at Exhibit 13, there is a
 12 document that is part of the exhibit to your answers to
 13 document production.
 14 A. Yes, that's the page I'm referring to.
 15 Q. And it has been identified as Exhibit B in the
 16 bottom right-hand corner, right?
 17 A. Yes, sir.
 18 Q. Okay. So, when was For the Love of Pets
 19 Foundation a 501(c)(3) nonprofit?
 20 A. 07, September '05 is the date of the letter.
 21 Q. So, as a 501(c)(3) nonprofit, tell me what
 22 documents have to be reported.
 23 A. Every year I have to go online and fill out a
 24 very brief -- I call it a card -- because they used to
 25 send us cards online. They want to know if there are

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1 any changes, like, to the officers and --
 2 **Q. And is this to the Internal Revenue Service?**
 3 A. And the Secretary of State.
 4 **Q. Anyone else?**
 5 A. No, sir.
 6 **Q. And this is something that you have done every**
 7 **year?**
 8 A. Well, unless I forgot and then they would tell
 9 me and then I'd have to go do it, yeah.
 10 **Q. And you've been doing this since 2005 to the**
 11 **present?**
 12 A. Yes. Every year I have to submit something
 13 like that, yes.
 14 **Q. Do you keep a copy of that document?**
 15 A. I do. It's available on the site.
 16 **Q. And do you have copies of those documents that**
 17 **you've submitted?**
 18 A. Well, I should say that the copies are on the
 19 site. You can go to the site and get the copies, and
 20 that's where I can go also to get the copies.
 21 **Q. My question is different. So, let's focus on**
 22 **my question.**
 23 **Do you have a copy of these documents?**
 24 A. Not all of them because I found that I can go
 25 on the site and just pull them off of there, if needed.

1 A. I don't know. What is it? Eight-and-a-half
 2 by 12? The size of a regular notebook.
 3 **Q. In a spiral notebook?**
 4 A. No, it's a three-ring notebook.
 5 **Q. So, it's a three-ring notebook where you keep**
 6 **certain documents?**
 7 A. Yes.
 8 **Q. Does it have a title? Is there a label on it?**
 9 A. FTLOP.
 10 **Q. Anything else?**
 11 A. No.
 12 **Q. And you maintain custody of that?**
 13 A. I do.
 14 **Q. Has that been produced in this case?**
 15 A. No.
 16 **Q. Any objection to producing?**
 17 A. Well, you have the documents right there.
 18 **Q. I don't have all the documents. So, do you**
 19 **have any --**
 20 MR. WHITTINGTON: Well, you do or you may not.
 21 I don't know. I mean --
 22 MR. WONG: Well, I know I don't.
 23 MR. WHITTINGTON: She says you do. You say
 24 you don't. So, I mean --
 25 **Q. (BY MR. WONG) Do you have any objection to**

1 **Q. Okay. But the answer to my question is you**
 2 **don't have copies yourself?**
 3 A. Not all of them. That was my answer. I don't
 4 have copies of all of them.
 5 **Q. How many do you have copies?**
 6 A. I don't know.
 7 **Q. Where do you keep them?**
 8 A. In the For the Love of Pets' book binder.
 9 MR. WONG: Could you read that back, please?
 10 (The record was read.)
 11 **Q. (BY MR. WONG) And tell me about this binder.**
 12 A. It's where I have the Articles of
 13 Incorporation.
 14 And I have multiple copies of the -- of that
 15 document right there in there, because if I go to buy
 16 something at a store or something, in order to avoid
 17 paying taxes on it, as a 501(c)(3), I can show them the
 18 determination letter there and they don't charge taxes
 19 for the items I buy for the animals.
 20 **Q. Any other records kept in this book?**
 21 A. Not that I can recall.
 22 **Q. How large is this binder?**
 23 A. That size.
 24 **Q. The court reporter can't reflect that. Can**
 25 **you describe it?**

1 **producing that binder?**
 2 A. I think I have. You have the Articles of
 3 Incorporation. You have the EIN determination letter.
 4 I have multiple copies of that. I think you have what's
 5 in there.
 6 **Q. I can show you every document that you've**
 7 **produced to us in this case. And if you can point it**
 8 **out to me, I would appreciate it. Do you want to do it**
 9 **that way?**
 10 A. Yes.
 11 MR. WONG: Why don't we go off the record.
 12 (Discussion off the record.)
 13 (A recess was taken from 3:14 P.M. to
 14 3:23 P.M.)
 15 MR. WONG: Back on the record.
 16 **Q. (BY MR. WONG) I asked you about Exhibit 13 in**
 17 **your prior deposition. We've touched on it in the**
 18 **deposition of this week. Let me hand it to you again.**
 19 **This is Exhibit 13 and look at request for**
 20 **production number nine.**
 21 A. Yes.
 22 **Q. That request asks: Please produce all**
 23 **financial documents of For the Love of Pets Foundation,**
 24 **Inc. for any period during which the foundation was**
 25 **established to the present, which would include, without**

1 limitation; one, general ledgers; two, balance sheets;
 2 three, income statements; and four, profit and loss
 3 statements. Do you see that?
 4 A. I do.
 5 Q. And have all such documents been produced?
 6 A. To the best of my knowledge, yes.
 7 Q. Does the For the Love of Pets Foundation have
 8 any balance sheets?
 9 A. You have all the financial records that For
 10 the Love of Pets has.
 11 MR. WONG: Move to strike as nonresponsive.
 12 Q. (BY MR. WONG) Does the For the Love of Pets
 13 Foundation have any balance sheets?
 14 A. No.
 15 Q. Does it have any income statements?
 16 A. No.
 17 Q. Does it have any profit and loss statements?
 18 A. No.
 19 MR. WONG: Do you want to chuckle now, Kent?
 20 MR. WHITTINGTON: Yeah, I think you're being
 21 overly -- never mind.
 22 Q. (BY MR. WONG) Please take a look at request
 23 for production number 10.
 24 It says: Please produce all documents to
 25 support all damages sought by plaintiffs in the case.

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1 Do you see the response for request for
 2 production number 10?
 3 A. Yes.
 4 Q. It says: Plaintiffs seek only general damages
 5 at this time.
 6 A. Correct.
 7 Q. Now, this was dated June 9, 2014. Has that
 8 changed since June 9, 2014?
 9 A. I would have to confer with my attorney on
 10 that.
 11 Q. Well, I'm asking you. Have you produced all
 12 documents to support all damages sought by Plaintiffs in
 13 the case?
 14 A. To my knowledge, yes.
 15 Q. Looking at request for production number
 16 eight, it asks you to produce all documents to support
 17 all allegations in Plaintiffs' complaint. Do you see
 18 that?
 19 A. I do.
 20 Q. And have those been produced?
 21 A. To my knowledge, yes.
 22 MR. WONG: Let me ask the court reporter to
 23 mark as next in order a document that is entitled The
 24 Saga Continues.... 30 August 2011 Press Release.
 25 (Exhibit No. 63 marked.)

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1 Q. (BY MR. WONG) Ms. Elliott, have you ever seen
 2 Exhibit 63 before?
 3 A. Yes.
 4 Q. And what is Exhibit 63?
 5 A. If I recall correctly, it is part of the
 6 information in my eBook about Barbie, the dog with the
 7 broken legs.
 8 Q. It's a document that you wrote; is it not?
 9 A. Yes, it is.
 10 Q. And it's entitled the Saga Continues.... 30
 11 August 2011 Press Release.
 12 A. I see that.
 13 Q. Does that indicate to you that this was an
 14 August 30, 2011 press release?
 15 A. It would seem to be so, yes, sir.
 16 Q. And was it?
 17 A. Yeah, I would say so.
 18 Q. So, on August 30, 2011, you issued a press
 19 release, right?
 20 A. Did I issue it? Or did I have it in my book?
 21 I don't -- you mean if I released it to the press? I
 22 have no memory of that. It's a possibility. That's the
 23 title of it. But I don't know if this was just from my
 24 book or what.
 25 Q. Do you know why you called this a press

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1 release?
 2 A. I don't.
 3 Q. Do you recall ever, prior to 2012, issuing a
 4 press release?
 5 A. I have -- you know, as I stated before, I have
 6 sent information to the media, such as pictures like
 7 this, referring to the starving dog here, to the media.
 8 Q. Do you recall, on August 30, 2011, issuing a
 9 press release that is set forth in Exhibit 63?
 10 A. No, I don't.
 11 Q. And the first sentence in Exhibit 63 states:
 12 Once again, Jefferson County Sheriff Blair Olsen and
 13 Prosecutor Robin Dunn have charged animal welfare
 14 advocate, Andi Elliott, with trespassing. Do you see
 15 that statement?
 16 A. I do.
 17 Q. Do you recall ever issuing a press statement
 18 or a press release to that effect prior to 2012?
 19 A. Just a point of clarification, are you trying
 20 to say that I sent this to the media? Is that what
 21 you're asking?
 22 Q. What I'm asking is: Do you recall, prior to
 23 2012, ever issuing a press release in which you included
 24 the statement that: Once again, Jefferson County
 25 Sheriff Blair Olsen and Prosecutor Robin Dunn have

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1 charged animal welfare advocate, Andi Elliott, with
 2 trespassing.
 3 A. Okay. I wrote this document. As to whether I
 4 sent it out or it was just for the purposes of the book,
 5 that I do not have clear recall about.
 6 Q. Apart from this particular document, do you
 7 recall ever publishing, prior to 2012, a document that
 8 you called a press release which had that statement that
 9 those officials have charged you with trespassing?
 10 A. Once again, I do not recall whether I sent
 11 this out to the media or whether it was just for the
 12 purposes of the book. I do not recall.
 13 MR. WHITTINGTON: I don't think you're
 14 understanding his question. He's asking if you have
 15 ever issued a press release, prior to 2012, that you had
 16 been charged with trespassing.
 17 Is that -- I don't mean to --
 18 THE WITNESS: That contains these statements
 19 here?
 20 MR. WHITTINGTON: I don't mean to change your
 21 words, Counsel.
 22 MR. WONG: That's, in essence, what I've been
 23 asking.
 24 A. See, I'm thinking that you're saying these
 25 exact words. Are you saying, did I send this out before

1 horses, then I'm sure I did.
 2 MR. WHITTINGTON: Answer the question.
 3 THE WITNESS: That's not the question?
 4 MR. WHITTINGTON: Just answer the question.
 5 MR. WONG: Thank you.
 6 A. What do you consider a press release?
 7 Q. (BY MR. WONG) Let's move on.
 8 MR. WHITTINGTON: He's asking you specifically
 9 with those that you had been charged with trespass. So,
 10 just answer his question, if you would.
 11 THE WITNESS: I have. I don't have --
 12 MR. WHITTINGTON: He didn't ask if you'd been
 13 charged. He's asking: Did you ever put out a press
 14 release that Sheriff Olsen and Prosecutor Dunn had
 15 charged you with trespass, prior to 2012?
 16 THE WITNESS: Prior to 2012.
 17 A. There's a possibility, but I cannot recall any
 18 specific instances.
 19 Q. (BY MR. WONG) Okay. Turn to the second page
 20 of Exhibit 63. Exhibit 63, the second page, refers to
 21 an appearance on the Mike Adams Radio Show. Do you see
 22 that?
 23 A. September 7th. I do.
 24 Q. And do you recall the Mike Adams Radio Show?
 25 A. I remember Mike Adams' show, yes.

1 2012? I'm just confused.
 2 Q. (BY MR. WONG) And I'm happy to clarify.
 3 So, first of all, with regard to this specific
 4 document that's called a press release --
 5 A. Correct.
 6 Q. -- I understand from your prior testimony you
 7 don't recall whether you sent this out or not?
 8 A. Correct.
 9 Q. You may have or you may not have?
 10 A. Correct.
 11 Q. It is entitled Press Release?
 12 A. It is.
 13 Q. It is dated August 30, 2011.
 14 A. That's correct.
 15 Q. So, my question is different; and that is:
 16 Prior to 2012, do you ever recall issuing a press
 17 release in which you advised the press that Sheriff
 18 Olsen and Prosecutor Dunn had charged you with
 19 trespassing?
 20 A. Oh, now that, I don't know either. It would
 21 have been a possibility, but I don't know.
 22 Q. So, you may have or may not have?
 23 A. I may or may not have.
 24 But, again, I would have -- if you consider a
 25 press release, like, information about these dogs or

1 Q. This seems to indicate that on September 7th
 2 of 2011, you appeared on that radio show.
 3 A. That's -- yes, I think you're correct there.
 4 Q. And do you recall that?
 5 A. I recall being on his show a couple of times;
 6 but that specific date, no. I've been on his show a
 7 couple of times, several times. I cannot say the number
 8 or the specific dates.
 9 Q. And tell me about the Mike Adams Radio Show.
 10 A. Mike Adams is a political talk show host -- or
 11 is or was. He may still have a show. And he invited me
 12 to be on it at times, both in my capacity as an animal
 13 welfare advocate and a Tea Party leader.
 14 Q. And you say: Mike has been wonderful about
 15 assisting me in getting the word out to the public.
 16 Those were your words, right?
 17 A. Correct.
 18 Q. What "word" were you trying to get out to the
 19 public?
 20 A. About animal welfare concerns.
 21 Q. Anything else?
 22 A. Well, this press release refers to the story
 23 of Barbie, the dog with the broken legs. So, I'm
 24 assuming that's what I'm speaking of in that section
 25 there.

1 Q. How about your contention that Prosecutor Dunn
 2 and Sheriff Olsen were mistreating you by charging you
 3 with trespassing?
 4 A. That would be parcel and part of this, yes.
 5 Q. I see. So, on the Mike Adams Radio Show on
 6 September 7, 2011, do you recall discussing on the radio
 7 show that Sheriff Olsen and Prosecutor Dunn had charged
 8 you with trespassing?
 9 A. I can say that I remember being on Mike's show
 10 and that we did discuss this. But in regards to a
 11 specific date, I cannot say.
 12 Q. Do you recall being on the Mike Adams Radio
 13 Show where you discussed Sheriff Olsen and Prosecutor
 14 Dunn charging you with trespassing?
 15 A. Yes.
 16 Q. And did that occur on his radio show on
 17 September 7, 2011?
 18 A. I have no recollection of the date.
 19 Q. Was it in 2011?
 20 A. I have no recollection of the date.
 21 Q. Well --
 22 A. I can only rely on this information that you
 23 provided me here.
 24 Q. Well, actually what you provided. And that
 25 is, this is a document that you produced.

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1 And you would agree with me that this -- on
 2 the second page of Exhibit 63 refers to an appearance
 3 that you made on the Mike Adams Radio Show on
 4 September 7, 2011, right?
 5 A. Correct.
 6 Q. And what follows after that is a document that
 7 is dated September 18, 2011 addressed to the Idaho State
 8 Police headquarters, right?
 9 A. Yes, sir, it does.
 10 Q. And was that a letter that you wrote to the
 11 Idaho State Police headquarters?
 12 A. My recollection is that it was.
 13 Q. If you look at Exhibit 3 of your prior
 14 deposition -- and I'll hand you a copy.
 15 A. Exhibit 3.
 16 Q. That is a copy of that letter; is it not?
 17 A. It appears to be so, yes, sir.
 18 Q. Does that refresh your memory that on
 19 September 7, 2011 that you appeared on the Mike Adams
 20 Radio Show and discussed Prosecutor Dunn and Sheriff
 21 Olsen charging you with trespassing?
 22 A. I cannot say with certainty it was
 23 September 7th. I can only rely on the information that
 24 I have here before me.
 25 Q. And that's what this information indicates,

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1 right?
 2 A. That's exactly right.
 3 Q. Okay. I asked you about this yesterday, and
 4 let me ask you: Do you recall announcing your intention
 5 to run against Sheriff Olsen?
 6 A. I do.
 7 Q. In the spring election?
 8 A. I do.
 9 Q. Did you make such an announcement of your
 10 intent?
 11 A. I did.
 12 Q. How did you do that?
 13 A. How did I do that? Well, I don't know if I
 14 posted it on Facebook. I don't know if I sent a letter
 15 to the media.
 16 I'm pretty sure I recall talking about it on
 17 Neal Larson's show.
 18 Q. And when was that?
 19 A. I don't remember the date.
 20 Q. Was that the Neal Larson Show that Mr. Murdock
 21 called in?
 22 A. I think that it has been changed now to the
 23 Neal and Cala Show, but I'm not sure about that.
 24 But it's -- Neal's the same person, same time
 25 slot, et cetera.

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1 Q. So, I take it, it wasn't the March 22, 2012
 2 program?
 3 A. No, I don't -- no, no.
 4 MR. WONG: So, let me ask the court reporter
 5 to mark next in order a document produced by Ms. Elliott
 6 that's entitled Rewrite of Announcement September 2011?
 7 (Exhibit No. 64 marked.)
 8 Q. (BY MR. WONG) Ms. Elliott, have you had the
 9 opportunity to review Exhibit 64?
 10 A. Yes.
 11 Q. Have you ever seen it before?
 12 A. Yes, I wrote it.
 13 Q. And it's entitled Rewrite of Announcement
 14 September 2011, right?
 15 A. I see that, yes, sir.
 16 Q. Why did you use that title?
 17 A. As a way of being able to find it again. I
 18 don't know other than that.
 19 Q. Does this refresh your memory as to how you
 20 made your announcement of your intention to oppose
 21 Sheriff Olsen in an election?
 22 A. Does this refresh my memory that perhaps I
 23 sent out a press release statement? It gives the
 24 appearance of that; but I will rely on this and say yes.
 25 MR. WHITTINGTON: Do you know?

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1 THE WITNESS: After all that I've been
 2 through, I can't remember these things.
 3 MR. WHITTINGTON: Well, then tell him you
 4 don't remember.
 5 A. I don't remember.
 6 Q. (BY MR. WONG) Let me --
 7 A. I don't remember. I'm relying on this
 8 documentation here.
 9 Q. All right. Let me ask it this way, Ms.
 10 Elliott: You wrote Exhibit 64.
 11 A. Yes.
 12 Q. Why did you write Exhibit 64?
 13 A. To announce my intention to oppose Sheriff
 14 Olsen in Jefferson County in the forthcoming spring
 15 election.
 16 Q. What did you do after you wrote this document?
 17 A. I'm assuming --
 18 MR. WHITTINGTON: Don't assume anything.
 19 THE WITNESS: Okay.
 20 Q. (BY MR. WONG) Well, I don't want you to
 21 assume, but I want you to tell me your best
 22 recollection.
 23 What's your best recollection as to what you
 24 did with this document after you prepared it?
 25 A. My best recollection is I probably sent it to

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1 Prosecutor Robin Dunn stated that the county would
 2 pursue charges against you for misdemeanor trespassing?
 3 A. Let me restate the question. You're asking
 4 whether I'm aware that the newspapers printed
 5 articles --
 6 MR. WHITTINGTON: That's not his question.
 7 MR. WONG: Could you read the question back?
 8 (The record was read.)
 9 A. Yes.
 10 Q. (BY MR. WONG) And there were such articles,
 11 right?
 12 A. Yes.
 13 Q. Meaning news articles, right?
 14 A. Yes.
 15 Q. Around January of 2010, correct?
 16 A. Yes.
 17 Q. Do you recall where those news articles
 18 appeared?
 19 A. In local media outlets.
 20 Q. Newspapers?
 21 A. Yes.
 22 Q. The Post Register?
 23 A. I'm sure.
 24 Q. The Jefferson County Star?
 25 A. Jefferson Star, yes.

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1 the media.
 2 Q. Announcing your intention to run?
 3 A. Correct.
 4 Q. Sheriff Olsen was re-elected; was he not?
 5 A. Yes.
 6 MR. WONG: Let me ask the court reporter to
 7 mark next in order a document that has the title Charges
 8 being pursued in Jefferson County dog case.
 9 (Exhibit No. 65 marked.)
 10 Q. (BY MR. WONG) Ms. Elliott, have you had the
 11 opportunity to review Exhibit 65?
 12 A. I have.
 13 Q. Have you ever seen this document before?
 14 A. I don't recall that I have.
 15 Q. I will tell you that this is a document that I
 16 saw on the internet yesterday. Does that surprise you?
 17 A. No.
 18 Q. And why does it not surprise you?
 19 A. Because newsworthy events are often posted on
 20 the internet.
 21 Q. And this document indicates it was posted on
 22 January 7, 2010, right?
 23 A. I see that, yes, sir.
 24 Q. And do you remember, around January 2010, that
 25 there were news articles that Jefferson County

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1 MR. WHITTINGTON: Are you sure?
 2 Q. (BY MR. WONG) How about local news reporting?
 3 A. Okay. Let me backtrack on that last one.
 4 I will stick to local media outlets. I don't
 5 know specifically whether it was the Star and the Post
 6 Register. Just local media outlets.
 7 Q. Do you know if there was coverage in any local
 8 television news?
 9 A. You know, I don't watch TV.
 10 Q. So, you're not sure?
 11 A. I'm not sure.
 12 Q. Do you know if there was coverage on the
 13 radio?
 14 A. Yes.
 15 Q. And how do you know that?
 16 MR. WHITTINGTON: Are you talking about before
 17 or after the charges?
 18 MR. WONG: I'm talking about at any time.
 19 A. There was coverage of the Barbie case on the
 20 radio because I heard it.
 21 Q. (BY MR. WONG) Prior to 2012, there was local
 22 media coverage of you being charged with trespass,
 23 right?
 24 A. Correct.
 25 Q. And that was in the newspapers and in the

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1 local news, including radio and television, right?
 2 A. It was in the local media outlets, yes.
 3 Q. And that was true prior to 2012, correct?
 4 A. Yes.
 5 Q. Now, I had asked you about a prior Letter to
 6 the Editor that you had written that was marked as
 7 Exhibit 6 to your prior deposition. Let me show it to
 8 you so you have a point of reference.
 9 A. Yes.
 10 Q. And in your prior testimony -- and I don't
 11 want to misstate your prior testimony -- it's my
 12 recollection you did not recall when this was written.
 13 Do you have any better recollection today as
 14 to when this was written?
 15 A. It would have had to have been during that
 16 time period that I would have been repeatedly charged.
 17 Q. And what period is that?
 18 A. They charged me in 2008, 2009 and 2011.
 19 Q. And you were repeatedly charged with the
 20 offense of trespass?
 21 A. That is correct.
 22 Q. So, can you be any more specific as to when
 23 you wrote this Letter to the Editor now marked as
 24 Exhibit 6?
 25 A. It would have been after November 2011 --

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1 Wait, wait, wait. No. I'm getting my cases
 2 confused.
 3 Q. All right. Let me show you a document that
 4 may be able to help.
 5 MR. WHITTINGTON: July 24th?
 6 THE WITNESS: That's what I was thinking. I'm
 7 getting my cases mixed up.
 8 Q. (BY MR. WONG) Let me show you some documents
 9 that may be able to help you.
 10 MR. WONG: Let me ask the court reporter to
 11 mark as next in order a single page document. It has
 12 the production number 0022 at the bottom.
 13 (Exhibit No. 66 marked.)
 14 Q. (BY MR. WONG) Ms. Elliott, looking at
 15 Exhibit 66, it appears that this is a document that
 16 includes the Letter to the Editor that was previously
 17 marked, and I just showed you, as Exhibit 6. Would you
 18 agree with that?
 19 A. Exhibit 6?
 20 Q. Yes.
 21 A. Yes, sir.
 22 Q. And there's some other columns and articles
 23 that appear on the same page in Exhibit 66, right?
 24 A. I see that, yes, sir.
 25 Q. Does that help you remember when you wrote

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1 this Letter to the Editor?
 2 A. Well, I see the statement there at the
 3 beginning of the 2011 legislative session. So, it would
 4 have been after the beginning of the 2011 legislative
 5 session.
 6 Q. Do you recall when that was?
 7 A. No, I don't. I'm sorry.
 8 MR. WONG: Let me ask the court reporter to
 9 mark as next in order a single page document that bears
 10 the production number Elliott 000047?
 11 (Exhibit No. 67 marked.)
 12 Q. (BY MR. WONG) Ms. Elliott, have you had the
 13 opportunity to review Exhibit 67?
 14 A. Yes.
 15 Q. Can you tell me what it is?
 16 A. It is an editorial that I wrote; though, it's
 17 not in -- it's not presented in the newspaper. This is
 18 just a plain Word document.
 19 Q. And it has a date; does it not?
 20 A. September 2011.
 21 Q. Does that refresh your memory as to when you
 22 wrote the Letter to the Editor that's set forth in
 23 Exhibit 66 and Exhibit 6?
 24 A. I cannot recall from memory that I did this in
 25 September of 2011.

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1 Q. Does the date of September 2011 assist you?
 2 A. I can only say that -- that -- I can't use the
 3 word "assume."
 4 The date on the letter is September 2011. I
 5 do not remember writing it in 2011, but that's the date
 6 on this editorial that I wrote.
 7 Q. So, does this indicate to you that the Letter
 8 to the Editor that appears in Exhibit 66 and Exhibit 6
 9 was published sometime around September 2011?
 10 A. There is no indication that this letter was
 11 published. I just simply have a Word document.
 12 Q. My question is a little different. So, let me
 13 repeat it to make sure you understand my question.
 14 A. Okay.
 15 Q. We've been talking about the Letter to the
 16 Editor that appears in Exhibit 66 and Exhibit 6, right?
 17 A. Correct.
 18 Q. There's no doubt that that was a Letter to the
 19 Editor that was published?
 20 A. Exhibit No. 66, that's correct.
 21 Q. Which is the same as Exhibit 6, right? Here's
 22 Exhibit 6.
 23 A. Correct.
 24 Q. And what I'm trying to determine is whether
 25 showing you Exhibit 67 refreshes your memory that

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1 Exhibit 66, the Letter to the Editor, was published
 2 around September 2011?
 3 MR. WHITTINGTON: I think she's answered "no."
 4 The document 67 is not the same as 66 or 6. It has the
 5 same, I guess, heading and that's all that I can see.
 6 MR. WONG: Well, I didn't hear a legal
 7 objection in that coaching. But, in any event, let me
 8 ask the witness for an answer.
 9 Q. (BY MR. WONG) And that is: Does Exhibit 67,
 10 this draft or document that's entitled Can't Resist the
 11 Opportunity to Look Stupid September 2011, help refresh
 12 your memory that the Letter to the Editor, also entitled
 13 Can't Resist the Opportunity to Look Stupid, was
 14 published around September 2011?
 15 MR. WHITTINGTON: I think it's been asked and
 16 answered.
 17 A. It doesn't refresh my memory. I can simply go
 18 by the dates on the information that you have presented
 19 to me.
 20 Q. (BY MR. WONG) And what's your belief?
 21 A. My belief is that this indicates that it was
 22 in September of 2011, based on the date at the top of
 23 this Word document.
 24 MR. WHITTINGTON: This was what? What are you
 25 referring to?

1 A. I see that.
 2 Q. If that doesn't work, then it's trespass by
 3 agency, meaning I sent someone else out there. It's
 4 happened twice before.
 5 A. Correct.
 6 Q. Those were your words?
 7 A. I see that.
 8 Q. And you published that in the Jefferson Star?
 9 A. Exhibit No. 66, I believe that is the
 10 Jefferson Star, but there's no indication that I see, at
 11 a cursory glance, that it is the Star.
 12 Q. There's no doubt that it was published in a
 13 newspaper.
 14 A. Correct.
 15 Q. So, it's either the Jefferson Star or the Post
 16 Register, right?
 17 A. In all likelihood.
 18 Q. That's right?
 19 A. Correct.
 20 Q. Okay. All right.
 21 MR. WONG: Let me ask the court reporter to
 22 mark as next in order an article that is entitled Don't
 23 Tolerate Crime.
 24 (Exhibit No. 68 marked.)
 25 A. Okay.

1 THE WITNESS: The date right there.
 2 MR. WHITTINGTON: That you wrote this
 3 Exhibit 67?
 4 THE WITNESS: Correct.
 5 MR. WHITTINGTON: Okay. Are you saying that
 6 that is also the date that you published the letters in
 7 66 and 6?
 8 THE WITNESS: No, I can't say that because --
 9 MR. WHITTINGTON: Well, answer the question.
 10 THE WITNESS: No.
 11 Q. (BY MR. WONG) Let me try it again.
 12 Is there any reason to believe that Exhibit 66
 13 and Exhibit 6 was published at a time other than around
 14 September of 2011?
 15 A. No.
 16 Q. And looking at Exhibit 67, the second sentence
 17 says: About every two years it happens. He charges me
 18 with "trespass" and if that doesn't work, then it's
 19 "trespass by agency" (meaning I sent someone else out
 20 there.) Right?
 21 A. I see that.
 22 Q. And in Exhibit 66, you have a similar
 23 statement, do you not, which is: Just like clockwork,
 24 about every two years Sheriff Olsen and Prosecutor Dunn
 25 charge me with trespass.

1 Q. (BY MR. WONG) Have you ever seen Exhibit 67
 2 before?
 3 A. Yes.
 4 Q. What is exhibit -- I'm sorry. This is 68,
 5 isn't it?
 6 So the record's clear, I misspoke in terms of
 7 identifying the exhibit that the witness has. It's a
 8 single page document that bears the production number
 9 PA000769 and it appears to be a Letter to the Editor
 10 entitled Don't Tolerate Crime.
 11 Is that what you're looking at, Ms. Elliott?
 12 A. Yes, sir.
 13 Q. And was this a Letter to the Editor that you
 14 wrote?
 15 A. Yes, sir.
 16 Q. And was published?
 17 A. Yes, sir.
 18 Q. When?
 19 A. Is there a date on there that I don't see?
 20 Q. I'm asking you for your recollection.
 21 A. I don't see a date on there.
 22 Q. The third column of your Letter to the Editor
 23 talks about: Last year I was charged with trespassing
 24 by agency. Do you see that?
 25 A. I do.

1 **Q. Does that help you recall when this was**
 2 **published?**
 3 A. So, last year would have been 2009. So, this
 4 would have been probably 2010.
 5 MR. WONG: Let me ask the court reporter to
 6 mark as next in order a document that's entitled Hang a
 7 Few for the Good of the Many.
 8 (Exhibit No. 69 marked.)
 9 **Q. (BY MR. WONG) Tell me when you've had the**
 10 **opportunity to review Exhibit 69.**
 11 A. Yes, I have.
 12 **Q. Have you ever seen Exhibit 69 before?**
 13 A. It seems to be identical to Exhibit 68.
 14 **Q. And it's dated April 2011, right?**
 15 A. Yes.
 16 **Q. Did you have any involvement with Exhibit 69?**
 17 A. Yes, I wrote it.
 18 **Q. You wrote all of it?**
 19 A. Yes.
 20 **Q. Does this help you recall any better when the**
 21 **article that appears -- or the Letter to the Editor**
 22 **appeared in Exhibit 68?**
 23 A. I would have to rely on that date at the top
 24 of the letter, April 2011. I do not have recollection
 25 of it.

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1 **Q. So, it's your best recollection that around**
 2 **April of 2011 you published a Letter to the Editor**
 3 **stating that you were charged with trespassing by**
 4 **agency, right?**
 5 A. I don't have recollection of that date. I
 6 have to rely on the date at the top of this page.
 7 **Q. That would be your belief?**
 8 A. Correct.
 9 MR. WONG: Let me ask the court reporter to
 10 mark as next in order a document dated 29 July 2012
 11 referring to Sheriff Olsen.
 12 (Exhibit No. 70 marked.)
 13 MR. WHITTINGTON: What's the number on this?
 14 MR. WONG: 70.
 15 MR. WHITTINGTON: 70. That's what I thought.
 16 A. Okay.
 17 **Q. (BY MR. WONG) Have you ever seen this**
 18 **document before?**
 19 A. I wrote it.
 20 **Q. And did you write this document on July 29,**
 21 **2012?**
 22 A. Probably not.
 23 **Q. Why do you say "probably not"?**
 24 A. Because usually it takes me a couple days to
 25 write them and so it would be about that date. But as

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1 for that specific date, I don't know.
 2 MR. WONG: Let me ask the court reporter to
 3 mark next in order another document, 3 August 2012 to
 4 Sheriff Olsen.
 5 (Exhibit No. 71 marked.)
 6 A. I've seen it.
 7 **Q. (BY MR. WONG) Have you ever seen Exhibit 71**
 8 **before?**
 9 A. Yes. Yes, I'm sure that I wrote it.
 10 **Q. I'm sorry?**
 11 A. I'm sure that I wrote it.
 12 **Q. Okay. So, can you tell me -- well, it appears**
 13 **to me that Exhibit 70 and Exhibit 71 are similar. Would**
 14 **you agree with that?**
 15 A. I do.
 16 **Q. And one is dated July 29, 2012 and the other**
 17 **one is dated August 3, 2012.**
 18 A. I see that.
 19 **Q. Can you explain to me whether one is a draft**
 20 **and one followed the other? What's the relationship of**
 21 **these two documents?**
 22 A. You know, I don't know unless one was a
 23 rewrite. That's the only thing I can think. You know,
 24 that was a couple of years ago, so...
 25 **Q. Why did you write Exhibit 70?**

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1 A. For the purpose of submitting it to a
 2 newspaper.
 3 **Q. Why did you write Exhibit 71?**
 4 A. I don't remember. I don't recall.
 5 **Q. Do you know if either Exhibit 70 or 71 were**
 6 **submitted to a newspaper?**
 7 A. They probably were. That would be the purpose
 8 of my writing them.
 9 MR. WHITTINGTON: Do you know?
 10 THE WITNESS: No, I don't know unless I see a
 11 copy of a newspaper.
 12 **Q. (BY MR. WONG) Do you have a recollection as**
 13 **to whether Exhibit 70 or 71 was submitted to a**
 14 **newspaper?**
 15 A. No.
 16 **Q. Do you have any recollection as to whether**
 17 **Exhibit 70 and 71 was published in a newspaper?**
 18 A. No.
 19 **Q. Do you have a recollection as to whether**
 20 **Exhibit 70 and 71 was posted on the internet?**
 21 A. No.
 22 **Q. So, in connection with the lawsuit that you've**
 23 **filed against Mr. Murdock, your answers to discovery**
 24 **indicate that you're seeking general damages.**
 25 **Can you tell me the amount of general damages**

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1 that you are seeking from Mr. Murdock?
 2 A. Not at this point.
 3 Q. When you say "not at this point," what do you
 4 mean?
 5 A. I mean at trial -- that would be indicated at
 6 trial. We'll have that information for you there.
 7 Q. Well, I'm entitled to know what you're seeking
 8 in terms of damages now. Can you give me an answer now?
 9 A. In excess of \$10,000.
 10 Q. And how do you justify that number?
 11 A. I remember that on one of the court papers.
 12 Q. Other than being in a court paper, can you
 13 tell me how you justify an amount in excess of \$10,000
 14 in damages that you're seeking?
 15 A. Not at this point.
 16 Q. Tell me what harm you've incurred to justify
 17 an amount of damages in excess of \$10,000 from Mr.
 18 Murdock.
 19 MR. WHITTINGTON: You gave me a summary the
 20 other day.
 21 THE WITNESS: I did.
 22 Q. (BY MR. WONG) I'm sorry?
 23 A. I did.
 24 MR. WONG: Could you read the question and the
 25 answer, please?

1 Q. Okay.
 2 A. I have had some personal letters -- or a
 3 personal letter sent to, in this case, Brenda Murdock
 4 illegally put in the post office boxes of my neighbors.
 5 Did I mention my dead animals and my missing
 6 animals?
 7 Q. Anything else?
 8 A. Yes. I have had neighbors accosted personally
 9 by Mr. Murdock and they have been intimidated.
 10 And as I mentioned before this deposition,
 11 they are afraid of having things happen to their
 12 property now.
 13 Q. Anything else?
 14 A. The editorials written by Mr. Murdock and his
 15 son, Chance -- his adult son, Chance -- whom I believe
 16 still lives with him -- has caused quite a negative stir
 17 in the community. And I've had neighbors calling me
 18 about that -- those letters.
 19 Something just slipped away from me.
 20 Mr. Murdock's friends, the Sarbaums, have
 21 tried to oust me from the Lions Club and tried to have
 22 Mr. Sarbaum's daughter take my place as secretary of the
 23 Lions Club.
 24 I have received a call at my home that Mr.
 25 Murdock has made threats against my life.

1 (The record was read.)
 2 A. Okay. That was a comment to myself. I made a
 3 note about them the other day. Wonder what I did with
 4 it.
 5 I have lost donors. I've lost donors because
 6 of his comments over the radio.
 7 I have had -- I've been shunned by neighbors.
 8 Mr. Murdock has referred to me as somebody's
 9 girlfriend and I'm married; and that comment has gone
 10 around the Hamer community.
 11 I have incurred repeated incidents of
 12 vandalism.
 13 I have had dead carcasses -- five dead
 14 carcasses placed on my drive.
 15 I have been accosted at the Lions Club by one
 16 of his friends, Claude Sarbaum.
 17 I have had my gate posts pulled up after being
 18 accosted at the Lions Club by Claude.
 19 For a good 10 years, about 10 years, I have
 20 never had a noise nuisance complaint; and all the sudden
 21 now, as Deputy Clements pointed out around court time, I
 22 get noise nuisance complaints from a couple of my
 23 neighbors, including Claude Sarbaum.
 24 Q. (BY MR. WONG) Anything else?
 25 A. Yes.

1 I have been informed that Mr. Murdock is a
 2 heavy drinker and possesses many guns and that I should
 3 be fearful of things that might happen.
 4 And Ron Hillman told me on January 8th -- Ron
 5 Hillman, who is a fellow Lions member, he and I worked
 6 together real well until this incident happened. He
 7 told me that -- we were standing outside of the Lions
 8 Club one night after the meeting was over -- I believe
 9 he was still president at that time -- but I was
 10 secretary. And he told me that I was not to worry about
 11 my animals; that I needed to worry about my personal
 12 safety.
 13 And as I go to community events in Hamer, you
 14 know, people will stop and make comments to me about the
 15 situation.
 16 It has greatly affected the Hamer community.
 17 And people -- as I mentioned before, people
 18 are fearful to speak up for fear that things will begin
 19 happening to them.
 20 Q. Anything else?
 21 A. Not at the moment; but if I think of something
 22 else, I will indicate it.
 23 MR. WHITTINGTON: Have you been caused
 24 embarrassment and shame?
 25 THE WITNESS: Oh, definitely.

1 MR. WHITTINGTON: Well, let's talk about it.
 2 THE WITNESS: Oh, okay.
 3 Q. (BY MR. WONG) Let me ask you another
 4 question.
 5 So, tell me what the For the Love of Pets
 6 Foundation is seeking in damages in this case?
 7 A. \$10,000, if I recall the complaint -- on the
 8 complaint.
 9 Q. And tell me, what justification is there for
 10 that \$10,000?
 11 A. I am president of For the Love of Pets
 12 Foundation. We're kind of inextricably intertwined.
 13 Community members know well -- community,
 14 county and valley members know well of the work that the
 15 foundation does in order to help neighbors feed their
 16 animals, vet their animals, shelter their animals.
 17 I have provided -- For the Love of Pets has
 18 provided shelters -- shelter for dogs that are in need
 19 of dog houses, et cetera.
 20 I have provided shelters for six or seven
 21 neighbors.
 22 I have provided hundreds of tons of food for
 23 neighbors.
 24 I have two neighbors, in particular, Janet
 25 Bedwell and a Glenda Cope, they were both senior

1 citizens.
 2 Janet's husband -- Janet, I think she had a
 3 heart attack. Anyhow, she ended up in the hospital.
 4 She's never been able to come home.
 5 Her husband had a heart attack a few days
 6 later and died leaving -- gosh, a dozen cats.
 7 She called from her hospital bed and asked
 8 that I take care of her animals. For nine months For
 9 the Love of Pets provided food and care for the animals
 10 at her home.
 11 When we were finally able to catch all of the
 12 animals, I brought them to my home where, to this day,
 13 they still live in a heated cat room. They get medical
 14 care. They're all spayed and neutered now. They have
 15 had eyes removed, any kind of vet care imaginable. They
 16 have regular dentals.
 17 Glenda Cope. Glenda Cope died and I had
 18 helped Glenda for years. Some of these people lived in
 19 very shabby, rundown trailers. And you know how old
 20 ladies like their cats.
 21 And they both attracted many cats and neither
 22 of them had many financial resources so John and I would
 23 just -- I mean, we would take dozens and dozens of bags
 24 of food.
 25 Janet's cats, in particular, were fed slop

1 from the school. So, the cat food was very much needed.
 2 Getting back to Glenda, when she died, she
 3 left three cats. I had helped her catch several litters
 4 of feral kittens because, quite simply, she couldn't
 5 afford to care for them.
 6 And I've been in both of their homes trying to
 7 help them take care of their animals, you know, at their
 8 offering.
 9 Neighbors call me all the time about animal
 10 cruelty or animal welfare situations; such as they did
 11 with Steve's brother, Dan, it was the neighbors that
 12 called me because I didn't even know who the Murdocks
 13 were until this incident happened on July 24, 2011.
 14 I have been accused of doing things that I
 15 have no knowledge of doing and being where I have no
 16 knowledge -- I mean, I never was.
 17 It's just been incredible what has happened
 18 since this situation.
 19 Q. I'm sorry, we're talking about the foundation.
 20 A. Okay. Yes. I did drift away from that.
 21 Let's see, as I said, the foundation has
 22 provided dog houses. I mean -- and -- you know, we'll
 23 pay \$200 apiece for the dog houses for neighbors.
 24 The foundation --
 25 Q. Ms. Elliott, let me see if I can clarify this.

1 What I'm getting at is that, according to your
 2 -- to the complaint in this case, there was a radio
 3 program on March 22nd --
 4 A. Correct.
 5 Q. -- 2012 --
 6 A. Yes.
 7 Q. -- in which you claim and the Plaintiffs claim
 8 that Mr. Murdock defamed the Plaintiffs.
 9 A. Correct.
 10 Q. And what I'm asking about would be the damages
 11 that For the Love of Pets Foundation is seeking as
 12 damages caused by that alleged defamation.
 13 A. Well, I think I told you \$10,000.
 14 But I'm telling you what For the Love of Pets
 15 has done in the community and how the reputation has
 16 been harmed by Mr. Murdock's public comments over the
 17 radio.
 18 Q. So, you attribute the radio comment by Mr.
 19 Murdock as somehow affecting Glenda Cope and the other
 20 individuals that you mentioned who died. Is that what
 21 you're saying?
 22 A. No. What I'm saying is people often requested
 23 my help through the foundation and all.
 24 And now, because of the community instances
 25 and the uncomfortable situations that have gone on,

1 these requests are no longer forthcoming and I'm not
 2 getting a lot of support from the community.
 3 **Q. So, they're not requesting your help. That's**
 4 **what you're saying.**
 5 **A.** They had heretofore, but much of that has --
 6 they don't want to get involved because of the
 7 situation.
 8 **Q. So, what you're saying is that there were**
 9 **these individuals that you've described as helping and**
 10 **the foundation is not being requested to provide that**
 11 **assistance anymore.**
 12 **A.** The neighbors are afraid to be in touch with
 13 me, yes.
 14 **Q. So, there's been no requests, since the radio**
 15 **program, of any assistance needed from the foundation;**
 16 **is that right?**
 17 **A.** No, I cannot say "any" because there's some
 18 neighbors that have stood up to him.
 19 **Q. So, let me understand. Since March of 2012,**
 20 **the foundation; that is, For the Love of Pets Foundation**
 21 **has continued to receive requests for assistance, right?**
 22 **A.** Correct. Not to the degree before.
 23 **Q. All right. So, tell me what the level of**
 24 **assistance being requested before March 2012 was.**
 25 **A.** I would have to go back and reconstruct some

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1 type of record about that.
 2 **Q. Well, what's your best memory?**
 3 **A.** Are you looking for a monetary figure?
 4 **Q. I'm looking for whatever you want to tell me.**
 5 **A.** Hundreds and hundreds of pounds of dog food,
 6 dog houses, veterinarian bills. I've transported
 7 neighbors' dogs to the veterinarian when they couldn't
 8 because of work. You know, things of that nature.
 9 **Q. And that was prior to March of 2012?**
 10 **A.** Correct.
 11 **Q. And so, after March of 2012, what was the**
 12 **level of requests?**
 13 **A.** The level of requests dropped off quite a bit.
 14 And as I provided for you at the last
 15 deposition, you know, I used to get little letters and
 16 notes and all with money in there for For the Love of
 17 Pets and that has stopped.
 18 **Q. Well, I'm talking about the request for**
 19 **services, which is what you've been discussing.**
 20 **A.** Correct.
 21 **Q. Correct?**
 22 **A.** And I'm talking, basically, in Hamer.
 23 **Q. That's fine.**
 24 **A.** Okay.
 25 **Q. Ms. Elliott, let me make sure I'm clear on**

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1 this.
 2 **So, what you're saying is that prior to March**
 3 **of 2012, there were a substantial amount of requests for**
 4 **services requested at the For the Love of Pets**
 5 **Foundation?**
 6 **A.** Yes, requested of us, yes.
 7 **Q. And you're saying that after March of 2012 the**
 8 **level of requests for services decreased?**
 9 **A.** In Hamer.
 10 **Q. And you regard that to be a result of the**
 11 **radio comment?**
 12 **A.** And damage to the reputation, yes, most
 13 definitely.
 14 **Q. And tell me what has been the level of**
 15 **decrease in the request for services in Hamer.**
 16 **MR. WHITTINGTON:** How do you quantify that?
 17 **MR. WONG:** I'm asking her.
 18 **A.** I wouldn't know how to say that. I would say
 19 the requests have been diminished.
 20 **People are -- what I'm trying to tell you is**
 21 **that people do not want to get involved because they're**
 22 **afraid of retaliation.**
 23 **Q. (BY MR. WONG) How do you know that they don't**
 24 **want to get involved because of a fear of retaliation?**
 25 **A.** Because they have told me.

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1 **Q. And tell me the people that have told you**
 2 **that.**
 3 **THE WITNESS:** Do I have to give up their
 4 names?
 5 **MR. WHITTINGTON:** I think he's entitled.
 6 **THE WITNESS:** I feel like I'm putting them in
 7 danger, if I do.
 8 **MR. WHITTINGTON:** Can we take a minute?
 9 **MR. WONG:** Sure.
 10 **(A recess was taken from 4:29 P.M. to**
 11 **4:38 P.M.)**
 12 **MR. WONG:** Back on the record.
 13 **Q. (BY MR. WONG) You've said quite a few things,**
 14 **Ms. Elliott, in the last 10 minutes or so. And one of**
 15 **the things, before we took our break, were people that**
 16 **have expressed to you fear of retaliation.**
 17 **A.** Yes.
 18 **Q. From Mr. Murdock, right?**
 19 **A.** Correct.
 20 **Q. Now, we've looked at a lot of paper. Is there**
 21 **a single letter that you received from anyone that has**
 22 **said that they have a fear of retaliation from Mr.**
 23 **Murdock?**
 24 **A.** No, these have been personal conversations.
 25 **Q. All right. Answer my question. Has there**

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1 been a --
 2 A. No. I'm sorry.
 3 Q. That would really help.
 4 A. I'm sorry.
 5 Q. Has there been a single letter you've received
 6 from anyone?
 7 A. No.
 8 Q. Have you gotten an e-mail from --
 9 A. Wait a minute. Excuse me. A single letter
 10 I've received from anyone regarding what?
 11 Q. I asked you before and let me ask you again so
 12 we have a clear record.
 13 So, have you received a single letter from
 14 anyone expressing to you that they have a fear of
 15 retaliation from Mr. Murdock?
 16 A. No.
 17 Q. Have you received an e-mail from anyone
 18 indicating that you have a fear of retaliation from Mr.
 19 Murdock?
 20 A. No.
 21 Q. Do you have any writing of any kind indicating
 22 that people have said to you that they have a fear of
 23 retaliation from Mr. Murdock?
 24 A. No.
 25 Q. Have you reported to any governmental or law

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1 enforcement authority that there have been people that
 2 have expressed to you some sort of fear of retaliation
 3 from Mr. Murdock?
 4 A. No.
 5 Q. So, let's identify the people that have had
 6 these non-written verbal communications with you as
 7 you've alleged. Okay?
 8 A. I have decided not to disclose their names,
 9 because if I do, I think that will interfere with their
 10 friendship with me. And some of them have supported me
 11 in a phase of great intimidation.
 12 Q. That's because they don't exist, do they?
 13 A. Well, they do and I know their names very
 14 well.
 15 Q. All right. Well, let's hear their names.
 16 A. No.
 17 Q. All right. So, you're refusing to provide any
 18 names of individuals that have made these alleged
 19 statements to you; is that right?
 20 MR. WHITTINGTON: Let me ask this: If those
 21 people would consent, would you? You haven't had the
 22 opportunity to question them or talk with them.
 23 THE WITNESS: No. No, I have not asked them,
 24 no.
 25 Q. (BY MR. WHITTINGTON) Let me ask the court

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1 reporter to mark as the next exhibit Plaintiffs'
 2 Responses to Defendant's First Set of Interrogatories
 3 directed to Plaintiffs.
 4 (Exhibit No. 72 marked.)
 5 THE WITNESS: Now, I hadn't finished answering
 6 the previous question.
 7 MR. WHITTINGTON: Go ahead and answer then.
 8 THE WITNESS: Okay.
 9 Q. (BY MR. WONG) I'm moving on to Exhibit 72.
 10 MR. WHITTINGTON: I'd like her to finish the
 11 answer.
 12 MR. WONG: Well, there's not a pending
 13 question.
 14 MR. WHITTINGTON: She says there is.
 15 THE WITNESS: Well, there was.
 16 MR. WONG: There isn't. So, let's move on.
 17 MR. WHITTINGTON: What was the question?
 18 THE WITNESS: The question was regarding the
 19 intimidation and the affect that Mr. Murdock's comments
 20 have had on me and the foundation.
 21 Q. (BY MR. WONG) Well, what I am interested --
 22 A. And --
 23 Q. I'll get back to that. Let me move on to this
 24 subject because we took our break and we were talking
 25 about this identification of people, and the record's

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1 clear you're not going to identify anyone. So, I want
 2 you to take a look at Exhibit 72.
 3 A. So, when do we get back to this?
 4 Q. When I choose.
 5 A. Okay.
 6 Q. Have you had the opportunity to review
 7 Exhibit 72? Do you know what Exhibit 72 is?
 8 A. Yes.
 9 Q. They're responses to interrogatories directed
 10 to Plaintiffs, right?
 11 A. Yes.
 12 Q. And you verified the answers to these
 13 interrogatories; did you not?
 14 A. Yes, sir.
 15 Q. And you understood that when you did that,
 16 that you were verifying that the answers were true,
 17 right?
 18 A. Yes.
 19 Q. Let me ask you to take a look at Interrogatory
 20 No. 5. Do you have that in front of you?
 21 A. I do.
 22 Q. Interrogatory No. 5 asks you to state all
 23 facts to support the contention that Plaintiffs somehow
 24 were damaged by the statements made by Steven Murdock
 25 during the radio broadcast referred to as the Neal

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1 Larson Show in Plaintiffs' complaint. Do you see that
 2 question?
 3 A. I do.
 4 Q. And there is an answer in response to
 5 interrogatory No. 5 that you verified, right?
 6 A. Correct.
 7 Q. The nature -- and the answer reads: The
 8 nature of the Defendant's statements presume damage to
 9 the Plaintiffs' reputations, it being alleged, among
 10 other things, that they were dishonest, fraudulent,
 11 acted in a criminal manner, and committed crimes.
 12 Plaintiffs have not pleaded specific damages
 13 but have pleaded only general damages.
 14 It is alleged the Defendant's statements are
 15 slanderous, per se, presuming damages to the Plaintiffs,
 16 being the subjects of the statements. Was that a true
 17 statement?
 18 A. Yes.
 19 Q. So, Plaintiffs had not pled any specific
 20 damages, right?
 21 A. Correct.
 22 Q. So, in connection with these answers to
 23 interrogatories, I ask you to take a look at what is set
 24 forth as answer to interrogatory 11.
 25 And in answer to Interrogatory 11,

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1 A. Well, discussions... It was more of a one-way
 2 conversation in front of the Lions Club members.
 3 Q. So, how many were there?
 4 A. There were two in front of -- excuse me, that
 5 would be three.
 6 Three in front of the Lions Club members, with
 7 the last being 22 October.
 8 Q. All right. I'm confused.
 9 How many discussions did you have with Mr.
 10 Sarbaum in 2014?
 11 A. Discussions... These were one-way
 12 conversations where Claude spouted off during the Lions
 13 Club meetings. Okay? There were two of those.
 14 And then on October 22nd, there was a third.
 15 Q. All right. Let's start with the two of those.
 16 A. Okay.
 17 Q. When was the first one?
 18 A. It was at two meetings of the Lions Club
 19 during this summer -- and I don't have the dates -- but
 20 during those meetings, he talked about how much he loved
 21 to kill rabbits and this is when the topic of
 22 conversation around the community --
 23 I mean, you know, how do you get your
 24 reputation back after all this stuff is said? How do
 25 you calculate that?

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1 specifically 11b, you identified yourself, right?
 2 A. I did.
 3 Q. Your husband, John Grubb, right?
 4 A. Yes.
 5 Q. And president Deb Coleman?
 6 A. Whom you might note died this summer.
 7 Q. I'm sorry.
 8 A. Deb Coleman died this summer.
 9 Q. Okay. But you identified Deb Coleman, right?
 10 A. Correct, yes.
 11 Q. And those are the only people that you
 12 identified by name in this interrogatory response, true?
 13 A. That is correct.
 14 Q. In your prior response, you refer to a Claude
 15 Sarbaum?
 16 A. Correct. S-A-R-B-A-U-M, I believe.
 17 Q. And when did you have these discussions with
 18 Mr. Sarbaum?
 19 A. This summer and fall.
 20 Q. This summer being the summer of 2014?
 21 A. Correct, yes.
 22 Q. And the fall of 2014?
 23 A. Correct.
 24 Q. And how many discussions did you have with him
 25 about this subject?

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1 MR. WONG: Move to strike as nonresponsive.
 2 Q. (BY MR. WONG) Let me go back to my question.
 3 A. Yeah.
 4 Q. So, we're talking about these first two
 5 meetings at the Lions Club.
 6 A. Correct.
 7 Q. And you don't recall the dates of those
 8 meetings?
 9 A. No, I don't.
 10 Q. And do you recall the first such discussion?
 11 And I say "discussion." This comment, whatever you want
 12 to call it.
 13 A. Okay. Oh, yes, yes.
 14 Q. Okay. So, when was this comment? What was
 15 the context of this first comment?
 16 A. The context of both the first and the second
 17 one were very similar.
 18 Q. Okay.
 19 A. And he was bragging in front of all the
 20 members about how much he loved to kill rabbits.
 21 Q. All right. So, tell me exactly what he said
 22 in the first comment to you.
 23 A. I do not have a transcript.
 24 He used the words: How he loved to kill
 25 rabbits. Those were pretty close to what he said.

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1 Q. What else did he say?
 2 A. Well, you mean about other things in the Lions
 3 Club?
 4 Q. No.
 5 A. You're talking about this specifically? He
 6 was --
 7 Q. Ms. Elliott, let me clarify so that we have a
 8 clear transcript of your sworn testimony in terms of
 9 what you're saying.
 10 You're saying you've had two communications
 11 with Mr. Sarbaum in which he has made comments that
 12 somehow you connect with Mr. Murdock's comments in a
 13 March 2012 radio program, right?
 14 A. Correct.
 15 Q. Okay. And I'm talking about the first comment
 16 with Mr. Sarbaum which you indicated was in the summer
 17 of 2014, about a year-and-a-half later from the radio
 18 program, right?
 19 A. Correct.
 20 Q. Okay. And in that first comment with Mr.
 21 Sarbaum, I want you to tell me everything you remember
 22 about what he said.
 23 A. Okay. Now, you said about a year-and-a-half
 24 later after the radio program; but realize that on
 25 December 18th, I had more rabbits vandalized and killed.

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1 Okay?
 2 Q. We're not talking about that.
 3 A. I know, but --
 4 Q. Let's talk about --
 5 A. -- this is leading up to the summer of 2014.
 6 MR. WHITTINGTON: I think she is.
 7 MR. WONG: Well, we're --
 8 A. I'm trying.
 9 Q. (BY MR. WONG) No. Let's talk about my
 10 question.
 11 A. Okay.
 12 Q. That would really help.
 13 A. Okay.
 14 Q. All right?
 15 A. I'm trying. So --
 16 Q. Hold it. Hold it. One at a time.
 17 So, my question is: We have three comments
 18 from Mr. Sarbaum --
 19 A. Correct.
 20 Q. -- in 2014. I'm focusing you on the first
 21 comment that he made to you. Tell me everything you
 22 remember --
 23 A. All right.
 24 Q. -- of what he said.
 25 A. He did --

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1 MR. WHITTINGTON: I think she's trying to put
 2 it into context.
 3 MR. WONG: I don't want context.
 4 A. He didn't make this specifically to me. He
 5 said -- he didn't say "Andi."
 6 He made it to the general membership of the
 7 Lions Club, of which I am secretary and was present.
 8 And he talked about how he loved to kill
 9 rabbits.
 10 Q. (BY MR. WONG) Okay.
 11 A. Okay?
 12 Q. So, this was not a comment that he had with
 13 you on a one-to-one basis; is that right?
 14 A. No. He did it in front of the present
 15 membership of the Lions Club.
 16 Q. I see.
 17 A. On two occasions during the summer.
 18 Q. All right. So, now you're focused, so let's
 19 keep going.
 20 So, in this first comment that Mr. Sarbaum
 21 had --
 22 A. Sarbaum. Yes.
 23 Q. -- that you're recalling, he made a comment to
 24 the general membership at a meeting?
 25 A. Correct.

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1 Q. And you were present at that meeting?
 2 A. Correct.
 3 Q. Tell me what you remember him saying other
 4 than that he liked to kill rabbits.
 5 A. Do you want the comments only about how he
 6 loved to kill rabbits and things like that?
 7 Or are you talking -- do you want to hear -- I
 8 mean, he talked about the gun raffle that the Hamer
 9 Lions Club was having. Do you want things like that?
 10 Or do you just want the rabbit comments?
 11 Q. No. Ms. Elliott, we're on this subject
 12 because you're saying that somehow you connect those
 13 comments to a radio program in which Mr. Murdock made a
 14 comment in March of 2012. Those are your words, right?
 15 A. Yes, because of Mr. Murdock's comments, my
 16 reputation has been damaged and I have been injured by
 17 what has happened in the community as a result of Mr.
 18 Murdock's actions.
 19 Q. All right. So, that takes us to three
 20 comments by Mr. Sarbaum that you have mentioned.
 21 A. Correct.
 22 Q. All right. And I'm focused on -- I'm trying
 23 to focus you on that first comment at this Lions Club
 24 meeting in the summer of 2014.
 25 A. Correct.

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1 Q. And you've told me about Mr. Sarbaum talking
 2 about killing rabbits.
 3 A. Correct.
 4 Q. What else did he say that, in your mind, was
 5 damaging to you?
 6 A. He just made general comments about killing
 7 rabbits.
 8 Q. Anything else?
 9 A. Not that I can recall at the moment.
 10 Q. Did he mention Mr. Murdock by name in that
 11 comment?
 12 A. No, no.
 13 Q. Did he mention you by name in that comment?
 14 A. No. But he kept looking at me.
 15 Q. I see. So, let's go to the second comment
 16 that you had with Mr. Sarbaum at a Lions Club meeting --
 17 A. Okay.
 18 Q. -- that you connect with a 2012 radio comment
 19 that Mr. Murdock made.
 20 A. Okay.
 21 Q. And that was the second comment that was again
 22 in the summer of 2014, right?
 23 A. Correct. You said summer or December?
 24 Q. Summer of 2014.
 25 A. Summer. Yes, sir.

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1 A. Not much else about that.
 2 Q. Was --
 3 A. He just -- Claude is long-winded and repeats
 4 himself a lot and he was just making a big show of
 5 himself in front of the membership. That's just the way
 6 he is.
 7 Q. Okay. And so, this wasn't directed to you,
 8 per se, right?
 9 A. No. He -- as I said, he did not call my name.
 10 Q. In both of these summer 2014 comments, he was
 11 -- you did not understand him to be making these
 12 comments directly to you, right?
 13 A. He was making them for my benefit.
 14 Q. And why do you say that?
 15 A. Because he kept looking at me and because of
 16 the comments made by other members afterwards.
 17 Q. I see.
 18 A. Because they -- Okay. Go ahead.
 19 Q. Tell me who the other members were.
 20 A. I would have to check the Lions' minutes just
 21 to see who was present at that time.
 22 Q. Who do you remember?
 23 A. Probably the president was there.
 24 You know, I can't say until I see the
 25 documentation.

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1 Q. And you made that -- well, let's start with --
 2 Did Mr. Sarbaum make that comment to you
 3 one-to-one or was it in a meeting?
 4 A. It was in the general meeting.
 5 Q. So, he was making a comment to the membership?
 6 A. Correct.
 7 Q. At a meeting?
 8 A. No. He was making comment in front of the
 9 membership.
 10 Q. Well --
 11 A. It could have been before the meeting was
 12 called to order. That might have been a possibility,
 13 but I don't exactly recall.
 14 Q. And you were in attendance?
 15 A. I was.
 16 Q. Along with how many other people?
 17 A. I'd say a handful of people. Maybe six,
 18 eight, you know, perhaps.
 19 Q. How many people attended the first meeting
 20 when he made this comment about killing rabbits?
 21 A. About the same.
 22 Q. In the second comment, what do you recall Mr.
 23 Sarbaum saying?
 24 A. Talking about loving to kill rabbits again.
 25 Q. What else do you recall him saying?

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1 Q. Well, Ms. Elliott, you just made a statement
 2 under oath that there were comments made by other
 3 members.
 4 Who were the other members?
 5 A. Oh, you want the members that made the
 6 comments to me? Gosh, we were standing around in a
 7 group afterwards and -- again, I'd have to check the
 8 membership roster. Oh, golly, did I -- the people were
 9 just standing around talking about -- how did they
 10 describe his behavior? I don't know. I can't attribute
 11 any specific comment to a specific person at this point.
 12 Q. In the second comment made by Mr. Sarbaum at
 13 this Lions Club meeting, do you recall anything else
 14 that he said?
 15 A. It was along the same lines as at the first
 16 meeting.
 17 Q. Do you recall anything else that he said?
 18 A. No, huh-uh.
 19 Q. And then you referred to a third discussion,
 20 which I believe you indicated was on October 22nd, 2014.
 21 A. I believe that was the date of that meeting
 22 yes.
 23 Q. All right. And was this also at a Lions Club
 24 meeting?
 25 A. It was.

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1 Q. And was it a comment that Mr. Sarbaum made to
 2 the attendees or specifically to you?
 3 A. Just a little background here. Mr. Sarbaum --
 4 Claude and his wife had tried to oust me from the Lions
 5 Club. And since, because of my suit against Mr. Murdock
 6 here, they quit in anger and disgust.
 7 And Claude kind of burst in the meeting and we
 8 were already meeting. Now, remember, he was not a
 9 member at that point.
 10 And we were already having our meeting and
 11 Claude burst into the building, the community center, as
 12 I recall, during the meeting itself.
 13 And he was confrontational with me. He wanted
 14 to discuss the suit with Steve and all these things that
 15 had happened.
 16 And I made the comment to him, I said: Okay.
 17 Let's get it out.
 18 And Brenda Downs was the president -- is the
 19 president. And Brenda told him that he was not a member
 20 and that he was to leave.
 21 Q. This occurred on October 22, 2014?
 22 A. I believe that was the date of the meeting,
 23 yes, sir.
 24 Q. Okay. And so, tell me exactly what Mr.
 25 Sarbaum said in that communication.

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1 A. He was unhappy about all that he had done for
 2 the Lions Club and that they had had to leave the Lions
 3 Club. And he made some indications about the suit with
 4 Mr. Murdock here.
 5 After I left -- well, at the close of the
 6 meeting, the president said: We will not talk about
 7 this anymore.
 8 I said: Okay.
 9 So, at the close of the meeting, some of us
 10 gathered around and some of the people that know Mr.
 11 Murdock better than I -- excuse me, some of the people
 12 that know Claude better than I -- talked about, it
 13 appeared that he had been drinking.
 14 MR. WONG: I'll move to strike as
 15 nonresponsive.
 16 Q. (BY MR. WONG) Answer my question. Tell me
 17 what Mr. Sarbaum said on October 22, 2014.
 18 A. I cannot tell you exact words. I can tell you
 19 that he was referring to this legal action and that they
 20 would not be coming back -- he and his wife would not be
 21 coming back until this matter was resolved.
 22 Q. Let's start with: Do you remember the exact
 23 words that he used?
 24 A. No. I think I've already stated I don't.
 25 Q. And other than --

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1 A. He was in an agitated state.
 2 Q. Other than what he -- what you've told me in
 3 terms of his general comment, do you remember anything
 4 else that he said?
 5 A. He wanted to have a confrontation with me.
 6 Q. That's what he said to you?
 7 A. No, he did not use that word. I told you I
 8 don't remember his specific words.
 9 Q. Can you answer my question?
 10 A. Well, you know --
 11 Q. You seem to want --
 12 A. If I could --
 13 Q. You want to say everything except answer my
 14 question.
 15 MR. WHITTINGTON: I disagree. I think she's
 16 trying to answer your question.
 17 MR. WONG: Well, she's failing.
 18 MR. WHITTINGTON: You're the one that's
 19 agitated.
 20 MR. WONG: She's failing.
 21 THE WITNESS: Okay. I get an "F" for that
 22 one.
 23 Q. (BY MR. WONG) Let's try again. Tell me
 24 everything that you remember --
 25 Let me ask it this way: Have you told me

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1 everything you remember about the October 22, 2014
 2 communication with Mr. Sarbaum?
 3 MR. WHITTINGTON: She's trying to and you're
 4 cutting her off.
 5 A. I'm trying to express that he came in in a
 6 very agitated state and wanted to have a confrontation
 7 with me about Steve's suit -- about my suit.
 8 Q. (BY MR. WONG) It's your suit against Mr.
 9 Murdock?
 10 A. Correct.
 11 Q. And do you remember him making any comments in
 12 which he said that he was unhappy with the lawsuit that
 13 you had filed against Mr. Murdock?
 14 A. I do not remember the word "lawsuit," no.
 15 Q. Did you write any of this down in any form?
 16 A. I'm going to say maybe yes, I did.
 17 Q. Have you produced any writing about this?
 18 A. No.
 19 Q. Well, you've produced everything else.
 20 A. I know. Why didn't I give you that?
 21 Q. Well, maybe because it doesn't exist?
 22 MR. WHITTINGTON: Counsel.
 23 A. I think that the Jefferson County Sheriff's
 24 Department has a copy. They should have produced it for
 25 you. Did you get it?

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1 MR. WONG: Let me -- that was improper. Let
 2 me move on.
 3 Q. (BY MR. WONG) Do you recall anything else
 4 about this October 22, 2014 comment with Mr. Sarbaum?
 5 A. Comment or incident?
 6 Q. Comment.
 7 A. No. I've told you everything I remember.
 8 Q. And --
 9 A. May I add one point about that?
 10 Q. If it's related to a comment that he made,
 11 yes.
 12 A. No. It's just related to the fact that
 13 somebody pulled my gate post up while I was there.
 14 Q. I'm sorry, pulled what?
 15 A. Pulled my gate post up while I was there.
 16 Q. All right. Let's --
 17 A. Excuse me.
 18 THE WITNESS: Remind me to see if we can it
 19 faxed from the Jefferson County Sheriff's Department.
 20 MR. WHITTINGTON: I've already done it.
 21 THE WITNESS: Okay. Good.
 22 Q. (BY MR. WONG) All right. You had a
 23 discussion with Mr. Hillman, correct?
 24 A. Several, yes.
 25 Q. And this was after a Lions Club meeting?

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1 A. Yeah, usually that's when I saw Ron.
 2 Q. So that we're clear, I'm following up on your
 3 answer about how you claim to have been harmed by this
 4 comment on the radio program. And you gave a long list
 5 of different alleged events. Do you recall that?
 6 A. Yes, sir.
 7 Q. And one of the things you mentioned was Ron
 8 Hillman, right?
 9 A. Yes.
 10 Q. So, how many communications did you have with
 11 Ron Hillman that you associate with the harm that you
 12 allegedly have received?
 13 A. Ron called me on the Monday morning after the
 14 Hamer church men helped Steve put on an addition to his
 15 home for Chance.
 16 And do you want me to tell you what Ron told
 17 me?
 18 Q. No. What I'd like you to do is answer my
 19 question.
 20 A. So, that was one.
 21 Q. Okay. The question was how many?
 22 A. Well, I'm trying to count them for you.
 23 Q. Well, please do.
 24 A. Okay. And then I know another date was
 25 January 8th, I believe, of this year. Yes, I believe it

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1 was 2014. So, that would have been the second time.
 2 The second event.
 3 There were other -- in both of those events,
 4 he told me that he was afraid for my life.
 5 And then there were other times that we
 6 discussed the situation. I asked him if he would
 7 testify for us, but I was told that he wanted to remain
 8 friends with Steve as opposed to testifying on my
 9 behalf.
 10 So, it was probably maybe five or six, all
 11 told.
 12 Q. And when did these five or six discussions
 13 with Mr. Hillman occur?
 14 A. From the time that Steve put the addition on
 15 his house until probably the summer.
 16 Q. And when was --
 17 A. I'm going to say -- yeah, probably this
 18 summer.
 19 Q. Can you give me a date as to when this began?
 20 A. I don't recall when Steve put the addition
 21 onto his house. That's when Ron began telling me what
 22 Steve was telling other folks.
 23 Q. And do you recall whether it was in 2014?
 24 A. I think I'm going to say it was last year that
 25 he put the addition onto his house because --

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1 Well, I'm thinking it had to be 2013 because
 2 January 8th of this year -- I'm pretty sure I've got my
 3 dates correct -- he called me to tell me again that he
 4 was really concerned for my life.
 5 Q. And tell me what you recall of the first
 6 discussion you had with Mr. Hillman.
 7 A. The first time he called me, I remember it was
 8 early on a Monday morning and -- which is really unusual
 9 for -- and I remember it was early because it was
 10 unusual for somebody to call me at that time.
 11 And he was real nervous. I could hear it in
 12 his voice.
 13 And he told me that he had been over there
 14 working on Steve's house and there were a bunch of men
 15 there and that he had talked with a man -- I believe his
 16 name is Richard Savage and -- you know, I don't know
 17 everybody in Hamer and all their relatives and all. I
 18 don't know if he's somebody's brother-in-law. I don't
 19 know. I'm not sure. But I think he was related to Mr.
 20 Murdock in some way.
 21 And he said that he and, I think it was
 22 Richard, had discussed with Steve -- had said while they
 23 were working on the house.
 24 And Ron said: I'm not going to tell you what
 25 he said, he said, but I want to tell you that I'm afraid

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1 for your life. And he kept saying that Steve was
 2 ignorant. And he just kept repeating the word
 3 "ignorant." He said, I'm not going to tell you. Steve
 4 is ignorant. And I felt like I needed to warn you.
 5 **Q. Anything else that you recall in that first**
 6 **discussion with Mr. Hillman?**
 7 A. No, he just -- he kept repeating himself.
 8 **Q. And where was -- where did that discussion**
 9 **occur?**
 10 A. I was on my landline in my kitchen.
 11 **Q. Oh, it was a telephone conversation?**
 12 A. It was, yes, sir. That's why I said he called
 13 me early in the morning.
 14 **Q. And did you report that discussion to any**
 15 **government or authority?**
 16 A. No, I don't recall that I did.
 17 **Q. Do you have a writing that indicates and**
 18 **reflects this alleged communication with Mr. Hillman?**
 19 A. Knowing --
 20 MR. WHITTINGTON: There's correspondence to
 21 me, but...
 22 A. I was going to say I think that I notified Mr.
 23 Whittington of the event. I might have made some notes
 24 to myself. I might. I'd have to go back and check and
 25 see if I could pull them up.

1 **writings that reflect any of those discussions, whether**
 2 **they're --**
 3 A. I think I sent Mr. --
 4 **Q. Let me finish.**
 5 **Whether it's a note, whether it's a diary**
 6 **entry, whether it's an e-mail, whether it's a Letter to**
 7 **the Editor, any writing.**
 8 A. No Letter to the Editor.
 9 I do think that there may be a fax to Mr.
 10 Whittington, which I hadn't thought about. I would have
 11 to go back and check my records just to see whether I
 12 notified the Jefferson County Sheriff's Department. I
 13 do try to keep them up-to-date on these things.
 14 **Q. Have you told me everything that you remember**
 15 **about any writing concerning any alleged conversations**
 16 **with Mr. Hillman?**
 17 A. Everything that I remember, I believe I have
 18 told you.
 19 **Q. Did you send a letter to Mr. Hillman?**
 20 A. No.
 21 **Q. Did you send an e-mail?**
 22 A. No, that wouldn't do any good. He doesn't
 23 have an e-mail address.
 24 **Q. Did you receive an e-mail from Mr. Hillman?**
 25 A. No.

1 But I do remember notifying Mr. Whittington of
 2 the event.
 3 It's unsettling, you know, to have somebody
 4 tell you that your life's in danger.
 5 **Q. (BY MR. WONG) Do you have notes, writings**
 6 **regarding any of these alleged conversations with Mr.**
 7 **Hillman?**
 8 A. I have on my calendar on January 8th that he
 9 talked to me after -- that Ron and I talked. I think I
 10 -- how do I remember it was January 8th? I'd have to
 11 look at my calendar and see.
 12 But I remember the date of January 8th that
 13 Ron, again, talked to me after the Lions Club meeting.
 14 And he and I were standing outside and we were looking
 15 across at my property and I told him that I was fearful
 16 for my animals.
 17 Tissue time.
 18 **Q. Ms. Elliott, let me try again.**
 19 A. I can only tell you what I know. Do I have
 20 any writings?
 21 **Q. No. What you should tell me is what I'm**
 22 **asking you. Okay?**
 23 A. Okay.
 24 **Q. Do you recall whether, in any of the alleged**
 25 **discussions with Mr. Hillman, whether you have any**

1 **Q. Did you receive a letter from Mr. Hillman?**
 2 A. No.
 3 **Q. Did you write anything to Mr. Hillman**
 4 **confirming these discussions you had with him?**
 5 A. I think I just told you that I believe I sent
 6 a fax or I notified Mr. Whittington of what was going
 7 on.
 8 MR. WONG: Read my question back.
 9 (The record was read.)
 10 A. No. To Mr. Hillman, no.
 11 MR. WONG: Excuse me, I need to step out for a
 12 moment.
 13 (A recess was taken from 5:13 P.M. to
 14 5:17 P.M.)
 15 MR. WONG: All right. So, I'm going to put
 16 this on the record.
 17 It is approximately 5:15. Mr. Whittington and
 18 I have had a discussion off the record with regard to
 19 the deposition.
 20 It was certainly my intention to complete the
 21 deposition during the time that we had allotted, but
 22 given the recent testimony and recent events, I think
 23 Mr. Whittington understands and agrees that I have not
 24 completed my examination of Ms. Elliott and that we are
 25 adjourned for the day since we are past our 5:00 o'clock

1 schedule and since it's a Friday at 5:15.
 2 We will adjourn for the day, understanding
 3 that I'm not completed with my examination and that we
 4 will resume at a mutually convenient date and time.
 5 MR. WHITTINGTON: Yes. That's agreed. And
 6 hopefully maybe I can get scheduled at the same time and
 7 take Mr. Murdock's testimony to try and save you more
 8 trips.
 9 MR. WONG: That's certainly up to you. I'm
 10 happy to work with you on that.
 11 But at some point we'll be back in touch with
 12 you to schedule for the completion of the deposition.
 13 And also, we'll have an opportunity to review,
 14 if we're missing some documents.
 15 MR. WHITTINGTON: We did talk a little
 16 briefly. My client does not want her account number
 17 disseminated.
 18 Can we stipulate that would not be
 19 disseminated beyond those here in this room?
 20 MR. WONG: I am happy, again, to discuss with
 21 you some sort of agreement with regard to redaction of
 22 any information; but I want the record to be clear, I'm
 23 agreeing to meet and confer with you as to that subject
 24 and I'm not making any agreements, per se, right now.
 25 But we will certainly talk about it, among the

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1 MR. WONG: Good.
 2 We are off the record and I thank the court
 3 reporter for staying a little later.
 4 MR. WHITTINGTON: Yes.
 5 (The deposition concluded at 5:20 P.M.)
 6 (Signature waived.)
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Page 567

1 other things that we're going to talk about.
 2 But I'm mindful of the fact that Ms. Elliott
 3 has testified under oath that the financial records,
 4 with the possible exception of any account numbers, as
 5 far as she's concerned, are not confidential.
 6 MR. WHITTINGTON: But the account numbers --
 7 like I say, if you won't stipulate to that, I'm going to
 8 have to ask the court for an order and I would prefer
 9 not to do that.
 10 All I'm asking, at least temporarily, is that
 11 the account numbers not be disseminated beyond those
 12 that are here in the courtroom -- or in this room.
 13 MR. WONG: Let me tell you that I'm available
 14 to meet and confer next week.
 15 The financial records that she has identified
 16 will not be disseminated to any third-party any time
 17 before we meet and confer next week.
 18 MR. WHITTINGTON: Okay. That's acceptable.
 19 MR. WONG: Good.
 20 MR. WHITTINGTON: I have no problem with that.
 21 MR. WONG: Good.
 22 MR. WHITTINGTON: That would include your
 23 client?
 24 MR. WONG: Yes.
 25 MR. WHITTINGTON: Yes. Thank you.

Page 566

1 DECLARATION UNDER PENALTY OF PERJURY
 2
 3 I, CANDACE ELLIOTT, do hereby certify under
 4 penalty of perjury under the laws of the State of
 5 Idaho that I have read the foregoing transcript of
 6 my deposition taken on November 14th, 2014; that I have made
 7 the necessary corrections, additions or changes to my
 8 answers that I deem necessary; that my testimony as
 9 contained herein, as corrected, is true and correct.
 10
 11 Executed this _____ day of _____, 2014.
 12
 13
 14
 15
 16 _____
 17 CANDACE ELLIOTT
 18
 19
 20
 21
 22
 23
 24
 25

Page 568

REPORTER'S CERTIFICATE

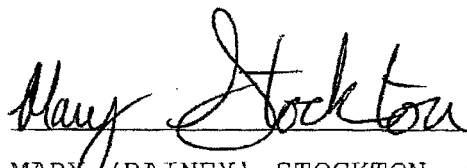
I, MARY (RAINEY) STOCKTON, CSR No. 746,
Certified Shorthand Reporter, certify: That the
foregoing proceedings were taken before me at the time
and place therein set forth, at which time the witness
was put under oath by me;

That the testimony and all objections made were
recorded stenographically by me and transcribed by me or
under my direction;

That the foregoing is a true and correct record
of all testimony given, to the best of my ability;

I further certify that I am not a relative or
employee of any attorney or party, nor am I financially
interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this
3rd day of December, 2014.



MARY (RAINEY) STOCKTON, CSR

Notary Public

P.O. Box 2636

Boise, Idaho 83701-2636

My commission expires February 3, 2017

Exhibit D

Certificate of Military Service



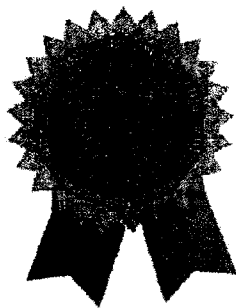
FOR HONORABLE SERVICE IN THE
UNITED STATES ARMY

AND FOR OUTSTANDING SERVICE AND LOYALTY
TO THE UNITED STATES OF AMERICA

THIS CERTIFIES THAT

STEVE MURDOCK

HAS MET THE STRICT REQUIREMENTS
SET FORTH BY THE
CONGRESS OF THE UNITED STATES
FOR MEMBERSHIP IN THE AMERICAN LEGION.




NATIONAL ADJUTANT

Exhibit E

On taking flak

To the Editor, *The Jefferson Star*:

Three times now, I have been charged with trespass by the Jefferson County Sheriff's Department. It's public record. They have yet to find me guilty; sweet victories, as was my successful civil suit that followed. And there are suits in the works and yet to come but many folks may not realize the additional "spin-offs" that have resulted from the county's actions against me.

I have been accused of being in places that I have never been, of doing things about which I had no knowledge. I have been snubbed at the local Post Office. People talk about me behind my back regularly. Disparaging and even threatening Letters to the Editor have been written about me and of course there's the cowardly "anonymous letter." Neighbors have reported my dogs barking, although for ten years this didn't seem to be an issue. Curiously, they don't seem to be able to hear the barking of their own dogs. I have been told that my life is in danger.

Most know of the dead animals that have been

placed on my property. Other of my animals have been killed and maimed, my property vandalized, naturally, all under cover of darkness. Cowards. I have been accused over the radio of committing "numerous" crimes and misusing donations to my foundation. (Proof, please.) My friends that have stood up for me have been intimidated and fear that they too will suffer retaliation but yet continue to publicly defend me. Bless them. As a deputy told me, things always seem to happen to me around court time. Yes, they do.

And I write this because once again at our recent Lions club meeting I was verbally accosted in front of the membership and our new District Governor. I guess the intent is to run me out of the club. Sheriff Olsen hasn't run me out of the county and I bet that I won't be run out of the Lions either. So bring it on.

My father was a decorated Korean War (conflict) hero. My family says that I have a lot of my father "in me." As one of my friends stated, "If you are taking flak, you must be over the target." And as Daddy instilled in me, "When the going gets tough, the tough get going."

**Andi Elliott
Hamer**

MAGISTRATE JUDGE
JEFFERSON COUNTY COURT

2015 FEB 24 PM 5:12

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Email: whittk@ida.net
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON


CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs,	)	CASE NO. CV-2014-0238
)	
vs.	)	MOTION FOR EXTENSION
	)	AND TO CONTINUE HEARING
STEVE MURDOCK,)	
)	
Defendant.)	

COME NOW, Plaintiffs, through their attorney, Kent E. Whittington, Esq., pursuant to Rule 56(c), I.R.C.P., and respectfully move the Court for an Order continuing the hearing of Defendant's Motion For Summary Judgment, presently scheduled for March 16, 2015 at 11:00 a.m., to allow Plaintiffs sufficient time to finish discovery, including taking the deposition of the defendant, and to properly prepare opposing affidavits and evidence, and briefing in opposition to said Motion. Counsel for the plaintiffs represents Plaintiffs have delayed taking the deposition of the defendant upon the representation of defendant's counsel at the conclusion of the last session of CANDACE ELLIOTT's depositions that her deposition would be continuing at a later date. Plaintiff has planned on taking the deposition of the defendant after the conclusion of Plaintiff's deposition and Plaintiff's efforts have been toward production of additional documents to provide in supplement of Defendant's discovery requests. There has been scheduling order entered and no discovery cut off set in this matter. As currently scheduled, Plaintiffs need additional time

to finish discovery, to conduct the deposition of the defendant (and perhaps others), to prepare affidavits, for briefing, and otherwise to properly prepare to oppose said motion.

Plaintiffs request oral argument if necessary.

DATED this 24 day of February, 2015.



Kent E. Whittington

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 24 day of February, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

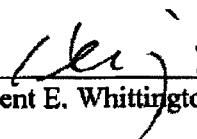
Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

- Mailing
- Hand delivery
- Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

- Facsimile: (208) 523-4474
- email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

2015 FEB 23 PM 4:50

REGISTRAR/DISTRICT COURT
JEFFERSON COUNTY, IDAHO

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVEN L. MURDOCK,

Defendant.

CASE NO. CV-2014-0238

AMENDED NOTICE OF HEARING
FOR MOTION FOR SUMMARY
JUDGMENT

PLEASE TAKE NOTICE that the Defendant will bring on for hearing his
Motion for Summary Judgment before the above-entitled Court, on the 16th day of March,
2015 at the hour of 11:00 a.m. at the Jefferson County Courthouse, 210 Courthouse Way,
Ste 120, Rigby, Idaho, or as soon thereafter as counsel can be heard.

DATED this 23rd day of February, 2015.

AMENDED NOTICE OF HEARING FOR MOTION FOR SUMMARY JUDGMENT - 1

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By Paul B. Rippel
Paul B. Rippel

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 23rd day of February, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

AMENDED NOTICE OF HEARING FOR MOTION FOR SUMMARY JUDGMENT - 2

2015 FEB 18 PM 4:12
JEFFERSON COUNTY, IDAHO

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVEN L. MURDOCK,

Defendant.

CASE NO. CV-2014-0238

NOTICE OF HEARING FOR
MOTION FOR SUMMARY
JUDGMENT

PLEASE TAKE NOTICE that the Defendant will bring on for hearing his
Motion for Summary Judgment before the above-entitled Court, on the 16th day of March,
2015 at the hour of 10:00 a.m. at the Jefferson County Courthouse, 210 Courthouse Way, Ste
120, Rigby, Idaho, or as soon thereafter as counsel can be heard.

DATED this 18th day of February, 2015.

NOTICE OF HEARING FOR MOTION FOR SUMMARY JUDGMENT - 1

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By Paul B. Rippel
Paul B. Rippel

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 18th day of February, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

[] Mail
 Fax (208) 529-8775
[] Hand Delivery

NOTICE OF HEARING FOR MOTION FOR SUMMARY JUDGMENT - 2

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2015 FEB 27 PM 4:08

REGISTRAR/DISTRICT COURT
JEFFERSON COUNTY, IDAHO

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
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428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,	)	CASE NO. CV-2014-0238
)	
Plaintiffs,	)	DECLARATION OF RAY L. WONG IN OPPOSITION TO PLAINTIFFS' MOTION FOR EXTENSION AND TO CONTINUE HEARING
)	
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

I, Ray L. Wong, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of Idaho. I am a partner with the law firm Duane Morris LLP and am counsel of record for Defendant, Steven Murdock. I have personal knowledge of the matters stated in this Declaration and, if called as a witness, I could and would testify to them competently.

2. On behalf of our client, Steven Murdock, my co-counsel, Paul Rippel of Hopkins, Roden, Crockett & Hansen, filed a Motion for Summary Judgment. That motion is now set to be heard on March 16, 2015.

3. On February 24, 2015, Plaintiffs' counsel, Kent Whittington, filed a Motion for Extension and to Continue Hearing ("Motion to Continue"). He states in Plaintiffs' motion that "counsel for the Plaintiffs represents Plaintiffs have delayed taking the deposition of the Defendant upon the representation of Defendant's counsel at the conclusion of the last session of Candace Elliott's deposition that her deposition would be continuing at a later date. Plaintiff had planned on taking the deposition of the Defendant after the conclusion of Plaintiff's deposition and Plaintiff's efforts have been toward production of additional documents to provide and supplement of Defendant's discovery requests."

4. I do not know what Plaintiffs' counsel, Mr. Whittington, is referring to as to "the representation of Defendant's counsel." To my best recollection, I have never had a communication with, Mr. Whittington, in which he said that he was waiting for the completion of Ms. Elliott's deposition before Plaintiffs chose to depose Mr. Murdock. If that was Plaintiffs' counsel's intention, that intention was never communicated to me.

5. Contrary to the unsworn arguments made by Plaintiffs' counsel, Mr. Whittington, in the Motion to Continue, I made no representation concerning the deposition of Ms. Elliott upon which Plaintiffs could reasonably rely in delaying taking the deposition of Defendant, Steven Murdock.

6. After this lawsuit was filed on March 19, 2014, Plaintiffs' counsel has mentioned on various occasions, usually after a deposition session of Plaintiff Candace Elliott, that Plaintiffs would like to take the deposition of Steven Murdock. I have never objected or refused

to provide a date for Steven Murdock's deposition, but Plaintiffs' counsel simply has not asked me to schedule Mr. Murdock's deposition. Nor have Plaintiffs noticed the deposition of Defendant, Steven Murdock.

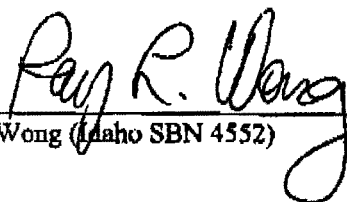
7. This action has been pending since the complaint was filed on March 19, 2014. On behalf of the defendant, we have proceeded with document requests, interrogatories, subpoenas, and the deposition of Ms. Elliott, taken on three separate days, namely June 27, 2014 and November 13 & 14, 2014.

8. I have made no representation regarding the deposition of Ms. Elliott that reasonably would induce Plaintiffs' counsel to delay the taking of Mr. Murdock's deposition. It is true that I intend to complete the deposition of Ms. Elliott if Mr. Murdock does not prevail on his motion for summary judgment. But if Plaintiffs have not been diligent in pursuing discovery, that cannot be blamed on the Defendant or his counsel. Nor can such lack of diligence be based upon any alleged representation made by me.

9. As the Court will note, through a review of its own files, the Court entered a Notice of Dismissal of Inactive Case, on February 2, 2015.

10. Plaintiffs have not demonstrated that they have exercised due diligence and there is no just cause shown for a continuance of Mr. Murdock's Motion for Summary Judgment.

Executed this 27th day of February, 2015.


Ray L. Wong (Idaho SBN 4552)

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
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2015 FEB 27 PM 4: 08

REGISTRAR, DISTRICT COURT,
JEFFERSON COUNTY, IDAHO

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdock)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE	)	CASE NO. CV-2014-0238
LOVE OF PETS FOUNDATION, INC., an Idaho)	
corporation,	)	OPPOSITION BY DEFENDANT
	)	STEVEN MURDOCK TO MOTION FOR
Plaintiffs,	)	EXTENSION AND TO CONTINUE
	)	HEARING
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

Defendant, Steve Murdock, opposes Plaintiffs' Motion for Extension and to Continue the Hearing ("Motion to Continue") of defendant's Motion for Summary Judgment. Defendant Steven Murdock has diligently conducted discovery in this case and has now filed a Motion for Summary Judgment, now set to be heard on March 16, 2015. (Decl. of Wong ¶ 2)¹

¹ Defendant submits the Declaration of Ray L. Wong to support his opposition to the Motion to Continue. References to that declaration will be "Decl. of Wong."

Mr. Murdock opposes the Motion to Continue on the grounds that Plaintiffs have not shown cause justifying the requested continuance. Plaintiffs' Motion to Continue is not supported by any affidavit or admissible evidence. It does not even specify the length of the requested continuance or extension. No cause for the continuance has been shown. See Rule 6(b) of the Idaho Rules of Civil Procedure.

To justify a continuance, Plaintiffs seem to say that they would like to conduct some discovery, even though this action has been pending since March 19, 2014. Plaintiffs, however, must show that they have operated with reasonable diligence, and the facts instead demonstrate that Plaintiffs have not been diligent in pursuing this action. As the Court's own records will reveal, the Court issued a Notice of Dismissal of Inactive Case, on February 2, 2015. (Decl. of Wong ¶ 9)

In their Motion to Continue, filed on February 24, 2015, Plaintiffs' counsel, Kent Whittington, states that "counsel for the Plaintiffs represents Plaintiffs have delayed taking the deposition of the Defendant upon the representation of Defendant's counsel at the conclusion of the last session of Candace Elliott's deposition that her deposition would be continuing at a later date. Plaintiff had planned on taking the deposition of the Defendant after the conclusion of Plaintiff's deposition and Plaintiff's efforts have been toward production of additional documents to provide and supplement of Defendant's discovery requests." (Decl. of Wong ¶ 3)

Defendant's counsel have never had a communication with Plaintiffs' counsel, Mr. Whittington, in which he said that he was waiting for the completion of Ms. Elliott's deposition before Plaintiffs chose to depose Mr. Murdock. If that was Plaintiffs' counsel's intention, that intention was never communicated to defendant's counsel. (Decl. of Wong ¶ 4)

Contrary to the unsworn arguments made by Plaintiffs' counsel, Mr. Whittington, defendant's counsel has not made any representation concerning the deposition of Ms. Elliott upon which Plaintiffs could rely in delaying taking the deposition of Defendant, Steven Murdock. (Decl. of Wong ¶ 5)

After this lawsuit was filed on March 19, 2014, Plaintiffs' counsel has mentioned to defendant's counsel on various occasions, usually after a deposition session of Plaintiff Candace Elliott, that Plaintiffs would like to take the deposition of Steven Murdock. Defendant's counsel have never objected or refused to provide a date for Steven Murdock's deposition, but Plaintiffs' counsel simply has not asked me to schedule Mr. Murdock's deposition. Nor have Plaintiffs noticed the deposition of Defendant, Steven Murdock. (Decl. of Wong ¶ 6)

This action has been pending since the complaint was filed on March 19, 2014. The defendant has proceeded with document requests, interrogatories, subpoenas, and the deposition of Ms. Elliott, taken on three separate days, namely June 27, 2014 and November 13 & 14, 2014. (Decl. of Wong ¶ 7)


Defendant's counsel has made no representation regarding the deposition of Ms. Elliott that reasonably would induce Plaintiffs' counsel to delay the taking of Mr. Murdock's deposition. It is true that the Defendant intends to complete the deposition of Ms. Elliott if Mr. Murdock does not prevail on his motion for summary judgment. But if Plaintiffs have not been diligent in pursuing discovery, that cannot be blamed on the Defendant or his counsel. Nor can such lack of diligence be based upon any alleged representation made by Defendant's counsel. (Decl. of Wong ¶ 8)

Plaintiffs have not demonstrated that they have exercised due diligence and there is no cause shown for a continuance of Mr. Murdock's Motion for Summary Judgment. (Decl. of Wong ¶ 10)


There is absolutely no merit to the claim of defamation in Plaintiffs' Complaint. Mr. Murdock has an interest in putting an end to this costly, wasteful and frivolous litigation. A further delay will do nothing but cause Mr. Murdock to incur more burden, time and expense in addressing the meritless claim brought by Ms. Elliott in the underlying lawsuit.

For all of the foregoing reasons, Defendant respectfully asks this Court to deny the Motion for Continuance so that the Court can review and decide whether this frivolous single count of defamation can proceed or should be dismissed with prejudice.

Dated: February 27, 2015



Ray L. Wong (Idaho SBN 4552)
Duane Morris LLP
Attorneys for Defendant,
Steven L. Murdock



Paul Rippel (Idaho SBN 2762)
Hopkins, Roden, Crockett & Hansen
Attorneys for Defendant,
Steven L. Murdock

MAGISTRATE JUDGE
JEFFERSON COUNTY COURT

2015 MAR -2 PM 5:05

Ray L. Wong (Idaho SBN 4552)
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Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
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Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(used erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVEN L. MURDOCK,

Defendant.

CASE NO. CV-2014-0238

NOTICE OF HEARING

PLEASE TAKE NOTICE that a Telephonic Status Conference with Judge

Alan C. Stephens has been set for the above-entitled matter, on the 9th day of March, 2015 at
the hour of 3:00 p.m. (M.T.) or as soon thereafter as counsel can be heard, to address the
Plaintiff's *Motion for Extension and to Continue Hearing* and the Defendant's *Opposition* to
said Motion.

Please call the court at the appointed time listed above at (208) 745-9214 to be
conferenced into the hearing.

DATED this 2nd day of March, 2015.

DUANE MORRIS, LLP

By Ray L. Wong
Ray Wong
Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served
upon the persons identified below, by mail, hand delivery or fax.

DATED this 2nd day of March, 2015.

Ray L. Wong
Ray Wong

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

2015 MAR -3 PM 2:56
DISTRICT COURT/JUDICIAL DISTRICT
JEFFERSON COUNTY, IDAHO

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1320 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

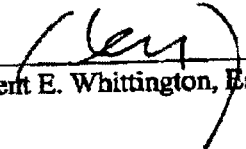
Defendant.

CASE NO. CV-2014-0238

NOTICE OF HEARING

PLEASE TAKE NOTICE the Plaintiffs will bring on for hearing their Motion For
Extension And Continuance before the above-entitled Court on the 9th day of March, 2015, at the
hour of 3:00 o'clock, p.m., at the Jefferson County Courthouse, Rigby, Idaho.

DATED this 2 day of March, 2015.



Kent E. Whittington, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 2 day of March, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

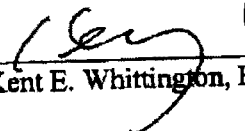
Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

- Mailing
- Hand delivery
- Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
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Idaho Falls, Idaho 83402

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- email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

2015 MAR -3 PM 3:56
CLERK OF DISTRICT COURT
JEFFERSON COUNTY, IDAHO

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)

Plaintiffs,)

vs.)

STEVE MURDOCK,)

Defendant.)

CASE NO. CV-2014-0238

**DECLARATION OF KENT E.
WHITTINGTON IN SUPPORT OF
MOTION FOR EXTENSION AND
CONTINUANCE**

I, KENT E. WHITTINGTON, hereby state and declare, as follows:

1. That I am the attorney for the plaintiffs in the above matter.
2. That I make this declaration in support of the Plaintiffs' Motion For Continuance and Extension filed herein in response to Defendant's Motion For Summary Judgment.
3. That on February 20, 2015, I received a Notice of Hearing on Defendant's Motion For Summary Judgment, setting the matter for hearing on March 16, 2015. I had not been aware that a motion had been filed, so I called Mr. Wong, who assured me a motion had previously been hand-delivered to my office by Mr. Rippel's office. On that information I found a box of documents that had been delivered a few days earlier I had mistakenly believed contained responses to discovery from Mr. Rippel's partner in a personal injury case. In fact, it contained the defendant's Motion For Summary Judgment.
4. That on February 23 (24?), 2015 I called Mr. Wong's office to request a continuance of the hearing on his Motion For Summary Judgment, indicating I needed additional

1. DECLARATION OF KENT E. WHITTINGTON IN SUPPORT OF
MOTION FOR EXTENSION AND TO CONTINUE (ANDI ELLIOTT)

time to respond to his Motion For Summary Judgment, but was advised he was not available, so I left a voice message asking that he call me back. I did not hear from him again, so I called and spoke with Paul Rippel, Esq., co-counsel for the defendant, who had only recently entered his appearance in the matter.

5. That I advised Mr. Rippel I had called Mr. Wong and would need additional time to respond to the motion for summary judgment. Without commitment, he suggested I file a motion with the Court, and I commented to him I did not anticipate Mr. Wong objecting, especially after I had agreed to requests by Mr. Wong for extensions in this matter.
6. That on February 24, 2015, I filed Plaintiffs' Motion For Extension And Continuance, anticipating a return call or email from Mr. Wong, which I did not get.
7. That this morning, March 2, 2015, I found in my fax machine Mr. Wong's *Opposition By Defendant Steven Murdock To Motion For Extension And To Continue Hearing*, which had apparently been faxed to my office late Friday afternoon (showing a time stamp "Feb-27-2015 16:05 From HOPKINS RODEN") after I had gone home for the weekend, and when the office was closed. I was very surprised at his objection, given I had extended the courtesy of extensions to him previously.
8. That I am a solo practitioner and need additional time to prepare opposing affidavits and briefing in opposition to the defendant's Motion For Summary Judgment. The compendium accompanying the defendant's motion, and the several declarations of others and Mr. Wong are quite extensive. My client and I spent nearly a half day reviewing and sorting through the documents to begin preparation of a response, without completing getting through them. I do not have a staff of attorneys or paralegals to research, and under the best of circumstances need more than fourteen days to adequately prepare a proper response, given my previous commitments and caseload. I have been short-handed at the office, as well, as my secretaries have been unavailable at times (today both are home ill).
9. That I have not had a sense of urgency by defendant's counsel before now, as we have scheduled defendant's continuing depositions of the plaintiff (Candace "Andi" Elliott) (June 27, November 13, 14, 2014) around Mr. Wong's schedule and

convenience (once, as I seem to recall--although it was later changed-- to facilitate his attending the State Bar convention in Idaho in July).

10. That at the conclusion of the last session of Mr. Wong's deposition of Ms. Elliott on November 14, 2014, he stated:

"It is approximately 5:15. Mr. Whittington and I have had a discussion off the record.

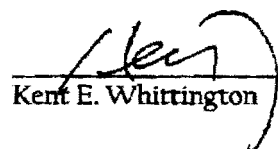
It was certainly my intention to complete the deposition during the time we had allotted, but given the recent testimony and recent events, I think Mr. Whittington understands and agrees that I have not completed my examination of Ms. Elliott and that we are adjourned for the day since we are past our 5:00 o'clock schedule and since it's a Friday at 5:15.

We will adjourn for the day, understanding that I'm not completed with my examination and that we will resume at a mutually convenient date and time."

(pp. 45,46, Exhibit C, Declaration Of Ray Wong In Support Of Motion For Summary Judgment - deposition of Candace Elliott, November 14, 2014, p.564, ll 17-25, p. 565, ll 1-4)(emphasis added).

11. That as I indicated in my Motion For Extension And For Continuance, it has been my intent to take the deposition of the defendant after the deposition of Ms. Elliott has been concluded. I have stated our intent to take the defendant's deposition, but I do not recall stating to Mr. Wong I planned to wait until after he had concluded his deposition of Ms. Elliott.
12. That as I indicated in my Motion For Extension And For Continuance, my client has been providing additional documentation which is quite extensive to review, for potential production to Defendant's counsel, as he has requested in discovery and during sessions of Ms. Elliott's deposition.
13. I certify and declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct

DATED this 2 day of March, 2015.



Kent E. Whittington

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 2 day of March, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

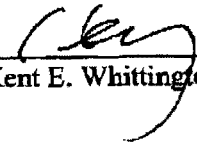
Ray L. Wong, Esq.
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San Francisco, CA 94105-1127

By:

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Kent E. Whittington, Esq.

2015 MAR -3 PM 3:56
CLERK OF DISTRICT COURT
JEFFERSON COUNTY, IDAHO

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Whittington Law Office, Chartered
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P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,


Defendant.

CASE NO. CV-2014-0238

**MOTION FOR ORDER SHORTENING
TIME**

COME NOW, Plaintiffs, through their attorney, Kent E. Whittington, Esq., and respectfully petitions the Court for and Order Shortening Time for hearing their Motion For Extension And Continuance before the above-entitled Court on the 9th day of March, 2015, at the hour of 3:00 o'clock, p.m., at the Jefferson County Courthouse, Rigby, Idaho.

DATED this 2 day of March, 2015.



Kent E. Whittington, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 2 day of March, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

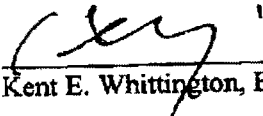
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Idaho State Bar No. 2307

2015 MAR -5 PM 1:34
SEVENTH JUDICIAL DISTRICT COURT
JEFFERSON COUNTY, IDAHO

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)
)
Plaintiffs,)
)
vs.)
)
STEVE MURDOCK,)
)
Defendant.)


CASE NO. CV-2014-0238

ORDER SHORTENING TIME

The Plaintiff's Motion for Order Shortening Time being presented to the Court, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion to Shorten Time is granted, and Plaintiff's Motion for Extension and Continuance shall be heard March 9, 2015.

DATED this 5th day of March, 2014.


District Judge



1. ORDER SHORTEING TIME (ANDI ELLIOTT)

CERTIFICATE ENTRY

I hereby certify that I served the foregoing document upon the following this 5 day of March, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
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 Hand delivery
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 Facsimile: whittk@ida.net



Deputy Clerk

2. ORDER SHORTEING TIME (ANDI ELLIOTT)

CLERK OF DISTRICT COURT
JEFFERSON COUNTY
2015 MAR 10 PM 1:22

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
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Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdoch
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

<p>CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>STEVEN L. MURDOCK,</p> <p style="text-align: right;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. CV-2014-0238</p> <p>SECOND AMENDED NOTICE OF HEARING FOR MOTION FOR SUMMARY JUDGMENT</p>
---	--	--

PLEASE TAKE NOTICE that the Defendant will bring on for hearing his
Motion for Summary Judgment before the above-entitled Court, on the 20th day of April,
2015 at the hour of 10:45 a. m. at the Jefferson County Courthouse, 210 Courthouse Way,
Ste. 120, Rigby, Idaho, or as soon thereafter as counsel can be heard.

DATED this 9th day of March, 2015.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By Paul B. Rippel
Paul B. Rippel
Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 9th day of March, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

2015 MAR 12 PM 1:36
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
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One Market Plaza, Suite 2200
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Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

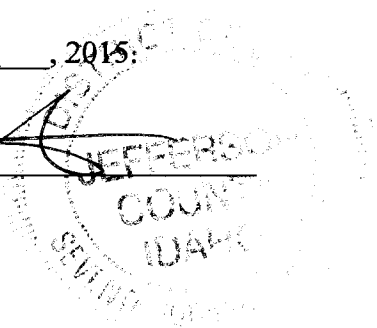
CANDACE ELLIOTT, individually and FOR THE)	
LOVE OF PETS FOUNDATION, INC., an Idaho	)	CASE NO. CV-2014-0238
corporation,)	
	)	ORDER GRANTING CONTINUANCE
Plaintiffs,	)	OF HEARING ON MOTION FOR
	)	SUMMARY JUDGMENT
vs.)	
)	
STEVEN L. MURDOCK,)	
)	
Defendant.)	
)	

Plaintiff's *Motion for Extension and Continuance* regarding hearing on
Defendant's Motion for Summary Judgment is granted. Defendant's counsel is ordered to
re-notice the hearing for April 20, 2015 at 10:45 a. m.

ORDER GRANTING CONTINUANCE OF HEARING
ON MOTION FOR SUMMARY JUDGMENT- 1

DONE AND DATED this 17th day of March, 2015:


Hon. Alan Stephens
DISTRICT JUDGE



CLERK'S CERTIFICATE OF SERVICE

I hereby certify that pursuant to I. R. C. P. 77(d), a true and correct copy of the foregoing document was served upon the persons or their legal counsel identified below, by mail.

DATED this 17 day of March, 2015.

CLERK OF THE COURT

By 
Deputy Clerk

Kent Whittington, Esq. Mail
PO Box 2781
Idaho Falls, ID 83403

Ray L. Wong, Esq. Mail
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Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

Paul Rippel, Esq., Co-Counsel Mail
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402

MAGISTRATE COURT OF THE DISTRICT OF
JEFFERSON COUNTY, IDAHO

2015 MAR 25 AM 9:05

Ray L. Wong (Idaho SBN 4552)
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Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
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Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE	)	CASE NO. CV-2014-0238
LOVE OF PETS FOUNDATION, INC., an Idaho)	
corporation,	)	MOTION FOR PROTECTIVE ORDER
	)	AND TO QUASH SUBPOENAS
Plaintiffs,)	
)	
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 1

I. INTRODUCTION

Defendant, Steven Murdock, moves this Court for a protective order with regard to three depositions and to quash subpoenas which Plaintiff, Candace Elliott, For the Love of Pets Foundation, Inc., apparently served on March 19 or 20, 2015. At a hearing before this Court on March 9, 2015, Plaintiffs' counsel suggested that the Court allow him 60-90 days to pursue additional discovery, including deposing Defendant Steven Murdock's and perhaps others, all for the purpose of opposing the pending Motion for Summary Judgment. Mr. Murdock's counsel properly responded that it was not apparent what purpose would be served by Defendant's deposition, since the Plaintiff already had Mr. Murdock's declaration. The Court commented that a deposition of Defendant did not seem necessary to prepare an opposition to the Motion for Summary judgment, and further indicated that it did not want to vacate the hearing but would continue the argument to the next available date identified by his clerk.

Since then, on March 19, 2015, Plaintiffs' counsel purportedly served three deposition notices and/or subpoenas for Steven Murdock; his son, Chance Murdock; and a third party named, Ronald Hillman.¹ Plaintiffs purported to notice these depositions to be held all on Friday, March 27, 2015. Mr. Murdock's deposition notice requested eleven categories of documents, which are objectionable for many reasons, including relevance, burden, invasion of Mr. Murdock's privacy. For example, Plaintiffs ask for Mr. Murdock's cell phone telephone records for 2010 through the present, as well as complete copies of his income tax returns for the years 2011, 2012, 2013 and 2014, as well as a copy of every journal or diary kept by

¹ Plaintiffs did not serve Mr. Murdock or his counsel, with notice of any subpoenas for Chance Murdock or Ronald Hillman.

Mr. Murdock during the past five years. Additionally, no motion to compel was pursued when objections were made in prior written discovery to similar requests.

Defendant Steven Murdock has been informed that his son, Chance Murdock, was served with a subpoena duces tecum, even though no such subpoena was served on Mr. Murdock's counsel, who was served by e-mail with only a notice of a testimonial deposition for Chance Murdock. Mr. Murdock was not served with any subpoenas supposedly served on Mr. Hillman.

Plaintiffs purport to hold these depositions about eight days after they e-mailed some deposition notices to Mr. Murdock's counsel, even though none of the deposition dates had been suggested or approved by Mr. Murdock or his counsel.

Mr. Murdock respectfully requests that this Court grant a protective order as to these depositions and quash any subpoenas.

II. ARGUMENT

A. Rule 26(c) Authorizes This Court To Issue A Protective Order

Rule 26(c) of the Idaho Rules of Civil Procedure provides as follows:

Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending or alternatively, on matter relating to a deposition, the court in the district where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 3

simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

Pursuant to Rule 26(c), this Court has "considerable discretion to control discovery."

Driggers v. Vassallo, 2013, Ida.App.Unpub. LEXIS 454. Mr. Murdock, through his counsel, was not served with the subpoenas. Nor was reasonable notice provided, in that plaintiffs purport to hold these deposition on the same day, about eight days after e-mailing some deposition notices to Mr. Murdock's counsel. Even though Plaintiffs discussed the question of discovery with the Court on March 9, 2015, Plaintiffs did not attempt to serve deposition notices or subpoenas until ten days later, and did not provide any or sufficient notice to Mr. Murdock.

Moreover, these depositions would be a complete waste of time and appear to be nothing more than either a "fishing expedition" or a tactic to delay the briefing and hearing of Mr. Murdock's Motion for Summary Judgment, now scheduled to be heard on April 20, 2015. Neither Chance Murdock, nor Ronald Hillman was involved in any way with the radio program that is the subject of Plaintiff's meritless defamation claim. Steven Murdock has already submitted a declaration as to the statements made during that program.

Additionally, the documents requested of Mr. Murdock in the purported notice of deposition and subpoena are unreasonably burdensome and invade his privacy. Mr. Murdock is entitled to the maintenance of confidential, private business and personal records. The documents requested of Mr. Murdock and Mr. Murdock's objections are set forth, as follows:

REQUEST NO. 1:

Your cell phone telephone records for 2010 through the present.

RESPONSE TO REQUEST NO. 1:

Objection. This request is unduly burdensome and harassing. Mr. Murdock uses a cell phone owned by his sister-in-law. Thus, Mr. Murdock does not have "cell phone telephone records for

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 4

2010 through the present." To request Mr. Murdock to respond to this request on such short notice, under the circumstances is unduly burdensome, harassing and an invasion of privacy. Such records would have no relevance to the issues in the case and Mr. Murdock's summary judgment motion.

REQUEST NO. 2:

All records or documents or sources you relied on in making your statements on March 22, 2012 on the Neal Larson radio show.

RESPONSE TO REQUEST NO. 2:

Objection. On June 17, 2014, Plaintiffs served document requests to which Mr. Murdock responded on July 25, 2014. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Moreover, the records and documents relied upon by Mr. Murdock are set forth in his motion for summary judgment. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014.

REQUEST NO. 3:

a copy of each and every document or source you relied on in making the statement, "Andi's humane society puts .02% of the money they hit everybody up [for] back into the care of animals,"

RESPONSE TO REQUEST NO. 3:

Objection. On June 17, 2014, Plaintiffs served document requests to which Mr. Murdock responded on July 25, 2014. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014.

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 5

REQUEST NO. 4:

a copy of each and every document or source you relied on in making the statement, on the Neal Larson radio show on March 22, 2012, "She thinks she is above the law, she's trespassed numerous times,"

RESPONSE TO REQUEST NO. 4:

Objection. On June 17, 2014, Plaintiffs served document requests to which Mr. Murdock responded on July 25, 2014. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014.

REQUEST NO. 5:

a copy of each and every document or source you relied on in making the statement on the Neal Larson radio show on March 22, 2012, "[S]he thinks she's special. She has to have a different judge come in out of the area. Her shenanigans cost the Jefferson County taxpayers a numerous amount of dollars."

RESPONSE TO REQUEST NO. 5:

Objection. On June 17, 2014, Plaintiffs served document requests to which Mr. Murdock responded on July 25, 2014. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014.

REQUEST NO. 6:

a copy of each and every document or source you relied on in making the statement, "Andi's humane society puts .02% of the money they hit everybody up [for] back into the care of animals,"

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 6

RESPONSE TO REQUEST NO. 6:

Objection. This appears to be duplicative of Request No. 3. See Response to Request No. 3. Plaintiffs insist on serving the same requests on Mr. Murdock repeatedly - - sometimes in the same set of discovery requests.

REQUEST NO. 7:

a copy of each and every document or source you relied on in making the statement on the Neal Larson radio show on March 22, 2012, "She thinks she is above the law, she's trespassed numerous times,"

RESPONSE TO REQUEST NO. 7:

This request appears to be duplicative of Request no. 4. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014. Plaintiffs insist on serving the same requests on Mr. Murdock repeatedly - - sometimes in the same set of discovery requests.

REQUEST NO. 8:

any and all documents which Defendant anticipates utilizing as exhibits at the trial of this matter.

RESPONSE TO REQUEST NO. 8:

On June 17, 2014, Plaintiffs served document requests to which Mr. Murdock responded on July 25, 2014. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014.

REQUEST NO. 9:

a copy of each and every letter to the editor or other written communication you have made to any newspaper or periodical for the past five (5) years.

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 7

RESPONSE TO REQUEST NO. 9:

This request is irrelevant to this action, and unduly burdensome and harassing. To ask Mr. Murdock to produce all letters to the editor or other written communications made to any newspaper or periodical for the past five (5) years on such short notice is unduly burdensome, and harassing.

REQUEST NO. 10:

a complete copy of your income tax returns for the years 2011, 2012 and 2013 and 2014.

RESPONSE TO REQUEST NO. 10:

On June 17, 2014, Plaintiffs served document requests to which Mr. Murdock responded on July 25, 2014. Plaintiffs are asking the same requests of Mr. Murdock again, which is burdensome and harassing. Mr. Murdock reiterates the same response to this request that he made on July 25, 2014. Murdock's income tax returns are private, privileged, confidential and are irrelevant to the issues in this action. Murdock will not produce the requested documents in that they are irrelevant to the subject matter of the pending action. Such tax returns would be privileged and invades Murdock's rights to privacy and confidentiality.

REQUEST NO. 11:

a copy of every journal or diary kept by you for the past five (5) years,

RESPONSE TO REQUEST NO. 11:

This request is irrelevant to this action and unduly burdensome and harassing and an invasion of privacy.

B. Rule 45 Specifies that Purported Subpoenas Should Be Quashed

A person served with a subpoena may move to quash the subpoena. Rule 45(d) of the Idaho Rules of Civil Procedure provides as follows:

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 8

The court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable, oppressive, fails to allow time for compliance, requires disclosure of privileged or other protected matter and no exception or waiver applies, or subjects a person to undue burden or (2) condition compliance with the subpoena upon the advancement of the reasonable cost of producing the books, papers, documents, electronically stored information or tangible things by the person in whose behalf the subpoena is issued.

The party serving the subpoena must serve the opposing party at least seven days prior to the service on the third party. Rule 45(b)(2) of the Idaho Rules of Civil Procedure. A subpoena for a party must comply with Rule 34, and the party must be allowed at least 30 days to comply. Rule 45(b)(1) of the Idaho Rules of Civil Procedure.

All of these rules were violated as to the purported subpoenas as to Chance Murdock and Ron Hillman. Steven Murdock and his counsel were not served with these subpoenas. Mr. Murdock did not receive seven days notice prior to the service of any subpoena upon Chance Murdock or Ronald Hillman. Mr. Murdock, as a party, was not afforded thirty days to comply.

III. CONCLUSION

Mr. Murdock respectfully requests that the Court grant a protective order with regard to these three notices of depositions on the grounds that they would be irrelevant, impose undue burden and did not provide sufficient notice to the deponents. Additionally, Mr. Murdock respectfully requests the Court to quash any subpoenas served in this action last week. Neither Mr. Murdock, nor his counsel, were properly served with any subpoenas purportedly served on third parties, and any such subpoenas would be untimely.

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENAS - 9

Dated this 24th day of March, 2015

Duane Morris LLP

Hopkins Roden Crockett
Hansen & Hoopes, PLLC

By Ray L. Wong
Ray L. Wong, Esq.
Attorneys for Defendant
Steven L. Murdock

By Paul B. Rippel
Paul B. Rippel, Esq.
Attorneys for Defendant
Steven L. Murdock

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 24th day of March, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

- Mail
- Fax (208) 529-8775
- Hand Delivery

2015 MAR 25 AM 9:26
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

CASE NO. CV-2014-0238

**OBJECTION TO MOTION FOR
PROTECTIVE ORDER AND TO
QUASH SUBPOENAS, WITH
REQUEST FOR EMERGENCY
HEARING**

COME NOW, Plaintiffs, through their attorney, Kent E. Whittington, Esq., and OBJECT to Defendant's *Motion For Protective Order And To Quash Subpoenas*, and represents to the Court as follows.

At the hearing of this matter on March 9, 2015 the Court granted Plaintiffs' Motion For Extension and Continuance, to allow Plaintiffs additional time to respond to the defendant's motion for summary judgment. Plaintiffs indicated they would like to take the deposition of defendant and possibly other witnesses, and to that end Plaintiffs scheduled the deposition of defendant STEVE MURDOCK and two additional witnesses, CHANCE MURDOCK and RONALD HILLMAN. The depositions were scheduled at the earliest time counsel for the plaintiffs could do so, and were scheduled on short notice to allow plaintiffs to be able to use the depositions and testimony elicited in plaintiffs' brief in opposition to summary judgment. To that end counsel for the plaintiffs emailed defendant's counsel of the depositions, and the reasons for wanting the same, after which Defendant's counsel, Mr. Wong, expressed objection in an email to Plaintiffs' counsel. Copies of the correspondence between counsel is attached hereto as Exhibit A (6 pages). On March 24, 2015, at the close

1- OBJECTION (ANDI ELLIOTT)

of the business day (16:57, or 4:57 p.m.) plaintiff's counsel received Defendant's *Motion For Protective Order And To Quash Subpoenas*, and correspondence from defendant's counsel, Mr. Rippel, that they would not be appearing. A copy of that correspondence is attached hereto as Exhibit B.

For the reasons that are stated hereafter, and due to the impending deadlines to respond to the defendant's motion for summary judgment, Plaintiffs MOVE the Court, and it is respectfully requested the Court: 1) conduct a hearing on short notice to determine the efficacy of defendant's *Motion For Protective Order And To Quash Subpoenas*; alternatively, 2) grant Plaintiff's additional time to respond to defendant's motion for summary judgment; or 3) as a second alternative, enter an Order shortening time to allow the depositions to take place as scheduled.

ARGUMENT

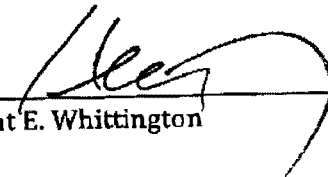
This case involves a complaint for slander. Defendant has argued in his motion for summary judgment Plaintiffs are "public persons" to which the stricter standard of proof applicable to public servants and public persons (by "clear and convincing" evidence) of "actual malice" by the declarant is required to be shown in order to prevail. Plaintiffs do not concede of either being "public figures", but in the event the Court makes the determination that both or either is, their burden is much higher, i.e to show actual malice by clear and convincing evidence. Accordingly, they seek additional testimony of not only the defendant to explain the context of his defamatory statements to prove his malice, but also the testimony of the other two subpoenaed witnesses, both intimately associated with the defendant (son and close friend), for the same reason. Additionally, as was discussed by the plaintiff ("Andi" Elliott) near the end of the second day of her deposition, it is believed the testimony of the second non-party witness, Ron Hillman, will not only confirm the malice by which the defendant made his slanderous declarations, but also demonstrate the effect of the slander and injury to Plaintiffs. Plaintiffs are entitled to prove the defendant's state of mind through circumstantial evidence (*Harte-Hanks v. Connaughton*, 491 U.S. 657, 668, 109 S.Ct. 2678 (1989); *Clark v. Spokesman Review*, 144 Idaho 427, 431, 163 P.3d 216, 220 (Idaho 2007)).

It is further argued that defendant has no standing to quash the subpoenas of non-party witnesses.

2. OBJECTION (ANDI ELLIOTT)

Plaintiff requests oral argument and hearing on an emergency basis.

DATED this 25 day of March 2015.



Kent E. Whittington

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 25 day of March, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

Kent E. Whittington

From: "Kent E. Whittington" <whittk@ida.net>
To: "Wong, Ray L." <RLWong@duanemorris.com>
Cc: "Andi Elliott" <straighttalkidaho@yahoo.com>
Sent: Thursday, March 19, 2015 5:56 PM
Attach: NOTICE OF DEPOSITION CHANCE MURDOCK.pdf; NOTICE OF DEPOSITION RONALD HILLMAN.pdf
Subject: Elliott v. Murdock

My assistant previously emailed you our Notice Of Deposition on Steve Murdock. I hope this date wil work for you. I presume Paul can cover if you cannot make it..

Kent E. Whittington, Esq.
Whittington Law Office, Chartered
1820 E. 17th St., Ste. 340
P.O. Box 2781
Idaho Falls, Idaho 83403

ph: (208) 529-8765
fax: (208) 529-8775

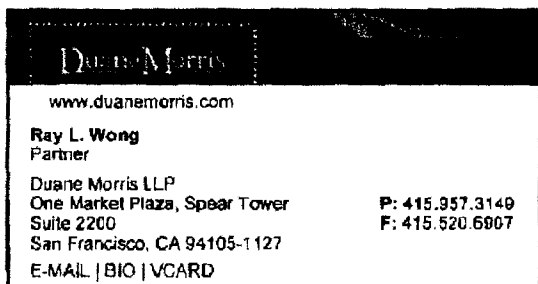
EXHIBIT A

3/24/2015

Kent E. Whittington

From: "Wong, Ray L." <RLWong@duanemorris.com>
To: "Kent E. Whittington" <whittk@ida.net>
Cc: "Paul Rippel" <paulrippel@hopkinsroden.com>
Sent: Friday, March 20, 2015 2:33 PM
Subject: RE: 2nd Amended Notice Of Deposition Steve Murdock

Kent. We received various deposition notices and subpoenas from your office yesterday. We are surprised that you would try to notice so many depositions on such short notice, including Steve Murdock's deposition, particularly given the comments from the Court at the last hearing. We do not agree to these depositions and would like to discuss them with you. If we are unable to resolve this issue, we will file a motion with the Court for a protective order, unless you can explain the relevance of these depositions. Thank you, Ray



From: Kent E. Whittington [mailto:whittk@ida.net]
Sent: Friday, March 20, 2015 10:54 AM
To: Wong, Ray L.
Cc: Andi Elliott
Subject: 2nd Amended Notice Of Deposition Steve Murdock

Ray:

Here is a corrected copy of the notice. T & T called and pointed out the one sent yesterday had the wrong year.

Kent

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3/24/2015

Kent E. Whittington

From: "Kent E. Whittington" <whittk@ida.net>
To: "Wong, Ray L." <RLWong@duanemorris.com>
Cc: "Andi Elliott" <straighttalkidaho@yahoo.com>
Sent: Friday, March 20, 2015 2:56 PM
Subject: Re: 2nd Amended Notice Of Deposition Steve Murdock Ray,

I understand they are on very short notice, but I would like to take your client's deposition, his son's and Mr. Hillman's before our brief on your summary judgment is due. I do not anticipate the depositions to be long—in fact, I think Chance's and Mr. Hillman's will be very short. The relevance of the depositions go to the knowledge of the defendant at the time he made the defamatory statements, and will be relevant to the issue of actual malice (presuming the Court finds Andi to be a public or semi public figure, which I am not conceding).

If the short notice is a problem I would be happy to reschedule them to a later, more convenient date, but that would require an agreement to re-schedule the summary judgment and briefing. That would not have to be a long delay, just enough to accommodate everyone and give sufficient time to properly brief.

As you know, I am a one man office, and do not have the luxury of associates to help; and given my case load and the fact I am stupid enough to practice family law (crisis after crisis), I have not had the time yet to prepare a brief; and as I said to the Court it did not seem you or your client were in a particular hurry until you filed your motion. I was taken by surprise (frankly, disappointed) when you would not agree to extend more time before.

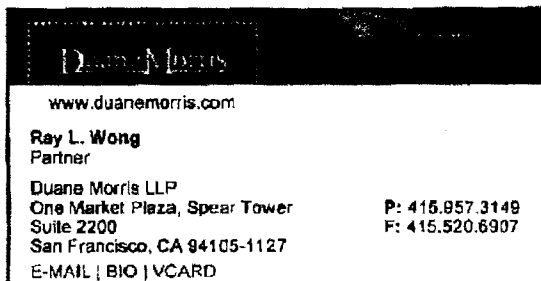
Very truly yours,

Kent

----- Original Message -----

From: Wong, Ray L.
To: Kent E. Whittington
Cc: Paul Rippe
Sent: Friday, March 20, 2015 2:33 PM
Subject: RE: 2nd Amended Notice Of Deposition Steve Murdock

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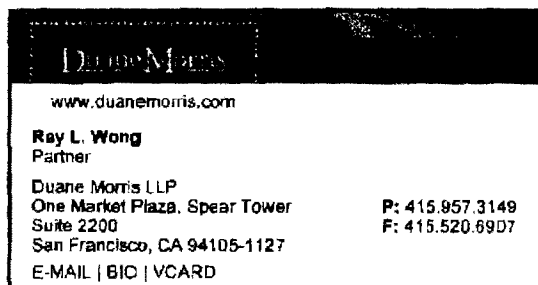


3/24/2015

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From: Wong, Ray L.
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To: Wong, Ray L.
Cc: Andi Elliott
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Kent

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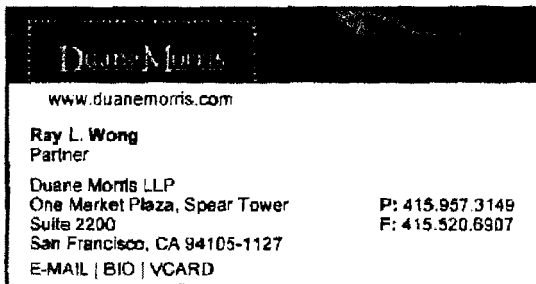
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3/24/2015

Kent E. Whittington

From: "Wong, Ray L." <RLWong@duanemorris.com>
To: "Kent E. Whittington" <whittk@ida.net>
Cc: "Paul Rippel" <paulrippel@hopkinsroden.com>
Sent: Friday, March 20, 2015 3:13 PM
Subject: RE: 2nd Amended Notice Of Deposition Steve Murdock

Kent. We obviously disagree, and these depositions seem contrary to what the Court stated at the last hearing regarding Mr. Murdock's deposition. We are happy to discuss by phone, but we still do not understand why these depositions are needed. You have Steven Murdock's declaration, and the other people will not be able to testify to Mr. Murdock's knowledge. We do not agree to these depositions and also do not agree to continue any briefing or hearing schedule that was set by the Court. By the way, would you please copy Paul Rippel on your messages, since he is co-counsel in the case? Thanks Ray



From: Kent E. Whittington [mailto:whittk@ida.net]
Sent: Friday, March 20, 2015 1:57 PM
To: Wong, Ray L.
Cc: Andi Elliott
Subject: Re: 2nd Amended Notice Of Deposition Steve Murdock

Ray,

I understand they are on very short notice, but I would like to take your client's deposition, his son's and Mr. Hillman's before our brief on your summary judgment is due. I do not anticipate the depositions to be long--in fact, I think Chance's and Mr. Hillman's will be very short. The relevance of the depositions go to the knowledge of the defendant at the time he made the defamatory statements, and will be relevant to o the issue of actual malice (presuming the Court finds Andi to be a public or semi public figure, which I am not conceding).

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Very truly yours,

Kent

3/24/2015

From: Kent E. Whittington [mailto:whittk@ida.net]
Sent: Friday, March 20, 2015 10:54 AM
To: Wong, Ray L.
Cc: Andi Elliott
Subject: 2nd Amended Notice Of Deposition Steve Murdock

Ray:

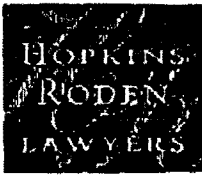
Here is a corrected copy of the notice. T& T called and pointed out the one sent yesterday had the wrong year.

Kent

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3/24/2015



HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC

SEWARD H. FRENCH (1941-1984) TIM C. SPRINGER (1943-1984) WILLIS B. BENJAMIN (1909-1999)

March 9, 2015

TO: Kent Whittington Esq. cc: Ray Wong, Esq.
529-8775 (415) 957-3001
CC: Jefferson County District Court, Hon. Alan Stephens
FAX: 745-6636
FROM: Paul B. Rippel
RE: Elliott v. Murdock CV-2014-0238

Total pages (including this one): 11

Dear Kent:

Herewith is our Motion for Protective Order and to Quash Subpoenas. Due to the protection we are seeking, which the Court will need to sort out, we do not intend to appear on Friday for depositions.

Very truly yours,
Paul B. Rippel
Paul B. Rippel

NOTE: If a problem arises during transmission, please call 208-523-4445.

ORIGINAL TO BE MAILED: NO

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TO: Client
VIA: email
DATE: 3/24/15

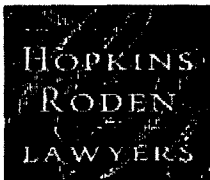
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carroll

EXHIBIT B



HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC

SEWARD H. FRENCH (1941-1984) THOMAS C. SPRINGER (1913-1984) WILLIS D. BENJAMIN (1939-1999)

March 9, 2015

TO: Kent Whittington Esq. cc: Ray Wong, Esq.
529-8775 (415) 957-3001
CC: Jefferson County District Court, Hon. Alan Stephens
FAX: 745-6636
FROM: Paul B. Rippel
RE: Elliott v. Murdock CV-2014-0238

2015 MAR 25 AM 9:04
MAGISTRATE JEFFERSON COUNTY DISTRICT COURT

Total pages (including this one): 11

Dear Kent:

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Very truly yours,
Paul B. Rippel
Paul B. Rippel

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Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

MAGISTRATE
JEFFERSON COUNTY
2015 MAR 26 AM 8:08

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

<p>CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>STEVE MURDOCK,</p> <p style="text-align: right;">Defendant.</p>	<p>) CASE NO. CV-2014-0238)) REPLY MEMORANDUM IN) RESPONSE AND OPPOSITION TO) PLAINTIFFS' OBJECTION AND) REQUEST FOR FURTHER) CONTINUANCE))))</p>
---	--

On March 24, 2014, Defendant, Steven Murdock, filed a motion for a protective order and to quash subpoenas. Plaintiffs responded with a filing, entitled "Objection to Motion for a Protective Order and to Quash Subpoenas with Request for Emergency Hearing" (hereinafter "Objection"). Mr. Murdock hereby responds and opposes the so-called Objection, which appears to include a request to further continue the briefing and hearing of Mr. Murdock's Motion for Summary Judgment, now scheduled to be heard on April 20, 2015.

I. THE COURT HAS ALREADY SET THE SCHEDULE FOR THE HEARING OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

On March 9, 2015, this Court heard Plaintiffs' requests for discovery and the need for additional time to respond to Defendant's Motion for Summary Judgment. Accordingly, the Court set a hearing schedule for April 20, 2015 to afford Plaintiffs' additional time to prepare an opposition to the summary judgment motion. Based upon the Court's order, setting the briefing and hearing schedule, out-of-state counsel for Defendant Steven Murdock, Ray Wong, arranged for non-refundable airfare to travel to Idaho so that he could attend the April 20th hearing.

Since the Court set the hearing schedule of April 20, 2015, nothing has changed, except that Plaintiffs waited ten days and then attempted to serve certain subpoenas and notices of deposition, which were defective on their face. Accordingly, Mr. Murdock properly filed on March 24, 2015, a motion for protective order and to quash subpoenas.

Mr. Murdock's summary judgment motion was originally set for hearing on March 16, 2015, and the Court continued the hearing to April 20, 2015 to accommodate Plaintiffs' counsel. No good cause has been shown to continue the briefing or the hearing of the summary judgment motion any further. This action has been pending since the complaint was filed on March 19, 2014, and the fact that, at this late date, Plaintiffs chose to serve defective and improper

subpoenas and deposition notices on March 19 or 20, 2015 is not a reason to continue the briefing and hearing further.

II. PLAINTIFFS' OBJECTION DOES NOT DISPUTE THE DEFECTS IN PLAINTIFFS' SUBPOENAS AND NOTICE OF DEPOSITION

In the Objection filed by Plaintiffs, Plaintiffs do not respond to the issues and objections raised by Defendant, Steven Murdock, in his motion for protective order and to quash subpoenas. For example, Plaintiffs do not dispute and thus impliedly concede that Idaho Rules of Civil Procedure were violated as to the subpoenas and Notices of Deposition. Mr. Murdock was not served with any third-party subpoenas, nor was he accorded seven days prior to the service of any subpoenas upon third parties. Rule 45(b)(2) of the Idaho Rules of Civil Procedure. Additionally, he was not afforded 30 days to comply with any requests for documents, which were blatantly irrelevant, repetitive, burdensome, harassing, and invaded his rights to privacy and confidentiality. Rule 45 (b)(1) of the Idaho Rules of Civil Procedure. The Objection filed by Plaintiffs confirms that Mr. Murdock's motion for protective order and to quash subpoenas is well taken and should be granted.

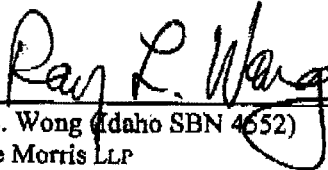
The Objection also confirms that Plaintiffs intend to elicit testimony from a third party witness, Ronald Hillman, that would be irrelevant to the summary judgment motion. According to the Objection, Mr. Hillman will "demonstrate the effect of the slander and injury to Plaintiffs." Objection, p.2. Mr. Murdock's summary judgment motion is not directed to the issue of alleged damages or injury, so any alleged testimony regarding alleged damages or injury would be irrelevant to the present motion for summary judgment.

III. CONCLUSION

Accordingly, Mr. Murdock respectfully submits that there is no good cause to further continue the hearing on the motion for summary judgment, now set for April 20, 2015.

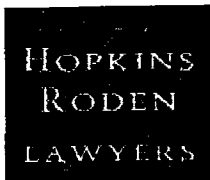
Plaintiffs' Objection also does not dispute and thus confirm the defects with the discovery recently served by Plaintiffs. Mr. Murdock's motion for protective order and to quash subpoenas should be granted and the requests by Plaintiffs for a further continuance and to conduct improper and irrelevant discovery should be denied.

Dated: March 25, 2014


Ray L. Wong (Idaho SBN 4652)
Duane Morris LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq.
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

*Attorneys for Defendant,
Steven L. Murdock*



HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC

SHWARD H. FRENCH (1941-1984) TED C. SPRINGER (1943-1984) WILLIS B. BENJAMIN (1939-1999)

March 25, 2015

TO: Jefferson County District Court
FAX: 745-6636

Kent Whittington Esq. cc: Ray Wong, Esq.
529-8775 (415) 957-3001

FROM: Kristen Gazaway
Legal Assistant to Paul B. Rippel
RE: Elliott v. Murdock CV-2014-0238

Total pages (including this one): 5

MESSAGE

Please find attached our *Reply Memorandum in Response and Opposition to Plaintiffs' Objection and Request for Further Continuance.*

Thank you.

NOTE: If a problem arises during transmission, please call 208-523-4445.

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2015 MAR 30 AM 9:52
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVEN L. MURDOCK,

Defendant.

CASE NO. CV-2014-0238

MINUTE ENTRY


*Defendant's Motion for Protective Order and to Quash Subpoenas and
Plaintiff's related Objection to Motion for Protective Order and to Quash Subpoenas With
Request for Emergency Hearing were heard telephonically via conference call with all*

MINUTE ENTRY - 1

counsel and the Court participating at approximately 4:00 p. m. on Thursday, March 26, 2015. Having reviewed the written submissions and considered arguments from counsel for both parties, the Court granted the *Motion for Protective Order and to Quash Subpoenas*, and granted defense counsel's request to prepare a conforming Minute Entry and Order Granting Motion for Protective Order and to Quash Subpoenas.

Plaintiff's counsel was urged to proceed with preparation and submission of his opposition to Defendant's pending Motion for Summary Judgment.

DONE AND DATED this 30th day of March, 2015.

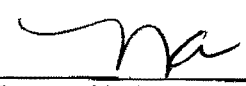

Hon. Alan C. Stephens
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that pursuant to I. R. C. P. 77(d), a true and correct copy of the foregoing document was served upon the persons or their legal counsel identified below, by mail.

DATED this 30 day of March, 2015.

CLERK OF THE COURT

By 
Deputy Clerk

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail

Ray L. Wong, Esq.
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

Mail

Paul Rippel, Esq.
Hopkins, Roden
428 Park Avenue
Idaho Falls, ID 83402

Mail

MINUTE ENTRY - 2

2015 MAR 30 AM 9:53
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVEN L. MURDOCK,

Defendant.

CASE NO. CV-2014-0238

ORDER GRANTING MOTION FOR
PROTECTIVE ORDER AND TO QUASH
SUBPOENAS


Plaintiff's Motion for Protective Order and to Quash Supoenas is granted.

Neither Defendant, nor Chance Murdock nor Ronald Hillman are required to attend a
deposition prior to the Court's ruling on Defendant's *Motion for Summary Judgment*, now set

ORDER GRANTING MOTION FOR PROTECTIVE ORDER
AND TO QUASH SUBPOENAS - 1

for hearing on April 20, 2015; and, the subpoenas served on Chance Murdock and Ronald Hillman are hereby quashed.

DONE AND DATED this 30th day of March, 2015.



Hon. Alan C. Stephens
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that pursuant to I. R. C. P. 77(d), a true and correct copy of the foregoing document was served upon the persons or their legal counsel identified below, by mail.

DATED this 30 day of March, 2015.

CLERK OF THE COURT

By 
Deputy Clerk

Kent Whittington, Esq. Mail
PO Box 2781
Idaho Falls, ID 83403

Ray L. Wong, Esq. Mail
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

Paul Rippel, Esq. Mail
Hopkins, Roden
428 Park Avenue
Idaho Falls, ID 83402

ORDER GRANTING MOTION FOR PROTECTIVE ORDER
AND TO QUASH SUBPOENAS - 2

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

2015 APR -2 PM 5:05

PLAINTIFF DISTRICT COURT
JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

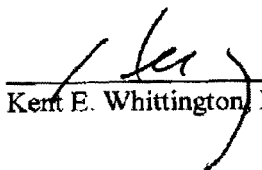
CASE NO. CV-2014-0238

MOTION TO AMEND PLEADINGS

COME NOW, Plaintiffs, CANDICE ELLIOTT and FOR THE LOVE OF
PETS FOUNDATION, INC, through their attorney, Kent E. Whittington, Esq.,
and respectfully move the Court for an Order allowing Plaintiffs To Amend their
pleadings, as set forth in the proposed Amended Complaint attached hereto as
"Exhibit A." (adding Count Two). This motion is made pursuant to Rules 15 (a),
15 (d) and 18(a), *I.R.C.P.*

Plaintiffs request oral argument.

DATED this 2 day of April, 2015.



Kent E. Whittington, Esq.

1. MOTION TO AMEND PLEADINGS (ANDI ELLIOTT)

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 2 day of April, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

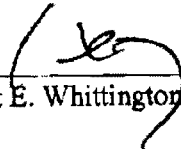
Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

2015 APR -2 PM 5: 05

REGISTRAR/DISTRICT COURT
JEFFERSON COUNTY, IDAHO

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Facsimile: (208) 529-8775
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually;)
and FOR THE LOVE OF PETS)
FOUNDATION, INC., an Idaho)
Corporation,)
Plaintiffs,)
vs.)
STEVE MURDOCH,)
Defendant.)

CASE NO. CV-2014-0238

**AMENDED
COMPLAINT**

(And Demand For Jury Trial)

Plaintiff complains of Defendant and for cause of action alleges:

PARTIES TO THE ACTION

1. That Plaintiff, CANDACE ELLIOTT (ANDI), is an individual, residing in Harner, Jefferson County, Idaho, and is the president and primary administrator of the FOR THE LOVE OF PETS FOUNDATION, INC.

2. That Plaintiff, FOR THE LOVE OF PETS FOUNDATION, INC., is a non-profit, 501C corporation in good standing, established and operating under the laws of the State of Idaho and in compliance with the rules and regulations of the Internal Revenue Code.

1 - AMENDED COMPLAINT (ELLIOTT/ FOR THE LOVE OF PETS, INC.)

EXHIBIT A

3. That Defendant, STEVE MURDOCH, is an individual, resident of Hamer, Jefferson County, Idaho.

CLAIM FOR RELIEF

4. That Plaintiff (ANDI) voluntarily investigates complaints of animal abuse, neglect and abandonment in South East Idaho, and assists law enforcement in the notification of, investigation of, and enforcement of the laws regarding such; and with the FOR THE LOVE OF PETS FOUNDATION, INC. ("FOUNDATION"), provides financial support for the treatment, transport, care, feeding and housing of neglected, abused and abandoned animals.

5. That on or about March 22, 2012, Defendant, STEVE MURDOCH, made false and defamatory statements about the Plaintiffs, which were disseminated to the general public via radio on "The Neal Larson Show" (broadcast on both KID NEWS RADIO 590 AM and 92.1 FM).

6. That in his statements to the general public broadcast and disseminated over the radio the defendant accused the Plaintiff (ANDI) of, among other things, of committing ("numerous times") repeated criminal acts of trespass; and defamed both plaintiffs accusing them of malfeasance and misuse of charitable donations and abuse of the public trust, by the Foundation ("Andi's humane society") using only ".02 per cent" of the money "they hit people up for," for the care of animals.

7. That said statements were false, and the defendant knew his statements regarding the plaintiffs were false, or reasonably should have known they were false.

8. That said statements of the defendant were intended to and did have the effect to impugn the honesty and integrity, virtue and reputation of the

Plaintiffs (both ANDI and the FOUNDATION), exposing the plaintiffs to public hatred, contempt and ridicule.

9. That by reason of the defendant's defamation of the plaintiffs, each of them, have been damaged in an amount exceeding \$10,000.00.

10. That it has been necessary for plaintiffs to retain an attorney to initiate and prosecute this action, and plaintiffs are entitled to recover their court cost and reasonable attorney's fees incurred herein, pursuant to Idaho Code Sections 12-120, 12-121 and Rules 54 (d), (e), I.R.C.P.

11. That a reasonable minimum sum to award Plaintiffs for their attorney fees in this matter is \$3,000.00 if judgment is entered by default, and such additional sum as may be proper in the event of a legal contest.

COUNT TWO

12. Plaintiffs re-plead all allegations of Count One as if set forth in full.

13. That defendant in making the defamatory statements regarding plaintiffs acted with actual malice, knowledge of the falsity of his statements and/or reckless disregard of the truth.

WHEREFORE, Plaintiffs respectfully request the following relief against the defendant:

1) For judgment in favor of the plaintiff (ANDI) for damages in an amount exceeding \$10,000.00, or such additional sum as the evidence shall show to adequately compensate her.

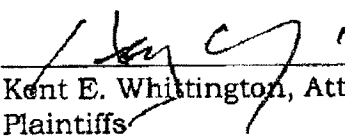
2. For judgment in favor of the plaintiff (FOUNDATION) for damages in an amount exceeding \$10,000.00 or such additional sum as the evidence shall show to adequately compensate the Foundation.

3) For an Order of the Court awarding Plaintiffs, and each of them, attorney fees in the sum of \$3,000.00 if this matter is uncontested, and for a greater sum to be determined by the Court in the event of appearance and/or contest by the defendant, together with all reasonable costs, fees and charges.

4) For such other and further relief as the Court deems just and equitable.

PLAINTIFF REQUESTS TRIAL BY JURY

DATED this 2 day of April, 2015.




Kent E. Whittington, Attorney for
Plaintiffs

STATE OF IDAHO)
) ss.
County of Bonneville)

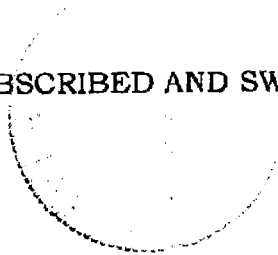
CANDACE ELLIOTT , being first duly sworn on oath, deposes and says:


I am one of the plaintiffs above named, and I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.



Candace Elliott

SUBSCRIBED AND SWORN TO before me this 2 day of April, 2015.





Notary Public For Idaho
Residing at: T. Salsburg's
My Commission Expires: 10/15/16

STATE OF IDAHO)
) ss.
County of Bonneville)

CANDACE ELLIOTT , being first duly sworn on oath, deposes and says:

I am the president of FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation. and am authorized to act in its behalf herein. I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.



Candace Elliott, President
For The Love Of Pets Foundation, Inc.

SUBSCRIBED AND SWORN TO before me this 2 day of April, 2014.



Notary Public For Idaho
Residing at: Idaho Falls
My Commission Expires: 10/15/16

2015 APR -2 PM 4:11
CLERK OF DISTRICT COURT
JEFFERSON COUNTY, IDAHO

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

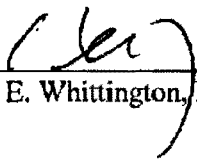
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)
)
) Plaintiffs,)
)
) vs.)
)
) STEVE MURDOCK,)
)
) Defendant.)
)

CASE NO. CV-2014-0238
NOTICE OF HEARING

PLEASE TAKE NOTICE the Plaintiffs will bring on for hearing their Motion To Amend Pleadings and their Objection And Motion To Strike before the above-entitled Court on the 20th day of April, 2015, at the hour of 10:45 o'clock, A.m., at the Jefferson County Courthouse, Rigby, Idaho.

DATED this 2 day of April, 2015.



Kent E. Whittington, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 2 day of April, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

2015 APR -2 PM 4:56
MAGISTRATE CLERK
JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)

Plaintiffs,)

vs.)

STEVE MURDOCK,)

Defendant.)

CASE NO. CV-2014-0238

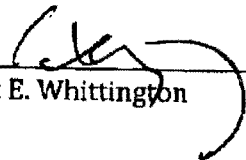
**OBJECTION AND MOTION TO
STRIKE HEARSAY**

COME NOW, Plaintiffs, through their attorney, Kent E. Whittington, Esq., pursuant to *Posey v. Ford Motor Credit Company*, 141 Idaho 477, 483, 111 P. 3d, 162 (Idaho App. 2005) and Rules 12 (f), 56 (e), I.R.C.P., and Rule 803, I.R.E., et. al., and OBJECT to the inclusion or consideration by the Court of hearsay exhibits and statements contained in the affidavits ("declarations") of Ray Wong, Robin Dunn, Blair Olsen and the defendant, as well as any and all hearsay exhibits to the depositions of the plaintiff herein. Plaintiff further objects to the inclusion and consideration of the Plaintiff's private writings not published or made available to the public. The foregoing include, but are not limited to the following: Exhibits 7, 31, 32, 34, 45,49, 55, 63, 64, 67, 69, 70, 71 of defendant's "*Compendium Of Evidence and Declarations In Support Of Defendant Steve Murdock's Motion For Summary Judgment* (Exhibits Attached to Wong's eclaration). Plaintiffs further move the Court to exclude all non relevant exhibits. (Rules 401,402, 403, I.R.E.). Plaintiffs respectfully move the Court for an

Order striking these matters and exhibits, and that the same shall not be considered in this matter. It is respectfully urged that

Plaintiffs request oral argument.

DATED this 2 day of April, 2015.



Kent E. Whittington

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 2 day of April, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

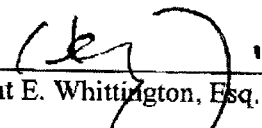
Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:
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 Hand delivery
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& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

2015 APR -3 AM 8:37
CLERK OF DISTRICT COURT
JEFFERSON COUNTY, IDAHO

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Facsimile: (208) 529-8775
Idaho State Bar No. 2307

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually;)	
and FOR THE LOVE OF PETS	)	CASE NO. CV-2014-0238
FOUNDATION, INC., an Idaho)	
Corporation,)	
Plaintiffs,	)	AMENDED
vs.	)	COMPLAINT
	)	(And Demand For Jury Trial)
STEVE MURDOCH,)	
)	
Defendant.)	

Plaintiff complains of Defendant and for cause of action alleges:

PARTIES TO THE ACTION

1. That Plaintiff, CANDACE ELLIOTT (ANDI), is an individual, residing in Hamer, Jefferson County, Idaho, and is the president and primary administrator of the FOR THE LOVE OF PETS FOUNDATION, INC.

2. That Plaintiff, FOR THE LOVE OF PETS FOUNDATION, INC., is a non-profit, 501C corporation in good standing, established and operating under the laws of the State of Idaho and in compliance with the rules and regulations of the Internal Revenue Code.

3. That Defendant, STEVE MURDOCH, is an individual, resident of Hamer, Jefferson County, Idaho.

CLAIM FOR RELIEF

4. That Plaintiff (ANDI) voluntarily investigates complaints of animal abuse, neglect and abandonment in South East Idaho, and assists law enforcement in the notification of, investigation of, and enforcement of the laws regarding such; and with the FOR THE LOVE OF PETS FOUNDATION, INC. ("FOUNDATION"), provides financial support for the treatment, transport, care, feeding and housing of neglected, abused and abandoned animals.

5. That on or about March 22, 2012, Defendant, STEVE MURDOCH, made false and defamatory statements about the Plaintiffs, which were disseminated to the general public via radio on "The Neal Larson Show" (broadcast on both KID NEWS RADIO 590 AM and 92.1 FM).

6. That in his statements to the general public broadcast and disseminated over the radio the defendant accused the Plaintiff (ANDI) of, among other things, of committing ("numerous times") repeated criminal acts of trespass; and defamed both plaintiffs accusing them of malfeasance and misuse of charitable donations and abuse of the public trust, by the Foundation ("Andi's humane society") using only ".02 per cent" of the money "they hit people up for," for the care of animals.

7. That said statements were false, and the defendant knew his statements regarding the plaintiffs were false, or reasonably should have known they were false.

8. That said statements of the defendant were intended to and did have the effect to impugn the honesty and integrity, virtue and reputation of the

Plaintiffs (both ANDI and the FOUNDATION), exposing the plaintiffs to public hatred, contempt and ridicule.

9. That by reason of the defendant's defamation of the plaintiffs, each of them, have been damaged in an amount exceeding \$10,000.00.

10. That it has been necessary for plaintiffs to retain an attorney to initiate and prosecute this action, and plaintiffs are entitled to recover their court cost and reasonable attorney's fees incurred herein, pursuant to Idaho Code Sections 12-120, 12-121 and Rules 54 (d), (e), I.R.C.P.

11. That a reasonable minimum sum to award Plaintiffs for their attorney fees in this matter is \$3,000.00 if judgment is entered by default, and such additional sum as may be proper in the event of a legal contest.

COUNT TWO

12. Plaintiffs re-plead all allegations of Count One as if set forth in full.

13. That defendant in making the defamatory statements regarding plaintiffs acted with actual malice, knowledge of the falsity of his statements and/or reckless disregard of the truth.

WHEREFORE, Plaintiffs respectfully request the following relief against the defendant:

1) For judgment in favor of the plaintiff (ANDI) for damages in an amount exceeding \$10,000.00, or such additional sum as the evidence shall show to adequately compensate her.

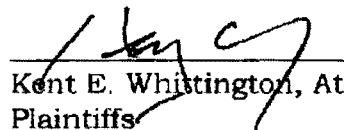
2. For judgment in favor of the plaintiff (FOUNDATION) for damages in an amount exceeding \$10,000.00 or such additional sum as the evidence shall show to adequately compensate the Foundation.

3) For an Order of the Court awarding Plaintiffs, and each of them, attorney fees in the sum of \$3,000.00 if this matter is uncontested, and for a greater sum to be determined by the Court in the event of appearance and/or contest by the defendant, together with all reasonable costs, fees and charges.

4) For such other and further relief as the Court deems just and equitable.

PLAINTIFF REQUESTS TRIAL BY JURY

DATED this 2 day of April, 2015.



Kent E. Whittington, Attorney for
Plaintiffs

STATE OF IDAHO)
) ss.
County of Bonneville)

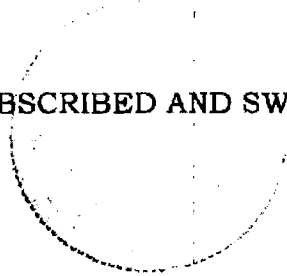
CANDACE ELLIOTT , being first duly sworn on oath, deposes and says:

I am one of the plaintiffs above named, and I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.



Candace Elliott

SUBSCRIBED AND SWORN TO before me this 7 day of April, 2015.

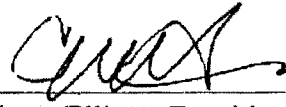


Notary Public For Idaho
Residing at: Idaho Falls
My Commission Expires: 10/15/16

STATE OF IDAHO)
) ss.
County of Bonneville)

CANDACE ELLIOTT , being first duly sworn on oath, deposes and says:

I am the president of FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation. and am authorized to act in its behalf herein. I have read the foregoing verified Complaint herein and know the contents thereof, and believe the facts and statements set out therein to be true and correct to the best of my knowledge, information and belief.



Candace Elliott, President
For The Love Of Pets Foundation, Inc.

SUBSCRIBED AND SWORN TO before me this 2 day of April, 2014.



Notary Public For Idaho
Residing at: Idaho Falls
My Commission Expires: 10/15/16

KENT E. WHITTINGTON, ESQ.
 Whittington Law Office, Chartered
 1820 E. 17th St., Suite 340
 P.O. Box 2781
 Idaho Falls, Idaho 83403
 Telephone: (208) 529-8765
 Idaho State Bar No. 2307

MAGISTRATE
 JEFFERSON

2015 APR -6 PM 4:28

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
 LOVE OF PETS FOUNDATION, INC., an Idaho
 corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

CASE NO. CV-2014-0238

LIST OF EXHIBITS

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Please take note that pursuant to Rule 56(b) of the Idaho Rules of Civil Procedure,
 Plaintiff Candace "Andi" Elliott, hereby submits her List of Exhibits:

EXHIBITS ATTACHED TO CANDACE "ANDI" ELLIOTT DECLARATION DATED
 APRIL 6, 2015:

1. Idaho Repository re: Ben Juenke
2. Deputy Clements' notes advising me to offer help to Torres
3. Idaho Repository re: Leon Matejka
4. List of county and out of county animal welfare issues Andi has assisted with and communications with law enforcement.
5. Idaho Repository re: Ben Jones
6. a & b Pictures of Steve Murdock's brother's, (Dan Murdock) horses.
7. Picture of Dan Murdock's dead horse taken by JCS Deputy John Clements
8. List of Hamer residents I have assisted with their animals and a map of Hamer

9. Steve Murdock's editorial of 27 Aug 2011 stating he drove to Andi's home
10. a, b, c, d Pictures of dead animals on Andi's driveway
11. Chance Murdock's editorial "Publicity Stunt" published 3/3/12 Post Register
12. Chance Murdock's editorial "Mind Your Own Business" published 3/14/2012
Jefferson Star
13. Steve Murdock's editorial regarding my March 7 letter published on 3/21/12 in Jeff
Star
14. Transcript of Steve Murdock's statements made on the Neal Larson show 3/22/12.
KID 590 AM, 92.1 FM
15. Transcript of entire Neal Larson radio program (Also included is a podcast of show
on the memory stick.)
16. Idaho Repository regarding Raul Torres
17. My notes of Ron Hillmans' call to me on 4/1//13 about Steve Murdock's threats to
me
18. Copy of Judge Rammel's order dismissing Brenda Murdock's small claims suit for
lack of viable small claims action.
19. a, b, c Pictures of Andi's vandalized rabbit hutches
20. a & b Pictures of Andi's gate post pulled of concrete after Claude Sarbaum barged
into HLC meeting.
21. Pictures of vandalized rabbit hutches
22. Andi's 30 January 2015 editorial re: an attempt by S. Murdock's friends to drive me
out of HLC
23. a & b Pictures of Ben Juenke's starving dogs
24. a, b, c, d Pictures and correspondence re: Leon Matejka's malnourished dog
25. a, b, c Pictures of Duane Weber's malnourished horses (Weber was a JCS Deputy at
the time.)
26. Andi's email to HSUV (The Humane Society of the Upper Valley) memberships
regarding 17 Sept 2008 meeting with Sheriff Olsen, et al.
27. Attorney Kent Whittington's op-ed responding to Prosecutor Dunn's op-ed about
Andi
28. a & b Media reports about the dog with broken legs calling out Sheriff Olsen.

29. Prosecutor Rob Dunn's op-ed regarding Andi
 30. Jefferson County Sheriff Blair Olsen's editorial referring to Andi 12/6/2009
 31. Andi's op-ed of 5/4/2010 regarding the deal requested by Deputy Prosecutor Penny Shaul
 32. Andi's editorial 6/13/2010 clarifying that there was no connection to HSUS and Andi's humane society.
 33. KIDK TV report on Andi helping senior citizens
 34. Andi's fax of 1/13/2008 to Sheriff Olsen documenting that Andi paid most of the vet bill for Juenke's dogs
 35. Andi's fax to the media regarding lack of animal control services in Jefferson County 3/28/2008
 36. Andi's fax regarding coordination with Deputy Green re: Matejka's malnourished dog
 37. c Andi's 10/6/07 fax to JC Deputy Sgt. Wolf regarding coordination
 37. b Andi's fax to the JCSD regarding Jerry Wachli's horses about which many complaints had been received.
 - 37 a Andi's fax to Madison County Det. Bart Smith regarding complaints received about "shelter"
 38. Andi's fax to JCSD regarding complaint she received regarding dog with gangrene foot
 39. Andi's fax to JCSD Sgt. Wolf thanking him for his persistence with an animal situation
 40. Andi's fax re: JCS Deputy John Clements request that she contact him with information
 41. Andi's fax to JC Sheriff Blair Olsen regarding verification that Andi paid Juenke vet bill
 42. a, b, c Andi's fax to Deputy Fullmer 19 Feb 2014 regarding his request about Andi catching some stray dogs
- And documentation indicating Andi paid the Idaho Falls Shelter out of county impoundment fee

43. a Andi's editorial of 11/4/2010 signed as Andi Elliott, President of For the Love of Pets Foundation

43. b Andi's editorial of 1/13/2012 signed as Andi Elliott, President of For the Love of Pets Foundation

43. c Andi's editorial of 1/19/2011 signed as Andi Elliott, President of For the Love of Pets Foundation

43. d Andi's editorial of 3/19/2011 signed as Andi Elliott, President of For the Love of Pets Foundation

44. Chance Murdock's editorial about Andi published 3/3/12 in the Post Register

45. Steve Murdock's editorial of 4/7/12 admitting he knew Andi's charge was dismissed

46. Steve Murdock's editorial about Andi published 3/21/12 about Andi

47. Chance Murdock's editorial about Andi published 4/18/12

48. Steve Murdock's editorial about Andi published 3/21/12 (duplicate)

49. Steve Murdock's editorial about Andi published 4/7/21 (duplicate)

50. Idaho Repository Deeann Marques Madison County animal cruelty case.

51. Steve Murdock's editorial about Andi published after she reported the family horses
8/27/2011

52. Judge Robert Crowley's Order to Dismiss trespass charge against Andi 6/25/10

53. Attorney's Objection to Dismissal stating the dismissal was an effort to conceal facts
April 2010

54. Idaho Repository Elliott vs. Denise Shields...Elliott prevailed

55. Post Register articles about Andi helping to rescue a stolen dog and returning it to
Virginia

56. IRS determination letter for For The Love of Pets Foundation 9/7/2005

57. List of 14 neighbors that Andi has assisted with animal concerns (similar to Exh. 8)

58. Picture of anonymous package Andi received in July 10, 2014

59. TV KPVA article about Andi's charge being dropped 4/20/2010

60. TV KIDK TV articles about Andi's charge being dropped 4/20/2010

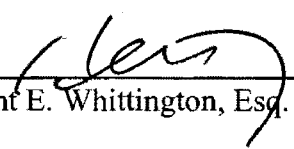
61. 18 Sept 2011 Letter to the Idaho State Police

62. 7 April 2014 Letter to the Attorney General

63. None

64. Post Register Jeers "Sheriff Olsen's Vendetta"
65. Post Register Jeers re: Sheriff Olsen/Prosecutor Dunn and County Commissioner Raymond July 2013
66. Copy of 16 Dec 2013 Tort Claim filed against Jefferson County
67. Copy of Deputy's notes about citing Ian Parker, Ch 3 TV reporter
68. Andi's editorial response to Sheriff Olsen 9 Dec 2009
69. Andi's fax to JC Deputy Wray about "gate post" and Claude barging into the Lion's Club meeting
70. Chance Murdock's 4/29/14 editorial about Andi
71. 4/17/12 editorial by Steve Murdock admitting he knew the Andi's charge was dismissed
72. Financial records/expenses of For the Love of Pets Foundation
73. Op-Ed by Terry Miller (former KIDK-TV news room) about Prosecutor Rob Dunn
74. Financial Records of the Humane Society of the Upper Valley
75. Idaho Repository Re: Raul Torres indicating Andi prevailed
76. None
77. 27 May 2014 fax to attorney by Andi stating the Ron Hillman wants to remain friends with Murdock
78. Emails between Andi and former Bonneville Animal Control officer Mike Boyd
79. List of Hamer residents that Andi has assisted with animal welfare concerns.
80. 1/1/2003 Summary of Madison County Sheriff's Deputy Wood coordination with Andi about animal cruelty case

DATED this 6 day of April, 2015.



Kent E. Whittington, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 6 day of April, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

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MAGISTRATE COURT
 JEFFERSON COUNTY, IDAHO

2015 APR -6 PM 4: 28

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE “Andi” ELLIOTT, individually and)
 FOR THE LOVE OF PETS FOUNDATION, INC.,)
 an Idaho corporation,)

CASE NO. CV-2014-0238

Plaintiffs,)

vs.)

**DECLARATION OF PLAINTIFF IN
 OPPOSITION TO DEFENDANT’S
 MOTION FOR SUMMARY
 JUDGMENT**

STEVE MURDOCK,)

Defendant.)

I, Candace “Andi” W. Elliott, hereby declare as follows:

1. I am a party to this action and that I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify to them competently.
2. My husband and I have lived in Jefferson County, Idaho since October of 2001 and in Hamer, Jefferson County, Idaho since July of 2002.
3. It should be noted that I have been a lifelong animal “rescuer” as well as a lifelong editorial writer and have written and continue to write about politics, education, smart meters, animal welfare, etc.
4. Upon moving to Jefferson County in the fall of 2001, I joined the Humane Society of the Upper Valley (HSUV). (There is no relation to HSUV and the Humane Society of the United States.) As a representative of HSUV, I became involved in animal welfare cases in counties around the Snake River Valley and especially in Jefferson County as citizens would call the organization for assistance with animal welfare issues.

5. Jefferson County had no resources for animals nor for years had an officer dedicated to resolving animal welfare issues. The Jefferson County Sheriff's Department called upon HSUV for assistance and referred county residents to HSUV. I was president of HSUV for six or seven years and the JCSD has my personal phone numbers which they have given out to county residents in need of assistance with animal welfare concerns.
6. At times I have been called to act "under color of law" by the Jefferson County Sheriff's Department. I have accompanied deputies on multiple animal welfare complaints (Ben Juenke CR-2003-003889 2003 Exh. 1 and his subsequent probation violation in August of 2004), (Leon Matejka 2008 CR-2008-0001157 Exh. 3) and was sent out by Jefferson County Deputy John Clements to offer assistance with a dog with broken legs (2009 CR-2009-4432 Exh. 2) as documented in the deputy's notes, (Ben Jones CR-2002-0001515 Exh. 5) ...among others, as follows:
7. I rescued a Pug that had been reported stolen from a friend of Deputy John Clements, Jared Funk, which had been reported to the JCSD. The dog was in need of expensive medical care which I paid for as the owners were unable to afford the needed medical treatment. The veterinarian bill from Cedar Ridge Animal Clinic was for \$288.
8. I have coordinated many times with the Jefferson County Sheriff's Department over the years. JCSD John Clements (animal control officer) has been to my home many times as we have discussed situations. See compendium of communications between plaintiff and JCSD...and Exh. 4.
9. In my capacity as a member and then president of the Humane Society of the Upper Valley and then in 2005 - present in my capacity as President of For the Love of Pets Foundation, I have had over one hundred (100) contacts with the Jefferson County Sheriff's Department. (Exh. 4) regarding complaints made to me by valley citizens and Jefferson county residents regarding animal welfare issues. Exh. 37 a, b, c, 38 & 39
10. I have taken in and cared for at my expense many of Jefferson County's stray, abandoned, and injured animals. (Please see compendium of communications to the Jefferson County Sheriff's Department for details of incidents.) Exh. 4
11. I have also assisted with animal welfare situations in other counties: Butte, Madison, Freemont, Bonneville, as well as others. (Exh. 78, 79, 80)
12. I have worked with other local rescues and humane societies: Bonneville Humane Society, Idaho Falls Animal Shelter, Four Paws Pet Adoption, BGB Horse Rescue, Helping Animals Rescue Team, Jackson Animal Adoption Center, etc.
13. I have provided food, shelter, assistance with veterinarian bills for Jefferson County animals and Hamer residents. Exh. 8
14. My Hamer neighbors have often reported animal welfare situations to me, as in the case of Defendant, Steve Murdock's family's horses... which precipitated the Defendant's retaliatory

actions against me. I have assisted fourteen (14) Hamer neighbors with animal issues. See Exh. 57 detailing my efforts helping my Hamer neighbors.

15. I have assisted with animals that have been left homeless by the death/poor health of their owners, i. e. Jefferson County resident Glenda Cope and county resident Janet Bedwell, Rigby resident, Claudia Jeffs, and others outside of Jefferson County (Neva Butler of Idaho Falls). Exh. 33
16. I provide food and assistance as needed for the pets of senior citizens on an ongoing basis.
17. In 2003, HSUV and I received complaints about 7 dogs belonging to Ben Juenke stating that the Sheriff's department failed to respond to their complaints. I and the vice-president of HSUV, repeatedly requested assistance for the dogs without success. Late that evening while I was at the Sheriff's department, the deputies called South Fork Veterinary Clinic veterinarian (Dr. Bramwell, I believe) to accompany them to the Juenke property.
I was also asked to accompany the deputies and vet. The dogs were in such terrible shape that the veterinarian immediately seized the dogs, turning them over to me for care. (CR-2003-003889 2003 Exh. 1) The veterinarian bill for the care of the animals approximated \$2400. Juenke was found guilty of animal cruelty. (Exh. 23 a & b) There was a great deal of media coverage surrounding these dogs causing embarrassment for the JCSD. (Exh. 34)
18. In 2004, Ben Juenke violated his probation. HSUV was written into the court order so that the dogs could be turned directly over to HSUV and re-homed. I was called by the JCSD and accompanied them to Juenke's property where the two dogs were turned over to me. (Refer to Exh. 1 Order to seize dogs dated Aug 04, 2005) Note: I have requested a copy of the court order from the JCSD but have yet to receive it.
19. In December of 2007, shortly after Christmas, I received a call at my home from Jefferson County Sheriff Olsen. During the phone call, the Sheriff called me a "newcomer" (I had lived in Jefferson County for six years at that point.), said that I was "unwelcome" in Jefferson County, and that I didn't understand how things were done in Idaho. Documentation for this call is found in Exh. 31. Sheriff Olsen also accused me of leaving him with a \$2400 veterinarian bill for the Ben Juenke dogs. I told Olsen that I had personally paid over \$1900 of the bill knowing he didn't have money in his budget for such expenditures. The sheriff responded, "Prove it." Within days I produced documentation from Kinghorn Veterinarian Hospital that I had indeed paid over \$1900 on the Juenke bill. (Exh. 34, 41)
20. In 2008, I accompanied Jefferson County Deputy Brian Green to the home of Leon Matejka in Lewisville as neighbors had called and complained about the condition of Matejka's dog. Deputy Green persuaded the owner to release the dog which was turned over to me. The dog was approximately 30# under weight. The HSUV assumed all the veterinarian bills for the dog. Again, this was a "media event" as the dog's picture appeared in the Post Register. (Exh. 24 a, b, c, d) Matejka was found guilty of animal cruelty. (Exh. 3)
21. Again in 2008, I received calls from a Menan resident stating the horses belonging to a friend of Sheriff Olsen's were in terrible condition and that the JCSD refused to intervene for the

animals. I drove to Menan and talked with neighbors. Subsequently, I drove down a lane with a Dead End sign. I saw a No Trespassing sign on a fence perpendicular to the roadway but did not think it applied to the lane. I drove down the lane to the home and seeing that it appeared no one was home, turned and drove back down the lane. On the way back down the lane, I saw one of the horses that the neighbors had been complaining about. (Ex. 25 a, b, c)

The State Veterinarian Dr. Tom Williams became involved and upon examination of the horses, placed them under the care of Mountain River Veterinarian, Dr. George Olavson. I received a call from the vet's staff telling me that horses had made multiple trips to the vet. I could not understand why animal cruelty charges weren't filed against Duane Weber, the owner...until March of 2015, when I learned that a JCSD deputy owned the horses. Media attention surrounding the event resulted in a trespass charge being filed against me. Deputy Prosecutor Penny Shaul told me and my attorney, Mike Gaffney, that the only reason charges were being filed was because it was "Andi".

22. On the day of my trial and while jurors were being impaneled, Prosecutor Shaul asked if me if I would consider making a deal because if the State were to win the case, they would be perceived poorly by the public for prosecuting someone standing up for the animals and if I were to win, the JCSD would refuse to work with me on animal welfare issues. I was told that a meeting would be set up with Sheriff Olsen and me to discuss protocol for animal welfare complaints in Jefferson County. I accepted the deal of a "Withheld Judgment/Alford Plea" in return for a meeting.

The meeting was held at Prosecutor Rob Dunn's office on or about 17 September of 2008. Sheriff Olsen, Deputy Jeff Poole, Prosecutor Shaul, attorney Mike Gaffney, Lisa Kaufman of the Humane Society of the United States, and I were present in the meeting. There was no positive results of the meeting as Sheriff Olsen stated that this is the way he had done things for 20 years and he "will continue to do what I'm doing". Sheriff Olsen did say that we had been very useful at times. (See documentation of the meeting in Exh. 26) I was told by my attorney that "it's not good to have a sheriff mad with you".

23. In November of 2009, I received a call about an animal welfare issue in the Mud Lake/Terreton area of Jefferson County in which a mother dog had been hit by a car and had been left lying (and howling) in the yard for going on three days. As always I asked that the complainants call the JCSD which they stated they had done but there had been little response. I called the JCSD talked with Deputy Clements. As documented in his notes, he asked me to offer to assistance to the owner. My husband and I drove to the owner's home after church the next day. (Clements told me that he didn't want to go because his uniform might intimidate the owners.) So my husband and I went alone. Upon arriving and parking in the neighbor's (Fay Stoddard) yard next door (who had given me permission to do so), it was obvious to me and my husband that the dog needed medical attention as she was walking on two diagonal legs. There were puppies around her still nursing and obviously causing her great pain. Nor was there any shelter visible (other than a trampoline) and it was below freezing and snowing. When no one answered the door I left the property. (There was no "no trespassing" sign posted.) I called the JCSD and requested an officer. Nearly two hours later, Deputy Caleb Sickinger arrived and told me that the sheriff had said that there was nothing to be done. I told the deputy that I would assume responsibility for the medical bills but that the dog obviously had broken legs and needed care and that the dog had been in this condition now for over 3 days. The deputy repeated that nothing was to be done. I told the deputy that I was going to the media. Deputy Sickinger

responded by saying...paraphrase... you gotta do what you gotta do. I was then told that I was now trespassed from the property and that if anyone came to the property or even across the street that I would be charged with trespass. (Exh. 27 & 68)

The next day, the owner of the dog signed a trespass citation against, TV Channel 3 reporter, Ian Parker, (Ex. 67) and me. Troy Jackson from Boise who had seen the dog's plight on TV (as documented in the deputy's notes and who was unknown to me) and his companion, Ilene DeShazzio, drove to Mud Lake and with the permission of the dog's owner (as documented) took the dog, Barbie, and her pups to the veterinarian. Jackson was later charged with felony grand theft. The charges against Jackson were soon dropped and the TV reporter's charge disappeared. Mine was the only one pursued by the JCSD and the prosecutor. It should be noted that even though my husband was with me at the home of the dog, that only I was charged.

24. The case drew nationwide attention, again causing great embarrassment for the Jefferson County Sheriff's Department. (Exh. 28 a & b) My court process continued from November 2009 until June 2010. Prosecutor Dunn and Sheriff Olsen eventually dismissed the charges as there was no evidence that I had returned to the property nor sent anyone out there. (The trespass charge had been amended to "trespass by agency".) The reasons listed by the prosecutor for "dismissal" were so egregious and false that my attorney filed a Motion to Object to Dismissal. Judge Crowley stated that he had never had anyone object to a dismissal. Prosecutor Sheets told the Idaho State Bar that in their (Sheets and Dunn) nearly 50 years of practice had they ever had anyone object to a dismissal. The judge's final order to dismiss listed no "reasons for dismissal" but merely stated that charges were dismissed "in accordance with the State's motion." (Exh. 52 & 53)
25. Shortly after I was charged with trespass (within about two weeks), Jefferson County Sheriff Blair Olsen wrote an editorial that appeared in the Post Register on 6 December 2009 in which he indicated that I had trespassed. (Exh. 30)
26. Around this time, Prosecutor Dunn Made a Motion for a "gag order" and then subsequently attempted to have the court charge me with "contempt of court". It has been nearly 3 years and there has been no further action taken on this matter. It was the expressed feeling by my attorney (Kent Whittington) that this was done to prevent me from criticizing the Sheriff during his re-election bid.
27. December 2009, the Post Register published an op-ed entitled, "Sheriff Olsen's Vendetta"...again, an embarrassment to the Sheriff. (Exh. 64)
28. Plaintiff published an op-ed on 4 February 2010 outlining the situations in which Sheriff Olsen failed to enforce Idaho's animal cruelty codes. (Exh. 31)
29. Local TV Channels News 6 and KIDK TV covered the dismissal of plaintiff's charge. (Exh. 59 & 60) There was extensive media coverage of the event by local press also.
30. Before the final order was issued, Prosecutor Dunn wrote a disparaging editorial about me stating that "Andi Elliott, has attempted, from time to time, to enter on individual's property without court permission." (Exh. 29) The article was published on 2 June 2010 and was patently

untrue which is why my attorney wrote a rebuttal published a couple of weeks later and calling out Prosecutor Dunn for lying. (Exh. 27)

31. On 24 July 2011, Plaintiff was called by a neighbor (Bill Shurtliff) who pastures horses next to defendant Steve Murdock's brother, Dan Murdock of Hamer, asking me to look at the condition of the Murdock's horses. My husband and I drove to where Bill told me that the horses were located.
32. From the roadway, we observed horses with ribs showing standing close to the public road. I took pictures of the Murdock horses and requested a welfare check of the animals from the Jefferson County Sheriff's Department. My husband took pictures of me taking pictures from the road. (Pictures taken by us were turned over to the JCSD at their request.) Exhibits 6a & 6b were among the pictures taken.
33. JCSD Deputy John Clements responded and investigated the complaint. The deputy took almost 300 pictures of the defendant's brother's horses including a dead horse. Deputy noted that some horses were thin. Dan Murdock said he was low on hay. (See Ex. 7)
34. On or about 15 August 2011, Deputy Clements and the Idaho State Vet Dr. Tom Williams visited the property of defendant's brother. It had now been about three weeks after I had requested a welfare check. Deputy Clements said they were in now better condition. (The JCSD has furnished me a copy of Deputy Clements' recorded call to me documenting the visit which occurred on or about 15 August 2011 and is on the thumb drive I have provided.)
35. On 27 August 2011, defendant, Steve Murdock, wrote a disparaging editorial about me in which he stated he drove to my home (Exh. 9), a blatant attempt to intimidate me.
36. On 30 August 2011, I (but not my husband who had accompanied me) was cited for trespass by Dan Murdock's neighbor, Kurt Young. (I was acquitted of charge 2 July 2013.) Kurt testified that he thought I was the one harassing him over his old horse in poor condition...though documentation from the JCSD proved it was someone else that called in the complaint. I did not know of Kurt Young or about his horse at this point in time.
37. In the fall of 2011, I announced that I would oppose Sheriff Olsen in the upcoming May election as I was tired of the baseless charges he continually harassed me with and because he repeatedly refused to enforce Idaho's animal welfare codes. Thankfully, Olsen's Chief Deputy, Jeff Poole decided to oppose the Sheriff and so I supported his election efforts. Olsen fired Poole for running against him as was reported by the media.
38. On 18 September 2011, I sent a letter to the Idaho State Police informing them of the retaliatory acts of Sheriff Olsen and Prosecutor Dunn. (This letter was presented to Judge Crowley who read my letter during a court session.) (Exh. 61)
39. 13 February 2012 Steve Murdock's adult son, Chance, who lives with Steve was present for my first day of trial.

40. 24 February 2012...as reported to the Jefferson County Sheriff's Department, we found 5 dead animals on our driveway. All had either been shot or had their throats slit according to the responding deputies. (Ex. 10 a, b, c) Note: I was due in court that afternoon.
41. The defendant and I live in the same small rural community. It is well known in the community that Murdock's son, Chance, who lives with Murdock, frequently kills small, furry animals.
42. 24 February 2012...I successfully sued Raul Torres (owner of the dog with broken legs) for filing a false complaint against me. During the hearing, Torres testified that Sheriff Olsen had pressured him into signing the trespassing charge against me. Judge Rammel ordered Torres to pay damages. (Exh. 76)
43. On 3 March 2012 Chance Murdock's potentially threatening editorial towards me was published in the Post Register. (Exh. 11)
44. On 14 March 2012 Chance's potentially threatening editorial appeared in the Jefferson Star. (Ex. 12)
45. I notified the JCSD about Chance's threat towards me.
46. 19 March 2012...Chance was present for my second day of trial.
47. 21 March 2012...Steve Murdock wrote a derogatory editorial about me that appeared in the Jefferson Star. (Exh. 13)
48. **22 March 2012...Steve Murdock called 590 AM radio...The Neal Larson Show...and made defamatory remarks calling me by name (ANDI)and accusing me of misusing public donations and trespassing numerous times...among other things. (Ex. 14)**
49. Upon hearing Murdock's defamatory remarks on the radio, I immediately called the radio show and refuted Murdock's statements in an attempt to mitigate the damage. (Exh. 15 is a complete transcript of the radio program on 22 March 2012 as well as an audio recording on the thumb drive.)
50. Two weeks later, 7 April 2012, Steve Murdock published yet another derogatory editorial about me in Post Register in which he stated he knew my charge had been dismissed....YET, he had falsely stated on the radio that I had trespassed "numerous times". Exh.71
51. 29 April 2012, Chance Murdock published another derisive editorial about me. Exh.70
52. It should be noted that I would receive notes from people who supported my animal rescue efforts with donations included in with the notes. After defendant's broadcast, donations ceased. (Copies of notes have been furnished to defendant's attorney.)

53. NOTE: My trial lasted for 5 days spread out over 17 months. I was acquitted in July of 2013. (Exh. 16) Cr-2011-0003409
54. 11 April 2013 Ron Hillman called me. Ron and I have both members of the Hamer Lions Club since 2009. Ron served as president for 2 years and I was the secretary during that period of time and for several years afterwards. Ron and I worked closely together in our capacities.
- Ron told me that he and other men from the Hamer LDS church had helped Steve Murdock with an addition to his house for a room for Chance. Ron told me that he and Steve Murdock's brother-in-law, Richard Savage, talked about the statements that Murdock made in their presence while they worked on the room. Ron said that Steve was "unstable", a "heavy" drinker, and kept saying "stupid" things about me. Ron told me that Steve was "capable" and told me to "be careful" and that my life "could be danger". Ron said that Steve was a veteran and had lots of guns. I took notes during the conversation and faxed a copy to my attorney. (Exh. 17) June 5, 6, 7, 2013 were plaintiff's final three days of trial. Steve and/or Chance were present during the trial dates. The trial had nothing to do with the Murdock's horses or property.
55. Note: On one of my trial dates, Judge Crowley asked Steve Murdock why he was there. Murdock said he was there to see that "justice was done".
56. I was acquitted of trespass on 2 July 2013. Steve's brother and sister-in-law were the only ones to testify that I trespassed. Even the property owner said he never saw me trespass.
57. On 8 July 2013, I met with the Jefferson County Commissioners to discuss JC Sheriff Olsen's and Prosecutor Rob Dunn's repeated and frivolous charges against me. I informed them that Deputy John Clements had stated on his DVD recording on 24 July 2011 that they were trying to shut down me down. During that meeting I read a 9 page complaint to the Commissioners as documented by my letter to the Idaho State Police. (Ex. 62, 63) I was threatened by Commissioner Raymond to remain silent about the meeting...under penalty of law.
58. On 12 July 2013, the Post Register published an article about Dunn and Olsen and pointed out that the Jefferson County Commissioner Jerald Raymond threatened me that I was not to disclose the details of my 8 July 2013 meeting with them. There is/was no such law. (Exh. 64)
59. 7 NOV 2013...Plaintiff sent Brenda Murdock (Brenda and Steve's brother, Dan, owned the horses that I reported to the JCSD) a personal note. Brenda and Dan testified in my trial that I trespassed which was refuted by the property owner. I notified Brenda that I intended to file a small claims suit for malicious prosecution but would like to work it out without going to court. There was no response.
60. On 16 December 2013, I filed a Tort Claim against Jefferson County officials, followed by a civil suit after receiving no response from the county. (Exh. 66)
61. On 18 December 2013, I filed a complaint against Brenda Murdock for malicious prosecution, etc.

62. Shortly afterwards, I began receiving calls and questions from neighbors stating that copies of my private letter to Brenda Murdock had been placed in mailboxes of many of my neighbors. (The USPS was notified by the mail carrier that unauthorized mail had been placed in the mailboxes.)
63. Two days later, 20 Dec 2013, my rabbit hutches were vandalized. Rabbits were killed/injured/missing. Reported to the JCSD. (Exh. 19a, b, c)
64. 8 January 2014, right after our Lions Club meeting Ron Hillman warned me once again that my life was in danger.
65. Around this time, Rose Dixon, wife of Rand Dixon, and friend of Murdock and a long time member of the Hamer Lions Club, snubbed me by turning her back on me while at the Post Office.
66. 22 January 2014...I requested that the JCSD trespass Steven and Chance Murdock from my property. I also requested that they be warned about "stalking". Deputy Clements confirmed to me by phone that he had done as I had requested.
67. Note: While my 2011 trespassing case was still pending, I received a request for assistance from JCSD Sgt. Fullmer asking me to help catch 4 dogs that had been abandoned in the Lewisville area. We caught two of the dogs and I paid the out of county fee required to turn them over to the Idaho Falls Animal Shelter. (Exh. 42 a, b, c)
68. On 3 March 2014 during the hearing for my small claims action against Brenda Murdock, Judge Rammel dismissed the suit for lack of "viable small claims action". (Exh. 18)
69. Judge Rammel twice during the hearing made reference to Steve Murdock's for defamatory remarks. Judge Rammel specifically did not bar further action. The court audio transcript confirms this. CV-2013-0001059
70. On 19 March 2014, I filed a defamation suit against defendant, Steve Murdock.
71. On 21 March 2014, Murdock visited many Hamer residents asking them to sign a petition. I was told that neighbors were intimidated by Murdock and were afraid that they too would find dead animals on their property.
72. On 27 May 2014, I notified my attorney that Ron Hillman refused to testify on my behalf telling me that he wanted to remain friends with Murdock. (Exh. 77)
73. 27 June 2014...Murdock's attorney deposed plaintiff.
74. 10 July 2014 I received an anonymous package containing one of my editorials. (Exh. 58)

75. During the spring and summer of 2014, defendant's friends, Ron Hillman, Sis and Claude Sarbaum, (with whom I have been serving the in the Lions Club for years) attempted to have me voted out of my position as secretary of the Lions club. Their attempt failed. Sis and Claude Sarbaum resigned stating that the reason was because of my suit against Murdock.
76. Twice during the summer, before the Sarbaum's quit the Lions Club, Claude Sarbaum bragged in front of the Lions Club members and me that he loved to "kill rabbits".
77. In the Fall of 2014, Claude Sarbaum called in a "noise nuisance" complaint about me. Claude lives several miles down the road from me.
78. Shortly after the complaint was made, the Vadrnais across the street from me called in a "noise nuisance" complaint. Note that the Vadrnais had brought their dog with a puppy to me to get rid of. I placed their puppy in Rexburg and the mother dog (who was very sick and required extensive veterinarian treatment to save her life) in Boulder, CO. I haven't had a "noise nuisance" complaint made about me in over 10 years.
79. On 22 October, 2014, Defendant's friend, Claude Sarbaum (who was no longer a member) barged into our Lions Club meeting wanting to have a confrontation with me. Our president, Brenda Downs, told him to leave. Members discussed afterwards that Claude appeared to be drunk.
80. When I returned home after the club meeting about an hour later I found that one of my gate posts had been pulled up out of the concrete. (Exh. 20 a & 20 b) I reported the incident to my attorney and the JCSD. (Exh. 69)
81. Around this time, I was told by the JCSD that I was trespassed from Claude Sarbaum's property. I'm not sure I could find his house as it has been years since the Hamer Lions Club visited there.
82. 24 Nov 2014...I experienced another incident with her rabbits which was reported to the JCSD. Exh. 21)
83. 28 January 2015 defendant's friend, Ron Hillman verbally accosted me during the Lions Club meeting. The new district governor was in attendance. "Doc" Crawford told me that Ron had been talking about the situation to him at the Lions mid-winter conference.
84. Shortly afterward I was notified by the JCSD that I was trespassed from Ron Hillman's property. I have never been to the Hillman's nor do know where he lives. I've been told that Hillman lives 10-15 miles north of Hamer.
85. 25 February 2015, Ron Hillman once again verbally attacked me in the Lions Club meeting for suing his friend and again he was admonished by the president, Brenda Downs. The Murdock situation has really strained the relationships in the our Lions Club.

86. It should be noted that "Andi" is the only name that I go by in Idaho and that all my friends, church members, previous co-workers, and neighbors know me by. All my editorials are signed as "Andi Elliott".

SUMMARY

As the documentation provided here shows, the defendant, Steve Murdock, began a concerted effort to discredit, harass, intimidate, and bully me within days after I requested a welfare check of Murdock's brother's horses which were in poor condition. Through his and his family's derogatory and threatening editorials, and defendant's defamatory statements that he broadcast over the radio on 22 March of 2012 accusing me of criminal activity and misusing public donations, his actions establish a pattern of intimidation directed at me. He has additionally employed the assistance of his friends in order to harass me on an ongoing basis...even this past February. I have suffered multiple instances of property damage, dead animals placed on my property, and injury to my animals. This attempt at intimidation has now gone on for nearly four years and begun within days after I reported his family's horses to the Jefferson County Sheriff's Department.

Defendant has shown an obsession with me as indicated by the above documentation and Murdock has begun to show up at community activities in which I have participated for years.

Defendant also made a definitive statement about "Andi's humane society" spending less than .02% of donations on animal care. That is absolutely untrue. Documentation has been provided showing that For The Love of Pets spends many times the amount of donations on the care/feeding of the rescues than it ever receives. Andi's former humane society, The Humane Society of the Upper Valley spends 90-95% of its donations on pet care as evidenced by the three years of tax records produced. (Exh. 75) I've also included Exh. 74 which is a financial statement for the Humane Society of the United States. Murdock's statements were untrue for any of these groups. He failed to verify any of the information he announced on the radio. Defendant bears some responsibility in assuring the accuracy of his statement of "fact". Defendant has acted with reckless disregard for the actual facts of the matter of finances of plaintiff's public charity.

Defendant states in his Declaration date 17 February 2015, that he is "aware of the activities of" Andi. He would have known that my trespassing charge was dismissed. The "dismissal" of my trespassing charge was highly publicized on the radio/TV/and printed media. The story was rated the #3 top story in a local media outlet for the 2010 year. There is absolutely no evidence that plaintiff has committed criminal activity "numerous times" as defendant stated.

Defendant stated that I have interfered with his business of selling horses to slaughter. The radio talk show host, Cala, quickly commented that she didn't think that the closing of slaughter houses could be attributed to "Andi" as noted in Exh. 15. (I have included a thumb drive with defendant's entire comments so they can be heard in context.)

Defendant has stated in his Declaration too that he had no prior knowledge of Andi's foundation, For the Love of Pets Foundation (FTLOP). FTLOP is an Idaho corporation

established in 2005 and has been in existence 7 years before defendant's published defamatory statements against it. (Exh. 56) Defendant acknowledges he follows my editorials and therefore would have known the I have on multiple occasions signed my editorials as "Andi Elliott President of For the Love of Pets Foundation". And one such editorial, among others, was written by me and signed as such just days before his radio broadcast. Defendant is declaring that on one hand he follows my activities (page 2 of his Declaration) yet on the other hand, when convenient, infers he doesn't. And he would have aware too that I had written an editorial disavowing any connection to the humane society that he referred to in his broadcast statements. Exh. 32 & Exh. 43 a, b, c, & d

Defendant's continued presence on my trial dates indicate an abnormal fixation on me especially considering that his family's property or horses were not in question.

Defendant's intent has been clear...that of damaging the reputations of the Andi and For The Love Of Pets Foundation. He clearly acted with actual malice and/or reckless disregard for the truth of his statements. Defendant's and his son, Chance's, editorials (Exh. 44) published immediately before and after his radio broadcast provides additional support of the malicious intent. The fact that these defendant's attacks on me did not begin until I complained of defendant's brother's horses, establish that Murdock set out to even a vendetta against me using every opportunity, even improperly defaming me on a radio program talking about "horse slaughter". Note: I am in favor of local slaughter houses so that old and sick horses do not have to endure long over the road trips which are especially hard on them.

Defendant declares that he believed that I trespassed "numerous times" yet in his editorial published on April 7, 2012...two weeks after he made his comments...he admits in his editorial that he knew that the trespass charge against me had been dismissed. (Exh.45) Again, defendant has made a false declaration.

Defendant has written in his editorials that he is expressing his opinion about Andi, yet nowhere in his radio broadcast statements did he state that they were his "opinion". He stated them as facts with specifics details such as the .02% figure. (Exh. 46, 48, 49) They were not general statements of opinion.

Twelve days before defendant made his radio statements, defendant's adult son, published an editorial in the Post Register dated 1 March 2012 in which Chance wrote, "My family has dealt with your *shenanigans* and has been very offended by them." (Chance used the exact same word that Murdock used in his radio broadcast.) Chance goes on to make other remarks directed to me and then includes a veiled threat in his last paragraph of which my attorney complained about to the court. (Exh. 47)

Defendant has complained that I have initiated many civil actions. As president and representative of the Humane Society of the Upper Valley, I filed suit against a Virginia resident, Denise Shields. Ms. Shields had contacted me stating that her red-nose Pit Bull had been stolen and had been traced to Rexburg. She asked that I retrieve the dog. I did locate the dog and at my own expense flew the dog to Virginia. Ms. Shields was to reimburse me for the costs of the flight and failed to do so. I prevailed in a small claims action. (Ex. 54, 55a & b)

As president of HSUV, I filed suit against a Rexburg resident. HSUV had contracted with Dr. Scott Kinghorn to pull his mobile vet unit to the home of the resident and spayed and neutered dozens of the resident's cats. He failed to reimburse HSUV for their discounted expenses. I/HSUV prevailed in the civil action.

The rest of plaintiff's civil actions have been the results of the repeated baseless prosecutions of me by Jefferson County officials and which have resulted in my filing a 1983 civil rights action against the county which is currently pending.

Jefferson County Sheriff Blair Olsen and Prosecutor Rob Dunn have made it a goal to persecute me for calling them out for refusing to enforce Idaho's animal cruelty laws...as documented on the Deputy John Clements' DVD recording date 24 July 2011. They have failed three times to find me guilty of "trespass".

- a) The first time occurred (2008) when I reported one of the Jefferson County deputy's horses. The State Vet put the horses under the care of a local vet and even though horses were in very poor shape, no charges were filed against the deputy but I was charged with trespass.
- b) The second occurrence was when Deputy John Clements' sent me out on the case of the mother dog with broken legs...as documented by his notes presented in court. Even with a vet's statement, Sheriff Olsen refused to charge the owner with animal cruelty yet I was charged with trespass. Olsen and Dunn were forced to dismiss that case against me after six months. Judge Crowley asked if I was going to sue them.
- c) The last time Olsen and Dunn charged me for trespass was for reporting the Defendant's family horses...which was reported to me by a neighbor on 24 July 2011. They were so eager to charge me again that they neglected to look at the deputy's video on which the complainant said he thought the public roadway was his property. Deputy Prosecutor Amy Sheets admitted in front of my attorney and Judge Crowley that she hadn't looked at the evidence...which would have proved my innocence. Even the property owner testified that he never saw me on his property...only the Defendant's brother and sister-in-law testified that I did. As the deputy testified, he saw no evidence of me trespassing. I never even knew who the people were or that they had a horse in poor shape. That action cost me \$25,000 in legal fees in my defense and should have never happened.

As a lifelong animal welfare advocate, I know better than to trespass and have on occasion accompanied members of other humane groups and have warned them not to trespass and informed them of the parameters under which we can legally operate. As pointed out earlier, I have accompanied deputies at times with animal welfare issues. Because of the times they have been publically embarrassed for not enforcing the state animal welfare codes, Olsen and Dunn have a personal vendetta against me and they seize any opportunity to "even the score". Each time they fail it increases the embarrassment for the county and wastes valuable court resources.

Because of their numerous and frivolous charges against me, I have filed a Civil Rights claim against them as I have been advised to do by outside counsel. I am having to do this pro se

because their continual charges against me have cost me tens of thousands of dollars in attorney's fees and I can no longer afford more expense.

Defendant Murdock states that I have cost the county taxpayers "numerous amounts" of money; while actually I have saved county taxpayers money by providing care for county animals at my personal expense. Animal welfare calls compromise a large part of the complaints received by the sheriff's department.

A check of the Idaho Repository website will show that the Defendant has himself been the plaintiff in several civil actions, at the expense of county taxpayers.

Defendant Murdock took improper advantage during a conversation about horse slaughter houses to berate me and my foundation and to accuse me of being a criminal and of misusing donations to my public charity. He's just trying to "even the score".

Murdock is well-known in Hamer as being the "neighborhood bully". And through his actions and that of his son, Chance, they have attempted to intimidate me repeatedly. He knew that his statements about me were false as evidenced in his writings but he was counting on the fact that no one would call him on his reckless behavior. Murdock deliberately lied about me and he knew it. And his intimidating tactics continue to the present which tend to highlight his state of mind at the time of his broadcast. It's cause quite a bit of turmoil in our little community.

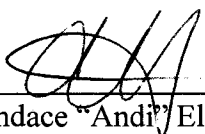
My attorney and I have conducted an extensive review of case law as it pertains to defamation law for over a year now. Nowhere have we found precedent that contains such a deliberate and concerted effort on the part of the defendant to defame the plaintiffs as exhibited in this pending litigation as evidenced by the defendant's own verbal and written statements.
(Exh. 49, 50, 51)

Upon listening to the recording of defendant's entire broadcast, it is blatantly evident that the defendant's goal was to damage me. His comments were totally inappropriate to the topic being discussed at that time on the radio.

Please note too that Defendant's exhibits 31, 32, 34, 35, 49, 55, 63, 64, 67, 69, 70, & 71 are my private writings that have not been published and are irrelevant to the matter at hand but were merely part of a CD of writings that were submitted to opposing counsel. My letter to the Idaho State Police was not published either. (Plaintiff's Exh. 61)

I certify under penalty of perjury pursuant to the law of the State Of Idaho that the foregoing is true and correct.

Dated this 4 day of April, 2015



Candace Andri Elliott

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 6 day of April, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

CASE NO. CV-2014-0238

**PLAINTIFF'S BRIEF IN OPPOSITION
TO SUMMARY JUDGMENT**

POINTS AND AUTHORITIES

1. The designation of a public figure may rest on two alternative bases: 'In some instances an individual may achieve such persuasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a **limited range of issues.**' 418 U.S. at 351, 94 S.Ct. at 3013. (emphasis added). *Bandelin v. Pietsch*, 98 Idaho 337, 563 P.2d 395 (Idaho 1977).

2. A citizen's participation in community and professional affairs does not automatically render him or her a public figure. 'It is preferable to reduce the public-figure question to a more meaningful context by looking to the nature and extent of an individual's participation *in the particular controversy* giving rise to the defamation (or invasion of privacy).' *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 352, 94 S.Ct. 2997, 3013, 41 L.Ed.2d 789 (1974); *Bandelin v. Pietsch*, 98 Idaho 337, 563 P.2d 395 (Idaho 1977).

3. Absent clear evidence of **general fame or notoriety** in the community and pervasive involvement in ordering the affairs of society, an individual should not be deemed a public figure for all aspects of his life. Rather, the public figure question *should be determined by*

reference to the individual's participation in the particular controversy giving. (emphasis added) *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351-352, 94 S.Ct. 2997, 3000, 41 L.Ed.2d 789 (1974).

4. One test used to determine if a person is a public figure is whether the person occupies "a position of such 'persuasive power and influence' that he could be deemed one of that small group of individuals who are public figures for all purposes." *Wolsten v. Reader's Digest Ass'n*, 443 U.S. 157, 165, 99 S.Ct. 2701, 2706, 61 L.Ed.2d 450, 458 (1979). *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990)

5. "A second test to determine if a person is a public figure is whether the person has thrust himself 'to the forefront of *particular public controversies* in order to influence the resolution of the issues involved.' " *Id.* at 165, 99 S.Ct. at 2706, 61 L.Ed.2d at 459 (quoting *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 345, 94 S.Ct. 2997, 3009, 41 L.Ed.2d 789, 808 (1974)). In that circumstance the person would be a public figure for the limited purpose of comment on his connection with, or involvement in, the **particular** public controversy. (emphasis added). *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

6. "A private individual is not automatically transformed into a public figure just by becoming involved in or associated with a matter that attracts public attention." *Wolsten v. Readers Digest Ass'n*. 443 U.S. 157, at 167, 99 S.Ct. 2701, at 2707, 61 L.Ed.2d at 460; *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

7. The Courts reject the contention "that any person who engages in criminal conduct automatically becomes a public figure for purposes of comment on a limited range of issues relating to his conviction." *Wolsten v. Readers Digest Ass'n*. 443 U.S. 157, at 168, 99 S.Ct. 2708, 61 L.Ed.2d at 46; *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

8. " 'Whether ... speech addresses a matter of public concern must be determined by [the expression's] **content, form, and context** ... as revealed by the whole record.' " *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761, 105 S.Ct. 2939, 2946, 86 L.Ed.2d 593, 604 (1985) (quoting *Connick v. Myers*, 461 U.S. 138, 147-48, 103 S.Ct. 1684, 1690, 75 L.Ed.2d 708, 720; *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990)

9. The New York Times standard (malice by clear and convincing evidence) is not applicable to a private individual attempting to prove he or she was defamed on matters of public interest. *Milkovitch v. Lorrain Journal Co.*, 497 U.S. 1, 110 S. Ct. 2695 (1990); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S.Ct. 2997 (1974); *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, 354-355 (1990); see, *Senna v. Florimont*, 958 A.2d 427 (N.J. 2008).

10. A statement imputing that a person is guilty of a serious crime such as homicide is defamatory per se. *Barlow v. International Harvester Co.*, 95 Idaho 881, 890, 522 P.2d 1102, 1111 (1974).

11. In a summary judgment proceeding the court is to liberally construe the facts in favor of the nonmoving party.

12. Both the United States Supreme Court and the Idaho Supreme Court distinguish between fact and opinion in the context of the First Amendment protection against liability of defamation:

“An assertion that cannot be proved false cannot be held libellous. A writer cannot be sued for simply expressing his opinion of another person, however unreasonable the opinion or vituperous the expressing of it may be. See *Gertz v. Robert Welch, Inc.*, supra, 418 U.S. at 339-40, 94 S.Ct. 2997; *Buckley v. Littell*, [539 F.2d 882, 893 (2d Cir.1976), cert. denied, 429 U.S. 1062, 97 S.Ct. 785, 50 L.Ed.2d 777 (1977)]....

Liability for libel may attach, however, when a negative characterization of a person is coupled with a clear but false implication that the author is privy to facts about the person that are unknown to the general reader. If an author represents that he has private, first-hand knowledge which substantiates the opinions he expresses, the expression of opinion becomes as damaging as an assertion of fact. [790 P.2d 353]” (emphasis added).

Wiemer v. Rankin, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

13. The Idaho Supreme Court has rejected the distinction asserted by defendant herein that in cloaking his statements as mere opinion he cannot be held liable for slander:

“The important consideration, then, is not whether the particular statement fits into one category or another, but whether the particular article [statement] provided sufficient information upon which the reader could make an independent judgment for himself.”

Wiemer v. Rankin, 117 Idaho 566, 572, 790 P.2d 347, 353 (Idaho 1990).

14. If a false and defamatory statement is published with knowledge of falsity or a reckless disregard for the truth, the public figure may prevail.

15. A "reckless disregard" for the truth, however, requires more than a departure from reasonably prudent conduct. "There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication." The standard is a subjective one--there must be sufficient evidence to permit the conclusion that the defendant actually had a "high degree of awareness of ... probable falsity." 491 U.S. at ---, 109 S.Ct. at 2696, 105 L.Ed.2d at 589 (citations omitted; emphasis added); *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

16. The United States Supreme Court has refused "to create a wholesale defamation exemption for anything that might be labeled opinion (citation omitted). recognizing that "expressions of 'opinion' may often imply an assertion of objective fact," and that a reasonable trier of fact could find that the so-called expressions of opinion could be interpreted as including false assertions as to factual matters. *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 111 S.Ct. 2419, 115 L.Ed.2d 447, 59 USLW 4726 (1991).

17. Summary judgment shall be rendered when "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." I.R.C.P. 56(c).

18. In ruling on a motion for summary judgment the trial court is to liberally construe the entire record in favor of the nonmoving party and draw all reasonable inferences and conclusions in that party's favor. *Steele v. Spokesman-Review*, 138 Idaho 249, 251, 61 P.3d 606, 608 (2002). If the evidence then reveals no disputed issues of material fact, summary judgment is proper. *Id.* *CLARK v. The SPOKESMAN-REVIEW*, 144 Idaho 427, 163 P.3d 216, (Idaho 2007).

19. In ruling on summary judgment the trial court is to draw all reasonable inferences and conclusions in that party's favor." *CLARK v. The SPOKESMAN-REVIEW*, 144 Idaho 427, 163 P.3d 216, (Idaho 2007); *see also Gardner v. Evans*, 110 Idaho 925, 929, 719 P.2d 1185, 1189 (1986).

20. Malice is defined for first amendment purposes as knowledge of falsity or reckless disregard of truth. Its essence is a knowing state of mind on the part of the publisher. *Bandelin v. Pietsch*, 98 Idaho 337, 563 P.2d 395 (Idaho 1977).

21. Ordinarily the truth of a defamatory statement is a defense that must be proved by the defendant. *Weimer v. Rankin* 117 Idaho 566, 790 P.2d 347 (Idaho, 1990); *Baker v. Burlington Northern, Inc.* 99 Idaho 688, 690, 587 P.2d 829, 831 (1978).

22. The New York Times standard (malice by clear and convincing evidence) is not applicable to a private individual attempting to prove he or she was defamed on matters of public interest. *Milkovitch v. Lorrain Journal Co.*, 497 U.S. 1, 110 S. Ct. 2695 (1990); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S.Ct. 2997 (1974); *Weimer v. Rankin*, 117 Idaho 566, 790 P.2d 347, 354-355 (1990); *see, Senna v. Florimont*, 958 A.2d 427 (N.J. 2008).

23. The question whether the evidence on the record in a defamation case involving a public person is sufficient to support a finding of actual malice is a question of law. *Milkovitch v. Lorrain Journal Co.*, 497 U.S. 1, 110 S. Ct. 2695 (1990); *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 685 (1989).

24. Rhetorical hyperbole is not slander because, under the circumstances the most careless reader [hearer] could not believe the statement was stating actual facts about the public person involved. *Milkovitch v. Lorrain Journal Co.*, 497 U.S. 1, 110 S. Ct. 2695 (1990).

25. *Clark v. Spokesman Review*, 144 Idaho 427, 163 P.3d 216 (Idaho 2007):

Actual malice is not defined as an evil intent or a motive arising from spite. *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 510 111 S.Ct. 2419, 2429 (1991).

26. In a defamation action, actual malice is a knowledge of falsity or reckless disregard of the truth. *Bandelin*, 98 Idaho at 339, 563 P.2d at 397. Mere negligence is insufficient; the plaintiff must demonstrate that the author in fact entertained serious doubts as to the truth of his publication or acted with a high degree of awareness of ... probable falsity.” *Masson*, 501 U.S. at 510, 111 S.Ct. at 2429 (cite omitted) internal quotations and citations omitted).

27. The standard of actual malice is a subjective one. *Wiemer v. Rankin*, 117 Idaho 566, 575, 790 P.2d 347, 356 (1990) citing *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 688, 109 S.Ct. 2678, 2696 (cite omitted) (1989) (emphasis removed and internal quotations omitted)).

28. Although actual malice is a subjective standard in a case involving a public figure, self-interested denials of actual malice from the defendant can be rebutted with other evidence. (emphasis added). *Clark v. Spokesman Review*, 144 Idaho 427, 163 P.3d 216 (Idaho 2007); *Gardner v. Hollifield*, 97 Idaho 607, at 610, 549 P.2d 266, at 269 (Idaho 1976).

29. A party responding to a summary judgment motion is not required to present evidence on every element of his or her case at that time, but must rather establish a genuine issue of material fact regarding the element or elements challenged by the moving party. *Thomson v. Idaho Insurance Agency, Inc.*, 126 Idaho 527, 530, 887 P. 2d 1034, 1037; *Farm Credit Bank of Spokane v. Stevenson*, 125 Idaho 270, 273, 869 P.2d 1365, 1368 (1994).

30. The actual malice standard applicable to public persons is not satisfied merely through a showing of ill will or “malice” in the ordinary sense of the term. *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 666, 109 S. Ct. 2997 (1989). Actual malice, instead, requires at a minimum that the statements were made with a reckless disregard for the truth. And although the concept of “reckless disregard” cannot be fully encompassed in one infallible definition ... the defendant must have made the false publication with a “high

degree of awareness of probable falsity *Garrison v. Louisiana*, 379 U.S. 64, 74 (1964), or must have “entertained serious doubts as to the truth of his publication.” *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 666, 109 S. Ct. 2997 (1989); *St. Amant v. Thompson*, 390 U.S. 727 (1968).

31. A plaintiff is entitled to prove the defendant’s state of mind through circumstantial evidence, see *Herbert v. Lando*, 441 U.S. 153, 160 (1979); *Tavoulaareas v. Piro*, 260 U.S. App.D.C. U.S. App.D.C.9, 66, 817 F. 2d 762, 789 (en banc), cert. denied, 484 U.S. 870 (1987), and it cannot be said that evidence concerning motive or care never bears any relation to the actual malice inquiry.” *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 668, 109 S. Ct. 2997 (1989); *Clark v. Spokesman Review*, 144 Idaho 427, 163 P.3d 216 (Idaho 2007); *Gardner v. Hollifield*, 97 Idaho 607, at 610, 549 P.2d 266, at 269 (Idaho 1976).

32. A person who engages in criminal conduct does not automatically become a public figure. *Walston v. Reader’s Digest Association, Inc.*, 443 U.S. 157, 99 S.Ct. 2701 (1979).

33. There is not “wholesale defamation exemption for anything that might be labeled “opinion.” *Masson v. New Yorker Magazine, Inc.*, 501, U.S. 496, 516, 111 S.Ct. 2419, 2429 (1991). ;*Milkovitch v. Lorrain Journal Co.*, 497 U.S. 1, at 18, 110 S. Ct. 2695 (1990), as a reasonable trier of fact could find that the so-called expressions of opinion could be interpreted as including false assertions to factual matters. *Masson*, supra. at 516.

34. In Idaho the rule is that in order to maintain a libel action without a plea of special damages, a plaintiff must establish the words complained of are libelous *per se*. *Weeks v. M-Paragraph Publications, Inc.*, 95 Idaho 634, 516 P.2d 193 (1973); *Jenness v. Co-operative Publishing Co.*, 36 Idaho 697, 213 P. 351 (1923); *Gough v. Tribune-Journal Co.*, 75 Idaho 502, 275 P.2d 663 (1954).

35. It is a matter of law or a matter of fact whether certain words are libelous *per se*. If the language used is plain and ambiguous it is a question of law for the Court to determine whether it is libelous *per se*, otherwise it is a question of fact for the trier of fact. *Weeks v. M-Paragraph Publications, Inc.*, 95 Idaho 634, 516 P.2d 193 (1973); *Bistline v. Eberle*, 88 Idaho 473, 401 P.2d 555 (1965); See also, *Gough v. Tribune-Journal Co.*, 75 Idaho 502 at 508. 275 P.2d 665, at 666 (1954).

36. In determining the defamatory character of a publication [statements] the article [statements] must be read and construed as a whole; the words used are to be given their common and usually accepted meaning and are to be read and interpreted as they would be read and understood by the persons to whom they are published. *Weeks v. M-Paragraph Publications, Inc.*, 95 Idaho 634, 516 P.2d 193 (1973); *Gough v. Tribune-Journal Co.*, 75 Idaho 502 at 508. 275 P.2d 665, at 666 (1954).

37. In order to be libelous per se, the defamatory words must be of such a nature that the court can presume as a matter of law that they will tend to disgrace and degrade the person or hold him[her] up to public hatred, contempt, or ridicule or cause him [her] to be shunned and avoided; in other words, they must reflect on his [her] integrity, his character, and his [her] good name and standing in the community, and tend to expose him [her] to public hatred, contempt or disgrace. The imputation must be one which tends to affect plaintiff in a class of society and annoys or irks plaintiff, and subject him to jests or banter, so as to affect his feelings. *Weeks v. M-P Publications, Inc.*, 95 Idaho 634, 516 P.2d 193 (1973); *Gough v. Tribune-Journal Co.*, 73 Idaho 173, at 179, 249 P.2d 192, at 195 (1952).

38. *Idaho Civil Jury Instruction 4.80:*

“Defamation is the communication of false information which tends to impugn the honesty, integrity, virtue or reputation of the person or entity about whom the statement is made, or exposes that person or entity to public hatred, contempt or ridicule. Libel is a form of defamation. Libel is the communication of defamatory information by written words, or by some form that has the characteristics of written words. Slander is a form of defamation by any other means.”
Idaho Civil Jury Instruction 4.80; Gough v. Tribune-Journal Co., 73 Idaho 173, 177, 249

39. IDJI 4.82 – Elements of defamation – general case

In order to prove a claim of defamation, the plaintiff has the burden of proving each of the following elements;

1. The defendant communicated information concerning the plaintiff to others; and
2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and
3. The information was false; and
4. The defendant knew it was false, or reasonably should have known that it was false; and
5. The plaintiff suffered actual injury because of the defamation; and
6. The amount of damages suffered by the plaintiff.

Comments:

See Carver v. Ketchum, 53 Idaho 595, 26 P.2d 139; Klam v. Koppel, 63 Idaho 171, 118 P.2d 729; Adair v. Freeman, 92 Idaho 773, 451 P.2d 519.

40. IDJI 4.82.5 - Elements of defamation claim – public official or public figure

The plaintiff is a [“public official” or “public figure”]. In order to prove a claim of defamation against the defendant in this case, the plaintiff has the burden of proving each of the following elements;

1. The defendant communicated information concerning the plaintiff to others; and

2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and

3. The information was false; and

4. The plaintiff was damaged because of the communication; and

5. The amount of damages suffered by the plaintiff.

The plaintiff must prove the following additional element by clear and convincing evidence:

6. The defendant knew the information was false, or acted with reckless disregard for its truth, at the time the information was communicated to others.

Comments:

Gertz v. Robert Welch, Inc., 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974); Wiemer v. Rankin, 117 Idaho 566, 790 P.2d 347 (1990); Bandeline v. Pietsch, 98 Idaho 337, 563 P.2d 395 (1977).

OVERVIEW

This case involves a complaint by Candace “Andi” Elliott and the For The Love Of Pets Foundation, against Steven Murdock for slander made on the Neal Larson radio show on KID radio, 590/1240 AM, and 92.1 FM. on March 22, 2012. The announced subject of the show was the neglected horses of a woman by the name of Sharon Wilson and whether animals should be considered personal property. There was discussion whether animal owners have a duty to care for their animals to see they are not neglected, and whether new animal welfare laws were needed. The talk show hosts spoke of *their* (“our crew”) videotaping Ms. Wilson’s horses from a neighbor’s property and posting them on *the station’s* Facebook page; that the videos posted by *the radio station* on its Facebook page had caused discussion among its Facebook viewers. (See Defendant’s Exhibit 28, Declaration Of Ray Wong).

The first caller (Caller 1) to the show attributed the problem of neglected horses to the fact they could no longer “be sold for meat, and so people can’t afford to feed them.” (See Defendant’s Exhibit 28, Declaration Of Ray Wong). The second caller (Susie) attributed the

problem of neglected horses to the fact there were no longer horse slaughter houses in the United States, opining horses were “no different than any other piece of livestock...” (Exhibit 28, Declaration Of Ray Wong). The discussion included the proper way to dispose of unwanted horses. Later (after news and weather and discussions of Pilates and the plight of Boise resident Naghmen Abedini in Iran (Exhibit 28, Declaration Of Ray Wong), the talk show host (Neal Larson) again announced the subject of their (prior) discussion, saying, “Alright. 522-5900 the number to call and, of course, *we were talking about this animal cruelty case in Bonneville County* this last hour. The horses—they’re going hungry. Some of them are stumbling around and they’re not doing very well.” (emphasis added) (Exhibit 28, Declaration Of Ray Wong). The co-host (Calla) asked, “But, is there a role to play in, you know, making sure that children or animals aren’t being abused; and I’m just one of those people that just drives by and doesn’t pay any attention.” (punctuation added) (Exhibit 28, Declaration Of Ray Wong). After some bantering back and forth by the talk show hosts, the plaintiff called in, saying, “Neal, hi this is Andi from Hamer.” ... **“I’m calling about the horse situation,** and Calla, if you ever have any questions you can always call the sheriff’s department and ask for a welfare check.” Her dialogue (excerpted from Defendant’s Exhibit 28 Declaration Of Ray Wong), was as follows:

Andi	Neal, hi this is Andi from Hamer.
Neal Larson	Hi Andi. How are you?
Andi	I’m fine thins. I’m calling about the horse situation and Cala, if you ever have any questions you can always call the Sherriff’s Department and as for a welfare check.
Cala	Oh good to know.
Andi	And always be sure – you’re entitled to a follow-up report so always be sure of this so be sure to ask for that from the Sherriff’s Department.
Cala	Okay.
Andi	But, I just to tell you all this has been going on for 15 to 20 years and I was first involved with this situation back in 2008 and then again in 2009 and this owner is notorious. She’s very powerful in the _____ Horse Association and I don’t why nobody has tried to follow through with this. I have some really cruel pictures of the horses back in 2008. In 2009 when I was calling back down to _____, she literally - I was - Danica Lawrence, a Channel 3 TV reporter and I were out in the roadway and this owner literally threatened to run us down with a car. Four or five officers came out. Anyhow, somehow the situation was resolved but not much was done. I don’t understand.
Neal Larson	So, Andi is this an issue where she doesn’t have the money and the resources

	to buy enough food and to care for the animals properly? I mean, what is going on here that she has these horses even years later that aren't being taken care of?
Andi	Well, as of yesterday I was told by a friend that she has _____ sitting on her place. I was also told by a friend that used to show horses with her that her horses have always looked very marginal, so this is not something new. Of course, she continues to breed and, you know, there comes a point that you just can't afford to feed them anymore, but notwithstanding you need to put a bullet in her head or, you know, you put out a call for help and there will be people that will come in and help.
Neal Larson	Okay. Andi we – I don't know if you heard that last hour but we had a caller call in. She has horses. She lives fairly close to this woman and what does a person do? If they have animals, they can't afford them anymore and even if they're large animals – cows or horses, pigs, whatever it is – they can't afford to feed them anymore – what should they do?
Andi	Well, one person a couple of years ago, he had six horses he could no longer take care of. He put them in the trailer. Took them to the Bonneville County Landfill and shot them.
Neal Larson	And that's legal?
Andi	I don't know. It's legal to kill your own animals, yes.
Neal Larson	Okay. You can kill your animals. Is it legal to dispose of them in the landfill?
Andi	You know, that I don't know. But where else would you take them? I mean, within 24 hours the carcass by law is to be removed from the premises, but have you seen the pictures of those animals?
Neal Larson	Yeah, I mean I saw them online.
Andi	Yeah okay good. Then obviously those animals have been there a long time. _____ I mean, it's like I said, it's been going on for almost two decades.
Cala	Andi, what do you say to people who say hey, you know what, this is her personal property, she can do whatever she wants, it's not our role to interfere with what she's doing on her personal property?
Andi	Well, what I really want to say is hogwash, but what I would say professionally is that we have laws and the laws dictate that you must provide proper food, shelter and medical care for these animals in Chapter 25 of the Idaho Code. I think it's 35-(3511) or something like that. So we do have laws that should be enforced. The problem we have and I'm dealing with the situation in Madison County right now, two little ponies were so neglected, their hooves were so long and curled up like elves shoes and the whole foot has become deformed now and they both had to be euthanized. You know, we have laws but we have trouble getting law enforcement to enforce it and I've always said as meager as Idaho laws are, if we would just enforce what we have, the animals would be so much better. You know private property rights are great and all, but these are living, breathing, pain feeling animals that we're dealing with here.
Neal Larson	Yeah.
Andi	And I've always said – I'm not a tree hugger, I'm not an animal rights activist.

	I'm an animal welfare advocate. I just simply treat them humanely. That's all I have.
Neal Larson	Andi thank you for the call. We appreciate it and we know that this issue is near and dear to you and we appreciate you calling in today.

In summary, she spoke of having gone to the owner's (Ms. Wilson's) and taken photos in 2008 and of returning with a reporter in 2009 (in the roadway); of her and the reporter being threatened of being run over by the animals' owner in a car. The discussion then went on about how to dispose of unwanted horses, and when asked by the talk show host whether animals should be treated as *personal* property to be done with as its owner pleased, Plaintiff responded, essentially: 1) that we have *laws that dictate the proper care* of animals (citing Chapter 25 of the Idaho Code); 2) that although "we have laws we have trouble getting *law enforcement* to enforce it."; and 3) "... [A]s meager as the Idaho laws are, if we would *enforce* what we have, the animals would do so much better;" and finally, responding to the host's question regarding the right of owners to treat animals as their personal property to do with as they wish, Plaintiff stated, 4) "You know, private (sic) property rights are great and all, but these are living, breathing, pain feeling *animals* that we are dealing with here." (italics added) ... "And I've always said—I'm not a tree hugger, I'm not an animal rights activist. I'm an *animal welfare* advocate. I just simply treat them humanely, that's all I have." (italics added) (Defendant's Exhibit 28, Declaration Of Ray Wong).

In his brief the defendant has stated the topic of the show was the horse slaughter market:

"The subject of that particular program concerned animals, specifically *the horse slaughter market*, and Ms. Elliott was among the callers who called the show." (Memorandum Of Points And Authorities In Support Of Defendant Steven L. Murdock's Motion For Summary Judgment, p. 7,).

In response to the Plaintiff's comments (after several other callers called to comment on the issue of *horse slaughter* (Defendant's Exhibit 28, Declaration Of Ray Wong), Steve Murdock (identifying himself as "Steve from Hamer") called and made slanderous statements defaming Ms. Elliott and the For The Love Of Pets Foundation (Foundation) which she operates in the care and treatment of neglected and abused animals. Defendant accused the plaintiff ("Andi") of, among other things, being "above the law;" of committing criminal acts of trespass

("numerous times"); of having a judge in Jefferson County "disputed" (whatever that is); of "being special;" and of having to have another judge to come in from out of the area; that "her shenanigans" cost the taxpayers of Jefferson County "a[sic] numerous amounts of dollars." He accused her of being of the "same mentality" as others, causing the demise of the horse (slaughter) market, and he defamed both plaintiffs, accusing them of malfeasance and misuse of charitable donations and abuse of the public trust, asserting as fact "Andi's humane society" of using only ".02 per cent" of the money "they hit people up for," for the care of animals. (see Defendant's Exhibit 28, Declaration Of Ray Wong). Notwithstanding discovery has not been completed, the case is now before the Court on the defendant's motion for summary judgment.

In his brief, defendant's counsel argues several defenses, including, most significantly, the that plaintiffs (both Ms. Elliott ("Andi") and the For The Love Of Pets Foundation ("Foundation")--which he claims is her "alter ego") are public figures, to which a higher constitutional standard of proof (actual malice--or a knowledge of falsity or reckless disregard of the truth--by clear and convincing evidence) (*Bandelin*, 98 Idaho at 339, 563 P.2d at 397, IDJI 4.82.5) is required in order for them to prevail.

CONSTITUTIONAL STANDARD NOT APPLICABLE

As discussed later herein, it is respectfully argued the defendant's argument is misplaced, as an examination of the facts will show the **plaintiffs are not public figures** to which the higher Constitutional standard of proof is required. If Plaintiffs, or either of them, are not "public figures" it is respectfully submitted that for them (or for each of them determined not to be "public persons") the lower threshold of negligence would suffice. (*Idaho Civil Jury Instructions*, IDJI 4.82).

Plaintiffs do not concede they, or either of them, are "public figures" (or "limited public figures") for the matters in this case, and so it is incumbent upon the Court to determine the plaintiffs' status in ruling on the defendant's motion for summary judgment. If they or either of them are not public figures the lower higher standard of proof does not shift to the plaintiffs, and the defendant must show a defense.

DEFENDANT HAS NO DEFENSE IN CLAIMING OPINION

Defendant states in his defense, both in his brief (p. 17, Defendant's Memorandum Of Points And Authorities) and declaration, he was only giving truthful opinion that cannot be the subject of defamation. His argument is misplaced, not unlike that of the defendant in the case of *Milkovich v. Lorain Journal Co*, 497 U.S. 1, 18-19, 110 S.Ct. 2695, 111 L.Ed.2d 1 (1990), wherein the defendant therein, as the defendant is herein, was relying on dictum from the case of *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974). There is no defamation exemption for opinion, as discussed by the United States Supreme Court in the case of *Masson v. New Yorker Magazine*:

"Respondents would have us recognize ...[a] First Amendment-based protection for defamatory statements which are categorized as "opinion," as opposed to "fact." For this proposition, they rely principally on the following dictum from our opinion in *Gertz*:

'Under the First Amendment, there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries, but on the competition of other ideas. But there is no constitutional value in false statements of fact. 418 U.S. at 339-340 (footnote omitted).'

Judge Friendly appropriately observed that this passage has become the opening salvo in all arguments for protection from defamation actions on the ground of opinion, even though the case did not remotely concern the question. *Cianci v. New Times Publishing Co.*, 639 F.2d 54, 61 (CA2 1980). Read in context, though, the fair meaning of the passage is to equate the word "opinion" in the second sentence with the word "idea" in the first sentence. Under this view, the language was merely a reiteration of Justice Holmes' classic "marketplace of ideas" concept. See *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting) ("[T]he ultimate good desired is better reached by free trade in ideas . . . the best test of truth is the power of the thought to get itself accepted in the competition of the market"). Thus we do not think this passage from *Gertz* was intended to create a wholesale defamation exemption for anything that might be labeled "opinion." See *Cianci*, supra, at 62, n. 10 (The "marketplace of ideas" origin of this passage "points strongly to the view that the 'opinions' held to be constitutionally protected were the sort of thing that could be corrected by discussion"). Not only would such an interpretation be contrary to the tenor and context of the passage, but it would also ignore the fact that expressions of "opinion" may often imply an assertion of objective fact.

If a speaker says, "In my opinion John Jones is a liar," he implies a knowledge of [110 S.Ct. 2706] facts which lead to the conclusion that Jones told an untruth. Even if the speaker states the facts 497 U.S. 19 upon which he bases his opinion, if those facts are either incorrect or incomplete, or if his assessment of them is erroneous, the statement may still imply a false assertion of fact. Simply couching such statements in terms of opinion does not dispel these implications; and the statement, "In my opinion Jones is a

liar," can cause as much damage to reputation as the statement, "Jones is a liar." As Judge Friendly aptly stated:

[It] would be destructive of the law of libel if a writer could escape liability for accusations of [defamatory conduct] simply by using, explicitly or implicitly, the words "I think."

See *Cianci, supra*, at 64. It is worthy of note that, at common law, even the privilege of fair comment did not extend to "a false statement of fact, whether it was expressly stated or implied from an expression of opinion." Restatement (Second) of Torts, *supra*, § 566 Comment a."

Milkovich v. Lorain Journal Co, 497 U.S. 1, 18-19, 110 S.Ct. 2695, 111 L.Ed.2d 1 (1990).

DEFENDANT'S STATEMENTS WERE NOT RHETORICAL HYPERBOLE

Nor were the defendant's assertions that the plaintiff (Andi) committed trespass (a crime) "numerous times" and that her ("Andi's humane society") Foundation (and thereby at a minimum, her) obtained and/or misused charitable donations under false pretenses mere rhetorical hyperbole. (p. 18, Defendant's Memorandum Of Points And Authorities). Rhetorical hyperbole is an assertion or parody under the circumstances of which the most careless reader [listener] could not believe the statement was stating actual facts about the ... person involved. *Milkovitch v. Lorrain Journal Co.*, 497 U.S. 1, 17, 110 S. Ct. 2695 (1990). Rhetorical hyperbole are "statements that 'cannot reasonably [be] interpreted as stating actual facts about an individual'" *Milkovitch, supra*, at 20.

This was not rhetorical hyperbole. The gist of the defendant's statements was that the plaintiff, Andi Elliott, (either as the president of the Humane Society Of the Upper Valley or as the president of the For the Love Of Pets Foundation—her alter ego according to the defendant) obtained public donations under false pretenses and failed to apply them for the purposes obtained. The gist of the defendant's statement was that the plaintiffs were dishonest in their dealings, violating the public trust.

The falsity of the defendant's slander is easily proven (See Declaration of Andi Elliott), but making his statements the defendant neither said they were his opinions nor gave any source of information by which listeners could check for accuracy. To paraphrase the United States Supreme Court in *Milkovitch (supra)*:

"The dispositive question in the present case becomes whether or not a reasonable fact finder could conclude that the [defendant's] statements ... imply an assertion that

[Plaintiff] committed repeated acts of trespass (or that Plaintiffs are dishonest, in violation of the public trust, obtaining and misusing charitable donations). We think this question must be answered in the affirmative. As the Ohio Supreme Court itself observed,

‘Unlike a subjective assertion, the averred defamatory language is an articulation of an objectively verifiable event’.” (paraphrasing from *Milkovitch, supra*, 497 U.S. 1, at 21).

In the case at bar, the clear impact of the defendant’s statements were 1) that the plaintiffs (both Ms. Elliott and the For The Love Of Pets Foundation—but at the very least Ms. Elliott) were dishonest, that they obtained donated funds under false pretenses and used the money obtained improperly (i.e. fraud and dishonesty) in violation of public trust; 2) that the plaintiff (Andi Elliott) committed multiple crimes of trespass with a disregard of the law. As in *Milkovitch, supra*, these statements of the defendant were not, under the circumstances, mere rhetorical hyperbole, but assertions of fact that are and can be proven false.

DEFENDANT’S STATEMENTS WERE NOT TRUE

The falsity of Defendant’s statements is shown by the declaration of Andi Elliott and the exhibits thereto. Her foundation spends more on animal care than it received by donations. The other humane society with which Andi has been associated, HSUV, spends much more than the .02 per cent the defendant claimed was used (see exhibits Declaration of Andi Elliott).

DEFENDANT WAS AWARE OF THE FOR THE LOVE OF PETS FOUNDATION

Defendant’s claim he was unaware of the Foundation is shown to be shown false (as shown in the declaration of Andi Elliott) by his own letters to the editors, and those of his adult son (CHANCE MURDOCK-- who lives with Defendant) written in response Andi’s. (*See, e.g.*, Exhibits 43 a, b (published shortly before the radio show), c, d, and 44, Declaration Of Andi Elliott).

DEFENDANT KNEW “ANDI” AND SO DO THOSE IN HER COMMUNITY

Defendant claims in his defense of not having used the plaintiff’s full name, but in the community of Hamer, Idaho (population 51--according to Google, citing the United States Census Bureau 2013; or 584 by another Google search) and to the people with which she

associates (for example, Lions Club, her church, law enforcement personnel, rescue organizations, etc.) she is known as “Andi.” The defendant knew her as “Andi,” as do his friends and son (*see, e.g.*, Exhibits 44, 47 (letters of Chance Murdock) in Declaration of Andi Elliott), the defendant’s neighbors (also Andi’s), and including the defendant’s brother, Dan Murdock, and sister in law, Brenda Murdock, the latter who chose to testify against the plaintiff on a false charge of trespass in Jefferson County, Idaho (Cr-2011-3409) (for which she was acquitted).

DEFENDANT MISCHARACTERIZES PLAINTIFF’S MOTIVES

Defendant argues vociferously because she wrote a letter to the editor (Exhibit E to defendant’s compendium of evidence), “It is apparent that Ms. Elliott is not concerned about being *accused* of trespass or misusing donations (since she herself repeated the allegation).” (emphasis added). Steve Murdock did not say she was *accused*. He said she trespassed numerous times.

Defendant misinterprets the plaintiff’s motive in writing her letter to the editor. Andi wrote the letter, not boasting of trespassing, but protesting she had been charged falsely repeatedly by county authorities. She wrote it to dispel the effect of repeated unfounded charges against her, including those made by the defendant in this case! She wrote the letter because she is concerned of false charges. That is why she sued the defendant, Brenda Murdock, and Raul Torres-- to correct the record. A person falsely charged or slandered does not have to sit by and take it. As with slander, she is entitled to seek redress and seek justice done, for damage to her reputation and injury for false charges. That is why she sued the Jefferson County officials in her current suit against them, and why she is before this Court—not for the limelight or notoriety, but to seek redress. It has nothing to do with being in the limelight. It has everything to do with demonstrating she did not trespass or commit crime “repeatedly” (as defendant asserted). That is why, when she heard the defendant’s slander on the Neal Larson radio show, she called back immediately to refute his slander.

RE: OPINIONS

Defendant argues he has the right to express his opinions. We all have opinions. However, we cannot defame another under the pretext of calling it opinion. Concededly, Defendant’s statements about Andi, that “she is above the law;” that “she’s special;” asserting

what he called her “shenanigans”; and that, “ people with the same mentality as Andi is what’s done this to this horse market,” might be rhetorical hyperbole, protected speech under the Constitution, and--although highly offensive and *probably* slanderous--plaintiff withdraws her claims to these statements. However, the defendant’s statements, of her and the Foundation “misusing donations” (“defendant’s brief, p. 2), are not mere opinion. The defendant’s statements averred knowledge that “Andi’s humane society” puts .02% of the money they hit everybody up (sic) back into the care of animals.” He cited no source or evidence, implying he had personal knowledge. The gist of this statement, as his attorney has acknowledged, is that she and the Foundation misused public donations. No information was given for the audience to check the truthfulness of this statement. The defendant did not say this was his opinion. He implied knowledge of a fact that could not be ascertained by the audience. This was not rhetorical hyperbole. This was defamation of both Andi and the Foundation.

DEFENDANT’S STATEMENTS WERE SLANDER

The defendant’s statements about the plaintiff and the Foundation clearly meet the definition of defamation as set forth simply in the Idaho Civil Jury Instructions (IDJI):

1. The defendant communicated information concerning the plaintiff to others; and
 2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and
 3. The information was false; and
 4. The defendant knew it was false, or reasonably should have known that it was false.
 5. ...”
- (IDJI 4.82)

For purposes of summary judgment, that the defendant’s slanderous statement against Andi and the Foundation of misusing public donations is false, Plaintiffs, by the declaration of the plaintiff filed herewith (and the exhibits thereto), demonstrate the money obtained or used by the foundation by donation are not misused or obtained fraudulently. And, *arguendo* if, as the defendant claims (which is not conceded), when he stated, “ Andi’s humane society uses .02% of the money they hit everybody up back into the care of animals,” he was referring to the Humane Society Of The Upper Valley (HSUV) or the Humane Society of the United States (which plaintiffs do not concede), his statement that it was “**Andi’s humane society**” slanders Andi regardless, impugning her honesty and integrity, and exposing her to public hatred, contempt or

ridicule, which she has suffered (declaration of Andi Elliott). For Andi, it makes no difference which foundation or humane society he was talking about, as the defendant clearly associated her with misuse of donated charity.

PLAINTIFFS ARE NOT PUBLIC FIGURES

In his brief, Defendant goes to great length describing Andi's activities, her associations, her writing and litigation, presumably for the proposition she is a public figure. It is respectfully submitted her activities set forth by the defendant do not make her a public figure for purposes of this litigation.

Counsel denigrates the plaintiff for her activity with (as he calls it) "the so-called Tea Party Patriots," citing that she has organized Party rallies; has spoken publicly and disseminated information; has been interviewed in connection with her Tea Party activities; and is one of the Tea Party leaders. These activities do not make her a public figure for the issues in this matter, which defendant has acknowledged was "horse slaughter." She might be a public figure for the local Tea Party, but that does not make her a public figure for other matters.

The determination of whether a person is a public figure is a question of law. Both the United States Supreme Court and the Idaho Supreme Court have given guidelines in determining whether a person is a public figure. Included are the Idaho case of *Weimer v. Rankin* 117 Idaho 566, 790 P.2d 347 (Idaho, 1990), wherein the Idaho Supreme Court discusses and state:

One test used to determine if a person is a public figure is whether the person occupies "a position of such 'persuasive power and influence' that he could be deemed one of that small group of individuals who are public figures for all purposes." *Wolston v. Reader's Digest Ass'n*, 443 U.S. 157, 165, 99 S.Ct. 2701, 2706, 61 L.Ed.2d 450, 458 (1979). Nothing in the record here indicates that Irvin was a person of this type ...

A second test to determine if a person is a public figure is whether the person has thrust himself "to the forefront of particular public controversies in order to influence the resolution of the issues involved." *Id.* at 165, 99 S.Ct. at 2706, 61 L.Ed.2d at 459 (quoting *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 345, 94 S.Ct. 2997, 3009, 41 L.Ed.2d 789, 808 (1974)). In that circumstance the person would be a public figure for the limited purpose of comment on his connection with, or involvement in, the **particular** public controversy. (emphasis added). . *Wiemer v. Rankin*, 117 Idaho 566, 570, 790 P.2d 347, 351 (Idaho 1990).

...

The Idaho Supreme Court in *Wiemer, supra*, also said,

As the Supreme Court said in *Wolston*: "A private individual is not automatically transformed into a public figure just by becoming involved in or associated with a matter that attracts public attention." 443 U.S. at 167, 99 S.Ct. at 2707, 61 L.Ed.2d at 460. *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

In *Wiemer, id.*, the Idaho Supreme Court continued, saying,

[T]he Court also rejected the contention "that any person who engages in criminal conduct automatically becomes a public figure for purposes of comment on a limited range of issues relating to his conviction." *Id.* at 168, 99 S.Ct. at 2708, 61 L.Ed.2d at 461. *Wiemer v. Rankin*, 117 Idaho 566, 790 P.2d 347, (Idaho 1990).

WHAT WAS THE SUBJECT OF PUBLIC CONCERN ?

The defendant acknowledges in his brief the subject matter of the radio show to which the plaintiff and defendant participated, was **horse slaughter** (or maybe, more accurately, the lack of horse slaughter houses in the United States). Plaintiffs made no comment regarding the same. The subject was not trespassing. Plaintiff made no acknowledgment of trespassing. These were not brought up. The discussion spoke of private property (i.e., the animals) not violation of "privacy" by trespass on real property. The subject of solicitation or misuse of charitable funds for the care of animals was never brought up nor advocated by the plaintiff. These were subjects injected into the conversation from left field by the defendant out of left field, solely for spite.

Again, the language of the Idaho Supreme Court in *Wiemer* is instructive:

"The Supreme Court has stated that "[w]hether ... speech addresses a matter of public concern must be determined by [the expression's] content, form, and context ... as revealed by the whole record." *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761, 105 S.Ct. 2939, 2946, 86 L.Ed.2d 593, 604 (1985) (quoting *Connick v. Myers*, 461 U.S. 138, 147-48, 103 S.Ct. 1684, 1690, 75 L.Ed.2d 708, 720." *Wiemer v. Rankin*, 117 Idaho 566, 570-571, 790 P.2d 347, 352 (Idaho 1990).

It is respectfully argued the plaintiff's Tea Party activities are completely separate and unrelated, just as is the military service of the defendant.

The defendant argues Andi is a prolific writer, and that is true. However, her writings criticizing public officials for wrongly pursuing false charges against her, and for failing to enforce the law, again *have no relevance to this case* and do not define her as a public figure for the matters which the defendant asserted his slander, nor do they invite the defendant to take pot shots against her from left field to besmirch her in the community. The fact she has written (as defendant's counsel calls it) "so called e-books" and maintains five Facebook pages (including, one for private family communications, one for the Tea Party, one for For The Love

Of Pets, one entitled Andi Elliott's Editorials, and another, Idaho Faces Of Cruelty) do not make her a public figure for the particular issues or matters of public interest that were being discussed on the radio show or asserted by the defendant. Defendant's argument is not unlike that made in *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974):

Petitioner has long been **active in community and professional affairs**. He has served as an *officer of local civic groups* and of various professional organizations, and he has **published several books** and articles on legal subjects. **Although petitioner was consequently well known in some circles, he had achieved no general fame 418 U.S. 352 or notoriety** in the community. None of the prospective jurors called at the trial had ever heard of petitioner prior to this litigation, and respondent offered no proof that this response was atypical of the local population. We would not lightly assume that a citizen's participation in community and professional affairs rendered him a public figure for all purposes. Absent clear evidence of general fame or notoriety in the community, and pervasive involvement in the affairs of society, an individual should not be deemed a public personality for all aspects of his life. It is preferable to reduce the public figure question to a more meaningful context by looking to the nature and extent of an individual's participation in the particular controversy giving rise to the defamation. (emphasis added). *Gertz*, supra, at 351-352.

Counsel for the defendant derisively asserts the plaintiff (Andi) "is a self-appointed protector of animal welfare," "that she will survey the property and animals of Jefferson County residents and asks officials to conduct 'welfare checks' on the property owners' animals and livestock." This unfounded assertion has no connection to the matter of focus on the radio show. Trespass was not the issue, nor was solicitation and misuse of charity. The issue was horse slaughter, as the defendant has stated.

Defendant omits in his brief that Ms. Elliott has repeatedly been asked by various law enforcement agencies and animal care protection agencies for her help in giving or finding aid in cases of animal neglect or abuse (see declaration of Andi Elliott), and that she has on numerous occasions, including in Jefferson, Bonneville, Madison and Oneida counties come to their aid at their request. He asserts these as evidence, again, seemingly to characterize her as a public figure. Again, it is respectfully asserted, this assistance of the plaintiff in helping law enforcement and private citizens, was not the focal point or topic of public interest spoken of by the defendant when he accused her of the crime of trespass "numerous times" and of her and the Foundation of misusing charitable donations.

In his brief Defendant asserts as a defense to his statement (that Andi had “**trespassed numerous times**”) that she has been “*accused* of trespass 3 to 4 times.” (emphasis added). Ignoring being accused of something is different than an assertion of fact, he argues because the prosecutor confirmed his office had received complaints (attaching several inadmissible and unsubstantiated police reports to the declarations of Robin Dunn and Sheriff Olsen -- which are objected to herein in a separate filed objection-- including ones of which the defendant had no knowledge—she must have trespassed. Admittedly, the plaintiff (Andi) has been *charged* three (3) times (all in Jefferson County, the bailiwick of the Sheriff and prosecutors embarrassed when their inactivity and failure to enforce state laws was brought to attention by the media). But, she has not been *convicted* (at least under the legal fiction of a withheld judgment) “numerous times” and if any, only once. In the first case, Jefferson County case no. CR-2008 - , (Exhibit ____, declaration of Andi Elliott) she received a **withheld judgment** after entering an **Alford plea** (denying her guilt but admitting a jury likely would find her guilty) in exchange for a promise of reform for enforcement of the law of animal cruelty, by the assistant prosecutor (declaration of Plaintiff) but reneged on by the sheriff.

The second charge against her, CR-2009-4432 (the Raul Torres or “Barbie matter”) (Exhibit 72, Declaration Of Andi Elliott) was **dismissed** at the request of the prosecutor fearing the sheriff’s and prosecutor’s offices would face embarrassment when the fact would become known at trial Andi had been *sent to the home* by the sheriff’s office! Shortly afterward the prosecutor (Robin Dunn) in an attempt to humiliate the plaintiff wrote an inaccurate editorial about Andi (Exhibit 29, Declaration Of Andi Elliott), to which Andi’s counsel (this writer) wrote a reply (Exhibit 27, Declaration Of Andi Elliott), as well as was another by Terry Miller (Exhibit 73, Declaration Of Andi Elliott), a former reporter from Idaho Falls.

On July 24, 2011, Andi was again *charged* for a third time with trespass in Jefferson County (a case in which the investigating deputy acknowledged in cross-examination at trial he had only recently (after several months from supposedly doing so) during the pendency of the proceedings, generated a *new* police report (i.e., manufactured evidence) for use at trial to substantiate his having trespassed Andi from the property some ten months before). The so-called “victims” were the neighbors of STEVE MURDOCK’S brother Dan Murdock and

Defendant's sister in law, Brenda Murdock. Brenda Murdock testified in that trial against Andi, but with her husband's testimony (who had accompanied her), and other evidence including photographs taken by both her husband and the "victims" showing she had not trespassed, was acquitted by the Hon. Robert L. Crowley, Jr. CR-2011-3409 (Exhibit 52, Declaration of Andi Elliott).

If the defendant is claiming, as it seems, Plaintiff is a public figure for having entered an Alford Plea, this too, is insufficient to make her a public figure. Said the Idaho Supreme Court in *Weimer v. Rankin*, (supra), (again commenting on the United States Supreme Court in *Gertz v. Welch* (supra)):

There, the Court also rejected the contention "that any person who engages in criminal conduct automatically becomes a public figure for purposes of comment on a limited range of issues relating to his conviction." Id. at 168, 99 S.Ct. at 2708, 61 L.Ed.2d at 461. Under these tests the trial court correctly characterized Irvin as a private figure. *Wiemer v. Rankin*, 117 Idaho 566, 570 P.2d 347, 351 (Idaho 1990).

For the proposition that Plaintiff is a public figure, counsel for the defendant also cites in his brief Andi's answer to his flippant (and without foundation) question propounded by him to her during her deposition:

"THE COURT REPORTER (sic): Question, I see. So because of your wish to speak for the animals, or I suppose advocate for the animals, you will take photographs and invade people's privacy, even though you know that they don't want their privacy invaded, right?"

THE WITNESS: Correct."

(Defendant's Memorandum Of Points And Authorities, p. 4.).

His flippant question received her flippant answer. Defendant's counsel's characterization is objected both as to the form of the question, and as being inaccurate, without foundation, and irrelevant. Taking photographs of animals in open fields, from public roads or property does not amount to an invasion of people's privacy. Andi does not invade people's privacy. A simple viewing of the photographs of the plaintiff taking pictures of the defendant's brother's horses (see, e.g., Exhibits 17, 18, 19, Declaration Of Ray Wong) will show the Plaintiff observing Dan Murdock's horses from the public roadway. The invasion of people's privacy is not the issue herein, nor was it the subject about which the defendant made his slanderous utterances.

Counsel next cites a police report (along with others attached to the declarations of Robin Dunn and Blair Olsen), inadmissible and not competent for this proceeding (Rules 12 (f), 56(e), I.R.C.P., Rule 803, I.R.E., *Posey v. Ford Motor Credit Company*, 141 Idaho 477, 483, 111 P.3d 162,168 (Idaho App. 2005)). These reports could not have been available to the defendant for relying on in making his slanderous statement that the plaintiff had trespassed numerous times. He likely knew from his brother she had been charged in the Kurt Young matter, but she had not been convicted (and ultimately was acquitted); and at the time of his slander he knew the charges against Andi in the Raul Torres case (Jefferson County case CR-2009-4431) had been dismissed. This is evidenced by his reply editorial (Exhibit 45, Declaration Of Plaintiff) he published April 7, 2012 in the Post Register referencing one by Andi published one week (March 15, 2012) (Exhibit 45, Declaration of Plaintiff) before the radio show.

Again, the police reports cited by the defendant were unavailable to the defendant or the public while the matters were pending or under investigation. Nor did the defendant, in making his assertions on the radio, indicate the source of his claimed knowledge.

Defendant next cites for reasons unknown to this writer, that the plaintiff sued BRENDA MURDOCK. It is respectfully submitted the proper relevance of this is not to show the plaintiff is a public figure, as apparently the defendant would argue, but to show the nexus between the defendant with his sister in law and brother, toward a showing (if necessary) of defendant's actual malice or reckless disregard in making his statements of the plaintiffs, that is not relevant unless the Court should find the plaintiff or either of them to be a public figures (which is denied).

Defendant next shows to the Court as fact Plaintiff has had extensive "involvement" with the media, citing her intent at one time to oppose Sheriff Olsen in running for office. Again, it is submitted, her running for sheriff (albeit short lived) and her "assumption" she would have informed the media, is not relevant to the public interest discussed on the Neal Larson Show or discussed by the defendant.

OTHER IRRELEVANT FACTORS

In his brief the defendant (Section III) discusses the defendant. That he is married, has been a rancher since 1975, and lives in Hamer (the same as the plaintiff) with his wife Terese, and his son, CHANCE, is not relevant, except again to show the nexus of events between the

defendant, his son, and the plaintiff, if necessary to show the malice required should the Court decide the plaintiff is a public person. That he served in the military is commendable, and for which he should be thanked by all citizens, but this writer does not think it relevant to these proceedings.

Significantly, on page 7 of his brief (*Memorandum Of Points And Authorities In Support Of Defendant Steven L. Murdock's Motion For Summary Judgment*), **Defendant acknowledges he was familiar with the plaintiff through her writings:**

4. As a citizen of Idaho and a resident in Jefferson County, I have become aware of the activities of Candace Elliott, who frequently writes letters to the editor and publicizes her opinions and activities, including political activities in the local media.”

(Defendants Memorandum, p. 7, Murdock Decl. para. 4).

He knew of whom he was speaking, and knew that others did too. He knew of her writings and that she is the president of the For The Love Of Pets Foundation. That he disagrees with her opinions is perfectly fine, and it is his right to do so, but when he called the radio station on March 22, 2012 he had no right to express slander under the guise of it being only “opinions.”

THE FOUNDATION WAS DEFAMED.

That the defendant was aware of the Foundation is shown by his acknowledgment he became aware of the Plaintiff through her writings. Her writings indicated she was the president of the For The Love Of Pets Foundation (Exhibits 43 a, b, c, d), Declaration of Andi Elliott). As a result of his defamatory remarks, as indicated in the declaration of Plaintiff, donations to the Foundation ceased. (Declaration of Andi Elliott).

PLAINTIFFS HAVE SUFFICIENT EVIDENCE IF NECESSARY TO OVERCOME SUMMARY JUDGMENT

Defendant claims there is no evidence Plaintiffs can show to show malice by clear and convincing evidence. A review of the exhibits and statements to Plaintiff's declaration show there are. Although discovery has not been completed, her declaration and exhibits thereto easily at least circumstantially, enough in terms of quantity and quality evidence by which a reasonable jury could find by clear and convincing evidence the defendant made his statements with malice, a knowledge of falsity, in reckless disregard of the truth (i.e., with a

“high degree of awareness of probable falsity” (*Clark, supra*, at 221)).

As stated by the Idaho Supreme Court in *Gardner v. Hollifield*, 97 Idaho 607, at 610, 549 P.2d 266, at 269 (Idaho 1976):

... We take note that we are here dealing with difficult if not impossible, matters of plaintiff's proof. First, the matter of the supervisor of an employee making a determination and then expressing an opinion as to the employee's competence or incompetence is one that is highly subjective. Secondly, the proof of the superintendent's state of mind as being motivated by the intent to make a false statement as contrasted to the voicing of genuinely held belief is also difficult if not impossible and **must resort to extrinsic circumstantial factors. Nevertheless, the enormous difficulties facing a plaintiff in such a situation does not authorize a court to issue summary judgment in the face of unresolved issues of material fact.** Here it is alleged that Campbell made false statements concerning Gardner's competence as a teacher, that Campbell knew his statements to be false and that Gardner was thereby damaged. Such allegations, if proven, present material issues of fact for resolution by a trier of fact and do not fall within the ambit of conditional privilege.” (emphasis added). *Gardner v. Hollifield*, 97 Idaho 607, at 610, 549 P.2d 266, at 269 (Idaho 1976).

This proposition that a public figure plaintiff can use circumstantial evidence to prove necessary malice is reaffirmed in the case of *Clark v. Spokesman Review*, 144 Idaho 427, 163 P.3d 216 (Idaho 2007):

Actual malice is not defined as an evil intent or a motive arising from spite. *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 111 S.Ct. 2419, 2429 (1991). In a defamation action, actual malice is a knowledge of falsity or reckless disregard of the truth. *Bandelin*, 98 Idaho at 339, 563 P.2d at 397. Mere negligence is insufficient; the plaintiff must demonstrate that the author in fact entertained serious doubts as to the truth of his publication or acted with a high degree of awareness of ... probable falsity.” *Masson*, 501 U.S. at 510, 111 S.Ct. at 2429 (cite omitted) internal quotations and citations omitted). The standard of actual malice is a subjective one. *Wiemer v. Rankin*, 117 Idaho 566, 575, 790 P.2d 347, 356 (1990) citing *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 688, 109 S.Ct. 2678, 2696 (cite omitted) (1989) (emphasis removed and internal quotations omitted)). **However, although actual malice is a subjective standard, self-interested denials of actual malice from the defendant can be rebutted with other evidence.** (emphasis added). *Clark v. Spokesman Review*, 144 Idaho 427, 163 P.3d 216 (Idaho 2007); *Gardner v. Hollifield*, 97 Idaho 607, at 610, 549 P.2d 266, at 269 (Idaho 1976).

SUMMARY

Plaintiffs are not public figures. The defendant's statements were clearly slanderous. IDJI 4.82.5. The higher standard of proof by clear and convincing evidence is not applicable

to plaintiffs in this case and under the facts. No sufficient defense has been shown by the defendant. But if the Court were to find the plaintiffs or either of them are a public figure, the evidence as set forth in the declaration of the plaintiff filed herewith, although to a great extent circumstantial (and including those of the defendant that are admissible), show there is certainly ample evidence a reasonable jury could find Defendant spoke with actual malice, a knowledge of falsity and/or a reckless disregard of the truth. Even with the higher standard of proof IF REQUIRED there is certainly sufficient evidence for a reasonable jury to find by clear and convincing evidence the defendant knew the information was false, or acted with reckless disregard for its truth, at the time the information was communicated to others.”

As the defendant himself said, “**If you listen—you know, words have meanings.**” His words did have meanings, meanings that slandered the reputation of a good woman not only in her small community, but all over eastern Idaho. Plaintiffs are entitled to seek redress under Idaho law and the laws of the United States. As Chief Justice Rehnquist said in *Milkovitch*, *infra*, quoting from Othello:

In Shakespeare's Othello, Iago says to Othello:

Good name in man and woman, dear my lord,
Is the immediate jewel of their souls.
Who steals my purse steals trash;
'Tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.

Act III, scene 3.

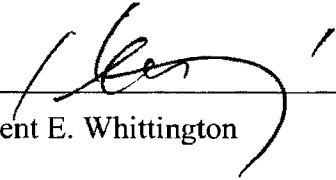
Yes, the defendant’s own words indict him: “If you listen—you know, words have meanings.” His words did have meanings: That Andi was committing repeated crimes of trespass; that Andi and the Foundation were obtaining charitable donations and misusing them. He intended to disparage her; and even if he were to be believed that he did not know of the Foundation, by his association of Andi with his unfounded accusation of misuse of charity, he painted her with the same slanderous brush. The accusation as to “Andi’s humane society” under either context was that she was untrustworthy, obtaining charitable donations dishonestly and fraudulently. His statement that she was trespassing numerous times, was

not that she was *accused*, but that she had trespassed. At no time did he say it was his *opinion*. His statements implied knowledge and fact. At no time did he refer to his sources.

SUMMARY

Plaintiffs are not public figures. The defendant has the burden to show the truth of his statements or other defense. He has not done so. Plaintiff has shown through her declaration and exhibits thereto that the defendant's statements are false. The nature of the defendant's statements qualify as slander per se under Idaho law. And if the Court were to find the plaintiff or either of them are public figures, they are not so with regard to the subject of the matter discussed on the Neal Larson radio show, i.e. horse slaughter. And, finally, if the plaintiff, or either of them are required to show the higher standard of proof (maliciously, or a knowledge of falsity or reckless disregard of the truth--by clear and convincing evidence), there is certainly sufficient evidence set forth in declaration and exhibits of Plaintiff, both quantity and quality, that the defendant's statements were made maliciously, or by a knowledge of falsity or reckless disregard of the truth--by clear and convincing evidence). Under either standard summary judgment should **not** be granted.

Respectfully submitted this 6 day of April, 2015



Kent E. Whittington

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 6 day of April, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

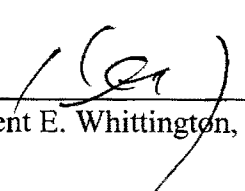
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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,	)	CASE NO. CV-2014-0238
)	
Plaintiffs,	)	OPPOSITION OF DEFENDANT
	)	STEVEN MURDOCK TO
	)	PLAINTIFF'S MOTION TO
	)	AMEND PLEADINGS
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	
)	

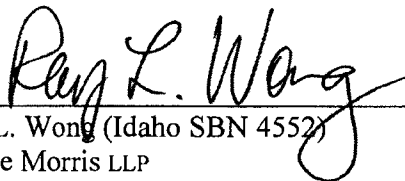
Defendant, Steven Murdock, hereby opposes Plaintiffs' belated motion to amend pleadings. On April 2, 2015, Plaintiffs filed a motion to amend the pleadings which apparently purports to add a Count II, alleging specifically that Defendant "in making the defamatory statements regarding plaintiffs acted with actual malice, knowledge of the falsity of the statements and/or reckless disregard of the truth."

This request to amend the pleadings is made on the eve of the hearing of Defendant's Motion to Summary Judgment, in which it has been established conclusively that Mr. Murdock

did not act with actual malice in making any statements regarding Plaintiffs. Additionally, this purported amendment does not add a new cause action, but only confirms that Plaintiffs recognize that they are public figures and must prove, by clear and convincing evidence, that Mr. Murdock allegedly acted with malice.

Accordingly, Mr. Murdock respectfully requests that the Court grant its Motion for Summary Judgment, set to be heard on April 20, 2015, thus rendering moot any amendment of the Complaint to add an allegation that Defendant acted with actual malice. The motion to amend the complaint can be denied on the grounds that it is moot.

Dated: April 13, 2015



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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

) CASE NO. CV-2014-0238
)
) **REPLY MEMORANDUM OF**
) **POINTS AND AUTHORITIES IN**
) **SUPPORT OF DEFENDANT**
) **STEVEN MURDOCK'S MOTION**
) **FOR SUMMARY JUDGMENT**

I. INTRODUCTION

Plaintiffs, CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC, ("the Foundation") filed a brief in opposition to defendant Steven Murdock's motion for summary judgment. In the midst of plaintiffs' often repetitive and conclusory diatribe, Plaintiffs admit that certain statements by Mr. Murdock were constitutionally protected and accordingly withdraw their claims that such statements were defamatory. Plaintiffs state as follows:

Concededly, Defendant's statements about Andi, that "she is above the law;" that "she's special;" asserting what he called her "shenanigans"; and that, "people with the same mentality as Andi is what's done this to this horse market," might be rhetorical hyperbole, protected speech under the Constitution, and--although highly offensive and *probably* slanderous--plaintiff withdraws her claims to these statements.

Plaintiffs' opposition brief, pp. 16 to 17.¹

Thus, plaintiffs now concede that approximately half of the statements that they claimed to be defamatory were not.

Indeed, none of Mr. Murdock's statements was in fact defamatory, but rather his opinions made in a radio call-in program, in which he was responding to plaintiff Candace Elliott, who had called the same program. Plaintiffs' opposition establishes that Mr. Murdock is not liable to Plaintiffs for any alleged defamation.

Plaintiffs' opposition acknowledges that if Plaintiffs are public figures, then they must prove, with clear and convincing evidence, that Mr. Murdock acted with malice, *i.e.*, that he knew that his statements were false or had reckless disregard for the truth. Plaintiffs' opposition

¹ Plaintiffs' opposition brief shall be referred to as "Opposition." Mr. Murdock's memorandum of points and authorities in support of his motion for summary judgment shall be referred to in this reply as "Motion."

has offered no evidence – let alone clear and convincing evidence – that Mr. Murdock acted with actual malice. The Opposition offers nothing that disputes the fact that Mr. Murdock’s opinions either were truthful or he had a reasonable basis to believe that they were truthful. Instead the Opposition is cacophony of irrelevant facts, innuendo, speculation, and name-calling. But it certainly does not offer clear and convincing evidence that Mr. Murdock’s statements were not truthful or at a minimum that he did not reasonably believe the truth of his opinions. As Plaintiffs have partially conceded, Mr. Murdock’s opinions were constitutionally protected. Summary judgment must be granted in Mr. Murdock’s favor.

II. PLAINTIFFS NOW CONCEDE THAT CERTAIN STATEMENTS OF MR. MURDOCK WERE CONSTITUTIONALLY PROTECTED

After filing their complaint and requiring Mr. Murdock to incur the burden and expense of discovery, depositions of Ms. Elliott, and this litigation in general, Plaintiffs now concede and admit that at least certain of the statements made by Mr. Murdock might be “protected speech under the constitution.” Opposition, pp. 16-17. Accordingly, Plaintiffs withdrew their claims as to those statements. *Id.*

This concession demonstrates the fallacy of Plaintiffs’ claims. All of Mr. Murdock’s statements on the radio call-in show were protected speech. When he stated that “we used to sell these slaughter horses,” that statement and Mr. Murdock’s other opinions were just as protected as the opinions which Plaintiffs now belatedly recognize as constitutionally protected speech, to which they have withdrawn any claim.

III. THE PARTIES AGREE THAT, IF PLAINTIFFS ARE PUBLIC FIGURES, THEN PLAINTIFFS MUST PROVE DEFAMATION AND THAT THE DEFENDANT ACTED WITH MALICE BY CLEAR AND CONVINCING EVIDENCE

Plaintiffs agree with Mr. Murdock that defamation of a public figure requires that the plaintiff must prove, with clear and convincing evidence, that the defendant acted with malice.

Plaintiffs further recognize in a defamation action, actual malice is a knowledge of falsity or reckless disregard of the truth. Mere negligence is insufficient; the plaintiff must demonstrate that the author in fact entertained serious doubts as to the truth of his publication or acted with a high degree of awareness of ... probable falsity. Opposition, p. 5.

Additionally, Plaintiffs concede that: actual malice is not defined as an evil intent or a motive arising from spite. *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 510 111 S.Ct. 2419, 2429 (1991); and the standard of actual malice is a subjective one. *Wiemer v. Rankin*, 117 Idaho 566, 575, 790 P.2d 347, 356 (1990) citing *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 688, 109 S.Ct. 2678, 2696 (cite omitted) (1989) (emphasis removed and internal quotations omitted)). Opposition, p. 5.

In determining whether the Plaintiffs are public figures, Plaintiffs also agree that:

The designation of a public figure may rest on two alternative bases: In some instances an individual may achieve such persuasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues.' 418 U.S. at 351, 94 S.Ct. at 3013. (emphasis added). *Bandelin v. Pietsch*, 98 Idaho 337, 563 P.2d 395 (Idaho 1977).

Opposition at p. 1

Indeed, plaintiff acknowledged:

An assertion that cannot be proved false cannot be held libellous. (sic.) A writer cannot be sued for simply expressing his opinion of another person, however unreasonable the opinion or vituperous the expressing of it may be. See *Gertz v. Robert Welch, Inc.*, supra, 418 U.S. at 339-40, 94 S.Ct. 2997; *Buckley v. Littell*, [539 F.2d 882,893 (2d Cir.1976), cert. denied, 429 U.S. 1062, 97 S.Ct. 785, 50 L.Ed.2d 777 (1977)]....

Opposition at p. 3

Applying these acknowledged principles in this action, Mr. Murdock simply is not liable to plaintiffs for defamation as a matter of law, and Mr. Murdock's motion for summary judgment must be granted.

IV. PLAINTIFFS ARE UNQUESTIONABLY PUBLIC FIGURES

Based upon the foregoing tests, plaintiffs are plainly public figures. Ms. Elliott either has achieved persuasive notoriety so she is a public figure for all purposes, or she certainly is a person who has voluntarily injected herself into the public controversy. The Foundation again is a non-profit entity that represents itself through a public website, to solicit monies from the public, and is the alter ego of Ms. Elliott.

Notwithstanding the undisputed evidence, conceded in the Opposition, plaintiffs nevertheless attempt to argue that plaintiffs are not public figures. Yet, plaintiffs admit -- as they must -- that:

- Ms. Elliott was president of the Humane Society of the Upper Valley in Idaho from the early 2000's to approximately 2008 or 2009;
- Ms. Elliott is currently one of the co-state coordinators for the so-called Tea Party Patriots in Idaho. Her activities with the Tea Party involved political rallies, speeches and exposure in the media;
- Ms. Elliott announced her intention to oppose Jefferson County Sheriff Blair Olsen in an election, using the media in her announcement;
- Ms. Elliott has voluntarily written numerous editorials and letters to local Idaho newspapers, stating her opinions and arguments.
 - 2010: 28 letters to the Post Register
 - 2012: 30 letters to the Post Register
4 letters to the Jefferson Star
 - 2013: 31 letters to the Post Register
19 letters to the Jefferson Star
- Ms. Elliott has called radio programs and appeared on radio talk shows frequently. This lawsuit indeed arose from opinions expressed on a radio program, after Ms. Elliott had called the same program;;

- Ms. Elliott has filed multiple lawsuits, including a recent suit against Jefferson County public officials. She admits that she had filed an action against Brenda Murdock for daring to testify against her in a trial. Most recently, Ms. Elliott filed another lawsuit against Kurt Young, who had made a trespass complaint against Ms. Elliott. See Request for Judicial Notice, exhibit F;
- Ms. Elliott has been accused of trespass many times and has been involved in public trials involving trespass.
- Ms. Elliott has written e-books.
- Ms. Elliott maintains five Facebook pages (including, one for the Tea Party, one for For The Love Of Pets, one entitled Andi Elliott's Editorials, and another, Idaho Faces Of Cruelty)

Nowhere in the Opposition do Plaintiffs deny the foregoing facts, or that the Foundation is a non-profit, which has a website and solicits donations from the public.

Ironically, even though Plaintiffs contend they somehow are not public figures, they then argue that the community would know that a reference to "Andi" meant Candace Elliott. Plaintiffs assert in "the community of Hamer, Idaho (population 51--according to Google, citing the United States Census Bureau 2013; or 584 by another Google search) and to the people with which she associates (for example, Lions Club, her church, law enforcement personnel, rescue organizations, etc.) she is known as "Andi." Opposition pp. 15-16. This is more than a tacit admission that Ms. Elliott is so well known in the community that people would know that "Andi" referred to Ms. Elliott. As Plaintiffs themselves suggest, Ms. Elliott undoubtedly has broad notoriety in the community.

Plaintiffs also make a curious argument, suggesting that Ms. Elliott did not inject herself into the public controversy because the subject of the radio talk show was the horse slaughter market, and Mr. Murdock should not have stated what he said because the subject of the radio program was the horse slaughter market. Opposition, pp. 11 to 12. At the outset, Plaintiffs take too myopic a view that the focus should be on one radio program, as opposed to all of Plaintiff's

activities into which Ms. Elliott has chosen to participate and inject her views and opinions. Plaintiffs cannot and do not dispute that Ms. Elliott is a prolific writer who has chosen to comment on a variety of subjects and who has decided that she should inspect the animals and livestock of Idaho citizens to determine their well-being. Even though Plaintiffs now attempt to characterize her sworn testimony as “flippant,” Ms. Elliott testified under oath that she will “invade people’s privacy, even though (she knows) that they don’t want their privacy invaded.” Opposition p. 22.

By virtue of all her activities, including the radio program at issue, Ms. Elliott has injected herself into the public controversy. That is the case, even though the subject of the radio program was the horse slaughter market. The greatest virtue of freedom of speech in the United States is that one person cannot dictate what another person can say or how to say it. Mr. Murdock expressed his opinions, based upon his personal views, about the horse slaughter topic and Ms. Elliott’s activities and prior statements. His specific comments (i.e., “we used to sell these slaughter horses” and “People with the same mentality as Andi is what’s done this to this horse market”²) were particularly germane and topical.

Additionally, Ms. Elliott was implying in her comments on the March 22nd radio program that she had performed beneficial service in the past:

But, I just to tell you all this has been going on for 15 to 20 years and I was first involved with this situation back in 2008 and then again in 2009 and this owner is notorious. She’s very powerful in the Horse Association and I don’t why nobody has tried to follow through with this. I have some really cruel pictures of the horses back in 2008. In 2009 when I was calling back down to, she literally – I was – Danica Lawrence, a Channel 3 TV reporter and I were out in the roadway and this owner literally threatened to run us down with a car. Four or five officers came out. Anyhow,

² As to this latter statement, Plaintiffs have withdrawn their claim that this statement was defamatory, acknowledging that it was constitutionally protected speech.

somehow the situation was resolved but not much was done. I don't understand. (Emphasis supplied)

Opposition, p. 9.

Mr. Murdock appropriately responded to dispel the impression that, given her past activities and history, Ms. Elliott deserved to be canonized. That is why it was quite appropriate for Mr. Murdock to state his opinions on the March 22, 2012 radio program about Ms. Elliott and her past activities, including her history of trespassing on the property of neighbors. Accordingly, Ms. Elliott chose to inject herself into the public controversy and Mr. Murdock exercised his constitutional right to respond with his opinions.

The combination of all these activities and history confirm that Ms. Elliott has persuasive notoriety and that the Foundation and she are public figures. Moreover, Ms. Elliott also has chosen to inject herself into the controversy and at a minimum is a limited public figure, which also would include her foundation, her alter ego.

V. Plaintiffs Have Not Proven and Cannot Prove with Clear and Convincing Evidence that Mr. Murdock Acted With Actual Malice

Mr. Murdock has offered a sworn declaration in support of his motion that the statements he made were his opinions, which he believed to be true. (See Declaration of Steven Murdock in Support of Motion for Summary Judgment.) Plaintiffs have offered nothing to refute that sworn testimony.

In fact, Plaintiffs now withdraw their claim that the following statements allegedly were defamatory, acknowledging that these opinions were constitutionally protected:

“She thinks she is above the law”

“Her shenanigans cost the Jefferson County taxpayers a numerous amount of dollars.”

“People with the same mentality as Andi is what's done this to the horse market”

Opposition, pp. 16-17.

As to the remainder of the allegedly defamatory statements, Plaintiffs offer no argument or response whatsoever as to Mr. Murdock's statement that "We used to sell these slaughter horses." In other words, Plaintiffs do not even suggest in their opposition that this statement is defamatory or that Mr. Murdock made such a statement with actual malice. Mr. Murdock has testified in his declaration that this statement was his opinion, and he believed that opinion to be true.

As to the statement concerning the "ongoing court case in Jefferson County where she got the judge disputed cause she's special," Mr. Murdock explained his understanding was based upon the fact that Ms. Elliott had filed a motion to continue a trial so that she could retain the existing judge rather than a new judge. (Motion p. 24). All that plaintiffs can offer is that they are confused as to what is meant by having a judge "disputed." Opposition, p. 12. Even though Plaintiffs claim not to understand this comment, that alleged confusion does not make the comment defamatory, or contradict Mr. Murdock's opinion that she had the judge "disputed. Nothing in the Opposition has been offered to refute that Mr. Murdock did not believe this statement to be true."³

Plaintiffs, instead focus principally on two phrases which they contend are defamatory.

A. Mr. Murdock Reasonably Believed that "She's Trespassed Numerous Times"

Plaintiffs accuse Mr. Murdock of defamation because he did not say that Ms. Elliott has been *accused* of trespass numerous times. Had he said Ms. Elliott has been *accused* of trespass,

³ Mr. Murdock is not a lawyer and whether his words were technically correct or not is irrelevant. Nothing he said was defamatory and he reasonably believed the statement.

Plaintiffs presumably would admit that they would have no claim, based upon that statement. Plaintiffs however are plain wrong.

The substance of what Mr. Murdock said either was true or he reasonably believed the statements to be true. Plaintiffs admit that Ms. Elliott has been accused of trespass three times. Opposition, p. 21. Ms. Elliott actually testified she had been accused of trespass three or four times (Elliott depo, p. 54, lines 2-123).

Plaintiffs object to the evidence that the Jefferson County "Sheriff's office has received complaints from residents of Jefferson County that Ms. Elliott has trespassed on their property." (See Declaration of Blair Olson in Support of Motion for Summary Judgment, paragraph 4, and Declaration of Robin Dunn in Support of Motion for Summary Judgment, paragraph 5.) Notwithstanding Plaintiffs' objections (which are unfounded), the evidence is substantial that Jefferson County officials have received numerous complaints of Ms. Elliott trespassing on private property. Motion, pp. 4-5.

While Plaintiffs attempt to assert that Ms. Elliott was not convicted of trespass, exhibit 22 in the compendium of evidence unquestionably is a misdemeanor minute entry/log/order/judgment in the case of the *State of Idaho v. Candace Elliott*, Case No. CR-08-1568, which proves that Ms. Elliott was found guilty of Count 1 for trespass. (See Robin Dunn declaration, paragraph 4, and exhibit 22 to the compendium of evidence).

Plaintiffs point out that the third trespass case, in which she was tried, ended in an acquittal. Opposition, pp. 21-22. Plaintiffs miss the point. As they must admit, this third trespass case involved a trial where Mr. Murdock's brother and sister-in-law testified at the trial. Mr. Murdock undoubtedly was aware of the case and trial, since his brother and sister-in-law

were testifying witnesses, and Mr. Murdock understood the trial involved a charge of Ms. Elliott trespassing on a neighbor's property.

At the time that Mr. Murdock stated his opinions on the March 22, 2012 radio program, that trial had not concluded and no decision had been rendered. Whether Ms. Elliott was "acquitted" or not, Mr. Murdock reasonably believed at the time he made the statement that Ms. Elliott had trespassed numerous times. Plaintiffs have offered nothing to demonstrate that Mr. Murdock has knowledge of the falsity of the statement or a reckless disregard of its truth. *Bandelin v. Pietsch*, 98 Idaho 337 (1977)

As Mr. Murdock also pointed out in his motion, a defamatory communication must be false in a material way. The "gist" or "sting" of the communication must be false in a material way. See *Baker v. Burlington Northern, Inc.* 99 Idaho 688 587; *Laughton v. Crawford*, 68 Idaho 578 (1948); IDJI 4.88.3.

Mr. Murdock reasonably believed that Ms. Elliott had trespassed numerous times, especially when she publicly wrote letters boasting of being accused of trespassing. It is unreasonable for Mr. Murdock, a lay person, to be expected to perceive the distinction in Ms. Elliott's mind that she can proclaim publicly that she has been *accused* of trespass, but Mr. Murdock cannot state his opinion, based upon the facts he had learned including Ms. Elliott's own public statements, that Ms. Elliott had trespassed numerous times.

Additionally, Mr. Murdock's comment on the radio program referred to trespass, a misdemeanor. Plaintiffs argue that: A statement imputing that a person is guilty of a serious crime such as homicide is defamatory per se. *Barlow v. International Harvester Co.*, 95 Idaho 881, 890, 522 P.2d 1102, 1111 (1974). Opposition, p. 2. Even Plaintiffs must agree, however, that trespass is a misdemeanor, and not a "serious crime as homicide."

B. Mr. Murdock Reasonably Believed the Truth of His Opinion that “Andi’s humane society puts .02% of the money they hit everybody up back into the care of animals.”

Plaintiffs seem to ignore what Mr. Murdock actually said, but rather would prefer to argue about what Mr. Murdock did not say. Mr. Murdock’s statement was “And Andi’s humane society puts .02 percent of the money they hit everybody up back into the care of animals.” He did not say Ms. Elliott was untrustworthy or obtained charitable donations dishonestly and fraudulently. Opposition, p. 26.⁴

Mr. Murdock made the statement he made, based upon information he had heard in the media. Mr. Murdock explained in his motion, public information concerning his opinion regarding the humane society.

As reported in the magazine, Mother Jones, an ad ran during the Academy Awards show in February 2012, in which Mother Jones reported, in part, as follows:

Americans who endured Sunday night’s Academy Awards ceremony were treated to a surprisingly aggressive campaign-style ad attacking the Humane Society for supposedly spending less than one cent of every dollar it takes in on animal shelters. The ad opens with a blaring siren on one side of the screen and footage from a Humane Society TV spot on the other. “Consumer alert!” a voiceover declares. “If you’ve seen this ad or donated to the Humane Society of the United States, you should know that only one penny of every dollar donated goes to local pet shelters.”⁵ (Emphasis supplied).

This ad, shown on the Academy Awards, was broadcast just about one month before Mr. Murdock’s comments on the March 22, 2012 Neal Larsen radio show.

Motion, pp. 26-27.

⁴ Such facts may be eventually shown in this litigation, but they are not the subject of the present motion.

⁵ The Court is invited to view the ad, available through the following link: <http://www.motherjones.com/mojo/2012/02/rick-berman-funded-oscar-night-slam-humane-society>.

Mr. Murdock also presented to the Court other examples made in the public media regarding the amount of donations that humane societies use for the care of animals. See exhibits 11 and 49 in the compendium of evidence. As Mr. Murdock's motion points out, Mr. Murdock's statement in this regard was either true or he had a reasonable basis for expressing such an opinion. Motion, p. 27.

Nowhere in Plaintiffs' opposition do they even address --let alone dispute-- that there were ads broadcast during the Academy Awards show in February 2012 and other public articles in which it was reported that human societies spent less than 1% of their fundraising to the actual care of animals.

Mr. Murdock has stated in his sworn declaration that he was not even aware of the For the Love of Pets Foundation and he has also affirmed that he certainly believed this statement to be true. He was referring to the humane society in general, to which Ms. Elliott was associated since she had been president of the Humane Society of the Upper Valley.

While Plaintiffs obviously would prefer to argue about what they would have liked Mr. Murdock to have said, they are limited to what Mr. Murdock actually said, which was a reference only to Andi's humane society. Mr. Murdock never mentioned the Foundation because he was not even aware of it. See Declaration of Steven Murdock. Nor is there any suggestion that the Foundation is referred to anywhere as a humane society. Mr. Murdock also never said that Ms. Elliott or the Foundation was untrustworthy or obtained charitable donations dishonestly and fraudulently. Mr. Murdock had heard the information about humane societies and expressed his opinion relying upon the information he had heard.

To the extent that Plaintiffs assert that Mr. Murdock did not explain his sources on the radio program, that criticism is unrealistic and irrelevant. Mr. Murdock was one of many who

called the radio program, and he had not time to recite sources. He was stating his opinion and had to state it quickly. There was no time to recite sources. Nevertheless, Plaintiffs have offered nothing in their Opposition that Mr. Murdock supposedly knew that this statement was false or harbored a reckless disregard as to its truthfulness.

VI. Mr. Murdock's Statements Were True or He Reasonably Believed Them to Be True

Regardless of whether Plaintiffs are determined to be public figures or not, Mr. Murdock has no liability for stating his opinions during a radio call-in program. Based upon the evidence that has been presented, Mr. Murdock either stated the truth or, alternatively, he reasonably believed his statements to be true, and there is no evidence that Mr. Murdock was negligent in any way.

There is also certainly no evidence that Mr. Murdock: made a false publication with a "high degree of awareness of probable falsity, *Garrison v. Louisiana*, 379 U.S. 64, 74 (1964), or must have "entertained serious doubts as to the truth of his publication." *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 666, 109 S. Ct. 2997 (1989); *St. Amant v. Thompson*, 390 U.S. 727 (1968). Mr. Murdock had reasonable basis for every statement he made, and this Court has a constitutional duty to exercise its independent judgment and determine that the record establishes that Mr. Murdock did not speak actual malice. See Motion, p. 15.

VII. PLAINTIFFS' OPPOSITION PRESENTS NO EVIDENCE THAT MR. MURDOCK'S OPINIONS EITHER WERE UNTRUTHFUL OR HE DID NOT BELIEVE THEM TO BE TRUTH.

Plaintiffs' Opposition presents a variety of irrelevant and meaningless facts. For example, whether Ms. Elliott has been called by the Sheriff to conduct so-called "welfare checks" of animals or whether Mr. Murdock is the well-known neighborhood bully are irrelevant

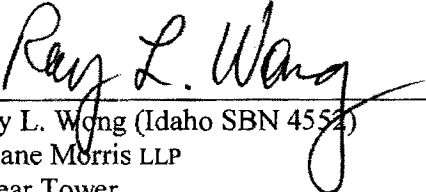
and obviously intended to distract the Court from the actual issues in this action. Despite the volume of irrelevant information and speculation argued in the Opposition, which Plaintiffs would like to call circumstantial evidence, Plaintiffs have presented nothing—absolutely nothing—that even suggests that Mr. Murdock acted with any malice, as required by law. None of Plaintiff's diatribes even indicate that Mr. Murdock knew that any statement he made on the radio program was untrue or that he did not reasonably believe the statement to be true.

Some of what Plaintiffs have offered shows that Mr. Murdock does not like Ms. Elliott or her activities, including her spying on her neighbors. But even Plaintiffs acknowledge that ill will or personal dislike is insufficient to show malice or establish liability. Opposition p. 5. Moreover, the standard for actual malice is **subjective**, and there is no direct or circumstantial evidence of any kind that Mr. Murdock **subjectively** did not believe the truthfulness of the statements he made on the radio program or have a reasonable basis for any statement..

VIII. CONCLUSION

For all of the foregoing reasons, Mr. Murdock respectfully submits that his Motion for Summary Judgment must be granted to put an end to this meritless and wasteful litigation.

Dated: April 13, 2015



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MAGISTRATE JUDGE
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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,	)	CASE NO. CV-2014-0238
)	
Plaintiffs,	)	OPPOSITION OF DEFENDANT
	)	STEVEN MURDOCK TO
vs.	)	PLAINTIFFS' OBJECTION AND
	)	MOTION TO STRIKE HEARSAY
STEVE MURDOCK,)	
)	
Defendant.)	
)	

Plaintiffs, Candace Elliott and For the Love of Pets Foundation, filed what they called an Objection and Motion to Strike Hearsay ("Objection"). Defendant, Steven Murdock, hereby opposes Plaintiffs' Objection, which was general and did not specify exactly what evidence they contended to be objectionable. They assert that certain evidence supposedly was irrelevant and constituted hearsay, again without any specificity as to exactly what evidence they contended was allegedly irrelevant or hearsay.

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OPPOSITION OF DEFENDANT STEVEN MURDOCK TO PLAINTIFFS' OBJECTION AND MOTION TO STRIKE HEARSAY

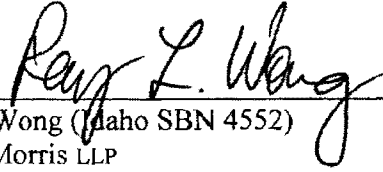
As to Plaintiffs' hearsay objections, the Idaho Rules of Evidence specify that any alleged hearsay does not constitute inadmissible hearsay if it is not offered for the truth of the matter asserted. There also are a number of other proffered documents that would not constitute hearsay because they are official public records, admissions against the party or fall within another exception to the hearsay rule. See Rule 803 of the Idaho Rules of Evidence. Mr. Murdock cannot respond further because the Objection did not specify what evidence Plaintiffs considered to be hearsay or irrelevant.

Finally, Plaintiffs contend that certain exhibits constitute the private writings of Candace Elliott. An examination of the evidence which is specified in the Objection reveals that very few, if any, of the documents to which Plaintiffs object actually constitute private writings of Candace Elliott.

Plaintiffs asserted that certain enumerated documents were her private writings. Plaintiffs are just wrong. The documents include: Incident reports of the Jefferson County Sheriff's office, which obviously are not Ms. Elliot's private writings, and other documents that are readily available on the internet. For example, exhibits 31, 32, 34, 45 in Mr. Murdock's Compendium of Evidence and Declarations in Support of Defendant Steve Murdock's Motion for Summary Judgment are Jefferson City Sheriff Office incident reports or summaries, and it is difficult to understand how Plaintiffs can claim that these are private writings of Ms. Elliott. Other exhibits are letters to newspapers or documents found on the internet. See exhibits 55,67, 69, 70 and 71 in Mr. Murdock's Compendium of Evidence and Declarations in Support of Defendant Steve Murdock's Motion for Summary Judgment.

In conclusion, Plaintiffs' Objection has no merit and should be denied in its entirety.

Dated: April 13, 2014



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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE) CASE NO. CV-2014-0238
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)

Plaintiffs,)

vs.)

STEVE MURDOCK,)

Defendant.)

**REQUEST FOR COURT TO
TAKE JUDICIAL NOTICE
OF COURT RECORDS**

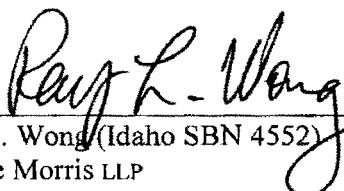
Defendant, Steven Murdock, respectfully requests the Court to take judicial notice of court records. Pursuant to Rule 201 of the Idaho Rules of Evidence, a Court may take judicial notice of "records, exhibits or transcripts from the court file in the same or a separate case." Accordingly, Mr. Murdock requests that the Court take judicial notice of the following documents:

Attached as Exhibit F is a true and correct copy of a complaint that Candace Elliott filed against Kurt E. Young, Jefferson County District Court, Case No. CV-2015-004.

Additionally, Mr. Murdock also requests that the Court take judicial notice of the following documents attached in Mr. Murdock's Compendium of Evidence and Declarations In Support of Steven Murdock's Motion for Summary Judgment:

- Exhibit 20 Exhibit 20 from Candace Elliott deposition volume 2 – Seventh Judicial District Court - Jefferson County PARTY HISTORY re Candace White Elliott
- Exhibit 21 Exhibit 21 from Candace Elliott deposition volume 2 – Idaho Repository Case History for Candace White Elliott
- Exhibit 22 Exhibit 22 from Candace Elliott deposition volume 2 – Misdemeanor Minute Entry/Log/Order/Judgment re Candace W Elliott
- Exhibit 23 Exhibit 23 from Candace Elliott deposition volume 2 – 08/22/08 transcript of proceedings in *State of Idaho vs Candace W. Elliott*, Case No. CR-08-1568
- Exhibit 24 Exhibit 24 from Candace Elliott deposition volume 2 – 03/15/12 Affidavit in Support of Motion for Contempt in *State of Idaho vs Candace W. Elliott*, Case No. CR 11-3409
- Exhibit 27 Exhibit 27 from Candace Elliott deposition volume 2 – Case No. CV-2014-680 Complaint (And Demand for Jury Trial) against defendants Blair Olsen, et al.

Dated: April 13, 2015


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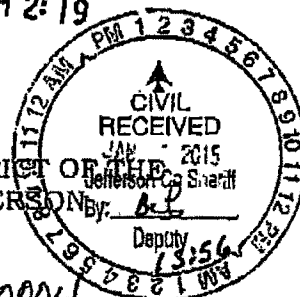
*Attorneys for Defendant,
Steven L. Murdock*

Exhibit F

Candace (Andi) W. Elliott
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straighttalkidaho@yahoo.com
Pro Se Litigant

MAGISTRATE/DISTRICT COURT,
JEFFERSON COUNTY COURT

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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF IDAHO
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE "ANDI" W. ELLIOTT)
Plaintiff,)
vs.)
KURT E. YOUNG, SR.)
Defendant.)

CASE NO. CV-2015-0004

COMPLAINT

(And Demand for Jury Trial)

COMES NOW, the Plaintiff, CANDACE (ANDI) W. ELLIOTT, for her
claims of relief and cause of action against Defendant Kurt E. Young, Sr.
COMPLAINS AND ALLEGES as follows:

JURISDICTIONAL ALLEGATIONS

- 1. This is an action for money damages in an amount exceeding \$10,000.
- 2. That all times material to this lawsuit, Plaintiff, CANDACE "ANDI" ELLIOTT, was an individual, residing in Hamer, Jefferson County, Idaho.

3. That all times material to this lawsuit Defendant, KURT E. YOUNG, SR. was an individual and a resident of Hamer, Jefferson County, Idaho.

4. That all acts necessary or precedent to the bringing of this lawsuit occurred or accrued in Jefferson County, Idaho.

5. This Court has jurisdiction.

GENERAL FACTUAL ALLEGATIONS

6. That on 24 July 2011, Plaintiff was on the public roadway taking pictures.

7. That on 24 July 2011, Plaintiff was on the public roadway taking pictures of horses in poor condition belonging to Defendant's neighbor.

8. That Plaintiff's husband accompanied Plaintiff.

9. That Plaintiff's husband took pictures of Plaintiff taking pictures of the horses from the public roadway.

10. That Defendant took pictures of Plaintiff and Plaintiff's husband.

11. That Defendant's pictures showed Plaintiff was on the public roadway.

12. That Defendant made a trespassing complaint to the Jefferson County Sheriff's department on 24 July 2011.

13. That Defendant complained that Plaintiff was trespassing on his property.

14. That Defendant's complaint was false, and the Defendant knew his statement was false, or reasonably should have known it was false.

15. That Plaintiff called the Jefferson County Sheriff's department on 24 July 2011 asking for an animal welfare check on the horses.

16. That all pictures were given to the responding deputy, Jefferson County Deputy John Clements.

17. That the pictures were submitted as evidence in Plaintiff's trial.

18. That as documented on the deputy's DVD recording of 24 July 2011, Defendant told the deputy that he had pictures of Plaintiff trespassing on his property.

19. That as recorded on the deputy's DVD recording dated 24 July 2011, the Defendant made the following statements to/about the Plaintiff:

a. That in response to Plaintiff's greeting, "Hi, How y'all doing?" Defendant stated that he told Plaintiff, " I told her to go to hell" @ 13:08:29.

b. That while filling out a witness' statement, Defendant stated @ 13:09:34, "I'm kind of pissed off".

c. That the Defendant made the following statement about Plaintiff @13:11:37 "Yeah, she went from right there and parked right in front of my gate. Isn't that considered my property?"

d. That the Defendant stated @ 13:12:01 "Actually I called the Post Register and I called Channel 8. They don't even post anything about her anymore because she has been such a pain in the ass."

e. That the Defendant made the following statement about Plaintiff @13:14:04 "It's kind of funny cause Dispatch sounded kind of excited about this."

f. That the Defendant made the following statement about Plaintiff in response to the Deputy's remark about Plaintiff going to jail @13:14:14 "I was kind of hoping she would be."

g. That the Defendant made the following statement about Plaintiff @ 13:19:35 "I tell you they looked shocked when I start taking pictures."

h. That the Defendant made the following statement about Plaintiff @13:20:22 "All you gotta do is step one freakin foot on it."

i. That the Defendant stated @ 13:20:55 "She'll deny it."

20. That on 24 July 2011 Defendant signed a criminal trespass citation against Plaintiff.

21. That as a result of the criminal trespass citation signed by Defendant, Plaintiff was subjected to a two year long court process from July 2011 until July 2013.

22. That Plaintiff's trial encompassed five (5) days of trial over seventeen (17) months. CR-11-3409

23. That there were no pictures produced at trial of Plaintiff trespassing on Defendant's property.

24. That Defendant testified that he did not see Plaintiff on his property.

25. That Deputy John Clements testified that he possessed no pictures of Plaintiff on Defendant's property.

26. That Deputy John Clements testified that there was no evidence that Plaintiff's car left the roadway.

27. That Plaintiff was acquitted of the criminal trespass charge on/about 2 July 2013.

28. That as a direct and proximate result of Defendant's conduct and during the pending litigation, on or about 24 February 2012, Plaintiff found five (5) dead animals that had been shot and/or had their throats slit and placed on her driveway as documented by the Jefferson County Sheriff's Department.

29. That as a direct and proximate result of Defendant's conduct, Plaintiff's animals have been killed/maimed/stolen as reported to the Jefferson County Sheriff's Department.

30. That as a direct and proximate results of Defendant's conduct, Plaintiff has had derogatory/threatening editorials written about her by Defendant's neighbors on/about the following dates: 3 March 2012, 14 March 2012, 21 March 2012, 7 April 2012, 18 April 2012

31. That as a direct and proximate result of Defendant's conduct, Plaintiff has had her gate post set in concrete pulled out of the ground.

32. That as a direct and proximate result of Defendant's conduct, Plaintiff has been warned of threats made against her.

33. That as a direct and proximate result of Defendant's conduct against Plaintiff, Defendant's neighbor made defamatory statements about Plaintiff on the Neal Larson Show on 590 KID radio and 22 March 2012 accusing her of committing criminal acts (trespassing) "numerous" times.

34. That as a direct and proximate result of Defendant's conduct to protect herself and her property, Plaintiff installed security equipment.

35. That as a result of Defendant's conduct, Plaintiff has been exposed to hatred, contempt and retaliatory actions.

36. That as a direct and proximate result of Defendant's conduct, Plaintiff incurred \$24,674.17 in attorney's fees for her defense.

MALICIOUS PROSECUTION

37. Plaintiff realleges and restates the foregoing jurisdictional allegations and general factual allegations.

38. That Defendant was actively instrumental in the commencement and maintenance of a criminal proceeding against the Plaintiff.

39. That Plaintiff was acquitted on 2 July 2013 of Criminal Trespass.

40. That the Defendant lacked probable cause to initiate charges against Plaintiff.

41. That Defendant acted with improper purpose, personal malice, ill will, and hostility towards Plaintiff.

42. That Plaintiff has suffered damages as a direct and proximate result from Defendant's conduct.

WHEREFORE, Plaintiff respectfully requests the following relief against the Defendant:

- 1) For judgment in favor of the Plaintiff for damages in an amount of \$24,674.17 or such additional sum as the evidence shall show to adequately compensate Plaintiff.
- 2) For such other and further relief as the Court may deem reasonable and just under the circumstances.

DATED this 16 day of January, 2015.



Andi Elliott, Plaintiff
2498E 2100N
Hamer, Idaho 83425

2015 APR 13 PM 3:22

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Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE	)	CASE NO. CV-2014-0238
LOVE OF PETS FOUNDATION, INC., an Idaho)	
corporation,	)	DEFENDANT STEVEN
	)	MURDOCK'S OBJECTIONS AND
Plaintiffs,	)	MOTION TO STRIKE EXHIBITS
	)	OFFERED BY PLAINTIFFS IN
vs.	)	OPPOSITION TO DEFENDANT
	)	MURDOCK'S MOTION FOR
STEVE MURDOCK,	)	SUMMARY JUDGMENT
)	
Defendant.)	
)	

Defendant Steven Murdock hereby objects to and moves to strike the exhibits offered by Plaintiffs in opposition to Mr. Murdock's motion for summary judgment, on the grounds stated herein as follows:

DM15554074.4
DEFENDANT STEVEN MURDOCK'S MOTION TO STRIKE EXHIBITS OFFERED BY PLAINTIFFS
IN OPPOSITION TO DEFENDANT MURDOCK'S MOTION FOR SUMMARY JUDGMENT

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- | | | |
|----|--|---|
| 1. | Idaho Repository re: Ben Juenke | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p> |
| 2. | Deputy Clements' notes advising me to offer help to Torres | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Additionally, plaintiffs misstate this purported document in that Ms. Elliott was advised her help was not needed and she should leave immediately.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p> |
| 3. | Idaho Repository re: Leon Matejka | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded</p> |

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

-
- because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
4. List of county and out of county animal welfare issues Andi has assisted with and communications with law enforcement.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
5. Idaho Repository re: Ben Jones
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
6. a & b Pictures of Steve Murdock's brother's, (Dan Murdock) horses.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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7. Picture of Dan Murdock's dead horse taken by JCS Deputy John Clements
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
8. List of Hamer residents I have assisted with their animals and a map of Hamer
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules

**Plaintiffs'
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No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- of Evidence.
9. Steve Murdock's editorial of 27 Aug 2011 stating he drove to Andi's home
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
10. a, b, c, d Pictures of dead animals on Andi's driveway
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
11. Chance Murdock's editorial "Publicity Stunt" published 3/3/12 Post Register
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules

**Plaintiffs'
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No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- of Evidence.
12. Chance Murdock's editorial "Mind Your Own Business" published 3/14/2012 Jefferson Star
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
13. Steve Murdock's editorial regarding my March 7 letter published on 3/21/12 in Jeff Star
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
14. Transcript of Steve Murdock's statements made on the Neal Larson show 3/22/12. KID 590 AM, 92.1 FM
- Mr. Murdock objects to this exhibit on the grounds that it is at best incomplete. It has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. There are blanks in the text which raises issues as to its authenticity and reliability.
- Finally, this document should be excluded

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

-
- because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
15. Transcript of entire Neal Larson radio program (Also included is a podcast of show on the memory stick.) To the extent this exhibit is complete and consistent with the transcription offered by Mr. Murdock, Mr. Murdock has no objection to this exhibit. Mr. Murdock has not examined what memory stick was provided to the Court and objects on that basis.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
16. Idaho Repository regarding Raul Torres Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
17. My notes of Ron Hillmans' call to me on 4/1//13 about Steve Murdock's threats to me Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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18. Copy of Judge Rammel's order dismissing Brenda Murdock's small claims suit for lack of viable small claims action.
19. a ,b, c Pictures of Andi's vandalized rabbit hutches
- Additionally, the copy of the exhibit served on Mr. Murdock is partially illegible. Additionally, this document appears to contain statements that are different than Plaintiffs' description of it.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. .
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules

**Plaintiffs'
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No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- of Evidence.
20. a & b Pictures of Andi's gate post pulled of concrete after Claude Sarbaum barged into HLC meeting. Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
21. Pictures of vandalized rabbit hutches Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
22. Andi's 30 January 2015 editorial re: an attempt by S. Murdock's friends to drive me out of HLC Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr.

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

		Murdock's document requests.
		Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
23.	a & b Pictures of Ben Juenke's starving dogs	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
		Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
24.	a, b, c, d Pictures and correspondence re: Leon Matejka's malnourished dog	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
		Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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25. a, b, c Pictures of Duane Weber's malnourished horses (Weber was a JCS Deputy at the time.)
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be viewed clearly.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
26. Andi's email to HSUV (The Humane Society of the Upper Valley) memberships regarding 17 Sept 2008 meeting with Sheriff Olsen, et al.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
27. Attorney Kent Whittington's op-ed responding to Prosecutor Dunn's op-ed about Andi
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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28. a & b Media reports about the dog with broken legs calling out Sheriff Olsen.
29. Prosecutor Rob Dunn's op-ed regarding Andi
30. Jefferson County Sheriff Blair Olsen's editorial referring to Andi 12/6/2009
- because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. The description of this exhibit also is inaccurate.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
- Mr. Murdock objects to the copy of this exhibit on the grounds it is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.

**Plaintiffs'
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No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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31. Andi's op-ed of 5/4/2010 regarding the deal requested by Deputy Prosecutor Penny Shaul
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
32. Andi's editorial 6/13/2010 clarifying that there was no connection to HSUS and Andi's humane society.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible. The description of this exhibit is inaccurate and argumentative.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

33. KIDK TV report on Andi helping senior citizens

Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

34. Andi's fax of 1/13/2008 to Sheriff Olsen documenting that Andi paid most of the vet bill for Juenke's dogs

Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

35. Andi's fax to the media regarding lack of animal control services in Jefferson County 3/28/2008

Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules

**Plaintiffs'
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No.**

Exhibit Description

**Mr. Murdock's Objections
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- of Evidence.
36. Andi's fax regarding coordination with Deputy Green re: Matejka's malnourished dog
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Nothing in the purported document indicates that it is a fax.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
37. c Andi's 10/6/07 fax to JC Deputy Sgt. Wolf regarding coordination
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
37. b Andi's fax to the JCSD regarding Jerry Wachli's horses about which many complaints had been received.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Nothing in the purported document indicates that it is a

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- fax.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
37. a Andi's fax to Madison County Det. Bart Smith regarding complaints received about "shelter"
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Nothing in the purported document indicates that it is a fax.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
38. Andi's fax to JCSD regarding complaint she received regarding dog with gangrene foot
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Nothing in the purported document indicates that it is a fax.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

**Plaintiffs'
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No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- | | | |
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| 39. | Andi's fax to JCSD Sgt. Wolf thanking him for his persistence with an animal situation | Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requestss. Nothing in the purported document indicates that it is a fax.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence. |
| 40. | Andi's fax re: JCS Deputy John Clements requests that she contact him with information | Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requestss. Nothing in the purported document indicates that it is a fax.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence. |
| 41. | Andi's fax to JC Sheriff Blair Olsen regarding verification that Andi paid Juenke vet bill | Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Nothing in the purported document indicates that it is a |

**Plaintiffs'
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- fax.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
42. a, b, c Andi's fax to Deputy Fullmer 19 Feb 2014 regarding his requests about Andi catching some stray dogs. And documentation indicating Andi paid the Idaho Falls Shelter out of county impoundment fee
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Nothing in the purported document indicates that it is a fax.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
43. a Andi's editorial of 11/4/2010 signed as Andi Elliott, President of For the Love of Pets Foundation
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- | | | |
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| 43. | b Andi's editorial of 1/13/2012 signed as Andi Elliott, President of For the Love of Pets Foundation | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p> |
| 43. | c Andi's editorial of 1/19/2011 signed as Andi Elliott, President of For the Love of Pets Foundation | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p> |
| 43. | d Andi's editorial of 3/19/2011 signed as Andi Elliott, President of For the Love of Pets Foundation | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served</p> |

**Plaintiffs'
Exhibit
No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
44. Chance Murdock's editorial about Andi published 3/3/12 in the Post Register
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion. Mr. Murdock also object to the unauthenticated hand written notes.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
45. Steve Murdock's editorial of 4/7/12 admitting he knew Andi's charge was dismissed
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated,. Mr. Murdock also object to the unauthenticated hand written notes.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
46. Steve Murdock's editorial about Andi published 3/21/12 about Andi
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served

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No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

-
- on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
47. Chance Murdock's editorial about Andi published 4/18/12
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Mr. Murdock also object to the unauthenticated hand written notes.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
48. Steve Murdock's editorial about Andi published 3/21/12 (duplicate)
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

**Plaintiffs'
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Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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49. Steve Murdock's editorial about Andi published 4/7/21 (duplicate)
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
50. Idaho Repository Deeann Marques Madison County animal cruelty case.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Mr. Murdock also object to the unauthenticated hand written notes.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
51. Steve Murdock's editorial about Andi published after she reported the family horses 8/27/2011
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules

**Plaintiffs'
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No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

-
- of Evidence.
52. Judge Robert Crowley's Order to Dismiss trespass charge against Andi 6/25/10
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
53. Attorney's Objection to Dismissal stating the dismissal was an effort to conceal facts April 2010
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, Plaintiffs' description of this document is argumentative and unsupported by the document.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
54. Idaho Repository Elliott vs. Denise Shields...Elliott prevailed
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

		Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
55.	Post Register articles about Andi helping to rescue a stolen dog and returning it to Virginia	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible and appears incomplete. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
56.	IRS determination letter for For The Love of Pets Foundation 9/7/2005	Mr. Murdock objects to this exhibit to the extent that it was not produced during the course of discovery, as required by Mr. Murdock's document requests. The document appears to be incomplete and thus there are questions as to its reliability. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
57.	List of 14 neighbors that Andi has assisted with animal concerns (similar to Fxh. 8)	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible

**Plaintiffs'
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**Mr. Murdock's Objections
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-
- hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
58. Picture of anonymous package Andi received in July 10, 2014
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock cannot be view clearly.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
59. TV KPVA article about Andi's charge being dropped 4/20/2010
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- | | | |
|-----|---|--|
| 60. | TV KIDK TV articles about Andi's charge being dropped 4/20/2010 | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p> |
| 62. | 7 April 2014 Letter to the Attorney General | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p> |
| 63. | None | <p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules</p> |

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

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- of Evidence.
64. Post Register Jeers "Sheriff Olsen's Vendetta"
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
65. Post Register Jeers re: Sheriff Olsen/Prosecutor Dunn and County Commissioner Raymond July 2013
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
66. Copy of 16 Dec 2013 Tort Claim filed against Jefferson County
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden

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No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

67. Copy of Deputy's notes about citing Ian Parker, Ch 3 TV reporter

and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

68. Andi's editorial response to Sheriff Olsen 9 Dec 2009

Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.

Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

69. Andi's fax to JC Deputy Wray about "gate post" and Claude barging into the Lion's Club meeting

Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr.

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

		Murdock's document requests. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
70.	Chance Murdock's 4/29/14 editorial about Andi	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
71.	4/17/12 editorial by Steve Murdock admitting he knew the Andi's charge was dismissed	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Mr. Murdock also objects to the description of this exhibit as inaccurate and argumentative. Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
72.	Financial records/expenses of For the	Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in

**Plaintiffs'
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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

	Love of Pets Foundation	<p>the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. This exhibit is different than the financial records produced by plaintiffs in discovery.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p>
73.	Op-Ed by Terry Miller (former KIDK-TV news room) about Prosecutor Rob Dunn	<p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p>
74.	Financial Records of the Humane Society of the Upper Valley	<p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules</p>

**Plaintiffs'
Exhibit
No.**

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**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

		of Evidence.
75.	Idaho Repository Re: Raul Torres indicating Andi prevailed	<p>Mr. Murdock objects to this exhibit on the grounds the exhibit is not consistent with the purported exhibit. Additionally, based on the description, the purported exhibit is irrelevant.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p>
76.	None	<p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.</p>
77.	27 May 2014 fax to attorney by Andi stating the Ron Hillman wants to remain friends with Murdock	<p>Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.</p> <p>Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules</p>

**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

-
- of Evidence.
78. Emails between Andi and former Bonneville Animal Control officer Mike Boyd
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests. Additionally, the copy of the exhibit served on Mr. Murdock is virtually illegible.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
79. List of Hamer residents that Andi has assisted with animal welfare concerns.
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.
80. 1/1/2003 Summary of Madison County Sheriff's Deputy Wood coordination with Andi about animal cruelty case
- Mr. Murdock objects to this exhibit on the grounds that it is irrelevant to the issues in the pending motion, it has not been authenticated, it constitutes inadmissible hearsay, and it was not produced during the course of discovery, as required by Mr. Murdock's document requests.
- Finally, this document should be excluded

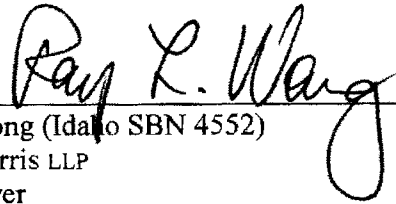
**Plaintiffs'
Exhibit
No.**

Exhibit Description

**Mr. Murdock's Objections
to Plaintiffs' Exhibit**

because any marginal relevance is outweighed by the undue prejudice, burden and waste of time that the document presents. See Rule 402 of the Idaho Rules of Evidence.

Dated: April 13, 2015



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*Attorneys for Defendant,
Steven L. Murdock*

2015 APR 13 PM 3:22

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Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE	)	CASE NO. CV-2014-0238
LOVE OF PETS FOUNDATION, INC., an Idaho)	
corporation,	)	OBJECTION AND MOTION TO
	)	STRIKE OF DEFENDANT STEVEN
Plaintiffs,	)	MURDOCK TO DECLARATION
	)	OF PLAINTIFF IN OPPOSITION
vs.	)	TO DEFENDANT'S MOTION FOR
	)	SUMMARY JUDGMENT
STEVE MURDOCK,)	
)	
Defendant.)	

Defendant, Steven Murdock, hereby objects to and moves to strike the Declaration of Plaintiff in Opposition to Defendant's Motion for Summary Judgment ("Declaration"). Pursuant to Rule 402 of the Idaho Rules of Evidence, the Declaration contains statements irrelevant to the Motion. Rule 402 specifies that irrelevant evidence is not admissible. Additionally, Rule 403 of the Idaho Rules of Evidence specifies that even if evidence is relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice,

confusion of the issues or misleading the jury or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

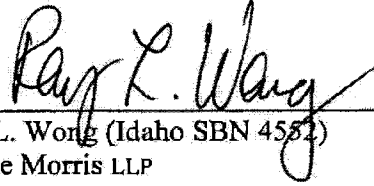
Rule 602 of the Idaho Rules of Evidence specifies that a witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Hearsay of her statements are simply arguments, not statements of fact. Rule 802 of the Idaho Rules of Evidence specifies that hearsay is not admissible, except as allowed under the Rules.

Accordingly, the 14-page Declaration of Plaintiff, Candace Elliott, is objectionable for all of the foregoing reasons. It contains numerous irrelevant statements and any relevance is outweighed by the danger of unfair prejudice, confusion of the issues and considerations of undue delay, waste of time or needless presentation of cumulative evidence. Often Ms. Elliott testifies as to matters which are excluded by the hearsay rule. The Declaration additionally is argumentative and sets forth numerous inaccuracies.

This action involves alleged defamation arising from a March 22, 2012 radio call-in program. The Declaration includes statements of Ms. Elliott's prior activities related to specific alleged complaints about alleged animal cruelty. Statements of such prior alleged cases are irrelevant to whether Plaintiffs can prove, by clear and convincing evidence, that Mr. Murdock acted with actual malice, which he did not. Any alleged conduct by Mr. Murdock or his son as to Ms. Elliott, apart from the few innocuous opinions Mr. Murdock gave on the March 22, 2012 radio program, are also irrelevant or should be excluded pursuant to Rule 402. The Declaration is also objectionable because it is not a statement of relevant facts, but arguments intended to distract or prejudice this Court. For example, the Declaration states that "Murdock is well-known in Hamer as being the "neighborhood bully." There is nothing proper about such a baseless and

improper accusation. Mr. Murdock objects to the entire Declaration and moves that it be stricken.

Dated: April 13, 2015



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2015 APR 13 PM 3:18

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Attorneys for Defendant, Steven L. Murdock
(sued erroneously as Murdoch)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON


CANDACE ELLIOTT, individually and FOR THE)	
LOVE OF PETS FOUNDATION, INC., an Idaho	)	CASE NO. CV-2014-0238
corporation,)	
	)	CERTIFICATE OF SERVICE
)	
Plaintiffs,)	
)	
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

I hereby certify that a true and correct copy of the followings document was served upon the persons identified below, by mail, hand delivery or fax:

1. Opposition of Defendant Steve Murdock to Plaintiff's Motion to Amend Pleadings
2. Reply Memorandum of Points and Authorities in Support of Defendant Steven Murdock's Motion for Summary Judgment
3. Opposition of Defendant Steven Murdock to Plaintiff's Objection and Motion to Strike Hearsay
4. Request for Court to Take Judicial Notice of Court Records

5. Objection and Motion to Strike of Defendant Steven Murdock to Declaration of Plaintiff in Opposition to Defendant's Motion for Summary Judgment
6. Defendant Steven Murdock's Objections and Motion to Strike Exhibits Offered by Plaintiffs in Opposition to Defendant Murdock's Motion for Summary Judgment

DATED this 13th day of April, 2015.



Paul B. Rippel

Kent Whittington, Esq.
1820 E 17th St
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE WHITE ELLIOTT, ETAL,)
)
 Plaintiff,)
 vs.)
)
 STEVE MURDOCH,)
 Defendant.)

Case No. CV-2014-238

**MINUTE ENTRY ON
MOTION FOR SUMMARY
JUDGMENT**

2015 APR 20 PM 2:30
 MAGISTRATE DISTRICT COURT
 JEFFERSON COUNTY, IDAHO

This matter came on for hearing on motion for summary judgment on April 20, 2015, at 10:48 A.M., before the Honorable Alan C. Stephens, District Judge, sitting in open court at Rigby, Idaho.

Ms. Rainey Stockton, Court Reporter, and Ms. Nancy Andersen, Deputy Court Clerk, were present.

Mr. Kent Whittington appeared on behalf of the plaintiff

Mr. Ray Wong and Paul Ripple were present on behalf of the defendant.

Mr. Wong presented argument supporting the motion for summary judgment.

Ms. Whittington presented argument in opposition.

Mr. Wong responded.

The Court inquired of Mr. Wong and Mr. Wong responded.


Mr. Whittington replied.

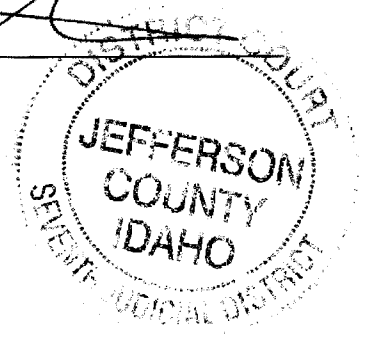
The Court inquired of Mr. Whittington and Mr. Whittington responded.

After discussion between Court and counsel the Court will take the matter under advisement.

Court was thus adjourned.

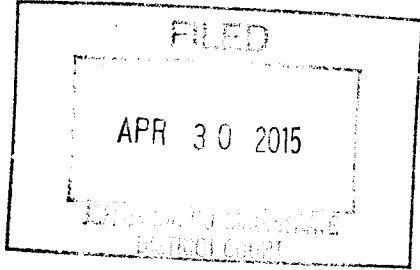
c: Kent Whittington, Esq.
Ray Wong, Esq.
Paul Ripple, Esq.


ALAN C. STPEHENS
District Judge



**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

**CANDACE ELLIOT, individually and
FOR THE LOVE OF PETS
FOUNDATION, INC., an Idaho
Corporation,**)
)
)
)
)
)
Plaintiff,)
)
)
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)
)
-vs.-)
)
)
STEVE MURDOCK,)
)
)
)
)
)
Defendant.)
)
_____)



Case No. CV 14-238

**DECISION AND ORDER RE:
MOTION FOR SUMMARY
JUDGMENT**

Defendant filed a motion for summary judgment on February 17, 2015. The court has considered the motion, reviewed the briefs and affidavits filed by the parties, and held a hearing on the matter. IT IS HEREBY ORDERED that the motion be GRANTED as follows.

I. SUMMARY JUDGMENT AND DEFAMATION

In order to grant a motion for summary judgment, the Court must find that there is no genuine issue of material fact as to any element of the claim, and that the movant is entitled to a judgment as a matter of law. To be granted summary judgment in a defamation case, the defendant must prove that he is entitled to a judgment as a matter of law because the plaintiff failed to provide sufficient evidence of any one of the following: 1) the defendant communicated information concerning the plaintiff to others; 2) the statement was defamatory; or 3) the plaintiff

suffered actual injury because of the defamation. *Bandelin v. Pietsch*, 563 P.2d 395, 397 (Idaho 1977).

A statement is defamatory if: a) the stated information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule, b) the information was false, and c) the defendant knew the information was false or reasonably should have known it was false (if the plaintiff is not a public figure), or there is clear and convincing evidence that defendant knew the information was false or acted with reckless disregard for its truth (if the plaintiff is a public figure). *New York Times v. Sullivan*, 376 U.S. 254, *Clark v. Spokesman-Rev.*, 163 P.3d 216, 219 (Idaho 2007).

In his motion for summary judgment, Defendant argued in part that he is entitled to a judgment as a matter of law because Plaintiffs failed to raise a genuine issue of material fact as to 1) whether or not they are public figures, and 2) whether Defendant knew the information was false or acted with reckless disregard for its truth.

II. STIPULATED FACTS

The parties have stipulated that:

1. Ms. Elliott has written at least dozens of letters to the editor regarding political and animal rights issues. Deposition of Candace Elliott (Elliott Depo.) pp. 154-158.
2. Ms. Elliott is a state coordinator for the Tea Party Patriots. Elliott Depo. P. 52.
3. As part of her duties as a state coordinator, Ms. Elliott organizes and speaks at public rallies. Elliott Depo. P. 53.

4. Ms. Elliott announced her candidacy for Sheriff of Jefferson County through the media. Elliott Depo. P. 288
5. Ms. Elliott presents herself through the media as a political advocate. Elliott Depo. P. 301.
6. Ms. Elliot uses the foundation to help fund her animal advocacy activities. Elliott Depo. p.
7. The For the Love of Pets Foundation relies on public donations for its operation. Plaintiff's brief in opposition to summary judgment p. 24.
8. Ms. Elliot used to be the president of the Humane Society of the Upper Valley. Elliott Depo. p. 18.
9. The For the Love of Pets Foundation is similar to a humane society. Elliott Depo. p. 47.
10. That there was an advertisement in the public media mentioning that the Humane Society used less than 1% of the donations received for the benefit of animals. Admitted in Open Court.
11. Ms. Elliott was convicted one time for trespassing. Elliott Depo. pp. 59-60.
12. Ms. Elliott was charged multiple times for trespassing. Elliott Depo. p. 54.
13. Defendant's brother and sister-in-law were witnesses to one such charge for trespassing. Plaintiff's brief in opposition to summary judgment pp. 21-22.

III. PLAINTIFFS ARE BOTH PUBLIC FIGURES

There is no genuine issue of material fact that Plaintiffs are both public figures for any controversy involving the treatment of animals. Plaintiffs stipulate that Ms. Elliot has written over 100 letters to the editors of various newspapers, is a spokesperson for the Tea Party Patriots, announced her plans to run for Sheriff in Jefferson County through the media, repeatedly presents herself through the media to be an advocate for animals, and frequently calls into radio programs to promote her views. Indeed, Ms. Elliot's own affidavit references sufficient facts to prove she has thrust herself into any public controversy concerning the welfare of animals, enough to become a public figure in that area. Because reasonable minds could not differ on that matter, the Court concludes that Ms. Elliot is a public figure in the geographic area of Southeastern Idaho covered by the radio program referenced in this matter.

The argument by Plaintiffs that the For the Love of Pets Foundation (the foundation) is not a public figure is a bit precarious. If the foundation is not a public figure, there is no evidence that people listening to the radio program where the alleged defamatory statements were said would assume that Defendant was speaking of the foundation when he said "Andi's Humane Society." If the public would not be aware that Defendant was speaking of the foundation, there would be no case for defamation because the information would not be communicated to others, nor could it have damaged the foundation. Alternatively, if the foundation is a public figure and the public would recognize that Defendant was referring to the foundation, then it has to meet the higher burden and provide clear and convincing evidence that Defendant knew the information was false, or acted with reckless disregard for its truth, at the time it was spoken on the radio program.

Regardless, reasonable minds could not differ and therefore this Court concludes that the foundation is a public figure for purposes of this action because of its close association with Ms. Elliot, its status as a 501(c) public charity, and its solicitation of public donations for its operation. The foundation is simply a mechanism by which Ms. Elliot further thrusts herself into the public controversy surrounding the treatment of animals, and therefore is also a public figure.

IV. PLAINTIFFS HAVE NOT PRODUCED EVIDENCE THAT THE DEFENDANT KNEW THE STATEMENTS WERE FALSE OR THAT HE ACTED WITH RECKLESS DISREGARD FOR THEIR TRUTH

As public figures, Plaintiffs must provide clear and convincing evidence that Defendant knew the information he communicated on the radio program was false, or that he acted with reckless disregard for its truth, at the time he communicated it. This is a high burden of proof and Plaintiffs have not met this burden. In other words, reasonable minds could not differ as to whether Plaintiffs have met their burden.

The two statements that Plaintiffs continue to argue were defamatory are: 1) that “Andi’s Humane Society puts .02 percent of the money they hit everybody up back into the care of animals;” and 2) that she trespassed numerous times.

As pertaining to the first statement, both parties stipulate that: 1) Ms. Elliot used to run the Humane Society of the Upper Valley, 2) the For the Love of Pets Foundation is at least similar to the Humane Society in that it solicits public donations, is set up as a 501(c) corporation, is engaged in caring for animals, and uses its resources to alert the public of the mistreatment of animals, and 3) that there were accusations brought up in the public media stating that less than one percent of the money donated to the Humane Society was used to take

care of animals. There is no evidence that Defendant was referring to the foundation when he made this comment, but the forthcoming analysis assumes that he did so intend for argument's sake.

Plaintiffs entered no evidence that Defendant actually knew the statements he made were false at the time he stated them or that he even knew that the foundation existed. However, if knowledge were impugned on Defendant that he knew the foundation existed and that it was different from the Humane Society, then his use of the term "Humane Society" must have been deliberate in his comment on the radio program. In which case, the foundation would have no claim because he was specifically referencing a different entity.

Plaintiffs submitted no evidence to prove that the foundation held itself out to operate, solicit donations, or care for animals in any way that would lead a reasonable person to believe it was separate and different from the Humane Society. Additionally, by his own undisputed statement on the radio program, if Defendant was referring to the foundation, he associated it with the Humane Society and clearly thought the foundation was at least similar to or associated with the Humane Society. Plaintiffs provided no evidence that would prove this view to be unreasonable or in reckless disregard for the truth. The entire weight of the evidence shows that Defendant was either reasonably associating the foundation with the Humane Society or not referring to the foundation at all. Therefore, Defendant could not have acted with reckless disregard if he somehow associated the foundation with the Humane Society in his mind.

As for the second statement, the parties stipulate that Ms. Elliot was convicted of trespassing one time, that she has been charged and accused multiple times for the same crime,

and that Defendant's sister-in-law and brother were witnesses asked to testify in one of these proceedings.

Second, when Defendant made the statement about Plaintiff's trespassing numerous times, he relied on: 1) his personal knowledge that Ms. Elliot had been convicted of one act of trespassing, 2) rumors that Ms. Elliot had been charged with trespassing more than once in addition to the single conviction, and 3) the word of his brother and sister-in-law who testified against Ms. Elliot in a separate trespassing case. It is not up to the Court in this case to determine whether Ms. Elliot trespassed more than once, but only to determine whether Plaintiff has met her burden to show that there are disputed material facts which would prove that Defendant was not justified in relying on the said evidence before him in making his statement.

Plaintiffs have again failed to produce any evidence that Defendant had special knowledge concerning Plaintiff's alleged innocence to the trespassing accusations. It seems reasonable to the Court that a person, who knows of a recent trespassing conviction, would rely on the word of his friends, neighbors, brother, and sister-in-law to form a belief that Plaintiff had trespassed more often than the one time she was convicted. Additionally, while Plaintiff was not convicted in the case where Defendant's sister-in-law testified against her for trespassing, it seems reasonable that a person would rely on the testimony of a family member above the overall disposition of the case. Since a reasonable person with comparable knowledge would reach the same conclusions as Defendant, his actions cannot be considered acting in reckless disregard for the truth. This Court does not believe that reasonable minds could differ on this point. Therefore, Plaintiffs have not met the preponderance of the evidence standard, let alone the clear and convincing standard required in this case.

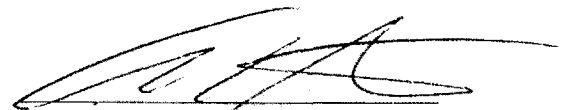
V. CONCLUSION

Plaintiffs are public figures for purposes of this case.

There is no disputed material fact as to whether Defendant acted with reckless disregard for the truthfulness of his statements. Therefore, the Motion for Summary Judgment is granted.

IT IS SO ORDERED.

Dated this 30th day of April, 2015.



Alan C. Stephens, District Judge

CERTIFICATE OF SERVICE

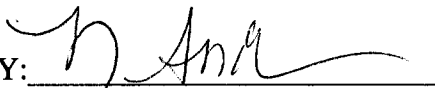
I hereby certify that on this 1st day of April, 2015, I did send a true and correct copy of the forgoing document upon the parties listed below my mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by cause the same to be had delivered.

KENT WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E.17th St., Suite 340
PO Box 2781
Idaho Falls, ID 83403

PAUL RIPPLE
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402

RAY L. WONG
Duane Morris LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

COLLEEN POOLE
Clerk of the District Court

BY: 

I. PLAINTIFF'S MOTION TO AMEND THE COMPLAINT

The Court generally gives leave to amend a complaint once as a matter of course, but the matter in this case is moot. The Court considered the original complaint as sufficient for pleading defamation of a public figure with the heightened standard even though it did not specifically state that cause of action. While the motion to amend the complaint provides clarification and more closely tracks the Parties' positions and the Court's ruling, it is unnecessary. For the foregoing reasons, Plaintiff's motion to amend the complaint is DENIED.

II. PLAINTIFF'S MOTION TO STRIKE HEARSAY

Plaintiff submitted a motion to strike hearsay for the following items; Jefferson County Incident Reports, letters and writings provided by Plaintiff in discovery including an announcement to run for sheriff and various other articles, and a copy of an ad ran by North American Equine Services stating that less than 1% of donations to the Humane Society go to help animals. Defendant argues that these items do not go to prove the truth of the matters asserted, but only that he was justified in believing the alleged defamatory statements to be true.

However, through hearings, affidavits, and depositions, the parties have stipulated that Plaintiff was an animal advocate, that she announced her candidacy for Sheriff of Jefferson County through the media, that she had been charged numerous times with trespassing and convicted once, and that there was a public ad stating that the Humane Society used less than 1% of its donations for the care of animals. The items that Plaintiff moves to be stricken go to prove facts that have already been stipulated by the parties and are items that the Court did not look to in making its decision on the summary judgment motion.

Plaintiff's motion to strike hearsay is GRANTED.

III. DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S DECLARATION

Defendant filed a motion to strike Plaintiff's declaration in opposition to summary judgment because it is largely irrelevant and highly prejudicial. The Court agrees that Plaintiff's declaration in opposition to summary judgment is almost completely irrelevant and that it is substantially more prejudicial than probative. Idaho Rules of Evidence 402. Defendant's motion to strike Plaintiff's declaration is GRANTED.

IV. DEFENDANT'S MOTION TO STRIKE EXHIBITS

Defendant filed a motion to strike Plaintiff's exhibits claiming that they were either irrelevant, were inadmissible hearsay, or that their marginal relevance was outweighed by the undue prejudice, burden, and waste of time that the documents presented. Idaho Rules of Evidence 402. The Court agrees that the items are for the most part irrelevant and in some cases highly prejudicial. Also, the issues present in this case are sufficiently narrow that their admission would create an undue burden on the parties and the Court. Additionally, the Court did not rely on any of the exhibits mentioned in this motion in making its ruling on the motion for summary judgment. Defendant's motion to strike exhibits is GRANTED.

V. DEFENDANT'S MOTION TO TAKE JUDICIAL NOTICE OF COURT RECORDS

Defendant filed a motion asking the Court to take judicial notice of six items:

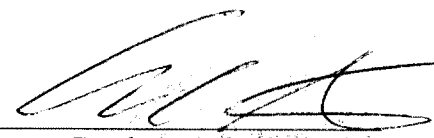
- 1) Exhibit 20 from Candace Elliott deposition volume 2 – Seventh Judicial District Court – Jefferson County Party History re Candace White Elliot
- 2) Exhibit 21 from Candace Elliott deposition volume 2 – Idaho Repository Case History for Candace White Elliott
- 3) Exhibit 22 from Candace Elliott deposition volume 2 – Misdemeanor Minute Entry/Log/Order/Judgment re Candace W Elliott
- 4) Exhibit 23 from Candace Elliott deposition volume 2 – 08/22/08 transcript of proceedings in *State of Idaho v. Candace W. Elliott*, Case No. CR 08-1568

- 5) Exhibit 24 from Candace Elliott deposition volume 2 – 03/15/12 Affidavit in Support of Motion for Contempt in *State of Idaho v. Candace W. Elliott*, Case No. CR 11-3409.
- 6) Exhibit 27 from Candace Elliott deposition volume 2 – Case No. CV 2014-680 Complaint (And Demand for Jury Trial) against defendants Blair Olsen, et al.

These are all items found in the public record. Therefore, Defendant's motion to take judicial notice is GRANTED.

IT IS SO ORDERED.

Dated this 30th day of April, 2015.


Alan C. Stephens, District Judge

CERTIFICATE OF SERVICE


I hereby certify that on this 14 day of ~~April~~ ^{May}, 2015, I did send a true and correct copy of the forgoing document upon the parties listed below my mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by cause the same to be had delivered.

KENT WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E.17th St., Suite 340
PO Box 2781
Idaho Falls, ID 83403

PAUL RIPPLE
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402

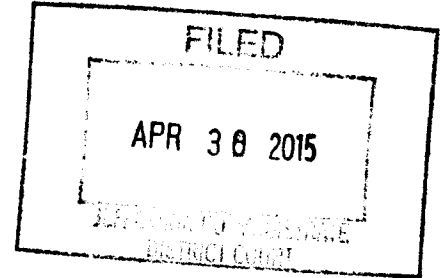
RAY L. WONG
Duane Morris LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

COLLEEN POOLE
Clerk of the District Court

BY: 

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOT, individually and)
FOR THE LOVE OF PETS)
FOUNDATION, INC., an Idaho)
Corporation,)
Plaintiff,)
-vs.-)
STEVE MURDOCK,)
Defendant.)



Case No. CV 14-238

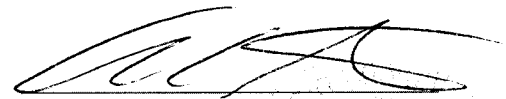
**ORDER RE:
LIMITATION ON FILING**

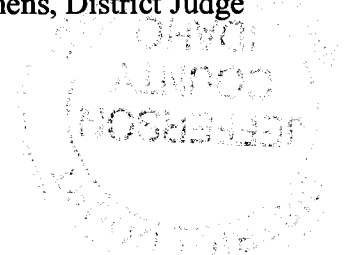
Any further motions, notices, judgments, or other documents filed with this court shall be typed on 8 1/2 x 11 inch paper with not less than one (1) inch margins from the sides and bottom and not less than two (2) inch margins from the top of the paper. The body of all such documents shall be typed with double line spacing and Times New Roman standard typing of 12 point font. No brief, motion, notice, or other document filed with the Court shall be in excess of 25 pages, without the consent of the Court.

Any submissions in violation with this order will be disregarded by the Court.

IT IS SO ORDERED.

Dated this 30th day of April, 2015.


Alan C. Stephens, District Judge



CERTIFICATE OF SERVICE


I hereby certify that on this 1st day of May, 2015, I did send a true and correct copy of the forgoing document upon the parties listed below my mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by cause the same to be had delivered.

KENT WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E.17th St., Suite 340
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Idaho Falls, ID 83403

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Idaho Falls, ID 83402

RAY L. WONG
Duane Morris LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

COLLEEN POOLE
Clerk of the District Court

BY: 

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOT, individually and)
FOR THE LOVE OF PETS)
FOUNDATION, INC., an Idaho)
Corporation,)
Plaintiff,)
-vs.-)
STEVE MURDOCK,)
Defendant.)

Case No. CV 14-238

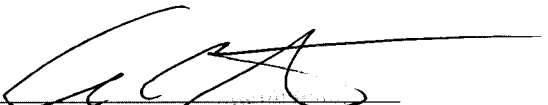
JUDGMENT

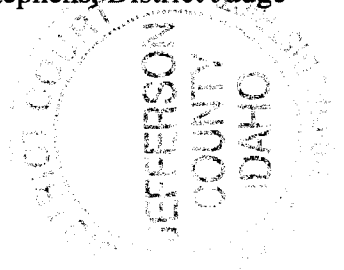
2015 MAY -14 PM 2:16
JEFFERSON COUNTY, IDAHO
DISTRICT COURT

JUDGMENT IS ENTERED AS FOLLOWS:

Plaintiff's complaint is dismissed with prejudice.

Dated this 4th day of May, 2015.


Alan C. Stephens, District Judge



CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of MAY, 2015, I did send a true and correct copy of the forgoing document upon the parties listed below my mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by cause the same to be had delivered.

KENT WHITTINGTON, ESQ.
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San Francisco, CA 94105-1127

COLLEEN POOLE
Clerk of the District Court
Jefferson County Idaho

BY: 

REGISTERED
JEFFERSON COUNTY
2015 MAY 18 PM 4:05

Ray L. Wong (Idaho SBN 4552)
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428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdoch
(Sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)
)
Plaintiffs,)
)
vs.)
)
STEVE MURDOCK,)
)
Defendant.)

CASE NO. CV-2014-0238

**VERIFIED MEMORANDUM IN
SUPPORT OF REQUEST FOR
ATTORNEYS' FEES FOR CO-
COUNSEL**

STATE OF IDAHO)
)ss.
County of Bonneville)

VERIFIED MEMORANDUM IN SUPPORT OF REQUEST FOR ATTORNEYS' FEES FOR CO-COUNSEL

I, PAUL B. RIPPEL, being first duly sworn on his oath, deposes and says as follows:

1. I am the Idaho co-counsel for Defendant, Steve Murdock, in the above entitled matter and have personal knowledge of the facts stated herein.

2. This *Verified Memorandum in Support of Request for Attorney Fees for Co-Counsel* is submitted in support of the *Motion for Attorney Fees*, and in addition to the *Verified Memorandum of Fees* filed herein by counsel Ray L. Wong, and pursuant to Rules 54 and 37(c) of the Idaho Rules of Civil Procedure and Idaho Code §§ 12-121 and 12-123.

3. At a point during the litigation, it became clear that local counsel and staff would make the defense more efficient and cost effective. Therefore, Defendant Murdock was required to retain our law firm and the law firm of Duane Morris, LLP, to provide the legal services necessary to defend against a meritless claim brought by plaintiffs Candace Elliott and For the Love of Pets Foundation and obtain the Court's *Summary Judgment* in this action.

4. The Defendant has, to date, incurred \$9,445 in Attorney Fees for the services of my staff and myself. A true and correct record of those attorney fees incurred in this case is attached as Exhibit A.

5. The fees set forth herein are, to the best of my knowledge and belief, correct and properly claimed, and are in compliance with IRCP Rules 54 and 37(c). To the best of my knowledge and belief, all such fees were incurred or expended reasonably, in good faith, for purposes of preparing and defending this action, and were not incurred

to vex, harass, or annoy the Plaintiff or any other party.

6. My hourly rate on this case is \$250.00. I have been working as an attorney for over 30 years. My paralegal, Kristen Gazaway, had an hourly rate of \$75.00. Kristen has been working as a paralegal for two (2) years and obtained her Associate Degree of Applied Science in 2013.

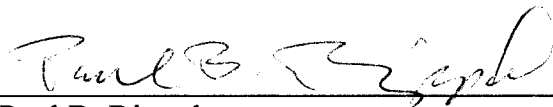
7. The fees incurred in this matter were fixed and not contingent.

8. There were no time limitations imposed by the circumstances of this case.

9. Due to the inherent animosity and publicity in cases such as this one, it qualifies as undesirable.

10. Our firm has been in a professional relationship with the Defendant for less than a year.

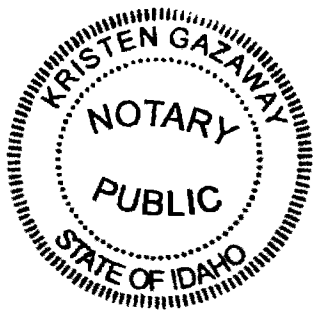
DATED this 18th day of MAY, 2015.


Paul B. Rippel
Attorneys for Steven Murdock

2015.

SUBSCRIBED AND SWORN to before me this 18th day of May,

S
E
A
L



Kristen Gazaway
Notary Public for Idaho
Residing at: Idaho Falls, ID.
My Commission Expires: 3-21-20

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 18th day of MAY, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

[] Mail
[] Fax (208) 529-8775
 Hand Delivery

Selection Criteria

Clie.Selection Include: Murdock, Steve
Slip.Slip Type Time

Slip ID	Dates and Time	Lawyer Activity	Client	Reference	Units	Rate	Slip Value
180853	7/22/2014	Rippel	Miscellaneous	Murdock, Steve	1.40	250.00	350.00
	Billed						
	Review file and update on efforts with attorney Wong						
181200	7/30/2014	Rippel	Miscellaneous	Murdock, Steve	1.00	250.00	250.00
	Billed						
	Address issues on discovery responses on Murdock litigation and email to Ray						
182010	8/8/2014	Rippel	Miscellaneous	Murdock, Steve	0.40	250.00	100.00
	Billed						
	Conference on documents in Andi Elliot litigation						
186779	12/30/2014	Rippel	Miscellaneous	Murdock, Steve	0.10	250.00	25.00
	Billed						
	Call with Ray on Motion for Summary Judgment preparation						
186832	1/2/2015	Rippel	Miscellaneous	Murdock, Steve	1.00	250.00	250.00
	Billed						
	Review and make notes and comments on first draft of Motion for Summary Judgment						
186833	1/7/2015	Rippel	Miscellaneous	Murdock, Steve	1.00	250.00	250.00
	Billed						
	Review and make notes and comments on second draft of Motion for Summary Judgment						
187638	1/23/2015	Kristen	Miscellaneous	Murdock, Steve	1.60	75.00	120.00
	Billed						
	Review file and compile exhibits related to the declarations of Blair and Olsen, scan into PDF and attach to email and send to attorney Hall for review						

Slip ID	Dates and Time	Lawyer Activity	Client	Units	Rate	Slip Value
Description	Reference					
187819	TIME 1/13/2015	Rippel Miscellaneous	Murdock, Steve	0.80	250.00	200.00
Billed Editions on summary judgement documents and email to attorney Wong for review; editing on Evidentiary compilation to be more specific						
187859	TIME 1/12/2015	Rippel Miscellaneous	Murdock, Steve	0.20	250.00	50.00
Billed Review Ray's drafts and reply via email on status						
187861	TIME 1/14/2015	Rippel Miscellaneous	Murdock, Steve	0.70	250.00	175.00
Billed Teleconference with Ray and edit Declarations; conference with Kristen on document issues and sending exhibits						
188452	TIME 2/13/2015	Rippel Miscellaneous	Murdock, Steve	2.00	250.00	500.00
Billed working on summary judgment , declarations, legal brief, etc.						
188456	TIME 2/17/2015	Rippel Miscellaneous	Murdock, Steve	4.10	250.00	1025.00
Billed Complete documents and file and serve Motion for Summary Judgment, with supporting Memorandum of Points and Authorities and Declarations and Exhibits						
188484	TIME 2/10/2015	Rippel Miscellaneous	Murdock, Steve	0.50	250.00	125.00
Billed Retainer Agreement, signed for file; calls and messages with Ray on summary judgment declarations, email from Sam Angell; telephone call to court reporting company, etc.						
188486	TIME 2/11/2015	Rippel Miscellaneous	Murdock, Steve	3.40	250.00	850.00
Billed Call from John at T&T Reporting; instructions to assistant on getting reporters' contact information; research statutes on deposition transcripts; call with Bar Counsel on request for copies of depositions; call with Ray Wong on procedural issues; related email to Sam Angell; receipt of Declarations of Blair Olsen and Robin						

Slip ID	Dates and Time	Lawyer	Activity	Client	Units	Rate	Slip Value
Description	Reference						
189821	TIME	Rippel	Miscellaneous	Murdock, Steve	2.30	250.00	575.00
3/26/2015 Billed Calls on getting a conference call made with the judge; telephone conference call with counsel and parties on our Motion for Protective Order etc.; prepare Minute Entry and Order for Court's signature							
190540	TIME	Rippel	Miscellaneous	Murdock, Steve	0.60	250.00	150.00
4/13/2015 Billed Work with Kristen and Ray on review of documents and filing the same							
190568	TIME	Rippel	Miscellaneous	Murdock, Steve	3.00	250.00	750.00
4/20/2015 Billed Conference to hone arguments; appearance and representation at hearing on our Motion for Summary Judgment; related travel to Rigby and back							
191202	TIME	Kristen	Miscellaneous	Murdock, Steve	6.00	75.00	450.00
5/15/2015 WIP Begin drafting revisions to attorney Wong's Motion for Attorney fees per Paul; draft revisions to attorney Wong's Verified Memorandum of Fees per Paul; draft Ray's Memorandum of Costs; draft Paul's Memorandum of Costs; submit both to Paul for review; make minor corrections to all documents once both attorney's have reviewed same; submit all for final revisions and edits to Paul; make corrections							
191206	TIME	Rippel	Miscellaneous	Murdock, Steve	0.60	250.00	150.00
5/8/2015 WIP Receipt and review of decision, order and judgment faxed to us from the court clerk, conference call with defendant and co-counsel attorney Wong							
191207	TIME	Rippel	Miscellaneous	Murdock, Steve	0.30	250.00	75.00
5/11/2015 WIP Coordinate with Kristen on getting documentation on costs and fees from our office and attorney Wong's as well							

5/18/2015
11:11 AM

Hopkins Roden Crockett Hansen & Hoopes, PLLC
Slip Listing

Slip ID	Dates and Time	Lawyer	Activity	Client	Units	Rate	Slip Value
Description		Reference					
191208	TIME	Rippel	Miscellaneous	Murdock, Steve	0.80	250.00	200.00
5/12/2015 WIP Work on costs and fees with Kristen, instructions on drafting two separate motions; review information from attorney Wong;							
191209	TIME	Rippel	Miscellaneous	Murdock, Steve	3.30	250.00	825.00
5/15/2015 WIP Research various rules on attorney fees and costs; review and revise the Motion for Attorney Fees, the Verified Memorandum for Fees for myself and Ray, the Memorandum for Costs for both myself and co-counsel; conference with Kristen on the revisions necessary and notations; further revisions to all; prepare and discuss service to Jefferson County on Monday							
Grand Total							
					Billable	43.10	9445.00
					Unbillable	0.00	0.00
					Total	43.10	9445.00

MAJESTIC COURT REPORTERS & VIDEO
JEFFERSON COUNTY, IDAHO
2015 MAY 18 PM 4:05

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(Sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)
)
Plaintiffs,)
)
)
vs.)
)
STEVE MURDOCK,)
)
)
Defendant.)

CASE NO. CV-2014-0238
**DEFENDANT STEVEN
MURDOCK'S MEMORANDUM
OF COSTS**

COMES NOW, the Defendant, Steven Murdock ("Murdock"), by and through his counsel of record, the law firms of Duane Morris LLP and Hopkins, Roden, Crockett, Hansen Hoopes, PLLC, and pursuant to Idaho Code Section 12-121 and

Section 12-123 and Rule 54 of the Idaho Rules of Civil Procedure, and submit the following Memorandum in support of an award of costs in this action;

1. Pursuant to Idaho Rule of Civil Procedure 54(C) Costs as a Matter of Right:

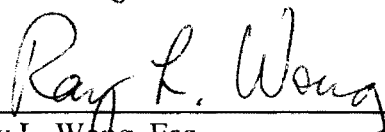
Color Printing & Duplicating - Internal	\$ 640.43
Document Retrieval	\$ 25.00
Lexis Legal Research	\$ 206.25
Overnight Mail	\$ 231.47
Printing and Duplicating	\$ 1,569.10
Deposition Costs	<u>\$ 3,707.40</u>
Total:	\$ 6,379.65

2. Pursuant to Idaho Rule of Civil Procedure 54(D) Discretionary Costs incurred:

Car Rental	\$ 143.47
GRAND Total of Costs:	\$ 6,523.12

Each of the items of cost itemized hereinabove is reasonable, was necessarily incurred, and has actually been paid by the Defendant, and Defendant should recover said costs as against the Plaintiff herein.

DATED this 15th day of May, 2015.

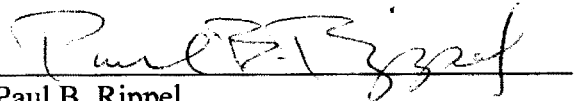


Ray L. Wong, Esq.
Attorneys for Steven L. Murdock

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 18th day of MAY, 2015.


Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

DuaneMorris

FILE and AFFILIATE OFFICES

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
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WASHINGTON, DC
SAN FRANCISCO
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SAN DIEGO
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HO CHI MINH CITY
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PITTSBURGH
NEWARK
LAS VEGAS
CHERRY HILL
BOCA RATON
LAKE TAHOE

MEXICO CITY
ALLIANCE WITH
MIRANDA & ESTAVILLO

May 12, 2015

STEVE MURDOCK
1995 NORTH OLD BUTTE HIGHWAY
HAMER, IDAHO 83425

STEVE MURDOCK

File# C8060-01342

PROFORMA#

IRS# 23-1392502

FOR PROFESSIONAL SERVICES RECORDED
THROUGH 05/11/2015 IN CONNECTION
WITH THE ABOVE-CAPTIONED MATTER.

\$0.00

DISBURSEMENTS		
CAR RENTAL	\$143.47	
COLOR PRINTING & DUPLICATING - INTERNAL	\$640.43	
DOCUMENT RETRIEVAL	\$25.00	
LEXIS LEGAL RESEARCH	\$206.25	
OVERNIGHT MAIL	\$231.47	
PRINTING & DUPLICATING	\$1,569.10	
TOTAL DISBURSEMENTS		\$2,815.72

BALANCE DUE THIS INVOICE		\$2,815.72
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TOTAL BALANCE DUE		\$2,815.72
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TOTAL DEPOSITION COSTS		\$3,707.40
------------------------	--	------------

TOTAL BALANCE DUE		\$6,523.12
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DUANE MORRIS LLP

Duane Morris
 May 12, 2015
 Page 2

File # C8060-01342
 STEVE MURDOCK

PROFORMA#

DATE	DISBURSEMENTS	AMOUNT
11/06/2014	LEXIS LEGAL RESEARCH MILLER, SHANNON K	45.50
11/06/2014	LEXIS LEGAL RESEARCH MILLER, SHANNON K	35.75
01/06/2015	LEXIS LEGAL RESEARCH MILLER, SHANNON K	125.00
	Total:	\$206.25
06/25/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG C/O PAUL RIPPEL AT HOPKINS RODEN CROCKETT HANSEN - IDAHO FALLS, ID FROM RAY WONG AT DUANE MORRIS LLP - SAN FRANCISCO, CA (TRACKING #770423990950)	75.54
11/10/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG C/O PAUL RIPPEL AT HOPKINS RODEN CROCKETT HANSEN - IDAHO FALLS, ID FROM ALICE PROBST AT DUANE MORRIS LLP - SAN FRANCISCO, CA (TRACKING #771809803962)	54.50
11/13/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG C/O PAUL RIPPEL AT HOPKINS RODEN CROCKETT HANSEN - IDAHO FALLS, ID FROM ALICE PROBST AT DUANE MORRIS LLP - SAN FRANCISCO, CA (TRACKING #771854277570)	28.94
11/17/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG AT DUANE MORRIS LLP - SAN FRANCISCO, CA FROM RAY WONG C/O PAUL RIPPEL AT HOPKINS RODEN CROCKETT HANSEN - IDAHO FALLS, ID (TRACKING #790088799879)	72.49
	Total:	\$231.47
09/09/2014	CAR RENTAL R. WONG CAR RENTAL	143.47
	Total:	\$143.47
04/30/2015	COLOR PRINTING & DUPLICATING - INTERNAL	2.94
06/30/2014	COLOR PRINTING & DUPLICATING - INTERNAL	592.41
10/31/2014	COLOR PRINTING & DUPLICATING - INTERNAL	40.67
12/31/2014	COLOR PRINTING & DUPLICATING - INTERNAL	4.41
	Total:	\$640.43
11/11/2014	DOCUMENT RETRIEVAL - UC/REGENTS/BOALT EXPRESS. VIN 14-1111-05	25.00
	Total:	\$25.00
03/31/2015	PRINTING & DUPLICATING	87.45
04/30/2015	PRINTING & DUPLICATING	265.70
06/30/2014	PRINTING & DUPLICATING	2.00
07/31/2014	PRINTING & DUPLICATING	564.25
10/31/2014	PRINTING & DUPLICATING	93.00
11/30/2014	PRINTING & DUPLICATING	410.70
12/31/2014	PRINTING & DUPLICATING	146.00
	Total:	\$1,569.10
TOTAL DISBURSEMENTS		\$2,815.72

DUANE MORRISLLP

INVOICE

TLS | THORSNES
 litigation services
 501 West Broadway, Suite 1000
 San Diego, California 92101
 P: 877.771.3312
 F: 877.561.5538

Invoice No.	Invoice Date	Job No.
20640	12/29/2014	14444
Job Date	Case No.	
11/14/2014	CV-2014-0238	
Case Name		
Candace Elliott v. Steve Murdock		
Payment Terms		
Net 15		

Ray L. Wong, Esq.
 DUANE MORRIS LLP
 One Market Plaza, Spear Tower
 Suite 2200
 San Francisco, CA 94105

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Candace Elliott, Volume III	209.00	Pages	@	4.65	971.85
Exhibit	135.00	Pages	@	0.45	60.75
Full Day Per Diem				225.00	225.00
Handling				35.00	35.00
Color Exhibit	3.00	Pages	@	1.50	4.50
Disk				30.00	30.00
Delivery				20.00	20.00

TOTAL DUE >>> **\$1,347.10**
 AFTER 1/28/2015 PAY **\$1,481.81**

PLEASE NOTE OUR NEW REMIT TO ADDRESS
 501 West Broadway, Suite 1000, San Diego, CA 92101

Tax ID: 56-2602533

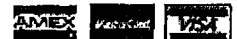
Please detach bottom portion and return with payment.

Ray L. Wong, Esq.
 DUANE MORRIS LLP
 One Market Plaza, Spear Tower
 Suite 2200
 San Francisco, CA 94105

Job No. : 14444 BU ID : TLS-SF
 Case No. : CV-2014-0238
 Case Name : Candace Elliott v. Steve Murdock

Invoice No. : 20640 Invoice Date : 12/29/2014
Total Due : \$ 1,347.10
 AFTER 1/28/2015 PAY \$1,481.81

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
 Card Number: _____
 Exp. Date: _____ Phone#: _____
 Billing Address: _____
 Zip: _____ Card Security Code: _____
 Amount to Charge: _____
 Cardholder's Signature: _____

Remit To: **Thorsnes Litigation Services**
501 West Broadway, Suite 1000
San Diego, CA 92101

INVOICE

TLS THORNBES
litigation services

501 West Broadway, Suite 1000
San Diego, California 92101
P: 877.771.3312
F: 877.581.5538

Ray L. Wong, Esq.
DUANE MORRIS LLP
One Market Plaza, Spear Tower
Suite 2200
San Francisco, CA 94105

Invoice No.	Invoice Date	Job No.
20639	12/29/2014	14443
Job Date	Case No.	
11/13/2014	CV-2014-0238	
Case Name		
Candace Elliott v. Steve Murdock		
Payment Terms		
Net 15		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Candace Elliott, Volume II	211.00 Pages	@	4.65	981.15
Exhibit	281.00 Pages	@	0.45	126.45
Full Day Per Diem			225.00	225.00
Handling			35.00	35.00
Color Exhibit	12.00 Pages	@	1.50	18.00
Disk			30.00	30.00
Delivery			20.00	20.00
TOTAL DUE >>>				\$1,435.60
AFTER 1/28/2015 PAY				\$1,579.16

PLEASE NOTE OUR NEW REMIT TO ADDRESS
501 West Broadway, Suite 1000, San Diego, CA 92101

Tax ID: 56-2602533

Please detach bottom portion and return with payment.

Ray L. Wong, Esq.
DUANE MORRIS LLP
One Market Plaza, Spear Tower
Suite 2200
San Francisco, CA 94105

Job No. : 14443 BU ID : TLS-SF
Case No. : CV-2014-0238
Case Name : Candace Elliott v. Steve Murdock

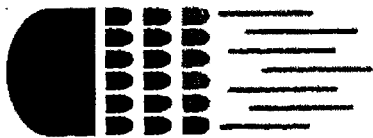
Invoice No. : 20639 Invoice Date : 12/29/2014
Total Due : \$ 1,435.60
AFTER 1/28/2015 PAY \$1,579.16

Remit To: **Thorsnes Litigation Services**
501 West Broadway, Suite 1000
San Diego, CA 92101

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____



T&T Reporting

Depositions - Videography - Video Conferencing
P.O. Box 51020
Idaho Falls, Idaho 83405-1020
208.529.5491

TO:

Ray L. Wong, Esq.
DUANE MORRIS, LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

July 14, 2014

Invoice# 12018

Balance: \$924.70

Re: Elliott, et al. vs. Murdock
Elliott, Candace
on 06/27/14 Billed 07/14/14
by DiAnn E. Prock

Invoicing Information

<u>Charge Description</u>	<u>Amount</u>
Appearance Fee	175.00
Original Plus Certified Copy: Candace Elliott Exhibits	710.50
Min-U-Script PDF ---- Complimentary with order	21.25
Shipping & Handling	17.95

2.00% per month on unpaid balance

P l e a s e R e m i t - - - > T o t a l D u e : \$ 9 2 4 . 7 0

Visa - MasterCard - Discover - American Express
***** EIN 72-1526406 *****

Please place invoice number on payment to ensure proper credit
2.0% per month charged on accounts not paid within 45 days

2015 MAY 18 PM 4:06
MAGISTRATE JUDGE
JEFFERSON COUNTY

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(Sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)
)
Plaintiffs,)
)
vs.)
)
STEVE MURDOCK,)
)
Defendant.)

CASE NO. CV-2014-0238
**DEFENDANT STEVEN
MURDOCK'S MEMORANDUM
OF COSTS BY CO-COUNSEL**

COMES NOW, the Defendant, Steven Murdock ("Murdock"), by and through his counsel of record, the law firms of Duane Morris LLP and Hopkins, Roden, Crockett, Hansen Hoopes, PLLC, and pursuant to Idaho Code Section 12-121 and

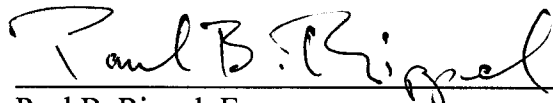
Section 12-123 and Rule 54 of the Idaho Rules of Civil Procedure, and submit the following Memorandum in support of an award of costs in this action;

1. Pursuant to Idaho Rule of Civil Procedure 54(C) Costs as a Matter of Right:

Photocopy Expense	\$ 401.85
Total:	\$ 401.85

Each of the items of cost itemized hereinabove is reasonable, was necessarily incurred, and has actually been paid by the Defendant, and Defendant should recover said costs as against the Plaintiff herein.

DATED this 15th day of MAY, 2015.

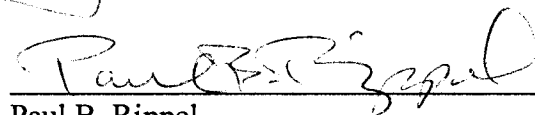


Paul B. Rippel, Esq.
Attorneys for Steven L. Murdock

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 18th day of MAY, 2015.



Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

Selection Criteria

Slip Classification Open
 Clie.Selection Include: Murdock, Steve
 Slip.Slip Type Expense

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	Lawyer Activity	Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
188557	2/27/2015	EXP	Photocopy Expense	Rippel	Murdock, Steve	2090	0.15	313.50
	Billed	G:1037084			3/4/2015			
189542	3/1/2015	EXP	Photocopy Expense	Rippel	Murdock, Steve	589	0.15	88.35
	Billed	G:1037750			3/31/2015 4/15/2015			
Grand Total								
				Billable		0.00		401.85
				Unbillable		0.00		0.00
				Total		0.00		401.85

2015 MAY 18 PM 4:05
JEFFERSON COUNTY CLERK

Ray L. Wong (Idaho SBN 4552)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: (415) 957 3000
Facsimile: (415) 957 3001
E-mail: RLWong@DuaneMorris.com

Paul Rippel, Esq. (Idaho SBN 2762) Co-Counsel
Hopkins, Roden, Crockett & Hansen
428 Park Avenue
Idaho Falls, ID 83402
Telephone: (208) 523-4445

Attorneys for Defendant, Steven L. Murdock
(Sued erroneously as Murdoch)

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE)
LOVE OF PETS FOUNDATION, INC., an Idaho)
corporation,)
)
Plaintiffs,)
)
vs.)
)
STEVE MURDOCK,)
)
)
Defendant.)

CASE NO. CV-2014-0238
**VERIFIED MEMORANDUM IN
SUPPORT OF REQUEST FOR
ATTORNEYS' FEES**

State of Idaho)
) ss.
County of Bonneville)

Ray L. Wong, being first duly sworn on his oath, deposes and says as follows:

1. I am an attorney for the Defendant Steven Murdock (“Murdock”) and have personal knowledge of the facts stated herein.
2. This *Verified Memorandum* is submitted in support of the *Motion for Attorney Fees*, filed herein, and pursuant to Rule 54 and 37(c) of the Idaho Rules of Civil Procedure and Idaho Code §§ 12-121 and 12-123.
3. Murdock was required to retain my law firm and subsequently Paul B. Rippel and the law firm of Hopkins, Roden, Crockett, Hansen & Hoopes, PLLC, to defend a claim brought by plaintiffs Candace Elliott and For the Love of Pets Foundation.
4. On March 19, 2014, plaintiffs brought an action against Murdock, alleging defamation.
5. Murdock defended himself with written discovery, including requests for admissions designed to eliminate issues in dispute and reduce potential expense. Plaintiffs denied virtually all of those requests for admissions, requiring Murdock to take a multi-volume deposition of Ms. Elliott, to establish many facts beyond dispute, which should have been admitted. Copies of plaintiffs’ responses to said requests are appended to this verified memorandum as Exhibit “A.”
6. On April 30, 2015, this Court granted Murdock’s motion for summary judgment, and on May 4, 2015, entered judgment in Murdock’s favor.
7. Plaintiffs presumably would have offered such evidence, if they had any. They instead filed and pursued a meritless case with no evidence, dropping claims

on five of the seven allegedly defamatory statements only after the damage was done.

8. To defend Murdock, we have incurred, to date, the following fees for the services of Ray L. Wong and his paralegal: Attorney and Paralegal Fees \$ 87,435 (See attached detailed time records).

9. The attorney fees set forth herein are, to the best of my knowledge and belief, correctly and properly claimed, and are in compliance with Rule 54 of the Idaho Rules of Civil Procedure. To the best of my knowledge and belief, all such attorneys' fees were incurred or expended reasonably, in good faith, for purposes of defending this action, and were not incurred to vex, harass, or annoy the Plaintiffs or any other party.

10. My hourly rate for this matter is \$400 per hour, although my normal billing rate is significantly higher. I have been working as an attorney for almost 36 years, and I personally worked on this action, to defend Murdock, taking the depositions of Ms. Elliott and preparing the motion for summary judgment and related documents related to the motion (e.g., objections to evidence and requests for judicial notice). Kristina Pfeifer has been working as a paralegal for over 6 years and has both a B.A. and an ABA approved Paralegal Certification. Her billing rate for this matter is \$175 per hour, although her normal billing rate is significantly higher.

11. No particular time limitations were imposed by the client or the circumstances of this case.

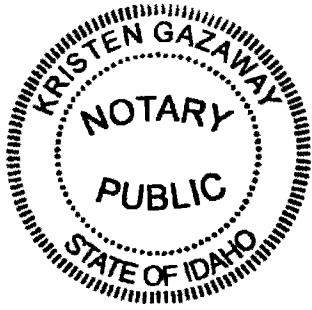
12. Our firm has been in a professional relationship with Murdock since April 2, 2014.

DATED this 15th day of May 2015.

Ray L. Wong
Ray L. Wong

SUBSCRIBED AND SWORN to before me this 15TH day of May,
2015.

S
E
A
L



Kristen Gazaway
Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 3-31-20

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 18th day of MAY, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE
LOVE OF PETS FOUNDATION, INC., an Idaho
corporation,

Plaintiffs,

vs.

STEVE MURDOCK,

Defendant.

CASE NO. CV-2014-0238

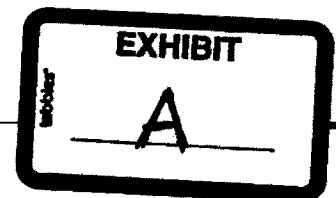
**PLAINTIFFS' RESPONSES TO
DEFENDANT'S FIRST SET OF
REQUESTS FOR ADMISSIONS
DIRECTED TO PLAINTIFFS**

COMES NOW Plaintiff, CANDACE ELLIOTT, individually, and FOR THE LOVE OF
PETS FOUNDATION, INC., an Idaho Corporation, and in response to Defendant's Requests for
Admissions, states as follows:

RESPONSE TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Do you admit that Steven L. Murdock never mentioned Candace Elliott by name in the
radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint?



RESPONSE TO REQUEST FOR ADMISSION NO. 1: Denied. Although he did not specifically refer to her as "Candace Elliott" he referred to "Andi," or Miss Elliott. "Andi" Elliott and Candace Elliott are one and the same.

REQUEST FOR ADMISSION NO. 2:

Do you admit that Steven L. Murdock reasonably believed that his statements during the radio broadcast, referred to as The Neal Larson Show in plaintiffs' complaint, were true?

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Denied.

REQUEST FOR ADMISSION NO. 3:

Do you admit that Candace Elliott is a public figure?

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Denied.

REQUEST FOR ADMISSION NO. 4:

Do you admit that Steven L. Murdock in the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint never mentioned the name For the Love of Pets Foundation, Inc.?

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Denied. Although he did not mention it by name specifically, he referred to "Andi's Humane Society" in clear reference to the For The Love Of Pets Foundation, Inc.

REQUEST FOR ADMISSION NO. 5:

Do you admit that Plaintiffs have not been damaged in any way by the alleged defamatory comments supposedly made by Steven L. Murdock?

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied.

REQUEST FOR ADMISSION NO. 6:

Do you admit that Steven L. Murdock's comments during the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint were true?

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Denied.

REQUEST FOR ADMISSION NO. 7:

Do you admit that Steven L. Murdock believed that his statements during the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint were true?

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Denied.

REQUEST FOR ADMISSION NO. 8:

Do you believe that Steven L. Murdock had no intent to defame Plaintiffs in the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint?

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Denied.

REQUEST FOR ADMISSION NO. 9:

Do you admit that Steven L. Murdock had a constitutional right to express his opinions during the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint?

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Denied. The right to free speech guaranteed by the Constitution does not include the right to defame and individual or an organization.

REQUEST FOR ADMISSION NO. 10:

Do you admit that Candace Elliott has voluntarily reported various persons to the Jefferson County Sheriff's Department for alleged animal cruelty?

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Admitted.

REQUEST FOR ADMISSION NO. 11:

Do you admit that Candace Elliott has voluntarily attempted to investigate how various residents of Jefferson County have treated animals?

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Admitted, as both a private citizen responding to complaints by third parties, as well as at the requests of law enforcement agencies.

REQUEST FOR ADMISSION NO. 12:

Do you admit that Candace Elliott voluntarily spoke on the radio program, referred to as The Neal Larson Show, in plaintiffs' complaint, expressing certain opinions about animal cruelty?

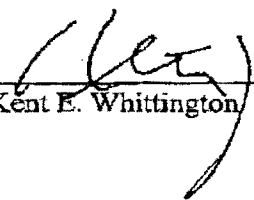
RESPONSE TO REQUEST FOR ADMISSION NO. 12: Admitted.

REQUEST FOR ADMISSION NO. 13:

Do you admit that that the radio broadcast, referred to as The Neal Larson Show, in plaintiffs' complaint is a public forum that solicits public discussion and debate?

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Admitted.

DATED this 27 day of May, 2014.



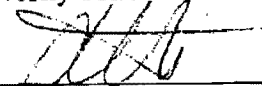
Kent E. Whittington

VERIFICATION

STATE OF IDAHO)
) ss.
County of Bonneville)

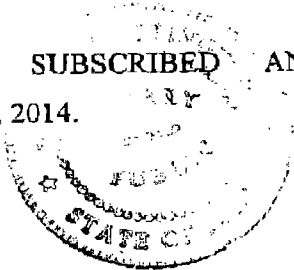
Candace Elliott, being first duly sworn, deposes and says:

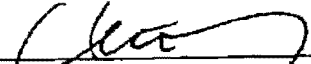
That I am the Plaintiff in the foregoing action; that I have read the foregoing Responses, know the contents thereof, and that the same is true as I verily believe.



Candace Elliott

SUBSCRIBED AND SWORN TO before me this 27 day of
May, 2014.





NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls
Commission Expires: 10/15/14

CERTIFICATE OF SERVICE

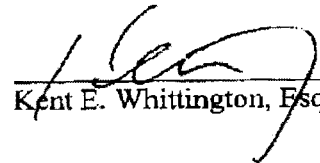
I hereby certify that I served the foregoing document upon the following this 27 day of May, 2014, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

- Mailing
- Hand delivery
- Facsimile: 415-957-3001



Kent E. Whittington, Esq.

KENT E. WHITTINGTON, ESQ.
Whittington Law Office, Chartered
1820 E. 17th St., Suite 340
P.O. Box 2781
Idaho Falls, Idaho 83403
Telephone: (208) 529-8765
Idaho State Bar No. 2307

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs,	)	CASE NO. CV-2014-0238
	)	NOTICE OF COMPLIANCE
vs.)	
)	
STEVE MURDOCK,)	
)	
Defendant.)	

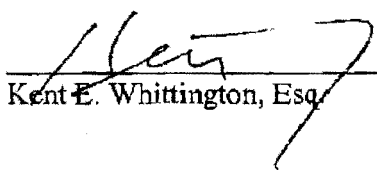
I HEREBY CERTIFY that the following documents were served upon the Plaintiff's counsel of record on the 27 day of May, 2014.

Document Served: Plaintiffs' Response to Defendant's First Request for Admissions

Person Served: Ray L. Wong, Esq., One Market Plaza, Suite 2200, San Francisco, CA 94105-1127

Method of Service: Facsimile: 415-957-3001

DATED this 27 day of May, 2014.



Kent E. Whittington, Esq.

1- Notice of Compliance (Elliott: Plaintiffs' Response to Defendant's First Request for Admissions)

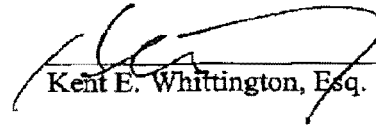
CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 27 day of May, 2014, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:
 Mailing
 Hand delivery
 Facsimile: 415-957-3001



Kent E. Whittington, Esq.

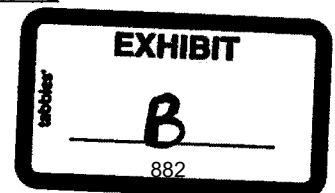
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PROFORMA#

DATE	ID#	TIMEKEEPER		HOURS
4/2/2014	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING MOTION TO COMPLAINT; REVIEW OF DOCUMENTS REGARDING SAME	2.00
4/3/2014	50131	RL WONG	TELEPHONE CALL TO CLIENT REGARDING STATUS AND DEVELOPMENTS	0.50
4/9/2014	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING SETTLEMENT AND DEADLINE FOR RESPONSIVE PLEADING; PREPARATION OF MESSAGE REGARDING SAME	0.60
4/11/2014	50131	RL WONG	FINAL PREPARATION OF ENGAGEMENT LETTER; REVIEW OF AUTHORITIES REGARDING SAME	1.00
4/13/2014	50131	RL WONG	REVIEW OF AUTHORITIES REGARDING SLANDER CASES	1.00
4/14/2014	50131	RL WONG	REVIEW OF AUTHORITIES REGARDING MOTION TO DISMISS DEFAMATION CASE	1.00
4/27/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF DISCOVERY AND MOTION TO STRIKE ALLEGATIONS	3.00
4/28/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF ANSWER TO COMPLAINT AND DISCOVERY	2.50
4/29/2014	50131	RL WONG	PREPARATION OF DEPOSITION NOTICE AND TRIAL PREPARATION OF DISCOVERY; FINAL PREPARATION OF ANSWER	2.50
4/30/2014	50131	RL WONG	REVIEW AND PREPARATION OF REVISED ANSWER AND LETTER TO COUNSEL AND LETTER TO CLIENT	3.00
5/13/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF MESSAGE TO OPPOSING COUNSEL REGARDING CONTINUATION OF DEPOSITION	0.20
5/15/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF MESSAGES TO OPPOSING COUNSEL REGARDING DEPOSITION AND DISCOVERY SCHEDULE	0.50
5/18/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF MESSAGES REGARDING DEPOSITION SCHEDULE	0.20
6/9/2014	50131	RL WONG	REVIEW OF SERVICE OF DISCOVERY RESPONSES; TELEPHONE CALL TO OPPOSING COUNSEL REGARDING DEPOSITION	1.50
6/12/2014	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING DEPOSITION SCHEDULING	0.60

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<u>DATE</u>	<u>ID #</u>	<u>TIMEKEEPER</u>		<u>HOURS</u>
6/13/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF MESSAGES REGARDING DEPOSITION PREPARATION	0.60
6/16/2014	50131	RL WONG	REVIEW OF MESSAGES FROM OPPOSING COUNSEL REGARDING DEPOSITION	1.00
6/17/2014	50131	RL WONG	CONFERENCE REGARDING DEPOSITION PREPARATION; REVIEW OF DISCOVERY AND MESSAGES FROM OPPOSING COUNSEL REGARDING DISCOVERY	0.50
6/18/2014	50131	RL WONG	SERVED ON CLIENTS TELEPHONE CALL TO OPPOSING COUNSEL REGARDING DEPOSITION OF PLAINTIFF	1.50
6/19/2014	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING DEPOSITION AND TRANSCRIPTION OF RADIO BROADCAST; TELEPHONE CALL TO CLIENT REGARDING DEPOSITION; TELEPHONE CALL TO ATTORNEY REGARDING DEPOSITION; FINAL REVIEW OF AND PREPARATION OF REVISED AMENDED NOTICE OF DEPOSITION	2.50
6/20/2014	50131	RL WONG	PREPARATION AND REVIEW OF TRANSCRIPT OR AUDIO POD CAST	2.00
6/25/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF FOR DEPOSITION OF PLAINTIFF CANDACE ELLIOTT; TRAVEL TO IDAHO FOR DEPOSITION OF PLAINTIFF	5.00
6/26/2014	50131	RL WONG	CONFERENCE WITH CLIENT IN PREPARATION FOR DEPOSITION OF PLAINTIFF CANDACE ELLIOTT	3.00
6/27/2014	50131	RL WONG	ATTENDANCE AT DEPOSITION OF CANDACE ELLIOTT PLAINTIFF IN CASE	6.00
7/10/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF RESPONSES TO DISCOVERY REQUESTS; TELEPHONE CALL TO PROSECUTOR DUNN OF JEFFERSON COUNTY	3.50
7/11/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF DRAFT DISCOVERY RESPONSES	3.00
7/14/2014	50131	RL WONG	TELEPHONE CALL TO OTHER COUNSEL REGARDING RESPONSES TO DISCOVERY	0.50
7/15/2014	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING EXTENSION FOR DISCOVERY RESPONSES; TELEPHONE CALL OTHER ATTORNEY REGARDING RESPONSES TO DISCOVERY RESPONSES; PREPARATION OF LETTER TO OPPOSING COUNSEL REGARDING SAME	0.80

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<u>DATE</u>	<u>ID #</u>	<u>TIMEKEEPER</u>		<u>HOURS</u>
7/23/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF REVISIONS TO WRITTEN DISCOVERY	1.50
7/24/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF RESPONSES TO DISCOVERY RESPONSES	2.20
7/25/2014	50131	RL WONG	FINAL REVIEW OF AND PREPARATION OF DISCOVERY RESPONSES; TELEPHONE CALL TO CLIENT REGARDING SAME	2.00
7/30/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF MESSAGES TO INSURER REGARDING COMPLAINT; CONFERENCE REGARDING SAME; PREPARATION OF AND REVIEW OF MESSAGE TO CLIENT REGARDING CONTRACT FROM INSURER; REVIEW OF AND PREPARATION OF MESSAGES REGARDING PRODUCTION OF DOCUMENTS	0.80
8/18/2014	50131	RL WONG	TELEPHONE CALL TO CLIENT REGARDING INSURERS RESPONSE AND DOCUMENTS TO BE PRODUCED	0.50
8/18/2014	50131	RL WONG	REVIEW AND PREPARATION OF MESSAGES TO INSURANCE ADJUSTER REGARDING DEFENSE	0.30
9/16/2014	50131	RL WONG	REVIEW OF DOCUMENTS TO BE PRODUCED; REVIEW OF AND PREPARATION OF LETTER TO CO-COUNSEL REGARDING SAME; CONFERENCE REGARDING DOCUMENTS TO BE PRODUCED	0.80
9/17/2014	50131	RL WONG	TELEPHONE CALL TO CO-COUNSEL REGARDING PRODUCTION OF DOCUMENTS; TELEPHONE CALL TO CLIENT REGARDING SUBPOENAS AND PRODUCTION OF DOCUMENTS	1.00
9/26/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF SUBPOENAS TO SHERIFF AND PROSECUTOR; FINAL PREPARATION OF LETTER TO OPPOSING COUNSEL REGARDING DOCUMENT PRODUCTION	2.20
9/29/2014	50131	RL WONG	TELEPHONE CALL TO CLIENT REGARDING SUBPOENAS TO SHERIFF AND PROBATOR	0.50
10/1/2014	50131	RL WONG	REVIEW AND PREPARATION OF SUBPOENAS AND LETTERS TO THE SUBPOENAED PARTIES; TELEPHONE CALL TO CLIENT REGARDING SUBPOENAS AND RELATED COMPLAINT	1.80
10/6/2014	50131	RL WONG	TELEPHONE CALL TO SHERIFF OLSEN AND PROSECUTOR REGARDING SUBPOENA; REVIEW AND PREPARATION OF MESSAGE TO	2.00

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<u>DATE</u>	<u>ID#</u>	<u>TIMEKEEPER</u>		<u>HOURS</u>
10/8/2014	50131	RL WONG	OPPOSING COUNSEL REGARDING DEPOSITION AND DOCUMENTS REVIEW OF DOCUMENTS PRODUCED BY SHERIFF PURSUANT TO SUBPOENA; TELEPHONE CALL TO PROSECUTOR REGARDING SUBPOENA	1.50
10/9/2014	50131	RL WONG	TELEPHONE CALL TO PROSECUTOR ROBIN DUNN REGARDING PLAINTIFF AND PRODUCTION OF DOCUMENTS	1.50
10/14/2014	50131	RL WONG	TELEPHONE CALL TO THIRD-PARTY WITNESSES REGARDING FACTS; REVIEW AND PREPARATION OF MESSAGE TO OPPOSING COUNSEL REGARDING DEPOSITION	1.50
10/16/2014	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING ADDITIONAL DOCUMENTS AND DEPOSITION OF PLAINTIFF	1.30
10/17/2014	50131	RL WONG	REVIEW AND PREPARATION OF NOTICE OF CONTINUATION OF DEPOSITION; TELEPHONE CALL TO PROSECUTOR REGARDING DOCUMENTS	1.00
10/20/2014	50131	RL WONG	TELEPHONE CALL TO PRESENTING ATTORNEY REGARDING PRODUCTION OF DOCUMENTS	1.00
10/27/2014	50131	RL WONG	REVIEW OF MESSAGES REGARDING PRODUCED DOCUMENTS	0.50
10/27/2014	50131	RL WONG	TELEPHONE CALL TO PROSECUTING ATTORNEY REGARDING PRODUCTION OF DOCUMENTS; CONFERENCE REGARDING PRODUCED DOCUMENTS; TELEPHONE CALL TO LOCAL COUNSEL REGARDING NEW COMPLAINT BY PLAINTIFF, MS. ELLIOTT; TELEPHONE CALL TO COUNSEL FOR COUNTY REGARDING NEW COMPLAINT; REVIEW OF NEW COMPLAINT	2.50
10/29/2014	50131	RL WONG	REVIEW AND PREPARATION OF MESSAGE TO OPPOSING COUNSEL REGARDING PRODUCTION OF DOCUMENTS	0.40
11/3/2014	50131	RL WONG	REVIEW AND PREPARATION FOR DEPOSITION OF PLAINTIFF; TELEPHONE CALL TO CLIENT REGARDING SAME	1.50
11/4/2014	50131	RL WONG	CONFERENCE REGARDING INTERVIEW OF SHERIFF AND PROSECUTING ATTORNEY; PREPARATION FOR DEPOSITION	2.00
11/5/2014	50131	RL WONG	REVIEW OF DOCUMENTS PRODUCED BY PLAINTIFF IN PREPARATION FOR DEPOSITION	5.00

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<u>DATE</u>	<u>ID #</u>	<u>TIMEKEEPER</u>		<u>HOURS</u>
11/6/2014	50131	RL WONG	REVIEW OF DOCUMENTS IN PREPARATION FOR DEPOSITION	1.00
11/7/2014	50131	RL WONG	PREPARATION FOR DEPOSITION OF PLAINTIFF	3.00
11/10/2014	50131	RL WONG	FINAL PREPARATION FOR DEPOSITION OF PLAINTIFF; PREPARATION OF	5.00
11/11/2014	50131	RL WONG	MOTION FOR SUMMARY JUDGMENT REVIEW AND PREPARATION OF DRAFT	4.00
11/12/2014	50131	RL WONG	MOTION FOR SUMMARY JUDGMENT REGARDING DEFAMATION CLAIM	
11/12/2014	50131	RL WONG	TRAVEL FOR CLIENT TO IDAHO FOR DEPOSITION OF PLAINTIFF CANDACE	8.00
11/13/2014	50131	RL WONG	ELLIOTT	
11/13/2014	50131	RL WONG	ATTENDANCE AT DEPOSITION OF CANDACE ELLIOTT; PREPARATION FOR	8.00
11/14/2014	50131	RL WONG	DEPOSITION	
11/14/2014	50131	RL WONG	ATTENDANCE AT DEPOSITION OF CANDACE ELLIOTT; CONFERENCE WITH	8.00
11/18/2014	50131	RL WONG	POTENTIAL CO-COUNSEL REGARDING STRATEGY	
11/18/2014	50131	RL WONG	TELEPHONE CALL TO ATTORNEY FOR SHERIFF AND PROSECUTOR DUNN.	0.50
11/24/2014	50131	RL WONG	CONFERENCE REGARDING PRODUCTION OF PLAINTIFF AND	0.30
12/1/2014	50131	RL WONG	CLIENT DOCUMENTS.	
12/1/2014	50131	RL WONG	CONFERENCE REGARDING NEWSPAPER ARTICLES REGARDING PLAINTIFF	1.20
12/4/2014	50131	RL WONG	CANDACE ELLIOTT; REVIEW OF NEWSPAPER ARTICLES REGARDING	
12/4/2014	50131	RL WONG	CANDACE ELLIOTT.	
12/4/2014	50131	RL WONG	REVIEW AND PREPARATION OF MOTION FOR SUMMARY JUDGMENT	2.50
12/5/2014	50131	RL WONG	REGARDING DEFAMATION CASE; REVIEW OF NEWSPAPER LETTERS TO	
12/5/2014	50131	RL WONG	EDITOR.	
12/5/2014	50131	RL WONG	PREPARATION OF MOTION FOR SUMMARY JUDGMENT.	1.50
12/8/2014	50131	RL WONG	REVIEW AND PREPARATION OF REVISED MOTION FOR SUMMARY	2.00
12/14/2014	50131	RL WONG	JUDGMENT.	
12/14/2014	50131	RL WONG	REVIEW AND PREPARATION OF MOTION FOR SUMMARY JUDGMENT.	1.00
12/15/2014	50131	RL WONG	REVIEW AND REVISION OF SUMMARY JUDGMENT MOTION	1.10
12/22/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF MOTION FOR SUMMARY JUDGMENT	1.50
12/23/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF DRAFT SUMMARY JUDGMENT MOTION	3.00
12/28/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF DRAFT SUMMARY JUDGMENT MOTION	3.00
12/30/2014	50131	RL WONG	REVIEW OF AND PREPARATION OF	1.00

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DATE	ID #	TIMEKEEPER		HOURS
1/1/2015	50131	RL WONG	MOTION FOR SUMMARY JUDGMENT FURTHER REVIEW AND PREPARATION OF MOTION FOR SUMMARY JUDGMENT	1.00
1/5/2015	50131	RL WONG	FURTHER PREPARATION OF SUMMARY JUDGMENT MOTION	0.60
1/6/2015	50131	RL WONG	REVIEW AND PREPARATION OF DECLARATIONS FOR MOTION FOR SUMMARY JUDGMENT; TELEPHONE CALL TO ATTORNEYS FOR SHERIFF AND PROSECUTING ATTORNEY REGARDING THE SAME	2.00
1/12/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF REVISED DECLARATIONS DRAFT MOTION AND COMPENDIUM OF EVIDENCE	1.50
1/13/2015	50131	RL WONG	TELEPHONE CALL TO CO-COUNSEL REGARDING DECLARATION OF SHERIFF AND PROSECUTING ATTORNEY; REVIEW OF AND PREPARATION OF REVISIONS TO DECLARATIONS	1.00
1/22/2015	50131	RL WONG	CONFERENCE WITH CO-COUNSEL REGARDING DECLARATIONS OF SHERIFF AND PROSECUTING ATTORNEY	0.50
1/27/2015	50131	RL WONG	TELEPHONE CALL TO CO-COUNSEL REGARDING STRATEGY REGARDING SUMMARY JUDGMENT MOTION	0.30
1/29/2015	50131	RL WONG	TELEPHONE CALL TO CO-COUNSEL REGARDING SUMMARY JUDGMENT MOTION AND ATTORNEY FOR WITNESSES REGARDING DECLARATIONS	0.50
2/3/2015	50131	RL WONG	TELEPHONE CALL TO ATTORNEY FOR PROSECUTING ATTORNEY AND SHERIFF REGARDING DECLARATIONS	0.50
2/4/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF REVISIONS TO DECLARATION OF SHERIFF AND PROSECUTING ATTORNEY	0.50
2/10/2015	50131	RL WONG	TELEPHONE CALL TO ATTORNEY FOR SHERIFF AND PROSECUTING ATTORNEY REGARDING DECLARATIONS; CONFERENCE WITH CO-COUNSEL REGARDING SCHEDULING ORDER AND MOTION; TELEPHONE CALL TO CLIENT REGARDING DEVELOPMENTS AND MOTION FOR SUMMARY JUDGMENT	2.50
2/11/2015	50131	RL WONG	REVIEW OF DECLARATIONS OF ROBIN DUNN AND BLAIR OLSEN AND REVISIONS OF MOTION FOR SUMMARY	2.00

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<u>DATE</u>	<u>ID #</u>	<u>TIMEKEEPER</u>		<u>HOURS</u>
2/12/2015	50131	RL WONG	JUDGMENT REVIEW OF AND PREPARATION OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF GUIDANCE AND DECLARATIONS OF MURDOCK AND WONG	3.00
2/13/2015	50131	RL WONG	FINAL REVIEW OF AND PREPARATION OF DECLARATION; TELEPHONE CALL TO CLIENT AND OPPOSING COUNSEL REGARDING STRATEGY REGARDING MOTION FOR SUMMARY JUDGMENT	4.50
2/16/2015	50131	RL WONG	FINAL PREPARATION OF AND REVISION OF MOTION FOR SUMMARY JUDGMENT	2.50
2/20/2015	50131	RL WONG	TELEPHONE CALL TO OPPOSING COUNSEL REGARDING MOTION FOR SUMMARY JUDGMENT AND HEARING; TELEPHONE CALL TO CO-COUNSEL REGARDING SAME; REVIEW OF NOTICE OF HEARING; TELEPHONE CALL TO CLIENT REGARDING SAME	0.90
2/23/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF MESSAGES REGARDING HEARING OF SUMMARY JUDGMENT MOTION	0.50
2/24/2015	50131	RL WONG	TELEPHONE CALL TO CO-COUNSEL REGARDING HEARING SCHEDULE; REVIEW OF MOTION TO CONTINUE HEARING	1.00
2/26/2015	50131	RL WONG	PREPARATION OF OPPOSITION TO MOTION TO MOTION FOR SUMMARY JUDGMENT	1.00
2/27/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF OPPOSITION TO MOTION FOR CONTINUANCE AND DECLARATION OF RAY WONG IN SUPPORT OF OPPOSITION; TELEPHONE CALL TO CO- COUNSEL REGARDING STRATEGY AND THE SAME	3.00
3/3/2015	50131	RL WONG	REVIEW OF DECLARATION OF OPPOSING COUNSEL REGARDING REQUEST FOR CONTINUANCE AND NOTICE OF HEARING	0.50
3/19/2015	50131	RL WONG	REVIEW OF MESSAGES REGARDING DEPOSITION NOTICES AND SUBPOENAS	0.30
3/20/2015	50131	RL WONG	TELEPHONE CALL TO CLIENT REGARDING DEPOSITIONS; PREPARATION OF MOTION FOR PROTECTIVE ORDER	1.00
3/22/2015	50131	RL WONG	RESEARCH REGARDING PROTECTIVE ORDERS IN IDAHO	0.50
3/23/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF MOTION FOR PROTECTIVE ORDER AND	2.00

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DATE	ID #	TIMEKEEPER		HOURS
3/24/2015	50131	RL WONG	TO QUASH SUBPOENAS FINAL PREPARATION OF MOTION FOR PROTECTIVE ORDER; REVIEW OF AND PREPARATION OF MESSAGES REGARDING SAME	2.00
3/25/2015	50131	RL WONG	REVIEW OF OBJECTION FROM OPPOSING COUNSEL AND REVIEW OF AND PREPARATION OF REPLY MEMORANDUM TO OBJECTION	2.50
3/26/2015	50131	RL WONG	PREPARATION FOR CONFERENCE WITH COURT REGARDING MOTION TO QUASH SUBPOENAS AND FOR PROTECTIVE ORDER; CONFERENCE WITH COURT REGARDING SAME; CONFERENCE WITH CO-COUNSEL REGARDING PREPARATION FOR HEARING	2.00
4/4/2015	50131	RL WONG	REVIEW OF AMENDED COMPLAINT AND OBJECTIONS TO EVIDENCE; PREPARATION FOR REPLY BRIEF	3.00
4/6/2015	50131	RL WONG	REVIEW OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT REGARDING DEFAMATION CASE.	2.00
4/9/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF REPLY MEMORANDUM AND RELATED DOCUMENTS IN OPPOSITION TO SUMMARY JUDGMENT MOTION	3.00
4/10/2015	50131	RL WONG	REVIEW OF AND PREPARATION OF REPLY MEMORANDUM AND RELATED DOCUMENTS IN OPPOSITION TO SUMMARY JUDGMENT MOTION	5.00
4/13/2015	50131	RL WONG	FINAL PREPARATION OF REPLY BRIEF AND RELATED DOCUMENTS	2.00
4/17/2015	50131	RL WONG	PREPARATION FOR HEARING REGARDING MOTION FOR SUMMARY JUDGMENT	2.00
4/20/2015	50131	RL WONG	ATTENDANCE AT COURT HEARING REGARDING MOTION FOR SUMMARY JUDGMENT; RETURN TRAVEL FROM HEARING TO SAN FRANCISCO; PREPARATION FOR COURT HEARING REGARDING MOTION FOR SUMMARY JUDGMENT	8.00
4/21/2015	50131	RL WONG	TELEPHONE CALL TO CLIENT REGARDING HEARING AND DEVELOPMENTS REGARDING FUTURE DECISION FROM THE COURT	0.60
			Subtotal:	206.60
6/25/2014	05420	KP PFEIFER	PREP DOCS FOR DEPO WITH BATES	1.50

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DATE	ID #	TIMEKEEPER	HOURS
			NUMBERS; SEND TO FILE; SAVE TO FILE; PROVIDE COPIES TO RLWONG FOR DEPO
10/27/2014	05420	KP PFEIFER	3.10
			REVIEW PROSECUTING ATTORNEY DOC TRANSMITTAL AND SHERRIFF'S DOC TRANSMITTAL; PREP SAME FOR RLWONG REVIEW AND FILE AND POSSIBLE PRODUCTION/DEPO PREP
10/28/2014	05420	KP PFEIFER	1.70
			FINALIZE REQUEST OF DOC PREP FOR RLWONG; INCLUDING WORKING BINDER OF INCIDENT REPORTS IN CHRON ORDER AND SHERIFF PHOTOS WITH VISABLE BATES NUMBERS
11/4/2014	05420	KP PFEIFER	1.30
			REVIEW 11/3/14 WHITTINGTON TRANSMITTAL AND PROVIDE OUTLINE AND HARDCOPY OF SUCH TO RLWONG FOR REVIEW; INTERNALLY BATES NUMBER SAME
11/6/2014	05420	KP PFEIFER	2.30
			REVIEW AND PREP INITIAL SET OF DOCUMENTS FOR UPCOMING DEPOSITION
11/10/2014	05420	KP PFEIFER	2.70
			CONFER WITH RLWONG RE DOCUMENTS PRODUCED BY PLAINTIFF AND GATHER DOCS FOR DEPO; EMAIL RLWONG RE STATUS; PREP ADDITIONAL DOCS FOR HARDCOPY DELIVERY AT DEPO; REVIEW BINDER OF INCIDENT REPORTS AND FLAG AND SEGREGATE COMPLAINT UNFOUNDED AND TRESPASSING/HARASSMENT RELATED DOCS AND PROVIDE SUCH TO RLWONG AS DEPO EXHIBITS; CREATE COPY OF PRIOR ELLIOTT DEPO+EXHIBITS FOR REFERENCE
11/11/2014	05420	KP PFEIFER	1.50
			REVIEW ACCOUNT HISTORY OF ELLIOTT AND PROVIDE BREAKDOWN FOR ENTRIES RELATING TO KENT WHITTINGTON (ATTORNEY), KELLER ELLIOTT (HUSBAND), AND USAA (CREDIT CARD WITHDRAWALS); REVIEW LEDGER AND COMPARE TO ACCOUNT HISTORY; GIVE ALL ANALYSIS TO RLWONG FOR DEPO
11/12/2014	05420	KP PFEIFER	0.20
			CONFER WITH RLWONG RE HIGHLIGHTS IN EXHIBIT 12 PAGES PLP001137-1147 AND FORWARD SUCH VIA EMAIL
11/18/2014	05420	KP PFEIFER	0.20
			CONFER WITH RLWONG AND COURT REPORTER RE TRANSCRIPT
11/20/2014	05420	KP PFEIFER	0.20
			DRAFT EMAIL TO COCOUNSEL RE PRODUCTIONS.

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11/21/2014	05420	KP PFEIFER	EMAILS WITH COCOUNSEL RE PRODUCTIONS	0.20
11/24/2014	05420	KP PFEIFER	DRAFT TRANSMITTAL AND PRODUCTION LOG; INTAKE ADDITIONAL PLAINTIFF PRODUCTION DOCS; CREATE COLLECTION OF TRANSMITTALS AND PRODUCTIONS TO SEND TO COCOUNSEL; REVIEW RLWONG WORKING DEPO EXHIBITS AND CONFIRM DOCUMENTS	1.70
12/1/2014	05420	KP PFEIFER	REVIEW ATTACHMENTS FROM COCOUNSEL AND INDEX/BATES/CIRCULATE POST REGISTER ARTICLES	0.50
12/2/2014	05420	KP PFEIFER	REVIEW NEWSPAPER ARTICLES AND PUT IN CHRON ORDER FOR RLWONG LATER REVIEW; RESPOND TO EMAILS FROM COCOUNSEL	0.70
12/3/2014	05420	KP PFEIFER	CONFER WITH RLWONG RE NEWSPAPER EXCERPTS RE ANDI ELLIOTT AND FORWARD REQUEST TO COCOUNSEL	0.20
12/4/2014	05420	KP PFEIFER	FINALIZE COLLECTION OF POST REGISTER AND JEFFERSON STAR NEWSPAPER CLIPPINGS; CONFER WITH RLWONG RE SAME; BATES NUMBER AND SAVE DOCS TO WORKSITE/SEND TO FILE; REVISE STATISTICS RE NUMBER OF ELLIOTT PUBLISHINGS	1.00
12/8/2014	05420	KP PFEIFER	RESEARCH REGARDING THE HUMANE SOCIETY OF THE US AND CLAIMS/ADS RE 1% DONATIONS; RESPOND TO RLWONG EMAIL AND PHONE CALL RE SAME	1.00
12/12/2014	05420	KP PFEIFER	REVIEW COCOUNSEL EMAIL AND PREP DOC FOR FILE/RLWONG	0.30
1/5/2015	05420	KP PFEIFER	CONFER WITH RLWONG RE COMPENDIUM OF EVIDENCE; BEGIN REVIEW OF DRAFT MOTION AND BEGIN DRAFTING COMPENDIUM	1.80
1/6/2015	05420	KP PFEIFER	PULL TOGETHER AND EDIT/REVISE COMPENDIUM OF EVIDENCE; REVIEW DEPO TRANSCRIPTS AND HIGHLIGHT REFERENCED EXCERPTS FROM MEMO OR P&A RE MSG	2.70
4/14/2015	05420	KP PFEIFER	REVIEW PRODUCTIONS AND CONFIRM IS EXHIBIT 72 WAS PREVIOUSLY PRODUCED	0.50
4/15/2015	05420	KP PFEIFER	DRAFT EMAIL TO RLWONG SUMMARIZING BANKING ANALYSIS	0.50
4/16/2015	05420	KP PFEIFER	REVIEW ELLIOTT LEDGERS AND	1.60

DUANE MORRISLLP

Duane Morris
May 12, 2015
Page 12

File # C8060-01342
STEVE MURDOCK

PROFORMA#

<u>DATE</u>	<u>ID #</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>
		DETERMINE AMOUNTS SPENT ON ANIMALS AND DRAFT EMAIL TO RLWONG RE ANALYSIS	
		Subtotal:	<u>27.40</u>

DUANE MORRIS LLP

Duane Morris
May 12, 2015
Page 13

File # C8060-01342
STEVE MURDOCK

PROFORMA#

<u>DATE</u>	<u>DISBURSEMENTS</u>	<u>AMOUNT</u>
11/06/2014	LEXIS LEGAL RESEARCH MILLER, SHANNON K	45.50
11/06/2014	LEXIS LEGAL RESEARCH MILLER, SHANNON K	35.75
01/06/2015	LEXIS LEGAL RESEARCH MILLER, SHANNON K	125.00
	Total:	\$206.25
04/30/2014	OVERNIGHT MAIL PACKAGE SENT TO STEVEN L MURDOCK AT INFORMATION NOT SUPPLIED - HAMER, ID FROM RAY WONG AT DUANE MORRIS LLP - SAN FRANCISCO, CA (TRACKING #798715664979)	19.87
11/10/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG C/O PAUL RIPPEL AT HOPKINSRODEN CROCKETT HANSON - IDAHO FALLS, ID FROM ALICE PROBST AT DUANE MORRIS LLP - SAN FRANCISCO, CA (TRACKING #771809803962)	54.50
11/13/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG C/O PAUL RIPPEL AT HOPKINS RODEN CROCKETT HANSEN - IDAHO FALLS, ID FROM ALICE PROBST AT DUANE MORRIS LLP - SAN FRANCISCO, CA (TRACKING #771854277570)	28.94
11/17/2014	OVERNIGHT MAIL PACKAGE SENT TO RAY WONG AT DUANE MORRIS LLP - SAN FRANCISCO, CA FROM RAY WONG C/O PAUL RIPPEL AT HOPKINS RODEN CROCKETT HANSEN - IDAHO FALLS, ID (TRACKING #790088799879)	72.49
	Total:	\$175.80
04/30/2015	COLOR PRINTING & DUPLICATING - INTERNAL	2.94
12/31/2014	COLOR PRINTING & DUPLICATING - INTERNAL	4.41
	Total:	\$7.35
11/11/2014	DOCUMENT RETRIEVAL - UC/REGENTS/BOALT EXPRESS. VIN 14-1111-05	25.00
	Total:	\$25.00
03/31/2015	PRINTING & DUPLICATING	87.45
04/30/2015	PRINTING & DUPLICATING	265.70
11/30/2014	PRINTING & DUPLICATING	410.70
12/31/2014	PRINTING & DUPLICATING	146.00
	Total:	\$909.85
	TOTAL DISBURSEMENTS	\$1,324.25

DUANE MORRISLLP

Duane Morris
May 12, 2015
Page 14

File # C8060-01342
STEVE MURDOCK

PROFORMA#

TIMEKEEPER

NO.	NAME	HOURS
50131	RL WONG	206.60
05420	KP PFEIFER	27.40
04687	AP SINGER	0.30
58007	S MILLER	2.90
		<hr/>
		237.20

DRAFT

Hansen Hoopes, PLLC, and pursuant to Idaho Code Section 12-121 and Section 12-123 and Rule 54 of the Idaho Rules of Civil Procedure, moves for an award of attorneys' fees.¹

Defendant has, to date, incurred the following fees in this matter: Attorneys' fees in the amount of:

\$87,435 for Ray L. Wong and staff, and;

\$9,445 for Paul B. Rippel and staff

II. FACTUAL BACKGROUND

In this case, attorneys' fees are warranted in favor of Murdock. Murdock unquestionably is the prevailing party, given the Court's granting of his motion for summary judgment. Additionally, Plaintiffs' conduct in this case establishes that they acted frivolously, unreasonably and without foundation in fact.

On March 19, 2014, Plaintiffs filed this action against Murdock, alleging defamation. Plaintiffs' claims were based upon seven statements made during a radio call-in program, where callers were invited to express their opinions. Murdock called the radio program to express his opinions, after hearing Ms. Elliott call the same radio program.

Murdock was required to defend himself diligently against the specious claims in Plaintiff's lawsuit. He served written discovery, including requests for admissions. The purpose of the requests for admissions was to eliminate certain issues in dispute and

¹ Murdock has separately requested an award of costs, pursuant to Rule 54(d)(1) of the Idaho Rules of Civil Procedure

reduce more expensive depositions. Plaintiffs chose to deny virtually all of Murdock's requests for admissions, requiring Murdock to take several depositions of Ms. Elliott, to establish many facts that were beyond dispute and should have been admitted in response to the requests for admissions. Copies of Murdock's requests and Plaintiffs' responses are appended to the accompanying verified memorandum in support of request for attorneys' fees, as exhibit "A."

Murdock then was required to prepare and proceed with a motion for summary judgment, which was heard on April 20, 2015. When Plaintiffs filed their opposition to the motion, they chose to withdraw their claims that certain statements made by Murdock during the radio program were allegedly defamatory.

During the hearing of the motion for summary judgment, Plaintiffs again chose to withdraw their claims that certain statements made by Murdock were defamatory. Plaintiffs withdrew all but two of their claims at the time of the hearing (i.e. 5 of 7), even though Plaintiffs chose earlier to deny almost all of Murdock's requests for admissions and after Murdock was required to incur the expense and burden of discovery, depositions and preparing the motion for summary judgment.

This action had been pending for more than a year, Plaintiffs' complaint was filed on March 19, 2014, when this Court justifiably concluded that Plaintiffs did not provide evidence that Murdock knew the statements were false or that he acted with reckless disregard for their truth. Plaintiffs presumably would have offered such evidence, if they had any. They instead filed and pursued a meritless case with no relevant evidence, dropping claims as to five of the seven allegedly defamatory statements after the harm

was done. Thus, Plaintiffs' conduct required Murdock to defend himself against groundless claims of defamation most of which were withdrawn after Murdock was required to incur the expense and burden of discovery and a motion for summary judgment.

II. LAW AND ARGUMENT

Idaho Code ("I.C.") section 12-121 and section 12-123 support this motion for attorneys' fees. I.C. § 12-121 provides as follows:

In any civil action, the judge may award reasonable attorney's fees to the prevailing party or parties, provided that this section shall not alter, repeal or amend any statute which otherwise provides for the award of attorney's fees. The term "party" or "parties" is defined to include any person, partnership, corporation, association, private organization, the state of Idaho or political subdivision thereof.

An award of attorneys' fees under I.C. § 12-121 is appropriate if the court finds that a party acted frivolously, unreasonably or without foundation in law or fact. *Merrill v. Gibson*, 142 Idaho 692; 132 P.3d, 449 (2005). In such cases, the court is authorized, under Idaho Code section 12-121, to exercise its discretion to award attorneys' fees to the prevailing party. *Chisholm v. Twin Falls City*, 139 Idaho 131, 136, 75 P.3d 185, 190 (2003). See also, *Baird-Sallaz v. Sallaz*, 157 Idaho 342, 347, 336 P.3d 275, 280 (2014); *Idaho Military Historical Soc'y v. Maslen*, 156 Idaho 624, 632-633, 329 P.3d 1072, 1080-1081 (2014).

As the Supreme Court explained in *Nampa & Meridian Irr. Dist. v. Washington Fed. Sav.*, 135 Idaho 518, 524-525, 20 P.3d 702 (2001)

This Court has held that an award of attorney fees under § 12-121 is not a matter of right, and is appropriate only when the Court, in its discretion, is left with the abiding belief that the action was pursued, defended, or brought frivolously, unreasonably, or without foundation. **When deciding whether the case was brought or defended frivolously, unreasonably, or without foundation, the entire course of the litigation must be taken into account.** Thus, if there is a legitimate, triable issue of fact, attorney fees may not be awarded under I.C. § 12-121 even though the losing party has asserted factual or legal claims that are frivolous, unreasonable, or without foundation. The award of attorney fees rests in the sound discretion of the trial court and the burden is on the person, disputing the award to show an abuse of discretion. See *Anderson v. Ethington*, 103 Idaho 658, 651 P.2d 923 (1982). (Emphasis supplied)

I.C. § 12-123 also authorizes an award of attorneys' fees for frivolous conduct in a civil case. See I.C. § 12-123(2)(a): "the court may award reasonable attorneys' fees to any party to that action adversely affected by frivolous conduct."

Further, Idaho Rules of Civil Procedure Rule 37(c). Expenses on Failure to Admit[,] provides:

If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 36, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the requesting party may apply to the court for an order requiring the other party to pay the reasonable expenses incurred in making that proof, **including reasonable attorney's fees.** The court shall make the order unless it finds that (1) the request was held objectionable pursuant to Rule 36(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that the party might prevail on the matter, or (4) there was other good reason for the failure to admit. (Emphasis added).

Based upon the entire course of the litigation, Plaintiffs' action was brought frivolously, unreasonably and without foundation. Consequently, this Court is fully authorized to exercise its discretion to award reasonable attorneys' fees to Murdock under

I.C. sections 12-121 and 12-123. This motion is based on the *Verified Memorandum in Support of Request for Attorneys' Fees*, the Court's Order granting summary judgment, and the Court's file in this action.

The Court's decision and order granting Murdock's motion for summary judgment concluded, among other things, that: "Plaintiffs have not produced evidence that the defendant knew the statements were false or that he acted with reckless disregard for their truth."

Had Plaintiffs chosen not to file this frivolous action or reasonably responded to requests for admissions or not waited until the briefing and hearing of the motion to dismiss claims, Murdock would have been able to avoid the expense and burden of this action.

WHEREFOR, Defendant requests an award of attorney's fees.

DATED this 18th day of MAY, 2015

Hopkins Roden Crockett
Hansen & Hoopes, PLLC

By Paul B. Rippel
Paul Rippel, Esq.
Attorneys for Defendant, Steven L. Murdock

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the persons identified below, by mail, hand delivery or fax.

DATED this 18th day of MAY, 2015.

Paul B. Rippel
Paul B. Rippel

Kent Whittington, Esq.
PO Box 2781
Idaho Falls, ID 83403

Mail
 Fax (208) 529-8775
 Hand Delivery

KENT E. WHITTINGTON, ESQ.
 Whittington Law Office, Chartered
 1820 E. 17th St., Suite 340
 P.O. Box 2781
 Idaho Falls, Idaho 83403
 Telephone: (208) 529-8765
 Email: whittk@ida.net
 Idaho State Bar No. 2307

REGISTERED
 JEFFERSON COUNTY
 2015 JUN 12 PM 1:38

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs, Appellants,	)	CASE NO. CV-2014-0238
)	
vs.	)	NOTICE OF APPEAL
)	
STEVE MURDOCK,)	
)	
Defendant, Respondent.)	

TO: THE ABOVE NAMED RESPONDENT, STEVE MURDOCK, AND HIS ATTORNEYS,
 RAY L. WONG, ESQ., Spear Tower, One Market Plaza, Ste. 2200, San Francisco, California
 94105 and PAUL RIPPEL, ESQ., 428 Park Ave., Idaho Falls, Idaho, AND THE CLERK OF
 THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named appellant(s), CANDACE ELLIOTT and FOR THE LOVE OF PETS FOUNDATION, INC, appeal against the above-named respondent to the Idaho Supreme Court from the final judgment (*DECISION AND ORDER RE: MOTION FOR SUMMARY JUDGMENT* filed April 30, 2015, with final judgment entered in the above-entitled action on the 4th day of May, 2015), the Honorable Judge ALAN C. STEPHENS, DISTRICT JUDGE.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(a)(1), I.A.R.
3. The present intended issues appellant intends to assert on appeal are as follows:
 - a. Did the District Judge err in granting summary judgment in favor of the defendant?

- b. Did the District Judge err in striking the declaration of Candace Elliott filed in opposition to defendant's motion for summary judgment?
- c. Did the District Judge err in finding the plaintiffs to be public persons, to which a higher constitutional standard of proof is required to prevail for slander?
- d. Did the District Judge err in his findings of facts on which he relied in entering summary judgment against the plaintiffs?
- e. Did the District Judge err in denying Plaintiffs' motion for extension of time to respond to defendant's motion for summary judgment?

4. Has an order been entered sealing all or any portion of the record? No.

5.(a) Is a reporter's transcript requested? Yes.

(b) The appellant requests the preparation of the the reporter's standard transcript as defined in Rule 25(c), I.A.R.

6. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.:

The deposition of Candace Elliott;
Plaintiff's motion for continuance of hearing on summary judgment

7. I certify:

(a) that a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

Name and address: Mary Ann Elliott, 210 Courthouse Way, Ste. 120, Rigby, Idaho 83442.

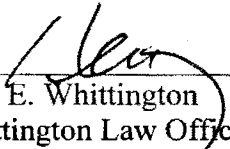
(b) (1) That the clerk of the district court or administrative agency has been paid the estimated fee for preparation of the reporter's transcript.

(c) (1) That the estimated fee for preparation of the clerk's or agency's record has been paid.

(d) (1) That the appellate filing fee has been paid.

(e) That service has been made upon all parties required to be served pursuant to Rule 20 (and the attorney general of Idaho pursuant to § 67-1401(1), Idaho Code).

DATED THIS 12 day of June, 20 15.



Kent E. Whittington
Whittington Law Office, Chtd.
Attorney for the Appellant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 12 day of June, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

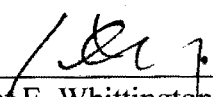
Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

Mailing
 Hand delivery
 Facsimile: 415-957-3001
& email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

KENT E. WHITTINGTON, ESQ.
 Whittington Law Office, Chartered
 1820 E. 17th St., Suite 340
 P.O. Box 2781
 Idaho Falls, Idaho 83403
 Telephone: (208) 529-8765
 Email: whittk@ida.net
 Idaho State Bar No. 2307

CLERK OF DISTRICT COURT
 JEFFERSON COUNTY
 2015 JUN 16 PM 2:26

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

CANDACE ELLIOTT, individually and FOR THE LOVE OF PETS FOUNDATION, INC., an Idaho corporation,)	
)	
Plaintiffs, Appellants,	)	CASE NO. CV-2014-0238
)	
vs.	)	AMENDED NOTICE OF APPEAL
)	
STEVE MURDOCK,)	
)	
Defendant, Respondent.)	

TO: THE ABOVE NAMED RESPONDENT, STEVE MURDOCK, AND HIS ATTORNEYS,
 RAY L. WONG, ESQ., Spear Tower, One Market Plaza, Ste. 2200, San Francisco, California
 94105 and PAUL RIPPEL, ESQ., 428 Park Ave., Idaho Falls, Idaho, AND THE CLERK OF
 THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named appellant(s), CANDACE ELLIOTT and FOR THE LOVE OF PETS FOUNDATION, INC, appeal against the above-named respondent to the Idaho Supreme Court from the final judgment (*DECISION AND ORDER RE: MOTION FOR SUMMARY JUDGMENT* filed April 30, 2015, with final judgment entered in the above-entitled action on the 4th day of May, 2015), the Honorable Judge ALAN C. STEPHENS, DISTRICT JUDGE.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(a)(1), I.A.R.
3. The present intended issues appellant intends to assert on appeal are as follows:
 - a. Did the District Judge err in granting summary judgment in favor of the defendant?

- b. Did the District Judge err in striking the declaration of Candace Elliott filed in opposition to defendant's motion for summary judgment?
- c. Did the District Judge err in finding the plaintiffs to be public persons, to which a higher constitutional standard of proof is required to prevail for slander?
- d. Did the District Judge err in his findings of facts on which he relied in entering summary judgment against the plaintiffs?
- e. Did the District Judge err in denying Plaintiffs' motion for extension of time to respond to defendant's motion for summary judgment?

4. Has an order been entered sealing all or any portion of the record? No.

5.(a) Is a reporter's transcript requested? Yes.

(b) The appellant requests the preparation of the the reporter's standard transcript as defined in Rule 25(c), I.A.R.

6. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.:

The Defendant's motion for continuance of hearing on summary judgment.

7. I certify:

(a) that a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

Name and address: Mary Ann Elliott, 210 Courthouse Way, Ste. 120, Rigby, Idaho 83442.

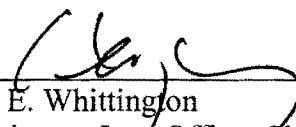
(b) That the clerk of the district court or administrative agency has been paid the estimated fee for preparation of the reporter's transcript.

(c) That the estimated fee for preparation of the clerk's or agency's record has been paid.

(d) That the appellate filing fee has been paid.

(e) That service has been made upon all parties required to be served pursuant to Rule 20 (and the attorney general of Idaho pursuant to § 67-1401(1), Idaho Code).

DATED THIS 16 day of June, 2015.



Kent E. Whittington
Whittington Law Office, Chtd.
Attorney for the Appellant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 16 day of June, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

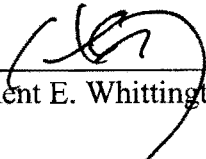
Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

- Mailing
 Hand delivery
 Facsimile: 415-957-3001
 & email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

- Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com



Kent E. Whittington, Esq.

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

CANDACE ELLIOTT, individually and FOR
THE LOVE OF PETS FOUNDATIONS, INC.

Plaintiff/Appellant,

vs.

STEVE MURDOCK,

Defendant/Respondent .

CLERK'S CERTIFICATE OF APPEAL

SUPREME COURT NO.

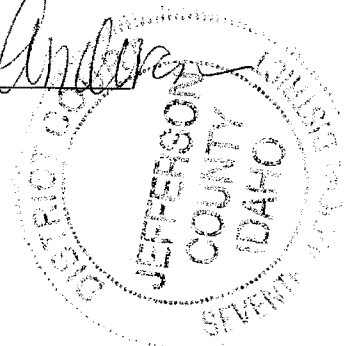
Jefferson County Case No. CV-2014-238

APPEAL FROM: 7th Judicial District Jefferson County. Honorable Alan C. Stephens
CASE NO. FROM COURT: CV-2014-238
ORDER OF JUDGMENT APPEALED FROM: Decision and Order re: Motion for
Summary Judgment, dated April 30, 2015.
ATTORNEY FOR APPELLANT: Kent Whittington
ATTORNEYS FOR RESPONDENT: Ray Wong and Paul Rippel
APPEALED BY: Candace Elliott, Plaintiff
APPEALED AGAINST: Steve Murdock, Defendant
NOTICE OF APPEAL FILED: June 12, 2015
AMENDED NOTICE OF APPEAL FILED: June 16, 2015
NOTICE OF CROSS-APPEAL: n/a
AMENDED NOTICE OF CROSS APPEAL FILED: n/a
APPELLATE FEE PAID: yes
**RESPONDENT OR CROSS RESPONDENT'S REQUEST FOR ADDITIONAL
RECORD:** n/a
WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED?: yes
IF SO NAME OF REPORTER: Mary Ann Elliott

Dated this 18th day of June, 2015

COLLEEN POOLE
CLERK OF THE DISTRICT COURT

By *Darcy Anderson*
Deputy Clerk



2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(a)(1), I.A.R.

3. The present intended issues appellant intends to assert on appeal are as follows:

- a. Did the District Judge err in granting summary judgment in favor of the defendant?
- b. Did the District Judge err in striking in its entirety the declaration of Candace Elliott filed in opposition to defendant's motion for summary judgment?
- c. Did the District Judge err in finding the plaintiffs to be public persons, to which a higher constitutional standard of proof is required to prevail for slander?
- d. Did the District Judge err in his findings of facts on which he relied in entering summary judgment against the plaintiffs?
- e. Did the District Judge err in denying Plaintiffs' motion for extension of time to respond to defendant's motion for summary judgment?

4. Has an order been entered sealing all or any portion of the record? No.

5. (a) Is a reporter's transcript requested? Yes.

(b) The appellant requests the preparation of the reporter's standard transcript as defined in Rule 25(c), I.A.R., supplemented by the following: **1) the hearing and proceedings on the parties' cross motions, April 20, 2015; 2) the proceedings and hearing of defendant's motion for summary judgment, April 20, 2015.**

6. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.: **None.**

7. I certify:

(a) that a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

Name and address: Mary Ann Elliott, 210 Courthouse Way, Ste. 120, Rigby, Idaho 83442 (initially); **Rainey Stockton, 3718 Nathan Drive, Idaho Falls, Idaho 83404 (on 7/1/15).**

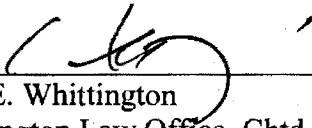
(b) That the clerk of the district court or administrative agency has been paid the estimated fee for preparation of the reporter's transcript.

(c) That the estimated fee for preparation of the clerk's or agency's record has been paid.

(d) That the appellate filing fee has been paid.

(e) That service has been made upon all parties required to be served pursuant to Rule 20 (and the attorney general of Idaho pursuant to § 67-1401(1), Idaho Code).

DATED THIS 2 day of August, 2015.



Kent E. Whittington
Whittington Law Office, Chtd.
Attorney for the Appellants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the following this 7 day of August, 2015, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail.

Attorney Served:

Ray L. Wong, Esq.
Attorney at Law
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127

By:

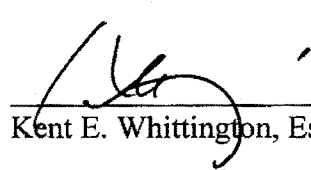
Mailing
 Hand delivery
 Facsimile: 415-957-3001
 & email: rlwong@duanemorris.com

Paul B. Rippel, Esq.
Attorney at Law
428 Park Ave.
Idaho Falls, Idaho 83402

Facsimile: (208) 523-4474
 email: paulrippel@hopkinsroden.com

Ms. Rainey Stockton
3718 Nathan Drive
Idaho Falls, Idaho 83404

Mailing



Kent E. Whittington, Esq.

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

FOR THE LOVE OF PETS FOUNDATIONS, INC.,	)	CERTIFICATE OF CLERK
)	
Plaintiff-Respondent,)	
)	
-vs-	)	Supreme Court No. 43410
	)	Jefferson County Case No.
	)	CV-2014-238
STEVE MURDOCK,)	
)	
Defendant-Appellant,)	
_____)	

I, Colleen C. Poole, Clerk of the District Court of the 7th Judicial District of the State of Idaho, in and for the County of Jefferson, do hereby certify that the foregoing Clerk’s Record in the above entitled cause was compiled and bound under my direction and contains true and correct copies of all pleadings, documents and papers designated to be included under Rule 28, IAR, the Notice of Appeal, any Notice of Cross Appeal, and any additional documents requested to be included.

I further certify that all documents, x-rays, charts and pictures offered or admitted as exhibits in the above entitled cause, if any, will be duly lodged with the Clerk of the Supreme Court with any Reporter’s Transcript and the Clerk’s Record (except for exhibits, which are retained in the possession of the undersigned), as required by Rule 31 of the Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 13th day of October, 2015.

COLLEEN C. POOLE
CLERK OF THE DISTRICT COURT

By: Nancy Andersen
Deputy Clerk

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON**

FOR THE LOVE OF PETS FOUNDATIONS, INC.,	)	CERTIFICATE OF SERVICE
)	
Plaintiff-Respondent,)	
)	
-vs-	)	Supreme Court No. 43410
	)	Jefferson County Case No.
	)	CV-2014-238
STEVE MURDOCK,)	
)	
Defendant-Appellant,)	
_____)	

I, Colleen C. Poole, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Jefferson, do hereby certify that I have personally served or mailed, by United States mail, postage prepaid, one copy of the Clerk’s Record and any Reporter’s Transcript to each of the parties or their Attorney of Record as follows:

ATTORNEY FOR APPELLANT

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ATTORNEY FOR RESPONDENT

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Idaho Falls, Idaho 83402

Ray L. Wong
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San Francisco, CA 94105-1127

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 13th day of October, 2015.

COLLEEN C. POOLE
Clerk of the Court
Jefferson County, Idaho

BY: Nancy Andersen
Deputy Clerk